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ABSTRACT

This study compiles summaries of the state legal standards governing public elementary and secondary education. The legal standards include state constitutional provisions, state statutory provisions, rules and regulations officially promulgated by either state boards of education or state departments of education, and less formal state administrative material. The summaries are organized by topic to facilitate cross-state comparison of the legal provisions in a variety of subject areas. The classification system has four main divisions. Section 1 concerns the distribution of powers, duties, and functions among educational officials, official bodies, and administrative units. Section 2 is divided into three categories: educational courses and programs, educational materials, and school property and facilities. Section 3 is concerned with the quality of the educational process and deals with such topics as accreditation, certification, and personnel evaluation. Section 4 concerns support services and other subjects collateral to, but often directly connected with, the educational process. Because the compilation uses summaries rather than full texts of the legal provisions, it cannot be used to determine the precise requirements of the law in any setting. (Author/IRT)

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STATE LEGAL STANDARDS FOR THE PROVISION OF PUBLIC EDUCATION

November, 1978

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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FOREWORD

A Compendium of State Legal Standards for the Provision of Public Education was prepared for the National Institute of Education by the Lawyers' Committee for Civil Rights Under Law. This work summarizes and categorizes the education laws and regulations of the fifty states and the District of Columbia. It is arranged into four major topic areas with an introductory section which explains the uses of this compilation and displays a number of important state laws in chart form. Users of the Compendium will find it necessary to read the introduction in order to effectively utilize the vast array of material contained in the study.

It is hoped that this compilation will meet a wide range of information needs of many educational policy makers, enhancing decision making and ultimately the quality of the educational process itself.

Ronald Anson, Legal and Governmental Studies
Educational Policy and Organization, NIE

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A COMPENDIUM OF
STATE LEGAL STANDARDS FOR THE PROVISION OF PUBLIC EDUCATION

ORGANIZATIONAL OUTLINE

Introduction, Charts, Bibliography and Interstate Agreements

I. Powers, Duties and Functions - By State

II. Programs, Materials and Facilities - By Topic
- A. Educational Courses and Programs
  - 1. Basic Curriculum
  - 2. Programs for Exceptional Children
  - 3. Vocational Education
  - 4. Early Childhood Education
  - 5. Bilingual/Bicultural Education
  - 6. Compensatory Education
  - 7. Schools for Delinquents
  - 8. Adult Education
  - 9. Summer School
  - 10. Other Programs
- B. Educational Materials
  - 1. Textbooks
    - a. Selection and Purchase
    - b. Content Standards
    - c. Issuance
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  - 4. Supplies and Equipment
- C. School Property and Facilities
  - 1. School Site
  - 2. Physical Plant and Fixtures
  - 3. Use of Facilities

III. Quality of the Educational Process - By State
- A. Qualification Standards for Schools and School Districts
- B. Qualification Standards for Personnel
- C. Performance Standards
- D. Evaluation and Reporting
- E. Improvement Efforts

IV. Accomodation and Governance of Students - By Topic
- A. Health and Safety
- B. Counseling
- C. School Food Service
- D. Transportation
- E. Extracurricular Activities
- F. Student Records
- G. Admission and Transfer
- H. Attendance Requirements
- I. Student Employment
- J. Student Rights and Discipline
- K. Parents' Rights

INTRODUCTION

This study compiles summaries of state legal standards governing public elementary and secondary education. The legal standards include state constitutional provisions, state statutory provisions, rules and regulations officially promulgated by either state boards of education or state departments of education and less formal state administrative material such as pamphlets and handbooks containing guidelines and interpretations of the statutory or regulatory provisions. We have included a list of the specific sources used to prepare the compilation.

The summarized legal provisions are organized by topic to facilitate cross-state comparison of the legal provisions in a variety of subject areas. In addition to the compilation of summarized texts, charts comparing specific aspects of laws on a number of education law topics have been prepared.

THE UTILITY AND LIMITATIONS OF THE COMPILATION

The major purpose of this compilation is to provide state policy makers (state legislators, state administrators, and others including interest groups who participate formally or informally in the state education policy making process) an overview of the range of policy options currently reflected in state law regarding basic aspects of the public elementary and secondary education systems. The compilation enables policy makers considering the enactment of legal standards on any given subject to obtain ideas for policy options by examining relevant laws and regulations implemented elsewhere in the nation.

Because the compilation utilizes summaries rather than the full texts of the legal provisions, the compilation cannot be utilized to determine the precise requirements of the law in any given setting. Indeed, not even the full texts of state legal standards provide a definitive picture of legal requirements in any given jurisdiction since the impact of federal requirements and court interpretations of both federal and state enactments must also be considered.

The compilation organizes the diverse standards of different jurisdictions into broadly defined topics for the purpose of facilitating cross comparison. Those whose interest is confined to the legal requirements of a single state would be best advised to consult that state's statutes, regulations, pamphlets and handbooks directly. The indices of individual state codes (i.e. published compi-

lations of either state statutes or regulations) are much more detailed than the classification system we have used in organizing the study.

THE DESIGN OF THE COMPILATION

The fundamental principle governing the design of the compilation is the formulation of a simple subject outline of education law and the placement of legal standards from different states within the structure of that outline.

Summaries and Cross References

The reorganization of state legal standards in the manner employed in this compilation necessarily involves removing legal provisions from their contexts. This problem, inherent in all types of topical reorganizations of written material, is exacerbated in the case of state legal standards by the fact that some provisions discuss a variety of diverse subjects in a single paragraph.

We decided not to separate and relocate individual sentences from multi-subject paragraphs. Such extensive alteration of context, we felt, would have jeopardized understanding of the intended meaning.

Constitutions, statutes and regulations are divided into sections, usually of paragraph length, that are identified by discrete section numbers. Every summary included in the compilation covers at least a whole section. In placing summaries of multi-subject sections in the compilation, we attempted to determine the primary subject addressed by the provision and locate it accordingly, but in a few cases arbitrary placement decisions had to be made.

Nonetheless, all the provisions covering a particular subject can be easily located. Cross references indicate the locations of summaries which cover more than one subject. Thus, if a summary concerns both the school basic curriculum and textbooks, but is mostly concerned with curriculum, the summary is found in the compilation under Basic Curriculum. At the place in the compilation covering Textbooks, however, a cross reference to the curriculum location appears. The cross reference informs the user interested in textbooks that specific provisions classified under Basic Curriculum contain, as well, standards relating to textbooks.

Cross references must be checked to obtain all the provisions in the compilation related to a particular subject. Also, it would not be correct to presume that the "most important" textbook provisions are located under Textbooks while those located elsewhere according to the cross references are "less important."

In many cases the texts of the most important provisions on a given subject are not actually located in the portion of the compilation covering that subject; they are located elsewhere simply because the issuing authority chose to embed the provision in a discussion of other topics and dividing the discussion would have disturbed the immediate context of individual sentences. An alternative to cross references would have been to repeat the texts of summaries in many different locations; however, we decided against this approach since the compilation as it stands exceeds 7,000 pages.

"Black Dot" Provisions

In addition to the relevant cross references, there is a small number of provisions in Section I, indicated in the compilation by black dots, which must always be checked. The "black dot" provisions are those which assign to a particular official or official body a long list of specific powers, functions or duties. Cross references to these provisions have not been prepared simply because of the number that would be necessary (in some cases, as many as thirty for one summary). These provisions might concern any topic; hence, they must always be scanned as part of any systematic search for provisions relevant to a given subject area.

Key Word Notations

The primary means of retrieving information from the compilation is the classification and cross reference system; however, in the right hand margins of the compiled summaries we have included key word notations. Key word notations identify the locations of particular words or phrases appearing in the summaries. In selecting key word notations our goal was both to fill gaps in the conceptual coverage of the classification system and to elaborate a few of the details of that coverage.

For example, since the classification system focusses on substantive rights and duties of educational personnel rather than procedural rights, such words and phrases as notice, hearing, appeal, and due process were selected as key word notations to fill this conceptual gap and to assist in the identification of relevant procedural provisions (many of which are found in the portions of the compilation concerning education of exceptional children and those covering standards for professional discipline).

Examples of key word notations selected to elaborate details of concepts covered by the classification system are the names of specific courses (mathematics, health, physical education, drug education, history, etc.) that constitute the basic curriculum of different school systems.

We avoided selecting key word notations that reflect the central concepts and ideas of terms used in the classification system since the purpose of the notations is to supplement the classification system and facilitate location of concepts that might be difficult to find using the classification system alone. Thus, in the portion of the compilation covering qualification standards for personnel, most of the provisions apply to either teachers, teacher aides, administrators, or counselors. Interspersed among the majority of provisions, however, are those few that apply to other educational personnel. To facilitate identification of these latter provisions such terms as psychologist, nurse, and social worker were selected as key word notations.

Degree of Summarization and Subject Limitations

In preparing the compilation, we focused on the fundamental educational functions of the public schools and this is reflected in the extent to which different provisions were summarized. Provisions concerning auxiliary functions and attributes of the schools were summarized to a greater degree than provisions addressing matters falling at the heart of the educational process. Statutes and regulations concerning building maintenance, for example, were summarized more extensively than those concerning courses, books, or teacher qualifications. Many important education law provisions were reproduced verbatim.

In addition to extensively summarizing some provisions, we excluded altogether from the compilation a number of specific subjects. School finance provisions were omitted, despite their obvious significance, as understanding their import requires specialized expertise and simultaneous consideration of finance data not found in the laws themselves. Provisions concerning unique means of classifying school districts according to size were omitted, since they are premised on unique local conditions and their value as policy models is, thus, diminished.

While provisions concerning the role of teachers and administrators as educators are included in the compilation (and, indeed, are among the most important entries in the compilation), provisions concerning the role of teachers and administrators as employees of school systems--provisions concerning collective

bargaining, salaries, pensions plans and similar matters--are not included in the compilation, since the focus of the study is on legal standards which govern the educational process, itself. To be sure, collective bargaining laws affect educational policy making as well as individual employee rights. However, collective bargaining laws have nonetheless been excluded from the compilation because a number of other compilations and analyses of these laws are already available.

Provisions concerning details of school board election procedures, provisions concerning bonding of officials, and a number of other miscellaneous subjects found in some education codes were omitted as they are tangential to the focus of the compilation.

In preparing the compilation our systematic search efforts were limited to the education codes (statutes and regulations) of the states and pamphlets and handbooks prepared by state education officials. Laws which apply to the schools simply because they apply to all public agencies were not systematically included in the compilation unless they actually appear in the volume of statutes or regulations specifically designated as the education code. For example, a number of states have open meeting laws which apply to all public agencies, including school boards. These laws are frequently found in statutory volumes other than the education code. Where we encountered information that led us to discover such laws we included them in the compilation. However, we did not systematically search statutory volumes other than the officially designated state education codes.

Interstate Agreements

A number of states have enacted either the Interstate Agreement on Qualification of Educational Personnel or the Interstate Compact for Education, or both. These laws appear once in the compilation (just before Section I) with a list of the states that have passed them.

How to Use the Compilation

The compilation is intended for users desiring an overview of the spectrum of ideas and options found in existing state legal standards governing public elementary and secondary education. The concepts utilized in the classification system are explained below. After examining the classification system and turning to the portion of the compilation covering the specific area of interest, the user

may employ the key word notations as an additional aid to locating relevant provisions, and should always check the cross references and the "black dot" provisions. If the subject of interest is covered by the summary charts which follow this introduction these charts can be used to obtain cross comparisons of specific aspects of legal provisions governing the designated subject areas.

THE CLASSIFICATION SYSTEM

The classification system has four main divisions, Sections I through IV. Section I concerns the distribution of powers, duties and functions among education officials, official bodies and administrative units. Section I is divided into categories consisting of the names or titles of officials, official bodies, and administrative units that are assigned powers, functions, or duties under the law. For example, under the Category County Superintendent in Section I summaries (and cross references to summaries) which identify the powers, duties and functions of county superintendents are found.

Section I includes many cross references since most provisions are located elsewhere in the compilation For example, a provision granting county superintendents authority to determine the basic curriculum of the county schools would normally be placed in the portion of Section II concerning curriculum while a cross reference would be placed under the Category County Superintendent under Section I. Summaries actually located in Section I are those which either concern generally phrased powers, duties, and functions, assign a long list of specific duties to an official or official body (these provisions are designated by black dots), or discuss one or a few specific functions which are not the concern of any other portions of the classification system.

The categories under Section I are not uniform among the states since the phrases used are drawn directly from the education provisions which, of course, vary in their terminology from jurisdiction to jurisdiction. As an additional aid to understanding the different educational governance structures of the states, Section I also includes introductory comments that provide for each jurisdiction an overview of the organization of the education system.

While Section I of the compilation is designed to answer questions concerning "who" in the education system, Section II concerns questions asking "What?" Section II, entitled Programs, Materials, and Facilities, is divided into three categories: Educational Courses and Programs, Educational Materials,

and School Property and Facilities. Category A constitutes the bulk of this section and concerns essentially the diverse curricula offered by the public schools. Category A under Section II is divided into ten topics. The first is entitled Basic Curriculum and covers the courses (including courses such as driver training) that are designed for the vast majority of students. Topics 2 through 9 under Category A of Section II concern, respectively: Programs for Exceptional Children; Vocational Education; Early Childhood Education; Bilingual/Bicultural Education; Compensatory Education; Schools for Delinquents; Adult Education; and Summer Programs. The tenth topic, unlike the previous nine, varies from state to state and is used as the location for provisions governing programs which are unique to individual states or found in only relatively few states--Indian education programs, nautical schools, innovative programs, and experimental programs.

Category B of Section II covers Educational Materials, including Textbooks, Audiovisual Education, School Libraries, and Supplies and Equipment. Category C under Section II concerns School Property and Facilities and is divided into three topics, School Site, Physical Plant and Fixtures and Use of Facilities. (This last topic concerns such provisions as those authorizing school boards to grant community groups authority to utilize school property during nonschool hours.) The provisions falling within Category C of Section II have generally been substantially summarized as they are of less central concern to the compilation than those in Categories A and B.

If Sections I and II can be described as concerning, respectively, "who" and "what" questions regarding the education systems of the states, Section III concerns the question"How well?" Section III, entitled Quality of the Educational Process, is divided into five categories. The first two categories concern the basic qualification standards which must be met in order for schools to provide instructional services in compliance with the law. The first category, Qualification Standards for Schools and School Districts, has two topics, Accreditation and Other Qualification Standards. Formal accreditation standards are included under the former while specific provisions (such as those mandating teacher-pupil ratios for certain courses) having consequences similar to those

of accreditation standards are placed under Topic 2.

Category B under Section IIIconcerns Qualification Standards for Personnel. For the most part, these are the certification requirements which educational personnel must meet in order to qualify for their positions in the education system. Topics under Category B are the titles of officials who must meet the particular qualification standards in question.

Category C under Section III is entitled Performance Standards. This category embraces such matters as the commands of state constitutions that legislatures provide "thorough and efficient" systems of education as well as specific graduation standards which students must meet in order to receive their diplomas. Topics under Category C are the titles of educational personnel or administrative units (principal, teacher, superintendent, student, school board, school system, school district, etc.) that must meet performance standards in their work or studies. With respect to teachers, for example, Category C under Section III covers the standards established for dismissal of tenured faculty and the procedures involved in determining whether individual teachers undergoing termination proceedings have met the performance standards necessary to retain their jobs.

Category D under Section III concerns Evaluation and Reporting. Topics under this category are the person, entities or activities evaluated, or the subjects of reporting activities. Provisions concerning testing of students and evaluation of teachers are located here.

Category E under Section III is entitled Improvement Efforts and it embraces such subjects as inservice training of teachers and any other direct efforts taken to improve the quality of the education process. Topics under Category E are the titles of persons or entities whose performance is sought to be improved.

Section IV of the compilation concerns support services and other subjects collateral to, but often directly connected with, the educational process. The categories under Section IV include a variety of specific topics: Health and Safety; Counseling; School Food Service; Transportation; Extracurricular Activities; Students Records; Admission and Transfer; Attendance Requirements; Student Employment; Student Rights and Discipline; and Parents' Rights.

The pages of the compilation are numbered in the upper right corners according to a system which facilitates retrieval of information by state. These numbers identify pages by classification designation, state, and sequential order within that part of the compilation. Thus, IIA2-TX 3 refers to the third page of the Texas summaries found in Section II, Category A, Topic 2 (Programs for Exceptional Children).

ADMISSION REQUIREMENTS

In most states admission requirements are dealt with by regulation as well as statute. Most states require that a child reach the age of five before she/he may be admitted to kindergarten and six before admission to the first grade. The date for attaining the required age may vary from as early as September 1 to as late as January 1. Most states use the same cutoff date for each of the two grade levels.

Approximately one-third of the states allow for exceptions to either the age or date requirement for the two grade levels. These exceptions are generally based on specific state or local criteria.

A further prerequisite for admission in about half of the states is that the child undergo a medical examination or be immunized against contagious diseases. In states where such requirements are discretionary, the district or local board may decide on medical examinations or immunizations. Almost all states with this requirement allow it to be waived if the parents object for religious reasons.

The difference between an admission and an attendance requirement should be noted. The responsibility for carrying out the admission statute lies with the state, but may be delegated to the local board. Thus, the schools must, with certain specific exceptions, admit students to kindergarten or first grade if they meet the minimum age requirements. Under the compulsory attendance statutes, the responsibility is placed upon the parent or guardian to insure the child attends class. Usually the age requirement for attendance is higher than that for admission and a parent or guardian is not obligated to send their child to school until the compulsory attendance age is reached.

Descriptions of Headings for Charts on Admission Requirements

Statute or Regulation - All admission requirements specified on this chart are covered by statutes (S) and/or regulations (R).

Kindergarten

1) Age - A child must reach a certain minimum age before she/he can enroll in a kindergarten class.
2) By What Date - A child must meet the minimum age requirement by a certain date within the school year.
3) Exceptions - The district board may take exceptions to the age requirements based on state or local criteria specified in a footnote.

First Grade

1) Age - A child must reach a certain minimum age before she/he can enroll in a kindergarten class.
2) By What Date - A child must meet the minimum age requirements by a certain date within the school year.
3) Exceptions - The district board may take exceptions to the age requirement based on state or local criteria as specified in a footnote.

Medical Examination and/or Immunization - The state either requires (M) or grants the district board the discretion to require (D) that a child be examined and/or immunized before she/he can enroll in school.

Admission Requirements - footnotes

(a) Louisiana - 4 years 8 months

(b) Ohio - statute states that schools may or may not provide free education for students under 6 years of age.

(c) Pennsylvania - 5 years 7 months

ADMISSION REQUIREMENTS

STATES	STATUTE	REGULATION	KINDERGARTEN			FIRST GRADE			MEDICAL EXAMINATION IMMUNIZATION
			Age	By What Date	Exceptions	Age	By What Date	Exceptions	
ALABAMA	S	R	5						M
ALASKA	S	R	5	Nov. 2	yes	6	Nov. 2	yes	D
ARIZONA	S	R	5	Jan. 1	yes	6	Jan. 1	yes	
ARKANSAS	S		5	Oct. 1	yes	6	Oct. 1	yes	M
CALIFORNIA	S	R				6		yes	
COLORADO	S		6		yes	7		yes	D
CONNECTICUT	S		5	Jan. 1	yes	6	Jan. 1	yes	
DELAWARE									
FLORIDA	S		5	Jan. 1		6	Jan. 1		M
GEORGIA	S	R				6	Dec. 1	yes	M
HAWAII	S	R	5	Dec. 31	yes	6	Dec. 1	yes	
IDAHO	S		5	Oct. 16	yes	6	Oct. 16		
ILLINOIS	S		6				Dec. 1		M
INDIANA	S	R	5			6			D
IOWA	S		5			6			
KANSAS	S		5	Sept. 1		6	Sept. 1		M
KENTUCKY	S	R	4			6			M
LOUISIANA	S	R	(a)			6	Jan. 1	yes	M
MAINE	S		5	Oct. 15	yes	6	Oct. 15	yes	M
MARYLAND	S	R				6	Dec. 31	yes	M
MASSACHUSETTS	S	R				6	Sept. 1		M
MICHIGAN	S	R	5	Dec. 1	yes	6	Dec. 1	yes	M
MINNESOTA	S		5	Sept. 1	yes	6	Sept. 1	yes	M
MISSISSIPPI	S	R				6	Jan. 1		
MISSOURI	S		5	Oct. 1		6	Oct. 1		
MONTANA	S		5			6			D
NEBRASKA	S					6	Oct. 15		M
NEVADA	S		5	Sept. 30		6	Sept. 30		M
NEW HAMPSHIRE	S					6	Sept. 30		
NEW JERSEY	S		5			6			M
NEW MEXICO	S	R	5	Sept. 1		6	Sept. 1	yes	M
NEW YORK	S		5						
NORTH CAROLINA	S	R	5	Oct. 15		6	Oct. 1		
NORTH DAKOTA	S	R				6	Oct. 1		
OHIO	S		(b)			6	Sept. 13	yes	
OKLAHOMA	S	R	5	Nov. 1	yes	6	Nov. 1		M
OREGON	S		5	Nov. 15	yes	6	Nov. 15	yes	
PENNSYLVANIA	S	R	4		yes	(c)	Sept. 1	yes	
RHODE ISLAND	S	R	5	Dec. 31	yes	6	Dec. 31		
SOUTH CAROLINA	S	R	5	Nov. 1		6	Nov. 1		
SOUTH DAKOTA	S		5	Nov. 1		6	Nov. 1		
TENNESSEE	S	R	5	Oct. 31		6	Oct. 31		M
TEXAS	S	R	5	Sept. 1	yes	6	Sept. 1		M
UTAH	S		5			6			M
VERMONT	S					6			
VIRGINIA	S		5	Dec. 31		6	Dec. 31		M
WASHINGTON	S	R				6	Nov. 1		
WEST VIRGINIA	S	R	5	Nov. 1		6	Nov. 1		
WISCONSIN	S		5	Dec. 1		6	Dec. 1		
WYOMING	S		5	Sept. 15		6	Sept. 15		
Dist. of Col.		R	5	Dec. 31	yes	6	Dec. 31	yes	M

M-Mandatory
D-Discretionary

ADMISSION REQUIREMENTS CITATIONS

State	Statutes	Regulations
ALABAMA	§§16-29-1 -- 16-29-6(g); 16-30-1 -- 16-30-5(g); 16-11-16 (a-c); 16-8-41(a); 16-28-24(d-f); 16-28-6(c,f)	
ALASKA	§§14.03.060 -- 14.03.080; 14.30.125	4 AAC [illegible].055
ARIZONA	§15-30[illegible]	R7-2-301(E)(3)
ARKANSAS	§§80-1548;80-1501; 80-1501.2; 80-1504	
CALIFORNIA	§§48000(b); 48010	Sec. 200
COLORADO	§§22-4-902; 22-33-104	
CONNECTICUT	§10-15	
FLORIDA	§§232.04; 232.01(g); 232.032	
GEORGIA	§32-911	
HAWAII	§§298-4; 298-8 -- 298-9	R-27.5
IDAHO	§33-201	
ILLINOIS	§§34-19; 10-22.18; 27-8; 10-20.12	
INDIANA	§§20-5-16-1; 20-8.1-7-10	Administrative Handbook, Sec. II, Ch. 1 RA-2
IOWA	§282.3	
KANSAS	§§72-1107; 72-5208 -- 72-5211	
KENTUCKY	§§158.035; 159.010; 158.090	704 KAR 4:020 (Sec. 2)
LOUISIANA	§17:221	Bulletin 741, pp. 8, 48, 50
MAINE	§§859; 911; 1192	
MARYLAND	Art. 77; §84	R-13.07.01
MASSACHUSETTS	Art. 76; §1;§15	R-14
MICHIGAN	§§380.1147; 380.1561; 380.1177	R-340.4
MINNESOTA	§§120.06; 126.02	
MISSISSIPPI	§37-15-9	Standards for Accreditation of Elementary Secondary Schools, (1976) Bul. 171, p. 19.
MISSOURI	§§160.051; 161.181	
MONTANA	§§75-6302; 75-7507; 69-4515	
NEBRASKA	§§79-444; 79-444.02	
NEVADA	§§388.060; 392.040; 392.420; 392.435	
NEW HAMPSHIRE	§193:1	
NEW JERSEY	§§18A:44-1; 18A:44-2; 18A:38-5; 18A:44-20	
NEW MEXICO	§§77-6-2; 12-3-4.2	R-34-11; R-72-15
NEW YORK	§§1712; 3205	
NORTH CAROLINA	§§115-205.12; 115-162	2E.0803(1)(b)
NORTH DAKOTA	§15-47-01	Administrative Manual, (1973) p. 161
OHIO	§§21.02; 3321.01	
OKLAHOMA	§1-114	Annual Bulletin for Elementary and Secondary Schools, (1976) p. 30, 32, 62
OREGON	§§336.092; 339.115	
PENNSYLVANIA	§§5-503; 13-1304	R-11.12; R-11.15
RHODE ISLAND	§§16-2-27; 16-2-28	Standards for Rhode Island Elementary Schools, (1977) G(1)(2)
SOUTH CAROLINA	§§21-752; 21-601	R-43-271
SOUTH DAKOTA	§§13-28-1; 13-28-2	
TENNESSEE	§§49-2305; 49-1765; 49-1766	Rules, Regulations and Minimum Standards 1976-7, p. 73
TEXAS	§§21.031; 2.09	Policies, Administrative Procedures, 2304.2, 2304.6, 2304.10
UTAH	§§53-19-1; 53-22a-2; 53-22a-3	
VERMONT	§16-1121	
VIRGINIA	§§22.218.2; 22.220.1; 22.218.0	
WASHINGTON	§§28A-58.190; 28A-35.010	
WEST VIRGINIA	§18-2-5; 18-5-18	R-4110
WISCONSIN	§121.76	
WYOMING	§§21.1-27; 21.1-56(a)(b)	
DIST. OF COL.	§31.1102	R-404.3; R-404.5; R-403.1

ADULT EDUCATION

Nearly all states have statutes and/or regulations that allow school districts to offer adult education programs. In some states, however, adult education programs are offered only if a certain number of applicants or petitioners request such a course.

There are four general categories of course offerings in Adult Education. They are high school equivalency, continuing education, basic skills, and citizenship training. In more than half the states, school districts offer high school equivalency programs enabling students to earn a high school diploma at the discretion of the district. In only nine states are these programs mandatory. Continuing education enrichment courses, if offered, are generally discretionary.

Basic skills programs, offering elementary courses in reading and writing English, are customarily found in border states and states with large urban populations. Only five states require citizenship programs.

Description of Headings for Chart on Adult Education

District Offers Adult Education - The state requires (M - mandatory) or recommends (D - discretionary) that each district offer some program of adult education.

Course Offerings

1) High School Equivalency - These courses would entitle a student to earn a high school diploma.

2) Continuing Education - This category covers enrichment courses.

3) Basic Skills - These are elementary courses in reading and writing English.

4) Citizenship Education - This category covers courses for persons who want to meet requirements for naturalization as a U.S. citizen.

Adult Education footnotes

(a) Kentucky - for veterans.

(b) Massachusetts - offered by universities

(c) North Dakota - mandatory when requisite number of persons petition school board.

ADULT EDUCATION

STATES	NO PROVISIONS	DISTRICT OFFERS ADULT ED.		COURSE OFFERINGS							
				High School Equivalency		Continuing Education		Basic Skills		Citizenship Education	
ALABAMA			D		D				D		D
ALASKA											D
ARIZONA		M		M				M			
ARKANSAS	X										
CALIFORNIA		M			D		D	M		M	
COLORADO			D		D						
CONNECTICUT		M						M		M	
DELAWARE				M					D		
FLORIDA		M		M				M		M	
GEORGIA		M			D				D		D
HAWAII		M		M		M		M		M	
IDAHO			D		D				D		
ILLINOIS		M		M		M					
INDIANA			D		D						
IOWA			D		D		D		D		
KANSAS			D								
KENTUCKY		(a)			D				D		
LOUISIANA			D		D						
MAINE			D		D		D		D		
MARYLAND			D		D		D		D		
MASSACHUSETTS		(b)									
MICHIGAN			D								
MINNESOTA			D								
MISSISSIPPI		M		M		M		M			
MISSOURI		M		M				M			
MONTANA			D								
NEBRASKA			D								
NEVADA			D								
NEW HAMPSHIRE			D						D		
NEW JERSEY			D						D		
NEW MEXICO			D								
NEW YORK		M		M		M		M		M	
NORTH CAROLINA			D								
NORTH DAKOTA			D			(c)					
OHIO			D		D		D				
OKLAHOMA			D		D				D		
OREGON			D		D		D		D		
PENNSYLVANIA			D								
RHODE ISLAND	X										
SOUTH CAROLINA			D		D						
SOUTH DAKOTA			D								
TENNESSEE		M									
TEXAS		M									
UTAH			D		D				D		D
VERMONT	X										
VIRGINIA			D								
WASHINGTON			D								
WEST VIRGINIA			D		D				D		
WISCONSIN		M		M							
WYOMING	X										
Dist. of Col.		M						M			

M - Mandatory
D - Discretionary

ADULT EDUCATION CITATIONS

State	Statutes	Regulations
ALABAMA	§16-1-16(e); 16-34-4	
ALASKA		4AAC 33.010
ARIZONA	§§15.1041 -- 15.1043	R7-2-301(B)(b)(B)(d)
CALIFORNIA	§8500	R10500 -- R10563
COLORADO	§22-32-118	2202-R-9.10
CONNECTICUT	§§10-73b; 10-69	
DELAWARE	§204	
FLORIDA	§230.23(i)	6A-6.12; 6A-6.13
GEORGIA	§§32-2501 -- 32-2503; 32-608(a)	R-30-911
HAWAII	§§301-1 -- 301-2	R-43.0
IDAHO	§33-1607	R-401.2.7
ILLINOIS	§10-22.20	Evaluation, Supervision and Recognition of Schools, 4-5.2; 4-7
INDIANA	§20-10.1-7-1	
IOWA	§281.8	
KANSAS	§§72-4506(a) -- 72-4526	R-91-2-2(L)
KENTUCKY	§158.105	705 KAR 7:010 -- 705 KAR 7:050; 7.07.10; 3.07.11; 3.07.10
LOUISIANA	§17.151	Policy and Procedure Manual, Bulletin 741, p. 37
MAINE	§§858; 2386	
MARYLAND	Art. 77; §43	R-13.03.04.03
MASSACHUSETTS	Art. 75;§2	
MICHIGAN	§380.1293	
MINNESOTA	§123.14(b)	EDU 43a; EDU 69
MISSISSIPPI	§§37-35-1 -- 37-35-7	
MISSOURI	§171.091	5 CSR 60-100
MONTANA	§75-7513	
NEBRASKA	§§79-1415 -- 79-1418	
NEVADA		Nevada High School Regulations, (1973), p. 6
NEW HAMPSHIRE	§188-A:13-a	
NEW JERSEY	§18A:50-1	R-6:44-2.2; R-6:27-1.14
NEW MEXICO	§77-11-6	R-72-24
NEW YORK	§4604	R-CH 2 Sec. 161 -- 166
NORTH CAROLINA	§115-199	
NORTH DAKOTA	§15-46-01	Administrative Manual, (1973) pp. 93-94
OHIO	§3313.531	R-3301-43-01; R-3301-43-04
OKLAHOMA	§5-131	Annual Bulletin for Elementary and Secondary Schools (1976) pp. 80, 81
OREGON	§336.145	
PENNSYLVANIA	§5-502	
SOUTH CAROLINA		R-43-237; R-43-259
SOUTH DAKOTA	§13-33-3	
TENNESSEE	§§49-2501; 49-2504	Rules, Regulations and Minimum Standards - 1976-77, p. 49
TEXAS	§11.18	
UTAH	§53-30-3	
VIRGINIA	§22.218.3	
WASHINGTON	§28A-58.240	R-180-72-040; R-180-72-055; R-180-72-070
WEST VIRGINIA	§§18-5-19; 18-5-19(b)	
WISCONSIN	§118.14	
DIST. OF COL.		R-400.3; R-405.2; R-405.3

ATTENDANCE ENFORCEMENT AGENT

Almost every state has statutory requirements relating to the enforcement of attendance laws. With few exceptions the entire responsibility for enforcing attendance laws rests with the district school board. Most states require that the district board appoint an attendance officer or supervisor to manage the district's attendance records and investigate any cases of unexcused absence.

In keeping with the general emphasis on local decision-making in this area, the district boards in most states determine the number of attendance officers to be employed and sets their salary. However, a few states have established requirements for the number of attendance officers to be based on the total population of the school district.

Many state codes detail the process an attendance officer must adhere to in enforcing the laws. A typical sequence follows these lines. If a pupil has been absent for several days without excuse, the officer must conduct a general inquiry to determine the cause of the absence. If the officer determines that the pupil's absence is unjustified, she/he must send a notice to the child's parents ordering them to comply with attendance laws. If this approach does not work, the officer must then take the child into custody or report the case to the state's attorney for prosecution.

Description of Headings for Chart on Attendance Enforcement Agent

Designation - The title of the person who enforces attendance laws.

Selection

1) Mandatory or Discretionary - The state requires (M) or recommends (D) that each district have an enforcement agent.
2) Appointed by District Board - The district board appoints the enforcement agent.

Compensation

1) District Board Determines - The district board determines the salary for enforcement agents.
2) Within State Guidelines - The district board determines the salary within state guidelines.

Number

1) District Board Determines- The District board determines the number of agents it will employ.
2) Within State Guidelines- The district board determines the number using state guidelines.

Prosecution Mechanism

1) Power of Arrest - The enforcement agent has the power of arrest and can take a child into custody.
2) Notice to Parent - Before any prosecution the state requires that the parent or guardian be given otice that the child must return to school.
3) Mandatory Prosecution - The district must report to the state's attorney office any violations for prosecution.
4) General Inquiry - The enforcement agent conducts a general inquiry into the alleged violations of attendance laws.

Attendance Enforcement Agent - footnotes

(a) Iowa - mandatory in district with population over 20,000.

(b) North Dakota - districts with over 500 inhabitants.

(c) West Virginia - county director of school attendance.

Attendance Enforcement Agent

STATES	DESIGNATION*	SELECTION		COMPENSATION		NUMBER		PROSECUTION MECHANISM			
		Mandatory or Discretionary	Appointed by District Bd	District Bd Determines	Within State Guidelines	District Bd Determines	Varies With District Size	Power Of Arrest	Notice to Parent	Mandatory Prosecution	General Inquiry
ALABAMA	AO	M	X	X	X	X			X		
ALASKA	TO	D	X	X				X		X	X
ARIZONA	AO	D	X	X		X		X			
ARKANSAS	AO	D	X	X	X	X			X		X
CALIFORNIA	S	M	X	X		X		X	X	X	X
COLORADO	AO	M	X								X
CONNECTICUT	AO	D	X	X		X				X	X
DELAWARE	AO	D	X							X	X
FLORIDA	AA	D	X	X		X			X		X
GEORGIA	VT	D	X	X		X			X	X	
HAWAII	RI									X	
IDAHO											
ILLINOIS	TO	M	X	X				X	X		X
INDIANA	AO	M	X	X			X	X	X	X	X
IOWA	TO	(a)	X	X				X	X		
KANSAS	TO	M				X					
KENTUCKY	DPP	M	X	X							X
LOUISIANA	AO	D	X			X					
MAINE	AO	M	X	X				X			X
MARYLAND											
MASSACHUSETTS	S	M	X			X					
MICHIGAN	AO	M	X	X		X		X	X		X
MINNESOTA	TO	D	X			X		X	X	X	X
MISSISSIPPI	TO	D	X			X					X
MISSOURI	AO	D	X			X		X			X
MONTANA	AO	M	X	X		X	X			X	X
NEBRASKA	AO	M	X			X		X		X	X
NEVADA	AO	D	X	X		X		X	X	X	X
NEW HAMPSHIRE	TO	M	X	X							
NEW JERSEY	AO	M	X	X		X					
NEW MEXICO	PO										
NEW YORK	AO	M	X	X		X		X	X		X
NORTH CAROLINA	AC	D	X		X		X		X	X	X
NORTH DAKOTA	TO	(b)	X							X	X
OHIO	AO	M	X	X		X		X	X	X	X
OKLAHOMA	AO	M		X		X				X	
OREGON	AS	M	X	X					X		X
PENNSYLVANIA	AO										
RHODE ISLAND	TO	M	X	X		X				X	X
SOUTH CAROLINA	AS	D	X		X		X		X		X
SOUTH DAKOTA	TO	M	X	X							
TENNESSEE	AO	D	X	X		X					
TEXAS	AO	D	X	X				X			X
UTAH	TO	D	X	X							X
VERMONT	TO	M		X		X			X	X	X
VIRGINIA	AO	D	X	X		X		X	X	X	X
WASHINGTON	AO	M	X	X				X			
WEST VIRGINIA	CDSA	(c)	X	X		X			X		
WISCONSIN	TO	M	X	X				X	X		X
WYOMING	AO	M	X	X		X			X	X	X
Dist. of Col.	AO	M									

*Abbreviations

AA - Attendance Assistant
AC - Attendance Counselor
AO - Attendance Officer
AS - Attendance Supervisor
CDSA - County Director of School Attendance
D - Discretionary
DPP - Division of Pupil Personnel
M - Mandatory
PO - Peace Officer
RI - Responsible Individual
S - Supervisor
TO - Truant Officer
VT - Visiting Teacher

ATTENDANCE ENFORCEMENT AGENT

State	Statutes	Regulations
ALABAMA	§§16-28-12; 16-28-2; 16-28-15 -- 16-28-23; 16-12-18	
ALASKA	§14.30.050	
ARIZONA	§§15-324 -- 15-325	R7-2-301(e)(3)
ARKANSAS	§80-1511	
CALIFORNIA	§§48240 -- 48246; 48264; 48266; 48269	R-421
COLORADO	§§22-33-105 -- 22-33-108	
CONNECTICUT	§§10-199; 10-225	
DELAWARE	§§2702 -- 2709	
FLORIDA	§232.17	
GEORGIA	§§32-2114.1; 32-2114.2; 32-2108	
HAWAII	§§298-9; 298-12	
ILLINOIS	§§26-4; 26-5; 26-7; 3-13	
INDIANA	§§20-8.1-3-1 -- 20-8.1-3-37	
IOWA	§§299.10; 299.11	
KANSAS	§72-1113	
KENTUCKY	§§159.130 -- 159.140	
LOUISIANA	§17:84	
MAINE	§913	
MASSACHUSETTS	Art. 76; §19	
MICHIGAN	§§380.1571; 380.1586	
MINNESOTA	§120.14	
MISSISSIPPI	§37-9-5	
MISSOURI	§167.071	
MONTANA	§§75-6302; 75-6303	
NEBRASKA	§§79-210; 79-211	
NEVADA	§§392.130 -- 392.220	
NEW HAMPSHIRE	§§189:34 -- 189:37	
NEW JERSEY	§§18A:38-32 -- 18A:38-35	
NEW YORK	§3213	
NORTH CAROLINA	§§115-168; 115-170; 115-171	
NORTH DAKOTA	§15-34.1-04	
OHIO	§§3321.14; 3321.15; 3321.16; 3321.17; 3321.18; 3321.20	
OKLAHOMA	§§10-101; 10-102; 10-105(B)	
OREGON	§§339.040; 339.055; 339.080	
PENNSYLVANIA	§13-1332	
RHODE ISLAND	§§16-19-3; 16-19-4; 16-19-5	
SOUTH CAROLINA	§§21-761 -- 21-768	
SOUTH DAKOTA	§13-27-4	R-24:03:01:01(81)
TENNESSEE	§§49-1711 -- 49-1713	Rules, Regulations and Minimum Standards - 1976-77, p. 24
TEXAS	§§21.036; 21.039	
UTAH	§§53-24-2; 53-24-4	
VERMONT	§§16-1125; 16-1127	
VIRGINIA	§§22-275.11; 22-275.17; 22-275.21	
WASHINGTON	§28A-27.040	
WEST VIRGINIA	§18-8-4	
WISCONSIN	§118.16	
WYOMING	§§21.1-49; 21.1-50	
DIST. OF COL.	§31-205	

ATTENDANCE REQUIREMENTS

In most states children from the ages of seven to sixteen are required to attend school. However, some states require attendance beginning with age six and others require attendance to continue until age eighteen.

In some states children from the ages of five to twenty-one are permitted to attend school. In a few states there are statutes enabling the district board to admit persons over twenty-one. In these situations the district board usually must make a determination that the older person will not have a disruptive effect on the education of the other children. In addition this person is generally required to pay tuition although some states will waive this requirement if the student is a veteran. It should be noted that these age requirements for compulsory and permitted attendance apply only to the regular classroom programs. Other programs such as special education, adult education or vocational education may have different requirements.

All states have statutes that permit certain students to be exempt from the compulsory attendance requirements. Generally these statutes are guidelines from which the district board is to develop its own regulations. Before any exemption is granted, the parent or guardian typically must appear at a hearing and demonstrate to the satisfaction of the board the claim is valid.

There is a great range of factors that will exempt a child from compulsory attendance. In some states there are as many as a dozen conditions that will provide an exemption. Almost all states will exempt a child if she/he has completed satisfactory work at a certain grade level (usually the eighth) and reached a certain age, or she/he is legally employed under the state's child labor laws. Frequently, child labor laws combine an age requirement with a grade completion requirement. Occasionally the child must also be necessary for the support of the family before she/he can be exempt.

Almost all states provide an exemption for a child who is mentally retarded or physically handicapped. However, these exemptions do not imply that the state does not provide a program of special education or require handicapped children to attend.

Only one state, California, will allow a person to be exempt if she/he passes an examination showing that she/he is achieving on a certain grade level. A few states allow a child to be exempt from compulsory attendance if she/he lives a great distance from the school and no transportation is available. Of those states that provide a distance exemption some apply it only to children in elementary grades and some require the student to complete correspondence courses.

For information on the enforcement of these attendance laws see the chart and analysis on Attendance Enforcement which follows.

Description of Column Headings for Chart on Attendance Requirements

Compulsory Attendance - During these years (inclusive) a child must attend school.

Attendance Permitted - During these years (inclusive) a child may attend school on a tuition-free basis. (See chart on Admission Requirements for related provisions.)

Basis for Exemption

1) Employment at Age - A child is exempt from attendance requirements if she/he is legally employed at a certain age.

2) Grade Completed - If she/he has completed a certain grade, a child can be exempt.

3) Local Decision - A mark in this column indicates that the district board or other local authority has some discretionary latitude in choosing to exempt certain pupils who might not be exempt under state guidelines.

A,B) Mental Condition, Handicapped - These columns indicate exemptions for those children whose mental or physical condition prevents their being placed in regular or special education programs. It is customary that this exemption be granted only after a licensed physician or qualified psychologist has certified that the child would not benefit from any education program the state offers.

C) Court Decision - A decision by a juvenile court can exempt a child.

D) Academic Equivalency Test - A child is exempt if she/he achieves a certain score on a standard test.

E) Alternate Equivalent Education - This column covers education in private or parochial schools or by a private tutor.

F) Chronic Ill Health - Ill health could exempt a child from meeting the minimum annual attendance requirements, or it could exempt her/him from attendance altogether.

G) Great Distance - If a child must walk a great distance to the nearest school or bus route and no other transportation is available, then the child is exempt. The distance can be as short as a mile and a half. In some states this exemption applies only to children in elementary school.

H) Parental Objection - If approved by the district board of superintendent, a parent's objection can exempt a child.

I) Other - This column covers other general exemptions.

Attendance Requirements

STATES	COMPULSORY ATTENDANCE	ATTENDANCE PERMITTED	BASIS FOR EXEMPTION												FINES FOR VIOLATION		
			Employment At Age	Grade Completed	Local Decision	A	B	C	D	E	F	G	H	I	Jail (Days)	1st Offense	2nd Offense
ALABAMA	7-16				x	x	x					x	x		1-90	$1-100	
ALASKA	7-16				x	x	x	x								$50-200	
ARIZONA	8-16	6-21			x	x	x			x				x	1-90	$5-300	
ARKANSAS	7-15	6-21			x	x	x							x		$10	
CALIFORNIA	6-16		14			x	x		x	x				x	1-5	$1-25	$25-250
COLORADO	7-16	6-21	14			x	x							x			
CONNECTICUT	7-16	5-21								x							
DELAWARE	6-16	6-21					x			x				x	2-5	$5-21	$25-50
FLORIDA	7-16		14			x	x	x				x					
GEORGIA	7-16				x	x	x	x			x			x			
HAWAII	6-18		15			x	x	x		x				x	1-60	$5-50	
IDAHO	7-16	5-21				x	x							x			
ILLINOIS	7-16					x	x			x				x	1-5	$5-20	$10-50
INDIANA	7-16					x	x							x	1-180	$1-150	
IOWA	7-16	5-21	14	8		x	x	x		x				x		$5-20	
KANSAS	7-16	5-21				x	x			x							
KENTUCKY	7-16					x	x			x				x			
LOUISIANA	7-15					x	x							x	1-10	$10	
MAINE	7-17	5-20	15							x					1-30	$1-25	
MARYLAND	6-16	5-20				x	x			x				x		$1-50	
MASSACHUSETTS			14	6		x	x							x		$1-20	
MICHIGAN	6-16	5-20								x		x		x	2-90	$5-50	
MINNESOTA	7-16	5-21		10		x	x			x				x			
MISSISSIPPI																	
MISSOURI	7-16	5-20	14			x	x	x							2-10	$10-25	
MONTANA	7-16	6-21		8		x	x	x		x				x	10-30	$5-20	
NEBRASKA	7-16		14	8		x	x								1-90	$5-100	
NEVADA	7-17	6-17	14	8		x	x	x		x				x			
NEW HAMPSHIRE	6-16		14			x	x							x		$5-25	
NEW JERSEY	6-16	5-20	14			x	x										
NEW MEXICO	8-17		14	10		x	x						x	x			
NEW YORK	6-16	5-21	15			x	x				x			x	1-10	$1-10	$1-50
NORTH CAROLINA	7-16					x	x								1-30	$1-50	
NORTH DAKOTA	7-16	6-21	14			x	x			x				x		$1-100	$1-200
OHIO	6-18		14			x	x			x				x	10-30		
OKLAHOMA	7-18	5-21				x	x							x	1-10	$1-50	
OREGON	7-18	6-21	16		x	x	x			x		x					
PENNSYLVANIA	8-17	6-18	14			x	x								1-5	$1-2	$1-5
RHODE ISLAND	7-16					x	x			x						$20	
SOUTH CAROLINA	7-16	6-21		8		x	x	x		x				x	1-30	$1-50	
SOUTH DAKOTA	7-16	5-21		8	x	x	x	x		x				x		$10-50	$25-100
TENNESSEE	7-16	6-21				x	x					x		x		$2-5	
TEXAS	7-17	5-21	17	9	x	x	x			x				x		$5-25	$10-50
UTAH	6-18		16		x	x	x			x		x		x			
VERMONT	7-16			10	x	x	x			x				x		$5-50	
VIRGINIA	6-17	5-20					x	x				x	x	x			
WASHINGTON	8-18	6-21	15	9		x	x			x				x			
WEST VIRGINIA	7-16		15			x	x			x	x						
WISCONSIN	7-16	6-20			x	x	x	x						x	90	$5-50	
WYOMING	7-16	6-21		8		x	x							x	10	$5-25	
Dist. of Col.	7-16		14	8		x	x							x	5	$10	

ATTENDANCE REQUIREMENTS CITATIONS

State	Statutes	Regulations
ALABAMA	§§16-28-1 -- 16-28-23	
ALASKA	§§14.30.010 -- 14.30.050	4 AAC 05.040
ARIZONA	§§15-321 -- 15-323; 15-302	R7-2-301(E)(3)
ARKANSAS	§§80-1501 -- 80-1508	
CALIFORNIA	§§48200; 48220 -- 48231; 48293	
COLORADO	§22-33-104	
CONNECTICUT	§§10-15; 10-188(E)	
DELAWARE	§§2702 -- 2709	
FLORIDA	§§232.01; 232.06(3); 232.07	
GEORGIA	§§32-2104; 32-2106; 32-2119	R40-200
HAWAII	§§298-8 -- 298-12	R-26.4
IDAHO	§§33-201 -- 33-207	
ILLINOIS	§§26-10; 26-1	
INDIANA	§§20-8.1-3-1 -- 20-8.1-3-27	
IOWA	§§282.1; 299.1; 299.6	R670-3.2(18)
KANSAS	§§72-1101 -- 72-1113; 72-933	
KENTUCKY	§§159.010 -- 159.030	
LOUISIANA	§§17:221 -- 17:222; 17:231	Bulletin 741, p. 8
MAINE	§911	
MARYLAND	Art. 77 §92; Art. 77 §73	
MASSACHUSETTS	Art. 76 §1; Art. 76 §2	
MICHIGAN	§§380.1147; 380.1561; 380.1599	R340.4
MINNESOTA	§120.10	
MISSOURI	§§160.051; 167.031; 167.061	
MONTANA	§§75-6302; 75-6303; 75-6308	
NEBRASKA	§§79-201; 79-202; 79-203; 79-216	
NEVADA	§§392-040 -- 392.220	
NEW HAMPSHIRE	§§193:1; 193:3	
NEW JERSEY	§§18A:38-25; 18A:38-26; 18A:38-31; 18A:38-36	
NEW MEXICO	§§77-10-2; 77-10-6; 77-6-2	R74-11; R-72-15
NEW YORK	§§3205; 3208; 3233; 3202	CH II, Sec. 101.1 -- 101.6; CH II, Sec. 190.2
NORTH CAROLINA	§§115-166; 115-167; 115-168; 115-169	
NORTH DAKOTA	§§15-34.1-01; 15-34.1-03; 15-34.1-05; 34-07-01	Administrative Manual (1973), p. 161, 181
OHIO	§§3321.01; 3321.04; 3321.99	
OKLAHOMA	§10-105	Annual Bulletin for Elementary and Secondary Schools (1976) p. 30, 62
OREGON	§§339.010; 339.020; 339.030; 339.115	
PENNSYLVANIA	§§13-1326; 13-1332; 13-1330; 13-1329; 13-1333	R11.12; R11.13; R11.31 -- R11.34; R11.41.; R12.6
RHODE ISLAND	§16-19-1	
SOUTH CAROLINA	§§21-752; 21-757; 21-757.1; 21-757.2	
SOUTH DAKOTA	§§13-27-1; 13-27-3; 13-27-4; 13-27-5; 13-28-1	R24:03:01:01(15)
TENNESSEE	§§49-1701 -- 49-1710	
TEXAS	§§21.032; 16.003; 4.25	Policies: 2304.2; 5101.1; 5102(4)
UTAH	§53-24-1	
VERMONT	§§16-1121; 16-1123; 16-1124; 16-1127	Reference Manual for State Board of Education in Vermont, p. 22
VIRGINIA	§§22-218; 22-218.2; 22.275.3; 22-275.4:1; 22-275.5; 22-275.4	
WASHINGTON	§§28A-27.010; 28A-27.100	
WEST VIRGINIA	§§18-8-1; 18-8-2	
WISCONSIN	§§118.14; 118.15	
WYOMING	§§21.1-48; 21.1-63(a); 21.1-51	
DIST. OF COL.	§§31-201; 31-202; 31-203; 31-207	R411.3

CURRICULUM

In all states the local school district must offer a curriculum prescribed by the state. The degree of control exercised by the education agency differs from state to state. In most states a local district must offer the curriculum devised by the state. In those states where districts retain some discretion, course offerings must still be chosen within state guidelines. Oftentimes the guideline is a specific legal requirement that the district must observe; for example, all schools must offer courses in American history and government. The statutes of nearly all states contain such requirements. In states where the choice of course offerings is left to the district, it is often limited by state board guidelines regulating the number, content, or quality of the courses.

Some states provide that a district must offer a specified number of courses. These directives of the state education agency are usually requirements for accreditation. Sanctions for noncompliance could include nonrecognition of the district or school and/or loss of state aid.

Description of Headings for Chart on Curriculum

Local Selection of Curriculum - the local district selects its curriculum offerings on the basis of the extent of authority delegated by the state.

1) Determined by State - The state decides the requirements for curriculum in the public schools. It acts through its legally constituted executive authority (usually the State Board of Education) or through an independent committee established to make decisions on curriculum.

2) Within State Guidelines - The state promulgates guidelines which the district must follow when it selects its curriculum.

Program Specifications

1) Minimum Number of Required Courses - The school must offer the stated number of required courses to comply with the standard.

2) Minimum Number of Electives- The school must offer the stated number of elective courses to comply with the standard.

3) Requirement for Accreditation - A school must offer the required number and subject matter of courses in order to receive or maintain its accreditation status.

4) Bilingual Education - The school program makes provision for bilingual education. Such programs are either mandatory (M) or discretionary (D).

Sanctions for Noncompliance - The local district faces loss of aid or accreditation status if it fails to comply with state standards or devise satisfactory course offerings of its own.

Curriculum - footnotes

(a) Massachusetts - on request of parent or guardian.

(b) Michigan - if guidelines for implementation are met.

(c) Minnesota - school submits detailed outlines for which curriculum guides are not available to commissioner.

(d) Rhode Island - mandatory if 20 or more pupils register for it.

(e) District of Columbia - Superintendent of Schools.

CURRICULUM

STATES	LOCAL SELECTION OF CURRICULUM			SECONDARY SCHOOLS: PROGRAM SPECIFICATIONS				SANCTIONS FOR NON-COMPLIANCE
	Determined by State		Within State Guidelines	Minimum No. of Req'd Courses	Maximum No. of Electives	Req'mnt for Accredit	Bilingual Educ.	
	Executive Agency	Independent						
ALABAMA		x						
ALASKA	x						M	
ARIZONA	x						M	
ARKANSAS	x							
CALIFORNIA			x				M	
COLORADO			x				M	
CONNECTICUT	x						D	
DELAWARE	x							
FLORIDA	x		x					
GEORGIA	x							
HAWAII	x							
IDAHO			x					
ILLINOIS			x					
INDIANA			x				M	
IOWA			x	26				
KANSAS	x						D	
KENTUCKY	x		x					
LOUISIANA	x		x					
MAINE			x					
MARYLAND			x					
MASSACHUSETTS	x		x				(a)	
MICHIGAN			x				(b)	
MINNESOTA	(c)			1950 hrs.	1200 hrs.		D	x
MISSISSIPPI		x		12		x		
MISSOURI			x					
MONTANA	x							
NEBRASKA			x	18		x		
NEVADA	x		x					
NEW HAMPSHIRE								
NEW JERSEY	x		x					
NEW MEXICO	x		x	30			D	
NEW YORK	x		x			x	D	x
NORTH CAROLINA	x		x					x
NORTH DAKOTA			x			x		
OHIO			x					
OKLAHOMA			x	36				
OREGON	x		x			x		x
PENNSYLVANIA	x		x				M	
RHODE ISLAND			x				(d)	
SOUTH CAROLINA	x		x	40				
SOUTH DAKOTA	x		x					
TENNESSEE			x					
TEXAS			x					
UTAH	x		x					
VERMONT	x		x					
VIRGINIA			x					
WASHINGTON	x		x					
WEST VIRGINIA			x					
WISCONSIN	x		x					
WYOMING	x		x					
Dist. of Col.	(e)		x				M	

M-Mandatory
D-Discretionary

CURRICULUM CITATIONS

State	Statutes	Regulations
ALABAMA	§16-8-28	
ALASKA	§§14.14.200; 14.07.020; 14.30.400	R34.010 -- 34.090
ARIZONA	§§15.1021 -- 15.1022; 15-1097	R7-2-306(G)
ARKANSAS	§80-113	
CALIFORNIA	§§51210 -- 51213; 51220 -- 51227; 52161	R4311
COLORADO	§§22-32-109; 22-32-109.5; 22-24-102 -- 22-24-112; 22-24-109	2224-R-1.0 -- 2224-R-1.13; 22202-R-9.01 -- 22202-R-9.08
CONNECTICUT	§§10-4; 10-15; 10-17a	
DELAWARE	§122(b)(5)	
FLORIDA	§§230.03(3); 233.061	R6A-6.22
GEORGIA	§32-657(a)	R30-510
HAWAII	§24-12	
IDAHO	§33-18	R401.1
ILLINOIS	§27-1	
INDIANA	§§20-10.1-3-1; 20-10.1-4-1 -- 20-10.1-4-9; 20-10.1-5.5-2	R22-9(71-10); R13-3
IOWA	§257.25	R670-3.5
KANSAS	§§72-1101; 72-8205	
KENTUCKY	§156.160	
LOUISIANA	§17-125	Bulletin 741, p. 18; 84
MAINE	§§102 ss.16; 116	
MARYLAND	Art. 77 §55	
MASSACHUSETTS	Art. 69 §1; Art. 71 §13	
MICHIGAN	§§380.1282; 380.1153	
MINNESOTA	§§126.07; 121.11	EDU 40 -- EDU 76(d)
MISSISSIPPI	§37-13-1	Bulletin 171, p. 20 -- 21
MISSOURI	§161.092	5 CSR 50-340.4)(G)(1)
MONTANA	§75-7503.1	
NEBRASKA	§79-312	R14-(7) -- 14-(9)
NEVADA	§385.110	
NEW JERSEY	§18A:4-34	R6:27-1.3
NEW MEXICO	§§77-2-2; 77-23-1 -- 77-23-6	R73-21
NEW YORK	§3204	CH 11, Sec. 100.1
NORTH CAROLINA	§115-11(14)	R2A.0001(9)(e); R2E.0101
NORTH DAKOTA	§15-29-08(4)	Administrative Manual 1973, pp. 134, 140, 158, 157
OHIO	§33301.07(d)	R3301-37-02
OKLAHOMA	§11-103	Annual Bulletin for Elementary and Secondary Schools (1976), pp. 30, 35,53
OREGON	§326.051	R681-22-221
PENNSYLVANIA	§§21-2103; 15-1512	R5.24
RHODE ISLAND	§§16-1-4; 16-22-8	Standards for Rhode Island Elementary Schools, c. 1
SOUTH CAROLINA	§21.45(3)	R43-232; R43-234; R43-235
SOUTH DAKOTA	§13-8-39	R24:03:06:01
TENNESSEE	§49-1901; 49-1902	Rules, Regulations and Minimum Standards, 1976-77, p. 51-52, 83-89
TEXAS	§§11.24; 21.451	Policies, 2306.7, 3222.1 -- 3222.3
UTAH	§53-14-8	Utah State Board of Education Curriculum Plans 1975-81; Policies, Procedures, Practices (1976), pp. 5, 17 -- 19
VERMONT	§16-906	Reference Manual of State Board of Education in Vermont, pp. 17, 21
VIRGINIA	§22-233	Regulations of State Board of Education in Virginia, p. 1
WASHINGTON	§28A-04.120	R180-16 p. 6; R180-56 p.15
WEST VIRGINIA	§18-2-7	
WISCONSIN	§120.12	PI 13.04
WYOMING	§21.1-10	CH V, Sec. 1
DIST. OF COL.		R201.1; R702.1; R-402.13

EXTRACURRICULAR ACTIVITIES

Extracurricular activities cover a wide range of nonacademic pursuits including such items as school organizations and athletic contests. In some states school districts are required to offer a program of extracurricular activities in elementary and/or secondary schools. This requirement is often one of the prerequisites to accreditation. A state education agency's requirements for extracurricular activities usually contains a general statement encouraging the school district to ensure broad student participation by providing a balanced program of activities.

Only a few states provide detailed regulations concerning minimum program specifications. Two states, Iowa and Kansas, require that each district submit its plan for extracurricular activities to the state education agency for approval. The activity most commonly subject to state regulations is participation in athletic events. In addition, many state legislatures have prohibited schools from allowing any secret societies or organizations.

Description of Headings for Chart on Extracurricular Activities

District Must Provide - The state requires that each district or school provide a program of extracurricular activities for elementary (E) or secondary (S) schools.

Detailed State Regulations - The state sets forth detailed requirements for a district or school's extracurricular activities.

State Approval Required - The state assumes a supervisory role for each district or school's extracurricular activities. The state may require that each activity be registered or its program content be approved.

Regulations for Athletic Competition - The state establishes certain guidelines for interscholastic contests. These guidelines might include requirements for game scheduling, transportation, insurance for players, etc.

Secret Societies Prohibited - The state prohibits any school from setting up any secret society or organization.

District Must Provide Facilities for Public Purposes - The state requires that the district allow school facilities to be used at the request of the community.

No Provision - The state has established no requirements for extracurricular activities.

Extracurricular Activities - footnotes

(a) New York - the Board of Education of each school district having a population of less than one million as well as an educational program beyond the sixth grade level shall make such regulations.

(b) New York - district board may prohibit.

(c) South Carolina - regulations for transportation to extracurricular activities.

EXTRACURRICULAR ACTIVITIES

STATES	DISTRICT MUST PROVIDE	PROGRAM SPECIFICATIONS					
		No Provisions	Detailed State Regulations	State Approval Required	Regulations for Athletic Competition	Secret Societies Prohibited	District Must Provide Facilies for Public Use
ALABAMA					x		
ALASKA		x					
ARIZONA		x					
ARKANSAS		x					
CALIFORNIA	ES						
COLORADO					x	x	
CONNECTICUT		x					
DELAWARE		x					
FLORIDA						x	
GEORGIA		x					
HAWAII		x					
IDAHO		x					
ILLINOIS	ES					x	
INDIANA	ES						
IOWA	S		x	x			
KANSAS	E			x	x		
KENTUCKY		x					
LOUISIANA	ES				x	x	
MAINE						x	
MARYLAND					x	x	
MASSACHUSETTS					x		
MICHIGAN			x		x	x	
MINNESOTA	S					x	
MISSISSIPPI						x	
MISSOURI	ES					x	
MONTANA						x	
NEBRASKA	ES				x	x	
NEVADA		x					
NEW HAMPSHIRE		x					
NEW JERSEY	ES				x	x	
NEW MEXICO					x		
NEW YORK			(a)			(b)	
NORTH CAROLINA					x		
NORTH DAKOTA	ES				x		
OHIO					x		
OKLAHOMA			x		x		
OREGON			x		x	x	
PENNSYLVANIA			x		x		
RHODE ISLAND					x		
SOUTH CAROLINA			(c)		x		
SOUTH DAKOTA		x					
TENNESSEE					x		
TEXAS						x	
UTAH							x
VERMONT		x					
VIRGINIA							x
WASHINGTON						x	
WEST VIRGINIA		x					
WISCONSIN		x					
WYOMING		x					
Dist. of Col.		x					

E-Elementary
S-Secondary

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EXTRA-CURRICULAR ACTIVITIES CITATIONS

State	Statutes	Regulations
ALASKA	§14-07-053	
CALIFORNIA	§§49020 -- 49023	
COLORADO	§22-1-117	2202-R9.09
FLORIDA	§232.39	
ILLINOIS	§31-4	Evaluation, Supervision and Recognition of Schools, 4-21.3
INDIANA	§20-10.1-8-1	R41-14 Sec. 7; R21-28 Sec. 5
IOWA	§280.13	R670-3.6(1-8)
KANSAS	§72-5311	R91-4-7
LOUISIANA	§§17:167; 17:2091	Bulletin 741, p. 76
MAINE	§803	
MARYLAND		R13.07.04.01; R13.15.01.01 -- R13.15.01.12
MASSACHUSETTS	Art. 71 §47	
MICHIGAN	§§380.1289; 380.1316	R340.83 -- R340.92; R340.101 -- 340.164; R340.241 -- R340.243
MINNESOTA	§§123.17; 123.38; 127.17	
MISSISSIPPI	§37-111-3	
MISSOURI	§171.141	5 CSR 50-340(2)(V)
MONTANA	§75-6312	
NEBRASKA		R11-(90); R14-(10)
NEW JERSEY	§18A:42-6	R6:29-6.2 -- R6:29-6.4
NEW MEXICO	§60-7-2	R73-1
NEW YORK	§2503-a	CH 11, Sec. 172.2
NORTH CAROLINA	§115-35(d)	R2C.0300
NORTH DAKOTA		Administrative Manual 1977, p. 96, 141
OHIO	§3315.062	
OKLAHOMA		Annual Bulletin for Elementary and Secondary Schools (1976), pp. 17, 68, 55, 41, 47
OREGON	§336.610	R581-21-046(4)
PENNSYLVANIA	§5-511	
RHODE ISLAND		Standards for Approval and Accreditation of Secondary Schools in Rhode Island, p. 18
SOUTH CAROLINA		R43-81; R43-245
TENNESSEE	§49-1915	
TEXAS	§4.20	Administrative Procedures, 2304.5.1
UTAH	§53.21-1	
WASHINGTON	§28A-04.120 (sub. 4)	R4200(D)

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GRADE ORGANIZATION

Over three-fourths of the states have some provisions regarding grade organization. Among these states which deal with grade organization, about half do so through statutes and the rest by regulation. Some states use both.

In most states grade organization is decided by the local school board. This decision may be based on state guidelines for grade organization or it may be subject to the state education agency's approval. In Illinois, grade organization is entirely a local option.

In a majority of states, the local board determines the grade organization for the district based on the state's guidelines. These state guidelines will usually provide a variety of grade organizations from which the local agency may choose. A few states with established guidelines allow the local boards the option to choose a grade organization other than those recommended by the state. However, before adopting such a grade organization, the local board must obtain the approval of the state education agency.

Description of Headings for Chart on Grade Organization

Statute or Regulation - Grade organization requirements are covered by statutes (S) and/or regulations (R)

State Decisions - The state decides the grade organization for all district schools.

Local Decision

1) Within State Guidelines - A district chooses its grade organization from recommended patterns established by the state.

2) Upon State Approval - A district must obtain state approval before it adopts a grade organization which is not among the recommended patterns.

3) No State Restrictions - A district is free to adopt any grade organization.

GRADE ORGANIZATION

STATES	STATUTE AND/OR REGULATION	STATE DECISION	LOCAL DECISION			No Provisions
			Within State Guidelines	Upon State Approval	No State Restrictions	
ALABAMA	S			x		
ALASKA	S/R		x			
ARIZONA						x
ARKANSAS	S		x			
CALIFORNIA	S		x			
COLORADO						x
CONNECTICUT						x
DELAWARE						x
FLORIDA	S		x	x		
GEORGIA	S		x			
HAWAII	R		x			
IDAHO	S/R		x	x		
ILLINOIS	S				x	
INDIANA	S		x			
IOWA	R		x			
KANSAS	R		x			
KENTUCKY	S		x			
LOUISIANA	S			x		
MAINE	S			x		
MARYLAND						x
MASSACHUSETTS	S		x			
MICHIGAN	S/R		x			
MINNESOTA	S		x			
MISSISSIPPI	R	x				
MISSOURI	S/R		x			
MONTANA						x
NEBRASKA	R		x			
NEVADA	S/R	x				
NEW HAMPSHIRE	S		x			
NEW JERSEY	R		x			
NEW MEXICO	S		x			
NEW YORK	R		x			
NORTH CAROLINA	S		x			
NORTH DAKOTA	R		x			
OHIO	S		x			
OKLAHOMA	R		x			
OREGON	R		x			
PENNSYLVANIA	S		x			
RHODE ISLAND	R		x			
SOUTH CAROLINA	R		x			
SOUTH DAKOTA	R		x			
TENNESSEE	S/R		x			
TEXAS						x
UTAH						x
VERMONT	S					
VIRGINIA	R					
WASHINGTON	S/R					
WEST VIRGINIA						x
WISCONSIN	S		x			
WYOMING						x
Dis. of Col.	R		x			

GRADE ORGANIZATION CITATIONS

State	Statutes	Regulations
ALABAMA	§§16-3-14; 16-4-14; 16-8-29; 16-8-36	
ALASKA	§14.03.040	ROS.040
ARKANSAS	§80-113	
CALIFORNIA	§§37020--37026; 37100--37101	
FLORIDA	§230.03	
GEORGIA	§32-411.1	
HAWAII		R-44.1(c)
IDAHO	§33-302	R-403
ILLINOIS	§10-21.4(a)	
INDIANA	§20-10.1-3-1	
IOWA		R670-3.2(3-8)
KANSAS		R91-4-1(B)
KENTUCKY	§§158.100; 156.160	
LOUISIANA	§§17:125; 17:126	
MAINE	§102 as 7	
MASSACHUSETTS	Art. 71§4	
MICHIGAN	§380.1282	R390.1101
MINNESOTA	§121.11	
MISSISSIPPI		Bulletin 171, p.6
MISSOURI	§161.092	5 CSR 50-340(4)(G)(5)
NEBRASKA		R14(i)(h)--R14(i)(j)
NEVADA	§385.011	Pupil Accounting, Manual (1973), p.1
NEW HAMPSHIRE	§189:25	
NEW JERSEY		R6:27-1.2
NEW MEXICO	§77-1-3	
NEW YORK		CH II, Sec 100.1(d)
NORTH CAROLINA	§115-35	
NORTH DAKOTA		Administrative Manual 1971, p. 155
OHIO	§3301.16	
OKLAHOMA		Annual Bulletin for Elementary and Secondary Schools (1976), p.38, 44
OREGON		R581-22-221
PENNSYLVANIA	§§21-2103; 2-211	
RHODE ISLAND		Standards for Approval and Accreditation of Secondary Schools in Rhode Island, p.6
SOUTH CAROLINA		R43-234; 43-235
SOUTH DAKOTA		24:03:01:(23); 24:03:01:01(43); 24:03:01:01 (59)
TENNESSEE	§49-108	Rules, Regulations and Minimum Standards - 1976-77, p. 56-57
VERMONT	§16-11(sub.4)	
VIRGINIA		Regulations of the State Board of Education of Virginia, p. 139-140
WASHINGTON	§28A-04.120	R180-16 p.5-6
WISCONSIN	§115.28	
DIST. OF COL.		R701.3; 701.8; 701.9

GUIDANCE AND COUNSELING PROGRAM

Most state education agencies have established regulations concerning guidance and counseling programs for school districts. A guidance program is usually designed to assess and support the individual student's academic, social and vocational needs. In many states both elementary and secondary schools must have a guidance program before they can become accredited, although some states require that only secondary schools have such a program.

Frequently the state establishes a pupil-to-staff ratio as part of the accreditation requirements. The average ratio for these states is approximately 450 students to each full-time counselor in secondary schools and 600 students to each counselor in elementary schools. Many states require that guidance personnel be certificated. (For greater detail see chart on Certification Requirements by Job Title.)

Normally, a state education agency which requires schools to have a guidance program will also establish requirements specifying the types of services that must be made available in the program. Only a few states do not set any program requirements. Approximately one-third of the state education agencies require the school districts to establish a testing program and keep records of students' progress. Many state's regulations specify that any guidance program must provide persons who are trained in giving career counseling. Only a few states require that guidance programs provide a guidance library for student use. Nine states require that the school or school district employ a staff psychologist.

Description of Headings for Chart on Guidance and Counseling Program

Statute or Regulation - Guidance and counseling requirements specified on this chart are covered by statutes (S) and/or regulations (R).

District Must Provide - The state requires (M) or recommends (D) that each school district provide a guidance program.

Requirement for Accreditation - Elementary or secondary schools must have a guidance and counseling program before they can be accredited.

Staff Requirements

1) Mandatory Certification - Any school with a guidance program must employ certificated counselors.
2) Students/full-time Counselors - Elementary and secondary schools must adhere to a certain ratio of students to each counselor. For states with different levels of accreditation the student to counselor ratio varies with each such level.

Program Specifications

1) State Approval - A school submits a plan for its guidance program to the state education agency before the program can be adopted.
2) Testing Program - The counseling office administers standard intelligence tests, reading tests, or other aptitude tests.
3) Cumulative Records - The counseling office keeps test scores, grades and other pertinent information that can be used to assess the progress of the individual student.
4) Career Guidance - The counseling office is equipped to provide career guidance.
5) Guidance Library - A guidance library is available for student use.
6) Provisions for a Psychologist - As a part of the guidance program the school may employ a staff psychologist.
7) Other - The state sets other program specifications.

Guidance and Counseling Program - footnotes

(a) California - mandatory guidance program only for continuation educational programs.

(b) Connecticut - vocational guidance

(c) Maryland - pupil services, such as guidance and counseling programs, may be found in Principles and Standards: Public Secondary Education in Maryland, not received before the publication of this study.

(d) New Jersey - program focuses on special education and the disadvantaged.

(e) South Carolina - grades five through twelve

(f) South Carolina - amount of time spent by counselor at school dependent on school population.

GUIDANCE AND COUNSELING PROGRAM

STATES	NO PROVISIONS	STATUTE AND/OR REGULATION	DISTRICT MUST PROVIDE	REQ FOR ACCREDIT		STAFF REQUIREMENTS				PROGRAM SPECIFICATIONS						
							STUDENTS/FULL TIME COUNSELOR									
				Elementary	Secondary	Mandatory Certification	Elementary	Secondary	Varies w/ Accred Issue Level	State Approval	Testing Program	Cumulative Records	Career Guidance	Guidance Library	Provisions for Staff Psychologist	Other
ALABAMA	x															
ALASKA	x															
ARIZONA		S/R	M		x	x				x			x			
ARKANSAS	x															
CALIFORNIA		S	(a)										x			
COLORADO		S	D				1,000	450					x			
CONNECTICUT		S	D			x							(b)			
DELAWARE		S													D	
FLORIDA		S/R		x	x	x							x		x	
GEORGIA		R		x	x		400	400		x	x				x	
HAWAII	x															
IDAHO		R		x	x		250				x	x	x	x		
ILLINOIS		R				x										
INDIANA		S/R	M		x			500								
IOWA		R		x	x						x		x			
KANSAS		S/R	M		x	x				x			x			
KENTUCKY		R	M			x		300					x	x	x	
LOUISIANA		S	M	x	x			50		x					x	
MAINE	x															
MARYLAND		(c)														
MASSACHUSETTS		S	M	x									x			
MICHIGAN		S	D							x	x				D	
MINNESOTA		R	M	x	x								x			
MISSISSIPPI		R	M	x	x	x		500	x		x					
MISSOURI		R		x	x	x	1,500	65/hr.								
MONTANA		R		x	x	x		400						x		
NEBRASKA		R		x	x	x	450	450			x	x	x	x		
NEVADA	x															
NEW HAMPSHIRE	x															
NEW JERSEY		R				x							x			(d)
NEW MEXICO		S		x	x						x	x				
NEW YORK		S/R			x							x	x		x	
NORTH CAROLINA		R														
NORTH DAKOTA		R	M	x	x		800	500			x	x	x	x		
OHIO		R	M	x				500			x	x			x	
OKLAHOMA		R	M								x	x	x		x	
OREGON		R	M									x	x			
PENNSYLVANIA		R	M							x	x	x	x	x		
RHODE ISLAND		S/R	M		x			300		x						
SOUTH CAROLINA		R	M		(e)			(f)			x					
SOUTH DAKOTA		R	M	x	x			451								
TENNESSEE		R	M		x			600							x	
TEXAS		R	M	x	x						x					
UTAH		S	D													
VERMONT		R	M	x	x		300	300								
VIRGINIA	x															
WASHINGTON		R		x	x	x					x	x	x			
WEST VIRGINIA		R									x	x				
WISCONSIN		R		x	x	x									x	
WYOMING		R				x							x			
Dist of Col.		R				x							x			

M-Mandatory
D-Discretionary

GUIDANCE AND COUNSELING PROGRAM CITATIONS

State	Statutes	Regulations
ALABAMA	§§16-4-12; 16-9-24; 16-12-19	
ARIZONA	§§15-1199--15-1199.02	R7-2-306(H)
CALIFORNIA	§1760	R10530
COLORADO	§§22-8-101--22-8-108	2202-A-12.01; 2202-19-12.02; 2208-A-1.0--2208-R-5.0
CONNECTICUT	§10-21	R10-146-75
DELAWARE	§1321(e)(5)	
FLORIDA	§§233.066; 229.840	RGA-6.71; 6A-6.731
GEORGIA		50-810
IDAHO		Guidelines and Procedures for Junior High/Middle Schools, p.10,26
ILLINOIS		Evaluation, Supervision and Recognition of Schools, 5-4; 4-2.21
INDIANA	§20-1-1-6(d)(1)	R12-8; 21-29 (sec. 4)
IOWA		670-3.5(8); 670-3.5(12); 670-35(15)
KANSAS		91-2-4; 91-3-4
KENTUCKY	§§158.510--158.530	703-KAR-3:010; 703-KAR-3:020; 704-KAR-3:010; 701-KAR-1:010
LOUISIANA	§17:3001	Bulletin 741, p.75, 78, 79
MASSACHUSETTS	Art. 71§46G	
MICHIGAN	§§340.828; 380.1251	R390.1303
MINNESOTA		EDU 4-b, EDU 40-b; EDU 40-c
MISSISSIPPI		Bulletin 171, p.18, 23
MISSOURI		5 CSR 50-340(4)(F)
MONTANA		R48-2.6(10)-S6160
NEBRASKA		R11-(28)(f); 11-(75); 11-(76)
NEW JERSEY		R6:42-1.1--6:42-3.4
NEW MEXICO		R70-20
NEW YORK	§§7602; 4605	CH II Sec. 100.1
NORTH CAROLINA		R2D.0202(b)
NORTH DAKOTA		Administrative Manual 1973, p.66-68, 147
OHIO		R3301-35-04(g); 3301-37-03(b); 3301-31-04(K)
OKLAHOMA		Annual Bulletin for Elementary and Secondary Schools (1976) p. 22, 25, 42
OREGON		R581-22-254
PENNSYLVANIA		R7.3; 7.11; 7.13
RHODE ISLAND	§16-22-1	Standards for Approval and Accreditation of Secondary Schools in Rhode Island, p.17
SOUTH CAROLINA		R43-256
SOUTH DAKOTA		R24:02:03:20; 24:03:05:03
TENNESSEE		Rules, Regulations and Minimum Standards - 1976-77, p.21, 25, 96, 99
TEXAS		Policies and Procedures - 3421
UTAH	§53-6-20	
VERMONT		Reference Manual of State Board of Education in Vermont, p.20
WASHINGTON		Bulletin 3-76, 180-84-015 p.3; 180-16 p.6
WEST VIRGINIA		R4200(c)
WISCONSIN		PI8.01(g); PI 11.16
WYOMING		State Board of Education Teacher Certification, Sec. 8(c)(1) Regulations, CH IV Sec. 19
DIST. OF COL.		License IX TSA-15

HIGH SCHOOL GRADUATION REQUIREMENTS

Normally it is the state education agency that specifies the number of credits needed for graduation from high school. Most states require that a student earn between 16 and 18 credits. State that have organized their high schools to include only grades 10 through 12 require completion of a lower number of credits for graduation. In some states students must pass a standardized test in addition to achieving the required credits. Four states, in regulating graduation requirements, give their local board the discretion of adding courses or credit requirements in addition to those set forth in the statute.

Description of Headings for Chart on High School Graduation Requirements

Total Credits Required - A pupil must earn a certain number of credits before he can graduate.

Total Electives - Of the number of credits required for graduation, a certain number is elective.

Pass Standardized Test - The state requires that the pupil pass a standardized test before she/he is awarded a diploma.

Local Requirements Option - The district board may impose additional requirements for graduation.

High School Graduation Requirements - footnotes

(a) Colorado - 18 units in 4-year schools; 14 units in grades 10 through 12.

(b) Colorado - tests may be given at the discretion of school district boards.

(c) Maryland - high school graduation requirements are located in Principles and Standards: Public Secondary Education in Maryland, not received before the publication of this study.

(d) Minnesota - at the discretion of the state board.

(e) New Jersey - credits calculated in semester hours.

(f) Utah - credits must be earned in grades 10 through 12.

HIGH SCHOOL GRADUATION REQUIREMENTS

STATES	Total Credits Required	Total Electives	Pass Standardized Test	Local Requirements Option	No Provisions
ALABAMA					x
ALASKA					x
ARIZONA	16	8 1/2			
ARKANSAS					x
CALIFORNIA			Yes	Yes	
COLORADO	(a)		(b)		
CONNECTICUT					x
DELAWARE					x
FLORIDA	15	7			
GEORGIA					x
HAWAII	18	6			
IDAHO	18	6			
ILLINOIS	16		Yes		
INDIANA	16	8	Yes		
IOWA				Yes	
KANSAS	17	8			
KENTUCKY					x
LOUISIANA	20	10			
MAINE					x
MARYLAND	20(c)	6			
MASSACHUSETTS					x
MICHIGAN					x
MINNESOTA	15	7	(d)		
MISSISSIPPI	16	4			
MISSOURI	20	6			
MONTANA	16	6 1/2		Yes	
NEBRASKA	160 hrs.				
NEVADA	19	9 1/2			
NEW HAMPSHIRE					x
NEW JERSEY	92(e)				
NEW MEXICO					x
NEW YORK	16	7 1/2	Yes		
NORTH CAROLINA					x
NORTH DAKOTA	17	7		Yes	
OHIO					x
OKLAHOMA	18	10 1/2			
OREGON	21	10			
PENNSYLVANIA	16	4			
RHODE ISLAND	16	4			
SOUTH CAROLINA	18	9			
SOUTH DAKOTA	16	4			
TENNESSEE	18	9			
TEXAS					x
UTAH	15(f)				
VERMONT	16	8			
VIRGINIA					x
WASHINGTON	16	7 1/2			
WEST VIRGINIA					x
WISCONSIN	16				
WYOMING					x
Dist. of Col.	16 1/2	8 1/2			

HIGH SCHOOL GRADUATION REQUIREMENTS CITATIONS

State	Statutes	Regulations
ALABAMA	§16-8-35	
ARIZONA		A7-2-302(E)(3)(b)
CALIFORNIA	§51224	R11520--11522
COLORADO	§22-32-109.5	R202-R-9.08
FLORIDA		RGA-1.95
HAWAII		R-29.3
IDAHO		R-401.2.5
ILLINOIS		Evaluation, Supervision and Recognition of Schools, 4-4.6
INDIANA	§20-10.1-12.1-1	R21-24(rule G-1)
IOWA	§280.14	
KANSAS		R91-2-6(E)
LOUISIANA		Bulletin 741, p.14, 45
MARYLAND		R13.03.01.02
MINNESOTA	§121.11	EDU 43
MISSISSIPPI		Bulletin 171, p.25
MISSOURI		5 CSR 30-340(2)(q)
MONTANA		R48-2.6(10)-S6120
NEBRASKA		R11-(45)
NEVADA		Nevada High School Graduation Requirements (1973), p.1
NEW JERSEY		RG: 27-1.4
NEW YORK		CH II Sec.103; CH II Sec. 100.1
NORTH DAKOTA		Administrative Manual 1971, p.163-164
OKLAHOMA		Annual Bulletin for Elementary and Secondary Schools (1976) p.63
OREGON		R581-22-226
PENNSYLVANIA		R5.91(a)(1)
RHODE ISLAND		Standards for Approval and Accreditation of Secondary Schools in Rhode Island, p.9
SOUTH DAKOTA		R24:03:06:05
TENNESSEE		Rules, Regulations and Minimum Standards - 1976-77, p.82
UTAH		Policies, Procedures, Practices (1976) p.18, 19
VERMONT		Reference Manual of State Board of Education in Vermont, p.17, 22B
WASHINGTON		R180-56-061
WISCONSIN		R5.02
Dist. of Col.		R414.6

INDIVIDUAL PUPIL RECORDS

In every state, either the state legislature or the department of education has developed provisions pertaining to the maintenance of records on individual pupils. Customarily, a state statute will mandate each school to collect records and will authorize the state education agency to develop regulations concerning those records. Those regulations cover a wide range of administrative areas, such as what the records shall contain, who shall keep the records, and who has access to them.

In general, most states require that a pupil's records contain biographical and attendance information. Over half the states also require that a pupil's records contain the results of aptitude tests and health examinations. In addition, many states permit the local record-keeping agency to establish other categories of information that may be kept for each pupil.

In most cases, the school has responsibility for maintaining record files; however, some states place that responsibility on the school district.

Almost all the state education agencies have developed regulations concerning access to a pupil's records. Many states permit both the student and her/his parents to inspect the records. Some states go a step further and grant the student or her/his parents discretionary authority over who may see the records. A few states have regulations specifically granting records access to any law enforcement agency or investigative body.

Many of the states have established regulations covering the permanence of records. Often a state will require that a copy of records be transferred with a student who moves to another school district.

Description of Headings for Chart on Individual Pupil Records

Statute and/or Regulation - The state requires that the school keep individual pupil records by statute and/or regulation.

Contents of Records

1) Biographical - This category included basic biographical information such as age, address, etc.

2) Attendance - This category includes a record of each pupil's attendance.

3) Testing - Testing information includes records of scores on intelligence and aptitude tests.

4) Health - Health records include information on school-conducted examinations, immunizations, infirmary visits, etc.

5) Local Discretion - The state explicitly grants the district the discretion to keep additional information.

Custodian of Records - The state requires that the district office and/or each school shall keep copies of each pupil's record.

Access to Records - These columns indicate both who has access to records and who controls access to records.

1) Discretion of: Local School - The local school determines who can see a pupils record. Parent - Student - An X indicates that a parent or pupil has discretion over who sees the records.

2) All Interested Persons - All interested persons have access to a pupil's records.

3) Professional Staff - The professional staff (teachers and administrators) has access to a pupil's records.

4) Law Enforcement Agency - The state requires that the school release records to a law enforcement agency.

5) Confidentiality Provisions - The state either requires that certain information remain confidential or requires that the district board develop regulations concerning confidentiality.

Permanence of Records

1) Mandatory Updating - A school or district must update all pupil information.

2) Provisions for Correction - Some mechanism is provided whereby a pupil's records can be corrected if they contain errors.

3) Copy of Records Transferred - If a pupil transfers to another school, district, or state, the school must forward copies of her/his records.

4) Files Destroyed - The state requires that a pupil's records be destroyed a certain number of years after a pupil's graduation or transfer to another school.

5) Kept Indefinitely - The state requires that pupil records be kept indefinitely.

Individual Pupil Records - footnotes

(a) Maryland - further pupil record information contained in Maryland Pupil Data System - Manual for Instruction, not received before publication of this Study

(b) Delaware - if the student is 14 years old or older.

(c) Delaware - duly authorized agent of the federal government

(d) Georgia - all rights to records accorded to parents shall be accorded to pupils at age 18.

(e) Georgia - student academic records are to be kept for a period of at least 70 years.

INDIVIDUAL PUPIL RECORDS

STATES	STATUTE	REGULATION	CONTENTS OF RECORDS					CUSTODIAN OF RECORDS	
			Biographical	Attendance	Testing	Health	Local Discretion	District Officer	Local School
ALABAMA	S						x		x
ALASKA	S	R	x	x	x	x	x		
ARIZONA	S	R			x			x	x
ARKANSAS	S			x				x	x
CALIFORNIA	S	R	x	x	x	x		x	
COLORADO	S	R		x	x	x			x
CONNECTICUT	S	R				x			x
DELAWARE	S		x	x	x	x			x
FLORIDA	S	R	x	x	x	x			x
GEORGIA	S	R		x		x			x
HAWAII		R		x	x				
IDAHO		R			x				x
ILLINOIS	S	R	x	x	x				
INDIANA	S			x		x			x
IOWA	S	R	x	x	x	x			x
KANSAS	S		x	x	x	x			x
KENTUCKY	S	R	x	x	x	x		x	x
LOUISIANA	S	R	x	x	x	x		x	x
MAINE	S	R	x	x					x
MARYLAND	S	(a)	x			x			x
MASSACHUSETTS	S		x	x				x	x
MICHIGAN	S	R	x	x		x		x	x
MINNESOTA	S	R	x	x		x		x	
MISSISSIPPI	S	R	x	x	x	x			x
MISSOURI	S	R	x	x		x			x
MONTANA		R	x	x	x			x	x
NEBRASKA	S	R		x	x				x
NEVADA	S			x	x				x
NEW HAMPSHIRE	S	R		x		x		x	
NEW JERSEY	S	R			x	x	x		x
NEW MEXICO	S	R	x		x	x	x	x	x
NEW YORK	S	R	x	x		x			x
NORTH CAROLINA	S	R	x	x	x		x		x
NORTH DAKOTA		R	x	x	x	x	x		x
OHIO	S	R	x	x	x	x		x	x
OKLAHOMA	S	R	x	x	x	x			x
OREGON	S	R	x	x	x				x
PENNSYLVANIA	S	R	x	x	x	x		x	x
RHODE ISLAND	S	R	x	x		x			x
SOUTH CAROLINA	S	R	x	x	x				
SOUTH DAKOTA	S	R		x	x	x			
TENNESSEE	S	R	x	x					
TEXAS	S		x	x					
UTAH	S	R		x		x			
VERMONT	S	R	x	x	x	x			
VIRGINIA	S	R	x	x		x			
WASHINGTON	S			x		x			x
WEST VIRGINIA	S			x				x	
WISCONSIN	S		x	x					x
WYOMING	S	R	x	x	x	x			x
Dist. of Col.	S	R	x	x	x				x

INDIVIDUAL PUPIL RECORDS

STATES	ACCESS TO RECORDS							PERMANENCE OF RECORDS				
	DISCRETION OF			All Interested Persons	Professional Staff	Law Enforcement Agency	Confidentiality Provision	Mandatory Up Dating	Provisions for Correction	Copy of Records Transferred	Files Destroyed	Kept Indefinitely
	Local School	Parent	Student									
ALABAMA										x		x
ALASKA	x				x					x		x
ARIZONA		x			x	x			x			
ARKANSAS												
CALIFORNIA		x	x		x		x		x	x		x
COLORADO	x											
CONNECTICUT	x											
DELAWARE		x	(b)			(c)				x		
FLORIDA		x			x			x		x		
GEORGIA		x	(d)		x					x		(e)
HAWAII		x	x		x	x	x			x		
IDAHO					x							
ILLINOIS		x	x		x		x					
INDIANA	x											
IOWA	x			x						x		x
KANSAS												
KENTUCKY					x			x		x		
LOUISIANA		x			x				x	x		
MAINE	x				x			x				
MARYLAND		x			x		x			x		x
MASSACHUSETTS	x											
MICHIGAN												
MINNESOTA			x					x	x			x
MISSISSIPPI					x		x			x		x
MISSOURI							x			x		
MONTANA												
NEBRASKA		x								x		
NEVADA												
NEW HAMPSHIRE												
NEW JERSEY	x				x	x	x					
NEW MEXICO	x	x	x		x	x	x					
NEW YORK	x				x							
NORTH CAROLINA	x											
NORTH DAKOTA							x	x				
OHIO		x	x									
OKLAHOMA		x					x	x	x	x		
OREGON		x	x		x		x			x		
PENNSYLVANIA		x	x				x	x	x			
RHODE ISLAND							x					
SOUTH CAROLINA							x					
SOUTH DAKOTA												
TENNESSEE	x	x								x		
TEXAS	x	x	x	x	x							
UTAH												
VERMONT												
VIRGINIA		x	x		x	x	x			x		x
WASHINGTON	x				x							
WEST VIRGINIA	x				x							
WISCONSIN					x							
WYOMING		x	x		x		x	x			x	
Dist. of Col.		x	x		x	x	x					

INDIVIDUAL PUPIL RECORDS CITATIONS

State	Statutes	Regulations
ALABAMA	§§16-8-31; 16-4-15; 16-9-29; 16-11-10; 16-12-13; 16-28-7; 16-28-9	
ALASKA	§14.48.060	Administrative Manual #2.3
ARIZONA	§§15-151—15-154	R7-2-301(G)(2)
ARKANSAS	§80-1215	
CALIFORNIA	§§46000; 49061; 49069; 49076; 49068; 49067; 49073; 49076	R400--R450
COLORADO	§22-1-116	2202-R-12.04
CONNECTICUT	§§10-206; 10-15b	R10-212a-2
DELAWARE	§4111	
FLORIDA	§§232.021; 232.023; 232.03; 232.031	RGA-1.955
GEORGIA	§32-1020	R40-2110; 40-200; 40-4300
HAWAII		R-31.0; 50.1—50.14
IDAHO		Guidelines and Procedures for Junion High/Middle Schools, p.36
ILLINOIS	§§24-18, 22-14	Rules and Regulations to Govern Student Records
INDIANA	§§20-8.1-7-9; 20-8.1-3-22	
IOWA	§299.7	R670-3.3(10); 570-3.3(11)
KANSAS	§§72-5203; 72-5213- 72-1111	
KENTUCKY	§159.160--159.170	704 KAR 4:020 (sec.3)
LOUISIANA	§§17:229; 17-2112	Bulletin 741, p.1, 2, 4, 74, 93, 99
MAINE	§961	
MARYLAND	Art. 77§94	R13.07.05.01
MASSACHUSETTS	Art. 72§2	
MICHIGAN	§§380.1177; 380.1571; 380.1576--380.1578	R325.352
MINNESOTA	§121.11	EDU 7, EDU 140C
MISSISSIPPI	§§37-15-1; 37-15-3	Bulletin 171, p.7
MISSOURI	§§167.081; 171.151	5 CSR 50-340(2)(J)
MONTANA		R48-2.6(2)-S6030
NEBRASKA	§79-207	R14-(13)
NEVADA		Pupil Accounting Manual (1973) p.6, 7
NEW HAMPSHIRE	§§132:16; 189:38	
NEW JERSEY	§18A:36-19	R6:27-1.10; 6:29-3.1; 6:29-4.4
NEW MEXICO	§12-3-4.4	R72-6; 70-20
NEW YORK	§§905; 3211; 3222	CH II Sec. 104
NORTH CAROLINA	§§115-165; 115-166	R2C.0203(g)
NORTH DAKOTA		Administrative Manual 1973, p. 58-62
OHIO	§§33.01; 25.06; 37.03; 3317.021	R3301-37-03(c); 3301-37-03(d)
OKLAHOMA	§10-103	Annual Bulletin for Elementary and Secondary Schools (1976), p.15
OREGON	§§336.185--136.215	R581-22-258
PENNSYLVANIA	§§15-1531; 15-1532; 15-1533; 13-1332	R12.12; 12.31
RHODE ISLAND	§16-12-4	Educational Program Development, p.4-42 Educational Programs for very Young Children p.6
SOUTH CAROLINA	§21-764	R43-273; 43-277
SOUTH DAKOTA	§13-27-15	R24:03:04:10; 24:03:08:01
TENNESSEE	§§49-1717; 49-1307(3)	Rules, Regulations and Minimum Standards - 1976-77, p.75, 80
TEXAS	§21.251	
UTAH	§53-6-12	R16-1422
VERMONT	§14-1422	Reference Manual for State Board of Education in Vermont, p. 7
VIRGINIA	§§22-275.8; 22-248; 22-275.26	Regulations for State Board of Education of Virginia, p. 75, 85
WASHINGTON	§§28A-27.040; 28A-31.040	

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State	Statutes	Regulations
WEST VIRGINIA	§18-8-6	
WISCONSIN	§§118.18; 115.30	
WYOMING	§21.1-52	CHX Sec. 11; CHXV Sec. 1; CHXVI Sec. 1; CHXVII Sec. 1; CHXVIII Sec. 1; CH /1/ Sec. 2; Appendix C Sec. 9-692.3(d)(8)
DIST. OF COL.	§31-203	§402.7; 440.1--440.9; 703.8; 703.2; 443.1

IN-SERVICE TRAINING

In most of the states that have in-service training programs, the training takes place at the district level. Most of the states have developed statutes and/or regulations dealing with training programs. However, this figure is deceptive since many of these district programs apply to teachers in certain subject areas only. The net result is that very few states have a broad and well-developed program of in-service training.

Although some states have a defined training program, only a few discuss teachers' attendance requirements at these programs. In only a very few states are there regulations requiring all teachers to attend training sessions. In two states the district board selects the teachers who must attend a training session.

Description of Headings for Chart on In-Service Training

Statutory Requirements for In-Service Training - The legislature requires that the state education agency or the district provide in-service training.

Annual District Conference - The state requires that each district sponsor an annual training conference which is customarily held at the beginning of each school year.

District Must Provide Training - Besides the annual conference, the State requires that the district provide other in-service training.

District Selects Teachers for Training - When a district sets up a training program, the district also selects those teachers who must participate in the training.

All Teachers Must Attend Training - When a district sets up a training program, all teachers must attend.

In-Service Training - footnotes

(a) Arizona - State Board of Education provides training at the request of the school district.

(b) Arkansas, Louisiana, Wyoming - in-service training for special education programs.

(c) Connecticut - in-service training for alcohol and drug education program.

(d) Idaho - district school board may establish requirements.

(e) Iowa - determined by the education agency administration.

(f) Mississippi - The school district shall have a policy which ensures continuous professional growth for all teachers.

(g) New Mexico - provided by district with state approval.

(h) New Mexico - degree credit allowable to teachers that participate.

(i) North Dakota - Teachers must earn a minimum of two semester hours at the graduate level or attend four approved conferences or workshops.

(j) Oregon - training for accident prevention.

(k) Pennsylvania - for vocational education personnel.

INSERVICE TRAINING

STATES	STATUTORY REQUIREMENTS FOR IN-SERVICE TRAINING	ANNUAL DISTRICT CONFERENCE	DISTRICT MUST PROVIDE TRAINING	DISTRICT SELECTS TEACHERS FOR TRAINING	ALL TEACHERS MUST ATTEND TRAINING	NO PROVISIONS
ALABAMA		M	x		x	
ALASKA	x					
ARIZONA	(a)					
ARKANSAS	(b)					
CALIFORNIA	x		x			
COLORADO	x		x		x	
CONNECTICUT	(c)					
DELAWARE						x
FLORIDA	x	D				
GEORGIA					x	
HAWAII						x
IDAHO	(d)					
ILLINOIS	x				x	
INDIANA	x			x		
IOWA	(e)					
KANSAS						x
KENTUCKY	x	D				
LOUISIANA	(b)					
MAINE	x					
MARYLAND	x					
MASSACHUSETTS						x
MICHIGAN	x		x			
MINNESOTA	x					
MISSISSIPPI			(f)			
MISSOURI	x		x			
MONTANA	x					
NEBRASKA	x		x			
NEVADA		M	x			
NEW HAMPSHIRE						x
NEW JERSEY	x	D	x			
NEW MEXICO		D	(g)		(h)	
NEW YORK	x	M	x			
NORTH CAROLINA	x				x	
NORTH DAKOTA	x	(i)		x		
OHIO	x				x	
OKLAHOMA						x
OREGON	(j)					
PENNSYLVANIA	(k)	D				
RHODE ISLAND						x
SOUTH CAROLINA		M				
SOUTH DAKOTA			x			
TENNESSEE		M	x			
TEXAS						x
UTAH						x
VERMONT						x
VIRGINIA	x	D	D			
WASHINGTON	x					
WEST VIRGINIA	x					
WISCONSIN						x
WYOMING	(b)					
Dist. of Col.						x

M-Mandatory
D-Discretionary

IN - SERVICE TRAINING CITATIONS

State	Statutes	Regulations
ALABAMA	§§16-23-7--16-23-16	
ALASKA		Administrative Manual 3.2
ARIZONA		R7-2-302(b)(II)
ARKANSAS	§80-2108	
CALIFORNIA	§§44570--44578; 44580	R13027
COLORADO	§22-60-108	2260-R-15.01(3)
CONNECTICUT	§10-220a	
FLORIDA	§§229.807; 236.0811	R6A-5.72
GEORGIA	§32-652(a)	R50-1011
IDAHO	§33-1220	
ILLINOIS	§§3-14.9; 24-3	Evaluation, Supervision, and Recognition of Schools, 4-2.4(a)
INDIANA	§20-6.1-2-1	Administrative Handbook, 12-4; 23-2; 21-29; 21-48 (Sec. 2-r)
IOWA	§272.1	R670.3.7(1-2)
KENTUCKY	§§156.095; 158.070	704 KAR 15:050
GEORGIA	§17:85	Bulletin 741, p.97
MAINE	§102 as 3	
MARYLAND		R13.06.01.04
MICHIGAN	§380.1157	
MINNESOTA	§136.036	
MISSISSIPPI	§37-3-21	Bulletin 171, p.14
MISSOURI		5 CSR 50-340(2)(a)
MONTANA	§75-7506	R48-2.38(1)(b)
NEBRASKA	§79-304	R14(18)
NEVADA	§§391.280; 391.290	
NEW JERSEY		RG:56-1.5
NEW MEXICO		R73-5
NEW YORK	§2215(2)	
NORTH CAROLINA	§115-46	R2H.0403
NORTH DAKOTA	§15-38-15	Administrative Manual 1973, p.100
OHIO		R3301-35-04(K); 3301-37-01(s)
OREGON		R581-22-284
PENNSYLVANIA	§1871	R6.53
SOUTH CAROLINA	§31-70	
SOUTH DAKOTA		R24:03:01:01(34)
TENNESSEE		Rules, Regulations and Minimum Standards - 1976-77, p.51-52
VIRGINIA		Regulations for State Board of Education in Virginia, p.55-60
WASHINGTON	§71.100	
WEST VIRGINIA	§18-5-13(Seb.8)	
WYOMING		CHX Sec. 10

LIBRARIES

Almost all states have established some requirements concerning school libraries. Most state education agencies require that each elementary and secondary school have a library as a part of its educational resources. A few states require libraries only in schools which exceed a certain enrollment. Some states do not require elementary schools to maintain libraries and place requirements only at the secondary school level. Many states which have library requirements also require that those libraries be staffed by certificated librarians.

Several states have set up minimum standards for each library's book collection. These state regulations will normally specify both a minimum collection requirement and a minimum per pupil requirement. These two minimum requirements generally vary with the size of the school so that the larger the school's enrollment, the larger its book collection requirements.

Several states have established standards for the library's acquisitions. State acquisition standards usually require that each library have a certain distribution of books in its minimum collection, that is, a certain percentage should be reference works, fiction titles, nonfiction titles, and so on. A few state standards are of such detail as to require specific book titles.

Besides these book collection requirements many states have regulations requiring school libraries to acquire and maintain other specific items. Many states require the library collection to include a special number of magazine and newspaper subscriptions. These same states also require that libraries possess instructional aides such as audio-visual equipment. Ten states specify the floor space to be utilized for school libraries.

To ensure for the continued maintenance of school libraries, several states have set minimum annual expenditure requirements for libraries.

Description of Headings for Chart on Libraries

School Libraries Mandatory

1) By School - The state requires that each elementary school (E) and/or each secondary school (S) provide library services.

2) By District - The state requires that each district provide library services.

State Must Prescribe Regulations - The legislature requires by statute that the state education agency prescribe regulations concerning the use and availability of libraries.

Required Book Collection in Secondary Schools

1) Minimum per School - A school is required to have a certain minimum number of books in its collection.

2) Minimum per Pupil - A library is required to have a certain minimum number of books per pupil.

3) State Acquisition Requirements - The state establishes requirements for the acquisition of book collections. These requirements usually include a list of essential reference works and distribution requirements for types of books.

Other Requirements

1) Trained Librarian - Elementary schools (E) and/or secondary schools (S) are required to have a certificated librarian.

2) Nonbook Collection - The state establishes requirements for instructional materials other than books, such as periodicals and newspapers.

3) Instructional Equipment - The state establishes requirements for instructional equipment such as audio-visual equipment.

4) Space - The state educational agency establishes requirements for library space.

Minimum Annual Expenditure - A school or district must meet certain minimum annual expenditure requirements.

Libraries - footnotes

(a) Arkansas, Missouri, Montana, New York, Vermont - varies with school size.

(b) Louisiana - Bulletin 1134 concerning library materials not received before the publication of this study.

(c) Maryland - further information on libraries to be found in "The Maryland State Plan for Making Available School Library Resources and Other Instructional Materials", not received before the publication of this study.

(d) New Jersey - library facilities shall be "adequate".

(e) South Carolina - number of volumes per pupil varies with class designation: Grades 1 through 3, ten volumes; Grades 4 through 8, eight volumes; Grades 9 through 12, six volumes.

LIBRARIES

STATES	NO PROVISIONS	SCHOOL LIBRARIES MANDATORY		STATE MUST PRESCRIBE REGULATION	REQUIRED BOOK COLLECTION IN SECONDARY SCHOOLS			OTHER REQUIREMENTS				MINIMUM ANNUAL EXPENDITURE
		By School	By District		Minimum Per School	Minimum Per Pupil	State Acquisition Requirements	Trained Librarian	Non-book Collection	Instructional Equipment	Space	
ALABAMA		S										
ALASKA				x								
ARIZONA	x											
ARKANSAS	x											
CALIFORNIA			ES	x					x	x		
COLORADO			ES	x	11,900(a)	10		ES	x	x		
CONNECTICUT				x								
DELAWARE	x											
FLORIDA			ES	x								
GEORGIA				x			x		x	x		x
HAWAII				x								
IDAHO		S	E	x	2,400						x	
ILLINOIS		S		x								
INDIANA		ES		x				ES	x	x		
IOWA		S		x			x	S	x	x		x
KANSAS		ES			1,200	10		ES	x	x		x
KENTUCKY				x								
LOUISIANA		ES		(b)				ES				
MAINE							x					
MARYLAND			ES	(c)								
MASSACHUSETTS	x											
MICHIGAN			ES	x					x	x		
MINNESOTA		ES		x			x	ES	x	x		
MISSISSIPPI		ES		x	500	4	x	S	x	x		x
MISSOURI		ES		x	4,500(a)	10	x	ES	x	x		x
MONTANA			ES	x	9,600(a)			S	x	x	x	x
NEBRASKA		ES			1,800			ES	x	x	x	
NEVADA		ES					x					
NEW HAMPSHIRE	x											
NEW JERSEY		ES		(d)								
NEW MEXICO		ES					x		x	x	x	
NEW YORK			ES	x	3,000(a)							x
NORTH CAROLINA	x											
NORTH DAKOTA		ES		x	3,500	10	x	ES	x	x	x	x
OHIO		ES			10,000	2	x	ES	x	x	x	x
OKLAHOMA		ES			2,000	10		ES	x	x	x	x
OREGON		ES										
PENNSYLVANIA		ES			10,000	10		ES	x	x		x
RHODE ISLAND		ES										
SOUTH CAROLINA		ES				(e)		ES	x	x		
SOUTH DAKOTA				x					x	x		
TENNESSEE		ES				12		ES				
TEXAS		ES										
UTAH		ES		x			x					
VERMONT		S			3,500(a)	1	x	S	x	x	x	
VIRGINIA		ES					x	S				x
WASHINGTON		ES						ES	x	x	x	
WEST VIRGINIA	x											
WISCONSIN		ES						ES	x	x		
WYOMING	x											
Dist. of Col.		ES		x								x

E-Elementary
S-Secondary

LIBRARIES CITATIONS

State	Statutes	Regulations
ALABAMA	§§16-21-1--16-21-3; 16-11-23	
ALASKA	§§14-56-010--14-56-180	
CALIFORNIA	§§18100; 18101; 18110; 18111	R16035--16036
COLORADO	§24-90-117	2202-A-11.06--2202-R-11.09; 2202-R-1302
CONNECTICUT	§10-28a	
FLORIDA	§233.29	
GEORGIA	§32-626a	R60-310--60-320
HAWAII	§26-12	
IDAHO	§33-512	Guidelines and Procedures for Junion High/Middle Schools, p.31 Accreditation Standards and Procedures for Secondary Schools, p.9
ILLINOIS	§§2-3-25; 10-22.7	R4-2.18
INDIANA	§§20-10.1-1-12; 20-1-1-6	Administrative Handbook, 21-27.1 (rule G-4); 21-29 (rule G-4, Sec. 3)
IOWA		R670-2.4(5); 670-2.10; 670-2.13(1); 670-2.15
KANSAS		R91-2-7(c); 91-3-7
KENTUCKY		704 KAR 2:010
LOUISIANA		Bulletin 741, p.75, 81
MAINE	§5104	
MARYLAND	Art. 77 §162	
MICHIGAN	§§380.1451--380.1455; 380.1264	
MINNESOTA	§§134.01--134.19	EDU 6; 32a; 40b, c, d
MISSISSIPPI		Bulletin 171, p.17, 24, 15, 16
MISSOURI		5 CSR 50-340.030(2)(a); 5 CSR 50-340(15)(A); 5 CSR 50-340(4)(c)(1)
MONTANA	§§75-7517; 75-7511	R48-2.6(10)-S6110; 48-2.6(10)-S6140
NEBRASKA		R11-(28)(g); 11(52)--11-(62); 14-(19); 14-(22); 11-(79)--11-(84)
NEVADA	§385.240	
NEW JERSEY		R6:27-1.8
NEW MEXICO	§§73-6-32--73-6-34	
NEW YORK	§1604(7)	CH II Sec. 91.1
NORTH DAKOTA		Administrative Manual 1973, p. 81-91
OHIO		R3301-35-05(I); 3301-35-05(J); 3301-35-04(E)
OKLAHOMA		Annual Bulletin for Elementary and Secondary Schools (1976) p. 24, 31, 37, 41, 66
OREGON		R581-22-268
PENNSYLVANIA		RS.33; 5.32; 5.31
RHODE ISLAND	§16-1-4(g)	
SOUTH CAROLINA	§§21-471; 21-473	R43-253
SOUTH DAKOTA	§§14-4-12; 14-4-14	
TENNESSEE		Rules, Regulations and Minimum Standards - 1976-77, p. 92-93
TEXAS		Policies and Procedures, 3311.1; 3322.2
UTAH	§§53-6-20; 53-2-14	
VERMONT		Reference Manual for State Board of Education in Vermont, p.18, 21
VIRGINIA	§22-163	Regulations for State Board of Education in Virginia, p. 71-73
WASHINGTON		R160-16 p.6; 180-46 p.1
WISCONSIN		PI 8.01(1)
Dist. of Col.		R701.2(g)

PROMOTION REQUIREMENTS

Very few states have developed promotion requirements. In those that have requirements, most are found in regulations rather than statutes. Of the states that have requirements only one has quantifiable criteria for promotion. In some other states the promotion requirements are based on a more subjective standard.

Description of Headings for Chart on Promotion Requirements

Statute or Regulation - Statutes (S) and /or regulations (R) cover the state's promotion requirements.

Minimum Attendance - A student must attend school a certain number of days during a calendar year if she/he is to be promoted.

Pass Standardized Test - The state requires that a student pass a standardized test before she/he is promoted.

Other - Some states have additional requirements which are specified in a footnote.

Promotion Requirements - footnotes

(a) Colorado, Massachusetts - county board shall determine.

(b) Oregon - may be locally determined

PROMOTION REQUIREMENTS

STATES	STATUTE OR REGULATION	NO PROVISIONS	MINIMUM ATTENDANCE (in days)	PASS STANDARDIZED TEST	OTHER
ALABAMA		x			
ALASKA	R				x
ARIZONA	R				x
ARKANSAS		x			
CALIFORNIA		x			
COLORADO	S			(a)	
CONNECTICUT	S			x	
DELAWARE		x			
FLORIDA	R				x
GEORGIA		x			
HAWAII	R				x
IDAHO		x			
ILLINOIS		x			
INDIANA		x			
IOWA		x			
KANSAS	R				x
KENTUCKY		x			
LOUISIANA		x			
MAINE	S				x
MARYLAND	(a)				
MASSACHUSETTS		x			
MICHIGAN		x			
MINNESOTA		x			
MISSISSIPPI	R				x
MISSOURI		x			
MONTANA		x			
NEBRASKA		x			
NEVADA		x			
NEW HAMPSHIRE		x			
NEW JERSEY		x			
NEW MEXICO		x			
NEW YORK		x			
NORTH CAROLINA		x			
NORTH DAKOTA	R		160		
OHIO	R				x
OKLAHOMA	R				x
OREGON					(b)
PENNSYLVANIA		x			
RHODE ISLAND		x			
SOUTH CAROLINA		x			
SOUTH DAKOTA		x			
TENNESSEE		x			
TEXAS		x			
UTAH		x			
VERMONT	R				x
VIRGINIA		x			
WASHINGTON		x			
WEST VIRGINIA		x			
WISCONSIN		x			
WYOMING		x			
Dist. of Col.	R				x

PROMOTION REQUIREMENTS CITATIONS

	Statutes	Regulations
ALABAMA	§§16-8-35; 16-9-19	
ALASKA		R39,030
ARIZONA		R7-2-301(F)(2)(1); 7-1-201(B)(9)(c)
COLORADO	§22-32-109.5	
CONNECTICUT	§10-14g	
FLORIDA		R6A-1.941
HAWAII		R-29.1--R-29.3
KANSAS		R91-2-6; 91-4-2
MAINE	§859	
MARYLAND	Art. 77§81	R13.03.02.06(B)
MISSISSIPPI		Bulletin 171, p.19
NORTH DAKOTA		Administrative Manual 1973, p.161
OHIO		R3301-35-02
OKLAHOMA		Annual Bulletin for Elementary Secondary Schools (1976), p.31
OREGON		R581-22-231; 581-22-236
VERMONT		Reference Manual for State Board of Education in Vermont, p. 22E--23
Dist. of Col.		R413.2

PUPIL LOAD - CLASS SIZE
FOR AN INDIVIDUAL TEACHER

The pupil load requirements place a maximum ceiling on the number of hours a teacher may be required to conduct class, and/or sets a maximum on the number of pupils a teacher can be required to supervise. In many states this is a topic for collective bargaining. In those states which have set standards regulating the maximum teaching schedule, a teacher would normally be expected to conduct five classes per day with approximately one additional hour for preparation. In most instances a teacher would be required to supervise 150 students, but some place the maximum number at 180 students.

Individual class size varies from 27 to 35 students with the norm being 30. Most states which regulate class size make exceptions for specialized instruction, such as music, typing and physical education, where individualized instruction may be either more or less important.

Description of Headings for Chart on Pupil Load - Class Size for An Individual Teacher

Maximum Teaching Schedule - The state sets a limit on the number of hours a teacher is permitted to teach each week.

Teacher's Maximum Pupil Load - The state sets a limit on the number of pupils a teacher is to teach each day.

Class Size in Secondary School

1) Maximum - The number of pupils in a regular or laboratory classroom may not exceed a certain number.

2) Minimum - No class may have an enrollment of fewer than a certain number of students.

Size Requirements for Multi-grade Classrooms - The state sets forth size requirements for classrooms that contain more than one grade level.

Pupil Load - Class Size - footnotes

(a) California - a full-time speech and hearing teacher of handicapped minors shall teach no more than 90 such pupils in one week.

(b) Connecticut - class size for teachers in special education varies from 8 to 18 students.

(c) Massachusetts - class size for kindergarten is 25 students.

(d) Minnesota - maximum assignment is five periods of a six-period day or six periods of a seven or eight period day.

(e) Minnesota - average pupils per day, per teacher, per week.

(f) New Jersey - class size shall be "reasonably limited" for teacher to attend to the individual needs of students.

(g) Vermont - except in English when limit is 100.

Pupil Load - Class Size

STATES	MAXIMUM TEACHING SCHEDULE	TEACHER'S MAXIMUM PUPIL LOAD PER DAY	CLASS SIZE IN SECONDARY SCHOOL			SIZE REQUIREMENTS FOR MULTI-GRADE CLASSROOMS	NO PROVISIONS
			MAXIMUM		Minimum		
			Regular	Lab Subject			
ALABAMA							x
ALASKA							x
ARIZONA							x
ARKANSAS							x
CALIFORNIA	(a)						
COLORADO		160	35				
CONNECTICUT			(b)				
DELAWARE							x
FLORIDA							x
GEORGIA							x
HAWAII							x
IDAHO		160	30				
ILLINOIS							x
INDIANA							x
IOWA							x
KANSAS							x
KENTUCKY			27				
LOUISIANA	7 hrs./day		35				
MAINE			30				
MARYLAND							x
MASSACHUSETTS							(c)
MICHIGAN							x
MINNESOTA	(d)		(e)				
MISSISSIPPI		150	30				
MISSOURI	25 hrs./wk.	180	35				
MONTANA	28 hrs./wk.	160	30				
NEBRASKA							x
NEVADA							x
NEW HAMPSHIRE							x
NEW JERSEY			(f)				
NEW MEXICO							x
NEW YORK							x
NORTH CAROLINA			30				
NORTH DAKOTA			30	24	6		
OHIO		180					
OKLAHOMA	6 hrs./day	160					
OREGON							x
PENNSYLVANIA							x
RHODE ISLAND	5 classes/day	150	30				
SOUTH CAROLINA	7 hrs./day	150	35				
SOUTH DAKOTA							x
TENNESSEE	7 hrs./day						
TEXAS							x
UTAH							x
VERMONT		150 (g)					
VIRGINIA							x
WASHINGTON							x
WEST VIRGINIA							x
WISCONSIN							x
WYOMING							x
Dist. of Col.							x

PUPIL LOAD - CLASS SIZE FOR AN INDIVIDUAL TEACHER CITATIONS

	STATUTES	REGULATIONS
CALIFORNIA		R3621
COLORADO		2202-R-8.07
IDAHO		Guidelines and Procedures for Junior High, Middle Schools, p.26
KENTUCKY	§157.360	
LOUISIANA		Bulletin 741, p.72, 73, 75
MAINE	§1281 as 5	
MINNESOTA		EDU 23b; EDU 46c
MISSISSIPPI		Bulletin 171, p.21
MISSOURI		5 CSR 50-340(4)(D)(1)
MONTANA		R48-2.6(b) - S6100
NEW JERSEY		R6:27-1.7
NORTH CAROLINA		R2c.0200(6)
NORTH DAKOTA		Administrative Manual 1973, p.133, 161--162
OHIO		R3301-35-04(I)
OKLAHOMA		Annual Bulletin for Elementary and Secondary Schools (1976), p.31, 46
RHODE ISLAND		Standards for Approval and Accreditation of Secondary Schools in Rhode Island, p.15, 16
SOUTH CAROLINA		R43-144
TENNESSEE		Rules, Regulations and Minimum Standards - 1976-77, p.72
VERMONT		Reference Manual for State Board of Education in Vermont, p.16

PUPIL-TEACHER RATIO FOR GRADES, SCHOOLS AND DISTRICTS

The pupil-teacher ratio refers to the minimum number of teachers in a grade school or district, in relation to the number of students. In some states this ratio is a condition for receiving and maintaining accreditation status. Schools and/or districts that fail to observe the requirement would lose recognition by the state education agency, since the ratio is frequently an express prerequisite for state aid.

Usually the statute and/or regulation will explain how the number of students and teachers is to be determined. The method most often resembles the formula used for calculating state aid; thus the number of students used in determining the ratio is based on the average daily attendance (ADA), the average daily membership (ADM), or the total enrollment (TE). Most states use the total enrollment of students to compute the pupil-teacher ratio. Nearly all states consider the full-time certified staff as the basis for determining the number of teachers.

The pupil-teacher ratio may vary in relation to the grade level. While most states require more teachers per student population in the lower grade levels, there are several states in which the reverse is true. In most states the average ratio is between 25:1 and 30:1. The range varies from 19 to 35 students per teacher.

Description of Headings for Chart on Pupil-Teacher Ratio

Statute or Regulation - Pupil-teacher ratio requirements are covered by statutes (S) and/or regulations (R).

Local Discretion - The local district board establishes the pupil-teacher ratio.

Accreditation Requirement - A school must meet pupil-teacher ratio requirements before it is accredited.

Pupils Counted - The number of students used in calculating the ratio is based on the average daily attendance (ADA), the average daily membership (ADM), or the total enrollment (TE).

Teachers Counted - The number of teachers used in calculating the ratio is based on the number of full-time certificated staff members or the equivalent thereof.

Ratios - Each grade level must adhere to a specific pupil-teacher ratio. The figure indicates the number of students per full-time teacher. The number and/or letter before the colon indicates the grade levels; the number after the colon indicates the class size.

Pupil-Teacher Ratio for Grades, Schools and Districts - footnotes

(a) Colorado - ratio for bilingual and bicultural programs; 1-3:28; K:25.

(b) Minnesota, Vermont - See "Pupil Load - Class Size" chart for similar requirements.

(c) New Jersey - ratio should be kept at a level to provide opportunity for "a reasonable amount of attention by the teachers to the individual needs of pupils."

(d) Washington - provision for the computation of ratios exists, but is too complicated to express in chart form. See citations in Appendix O.

PUPIL-TEACHER RATIO

STATES	NO PROVISIONS	STATUTE AND/OR REGULATION	LOCAL DISCRETION	ACCREDITATION REQUIREMENT	PUPILS COUNTED	TEACHERS COUNTED	RATIOS BY GRADE LEVEL			
ALABAMA	x									
ALASKA	x									
ARIZONA	x									
ARKANSAS	x									
CALIFORNIA		S		x	TE	F-T	1-8:28	9-12:25		
COLORADO		R		x	TE	F-T	(a)	1-12:28	K:25	
CONNECTICUT	x									
DELAWARE	x									
FLORIDA	x									
GEORGIA		S/R		x	ADA	F-T	K:30	1-12:25		
HAWAII	x									
IDAHO		R					K-12:25			
ILLINOIS	x									
INDIANA		R					1-3:30	4-8:34	9-12:28	
IOWA			x							
KANSAS		S			TE	F-T				
KENTUCKY		S/R			TE	F-T	K:20	1-12:27		
LOUISIANA		R					K:27	1-12:35		
MAINE		S					9-12:30			
MARYLAND		S			TE	F-T	K-12:46	per 1000		
MASSACHUSETTS	x									
MICHIGAN		S		x	TE	F-T	K-12:34			
MINNESOTA	(b)									
MISSISSIPPI		R		x	TE	F-T	1-8:32	9-12:25		
MISSOURI		R		x	TE	F-T	K-12:30			
MONTANA		R		x	TE	F-T	K-320	4-6:24	9-12:30	
NEBRASKA		R		x	TE	F-T	K-8:32	9-12:27		
NEVADA	x									
NEW HAMPSHIRE	x									
NEW JERSEY		R					K-25	(c)		
NEW MEXICO		S			ADM	F-T	K-12:25			
NEW YORK	x									
NORTH CAROLINA		R			TE	F-T	K-12:30			
NORTH DAKOTA		R			TE	F-T	K-12:30			
OHIO		R			TE	F-T	K-12:27			
OKLAHOMA		R			TE	F-T	K:26	1-12:35		
OREGON	x									
PENNSYLVANIA		S			ADM	F-T	K-6:30	7-12:22		
RHODE ISLAND		R			ADA	F-T	7-8:20	9-12:18		
SOUTH CAROLINA		S/R			ADA	F-T	K-8:28	9-12:35		
SOUTH DAKOTA		R			ADM	F-T	K-3:25	4-12:30		
TENNESSEE		R			ADA	F-T	K-3:25	4-6:30	7-12:35	
TEXAS		S			ADA	F-T	K-1:18	4-6:21	7-8:20	10-12:18
UTAH	x									
VERMONT	(b)									
VIRGINIA	x									
WASHINGTON		R			TE	F-T	(d)			
WEST VIRGINIA	x									
WISCONSIN	x									
WYOMING	x									
Dist. of Col.	x									

Abbreviations

ADA - Average Daily Attendance
ADM - Average Daily Membership
F-T - Equivalent of Full-Time Certified Staff
TE - Total Enrollment

PUPIL - TEACHER RATIOS FOR GRADES, SCHOOLS AND DISTRICTS CITATIONS

	Statutes	Regulations
CALIFORNIA	§41374	
COLORADO		2224-A-6.01; 2224-R-6.03; 2202-R-2.06
GEORGIA	§32-610a	R50-710; 50-810
IDAHO		Guidelines and Procedures for Junior High/ Middle Schools, p.26
INDIANA		Administrative Handbook, 21-29 (rule G-S sec. 5)
KANSAS	§72-1390	
KENTUCKY	§157.360	704 KAR 5:010 (sec.3)
LOUISIANA		Bulletin 741, p.48, 73, 91
MAINE	§1281 (5)	
MARYLAND	Art. 77§68	
MICHIGAN	§388.1203	
MISSISSIPPI		Bulletin 171 p.13, 21
MISSOURI		5 CSR 50-340(4)(D)(1)
MONTANA		R48-2.6(6)-S6100
NEBRASKA		R11-(26)
NEW JERSEY		R6:26-2.4; 6:27-1.7
NEW MEXICO	§77-6-9	
NORTH CAROLINA		R2C.0200(6)
NORTH DAKOTA		Administrative Manual 1973, p.161, 133
OHIO		R3301-35-04(H); 3301-35-04(I)
OKLAHOMA		Annual Bulletin for Elementary and Secondary Schools (1976) p.32
PENNSYLVANIA	§25-2501	
RHODE ISLAND		Standards for Approval and Accreditation of Secondary Schools in Rhode Island, p.15
SOUTH CAROLINA	§21-253	R43-208
SOUTH DAKOTA		R24:03:05:05
TENNESSEE		Rules, Regulations and Minimum Standards - 1976-77, p.72
TEXAS	§16.102	
WASHINGTON		R180-16 p.7

PUPIL TRANSPORTATION

In almost all states the responsibility for providing transportation rests with the local school districts. This responsibility may be either mandatory or discretionary. If the requirement is mandatory, the district must either provide transportation for all pupils, or provide transportation only to those pupils living a certain distance from school. Similarly, if the provision is discretionary, either the district has total discretion to provide pupil transportation or it has discretion to provide transportation only to pupils living a certain distance from school. Although states usually reimburse school districts for the cost of transportating students, it will not provide reimbursement when the school district exceeds the "discretionary distance" outlined by the state.

Transportation distance criteria vary considerably from state to state. A few states set different distance standards for elementary and secondary schools. Generally, in this situation secondary school students must live farther from school than elementary school students before the district is required to provide transportation. Only a small number of states require districts to provide pupil transportation without prescribing specific distance requirements.

In all states the actual routing of school buses is a task left to the local districts, although almost half the state education agencies have formulated specific regulations to be used as guidelines in developing bus routes. A few state education agencies have passed regulations which not only guide the district in drawing the routes, but also require that the district submit the route plans to the state agency for approval

In most instances state education agencies have developed thorough regulations concerning bus equipment. Some states have compiled their regulations for bus and safety equipment into booklets of more than a hundred pages. These regulations invariably follow standards suggested by the National Highway Traffic Safety Administration.

More than half the states have placed requirements for school bus inspections in the school code, and it is probable that in the remaining states these provisions may be found elsewhere in the state code. Most of the states have requirements for bus driver's qualifications such as a certificate or a special license.

Description of Headings for Chart on Pupil Transportation

Mandatory - Either the state unconditionally requires that the district provide pupil transportation, or the state requires that the district provide transportation to pupils if they live a certain number of miles from school.

Discretionary - The district may have total discretion in providing pupil transportation or it may have discretion to provide transportation only to pupils who live a certain number of miles from school.

State Regulations of Bus Routes - The state regulates certain aspects of bus routes such as maximum length of route, length of walk to bus, etc.

Equipment

1) Detailed Specifications - The state provides detailed specifications for buses on such items as seating, capacity, windows, etc.

2) Inspection - The state requires a periodic inspection of school buses.

Bus Drivers

1) Chauffeur's License - Before a person can driver a school bus, she/he must have a chauffeur's license.

2) Certificate Required - Before a person can driver a school bus, she/he must have the qualifications necessary to obtain a school bus driver's certificate.

Pupil Transportation - footnotes

(a) California - for pupils attending Kindergarten or grades 1, 2, 3 -- 3/4 mile; for pupils in grades 4 through 9 -- 1 mile; grades 10 through 12 -- 2 miles.

(b) Colorado - pretrip vehicle inspection.

(c) Florida - Further transportation information available in Bulletin 1191, not received before publication of this study.

(d) Maine - school directors determine distance.

(e) Maryland - statute provides for the state to pay for the necessary cost of transportation for junior and senior high school pupils who live 1-1/2 miles or more from school, and all other pupils who live 1 miles or more from school.

(f) Missouri - drivers transportating ten or more pupils.

(g) Nevada - whatever distance deemed "necessary and desirable".

(h) New Mexico - 1 mile, one way, for grades K-6, 1-1/2 miles one way for grades 7-9; 2 miles one way for grades 10-12.

(i) North Carolina - upon request.

(j) Pennsylvania - 2 miles for fourth class districts.

(k) Rhode Island - districts must provide transportation to pupils whose attendance would otherwise be impracticable.

(l) Vermont - pupil may be furnished with total or partial transportation by decision of the Board of School Directors.

PUPIL TRANSPORTATION

STATES	MANDATORY		DISCRETIONARY		STATE REGULATION OF BUS ROUTES	EQUIPMENT		BUS DRIVER	
		For Pupils Living Certain Distance (in miles)				Detailed Specifications	Inspection	Certificate Required	Chauffeur's License
ALABAMA	x						x	x	
ALASKA			1 1/2		x	x	x	x	
ARIZONA				x					
ARKANSAS				x		x	x	x	
CALIFORNIA			(a)	x		x	x		
COLORADO				x		x	(b)	x	
CONNECTICUT				x		x		x	
DELAWARE									
FLORIDA			2			x	(c)	x	x
GEORGIA		1 1/2			x	x		x	
HAWAII				x		x	x	x	
IDAHO			1 1/2			x	x	x	
ILLINOIS		1 1/2				x	x		x
INDIANA			1 1/2				x		x
IOWA		2			x	x	x		x
KANSAS			2 1/2			x			
KENTUCKY	x				x	x	x	x	
LOUISIANA			1			x			
MAINE		(d)				x	x	x	
MARYLAND		(e)			x	x	x	x	
MASSACHUSETTS			1 1/2						
MICHIGAN			1 1/2		x	x	x		
MINNESOTA			2			x	x	x	
MISSISSIPPI			1		x	x			
MISSOURI		3 1/2	1/2		x	x	x		(f)
MONTANA		3			x	x	x		x
NEBRASKA				x		x		x	
NEVADA		(g)				x		x	
NEW HAMPSHIRE			K-9:2	10-12					
NEW JERSEY			2 1/2			x			
NEW MEXICO		(h)			x	x	x	x	
NEW YORK		K-8:12			x	x			
NORTH CAROLINA			1 1/2		(i)	x	x	x	
NORTH DAKOTA			2		x	x		x	
OHIO		K-8:2		9-12		x	x	x	
OKLAHOMA			1 1/2		x	x		x	x
OREGON				x		x	x	x	
PENNSYLVANIA			1 1/2 (j)		x				
RHODE ISLAND	(k)				x				
SOUTH CAROLINA			1		x	x	x		
SOUTH DAKOTA				x	x	x	x	x	
TENNESSEE			1 1/2		x	x	x	x	
TEXAS			2		x	x			
UTAH		2 1/2							
VERMONT	(l)					x	x	x	
VIRGINIA				x		x		x	
WASHINGTON		2			x			x	
WEST VIRGINIA		2				x			
WISCONSIN		2			x	x	x		
WYOMING				x		x		x	
Dist. of Col.				x					

K-Kindergarten

PUPIL TRANSPORTATION CITATIONS

	Statutes	Regulations
ALABAMA	§§16-27-1 -- 16-27-6	
ALASKA	§§14.09.010 -- 14.09.020; 28.15.015 -- 28.15.360	R27.005 -- 27.120
ARIZONA	§§15-1621 -- 15-1623	R7-2-301(E)(3)
ARKANSAS	§§80-1801 -- 80-1810	
CALIFORNIA	§§39800; 39830; 39838	R15240
COLORADO	§22-32-110	Colorado Minimum Standards Governing School Transportation Vehicles. 4204-R-201 -- 4201-R-202.01; 4204-R-214; 4204-R-216
CONNECTICUT	§§14-44; 14-275 -- 14-276(a)	
FLORIDA	§§234.01; 234.02; 234.051; 234.041; 234.091; 236.083	R6A-3.01(3); 6A-3.03; 6A-3.14(b); 6A-3.15; 6A-3.17(2)(r); 6A-3.31
GEORGIA	§§32-625a; 32-425; 32-426	R40-3100
HAWAII	§§296-45; 296-47	R-1.3(b); 1.3(d); 1.3(i); R-48.4; 48.7; 48.6(c) 48.8
IDAHO	§33-1501	School Transportation Manual
ILLINOIS	§§29-1 -- 29-11	R5-1 -- 5-1.4
INDIANA	§§20-9.1-2-1 -- 20-9.1-2-29; 20-9.1-3-1 -- 20.9.1-3-11; 20-9.1-5-1 -- 20-9.1-5-22	Administrative Handbook, 21-6(rule T-6)
IOWA	§§285.1; 285.11; 321.373	R670-22.1(4); 670-22.1(1); 670-22.41; 670-23.1
KANSAS	§§72-8301 -- 72-8314	
KENTUCKY	§§157.370; 189.380; 189.540; 44.060	702 KAR 5:010 (sec. 3); 702 KAR 5:010 (sec. 6); 702 KAR 5:060; 702 KAR 5:080
LOUISIANA	§§17:158; 17:163	
MAINE	§§220; 358; 3561; 1368 as 1; 2012 -- 2014; 2017	Memorandum re Transportation from Fred A. Cole, effective September 1, 1977
MARYLAND	Art. 77§19	R13.15.02.01 -- R13.15.02.07
MASSACHUSETTS	Art. 71§7A	
MICHIGAN	§§380.1321; 380.1336; 380.1343; 380.1344	R340.271 -- 340.273
MINNESOTA	§120.07	EDU 180-190; 220-225; 260-265
MISSISSIPPI	§§37-41-1; 37-41-3; 37-41-85	Bulletin 171, p.11
MISSOURI	§§167.231; 302.177; 304.060; 307.375	5 CSR 40-261(2)(B); 5 CSR 40-261(2)(H)(2); 5 CSR 40-261.020
MONTANA	§§75-7001; 75-7005; 75-7003; 75-7002	R48-2.30(2)-S3010; 48-2.30(6)-S3020; 48-2.30(14)(5); 48-2.30(14)(2)(a)
NEBRASKA	§§79-486 -- 79-483	R31-(2); 31-(1); 32-(1) -- 32-(83)
NEVADA	§§392.300; 392.380; 392.400	
NEW HAMPSHIRE	§189:6	
NEW JERSEY	§18A;39-1	R6:21-3.1; 6:31-15.2; 6:21-6.1 -- 6:21 - 6.48
NEW MEXICO	§§77-14-4; 64-13-38	R71-7; 74-10; 76-15
NEW YORK	§§3620; 3622; 3623	CH II sec. 156.2
NORTH CAROLINA	§§115-183 sub 4; 115-18(d); 115-18(e); 115-185	
NORTH DAKOTA	§§15-34.2-01; 15-34.2-03; 15-34.2-09; 15-34.2-14; 39-21-18	Administrative Manual 1973, p.55, 183
OHIO	§§3327.01; 3327.10(A); 3317.024	R3301-83-01; 3301-83-04(B); 2201-82-05
OKLAHOMA	§§9-101 -- 9-105	Annual Bulletin for Elementary and Secondary Schools (1976), p.13
OREGON	§§332.405; 485.025; 485.050, 485.060	R581-22-292; 581-22-294; 481-53-008; 581-53-005; 581-53-510; 581-53-515
PENNSYLVANIA	§§13-1362; 13-1331; 9-925	R23.2; 23.21
RHODE ISLAND	§16-21-1; 16-1-5(h)	

	Statutes	Regulations
SOUTH CAROLINA	§§21-834; 21-794--21-800; 21-819	R43-80
SOUTH DAKOTA	§§13-29-2; 13-29-7; 13-29-6; 13-30-1 13-30-2	R24:06:01:02; 24:06:03:01 -- 24:06:03:38; 24:06:04:01 -- 24:06:04:49; 61:14:01:03
TENNESSEE	§§49-2201; 49-2209; 49-2210; 49-2211; 49-2204; 49-2205	
TEXAS	§§16.207(e); 16-207(a); 2.09; 4.18; 16.205	Policies, 3461
UTAH	§53-2-29	
VERMONT	§§16-1222; 23-1281; 23-1281	
VIRGINIA	§§46.1-370; 22-279; 22-280.1	
WASHINGTON	§§28A-24.055; 28A-24.080	R180-20-100; 180-20-205; 180-20-220(4)
WEST VIRGINIA	§18-5-13(6a)	R4333; 4334
WISCONSIN	§§121.54(2); 121.56; 121.52	
WYOMING	§§21.1-65; 75.31-196	CH II Sec. 3(e)
Dist. of Col.	§31-1118	

SAFETY AND HEALTH REQUIREMENTS

In most states a state board of education has the duty to prescribe health and safety regulations for schools. In a few states, however, this authority is vested in the local board.

Some of the states require that education staffs include health personnel and that they be present in the school. This person may be either a doctor or nurse. A few states explicitly require that each school have an infirmary.

As a part of their health policies, most of the states require pupils to have a physical examination. This examination is usually required before admission to school, and some states mandate periodic examinations thereafter. The responsibility for conducting the examination customarily rests with the school. However, many states allow the child's family physician to perform the examination. Nearly all the states require both a general physical and periodic hearing and eye examinations. Only a few states require dental examinations.

More than two-thirds of the states have provisions for immunization, usually as a mandatory precondition to enrollment. In contrast to physical examination provisions, it is the parents who normally have the responsibility for the immunizations. However, in a few instances, the school or a public health officer will immunize a pupil if her/his parents are unable to afford the medical expense.

Description of Headings for Chart on Safety and Health Requirements

State Must Prescribe Regulations - The state legislature requires that the state education agency prescribe regulations for safety and health requirements.

Requirements Locally Determined - The state requires that each district board develop safety and health regulations.

Pupil Services - States which have enacted or promulgated health requirements usually describe the specific level of pupil health services that a school must provide.

1) Infirmary - The state requires that each school provide an infirmary.

2) Nurse - The state requires that each district or school have a registered nurse.

3) Doctor - The state requires that each school or district have access to the services of a doctor.

Physical Examination - As part of their health policy some states require that all pupils have a physical examination either when they enter a school or every few years during their education.

1) Provided by Parent/School - The school or the parent or guardian must provide any physical examination that is required of a pupil.

2) General, Dental, Visual, Hearing - The state requires that each pupil undergo a general examination and/or examinations of her/his teeth, eyes or ears.

Immunization - Usually as a pre-condition to enrollment, the state may require that all pupils, unless excused for religious or other reasons, be immunized against certain diseases.

1) State Requirement - The state requires that all pupils be immunized against the prescribed diseases.

2) Provided by Parent/School - The school or the parent or guardian must provide any required immunization.

Safety and Health Requirements - footnotes

(a) Connecticut - towns with populations of 10,000 or more.

(b) Indiana - if not locally determined, then state will provide regulations.

(c) Kansas, Michigan - state shall provide if parent unable.

(d) North Carolina - detailed regulations for "sports medicine".

(e) Wisconsin - in counties having populations of less than 500,000.

SAFETY AND HEALTH REQUIREMENTS

STATES	STATE MUST PRESCRIBE REGULATIONS	REQUIREMENTS LOCALLY DETERMINED	PUPIL SERVICES			PHYSICAL EXAMINATION						IMMUNIZATION		
						Provided By						Mandatory or Discretionary	Provided By	
			Infirmary Required	Nurse Required	Doctor Required	Parent	School	General	Dental	Visual	Hearing		Parent	School
ALABAMA	x						x	x				D	x	
ALASKA	x						x	x				D		x
ARIZONA	x											M	x	
ARKANSAS	x			x	x		x	x	x	x	x	M		
CALIFORNIA	x	x					x	x		x	x	M		
COLORADO		x		x			x	x		x	x	M		x
CONNECTICUT			(a)		(a)		x	x				M	x	
DELAWARE	x													
FLORIDA	x						x	x				M		x
GEORGIA	x			x								M	x	
HAWAII	D							x				D		x
IDAHO	x	x	x											
ILLINOIS	x			x	x			x	x	x		M	x	
INDIANA		(b)					x	x	x	x	x	D	x	
IOWA	x			D										
KANSAS	x						x		x	x		M		(c)
KENTUCKY	x		x	x			x	x				M	x	
LOUISIANA				x			x	x		x	x	M		x
MAINE	x	x		x	x		x	x		x	x	M		x
MARYLAND	x						x							
MASSACHUSETTS				x	x	x	x			x	x	M	x	
MICHIGAN		x					x	x			x	M		(c)
MINNESOTA	x						x	x						
MISSISSIPPI		x												
MISSOURI			x	x			x	x		x	x	M		x
MONTANA		x		D	D			0				D		x
NEBRASKA					D		x	x	x	x	x			
NEVADA	x							x		x	x	M	x	
NEW HAMPSHIRE				D	D		x	x				M		x
NEW JERSEY		x	x	D	D		x	x	x			D		x
NEW MEXICO	x											M		x
NEW YORK	x						x	x		x	x			
NORTH CAROLINA	(d)													
NORTH DAKOTA	x		D	D	D							M	x	
OHIO				D	D		x	D		x	x	M		x
OKLAHOMA				D	D							M	x	
OREGON				D					x			M	x	
PENNSYLVANIA				x			x	x		x	x	M	x	
RHODE ISLAND				x	x		x	x	x	x	x	M	x	
SOUTH CAROLINA	x											M	x	
SOUTH DAKOTA				x			x	x	x			M	x	
TENNESSEE							x	x				M	x	
TEXAS							x	x				M		x
UTAH							x		x	x	x	M		x
VERMONT							x			x	x			
VIRGINIA										x	x	M	x	
WASHINGTON							x			x	x			
WEST VIRGINIA							x	D	D					
WISCONSIN							x	(e)						
WYOMING	x													
Dist. of Col.	x											M	x	

M-Mandatory
D-Discretionary

SAFETY AND HEALTH REQUIREMENTS CITATIONS

	Statutes	Regulations
ALABAMA	§§16-4-13; 16-29-1 -- 16-29-6; 16-30-1 -- 16-30-5	
ALASKA	§§14.30.065 -- 14.30.125	R6.040; 6.055 Administrative Manual, 2.5; 2.5.3
ARIZONA	§§15-341 — 15-343	
ARKANSAS	§§80-1219; 80-1548	
CALIFORNIA	§§1750; 49403; 49404; 49450; 49452	
COLORADO	§§22-1-116; 25-4-902	2202-R-12.06; 2202-R-12.07; 2202-R-12.08
CONNECTICUT	§10-206	
DELAWARE	§122(b)(2)	
FLORIDA	§§232.031; 232.032	
GEORGIA	§§32-911; 32-623a; 32-653a	R40-2100
HAWAII	§321-11	
IDAHO	§33-512	Guidelines and Procedures for Junior High/Middle Schools, p.30
ILLINOIS	§§10-22.21 -- 10-22.24; 27-8	R-4-2.21
INDIANA	§20-8.1-7-1 -- 20-8.1-7-18	Administrative Handbook, 21-49 (rule S-2)
IOWA	§143.1	
KANSAS	§§72-5201 -- 72-5213	
KENTUCKY	§§156.160; 214.034	704 KAR 4:020 (sec.2)
LOUISIANA		Bulletin 741, p.50, 70, 80
MAINE	§§1131 -- 1138; Title 22§459	School Health Programs, June 1, 1977, Administrative Letter #1, August 1, 1977
MARYLAND	Art. 77§85	
MASSACHUSETTS	Art. 76§15; Art. 71§§53, 57	
MICHIGAN	§§380.1503; 380.1177	R325.351; 325.1481; 325.1491
MINNESOTA	§126.02	
MISSISSIPPI	§37-13-19	
MISSOURI	§167.181	5 CSR 50-340(2)(J)
MONTANA	§§75-5934; 69-4515	
NEBRASKA	§§79-4(133); 79-4(137)	
NEVADA	§§392.420; 392.435	
NEW HAMPSHIRE	§§200:27; 200:28; 200:29; 200:38	
NEW JERSEY	§§18A; 40-4; 18A:40-20	R6:29-1.1(a); 6:29-1.2(b)
NEW MEXICO	§§12-3-4.1 -- 12-3-4.6; 12-3-45	R76-16
NEW YORK	§§903; 904; 905	
NORTH CAROLINA		R2c.0600
NORTH DAKOTA	§§15-47-33; 23-07-17.1	Administrative Manual 1973, p.20
OHIO	§§3313.671; 3313.68; 3313.69; 3317.71	R3301-37-03(F); 3301-31-04(M); 3301-21-18
OKLAHOMA	§1210.191	Annual Bulletin for Elementary and Secondary Schools, (1976) p.22
OREGON	§§433.267; 336.380	R581-22-261
PENNSYLVANIA	§§13-1303(a); 14-1402	
RHODE ISLAND	§§16-21-7; 16-21-9; 1621-12;16-21-14	Educational Program Development, p. 4-22 Art. IV (G)(2)(a)
SOUTH CAROLINA		R43-272
SOUTH DAKOTA	§§13-28-7.1; 13-28-7.2	R24:03:08:01
TENNESSEE	§§49-215; 49-1766	Rules, Regulations and Minimum Standards - 1976-77, p.97
TEXAS	§2.09	Policies and Procedures, 3441
UTAH	§§53-22a-3; 53-22-1; 53-22-2	
VERMONT	§§16-1383; 16-1422	Reference Manual for the State Board of Education in Vermont, p.21

Safety and Health Requirements Citations

Page Two

	Statutes	Regulations
VIRGINIA	§§22-243; 22-248; 22-250	
WASHINGTON	§28A-31.030	
WEST VIRGINIA	§§18-5-22; 18-5-23	
WISCONSIN	§118.25(3)	
Dist of Col.	§31-1102	R403.1

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SCHOOL CALENDAR

In almost all states the minimum number of days that a school must be in session is determined by statute. The most common minimum number of instruction days is 180. Some of the states penalize schools or local boards which violate the statutory minimum with a loss of state aid. Since many states calculate state aid on the basis of average daily membership (ADM), a school does not lose this aid due to temporary absences of its students.

Most states have enacted legislation specifying the length of the school day. Frequently, the length of the school day will vary according to grade level. In most states the length of the school day is 5 or 6 hours.

Some states regulate the length of individual classes. The average length of a class is 45 minutes. Laboratory classes usually extend about 10 minutes longer.

Description of Headings for Chart on School Calendar

Pupil-Instruction Days - By statute or regulation the state sets the maximum and/or minimum days that a school must be in session. If a school does not meet the state requirements for a calendar year, the state may have some sanction for this violation such as cutting off or reducing state aid (A).

Length of Day - A school must be in session a certain number of hours at each grade level. The number and/or letter before the colon indicates the grade level; the number after the colon indicates the amount of time.

Minimum Class Length - The state requires that each regular class period meet for a certain number of minutes each day or a certain number of hours each year.

Minimum Lab Course Length - The state sets separate class length requirements for laboratory courses.

School Calendar - footnotes

(a) Maine - not less than 180 days, including 5 days for inservice training.

(b) Michigan - 450 hours per year for kindergarten and 900 hours per year for grades 1 through 12.

(c) Pennsylvania - 5 years, 7 months.

SCHOOL CALENDAR

STATES	PUPIL - INSTRUCTION DAYS					LENGTH OF DAY (in hours) BY GRADE LEVEL				MINIMUM CLASS LENGTH		MINIMUM LAB COURSE LENGTH	
	Statute	Regulation	Minimum	Maximum	Sanction For Violation					Daily (minutes)	Annual (hours)	Daily (minutes)	Annual (hours)
ALABAMA													
ALASKA	x	x	180			1-3:4	4-12:5						
ARIZONA	x	x	175			K:2	1-3:4	4-6:5	7-8:6				
ARKANSAS	x		150			K-12:5							
CALIFORNIA	x	x	175		A	K:3	1-8:4						
COLORADO	x	x	172			K:2 1/2	1-6:5 1/2	7-12:6		60			
CONNECTICUT	x		180			K:2 1/2	1-12:4						
DELAWARE	x		180										
FLORIDA	x		180			K:3	1-3:4	4-12:5					
GEORGIA	x	x	175			1-3:4 1/2	4-12:6						
HAWAII													
IDAHO		x	180			K-12:6				40		50	
ILLINOIS	x	x	176			1:4	2-12:5						
INDIANA		x	175			1-2:4 1/2	3-4:15	5-6:5 1/2	7-12:6	50		55	
IOWA	x		180										
KANSAS	x	x	180			K-11:6	12:5						
KENTUCKY	x		185			K-12:6							
LOUISIANA	x	x	180			K-12:5							
MAINE	x		180 (a)		A								
MARYLAND	x		180			K:12:6							
MASSACHUSETTS	x	x	180		A	1-6:5	7-12:5 1/2						
MICHIGAN	x	x	180			(b)							
MINNESOTA	x	x	175	200	A	K:2 1/2	1-3:5	4-8:5 1/2		50		55	
MISSISSIPPI	x	x	175			K:12:5-8				45		55	
MISSOURI	x	x	174	180	A	K:3	1-12:6			40		50	
MONTANA	x	x	180		A	K:2	1-3:4	4-12:6					
NEBRASKA	x	x	175			K:2	1-12:5			40			
NEVADA	x	x	180		A	K:2	1-2:4	3-6:5	7-12:5 1/2				
NEW HAMPSHIRE	x		180										
NEW JERSEY		x	180			K:4							
NEW MEXICO	x		180										
NEW YORK	x		190		A								
NORTH CAROLINA	x	x	180			K-12:6				40		55	
NORTH DAKOTA	x	x	180			K-12:6							
OHIO	x		182			1-12:5							
OKLAHOMA	x	x	180			K:2 1/2	1:5	2-12:6		55			
OREGON		x	175										
PENNSYLVANIA	x	x	180		A	K:2 1/2	1-6:5	7-12:5 1/2		40			
RHODE ISLAND	x	x	180	190		K:2 1/2	1-8:5	9-12:5 1/2					
SOUTH CAROLINA		x	180		A	K:2 1/2	1:4	2-12:5					
SOUTH DAKOTA	x	x	175	190		K:2 1/2	1-3:4	4-12:5 1/2					
TENNESSEE	x	x	175			1-12:6 1/2							
TEXAS	x	x	165			K-12:7							
UTAH													
VERMONT	x	x	175			K:2	1-2:4	3-12:5 1/2					
VIRGINIA	x	x	180		A	K-12:5							
WASHINGTON	x	x	180			K:3	1-3:4	4-12:5					
WEST VIRGINIA	x		180	185									
WISCONSIN	x	x	180		A								
WYOMING	x		180										
Dist. of Col.													

K-kindergarten

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SCHOOL CALENDAR CITATIONS

	Statutes	Regulations
ALABAMA	§16-8-30	
ALASKA	§§14.03.010 -- 14.03.04	Administrative Manual, 1.3
ARIZONA	§§15-1212(c); 15-1212(c)(4)	R7-2-301(E); R7-2-202(B)(1)(c)(4)(b)
ARKANSAS	§§80-1503; 80-1601 -- 80-1602	
CALIFORNIA	§§46112; 46113; 48224	R2(1); 10
COLORADO	§22-33-104; 22-1-112	2250-R-3.03; 2250-R-3.04; 2202--R-5.03
CONNECTICUT	§§10-16; 10-15	
DELAWARE	§1023	
FLORIDA	§§228.041(17); 228.041(13); 236.02(2)	
GEORGIA	§32-2105	R40-212
IDAHO		Accreditation Standards and Procedures for Secondary Schools, p.3, 4
ILLINOIS	§10-19	Evaluation, Supervision and Recognition of Schools, 4-2.7(a); 4-2.8
INDIANA		Administrative Handbook, 21-26 (rule G-3)
IOWA	279.10	
KANSAS	§72-1106	R91-2-2(J); 91-3-2(K); 91-3-2(m)(5)
KENTUCKY	§§158.060; 158.070	91-4-1(B)(4)
LOUISIANA	§§17:154; 17:222	Bulletin 741, p.9-11b, 93
MAINE	§853	
MARYLAND	Art.77 §§73, 75	
MASSACHUSETTS	Art. 71§1	R15
MICHIGAN	§§380.1561; 380.1284	R340.10
MINNESOTA	§120.10	EDU 21e; 42e; 44
MISSISSIPPI	§§37-19-1; 37-13-67	Bulletin 171, p.4, 2;
MISSOURI	§163.021	5 CSR 50-360(2)(N)
MONTANA	§§75-7402; 75-7403	R48-2.38(1); 4802.6(2) - R6050
NEBRASKA	§79-201	R14-(1)(b); 5-(12); 14-(1)(m)
NEVADA	§388.090	Pupil Accounting Manual (1973), p.4, 5
NEW HAMPSHIRE	§§189:24; 189:1	
NEW JERSEY		R6:26-2.1
NEW MEXICO	§77-6-9	
NEW YORK	§3204	
NORTH CAROLINA	§115-36	R2c.0200
NORTH DAKOTA	§15-47-33	Administrative Manual 1973, p.161-163
OHIO	§§3313.48; 91.06	
OKLAHOMA	§§1-111; 1-112	Annual Bulletin for Elementary and Secondary Schools (1976), p.13, 44, 29, R581-22-252
OREGON		R581-22-252
PENNSYLVANIA	§§15-1501; 5-503	R11.2; 11.3
RHODE ISLAND	§16-12-7	Standards for Approval and Accreditation of Secondary Schools in Rhode Island, p.9, 10. Educational Program Development, p.2-18.2; Art. II (D)(3)(a)
SOUTH CAROLINA		R43-162; 43-164
SOUTH DAKOTA	§§13-26-1; 13-26-2	R24:03:01:01(17)
TENNESSEE	§49-1709	Rules, Regulations and Minimum Standards - 1976-77, p.71
TEXAS	§§21.004; 21.008	Policies, 2304.2
VERMONT	§16-1123	Reference Manual for the State Board of Education in Vermont, p.16, 84.
VIRGINIA	§22-5	Regulations for the State Board of Education in Virginia, p.11, 139
WASHINGTON	§§28A-58.180; 28A-01.010	R180-16-165(a)
WEST VIRGINIA	§18-5-15	
WISCONSIN	§121.02	PI 8.01(h)
WYOMING	§21.1-229	

TEACHER PERSONNEL POLICIES

When a teacher enters into a contract, the amount of her/his salary is usually specified. Most states have established a legal minimum salary. Oftentimes this is far below the actual salary earned. In other states a salary schedule is promulgated by statute or regulation specifying the contract salary of every teacher in the state. If there is no mention in the laws or regulations concerning salary, or if the laws specifically allows the local board to fix the salary, the chart indicates that the control rests with the local board.

Before a teacher achieves professional or career status, she/he must serve for a probationary period, ususally three years. Should the local board decide not to renew her/his contract during that period, it normally must provide the teacher with adequate notice. Some states also give the teacher the right to a hearing; fewer give her/him the right to appeal the board's decision not to renew the contract. In some instances the decision to continue or cancel the teacher's contract is made on the basis of personnel evaluations contained in her/his file. Most of the states which expressly provide for these evaluations also protect her/his right of access to the files.

A teacher's employment may also be interrupted if she/he contracts a contagious disease. The right of a school board to suspend a teacher for health reasons is considered an implied term in a teacher's contract by some states. Though most states do not provide for suspension, many do require teachers to submit a certificate of health approved by a licensed physician and be periodically re-examined.

After the teacher finishes her/his probationary period she/he may achieve tenure or career status. In many states a teacher automatically reaches tenure when the local board fails to cancel her/his contract after the probationary period. In those states that do not provide for automatic career status, the teacher is required to negotiate a new contract with the local board. A tenured teacher normally enjoys benefits not shared by a probationary teacher. Many states permit her/him to take sabbatical leave or otherwise pursue studies for professional improvement without jeopardizing career status. Practically every state protects her/his right to notice, hearing and appeal for discharge, demotion or suspension from her/his position.

It should be noted that dismissal or demotion occurs only if the board can prove that the teacher has violated the standards of the profession. Some states have created ethics commisions, composed largely of teachers, to formulate guidelines on the standards and ethics for the profession. Half these states give the agency advisory authority only; but half vest the agency with the power to discharge, demote or suspend those who act unprofessionally.

The chart also indicates which states require mandatory retirement beyond a certain age. Sometimes a state will permit a local district to fix a retirement age.

Description of Headings for Chart on Teacher Personnel Policies/Employment Practices

Salary - The amount that the teacher earns is subject to state statute, rules, or regulations or to local determination. When the state determines the salary requirements, it is usually to set a minimum salary requirement which district boards may supplement.

Probationary Period - This period of employment occurs before the teacher has achieved professional or career status.

1) Length - The duration of the probationary period indicates how long a teacher must be employed before she/he is eligible for career status.

2) Termination of Employment - A teacher may be dismissed from employment if the contracting party complies with the stated statutory procedures: adequate notice to the teacher of the board's decision not to renew the contract; the right to a fact-finding hearing with attendant procedural safeguards; and the right of the aggrieved teacher to appeal

Teacher's File - The contracting party invariably maintains a record for personnel purposes containing information about the teacher's performance. The two categories indicate whether there is a file which contains evaluations of the teachers performance and whether the teacher has access to this file.

Health Standards - The state provides by statute or regulation that a teacher must be in good health prior to and during her/his work in the classroom.

1) Prior Certification - the teacher must present an affidavit or certificate signed by a licensed physicial as proof of her/his good health before she/he will be allowed to teach.

2) Periodic Re-Examinations - The teacher must periodically furnish additional proof from a physician that she/he continues to be in good health.

3) Suspension for Ill Health - A teacher may be suspended from teaching for the period of time that her/his health endangers the well-being of her/his pupils and associates.

Tenured Teachers - This category deals with some of the important features of the tenured or career status of teachers.

1) Automatic status - The teacher automatically achieves professional status when she/he completes the probationary period and the board does not terminate her/his contract.

2) Discharge or demotion for cause - The teacher must be accorded certain procedural rights before she/he can be fired or given a lower position, even if the board has a reason which is valid on its face.

3) Sabbatical leave - The contracting party allows the teacher to interrupt her/his teaching in order to study or to otherwise improve the quality of her/his services without diminution of benefits of her/his career status.

Professional Ethics - The state or local agency has established an agency whose function is to maintain the standards of the teaching profession. This agency may have only advisory powers, or it may have the authority to issue regulations and enforce them.

Mandatory Retirement Age - The statutes or regulations contain a stated age after which teachers may no longer perform their duties.

Teacher Personnel Policies - foonotes

(a) Kentucky - at the discretion of local boards of education.

(b) North Dakota - teacher preparation file not available to teacher, teacher personnel file is available.

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Teacher Personnel Policies

STATES	SALARY		PROBATIONARY PERIOD				TEACHER'S FILE		HEALTH STANDARDS		
				TERMINATION OF EMPLOYMENT							
	State	Local	Length (in yrs.)	Notice	Hearing	Appeal	Personnel Evaluations	Access Of Teacher	Prior Certification	Periodic Re-exams	Suspension For Ill Health
ALABAMA	x		3	x							
ALASKA	x		2	x	x						
ARIZONA	x		4	x	x	x	x			x	x
ARKANSAS	x			x	x				x	x	
CALIFORNIA	x			x	x	x			x	x	
COLORADO		x	3	x							
CONNECTICUT		x	3	x	x						
DELAWARE	x		3								
FLORIDA		x	3				x	x			
GEORGIA	x		3	x	x	x					
HAWAII	x		2		x				x	x	
IDAHO	x		3	x	x				x		x
ILLINOIS		x	2	x					x	x	
INDIANA	x		5								
IOWA		x	4	x	x				x	x	
KANSAS		x	3	x			x	x	x	x	
KENTUCKY	x		4	x					x	(a)	
LOUISIANA	x		3	x							
MAINE		x	2	x	x						x
MARYLAND		x	2	x	x				x	x	
MASSACHUSETTS	x		3	x	x						
MICHIGAN		x	3	x	x				x		x
MINNESOTA		x	3	x	x						
MISSISSIPPI	x								x	x	x
MISSOURI		x	5	x			x		x		
MONTANA			4	x					x		
NEBRASKA		x	3						x		
NEVADA		x	3	x							
NEW HAMPSHIRE			3	x							
NEW JERSEY		x	3	x							
NEW MEXICO	x		3	x					x		x
NEW YORK	x		3	x							
NORTH CAROLINA		x	3	x					x	x	
NORTH DAKOTA		x		x	x		x	(b)			
OHIO	x		3	x	x	x	x				
OKLAHOMA		x					x				
OREGON	x		3	x	x		x				x
PENNSYLVANIA	x		2								
RHODE ISLAND		x	3	x	x	x					
SOUTH CAROLINA	x		1						x	x	
SOUTH DAKOTA		x	3	x					x	x	
TENNESSEE	x		3								
TEXAS	x		3	x	x				x	x	x
UTAH	x										
VERMONT	x										
VIRGINIA	x		3	x							
WASHINGTON		x		x	x				x		
WEST VIRGINIA	x		4								
WISCONSIN	x		3	x					x		
WYOMING		x	3				x				
Dist. of Col.			2	x							

Teacher Personnel Policies

STATES	TENURED TEACHERS					PROFESSIONAL ETHICS			MANDATORY RETIREMENT AGE
	Automatic Status	DISCHARGE OR DEMOTION FOR CAUSE			Sabbatical Leave	Name of Agency ‡			
		Notice	Hearing	Appeal*			Advisory	Regulatory	
ALABAMA	x	x	x						
ALASKA	x	x	x	Court	x	1	x	x	65
ARIZONA		x	x	Court					
ARKANSAS		x	x						72
CALIFORNIA		x	x		x	2		x	
COLORADO	x	x	x	Court		3	x		65
CONNECTICUT	x	x	x						70
DELAWARE		x	x	Court	x				
FLORIDA		x	x	SDE	x	3	x	x	70
GEORGIA		x	x	SBE		3			
HAWAII	x	x	x		x				65
IDAHO	x	x	x			4	x	x	
ILLINOIS	x	x	x	Court	x				65
INDIANA	x	x	x	Court					65
IOWA	x	x	x		x	1		x	
KANSAS		x	x						65
KENTUCKY	x	x	x	Court		3	x	x	65
LOUISIANA		x	x	Court	x				
MAINE	x	x	x						65
MARYLAND	x	x	x	SBE					
MASSACHUSETTS		x	x		x				
MICHIGAN	x	x	x	Court	x				
MINNESOTA		x	x		x				65
MISSISSIPPI		x	x	Court					
MISSOURI		x	x						
MONTANA	x	x	x						
NEBRASKA	x	x	x		x	3	x	x	
NEVADA	x	x	x	Court		5	x		
NEW HAMPSHIRE		x	x			4	x		
NEW JERSEY	x	x	x	SBE					
NEW MEXICO	x	x	x	SBE	x	8			
NEW YORK	x	x	x	CE	x				
NORTH CAROLINA	x	x	x	Court		5			
NORTH DAKOTA	x	x	x			3	x	x	
OHIO	x	x	x	Court					
OKLAHOMA		x	x	SBE		3	x		
OREGON		x	x	Court		7			
PENNSYLVANIA		x	x	SPI	x				
RHODE ISLAND	x	x	x	SDE/Court					
SOUTH CAROLINA				Court					
SOUTH DAKOTA		x	x			3	x		65
TENNESSEE		x	x	Court	x				70
TEXAS		x	x	SBE		6	x	x	
UTAH									
VERMONT		x	x	BSD					
VIRGINIA	x	x	x						
WASHINGTON									
WEST VIRGINIA		x	x		x				
WISCONSIN	x	x	x						
WYOMING		x	x						
Dist. of Col.		x	x	SBE	x				62

*Abbreviations

SDE - State Department of Education
SBE - State Board of Education
CE - Commissioner of Education
SPI - Superintendent of Public Instruction
BSD - Board of School Directors

Legend

[1]Professional Teaching Practice Commission
[2]Teachers' Professional Standards Commission
[3]Professional Practices Commission
[4]Professional Standards Commission
[5]Professional Review Commission
[6]Teachers' Professional Practices Commission
[7]Teacher Standards and Practices Commission
[8]Professional Practices and Ethics Commission

TEACHER PERSONNEL POLICIES CITATIONS

	Statutes	Regulations
ALABAMA	§§16-24-1 -- 16-24-13; 16-24-30 -- 16-24-38;	
ALASKA	§§14.20.010 -- 14.25.205	R18.010 -- 18.030
ARIZONA	§§15-201 -- 15-268	R7-2-401
ARKANSAS	§§80-1439; 80-1208 -- 80-1262	
CALIFORNIA	§§44930 -- 44949; 44966	R5505(a); 5505(e)
COLORADO	§§22-63-101 -- 22-63-118	2265-R-1.0
CONNECTICUT	§10-151	R10-146-3(b); 10-146-9; 10-164-7
DELAWARE	§§1401 -- 1421; 1325	
FLORIDA	§§230.23(5)(d); 231.031; 231.42; 231.28(4) 231.29; 231.57	R6A-1.64 -- 6A-1.691
GEORGIA	§§32-2101c; 32-839;	R50-300
HAWAII	§§297-1 -- 297-41	R-44.44; 47.0
IDAHO	§§33-1201-- 33-1224; 33-1225; 33-1252; 33-1254	R-307.2; 303
ILLINOIS	§§10-20.7; 10-21.1; 24-5; 24-11; 24-12	
INDIANA	§§20-6.1-4-1 -- 20-6.1-4-20	
IOWA	§§279.12--279.13; 272A.6	R670-3.4(13-14); 670-14.3; 670-50.2; 640-1.1-1.
KANSAS	§§72-17(108); 72-5410 -- 72-5445; 72-1761; 72-1390	R91-4-2(d)
KENTUCKY	§§157.390; 161.750; 161.790; 161.720; 161.740; 156.510-- .540	702 KAR 1:040; 704 KAR 4:020
LOUISIANA	§§17:419; 17:442-443; 17:1171 -- 17:1185	
MAINE	§§473 as 1-10; 161 as 5	
MARYLAND	Art. 77 § 54; 114; 86	R13.06.02.01(B)
MASSACHUSETTS	Art. 71 §§41, 41(a), 42	R9(B)
MICHIGAN	§§340.566; 340.862; 340.863; 380.1235	R325.898; 38.139 -- 38.178; 390.1132
MINNESOTA	§§125.12; 125.17; 125.18	
MISSISSIPPI	§§37-19-5; 37-11-17; 37-11-13; 37-9-59	Bulletin 171, p.3, 9
MISSOURI	§§168.104; 168.131; 168.128; 168.120	
MONTANA	§§75-6103; 73-6104	R48-2.10(2); 48.210(18)
NEBRASKA	§§79-1257; 79-1259; 79-1280; 79-1262	R21-(10); 21-(8)
NEVADA	§§391.100; 391.311; 391.314; 391.317; 391.3194; 391.3165	
NEW HAMPSHIRE	§§189:13; 189:14-a; 186:60	
NEW JERSEY	§§18A:27-4; 18A:27-10; 18A;27-11; 18A:28-5	R6:11-3.7
NEW MEXICO	§§77-8-4; 77-8-11; 77-8-9; 77-8-16	R69-1; 70-5; 70-25; 74-7 -- 74-9; 75-7 -- 75-10; 70-2
NEW YORK	§§3604; 2473	CH I Sec. 30.1 -- 30.13
NORTH CAROLINA	§§115-152(c)(3); 115-143(e)(2); 115-143(d)(1); 115-143(h)(7); 115-143(h)(4); 115-143(j); 115-1439n)	
NORTH DAKOTA	§§14-29-08(10); 15-38-19; 15-47-27; 15-47-38	Administrative Manual 1973, p.115
OHIO	§§63.04; 63.06; 63.07; 6310	R3301-31-02(L)
OKLAHOMA	§§6-120; 6-121; 6-116	Annual Bulletin for Elementary and Secondary Schools (1976), p. 12, 13
OREGON	§§342.127; 342.340; 342.345; 342.955(5); 342.845; 342.850; 342.894; 342.915	
PENNSYLVANIA	§§25-2515; 11-1121; 11-1127; 11-1178	
RHODE ISLAND	§§16-6-1 -- 16-6-3; 16-13-2; 16-13-4	
SOUTH CAROLINA	§§21-258; 21-393	R43-202; 43-207
SOUTH DAKOTA	§§13-8-39; 13-8-13.1; 13-43-9.1; 13-43-10; 13-43-10.1; 13-43-14; 13-43-21; 13-43-3; 13-43-3.1; 13-10-2; 13-43-25	

	Statutes	Regulations
TENNESSEE	§§49-1313; 49-1403; 49-1415; 49-1416; 49-1417; 49-1315	Ruler, Regulations and Minimum Standards - 1976-77, p.45
TEXAS	§§13.102; 12.01; 13.03; 13.04; 13.112; 13.115; 13.201	Policies and Procedures, 2305.4
UTAH	§53-2-29	
VERMONT	§16-1752	
VIRGINIA	§§22-217.3; 22-217.4	
WASHINGTON	§28A-58.450	
WEST VIRGINIA	§§18-5-31; 18-2-12	
WISCONSIN	§§118.22; 118.23	
WYOMING	§§21.1-27(c); 21.1-152(b); 21.160	CH III Sec. 1 (b)
Dist. of Col.	§§31-632; 31-1512	R625.1 -- 629.7

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TEXTBOOKS

It is normally within the power of the local school board to adopt textbooks for use in the school district. However, the adoption powers may be subject to restrictions imposed by the state. In most states the district board is required to make its selection of textbooks from a list prepared by the state educational agency. These state approved lists usually contain recommendations for several books for each course thus allowing the local board some control over the selection process. In a number of states this list is drawn up by an independent textbook commission. Several states which use the state approved list allow the district boards to adopt supplementary texts for a course if they comply with certain state standards. Often these state standards are not articulated; rather, the state agency reviews the proposed texts on an individual basis.

In several states, the state education agency does not oversee the local selection process and a district board may adopt any textbook. Even in those states the state agency will generally provide the district with a recommended list.

In other states the district board must adopt the basal text for every course from the state approved list, but the adoption of any additional instructional material does not require state approval.

About half the states have extensive sections of the code devoted to the regulation of textbook contracts with publishers. To prevent the use of out-of-date textbooks many states require that the list of approved textbooks be reviewed every few years.

Most states require that textbooks be supplied free to all students. Some states refine that requirement to account for years when the state may have allotted insufficient money to provide free textbooks to all students. Under these circumstances, these states set a priority requiring that elementary grades be provided with free textbooks before secondary grades. In some states the district board must provide free textbooks to all indigent pupils, while retaining discretion in all othe instances.

Description of Headings for Chart on Textbooks

Textbooks Supplied Free - The State requires that textbooks be supplied free to all students; otherwise, the district board has the discretion of supplying textbooks free.

Local Selection

1) Without State Approval - The district may select all (X) or part (P) of its textbooks without state approval.
2) From State Approved List - The district board may select all (X) or part (P) of its textbooks from the state's list of approved textbooks.
3) Within State Standards - The district board must select all (X) or part (P) of its textbooks in accordance with certain state standards (i.e., with approval of specific textbooks).

Periodic Review of State Approved List - This number refers to the maximum number of years a textbook may remain on the state approved list without being reviewed for suitability.

State Regulation of Textbook Contracts - By statute the state sets controls on contracts for textbooks.

Textbooks - footnotes

(a) Connecticut - town board may change textbook selection by a 2/3 vote.

(b) Illinois, Iowa - district election to determine.

(c) Kansas - free textbooks when parents or guardian or any child attending public school are unable to purchase.

(d) North Dakota - by district decision.

TEXTBOOKS

STATES	TEXT BOOKS SUPPLIED FREE	LOCAL SELECTION			PERIODIC REVIEW OF STATE LIST (in years)	STATE REGULATION OF TEXTBOOK CONTRACTS
		Without State Approval	From State Approved List	Within State Standards		
ALABAMA			x		6	x
ALASKA			x			
ARIZONA	x	P	P		5	x
ARKANSAS	x		x	x		x
CALIFORNIA	x		x		3	x
COLORADO	P	x				
CONNECTICUT	x	x			5(a)	
DELAWARE	x			P		x
FLORIDA	x		P	P	4	x
GEORGIA	x		x			
HAWAII						
IDAHO	x		x			
ILLINOIS	(b)		x			
INDIANA	x		x		5	x
IOWA	(b)	x				
KANSAS	(c)		x			
KENTUCKY	x		x	x		
LOUISIANA	x		x			
MAINE	x	x			3	
MARYLAND	x	x				
MASSACHUSETTS	x	x				x
MICHIGAN	x		x			x
MINNESOTA	x	P		P		x
MISSISSIPPI	x		x			x
MISSOURI	x		x			
MONTANA	x		x			
NEBRASKA	x	x				
NEVADA	x		x			
NEW HAMPSHIRE						
NEW JERSEY	x		x			
NEW MEXICO	x				4	x
NEW YORK	x	x				
NORTH CAROLINA	x		x			
NORTH DAKOTA	(d)	P	P		5	x
OHIO	x	P	P		4	x
OKLAHOMA	x		x		4	x
OREGON	x		P	P	6	x
PENNYSLVANIA	x	x				
RHODE ISLAND	x		x		3	
SOUTH CAROLINA	x		x		4	x
SOUTH DAKOTA	x			x		
TENNESSEE			x		3-5	x
TEXAS	x		x		6	x
UTAH	x		x		4	x
VERMONT		x				
VIRGINIA	x		P	P	6	
WASHINGTON	x		P	P		
WEST VIRGINIA	P		x			x
WISCONSIN			x			
WYOMING	x	x				
Dist. of Col.	x		x			

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P-partial

TEXTBOOKS CITATIONS

	Statutes	Regulations
ALABAMA	§§16-36-1 -- 16-36-39	
ALASKA	§14.07.050	
ARIZONA	§§15-1101 -- 15-1109	R7-2-301(B); 7-2-201(B)(9)(a)
ARKANSAS	§§80-1701 -- 80-1717	7-2-301(D)(10)
CALIFORNIA	§§60400 -- 60403; 60410; 60411; 60412	
COLORADO	Constitution Art. IX Sec. 16; §22-32-109	
CONNECTICUT	§10-228	
DELAWARE	§122(b)(6)	
FLORIDA	§§233.17; 233.165; 122.15(3); 233.255	
GEORGIA	§§32-603a; 32-653a	R30-1614
IDAHO	§§33-118; 33-512	R-407; Idaho State Textbook and Improvement of Instruction Committee Handbook (1976)
ILLINOIS	§§28-3; 2814	
INDIANA	§§20-10.1-9-1; 20-10.5-11-1	Administrative Handbook, 13-1;
IOWA	§§301.1 -- 301.28	13.2(sec. b); 24-1(rule 1-5); 12-7
KANSAS	§72-4107	
KENTUCKY	§156.500 -- 156.474	704 KAR 2:020
LOUISIANA	§17:352	
MAINE	§§473 as 2; 856-7; 161 as 7	
MARYLAND	Art. 77 §§67, 79	R13.05.05.01
MASSACHUSETTS	Art. 69 §1; Art. 71 §48	
MICHIGAN	§§380.1422; 380.1431	
MINNESOTA	§123.12(44)	EDU 740 -- 744
MISSISSIPPI	§§37-43-1; 37-43-31; 37-43-35	
MISSOURI	§§170.055; 170.061	5 CSR 50-340(4)(c)(i); 5CSR 60-110
MONTANA	§75-7602	
NEBRASKA	§§79-120; 79-121	
NEVADA	§390-140	
NEW MEXICO	§§77-13-7; 77-13-8; 77-13-13	R72-11
NEW YORK	§§701-705	CH I Sec. 21.1
NORTH CAROLINA	§§115-206.2; 115-206.4; 115-206.5; 115-206.12	
NORTH DAKOTA	§§15-43-09; 15-43-04; 15-43-02	Administrative Manual 1973, p.50
OHIO	§§3329.06; 3329.08; 3329.10	R3301-35-05(B); 3301-35-05(a)
OKLAHOMA	§§16-121; 16-110- 16-102; 16-104; 16-106	Annual Bulletin for Elementary and Secondary Schools, p.37
OREGON	§§337.150; 337.030; 337.035; 337.055; 337.141	R581-11-050; 581-11-070; 581-11-080
PENNSYLVANIA	§8-801	
RHODE ISLAND	§§16-23-2; 16-1-9; 16-23-1	
SOUTH CAROLINA	§§21-456; 21-474; 21-486; 21-501	R43-70; 43-71
SOUTH DAKOTA	§§13-34-16.2; 13-34-11	
TENNESSEE	§§49-2009; 49-2018; 49-2021	
TEXAS	§§12.01; 12.11 (sub. e); 12.27	Policies, 2304.12; 2306.5(2); 3331.1; 3334.1.1; 3333; 3336.1
UTAH	§§53-6-20; 53-13-6; 53-13-10	Policies, Procedures, Practices, (1976) p. 6-14, 20
VERMONT	§16-3743	
VIRGINIA	§§22-297; 22-306.1; 22-307.1	Regulation for the State board of Education in Virginia, p.1. 79, 129, 135
WASHINGTON	§28A-58.103	
WEST VIRGINIA	§§18-5-21; 18-5-21c,d,e	
WISCONSIN	§118.03	
WYOMING	§21.1-181	
Dist. of Col.	§§31-401; 31-404	

GENERAL TEACHER CERTIFICATION

In all but two states, certification for teachers is a specifically enumerated prerequisite to employment. There are certain general requirements concerning individual qualifications that are usually necessary for such certification. More than half of the states have character and health requirements and slightly less have citizenship and age requirements. Only one state, Florida, has a residency requirement.

Those states which have examination and/or experience requirements usually provide that they are alternatives to the existing certification requirements. They are generally in lieu of certification requirements rather than in addition to them. In order to maintain one's certification, more than half of the states require the teacher to continue her/his education.

Most states list a undergraduate degree as an prerequisite to certification. Nearly half of the states have graduate degree requirements, although there are often coupled with the provisions concerning continuing education. Many states also require a recommendation from the degree granting institution. Sixteen states have student teaching requirements and an additional ten list student teaching as "authorized".

Authority to promulgate certification standards generally rests with the State Board of Education. A few states, however, provide for the State Superintendent of Education to either share that authority or exercise it entirely. In only two states does the Department of Education bear this responsibility. Fourteen states grant this authority to other designated bodies such as Certification Advisory Committees.

Most states have provisions for permanent and probationary teacher certification. Slightly less than half the states provide for temporary and emergency certification. About half of the states provide for substitute teacher certification, but only ten states have "professional" teacher's certificates.

Almost all of the states provide for suspension/revocation procedures with at least minimal due process guarantees. Most of the states are party to the Interstate Agreement on Qualification of Educational Personnel. In addition many states have other reciprocal agreements for the recognition of out-of-state certificates.

Description of Headings for Chart on General Teacher Certification

Statute and/or Regulation - All general teacher certification requirements specified on this chart are covered by statutes (S) and/or regulations (R).

Prerequisite to Employment - Certification necessary for employment as a teacher

1) Character - A person must be of suitable character to be certified.
2) Health - A person must meet predetermined health standards.
3) Citizenship - Applicants must either be United States citizens or have declared their intention to become citizens within a prescribed period of time.
4) Residency - A provision exists concerning the state residency of a person for certification as a teacher.
5) Age - In order to be granted certification one must fulfill an age requirement.

Exam Required - Examination for certification is required in and of itself, or in lieu of experience or other certification requirements.

Experience Required - Experience required for certification, or may be accepted as an alternative for an examination or other certification requirements.

Continuing Education Requirements - Provisions requiring continuing education for certificate holder.

Degree Requirements - Undergraduate/graduate degrees and/or recommendations from degree granting institution and/or student teaching experience required for certification.

Promulgating Authority

1) State Board of Education - State Board has the authority to promulgate certification requirements.

2) State Superintendent of Education - State Superintendent has the authority to promulgate certification requirements.

3) Department of Education - Department of Education has the authority to promulgate certification requirements.

4) Other - Other designated bodies have promulgating authority concerning certification requirements.

Types of Certificates

1) Permanent - Certificate granted is permanent in status.

2) Probationary - Initial certificate is for a probationary term.

3) Temporary - Temporary certificates are available.

4) Emergency - Certificates may be granted in emergency situations

5) Supervisory - A certificate for supervision is available.

Issuing Body

1) State Board of Education - The State Board of Education issues certificates.

2) State Superintendent of Education - State Superintendent issues certificates.

3) Department of Education - Department of Education issues certificates.

4) Other - Other designated bodies issue certificates.

Suspension Procedures - Provision exists for suspending/revoking teacher certificates.

Reciprocity

1) Interstate Agreement - State is a party to the Interstate Agreement on Qualifications of Educational Personnel.

2) Other - State has other types of reciprocity agreements with other state(s) for the recognition of a teacher's qualifications.

General Teacher Certification - footnotes

(a) Colorado, New Hampshire - examination may be taken as an alternative.

(b) Colorado, Florida, Washington - Experience may be used as an alternative.

(c) Kentucky, Mississippi, Virginia - discretionary.

(d) Minnesota - experience required for renewal.

(e) Georgia - continuing education provided.

(f) Utah - examination optional.

(g) Illinois - student teaching requirement may be waived.

(h) Maryland, Nevada - student teaching permitted.

(i) Pennsylvania - student teaching as an alternative.

(j) Oklahoma - for more than 20 days.

General Teacher Certification

STATES	STATUTE	REGULATION	PRE-REQUISITE TO EMPLOYMENT	GENERAL REQUIREMENTS					EXAM REQ'D	EXP-ERIENCE REQ'D
				CHARACTER	HEALTH	CITIZENSHIP	RESIDENCY	AGE		
ALABAMA	S	*	X							
ALASKA	S	R	X		X			X		
ARIZONA	S	R	X	X	X	X			X	
ARKANSAS	S	*	X		X					
CALIFORNIA	S	R		X	X	X		X	X	
COLORADO	S	R	X	X					X(a)	X(b)
CONNECTICUT	S	R	X	X	X	X		X		
DELAWARE	S	*	X							
FLORIDA	S	R	X	X	X	X	X	X		X(b)
GEORGIA	S	R	X	X						
HAWAII	S		X							
IDAHO	S	R	X	X	X	X		X		
ILLINOIS	S	R	X	X	X	X		X	X	
INDIANA	S	R	X							
IOWA	S	R	X							
KANSAS	S	R	X		X					
KENTUCKY	S	R	X	X				X	X(c)	
LOUISIANA	S	R	X							
MAINE	S		X	X	X					
MARYLAND	S	R	X		X					
MASSACHUSETTS	S	R	X	X	X	X				
MICHIGAN	S	R	X					X		
MINNESOTA	S	R	X	X	X					X(d)
MISSISSIPPI	S	R		X	X	X		X	X(c)	
MISSOURI	S	R	X	X	X				X	
MONTANA	S	R	X	X	X	X		X		X
NEBRASKA	S	R	X	X	X	X				
NEVADA	S	R	X		X	X			X	
NEW HAMPSHIRE	S	R	X						X(a)	
NEW JERSEY	S	R	X			X		X	X	
NEW MEXICO	S	R	X		X	X				
NEW YORK	S	R	X	X		X		X	X	
NORTH CAROLINA	S	R	X		X				X	
NORTH DAKOTA	S	R	X	X		X				
OHIO	S	R	X	X						
OKLAHOMA	S	R	X							
OREGON	S	R	X	X	X			X		
PENNSYLVANIA	S	R	X	X	X	X		X		
RHODE ISLAND	S	R	X	X					X	
SOUTH CAROLINA	S	R	X		X	X		X	X	
SOUTH DAKOTA	S	R	X		X	X		X		
TENNESSEE	S	R	X	X	X			X		X
TEXAS	S	R	X	X	X	X		X	X	
UTAH	S		X	X	X			X	X(f)	X
VERMONT	S	R	X							
VIRGINIA	S	R	X		X				X(c)	
WASHINGTON	S	R	X	X	X	X		X		X(b)
WEST VIRGINIA	S	R	X	X	X	X		X	X	
WISCONSIN	S	R	X		X				A	
WYOMING	S	R	X	X		X		X	X	
DIST. OF. COL.	S	R	X	X	X			X		X

*Regulations not received before completion of this study.

General Teacher Certification

STATES	CONTINUING EDUCATION REQUIREMENTS	DEGREE REQUIREMENTS				PROMULGATING AUTHORITY			
		UNDER-GRADUATE	GRADUATE	RECOMMEND-ATION	STUDENT TEACHING	S.B.E.	S.S.E.	DEPARTMENT OF EDUCATION	OTHER
ALABAMA	X					X	X		
ALASKA	X	X		X	X	X			
ARIZONA		X	X		X	X			X
ARKANSAS						X			
CALIFORNIA	X	X	X	X	X				X
COLORADO	X	X	X	X	A	X			X
CONNECTICUT	X	X	X	X		X			X
DELAWARE						X			
FLORIDA	X	X	X			X			
GEORGIA	(e)					X	X		X
HAWAII		X	X					X	
IDAHO		X		X	A	X			
ILLINOIS		X	X		(g)				
INDIANA									X
IOWA	X	X	X	X	X	X			
KANSAS	X	X		X	X	X			
KENTUCKY	X	X	X		X	X			X
LOUISIANA	X	X	X	X		X			
MAINE	X					X			
MARYLAND	X	X			(h)	X	X		X
MASSACHUSETTS		X			X	X			
MICHIGAN	X	X	X		A	X			
MINNESOTA	X				X	X			
MISSISSIPPI	X	X				X			
MISSOURI		X				X			
MONTANA	X	X	X		X	X			
NEBRASKA	X	X		X		X			
NEVADA		X	X		(h)	X			
NEW HAMPSHIRE		X	X			X			X
NEW JERSEY	X	X			X	X			
NEW MEXICO	X	X	X	X	A	X			
NEW YORK		X			X		X		
NORTH CAROLINA	X	X	X		A	X			X
NORTH DAKOTA	X	X			A		X		
OHIO	X	X			X	X			
OKLAHOMA		X			A	X			X
OREGON		X			A				X
PENNSYLVANIA	X	X	X		(i)	X		X	X
RHODE ISLAND	X	X				X			
SOUTH CAROLINA	X	X	X	X	A	X			
SOUTH DAKOTA	X	X	X	X		X			
TENNESSEE					A	X			
TEXAS		X	X	X	X	X			
UTAH				X	X	X			
VERMONT						X			
VIRGINIA						X			
WASHINGTON	X	X	X	X		X			
WEST VIRGINIA	X	X	X	X	A	X			
WISCONSIN		X		X	X		X		X
WYOMING	X	X	X			X			
DIST. OF. COL.	X	X			X	X			

S.B.E. - State Board of Education

S.S.E. - State Superintendent of Education

A. - Authorized

General Teacher Certification

STATES	TYPES OF TEACHER CERTIFICATION						ISSUING BODY				SUS-PENSION	RECIPROCITY	
	PERMANENT	PROBATION-ARY	TEMPORARY	EMERGENCY	SUB-STITUTE	PRO-FESSIONAL	SBE	SSE	DEPARTMENT OF EDUCATION	OTHER	PRO-CEDURE	INTRA-STATE AGREEMENT	OTHER
ALABAMA			X	X							X		
ALASKA	X			X		X		X	X		X	X	
ARIZONA	X	X	X	X	X		X				X		X
ARKANSAS											X		
CALIFORNIA	X	X	X	X	X					X	X	X	X
COLORADO	X	X	X	X		X			X		X		X
CONNECTICUT	X	X	X	X	X						X	X	
DELAWARE	X	X	X	X	X						X	X	
FLORIDA	X	X	X	X	X				X		X	X	X
GEORGIA	X	X								X	X		
HAWAII	X				X				X		X	X	
IDAHO	X	X		X			X				X	X	X
ILLINOIS	X	X	X		X			X		X	X		X
INDIANA					X					X	X	X	X
IOWA	X	X	X	X	X	X	X				X		X
KANSAS	X	X			X		X				X		X
KENTUCKY	X	X		X	X	X		X			X	X	X
LOUISIANA	X	X	X			X			X		X		X
MAINE								X				X	X
MARYLAND	X	X				X		X				X	X
MASSACHUSETTS							X		X		X	X	
MICHIGAN	X	X		X	X		X				X	X	X
MINNESOTA	X						X	X			X	X	X
MISSISSIPPI			X	X	X					X	X		X
MISSOURI							X			X	X		
MONTANA	X	X		X		X		X			X		
NEBRASKA	X	X		X	X	X		X			X	X	X
NEVADA	X	X		X	X		X				X		
NEW HAMPSHIRE	X	X			X			X			X	X	
NEW JERSEY	X	X	X	X	X					X	X	X	
NEW MEXICO	X	X		X	X		X				X		X
NEW YORK	X	X			X			X		X	X	X	X
NORTH CAROLINA	X	X	X									X	X
NORTH DAKOTA	X	X	X					X		X	X		
OHIO	X	X	X		X	X					X	X	X
OKLAHOMA					(J)						X	X	
OREGON	X	X								X	X		
PENNSYLVANIA	X	X	X	X					X		X		X
RHODE ISLAND							X	X			X	X	
SOUTH CAROLINA	X	X	X	X						X	X	X	X
SOUTH DAKOTA	X				X			X			X	X	
TENNESSEE	X	X	X				X	X		X	X		X
TEXAS	X	X	X	X				X			X		X
UTAH	X						X				X	X	X
VERMONT												X	X
VIRGINIA			X		X							X	
WASHINGTON	X	X	X	X	X						X	X	X
WEST VIRGINIA	X	X	X	X	X			X			X	X	
WISCONSIN	X	X	X		X	X		X			X	X	
WYOMING	X	X		X	X					X	X		
DIST. OF COL.	X	X	X				X				X		

GENERAL TEACHER CERTIFICATION CITATIONS

State	Statutes	Regulations
ALABAMA	§16-23-1; 16-23-7 -- 16-23-16; 16-23-3; 16-23-2; 16-23-4;	
ALASKA	§14.20.010; 14.20.020; 14.20.620 -- 14.20.650.	4AAC 05.080; 4AAC 12.010; 4AAC 42.030; 4AAC 06.050; 4AAC 12.020; 4AAC 12.070; 4AAC 12.045
ARIZONA	§§15-234; 15-233; 15.102; 15.208; 1191-95	R7-2-401; R7-2-401(5); R7-2-201(b)
ARKANSAS	§§80-1209; 80-1210; 80-114; 80-1208; 80-113; 80-1228	
CALIFORNIA	§§44273; 44339; 44320; 44336; 44259; 44335; 44280; 44450 -- 44467; 44251; 44332; 44253; 44254; 44225; 44202; 44243; 44244; 44420 -- 44437; 12500	R5505; 6027; 6050; 6053; 6033; 5931; 6011; 6620 -- 6624; 5931; 5941 -- 5950; 5932; 5922; 6000; 6058; 5930; 6630 -- 6656; 5920-5920.8; 6006; 5991; 6075 -- 6047; 6670
COLORADO	§§22-60-102; 22-60-104; 22-60-107; 22-60-108; 22-60-105; 22-2-109; 22-2-113	2202-R-8.01; 2260-R-1.01; 2260-R-1.06; 2260-R-2.01; 2260-R-2.02; 2260-R.1.07; 2260-R-3.02; 2260-R-15.0; 2260-R-2.06; 2260-R-2.07; 2260-R-3.03 -- 2260-R-3.05; 2260-R-1.0; 2260-R-12.0; 2260-R-110 -- 2260-R-112.
CONNECTICUT	§§10-145; 10-145a; 10-145b; 10-145d; 10-146a; 10-146c	R10-146-2; 10-146-7; 10-146-3; 10-146-4; 10-146-54; 10-146-57; 10-146-9
DELAWARE	§§1092; 1313; 1202; 1230; 1201; 1204; Art. 14 §8213	
FLORIDA	§§231.02; 231.14; 231.17; 231.03; 231.031; 231.20; 230.2311; 231.15 -- 231.16; 231.28; 232.023; 244.09 -- 244.11	R6A-4.01; 6A-4.02 -- 6A-4.06; 6A-4.35; 6A.-4.37
GEORGIA	§§32-655a; 32-1018; 32-653a; 32-655; 32-1019	R50-1310; 50-1011; 50-111; 50-120; 50-113
HAWAII	§§297-41.1; 297-2 -- 297-4; 297-31; 297-13; 315-1 -- 315-3	
IDAHO	§§33-513; 33-1201; 33-1202; 33-1204; 33-1203; 33-114; 33-1208 -- 33-1210; 31-4104 -- 31-4105	P39; 301.1; 301.3.15; 13, 14; 8; 3013.6; 301.5.3; 15; 301.3.7; 12; 301.312; 301.3.14
ILLINOIS	§§21-1; 34-83; 34-86; 21-2; 21-2.1; 21-3 -- 21-5; 21-7.1; 10-21.1; 21-13; 21-23; 21-10.2; 21-10; 2-3.9; 21-11.1	Minimum Regulations for State Certificates, Au. 20, 1976 - RI;II;X: III: VI: IVV: VIII
INDIANA	§§20-6-12-3; 20-6.1-3.2; 20-6.1-3.1; 20-1-1-4; 20-6.1-3.3; 20-6.1-3.5	R21-26; 13-2(c); 13-2
IOWA	§§294.1; 260.27; 260.1 -- 260.30; 257.10; 260.6; 260.19; 17A.18; 260.10; 284.1--284.20	670-3.4(257); 670-16.4; 670-5(257); 670-14.5(257); 670-14.3(257); 670-13.1(257); 670-16.4; 670-16.5(257); 670-17.4 -- 670-17.5(257);670-14.2(257); 670-14.6 -- 670-14.7(257);670-13.8(257); 670-13.13(257); 670-14.10 -- 67-14.11(257); 670-14.8 -- 670-14.9(257);
KANSAS	§§72-1390; 72-5213; 72-1392; 72-1388; 72-7513; 82-8505; 72-1383; 72-5412	R91-1-16; 91-1-2; 91-1-5; 91-19-1.5; 91-1-3; 91-1-6; 91-1-14; 91-1-12; 91-1-19
KENTUCKY	§§161.020; 161.040; 161.030; 161.100; 161.025; 161.780; 161.124	740 KAR 20:005; 704 KAR 20;030; 704 KAR 20:015; 704 KAR 15:040; 704 KAR 20:020; 704 KAR 20:060; 704 KAR 20:065; 704 KAR 20:085; 704 KAR 20:070; 704 KAR 20:090; 704 KAR 20:120; 704 KAR 20:100; 704 KAR 20:210; 704 KAR 1:040

(cont'd)

State	Statutes	Regulations
LOUISIANA	§§17:413; 17:412; 17.411; 17.430	Louisiana Standards for State Certification of School Personnel - Bulletin #746 (1976) - IIp. 3-4; 9-10; III p. 12-14; IV p. 16-18; V p. 21-22; VI p. 26-30; II p.5; IIp. 11
MAINE	§§1753; 1754; 1751; 1091; 1902; 1751; 55, 2011; 2022	
MARYLAND	Art. 77§86; 116[illegible]; 110; 27; 16; 10[illegible]A -108C	R13.06.01.01; 13.06.01.03; 13.06.01.02; 13.06.01.04
MASSACHUSETTS	CH 71 §38G; 38; 558; CH 69§5; 69A; 3-1 et.seq.	R8-III; R8-IV; R8-II; R-9
MICHIGAN	§§380.1233; 388.553; 380.1533; 380.1531; 388.1010; 380.1532; 388.137'	R390.1105; 390.1125; 390.1151 -- 390.1156; 390.1133; 390.1105; 390;1124; 390.1132; 390.1133 -- 390.1145; 390.1121 -- 390.1130; 390.1143 -- 390.1145
MINNESOTA	§§125.05; 125.09; 125.071; 121.11; 125.52; 125.06	Teacher Licensing Handbook (1975), p. 5(A) (1) (a); 7(A) (4) (B); 5 (A) (1) (a)(3); 5 (A) (1) (a) (1)
MISSISSIPPI	§§37-19-5; 37-9-5; 37-11-15; 37-11-17; 37-9-11; 37-3-21; 37-9-9; 37-9-57	Regulations for Teacher Certification Bulletin #130 - CHI, A,D,E,F,; CH II, A,B,C,D,E,G; CH IV, A,B.
MISSOURI	§§168.011; 168.031; 168.131; 168.121; 168.071	5CSR 50-820; 5CSR 80-800.010; SCSR 50-340.010
MONTANA	§§75-6001; 75-[illegible]; 75-60[illegible]; 75-6002; 75-6011; 75-5707; 75-6003; 75-5607; 75-6010	R48-2.6(6)-S6050; 48-2.10(2)-S10080; 48-2.10(1)-S1040; 48-2.10(2)-S1090; 48-2.10(10)-S10100; 48-2,10(2)-S10030- - 48-2.10(2)-S10050; 48-2.10(10)-S10140; 48-2.10(1)-S1060; 48.210(2)-S1090; 48-2.10(18)-P10160 -- 48.210(18) -P10200
NEBRASKA	§§79-1233; 79-1240; 79-147.06; 79-1247.08; 79-1247.11; 79-332; 79-1247.07; 79-1247;05; 79-1234; 79-2701; 79-1247.09 -- 79-1247.10	R11-(24); 21-(13); 21(38); 21-(2); 21-(45); 21-(42); 21-(36) -- 21-(41); 21-(79) -- 21-(86); 21-(50) -- 21-(64); 21-(75) -- 21-(78); 21-(69) -- 21-(73); 21-(9); 21-(65) -- 21-(68); 21-(46) -- 21-(49); 21-(87) -- 21-(88); 21-(19); 21-(24); 21-(39); 21-(44); 21-(48)
NEVADA	§§391.090; 391.095; 391.020; 385.080 -- 385.090; 391.320 -- 391.340; 391.350; 391.355; 385.265	Nevada Teacher Certification Regulations (1974) - p.1-5
NEW HAMPSHIRE	§§119.39; 186.11; 186.8; 200 (E)	R00319.1 CH III, E; R319.13, CH III,F; R00321.1; R5100.2; R00479, R5100.2 R00975
NEW JERSEY	§§18A:26-6; 18A:26-2; 18A:27-2;18A:29-1; 18A:6-39, 18A:26-1; 18A:26-8; 18A:29-16; 18A:6-38; 18A:4-35; 18A:2[illegible]-4; 18A:26-5; 18A:35-9; 18A:26-10; 18A:28-8; 18A:26-11	R6:11-3.1 -- 6:11-3.2; 6:11-3.10; 6:11-3.11; 6:11-3.18; 6:11-3.31; 6:11-5.1; 6:11-5.2; 6:11-3.21; 6:11-3.26; 6:11-45; 6:11-7.58 -- 6:11-62; 6:11-7.46; 6:11-4.1; 6:11-4.3; 6:11-4.2; 6:11-46; 6:11-4.4; 6:11-4.8; 6:11-47; 6:11-3.22; 6:11-3.3; 6:11-3.7 -- 6:11-3.8; 6:11-3.32
NEW MEXICO	§§77-8-1.2; 77-8-7; 77-2-2; 77-8-19	R73-7, 67-1; 63-2; 72-4; 72-3; 63-3; 71-24; 71-28; 71-29; 71-25; 71-26; 71-27; 72-4; 71-17; 68-2; 72-16; 74-6; 77-1; 74-7; 74-3; 71-19
NEW YORK	Art. 61§3001; 3009; 3006; 3004; 3018; 3030; 3007 Art. 52-A§2590 Art. 52§2537, 2569-a; 2566 Art. 27§2569b	R80.32; 83.4; 80.2(1); 80.18 -- 80.17; 80.2(g); 80.3; 80.5; 80.6; 80.7; 80.2(L); 80.36; 83.4; 80.6
NORTH CAROLINA	§§115-152; 115-155; 115-143; 115-160; 115-153; 115-11; 115-151	A2H.0203; 2H.0205, 2H.1702; 2H.1705; 2H.0207; 2H.0206; 2H.1703; 2H.0201; 2H.1706
NORTH DAKOTA	§§15-36-11; 15-36-01; 15-36-07; 15-47-40 -- 15-47-42; 15-21-09; 15-36-15 -- 15-36-17; 15-47-28; 15-47-30	Adminstrative Manual for North Dakota Schools (1973) - p.58,59, 132, 160, 10
OHIO	§§3319.30; 3319.22; 3319.26; 3319.24; 3319.28; 3319.09; 3319.23; 3319.31; 3319.15; 33.9.42	R3301-35-04; 3301-31-05; 3301-21-081 -- 3301-21-10; 3301-21-12; 3301-31-19; 3301-21-44; 3301-21-13; 3301-12-21

(cont'd)

State	Statutes	Regulations
OKLAHOMA	§§60101; 1-116; 6-108; 6-109; 6-128; 6-105; 3-104; 5-131; 6-125; 6-120	Annual Bulletin for Elementary and Secondary Schools - p. 17, 54
OREGON	§§342.173; 342.143; 342.120; 342.140; 342.980; 342.125; 342.135; 342.165; 342.175	R581-15-205; 581-22-262; 581-36-005
PENNSYLVANIA	§§12-1201; 12-1202; 21-2108; 12-1252; 11-1109; 11-1225; 12-1204; 12-1205; 12-1255; 12-1211; 12-1206; 24-2401.1 -- 2401 3	R49.12; 51.32; 49.71; 49.84; 55.11; 51.33; 49.67; 49.61; 49.72; 49.91; 49.92;49.82; 49.83; 49.31 -- 49.33; 49.62; 49.13; 49.21 -- 49.24; 49.52; 49.64.1 -- 49.64.6; 49.61; 49.63; 49.65; 49.171
RHODE ISLAND	§§16-11-1; 16-11-2; 16-1-4; 16-1-5; 16-11-4; 16-11-5	Standards for Approval and Accreditation of Secondary Schools in Rhode Island (1967) - p.8,15 Standards for Rhode Island Elementary Schools (1977-78) - B-3
SOUTH CAROLINA	§§21-354; 21-371; 21-372; 21-45; 21-400	Art. 3§43-60 -- 43-63 Art. 17§43-207; 43-206
SOUTH DAKOTA	§§13-4-2; 13-42-1; 13-42-2; 13-42-4; 13-42-3; 13-4-5; 13-42-9; 13-42-17; 13-42-18	R24:03:05:01; 24:02:01:06; 24:02:01:04; 24:02:02:02:03:06; 24:02:03:08; 24:02:02:01;24:02:04:01; 24:02:04:01; 24:02; 24:02:03:10; 24:02:01:05
TENNESSEE	§§49-1201; 49-1204; 49-1302; 49-1203; 49-1301; 49-1236; 49-1234; 49-1232; 49-1235; 49-1237; 49-1233; 29-105; 49-1241	R-1, B-10, R-11, D
TEXAS	§§4.11; 13.034. 13.044; 13.037; 13.032; 13.039; 11.311; 13.034; 13.036; 13.040; 13.046; 11.26; 13.042	P03712y; 6211; 6209; 6203.1; 6202. 6206; 6204; 6203; 6212; 6208 AP6203.1; 6209; 6105; 6202; 6203.2; 6206; 6204; 6212; 6208
UTAH	§§53-2-21; 53-2-16; 53-2-15; 53-2-22; 53-2-17; 53-2-18; 53-2-24; 59-49-1; 53-2-20	
VERMONT	§§16-1692; 16-164; 16-2041; 16-1695	Reference Manual of the State Board of Education (1977) - CH VII, B p. 106; CH V, E p. 101
VIRGINIA	§§22-204; 22-249; 22-202; 22-348	Regulations of the Board of Education of the Commonwealth of Virginia (1975) CH II p.3
WASHINGTON	§§28A.67.010; 28A.70.140; 28A.67.020; 28A.70.005; 28A.03.030; 28A.70.160 28A.93.010	WAC180-80-200; 180-80-202; 180-80-205; 180-80-210; 180-80-510; 180-80-550; 180-80-215; 180-80-610; 180-80-217; 180-80-260; 180-80-265; 180-80-600; 180-80-195; 180-80-256; 180-80-258; 180-80-310
WEST VIRGINIA	§§18A-3-1; 18A-3-2; 18-A-3-3; 18A-2-5; 18A-2-6; 18A-3-6; 18A-10E-1	West Virginia Plan for Licensure p. 293, 291 R. 5210; 5110
WISCONSIN	§§118.19; 118.25; 115.28; 115.46;	PI 3.01; 3.001; 3.10
WYOMING	§§21.1-174; 21.1-14; 21.1-175; 21.1-15	Reg. CH III §3; CH III§4; CH III §6; CH III §8; CH III§5
DIST. OF COL.	§§31-1511; 31-1522 31-1531; 31-1533; 31-1801	Reg.CH XVII§1.0; R-4.5; R-13.2; R-14.0; R-13.0; R-3.0; R-4.0 License II, TSAIS License III, TSAIS

ADMINISTRATIVE OFFICERS' CERTIFICATION

In all states except one, certification for administrative officers is a prerequisite to employment. There are certain general requirements concerning individual qualifications that are usually necessary for such certification. More than half the states have character and health requirements for administrative officer certification, and slightly less than half have citizenship and age requirements. Only a few states have residency requirements.

Most states have degree requirements for certification, based upon job demands In almost all cases those states which require an undergraduate degree also require some graduate study. More than half of the states have experience requirements, but less than half require recommendations and examinations. Only three states list clinical experience as a requirement for certification

Supervisory certificates are granted most often at the state as opposed to the local level. About two-thirds of the states offer these certificates. Most states which offer probationary certificates do so as a precondition for conferral of permanent certificates. Some states provide for emergency and temporary certificates. Almost all states provide for a suspension procedure for certificate holders.

Description of Headings for Chart on Administrative Officers' Certification

Statute or Regulation - All administrative officers' certification requirements specified on this chart are covered by statutes (S) and/or regulations (R).

Prerequisite to Employment - Certification necessary for employment as an administrative officer.

General Requirements

1) Character - A person must be of suitable character to be certified.
2) Health - A person's health must meet predetermined standards.
3) Citizenship - Persons must either be U.S. citizens or have declared their intent to become citizens within a prescribed time period.
4) Residency - A provision exists concerning the state residency of a person for certification as an administrative officer.
5) Age - In order to be granted certification one must fulfill an age requirement.

Degree Requirements - Undergraduate/graduate degrees required.

Additional Requirements

1) Recommendation - A recommendation from an individual's preparing institution is necessary for certification.
2) Clinical Experience - State has provisions for clinical experience as a requirement for certification.
3) Examination - A person must fulfill an examination requirement in addition to or as an alternative to meeting other certification requirements.
4) Experience - Experience is either required for either initial certification or may be used in lieu of meeting other existing certification requirements.

Continuing Education Requirements - Provisions requiring continuing education for certificate holders.

Types of Certificates

1) Permanent - Certificate granted is permanent in status.

2) Probationary - Initial certificate is for a probationary term.

3) Temporary - Temporary certificates are available.

4) Emergency - Certificates may be granted in emergency situations.

5) Supervisory - A certificate for supervision is available.

Issuing Body

1) State Board of Education - The State Board of Education issues certificates.

2) State Superintendent of Education - State Superintendent issues certificates.

3) Department of Education - Department of Education issues certificates.

4) Other - Other designated bodies issue certificates.

Promulgating Authority

1) State Board of Education - State Board has the authority to promulgate certification.

2) State Superintendent of Education - State Superintendent has the authority to promulgate certification.

3) Department of Education - Department of Education has the authority to promulgate certification.

4) Other - Other designated bodies have promulgating authority concerning certification.

ADMINISTRATIVE OFFICERS' CERTIFICATION

STATES	STATUTE	REGULATION	PREREQUISITE TO EMPLOYMENT	GENERAL REQUIREMENTS				
				CHARACTER	HEALTH	CITIZENSHIP	RESIDENCY	AGE
ALABAMA	S	*	X					
ALASKA	S	R	X					X
ARIZONA	S	R	X	X	X	X		
ARKANSAS	S	*	X		X			
CALIFORNIA	S	R	X	X	X	X		X
COLORADO	S	R	X	X				
CONNECTICUT	S	R	X	X	X			X
DELAWARE	S	*	X					
FLORIDA	S	R	X	X	X	X	X	X
GEORGIA	S	R	X	X		X		
HAWAII	S		X					
IDAHO	S	R	X		X	X		X
ILLINOIS	S	R	X	X	X	X		X
INDIANA	S	R	X					
IOWA	S	R	X					
KANSAS	S	R	X		X			
KENTUCKY	S	R	X	X				X
LOUISIANA	S	R	X					
MAINE	S		X	X	X			
MARYLAND	S	R	X		X			
MASSACHUSETTS	S	R	X	X	X	X		
MICHIGAN	S	R	X					X
MINNESOTA	S	R		X	X			
MISSISSIPPI	S	R	X	X	X	X		X
MISSOURI	S	R	X	X	X			
MONTANA	S	R	X	X	X	X		X
NEBRASKA	S	R	X	X	X	X		
NEVADA	S	R	X		X	X		
NEW HAMPSHIRE	S	R	X					
NEW JERSEY	S	R	X			X	X	
NEW MEXICO	S	R	X		X	X		
NEW YORK	S	R	X	X		X		X
NORTH CAROLINA	S	R	X		X			
NORTH DAKOTA	S	R	X	X		X		
OHIO	S	R	X	X				
OKLAHOMA	S	R	X					
OREGON	S	R	X	X	X			X
PENNSYLVANIA	S	R	X	X	X	X		X
RHODE ISLAND	S	R	X	X	X			
SOUTH CAROLINA	S	R	X		X			
SOUTH DAKOTA	S	R	X		X			
TENNESSEE	S	R	X	X	X			X
TEXAS	S	R	X	X	X	X	X	X
UTAH	S		X	X	X			X
VERMONT	S		X					
VIRGINIA	S		X		X			
WASHINGTON	S	R	X	X		X		
WEST VIRGINIA	S		X	X	X	X		X
WISCONSIN	S	R	X		X	X		X
WYOMING	S	R	X	X		X		X
DIST. OF COL.	S	R	X	X	X		X	X

*Regulation not received before completion of this study.

ADMINISTRATIVE OFFICERS' CERTIFICATION REQUIREMENTS

STATES	DEGREE REQUIREMENTS		ADDITIONAL REQUIREMENTS				CONTINUING EDUCATION REQUIREMENTS
	UNDERGRADUATE	GRADUATE	RECOMMENDATION	CLINICAL EXPERIENCE	EXAMINATION	EXPERIENCE	
ALABAMA							X
ALASKA	X	X	X			X	X
ARIZONA	X	X			X		
ARKANSAS							
CALIFORNIA	X	X	X	X	X	X	X
COLORADO	X	X	X	X		X	X
CONNECTICUT	X	X					X
DELAWARE							
FLORIDA	X	X				X	X
GEORGIA	X	X				X	X
HAWAII						X	
IDAHO	X		X				
ILLINOIS	X	X			X	X	
INDIANA							
IOWA							
KANSAS	X	X					
KENTUCKY	X	X					X
LOUISIANA	X	X				X	
MAINE							X
MARYLAND							X
MASSACHUSETTS	X						
MICHIGAN							
MINNESOTA	X	X	X			X	
MISSISSIPPI						X	X
MISSOURI							
MONTANA	X	X				X	X
NEBRASKA	X	X	X			X	X
NEVADA	X	X			X	X	
NEW HAMPSHIRE	X		X				
NEW JERSEY		X			X	X	
NEW MEXICO	X	X				X	
NEW YORK	X	X		X	X	X	
NORTH CAROLINA	X	X			X		X
NORTH DAKOTA	X	X				X	X
OHIO		X				X	X
OKLAHOMA		X				X	
OREGON	X						
PENNSYLVANIA	X	X				X	
RHODE ISLAND					X		
SOUTH CAROLINA					X		
SOUTH DAKOTA	X	X				X	
TENNESSEE							
TEXAS	X	X			X	X	
UTAH					X	X	
VERMONT							
VIRGINIA					X		
WASHINGTON	X	X	X			X	
WEST VIRGINIA	X	X					
WISCONSIN	X	X				X	
WYOMING	X	X			X	X	X
DIST. OF COL.	X	X			X	X	

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ADMINISTRATIVE OFFICERS' CERTIFICATION REQUIREMENTS

STATES	TYPES OF CERTIFICATES					SUSPENSION PROCEDURE
	PERMANENT	PROBATIONARY	TEMPORARY	EMERGENCY	SUPERVISORY	
ALABAMA			X	X		
ALASKA					X	X
ARIZONA	X	X	X	X	X	X
ARKANSAS						X
CALIFORNIA	X	X	X	X	X	X
COLORADO	X	X		X	X	X
CONNECTICUT	X	X	X	X	X	X
DELAWARE	X	X	X	X		X
FLORIDA	X	X	X	X	X	X
GEORGIA	X				X	X
HAWAII						X
IDAHO	X	X		X	X	X
ILLINOIS	X	X	X		X	X
INDIANA						X
IOWA	X				X	X
KANSAS	X	X			X	X
KENTUCKY					X	X
LOUISIANA	X					
MAINE						
MARYLAND	X	X			X	
MASSACHUSETTS						X
MICHIGAN						X
MINNESOTA	X		X			X
MISSISSIPPI					X	X
MISSOURI					X	X
MONTANA	X	X		X	X	X
NEBRASKA	X	X		X	X	X
NEVADA	X	X			X	X
NEW HAMPSHIRE	X	X				X
NEW JERSEY				X	X	X
NEW MEXICO	X	X		X	X	X
NEW YORK	X	X			X	X
NORTH CAROLINA	X	X			X	
NORTH DAKOTA		X			X	X
OHIO	X	X			X	X
OKLAHOMA					X	X
OREGON					X	X
PENNSYLVANIA	X	X			X	X
RHODE ISLAND						X
SOUTH CAROLINA					X	X
SOUTH DAKOTA						X
TENNESSEE	X	X	X			X
TEXAS	X	X		X	X	X
UTAH	X				X	X
VERMONT						
VIRGINIA			X			
WASHINGTON	X	X	X	X	X	X
WEST VIRGINIA	X	X	X	X	X	X
WISCONSIN	X	X			X	X
WYOMING	X	X		X	X	X
DIST. OF COL.		X	X		X	X

ADMINISTRATIVE OFFICERS' CERTIFICATION REQUIREMENTS

STATES	ISSUING BODY				PROMULGATING AUTHORITY			
	S.B.E	S.S.E.	DEPARTMENT OF EDUCATION	OTHER	S.B.E.	S.S.E.	DEPARTMENT OF EDUCATION	OTHER
ALABAMA					X	X		
ALASKA					X			
ARIZONA					X			
ARKANSAS	X			X				X
CALIFORNIA			X		X			X
COLORADO	X				X			X
CONNECTICUT					X			
DELAWARE			X		X			
FLORIDA				X	X	X		X
GEORGIA			X				X	
HAWAII					X			
IDAHO	X			X				
ILLINOIS	X			X				X
INDIANA					X			
IOWA	X				X			X
KANSAS	X				X		X	
KENTUCKY		X			X			
LOUISIANA			X			X		
MAINE		X			X	X		
MARYLAND		X			X			
MASSACHUSETTS	X				X			
MICHIGAN	X				X			
MINNESOTA	X	X			X			
MISSISSIPPI				X	X			
MISSOURI	X				X			
MONTANA		X			X			
NEBRASKA		X			X			
NEVADA	X				X			
NEW HAMPSHIRE		X			X			
NEW JERSEY				X				
NEW MEXICO	X				X			
NEW YORK		X		X				X
NORTH CAROLINA					X			
NORTH DAKOTA		X			X			
OHIO					X			X
OKLAHOMA				X				X
OREGON			X		X		X	X
PENNSYLVANIA					X			
RHODE ISLAND	X	X			X			
SOUTH CAROLINA					X			
SOUTH DAKOTA		X		X	X			
TENNESSEE	X	X			X			
TEXAS		X		X	X			
UTAH	X				X			
VERMONT					X			
VIRGINIA					X			
WASHINGTON		X			X			
WEST VIRGINIA	X					X		
WISCONSIN				X	X			
WYOMING					X			
DIST. OF COL.	X							

S.B.E. - State Board of Education

S.S.E. - State Superintendent of Education

ADMINSTRATIVE OFFICER CERTIFICATION

STATE	STATUTES	REGULATIONS
ALABAMA	§§16-23-1; 16-23-7 -- 16-23-16; 16-23-3; 16-23-2	
ALASKA	§§14.07.145; 14.20.470	4 AAC 12.010; 4AAC 12.030;
ARIZONA	§§15-234; 15-333; 15-102; 15-208	R7-2-401
ARKANSAS	§§80-1244; 80-1209; 80-1210; 80-114; 80-1208; 80-113; 80-1214; 80-1228	
CALIFORNIA	§§44273; 44339; 44320; 44336; 44252; 44259; 44335; 44280 et seq.; 44251; 44332; 44253; 44254; 44210; 44225; 44202; 44245; 44244; 44420 -- 44437	R5802; 5505; 6027; 6050; 6053; 6033; 6011; 6560; 5929; 6675; 6006; 5991; 6075 -- 6097
COLORADO	§§22-60-102; 22-60-104; 22-60-107; 22-60-108; 22-2-109; 22-2-118; 22-60-110 -- 22-60-112	2260-R-1.01; 2260-R-1.06; 2260-R-2.02; 2260-R-1.07; 2260-R-2.01; 2260-R-15; 2260-R-3.03; 2260-R-8.08; 2260-R-1.0; 2260-R-12.0
CONNECTICUT	§§10-145; 10-145a; 10-145b	R10-146-2; 10-146-7; 10-146-4; 10-146-96 -- 10-146-101; 10-146-9
DELAWARE	Art. §1092; 1201; 1313; 1204	CHI, sub ch. II§122(b) (7)
FLORIDA	§§231.02; 231.14; 231.17; 231.03; 231.031; 230.2311; 231.20; 231.14; 231.15; 231.17; 231.16; 231.28; 232.023	R6A-4.02; 6A-4.03; 6A-4.04; 6A-4.06; 6A-4.05; 6A-4.07; 6A-4.08; 6A-4.37;
GEORGIA	§§32-655a; 32-1018; 32-1004; 32-653a	R50-1310; 50-111; 50-112; 50-113; 50-113
HAWAII	§§297-41.1; 297-2; 297-3	
IDAHO	§§33-513; 3-1201; 33-1202; 33-1204; 33-1203; 33-114; 33-1208 -- 33-1210	Certification Standards for Professional School Personnel (1976) - 301.1; 301.3.15; 301.3 State Board of Education Policy Manual for Public Schools (1974) - p. 20, 39, 8
ILLINOIS	§§21-1; 34-83; 21-3; 21-4; 21-5; 10-21.1; 21-13; 21-23; 21-10; 21-10.2; 21-7.1; 2+3.9	R-XII; III; XI; XII
INDIANA	§§20-6-12-3; 20-6.1-3.1; 20-1-1-4; 20-6.1-3.3; 20-6.1-3.7	R-21-2; 13-2(L); 13-2(c); 13-2
IOWA	§§294.1; 260.1 -- 260.30; 257.10; 17A.18	CH670 §3.4(257)
KANSAS	§§72-1390; 72-5213; 72-1388; 72-7513; 82-8505; 72-1383	R91-1-18; 91-1-22; 91-1-7; 91-1-8; 91-1-15
KENTUCKY	§§181.020; 161.040; 161.030; 161.025; 161.120; 161.780	704 KAR 20:005; 704 KAR 20:020; 704 KAR 20:100; 704 KAR 1:040
LOUISIANA	§§17:413; 17:414; 17:412; 17:411	Part VIII, p.39-40
MAINE	§§1753; 1754; 1751; 1091; 1902; 59; 160	
MARYLAND	Art. 77§107; 86; 110; 27; 16;30	R13.06.01.01;13.06.01.03; 13.06.01.02; 13.06.01.05
MASSACHUSETTS	CH.71§38G; 38;55b	R-8§III; 8§IV; 8§V; 9
MICHIGAN	§§388.553; 380.1233; 380.1533; 380.1531; 388.1010; 380.1532	R390.1105;
MINNESOTA	§§125.05; 125.09; 125.071; 121.11	EDU 330; Teachers Licensing Handbook (1976) p. 9,16
MISSISSIPPI	§§37-9-7; 37-11-15; 37-11-17; 37-5-73; 37-3-21; 37-9-9; 37-9-57	CHI §A; CHI §D; CHI §F; CH V; CHI§E
MISSOURI	§§168.011; 168.031; 168.131; 168.021; 168.071	5CSR 850.120
MONTANA	§§75-6001; 75-6004; 75-5802; 75-6006; 75-6011; 75-5707 75-6003; 75-5607; 75-6010	R48-2.6(6) - S6080; 48-2.10(2) - S10070; 48.210(10) -S10120; 48-2.10(2) - S10030; 48-2.10(2) - S10050; 48-2.10(2) - S1090; 48-2.10(18) - P10160 -- 48-2.10(18) - P10200
NEBRASKA	§§79-1233; 79-1240; 79-1247.06; 79-1247.08; 79-1229; 79-332; 79-1247.07; 79-1247.04; 79-1234	R11-(21); 11-(22); 21-(13); 21-(2); 21-(15) -- 21-(34); 21-(5); 21-(8);
NEVADA	§§391.090; 391;020; 385.080; 385.090; 341.320; 341.340; 341.350; 341.355; 385.265	Nevada Teacher Certification Requirements (1974) - P. 1, 2, 15
NEW HAMPSHIRE	§§189:39; 186:11; 186:8	R-00319.1; 00319.13; 00479; 00321.1; 00321.87; 00975; 00479

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STATE	STATUTES	REGULATIONS
NEW JERSEY	§§18A: 17-17; 18A:26-2; 18A:27-2; 18A:29-1; 18A:6-39; 18A:26-1; 18A:26-1.1; 18A:26-8; 18A:29-16; 18A:6-38; 18A:4-35; 18A:26-4; 18A:26-10; 18A:28-8	R6:11-9.2; 6:11-10.2; 6:11-7.47 -- 6:11-7.50; 6:11-9.1; 6:11-10.1 -- 6:11-14
NEW MEXICO	§§77-8-1.2; 77-8-7; 77-8-1.2; 77-2-2; 77-8-19	R73-7; 70-19; 63-3; 68-2; 74-6; 77-1; 74-7; 74-8
NEW YORK	Art. 61 §3003; 3001; 3001-a Art. 52 §2573; 2566 Art. 27 §2573; 2569-b; Art. 51 §2507	R83.4; 80.4; 80.2
NORTH CAROLINA	§§115-152; 115-155; 115-143; 115-153; 115-11	2H.0203; 2H0205; 2H1702; 2H0207; 2H1703; 2H.0206; 2H.1303; 2H.0201
NORTH DAKOTA	§§15-36-11; 15-36-01; 15-36-07; 15-36-15 -- 15-36-17	North Dakota Regulation - P. 98, 99, 160, 100, 10
OHIO	§§3319.30; 3319.22; 3319.26; 3319;28; 3319.23; 3319.31; 3319.15	R3301-35-04; 3301-21-01 -- 3301-21-07
OKLAHOMA	§§6-101; 1-116; 6-108; 6-109; 3-104; 5-131; 6-126; 6-120	Oklahoma Regulation - P. 12
OREGON	§§342.173; 342.143; 342.120; 342.140; 342.125; 342.200; 342.165; 342.175	R581-22-262
PENNSYLVANIA	§§12-1201; 12-1202; 21-2108; 12-1252; 11-1109; 11-1225; 12-1209; 12-1204; 12-1226; 12-1255; 12-1211; 12-1227	R49.12; 49.64.1 -- 49.64.6; 49.71; 49.67; 49.111; 49.112; 49.121; 49.41 -- 49.42; 49.72; 51.35; 49.13
RHODE ISLAND	§16-11-1; 16-11-2; 16-1-4; 16-1-5; 16-11-4	Art. V School Personnel - p. 5-8 (Sec. D, 1,a) Education Programs for Very Young Children (1969) - p. 6
SOUTH CAROLINA	§§21-354; 21-371; 21-372; 21-61.5; 21-45; 21-375	Art. 17§43.207;
SOUTH DAKOTA	§§13-4-2; 13-42-1; 13-43-2; 13-42-4; 13-42-3; 13-4-5; 13-42-9; 13-42-17	R24:03:04:02; 24:02:03:11 -- 24:02:03:14
TENNESSEE	§§49-1201; 49-1204; 49-1302; 49-1203; 49-1236; 49-1234; 49-1235; 49-1237; 49-105; 49-1233	CH1 §B-10; CH11§D;
TEXAS	§§4.11; 13.034; 13.044; 13.032; 13.039; 13.037; 13.036; 13.040; 11.26; 13.046	PO 6211; 6204; AP 6203.2; 6206; 6204
UTAH	§§53-2-21; 53-2-16; 53-2-22; 53-2-17; 53-2-15; 53-2-18; 53-2-24	
VERMONT	§§16-1692; 16-164	
VIRGINIA	§§22-204; 22-249; 22-202	
WASHINGTON	§§28A.67.010; 28A.70.140; 28A.67.020; 28A.70.005; 28A.03.030; 28A.70.160 -- 28A.70.180	WAC 180-80-285; 180-80-290; 180-80-295; 180-80-302; 180-80-300; 180-80-312
WEST VIRGINIA	§§18A-3-1; 18A-3-3; 18A-2-5; 18A-2-6; 18A-3-2; 18A-3-6	
WISONSIN	§§118.19; 118.25; 115.28	PI 3.10
WYOMING	§§21.1-174; 21.1-14; 21.1-175; 21.1-15	CH III §3; CH III §4; CH III §4, 6, 9 CH III §5
DIST. OF COL.	§31-1511; 31-1522; 31-1534; 31-1533; 31-1512; 31-1531	R- 12.1; 11.1; 12.2; 11.6 -- 11.7

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EXISTING CERTIFICATION REQUIREMENTS BY JOB TITLE

In slightly less than half of the states, the state superintendent and her/his assistants must be certified. In nearly all states regional and local superintendents are required to be certified. This is also true for principals and assistant principals.

In almost all states, specialists (i.e., psychologists, counselors, social workers, etc.) are required to be certified in order to work in the public schools.

In most states teachers are required to be certified in the specific areas, i.e., pre-school, elementary, junior high and secondary education, in which they intend to teach.

Special education and vocational education teachers in most states require certification to teach, whereas fewer than half the states require bilingual and adult education teachers to be certificate holders. Only six states require compensatory education teachers to be certified. More than half of the states either require or authorize teacher aides to hold certificates.

Description of Headings for Chart on Existing Certification Requirements by Job Title

Statute and/or Regulation - All certification requirements specified on this chart are covered by statutes (S) and/or regulations (R).

Administrative Officers

1) State/Assistant State Superintendent
2) Regional/Local Superintendent
3) Principals/Assistant Principals

Required to hold certificate

Professional/Specialists

1) Psychologists
2) Counselors
3) Social Workers
4) Others

Required to hold certificate

Teachers - General Areas

1) Pre-School
2) Elementary
3) Junior High
4) Secondary

Required to hold certificate

Teachers - Special Subject Areas

1) Special
2) Vocational
3) Bilingual
4) Compensatory
5) Adult
6) Aides

Required to hold certificate

Existing Certification Requirements By Job Title

STATES	STATUTE	REGULATION	STATE SUPER-INTENDENT	ASSISTANT STATE SUPER-INTENDENT	REGIONAL SUPER-INTENDENT-EDUCATION	LOCAL SUPER-INTENDENT-EDUCATION	PRINCIPALS	ASSISTANT PRINCIPALS
ALABAMA	S	*	X	X	X	X	X	X
ALASKA	S	R	X					
ARIZONA	S	R						
ARKANSAS	S	*	X		X			
CALIFORNIA	S	R			X	X	X	X
COLORADO	S	R	X					
CONNECTICUT	S	R			X	X		
DELAWARE	S	*	X					
FLORIDA	S	R					X	X
GEORGIA	S	R	X		X			
HAWAII	S							
IDAHO	S	R			X	X	X	
ILLINOIS	S	R		X	X	X	X	X
INDIANA	S	R			X	X	X	X
IOWA	S	R	X	X	X	X	X	X
KANSAS	S	R		X	X	X	X	X
KENTUCKY	S	R			X	X	X	X
LOUISIANA	S	R			X	X	X	X
MAINE	S	R		X	X	X		
MARYLAND	S	R	X	X	X	X	X	X
MASSACHUSETTS	S	R			X	X	X	X
MICHIGAN	S	R	X		X	X		
MINNESOTA	S	R		X	X	X	X	X
MISSISSIPPI	S	R		X	X	X	X	X
MISSOURI	S	R	X			X	X	X
MONTANA	S	R	X	X	X	X	X	X
NEBRASKA	S	R	X	X	X	X	X	X
NEVADA	S	R	X	X	X			
NEW HAMPSHIRE	S	R	X	X	X	X	X	X
NEW JERSEY	S	R		X	X	X	X	X
NEW MEXICO	S	R	X	X	X	X	X	X
NEW YORK	S	R		X	X	X	X	X
NORTH CAROLINA	S	R			X	X	X	X
NORTH DAKOTA	S	R		X	X	X	X	
OHIO	S	R		X	X	X	X	X
OKLAHOMA	S	R	X	X	X	X	X	X
OREGON	S	R			X	X		
PENNSYLVANIA	S	R			X		X	
RHODE ISLAND	S	R				X	X	X
SOUTH CAROLINA	S	R			X		X	X
SOUTH DAKOTA		R			X	X	X	
TENNESSEE	S	R	X	X	X	X	X	
TEXAS	S	R	X		X	X		
UTAH	S		X			X		
VERMONT	S	R	X		X	X		
VIRGINIA	S	R	X		X	X	X	X
WASHINGTON	S	R			X	X	X	X
WEST VIRGINIA	S	R	X		X			
WISCONSIN	S	R			X	X	X	X
WYOMING	S	R			X	X	X	
DIST. OF COL.	S	R			X		X	X

* Regulations not received before completion of the study.

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Existing Certification Requirements by Job Title

STATES	PROFESSIONAL/ SPECIALISTS				TEACHERS - GENERAL AREAS				TEACHERS - SPECIAL SUBJECT AREAS					
	PSY-CHOLO-GISTS	COUN-SELORS	SOCIAL WORK-ERS	OTHERS	PRE-SCHOOL	ELEM-ENTARY	JR. HIGH	SECON-DARY	SPECIAL	VOCATIONAL	BI-LINGUAL	COMPEN-SATORY	ADULT	AIDES
ALABAMA					X	X	X	X						
ALASKA	X	X	X	X						X				
ARIZONA									X	X			X	
ARKANSAS														
CALIFORNIA	X	X	X	X	X	X		X	X	X	X	X	X	X
COLORADO	X	X	X	X	X	X			X	X	X			
CONNECTICUT	X	X	X	X		X		X	X	X	X		X	
DELAWARE														
FLORIDA	X	X		X	X	X	X	X	X	X			X	X
GEORGIA				X		X	X	X	X	X				X
HAWAII									X					
IDAHO	X	X	X	X	X	X		X	X	X				X
ILLINOIS	X	X	X		X	X		X	X	X	X		X	X
INDIANA	X	X	X	X	X	X	X	X	X	X	X		X	
IOWA	X	X		X	X	X	X	X	X	X	X	X	X	X
KANSAS		X	X	X	X	X	X	X	X	X	X	X	X	X
KENTUCKY		X	X	X	X	X	X	X	X	X				X
LOUISIANA	X	X		X		X		X	X	X	X			
MAINE	X	X	X	X	X	X		X	X	X	X	X	X	X
MARYLAND	X	X		X	X	X	X	X	X	X				
MASSACHUSETTS	X	X		X	X	X	X	X	X	X	X			
MICHIGAN	X		X	X	X	X		X	X	X	X		X	X
MINNESOTA	X	X	X	X	X	X	X	X	X	X	X			X
MISSISSIPPI	X	X		X	X	X	X	X	X	X	X		X	A
MISSOURI	X	X		X	X	X		X	X	X		X	X	A
MONTANA	X	X	X	X		X		X	X	X			X	
NEBRASKA	X	X		X		X		X	X	X				X
NEVADA	X	X	X	X		X	X	X	X	X				X
NEW HAMPSHIRE	X	X	X	X	X	X	X	X		X				A
NEW JERSEY	X	X	X	X	X	X			X	X	X	X	X	X
NEW MEXICO		X	X	X	X	X	X	X	X		X		X	X
NEW YORK	X	X	X	X	X	X		X	X	X	X		X	X
NORTH CAROLINA	X	X	X	X	X	X		X	X	X				
NORTH DAKOTA	X	X	X	X	X	X		X	X					A
OHIO	X	X	X	X	X	X	X	X	X	X			X	X
OKLAHOMA	X	X		X	X	X	X	X	X	X			X	X
OREGON					X	X		X	X					A
PENNSYLVANIA	X			X	X	X		X		X	X		X	X
RHODE ISLAND	X		X	X	X				X		X			X
SOUTH CAROLINA	X	X		X	X	X	X	X	X	X			X	A
SOUTH DAKOTA	X	X		X	X	X		X	X	X				A
TENNESSEE	X	X	X	X	X	X	X	X	X	X				
TEXAS	X	X		X	X	X	X	X	X	X	X		X	A
UTAH				X	X	X	X	X	X					
VERMONT	X			X					X	X				A
VIRGINIA									X					
WASHINGTON	X		X	X	X	X		X		X	X		X	
WEST VIRGINIA					X				X					X
WISCONSIN	X	X	X	X	X	X		X	X	X				X
WYOMING	X	X	X	X	X	X	X	X	X	X	X			
DIST. OF COL.	X	X	X	X		X	X	X	X		X		X	X

A - Authorized

EXISTING CERTIFCATION REQUIREMENTS BY JOB TITLE

STATE	STATUTES	REGULATION
ALABAMA	§§16-4-1; 16-23-1; 16-9-2;	
ALASKA	§§80-118; 80-217	4 AAC 12.040; 4AAC 12.100; 4AAC 12.070; 4 AAC 12.040 -- 4 AAC 12.065; R7-2-306; 7-2-401
ARIZONA		
ARKANSAS	§§80-118; 80-217	
CALIFORNIA	§§1205-1212; 44268; 44266; 44265; 44274; 56531; 44271; 89220 -- 89223; 44253.5; 44253.6; 52163; 8360 -- 8370, 44232; 44360	R6550 -- 6552; 6400 -- 6431; 5928; 5936.6; 5936.4; 6120 -- 6124; 6130 -- 6152; 6170 -- 6187; 5931 -- 5936.1; 6570 -- 6604; 18101; 18120 -- 18126; 5936.5; 6355 -- 6363; 6370 -- 6375; 12065 -- 12070; 17904; 17941
COLORADO	§§22-2-110; 22-60-104	2260-R-9.06; 2260-R-8.01; 2260-R-9.07; 2260-R-8.02 -- 2260 - R-8.04; 2260-R-7.05; 2260-R-3.01; 2260-R-6.01; 2260-R-6.02; 2260-R-7.01 -- 2260-R-7.06; 2220-R-1.09; 2220-R-7.04; 2260-R-2.03; 2260-R-6.03; 2260-R-6.13; 222-R-5.01
CONNECTICUT	§10-146f	R10-146-99-101; 10-146-96-98; 10-146-82a-82c; 10-146-75-77; 10-146-83-84; 10-146-86-95; 10-146-10-15; 10-146-16-20; 10-146-24-266; 10-146-21-23; 10-146-27-50; 10-146-52a-52c; 10-146-51-52
DELAWARE	§10	
FLORIDA	§§231.15; 231.61; 231.141	R6A-4-7; 6A-4-31; 6A-4-18; 6A-4.07-35; 6A-4.07-14; 6A-4.07-23; 6A-4-21; 6A-4-38; 6A-4-40 -- 6A-4-44
GEORGIA	§§32-502; 32-1004; 32-1008; 32-2802; 32-655a	R50-1310; 30-1114; 50-114; 50-124; 50-1200
HAWAII	§301-23	
IDAHO	§§33-513; 33-2303	Certification Standards for School Personnel (1976) - §301.3 State Board of Education Policy Manual for Public Schools - P. 13, 16, 18-20, 21-23, 26-29, 30, 31, 33, 40
ILLINOIS	§§3-1; 10-22.8; 21-2; 21-2.1; 21-3; 21-5; 14-9.01; 10-22.17; 21-11	XII; XI; IV; I; II; VII; IX; XIII Requirements of State Teacher Certification Board - February 1973
INDIANA	§§20-2-5-1; 20-1-6-3; 20-10-20-8; 20-10.1-5; 20-10.1-5.2	R23-14; 23-13; 23-11; 23-10; 23-12; 23-2; 23-3; 21-46; 23-8; 23-9; 23-14 -- 23-16; 21-19
IOWA	§§257.11; 260.9; 257.22; 257.25; 260.6; 260.17; 281.3	R670-15.28(257); 670-15.4(257); 670-15.8(257); 670-15.6(257); 670-15.24(257); 670-15.30(257); 670-15.23 -- 670-15.26; 670-15.36(257) 670-16.4(257); 670-15.31(257); 670-15.40(257); 670-15.17 -- 670-15.20(257) 670-5.2(280); 670-15.32(257); 670-15.38 (257)
KANSAS	§§72-962; 72-1381; 72-1106	R91-1-22; 91-1-7; 91-1-23; 91-1-5; 91-1-3; 91-1-2; 91-1-9
KENTUCKY	§§160.350; 159.080; 157.250; 161.044	704 KAR 20:100; 704 KAR 20:130; 704 KAR 20:195; 704 KAR 20:125; 704 KAR 20:145--704 KAR 20:155 704 KAR 20:180 -- 704 KAR 20:190; 704 KAR 20:065; 704 KAR 20:198 -- 704 KAR 20:205; 704 KAR 20:230 -- 704 KAR 20:255; 704 KAR 20:215 -- 704 KAR 20:220
LOUISIANA		Part III, p. 14-15 Part VIII, p. 39, 40 42-44, 45 Part IX p. 48a-c; Part V p. 21-25 Part VII, p. 31 - 38; Part X p. 52-68
MAINE	§§160;59	Education of Handicapped Children-Sec. 10
MARYLAND	§§23;57;102	R13.06.01.05; 13.04.01.17
MASSACHUSETTS	§§CH71 §38G; 38C CH78 §22; 29; 25 CH 69 §5	R-8§V; R-30; R-22; R-19; R-11; R-29; R-39§10; R-5; R-21
MICHIGAN	§§380.1233; 380.1246; 380.651; 380.1251; 380.1531; 388.1023 -- 388.1024; 380.1703; 380.1157; 380.1293	R340.1151 -- 340.1158; R390.1301 -- 390.1305; 340.1011; 388.421 -- 388.426; 390.1126; 390.1133; 39.1127; 340.1749 -- 340.1794; 388.413 -- 388.415; 390.1161 -- 390.1167; 390.1105
MINNESOTA	§§125.03; 120.18	EDU 330, 327, Teacher Licensing Handbook (1976) - P. 9, 11, 13, 17, 19, 24, 31-34, 52-54, 59,60

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STATE	STATUTE	REGULATION
MISSISSIPPI	§§37-5-73; 37-5-87	CH V; CH II; CH I §C; CH IV §D; CH II §F; CH II§C, CH III
MISSOURI	§§Art IX §2b Missouri Constitution	5CSR 50-340.010; 5CSR 80-800.010; 5SCR 50-820.120; 5SCR 70-742.120; 5SCR 50-100.040
MONTANA	§§75-5702; 75-5802; 75-6006	R48-2.10 (10) - S10120; 48-2.10(10) - S10150; 48-2.10(6) - S10050; 48-2.10(10) - S10110; 48-2.18(34) - S18520; 48-2.18(34)-S18630; 48-2.10(10) - S10130; 48-2. 26 46)-S26780
NEBRASKA	§§79-331; 79-1229; 79-311; 79-1233	R21-(15) -- 21(34); R21-(8); R11-(28); R21-(7); R3-(5); R51-(7); R21-(61-64); R11-(24)
NEVADA	§§385.160; 385.290; 385.300; 391.110; 391.010	Teacher Certification Requirements (1974) - P. 2,3,7,10-26
NEW HAMPSHIRE	§§186:9; 186:11	R00321.1 §1320; 00479 §11; 00479§111; 00602 §11
NEW JERSEY	§§18A: 17-17; 18A: 35-9; 18A:44-3; 18A:49-2; 18A-4-36	R6:11-7.50; 6:11-10-4; 6:11-10-2; 6:11-7.45; 6:11-10.4; 6:11-10.8; 6:11-7.53; 6:11-12.14; 6:11-7.52; 6:11-7.55; 6:11-11.1; 6:11-12.11; 6:11-12.16; 6:11-12.20
NEW MEXICO	§§77-8-1.2; 88-8-1.2; 77-11-6	R-C(2); 70-19; 72-14; 63-4; 76-25; 63-1; 67-1; 71-24; 71-28; 71-29; 72-4; 72-3; 71-26; 69-3 -- 69-4; 74-2--74-4; 71-2
NEW YORK	Art. 61§3003 Art. 51§2507 Art. 52§2573 Art. 154§7704 Art. 7§305 Art. 93§4602 Art. 27§2569e	R80.4; 80.3; 80.7; 80.18; 80.15; 80.5; 80.5; 80.23; 80.33
NORTH CAROLINA	§§115-39; 115-235.5	2H .1303; 2H 0221; 2H .0200; 2H .0218; 2H .0221; 2H .1306; 2H .1308; 2H .1702; 2H .0900; 2H .1000; 2H .1300; 2H .0210; 2H .1118; 2H .0208; 2H .0211 -- 2H .0217; 2H .1201 -- 2H .1213;
NORTH DAKOTA	§§15-41-03; 15-22-02; 15-22-06; 14-45-03; 15-41-25	Regulations - p. 100, 101, 102, 106; 108 -- 111; 114 --- 115, 131 -- 133, 160
OHIO	§§3319.22; 3319.01; 3A.22; 4732.10; 3319. 281; 3319.088	R3301-21-07; 3301-21-01; 3301-21-06; 3301-21-03; 3301-21-16; 3301-51-09; 3301-19-01; 3301-21-17 -- 3301-21-29; 3301-21-32 -- 3301-21-39; 3301-43-03
OKLAHOMA	§§1-105; 3-104; 1-116; 4-101; 13.105; 1210.271; 14-11; 6-127	Regulations - P 12, 22, 25, 29, 30, 41, 45, 54, 55, 58, 62, 70, 80
OREGON	§§336.115; 342.135; 343.271; 342.155; 342.120	R581-24-050; 581-15-205; 581-15-210; 581-37-005 -- 581-37-030
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INTERSTATE AGREEMENT ON QUALIFICATIONS OF EDUCATIONAL PERSONNEL

ARTICLE I

PURPOSE, FINDINGS, AND POLICY

1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

ARTICLE II

DEFINITIONS

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the educational official of a state selected by that state to negotiate and enter into, on behalf of this state, contracts pursuant to this agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to article III.

6. "Receiving state" means a state (and the subdivisions thereof) which accepts educational personnel in accordance with the terms of a contract made pursuant to article III.

ARTICLE III

INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivi-

sions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January first, nineteen hundred fifty-four.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

ARTICLE V

INTERSTATE COOPERATION

The party States agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

ARTICLE VI

AGREEMENT EVALUATION

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

ARTICLE VII

OTHER ARRANGEMENTS

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

ARTICLE VIII

EFFECT AND WITHDRAWAL

1. This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

ARTICLE IX

CONSTRUCTION AND SEVERABILITY

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

The following states have adopted the Interstate Agreement on Qualifications of Educational Personnel:

Alabama	Maine	Oklahoma
Alaska	Maryland	Pennsylvania
California	Massachusetts	Rhode Island
Connecticut	Michigan	South Carolina
District of Columbia	Minnesota	South Dakota
Delaware	Montana	Utah
Florida	Nebraska	Vermont
Hawaii	New Hampshire	Virginia
Idaho	New Jersey	Washington
Indiana	New York	West Virginia
Iowa	North Carolina	Wisconsin
Kentucky	Ohio	

COMPACT FOR EDUCATION
PREAMBLE

WHEREAS, the proper education of all citizens is one of the most important responsibilities of the states to preserve a free and open society in the United States; and,

WHEREAS, the increasing demands of our whole national life for improving and expanding educational services require a broad exchange of research data and information concerning the problems and practices of education; and,

WHEREAS, there is a vital need for strengthening the voices of the states in the formulation of alternative nationwide educational policies,

THE STATES AFFIRM the need for close and continuing consultation among our several states on all matters of education, and do hereby establish this compact for education.

ARTICLE I--PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II--STATE DEFINED

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III--THE COMMISSION

A. The educational commission of the states, hereinafter called "the commission", is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the

appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article V and adoption of the annual report pursuant to article III (j).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

ARTICLE IV--POWERS

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V--COOPERATION WITH FEDERAL GOVERNMENT

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representatives shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI--COMMITTEES

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-third of the voting membership of the steering committee shall consist of governors, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: fifteen for one year and fifteen for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the state concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

ARTICLE VII--FINANCE

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III(g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III(g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VIII--ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December thirty-one, nineteen hundred sixty-seven. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission from any source available to him.

D. Except for a withdrawal effective on December thirty-one, nineteen hundred sixty-seven in accordance with paragraph C of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX--CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. 1. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

2. Of the seven members of the educational commission of the states representing this state, one shall be the governor, one shall be appointed by the temporary president of the senate from among the members of that body, one shall be appointed by the speaker of the assembly from among the members of that body, one shall be the commissioner of education, and three shall be appointed by and serve at the pleasure of the governor. The members of the commission representing this state shall receive no compensation for their services but shall be allowed their actual and necessary expenses in performance of their duties hereunder.

3. Pursuant to article III(i) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the governor.

States Adopting the Interstate Compact for Education:

Alabama
Alaska
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Missouri
Nebraska
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

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A COMPENDIUM OF
STATE LEGAL STANDARDS FOR THE PROVISION OF PUBLIC EDUCATION

ORGANIZATIONAL OUTLINE

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  - 2. Programs for Exceptional Children
  - 3. Vocational Education
  - 4. Early Childhood Education
  - 5. Bilingual/Bicultural Education
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ALABAMA

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ALABAMA

The State Board of Education is composed of eight elected members plus the governor as an ex officio member. The State Board of Education, through the State Superintendent of Education, exercises general supervision over the public schools of the State and has authority to adopt regulations concerning the training and certification of teachers.

The State Superintendent of Education is appointed by the State Board of Education. He/she enforces the provisions of Alabama's education code and the rules and regulations of the State Board of Education.

The State Department of Education, organized into divisions and services necessary to fulfill its duties, is responsible for giving assistance in the execution of policies and procedures authorized by law and implementation of regulations of the State Board of Education.

County Boards of Education are composed of five elected members. These members appoint a County Superintendent as the Board's executive officer. The County Board appoints for every school in the county three persons to serve as trustees who are to care for the school property and reports to the County Board the needs and progress of the school. The principal teacher of the school is secretary of the Board of School Trustees.

In municipalities of 5,000 or more, a City Board of Education composed of five members elected by the city council or commission, has power to administer and manage the free public schools within such city. The City Superintendent of Schools is appointed by and is the chief executive officer of the City Board of Education.

The Alabama Education Study Commission is a permanent agency of the State composed of eight members apointed by the governor. It is directed to report to the legislature evaluations and recommendations concerning educational programs within the State.

ALABAMA EDUCATIONAL TELEVISION COMMISSION

CROSS REFERENCE

II.B.2.; Statute §16-7-2; 16-7-3; 16-7-5

ATTENDANCE OFFICERS

CROSS REFERENCE

IV.H.; Statute §16-28-16; 16-28-17

BOARD OF SCHOOL TRUSTEES

STATUTES

§16-10-1

APPOINTMENT

The county board of education shall appoint three persons for every school in the county to serve as a board of school trustees. The persons chosen for the board must be mature, competent, and reliable and have the respect and confidence of the community. The trustees will serve a term of four years and will care for the property, look after the general interest of the school and make periodic reports to the county board of education on the progress and needs of the school. Vacancies on the board of trustees will be filled by the board of education.

§16-10-2:3

BOARD OFFICERS

The board of school trustees shall hold an annual meeting at which officers will be chosen; two regular meetings per year and such special meetings as the board may require.

The principal teacher of the school shall be the secretary of the board of school trustees.

§16-19-4

The board of school trustees has the power to refuse to accept the assignment of a teacher to their school. The board must notify the county superintendent, in writing, of its decision and the reason for such refusal.

CROSS REFERENCES

III.B.Teachers; Statute §16-19-4

III.C.Teachers; Statute §16-10-9

III.D.Schools; Statute §16-10-7

IV.H.; Statute §16-10-5

STATUTES

§16-11-1

The administration and supervision of the public schools of each city shall be vested in a city board of education, composed of five members who are city residents. A city includes all municipalities of 20,000 or more. Board members are chosen for their character and fitness. No one may serve on the board who is a member of the city council or commission.

§16-11-3

Members of the city board of education shall serve for a five-year term. Vacancies on the board will be filled by the city council or commission.

§16-11-9

The city board of education is vested with all the authority necessary to manage and administer the public schools of the city.

§16-11-10

The city board of education shall have a quadrennial census taken under the direction of the city superintendent of schools. The census will include all school age children between the ages of six and 19.

§16-11-18

Upon the city superintendent's recommendation, the city board of education shall establish a written educational policy for the schools and prescribe rules and regulations for the management of the schools. The board shall consult with teachers' unions, principals, teachers and interested citizens before adopting written policies. The rules and regulations and policies adopted shall be made available to all teachers employed by the Board.

RULEMAKING

§16-11-23

The city board of education has the right to establish

public libraries, either separately or in connection with the public schools. The Board may also establish special schools for backward, defective, truant, or incorrigible children, day or night schools for adult illiterates and for the Americanization of foreigners and part-time continuation classes.

§16-12-20; 21

The city board of education may contract with teachers and other employees for a longer period of time than the school year. The city board may provide vacation leave, leaves of absence and sick leave for teachers and board employees.

CROSS REFERENCES

I.County Board of Education; Statute §16-8-8

II.A.1.; Statute §16-12-9

II.A.3.; Statute §16-37-8

II.B.1.a.; Statute §16-36-22

III.A.2.; Statute §16-11-20

III.A.2.; Statute §16-12-8

III.C.City Superintendent; Statute §16-12-1

III.C.School Employees; Statute §16-12-15; 16-12-16

III.C.Teachers; Statute §16-11-17

City Council

CROSS REFERENCE

I.City Board of Education; Statute §16-11-3

City School System

CROSS REFERENCE

II.A.1.; Statute §16-41-6; 16-41-7

City Superintendent of Schools

Statutes

§16-12-3

The city superintendent of schools shall be the chief

executive officer of the city board of education and shall enforce and interpret the board's rules and regulations and the school laws. The superintendent shall decide all controversies and disputes involving the rules and regulations of the city board.

§16-12-5

The city superintendent shall recommend school policies rules and regulations for adoption by the city board of education. RULEMAKING

§16-12-13

The city superintendent shall direct the census-taking as provided for in the statutes.

CROSS REFERENCES

II.A.1.; Statute §16-12-9

III.C.School Employees; Statute §16-12-9

III.D.School; Statute §16-12-11

III.E.Teachers; Statute §16-12-10

III.E.Teachers; Stuatue §16-23-12; 13

IV.H.; Statute §16-12-18

COUNTY BOARD OF EDUCATION

STATUTES

§16-8-3

Each year the county board of education shall hold a meeting to provide an opportunity to the public to present matters relating to school funds or any other administrative matter.

§16-8-4

The county board of education shall hold an annual meeting and such special meetings as may be required.

§16-8-6

Vacancies on the county board of education shall be filled by a majority of the remaining board. If the board does not fill the vacancy within 30 days, it shall be filled by the state superintendent of education.

§16-8-8

The county board of education exercises general administration and supervision over the public schools. The administration of a city board may be consolidated with the county and vested in the county board of education.

§16-8-9

The county board of education, through the county superintendent, shall control and supervise the public school system. The board shall consult with principals, teachers and citizens in order to promote the interests of the schools under its jurisdiction.

§16-8-10

The county board of education shall establish a written educational policy for the county and prescribe rules and regulations for the management of the schools. Before written policies are adopted, the board shall consult with the teachers union, principals and interested citizens. All policies, rules and regulations that are adopted shall be made available to all teachers.

RULEMAKING

§16-8-24

A county board of education may contract with teachers and other employees for a longer period of time than the schools are in session.

§16-8-31

The county board of education shall have a quadrennial school census taken of all school children between ages six and 19. The county board of education shall appoint census takers.

§16-8-40

The county board of education has the right to acquire, purchase and sell property; to sue and be sued; and to enter into contracts.

CONTRACTS

CROSS REFERENCES

I.County Superintendent of Education; Statute §16-8-7

I.County Superintendent of Education; Statute §16-9-1

I.County Superintendent of Education: Statute §16-9-11

I.Board of Trustees; Statute §16-10-1

II.A.1.; Statute §16-8-28

II.A.1.; Statute §16-91-21

II.A.3.; Statute §16-37-8

II.B.1.a.; Statute §16-36-22

II.B.3.; Statute §16-21-1

II.B.3.; Statute §16-21-3

III.A.2.; Statute §16-8-29; 16-9-22

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III.C.Pupils; Statute §16-8-35

III.C.School Employees; Statute §16-8-23

III.C.School Employees; Statute §16-9-23

III.C.Schools; Statute §16-26-3

III.C.School System; Statute §16-8-11

III.C.Teachers; Statute §16-10-9

III.D.County Board of Education; Statute §16-8-37

III.D.Reports Required by the State Board of Education; Statute §16-8-39

IV.D.; Statute §16-8-27

IV.G.; Statute §16-9-19

IV.H.; Statute §16-8-34

IV.H.; Statute §16-28-19

COUNTY SCHOOL SYSTEM

CROSS REFERENCE

II.A.1.; Statute §16-41-6; 16-41-7

COUNTY SUPERINTENDENT OF EDUCATION

STATUTES

§16-8-7

The county board of education shall appoint a county superintendent of education who shall serve as secretary of the county board. The superintendent has the right to advise on any questions under consideration by the board, but may not vote. APPOINTMENT

§16-9-1

There shall be a county superintendent in each county who

shall act as the chief executive officer of the county board of education. Each county board shall appoint a superintendent of schools for a term of two to four years.

APPOINTMENT

§16-9-11

A vacancy in the office of county superintendent shall be filled by the county board of education within 30 days after the vacancy occurs. If the county board does not fill the vacancy within 30 days, the state superintendent shall fill the vacancy by appointment.

§16-9-12

The county superintendent of education shall devote his/her entire time to public school business.

§16-9-13

The county superintendent of education shall see that the laws relating to the schools, and the rules and regulations of the state and county boards of education are carried out.

§16-9-15

The county superintendent shall recommend, for board approval, and adoption, educational policies and school rules and regulations.

RULEMAKING

§16-9-22

The county superintendent shall prepare rules and regulations for grading and standardizing all public schools in the county and submit them for approval and adoption by the county board. The superintendent shall grade and standardize all public schools and recommend them for the county board's approval.

RULEMAKING

§16-9-29

The county superintendent shall direct the taking of the county quadrennial school census.

§16-9-21

The county superintendent shall prescribe courses of study for the county's schools and submit them to the county board for its approval and adoption. Printed copies of the

course outlines shall be given to all teachers and interested citizens.

CROSS REFERENCES

I.County Board of Education; Statute §16-8-9

II.A.1.; Statute §16-8-28

II.A.1. Statute §16-8-21

III.B.Teachers; Statute §16-19-4

III.C.School Employees; Statute §16-9-23

III.D.Schools; Statute §16-9-26

III.D.School; Statute §16-9-31

III.E.School Staff; Statute §16-9-16

III.E.Teachers; Statute §16-9-25

III.E.Teachers; Statute §16-23-7; 16-23-10

III.E.Teachers; Statute §16-23-12; 16-23-13

IV.G; Statute §16-9-19

IV.H; Statute §16-9-30

IV.H; Statute §16-10-5

COURSES OF STUDY COMMITTEE

STATUTES

§16-35-1

The state board of education shall constitute a "courses of study committee," consisting of an elementary (grades 1-6) and a secondary (grades 7-12) section. The state board of education shall prescribe standards for membership on the committee. Local boards of education, through their superintendents, shall nominate persons to serve on these committees. The term of office shall be six years.

DEPARTMENT OF EDUCATION

STATUTES

§16-2-1; 3

The department of education is created which shall be under the direction of the state superintendent of education with the advice and counsel of the state board of education. If an assistant state superintendent of education is appointed he/she

shall perform duties as directed by the state superintendent.

The department of education shall be organized into divisions necessary to carry out its work efficiently.

The duties of the department of education shall be to execute the policies and procedures of the state board of education as authorized by law and by state board regulation.

CROSS REFERENCES

II.A.1.: Statute §16-40-1

IV.A.: Statute §16-29-1; 16-29-2

EDUCATION STUDY COMMISSION

CROSS REFERENCE

III.D.School; Statute §16-6-1

GOVERNOR

CROSS REFERENCES

I.State Board of Education; Statute §16-3-1

I.State Board of Education; Statute §16-3-5

II.B.2.: Statute §16-7-2; 16-7-3; 16-7-5

III.C.: State Board of Education Member; Statute §16-3-4

LOCAL BOARD OF EDUCATION

STATUTES

§16-24-5;7

A teacher with tenure may be transferred by being given written notice by the Board. The transfer must not violate the teacher's contract and may not be for political or personal reasons. The teacher may request a hearing before the board on the transfer. The teacher has the right to appeal the Board's decision to the state tenure commission, whose decision in the matter shall be final.

NOTICE

HEARING

APPEAL

CROSS REFERENCES

I.Courses of Study Committee; Statute §16-35-1

III.C.Teachers; Statute §16-24-8, 16-24-10

III.C.Teachers; Statute §16-24-12

III.E.School Board Members; Statute §16-1-6

IV.D.; Statute §16-27-1

IV.D.; Statute §16-27-5, 16-27-6

IV.J.; Statute §16-1-15

Local Districts

CROSS REFERENCE

II.A.4.; Statute §16-2-6

Local School Boards

CROSS REFERENCE

II.A.2.; Statute §16-39-2; 16-39-3

Local Superintendent of Schools

CROSS REFERENCE

III.C.Teachers; Statute §16-24-1; 16-24-2

Local Textbook Selection Committee

CROSS REFERENCES

II.B.1.a.; Statute §16-36-4; 16-36-5

II.B.1.a.; Statute §16-36-6

Principal

CROSS REFERENCE

II.A.2.; Statute §16-39-9

Principal Teacher

CROSS REFERENCE

I.Board of Trustees: Statute §16-10-2; 16-10-3

State Board of Education

Statutes

§16-3-1

The state board of education shall be composed of the governor as an exofficio member and eight elected members. The governor shall be the president of the board of education. The state superintendent of education shall be secretary and executive officer of the board.

§16-3-5

As vacancies occur on the state board of education, they shall be filled by the governor.

§16-3-7

The state board of education shall hold a regular annual meeting and such other meetings as the needs of public education may require.

§16-3-11

The state board of education, through the state superintendent, shall exercise general control and supervision over the public schools and develop and promote public sentiment in favor of public education.

§16-3-19

The state board of education may accept and administer federal monies appropriated for the removal of illiteracy, teaching of immigrants, and for other educational purposes.

§16-3-20

The state board of education shall supervise the educational work of all charitable, penal, reformatory and child-caring institutions.

§16-3-27

The state board of education has the authority to make rules and regulations governing review procedures by the state superintendent of education of actions and orders of county and city boards of education and local superintendents of schools.

RULEMAKING

CROSS REFERENCES

I.Courses of Study Committee; Statute §16-35-1

I.Department of Education; Statute §16-2-1,3

II.A.1.; Statute §16-3-15

II.A.1.; Statute §16-35-4

II.A.1.; Statute §16-35-5

II.A.1.; Statute §16-41-6; 16-41-7

II.A.2.; Statute §16-39-4; 16-39-6

II.A.2.; Statute §16-39-5

II.A.3.; Statute §16-3-18

II.A.3.; Statute §16-37-1; 16-37-3

II.A.3.; Statute §16-37-4

II.A.3.; Statute §16-37-6

II.A.8.; Statute §16-34-1 -- 16-34-4

II.B.1.a.; Statute §16-36-6

II.B.1.a.; Statute §16-36-9

II.B.1.a.; Statute §16-36-27

II.C.2.; Statute §16-3-26

III.A.1.; Statute §16-26-1

III.A.2.; Statute §16-3-14

III.B.Certificated Personnel; Statute §16-23-2

III.B.State Superintendent; Statute §16-4-1

III.B.Teachers; Statute §16-3-16

III.C.State Board Employees; Statute §16-3-25

III.D.Education System; Statute §16-3-17

III.D. Education System; Statute §16-3-25

III.D.Needs of Education; Statute §16-3-21

III.D.Reports Required by the State Board of Education; Statute §16-4-18

III.D.Reports Required by the State Board of Education; Statute §16-8-39

III.D.School; Statute §16-4-6

III.E.Teachers; Statute §16-23-14

IV.A.; Statute §16-3-12; 16-3-13

IV.D.; Statute §16-27-1

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.4.; Statute §16-2-6

II.B.1.a.; Statute §16-36-23; 16-36-25

STATE SUPERINTENDENT OF EDUCATION

STATUTES

§16-4-4

The state superintendent of education shall explain the meaning of the school laws and state board rules and regulations. She/he shall decide all disputes concerning proper administration of the public school system, and shall enforce all state board rules

and regulations. The superintendent shall file charges and recommend removal proceedings for any appointed person for reasons of immorality, misconduct in office, incompetency, or wilful neglect of duty.

§16-4-7

The state superintendent of education shall prepare and publish the school laws. She/he shall examine all the reports required under the state board's rules and regulations.

§16-4-8

The state superintendent has the authority to review actions and orders of county and city boards and superintendents in matters relating to finance and "other matters seriously affecting the educational interest." The order of the state superintendent in such matters shall be binding.

§16-4-11

The state superintendent shall be responsible for the administration of the department of education.

§16-4-15

The state superintendent shall prepare rules and regulations for the taking of a quadrennial census of all school age children between the ages of six and 19.

CROSS REFERENCES

I.County Board of Education; Statute §16-8-6

I.County Superintendent; Statute §16-9-11

I.Department of Education; Statute §16-2-1; 16-2-3

I.State Board of Education; Statute §16-3-1

I.State Board of Education; Statute §16-3-11

I.State Board of Education; Statute §16-3-27

II.A.1.; Statute §16-41-3; 16-41-4

II.A.2.; Statute §16-39-10

II.A.3.; Statute §16-3-18

II.A.3.; Statute §16-4-17

II.A.3.; Statute §16-37-1; 16-37-3

II.B.1.a.; Statute §16-36-3

II.B.3.; Statute §16-21-2

II.C.2.; Statute §16-1-2

II.C.2.; Statute §16-4-10

III.A.1.; Statute 16-26-1

III.A.2.; Statute §16-4-14

III.B.Certificated Personnel; Statute §16-23-2

III.B.Certificated Personnel; Statute §16-23-3

III.B.School Personnel; Statute §16-23-7

III.C.Certificated Employees; Statute §16-23-5

III.D.Reports Required by the State Board of Education; Statute §16-4-18

III.D.School; Statute §16-4-6

III.E.Drug Abuse Education Program; Statute §16-41-9

III.E.School Board Members; Statute §16-1-6

III.E.Schools; Statute §16-4-20

III.E.Teachers; Statute §16-23-14

IV.A.; Statute §16-4-13

STATE TEXTBOOK COMMITTEE

CROSS REFERENCES

II.B.1.a.; Statute §16-36-1

II.B.1.a.; Statute §16-36-2

II.B.1.a.; Statue §16-36-3

II.B.1.a.; Statute §16-36-8

II.B.1.a.; Statute §16-36-10

SUPERVISOR OF TRANSPORTATION SERVICES

CROSS REFERENCE

IV.D.; Statute §16-27-1

TEACHER

CROSS REFERENCES

IV.H.; Statute §16-10-5

ALASKA

The Alaska Constitution mandates a system of public schools open to all children and free from sectarian control.

The Board of Education consists of seven members appointed by the Governor subject to legislative approval. The Board of Education is at the head of the Department of Education and appoints a Commissioner of Education, subject to the approval of the Governor, who is designated the principal executive officer of the Department of Education. The Department of Education is responsible for the general supervision of the State's public schools.

City school districts, borough school districts and regional educational attendance areas comprise the districts of the public school system. Each city or borough school district is operated on a district-wide basis and governed by an elected school board. Each regional educational attendance area is operated on an area-wide basis and governed by an elected regional school board. Each city and borough school district with fewer than 5,000 average daily attendance has a school board of five members. Each city and borough school district with more than 5,000 average daily attendance has a school board of seven members. Each school board employs a chief school administrator for the district. The districts may join together to establish regional resource centers governed by a board consisting of one member from each participating district. The Association of Alaska School Boards is the representative agency of the school boards of the State. Each community or military reservation served by a regional educational attendance area school has a community school committee consisting of three to five elected members who make recommendations to the board of the regional educational attendance area.

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I. Powers, Duties and Functions

Advisory School Board

CROSS REFERENCE

I.Borough School Boards; Statute §14.12.035

Alaska Educational Broadcasting Commission

CROSS REFERENCES

II.B.2; Statute §14.58.10 - 14.58.90

II.B.2; Regulation 4 AAC 63.010

Alaska School Activities Association

CROSS REFERENCE

IV.E.; Statute §14.07.053; 14.07.054

Board of Education

CROSS REFERENCE

IV.H.; Statute §14.30.030

Borough School Board

Statutes

§14.12.030

Borough or city school districts having a membership of 5,000 or less shall have a school board of five members but may have one of seven members if agreed to by the governing board of the city or borough and the district school board. Boroughs and cities of over 5,000 shall have a board of seven members. Boroughs or cities operating schools on a military reservation shall have one non-voting delegate from that military reservation.

§14.12.035

"A borough school district board may establish advisory school boards, and . . . shall prescribe their manner of selection, organization, powers and duties."

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§14.12.050

"The term of office of a member of a borough or city school board is three years."

§14.12.070

When a vacancy occurs the remaining members shall, within 30 days, select a replacement who shall serve until the next regular election.

§14.14.090

A school board shall: ". . . provide for . . . an educational program for each school age" resident child in its district; withhold salaries as required by bylaws; "transmit . . . a summary report and statement of money expended; keep the minutes and a record of all proceedings . . .; keep the records and files . . . open to . . . the public . . . ."

§14.14.100

(a) A school board shall adopt bylaws for the management and control of the district.

RULEMAKING

(b) "Administrative rules which do not embody school district policy need not be promulgated as by-laws; however" they shall be written and readily available to personnel.

CROSS REFERENCES

I.City School Board; Statute §14.14.070

I.District Administrator; Statute §14.14.130

CHIEF SCHOOL ADMINSTRATOR

CROSS REFERENCES

II.A.10.Other-Correspondence Courses; Regulation 4 AAC 33.030

III.A.2.; Regulation 4 AAC 15.030

III.C.School System; Regulation 4 AAC 05.070

CITY SCHOOL BOARD

STATUTES

§14.14.070

Within seven days after certification of the

election results the school board shall elect one of its members as president, one as clerk and, one if necessary, as treasurer.

CROSS REFERENCES

I.Borough School Boards; Statute §14.12.030

I.Borough School Board; Statute §14.12.050

I.Borough School Board; Statute §14.12.070

I.Borough School Board; Statute §14.14.100

I.District Administrator; Statute §14.14.130

COMMISSIONER OF EDUCATION

STATUTES

§14.07.150

The commissioner has budget and fiscal responsibility and authority, subject to the board's approval.

CROSS REFERENCES

I.Regional Resource Center Advisory Council; Regulation 4 AAC 60.050

II.A.2.; Statute §14.30.330

II.A.3., Regulation 4 AAC 51.010

II.C.2.; Regulation 4 AAC 06.030

III.A.1.; Regulation 4 AAC 60.050

III.B.Certified Staff; Regulation 4 AAC 12.080

III.C.Commissioner of Education; Statute §14.07.145

III.C.Commissioner's Staff; Regulation 4 AAC 03.060

III.C.Student; Regulation 4 AAC 39.020;.030

III.D.School Accounts; Statute §14.14.050

IV.D.; Regulation 4 AAC 27.010; .020; .040; .050

IV.H.; Regulation; 4AAC 06.027

IV.H.; Regulation 4 AAC 27.005

COMMUNITY SCHOOL COMMITTEE

STATUTES

§14.14.170

Each community in a regional attendance area shall have a community school committee of five members if the number of pupils exceeds 250 and three or five

members if the number is 250 or less. Elected members are subject to recall in accordance with regular election procedure.

§14.14.180; 14.14.190; 14.14.260; 14.14.270

Community school committee members must be U.S. citizens, 18 years or older and a resident of an area serviced by the school. "Election to a school committee is not an election to a civil office of this state." The term of office shall be three years. Vacancies shall be filled by the remaining members of the committee.

"The committee may consist of not more than nine members, drawn from various fields" in state and local service, and three members from the 17 - 22 age group, and shall include women "and minorities." The members shall be appointed by the school board and "one member shall be designated by the board as [chairperson]."

§14.14.200

"A community school committee shall review and make recommendations to the board of the regional educational attendance area concerning curriculum, program and general operation of the local school and shall exercise additional responsibilities and functions as may be delegated by the regional school board."

CROSS REFERENCE

III.C.District Board of Education; Regulation 4 AAC 05.050

DEPARTMENT OF EDUCATION

CROSS REFERENCE

II.B.3.; Statute §14.36.20

DIRECTOR FOR STATE SCHOOLS

CROSS REFERENCE

II.B.1.a.; Statute §14.04.030

DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Regulation 4 AAC 31.010

District Administrator

Statutes

§14.14.130

"Each school board shall select and employ a qualified . . . chief school administrator . . . ." The administrator "shall administer the district in accordance with the policies" of the board and "shall select . . . and otherwise control all school district employees serving under him[her] subject to the approval of the board."

District School Board

CROSS REFERENCES

II.A.8.; Regulation 4 AAC 39.040

IV.A.; Statute §14.30.070

IV.D.; Statute §14.09.010

Governor

CROSS REFERENCES

II.B.2.; Statute §14.58.10 -- 14.58.90

II.C.2.; Statute §14.08.161

III.C.Commissioner of Education; Statute §14.07.145

Local Board of Education

CROSS REFERENCES

II.A.5.; Statute §14.30.400; 14.30.410

II.B.1.a.; Statute §14.07.057

III.B.School Employees ; Regulation 4 AAC 06.050

III.C.Teachers; Statute §14.20.140; 14.20.145

III.C.Teachers; Statute §14.20.175

III.C.Teachers; Statute §14.20.180

III.C.Teachers; Statute §14.20.210

III.D.Professional Employees; Regulation 4 AAC 19.050

IV.J.; Regulation 4 AAC 06.060

Local Superintendent

CROSS REFERENCE

IV.J. ; Regulation 4 AAC 06.060

PRINCIPAL

CROSS REFERENCES

IV.A; Statute §14.03.140

IV.J.; Regulation 4 AAC 06.060

PROFESSIONAL TEACHING PRACTICES COMMISSION

CROSS REFERENCE

III.C.Professional Personnel; Statute §14.20.370; 14.20.510

III.C.Teachers; Statute §14.20.030

PUPILS

CROSS REFERENCE

I.School Board; Statute §14.14.250 -- 14.14.280

REGIONAL RESOURCE CENTER ADVISORY COUNCIL

REGULATIONS

4AAC 66.050

"The Alaska Regional Resource Center Advisory Council, composed of one representative of each board, is created to meet at least annually for the purpose of advising the commissioner, forestalling duplicating of programs and providing an opportunity to discuss common problems and concerns. The commissioner shall appoint a staff person within the department to serve as the executive director for the advisory council."

AUTHORITY:

AS 14.07.060

AS 14.12.180

REGIONAL RESOURCE CENTER BOARD

REGULATIONS

4AAC 66.020

"A regional resource center board shall

(1) establish programs to serve its participating member districts more efficiently, economically, and completely than would be possible if each district functioned alone;

(2) establish appropriate bylaws and policies for its operation including, but not necessarily limited to

(A) conduct of meetings and a regular meeting schedule;

(B) procedures for approval of programs and program development and implementation;

(C) procedures for approval of budgets and budget revisions; and

(D) personnel procedures:

(3) file a copy of its bylaws with the commissioner by May 1 of each fiscal year or within two weeks following any bylaw changes; and

(4) adhere to the fiscal procedures established for school districts under 4 AAC 06.120."

AUTHORITY:
AS 14.07.060
AS 14.12.180

REGIONAL SCHOOL BOARD

STATUTES

§14.08.011 - - 14.08.021

The school boards for regional attendance areas have the authority to operate public schools in the unorganized borough or military reservations in the state.

§14.08.041

A regional educational attendance area shall be governed by a regional school board of from five to eleven members elected by the voters of the region.

§14.08.051; 061

The regional educational attendance area may be divided into sections only for the purpose of electing members of the school board. Members of the board shall be elected for three year terms.

§14.08.081

"The members of a regional school board are subject to recall."

RECALL

§14.08.101

"A regional school board may: sue and be sued; contract . . . for the provision of services, supplies or utilities; determine its own fiscal procedures ; appoint, compensate and otherwise control all school employees in accordance with this title . . .; adopt regulations governing organization, policies and procedures for the operation of the schools; establish, maintain, operate, discontinue and combine schools subject to the approval of the commissioner; recommend to the commissioner a school construction and rehabilitation program . . . and provide for [such] when grants are made to it by the Department of Public Works . . .; exercise those other functions that may be necessary for the proper performance of its responsibilities."

§14.08.111

"A regional school board shall: provide . . . an educational program for each school age child" in its jurisdiction; "develop a philosophy of education, principles and goals for its schools; employ a chief school administrator and approve the employment of the . . . personnel necessary to operate its schools; establish the salaries to be paid its employees; designate . . . employees authorized [to disburse school board funds]; submit the reports prescribed for all school districts; provide for an annual audit . . .; provide custodial services and routine maintenance of school buildings and facilities."

CROSS REFERENCE

I.Community School Committee; Statute §14.14.200

SCHOOL BOARD

STATUTES

§14.12.020

Each school district shall be operated under the management and control of an elected school board.

§14.14.250 -- 14.14.280

"A school board may create a committee . . . on the involvement of young people in school governance."

POLICY GUIDES

A MANUAL FOR ALASKA SCHOOL BOARDS

Alaska State Board of Education, 1976 30 pages

This manual, prepared by the Alaska Department of Education, is intended primarily as a guide for the conduct of the affairs of school boards. It describes the legal basis for and authority of school boards; qualifications of board members; the organization of the board; the board's role as school administrator and as employer; community relations and the role of advisory committees; and school financing.

The appendix provides a sample agenda and sample minutes for a school board meeting. A brief bibliography suggests a few publications of interest to school board members.

CROSS REFERENCES

III.B.Teachers; Statute §14.30.250 -- 14.30.270

III.D.School Accounts; Statute §14.14.050

SCHOOL DISTRICTS

STATUTES

§14.03.08

"(a) A school district may contract for educational services . . . [from] any agency which is accredited by the Department of Education . . . . CONTRACTS

(b) The Department of Education shall adopt regulations and establish program standards for educational services which may be contracted for by a school district." RULEMAKING

REGULATIONS

4AAC 05.060

A school district may apply to the commissioner

for an extension of time in which to establish required elementary or secondary schools.

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

AS 14.08.101(7)

CROSS REFERENCES

II.A.2.; Regulation 4 AAC 33.020

III.D.Teachers; Regulation 4 AAC 19.040

III.D.Professional Employees; Regulation 4 AAC 19.050

IV.A.; Regulation 4 AAC 06.055

IV.H.; Statute §14.30.050

SCHOOL DISTRICT GOVERNING BODY

CROSS REFERENCE

III.C.Teachers; Statute §14.20.345

SECONDARY SCHOOL ADMINISTRATORS

POLICY GUIDES

ADMINISTRATIVE MANUAL FOR SECONDARY SCHOOLS

Adopted by the Alaska State Board of Education 1977

226 pages

The manual is intended as a guide to secondary school administrators. It includes the legal foundation of the administrator's role, and sources of information to which one can turn for counsel.

The manual serves as an easy reference to school laws on the parameters of administrative authority, student conduct and governance; and the purpose and scope of the educational program itself.

The appendix includes sample policy statements on a wide range of subjects, accounting procedures, and various forms.

STATE BOARD OF EDUCATION

STATUTES

§14.07.060

"The board shall promulgate regulations . . .

necessary to carry out the provisions of this title." (Title 14, Education).

§14.07.075 -- 14.07.125

The state board of education consists of seven members; one from each of the four judicial districts, and three from the state at large, with at least one member representing rural schools. The members (". . . no more than four of whom shall be members of the same political party as the governor . . .") are appointed to five year terms by the governor, subject to confirmation by the legislature; and they serve at the governor's pleasure. The board shall designate one member to be chairperson. It shall meet quarterly. "Four members constitute a quorum."

§14.07.160

The state board of education may adopt bylaws for management of the department, which shall be readily available to personnel of the department. But bylaws may not substitute for regulations on a subject "of statewide importance or interest."

RULEMAKING

REGULATIONS

4AAC 03.010

"The officers of the Board of Education shall be a chairman (president), vice chairman (vice president) and secretary. The commissioner of education shall be the ex officio secretary of the board."

BOARD OFFICERS

Authority: AS 14.07.060
AS 44.27.010

4AAC 03.020

The president shall preside at meetings and advise the commissioner at times when the board is not in session.

Authority: AS 14.07.060
AS 44.27.010

CROSS REFERENCES

I.Commissioner of Education; Statute §14.07.150

II.A.1.; Statute §14.30.360

II.A.3.; Statute §14.35.020

III.A.1.; Regulation 4 AAC 60.040; 60.050

III.B.Teachers; Statute §14.20.020

III.C.Commissioner of Education; Statute §14.07.145

III.C.Commissioner's Staff; Regulation 4 AAC 03.060

III.C.State Board of Education; Regulation 4 AAC 03.050

IV.H.; Regulation 4 AAC 06.027

STATE DEPARTMENT OF EDUCATION

STATUTES

§14.07.010;

The department of education includes the commissioner of education, the state board of education and the necessary staff. The department is headed by the board, and the commissioner is the principal executive officer of the department.

§14.07.020

"The department shall":

1) supervise "the public schools . . . except the University of Alaska";

2) "study the conditions and needs of the public schools . . . and adopt or recommend plans for . . . improvement . . .;

3) provide advisory and consultative services to all public school governing bodies and personnel;

4) prescribe . . . a minimum course of study . . .;

5) establish . . . with the Department of Health and Social Services, a program for . . . children . . . in detention facilities . . . ;

6) accredit those public, private, and denominational schools which meet . . . standards prescribed . . . by the department;

7) prescribe . . . standards that will assure healthful and safe conditions in the public schools . . .;

8) . . . with the Department of Health and Social Services supervise public and private pre-elementary schools, and . . . the educational component of nurseries. . .;

9) provide accredited . . . correspondence study programs available to any Alaskan through a centralized office for correspondence study."

§14.07.030

The department may:

1) establish, maintain, govern, operate, discontinue and combine area, regional and special schools;

2) enter into contractual agreements with the Bureau of Indian Affairs or with a school district to share boarding costs of secondary students;

3) provide for citizenship schools when and where expedient;

4) acquire and transfer personal property, acquire real property, and transfer real property to federal agencies, state agencies or to political subdivisions;

5) dispose of abandoned or obsolete . . .state owned school property;

6) enter into contractual agreements with school districts to provide more efficient or economical educational services;

7) provide for the issuance of elementary and secondary diplomas to persons having completed the equivalent of 3th or 12th grade. DIPLOMAS

CROSS REFERENCES

I.School District; Statute §14.03.083

I.State Board of Education; Statute §14.07.160

II.A.2; Statute §14.30.191

II.A.4.; Regulation 4 AAC 60.170

II.A.5.; Regulation 4 AAC 34.010 - 020

II.B.1.a.; Statute §14.07.057

II.C.2; Statute §14.08.161

II.C.2.; Regulation 4 AAC 03.090

III.A.1.; Regulation 4 AAC 60.030

IV.D.; Statute §14.09.010

STATE DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §14.35.020

STATE SCHOOL TEXTBOOK COMMITTEE

CROSS REFERENCE

II.B.1.a.: Statute §14.07.050

STUDENT/YOUTH

STATUTES

§14.14.300

"(a) Notwithstanding §39.05.100 or a . . . law relating to age, the board may appoint any 17 - 21 year old district resident to a district committee or advisory body if recommended by the youth involvement committee."

(b) The youth must, except for age, meet the legal requirements for the position.

(c) Any position filled under this section is subject to all state laws, including rights and privileges of that position.

TEACHER

STATUTES

§14.20.095

No school governing body or administrator may restrict a teacher's right to comment upon and criticize, outside working hours, school officials and employees "to the same extent that any private individual may exercise the right."

FREEDOM OF SPEECH

CROSS REFERENCE

III.C.Teachers; Regulation 4 AAC 24.050

TRUANT OFFICER

CROSS REFERENCE

IV.H.: Statute §14.30.050

ARIZONA

The State Board of Education is composed of eight designated persons. Each, except the Superintendent of Public Instruction, is appointed by the governor. The State Board of Education is the governing and policymaking body of the Arizona Department of Education. The State Superintendent of Public Instruction is the executive officer of the State Board of Education and is vested with all executive, administrative and ministerial functions of the Department of Education.

The basis of the educational organization of the county and state are the common school districts and high school districts. The governing body of a common school district is a board of three elected trustees with electoral prerogative to increase the number to five. A high school district may be established where the average daily membership exceeds two-hundred pupils and the assessed valuation exceeds two million dollars. A Board of Education composed of three school trustees of the common school district, if in a single district, or five members, if in a union (consolidated) high school district, is the governing body of the high school district.

ARIZONA

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I. Powers, Duties And Functions

Advisory Committee on Special Education

CROSS REFERENCE

II.A.2.; Statute §15-1012

Advisory Council for Technical-Vocational Education

CROSS REFERENCE

II.A.3.; Statute §15-1091 -- 1093

Board of Directors, School for Deaf and Blind

CROSS REFERENCES

II.A.2.; Statute §15-811; 813-814

II.A.2.; Statute §15-831

County Superintendent

Statutes

§15-1166 --1167

The county school superintendent may establish service programs which shall be available to all school districts. Service programs are those special programs most efficiently and economically accomplished as multi-district operations. The costs of the program shall be shared on a user basis. The county superintendent shall prepare an annual progress report on the programs.

CROSS REFERENCES

I. State Board of Education; Constitution Art. XI, §2

III.E.Teachers; Statute §11 - 512

IV.H.; Statute §15-327

COURSE OF STUDY COMMITTEE

CROSS REFERENCE

II.A.1.; Regulation R7-2-201 ARS §15.102.15;.16

DEPARTMENT OF EDUCATION

CROSS REFERENCES

I.State Board of Education; Statute §15-111

I.State Board of Education; Regulation R7-2-203 ARS §15.111 C

II.A.2.; Statute §15-1001

DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §15-1020 -- 1020.04

DISTRICT BOARD OF TRUSTEES

STATUTES

§15-421.03

A joint common school district shall be governed by a board of five trustees, one from each county represented and the others elected at large.

§15-431 --438

The governing body of a school district shall be a board of trustees. There shall be three trustees unless otherwise provided. The trustees shall elect a president and a clerk and shall meet at least once each month during the school year. The clerk of the board shall keep records, provide school supplies, and keep school buildings in good repair. If the district has less than 500 pupils, the clerk will not be compensated, but if more than 500 pupils, the board may vote to allow the clerk "reasonable compensation." The members of the board are "immune from personal liability" for any actions taken within the scope of their duties.

IMMUNITY

The school district has general corporate powers and may own and sell property. The board may employ professional personnel to advise them on curricula and other requirements.

§15-439--440

The board of trustees may call special meetings of the district's voters to discuss any litigation the district is involved in, or any other matters. The board shall annually report to the county school superintendent.

§15-441--441.01

The board of trustees shall prescribe rules for the government of the schools. The board may purchase insurance for its own members, and the board may purchase insurance to protect students participating in school athletic events.

§15-442

The board of trustees shall enforce the curriculum and purchase textbooks and teaching aids for that purpose. The textbooks selected by the board shall be made available for public review prior to their final selection. The board shall keep the schools open for at least 175 days and visit all schools in order to evaluate their management and needs. The board shall provide transportation for children when it considers it in the district's best interest. The board has authority to purchase school sites and construct school buildings. The board has authority to discipline pupils and to expel them for misconduct, segregate groups of pupils if it deems it advisable, and maintain special schools during vacation.

§15-444

Boards of trustees have authority to employ a superintendent in districts with 300 or more pupils. In a district with five or more teachers, the board may hire a principal. The terms of employment shall not exceed four years.

§15-448

The board of trustees may establish departments of manual training, home economics, special education for specific learning disabilities and kindergartens. It may employ teachers in drawing, music, domestic science, manual training, kindergarten, commercial work, agriculture and other special subjects.

CROSS REFERENCES

I.High School District Board of Education; Statute §15-541-544

II.A.3.; Statute §15-450

III.C.Teachers; Statute §15-254

IV.C.; Statute §15-1122 -- 1126

DIVISION OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §15-1012

HIGH SCHOOL DISTRICT BOARD OF EDUCATION

STATUTES

§15-541 -- 544

A high school district shall be governed by a board of education. In a single district, the school trustees of the common school district shall comprise the board and in a union high school district, five members shall make up the board. The board members must be qualified voters and residents of the district. The term of office for union high school district board members shall be four years, except as otherwise provided. The board shall be elected and organized in the same way as boards of trustees.

§15-545

A high school board of education shall have all the powers of a board of trustees. The board shall prescribe curriculum and textbooks for the high schools.

PROFESSIONAL PRACTICES ADVISORY COMMITTEE

CROSS REFERENCE

III.C.Teachers; Regulation R7-2-201, ARS §15.102.20 -- 23

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.1.; Regulation R7-2-301 ARS §15-102.17

II.A.1.; Regulation R7-2-302 ARS §15-1022

II.A.2.; Statute §15-1010

II.A.2.; Statute §15-1015 -- 1015.01

II.A.2.; Regulation R7-2-306 ARS §15-1013, 15-1014 and Guadelupe Court decision

II.A.3.; Statute §15-1051 -- 1054

II.A.8.; Statute §15-1141; 1143; 1145

III.D.Teachers; Statute §15-268

IV.B.; Regulation R7-2-306 ARS §15-1199.01 A, B

IV.D.; Statute §15-1622 -- 1625

IV.D.; Statute §15-1626

STATE BOARD OF EDUCATION

CONSTITUTION

ARIZONA CONSTITUTION, ART. XI, §2

"The general conduct and supervision of the public school system shall be vested in a State Board of Education, a State Superintendent of Public Instruction, county school superintendents, and . . . governing boards for . . . State institutions . . . ."

ARIZONA CONSTITUTION, ART. XI, §3

The State Board of Education shall be composed of the Superintendent of Public Instruction and eight members appointed by the Governor, with powers, duties and compensation prescribed by law.

STATUTES

§15.101.01

"The state board of education shall be composed of the superintendent of public instruction, the president of a State university or college, three lay members, a member of the state junior college board, a superintendent of a high school district, a classroom teacher and a county school superintendent . . . . Each member shall be appointed by the Governor . . . each term shall be for four years."

§15.102

The state board of education shall: make rules and regulations for its own government, and for the government of the board. The board shall also "delegate to the superintendent of public instruction the execution of policies decided upon," and "recommend to the Legislature changes or additions to the statutes per-

RULEMAKING

taining to schools," in addition to distributing reports concerning the educational welfare of the state. The board is also required to "devise plans for the increase and management of the state school fund and prepare a budget for expenditures . . . ascertain that the school laws are properly enforced," and aid in the enforcement of laws relating to schools.

The state board of education is also required to exercise general supervision over and regulate the conduct of the public school system, in addition to prescribing courses and subjects taught in all common schools. The Board shall "advise school districts on the purchase of textbooks for the common schools, and determine the number of credits necessary for graduation from high school." The board of education is also responsible for prescribing criteria which may be used by districts that choose to establish "entry-level skill development vocational education programs" in the ninth and tenth grades of school. The board shall supervise and control the certification and qualification of teachers and other professional non-teaching staff, and have the power to revoke certificates for "unprofessional conduct."

§15-111

"The state board of education shall be the governing and policy determining body of the department [of education]." The superintendent of public instruction shall be its executive officer.

REGULATIONS

R7-2-201

Policies of the State Board of Education re Members' Duties and Responsibilities

$ARS 15-102.3

"It is the duty and responsibility of each Board member to: Represent the best interests of the people of the state as a whole rather than special interests... Consider the

opinions of local school [officials] in matters not delegated by statute as the State Board's responsibility...Obtain consensus of the Board before speaking for...the Board... No commitment ...on the part of an individual Board member will be binding without official approval of the Board."

SBE Approv 7/24/73 AG Approv. 9/6/73

R7-2-203

ARS §15.111 C

The State Board of Education may establish divisions within the department of education which are "necessary for the proper transaction of [its] business." The Certification Division, General Education Division and General Operations Division are created under this authority.

SBE Approv. 7/24/73 AG Approv. 9/6/73

CROSS REFEPENCES

II.A.1.; Statute §15-1022

II.A.1.; Statute §15-1023

II.A.1.; Statute §15-1071 -- 1074

II.A.1.; Regulation R7-2-301 ARS §15-102.17

II A.1.; Regulation R7-2-302 ARS §15-1022

II.A.2.; Statute §15-1015 -- 1015.01

II.A.3.; Statute §15-1051 -- 1054

II.A.5.; Statute §15-1097-1099

II.A.8.; Statute §15-1043

II.A.8.; Statute §15-1141; 1143; 1145

II.B.1.a.; Regulation R7-2-201 ARS §15-102.18

II.B.1.a.; Regulation R7-2-201 ARS §15.102.18; 15.1101.B

II.B.1.c.; Statute §15-1101; 1103; 1107; 1109

III.A.2.; Statute §15-1137 -- 1137.02

IV.B.; Statute §15-1199 -- 1199.02

IV.C.; Statute §15-1122 -- 1126

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §15-1091 -- 1093

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

CONSTITUTION

ARIZONA CONSTITUTION, ART. XI, §4

The State Superintendent of Public Instruction shall be a member of the State Board of Education and shall serve, ex officio, on "any other board having control of public instruction."

STATUTES

§15-121 --15-123

The superintendent of public instruction shall: "superintend the public schools of the state," and execute under the direction of the state board of education, the policies which have been decided upon by the board. The superintendent is responsible for directing the performance of executive, administrative or ministerial functions by the department of education. The superintendent shall apportion money to the counties as they are entitled. He/she shall call an annual meeting of county superintendents for the purpose of discussing questions pertaining to public schools. He/she shall require each county superintendent to furnish copies of all attorney general's opinions relating to school matters to all school districts in his/her county. "The opinion of the attorney general shall prevail."

CROSS REFERENCES

I.State Board of Education; Constitution Art. XI, §2

I.State Board of Education; Constitution Art. XI, §3

I.State Board of Education; Statute §15.101.01

I.State Board of Education; Statute §15-111

II.A.2.; Statute §15-1012

III.A.2.; Statute §15-1137 -- 1137.02

IV.B.; Statute §15-1199 -- 1199.02

IV.D.; Statute §15-1622 -- 1625

IV.E.; Statute §15-1031

IV.H.; Statute §15-123 A, B

SUPERINTENDENT

CROSS REFERENCE

III.D.Students; Statute §15-1131 -- 1135

SUPERINTENDENT OF SCHOOL FOR DEAF AND BLIND

CROSS REFERENCE

II.A.2.; Statute §15-815; 816

TEACHER EDUCATION COMMITTEE

CROSS REFERENCE

III.B.Teachers; Regulation R7-2-201 ARS §15-102.20

TEACHERS

STATUTES

§15-201

Every teacher shall: (1) immediately notify the superintendent when taking charge of or closing a school for school term; (2) enforce the course of study, use of textbooks and rules and regulations prescribed; (3) keep a school register; (4) furnish reports to the county superintendent as required by the state board of education, and (5) make an annual report for the entire school year.

TEXTBOOK EVALUATION COMMITTEE

CROSS REFERENCE

II.B.1.a.; Regulation R7-2-201 ARS §15-102.18; 15.1101.B

ARKANSAS

The Arkansas Constitution establishes that the State maintain a system of free schools for all persons between the ages of six and twenty-one to be supported by taxation and supervised by officers provided for by the General Assembly.

The State Board of Education is composed of nine members appointed by the governor subject to confirmation of the State Senate. The Board has general supervision of the public schools of the state as well as managerial and regulatory duties prescribed to it. It promulgates rules and regulations for certifying teachers and has general supervision of vocational education.

The Director of the Department of Education is appointed by the State Board of Education subject to the approval of the Governor. He/she acts as ex-officio secretary of the Board without vote. The Director of the Department of Education serves at the pleasure of the governor.

The Department of Education consists of the State Board of Education, the Director of the Department of Education and divisions for the administration of programs within the state.

A County Board of Education of five elected members exists for each county in Arkansas. The County Boards of Education have general supervisory powers over the public schools except in districts which employ a Superintendent of Schools. A County Board may select a County School Supervisor.

All subdivisions of the state public school system are designated "school districts". A rural school district is one having a student population of one hundred fifty or fewer, it has three directors. A school district in which there is located a city of the first class has six directors. For schools within the comporate limits of a city having 2,500 or more population, the directors of the district may appoint a City Superintendent.

ARKANSAS

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ADVISORY COUNCIL FOR EDUCATION OF THE HANDICAPPED

CROSS REFERENCE

II.A.2.; Statute §80-2129

ADVISORY COUNCIL FOR VOCATIONAL-TECHNICAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §80-2570 -- 80-2572

ADVISORY COUNCIL ON PUBLIC EDUCATION

CROSS REFERENCE

III.D.Elementary and Secondary Education; Statute §80-4101 - 4105

ATTENDANCE OFFICER

CROSS REFERENCE

IV.H.; Statute §80-1511

ATTORNEY GENERAL

CROSS REFERENCES

I.School District; Statute §14-1901 -- 14-1908

I.School Board; Statute §80-1532 -- 80-1534

BOARD OF TRUSTEES, SCHOOL FOR THE BLIND

CROSS REFERENCES

II.A.2.; Statute §7-201 -- 7-210

II.A.2.; Statute §80-2201 -- 80-2209

II.A.2.; Statute §80-2208

BOARD OF TRUSTEES, SCHOOL FOR THE DEAF

CROSS REFERENCES

II.A.2.; Statute §7-201 -- 7-210

II.A.2.; Statute §80-2311

City Superintendent

Statutes

§80-534

The board of directors of a district "in the corporate limits of a city having 2,500 or more population according to the last Federal Census," may appoint a city superintendent who shall perform the same duties as a county superintendent. The city superintendent shall report to the State Board of Education.

Commission on Pupil Discipline

CROSS REFERENCE

IV.J.; Statute, Acts 1975, No. 214, §1 -- 6

Commissioner of Education

Statutes

§80-119

"All duties set forth in other laws that devolve upon the state superintendent of public instruction shall devolve upon the commissioner . . . ."

CROSS REFERENCES

I.Department of Education; Statute §5-910

I.State Board of Education; Statute §80-106

I.State Board of Education; Statute §80-107

I.State Board of Education; Statute §80-122

II.A.1.; Statute §80-1613 -- 80-1616

II.A.1.; Statute §80-1617

County Boards of Education

Statutes

§80-201

Each county in Arkansas shall have a county board of education "composed of five members, one of whom shall be elected from each of five zones within the county . . . . The members of said board shall be qualified electors . . . who do not hold any salaried or fee office of the State or any political subdivision there.

§80-210

BOARD OFFICERS

"Within thirty days after its creation, the members of the County Board of Education shall meet at the County Court House, and organize by electing one of its members as chair [person]. The County School Supervisor shall be ex-officio Secretary of the Board."

§80-213

". . . All powers, duties, and the responsibilities respecting the public schools of the several counties which heretofore have been vested in the several County Courts, and County Textbook Boards are hereby transferred to . . . the respective county boards of education." Among other duties, the boards shall: redefine the boundaries of school districts "in accordance with the law ; transfer children from one school district to another in accordance with the law ; administer the compulsory school attendance laws in the county"; and "approve . . . budgets of school districts."

§80-235

A county board may "abolish the office of County Supervisor" and either appoint a secretary to perform the duties "imposed by law on the county school supervisors" or have those duties "discharged by the superintendent of schools."

CROSS REFERENCES

I.County School Supervisor; Statute §80-215

I.School Board; Statute §80-431 -- 80-432

III.B.County School Supervisor; Statute §80-217

III.C.County School Supervisor; Statute §80-226

III.D.Teacher Records; Statute §80-1215

III.E.Teachers; Statute §80-1218

COUNTY SCHOOL SUPERVISOR

STATUTES

§80-215

". . . the County School Supervisor shall be the executive officer of the County Board of Education,

and shall, if possible, attend all meetings of the Board, but shall not have the right to vote. As ex-officio Secretary of the County Board of Education, he [she] shall keep a record of all meetings and of all business transactions of said county board and shall . . . sign the record at the close of each business meeting. The County School Supervisor shall keep a permanent file of all necessary papers and legal transactions of the . . . Board . . . and shall . . . furnish anyone entitled thereto a certified copy of the same."

§80-225

The County Supervisor shall: keep extensive records of the descriptions of each school district, and teachers' licenses and contracts; see that school administrators and teachers have the necessary supplies; administer oaths; "observe the management and instruction" of schools offering advice on their conduct; and "endeavor in every way to improve the school conditions . . . and promote public interest therein. He[/she] shall organize teachers' associations . . . and conduct not less than two county-wide meetings for teachers annually . . .

He[/she] shall be a representative of the State Board of Education, . . . conduct such examinations for teachers as required by law . . ." and require "monthly . . . and annual reports from all school superintendents, principals and teachers: as may be prescribed by the State Board of Education.

He[/she] shall be a representative of the Teacher Retirement System" and see that it is administered correctly.

"He[/she] shall cooperate with the local school district boards and school patrons in developing plans for the improvement of the rural schools" . . . including (1) "buildings and school equipment; (2) rural school libraries and teaching equipment; (3) employment of an adequate number of qualified teachers; (4) financial budgetary procedure ; (5) arrangement with other districts for the teaching

of high school pupils, for transporting pupils, or for performing other services for the rural districts."

CROSS REFERENCES

I.County Board of Education; Statute §80-210

I.County Board of Education; Statute §80-235

III.E.County Schools; Statute §80-234

IV.D.; Statute §80-233

County Superintendent

CROSS REFERENCES

I.Teachers; Statute §80-1217

I.City Superintendent; Statute §80-534

Department of Education

Statutes

§5-910

The Department of Education (also referred to as the 'State Department of Education' or the 'Commissioner' of that department) shall consist of the State Board of Education, a Director of the Department of Education and such divisions as presently exist within the (department) . . . ." The Director, appointed by the Board and confirmed by the Governor, "shall serve at the pleasure of the Governor. The Director of the Department of Education shall perform all duties and exercise all power granted by law to the Commissioner of Education.

The Educational Television Commission . . . the State Library Commission . . . (and) The Arkansas School for the Blind . . . and their functions, powers and duties are transferred . . . to the Department of Education."

CROSS REFERENCES

I.State Board of Education; Statute §80-122

II.A.1.; Statute §80-1618 -- 80-1619

II.A.1.; Statute §80-1637 -- 1643; 75-1901 -- 1905; 75-281; 75-921

II.A.2.; Statute §80-2115 -- 80-2117

II.A.2.; Statute §80-2121

II.A.2.; Statute §80-2123

II.A.2.; Statute §80-2127

II.A.2.; Statute §80-2129

II.A.2.; Statute §80-2130

II.A.2.; Statute §80-2137

II.A.4.; Statute §80-1646

II.B.1.a.; Statute, Acts 1975, No. 302, §1 -- 4

DIRECTOR OF DEPARTMENT OF EDUCATION

CROSS REFERENCE

I.Department of Education; Statute §5-910

EDUCATIONAL TELEVISION COMMISSION

CROSS REFERENCE

II.B.2.; Statute §80-3901 -- 80-3908

ELECTORS

CROSS REFERENCE

I.School Board; Statute §80-506 -- 80-507

GENERAL ASSEMBLY

CONSTITUTION

ARKANSAS CONSTITUTION ART. XIV, §4

The supervision of public schools and the execution of the laws regarding the same shall be vested in and confided to such officers as may be provided for by the general assembly.

CROSS REFERENCE

II.A.4.; Statute §80-1651

GOVERNOR

CROSS REFERENCES

II.A.2.; Statute §7-201 -- 7-210

II.B.2.; Statute §80-3901 -- 80-3908

PRINCIPALS

STATUTES

§80-1216

"All principals or head teachers . . . shall transmit to the county superintendent (school supervisor), not later than July tenth of each year, a written report showing the number and name of the school district, the number by school grades of males and females respectively, of each color, that attended school during the last preceding school year; the average number of each sex in each school grade that attended daily"; the number of school days; "the name of each teacher, the grade of his[/her] certificate," his/her salary per month and per year; and any other information requested by the State Board of Education.

"Failure to make such report shall be subject to a penalty of two weeks' salary". LIABILITY

CROSS REFERENCE

IV.H.; Statute §80-1507 -- 80-1508

SCHOOL BOARD

STATUTES

§80-431 -- 432

"The County Board of Education may authorize the election of a school board. One member shall be elected each year for a five year term. A member may succeed himself [herself]. Members . . . shall receive a per

diem of three dollars for each official school board meeting attended."

§80-450--451

Each new school district shall elect a board of directors. In the case of a consolidated district, an equal number of members shall be elected from each of the former districts, but not exceeding eight members.

§80-501--502.8

Rural school districts, defined as "having a scholastic population of one hundred fifty pupils or less" shall elect three directors. A "city of the first class shall have six directors." All others shall have five.

Annually, rural and "first class" districts shall elect directors for three year terms. In other cases, where directors' terms are of different lengths, the candidate with the most votes shall serve the longest, and so on down the line.

Vacancies shall be filled by the remaining board members.

§80-506--507

The board shall elect officers and hold meetings monthly. Special meetings may be called by the president, secretary, any three board members or "when petitioned to do so . . . by fifty electors."

BOARD OFFICERS

§80-509

The board of school directors shall: care for "the school house, grounds, and other property belonging to the District ; purchase buildings or rent school houses and sites therefore, and sell, rent, or exchange such sites ; employ such teachers and other employees as may be necessary for the proper conduct of the public schools"; buy school supplies, prepare a yearly budget and "do all things necessary and lawful for the conduct of . . . efficient free public schools."

§80-515

Boards may contract for student teachers for grades one to twelve.

§80-540

"The governing authority of any School District in the State of Arkansas (may) employ legal counsel to defend it or any member thereof, or any school official in any legal proceeding, to which the School Board, or any member thereof, or any school official, may be a defendant . . . by virtue of his[/her] actions in connection with his[/her] duties."

ATTORNEY

§80-1235

". . . local School Boards may employ Superintendents, deputy superintendents, assistant superintendents and high school principals by written contract for . . . not more than three years. Such contracts may be renewed annually."

§80-1506

School boards shall be responsible for announcing the opening date of the school term, at least 10 days in advance.

§80-1532 -- 1534

A majority of a local board of education may "request the Attorney General of . . . Arkansas to appear . . . as amicus curiae to assist the local Board in the performance of its quasi judicial functions and to represent the public interest."

Thus, the Boards have the same immunities as "other tribunals of a similar nature." No Board member or similarly, any district employee "shall be answerable to any charge of libel, slander or other action, whether civil or criminal founded on written or oral statements or findings made during [school] assignment hearings."

IMMUNITY

LIABILITY

§80-1812

Directors of school districts shall not be held personally liable for actions taken in the performance of their jobs.

CROSS REFERENCES

I.City Superintendent; Statute §80-534

II.A.1.; Statute §80-1617

II.A.2.; Statute §80-2107

II.A.2.; Statute §80-2113

II.B.1.a.; Statute, Acts 1975, No. 302, §12

III.C.Teachers; Statute §80-1243 -- 80-1248

III.C.Teachers; Statute §80-1304

IV.A.; Statute §80-1219

IV.D.; Statute §80-1801

SCHOOL DISTRICTS

STATUTES

§14-1901--1908

Public "agencies", such as school districts, political subdivisions of any state and government agencies may enter into cooperative agreements "to provide services and facilities" that will aid a locale's development.

COOPERATIVE AGREEMENTS

"Agencies" entering into joint agreements that do not establish a "separate legal entity to conduct [the agreement]" provide for a joint administrative board.

Said agreements must be submitted to the State Attorney General for approval, unless a State officer has jurisdiction over those services or facilities. Cooperative agencies may secure funds so as to provide personnel or services that their joint administrative boards require.

§80-403--408-A

A school district is a corporation and may sue or be sued in its name. It has the power of eminent domain," and may take and use private property for the use of the school district (including) a school house, necessary playground and athletic fields, stadiums, libraries, and other necessary uses incidental to the maintenance of schools."

§80-1262

School districts may contract with colleges and universities for the services of student teachers approved by the State Board of Education. Those student teachers, "while engaged in the performance of their . . . duties, enjoy the same immunities provided by law for teachers in the public schools."

IMMUNITY

CROSS REFERENCES

II.A.2.; Statute §80-1658
II.A.2.; Statute §80-2115 -- 80-2117
II.A.2.; Statute §80-2122
II.A.2.; Statute §80-2131
IV.C.; Statute §80-126 -- 80-129

SPECIAL VOCATIONAL EDUCATION DISTRICT BOARD

CROSS REFERENCE

II.A.3.; Statute §80-460 -- 80-463

STATE ADVISORY COUNCIL ON VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §80-2569.1

STATE BOARD OF EDUCATION

STATUTES

§80-102 -- 105

"The State Board of Education shall be composed of nine members, one to be selected from each Congressional District of the State as now constituted and the remainder to be appointed at large from within the State."

APPOINTMENT

The members . . . shall be appointed by the Governor subject to the confirmation of the Senate and shall take the oath of office prescribed by the Constitution for officers.

REMOVAL

Members . . . shall be subject to removal from office by the Governor when the actions or conditions of a member shall be considered as sufficient cause for removal: Provided, that before such a member may be removed for cause, such cause must have been accepted as true, good, and sufficient by a majority written vote of all members of the Board after a formal hearing at a regular or special session of the Board.

No candidate for public office or holder of a public office in the State, no school teacher, commissioner of education (Director of the Department of Education), county or city superintendent, state-supported college teacher or administrator, nor member of any board of trustees of any State institution of higher learning shall serve as a member of the . . . Board".

To serve, one must be a "qualified elector and . . . a person of high moral standards, and of recognized ability."

§80-106

The board shall meet quarterly, commencing on the second Monday in September. "Special meetings may be called by the president of the Board" or by the commissioner of education, at the request of three board members, or by any three members. Advance notice of these meetings must be given and public records must be kept.

§80-107

BOARD OFFICERS

"The [state] Board shall elect one...Chair[person], one Vice-Chair[person], and such other officers as [it] deems necessary. The Commissioner of Education shall act as ex-officio Secretary of the Board without vote."

§80-113 -- 117

RULEMAKING

"The Board shall have general supervision of the public schools of the state; prepare and distribute plans and specifications for the construction and equipment of school buildings, and approve plans and expenditures of public school funds for all new school buildings; recommend courses of study for the public schools and teacher training institutions; prescribe rules and regulations for the sanitary inspection of all buildings, and for the health examination of pupils"; issue teaching certificates; "qualify and standardize public schools, supervise the operation of school district budgets, supervise the purchase and distribution of textbooks; . . . supervise vocational education . . . and administer and apportion any funds that . . . come to the state for that purpose . . . act as the Arkansas Illiteracy Commission" and ascertain the "true conditions in the state regarding the illiteracy of its adults . . . and contribute to the elimination of adult illiteracy." The Board must also "prescribe a uniform system of records to be kept by the county boards of education, school director, principals and teachers . . . and perform all other functions which may now or hereafter be delegated to the State Board . . . of Education by law . . . ." Additional responsibilities delegated to the Board are contained in the Quality Education Act of 1969.

§80-122

"The State Board of Education shall select . . . personnel" to operate the State Board "upon nomination by the Commissioner", and "fix their salaries." Appointees shall serve one-year terms and are "subject to removal, for cause, by a majority vote of the . . . Board . . . upon recommendation of the . . . Commissioner.

The State Board . . . may organize . . . and alter" the structure of the department of education in order to "render maximum services."

§80-123

"The General Assembly of Arkansas hereby accepts all federal aid to education as may be provided by the Congress of the United States. The State Board of Education of Arkansas is hereby designated as the 'State Educational authority' for the purpose of representing the state in the administration of such funds as may be provided by Congress. It is hereby empowered to promulgate such regulations as are necessary on the part of the State to meet any and all requirements of the federal government in the distribution of federal aid. It shall provide for the proper auditing and accounting of all federal funds and for making all necessary reports regarding the expenditures of such federal funds and perform such other functions as may be prescribed by the act providing aid."

§80-147

The state board "may enter into formal contracts or such other agreements with such publicly controlled institutions, or with local school district boards for the purpose of serving the educational needs of children resident in such institutions or local districts."

CONTRACTS

§80-707--712

The state board of education is responsible for conducting a census every even year of persons one to eighteen whose legal guardians are residents of that district from April 1 to May 1 (inclusive).

CENSUS

In the case of a violation of regulations governing an enumeration, the State Board of Education has the "authority to set aside all or part of the state apportionment of the district for [up to] one year after the complaint is filed." Falsifying information "shall constitute a misdemeanor."

CROSS REFERENCES

I.Department of Education; Statute §5-910

II.A.1.; Statute, Acts 1975, No. 302, §5

II.A.1.; Statute, Acts 1975, No. 302, §10

II.A.2.; Statute §80-2103

II.A.2.; Statute §80-2104

II.A.2.; Statute §80-2106

II.A.2.; Statute §80-2108

II.A.2.; Statute §80-2112

II.A.2.; Statute §80-2128

II.A.2.; Statute §80-2136

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II.A.2.; Statute §80-2140 -- 80-2143

II.A.4.; Statute §80-1646

II.A.4.; Statute §80-1647 -- 80-1649

II.A.4.; Statute §80-1652 -- 80-1653

II.A.4.; Statute §80-1658

II.B.1.a.; Statute, Acts 1975, No. 302, §1 -- 4

II.C.2.; Statute §14-604 -- 14-611; 80-3505 -- 80-3506; 14-627 -- 14-628

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II.C.2.; Statute §80-142

II.C.3.; Statute §19-3604 -- 19-3605

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STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §80-460 -- 80-463

II.A.3.; Statute §80-2557 -- 80-2560.1

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II.A.3.; Statute §80-2569.1

II.A.3.; Statuce §80-2587 -- 80-2589

STATE TEXTBOOK AND INSTRUCTIONAL MATERIALS SELECTION COMMITTEE

CROSS REFERENCES

II.B.1.a.; Statute, Acts 1975, No. 302, §1 -- 6

II.B.1.a.; Statute, Acts 1975, No. 302, §7-8

STUDENT TEACHERS

CROSS REFERENCE

I.School Districts; Statute §80-1262

SUPERINTENDENT

STATUTES

§80-202

"A superintendent of schools is . . . the executive officer of a school board directing the affairs of the school district and teaching not more than one-half time in the school day."

CROSS REFERENCES

I.County Board of Education; Statute §80-235

II.A.2.; Statute §80-2217

STATUTES

§80-1217

Teachers must submit to the county superintendent "all statistical work which teachers are by law required to perform, perfect, and complete" or forfeit his/her last month's pay.

REPORTS

§80-1261

No teacher shall be prohibited from teaching for wearing clothing of "an established and recognized religion."

CIVIL RIGHTS

CROSS REFERENCES

III.C.Teachers; Statute §80-1304

III.C.Teachers; Statute §80-1629

IV.H.; Statute §80-1510

CALIFORNIA

The State Board of Education consists of ten (10) members appointed by the Governor with the advice and consent of two-thirds of the Senate. The Superintendent of Public Instruction is secretary and executive officer of the Board and ex officio Director of Education. The Department of Education is administered through the State Board of Education and the Director of Education. In addition to the legislatively-created Division of Libraries, the State Board of Education, upon recommendation of the Director of Education, may establish such divisions as are necessary for the proper transaction of business by the Department of Education.

An "educational policy advisory commission" is a body of professional and lay members established by law to advise the State Board of Education. An "educational advisory committee" is an advisory body to the Superintendent of Public Instruction concerning the administration of programs and serves at the pleasure of the Superintendent of Public Instruction.

School districts are classified as: (1) elementary districts not operated by a common administration; (2) high school districts not operated by a common administration; (3) unified school districts (those maintaining grades K or 1 through 12); and (4) elementary and high school districts under one common administration. Every school district is under the control of a Board of School Trustees or a Board of Education. Except as otherwise provided, the governing board of a school district consists of five elected members. It may employ a District Superintendent of Schools to whom it may delegate its recordkeeping and reporting responsibilities. It is the policy of the State that all elementary school districts be included in a high school district or in a unified school district.

County Boards of Education exist where there is not a city school district (one "lying wholly or partly within a city and county"). The Boards consist of five or seven elected members as determined by the county committee on school district organization. The County Superintendent of Schools is the ex officio secretary and executive officer of the County Board of Education and may be elected or appointed. A Unified School District is governed by a Board of Education as provided for in its charter. When it has within it boundaries a chartered city or a city of more than 8,000, or average daily attendance is 1,500 or more, it will be deemed a city school district governed by an elected City Board of Education.

CALIFORNIA

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Fair Hearing Panel..... I-CA 22
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I. Powers, Duties and Functions

Advisory Commission on Special Education

CROSS REFERENCE

II.A.2; Statute §33590 -- 33596

Advisory Committee on Bilingual Education

CROSS REFERENCE

II.A.5; Regulation §4018

Advisory Committee on Development Centers For Handicapped Pupils

CROSS REFERENCE

II.A.2; Statute §56802 -- 56833; 56865;
57800; 57818

Advisory Committee on Educational Research in Basic Educational Programs

CROSS REFERENCE

III.D.Student; Statute §54302 -- 54304

Advisory Compensatory Education Commission

CROSS REFERENCE

II.A.6; Statute §54420 -- 54424

Advisory Council on Vocational Education

CROSS REFERENCE

II.A.3; Statute §8000 -- 8007

Board of Library Trustees

CROSS REFERENCES

II.B.3; Statute §18330; 18340-18341;
18370 -- 18373

II.B.3.; Statute §18380 -- 18411

II.B.3.; Statute §18440 --> 18452

Board of Supervisors

STATUTES

§1400

In the case of a joint school district all actions

to be taken by the board of supervisors are to be concurrent actions by the boards of each county in which any part of the joint district is located.

Board of Trustees

CROSS REFERENCE

IV.D.; Regulation §14262 -- 14263

Bureau of Indian Education

Statutes

§33370

"There is in the Department of Education a Bureau of Indian Education which shall study and identify the cultural and educational disadvantages affecting American Indian children in the present existing public school system.

The Indian Coordinator shall be in charge of the Bureau of Indian Education and his [her] selection shall be made by the Superintendent of Public Instruction.

The Indian Coordinator shall be responsive to the Superintendent of Public Instruction and shall meet and consult with the Equal Educational Opportunities Commission."

Bureau of Teacher Education

CROSS REFERENCE

III.B.Teachers; §11210 -- 11215

Certificated Personnel

Regulations

§5530-31

All certificated personnel shall exercise supervision over the moral conditions in their respective schools. All extracurricular athletic and social activities of pupils shall be supervised by certificated employees.

Chief of Division of Special Education

CROSS REFERENCE

III.C.School Employees; Regulation §1760-5

Commission on Professional Competence

CROSS REFERENCE

III.C.School Employees: Statute §44930 -- 44985

Commission for Teacher Preparation and Licensing

Statutes

§44200 -- 44202; 44204 -- 44236

This section concerns the establishment of the Commission for Teacher Preparation and Licensing and includes membership qualifications as well as duties, which include:

(1) to develop standards and procedures for the certification of educational personnel;

(2) to provide leadership and to coordinate resources for the improvement of teacher education;

(3) to develop objective, independently verifiable standards of measurement and evaluation of teaching competence as it relates to teacher licensing;

(4) to monitor and evaluate the results of its actions as it relates to the performance of licensed teachers, and other duties.

CROSS REFERENCES

I.Committee of Credentials; Statute §44240--44258

II.A.5; Statute §10100--10107

II.A.10.Other-Special Reading Instruction; Statute §54101--54180

III.B.Teachers; Statute §44259--44274

III.B.Teachers; Statute §44280--44317

III.B.Teachers; Regulation §5931.1

III.B.Teachers; Regulation §5931.2

III.B.Teachers; Regulation §5932

III.B.Teachers; Regulation §17932

III.B.Teachers; Regulation §17933 -- 17934

Committee of Credentials

Statutes

§44240 -- 44258

This section provides for the appointment of a Committee

of Credentials by the Commission for Teacher Preparation and Licensing, to consist of seven members properly qualified. Duties of the committee shall include the granting, issuance, suspension and revocation of credentials and life diplomas.

County Board of Education

Statutes

§1000

"Except in a city and county, there shall be a county board of education which shall consist of five or seven members to be determined by the county committee on school district organization." These members shall be elected.

§1003 -- 1006

If membership numbers on the county board of education are to be changed, hearings must be held and subsequent to that an election held. No boundary change shall affect any member's term of office. Any registered voter is eligible for membership on the county board.

§1008

Any vacancy on the county board of education shall be filled by the majority of remaining members. Any person that might be elected to fill a vacancy is to fill out the unexpired term to which he/she was elected.

§1009 -- 1016

BOARD OFFICERS

"The county board of education shall organize at a meeting held in each year by electing one of their number president of the board." The county superintendeent is ex officio secretary and executive officer. Meetings shall be determined by the board but shall take place at least once per month, with special meetings called by the president. A majority of the members constitute a quorum.

Majority votes are required by the board to approve the issue on renewal of teacher's certificates or the adoption of books or apparatus. Proper procedure is to be carried out at all meetings.

County boards of education shall:

(a) adopt rules and regulations consistent with state law;

(b) keep a record of their proceedings;

(c) approve the annual budget before it is submitted to the county board of supervisors;

(d) approve the annual county school service fund budget.

County boards may:

(a) adopt and use an official seal;

(b) review revenue and expenditure items;

(c) acquire, hold and convey real property for the purpose of housing the offices and the services of the county superintendent of schools.

Functions of the county board of supervisors may be transferred to the county board of education.

The county board also may:

(1) secure copyrights to all copyrightable works developed by the board;

(2) sell, give, or exchange published materials prepared by the board;

(3) grant a license to the use of such copyrights to any public agency of the state with any charge assessed for the license not to exceed the cost of preparation and reproduction.

§1080

The county board of supervisors may transfer the following duties to the county board of education:

(1) approval of the county superintendent's estimates of anticipated revenue and expenditures;

(2) allowance of actual and necessary expenses;

(3) any duties and functions of an educational, or educational and recreational nature;

(4) any duties and functions relative to the organization or reorganization of school districts; and

(5) community recreation functions.

§1082

A county board of education to which functions and duties have been transferred under §2-1-1080 may enter into agreements for the acquisition of real property, or improvements.

§4310; 4312

The county board of education of a county is vested with all duties, powers, etc. vested in the county committee on school district organization in the county, provided the State Board of Education sees fit.

CROSS REFERENCES

II.A.2.; Statute §1046

II.A.2.; Statute §56600--56604

II.A.10.Other-Technical, agricultural and natural resources conservation schools; Statute §1790; 1805; 1807; 1808

II.B.4.; Statute §40000-40008

III.E.Certificated Employees; Statute §1946

IV.H; Statute §48202-48203

IV.J; Statute §1110

IV.J; Statute §48914-48915; 48917-48920

County Board of Supervisors

CROSS REFERENCE

I.County Board of Education; Statute §1080

County Committee

CROSS REFERENCE

II.C.2.; Statute §4211

County Superintendent

STATUTES

§1240 -- 1249

The superintendent of schools of each county shall:

1) superintend;

2) visit and examine each school;

SCHOOL VISITS

3) distribute all laws, reports, etc. to school officials;

4) maintain pertinent reports;

5) keep a record of his/her official acts, etc.;

6) enforce the course of study;

7) enforce the use of state textbooks;

8) preserve all reports of school officers and teachers;

9) deliver to his/her successor all records, etc.;

10) inspect each district maintaining classes in grades 7 or 9 through 12 to certify compliance with state standards;

11) make reports required of him/her under the penalty of forfeiture of a portion of his/her salary;

12) file a complete report of the attendance credited to the public schools of his/her county; and

13) destroy records that regulations allow for a destruction of.

The county superintendent may: 1) sell publications approved by him/her; 2) fix the price not to exceed the estimated cost of production for the sale of any publication.

§1253 -- 1254

Whenever any school district is situated partly within two or more counties, jurisdiction of it is in the county superintendent of schools of the county in which the schoolhouse of the district is located, or, if there be a schoolhouse of the district in each of two or more counties, jurisdiction is in the county superintendent of schools of the county in which the greatest area of the district lies. In the case of a unified school district the superintendent of schools of the county with the greatest part of assessed valuation has jurisdiction.

§1256

APPOINTMENT

The county superintendent of schools shall appoint a teacher and open and keep the school open if the trustees neglect or refuse to employ a teacher. He/she may also appoint a janitor if the governing board does not.

§1260

The county superintendent may conduct or supervise the conduction of educational exhibits, citizen awareness programs and programs aimed at improvement of management by way of research and investigation for the schools. He/she may also join any society which has as its purpose the advancement of education.

§1262

The county superintendent is to provide consultative or coordinative services for school districts under his/her jursidiction.

§1271 -- 1292

The county superintendent may hold one trustee's meeting each year following procedure described herein. He/she may also appoint a deputy to serve without compensation, unless otherwise provided for.

APPOINTMENT

§1720 -- 1732

The county superintendent may provide for the preparation of courses of study and the development of curriculum to be used in the elementary and secondary schools. He/she may also enter into agreement with the governing board of any school district for such a purpose as well as participate in projects for developmental program planning. All services are to be administered by persons holding valid credentials.

In addition the county superintendent may:

(1) Employ supervisors for instruction in the elementary school districts under his/her jurisdiction.

(2) Employ personnel to supervise attendance.

(3) Employ one or more supervisors of health to provide health services to pupils under his/her jurisdiction, and prescribe the duties of such supervisors, which includes providing for all health services to the district.

(4) Provide necessary guidance services to pupils under his/her jurisdiction.

§1941

The county superintendent of schools may provide services to school districts in screening and directing teachers to the schools under his/her jurisdiction.

§1944 -- 1945

The county superintendent may provide for the publication of materials that are necessary in connection with the curricular and special services that the superintendent of schools is authorized to perform in the county. He/she may also provide advisory services in school business administration activities, in maintenance of school buildings and grounds, and in the processing of special problems concerning credentials.

CROSS REFERENCES

I.County Board of Education; Statute §1009-1016

II.A.2; Statute §1261

II.A.2; Statute §52200-52208

II.A.2; Statute §56030-56035

II.A.2.; Statute §56070; 56072 - 56075; 56307

II.A.2; Statute §56515-56518

II.A.2; Statute §56802-56833; 56865; 57800; 57818

II.A.2; Regulation §3110

II.A.3; Statute §52300-52332

II.A.3; Statute §52350-52355

II.A.6; Statute §1700; 1703; 1704

II.A.7; Statute §48614-48616

II.A.8; Statute §48401

II.A.10.Other-Summer Environmental Internship Program; Statute §52410-52414

II.A.10.Other-Youth Conservation Programs; Statute §1780-1784

II.B.2; Statute §1250-1251

II.B.3; Statute §1770-1775

II.C.2; Statute §1264; 1265; 1269

III.D.County Schools; Statute §4208

III.E.Teachers; Statute §1263

IV.A.; Regulation §17220

IV.B; Statute §52340-52348

IV.D; Statute §1270

IV.G; Statute §46617.5

IV.G; Statute §48050

IV.H; Statute §48202-48203

IV.H; Statute §48272-48273

IV.J; Statute §48916

COUNTY SUPERVISOR OF HEALTH

STATUTES

§1299

A supervisor of health for a county shall perform such duties as prescribed by the county superintendent of schools.

CURRICULUM DEVELOPMENT COMMISSION

CROSS REFERENCES

II.B.1.a.; Statute §60060--60063

III.E.Curriculum; Statute §33530--33539

DATA PROCESSING CENTER BOARD

CROSS REFERENCE

II.A.10.Other-Data Processing Program Centers; Statute §10300--10336

DEMONSTRATION BOARD

CROSS REFERENCE

II.A.10.Other-Demonstration Scholarship Program;
Statute §58000--58051

DEPARTMENT OF EDUCATION

STATUTES

§33300-33305

The Department of Education shall be administered through the State Board of Education, and the Director of Education. The Superintendent of Public Instruction is ex officio Director of Education.

§33306 -- 33316

The Department of Education: is the successor to the State Board of Education as they existed on July 30, 1921, of the board of directors of the California School for the Deaf and the Blind, and of the several officers, deputies and employees of such bodies and offices; shall be in possession and control of all records, books, papers, etc., now or hereafter held for the benefit of the bodies whose duties are transferred to the Department of Education; and (3) shall administer and enforce all laws now or hereafter imposing any duty, power, etc. upon any of the bodies transferred to the Department of Education.

The State Board of Education may establish in the Department of Education a school library consultant service to assist and advise local school districts in the establishment, development, and improvement of school libraries in the elementary and secondary schools.

The Department of Education shall:

"Revise and update budget manuals, forms and guidelines. Cooperate with federal and state agencies in prescribing rules and regulations and instructions required by such agencies. Assess the needs and methods of collecting and disseminating financial information.

Conduct workshops and conferences for the purpose of training school district and county personnel.

Provide consultant services to colleges and universities on courses of instruction relative to school budgets and accounting practices.

The Department of Education shall cooperate with the Educational Management and Evaluation Commission and shall as requested by the commission: Prepare and compile agenda items and research materials for the commission; Prepare and direct the execution of any provisions of agreements entered into by the commission for the formulation of a program budgeting and accounting system; Organize pilot projects for testing any program budgeting and accounting;

Recommend any change or revision of law necessary to effectuate any program budgeting and accounting system; Promote any program of budgeting and accounting system through cooperative working arrangements with interested public and private agencies and associations;

Coordinate the budgeting and accounting activities of interested public and private agencies and associations.

CROSS REFERENCES

II.A.1; Statute §51053--51056

II.A.1; Statute §51263

II.A.1; Statute §8700--8734

II.A.1; Statute §33350--33352

II.A.2; Statute §56030--56035

II.A.2; Statute §56036--56038

II.A.2; Statute §56522--56524; 56526--56528

II.A.2; Statute §59000--59007; 59020--59031; 59040--59045

II.A.2; Statute §59100-59103; 59110--59113; 59120--59131; 59140--59144

II.A.3; Statute §51761--51762

II.A.3; Statute §52300--52332

II.A.3; Statute §52382--52391

II.A.3; Regulation §11502--11503

II.A.3; Regulation §11542

II.A.5; Statute §52100--52114

II.A.5; Statute §10100--10107

II.A.6; Statute §54520--54529

II.A.8; Statute §52501--52518

II.A.8; Regulation §11004

II.A.10.Other-Child Development Program; Statute §8203--8206; 8211

II.A.10.Other-Child Development Program; Statute §8240--8250

II.A.10.Other-Child Development Program; Statute §8280--8285

II.A.10.Other-Child Development Program; Regulation §18024

II.A.10.Other-Indian Education Centers; Statute §33380--33384

II.A.10.Other-Farm labor driver training course; Statute §40070

II.A.10.Other-Dropout Prevention Program; Statute §54661; 54663

II.C.1; Statute §39000--39018

II.C.2; Statute §39100--39156

II.C.2; Regulation §14041--14044

III.C.School System; Regulation §30-36

III.D.Child Development Program; Regulation §18022

III.D.Educational Information; Statute §10600--10607

III.E.School District Board Members; Statute §33360--33363

III.E.Teachers; Statute §51264--51266

Deputy Superintendent of Public Instruction

Statutes

§33140-33141

The duties of the Deputy Superintendent of Public Instruction and of the associate superintendent of public instruction shall be such as are assigned them by the Superintendent.

Director of Compensatory Education

CROSS REFERENCES

II.A.6; Statute §54460--54487

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

Director of Continuing Education

Statutes

§ 11000-11003

The governing board of a school district main-

taining compulsory continuation classes, authorized under Section 5952, shall provide a director of continuation education. The director shall be responsible for the organization, administration, guidance, placement and follow-up.

Regular services include personal and occupational guidance, employment placement and both parental and employment follow-up.

Instruction shall be planned and coordinated in the school, home and with employing agencies according to the individual needs of the student.

District Board of Education

Statutes

§11006

The governing board of any school district may enter into agreements with a college or university as a teacher education institution to provide teaching experience through practice teaching and to provide supervised field experience in the public schools in such area as may be called for.

§11007

The governing board of any school district may enter into agreement to render any services which may be provided children enrolled in nonpublic schools.

§35010 -- 35014

Every school district shall be under the control of a board of school trustees or a board of education. The governing board of a school district shall consist of five members elected at large by the qualified voters of the district. The terms of the members shall be for four years and be staggered.

A unified school district may have a governing board of seven members in the event the proposal for unification has specified a governing board of seven members.

The governing board of an elementary school dis-

trict other than a union or joint union elementary school district shall consist of three members selected at large from the territory comprising the district.

§35020 -- 35045

The governing board of each school district shall fix and prescribe the duties to be performed by all persons in public school service in the school district.

The governing board:

"(1) shall annually select one of its members as its representative who shall have one vote for each member; (2) may appoint an executive committee; (3) may employ a person not a member of the board to act as secretary and bookkeeper for the board; (4) may employ a district superintendent for one or more schools; (5) may, if the district is of proper size, employ such deputy, associate, and assistant district superintendents of schools as the board deems necessary; (6) may waive any credential requirement for the chief administrative officer of the school district under its jurisdiction; and (7) may at any time terminate the term of employment of the superintendent of schools, or associate, and reelect or reemploy the employee, or increase the salary of such employees.

APPOINTMENT

WAIVER

TERMINATION

No person, except a clerical employee, shall be eligible to hold position as city superintendent, district superintendent, etc. unless he/she is the holder of both a valid school administration certificate and a valid teacher certificate.

"If a unified school district is formed . . . to include all the territory of one or more elementary school districts, the governing board of the unified district may elect and reelect as district superintendent of schools of the unified district, or as deputy, associate, or assistant superintendent of schools of the unified district, for a four-year term, a person employed as district superintendent of schools of one of such elementary school districts at the time of the formation

of the unified school district. The person may perform service in the position for the unified district for the term to which he[she] is elected or reelected without possessing the certification document otherwise required if he[she] has served continuously as district superintendent of the elementary district for at least 10 years prior to the formation of the unified district and if he[she] is elected as district superintendent of schools of the unified district or as deputy, associate or assistant superintendent of schools of the unified district pursuant to this section.

(a) The members of the governing board of each unified school district may elect a superintendent of schools for a term of not more than four years, who shall be executive officer and secretary of said governing board. Where the entire area of a county is included within one unified school district or where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the county superintendent of schools may be employed as the superintendent of schools of the unified school district; provided, he[she] is the holder of a certification document authorizing him[her] to perform such services. If a county superintendent of schools is employed as the superintendent of schools of a unified school district, he[she] may be paid such salary, in addition to that provided by law for his[her] office of county superintendent of schools, as he[she] and the governing board of the unified school district may agree upon.

(b) Any county superintendent of schools who was employed as a district superintendent of a unified school district on or before September 20, 1963, may continue to perform such services without possessing the certification document otherwise required as long as he/she remains continuously employed or reemployed in his[her] position.

(c) Where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the person who was county superintendent of schools at the time the unified school district was formed may be employed as the superintendent of schools of the unified school district without possessing the certification document otherwise required as long as he[she] remains continuously employed or reemployed in his[her] position.

The superintendent of each school district shall, in addition to any other powers and duties granted to or imposed upon him/her:

(a) Be the chief executive officer of the governing board of the district.

(b) Excepting in districts where the governing board has appointed or designated an employee other than the superintendent, or a deputy, or assistant superintendent, to prepare and submit a budget, prepare and submit to the governing board of the district, at such time as it may direct, the budget of the district for the next ensuing school year, and revise and take such other action in connection with the budget as the board may desire.

APPOINTMENT

"(c) Subject to the approval of the governing board, assign all employees of the district employed in positions requiring certification qualifications, to the positions in which they are to serve. Such power to assign includes the power to transfer a teacher from one school to another school at which the teacher is certificated to serve within the district when the superintendent concludes that such a transfer is in the best interest of the district.

(d) Upon adoption, by the district board, of a district policy concerning transfers of teachers from one school to another school within the district, have authority

to transfer teachers consistent with such policy.

(c) Determine that each employee of the district in a position requiring certification qualifications has a valid certificated document registered as required by law authorizing him[her] to serve in the position to which he[she] is assigned.

CONTRACTS

(f) Enter into contracts for and on behalf of the district pursuant to [statute]. . . .

(g) Submit reports showing the financial and budgetary conditions of the district, including outstanding obligations, to the governing board at least once every three months, during the school year.

The governing board of each school district may employ a principal for each school under its control, and the governing boards of two or more school districts may jointly employ a supervising principal or a supervisor of instruction.

The governing board of any school district having an average daily attendance of 10,000 or more may appoint a director of school building planning."

APPOINTMENT

§35160 -- 35177

"The governing board of any school district may:

(a) Conduct studies through research and investigation as are determined by it to be required in connection with the present and future management, conditions, needs, and financial support of the schools; or join with other school district governing boards in the conduct of such studies.

(b) Install and maintain exhibits of educational programs and activities of the school district at any county fair held in the county in which the district is located in whole or in part, or at any agricultural district fair held in the county in which the school district is located in whole or in part.

(c) Inform and make known to the citizens of the district, the educational programs and activities of the schools therein.

(d) Subscribe for membership for any school under its jurisdiction in any society, association, or organization which has for its purpose the promotion and advancement of public or private education.

(e) Subscribe for membership in, or otherwise become a member of, any national, state or local organization of governing boards of school districts or members thereof which has for its purposes the promotion and advancement of public education through research and investigation, and the cooperation with persons and associations whose interests and purposes are the betterment of the educational opportunities of the children of the state.

(f) Select a member or members of the board to attend meetings of any society, association, or organization for which the school district has subscribed for membership, or any convention to which it may pay the expenses of any employee."

§35190 -- 35192

The governing board of a school district may call meetings of the qualified electors of the district for consultation in regard to any affairs in the district.

§35230 -- 35240

The offering of any valuable thing to any member of the governing board of any school district, with the intent to influence his/her action with corrupt intent is a misdemeanor.

§35250

Records are to be kept by the governing board of each school district in order to keep accurate accounts of monies and attendance. Copies may be made by microfilm or photograph.

§40009 -- 40010

The governing board of each school district throughout the state shall provide for each school house under its control, a suitable flag of the U.S., which shall be hoisted above each school house during all school sessions, and on school holidays.

CROSS REFERENCES

I.Director of Continuing Education; Regulation §11000--11003

II.A.1; Statute §51040--51041

II.A.1; Statute §51050

II.A.1; Statute §51053--51056

II.A.1; Statute §51200--51201; 51204

II.A.1; Statute §51202--51203

II.A.1; Statute §51220--51221; 51227

II.A.1; Statute §51268

II.A.1.; Regulation §10045

II.A.2; Statute §51700--51701

II.A.2; Statute §52200--52208

II.A.2; Statute §51051--51052

II.A.2; Statute §56070; 56072--56075

II.A.2; Statute §56802-56833; 56865; 57800; 57818

II.A.2; Regulation §3154

II.A.3; Statute §52700--52706

II.A.3; Statute §51760

II.A.3; Statute §52350--52355

II.A.3; Statute §52370--52374

II.A.4.; Regulation §17909

II.A.7; Statute §48614--48616

II.A.8; Statute §52501--52518

II.A.8; Statute §52570--52572

II.A.8; Statute §52612--52615

II.A.9.; Regulation §11471--11474

II.A.10.Other-Alternative Schools; Statute §58500--58514

II.A.10.Other-Child Development Program; Statute §8320--8370

II.A.10.Other-Citizenship Classes; Statute §52350--52356

II.A.10.Other-Community Service Classes; Statute §51810-51815

II.A.10.Other-Continuous School Program: Statute §37610

II.A.10.Other-Data Processing Program Centers; Statute §10500--10556

II.A.10.Other-Programs at Tuberculosis Facilities; Statute §52531

II.B.1.a.; Statute §60400--60404

II.B.1.b; Statute §60040--60047

II.B.1.c.; Statute §60410--60414

II.B.3.; Statute §18000--18139

II.C.1.; Statute §35270--35271; 35275--35276

II.C.2; Statute §39170--39173

II.C.2; Statute §39360--39383

II.C.2; Statute §39600--39616

III.A.2; Statute §46100

III.C.Student; Statute §51224--51226

III.D.Student; Statute §60603--60614

IV.A; Statute §49400--49401; 49404

IV.A.: Regulation §560

IV.B; Statute §52340--52348

IV.D.; Statute §39800--39860

IV.D.; Regulation §14205--14207

IV.E.; Statute §32221

IV.E.; Statute §35272

IV.E.; Statute §48930--48932

IV.G.; Statute §48040

IV.G.; Statute §48050

IV.J.; Statute §48904

IV.J.; Statute §48916

DISTRICT SUPERINTENDENT

CROSS REFERENCES

II.A.2.; Statute §51700--51701

II.A.2; Regulation §3163

II.A.7.; Statute §48605--48609

II.A.7.; Statute §48630--48641

III.B.Teachers; Regulation §5924

III.C.Teachers; Regulation §17633--17634

IV.G.; Statute §48020

IV.I.; Statute §49110; 49114

EDUCATION MANAGEMENT AND EVALUATION COMMISSION

CROSS REFERENCE

III.D.Educational Programs; Statute §33550--33556

EDUCATIONAL INNOVATION AND PLANNING COMMISSION

CROSS REFERENCE

III.E.Educational Programs; Statute §33500; 33502--33508; 33512--33522

EQUAL EDUCATIONAL OPPORTUNITIES COMMISSION

CROSS REFERENCE

III.C.Educational System; Statute §33570--33577

FAIR HEARING PANEL

CROSS REFERENCES

II.A.2; Regulation §3165

II.A.2; Regulation §3166

II.A.2; Regulation §3169

GOVERNOR

CROSS REFERENCES

I.State Board of Education; Statute §3300--33010

I.Superintendent of Public Instruction; Statute §33100--33102

II.A.3; Statute §8000--8007

HIGH SCHOOL DISTRICT BOARD OF EDUCATION

STATUTES

§35290 -- 35293

The governing board of any high school district shall:

(1) maintain schools and classes.

SCHOOL VISITS

(2) visit each school in its district at least once each term, and examine carefully into the management, needs, and conditions of the schools.

CROSS REFERENCE

II.A.10.Other-Individual Instruction; Statute §58400--58412

LIBRARY COMMISSION

CROSS REFERENCE

II.B.3; Statute §18440--18452

PRINCIPAL

REGULATIONS

§5550

The principal is responsible for the supervision and administration of his/her school.

§5552

The principal of each school shall provide for the supervision of the conduct and safety of pupils on the playground. SAFETY

§5554-55

The principal shall keep files on the program of studies and textbooks used in the school.

§ 11371

The responsibility for identifying pupils to participate in English classes shall rest with the principal of the school in which the pupil is enrolled. ENGLISH

CROSS REFERENCES

II.A.3.; Statute §48227--48229

III.C.Students; Regulation §1532

III.D.Public Schools; Statute §44816--44824

IV.A.; Regulation §550

IV.A.; Regulation §560

IV.G.; Statute §48020

IV.J.; Statute §48901

CROSS REFERENCE

II.A.3.; Statute §8020--8035

SCHOOL ADVISORY COMMITTEES

REGULATIONS

§3930

Schools maintaining categorical aid programs shall create School Advisory Committees at each school to represent the parent population and persons from community agencies and groups. All socioeconomic and ethnic groups shall be represented.

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.2.; Regulation §3152

II.A.2.; Regulation §3155

II.A.2.; Regulation §3158--3159

II.A.2.; Regulation §3160--3161

II.A.2.; Regulation §3162

II.A.2.; Regulation §3169

II.A.3.; Regulation §11502--11503

II.A.4.; Regulation §[illegible]100

II.A.4.; Regulation §18141--18160; 18166-18174

II.A.5.; Statute §52100--52114

II.A.5.; Regulation §3947

II.A.5.; Regulation §4310--15

II.A.8.; Statute §8500; 8530--8537

II.A.10.Other-Advanced Programs; Regulation §11301--11306

II.A.10.Other-Alternative Schools; Regulation §11651--11654

II.A.10.Other-Independent Study Programs; Regulation §11701--11703

II.A.10.Other-Outdoor Science Program; Statute §8760--8773

II.B.2; Regulation §19502; 19505; 19506

II.B.3; Statute §18310; 18312--18322

II.B.3; Regulation §16041--16043

II.C.1; Statute §39000--39018

II.C.2; Regulation §14030--14031

II.C.2 Regulation §14041--14045

III.D.District Schools; Regulation §3934

III.D.Educational Information; Statute §10600-10607

III.D.Employee Reports; Statute §33151

III.D. Student; §60640--60644

III.E.Teachers' Regulation §13026--13044

SPECIAL EDUCATION HEARING PANEL

CROSS REFERENCE

II.A.2.; Statute §56507

STATE BOARD OF EDUCATION

STATUTES

§ 18420-18424

Regular meetings of the State Board of Education shall be on the 2nd Thursday and Friday of each month, except in August. Locations for such meetings shall be determined 2 months before the beginning of the following calendar. Notice of such public meeting shall be given to any one requesting notification (under Section 18423). Such notice shall include the time, date, place of the meeting and a copy of the agenda at least one week before the meeting.

All meetings of the board, committees, subcommittees, commissions and advisory bodies shall be open to the public, "except for executive sessions held to obtain the advice of legal counsel or held pursuant to Government Code Section 11126."

§ 18430-18435

Special meetings may be called by the President of the State Board of Education for any stated purpose.

Emergency meetings may be called by the President of the Board or a majority of members of the board.

If reasonably possible, notice of the emergency item or meeting shall be provided to those so requesting under Section 18423. Lack of such notice shall not invalidate any action taken on said item or at said meeting.

§ 18440-18456

Members of the public or the State Department of Education's staff may be recognized by the President of the Board to speak at any meeting. Such addresses shall be limited to five minutes. All speakers shall confine their remarks to subject indicated in their written request. No person other than the person having the floor and members of the Board shall be permitted to enter the discussion.

Public speakers shall not directly question individual members of the Board or the Superintendent without express permission of the President, nor shall individual members or the Superintendent address questions directly to the speaker without permission of the President.

Only one spokesperson for any group appearing before the Board shall address the Board.

DEMONSTRATIONS

Demonstrations, placards, and banners shall not be permitted in the meeting room of the Board. Persons in violation of this shall be ejected from the room by the officers in attendance.

Any person violating rules of this article ("Rules of Order") shall be denied the floor.

§ 18460-18464

NOTICE

The Board may hold a public hearing regarding any matter pending before it after giving the notice required by Section 18422.

The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board.

Persons wishing to address the Board on a subject to be considered at a future meeting, including any matter designated as a public hearing, shall present a written request to the Secretary ten days in advance of the meeting stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony.

The speaker shall provide a written copy of his statement and, if possible, 30 copies for members of the Board, to the Secreatry 24 hours in advance of the hearing.

At or before the hearing at which oral comments from the public are to be received, the Board or other hearing body shall determine the total amount of time that will be devoted to hearing such oral comments.

The President of the Board may at any time, upon showing good cause, waive the requirements stated above.

§ 18470-18472

Inspection of the original copy of any public record of the Board (as defined in Government Code Sections 6252(d) and 6254) will be permitted during regular office hours of the State Department of Education.

(b) Requests to inspect such records should be filed with the Secretary at least five working days prior to the requested date in order to insure availability.

(c) Requests for inspection should be as specific as possible in identifying the records desired.

(d) Original copies of public records shall not be removed from the Office of the Secretary.

(e) If search by a state employee for the records requested was necessary, inspection of the public record will be subject to the payment of fees.

If access to a certain document is denied by the Secretary, appeal may be made to the Superintendent in writing within 10 days of the refusal. A final decision will be made within 15 working days of the date of appeal.

§33000-33010

APPOINTMENT

"There is in the state government a State Board of Education, consisting of 10 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate."

BOARD OFFICERS

The term of office of the members of the board is four years, with any vacancies filled by appointment by the Governor, and at the first meeting following any change in the membership of the board, the board shall reorganize by electing one of its members president.

The Superintendent of Public Instruction shall be secretary and act as executive officer of the board, and the board shall appoint an acting secretary.

The board shall meet at least six times a year, with special meetings called by the president.

§33030 -- 33040

RULEMAKING

The State Board of Education shall adopt rules and regulations as well as: study the educational conditions and needs of the state; establish courses of instruction for state institutions; examine the progress of students at state institutions; issue subpoenas to compel the attendance of witnesses before the board; adopt and use an official seal; cause the Department of General Services to do any printing required; submit a report of its transactions to the Governor; adopt general guidelines for use by school districts and county superintendents of schools in the development of curriculum and adoption of courses of study for the special instruction of mentally retarded minors enrolled in public schools; develop guidelines which school districts may use in the development of teacher evaluation procedures; and is authorized to enter into agreements providing for the assignment of employees of the fire departments of such counties, cities, and fire protection districts to serve as instructors in fire training programs.

CROSS REFERENCES

I.Department of Education: Statute §33300--33305

II.A.1; Statute §31053--31056

II.A.1; Statute §31057

II.A.1; Statute §31830--31833

II.A.2; Statute §32200--32208

II.A.2; Statute §36020

II.A.2; Statute §56036--36038

II.A.2; Statute §36070; 36072--36075

II.A.2; Statute §36600--36604

II.A.2; Statute §36605--36618

II.A.2; Statute §36700--36729

II.A.2; Statute §36802--36833; 36863; 37800; 37818

II.A.3; Statute §51761--51762

II.A.3; Statute §52300--52332

II.A.3; Statute §52370--52374

II.A.3.; Regulation §11502--11503

II.A.4; Statute §52000--52029

II.A.5; Statute §52100--52114

II.A.6; Statute §54005--54006

II.A.6; Statute §54401--54407

II.A.6; Statute §54420--54424

II.A.6; Statute §54460--54487

II.A.6; Statute §58600--58608

II.A.10.Other-Child Development Program; Statute §8252-8256

II.A.10.Other-Continuation School; Statute §48430; 48436

II.A.10.Other-Dropout Prevention Program; Statute §54661; 54663

II.A.10.Other-Indian Education Centers; Statute §33380--33384

II.A.10.Other-Individual Instruction; Statute §58400--58412

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

II.A.10.Other-Special Reading Instruction; Statute §54101--54180

II.B.1.a; Statute §60060--60063

II.B.1.a; Statute §60200--60202

II.B.1.a; Statute §60280--60284

II.B.1.a; Statute §60400--60404

II.B.1.a; Regulation §9521

II.B.2; Statute §51870--51875

III.B.County Superintendent; Statute §1206

III.B.Teachers; Regulation §6076

III.B.Teachers; Regulation §11326--11327

III.D.Curriculum; Statute §60630--60634

III.D.Student; Statute §54302--54304

III.D.Student; Statute §60640--60644

III.D.Student; Statute §60603--60614

III.E.Educational Programs; Statute §33500; 33502-33508; 33512--33522

IV.A.; Statute §49300--49307

IV.B; Statute §52340--52348

IV.F; Statute §49068

IV.F; Statute §49062

CROSS REFERENCE

II.B.1.a; Regulation §18530--18556

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§33100 -- 33102

APPOINTMENT

"A vacancy in the office of Superintendent of Public Instruction shall be filled by appointment by the Governor."

§33110 -- 33125

The Superintendent of Public Instruction: may employ one Deputy and necessary clerical and expert assistants; shall execute the policies which have been decided upon by the board and shall direct the work of all appointees and employees of the board; shall superintend the schools of the state; shall prepare, have printed, and furnish to all teachers and officers such blank forms as may be necessary; shall authenticate all drafts or orders drawn by him/her; shall have bound all valuable school reports, journals, and documents in his/her office or received by him/her; shall deliver over, at the expiration of his/her term of office, all necessary records, etc. to his/her successor; shall prescribe regulations under which contracts may be made with federal government agencies; may enter into agreement with U.S. government relative to the establishment of courses of study in aeronautics in the technical schools of the public school system; and shall report on elementary textbooks to the joint Legislative Budget Committee.

The Director of Education may: enter into agreements with any agency of the federal government for the education of persons in the service of the federal government in schools under the jurisdiction of the Department of Education; enter into agreements with agencies of the federal government, county superintendents of schools, for the performance of any services for such agencies by any school under the Department of Education jurisdiction; conduct experimental work in education through

various media, including radio and television; develop audial and visual curriculum materials, evolve means and methods, and prescribe standards, for the use of such materials in the public elementary and secondary schools; and enter into agreements with any political entity for the exchange and employment of persons serving as teachers in schools.

REGULATIONS

§ 11236

The Superintendent of Public Instruction shall ascertain the average daily attendance for a newly formed or reorganized district from the district as it existed the previous year.

CROSS REFERENCES

I.Bureau of Indian Education; Statute §33370

I.Department of Education; Statute §33300--33305

I.State Board of Education; Statute §33000--33010

II.A.1; Statute §51830--51833

II.A.2; Statute §56020

II.A.2; Statute §56144; 56145

II.A.2; Statute §56160

II.A.2; Statute §56508--56509

II.A.2; Statute §56510--56513

II.A.2; Statute §56519; 56529; 56530

II.A.2; Statute §56520

II.A.2; Statute §56534; 56536--56541

II.A.2; Statute §56600-56604

II.A.2; Statute §56605--56618

II.A.2; Statute §56700--56729

II.A.2; Statute §56750--56752

II.A.2; Statute §56802--56833; 56865; 57800; 57818

II.A.2.; Statute §59000--59007; 59020--59031; 59040--59045

II.A.2; Statute §59100--59103; 59110-59113; 59120--59131; 59140--59144

II.A.2; Statute §59200--59204; 59210--59211

II.A.2; Regulation §3170

II.A.2; Regulation §18100

II.A.3; Statute §48227--48229

II.A.3; Statute §52350--52355

II.A.3; Statute §52370--52374

II.A.3; Statute §8090--8100

II.A.3; Regulation §11443--11444

II.A.4; Regulation §4100

II.A.5 Regulation §11600

II.A.6; Statute §54000--54004; 54007

II.A.6; Statute §54520--54529

II.A.6; Statute §58600--58608

II.A.8; Statute §48401

II.A.9; Regulation §11471--11474

II.A.10.Other-Abstract Mathematics Program; Statute §54682--54689

II.A.10.Other-Alternative Schools; Statute §58500--58514

II.A.10.Other-Child Development Program; Statute §8240--8250

II.A.10.Other-Child Development Program; Regulation §18024

II.A.10.Other-Demonstration Scholarship Program; Statute §58000--58051

II.A.10.Other-Mathematics Improvement Program; Statute §54341--54344

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

II.B.1.c; Statute §60310--60315

II.B.2; Statute §51870--51875

II.B.2: Regulation §19502; 19505; 19506

III.A.2; Statute §46111; 46117--46119

III.B.Teachers; Regulation §17939--17945

III.C.Teachers Regulation §17946

III.C.Tenured Employee; Regulation §17649

III.E.Educational Programs; Statute §33500; 33502--33508; 33512--33522

III.E.Teachers, Statute §56050--56053; 56060--56064

IV.I; Statute §49164

SUPERINTENDENT OF SCHOOLS

CROSS REFERENCES

III.E.Teachers; §10300--10319

IV.F; Reg. §16029--16030

SUPERINTENDENT OF SPECIAL SCHOOL

CROSS REFERENCE

III.C.School Employee; Reg. §17646

TEACHERS

STATUTES

§44800 -- 44807

Every teacher in the public school shall:

(1) notify the county superintendent of the opening, and closing date of the school term;

(2) enforce the course of study, the use of legally authorized textbooks, and the rules and regulations prescribed for schools;

(3) endeavor to impress upon the minds of the pupils the principles of morality, truth and other socially acceptable moral tenets; and

(4) hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

CROSS REFERENCES

II.A.10.Other-Demonstration Scholarship Program; Statute §58000--58051

II.B.1.a; Statute §60260--60265

III.C.Teachers; Regulation §5481

III.C.Teachers; Regulation §5482

III.C.Teachers; Regulation §5483

III.D.Student Performance; Statute §49066

IV.J; Statute §48900

VOCATIONAL EDUCATION ADVISORY COMMITTEE

CROSS REFERENCE

II.A.3; Statute §8070

COLORADO

The Constitution of Colorado vests the general supervision of its public schools in a Board of Education consisting of one member from each congressional district, plus one at-large member should the number of districts not be an even number, to be elected at general elections. It establishes that the Commissioner of Education shall be appointed by the Board of Education and is subject to the supervision of the Board. It further provides for a County Superintendent of Schools for each county, which office may be abolished by a majority of voters of the county.

The Commissioner of Education is the chief state school officer and executive officer of the Department of Education. He/she serves at the pleasure of the Board of Education.

The Department of Education includes the State Board of Education, the Commissioner of Education, Assistant Commissioners of Education, other officers and employees of the Department and the State library.

Each school district is governed by a Board of Education consisting of five, six, or seven elected school directors, the number having been established in the organizational plan as required by law.

COLORADO

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Accountability Advisory Committee

CROSS REFERENCES

III.D.Education Accountability Program; Regulation 2206-R-3.0

III.D.Educational Programs; Statute §22-7-104

Accreditation Consultant

CROSS REFERENCE

III.A.1; Regulation 2202-R-3.04; 2202-R-3.05

Administrative Unit

CROSS REFERENCE

II.A.2; Regulation 2220-R-7.0; 2220-R-9.0; 2220-R-10.0

Advisory Committee on Accreditation

CROSS REFERENCE

III.A.1; Regulation 2202-R-22.0; 2202-R-23.0

Attendance Officer

CROSS REFERENCE

IV.H; Statute §22-33-107

Board of Cooperative Services

Statutes

§22-5-108; 22-5-117

The "board of cooperative services" shall have the power to "operate schools and classes;" determine programs and services to be maintained; award diplomas; and exercise the general powers of school district boards. Any teacher, employed by a participating school district who is transferred to that district's board of cooperative services retains tenure . . . previously acquired.

TENURE

CROSS REFERENCES

II.A.5; Regulation 2224-R-3.0

III.E.Educational Services; Statutes §22-5-102 -- 104

Board of County Commissioners

CROSS REFERENCE

I.County Superintendent; Statute §30-10-1001; 1002; 1003

Commissioner of Education

Statutes

§22-2-110

"The commissioner of education shall be the chief state school officer and executive officer of the department of education." The commissioner's qualifications are determined by the state board. The commissioner is appointed by and shall serve at the pleasure of the state board.

CROSS REFERENCES

II.A.1; Statutes §22-1-105; 22-25-102 -- 111

III.B.Certificated Personnel; Regulation 2260-R-11.0

III.D.Health Education Programs; Statute §22-25-108

III.D.School District Reorganization; Statute §22-30-110

IV.A; Statutes §22-3-103 -- 104

Commission on Teacher Education and Certification

CROSS REFERENCE

III.B.Teachers; Regulation 2260-R-12.0

Committee of Accreditation Review

CROSS REFERENCE

III.A.1; Regulations 2202-R-3.08; 2202-R-3.09

Committee of Professional Personnel

CROSS REFERENCE

II.A.2; Regulation 2220-R-3.0

Community Bilingual and Bicultural Committees

CROSS REFERENCES

II.A.5; Statute §22-24-116

II.A.5; Regulations 2224-R-3.0; 2224-R-7.0

County Superintendent of Schools

Constitution

COLORADO CONSTITUTION Article 9, §15

"There may be a county superintendent of schools in each county, whose term of office shall be four years, and whose duties, qualifications, and compensation shall be prescribed by law."

Such office "may be abolished" if the voters of the county so elect.

Statutes

§22-4-101 — 22-4-102

The county superintendent of schools shall supervise the schools, keep records, and hold "county teachers' associations whenever, in his[her] judgment, the interests of the school work demand it." The county superintendent must submit an annual written report to the commissioner of education.

§30-10-1001; 1002; 1003

ELECTION

A county superintendent of schools shall be elected in each county.

"Should the superintendent-elect fail to qualify or should there occur a vacancy in said office, the board of county commissioners shall, at its next meetings after such vacancy or failure to qualify occurs, appoint an eligible and suitable person, who shall qualify within ten days after his appointment, and who shall continue in office until the next general election."

APPOINTMENT

"At any general election, the question of whether the office of county superintendent of schools shall be abolished may be submitted to the qualified electors of the county either by a resolution of the board of county commissioners or by a petition of the qualified electors."

DEPARTMENT OF EDUCATION

CROSS REFERENCES

I.Commissioner of Education; Statute §22-2-110

I.State Accountability Advisory Committee; Regulation 2207-R-7.0

II.A.2; Statutes §22-20-10; 22-20-102 -- 105

II.A.2; Regulations 2220-R-2.0; 2220-R-6.0; 2220-R-7.0; 2220-R-10.0

II.A.5; Statute §22-24-107

II.A.5; Regulations 2224-R-8.0; 2224-R-11.0

III.A.1; Regulations 2202-R-2.04; 2202-R-3.06 -- 2202-R-3.07; 2202-R-21.0; 2204-R-24.0

III.B.Certificated Personnel; Regulation 2260-R-11.0

III.B.Teachers; Statute §22-60-105

III.B.Teachers; Regulations 2202-R-8.05(2); 2260-R-1.0; 2260-R-10.0; 2260-R-15.0

III.C.Students; Statute §22-60-110

III.D.Educational Accountability Programs; Regulation 2207-R-6.0

DEPARTMENT OF EDUCATION, TEACHER EDUCATION AND CERTIFICATION UNIT

CROSS REFERENCE

III.B.Teachers; Regulation 2260-R-5.0

DIRECTOR OF BILINGUAL AND BICULTURAL EDUCATION

CROSS REFERENCES

II.A.5; Statute §22-24-115

II.A.5; Regulation 2224-R-5.0

District Board of Education

Constitution

COLORADO CONSTITUTION, Article 9, §15

"The general assembly shall . . . provide for organization of school districts . . .," each having a board of education consisting of "three or more directors to be elected."

"Said directors shall have control of instruction in the public schools of their respective districts."

Statutes

§22-32-103 -- 107

"Each school district shall be governed by a board of education consisting of the number of school directors prescribed by law."

"The secretary of the board shall cause written notice to be given to each member of the board of all special meetings of the board;" and "sign any [authorized] written contract to which the school district may be a party.

"The treasurer of the board shall account for all monies belonging to the district, or coming into its possession."

§22-32-104

"The officers of a board of education of a school district shall be a president, a vice-president, a secretary, and a treasurer."

BOARD OFFICERS

"The president and vice-president shall be members of the board, shall be elected by a majority of the board, and shall each hold office for a term of two years."

"The secretary and treasurer, and the assistant secretary and assistant treasurer if there be such offices, shall be appointed by board."

§22-32-108

"Regular meetings of the board of education of a school district shall be held at the time and place provided in the bylaws. Special meetings may be called by the president at any time and shall be called by [her]him upon written request of a majority of the members of the board."

The secretary shall give written notice of any special meeting to each member of the board stating the time, place, and purpose of the meeting. "All regular and special meetings of the board shall be open to the public."

§22-32-109

Each board of education shall have the following duties:

"To adopt policies and prescribe rules and regulations necessary . . . for the efficient administration of the affairs of the district;

RULEMAKING

To determine the length of the district school year," but this time shall not be less than 172 days unless "the state board of education, at the request of a local board of education, finds a lesser number of days to be necessary due to energy problems, and that the rescheduling of lost days is impractical." The board shall "appoint an attendance officer;" conduct a census of school age children; "determine the educational programs to be carried on in the schools of the district," and prescribe textbooks for courses of instruction . . . ."provide free textbooks for an indigent child enrolled in a school of the district without requiring a loss or damage deposit, and insure that no child is denied the use of textbooks because of refusal of his[her] parents to pay for the same; cause an educational program to be maintained and operated in the district," and prescribe textbooks for courses of instruction . . . . provide free textbooks for an indigent child enrolled in a school of the district

TEXTBOOKS

without requiring a loss or damage deposit, and insure that no child is denied the use of textbooks because of refusal of his[her] parents to pay for the same; "cause an educational program to be maintained and operated" in the district for the school age children resident therein; "adopt written policies, rules, and regulations . . . which may relate to the study, discipline, conduct safety and welfare of all pupils . . . enrolled in the public schools and adopt written procedures for the suspension and expulsion of, or denial of admission to a pupil, which procedures shall afford due process of law to pupils, parents, and school personnel." Copies of suspension and expulsion procedures shall be "distributed annually to each student and posted in each public school."

SUSPENSION

§22-32-110

The board of education of a school district shall have the power to: hold, lease, rent or sell real and personal property for any school purpose authorized by law; to provide all necessary educational materials for the schools; to employ a chief executive officer;" "to discharge or otherwise terminate the employment of any personnel;" "to adopt written policies, rules, and regulations" relating to "the efficiency, inservice training; professional growth, safety, official conduct, and welfare of the employees." However "the practices of employment promotion, and dismissal shall be unaffected by the employees' religious beliefs, marital status, racial or ethnic background, or participation in community affairs."

RULEMAKING

PROMOTION

DISMISSAL

The board shall also: "determine which schools of the district shall be operated and maintained and "fix the attendance boundaries of each school;" provide free textbooks to all pupils enrolled in the public schools

and may exclude immoral books and publications from the school's libraries; "procure public liability insurance covering the school district and the directors and employees thereof."

The board shall "contract for the transportation of pupils enrolled in the public schools of the district;" have a census taken of all resident persons within the district under 21; "require every teacher in the public schools to report the mental, moral, and physical defectiveness of any child" and report such defect to the principal or superintendent who shall notify the child's parents.

CENSUS

If the parents or guardian of such child fails to have an examination of such child made within a reasonable time the principal or superintendent shall notify the board of education. The board shall provide (in its discretion) "special educational services and arrangements, such as dual enrollment, educational radio and television, and mobile educational services, for the benefit of educationally deprived children in the district who attend nonpublic schools, . . . without discrimination on the ground of race, color, religion, or national origin;" and provide library resources for all children in the district and teachers to benefit all children in the district, both in the public and nonpublic schools, "without charge and without discrimination on the ground of race, color, religion, or national origin."

EQUAL OPPORTUNITY

The board may employ "teachers' aides and other auxiliary, noncertificated personnel to assist certificated personnel in the provision of services related to instruction or supervision of children."

CROSS REFERENCES

I.Principals; Statute §22-32-126

II.A.1; Statutes §22-8-108; 22-25-102 -- 111

II.A.2; Statutes §22-20-106 -- 107; 108; 109

II.A.2; Regulation 2220-R-2.0

II.A.2; Regulation 2220-R-3.0

II.A.4; Statute §22-32-119

II.A.5; Statutes §22-24-109;
22-24-113 -- 114

II.A.9; Statute §22-32-118

II.A.10.Other - Migrant Children Program;
Statutes §22-23-102; 104; 105; 106

II.C.1; Regulation 2202-R-13.07

II.C.2; Statute §22-32-124

III.A.1; Regulations 2202-R-3.02; 2202-R-21.0;
2202-R-22.0

III.B.Teachers; Regulation 2260-R-15.0

III.C.Teachers; Statutes §22-63-116 -- 117

III.D.Educational Accountability Program;
Regulation 2207-R-2.0

III.D.School District Reorganization;
Statute §22-30-141

III.E.Educational Accountability Programs;
Regulation 2207-R-4.0

III.E.Reading Skills; Statutes §22-22-101 -- 105

IV.C; Statute §22-32-120

IV.D; Statutes §22-32-113; 128

IV.G; Statute §22-1-102

IV.G; Statute §22-32-116

IV.J; Statute §22-33-105

DISTRICT SUPERINTENDENT

REGULATIONS

2202-R-7.01

The district superintendent shall be executive officer of the board and is responsible to the board for all delegated or assigned responsibilites, including the recommendation of staff members for employment and assignment, preparation of the district budget, supervision of instruction, and all such other activities necessary for efficient and smooth operation of the school district. The board and superintendent shall mutually prepare a written job description for the executive office.

2202-R-7.05

District superintendents shall be required, by the board, to develop reporting procedures on concerns related

to instructional, supportive programs in addition to the physical operation of the school system.

CROSS REFERENCE

III.A.2; Regulation 2202-R-7.03

GENERAL ASSEMBLY

CONSTITUTION

COLORADO CONSTITUTION Article 9

"The general assembly shall . . . provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state," for all residents between ages six and twenty-one. "One or more public schools shall be maintained in each school district within the state, at least three months in each year."

CROSS REFERENCE

II.B.1; Constitution Article 9, §16

PRINCIPALS

STATUTES

§22-32-126

"The board of education may employ . . . public school principals who shall hold valid supervisory or administrative certificates and who shall supervise the operation and management of the school."

"The principal shall assume the administrative responsibility . . . for the planning, management, operation and evaluation of the educational programs of the schools . . . and shall submit recommendations to the superintendent regarding appointment, assignment, promotion, transfer, and dismissal of all personnel under his[her] supervision."

ADMINISTRATION

CROSS REFERENCE

IV.J; Statute §22-33-105

Professional Practices Commission

CROSS REFERENCE

III.C.Teachers; Statutes §22-65-104 -- 105

School Districts

Statutes

§22-32-101

"Each regularly organized school district" is a "body corporate with perpetual existence" and may "hold property,. . . sue and be sued and be a party to contracts."

CROSS REFERENCES

II.A.5; Stacute §22-24-108

II.C.1; Statute §22-32-111

III.A.1; Regulation 2202-R-2.01

III.A.1; Regulation 2202-R-4.02

III.D.Educational Programs; Statute §22-7-104

III.E.Educational Programs; Regulation 2206-R-2.0

School Planning Committee

CROSS REFERENCE

III.D.School District Reorganization;
Statutes §22-30-110; 22-30-141

Special Education Advisory Committee

CROSS REFERENCE

II.A.2; Regulation 2220-R-2.0

Special Education Review Committee

CROSS REFERENCE

II.A.2; Regulation 2220-R-5.0

STATE ACCOUNTABILITY ADVISORY COMMITTEE

REGULATIONS

2207-R-7.0

The State Accountability Advisory Committee is to assist the State Board and the Department of Education in performing their Accountability Law duties. The committee shall be an advisory body to the State Board and the Department of Education.

The membership and terms of office for the State Committee are provided in the Accountability Law.

A plan of activities and objectives should be designed, by July 1 of each year by the State Committee and communicated to the Department of Education which is to help the committee meet their objectives.

The State Committee and Department of Education should help local districts by creating alternative approaches to the accountability process that said district could accept or modify.

The State Committee may serve in an advisory capacity to local districts or committees when requested to do so.

CROSS REFERENCE

III.D. Educational Accountability Programs; Regulation 2207-R-6.0

STATE ADVISORY COUNCIL FOR CAREER EDUCATION

CROSS REFERENCES

IV.B; Statutes §22-8-102 -- 107

IV.B; Regulations 2208-R-2.0; 2208-R-3.0

STATE BOARD OF EDUCATION

CONSTITUTION

COLORADO CONSTITUTION, Article 9 §1

"The general supervision of the public schools of the state shall be vested in the board of education whose powers and duties shall be . . . prescribed by law."

"The members of said board shall be elected."

". . . each member from a congressional district of the state shall be a qualified elector of such district. The members of said board shall serve without compensation, but shall be reimbursed for any necessary expenses incurred by them in performing their duties as members of said board."

The commissioner of education shall have his[her] qualifications, tenure, compensation, powers, and duties. . . prescribed by law, subject to the supervision of said board."

STATUTES

§22-2-106

The duties of the state board of education include the supervision of the public schools, appointment of the "commissioner of education," approval of the annual budget and distribution of state and federal funds to the schools.

§22-2-107

"The state board has the power to . . . employ personnel, . . . promulgate and adopt policies, rules, and regulations concerning general supervision of the public schools, . . . provide consultative services to the public schools and boards of education of school districts; appraise for the purpose of accreditation any non-public school; . . . require a school district to take a school census . . . appoint such advisory committees as may be beneficial to the improvement of education in the state; cooperate with other agencies . . . for the improvement of education; . . . enter into reciprocal agreements . . . with the legally constituted certificating agencies in other states; enter into contracts with the state board for community colleges and occupational education for the development and for the supervision of the administration and implementation of state plans for occupational education in the public elementary and secondary schools."

RULEMAKING

The commissioner of education shall: advise the state board on the "operation and status of the public schools" and "other educational matters; make an annual report on the costs of education; carry out the policies of the board; periodically visit the public schools; submit a comprehensive report showing drop-out rates, course offerings, teacher turnover rates, reading and achievement levels, and any other matters requested by the state board. He/she shall . . . also maintain a continuous research program to stimulate improvements in education," and shall have the power to "issue instruction" to school employees and officers, and to "construe provision of the school laws."

CROSS REFERENCES

I.Commissioner of Education; Statute §22-2-110

II.A.1; Regulation 2250-R-100.0

II.A.2; Statutes §22-20-108; 109

II.A.2; Regulation 2220-R-2.0

II.A.5; Statutes §22-24-106; 116

II.A.5; Regulations 2224-R-2.0; 2224-R-11.0

II.A.10.Other - Innovative Programs; Statutes §22-21-104 -- 105

II.B.1; Constitution Article 9, §16

III.A.1; Regulation, 2202-R-20.0

III.A.1; Regulations 2202-R-3.11 -- 2202-R-3.12; 2202-R-4.07; 2202-R-4.08

III.B.Teachers; Statute §22-2-109

III.B.Teachers, Regulation 2260-R-10.0

III.C.Teachers; Statute §22-60-112

III.D.Educational Accountability Programs; Regulation 2207-R-5.0

III.D.Educational Programs; Statutes §22-6-102 -- 111

III.D.Educational Quality; Statutes §22-7-103; 105

III.D.Health Education Program; Statute §22-25-108

IV.B; Statutes §22-8-102 -- 107

IV.B; Regulations 2208-R-2.0; 2208-R-3.0

IV.H; Statutes §§22-33-108 -- 109

STATE COORDINATOR OF CAREER EDUCATION

CROSS REFERENCE

IV.B; Regulation 2208-R-2.0

STATE REVIEW COMMITTEE

CROSS REFERENCE

III.A.1; Regulation 2202-R-24.0

STATE STEERING COMMITTEE ON BILINGUAL AND BICULTURAL EDUCATION

CROSS REFERENCES

II.A.5; Statute §22-24-105

II.A.5; Regulations 2224-R-2.0; 2224-R-7.0

CONNECTICUT

The State Board of Education consists of nine members appointed by the Governor with the advice and consent of the General Assembly. It also serves as the State Board of Vocational Education, conducting its work through the State Department of Education.

The Commissioner of Education is the secretary of the State Board of Education, having general responsibility for the operations of the State Department of Education.

The State Department of Education is composed of five divisions: Instructional Services, Administrative Services, Vocational Education, Vocational Rehabilitation, and Departmental Administration.

Each town is to maintain public schools for all children over five years. For the purpose of maintaining control of all public schools within its limits, each town is a school district. A town may have an elected Board of Education of three to twelve members. The Board of Education of each town provides for the supervision of the schools under its control by the election of a Superintendent or supervisory agent. Such Superintendent or supervisory agent is the executive agent of the Board. Five or more towns may form a regional school district administered by a Regional Board of Education. Each member town elects at least one member to the Regional Board of Education. A superintendent may be jointly employed by the Boards of Education of more than one town or the Regional Board of Education and one or more towns comprising the district.

CONNECTICUT

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ADVISORY BOARD ON STATE CERTIFICATION OF TEACHERS

CROSS REFERENCE

III.B.Teachers; Statute §10-146a

ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §10-761

BOARD OF EDUCATION

STATUTES

§10-158a

Two or more boards of education may jointly employ a superintendent of schools. The superintendent's term of office and salary shall be specified in a written agreement.

Any two or more boards may agree to establish cooperative arrangements to provide special services or activities, and may agree to establish a committee to supervise these programs. The committee shall have the power to receive state or federal aid, employ personnel, and enter into contracts.

A board may withdraw from a cooperative agreement if it gives at least one year's written notice to the other boards.

Career Education Center

CROSS REFERENCE

II.A.3.; Statute §10-95b

Commissioner Of Education

Regulations

§10-4-2

"The secretary of the state board of education is the administrative agent of the board and, as commissioner of education, has the general responsibility for the operations of the department."

CROSS REFERENCES

II.A.10. Other - Institution Schools; Statute §17-441

IV.G.; Statute §10-253

Coordinator of Intergroup Relations

Statutes

§10-226f

The state board of education shall select an employee to act as "coordinator of intergroup relations" and shall prescribe her/his duties. The state board shall annually report to the joint standing committee on education on the progress of programs in intergroup relations, and shall make recommendations for legislation.

Demonstration Project Board

CROSS REFERENCE

II.A.10. Other - Demonstration Projects; Statute §10-239d -- 10-239e

Director of Adult Education

CROSS REFERENCE

II.A.8.; Statute §10-68

Director of Regional Education Service Center

CROSS REFERENCE

I.Regional Educational Service Center Board; Statute §10-66b

District Board of Education

CROSS REFERENCES

II.B.1.a.; Statute §10-229

II.3.1.c.; Statute §10-228a

IV.C.; Statute §10-35

Governor

CROSS REFERENCE

I. State Board of Education; Statute §10-1

STATUTES

§10-66f

A board of education may purchase any desired program or service from another regional educational service center or may otherwise enter into an agreement with another board to secure such program or service jointly. Upon approval by the boards of the regional service centers involved, any two or more centers may join together to provide certain programs or services.

§10-218; §10-219

BOARD OFFICERS

Each board of education shall elect a chairperson and a secretary and prescribe their duties. The chairperson of the board or the secretary shall call meetings when necessary or when requested to do so by board members.

Vacancies on the board may be filled by the board until time for the next regular election.

§10-220

Boards of education shall: maintain good public elementary and secondary schools, implement the educational interests of the state, and provide other educational activities. The boards shall have the care and responsibility of school buildings; shall determine admissions; employ and dismiss teachers; shall provide transportation for children; enforce the attendance laws; and perform other duties as required by law.

§10-221

Boards of education shall prescribe rules for the management, studies, classification and discipline of the public schools. Boards shall prescribe textbooks (subject to state board approval), maintain school libraries, and approve plans for schoolhouses.

§10-224

The secretary of the board of education shall keep records of the board's proceedings and submit an annual report to the town.

§10-226

Each town and regional board of education shall report to the state board of education the names, addresses and salaries of all teachers, principals and other certified personnel.

§10-241

LIABILITY

Each school district shall have the power to sue and be sued; to establish and maintain schools of different grades; to maintain a school library; to employ teachers and pay their salaries. If the board appoints a superintendent, he/she may employ teachers.

CROSS REFERENCES

I.Regional Educational Service Center Board; Statute §10-66b

II.A.1.; Statute §10-24d

II.A.1.; Statute §10-124

II.A.1.; Statute §10-220a

II.A.2.; Regulation §10-75b-1; 10-75b-2; 10-75c-1

II.A.2.; Regulation §10-76b-6 -- 10-76b-8; 10-76b-10

II.A.2.; Regulation 10-75g-27

II.A.2.; Regulation §10-76b-2 -- 10-76b-3

II.A.3.; Statute §10-21a

II.A.3.; Statute §10-95b

II.A.3.; Statute §10-97

II.A.5.; Statute §10-17

II.A.5.; Statute §10-17a

II.A.8.; Statute §10-70

III.B.School Staff; Statute §10-145

III.C.Teachers; Statute §10-151

III.C.Certified Personnel; Regulation §10-146-9

III.D.Racial Composition of Schools; Statute §10-226a

III.E.Teachers; Statute §10-226g

LOCAL SCHOOL BOARD

STATUTES

§10-36

The board of any municipality in which a high school is not maintained by that municipality has authority to enter into an agreement with The Gilbert School for a period not to exceed ten years.

LOCAL SUPERINTENDENT OF SCHOOLS

CROSS REFERENCES

III.C.Teachers; Statute §10-151

III.D.Reports; Statute §10-157

REGIONAL BOARD OF EDUCATION

STATUTES

§10-4b

The affairs of the regional school district shall be administered by a regional board which shall consist of at least five members. Each member town shall elect at least one member. The regional board shall organize at its first meeting and the members shall serve until their successors are elected and qualify.

§10-63h

These provisions apply to the regional districts in existence on June 24, 1969 except that:

Nothing in this part requires an existing regional district to change the composition of the membership of its board or their terms of office.

Any such school district may change the representation of the member towns on the regional board, or the term of office to four years in accordance with law.

Regional Educational Service Center

Statutes

§10-66a

A regional educational center may be established in any regional state planning area by four or more boards of education. In an area where the pupil population is fifty thousand or less, only one regional educational service center may be established. In no case shall there be more than two educational service centers in any area.

§10-66j

The state board shall encourage the formation of regional service centers and shall assist in carrying out this provision.

§10-66k

A participating member of a regional center may withdraw by giving six months notice to the board.

§10-66l

Any board of board of education may join any regional educational center established within the board's area. Only upon approval of a majority of the boards may a board of education from outside the area join the center.

Regional Educational Service Center Board

Statutes

§10-66b

The operation and management of any educational service center shall be the responsibility of the board of that service center which shall be composed of at least one member from each participating board of education, selected by such board. The board of the regional service center may designate an executive board

which shall have powers as the regional board may delegate. The term of office of members of the board shall not exceed four years. Members of the board shall receive no compensation for services, but may be reimbursed for necessary expenses in the course of their duties. The director of the regional educational service center shall serve as the executive agent of the board.

§10-66c

"The board of a regional educational service center shall be a public educational authority" and possesses general corporate powers.

The board of a regional educational service center has authority to establish policies for the regional educational service center, to determine the programs and services to be provided, to employ staff including a director of the center, and to prepare the budget.

§10-66i

All state statutes concerning education shall apply to the operation of regional educational service centers insofar as they are relevant. The board has the authority to receive such prior payments and reimbursement funds, local, state or federal, as each participating town or board may authorize.

School Districts

Statutes

§10-240

"Each town shall maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts."

CROSS REFERENCE

II.A.6.; Statute §10-266a--10-266e

SECRETARY OF STATE BOARD OF EDUCATION

CROSS REFERENCES

II.B.1.a.; Regulation §10-281n-6

III.D.Proceeding of Local Board of Education; Statute §10-224

SPECIAL SERVICES COMMITTEE

CROSS REFERENCE

I.Board of Education; Statute §10-158a

STATE BOARD OF EDUCATION

STATUTES

§10-1

The state board shall consist of nine members appointed by the governor for staggered terms of six years.

"The chief executive officer of the commission for higher education shall serve as an ex-officio member without a vote." All vacancies shall be filled in the manner provided by law.

§10-2

The state board shall elect a member as its chairperson to serve a two year term and shall appoint committees as may be necessary. It shall appoint a secretary and may appoint an assistant secretary. Neither shall be members of the board. The board may appoint and may prescribe duties of any agent or employee as it finds

BOARD OFFICERS

necessary. The board may appoint an agent to observe compliance with the education laws and the agent shall make a written report semi-annually.

REGULATIONS

§ 10-4-1

"The State Board of Education...conducts its work through the State Department of Education composed of the following five divisions. Instructional Services, Administrative Services, Vocational Education, Vocational Rehabilitation, and Departmental Administration. It is the State Board's responsibility "to conduct the state's business" through the department, "to exercise general...supervision of the educational interests of the state, to administer certain schools," handle state and federal funds, and "to administer the vocational rehabilitation programs." The State Board also "operates the Mystic Oral School and serves as the State Board of Vocational Education."

§10-4-4

"Board of education official records are maintained by the secretary and are available for inspection...upon request."

§10-4-5 -- 10-4-7

Petitions regarding state board regulations should be submitted in writing, stating the desired change and reasons for the request. Petitions relating to education and requests for appearance before the state board" must also be in writing. Hearings will be conducted as provided by law.

CROSS REFERENCES

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CONNECTICUT

I.Coordinator of Intergroup Relations; Statute §10-226f

I.State Board Supervisory Agents; Statute §10-159

II.A.1.; Statute §10-18

II.A.1.; Statute §10-19

II.A.1.; Statute §10-23

II.A.1.; Statute §10-24d

II.A.1.; Statute §10-124

II.A.2.; Statute §10-76j

II.A.2.; Statute §10-76k

II.A.3.; Statute §10-13

II.A.3.; Statute §10-66

II.A.3.; Statute §10-95

II.A.3.; Statute §10-95b

II.A.3.; Statute §10-96

II.A.3.; Statute §10-96a

II.A.5.; Statute §10-17c

II.A.6.; Statute §10-266a - 10-266e

II.A.6.; Statute §10-266i

II.A.8.; Statute §10-636

II.A.10.Other - Receiving Home Schools; Statute §10-252

II.B.3.; Statute §10-28a

III.B.Teachers; Regulation §10-146-1 -- 10-146-8

III.B.Special Positions; Regulation §10-146-92

III.B.Teachers; Statute §10-149

III.C.Certified Personnel; Regulation §10-146-9

III.D.Proceedings of Local Board of Education; Statute §10-224

III.D.School District; Statute §10-4b

III.D.Students; Statute §10-149

III.E.School System; Statute §10-226d

III.E.School System; Statute §10-226e

III.E.Teachers; Statute §10-4

IV.A.; Statute §10-214

IV.A.; Statute §10-214a

IV.C.; Statute §10-215b

IV.C.; Statute §10-215c

IV.C.; Statute §10-225

IV.C.; Regulation §10-215b-1 -- 10-215-22

IV.E.; Statute §10-95a

IV.H.; Statute §10-281cc

STATE BOARD SUPERVISORY AGENTS

STATUTES

§10-159

"Any school district which employs not more than thirty-five teachers may petition the state board to provide supervisory service and the board is authorized to appoint the necessary supervising agents." Supervisory agents may be assigned to two or more districts. Such services shall be discontinued at the request of the school district or if a regional school district is established. The regional board may continue to receive supervisory service for two years if one of its member towns was receiving the service before the establishment of the regional district.

APPOINTMENT

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCES

I.State Board of Education; Statute §10-4-1

II.A.3.; Statute §10-12

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

I.State Board of Education; Statute §10-4-1

II.A.1.; Statute §10-24 to 2 -- 10-24d-10

Superintendent of Education

Statutes

§10-25

The superintendent of schools for each town board of education shall annually file, with the state board of education, a report on the school census.

Superintendent of Schools

CROSS REFERENCES

I.Board of Education; Statute §10-158a

I.Local Board of Education; Statute §10-241

III.B.Teachers; Regulation §10-146-1 -- 10-146-8

III.B.Teachers; Regulation §10-146-16 -- 10-146-20

III.B.Teachers; Regulation §10-146-54 -- 10-146-55

III.B.Teachers; Regulation §10-146-36 -- 10-146-57

III.D.Teachers; Statute §10-151b

Town Board of Education

Statutes

§9-203

The town board of education shall consist of three, six, nine or twelve residents of the town.

§10-238

Upon written petition, the board of education of any municipality shall hold a public hearing on any question specified in the petition. The hearing shall take place within three weeks of receipt of the petition.

§10-249

Each town board of education shall appoint one or more persons to take an annual school census.

APPOINTMENT

CROSS REFERENCES

II.A.2.; Statute §10-76d

II.A.3.; Statute §10-64

II.A.6.; Statute §10-266j

II.A.8.; Statute §10-63b

II.A.10.Other - Demonstration Projects; Statute §10-219d -- 10-239e

II.C.1.; Statute §10-47

IV.D.; Statute §10-53

IV.G.; Statute §10-55

DELAWARE

The Delaware Constitution requires the General Assembly to provide a general and efficient system of free public schools. The general administration and supervision of the state school system is vested in a State Board of Education composed of seven members appointed by the Governor and confirmed by the Senate. The Board appoints the State Superintendent of Public Instruction who serves as the Board's executive secretary.

All school districts in the state are known as reorganized school districts. Each reorganized school district is administered and supervised by a school board. The number of members of respective school boards and manner of election or appointment is determined by statute. Each school board appoints a superintendent of schools who serves as chief school officer for that district and executive secretary to the school board.

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ADVISORY BOARD TO STATE BOARD OF EDUCATION

STATUTES

§110

An advisory board to the State Board shall be formed having representatives from each board of education and from each county vocational-technical district. The advisory board shall not meet less than twice a year and shall: review state policy directives submitting any recommendations it has to the Board and review program improvement suggestions making any recommendations to the board on legislative and policy implementation.

ADVISORY COMMITTEE FOR EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Statute §3108

DISTRICT BOARDS OF EDUCATION

STATUTES

§1043

"In each reorganized school district there shall be a school board which shall have authority to administer and supervise the free public schools of the reorganized school district and which shall have authority to determine policy, adopt, rules and and regulations for the administration and supervision of the free public schools of the reorganized school district."

§1044

"The official office of the school board shall be at the location of the office of the chief school officer, or superintendent of the reorganized school district . . . ."

§1045

Each board shall hold an annual meeting yearly in July. At these meetings the members shall be elected and one person shall be designated as chief school officer.

§1046

A school board member shall receive no compensation for his/her services.

§1048

Regular meetings of the school board shall be held each month during the year at the regular meeting place designated by the school board. Special meetings may be held whenever the duties and business of the school board may require.

No business shall be transacted at any meeting without a quorum which shall consist of at least three school board members, or, in the case of a vocational-technical school board, at least four school board members. No motion or resolution shall be declared adopted without carrying a majority of the board.

A roll call vote of all board members on every motion or resolution shall be recorded as part of the records of such meetings and shall be considered a matter of public record except when the presiding officer determines and announces a unanimous vote on any issue which vote shall be recorded for public record.

§1049

The school board of each reorganized school district shall:

Determine the educational policies of the reorganized school district and prescribe rules and regulations for the conduct and management of the schools;

Enforce the provisions relating to school attendance;

Grade and standardize all the public schools under its jurisdiction, establish kindergartens with playgrounds and other schools that will further educational interest;

Adopt courses of study;

Select and distribute textbooks, other instructional materials, office supplies, furniture and other materials needed to operate a school;

Provide forms needed to make necessary reports to the school board;

Make all reports required by the state Superintendent of Public Instruction, at such time, upon such items and in such form as may be prescribed by the State Superintendent;

APPOINTMENT

Appoint personnel.

§1052

Unless otherwise provided each school board shall be composed of five members. Each being a state citizen and a resident of the district which he/she is to represent.

Unless otherwise provided, one school board member shall be elected each year except where an unexpired term of a former member is also to be filled.

School board members are to be elected for a term of five years except when such election is to fill an unexpired term, said term commencing on the first day of July following his/her election.

§1054

School board members who are no longer residents of the reorganized school district shall discontinue their membership on the school board.

School board vacancies for reasons other than expiration of term, shall be filled by other board members. for the remainder of the term and filled by election at the next board election.

If the entire school board shall become vacant the Board shall appoint an interim school board to conduct district business. If the school board is elected a

special election in the affected district, within 60 calendar days, shall be called to fill the unexpired terms of office. If the school board is appointed, the required number of school board officials are to be selected. Interim board members shall be dismissed upon qualification of the newly elected or appointed members.

§1058; 1059

The school board of each reorganized district shall decide on all controversies involving the rules and regulations of the school board. Those aggrieved parties may appeal to the State Board by filing a petition which shall be served by certified or registered mail within 30 days after receiving notice from the State Superintendent of Public Instruction. The decision of the Board shall be final. At the hearing oaths may be administered and witnesses examined under oath.

HEARING

§1062

"The members of the school board of the reorganized school district which includes the former component school district of Alexis I. duPont Special School District shall be appointed by the Resident Judge of the Superior Court for New Castle County.

The school board shall be composed of five members each of whom shall be a citizen of the State and a resident of the reorganized school district and shall be qualified to vote at a school election in the reorganized school district at the time of his[her] appointment. No more than three members of the school board shall be of the same political party.

Each school board member shall be appointed for a term of five years commencing on the first day of July

following his appointment, and he[she] shall serve until his[her] successor shall qualify.

A vacancy on the school board at a time other than the normal expiration of a term shall be filled by the Resident Judge of the Superior Court for New Castle County for the unexpired term."

§1065

"Upon the consolidation of reorganized school districts under section 1027 of this title, the school boards of such consolidating reorganized school districts shall be dissolved as of the effective date of consolidation.

Except as provided in subsection (c) of this section, the State Board of Education shall, upon consolidation, appoint five members of the previously existing school boards of the consolidating districts to the school board of the consolidated district and shall designate one member each to serve for a term of five years, four years, three years, two years and one year, respectively. The qualified voters of the consolidated district shall, at each annual election after consolidation, elect one member for a term of five years who shall serve from the first day of July next succeeding his[her] election and until his[her] successor qualifies.

In the case of any consolidation of vocational-technical school districts under section 1027 of this title, the Governor shall appoint seven members of the previously existing school boards of the consolidating vocational-technical districts to the school board of the consolidated vocational-technical district and shall designate one member each to serve for a term of seven years, six years, five years, four years, three years, two years, and one year, respectively. Annually thereafter, the Governor shall appoint one member for a term of seven years who shall serve from the first day of July next succeeding his[her] appointment and until his[her] successor qualifies."

"Upon the division of a reorganized school district into two or more school districts under section 1028 of this title, the school board of the divided reorganized school district shall be dissolved as of the effective date of division.

Any member of the previously existing school board, including a vocational-technical school board, shall continue to serve out his[her] term, for which he was elected or appointed in the divided school district, as a member of the school board of the school district resulting from such division in which he[she] resides.

Except as provided in subsection (d) of this section, the State Board of Education shall appoint such additional members of the school boards of the school districts resulting from such division as are necessary to bring the total number of school board members for each such resulting district to five and shall designate the terms of such appointed members so that the term of one member shall expire each year thereafter for the succeeding five years. The qualified voters of any school district resulting from such division shall, at each annual election after division, elect one member for a term of five years who shall serve from the first day of July next succeeding his[her] election and until his/her successor qualifies.

In the case of any division of a vocational-technical school district under section 1028 of this title, the Governor shall appoint such additional members of the school boards of the vocational-technical school districts resulting from such division as are necessary to bring the total number of school board members to seven and shall designate the terms of such appointed members so that the term of one member shall expire each year therafter for the succeeding seven years. Annually thereafter, the Governor shall appoint one member for a term of seven years who shall serve from the first day of July next succeeding his[her] appointment and until his[her] successor qualifies."

§1068

Notwithstanding anything contained in this Chapter to the contrary, the School Board of Indian River School District shall be composed of ten . . . members.

The Indian River School District is hereby divided into five . . . Representative Districts . . . .

Each school board member shall be elected for a term of five . . . years, except as provided under subsections (c) and (d) of this section, and except when such election is to fill an unexpired term as provided in this Chapter, until a successor has been elected and duly qualified, said term of such elected school board member to commence on the first day of July following his[her] election.

Each school board member so elected shall have those qualifications prescribed by this Chapter."

§1069

"Notwithstanding anything contained in this Chapter to the contrary, the School Board of the Cape Henlopen School District shall be composed of seven . . . members.

The Cape Henlopen School District is hereby divided into four . . . areas . . . .

Each school board member shall be elected to a term of five . . . years except as provided in paragraph (2) of this subsection when 1 member is elected for a 1 year term. A further exception shall be when such election is to fill an unexpired term as provided in this chapter, until a successor has been elected and duly qualified, said term of such elected school board member to commence on the 1st day of July following his[her] election. . . .

In all school board elections nominations may be made and board members chosen at the election by qualified electors of the entire school district thereof.

Each school board member so elected shall have those qualifications prescribed by this Chapter and shall meet any other requirements provided in this section."

§1070

"Notwithstanding anything contained in this Chapter to the contrary, the School Board of the Milford School District shall be composed of eight . . . members. Four . . . members shall be elected at large from the reorganized Milford School District and one . . . board member shall be elected fromeach of the four areas 'A', 'B', 'C' and 'D' described in subdivision (1).

The Milford School District is hereby divided into four . . . areas . . . .

Each school board member . . . elected shall have those qualifications prescribed by this Chapter and shall meet any other requirements provided in this section."

CROSS REFERENCES

I.District Superintendent of Schools; Statute §1091

II.A.2.; Statute §3103

II.A.2.; Statute §3125

DISTRICT SUPERINTENDENT OF SCHOOLS

STATUTES

§1091

"The school board of each reorganized school district shall appoint as the chief school officer for that district a superintendent of schools who shall also serve as executive secretary to the school board." APPOINTMENT

GOVERNOR

CROSS REFERENCES

I.District Boards of Education; Statute §1065

I.District Boards of Education; Statute §1066

I.State Board of Education; Statute §101

II.A.2.; Statute §3108

II.A.3.; Statute §1064

School Districts

CROSS REFERENCES

II.A.2.; Statute §3122

II.A.2.; Statute §3124

State Board for Vocational Education

CROSS REFERENCE

II.A.3.; Statute §3310

State Board of Education

Statutes

§101

The general administration and supervision of the public schools shall be vested in a state board of education, hereafter referred to as "the Board." The Board shall be composed of seven members who are appointed by the Governor and confirmed by the Senate. The Board's president shall serve at the pleasure of the Governor; lesser members shall serve for six years or until their successor qualifies. At least four members of the Board shall have had prior experience on a local board; no more than four members shall belong to the same political party; no person shall be eligible to appointment who has not been for at least five years immediately preceding his appointment a resident of this state; and no person shall be appointed who is in any way subject to the board's authority.

The president of the board may be appointed from the state at large but the remaining six members must be appointed so that one resident of the city of Wilmington, three members from New Castle County ourside the city of Wilmington, one from Kent County and one from Sussex County will always be on the Board.

Board vacancies shall be filled by the Governor for the unexpired term and until a successor shall qualify.

§105

Board members shall receive $150.00 for each day's attendance at Board meetings not exceeding 24 days of attendance in one year; they shall be reimbursed for their actual traveling and other expenses incurred while transacting Board business.

§106

The state treasurer shall act as Board treasurer in addition to receiving and holding all monies to which the Board is entitled to under law. Monies are to be disbursed only under written order of the President or of the Vice president of the Board and of its secretary or assistant secretary, if so authorized by the Board.

§121

The board shall exercise general control and supervision over the public schools, including:

consultation with the boards and superintendents of reorganized school districts; generation of public support for statewide educational policies; appointment of professional and clerical assistants necessary to implement the policies of the board; granting of leaves of absence; removal of any officer for immorality, misconduct in office, imcompetence or wilful neglect of duty; giving him/her notice of the charges and an opportunity to be heard; advice covering the expenditures business practices, accounts and methods; publishing bylaws of the Board; and entering into contracts with bordering states.

REMOVAL

§122

The Board shall adopt rules and regulations governing: construction of school buildings grading and standarization of public schools, issuance of certificates and diplomas, course of study, choice of textbooks, qualification and certification of teachers; attendance of teachers; admission of pupils; school calendar; student attendance; forms for recordkeeping; and teacher assignment.

CROSS REFERENCES

I.District Boards of Education; Statute §1065

I.District Boards of Education; Statute §1066

I.State Superintendent of Public Instruction; Statute §107

I.State Superintendent of Public Instruction; Statute §108

II.A.2.; Statute §203

II.A.2.; Statute §3102

II.A.2.; Statute §3103

II.A.2.; Statute §3106; 3107

II.A.2.; Statute §3110

II.A.2.; Statute §3120

II.A.2.; Statute §3125

II.A.3.; Statute §205

II.B.2.; Statute §128; 129

II.B.2.; Statute §130

III.B.Teachers; Statute §1201

III.B.Teachers; Statute §1230

III.D.Public Schools; Statute §124

IV.D.; Statute §2901

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCE

IV.A.; Statute §8304

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§107

The Board shall appoint as its executive secretary, a state superintendent of public instruction. He shall serve for one year. The superintendent shall be a graduate of a standard college with no less than five years experience in teaching and administration.

The Board may remove him/her for immorality, misconduct in office, incompetency, or wilful neglect of duty, upon making

REMOVAL

known to him in writing the charges against him, and upon giving him/her an opportunity to be heard, in person or by counsel in his own defense, upon not less than ten days notice.

In case of vacancy, due to death, resignation or removal the Board shall fill the vacancy and the appointment shall be for the unexpired term or until a successor qualifies.

APPOINTMENT

§108

The Board shall prescribe the duties of the superintendent of public instruction and vest him/her with such powers needed to carry out these duties.

CROSS REFERENCES

II.A.2.; Statute §606

IV.I.; Statute §3505

TEACHER

CROSS REFERENCE

IV.J.; Statute §701

VOCATIONAL-TECHNICAL SCHOOL DISTRICT BOARD

CROSS REFERENCE

II.A.3.; Statute §1064

DISTRICT OF COLUMBIA

The control of the public schools is vested in a Board of Education consisting of eleven members; three of whom are to be elected at large, the other eight to be elected from each of the eight school election wards. Members are elected for a four year term and may serve more than one term. The Board appoints a Superintendent of Schools for terms for three years, subject to approval by a majority vote of the board. The Superintendent may speak on all matters before the board, but has no right to vote. He/she is responsible for the direction and supervision of instruction in the schools under the Board of Education and for the daily operation and management of the school system.

Attendance zones are established by the Board of Education and it appoints, upon the recommendation of a selection panel, regional superintendents for terms of three years. The Board controls the use of buildings and grounds of the public school system and is to limit the use of said facilities to purposes directly related to the public school system. The Mayor and the Board of Education are to jointly develop procedures to assure the coordination of educational and other municipal services to achieve the most effective educational system.

DISTRICT OF COLUMBIA

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Acting Superintendent of Schools

CROSS REFERENCE

I.Superintendent of Schools: Regulation: Chap. II, §200

Board Committee

CROSS REFERENCE

III.C.School Employees: Regulation: Chap. VI, §629

Board Members

CROSS REFERENCE

I.Board of Education: Statute §31-104a

Board of Education

STATUTES

§31-101

The board of education consists of eleven members chosen through non-partisan elections. Each member's term of office shall be four years, and the rate of compensation shall not exceed $1200. A member may serve more than one term. It shall elect a President and may appoint a secretary who shall not be a member of the board.

§31-102

The board shall take no action with respect to a subordinate of the superintendent "except

upon the written recommendation of the superintendent of schools."

§31-103

"The Board shall determine all questions of general policy relating to the schools, shall appoint the executive officers . . . , define their duties and direct expenditures . . . . The Board shall appoint all teachers in the manner prescribed and all other employees provided for in this chapter."

APPOINTMENT

§31-104a

"The members of the Board of Education . . . shall not be personally liable in damages for any official action of the . . . Board performed in good faith in which the . . . members participate, nor shall any member . . . be liable for any costs that may be taxed against them or the Board on account of any such official action . . . ." Rather, the District of Columbia shall pay such costs. In case of an appeal, neither the Board nor its individual members is required to post any bond or security for costs or damages.

LIABILITY

§31-111

The Board shall appoint a supervisor of manual training.

APPOINTMENT

§31-212

The Board shall appoint a director of the department, and such assistants as are necessary. Appointments, other than that of the director, shall be based upon the results of an examination administered by a board of examiners of the Board.

APPOINTMENT

The Board, with the Council's concurrence, "may determine which positions meet the criteria specified" by this section and "establish or transfer positions covered under other . . . salary fixing . . . authorities to the coverage of this chapter." The Board, with the Council's cooperation, may "make a study of the classification of the" covered positions to determine adjustments "necessary or desirable to provide a classification alignment based on the difficulty, responsibility and qualification requirements of the positions and to take . . . appropriate corrective action." However, "no adjustment resulting from this study shall decrease the existing rate of compensation of any present employee."

The Board, with the Mayor's concurrence, may establish the position of "teacher-aide (non-instructional)" and "shall prescribe minimum qualifications for appointment" to it. The position "shall be classified . . . not higher than GS-4 and shall be compensated in accordance with" 5 U.S.C. §5332(a). "A person appointed to such position shall be a non-instructional employee, and [her]his primary duty shall be to assist the instructional staff in tasks related to instruction."

ASSIGNMENTS

The assignment of school principals to a salary level shall be made on the basis of an evaluation made by the Board, with the Mayor's cooperation. The evaluation is to be based upon specified workload factors and such other factors that the Board deems appropriate. An assignment to a different salary level shall not be made until the Board has completed three consecutive evaluations of the position.

No teacher or school officer shall be assigned to a new position with a salary lower than the one sh/he previously had. This shall not apply if such reduction is for personal cause, at the request of the teacher or school official, as a condition of a previous temporary promotion to a higher grade, or

because of a reduction in force brought about by lack of funds or curtailment of work.

REGULATIONS

Ch. I, §100

"The Board of Education shall exercise its authority through the official acts of its members taken while the Board is in session, a quorum being present.

The official acts of the Board of Education shall be recorded in the journal of proceedings of the Board which shall be certified and maintained by the Executive Secretary.

The Board of Education shall not be bound in any way by any action or statement of an individual member or group of members of the Board except when such action or statement is authorized by an official act of the Board of Education or the provisions of these Rules."

Ch. I §103

"Whenever a vacancy occurs in the office of member of the Board of Education, such vacancy shall be filled in accordance with the laws of the District of Columbia . . . .

The official public announcement of the vacancy shall be published in the D.C. Register, and shall be communicated to the press and media. Notice of a vacancy which is to be filled by appointment shall also be sent to the affected organized citizens' groups on the mailing list of the Board of Education . . . .

Persons who desire to be considered for appointment to a vacant office by the Board shall submit a written statement of candidacy indicating their candidacy for appointment and setting forth their qualifications for holding office as required by law . . . .

APPOINTMENT

The Board of Education shall hold a special community meeting within twenty-one . . . days after the deadline for receipt of statements of candidacy. Such special community

meeting shall be held for the purpose of hearing statements from qualified candidates and citizens . . . .

Each candidate shall be allowed ten . . . minutes to present a statement to the Board at such special community meeting. Additional time shall be allowed for each candidate to respond to questions from members of the Board of Education. . . .

The Board of Education shall appoint one of the qualified candidates to the vacant office at the regular meeting of the Board of Education next following the final adjournment of the special community meeting, or at a special meeting of the Board of Education called for such purpose between the final adjournment of the special community meeting and the next following regular meeting of the Board . . . .

Appointment to fill a vacancy in the office of member of the Board of Education shall be by a majority of the remaining membership of the Board . . . ."

Ch. I §104

BOARD OFFICERS

"The President shall preside, may vote, and may enter into the discussion of any item of business at all monthly meetings, special meetings, emergency meetings, and meetings of the Board sitting as a Committee of the Whole.

The President shall appoint the chairperson and membership of all standing committees and ad hoc committees established by the Board of Education. The President shall not serve as the chairperson of any committee, but shall be a member ex officio of each standing and ad hoc committee with the right to vote in committee.

The President shall act as official spokesperson for the Board of Education when the Board is not in session; however, the President shall only represent the position of the Board of Education as established by the official acts of the Board. The President shall perform such other duties as may be authorized by these Rules, official acts of the Board of Education, or the Code of Laws of the District of Columbia.

APPOINTMENT

The Board shall appoint an Executive Secretary to act as custodian of the records of the Board, certify and maintain

the journal of proceedings of the Board, and conduct and supervise the daily business of the Office of the Board of Education. The Executive Secretary shall provide for the preparation of transcripts of Board proceedings as required by law or these Rules, and shall perform all other duties authorized by law, these Rules, or official acts of the Board; or as assigned by the President of the Board of Education.

APPOINTMENT

The Board shall appoint a General Counsel to serve as the staff attorney and house counsel to the Board of Education. The General Counsel shall receive service of process on behalf of members of the Board of Education in their official capacity, act as liaison to the Corporation Counsel in matters where the Corporation Counsel acts by law as attorney for the Board, and shall perform such other duties as may be authorized by these Rules, official acts of the Board, assigned by the President of the Board of Education, or requested by a committee or member of the Board of Education.

The Board may establish and provide for the appointment of such professional, secretarial, and clerical personnel necessary to provide direct staff services to the Board."

Ch. I, §105, 106, 107

MEETINGS

The Board shall hold regular monthly meetings during the school year.

The President or any five members of the board may call a special meeting by informing the executive secretary of the board in writing of the purpose of the meeting not less than 48 hours in advance. Emergency meetings may only be called by the president.

The executive secretary shall give notice to the public of all board meetings and their purpose by informing the press and media.

Ch. 1 §108

"At its September regular meeting the Board of Education shall establish a schedule of community meetings to be held throughout the city for the purpose of hearing

persons who desire to address the Board.

The Board may call a special community meeting at any time to hear from members of the public on any matter or on a particular matter required by the Board Rules . . . .

At least one special community meeting each year shall be held to hear from students of the Public Schools, although students may address the Board at any community meeting."

Ch. I, §109

"The President of the Board of Education shall annually propose a committee structure for adoption by resolution of a majority of the full Board. The committee structure shall establish the name, number of members, and jurisdiction of each standing committee of the Board.

The Board of Education may establish ad hoc committees at any time by resolution of a majority of the full Board which shall set forth the name, number of members, and purpose of the ad hoc committee. An ad hoc committee shall be dissolved upon the submission of a final report and recommendation(s) to the Board, OR the expiration of a specified term of the committee if set forth in the establishing resolution, OR by vote of a majority of the full Board . . . .

Committee meetings shall be held in open session unless closed to the public for executive session. Committees may hold executive sessions to discuss any matter but shall take no action in executive session unless such action is specifically authorized by and taken in accordance with the provisions of the Board Rules."

CROSS REFERENCES

I.Superintendent of Schools; Statute §31-105

II.A.3; Statute §31-614

II.A.9; Statute §31-1542

II.B.1.a.; Statute §31-401

II.B.1.a.; Statute §31-402

II.B.1.a.; Statute §31-404

II.C.2.; Regulation; Chap. V, §510

II.C.2.; Regulation; Chap. V, §514

II.C.3.; Regulation: Chap. V, §500

III.B.Regional Superintendent; Regulation; Chap. II, §213

III.B.School Employees; Statute §31-1511--31-1513

III.B.School Officers; Regulation; Chap. IX, §11.7

III.B.Temporary Employees; Statute §31-1534

III.C.Educational System; Statute §31-104b

III.C.Public Schools; Regulation; Chap. VII, §700

III.C.School Employees; Statute §31-1531

III.C.School Employees; Statute §31-1533

III.C.School Employees; Regulation; Chap. VI, §626

III.C.Superintendent of Schools; Statute §31-108

III.E.Teachers; Statute §§31-699 to 31-699b

IV.G.; Statute §31-208

IV.G.; Statute §31-307

IV.H.; Statute §31-201

IV.H.; Statute §31-204

CUSTODIAN/GUARDIAN

CROSS REFERENCE

III.C.School Personnel; Statute §31-210

DEPARTMENT HEAD

STATUTES

§31-113

Where a department embraces two or more high schools, "the teacher in charge of the department shall be designated 'head of the department', otherwise the teacher in charge . . . shall be designated 'head teacher' . . ." Heads of departments "have only an advisory capacity . . . and upon all questions shall be inferior in authority to the principal . . . ." Further, no high school class shall be formed . . . with less than ten pupils for a period not longer than fifteen days."

Director of School Instruction and Work Permits

Statutes

§31-208

Under the direction of the superintendent of schools, as approved by the Board, the director of school instruction and work permits shall "cause to be made, annually or as frequently as may be found necessary . . ., a complete census of all children between the ages of three and eighteen years permanently or temporarily residing in the District of Columbia."

CROSS REFERENCE

IV.H.; Statute §31-211

Division of Special Education

CROSS REFERENCE

II.A.2.; Regulation; Chap. IV, §456

Family Division, Superior Court

CROSS REFERENCE

IV.H.; Statute §31-213

Hearing Officer

CROSS REFERENCES

II.A.2.; Regulation; Chap. IV, §456

III.C.School Employees; Regulation; Chap. VI, §628

IV.J.; Regulation; Chap. IV, §425

IV.J.; Regulation; Chap. IV, §434

MAYOR

CROSS REFERENCE

III.C.Educational System; Statute §31-104b

PRESIDENT OF THE BOARD OF EDUCATION

CROSS REFERENCE

I.Board of Education; Regulation; Chap. I, §104

PRINCIPALS

CROSS REFERENCES

I.Department Heads/Head Teachers; Statute §31-113

III.C.School Personnel; Statute §31-210

IV.C.; Regulation; Chap. IV, §402

IV.H.; Statute §31-206

IV.H.; Statute §31-209

IV.J.; Regulation; Chap. IV, §434

PUBLIC SCHOOLS HEARING OFFICE

CROSS REFERENCE

IV.J.; Regulation; Chap. IV, §425

REGIONAL SUPERINTENDENT

REGULATIONS

Ch II, §214

Regional superintendents shall be appointed for terms of three years. Regional superintendents are eligible for reappointment, but do not have any right to an appointment to a new term. APPOINTMENT

Regional superintendents who hold or achieve tenure in another level of employment shall continue to accure time in service at their tenured level while serving as a regional superintendent.

Recommendation for reappointment as a regional superintendent shall be made by the superintendent not less than 60 days before the expiration of the term of appointment. These recommendations do not require the use of panels for the selection process. A regional superintendent may be terminated from employment by the Board upon recommendation by the superintendent at any time for unsatisfactory performance in that position.

CROSS REFEPENCES

IV.G.; Regulation; Chap. IV, §417

IV.J.; Regulation; Chap. IV, §424

SCHOOL DEPARTMENTS

STATUTES

§31-680

Departments in D.C. public schools shall each have only one head.

SCHOOL JANITORS

STATUTES

§31-1105

"The janitors of the principal school buildings, in addition to their other duties, shall do all minor repairs to buildings and furniture . . . and shall be selected with reference to their qualifications to perform this work."

SELECTION PANEL

CROSS REFERENCE

III.B.School Officers; Regulation; Chap. IX, §11.6

STUDENTS

CROSS REFERENCE

I.Board of Education; Regulation; Chap. I, §108

SUPERINTENDENT OF SCHOOLS

STATUTES

§31-105

"The Board shall appoint one superintendent for all the public schools . . . , who shall hold office for a term of three years and who shall have the direction of and supervision in all matters pertaining to the instruction in all schools under the Board of Education. He [she] shall have a seat in the Board and the right to speak on all matters before the board, but not the right to vote."

§31-106

"The superintendent of schools . . . is authorized to accept the resignation or the application for retirement of any employee, to grant leave of absence to any employee, to extend or terminate any temporary appointment, and to make all changes in personnel and appointments" necessary under such circumstances, "or caused by the decease or suspension

TERMINATION

of any employee, or the organization of a new class or classes, and to perform such other duties necessary for the operation of the public school system, as may be authorized by the Board of Education, provisionally and until the next regular meeting of the Board."

§31-107

During the authorized absence of the superintendent, an acting superintendent shall perform the duties of the superintendent.

§31-1121 – 1122

The superintendent of schools is authorized to expend monies appropriated for ceremonial purposes "as... [he/[she]...may...deem necessary" and monies appropriated "for ...purposes related to ...[his/her]...official capacity as they may...deem necessary...."

REGULATIONS

Ch. II §200

"The chief school officer of the Board of Education shall be the Superintendent of Schools who shall direct and supervise the administration of the public schools of the District of Columbia.

The Superintendent of Schools shall serve for a term of three . . . years.

A person may serve more than one term in the office of Superintendent of Schools. Any additional term(s) shall be by appointment of the Board of Education, pursuant to the provisions of this Chapter.

The Superintendent of Schools may be removed from office prior to the expiration of the current term of office by a majority vote of the full Board of Education. Any such adverse action shall only be taken for adequate cause, pursuant to the provisions of this Chapter.

REMOVAL

The Board shall act to appoint or remove a Superintendent of Schools in public session at a regular or special meeting of the Board of Education.

Whenever the office of Superintendent of Schools becomes vacant . . . the Board of Education shall designate a person to serve as Acting Superintendent of Schools.

The designation of an Acting Superintendent of Schools shall not constitute an appointment for a three-year term of office, but shall be for an indefinite period pending the appointment of a Superintendent of Schools for a three-year term, pursuant to the provisions of this Chapter, or pending "the designation of another person as Acting Superintendent of Schools.

A person designated Acting Superintendent of Schools shall have all of the authority, duties, and responsibilities of the office of Superintendent of Schools.

Designation of an Acting Superintendent of Schools shall be by a vote of the majority of the full Board of Education in public session at a regular or special meeting of the Board.

A person designated Acting Superintendent of Schools shall have all of the authority, duties, and responsibilities of the office of Superintendent of Schools."

Ch. II, §201

"The Superintendent of Schools shall be responsible for the daily operation and management of the school system and shall supervise and direct the instructional program in all of the public schools of the District of Columbia.

The Superintendent of Schools shall be responsible for the implementation of the Rules of the Board of Education and shall conduct the programs and operations of the public schools in accordance with the provisions of these Rules.

The Superintendent of Schools shall have the powers and duties set forth in the Code of Laws of the District of

Columbia and the Rules of the Board of Education, and shall have the general authority to take such actions which are necessary to carry out the duties and responsibilities of the office of Superintendent of Schools.

The Superintendent of Schools shall have the powers and duties of a State Superintendent of Education whereby the Board of Education is designated by law, regulation, or delegation as the State educational agency for the District of Columbia.

The Superintendent of Schools shall be responsible for and have authority to establish and modify the organizational structure of the public school system, except where a specific organizational structure is established by the provisions of the Rules of the Board of Education.

"The Superintendent of Schools shall be responsible for the direction and supervision of the employees of the public schools, with the exception of the immediate staff of the Board of Education.

The Superintendent of Schools shall have the authority to take all personnel actions affecting those employees under his[her] supervision and control, except those personnel actions which are specifically reserved to the Board of Education by the provisions of the Rules of the Board of Education.

The Superintendent of Schools shall be a non-voting member of the Board of Education and shall have the right to speak on all matters before the Board. The Superintendent of Schools or his[her] designee shall attend all meetings of the Board of Education and its committees to represent the position of the Superintendent of Schools.

The Superintendent of Schools may recommend, support, or oppose the adoption of any action, including rulemaking, by the Board of Education. The Superintendent shall have the opportunity to comment in person, in writing, or through a designated representative on any action of the Board of Education prior to its final adoption.

RULEMAKING

"The Superintendent of Schools shall be responsible for the timely preparation of annual budgets for the approval of the Board of Education.

The Superintendent of Schools shall be responsible for the implementation of all other specific actions or directions of the Board of Education which are not inconsistent with the Code of Laws of the District of Columbia, the Rules of the Board of Education, or other applicable laws and regulations. In the event that the Superintendent is of the opinion that a specific action of the Board of Education would direct the Superintendent to act in direct violation of any applicable law, regulation, or Rule of the Board of Education, the Superintendent shall notify the Board in writing of the conflict, make any appropriate recommendation for alternative action, and may defer implementation of the Board action in question pending further direction from the Board of Education.

During the absence of the Superintendent of Schools from the District of Columbia, or while the Superintendent is on leave of absence, the Superintendent shall designate the Vice Superintendent or other member of the administrative staff of the public schools to temporarily assume the duties and responsibilities of the office of Superintendent of Schools, and shall inform the Board of Education in writing of such designation."

CROSS REFERENCES

I.Board of Education; Statute §31-102

II.A.2.; Regulation; Chap. IV, §453

II.C.3.; Regulation; Chap. V, §503

III.B.Regional Superintendent; Regulation; Chap. II, §211

III.B.Regional Superintendent; Regulation; Chap. II, §212

III.B.School Officers; Regulation; Chap. IX, §11.7

III.C.Public Schools; Regulation; Chap. VII, §702

III.C.School Employees; Regulation; Chap. IX; Procedures For Processing Recommendations For Permanent Tenure

III.D.School System; Regulation; Chap. VII, §704

III.D.Student; Regulation; Chap. VII, §703

III.E.School Employees; Statute §§31-632--31-637

IV.H.; Statute §31-202

IV.J.; Regulation; Chap. IV, §425

TEACHERS

CROSS REFERENCES

III.C.School Personnel; Statute §31-210

IV.H.; Statute §31-205

TEMPORARY EMPLOYEES

STATUTES

§31-1534

Upon the superintendent's recommendation, the Board may appoint and assign temporary employees. Such appointments shall be made for no longer than one year; in the event such an employee remains beyond one year, he or she shall not be entitled annual service increments, nor may such person be credited with more than five years service for the purpose of salary placement.

APPOINTMENT

The Board may terminate a temporary employee at any time, upon the superintendent's recommendation.

TERMINATION

TUITION ENFORCEMENT OFFICE

CROSS REFERENCE

IV.H.; Regulation; Chap. IV, §408

FLORIDA

The State Board of Education consists of the Governor, Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education. The Governor serves as chairman of the Board and the Commissioner of Education as its secretary and executive officer. The State Board of Education is the chief policy-making and coordinating body of the state public school system. The Commissioner of Education is the chief educational officer of the state. The Department of Education acts as the administrative and supervisory agency under the direction of the State Board of Education.

Each county within the state constitutes a school district. Responsibility for the organization and control of each district's public schools is vested in a school board. A school board may consist of no fewer than five members who are elected at general elections for terms of four years. A superintendent is responsible for the administration of the schools within a district and for supervision of instruction. He/she serves as secretary and executive officer of the school board. The superintendent is elected for terms of four years except where the electors of a district approve a formal resolution making the office appointive.

FLORIDA

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I. Powers, Duties and Functions

Administrator of Vocational Education

CROSS REFERENCE

II.A.3.; Regulation §6A-6.69

Attendance Assistants

CROSS REFERENCE

IV.H.; Statute §232.17 -- .19

Board of Trustees, School for the Blind

CROSS REFERENCE

II.A.2.; Statute §242.331 -- .332

Board of Trustees, School for the Deaf

CROSS REFERENCE

II.A.2.; Statute §242.331 -- .332

Commissioner of Education

Statutes

§229.512

Commissioner of Education is the chief educational officer of the state and has the general powers and duties to: (1) appoint staff necessary to execute his/her powers and duties; (2) advise the board on all educational matters; (3) prepare, publish, and distribute an annual report and material information on state education "needs, problems, plans, and possibilities."

§229.514

The Commissioner may not "establish, abolish, or consolidate" divisions within the department unless authorized by laws or the department of administration.

Regulations

6A-1.011 Data Collection Instruments Authority 229.053(1)

All forms or instruments...used for collecting data from

public school personnel or systems by any division, office or unit of the department shall be reviewed...and approved by the commissioner prior to dissemination.

6A-10.15

The commissioner is authorized to appoint councils, committees or task forces to carry out the functions of the department of education. A division director of the department of education may appoint such councils, committees or task forces as may be necessary and desirable to carry out functions of his/her division.

CROSS REFERENCES

II.A.1.; Statute §233.061; 233.064; 233.065

II.A.3.; Statute §233.068; 233.0682; 233.069

II.A.10.Other - Innovative Programs; Regulation §6A-1.9532

II.B.1.a.; Statute §233.48

II.C.2.; Statute §235.43

II.C.2.; Statute §235.195

III.A.2.; Regulation §6A-1.953

III.B.Teachers; Regulation §6A-4.02

III.B.Teachers; Regulation §6A-4.04

III.B.Teachers; Regulation §6A-5.51

III.C.Public School; Statute §229.55

III.C.Students; Regulation §6A-1.95

III.C.Students; Regulation §6A-6.21

III.C.Teachers; Regulation §6A-4.37

III.D.Educational Process; Statute §229.561

III.D.Education System; Statute §229.575

III.D.School District Education Plan; Regulation §6A-1.411

III.E.Administrators; Statute §229.543 -- .545

III.E.Reading and Language Arts Specialists; Statute §233.057

IV.A.; Statute §233.067

IV.B.; Regulation §6A-6.71

COORDINATING COUNCIL FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Regulation §6A-6.67

Council for Teacher Education Centers

CROSS REFERENCE

III.E.Teachers; Statute §231.604; 231.606; 231.607;231.611

Council of Teachers Education

CROSS REFERENCE

III.B.Educational Personnel; Statute §231.10

Department of Rehabilitative Services

CROSS REFERENCE

II.A.2.; Statute §232.13

Director of Division of Elementary and Secondary Education

CROSS REFERENCE

IV.C.; Regulation §6A-7.42

Director of Division of Vocational Education

CROSS REFERENCE

II.A.3.; Regulation §6A-6.74

District Instructional Materials Committee

CROSS REFERENCES

II.B.1.a.; Statute §233.07 -- 233.10

District School Board

Statutes

§230.03

The school board shall have responsibility for the organization and control of district public schools and the superintendent shall administer and supervise instruction.

§230.04

Each district school board shall be comprised of at least five elected members who are voters and residents

of the district.

§230.15

A school board shall organize by electing a chairperson. "It may elect a vice chair[person], and the superintendent shall act ex officio as the secretary." If a vacancy occurs in the chair, the school board shall elect a chairperson at the next regular or special meeting. Vacancies shall be filled by election. Members shall be compensated and reimbursed for travel expenses.

BOARD OFFICERS

§230.19

Any school board member's office shall be considered vacant when she/he ceases residing in the area from which she/he was elected. The governor shall fill vacancies by appointment.

VACANCY

§230.22

District school boards shall: (1) determine and adopt policies and programs for the district school system; (2) adopt rules and regulations; (3) adopt minimum standards to improve the system; and (4) perform other duties prescribed in this section.

RULEMAKING

§230.23

The school board shall exercise the following powers and perform the following duties: (1) control school board property; (2) authorize the location and maintenance of schools; (3) eliminate and consolidate schools as needed; (4) provide for adequate educational facilities; (5) approve cooperative plans with adjoining school boards to establish school attendance areas; (6) provide for establishment and maintenance of vocational education, evening schools and instruction for exceptional children; (7) designate positions to be filled and prescribe qualifications for employees; (8) provide for proper accounting, attendance and discipline of all school age children; (9) distribute a school conduct code based on rules adopted by the school board regarding student rights and responsibilities; (10) provide adequate instructional aids such as textbooks

and libraries and adopt supplemental courses and programs; (11) authorize transportation routes to public schools; (12) approve plans for use of school property; (13) maintain an account of school funds and prepare an annual budget; (14) arrange periodic reporting by principals or teachers to parents regarding progress made by students; (15) operate the school lunch program.

REGULATIONS

6A-1.42 Legal Counsel for District School System 230.22.(5)

"When legal services are needed the school board may employ or retain a competent attorney to render such services. Should it become necessary to obtain a formal opinion or an informal interpretation of law from the general counsel... it shall be requested by the superintendent or a school board member through the director of the division of elementary and secondary education."

ATTORNEY

6A-1.993

Each school board shall adopt and implement a comprehensive program of energy conservation and shall appoint a person to monitor its energy saving efforts. The commissioner shall provide information guidelines or technical assistance to ensure that each district complies with this regulation.

CROSS REFERENCES

I.District Superintendent of Schools; Florida Constitution, Art.IX.§5

I.School Advisory Committees; Statute §229.58

II.A.1.; Statute §229.8055

II.A.1.; Statute §233.061; 233.064; 233.065

II.A.2.; Regulation §6A-6.331

II.A.3.; Statute §230.63 -- .631; .634

II.A.3.; Statute §230.66

II.A.3.; Statute §944.19

II.A.6.; Statute §229.836

II.A.8.; Regulation §6A-6.10

II.A.8.; Regulation §6A-6.20

II.B.1.a.; Statute §233.43

II.B.3.; Statute §233.29 -- 233.30

II.C.1.; Statute §235.04 -- 235.055

II.C.2.; Statute §235.02

III.B.Noncertified Personnel; Regulation §6A-1.502

III.B.Teachers; Statute §231.47

III.C.Public School; Statute §229.55

III.C.Students; Regulation §6A-1.95

III.D.Curriculum; Statute §230.67

III.E.Administrators; Statute §229.543 -- .545

IV.A.; Statute §232.45

IV.B.; Regulation §6A-6.71

IV.D.; Statute §234.01 -- .03; 234.061; 234.071; 234.082

IV.D.; Regulation §6A-3.01

IV.D.; Regulation §6A-3.17

IV.G.; Statute §230.232

DISTRICT SUPERINTENDENT

CONSTITUTION

FLORIDA CONSTITUTION, ARTICLE IX, §5

"Each district shall elect a superintendent . . . or when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by . . . law . . . ."

STATUTES

§230.241

The district superintendent shall be appointed by the district school board where a majority of the electorate in a school district has voted for this procedure. A district may return to its previous method of selection after four years if the voters so elect.

§230.32

The district school superintendent shall be secretary and executive officer of the school board and has the power to: (1) supervise district

school systems; (2) prepare supplementing rules to improve the school system; (3) recommend and supervise minimum standards for operation of the system; and (4) perform duties assigned by law and state school board regulations.

§230.33

The district school superintendent shall perform the duties listed below: (1) sponsor studies and surveys necessary for a planned school district education system; (2) "recommend the establishment, organization, and operation of . . . schools, classes, and services necessary to provide adequate educational opportunities . . . "; (3) direct the work of the personnel and make recommendations, nominations, dismissals of personnel; (4) provide for the accounting, transportation, attendance, health and safety and control of students at school; (5) recommend plans for "improving, providing and distributing textbooks and instructional aids"; (6) recommend and execute approved school plant programs, including maintenance and condemnation of school buildings; (7) keep financial records on the school system, prepare an annual budget and recommend "measures to assure that adequate educational facilities are available throughout the district;" (8) recommend plans for cooperating with federal, state, county, and municipal agencies in enforcement of education laws and regulations; (9) recommend the revocation of any certificate for good cause, giving statement of reasons; (10) perform other duties described in this section or assigned by law or regulations of state board of education.

ADVISOR

REGULATIONS

6A-1.01 District financial records

Fla. §229.053(1)

The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions.

CROSS REFERENCES

I.District School Board; Statute §230.03

I.District School Board; Statute §230.15

III.B.District Superintendent; Statute §230.28; 230.30

III.B.Teachers; Regulation §6A-4.02

IV.H.; Statute §232.06 -- 232.07

IV.H.; Statute §232.09 -- 232.10; 232.16

ENVIRONMENTAL EDUCATION ADVISORY COUNCIL

CROSS REFERENCES

II.A.1.; Statute §229.8055

GOVERNOR

CROSS REFERENCES

I.District School Board; Statute §230.19

I.State Board of Education; Florida Constitution, Art. IX,§2

II.A.2.; Statute §242.331 -- .332

III.E.Teachers; Statute §231.604; 231.606; 231.607; 231.611

LOCAL SCHOOL BOARDS

CONSTITUTION

FLORIDA CONSTITUTION, ARTICLE IX, §4(b)

"Boards shall operate, control, and supervise all free public schools within the district and determine the rate of school taxes within the limits prescribed herein."

PRINCIPAL

STATUTES

§231.085

"District school boards shall employ, through written contract, public school principals who shall supervise the operation and management of schools and property as the board shall deem necessary." The principal shall: ". . . plan, manage, operate, and evaluate the educational program of the school to which he[she] is assigned;" (2) submit recommendations to the superin-

tendent of personnel assigned to the school; (3) assume administrative responsibility for all student records and reports; (4) administer corporal punishment in accordance with the rules and regulations of the school board and suspend students from a school or a school bus as provided in §232.26; (5) perform duties assigned by the superintendent according to the rules and regulations of the school board and the state board of education."

CROSS REFERENCES

II.B.1.c.; Statute §233.46 -- 233.47

III.D.School Personnel; Statute §231.29

IV.F.; Statute §232.23

IV.H.; Regulation §6A-1.44

IV.J.; Statute §232.25 -- 232.28

IV.J.; Regulation §6A-1.956

PROFESSIONAL PRACTICES COMMISSION

CROSS REFERENCES

III.C.Teachers; Statute §231.57

III.C.Teachers; Regulation §6A-10.12

III.C.Teachers; Regulation §6A-4.37

SCHOOL ADVISORY COMMITTEE

STATUTES

§229.58

"The district school board may establish an advisory committee. . .for each school in the district composed of teachers, students, parents, and other citizens. If the school board does not establish advisory committees for each school, it shall establish a district advisory committee broadly representative of the district....Each advisory committee shall perform . . . functions . . . prescribed by regulations of the district school board . . . . Each school advisory committee . . . shall assist in the preparation of the annual report . . . and shall provide . . . assistance as the principal may request in preparing the school's annual budget. . . ."

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.3.; Statute §233.068; 233.0682; 233.069

III.E.Teachers; Regulation §6A-5.72

IV.B.; Statute §233.066

IV.F.; Regulation §6A-1.955

SENATE

CROSS REFERENCES

II.A.2.; Statute §242.331 -- .332

STATE ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Regulation §6A-6.75

STATE BOARD OF EDUCATION

CONSTITUTION

FLORIDA CONSTITUTION, ARTICLE IX, §2

"The Governor and Cabinet members shall constitute the State Board of Education, which shall be a corporate body and supervise public education as provided by law."

STATUTES

§229.012

The State Board of Education shall consist of the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, and Commissioner of Agriculture. The Governor shall be chairman of the Board, and the Commissioner of Education shall be its secretary and executive officer.

BOARD OFFICERS

§229.041

All rules and regulations adopted by the state board shall have the "full force and effect of law."

§229.053

The State Board is the chief policy-making and coord-

inating body of education. Generally, it may "determine, adopt or prescribe such policies, rules, regulations or standards as are required by law or as it may find necessary for the improvement . . . of public education." The Board may delegate its powers to the Commissioner of Education or directors of the divisions of the Department of Education. The Board shall have the following duties: (1) to adopt educational objectives; (2) to adopt long-range plans and short-range programs for development of public education; (3) to supervise the divisions of the Education Department; (4) to adopt and transmit to the governor annual estimated expenditures for services and administration of agencies under control of the board; (5) to perform all duties necessary for the enforcement of laws and regulations related to public education; (6) to administer the state school fund.

DELEGATION OF DUTIES

CROSS REFERENCES

I.State Department of Education; Statute §229.76
II.A.3.; Statute §230.651
II.A.3.; Statute §§233.068; .0682; .069
II.B.1.a.; Statute §§233.07 -- 233.10
II.B.2.; Statute §229.805
II.B.2.; Statute §230.59
II.C.2.; Statute §232.36
II.C.2.; Statute §§235.31 -- .34
II.C.2.; Statute §235.195
II.C.2.; Statute §235.211; 235.221
III.B.Certificated Staff; Statute §231.16
III.B.Certificated Staff; Statute §231.15
III.C.High School Diploma Recipients; Statute §229.814
III.C.Professional Practices Council; Statute §231.58
III.C.Teachers; Statute §231.57
III.C.Teachers; Regulation 6A-10.12
III.C.Teachers; Regulation 6A-4.37
III.E.Teachers; Statute §231.603
IV.A.; Statute §235.06; 235.14
IV.A.; Statute §232.36
IV.C.; Statute §229.195

STATUTES

§229.808

The Department of Education shall maintain a register of educational institutions within the state. Each educational institution shall annually register with the Department by filing a registration form. The Department shall prescribe the inquiries to be contained and answered in the forms; sufficient copies of these forms shall be furnished annually to each institution.

"The failure of any institution to file the annual registration form shall be grounds for revoking the certificate of approval and charter. As a service to the public, government agencies and other interested parties, this act creates a centralized registry of current information regarding state educational institutions within the act.

CROSS REFERENCES

II.A.1.; Statute §229.8055

II.A.2.; Statute §229.832 -- 229.833

II.A.2.; Statute §229.838

II.A.2.; Statute §233.49

II.A.2.; Statute §233.056

II.A.3.; Statute §230.63 -- .631; .634

II.A.3.; Statute §230.66

II.A.3.; Statute §230.651

II.A.3.; Statute §944.19

II.B.1.a.; Statute §233.16

II.B.1.c.; Statute §233.46 -- 233.47

II.B.1.c.; Statute §233.255

II.B.2.; Statute §229.805

II.B.2.; Statute §229.8051

II.C.2.; Statute §235.002; 235.01; 235.012 -- .016

III.B.Teachers; Statute §231.17

III.C.Teachers; Statute §231.57

III.D.School Personnel; Statute §231.29

III.D.Students; Statute §229.837

III.E.School Personnel; Statute §299.807

III.E.Teachers; Statute §231.604; 231.606; 231.607; 231.611

IV.A.; Statute §233.067

STATE INSTRUCTIONAL MATERIALS COUNCIL

CROSS REFERENCES

II.B.1.a.; Statute §233.07 -- 233.10

II.B.1.a.; Statute §233.16

SUPERINTENDENT OF SCHOOLS

CROSS REFERENCES

II.B.1.a.; Statute §233.43

III.B.Teachers; Regulation §6A-1.54

III.D.School Personnel; Statute §231.29

IV.D.; Regulation §6A-3.18

GEORGIA

The State Board of Education consists of one member from each congressional district in Georgia. The members are appointed by the Governor with the advice and consent of the Senate. The State Superintendent of Schools is elected in the same manner as the Governor. He/she is the executive secretary of the State Board of Education and the administrative officer of the State Department of Education. Beside providing rules and regulations prescribing a course of study for all common and high schools receiving state aid and generally supervising the State Department of Education, the State Board of Education supervises the Georgia Academy for the Blind and the Georgia School for the Deaf.

Each county constitutes one school district which is managed by a County Board of Education. The grand jury of each county (except those counties under a local system) selects five persons of the respective county to constitute the County Board of Education. A County Superintendent of Schools is elected by the voters of the respective county for terms of four years. He/she serves as liaison between the State Superintendent of Schools and the subordinate school officers and as agent of the County Board.

GEORGIA

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I. Powers, Duties and Functions

Advisory Commission of Educational Goals

CROSS REFERENCE

III.D. Schools; Regulation 30-110; 30-120

Area Boards of Education

CROSS REFERENCE

IV.D.; Georgia Constitution, Art. VIII, §2-7202

Attendance Officer

CROSS REFERENCES

IV.H.; Statute §32-2108

IV.H.; Statute §32-2111

IV.H.; Statute §32-2114

IV.H.; Statute §32-2115

IV.H.; Statute §32-9914

Boards of Control

CROSS REFERENCE

I. Cooperative Education Service Agency; Statute §630a -- 634a

Cooperative Educational Service Agency

STATUTES

● §32-630a -- 634a

"The State Board of Education shall establish service areas designed to provide the service needs of all of the State's existing local school systems. . . .

"The State Board of Education shall adopt rules . . . for the establishment and operation of CESA's. . . .

"Each CESA shall be governed by a board of control. Each such board of control shall be composed of a local school system board member or the system superintendent as designated by each participating member local school system board of education. . . .

"Boards of control shall determine needs of school children in the area served by each CESA, establish priorities from those needs, and allocate resources accordingly. Boards of control shall annually review the progress and cost efficiency of CESA's in terms of their success and efficiency in meeting priorities. Efficiency shall be assessed by relating outputs to dollar inputs. . . .

"Each board of control shall appoint . . . a director who shall be the administrative and professional head of the CESA. The director shall be responsible for the administration of programs and services. . . . All local school systems located within a service area may become a member of the CESA serving that area, but a local school system shall not be considered a member of the CESA unless it is participating in one or more of the CESA's service programs or . . . the local school system plans to participate in one or more programs in the near future.

APPOINTMENT

"Each board of control shall appoint . . . a director who shall be the administrative and professional head of the CESA. The director shall be responsible for the administration of programs and services . . . All local school systems located within a service area may become a member of the CESA serving that area, but a local school system shall not be considered a member of the CESA unless it is participating in one or more of CESA's service programs or . . . the local school system plans to participate in one or more programs in the near future."

§40-2910; 40-2920

The State Board "endorses cooperative arrangements among local school systems" to provide programs and services.

"Each cooperative education service area shall be served by a Cooperative Educational Service Agency which may include branch offices as needed. . . . All local school systems within a cooperative education service area are eligible to request membership in the Cooperative Educational Service Agency" for that area. An agency will be established by the State Board at the request of four or more boards of education in a cooperative education service area. "The State Board may approve the merging of two or more Cooperative Educational Service Agencies."

To maintain membership, "local school systems must participate in one or more of the services and programs of" the agency. The State Board shall prescribe rules and regulations "for the establishment and operation of Cooperative Educational Service Agencies." State funds are available for agencies.

"The State Superintendent shall prepare an annual report to the General Assembly "evaluating the progress of Cooperative Educational Service Agencies.

The Office of School Administrative Services is responsible for administering the Cooperative Educational Service Agencies at the state level and shall develop a state plan for adoption by the State Board. It "shall promote . . . cooperative arrangements between and among local school systems."

CROSS REFERENCES

III.D. Educational Program; Statute §32-628a; 32-630a -- 631a; 32-632a

III.E. Staff; Regulation 50-1011; 50-1012; 50-1021; 50-1022

COMMITTEE TO SELECT TEXTBOOKS

CROSS REFERENCE

II.B. 1. a.; Statute §32-709

CONSTITUTION

GEORGIA CONSTITUTION, ART. VIII, §2-6801

". . . Each county, exclusive of any independent school system now in existence in a county, shall compose one school district and shall be confined to the control and management of a county Board of Education. The Grand Jury of each county shall select from the citizens of their respective counties five freeholders, who shall constitute the County Board of Education. Said members shall be elected for the term of five years except that the first election of Board members under this constitution shall be for such terms that will provide for the expiration of the term of one member of the County Board of Education each year. In case of a vacancy on said Board by death, resignation of a member, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his[her] successor, who shall hold office until the next Grand Jury convenes at which time said Grand Jury shall appoint the successor member of the Board for the unexpired term. The members of the County Board of Education of such county shall be selected from that portion of the county not embraced within the territory of an independent school district."

"The General Assembly shall have authority to make provision for local trustees of each school in a county system and confer authority upon them to make recommendations as to budgets and employment of teachers and other authorized employees."

GEORGIA CONSTITUTION, ART. VIII, §2-7101

"All official meetings of County Boards of Education shall be open to the public."

GEORGIA CONSTITUTION, ART. VIII, §2-7402

"County Boards of Education and independent school systems may accept bequests, donations and

grants of land, or other property, for the use of their respective system of education."

STATUTES

§32-901

"Each and every county shall compose one school district, and shall be confined to the control and management of a county board of education."

§32-902; 903 --903.1

The grand jury of each county shall select five citizens to make up the county board of education. These board members shall be elected for a four-year term. The grand jury shall not select one of its own members nor any two members from the same militia district to serve on the board of education. The grand jury "shall elect men of good moral character, who shall have at least a fair knowledge" of elementary education and an interest in the common school system. Persons serving on other educational boards or employed by the State Department of Education are not eligible to serve on a county board of education.

§32-907

BOARD OFFICERS

The county board of education shall elect one of their members president. "The county superintendent of schools shall be an ex-officio secretary of the board." The official proceedings of the board are a public record and open for inspection.

§32-908

Each county board of education shall hold regular monthly meetings; notice of which shall be published in advance.

§32-933

"The board of education of any county school district or the governing body of any independent school system shall have the right to establish one or

more high schools or junior high schools as in their opinion may be necessary and may be possible through local taxation funds."

§32-1101

"Each county, exclusive of any independent school system . . ., shall compose one school district and shall be confined to the control and management of a county board of education."

CROSS REFERENCES

II.A.8; Statute §32-2503

II.A.10; Other - Manual Labor Schools; Statute §32-931

II.C.2; Statute §32-909

II.C.2; Statute §32-1401

III.B.County Boards of Education; Statute §32-1104

IV.D.; Statute §32-426; 32-427

County Commissioners

CROSS REFERENCE

II.A.8; Statute §32-2501

County Grand Jury

CROSS REFERENCES

I.County Boards of Education; Georgia Constitution, Art. VIII, §2-6801

I.County Boards of Education; Statute §32-902; 32-903 -- 32-903.1

County Superintendent of Schools

GEORGIA CONSTITUTION, ART. VIII, §2-6901

"The county school superintendent shall be elected by the people and his[her] term of office shall be for four years and run concurrently with other county officers."

STATUTES

§32-1001;1002;1003

"The office of county superintendent of schools shall be substituted for the office of county school commissioner." County superintendents shall be elected for four-year terms. A vacancy in the office of county

superintendent shall be filled by the county board or by a special election.

§32-1008

"The county superintendent of schools may be removed from office . . . by a majority vote of the board of education or [sic] inefficiency, incapacity, neglect of duty or malfeasance or corruption in office." The county superintendent shall be given a hearing and an opportunity to present a defense. The board's decision may be appealed to the State Board of Education.

REMOVAL

APPEAL

§32-1009

The county superintendent of schools shall act as a liaison between the state superintendent of schools and subordinate school officers. He/she "shall be the agent of the county board in procuring" school furniture and supplies; shall see that only prescribed textbooks are used by the pupils; shall keep a record of his/her official acts; enforce all rules and regulations made by the board; shall "visit every school, both white and colored, within his[her]school district which receives state aid, at least once every 60 days, and familiarize himself[herself] with the studies taught in said schools, see what advancement is being made by the pupils, advise with the teachers and . . . assist in the advancement of education."

SCHOOL VISITS

§32-1014

The county superintendent of schools shall make an annual report on school operations to the grand jury.

CROSS REFERENCES

I.County Boards of Education; Statute §32-907

III.C.Teachers; Statute §32-1019

III.D.County Superintendent Reports; Statute §32-515

CURRICULUM REVIEW COMMITTEE

CROSS REFERENCE

II.A.1; Regulation 30-510; 30-520

DIRECTOR OF VOCATIONAL EDUCATION SERVICE

CROSS REFERENCE

III.B.Director of Vocational Education Service; Statute §32-2306a

DISTRICT SUPERINTENDENT

CROSS REFERENCE

III.D.Census of School Age Children; Statute §32-826

EDUCATIONAL TELEVISION ADVISORY COUNCIL

CROSS REFERENCE

II.B.2; Statute §32-627a

EXECUTIVE COMMITTEE

CROSS REFERENCE

III.C.Educators; Regulation 50-1112; 50-112-2 -- 50-1112-4

GENERAL ASSEMBLY

CROSS REFERENCE

I.County Boards of Education; Georgia Constitution, Art. VIII, §2-6801

GOVERNOR

CROSS REFERENCES

I.State Board of Education; Georgia Constitution, Art. VIII, §2-6501

I.State Board of Education; Statute §32-402 -- 32-404

INDEPENDENT SCHOOL SYSTEMS

CROSS REFERENCE

IV.D.; Georgia Constitution, Art. VIII, §2-7202

Local Boards of Education

Statutes

§32-910

"The county, city or other independent board of education shall constitute a tribunal for hearing and determining any matter of local controversy in reference to the construction or administration of the school law, with power to summon witnesses and take testimony if necessary, and when such board has made a decision, it shall be binding on the parties." Either party may appeal the decision to the State Board of Education.

HEARING

Regulations

05-312--05-315

"As held by the Supreme Court . . . only 'Decisions of the County (or city) Board made on disputed issues' are appealable to the State Board." A person who is aggrieved by a decision "shall file a written motion for reconsideration with the local board within 30 days" stating the complaint. The board shall then set a hearing and "notify the appellant and any other interested parties." The local board must make a decision within 15 days of the hearing's conclusion.

"In some cases, the local board may wish to give notice of hearing prior to making even its initial decision." At least two days before the hearing, interested parties must file "a written statement of their contentions . . . . All other proceedings thereafter shall be conducted in the same manner as . . . provided for motions of reconsideration.

CROSS REFERENCES

I. Cooperative Education Service Agency; Statute §32-630a -- 32-634a

I. State Board of Education; Regulation 05-311; 05-312

I. State Board of Education; Regulation 05-316 -- 05-319; 05-3110 -- 05-3113

I. Visiting Teachers; Statute §32-2109; 32-2110

II.A.2; Regulation 40-214

II.A.3; Statute §32-934

II.A.3; Statute §32-2205

II.A.8; Regulation 30-911

II.A.9; Statute §32-644a

II.A.10; Other -Individual Programs; Regulation 30-714

II.C.2; Statute §32-809

III.A.2.; Regulation 40-3011; 40-3013; 40-3014

III.B. Certificated Personnel; Regulation 50-410

III.C. Employee; Statute §32-2104

III.C. Local Board of Education; Regulation 40-1810

III.C. Teachers; Statute §32-2101c

III.C. Staff; Regulation 50-1011; 50-1012; 50-1021 -- 50-1022

IV.D.; Statute §32-423; 32-425.1

IV.J.; Statute §32-835 -- 32-837

LOCAL SCHOOL SYSTEMS

CROSS REFERENCES

II.A.1.; Regulation 30-717

IV.E.; Regulation 40-410; 40-420

LOCAL SUPERINTENDENT

CROSS REFERENCES

I. State Board of Education; Regulation 05-316 -- 05-319; 05-3110 -- 05-3113

I. State Superintendent; Regulation 40-4610; 40-4620

II.B.1.a.; Statute §32-707

III.C. Employees; Statute §32-2105c

III.C. Teachers; Statute §32-2101c

Office of Adult and Voacational Education

CROSS REFERENCE

IV.A.; Regulation 40-3910; 40-3920

Office of Instructional Services

CROSS REFERENCES

II.A.1; Regulation 30-610; 30-620

II.A.1; Regulation 30-1910; 30-1920

II.A.1; Regulation 30-2010; 30-2020

II.A.1; Regulation 30-2710; 30-2720

II.A.2; Regulation 30-1111 -- 30-1124

II.A.4; Regulation 30-810; 30-820

II.A.8; Regulation 30-920

II.A.10. Other Programs for Pregnant Students; Regulation 40-510; 40-520

II.B.2; Regulation 30-1410; 30-1420

III.B. Auxiliary Personnel; Regulation 50-1212; 50-1220

III.D. Student Performance; Regulation 30-2510; 30-2520

III.E. Elementary and Secondary Education; Regulation 30-320

IV.B.; Regulation 30-1010; 30-1020

IV.E.; Regulation 40-2190; 40-2290

Office of School Administrative Services

CROSS REFERENCES

II.B.1.a.; Regulation 30-1611 -- 30-1613; 30-1621 -- 30-1623

III.A.2; Regulation 40-2810; 40-2820

IV.C.; Regulation 40-2510; 40-2520

Office of Staff Services

CROSS REFERENCES

I.State Superintendent; Regulation 05-220

I.State Superintendent; Regulation 20-410; 20-420

III.C.School System; Regulation 20-310; 20-520

PRINCIPAL

CROSS REFERENCE

III.D.Receipts and Expenditures. Statute §32-822

PROFESSIONAL PRACTICES COMMISSION

CROSS REFERENCES

III.C.Educators; Statute §32-838 -- 32-839

III.C Educators; Regulation 50-1110; 50-1110-1 -- 50-1110-5; 50-1111-2 -- 50-1111-10

III.C.Educators; Regulation 50-1112; 50-1112-1 -- 50-1112-4

SCHOOL SITE APPROVAL COMMITTEE

CROSS REFERENCE

II.C.1; Regulation 40-4210; 40-4220

SCHOOL TRUSTEES

STATUTES

§32-1105

"School trustees . . . shall make recommendations to the county board of education as to budgets, employment of teachers, and other authrorized employees, and as to other matters relating to the school of which they are trustees. Such recommendations shall be merely advisory.

CROSS REFERENCE

I.County Boards of Education; Georgia Constitution, Art. VIII, §2-6801

STATE ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3; Statute §30-2111 -- 30-2118

STATE BOARD OF EDUCATION

CONSTITUTION

GEORGIA CONSTITUTION, ART. VIII, §2-6501

"There shall be a State Board of Education, composed of one member from each congressional District

in the State, who shall be appointed by the Governor, by and with the advise and consent of the Senate. The Governor shall not be a member of the State Board of Education.

APPOINTMENT

Appointments shall be for seven year terms. Vacancies occurring before the end of a term shall be filled by the Board.

Members shall be citizens of the state for at least the previous five years. "No person employed in a professional capacity by a private or public education institution, or by the State Department of Education, shall be eligible for appointment or to serve on said Board. No person who is or has been connected with or employed by a school book publishing concern shall be eligible to membership on the Board, and if any person shall be so connected or employed after becoming a member of the Board, his[her]place shall immediately become vacant."

§32-402 -- 404

The Governor shall appoint members of the State Board of Education. Members shall hold office for a seven year term. The board member shall reside in "Georgia continuously for at least five years." Vacancies shall be filled by vote of the Board until the next session of the General Assembly.

APPOINTMENT

"No person employed in a professional capacity by a private or public educational institution or the State Department of Education shall be eligible for appointment or to serve on said board." Any person "who is connected with or employed by" a schoolbook publisher after becoming a member of the board shall forfeit his [her] position.

CONFLICT OF INTEREST

§32-405 -- 407

The members of the state board shall take an oath of allegiance to the federal and state constitutions. The board shall elect a chairman from its members.

"The board shall meet quarterly in regular session," and may also meet at the request of the chairman or the majority of the board members.

The board members "shall be paid by the State Department of Education $20 per diem for every day in attendance at meetings, . . plus actual traveling expenses."

§32-408

The State Board of Education "shall provide rules and regulations prescribing a course of study for all common and high schools receiving state aid and may . . . approve additional courses of study set up by local units of administration, provide for curriculum provisions, and for the classification and certification of teachers. They shall make . . . rules and regulations . . . for administration of the common school fund . . . . They shall have general supervision of the State Department of Education."

RULEMAKING

§32-621a -- 625.a.1

"The State Board of Education shall annually allot administrative and supervisory personnel to local units of administration . . . . Administrative and supervisory personnel positions provided by this allotment shall include, but not be limited to principals, assistant principals, librarians, curriculum specialists, directors of curriculum and community school coordinators.... The State Board of Education shall further allot professional central administrative personnel to all local units of administration . . . . The administrative positions provided by this allotment shall include . . . plant operations and maintenance, transportation, food service, instructional supervision, finance and business services, planning and evaluation and direction of community school programs . . . . The "Board . . . shall be

authorized to fund professional personnel positions to local units of administration" in the preschool and special education areas for leadership positions.

"The State Board of Education shall annually allot additional teachers and other certificated professional personnel and additional funds" for "isolated schools," in order to provide those pupils with an adequate education. The State Board of Education shall prescribe criteria for determining whether or not a school is "isolated ".

REGULATIONS

05-100, Art. 3, 3-2

"The State Board of Education shall perform all duties . . . as provided by law . . . . Unless so authorized by . . . the full Board, no individual member . . . shall have authority . . . to commit the full Board of the State Department of Education. Duties of individual Board members shall include the following:"

"Become acquainted with the school situation in his or her district and the state as a whole . . . ."

Support action of the Board.

Engage in personal study of problems and refer problems discovered to the State Superintendent.

05-100, Article 4, 5

The members of the State Board shall annually elect a Chairperson, Vice Chairperson, and Vice Chairperson for Appeals. The Chairperson shall select the Parliamentarian. BOARD OFFICERS

The Chairperson presides at all Board meetings, appoints committees, and serves on such boards and Commissions as required by law. The Vice Chairperson performs these duties in the absence of the Chairperson. The Vice Chairperson for Appeals presides "during hearings on appeals before the State Board of Education and shall draft the rulings on such hearings."

Regular Board meetings are held monthly, and special meetings may be called by the Chairperson, the State

Superintendent, or at the request of five or more Board members. A quorum consists of a majority (six or more) members.

05-100, Article 6

As the Committee of the whole, the Board "shall consider all matters requiring Board action relative to budgeting, finance, . . . curriculum program activities, certification of teachers, teacher training" and other policy matters.

The Standing Committees of the Board are: Staff Development, Vocational and Career Education, Textbook and School Library, Budget, Legislative, and Educational Television. Ad hoc committees are appointed as needed. Each Board member "is authorized . . . to serve as a committee of one for . . . obtaining information for . . . the State Board and facilitating improved public relations." Each member shall also "serve on a committee to inspect the educational institution and facilities within" his or her district. A committee may also be appointed "to inspect all institutions and facilities" under the Board's control.

05-311; 05-312

The State Board of Education is required to conduct "hearings on . . . decisions and controversies involving local boards of education. It also assumes original jurisdiction in appeals cases from its own actions." Hearings are conducted by the Vice-Chairperson for Appeals or a hearing officer. After the State Board acts on an appeal, the Vice Chairperson for Appeals or hearing officer drafts the Board's ruling.

APPEALS

"The State Board has appellate jurisdiction only" with respect to decisions made by local boards, and must "decide all cases on the basis of the transcript. . . transmitted from the local board."

05-316 -- 05-319; 05-3110 -- 05-3113

A person dissatisfied with a local board's ruling "may appeal to the State Board by filing in duplicate

with the local superintendent a written appeal." The superintendent is responsible for preparing and forwarding to the State Board a "record of appeal . . . which shall include (where applicable)": the board's initial decision, motion for reconsideration, statements of contention, transcript of evidence and proceedings, the board's final decision, and the appeal.

The State Superintendent shall review the appeal, set the hearing, and notify the "appellant, local superintendent and other interested parties."

The appellant may appear or be represented by an attorney. "New evidence will not be received . . . . The State Board . . . may require personal appearance of the appellant to question him[her] concerning his[her] contentions."

The State Board shall make its decision at the hearing or within 25 days thereafter. "An appeal must be docketed not less than 10 days in advance of the meeting of the State Board at which the appeal is to be heard. " Failure to comply with any of . . . these regulations . . . will be grounds for dismissal . . . .

"No appeal shall act as superseded unless so ordered by the local board or by the Chairperson of the State Board . . . .

"The provisions of this regulation are . . . separable."

20-310

The "State Board of Education may enter into contracts and agreements for funds and services with other state agencies, federal agencies, local school systems, foundations or other agencies and organizations." CONTRACTS

20-110; 120

The "State Department of Education shall be organized into offices, divisions, sections and units with appropriate administrative heads . . . . The State Superintendent of Schools shall recommend to the . . . State Board of Education an organizational structure for the Department defining the lines of authority and

responsibility . . . . The State Superintendent shall establish . . . executive procedures, regulations and administrative procedures" for the Department.

"Proposed changes in the organizational structure of the Department of Education shall be submitted . . . to the Executive Committee," which reviews them and makes recommendations to the State Superintendent. If such changes involve "new classification of positions or additional funding" they are reviewed by the Office of Staff Services.

CROSS REFERENCES

I.Cooperative Education Service Agency; Statute §32-630a -- 32-634a

I.Cooperative Education Service Agency; Statute §40-2910; 40-2920

I.State Superintendent; Georgia Constitution, Art. VIII, §2-6601

I.State Superintendent; Statute §32-504; 32-505

I.State Superintendent; Statute §32-660a

I.State Superintendent; Regulation 05-220

II.A.1; Statute §32-434; 32-437

II.A.1; Statute §32-657a

II.A.1; Statute §32-1901

II.A.1; Regulation 30-510; 30-520

II.A.1; Regulation 30-2010; 30-2020

II.A.2; Statute §32-609a

II.A.2; Statute §32-2801 -- 32-2802

II.A.2; Regulation 30-1111 -- 30-1124

II.A.3; Statute §32-611a

II.A.3; Statute §32-2210 -- 32-2215

II.A.3; Statute §32-2218 -- 32-2219

II.A.3; Statute §32-2221

II.A.3; Statute §32-2222

II.A.3; Statute §32-2302a; 32-2303a; 32-2304a; 32-2305a

II.A.3; Statute §30-2111 -- 30-2118

II.A.4; Regulation 30-810; 30-820

II.A.6; Statute §32-604

II.A.6; Statute §32-618a

II.A.8; Statute §32-417

II.A.8; Statute §32-608a

II.A.8; Statute §32-2401; 32-2402

II.A.8; Regulation 30-911

II.A.9; Regulation 40-3012

II.A.10. Other- Experimental Programs; Regulation 05-210

II.A.10. Other- Institutional Schools; Statute §32-442; 32-444

II.A.10. Other- Open Campus Schools; Regulation 40-217; 40-227

II.B.1.a.; Statute §32-707

II.B.1.a.; Statute §32-709

II.B.1.a.; Statute §32-718

II.B.1.a.; Regulation 30-1611 -- 30-1613; 30-1621 -- 30-1623

II.B.1.c.; Statute §32-723

II.B.1.c.; Statute §32-711 -- 32-712

II.B.1.c.; Statute §32-710

II.B.2; Statute §32-408.1

II.B.2; Statute §32-413.1

II.B.2; Statute §32-627a

II.B.2; Regulation 30-1410; 30-1420

II.C.1; Regulation 40-4210; 40-4220

II.C.2; Statute §32-613a; 32-614a

II.C.2; Statute §32-649a

II.C.2; Regulation 30-1210, 30-1220

III.A.1; Regulation 30-1510; 30-1520

III.A.2; Statute §32-645a

III.A.2; Statute §32-658a

III.A.2; Regulation 40-2810; 40-2820

III.A.2; Regulation 40-3011; 40-3013; 40-3014

III.A.2; Regulation 50-710

III.A.2; Regulation 50-810

III.B. Certificated Personnel; Regulation 50-410

III.B. Director of Vocational Education Service; Statute §32-2306a

III.B. Teachers; Statute §32-1021

III.B. Teachers; Regulation 50-111; 50-121; 50-122; 50-123

III.B. Teachers; Regulation 50-1310; 50-1320

III.C. Certificated Personnel; Regulation 50-113; 50-114

III.C. Educational Programs; Regulation 30-220

III.C. Local Board of Education; Regulation 40-1810

III.C. School System; Statute §32-653a

III.D. Census of School Age Children; Statute §32-1601

III.D. Educational Program; Statute §32-628a; 32-630a -- 32-631a; 32-632

III.D. Instructional Program; Statute §32-630a

III.D. Schools; Statute §32-438

III.D. Schools; Statute §32-506

III.D. Schools; Regulation 30-110; 30-120

III.D. State Department of Education; Regulation 20-710; 20-720

III.D. Student Performance; Regulation 30-2510; 30-2520

III.E. Adminstrator; Statute §32-652a

III.E. Educators; Regulation 05-510

III.E. State Department of Education; Statute §32-654a

IV.A.; Statute §32-420 -- 32-421

IV.A.; Statute §32-445

IV.A.; Statute §32-623a

IV.A.; Statute §32-4201

IV.A.; Regulation 40-2110; 40-2120

IV.B.; Statute §32-620a

IV.C.; Statute §32-622a

IV.C.; Regulation 40-2510; 40-2520

IV.F.; Regulation 40-4311; 40-4313; 40-4320

IV.G.; Statute §32-663a

IV.G.; Regulation 40-218; 40-228

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3; Statute §30-2111 -- 30-2118

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

I. State Superintendent; Statute §32-660a

I. State Superintendent; Regulation 20-210; 20-220

III.D. Schools; Regulation 30-110; 30-120

III.E. Public Education; Regulation 30-410; 30-420

CONSTITUTION

GEORGIA CONSTITUTION, ART. VIII, §2-6601

"There shall be a State Board Superintendent, who shall be the executive officer of the State Board of Education, elected at the same time and in the same manner and for the same term as that of the Governor. The State School Superintendent shall have such qualifications and shall be paid such compensation as may be fixed by law. No member of said Board shall be eligible for election as State School Superintendent during the time for which he[she] shall have been appointed."

STATUTES

§32-501

The State Superintendent of Schools shall be elected and shall administer the school laws and supervise the school system. The superintendent shall give instructions to school officers and her/his interpretation of school laws shall be binding upon them.

§32-504;505

The state superintendent of schools is the "executive secretary of the State Board of Education and the administrative officer of the State Department of Education." The superintendent shall enforce and administer the state board's rules and regulations.

The state superintendent shall have authority, subject to the approval of the state board, "to suspend a county superintendent of schools for incompetency, wilful neglect of duty, misconduct, immorality or the commission of crime involving moral turpitude." The county superintendent may appeal the suspension to the state board and their decision will be final.

§32-660a

The State Superintendent of Schools shall be the executive officer of the State Board of Education, the administrative officer of the State Department of Education, and shall be responsible for the

administration and enforcement of . . . school laws," and the rules and regulations adopted by the State Board.

REGULATIONS

05-220

"The State Superintendent may delegate "responsibility for the administration of specific State Board policies . . . to the appropriate office head . . . .

"The Office of Staff Services shall design procedures for the development or modification of State Board policy and State Superintendent executive procedure . . . .[and] shall review drafts of policies and executive procedure statements to determine whether they conform to the following criteria."

State Board policy must state at least one educational goal, specify who will "perform certain actions" related to these goals, cite at least one state statute "providing legal authorization," not conflict with other Board policies, conform to all requirements of law, and "delegate authority for specified Department of Education actions exclusively to the State Superintendent."

State Superintendent executive procedure must "assign . . . responsibility for implementing specified actions" to Department of Education officers; "describe or elaborate the nature and scope of the actions specified in . . . State Board policy; . . .[and] not conflict with other responsibilities of the designated office(s) or with State Board policies, state . . . or federal statutes."

10-210; 220

SCHOOL VISITS

The State Superintendent of Schools shall visit the counties "as often as possible" to inspect school operations and make an annual report to the Georgia General Assembly. The State Superintendent may delegate certain duties to Department of Education staff members. "An Executive Committee composed of the Associate and Assistant State Superintendents may serve the State

Superintendent as an advisory committee.

A Planning Council composed of division directors may serve the State Superintendent and the Executive Committee as a review committee." Other ad hoc and standing committees and special task forces may also be created.

20-210; 220

"The State Superintendent of Schools shall promote, establish and insure maintenance of close working relationships with local school system boards of education and professional staff, institutions of higher education, private and professional organizations, federal agencies, interstate and intrastate regional agencies and other state and local agencies." The offices and divisions of the Department of Education shall "establish working relationships with all agencies and organizations with whom they share a commonality of interest . . . . The Office of Staff Services will provide general liaison of federal-state relations in planning, research, evaluation and reporting and of Department of Education relations with other state agencies."

20-410; 420

The State Superintendent of Schools shall consult with members of the General Assembly, particularly "those committees directly concerned with educators" about educational programs, goals and priorities. "The State Superintendent may prepare and submit to the General Assembly proposed new laws and revisions to existing statutes" and shall prepare an annual report on the status of public education for the legislature.

Proposals on legislation from within the State Department of Education shall be submitted to the Executive Committee for review and recommendation to the State Superintendent. Department of Education staff members shall furnish information to members of the General Assembly as requested.

The Office of Staff Services shall prepare an

annual report for the State Superintendent, consisting of "reports describing the progress . . . of the public schools . . . and . . . statistical data on school systems."

40-4610; 4620

The State Superintendent of Schools is directed to assist local school superintendents in analyzing and responding to educational data requests from governmental agencies. "In order to meet the essential educational information needs and lighten the reporting burden on local systems . . ., the State Superintendent shall:

1. Establish a procedure to assure that the information required . . . is essential;"

2. Seek to eliminate duplicate requests for the same data;

3. "Provide local systems . . . advance notice of the impact of changes in educational systems which will require either operational or reporting systems modifications;

4. Identify and organize for use by local superintendents, demographic information related to education;

5. Analyze and, if appropriate, respond to "information requests from individuals and other agencies."

"The Office of Staff Services shall develop . . . a system . . . for the analysis of requests for educational data and prepare department-wide rules . . . and . . . procedures for the development and distribution of educational information to all state and federal agencies."

CROSS REFERENCES

I. State Board of Education; Regulation 05-316 -- 05-319; 05-3110 -- 05-3113

I. State Department of Education; Regulation 20-110; 20-120

II.A.1; Statute §32-1901

II.A.1; Regulation 30-311

II.A.1; Regulation 30-312

II.A.1; Regulation 30-310; 30-320

II.A.1; Regulation 30-1710; 30-1720

II.A.1; Regulation 30-1910; 30-1920

II.A.1; Regulation 30-2010; 30-2020

II.A.1; Regulation 30-2710; 30-2720

II.A.2; Regulation 30-1111 -- 30-1124

II.A.3; Statute §30-2111 -- 30-2118

II.A.3; Regulation 40-219; 40-229

II.A.6; Regulation 30-2610 -- 30-2620

II.A.8; Regulation 30-911

II.A.8; Regulation 30-920

II.A.9; Regulation 40-30R

II.A.10. Other - Programs for Pregnant Students; Regulation 40-510; 40-520

II.B.2; Regulation 30-1410; 40-1420

III.A.2; Regulation 40-3011; 40-3013; 40-3014

III.A.2.; Regulation 50-610

III.A.2; Regulation 50-710

III.B.Teachers; Regulation 50-111; 50-121; 50-122; 50-123

III.C.Certificated Personnel; Regulation 50-113; 50-114

III.C.Educational Programs; Regulation 30-220

III.C.Educational Programs; Regulation 30-2910; 30-2920

III.C.Local Board of Education; Regulation 40-1810

III.C.School System; Regulation 20-510; 20-520

III.C.State Board of Education; Regulation 05-710; 05-720

III.D.County Superintendent Reports; Statute §32-515

III.D.School System; Statute §32-508

III.D.State Department of Education; Regulation 20-710; 20-720

III.D.Student Performance; Regulation 30-2510; 30-2520

III.E.Educators; Regulation 05-510

III.E.Staff; Regulation 50-1011; 50-1012; 50-1021; 50-1022

III.E.Vocational Education Teachers; Regulation 20-2191

IV.A.; Regulation 40-2110; 40-2120

IV.C.; Regulation 40-2510; 40-2520

IV.D.; Regulation 30-2410; 30-2420

IV.D.; Regulation 40-3110; 40-3120

IV.E.; Regulation 40-410; 40-420

IV.E.; Regulation 40-2190; 40-2290

TEACHERS

CROSS REFERENCE

IV.H.; Statute §32-924

TEXTBOOK ADVISORY COMMITTEE

CROSS REFERENCES

II.B.1.a; Regulation 30-1614 -- 30-1616; 30-1624 -- 30-1625

VISITING TEACHERS

STATUTES
§32-2109:2110

"The appointment of visiting teachers shall be made by the county or independent school system board of education upon the recommendation of the county or independent school system superintendent; but no visiting teacher shall be so appointed unless qualified in accordance with professional requirements prescribed by the State Board of Education . . . .

"County or independent school system boards of education may employ attendance officers in lieu of visiting teachers."

CROSS REFERENCES

IV.H., Statute §32-2108

IV.H.; Statute §32-2111

IV.H.; Statute §32-2114

IV.H.; Statute §32-2115

IV.H.; Statute §32-9914

VOCATIONAL EDUCATION ADVISORY COMMISSION

CROSS REFERENCE

II.A.3; Statute §32-2210 -- 32-2215

HAWAII

The Constitution of Hawaii mandates the State to provide a statewide system of public schools from sectarian control. It establishes a Board of Education of geographical diversity to be elected by qualified voters and delegates to the Board of Education control over the public school system through its executive officer, the Superintendent of Education, who is appointed by the Board and serves as its Secretary.

The Board of Education consists of eleven members; eight of whom are elected from their respective districts, three of whom are elected at-large in the city and county of Honolulu. It serves as the executive board of the Department of Education which is charged with control and responsibility for the conduct of all affairs pertaining to public instruction. Every private school is subject also to the supervision of the Department of Education.

The Department may designate school districts, establish their boundaries, and alter the same from time to time. A District School Advisory Council is appointed by the Governor for each School Board District to advise the Board of Education and the member of the Board of Education from its district.

HAWAII

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I. Powers, Duties and Functions

Advisory Council for Adult Education

CROSS REFERENCE

II.A.8.; Statute §301-3

Board of Education

CROSS REFERENCE

IV.E.; Regulation Rules 9.1 -- 9.3

Commission on Children and Youth

Statutes

§581-1-2

There shall be established a Commission on Children and Youth whose responsibilities shall, among other things, include:

1) Studying facts concerning the needs of children and youth in the state;

2) "Review(ing) legislation pertaining to children and youth . . ."

3) "Develop plans and integrate planning for services and programs relative to children and young adults."

Commission on Status of Women

Statutes

§367-2; 367-3

The superintendent of education shall be a member of the state commission on the status of women. The commission shall, among other things, "seek improvement in education and counselling programs and policies to meet the needs of girls and women in order to better prepare them in their roles in the home and community," and generally seek to eliminate sexual discrimination, and "encourage a long-range program of education of women in their political rights and responsibilities, particularly with respect to their voting duties."

EQUAL OPPORTUNITY

Conference of Secondary School Students

Statutes

§317-1-6

An annual conference of secondary school students (grades 9-12) shall be held to "enable students to identify, discuss and arrive at recommended solutions to major youth problems."

A student conference committee composed of sixteen students appointed by the Governor shall be created. The committee shall among other things be responsible for

APPOINTMENT

2) "Set(ting)the theme and scope of the conference";

6) "Evaluat(ing) the worth and effectiveness of the conference":

A student conference advisory committee composed of two state legislators and three members of the department of education, shall "assist and advise the student conference committee in planning, coordinating and evaluating the annual conference . . ."

An evaluation report of the conference proceedings, "including specific recommendations for action by the board of education or the state legislature" shall be written.

DEPARTMENT OF EDUCATION

STATUTES

§296-35

"The department of education . . . and Governor may take such steps and perform such acts as may be necessary or proper in order to secure any . . . federal funds . . ."

§298-2

"The department of education shall have entire charge and control and be responsible for the conduct of all affairs pertaining to public instruction." The department shall have the power "to establish and maintain schools for secular instruction at such places and for such terms as in its discretion it may deem advisable . . . . The schools may include high schools, kindergarten schools, schools or classes

for pregrade education, boarding schools, evening as well as day schools, . . ." and technical schools (or classes where there are insufficient students to justify the establishment of separate schools). "The department shall regulate the courses of study to be pursued in all grades of public schools and classify them by such methods as it shall deem proper; provided that . . ." 50% of the instruction in the first eight grades "shall be devoted to the oral expression, the written composition, and the spelling of the English language."

CROSS REFERENCES

I.Governor; Statute §26-4; 26-12

I.State Board of Education; Statute §296-6

I.State Superintendent of Education; Statute §26-38; 26-39

II.A.1.; Statute §299-1 -- 299-4

II.A.1.; Regulation Rule 44.31

II.A.2.; Statute §301-22

II.A.2.; Statute §301-24; 301-25

II.A.3.; Statute §301.1 -- .2

II.A.3.; Statute §372-4-6

II.A.4.; Statute §298-4

II.A.8.; Statute §301-1

II.A.8.; Statute §301-3

II.B.1.a.; Statute §298-21

II.B.3.; Statute §93-1

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III.B.Teachers; Statute §297-2; 3; 4

III.C.Education Program; Statute §37-67; 37-68

III.C.Teachers; Statute §296-15

III.C.Teachers; Statute §297-12

III.D.Educational Personnel; Statute §297-46

III.E.Teachers; Statute §296-18

IV.A.; Statute §296-41

IV.A.; Statute §321-111

IV.D.; Statute §296-45

IV.F.; Regulation Rules 50.5 -- 50.14

IV.H.; Statute §298-13

IV.J.; Regulation Rules 3.1; 3.2

IV.J.; Regulation Rules 23.1; 23.3; 23.4

DISTRICT SCHOOL ADVISORY COUNCIL

STATUTES

§296-7

APPOINTMENT

"There shall be a district school advisory council in each school district" whose members are appointed by the Governor. "Not more than a bare majority . . . of the members . . . shall belong to the same political party . . . ." Each councilor's (i.e., member's) term shall expire with the term of their appointing Governor. In addition to its appointed members, ". . . each member of the board of education shall be an ex officio non-voting member of the . . . advisory council of his [her] school board district . . ."

Each district council in advising the Hawaii board of education shall

(1) "Inform the board of education on educational matters of local interest;"

(2) "Disseminate information and interpret decisions and policies of the board of education to the people of the local school district;"

(3) "Act as an advisory body to the district superintendent of each local school district; and upon his [her] request, assist him [her] in disseminating information, interpreting decisions and policies, and in obtaining public recreation;"

(4) "Present and explain local public concern in policies and administrative regulations of the department of education;"

(5) "Work with and among the several other local school advisory councils to insure cooperation on educational matters of mutual interest and concern;"

(6) "Advise the board of education in the development of policies as the board of education may request from time to time."

§296-9

Each district school advisory council will elect its own chairperson and may elect other officers that may be necessary to effectively carry out its functions.

DISTRICT SUPERINTENDENT

STATUTES

§297-6

"The superintendent of education, with the approval of the board of education, shall appoint . . . district superintendents for schools." APPOINTMENT

GOVERNOR

STATUTES

§26-4; §26-12

The Governor shall have overall supervision of the department of education. Within the department, the board of education shall have executive functions for the establishment of statewide policy. There shall exist a state superintendent.

§37-65

"The Governor shall direct the preparation and administration of state programs, program and financial plans, and budget. He [she] shall evaluate the long-range program plans, requested budget and alternatives to state objectives and programs; and formulate . . . long-range plans, a proposed six year state program and financial plan and a proposed state budget."

CROSS REFERENCES

I.State Board of Education; Statute §13-1; 13-5

III.C.Education Programs; Statute §37-67; 37-68

III.C.School System; Statute §37-69

III.C.School Employees; Statute §84-21

LEGISLATURE

STATUTES

§37-66

"The legislature shall:

(1) Consider the . . . proposals recommended by the Governor and any alternatives thereto;

(2) . . . appropriate moneys to implement the programs it deems appropriate;

(3) . . . program management, execution and performance shall be subject to post audits . . ."and the findings and recommendations shall be reported to the legislature.

LIBRARY ADVISORY COMMISSION

CROSS REFERENCE

I.State Superintendent of Education; Statute §26-12

PRINCIPAL

CROSS REFERENCES

IV.E.; Regulation Rule 34

IV.J.; Regulation Rule 21

IV.J.; Regulation Rule 21.10

PUBLIC SCHOOL

CROSS REFERENCE

IV.G.; Regulation Rules 27.2; 27.3

STATE

CROSS REFERENCE

III.C.School System; Constitution Art. IX, §1

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §305A-2-4

STATE BOARD OF EDUCATION

CONSTITUTION

Hawaii Constitution Article IX §2

There shall be a (state) board of education composed of members who shall be elected by qualified voters.

Hawaii Constitution Article IX §3

"The [state] board shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of education, who shall be appointed by the board and shall serve as secretary to the board."

APPOINTMENT

§13-1; 13-5

The state board of education shall consist of eleven elected members.

(Thereafter follows list of districts and members per district -- not included.)

Vacancies, other than by expiration of a term, "shall be filled by the Governor."

§27-11

The state, as opposed to the county, shall hereinafter directly administer and perform the following functions and services:

(1) "Planning, construction, and improvements of public school facilities and grounds;

(2) Repair, maintenance, custodial and janitorial services for public school facilities; and

(3) Transportation of school children."

§296-2

"The [state] board shall have power in accordance with law to formulate policy and to exercise control over the public school system through its executive officer, the superintendent of education."

RULEMAKING

§296-6

The state board of education shall elect a chairperson and vice chairperson. A majority of the board's total membership shall be required to constitute a quorum. Any action taken by the quorum will be valid, "provided that due notice shall have been given to all members of the board or a bona fide attempt shall have been made

BOARD OFFICERS

to give such notice to all members to whom it was reasonably practicable to give such notice. Meetings shall be called and held . . . as often as may be necessary for the transactions of the department's business."

§296-12

The (state) board "may adopt rules and regulations . . . for the governance of all teachers, educational officers, other personnel, and pupils, and for carrying out the general scheme of education and for transaction of its business."

RULEMAKING

§296-33

"The [state] board of education . . . shall use and expend" federal funds (subject to their restrictions)

1) "To improve the program of the public schools of the state . . . by expanding the educational offerings, particularly in the rural district;"

2) "For the payment of salaries to teachers;"

3) "To employ additional teachers to relieve over-crowded classes;"

4) "To adjust the salaries of teachers to meet the increased cost of living . . ."

5) "To provide for the purchase of supplies, apparatus and materials for the public schools."

"The board shall organize and conduct a program of public pre-grade education . . ." to the extent permitted by federal funding. Distribution of funds shall be proportional to the number of pre-grade students in each district.

§298-3

"The board of education shall have the authority to open new schools or close existing schools."

CROSS REFERENCES

I.District Superintendents; Statute §297-6

I.Governor; Statute §26-4; 26-12

I.Superintendent of Education; Statute §296-2

III.C.Teachers; Statute §297-12

STATE ETHICS COMMISSION

CROSS REFERENCE

III.C.School Employees; Statute §84-21

STATE SUPERINTENDENT OF EDUCATION

STATUTES

§26-12

"Under policies established by the [state] board, the superintendent shall administer programs of education and public instruction throughout the state, including education at the preschool, primary and secondary school levels, adult education, library services, transcribing services for the blind, health education and instruction (not including dental health treatment transferred to the department of health) and such other programs as may be established by law."

". . . in providing library services the board of education may enter into contracts approved by the Governor for the use of lands, buildings, equipment, and facilities owned by any private association."

A library advisory commission in each county shall advise the board of education "on matters relating to public library services in the respective county."

§26-38, 39

"Except as otherwise provided . . . the head of a department may assign any function vested in his department to any subordinate officer or employee as he deems desirable." She/he may also, with the approval of the Governor "establish or abolish . . . any administrative unit to achieve economy and efficiency . . ."

She/he "may prescribe regulations for the administration of his [her] department, for the conduct of his [her] employees, for the performance of its business, and for the custody, use and preservation of records, equipment and other property pertaining thereto . . ."

She/he may also "establish or abolish any subordinate office or position, transfer . . . employees between positions, appoint and remove any subordinate, and change the duties, titles and compensation of offices and positions as is deemed necessary . . ."

§296-11

In carrying out the policies of the (state) board of education, the state superintendent "shall administer programs of education and public instruction throughout the state, including education at the pre-school, primary and secondary school levels, health education and instruction, and such other programs as may be established by law."

At prescribed times he/she shall, "present to the board full annual reports of the principal transactions within the department during the last completed year . . .", which together with board recommendations, "shall be presented to the Governor and the legislature."

CROSS REFERENCES

I.District Superintendents; Statute §297-6

I.Governor; Statute §26-4; 26-12

I.State Board of Education; Statute §296-2

I.State Board of Education; Constitution Art. IX, §3

SUPERINTENDENT OF EDUCATION

STATUTES

§296-2

"The superintendent [of education] shall be appointed and may be removed by a majority vote of the members of the [state] board and shall serve as secretary of the board." APPOINTMENT

§315-2

The designated state official for the purpose of making regional state agreements for Hawaii shall be the superintendent of education.

CROSS REFERENCES

I.Commission on Status of Women; Statute §667-2; 367-3

II.A.2.; Statute §301-24; 301-25

IV.C.; Statute §296-42

IV.D.; Regulation Rules 1.7 -- 1.8

TEACHER

STATUTES

§296-1

"Teacher means a person whose duties in the educational system are primarily teaching or instruction of students and who is in close and continuous contact with students and shall include, but not be limited to, classroom teachers, school librarians, counselors, registrars and special education teachers."

VOCATIONAL EDUCATION COORDINATING ADVISORY COUNCIL

CROSS REFERENCE

II.A.3.; Statute §305A-2-4

IDAHO

The Idaho State Legislature established a State Board of Education for the general supervision, government, and control of all state educational institutions as well as the public school system. The Board is known as the State Board of Education and Board of Regents of the University of Idaho. It consists of the State Superintendent of Public Instruction, ex officio, and seven members appointed by the Governor and confirmed by the Senate. The Office of the State Board of Education is the executive agency of the State Board of Education. The State Board of Education appoints an executive officer of the Office of the State Board of Education who serves at the pleasure of the Board.

All school districts are under the supervision and control of the State Board. An elementary school district is one giving instruction only to pupils in kindergarten or grade one through grade eight. All other school districts are to give instruction to pupils in kindergarten or grade one through grade twelve. An elementary school district may be reclassified as a school district by petition to the State Board of Education by its Board of Trustees and submission of the question of issuance of bonds for the purpose of acquiring a secondary school building to the electors of the district. A school district may be reclassified an elementary school district if it is not maintaining an accredtied secondary school. Each elementary school district is divided into three trustee zones and each other school district is divided into no fewer than five and no greater than nine such zones. The number of zones within a district determines the number of members of its Board of Trustees. A school district other than an elementary school district may employ a Superintendent of Schools who will be the executive officer of the Board of Trustees and its authorized representative.

IDAHO

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I. Powers, Duties and Functions

Board of County Commissioners

CROSS REFERENCE

I.School Board of Trustees; Statute §33-501 -- 33-505

Board of Directors/Library Systems

CROSS REFERENCE

II.B.3; Statute §33-2609 -- 33-2612

Board of Trustees

Statutes

§33-501: 33-505

"Each school district shall be governed by a board of trustees." The boards of trustees of elementary school districts consist of three members and those of all other districts consist of five members. A trustee is elected for a term of three years and must "be a school district elector of his[her] district and a resident of the trustee zone from which nominated and elected."

"School district trustees shall be nominated by nominating petitions" from the trustee zones. In the case of a vacancy because of death, resignation, or other cause, "the board of trustees shall appoint . . . a person qualified to serve" if the majority of the membership on the board remains; "otherwise, appointments shall be made by the board of county commissioners." After a new school district is created, "the trustees of all school districts involved in the consolidation . . . shall select a board of trustees" to serve until the next annual election.

VACANCY

§33-506; 33-510

Members of the board of trustees serve without compensation. It is their duty "to attend all meetings." Regular meetings are held monthly. The board has the power "to make by-laws, rules and regulations for its government and that of the district . . . to call

RULEMAKING

special meetings or elections . . .[and] to employ an attorney" if necessary.

"It shall be unlawful for any trustee to have pecuniary interest . . . in any contract . . . pertaining to the maintenance . . . of the school district, or to accept any . . . compensation for services rendered as a trustee." The board elects officers at its annual meeting. The clerk records the proceedings of all meetings. The treasurer "shall have such duties as the board may prescribe."

CONFLICT OF INTEREST

§33-511 — 512

"Each elementary school district shall maintain at least one elementary school, and each other school district . . . at least one elementary . . . and one secondary school." The board of trustees may employ persons "to maintain and operate the schools." The board may "discontinue any school . . . whenever it [is] . . . in the best interests of the district and of the pupils." The board of trustees "shall have the following powers and duties:"

(1) "to determine the length of the school term" and school holidays;

(2) to provide a "total educational program for each district", which may include "programs for out-of-school youth and adults" and kindergartens;

(3) "provide . . . suitable textbooks" and exclude from libraries and schools "all books, tracts, papers, and catechisms of sectarian nature;"

(4) "to protect the morals and health of the pupils;" which would include prescribing rules for disciplining students, and excluding those who "disrupt the educational process" or those with contagious or infectious disease.

CROSS REFERENCES

II.B.3; Statute §33-2601

II.C.2; Statute §33-601

III.A.2; Statute §33-511 -- 33-512

III.C.Certificated Personnel; Statute §33-1212 -- 33-1215

III.C.Certificated Personnel; Regulation, Policy Manual, Chap. 300, §307

III.C.Certificated Personnel; Statute §33-513

III.C.Teachers; Statute §33-1254 -- 33-1257

III.E.Teachers; Statute §33-1220

IV.D; Statute §33-1501 -- 1503

IV.D; Statute §33-1507

IV.D; Statute §33-1512

IV.D; Regulation, Policy Manual, Chap. 700, §701

IV.E; Statute §33-1903

IV.J; Statute §33-205

Cooperative Service Agency

Statutes

§33-315; 33-317

School districts are encouraged "to cooperatively provide those educational services which they are unable to offer singly or which can be provided more economically and/or more efficiently in combination with other districts." Two or more districts "may cooperatively . . . employ specialized personnel and/or purchase materials" and may form a cooperative service agency "for educational purposes."

Director, Division of Vocational Education

CROSS REFERENCE

II.A.3; Statute §18-2B-1-8

District Superintendent

CROSS REFERENCE

IV.J; Statute §33-205

GOVERNOR

CROSS REFERENCE

III.C.State Board of Education Members; Statute §33-103

PRINCIPAL

CROSS REFERENCE

IV.J; Statute §33-205

PROFESSIONAL STANDARDS COMMISSION

STATUTES

§33-1251; 33-1253

A "professional standards commission" is created by the "public schools professional standards act." The commission consists of seventeen members "representative of the teaching profession of the state of Idaho," of whom at least seven "shall be certificated classroom teachers." "The state board of education shall appoint or reappoint members . . . for terms of three years." The commission shall make such rules as are necessary to the conduct of its business. RULEMAKING

CROSS REFERENCES

III.C.Teachers; Statute §33-1254--1257

III.C.Teachers; Statute §33-1258

III.C.Teachers; Regulation, Policy Manual, Chap. 300, §303

SCHOOL DISTRICTS

STATUTES

§33-301

"Each school district . . . is declared to be a body corporate and politic, and . . . may sue and be sued and . . . hold and convey real and personal property . . .[and] issue negotiable coupon bonds."

CROSS REFERENCES

I.Cooperative Service Agency; Statute §33-315 -- 33-317

I.State Board of Education; Statute §33-116

II.A.1; Statute §33-1704 -- 33-1707

II.A.2; Statute §33-2001 -- 33-2002

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §3.12

II.A.10.Other-Maternity Education Programs; Statute §33-2006 -- 33-2008

STATE BOARD OF EDUCATION

STATUTES

§12-2-5a

"The state board of education shall file a copy of any rule [viz., regulation, standard, statement of policy, or interpretation of general application and future effect] that it proposes to promulgate, adopt, amend or repeal under the authority of the constitution or of this chapter with the legislative rule-making review committee . . . ."

§33-101

The state board of education is created "for the general supervision, government and control of all state educational institutions . . .[and] of the public school system of the state." The state board of education "shall be an executive department of state government."

§33-102A

The "office of the state board of education" is the "executive agency" of the state board. The state board may appoint an "executive officer" "to serve at the pleasure of the board and . . . receive such salary as fixed by the board."

BOARD OFFICERS

§33-102; 33-104

The state board "shall consist of the state superintendent of public instruction" and seven members appointed by the governor for five-year terms. Appointees to the board must have resided in the state "for not less than three years prior to the date of appointment."

The state board holds four regular meetings a year.

§33-105

The state board shall "make rules and regulations for its own government and the government of its executive departments and offices," and appoint employees and "fix their salaries."

§33-106 -- 33-111

The state board shall prepare a budget for its executive department. The state board shall publish such reports "as may be a contribution to the general educational welfare of the state" and prepare an annual report "of its actions and expenditures." The state board "is authorized to negotiate, and contract with, the federal government, and to accept financial or other assistance." The state board "shall submit to the budget director of the state" budgets for state educational institutions under his[her] control.

§33-107

The state board shall perform all duties prescribed in the state school laws; "have general supervision . . . of all entities of public education; delegate to its officers and administrators the powers necessary to carry out the policies, orders and directives of the board;" and "enforce the school laws of the state" and make recommendations to the legislature with regard to "existing laws or additional legislation."

§33-116

"All school districts in Idaho . . . shall be under the supervision and control of the state board."

REGULATIONS

Policy Manual
Ch. 100, §101

The Idaho State Constitution, Article IX, Section I makes provision for free public schools to educate the people for the continuation of the republican form of government.

Article IX, Paragraph 2 creates the State Board of Education which shall administer the public schools. The State Superintendent of Public Instruction shall be ex-officio member

of the board.

I-ID 7
IDAHO

Article X, Section I schools for the education of the handicapped and those incarcerated shall be established and supported by the State.

Section 33-101, Idaho Code provides for the general supervision and control of all state educational institutions, to wit:...School for the Deaf and Blind,...and any other State educational institutions which may hereafter be founded, and for general supervision, government and control of the public school system of the state--a State Board of Education is created.

The State Board of Education shall have the power to make rules and regulations and appoint necessary personnel to carry out these duties at fixed salaries.

RULEMAKING

The State Board of Education shall consist of the State Superintendent of Public Instruction, who shall be an ex-officio voting member serving as executive secretary of the Board for all elementary and secondary school matters, and seven members appointed by the governor, each for a term of five years. Annually on the first day of March, the governor shall appoint members to fill the Board positions for which the terms of office have expired. The governor shall, by appointment, fill any vacancy on the Board, such appointment to be for the unexpired term of the retiring member. Appointment to the Board shall be based on the ability of the appointees efficiently to serve the interests of the people, and education, without reference to locality, occupation, party affiliation or religion. Persons appointed must have been a State resident three years prior to date of appointment; and shall qualify and assume the duties in accordance with law governing similar appointments to, and qualifications for, office on other State Boards. All appointments of members to the State Board made after the effective date of this act must be senate-confirmed. Members of the state board holding office on the effective date of this act shall continue in office for the balance of the term to which they were appointed.

APPOINTMENT

The governor shall remove any State Board member found guilty of gross immorality, malfeasance in office or incompetency, and shall fill such vacancy.

REMOVAL

Pursuant to section 33-104, State Board members shall be paid $25.00 per day for Board business...

2. Meetings of the Board

The State Board...shall meet on the first Thursday and Friday of each month, except the month of August. If this day falls on a legal holiday...then the meeting shall be the following Thursday or Friday. Business for public schools...will be conducted in September, November, January, March and May. At the July meeting, the Board may consider necessary agendas of all institutions... The Board may consider necessary agendas of all institutions and agencies under its governance. The Board may consider matters of extraordinary urgency of any institution and/or agency at any regular or special meeting, if needed.

Official Board meetings are open to the public and press except those held in executive session. No official action may be taken during an executive session of the Board.

OPEN MEETING

Copies of Board meetings are prepared and forwarded to those entitled to receive them. Additional copies are kept on file at the Office of Higher Education. The minutes of the meeting of the State Board shall be open to the public and individuals may extract any part desired.

Cases requiring Board hearings are to be heard by the appropriate Board Executive Committee. Both parties have the right to be represented by counsel, call witness to testify under oath, and cross-examine opposing witnesses, all on the record. Appellant may waive continuation of the hearing, in writing, at any time. The findings and recommendations shall be transmitted to the Board for action, ten days hence, the decision of the Board shall be transmitted to all parties. Appellant shall receive a copy of the transcript.

HEARINGS

3. Board Committees shall be organized after the first day of April of each year, being composed of a president, vice president and secretary.

Ad hoc committees are appointed by the president of the Board.

During annual reorganization in April, the Board president elects members to an executive committee and appoints a chairperson. This committee is to meet with representatives of insti-

tutions and meet problems that arise between Board meetings. Minutes shall be kept of all business transactions and presented as reports of committee action during the next meeting. Two members of this committee shall constitute a quorum. Committee meetings shall be called by the chairman, a majority of members, or at the request of the chief institutional executive if the chairperson and members choose to honor such a request. The chief institutional executive may serve in an advisory capacity to the committee. Executive committees shall review all written requested appeals. The executive director shall be a member of all executive committees of the Board. Arrangements for hearings are to be guided by the recognized rules of procedures for such matters.

"The broad and comprehensive responsibilities of the State Board of Education in regard to the general supervision of the system of public education in Idaho are the following:

"1. perform all duties prescribed for it by the school laws of the state;

"2. acquire, hold and dispose of title, rights and interests in real and personal property;

"3. have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;

"4. delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out the policies, orders and directives of the board; [and]

"5. through its executive departments and offices; a. enforce the school laws of the state, [and] b. study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation."

"Under authority vested by Section 33-107, Idaho Code, the Board:

"a. Approves annexation or excision of territory from districts.

"b. Provides for apportionment of school funds

"c. Approves alteration of school district boundaries.

"d. Approves or disapproves school district consolidation, and keeps a record of school district boundaries.

"e. Makes regulations concerning the duration, renewal and lapsation of teachers' certificates. Revokes teachers' certificates.

"f. Makes regulations concerning school buses and school transportation."

RULEMAKING

The Board has "the power to make rules and regulations for the government of the State Department of Education."

COURSE OF STUDY

It shall also "prescribe the minimum courses to be taught in all elementary and secondary schools, public, private and parochial, and shall cause to be prepared and issued, such syllabi, study guides and other instructional aides as the board shall from time to time deem necessary. The board shall also determine how and under what regulations textbooks shall be adopted for the public schools."

The State Board also:

"Establishes standards for accreditation of the secondary schools and may withdraw accreditation from any secondary school which fails to meet the standards."

"Assists in the establishment of regulations covering school building sanitation and has the authority to cause an examination to be made of a school building which appears to be unsafe."

"Provides for the education of the handicapped or others unable to attend school for specific reasons."
[Statutory authorities omitted.]

CROSS REFERENCES

I.Professional Standards Commission; Statute §33-1251 -- 33-1253

I.State Department of Education; Statute §33-125 -- 33-127

II.A.1; Statute §33-113

II.A.1; Regulation, Policy Manual, Chap. 400, §401

II.A.2; Statute §33-124

II.A.2; Statute §33-2001 -- 33-2002

II.A.2; Statute §33-3401 -- 33-3408

II.A.2; Statute §33-.003

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §2.1

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §2.2

II.A.2; Regulation, Policy Manual, Chap. 401, §409

II.A.3; Statute §18-2B-1-8

II.A.3; Statute §33-2202 -- 33-2203

II.A.3; Statute §33-2204 -- 33-2206

II.B.1.a.; Regulation, Policy Manual, Chap. 400, §407

II. C.2; Statute §33-112

II.C.2; Statute §33-122

III.B. Certificated Personnel; Statute §33-114

III.B. Certificated Personnel; Statute §33-1204 -- 33-1207

III.B. Certificated Personnel; Statute §33-1201

III.B.Certificated Personnel; Regulation, Policy Manual, Chap. 300, §301

III.C.Certificated Personnel; Statute §33-1208 -- 33-1211

III.C.Teachers; Statute §33-1254 -- 33-1257

III.D.School Statistics; Statute §33-120 -- 33-121

IV.G; Statute §33-1405

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3; Statute §18-2B-1-8

II.A.3; Statute §33-2202 -- 33-2203

II.B.1.a.; Regulation, Idaho State Textbook Committee Handbook (1978), pp. 1-5

III.A.1: Statute §33-118

STATE DEPARTMENT OF EDUCATION

STATUTES

§33-125; 33-127

The state department of education is established "as an executive agency of the state board of education." "The state superintendent shall serve as the executive officer of such department." The organization of the department shall be determined by the state board.

1. The legislative authority for the State Department of Education as an executive agency was provided in HB 422, passed in the second regular session of the 41st Legislature, providing that the State Board be established as an executive agency of the Department of Education with the State Superintendent as executive officer, he/she having the responsibility for policy implementation for all public schools. The State Board shall determine the manner in which the Department of Education shall be organized.

2. The functions of the State Department of Education shall be divided among the following: Regulatory, Leadership and Operational. The State Board is the administrative unit and organization through which all policy directives and powers of the State Board and those of the State Superintendent are administered.

Regulatory functions derive from State authority and responsibility for education which have the effect of law.

Leadership is the primary function of the Department of Education covering: undertaking educational planning; developing modern data systems; providing for the dissemination of educational information; designing and expediting research, analysis and studies; providing for adoption of modern curricular materials; developing more effective methods of selecting, training and using educational manpower; analyzing methods of financing education; enhancing advisory, technical and consultative assistance to local educational agencies.

EDUCATIONAL PLANNING

Operational functions are direct governing functions, and when exercised deal with another agency charged with the operation of a particular institution or program. When exercising this function the Department of Education is charged with operating the institution or program.

3. The organization of the Department of Education and the assignment of its responsibilities is to be made by the State Superintendent of Public Education. The Department is divided into three divisions--Finance and Administration, Instruc-

tion, and Federal Programs. An Associate State Superintendent shall supervise each division and make reports to the Deputy Superintendent and State Superintendent. Two major units, within a Division, are to work with the Division head in forming a co-operative organization.

4. One of the primary functions of the Department of Education is assisting local school systems in determining student, administrative and academic needs and to work out plans for resolving these needs. The following one to be considered in meeting this end: working as teams, coordinating use of efforts and resources; both at the local and state levels; considering problems in a comprehensive fashion; providing in-depth long-term services; working with local educators to implement lasting changes; providing on-going evaluative help.

Requests for services are to be submitted to the State Superintendent by local educational agencies. Requests are to be met in order of receipt and in relation to time and availability of resources.

CROSS REFERENCES

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §2.2

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §4.0

III.C.High School Diploma Recipients; Regulation Accreditation Standards for Secondary Schools: Policy for Accrediting High School Level Tests of General Education Development

STATE SPECIAL EDUCATIONAL ADVISORY PANEL

CROSS REFERENCE

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §22

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

REGULATIONS

Policy Manual
Ch. 100, §103

1. Article IX, Paragraph 2 of the State Constitution, provides constitutional authority for State Board of Education to supervise the public school system within the State of Idaho.

2. A State Superintendent of Public Instruction shall be elected, at the general election every fourth year, to perform

duties prescribed by the State Constitution. This person shall be an ex-officio voting member of the State Board of Education. He/she shall enforce the rules and regulation concerning public school matters under Board control and see that all matters for Board decision are placed before it. The State Superintendent shall have an office at the State Capitol and shall use the official seal of the State Board to authenticate official acts. The State Superintendent shall serve as executive officer of the State Department of Education, having responsibility for carrying out policies, procedures and duties authorized by law for all public school matters.

ENFORCEMENT

3. General Functions

Act as ex-officio voting member of the State Board, enforcing rules and regulations concerning public schools under Board control and see that matters for Board decision are placed before it.

To carry out the functions of state superintendent under Article IX, Idaho Constitution.

To be chief executive officer of the Department of Education--being its supervisor.

To be a member of the State Land Board, the Natural Resources Advisory Board, the State Educational Television and Radio Board, the Investment Board for school endowment funds, and ex-officio member of the State Library Board.

Specific responsibilities of the State Superintendent of Public Instruction are as outlined below.

"To provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils and the interpretation of school laws and state regulations.

ADVISOR

To prescribe and require the preparation and filing of such financial and other reports from school districts, officers, and employees as are necessary or proper; and standardize reporting forms and accounting procedures as are essential to the business-like operations of the public schools of the State.

To conduct such studies and research projects as are necessary and desirable for the improvement of public school education in Idaho, and such as may be assigned to him [her] by the State Board of Education.

To summon the . . . superintendent . . . to meet jointly or separately at such time as he [she] shall appoint, giving them due notice of such meeting. The objective of such meetings shall be to discuss school organization, school supervision, and other such matters as may properly come before the meeting.

He [she] shall, on or before the first day of December in every year preceding a regular session of the legislature, report to the governor and provide the state board with a copy thereof, on the condition of the public schools, the amount of the state school fund apportioned and sources from which derived, with such suggestions and recommendations relating to the affairs of his [her] office as he [she] may think proper.

To recommend for approval by the State Board the organization of the State Department of Education, and assignment of the work within the Department.

To recommend the appointment, number, and salaries of professional personnel to the State Board. . . . "

CROSS REFERENCES

I.State Board of Education; Statute §33-102; 33-104

I.State Department of Education; Statute §33-125 -- 33-127

STATE TEXTBOOK AND IMPROVEMENT OF INSTRUCTION COMMITTEE

CROSS REFERENCES

II.B.1.a.; Regulation, Idaho State Textbook Committee Handbook (1976), pp. 1-5

II.B.1.a.; Regulation, Policy Manual, Chap. 400, §407

SUPERINTENDENT

STANDARD VIII

An accredited high school shall be administered and supervised by the principal; in smaller school the superintendent has this duty.

CROSS REFERENCE

III.C.School Personnel; Statute §18A-2-7

TEACHERS

CROSS REFERENCE

IV.J; Statute §33-1222 -- 33-1224

ILLINOIS

The State Board of Education consists of seventeen members appointed from a pattern of regional representation. The Governor appoints said members with the advice and consent of the Senate. The Board is responsible for educational policies and guidelines for public and private schools, pre-school through grade twelve and vocational education. It appoints the State Superintendent of Education as chief education officer to serve at the Board's pleasure.

The chief administrative officer of an educational service region is the Regional Superintendent of Schools who is elected for terms of four years. He/she is charged with the supervision and control of all school districts within the educational service region. A region must contain at least 33,000 inhabitants. Each educational service region has a Regional Board of School Trustees consisting of seven elected members. County school units of less than 1,000,000 inhabitants are Class I County School Units and are governed by a County Board of School Trustees. County school units of more than 1,000,000 are Class II County School Units and are governed by an Office of Township Trustees consisting of three elected members.

A school district having fewer than 1,000 inhabitants is governed by a Board of School Directors elected for terms of three years. School districts of 1,000 to 500,000 inhabitants are governed by a Board of Education consisting of seven elected members. Cities with populations exceeding 500,000 each constitute one school district under the charge of a Board of Education consisting of eleven members appointed by the mayor with the approval of the city council. Except in districts where there is only one school with fewer than four teachers, a School Board may employ a Superintendent who is in charge of the administration of the schools under the direction of the Board of Education.

A High School District may be formed in a compact territory having a population of at least 2,000 persons. A Board of Education of seven members is elected. Where territory does not maintain a recognized high school, the Board of Education of such a Non-High School District consists of the County Superintendent of Schools who is an ex officio member, a secretary who has no vote, and three elected members serving three-year terms.

ILLINOIS

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DISTRICT SUPERINTENDENT

STATUTES

§10-21.4

The board shall employ a superintendent in each district. The superintendent shall exercise certain administrative duties in addition to advising the board on the hiring of teachers and certain other matters.

Notice of intent not to renew a contract must be given in writing by April 1 of the contract year. Failure to do so will automatically extend the contract. NOTICE

REGULATIONS

Ch.2-2

The board of education shall recognize the duties of the superintendent and permit this individual to function in accordance with these duties. The board of education shall make decisions and shall hire school employees after the recommendation of the district superintendent. It shall carry out all professional and official relationships with school employees through the district superintendent.

Ch.3-1

A school board shall designate within its administrative structure the specific responsibilities and duties for each administrator. This job description shall reflect the philosophy, goals, objectives, and policies as adopted by the local board of education in accordance with Chapter II of these rules and regulations.

Every school district shall have a person designated as superintendent except in districts in which there is only one school with less than four full- or part-time teachers.

Every attendance center shall have a person assigned as principal who is properly certificated.

Administrators and supervisors shall be appropriately certificated.

Chief school business officials, effective July 1, 1977, shall be appropriately certificated.

Department chairpersons who are required to supervise and/or evaluate teachers shall have the appropriate certificate. This regulation shall apply only to those individuals first assigned to this position on or after September 1, 1978.

An administrator, i.e. superintendent or principal, may serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position. In school districts with an enrollment of 100 or less, an individual may serve as superintendent/principal and teach (up to 1/2 day).

Ch.3-2

The superintendent shall have charge of administration of the schools under the direction of the board of education. The local superintendent shall make recommendations for the detailed management of the educational program and the business affairs of the district and shall conduct the school's business in accordance with policies established by the board of education.

The principal shall assume administrative responsibilities and instructional leadership, under the supervision of the superintendent and in accordance with reasonable rules and regulations of the board of education, for the planning, operation and evaluation of the educational program of the attendance area to which the principal is assigned.

CROSS REFERENCES

I.Local Board of Education; Regulation, Evaluation, Supervision and Recognition of Public Schools, Ch. 2-2

II.A.2.; Regulation, Special Education 9.13; 9.14; 10.17

EDUCATIONAL DEVELOPMENT

CROSS REFERENCE

II.A.10.Other Innovative Programs; Statute §1051 -- 1070

GENERAL SUPERINTENDENT

STATUTES

§34-6

The city board of education in cities over 500,000 shall appoint a general superintendent of schools, who shall be the chief administrative officer of the board, for a four-year term. The superintendent shall be in charge of all departments and employees of the public schools (except for the law department).

APPOINTMENT

§34-8

The general superintendent of schools shall prescribe curriculum, textbooks and equipment; control discipline in the schools; and perform other duties the city board may prescribe. The board may furnish free textbooks to pupils.

CROSS REFERENCE

I.City Board of Education; Statute §34-11

HEARING OFFICER

CROSS REFERENCE

II.A.2.; Regulation, Special Education 10.07;10.09;10.15

Illinois Office of Education

CROSS REFERENCES

II.A.2.: Statute §14-11.02

II.A.2.; Regulation, Special Education 4.04;8.06;10.03; 10.06;10.17;10.26;14.01 - 14.04

III.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools, Ch. 1-1 -- 1-3, 1-6

III.B.Director of Special Education; Regulation, Special Education 12.04

III.B.Supervisory Personnel; Regulation, Special Education 12.05

III.B.Teachers; Regulation, Special Education 12.02;12.03

IV.D.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 5-1

Local Boards of Education

Statutes

§33-1; 33-2

In all school districts with a population of 100,000 to 500,000, a board of education shall be elected. The board shall consist of seven members. To be eligible, one must be a U.S. citizen and a resident of the district for one year preceding the election.

§34-2 - 34-4

Each city with a population over 500,000 shall constitute one school district, governed by a board of education. The board shall consist of 11 members, appointed by the mayor, for staggered terms. Vacancies on the board shall be filled by the mayor. To be eligible for appointment to the board, a person must be a U.S. citizen, a registered voter, and a resident of the city for at least three years preceding his/her appointment.

APPOINTMENT

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 2-1

The School Code of Illinois provides for the election and organization of local boards of education. The board of education is responsible for carrying out duties prescribed by law and the authorized regulations of the State Board of Education.

The board of education also is delegated extensive powers which provide for the exercise of discretionary judgment. These powers are limited by rights granted to other parties by various laws, regulations, and court decisions. Discretionary power and duties, which the legislature has conferred upon the board of education, may not be delegated to other agencies or individuals by contract or otherwise. The board of education is the responsible local corporate boad.

Among the duties imposed upon the board of education is the duty to adopt and enforce all necessary rules for the management and government of the public schools of their district.

RULEMAKING

The board of education shall adopt and disseminate comprehensive policies regarding such matters as school district organization, school board operations, district philosophy, goal statements to guide the administrative team, general school administration, the working relationship between the board and its superintendent, principals and teachers, fiscal management, business management, facility expansion programs, instruction, student rights and responsibilities, student discipline including corporal punishment, public relations, and relations with other organizations and agencies. In the development of policies, the board of education should ensure that advice and suggestions are received from all groups affected by the policy.

study hall and extra class duties and responsibilities.

Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

INSERVICE TRAINING

Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to insure 176 days of actual pupil attendance. Any days allowed by law for teachers' institute but not used as such shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1 of The School Code of Illinois, the board may not extend the school term beyond such closing date unless that extension of term is necessary to provide the minimum number of computable days.

Every school district should adopt a process of evaluation which will measure progress toward accomplishing its instructional goals. Every school should make provisions for continuity and articulation of its programs from level to level and course to course. The central goal of such articulation should be the provisions of programs adapted to the individual student's needs and abilities.

Local boards of education shall establish and maintain kindergartens from the instruction of children.

The educational system shall provide every student with opportunities to prepare themselves for entry into the world of work. Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

Programs for extra classroom acitvities shall provide opportunities for all students. The desires of

the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

CONSUMER EDUCATION

Pupils in the public schools in grades 8 through 12 shall be taught and be required to study courses which include instruction in the area of consumer education. A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services -- housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.

The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer edudation as required by law prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

The superintendent of each elementary school district shall maintain evidence which shows that each student has received adequate instruction in consumer education as required by law prior to the completion of the eighth grade.

The minimal time allocation shall not be less than nine weeks or the equivalent for grades 10-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system. Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.

CONSERVATION

In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources.

CITIZENSHIP

Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, state, national and international concern.

HEALTH EDUCATION

The health education program shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools: human ecology and health, human growth and development, prevention and control of disease, public and environmental health, consumer health, safety education and disaster survival, mental health and illness, personal health habits, alcohol, drug use and abuse, tobacco, nutrition, and dental health.

There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level. The minimal time allocation shall not be less than 1 semester or equivalent during the middle or junior high experience. The minimal time allocation shall not be less than 1 semester or equivalent during the middle or junior high experience. The minimal time allocation shall not be less than 1 semester or equivalent during the high school experience.

Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school.

METRIC SYSTEM

By 1980, every school system shall provide measurement instruction based upon the International System of Units in those subject matter areas which include measurement activities.

PHYSICAL EDUCATION

Appropriate activity related to physical education shall be required of all students each day. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the

physical education program should be incorporated. There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases. If a district determines that it is difficult to implement a program of physical eduation which involves all students daily, the administration should consult one of the program service personnel from the Illinois Office of Education for assistance in the development of an acceptable program. If a district determines that it is unable to implement a daily program of physical education for all students, the administration shall, with board of education authority, request a waiver.

To assure provisions of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of: guidance and counseling needs; psychological needs; social work needs; health needs.

Every school district has the responsibility to prepare students to read and communicate effectively.

HISTORY

Each school system shall provide history and social studies courses which do the following: analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related, and presently do relate, in actual practice in our world. The teaching of history of the United States shall include a study of the role and contributions of ethnic groups in the history of this country and the state.

EYE PROTECTIVE DEVICES

Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses or laboratories.

CROSS REFERENCES

I.District Superintendent; Regulation, Evaluation, Supervision and Recognition of Public Schools, Ch. 1-2; Ch. 3-1

II.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 4-1

II.A.2.; Statute §34-128

II.A.2.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 4-5

II.A.2.; Regulation, Special Education 9.19

II.A.8.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 4-7

II.A.10 Other - Independent Programs; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 4-6

III.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 1-8

III.A.2.; Regulation, Evaluation, Supervision, and Recognition of Public Schools Ch. 4-2

III.B.Teaching Assistants; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 6-2

III.B.Teachers; Regulation, State Certification Requriements IX

III.E.School System; Statute §23-2; 23-6

IV.A.; Statute §10-22.28

IV.D.; Statute §29-2

IV.D.; Statute §29-3 -- 29-3.1

IV.D.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 5-1

LOCAL SCHOOL DISTRICTS

CROSS REFERENCE

II.A.2.; Regulation, Special Education 2.01; 2.02; 2.03; 2.04; 3.01; 5.01; 8.04; 8.08; 9.01; 9.02; 9.03; 9.08; 10.04; 10.05; 10.19; 10.25; 19.26

LOCAL SUPERINTENDENT OF SCHOOLS

CROSS REFERENCE

IV.A.; Statute §841 -- 843

PRINCIPAL

STATUTES

§10-21.4a

The board shall also employ principals who hold valid certificates. The principal shall perform administrative and supervisory duties under the superintendent's supervision.

§34-8.1

Principals shall be employed to supervise the educational operation of schools. Principals shall, under the superintendent's supervision, assume responsibility for

the planning, operation and evaluation of the educational program at his/her school. The principal shall submit recommendations to the superintendent on the appointment, retention and promotion of personnel. Principals must hold a valid supervisory or administrative certificate.

CROSS REFERENCE

I.District Superintendent; Regulation, Evaluation, Supervision, and Recognition of Schools Ch. 3-2

IV.F., Regulation, Student Records §3.05

PUBLIC SCHOOL APPROVAL RECOGNITION COMMITTEE

CROSS REFERENCE

III.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 1-8

REGIONAL SUPERINTENDENT

STATUTES

§3-.01 — 3-15.14

The regional superintendent is elected for a four-year term. He/she must hold a master's degree, a supervisory certificate, and have been actively engaged in teaching within the two years before his/her election and have at least four years teaching experience. Salary for the superintendent is $12,000.

The superintendent is responsible to the regional board, and he or she shall make quarterly reports to this body detailing his/her official acts, as well as an annual financial report.

The regional superintendent is charged with acquiring reports of local school units as may be required by law. In the event a local district fails to comply, he or she shall furnish such information or employ a person to do so.

The regional superintendent shall, in addition, apportion funds provided the region; issue opinions on controversies arising under school laws; "arrange for or conduct district, regional, or county institues, or equivalent professional educational experiences," for teachers, up to four days per year. A "teachers institue" includes inservice training workshops.

SCHOOL VISITS

He or she shall supervise all school districts in the county; visit each public school once a year; give directions in teaching and curriculum to teachers; act as the official adviser to teachers and school officers; conduct a teachers' institute, encourage the formation of other teachers' meetings; inspect all public schools and notify the school trustees whether or not the school is in compliance with the law.

REMOVAL

He or she shall have the power to remove any member of a school board from office for wilfull failure to perform his[her] official duties.

The regional superintendent must provide annually to the State Board of Education information that it may require.

Finally, two important duties remain. First, he/she "shall make available for qualified individuals then residing within the county a High School Equivalency Testing Program."

Second, every fourth year the State Board of Education shall receive from the county superintendent a census of all children, "whether in or out of school," in need of special education. In the census year the superintendent shall "call together the school boards of . . . districts in which reside handicapped children who are not receiving special education services which they require, and, after due consideration of geographic and other pertinent factors, . . . recommend a district which is to assume the responsibility for the establishment and administration of a special education program for such children. . . ."

CROSS REFERENCES

II.A.2.; Statute §14-1.01 -- 14-3.01

III.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 1-1; 1-2; 1-8

III.B.Certificated Personnel; Statute §24.14

III.B.Teachers; Regulation, State Certification Requirements VIII; XIII

III.E.Teachers; Statute §27-15

SCHOOL BOARD

STATUTES

§10-20 - 10-20.3

The school board's duties include: recordkeeping reporting on teachers employed, adopting rules and regulations for the schools, visiting and inspecting the schools, appointing teachers, directing curriculum and textbooks to be used, selecting sites and building schoolhouses. The board shall establish a sufficient number of schools and secure the right to an equal education for all. The board shall charge tuition to non-resident pupils, and furnish textbooks for those unable to afford them.

§10-22.34

Boards may hire non-certified personnel to perform duties not requiring "instructional judgment or evaluation of pupils." Non-certified personnel may also be utilized in instructing pupils if they are under the direct supervision of a certified teacher.

CROSS REFERENCES

I.District Superintendent; Statute §10-21.4

I.Principals; Statute §10-21.4a

II.A.4.; Statute §10-21.1 -- 10-21.3

II.A.5.; Statute §34-18.2

II.A.10. Other - Education Programs for Pregnant Students; Statute §10-22.6a

IV.J.; Statute §10-22.6

IV.J.; Statute §34-19

SCHOOL BUILDING COMMISSION

CROSS REFERENCE

II.C.2.; Statute §35-1 -- 35-31

SCHOOL DISTRICTS

CROSS REFERENCE

II.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 4-3;4-4

III.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 1-3

III.B.Teachers; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 6-1

Sex Education Advisory Board

CROSS REFERENCE

II.A.1.; Statute §698.51 -- 698.55

State Board of Education

Statutes

§1A-1 - 1A-6

The State Board of Education "shall consist of 17 members appointed by the governor, with the advice and consent of the state senate, to six year terms. Vacancies shall be filled by the governor, with Senate approval.

APPOINTMENT

Members of the State Board of Education must be U.S. citizens, Illinois residents and shall be selected on the basis of their knowledge of, or interest and experience in, problems of public education. Members of the State board may not be employed by any school system nor may they serve on any other school boards.

CONFLICT OF INTEREST

The State Board "shall determine the qualifications of and appoint . . . the State Superintendent of Education" and "shall also establish the duties, powers and responsibilities of such officer."

The Board's duties "shall encompass all duties currently delegated to the Office of Superintendent of Public Instruction." In addition "(t)he Board shall be responsible for the educational policies and guidelines for public and private schools . . ."; it "shall analyze the present and future aims, needs, and requirements of education" in the state and make recommendations to the legislature with respect to the scope of its own powers.

Three members of the Board, along with three members of the Board of Higher Education, shall serve on an Education Committee charged with "developing policy on matters of natural concern to elementary, secondary and higher education . . . ." The committee shall submit an annual report of findings, conclusions and recommendations to the Board, the Board of Higher Education and the State legislature.

The State Board of Education shall assume the powers and duties previously exercised and performed by the Superintendent of Public Instruction. It shall "supervise all the public schools", "be the legal adviser of school officers . . .", "hear and determine all controversies arising under the school laws" grant teachers' certificates and suspend them "for immorality or other unprofessional conduct."

SUSPENSION

The Board shall submit an annual report on the schools to the governor. The report shall include reports on teacher certification, special education and statistical reports on the number and kinds of school districts, enrollment, and attendance.

The Board shall also "prepare for school boards . . . specifications for the minimum requirements . . . which will conserve the health and safety of the pupils of the public schools"; it shall determine . . . efficient and adequate standards: for the physical plant, instruction and teaching . . . and administration and supervision. It shall "grant certificates . . . to schools meeting such standards . . . and establish . . . standards for approval of courses given . . . outside of the regular school term . . . ."

The State Board of Education shall require that every fourth year, county superintendents provide a census of children receiving special education, and shall "counsel with the . . . superintendents . . . as to the best manner of providing special educational facilities . . . ."

A Department of Urban Education is established, which shall evaluate experimental and special educational programs, conduct research, and encourage innovative programs in urban school districts.

A Department of Transitional Bilingual Education is established, which shall administer the bilingual education program, gather information on programs, provide for maximum parental and community involvement in planning, and make recommendations on curriculum and teacher training.

The Illinois Department for Instructional Television and Radio Materials Development and Production is established which shall develop and disseminate programs to local school districts. The State Board of Education may engage in multi-state planning and development of instructional materials; may lease or purchase equipment; and may prescribe rules and regulations for use of the materials it supplies.

CROSS REFERENCES

II.A.2.; Statute §14-1.01 -- 14-3.01

II.A.2.; Statute §14-8.01

II.A.2.; Statute §14A-1 -- 14A-8

II.A.2.; Statute §14B-1 -- 14B-8

II.A.3.; Statute §697

II.A.5.; Statute §14C-1 -- 14C-12

II.A.8.; Statute §201-1 -- 203-3

III.B.Teachers; Regulation, State Certification Requirements VI; VII; XII

III.B.School Service Personnel Certification; Regulation, State Certification Requirement XI

IV.A.; Statute §10-22.21; 10-22.23; 10-22.24

IV.C.; Statute §10-22.26

IV.F.; Regulation, Student Records 7.03; 11.01

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.8.; Statute §13-1 -- 13-9

STATE SUPERINTENDENT OF EDUCATION

STATUTES

§34-9

Each year the superintendent must report to the board on the financial condition of the schools.

CROSS REFERENCES

I.Principals; Statute §34-8.1

I.State Board of Education; Statute §1A-1 -- 1A-6

II.A.1.; Statute §27-3 -- 27-7

II.A.1.; Statute §27-12.1

II.A.2.; Regulation, Special Education 10.19;10.20; 10.22;10.23;10.24;10.25

III.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 1-8;

IV.F.; Regulation, Student Records 11.01;11.02

STATE TEACHER CERTIFICATION BOARD

STATUTES

§21-13

The State Teacher Certification Board shall be made up of members appointed by the State Board of Education. The Board shall carry out the provisions of this Article.

APPOINTMENT

CROSS REFERENCE

III.B.Teacher; Regulation, State Certification Requirements VI;VII;IX;

TEACHERS

CROSS REFERENCE

IV.J.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 2-8

TOWNSHIP TRUSTEES

STATUTES

§5-1 - 5-37

Townships in county school units of more than one million residents shall have an office of township trustees authorized to acquire and dispose of personal and real property, pay claims, and apportion and distribute funds. Most importantly, this body shall provide such information so the county superintendent as may be required by the State Board of Education; in the event it fails to do so, the township "shall forfeit its portion of the distributive fund for the next ensuing year."

"No person shall be eligible to the office of trustee of schools who is not a resident of the township and at least 18 years of age . . . . No person shall be eligible to the office of trustee of schools and school director or school board member at the same time."

INDIANA

The Indiana State Board of Education is divided into three commissions: a commission on general education, a commission on textbook adoption, and a commission on teacher training licensing. Each commission consists of six appointive members all of whom are appointed by the Governor for terms of four years. No member is eligible to serve on more than one commission at the same time. The State Superintendent of Public Instruction is the chairman of the Board and of each commission. He/she is elected at the same general election as the Governor.

The trustees of each county township constitute a County Board of Education. This board appoints by majority vote of its members a County Superintendent of Schools to serve a term of four years. The County Superintendent of Schools serves as ex officio chairman and administrator of the board. Together with other township trustees of the county, the township trustees of each and every township constitute a County Board of Education for the purpose of managing the affairs of the County School Corporation which includes all areas not designated school cities or school towns. The government of the common schools of the county is vested in the board. Each township organized in any county is deemed a School Township.

The government of the common schools in School Cities of 85,000 to 130,000 inhabitants is vested in a Board of School Trustees consisting of five members elected for terms of four years.

The common schools of a common school corporation of at least 300,000 inhabitants are governed, managed and controlled by a Board of School Commissioners consisting of seven members elected on a nonpartisan basis. The Board of School Commissioners appoints a General Superintendent who acts as general administrator.

Provision is made for the reorganization of school corporations and county committees are appointed to this end. Community school corporations established due to reorganization have the same powers, rights, duties and obligations of comparable school corporations prior to reorganization.

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CROSS REFERENCE

IV.J.: Statute §20-8.1-3-7

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III.E. School System, Statute §20-1-11.3-1 -- 20-1-11.3-8

Advisory Committee on Bilingual Education

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II.A.5.; Statute §20-10.1-5.5-5

Advisory Committee on Textbook Adoption

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II.B.1.a.; Statute §20-10.1-9-21 -- 20-10.1-9-22

Advisory Committees on Vocational Education

CROSS REFERENCE

II.A.3.; Statute §20-10.1-6-11

Advisory Council on Special Education

CROSS REFERENCE

II.A.2.; Statute §20-1-6-16

Assistant Superintendent for Administration

CROSS REFERENCE

I.State Superintendent; Regulation §I, Ch. 2C

Assistant Superintendent for Finance and Research

CROSS REFERENCE

I.State Superintendent; Regulation §I, Ch. 2C

Assistant Superintendent for Instructional Services

CROSS REFERENCE

I.State Superintendent; Regulation §I, Ch. 2C

Assistant Superintendent for Vocational Education

CROSS REFERENCE

I.State Superintendent; Regulation §II, Ch. 2C

Attendance Officers

CROSS REFERENCE

IV.H.; Statute §20-8.1-3-7; 20-8.1-3-11 -- 20-8.1-3-16

Board of School Commissioners

STATUTES

§20-3-11-1

Any city with a population of over 300,000, or a city which shall later acquire such population, shall

be organized into a school city in which the "government, management and control of all common schools and common school libraries . . . are hereby vested in a board of school commissioners . . . which shall consist of seven commissioners." The board "shall contract, be contracted with, sue and be sued."

§20-3-11-5

The board of school commissioners shall meet at least once each calendar month. The board has the "power to make, amend and repeal by-laws and rules for its own procedure and for the government and management of the board's schools and of property under its control.

RULEMAKING

§20-3-11-7

"The board [of school commissioners] shall have power to determine the number of its employees and to prescribe their duties and fix their compensation. The board shall adopt rules for obtaining lists of candidates from which all teachers and all other officers and employees shall be selected. Such lists shall be drawn up without regard to "religious or political beliefs . . . but only with regard to their fitness under rules so adopted."

§20-3-11-24

"The . . . board of school commissioners shall have all the powers and duties conferred upon such boards by existing statutes and by the general school laws of this state . . . so far as they are consistent with the provisions of this act [20-3-11-1 — 20-3-11-33], and shall have the power (1) to acquire . . . grounds and to construct or lease [necessary buildings]; to employ and pay all board employees, to disburse moneys for all lawful school purposes; to exercise . . . full and exclusive authority concerning the conduct and management of all common schools . . . and power to establish and enforce regulations for the grading of and courses of instruction . . . and discipline of such schools; to divide the city into districts for school attendance purposes; to maintain special day or night schools [for] children and

adults over 14 years of age; and to maintain playgrounds and vacation schools."

CROSS REFERENCES

I. General Superintendent; Statute §20-3-11-8

I. General Superintendent; Statute §20-3-11-9

II. A. 3.; Statutue §20-3-11-27

II.A. 4.; Statute §20-5-16-1

III.B. School Personnel; Statute §20-3-11-7

IV.C.; Statute §20-3-11-30

BOARD OF SCHOOL TRUSTEES

STATUTES

§20-2-9-1

"The school trustees shall take charge of the educational affairs of their respective townships, towns and cities. They shall employ teachers, establish and locate . . . a sufficient number of schools . . ., and build, or otherwise provide . . .[facilities and materials] for the thorough organization and efficient management of said schools. School trustees may also establish and maintain in their respective corporations . . . at least one separate graded high school, to which shall be admitted all pupils who are sufficiently advanced.

The school trustees of two or more school corporations may establish and maintain joint graded high schools . . . . and "may transfer eligible pupils to another corporation. No high school may be built "unless there are at the time . . . at least 25 common school graduates of school age residing in the township."

§20-3-5-1 -- 20-3-5-2; 20-3-5-6

In each city of between 85,000 and 130,000 which is located in a county having at least three second class cities, there shall be five members elected to the board of trustees for four-year staggered terms.

When a vacancy occurs, the remaining trustees shall elect a successor for the unexpired term.

City Superintendent

STATUTES

§20-2-4-5

"City schools . . . having duly appointed superintendents, shall be exempt from the general superintendence of county superintendents upon a written request of the school boards of said cities."

Commission on General Education

STATUTES

§20-1-1-2

"The commission on general education shall exercise all powers and duties . . .[of] the state board of education except those . . . assigned to the commission on teacher training and licensing and the commission on textbook adoptions."

CROSS REFERENCE

I. State Board of Education; Statute §20-1-1-1

I. State Board of Education; Regulation §I, Ch. 3A

III.A.1; Regulation §II, Ch. 1, Rule G-2

IV.G; Statute §20-8.1-6.1-10

Commission on Teacher Training/Licensing

CROSS REFERENCE

I. State Board of Education; Statute §20-1-1-1

I. State Board of Education; Regulation §I, Ch. 3A

III.B.Teachers; Statute §20-1-1-4; §10-6.1-1-1 -- 20-6.1-3.8

Commission on Textbook Adoption

CROSS REFERENCES

I. State Board of Education; Statute §20-1-1-1

I.State Board of Education; Regulation §1, Ch. 3A

II.B.1.a; Statute §20-1-1-3

II.B.1.a.; Statute §20-10.1-9-1 -- 20-10.1-9-3

II.B.1.a.; Statute §20-10.1-9-7

II.B.1.a.; Statute §20-10.1-2-21 -- *20-10.1-9-22

II.B.1.a.; Regulation; §II, Ch. 3, Rule 5

II.B.1.b.; Regulation, §II, Ch.3, Policy 68-08

II.B.1.a.; Regulation, §II, Ch. 3, Policy 72-01-(1)

II.B.1.b.; Statute §20-10.1-9-10 -- 10-10.1-9-11

COMMISSIONER OF EDUCATION

CROSS REFERENCE

II.A.1.; Regulation §II, Ch.13, Rule C-4

II.A.2.; Regulation §II, Ch. 1, Rule S-4

III.C Local School Administration; Regulation §II,Ch.1, Policy 64-02

III.C. Students: Regulation §II Ch. 1, Rule G-1

COUNTY AUDITOR

CROSS REFERENCE

I. County Superintendent; Statute §20-2-4-1

COUNTY BOARD OF EDUCATION

STATUTES

§20-2-2-3

"The township trustees of [each township in the county] shall constitute a county board of education for the purpose of managing affairs of the county school corporation hereby created in each county. School cities and school towns shall retain independent organization and administration unless abandoned as provided by law, and the county school corporation . . . shall include all areas not now organized under the laws of this state. In order for such a school corporation to be formed the trustees must meet in special session. They may also vote not to form a school corporation. The board shall make decisions as to the "general conduct of the schools" and shall appoint a county superintendent of schools to a four year term. The superintendent and other administrative personnel "shall be deemed to be supervisors of instruction and as such eligible, subject to the rules that have been or shall be adopted by the state board of education, to qualify for teaching units . . . . The government of the common schools of the county shall be vested in the [county board of education, which] shall function with all the authority, powers, privileges, duties, and obligations heretofore granted to or required of

school cities and school towns . . . with reference to the purchase of supplies, purchase and sale of buildings, grounds, and equipment, the erection of buildings, the employment, dismissal and salary fixing of school personnel, . . . the right and power to sue and be sued in the name of the county, the insuring of property and employees, the making and executing of a budget, the borrowing of money, and any act necessary to the proper administration of the common schools of the county."

§20-4-8-2 - 20-4-8-8

CORPORATION

County school corporations may be formed by majority vote of the township trustees or by action of the voters of the county. School administration shall be vested in a county board of education composed of five members who have resided in the county for two years prior to taking office.

Vacancies on the board will be filled by the judge of the circuit court.

CROSS REFERENCE

I. County Superintendent; Statute §20-4-8-9
20-4-8-10

COUNTY SUPERINTENDENT

STATUTES

§20-2-4-1

The township trustees of each county shall meet and elect by ballot a county superintendent. Before assuming office the county superintendent must take an oath and be bonded. Vacancies shall be filled by a special election for the remainder of the unexpired term. In the event of a tie in any election of a county superintendent the county auditor shall cast the deciding vote.

§20-2-4-4

"The county superintendent shall have the general superintendence of the schools of the county. He[she] shall attend each township institute at least once in

each year, and as often thereafter as possible, and preside over and conduct its exercises. He[she] shall visit schools while they are in session, for the purpose of increasing their usefulness and elevating, as far as practicable, the poorer schools to the standards of the best. He[she] shall conduct teachers' institutes and encourage other like associations, and shall labor, in every practicable way, to elevate the standard of teaching and to improve the condition of the schools of his[her] county. In all controversies of a general nature arising under the school law, the decision of the county superintendent shall first be obtained [with appeal, except on local matters] to the state superintendent of public instruction . . . . Nothing in this act [20-2-4-1 — 20-2-4-7], however, shall be construed so as to change or abridge the jurisdiction of any court . . .[or] the right of any person to bring suit in any case arising under the school laws . . . .[She] he shall at all times carry out the orders and instructions of the state board of education and the state superintendent of public instruction, and shall constitute the medium between such state superintendent and subordinate school officers and the schools."

§20-4-8-9 - 20-4-8-10

The county board of education shall appoint a county superintendent of schools who shall serve under contract. The superintendent's salary and expenses shall be set by the board. The employment contract shall be from three to five years, and he/she may be elected for succeeding terms. It shall be the board's duty to act upon the recommendations of the county superintendent.

The county superintendent's duties are: to act as general administrator of the school corporation and to make recommendations to the board concerning the conduct of the schools, the employment and dismissal of personnel, and all other matters pertaining to the conduct of the schools.

CROSS REFERENCE

II.B.4.; Statute §20-5-9-1

DEPARTMENT OF PUBLIC INSTRUCTION

CROSS REFERENCES

II.A.3.; Statute §20-1-18.1-4

II.A.8.; Regulation §II Ch. 1 Rule E-1

II.A.9.; Regulation §II Ch. 1, Rule E-2; E-3

II.A.10. Other-Experimental Program; §II, Ch. 1, Policy 71-08

DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §20-1-6-1 -- 20-1-6-2

II.A.2.; Regulation §II, Ch. I, Rule S-2

DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §20-1-18.1-5

DIVISION OF MIGRANT BILINGUAL/BICULTURAL EDUCATION

CROSS REFERENCE

II.A.5.; Statute §20-10.1-5.5-7

DIVISION OF SCHOOL INSPECTION

CROSS REFERENCE

III.A.1.; Regulation §II,Ch. 1, Rule G-2

DIVISION OF SCHOOLHOUSE PLANNING

II.C.2.; Regulation §II, Ch. 1, Rule B-1; B-4

EDUCATIONAL SERVICE CENTER BOARD

CROSS REFERENCE

III.E. School System; Statute §20-1-11-3-1 -- 20-1-11.3-8

GENERAL SUPERINTENDENT

STATUTES

§20-3-11-8

In the event of a vacancy or imminent vacancy of the general superintendent's office the board of school commissioners shall appoint a successor to a term of not more than four years.

APPOINTMENT

The general superintendent shall "act as general administrator of [the] school city and [shall make recommendations to the board concerning the conduct of the schools, the employment and dismissal of personnel, the purchase of supplies, the construction of buildings, and all other matters pertaining to the conduct of the schools . . . .[She]he shall attend all meetings of the board [of school commissioners] except when [her] his appointment is under consideration . . . ." [She] he shall carry out the orders of the board and make all other decisions and perform all other required or necessary duties "within [her] his power and jurisdiction."

GOVERNOR

CROSS REFERENCE

II.A.3.; Statute §20-1-18.1-2

HEARING EXAMINER

IV.J.; Statute §20-8.1-5-8 -- 20-8.1-5-12

LOCAL ADVISORY COMMITTEE ON BILINGUAL/BICULTURAL EDUCATION

CROSS REFERENCE

II.A.5.; Statute §20-10.1-5.5-5

LOCAL BOARDS OF EDUCATION

CROSS REFERENCE

II.A.3.; Statute §20-1-18-7

II.A.3.; Statute §20-10.1-6-1

II.A.3.; Statute §20-10.1-6-2

II.A.5.; Statute §20-10.1-5.5-4

II.B.1.c.; Statute §20-5-6-5

II.B.3.; Statute §20-5-15-1

II.B.4.; Statute §20-5-9-1

III.C. Teachers; Statute §20-6.1-4-9 -- 20-6.1-4-13

III.C. Teachers; Statute §20-6.1-4-14

III.C. Teachers; Statute §20-6.1-6-11 -- 20-6.1-6-13

IV.A.; Statute §20-8.1-7-2 -- 20-8.1-7-4

IV.A.; Statute §20-8.1-7-5 -- 20-8.1-7-9

IV.A.; Statute §20-8.1-7-16 -- 20-8.1-7-18

IV.A.; Statute §20-8.1-8-2

IV.C.; Statute §20-5-13-1 -- 20-5-13-9

IV.D.; Statute §20-9.1-2-1; 20-9.1-2-2

IV.E.; Statute §20-10.1-8-1 -- 20-10.1-8-3

LOCAL SUPERINTENDENT OF SCHOOLS

REGULATIONS
§II, Ch. 1, Rule A-3

Officials Responsible for Reporting Attendance

Section 1

Attendance reports must be sent by the "jurisdictional superintendent" of the local corporation. Where the county superintendent has overall supervision of the local schools, he/she shall be the party responsible for sending such reports.

CROSS REFERENCES

II.A.1.; Regulation §II, Ch. 1, Policy 73-03.2

II.A.2; Regulation §II, Ch. 1, Rule S-1

II.B.1.a.; Statute §20-10.1-9-21—20-10.1-9-22

III.A.1.; Regulation §II,Ch. 1, Rule G-5

IV.I.; Statute §20-8.1-4-1 -- 20-8.1-4-19

IV.J.; Statute §20-8.1-5-8 -- 20-8.1-5-12

METROPOLITAN BOARD OF EDUCATION

STATUTES
§20-4-8-13 -- 20-4-8-15

It is the duty of the metropolitan school district to conduct the educational activities of all the schools in its district. The control and administration shall be vested in a metropolitan board of education composed of three, five, or seven members.

§20-4-8-18

Members of the metropolitan board of education shall be elected. The board itself, by majority vote, shall fill any vacancy that may occur.

CROSS REFERENCE

I. Metropolitan Superintendent; Statute §20-4-8-19 -- 20-4-8-20

METROPOLITAN SUPERINTENDENT

STATUTES

§§20-4-8-19 -- 20-4-8-20

APPOINTMENT

It shall be the duty of the metropolitan board of education to appoint a metropolitan superintendent of schools. The superintendent's contract shall be for one to five years and may be changed or extended by mutual agreement. The superintendent shall act as general administrator of the school district, make recommendations to the board concerning the conduct of the schools, and the employment and dismissal of personnel.

PRINCIPALS

CROSS REFERENCE

II.A.5.; Statute §20-10.1-5.5-5

III.A.1.; Regulation §II, Ch. 1, Rule G-3

IV.A.; Statute §20-8.1-8-2

IV.I.; Statute §20-8.1-5-1 -- 20-8.1-5-3

IV.J.; Statute §20-8.1-5-6

IV.J.;Statute §20-8.1-5-8 -- 20-8.1-5-12

SCHOOL BOARD

STATUTES

§20-5-3-3

APPOINTMENT

If a vacancy occurs on a school board, it shall be filled by the remaining members who shall appoint a properly qualified person to serve for the balance of the term.

SCHOOL CORPORATION

CROSS REFERENCE

II.A.2.; Statute §20-1-6-3 -- 20-1-6-6; 20-1-6-14

II.A.10. Other - Activity-Based Program; Regulation, §II, Ch. 3 Policy 71-09

II.A.10. Other - Experimental Program; Regulation, §II, Ch. 1, Policy 71-08

II.B.2.; Statute §20-10.1-7-2

II.B.3.; Statute §20-10.1-11-2

II.C.2.; Regulation §II, Ch. 3, Rule 2

STATUTES

§20-5-2-1

"Each school corporation shall have the power to conduct an educational program" for resident children in grades K through 12 and "for adults and children over the age of 14 years not attending such first mentioned program; to provide . . . instruction in vocational, industrial or manual training; to provide a special education program . . . as permitted by law; to provide libraries for the schools . . .; to provide public libraries open and free for the use and benefit of the residents and taxpayers . . . where permitted by law; to provide vacation and recreational programs, and to conduct such other educational or . . . recreational activities as shall be permitted or required . . . by law."

CORPORATION

§20-5-2-2

"In carrying out the school purposes of each school corporation, its governing body acting on its behalf shall have the following specific powers:"

(1) to sue, be sued, and enter into contracts; (2) to establish, lease and locate necessary buildings and equipment; (3) to contract for construction and maintenance of necessary buildings; (4) to acquire necessary personal property or any interest therein; (5) to sell, exchange, or dispose of such school property; (6) . . . to permit free public or civic use of such property as will not interfere with school purposes; (7) to employ, . . . discharge and compensate all employees, subject to law; (8) to transport children to and from school; (9) to provide lunch programs . . .; (10) to purchase textbooks and furnish them without cost or rent them to students; (11) "to accept transfer students from, and to transfer students to other school

corporations; (12) to defend any member of the governing body or employee of the school corporation in any suit arising out of the performance of official duties."

§20-5-3-2

The governing body of each school corporation shall meet regularly, and meetings shall be open to the public.

CROSS REFERENCES

II.A.1.; Statute §20-10.1-7-11

IV.A.; Statute §20-8.1-8-2

IV.D.; Statute §20-9.1-2-1; 20-9.1-2-2

IV.J.; Statute §20-8.1-5-1 -- 20-8.1-5-3

Special Education Aide

CROSS REFERENCE

II.A.2.; Regulation §II, Ch. 1, Rule 5-1

State Advisory Council on Vocational Education

CROSS REFERENCE

II.A.3.; Statute § 20-1-18.1-7

State Board of Education

STATUTES

§20-1-1-1

The Indiana state board of education is "in general charge of the schools of the state of Indiana . . ." The "board shall be divided into three commissions — a commission on general education . . ., a commission on textbook adoption . . ., and a commission on teacher training and licensing . . . . Each commission shall have six appointive members plus the superintendent of public instruction." The state superintendent of public instruction shall be the chairperson of the board and of each commission. "It shall be the duty of the board to coordinate the work of the various commissions so as to bring about an effective and unified school program and to make determination in matters of jurisdiction

between such commissions in accordance with law, but all actions of the commissions within their respective jurisdictions shall be final. All members other than the state superintendent . . . shall be appointed by the governor" to four year terms. "No person shall be eligible to serve on more than one commission at the same time. Not more than 4 of the appointive members of each commission may be" from the same political party. "The appointive members of [each] commission shall include a minimum of 4 persons actively employed in the schools in Indiana."

§20-1-1-5

"The records, papers, effects, and minutes of all meetings and actions of each commission [of the state board] shall be kept at the office of the state superintendent of public instruction and shall be open for public inspection."

§20-1-1-6

RULEMAKING

The state board of education shall adopt and promulgate rules and regulations it may deem "necessary and reasonable, including employment of personnel of the department of public instruction; the establishment and maintenance of standards for media centers, libraries and the physical environment in the public schools; standards for pupil personnel and guidance services; driver education programs and equipment; and accreditation of public schools;

REGULATIONS
§I, Ch. 3A

The State Board of Education is composed of three commissions: the commission on general education; the commission on textbook adoption, and the commission on teacher training and licensing. Each commission shall be composed of six members appointed by the governor, four of whom must be actively employed in the schools of Indiana. The state superintendent shall chair all commissions.

The state board's work shall be coordinated so as to bring about an effective and unified school program. However, all action taken by the commissions shall be final within their respective jurisdictions. The State Board also comprises the State Board of Attendance.

All three commissions have policymaking functions. Such policies shall either be adopted simply as expressions of policy or shall be officially promulgated as administrative rules. The latter shall be adopted only after public hearings and the approval of the attorney general and the governor. Commissioners may in their discretion grant waivers from their rules and policies. The commission shall also make "specific administrative decisions, either through law or through their own rules"

WAIVER

B. COMMISSION ON TEXTBOOK ADOPTION

The Commission's primary function shall be to adopt textbooks (up to seven) for each grade and subject for which credit is given in the public schools. Adoption shall be

made on a rotating five year basis.

Local school corporations shall select their textbooks for each grade and subject from the seven textbooks listed. The commission must also approve any revisions of the adopted textbooks during the adoption period. The commission or local school corporations may sell adopted textbooks for students at the purchase price plus handling charges. Local school corporations may obtain waivers to use other than an adopted text to use as supplemental materials. The division of curriculum shall provide staff assistance to the commission.

C. THE COMMISSION ON TEACHER TRAINING AND LICENSING

The commission's principal function is to establish standards for the "examination, training and licensing of persons desiring to teach in the elementary and secondary schools of the state. Such standards shall be periodically revised. Their powers include: supervision, inspection and accreditation of teacher training institutions in the state. This shall include" recommending and opening courses, inspection, specification of the types of licenses the school may issue. The commission shall also provide information to the teaching profession; issue licenses to qualified teachers and other professional personnel in the schools; revoke licenses for immorality, misconduct in office, incompetency or wilful neglect of duty in compliance with due process requirements.

The specific requirements for each type of license shall be promulgated by the Commission in the form of an official bulletin. The teacher training and hearing division shall provide staff assistance for the commission.

D. COMMISSION ON GENERAL EDUCATION

All functions not specifically assigned to either of the other two commissions shall be the responsibility of the Commission on General Education. These shall include:

(1) Schoolhouse planning: The Commission shall adopt and promulgate rules and regulations on the "adequacy of all new school sites and buildings or any modification of or addition to existing school buildings." Such rules are administered by the schoolhouse planning division, "but the commission specifically approves all final plans for such school

buildings.

(2) Personnel: The commission approves appointment of, and employment by, the state superintendent . . . of the Assistant Superintendents, the Division directors, and other personnel."

(3) School Inspection: "The commission establishes the standards by which all schools are inspected." It shall issue commissions to those schools on the basis of proper inspection.

(4) School Reorganization: "(T)he Commission must approve any local school reorganization consolidating two or more school corporations and any boundary changes between school corporations . . . The Commission also reviews changes in the manner of selection of local school board members. . ."

(5) Student transfer: Final authority to grant or deny student transfers is vested in the Commission. Such decisions shall be based on the "best interest of the child provided there is no undue hardship to the school corporation involved."

(6) Curriculum: The Commission promulgates rules which establish the basic curriculum for the public schools. Waivers, however, may be obtained. The curriculum for adult and special education programs shall also be established by the Commission.

(7) Medical inspections: "The Commission and the State Board of Health together establish rules for medical inspection in the public schools.

CROSS REFERENCE

I.Commissioner on General Education: Statute §20-1-1-2

I. County Superintendent; Statute §20-2-4-4

III.E.School System; Statute §20-1-11.3-1 -- 20-1-11.3-8

IV.K.; Statute §20-1-1-5

CROSS REFERENCE

II.A.3.; Statute §20-1-18.1-2

II.A.3.; Statute §20-1-18.1-4

II.A.3.; Statute §20-1-18.1-5

II.A.3.; Statute §20-10.1-6-9 -- 20-10.1-6-10

II.A.3.; Regulation §I, Ch. 4

STATE SUPERINTENDENT

REGULATIONS

§I, Ch. 2 B

The adopted goals of the state superintendent are:

To work with all concerned parties "to develop further and support a comprehensive and excellent public education system;" to help organize local schools with adequate resources to support such programs; to provide programs enabling each public school student to maximize his/her educational potential; to develop programs for the preparation of competent educational personnel, to certify such personnel, and to help them obtain employment in the local school systems; to help ensure that physical facilities meet educational needs and are well planned, designed, constructed and maintained; to develop and administer an equitable and efficient system of public school funding in a manner that ensures equal educational opportunity of high quality for every student; to develop and administer a system to assess and meet student educational needs.

§I, Ch. 2 C

The Superintendent serves as the Chief administrative officer of the Department. He/she shall: recommend educational policy to the Governor, State Board and other state agencies; recommend educational legislation and provide information to the General

Assembly; supervise the public school system; administer the school laws and the regulations of the Board; provide services and information to the schools and the public; administer federal funds; develop plans for improving the school system; develop systems for evaluating educational programs; and employ, dismiss and determine the compensation for and duties of Departmental personnel (with Board approval).

The Assistant Superintendent for Administration shall: advise the Superintendent on policy; coordinate relationships with the local schools and the public; oversee Departmental budget preparation; serve as Secretary to the Commission on general education and the Commission on teacher training and licensing; supervise the functions of the following five divisions:

(1) Division of Teacher Education and Certification.

This division administers state laws, rules and regulations for the licensing of teachers by the state and all certified school personnel; prepares agendas and records for the Commission on teacher training and licensing; processes, issues and keeps records on state teachers licenses; investigates and recommends for accreditation state teacher training institutions; administers the Federal Education Profession Development Act and the Interstate Agreement on Qualifications of Educational Personnel and coordinates research and planning activities in the area of teacher training and licensing and makes recommendations in the applicable rules and regulations.

(2) Division of Schoolhouse Planning

This division administers state laws, rules and regulations on the planning, instruction and remodeling of public school buildings; investigates and recommends school building sites and plans; investigates and recommends innovations in school planning and construction; and aids in the study of school building needs when requested by local school corporations.

(3) Division of School Reorganization

This division shall review, evaluate and recommend local school corporations, reorganization plans and study and prepare plans and recommendations for school reorganization needs in the state.

(4) Division of Public Information and Publications

This division shall produce and disseminate news releases to the media concerning the Department and its activities.

The Assistant Superintendent for Finance and Research shall: advise the superintendent on policy; coordinate proposed legislative enactments; be responsible for departmental proposals for financing the public school system; coordinate all financial assistance programs to be given the local school corporation; and supervise the following divisions:

(1) Division of School Finance

This division shall administer the distribution of state aid to schools; help local school officials with their budget; collect information for federal financial reports; administer federal funds under Public laws 815 and 874.

(2) Division of Educational Information and Research

This division shall collect, process and disseminate data on the public school system; assist in distributing state funds to local school corporations; and discern educational trends from accumulated data.

(3) Division of Evaluation and Planning

This division shall develop plans to meet the educational needs of the state; measure educational performance and results against these plans and study the applicability of the programming, planning and budgeting system to local school corporations and prepare plans to implement such systems.

The Assistant Superintendent for Instructional Services shall: serve as secretary to the Commission on Textbook Adoption; coordinate the preparation of reports required of operating divisions under his/her jurisdiction

to the Commission on General Education and supervise the work of the following divisions.

(1) Division of Curriculum

This division shall evaluate textbooks for state adoption; evaluate and make recommendations in experimental programs in the local schools; evaluate and make recommendations on summer school programs; study curriculum developments and advise state and local officials on curriculum needs and programs; and administer the state's special instructional improvement programs.

(2) Division of Instructional Media

This division shall administer state plans and federal funds for the support of local school library and instructional media programs and study and advise state and local school officials on the area of instructional media.

(3) Division of Special Education

This division shall administer the mandatory state law regarding special education programs; administer state plans and federal funds for special education; maintain the instructional materials center for teachers of the handicapped; and study and advise state and local officials on needs, program and development in the area of special education.

(4) Division of Pupil Personnel Services

This division shall provide advice and services in guidance counseling, testing, psychology, health and social work and administer the compulsory school attendance law.

(5) Division of School Inspection

This division shall administer the state "visit and inspect laws"; recommend commissions to be granted local boards; investigate and make recommendations in the standards for the commission of schools; and administer and make recommendations on the transfer of students between local school corporations.

The Assistant Superintendent for Vocational Education Field Services and Federal Regulations shall: advise the superintendent on policy; coordinate departmental relationships with all federal agencies; supervise the employment of departmental personnel ; supervise the regional centers and

supervise the work of the following divisions:

(1) Division of Vocational Education

This division shall serve as executive officer and staff for the state board of vocational and technical education, administer state and federal funds for vocational education program; study and advise state and local officials on developments in vocational education.

(2) Division of Adult and Migrant Education

The Division administers state plans and federal funds for local programs in the area of adult and migrant education; supervise the state GED testing program and study and advise state and local officials of developments in the areas of adult and migrant education.

(3) Division of Federal Projects

The division shall administer state plans and federal funds under the Title I of the Elementary and Secondary Education Act and Title III of the National Defense Education Act and shall represent the Department in the Federal Follow-Through Program.

(4) Division of Innovative and Exemplary Education

The division of innovative and exemplary education shall administer state plans and federal funds under Title III of the Elementary and Secondary Education Act and study and advise state and local officials on developments in the area of innovative and exemplary education programs.

(5) Division of Equal Education Opportunities

The division shall administer state plans and federal funds to encourage local school officials to offer equal educational opportunities to all students and advise such officials of a program to encourage equal education opportunities.

(6) Division of School Lunch

The division shall administer state plans and federal funds supporting local school lunch programs.

(7) Division of School Traffic Safety

The division of school traffic safety shall administer the school traffic safety program and

represent the Department with the state policy and other traffic safety organizations.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§20-1-11.5-2

The "superintendent of public instruction shall be elected by the qualified voters of the state according to the laws relating to general elections." The term of office is four years.

REGULATIONS

§I, Ch. 2. A.

The State Superintendent of Public Instruction shall be elected every two years. He/she shall administer: the State Department of Public Instruction; the rules and policies of the State Board of Education; the Federal laws and regulations, and administrative policies established by the Superintendent and his/her staff. In addition, he/she shall: serve as a leader of the public elementary and secondary schools of the state; recommend policies to the legislature and state board; be available for consultation by local school officials; and disseminate research information to such officials.

CROSS REFERENCES

I. County Superintendent; Statute §20-2-4-4

I. State Board of Education; Statute §20-1-1-1

II.A.1; Statute §20-10.1-4-4

II.A.2; Statute §20-1-6-19

II.A.5; Statute §20-10.1-5.5-2

II.A.8; Statute §20-10.1-7-1

III.B. Education Personnel; Statute §20-1-17-1

III.B. Teachers; Statute §20-6.1-1-1 -- 20-6.1-3.8

IV.C; Statute §20-5-13-1 -- 20-5-13-9

IV.H; Statute §20-8.1-3-7; 20-8.1-3-11 -- 20-8.1-3-16

SUPERINTENDENT OF SCHOOLS

CROSS REFERENCE

III.B. Teachers; Statute §20-6.1-4-1 -- 20-6.1-4-2

IV.J.; Statute §20-8.1-5-1 -- 20-8.1-5-3

IV.J.; Statute §20-8.1-5-8 -- 20-8.1-5-12

SUPERVISOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Regulation §II, Ch. 1, Rule S-1

TEACHERS

STATUTES

§20-6.1-6-16

A teacher may seek an injunction from the circuit or superior court when his/her rights or privileges are or are about to be infringed.

CROSS REFERENCE

IV.J.; Statute §20-8.1-5-1 -- 20-8.1-5-3

TOWNSHIP TRUSTEES

CROSS REFERENCE

I. County Board of Education; Statute §20-4-8-2 -- 20-4-8-8

I. County Superintendent; Statute §20-2-4-1

VOTERS

CROSS REFERENCE

I. County Board of Education; Statute §20-4-8-2 -- 20-4-8-8

The State Board of Public Instruction consists of nine members appointed by the Governor with the approval of two-thirds of the members of the Senate. No person engaged in professional education or who derives a major portion of his/her income from an interest connected with education is eligible for appointment to the State Board. Each member is appointed for terms of six years. Effective July 1, 1979, the State Board will appoint a Superintendent of Public Instruction with the approval of two-thirds of the members of the Senate. The Superintendent acts as executive officer of the State Board in all matters pertaining to vocational education and vocational rehabilitation. The Department of Public Instruction acts as an administrative, supervisory and consultive agency under the direction of the State Superintendent and the State Board.

It is the policy of the State to organize school districts into units which will insure an equal educational opportunity to all children of the State. All units are to maintain twelve grades and any school district which ceases to meet this requirement must merge with a contiguous district.

In any district including all or part of a city of 15,000 or more population and in any district in which voters have authorized seven directors, the Board of Directors of each school corporation consists of seven elected members. In all other districts, the Board of Directors consists of five elected members. The Board of Directors of any school district may employ a Superintendent of Schools as its executive officer.

Area Educational Agencies are established to provide special education and media services to local school districts within a merged area.

IOWA

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ADVISORY COUNCIL ON VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §258.7

AREA EDUCATION AGENCY

CROSS REFERENCES

II.A.2.; Statute §273.2

II.A.2.; Statute §281.4

II.A.2.; Regulation §670-12

AREA EDUCATION AGENCY ADMINISTRATOR

CROSS REFERENCE

III.E.Teachers; Statute §272.1

AREA EDUCATION AGENCY BOARDS

STATUTES

§273.3; 273.4; 273.8

The "area education agency board" shall determine policy, "provide data and prepare reports," appoint advisory committees, contract with local school boards to provide services, provide education to delinquent children, and employ personnel which may include an administrator.
The "area education agency administrator" shall cooperate with the boards of local school districts in developing plans for "the improvement of the educational programs and services" in the agency; provide "other assistance" to the school districts of the area; submit program plans annually to the department of public instruction to "reflect the needs of the ... agency for media services ...".
"The board of directors of the area education agency" shall be elected annually.

CROSS REFERENCES

II.B.1.a.; Statute §292.2 -- 292.6

IV.D.; Statute §285.8 -- 285.10

Board of Area Schools Branch

CROSS REFERENCE

II.A.3.; Statute §280.38 -- 280.40

Board of Directors of Vocational School

CROSS REFERENCE

II.A.3.; Statute §280A.23 -- 280A.24

Board of Educational Examiners

CROSS REFERENCE

III.B.Teachers; Statute §260.27

Board of Vocational Education

CROSS REFERENCES

II.A.3.; Statute §258.2

II.A.3.; Statute §258.4

County Board of Education

CROSS REFERENCES

I.School Board of Directors; Statute §277.2; 277.23; 277.27

II.A.7.; Statute §232.23

Deputy State Superintendent

Statutes

§257.22

A deputy superintendent shall be appointed by the state superintendent, and shall serve in his absence. APPOINTMENT

Director of Special Education

CROSS REFERENCE

II.A.2.; Statute §273.5

District Board of Directors

Statutes

§262.30; 262.32

The board of directors of any school district may contract with the state board of regents for furnishing instruction to students and for training teachers.

Such contracts, between local school boards and the state board of regents, must be in writing and not exceed two years.
§274.2

"The provisions of law relative to common schools shall apply alike to all districts except when otherwise clearly stated ...".

CROSS REFERENCES

II.A.1.; Statute §280.3

II.A.8.; Statute §288.1

II.B.1.a.; Statute §279.25

II.B.1.a.; Statute §301.1

IV.D.; Statute §285.1

DIVISION OF SPECIAL EDUCATION, AREA EDUCATION AGENCY

CROSS REFERENCES

II.A.2.; Statute §273.5

II.A.2.; Statute §281.1

II.A.2.; Statute §281.3

GENERAL ASSEMBLY

CONSTITUTION

Iowa Constitution, Art. IX, 2nd §1
"The educational and school funds and lands, shall be under the control of the General Assembly..."

CROSS REFERENCE

III.C.General Assembly; Constitution, Article IX, 2nd, Section 3

GOVERNOR

CROSS REFERENCE

I.State Board of Public Instruction; Statute §257.1

LOCAL ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §258.9

LOCAL SCHOOL BOARDS

CROSS REFERENCES

II.A.3.; Statute §258.9

II.A.3.; Statute §258.10

II.B.2.; Regulation §18.150

IV.A.; Statute §141.3

IV.A.; Statute §143.1

IV.A.; Statute §280.7

IV.D.; Statute §285.8 -- 285.10

IV.J.; Statute §282.4 -- 282.5

LOCAL SCHOOL DISTRICTS

STATUTES

§274.1

"Each school district shall constitute a body politic as a school corporation ... and may sue and be sued, hold property ... and shall have exclusive jurisdiction in all school matters over the territory therein contained." LIABILITY

PRINCIPALS

STATUTES

§279.43

The boards of directors of school districts may employ principals. The principal shall be responsible for the administration and operation of the school to which he/she is assigned. The principal shall plan, manage, and evaluate the educational program at said school and perform other duties assigned by the superintendent.

PROFESSIONAL TEACHING PRACTICES COMMISSION

CROSS REFERENCES

III.C.Certified Personnel; Regulation §670-50.1 -- 670-50.15

III.C.Teachers; Statute §272A.6

III.C.Teachers; Statute §274A.3

III.C.Professional Teaching Practices Commission; Statute §272A.5

CROSS REFERENCE

I.School Board of Directors; Statute §279.44 -- 279.47

SCHOOL BOARD OF DIRECTORS

STATUTES

§39.24

Members of local boards of education shall be elected at the school election for three year terms.

§274.7

"The affairs of each school corporation shall be conducted by a board of directors," elected for three-year terms.

§277.2; 277.23; 277.27

School elections shall be held annually to elect officers of the district and county school system. The board of directors of any school corporation may call a special election to authorize a boundary change or to change the number of directors. In any district with a population of fifteen thousand or more, there shall be seven directors, and in all other districts, five. School board members shall not receive compensation for their work.

§279.1 -- .8

The board of directors of each school corporation shall meet annually to elect a president. The board may fill vacancies by appointment. The board shall make rules for its own government and that of the teachers, employees and pupils.

BOARD OFFICERS

§279.11

"The board of directors shall determine the number of schools ..., divide the corporation into wards ..., determine the particular school each child shall attend...."

§279.29; 279.35

The board of education shall compensate the secretary for

services rendered, but no member of the board shall receive compensation for official services. The board has the authority to hire legal counsel.

§279.44 -- .47

TERMINATION

HEARING

APPEAL

The board of directors of a local school district may contract with administrators. The contract shall be in writing and specify the length of employment and compensation to be paid. The board may, by a majority vote, terminate the contract of any administrator. The administrator may request a hearing before a hearing officer whose decision shall be binding upon the board. The board's decision may be appealed to the district court.

§280.14

The board of each school district shall establish and maintain "adequate administration, school staffing, personnel assignment policies, teacher qualifications, certification requirements, facilities, ... graduation requirements, instructional requirements ...". Additionally, the board shall provide principals as it deems necessary.

§291.1 -- .10

The president of the board of directors of local boards of education shall have the power to sign drafts and contracts on behalf of the board. The secretary shall keep records and take an annual school census. The secretary shall make reports to the superintendent of public instruction on the number of schools, pupils, library facilities, school houses.

CROSS REFERENCES

I.Principals; Statute §279.43

I.Superintendent of Schools; Statute §279.14

III.D.Educational Needs and Plans; Statute §280.12

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.2.; Regulation §670-12.1 -- 670-12.10

IV.C.; Statute §283A.9 -- 283A.10

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.8.; Statute §289.5

STATE BOARD OF PUBLIC INSTRUCTION

STATUTES

§257.1

A state board of public instruction, consisting of nine members, appointed by the governor, is hereby established.

§257.2

The state board of public instruction shall be a lay board, excluding any professional educators. The board shall include one member with knowledge of vocational training and one member with knowledge of area community colleges.

§257.3

The members of the state board of public instruction shall serve for six-year terms.

§257.8

The state board of public instruction shall hold at least six meetings per year. Special meetings may be called by the president or by any five board members.

§257.9

In general, the state board of public instruction shall have the power to determine policy in public education, adopt rules to enforce school laws, adopt minimum standards for carrying out such laws, and perform all necessary duties to carry out the "purposes and objectives of the school laws."

RULEMAKING

§257.10

The state board has the authority to allocate funds, both state and federal, to the schools. The board has the authority to "review the

record and decision of the superintendent of public instruction in all appeals heard and decided by said superintendent...". The board shall approve plans for co-operating with the federal government and with all other state and local agencies "in the development of regulations and in the enforcement of laws" for which the board and the agencies are responsible, and to approve plans for "improvement of conditions relating to the state system of public education." The board shall have further power to "adopt a long-range program for the state system of public education"... and shall "constitute a continuing research commission" on public school matters and prepare and submit to the General Assembly a report and recommendations to revise or amend the school laws. The board shall "constitute the state board for vocational education...", "constitute the board for the certification of administrative, supervisory and instructional personnel" in the public schools, determine requirements for certification, and "prescribe such minimum standards and rules and regulations...as it may find desirable to aid in carrying out the provisions of the Iowa school laws."

CROSS REFERENCES

I.State Department of Public Instruction; Statute §257.21

I.Superintendent of Public Instruction; Statute §257.17

I.Superintendent of Public Instruction; Statute §257.21

II.A.1.; Statute §257.25(8)

II.A.3.; Statute §258.2

II.A.3.; Statute §280A.3 -- 280A.5

II.A.3.; Statute §280A.23 -- 280A.24

II.A.3.; Statute §280A.25

II.A.3.; Statute §280A.33

III.B.Teachers; Statute §260.1

III.B.Education Personnel; Regulation §670-15.22

IV.E.; Regulation §670-9.14; 670-9.16; 670-9.17

IV.K.; Statute §290.1 -- 290.5

STATE DEPARTMENT OF PUBLIC INSTRUCTION

STATUTES

§257.19

The state department of public instruction shall "act as an administrative, supervisory, and consultative agency under the direction of the superintendent of public instruction and the state board." The state department shall provide "leadership and guidance" and assist the state superintendent "in carrying out such policies, procedures, and duties authorized by law or by the regulations of the state board, as are found necessary to attain the purposes and objectives of the school laws of Iowa."

§257.20

The state department of public instruction shall be organized into sections "to perform all the proper functions and render maximum services relating to the operation and improvement of the state system of public education" and to co-ordinate administrative services and the "improvement of instruction."

§257.21

APPOINTMENT

All state department of public instruction employees shall be appointed by the state superintendent who also has authority to remove any employees in the department. However, all appointments, salary changes or removal for cause "shall be subject to the approval of the state board."

§275.8

The state department of public instruction shall cooperate with the area education agencies in making studies.

Any controversy over joint districts shall be settled by the state department of education.

CROSS REFERENCES

II.A.2.; Regulation §670-12

II.A.3.; Statute §280A.27

III.D.Education Programs; Statute §257.25(10) -- (12)

IV.D.; Statute §285.8 -- 285.10

IV.E.; Statute §280.13

STATE EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

STATUTES

§18.144

The state educational facility board shall appoint two advisory committees; one on "general operations and policy," and the other on "curricula and educational matters." The board shall specify the duties of the committees.

CROSS REFERENCES

II.B.2.; Regulation §18.137

II.B.2.; Regulation §18.146

II.B.2.; Regulation §18.149

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§257.18

The superintendent shall attend state board meetings and call special board meetings at the request of the president. The superintendent shall have the authority to appoint committees and recommend personnel for such committees. The superintendent shall administer moneys to the school districts, recommend policy to the board on administering federal funds and programs, and recommend to the board policy for implementing educational programs in cooperation with other agencies. The superintendent shall

APPOINTMENT

"advise and counsel concerning the interpretation and meaning of the school laws and the rules and regulations adopted pursuant thereto; and...amicably adjust and settle such controversies arising thereunder as may be submitted to him [her], directly or by appeal...". The superintendent shall "ascertain by inspection...the conditions, needs, and progress of the schools under the supervision of his [her] department and make recommendations to the proper authorities for the correction of deficiencies and the educational and physical improvement of such schools...and recommend to the state board the need for a state audit... when it is apparent that such an audit should be made." The superintendent shall publish a classification of schools and courses of study, make a biennial report to the governor on school enrollment, conditions and areas for improvement, and prepare for the general assembly the state board's recommendations on school laws.

§257.11

APPOINTMENT

The superintendent of public instruction shall be appointed by the state board to serve a term of four years.

§257.17

The superintendent shall "exercise general supervision over the state system of public education...". He/she shall recommend policy to the state board and carry out the orders of the board. And he/she shall have power to "organize, staff and administer the state department...".

§272.2

The superintendent of public instruction shall give final approval to all plans for the "improvement of instruction."

CROSS REFERENCES

I.Deputy State Superintendent; Statute §257.22

I.Principals; Statute §279.43

I.State Department of Public Instruction; Statute §257.21

II.A.2.; Statute §281.1

II.A.3.; Statute §258.3

II.A.3.; Statute §258.13

II.A.8.; Statute §259A.5

III.B.Education Personnel; Statute §284.1 -- 284.2

IV.D.; Statute §283A.2 -- 283A.5

IV.D.; Statute §285.1

SUPERINTENDENT OF SCHOOLS

STATUTES

§279.14

The board of directors of any school district shall employ a superintendent of schools who shall be the executive officer of the board.

CROSS REFERENCES

III.R.Certificated Personnel; Regulation §670-3.4 (257)

III.C.Teachers; Statute §279.12 -- 279.13

III.C.Teachers; Statute §279.24

KANSAS

The State Board of Education is established by constitutional provision and consists of ten members, each of whom is elected as a resident from one district of the State. The State Board, under constitutional mandate, appoints a Commissioner of Education who serves at the pleasure of the Board. The State Department of Education is under the administrative supervision of the Commissioner as directed by law and by the State Board.

The governing body of a unified school district is a Board of Education consisting of seven members elected for terms of four years. The Board appoints a Superintendent of four years. The Board appoints a Superintendent of Schools for a term of not more than three years. The Superintendent of Schools has charge and control of the public schools of the school district, subject to the orders, rules and regulations of the Board of Education.

A Professional Teacher Practices Commission comprised of seventeen members appointed by the State Board of Education develops rules and regulations governing standards for teaching performance. Members are appointed for terms of three years.

KANSAS

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AREA ADVISORY COUNCIL ON VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §72-4415

BOARD OF COUNTY COMMISSIONERS

CROSS REFERENCE

II.A.2.; Statute §19-4001 -- 4003

COMMISSIONER OF EDUCATION

STATUTES

§72-7601 --7603

APPOINTMENT

The state board shall appoint a commissioner of education as is provided by section 4 of article 6 of the constitution. Such commissioner shall serve at the pleasure of the state board and perform such duties as are prescribed by law or by the state board.

The board may appoint a person to be acting commissioner in any interim in which the office of commissioner is vacant. The board shall appoint a deputy commissioner of education and assistant commissioner of education. The deputy commissioner shall serve at the pleasure of the state board and perform the duties of the commissioner in the absence or inability of the commissioner to do so. Assistant commissioners shall perform such duties as are prescribed by the state board or by the commissioner.

CROSS REFERENCES

I.State Board of Education; Constitution Art. 6, §4

I.State Department of Education; Statute §72-7701.

COOPERATIVE SCHOOL BOARD

CROSS REFERENCE

II.A.2.; Statute §72-8230

COUNTY SUPERINTENDENT

CROSS REFERENCE

IV.A.; Statute §72-5201 -- 72-5203; 72-5205

DEPUTY COMMISSIONER OF EDUCATION

CROSS REFERENCE

I.Commissioner of Education; Statute §72-7601 -- 7603

DISTRICT ADVISORY BOARD

STATUTES

§72-8134

Each member district of a unified school district shall have a five member advisory board to serve as a liaison between the citizens of the member district and the board of the unified school district. The board member from the member district shall serve as a member and chairperson of the advisory board. The other four members shall be elected every two years for two year terms at a meeting of school patrons of the member district.

The advisory board shall make recommendations on curricula and personnel to the board annually and shall advise the board on all educational matters including budget matters.

The advisory board shall meet monthly. The time and place of meetings shall be published in a newspaper having general circulation in the member district at least once per year. NOTICE

DISTRICT BOARD OF EDUCATION

CONSTITUTION

KANSAS CONSTITUTION, ARTICLE 6, §5

"Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature."

STATUTES

§72-1110

The board of education of each school district may cause a census to be taken annually to show the number of children under the age of five years and the number between ages of five and twenty-one.

§72-5326

"The board of education of any school district . . . is hereby authorized to appropriate money out of its general fund to pay the annual dues in the Kansas association of school boards."

§ 72-7504

A vacancy on the local board shall exist: (1) on the day of the death of a board member; (2) on the date of a removal order of a board member is final; or (3) on the date specified in a letter of resignation submitted by a board member, but no later than 60 days after the letter is submitted.

If a board member moves outside his/her district, the member shall resign. If the member fails to do so, he/she may be removed from office as provided by law. Any

redistricting of board member districts which results in a member residing outside her/his district shall not be grounds for removal.

§72-7901

The governing body of a school district shall be a board of education composed of seven members. The members shall be elected and serve a term of four years.

§72-8202a; 8202b

BOARD OFFICERS

A board of education shall annually elect a president and vice president from its membership. The president shall "preside at meetings of the board and perform such other duties as are provided by law." The vice president shall perform the duties of the president in his/her absence or inability to perform.

The board of each school district shall appoint a superintendent of schools, assistant superintendents of schools, supervisors and principals. None of these persons shall be a member of the board. "The superintendent of schools shall have charge and control of the public schools of the school district, subject to the orders, rules and regulations of the board."

§ 72-8202c

The board of each district shall appoint a clerk, who shall serve at the board's pleasure. The clerk shall not be a board member, the superintendent, or the treasurer. The clerk shall keep a journal of board proceedings and care for board records, books and documents.

§ 72-8202e

The board may appoint officers and employees to serve at the board's pleasure.

§91-15-1

Each board shall adopt rules governing the conduct of all persons employed by or attending schools in the district and shall provide specific enforcement procedures. The district's legal counsel shall review the rules to assure compliance with the law. The rules shall be filed with the state commissioner of education.

CROSS REFERENCES

I.School Districts; Statute §72-6734; 72-6757; 72-6769--72-67,115

II.A.1.;Statute §72-1101

II.A.1.; Statute §72-8205

II.A.2.; Statute §72-966

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II.A.3.; Statute §72-4416--72-4417

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II.A.3.; Regulation §91-6-16; 16-17; 16-18

II.A.8; Statute §72-4525--72-4526

II.A.10.Other - Alternative Schools; Statute §72-9201

II.A.10.Other - Independent Study; Regulation §91-2-6

II.B.3.; Statute §72-1623

II.B.3.; Regulation §91-2-7

II.B.4.; Statute §72-5889--72-5891

III.A.1; Statute §72-8212

III.A.1.; Regulation §91-2-1

III.B.Student Teacher; Statute §72-1392

III.C.Teachers; Statute §72-5437

III.C.Teachers; Statute §72-5439 -- 72-5443

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III.D.School Personnel; Statutes §72-9001 -- 72-9005

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HEARING COMMITTEES

CROSS REFERENCES

III.C.Teachers; Statutes §72-5439 -- 72-5443

III.C.Teachers; Statute §72-5446

KANSAS ASSOCIATION OF SCHOOL BOARDS

CROSS REFERENCE

I.District Board of Education; Statute §72-5326

KANSAS COORDINATING COUNCIL FOR HANDICAPPED CHILDREN

CROSS REFERENCE

II.A.2.; Statutes §74-6301; 74-6303; 74-6304

LEGISLATURE

CONSTITUTION

KANSAS CONSTITUTION, ART. 6, §1

The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities.

CROSS REFERENCES

I.State Board of Education; Constitution, Art. 6, §2

I.District Board of Education; Constitution, Art. 6, §5

PRINCIPAL

REGULATIONS

§91-2-3

A principal shall be employed through written contract by the district board and shall hold an administrator's certificate. A principal shall administer the school under the supervision of the superintendent

and in accordance with the regulations of the district and state board of education. The principal shall provide instructional leadership, shall plan, manage, and evaluate the educational program, shall initiate appropriate changes, and shall be involved with the employment of all personnel.

Each high school teacher shall hold a secondary school teaching certificate. A teacher shall meet all field requirements in unified courses which draw subject matter from two or more teaching fields.

Noncertified personnel may be employed to supervise noninstructional activities if they are under the supervision of certified personnel.

CROSS REFERENCE

I.District Board of Education; Statute §72-8202a -- 8202b.

PROFESSIONAL TEACHING PRACTICES COMMISSION

STATUTES

§72-8503; 72-8506 -- 8507

The professional teaching practices commission shall have 17 members appointed by the state board. The practices commission shall hear any case arising under a regulation governing teachers' or administrators' certificates. The state board shall make the final decision.

INVESTIGATION

The practices commission may conduct an investigation of a departure from advisory guidelines on professional employment practices promulgated by the standards board. The practices commission shall investigate problems related to the teaching profession.

HEARING

At any hearing held by the practices commission, the commission shall have the power, with the consent of the state board, to subpoena witnesses and documents and to administer oaths.

After appointment of the initial members, later appointments to full or unexpired terms of members to the standards board and the practices commission shall be made by the state board following the same procedure provided in § 72-8502 and 72-8503.

Members of the standards board and practices commission shall be appointed for three year terms with a maximum of two full terms and any term which is less than three years. The initial appointments shall be made for terms such that approximately one-third of the terms expire each year.

The commission shall select a chairperson and other officers. Each shall meet independently unless the members of each agree to meet jointly.

CROSS REFERENCES

III.C.Teachers; Regulation §91-22-2 -- 91-22-3; 91-22-5 -- 91-22-7

III.C.Teachers; Regulation §91-22-9

III.C.Teachers; Regulation §91-22-12; 91-22-13

III.C.Teachers; Regulation §91-22-16; 91-22-17

III.C.Teachers; Regulation §91-22-21

III.C.Teachers; Regulation §91-22-25

SCHOOL DISTRICTS

STATUTES

§72-6734; 72-6757; 72-6769 -- 67.115

Public school districts shall be so organized to establish a uniform system of free public schools maintaining grades one --twelve; and kindergarten where desired.

A planning board shall be established to make recommendations for the territorial extent of unified districts (a school district organized under authority of this act).

Boards may contract with each other for the payment of tuition or transportation for students attending school in a unified district not of their residence.

The board of education of any school district may change the boundaries of board member districts within its school district.

The board of any unified district may offer programs for children under the age provided by law for enrollment in kindergarten, to be known as preschool programs. None of the cost of any preschool program shall be borne by state aid, and no preschool program shall increase the state aid of any district.

CROSS REFERENCES

I.State Board of Education; Statutes §72-7527

II.A.3.; Statutes §72-4413--72-4414

School Districts Legal Counsel

CROSS REFERENCE

I.District Board of Education; Regulation §91-15-1

State Advisory Council for Special Education

CROSS REFERENCE

II.A.2.; Statutes §72-961 -- 72-965

State Board of Education

Constitution

KANSAS CONSTITUTION, ART. 6, §2

"The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law."

KANSAS CONSTITUTION, ARTICLE 6, §3

There shall be ten members of the state board of education with over-lapping terms as the legislature may prescribe, elected one from each of ten districts.

KANSAS CONSTITUTION, ARTICLE 6, §4

"The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer."

STATUTES

§72-7503; 7502; 7511a

The state board of education shall be composed of ten elected members. They shall meet at least once each month and shall not be compensated except when attending special instate or out of state educational functions. Vacancies shall be filled by appointment.

§72-7513

The state board shall adopt and maintain standards for the following: (1) school libraries and other educational materials with the exception of textbooks; (2) courses of study and curriculum; (3) the accreditation of public and non-public schools; (4) the certification of administrators, teachers, and other school employees.

The state board shall administer the laws of this state relating to the supervision of the public schools.

§72-7514; 72-7414a

The state board may adopt regulations on any matter within its jurisdiction. RULEMAKING

§72-7519 -- 72-7521

Any hearing officer(s) appointed by the state board to hear any appeal or other matter shall prepare a written report thereon to the state board. The board's determination of the case shall be valid to the same extent as if the matter were fully heard by the state board itself. APPEAL

HEARING

A hearing may be held on any matter arising under the following statutes: §§ 72-7108, 72-7203, 72-1111, 72-4418, and 72-5412.

§72-7527

COMPUTERIZED INFORMATION

The state board of education may provide by contract computerized information search services to any state agency, school district or non-public school and shall establish an appropriate fee schedule for providing the services.

CROSS REFERENCES

I.Commissioner of Education; Statute §72-7601 -- 7603

I.Professional Teaching Practices Commission: Statute §72-8503; 72-8506--72-8507

I.State Department of Education: Statute §72-7701

I.State Department of Education; Statute §72-7721

II.A.1; Statute §72-8205

II.A.2; Statute §72-961 -- 72-965

II.A.2: Statutes §72-968 -- 72-969

II.A.2; Statute §72-970

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II.A.3.; Statute §72-4413 -- 4414

II.A.3.; Statute §72-4415

II.A.3; Statute §72-4416--4417

II.A.3.; Statute §72-4417a

III.A.3.; Statute §72-4418

II.A.3.; Statute §72-4429

II.A.8.; Statute §72-4518 -- 4519

II.A.8; Statutes §72-4520

II.A.10.Other - Alternative Schools; Statute §72-9201

II.C.2.; Statute §§72-126; 72-128

III.A.1.; Regulation §91-2-9

III.C.Standards Board and Practices Commission; Statute §72-8509

III.C.Teachers; Statute §72-1381; 72-1383; 72-1388

III.C.Teachers; Regulation §91-22-2 -- 91-22-3; 91-22-5 -- 91-22-7

III.C.Teachers; Regulation §91-22-12; 91-22-13

III.C.Teachers; Regulation §91-22-25

IV.C.; Statutes §72-1513--5115; 72-5121--5123

IV.C.; Statute §72-5116

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IV.G.; Statute §72-8223

IV.H.: Statute §72-111

STATE BOARD OF REGENTS

CROSS REFERENCE

I. State Board of Education; Constitution Art. 6, §2

STATE DEPARTMENT OF EDUCATION

STATUTES

§72-7701

There is hereby established the state department of education which shall be under the administrative supervision of the commissioner as directed by law and by the state board.

CROSS REFERENCES

II.A.2.; Statute §72-981

II.B.3.; Regulation §91-2-7

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCE

II.A.2.: Statute §72-053

SUPERINTENDENT

CROSS REFERENCE

I.District Board of Education: Statutes §72-8202a -- 8202b

TEACHERS

CROSS REFERENCE

III.C.Teachers; Statute §72-5437

VOCATIONAL-TECHNICAL SCHOOL BOARD OF CONTROL

CROSS REFERENCE

II.A.3.; Statute §72-5326a

KENTUCKY

The Constitution of the Commonwealth of Kentucky directs that the Superintendent of Public Instruction shall be elected for a four-year term. The Superintendent may not be elected to successive terms. It further mandates that the General Assembly shall provide for an efficient system of common schools throughout the State.

The Department of Education consists of the State Board of Education and the Superintendent of Public Instruction who acts as the head of the Department. He/she is charged with all administrative functions relating to the management and control of all public common schools, vocational education, vocational rehabilitation, the Kentucky School for the Blind, and the Kentucky School for the Deaf.

The State Board of Education is composed of seven members, none of whom may be professional educators. Members are appointed by the Governor on a rotational basis from the State's district. The Superintendent of Public Instruction is the executive officer of the State Board of Education and performs such duties as are assigned to him by the Board.

Each county constitutes a County School District except where there are independent school districts within the county, the County School District consists of the remainder of the county. A Board of Education consisting of five elected members controls and manages each school district, except in counties where an independent district has merged with it, the Board consists of seven elected members. Each Board of Education has responsibility for the general control and management of the public schools in its district and is to appoint a Superintendent of Schools to advise it and to generally supervise the conduct of schools, the course of instruction, the management of teachers, the discipline of students, and the management of business affairs.

KENTUCKY

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Advisory Committee for Improving Personnel

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III.E.; School Personnel; Regulation 704 KAR §3:230

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II.A.3.; Regulation 705 KAR §5:040

Advisory Committee on Kindergarten-Nursery Schools

CROSS REFERENCE

II.A.4.; Statute §158.350

Assistant Superintendent for Vocational Education

CROSS REFERENCE

II.A.3.; Regulation 705 KAR §5:020

Assistant Superintendent of Public Instruction

CROSS REFERENCE

I.Superintendent of Public Instruction; Statute §156.020

Board of Education

STATUTES

§160.160

"Each school district shall be under the management and control of a board of education consisting of five [to seven] members. Each board of education shall be a body politic and corporate with perpetual succession. It may sue and be sued; make contracts; purchase, receive, hold and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.

LIABILITY

§160.190

1) "Any vacancy . . . shall be filled by the other members of the board within ninety days after the vacancy occurs. If [it] . . . is not [so] filled . . . it shall be filled by the state board

of education within thirty days . . . . The members so chosen shall hold office until his[her] successor is elected and has qualified.

2) Any vacancy having an unexpired term of one year or more . . . shall be filled for the unexpired term by an election to be held at the next regular . . . election after the vacancy occurs. The elected member shall succeed the member chosen by the [local] board of education or the state board of education to fill the vacancy."

§160.270

1) "Each board of education shall hold at least one regular meeting each month . . . . Special meetings may be called by the chairman. Each member of the board shall have timely notice of each meeting and the nature, object, and purpose for which it is called. Any board member failing to attend three consecutive regular meetings, unless excused by the board for reason satisfactory to it, shall be deemed to have violated his[her] office. A majority of the board shall constitute a quorum for the transaction of business.

2) All official proceedings at meetings of the board shall be recorded in a book, which shall be a public record open to inspection."

§160.300

1) "A board of education may, in an investigation or proceeding before it . . . summon witnesses by subpoena, enforce their attendance, and require that they testify under properly administered oath.

2) No person so summoned shall refuse to attend or to produce a written statement to be used as legal evidence in the investigation or proceeding or if present refuse to testify concerning any matter that may be a proper subject of inquiry."

§160.440

APPOINTMENT

"Each board of education shall appoint a secretary for a term of one . . .[to] . . . four

years. The secretary shall not be a member of the board . . . . The board . . . may appoint its superintendent as secretary . . . . The board may fix a reasonable salary for the secretary. The secretary shall keep the records of the board and perform other duties imposed upon him by the board. All orders of the board must be signed by the secretary and counter signed by the chair[person] of the board. The secretary shall be custodian of all securities, documents, title papers, and other papers of the board under such conditions as the board may direct. The secretary, when other than the superintendent, shall make all records of the board available to the superintendent at any time and shall furnish . . .[him][her] such information as is revealed by his[her] records at any time upon the request of the superintendent."

§161.140

"Each board of education shall prescribe the duties to be performed by all persons in public school service in the district."

CROSS REFERENCES

I.State Board of Education; Statute §156.136

I.Superintendent of Schools; Statute §160.370

III.C.District Superintendent; Statute §160.350

Bureau of Education for Exceptional Children

CROSS REFERENCES

II.A.2.; Statute §157.221

II.A.2.; Statute §157.224

Cabinet for Education and the Arts

Statutes

§12.250; 12.265

Within the state government a "cabinet for education and arts" is hereby established.

It shall be composed of:

A) Kentucky Arts Commission

B) Department of Education

C) Kentucky Authority for Educational Television

D) Kentucky Heritage Commission

E) Kentucky Historical Society

F) Department of Library and Archives

CHAIRPERSON OF EDUCATION AND THE ARTS

STATUTES

§12.255; 12.270

APPOINTMENT

An office of secretary, who shall be chairperson of the cabinet for education and the arts, shall be appointed by the governor. He/she shall:

a) "Be a member of the governor's cabinet and shall serve as the governor's liaison in carrying out the responsibilities for overall direction and coordination of the departments, boards and commissions included in the . . . cabinet;

b) Recommend to the governor desired reorganization affecting the . . . Cabinet;

c) Advise the governor in executive actions, legislative matters and other steps that may be desirable for better program service;

d) Evaluate and pass upon all budget requests originated by the departments, boards and commissions within . . . [the] . . . cabient;

e) Advise the governor in the appointment of Commissioners and heads of units included in the . . . cabinet . . ."

"Each secretary is authorized to accept and expend funds from any source . . . in support of the duties and responsibilities of the . . . cabinet.

Each secretary shall have any and all necessary power and authority, subject to . . . [statutory limitations] . . . to create such position and to employ the necessary personnel in such positions to enable the secretary to perform the functions of his [her] office."

Council on Teacher Education and Certification

CROSS REFERENCE

III.A Teachers; Statute §161.025

County School District

CROSS REFERENCE

IV.D.; Statute §158.100

Department of Education

Statutes

§156.010

1) "The department of education shall consist of the state board of education and the superintendent of public instruction, who shall be the head of the department.

2) The department . . . shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, vocational education, vocational rehabilitation, the Kentucky School for the Blind and the Kentucky School for the Deaf, and may exercise the general powers and functions relating to state vocational schools and area vocational educational centers . . . . The department . . . shall exercise also those powers relating to television in aid of education and other proper public functions . . . ."

CROSS REFERENCES

II.A.1.; Statute §158.415

II.A.1.; Statute §158.450; 455

II.A.1.; Statute §158.460;465

II.A.2.; Statute §157.220

II.A.2.; Statute §157.260

STATUTES

§42.030

"The executive department for finance and administration shall be primarily responsible for maintaining management control over the activities of the several budget units." This shall include:

b) "Apprais[ing] the quantity and quality of services rendered by each agency, and the needs for such services and for any new services.

c) Examin[ing] and recommend[ing] work programs and periodical allotments to the several state agencies, and changes therein.

d) Develop[ing] plans for improvements and economies in organization and operation of the several state agencies . . ."

DIRECTOR OF PUPIL PERSONNEL

CROSS REFERENCE

IV.H.; Statute §159.140

DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §157.240

DISTRICT BOARD OF EDUCATION

STATUTES

§160.290

1) "Each board of education shall have general control and management of the public schools in its district and may establish such schools and provide for such courses and other services as it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the rules and regulations of the state board of education. Each board shall have control and management of all school funds

and all public school property, and may use such funds and property to promote public education in such ways as it deems necessary and proper. Each board shall exercise generally all powers in the administration of its public school system, appoint such officers, agents and employees as it deems necessary and proper, prescribe their duties, and fix their compensation and terms of office.

APPOINTMENT

2) Each board shall make and adopt, and may amend or repeal, rules, regulations and by-laws for its meetings and proceedings for the government, regulation and management of the public schools and school property . . . for the transaction of its business, and for the qualification and employment of teachers and the conduct of pupils."

RULEMAKING

CROSS REFERENCES

II.A.1.; Statute §158.530

II.A.4.; Statute §158.090

IV.D.; Statute §156.154

IV.D.; Regulation 702 KAR §5:040

District Director of Pupil Personnel

CROSS REFERENCES

II.A.2.; Statute §157.260

IV.H.; Statute §159.130

IV.H.; Statute §159.140

District Superintendent

CROSS REFERENCE

IV.A.; Statute §158.160

District Supervisor

CROSS REFERENCE

IV.H.; Statute §159.130

General Assembly

Constitution

KENTUCKY CONSTITUTION, §59

"The general assembly shall not pass local or special acts . . .

25) to provide for the management of common schools."

CROSS REFERENCES

I.School Trustees; Statute §155

II.A.4.; Statutes §§157.312; 315

III.C.School System; Constitution §183

Governor

CROSS REFERENCES

I.State Board of Education; Statute §156.030 035 040

III.C.Governor's Appointees; Statute §63.080; 63.190

III.C.Teachers; Statute §156.510 - .550

III.D.Educational System; Statute §156.490

Heads of Administrative Departments

Statutes

§12.120

"The head of each administrative department and any representative authorized by him[her] may administer oaths and examine witnesses under oath relative to any matter properly subject to inquiry, hearing or investigation in the conduct of the work of the department."

Kentucky Authority for Educational Television

CROSS REFERENCE

II.B.2.; Statute §§168.010 - .100

Kentucky School for the Deaf Advisory Board

CROSS REFERENCE

II.A.2.; Statute §§167.015-035

LEGISLATIVE RESEARCH COMMISSION

STATUTES

§§13.090; 13.096

The legislative research commission "shall furnish advice and assistance to all administrative bodies in the preparation of their regulations . . ."

They shall also "compile, publish and distribute the regulations filed by administrative bodies . . . ."

LEGISLATURE

STATUTES

§13.087

Within the legislature there is created a permanent subcommittee known as the Administrative Regulation Review Subcommittee which shall determine that administrative regulations "conform to the statutory authority under which it was promulgated." If it does not so conform the Subcommittee shall file written notice of its findings, and return the regulation to the promulgating administrative body.

That body may then revise the regulation or return the regulation with the Subcommittee's notation attached, without change.

If said regulation is returned without change it shall then go to the standing Committees of the House and Senate. If this group also objects to the regulation, it shall again be returned to the promulgating body for further consideration.

If returned one more time without change, the regulation shall be submitted to the House and the Senate "for such a time as the respective legislative bodies may determine to be appropriate."

STATUTES

§64.590

School districts having a governing body or authority composed of more than one member "shall fix the salary of every officer and employee of the . . . district . . . whose compensation is payable from the funds of the . . . district." This section does not apply to teachers.

§160.340

1) "Each board of education shall. . . prepare and submit to the state board of education reports on all phases of its school service. Each board may prepare and publish for the information of the public a report on the progress of its schools."

2) Each board . . . shall file in the board's office its policies relating to the following matters:

(a) Transportation of pupils;

(b) Discipline and conduct of pupils;

(c) Limitations or restrictions on use of school facilities;

(d) Conduct of meetings of the board . . . including policies on the calling of executive sessions;

(e) Personnel policies that apply to certified employees, including fringe benefits, salary schedules, non-classroom duties, in-service training, teacher-student load, housing, assignment, transfer, dismissal, suspension, reinstatement, promotion and demotion;

(f) Evaluation of certified employees;

(g) Selection of textbooks and instructional materials; and

(h) Expenditure and accounting for school funds, including all special funds;

It is intended that these policies shall cover matters within the authority and discretion of the district board of education and not matters otherwise

required by law or regulation." Such reports shall be up-dated annually.

CROSS REFERENCES

II.A.1.; Statute §138.160

II.A.1.; Statute §158.200 -- .260

II.A.2.; Statute §157.224

II.A.2.; Regulation 707 KAR §1:010

II.A.2.; Regulation 707 KAR §1:050

II.A.3.; Regulation 705 KAR §5:020

II.A.4.; Statute §157.312; .315

III.A.1.; Regulation 703 KAR §2:040

III.A.2.; Regulation 703 KAR §2:020

III.B.Pupil Personnel Staff; Statute §159.080

III.B.School Officials; Statute §160.380

III.C.Administration; Statute §161:780

III.C.Certificated Employees; Statute §161.780

III.C.Teachers; Statute §161.790

III.C.Teachers; Regulation 703 KAR §1:040

III.D.School Census; Regulation 703 KAR §2:030

III.E.School Personnel; Regulation 704 KAR §3:230

IV.A.; Regulation 704 KAR §4:020

IV.C.; Regulation 703 KAR §1:010

IV.D.; Statute §158.110

IV.D.; Statute §160.310

IV.E.; Statute §161.185

IV.E.; Regulation 702 KAR §4:005

IV.J.; Statute §158.150

Local Districts

CROSS REFERENCE

II.B.4.; Statute §156.447

Local School District

CROSS REFERENCE

II.A.1.; Statute §158.470

II.A.2.; Statute §157.230

II.B.1d.; Statute §156.440

II.D.; Statute §280.320

Local Superintendent

CROSS REFERENCES

II.A.2.; Statute §157.290

II.B.1d.; Statute §156.440

IV.J.; Statute §158.150

Principal

CROSS REFERENCES

IV.C.; Regulation 703 KAR §1:030

IV.D.; Regulation 702 KAR §5:050

Professional Practices Commission

CROSS REFERENCE

III.C.Teachers; Statute §156.510 --.550

IV.J.; Statute §158.150

School Trustees

Constitution

Kentucky Constitution §155

Election of school trustees and other common school district elections "shall be regulated by the general assembly, except as otherwise provided in this Constitution."

Social Worker

CROSS REFERENCE

IV.B.; Regulation 704 KAR 42:070

State Advisory Council on Vocational Education

CROSS REFERENCE

II.A.3.; Statute §163.086

STATUTES

§156.030, 035, 040

The state board of education, a recognized public body corporate and politic, and considered "an agency and instrumentality of the Commonwealth in the performance of essential governmental functions," shall be composed of seven lay members appointed by the governor.

APPOINTMENT

Said members shall be at least thirty years of age and must otherwise have the same qualifications of school board members set forth in §160.180. However, "no member at the time of his[her] appointment or during the term of his[her] service shall be engaged as a professional educator."

§156.070

1) "The state board of education shall have the management and control of the common schools, public vocational education . . . vocational rehabilitation, and the Kentucky School for the Blind."

2)(a) The board is also authorized to lease "installation and facilities for use in establishing and furthering television and related facilities as an addition or supplement to classroom instruction . . . .

(c) The board shall not itself operate such leased television facilities or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into . . . contracts to provide therefor . . ."

3) The board may with the advice and recommendation of the superintendent of public instruction "prescribe, print, publish and distribute . . . such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient control and operation of the schools under its jurisdiction."

§156.080

"The state board of education shall provide the forms to be used in the permanent and continuing school census, and may make rules and regulations for the operation of the census."

§156.100

The state board of education may in its discretion accept federal aid under such rules and regulations as it may prescribe.

In addition, the board may "accept and provide for the administration of any gift, donation or devise to the schools under its supervision and control."

§156.136

SUSPENSION

"The state board of education, upon suspension of any officer or district board of education member . . . shall . . . fill the vacancy caused by such suspension." Anyone so appointed "shall hold office only during the time an officer is suspended . . . . At the expiration of such period, vacancies shall be filled in the manner provided for by law . . . ."

§156.160

"Upon recommendation of the superintendent of public instruction, the state board of education shall adopt rules and regulations relating to:

1) The biennial state school budget;

2) Minimum courses of study for the different grades and kinds of common schools, and regulations governing the educational equipment of the schools;

3) Grading, classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered;

4) Taking and keeping a school census . . . ;

5) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms;

6) Medical inspection, physical education and

recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children;

7) The transportation of children to and from school;

8) Approval of private and parochial schools of elementary or high school grade and commercial schools;

9) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine . . .

10) The preparation of budgets and salary schedules for the several school districts under the management and control of the state board of education;

12) The disposal of real and personal property owned by local boards of education."

REGULATIONS

702 KAR 1:060

"The Kentucky State Board of Education ... may waive any regulation previously adopted when unusual circumstances occur or experimental programs are initiated...."

CROSS REFERENCES

I.Board of Education; Statute §160.190

I.Department of Education; Statute §156.010

I.Superintendent of Public Instruction; Statute §156.020

I.Superintendent of Public Instruction; Statute §156.200

II.A.1.; Statute §158.450;.455

II.A.2.; Statute §157.220

II.A.2.; Statute §157.221

II.A.2.; Statute §157.305

II.A.2.; Statutes §167.015--.035

II.A.2.; Statutes §167.140--.170

II.A.3.; Statute §163.085

II.A.4.; Statutes §157.312;.315

II.A.7.; Statutes §§159.220;.230

II.B.1a.; Statute §156.405

II.B.1a.; Statute §156.476

II.B.4.; Statute §156.074

II.B.4.; Statute §156.447

II.C.2.; Statute §162.060

II.C.3.; Statute §160.293

III.A.2.; Statute §158.070

III.B.School Personnel; Statute §161.030

III.B.Teachers; Statute §161.100

III.C.Certified Employees; Statute §161.750

III.C.School Officers; Statute §156.132

III.C.School Officers; Statute §156.134

III.F.Teachers; Statute §§156.610 -- .640

IV.D.; Statute §189.540

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.2.; Statute §167.210 -- .240

II.A.2.; Regulation 707 KAR §1:040

II.A.3.; Regulation 705 KAR §5:020

III.B.Teachers; Regulation 704 KAR §3:260

III.B.Teachers; Regulation 704 KAR §3:270

III.B.Teachers; Regulation 704 KAR §20:035

III.E.Teachers; Statute §156.095

IV.B.; Regulation 703 KAR §3:030

IV.B.; Regulation 703 KAR §3:040

STATE REGULATING AGENCY

STATUTES

§13.125

"Where practicable to do so, state agencies are encouraged to give notice to interested persons of proposed regulations, and conduct hearings upon the proposed regulations prior to adoption thereof."

RULEMAKING

STATE TEXTBOOK COMMISSION

CROSS REFERENCES

II.A.1.; Statute §158.280

II.B.1a.; Statute §156.400

II.B.1a.; Statute §156.405

II.B.1a.; Statute §156.437

II.B.1a.; Statute §156.435

STUDENT RIGHTS AND RESPONSIBILITIES COMMITTEES

CROSS REFERENCE

IV.J.; Statute §169.295

SUPERINTENDENT OF PUBLIC INSTRUCTION

CONSTITUTION

KENTUCKY CONSTITUTION §91; 93

"a . . . superintendent of public instruction shall be elected by the qualified voters of the state at the same time the governor is elected . . ." for a term of four years. His/her duties are those prescribed by law. He/she shall be ineligible to succeed himself/herself.

STATUTES

§156.020

APPOINTMENT

The superintendent of public instruction shall recommend to the state board of education the appointment of an assistant superintendent of public instruction who is authorized to act in the absence of the superintendent . . . .

The superintendent shall also recommend for the approval of the state board of education the establishment of such divisions of the . . . department of education as he[she] deems necessary for the successful administration and supervision of the common schools and other educational agencies placed under the management and control of the state board of education. He[she] may group the established divisions under such bureaus as he[she] deems wise."

§ 156.120; 130

The superintendent of public instruction "shall devote his [her] entire time to the duties of his [her] office." He/she shall be "the executive officer of the state board of education . . . and shall perform such duties as are assigned to him[her] by the board. He[she] shall be responsible for the administration of the department of education. He[she] shall execute, under the direction of the state board of education, the educational policies decided upon by the board, and shall direct, under general rules and regulations adopted by the board, the work of all persons engaged in the administration of the common schools and public vocational education and vocational rehabilitation." With his/her approval, his/her assistants may act as agents for him/her in the "supervision, inspection and administration of the schools over which he [she] has supervisory and administrative control."

§156.170

"The superintendent . . . may take a special school census . . . if he[she] believes that the . . . census [taken] has not been accurately reported."

§156.200

"The superintendent . . . shall receive and examine all reports required by law or by the state board of education, and . . . shall examine and advise on the expenditures, business methods and accounts of all boards of education and all institutions placed under the management and control of the state board of education."

§156.210

1) "The superintendent . . . shall have access to the papers, books and records of all teachers, trustees, superintendents or other public officials;

2) He[she] may administer oaths, and may examine witnesses under oath . . . in any matter pertaining to the public schools . . . . He[she] may . . .

compel attendance of witnesses . . ." either before him/her or in any investigation he/she is authorized to make;

3) "When he[she] . . . find(s) any mismanagement, misconduct, violation of law or wrongful act or improper use of any district or state school fund, or neglect in the performance of duty in the part of any official, he[she] shall report the same . . . to the state board of education, who shall . . . call in the county attorney . . . [who] . . . shall assist in the indictment, prosecution and conviction of the accused . . . " if warranted.

§156.220

"The superintendent . . . shall decide without expense to the parties concerned all controversies and disputes involving the proper administration of the public schools, but in all such matters he[she] shall freely consult the attorney general."

§156.240

Every two years the superintendent shall prepare for publication by the state board of education, the complete school laws of the state, including abstracts of decisions of the Court of Justice, and opinions and interpretations of the attorney general and the superintendent of public instruction. He[she] shall explain the true intent and meaning of the school laws and the published rules and regulations of the state board of education . . . ."

§163.050

1) "The superintendent of public instruction shall have general supervision of all assistants, agents and employees. He[she] shall appoint and set the salary of all division heads, assistants, agents and employees, but the appointment and dismissal of division heads and other professional staff members shall be with the approval of the state board of education."

REGULATIONS

RULE PUBLICATION

702 KAR 1:070

"The Kentucky State Board of Education authorizes and directs the Superintendent of Public Instruction to routinely publish all rules, regulations, standards, listings, courses of study, ... without prior state board approval."

EMERGENCIES

702 KAR 3:050

"The Superintendent of Public Instruction shall [have] ... the authority to declare an emergency in those cases where the health and safety of the pupils ... are placed in jeopardy" as a result of deficit spending by a local board of education. Such emergency shall be determined only "on the basis of evidence submitted in an application" by such board.

704 KAR 20:120

"The Superintendent of Public Instruction, depending upon his [her] assessment of the need for the position and the availability . . . of qualified personnel, shall approve or disapprove a request for the employment of emergency teaching personnel. The term of validity of an emergency certificate may be limited to a period less than the full school year . . . ."

704 KAR 20:165

"The Superintendent of Public Instruction shall be authorized to determine the qualifications and certification requirements for positions in which no program of preparation-certification has yet been established by the Kentucky State Board of Education."

CROSS REFERENCES

I.Department of Education; Statute §156.010

II.A.2.; Statute §156.165

II.A.2.; Statute §157.221

II.A.2.; Statute §157.240

II.A.2.; Statute §157.290

II.A.2.; Statute §157.295

II.A.3.; Regulation 705 KAR §5:040

II.A.10. Other - Experimental Programs; Regulation 704 KAR §20:125

II.B.1a.; Statute §156.400

II.B.1a.; Statute §156.405

II.B.1a.; Statute §156.410

II.B.1a.; Statute §156.476

II.B.1.c.; Statute §157.145

II.B.4.; Statute §156.076

II.C.1.; Regulation 702 KAR §4:050

II.C.2.; Statute §162.060

II.C.3.; Statute §160.293

III.A.2.; Statute §156.230

III.A.2.; Regulation 702 KAR §3:160

III.B.Teachers; Statute §157.390

III.B.Teachers; Statute §161.100

III.B.Pupil Personnel Director; Regulation 704 KAR §3:230

III.B.Teachers; Regulation 704 KAR §20:060

III.C.School Officers; Statute §156.132

III.C.Teachers; Regulation 702 KAR §1:040

III.D.Educational System; Statute §156.490

III.D.Facilities Survey; Regulation 702 KAR §1:010

III.D.School Districts; Regulation 702 KAR §3:045

III.E.Public School Employees; Statute 156.190

III.E.Teachers; Statute §§156.610 -- .640

III.E.School Personnel; Regulation 704 KAR §3:230

IV.D.; Statute §156.152: 153

IV.D., Statute §156.154

IV.D.; Regulation 702 KAR §3:030

SUPERINTENDENT OF SCHOOLS

STATUTES

§160.370

"The superintendent shall be the executive agent of the board that appoints him[her] and shall meet with

APPOINTMENT

the board except when his[her] own tenure, salary or the administration of his[her] office is under consideration. [He] [she] shall see that the laws relating to the schools, the by-laws, rules and regulations of the state board of education, and the regulations and policies of the district board of education are carried into effect. He[she] may administer the [required] oath . . . to any teacher or other person. He[she] shall be the professional advisor of the board in all matters. He[she] shall prepare, under the direction of the board, all rules, regulations, by-laws and statements of policy for approval and adoption by the board. He[she] shall have general supervision subject to the control of the board . . . of the general conduct of the schools, the course of instruction, the management of teachers, the discipline of pupils and the management of business affairs."

§160.390

APPOINTMENT

1) "The superintendent of schools may appoint necessary clerks and remove them at pleasure. The number and policies of the clerks shall be determined by the board.

2) The superintendent shall devote himself/herself exclusively to his[her] duties. He[she] shall exercise general supervision of the schools of his[her] district, examine their condition and progress, and keep himself [herself] informed of the progress in other districts. He[she] shall prepare . . . all budgets, salary schedules and reports required of his[her] board by the state board of education. He[she] shall advise himself of the need of extension of the school system of the district, shall receive and examine reports from teachers and other school officers, and shall make reports from time to time as required . . . by the [state] board. He[she] shall be responsible to the board for the general condition of the schools."

CROSS REFERENCE

IV.I.; Regulation 705 KAR 4:050

Supervisors for Special Education

CROSS REFERENCE

II.A.2.; Statute §157.285

Teacher Education Scholarship Board

CROSS REFERENCE

III.E.Teachers; Statute §§156.610 -- .640

Teachers

CROSS REFERENCES

IV.E.; Statutes §161.200; .210

LOUISIANA

The Louisiana Constitution directs a State Board of Education to supervise and control all free public schools. So established, the Louisiana State Board of Elementary and Secondary Education is composed of eleven members; three of whom are appointed by the governor from the state at large, the balance to be elected from each of the congressional districts of the State. Members serve terms of six years. The State Board prepares courses of study, rules, bylaws, and regulations for the government of public schools in the State and adopts standards and guidelines for the approval of private schools.

The Superintendent of Education is elected for a term of four years at the general election of statewide officials. He/she serves as ex officio secretary of the Board of Elementary and Secondary Education and as the administrative head of the State Department of Education.

Each parish has a Parish School Board composed of one member from each police jury ward within the parish. Each School Board member is elected for a term of six years. Each Board elects a Parish Superintendent of Schools for a period not in excess of four years.

LOUISIANA

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ADMINISTRATORS

CROSS REFERENCE

IV.J.; Statute §17:416.1

ADVISORY BOARD ON CERTIFICATION

CROSS REFERENCE

III.B.Teachers' Statute §17:59

BOARD OF EDUCATION

CROSS REFERENCE

IV.D.: Statute §17:[illegible]94

BUREAU OF CHILDHOOD DEVELOPMENT

CROSS REFERENCE

II.A.4.; Statute §17:22.1

CITY SCHOOL BOARD

CROSS REFERENCES

I.Parish School Board; Statute §17:84-1

II.A.1.; Statute §17:272; 273

II.A.2; Statute §17:1949; 17:1950

STATUTES

§17:1; 17:3

"The Louisiana State Board of Elementary and Secondary Education . . . is created as a body corporate." It is composed of eleven members, three of whom are appointed by the governor with the consent of the Senate, from the state at large. The terms of the members are six years, with the exception of initial members whose terms on the State Board of Education had not expired by December 31, 1976. Members of the board shall elect a president and vice president. Six members constitute a quorum, and the board shall adopt rules for the transaction of its business.

APPOINTMENT

BOARD OFFICERS

A vacancy in the office of an elected member, if the unexpired portion of the term is more than one year, shall be filled for the remainder of the term by special election to be called by the governor and to be held to coincide with the next scheduled districtwide election to be held more than 90 days and less than one year after the effective date of the vacancy. If no such election is scheduled to be held, the special election shall be held more than 90 days and less than 120 days after the effective date of the vacancy on call of the governor. Any other vacancy shall be filled for the unexpired portion of the term by appointment by the governor within 30 days after the effective date of the vacancy.

APPOINTMENT

The board shall meet in regular session on or before the second Monday in January of each year and at such other times as are fixed by the board. Special meetings are held on call of the board president, who shall call a special meeting whenever requested to do so by a majority of the total members of the board."

§17:2

"Each member of the State Board of Education . . . whose term had not expired on December 31, 1974, who elects to become a member of the board [of elementary and secondary education]. . . shall serve as an initial member . . . until the expiration of the term for which [he/she]

was elected to the State Board of Education."

The terms of the initial members shall vary in length according to the district in which he/she was elected.

§17:4

"The obligations . . . incurred by the State Board of Education . . . shall be preserved and discharged by the State Board of Elementary and Secondary Education and after its first meeting . . . . All employees . . . engaged in the performance of the functions of the former State Board of Education shall insofar as practicable continue as employees of the [new] board . . . and shall retain all rights, privileges, and benefits enjoyed by each under the former board."

§17:6

"In the exercise of its supervision and control over the public elementary and secondary schools," the state board has the authority to sue and be sued, to accept donations or other forms of financial assistance for educational purposes, to borrow money and issue bonds and certificates.

LIABILITY

The board may also, in accordance with applicable laws, purchase land, purchase or contract for the construction of buildings, lease land or other property belonging to it, and, when specifically authorized by law and in accordance with R.S. 41: 892 for sale of unused school lands, sell or exchange land or other real property.

The board has the authority "to award certificates and issue diplomas for successful completion of programs of study," and to pay out of state funds the necessary expenses of specialists and other persons appointed to serve on its advisory committees, for the purpose of assisting it in the performance of its policy functions.

DIPLOMAS

Upon recommendation from the state superintendent for public elementary and secondary education, the state board can enter into contracts and agreements with public and/or private agencies "with respect to cooperative enterprise and undertakings for educational programs affecting public schools under its jurisdiction." The board shall delegate to the superintendent the powers and duties appropriate

"for the efficient administration of his/her responsibility for the implementation of the board's policies."

§17:7

The state board, as part of its duties and responsibilities, shall prescribe and adopt free school books and other materials of instruction for children of the elementary and secondary levels. It shall prepare and adopt or approve courses of study and rules, by laws, and regulations for the discipline of students and for the government of the public elementary and secondary schools. "The board shall have no control over the business affairs of a parish or city school board, or the selection or removal of its officers and employees."

RULEMAKING

REMOVAL

The board shall also "prescribe the qualifications and provide for the certification of teachers," adopt minimum standards for the approval of each public elementary and secondary school, vocational-technical school, and special school under its jurisdiction, and except as otherwise provided by law, approve private and proprietary schools in accordance with §17.10 and any other applicable laws.

§17:12

The state board of education shall plan the procedure "for an enumeration of all educable children in each parish" which "may be made between April 1, 1976, and July 1, 1976, and every four years thereafter."

If there is a "marked divergence" from the previous school census or another reliable source, the board may require a recount wholly at the expense of the parish school board affected. "The board may take a school census or use the current federal census."

§17:24

"The State Department of Education is created." Its administrative head is the superintendent. The employees of the Department shall be under the superintendent's "immediate direction and control." He/she shall "have budgetary responsibility for all funds appropriated or allocated by the state.

The State Department of Education shall administer

and distribute all federal funds received for the benefit of those phases of education under the jurisdiction of the board [of education]."

§17:196

"The state board of education shall prescribe regulations for . . . keeping . . . accounts and records and . . . making . . . reports . . . under the supervision of school boards. These accounts and records shall at all times be available for inspection and audit . . ."

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 4.00.00

The state board of education delegates to the department of education the supervision of special schools subject to the following: (1) the board continue to approve personnel and budget changes (2) the Department continue third party evaluation of the schools (3) the Department submit an annual report to the state board of education.

CROSS REFERENCES

I.Department of Education; Regulation, Policy and Procedure Manual - Elem. and Secon. Edu., 4.00.00

I.Local Boards; Statute §17:81.2

I.Orleans Parish Board; Statute §17:122

I.Parish School Boards; Statute §17:151

II.A.1.; Statute §17:262 -- 265

II.A.1.; Statute §17:270

II.A.1.; Statute §17:272: 273

II.A.2., Statute §17:1941 -- 1942.1

II.A.2.; Statute §17:1944

II.A.2.; Statute §17:1945

II.A.2.; Statute §17:1946

II.A.2.; Statute §17:1947

II.A.2.; Statute §17:1948

II.A.2.; Statute §17:1949: 1950

II.A.2.; Statute §17:1952

II.A.2.; Statute §17:1954

II.A.2.; Statute §17:1955

II.A.3.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 1.00.13

II.A.4.; Regulation Bulletin 741

II.A.8.; Statute §17:14

II.A.8.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 3.07.00

II.B.1.a.; Statute §17:8

II.B.2.; Statute §17:2501 -- 2506

III.A.1.; Statute §17:10

III.A.1.; Regulation, Policy and Procedure Manual - Elem. and Sec. Edu.

III.B.Teachers; Regulation Bulletin 741; 746

III.C.School System; Statute §17:102

III.C.State Board of Education; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 4.01.00

III.C.Students; Statute §17:391.4

III.C.Teachers; Statute §17:541

III.D.; Curriculum; Statute §17:391.6

III.D.School System; Statute §17:391.8

III.D.Year-round School Operation; Statute §17:341 -- 346

III.D.Special Schools; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 3.01.00

IV.C.; Statute §17:193 -- 194

IV.E.; Statute §17:2092

IV.J.; Statute §17:416.2

DEPUTY PARISH SUPERINTENDENT

STATUTES

§17:84

"A parish or school board with a population of two hundred thousand or more may appoint a deputy parish superintendent of schools," fix his/her salary and prescribe to him/her the duties to be performed.

"The deputy parish superintendent shall serve at the pleasure of the school board . . ."

Parish school boards may also appoint and fix the salaries of "assistant superintendents, supervisors, stenographers, bookkeepers . . . attendance officers, medical directors, and other appointees

APPOINTMENT

DIVISION OF ADULT AND COMMUNITY EDUCATION

CROSS REFERENCE

II.A.8.; Stute §17:14

CROSS REFERENCES

II.A.2.; Statute §17:1944

III.E.Teachers; Regulation Bulletin 741

EAST BATON ROUGE SCHOOL BOARD

STATUTES

§17:58

"The East Baton Rouge Parish School Board shall consist of eleven members . . . elected at the congressional elections" who shall serve until the expiration of their tenure.

EDUCATIONAL COOPERATIVE

STATUTES

§17:2808; 17:2811

"The by-laws shall set forth the rights and duties of members and directors [of a cooperative] and may contain other provisions for the regulation and management of the affairs of the cooperative."

In a case where the by-laws provide "for the division and redivision of the territory served or to be served by a cooperative into two or more districts," they "shall prescribe the manner in which the several districts shall function with respect to the nomination and election of directors, and may provide for the election and powers of district delegates."

§17:2823

No member of the cooperative "shall be liable or responsible for any debts of the cooperative." The private property of the members "shall be exempt from execution for the debts of [the] cooperative."

LIABILITY

§17:2828

"This Chapter [regarding educational cooperatives] shall be construed liberally. The enumeration of any object, purpose, power, manner, method or thing shall not be deemed to exclude [those that are] like or similar . . ."

§17:2830

"Any educational cooperative . . . is authorized and empowered to enter into contracts of employment with teachers qualified under the certification standards of the Louisiana State Board of Education and laws of Louisiana for terms of at least five years, but not more than ten years to perform teaching services and services related to teaching for the educational cooperative."

FAMILY COURT JUDGE

CROSS REFERENCE

IV.H.; Statute §17:233

GOVERNOR

CROSS REFERENCE

I.State Board of Education; Statute §17:1; 17:3

JEFFERSON PARISH SCHOOL BOARD

STATUTES

§17:60.1

There shall be eight members of the Jefferson Parish School Board who shall not "hold or exercise any other office, position or employment for profit under the school board." The president of the board is elected annually by the members of the board from its membership.

LOCAL SCHOOL BOARDS

STATUTES

§17:31.2

No parish and/or city school board can accept funds or grants for new curricula or pilot programs, or instructional materials for them, without the approval of the State Board of Education.

§17:350.1

SCHOOL CLOSING

Parish and city school boards shall have the authority to suspend or close the elementary and/or secondary school system, after the question has been put to the affected parish or city electorate and a majority have supported the suspension or closing.

§17:350 1[illegible]

School boards may terminate a suspension of their school system only after a further election that puts the termination of the suspension before the electorate in the same manner as a closing or a suspension.

CROSS REFERENCES

II.A.1.; Statute §17:151.1

II.A.2.; Statute §17:1946; 1947

II.A.2.; Statute §17:1948

II.A.2.; Regulation Bulletin 741

II.A.2.; Regulation, Policy and Procedure Manual - Elem. and Sec. Edu., 3.01.63; 5.01.50

III.C.Students; Statute §17:391.4

III.C.Teachers; Statute §17:442

III.C.Teachers; Statute §17:443

IV.C.; Statute §17:195

IV.E.; Statute §17:158.1

IV.G.; Statute §17:104

IV.H.; Statute §17:228

IV.J.; Statute §17:223

IV.J.; Statute §17:416.2

LOCAL SUPERINTENDENT

CROSS REFERENCES

III.D.Minimum Requirements for School Approval; Regulation Bulletin 741

III.D.School Boards; Statute §17:415

IV.G.; Statute §17:167

LOUISIANA EDUCATIONAL TELEVISION AUTHORITY

CROSS REFERENCE

II.B.2.; Statute §17:2501 -- 2506

ORLEANS PARISH SCHOOL BOARD

STATUTES

§17:122

"All laws, and all rules and regulations of the state board of education governing other parish school boards throughout the state, shall govern the Orleans Parish School Board."

§17:126

"The Orleans Parish School Board has authority to prepare courses of study for use in public schools of Orleans Parish, subject to the approval of the state board of education, and to adopt textbooks for use in the public schools of Orleans Parish, subject to the approval of the state board of education."

CROSS REFERENCE

III.C.Teachers: Statute §17:464

ORLEANS SUPERINTENDENT OF SCHOOLS

STATUTES

§17:123

"The superintendent of public schools of the Parish of Orleans shall be ex officio the treasurer of the Orleans Parish School Board and shall receive all funds apportioned by the state to the city of New Orleans or received or collected for the support of the free public schools from any and all sources . . . ."

PARISH SCHOOL BOARD

STATUTES

§17:47

"Whenever a parish contains a municipality, [whose] population . . . is more than 1/2 of that of the entire parish, the municipality shall have representation on the parish school board proportionate to its population."

§17:51

"There shall be a parish school board for each of the parishes, and these several parish school boards are constituted as bodies corporate with power to sue. The legislature . . . authorizes suits against any parish school board for the enforcement of contracts . . . or for recovery of damages for the breach thereof.

In suits against school boards citation shall be served on the president of the board and in [his/her] absence on the vice president."

BOARD OFFICERS

§17:52-- 55

Members of the parish school board shall be elected by a majority of the qualified voters of every police jury ward in the several parishes of the state.

APPOINTMENT

Appointments of new members, due to an increase in board membership, through an increase in the number of wards, or increase in membership entitlement of a ward, shall be made by the governor and then subsequently elected. If vacancies occur, they shall be filled "by appointment by the governor."

Each parish school board shall elect a parish superintendent of schools for a period not to exceed four years. The parish boards shall elect from their number a president and vice-president, terms not to exceed six years.

REMOVAL

"If at any time . . . [the] parish superintendent shall be found incompetent, inefficient, or unworthy, [he/she] shall be removable for such cause by a majority vote of the membership of the parish school board at any regular meeting or any special meeting after due notice."

APPOINTMENT

The parish boards have authority to appoint from their number an executive committee of three persons.

§17:81

"Each parish school board shall determine the number of schools to be opened [and their location]; the number of teachers to be employed and select such teachers from nominations made by the parish superintendent. . . . . The board shall have the authority to employ teachers by

the month or by the year, and to fix their salaries, provided that there shall be no discrimination as to sex."

Each school board "shall exercise proper vigilance in securing for the schools of the parish all funds destined for the support of the schools."

The parish boards "have the power to recover for any damage that . . .[is] done to the property in their charge; they may change the location of a school house, sell or dispose of the old site, or of any site which for any reason can no longer be used or is unused and unnecessary or unsuitable as such, and use the proceeds thereof for procuring a new one."

§17:83

It is the duty of the president of the school board to call meetings, assist the parish superintendent of schools "in promoting the success of the schools", and to perform other acts pertaining to his/her office.

Contracts with teachers "shall be signed by the parish superintendent and the contracting teachers."

All deeds and other contracts for the schools shall be signed by the school board president.

§17:84.1

"Parish and city school boards may also employ janitors, custodians, and maintenance employees . . . for the proper and efficient conduct of their respective school systems.

The fact that these employees may have reached the age of fifty-five (55) or over at the time of employment shall not prohibit such employment."

§17:109

"The [local] board . . . may . . . request the attorney general of Louisiana to appear in such proceedings as amicus curiae to assist the board in the performance of its judicial functions and to represent the public interest . . . ."

§17:151

"Parish school boards may establish . . . public schools . . . to provide adequate school facilities for the children of the parish, . . .[and] schools and classes for exceptional children . . . . Central or high schools may be established when necessary, but no high school shall be established without the sanction of the state board of education. Practical, industrial, and agricultural courses shall be fostered by the public school officials, and the state board of education may extend special financial aid to schools meeting required standards in [these] courses . . . ."

§17:153

"The school boards of the several parishes of this state are prohibited from entering into any contract, agreement, understanding or combination, tacitly or expressly, directly or indirectly, with any church, monastic or other order or association of any religious sect or denomination whatsoever, [and its representatives] . . . for the purpose of running any public school . . . of this state together, in connection, or in combination with [a] private or parochial school, or other institution of learning" under the control or management of a said religious sect or denomination.

CROSS REFERENCES

I.Deputy Parish Superintendent; Statute §17:84

II.A.2.; Statute §17:272; 273

II.A.2.; Statute §17:1949; 1950

II.A.8.; Statute §17:291 -- 293

III.B.Teachers; Regulation Bulletin 746

III.C.Parish Employees; Statute §17:522

III.C.Parish Employees; Statute §17:523

III.C.Parish Employees; Statute §17:532

III.C.Parish Employees; Statute §17:533

III.D.Parish School Board; Statute §17:121

III.C.Parish Superintendent of Education; Statute §17:2113

III.C.Teachers; Statute §17:462

III.E.Teachers; Statute §17:86

IV.C.; Statute §17:82

IV.D.; Statute §17:158

IV.D.; Statute §17:492

IV.D.; Statute §17:493

IV.J.; Statute §17:416

PARISH SUPERINTENDENT

CROSS REFERENCES

I.Parish School Board; Statute §17:83

III.D.School System; Statute §17:90 -- 94; 17:415

IV.J.; Statute §17:416

PRINCIPALS

STATUTES

§17:414.1

APPOINTMENT

"The principal appointed by the parish or city school board for each public elementary and secondary school shall serve . . . as the administrative officer of the schools to which [he/she] is assigned . . . [and] . . . shall have administrative responsibility for the direction and supervision of the personnel and activities and the administrative affairs of that school."

CROSS REFERENCES

IV.A.; Statute §17:2112

IV.E.; Statute §17:2092

IV.H.; Statute §17:232

IV.H.; Statute §17:233

IV.J.; Statute §17:223

IV.J.; Statute §17:416

STATE ADVISORY COUNCIL FOR THE EDUCATION OF EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Statute §17:1954

STATE ADVISORY COUNCIL TO THE BUREAU OF CHILDHOOD DEVELOPMENT

CROSS REFERENCE

II.A.4.; Statute §17:22.2

STATE ADVISORY COUNCIL FOR VOCATIONAL-TECHNICAL EDUCATION

CROSS REFERENCE

II.A.3.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 1.03.00

STATE ATTORNEY GENERAL

STATUTES

§17:20

The attorney general, when called upon by school authorities or administrators, "shall give his[her] opinion ". . . in regard to any controversy or dispute affecting [these] officers or boards . . . ."

§17:41

If requested by the superintendent, the board or any other designated authority, "the attorney general shall give [his/her] opinion in regard to any controversy or dispute affecting any of these officers or boards," relating to their rights or duties, or affecting the schools under their charge.

Whenever requested, the state superintendent shall give advice and information "to members of school boards, to superintendents, and to citizens relative to criminal law."

CROSS REFERENCE

I.Parish School Board; Statute §17:109

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

CROSS REFERENCES

I.State Board of Education: Statute §17:4

II.B.1.a.; Statute §17:351 -- 352

III.A.1.; Regulation Bulletin 741

III.C.Students: Statute §17:391.4

STATE EDUCATION STUDY COMMISSION

STATUTES

§17:3151-- 3154

The State Education Study commission is created in the Department of Education to develop a "master education plan for the state to include all phases of education, including pre-school both public and private, with the exception of college education."

APPOINTMENT

The commission shall be composed of four members appointed by the State Board of Education, one member appointed by the coordinating council for higher education, and ten more members appointed by the state superintendent of education. Each congressional district in Louisiana shall be represented by at least one but no more than three members on the commission.

The commission was assigned to submit a preliminary report to the regular session of the Louisiana legislature in 1973. The commission is "authorized to use such funds and personnel as are made available by the State Department of Education to conduct the study and prepare the report."

CROSS REFERENCES

III.A.10.Other - Alternative Programs: Regulation Bulletin 741

III.B.Teachers; Regulation Bulletin 746

III.C.Students; Statute §17:391.4

III.D.School System: Regulation Bulletin 741

III.E.Teachers; Statute §17:2851; 17:2852

STATE SENATE

CROSS REFERENCE

III.B.Superintendent's Assistant: Statute §17:23

STATUTES

§17:21

The superintendent for public elementary and secondary education "shall execute and implement those educational policies and programs which are under the supervision of the [state] board." He/she "shall provide leadership for the continuous development, coordination, and improvement in areas of education where no board policy exists." He/she shall serve for four years, at a salary of $35,000 per year.

§17:22

DIPLOMA

The superintendent of education shall "cause all certificates and diplomas that are to be awarded to be prepared by the State Department of Education." He/she shall "make recommendations on contracts and agreements to be entered into by the board," and shall "prepare the list of free school books and other materials of instruction for adoption by the board."

As administrative head of the State Department of Education, he/she shall "employ and fix the salaries and duties of employees of the department."

The superintendent shall "offer assistance to local public school officials and the elementary and secondary schools of the state in their efforts to adopt procedures by which "courses of study will be followed , teachers will meet their standards, and schools are to meet the standards for approval prescribed by law. He/she will make "an annual report to the board, the governor, and the legislature" on the progress made, and the improvements needed in the schools.

This report shall contain:

(a) a complete financial report on the department of education and the various schools;

(b) data on faculty, enrollments, graduates, courses, etc. bearing on needs and progress of the schools;

(c) an abstract of reports of the various parish

superintendents to the state superintendent; and

(d) any other pertinent information. The document shall also be distributed to parish boards, libraries, and the superintendents of schools of other states.

CROSS REFERENCES

I.Department of Education; Statute §17:24

I.State Attorney General; Statute §17:41

II.A.1.; Statute §17:13

II.A.1.; Statute §17:262 -- 265

II.A.1.; Statute §17:270

II.A.4.; Statute §17:22.1

II.A.8.; Statute §17:14

III.A.1.; Statute §17:391.9 -- .10

III.B.; Suprerintendent's Assistant: Statute §17:23

III.C.School System; Statute §17:391.3

III.C.Students; Statute §17:391.4

III.D.Public Schools; Statute §17:17-17; 19

III.D.Minimum Requirements for School Approval; Regulation Bulletin 741

IV.A.; Statute §17:2111

IV.A.; Statute §17:2112

IV.H.; Statute §17:227

TEACHERS

CROSS REFERENCES

IV.A.; Statute §17:2112

IV.H.; Statute §17:232

IV.J.; Statute §17:416.1

VISITING TEACHERS

CROSS REFERENCES

II.A.7.; Statute §17:235

IV.H.; Statute §17:230

IV.H.; Statute §17:233

MAINE

The Department of Educational and Cultural Services supervises, guides and plans for a coordinated system of public education. To this end, the Department is composed of the State Museum Bureau, the Arts and Humanities Bureau, the Maine State Library Bureau, the Bureau of Vocational Education and such other bureaus as the Commissioner of Educational and Cultural Services deems necessary to fulfill the duties of the Department.

The Commissioner of Educational and Cultural Services is appointed by the Governor after consultation with the State Board of Education. The appointment is subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature. The Commissioner serves at the pleasure of the Governor. The State Board of Education consists of nine membes who are also appointed by the Governor subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature. No person who earns a substantial portion of his/her income as a teacher or as an administrator of an educational institution, other than a college president, is eligible for appointment to the State Board of Education. The State Board acts in an advisory capacity to the Commissioner of Educational and Cultural Services.

It is the policy of the state to encourage the development of school administrative units of sufficient size to provide more equalized educational opportunities. The Commissioner of Educational and Cultural Services has the responsibility to group school administrative units into supervisory unions of 35 to 75 teachers unless otherwise impractical. Two or more municipalities may form a School Administrative District managed by an elected Board of School Directors. The Superintendent of the School Administrative District is selected by a majority vote of the Board of School Directors.

MAINE

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Advisory Board on Certification

CROSS REFERENCE

III.B.Teachers: Statute §59

Advisory Committees

CROSS REFERENCE

II.A.3.; Statute §2356-A

Agricultural Education Consultant

CROSS REFERENCE

II.A.3.; Statute §106

Attendance Officers

CROSS REFERENCE

IV.H.; Statute §913

Board of School Directors

STATUTES

§301

All the affairs of the school administrative district shall be managed by a board of school directors which shall consist of not less than 5 members. No municipality or section shall have less than one director.

§306

Directors may select an unofficial name for the school administrative district and may select a finance committee of at least three of their members.

"Directors shall operate such elementary units as they deem necessary." When any school has an average daily attendance of less than 8 pupils for any school year, it will be closed unless the voters raise money to keep it open.

Directors shall not transact any business unless a majority in number and voting power is present.

The directors may purchase land and erect schools outside the district if the location of other schools or transportation difficulties make it in the best interests of the district.

The directors cannot dispose of real property wtihout the authorization of the legal voters of the school administrative district, except they may return unused property to the town, if the school administrative district has incurred no indebtedness or lease obligations on it.

Directors may lease unused school buildings for educational or cultural purposes.

CROSS REFERENCES

I.Supterintendent of Schools; Statute §221

II.A.2.; Statute §3124

COMMISSIONER OF EDUCATION

STATUTES

§102

The commissioner of education has the duty "to exercise a general supervision of all the public schools and to advise and direct town committees and superintendents in the discharge of their duties." He/she must obtain and disseminate information about school systems in other states and counties which he/she deems important, to the public, to school officials, and to teachers.

The commissioner has the duty "to encourage in-service education and staff development for teachers," and to inform school and municipal officers of the amended school laws of the state.

The commissioner has the duty "to prescribe studies to be taught [in public and private schools] . . . reserving to school committees or officers in charge of [these] schools, the right to prescribe additional studies." Course subjects required for graduation from public and private schools include American history and government; and Maine history history, geography and

natural and industrial resources (for grades 7-12). The basic language for instruction is English.

The commissioner assumes the control and "management of all free public schools established and maintained by gifts or bequests." When petitioned by 60% of the parents of the children or by 20% of the legal voters, he/she shall make an inspection "of standards of buildings, equipment, organization and instruction" and report his/her findings and recommendations to the school committee.

Other duties which the commissioner is empowered to perform are the issuance of high school equivalency certificates to Maine residents 18 years and older; and the production of educational television programs.

The commissioner is further empowered "to cooperate with the Department of Health, Education and Welfare in carrying out the Bilingual Education Programs Act," and any other federal programs to improve educational programs designed to meet the educational needs of children in areas having a high concentration of children from non-English-speaking families."

"Schools enrolling only pupils not residents" of Maine "shall be subject to an annual review of their programs" by the commissioner.

§151; 155

It shall be the duty of the commissioner to adjust the grouping of school administrative units. Generally school administrative units will employ from 35 to 75 teachers except where "owing to geographical situation or other reasons it is to the advantage of the state and of said towns" to have larger or smaller units.

When an administrative unit, employing less than 15 teachers cannot join with other units, due to geographical location, "to form a supervisory unit. . . the directors or school committee, on approval of the commissioner, may employ a qualified person to serve as superintendent of schools and as supervising principal."

A city or town having more than 75 teachers may

employ a superintendent without uniting with other administrative units. The school committee shall certify to the commissioner facts relative to his/her employment, including salary.

When a unit with 75 or more teachers removes itself from an existing union of two units and the remaining unit has more than 40 teachers the remaining unit, with the consent of the school committee and the commissioner, will be treated as though it has 75 or more teachers employed.

CROSS REFERENCES

I.Department of Education: Statute §2,3

I.Department of Education and Cultural Services: Statute §1-B

I.State Education Supervisors; Statute §105

I.Superintendent; Statute §156; 157

II.A.1.; Statute §1011

II.A.1.; Statute §1222

II.A.1.; Statute §2452

II.A.2.; Statute §3128

II.A.3.; Statute §106

II.A.3.; Statute §2401

II.A.8.; Statute §888

III.A.1.; Statute §916

III.E.Superintendent; Statute §159

IV.A.; Statute §1135

IV.C.; Statute §1053

IV.H.; Statute §911

COMMUNITY SCHOOL BOARD OF TRUSTEES

STATUTES

§352

Three trustees will be appointed from each town, thereafter on each year will be elected by the town at town meetings. Temporary vacancies will be filled by appointment. The trustees shall incorporate and file with the department.

APPOINTMENT

§353

The board of trustees of the community school district shall manage all of the affairs of the district except: the election of teachers and their salaries, the courses of study, the terms of school and other matters pertaining to the education of pupils, which will be controlled by a community school committee.

"At the close of the fiscal year the trustees shall make a report of their doings, of the financial condition of the district," the physical condition of the school "buildings and other matters, which will be filed with the municipal officers of each town."

§356

The trustees will determine the representation of each town on the community school committee. Each town will have at least one member. The school committee of each town will pick some of its own members to sit on the community school committee, which will have the powers enumerated in §353.

COMMUNITY SCHOOL COMMITTEE

CROSS REFERENCES

I.Community School Board of Trustees; Statute §356

I.Community School Board of Trustees; Statute §353

I.Community School Superintendent; Statute §359

COMMUNITY SCHOOL SUPERINTENDENT

STATUTES

§359

The superintendent of the community school shall be selected "by the community school committee and shall have the same duties, powers and responsibilities . . . as are prescribed by law for public school superintendents."

COOPERATIVE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §2356-G3

II.A.3.; Statute §2356-G5; §2356-G6

DEPARTMENT OF EDUCATION

STATUTES

§2, 3

The department of education is designated a state agency to receive and distribute federal surplus property, and it is authorized to join educational associations, at the discretion of the commissioner.

CROSS REFERENCES

I.Community School Board of Trustees; Statute §352

III.A.2.; Statute §855

III.D.Educational System: Regulation, Coordination of Planning and Management (1972), Pursuant to 20 MRS §102

IV.C.; Statute §1053

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICE

STATUTES

§1-A

The Department of Educational and Cultural Services is established to "supervise, guide and plan for a coordinated system of public education for all citizens of the state and interrelate public education to other social, economic, physical, and governmental activities, programs and services. The department shall also provide for a coordinated, integrated system of cultural resources, programs and projects, encourage and stimulate public interest in the advancement of education and support the cultural and historical heritage, institutions and activities of Maine at both the state and local level."

§1-B

The department is composed of the state Museum Bureau, the Arts and Humanities Bureau, the Maine State Library Bureau, the Bureau of Vocational Education, and any other bureau that the commissioner deems necessary.

DIRECTOR OF VOCATIONAL EDUCATION CENTER

CROSS REFERENCE

II.A.3.; Statute §2356-A

GOVERNOR

CROSS REFERENCE

III.C.School District; Statute §854

INTERSTATE SCHOOL DISTRICT

STATUTES

§313

Each interstate school district will be a body corporate and politic with the power to:

A. Acquire, construct, improve, staff, operate and govern public schools within its boundaries;

B. To sue and be sued, subject to limitations of liability;

D. Adopt bylaws;

E. Acquire real and personal property;

F. Enter into contracts and incur debts;

G. Borrow money;

H. Make contracts and accept grants for construction, financing and operation of its schools;

I. Employ assistants and independent contractors as it shall deem necessary;

J. Take any other action necessary or appropriate to exercise the foregoing powers.

§315

DISTRICT OFFICERS

"The officers of an interstate school district shall be a board of directors, a chairman of the board, a vice-chairman, a secretary, a moderator, a clerk, a treasurer and three auditors . . . . No person shall be eligible to any district office unless he/she is a voter in the district . . . an [employee] of the interstate school district acting as such shall not be eligible to hold office as a school director."

§315-C

The vice-chairman of the board shall represent a member district different from the one represented by the chairman.

CROSS REFERENCE

II.C.1.: Statute §322-C

INTERSTATE SCHOOL DISTRICT SUPERINTENDENT

STATUTES

§315-I

"The superintendent shall be selected by a majority vote of the board of . . . the . . . interstate district with the approval of both commissioners."

LEGISLATURE

CONSTITUTION

Maine Constitution, Art. IV, §1

The legislature shall convene on the first Wednesday of January biennally, and, with exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this constitution, nor that of the United States.

The words "benefit of the people of this state" give the legislature "full power" in the areas of education because the "general diffusion of education" is to be regarded as a "benefit" to the people.

Maine Constitution, Art. VIII, §1

A general diffusion of advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the state: provided that no donation, grant or endowment shall at any time be made by the legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the legislature of the State shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in,

any such literary institution, as shall be judged necessary to promote [illegible] best interests thereof.

LOCAL SCHOOL COMMITTEES

CROSS REFERENCE

II.A.3.: Statute §2356-A

PRINCIPAL

CROSS REFERENCE

IV.H.: Statute §911

PUBLIC SCHOOLS

CROSS REFERENCE

IV.C.: Statute §1051

SCHOOL ADMINISTRATIVE UNIT

STATUTES

§851

"An administrative unit . . . shall include all municipal or quasi-municipal corporations responsible for operating public schools."

CROSS REFERENCE

I.Commissioner of Education; Statute §151; 155

SCHOOL COMMITTEES

STATUTES

§471

Every town, not in a school administrative district shall choose a school committee of three members.

§472

When a vacancy occurs the committee will select a person to fill it until the next annual meeting. No member or spouse of the school committee shall be employed full time in any public school in that town, or within a supervisory union of which he/she is a member of the joint committee.

§473

School committees and directors shall:

1) manage and care for all schools and school property in their administrative units. The use of school buildings may not be denied to any person solely

because use is requested for a political activity";

2) direct the general course of instruction and approve a uniform system of textbooks, and perform such other functions as may be specified by law. No textbook thus approved shall be changed for 3 years unless by vote of the committee or directors;"

3) provide courses in physiology and hygiene," with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system;"

4) dismiss any teacher, although having the requisite certificate, "who proves unfit to teach or whose services they deem unprofitable to the school", after investigation, due notice of hearing and a hearing. A dismissal shall not deprive a teacher of compensation for previous services.

DISMISSAL

5) "any obstinately disobedient and disorlerly scholar" shall be expelled by the committee or directors, if found necessary for the peace and usefulness of the school." The committee or directors may authorize the principal to suspend students up to 10 days "for infraction of school rules."

6) the Director of Health may exclude students from school if they have not been immunized against smallpox, diphtheria, tetanus, whooping cough, measles, or German measles or "any other communicable disease for which immunization is available," unless parents or guardians submit statements opposing immunization or doctors statements stating that immunization would be medically not advisable;

EXCLUSION

IMMUNIZATION

7) "determine what description of scholars shall attend each school, classify them and transfer them from school to school where more than one school is kept at the same time;"

8) "any teacher, principal or other person regularly employed" by the school board of education may be granted a leave of absence for not more than 1 year and not more than half pay; such leave of absence to be granted only after 7 years of service;

LEAVE OF ABSENCE

9) "they shall have authority to adjust the salaries of teachers, principals and other persons legally employed by them who are compelled to be absent from their school duties but no reduction in pay may be made if absence is caused by bona fide observance of designated holidays in the church of their faith;"

10) teachers in any branch of the United States Armed Forces shall be entitled to a leave of absence, without net loss of income not to exceed 17 calendar days. MILITARY

§360A; 360B

In a community school district formed after March 28, 1972, the towns may vote to have the functions of trustee and school committee combined.

CROSS REFERENCES

II.A.1.; Statute §1011

II.A.8.; Statute §888

IV.A.; Statute §1131

IV.D.; Statute §862

IV.H.; Statute §961

STATE BOARD OF EDUCATION

STATUTES

§51

The state board of education consists of 9 members appointed by the governor and subject to review by the Joint Standing Committee on Education, and confirmation by the legislature. "The membership of the board shall be broadly representative of the public." Teachers and administrators, except college presidents, cannot serve on the board. APPOINTMENT

The board shall act in an advisory capacity to the commissioner. It shall "recommend funds to the Bureau of the Budget for equalization of educational opportunity."

The board shall approve the formation or dissolution of School Administrative Districts, community school districts, and isolated secondary schools; grant permission to administrative units to enter into cooperative educational agreements; and to act upon articles of

agreement for creation of an Interstate School District.

The board shall operate state technical and vocational institutes and schools of practical nursing and plan regional technical and vocational centers. It shall also establish requirements for approval and accreditation of elementary and secondary schools.

The board shall establish a student loan insurance program.

The board shall "adjust subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive," and the board shall serve as a state agency for the administration of federal funds.

CROSS REFERENCES

II.A.3.; Statute §2356-A

II.A.3.; Statute §2356-G3

STATE EDUCATIONAL SUPERVISORS

STATUTES

§105

APPOINTMENT

The Commissioner of education may appoint supervisors "to assist and direct elementary and secondary teachers, to work with local school officials upon request, and to perform such other duties" as the commissioner may direct.

SUPERINTENDENT OF SCHOOLS

STATUTES

§152; 153;158

The school directors of a school administrative district or the school committees of a union, upon notice of the commissioner, shall meet during December of the year preceding the expiration date of the superintendent's contract. At that meeting, or as soon after as possible, and whenever a vacancy occurs, the directors or committee shall choose a superintendent of schools for a term of not more than 5 years.

In administrative units comprising a union the school committees shall form a joint committee, which shall be held as agents of each unit. "The joint committee shall determine the relative amount of service to be performed by the superintendent in each unit, including the minimum number of visits to be made each term to each school, fix his/her salary, apportion the amounts thereof to be paid by the several units" and shall certify the amounts to the unit's treasurer and to the commissioner. The amounts "shall be in proportion to the amount of service performed in the several units."

No person shall be eligible for the position of superintendent if he/she is a member of the school committee or school directors, and if he/she does not hold a certificate of the superintendent grade. If the directors or committee "fail to legally elect a superintendent by June 30th in any year, a competent and qualified agent may, with the advice and consent of the commissioner, serve in said capacity" until his/her successor is legally elected.

The committee or directors, by a majority vote of its full membership, may discharge the superintendent for cause before the expiracion of his/her term. The superintendent may appeal the decision to the commissioner for a public hearing.

DISMISSAL

§156; §157

When "an administrative unit is so situated that it is not practical to combine with other units for the purpose of employing a superintendent," the commissioner may assign "the general agent for the schooling of children in unorganized townships, or any other agents of the commissioner who shall serve with "the same powers and shall perform the same service as superintendent of schools of towns." The commissioner will determine the frequency of the agent's visits to

the district, and in case of dispute, the amount paid to the agent by the unit.

§161

The superintendent shall be, "ex officio, the secretary of the school committee or board of school directors and of any building committee chosen by the administrative unit and shall perform such duties not enumerated as said committees or board shall direct."

The superintendent will keep records of votes, other proceedings, and financial records; and visit schools and make a written report annually to the commissioner "of the condition of school buildings," and "the proficiency of the pupils." The superintendent shall devote his/her entire time to his/her duties in the union or school administrative district, unless he/she performs other "educational services" with the approval of the commissioner and the consent of the committee or directors.

The superintendent shall select textbooks, supplies, and apparatus and see to it that these are "reasonably distributed to each school and accurately accounted for and economically used." He/she shall be responsible for the enforcement of "all regulations of the school committee or directors," and shall "direct and supervise the work of all teachers."

Subject to regulations made by the school committee or directors governing salaries and teachers qualifications, teachers will be nominated by the superintendent. "He/she may employ teachers so nominated and approved for such terms as he deems proper, subject to the approval of the school committee or school directors."

After a probationary period, "not to exceed 2 years" subsequent contracts "shall be for not less than 2 years" and unless a teacher receives written notice 6 months before the termination date of the contract, it will automatically be extended for one year until age 65. A longer extension may be contracted for by the parties. Teachers 65 and older may contract for one

year periods only. (Just cause for dismissal or non-renewal are items for collective bargaining.)

After a probationary period of 3 years, any teacher "who receives notice in accordance with this section" that his/her contract will not be renewed may request a hearing during the 15 days following the notice, and such a hearing must be granted within 30 days of the request. "The teacher may request reasons." Either party may bring counsel, the hearing will be private except by mutual consent.

HEARING

"The right to terminate a contract, after due notice of 90 days, is reserved to the school committee or school directors when changes in local conditions warrant the elimination of the teaching position for which the contract was made."

If the committee or directors fail to legally elect a teacher, the commissioner has authority to appoint a substitute teacher who shall serve until a legal election is made.

APPOINTMENT

§221

The superintendent of the school administrative district shall be selected by a majority vote of the directors, and shall have the same duties, powers and responsibilities as prescribed by law for public school superintendents. In addition, he/she shall serve as secretary and treasurer of the school administrative district.

§966

Each superintendent shall make returns to the commissioner by April 1st, of the number of residents of the state enrolled in elementary and secondary schools under their jurisdiction.

§967

Each superintendent shall make returns of all educational statistics for the preceding year on or before August 1st of each year. Any administrative unit that fails to make the return will be liable for withdrawal of state funds.

Financial reports shall be for a fiscal year from July 1 to June 30th. Each school shall be audited annually and shall file the audit with the commissioner by November of each year.

CROSS REFERENCES

II.A.1.; Statute §1012

II.A.3.; Statute §2356-G5

II.A.10. Other - Alternative Education; Statute §932

IV.A.; Statute §1013-- 1014

IV.D.: Statute §220; 358

TEACHERS

CROSS REFERENCE

IV.A.: Statute §1013--1014

TOWN GOVERNMENT

CROSS REFERENCE

I.Legislature; Constitution, Art. VIII, §1

TOWN SCHOOL COMMITTEES

STATUTES

§475

A town which neglects to elect members of a school committee "forfeits not less than $30 nor more than $200."

CROSS REFERENCE

I.Community School Board of Trustees; Statute §356

VOCATIONAL ADMINISTRATOR

CROSS REFERENCE

II.A.3.; Statute §2356-G5

MARYLAND

The State Board of Education serves as the head of the State Department of Education. The Board consists of nine members appointed by the Governor, with the advice and consent of the Senate. Members are appointed from the general public with consideration given to representation of all parts of the State. Each member serves a term of five years and may not serve more than two full terms.

The State Superintendent is the chief executive, the secretary and the treasurer of the State Board with advisory, but no voting rights. The State Board appoints the State Superintendent for a term of four years. He/she is responsible for executing the educational policies of the State Board and for certificating the professional personnel in all public schools within the State.

Each county within the State has a County Board of Education responsible for the control of its educational matters. The county boards are set up and closely regulated by state law as to composition and appointment or election of members. Each Board appoints, with the written approval of the State Superintendent of Schools, a Superintendent of Schools for a term of four years. He/she serves as executive officer, secretary and treasurer of the County Board of Education with advisory, but no voting rights. The State Superintendent of Schools may remove any County Board of Education member or any County Superintendent of Schools for immorality, misconduct in office, imcompetency, or wilful neglect of duty.

MARYLAND

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BOARD OF SCHOOL COMMISSIONERS

CROSS REFERENCE

III.C.Teachers; Statute Art. 77, §56D

CITIZEN ADVISORY COMMITTEE

STATUTES

Art. 77 §49

Each county board shall establish a citizen advisory committee"to advise the board and to facilitate its activities and programs in the public schools."

CROSS REFERENCES

II.A.1.; Regulation 13.03.02.01

III.D.School Policy; Regulation 13.02.04

COUNTY BOARD OF EDUCATION

STATUTES

Art. 77 §34

"Educational matters affecting the counties shall be under the control of a county board of education in each county."

Art. 77 §35

(a) A school system with less than 50,000 pupils shall have a five member county board; a system with more than 50,000 shall have a seven-member board and one with more than 100,000 pupils shall have a nine-member board; (b) board members shall be appointed by the governor from among the residents of the district for 5-year terms. This does not apply to board members in those counties which have reserved the right to elect their boards of education; [They may be removed for cause as set forth above. Any member so removed shall be entitled to a hearing.] (c) eight of the nine members of the board of education in Baltimore shall respectively be residents of the eight legislative districts, the remaining shall be appointed for Baltimore County at large.

Art. 77 §37

The county boards shall hold an annual meeting and elect a president and vice president. All final actions of county boards shall be taken at a public meeting. Board members do not receive compensation except as specified.

Art. 77 §38

The county board is a body politic and may sue and be sued, may have a common seal and may exercise all powers and privileges vested in them.

Art. 77 §41

The county board shall carry out the policies of the state board. The board shall determine the educational policies of the school system and prescribe rules for the "conduct and management" of those schools.

Art. 77 §42

The county board may establish public schools with the approval of the state superintendent. It also shall determine the geographic attendance areas for those schools.

Art. 77 §51

County Boards of Education shall have the power of eminent domain.

Art. 77 §54

The county board shall appoint all principals, teachers and other certified and noncertified personnel on the written recommendation of the county superintendent. It shall fix their salaries subject to the provisions of the code. In Baltimore, the Board of School Commissioners shall exercise this authority.

APPOINTMENT

Art. 77 §56A

The county board may enter into agreements with other state educational bodies or institutions for the joint administration of programs, e.g., administrative, data

processing and transportation. Such an agreement shall specify its duration, the method of financing, the organization of any separate administrative entity created, the manner of acquiring property and the method of termination. Every agreement must be approved by the governing body of the subdivision and submitted to the Attorney General for a determination whether the agreement complies with the law.

REMOVAL

CROSS REFERENCES

I.Citizen Advisory Committee; Statute Art. 77, §49

I.County Superintendent; Statute Art. 77, §68

II.A.1.; Statute Art. 77, §90

II.A.2.; Statute Art. 77, §55

II.A.7.; Statute Art. 77, §93

II.A.8.; Statute Art. 77, §43

II.B.1.a.; Statute Art. 77, §79

II.B.1.c.; Regulation 13.05.05.01

II.C.2.; Statute Art. 77, §47

II.C.3.; Statute Art. 77, §97

III.B.County Superintendent; Statute Art. 77, §57

III.C.Professional Staff; Statute Art. 77, §114

III.C.Students; Statute Art. 77, §81

III.D.Census of School Age Children; Statute Art. 77, §56

III.D.County Board Records; Regulation 13.02.01.06

III.D.School Policy; Regulation 13.02.04

III.E.Educational Program; Statute Art. 77, §56A

IV.A.; Statute Art. 77, §85

IV.J.; Statute Art. 77, §98B

IV.J.; Regulation 13.07.04.01; 13.07.04.02

COUNTY SUPERINTENDENT

STATUTES
Art. 77 §39

The county superintendent shall be executive officer, secretary and treasurer for the board but is not a public officer under state law. She/he shall attend all meetings but may not vote.

Art. 77 §57

The county board of education shall appoint a superintendent of schools for a term of four years. The appointee shall be eligible to be issued a certificate by the state superintendent, and shall be approved by her/him in writing. The county superintendent shall be paid a salary specified by the board for her/his first year. During the succeeding years in office her/his salary is determined by this section. If the county superintendent meets the qualifications, i.e., a graduate degree in an appropriate field, the state shall pay a portion of the salary. The state superintendent may remove the county superintendent for cause. The county board shall fill the vacancy for a full four-year term.

REMOVAL

Art. 77 §58

The county superintendent is the executive officer of the county board and shall see that its policies and laws, and those of the state board, are carried out.

Art. 77 §59

The county superintendent shall explain the intent and meaning of the school law and decide all controversies including rules promulgated by the county board. Appeal of any decision may be made to the county board and ultimately may be made to the state board.

Art. 77 §60

The county superintendent shall recommend buildings to be condemned if unfit for use, shall recommend repairs and purchase of buildings or land for school use, shall prepare plans for remodeling or constructing new buildings.

Art. 77 §61

The county superintendent shall approve all contracts entered into by the county board and none shall be valid without her/his signature.

CONTRACTS

Art. 77 §62

The county superintendent shall nominate all certified personnel for appointment and shall assign them to their positions, transfer them and make recommendations to promote, suspend or dismiss them.

SUSPENSION
DISMISSAL

Art. 77 §68

The county superintendent shall be responsible for the administration of the office of the county superintendent of schools. She/he shall nominate all professional assistants and may recommend their removal for cause. However, the qualification of all appointees; their tenure and compensation shall be determined by the county board. The total number of professional employees shall not exceed 46 for every 1,000 of the first 5,000 pupils enrolled and 45 for each additional 1,000. Professional employee shall mean any employee for whom a certificate has been issued or who the state department of education has deemed to have equivalent status. Supervisors of pupil personnel I and II and visiting teachers shall be appointed in accordance with established rules and regulations of the state board. The county commissioners shall levy sufficient funds to meet the minimum salaries provided for by law.

REMOVAL

APPOINTMENT

Art. 77 §70

The county superintendent shall prepare and present the annual budget and seek to secure adequate funds for the "support and development" of the public schools.

Art. 71

The county superintendent shall conduct all correspondence and see that all reports are properly submitted to the Board and to the state board of education as required.

Art. 77 §71A

The superintendent shall be immune from civil liability for any erroneous findings of fact or participation in a disciplinary, administrative or judicial proceeding which is done without malice and within the scope of her his employment.

IMMUNITY

CROSS REFERENCES

I.County Board of Education; Statute Art. 77, §54

II.A.1.; Statute Art. 77, §66

II.B.1.a.; Statute Art. 77, §67

III.D.County Board Records; Regulation 13.02.01.06

III.D.Educational Programs; Statute Art. 77, §65

III.D.School System; Statute Art. 77, §64

III.E.School Personnel; Statute Art. 77, §63

Division of Library Development and Services

CROSS REFERENCE

II.B.3.; Statute Art. 77, §164

Governor

CROSS REFERENCES

I.State Board of Education; Statute Art. 77, §3

II.B.3.; Statute Art. 77, §167

Hearing Examiner

CROSS REFERENCE

III.C.School Employees; Regulation 13.01.01.04

Hearing Review Board

CROSS REFERENCE

II.A.2.; Regulation 13.04.01.21

Local Board Of Education

CROSS REFERENCES

II.A.2.; Statute Art. 77, §99

II.A.2.; Statute Art. 77, §106D; 106E

II.A.2.; Regulation 13.04.01.21

IV.A.; Regulation 13.05.06.01

IV.J.; Statute Art. 77, §95

IV.J.; Regulation 13.07.03.01; 13.07.03.02

Local Education Agency

CROSS REFERENCES

II.A.2.; Regulation 13.04.01.02

II.A.2.; Regulation 13.04.01.04 -- .05

II.A.2.; Regulation 13.04.01.06 — .14

II.A.2.; Regulation 13.04.01.17

Local School Systems

CROSS REFERENCE

II.A.1.; Regulation 13.03.02.01

Local Superintendent of Schools

CROSS REFERENCES

III.B.Teachers; Regulation 13.06.01.02;
13.06.01.03

IV.J.; Statute Art. 77, §95

Maryland Advisory Council on Libraries

CROSS REFERENCE

II.B.3.; Statute Art. 77, §167

Professional Standards of Teacher Education Advisory Board

CROSS REFERENCE

III.E.Teachers; Regulation 13.06.01.04

Principal

CROSS REFERENCES

IV.A.; Statute Art. 77, §94

IV.J.; Statute Art. 77, §96A

IV.J.; Statute Art. 77, §98A

State Advisory Commission on Special Education

CROSS REFERENCE

II.A.2.; Regulation 13.04.01.01

STATUTES

Art. 77 §3

The state board of education shall consist of nine members appointed by the governor with the advice and consent of the Senate. The governor shall consider geographic representation in these appointments. Board members shall serve a term of five years and may be reappointed for one additional term. They may be removed from office, by the governor for "immorality, misconduct in office, incompetency, or wilful neglect of duty." The accused member has the right to receive a copy of the charges against him/her and the right to a public hearing where he/she may be represented by counsel. The governor shall fill any vacancy created by removal for cause for the remainder of the unexpired term.

REMOVAL

HEARING

COUNSEL

A majority of the board must be present before any action may be taken.

Art. 77 §4

Each July the state board shall elect a president and vice president The board shall hold at least three additional meetings a year.

Art. 77 §6

The state board shall: (a) determine and implement the educational policies of the state; (b) adopt bylaws, rules and regulations which shall have the force of law; (c) "institute legal proceedings to enforce the provisions of this article;" (d) shall interpret this article and bylaws, rules and regulations, and shall decide all controversies arising" thereunder. Its decision shall be final.

Art. 77 §7

The state board through the state superintendent shall exercise "general control and supervision over

public schools" and "shall seek . . . to direct and develop public sentiment in support of public education."

REGULATIONS

§13.02.01.03

A majority of the whole board must convene for a resolution to be adopted. If the board sits in executive session, "no motion or resolution other than for the purposes of such executive sessions shall be declared adopted."

CROSS REFERENCES

I.State Superintendent; Statute Art. 77, §30

II.A.1.; Statute Art. 77, §15

II.A.1.; Statute Art. 77, §88A

II.A.1.; Statute Art. 77, §88B

II.A.1.; Statute Art. 77, §90

II.A.2.; Statute Art. 77, §98C

II.A.2.; Statute Art. 77, §100

II.A.2.; Statute Art. 77, §100A

II.A.2.; Statute Art. 77, §106D; 106E

II.A.2.; Statute Art. 77, §106F; 106G

II.A.2.; Regulation 13.04.01.01

II.A.2.; Regulation 13.04.01.03

II.A.2.; Regulation 13.04.01.21

II.A.3.; Statute Art. 77, §133

II.A.6.; Statute Art. 77, §106A -- C

II.A.8.; Regulation 13.04.03.01

II.B.2.; Statute Art. 77, §161

II.B.3.; Statute Art. 77, §163

II.B.3.; Statute Art. 77, §164

II.C.2.; Statute Art. 77, §9

III.A.1.; Statute Art. 77, §11

III.B.State Superintendent; Statute Art. 77, §23

III.B.Teachers; Statute Art. 77, §16

III.C.Certificated Personnel; Regulation 13.06.03.01

III.C.School Employees; Regulation 13.01.01.04

III.C.Students; Statute Art. 77, §98D

III.C.Students; Regulation 13.03.01.02

III.D.Educational Needs; Statute Art. 77, §21

III.D.Educational Programs; Statute Art. 77, §28A

III.D.Educational Progress; Statute Art. 77, §19; 20

III.D.School Reports; Statute Art. 77, §17

III.E.Educational Quality; Statute Art. 77, §8

III.E.Teachers; Regulation 13.06.01.04

IV.A.; Statute Art. 77, §84

IV.C.; Statute Art. 77, §125

IV.D.; Statute Art. 15, §109

IV.D.; Regulation 13.15.02.01; 13.15.02.03; 13.15.02.04

IV.F.; Regulation 13.07.05.01 -- 13.07.05.02

STATE DEPARTMENT OF EDUCATION

STATUTES

Art. 77 §32

The state department of education shall have the following professional assistants: (1) a deputy state superintendent; (2) associate and assistant state superintendents as authorized by the board; (3) other clerical and professional assistants as authorized.

Art. 77 §77.2

The state department of education is headed by the state board of education and is entrusted with "the general care and supervision of public elementary and secondary education. . ."

CROSS REFERENCES

II.A.1.; Regulation 13.03.02.03

II.A.1.; Regulation 13.03.02.05

II.A.2.; Statute Art. 77, §102

II.A.2.; Regulation 13.04.01.15 -- .16

II.A.7.; Statute Art. 77, §218

II.A.7.; Statute Art. 77, §219

III.C.Local Boards of Education; Regulation 13.06.05.01

III.C.Local Boards of Education; Regulation 13.07.06.01

III.D.Educational Programs; Statute Art. 77, §28A

III.E.Professional Staff Members; Regulation 13.01.03.02

STATUTES

Art. 77 §5

"The state superintendent shall be the chief executive, the secretary and the treasurer of the...Board." He/she shall attend its meetings and advise the board, but may not vote. "He [she] shall be a member of the Governor's Executive Council."

Art. 77 §24

The state superintendent shall enforce all provisions of the law and of the bylaws of the state board. She/he may notify the comptroller to withhold funds if provisions are violated.

Art. 77 §25

The state superintendent shall execute the educational policies of the board, call and conduct conferences, "on matters related to the conditions, needs, and improvement of the schools," and publish pamphlets to stimulate public interest in education. She/he shall also receive and examine all reports required by the rules and regulations.

Art. 77 §30

The state superintendent "shall be responsible for the administration of the . . . department of education." She/he shall nominate all professional assistants to the board for approval. She/he may recommend dismissal of department employees for cause. [immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty] "The qualifications for all such professional positions shall be determined by the State Board. . ."

DISMISSAL

REGULATIONS

§13.01.02.02

"The State Superintendent should serve in his[her] official capacity only on committees directly concerned with education."

The State Superintendent is authorized to order a stay of up to 60 days "of any action taken by any county board of education," provided the stay is issued within five days after the State Board has been notified of the county board's action and that it "may be dissolved at any time by the State Board of Education."

CROSS REFERENCES

I.State Board of Education; Statute Art. 77, §7

II.A.1.; Regulation 13.03.02.03

II.A.2.; Statute Art. 77, §106D; 106E

II.A.2.; Regulation 13.04.01.18

II.A.6.; Statute Art. 77, §106A--C

II.A.7.; Statute Art. 77, §28

II.A.8.; Regulation 13.04.03.01

II.B.2.; Statute Art. 77, §29

II.C.2.; Statute Art. 77, §26

II.C.2.; Statute Art. 77, §130

III.B.County Superintendent; Statute Art. 77, §57

III.B.Librarians; Statute Art. 77, §175

III.B.Teachers; Statute Art. 77, §27

III.B.Teachers; Statute Art. 77, §108

III.B.Teachers; Statute Art. 77. §108B; 108C

III.B.Teachers; Statute Art. 77, §109

III.B.Teachers; Statute Art. 77, §110

III.B.Teachers; Regulation 13.06.01.01

III.B.Teachers; Regulation 13.06.01.02; 13.06.01.03

III.C.Students; Regulation 13.03.01.02

III.D.Educational Programs; Statute Art. 77, §28A

III.E.Professional Staff Members; Regulation 13.01.03.02

IV.A.; Statute Art. 77, §91

IV.H.; Statute Art. 77, §92

MASSACHUSETTS

The State Board of Education is composed of the Chairman of the Student Advisory Council, the Chancellor of the Board of Higher Education, the Director of Research of the Advisory Council on Education and eleven members appointed by the Governor, one of whom is to be affiliated with the AFL-CIO and at least two of whom are to be women. The Board is the head of the Department of Education and appoints a Commissioner of Education to serve as its secretary and chief executive officer and as the chief state school officer. The divisions of curriculum and instruction, administration and personnel, research and development, school facilities and related services, state and federal assistance, occupational education, special education, and educational personnel are headed by Associate Commissioners who are appointed by the Board upon recommendation of the Commissioner.

A School Committee of a city or town has general charge of all public schools. It may employ a Superintendent of Schools to be executive officer of the committee and to have the responsibility for the care are supervision of its schools or it may join with other committees for the purpose of employing a Superintendent.

Any town may create a Regional School District Planning Committee to study the establishment of a regional school district and the implications thereof. A recommendation to establish a regional school district is submitted to the voters of the several towns affected and where adopted, the regional school district is given all powers and duties of a school committee. A Regional District School Committee is vested with the powers, duties and liabilities of the regional school district and may employ a Superintendent.

MASSACHUSETTS

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Administrator of Special Education

CROSS REFERENCE

II.A.2.; Regulation of October 1, 1975 (Chapter 3)

Advisory Commission on Educational Personnel

CROSS REFERENCE

III.B.Educational Personnel; Statute 15§46--48

Advisory Committee of Professional Librarians

III.B.Librarians; Statute 78§22; 25; 30

Advisory Committee on Racial Imbalance

CROSS REFERENCE

III.A.2.; Statute 15 §1K

Advisory Council on Education

CROSS REFERENCE

II.A.2.; Statute 15 §1Q

III.D.Educational System; Statute 15§1H

Assistant Superintendent for Childrens' Service

CROSS REFERENCE

II.A.2.; Regulation, Regulations of October 1, 1975

Board of Education

CROSS REFERENCES

II.A.10.Other - Conservation Education; Statute 15 §4A

II.B.2.; Statute 71 §13F

IV.J.; Statute 71 §85

Board of Library Commissioners

CROSS REFERENCE

II.B.3.; Statute 78§19

Board of Trustees

CROSS REFERENCE

II.A.3.; Statute 74 §31B

Bureau of Elementary and Secondary Education

CROSS REFERENCES

II.A.1.; Regulation #16

II.A.4.; Regulation #13

Bureau of Equal Educational Opportunity

CROSS REFERENCE

III.A.1.; Regulation, Regulations of July 18, 1975

Bureau of Transitional Bilingual Education

CROSS REFERENCE

II.A.5.; Statute 69 §35

Commissioner of Education

Statutes

69 §1

"The commissioner of education shall have supervision of all educational work supported . . . by the commonwealth. He[she] shall collect and distribute information as to the condition and efficiency of the public schools and other means of popular education and the best methods of instruction; . . . suggest improvements in the present system of public schools to the general court;" and carry out other duties provided for in this section.

CROSS REFERENCES

I.State Board of Education.; Statute 15§1F

II.A.1.; Statute 71 §13D

II A.3.; Statute 74 §2

II.A.3.; Statute 74 §2A

II.A.3.; Statute 74 §7

II.A.3.; Statute 74 §7B

II.A.3.; Regulation #5, Section 1

IV.A.; Statute 71 §46G; 48A; 53

IV.E.; Statute 71 §26B

Commission for Occupational Education

CROSS REFERENCE

I. State Board of Education; Statute 15 §1F

DEPARTMENT OF EDUCATION

STATUTES

69 §10A

"The department of education is charged with responsibility for . . . teaching materials and methods, student activities, and administrative and supervisory procedures directed toward more effective preparation [of students] for the duties of American citizenship. The state board of education shall appoint a director, . . . and shall provide . . . facilities and assistance as may be requisite for discharge of his[her] duties."

CROSS REFERENCES

I.Executive Office on Educational Affairs; Statute 6A §2; 3; 4; 7; 14

I.State Board of Education; Statute 15 §1

II.A.2; Statute 15 §1P

II.A.2; Statute 71B §2

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II.A.5; Statute 71A §9

II.C.1; Statute 69 §3

II.C.2; Statute 70 App. §1-1

II.C.3.; Statute 69§8

IV.D; Statute 76 §14

DIRECTOR OF THE DEPARTMENT OF EDUCATION

CROSS REFERENCE

I.Department of Education; Statute 69 §10A

DIRECTOR OF DISTRIBUTIVE EDUCATION

CROSS REFERENCES

II.A.3.; Regulation, Regulation #5, Section 3

II.A.3.; Regulation, Regulation #5, Section 4

DIRECTOR OF OCCUPATIONAL GUIDANCE

STATUTES

71 §38A -- 38F

The school committee of a town, not in an occupational guidance and placement district, may employ a "director or directors of occupational guidance and placement" who shall be deemed "a regularly appointed teacher." He/she shall "give his[her] whole time to the occupational and employment problems of the young people between the ages of sixteen and twenty-three."

"Two or more towns may, by vote . . . form a district for the purpose of employing a director of occupational guidance and placement.

Expenses incurred by a town or district for the salary of a director of occupational guidance and placement shall be reimbursable under state law.

"A director of occupational guidance and placement who accepts any commission, fee, compensation or reward of any kind for obtaining a position for any person shall be punished by a fine of not more than fi[illegible] thousand dollars, and upon conviction his[her] office shall immediately become vacant."

DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3; Regulation #5, Sections 3;6

DISTRICT SUPERINTENDENT

CROSS REFERENCE

IV.A; Statute 71 §53A

DISTRICT TRUSTEES

CROSS REFERENCE

IV.A.3; Statute 74 §5; 6

DIVISION OF OCCUPATIONAL EDUCATION

CROSS REFERENCE

I.State Board of Education.; Statute 15§1F

DIVISION OF SPECIAL EDUCATION

CROSS REFERENCES

II.A.2; Statute 15 §1M; 1N

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II.A.2; Statute 71B §11

EDUCATIONAL ADVISORY COMMISSION

CROSS REFERENCE

I.Executive Office on Educational Affairs; Statute 6A §2; 3, 4; 7 14

EXECUTIVE COMMITTEE FOR EDUCATIONAL TELEVISION

CROSS REFERENCES

II.B.2; Statute 71 §13F

II.B.2; Statute 71 §13G -- 13I

EXECUTIVE OFFICE ON EDUCATIONAL AFFAIRS

STATUTES

6A §2; 3; 4; 7; 14

APPOINTMENT

An executive office on educational affairs, which shall serve directly under the governor, has been established. Such office shall be headed by a secretary, appointed by the governor. The secretary shall act as the executive officer of the office. He/she "shall conduct comprehensive planning" of the activities and programs of the state agencies within the office. He/she "shall conduct studies of the operations of said agencies with a view to effecting improvements in administrative organization, procedures and practices, and to promoting economy, efficiency, and avoiding useless labor and expenses in said agencies. He/she shall . . . recommend . . . such changes as he/she shall deem desirable in the laws relating to the organization, structure, efficiency or administrative functions, services, procedures and practices of any such agency."

He/she may "appoint such experts, technical consultants, and other assistants . . . necessary to perform the functions of . . . [the] . . . office.

Every person so appointed . . . shall have experience and skill in the field of the functions of such position."

The following state agencies shall be within the executive office of educational affairs: the department of education and all other state agencies and advisory commissions of the board of education.

GOVERNOR

CROSS REFERENCE

I.School Building Assistance Committee; Statute 70 §1-2 -- 1-3

LEGISLATURE

CROSS REFERENCE

III.C.Legislature; Constitution Pt.2, C.5 §2

LOCAL ADVISORY COMMITTEE ON SEX EDUCATION

STATUTES

71 §38.0

A school committee may meet once every other month with an advisory committee to discuss reading, visual aid and all other material pertaining to sex education. The committee shall consist of eleven members including one physician and seven parents.

LOCAL BOARDS OF EDUCATION

CROSS REFERENCE

II.A.2: Regulation of October 1, 1975 (Chapter 5)

LOCAL SCHOOL COMMITTEE

STATUTES

43 §31; 35

"The school committee shall consist of the mayor, who shall be the chairman, and six members elected at large."

All meetings shall be open to the press and public.

43 §32

The school committee shall elect a superintendent of schools annually and may "appoint, suspend or remove at pleasure such subordinate officers or assistants, including janitors . . . as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties and shall fix their compensation." No member shall "hold any other office or position, the salary or compensation for which is payable out of the city treasury."

71 §37

The school committee shall have general charge of all the public schools. It may determine the number of weeks and the hours during which the schools shall be in session, and may make regulations as to attendance.

71 §37A

"School committees of cities and towns and regional district school committees may accept grants or gifts for educational purposes from charitable foundations and private corporations . . ."

71 §52

The school committee shall serve without compensation unless a town belonging to a superintendency union votes otherwise. No member of a school committee shall be eligible for the position of teacher or superintendent in their own district.

CROSS REFERENCES

I.Director of Occupational Affairs; Statute 71 §38A--38F

I.Local Superintendent of Schools; Statute 71 §59

I.Principals; Statute 71 §59B

I.Student Advisory Commission; Statute 71 §38M

II.A.1.; Statute 71§51

II.A.2; Statute 71B §3

II.A.2; Statute 71B §4

II.A.2; Statute 71B §6

II.A.3.; Statute 71§37K

II.A.5; Statute 71A §2

II.A.5; Statute 71A §3

II.A.5.; Regulation, Regulation #23

II.A.9; Statute 71 §28

II.A.10.Other - Extended School Year Programs; Statute 71§26A; 71§26B

II.A.10.Other-Extended School Year Program; Regulation, Regulation #26

II.B.1.a; Statute 71 §50

II.B.1.c; Statute 71 §48

II.C.3.; Statute 71§71

III.A.1.; Regulation, Regulations of July 18, 1975

III.A.2.; Regulation #15; 36A

III.D.Census; Regulation Regulation #34

III.E.School/Community Relations; Statute 71 §38K

IV.A.; Statute 71§48A

IV.A; Statute 71 §36

IV.C; Statute 71 §72

IV.D; Statute 71 §68

IV.E; Statute 71 §47

IV.G.; Statute 71 §37D

IV.G; Statute 76 §12A

IV.H; Statute 72 §2; 3

IV.H; Statute 76 §1

IV.H.; Regulation #14

IV.J; Statute 71 §37H

IV.J; Statute 71 §85

LOCAL SUPERINTENDENT OF SCHOOLS

STATUTES

71 §59

"The school committee of a town not in a superintendency union or district shall employ a superintendent of schools and fix his/her compensation. A superintendent . . . shall be the executive officer of the committee, and under its general direction, shall have the care and supervision of the public schools, shall assist it in keeping its records and accounts and in making such

reports as are required by law, and shall recommend to the committee teachers, textbooks and courses of study."

72 §2 A

The superintendent of schools shall annually file on or before December first with the commissioner of education, a sworn statement reporting the number of pupils whose parents or guardians resided in the town and who were enrolled on the preceding October first for full-time attendance in kindergarten and grades one through twelve.

72 §3

The superintendent of schools shall annually on or before July thirty-first transmit the school returns to the commissioner, containing the average daily membership of public and vocational schools, the amount of money raised by taxation and expenditures itemized, the condition of schools and the number of school days.

CROSS REFERENCES

I.Local School Committee; Statute 43 §32

I.Principals; Statute 71 §59B

III.A.1.; Regulation, Regulations of July 18, 1975

IV.H.; Statute 76§18

MAYOR

CROSS REFERENCE

I.Local School Committee; Statute 43 §31; 35

PARENT ADVISORY COMMITTEE ON TRANSITIONAL BILINGUAL EDUCATION

CROSS REFERENCE

II.A.5.; Regulation, Regulation #23

PRINCIPALS

71 §59B

The school committee shall employ a principal for each public school and fix her or his compensation. A principal shall be the administrator of the school

ADMINISTRATION

and shall be assigned such duties as are determined by the superintendent which may include "supervision of the operation and management of the school and school property during school hours. [She]he shall plan, manage, operate and evaluate educational programs and services. [She]he may recommend to the superintendent . . . appointments, assignments, promotions and dismissals of professional personnel within [her] his school" This section shall allow one person to serve as principal of two or more elementary schools or the use of a teaching principal in such schools.

CROSS REFERENCES

II.A.2.; Regulation, Regulations of October 1, 1975

II.A.3.; Regulation, Regulation #5, Section 3

REGIONAL ADVISORY COUNCIL

CROSS REFERENCES

II.A.2.; Statute 15611P

II.A.2.; Regulation, Regulation of October 1, 1975

REGIONAL DISTRICT SCHOOL COMMITTEE

STATUTES

71 §16A

"The powers, duties and liabilities of a regional school district shall be vested in and exercised by a regional district school committee organized in accordance with the agreement. . . . The committee may appoint a school building committee which shall have such powers and duties relative to the construction, reconstruction, remodelling, repair, expansion or equipping of school buildings, or facilities as the committee determines."

REGIONAL REVIEW BOARD

CROSS REFERENCE

II.A.2.; Regulation, Regulation of October 1, 1975

REGIONAL SCHOOL DISTRICTS

STATUTES

71 §16

"A regional school district . . . shall be a body politic and corporate with all the powers and duties conferred by law upon school committees, and with the following additional powers and duties: (a) To adopt a name and a corporate seal . . . (b) To sue and be sued . . . (c) To acquire property . . . and to construct . . . and operate school[s] . . . (d) To incur debt . . . (e) To issue bonds and notes . . . (f) To receive and disburse funds . . . (h) To assess member towns for any expenses of the district. (i) To receive . . . grants or gifts . . . (j) To engage legal counsel. (k) To submit an annual report . . . (l) To employ a superintendent of schools . . . (m) To adopt an annual operating and maintenance budget . . . (n) To incur a debt . . . approved by the Emergency Finance if it was authorized by the district committee after approval by a majority of voters in the towns involved . . . (o) To indemnify each district committee member for damages incurred by him[her] in the defense or settlement of a claim arising out of his[her] official duties. (p) To lease equipment. (q) To lease land and buildings for educational purposes."

SCHOOL BUILDING ASSISTANCE COMMISSION

STATUTES

70 App. §1-2 -- 1-3

The school building assistance "commission shall consist of the commissioner of education, ex officio, and six other members, residents of the commonwealth . . . ." Four of these members shall be appointed by the governor; the remaining two by the state board of education. Members shall receive only compensation for expenses actually incurred. APPOINTMENT

An "administrator" shall serve as the commission's executive officer.

CROSS REFERENCE

II.C.2; Statute 70 App. §1-1

School Building Commission

CROSS REFERENCE

I.Regional District School Committee; Statute 71 §16A

School Trustees

CROSS REFERENCE

II.A.3; Statute 74 §18

Special Educational Advisory Council

CROSS REFERENCE

II.A.2; Statute 15 §1P

State Advisory Commission for Special Education

CROSS REFERENCE

II.A.2; Statute 15 §10

II.A.2.; Regulation, Regulation of October 1, 1975

State Board of Education

Statutes

15 §1

The state board of education shall have the supervision and control of the department of education.

15 §1E

The state board of education shall consist of the chairman of the student advisory council (infra), the chancellor of the board of higher education, the director of research of the advisory council on education, and eleven members appointed by the governor, one of whom is affiliated with the AFL-CIO and at least

two of whom are women. No such appointed member "shall be employed by or derive regular compensation from the state educational system. Terms shall be for five years, with two being the maximum allowable. Any member absent from more than four regularly scheduled meetings shall be deemed to have vacated his/her seat.

Members shall be reimbursed for necessary expenses.

A student advisory council of four elected representatives from each student regional council shall advise the board. Student regional councils (numbering between 5 and 15) shall be elected from among the students in the secondary schools of the state. Such councils shall have between twenty and forty-five representatives.

"Each student regional council shall meet . . . with the student advisory council to advise . . .[them]. . . regarding business that it deems appropriate to be considered by said advisory council."

15 §1F

The Board shall appoint a Commissioner who shall serve as its secretary, its chief executive officer and the chief state school officer. He/she may, with board approval, appoint a deputy commissioner. "The board shall establish eight divisions . . . (a) curriculum and instruction; (b) administration and personnel; (c) research and development; (d) school facilities and related services; (e) state and federal assistance; (f) occupational education; (g) special education and (h) educational personnel." Each such division shall be headed by an associate commissioner, who shall be appointed by the Board on recommendation of the Commissioner. Each person appointed must have had significant experience in the area for which he/she is to be appointed.

"Each division shall be divided into appropriate bureaus or sections, each headed by a director and such staff" as are required. "The board shall establish job training and job retraining centers . . . audiovisual service, day care service and adult education facilities . . . ." Within the educational personnel division there shall be

established a bureau for certification, a bureau for preparation, and a bureau for placement. "Each bureau shall be headed by a director . . . ."

The division of occupational education "shall be the state agency responsible for the administration of vocational education . . ." in the state. Such administration includes "coordinating, promoting and establishing vocational, technical, vocational adult, [and] manpower education training . . . ."

Their duties include formulation of policy, administration of state and federal funds, implementation of research and development programs, dissemination of information on the programs offered and improvements anticipated, and development of guidelines for the coordination and establishment of programs.

A commission for occupational education is established to make recommendations to the Board concerning the "formulation, administration, implementation and supervision of the state plan for . . ." vocational education. They shall also be responsible for suggesting new programs, and from time to time issue reports on their evaluations of existing programs.

15 §1G

The state board "shall support, serve and plan general education in the public schools and . . . administer and supervise the administration of [all] vocational education programs . . .

The board shall be a communication and information center . . .; provide . . . long range planning service for public schools . . .; provide a common center for the development, evolution, and adaptation of educational innovations . . .; establish . . . three experimental school projects . . . and appoint an educational development commission . . . to propose and develop experimental school plans. Each such plan shall specify, describe and support with reasons the following:" (1) the area and pupils to be served by such school; (2) "the policies standards, and methods

PLANNING

to be employed in the selection of pupils; (3) the policies and methods with respect to school operation . . .; (4) the site, size, design, estimated . . . cost and method of financing of any [such] school . . .; (5) the expected sources of financial support" and budget estimates for the first two years of operation; (6) "the policies and standards with respect to professional staff . . .; and (7) provision for direct participation by [community] members . . . .

The board may accept, reject or modify any such . . . plan." If accepted, a person shall be appointed to supervise the operation and maintenance of the approved plan. "No pupil shall be required to attend any [such] experimental school" without his/her parents' consent.

In addition, the board shall "delineate and locate such other supporting services so as to improve the . . . public schools and the quality of their educational programs; establish the minimum length for a school day and . . . year; approve the educational standards for . . . professional personnel; establish maximum pupil-teacher ratios; establish the permissible and mandatory ages for school attendance; establish minimum nutritional standards . . . for all school food services . . . and require all public schools to make lunches available to children . . .;" shall require schools with a large number of "needy children" to make school breakfast programs available.

MINIMUM STANDARDS

The board shall also "establish minimum educational standards for all courses which public schools require their students to take; establish minimum standards for all public school buildings . . .; evaluate annually . . . the state aid formula . . .; withhold . . . funds from school committees which fail to comply with the . . . law . . .; develop plans for education to meet state needs . . .; see to it that all school committees comply with all [education] laws; annually . . . report to the governor and to the general court its acts and decisions during the preceding year with recommendations for the ensuing year . . .; estab-

lish the functions, duties and responsibilities of each division . . .; appoint advisory committees for each of its divisions . . .;" and "seek relevant information from other states and institutions . . .;"

CROSS REFERENCES

I.Department of Education; Statute 69 §10A

I.Executive Office on Educational Affairs; Statute 6A §2; 3; 4; 7; 14

I.School Building Assistance Committee; Statute 70 §1-2 -- 1-3

II.A.1; Statute 71 §1

II.A.2; Statute 15 §6B; 6C

II.A.2.; Regulation, Regulation of October 1, 1975

III.B.School Personnel; Statute 71§38G

III.B.Teachers; Regulation 98 -- 11

III.C.Magnet Schools; Statute 71 §37I

IV.F.; Statute 71 §34 A-B; D-E

IV.G.; Statuto 71 §37D

IV.J.; Statute 71§85

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCE

III.B.Teachers; Statute 69 §6

STATE DIRECTOR OF PHYSICAL EDUCATION

69 §1A

"The commissioner of education shall appoint a director of physical education . . . [S]aid director shall coordinate and supervise all physical education programs . . ., [including] in-service training programs . . ., and maintain consultant services for planning said programs, disseminate all pertinent materials to directors of physical education . . .,[and] work cooperatively . . . for the improvement of physical education instruction . . . . Said director shall be familiar with federal and state legislation, shall develop in-depth knowledge of federal, state, and other funds available for improvement of instruction, keep abreast of research studies related to physical education and promote and coordinate physical education as an integral part of all education disciplines.

Said director shall establish and coordinate state committees for the development and revision of curriculum, and shall initiate the development and revision of curriculum periodically." Such curriculum shall include a "bicycle safety education program." The "director shall work closely with school building commissions with regard to new construction, and shall maintain a liaison with the groups and agencies in the commonwealth concerned with physical education, intramural and interscholastic sports."

STATE REVIEW BOARD

CROSS REFERENCE

II.A.2.; Regulation, Regulation of October 1, 1975

STUDENT ADVISORY COMMITTEE

STATUTES

71 §38M

"School committees . . . shall meet at least once every other month, during the months school is in session, with a student advisory committee to consist of five members to be composed of students elected by the student body of the high school[s] in each city, town or regional school district."

CROSS REFERENCE

I.State Board of Education; Statute 15 §1E

STUDENT REGIONAL COUNCIL

CROSS REFERENCE

I.State Board of Education: Statute 15 §1E

SUPERVISOR OF ATTENDANCE

CROSS REFERENCE

IV.H.; Statute 72§2, 76§19;20

SUPERVISOR OF CONSERVATION EDUCATION

CROSS REFERENCE

II.A.10. Other - Conservation Education; Statute 15 §4A

CROSS REFERENCE

IV.E: Statute 71 §1A

MICHIGAN

The Michigan Constitution vests the general supervision over all public education, except as to institutions of higher education, in a State Board of Education. The Board consists of eight members nominated by party conventions and elected at-large for terms of eight years. The Governor is an ex officio member of the State Board with no right to vote. The State Board appoints the Superintendent of Public Instruction and determines his/her term of office. The Superintendent is the chairman of the Board and the principal executive officer of the State Department of Education. The Superintendent does not exercise voting power on the Board.

Each school district, except one governed by local act, is organized as a primary school district or a school district of the fourth, third, second, or first class. A Primary District Board consists of three members elected at the school district's annual meeting. Districts of the fourth class have boards of education consisting of five members elected by the school electors of the district. The board of a third class district consists of seven members elected from the district. Each second class school district is under the jurisdiction of a board of education consisting of nine members elected from the district at large. A first class school district has a board composed of thirteen members, eight of whom are elected from the eight regions within the district and five of whom are elected at large. Within each region of a first class school district, there is a Regional Board consisting of five members who are nominated and elected by the registered school electors of each region. The boards of the districts, except those of primary districts (maintaining no grade above eighth), employ superintendents of schools. The Regional Boards of a first class school district may employ Superintendents from lists of candidates submitted by the First Class School District Board. Provision is made for reclassification and consolidation of districts.

Intermediate School Districts are comprised of constituent districts. An intermediate School District is under the supervision and control of an Intermediate School Board composed of five or seven elected members. Two or more adjoining Intermediate School Districts may consolidate and provision is made for the selection of the board members of such a consolidated district. The Intermediate School Board employs a Superintendent who implements the educational policies of the State and of the Intermediate School Board.

MICHIGAN

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CROSS REFERENCE

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II.A.2.; Statute §388.1093

II.A.2.; Statute §388.1094

BOARD OF LIBRARY COMMISSIONERS

CROSS REFERENCE

II.B.3.; Statute §380.260

CROSS REFERENCES

II.A.2.; Statute §393.51; 393.59

II.A.2.; Statute §393.65

BUILDING PRINCIPAL

STATUTES

§380.1247

A building principal may be employed by a school board, other than a primary board, to supervise the operation and management of school buildings and property, be assigned administrative responsibilities and coordinate instructional leadership under the superintendent's supervision and recommend appointments, assignments, promotions, or dismissals of personnel.

CAREER EDUCATION ADVISORY COMMITTEE

CROSS REFERENCE

II.A.3.; Statute §388.1313

CAREER EDUCATION PLANNING DISTRICT COUNCIL

CROSS REFERENCE

II.A.3.; Statute §388.1316

STATUTES

§380.1542

Each enumerator shall make a written list of names and ages of every child under 18 years whose parents or guardians live in the district and of names and addresses of all parents and guardians. The enumerator shall include separate lists of handicapped persons under 26 years of age. The lists shall be verified by oath of the enumerator.

If a school district boundary runs through a dwelling, a child living in the dwelling shall be enumerated in the district in which the dwelling is included according to its official street number.

§380.1543

A child placed in a licensed house or in a house of relatives for the purpose of securing a suitable home shall be considered a resident for educational purpose of the school district where the home is located.

§380.1544

The secretary of the board of a district using enumerators and the enumerators shall compile the census immediately after the census has been taken. The secretary shall certify the census and file it with the intermediate board to which it is constituent.

In a district in which the census is taken by the intermediate board at the expense of the local district, the enumerator employed by the intermediate board shall verify the lists by oath to the local board. The secretary of the local board shall file verified census lists with the intermediate superintendent who shall verify and file the entire census with the intermediate school board.

§380.1812.

A person who refuses to give a school census enumerator the necessary or accurate information or an enumerator who performs the enumerator's duties carelessly or includes in the census list names of children not resident in the district, is guilty of a misdemeanor, punishable by a five of not less than $5.00 nor more than $50.00, or imprisonment for not more than 20 days or both.

County Board of Supervisors

CROSS REFERENCES

II.A.8.; Statute §388.531

II.A.10.Other - Driver Education Programs; Regulation R340.433; R340.434; R340.435; R340.436

IV.A.; Statute §388.191; 388.192

District Attendance Officers

CROSS REFERENCES

IV.H; Statute §380.1571

IV.H; Statute §380.1576; 380.1577

IV.H; Statute §380.1586; 380.1587; 380.1588; 380.1589

District Boards of Education

STATUTES

§380.73

A primary district board shall consist of three members -- president, secretary, and treasurer -- each elected for three year terms at the school district's annual meeting.

Members shall receive notification of their election within five days after the election. "Within 10 days after notification," members shall file acceptances and written affidavits of eligibility.

§380.76; 380.79

ANNUAL MEETING

A primary school district's annual meeting "shall be held on the second Monday in June." Upon receipt of a written request by at least five district school electors which contains questions to be voted on at the annual meeting and which is made between 10 and 30 days prior to that meeting, the board shall include those questions in the annual meeting's notice and shall submit them to the electors at the annual meeting.

§380.77; 380.78

PETITION

"The board or one of its members shall call a meeting on petition of" at least five district school electors and shall give the required legal notice. "The meeting shall be held within 60 days after . . . the petition is received, on a date approved by the county election scheduling committee." No special meeting shall be called unless the question to be voted upon is one which school electors may lawfully decide. "If a board or one of its members fails to call a special meeting upon petition, the intermediate superintendent, within 10 days after receiving the petition copy, shall call the special meeting . . . by taking the proper statutory steps."

"The board shall determine the time and place . . . of a special meeting . . . subject to the approval of the county election scheduling committee . . . and shall provide notice of the meeting as required by law." Annual and special meetings shall be held within the school district, and, except in case of emergency, shall be held in the school.

§380.82

Board meetings "may be called by one member by serving on the other members written notice of the" meeting's time and place "at least 24 hours" before it is to occur. "A majority of" board members "present at a legal meeting is necessary for the transaction of business."

BOARD OFFICERS

§380.83

"The president of the board shall" preside at board and school district meetings; countersign legally drawn orders for disbursing money; prosecute actions in the school district's name for breaches of conditions of the treasurer's bond; and "perform other duties required . . . by law."

§380.84

"The secretary . . . shall: act as clerk at all school district . . . and board meetings" recording the proceedings in proper records books; "give notice of annual and special meetings"; "draw and sign orders . . . for money" which specify the object for and fund upon which they are drawn and have the president countersign them; "keep accurate accounts of expenses incurred by the secretary" that the president and treasurer shall audit; "preserve and file copies of" all "documents belonging to the office of the secretary or to the school district" delivering them to his or her successor; draw and sign all teacher's contracts when directed by the board presenting to the board for signature "(If the secretary neglects or refuses to draw a contract," the board may designate another person to do so.) "make an annual report to the state board;" and "perform other duties required . . . by law or by the board."

§380.111

Boards of education for primary districts which

ELECTION

reorganize as fourth class districts shall consist of 5 members elected for three-year terms on a staggered basis. "Successors . . . shall be elected by the district's school electors at each annual election or meeting. School districts become duly organized "upon qualification for and acceptance of office . . . by three of the newly elected members" under §380.1102. A fourth class district operating grades K to 12 shall have a board consisting of seven members elected for 4-year terms on a staggered basis. "Not more than two members shall be elected in one year to fill vacancies occurring by expiration of terms."

§380.112

Fourth class districts having "less than 600 pupils enrolled on the latest pupil membership count day, shall hold school district meetings rather than school elections. The board by resolution may determine that school elections rather than district meetings be held . . . under §§380.151 to 380.155." Where a district meeting is called, instead of a school election, it shall be "held at times and in the manner prescribed in" §§380.75 to 380.78. "At an annual meeting school board members shall be elected," and "school electors present . . . shall have the powers" of fourth class district school electors. The board president "shall preside, and in the president's absence, the vice-president shall preside . . . . The secretary shall act as clerk."

§380.114

BOARD OFFICERS

Board members "shall meet between July 1 and the second Monday of July succeeding their election, and annually" during that same period, and shall elect a president, vice-president, secretary and treasurer. "If the board fails . . . to elect the officers . . . within 15 days after the second Monday in July, the intermediate school board . . . shall appoint the officers" from the local board members. "The board may remove a member for cause and shall elect another board member" to fill the vacancy.

§380.115

"The board shall hold regular meetings on the second Monday of each month or at other times" provided by board resolution. Notice of regular meetings shall not be required if their date, hour and place are fixed by board resolution and placed on the secretary's records. Special board meetings "may be called by the president . . . or two members . . . by serving" the other members with written notice of its "date, place and time." Such notice may be delivered personally, or left at the "member's residence with a person of the household at least 24 hours" prior to the meeting time, or mailed to "the member's last known . . . address at least 72 hours before the meeting." "Service may be made by" a board member or employee.

NOTICE

§380.123

The board secretary shall: act as clerk at board meetings, recording and signing the minutes and other board proceedings; be the school district's chief election officer "with authority to delegate election duties to" an administrative staff member; prepare the school district's annual report "and other reports required by the state board"; draw and sign orders "for money to be disbursed by the school district"; and "perform other duties required by law or by the board."

§380.131

In districts which currently have no high schools, the board, upon majority vote of the school electors, "shall establish a high school and determine. . . qualifications for admission to" it. Also upon "majority vote of the school electors, the board may discontinue" the district's high school, making provision to send its pupils to high school in other districts. The board shall pay such pupils' tuition and transportation costs.

At annual or special elections, school electors "may vote to discontinue school [or certain school grades] in the district and direct the board...to send the resident children to" other schools.

§380.211

A third class district board "shall consist of seven members elected from the district" for staggered 4-year terms. If the board, by resolution, votes to hold its elections at the same time as city elections, board members shall serve staggered six-year terms. However, if board members are elected for 6-year terms, they may by resolution, provide that the term of office shall be 4 years.

ELECTION

"If a fourth class district becomes a third class district, additional board members shall be elected . . . under §380.807."

"If a person fails to take the oath of office within 10 days after notice of . . . election, or if a vacancy occurs under §380.1103," the board shall fill the vacancy until the next annual school election," when the vacancy shall be filled for the remainder of the unexpired term."

§380.217

"Special elections may be called by" a third class district board "at times approved by the county election scheduling committee" and shall be called by the board "on petition of not less than 10% of the district's registered school electors." In order for a special election to be held, the question submitted must be of a kind which may be decided by school electors.

§380.219

BOARD OFFICERS

Third class district board members "shall meet on or before the second Monday in July after election and annually . . . thereafter," to elect a president, vice-president, secretary and treasurer. "The president and vice-

president shall be" board members; "the secretary and treasurer need not be." If the president's office becomes vacant, the vice-president shall assume it "for the balance of the unexpired term."

"The board shall hold regular meetings on the second Monday of each month or at other times" as provided by resolution or bylaws.

"The board may adopt bylaws" consistent with this part which shall also provide for calling and holding special meetings. A majority of the board shall constitute a quorum, and "a proper record of board proceedings shall be kept."

§380.244

"The board may: establish and maintain the grades, schools, and departments or courses of study [deemed] necessary or desirable" for maintaining and improving public education, "establish, equip and maintain agricultural, trade, and other vocational schools, and acquire land outside the . . . district for these purposes."

§380.245

"The board shall: have care and custody of all school property and provide suitable school facilities, sanitary conditions, and medical inspection" for district schools; and "fix the length of time school is conducted in . . . the district, which shall not be less than the time specified in" §380.1284.

§380.246

"The board shall: (a) certify to the treasurer . . . for payment from . . . school funds [those] claims and demands against the board or district" allowable under board regulations; (b) publish proceedings of board meetings immediately after each meeting, (c) publish annually, at the fiscal year's end, a complete report of receipts and

expenditures in a daily or weekly newspaper of general circulation in the district; (d) if deemed advisable, "provide adequate facilities for transportation" of pupils within the district; (e) use funds to pay tuition and transportation for resident pupils attending another district's schools, even though their grades are maintained by the district; (f) do anything, consistent with this act, necessary for proper establishment and maintenance of the district's public schools.

§380.316

The board of education of a second class district "shall consist of nine members elected from the . . . district at large who shall serve without compensation."

"If a . . . district is reclassified as a second class . . . district, [board] members . . . at the time of reclassification shall continue as . . . members" until their terms expire. "At the next regular election additional members shall be elected to the board" pursuant to §380.807.

§380.317

BOARD OFFICERS

The board's officers shall consist of a "president, vice-president, secretary, treasurer and such assistant secretaries and . . . treasurers as the board determines," elected annually at a time specified by the board's bylaws. In case the president's office becomes vacant, the vice-president will fill the vacancy "for the balance of the unexpired term."

"The president and vice-president shall be board members"; other officers need not be. All officers "shall perform the duties prescribed by the [board's] bylaws and regulations." Board officers and agents who handle school district funds shall be required to post bonds and "shall pay out the [board's] funds . . . only upon orders as specified in this act."

§380.319

The board's bylaws shall fix the time and place for the board's regular meetings, which are to be held at least once a month, and shall specify when, and for what reasons, special meetings may be called.

§380.320

The board's official actions and proceedings shall be "published in the manner the board decides, and shall be available for inspection by the public at reasonable times." At the end of each fiscal year, the board shall publish "a complete report of its receipts and expenditures as required by" §380.1203 and 380.1204.

§380.323

"The board may submit to the [district's] registered school electors . . .[any] question, within the scope of the powers of the electors, which the board deems just and proper toward the proper management . . . of the school system or the advancement of education in . . . the district." Once the question is adopted by the board, it shall submit it to the district's school electors "at the next regular school election, at a special school election, or if the boundaries of a city or township and the school district are coterminus, at a city or township election."

SPECIAL ELECTION

The board may call a special election at times and places it designates and "shall call an election on petition of not less than 10% of the [district's qualified] registered school electors."

§380.325

Upon election, board members shall take the oath of office before commencing their duties.

If a vacancy occurs on the board, it "shall be filled within 45 days of a member from the . . . district by a majority of the remaining [board] members. The person elected shall hold office until the next regular election

VACANCY

[when] the vacancy shall be filled by an election for the full remainder of the term." If remaining board members fail to fill the vacancy, "it shall be filled at the next regular school election by an election for the full remainder of the term. Until the vacancy is filled, remaining [board] members . . .shall have all the powers and duties set forth in this act."

REMOVAL

"If, upon specific written charges filed with the [board's] secretary . . ., and after proper opportunity to be heard, a [board] member, by [2/3] vote of the members elected to and serving on the board is found guilty of wilful acts of misfeasance or nonfeasance in office, the member may be removed by a 2/3 vote, whereupon a vacancy shall exist and be filled as provided in this section."

§380.331

"The [2d class] school district shall be a body corporate, governed by a board of education; may sue and be sued; and may . . . hold . . . and convey real and personal property, including property outside its corporate limits, and property received by gift . . . or bequest, as [its] interests . . . may require. Land outside the . . . district shall not be acquired unless approved by a 2/3 vote of [qualified board] members."

A second class district board: (a) "shall have power to purchase or lease [real or personal] property, erect and maintain or lease buildings, . . . employ and pay persons, and do other things in its judgment necessary for the proper establishment [and]...management...of the [district's] public schools and . . . the protection of [its] property; (b) may employ legal counsel and [if an entire city or township is . . . within a second class district, the city or township attorney, upon the [board's] request . . . shall represent it; (c) may adopt bylaws and regulations for its own government and for . . . the management of schools, school property, and pupils; (d) may provide transportation for pupils when deemed advisable; and (f) may authorize by resolution, compensation for its members, not exceeding $30.00 per meeting for not more

than 52 meetings per year."

§380.411

A first class district shall elect five board members at large for staggered terms of four years each, after candidates have been nominated at a primary election.

A first class district board shall select its officers during January of each year in which at least one board member is beginning her/his term. Board members who are recalled may be candidates for the same office at the next election.

Vacancies on the board shall be filled by majority vote of district and regional board members at a meeting called by the district board president.

§380.416

BOARD OFFICERS

A first class district board shall have a president, vice president, secretary and treasurer. "The city treasurer shall be ex officio treasurer of the board without the power to vote. The board, a majority of which [constitutes] a quorum, shall elect [a] president and vice-president annually from among [its] members" and, if the president's office becomes vacant, the vice-president shall assume it for the balance of the unexpired term. The board shall elect a secretary, who is not a board member, and shall fix his/her salary.

"The president, vice-president and secretary perform the duties prescribed by the [board's] regulations and bylaws." The treasurer shall have custody of all district monies, paying out and depositing them pursuant to law.

§380.461

Upon a first class district board's adoption "of a measure not coming under its general power or authority, [it] shall submit the measure to the [district's] school electors . . . [for approval] at the next state or city election or [at] a special election called for that purpose." State laws pertaining to city elections "shall govern the

practicable submission of the measure to the school electors."

§380.462

A first class district board may itself call a special election and "shall call [such] an election on receipt of the written request of not less than 10% of the [district's] school electors qualified to vote on the question."

§380.805 — 380.807

The board of a school district at the time of reclassification shall continue to be the board until the next annual election. After this election, the board of the district shall be composed of the requisite number of members for the class to which reclassified. If the board is composed of more members than authorized, the board shall determine how the membership shall be reduced, which shall be in the order in which the respective terms of office would expire under the laws under which members were elected or appointed. If the board is composed of fewer members than authorized, a sufficient number of members shall be elected at the next annual election, the unexpired terms of members determining the terms of additional members to be elected.

§380.1104

VACANCY

If less than a majority of the offices of a school district become vacant, the remaining members of the board shall fill the vacancy immediately. A vacancy not filled within 20 days shall be filled by the intermediate board.

If a majority of the offices are vacant, the remaining members of the board shall immediately call a special election to fill the vacancies. If the election is not called within 20 days, or if all offices of the board are vacant, the intermediate superintendent shall call the special election.

PUBLIC MEETING

§380.1201

A school board shall conduct business at a public meeting, of which prior public notice has been given. A meeting at which all members are present, with or without proper notice to board members, and for which proper notice is given to the public, shall be considered a legal meeting. Closed sessions may only be held as authorized by §15.268.

An act of the board shall not be valid unless voted at a meeting by a majority of members elected to serve on the board and a proper record made of the vote.

Minutes of each board meeting shall be signed by the secretary on, or in his/her absence, by the designee of the president. The vice-president shall act in the absence of the president.

§380.1202

A school board shall maintain records of board proceedings, the treasurer's accounts, and the district's business in an orderly manner and the records shall be open to public inspection under §750.492.

§380.1210

A school board, other than that of a primary district, may receive property or an interest therein for maintaining scholarships and for other educational purposes.

§380.1248

A school board may employ the necessary assistants and employees, prescribe their duties, and fix their compensation.

§380.1250

A school board may employ an attorney to represent the board or district in actions brought for or against and to render other legal services for the district.

§380.1254

A school board may pay actual and necessary expenses incurred by its members and employees in the discharge of duties authorized by the board. The expenditures shall be a public record, open to inspection.

§380.1266

A school board may apply for, accept, and use federal funds for neighborhood facilities, projects or for the inclusion of neighborhood facilities in school buildings and pay the district's share of expenses out of district funds.

§380.1283

A school board may establish attendance areas within the district.

§380.1297; 380.1298

A school board may serve as an agent for the federal government in providing the district's educational program to pupils of parents or guardians who live on land over which the federal government has exclusive jurisdiction.

The federal government shall pay the full per capita operation costs for each pupil educated by the district on its own premises and the full per capita operation costs, plus all costs for capital outlay, for each pupil educated by the district on the federal government's premises. The state board shall approve the determination of operation and capital outlay costs.

This does not apply if land over which the federal government is exercising exclusive jurisdiction is attached for educational purposes by the state board to a district educating pupils who reside on the land. In this case, pupils shall be entitled to all educational rights and privileges of other resident pupils.

§388.1255

The secretary of the board of each district enrolling nonresident pupils shall certify annually to the department the number of nonresidents in each grade, the districts in which they reside, the amount of tuition charged for the current year, and any other information requested.

§380.1540

Each school board shall make a count of the children who reside in the district.

CENSUS

§380.1541

A school board may take a school census during May in each odd numbered year (and an additional census in each even numbered year).

The board of a district with 1,000 or more pupils in the last census shall employ enumerators. Other boards shall employ enumerators or may request that the census be taken by the intermediate board at this local district's expense.

§380.1551

If a board does not authorize a school census, it shall establish alternate procedures for obtaining information to be used for enforcement of compulsory school attendance.

§380.1808

A person who persistently behaves in a disorderly manner at a school or board meeting may be ordered to withdraw by the presiding officer. If the person refuses, the presiding officer may order a law enforcement officer or other person to take the disorderly person into custody until the meeting is adjourned.

A person who persistently disturbs a meeting or refuses to withdraw is guilty of a misdemeanor punishable by a fine of not less than $2 nor more than $30.00 or by imprisonment for not more than 30 days, or both.

I.Building Principal; Statute §380.1247

I.Census Enumerators; Statute §380.1544

I.Intermediate Board of Education; Statute §380.623

I.Superintendent; Statute §380.247

I.Superintendent; Statute §380.343

I.Superintendent; Statute §380.471

II.A.1; Statute §380.1282

II.A.1.; Statute §380.1303

II.A.2.; Statute §380.1702

II.A.2.; Statute §380.1751

II.A.2.; Statute §380.1756; 380.1757

II.A.3; Statute §380.690

II.A.3; Statute §380.1287

II.A.3; Statute §388.1317

II.A.3.; Regulation R395.244

II.A.4; Statute §380.1285; 380.1286

II.A.5; Statute §380.1155

II.A.7; Statute §380.472

II.A.7.; Statute §380.1596

II.A.8; Statute §380.1293

II.A.10.Other - Community School Program; Regulation R388.281; R388.282

II.A.10.Other - Sex education; Statute §380.1506; 380.1507

II.B.1.a.; Statute §380.1422

II.B.1.a.; Statute §380.1431

II.B.1.a.; Statute §380.1805; 380.1806

II.B.3; Statute §380.260

II.B.3; Statute §380.351

II.B.3; Statute §380.1264

II.B.3.; Statute §380.1452

II.C.1; Statute §380.87

II.C.1; Statute §380.143

II.C.1; Statute §380.250

II.C.1; Statute §380.361

II.C.1; Statute §380.431

II.C.1; Statute §380.1262

II.C.1; Statute §380.1265

II.C.2; Statute §380.1261

II.C.2; Statute §380.1263

II.C.3; Statute §380.1268

III.A.2.; Statute §380.1284

III.B.Teachers; Statute §380.1233

III.B.Teachers; Regulation R390.1165

III.C.District Board of Education; Statute §380.415

III.C.School System; Statute §380.1217

III.C.School System; Statute §380.1296

III.D.District School Board; Statute §380.1203; 380.1204

III.E.Teachers; Statute §380.1235

IV.A; Statute §380.1300

IV.C.; Statute §388.362

IV.C.; Statute §388.364

IV.C; Statute §380.1272; 380.1273

IV.C; Statute §380.1274

IV.D; Statute §380.86

IV.D.; Statute §§380.141; 380.142

IV.D; Statute §380.1321

IV.D; Statute §380.1324

IV.D; Statute §380.1331; 380.1332

IV.D; Statute §380.1333

IV.D; Statute §380.1334

IV.D; Statute §380.1341; 380.1342

IV.D; Statute §380.1343; 380.1344

IV.E.; Statute §380.1511

IV.E.; Statute §380.1522

IV.E.; Regulation R 340.242; R 340.243

IV.G; Statute §380.1401

IV.G; Statute §380.1406; 380.1407

IV.G; Statute §380.1408

IV.G; Statute §380.1411

IV.G; Statute §380.1415

IV.H.; Regulation R340.71; R340.75

DISTRICT SUPERINTENDENT

CROSS REFERENCES

II.A.2.; Regulation R340.1722

III.A.2.; Statute §388.1201

III.D.Students; Regulation R340.1102; R340.1103; R340.1105; R340.1106; R340.1107

STATUTES

§380.604

"The intermediate school board shall be a body corporate" and may sue and be sued in its own name, which may be a distinctive one if the state board approves of the intermediate board's choice.

§380.611

An intermediate school board shall be composed of five members elected under this part, except that an intermediate district adopting §380.615 to §380.617 or one reorganized under §380.701 shall have a board composed of seven members.

§380.612

A constituent district's school electors and board members "shall be eligible to election or appointment . . . on the intermediate school board." An intermediate board member who is a constituent board member "shall not participate in proceedings [under §380.951 et. seq.] to detach territory from or attach territory to [his/her] constituent district."

§380.614

ELECTION

"Except as provided in §380.615, intermediate board members "shall be elected biennially . . . by a body composed of one member of . . . each constituent [board], who shall be designated by the board of which that person is a member." The intermediate board president and secretary "shall act as chairperson and secretary" of the body.

The term of each intermediate board member shall be for 6 years, and not more than two board members "shall be from the same school district unless there are fewer districts than there are positions to be filled."

VACANCY

"A vacancy shall be filled by remaining [intermediate board] members until the next biennial election at which time the vacancy shall be filled for the balance of the unexpired term. . . . If the vacancy is not filled within 30 days after it occurs," the state board shall fill it.

An intermediate board candidate "shall be nominated by petitions . . . signed by not less than 50 registered school electors of the combined constituent districts of the intermediate . . . district or in nonregistration constituent districts by not less than 50 school electors . . . registered to vote in the city or township in which they reside. A [qualified] school elector . . . may sign as many petitions as there are vacancies."

"The president shall appoint two persons not intermediate board members or candidates as a board of canvassers to canvass the vote following the election.

§380.615; 380.616; 380.617

Intermediate board members "shall be elected at popular elections in an intermediate" district adopting §380.615 to §380.617. The question of adopting §380.615 to §380.617 "may be submitted to the school electors of the constituent districts comprising the intermediate" district by the intermediate board. "If a majority of the school electors vote in favor of popular election," intermediate board members" shall be elected at the next annual election and biennially thereafter [for six year terms] at annual school elections of the constituent districts." Intermediate board vacancies shall be filled by appointments made by the remaining board members until

the "next biennial election at which time" members shall be elected for the remainders of the unexpired terms

§380.621

For attendance at lawfully convened meetings, intermediate board members shall receive a per diem allowance, authorized by the board's resolution, "which shall not exceed $30.00 per meeting for not more than 52 meetings per year. Additional compensation shall be subject to the approval of a majority of the [constituent board's] representatives . . . at the annual budget meeting . . . . Reimbursement of board members for actual and necessary expenses incurred in" performing official functions shall be by board action.

§380.623

The intermediate board shall "perform duties required by law and by the state board, but shall not supersede" or interfere with the rights of a constituent district board "except as provided in this part."

"The intermediate board shall employ a superintendent, assistants, and other employees [it] deems necessary and fix their compensation" which shall include salaries, travel expenses incurred in discharging official duties," and other benefits the board approves. The necessary contingent expenses of the [board] office . . . and . . . superintendent shall be paid by the treasurer subject to" board authorization.

The intermediate superintendent shall receive a contract "for a term not to exceed four years,". . . "shall have the qualifications prescribed in" §380.651 and shall "perform the duties provided by law and by the intermediate . . . board "

Intermediate board business shall be conducted at public meetings for which the proper public notice has been given. Board acts "shall not be valid unless voted

at a meeting by a majority vote of the [board] members elected and serving . . . and a record made of the vote." Board actions concerning "personnel, property transfers, bonding, expenditures of money or other matters designated by the board's bylaws shall be by yea and nay vote entered upon its record."

§380.627

Upon a constituent board's request, the intermediate board shall: (a) furnish management, consultant, or supervisory services to the constituent district and may charge the district for the costs of services furnished; and (b) "direct, supervise, and conduct cooperative educational programs" in the district's behalf, utilizing available, non-obligated funds and contributions. Such "funds shall be deposited with the treasurer in a cooperative education fund and . . . disbursed as the intermediate" board directs. "The intermediate . . . board may employ personnel and take other action necessary to . . . conduct cooperative educational programs," including conducting "programs mutually agreed upon by two or more intermediate . . . boards."

§380.661; 380.662

SPECIAL ELECTION

The intermediate school board may submit questions, within the lawful authority of the school electors to decide, to the school electors at an annual or special election held in each of the constituent districts. A school elector of a constituent district of an intermediate school district, registered in the city or township in which he/she lives, is an elector of the intermediate school district. The secretary shall be the chief election officer of the intermediate school district with authority to delegate election duties to a member of the administrative staff.

The date of a special election shall be subject to the approval of the county election scheduling committee. The intermediate school board secretary shall file a copy

of the board's resolution, containing a statement of the proposition to be submitted to the electors, with the secretary of each constituent board at least 60 days before the election. Expenses incurred by a constituent district in the conduct of a special election shall be paid by the intermediate school board. The intermediate school board shall pay a pro rata share of the costs incurred by a constituent district of an intermediate school district proposition is submitted at the annual election of a constituent district.

CROSS REFERENCES

I.Census Enumerators; Statute §380.1544

I.District Board of Education; Statute §380.1104

I.District Board of Education; Statute §380.114

II.A.2.; Statute §380.1701

II.A.2.; Statute §380.1711

II.A.2.; Statute §380.1716

I.A.2.; Statute §380.1729

II.A.2.; Statute §380.1741

II.A.2.; Statute §380.1743

II.A.2.; Statute §380.1742

II.A.3.; Statute §380.684

II.A.3.; Statute §380.685

II.A.3.; Statute §380.686

II.A.3.; Statute §380.688

II.A.3.; Statute §380.689

II.A.4.; Statute §380.1285; 380.1286

II.A.5.; Statute §380.1153

II.A.7.; Statute §380.623

II.B.2.; Statute §380.671

II.E.3.; Statute §380.1456

III.A.2.; Statute §380.12

III.C.Teachers; Statute §380.632

IV.E; Statute §380.673

IV.H; Statute §380.1371

IV.J; Statute §380.1311

CROSS REFERENCES

II.A.2.; Statute §380.1751

II.A.3.; Statute §380.681

INTERMEDIATE SUPERINTENDENT

STATUTES

§380.653

The intermediate superintendent shall be the executive officer of the intermediate school board and shall implement educational policies of the state and of the intermediate board, recommend in writing all employees, suspend employees for cause until the intermediate school board considers the suspension, supervise employees of the intermediate board, examine books and records of a constituent district and perform other duties and make reports when directed to do so by the state board, deliver all records, books and papers belonging to the office to his/her successor at the close of his/her term, examine in constituent districts not employing a superintendent the statements of taxes to be raised and notify the secretary of the board of a constituent district failing to file tax statements required by law or to qualify for state school aid, and make written reports to the boards of constituent districts in regard to all matters pertaining to the educational interests of the districts.

§388.1254

Annually and on request, each intermediate superintendent shall furnish to the county treasurer the names and addresses of the treasurer, presidents, and secretaries of the boards of all districts in his/her county.

CROSS REFERENCES

I.District Board of Education; Statute §380.1104

I.District Board of Education; Statute §380.77 -- 380.78

III.B.Teachers; Statute §380.65

III.B.Teachers; Statute §380.1233

IV.H; Statute §380.1576; 380.1577

LEGISLATURE

CROSS REFERENCE

III.C.School System; Constitution, Art. 8, §2

REGIONAL BOARD OF EDUCATION

STATUTES

§380.412

Each region shall have a regional board consisting of five members elected for four year terms by the region's registered school electors. Not more than 10 candidates shall be nominated at the region's primary election to run for board membership.

The regional board candidate receiving the highest number of votes in each region shall be that regional board s chairperson unless replaced by regional board members at their first regularly scheduled meeting. The regional board chairperson shall also serve as a member of the 1st class district board. If the chairperson's office becomes vacant, the regional board, by majority vote, shall fill the vacancy with one of its own members.

Other vacancies in the board "shall be filled from among [the region's] registered school electors" by a majority vote of the remaining board members.

A regional board member shall be at least 18 years old "at the time of his/her election and shall be a registered school elector residing in the region." If a

regional board member moves his/her residence from the region while in office, it shall constitute a vacating of office.

§380.418

The board's bylaws shall set the time and place for the board's regular monthly meetings and "may provide for . . . calling . . . special meetings."

The board's proceedings and official actions, including the annual audit of financial transactions, shall be public record open to inspection. The annual audit report may be published either separately or together with the general school statistics.

§380.481

"The regional board, subject to guidelines established by the first class . . . district board, may: (a) employ a [regional] superintendent [chosen] from . . . list(s) of candidates submitted by the first class . . . district board and discharge [her/him]; (b) employ, discharge, assign and promote teachers and other [regional] employees, subject to review by the first class . . . district board; (c) determine the curriculum, use of educational facilities, and establishment of [the region's] educational and testing programs; (d) determine the [region's] budget based upon the allocation of funds received from the first class. . . district board."

REGIONAL SUPERINTENDENT

CROSS REFERENCE

I. Regional Board of Education: Statute §380.481

STATUTES

§380.11

Except for a school district "governed by a local act or a chapter of a local act," each school district "shall be organized and conducted as "a primary school district or a school district of the fourth, third, second or first class.

§380.1132

Each school district shall be a body corporate, may sue and be sued in its name, may acquire and take real and personal property for educational purposes within or without its corporate limits, and may sell and convey the property.

A school district previously existing within the same territorial limits shall be vested with rights of action and with title to property of that district and assume its indebtedness and obligations except as otherwise provided in §380.851 et seq, 380.901 et seq and 380.951 et seq.

Each school district shall be presumed to be legally organized when it has exercised franchises and privileges of a district for two years.

CROSS REFERENCES

II.A.3.; Regulation R395.254

II.A.6.; Statute §388.1136

II.B.3.; Statute §380.1451

III.A.2.; Statute §388.1265

IV.A.; Statute §280.1275

STATUTES

§380.75

When lawfully meeting, or in adjournment, a district's school electors (those persons legally qualified to vote in school elections) shall have power: (1) in the absence of, or refusal to act by, the president and/or the secretary, to appoint a chairperson and/or record-keeper; (2) to adjourn meetings; (3) "to elect district officers;" (4) to vote taxes to raise money for the district's building and site fund, which cannot be used for any other purpose without approval of the majority of the district's school electors; (5) "to determine the amount of money to be raised by tax for school operating purposes"; and (6) to sell unneeded district property. Before receiving a ballot, each person shall execute, before an election official, "an application showing the person's signature, address of residence, and" school elector qualifications.

§380.202; 380.203; 380.204

A fourth class school district "having a pupil membership count day" shall be reclassified as a third class district immediately upon majority vote of the district's school electors. The vote on reclassification may be called by the board itself or shall be ordered by the board upon receipt of a petition signed by not less than 300 school electors. If reclassification is approved, the board's secretary shall give written notice of it to the appropriate intermediate superintendent" and to the state board within 10 days after the election."

CROSS REFERENCES

I.District Board of Education; Statute §380.11

I.District Board of Education; Statute §380.131

I.District Board of Education: Statute §380.11

I.District Board of Education; Statute §380.76; 380.79

I.District Board of Education; Statute §380.77 -- 380.78

I.District Board of Education; Statute §380.323

I.District Board of Education; Statute §380.461

I.District Board of Education: Statute §380.462

I.Intermediate Board of Education: Statute §380.661; 380.662

II.A.3.; Statute §380.681

II.A.3.; Statute §380.690

III.C.School District Board Members; Statute §380.1105

IV.D.; Statute §380.141; 380.142

IV.G; Statute §380.1406; 380.1407

SCHOOL SOCIAL WORKER

REGULATIONS

R 340.1011.

"Functions of school social worker.

"(a) Identify problems and situations interfering with ability of children to make optimal use of the educational experience.

"(b) Provide a problem-solving service to children and their families. . .

"(c) Serve as liaison between the school, the home and the community. . .

"(d) Coordinate and develop resources within and outside the school system for use by children, their families, and school personnel.

"(e) Collaborate with principals, teachers, and other school personnel to improve use of existing school programs and procedures. . . [and]. . .plan and implement new programs and procedures related to the educational, social, and emotional needs to children

"(f) Coordinate or serve as a member of diagnostic teams and educational planning and placement committees. . .

[and]. . . in the determination of eligibility of persons for programs and services for the emotionally impaired. . .

"(g) Provide. . .diagnostic evaluations of children suspected of being emotionally impaired, and. . .[and] . . . in the determination of eligibility of persons for programs and services for children identified as emotionally impaired.

"(h) Serve as consultant to basic classroom program personnel for the emotionally impaired, and provide direct therapy and intervention services for children identified as emotionally impaired.

"(i) Participate. . .in altering situations adversly affecting the personal, social-emotional, and academic development of children.

"(j) Foster professional development through in-service education of school social work staff . . . ."

SPECIAL EDUCATION ADVISORY COMMITTEE

CROSS REFERENCE

II.A.2.; Statute §388.1009a

STATE BOARD OF EDUCATION

STATUTES

§388.1002

Members of the state board shall be nominated and elected and vacancies in their offices shall be filled in accordance with the election laws of this state. The governor shall be ex officio a member and the state superintendent its chairman, but neither shall have the right to vote.

§388.1003

The state board shall elect a president, a

BOARD OFFICERS

secretary, a treasurer and other officers as it deems necessary.

§388.1004

A quorum of the state board shall consist of a majority of its members. The board may transact all necessary business if a quorum is present. All process against the board shall be served on the chairman or secretary.

§388.1005

The legislature annually shall establish the per diem compensation of state board members and the schedule for reimbursement of expenses.

§388.1007

The state board is a body corporate and may purchase possess, and dispose of real and personal property, may sue and be sued in all the courts of the state, may use and renew a seal, and may make such ordinances and regulations as it deems proper for the conduct of the board and for the transaction of its business if they are consistent with the constitutions and laws of the state and of the U.S.

§388.1008

The state board may take, in any lawful manner and use property, money, or promises to pay money to carry on any of its powers or duties. The board may place such moneys in a special fund to be spent for the purposes for which they were donated.

§388.1009

The state board has leadership and general supervision of all public education, including adult education and instructional programs of state institutions, except institutions of higher education granting baccalaureate degrees. The board serves as the general planning and coordinating body for all public education. The board may conduct research studies relating to general school problems.

§388.1010

The state board shall have the following powers and duties:

(a) jurisdiction and control of the Michigan school for the deaf at Flint, the Michigan school for the blind at Lansing, and the Michigan rehabilitation institute for veterans and disabled adults at Pine Lake.

(b) Regulations of school bus transportation, review of the annexation of nonoperating school districts to operating districts; and the hearing of appeals regarding alterations of district boundaries. (The board may appoint a hearing officer to hear such appeals. The appellant and appellee may respond to the officer's report with written objections. The board shall consider the report and any objections and either determine the appeal or order a hearing before the board itself.)

(c) Inspection of educational corporations.

CROSS REFERENCES

I.Intermediate Board of Education; Statute §380.604

I.Intermediate Board of Education; Statute §380.623

I.State Superintendent; Statute §388.1013

I.State Superintendent; Statute §388.1014

II.A.1.; Statute §380.1168

II.A.2.; Statute §380.1701

II.A.2.; Statute §380.1702

II.A.2.; Statute §380.1703

II.A.2.; Statute §380.1711

II.A.2.; Statute §380.1716

II.A.2.; Statute §380.1729

II.A.2.; Statute §388.1009a

II.A.2.; Statute §388.1093

II.A.2.; Statute §388.1094

II.A.2.; Statute §393.1

II.A.2.; Regulation R340.1732

II.A.2.; Regulation R340.1734

II.A.3.; Statute §380.689

II.A.3.; Statute §380.690

II.A.3.; Statute §380.1287

II.A.3.; Statute §388.1315

II.A.3.; Statute §388.1316

II.A.3.; Statute §395.6

II.A.3.; Statute §395.7

II.A.3.; Statute §395.31; 395.32; 395.33

II.A.3.; Regulation R395.244

II.A.3.; Regulation R395.252

II.A.3.; Regulation R395.253

II.A.3.; Regulation R395.254

II.A.3.; Regulation R395.261, R395.262

II.A.3.; Regulation R395.271, R395.272

II.A.5.; Statute §380.1138

II.A.10.Other - Sex Education; Statute §380.1508

II.B.1.a.; Statute §380.1431

II.B.1.b.; Statute §380.1173

II.B.1.b.; Statute §380.1174

II.B.2.; Statute §380.671

II.B.2.; Statute §388.1041; 388.1042; 388.1043

III.B.Counselors; Regulation R390.1304

III.B.Teacher Consultant for Special Education; Regulation R340.1790

III.B.Teachers; Statute §380.1531; 380.1532; 380.1533

III.B.Teachers; Regulation R390.1166; R390.1153

III.B.Vocational Education Administrator; Regulation R395.231

III.C.District Boards; Statute §380.1281

III.C.School System; Statute §380.1296

III.D.Educational Programs; Statute §388.1138

III.D.Students; Statute §380.1172

III.E.Bilingual Education Program; Statute §380.1157

III.E.Educational Programs; Statute §388.1031; 388.1032; 388.1033

IV.A.; Statute §380.1251

IV.A.; Statute §380.1252

IV.A.; Statute §380.1288

IV.C.; Statute §388.363

IV.C.; Statute §388.364

IV.D.; Statute §380.1322

IV.D.; Statute §380.1333

IV.E.; Statute §380.673

IV.E.; Statute §380.1289

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.1.; Statute §388.384

II.A.3.; Statute §388.1318

II.A.4.; Statute §388.1022

II.A.6.; Statute §388.1063

II.A.6.; Statute §388.1137

II.A.10.Other - Driver Education Programs; Regulation R388.301; R388.304; R388.305; R388.306; R388.307

STATE NEIGHBORHOOD EDUCATION AUTHORITY

STATUTES

§388.1072

The state neighborhood education authority is created and is composed of five members, one of whom shall be the state superintendent and four of whom shall be appointed by

the governor with the advice and consent of the senate. Not more than two members shall be of the same political party. Members shall serve terms concurrent with that of the governor and until their successors are appointed. The governor shall be an ex-officio non-voting member.

The authority shall appoint a director to execute its policies and serve at its pleasure.

CROSS REFERENCE

II.A.10.Other - Neighborhood Education Programs; Statute §388.1073

STATE SUPERINTENDENT

STATUTES

§388.1013

The state board by majority vote of its members shall appoint and may remove a state superintendent and determine the term of office and compensation.

§388.1014

The state superintendent shall be responsible for the execution of the state board's policies. The state board may delegate any of its powers to the superintendent. The superintendent shall be the principal officer of the state department of education.

DELEGATION OF POWERS

CROSS REFERENCES

II.A.3.; Statute §388.1313

II.A.3.; Statute §395.3

II.A.3.; Statute §395.7

II.A.8.; Statute §388.532

II.C.2.; Statute §388.851

III.B.Teachers; Statute §388.1371; 388.1372; 388.1373

IV.F.; Statute §388.1014a

CROSS REFERENCE

II.A.2.; Statute §393.109

SUPERINTENDENT OF SCHOOLS

STATUTES

§380.132

"The [district] board shall employ a school superintendent if it employs 12 or more teachers. If it employs less than 12 teachers, it may employ a superintendent. Such superintendent "shall possess the qualifications prescribed in §380.1246" and shall be hired, under contract, for a term fixed by the board, not exceeding three years.

The superintendent shall: (a) recommend, in writing needed teachers; (b) supervise teachers and other board employees; (c) suspend teachers for cause until the board may consider such suspensions, (d) classify and control pupil promotions; (e) recommend to the board the course of study and proper textbooks; (f) make written reports, at least annually, to the local and state boards concerning the district's educational interests; (g) implement state and local boards' educational policies; and (h) assist the board in matters pertaining to the districts general welfare and perform other required duties.

"The board may employ, under written contract, assistant superintendents, principals, assistant principals, guidance directors, and other administrators" not assuming tenured positions, for fixed terms not exceeding three years, and shall define their duties. Written notification of contract nonrenewal shall be given at least 90 days before the contract termination date "or the contract is renewed for an additional one-year period."

§380.247

The board shall employ a superintendent," who is not a board member and who meets the requirements of §380.1246, for a term fixed by the board, not exceeding five years. "The board may employ," and shall prescribe duties for, "assistant superintendents, principals, assistant principals, guidance directors, and other non-tenured administrators for terms, not [exceeding] three years, fixed by the board. Employment shall be by written contract which is renewed for an additional one-year period unless written notice of nonrenewal . . . is given at least 90 days" before the contract's termination date.

§380.248

"The superintendent shall:" (a) recommend, in writing, needed teachers; (b) "suspend a teacher for cause until the board may consider the suspension; (c) supervise and direct the work of teachers and other [board] employees;" (d) control pupil promotion; "(e) recommend . . . the best methods for arranging the course of study; (f) make written reports to" the local and state boards, annually and as required, concerning matters involving the district's educational interests; (g) assist the board with the districts general welfare and perform other duties required by the board; (h) implement state and local educational policies within the means the board provides.

§380.343

"The board by written contract shall . . . employ . . . as superintendent" a person who is not a board member and who meets the requirements of §380.1246, for a term not exceeding five years. The contract shall set the salary . . .' and may provide for [its] annual revision."

"The superintendent shall have . . . executive management and administrative control of the school system, under the policies" the board adopts, and "may employ and fix the

salaries of administrative assistants, including a fiscal agent if not appointed by the board," subject to the board's approval. "Administrative assistants shall . . . be responsible to the superintendent."

The board may employ, for a term not exceeding three years, as fiscal agent a person, not a board member, who shall perform "that part of the management and control of purchases, contracts and other business matters the board determines." The board may also employ, by written contract and shall define duties for "assistant superintendents, principals, assistant principals, guidance directors, and other" non-tenured administrators for terms not exceeding three years. Written notice of contract non-renewal "shall be given . . . at least 90 days prior to the contract termination date or the contract is renewed for an additional one-year period."

§380.471

"The first class district board may . . . appoint a superintendent of schools," who shall meet the qualifications of §380.1246, for a term not exceeding six years." The board may employ [by written contract], "assistant superintendents, principals, assistant principals, guidance directors" and other non-tenured administrators for terms not exceeding three years. The contract is renewed for an additional one-year period unless written notification of non-renewal is given not less than 90 days prior to the contract termination date.

Except for the state board's certification requirements, the local board "shall have full power over employees and may specify [their] duties and . . . the qualifications necessary" for positions. However, "the qualifications shall not conflict with the regulations or licensure laws . . . governing . . . engineers or members of other trades."

CROSS REFERENCES

I.Building Principal; Statute §380.1247

II.A.1.; Statuce §388.363

II.A.3.; Statute §380.689

IV.A.; Regulation R340.1302; R340.1305

IV.J.; Statute §380.1312

Teacher Consultant for Special Education

CROSS REFERENCE

II.A.2.; Regulation R340.1749

Teachers

CROSS REFERENCE

IV.J.; Statute §380.1312

MINNESOTA

The State Board of Education is composed of nine members appointed by the Governor with the advice and consent of the Senate. The members are to be representative of each congressional district in the State and may not hold any public office nor represent or be employed by any Board of Education or school district. The State Board heads the State Department of Education. The Commissioner of Education is appointed by the State Board of Education with the ayproval of the governor. He/she serves as Secretary of the State Board and exercises administrative control of the State Department of Education.

School districts are classified as common, independent, or special districts. Common districts are managed and superintended by a board of three elected members known as the school board. Independent districts and managed by a board of six elected directors together with such ex officio member as may be provided by law known as the school board. The independent District School Board may appoint a superintendent as ex officio member of the Board.

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CROSS REFERENCE

III.E.School Staff; Statute §123.581

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CROSS REFERENCE

II.A.2.: Statute §128A.02 -- 128A.03

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II.A.5.: Statute §126.40

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I.District School Boards: Statute §121.88

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I.State Board of Education: Statute §121.09

II.A.1.; Statute §126.11

II.A.2.; Statute §128A.06

II.A.3.; Statute §126.151

II.B.4.: Statute §123.16

III.B.Commissioner: Statute §121.16

III.C.Students: Statute §120.80

III.D.Education System: Statute §121.50

III.E.Teachers: Statute §121.20

IV.D.: Regulation EDU 186

IV.G.; Statute §120.07

CROSS REFERENCE

II.A.3.; Statute §123.351

COUNTY BOARD OF EDUCATION

STATUTES

§128.01; .03

A county school district board shall consist of five members elected for four-year terms. The county boards shall organize in the same way as independent school districts.

CROSS REFERENCES

IV.D.; Statute §128.04

IV.H.; Statute §120.16

DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.1; Statute §126.11

II.B.3.; Statute §121.22

II.B.3.; Statute §121.23

II.B.3.; Statute §121.24

II.B.3.; Statute §134.04

IV.A.; Statute §123.701 -- 123.705

DIRECTOR OF COMMUNITY SCHOOL PROGRAMS

CROSS REFERENCE

II.A.10.Other - Community School Programs; Statute §121.86

DISTRICT COURT

CROSS REFERENCE

I.District School Boards; Statute §127.25

§120.59

School districts are authorized to evaluate and employ the use of flexible school year programs to fulfill the educational needs of their pupils.

§120.63

Before implementing a flexible school year program the school board shall negotiate with teachers, principals, assistant principals, supervisory personnel, employees of the school "to the extent required by the public employment Labor Relations Act." It shall also consult with the parents of pupils who would be affected by the change and with the community at large.

§120.73

"A school board is authorized to require payment of fees: "(a) In any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the person property of the pupil; (b) For admission to extra curricular activities, where attendance is optional; (c) For a security deposit for the return of materials; (d) Personal physical education and athletic equipment and apparel; (e) Items of personal use or products which a student may purchase at his[her] own option such as student publications, class rings, annuals, and graduation announcements; (h) For any authorized voluntary student health and accident benefit plan; (i) Students may be required to furnish personal or consumable items . . ." School stores may be established to sell supplies, and any fee may be waived if the pupil is unable to pay.

FEES

§120.74

"A school board is not authorized to charge for (a) Supplies necessary for participation in any instructional course, such as textbooks and lab materials, except as otherwise provided; (b) Required field trips; (c) Graduation caps, gowns; (d) Instructional costs for necessary school personnel employed in any course or educational program required for graduation; (e) Admission fees to required activities. (f) And to any required educational course or program.

No pupil's rights or privileges, including the receipt of grades or diplomas may be denied or abridged for nonpayment of fees."

§120.75

PUBLIC MEETING

The board shall hold a public hearing before initiating any fees not specifically authorized and such fee is subject to the approval of the state board.

§121.88

The district school boards shall supervise the community school programs and provide for a citizens advisory council.

§122.85

Two districts may enter into an experimental agreement to discontinue in one district any of the grades kindergarten through 12. The children from that grade would then be educated in the other district.

§123.11

BOARD OFFICERS

There shall be an annual meeting of common school districts at which the district officers shall be elected. The chairperson and treasurer shall have a one year term.

The school board of each common school district

shall consist of a chairman, treasurer and clerk and they shall each serve a three year term. Vacancies shall be filled by board appointment at a regular or special meeting.

The board shall: manage the schools of the district; adopt, modify or repeal rules for their organization, government, and instruction and for the keeping of registers; and prescribe textbooks and courses of study. The compensation of the clerk, treasurer and superintendent shall be fixed by the board.

§123.12

The care, management and control of a common district is vested in a board of three members who are elected to a term of three years.

§123.13

The chairman of a common school district board shall preside at all meetings of the board and of the district; countersign all orders and claims with the Treasurer and represent the district in all actions.

"The treasurer shall receive and be responsible for all money . . . and disburse [money]. . . on orders signed by the clerk and countersigned by the chairman."

The clerk shall keep a record of all meetings of the district and the board. He/she shall make and submit a certified report of the district each year to the county superintendent.

§123.14

"The board shall have the general charge of the business of the district . . .: It shall be the duty . . . of the district to furnish school facilities to every child of school age . . . . It shall establish and organize and alter and discontinue, such grades or schools as it may deem advisable, and assign to each school and grade a proper number of pupils . . . The board shall . . . contract with necessary qualified teachers and discharge the same for cause, but no substitute teacher shall be hired to replace a regular teacher on leave of absence or in an emergency of less than one school year's duration. The board may provide

library facilities . . . . The board may establish public evening schools and adult education programs . . . and . . . such . . . programs. . . shall be available to all persons over sixteen years of age who . . . are unable to attend . . . full time school. The board may purchase all necessary books and school supplies for indigent pupils. The board shall furnish free textbooks to all pupils. The board may furnish school lunches for pupils and teachers."

§123.19

The board shall defray its necessary expenses, pay "all just claims against the district in cases provided by law, . . . prosecute and defend actions by or against the district."

RULEMAKING

The board may make rules and regulations respecting the protection and use of district property.

The district may destroy claims and vouchers, receipts, miscellaneous papers, correspondence, orders and checks more than ten years old.

§123.20

LIABILITY

"The governing body of any common school district may procure insurance against liability of the school district or of its officers and employees for damages resulting from wrongful acts and omissions of the . . . district and its officers and employees, whether the acts and omissions relate to governmental or proprietary functions of the . . . district. [As to the governmental functions] the policy . . . shall contain a provision under which the insurance company agrees to waive the defense of governmental immunity up to the limits of the policy unless the school district consents to the assertion of that defense."

§123.33

"The care, management and control of independent districts shall be vested in a board of directors, to be known as the school board. The term of office of a member shall be three years . . . . The membership . . . shall consist of six elected directors with such

VACANCY

ex officio members as may be provided by law. . . . Any vacancy shall be filled by the board at any regular or special meeting until [it] can be filled by election at the next annual meeting or election."

"No contracts may be made at any meeting unless all members have notice of the meeting.

"The board shall: superintend and manage the schools of the district; adopt, modify or repeal rules for their organization, government, and instruction, and prescribe text books and courses of study." The board may remove members for cause

Official proceedings of the board will be published in the official newspaper of the district within thirty days of their occurrence. "The clerk, treasurer, and superintendent . . . shall receive such compensation as may be fixed by the board. Unless otherwise provided by law the other members of the board shall also receive compensation and be reimbursed for transportation costs.

§123.34; 123.35

The board of an independent school district shall elect a chairman and may appoint a superintendent who shall be an ex officio member of the board. It shall have the same duties and responsibilities as the board of common school districts, plus it may "establish and maintain" kindergartens for children at least four and one-half years of age and shall tax to raise the funds necessary to operate the schools.

§123.40

The board of independent school districts:

1) shall provide payment for "all just claims against the district in cases [of] law."

2) shall prosecute and defend the district;

3) may receive benefits and donations for the district;

4) may employ qualified accountants;

5) may destroy claims, vouchers, receipts, orders

and checks which have either been paid or bear dates of more than ten years prior to destruction;

6) may acquire school "sites and authorize necessary construction. The board may also sell, lease or dispose of any property so acquired;"

7) may by two-thirds vote issue and sell bonds;

8) may authorize unauthorized vehicles parked on school property to be moved.

§123.41

LIABILITY

The board of an independent school district may provide liability insurance for its officers and employees.

§123.744

The board of any school district may appoint a student to serve as an advisory member to the school board. The student member may attend board meetings, be furnished with agenda materials, introduce items for inclusion in the agenda, and participate in discussion but shall not be entitled to vote.

§127.25

APPEAL

Any school district or any person may appeal the final order of a county board or the commissioner to the district court on the grounds that the board (1) lacked jurisdiction; (2) exceeded its jurisdiction; (3) the action was "arbitrary and capricious;" or (4) based on an erroneous theory of law.

REGULATIONS

EDU 702-703

FEES

A school board may charge reasonable fees as follows:

A. In programs where the resultant product becomes the personal property of the pupil.

B. Extracurricular activities where attendance is optional.

C. To assure the return of materials, supplies or equipment.

D. For personal physical education and athletic equipment.

E. Items of personal use, such as class rings.

F. Fees specifically permitted by other statutes.

G. Supplementary field trips.

H. Authorized voluntary student health benefits.

I. Use or rental of musical instruments.

J. Personal consumable items such as pencils, notebooks and erasers.

A school board may not charge fees for:

A. Textbooks, art supplies, laboratory supplies or towels.

B. Necessary supplies.

C. Required field trips.

D. Graduation pass or gowns.

E. Instructional costs for necessary personnel.

F. Required library books.

G. Admission fees for required activity.

H. Any admission or examination fee.

I. Locker rentals.

CROSS REFERENCES

II.A.2.; Statute §120.17

II.A.2.; Statute §120.61

II.A.3.; Statute §121.21

II.A.3.; Regulation EDU 61

II.A.3.; Regulation EDU 62

II.A.3.; Regulation EDU 124 -- 127

II.A.10. Other - Agricultural Education; Statute §123.64

II.A.10. Other - Community Education Program; Regulation EDU 680-685

II.A.10. Other - Community School Programs; Statute §121.86

II.B.3.; Statute §134.01 -- 134.02

II.B.3.; Statute §134.06

III.D.Education System; Statute §120.72

IV.A.; Statute §123.69

IV.D.; Regulation EDU 187 -- 188

IV.D.; Regulation EDU 200 -- 201

IV.E.; Statute §123.17

IV.E.; Statute §127.17

IV.E.; Statute §129.121

IV.G.; Statute §120.07

IV.G.; Statute §120.08

IV.H.; Statute §129.14

IV.J.; Statute §127.36

DISTRICT SUPERINTENDENT

CROSS REFERENCE

IV.H.; Statute §120.12

EDUCATIONAL COOPERATIVE SERVICE UNIT

STATUTES

§122.86

In order to carry out the policy of providing comprehensive planning for the delivery of educational services, each educational cooperative service unit shall establish an educational planning task force. The task force shall consist of one member from each district within its boundaries, and each school board shall select its representative. Members shall hold their office until June 30, 1980. Vacancies shall be filled by the representative school boards.

§123.58

In order to promote the goals of equalizing educational cooperation in making available to all students those services and programs which may most efficiently and economically be provided by a cooperative effort of several school districts, ten educational cooperative service units (ECSU) have been designated within specific geographical boundaries. Two or more ECSU units may be combined into a single unit.

EQUAL EDUCATIONAL OPPORTUNITY

All ECSU units shall be formed by petition to the state board of education by a majority of the school districts in the ECSU.

"The primary purposes of designation as an ECSU shall be to perform educational planning on a regional basis and to assist in meeting specific educational needs of

children in participating school districts which could be better provided by an ECSU than by the districts themselves." The ECSU shall provide programs and services which are determined to be "priority needs" and shall assist in meeting special needs that may arise.

Full membership in an ECSU shall be limited to public school districts of the state but non-voting membership may be extended to non-public school units within the ECSU.

An ECSU unit shall be managed by a board of directors of 6 to 15 members, currently serving on participating district school boards. Members shall be elected by all school board members, each having one vote, and vacancies shall be filled by appointment by the board of directors.

The ECSU board of directors shall submit to the state board of education an annual plan which describes the objectives and procedures for their implementation of the ECSU.

The ECSU board may appoint special advisory committees, employ personnel pursuant to state certification standards, and may enter into contracts with boards of local school districts.

An advisory council, made up of superintendents, principals, teachers, and parents, shall be selected to give advice and counsel to the ECSU board.

Annually, the ECSU board shall submit a plan to its school districts and the state board of education, outlining programs and services suggested for implementation. These may range from curriculum development to in-service training.

GOVERNOR

CROSS REFERENCES

I.Governor's Advisory Panel; Statute §121.87

I.State Board of Education; Statute §124.62

GOVERNOR'S ADVISORY PANEL

STATUTES

§121.87

A 25 member advisory council shall be appointed by the governor to promote "the advancement of educational, recreational and social opportunities through the maximum utilization of public school facilities . . ." The duration of the council, removal of members and their compensation shall be determined by statute.

INDEPENDENT DISTRICT SCHOOL BOARD

CROSS REFERENCES

II.A.3.; Statute §123.351

IV.E.; Statute §123.38

INDEPENDENT DISTRICT SUPERINTENDENT

CROSS REFERENCE

I.District School Boards; Statute §123.34; 123.35

INDUSTRIAL COMMISSION

CROSS REFERENCE

IV.H.; Statute §120.13

LEGISLATURE

CROSS REFERENCE

III.C.Legislature; Minnesota Constitution, Art.XIII, Section 1

PARENT ADVISORY COMMITTEE ON BILINGUAL EDUCATION

CROSS REFERENCE

II.A.5.; Statute §126.38

PRINCIPALS

CROSS REFERENCE

I.Teachers; Statute §125.02

STATE BOARD OF EDUCATION

STATUTES

§120.65

"The state board of education shall approve flexible school year programs and establish standards and requirements for the qualification and evaluation of these programs.

SCHOOL YEAR

§120.67

District school boards may terminate flexible school year programs with the approval of the state board of education.

§121.02

A state department of education shall be maintained under the state board of education. The board consisting of nine persons from each congressional district, shall be appointed by the Governor and at least three must be previously elected members of a district board of education. The membership terms, compensation, removal of members and filing of vacancies shall be as provided in section 15.0575. If a member ceases to be a resident of the congressional district from which he/she was appointed she/he shall cease to be a member of the board. The governor shall appoint her/his successor within six months thereafter.

APPOINTMENT

§121.05 --121.06

The state board shall make and promulgate regulations under which agreements can be entered into with the federal government for assistance to public schools.

RULEMAKING

"All contracts made by the state board shall be in writing and signed by its executive officer."

§121.09

"The state board shall administer all laws relating to the commissioner, libraries, and other public educational institutions, except such laws as may relate to the state university and to the state colleges."

§121.11

"The state board of education shall: (1) serve as the state board for vocational education; (2) issue all teaching certificates; (3) divide the state into secondary school areas to facilitate and control transportation; (4) prevent competition between districts for student enrollment; (5) prepare a uniform system of records for public schools and require reports from school officials; (6) exercise general supervision over public schools and public educational agencies, including evening schools and adult education programs; classify and standardize public schools and prepare outlines and suggested courses of study, including examinations; (8) have the power to certify school business officers; (9) prescribe rules for school sites and building alteration.

§122.89

The state department of education shall review the educational cooperative service unit's task force reports and, by September 1, 1979, transmit the reports to the legislature.

§124.14

The state board shall supervise distribution of the school aide and make rules and regulations to enable districts to perform efficiently.

If a school board "authorizes or permits" noncompliance with a mandatory rule or regulation, the state shall reduce the amount of aid that district receives after proper notice has been given.

§124.62

The governor has authority to accept any federal legislation which benefits the school system. The state board of education shall carry out plans adopted under this provision.

The state board of education may apply for and administer federal funds made available under the Elementary and Secondary Education Act of 1965.

CROSS REFERENCES

II.A.2.; Statute §120.61

II.A.2.; Statute §128A.02 -- 128A.03

II.A.3.; Statute §121.21

II.A.3.; Statute §124.53

II.A.3.; Statute §124.57

II.A.3.; Statute §124.69

II.A.5.; Statute §126.39

II.A.5.; Statute §126.40

II.A.10. Other - American Indian Language; Statue §126.52

II.A.10. Other - American Indian Language; Statute §126-53

III.E.School Staff; Statute §123.581

IV.C.; Statute §124.645

IV.D.; Statute §123.39

IV.D.; Statute §123.80

IV.D.; Regulation EDU 200 --201

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERNECES

II.A.3.; Regulation EDU 60

II.A.3..; Regulation EDU 61

II.A.3.; Regulation EDU 63

STUDENT

CROSS REFERENCE

I.District School Board; Statute §123.744

TEACHERS

§125.02

"The teacher shall have the general control . . . of the school." In districts employing more than one teacher, the board may designate one teacher as principal.

CROSS REFERENCES

IV.H.; Statute §120.16

IV.H.; Statute §125.15--125.16

TEACHER STANDARDS AND CERTIFICATION COMMISSION

CROSS REFERENCE

II..C.Teachers; Statute §125.181 -- 125.185

TRUANT OFFICERS

CROSS REFERENCE

IV.H.; Statute §120.14

MISSISSIPPI

The State Board of Education consists of the State Superintendent of Public Education, the Attorney General and the Secretary of State. The State Board adopts the course of study to be used in the public schools of the state and directs the State Department of Education. The State Department of Education is charged with the execution of all laws relating to administrative, supervisory and consultative services to the public schools. The administration, management and control of the Department is vested in the State Superintendent of Public Education. The State Superintendent is elected for a term of four years at the same time and in the same manner as the Governor is elected.

Each county in the state has a County Board of Education consisting of five elected members. Members are elected for terms of six years. The County Superintendent of Education for each county is elected for a term of four years at the same time and in the same manner as other county officers. He/she serves as executive secretary of the County Board of Education, but has no vote in the proceedings before the Board and no voice in the fixing of policies. Notwithstanding provision for the election of the County Superintendent, the electorate of a county may authorize the appointment of the Superintendent by the County Board of Education. Statutory provision is made for the appointment fo the County Superintendent by the County Board of Education in certain designated counties.

School districts are classified as Municipal Separate School Districts, Consolidated School Districts, or County-wide School Districts. Municipal separate school districts are governed by Boards of Trustees consisting of five members elected by the governing authorities of the municipalities. Consolidated districts are also governed by Boards of Trustees consisting of five members, but said members are elected by qualified electors of the district. County Boards of Education serve as Boards of Trustees of county-wide districts. In such a county-wide district, each attendance center is in the custody of a Board of Trustees consisting of five members appointed by the County Board of Education.

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CROSS REFERENCES

II.B.2.; Statute §37-63-5

II.B.2.; Statute §37-63-7

II.B.2.; Statute §37-63-9

II.B.2.; Statute §37-63-13

BOARD OF TRUSTEES

STATUTES
§37-7-207

(1) A board of five trustees shall govern the "consolidated districts" after the original appointments are served. The trustees of such school district shall be elected "by the qualified electors of such school districts" for a term of five years.

(2) All school districts embracing two or more counties shall be governed by a board of five trustees.

§37-7-301

The powers and duties of the board of trustees shall be:

(1) to organize the schools of the district into grades as will best serve the interests of the school;

(2) "to introduce public school music, drawing, manual training, and other special subjects into either elementary or high school . . ." at their discretion;

(3) "to be custodians of the school property";

(4) to be responsible for maintenance of school facilities and necessary improvements;

(5) "to suspend or expel a pupil for misconduct in the school, upon school buses, on the road to and from school during recess or upon the school playgrounds";

(6) to visit each school at least once per session to detect need for improvements;

(7) "to assist the superintendent, principal and teachers where necessary for the proper discipline of

one school";

(8) "to exclude from the schools, children of filthy or vicious habits; and children suffering from contagious or infectious diseases";

(9) "to require, upon the recommendation of the state board of health" and local county health officer, vaccination of school children against contagious or infectious diseases and to require chest X-rays as soon as practicable and to exclude children from the school who have not been so vaccinated, as soon as practicable." However, these provisions "shall not apply to children whose parents are guardians, are certified by an officer of their church to be bona fide members of a recognized denomination where religious teachings require reliance on prayer . . . for healing." Furthermore, no child has to submit to a vaccination where the parent has filed a certificate of physician with the board of trustees indicating "such vaccination would be dangerous to the health or safety of such child;

(10) "to see that schools are properly heated;

(11) to authorize use of school buildings and property for public meetings;

(12) to prescribe rules in accordance with those of the state board of education for their own government and for that of the schools;

(13) to maintain all the schools for the term prescribed by law;

(14) to enforce the courses of study and use of textbooks prescribed;

(15) "to suspend or dismiss pupils . . . when necessary, and to deny admission to or suspend or dismiss children who are found to be so mentally or emotionally abnormal that their attendance at the school is detrimental to the best interest of the child involved or to other pupils . . .";

(16) to select superintendents, principals and teachers in the manner provided by law;

(17) to provide and regulate athletic programs and other school activities; and

(18) to join, in their discretion, for the school trustees in their district any association of school boards . . ."

§37-7-603

"The trustees of municipal separate school districts shall be selected" as are trustees of other types of school districts.

§37-7-619

The boards of trustees of municipal separate school districts shall have the same powers and duties as other boards of trustees as well as powers conferred upon them by any other statute.

"The board . . . may . . . employ and fix the duties . . . of such clerical help" not already provided by the minimum foundation school program.

§37-7-623; 625 - 629; 639

The trustees of any municipal separate school district are empowered to make surveys of present or proposed facilities. They are also empowered to establish separate trade and vocational schools if needed. In addition, they may establish kindergartens and nursery schools "for the care, training and education of preschool children." Lastly they may "provide schools for Indian children living within the district in the same manner and under the same regulations as schools are provided for other children.

§37-7-707; 709

In special municipal separate school districts which embrace the entire county of which the majority of county inhabitants reside outside the municipality's boundary limits, "the board of trustees . . . shall be composed of five members (and) each shall be a resident qualified elector of each supervisors district of the county."

Vacancies shall be filled by appointment made by the remaining board of trustees.

APPOINTMENT

§37-7-713

In special municipal separate school districts where the district embraces less than the entire area of the county and where the majority of educable children of the district reside outside the municipality limits, the district shall be governed by five trustees elected by the qualified electors of the school district, unless an alternative method of organization is chosen as per this chapter.

§37-7-719

"The board of trustees of . . . special municipal separate school districts shall be vested with all the powers and duties granted to . . . boards of trustees of municipal separate school districts . . . . Such boards . . . shall . . . perform all duties and have all power and authority possessed by boards of trustees of school districts under any applicable statute. In the case of special municipal separate school districts embracing an entire county, such boards shall have all powers conferred upon county boards of education.

§37-7-721

Members of boards of trustees of special municipal separate school districts embracing an entire county shall be reimbursed for travel expenses incurred in attending board meetings.

§37-7-723; 725

"The district board of trustees shall supersede the county board of education in county-wide districts." All duties that would be performed by the county board of education shall be performed by the district board. In the same manner, district superintendents shall supersede county superintendents in county-wide districts.

§37-7-727

"The board of trustees of any special municipal school district embracing all of the territory of a county" is empowered to employ personnel to aid the district superintendent . . . "including the employment of persons to assist in . . . attending to the school transportation affairs . . ."

CROSS REFERENCES

I.County Board of Education; Statute §37-7-205

II.A.9.; Statute §37-27-7

II.C.1.; Statute §37-7-451

II.C.3.; Statute §37-7-317

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secondary Schools (Bulletin 171)

III.B.Municipal Board of Trustees; Statute §37-7-203

III.E.Teachers; Statute §37-7-307

IV.D.; Statute §37-41-17

IV.G.; Statuate §37-15-13

IV.G.; Statute §37-15-17

IV.J.; Statute §37-9-71

BOARD OF TRUSTEES OF THE SCHOOL FOR THE DEAF AND THE SCHOOL FOR THE BLIND

CROSS REFERENCE

II.A.1.; Statute §43-5-3

COMMISSION ON SCHOOL ACCREDITATION

CROSS REFERENCES

III.A.1.; Statute §37-17-3

III.A.1.; Statute §37-17-5

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secondary Schools (Bulletin 171)

COUNTY BOARDS OF EDUCATION

STATUTES

§37-5-1

The county board of education shall consist of five elected members who shall each serve a six-year term. Vacancies shall be filled by appointment by the remaining members of the board. The appointee shall serve until the next general election. Members shall be compensated $20.00 per day and reimbursed for expenses in attending board meetings. The county board shall control school funds, and purchase fuel, supplies and materials. It may set up and operate schools for orphans or for Indians and may transfer jurisdiction of recreational property to a municipality for the summer.

A member of the board may not be held liable for

his/her voting against any illegal expenditure of money. The board will meet in regular session at a predetermined site, with special meeting ordained by the president of the board.

§37-7-205

"The county board of education shall be the governing body of all school districts" within the county excluding municipal separate school districts. To fulfill that purpose, the county board of education shall be the board of trustees for its county-wide school district and have all the "duties, rights, power and authority conferred" on other boards of trustees. In a county-wide district, each attendance center shall be controlled by a board of trustees appointed by the county board of education for a term of five years. "Such trustees of attendance centers shall be bona fide residents of the territory served by . . .[the] attendance center."

§37-13-61

The county board of education is empowered to fix the date of the opening of the school term. In municipal separate school districts, the board of trustees is empowered to fix the date.

CROSS REFERENCES

I.Board of Trustees; Statute §37-7-901

II.A.2.; Statute §37-23-91; 37-23-93; 37-23-95

II.A.10. Other - Agricultural High Schools; Statute §37-27-1; §37-27-7; §37-27-9

IV.D.; Statute §37-41-5

IV.D.; Statute §37-41-7

IV.G.; Statute §37-15-23

COUNTY CHILD DEVELOPMENT CENTER

CROSS REFERENCE

II.A.2.; Statute §37-23-91; 37-23-93; 37-23-95

COUNTY LIBRARY COMMISSION

CROSS REFERENCE

II.B.3.; Statute §37-55-1

COUNTY SUPERINTENDENT

CONSTITUTION

MISSISSIPPI CONSTITUTION, ART. 8, §204

"There shall be a superintendent of public education in each county, who shall be appointed by the state board of education by and with the advice and consent of the senate, whose term of office shall be four years, and whose qualifications, compensation and duties shall be prescribed by law: Provided, that the legislature shall have the power to make the office of county school superintendent . . . elective or may otherwise provide for the discharge of the duties of county superintendent, or abolish said office."

STATUTES

§37-5-61 - -105

The county superintendent shall serve as secretary to the county board but shall have no vote in its decisions. The county superintendent shall be elected for a four year term except in those eleven counties where he/she is appointed. The county superintendent may be appointed in any other county if a petition is filed and signed by twenty percent of the voters of the district.

APPOINTMENT

The county superintendent shall be a citizen of the state for four years and of the county for two years preceding his/her election. He/she shall hold a bachelor's degree and be eligible for a class A teaching certificate

and have at least four years experience in teaching or administration. A vacancy in the office shall be filled by appointment for six months at which time the board shall call a special election to fill the vacancy for the unexpired term.

The county superintendent shall have the following duties:

(a) to enforce the rules and regulations of the state board;

(b) to employ assistants and other personnel as provided herein;

(c) to keep records on trustees, employees and teachers;

(d) to report annually to the state board on all monies spent;

(e) to give his/her opinion and advice in all controversies arising in the public schools and render a decision when requested to do so by the board trustees;

(f) to perform other duties specified or required by law.

§37-9-13

"The county superintendent shall be the superintendent of a county-wide school district and of a municipal separate school district embracing an entire county with population . . . under fifteen thousand persons . . . ."

In a municipal school district, the board of trustees shall enter into contract with the superintendent. In a county school district, excluding county wide districts, the board of trustees shall notify the county superintendent of the candidate for superintendent, and the county superintendent shall enter into contract with the candidate.

§37-9-23

In county school districts, the county superintendent shall enter into contract with each teacher, principal and teacher approved for employment. In municipal separate school districts, the superin-

tendent shall enter into contract with each above staff member approved for employment. The contract must be in the form prescribed by the state board of education.

CROSS REFERENCES

I.State Board of Education; Statute §37-1-1 -- 37-1-9; 37-3-17

I.State Superintendent; Statute §37-3-9 -- 37-3-15

II.A.1.; Statute §37-13-3

II.A.1.; Statute §37-13-21; 37-13-23; 37-13-25

II.A.1.; Statute §37-13-27; 37-13-29; 37-13-37; 37-13-47

II.A.10.Other - Agricultural High Schools; Statute §37-27-7

II.B.3.; Statute §37-55-1

III.C.Certificated Personnel; Statute §37-9-59

CURRICULUM COMMITTEE

CROSS REFERENCE

III.D. Curriculum; Statute §37-13-9

DEPARTMENT OF EDUCATION

STATUTES

§37-3-1 — 3-7

The state department of education shall execute all laws "relating to the administrative, supervisory and consultative services to the public schools." The state superintendent shall direct the work of the department and be responsible for its "rightful functioning . . . ."

§37-3-31

No additional division shall be created without legislative action. The state superintendent may assign additional duties to these divisions. All other educational services are under the direct supervision of the state department of education and the state superintendent.

Among the services offered by the department regarding learning problems are:

(a) "Continuous upgrading of the quality and effectiveness of testing and evaluation of children . . . not making satisfactory progress in school and preschool children who evidence potential learning problems.

(b) Development and dissemination of information on educational curricula and programs for the instruction of children identified as needing special educational services.

(c) Provision to school and other agencies rendering educational and related services to children of professional services and consultations on specific learning problems encountered.

(e) Maintenance of inservice training programs for teachers.

(f) Provision of prospective teachers and other personnel opportunities to observe, study and work with children, especially children with learning problems.

(g) Consultation with parents and appropriate educational agencies as to the resources available for diagnosis, education, care and treatment of their children.

(h) Maintenance of a computer reference by school district . . . on the pupils who have received services in order to assure that appropriate educational procedures are being developed and utilized."

CROSS REFERENCES

II.A.1.; Statute §37-13-39

II.A.1.; Statute §37-13-51

II.A.2.; Statute §37-23-5

II.A.2.; Statute §37-23-7

II.A.2.; Statute §37-23-31

II.A.2.; Statute §37-23-65

II.A.2.; Statute §37-23-69

II.A.2.; Statute §37-23-125

II.A.2.; Statute §37-23-131

II.A.3., Statute §37-13-58

II.A.10. Other - Career Education Program; Statute §37-13-59

II.A.10. Other - Economic Education Program; Statute §37-13-54 -- 37-13-55

II.C.2.; Statute §37-3-23

III.D. Educational Programs; Statute §37-3-43 -- 37-3-47

IV.A.; Statute §37-11-5

DIRECTOR OF DIVISION OF INSTRUCTION

CROSS REFERENCE

III.B. Teachers; Statute §37-3-21

DIRECTOR OF THE DIVISION OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §37-3-25

DISTRICT SUPERINTENDENT

CROSS REFERENCES

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secndary Schools (Bulletin 171)

III.B. Principals; Statute §37-9-15

IV.G.; Statute §37-15-13

IV.J.; Statute §37-9-71

ECONOMIC EDUCATION CENTERS

CROSS REFERENCE

II.A.10. Other - Economic Education Program; Statute §37-13-54 -- 37-13-55

GOVERNOR

CROSS REFERENCE

II.B.1.a.; Statute §37-43-3

IV.A.; Statute §37-65-1

LEARNING RESOURCES ADVISORY COMMITTEE

CROSS REFERENCE

II.A.2.; Statute §37-23-127

LEGISLATURE

CONSTITUTION

MISSISSIPPI CONSTITUTION, ART. 8, §201

"The legislature may, in its discretion, provide for the maintenance and establishment of free public schools for all children between the ages of six and twenty-one years, by taxation or otherwise, and with such grades as the legislature may prescribe."

MISSISSIPPI CONSTITUTION, ART. 8, §205

"The legislature may, in its discretion, provide for the maintenance and establishment of a free public school or schools in each county . . . with such . . . terms, as the legislature may prescribe."

CROSS REFERENCE

I.County Superintendent; Mississippi Constitution, Art. 8, §204

MUNICIPAL GOVERNMENT

CROSS REFERENCE

II.C.3.; Statute §37-7-317

PRINCIPAL

CROSS REFERENCES

III.D. Educational System; Statute §37-13-4

IV.A.; Statute §37-11-5

IV.G.; Statute §37-15-13

IV.J.; Statute §37-9-69

IV.J.; Statute §37-9-71

RATING COMMITTEES (TEXTBOOK SELECTION)

CROSS REFERENCE

II.B.1.a.; Statute §37-43-21

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.1.; Statute §37-13-51

II.A.1.; Statute §37-25-1; 37-25-3; 37-25-7

II.A.2.; Statute §37-23-7

II.A.3.; Statute §37-31-73

III.D. Educational Programs; Statute §37-3-43 -- 37-3-47

III.E. Educational System; Statute §37-15-4

IV.D.; Statute §34-41-11

IV.G.; Statute §37-15-13

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §37-31-3 -- 5

STATE BOARD OF EDUCATION

CONSTITUTION

MISSISSIPPI CONSTITUTION, ART. 8, §203

"There shall be a [state] board of education, consisting of the secretary of state, the attorney-general, and the superintendent of public education, for the management and investment of the school funds according to law, and for the performance of such other duties as may be prescribed."

STATUTES

§37-1-1 — 1-9; 37-3-17

The state board of education shall consist of the state superintendent, the attorney general and the secretary of state. It shall "regulate all matters arising in the practical administration of the school system . . ." and adopt the course of study for the public schools. It shall decide all appeals from the county superintendents and has the power to remove the county superintendent for cause. It shall employ a director of vocational education and of vocational rehabilitation who shall be responsible to the state board for the administration of their respective programs.

§43-5-5

The state board shall adopt "all needful rules for the government of the separate schools . . . .[They] shall have authority and control over the pupils . . . The board shall provide and maintain libraries for each school, and shall provide for proper and needful recreation . . . . They shall be paid . . . a per diem allowance for . . . attendance . . . at [board] meetings . . . ."

RULEMAKING

of the schools;

(c) to review the educational progress of the schools;

(d) to give his/her written opinion on all "controversies arising out of the interpretation and construction of school laws" when requested by a county superintendent;

(e) to report annually to the legislature;

(f) to employ subordinates and assistants as needed.

CROSS REFERENCES

I. County Superintendent; Mississippi Constitution, Art. 8, §204

II.A.1.; Statute §37-13-27; 37-13-49; 37-13-37; 37-13-47

II.A.1.; Statute §37-13-35

II.A.3.; Statute §37-31-7

II.A.3.; Statute §37-31-61

II.A.8.; Statute §37-35-1

II.A.8.; Statute §37-35-90

III.A.1.; Statute §37-17-1

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secndary Schools (Bulletin 171)

III.B. Teachers; Statute §37-9-9

III.D. Curriculum; Statute §37-13-9

IV.D.; Statute §37-41-23 -- 37-41-25

IV.D.; Statute §37-41-1

IV.F.; Statute §37-15-10

STATE COORDINATOR FOR CAREER EDUCATION

CROSS REFERENCE

II.A.10. Other - Career Education Program; Statute §37-13-59

STATE DEPARTMENT ADVISORY COMMITTEE

CROSS REFERENCE

III.J. Educational Programs; Statute §37-3-43 -- 37-3-47

STATE EDUCATIONAL FINANCE COMMISSION

CROSS REFERENCE

I. Board of Trustees; Statute §37-7-901

STATE SUPERINTENDENT OF PUBLIC EDUCATION

CONSTITUTION

MISSISSIPPI CONSTITUTION, ART. 8, §202

"There shall be a superintendent of public education elected at the same time and in the same manner as the governor, who shall have the qualifications required of the secretary of state, and hold his[her] office for four years, . . . who shall have the general supervision of the common schools and of the educational interests of the state and who shall perform such other duties . . . prescribed by law."

STATUTES

§37-3-9 - -15

The state superintendent shall be elected for a four year term and shall have the following duties:

(a) to supervise the department and prescribe rules and regulations for the public schools; RULEMAKING

(b) to collect all data and keep all records and prepare all forms necessary for the efficient operation

CROSS REFERENCES

I.Department of Education; Statute §37-3-1 -- 3-3-7

I.State Board of Education; Statute §37-1-1 -- 37-1-9; 37-3-17

II.A.2.; Statute §37-23-127

II.A.3.; Statute §37-31-3 -- 5

II.B.1.a.; Statute §37-43-3; §37-43-21

II.B.2.; Statute §37-63-15

III.E.Teachers; Statute §37-53-1

STATE TEXTBOOK PURCHASING BOARD

CROSS REFERENCES

II.B.1.a.; Statute §37-43-3; 37-43-19; 37-43-21; 37-43-31

SUPERINTENDENTS

CROSS REFERENCES

III.D. Educational System; Statute §37-13-4

IV.D.; Regulation, Pupil Transportation Guide for Superintendents (Tk-V)

IV.J.; Statute §37-9-69

TEACHERS

CROSS REFERENCES

IV.A.; Statute §37-11-5

IV.J.; Statute §37-9-69

MISSOURI

The Department of Education includes the State Board of Education, the Division of Public Schools, the Division of Registration and Examination, and the agencies assigned to the Department. The State Board of Education consists of eight lay members appointed by the Governor with the advice and consent of the Senate. It appoints a Commissioner of Education as its chief administrative officer.

The school districts of the State are designated six-director, urban or metropolitan school districts. A Six-Director District is created in each first class county and is governed by a County Board of Education consisting of six members. The members of the school boards of the various school districts within the county elect the members of the County Board of Education. In counties of the second, third and fourth classes, the six members of the County Board of Education are elected by popular vote. In the event there is but one school district in a county, the Board of Education for that district serves as the County Board of Education. The County Superintendent of Public Schools is elected by the voters of each county. The office may be abolished where there are less than three operating school districts with a combined enrollment of fewer than 250 students.

A district containing all or the major portion of a city of 70,000 or more is deemed an urban school district. A Board of Directors consisting of six elected members governs an urban school district except, where the city contained therein has more than 300,000 inhabitants, the Board consists of nine members. Metropolitan school districts are those districts in cities not within a county. The supervision and government of public schools therein is vested in a Board of Education consisting of twelve elected members. The Board appoints a Superintendent of Schools.

MISSOURI

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BOARD OF ADVISORS FOR MISSOURI SCHOOLS FOR THE BLIND AND DEAF

CROSS REFERENCES

II.A.2.; Statute §162.795 -- .805

BOARD OF EDUCATION

STATUTES

§162.011

"Any school board of the state may by two-thirds vote of its members join the Missouri School Board Association and appoint one or more members to attend meetings called by the association within the state of Missouri. None of the funds of the association shall be used for salaries and expenses incurred for the purpose of influencing the passage or defeat of legislation before the general assembly."

§162.051

"Special meetings of school boards may be held at times, fixed by the board, or on the call of the president or of the majority of the members of the board."

§168.201

"The board of education in all except metropolitan districts may employ and contract with a superintendent for a term not exceeding three years" from the making of the contract, and may employ other servants and agents as deemed necessary and prescribe their powers, duties, compensation and term of office or employment not exceeding three years.

§162.301

BOARD OFFICERS

The board shall meet within seven days after election to elect a president, vice president, secretary and treasurer. The secretary and treasurer need not be members of the board. A majority of the board

constitutes a quorum. When there is an equal division of the board on a question, except reemployment of a teacher, the president upon request of three members, shall cast the deciding vote.

CROSS REFERENCES

II.A.2.; Regulation 5 CSR 70-742.010; .020

II.A.2.; Regulation 5 CSR 70-742.030 -- 110

II.A.7.; Statute §127.091

II.A.8.; Statute §178.290

III.B.Board of Education Members; Statute §162.581

III.B.School Board Members; Statute §161.032

III.C.Certified Employees; Statute §168.101

III.D.Public Schools; Statute §162.661

IV.D.; Statute §167.231 -- .251

IV.E.; Statute §171.141

IV.J.; Statute §167.161; .171

City Board of Directors

CROSS REFERENCE

IV.C.; Statute §167.211 -- .221

Commissioner of Education

Constitution

MISSOURI CONSTITUTION, ART. 9, §2(b)

APPOINTMENT

"The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. The board shall prescribe his[her] duties and fix his[her] compensation, and upon his[her] recommendation shall appoint the professional staff and fix their compensation."

Statutes

§161.122

The commissioner shall "supervise the division of public schools." He/she shall confer with county and school district officers, teachers, and patrons of public schools on school law; make suggestions regarding subject matter, instructional methods, control and

government of schools; assist meetings of teachers, directors, and school patrons; and elevate the standards and efficiency of instruction in the public schools.

CROSS REFERENCES

I.Department of Education; Regulation 5 CSR 10-1.010

I.Division of Public Schools; Statute §161.132

I.State Board of Education; Statute §161.072

II.A.3.; Statute §178.540 -- .580

III.C.County Board Members; Statute §162.141

COUNTY BOARD OF EDUCATION

STATUTES

§162.113

"In the event there's only one school district in any county, the board of education for that district shall serve as the county board of education."

§162.121

The county board of education, within four days after its election, shall meet and elect one member as president and elect a secretary who need not be a member of the board.

BOARD OFFICERS

§162.131

The county board shall meet at least once quarterly during each calendar year. Four members of the board constitutes a quorum. Written notice of the meetings shall be given to board members at least six days before the date of any meeting.

§162.161

"The county board of education shall: make or cause to be made and kept current a comprehensive study of each school district of the county. The study shall include: a) the assessed tax valuation of each existing district; b) the number of pupils attending school, average daily attendance, and the population of all districts in the county; c) the location and condition of school buildings and their accessibility

to the pupils; d) the location and condition of roads, highways, and natural barriers within the county; 3) the high school facilities of the county; f) the conditions affecting the welfare of the teachers and pupils; g) any other factors concerning adequate facilities for the pupils. From time to time submit to the state board of education specific plans for the reorganization of school districts of the county. . . cooperate with boards of adjoining counties in solution of common organization problems, and submit to the state board of education for final decision any and all organization questions on which the cooperating boards fail to agree. Continue to advise with school patrons and school officials on all matters pertaining to the improvement of the schools in the county. Designate a district superintendent of schools . . . during any vacancy in his[her] office or in the event of his[her] incapacity to perform his[her] duties. The person designated . . . shall have full power to perform the duties imposed upon him[her] by the county board of education. Compensate the district superintendent of schools at a rate determined by the county courts.

§168.191

In all counties of the first class, except those not having a charter form of government, any board of education other than those in urban districts in charge of public school system maintaining a classified high school and employing a full time superintendent, may employ and enter into a contract with a superintendent of schools for that district for a period not exceeding three years.

CROSS REFERENCES

I.District Board of Education; Statute §162.261

III.B.County Board of Education; Statute §162.101

III.B.County Board of Education; Statute §162.111

III.C.County Board Members; Statute §162.141

County School District

CROSS REFERENCE

I.County Board of Education; Statute §168.191

County Superintendent of Schools

CROSS REFERENCES

II.A.2.; Statute §179.100

IV.H.; Statute §167.071

Department of Education

Statutes

§161.012

"The department of education includes the state board of education, the division of public schools, the division of registration and examination, and the agencies assigned to the department."

Regulations

5 CSR 10-1.010

The Department of Education is organized under the State Board of Education. Its chief administrative officer is the Commissioner of Education who serves at the pleasure of the Board. The Department serves in an administrative supervisory and leadership role to the State Board of Education.

CROSS REFERENCES

II.A.2.; Statute §162.735--750

II.A.8.; Regulation 5 CSR 60-100.010 -- .040

II.A.10.Other-Innovative Programs; Regulation 5 CSR 60-340.090

III.A.1.; Regulation 5 CSR 50-340.010

III.C.State Board Members; Statute §161.102; .022

Director of Special Education

CROSS REFERENCE

II.A.2.; Statute §161.162

STATUTES

§162.241

If a new six-director district is established, an election shall be held to elect the directors. Three staggered terms, of three years each, shall be employed initially, one term shall be one year, a second term two years to establish the staggering.

§162.261

The board of education of a six-director district other than an urban district has six members who hold office for three years. Vacancies may be filled by the remaining members of the board. If more than two vacancies occur at once, the county board of education shall fill them by appointment. The appointee shall hold office until the next annual election, when a director shall be elected for the unexpired term.

APPOINTMENT

§162.411

"The board of any district may retain counsel when necessary to the exercise of its powers."

§162.865

Six board members shall be elected at large, except where the district population is over one hundred thousand, then the board of education shall divide the area of the special school district into equal election districts where voters of each district elect a board member who is a resident of the district. Resolutions calling for a redistricting committee will be adopted in special districts by the state board of education in order to adopt a redistricting plan which shall be approved by the board and upon becoming effective the board members elected thereafter shall be required to be elected from subdistricts in which they are residents.

CROSS REFERENCES

I.County Board of Education; Statute §162.113

II.B.3; Statute §170.201 -- .211

III.B. Six-Director School District Board; Statute §162.291

DIVISION OF PUBLIC SCHOOLS

STATUTES

§161.132

"The Division of Public Schools includes the commissioner of education, professional staff, and other employees essential to efficient operation of the division." Upon the recommendation of the commissioner, the state board shall appoint the professional staff, other employees and fix their compensation.

APPOINTMENT

GOVERNOR

CROSS REFERENCE

I.State Board of Education; Constitution Article 9, §2(a)

LEGISLATURE

CONSTITUTION

MISSOURI CONSTITUTION, ART. 9, §1(a)

"A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law. Separate schools shall be provided for white and colored children, except in cases otherwise provided for by law."

LOCAL BOARD SECRETARY

STATUTES

§162.531

The secretary of the board of each urban district shall keep a record of the proceedings of the board and of all warrants drawn upon the treasurer. He/she shall keep a register of the bonded indebtedness of the school district; perform other duties required by the board and

safely keep all bonds or other papers entrusted to her or his care.

METROPOLITAN BOARD OF EDUCATION

STATUTES

§162.571

Every city in the state, not within a county, constitutes a metropolitan school district and shall have a twelve member board. The board of education may be sued and sue, purchase, receive, hold and sell property, and do things necessary to accomplish the purpose of which the school district is organized.

LIABILITY

§162.591

The metropolitan board of education shall elect a president, vice-president, and secretary and shall appoint a superintendent of schools.

BOARD OFFICERS

§162.601

Members of the metropolitan board of education shall serve six year terms.

§162.621

The metropolitan board of education shall have "general and supervising control, government and management" of the public schools and shall exercise generally "all powers in the administration of public schools." It shall appoint the officers, agents and employees and fix their compensation. The board of education may "(1) make, amend, and repeal rules and by-laws for its meetings and proceedings for the government, regulation and management of the public schools and school property in the city, for the transactions of its business, and the examination, qualification and employment of teachers, which rules and by laws are binding on the board of education and all parties dealing with it until formally repealed. (2) Fix the time of meetings; (3) Provide for special and standing committees; (4) Levy taxes authorized by law for school purposes; (5) Invest the

RULEMAKING

funds of the district; (6) Purchase and hold all property real and personal deemed by it necessary for the purposes of public education; (7) Build and construct improvements for such purposes and sell the same; (8) Provide for the gratuitous transportation of pupils to and from schools in cases where by reason of special circumstances pupils are required to attend schools at unusual distances from their residences."

§167.011 — .021

Each district board of education shall annually take and forward to the county clerk before the 1st of May a census of all persons between the ages of six and twenty years who reside in the district by giving the name, age and sex of each person and designating those who are blind or deaf along with the address of their parent or guardian.

Metropolitan boards may rely on the decennial federal census. Any board may establish a permanent and continuing census that will buy current data.

A district failing to take a census forfeits its right to public funds for the next year. Anyone providing fake information to the census is guilty of a misdemeanor. Failure of the county clerk to furnish lists of the census to the superintendents of the schools for the deaf and for the blind is guilty of a misdemeanor.

§168.211

In metropolitan districts the superintendent of schools shall be appointed by the board of education for a term of four years. The superintendent shall appoint a treasurer, a commissioner of school buildings, and shall have general supervision, subject to the control of the board, of the school system, including departments, physical properties, courses of instruction, discipline and conduct of schools, textbooks and studies.

The superintendent of schools shall have general supervision, subject to board approval, of school buildings, apparatus, equipment and school grounds; the operation of the school lunch rooms; the administration of examinations for appointment and promotion of employees of the school system; and the preparation and administration of the annual budget for the school system. The superintendent of schools may be granted a leave of absence, and the board may remove him/her from office by vote of a majority of its members. The commissioners of school buildings shall exercise supervision over all school buildings, machinery, heating systems, equipment, school grounds and maintenance.

REMOVAL

CROSS REFERENCES

III.B.NonCertified Employees; Statute §168.251

III.C.Teachers; Statute §168.221

PRINCIPAL

CROSS REFERENCE

III.C.Teachers; Statute §168.221

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.2.; Statute §162.670 -- .710

II.A.2.; Statute §162.720

IV.H.; Statute §163.036; 091

SENATE

CROSS REFERENCE

I.State Board of Education; Constitution, Article 9, §2(a)

SPECIAL SCHOOL DISTRICT, BOARD OF EDUCATION

CROSS REFERENCES

II .A.2.; Statute §162.855

II .A.2.; Statute §162.880 -- .890

II.A.2.; Statute §162.915, 940; 945--950; 970; §178.710

II.A.3.; Statute §162.895

Special School Districts

CROSS REFERENCES

II.A.2.; Statute §162.815

II.A.2.; Statute §162.825 -- .840

II.A.2.; Statute §178.710

State Advisory Commission for Vocational Education

CROSS REFERENCE

II.A.3.; Statute §178.540 -- .580

State Board of Education

Constitution

MISSOURI CONSTITUTION, ART. 9, §2(a)

"The supervision of instruction in the public schools shall be vested in a state board of education, consisting of eight lay members appointed by the governor, by and with the advice and consent of the senate; provided that at no time shall more than four members be of the same political party. The term of office of each member shall be eight years."

APPOINTMENT

Statutes

§161.072

The state board shall meet semi-annually in December and June. Meetings may be called on five days written notice to members. In absence of the president, the commissioner of education may call a meeting at the request of four members of the board. Any four members may call a meeting in the absence or refusal of the commissioner or president.

§161.082

The Board may act only when lawfully convened in regular or special meeting. No member has any authority by reason of official position. No official action may be taken unless a majority of the whole board votes.

"The state board of education shall: adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the division of public schools; carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools; assemble information which will reflect continuously the condition and management of the public schools of the state; grant without fee, certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements, formulate regulations governing their issuance, and cause the certificate to be revoked for the reasons and in the manner provided; classify the public schools of the state subject to limitations provided by law, establish requirements for the schools of each classification, and formulate rules governing the inspection and accreditation of schools preparatory to classification; make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include: (a) statement of the number of public schools in the state; the number of pupils attending the school, their sex, and the branches taught; (b) a statement of the number of teachers employed, their sex, their professional training, and their average salary; (c) a statement of the receipts and disbursements of public school funds of every description, their sources, and the purpose for which they were disbursed; (d) suggestions for the improvements of public schools; and (e) any other information relative to the educational interests of the state that the law requires or the board deems important; [a] requirement from [the] chief officer of each division of department of education reports containing information

the board deems important and desires for publication;
and other powers and duties prescribed by law."

CROSS REFERENCE

I.Commissioner of Education; Constitution, Article 9, §2(b)

I.District Board of Education; Statute §162.865

I.Division of Public Schools; Statute §161.132

II.A.1.; Statute §161.102

II.A.1.; Statute §195.300

II.A.2.; Statute §161.162

II.A.2.; Statute §162.670 -- .710

II.A.2.; Statute §162.725

II.A.2.; Statute §162.730

II.A.2.; Statute §162.735 -- .750

II.A.2.; Statute §162.760--770

II.A.2.; Statute §178.310 -- .360
II.A.2.; Regulation 5 CSR 70-742.030 -- 110

II.A.3.; Statute 178.440 -- .530

II.B.1.; Statute 170.061 -- .171
III.A.2.; Statute §162.760 -- .770

III.B. Commissioner of Education; Statute §161.112

III.C. State Board Members; Statute §161.022

IV.D.;Statute §162.755

IV.D.;Regulation 5 CSR 40-261.010

SUPERINTENDENT

CROSS REFERENCES

II.A.2.; Regulation 5CSR 70-742.030--110

III.B.Superintendent; Statute §179.010--090

SUPERINTENDENT OF THE MISSOURI SCHOOL FOR THE BLIND

CROSS REFERENCES

III.A.2.; Statute §162.760 -- .770

III.A.2.; Statute §162.775

SUPERINTENDENT OF THE MISSOURI SCHOOL FOR THE DEAF

CROSS REFERENCE

III.A.2.; Statute §162.760 -- .770

STATUTE

§162.461

Each urban school district is a corporate body governed by the same general laws as other six-director school districts, except as otherwise provided by law.

§162.471

"The governance and control of an urban school district is vested in a board of six-directors except that in urban districts maintaining the greater part of a city of more than three hundred thousand inhabitants the board shall be composed of nine directors. Each director shall be a resident taxpayer of the district, who has resided within this state for one year preceding his[her] election or appointment and who is at least thirty years of age. All directors, except as herein provided, hold their offices for six years. All vacancies occurring in the board shall be filled by appointment by the board as soon as practicable, and the person appointed shall hold [her]his office until the next biennial election, when [her] or his successor shall be elected for the remainder of the unexpired term. The power of the board to perform any official duty is not impaired by a vacancy.

§162.492

The board of directors of an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants shall be nine in number, six elected from subdistricts and three elected at large. Vacancies shall be filled by majority vote of the remaining members, but those filling subdistrict director vacancies must be residents of the respective subdistricts.

§162.511

The board in any urban district shall perform the same duties and be subject to the same restrictions

and liabilities as the school boards of other school districts. A majority of the board constitutes a quorum for the transaction of business. No contract shall be let, teacher employed, bill approved or warrant ordered unless a majority of the board shall vote, but this provision is not applicable to the reemployment of any teacher.

§162.521

BOARD OFFICERS

Within ten days after the biennial election, an urban board shall meet and elect a president, vice-president, secretary and treasurer. The latter two need not be members of the board. The term of secretary and treasurer is two years, and they may be removed by the board for cause.

CROSS REFERENCES

I.Local Board Secretary; Statute §162.531

II.B.3.; Statute §170.20 -- .211

VOTERS

CROSS REFERENCES

II.A.2.; Statute §162.815; 162.825--840

IV.D.; Statute §167.231--251

MONTANA

The Montana Constitution mandates the establishment of a free public education system of elementary and secondary schools. The State Board of Education, composed of the Board of Regents of Higher Education and the Board of Public Education, is responsible for "long-range planning and for coordinating and evaluating policies and programs for the state's educational systems." The governor is an ex-officio member of this board.

The Board of Public Education, consisting of seven members appointed by the governor and confirmed by the senate, sets the policy for the school system. It meets quarterly and also includes as members the Governor, the Superintendent of Public Instruction and the Commissioner of Higher Education. The Board is also the governing board of vocational education.

The chief state school officer is the Superintendent of Public Instruction. She/he is an elected official and is responsible for the general supervision of the school system. The Superintendent is also charged with the responsibility to decide "matters of controversy" on appeal.

Each county elects a County Superintendent to supervise the schools in the county and assist in the trustees of any school district not employing a District Superintendent.

Schools are organized into elementary and high school districts. Each district is governed by an elected Board of Trustees and administered by a District Superintendent appointed by the trustees. Districts are classified by population, the classification being assigned by the County Superintendent. Two or more counties may organize into joint districts.

MONTANA

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I. Powers, Duties and Functions

Attendance Officer

CROSS REFERENCE

IV.H.; Statute §75-6305 -- 75-6307

Board for Vocational Education

CROSS REFERENCE

II.A.3.; Statute §75-7702

Board of Land Commissioners

CROSS REFERENCE

II.C.1.; Montana Constitution, Art.X, §4

Board of Public Education

Constitution

MONTANA CONSTITUTION, ART. X, §9

"Boards of education. (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board."

"(3)(a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

APPOINTMENT

"(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of

§75-5613; 75-5616

BOARD OFFICERS

The board of public education selects a chairman from among its members. "The superintendent of public instruction shall serve as secretary to the board . . . . A majority of the appointed members . . . constitutes a quorum. The board meets quarterly. "Other meetings may be called by the governor, . . . chairman, . . . secretary, or by four . . . members." The board "shall adopt rules necessary" for its operation and execution of its duties; "adopt . . . an official seal . . .; keep a record of its proceedings."

CROSS REFERENCES

II.A.2.; Regulation §48-2.18(1) - S1800

II.A.3.; Statute §75-7702

II.A.3.; Statute §75-7704

III.B.Teachers; Regulation §48-2.10(1) - S1000

Child Study Team

CROSS REFERENCES

II.A.2.: Regulation §48-2.18(18) - S18270; S18280

II.A.2.: Regulation §48-2.18(18) - S18290

II.A.2.: Regulation §48-2.18(18) - S18300

County Board of Education

CROSS REFERENCE

I.County Superintendent; Statute §75-5803

County Commission

CROSS REFERENCE

III.D.Municipal Superintendent; Statute §11-3525

County Commissioner

CROSS REFERENCE

I.County Superintendent; Statute §75-5803

STATUTES

§75-5803

"The county superintendent shall hold office for four years . . . if the office . . . becomes vacant, the board or county commissioner shall appoint a replacement . . .[to] serve until the next general election."

APPOINTMENT

§75-5805

"The county superintendent shall have general supervision of" county schools, and "shall perform the following duties:"

(1) act with regard to "trustee nominating districts and fill additional trustee . . . vacancies"; (3) appoint trustees for any vacant positions; (4) "register the teacher certificate or emergency authorization of employment" of teachers, principals or district superintendents;" (5) act on tuition applications; (6) "file a copy of the audit report for a district or school's extra-curricular fund;" (7) "classify districts;" (8) reconcile and keep track of district boundaries of the county; (9) act with regard to the "organization, alteration or abandonment of districts;" (10) "act on any unification proposition" and establish additional trustee districts, if needed; (11) "estimate the average number belonging (ANB) of an opening school;" (12) act on "school isolation applications;" (13) fulfill various responsibilities regarding the budget, including computation of revenues and tax levies; (14) "submit an annual financial report to the superintendent of public instruction;" (15) "order the . . . treasurer to apportion . . . school moneys subject to apportionment;" (16) act on requests concerning ANB; (17) "calculate the estimated budgeted general fund sources of revenue"; (18) "compute the revenues and . . . levy requirements for . . . each district's final budget;" (20) recommend library books and textbooks for districts without a

district superintendent or principal; (21) help enforce textbook dealer provisions; (22) "act on district requests to allocate federal moneys for indigent children for school food services;" (23) "perform any other duty prescribed" by law; (19) "file and forward bus driver certification, transportation contracts, and state transportation reimbursement claims."

§75-5806

The county superintendent "shall also serve as: (1) county superintendent for a joint district; (2) clerk of the board of school budget supervisors; (3) chairman of the county transportation committee; (4) member of the high school boundary commission of the county; (5) an attendance officer for a district; (6) clerk of a joint board of trustees."

§75-5807

"The county superintendent shall have the power and . . . duty to: (1) "administer the oath of office to trustees . . ." (2) keep a record of his [her] acts; preserve reports . . . books and instructional equipment or supplies, keep . . . documents;" and transfer these to his[her] successor; (3) "publish an annual [fiscal] report . . . for each district of the county;" (4) "hold meetings for . . . the trustees."

§75-5811

"The county superintendent shall hear and decide all matters of controversy arising . . . as a result of decisions of the trustees" of any district. He/she may appoint an attorney to assist in appeals relating to firing of a "tenure teacher" or "dismissal of a teacher under contract." His/her decision may be appealed by either the teacher or trustees to the superintendent of public instruction. He/she shall also decide controversies involving "the approval of tuition applications;" or any other provision of this title where there is no express procedure for resolving the controversy.

APPOINTMENT

APPEALS

DISMISSAL

TUITION

"The county superintendent shall hear the appeal and take testimony," and keep a transcript of the hearing.

"The decision . . . may be appealed to the superintendent of public instruction."

§75-8305 — 75-8305.1

The county superintendent or school district trustees may request the county attorney to serve as "their legal advisor and . . . prosecute and defend all suits" to which they may be a party "in their capacity as public officials." District trustees may also, with the county attorney's consent, "employ any other attorney . . . to perform any legal services in connection with school board business." Trustees shall employ another attorney if a conflict of interest "relating . . . to the . . . official duties of the county attorney" arises.

CROSS REFERENCES

I.District Board of Trustees; Statute §75-5902--5906

II.A.2.; Regulation §48-2.18(42) - P18730

III.C.Board of Trustees Members; Statute §75-5917 -- 75-5918

III.D.Education System; Statute §75-5808

III.D.Education System; Statute §75-5809

III.D.Public Schools; Statute §75-8312

IV.C; Statute §75-8006

IV.G; Statute §75-6316

IV.J; Statute §75-6310 -- 75-6311

County Transportation Committee

CROSS REFERENCE

IV.D.; Statute §75-7014 -- 75-7015

Courts

CROSS REFERENCE

I.Superintendent of Pulbic Instruction; Statute §75-3709

District Board of Trustees

Constitution

MONTANA CONSTITUTION, ART. X, §8

"School district trustees. The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law."

Statutes

§75-5902 - 75-5906

The number of trustee positions varies according to a district's classification. In certain instances, districts may have additional positions. The county superintendent shall determine trustee nominating districts for choosing additional trustees. Trustees serve three-year terms, unless otherwise provided.

§75-5907

It is the legislature's intent that less than a "majority of the trustee positions of any district . . . be subject to election on the same . . . election day." Limits are therefore placed on the number of trustees to be elected from a district at the same time. Nevertheless, "it is recognized that the following circumstances" may cause a majority of trustee positions to be subject to election at the same time: creation or consolidation of elementary districts; establishment of additional trustee positions or filling of vacancies; "change of a district's classification."

§75-5924

Membership of the "trustees of a high school district operating a county high school" shall be composed of four members from the elementary district in which the high school is located and three from the "territory . . . outside of the elementary district where the county high school . . . is located."

§75-5927

BOARD OFFICERS

The trustees of a district constitute its "governing board" and chooses one member to be chairman. "The trustees shall employ . . . a clerk" who is not a board member. Trustees of a high school district appoint a secretary, who is a board member, instead of a clerk.

§75-5929

A joint board may "jointly employ a district superintendent . . .[and] teachers; . . . open a junior high school; . . . prescribe and administer joint administrative policy; and prorate all items of joint expense between the . . . districts." Any controversy over proration of costs "may . . . be appealed by the trustees of either district, to the superintendent of public instruction."

§75-5930

The trustees shall hold the following regular meetings: (1) an organization meeting; (2) a preliminary budget meeting, (3) monthly meetings in first class elementary districts; (4) quarterly in any other district. Special meetings may be called by the chairman or any two members of the trustees.

"A quorum . . . shall be a majority of the trustees' membership." All meetings shall be open to the public.

§75-5932

RULEMAKING

"The trustees . . . shall have the power and . . . duty to prescribe and enforce policies for the government of the district." They shall: (1) "adopt the policies required by this title;" (2) adopt policies to implement or administer the requirements of the general law, this title, policies or the board of education or the rules and regulations of the superintendent of public instruction.

"The trustees shall keep a . . . record of . . . adopted policies and . . . other acts," including wording

of motions, votes, and expenditures. Copies of the minutes shall be available to the public.

§75-5933

The trustees shall have the following powers and duties: (1) "employ or dismiss a teacher, principal or other assistant . . .;' (2) govern the pupils of the district and administer attendance and tuition laws; (3) "call, conduct and certify" district elections; (4) "participate in the teachers retirement system . . .; (5) "participate in district boundary change actions; (6) "organize, open, close or acquire coalition status for" district schools; (7) adopt and administer the district's annual budget or an emergency budget; (8) "conduct the fiscal business of the district; (9) "establish the ANB, foundation program, permissive levy, additional levy, cash reserve and state impact aid amount for the district's general fund; (10) "establish . . . and finance the [district's] transportation program;" (11) issue and redeem the district's bonds; (12) establish, administer and budget funds for various educational programs; (13) "administer any interlocal co-operative agreement; (14) "hold . . . acquire, and dispose of the [district's] real and personal property . . .;" 15) operate district schools in accordance with school calendar laws; (16) "establish and maintain the instructional services of the schools . . .;" (17) "establish and maintain . . . school food services . . ."; (18) perform any other duties required by law; (19) require that newly-enrolled school children be immunized against communicable diseases, unless such immunization would seriously endanger the child or would violate the teachings of his/her religion.

§75-5934

The trustees shall have the power and duty: (1) to hire and dismiss administrative workers, clerks, teacher aides, maintenance people, school bus drivers, nurses, food service people and other necessary

personnel; (2) to make reports as required by other school officials; (3) "to retain . . . a physician or registered nurse" to inspect . . . school or the general health of students; (4) each member of the trustees shall visit each school of the district at least once a year to check on "its management, conditions and needs."

§75-5935

The clerk shall attend all trustees meetings and keep a record of the proceedings. The clerk shall be "custodian of all documents, records and reports of the trustees." The clerk shall: "keep an . . . accounting record of all receipts and expenditures of the district . . .; [and] prepare the annual trustees' report."

REGULATIONS

§48-2.6(2)-S670

Under Montana school law, a local board of trustees is charged with the leadership, control and final decision-making powers of the school district. The board must be guided by a comprehensive philosophy determined by the board, district teachers, students, their parents and the general community. The district superintendent serves as executive officer of the board of trustees and serves as a link between the board and the school. The superintendent has direct responsibility to oversee the district's instructional program and is assisted in this task by administrative and supervisory staff. The standards recommend that administrative and supervisory personnel devote a major portion of their time to activities which promote the best educational techniques and approaches to meet the needs of each student.

CROSS REFERENCES

I.District Superintendent; Statute §75-6112

II.A.2.; Statute §75-7805

II.A.2.; Statute §75-7806 -- 75-7807

II.A.2.; Statute §75-7808 -- 75-7810

II.A.2.; Statute §78-7812

II.A.2.; Regulation 248-2.18 (10) - S18070

II.A.2.; Regulation §48-2.18 (10) - S18090

II.A.2.; Regulation §48-2.18(42) - P18720

II.A.3.; Statute §75-7704

II.A.8.; Statute §75-7512 -- 75-7514

II.A.8.; Statute §75-7515 -- 75-7516

II.B.1.a.; Statute §75-7603

II.B.1.c.; Statute §75-7602

II.B.3.; Statute §75-7517

II.B.3.; Statute §75-7518; 75-7520

II.B.3.; Regulation §48-2.6(10) - S6150

II.B.4.; Statute §75-6322

III.C.Board of Trustee Members; Statute §75-5917 -- 75-5918

IV.C.; Statute §75-7211

IV.C.; Statute §75-8005

IV.C.; Statute §75-8006

IV.D.; Statute §75-7008

IV.D.; Statute §75-7009 -- 75-7010

IV.D ; Statute §75-7011

IV.D.; Statute §75-7020 -- 75-7021

IV.J; Statute §75-6310 -- 75-6311

DISTRICT SUPERINTENDENT

STATUTES

§75-6112

The trustees of any district, a joint board of trustees, and the trustees of a county high school may employ a district superintendent, except that the trustees of a county high school may choose a county high school principal instead, from any holder of a class 3 teacher certificate with a district superintendent endorsement. Also , the trustees of a high school district which is not a county high school and the trustees of the elementary district where the high school is located, shall jointly employ a district superintendent. Any district which is a member of a

joint board shall not separately hire a district superintendent.

A district superintendent or county high school principal shall be employed, under a contract authorized by the trustees for a maximum term of 3 years. After the contract has been renewed once, it shall be deemed to be automatically renewed for a one year term, from year to year. The trustees may, by majority vote, resolve to let the contract expire without renewal, provided that the principal or district superintendent is given written notice of the termination by February 1 of the last year of the contract.

RENEWAL

TERMINATION

The salary of a district superintendent employed by a joint board of trustees shall be prorated according to the number of teachers in the two member districts.

The trustees shall dismiss any district superintendent or high school principal whose qualifying certificate becomes invalid, regardless of when the contract expires.

DISMISSAL

No district superintendent or county high school principal shall engage in any activity "which the trustees may deem to be in conflict" with his/her job.

§75-6113

"The district superintendent or county high school principal shall be the executive officer of the trustees, and, subject to their direction, shall: supervise all district schools and personnel; implement . . . the policies of the trustees; develop and recommend courses of instruction to the trustees; select all textbooks," subject to the trustees' approval; "select all reference and library books," subject to the trustees' approval; supervise pupils, enforce attendance laws and "have the authority to suspend for good cause any pupil . . . until the trustees may consider such suspension;" report cumulative pupil attendance and absence and any other pupil information required by the superintendent of public instruction;

SUSPENSION

"perform any other duties . . . the trustees may prescribe."

CROSS REFERENCES

I.District Board of Trustees; Regulation §48-2.6(2)-S670

II.A.2.; Statute §75-7510

II.A.2.; Regulation §48-2.18(10) - S18060

II.B.1.a.; Statute §75-7603

II.B.3.; Statute §75-7519

Elementary District Trustees

CROSS REFERENCE

II.A.4.; Statute §75-7507

Governor

CROSS REFERENCES

I.Board of Public Education: Montana Constitution, Art.X, §9

I.Board of Public Education: Statute §75-5610

I.State Board of Education; Statute §75-5615

I.Superintendent of Public Instruction; Montana Constitution, Art.VI, §6

III.D.Education System; Montana Constitution, Art VI, §15

Local School Districts

CROSS REFERENCE

II.A.2.; Regulation §48-2.18(14) - S18110

Principal

STATUTES

§75-6114

When a district has a school principal but no district superintendent, the principal shall supervise the school and its employees and shall perform the duties of the district superintendent as listed in the statute.

CROSS REFERENCE

II.B.1.a.; Statute §75-7603

IV.J.; Statute §75-6310 -- 75-6311

School Districts

STATUTES

§16-4901 — 16-4904

Public agencies, including municipalities, counties, state agencies and school districts, "may

contract . . . to perform any administrative service [or] activity" such agencies are "authorized by law to perform." Contracts must "set forth . . . the purposes . . . and responsibilities of the . . . parties" and be approved by the attorney general of the state.

CROSS REFERENCES

I.District Board of Trustees; Montana Const., Art.X, §8

II.A.2.; Statute §80-110

II.A.2.; Regulation §48-2.18(22) - S18430

II.A.2.; Regulation §48-2.18(26) - S18450

II.A.2.; Regulation §48-2.18(26) - S18470

II.A.2.; Regulation §48-2.18(26) - S18480

SCHOOL OFFICIALS

STATUTES

§19-201

NOTICE

Any official of the state or a political subdivision who is required by law to publish any notice may supplement such publication with radio or television broadcasts of a summary of the notice.

SCHOOL PERSONNEL

STATUTES

§75-5926

SUCCESSION

When a "member of the trustees, superintendent, principal or clerk of the district is replaced . . ., he[she] shall immediately deliver all books, papers and moneys pertaining to the position to his[her] successor."

SCHOOLS

CROSS REFERENCE

I.District Board of Trustees; Regulation §48-2.6(2)-S670

SENATE

CROSS REFERENCES

I.Board of Public Education; Statute §75-5610

I.Board of Public Education; Montana Constitution Art.X, §9

STATE ATTORNEY GENERAL

CROSS REFERENCE

I.School Districts; Statute §16-4901 -- 16-4904

STATE BOARD OF EDUCATION

STATUTES

§75-5615

The board of public education and the board of regents constitute the state board of education. The latter "shall be responsible for long-range planning, and for co-ordinating and evaluating policies and programs for "state public education. The board "shall review . . . budget requests of educational entities . . . and shall submit a unified budget request with recommendations to the appropriate state agency."

"The governor is the president of [and] the superintendent of public instruction is the secretary to . . . the state board."

The governor can vote to break a tie.

A majority of the members of the board of public education and board of regents is a quorum for the state board of education. The state board of education "shall meet at least twice yearly."

Meetings may also be called by the governor or certain other members of the board. "The State Board of Education may not exercise" any of the powers of its two constituent boards.

CROSS REFERENCES

I.Board of Public Education: Montana Constitution, Art.X, §9

II.C.2.; Statute §69-4117 -- 69-4118

II.C.3.; Statute §62-214

IV.D.; Statute §75-7004

IV.D.; Regulation §48-2.30(1) - S3000

STATE LEGISLATURE

CROSS REFERENCE

III.C.Educational System: Montana Consitution, Art.X, §1

III.C.Education System: Statute §75-6901

III.C.Superintendent of Public Instruction: Statute §59-609

CONSTITUTION

MONTANA CONSTITUTION, ART. VI, §1

"Officers. (1) The executive branch includes a . . . superintendent of public instruction," who shall reside at the seat of government, there keep the public records of his/her office, and perform such other duties as are provided in this constitution and by law.

MONTANA CONSTITUTION, ART. VI, §2

The superintendent of public instruction shall be elected.

MONTANA CONSTITUTION, ART. VI, §6

"If the office of . . . superintendent of public instruction becomes vacant by death, resignation or disability as determined by law, the governor shall appoint a qualified person to serve in that office until the next general election and until a successor is elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the term for which his[her] predecessor was elected."

APPOINTMENT

STATUTES

§75-5703

The superintendent of public instruction shall hold office for four years. If the office becomes vacant, it shall be filled in the manner prescribed by the state constitution.

§75-5704 — 75-5705

The superintendent is authorized "to employ . . . a staff of personnel to assist him." It shall include "a supervisor of physical education . . .; a professional staff for the . . . administration of vocational education . . .; and a special education supervisor" who holds a master's degree in "special education for the mentally or physically handicapped."

The superintendent's staff may also include "assistant superintendents, one of whom may be designated, with the approval of the board of education, as assistant superintendent for vocational education; a high school supervisor . . .; an elementary supervisor"; a supervisor of the school transportation program; "a music supervisor . . .; an educational media supervisor. . .; and any other supervisors" needed.

§75-5706

The superintendent shall: "keep a record of his[her] . . . acts and preserve . . . all official reports submitted to him"/her; preserve all educational materials and equipment; have printed and distributed all reports and forms needed by a school or district to operate; have printed an updated version of the state school laws, no more than every four years; have printed a "cumulative supplement" whenever new school laws are adopted; submit a written annual report to the governor; if necessary, publish a biennial report; advise county superintendents on school affairs, including questions concerning school law; have an annual meeting of county superintendents when needed; and address public assemblies on education subjects.

§75-5707

"The superintendent shall have the general supervision over the public schools and districts of the state . . . and shall perform the following duties:"

(1) "resolve any controversy resulting from the proration of joint costs by a joint board of trustees"; (2) act on teacher certification and "give notice of teacher certification suspension or revocation proceedings conducted by the board of education;"(3) "negotiate reciprocal tuition agreements with other states;" (4) "pay the tuition for the residents of the Montana children's center at Twin Bridges high school;" (5) "serve on the teacher's retirement board;" (7) "approve or disapprove

TUITION

the orders of a high school boundary commission"; (8) act on school openings; (9) act on "school isolations;" (10) "supervise the school budgeting procedures . . . and prescribe the school budget format"; (12) act on a "district's emergency budget resolution" and public rules for applying "for additional state aid for an emergency budget;" (13) "supervise the school financial administration provisions"; (14) "appoint . . . county officials" to perform budgeting . . . and . . . financial administration duties for a joint district;" (15) "prescribe and furnish the annual report forms" for district reports to the county superintendent and for the other to report to the superintendent; (16) "act on increases in the average number belonging" calculation (concerning state equalization aid); (17) "distribute state equalization aid" under the foundation program; (18) "estimate the state-wide equalization level"; (19) "distribute state impact aid;" (20) provide for transportation; (21) act on adult education programs for which a district will levy a tax; (22) "request, accept, deposit and expend federal moneys;" (23) "authorize the use of federal money for . . . an inter local co-operative agreement;" (24) act on interstate contracts; (25) act on "the conduct of school on a Saturday or on pupil-instruction related days;" (26) recommend accreditation standards to the board of education, "evaluate compliance with such standards and recommend accreditation status of every school to the board of education;" (27) "maintain a file of curriculum guides and assist schools with instructional programs;" (28) "recommend the scope of education . . . to the board of education;" (29) "establish and maintain a library" with various educational aids; (30) "license textbook dealers, maintain a textbook library, initiate prosecution of . . . dealers violating the law, and supply a textbook library;" (31) act as "executive officer of the board of education for vocational education;" (32) consider applications to designate a "post-secondary vocational-

APPOINTMENT

technical center;" (33) establish a fund to handle fees from such center; (34) administer special education programs; (35) "administer the traffic education program; (36) administer the school food services program; (38) review school building plans and specifications;" (41) perform any other duty prescribed by law.

§75-5709

APPEAL

The superintendent shall decide appeals from: a decision of the county superintendent of the county transportation committee. The superintendent may take evidence as he/she sees fit. He/she shall prescribe procedural rules for the conduct of hearings. His/her decisions are final, subject to legal remedies in the courts.

HEARING

§75-7303

The governor and superintendent of public instruction "are authorized . . . to request and accept" federal government grants for educational purposes, including construction, and "to accept moneys . . . from federal sources for . . . distribution to nonpublic education."

CROSS REFERENCES

I.Board of Public Instruction; Montana Constitution, Art.X, §9

I.County Superintendent; Statute §75-5811

II.A.1.; Statute §75-7904

II.A.2.; Statute §75-7802 -- 75-7804

II.A.2.; Statute §75-7811

II.A.2.; Regulation §48-2.18(1) - S1800

II.A.2.; Regulation §48-2.18(2) - S1830

II.A.2.; Regulation §48-2.18(2) - S1840

II.A.2.; Regulation §48-2.18(14) - S18140

II.A.2.; Regulation §48-2.18(14) - S18210

II.A.2.; Regulation §48-2.18(19) - S18250

II.A.2.; Regulation §48-2.18(19) - S18260

II.A.2.; Regulation §48-2.18(22) - S18430

II.A.2.; Regulation §48-2.18(26) - S18460

II.A.2.; Regulation §48-2.18(26) - S18480

II.A.2.; Regulation §48-2.18(38) - S18650; S18640

II.A.2.; Regulation §48-2.18(38) - S18680

II.A.2.: Regulation §48-2.18(42) - P18730

II.A.3.: Statute §75-7703

II.B.3.; Statute §75-7511

III.A.1.: Regulation §48-2.6(1)-S650

III.A.1.; Regulation §48-2.46(1) S4630

III.B. Certificated School Personnel; Regulation §48-21.10(2) - S 10020

III.B. Teachers; Regulation §48-2.13(1) - S1000

III.E. Teachers; Statute §75-7506

IV.C; Statute §75-8002

IV.D; Statute §75-7005

IV.D; Regulation §48-2.30(1) - S3000

SUPERINTENDENT OF THE SCHOOL FOR THE DEAF AND BLIND

CROSS REFERENCE

II.A.2.; Regulation §48-2.22(2) - S2240

TEACHERS

CROSS REFERENCES

IV.A.; Statute §10-1304

IV.J.; Statute § 75-6310 -- 75-6311

IV.J.: Statute §75-6109

NEBRASKA

The State Department of Education is composed of the State Board of Education and the Commissioner of Education. The State Department is given general supervisory and administrative powers over the school system of the State. The Commissioner of Education is the administrative head of the State Department and the executive officer of the State Board of Education. The State Board is composed of eight members elected from eight delineated districts. Each member serves a term of four years. The Board appoints the Commissioner of Education who serves as its secretary and at is pleasure.

School districts are classified as Class I (one maintaining only elementary grades), Class II (one having a population of one thousand inhabitants or less maintaining both elementary and high school grades), Class III (one having a population of 1,000 to 50,000 inhabitants maintaining both elementary and high school grades), Class VI (one having a population of 50,000 to 200,000 inhabitants maintaining both elementary and high school grades), Class V (one having a population of 200,000 or more inhabitants maintaining both elementary and high school grades), and Class VI (one maintaining only a high school). A County Superintendent is elected as other county officers in each organized county except where the population is 3,000 inhabitants or less or where the county is organized into a single school district under the direction of a single Board of Education. In the latter case a Superintendent of Schools is elected by that Board of Education. Where a new district is created, the County Reorganization Committee appoints a Board of Education to serve until the next annual school meeting or election. Successors are elected annually in the manner provided by law for board members of the class to which the district belongs.

NEBRASKA

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ACCREDITATION COMMITTEE

CROSS REFERENCE

III.A.1.: Statute §79-1247.02

ATTENDANCE OFFICERS

CROSS REFERENCE

IV.H.: Statute §79-110 -- 111

BOARDS OF EDUCATION

STATUTES

§79-439-439.01

School boards and boards of education shall meet monthly; "special meetings may be called by the president or any two members." A majority of the members constitute a quorum. District board meetings are open to the public and subject to the provisions dealing with meetings of public bodies. A board member must be a registered voter of the district in which elected.

§79-440-79-441

The district board is responsible for maintenance of schoolhouses and shall "keep an accurate account of all expenses." The board has the "care and custody" of district property and is authorized to employ a superintendent, teacher, and other personnel.

§79-443

District boards "shall have the general care and upkeep of the schools, . . . provide . . . supplies and equipment," and place pupils in grades or courses of study in keeping with the educational program the board has established, "with the consent and advice of the Department of Education." Boards shall provide for pupils who enter during the school year and keep "a record of the advancement of all pupils in each branch of study." They shall make rules and regulations for the governance of pupils and to promote their health, regular attendance and educational progress.

RULEMAKING

§79-452 - 79-458

The president presides at all district meetings and performs other duties required by law. The president is "entitled to vote on any issue." It is "the duty of the president to appear . . . on behalf of the district in all suits brought by or against the same."

The secretary serves as clerk to the district board and at all district meetings, records all proceedings, and maintains all records and reports relating to the office. The secretary is responsible for the annual district census, which includes the names of all children from birth to 21 years and of all taxpayers. The census "shall separately identify the mentally . . . and . . . physically handicapped children." The identification of mentally handicapped children is made by a licensed psychologist or physician. The census is forwarded to the county superintendent by the secretary.

§79-462 - 79-466

Vacancies occurring on the district board may be filled by appointment by the board or by a special election. Members appointed to fill a vacancy serve until the beginning of the next school year and those elected "serve for the remainder of the unexpired term." If any one office is left following the division of a district, the county superintendent shall fill the vacancies by appointment. No board member may be employed as a teacher in the same district; this does "not apply to a part-time county superintendent who by law serves on a board of education."

§79-501 - 503

Each school district shall hold an annual meeting and special meetings may be called by the board or by any board member, on the written request of at least 10% of the district's voters who voted in the last general election. Public notice must be given of all meetings.

§79-516.04; 79-516.06

A Class II district school board has six members and a Class III district board has 6 members, unless the board of education provides for a nine member board. The board elects a president and vice president from among its members, and a secretary who need not be a board member. If the secretary is a board member, an assistant secretary may be appointed, with "duties and compensation set by the board."

§79-601

Voters of a new Class I district shall elect a president, secretary and treasurer, to serve for staggered terms of three years.

Voters of a Class I district which is not within a city or village and has at least 150 children between ages 5 and 21 shall elect a school board to serve terms of 3 years; the board members "shall elect a president, a treasurer, and a secretary from their own number."

The voters of a Class I district of more than 150 persons in the school census may change to a six-member board by a vote of 55% at a meeting. The district may change back to a 3 member board in the same manner.

§79-706

The board of education of a Class II district has six members who serve staggered terms so that "three members shall be elected to each board at each election." Vacancies "shall be filled by the remaining members for the remainder of the term."

§79-803.03; 79-803.05; 79-803.11

The board of education of a Class III school district, more than half of which lies in a metropolitan city, shall consist of six members elected by the district's voters. In a Class III district outside the corporate limits of a city or village, or more than half of which is within a metropolitan city,

"the board of education shall elect one of its members, other than the secretary, as treasurer of the school district."

In a Class III district with a six member board of education the board "may by resolution . . . increase the number of members from six to nine." The board appoints members to fill the three vacancies created until the next election. A nine member board may by resolution decrease the number of members to six, in which case "three of the vacancies which would otherwise occur at the next election shall not be filled."

§79-805 — 79-807; 79-809

The board of a Class III district shall meet every other month and may hold other meetings. All meetings are open to the public and a summary of all proceedings shall be published. If the secretary of the board fails to publish a list of claims and the proceedings, he or she is guilty of a misdemeanor and may be removed from office.

Boards may "select their own officers and make their own rules and regulations . . . . No member of the board, except the secretary, shall accept . . . any compensation for services." The board may employ a treasurer for the district who receives a salary; if the board does not employ a treasurer, "the city treasurer of the city which is within such district . . . shall be ex officio treasurer of the school district."

§79-902; 79-906

The board of education of a Class IV district consists of six members elected for four-year terms. The board "shall hold two or more regular meetings each month . . .[and] special meetings . . . as circumstances may demand;" all meetings are open to the public.

§79-907 — 79-909

A Class IV district board may "select its own officers and make rules and regulations necessary to

carry out the board's legal duties."

The board "may elect from outside its own members officers such as a superintendent of public instruction, an associate superintendent in charge of business affairs, a building supervisor, an architect," and other employees needed for the district's operation, fix their salaries and enter into contracts with them for up to 3 years. Elections for board officers, principals, teachers, janitors and "for filling vacancies on the board, shall be by ballot."

The secretary of the board must attend all meetings and keep a record of proceedings. The associate superintendent of business affairs is responsible for the "books and documents of the board" and other fiscal matters.

§79-1003 - 79-1003.03

The board of education of a Class V school district consists of 12 members, elected from districts of the county in which the school district is located and of which they are residents and taxpayers. Members serve four-year terms. Regular meetings are held twice a month, but special meetings may be called by the president of the board or a majority of board members. A majority of members constitutes a quorum; but a lesser number at a regular meeting, or a quorum at a special meeting, may "compel the attendance of absent members . . . under such penalties as each board shall see fit to prescribe." If a board member misses four consecutive meetings, "unless on account of sickness or by consent of the board," the position is thereby vacated. The board shall fill any vacancy that occurs, except when a vacancy occurs before a primary election and will leave "an unexpired term of more than one year following the next general election," in which case a successor shall be nominated and elected.

§79-1003.04; 79-1004-1004.05

A Class V district board shall "select its own

officers, and make its rules and regulations.

BOARD OFFICERS

Board members shall elect a president and vice president from their members, and may also elect "from outside their own members" a superintendent of public schools, a secretary, and other officers necessary to the administration of the district, fix their salaries, and enter into contracts for up to three years. Election of board officers, teachers, and janitors is by ballot. The president presides at all board meetings and appoints "all Committees whose appointment is not otherwise provided for." The vice president serves in the absence or disability of the president. The secretary must attend all board meetings, keep a record of the proceedings, and be responsible for books and documents. "The treasurer of the county in which such city is located shall be ex officio treasurer of the board." The treasurer shall attend meetings as required, prepare a monthly financial statement, and perform other fiscal duties. It is "unlawful for any member of the board . . . to have any pecuniary interest" in any construction or service contract for schools "or to be in any manner connected with" supplying schools.

§79-1103

BOARD OFFICERS

Each Class VI school district shall have a six-member board of education. Members serve for four-year terms. The board elects from its members a president, vice-president, secretary and treasurer. Any vacancy is filled by the board "until the next statewide primary election, at which a successor shall be elected to serve for the unexpired term."

§79-1104 - 79-1105

A Class VI district board shall employ and fix the salary of an assistant secretary, who is not a board member. The board shall "file all reports required by the Department of Education."

§79-1111

The board of a Class VI district shall meet

regularly once a month and special meetings may be called as necessary. "All meetings . . . shall be open to the public unless otherwise specially ordered." The secretary shall publish all claims and proceedings.

Class I District

CROSS REFERENCE

I.Board of Education: Statute §79-601

Class III District

CROSS REFERENCE

I.Board of Education: Statute §79-805 -- 807;809

Commissioner of Education

Statutes

§79-332 -- 333

As executive officer of the state board, the Commissioner of Education shall:

(1) report to the board on the status of educational programs; (2) prepare and administer the budget for the board and department; (3) promote "efficiency . . . and improvement in the school system" by making recommendations to the board on policies and standards, and promote educational improvement by (a) preparing curriculum and other materials, (b) "providing . . . supervisory and consultative services;" (c) holding education conferences, (d) "conducting research, experimentation, and evaluation of school programs and activities;"(4) "decide disputed points of school law;" and (5) "issue teacher's certificates."

As the administrative head of the State Department of Education, the Commissioner is authorized to: (1) delegate functions to other staff members; (2) "establish . . . [a] system of personnel administration for the department;" (3) "prescribe . . . administrative rules and regulations . . . and . . . perform all duties prescribed by the legislature."

CROSS REFERENCES

I.Department of Education; Statute §79-321

II.A.1.; Statute §79-495 -- 79-496

II.A.3.; Statute §79-1421

II.A.8.; Statute §79-1415 -- 1417

III.A.1.; Statute §79-1247.02

III.B.Teachers; Statute §79-1236; 79-1239; 79-1240

III.D.School System; Statute §79-314; 316; 318

III.E.Teachers; Statute §79-304

III.E.School Staff; Statute §79-305

County Committees for the Reorganization of School Districts

Statutes

§79-426.05-79-426.06

Each county shall have a "committee for the reorganization of school districts" composed of between 6 and 10 members, one of whom is the county superintendent of schools, who does not vote. The other members represent the school districts of the county and are elected for four-year terms by all school board members of the county. "Each class of school district shall have at least one representative . . .[and] at least one of the elective members shall not be a member of any school board . . . . Vacancies . . . shall be filled for the unexpired term by the remaining members of the county committee. . . . members . . . serve without compensation . . . . The county committee may employ professional and clerical help." The county superintendent shall "submit to their respective county boards a recommended sum to be appropriated for school district reorganization purposes." The committee annually elects a chairman and vice-chairman, with the county superintendent serving as secretary. Meetings may be called by the chairman or any three members and a majority constitutes a quorum.

CROSS REFERENCES

I.County Superintendent; Statute §79-317; 319; 320.01

I.Education Service Unit; Statute §79-2201; 2201.01; 2203; 2204 -- 2206; 2208

IV.E.; Statute §79-4.139

COUNTY SUPERINTENDENT

STATUTES

§79-312-312.01; 79-315

SCHOOL VISITS

The county superintendent shall: (1) visit all county schools at least once a year "to examine discipline, modes of instruction, progress . . . of the pupils," and record his/her findings; (2) consult with teachers and district boards on curriculum and discipline; (3) note the physical conditions of facilities and "make suggestions as to locations for new schoolhouses . . . and for the general improvement" of school property; (4) promote school improvement and "the elevation of the character and qualifications" of teachers through lectures, conferences, etc.; (5) "enforce the compulsory attendance laws" and otherwise promote the "general and regular attendance of county children; (6) provide districts with the "course of study for public schools" of the State Department of Education and request "reviews based upon such course of study" from teachers as necessary; (7) supply forms for school reporting and recordkeeping, purchase supplies for his/her office, and "prepare . . . the required annual inventory statement of county personal property in his/her[] custody"; (8) "attend all meetings required by the department;" (9) "submit to the department . . . a consolidated census report . . . showing the number of children" in each school district to age 20.

The county superintendent is responsible for assigning "a district number to each school district" of the county.

"For any purpose connected with the administration

of the school law, county superintendents are authorized to administer oaths.

§79-317; 319; 320.01

The county board has the power to fill the office of superintendent if a vacancy occurs. The person appointed shall "have the qualifications required for election to the office." With the approval of the county board, the county superintendent may employ a deputy county superintendent, who must have a "certificate approved for such office by the State Department of Education" and other staff. Any county board may "discontinue the office of county superintendent upon expiration of the term of an incumbent," if the decision has been made at least 12 months prior to the term's expiration and a public hearing has been held. If the office is discontinued, the county board "may contract with the educational service unit of which it is a part or a . . . school district [other than Class I] for performance of all the duties imposed by law upon the county superintendent."

CROSS REFERENCES

I.Boards of Education; Statute §79-452 -- 458

I.Boards of Education; Statute §79-462 -- 466

I.County Committee for the Reorganization of School Districts; Statute §79-426.05 -- 426.06

II.A.1.; Statute §79-495 -- 496

III.B.Teachers; Regulation 21-(69) - 21-(73)

III.D.School System; Statute §79-314; 316; 318

IV.E.; Statute §79-4.139

IV.G.; Statute §79-486

DEPARTMENT OF EDUCATION

STATUTES

§79-321

The State Department of Education established in Article VII, section 14 of the Constitution consists

of a State Board of Education and a Commissioner of Education and has "general supervision and administration of the school system of the state . . . . The powers and duties heretofore conferred upon the State Superintendent of Public Instruction shall be possessed "by said department, board or commissioner. The State Board "shall be the policy-forming, planning, and evaluative body for the state school program" and shall act in consultation with the Commissioner of Education. The commissioner is the "executive officer of the State Board of Education and the administrative head of the professional, technical, and clerical staff of the State Department of Education." The commissioner is responsible for implementing laws and board policies, rules and regulations and "for providing . . . educational leadership and services . . . for the proper conduct of the state school program." In the absence or incapacity of the commissioner, or vacancy of the office, the deputy commissioner shall act in the same capacity.

CROSS REFERENCES

II.A.1.; Statute §79-493 -- 496

II.A.2.; Statute §79-1409; 1410; 1414

II.A.6.; Regulation 3-(7)

DISTRICT BOARDS OF EDUCATION

STATUTES

§79-544 — 79-545

A Class III, IV or V school district board of education may offer instruction outside the boundaries of the district to children living on "federal property . . . in the vicinity of a metropolitan city . . . under the direction and control of the board . . . [and] may enter into a contract with the federal government . . . to provide supervisory services in the construction of school facilities and . . . operate schools for the children of residents of such federal installations." This shall not apply if facilities are already available.

§79-1006

A Class V district board shall take a yearly census of all district residents between ages 5 and 21 and report the information to the county superintendent. The board may "establish a permanent and continuing census or enumeration of school children."

CROSS REFERENCE

II.A.7.: Statute §79-212

DISTRICT SUPERINTENDENT

STATUTES

§79-519

A Class II district school board or Class III, IV or VI district board of education may elect "one superintendent of public instruction," fix the salary of and enter into a contract with such superintendent "at its discretion," for a period of no more than three years.

EDUCATIONAL SERVICE UNIT BOARD

STATUTES

§79-2201; 79-2201.01; 79-2203; 79-2204 -- 06; 79-2208

Seventeen educational service units are established in the state "to provide supplementary educational services to local school districts." They may purchase, lease or lease-purchase real estate.

Each educational service unit is governed by a board consisting of "one member from each county and four members at large, all of whom are residents of the educational service unit." The president of the school board in each county nominates persons for possible appointment and the Governor appoints the initial board. "Successors to the members initially appointed shall be elected for terms of four years." If a vacancy occurs on the board, the remaining members appoint a person from the same county to serve for the rest of the unexpired term. If a county is excluded from the educational service unit, the

member representing or living in that county automatically loses his or her position; the remaining board members then appoint an eligible individual to the position for the unexpired term. Members receive no compensation for services. If a county has previously been excluded, it may be readmitted if the majority of the voters voting approve. A "joint school district located in two or more counties and in two or more educational service units shall be considered a part of the educational service unit in which" the majority of the joint district's school children live.

BOARD OFFICERS

The board shall name from its members a president, vice president and secretary and employ and fix the salary of a treasurer. It is the board's responsibility "to determine the participation of the educational service unit in providing supplementary educational services" on a yearly basis. If the educational service unit does provide supplementary services, the board "shall appoint and fix the compensation and duties of an administrator, who shall be . . . experienced in public school administration and . . . hold at least a standard administrative certificate," and on the administrator's advice, employ other staff as necessary.

APPOINTMENT

"The board shall determine the location within the educational service unit of its principal office" and may establish other offices as necessary. The board may purchase or lease office space and acquire personal property as necessary.

At the written request of the school boards, "the board of each educational service may . . . (1) provide . . . supplementary services, (2) plan and coordinate educational services within its geographical area whenever such services are offered on a cooperating basis between local school districts, and (3) contract for educational services" with any other board, district, or agency. If within the service units area there exists an approved, full-time health department offering health

services and the educational service unit provides health services, it "shall first seek to contract for school health services with such department" for a mutually agreeable amount of compensation. If the service unit had a health service facility on December 25, 1969, it may continue to use it. "The educational service unit may contract with such health department to provide school health services" for any area of the service unit not served by the health department.

Elementary Schools

CROSS REFERENCE

IV.F.: Regulation 11-(73) -- 11(75)

Governor

CROSS REFERENCES

I.Education Service Unit: Statute §79-2201; 2201.01; 2203; 2204 -- 06; 2208

I.State Board of Education: Statute §79-322 -- 327

Health Department

CROSS REFERENCE

I.Education Service Unit: Statute §79-2201; 2201.01; 2203; 2204 -- 06; 2208

High Schools

CROSS REFERENCE

III.C.Students: Regulation 11-(45)

Local Boards of Education

CROSS REFERENCES

II.A.2.: Statute §79-1409; 1412; 1414

II.A.2.: Regulation 51-(4)

II.A.2.: Regulation 51-(5)

II.A.3.: Statute §79-1428

III.B.Professional Staff: Regulation 14-(14) -- 14-(15)

III.B.Teachers: Regulation 21-(12)

III.G.Students: Regulation 14-(43) -- 14-(50)

IV.D.: Statute §79-487

IV.D.: Statute §79-488.01; 489

IV.E.: Statute §79-4.125 -- 4.127

IV.J.: Statute §79-4.174 -- 4.176

IV.J.: Statute §79-4.182 -- 4.194

Nebraska Educational Television Committee

CROSS REFERENCE

II.B.2.: Statute §79-2110 -- 2114

Planning Commission

CROSS REFERENCE

II.C.1.: Statute §79-4.151

Principals

CROSS REFERENCE

IV.J.: Statute §79-4.177 -- 4.178

Professional Practices Commission

Statutes

§79-1281 - 79-1291.01

The Professional Practices Commission is appointed by the Governor and consists of 12 members "nominated by the teaching profession and . . . teachers professional organizations . . .[and] representative of elementary . . .[and] secondary classroom teachers, school administrators, and higher education." Members serve for staggered three-year terms and may succeed themselves only once. Meetings are held at the call of the commission's chairman. "Compensation of members of the commission who are public employees shall not be reduced . . . for any absence from service occasioned by attendance upon the business of the commission." If a school district employs a commission member and must hire a replacement while the member is absent on commission business, the district shall be reimbursed by the state. The commission may employ an executive director and other staff, "prescribe their duties" and fix their salaries.

CROSS REFERENCES

III.C.Teachers: Statute §79-1282

III.C.Teachers: Statute §79-1283

IV.E.: Statute §79-4.125 -- 4.127

IV.J.: Statute §79-4.174 -- 4.176

IV.J.: Statute §79-4.182 -- 4.194

Nebraska Educational Television Committee

CROSS REFERENCE

II.B.2.: Statute §79-2110 -- 2114

Planning Commission

CROSS REFERENCE

II.C.1.: Statute §79-4.151

Principals

CROSS REFERENCE

IV.J.: Statute §79-4.177 -- 4.178

Professional Practices Commission

Statutes

§79-1281 - 79-1281.01

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CROSS REFERENCES

III.C.Teachers: Statute §79-1282

III.C.Teachers: Statute §79-1283

SCHOOL BOARD

STATUTES

§79-1254.01

A school board may employ and fix the salaries of administrators needed for the district's operation and enter into contracts with such administrators for up to three years.

CROSS REFERENCE

I.Boards of Education: Statute §79-439 -- 439.01

SCHOOL DISTRICT SUPERINTENDENT

CROSS REFERENCES

II.A.2.: Regulation 51-(6)

IV.J.: Statute §79-4.182 -- 4.194

IV.J.: Statute §79-4.195 -- 4.200

SCHOOL DISTRICTS

STATUTES

§79-401

"Every duly organized school district shall be a body corporate and possess all the usual powers of a corporation for public purposes, may sue and be sued, and may purchase, hold, and sell such personal and real estate as the law allows."

LIABILITY

CROSS REFERENCES

II.A.1.: Regulation 5-(1); 5-(2); 5-(4)

II.A.1.: Regulation 51-(2)

II.A.4.: Regulation 11-(46)

SCHOOL SYSTEMS

CROSS REFERENCES

III.B.Teachers: Regulation 11-(28)

III.C.Students: Regulation 24-(12)

IV.F.: Regulation 11-(73) -- 11-(75)

IV.I.: Regulation 14-(48)

IV.K.: Regulation 14-(51)

CROSS REFERENCE

IV.F.: Regulation 14-(13)

STATE BOARD OF EDUCATION

STATUTES

§79-322 -- 79-327

The State Board of Education is "composed of eight members . . . elected. . ." for four-year terms; members represent the eight districts into which the state is divided. Vacancies occurring between elections are "filled by appointment by the Governor" with a person from the appropriate district, who serves until a successor is elected. Members "shall be liable to impeachment in the same manner and on the same grounds as other state officers." To be eligible for board membership a person must be a U.S. citizen, state resident for at least three years, a resident of his/her district for at least two years preceding election, and must not be "actively engaged in the teaching profession . . . [or] a holder of . . . any state office, board, or commission."

BOARD OFFICERS

The state board elects a president and vice president from its members and appoints a Commissioner of Education. "The board shall constitute a body corporate . . . and may receive, hold, and use money and real and personal property for the benefit of the school system." The board meets regularly, at least four times a year, and may meet at other times as well. Five members constitute a quorum. Meetings are open to the public and "a record of all public meetings and proceedings" shall be kept. Board members are not compensated for services.

§79-328

APPOINTMENT

REMOVAL

The State Board of Education shall: (1) "appoint and fix the compensation of the Commissioner of Education; . . . remove the commissioner from office . . . for conviction of any crime involving moral turpitude

or felonious act, for inefficiency or negligence; and appoint a deputy commissioner and other professional employees and fix their compensation, on the recommendation of the commissioner; (2) "provide, through the Commissioner and his[her] professional staff, . . . supervision of the state school system and . . . through the commissioner, (a) provide supervisory and consultative services to . . . schools . . ., (b) issue materials . . .[on] development . . . and improvement of educational facilities and programs,(c) establish rules and regulations based upon" instructional programs, guidance services, staffing and student/teacher ratios, educational and physical facilities and equipment, and "procedures for . . . accrediting schools," approving school openings, and "for the continued legal operation of all schools; (d) "institute a statewide system of testing to determine the . . . achievement and accomplishment of . . . students . . ., if . . . such testing would be advisable, (e) prescribe a uniform system . . . for keeping adequate educational and financial records, . . . reporting . . . educational data, and . . . evaluating educational progress," (f) publish "laws and regulations governing the schools and the school lands and funds . . ., (g) approve teacher education programs" in colleges and universities that certify teachers, and (h) adopt other educational policies and regulations necessary "for carrying out the board's responsibilities and those assigned the State Department of Education;"

(3) report annually to the Governor and Legislature on activities of the board and operation of the State Department of Education, and on the state schools; recommend legislation; and submit a budget for the state school system;

(4) prepare reports for school officials and teachers on the schools; consult with "professional educators" and others for advice on policy or operations; conduct such research as necessary for policy-making

and evaluating the school system; and "interpret its own policies, . . . rules, and regulations and, upon reasonable request, hear complaints . . . arising therefrom;"

(5) Adopt standards for vehicles used to transport school children, with the advice of the Department of Motor Vehicles, and for the "operators of such vehicles." Violation of these regulations by any school district officer or employee is a misdemeanor and such person, upon conviction, shall be removed from office or employment.

§79-329 — 330

The State Board of Education is authorized to: (1) provide for and approve "special educational facilities" and public school programs for handicapped children;

(2) approve veterans educational programs and supervise other programs supported by the federal government;

(3) "coordinate educational activities . . . that pertain to elementary and secondary education;"

(4) "receive and distribute . . . money, commodities, goods or services . . . available . . . from the state or federal government or . . . any other source;"

(5) publish and distribute, to schools and school officials, directories, curriculum guides, rules and regulations, and other information.

The State Board of Education shall act as the State Board of Vocational Education and the Commissioner of Education shall act as executive secretary. The board may "appoint an assistant commissioner of education in charge of vocational education" upon the recommendation of the commissioner.

CROSS REFERENCES

I.Department of Education: Statute §79-321

I.State Committee for the Reorganization of School Districts: Statute §79-426.03 -- 426.04

II.A.1.: Regulations 5-(1); 5-(2); 5-(4)

II.A.2.: Regulation 3-(6)

II.A.3.; Statute §79-1421

III.A.1.; Regulation 11-(5) -- 11-(8)

III.C.Teachers; Statute §79-1251 -- 79-1252

III.C.Teachers; Statute §79-1282

III.C.Teachers; Statute §79-1283

IV.G.; Statute §79-1103.03; 1103.05

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §79-1421

II.A.3.; Statute §79-1422; 1423; 1429; 1435

STATE COMMITTEE FOR THE REORGANIZATION OF SCHOOL DISTRICTS

STATUTES

§79-426.03 - 79-426.04

The State Committee for the Reorganization of School Districts is composed of six members, one of whom is the Commissioner of Education, who is a non-voting member, and the other five of whom are appointed by the State Board of Education for staggered terms of five years. "Three members . . . shall . . . be laymen, and two . . . shall . . . be persons holding teachers' certificates" from the state. Vacancies shall be filled by the state board. Members serve without compensation. The reorganization committee shall elect "from its appointive members a chairman and a vice-chairman," with the Commissioner serving as secretary. The chairman or any three members may call a meeting. "A majority of the Committee shall constitute a quorum."

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.2.; Statute §79-139

II.A.2.; Statute §79-1901 -- 1906

II.A.2.; Statute §79-1912 -- 1913

II.A.2.; Statute §79-2001 -- 2003

II.A.2.; Statute §79-2010 -- 2011

II.A.2.; Regulations 3-(3) - 3-(4)

II.A.2.; Regulation 51-(2)

II.A.2.; Regulation 51-(6)

II.A.10.Other - Experimental Programs; Regulation 11-(12)

II.B.2.; Statute §79-2110 -- 2114

III.A.1.; Statute §79-1247.02

III.A.1.; Rule 14

SUPERINTENDENT, NEBRASKA SCHOOL FOR THE DEAF

CROSS REFERENCE

II.A.2.; Statute §79-1901 -- 1906

SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCE

I.Department of Education; Statute §79-321

VOTERS

CROSS REFERENCES

II.C.1.; Statute §79-504 -- 79-506; 79-507

III.C.School Board Members; Statute §79-518.04

NEVADA

The State Department of Education functions under the direction and control of the State Board of Education. The Superintendent of Public Instruction is its executive head. The State Department consists of the State Board of Education, the State Board for Vocational Education, the State Textbook Commission, and any other agencies required for the performance of its duties.

The State Board of Education is composed of nine members elected from three designated districts. The Superintendent of Public Instruction serves as the Secretary of the Board and is appointed by the Board to serve at its pleasure.

The legislative policy of Nevada is to reserve to the Boards of Trustees of local school districts the rights and powers necessary to maintain control of education within their respective districts. The boundaries of county school districts are defined by the counties of the state. Trustees are elected as provided by the election laws of the state. The number to serve on a Board is determined by the population of the district and by the appropriate Board of County Commissioners.

NEVADA

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ADVISORY COMMITTEE FOR ENVIRONMENTAL EDUCATION

STATUTES

§385.490; 385.500; 385.510

APPOINTMENT

The committee shall be composed of seven members appointed by the governor for terms of two years: two from conservation organizations, one from a board of trustees of a school district, one from the University of Nevada system, one person having special knowledge or experience in environmental education, and two respresentatives of the general public not identified with the above areas. The environmental education consultant as hired under NRS 388.595 shall serve as a non-voting secretary of the committee. The governor shall make every reasonable effort to give representation to different geographical areas of the state when he[she] appoints committee members. The committee members shall choose a member to serve as chairman. A quorum of the committee shall be four members. Committee members shall receive only per diem and travel expenses and shall meet at least four times per year. "The committee may establish an office, hire personnel" and make purchases "necessary to carry out its functions, within the limits of" appropriated funds.

CONSULTANT

§385.520

The committee may: advise the environmental education consultant, assist in coordinating an environmental education program in the public schools, and provide other advice, counsel, and information to benefit and promote environmental education.

CROSS REFERENCE

II.A.1.; Statute §385.480

STATUTES

§385.540

"The Nevada Indian advisory committee for Indian education is hereby created for the purposes of advising, coordinating, and organizing Indian education programs in this state."

§385.550; 385.560; 385.570

APPOINTMENT

"Committee members shall be appointed by the governor. The committee shall be composed of: five representatives from tribal Indian education committees . . ., two representatives of the state department of education, one representative of the boards of school trustees of the school districts of this state, and one representative of the University of Nevada system. The representatives of the tribal Indian education committees shall be appointed to two-year terms. All other members shall be appointed to terms of one year. A quorum of the committee consists of a majority of the members. The committee shall hold at least four meetings each year." Committee members shall receive only per diem and travel expenses. The committee may use state department of education offices, and its expenditures may not exceed $4,000 per year.

UNIVERSITY

§385.580

"The committee shall: advise the tribal councils and the Indian education committee concerning problems of Indian education, assist in coordinating programs of Indian education in the public schools," and review information on current programs and resource materials in Indian education.

STATUTES

§399.060 --070; 399.100 --120

APPOINTMENT

The Nevada advisory council for vocational-technical education shall be composed of 13 members appointed by the state board for vocational education and certified by the governor. The council shall select a member as chairman. Members shall represent the following: (a) management and labor; (b) department of commerce; (c) department of economic development; (d) employment security department; (e) a person with special qualifications in special education and vocational rehabilitation needs of physically or mentally handicapped persons; (f) a member of the general public with special knowledge of the disadvantaged; (g) a local school district; (h) someone familiar with vocational education programs in higher education institutions; (i) someone familiar with administration of state and local vocational education programs; (j) someone, not in state or local administration, familiar with vocational education problems; (k) a school system with large amounts of disadvantaged persons; (l) a secondary vocational classroom teacher; and (m) manpower and vocational education services of the state. Ex officio members may be appointed to carry out the council's advisory responsibilities.

The advisory council shall: (a) evaluate career education and manpower training programs; and recommend the coordination of such programs; (b) advise in the development of a state plan for a comprehensive manpower system in conjunction with the Manpower Development and Training Act of 1962 and any other such federal acts; and (c) recommend the use of cooperative programs among institutions and agencies engaged in manpower delivery to reduce duplication and better utilize personnel and facilities. Groups or offices supported with state or federal funds "are encouraged to cooperate

with the advisory council in attempting to effect" the council's recommendations.

The advisory council shall advise: (1) the state board for vocational education, it shall submit an annual evaluation report to the board; (2) institutions, agencies and departments engaged in manpower development and delivery systems utilizing federal funds; and (3) the governor's manpower planning council or committee. The council shall advise the state board for vocational education on existing funding methods and future career education and manpower training programs.

Associate Superintendent of Public Instruction for Administration

CROSS REFERENCE

III.B.Associate Superintendent; Statute §385.300

Attendance Officers

CROSS REFERENCE

IV.H.; Statute §392.150

Board of County Commissioners

I.Board of Trustees; Statute §386.120

Board of Trustees

§386.120

"The board of trustees of a county school district in counties having a population of less than 100,000 . . . shall consist of five or seven members as may be determined by the appropriate board of county

commissioners. Unless otherwise provided by law, in any county school district where 1,000 or more pupils were enrolled during the school year" preceeding any general election," the board of trustees shall consist of seven members." and in any county school district where less than 1,000 pupils were so enrolled the board of trustees shall consist of five members.

§386.270

VACANCY

"Any vacancy occurring in a board of trustees shall be filled by appointment by the remaining members of such board at a public meeting held after notice is published "at least once a week for two weeks in a qualified newspaper." The appointee shall serve until the next general election when "a successor shall be elected for the balance of the unexpired term." The appointee shall have the qualifications provided in NRS 386.240.

§386.310

BOARD OFFICERS

On the first meeting in January following a general election, the board of trustees shall elect one of its members as president, elect a member or other qualified person as clerk, and elect additional officers as are necessary. Names of board members and officers shall be entered in the board minutes along with the clerks' salary and shall be filed by the clerk with the state department of education and the county auditor.

§386.325

"The clerk shall keep the minutes of all meetings and transactions of the board of trustees and, subject to" written direction from the board, shall "draw all orders for the payment of moneys belonging to the school district."

§386.330

The board of trustees shall hold at least one regular meeting per month and special meetings when called by the president or requested, in writing, by three board members. Written notice of special meetings shall be given, in person or by mail, to all members. However, if all members "are present at a special meeting, lack of notice shall not invalidate the proceedings." "A majority of members" constitute a quorum of the board, and no action may be taken without majority approval by it.

§386.335

DISMISSAL

COMPLAINT

"The board of trustees exists to aid in the conduct of the people's business," so except as otherwise provided all meetings of the board shall be open and public. The board may hold "executive sessions to consider the appointment, employment, or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. Any violation of any provision of this section or the wrongful exclusion of any person from any meeting for which provision is made in this section is a misdemeanor."

§386.350

"Each board of trustees is hereby given such reasonable, necessary" and lawful powers, as may be requisite to attain the ends for which the public schools are established and to promote the welfare of school children, including the establishment and operation of schools and classes.

§386.360

RULEMAKING

"Each board of trustees shall have the power to prescribe and enforce rules," consistent with "laws or rules prescribed by the state board of education, for its own government and the government of public schools under its charge."

§391.210

"The boards of trustees of a school district may direct the administrators, principals, and teachers employed by them to exercise such powers and authority in the schools as the board of trustees has under this title of NRS."

CROSS REFERENCES

II.A.1.; Statute §389.040; 389.050

II.A.1.; Statute §389.090

II.A.1.; Statute §389.100

II.A.2.; Statute 388.440; 388.450

II.A.2.; Statute §388.500

II.A.2.; Statute §388.510

II.A.3; Statute §388.380

II.A.4; Statute §388.060

II.A.7; Statute §388.550

II.B.1.a; Statute §390.220

II.B.1.c.; Statute 393.170

II.B.4.; Statute §393.160

II.C.1.; Statute §393.140

II.C.1.; Statute §393.220

III.B.Noncertified Personnel; Statute §391.100

III.B.Superintendent of Schools; Statute §391.110

III.C.Teachers; Statute §391.315; 391.355

III.D.Educational System; Statute §386.370

IV.A.; Statute §391.275; 392.430; 392.450

IV.C.; Statute §387.090

IV.D.; Statute §392.300; 392.320; 392.330; 392.350; 392.360; 392.370

IV.E.; Statute §386.420

IV.H.; Statute §392.150

IV.J.; Statute §392.030

CONSULTANT ON INDIAN EDUCATION

CONSULTANT

STATUTES

§385.465

"The superintendent of public instruction shall appoint a special consultant on Indian education within the state department of education" upon "approval by the state board and the Nevada Indian advisory committee for Indian education." The special consultant "shall be an Indian and shall hold a degree in education from an accredited institution of higher learning and shall have at least three years of experience as a teacher or school administrator. An advanced degree in education may be substituted for one year of the required experience. The special consultant shall work to establish "programs and curricula designed to meet the special educational needs of Indians in this state."

COUNTY BOARD OF TRUSTEES

CROSS REFERENCE

I.Board of Trustees; Statute §386.280

DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCE

III.B.Deputy Superintendent of Public Instruction; Statute §385.290

GOVERNOR

CROSS REFERENCES

I.State Board of Education; Statute §385.021

I.Advisory Committee for Environmental Education; Statute §385.490; 385.500; 385.510

II.B.1.a; Statute §390.010 -- 390.160

LEGISLATURE

CROSS REFERENCE

I.Local Boards of Education; Statute §385.005

LOCAL BOARDS OF EDUCATION

STATUTES

§385.005

LOCAL CONTROL

Public education should be "essentially" under local control. Local school districts shall have "such rights and powers as are necessary to maintain control" of the educational system. "These rights and powers shall only be limited by other specific provisions of law."

EQUAL OPPORTUNITY

"Responsibility" for "statewide" desegregation policies "is reserved to the Legislature." The state board of education "shall," and board of trustees and school officials "may advise" the Legislature of any recommended legislative action to "insure equality of educational opportunity" for all Nevada children.

NEVADA EDUCATIONAL COMMUNICATIONS COMMISSION

CROSS REFERENCES

II.B.2.; Statute §398.090

II.B.2.; Statute §398.140 -- 398.170

STAFF OF SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCES

I.State Board of Education; Statute §385.430

I.Superintendent of Public Instruction; Statute §385.420

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §388.330; 388.340; 388.350

II.A.3.; Statute §388.360

II.A.3.; Statute §388.370

STATE BOARD OF EDUCATION

STATUTES

§385.021

The State Board shall consist of nine lay members elected from districts for four year terms. No member may be elected more than three times. Vacancies on the Board shall be filled by the governor through appointments lasting until the next general election.

VACANCY

§385.030; .040; .050; .050; .070

At the first meeting after an election, the Board shall elect "one of its members as president, to serve at the pleasure of the Board. The superintendent of public instruction shall be the secretary of the Board," without additional compensation. The Board "shall hold at least four meetings annually at the state capital" and "may hold special meetings at other times and places. The secretary shall call all meetings," but special meetings require a "written request" by the president or any three Board members. "The Board shall keep a record of its proceedings." Board members shall receive "not more than $40.00 per day" for attending Board meetings ("not to exceed eight meetings" per year) and "travel and subsistence expenses." Claims "shall be approved by the superintendent of public instruction and the state board of examiners."

BOARD OFFICERS

§385.430

RULEMAKING

The state board of education shall adopt rules and regulations, consistent with state laws and subject to its modification, further defining powers and duties of the professional staff.

§385.450

APPEAL

"From any decision made by a member of the professional staff affecting adversely the rights, powers, or duties of any teacher or board of trustees as fixed by law, in any case in which no appeal is allowed to be taken to the state board of education, an appeal may be taken to the superintendent of public instruction. The superintendent . . . shall have the power to" make final decisions on appeals from decisions by members of the professional staff when there is no appeal to the state board of education."

CROSS REFERENCES

I.Advisory Council on Vocational Education; Statute §399.060 -- .070; 399.100 -- .120

I.State Department of Education; Statute §385.010

I.Local Boards of Education; Statute §385.005

I.Superintendent of Public Instruction; Statute §385.150

I.Superintendent of Public Instruction; Statute §385.330

I.Superintendent of Public Instruction; Statute §385.390

II.A.1.; Statute §385.110
II.A.1.; Statute §389.090

II.A.7.; Statute §388.560

II.A.7.; Statute §388.570

II.B.1.a.; Statute §390.010 -- 390.160

II.B.3.; Statute §385.120

II.C.2.; Statute §385.125

III.B.Teachers; Statute §385.080

III.B.Teachers; Statute §385.090

III.B.Teachers; Statute §391.020

III.C.State Board of Education; Statute §387.123

III.C.Teachers; Statute §391.320; 391.330

III.C.Teachers; Statute §391.350

III.C.Teachers; Statute §391.3161; 391.3194; 391.3196

IV.C.; Statute §387.080; 387.100

STATE DEPARTMENT OF EDUCATION

STATUTES

§385.010

"The state department of education shall function under the direction and control of the state board of education, and the superintendent of public instruction shall be the executive head.

The state department of education shall consist of the state board of education, the state board for vocational education, the state textbook commission, and such other agencies and officers as are added by law . . . .

All administrative functions of the state board of education and of the superintendent of public instruction shall be exercised through the state department of education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred upon some other agency."

The superintendent of public instruction, as executive head of the state department of education, shall, in addition to lawful duties: (a) "execute, direct, and supervise all administrative and technical activities of the department in accord with" state board of education policies; (b) employ personnel approved by the state board of education and "necessary for efficient operation of the department;" (c) be responsible for efficient organization of the department; (d) be responsible for "maintaining liaison and coordinating activities" with other state education agencies.

§385.011

"The State Department of Education shall grade" schools in the state, designating secondary and elementary schools.

CROSS REFERENCES

II.A.2.; Statute §388.440; 388.450

II.A.2.; Statute § 388.520

II.C.2.; Statute §393.100

III.C.Recipients of High School Diplomas; Regulation, High School Graduation Requirements Manual

IV.D; Statute §392.350

IV.G.; Statute §392.010

STATE TEXTBOOK COMMISSION

CROSS REFERENCE

II.B.1.a.; Statute §390.010 -- 390.160

SUPERINTENDENT

CROSS REFERENCE

III.C.Teachers; Statute §391.314; 391.315

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§385.150

APPOINTMENT

The state board of education shall appoint the superintendent of public instruction and has the power to remove him or her.

RULEMAKING

§385.200

"The superintendent of public instruction shall prescribe and modify proper and necessary rules and regulations for making all reports and conducting all necessary proceedings" for which she or he is responsible under the law.

§385.210

The superintendent shall prepare and supply "(1) convenient school register forms" to secure accurate returns from public school teachers; (2) teachers' contracts, school registers, and other necessary forms and supplies; and (3) copies of the school law, plus any amendment or addition to it, "to each school, school trustee and other school officer."

§385.260

The superintendent "shall perform such other duties relative to public schools as may be prescribed by law."

§385.330

APPOINTMENT

The superintendent, with the approval of the state board, may appoint "professional staff and other supervisory personnel" necessary "to carry out the duties" of his or her office. "Such personnel shall be located where the superintendent" and state board consider that they can best serve the education program's needs and shall perform assigned duties.

§385.390

APPOINTMENT

"The superintendent of public instruction may appoint members of the professional staff to act as examiners at teacher's examinations, and to assist the state board of education in preparing courses of study."

§385.420

"The superintendent of public instruction shall confer upon the professional staff such power and authority to act in his or her name as he or she shall deem proper" under state law.

CROSS REFERENCES

I.Consultant on Indian Education; Statute §385.465

I.State Department of Education; Statute §385.010

II.A.2.; Statute §395.010

II.A.3.; Statute §388.330; 388.340; 388.350

II.A.4; Statute §388.060

III.B.Associate Superintendent of Public Instruction for Administration; Statute §385.300

III.B.Deputy Superintendent of Public Instruction; Statute §385.290

III.C.Certificated Employees; Statute §391.317 -- .318

III.C.Legislature; Constitution, Article XI, §1

III.C.Teachers; Statute §385.265

III.C.Teachers; Statute §391.3165

III.C.Teachers; Statute §391.3194

III.D.Educational System; Statute §385.230

III.D.Educational System; Statute §388.580

III.D.Educational System; Statute §391.250

III.D.Educational System; Statute §385.180

III.E.Teachers; Statute §385.190

IV.H.; Statute §387.126

TEACHERS

CROSS REFERENCE

III.D.Educational System; Statute §391.250

NEW HAMPSHIRE

The Department of Education consists of the State Board of Education, the Commissioner of Education and such other officials and employees as are authorized. The State Board of Education is composed of seven members appointed by the Governor and Council for terms of five years. The State Board has the same powers of management, supervision, and direction over the public schools of the State as the directors of a corporation have over its business. It is to employ a Commissioner of Education as its chief executive officer and secretary who serves an indefinite term, subject to removal by a majority of the Board.

Each town constitutes a single district. Districts may unite, upon petition of persons interested, to form special districts. Any district may have a school board consisting of three, five, seven, or nine members elected at annual district meetings. A district composed of two or more school districts is designated a cooperative school district. The establishment of cooperative school districts is encouraged to provide improved instruction. The Cooperative School Board has all the powers and duties of other school boards. The number, composition, method of election and terms of members of the Cooperative School Board are provided by the by-laws or articles of agreement of the cooperative school district.

The establishment of area schools is also encouraged by statute. An area school serves an authorized region of school districts or portions thereof. Any town, city, or special school district may vote to create an Area School Planning Committee to study the advisability of adopting an area school plan and to make recommendations concerning same. The area school is maintained and operated by the receiving district and its school board which is paid tuition by the sending district for each of its pupils attending.

The State Board delineates Supervisory Unions throughout the State which consist of one or more school districts. The Joint School Board of a Supervisory Union consists of three representatives from every school district maintaining at least one public school and one representative from each district maintaining no schools. It nominates a Superintendent who serves as the executive head of the public schools.

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I. Powers, Duties, and Functions

Advisory Council for Teacher Education

§190:1; §190:3

An advisory council for teacher education is established. The council shall "coordinate teacher education" throughout the state.

Commissioner of Education

Statutes
§186:9

The chief executive officer and secretary of the state board of education is the commissioner of education. The commissioner is appointed for an indefinite term but may be removed by a majority vote of the entire board. She or he need not be a resident of the state at the time of appointment. APPOINTMENT

§186:11

The general powers and duties of the commissioner of education are as follows: to "combine . . . school districts into . . . supervisory unions" with general corporate powers; supervise the expenditure of all moneys for public schools and carry out inspections of the schools; "prepare a budget" in order to give "the public information" on "educational conditions . . . and opportunities . . . in the public schools;" provide schools for children "residing in the unorganized towns"; prescribe and keep on file all documents pertaining to the public schools; provide courses on venereal disease and the use of alcohol and drugs; "establish certification regulations" and issue certificates; administer funds to the schools; provide vocational education and special education programs; enforce the compulsory attendance laws; "compile and issue" the school laws; report to the governor on educational progress and recommend legislative changes; employ and fix salaries for the superintendents of schools, assistant superintendents, teacher consultants,

and business administrators; hold periodic conferences with teachers, principals, superintendents to promote "mutual cooperation" and unify "educational aims and practices ; prepare, publish, and distribute . . . school programs . . . and courses of study as will best promote the educational interests of the state;" employ health care personnel; establish driver training programs; and provide a "learning disability teacher" for "each school district."

REGULATIONS

State Board of Education Policies, #321.1, p. 00047

The Commissioner shall establish long range plans to be approved by the Board.

CROSS REFERENCES

II.A.3.; Statute §188-A:2-a

III.C.Teachers; Statute §189:32

IV.H.; Statute §193:5

IV.I.; Statute §276-A:4--A:7

DEPARTMENT OF EDUCATION

STATUTES

§186:1 --186:2

The department of education shall consist of "a state board of education of seven members, a commissioner of education," and "other officials and employees" as are authorized. The seven members of the board may not be professional educators and they will not be paid for their services. The members of the board are appointed by "the governor and council" for five-year terms. APPOINTMENT

CROSS REFERENCES

II.A.1.; Regulation, Certification Standards #479, pp. 38-40

II.A.2.; Statute §186-B:1; B:3

II.A.3.; Statute §188-A:9

DIRECTOR FOR BLIND SERVICES

CROSS REFERENCES

II.A.2.; Statute §186-B:4

DISTRICT OFFICERS

STATUTES

§197:14

The officers elected in each district shall consist of "a moderator, a clerk, a school board of three persons, a treasurer . . . ."

DISTRICT SCHOOL BOARD

CROSS REFERENCES

I.State Board of Education; Statute §195-A:5

II.A.2.; Statute §189:11-b

GOVERNOR

CROSS REFERENCES

I.Department of Education; Statute §186:1 -- 186:2

III.C.State Board of Education; Statute §186:3

LEGISLATURE

CONSTITUTION

NEW HAMPSHIRE CONSTITUTION Article 83

In order to provide "knowledge and learning" for the entire community and to spread "the opportunities and advantages of education," legislators shall "cherish the interest of literature and the sciences, and . . . all public schools, . . . encourage private and public institutions . . . for the promotion of agriculture, arts, sciences . . . and natural history . . ., inculcate the principles of humanity and general benevolence . . ." but "no money raised by taxation" shall ever be used for religious schools.

LOCAL STAFF DEVELOPMENT COMMITTEE

CROSS REFERENCE

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1--69

LOCAL SUPERINTENDENT

STATUTES

§189:33

Superintendents must "attend all conferences called by the state board. Superintendents shall report violations of school laws, including those regarding employment of persons under eighteen . . . who cannot read and speak . . . English" and violations of "rules and regulations prescribed by the state board".

REGULATIONS

Certification Standards for Educational Personnel in New Hampshire, #479 - pp. 25-27

"The Superintendent shall serve as the executive head of the public schools, and shall be responsible for planning and administering their affairs subject to statutory requirements, the regulations of the State Board of Education, and the policies of the local districts. The positions shall develop and maintain a system of public schools, capably staffed to provide quality education and supportive services. The Superintendent shall provide, develop and implement the procedures to achieve educational objectives within the administrative unit. In performance of these duties, the Superintendent shall be directly responsible to the State Board of Education through its Commissioner, and the Board or Boards of the Supervisory Union.

The Superintendent may be supported by one or more assistants such as Assistant Superintendents, Business Administrators, and Teacher Consultants. The Superintendent shall delegate such of the duties as is necessary and desirable for the efficient completion of the requirements of the position.

Powers and Duties of the Superintendent [are as follows:]

1. The Superintendent shall nominate all professional central office personnel.

2. The Superintendent shall direct and supervise the work of all employees of the district and shall have all powers necessary to make such direction effective. While the Superintendent has ultimate responsibility, the delegation of powers and duties to other personnel is a proper exercise of the office.

3. The Superintendent shall nominate all certificated staff and appoint other employees in accordance with the laws, regulations of the State Board of Education, and school board policies.

4. The Superintendent shall be responsible for the selection and purchase of textbooks and all other scholastic apparatus and supplies in accordance with the regulations of the school board and the State Board and see that the same are suitably distributed to the school, accurately accounted for and economically used.

5. The Superintendent shall be responsible for developing and recommending to the school board the annual budget for the support of the educational program and for the operation and maintenance of schools in accordance with School Board policy.

6. The Superintendent shall be responsible for an accounting system and financial reporting procedure in order that all funds will be accounted for in accordance with school board policy, and local and state law.

7. The Superintendent shall be responsible for the development of an educational plan for the district or districts and for recommending a program of studies suitable to the needs of the pupils and the community in accordance with local school board policies, state statutes and state board regulations.

8. The Superintendent may, for cause, remove a teacher or other employee of the District in accordance with state statutes.

9. The Superintendent shall recommend the dismissal of certified staff to the Board, recognizing its authority to dismiss according to the statutes.

10. The Superintendent shall provide for temporary vacancies and shall have the authority to secure supplies immediately needed for the operation of the schools.

11. The Superintendent shall be responsible for maintaining records and making reports as required by the State Board of Education and the local school boards.

12. The Superintendent shall admit pupils to school attendance in accordance with the laws of the state, regulations of the State Board and policies of the local school board. The Superintendent shall assign pupils to such classes and grades as their needs warrant.

13. The Superintendent shall provide for the alleviation of hazardous conditions of an emergency nature that affect the health and welfare of pupils.

14. The Superintendent shall be responsible for the evaluation of personnel and programs in accordance with local school board policies.

15. The Superintendent shall be responsible, after notice, for the implementation of the policies and regulations of the State Board of Education. The Superintendent is expected to participate in the development and evaluation of said policies and regulations as required by the Commissioner of Education.

All beginning Superintendents of Schools are required to complete a 25-hour (or three full days) in-service program directed by the Office of the Commissioner of Education."

CROSS REFERENCES

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-59

III.C.Teachers; Statute §189:31

IV.H.; Statute §193.5

IV.J.; Statute §193.13

CROSS REFERENCE

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1--69

PRINCIPAL

REGULATIONS

Certification Standards for Educational Personnel in New Hampshire, #479 - pp. 30-31

"The Principal, in carrying out varied job roles, is accountable to the Superintendent of Schools. The Principal's major responsibility, in cooperation with the staff, is to direct, guide, and coordinate the total education program within the school. The Principal is accountable for the improvement of instruction and is the instructional leader for the school. As such, the Principal must stress the effectiveness of the school's teaching-learning process and act as the catalyst for innovative thinking and action on the part of other administrators, teachers, students and citizens. In conjunction with other principals and superintendents, the Principal serves as the educational leader for the community and as such should be sensitive to the needs of the individual student and the requirements of the individual teacher and the community. The Principal is accountable for the overall effectiveness of the school, and in support of the educational program, is responsible at the building level for organizing, supervising, and preparing the instructional part of the school budget. The Principal also makes other budget recommendations that affect programs and the physical plant. The Principal shall serve the school board in consultation with the Superintendent of Schools in policy decisions which involve the school's operation. The Principal is responsible for implementing school board policy.

The Principal serves as the central communicator, explaining the school's goals, procedures and objectives

and involves the school and community in assessing the needs and directions of the school programs.

Powers and Duties of the Principals [are as follows:]

1. The school Principal shall be responsible for the internal organizational structure of the school, the programs of the school, the governance of the student body, the utilization of technology and the utilization of the plant in accordance with local school board policy and/or as directed by the Superintendent of Schools.

2. The school Principal shall evaluate and make recommendations to the Superintendent concerning candidates for professional and non-professional positions within the school administrative unit in accordance with local school board policy and/or as directed by the Superintendent of Schools.

3. The school Principal shall assign, direct, and evaluate all personnel employed within the school administrative unit in accordance with local school board policy, administrative regulations, and as directed by the Superintendent of Schools.

4. The school Principal shall perform any other duties assigned by the Superintendent of Schools in accordance with local school board policy, state statutes, and regulations of the State Board of Education.

All beginning Principals are required to complete a 25-hour (or three full days) inservice program directed by the Office of the Commissioner of Education. This program will focus on topics particularly applicable to the role of the beginning Principal."

CROSS REFERENCES

I.State Superintendent; Regulation,State Board Policies #321.1, pp. 00025-28

PROFESSIONAL STANDARDS BOARD

STATUTES
§186:60

The "professional standards board," a twenty-two member board consisting of the "commissioner of education,"

the "assistant education chief of the office of teacher education" and twenty members appointed by the state board of education, shall advise the board "regarding professional growth, certification and governance of the education profession." The board shall "recommend policies" on "pre-service education, continuing education, professional growth, initial certification, recertification, revocation of credentials, performance evaluation and staffing patterns." The board shall submit two annual reports to the state board of education. APPOINTMENT

REGULATIONS

State Board of Education Policies, #321.1, p. 00074 - 75

The Professional Standards Board has the responsibility to provide leadership in matters relating to the certification, professional growth and governance of the education profession. The Board shall carry on a continuing study in these matters and make recommendations to the State Board of Education.

Additionally, the Professional Standards Board hears appeals brought by persons aggrieved by the certification process. APPEAL

CROSS REFERENCES

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-69

SCHOOL BOARDS

STATUTES

§189:15

The school board may "prescribe regulations for the attendance . . . management, classification and discipline of, the schools" and these regulations "shall be binding upon pupils and teachers." RULEMAKING

§189:38

The school board shall appoint persons to take an annual census in each school district of the children "from birth through eighteen years of age". APPOINTMENT

§189:49

Optional services, which may be provided by any school board, include school physician, nurse, health, guidance and testing services, transportation, textbooks, driver education, educational television, hot lunch and physical education.

CROSS REFERENCES

II.A.1.; Statute §189.10

II.A.2.; Statute §186-A:4

II.B.1.c.; Statute §189:16

III.D.Educational System; Statute §189.28 -- 189.29

IV.A.; Statute §189:15-a

IV.A.; Statute §200:27

IV.A.; Statute §200:28

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IV.A.; Statute §200:31

IV.D.; Statute §189:6

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IV.G.; Statute §189-1-a

IV.G.; Statute §193:12

IV.G.; Statute §194:24 -- 28

IV.H.; Statute §189:34

IV.J.; Statute §193:13

SCHOOL DISTRICT

STATUTES

§197:1

Every school district shall hold an annual meeting to conduct "district business," appropriate funds, and elect district officers.

CROSS REFERENCES

II.A.1.; Statute §194:15-a

II.A.1.; Regulation, Certification Standards #479, pp. 38-40

II.A.2.; Statute §186-A:7

II.A.2.; Statute §186-A:8

II.A.8.; Statute §194:18

III.A.1.; Statute §194:23-d

IV.A.; Statute §200:29

IV.G.; Statute §193:4 -- 193:[illegible]-a

IV.G.; Statute §194:14

IV.H.; Statute §193:16 -- 193:18

STATE ADVISORY COMMITTEE FOR REGIONAL VOCATIONAL CENTERS

CROSS REFERENCES

II.A.3.; Statute §188-E:4

STATE BOARD OF EDUCATION

STATUTES

§186:4

The state board of education "shall hold . . . six regular meetings each year" and other "special meetings" as required.

§186:5 - 186:6a

The state board of education "shall have the same powers of management, supervision and direction over all public schools in this state as the directors of a business corporation have over its business . . . ." The board may make "rules and regulations" for the administration of its business and of the public schools, and for the "administration of the work of Americanization, in teaching English to non-English speaking adults" and offering instruction in citizenship, which is "declared to be an essential part of public school education."

RULEMAKING

The board may also make regulations in order to comply with federal laws "intended to promote vocational or other education, to abolish illiteracy and Americanize immigrants, to equalize educational opportunities, to promote physical health and recreation, and to provide an adequate supply of trained teachers."

This authority is limited to governance of "kindergarten and grades one through twelve . . . and vocational and technical colleges".

§186:8

The state board of education shall "prescribe the qualifications and duties of all superintendents and assistant superintendents and teachers employed in the public schools, the subjects recommended to be taught, the educational standards for all grades of the public schools, and the qualifications and duties of its employees."

§186:11-b

The state board of education is the "sole agency for the administration of programs' for which federal aid may be received.

§186:11-d

The state board of education shall disburse federal funds for the following programs: 1) "acquisition by school districts . . . of laboratory . . . equipment, including audio-visual materials and equipment . . . for use . . . in science, mathematics, or modern foreign languages" courses in public schools; 2) providing testing, counseling, and special courses for "students with outstanding aptitudes"; 3) improving "the state's . . . vocational educational program"; 4) improving the collection and reliability of "educational statistics."

§189:3

If provisions in the education law impose obligations upon school districts which result in an "unnecessary expenditure of school money, or . . . a procedure . . . inimical to the best interests of education," the state board of education may "suspend or modify such obligations".

§195-A:5

The state board of education may hold periodic meetings of the "school boards of all school districts in the authorized enrollment area" so that they may consult on "matters of joint interest."

REGULATIONS

State Board of Education Policies,
#321.1, p. 00031

EQUAL OPPORTUNITY

The State Board of Education's aim is to provide equal educational opportunity for all citizens. To further this goal, the State Department of Education shall assist local school districts by providing leadership in developing programs and communicating these goals to the public.

CROSS REFERENCES

I.Commissioner of Education; Statute §200-E:2

I.Commissioner; Regulation, State Board Policies, #321.1, p. 00047

I.Department of Education; Statute §186:1 -- 186:2

II.A.1.; Statute §194:23-E

II.A.1.; Regulation, Certification Standards #479, pp.38-40

II.A.1.; Regulation, State Board Policies, #321.1

II.A.2.; Statute §132:17

II.A.2.; Statute §186-A:3

II.A.2.; Statute §186-A:5

II.A.2.; Statute §186-A:8

II.A.2.; Statute §186-A:10

II.A.2.; Statute §186-A:11

II.A.2.; Statute §186-B:2

II.A.3.; Statute §188-A:1 -- 188-A:2

II.A.3.; Statute §188-A:5

II.A.3.; Statute §188-A:7

II.A.3.; Statute §188-A:9

II.A.3.; Statute §188-A:12

II.A.3.; Statute §188-E:1

II.A.3.; Statute §188-E:3

II.A.3.; Statute §188-E:4

II.A.3.; Regulation, State Board Policies, #321.1, p. 00047

II.A.5.; Statute §189:19

II.A.8.; Statute §186:61

II.A.8.; Statute §186:62

II.A.8.; Statute §188-A:13-a

II.A.10 Other - Education Voucher Programs; Statute §194-A:1 -- 194-A:5

II.C.1.; Statute §199.1

III.A.1.; Statute §194:23: 23-d

III.A.1.; Regulation, Minimum Standards and Recommended Practices
- High Schools #319.1 Ch.II -- Ch.VII

III.A.1.; Regulation, Minimum Standards and Recommendations
- Elementary Schools, #319.13, pp. 3--24

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-69

III.E.Teachers; Statute §186:7a

IV.C.; Statute §189:11-a

IV.G.; Statute §193:1-a; 193:1-b

IV.H.; Statute §189:37

IV.J.; Statute §193:13

STATE SUPERINTENDENT

REGULATIONS

State Board of Education Policies
#321.1, pp. 00025 - 28

"The superintendent shall serve as the executive head of the public schools. He [she] shall be responsible for planning and administering their affairs subject to statutory requirements, regulations of the state board of education, and policies of the local school districts."

In the performance of his/her duties, he/she shall be directly responsible to the State Board of Education through its commissioner and the board(s) of the Supervisory Union.

The Superintendent may have one or more assistants to delegate such of his/her duties as is necessary and desirable for the efficient completion of the position's requirements.

The Superintendent shall:

1. Nominate all professional central office personnel.

2. Direct and supervise the work of all employees of the district. "While the superintendent has ultimate responsibility he [she] may delegate powers and duties to other personnel.

3. [N]ominate all certified staff and appoint other employees in accordance with the laws, regulations of the state board of education and school board policies.

4. [B]e responsible for the selection and purchase of textbooks. . . ."

5. Remove, for cause, a teacher or other employee of the district.

6. Develop an educational plan for the district.

7. Evaluate personnel and programs.

8. Implement policies and regulations of the State Board of Education.

School boards shall adopt policies on teacher employment and dismissal; provide a suitable learning environment for students; and determine educational goals of the district, including long range plans and short-term objectives.

The school principal is responsible for the school's internal organization and programs. The principal shall assign, direct and evaluate all educational personnel employed in the school and perform other duties assigned by the superintendent of schools.

CROSS REFERENCES

I.State Board of Education; Regulation, State Board Policies #321.1, p. 00031

II.A.2.; Statute §186-B:1

II.A.2.; Statute §186-B:3

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

SUPERVISORY UNION BOARD

STATUTES

§189:43

"The school board of each supervisory union" shall meet annually, elect officers, nominate superintendents of schools, and fix the salaries of all supervisory union personnel.

§189:43-a

Supervisory union boards may receive and expend federal funds "for educational purposes."

TRUANT OFFICER

CROSS REFERENCES

IV.H.; Statute §189:34; 36:37

VOTERS

STATUTES

§197:11

"Any person qualified to vote in town affairs may vote at school district meetings" if he or she has resided in the district for six months.

CROSS REFERENCE

II.C.1.; Statute §199.8

NEW JERSEY

The State Department of Education is designated a principal department in the executive branch of the state government. The State Board of Education is the head of the Department and consists of twelve members, at least three of whom are women, the chairman of the Board of Higher Education and the Chancellor of Higher Education as an ex officio nonvoting member. The members of the State Board are appointed by the governor by and with the advice and consent of the Senate for terms of six years.

The Commissioner of Education is appointed by the governor, without regard to his/her residency, with the advice and consent of the Senate for a term of five years. He/she is the official agent of the State Board for all purposes and the chief executive and administrative officer of the State Department. He/she is given the power to appoint for each county, with the approval of the State Board, the County Superintendent for a term of three years.

Each municipality serves as a separate local school district except as otherwise provided and is classified either a type I or type II district. Local districts may join together to create original school districts which may be all-purpose or limited-purpose districts. Elected boards of education of varying size govern the schools of the districts.

NEW JERSEY

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I. Powers, Duties And Functions

Advisory Committee On Bilingual Education

Regulations

§6:31-1.14

There shall be a State advisory committee on bilingual education composed of at least 15 and no more than 25 members appointed by the Commissioner of Education and Chancellor of Higher Education, one of whom shall be designated as chairperson.

Membership of the advisory committee shall include one or more representatives of each of the following: (1) parents of children of limited English speaking ability; (2) persons from institutions of higher education experienced in the training of teachers of bilingual/bicultural and English as a second language; (3) classroom teachers experienced in bilingual and English as a second language teaching techniques; (4) persons serving on local school boards of education operating bilingual education programs; (5) school administrators of bilingual education programs; and (6) laymen experienced in dealing with problems of children and other persons who are of limited English speaking ability and/or knowledgeable in the field of bilingual education.

The Director of the Bureau of Bilingual Education shall serve as the executive secretary of the advisory committee.

The committee shall advise the Department of Education and the Department of Higher Education in the formulation of policies and procedures relating to this Act.

CROSS REFERENCES

II.A.5.; Statute §18A:35-23--26

II.A.5.; Regulation §6:31-1.12

Advisory Council On Special Education

CROSS REFERENCE

I.Commissioner of Education; Statute §18A:46-2

Advisory Council On Vocational Education

CROSS REFERENCES

II.A.3.; Regulation §6:41-2.1; 6.41-2.4

III.D.Vocational Education Program; Regulation §6:43-2.12

Assistant Commissioner

Statutes

18A:7-2

The commissioner may appoint an assistant commissioner, or with State Board approval, any other person to perform the duties of a county superintendent when a superintendent is absent from his/her post due to illness or other cause, or when the post is vacated due to death or resignation. APPOINTMENT

CROSS REFERENCE

I.Commissioner of Education; Statute §18A:4-32--35

Assistant Superintendent Of Schools

Statutes

§18A:17-16

Any board of education having authority to appoint a superintendent may also appoint an assistant superintendent of schools. APPOINTMENT

§18A:17-22 --23

Each assistant superintendent of schools shall perform the duties "prescribed by the superintendent, with the approval of the board of elections." She/he

may be suspended by the superintendent in the manner prescribed by statute.

Board Of Education

Statutes

§18A:11-1

Boards of education have authority to: "enforce the rules of the state board;" make rules for the government and management of the public schools, and for the employment, regulation of conduct and discharge of employees, subject to provisions of Civil Service status.

RULEMAKING

§18A:11-2

The board may sue or be sued; publish a report concerning the condition of the public schools under its control and take an annual census of all children between five and eighteen, residing in the district.

LIABILITY

§18A:12-6

The board should consist of five or seven members, "except in districts in cities of the first class or in districts which have made a determination by referendum," where the membership shall be nine.

§18A:12-7

The boards of education shall be appointed by "the chief executive of the municipality constituting the district." In case of a vacancy in the board's membership, the chief executive of the municipality shall, within 30 days, "appoint a qualified person to fill the vacancy for the unexpired term."

APPOINTMENT

§18A:12-11; 11.1

The board of education shall consist of nine members or, if it has been determined pursuant to law or by referendum, of three, five or seven members, "who shall be elected at annual school elections in the district for terms of three years, unless otherwise

provided herein." When a new district is created, the question of the number of members to compose the board shall be voted upon at the 1st annual school election.

§18:12-15

Vacancies in the board of education shall be filled as follows: "by the county superintendent, if the vacancy is caused by failure to elect a member, or by removal because of lack of qualifications, or is not filled within 65 days of its occurrence," by county superintendent, to a number "sufficient to make a quorum of the board if, by reason of vacancies, a quorum is lacking, or by the board in all other cases."

§18A:12-17

APPOINTMENT

"Any vacancy occurring in the membership of the board shall be filled by the chief executive, who shall appoint a suitable replacement within 30 days thereafter."

§18A:12-20

LIABILITY

"Whenever a civil or criminal action has been or shall be brought against any person for any act or omission arising out of and in the course of the performance of her or his duties as a member of the board of education," and such criminal action results in a final disposition in favor of the person, "the board of education shall defray all costs of defending such action, including reasonable counsel fees" and the costs of appeal. Any board of education may maintain appropriate insurance to cover all such damages, loss and expenses.

§18A:15-1; 2

BOND OFFICERS

Each board of education shall elect a president and vice president, to serve for one year. If the board fails to elect those officers, the county superintendent shall appoint a president and vice president from among the board members.

The board of education may, by majority vote, remove a president or vice president for failure to

perform a duty. The board may fill vacancies in these offices within 30 days; if it fails to do so the city superintendent shall fill the vacancy.

§18A:17-5

APPOINTMENT

Each board, by majority vote, shall appoint a secretary for a term to expire not later than June 30 of the next succeeding year. The secretary may be appointed from among the members of the board and the board shall fix her/his compensation, provided that she/he does not receive compensation for any period during which she/he is a member of the board.

§18A:17A-7

In these cities of the first class with populations of over 325,000, the board of education shall retain the power to perform all acts . . . necessary for the proper conduct or maintenance" of the district's schools and all other powers under New Jersey law, including but not limited to "appointing, transferring or dismissing employees, fixing the terms and salaries of employees, adopting or altering a course of study, and selecting textbooks."

§18A:27-1

A teaching staff member shall only be appointed by a majority vote of the board of education.

APPOINTMENT

§18A:27-4

RULEMAKING

Each board of education may make rules "governing the employment, terms and tenure of employment promotion and dismissal, and salaries" of teaching staff members and may change, amend or repeal the same.

§18A:27-10: 12

On April 30th of each year the board shall give to each nontenured teacher continuously employed during the previous year: (a) an "offer of a contract for the next year for at least the same terms of employment" with

salary increases as required, or; (b) a "notice that employment will not be offered."

If any board should fail to make such offer of employment or give notice of nonemployment, then the board shall be deemed to have offered the teacher a continuation of employment for the succeeding year.

If a teacher wishes to accept such employment he/she must notify the board in writing on or before June 1.

§18A:49-7

APPOINTMENT

The board of education may, from time to time, appoint persons to assist it in carrying out the provisions of this chapter. Such assistants shall receive no compensation but shall have necessary expenses paid.

REGULATIONS

§6:3-1.1

If a board of education has filled a high administrative position with an acting administrator not properly certified to hold that administrative position, that board shall have sought and received permission, through written application with the Commissioner, to employ such person in an acting capacity

Persons shall serve in this acting capacity for three months; renewals being granted by the Commissioner upon proper application. Extensions beyond a year shall be granted upon the Commissioner's recommendation to the State Board.

RENEWAL

CROSS REFERENCES

I.Assistant Superintendent of Schools; Statute §18A:17-16

I.Business Manager; Statute §18A:17-27; 28; 29

I.Executive Superintendent; Statute §18A:17A-1

I.Jointure Commission; Statute §18A:46-27

I.School Boards Association; Statute §18A:6-45--47

I.Superintendent of Schools; Statute §18A:17-15

II.A.1.; Statute §18A:35-3; 4; 4.1

II.C.3.; Statute §18A:4-12

III.A.2.; Statute §18A:33-1

III.A.2.; Statute §18A:36-1; 2

III.B.Executive Superintendent; Statute §18A:17A-2

III.B.Teacher; Statute §18A:26-2

III.C.Teacher; Statute §18A:27-9

III.C.Teaching Staff Member; Statute §18A:28-9--11

IV.D.; Statute §18A:39-1

IV.G.; Statute §18A:50-2

Board Of Education Of A Consolidated School District

Statutes

§18A:8-28

The board of education of a consolidated school district shall be a body corporate and have all the powers, duties and restrictions as the board of a type II school district, except as otherwise provided by this act.

Board Of Education Of County Vocational School District

Statutes

§18A:54-20

The board of education of a county vocational school district may purchase property, employ and dismiss personnel, make rules, expel pupils, and provide textbooks.

RULEMAKING

Board Of Vocational Education

CROSS REFERENCES

II.A.3.; Statute §18A:54-13; 16; 17

IV.G.; Statute §18A:38-32

BUREAU OF BILINGUAL EDUCATION

REGULATIONS

§6:31-1.13

There shall be established in the State Department of Education a Bureau of Bilingual Education.

The Bureau shall be charged with at least the following responsibilities:

1. Assist the Department of Education and Higher Education in the administration and enforcement of the provisions of this Chapter.

2. Develop guidelines and regulations to implement this Chapter. RULEMAKING

3. Study, review and evaluate all available resources and programs of bilingual education.

4. Compile information about the theory and practice of bilingual education in New Jersey and elsewhere.

5. Develop information about the theory and practice of bilingual education in New Jersey and elsewhere.

6. Encourage experimentation and innovation in the field of bilingual education

7. Consult with other departments and agencies.

8. Make recommendations in the area of teacher training, administration of bilingual education programs, curriculum and materials development, testing and other areas where needed.

9. Review and monitor annually each bilingual education program (including Federal programs) in New Jersey to determine if school district has complied with the provisions of the bilingual education laws and regulations.

10. Review bilingual education program plans of local districts for approval by the Commissioner of Education.

11. Recommend testing instruments for the annual State assessment of students of limited English speaking ability.

12. Convene the advisory committee on bilingual education.

13. Provide technical assistance in the area of bilingual education.

14. Coordinate local and Federal programs geared toward meeting the educational needs of students of limited English speaking ability.

15. Assist in the review of applications and proposals for programs that are designed to meet the needs of students of limited English speaking ability.

16. Provide assistance to local districts in achieving maximum practicable involvement of parents of children of limited English speaking ability in planning, development and evaluation of bilingual education programs.

Bureau Of Teacher Education And Academic Credentials

CROSS REFERENCE

III.B.Teachers; Regulation §6:11-1.1; 6:11-3.22

Business Administrator

Regulations

§6:3-1.18

Any school district establishing the position of School Business Administrator shall meet the following conditions:

School districts with more than 25 teachers:

In requesting the establishment of the position of School Business Administrator, the board of education shall present to the County Superintendent of Schools a chart of organization clearly showing relationships of the School Business Administrator, a well-defined policy outlining duties and responsibilities to be assigned, and the proposed salary.

The following are major areas of the the duties and responsibilities which may be considered by the board of education as functions of the School Business Administrator in cooperation with all members of the staff having related administrative responsibilities: budgeting and financial

planning; purchasing and supply management; plant planning and construction; school community relations; personnel management; in-service training; operation and maintenance of plant; transportation; food services; accounting and reporting; and insurance.

Upon certification by the county superintendent of schools of the necessity for such a position, the Commissioner and the State Board of Education may approve the establishment of a position of School Business Administrator.

APPOINTMENT

Any person appointed by the board of education to the position of School Business Administrator will hold an appropriate certificate prescribed by the State Board of Education, and he shall be considered a member of the professional staff of the school district.

The School Business Administrator shall perform those business functions as outlined in the policy of the board of education and as approved by the Commissioner and the State Board of Education.

School districts with 25 teachers or less:

In requesting the establishment of the position of School Business Adminstrator in two or more school districts, each board of education shall present to the county superintendent of schools a chart of organization clearly showing relationships of the School Business Administrator, a well-defined policy outlining duties and responsibilities to be assigned, salary provisions, and an administrative plan setting forth an equitable apportionment of the time needed to properly discharge said duties and responsibilities and the method or conditions under which such a plan may be revised or terminated.

The major areas of the duties and responsibilities which may be considered by the participating boards of education as functions of the School Business Adminstrator are those set forth above.

Upon certification of the county superintendent of schools of the necessity for such a position, the

Commissioner and State Board of Education may approve the establishment of a position of School Business Administrator for two or more school districts.

Any person jointly appointed by the boards of education of two or more school districts to the position of School Business Adminstrator shall hold an appropriate certificate prescribed by the State Board of Education and he shall be considered a member of the professional staffs of the school districts.

School Business Administrator shall perform those business functions as outlined in the policies of the respective boards of education and as approved by the Commissioner and State Board of Education.

CROSS REFERENCE

I.Executive Superintendent; Statute §18A:17A-4

BUSINESS MANAGER

STATUTES

§18A:17-27; 28; 29

The business manager shall be an ex officio member of the board but shall not have the right to vote. She/he shall: have charge and care of public school buildings and property; supervise plans for the erection, improvement or repair of school houses, subject to the approval of the board; make monthly reports to the board on the progress of construction or repair; and perform other duties required by law or the board. She/he may also appoint and remove clerks in his/her office, but their salaries and number shall be set by the board.

APPOINTMENT

§18A:18-2 --18-2.3

"All plans and specifications" for school buildings shall be supervised by the district's business manager, and approved by the state board. Every board of education shall require that "all plans and specifications" for construction or remodeling "shall

provide facilities for the physically handicapped." Failure to comply will result in a loss of state aid.

CROSS REFERENCE

I.Executive Superintendent; Statute §18A:17A-4

CHIEF EXECUTIVE

CROSS REFERENCE

I.Board of Education; Statute §18A:12-7; §18A:12-17

CHIEF SCHOOL ADMINISTRATOR

CROSS REFERENCES

II.A.2.; Regulation §6:28-3.1

IV.F.; Regulation §6:3-2.4; §6:3-2.6

CHILD STUDY TEAM

CROSS REFERENCES

II.A.2.; Regulation §6:28-1.2; §6:28-1.3; §6:28-1.5; §6:28-1.10; §6:28-1.11

CHILDREN'S BUREAU

STATUTES

§18A:43A-4

The function of a children's bureau shall be "to coordinate the various student supervisory and counseling programs of the school district and to cooperate with all available public and private agencies in assisting in the solution of juvenile problems.

§18A:43A-5

With the approval of the board of education, the bureau may: (a) "maintain a census of all children residing in the district," (b) "supervise and maintain a school attendance service;" (c) "maintain a register . . . of mentally retarded and handicapped children;" (d) supervise the issuance of certificates and permits relating to regulation of child labor;

(e) "establish and maintain group or individual child guidance and counseling programs;" (f) "establish and operate speech and remedial reading clinics;" (g) cooperate with the authorities concerned with juvenile delinquency; (h) "carry out . . . the recommendations of mental health . . . centers . . . family psychiatrists and physicians;" (i) "counsel with parent and child;" (j) cooperate in providing supervision of any child in connection with the services authorized by this section; (d) assist in the development and adjustment of youth in society.

§18A:43A-9

A board which has established a children's bureau and any other board may contract 'for the extension of the services of such bureau to such other district."

CROSS REFERENCE

IV.B.; Statute §18A:43A-1--3

City Superintendent

CROSS REFERENCE

IV.D.; Statute §18A:39-11; 12; 16

Commissioner Of Education

Statutes

§18A:4-21

The commissioner of education shall be appointed by the governor for a term of 5 years. His salary shall be fixed by law. APPOINTMENT

§18A:4-22

The commissioner shall be the department's chief executive officer, and the official agent of the state board of all purposes.

§18A:4-23

The commissioner shall supervise all state-supported schools and shall "enforce all rules prescribed by the state board."

§18A:4-32 -- 35

APPOINTMENT

The commissioner of education may appoint six assistant commissioners and shall designate one to act as deputy commissioner. Assistant commissioners shall supervise curriculum and vocational education and determine controversies arising under the school laws. The commissioner may assign an assistant commissioner to act as secretary of the state board of examiners and to perform duties such as supervising health education, adult education, and special classes for handicapped children.

§18A:4-36

APPOINTMENT

The commissioner may appoint a "helping teacher" to aid the teachers in the schools of two or more districts, subject to state board approval.

§18A:6-9

"The commissioner shall have jurisdiction to hear and determine all controversies and disputes arising under the school laws."

§18A:46-2

"The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services" to public schools.

He/she shall appoint to his/her staff persons qualified to administer educational services to children with mental, physical and emotional handicaps and "a consultant experienced in child psychiatry, and . . . specialists in school psychology . . . ."

APPOINTMENT

The commissioner shall bi-annually appoint an advisory council of between 7 and 15 members "representative of professional and lay interests." The council shall serve without remuneration.

§18A:46-3

When the commissioner determines that the results of a survey of handicapped children in a county warrant it, he/she shall establish a department of child study to perform the services required by this chapter. He/she shall appoint a supervisor to coordinate the special education services in the county and personnel to serve as a child study team to provide educational services to handicapped pupils.

§18A:46-4

The commissioner shall fix the terms of office and salaries of the supervisor and other members of the child study team.

§18A:46-15

The commissioner shall approve "all special facilities and education programs" meeting the requirements of this chapter. He/she shall also assist boards of education in formulating such programs. The commissioner shall continually review the operation of the special education program and, with the consent of the state board, order the establishment of special classes for any group of handicapped children whose needs are not being adequately met.

The commissioner shall continually review such classes and, if the operation is unsatisfactory, he/she, with the consent of the school board, shall take any necessary steps to improve the situation, including the use of other sending or receiving districts.

§18A:54-2 -- 3

The commissioner of education shall supervise vocational schools. Instruction may be given in day, part-time and evening classes.

§18A:54A-7

The commissioner of education has the power to make contracts, prescribe rules and do whatever is necessary to carry out the Neighborhood Education Center Act.

§6:1-3.5

BOND OFFICERS

(a) The Commissioner of Education shall be the Chief Executive Officer and the Secretary of the Board. He/she shall attend its meetings and keep a record of its proceedings. He/she shall have the custody of its books and papers. He/she shall notify the members of all meetings, and within five days after each meeting shall notify the members of each committee of any matter referred to it.

(b) The Commissioner shall present to the Board recommendations for its action in all matters requiring its approval or subject to its jurisdiction.

§6:5-1.1

The Commissioner is the chief executive and administrative officer of the Department of Education, is the official agent of the State Board. . . . He is Secretary of the State Board and chairman of the State Board of Examiners.

APPOINTMENT

The Commissioner is appointed by the Governor to serve for a term of five years.

§6:5-1.2

The powers and duties of the Commissioner are as follows:

The Commissioner is empowered to decide legal controversies and disputes arising under school laws or State Board regulations and his decisions have the force of law;

RULEMAKING

To apportion State aid to local school districts; To issue teacher certificates; To approve vocational schools; To issue rules and regulations for the classification of retarded and handicapped children; To conduct Statewide tests; To prescribe minimum courses of study for elementary and high schools; To withhold State aid from local school districts which fail to comply with school law or State Board regulations; and To promulgate such

other rules and regulations as may be authorized by statute or the State Board.

CROSS REFERENCES

I.Assistant Commissioner; Statute §18A:7-2

I.Board of Education; Regulation §6:3-1.1

I.Business Administrator; Regulation §6:3-1.18

I.Council on Neighborhood Education Centers; Statute §18A:54A-5

I.County Superintendent; Regulation §6:56-1.3

I.State Board of Education; Statute §18A:4-4; §18A:6-26

I.State Board of Education; Regulation §6:1-5.1; §6:2-1.2

I.State Board of Examiners; Statute §18A:6-34--37

II.A.1.; Statute §18A:4-25

II.A.1.; Statute §18A:4-25.11

II.A.1.; Statute §18A:4-28.8

II.A.1.; Statute §18A:4-28.9

II.A.1.; Statute §18A:35-5--9

II.A.2.; Statute §18A:46-8

II.A.2.; Statute §18A:46-29--36

II.A.2.; Statute §18A:61-1

II.A.2.; Regulation §6:28-1.11

II.A.3.; Statute §18A:35-4.2

II.A.3.; Statute §18A:54-5--7

II.A.3.; Statute §18A:54-24

II.A.4.; Statute §18A:6-79

II.A.5.; Statute §18A:35-23--26

II.A.8.; Statute §18A:50-1

II.A.10.Other-Demonstration School; Statute §18A:38-24

II.A.10.Other-Environmental Education Programs; Statute §18A:6-81--83

II.A.10.Other-Environmental Education Programs; Statute §18A:6-87--89

II.A.10.Other-Environmental Education Programs; Statute §18A:6-91

II.B.2.; Statute §18A:51-1--6

II.C.2.; Statute §18A:13-41

III.A.1.; Regulation §6:8-6.2

III.A.1.; Regulation §6:27-1.1

III.A.2.; Statute §18A:33-2

III.B.Certificated Personnel; Regulation §6:11-3.10

III.B.Certificated Personnel; Regulation §6:11-3.31

III.B.Superintendent of Schools; Statute §18A:7.1

III.B.Teachers; Regulation §6:11-2.1

III.B.Teachers; Regulation §6:11-3.14

III.B.Teachers; Regulation §6:11-4.8

III.C.County Superintendent; Statute §18A:7-3; 4

III.C.Public Schools; Regulation §6:4-1.4

III.C.Teacher; Statute §18A:26-10

III.C.Teaching Staff Member; Statute §18A:28-8

III.C.Teaching Staff Member; Statute §18A:28-9--11

III.C.Tenured Employee; Statute §18A:6-10; 11; 13--17; 20; 25

III.D.Condition and Operation of Schools; Statute §18A:4-40

III.D.Professional Teaching Competence; Statute §18A:6-75; 77

III.D.School District Progress; Regulation §6:8-6.1

III.D.School Performance; Statute §18A:7A-10

III.D.Student Needs; Statute §18A:7A-9

III.D.Thoroughness and Efficiency of Schools; Statute §18A:4-24

III.E.Educational System; Statute §18A:6-71--73

III.E.Instruction; Statute §18A:6-33.1; 4--6

III.E.Schools; Statute §18A:4-29

III.E.Schools; Statute §18A:7A-14--16

III.E.Teachers; Statute §18A:4-28

III.E.Teachers; Statute §18A:4-28.1--3

III.E.Teachers; Statute §18A:4-28.5

III.E.Teachers; Statute §18A:4-28.6

III.E.Teachers; Statute §18A:31-1; 2

III.E.Teachers; Regulation §6:56-1.5

IV.F.; Regulation §6:3-2.6

IV.F.; Regulation §6:3-2.7

IV.G.; Statute §18A:38-11--14

IV.G.; Statute §18A:38-20--22

IV.G.; Statute §18A:46-20--22

IV.I.; Statute §18A:38-36

IV.J.; Statute §18A:17-43; 44

Council On Neighborhood Educational Centers

Statutes

§18A:54A-5

A council on neighborhood education centers is established. The commissioner of education shall serve as chairman of the council. The council has authority to develop and operate eight neighborhood education centers.

County Attendance Officer

CROSS REFERENCES

IV.G.; Statute §18A:38-32

IV.G.; Statute §18A:38-34

IV.H.; Statute §18A:38-28; 29

County Board Of Education

Statutes

§18A:10-7

"The boards of education of each county shall meet together semi-annually at times and places fixed by the county superintendent."

CROSS REFERENCES

II.A.2.; Statute §18A:46-29--36

IV.D.; Regulation §6:78-1.3

IV.G.; Statute §18A:38-34

County Educational Audiovisual Aids Commission

CROSS REFERENCE

II.B.2.; Statute §18A:51-1--6

County Superintendent

Statutes

§18A:7-3

Each county superintendent shall devote her or

his entire time to official duties and shall have general supervision over school districts of the county except those city school districts which have their own superintendent of schools.

§18A:7-8

SCHOOL VISITS

Each county superintendent shall (a) visit the schools under her or his supervision and exercise general supervision over these schools; (b) keep informed as to the management, methods of instruction and discipline, the courses of study and textbooks in use, the condition of school libraries and buildings and grounds, (c) counsel the school boards of local school districts when so requested; and (d) submit an annual report to the commissioner regarding the schools under his/her supervision.

§18A:13-38

APPOINTMENT

The county superintendent or superintendents appointing the first regional board of education shall allocate the initial elective terms for board members.

§18A:13-46

APPOINTMENT

Not later than thirty days after the election for enlargement of a regional district, the county superintendent of the new constituent district shall appoint a citizen from that district to serve as a member of the regional board until the first annual school election of the enlarged district.

§18A:32-2

APPOINTMENT

If a county has established a library for the use of public school teachers, the county superintendent and three teachers appointed by him/her shall constitute a committee to select and purchase books for the library and make rules for its management and safekeeping.

§6:56-1.1

The county superintendent shall meet with each board of education in his/her county as often as necessary or as advisable.

Whenever in any school district the number of vacancies in the board of education is such that there is less than a majority of the total number of members of such board, and by reason thereof such board is without a quorum and unable to transact business, the county superintendent of schools of the county in which such school district is situate shall appoint persons who possess the qualifications required for membership in a board of education to fill enough vacancies to bring the number of members of the board of education to a quorum. The persons so appointed shall hold office until their successors are elected in the manner provided by law.

APPOINTMENT

Whenever a new school district shall be created and there are no persons living therein who have resided in the territory comprised in said district three years, the county superintendent of schools of the county in which such district is situate shall appoint as members of the board of education for such district nine persons who possess the other qualifications for membership in a board of education. The persons so appointed shall hold office until their successors are elected in the manner provided by law.

APPOINTMENT

The county superintendent shall take measures necessary to the enforcement of the State law requiring boards of education to employ only those teachers who are properly certified for the positions held. The county superintendent shall notify the local board of education and the Commissioner of Education immediately when he learns of a teacher holding a position in violation of the State certification laws and regulations.

§6:56-1.2

Each county superintendent of schools shall visit

the schools under his jurisdiction as often as may be necessary. He shall render such supervisory service as he may deem desirable with respect to problems of school administration and supervision, school and classroom organization and management, methods and materials of instruction, curricula, programs of guidance, in-service training of teachers, appraisal of education results, the appropriateness and adequacy of school sites, building and equipment and shall insofar as possible make his office a service bureau for the schools in his county.

Each county superintendent in his annual report to the Commissioner of Education shall specifically report as to whether the provisions of the School Law relating to the reading of the Bible and the law relating to the daily salute to the Flag have been complied with in the various districts therein.

Each county superintendent shall advise and make recommendations for the development of suitable building facilities and the installation of proper equipment in the school districts under his jurisdiction. He shall submit such recommendations from time to time to the Commissioner of Education.

§6:56-1.3

The county superintendent shall ascertain whether the judgements and orders of the Commissioner of Education and the State Board of Education in controversies arising under the School Laws of the State or under the rules and regulations prescribed by the State Board of Education are obeyed, and shall inform the Commissioner of Education fully concerning the action taken by the parties with respect to such judgements and orders.

§6:56-1.4

The county superintendent shall preserve carefully all reports of school officers and teachers, and at the close of his official term shall deliver to his successor all records, books, documents, papers, and propety belonging to the office.

CROSS REFERENCES

I.Board of Education; Statute §18A:12-15

I.Board of Education; Statute §18A:15-1; 2

I.County Boards of Education; Statute §18A:10-7

I.Local Board of Education; Statute §18A:8-29

I.Regional Board of Education; Statute §18A:13-8

I.Regional Board of Education; Statute §18A:13-12

I.Regional Board of Education; Statute §18A:13-36

I.Regional Board of Education; Statute §18A:13-37

II.A.2.; Statute §18A:46-6; 7

II.A.3.; Statute §18A:54-13; 16; 17

III.A.2.; Statute §18A:33-2

III.A.2.; Regulation §6:27-3.1

III.B.School Aides; Regulation §6:11-4.9

III.B.Teachers; Regulation §6:11-3.5

III.B.Teachers; Regulation §6:11-3.26

III.B.Teachers; Regulation §6:11-4.6

III.E.Teachers; Regulation §6:56-1.5

DEPARTMENT OF CHILD STUDY

CROSS REFERENCE

I.Commissioner of Education; Statute §18A:46-3

DEPARTMENT OF EDUCATION

STATUTES

§18A:4-1

"The state department of education shall consist of a board of education, which shall head the department, a commissioner of education and such divisions, bureaus, . . . and employees. . . referred to in this title."

CROSS REFERENCES

I.Commissioner of Education; Statute §18A:4-22

I.Commissioner of Education; Regulation §6:5-1.1

II.A.2.; Regulation §6:28-1.10

II.A.6.; Regulation §6:8-3.8

III.B.Administrators; Regulation §6:11-9.2

III.B.Teachers; Regulation §6:11-8.3

District Board Of Education

Statutes

§18A:12-12

"If the board of any district shall determine by resolution" to increase or reduce the board's membership," the question of such increase or reduction shall be submitted to the voters of the district at the next annual school election."

CROSS REFERENCES

I.District Board of Examiners; Statute §18A:26-3

II.A.1.; Statute §18A:53-1

II.A.4.; Statute §18A:44-1

II.A.4.; Statute §18A:44-2

II.A.6.; Regulation §6:8-3.8

II.A.10.Other-Demonstration School; Statute §18A:38-24

II.B.2.; Statute §18A:51-1--6

III.A.1.; Regulation §6:8-7.1

III.A.1.; Regulation §6:8-7.2

III.B.Teachers; Regulation §6:8-4.3

III.B.Teachers; Regulation §6:11-3.26

III.C.Students; Regulation §6:8-4.4

III.D.District Educational Plan; Regulation §6:8-3.1

III.D.School District Progress; Regulation §6:8-6.1

III.E.School District Efficiency; Regulation §6:8-4.7

III.E.Student Achievement; Regulation §6:8-4.5

IV.D.; Statute §18A:39-1.1

IV.D.; Statute §18A:39-11; 12; 16

IV.E.; Regulation §6:29-6.4

IV.G.; Statute §18A:38-11--14

IV.G.; Statute §18A:38-32

District Board Of Examiners

Statutes

§18A:26-3

The board of education of each city school district

may establish a district board of examiners, "consisting of the commissioner, ex officio, the superintendent of schools and other persons having the necessary qualifications" set by the board.

§18A:26-5

A district board of examiners shall issue certificates to teach, which shall be valid for all district schools.

District Superintendent Of Schools

CROSS REFERENCES

II.A.1.; Statute §18A:35-1; 2

IV.E.; Regulation §6:29-6.4

Division Of Vocational Education

CROSS REFERENCE

II.A.3.; Regulation §6:46-2.1

Education Coordinating Council

Statutes

§18A:5-1 -- 4

"A New Jersey education coordinating council" is created to "facilitate the coordination of the educational policies and programs of the state."

The council shall consist of 6 members including the president of the state board of education and the commissioner of education, who will serve terms of 1 year. Members of the council shall receive no compensation but shall be reimbursed for all necessary expenses.

The council shall select a chairman from its members and hold at least 3 regular meetings each year.

It shall be the duty of the council to "review and recommend programs to best meet the educational needs of the state".

CROSS REFERENCE

III.E.Schools; Statute §18A:6-52; 53; 60; 63; 69

EXECUTIVE SUPERINTENDENT

STATUTES

§18A:17A-1

"Districts in cities of the first class a) a population over 325,000 shall have a unit control organizational structure." The board of education shall appoint an executive superintendent, by majority vote, for a first term not exceeding three years and subsequent terms not exceeding five years. The board shall determine the executive superintendent's salary, which shall not be reduced during his/her term of office. No executive superintendent shall acquire tenure.

§18A:17A-3

The executive superintendent shall be the "chief executive officer and administrator" of the district. She/he shall have "general supervision over the organization and the educational, managerial and fiscal operations of the district" under rules promulgated by the state board. She/he shall have supervisory authority over all officers and employees of the district and shall prescribe their duties. She/he shall report, periodically, to the board on the condition and progress of the educational, managerial and fiscal operations of the district.

She/he shall be an ex officio member of the board, but shall have no vote.

§18A:17A-4

The executive superintendent shall have all duties and powers previously assigned to the offices of superintendent of schools, school business managers or administrators and secretary to the board in cities of the first class, with populations of over 325,000.

§18A:17A-5

All officers and employees shall be employed, transferred and removed as provided below. Pursuant to New Jersey law, the executive superintendent may appoint, transfer, and remove clerks in her/his office, but their number and salary shall be set by the board. Subject to the approval of the board, the executive superintendent shall appoint and fix compensation for such assistant executive superintendents as she/he deems necessary. Their number may not exceed the number of those previously serving as assistant superintendent of schools, school business administrator, school business manager, secretary and assistant secretary to the board of education. An assistant executive superintendent shall be appointed for no longer than the remainder of the executive superintendent's term and shall not acquire tenure. The executive superintendent shall propose to the board of education all other officers and employees for employment, transfer and removal.

APPOINTMENT

APPOINTMENT

§18A:17A-6

"The executive superintendent may delegate to subordinate officers and employees such of her/his powers and duties as she/he deems desirable to be exercised under her/his supervision."

GOVERNOR

CROSS REFERENCES

I.Commissioner of Education; Statute §18A:4-21

I.Commissioner of Education; Regulation §6:5-1.1

I.State Board of Education; Statute §18A:4-45

III.D.School Performance; Statute §18A:7A-13

JOINTURE COMMISSION

STATUTES

§18A:46-25

When two or more boards of education make such

an agreement, they shall form a "jointure commission for the purpose of providing such services." This commission shall be governed by rules of the state board and be composed of representatives of the respective boards of education.

§18A:46-26

The jointure committee may: (a) provide and maintain necessary facilities; (b) take action necessary to conduct the educational programs; (c) employ necessary principals, teachers and other employees, who shall have all rights and benefits of board of education employees; (d) accept pupils from other districts and fix their tuition rates.

The commission shall have and may exercise all the powers of a board of education in carrying out the purposes of this chapter."

§18A:46-27

Along with its financial responsibilities, each contracting board shall be responsible for the classification and referral to the commission of students and provision of transportation for the referred pupils.

LEGISLATURE

CONSTITUTION

NEW JERSEY CONSTITUTION, ART. 4 § 7

9. "The legislature shall not pass any private, special or local laws:

(7) providing for the management and control of free public schools.

CROSS REFERENCE

III.C.Public Schools; Constitution Art. 8 §4

STATUTES

§18A: 8-29

The membership of the local school board shall be apportioned by the county superintendent or superintendents among the several consolidated districts.

§ 18A: 8-31; 32

The local school board shall consist of nine members, serving for terms of three years. Vacancies for unexpired terms shall be filled in the same manner as other type II districts. The board shall provide annual elections of members from former constituent districts to succeed their district's former members. The board shall organize annually in the manner prescribed for Type II districts.

§18A:8-33

The local school board shall appoint a suitable person, who may be a board member, to be custodian of school moneys. The board may fix her or his salary and require a bond. APPOINTMENT

§18A:10-6

All school board meetings shall be public and shall be held "at least once every two months during the period in which district schools are in session." PUBLIC MEETINGS

§18A:17-13

The board may by majority vote, appoint an assistant secretary from among its members, and fix her/his term of employment and compensation. APPOINTMENT

§18A:45-1

A board of education may establish and organize secondary schools, including junior high schools subject to rules prescribed by the state board.

§6:3-1.9

School district secretaries of local boards shall have the duty to call special board meetings when asked to do so by the president of the board or when said secretaries receive petitions signed by a majority of the members of the local board.

§6:20-5.2

A board of education may hire a public school law enforcement officer. The local board must file an application with the county superintendent of schools for authorization to make such an appointment.

CROSS REFERENCES

I.Children's Bureau; Statute §18A:43A-9

I.Jointure Commission; Statute §18A:46-25

II.A.1.; Statute §18A:4-25

II.A.1.; Statute §18A:43-1--3

II.A.1.; Regulation §6:27-1.3

II.A.2.; Statute §18A:46-5

II.A.2.; Statute §18A:46-6; 7

II.A.2.; Statute §18A:46-7.1

II.A.2.; Statute §18A:46-11; 12

II.A.2.; Statute §18A:46-13

II.A.2.; Statute §18A:46-14

II.A.2.; Regulation §6:28-2.2

II.A.2.; Regulation §6:28-3.20

II.A.3.; Statute §18A:54-5--7

II.A.5.; Regulation §6:31-1.3

II.A.8.; Statute §18A:48-1

II.A.8.; Statute §18A:49-1

II.A.8.; Statute §18A:50-1

II.A.8.; Statute §18A:59-8; 9

II.A.8.; Statute §18A:52-1--3

II.B.1.a.; Statute §18A:34-1; 2

II.B.1.c.; Regulation §6:20-6.1

II.B.2.; Statute §18A:51-13--16

II.C.3.; Statute §18A:20-34

III.B.School Aides; Regulation §6:11-4.9

III.C.Students; Statute §18A:7A-6

III.C.Students; Statute §18A:7A-7

III.C.Students; Regulation §6:27-1.4

III.C.Teaching Staff Member; Regulation §6:3-1.19

III.C.Teaching Staff Member; Regulation §6:3-1.20

III.C.Tenured Employee; Statute §18A:6-10; 11; 13--17; 20; 25

III.D.Local Boards of Education; Statute §18A:6-4

III.E.Schools; Statute §18A:6-52; 53; 60; 63; 69

III.E.Schools; Statute §18A:7A14--16

IV.A.; Statute §18A:40-1

IV.A.; Statute §18A:40-6

IV.A.; Statute §18A:40-12

IV.A.; Statute §18A:40-12.1

IV.A.; Statute §18A:40-16--19

IV.A.; Statute §18A:40-20

IV.A.; Statute §18A:42-1

IV.A.; Regulation §6:3-1.14

IV.A.; Regulation §6:29-1.1

IV.A.; Regulation §6:29-2.3

IV.A.; Regulation §6:29-4.2

IV.A.; Regulation §6:29-5.1

IV.A.; Regulation §6:29-5.3

IV.B.; Statute §18A:43A-1--3

IV.D.; Statute §18A:33-3--5

IV.D.; Statute §18A:46-23

IV.D.; Regulation §6:78-1.3

IV.E.; Statute §18A:42-5; 6

IV.F.; Regulation §6:3-2.5

IV.F.; Regulation §6:3-2.6

IV.F.; Regulation §6:3-2.7

IV.G.; Statute §18A:38-1--5

IV.G.; Statute §18A:38-10

IV.G.; Statute §18A:38-15; 16; 19; 23

IV.J.; Statute §18A:17-43; 44

IV.J.; Statute §18A:37-4; 5

REGULATIONS

§6:3-1.12

In the performance of his duties, the superintendent shall visit the schools under his/her jurisdiction and shall examine into their condition and progress.

He/she shall be responsible for the supervision of instruction and for advising the principals and teachers in procedures, methods, and materials of instruction and he/she shall be responsible for the discipline and conduct of the schools.

He/she shall exercise such educational and administrative leadership, supervision, and guidance as may be necessary for producing best possible educational conditions and outcome.

He/she shall appoint such clerks as may be authorized by the board or boards of education.

He/she shall nominate to the board or boards of education such assistant superintendents as shall be authorized by the board or boards of education.

It shall also be his/her duty to recommend and prepare for the board or boards of education lists of textbooks and reference and library books, materials of instruction, instructional equipment, and school supplies, for the approval by the board or boards of education, but it is not the duty of the superintendent to purchase or distribute them.

He/she shall ascertain if teachers are properly certified and shall report to the board or boards of education teachers who are not properly certified.

He/she shall make reports on the schools under his/her supervision to the board or boards of education, and, when so required, to the county superintendent, to the Commissioner of Education, and the State Board of Education.

CROSS REFERENCE

III.B.Teachers; Regulation §6:11-3.5

CROSS REFERENCE

III.C.Students; Regulation §6:44-6.1

PRINCIPAL

CROSS REFERENCES

II.A.9.; Regulation §6:27-3.3

III.A.2.; Regulation §6:27-1.6

III.B.Teachers; Regulation §6:8-4.3

IV.A.; Statute §18A:49-7; 8

IV.A.; Statute §18A:41-1--4

IV.J.; Statute §18A:37-4; 5

PSYCHOLOGICAL EXAMINER

CROSS REFERENCE

II.A.2.; Statute §18A:46-11; 12

REGIONAL BOARD OF EDUCATION

STATUTES

§18A:13-9

"If there are nine or less constituent districts, the regional board of education shall have nine members who shall be apportioned, by the county superintendent" among the constituent districts according to the number of their inhabitants except that "each constituent district shall have at least one member." "If there are more than nine constituent districts, the board of education shall consist of not less than nine and not more than fifteen members." The number of members on the board shall be determined and apportioned among the constituent districts by the appropriate county superintendent according to the apportionment procedures established by statute.

§18A:13-11

Vacancies in the membership of the board of

education of a regional school district shall be filled from the former representative's district in the same manner as vacancies in the boards of type II districts, having elected boards, are filled.

§18A:13-12

BOARD OFFICERS

The board shall meet immediately after its appointment to organize, by the election of a president and vice president who shall serve until the organizational meeting of the following year.

If any board shall fail to organize within a week, the county superintendent or superintendents shall appoint a president and vice president to serve until the organizational meeting following the next election.

§18A:13-13; 14

The board shall appoint a secretary who may or may not be a board member, to serve for a term of one year. The board shall also appoint a custodian of school monies, whose term shall expire annually on June 30, but if the custodian is a municipal officer, her or his term shall cease when he or she no longer holds her or his municipal office.

§18A:13-36

The county superintendent or superintendents of any county in which a new regional district is situated shall apportion the membership of the board of education of such district pursuant to statute. If the district is an "all purpose regional district," membership shall be apportioned among the district's municipalities" according to the number of their inhabitants, as apportionment is made among constituent districts in a limited purpose regional district."

§18A:13-37

The county superintendent of each county containing a constituent district of a new regional district,

shall appoint a citizen from each district to serve as a member of the first regional board of education.

§18A:13-40

The board of education of a new regional district may, prior to taking charge of the educational facilities of the district, do all other acts necessary for the proper organization and functioning of the schools of the district during its first year.

CROSS REFERENCES

I.County Superintendent; Statute §18A:13-38

I.County Superintendent; Statute §18A:13-46

I.County Superintendent; Statute §18A:6-9

II.C.1.; Statute §18A:13-15

IV.D.; Statute §18A:39-1.2

REGIONAL ENVIRONMENTAL EDUCATION CENTER

CROSS REFERENCES

II.A.10.Other-Environmental Education Programs; Statute §18A:6-81--83

II.A.10.Other-Environmental Education Programs; Statute §18A:6-84--86

SCHOOL BOARDS ASSOCIATION

STATUTES

§18:6-47 -- 47

All boards of education of the various state school districts shall be members of the "New Jersey School Boards Association." Each of the districts board of education shall have one delegate to the association. The association may investigate subjects "relating to education" and encourage "all movements for improvement of the educational affairs of the state."

CROSS REFERENCES

II.A.1.; Statute §18A:4-28.7

II.A.2.; Regulation §6:28-3.2

II.A.2.; Regulation §6:28-3.9

II.A.5.; Statute §18A:35-17--19

II.A.5.; Statute §18A:35-21

II.A.5.; Regulation §6:31-1.9

II.A.8.; Statute §18A:50-12

III.D.Children With Limited English Speaking Ability; Regulation §6:31-1.2

III.D.School District Progress; Statute §18A:7A-11

III.D.Thoroughness and Efficiency of Schools; Statute §18A:4-24

IV.F.; Regulation §6:3-2.2

IV.F.; Regulation §6:3-2.3

IV.G.; Statute §18A:46-20--22

SECRETARY

STATUTES

§18A:17-7 -- 10

The secretary shall notify all board members of meetings, give notice to voters of all annual and special elections of the district, and record minutes of all board meetings and the results of all annual and special elections.

The secretary shall be the general accountant of the board and shall collect tuition fees and other monies due the board.

At the close of each fiscal year, the secretary shall present the board a detailed report of its financial transactions during that year.

CROSS REFERENCE

I.Executive Superintendent; Statute §18A:17A-4

CROSS REFERENCE

N.A.2.; Statute §18A:46-29--36

STATE BOARD OF EDUCATION

STATUTES

§18A:4-4

The commissioner shall be secretary of the board but may designate a department clerk to perform secretarial duties.

§18A:4-5

BOARD MEMBERSHIP

"The State Board of Education shall consist of the Chancellor of Higher Education" who shall be a non-voting "en officio member" and "the chairman of the Board of Higher Education . . ." and 12 members who have been residents of the state for at least 5 years immediately preceding their appointment, at least 3 of whom shall be women and not more than one of whom shall reside in any one county.

§18A:4-8

BOARD OFFICERS

At the first meeting, the state board shall elect two members to serve as president and vice president to serve a term of one year.

§18A:4-9

The state board shall exercise general supervision and control over public education and "shall formulate plans and make recommendations" for the development of public education within the state.

§18A:4-15; 16

RULEMAKING

"The state board shall make and enforce, and may alter and repeal, rules for its own government and for carrying out the school laws of the state."

§18A:4-17

"The state board may administer oaths and

examine witnesses" in regard to any matter pertaining to the schools under its jurisdiction. Any person falsely testifying will be guilty of a misdemeanor.

§18A:4-18

The state board may order any member or employee of a board of education to appear before it, and compel the production of any books, papers and vouchers relating to schools or school moneys.

§18A:4-19

"The state board may issue subpoenas . . . compelling the attendance of witnesses and the production of books and papers . . . before it or before any of its committees, or the commissioner, or one of his assistants."

§18A:4-45

APPOINTMENT

The members of the state Board shall be appointed by the governor for six-year terms. Each member shall remain in office until his successor is appointed and has qualified. "In case of any vacancy the successor shall be appointed in like manner for the unexpired term only."

§18A:6-26

RULEMAKING

The state board and the commissioner shall "have power to make rules governing the prosecution and hearing of controversies and disputes" under the school laws.

§18A:6-27 -- 29

APPEALS

A determination of the commissioner may be appealed to the state board. An appeal to the state board shall be taken in the manner prescribed by the board "within 30 days after the decision appealed from is filed." The state board may refer the hearing of any appeal to a committee of at least 3 of its members which shall hear the appeal and report to the board, with a recommendation. The board shall then "decide the appeal by resolution in open meeting."

§18A:50-10

The state board shall prescribe rules and regulations for the governance of the "office and activities of the supervisor of adult education for the certification of persons to hold such position" and for promoting cooperation among all existing adult education programs.

RULEMAKING

§18A:50-13

The state board of education shall prescribe rules and regulations for the management of such adult education programs.

RULEMAKING

§18A:54-21

The state board of education shall prescribe rules for county vocational schools.

RULEMAKING

REGULATIONS

§6:1-2.3; .3

Regular meetings of the Board shall be held at such times, places, and dates as established by the Board.

Special meeting may be called by the President at the request of any three Board members. Three days' notice of any special meeting shall be given to each member.

§6:1-2.4

A quorum shall consist of a majority of the whole number of members of the Board, including any ex officio member.

§6:1-2.5

The officers of the Board shall be elected at the first regular meeting following June 30 of each year.

§6:1-3.1

The officers of the State Board shall be a President, a Vice-President, and a Secretary. The

BOARD OFFICERS

President and Vice-President shall each serve for one year and until their respective successors shall have been elected.

§6:1-3.2

The President shall preside at the meetings of the Board and shall perform all duties incidental to such office. He/she shall be ex officio a member of all committees, except the nominating committee.

§6:1-3.3

The Vice-President shall in the absence of the President perform all of the President's duties.

§6:1-5.1

Any public release of State Board information or action shall be made by the Commissioner of Education or by the President.

§6:2-1.1

APPEALS

An appeal to the State Board in a controversy arising under the school laws must be taken within 30 days after the Commissioner has filed his/her decision in said controversy. It shall be taken by filing with the Commissioner and serving by registered mail, or certified mail, or ordinary mail with affidavit of mailing, or personally upon the adverse party or his/her attorney a notice identifying the decision and stating that an appeal is taken to the Board from it, or from such part of it as may be specified. Proof of service shall be filed promptly with the Commissioner.

§6:2-1.2

In every controversy in which the decision of the Commissioner has been appealed to the Board, the Commissioner shall certify the record to the Board within 20 days after the filing of the notice of appeal, and remit the record, so certified, together with the notice of appeal and affidavit of service

thereof with two extra copies of his/her decision to the chairperson of the legal committee of the Board.

§6:2-1.5

Oral argument, either before the legal committee or the Board, will be granted at the discretion of the committee or the Board only if the respective body is convinced that a party has sufficient reason or additional information not contained in the record to justify that this procedure is necessary for a fair determination of the case.

The entire Board shall make a final determination with respect to each controversy by resolution in open meeting.

CROSS REFERENCES

I.Business Administrator; Regulation §6:3-1.18

I.Business Manager; Statute §18A:18-2--18-2.3

I.Commissioner of Education; Statute §18A:4-22

I.Commissioner of Education; Statute §18A:4-23

I.Commissioner of Education; Regulation §6:1-3.5

I.Commissioner of Education; Regulation §16:5-1.1

I.Superintendent of Schools; Statute §18A:17-20

II.A.1.; Statute §18A:35-5--9

II.A.1.; Statute §18A:35-10--14

II.A.2.; Statute §18A:46-29--36

II.A.2.; Regulation §6:28-1.11

II.A.3.; Statute §18A:35-4.2

II.A.3.; Statute §18A:54-24

II.A.4.; Statute §18A:6-79

II.A.5.; Statute §18A:35-23--26

II.A.8.; Statute §18A:50-1

II.A.10.Other-Environmental Education Programs; Statute §18A:6-84--86

II.C.2.; Statute §18A:4-13

III.A.1.; Regulation §6:8-7.3

III.A.1.; Regulation §6:27-1.1

III.B.Certificated Personnel; Statute §18A:6-38--39

III.B.Teachers; Statute §18A:49-2

III.B.Teachers; Regulation §6:11-2.2

III.B.Teachers; Regulation §6:11-3.3

III.C.Students; Statute §18A:7A-6

III.C.Tenured Employees; Statute §18A:6-10; 11; 13--17; 20; 25

III.D.Matters Entrusted to the State Board of Education; Statute §18A:4-20

III.D.Professional Teaching Competence; Statute §18A:6-75; 77

III.D.School Performance; Statute §18A:7A-12

III.D.State Goals; Statute §18A:7A-8

III.D.State Goals; Regulation §6:8-2.3

III.D.Vocational Education Programs; Regulation §6:43-2.12

III.E.Educational System; Statute §18A:6-71--73

III.E.Instruction; Statute §18A:6-33.1; [illegible]--6

III.E.Schools; Statute §18A:6-52; 53; 60; 63; 69

III.E.Teachers; Statute §18A:31-1; 2

IV.A.; Regulation §6:29-1.1

IV.B.; Regulation §6:48-1.1

IV.D.; Statute §18A:39-21

IV.F.; Statute §18A:36-19

IV.F.; Regulation §6:3-2.6

STATE BOARD OF EXAMINERS

STATUTES

§18A:6-34 -- 37

A state board of examiners, comprised of various school officials, shall be appointed by the commissioner of education and approved by the state board. Members of the board of examiners shall serve for terms of 2 years. Vacancies in the board will be filled by appointment for unexpired terms only. The commissioner or his designee shall be the chairman of the board of examiners. All members of the board of examiners shall serve without compensation, but shall be reimbursed for expenses for attendance at meetings. APPOINTMENT

§18A:26-21

The official for New Jersey who shall make contracts with other states shall be the secretary of the state board of examiners. CONTRACTS

CROSS REFERENCES

I.Commissioner of Education; Regulation §6:5-1.1

III.B.Certificated Personnel; Regulation §6:11-3.10

III.B.Certificated Personnel; Regulation §6:11-3.25

III.B.Certificated Personnel; Regulation §6:11-3.31

III.B.Teacher; Statute §18A:26-6; 8; 8.1

III.B.Teacher; Regulation §6:11-2.1

III.B.Teacher; Regulation §6:11-3.7

III.B.Teacher; Regulation §6:11-3.20

III.B.Teacher; Regulation §6:11-3.22

SUPERINTENDENT OF SCHOOLS

STATUTES

§18A:17-15

The board of education of any type I and any type II district not having a superintendent of schools may appoint a superintendent of schools by a majority vote, for a term not exceeding five years. APPOINTMENT

In other type II districts the board may make application for the establishment of the position of superintendent to the county superintendent and receive approval from the commissioner and the state board of education. If approved, the district board may appoint a superintendent and have the commissioner appoint one.

§18A:17-17

"No person shall be appointed or act as . . . superintendent or assistant superintendent of schools unless [she]he holds an appropriate certificate." APPOINTMENT

§18A:17-18

The superintendent of schools shall devote himself/herself exclusively to her/his official duties when required by the board of education.

§18A:17-20

The superintendent of schools shall have "general supervision over the schools of the district(s)"

in accordance with rules prescribed by the state board and shall periodically report on their condition and progress to the board and shall have such other duties and powers as may be prescribed by the board or boards employing her/him. She/he shall be an ex officio member of the board, but shall not be a voting member.

§18A: 17-24

APPOINTMENT

The superintendent of schools may appoint and remove clerks in her/his office, but their number and salaries shall be set by the board.

CROSS REFERENCES

I.Assistant Superintendent; Statute §18A:17-22--23

I.Executive Superintendent; Statute §18A:17A-4

II.A.2.; Statute §18A:46-16--18

III.A.2.; Regulation §6:27-1.6

III.B.School Aides; Regulation §6:11-4.9

III.C.Certificated Personnel; Statute §18A:25-6

III.D.Concerns of County Superintendent; Statute §18A:17-21

III.E.Schools; Statute §18A:4-29

IV.J.; Statute §18A:37-4; 5

TEACHER

CROSS REFERENCE

III.D.Teacher/Annual Report; Statute §18A:25-2

TEACHER'S AIDE

CROSS REFERENCE

II.A.2.; Regulation §6:28-3.4

NEW MEXICO

The New Mexico Constitution mandates the establishment and maintenance of a uniform system of free public schools open to all children of school age in the state. It creates a State Department of Public Education and a State Board of Education and provides that the Board shall appoint the Superintendent of Public Instruction to direct the operation of the State Department of Public Education. The members of the State Board are elected at general elections, one member from each of the ten judicial districts, for a term of six years. The State Board is the governing authority of all public schools in the state.

Every public school is to be located within the geographical boundaries of a school district which exists, or is created or consolidated pursuant to statutory provisions. Each school district has an elected local school board composed of five members except where the local school board by resolution has provided for seven members. Twenty percent of the voters of the district may request that such a resolution be put before the electorate of the district. The local school board employs a Superintendent of Schools and fixes his/her salary.

NEW MEXICO

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DEPARTMENT OF EDUCATION

STATUTES

§77-2-6

Subject to the policies of the state board and the supervision and direction of the state superintendent the department of education has the following duties: a) supervise all schools and officials coming under the state board's jurisdiction; b) advise boards of regents of state educational institutions on matters concerning the Public School Code; c) prescribe and distribute forms to carry out the duties of the state board; d) prepare and distribute to the governor and the legislature an annual report on public and private education in the state; f) publish and distribute to local school boards copies of the Public School Code and regulations made by the state board; g) confer with local school boards and certified school personnel on matters concerning education in the state; h) prepare and distribute patriotic material to schools in the state.

DEPARTMENT OF EDUCATION EMPLOYEES

STATUTES

§77-19-1

No board member, department of education employee, certified instructor or administrator shall sell any instructional material, furniture, equipment, insurance, school supplies or work of his/her employer. Nor shall such person receive any profit from the sale to his/her employer of any of these articles. Persons with special performance contracts or whose job it is to buy and sell for the schools are excepted.

CONFLICT OF INTEREST

DIRECTOR OF CERTIFICATION

CROSS REFERENCES

III.B.School Social Worker; Regulation Reg. No. 76-19

III.B.Teachers; Regulation Reg. No. 68-2; 67-1; 63-2; 71-28; 72-4; 72-3; 71-26; 69-3; 69-2

III.C.Teachers; Regulation Reg. No. 74-8

DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §72-12-4

DISTRICT SUPERINTENDENT

CROSS REFERENCE

II.A.2.; Statute §73-23-5

INDIAN EDUCATION DIVISION

CROSS REFERENCE

II.A.10.Other - Indian Education; Statute §77-2-11 -- 77-2-13

LEGISLATURE

CROSS REFERENCES

I.State Board of Education; Statute §77-2A-2

III.C.School System; N.M. Const. Art. XII, Section 1

LOCAL DISTRICTS

CROSS REFERENCES

II.A.2.; Statute §77-11-3; 77-11-3.1; 77-11-3.2

III.B.Substitute Teacher; Regulation, Reg. No. 72-16

LOCAL EDUCATION AGENCIES

CROSS REFERENCE

II.A.4.; Regulation, Reg. No. 74-11

LOCAL SCHOOL BOARDS

STATUTES

§5-6-23; 5-6-25

"The formation of public policy or the conduct of business by vote shall not be conducted in secret."

This includes meetings of school boards and the department of education. Action taken at meetings that does not conform is invalid.

§77-4-1

"A local school board shall be composed of 5 qualified electors of the state residing within the school district."

§77-4-1.3

A local school board may, by resolution, choose to be composed of seven members. Such resolution will take effect 30 days after its adoption unless objected to by petition by 20% of the voting population, in which case there will be a vote on the question.

§77-4-2

A local school board shall, "subject to the regulations of the state board, supervise and control all public schools within one school district, and all property . . . of the district."

CONTRACTS

The local school board shall "contract, lease, purchase and sell for the school district."

The local school board shall, "for good cause and upon order of the district court, subpoena witnesses and documents in connection with a hearing concerning any . . . of its . . . powers or duties . . ."

RULEMAKING

The local school board shall "adopt regulations pertaining to the administration" of all of its powers or duties.

The local school board shall have the power to accept or reject any charitable gift -- if accepted, the gift will be considered an asset of the district or school to which it is given.

A local school board shall, "employ a superintendent of schools for the school district and fix his/her salary" and delegate administrative and supervisory functions to him/her.

The local school board shall "acquire and dispose of property."

The local school board shall "repair and maintain all property belonging to the school district."

The local school board shall "offer . . .(and) . . . pay rewards for information leading to the arrest and conviction . . . of offenders in cases of theft . . . or destruction of local school district property.

The local school board shall, "approve or disapprove the employment or discharge of all employees and certified personnel of the district upon recommendation by the superintendent." The board shall also fix salaries of all employees and certified personnel in the district.

§77-4-4

"From among its members, a local board shall elect a president, a vice president and a secretary." The president and secretary must be bonded before assuming office.

BOARD OFFICERS

§77-4-5

"The full term of office of a member of a local school board shall be six years from March 1 succeeding his/her election to office at a regular school district election." Members whose terms have expired shall continue in office until their successors are elected.

§77-4-6

Vacancies are "filled by a majority vote of the remaining members appointing a qualified person to fill the vacancy." Such person serves until the next regular school district election.

APPOINTMENT

If no one is appointed to fill a vacancy within 30 days, the local board shall call a special election. If this election does not occur, or if a majority of the members of a local board resign, the state board can fill vacancies by appointment.

§77-4-8

All required publications by the local board shall be in English, in newspapers having general circulation within the school district.

§77-5-1

"A school district election shall be held in each school district to elect qualified persons to membership on a local school board."

REGULATIONS

Reg. No. 72-13

Local school boards may adopt rules and regulations that are not inconsistent with the State Department's and shall file them with the State Department.

RULEMAKING

CROSS REFERENCES

I.Local Superintendent; Statute §77-4-2

I.State Board of Education; Statute §77-22-1--77-22-6

II.A.2.; Statute §77-11-3.3

II.A.3.; Statute §73-37-3--73-37-4

II.A.3.; Statute §73-37-5

II.A.4.; Statute §77-11-2

II.A.5.; Regulation Reg. No. 73-21

II.A.8.; Statute §77-11-6

II.C.1.; Regulation Reg. No. 73-17

III.A.2.; Statute §77-6-8

III.A.2.; Statute §77-6-10; 77-6-10.2

III.B.Certified Personnel; Statute §77-4-2

III.B.School Board Members; Statute §77-4-3--77-4-3.1

III.A.School Board Members; Statute §77-5-5

III.B.School Board Members; Statute §77-5-18

III.C.Certified Instructor; Regulation Reg. No. 74-9

III.C.Teachers; Regulation Reg. No. 74-6

III.E.Educational Programs; Statute §77-11-13

III.E.Educational Programs; Statute §77-11-17

III.E.Educational Programs; Statute §77-11-18

III.E.Educational Programs; Statute §77-11-19

IV.G.; Regulation Reg. No. 71-6

IV.J.; Regulation Reg. No. 71-6

PARENT ADVISORY COMMITTEE

CROSS REFERENCE

II.A.5.; Regulation, Reg. No. 73-21

PRINCIPAL

STATUTES

§77-3-3.1

A principal shall be responsible for: A. "assuming administrative responsibility and instructional leadership, under the supervision of the local superintendent of schools, with regard to the discipline of students and the planning, operation, supervision and evaluation of the educational program of the school to which he is assigned; B. submitting recommendations to the local superintendent concerning evaluation, promotion, transfer and dismissal of all personnel assigned to . . . his school; C. performing any other duties assigned him by the local superintendent pursuant to local school board policies."

CROSS REFERENCE

IV.J.; Regulation, Reg. No. 71-6; 72-6

CROSS REFERENCE

III.C.Teachers; Regulation, Reg. No. 70-25

SCHOOL DISTRICTS

CONSTITUTION

New Mexico Constitution Article IX, Section 11

(A) . . . school district . . . except as otherwise provided in this Constitution, shall not directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association or public or private corporation.

CROSS REFERENCE

II.A.3.; Statute §73-34-11

II.C.2.; Statute §77-17-2 -- 77-17-3

SCHOOL DISTRICT VOTERS

CROSS REFERENCE

III.C.School Board Members; N.M. Const. Art. XII, Section 14

SCHOOL STAFF

STATUTES

§77-8-3

Certified school instructors and certified school administrators shall: 1) present valid certificates to the local board within the first three months of the school year; 2) enforce all applicable laws and regulations; 3) (if teaching) teach the prescribed courses of instruction; 4) "exercise supervision over students on property belonging to the public school" and while students are under school control; and 5) furnish reports as may be required.

CONSTITUTION

New Mexico Constitution Article XII, Section 6

The state board of education will determine public school policy and vocational educational policy and shall have control of all public schools pursuant to authority provided by law. The board shall appoint the superintendent of public instruction whose job it is to direct the operation of the state department of public education. APPOINTMENT

STATUTES

§77-2-1

The state board shall have control, management and direction of all public schools, except as otherwise provided by law. It may promulgate, publish and enforce regulations. It may apply to the district court for an injunction, writ of mandamus or other appropriate relief to enforce the Public School Code or any regulations it has promulgated. RULEMAKING

§77-2-2

The state board of education has the duty to uniformly enforce the provisions of the Public School Code, to determine policy for the operation of all public schools and vocational education programs in the state and to appoint a superintendent of public instruction.

The state board of education shall prescribe courses of instruction, requirements for graduation and standards for all schools subject to its jurisdiction.

The state board of education shall adopt regulations for the administration of all public schools and by-laws for its own administration. RULEMAKING

The state board of education shall have final re-

view of decisions made by officials of any organization regulating any public school activity.

The state board of education has the duties to designate courses of instruction to be taught in all public schools and to authorize and promulgate regulations for adult education programs to be taught in schools under the board's jurisdiction.

The state board of education shall require prior approval for any education program in a public school which is to be sponsored or carried on by a private organization or agency. In addition the board shall approve all rules made by such organizations if the rules themselves regulate any public school activity. Any such rules that conflict with board regulations will be invalid. However, the state board shall have no control over the internal rules and regulations of these organizations.

RULEMAKING

The state board of education has the duty to purchase and loan instructional material to students pursuant to the Instructional Material Law (77-13-1 to 77-13-14).

The state board of education shall have the duty to require all accrediting agencies for public schools in the state to act with the board's approval.

The state board of education shall visit for accreditation evaluation at least one third of all public schools each year to investigate the adequacy of pupil gains in required subject matters, adequacy of pupil activities, functional feasibility of public school and school district organization, adequacy of staff preparation and other matters bearing upon the education of qualified students.

SCHOOL VISITS

The state board of education shall have the duty to determine the qualifications for, adopt a system of classification of, and issue certificates to teachers, assistant teachers, supervisors, counselors, administrators and special instructors. The board also has the duty to suspend

or revoke these certificates for incompetency, immorality or other good cause.

The state board of education shall operate any public school or school district which has failed to meet requirements of law, state board standards or regulations; provided, that such operation shall not include consolidation or reorganization without local school district board approval.

The state board of education shall require periodic reports on forms prescribed by it from all public schools and attendance reports from all private schools.

The state board of education shall, at its discretion, establish and maintain regional centers, for conducting co-operative services between public schools and school districts within and among such regions and to facilitate regulation and evaluation of school programs.

§77-2A-2

The legislature is vested with the power to apportion the state board of education so to guarantee equal representation to all citizens.

§77-2-4

BOARD OFFICERS

A. The state board shall elect a president, vice president and secretary;

B. "The state superintendent shall keep a record of all proceedings of the state board;

C. No member of the state board shall be appointed state superintendent or be employed by the department of education on either a full- or part-time basis."

§77-2-5

The state board may delegate administrative functions to the department of education.

Subject to the policies of the state board, the state superintendent shall be the chief administrative officer of the state board and shall supervise the operation of the department of education.

When the state board is the sole agency of the state for the administration of federal aid funds, it may:

A. enter into agreements with federal agencies to procure funds;

B. establish a state plan to qualify for funds;

C. provide for required reports to be made to federal agencies;

D. provide for reports to be made to the state board or to the representatives from agencies receiving federal aid funds;

E. make surveys or studies to determine need for federal funds;

F. establish standards for agencies receiving federal funds;

G. give technical advice and assistance to agencies receiving federal funds.

CROSS REFERENCES

I.Local School Board; Statute §77-4-6

I.State Superintendent; Statute §77-2-5

II.A.1.; Statute §77-2-2

II.A.1.; Statute §77-2-2

II.A.1.; Statute §77-11-1

II.A.3.; Statute §77-12-2

II.A.3.; Statute §72-12-4

II.A.3.; Statute §73-34-3 -- 73-34-4

II.A.3.; Statute §73-34-7

II.A.3.; Statute §73-37-3 -- 73-37-4

II.A.3.; Statute §77-12-2

II.A.3.; Statute §77-12-5

II.A.4.; Statute §77-11-2

II.A.8.; Statute §77-11-4

II.B.1.a.; Statute §115-10

II.B.1.a.; Statute §115-206.1 -- 115-206.2

II.B.1.a.; Regulation, Reg. No. 77-2

II.B.1.c.; Statute §77-2-2

II.C.2.; Statute §77-18-2

II.C.2.; Statute §77-18-3

III.A.1.; Statute §77-2-2

III.A.1.; Statute §77-2-2

III.A.2.; Statute §77-2-8

III.A.2.; Statute §77-6-10; 77-6-10.2

III.C.Certified Instructor; Regulation, Reg. No. 74-7

III.C.School District; Statute §77-2-2

III.C.Teachers; Statute §77-8-12; 77-8-14; 77-8-15-13

III.C.Teachers; Regulation, Reg. No. 70-25; 74-8

III.E.Educational Programs; Statute §77-11-13

IV.C.; Statute §77-11-8

STATE BOARD OF FINANCE

CROSS REFERENCE

II.C.1.; Statute §6-1-8

STATE DEPARTMENT OF EDUCATION

STATUTES

§77-22-1 - 77-22-6

If a local school board resolves and the state department of education approves, a school district may adopt a "variable school calendar", which means that the schools would operate more than 9 months a year, with pupils attending on a staggered schedule. The purpose is to achieve optimum use of facilities and personnel. Rules and regulations for such calendar are made by the state department of education, subject to suspension or modification by the state board of education upon recommendation of the state superintendent. Once approved the variable calendar shall be the sole calendar until the local board requests discontinuance and the state department of education approves.

CROSS REFERENCES

II.A.1.; Regulation, Reg. Nos. 73-32; 73-33

II.A.2.; Statute §77-11-3; 77-11-3.1; 77-11-3.2

II.A.4.; Statute §77-11-2.1

II.A.5.; Regulation, Reg. No. 73-21

III.B.Substitute Teacher; Regulation, Reg. No. 72-16

III.B.Teachers; Regulation, Reg. No. 73-5

STATE FIRE BOARD

CROSS REFERENCE

II.C.2.; Statute §4-16-32

STATE INSTRUCTIONAL MATERIAL DIVISION

CROSS REFERENCES

II.B.1.a.; Statute §77-13-3

II.B.1.c.; Statute §77-13-4

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§73-6-34

Whenever federal aid to education is made available to the state, the superintendent of public instruction shall:

(1) enter into any necessary agreements with the proper federal agency;

(2) provide for and install an adequate system of auditing the expenditure of funds to be received;

(3) provide for reports to be made to him/her from local school jurisdictions, teacher preparation institutions, educational agencies, adult education institutions and other agencies as may be required;

(4) develop and provide a plan for apportioning among local school jurisdictions any funds received to assist in equalizing educational opportunities in public schools;

(5) develop and provide a plan for apportioning among public educational agencies and institutions funds received for adult education;

(6) make surveys and prepare and maintain state standards for the development of improved administrative units and attendance areas for the public schools.

CROSS REFERENCES

II.A.2.; Statute §77-11-3; 77-11-3.1; 77-11-3.2

II.A.3.; Statute §72-12-4

II.C.1.; Regulation, Reg. No. 73-17

III.A.2.; Statute §77-6-10; 77-6-10.2

III.A.2.; Regulation, Reg. No. 71-3

III.B.Teachers; Regulation, Reg. No. 68-2

IV.G.; Regulation, Reg. No. 73-2

SUPERINTENDENT

CROSS REFERENCE

I.Principal; Statute §77-3-3.1

SUPERINTENDENT OF THE NEW MEXICO SCHOOL FOR VISUALLY HANDICAPPED

CROSS REFERENCE

II.A.2.; Statute §73-23-4

TECHNICAL AND VOCATIONAL INSTITUTE DISTRICT BOARD

CROSS REFERENCE

II.A.3.; Statute §73-34-6

VOCATIONAL EDUCATION DIVISION

CROSS REFERENCE

II.A.3.; Statute §77-12-5

NEW YORK

The Education Department is charged with the general management and supervision of all public schools of the State. The Board of Regents of the University of the State of New York heads the Department and appoints the Commissioner of Education who serves at the pleasure of the Board. Members are elected by the Legislature and their number is four more than the number of existing judicial districts of the State. There are no ex officio members. The Commissioner of Education serves as chief administrative officer of the Department.

School administration has been centralized in the State Education Department but actual control and operation of the schools is vested in the local districts. The districts have taxing power, elect trustees and school officials, employ teachers, maintain discipline, and supervise their own schools.

A school district is designated as either a union free school district, a central school district, a central high school district, a city school district, or an intermediate school district. A common (or city) school district has one or three trustees who are elected at annual meetings; the number is determined by the electors of the district. A District Superintendent may organize a new school district out of existing districts whenever the educational interests of the community require it and district superintendents of two or more adjoining districts may form a joint district out of adjoining portions of their respective districts. A district formed by the merger of two or more adjoining districts is designated a union free school district. Where a union free school district is established, three to nine trustees are elected by qualified voters present at district meetings. Common school districts and union free school districts may consolidate by vote of qualified electors.

The Commissioner may lay out central school districts which will become operative as provided by statute. Each central school district is managed by a board of education consisting of five, seven, or nine members elected at annual district meetings. Central high school districts are governed by boards of education consisting of one member from each common school district and at least two from each union free school district within the central high school district. Other school districts not included in the establishment of the original central high school district may join it upon a vote of the electors of such districts.

The Commissioner also is given the discretionary power to lay out intermediate school districts composed of contiguous school districts. The order must be approved by voters at a special meeting called for that purpose. An intermediate council composed of members from the various districts constituting the intermediate district elects the five members of the board of education of the intermediate district. The various boards of education may appoint a Superintendent to be executive officer of the respective Boards.

NEW YORK

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I. Powers, Duties and Functions

Advisory Board of Visitors

CROSS REFERENCE

II.A.2.; Statutes §4351 -- 4354

Advisory Council on Occupational Education

CROSS REFERENCE

II.A.3.; Statute §4601

Bilingual Education Advisory Committee

CROSS REFERENCE

II.A.5.; Regulation §154.4

Board of Cooperative Educational Services

STATUTES

§1950

"The boards of education and school trustees of a supervisory district . . . not part of an intermediate district . . . may, by majority vote . . . file with the commissioner of education a petition for the establishment of a board of cooperative educational services for the purpose of carrying out a program of shared educational services . . . and for providing instruction in such special subjects as the commissioner may approve." The board will have five to fifteen members serving five year elective terms. The board is empowered to: appoint a district superintendent, manage administrative expenses, determine the need for educational services in the district; provide instruction, medical inspection and other services, facilities and programs, including hiring personnel to carry out such purposes..

BOARD OF EDUCATION, CENTRAL HIGH SCHOOL DISTRICT

STATUTES

§1901, 1903

Central high school districts are constituted under order of the commissioner of education, and are governed by boards of education of at least five members. Powers of the board are the same as for the board of a union free school district. The board has "jurisdiction over pupils . . . who have completed the work of the sixth grade . . . ."

The standards for teacher qualifications and the "conduct and supervision" of schools shall be the same in a central high school district as in a union free district.

CROSS REFERENCE

IV.D.; Statute §1907

BOARD OF EDUCATION, CENTRAL SCHOOL DISTRICT

STATUTES

§1804, 1805

"Each . . . central school district shall be managed by a board of education consisting of five, seven, or nine members." Such boards shall have the same powers and duties as those in union free school districts.

BOARD OF EDUCATION, CITY

STATUTES

§2503 -- 2503a

The board of education of a city school district has authority to "prescribe regulations and by-laws" for the "management and control of the schools;" establish and maintain free public education, including night schools, vocational schools, and schools for handicapped children; prescribe curriculum and textbooks; and provide special classes for handicapped and delinquent children. The board of education may ban or abolish fraternities or secret organizations, if the board finds that such a group has disrupted or interfered with the school.

RULEMAKING

The educational affairs in a city school district shall be managed by a board of education composed of at least three but not more than nine members.

Board members must be United States citizens. Residency requirements are three years for Yonkers, Buffalo and Rochester. School board members are elected except in Yonkers where they are appointed by the mayor. Vacancies are filled by the mayor but in Rochester, the board shall appoint a person to fill the vacancy. The various methods of election (for the different communities) are set forth in detail in this provision.

APPOINTMENT

§2554

APPOINTMENT

The board of education in a city shall appoint a superintendent of schools and teachers, provide textbooks and supplies, establish and maintain free public schools and libraries, authorize courses and their content, and perform other necessary duties in order "to promote the best interests of the schools." The board may ban secret organizations if such groups have disrupted or interfered with any secondary school.

§2590-b - 2590-c

The board of education of the New York city school district shall consist of seven members. There shall be a community board for each community district. The criteria used for establishing community districts shall include "the educational needs of the children and communities" and a convenient location for pupil attendance.

Each community school district board shall consist of 7-15 members elected for three-year terms. Any registered voter or parent is eligible for board membership.

§2590-g

The city board shall have all powers of the interim board of education of the city district.

In cities with a population of 125,000 or more, the board of education shall act as a census board. The board shall keep a record of all persons from birth to eighteen, including handicapped children.

Trustees of school districts shall take an annual census of all children between birth and eighteen years. A parent who withholds or gives false information shall be subject to a fine or imprisonment.

CROSS REFERENCES

II.A.4.; Statute §2514

II.A.4.; Statute §2555

III.B.School Board Members; Statute §2502

BOARD OF EDUCATION, SUPERVISORY DISTRICT

CROSS REFERENCE

I.Board of Cooperative Education Services; Statute §1950

BOARD OF EDUCATION, UNION FREE SCHOOL DISTRICT

STATUTES

§1701; 1702

The board of education of each "union free school district" is a corporate body, consisting of between 3 and 9 trustees. The board shall elect a president and may elect a vice president.

BOARD OFFICERS

§1709; 1709-a; 1710

The board of education of every union free school district has authority to: (1) adopt by-laws; (2) make rules and regulations for order in the schools; (3) "prescribe the course of study . . . and . . . regulate the admission of pupils;" (4) "prescribe textbooks"; (5) supervise, manage, and control the schools; (6) hire teachers and other personnel; (7) fill vacancies on the board, and remove board members for cause; (8) "provide transportation, home-teaching or special classes . . . for physically or mentally handicapped or delinquent children"; and (9) provide "inservice training for . . . teachers."

RULEMAKING

REMOVAL

Boards of education are empowered to "abolish and/or prohibit any fraternity, sorority or other secret society in any secondary school under its jursidiction."

Boards of education of union free school districts "possess all the powers and privileges and [are]. . . subject to all the duties which the trustees of common school districts possess . . . ."

CROSS REFERENCES

I.Superintendent of Schools, Union Free School District: Statute §1711

BOARD OF MANAGERS OF HOME SCHOOL

CROSS REFERENCE

II.A.10.Other - Home School Program; Statute §4801 -- 4809; 4815

BOARD OF REGENTS

CROSS REFERENCES

I.Commissioner of Education; Statute §102, 104, 105

II.A.2.; Statutes §4351 -- 4354

BOARD OF TRUSTEES COMMON SCHOOL DISTRICT

STATUTES

§1601; 1602

"The sole trustee or the trustees of a common school district shall constitute a board for such district and such board is . . . a body corporate."

Electors of a common school district shall constitute a board for such district and such board is . . . a body corporate."

Electors of a common school district shall determine the number of trustees (one or three), elections and term(s).

§1604

Trustees of a common school district are empowered to (1) purchase or lease school sites, buildings and equipment; (2) employ teachers and other personnel; (3) make rules and regulations for schools; (4) "prescribe the course of studies"; (5) provide books, other teaching materials and recreation equipment; (6) "provide transportation, home teaching or special classes for

RULEMAKIN

physically or mentally handicapped and delinquent children"; (7) operate a cafeteria for pupils, teachers, and, out of school hours, for use of the community; (8) "prescribe textbooks"; and supervise, manage and control the "educational affairs of the the district."

§1606

The powers given by law to the trustees of a common school district must be exercised by them as a board. In a three-member board, if only two members meet and the third is unable to attend, the orders and acts of the two members will be binding on all. Any board member may call a meeting, by giving at least 24 hours notice.

§1607

If there is a vacancy on the board of trustees, the remaining officers shall have all the powers of the full board. Whenever a vacancy occurs, a "special meeting" shall immediately be called to fill the vacancy.

§2105; 2110; 2112; 2113

In a common school district with one trustee, the term of office shall be one year, and in common school districts with three trustees, the term shall be three years. In a union free district, the term shall be three or five years. If an elected official "wilfully neglects or refuses" to perform his/her duties, the official shall be removed from office and pay a penalty of $10.00. School district offices may become vacant by "death, resignation, refusal to serve, incapacity, or removal." Vacancies in the office of trustee may be filled by an election held within 30 days but if not held, the district superintendent may appoint a "competent person" to fill the vacancy.

REMOVAL

Board of Visitors

CROSS REFERENCE

II.A.2.; Statute §4301 -- 4307

Bureau of Compulsory Education

CROSS REFERENCE

IV.H.; Statute §2570

Chancellor of New York City District

Statutes

§2590-h

The chancellor of the city district shall control and operate all special education programs, vocational schools, and city-wide programs. Further powers and duties are enumerated herein.

CROSS REFERENCE

I.Community Board of Education; Regulation §113.2 -- 113.3, 113.9, 113.19, 113.25

City Superintendent

Statutes

§2508

The superintendent of schools of a city school district shall serve as "chief executive officer of the school district," and sit on the board of education although not allowed to vote. The superintendent shall enforce all school laws, prepare the course content subject to the board's approval, and recommend textbooks. The superintendent shall direct the work of all assistant superintendents, principals, and teachers and may suspend these officers until the next board meeting. The superintendent shall direct the promotion of pupils and "all educational activities."

§2566

The city superintendent of schools shall enforce school laws and regulations, prepare course content and recommend textbooks, supervise teachers and other school employees, and certify teachers.

CROSS REFERENCE

III.B.School Employee: Statute §2568

COMMISSIONER OF EDUCATION

STATUTES

§102; 104; 105

APPOINTMENT

The commissioner may appoint and assign duties to "associate and assistant commissioners." The commissioner may appoint all "other needed officers and employees", and may remove, with the regents' approval any appointive officer or employee. When the regents are not in session, "the commissioner may suspend, without salary, any officer or employee," until the next regents' meeting.

SUSPENSION

§301 -- 309

The commissioner of education shall perform all functions specified by law "for the effective administration of the department and of the state system of education", including preparation of annual budgets for the New York state school for the blind. The commissioner is elected by majority vote of the regents, to serve a term at their pleasure. The commissioner shall enforce educational laws and execute educational policy; "advise and guide" school officers; supervise trade and vocational schools; annul or reverse annullment of teacher certification; identify alien children of school age for purposes of compulsory school attendance enforcement; furnish materials for instruction in geography, history, science, ; and review contracts for school transportation.

Further, the commissioner may remove school officers for "wilfull disobedience" or for membership in a subversive organization and may withhold public money from any district or city which disobeys any education law.

REMOVAL

Any school officer removed under this section has a right to a hearing. The commissioner may institute proceedings to enforce school laws.

§310; 311

Any person aggrieved by the decision of any school officer or school district may "appeal by petition to the commissioner of education" who is authorized and required to examine and decide the same;" and to institute proceedings authorized by law.

APPEAL

In reference to such appeals, the commissioner has power to "regulate practice", "to determine whether an appeal shall stay proceedings, and prescribe conditions upon which it shall or shall not so operate", "to decline to entertain or dismiss an appeal," "to make . . . orders . . . which may . . . be proper . . . to give effect to his[her] decision."

CROSS REFERENCES

I.Board of Cooperative Education Services; Statute §1950

I.Board of Education, Central High School District; Statute §1901, 1903

I.Community Board of Education; Regulation §113.2 — 113.3, 113.9, 113.19, 113.25

I.Department of Education; Statute §101

I.District Superintendent; Statute §2216 -- 2217

II.A.1.; Regulation §8.3.

II.A.2.; Statute §4201 -- 4205

II.A.2.; Statute §4206 -- 4208

II.A.2.; Statute §4351 -- 4354

II.A.2.; Statute §4404

II.A.2.; Regulation §6.1 -- 6.4

II.A.2.; Regulation §200.5

II.A.2.; Regulation §200.6

II.A.2.; Regulation §200.8

II.A.3.; Statute §1103, 1104

II.A.3.; Statute §4712

II.A.3.; Regulation §15.1

II.A.3.; Regulation §140.1 -- 140.2

II.A.5.; Regulation §154.5

II.A.5.; Regulation §154.8

II.A.6.; Regulations §151.1 — 151.3

II.A.6.; Regulation §151.6

II.A.6.; Regulation §164.6

II.A.8.; Regulation §161.1

II.A.10.Other - Indian Education; Statute §4101 -- 4119

II.B.3.; Statute §274, 275

II.C.1.; Statute §1910 -- 1911

II.C.2.; Statute §408; 409

II.C.3.; Regulation §155.5

III.A.2.; Regulation §100.2

III.B.Administrator; Regulation §80.4

III.B.Teachers; Statute §3004; 3006

III.B.Teachers; Regulation §80.2

III.B.Teachers; Regulation §80.35

III.B.Teaching Assistants; Regulation §80.33

III.C.Board of Education Members; Statute §1706

III.C.Board of Education Members; Statute §2559

III.C.Board of Education Members; Statute §2212

III.C.High School Diploma Recipients; Regulation §103.3 -- 103.4

III.C.Students; Regulation §8.1 -- 8.2

III.C.Teachers; Regulation §82.2, 82.3, 82.6, 82.9, 82.10

III.D.Education System; Statute §2117

III.D.Education System; Regulation §149.6

IV.D.; Statute §1807

IV.D.; Statute §3623 -- 3624

IV.G.; Statute §313

IV.H.; Regulation §16.1

COMMITTEE ON HANDICAPPED

CROSS REFERENCE

II.A.2.; Regulation §200.6

COMMUNITY BOARDS OF EDUCATION, NEW YORK CITY

STATUTES

§2590-e — 2590-f

Each community board shall have the same powers and duties as the local school board districts and the city board of education. Specific powers are further enumerated, including authority to hire a community superintendent, who shall have the same powers as the superintendent of the New York city district.

REGULATIONS

Part 113 (Statutory authority §§ 207, 2590-g)

§ 113.2 — 113.3, 113.9, 113.19, 113.25

SUSPENSION

Any community board of education in New York City ordered by the New York City chancellor to cease conduct or take action, or any board member suspended by the chancellor may file an appeal with the city board. An appeal must be filed within 15 days after the issuance of the chancellor's order.

APPEAL

The statement of appeal shall contain a clear and concise statement of appellant's claim. A panel of three city board members may be designated to hear the appeal.

Anyone aggrieved by the final decision may, within 15 days, file an appeal with the Commissioner of Education.

CROSS REFERENCE

I.Board of Education; Statute §2590-b -- 2590-c
I.Community Board of Education; Regulation §113.2 -- 113.3; 113.9, 113.19, 113.25

II.A.10.Other - Nautical School; Statute §4901 -- 4904

COUNTY BOARD OF EDUCATION

CROSS REFERENCE

II.A.3.; Statute §4701 -- 4707

COUNTY VOCATIONAL EDUCATION BOARD

CROSS REFERENCES

II.A.3.; Statute §1101; 1102

II.A.3.; Regulation §140.1 -- 140.2

II.A.3.; Regulation §140.3 -- 140.4

DEPARTMENT OF EDUCATION

STATUTES

§101

The education department shall manage and supervise "all public schools . . ." The regents of

the state university shall head the department and may "appoint and remove" the commissioner of education, who is the "chief administrative officer of the department." The regents may also appoint and remove a deputy commissioner, who may, among other things, perform the duties of the commissioner in his[her] "absence or disability."

CROSS REFERENCES

II.A.2.; Statute §4407

II.A.7.; Statute §112

II.A.10.Other - Indian Education; Statute §111

DISTRICT BOARDS OF EDUCATION

STATUTES

§2116

District books and records are district property and "open for inspection" and copying by "any qualified voter of the district."

CROSS REFERENCES

II.A.2.; Regulation §200.3

II.A.2.; Regulation §200.4

II.A.2.: Regulation §200.5

II.A.2.; Regulation §200.12

II.A.3.; Statute §4601

II.A.3.; Statute §4602

II.A.3.; Regulation §111.1

II.A.3.; Regulation §141.1 -- 141.2

II.A.3.; Regulation §141.4

II.A.3.: Regulation §141.7

II.A.3.; Regulation §141.8

II.A.4.; Statute §1712

II.A.5.; Regulation §154.4

II.A.8.; Statute §4604

II.B.1.b; Statute §701. 704

III.C.District Superintendent; Statute §2212

III.D.Education System; Statute §1708

IV.A.; Statute §409a

IV.A.; Statute §912

IV.A.; Regulation §141.10

IV.A.; Regulation §136.3

IV.A.; Regulation §136.2

IV.B.; Statute §4605

IV.D.: Statute §1502

DISTRICT SUPERINTENDENT

STATUTES

§2208

A vacancy in the office of district superintendent shall occur by death, removal, or resignation.

CROSS REFERENCES

I.Board of Cooperative Education Services; Statute §1950

I.Board of Trustees, Common School District; Statute §2105, 2110, 2112, 2113

II.A.1.; Statute §805

II.A.3.; Statute §1101, 1102

II.A.3.; Statute §1103, 1104

III.B.Superintendent; Statute §2204 — 2205

III.C.Teachers; Statute §3018

III.E.Professional Employees; Statute §2315

LOCAL VOCATIONAL EDUCATION BOARD

CROSS REFERENCE

II.A.3.: Regulation §111.1

NEW YORK STATE EXAMINATIONS BOARD

CROSS REFERENCE

III.C.Students; Regulation §8.1 -- 8.2

PRINCIPAL

REGULATIONS

§100.3

Each school district shall hire a principal who has the proper certification. If there are circumstances which do not justify the employment of a principal, the district may request the commissioner for exemption from this requirement. The role of the principal is to provide leadership in the school's educational program, supervise and administer the program, and give professional direction and assistance to faculty and students.

EXEMPTION

CROSS REFERENCES

III.C.Students; Regulation §8.1 — 8.2

IV.H.; Statute §3211

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.3.; Statute §4601

II.B.1.C.; Regulation §21.2

IV.C.; Regulation §114.1 — 114.2

IV.E.; Statute §4501, 4502

STATE BOARD OF EDUCATION

CROSS REFERENCE

III.B.Teachers; Regulation §80.2

STATE BOARD OF REGENTS

CROSS REFERENCE

I.Department of Education: Statute §101

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCE

II.A.2.; Statute §4403

SUPERINTENDENT OF SCHOOLS

CROSS REFERENCES

III.B.Teachers: Statute §3008

III.B.Teachers; Regulation §80.2

SUPERINTENDENT OF SCHOOLS, UNION FREE SCHOOL DISTRICT

STATUTES

§1711

APPOINTMENT

In any union free school district with "a population of 4500 or more . . . the board of education may appoint a superintendent of schools." He/she "shall be under the direction of the board of education." His/her powers and duties include: enforcement of the board's rules and regulations "relating to the management of schools", preparation of "content of each course of study authorized by the board", recommendation of texts, and general supervision of matters pertaining to educational activities under the "management, direction and control

of the board of education."

TEXTBOOK COMMISSION

CROSS REFERENCE

II.b.1.b.; Regulation §21.1

TRUSTEE, COMMON SCHOOL DISTRICT

STATUTES

§1605

"The sole trustee of a common school district shall possess all the powers and be subject to all the duties, liabilities and penalties which the law imposes upon a board of three trustees."

NORTH CAROLINA

In accordance with Article IX of the Constitution of North Carolina, the State General Assembly has provided for a general and uniform system of free public schools. It is the policy of the state to ensure every child a fair and full opportunity to reach his/her full potential including those children with special needs.

The State Board of Education is vested with the responsibility of the general supervision and administration of the public school system and consists of the Lieutenant Governor, the State Treasurer and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. One member is appointed from each of the eight educational districts and three are appointed as members at large. The Superintendent of Public Instruction is elected and serves as the secretary and chief administrative officer of the State Board. He/she has the duty of organizing, subject to the approval of the State Board, a Department of Public Instruction.

Each county is classified a County Administrative Unit under the general supervision and control of a County Board of Education with a County Superintendent as the administrative officer. A City Administrative Unit may be within a county or adjacent parts of two or more contiguous counties. The city unit is under the control of a Board of Education with a City Superintendent as the administrative officer. County Boards consist of five members elected at-large by the voters of the county for terms of four years. Where there are multiple school administrative units within a county and the County Board of Education is not responsible for appointing the members of the Board of Education, only those voters within the County School Administrative Unit may vote for members of the County Board. The Boards of Education of County and City Administrative Units elect their respective Superintendents of Education for terms of either two or four years, the length of the term being within the discretion of the respective Boards. County and city superintendents serve as ex officio secretary to their respective boards.

NORTH CAROLINA

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ASSISTANT STATE SUPERINTENDENT

REGULATIONS

§2G.0101

The Assistant State Superintendent for Planning, Research, and Development has responsibility for the following:

To coordinate all planning, research, evaluation, assessment, and development; to assist personnel in local school districts to conduct planning, evaluation, research, and development activities to improve instruction.

ASSISTANT SUPERINTENDENT OF SCHOOLS

STATUTES

§115-44

In order to encourage "more efficiently and more economically operated" schools, county and city boards of education "have authority to employ an assistant superintendent and supervisors in addition to those . . . furnished by the State." An assistant superintendent may be elected "for a term of from one to four years." A "written contract" stating the "terms of employment," shall be filed with the State Superintendent's office. The assistant superintendent may not be dismissed except for conduct indicating he or she is "unfit," or for "neglect of duty, or failure to carry out validly assigned duties."

ATTENDANCE COUNSELORS

CROSS REFERENCE

N.H.: Statute §115-167 -- 115-171

CITY BOARD OF EDUCATION

STATUTES

§115-21

Boards of education for a "city administrative

unit" are appointed or elected. The city's "governing body" may fill vacancies on the Board but if it fails to do so within a 30 day time period, the vacancy will be filled by the State Board of Education. Principals and teachers shall be recommended by the "superintendent of city schools" subject to the final "election" by the board of education.

CROSS REFERENCE

III.B.School Personnel; Statute §115-58

CITY SUPERINTENDENT

CROSS REFERENCES

I.City Board of Education; Statute §115-21

III.B.School Personnel; Statute §115-58

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Statute §115-11.6 -- 115-11.8

COUNTY BOARD OF EDUCATION

STATUTES

§115-18

County boards of education shall have five members "elected . . . at large for terms of four years."

CROSS REFERENCES

III.B.School Personnel; Statute §115-58

III.B.Teachers; Statute §115-72

DIRECTOR, DIVISION FOR EXCEPTIONAL CHILDREN

CROSS REFERENCES

II.A.2.; Regulation §2E.0610

II.A.2.; Regulation §2E.0611

DIRECTOR, DIVISION OF KINDERGARTEN AND EARLY CHILDHOOD EDUCATION

CROSS REFERENCE

II.A.4.; Regulation §2E.0801 -- 2E.0802

DISTRICT SCHOOL COMMITTEE

CROSS REFERENCE

III.B.Teachers; Statute §115-72

DIVISION FOR EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Regulation §2E.0600 -- 2E.0601

DIVISION OF ATHLETICS

CROSS REFERENCE

IV.E.; Regulation §2C.0300 -- 2C.0303

DIVISION OF COMPENSATORY EDUCATION

CROSS REFERENCES

II.A.6.; Regulation §2E.0300 -- 2E.0301

II.A.6.; Regulation §2E.0302

DIVISION OF CULTURAL ARTS

CROSS REFERENCE

II.A.1.; Regulation §2E.0401--2E.0402

DIVISION OF DEVELOPMENT

REGULATIONS

§2G .0401

"The division of development is responsible from time to time for such activities as the following: (1) coordinating and administering the activities of the Elementary and Secondary Education Act. . .; . . . (3) providing consultant services. . . to local school systems for the purpose of developing more effective educational practices, [and]demonstrating

ways to solve critical educational problems. . . ;
(4) informing the public schools of tried and proven
ways for working with underachievers. . . ."

DIVISION OF PLANNING

REGULATIONS

§2G.0201

The division of planning is responsible for activities including the following: "(1) initiating, implementing and maintaining a systematic planning structure within the State Department of Public Instruction; (2) providing consulting services to local school systems for the purpose of training and assisting local school personnel in developing . . . and maintaining systematic planning at the local level; . . . (4) coordinating and conducting regional and state inservice seminars and workshops in comprehensive planning. . . (8) assisting local administrative units in formulating their plans and thereby becoming eligible for State accreditation."

DIVISION OF PUPIL PERSONNEL SERVICES

CROSS REFERENCE

IV.A.; Regulation §2D.0200 -- 2D.0202

DIVISION OF SCHOOL FOOD SERVICES

CROSS REFERENCES

IV.C.; Regulation §2C.0401

IV.C.; Regulation §2C.0402

EDUCATION CENTER ADVISORY COUNCIL

CROSS REFERENCE

I.Regional Education Centers; Regulation §2B.0102

General Assembly

CROSS REFERENCE

III.C.Public Schools; Constitution, Article IX, §2

Governor

CROSS REFERENCES

I.State Board of Education; Statute §115-2

II.B.1.b.; Statute §115-206.3 -- 115-206.5; 115-206.8

Governor's School of North Carolina

CROSS REFERENCE

II.A.2.; Regulation §2E.0611

Instructional Services Area

CROSS REFERENCE

II.A.1.; Regulation §2E.0101 -- .0102

Local Administrative Units

CROSS REFERENCES

II.A.2.; Regulation §2E.0605

II.A.2.; Regulation §2E.0607

II.A.2.; Regulation §2E.0609

II.B.3.; Statute §115-206.24

Local Board of Education

Statutes

§115-8

The governing boards for county and city administrative units are the county board of education and the "city board of education" respectively. The executive officer of both units is the superintendent. The head of a school is the principal.

BOARD OFFICERS

§115-24

All vacancies of elected board members "shall be filled by appointment by the remaining members . . . of a person to serve until the next election . . ."

APPOINTMENT

§115-27

Both county and city boards of education are corporate bodies with the power to sue, purchase property, and build schools. The school boards shall have the authority to agree with "other boards of education to transfer pupils from one administrative unit to another."

They shall be subject to permanent powers vested in the state board and have "general control of . . . the public schools in their respective administrative units . . ."

§115-31

County or city boards of education "shall institute all suits . . . for the recovery . . . of all money or property" due to the public schools.

§115-35

Local boards of education have the duty "to provide an adequate school system within their respective. . . units as directed by law. They shall have "general control and supervision" of public schools in their respective units. The boards shall regulate "extracurricular activities," including athletic programs. The boards shall set the opening and closing times for the schools and shall regulate "sales to" and "fund raising activities conducted by" students and faculty. The boards have the power to "accept and administer" federal and/or private funds for schools, and the boards are authorized to "sponsor or conduct educational research" in order to "improve the school system under its jurisdiction."

§115-53

Local boards of education may waive their governmental immunity by the purchase of liability insurance. Such waiver shall be limited to the amount of coverage secured.

§115-176

County and city boards of education are authorized to assign pupils to the public schools in their districts. A child "residing in one administrative unit" may be

assigned to a school in another administrative unit. A child may not enroll in any school except the one to which he is assigned and the board's decision in these matters is final. The board shall make assignments so as to "provide for the orderly and efficient administration of the public schools, and provide for the effective instruction, health, safety, and general welfare of the pupils."

CROSS REFERENCES

I.Regional Education Centers; Regulation §2B.0101

II.A.1.; Statute §115-198

II.A.3.; Statute §115-234

II.A.3.; Statute §115-235

II.A.4.; Statute §115-205.11 -- 115-205.13

II.B.1.a.; Statute §115-206.14 -- 115-206.18

II.B.4.; Statute §115-52

II.B.4.; Statute §115-132

III.C.School Committee Members; Statute §115-43

III.C.Superintendent; Statute §115-42

III.C.Teachers; Statute §115-34

III.C.Teachers; Statute §115-45

III.D.Educational System; Statute §115-148

III.E.Teachers; Statute §115-46

III.E.Teachers; Statute §115-57

IV.C.; Statute §115-51

IV.D.; Statute §115-183

IV.D.; Statute §115-189

IV.D.; Statute §115-190

IV.G.; Statute §115-177 -- 115-179.1

LOCAL SUPERINTENDENT

STATUTES

§115-41

The superintendent's duty shall be to "carry out all rules and regulations of the board."

§115-55

The local board of education shall fill any vacancy in the office of the local superintendent. Temporary vacancies caused by sabbaticals or otherwise shall be filled by the board subject to the same requirements for appointment to the position.

§115-56

Local superintendents shall serve in the executive office of the board. They shall keep records of all board meetings and see to it that such records are "Open at all times to public inspection". The superintendent shall visit the schools and inform the board "as to the condition" of the schools and shall "remedy any unsafe or unsanitary conditions" found in any school. The superintendent shall "attend professional meetings" and shall furnish "information and statistics" on the schools to the State Superintendent.

CROSS REFERENCES

I.Regional Education Centers; Regulation §2B.0102

III.A.2.; Statute §115-59

III.B.Teachers; Statute §115-154

III.C.Teachers; Statute §115-142

III.E.Teachers; Statute §115-57

IV.D.; Statute §115-182 -- 115-183

IV.D.; Statute §115-186

IV.J.; Statute §115-147

OFFICE OF FEDERAL RELATIONS

REGULATIONS

§2B .0201

The Office of Federal Relations shall carry out the following responsibilities:

1. Provide information about Federal Education programs to the Department of Public Instruction and school systems;

2. Administer the Elementary and Secondary Education Act;

3. Administer the National Defense Education Act;

4. Coordinate the development of the Annual Program Plan of Title IV;

5. Serve as application control center to receive and route to appropriate federal program directors all porjects under Title IV, Public Law 93-380, "Consolidation of Certain Education Programs";

6. Provide information to the Department of Public Instruction and local school systems staffs about proposed federal legislation affecting the schools of North Carolina;

7. Work with the State Board of Education in securing federal and foundation funds, to further priorities set by the board to deliver services and provide programs to the elementary and secondary schools in North Carolina;

8. Arrange meetings and workshops to provide leadership and technical assistance to the local school systems to implement various federal programs;

9. Coordinate all liaison work with the U.S. Office of Education and other agencies concerning the Indian Education Assistance Act, Title IV, Part A, Public Law 92-318, as amended;

10. Provide technical and liaison service to other state agencies, Office of Education, and members of the executive staff of the Department of Public Instruction;

11. Serve as the state superintendent's liaison with the council of chief state school officers;

PRINCIPALS

STATUTES

§115-150

"The principal shall have authority to grade and classify pupils and exercise discipline over the pupils of the school." The principal shall make "all reports to the county or city superintendent," recommend methods of improvement to teachers, conduct monthly fire drills and inspection of buildings. Teachers shall cooperate with the principal in order to "promote good teaching in the school."

CROSS REFERENCES

I.Local Board of Education; Statute §115-8

III.B.Teachers; Statute §115-72

III.D.Educational System; Statute §115-148

IV.D.; Statute §115-184

IV.D.; Statute §115-185

IV.J.; Statute §115-147

REGIONAL EDUCATION CENTERS

REGULATIONS

§2B .0101

The regional educational centers have the following responsibilities:

1. To provide instructional leadership and support services to local schools;

2. Act as liaison among the Department of Public Education, local school systems, area post secondary educational institutions, community organizations and agencies, and the public;

3. Interpret State Board of Education policies, programs and services to local school systems;

4. Assist with the development and implementation of educational programs in the local school systems;

5. Encourage cooperative action among local school systems.

§2B .0102

Each regional education center serves one of the eight educational districts. Each center has: 1) a director appointed by the state superintendent of public instruction; 2) one or more advisory councils comprised of the superintendent from each school system and representatives from other functional areas; 3) a steering committee composed of the superintendents of area schools; 4) consultants for various educational programs; and 5) until all districts have regional education centers, a staff member from the administration's office will act as liaison to coordinate activities of advisory councils and consultants in the district.

School Committees

Statutes

§115-69 — 115-70

School committees shall be appointed by the county board of education for each school district. A committee member must be a resident of the district and "known to be in favor of public education." Teachers and members of local boards of education may not serve as school committee members.

APPOINTMENT

"A county board . . . may appoint an advisory council for any school or schools within the administrative unit . . ." to advise the board "on matters affecting the school[s] . . . for which it is appointed."

CROSS REFERENCES

I. County Board of Education; Statute §115-69 -- 115-70

State Board of Education

Statutes

§115-2

"The general supervision and administration of the free public school system shall be vested in the State Board of Education." The Board shall consist of "the Lieutenant Governor, the State Treasurer, and eleven members appointed by the Governor."

§115-11

The Board's powers include "supervision and administration of educational funds," power to create . . . school districts," and to "take, hold and convey property." The administration of the school system shall be governed by the State Superintendent and all fiscal matters shall be under the controller. The Board has authority to alter the boundaries of administrative units and to approve mergers of two or more units. In order "to provide for the enrichment and strengthening of educational opportunities," the Board has authority to hire additional teaching personnel, as necessary,

ADMINISTRATION

who may be used as "librarians, special teachers, or supervisors of instruction." The Board shall provide "a minimum of five days per school term of sick leave with pay for all public school employees." The Board has the power "to certify and regulate the grade and salary of teachers," to adopt and supply textbooks, to adopt a standard course of study as recommended by the State Superintendent and if the Superintendent does not recommend a satisfactory course the Board may have an "independent professional study" made to adopt a minimal program for all schools. In addition, the Board has the authority to "formulate rules and regulations" for enforcement of the attendance laws; to provide special programs for cultural enrichment; to provide "library resources, textbooks and other instructional materials;" and to "conduct educational research . . . projects . . . for improving the public schools." The board is also authorized to purchase liability insurance to protect its members in the exercise of their duties.

RULEMAKING

CROSS REFERENCES

I.City Board of Education; Statute §115-21

I.Regional Education Centers; Regulation §2B.0101

I.State Superintendent; Statute §115-15

I.State Superintendent; Statute §115-231

II.A.1.; Regulation 2E.0101; .0102: 2E.0103

II.A.1.; Regulation §2E.1400 -- 2E.1403

II.A.2.; Statute §115-11.6 -- 115-11.8

II.A.2.; Regulation §2E.0611

II.A.3.; Statute §115-229 -- 115-230

II.A.3.; Statute §115-230.1

II.A.3.; Statute §235.1

II.A.4.; Statute §115-205.11 -- 115-205.13

II.A.4.; Regulation §2E.0803

II.A.6.; Statute §115-352 -- 115-357

II.A.8.; Statute §115-199

II.B.1.a.; Statute §115-10

II.B.1.a.; Statute §115-206.1 -- 115-206.2

II.B.1.b.; Statute §115-206.3 -- 115-206.5; 115-206.8

II.B.1.c.; Statute §115-206.12

II.C.2.; Statute §115-129

III.D.Educational Programs; Regulation §2G.0301

IV.D.; Statute §115-11.2

IV.D.; Statute §115-181

IV.D.; Statute §115-193 -- 115-197

IV.H.; Statute §115-167 -- 116-171

STATE OF NORTH CAROLINA

CROSS REFERENCE

III.C.State; Constitution, Article I, §15

STATE SUPERINTENDENT

STATUTES

§115-12

The Superintendent of Public Instruction shall be the "chief administrative officer" and secretary of the State Board of Education.

§115-14

The Superintendent of Public Instruction shall "establish a Department of Public Instruction, keep the public informed as to the problems and needs of the public schools," make periodic reports to the Governor on the public schools with recommendations for changes and improvements, and distribute educational bulletins for the purpose of the "professional improvement of teachers" and to enhance public concern for education.

§115-15

In his/her role as Secretary to the State Board of Education, the State Superintendent shall administer Board policies; inform the Board of "developments in the field of public education;" make recommendations to the Board regarding the "needs and problems of education in

North Carolina;" provide the public schools with "comprehensive supervisory services," and furnish information and instruction regarding "instructional policies and procedure" to public school administrators.

§115-231

The State Superintendent of Public Instruction shall serve as "chief administrative officer" for the State Board and shall carry out the Board's policies and rules concerning vocational education.

REGULATIONS

§2A.0001

State Superintendent:

His/her responsibilities are:

1. To serve as secretary to the State Board of Education for matters pertaining to elementary and secondary education and those statutory responsibilities of the State Board pertaining to public education;

2. To inform the public, the State Board of Education, the legislature, and other decision-making bodies of the status and needs of public schools;

3.,4. To supervise public school programs in local administrative units and the individual schools through the State Department of Public Instruction staff and provide long range planning;

5. To communicate state laws and policies and regulations of the Department of Public Education to the local administrative units and monitor compliance with these laws;

6. To evaluate the effectiveness of public school programs under policies of the State Board of Education and interpret this effectiveness to the public;

7. To provide leadership to local administrative units in staff development and to the individual teachers in certification in accordance with state law, and policies of the State Board of Education;

8. To furnish liaison and leadership in receiving and distributing federal resources in keeping with

Federal and state law, and State Board of Education Policy;

9. To organize and administer a Department of Public Instruction in keeping with state statutes and policies of the State Board of Education in order to:

(a) Administer the public elementary and secondary school system;

(b) Coordinate existing federal programs;

(c) develop and direct educational leadership programs;

(d) provide leadership in the elimination of obstacles to favorable learning situations;

(e) develop curriculum and materials for instructional programs;

(f) establish working relationships with school systems, educators, and the public;

(g) coordinate planning, research and evaluation programs;

(h) insure that professional personnel and school employees are adequately qualified;

(i) disseminate information to school systems about the policies of State Board of Education and federal and state laws pertinent to education and assist in compliance with these laws.

§2A.0002

The state superintendent is a constitutional officer and has responsibilities assigned to that office by the constitution and general statutes. He/she is also chief administrator of the Department of Public Instruction. The Department of Public Instruction shall include such divisions and departments as are necessary for supervision and administration of the public school system.

CROSS REFERENCES

I.Assistant Superintendent of Schools; Statute §115-44

II.A.1.; Regulation §2E.0101 -- .0102

II.A.2.; Regulation 42E.0613

III.C.School Board Members; Statute §115-30

III.D.Education Programs; Regulation §2G.0301

III.E.Teachers; Statute §115-57

STATE TEXTBOOK COMMISSION

CROSS REFERENCE

II.B.1.b.; Statute §115-206.3 -- 115-206.5; 115-206.8

SUPERINTENDENT

CROSS REFERENCES

I.Local Board of Education; Statute §115-8

III.C.Superintendent; Statute §115-42

SUPERINTENDENT, SCHOOLS FOR BLIND, DEAF

CROSS REFERENCE

II.A.2.; Statute §115-172 -- 115-175

TEACHERS

CROSS REFERENCES

III.C.Teachers; Statute §115-146

III.D.Educational System; Statute §115-148

IV.A.; Regulation §2C.0603

NORTH DAKOTA

The Constitution of North Dakota requires the Legislative Assembly to make provision for the maintenance of a uniform system of free public schools open to all children and free from sectarian control. It provides that the Superintendent of Public Instruction be elected by the qualified electors of the state for a term of four years and that a Superintendent of Schools for each county be elected and may serve two or more counties as provided by law.

The State Board of Public School Education consists of the Superintendent of Public Instruction and one qualified elector from each judicial district within the state, to be appointed by the Governor with the consent of the Senate. The Superintendent serves as executive director and secretary of the Board.

Each school board of a public school district is composed of five elected members unless such district has increased the number by petition of the voters of the school district. Where a school district is composed of six or more sections of land having a city within its boundaries and its population does not exceed two thousand, at least two members of the school board must reside on farms outside the corporate limits of the city. The school board supervises the schools of the public school district and may appoint a School Superintendent. Where no Superintendent is appointed by the school board, the schools of the district are under the immediate supervision of the County Superintendent of Schools. Provision is made for reorganization of school districts, the plan for which is prepared and submitted by county committees to the State Board of Public School Education. The Superintendent of Public Instruction serves as the director of school district reorganization.

NORTH DAKOTA

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ADVISORY COUNCIL ON SPECIAL EDUCATION

CROSS REFERENCES

II.A.2.; Statute §15-39-02; 15-39-03

II.A.2.; Statute §15-39-05

ASSISTANT SUPERINTENDENT OF INSTRUCTION

REGULATIONS

Chapter I: I.B.4.

The Assistant Superintendent in Charge of Instruction is responsible for the study and development of school curricula and for the evaluation and standardization of schools.

COMMISSIONER OF EDUCATION

STATUTES

§15-02-05

The Commissioner, under such directions as may be given by the board of university and school lands shall have general charge and supervision of all lands described in §15-01-02, act as general agent of the board in the performance of its duties; have custody of all maps, books, and papers relating to any lands; procure the books, maps and plats required to keep a complete record of all such lands, and keep true records of all the sales, leases, permits, and other conveyances of lands under his/her supervision made by the state and describing and detailing the entire transaction.

COUNTY BOARD OF COMMISSIONERS

CROSS REFERENCES

I.County Superintendents; Statute §11-09-10

I.County Superintendents; Statute §15-11-3

COUNTY BOARD OF SPECIAL EDUCATION

CROSS REFERENCES

II.A.2.; Statute §15-59.1-01 -- 15-59.1-02

II.A.2.; Regulation, Ch. III.: III.D.

COUNTY COMMITTEE

CROSS REFERENCE

III.D.Educational System; Statute §15-53.1-14

COUNTY SUPERINTENDENT

STATUTES

§150

"A superintendent of schools for each county shall be elected every four years . . . whose qualifications, duties, powers and compensation shall be fixed by law . . . a superintendent of schools may be elected by and serve two or more counties or parts of counties as provided by law."

ELECTION

§11-08-10

The board of county commissioners may appoint the county superintendent of schools of an adjoining county to act as its county superintendent of schools. Any superintendent so appointed shall serve for a term of two years . . . . He [she] shall receive, in addition to his [her] salary as an officer of the county of his [her] residence, a sum not exceeding one-half of such salary, to be fixed by the board of county commissioners."

APPOINTMENT

§11-09-24

In counties adopting any form of county managership, the county superintendent of schools shall be elected.

§11-10-02

Each county, unless it adopts an optional form of county government, shall elect a county superintendent of schools.

§15-22-01

There shall be elected in each county, a county superintendent of schools to serve a four year term.

§15-22-06

In counties in which fifty or more teachers are under a county superintendent's supervision the superintendent may appoint an office deputy whose salary shall be fixed by the board of county commissioners. In counties with sixty or more teachers the superintendent shall be allowed one field deputy and an additional field deputy for each additional one hundred teachers. The field deputy shall assist in general supervision and shall have the same educational qualifications as the superintendent and receive a salary equal to eighty percent of the superintendent's salary. In counties with increased jurisdiction and a population exceeding forty thousand the number and salary of deputies, clerks and assistants to the superintendent shall be fixed by the board of county commissioners.

§15-22-09

The county superintendent shall have the general superintendence of schools except in those districts which employ a district superintendent.

§15-22-12

The county superintendent is charged with overseeing the district school records.

§15-22-14

The county superintendent shall keep a record of his/her official acts.

§15-22-17

"The county superintendent shall decide all matters in controversy arising . . . in the administration of the school laws or appealed to him . . . . An appeal may be taken from his [her] decision to the superintendent of public instruction. Such decision is final subject to the appropriate remedies in the courts.

APPEAL

§15-22-24

In a county with a county superintendent of schools vacancy, the board of county commissioners may enter into an agreement with an adjacent county to have such county's superintendent provide services to the county with the vacancy. The agreement may not exceed one year.

REGULATIONS

Chapter I: IV.A.

The county superintendent of schools shall have the general superintendence of the schools in the county except those in districts using a district superintendent. He/she shall visit schools under his/her supervision at least once a year, call teachers' and school officers' meetings, inspect school officers' records, decide

controversial matters in the administration of school laws in the county and approve or disapprove of parochial or private schools.

Chapter I: IV.B.

Duties of the county superintendent as related to school district reorganization include filling vacancies in any county committee or reorganization, providing information as the county survey, publishing notice of special hearings and elections related to reorganization, organizing and establishing new districts, and making adjustments of property, assets, debts, and liabilities necessitated by reorganization.

CROSS REFERENCES

II.A.1; Statute §15-22-16

II.A.2.; Statute §15-59.1-01 -- 15-59.1-02

II.A.8.; Statute §15-46-03

III.A.1.; Regulation, Ch. V.: II.R.

III.D.Educational System; Statute §15-22-13

III.D.School System; Statute §15-22-18

III.E.Teachers; Statute §15038-15

IV.A.; Statute §15-35-10

IV.A.; Statute §15-47-23

DEPARTMENT OF EDUCATION

REGULATIONS

Chapter I: I.B.

Education is a state responsibility but the department is oriented in favor of local control.

Chapter I: I.B.17

The Department also has directors of the various federal programs and titles under NDEA and ESEA, a supervisor of correspondence education, and consultants in the various areas of curriculum.

DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION

REGULATIONS

Chapter I: I.B.2.

The deputy superintendent is generally responsible for: office personnel and administration; school district organization; supervision of report forms and supplies.

DIRECTOR OF CERTIFICATION

REGULATIONS

Chapter I: I.B.7.

The Director of Certification is responsible for determining applicants' qualifications for certification and issuing and recording all certificates, for keeping a record of all revoked certificates, for verifying certification of teachers in schools seeking foundation program payments, and for administering the High School General Educational Development Achievement Program.

DIRECTOR OF ELEMENTARY EDUCATION

REGULATIONS

Chapter I: I.B.6.

The Director of Elementary Education is responsible for the elementary classification program, for evaluation of elementary programs, and for consultative and advisory services in elementary education (including those in regard to the development of elementary curriculum and of in-service programs).

DIRECTOR OF GUIDANCE AND COUNSELING SERVICES

CROSS REFERENCE

N.D.: Regulation, Ch. I.: I.B.11.

DIRECTOR OF PLANNING AND EVALUATION

REGULATIONS

Chapter I: I.B.9.

The Director of Planning and Evaluation is responsible for facilitating decision-making and planning by providing information, coordination, assistance, and solution proposals at both the state and local levels.

DIRECTOR OF SCHOOL CONSTRUCTION

CROSS REFERENCE

II.C.2.: Regulation, Ch. I.: I.B.12.

DIRECTOR OF SECONDARY EDUCATION

STATUTES

§15-41-04

"The director of secondary education shall:

1. Become affiliated with the faculties of the schools of education in the institutions of higher education in this state for the purpose of coordinating the practical and theoretical instruction in the high schools with the instruction in such schools of education;

2. Perform such duties as shall be prescribed by the superintendent of public instruction, which may include instructional duties in the schools of education during the summer terms thereof; and

3. Supervise, under the direction of the superintendent of public instruction, the instruction, discipline and other conditions affecting the efficiency of high schools receiving financial aid from the state and make written reports upon such schools.

No moneys shall be paid to any high school out of the state equalization fund until the director of

secondary education has reported upon the school and the work of such school has been approved by the superintendent of public instruction."

REGULATIONS

Chapter I: I.B.5.

The Director of Secondary Education is responsible for evaluation and accreditation of secondary programs and for consultative and advisory services for secondary schools.

CROSS REFERENCE

III.B.Director of Secondary Education; Statute §15-41-03

DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §15-59-05

DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §15-20.1-02

DISTRICT SCHOOL BOARD

REGULATIONS

Chapter I: V.A.

School board members are elected by the people of the district through authority granted by the state legislature.

The school board is a quasi-corporation created by law

Individual board members exercise their authority only when the board is actually in session and not individually outside of the meeting.

Chapter I: V.B.

RULEMAKING

School boards should adopt written rules, regulations, and policies and make them readily available for those interested.

Chapter I: V.C.

The following are recommended practices in school board procedure:

The school board establishes policy as a legislative and deliberative body.

The school board delegates administration of the school system to the superintendent who should have full responsibility for problems such as student conduct, administrative management of classes, and assignments of staff members. The superintendent nominates candidates for employment and recommends policies such as textbook selection, courses of study, materials, etc.: the board reviews and takes action on such nominations and recommendations.

The board should continually evaluate the educational program.

OPEN MEETINGS

The regular monthly meeting prescribed by law should be held. Meetings should be open to the public and only for rare occasions should be "executive" or "closed." Minutes of meetings should be made available to the public.

Chapter I: V.D.

The school board should have a public relations program designed to keep the public informed of school affairs and to interpret the school program to the public It should be continuous, truthful, balanced, and geared to the public it serves.

Having competent teachers in the classroom is a key to good public relations. A parent-teacher association is also a useful device.

The printed page and the other media are politically desirable elements in a public relations program; as are the superintendent's annual report, policy sheets, teacher handbooks; student publications; newspaper publicity; radio and television.

Another element in a public relations program is visitation by parents to the school for academic or other purposes. Such occasions might include: instructions to omit classes; "back to school nights"; parent conferences; commencements; school programs of a musical, dramatic, or athletic nature.

Regarding commencement, exercises marking the close of the high school year should be based on a clear conception of the objectives of such exercises rather than on tradition or on imitation of college commencements. If schools identify honor students it is very important that there be written policies made known at the beginning of every school year stating the manner and basis on which such honor students are selected. When determining rank in class it is recommended that all subjects required for graduation be used in the compilation, that high school students be allowed a pass-fail option for one elective unit per year, that the following system be used in computing rank:

A - 4 points per unit
B - 3 points per unit
C - 2 points per unit
D - 1 point per unit
F - 0 point per unit

CROSS REFERENCES

II.A.2.; Statute §15-45-04
II.A.4.; Statute §13-43-01
II.A.4.; Statute §15-43-02
II.A.5.; Statute §13-46-01
II.A.5.; Statute §13-46-02

District Superintendent of Schools

CROSS REFERENCE

I.Local Board of Education; Regulation, Chapter IV.

Division of Special Education

CROSS REFERENCE

II.A.2.; Regulation, Ch. I.: I.B.8.

Field Deputy Superintendent

CROSS REFERENCE

I.County Superintendents; Statute §15-22-06

Legislature

CROSS REFERENCES

III.C.Legislature; Constitution, Art. VIII, §151

III.C.School System; Constitution, Art.VIII, §147

III.C.School System, Constitution, Art. VIII, §148

Local Board of Education

STATUTES

15-01-03

The board shall meet at the office of the commissioner on the last Thursday of each month at ten o'clock in the forenoon. Special meetings of the board may be held at any time at the written call of the president or of any two members of the board. Three members of the board shall constitute a quorum.

§15-22-11

If approved at a biennial election, the proceedings of school board meetings shall appear in a newspaper of general circulation.

§15-29-02

The school boards shall meet monthly. Special meetings may be called by the president or any two members of the board. Written notice of special meetings must be given, however, attendance waives notice.

§15-29-03

BOARD OFFICERS

The school board shall elect a president from among its members for a one year term. The board shall appoint a non-member as its clerk.

§15-29-04

"The president shall preside at all meetings of the board, appoint all committees subject to the approval of the board. In the absence of the president at a meeting, a president pro tempore may be elected . . . ."

§15-29-06

APPOINTMENT

"The school board shall have the power to fill by appointment any vacancy which may occur on the board . . . ."

§15-29-07

"The schools . . . shall be under the supervision of the school board which may appoint a school superintendent. When no superintendent is appointed the schools shall be under the immediate supervision of the county superintendent of schools.

§15-29-08

"The powers and duties of the school board shall be as follows:

1. to establish for children . . . a system of free public schools which shall furnish school privileges equally and equitably;

2. to organize, establish, operate and maintain such elementary and high schools as it may deem requisite and expediant, to acquire sites and construct buildings and other facilities in connection therewith, and to change the location of or discontinue such schools and liquidate the assets . . . provided that no site shall

be acquired or building constructed, or no school shall be organized, established, operated, maintained discontinued or changed in location without the approval of the state board of public school education if outside the boundary of the district;

3. to send pupils into another school district and to make arrangements for the education of pupils in a federal school and contract with federal officials for such education;

4. to determine and establish courses of study which shall be followed in addition to those courses prescribed or approved by the superintendent of public instruction or by law;

5. to purchase, sell and exchange school houses and rooms, lots or sites for school houses, teacherages, and dormitories . . .;

6. to exercise the power of eminent domain when necessary to acquire real property for school purposes . . .;

7. to improve lots and sites and to build, alter, enlarge, improve such school houses, teacherages dormitories, outhouses, appurtenances . . .;

8. to purchase, sell, exchange, improve and repair school apparatus, textbooks for the use of pupils, furniture and appendages and to provide fuel and other supplies . . .;

9. to have the custody and control of all school property belonging to the district and when a district is located within a city to see the city's ordinances and by-laws are observed;

10. to contract with, employ, and pay all teachers in the schools, and, for cause, to dismiss or suspend any teacher when the interests of the school may require it. Every teacher shall be required to hold a valid North Dakota teaching certificate issued by the superintendent of public instruction. No person who is related to any member of the board shall be employed as a teacher without the concurrence of two

thirds of the board;

11. to employ, should it deem expedient, a superintendent of schools for a period not to exceed three years, and to pay such person a reasonable salary. The superintendent may be required to act as principal or teacher in the school system of the district;

13. to adopt, alter and repeal, when it deems expedient rules and regulations for the reception, organization, grading, government and instruction of pupils, and for their suspension, expulsion or transfer . . . . No pupil shall be suspended or expelled except for insubordination, habitual indolence, or disorderly conduct and a suspension shall not be for a period longer than ten days, nor shall an expulsion be in effect beyond the end of the current term of school;

14. to admit to the schools of the district pupils from other districts . . . and to make rules and regulations for such admission, for the assignment and distribution of pupils to and among the schools and for their transfer;

16. to cause an enumeration to be made in each odd numbered year of all persons in the district under eighteen years of age, and return the same to the county superintendent;

17. to make a report . . . of the progress and financial and educational condition of all schools under its charge. A copy shall be forwarded to the county superintendent. The report of the financial condition and other portions as the board may consider advantageous to the public shall be published in a newspaper;

19. local school boards may pay membership dues to county and state associations and county associations to state associations;

20. due to the necessity for interscholastic activities, any public school . . . may become a member of the North Dakota high school activities association . . . and the school board shall pay the cost of such membership;

21. to appoint a principal, who shall be certified under the rules and regulations of the department of public instruction and assign said principal the responsibilities of administration, supervision and the development of educational programs of one or more buildings or attendance units . . . .

§15-39.1-06

The board shall hold meetings upon reasonable notice and the treasurer may hire a secretary.

§15-47-13

CENSUS

The district school boards "shall cause an enumeration . . .[in] each odd-numbered year of all persons under eighteen years of age . . . having their legal residence in the district. The census . . . shall include the following information:

1. The names and ages of such persons and the names of parents or guardians having the care and custody of each;

2. The names and ages of all deaf, blind, and mentally deficient persons between the ages of five years and twenty-five years residing in the district, including all such persons who are too deaf or mentally deficient to acquire an education in the common schools;

3. The names and ages of all crippled persons of any age residing in the district; and

4. The names and post-office addresses of the parents or guardians of all persons . . . in subsections two and three . . . . The enumeration shall be made upon . . . forms furnished by the county superintendent of schools, shall be approved by the school board and returned to the county superintendent . . .[who] shall furnish a copy of the enumeration of deaf persons to the superintendent of the school for the deaf, a copy of the enumeration of blind persons to the superintendent of the school for the blind, and a copy of the enumeration of mentally deficient persons to the superintendent of the Grafton state school."

The people of a local community elect school directors who, as a board, are charged with the formulation of policies for the organization and administration of the schools. One of the first duties of the school board of a high school district is the appointment of a superintendent of schools, who acts as a chief administrative officer of the board and who is directly responsible for organizing and administering the educational programs, nominating staff members and interpreting the policies of the board through specific administrative acts.

An administrator of a non-accredited high school is administrative head of a non-accredited school system including a secondary department. He/she is responsible to the school board and to the county superintendent. Such administrators with less than 8 semester hours of graduate work toward the administrative credential are directly under the supervision of the county administration.

An elementary principal or a secondary principal is an administrator of an elementary department or a secondary department who devotes one-half or more of his/her time to administration. He/she is directly responsible to the administrative head.

CROSS REFERENCES

II.A.2.; Statute §15-39-04 -- 15-39-04.1

II.A.2.; Statute §15-39-07

II.A.2.; Regulation, Ch. III.: III.C.

II.A.3.; Statute §15-20.2-12

II.A.3.; Statute §15-20.1-70

II.A.3.; Statute §15-20.2-02

II.A.3.; Regulation, Ch. III.: II.D.

II.B.1.; Regulation, Ch. II.: III.G.

IV.A.; Statute §15-35-10

IV.A.; Statute §15-47-22

IV.D.; Statute §15-[illegible]-31

IV.D.; Statute §15-[illegible]-31

IV.D.; Regulation, Ch. II.: III.H.

LOCAL SCHOOL SYSTEM

CROSS REFERENCE

IV.F.; Regulation, Ch. II.: III.1.

LOCAL SUPERINTENDENT

CROSS REFERENCE

IV.A.; Statute §15-35-09

NORTH DAKOTA BROADCASTING COUNCIL

CROSS REFERENCE

II.B.2.; Statute §15-65-02 -- 15-65-03

PRINCIPAL (ELEMENTARY)

REGULATIONS

Chapter II: I.D.

Suggested general administrative responsibilities of the elementary principal include: implementing the written policies of the school board; establishing a decision-making procedure in matters of school practice; administering a pupil record system, including an attendance procedure; supervising care of buildings and grounds; and assisting in the selection of appropriate instructional materials.

The elementary principal's responsibilities should also include: developing and evaluating curriculum (including the use of community resources in the curriculum); supervising the development of the library service, the guidance and testing program, the health service and the audio-visual program; helping to select, retain, lead and provide in-service training for the staff; maintain records on personnel; assuming responsibility for the safety of pupils during the day; maintaining records on pupils and reporting to parents on progress; and assuming

an active role in interpreting the function of the elementary school to the community.

PRINCIPAL (SECONDARY)

REGULATIONS

Chapter II: I.C.

The general administrative functions of the secondary principal include implementing the policies of the school board and the superintendent and reporting back to them the needs and conditions of the secondary department and providing educational leadership to the professional staff of the school.

The secondary principal's responsibilities include: determining and fulfilling the curriculum needs of students; assisting in the selection of appropriate instructional materials; assigning teachers to subject areas within their competence for the improvement of instruction, developing and executing an attendance policy and an accounting system for it; developing an educationally valuable and balanced extracurricular program; establishing standards of conduct, assisting teachers to maintain discipline and handling major disciplinary problems; ensuring care of secondary school building and equipment; and assuming an active role in interpreting the function of the secondary school to the community.

SCHOOL ADMINISTRATORS

REGULATIONS

Chapter II: I.A.

Administrative designations are as follows:

A superintendent is the administrative head of an accredited school system which includes an elementary and secondary department. He/she is a full-time administrator on a 12-month basis, directly responsible to the school board.

CROSS REFERENCE

II.C.1.: Statute §15o

STATE BOARD OF PUBLIC SCHOOL EDUCATION

STATUTES

§15-21-17

The state board of public school education shall consist of the superintendent of public instruction and one qualified elector from each judicial district to be appointed by the governor subject to the consent of the senate. Nominations will be from a list selected by a committee consisting of the president of North Dakota's state's attorneys association, president of North Dakota's school administrator's association and president of North Dakota's school board's association. Members shall serve six year terms and two members of the board shall be members of North Dakota school boards' association. The superintendent of public instruction shall be the executive director and secretary of the board. Appointed members shall be paid thirty dollars for each day spent in performance of their duties. The board shall have the authority to call on any state office or department for advice and assistance.

APPOINTMENT

§15-21-19

"In addition to its other powers, the state board of public school education shall have the power, in its sound discretion, to authorize any school district to acquire sites, construct buildings, and operate schools, to discontinue such schools and liquidate the assets thereof, outside its district boundaries if the school district is affected by the impact of federal activities in its area, or if anticipated increased enrollments make it necessary, and if consent is first obtained from the school district within which the school is to be located."

REGULATIONS

Chapter I: II

The State Board of Public School Education consists of seven members, including the Superintendent who serves as executive officer. The other six members are appointed by the Governor from the state's six judicial districts. A nominating committee presents to the Governor a list of candidates, three from each judicial district, from which the Governor selects. Their terms shall be six years, arranged so that the terms of two members expire on June 30 of each even numbered year. The Governor shall fill vacancies. All appointees shall be confirmed by the senate.

The board selects its own chairman.

The state board is responsible for the reorganization of school districts and the administration of vocational education and rehabilitation. The state board functions as the state school construction board and the advisory council on special education. It decides all matters in controversy arising in the county in the administration of school laws.

CROSS REFERENCES

II.A.2.; Statute §15-59-02; 15-59-03

II.A.3.; Statute §15-20.1-02

II.A.3.; Regulation, Ch. III.: II.D.

II.C.1.; Statute §15-21-19

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §15-20.1-02

II.A.3.; Statute §15-20.1-03

II.A.3.; Statute §15-20.1-05

II.A.3.; Statute §15-20.1-11

II.A.3.; Statute §15-20.2-15

II.A.3.; Statute §15-20.2-16

II.A.3.; Statute §15-41-05

II.A.3.; Regulation, Ch. I.: III.

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.1.; Regulation, Ch. V.: III.B.

II.A.2.; Regulation, Ch. III.: III.C.

II.A.8.; Regulation, Ch. III.: V.I.

II.C.2.; Regulation, Ch. II.: III.G.

III.A.1.; Regulation, Ch. V.: II.R.

III.A.2.; Regulation, Ch. V.: V.I.

III.B.Teachers; Regulation, Ch. IV.: V.E.

IV.B.; Regulation, Ch. III.: I.D.

IV.D.; Regulation, Ch. II.: III.G.

IV.F.; Regulation, Ch. II.: III.I.

STATE DEPARTMENT OF PUBLIC INSTRUCTION

CROSS REFERENCES

IV.C.; Statute §15-54-03

IV.C.; Statute §15-54-06

STATE DIRECTOR OF INSTITUTIONS

CROSS REFERENCE

II.A.2.; Statute §15-47-14

SUPERINTENDENT OF PUBLIC INSTRUCTION

CONSTITUTION

Article III §83, Constitution of North Dakota

The powers and duties of the superintendent of public instruction shall be prescribed by law.

§15-21-03

The superintendent may appoint deputies, assistants and clerks.

§15-21-04

The superintendent shall have the general supervision of the common and secondary schools of the state.

§15-21-05

The superintendent shall preserve in his [her] office books, maps, charts, works on education, school reports and laws of other states and cities, plans for school buildings and other articles of educational interest.

§15-21-07

The superintendent shall counsel county superintendents and school boards upon matters involving the welfare of schools, and upon request, give them written answers to their questions. He shall decide all appeals from the decisions of county superintendents. He shall conduct hearings according to the procedures for administrative agencies.

§15-21-07.1

The superintendent may enter into agreements with any agency of the federal government and with any state school district to obtain the full benefits of federal statutes.

§15-21-08

The superintendent shall keep a complete record of all his/her official acts.

§15-21-09

The superintendent of public instruction shall have charge and supervision of the certification of teachers, standardization of schools, uniformity of

textbooks, examinations for eighth grade and high school pupils and preparation for courses of study for the public schools.

§15-21-12

The superintendent shall attend the teachers' institute and training school whenever practicable.

§15-41-02

"The superintendent of public instruction shall have general supervision over secondary education . . . ."

REGULATIONS

Chapter I: I.B.1.

The Superintendent of Public Instruction, the chief state school officer, is responsible for the operation of the Department of Public Instruction, for the administration of educational legislation, and for the general supervision of elementary and secondary schools and of local educational authorities. He/she shall decide appeals from decisions of county superintendents and enter into agreements with any governmental agency or school board to carry out purposes of federal legislation.

CROSS REFERENCES

II.A.1.; Statute §15-47-24

II.A.1.; Regulation; Ch. V.; III.B.
II.A.2.; Statute §15-59-02 -- 15-59-03

II.A.2.; Statute §15-59-06.1

II.A.8.; Statute §15-46-01

II.A.8.; Statute §15-46-02

II.A.8.; Regulation, Ch. III.; VI.A.

II.B.1.a.; Statute §15-43-04

II.B.2.; Statute §15-47-36

II.C.2.; Statute §15-33-01.1

III.A.2.; Statute §15-41-26

III.B.Teachers; Statute §15-36-01

III.B.Director of Secondary Education; Statute §15-41-03

III.B.Teachers; Regulation Ch. IV.;I; I.C.

SUPERINTENDENT OF SCHOOLS

STATUTES

§15-38-01

"The [district] superintendent of schools . . . shall supervise the administration of the courses of study, visit schools, examine classes and have general supervision of the professional work of the schools, including the holding of teachers' meetings and the classification of teachers, subject to the final authority of the school board. He [She] shall make reports to the school board embodying recommendations relative to the employment of teachers and janitors, the adoption of textbooks, changes in the courses of study, enforcement of discipline and school matters in general."

COURSE OF STUDY

REGULATIONS

Chapter II: I.B.

The superintendent of schools shall serve as the chief executive officer of the school board in the operation of schools. (He/she shall attend its meetings, without vote.) When no superintendent is appointed by the board, the schools shall be under the immediate supervision of the county superintendent.

The superintendent shall supervise the administration of the courses of study, visit schools, examine classes, and have general supervision of the professional work of the school.

The superintendent shall nominate administrators, teachers, and other employees to the board, suspend any unsatisfactory employees, determine the boundaries of school attendance areas within the district, make monthly and annual reports to the board on conditions and needs of

the school, prepare for board approval by-laws, rules, regulations, and policies for school operation, prepare a yearly calendar, formulate with the professional staff an educational philosophy for the school, and develop a program for evaluating student abilities and progress and programs for exceptional children.

The superintendent's responsibility for the selection and care of equipment includes approving and reporting on all purchases and approving use of school facilities for community purposes.

The superintendent's responsibility for the curriculum includes selecting, managing, storing, and distributing textbooks, instructional materials, supplies, and equipment and providing for a library collection.

The superintendent's responsibility for the instructional program includes having prepared the curriculum of each course of study, directing the supervision of the elementary and secondary departments, and assigning all employees in accord with the needs of the planned curriculum.

The superintendent's financial responsibilities include having prepared a school budget and supervising the financial accounting process.

The superintendent's plant responsibilities include supervising operation and maintenance of the school plant and equipment, purchasing and distributing equipment and supplies, and keeping the board informed on plant needs.

The superintendent is also responsible for the school research program, the administration of transportation, and the school's health and sanitation program.

CROSS REFERENCES

I.Local Boards of Education; Regulation, Chapter I.IV.C.

II.A.2.; Statute §25-06-04; 25-06-09

II.A.2.; Statute §25-07-04; 25-07-10

IV.3.; Regulation, Ch. III.: I.H.

§15-38-14

The teacher, principal or local superintendent "shall assign to each pupil . . . such studies as [she/]he is qualified to pursue and shall place such pupil in the proper grade or class." If any parent or guardian is dissatisfied with such classification given by a teacher in a school without a principal or superintendent, the matter shall be referred to the county superintendent of schools.

CROSS REFERENCE

IV.J.; Statute §15-38-13

TEACHERS' PROFESSIONAL PRACTICES COMMISSION

STATUTES

§15-38-17

"The teachers' professional practices commission shall consist of nine members . . . [T]he governor shall appoint four members from a list of nominees submitted by the state education association, two members from a list submitted by the state school boards association, two members from a list submitted by the state association of school administrators, and one member selected from the state board of public school education from among its members . . . [T]he term of office shall be three years . . ." and "vacancies shall be filled in the same manner as [the] original appointment. No person shall serve more than two consecutive terms.

APPOINTMENT

The commission shall annually select a chairman and a vice chairman and the designee of the superintendent of public instruction shall serve as secretary. Meetings shall be held upon ten days' notice . . ." and "a majority shall constitute a quorum . . ."

The members shall receive twenty-five dollars plus expenses for each day engaged in the service of the commission.

CROSS REFERENCE

III.B.Teachers; Statute §15-36-01

III.C.Teachers; Statute §15-38-18; 15-38-19

Three-Member Committee

CROSS REFERENCE

IV.G.; Statute §15-40.2-05

Vocational District School Board

CROSS REFERENCE

II.A.3.; Statute §15-20.1-09

Vocational Education Center Board

CROSS REFERENCES

II.A.3.; Statute §15-20.2-04

II.A.3.; Statute §15-20.2-07

II.A.3.; Statute §15-20.2-08

Vocational School Board

CROSS REFERENCES

II.A.2.; Statute §15-20.1-10

II.A.3.; Statute §15-20.1-11

OHIO

The Constitution of Ohio requires that there be a State Board of Education and the General Assembly has provided that it consist of one member to be elected from each of Ohio's congressional districts. The Superintendent of Public Instruction is appointed by the State Board and serves at its pleasure. He/she serves as secretary to the State Board and as chief administrative officer of the Department of Education. The State Board of Education has plenary authority in the supervision of public schools. The department of Education is the administrative unit and organization through which the State Board of Education implements its policies and the Superintendent of Public Instruction carries out his/her duties.

School districts are classified as city, local, exempted village, county, joint high school, and joint vocational school. Districts may reorganize by transfer of territory, consolidation, creation of new school districts, or dissolution, but must be strictly in accordance with State law. In a city school district with fewer than 50,000 inhabitants, the Board of Education consists of three to five members. In a city school district of 50,000 to 150,000 inhabitants, the Board of Education consists of two to seven members. In a city school district of more than 150,000 inhabitants, the Board consists of five to seven members. Each county local, and exempted village school district has a Board of Education consisting of five members. All Board of Education members are elected at large by the qualified voters of their districts. In city, exempted village, and county school districts the Superintendent of Schools is the chief executive and advisory officer. He/she is appointed by the respective Board of Education. Boards of Education otherwise classified have no authority to employ superintendents so the supervision of schools within those districts is the responsibility of a County Superintendent elected by the County Board of Education.

OHIO

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I. Powers, Duties and Functions

Attendance Officers

CROSS REFERENCE

IV.H.; Statute §3321.16 -- 3321.22

Board of Education

STATUTES

§3313.01

In county, local and exempted village school districts, the board of education shall consist of five members who shall be electors residing in and elected at large in their respective districts.

§3313.15 -- .16

The board of education shall hold regular meetings at least once every two months. A special meeting may be called by the president or clerk thereof or by any two members by serving proper notice upon each board member.

§3313.17

The board of education of each school district shall be a body politic and corporate and as such capable of suing and being sued, contracting and being contracted with, acquiring, holding and disposing of real and personal property and taking and holding in trust for the use and benefit of such district any grant or devise of land and any donation or bequest of money or other personal property. LIABILITY

§3313.18

If a majority of the members of a board of education shall constitute a quorum, motions to adopt a resolution authorizing the purchase or sale of real of personal property or to employ a superintendent or teacher, janitor or other

employee, or to elect or appoint an officer, or to pay any debt or claim or to adopt any textbook shall carry by a majority vote of the members of the board.

§3313.20

RULEMAKING

The board shall make rules and regulations governing its employees, pupils of its schools, and all other persons entering upon its school grounds or premises.

An employee may receive compensation and expenses for absences incurred by his/her attendance at professional meetings as defined in written policy by the board. The board may provide and pay the salary of a substitute.

§3313.36

A board may accept any bequest, gift, or endowment made to it from any person or corporation unless conditions attached to the bequest, gift or endowment require the removal of any portion of the public schools from the control of such board.

§3313.87

A board of education upon a majority vote of its members may join a school board's association, provided no funds received by the association as membership dues be used for any political activity. The board shall appropriate sufficient funds from the general fund to pay the required membership dues. Maximum appropriation shall be in accordance with a graduated scale pegged to average daily membership as provided in this provision.

§3313.171.2

The board of education may use district funds for consulting services related to the business administration of the district.

It may also use district funds for obtaining motor vehicles for school use.

§3313.201

The board of education of any school district may procure

a policy or policies of insurance insuring officers, employees and pupils of the school district against liability from personal injury or property damage. The premiums shall be paid of the general fund.

§3319.07

The board of education of each city, exempted village, and local school district shall be responsible for employing teachers for their districts. In city and exempted village districts, teachers and principals shall be nominated by the superintendents of schools. In such districts, a three-fourths vote of the board may cause the re-employment of any teacher whom the superintendent refuses to appoint. Teachers already employed shall be given appointments before new teachers. In local school districts, teachers and principals must be nominated by the superintendent of schools of the county. By majority vote of the board, it may re-employ a teacher not so nominated, after considering two applicants for the position nominated by the superintendent.

CROSS REFERENCES

II.A.8.; Regulation §3301-43-01 -- 3301-43-05

II.A.10.Other - College Courses; Statute §3315.09

III.B.Superintendent; Statute §3319.011

IV.E.; Statute §3313.58; 3313.601; 3315.062

BOARD ORGANIZATION COMMISSION

CROSS REFERENCE

I.Local Board of Education; Statute §3313.04

CITY BOARDS OF EDUCATION

STATUTES

§3313.02

In city school districts containing populations under 50,000 the board of education shall consist of three to five members elected at large from such district. In city school districts

containing a population over 50,000 but less than 150,000, the board shall consist of two to seven members elected at large and not more than two members elected from subdistricts by their qualified electors. In city school districts containing populations of 150,000 or more, the board shall consist of five to seven members elected at large by two electors of such district.

Clerk of Board of Education

CROSS REFERENCE

III.D.Educational System; Statute §3319.37

County Attendance Officer

STATUTES

§3321.15

Every county board of education shall employ a county attendance officer, and assistants as necessary. Compensation and necessary travel expenses shall be paid by the county board.

A probation officer may, upon approval of the juvenile court, act as the county attendance officer. Travel expenses shall be paid by the county board of education when incurred in the capacity of attendance officer. In addition to regular compensation as a probation officer, the county board may pay additional amounts as it deems advisable, from the board of education fund.

The attendance officer and assistants shall be under the direction of the county superintendent. Their authority shall extend to all local school districts which form the county district.

County Board of Education

STATUTES

§3311.052

A five member county board of education shall be elected

from the qualified electors residing in the county school district territory. All qualified electors, regardless of service on any board of education, shall be eligible for office...the term of office of each member so elected shall be determined by lot at the initial organization meeting of the board. Terms of office subsequent to initial appointments shall be four years in length.

CROSS REFERENCES

II.A.3.; Statute §3311.19

II.B.4.; Statute §3315.06

COUNTY SCHOOL DISTRICT

STATUTES

§3301.051

If a county school district contains only one local school district, it shall have the powers and duties of both a local and county board and the county superintendent shall have the powers and duties of both a local and county superintendent.

COUNTY SUPERINTENDENT

CROSS REFERENCES

III.D.Educational System; Statute §3319.37

III.D.School Statistics; Statute §3319.34 -- 3319.35

DEPARTMENT OF EDUCATION

STATUTES

§3301.13

The department of education shall be the administrative organization through which the policies, directives, and powers of the state board of education and the duties of the superintendent are administered, with the superintendent of pub-

lic instruction acting as executive officer of the board.

The department of education shall be composed of the state board, the superintendent, who will exercise general superivison of the department, and a staff of professional clerical, and other employees necessary to carry out the mandated functions of the department. The department is subject to the same provisions of law pertaining to other state departments, offices, or institutions established to carry out state functions, except as otherwise provided in this code.

The headquarters of the department shall be located at the seat of state government. The superintendent shall recommend the organization of the department, assignment of work, appointments, numbers and salaries of assistant superintendents, division heads, and other employees engaged in educational or research duties, as well as the termination of the latter. Such recommendations are subject to the approval of the board.

CROSS REFERENCES

II.A.1. Regulation §3301-81-01 -- 3301-81-03; 3301-81-05 -- 3301-81-16

III.D.Students; Statute §3301.131; 3301.132

III.E.School System; Statute §3301.46

DEPARTMENT OF EDUCATION EMPLOYEES

CROSS REFERENCE

I.Department of Education; Statute §3301.13

DISTRICT BOARD OF EDUCATION

CROSS REFERENCES

I.State Board of Education; Constitution, Article VI

I.Superintendent; Statute §3319.01

II.A.6.; Statute §3313.56; 3313.531

II.B.1.c.; Statute §3313.642; 3329.06; 3320.03

II.C.2.; Statute §3313.92

III.D.District Needs; Statute §3313.061

III.E.School System; Statute §3313.841

III.E.Teachers; Statute §3319.071

IV.B., Statute §3327.01; 3327.05; 3327.08; 3327.09

DISTRICT BUSINESS MANAGER

STATUTES

§3319.03; .06

The board of education of each city school district may appoint a business manager who shall serve for a term of four years unless removed for cause. He/she shall be directly responsible to the board, or superintendent, to be decided upon at the time of appointment. When responsibility is to the superintendent he/she shall be appointed by the superintendent but confirmed by the board. APPOINTMENT

The powers and duties of the business manager shall include: care and custody of all real and personal property of the district except money; supervision of buildings and supplies and equipment; appoint and discharge noneducational employees; prepare and execute all necessary contracts; and sign all checks.

The business manager may be removed or suspended from office upon two-thirds vote of the board for cause. Such action shall not be taken without written charges and an opportunity to offer testimony, defense which shall become part of the record. REMOVAL SUSPENSION

DISTRICT SUPERINTENDENT

CROSS REFERENCE

II.A.2.; Regulation §3301-51-17; 3301-51-18

GENERAL ASSEMBLY

CROSS REFERENCE

I.State Board of Education; Constitution, Article VI

GOVERNOR

CROSS REFERENCE

II.A.2.; Statute §3323.10

HEARING OFFICER

CROSS REFERENCE

II.A.2.; Regulation §3301-51-16

CROSS REFERENCES

II.A.3.; Statute §3311.19; 3311.211 -- 3311.213; 3311.217

II.A.3.; Regulation §3301-11-05

JUNIOR HIGH SCHOOL PRINCIPAL

CROSS REFERENCE

III.A.2.; Regulation §3301-35-04

LOCAL BOARDS OF EDUCATION

STATUTES

§3313.04

Should ten percent of the total vote at the last regular municipal election so petition, the question 'what shall be the number of members and what shall be the organization of the board of education of such district' shall be decided by the electors. The board of education shall within thirty days after the filing of such petition provide by resolution for submitting such question to the electors, but such question shall not be submitted to a referendum vote more than once in any four-year period.

Said resolution shall require that such questions be submitted at the next regular municipal election and shall also provide for the appointment of a commission to frame two or more plans of organization. This commission shall consist of three members appointed by the president of the board of education, two appointed by the mayor and two appointed by the president of the board of sinking fund trustees of the city. Such commission shall be appointed and shall be organized within sixty days after the passage of said resolution.

§3313.07

If any plan submitted according to this section of the code receives a majority of the number of votes cast, it shall there-

after become the law governing the number of members and the organization of the board of education in such district and at the next regular municipal election following the adoption of such plan all the board members of such district shall be elected pursuant to such plan.

The terms of all board members who were elected prior to the adoption of such plan or who are elected at the regular municipal election at which such such plan is adopted, shall expire on the day preceding the first Monday of January following the next regular municipal election.

Successors of said members shall take office on the first Monday on January following their election and shall serve for a term of not less than two years, the exact duration to be determined by the plan.

§3313.11

A vacancy in any board of education may be caused by death, nonresidence, resignation, removal from office or from the district, failure of a person elected or appointed to qualify within ten days after the organization of the board or of his/her appointment or absence from board meetings for a period of ninety days. Unless sufficient reason is offered, any such vacancy shall be filled by the board at its next meeting not earlier than ten days after such vacancy occurs. A majority vote of all the remaining board members may fill any such vacancy for the unexpired term.

§3313.481; 482; 484

The board of education of a city, exempted village, local or joint vocational school district may, subject to the approval of the state board subdivide the school year as follows:

A) three trimesters, or two hundred forty school days, where each trimester is no less than eighty school days. Students shall be assigned to two of the three trimesters, and the school day shall be five and one-half hours for grades one through twelve. Grades one through six may

include fifteen minute recess periods in the morning and afternoon.

B) four quarters, or two hundred thirty-six school days, where each quarter is no less than fifty-nine days. Students shall be assigned to three of the four quarters, and the school day shall be no less than five hours long for grades one through twelve. Grades one through six may include the above-mentioned recess periods.

C) five pentamesters, or two hundred twenty-five school days, where each pentamester is no less than forty-five days. Students shall be assigned to four of the five pentamesters, and the school day shall be no less than five hours long for grades one through twelve. Grades one through six may include the above-mentioned recess periods.

In all cases, school shall be dismissed for two days per year for teacher professional meetings and in the following manner for individual parent-teacher conferences and reporting periods:

A) two one-half days per trimester;

B) one one-half day per quarter;

C) one one-half day per pentamester.

§3313.485

The board of a city, exempted village, local, or joint vocational school district may operate any of its schools on any schedule in order to provide a flexible school day during which parent-teacher conferences may be held. Upon approval from the department of education, a school district operating under this section shall organize its schedule so that such school is open for pupil class time for at least nine hundred ten hours during the school year. "For purposes of determining whether a school that is on a staggered attendance schedule is in compliance with this section in any school year the department of education may include days the school is open... with pupils in attendance for not more than the first seventy days of the ensuing school year...

The following shall be considered as time during which the schools are open for instruction for a pupil enrolled in such school, or for a pupil enrolled in a school that is not on a staggered attendance schedule but that operates under this section:"

(A) Fifteen minute morning and afternoon recess periods for a pupil in grades one through six;

"(B) Ten hours during which the pupil would otherwise be in attendance but when he is not required to attend school in order to provide time for individualized parent teacher conferences...;

(C) Ten hours during which the pupil would otherwise be in attendance but is not required to attend school in order to provide time for teachers to attend professional meetings;"

(D) Pupil class hours during which attendance is excused due to public calamity.

§3319.02

APPOINTMENT

The district boards of education may appoint one or more assistant superintendents or other administrative officers as necessary. An assistant county superintendent or supervisor who is employed on a part-time basis may also be a teacher in that district. The board shall appoint principals for all high schools and other schools as they deem necessary as well as assistant principals. Assistant superintendents in city, exempted village and county districts and other administrative officers shall be nominated by the superintendent of schools, for a term not to exceed four years; assistant superintendents; principals and assistant principals shall be nominated by the superintendents of the county district of which the local district is part. Such employees are to have written contracts and during such contracts no employee may be transferred to a position of lesser responsibility except by mutual agreement. No contract may be terminated or suspended, except pursuant to sections 3319.16 or .17 of this code nor salary reduced during the term of the contract, except as part of a uniform plan affecting the whole district. Upon

nomination of the county superintendent, the board may employ supervisors, special instruction teachers, and special education teachers, under contract, for a term not to exceed four years. Such contract may be terminated by the board pursuant to section 3319.16 of this code, and by the teacher or supervisor by 30 days notice at the end of any school year. Such teachers upon recommendation of the county superintendents may leave their contracts suspended for the remainder of the term "where there is a reduction of the number of approved supervisory teacher units or special instruction teacher units allocated to the school district pursuant to section 3317.05 of the revised code.

CROSS REFERENCES

II.A.3.; Statute §3311.16-8; 3313.53

III.A.2.; Statute §3313.49

III.E.School Employees; Statute §3315.07

IV.A.; Statute §3313.50; 3313.67 -- 3313.69; 3313.71 -- 3313.72; 3313.712

IV.C.; Statute §3313.81; 3313.812

IV.D.; Statute §3327.02 -- 3327.03; 3327.12

IV.J.; Statute §3313.661

Local School Districts

CROSS REFERENCE

III.D.Educational System; Statute §3319.33

Local Superintendent

CROSS REFERENCES

I.County School District; Statute §3301.051

IV.J.; Statute §3313.66

Local Vocational Education Advisory Committee

CROSS REFERENCE

II.A.3.; Regulation §3301-61-03 -- 3301-61-15

Placement Team

CROSS REFERENCE

II.A.2.; Regulation §3301-51-18

PRINCIPAL

CROSS REFERENCE

IV.J.; Statute §3313.66

PROBATE COURT

STATUTES

§3313.85

The probate court of the county shall act as the board of education and perform the duties of the board should the board of education of any city, exempted village, or county school district fail to perform its mandated duties to fill a vacancy in the board within thirty days. In the case of a local school district, the county board of education shall act as such board.

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.2.; Statute §3323.08

II.A.2.; Regulation §3301-51-01 -- 3301-51-08; 3301-51-15

II.A.3.; Statute §3313.90

III.D.School Districts; Regulation §3301-11-01 -- 3301-11-04

IV.D.; Regulation §3301-83-01 -- 3301-83-13; 3301-85-03; 3301-87-01

SCHOOL PERSONNEL

CROSS REFERENCE

IV.J.; Statute §3319.41

SCHOOL PSYCHOLOGISTS

CROSS REFERENCE

IV.A.; Regulation §3301-51-09

SPECIAL EDUCATION ADVISORY COUNCIL

CROSS REFERENCE

II.A.2.; Statute §3323.10

CONSTITUTION

Ohio Constitution, Art. VI.

The General Assembly shall make such provisions as will secure a thorough and efficient system of common schools throughout the state but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this state.

Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referundum vote to determine the number of members and the organization of the district board of education.

There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be proscribed by law. APPOINTMENT

STATUTES

§301.01

One board member shall be elected from each congressional district for a six-year term of office. Such term is to begin Jan. 1 following the election.

At the initial organizational meeting of the board, the total number of electors shall be divided into three groups and their terms elected by lots so that one-third of the body serves two years, one-third serves 4 years, and one-third serves a full six years. The terms for succeeding members shall be six years.

§3301.04

The board shall hold an organizational meeting each January

following a general election to elect its officers and adopt rules of procedure. Regular meetings shall be held once every three months.

§3301.05

Fifteen members of the board of education shall be considered a quorum. Official business may only be conducted at open meetings. The superintendent of public instruction or a designated subordinate shall keep a record of all official actions taken by the board.

§3301.07

The state board shall have the following powers:

Exercise policy forming, planning and evaluation functions for the public schools of the state...Administer the educational policy of this state relating to public schools and to instruction and instructional materials, transportation, administrative responsibility of school officials, personnel, finance and organization. ...Determine standards providing for adequate curriculum; certification of teachers and other professional personnel; efficient and effective instructional materials and equipment; the proper organization, administration and supervision of each school, including regulations for proposing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, health and sanitary facilities and services, for the admission, promotion, and graduation of pupils....Prescribe minimum standards for driver education courses conducted at high schools with assistance from the director of highway safety. ...Make annual recommendations concerning public education to the governor and members of the general assembly. ...Propose and submit a biennial budget request to the director of budget and management....Cooperate with federal, state and local agencies concerning the health and welfare of children and youth of the state . Require such reports from school districts, school officers, and employees

as are necessary and desirable...Adopt rules and standards for an annual educational assessment program to be administered by the department of education .

CROSS REFERENCES

I.Department of Education; Statute §3301.13

I.Superintendent of Public Instruction; Statute §3301.08

II.A.2.; Statute §3301.15

II.A.2.; Statute §3323.02 -- 3323.04; 3323.06 -- 3323.09

II.A.2.; Statute §3325.01; 3325.06 -- 3325.07

II.A.2.; Regulation §3301-51-16; 33-51-19

II.A.3.; Statute §3311.217; 3313.07

II.A.3.; Regulation §3301-61-03 -- 3301-61-15

II.A.8.; Statute §3313.531

II.A.9.; Statute §3313.641

II.C.2.; Statute §3318.03

III.B.Teachers; Statute §3319.23

III.C.Teachers; Statute §3319.27; 3319.31

IV.C.; Statute §3313.813

IV.I.; Regulation §3301-51-13

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCE

II.A.2.; Regulation §3301-51-15

II.A.6.; Regulation §3301-71-01 -- 3301-71-06

SUPERINTENDENT

STATUTES

§3319.01

The board of education of each school district shall appoint a qualified superintendent of the public school district. A qualified person shall hold a superintendent's certificate as defined in section 3319.22 of this code. The superintendent shall have a written contract which includes the stated compensation as determined by the board at time of employment. Such salary may be increased or decreased during the term of office, but it may be decreased APPOINTMENT

only as part of a uniform plan of all district employees. The superintendent shall function as executive officer of the board, assign and direct teachers and other district employees, except as noted, assign pupils to the proper schools and grades, provided that the assignment of a pupil to a school outside of his district or residence is approved by the board of the district of residence of such pupils; and performs other duties required by the board.

The county superintendent shall perform the above functions concerning the assignment of pupils and teachers for local school districts under the superivison of the county and shall serve as superintendent of the district of an island school district.

The initial term of office of the superintendent of schools shall be five years and may be re-employed on a continuing basis pursuant to the restrictions of the Code.

§3321.11

"The superintendent of schools shall be the judge of the availability or accessibility of part-time schools for children who are holders of age and schooling certificates."

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§3301.08

APPOINTMENT

The superintendent of public instruction shall be appointed by the state board of education who shall fix the compensation for the position which shall not exceed that of the Chancellor of the Board of Regents.

The superintendent shall serve at the pleasure of the board and shall not hold any other office or position or employment. Travel expenses, when in his/her official capacity, shall be paid by the state.

CONFLICT OF INTEREST

The superintendent may have no financial interest in any book publishing or selling company and such interest is cause for removal, except the case of being an author of a book not offered for use by pupils in public schools of Ohio.

Superintendent of Public Instruction shall be secretary of the board; member of board of the archeological and historical society; executive and administrative officer; and other duties.

The superintendent of public instruction shall serve as secretary to the state board of education and shall attend all meetings; except when they are considering his/her employment retention and salary.

The superintendent shall also be a member of the board of trustees of the Ohio archeological and historical society. The superintendent shall serve as the executive and administrative officer of the state board in all educational matters and functions placed within its control, shall execute all education policies and directives adopted by the board and shall direct all persons employed by the state department of education.

The superintendent shall also provide technical and professional assistance to all school districts...in all aspects of education, including finance, buildings and equipment, administration and organization of school districts, curriculum and instruction, transportation of pupils, personnel problems and interpretation of school laws and state regulations. ... Require financial statements and other reports from the school districts....Conduct studies necessary to improve public school education in Ohio; ...Prepare an annual report to the state board of education on the department's activities, status, needs and problems; and .. Supervise all the agencies over which the board has administrative control.

CROSS REFERENCES

I.Department of Education; Statute §3301.13

I.State Board of Education; Constitution, Article VI

II.A.2.; Statute §3323.02

II.A.3.; Regulation §3301-63-01 -- 3301-63-09

SUPERINTENDENT OF SCHOOLS

CROSS REFERENCES

II.A.2.; Regulation §3301-51-11; 3301-51-14

III.B.Educational Aides; Regulation §3301-23-01 -- 3301-23-08

III.D.Student Performance; Statute §3319.32

IV.I.; Regulation §3301-31-13

Superintendent of Schools for the Deaf and Blind

CROSS REFERENCE

II.A.2.; Statute §3325.01; 3325.03

Teachers

CROSS REFERENCE

III.D.Student Performance; Statute §3319.32

Transportation Coordinator

CROSS REFERENCE

IV.D.; Statute §3327.011

Vocational Teachers

CROSS REFERENCE

III.B.Vocational Teachers; Statute §3319.281

OKLAHOMA

The State Board of Education is the governing board of the State Department of Education and the public school system of the state. The State Department is charged with the responsibility of determining the policies and directing the administration of the public school system. The Superintendent of Public Instruction is an elected official and serves as the executive officer of the State Board of Education. The other six members of the Board are appointed by the Governor, by and with the advice and consent of the Senate.

School districts are designated independent (maintaining a school wich offers accredited high school subjects), dependent (offering grades Kindergarten through 8) and area vocational-technical. Independent and area vocational-technical districts are under the supervision and administration of the respective boards of education. Dependent school districts are under the supervision of the County Superintendent of Schools and the administration of their respective District Boards of Education. The Board of Education of an independent school district consists of five elected members. The Board of Education of a dependent school district consists of three elected members. The State Board of Vocational and Technical Education prescribes criteria and procedures for establishing area vocational-technical school districts and rules and regulations for their governance. They are governed by boards of education consisting of five members elected in a manner prescribed by the State Board of Vocational and Technical Education. Each county, except those of over 300,000 in population and no dependent school district, has a County Superintendent of Schools who is elected for terms of four years.

OKLAHOMA

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CROSS REFERENCE

II.A.3.; Statute §70-14-108

STATUTES

COUNTY SUPERINTENDENT OF SCHOOLS

§70-4-104

Each county superintendent of schools shall have general administrative direction and supervision of schools in all dependent districts in the county, and shall cooperate with the superintendent of schools of the independent school district, and shall assist with federal administration programs upon request. Each county superintendent shall:

-- approve teacher contracts and keep a permanent file containing all pertinent information relative to certificates;

SCHOOL VISITS

-- visit all schools under his or her supervision;

-- make a written report to the State Board of Education on the condition of the schools at least once a year;

-- require all teachers and principals to file complete and accurate reports;

-- make an annual statistical and financial report of all schools under his or her supervision;

-- apportion public funds to which school districts are entitled;

-- perform all duties prescribed by law or by regulations of the State Board of Education.

§70-4-105

APPOINTMENT

The county superintendent of schools shall have authority to appoint deputies who will be compensated at the same rate as the county superintendent of public instruction for such county. The first deputy shall have authority to act for the county superintendent of schools during his or her absence from

office due to disability or death. If no person is serving as county superintendent or deputy county superintendent of schools, the State Board of Education may disburse State Aid Funds to the school districts, and is authorized to designate one of its employees to perform the county superintendent's duties.

§70-4-106 — 107

The State Board of Education has authority to require county superintendents to assist the Board in performance of its duties, and to withhold the supplemental salary of any county superintendent who fails or refuses to carry out these duties. Any county superintendent of schools who shall neglect or refuse to perform his or her duty shall forfeit his or her office and be liable on his or her official bond for damages.

LIABILITY

§70-5-106 - 108 ; 112-113

The governing board of each school district is the board of education. The superintendent of schools shall be the executive officer of the board. Boards of independent school districts shall consist of five elected members serving terms of five years each. Only electors who are bona fide residents of the school district shall be eligible to be members. In school districts with over 50,000 children, the board of education shall consist of seven elected members, serving four years each. The board of education of a dependent school district shall consist of three elected members serving three years each. Persons who are related by blood or marriage shall not serve simultaneously on the same board of education. Vacancies occurring on a board of education shall be filled by appointment within seventy days by that board of education.

APPOINTMENT

CROSS REFERENCES.

II.A.2.; Statute §70-13-101 -- 70-13-102

II.B.1.a; Statute §70-16-111; 70-16-116

II.B.2.; Statute §70-12-102 -- 70-12-104;
70-12-106 -- 70-12-107

IV.G; Statute §70-1-113

IV.G; Statute §70-8-103

IV.G; Statute §70-8-104; 70-8-111

DISTRICT BOARD OF EDUCATION

CROSS REFERENCE

IV.E; Statute §70-24-105

DISTRICT SUPERINTENDENT OF SCHOOLS

CROSS REFERENCE

II.B.1.a.; Statute §70-16-111; 70-16-116

GOVERNOR

CROSS REFERENCES

I.State Board of Education; Statute §70-3-101
-- 103

II.B.1.a; Statute §70-16-101

GUIDANCE COUNSELORS

CROSS REFERENCE

IV.B; Regulation, General Regulations: V. Guidance;
p. 25

LEGISLATURE

CROSS REFERENCES

II.A.2; Oklahoma Constitution,
Art. XIII, §2

II.A.3; Oklahoma Constitution, Art. XIII,
§7

III.C.School System; Oklahoma Constitution,
Art. XIII, §1

LOCAL BOARD OF EDUCATION

STATUTES

§70-5-117

Each local board of education shall have power to elect its own officers; to make rules and

BOARD OFFICERS
RULEMAKING

regulations governing the board and the school system; to designate schools to be attended by the children in the district; to provide and operate cafeterias, thrift banks and other facilities for "teaching the practice of thrift and economy;" to purchase, construct or rent, operate and maintain school facilities, property and equipment; to contract with and fix compensation for all necessary employees of the district and pay their necessary travel expenses; and to exercise sole control over all schools and property of the district.

The boards of education of two or more districts may enter into cooperative agreements and maintain joint programs for courses of practical and special instruction. Any school district may operate schools on any military reservation within or adjacent to school district boundaries, and provide instruction to children of military personnel.

Each local board of education shall maintain an appropriate personnel policy and sick leave guide.

§70-5-118 --5-119

BOARD OFFICERS

Each local board of education shall elect from its membership a president and vice-president to serve a term of one year each.

§70-5-120

It shall be the duty of the president to preside at meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board to be drawn upon the treasurer for school money.

§70-5-121

It shall be the duty of the vice president to perform all the duties of the president in case of his or her absence or disability.

CROSS REFERENCES

II.A.1; Regulation, High School Regulation: VII. Subject & Graduation Requirements; p. 63

II.A.1; Regulation, Elementary School Regulations: VII. Subject Requirements; p. 30

II.A.2; Statute §70-13-101 -- 70-13-102

II.B.2; Statute §70-12-102 -- 70-12-104; 70-12-106 -- 70-12-107

III.A.1; Regulation, General Regulations: I. Admission; pp. 12-14

III.B.Principals; Regulation, Elementary School Regulations; p. 28

IV.D; Statute §70-9-101; 70-9-108

IV.D; Statute §70-9-103

IV.D; Statute §70-9-106

IV.G; Statute §70-8-103

IV.H; Statute §70-24-120

LOCAL SCHOOL DISTRICT

STATUTES

§70-4511 — 70-4518

A school district may operate a continuous school program at one or all of its schools if the board of education and the voters approve.

If the program is approved, the board of education shall hold public hearings and give notice to employees and parents of the pupils affected. The Board of Education shall "make every reasonable effort" to assign employees who prefer a regular school schedule to schools retaining such a schedule.

HEARING NOTICE

Schools maintaining a continuous program shall meet the same number of days and shall receive the same amount of state aid as those schools operating on a regular school year. Teaching sessions and vacation periods shall be rotated and some employees may receive a higher salary if they work a greater number of days during the school year.

CROSS REFERENCE

II.A.2; Regulation, General Regulations: VIII. Special Education; p. 18

LOCAL TEXTBOOK COMMITTEES

CROSS REFERENCE

II.B.1.a; Statute §70-16-111; 70-16-116

OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY

CROSS REFERENCES

II.B.2; Statute §70-23-102 -- 70-23-103; 70-23-105 -- 70-23-106; 70-23-123 -- 70-23-124;

II.B.2; Statute §70-23-122

PRINCIPALS

CROSS REFERENCES

III.B.Principals; Regulation, High School Regulations: I. Administration; p. 53

III.B.Principals; Regulation, Junior High School Regulations: I. Administration; p. 43

III.B.Student Teacher; Regulation, General Regulations: VI. Student Teacher Program; p. 17

IV.H; Statute §70-10-106

IV.J; Statute §70-24-131

PROFESSIONAL PRACTICES COMMISSION

CROSS REFERENCES

III.C.Teacher; Statute §70-6-103

III.C.Teacher; Statute §70-6-116 -- 70-6-119

III.C.Teacher; Statute §70-6-120

PROFESSIONAL STANDARDS BOARD

CROSS REFERENCE

III.C.Teachers; Statute §70-6-123 -- 70-6-126

School Districts

CROSS REFERENCES

II.A.2; Statute §18-110

II.A.2; Statute §70-13-101 -- 70-13-102

II.A.2; Statute §70-13-103 -- 70-13-104

II.A.2; Statute §70-1210.171

II.A.4; Statute §70-18-108

II.A.4; Regulation, Elementary School Regulations:
XII. Kindergarten; p. 32

School Personnel

CROSS REFERENCE

IV.J; Statute §70-24-101 -- 70-24-102

School Superintendents

CROSS REFERENCES

II.A.8; Regulation, Adult Education Regulations:
I. Adult Basic Education; p. 80

IV.J; Statute §70-24-131

Senate

CROSS REFERENCE

I.State Board of Education; Statute §70-3-101
-- 103

Service Centers

CROSS REFERENCE

II.A.2; Statute §70-1210.277 -- 70-1210.566

State Attorney General

CROSS REFERENCE

III.C.Teacher; Statute §70-6-116 -- 70-6-119

STATE BOARD OF EDUCATION

CONSTITUTION

OKLAHOMA CONSTITUTION, ART. XIII, §5

"The supervision of instruction in the public schools shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney General shall be ex-officio members, and with the Superintendent, compose said Board of Education."

STATUTES

§70-1-105

The State Board of Education has responsibility for "determining the policies and directing the administration and supervision of the public school system . . . ." It may establish divisions and positions in the school system. The State Superintendent of Public Instruction is the elected official who shall be the executive officer of the State Board of Education. To be eligible for this position, one must: hold at least a master's degree in school administration; be a qualified elector of the State; and meet the requirements to qualify for an administrator's certificate.

§70-1-107

The State Board of Education may by regulation authorize special services, functions and activities. RULEMAKING

§70-3-101 - 103

The State Board of Education shall be the governing board of the State Department of Education and shall consist of seven members. The State Superintendent of Public Instruction shall be a member and the president of the Board. The remaining six members shall be

appointed by the Governor by and with the advice and consent of the Senate. Each Board member shall receive $25.00 per day and necessary traveling expenses as compensation.

§70-3-104

The State Board of Education shall: prescribe the duties of the State Superintendent of Public Instruction, which shall include giving advice to the Board on all matters pertaining to educational policies and administration; adopt policies and make rules and regulations for the operation of the State Department of Education and the public school system; organize and control administrative and supervisory agencies, divisions, and personnel; prepare a departmental budget for the Governor; submit an annual report to the Governor and Legislature; provide for formulation and adoption of curricula, courses of study and other instructional aids; have "full and exclusive authority" in all matters involving certification of instructional, supervisory, and adminstrative personnel.

The minimum requirements for a certificate for school administrative personnel shall include a standard master's degree and two years' successful teaching, supervisory or administrative experience in public schools. Certificates may be revoked for "willful violation" of any rule or regulation of the State Board of Education or of any federal or state law or for "other proper cause," but only after sufficient hearing before the Board.

REVOCATION

The State Board shall also make rules and regulations for the "classification, inspection, supervision and accrediting" of all public schools in the state.

The state board shall also have the authority to secure and administer benefits of the National School Lunch Act; have authority to require school administrators to make regular and special reports, and to enforce this policy by withholding state funds from the school districts, withholding accreditation, and revoking certificates of those who do not comply; and perform other duties provided for in this section or by law; administer State Public Common School Building Equalization Fund which allows the Board to aid school districts with monies derived from oil leases on land granted to the state for the benefit of public schools. It shall be "the mandatory duty" for the Board to comply with this Paragraph.

CROSS REFERENCES

I.County Superintendent of Schools;
Statute §70-4-104

II.A.1; Statute §70-11-101 -- 103

II.A.1; Statute §70-1210.251-1210.258

II.A.1; Statute §70-19-110

II.A.2; Statute §70-13-101 -- 70-13-102

II.A.2; Statute §70-13-103 -- 70-13-104

II.A.2; Statute §70-13-105; 70-13-109;
70-13-111

II.A.2; Regulation, General Regulations: VIII.
Special Education; p. 18

II.A.3; Statute §70-14-108

II.A.3; Regulation, High School Regulations: XIII.
Vocational and Technical Education; p. 69

II.A.5; Statute §70-24-119

II.B.1.c; Statute §70-16-111.1 - 70-16-115; 70-16-118; 70-16-121

II.B.2; Statute §70-12-101; 70-12-105; 70-12-108

II.B.2; Statute §70-12-102 -- 70-12-104; 70-12-106 -- 70-12-107

III.A.1; Regulation, Elementary School Regulations: III. Annual Reports; p. 29

III.C.Teacher; Statute §70-6-103

III.C.Teacher; Statute §70-6-116 -- 70-6-119

III.C.Teacher; Statute §70-6-120

III.C.Teacher ; Statute §70-6-123 -- 70-6-126

IV.D; Statute §70-9-105

IV.G; Statute §70-8-104; 70-8-111

STATE BOARD OF VOCATIONAL AND TECHNICAL EDUCATION

II.A.3; Statute §70-14-101 -- 70-14-106

II.A.3; Statute §70-14-108

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.1; Statute §70-1210

II.A.2; Statute §70-1210.271 -- 70-1210.566

II.A.8; Regulation, Adult High School Completion Program; p. 81

III.C.Students; Regulation, Adult Education Regulations: High School Equivalency Certificates; p. 80

IV.H; Regulation, General Progress Criteria: VIII. Perfect Attendance Certificates; p. 21

STATE DEPARTMENT OF VOCATIONAL AND TECHNICAL EDUCATION

CROSS REFERENCES

II.A.3; Statute §70-14-101 -- 70-14-106

II.A.3; Regulation, High School Regulations: XIII. Vocational and Technical Education; p. 64

STATE TEXTBOOK COMMITTEE

CROSS REFERENCES

II.B.1.a; Statute §70-16-101

II.B.1.a; Statute §70-16-102 -- 70-16-104;
70-16-107; 70-16-109; 70-16-110

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§70-3-105 -- 107

The State Superintendent of Public Instruction shall receive a salary of $25,000. His or her duties include administering oaths, advising area superintendents as to the powers, duties and functions of district school officials, publishing and distributing the school laws in force, and performing other duties as shall be prescribed by law or by the State Board of Education.

CROSS REFERENCES

I.Local Board of Education; Statute §70-5-106 -- 108,
112-113

I.State Board of Education; Statute §70-1-105

TEACHER AIDES

CROSS REFERENCE

III.A.2; Regulation, General Regulations: V.
Teachers' Aides; p. 16

OREGON

The State Board of Education consists of seven members appointed by the Governor, subject to confirmation by the Senate. One member is appointed from each congressional district and the remainder from the state at large. State Board members serve four-year terms but no member may serve more than two consecutive terms. The Department of Education is under the direction and control of the State Board of Education and performs all administrative functions of the State Board regarding the supervision, management and control of schools. The Superintendent of Public Instruction acts a administrative officer of the State Board of Education and as executive head of the Department of Education. He/she is elected for a term of four years.

A school district with a population of fewer than 300,000 has a board of directors consisting of five elected members. Where a school district has a population of more than 300,000, the Board of Directors consists of seven elected members. District school boards have control of the district schools and responsibility for educating children residing in the district. A district school board may employ a Superintendent of schools and necessary assistant superintendents for the district.

OREGON

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ADVISORY BOARD FOR SPECIAL EDUCATION INSTITUTIONS

CROSS REFERENCE

II.A.2.; Regulation §581-15-125

COUNTY SCHOOL BOARD

STATUTES

§333.155

The county school board governs the county school district and consists of five directors.

COUNTY SUPERINTENDENTS

REGULATIONS

§581-21-020

Questions concerning the proper administration of the school laws and rules of the Oregon State Board of Education shall be submitted to the Superintendent of the respective county. The Superintendent of Public Instruction shall answer all questions, securing an opinion of the Attorney General when necessary.

DEPARTMENT OF EDUCATION

STATUTES

§326.111

"The department of education [functions] under the direction of the State Board of Education," and consists of: (a) State Board of Education; (b) State Textbook Commission; (c) Any other body added by law to the Department; (d) staff necessary to carry out the department functions.

The Department of Education carries out

the administrative functions of the State Board of Education and of the state "relating to supervision, management and control of schools, not conferred by law [to another] agency."

CROSS REFERENCES

II.A.2.; Regulation §581-15-035

II.A.4.; Statute §343.425

II.B.2.; Statute §354.420; 354.430

II.B.2.; Regulation §581-71-010

II.C.2.; Regulation §581-22-278

III.E. Curriculum; Statute §336.082; 336.086

IV.A.; Statute §336.480

IV.D.; Statute §332.427

Deputy Superintendent of Public Instruction

CROSS REFERENCE

I. Superintendent of Public Instruction; Statute §326.330

District School Board

Statutes

§332.005

The directors of a school district shall comprise the district school board.

§332.011-.015

"Except as otherwise provided for an administrative school district, the board of directors of a school district with a population of less than 300,000 . . . shall consist of five members."

"The board of directors of a school district with a population of 300,000 or more . . . shall consist of seven members."

§332.057

"Any duty imposed upon the district school board as a body must be performed at a regular or special

meeting and must be made a matter of record. The consent to any particular measure obtained of individual members when the board is not in session is not an act of the board and is not binding upon the district."

§332.072

"The district school board is authorized to transact all business . . .[for the school] district, to sue and be sued" and is responsible for the education of children in the district.

§332.075

"Any district school board may: (1) establish and maintain . . ." any educational programs "needed to meet individual differences," including but not limited to: "kindergartens; elementary, secondary, vocational, or evening schools; adult education programs, and schools for deaf and eligible mentally retarded children;" (2) fix the school calendar; (3) prescribe books and curriculum; (4) allow student teachers to train in the schools.

§332.585

A census may be conducted to determine the number of pupils between the ages of 4 and 20 in a district.

CROSS REFERENCES

I. District Superintendent; Statute §332.505

II.A.2.; Statute §343.221

II.A.2.; Regulation §581-15-020

II.A.3.; Statute §344.130

II.A.4.; Statutes §336.095; 336.115

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II.B.1.b.; Statute §337.120

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District School Clerk

Statutes

§332.515

The chief administrative officer of the district shall be known as the district school clerk; the school board may appoint deputies to aid the school clerk in performing his/her duties.

"BOARD OFFICERS

District Superintendent

Statutes

§332.505

A district school board may employ superintendents and assistant superintendents, fixing the "terms and conditions of employment and compensation . . . which may include, but shall not be limited to, insurance, tuition reimbursement and salaries."

CROSS REFERENCE

IV.A.; Statute §332.531

Division of Continuing Education

CROSS REFERENCE

II.A.10. Other - Collegiate Courses: Statute §336.155

Educational Advisory Board

CROSS REFERENCE

II.A.2.; Regulation §581-15-140

CROSS REFERENCE

I. State Board of Education; Statute §326.021

INTERMEDIATE EDUCATION DISTRICT

STATUTES

§334.125

"The intermediate education district board is authorized to transact all business coming within the jurisdiction of the intermediate education district and may sue and be sued."

"The . . . board shall perform all duties required by law, including but not limited to: . . . (b) conduct of audits . . . (e) curriculum improvement; (f) registration of contracts and teaching certificates; and (g) special education programs."

§334.175

Services and facilities may be provided to all school districts which are a part of the intermediate education district including but not limited to; "central purchasing, library, curriculum material, special teachers and special educational programs." These may be provided for "by agreement and on a reimbursable basis."

The Superintendent of Public Instruction must approve or disapprove proposals under this section within 30 days after receipt thereof, but he/she may require supplemental information.

The intermediate education district may establish or participate in all special education programs provided by law.

§334.225

"The intermediate education district board shall employ a superintendent who must hold an administrative certificate as a superintendent" and meet the qualifications of the State board of education. "He[she] serves as the board's executive officer, [they fix the term and compensation of his/her office], provide office room for him[her] and allow all his[her] necessary traveling expenses."

Local Advisory Council on Special Education

CROSS REFERENCE

II.A.2.; Statute §343.293

Local School Committees

STATUTES

§333.280

Vacancies on the local school committee are filled by the remaining members, and the new appointee serves until the next district election.

CROSS REFERENCE

III.C. Teachers; Statute §333.305

Oregon Education Coordinating Commission

CROSS REFERENCE

I. State Board of Education; Statute § 326.075

STATUTES

§342.155

"A school district may employ teacher aides and intern teachers subject to the rules of the state board."

REGULATIONS

§581-24-055

The district shall announce and make available to the staff and public all policies and rules adopted by the district to carry out the responsibilites delegated to the district by local school boards and the Board of Education.

RULEMAKING

§581-24-075

"The district shall assist the Department in providing state-level services and support of state laws and standards."

§581-24-099

The district shall develop and keep a file or written compilation of its operating policies, organizational rules and procedures and make it available to Department personnel and other interested parties upon request.

The district shall complete and forward promptly all reports required by agencies of the state and federal governments.

CROSS REFERENCES

II.A.2.; Statute §343.293; 343.395 -- 343.401

II.A.2.; Regulation §581-15-040; 581-24-070

II.A.4.; Statute §343.435

II.B.1.a.; Regulation §581-11-085; 581-22-171

II.B.2; Regulation §581-22-258

II.B.4.; Regulation §581-22-272; 581-22-276

III.C.School Districts; Regulation §581-24-050

III.D.School Districts; Regulation §581-24-105

III.D. District Needs; Regulation §581-24-090

III.E. Schools; Regulation §581-24-065

IV.A.; Regulation §581-22-261; 581-22-280; 581-22-280; 581-22-286

IV.D.; Statute §332.405

SENATE

CROSS REFERENCE

I. State Board of Education: Statute §326.021

STATE ADVISORY COUNCIL FOR HANDICAPPED CHILDREN

CROSS REFERENCE

II.A.2.; Statute §343.287

STATE ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.1.; Statute §344.225; 344.235

STATE BOARD OF EDUCATION

STATUTES

§326.011

In making policy and carrying out its legal duties, "[t]he State Board of Education shall consider the goals of modern education, the requirements of a sound, comprehensive curriculum best suited to the needs of the students and the public, and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system."

§326.021

"The [Board] shall consist of seven members appointed by the governor for a term of four years . . . subject to confirmation by the Senate." No member may serve more than two full terms consecutively. APPOINTMENT

No member may be teaching or engaged in the administration or operation of a school.

A member may be removed by the Governor "for cause" after notice and public hearing.

§326.075

The State Board of Education shall cooperate with the Oregon Educational Coordinating Commission in "the development of a state comprehensive education plan," including elementary and secondary education and in review of the board's programs and budget.

CROSS REFERENCES

II.A.2.; Statute §343.055; 346.010

II.A.2.; Regulation §581-15-015; 581-15-040

II.A.3.; Statute §344.130; 336

II.A.4.; Statute §336.115; 343.145

II.B.1.a.; Statute §337.055

II.B.1.a.; Regulation §581-11-051; 581-11-070; 581-11-085

II.B.1.b.; Statute §337.035

II.B.1.b.; Regulation §581-11-060; 581-11-065

II.B.2.; Statute §354.440

III.A.2.; Regulation §581-24-015

III.C. High School Equivalency Certificate; Statute §326.550

III.C. Teachers; Statute §342.167

III.E. Curriculum; Statute 336.082; 336.086

IV.J.; Statute §332.105; 339.240

STATE BOARD OF HIGHER EDUCATION

CROSS REFERENCE

II.A.10. Other - Collegiate Courses; Statute §336.155

STATE TEXTBOOK COMMISSION

CROSS REFERENCES

II.B.1.a.; Statute §337.011

II.B.1.a.; Regulation §581-11-051

II.B.1.b.; Statute §337.040

II.B.1.b.; Regulation §581-11-055; 581-11-060; 581-11-065

SUPERINTENDENT

CROSS REFERENCES

I. Intermediate Education District; Statute §334.225

III.A.2.; Regulation §581-15-115 -- 581-15-120; 581-22-202; 581-22-204

STATUTES

§326.061

The Superintendent of Public Instruction may submit any questions referred to him[her] concerning the proper administration of school laws to the State Board of Education which shall then decide the question pursuant to statute.

§326.310

The Superintendent "under the direction of the State Board of Education" (1) supervises school officials and the public schools; (2) is the administrative officer of the state board; (3) is executive head of the Department of Education; (4) assists local school boards "in answering questions concerning the proper administration of school laws, rules of the state board of education and the ministerial duties of school officers and teachers;" (5) compiles data "relative to the condition and operation of public schools as he[she] considers advisable for the advancement of education; and (6) is also in charge of adult education programs in public schools.

§326.330

The Superintendent of Public Instruction may appoint a deputy to perform any duties of his/her office, except sitting "on any board or commission of which the superintendent" is a member.

CROSS REFERENCES

I. County Superintendents; Regulation §581-21-020

I. Intermediate Education District; Statute §334.175

II.A.2.; Statute §343.055; 343.221; 343.226; 343.287

II.A.2.; Statute §343.395 -- 343.401

II.A.2.; Statute §346.010; 346.020

II.A.2.; Regulation §581-15-020; 581-15-035; 581-15-115

II.B.1.a.; Statute §337.100

II.B.1.a.; Regulation §581-11-070

III.A.2.; Regulation §581-24-015

III.C. High School Equivalency Certificate: Statute §326.550

III.E. Curriculum: Statute §337.550

IV.A.; Statute §346.053

IV.F.; Statute §332.470

TEACHERS

CROSS REFERENCE

IV.J.; Statute §161.205

TEACHER STANDARDS AND PRACTICES COMMISSION

STATUTES

§342.165

The Teacher Standard and Practice Commission "shall make rules necessary for the issuance, denial, continuation, renewal, lapse or reinstatement of certificates issued under [this chapter].

In establishing rules . . . the commission shall consider: (a) Its responsibilities to represent the public interest in the development of educational policies; (b) The capabilities of Oregon teacher education institutions to prepare teachers; (c) The norms required for the teaching assignments; (d) The improvement of teaching; (e) The adequacy of the teacher supply; (f) The value of experience or non-academic learning; (g) The responsibilities imposed upon school districts by geographic and demographic conditions; (h) The recommendations of the state board and superintendent of public instruction; and (i) Such other matters as tend to improve education."

§342.360

"The Teacher Standard and Practice Commission shall consist of twelve members from a panel nominated by teachers and administrators" and other members as provided herein.

"Members must have been actively engaged in teaching, supervising or administering in the public schools or in approved teacher education institutions . . . for the

period of five years immediately preceding appointment. In addition, members appointed under paragraph (a) . . . must hold valid Oregon teaching certificates other than restricted teaching certificates."

CROSS REFERENCES

III.B.School Administrative Personnel; Statute §342.140

III.B. Teachers; Statute §342.125

III.B. Teachers; Statute §342.135; 342.143; 342.200

III.C. Teachers; Statute §342.167; 342.175; 342.177; 342.180

TEXTBOOK CRITERIA COMMITTEES

CROSS REFERENCE

II.B.1.b.; Regulation §581-11-055; 581-11-060; 581-11-065

PENNSYLVANIA

The Constitution of Pennsylvania requires the General Assembly to maintain and support a thorough and efficient system of public education for all children above the age of six. To this end, the General Assembly has established the procedures and provided for the standards and criteria to be used by School Directors, District Administrators, County Boards of School Directors, and County Administrators in determining appropriate administrative units to be created to carry out the responsibility. Only where local officials fail to act or act arbitrarily will the Commonwealth intervene to insure compliance with the law. The State Board of Education implements evaluation studies and the Department of Public Instruction approves district organization.

In each school district classified first class or first class A, the Board of Public Education consists of fifteen school directors appointed by the judges of the courts of common pleas for terms of six years.[1] In each school district of the second, third, and fourth class, there is a board of nine school directors elected at large for terms of six years.[2] Each board of school directors may adopt rules and regulations for its government and control and may, with the approval of the Department of Public Instruction, establish joint facilities with other Boards of School Directors. Any joint school or department established must be accompanied by a written agreement. The Board of Directors of every district elects its District Superintendent and Assistant Superintendents.

Each school district is assigned to an Intermediate Unit. The Board of Directors of each Intermediate Unit is composed of thirteen members chosen from among members of the Boards of School Directors of the constituent school districts. It may appoint an Executive Director to administer its program of services. Each Intermediate Unit has an Intermediate Unit Council composed of all chief school administrators within the unit to advise the Executive Director.

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[1]Provision is also made for the composition of the Board of Public Education of a district of the first class A to vary between seven and fifteen members, elected for terms of four years, following the election of the Board in accordance with section 302.1(a) of the Public School Code of 1949.

[2]Provision is also made for the Board of School Directors of a school district of the fourth class to consist of five members elected at large for terms of six years.

PENNSYLVANIA

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I. Powers, Duties and Functions

Advisory Committee on School Building Standards

CROSS REFERENCE

II.C.1.; Regulation §21.61 -- 21.63

Advisory Committee on Vocational Education

CROSS REFERENCE

II.A.3.; Statute §18-1842; 18-1844

Area Vocational-Technical Board

CROSS REFERENCES

II.A.3.; Statute §18-1850.1; 18-1853
II.A.3.; Regulation §6.76; 6.77

Assistant District Superintendents

STATUTES

§10-1076

Except in first class districts, assistant district superintendents shall be chosen by majority vote of all members of the board of school directors for a term of from three to five years upon the nomination by the district superintendent.

§10-1077

Assistant district superintendents may serve through the term of the district superintendent, or enter a contract for a term of three to five years at salaries fixed by a majority vote of the board of school directors.

§10-1082

Assistant district superintendents shall perform such duties as may be assigned them by the boards of school directors or by the district superintendents.

CROSS REFERENCE

I.District Superintendent: Statute §10-1078

Associate Superintendent

Statutes

§10-1072.1(a)

The board of directors in third class districts in lieu of electing a district superintendent may elect by a majority vote a properly qualified person as associate superintendent, who shall perform the duties of a district superintendent under the general supervision of the county superintendent. The public schools of any district having an associate superintendent shall be subject to the superintendence of the county superintendent and shall participate in all services provided by the county superintendent.

"The directors of any district electing an associate superintendent shall participate in the election of a county superintendent."

The approval of the county board of school directors shall be required before the election of an associate superintendent in a district having a supervising principal. If the county board shall refuse such approval or neglect to act upon the application for a period of 30 days from the date of the submission of such application to it, the board of school directors may appeal to the Superintendent of Public Instruction. In the event of reversal, the Superintendent of Public Instruction shall grant approval to the creation of the office of associate superintendent in such district.

Board of Controllers

Statutes

§1962-1966

"No person shall at the same time be a member of more than one of the following bodies: city councils, guardians of the poor, board of health, controllers of the public schools, directors of public schools, inspectors of the county prison. "However, a controller can be a school director simultaneously.

All board meetings, except the board of health and board of inspectors of the county prison, shall be open.

The Judges shall appoint the controllers of Pennsylvania.

The board of controllers shall have all the powers, rights and privileges which the present existing board of controllers of public schools now has.

The controller from each ward shall be a member of the board of school directors from the ward from which he/she is controller.

BOARD OF EXAMINERS

STATUTES

§21-2109

A board of examiners may be constituted by the board of public education. The superintendent of schools shall nominate the number of persons for the board of examiners as is authorized. The superintendent of schools shall act as chairman.

BOARD OF PUBLIC EDUCATION

STATUTES

§3-302

In each first class school district, the board to be known as the Board of Public Education shall consist of 15 school directors with six year terms of office, who shall be appointed by the judges of the court of common pleas. APPOINTMENT

When a second, third or fourth class district is merged into a first class A district, the terms of office of all directors of such second, third, or fourth class districts shall terminate and as soon as a vacancy occurs on the Board, a resident of the second, third, or fourth class district area shall be appointed to the Board. APPOINTMENT

§21-2103

The duties of the board of school directors in first class districts, board of public education, shall be:

to define the general policies of the school system, to determine and direct all expenditures for the main-

tainance and improvement of school system, to appoint officers, teachers, to grant and award scholarships.

APPOINTMENT

§21-2104

The board of public education shall appoint a district superintendent for a term of not more than six years. The board may also appoint a superintendent of buildings and of supplies. The board shall prescribe the salaries and duties of such employees. Such employees shall be responsible to the board and shall make such suggestions as are deemed important and necessary.

"The superintendent of buildings shall be an engineer or architect of good standing in [her]his profession."

CROSS REFERENCES

I.School Controller; Statute §21-2121

II.A.4.; Statute §590

III.B.Certificated Personnel; Statute §21-2108

BOARD OF SCHOOL DIRECTORS

STATUTES

§2-216

Any devise, bequest, grant, endowment, gift or donation of any property to a school district shall be administered by the board of directors of the districts in a fiduciary capacity.

§2-290

It is hereby declared to be the purpose and intention of the General Assembly to establish the procedures under which school directors and county boards of school directors shall have the power of determining the appropriate administrative units to be created in each county to carry out the responsibilities shared by them and the General Assembly. Only where such local officials fail to act, or act arbitrarily outside of the standards and criteria provided for in the sections

following, shall the Commonwealth act to insure compliance with law within the process set forth below and as restricted therein. The improvements in the educational system hereby obtained are not to be construed as a final resolution of organization problems. Local school officials as agents of the General Assembly are directed to continually review organizational patterns and adopt all changes which will accelerate the progress of public education. It is further declared to be the purpose and intention of the General Assembly that the above may be used in construing and arriving at legislative intent with respect to the provisions of this subdivision.

§3-301

The public school system shall be administered by a board of school directors, to be elected or appointed, as provided. At each election of school directors, each voter shall have one vote for each school director to be elected; cumulative voting is abolished.

§3-303

In each school district of the second, third, and fourth class, there shall be a board of nine school directors, elected at large for a term of six years.

§3-304

In each 3rd class school district, there shall be a board of seven school directors, who shall be elected at large, and whose terms of office shall be six years. Terms of office shall begin on the first Monday of December following their election.

§3-305

In each fourth class school district there shall be a board of five school directors who shall be elected at large, and whose terms of office shall be six years. Terms of office shall begin on the first Monday of December following their election.

§3-309

If any school district becomes a district of the first class, a new board of school directors shall be appointed as provided in this act for the appointment of school directors in first class districts. When the change in class reduces the number of directors, the directors then in office shall hold office for their elected term and as terms are about to expire, a number of directors shall be elected at the municipal election equal to those elected at that time for other districts of the same class.

§3-310

When territory comprising a separate school district is annexed to a city, or borough, or township, the terms of office of all the school directors of such annexed territory shall expire at the beginning of the first school year after annexation, except that the president and vice-president shall hold office for their elected term.

§3-315; 3-316; 3-317

In case any vacancy shall occur in any board of school directors of a first class or first class A school district, such vacancy shall be filled by the court of common pleas from the qualified electors of the district. In a second, third, or fourth class school district, the remaining members of the board shall, by a majority vote, fill such vacancy from the qualified electors of the district; except, where the offices of a majority or all of the members become vacant, the court of common pleas shall fill such vacancies.

§3-318

If the board of school directors in any district fail to organize or refuse or neglect to perform any duty, any ten resident taxpayers in the district may petition the court of common pleas. If the court finds that any mandatory duty has not been performed, it

has the power to remove the board or part of the board and appoint other qualified persons. REMOVAL APPOINTMENT

§4-406 APPOINTMENT

A board of school directors may appoint a solicitor and such other employees as it may deem proper, none of whom, except as provided in §324 shall be a board member, and shall define their duties and fix their salaries.

§4-407 RULEMAKING

Each board of school directors may adopt reasonable rules and regulations for its government and control.

§4-408

The accounts and records of proceedings of the board and officers of every third and fourth class school district shall be open to inspection by any taxpayer upon written request.

§4-421; 422; 423

Each board of school directors shall have specified times and places at which it shall hold its meetings, and shall meet at least once every two months during the school term. Meetings at stated times and organization meetings are to be known as "regular meetings" and all other meetings shall be called "special meetings."

A majority of the members of a board of school directors shall be a quorum. No business is to be transacted at a meeting if less than a majority is present, but the members present may adjourn to some stated time. If a majority of the seats are vacant, a minority of board members may fill vacancies at a meeting.

Members shall have reasonable notice of all special meetings. No business is to be transacted at a special meeting unless it is named in the call sent to the members for such special meeting. Special meetings may however be called for general purposes.

§4-426; 427

The president shall preside at all meetings. He/she may call special meetings at any time. He/she shall

call a special meeting whenever any three members of the board of directors request one in writing. If he/she does not do so, a majority of the legally qualified and acting members of the board may call such a meeting.

The president shall be the executive officer of the board of directors. He/she with the secretary, when directed by the board, shall execute papers pertaining to the business of the board, requiring the president's signature. In school districts other than 1st class ones, he/she shall sign an order on the Treasurer for the payment of a bill after the board has approved it. Any orders which shall be for the payment of amounts owing under contracts which were previously approved by the board and by the prompt payment of which the district will receive a discount or other advantage, may be signed without the board's approval first being secured. All such orders shall be presented to the board at its next meeting.

§4-428

In the absence of the president, the vice president shall preside at all meetings, call special meetings whenever so requested by any three board members, and when directed by the board shall execute papers pertaining to the business of the board, and perform all other duties imposed on the president. Except in 1st class districts, any board upon request of the president may authorize its vice president to sign checks or vouchers for the payment of current expenses and salaries.

§4-433

The duties of the secretary of the board of school directors are: to keep records of board proceedings; to furnish reports concerning the school affairs of the district; to have general supervision of all business affairs of the school district; to keep correct accounts with each receiver of taxes, school treasurer, or school tax collector of the district; to perform other duties pertaining to the business of the district.

§4-434

Every board of school directors may appoint an assistant secretary who shall, in the absence of the secretary, perform the duties and exercise the powers of the secretary.

§5-502

The board of school directors may establish, equip, furnish, and maintain the following additional schools or departments for the education and recreation of persons residing in the district, and for the proper operation of its schools: high schools, trade schools, vocational schools, technical schools, cafeterias, agricultural schools, evening schools, kindergartens, libraries, museums, reading-rooms, gymnasiums, playgrounds, schools for physically and mentally handicapped, truant schools, parental schools, schools for adults, public lectures, and such others as the director may see proper to establish. When such additional schools or departments are established, they shall be an integral part of the public school system in such school district and shall be so administered. No pupil shall be refused admission to the courses in these additional schools or departments, because his/her elementary or academic education is being or has been received in a school other than a public school.

§5-508

A majority vote of all the members of the board of school directors, recorded to show each member's vote, shall be required in order to act on the following: fixing length of school term, adopting textbooks; appointing or dismissing district superintendents, principals, and teachers, adopting the annual budget; land transactions; locating buildings; dismissing a teacher after a hearing; creating or increasing indebtedness; adopting courses of study; establishing additional schools or departments; designating depositories for school funds; entering into contracts of any kind;

fixing salaries of officers, teachers, or other appointees; contracting with and making appropriations to the intermediate unit for the district's share of the cost of services provided. Failure to comply with provisions of this section will render such acts of the board void and unenforceable.

§5-516

A member of the board of school directors or the board of public education may be a delegate to any state convention or association of school directors held within the Commonwealth. Each delegate shall be reimbursed for expenses.

§5-516.1

The board of school directors or the board of public education may authorize the attendance of any of its members to appropriate meetings and conferences. Such attendees shall be reimbursed for expenses.

§5-521

Each board of school directors shall have power to enter into agreements with other political subdivisions in making joint purchases of materials, supplies, or equipment, and in performing governmental powers, duties, and functions, and in carrying into effect provisions of law relating to said subjects, which are common to all such political subdivisions.

§10-1071

The board of school directors in every school district, shall, by a majority vote of all the members, elect a properly qualified person as district superintendent, and such properly qualified assistant superintendents as it deems wise.

§10-1072.2

Notwithstanding the creation of the office of district superintendent by a school district, any board of school directors of a school district employing a district superintendent may, by majority vote

and the concurrence of the county board of school directors, elect to become a part of the county superintendent's office service program and become entitled to all the rights, benefits and services pertaining to the county superintendent's office, subject to all conditions and requirements and obligations imposed on school districts whose directors are presently eligible to vote at the election of county superintendent.

§16-1611

The power to confer degrees is vested in the board of school directors.

§2400.7

Each school district established under this act shall have a board of nine school directors to be elected at large for six year terms. The interim operating committee or after the date of establishment the board of school directors of a newly established school district may develop a plan to divide the school district into three or nine regions. The boundaries of the regions shall be fixed and established in such manner that the population of each region shall be as nearly equal as possible and shall be compatible with the boundaries of election districts. Such plan for the division of the school district shall be submitted for approval to the court of quarter sessions and if approved, the clerk shall certify the regional boundaries contained therein to the county board of elections. Where a three region plan is approved, three school directors who reside in each region shall be elected or appointed. Where a nine region plan is approved, one school director who resides in each region shall be elected or appointed. If a newly established school district is situated in two or more counties, the plan for regional representation shall be submitted for approval to the court of quarter sessions of the county in which the largest part in area of the land affected is situated, which shall have exclusive jurisdiction over the matter.

§2400.8

All school directors of the component school districts forming an administrative unit composed of two or more school districts approved by the State Board of Education to be established as a school district shall serve out the terms of office for which they were elected. No vacancies occurring in such position after the date of establishment shall be filled.

On or before February 15 immediately preceding the date of establishment, incumbent school directors of the component school districts shall be called into convention by the county superintendent of schools and shall select by majority vote an interim operating committee composed of nine incumbent school directors. In selecting the interim operating committee, the principle of proportionate representation should be taken into consideration. The decision of the convention shall be final. If an incumbent director is selected for a term on the interim operating committee which would expire later than the term for which he/she was elected as a school director, he/she shall serve only until the end of the term for which he/she was elected as a school director.

The members of the interim operating committee shall serve as the board of school directors on and after the date of establishment. The duties of the committee are to adopt a budget, levy and assess taxes and to perform all functions necessary to enable the proposed school district to function properly prior to the date of its establishment. The committee has the power to fill vacancies, but vacancies shall first be filled by the selection of an incumbent school director.

The incumbent school directors not selected for membership on the interim operating committee shall advise the interim operating committee and the board of school directors of the newly established district.

In the case of a single school district forming an administrative unit approved by the State Board of

Education to be established as a school district, the incumbent school directors shall be the school directors of the newly established district. If the number of incumbent school directors is less than nine, the board of school directors shall have the power to raise its membership to nine.

In the case of an administrative unit, the directors then in office in each component school district shall, until the end of their respective terms, be directors of the newly formed school district. Vacancies occurring in such incumbent positions shall not be filled.

CROSS REFERENCES

I.Associate Superintendent; Statute §10-1072.1(a)

I.District Superintendent; Statute §10-1073; §10-1079

I.Intermediate Unit Board of Directors; Regulation §17.1; 17.2

I.Intermediate Unit Board of Directors ; Regulation §17.3; 17.4

II.A.3.; Statute §18-1842; 18-1844; 18-1850.1

II.A.3.; Regulation §6.53

II.A.4.; Statute §5-503

II.A.5.; Statute §11-1107

II.B.1.a.; Statute §8-803

II.B.1.c.; Statute §8-804

II.C.2.; Statute §7-701; 7-703; 7-703.1; 7-704; 7-707; 7-721; 7-772

II.C.3.; Statute §7-709; 7-775

III.A.2.; Statute §15-1504

IV.C.; Statute §5-504

IV.C.; Statute §13-1335

IV.F.; Regulation §12.31 -- 12.33

IV.G.; Statute §13-1304

IV.G.; Statute §13-1306; 13-1306a; 13-1310; 13-1316; 16-1607 -- 1609

IV.G.; Regulation §11.14 -- 11.16

IV.H.; Statute §13-1341; 13-1342; 13-1351

IV.H.; Regulation §11.21

IV.J.; Statute §13-1338

IV.J.; Regulation §12.3; 12.5; 12.6; 12.8; 12.9; 12.11

CITY CONTROLLER

CROSS REFERENCE

I.School Controller; Statute §21-2121

COUNTY BOARD OF SCHOOL DIRECTORS

CROSS REFERENCE

I.Associate Superintendent; Statute §10-1072.1(a)

COUNTY SUPERINTENDENT

CROSS REFERENCES

I.Associate Superintendent; Statute §10-1072.1(a)

I.Intermediate Unit Board of Directors; Regulation §17.1; 17.2

COURT OF COMMON PLEAS

CROSS REFERENCE

I.Special Board of Control; Statute §6-692.1

DEPARTMENT OF EDUCATION

REGULATIONS

§ 5.5

Department of Education approval is required before:

(1) Changing a grade pattern in a school system.

(2) Establishing a new secondary school or middle school.

(3) Scheduling half-day sessions in grades 1-12.

(4) Constructing new housing for a school.

(5) Initiating a program requiring a curriculum exception or conducting an experimental program.

§161.1 -- 161.3

The School Administration's Handbook contains the basic policies, directives and procedures of the Pennsylvania Department of Education. It is an adjunct to the School Laws of Pennsylvania for the administration of the schools of Pennsylvania.

The School Administrator's Memorandums supplement the Handbook as a means of relaying quickly, information

of temporary or one-time interest, information to be later included in the Handbook, or interpreting and clarifying previously issued material.

The Handbook and Memorandums are available for public inspection and copying at the principal administration office of each school district and each intermediate unit, and at the offices of the Department of Education, Education Building, Harrisburg, Pennsylvania 17126.

CROSS REFERENCES

II.B.2.; Statute §5-523

II.C.2.; Statute §7-731

III.A.1.; Regulation SS 5.72

III.B.Certificated Personnel; Regulation §49.31 -- 49.33; 49.63

DEPARTMENT OF ENVIRONMENTAL RESOURCES

CROSS REFERENCE

II.C.1.; Statute §7-741

DEPARTMENT OF PUBLIC INSTRUCTION

CROSS REFERENCES

II.A.1.; Regulation §5.2; 5.4

II.A.2.; Statute §13-1380; 13-1381; 13-1383

II.A.3.; Statute §18-1851

II.A.4.; Regulation §5.41

II.B.2.; Statute §5-523

II.B.2.; Statute §5-525

III.A.2.; Statute §16-1601; 16-1602; 16-1604

III.B.Certificated Personnel; Statute §1224; 1225

IV.C.; Statute §13-1337

DISTRESSED SCHOOL DISTRICT

CROSS REFERENCE

I.Superintendent of Public Instruction; Statute §6-692

DISTRICT SUPERINTENDENTS

STATUTES

§10-1001

For the superintendence and supervision of the public schools, there shall be elected or appointed

district superintendents, and assistant superintendents.

§10-1007

No executive or assistant executive director of the intermediate unit, district or assistant district superintendent shall engage in teaching unless done without compensation. They may receive compensation for services in a university during weekends evening and summers or services, if released for such service by the board of school directors.

§10-1008

No executive or assistant executive director of an intermediate unit, district or assistant district superintendent, shall receive any extra compensation for services rendered in connection with the public schools under his/her jurisdiction. Nor shall she/he or any applicant for such position be financially interested in the sale or adoption of any book(s) or supplies in the county or district in which she/he is engaged or an applicant for such position.

CONFLICT OF INTEREST

§10-1073

The board of school directors of all but first class districts shall meet at its regular place of meeting during the last year of the term of the district superintendent or at any other time when a vacancy shall occur in the office of the district superintendent, at fixed time to elect or approve a properly qualified district superintendent to serve a term of from three to five years from July 1 following an election or from a time mutually agreed upon by the duly elected superintendent and the board of school directors. Notice of the meeting shall be sent to members of the board of school directors by the board's secretary at least five days beforehand.

At a regular meeting of the board of school directors occurring at least 150 days prior to the expiration date of the term of office of the district superintendent, the agenda shall include an item requiring affirmative action by at least 5 members of the board to notify the district superintendent whether he/she will be retained

for a further term or other candidates will be considered. If the board fails to take such action, the district superintendent shall continue in office for a further term of similar length to that which he/she is serving.

§10-1078

"District superintendents, and assistant district superintendents shall be commissioned by the Superintendent of Public Instruction."

§10-1079

"Any vacancy in the position of district superintendent or assistant district superintendent shall be filled, by the board of school directors, for the remainder of the term."

APPOINTMENT

The board may appoint an acting superintendent to serve not longer than one year from the time of his/her appointment.

§10-1081

The duties of district superintendents shall be to visit the several schools under his/her supervision, to note the courses and methods of instruction and branches taught, to give such directions in the art and methods of teaching in each school as he/she deems expedient and necessary, and to report to the board of school directors any insufficiency found, and such other duties as may be required by the board of school directors. The district superintendent shall have an ex officio seat on the board of school directors.

CROSS REFERENCES

I.Associate Superintendent; Statute §10-1072.1(a)

II.A.2.; Regulation §13.33

II.A.8.; Statute §19-1906

III.A.2.; Statute §10-1005

IV.F.; Statute §15-1533

EXECUTIVE DIRECTOR, INTERMEDIATE UNIT

STATUTES

§9-965

The executive director of an intermediate unit shall administer intermediate unit program of services;

prepare the budget for adoption by the board; direct expenditures of funds within the budget or other authorizations of the board; appoint advisory groups to assist the staff in providing programs of services for school districts; provide the Superintendent of Public Instruction with information, reports and services; perform such other duties as may be required by the board and State Board of Education regulations.

GOVERNOR

CROSS REFERENCES

I.Professional Standards and Practices Commission; Statute §1253; 1254

II.A.2.; Statute §2603 -- 2624

II.C.1.; Statute §7-735

INTERIM OPERATING COMMITTEE

CROSS REFERENCE

I.Board of School Directors; Statute §2400.8

INTERMEDIATE UNIT BOARD OF DIRECTORS

STATUTES

§9-951--956

Each school district shall be assigned to an intermediate unit and shall be entitled to the service of that unit in accordance with a program of services adopted by the intermediate unit board of directors. The arrangement of school districts into intermediate units shall reflect consideration of (i) number of public school children enrolled in kindergarten through grade twelve; (ii) ease of travel within each unit; (iii) opportunity to provide adequate basic services. Intermediate units shall be part of the public school system.

School districts are arranged in intermediate units as listed.

Any school district may transfer from one intermediate unit to another adjoining unit or two units may consolidate provided the state board of education approves.

The State Board of Education shall adopt such regulations as it deems necessary to guide the organization and operation of intermediate units and to provide procedures for amendment of the State plan of intermediate units.

Each intermediate unit shall submit annually a program of services for the next school year to the Superintendent of Public Instruction for budgetary approval.

§9-960

Each intermediate unit board of directors shall be composed of 13 members, chosen for 3 year terms from among members of the boards of school directors of school districts comprising the intermediate unit. Vacancies shall be filled by appointment or by majority vote of the remaining intermediate unit directors for the unexpired term. If vacancies exist in the membership of all the members, a special convention, called by the Superintendent of Public Instruction, shall be held. Any member of an intermediate unit board may be removed in the same manner and for the same cause as members of boards of school directors. Elections and the organization of intermediate unit boards shall be conducted in accordance with State Board of Education regulations. In the case of an intermediate unit comprised of a single school district, the board of education of the school district shall be the intermediate unit board of directors.

APPOINTMENT

§9-961

The executive director of each intermediate unit shall call a convention to be held annually for the purpose of electing members to the intermediate unit board of directors, approval of the budget of the intermediate unit and for the consideration and discussion of matters pertaining to the improvement of education in public schools within the unit.

§9-963

The staff of an intermediate unit shall consist of an executive director and such assistant executive directors, program specialists, and other personnel as the intermediate unit board of directors deems necessary to employ. In case of an intermediate unit comprised of a single school district, the district superintendent shall serve as executive director. An executive director shall be appointed by each intermediate board of directors for a four year term and assistant executive directors may be appointed by each intermediate unit board of directors upon recommendation of the executive director for a four year term. All professional and temporary professional employees shall have same rights of tenure, minimum salaries and increments, leaves of absence because of illness, professional study or physical disability, sabbatical leaves, military leaves and exchange teacher leaves as professional and temporary professional employees of school districts. Program specialists shall satisfy State Board of Education minimum qualifications.

§9-964

An intermediate unit board of directors shall have the power and its duties shall be: to appoint an exe-

APPOINTMENT

cutive director and assistant executive directors (upon recommendation of executive director) and determine their salaries; to approve professional staff appointments made by executive director; to adopt employment policies for nonprofessional staff; to adopt a program of services. Each intermediate unit may provide, but shall, except as provided, be limited to (i) curriculum development and instructional improvement services, (ii) educational planning services; (iii) instructional material services; (iv) continuing professional education services; (v) pupil personnel services; (vi) state and federal liaison services; (vii) management services.

Each additional service shall be first approved by a majority of all boards of school directors comprising the unit at a meeting called by the intermediate unit board of directors for the express purpose of deciding on such additional service. Services may be furnished to "non-public, nonprofit schools."

An intermediate unit may contract with school districts to provide services on behalf of the intermediate unit; contract for specialized services; receive federal, state, school district and other moneys and expend same to conduct programs of services; and prepare Vocational Education proposals for arranging school districts of the unit into area vocational-technical attendance areas or any revisions.

§9-966

Each intermediate unit shall have an Intermediate Unit Council composed of all chief school administrators within the intermediate unit, to be advisory to the executive director. The executive director shall serve as chairman of the Council.

REGULATIONS

§17.1; 17.2

Intermediate units shall be operated in accordance with the Public School Code of 1949, the regulations of the Board and the standards and guidelines of the Secretary.

The executive director of each intermediate unit shall call an annual convention to be held in April of all school directors comprising the unit to elect members to the intermediate unit board of directors, approval of the budget of the intermediate unit and such other business as may properly come before the convention. The Secretary shall designate a chairman for each initial convention and may designate from among the county superintendents and their staffs a board of tellers and other officers of the initial convention. The Secretary shall prepare guidelines based on law and these regulations for the conduct of the initial election of the intermediate unit board of directors.

§17.3; 17.4

Nominations for an office or intermediate unit board of directors shall be made from the floor of the convention by individual school directors. Nominating committees may be utilized to prepare the slate of candidates. School directors daily in office at the time of the convention shall be eligible to be nominated and elected to the intermediate unit board and to vote at the convention.

Voting shall be by signed ballot on forms provided by the executive director. The ballot used to represent a valid vote shall indicate on its face the proportionate number of votes the director is entitled to cast and the name of the school district.

Each school director of each school board within an intermediate unit shall be entitled to cast a proportionate vote to be computed by the formula specified in the Public School Code of 1949 from thelatest data available to the Secretary. Votes shall be cast as individual board members and not as a school board vote. Absentee voting, splitting of proportionate votes and cumulative voting is prohibited. If a school director shall case duplicate votes for a candidate, the proportionate vote shall be counted for that candidate only once. The school directors receiving

the highest number of proportionate votes cast by the directors present and voting shall be declared elected, provided the limitations as to number per district as outlined in §910-A of the Public School Code of 1949 shall be applied. Ties shall be broken by drawing of lots. The terms of office of the intermediate unit directors shall be for three years on a staggered basis. In the case of an intermediate unit comprised of a single school district, the board of education of the school district shall be the intermediate unit board of directors. The terms of office for an intermediate unit board member shall be the same as the terms of office to the board of education of the school district.

The chairman of each convention shall, ten days after the convention, file with the Secretary a complete report on the convention.

CROSS REFERENCE

I.Special Board of Control; Statute §6-692.1

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

STATUTES

§12-1253; 1254

APPOINTMENT

The Professional Standards and Practices Commission consists of 16 members appointed by the Governor whose term of office shall be three years, except the student member whose term shall be 1 year. "Vacancies shall be filled for an unexpired term in the same manner as original appointments." No person shall serve for more than two consecutive terms. The Governor may remove any member for "misconduct or malfeasance in office, incapacity, or neglect of duty." All professional members shall be residents of Pennsylvania and "actively engaged in teaching or providing related . . . services."

REMOVAL

§12-1256

"The commission shall annually select a chairman

and vice-chairman by ballot. Meetings shall be held at least four times per year . . . . Meetings of the commission shall be open to the public, and the Director of Professional Standards and Practices shall be responsible" for notifying the public.

§12-1257

"Members of the commission shall receive no compensation for their services but shall be reimbursed" for expenses. "A member of the commission who is employed by a private employer shall be reimbursed for any income lost as a result of attendance at commission meetings or performance of other official commission duties."

§12-1258

The Director of Professional Standards and Practices shall serve as the executive officer and secretary of the commission. The director shall be appointed by the Secretary of Education after consultation with the commission. The Department of Education shall provide adequate facilities and staff. The commission shall report annually to the Governor, General Assembly, teaching profession, and the public.

APPOINTMENT

CROSS REFERENCES

III.B.Certificated Personnel; Statute §12-1255

III.B.Certificated Personnel; Regulation §221.2 -- 221.10

PROFESSIONAL STANDARDS COMMITTEE

CROSS REFERENCE

III.B.Certificated Personnel; Regulation §49.21 -- 49.24

REGIONAL EDUCATIONAL BROADCASTING COUNCIL

CROSS REFERENCE

II.B.2.; Regulation §9.25 -- 9.27

School Controller

Statutes

§21-2121

In 1st class and 1st class A districts, "the board of public education shall elect the controller of the city comprising all or the greater part of such district as the school controller for said district for and during his/her term of office as city controller. The school controller of each school district of the district may recommend to the board of public education for appointment a deputy school controller. The board of public education shall appoint as deputy school controller the candidate recommended by the school controller who, in case of death, resignation or inability of the school controller to act for any cause whatsoever, shall have the same powers and shall perform the same duties as imposed by law on the school controller. In case the school controller does not recommend to the board of public education for appointment a deputy school controller. The board of public education may elect a deputy school controller who shall serve until the appointment of a deputy school controller. The salary of the deputy school controller shall be fixed by the board of public education.

APPOINTMENT

§21-2123

A vacancy in the office of school controller shall be filled by the election of the city controller by the board of public education for and during his/her term of office as city controller.

School Districts

CROSS REFERENCE

III.D.School System; Regulation §5.151 -- 5.153

IV.H.: Statute §25-2512; 2513

CROSS REFERENCES

I.Intermediate Unit Board of Directors; Regulation §17.1; 17.2

I.Professional Standards and Practices Commission; Regulation §221.6

II.A.2.; Statute §9-971A

II.A.2.; Regulation §13.3; §13.16; §13.22; §13.23; §13.32

II.A.3.; Regulation §6.41; 6.42

II.B.1.a.; Statute §9-973

II.B.2.; Regulation §9.21 -- 9.24

II.B.2.; Regulation §9.31

II.C.1.; Regulation §21.41 -- 21.43

II.C.1.; Regulation §21.61 -- 21.63

II.C.1.; Regulation §21.71

II.C.2.; Regulation §21.21 -- 21.23

II.C.2.; Regulation §21.31 -- 21.33

III.B.Certificated Personnel; Regulation §49.21 -- 49.24

III.B.Professional Employees; Regulation §49.64.1; §49.64.2; §49.64.4-- 64.6

SPECIAL BOARD OF CONTROL

STATUTES

§6-692.1

If the court of common pleas has "made no appointment of members to a special board of control within 30 days of the date of filing of the petition for such appointment, the Superintendent of Public Instruction may designate the executive director of the intermediate unit and a member of the intermediate unit board of directors of the intermediate unit in which the petition is presented to serve until the court makes its appointments. A school director of the distressed school district serving on the intermediate board of directors shall be ineligible for appointment."

§6-693

Special board of control has the power to exercise all the rights, powers, privileges, prerogatives and duties imposed by law on the board of school directors of the distressed district, and the board school directors shall have no power to act without the approval of the special board of control. The special board of control may require the board of directors within 60 days to revise the district's budget to improve the district's financial condition.

Special board may require the board:

(1) To cancel or renegotiate any contract other than teacher's contract to which the board or the school district is a party.

(2) To increase tax levies

(3) To appoint a special collector of delinquent taxes for the district

(4) To direct an auditing of the accounts of the distressed school districts

(5) To dispense with the services of unnecessary nonprofessional employees

(6) To suspend professional employees as may be necessary to maintain a pupil-teacher ratio of not less than 26 pupils per teacher for the combined elementary and secondary school enrollments.

SUSPENSION
PUPIL/TEACHER RATIO

§6-694

When a special board of control is operating a distressed school district, upon the recommendation and approval of the special board, the board of school directors of the district shall levy additional taxes to liquidate the indebtedness of the district. If school directors fail to levy such taxes within a reasonable time, the special board of control may petition the court of common pleas of the county in which such district or the largest part in area is located to issue a writ of mandamus requiring the board to levy such additional taxes, or he/she may, in his/her own name, initiate action to have the board removed from office for neglect of duty.

REMOVAL

STATE BOARD OF EDUCATION

STATUTES

RULEMAKING

§1226

"The State Board of Education has the power and duty (a) to adopt and promulgate rules and regulations; (b) to establish and promulgate standards of preliminary and professional education and training for teachers; (c) to submit annually to the department of public instruction an estimate of the financial requirements of the board for administrative expenses."

§1228

Records of the State Board of Education and of the Department of Public instruction "shall be public and open to inspection during business hours. Copies thereof, duly certified by the Superintendent of Public Instruction shall be received in evidence in all courts and elsewhere."

CROSS REFERENCES

I.Board of School Directors; Statute §2400.8

I.Intermediate Unit; Statute §9-951 -- 9 - 968

II.A.1.; Statute §15-1511

II.A.1.; Regulation §5.25

II.A.2.; Statute §13-1372

II.A.3.; Statue §1703; 1707

II.A.3.; Regulation §6.1 -- 6.3

II.A.7.; Statute §13-1375

II.A.8.; Statute §19-1906

II.B.2.; Statute §5-523

II.C.1.; Statute §7-703.1

II.C.2.; Statute §7-733

III.B.Certificated Personnel; Statute §12-1201

IV.D.; Statute §13-1361

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §18-1802; §18-1803; §18-1804; §18-1810

STATE DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Regulation §13.61

STATE PUBLIC SCHOOL BUILDING AUTHORITY

STATUTES

§791.8

"The powers of the authority shall be exercised by a governing body consisting of the members of the Authority acting as a board."

A quorum shall consist of five persons; all actions shall be taken by a majority vote unless otherwise specified by the by-laws. "The board shall have full authority to manage the properties and business of the Authority, to prescribe, amend and repeal by-laws, rules and regulations governing the manner in which the business of the Authority may be conducted . . . ."

CROSS REFERENCE

II.C.1.; Statute §791.11

II.C.2.; Statute §791.3 -- 791.5

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§5-519

The Superintendent of Public Instruction shall send to each member of every board of school directors, a copy of each new edition of the School Laws.

§6-692

Whenever on the basis of a proper investigation, the Superintendent of Public Instruction has declared any school district to be distressed, he/she or his/her designated representative, shall petition the court of common pleas of the county in which such district or the largest part of the district in the area is located, to appoint two citizens who shall be qualified electors and taxpayers

in the county in which the school district is located. School directors and employees of any such school district shall be ineligible for appointment by the court. The appointees and the Superintendent of Public Instruction or his/her designated representative, shall constitute a special board of control. Vacancies occurring because of death or resignation of appointed board members shall be filled by the court. The special board of control shall assume control of the affairs of the district and operate it in the place of school directors during the period necessary to reestablish a sound financial structure in the district. The costs of the court proceedings shall be paid by the Department of Public Instruction.

§21-2107

Supervision of all matters concerning instruction in the schools shall be vested in the superintendent of schools, assistant superintendents, and school principals. They shall be under the supervision and direction of the superintendent of schools. Assistant district superintendents shall be assigned by the superintendent of schools to administrative districts. They shall inquire into and supervise matters relating to the government, courses of study, method of teaching, discipline, and conduct of all schools in their districts.

§2804

The Superintendent of Public Instruction is granted power and authority to promulgate and to issue such rules and regulations as deemed necessary to administer effectively the act of Congress.

RULEMAKING

§2811

The Superintendent of Public Instruction is designated as educational authority to apply for Federal grants on behalf of Pennsylvania for any purpose for which Federal funds shall be made available for the aid of education.

The Superintendent of Public Instruction has the power to originate the documentary data prerequisite to the disbursement of available federal funds and to adopt, carry out and administer plans, rules, regulations for such purposes.

CROSS REFERENCES

I.Associate Superintendent; Statute §10-1072.1(a)

I.District Superintendent; Statute §10-1078

I.Special Board of Control; Statute §6-692.1

II.A.1.; Statute §15-1519; 15-1519.1

II.A.2.; Statute §13-1379

II.A.3.; Statute §18-1802

III.B.Certificated Personnel; Statute §12-1204; §12-1205; §12-1206; §12-1207

III.C.Certificated Personnel; Statute § 2-1211

IV.G.; Statute §13-1314

TREASURER OF SCHOOL DISTRICT

STATUTES

§4-439; 4-440; 4-440.1; 4-441; 4-442

The duties of the treasurer of each school district shall be: to receive and deposit all funds belonging to the school district and make payments out of the same on proper orders; and to make a report at the end of each month to the school controller; to make temporary investment of school district funds when authorized by the board of school directors; and to perform such other duties as the board may direct.

RHODE ISLAND

The Board of Regents for Education consists of fifteen members: the chairperson of the Senate Finance Committee or his/her designee, the chairperson of the House Finance Committee or his/her designee, and thirteen members appointed by the Governor with the advice and consent of the Senate. The Board of Regents is successor to all powers and duties of the State Board of Education as well as the Board of Trustees for State Colleges and the Department of Education. The Board is responsible for the maintenance of a Department of Education and for the appointment together with the Governor, of a Commission of Education as its chief executive officer and chief administrative officer of the Department of Education.

The School Committee of each town consists of three residents of the town elected for terms of three or four years, depending upon the town's election provisions. Each School Committee is to elect a Superintendent of Public Schools to be the chief administrative agent of the Committee. Where two or more towns do not have more than sixty schools aggregately, the School Committees may vote to jointly employ a Superintendent. School Committees may also enter into agreements with one another to conduct jointly educational programs and/or administrative functions provided the agreements are reviewed and recommended by the Commissioner of Education and approved by each participating School Committee. Regional school districts may be formed if recommended by a Regional School District Planning Board and accepted by the voters of the towns comprising the region.

RHODE ISLAND

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ADVISORY COMMISSION ON EDUCATIONAL TELEVISION

CROSS REFERENCE

II.B.2.; Statute §16-28-4

ADVISORY COMMITTEE ON THE GIFTED

CROSS REFERENCE

II.A.2.; Statute §16-42-1; 16-42-2

AREA ADVISORY COMMITTEE

CROSS REFERENCES

II.A.3.; Regulation, Art. 1, Role and Function of State Education Agency, pp. 1-13.2 -- 1-13.3

III.D.Education System; Statute §16-42-10

BOARD OF REGENTS

STATUTES

§16-1-4

"The board of regents, formerly the state board of education shall have power and shall be required to...adopt state educational policies...adopt standards...for the certification of teachers . . . approval and accrediting of high schools . . . to review the subjects and courses of study . . . instructional standards to be maintained in the elementary and secondary schools . . . distribution of state and school funds . . . study, review and make recommendations for the design, construction and location of school buildings . . . provide school library services . . . make recommendations relative to pupil transportation," enforce education laws, "decide appeals . . . of the commissioner, . . . require standard accounting and auditing procedures."

POLICYMAKING

§16-49-1

There is established a board of regents for education, which is constituted a public corporation,

empowered to exercise all the powers usually appertaining to public corporations entrusted with control of educational institutions and functions. The board shall have staggered terms for its public members.

The board shall consist of fifteen members as follows: the chairman of the senate finance committee or his designee, the chairman of the house finance, and thirteen public members appointed by the governor with the advice and consent of the senate.

Each public member shall be compensated for actual service, provided, however, that the compensation in any one year shall not exceed the sum of $3,000.00 per member.

The senate and house finance chairman shall receive no compensation for their services.

§16-49-4

The board of regents for education shall have the following powers and duties:

(1) To approve a program of information gathering and analysis addressed to every level of education in the state so that current needs may be met and plans formulated to meet future needs; (2) To approve a master plan defining broad goals and objectives for all levels of education in the state: elementary, secondary and higher. These goals and objectives shall be expressed in terms of what men and women should know and be able to do as a result of their educational experience; (3) To formulate broad policy to implement the goals and objectives established by the regents, and to adopt standards and require enforcement and to generally supervise all public and non-public education in the state; (4) To allocate and coordinate various educational functions among the educational agencies of the state and local school districts and to promote cooperation among them so that maximum efficiency and economy shall be achieved; (5) To prepare an annual total state educational budget, and to determine priorities of expenditures among the various state educational agencies; (6) To maintain a department of education, to provide

RULEMAKING

for its staffing and organization, and to appoint a commissioner of education who shall serve at its pleasure; (7) To establish educational agencies or subcommittees to conduct any aspect of education and to dissolve the same when their purpose shall have been fulfilled; (8) To exercise authority heretofore vested in the board of education with relation to non-public educational institutions; (9) To exercise all functions, powers and duties heretofore vested in the board of education, including but not limited to the following specific functions: (a) to approve basic elementary and secondary curricula and instructional standards; (b) to adopt standards and qualifications for the certification of teachers and to provide for the issuance of certificates; (c) to exercise responsibility over the distribution of state school funds; (d) to determine the necessity of school construction and to approve standards for design and construction of school buildings throughout the state; (e) to set standards for school libraries and school library services; (f) to make recommendations relative to transportation of pupils to school, school bus routes, schedules and other matters relating to pupil trnasportation; (g) to enforce all education laws; (h) to decide and determine appeals from decisions of the commissioner.

APPEAL

§16-49-5

The regents shall hold regular meetings at least twice in each quarter of each calendar year. At least once every year the regents shall hold a meeting to which it shall invite the entire membership of the general assembly.

§16-49-8

The general assembly shall annually appropriate such sums as it deems necessary for support and maintenance of all levels of education in the state. The regents shall review and adjust the budget of its several subordinate committees and present the same as a unified

budget for education; and the regents may intermittently reallocate the budget of any board or agency.

§16-49-9

The board of regents shall establish subcommittees from within their public memberships, designate subcommittee chairpersons and delegate their powers and duties:

Subcommittee for elementary and secondary education--

This subcommittee shall recommend policy specific, but not limited to: vocational education for elementary and secondary education; the school for the deaf; the school lunch program; the manpower and development training program; elementary and secondary school approval; teacher certification; scholarship program; and academic services to the local school districts. The subcommittee shall submit a unified budget to the board of regents for operations of the department of education.

Subcommittee for special populations --

This subcommittee shall recommend policy specific to, but not limited to: education of handicapped; the gifted and talented; culturally disadvantaged; economically deprived; and educational television.

REGULATIONS

ARTICLE I: ROLE AND FUNCTION OF THE STATE EDUCATIONAL AGENCY, pp. 1-8.1 -- 1-8.6

BOARD OF REGENTS FOR EDUCATION BYLAWS (Amended 4/17/75)

I. The officers of the Board of Regents shall consist of a chairman, appointed by the governor, and a vice chairman, a secretary, and a treasurer, elected from among members of the Board annually, to full 3 year terms. Other offices may be established at the discretion of the Board. Officers shall hold office until their respective successors are elected and qualified.

BOARD OFFICERS

The chairman shall preside at Board meetings and perform duties set forth by these by-laws and other duties usually devolving on the presiding officer of a deliberate body. Unless otherwise ordered, the chairman shall appoint

all special committees and execute documents on behalf of the board.

II. Nine members of the Board shall constitute a quorum. Regular meetings shall be held at least twice in each quarter of each calendar year. Special meetings may be called by the chairman and shall be called by the chairman upon the written request of 5 board members or at the request of subcommittee chairman in matters related to that subcommittee. Written notice shall be given to each Board member prior to any regular or special meeting.

All Board meetings shall be open to the public, provided that executive sessions may be held as provided by law.

III. Each person who is made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative or investigative, by reason of being or having been a member of the Board of Regents or an officer, employee, or agent of the Board, shall be indemnified against expenses actually and reasonably incurred in connection with such an action, suit or proceedings, if the Board determines that the person acted in good faith and to the best interests of the Board, except that no indemnification shall be made unless and only to the extent that the court shall determine that, despite the adjudication of guilt, such person is entitled to indemnity.

IMMUNITY

ARTICLE I: ROLE AND FUNCTION OF THE
STATE EDUCATIONAL AGENCY, pp. 1-8.7 -- 1-8.8

METHOD OF ADOPTION OF POLICIES (BR 12/11/75)

"The Board of Regents will, from time to time, be expressing its philosophical beliefs and general principles or purposes by which it will be guided in fulfilling requirements of the Education Act of 1973. The formulation and adoption of these statements shall constitute policies of the Board."

Proposals will be developed through appropriate subcommittees with referral to the Board for adoption. If a proposal is not exclusive to any one subcommittee, it shall be considered at a regular Board meeting. "Only policies so adopted and recorded shall be regarded as official Board policy.

POLICYMAKING

PUBLIC INSPECTION

New or amended policies shall be effective on date of adoption unless otherwise specified....

The Department of Education shall keep a permanent register of the policies open to public inspection."

METHOD OF ADOPTION OF REGULATIONS (BR 12/11/75)

The Board of Regents will establish, from time to time, rules and regulations and standards to implement Board policy and/or recommendations of the Commissioner of Education. These must be consistent in every respect with law and with Board policies. They are binding on all affected parties unless otherwise specified.

RULEMAKING

Such regulations shall be developed and adopted in the same manner as Board policies. They will be filed in the Board's Policy Regulation Manual and disseminated to appropriate agencies.

"The Commissioner of Education shall, from time to time, make regulations when specific state law requires the establishment of such regulations by that office."

CROSS REFERENCES

I. Commissioner of Education; Statute §16-7-46

I. Department of Education; Statute §16-49-7

I. School Committee; Statute §16-3.1-2 -- 16-3.1-4

II.A.2.; Statute §16-26-5

II.B.2.; Statute §16-8-4

III.A.2.; Statute §16-40-1

III.B.Teacher; Statute §16-11-3

III.C.Educational Television; Statute §16-28-3

III.C.Teacher; Statute §16-11-4

CERTIFICATION ADVISORY COMMITTEE

REGULATIONS

ARTICLE I: ROLE AND FUNCTION OF THE STATE EDUCATION AGENCY, p. 1-13

A. The Certification Advisory Committee shall consist of 16 members who are professional educators. They shall be appointed by the Commissioner of Education and shall serve at the Commissioner's pleasure.

STATUTES

§16-1-5

It shall be the duty of the commissioner of education:

(a) to implement the programs and policies of the board of education;

(a) to evaluate, verify and issue teacher certifications at the direction of the board;

(c) "to certify the approval of accredited schools";

(d) to recommend to the board an outline for curriculum and instructional standards for elementary and secondary schools;

(e) to approve the disbursement of state school funds in accordance with law and the regulations of the board to verify that school sites and building plans comply with the law;

(g) to supervise school libraries and library services;

(h) to certify that school bus routes, schedules and all contracts for pupil transportation are in accordance with the law and regulations set forth by the board;

(i) to enforce all school and education laws; EDUCATION LAWS

(j) "to interpret school law and to decide such controversies as may be appealed to him (her) from decisions of local school committees";

(k) "to prepare and recommend standard forms for the use of local schools";

(l) "to prepare, with the assistance of the department of administration, a manual of standard financial records and procedures for local school officers";

(m) "to have general supervision of the department of education and to appoint officers and employees of the department subject to the provisions of the state merit system act."

§16-7-46

"The commissioner of education is directed to make a continuous evaluation of §§16-7-35 to 16-7-48, inclusive," for the purpose of examining its effect upon the fiscal arrangements of the state on the one hand and the cities, towns and regional school districts on the other. He/she shall carry on the studies necessary to its effective operation and shall propose to the board of regents rules and regulations governing the character of costs of school construction to be approved for the purpose of state and federal aid and he/she shall promote "efficiency in planning and financing the construction of school facilities and the furtherance of the development of regional school districts."

§16-49-6

The regents shall appoint a commissioner of education, who shall serve at the pleasure of the regents, provided that his initial engagement by the regents shall be for a period of not more than three years. He shall serve as the chief executive officer of the board of regents and as the administrative officer of the department of education. It shall also be the duty of the commissioner of education: (1) to implement a system of information gathering and analysis addressed to all current and future educational needs throughout the state; (2) to supervise the master planning process for all levels of education in the state, and to coordinate the goals and objectives of the public education sector with the activities of the private sector where feasible; (3) to implement broad educational policy established by the regents; to enforce educational standards; to generally supervise public and non-public education in the state; to assist in budget preparations, and to be responsible upon the direction of regents for the general management of, and allocations for, property; (4)to coordinate various educational functions among the education agencies of the state and local school districts

so that maximum efficiency and economy may be achieved; (5) to assist the regents in preparation of the annual state total educational budget; (6) to supervise the operation of the department of education; (7) to perform duties herein vested in the board of regents with relation to nonpublic educational institutions within the state; (8) to supervise the following specific functions: (a) to recommend basic curricula and instructional standards to be maintained in public elementary and secondary schools; (b) to recommend standards and qualifications of teachers and to issue certificates when proper; (c) to lawfully distribute state school funds; (d) to certify the necessity of school construction and to see that standards and design are in accordance with law and regulations of the regents; (e) to certify that school library standards and services are in accordance with law and regulations of the regents; (f) to certify that all matters relating to school bus routes and pupil transportation conform with law and regulations of regents; (g) to require observance of all education laws; (h) to interpret school law and to decide such controversies as may be appealed to her/him from decisions of local school committees; (i) to prepare and recommend standard forms for the use of local schools when reporting to the department of education; (j) to prepare standard accounting and auditing procedures for local school districts; (9) to approve and accredit elementary and secondary schools in accordance with policy and recommendations of board of regents; (10) to administer policies, rules and regulations of the board of regents with relation to the entire field of education.

CERTIFICATION

§42-15-5

The board of education shall appoint a commissioner of education who shall serve for a term of five years.

CROSS REFERENCES

I. Board of Regents; Regulation, Art. I, Role and Function of State Education Agency, pp. 1-8.7--1-8.8

I. Certification Advisory Committee; Regulation, Art. I, Role and Function of State Education Agency, pp. 1-13

I. Department of Education; Statute §16-49-7

I. School Committee; Statute §16-3.1-2--16-3.1-4

II.A.2.; Statute §16-42-1; 16-42-2

II.A.2.; Statute §16-42-5

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

II.B.1.b.; Statute §16-1-9

II.C.2.; Regulation, Art. I, Role and Function of State Education Agency, pp. 1-18.1--1-18.3

III.A.2.; Statute §16-40-1

III.C.School System; Regulation, Art. I, Role and Function of State Education Agency, pp. 1-14--1-14.1

III.C.Schools; Regulation, Art. IV, Students, pp. 4-11--4-12.2

III.D.Commissioner's Annual Review of School Expenditures; Statute §16-7-32

III.D.Dispute Over School Laws; Statute §16-39-4

III.D.Education System; Statute §16-1-8

III.D.Pupils; Statute §16-22-9

IV.A.; Regulation, Art. IV Students, pp. 4-22--4-26

IV.F.; Regulation, Art. IV, Students, G7f.

COUNCIL ON THE ARTS

STATUTES

§16-46-3, 16-46-4

The Rhode Island State Council on the Arts shall consist of twelve members, broadly representative of all fields of the performing and fine arts, to be appointed by the governor subject to the advice and consent of the senate.

CROSS REFERENCE

II.A.1.; Statute §16-46-6--7; 16-46-9--10

DEPARTMENT OF EDUCATION

STATUTES

§16-49-7

The board of regents shall maintain a department of education which shall perform "such of the research

and administrative functions and duties required of the regnets." Within such department, the commissioner of education shall be in charge of all personnel policies, except that regents approval shall be required for the appointment of associate and assistant commissioners.

§42-15-1

"There shall be a State Department of Education, control of which shall be vested in the state board of education."

CROSS REFERENCES

I. School Committee; Statute §16-1-11

II.A.1.; Statute §16-22-2

II.A.2.; Statute §16-25-7

II.A.2.; Statute §16-42-3

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

II.A.3.; Statute §16-45-1

II.A.8.; Statute §16-29-6

II.B.1.a.; Statute §16-23-1

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

III.A.2.; Statute §16-1-10

III.B.School Personnel; Statute §16-13-1

III.C.Schools; Regulation, Art. IV, Students, pp. 4-12.4--4-12.5

III.D.Educational Programs; Regulation, Art. II, Education Program Development, pp. 2-3.1--2-3.11

IV.A.; Statute §16-21-5

IV.A.; Statute §16-25-3

IV.C.; Statute §16-8-9

GENERAL ASSEMBLY

CROSS REFERENCES

I. Board of Regents; Statute §16-49-5

I. Board of Regents; Statute §16-49-8

II.A.2.; Statute §16-25-7

GOVERNOR

CROSS REFERENCES

I. State Board of Education; Statute §42-15-2 -- 42-15-3

Local School Districts

CROSS REFERENCES

III.D.Educational Programs; Regulation, Art. II, Education Program Development, pp. 2-3.1 -- 2-3.11

IV.A.; Statute §16-2-31

Municipal School Systems

CROSS REFERENCES

IV.C.; Statute §16-2-30

IV.C.; Statute §16-8-8

Principal

CROSS REFERENCE

IV.A.; Statute §16-21-4

Regional School District

Statutes

§16-3-3

Regional school districts formed under the provisions of this chapter to operate any one of the types of schools listed in §16-3-2 may establish one or more of the following services for all the pupils of the regional school district:

(a) to provide education for the handicapped.

(b) to provide transportation for all schools in the regional district. PUPIL SERVICES

(c) to provide school health services.

(d) to provide guidance services.

(e) to provide both general and specialized supervisory services for all the schools of the district.

(f) to provide other educational services as the people of the regional district may determine, subject to approval by the commissioner of education.

§16-3-11

A regional school district established under the provisions of Chapter 16-3 of the general laws shall have all the powers and duties conferred by law upon school committees, as well as the powers and duties to sue and be sued, purchase land improvements, secure competent architectural and engineering services and employ clerical assistance, to construct, furnish and equip schools and employ a superintendent.

§16-3-12

The regional school district financial meeting, to which all voters in their respective towns may attend, shall be held the first Monday in February of each year.

Special meetings may be called by vote of the regional school district committee or upon voter petition filed with said committee.

§16-3-13

The regional school district financial meeting shall determine the regional school district budget, decisions as to levying taxes to finance regional school district functions, the purchase of land and the construction of buildings, the extension of scope of functions of regional school district as approved by the state board of education, and the election of members to the regional school district committee.

REGIONAL SCHOOL DISTRICT PLANNING COMMITTEE

STATUTES

§16-3-4

Any town, by vote in a financial town meeting called therefor, may create a special, unpaid regional school district planning committee, to consist of three members, including one member of the school committee, to be appointed by the president of the town council.

§16-3-5

"Regional school district planning committees from any two or more towns may join together to form a regional school district planning board or boards." Each board shall organize upon its formation by the election of a chairman and secretary treasurer.

§16-3-6

It shall be the duty of the regional school district planning board to study the advisability of establishing a regional school district, its organization, operation and control, and of constructing, maintaining and operating a school or schools and the types of services to be performed by the school or schools to serve the needs of such district; to estimate construction and operating costs thereof; to investigate methods of financing school or schools, and any other matters pertaining to the organization and operation of a regional school district; and to submit a report of its findings and recommendations to the town councils of the several participating towns.

DISTRICT COOPERATION

§16-3-7

The regional district planning board may recommend the establishment of a regional school district which may include all, or some, of the towns represented by its membership. Upon such recommendation, the regional district planning board shall submit a proposed agreement(s) detailing as to each alternative recommendation, if such be made, the following:

(a) the composition, and terms of office of members, of the regional district school committee.

(b) "The town or towns in which the regional district school or schools are to be located."

(c) "The type of regional school district school or schools and the types of services to be undertaken by the regional school district."

(d) "The method of apportioning the expenses of the regional school district, and the method of apportioning

the costs of school construction . . . and the time and manner of payment of such expenditures."

(e) The method by which school transportation shall be financed and provided.

(f) "The terms by which any town may be admitted to or separated from the regional school district.

(g) The method by which the agreement may be amended.

(h) The detailed procedure for the preparation and adoption of an annual budget.

(i) Any other matters, not incompatible with law, which the said board may deem" advisable.

School Committee

Statutes

§16-1-11

For the purposes of this section . . ."the department of education shall be subrogated to all the powers and functions of the town school committee...."

§16-2-6

"Each town school committee shall choose a chairman and a clerk, either of whom may sign any orders or official papers, and may be removed at the pleasure of said committee . . . the clerk shall keep a journal of committee proceedings."

COMMITTEE OFFICERS

§16-2-7

The school committee clerk when required by the department of education, "shall distribute such documents and blanks as shall be sent to him, to the persons for whom they are intended."

§16-2-29

The school committee and the board of regents of each town, city or regional school shall at a reasonable time before the date set for its next meeting publish a notice of said meeting in a paper having general

circulation in the community. The notice shall contain the agenda, time and place of the meeting and make clear that the public shall have the opportunity to be heard on the items proposed on the agenda.

Emergency meetings do not require notice. Closed executive meetings may be permitted to consider strictly personal matters which do not affect educational policies and/or general operation of the school.

§16-3.1-2 -- 3.1-4

Any school committee, acting for or on behalf of its district, may agree with one or more school committees "to conduct jointly, instructional education programs and/or administrative functions, provided that such agreement has been reviewed and is recommended by the commissioner of education and thereafter has the approval of each participating school committee."

COOPERATIVE SERVICES

The department of education shall provide technical assistance to school districts interested in the formation of cooperative services, and it shall review and make recommendations on proposed agreements prior to the submission to the commissioner of education for his/her consideration.

The board of regents shall adopt regulations regarding all aspects of the agreement in §16-3.1-2. "Each agreement shall fully describe the services to be rendered, the terms by which each school district shall share in the cost of said services, and shall further provide for a method of governing such services which services shall be considered part of the public school system."

The board of regents may provide for subsidies to continue, or special grants to stimulate, the formation of cooperative service arrangements.

CROSS REFERENCES

I. Superintendent; Statute §16-2-9

I. Superintendent; Statute §16-2-12; 16-2-13

II.A.2.; Statute §16-24-1

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

II.A.3.; Statute §16-30-1

II.A.8.; Statute §16-29-1; 16-29-2; 16-29-8

II.B.1.a.; Statute §16-23-1

II.B.1.c.; Statute §16-23-2

II.C.2.; Regulation, Guidelines for a District Five-Year Plan for School Construction (1975)

II.C.2.; Regulation, Art. I, Role and Function of State Education Agency, pp. 1-18.1 -- 1-18.3

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

III.A.2.; Statute §16-1-10

III.A.2.; Statute §16-18-3

III.A.2.; Statute §16-2-2

III.C.Schools; Regulation, Art. IV, Students, pp. 4-11 -- 4-12.2

III.D.Education System; Statute §16-2-21

III.D.Education System; Statute §16-38-10

III.D.School Census; Statute §16-18-1

IV.A.; Statute §16-21-12

IV.D.; Statute §16-21-1

IV.D.; Statute §16-24-4

IV.H.; Statute §16-19-3

IV.J.; Statute §16-2-17

IV.J.; Statute §16-38-5

IV.J.; Regulation, Art. IV, Students, pp. 4-6.4 -- 4-6.6

SECRETARY OF STATE

CROSS REFERENCE

III.A.2.; Statute §16-40-1

STATE ADVISORY COMMITTEE ON SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

STATE ADVISORY COUNCIL FOR TECHNICAL-VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §16-53-1

STATE BOARD OF EDUCATION

STATUTES

§16-1-1; 16-1-2

BOARD OFFICERS

The state board of education shall elect its own chairman and secretary, and adopt its own rules and order of business. A majority of the board shall constitute a quorum.

§16-8-5

The state board of education is authorized to enter into agreements with the United States commissioner of education for co-operation; provided, any such agreement "shall be subject to the approval of the United States commissioner of education and the governor of the State of Rhode Island."

§16-39-3

Any decision of the commissioner in disputed matters shall be subject to appeal and review by the board of education.

§42-15-2; 42-15-3

The governor shall appoint seven members to serve on the state board of education. One member shall serve for seven years.

Any vacancies shall be filled by appointment of the governor.

Board members shall serve without compensation but "shall be entitled to receive reimbursement for reasonable, actual and necessary expenses incurred in the performance of their duties."

§42-15-4

"It shall be the responsibility of the state board of education:

(a) "To have general supervision and control of the public schools.

(b) "To be the policy forming and planning agency for the public school system of the state.

(c) "To determine and adopt policies for the more efficient operation of any phase of public school education, including functions and programs receiving state support in public schools.

(d) "To carry into effect the laws and policies of the state relating to education.

(e) "To make all needful rules and regulations for the carrying out of its duties and for the proper enforcement of the provisions of school law.

RULEMAKING

(f) "To review the educational needs of the state and to adopt or promote plans for meeting those needs.

(g) "To appraise the results being achieved in the education program.

(h) "To recommend and propose to the governor desirable changes in the laws relating to education."

CROSS REFERENCES

I. Commissioner of Education; Statute §42-15-5

I. Department of Education; Statute §42-15-1

II.A.1.; Regulation, Art. II, Education Program Development, pp. 2-12.1 -- 2-12.2

II.A.2.; Statute §16-24-2

II.A.2.; Statute §16-26-2

II.A.3.; Statute §16-27-1.2

II.A.3.; Statute §16-45-1

II.A.3.; Statute §16-45-3

II.B.2.; Statute §16-28-5

II.B.3.; Regulation, Standards for Approval and Accreditation of Secondary Schools, App. A

III.D.Education System; Statute §16-1-7

III.D.Education System; Statute §16-2-24

III.D.Education System; Statute §16-26-10

III.D.Education System; Statute §16-38-10

IV.D.; Statute §16-24-4

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §16-8-1

STATUTES

§16-2-9

Each town school committee "shall elect a superintendent of public schools of the town to perform such duties and exercise such powers as the committee shall assign him; and to receive compensation out of the town appropriation for public schools as the committee shall vote."

§16-2-11

"The superintendent shall have the care and supervision of the public schools and shall be the chief administrative agent of the school committee."

"He (she) shall assist the school committee in keeping its records, accounts and reports as are required by law. He (she) shall recommend teachers, principals, supervisors and assistants, to the school committee . . . courses of study, textbooks, school supplies, school furniture, repairs and other needed improvements . . . make a report to the school committee annually or at its discretion."

§16-2-12; 16-2-13

The school committee of two or more towns, in which the total number of schools is more than sixty, may vote to unite the said several towns for the purpose of employing one superintendent. The superintendent shall be chosen by ballot and the committee shall fix his salary. Such union shall not be dissolved because the number of schools has increased to more than sixty or for any other reason for the period of three years from the date the union is formed.

REGULATIONS

ARTICLE V: SCHOOL PERSONNEL (p. 5-8 - 5-9)

D. SELECTION AND RECRUITMENT OF EDUCATIONAL PERSONNEL

1-2 SUPERINTENDENTS (BE, 7/11/68)

The State Board believes that each school district

should have the services of the best possible executive and administrative officers. The adoption of recruitment and selection procedures that will increase the number of applications cannot help but increase the likelihood that the person finally chosen will be of a higher caliber. For this reason, the Board has established the following regulations.

Every school committee shall before commencing recruitment and selection of a superintendent of schools shall devise and submit to the Commissioner of Education for approval or rejection, according to guidelines promulgated by the Commissioner, a plan for such recruitment and selection. Such a plan shall provide for the following: wide announcement of the vacancy; the forwarding to interested persons of pertinent information regarding the position, the appointment of a screening committee to assist the school committee in the process of selection, unless waived by the Commissioner in exceptional cases, final selection by the school committee giving due consideration to the recommendations of the screening committee and the rating scale; confidentiality of all information supplied by or about all applicants; and a schedule for each step in the recruitment and selection process.

CROSS REFERENCES

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

III.D.Education System; Statute §16-2-20

IV.A.; Regulation, Art. IV, Students, pp. 4-22 -- 4-26

SUPERVISOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

SUPREME COURT OF RHODE ISLAND

CROSS REFERENCE

III.D.Disputes Over School Laws; Statute §16-39-4

TEACHER

CROSS REFERENCE

IV.F.; Statute §16-12-4

TOWN TREASURER

CROSS REFERENCES

III.D. Funds for School Operations; Statute §16-9-2

III.D. Funds for School Operations; Statute §16-9-3

TRUANT OFFICER

CROSS REFERENCES

IV.H.; Statute §16-19-3

IV.H.; Statute §16-19-5

SOUTH CAROLINA

The State Board of Education is composed of one member from each judicial circuit who is elected by the legislative delegation of that judicial circuit to serve for a term of four years. No member may succeed himself/herself except by unanimous consent of the legislative delegation from the circuit. The State Superintendent of Education serves as secretary and administrative officer of the Board. He/she is elected at each general election in the same manner as other state officials. It is his/her duty to organize, staff and administer a State Department of Education to administer policies and procedures of the State Board of Education.

The Committee for Continuous Study of the Educational System is composed of nine members: the chairperson of the Senate Education Committee, the chairperson of the House Education and Public Works Committee, two persons appointed from the membership of the Senate by the President of that body, two appointed from the House of Representatives by the Speaker of the House, and three nonlegislative members appointed by the Governor. The Committee is to make a continuous study of the overall educational program of the state and report its findings to the General Assembly.

Each county of the state has a County Board of Education composed of seven members; six of whom are appointed by the Governor upon recommendation by the Senator and at least one-half of the Representatives from the county. Where the County Superintendent of Education is elected, he/she serves as an ex officio member of the county board. Where he/she is not elected, the seventh board member is appointed in the same manner as the other six.

Each school district is under the management and control of a Board of Trustees appointed by the County Board of Education. School districts of the various counties may not be altered or divided except by act of the General Assembly or by authorization of the County Boards of Education when: (1) the Senate and entire house legislative delegation has given written permission; (2) at least four-fifth of the qualified electors of each school district involved has petitioned for the alteration; or (3) at least one-third of the qualified electors has petitioned for consolidation and a majority of qualified electors of each school district approves the consolidation. In addition, a County Board of Education may consolidate schools and school districts whenever, in its judgment, such consolidation would be in the best interest of education in the county.

SOUTH CAROLINA

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I. Powers, Duties and Functions

Attendance Officer

CROSS REFERENCE

IV.H; Statute §59-64-210 -- 59-65-280

Board of Education

STATUTES

§59-1-380

The board of education may suspend five make-up days if schools are closed for "extreme weather conditions" provided that the suspension does not occur until after the first two days of the extreme condition.

Board of Trustees

STATUTES

§59-19-10

"Each school district shall be under the management and control of the board of trustees" and subject to the supervision of the county board of education.

§59-19-20 --59-19-40

The board shall consist of three members who shall each serve a term of three years. The members shall be appointed by the county board of education unless the district decides to use a different procedure to appoint or elect its trustees. APPOINTMENT

§59-19-90

The board of trustees' duties shall include: providing suitable schoolhouses, employing and discharging teachers, promulgating rules and regulations, transferring and assigning pupils, controlling local educational interests of its districts, controlling school property and other duties specified by law. RULEMAKING

CROSS REFERENCES

II.A.1; Statute §43-235

II.A.3; Regulation §43-185

II.A.8; Statute §59-43-10 -- 59-43-30

II.B.1.c; Regulation §43-72

IV.E; Statute §59-63-270

IV.K; Statute §59-63-210 -- 59-63-270

Board of Vocational School

CROSS REFERENCE

II.A.3; Statute §59-53-1900 -- 59-53-1920

Committee for Continuous Study of the Educational System

CROSS REFERENCE

III.D.Education System; Statute §59-9-10 -- 59-9-40

County Board of Education

Statutes

§59-1-340

Every county board of education or board of trustees shall meet at least every other month and the meetings shall be open to the public, except those meetings which are held in executive session.

§59-1-350

Members of the county board "may serve without pay" but may be reimbursed for expenses incurred in attending a board meeting.

§59-15-10

The county board of education shall be composed of seven members appointed by the governor upon the recommendation of the appropriate state legislators. But if the county superintendent is elected by the people, he/she shall serve as the seventh member of the board ex officio.

§59-15-20

The county board shall be an advisory body to the county superintendent, with which he/she has the right to consult when in doubt about his/her official duties.

§59-15-40

RULEMAKING

The county board may prescribe rules and regulations not inconsistent with state law as they deem "necessary or advisable." The board may conduct hearings and report their findings to the full board.

§59-19-100

Where the county educational system acts as a unit, the county board of education shall have all the powers and duties of school trustees.

CROSS REFERENCES

I.Board of Trustees; Statute §59-19-10

I.Board of Trustees; Statute §59-19-20 -- 59-19-40

I.County Superintendent; Statute §59-13-60

II.A.4; Statute §59-35-10 -- 59-35-30

II.B.1.c.; Regulation §43-71

II.B.1.c.; Regulation §43-72

IV.C; Statute §59-63-710 -- 59-63-770

COUNTY SUPERINTENDENT OF EDUCATION

STATUTES

§59-13-10

The qualified electors of each county shall elect a county superintendent who shall hold office for a term of four years.

§59-13-40

VACANCY

The State Board of Education shall fill any vacancy in the office of County Superintendent for the unexpired term.

§59-13-60

Each county and district superintendent of education shall assume the responsibilities prescribed by law or by the state board of education or the county board of education.

CROSS REFERENCES

I.County Board of Education; Statute §59-15-10

I.County Board of Education; Statute §59-15-20

III.D.Education System; Statute §59-13-140

DIRECTOR, AREA VOCATIONAL CENTER

CROSS REFERENCE

II.A.3; Regulation §43-236

DISTRICT SUPERINTENDENT

CROSS REFERENCE

I.County Superintendent; Statute §59-13-60

GENERAL ASSEMBLY

CONSTITUTION

SOUTH CAROLINA CONSTITUTION, ART. XI, §3

"The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the state and shall establish, organize and support . . . other public institutions of learning as may be desirable."

GOVERNOR

CROSS REFERENCES

I.County Board of Education; Statute §59-15-10

I.State Board of Education; South Carolina Constitution, Art. XI, §1

I.State Superintendent; Statute §59-3-20

HIGH SCHOOL LEAGUE

CROSS REFERENCE

IV.E; Regulation §43-244 -- 43-245

LEGISLATORS

CROSS REFERENCE

I.County Board of Education; Statute §59-15-10

SENATE

CROSS REFERENCE

I.State Superintendent; Statute §59-3-20

SCHOOL BOOK COMMISSION

CROSS REFERENCES

II.B.1.a; Statute §59-5-90

II.B.1.a; Statute §59-31-510

SCHOOL DISTRICTS

STATUTES

§59-17-10

Each school district shall be "a body politic and corporate" and may sue and be sued and is capable of contracting.

CROSS REFERENCES

II.A.2; Regulation §43-211

II.A.2; Regulation §43-241

II.A.3; Statute §59-53-1880

II.A.3; Statute §59-53-1900 -- 59-53-1920

II.B.1.c; Statute §59-31-260 -- 59-31-280

SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION

CROSS REFERENCE

II.B.2; Statute §59-7-10 -- 59-7-60

STATE BOARD OF EDUCATION

CONSTITUTION

SOUTH CAROLINA CONSTITUTION, ART. XI, §1

"There shall be a State Board of Education composed of one member from each of the judicial circuits of the state." Members shall be elected by the legislative delegations of the counties within the circuit and one member shall be appointed by the Governor.

APPOINTM

STATUTES

§59-1-40

The state system of public education shall consist of those schools, institutions agencies and services that the Board of Education shall prescribe, or those that are authorized by law.

§59-5-40

The board shall meet upon the request of the chairman or a majority of members.

§59-5-60

The state board has the power to: adopt policies and regulations for the public schools, approve the education budget, "prescribe and enforce rules for examination and certification of teachers," prescribe and enforce curriculum and textbook use, appoint committees to assist the board in carrying out its functions, and other duties assigned to it by law or which it finds necessary to carry out its purpose. RULEMAKING

§59-5-80

The State Education Television Commission, the state Advisory Committee for Technical Training and the South Carolina Opportunity School shall be under the supervision of the State Board of Education. The State Board shall study the feasibility of coordinating these agencies.

REGULATIONS

§43-1

"The State Board of Education is enjoined by State Statute to carry out certain responsibilities and be responsible for specific duties in the State's program of public education." The Board is empowered to adopt policies, enact regulations and establish general rules for carrying RULEMAKING

out the duties placed upon it or the South Carolina State Department of Education by the General Assembly; to review periodically the educational needs of the State, evaluate the outcomes being achieved in the educational program, and promote plans for meeting these needs; to adopt standards for the accreditation of elementary and secondary schools as well as programs for teacher education offered by institutions of higher education and to establish policies governing the approval of teacher education programs; and to adopt minimum standards for any phase of education considered necessary to aid in providing adequate educational opportunities and facilities.

The Board of Education is charged with a tremendous responsibility for planning, regulating, upholding and improving the State's system of primary and secondary education.

The basic elements of the Board's educational philosophy are:

(1) The Board's primary role is to represent the entire State as the lay body responsible for the State's system of public elementary and secondary education. Its role, it believes, can only be carried out effectively when it acts as the policy body designed to regulate, evaluate, upgrade and control the statewide educational system. The Board will not carry out administrative functions, which are the province of the State Superintendent and the State Department of Education. The principle of local control of public education is recognized, but since the Board believes that effective local control means full responsibility and accountability to the electorate, the Board's efforts will be channeled through the Superintendent, and in turn, through local boards of education.

(2) The Board looks upon the Superintendent of Education as its chief administrative officer with responsibility for administering the State's system of public elementary and secondary education and the State Department of Education. The Superintendent is looked on as the primary educational leader for evaluating public education,

developing plans for its improvement for Board consideration, providing aid to local school districts to assist in educational improvements, and developing short and long-range plans for educational advancement in the State. The Superintendent's responsibility is also to carry out the financial plan approved by the Board.

(3) The Board believes that there should be an annual evaluation of educational quality in each school district to determine educational shortcomings as the first step in developing improvements. The major resources of the State Department of Education should be concerned with the evaluation process, and with the resulting aid to local school districts who most need improvement in achieving it. The basic yearly objectives and work plans of the Department should be structured upon the findings secured from the evalution process.

(4) A minimum quality of education should be set. There should be a system of State financial aid to local school districts which recognizes local financial ability and also encourages maximum local effort compatible with resources.

(5) The State should have a continuous program for upgrading public education; this means a continuous program for upgrading teaching ability and curriculum improvement. Continuous upgrading of education requires careful planning, prudent use of the State's financial resources and continuous leadership in means of improvement; therefore, a five year plan for educational improvement which should be updated each year should be developed by the Superintendent and approved by the Board after open hearings on it. This plan should constitute the board's primary means of communicating its programs and financial costs to the public and the Legislature. Superior teachers who demonstrate superior teaching and aid in training new teachers should be recognized and rewarded accordingly.

(6) Each local school district should have at least a one-year plan for educational improvement. This plan should be a requisite for State aid and Federal project

money and should be developed after a careful evaluation of primary local needs for improvement. A Board plan for improvement should be developed each year after assessments of its achievements and shortcomings. Local boards should be aided in this effort by Department of Education assistance when needed, and also by a Departmental development of a set of criteria of local school board effectiveness.

(7) A number of local school districts are of an uneconomic size for carrying a quality level of education and should be consolidated with neighboring districts. The Board intends to study these districts and to make consolidation recommendations, where pertinent. Inquiries for assistance in district consolidation prior to the time the Board adopts policies governing consolidation are invited.

(8) The State must have a coordinated plan for academic, vocational and technical education to avoid waste of resources and permit the availability of educational opportunity to all public school students. Policies governing the areas of responsibility of each form of education shall be adopted and the appropriate means of carrying out each shall be designated.

(9) Accreditation of all public and private elementary and secondary schools is required. Such accreditation should be an evaluation of the resources of each school and any school which fails to meet accreditation requirements should be given a probationary period in which to meet the requirements. A kindergarten grade must exist and is required in districts for all beginning pupils by 1978.

(10) There must be a system of personal, academic and vocational counseling of pupils in the public school system.

(11) A well developed system of educational experimentation and research is essential to full use of the State's resources toward educational improvement. Primary guidance and coordination should come from the Superintendent and the State Department of Education, but local school

districts must initiate or participate in this research if it is to be successful. The State Department should provide the computer resource for research projects, with this resource available to local school districts and should coordinate a statewide system of data processing.

(12) The State Board, the focal point for broad educational leadership, must have the full support and resources of the Superintendent and the State Department. The Board, after advice and counsel from all sources, will set rules, regulations and policies for carrying out its statutory mandate. All interested citizens are invited to participate.

§43-3; 43-6

BOARD OFFICERS

Officers of the State Board of Education shall consist of the Chairman, the Vice-Chairman, and a Secretary who shall be the State Superintendent of Education.

At the annual meeting in December, the Board shall elect officers who shall serve for a period of one year, beginning on January 1. Vacancies occurring in these offices shall be filled in the same manner as the original election.

The Chairperson shall preside at all meetings of the Board and shall be the Board's official representative at all times unless otherwise provided by the Board. The Chairman shall appoint all standing committees with the Board's consent and may appoint special or ad hoc committees. He/she shall review and approve the agenda for the regular meeting of the State Board of Education at least one week prior to the meeting of the Board. Special meetings may be called by the Chairperson or upon the request of a majority of the members of the Board.

In the absence or inability of the Chairperson, the Vice-Chairperson shall carry out the duties of the Chairperson.

§43-7.1

Duties of members of the State Board of Education shall include:

1. Attending meetings of the Board, entering into discussions and participating in decision-making on items coming before the board.

2. Studying and being familiar with agenda items sent to Board members prior to each regular meeting.

3. Serving on committees when requested to do so by the Chairman.

4. Referring problems brought to the attention of the individual Board member to the State Superintendent, or his/her designated representative, for review, action, or submission to the State Board of Education.

5. Recognizing that each individual Board member has no authority to act for the State Board of Education except at the request of the Board.

§43-8

The Chairman of the Board and State Superintendent provide an orientation for new Board members each year.

§43-9

BOARD COMMITTEES

Committees shall meet at the direction of the Chairman of the Board or on call of the committee chairman. There shall be standing committees of the Board for Educational Policy, Legislation, Finance, Curriculum and Instructional Materials, and Teacher Recruitment, Training and Compensation. The members of the standing committees shall be appointed annually each January by the Chairman of the Board with the Board's consent.

Special or ad hoc committees shall be appointed by the Chairman of the Board as needed. Assignments to special or ad hoc committees shall be made by the Chairman of the Board. These committees shall cease to function after the assignment has been completed or at the direction of the Chairman of the board. Minimal funds shall be provided by the Board for committee use and specific duties for each committee as a resource consultant.

The Educational Policy Committee shall be comprised of the Board Chairman, Board Vice-Chairman, the retiring

Board chairman and the Chairman of the other four standing committees. The Committee is to recommend position statements concerning the philosophy of the State Board of Education; to work with the State Superintendent and the Board to develop a five-year plan to be updated annually for educational improvement; and to recommend policies necessary for achieving the goals of the State Board of Education, regulations designed to regulate, evaluate, upgrade and control the statewide system of education, and by-laws and rules for the internal affairs of the State Board of Education.

The Legislative Committee's duties are to recommend needed changes in current school laws; to review and inform the Board of the status of all significant legislation related to education as it is introduced in the General Assembly, and to review current and pending State and Federal legislation related to education and recommend position statements to the Board when deemed appropriate.

Duties of the Finance Committee are to recommend procedures for review of budgets submitted to the State Budget and Control Board for approval; to study the relationship of the Board to ETV and the Wil Lou Gray Opportunity School and recommend a plan for improved budget surveillance; to study school district size and recommend a plan for providing units economically capable of supporting adequate educational programs and to study alternative plans of state-local educational financing and recommend a plan to the Board.

The Curriculum and Instructional Materials Committee's duties are to review proposed changes in the courses of study for the free public schools; to review reports prepared by the State Superintendent concerning courses of study, textbooks and other instructional materials; to review proposed changes of standards for textbooks and other instructional materials; and to review recommendations of the textbook selection committees.

The Teacher Recruitment, Training and Compensation Committee's duties are to review proposed changes in

Teacher Certification requirements and submit recommendations to the Board; to recommend policies designed to insure quality teacher preparation in State Teacher training programs; to study the State's inservice training needs for teachers and administrators and recommend policy to the Board; and to review proposals of the State Superintendent concerning the state-aid salary schedule and submit recommendations to the Board.

§43-11.1 — 15

Regular meetings of the State Board of Education shall be held at 10:00 a.m. on the second Friday of each calendar month. Special meetings may be called by the Board Chairman or upon the request of a majority of Board members.

Members of the press will be notified of Board meetings and sent an agenda of the meeting by the State Superintendent.

The State Superintendent shall prepare an agenda for each regular meeting of the State Board of Education for the review and approval of the Board Chairman at least one week prior to the meeting. The State Superintendent as secretary to the Board, shall present the agenda for the business at hand to the members of the Board prior to the regular meeting being called to order. If feasible, the secretary shall mail to each Board member a copy of the agenda and supportive documents one week in advance of the meeting. A supportive document code shall be used for all material presented to the Board by the State Department of Education and for an outline by which to write the minutes of each meeting.

The order of business, if not specified in the call for the meeting, shall be: Calling to order, adopting of minutes of the previous meeting, reports of the State Superintendent and the State Department of Education, reports of Board Committees, and other business.

§43-18 The State Superintendent, as Secretary to the Board, shall have recorded the minutes of the proceedings of the Board. The official minutes of the Board should be kept in the Office of the State Superintendent and shall be open to inspection by the public. A copy of the minutes of a meeting of the Board shall be mailed to each Board member, and the minutes shall be approved at the succeeding meeting. The minutes shall not be considered official until approved by the Board.

§43-18.1

"A policy, rule or regulation of the State Board of Education is a statement which having been adopted by the Board and filed with the Secretary of State and the Office of the Code Commissioner, and having met the full provisions of Chapter 23 of Title I, has the full effect of law, not being in conflict with existing laws of the state, and establishes a standard, principle, or course of action related to the Board's own governance or the governance of the free public schools.

RULEMAKING

Proposed new policies, rules or regulations, or revisions to existing policies, rules or regulations shall be prepared and submitted to the Board by a Board member, committee of the Board, the State Superintendent, or the authorized representative of the State Superintendent." Other organizations or individuals, even if not associated with the Board or State Department of Education, may propose suggestions for new policy by submitting these suggestions to the State Superintendent or the Chairman of the Board.

§43-20

Since public understanding and support are essential for progressive educational leadership and news media representatives play a vital role in interpreting and reporting public education developments to the State's citizens, news media representatives are welcome at Board meetings. The Board directs the State Superintendent of Education to implement activities designed to accelerate and expand coverage of State Board of Education meetings

by news media representatives.

§43-21

Policies, rules and regulations promulgated by the State Board of Education may be prepared for enactment, amendment or rescindment at any regular meeting of the Board. Notice of the proposed rule-making shall be publicized.

During a regular meeting of the Board, and after meeting the requirements of §43-20, the Board shall consider the proposed new policy or revision to existing policy. Presentations to the Board concerning proposed policy revisions or new policy adoptions shall specifically indicate the changes which would occur to existing policies, rules or regulations by the adoption of the proposed policy and the requested action of the Board for each proposed policy revision.

After adoption by the Board, the policy, rule or regulation shall be published for public review. Provisions shall be made for any interested party to have an opportunity to be heard regarding the policies, rules and regulations promulgated by the State Board of Education.

The policy adoption procedures of the Board shall be consistent with Chapter 23 of Title I. The State Superintendent, as Secretary to the Board shall establish procedures necessary to insure compliance with the chapter's provisions.

§43-21.1 --21.2

The South Carolina Educational Policy Manual shall contain all policies, rules and regulations of the State Board of Education. The policy manual must be distributed to members of the State Board of Education, the State Superintendent, designated staff members of the State Department of Education, and each district superintendent within the state.

Revisions to existing policy, as approved by the Board and after meeting the provisions of Chapter 23 of Title I, shall be disseminated on a routine and regular basis to each holder of the policy manual. The State

Superintendent shall have a systematic procedure developed and implemented to periodically update each policy manual.

The State Board of Education shall initiate a formal review of the existing policies, rules and regulations of the Board when it is considered appropriate by a majority of the members of the Board. The State Superintendent shall review the Board's policies, rules and regulations on a routine and on-going basis and make recommendations to the Board for revisions to existing policy in order to maintain an up-to-date compilation of Board policies. The State Superintendent shall annually, or more often, if appropriate, review the policies of the Board to insure that they are consistent with current legislative provisions and report to the Board.

CROSS REFERENCES

I.County Superintendent; Statute §59-13-40

I.County Superintendent; Statute §59-13-60

II.A.1; Statute §43-231

II.A.2; Statute §59-5-140

II.A.2; Statute §59-21-550

II.A.2; Statute §59-33-30

II.A.3; Statute §59-53-1810 -- 59-53-1870

II.A.8; Statute §59-43-10 -- 59-43-30

II.A.10.Other - Schools for Institutionalized Orphans; Statute §59-37-10 -- 59-37-30

II.B.1.a; Statute §59-5-90

II.B.1.a; Regulation §43-70

II.B.1.c; Statute §59-31-210; 59-31-230

II.B.1.c; Statute §59-31-360

III.C.Education System; Regulation §43-22

III.C.Teachers; Regulation 43-206

III.D.State Board Hearing; Statute §59-5-70

III.E.Professional Personnel; Regulation §43-201

IV.A; Regulation §43-145

IV.B; Statute §59-21-710 -- 59-21-760

IV.D; Statute §59-67-10 -- 59-67-290

IV.D; Statute §59-67-410 -- 59-67-570

IV.K; Regulation §43-19

STATE BOARD OF VOCATIONAL EDUCATION

REGULATIONS

§43-7

In his/her absence, the secretary shall provide a representative from the State Department of Education to act as Secretary. The State Superintendent of Education shall be designated as the Secretary and Administrative Officer to the State Board of Vocational Education. He/she shall notify members of the press of Board meetings and shall prepare an agenda for each regular meeting of the Board for review and approval of the Board Chairman at least one week prior to the meeting.

STATE COUNCIL ON TEACHER EDUCATION

CROSS REFERENCE

III.B.Teachers; Regulation §43-11

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.2; Statute §59-21-510 -- 59-21-580

II.A.2; Statute §59-67-520

II.A.4; Statute §59-3-80

II.B.1.c; Regulation §43-71

II.B.1.c; Regulation §43-72

II.B.2; Statute §59-1-360

II.B.2; Regulation §43-25

III.C.Education System; Regulation §43-22

III.E.Professional Personnel; Regulation §43-201

IV.B; Statute §59-21-710 -- 59-21-760

IV.E; Regulation §43-23

STATE EDUCATIONAL FINANCE COMMISSION

CROSS REFERENCE

II.B.1.a; Statute §59-3-90

CONSTITUTION

SOUTH CAROLINA CONSTITUTION, ART. XI, §2

"There shall be a State Superintendent of Education who shall be the chief administrative officer of the public education system of the state . . . ."

STATUTES

§59-3-10

The State Superintendent "shall be elected at each general election in the same manner as other state officials." She/he shall be paid $34,000 per year.

§59-3-20

VACANCY

A vacancy in the office of State Superintendent shall be filled by the governor with the "advice and consent" of the Senate.

§59-3-30

The duties of the state superintendent include the following: serve as secretary and administrative officer to the State Board of Education, supervise and manage all public school funds, administer the State Department of Education, administer all policies and procedures adopted by the State Board and keep the public informed about the problems and needs of the public schools.

CROSS REFERENCES

I.State Board of Education; Regulation §43-3 -- 43-6

I.State Board of Education; Regulation §43-7.1

I.State Board of Education; Regulation §43-8

I.State Board of Education; Regulation §43-11.1 -- 43-15

I.State Board of Education; Regulation §43-18

I.State Board of Education; Regulation §43-18.1

I.State Board of Education; Regulation §43-20

I.State Board of Education; Regulation §43-21

I.State Board of Vocational Education;
Regulation §43-7

II.A.2; Statute §59-21-510 -- 59-21-580

II.B.1.a; Regulation §43-70

III.C.Teachers; Regulation §43-206

III.D.Education System; Statute §59-3-60

III.D.Education System; Statute §59-3-70

III.D.Student Performance; Statute §59-39-100 -- 59-39-740

IV.A; Statute §59-63-910 -- 59-63-930

IV.A; Regulation §43-145

IV.A; Regulation §43-182

IV.E; Regulation §43-23

IV.K; Regulation §43-19

SUPERINTENDENT

REGULATIONS

§43-150

School board policies establishing guidelines and fixing responsibilities outline the relationship of board members, superintendents and staff, provide understanding, clarity of purpose and facilitate administration. Copies of the school board policies shall be filed in each principal's office and school library.

The superintendent shall prepare a policy manual which includes enumerated topics for school board operation.

TEACHERS

CROSS REFERENCES

IV.A; Statute §59-63-910 -- 59-63-930

IV.A; Regulation §43-182

TEXTBOOK AND CURRICULUM ADVISORY COMMITTEE

CROSS REFERENCE

II.B.1.a; Regulation §43-70

SOUTH DAKOTA

The State Board of Education is the head of the Division of Elementary and Secondary Education and consists of seven members appointed for terms of five years by the Governor with the advice and consent of the Senate. Each Supreme Court District is to be represented on the Board and no member may be a member of any state board for higher education, employed in the teaching profession, or an official or employee of any institution of higher education. The State Board appoints a Superintendent of Elementary and Secondary Education to be executive officer and agent of the Board. The Superintendent has the duty of approving, classifying or accrediting elementary, secondary, adult education, kindergarten, nursery, and summer schools, both public and private, under the rules established by the State Board of Education.

A school district is any territory organized for the express purpose of operating a twelve-year school program. Each school district has a school board consisting of five, seven, or nine elected members. The school district electors may increase or decrease the number of school board members. Rural representation on the school board is required if more than twenty percent of the population of the district lives outside the incorporated area of the district. Each school board is to employ a Business Manager who is to keep an accurate journal of the proceedings of the board, take charge of all its books and documents, prepare an annual report of the district for the Superintendent of Elementary and Secondary Education, make all purchases and disbursements in the name of the school district and perform such other duties as the board may require.

SOUTH DAKOTA

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BOARD OF COUNTY COMMISSIONERS

STATUTES

§13-6-9.2

The board of county commissioners shall likewise serve as the school board for any district which fails to provide a school program, or fails to elect a school board. In the event of such a failure, the board shall prepare a "reorganization plan" for the district.

BOARD OF SCHOOL AND PUBLIC LANDS

STATUTES

§5-1-1

The "board of school and public lands" shall consist of "the governor, the commissioner of school and public lands, and the state auditor."

BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.: Statute §13-39-10; 13-39-13; 13-39-16; 13-39-17; 13-39-25

BUSINESS MANAGER

STATUTES

§13-22-1

The business manager of each school district shall take a census of "all children under twenty-one years of age" as of the first of April of each year.

COMMISSIONER OF SCHOOL AND PUBLIC LANDS

STATUTES

§13-22-8

The "commissioner of school and public lands" shall inspect the census and determine its accuracy.

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS

STATUTES

§1-45-4; 1-45-4.1

"The department of education and cultural affairs shall consist of the divisions of elementary and secondary education, vocational education, higher education and cultural affairs." The department "shall perform all administrative functions."

DEPUTY STATE SUPERINTENDENT OF SCHOOLS

CROSS REFERENCES

I.State Board of Education; Statute §13-1-9

DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §13-39-3 -- 13-39-4.1; 13-39-6; 13-39-9; 13-39-11; 13-39-18; 13-39-21; 13-39-22; 13-39-24

DISTRICT BOARD OF EDUCATION

CROSS REFERENCE

II.A.2.; Statute §13-37-14.1

STATUTES

§1-45-5 --1-45-7

The "division of elementary and secondary education shall consist of the board of education and the former department of public instruction." The board of education shall head this division, and "perform all administrative functions."

CROSS REFERENCE

II.A.2.; Statute §13-37-1.2

GOVERNOR

CROSS REFERENCES

I.South Dakota Education Council; Statute §13-15-17.1

I.South Dakota Professional Practices and Standards Commission; Statute §13-43-17 -- 13-43-18

I.State Board of Education; Statute §13-1-1 -- 13-1-2

II.A.3.: Statute §1-45-9 -- 1-45-10; 13-39-5

LOCAL SCHOOL BOARD

STATUTES

§13-8-1 - 13-8-2

A local school board is defined as a "body . . . to serve as the governing board of a school district" whose purpose is "organizing, maintaining, and locating schools" and "providing educational opportunities and services for all citizens . . . ."

School boards shall consist of "five, seven, or nine members" elected for terms of "one to three years."

§13-8-10 ; 13-8-11

School boards shall meet annually and elect officers.

The school board "shall employ a business manager not a member of the board." The business manager does not have to be a resident of the school district and may be employed in some other capacity by the school board. The business manager is authorized to "make all purchases in the name of the school district."

§13-8-25

A school board vacancy shall be "filled by appointment by the remaining school board members." The appointee shall serve until the next election when a successor will be elected.

§13-8-39

The school board shall have "general charge . . . and management of the schools" and "control and care" of all school property, "power to levy taxes, borrow money, employ . . . personnel, . . . lease real and personal property, . . . purchase all necessary books and equipment and . . . property . . . and erect necessary buildings for the operation of such schools."

§13-10-2

"The school board shall have the power to employ personnel . . . and to define the duties and fix the compensation of each."

CROSS REFERENCES

II.A.2.; Statute §13-27-10

II.A.4.; Statute §13-33-3

II.A.10.Other - Indian Education Program; Statute §13-15-3

II.B.1.c.; Statute §13-34-16.3

II.B.4.; Statute §13-24-18

II.C.3.; Statute §13-24-20

III.D.Educational System; Statute §13-8-47

IV.A.; Statute §13-28-7.2; 13-28-7.3; 13-32-8

IV.D.; Statute §13-29-1; 13-29-2; 13-30-2

IV.E.; Statute §13-36-4

IV.G.; Statute §13-28-15; 13-28-20; 13-28-23

IV.J.; Statute §13-32-1 -- 13-32-7

IV.J.; Regulation §24:07:03:04 -- 24:07:03:06

LOCAL SCHOOL DISTRICTS

CROSS REFERENCE

II.A.8.; Statute §13-28-35

LOCAL SUPERINTENDENT

CROSS REFERENCES

II.A.2.; Statute §13-27-10

IV.J.; Regulation §24:07:02:01; 24:07:03:01--
24:07:03:03

MULTIDISTRICT CENTER BOARD

CROSS REFERENCE

II.A.3.; Statute §13-39-52; 13-39-53

PRINCIPALS

REGULATIONS

24:03:04:02; 03; 05

Each school district shall employ elementary and secondary principals who are expected to work full-time when their supervision involves twenty or more teachers. School principals with supervision of ten or fewer teachers are expected to devote at least fifty percent of their work time to their school administrative duties. "The superintendent and secondary principal shall be two different people."

"When a principal is assigned to more than one attendance center, and teacher assignment approaches thirty, consideration shall be given to a qualified assistant principal."

The requirement for supervision by a principal may be waived for non-public schools with four or fewer teachers, if an alternate method of providing suprvision, such as sharing qualified personnel, is available and is approved by the state superintendent.

AUTHORITY: SDCL 13-1-12; 13-3-47

CROSS REFERENCES

IV.J.; Statute §13-32-1 -- 13-32-7

IV.J.; Regulation §24:07:02:01; 24:07:03:01 -- 24:07:03:03

PROFESSIONAL PRACTICES AND STANDARDS COMMISSION

STATUTES

§13-43-17 — 13-43-18

The "South Dakota professional practices and standards commission" is created, consisting of eleven members, including teachers, principals, and school board members. The members are appointed by the Governor. The commission itself will function within the division of elementary and secondary education.

APPOINTMENT

REGULATIONS

§24:08:02:01 -- 11

"The commission shall at its first meeting after January first of each year elect a chairperson and vice chairperson. The commission may appoint an executive secretary who shall not be a member of the commission."

OFFICERS

"The chairperson shall preside at all meetings of the commission. In accordance with the rules of the commission, the chairperson shall supervise all business and affairs of the commission."

"During the absence of the chairperson, the vice chairperson shall perform the duties of the chairperson."

"The executive secretary when appointed shall keep accurate minutes of all meetings of the commission and maintain all the records necessary to operate and administer the business of the commission."

"Unless otherwise provided, the commission shall recruit, employ and determine the salaries of all personnel according to the provisions of the Career Services Act and the rules of the bureau of personnel."

"A majority of the members of the commission shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the members of the commission shall be required to pass motions and adopt resolutions."

"A regular quarterly meeting of the commission shall be held at Pierre, South Dakota in the state capitol complex at the time established at the organizational meeting of the commission."

"All meetings other than regular quarterly meetings shall be special meetings. Special meetings may be held as often as is necessary to conduct the business of the commission."

"A written notice will be sent to all members at least five days before a regular and special meeting. A copy of the proposed agenda and other pertinent information will be sent with the notice."

"The commission may remove any elected officer of the commission by a two-thirds affirmative vote of the total membership of the commission."

AUTHORITY: SDCL 13-43-20; 13-43-25

§ 24:08:04:01

"Within ten days after the filing of a complaint in writing with the chairperson setting forth the sections of the code of professional ethics that are alleged to be violated, a written acknowledgement of receipt of such complaint will be mailed to the complainant and the respondent. A copy of the complaint shall also be sent to the respondent."

NOTICE

AUTHORITY: SDCL 13-43-20; 13-43-25

§24:08:04:02

"The commission shall provide for the appropriate investigations to determine the validity of the complaint. Within forty-five days after the receipt of the complaint the complainant and respondent shall be sent a notice by certified mail setting forth the decision of the commission and the reasons therefor regarding the disposition of the complaint."

AUTHORITY: SDCL 13-43-20; 13-43-25

§24:08:04:03

"If, as a result of the investigation, the commission decides to hear the complaint, procedures outlined in §24:08:04:05 shall be followed. If, as a result of the investigation, the commission decides not to hear the complaint, the complainant has recourse under §24:08:04:04."

HEARING

AUTHORITY: SDCL 13-43-20; 13-43-25

§24:08:04:04

"Any person aggrieved by any action of the commission taken without a hearing may, within thirty days following the date of such commission action, petition the commission for a review of

REVIEW

its decision. Such review shall be held not later than sixty days following receipt of the petition."

AUTHORITY: SDCL 13-43-25

§24:08:04:05

HEARING

"The commission shall set a time and place for a hearing which will be held within thirty days of notification of the decision."

AUTHORITY: SDCL 13-43-20; 13-43-25

§24:08:04:06

NOTICE

At least twenty days prior to the date set by the commission for a requested hearing the commission shall serve by mail upon the petitioner and other interested or affected parties a copy of the notice of hearing.

AUTHORITY: SDCL 13-43-25

§24:08:04:07

RIGHT TO COUNSEL

"The hearing shall be conducted in a formal manner. The complainant and the respondent shall be entitled to be represented by another party. Testimony may be transcribed by a court reporter if requested by either the complainant or respondent ten days before the hearing, and such party shall engage the reporter and pay the reasonable cost thereof. After the hearing, the commission shall give its decision based upon such testitmony given at the hearing within thirty days following the conclusion of the hearing."

AUTHORITY: SDCL 13-43-20; 13-43-25

§24:08:04:08

"Any party to any hearing shall, upon request made prior to the close of the hearing, be entitled to file a written brief with the commission within such reasonable time as then fixed by the commission for the filing thereof. The commission may also direct the submission of written briefs and set a reasonable time for their filing when, in its opinion, briefs are warranted by the issues involved in the proceedings."

AUTHORITY: SDCL 13-43-25

§24:08:04:09

REVIEW

"Within ten days after receipt of the commission's decision, any party to the hearing may file with the commission a petition for review of its decision. The commission, in its discretion, may deny the petition, order a rehearing, or direct such other and further proceedings as it deems appropriate. Upon such rehearing or other proceedings, the commission may affirm, reverse or modify its earlier decision. Notice of the commission's decision on the petition to review shall be served by mail upon the petitioner and any other affected parties and shall not be mandatory before seeking judicial review."

AUTHORITY: SDCL 13-43-20; 13-43-25

CROSS REFERENCE

III.C.Teachers; Statute §13-43-25

SCHOOL BOARD

STATUTES

§13-8-26

APPOINTMENT

The president of the school board "shall appoint all committees" and "preside at meetings of the board."

§13-8-35

The minutes of all school board meetings shall be "published in the designated legal newspaper."

SCHOOL DISTRICTS

STATUTES

§13-15-1 - 13-15-1.1

School districts are authorized to "enter into contracts with the state" for "educational purposes and services." School districts may also "contract with each other to share the services of employees.

REGULATIONS

§24:03:04:01; 04; 06; 07

"Each school district shall employ a qualified superintendent who shall have adequate time to properly administer the school system."

In common school districts, "the board of county commissioners shall provide for the educational supervision of the elementary schools . . .[in] those counties having a county high school or a superimposed high school district."

"Each school system shall employ at least one full time office assistant," and provide the professional staff with clerical assistance. "The custodial staff shall be adequate to maintain a plant that is safe, clean and attractive."

Each school board shall employ a business manager who "shall perform the duties of the clerk and the treasurer of the district."

AUTHORITY: SDCL 13-1-12; 13-3-47

II.A.3.; Statute §13-39-27; 13-39-41 -- 13-39-42

IV.C.; Statute §13-35-1

CROSS REFERENCES

IV.G.; Statute §13-28-21

IV.H.; Statute §13-27-19

SECRETARY OF EDUCATION AND CULTURAL AFFAIRS

CROSS REFERENCE

III.D.Secretary of Education's Annual Report: Statute §1-45-8

SOUTH DAKOTA INSTRUCTIONAL TELEVISION COUNCIL, EXECUTIVE COMMITTEE

CROSS REFERENCE

II.B.2.; Statute §13-47-21

STATE BOARD OF DIRECTORS FOR EDUCATIONAL TELEVISION

CROSS REFERENCE

II.B.2.; Statute §13-47-1 -- 13-47-1.1; 13-47-2; 13-47-7; 13-47-15 -- 13-47-17; 13-47-19

STATE BOARD OF EDUCATION

STATUTES

§13-1-1 — 13-1-2

"The state board of education shall be the head of the division of elementary and secondary education . . . and shall consist of seven members appointed by the Governor . . .". Eligibility requires that board members not be employed in any educational institutions, or serve on other state boards.

APPOINTMENT

The members of the state board of education shall serve five-year terms.

§13-1-4

The state board of education shall meet on a quarterly basis. Annual elections will be held to elect a president and vice-president.

BOARD OFFICERS

§13-1-9

APPOINTMENT

The state board of education shall "appoint and fix the salary" of the deputy superintendent of schools. The state board shall also "appoint and fix the salaries" of the "professional staff of the division of elementary and secondary education."

§13-1-11

RULEMAKING

The state board of education shall adopt "all policies for the government of the division of elementary and secondary education" and adopt and carry out rules relating to "supervisory functions" of the education division.

REGULATIONS

§24:01:02:01 — 24:01:02:03 and 24:01:02:07

BOARD OFFICERS

The state board's year shall run from July 1 through June 30. During the first meeting each year, the board shall designate the times for the regular quarterly meetings for the year which shall be held in the state capitol complex in Pierre. At this time the board shall also elect its president and vice president. The state superintendent is ex officio secretary to the board and its executive officer.

AUTHORITY: SDCL 13-1-11

§24:01:02:04

The state board's president shall preside at its meetings, supervise all business & affairs of the board (unless otherwise delegated to other members of the board or to personnel in the division of elementary and secondary education.) "The president shall sign such instruments as the board has authorized to be executed and shall perform all other duties as may be prescribed by the board."

AUTHORITY: SDCL 13-1-11

§24:01:02:05

"In the absence of the president, or in the event of his/her death, inability or refusal to act, the vice president shall perform the duties of the president, and when so acting shall have all the powers of the president."

AUTHORITY: SDCL 13-1-11

§24:01:02:08; 24:01:02:10

"All meetings of the board shall be conducted pursuant to Robert's Rules of Order . . . . All meetings of the board other than regular quarterly meetings shall be special meetings . . .[which] may be held as often as is necessary to conduct the business of the board. . . . Special meetings may be scheduled" during a regular meeting, or in emergencies, within 24 hours after the state superintendent has telephoned board members.

AUTHORITY: SDCL 13-1-11

§24:01:02:14

"All rules and records of the [state] board are public documents and may be examined during office hours in the office of the state superintendent at Pierre, South Dakota."

§24:01:02:15

"The [state] board shall employ professional personnel to perform the duties assigned to the board or the division [of elementary and secondary education] by statute, required to administer the federal programs or to perform such other services as the board deems advisable in providing service to local schools or for the purpose of providing leadership in elementary and secondary education. In selecting personnel and establishing salaries, the board and the division shall be governed by the Career Services Act and the rules and regulations of the state bureau of personnel."

AUTHORITY: SDCL 13-1-11

CROSS REFERENCES

I.State Superintendent of Schools; Statute §13-1-3; 13-3-46

II.A.1.; Statute §13-3-48

II.A.2.; Statute §13-37-1.1; 13-37-8.6; 13-37-14 13-39-10.1

II.A.10.Other - Indian Education Program; Statute §13-15-2

II.B.1.b.; Statute §13-34-11

II.B.2.; Statute §13-1-22.1

II.B.3.; Statute §13-1-31

III.A.1.; Statute §13-1-12

III.B.Certificated Personnel: Statute §13-42-3

III.D.Legislation; Statute §13-1-39

III.E.School Personnel: Statute §13-47-20

STATE BOARD OF REGENTS

CROSS REFERENCE

II.A.2.; Statute §13-61-1; 13-62-1

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.: Statute §1-45-9 -- 1-45-10; 13-39-3 -- 13-39-4.1; 13-39-11; 13-39-41 -- 13-39-42; 13-39-64

STATE COMMISSION OF INDIAN AFFAIRS

CROSS REFERENCE

II.A.10.Other - Indian Education Program; Statute §1-4-1

STATE SUPERINTENDENT OF SCHOOLS

STATUTES

§13-1-3

APPOINTMENT

"The state board of education shall appoint a superintendent of elementary and secondary education who shall be a full-time employee of the board . . .". The superintendent shall serve as "executive officer of the board" and have the power to act on behalf of the board.

§13-1-25

The state superintendent of schools shall have "supervision over all elementary and secondary schools . . . including adult education, kindergarten, nursery schools, and summer schools."

§13-3-46

The state superintendent of schools shall "delegate duties" to education personnel "as approved by the state board."

§13-3-50

The state superintendent of schools has the power to publish school bulletins for the guidance of those charged with educational responsibilities."

§13-3-53

The state superintendent of schools shall "keep the state board of education currently advised as to . . . the status of the public and nonpublic schools" and recommend policy to the board "necessary for educational progress."

§13-42-19

The "designated state official" for this state shall be the superintendent of elementary and secondary education. Such state official shall enter into contracts pursuant to Article II of the agreement.

REGULATIONS

§24:01:02:01

The state superintendent, as ex officio secretary, "shall keep accurate minutes of all meetings of the board and maintain all records necessary to operate and administer the business of the division" of elementary and secondary education.

AUTHORITY: 13-1-11

"Notices of all meetings of the board shall be given by general news releases and by written notices to persons who have requested such information. The state superintendent shall notify all members of the board in writing when special meetings are called. . . [stating] the purpose for which the meeting has been called." The state superintendent shall provide a copy of the agenda, and any pertinent information, to each board member at least 10 days prior to the meeting, except in the emergency situation, where a meeting is organized by telephone. "Such meetings shall be called for a single purpose and that purpose shall be stated at the time the members are notified." Agenda copies for all meetings shall be sent to all superintendents of schools and anyone else requesting them.

AUTHORITY: SCDL 13-1-11

CROSS REFERENCES

I.State Board of Education; Regulation §24:01:02:01 -- 24:01:02:03; 24:01:02:07

II.C.3.; Statute §13-3-25

III.A.1.; Statute §13-3-47

III.A.1.; Regulation §24:03:03:01; 24:03:02:03 -- 24:03:02:04

III.B.Educational Personnel; Statute §13-42-18

III.C.Certificated Personnel; Statute §13-42-9

III.C.State Superintendent; Statute §13-3-49

III.D.Educational Progress; Statute §13-3-51

III.D.Educational System; Statute §13-3-54

IV.G.; Statute §13-15-8 -- 13-15-13

IV.H.; Statute §13-27-12

SUPERINTENDENT OF SCHOOLS

CROSS REFERENCES

II.C.1.; Statute §13-24-14

IV.A.; Statute §13-28-7.3

IV.H.; Statute §13-27-15

IV.J.; Statute §13-32-1 -- 13-32-7

TEACHERS

CROSS REFERENCES

III.B.Teachers; Regulation §24:10:06:03

IV.J.; Statute §13-32-1 -- 13-32-7

TRUANCY OFFICERS

CROSS REFERENCE

IV.H.; Statute §13-27-14; 13-27-19; 13-27-20

VOCATIONAL EDUCATION SCHOOLS

CROSS REFERENCE

II.A.2.; Statute §28-9-41

VOTER

§13-8-43

All records "relating to school business in the district" shall be open "to the inspection of . . . any voter or taxpayer."

TENNESSEE

The system of public education is administered on the state level by the Commissioner of Education and the State Board of Education. The Commissioner the chief executive officer of the Department of Education and is appointed by the Governor. He/she is an ex officio member and chairperson of the State Board and has a vote on all questions coming before the Board. Additionally, the State Board of Education is composed of twelve members, four from each grand division of the state. The members are appointed by the Governor for terms of nine years. The State Board is ex officio the Board of Vocational Education and the Board of Examiners of Teachers. It prescribes rules and regulations for the approval, classification and governance of all public schools and prescribes and approves curricula.

The Department of Education is comprised of the Division of Certification, the Division of Public Libraries and Archives, the Division of Vocational Rehabilitation, and the Division of Vocational Education. The officers of the Department of Education and all its divisions are under the supervision and control of the Commissioner of Education.

Each county has a County Board of Education composed of three, five, seven or nine members. School district lines are drawn to coincide with the boundaries of one or more districts from which Justices of the Peace are elected. Members of county boards are elected by the Quarterly County Court or by vote of the people from their school districts. The Quarterly County Courts of the several counties of the state are authorized to elect County Superintendets of Public Instruction. The County Superintendent serves as a member of the executive committee of the County Board of Education, keeps a complete record of the proceedings of the board, and has responsibility for the general supervision of schools.

TENNESSEE

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I. Powers, Duties and Functions

Advisory Committee for Vocational Education

CROSS REFERENCE

II.A.3.; Statute §2611

Advisory Council for Education of the Handicapped

CROSS REFERENCE

II.A.2.; Statute §2916 -- 2918

Assistant Commissioner

CROSS REFERENCE

II.A.2.; Statute §2915

Board of Control

CROSS REFERENCE

II.A.3.; Statute §2605

Child Development Advisory Committee

CROSS REFERENCE

II.A.4.; Statute §5109

Child Development Coordinating Council

CROSS REFERENCE

II.A.4.; Statute §5106

Commissioner of Education

STATUTES

§103 — 105

The commissioner is the chief executive officer of the department of education. He/she shall be experienced in school administration. He/she shall be appointed by the governor and qualified to teach in the school "over which he[she] has authority." The commissioner shall be charged with the administration of the laws that the legislature may enact.

APPOINTMENT

The duties of the commissioner are:

(1) "appoint all heads and subordinates in the department" except those to be elected by the state board of education (the governor shall approve such appointments); (2) collect and publish information relative to the system; (3) inspect and survey the schools; (4) require all teachers to attend county institutes or meetings; (5) see that the school laws and regulations are executed; (6) see to it that all those associated

APPOINTMENT

with the school system have copies of the laws; (8) "require of all state and local public school officers and heads of state educational institutions . . . detailed reports annually . . . ."; (10) "preserve in his[her] office all official documents and matters in relation to educational subjects that may come into it . . . ."; (12) "report at the end of each fiscal year concerning accounts of receipts and disbursements of school funds, condition and progress of the schools" and make recommendations for improvements; (14) "revoke . . . upon sufficient evidence the certificate of any teacher, principal, supervisor, or other school official guilty of immoral conduct;" (15) make sure that no portion of the school fund is misappropriated or mishandled; (16) "supervise high schools . . ."; (19) inspect, approve and classify private schools of grades 1 through 12 based upon the same standards used for public schools.

§110

The commissioner of education shall direct and control the officers of the department of education.

CROSS REFERENCES

I.State Board of Education; Statute §101 -- 102

II.A.2.; Statute §2913

II.A.2.; Statute §2944

II.A.2.; Statute §2950

II.A.2.; Statute §3017

II.A.2.; Regulation pp. 100-102

II.A.3.; Statute §2704 -- 2706

II.A.3.; Regulation p.49

II.A.9.; Regulation pp.75-76

II.A.10. Other - Out of School Experiences; Regulation p. 90

II.C.1.; Regulation p.107

II.C.2.; Regulation p.108

II.C.2.; Regulation p.109

II.C.2.; Regulation p.124

III.A.2.; Statute §116

III.A.2.; Statute §1773 -- 1777

III.A.2.; Regulation pp.17-21

III.C.Student; Regulation p.91

III.C.Teacher; Statute §1419 -- 1420

III.D.School Census: Statute §1738

IV.D.; Statute §2203 -- 2205

CONSOLIDATED BOARD

STATUTES

§420

The plan for the election of the members of a consolidated board of education may provide for the election by popular vote of 5 or 7 members who shall be bona fide residents of the county, without further restriction as to place of residence, or for the election of 5 or 7 members representing 5 or 7 school districts of approximately equal population, each member to be voted on by the voters in the particular district of which the member is a resident, or for the election of 5 or 7 members by popular vote of the entire electorate of the county, but with the requirement that each member be a resident of a different district. Alternatively, the members may be selected by the governing body of the municipality or of the county.

ELECTION

COUNTY BOARD OF EDUCATION

STATUTES

§208

Each county shall have either a 3, 5, or 7 member board of education elected by the county court or the voters in the district.

§209 -- 213

Members of the board shall be voting residents of the county of which they are elected and "shall be citizens of recognized integrity, intellizence and ability to administer the duties of the office." No county official shall be elected to the board. Members must reside in the county.

Meetings must be held regularly on the second Thursday in September, December, March and June. Special meetings may be called at the discretion of the chairman, who shall be selected annually from among the board members.

All meetings shall be open to residents. Executive sessions may be held but no action shall be taken at such sessions which shall directly or indirectly involve expenditure of funds.

Compensation of board members shall be fixed by the county court quarterly. Vacancies shall be filled at regular meetings of quarterly court or special meeting of court. "Vacancies shall be declared to exist, on account of death, resignation, or removal from the county."

VACANCY

§219

The executive committee of the county board of education shall consist of the chairman of the board and the county superintendent. Their duties are to: advertise for bids and contracts; serve as the purchasing agent for the board if there is no purchasing board; examine accounts and approve budgets; submit reports of all business transactions and to transact all other business.

BOARD OFFICERS

§244 -- 247

One person from each school zone or district shall be elected by popular vote to the county board of education. Only those persons possessing all the qualifications required by law are eligible "with the exception of any qualification based upon residency in any geographical district or zone . . . ."

If the quarterly county court fails to comply with the census requirements in forming the districts, board members shall be elected by voters at large "without regard to geographical districts," and eligibility shall not be restricted to the geographical location of a member's residence.

§248

If after an election of board members a census or determination of population is taken and school zones or districts are established, the term of office of those members already elected shall not be shortened and new members shall not be elected before expiration of the terms of the members.

§401

County and town boards of education and special school district boards may operate the school(s) of a town under the general supervision of the county superintendent.

CROSS REFERENCES

I.County Court; Statute §201

II.A.8.; Regulation pp.48-49

IV.D.; Statute §2203 -- 2205

IV.G.; Statute §1006

COUNTY COURT

STATUTES

§201

The duties of the county court with respect to education are: (1) to elect members of county board of education and to elect county superintendents in counties where required by law.

(2) to consider budgets upon recommendation and provide money to county board to meet expenses.

(3) to require "quarterly reports of receipts and expenditures," needs of the schools, progress made and other administrative information;

(4) to make sure the county is using the funds budgeted to it properly.

(a) "to provide sufficient funds to erect a suitable building and maintain at least one first-class 4-year high school . . . ."

§242

The quarterly county court is authorized and empowered and directed to take an accurate census of the population for the formation of substantially equal populated districts. Expenses for such an undertaking shall be taken from the general funds of the county.

CROSS REFERENCES

I.County Board of Education; Statute §208

I.County Board of Education; Statute §209 -- 213

IV.H.; Statute §1724; 1737

COUNTY SUPERINTENDENT

CROSS REFERENCES

I.County Board of Education; Statute §401

I.County Court; Statute §201

DEPARTMENT OF EDUCATION

STATUTES

§111

The department of education shall be organized under the following divisions:

(1) division of certification .

(2) division of public libraries and archives.

(3) division of vocational rehabilitation .

(4) the division of vocational education .

CROSS REFERENCES

I.Commissioner of Education; Statute §110

II.A.2.; Regulation pp. 100-102

II.A.4.; Statute §5110 -- 5111

DIRECTOR OF CONSOLIDATED SCHOOLS

STATUTES

§421 -- 422

A director of consolidated schools shall be appointed by a consolidated board of education as the chief administrative employee of the board. The director shall be experienced in public school management and possess a state-issued certificate of qualification. In lieu of a director, a superintendent of schools may be elected by county voters to head the consolidated schools.

DIVISION FOR EDUCATION OF THE HANDICAPPED

CROSS REFERENCES

II.A.2.; Statute §2915

II.A.2.; Statute §2946

II.A.2.; Statute §2952 -- 2953

GOVERNOR

CROSS REFERENCES

I.Commissioner of Education; Statute §103 -- 105

II.B.1.a.; Statute §2001 -- 2007

§214

It shall be the duty of the local board of education:

(1) to elect principals, supervisors, teachers, and other employees and to fix salaries;

(2)"to manage and control public schools established . . . under its jurisdiction;"

(3) to employ all persons necessary to care for school property;

(4) to purchase all supplies, furniture, fixtures and material;

(6) to visit schools when necessary;

(7) to dismiss any employees "upon sufficient proof of improper conduct, inefficient service, or neglect of duty " (anyone dismissed must be given written notice of charges and opportunity for defense);

(8) to suspend or dismiss students "when the progress or efficiency of the school makes it necessary."

§215

The local board of education shall have the power to:

(1) consolidate two or more schools when necessary;

(2) require students and employees to have physical examinations, whenever it is suspected that they have tuberculosis or some other communicable disease. If it is certified that such persons have a communicable disease, they shall be dismissed from school until it is shown that such persons have been cured;

(3) establish night and part-time schools when necessary;

(4) allow school buildings and facilities to be used by the public for recreational and other uses.

§230

Separate schools may be set up for males and females. The local school board determines the necessity for such schools.

§239 -- 241

In counties where the "school commission, school board, board of education or other designated agency governing . . . school affairs . . . is . . . elected from more than one voting district by persons entitled to vote . . . and where the scheme of apportionment of the membership of [the] school commission, board or board of education" violates any provision of the constitution, such school commission, board or board of education is abolished.

Boards of education are established in situations where these agencies are abolished. These boards "shall have and possess and shall exercise all of the rights, duties, powers, and privileges and shall discharge all of the duties and obligations imposed upon the school boards, school commissions, boards of education . . . . and shall be entitled to the same compensation . . . ."

§1703 -- 1707

CENSUS

The local board of education shall have teachers or persons hired to take the census of all children up to age of 6. The costs shall be paid out of state funds set aside for the schools.

The local superintendent will give a report to the commissioner of education.

The superintendent shall "furnish to the principal or teacher of each school a correct list of names and residences of children . . . ."

Any person who hinders the taking of the census shall be fined.

CROSS REFERENCES

I.State Board of Education; Statute §101 -- 102

I.Tennessee School Boards Association; Statute §501 -- 504

II.A.1.; Statute §108

II.A.1.; Statute §1111

II.A.1.; Statute §1924

II.A.2.; Statute §1731 -- 1736

II.A.2.; Statute §2935 -- 2937

II.A.3.; Statute §2603 -- 2604

II.A.3.; Statute §2612

II.A.4.; Statute §2301 -- 2302

II.A.4.; Regulation pp. 76-80

II.A.8.: Statute §2501 -- 2504

II.A.10. Other - Out of School Experiences; Regulation p. 90

II.B.1.c.; Statute §1719

III.A.2.; Statute §116

III.B.School Personnel; Statute §1405

III.B.Teachers; Statute §1313

III.C.Teachers; Statute §1419 -- 1420

IV.A.; Statute §1916; 1917

IV.D.; Statute §2201

IV.D.; Statute §2202

IV.E.; Statute §1915

IV.G.; Statute §1741

IV.G.; Statute §1745

IV.G.; Statute §1749 -- 1763

IV.H.: Statute §1711 -- 1712

LOCAL BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §2709

LOCAL SCHOOL SYSTEM

CROSS REFERENCE

I.State Board of Education: Statute §101 -- 102

OFFICE OF CHILD DEVELOPMENT

CROSS REFERENCE

II.A.4.; Statute §3104 -- 3105

PRINCIPAL

STATUTES

§254

It shall be the duty of the principal:

(a) to supervise the operation and management of the personnel and facilities of the school(s) of which he/she is principal;

(b) to assure administrative responsibility and instructional leadership in accordance with the written policies of the local board of education for the planning, management, operation and evaluation of the school's educational program;

(c) to submit recommendations to the local superintendent regarding personnel matters;

(d) to perform such other duties as may be assigned by the superintendent;

(e) to observe all rules and regulations relative to the operation of the public schools.

CROSS REFERENCES

II.B.1.c.; Statute §2020

IV.A.; Statute §1916: 1917

IV.A.; Regulation p.106

IV.E.; Statute §1915

IV.J.; Statute §1309

REGIONAL CHILD DEVELOPMENT COORDINATOR

CROSS REFERENCES

II.A.4.; Statute §5107

II.A.4.; Statute §5108

SCHOOL DISTRICT

CROSS REFERENCES

II.A.2.; Statute §2919

II.A.2.; Statute §2933

II.A.2.; Regulation pp. 100-102

SPECIAL EDUCATION SERVICES ASSOCIATION

CROSS REFERENCES

II.A.2.; Statute §2920 -- 2924

II.A.2.; Statute §2925

II.A.2.; Statute §2926; 2927

STATE BOARD OF EDUCATION

STATUTES

§101 — 102

"The system of public education shall be administered from the state level by (1) the commissioner of education, and (2) state board of education . . . . Any local public

school system shall be administered by (1) a local board of education, and (2) a superintendent or director."

§106 — 107

"There shall be a state board of education composed of the governor, the commissioner of education as chairman, and 12 members . . . ." Compensation shall be $15.00 per day per member plus reimbursement for any travel expenses.

The state board of education is ex-offico the state board for vocational education.

CROSS REFERENCES

II.A.1.; Statute §108

II.A.1.; Statute §1924

II.A.1.; Statute §1925; 1926

II.A.2.; Statute §2902

II.A.2.; Statute §2913

II.A.2.; Statute §2925

II.A.2.; Statute §2926--2927

II.A.2.; Statute §2947 -- 2948

II.A.2.; Statute §2955

II.A.2.; Statute §3005

II.A.2.; Statute §3104

II.A.3.; Statute §2703

II.A.3.; Regulation p.49

II.A.4.; Statute §2301 -- 2302; §2303

II.B.2.; Statute §3801--3802

II.B.2.; Statute §3803

II.B.2.; Statute §3804

II.B.2.; Statute §3805

II.B.2.; Statute §3806

II.B.2.; Statute §3807

III.A.2.; Statute §116

III.A.2.; Regulation pp.71-74

III.B.School Personnel; Statute §1403

III.C.Supervisors; Statute §1010

III.C.Student; Regulation p.91

IV.D.; Statute §2209 -- 2214

IV.D.; Statute §2215

IV.H.; Statute §1711 -- 1712

IV.H.; Statute §1715

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCES

I.State Board of Education; Statute §106; 107

II.A.3.; Statute §2610

II.A.3.; Statute §2611

II.A.3.; Statute §2612

II.A.3.; Statute §2615

II.A.3.; Statute §2701

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.2.; Statute §2949

II.A.2.; Statute §2950

STATE SUPERVISOR

STATUTES

§227

Supervisors have the authority "to inspect the records of local boards of education, the school accounts of county trustees, and the administration of public schools. . . ."

STATE SUPERVISOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §2704 -- 2706

STATE TEXTBOOK COMMISSION

CROSS REFERENCES

II.B.1.a.; Statute §2001 -- 2007

II.B.1.a.; Statute §2008; 2009

II.B.1.a.; Statute §2010

SUPERINTENDENT

STATUTES

§224

The superintendent shall have the following duties, as assigned by the board of education:

(1) to see that the laws relating to schools are faithfully executed;

(2) to attend all meetings of the board of education and serve as a member of the executive committee;

(3) to keep a complete and accurate record of all meetings;

(4) to keep records of all receipts and disbursements;

(5) to make recommendations for the best interest of the schools;

(6) to have general supervision of all schools and "visit the schools from time to time;"

(7) to recommend to the board of education all teachers, supervisors and other employees;

(8) to require certificates of teachers to be submitted and handle matters dealing with teacher certification, attendance of students, and school funds.

§531 -- 534

Superintendents are authorized to form and join organizations whose membership shall be limited to superintendents in service.

The organization shall set forth a constitution which shall include the goals of advancement of public education, gathering and circulating information, cooperation with agencies and organizations interested in public education, and other related purposes.

CROSS REFERENCES

I.State Board of Education: Statute §101 -- 102

II.A.1.; Statute §108

II.A.1.; Statute §1111

III.A.2.; Statute §1773 -- 1777

III.B.Teacher; Statute §1313

IV.H.; Statute §1713

TEACHER

STATUTES

§1307

It shall be the duty of teachers to:

(1) open and close the school each day;

(2) give instruction to pupils in the courses they are certified under and supervise teacher aides when they are working with pupils;

(3) keep a record of daily attendance;

(4) have the Bible read every day;

(5) give instruction in physical education and have fire drills;

(6) teach the Constitution of the United States and of the state to the pupils;

(7) serve as custodian for school property;

(8) observe any other rules and regulations relative to the service of teachers which may be made by the county board of education

CROSS REFERENCES

II.B.1.c.; Statute §2020

III.C.Teacher; Statute § 1419 -- 1420

IV.A.; Statute §1310

IV.E.; Statute §1915

IV.J.; Statute §1309

TENNESSEE SCHOOL BOARDS ASSOCIATION

STATUTES

§501 -- 504

Tennessee school boards association represents the members of the school board. All educational departments and boards of education are "authorized and empowered to cooperate with the school boards association . . . ." The boards of education are "authorized to use the organization of the Tennessee school boards association in coordinating the policies, control and management of schools under their respective jurisdictions."

Membership dues and traveling expenses of board members and superintendents are paid by boards of education.

TEXAS

The Central Education Agency is comprised of the State Board of Education, the State Board for Vocational Education, the State Commissioner of Education, and the State Department of Education. The Central Education Agency exercises general control over the state public education system and has exclusive jurisdiction over the Texas School for the Deaf.

The State Board of Education is composed of one member elected from each congressional district of the state at biennial general elections. The State Board of Education is the policy-forming and planning body for public schools of the state and also serves as the State Board for Vocational Education. The board appoints, with the consent of the Senate, the State Commissioner of Education for terms for four years. The Commissioner serves as the executive officer through whom the Board carries out its policies and enforces its rules and regulations.

The State Department of Education constitutes the professional, technical, and clerical staff of the Central Education Agency. It is organized into divisions established by the Commissioner, who appoints each division chief.

The general management and control of the school system of each county is vested in a Board of County School Trustees or a County Board of Education. The board is composed of five members, one elected from each of the four commissioners precints and one elected at large. In counties of more than 350,000 inhabitants, the Board consists of seven members, three of whom are elected at large and one elected from each commissioner's precinct. The County Superintendent is elected to serve terms of four years, except where the county governing board has been authorized to appoint the position.

School districts are designated county-wide common, county-wide independent, county-line, rural high school, municipal elementary, common, and independent. Elected boards of trustees manage and govern the public schools of the district. No county governing board is required in those counties where county-wide independent school districts are located. Provision is made for expansion and consolidation of districts.

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I. POWERS, DUTIES AND FUNCTIONS

ADVISORY COMMITTEE

REGULATIONS

§7301

APPOINTMENT

"The appointment and use of advisory groups . . . are in accordance with the following provisions:

(1) Each advisory group member shall be a person selected because of his[her] individual ability to offer sound and constructive advice. Only in cases where unusual justification exists will members of advisory groups be appointed ex officio.

(2) Membership of all advisory groups, except those established to serve exclusively the responsibility of the State Board of Education (Example: Investment Advisory Committee), shall be recommended by the Commissioner of Education and confirmed by the Board. Membership of advisory groups to serve the Board exclusively and Board members on any committees when such membership is specifically directed by statute, shall be recommended by the chairman and confirmed by the Board.

(3) The State Board of Education shall authorize each advisory group prior to its establishment and shall determine, with the advice of the Commissioner of Education, its tenure. A continuing advisory group shall have membership appointed for three-year terms, subject to one reappointment, staggered so that the terms of one-third of the advisory group membership shall expire each year. Membership on a temporary advisory group shall be appointed for the duration of their designated task.

(4) Membership of an advisory group shall not exceed fifteen members, including State Board of Education members where authorized by statute, unless unusual needs as determined by the Board require larger representation.

(5) Special temporary committees to assist the Board of Examiners for Teacher Education shall consist of three to five members of that board and not more than six additional members."

Advisory Committee for Computer Service

CROSS REFERENCE

II.C.2.; Regulation §2102.2.5

Advisory Council for Language Handicapped Children

CROSS REFERENCE

II.A.2.; Regulation §3579

Advisory Council on Early Childhood Education

CROSS REFERENCE

II.A.4.; Statute §11.17

Advisory Council on Education of the Gifted and Talented

CROSS REFERENCES

II.A.2.; Statute §11.19

II.A.2.; Regulation §3531; 3532

Advisory Council on Technical-Vocational Education

CROSS REFERENCES

II.A.3.; Statute §31.01; 31.17

II.A.3.; Regulation §3231; 3231.2

Assistant Commissioner for Special Education

CROSS REFERENCE

II.A.2.; Regulation §8102; 8103

Board of County School Trustees

Statutes

§17.01

The general management and control of public schools in each county shall be vested in a board of county school trustees. However, school districts which had previously adopted the "county unit system" may be governed by a body designated "the county board of education."

Any county not already having an elected or appointed board, shall have their board of county trustees appointed by the commissioners court. Such appointees shall conform to applicable residency requirements.

APPOINTMENT

No such board shall be required in counties which create or have created "a single independent school district embracing the entire county."

§17.02

The board of county school trustees or county board of education, as the case may be, shall be composed of five members (seven in counties of more than 350,000 persons) who shall serve six year terms and whose elections shall be staggered every two years.

§17.04

Any vacancy on a board of county school trustees for the unexpired portion of the term by the remaining trustees or board members."

VACANCY

§17.07

Each board of county school trustees or county board of education shall annually elect a president and vice-president. "The county superintendent shall act as secretary."

BOARD OFFICERS

§17.08

The county school trustees shall hold meetings every three months, on the first Monday of the month.

"Additional meetings may be called by the president or at the instance of any two . . . members. . . and the county superintendent."

The meetings shall be held in the office of the county superintendent.

"A majority of the . . . members shall constitute a quorum to transact business. All questions shall be decided by majority vote."

§17.21;22

The county school trustees or county board of education shall constitute a corporate body and as such "may acquire and hold real and personal property, sue and be sued," and receive any funds legally coming into their hands.

"The title to any school property belonging to the county . . . shall vest in the county school trustees or the county board of education and their successors in office . . . ."

§17.27

County boards of education or county school trustees "may call joint meetings with the district school trustees when deemed necessary' or "in petition of a majority of a district school trustees."

§18.06

In counties adopting the county unit system, the general management, supervision and control of the school district shall vest in the county governing board.

In counties of fewer than 100,000, the county governing board shall be designated as the board of county school trustees.

In counties of greater than 100,000 the county governing board shall be designated as the county board of education.

In either case, the new county governing board shall continue to exercise all its former power and duties and in addition thereto, shall perform the other functions assigned to it under this chapter.

§18.15

The adoption of the county unit system shall not have the effect of changing any duties imposed on or powers conferred to the trustees of any common independent or other school district within the county. The common, independent or other school districts shall continue to have the authority to levy, assess and

collect maintenance taxes and taxes for the payment of bonded indebtedness.

§18.29

The duties, powers and authorities herein given to the county school trustees shall be cumulative of all other duties, powers and authorities heretofore or hereafter given such trustees.

REGULATIONS

§2203.1

The county school trustees shall:

1) classify schools into elementary and high schools;

2) approve the annual budget for county administration;

3) control the financial affairs of the schools under their jurisdiction;

4) assure that all funds are properly expended;

5) provide all information requested by the Commissioner;

6) establish and operate a system of public school transportation within their respective counties or designated receiving schools for children whose grades are not taught in their home district."

CROSS REFERENCES

I.County Superintendent; Statute §17.45; 17.94

I.Texas Education Agency; Statute §11.01--11.02

III.B.County School Trustees; Statute §17.05--17.06

IV.D.; Statute §16.204

IV.G.; Statute §21.061

Board of Examiners for Teacher Education

Regulations

§6102.2

"The Commissioner of Education appoints the Board of Examiners for Teacher Education to serve for a designated period of time.

The Board . . . is composed of 15 members: APPOINTMENT

(1) six teachers, three elementary and three secondary, engaged in classroom teaching;

(2) four college representatives . . .;

(3) four public school administrators - one superintendent, one assistant superintendent . . . in charge of teacher personnel, one elementary principal, and one secondary principal; and

(4) one undesignated.

CROSS REFERENCE

III.B.Teachers; Regulation §6102.1--6102.2

Board of Library Trustees

CROSS REFERENCE

II.B.3.; Statute §21.351--21.355

Board of the Texas School for the Blind

CROSS REFERENCE

II.A.2.; Statute §11.061--11.062

Commissioner of Education

Statutes

§11.52

"a) The commissioner . . . shall serve as the executive officer of the Central Education Agency and as executive secretary of the State Board . . ."

b) He/she "shall be responsible for promoting efficiency and improvement in the public school system . . . and shall have the powers necessary to carry out the duties and responsibilities placed upon him/her by the legislature and by the State Board . . .

c) The commissioner . . . shall recommend to the State Board . . . such policies, rules and regulations as he[she] considers necessary to promote educational progress and shall supply the . . . Board . . . with all necessary or pertinent information to guide it in its deliberations."

d) He/she "shall prescribe uniform systems of forms, reports, and records necessary to secure needed information from county school officers and local school districts."

e) The Commissioner . . . shall require of county judges and of any school officials or teachers he/she deems necessary such school reports . . . as he/she may deem proper for collecting information and advancing the interests of the public schools . . . .

f) The Commissioner . . . may delegate ministerial and executive functions . . . and may employ division heads and all other employees and clerks to perform the duties of the Central Education Agency . . . .

g) [He/she] . . . shall issue teaching certificates to public school teachers and administrators in compliance with the statutes.

h) He/she "is authorized to issue vouchers for the expenditures of the . . . Agency according to the rules and regulations prescribed by the . . . Board . . ."

i) The commissioner . . . shall observe and execute the mandates, prohibitions, and regulations established by law or by the . . . Board . . . in accordance with law. . . .

k) [He/she]. . . shall have printed for general distribution as many copies of the school laws as the . . . Board . . . may determine.

l) The Commissioner . . . shall advise and counsel . . . school officers . . . on the best methods of conducting the public schools. He[she] may issue instructions and opinions regarding rules and regulations which shall be binding for observance on all officers and teachers.

m) The Commissioner shall inform himself[herself] about the educational progress of the different parts of

this state and of other states." He/she "shall visit different sections of this state, address teachers' institutes, associations, and other educational gatherings, instruct teachers, and promote all aspects of education. . .

n) The Commissioner shall . . . before the meeting . . . of the legislature . . . make a full report to the . . . Board . . . on the condition of all the public schools. This report shall

COMMISSIONER'S REPORT

1) give all information called for by the board and such other matters as the commissioner shall deem important; and

2) be presented by the governor to the legislature, and . . . copies of it shall be printed . . . for use of the legislature and for distribution to the various school officers and libraries in this state and in other states . . . and to the United States Office of Education in Washington."

REGULATIONS

§1301

"It is the responsibility of the Commissioner of Education to distribute school laws, report to the legislature and governor and appoint the Market Value Review Panel.

"The functions of the organizational units attached to the Office of the Commissioner of Education are as follows.

(a) Investment Office

The Investment Office administers the state responsibility for the investment of the Permanent School Fund. The functions of the Investment Office are to:

(1) provide the State Board of Education with complete information on the availability and relative attractiveness of eligible securities for the investment of the Permanent School Fund;

(2) carry into effect the orders of the Board and handle all details of actually purchasing, paying

for, obtaining delivery on, checking the securities purchases, and selling, delivering, and collecting for securities sold;

(3) maintain records necessary for the administration of the Permanent School Fund;

"(4) collect maturing items of principal and interest on outstanding investments; and

(5) provide consultative services to school district officials on the administration of their bond programs.

(b) Deputy Commissioner of Education

The Deputy Commissioner of Education is responsible to the Commissioner of Education and his[her] functions are to:

(1) provide overall assistance to the Commissioner and the State Board of Education in the discharge of their responsibilities and be directly responsible for coordinating and supervising all Agency programs and operations;

ADMINISTRATION

(2) administer the internal management services of the Agency;

(3) develop and control the Agency budgets;

(4) serve as the liaison with the Governor's Office, Legislature, other state departments, and federal agencies;

(5) coordinate research and assist with program development within the Agency;

(6) maintain an efficient flow of work within and among organizational units of the Agency;

(7) coordinate staff travel in accordance with the approved travel plan;

(8) control Agency reports and contracts;

(9) administer publication services of the Agency; and

(10) administer internal audits of the Agency and annual audits of school district accounts.

(c) Office of Planning

The Associate Commissioner for Planning is responsible to the Commissioner of Education for the development of

PLANNING

effective Agency-wide planning and evaluating of educational programs, and for the improvement of these areas in cooperation with local, state, and federal agencies. The functions of the Office of Planning are to:

(1) provide leadership for continuous study and identification of educational needs, relate educational needs to public school programs, identify and describe educational goals of the state; establish priorities of needs, invent or adapt new approaches from results of research and from innovation for meeting these needs, and measure educational outcomes and feed the information into replanning and refining;

"(2) maintain communication and cooperation concerning comprehensive educational planning among all divisions and programs within the Agency;

(3) cooperate in educational research and demonstration projects, serve as liaison with research and development programs of colleges, school districts, state education departments in other states, federal agencies, professional associations, and other groups, evaluate the finding of these projects and programs in terms of the educational needs of Texas; and translate these findings into action programs for immediate use in the classroom; and

(4) disseminate information regarding educational progress, trends, and programs to the public school personnel and the general public.

(d) Office of Regional Education Services

The Assistant Commissioner for Regional Education Services is responsible to the Commissioner of Education for the development and coordination of regional education service centers. The functions of the Office of Regional Education Services are to:

MODEL PROGRAMS

(1) direct the design of model programs to be implemented by the regional education service centers in response to identified needs and develop plans with the Deputy Commissioner of Education and assistant associate commissioners for the use of funds to implement the programs which include but are not limited to computer,

media and guidance services;

(2) identify and plan for the utilization of the resources of the Agency, institutions of higher education, and cultural and other agencies in the development of regional education service centers;

(3) identify areas in which planning is needed for the implementation and development of the regional education services; and direct integration of such educational planning and resources into the state, regional, and local planning process;

(4) plan and supervise the Agency program in administering the state responsibility under Title III, Elementary and Secondary Education Act of 1965; and

(5) identify the areas in which planning is needed for the implementation and development of the service components in the regional education service centers and identify resources needed in planning and directing these resources to appropriate planning activities both within the Agency and the regional education service centers.

e) Office of International and Bilingual Education

The Assistant Commissioner for International and Bilingual Education is responsible to the Commissioner of Education for the bilingual education programs in the public schools and the encouragement of personnel and curriculum exchanges between school districts and Ministries of Education from foreign countries. The functions of the Office of International and Bilingual Education are to:

BILINGUAL EDUCATION

(1) provide consultative services to assist public schools, teacher education institutions, regional education service centers, and other educational organizations in developing bilingual education programs;

(2) provide consultative services to assist in preparing porject proposals for Elementary and Secondary Education Act of 1965, Title VII (the Bilingual Education Act); and

(3) act as liaison between Ministries of Education from foreign countries and school districts in international

programs.

"(f) Office of Urban Education

The Assistant Commissioner for Urban Education is responsible to the Commissioner of Education for providing leadership and coordination to meet the educational needs of urban areas.

(g) Office of Internal Management

The Director of Internal Management is responsible to the Deputy Commissioner of Education for coordinating and implementing internal operating procedures in accordance with the State Board of Education policies and administrative procedures. The functions of the Office of Internal Management are to:

(1) aid the Deputy Commissioner of Education in planning, coordinating, directing, and controlling the resources of the Agency;

(2) conduct continuous evaluation of procedures needed to facilitate effective internal operations;

(3) assist the various organizational units of the Agency in the development of improved means of accomplishing their tasks;

(4) identify current and potential problem areas and exceptions to schedules and pre-determined performance standards; and

(5) coordinate applications and reports on projects under Title V, Elementary and Secondary Education Act of 1965.

(h) Publications Office

The Publications Office is responsible to the Deputy Commissioner of Education and performs administrative and editorial work with respect to Texas Education Agency publications. The major functions of the Publications Office are to:

(1) supervise the planning and reviewing of all publications submitted for duplication for compliance with established standards for tone, style, format, and policies of the State Board of Education and Internal Operating Procedures;

(2) assign and supervise work detail of, and provide

services for, duplicating, varitype, and layout;

(3) control and coordinate flow of materials to the Duplicating Unit and maintain publication schedules;

(4) control distribution of Agency publications in accordance with Internal Operating Procedures;

(5) conduct special research and develop projects as directed by the Commissioner and Deputy Commissioner of Education; and

(6) maintain master file of Agency bulletins.

(i) Business Office

The Business Office is responsible to the Deputy Commissioner of Education for administering the fiscal responsibilities of the Agency; developing, coordinating, and assisting organizational units of the Agency in all financial matters and assisting school districts in fiscal matters. The Business Office functions are to:

(1) provide technical assistance in budget development, revision, and analysis;

(2) provide for the review and approval of school depository bonds;

(3) produce financial reports required by state and federal agencies, the State Board of Education, the management of the Agency, and other public and private agencies;

(4) maintain control of all cash received and disbursed for the Agency;

(5) classify, control, and record all Agency financial transactions;

(6) review all claims presented for payment, draw warrant requests, and transmit funds to appropriate depositories and vendors;

(7) provide consultative services to school district officials on school financial matters;

"(8) study, revise, and update the accounting and related systems; and

(9) provide centralized purchasing and Agency-wide supply, mail, messenger, custodial, and duplicating services.

(j) Legal Counselor

The Legal Counselor is responsible to the Commissioner of Education and the State Board of Education. The functions of the Legal Counselor are to:

ATTORNEY

(1) arrange hearings of appeals prosecuted to the Commissioner of Education and the State Board of Education and prepare decisions rendered;

(2) provide assistance and advice to other organizational units of the Agency and to school district officials, board members, and teaching personnel in the interpretation and administration of school laws;

(3) prepare official opinion requests and briefs incident thereto for submission to the Attorney General of Texas and serve as liaison officer between the Texas Education Agency and the Office of the Attorney General of Texas;

(4) prepare proposed legislative bills affecting schools and administration of concern to the Agency; and

(5) review or assist in the preparation of school law bulletins, directives, and procedures or regulations issued by the Agency.

(k) Division of Textbooks

The Director of the Division of Textbooks is responsible to the Commissioner of Education for administering the state responsibility for the provision of textbooks to public schools through the State Textbook Program. The functions of the Division of Textbooks are to:

PURCHASE OF TEXTBOOKS

(1) maintain liaison with textbook publishers as to bidding, contracting, and contractual performance;

(2) purchase, handle, and distribute textbooks;

(3) provide services to the State Textbook Committee by preparation of information and reports and arranging contacts with publishers; and

(4) provide consultative services to school district officials in the administration, supply, care, and use of textbooks.

(l) Office of Personnel Administration and Staff Development

The Director of Personnel Administration and Staff Development is responsible to the Deputy Commissioner of Education. The functions of the Office of Personnel Administration and Staff Development are to:

(1) direct and monitor development and operation of a personnel program including recruitment, staff development training, personnel management, classification, utilization, personnel budget, and employee benefits;

(2) develop and implement programs for the professional improvement of all members of the Agency staff;

STAFF DEVELOPMENT

(3) assist and advise Agency management in formulating and administering operating plans and policies for such activities as position classification and wage administration, recruitment, testing, assignment, individual training, transfer, evaluation, promotion, demotion, termination, and retirement;

(4) maintain personnel records and analyze personnel reports and reporting procedures to determine accuracy, completeness, and effectiveness in furnishing information for planning purposes and administrative control; and

(5) plan and conduct studies and surveys to evaluate effectiveness of all personnel program elements.

(m) Management Information Center

The Director of the Management Information Center is responsible to the Deputy Commissioner of Education. "The Management Information Center is responsible for meeting the management information needs of school districts, education service centers, and the agency, and its functions are to:

(1) provide assistance to school districts through regional education service centers in implementation of Bulletin 670, Financial Accounting Manual;

(2) represent the Texas Education Agency on the Committee on Evaluation and Information Systems and related matters;

(3) coordinate all data acquisition activities of the Texas Education Agency;

(4) provide leadership for and administer the

Reports Management System;

(5) perform data control and quality checks on specified reports submitted to the Texas Education Agency by school districts;

(6) publish recurring reports of historical and projected data;

(7) provide educational statistics on request to Agency organizational units and other authorized users;

(8) publish recurring directories of public and nonpublic schools; and

(9) coordinate computer services programs through the Assistant Commissioner for Regional Education Services by:

(9-1) administering the State Plan for a Program of Financial Assistance for Computer Services to Local School Districts by or through Regional Education Service Centers;

(9-2) providing overall leadership to the public elementary and secondary schools of the State of Texas in planning, coordination, operation, and evaluation of all computer services;

(9-3) preparing the Computer Services Procedure Manual and the Network-System Plan; and

(9-4) providing planning, cost reduction studies, application development, and implementation assistance to regional computer centers.

(10) evaluate current data processing methods and procedures both manual and automated;

(11) work in conjunction with Agency staff members to design or redesign data processing methods and procedures both manual and automated;

(12) prepare warrant requests and maintain detailed accounting records for payment of all funds including the Foundation School Program, State Available, transportation, vocational travel, school lunch, federal assistance, and county administration;

(13) work in conjunction with the Division of Finance to compute the preliminary and final allocations from the

Foundation School Program Fund to the school districts in the state;

(14) work in conjunction with the Division of Research to provide detailed statistical reports concerning professional personnel and pupil statistics;

(15) work in conjunction with the Division of Teacher Education and Certification to produce actual Texas Teacher Certificates and related statistics;

(16) work in conjunction with the Division of Textbooks to maintain detailed inventory records of textbooks in the various school depositories and prepare orders and shipping schedules for the publishers' depositories in Dallas; and

(17) meet the computer services needs of all Agency divisions.

(n) Division of Audits

The Director of the Division of Audits is responsible to the Deputy Commissioner of Education. The functions of the Division of Audits are to:

(1) perform internal audits of Texas Education Agency organizational units;

(2) provide liaison with schools and education service centers by reviewing audit reports prepared by independent accountants and by offering technical assistance to assure properly integrated budgeting, accounting, and auditing procedures;

(3) audit records of school districts relating to all programs under the Foundation School Program which include but are not limited to:

average daily attendance;

professional personnel;

transportation - formula capacity and fiscal records;

vocational education - pupil membership and teacher travel; and

special education;

(4) audit records of child nutrition program operations;

(5) audit records of County-wide Day Schools for the Deaf;

(6) audit records of federally-assisted programs where the payments are made through other state agencies and the Texas Education Agency;

(7) audit records relating to textbook accountability;

(8) audit records establishing compliance with accreditation standards;

(9) prepare and submit reports on these audits to appropriate organizational units of the Agency;

(10) provide technical advice and assistance on record keeping; and

(11) perform special investigations.

§1302

Duties and responsibilities of the Commissioner:

"The Commissioner . . . serves as executive officer of and executive secretary to the State Board of Education and the State Board of Vocational Education, and is overall administrator of the Texas Education Agency. He [she] shall furnish vital, energetic, and responsible leadership for the public education system in Texas." In addition to this his[her] duties are to:

ADMINISTRATION

1) "recommend to the Board policies, procedures, and regulations . . . and to supply the Board with information needed in its deliberations;"

2) observe and execute mandates, prohibitions, etc. established by law or by the Board;

3) "prescribe and require reports necessary to secure information from local education agencies under his[her] jurisdiction;"

4) "prescribe and enforce such . . . procedures and regulations as are necessary to execute the duties and responsibilities placed upon him [her]. . .;

5) recommend an annual budget to the Board;

6) "issue vouchers for all expenditures within the budget as adopted by the Board;"

7) appoint and delegate authority as appropriate to all State Department of Education staff members in compliance with policies and directives of the Board;"

8) "recommend to the Board the organization of the State Department of Education;"

9) "prescribe procedures for staff evaluations and report to the Board on activities directed toward the professional improvement of staff members;"

10) nominate the superintendents for the Schools of the Deaf and of the Blind, subject to appointment by the Board;

11) "recommend to the Board the names of persons for appointment to the State Textbook Committee;"

12) "submit to the Board the recommended list of textbook contracts . . . and manage the purchase and distribution of free textbooks for the state, subject to approval of the Board;"

13) "appoint . . . official commissions composed of citizens of Texas as are necessary to advise him [her] in the discharge of his[her] duties;"

14) "hear disputes arising under provisions of school law and render decisions without cost to the parties involved;"

15) "develop procedures for the certification of teachers and other professional personnel;"

16) "be informed concerning the educational progress of the different parts of Texas and of other states and make recommendations to the Board on new educational developments for the improvement of public schools;"

17) "advise and counsel with the school officers . . . concerning the administration of the public schools and provide school officials and the Board with information on methods for educational improvement;"

18) "make a full report of the conditions of the public schools to the Board . . . and develop recommendations . . .;"

19) "recommend goals for public education in Texas and for the Texas Education Agency . . .;"

20) "develop procedures for evaluating the effectiveness of. . .Agency programs, recommend modification of existing programs, and suggest new agency services which should be provided to school districts;"

21) "provide upon request to any member of the education profession . . . a copy of the 'Code of Ethics and Standard Practices for Texas Educators', together with amendments in effect;"

22) "receive recommendations of the Teachers' Professional Practices Commission concerning disposition of complaints of alleged violations (of the Code). . . and render final decision;"

23) "execute contracts under authorization granted by the State Board of Education;"

24) "be or designate the 'administrator' as provided by law to carry out responsibilities of the Proprietary School Act in accordance with law; and

25) "make official requests for an opinion of the Attorney General of Texas and shall provide explanation and notification of such request to the Board."

§1303

The Office of the Commissioner of Education will be responsible for the offices of:

1) Investment
2) Deputy Commissioner of Education
3) Planning
4) Regional Education Services
5) International and Bilingual Education
6) Urban Education
7) Internal Management
8) Publications
9) Business
10) Legal Counselor
11) Personnel Administration and Staff Development

as well as the Division of Textbooks, the Management Information Center and the Division of Audits.

§1601-1602

The internal operations for the staff of the Texas Education Agency shall be the responsibility of the Commissioner of Education, and these operations are to be in accordance with law and State Board of Education policy. The Commissioner of Education may inform the State Board of internal operations or seek its advice regarding such operations.

"Maintaining an organizational structure of the Texas Education Agency shall be the responsibility of the Commissioner of Education." Any revision of the structure is to be approved by the State Board of Education. All functional responsibilities of the agency are determined by the Commissioner.

§2309; 2310

HEARING PROCEDURES

"The Commissioner of Education shall prescribe procedures for hearings held before local governing boards of trustees."

"The determination of the route of appeal shall be established by the Commissioner of Education . . . ."

§2501

"As the administrator, the Commissioner of Education or his[her] designated representative certifies and regulates the proprietary schools of Texas . . . ."

§3335.4

The Commissioner of Education provides the consultative and clerical staff services required by the State Textbook Committee to fulfill its duties.

In addition to these duties the Commissioner also:

(1) arranges for meeting room, equipment, and facilities for committee meetings;

(2) processes for payment the claims for expenses of committee members;

(3) provides copies of statutes and other documents

as required to the members of the committee;

(4) provides each committee member with a register, receives them back after use, and files them with the Secretary of State.

§7101.1

APPEALS

"Persons having any matter of dispute among them arising under the school laws of Texas or any person aggrieved by the school laws of Texas or by actions or decisions of any board of trustees or board of education may appeal in writing to the Commissioner of Education, who after due notice to the parties interested, shall hold a hearing and render a decision . . . but nothing contained in this series shall deprive any party of any legal remedy.

"The rules shall include . . . appeals from the following actions:

(1) actions or decisions by a District Board of Trustees or Board of Education;

(2) actions or decisions by a county superintendent;

(3) actions or decisions regarding cancellation of a Teacher Certificate;

(4) denial or revocation of a proprietary school certificate;

(5) recommendations made to the commissioner by the Texas Professional Practices Commission.

REVIEW

"The decision of the Commissioner . . . shall be subject to review by or appeal to the State Board of Education except where the Commissioner's decision is made final by law."

"The purpose of these rules is to provide for a simple and efficient system of procedure before the Texas Education agency to ensure uniform standards of practice . . . ." and "shall govern the procedure for the institution, conduct and determination of all contested cases before the agency. . .(and) shall not be construed so as to enlarge, diminish, or modify or alter the jurisdiction, powers or authority of the agency or

the substantive rights of any person."

All parties involved will be classified either as petitioners, respondents or intervenors and shall be accorded true status.

PROCEDURAL GUIDELINES

Included within this series is also the procedural guidelines for parties in interest; the conduct and decorum of the parties; the communication guidelines with the parties; as well as the subject of pleadings; their classification, form and content.

This series also pertains to the filing of documents in proceedings such as those just described and the carrying out of motions in those proceedings.

This series concerning hearings and appeals concerns itself with other procedural matters such as; records, amendments, briefs, evidence, notices, etc.

"Appeals to the State Board of Education and the procedure which accompanies such an appeal are described in Policy 7103."

CROSS REFERENCES

I.Board of Examiners for Teacher Education; Regulation §6102.2

I.County Superintendent; Statute §17.59

I.Department of Education; Regulation §1402.2

I.Regional Education Service Centers; Regulation §2102.1

I.State Board of Education; Statutes §11.24; 11.25

I.State Board of Education; Regulation §7101--7103

I.State Board of Education; Regulation §9301; 9303

I.State Commission on School Accreditation; Regulation §3714

I.Teachers' Professional Practices Commission; Statute §13.208

I.Texas Education Agency; Regulation §1101; 1102; 1103

II.A.1.; Regulation §3223; 3333

II.A.2.; Statute §11.03; 11.052; 11.19; 16.104; 16.161

II.A.2.; Statute §26.63

II.A.2.; Regulation §3572.1; 3574; 3579; 8101; 8103; 8103.2

II.A.3.; Statute §11.34; 41; 42

II.A.3.; Regulation §3231.1; 3238; 3239.1--3239.2; 4103.3

II.A.4.; Regulation §3521.1; 3522

II.A.5.; Regulation §3252; 3252.1-3252.4; 3253

II.A.6.; Statute §16.176

II.A.10.Other-Environmental Education; Regulation §3622

II.A.10.Other-Schools for Prison Inmates; Regulation §4103.4.2

II.B.1.a.; Statute §12.11; 12.12

II.B.1.a.; Regulation §3334; 3334.6; 3335

II.B.1.a.; Regulation §3334.7

II.B.1.b.; Regulation §3331--3334

II.B.1.c.; Statute §12.35; 12.63

II.B.4.; Regulation §4601

III.A.1.; Regulation §3714

III.A.2.; Regulation §2306.12

III.B.Certificated Personnel; Regulation §6204

III.B.Teachers; Regulation §6102.1--6102.2; 6208

III.C.Board of Trustees; Regulation §6301

III.C.Teachers; Regulation §6212

III.D.Court Decisions; Regulation §7104

III.D.School Data; Regulation §7401

IV.D.; Statute §16.204; 16.209; 16.210; 16.212

IV.D.; Regulation §3465

IV.D.; Regulation §4107.1--4107.3.7

IV.J.; Statute §11.13

COMMISSIONER'S COURT

CROSS REFERENCE

I.County Superintendent; Statute §17.41; 17.94

CONSOLIDATED SCHOOL DISTRICT

STATUTES

§22.12

Common consolidated county-line school districts shall have all the rights, powers, and privileges of other common or common consolidated school districts...." These districts shall be "managed ... by the county named in the order creating the district," and shall be operated by its governing board.

County Judge

§17.47

In any county in which no county superintendent has been elected or appointed, the county judge shall be ex officio county superintendent and shall perform all the duties required of that office.

CROSS REFERENCES

I.County Superintendent; Statute §17.94

County Superintendent

Statutes

§17.41

The commissioner's court of any county having a "scholastic population" of 3,000 or more shall provide for the election of a county superintendent who shall serve a four year term.

Counties which shall attain such "scholastic population" shall have their county superintendent appointed by the commissioner's court until an election can be held.

Counties having a "scholastic population" of between 3,000 and 5,000 which do not have the "office of county superintendent" shall vote at a general election whether or not to establish such office.

§17.42

Counties already having the office of county superintendent whose "scholastic population" is less than 3,000 but more than 2,000 shall vote, upon petition for election as required by statute, whether or not to abolish the 'office'. If the vote is to so abolish, it shall not become effective until the expiration of the current superintendent's term.

PETITION

§17.43

On proper petition, counties having a "scholastic population" of fewer than 3,000 may require the commissioner's court to hold an election of "qualified property taxpaying voters" to determine whether or not to create the office of county superintendent. If a majority so votes, the court shall appoint an interim superintendent to hold office until the next general election.

§17.45

APPOINTMENT

In any county with a population of more than 350,000, the county superintendent shall be appointed by the county board of education and shall hold office for four years.

§17.46

Those counties which were the county unit system shall continue to have the county governing board appoint the county superintendent.

Counties previously authorized to appoint their county superintendent, or who shall qualify under the provision of Chapter 13 for an appointive superintendent, shall appoint the county superintendent.

§17.52

The office budget for an appointive or elective county superintendent may include the following items:

BUDGET

1. employment of a competent assistant "with approval of the local board. In counties of fewer than 100,000 persons, such assistant shall be paid no more than $7,200. In counties of more than 100,000 persons, the salary shall not exceed $7,700.

2. employment of one other assistant or assistants as may be necessary. The salary shall not exceed $13,800 where the county population is less than 100,000, or $14,300 where the population is greater than 100,000.

Local boards may make further provisions for the office

and travel expenses of the county superintendent but in no event shall such expenditure exceed $1,080 annually.

§17.53

The office budget for an ex officio county superintendent may include the following :

appointment by the local board of an assistant to the superintendent . . .

§17.55

The county superintendent shall serve as secretary of the local board and in such a role, shall be required to keep a true and correct record of the proceedings of the county governing board. The superintendent shall compose all correspondence of the board, receive all reports required by the board and see that such reports are in proper form, complete and accurate. He/she shall advise the board, but shall have no vote.

§17.59

The county superintendent shall have under the direction of the Commissioner, the immediate supervision of all matters pertaining to public education in the county. He/she shall execute and approve all contracts between the teachers and the local board. He/she shall confer with the teachers and trustees and give them advice where needed, examine schools and deliver lectures promoting interest in public education. He/she shall distribute all blanks and books to the public schools and make such reports as may be reqested of him/her. He/she shall visit the schools at least four days each week, if possible.

CONTRACTS

SCHOOL VISITS

He/she shall approve the reports of independent school districts with scholastic populations of less than 500 and shall have jurisdiction over their appeals.

§17.62

County superintendents under the county unit system shall perform such additional duties as may be assigned to

them.

§17.63

APPEALS

All appeals from decisions of the county superintendent shall be made to the county board or county school trustees. Further appeals may be made to any court of competent jurisdiction or to the commissioner. In the event further appeal is opted for, the appellant shall deliver notice of such intent to the local board within five days after its final decision.

§17.94

Beginning in 1979, no state funds shall be used to support the office of county school superintendent or ex officio county school superintendent; a board of county school trustees; a county school board in counties with no common school districts; rural high school district; or independent districts with less than one hundred fifty ADA. But the officer and boards may find other means of support. If no other means are found, such officer and/or boards are abolished.

In the event of abolishment, the powers and duties of the officer and/or board shall vest as follows: provided however, that the following designated officials shall receive no additional compensation for performing their duties.

The powers and duties of abolished officers of county superintendent or ex officio county superintendents relating to approval of or recommendations concerning the operations of a school district vest in the governing board of the district. Their powers and duties relating to cooperative agreements between districts for the employment of special service personnel "vest in the governing board of the regional education service center embracing the county."

The authority to annually prorate the available county school fund vests in the county judge, and he/she shall certify to the Central Education Agency the amount prorated to each district.

The powers and duties of abolished offices of county school trustees or county school boards concerning the alteration of school districts vests in the commissioners court of the county. The powers and duties relating to the administration or operation of

schools in the county vests in the governing board of the districts concerned.

All powers and duties of the abolished officers and boards not otherwise vested by the section vests in the county judge.

In counties abolishing such officers all unused county administration budget funds remaining at the time the office is abolished shall revert back to their source.

All records of school districts maintained by [abolished] county administrative officers shall be transferred to the respective school districts concerned, except for financial records which shall be returned by the county treasurer.

Funding for any of the abolished officers and/or boards may be provided by a voluntary contract among the independent school districts of a county, with such powers and duties as such contract shall provide.

REGULATIONS

§2201-2202

"Classes of county superintendents are

. . . (1) elective;

(2) appointive . . .; or

(3) ex officio . . . ."

The administrative procedures for county schools are located in Policy Series 2300.

§2202; 2203.2

County superintendents shall be classified as elective; appointive or; ex officio.

The county school superintendent shall

1) submit copies of a budget for each school under his/her jurisdiction to the Texas Education agency;

2) make the budget in compliance with agency procedures;

3) install in the schools under his/her jurisdiction a fiscal accounting system that is in accordance with budgeting, accounting, and auditing requirements;

4) supervise public education programs in his/her

county;

5) make reports as required by the Texas Education agency.

§2203

"The county school trustees classify the schools of the county . . . ."

"The county superintendent . . . prepares an itemized budget covering all estimated receipts and proposed expenditures for the next succeeding fiscal year of each common and rural high school district under his[her] jurisdiction. After the budget is approved . . . copies are filed in the offices of county superintendent, the county clerk, and the Texas Education Agency."

"The county superintendent installs a standard school fiscal accounting system in the schools under his[her] jurisdiction that meets the requirements prescribed by policies and administrative procedures . . . ."

"The county superintendent files reports as requested by the Texas Education agency. The reports include

REPORTS

(1) ex officio county superintendent's budget of county administration expense . . .;

(2) elective or appointive county superintendent's budget of county administration expense . . .;

(3) budget comparison with receipts and expenditures of the county administration fund;

(4) annual report on the county available school fund . . .;

(5) county superintendent's certification of cooperative agreements between districts for special service teachers . . .;

(6) school district organization;

(7) annual report of county school accountants;

(8) superintendent's annual report;

(9) other reports as requested . . . ."

"The county depository, upon receiving notice from the Texas Education Agency of the amount apportioned to the county, reports this information to the county superintendent."

"The commissioners court files with the. . . agency a copy of the depository bond or a copy of the depository contract showing securities in escrow."

CROSS REFERENCES

I.County Judge; Statute §17.42

III.E.Teachers; Statute §17.60

CRIME AND NARCOTICS ADVISORY COMMISSION

REGULATIONS

§3262

"The Crime and Narcotics Advisory Commission . . . shall be assisted by the staff of the Texas Education Agency as directed by the Commissioner of Education."

§3262

This series (3262) deals with the Crime and Narcotics Advisory Commission and lists the three major duties that the Texas Education Agency has in assisting this commission. The Agency shall:

(1) develop and plan meeting agendas;

(2) prepare reports at the direction of the commission; and

(3) provide general staff support as required.

DEPARTMENT OF CORRECTIONS

CROSS REFERENCE

II.A.10.Other-Schools for Prison Inmates; Regulation §4103.4.2

DEPARTMENT OF EDUCATION

STATUTES

§11.61; 61

"The State Department of Education shall constitute the professional, technical, and clerical staff of the Central Education Agency."

It "shall be organized into divisions and sub-

divisions established by the commissioner of education subject to the approval of the . . . Board . . . ."

All of the employees of the major divisions in the Department "shall be appointed by the Commissioner . . . pursuant to general rules and regulations adopted by the . . . Board . . . .

The rules and regulations pertaining to personnel administration shall include a comprehensive classification plan, including an appropriate title for each position, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications essential for adequate performance of the work." They "shall likewise provide tenure safeguards, leave and retirement provisions, and establish hearing procedures."

§11.63

"a) The State Department of Education shall

1) carry out the mandates, prohibitions, and regulations for which it is made responsible;

2) make free and full use of advisory committees and commissions . . .;

3) seek to assist local school districts in developing effective and improved programs of education through research and experimentation, consultation, conferences, and evaluation, but shall have no power over local school districts except those specifically granted by statute.

b) The budgets and fiscal reports filed with the Central Education Agency shall be reviewed and analyzed by the . . . Department . . . to determine whether or not all legal requirements have been met and to collect [needed] fiscal data. The . . . Agency may drop from the list of accredited schools any school district which fails to comply with the laws or the rules and regulations of the State

Board . . . applicable to preparation and adoption of the local budget and/or fiscal accounting system of public school districts."

REGULATIONS

§1401; 1402.1

"The State Department of Education as a component of the Texas Education Agency shall be composed of appropriate departments and the professional, technical, and clerical staff of the departments."

"The State Department of Education shall be organized into appropriate departments, each administered by an assistant or associate commissioner, with subordinate organizational units established by the Commissioner of Education, subject to approval of the State Board of Education."

§1401-1402.2

"The State Department of Education is divided into the Department for Administration, the Department for Teacher Education and Instructional Services, the Department for Occupational Education and Technology, and the Department for Special Education and Special Schools. The departments are divided into divisions which are divided into sections or other subordinate organizational units. . . ."

§1402.2

The general functions of the State Department of Education are to:

EDUCATIONAL GOALS

1) identify the educational needs of the state and to propose educational goals and objectives to the

Board;

2) provide leadership to school districts and educational institutions in developing effective and improved programs of education through planning, research, experimentation, consultation, dissemination, and evaluation;

3) carry out the mandates established by statute, State Board of Education, State Board of Education for Vocational Education, or the Commissioner of Education; and

4) review and analyze budgets and fiscal reports filed with the Texas Education Agency to determine whether or not all legal requirements have been met and to collect fiscal data needed in preparing school fiscal reports for the Governor and Legislature.

All functions of the State Department of Education are to be established by the Commissioner of Education.

§1402.3

"All policies and administrative procedures of internal operations for the staff of the Texas Education Agency . . . apply to the personnel of the State Department of Education."

ADMINISTRATION

"The Assistant Commissioner for Administration is responsible to the Commissioner of Education and his [her] functions are to:

(1) supervise the directors of the Divisions of Finance, School Administrative Services, and Program Funds Management;

(2) supervise the program directors of the sections of Technical Assistance for School District Desegregation and Compensatory Education;

(3) coordinate Agency activities with public school administrators; and

(4) direct the Foundation School Program services of the Agency.

Attached to the office of the Assistant Commissioner for Administration are the Technical Assistance for School District Desegregation section and the Compensatory Education section.

"The Technical Assistance section works with school districts on problems relating to school district desegregation and assumes the major portion of Agency responsibility for the implementation of Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division.

The Compensatory Education section is responsible for the overall administration of the Child Migrant Program under Title I Migrant Amendment to the Elementary and Secondary Education Act of 1965, and for the State Preschool Program for Non-English Speaking Children.

(a-b) Division of School Administrative Services

The Division of School Administrative Services is divided into sections: general administrative services, school plant, pupil transportation, school lunch, and small schools project. The functions of the division are to:

(1) provide consultative technical and professional services to school district officials in the fields of school plant planning, pupil transportation, child nutrition, and general administrative problems;

(2) assist school districts in long-range facility planning, review school building plans when requested, and provide surveys to help improve the custodial care and maintenance of buildings;

"(3) assist school districts in developing a coordinated school child nutrition program in accordance

with the state plan;

(4) assist school district officials in developing coordinated pupil transportation systems in accordance with laws, policies and administrative procedures;

(5) cooperate with professional associations, related organizations, and colleges and universities in projects relating to school administration including conducting of studies dealing with problems in school administration;

(6) assist school district officials in identifying and solving administrative problems through group and individual conferences; and

(7) provide information and directions for school administration through handbooks, reports, and other publications developed in conferences, workshops, and independent research.

(a-c) Division of Finance

The Division of Finance compiles cost estimates and statistical data and processes applications for and allocates certain funds administered by the Agency. The functions of the Division of Finance are to:

"(1) review and process applications and allocate funds for the following programs: State Available School Fund, federally impacted areas, county administration budgets, supplementary salary aid, driver education, and the Foundation School Program;

(2) determine the Local Fund Assignment for every school district in the state;

(3) process school breakfast, lunch, and special milk reimbursement claims for payment;

(4) determine the per capita distribution for both the County Available and State Available Funds;

(5) coordinate the Foundation School Program services of the Agency;

(6) prepare statistical reports and cost estimates on various programs administered by the Division of Finance;

(7) provide financial information for the Governor's Office, Legislative Budget Board, members of the State Legislature, Agency staff, school district administrators, trustees, teachers, and patrons seeking information concerning policies, statutes, administrative procedures, and regulations governing the allocation of state funds to the public schools of this state; and

(8) review Foundation School Program audits and secure compliance or recover overclaims.

"(a-d) Division of Program Funds Management

The functions of the Division of Program Funds Management are to:

(1) administer the consolidated application for federal assistance for Title I Regular, Title I Migrant, and Title II of the Elementary and Secondary Education Act of 1965; Title III of the National Defense Education Act of 1958; and Special Education Unit Allocation;

(2) perform the following functions related to the Consolidated Application for State and Federal Assistance:

(2-1) review and approve the consolidated applications received from school districts;

(2-2) maintain the necessary fiscal control and records;

(2-3) prepare fiscal reports as required;

(2-4) monitor approved programs in school districts;

(2-5) provide technical and consultative assistance to school districts in developing applications and operating programs; and

(2-6) process reports from school districts and recommend the appropriate cash advances in accordance with approved projects; and

"(3) coordinate the processing of all applications and contracts requesting federal and state funds for all occupational and special adult programs.

(b-a) Assistant Commissioner for Teacher Education and Instructional Services

The Assistant Commissioner for Teacher Education and Instructional Services is responsible to the Commissioner of Education and his[her] functions are to:

(1) supervise the directors of the divisions of Teacher Education and Certification, School Accreditation, Program Development, Instructional Media, and Crime Prevention and Drug Education;

(2) supervise the coordinators of Educational Personnel Development and the Professional Practices Commission, who are attached to his[her] office;

CERTIFICATION

(3) coordinate the production and distribution of curriculum publications;

(4) coordinate teacher education programs and maintain liaison with institutions of higher education, the State Board of Examiners for Teacher Education, and public school staff development training and retraining programs; and

(5) serve as the designated State Administrator of the General Educational Development (GED) Testing Program.

The coordinator of Educational Personnel Development coordinates and administers the Texas State Plan for Attracting and Qualifying Teachers to Meet Critical Teacher Shortages and coordinates other public school educational personnel development programs.

The coordinator of Professional Practices Commission provides supportive and administrative services to the Teachers' Professional Practices Commission to ensure the effectiveness of its operation.

(b-b) Division of Teacher Education and Certification

The functions of the Division of Teacher Education

and Certification are to:

(1) administer the state responsibility for teacher education and teacher certification and serve as the official unit of the Agency in its relationship with the teaching profession;

(2) develop and promote improvement of acceptable criteria for approval of teacher education programs;

(3) develop procedures for recognizing acceptable teacher education programs;

(4) promote improved teacher education programs;

(5) work with the State Board of Examiners for Teacher Education in approving colleges or universities offering courses to satisfy certificate requirements;

(6) receive, review, and process all applications for emergency teaching permits or regular teaching certificates and certificates of approval and issue all certificates;

(7) assist school district officials to establish and evaluate programs of professional growth and coordinate the programs between local units and institutions of higher education; and

(8) represent the Agency in relations with teaching personnel regarding matters of professional ethics, responsibilities, contractual relationships, tenure, and other matters of a professional nature.

(b-c) Division of School Accreditation

The functions of the Division of School Accreditation are to:

MINIMUM STANDARDS

(1) develop minimum standards for elementary and secondary schools;

(2) identify schools that meet and schools that fail to meet standards;

(3) encourage schools to exceed minimum standards;

(4) recommend changes in standards for accrediting elementary and secondary schools;

(5) develop and apply procedures for identifying schools that meet standards;

(6) promote and furnish leadership to school

officials in programs designed to improve schools and maintain high standards;

(7) represent the Agency and its relationships with other state and regional accrediting groups; and

(8) provide staff services for any advisory group concerned with school accreditation.

(b-d) Division of Program Development

The functions of the Division of Program Development are to:

(1) provide statewide leadership for the stimulation, initiation, planning, and coordination of curriculum improvement programs in general or academic education;

CURRICULUM IMPROVEMENT

(2) provide consultative services to school districts, regional education service centers, colleges, professional and lay groups in curriculum and instruction;

(3) initiate and coordinate curriculum studies leading to curriculum improvement;

(4) develop curriculum guides and other leadership materials that will lead to balanced, sequential learning experiences for children in all grades, and for all academic subjects;

(5) review and disseminate information on promising practices in curriculum and instruction;

(6) encourage school improvement programs including self-evaluation and inservice education;

(7) assist state advisory committees, commissions, and agencies in curriculum improvement; and

(8) cooperate in programs operated by other organizational units within the Agency by:

(8-1) assisting in review and evaluation of instructional programs;

(8-2) assisting in textbook adoption process as directed by the Commissioner of Education; and

(8-3) assisting in the development of standards relating to academic education.

(b-e) Division of Instructional Media

The functions of the Division of Instructional Media are to:

(1) provide leadership and information to school districts in the use of new media instruction;

(2) provide consultative service on the selection and use of new media and library materials;

(3) provide demonstrations and inservice education on innovative aspects of the instructional resources program;

(4) develop taped and visual materials for classroom use;

(5) develop visual and recorded materials for other Agency organizational units; and

(6) plan and supervise the Agency program in administering the state responsibility under Title II of the Elementary and Secondary Education Act of 1965 for schools in acquisition of library resources, textbooks, and other printed and published instructional materials.

(b-f) Division of Crime Prevention and Drug Education

The functions of the Division of Crime Prevention and Drug Education are to:

DRUG EDUCATION

(1) initiate, plan, develop, and implement the drug education program in the schools of Texas in accordance with the approved state plan;

(2) provide school districts with curriculum materials for units of study on the dangers of crime and narcotics;

(3) provide annual instruction for teachers of staff and program development;

(4) sponsor inservice training in the areas of staff and program development;

(5) provide technical assistance to regional education service centers;

(6) develop designs for continuous assessment and evaluation of the state program plan; and

(7) participate in the Governor's Interagency Council on Drug Abuse.

(c) Department for Occupational Education and Technology.

(c-a) Associate Commissioner for Occupational Education and Technology.

The Associate Commissioner for Occupational Education and Technology is responsible to the Commissioner of Education and the functions of his[her] office are to:

(1) administer the state responsibility for all vocational-technical and adult education programs, services, and activities for which federal and state funds are used;

(2) develop and administer the state plan for all vocational-technical and adult education programs in accordance with policies and administrative procedures;

(c) supervise the work of the directors of the Division of Public School Occupational Education, Post-Secondary Occupational Education, Occupational Research and Development, Adult and Continuing Education, and Proprietary Schools and Veterans Education;

(4) direct the work of program development, coordination, and evaluation for vocational-technical and adult education in public schools, post-secondary training institutions, and proprietary schools in determining needs for programs;

(5) direct the development of programs, including pilot, special demonstration and experimental programs, and programs for persons who have special needs;

(6) direct the development of vocational guidance programs cooperatively with the Division of Guidance Services;

(7) direct the development of training programs, including the training of teachers;

(8) direct the development of curriculum and instructional materials;

(9) direct the development of research projects;

(10) direct the development of area vocational-technical schools;

(11) direct the development and administration of operating standards for vocational-technical and adult education programs;

(12) coordinate the preparation of financial and statistical reports, budgets, and publications;

(13) approve the allocation of funds to local education agencies;

(14) review and approve programs of vocational teacher education;

(15) review audit reports relating to vocational-technical programs and special programs for adults;

(16) ensure that the design of vocational-technical and adult programs meets community needs as determined by needs assessment and long-range plans of local education agencies;

(17) prepare annually a Certified List of Occupational Courses for which funds can be allocated; and

(18) direct the evaluation of occupational and adult programs to determine quality and effectiveness.

(c-b) Division of Public School Occupational Education

The functions of the Division of Public School Occupation Education are to:

(1) provide technical and professional services to public schools in planning, organizing, evaluating, and improving vocational-technical education programs including agriculture, homemaking, industrial, distributive, office, health occupations, community service occupations and other services and activities;

(2) review public school annual vocational program plans and application for funds;

(3) organize and conduct programs of preservice and inservice education for occupational education directors, supervisors, counselors, and instructors;

(4) assist public schools in the acquisition and use of curriculum materials and instructional equipment;

(5) provide leadership and direction for approved public school youth leadership organizations;

(6) collect and prepare data for state and federal reporting purposes; and

(7) monitor approved public school occupational education programs.

(c-c) Division of Post-Secondary Occupational Education

The functions of the Division of Post-Secondary Occupational Education are to:

(1) provide technical and professional services to public post-secondary institutions in planning, organizing, evaluating, and improving vocational-technical education programs, services, and activities;

(2) maintain coordination with the Coordinating Board, Texas College and University System, in approval of programs and in collection of enrollment data;

(3) review annual application for funds for post-secondary occupational programs;

(4) organize and conduct programs of preservice and inservice education for occupational education directors, supervisors, and instructors;

(5) assist public junior colleges in the acquisition and use of curriculum materials and instructional equipment;

(6) provide leadership and direction for approved post-secondary youth leadership organizations;

(7) collect and prepare data for state and federal reporting purposes;
and

(8) monitor approved post-secondary occupational education programs.

"(c-d) Division of Occupational Research and Development

The functions of the Division of Occupational Research and Development are to:

(1) provide consultative service and technical assistance to school districts and other organizations in the development of research, exemplary, and pilot demonstration projects in occupational education;

(2) review proposals for research, exemplary, and pilot demonstration projects in occupational education as provided for in the State Plan for Vocational Education;

(3) process approved proposals and associated documents;

(4) maintain operational files on research, exemplary, and pilot demonstration projects in progress and reference

files on completed projects;

(5) coordinate evaluation of research, exemplary, and pilot demonstration projects in occupational education;

(6) collect, analyze, synthesize and organize data for development of State Plan for Vocational Education and related fiscal, statistical, and descriptive reports;

(7) initiate and coordinate special projects and activities related to research and development in occupational education; and

(8) monitor approved research, exemplary, and pilot demonstration projects.

(c-e) Division of Adult and Continuing Education

The functions of the Division of Adult and Continuing Education are to:

ADULT EDUCATION

(1) provide consultative service and technical assistance to local education agencies in developing and operating programs for adults and civil defense education;

(2) review and approve applications for adult programs;

(3) organize and conduct inservice training programs for administrative and instructional personnel;

(4) develop procedures for evaluation of special and regular programs for adults;

(5) assist local education agencies in the acquisition and use of instructional materials and equipment;

(6) monitor approved programs for adults;

(7) collect and prepare data for state and federal adult and civil defense program reporting purposes; and

(8) assist state advisory committees, commissions, and agencies in planning of special and regular programs for adults and civil defense education.

(c-f) Division of Proprietary Schools and Veterans Education

The functions of the Division of Proprietary Schools and Veterans Education are to:

VETERANS

(1) provide staff assistance to the Proprietary School Advisory Commission;

(2) develop policies and procedures to be approved by the Commissioner of Education and the State Board of

Education for the approval process of proprietary schools;

(3) provide consultative services to proprietary schools;

(4) develop guides for proprietary schools on how to obtain certificates of approval and permits for representative status;

(5) issue certificates of approval to proprietary schools and permits for representative proprietary schools;

(6) approve qualifications of instructors in proprietary schools and in veterans education programs;

(7) approve schools (public and proprietary) for the training of veterans;

(8) maintain liaison with the Veterans Administration;

(9) collect and prepare data for state and federal reporting purposes; and

(10) report violations of proprietary school standards, denials of approval, and discontinuances of approval to the Commissioner of Education.

(d) DEPARTMENT FOR SPECIAL EDUCATION AND SPECIAL SCHOOLS

(d-a) Assistant Commissioner for Special Education and Special Schools

SPECIAL EDUCATION

The Assistant Commissioner for Special Education and Special Schools is responsible to the Commissioner of Education and his[her] functions are to:

(1) supervise and coordinate work of the Director of Special Education, the Superintendents of the Texas Schools for the Blind and for the Deaf, and the Director for Business services;

(2) maintain working relationships with other governmental agencies functioning in related services for handicapped children;

(3) maintain a program of continuous study with representatives of organizations providing services to handicapped children;

(4) recommend to the Commissioner of Education changes in program activities; and

(5) maintain a continuous evaluation of program activities.

Attached to the Office of the Assistant Commissioner for Special Education and Special Schools is the Director of Special Education.

The functions of the Director of Special Education are to:

(1) supervise and coordinate work of the Divisions of Special Education Administration, Special Education Development, and Special Education Evaluation;

(2) coordinate the work of the various advisory committees, councils, and commissions appointed to serve in the areas of special education;

(3) work with other divisions of the Agency whose roles involve program planning for handicapped children; and

(4) work with teacher training institutions, regional education service centers, and other agencies concerned with staff development of special education personnel.

(d-b) Division of Special Education Administration

The functions of the Division of Special Education Administration are to:

(1) develop and administer the state special education program as authorized by law and the state plan for special education;

(2) provide leadership and consultant services to school districts in the development and improvement of programs of education for exceptional children;

(3) prepare bulletins, guides, and instructional materials for use in local programs for exceptional children;

(4) approve special education units for allocations under the Foundation School Program; and

(5) maintain liaison with organizations and individuals involved with state and local programs of special education.

(d-c) Division of Special Education Development

The functions of the Division of Special Education Development are to:

(1) provide leadership and consultant services to regional education service centers and school districts in the development and implementation of regional and local services for pupil appraisal, special education

materials, and consultation;

(2) provide leadership and consultant services to teacher-training institutions, regional education service centers and school districts in programs of staff development for personnel employed or to be employed in comprehensive special education programs; and

(3) administer federal programs assigned to the division.

(d-d) Division of Special Education Evaluation

The functions of the Division of Special Education Evaluation are to:

(1) provide continuing evaluation of the special education programs in Texas;

EVALUATION OF SPECIAL EDUCATION

(2) gather information and conduct research on current and projected special education programs;

(3) coordinate evaluation of special education programs;

(4) coordinate the state responsibility for federal programs for the handicapped; and

(5) recommend approval for non-public schools which contract with public schools for educational services for exceptional children.

The procedures listed below are followed in establishing a regional education service center.

(1) The Commissioner of Education notifies each local board of school trustees of its responsibility for naming a representative to the regional joint committee and provides each with instructions for discharging this responsibility.

(2) At the organizational meeting, the joint committee:

(2-1) elects a permanent chairman and such other officers as the committee may determine to be required; and

(2-2) provides for the election of members of the regional board of directors.

(3) The chairman of the joint committee calls an organizational meeting of the board of directors which organizes by electing a chairman, vice-chairman, and secretary; adopts rules or procedures to govern its operation; and takes the initial action toward preparation of an application for the establishment of a regional education service center.

(4) The board of directors submits the application to the board of school trustees of each participating school district for its consideration.

(5) The official application, with the record of action of each board of school trustees, is transmitted to the Texas Education Agency by the board of directors.

(6) The Commissioner of Education formulates a recommendation on each application. The application and recommendation are then presented to the State Board of Education for its consideration.

(7) Upon approval by the State Board of Education, the center is officially authorized and the board of directors empowered to proceed as outlined in the approved application."

CROSS REFERENCE

II.C.2.; Statute Title 63, Ch. 2, Art. 3953; 3959; 3960

DIAGNOSTIC AND EVALUATION CENTER

CROSS REFERENCE

II.A.2.; Statute §11.091

DIRECTOR OF DEAF EDUCATION

CROSS REFERENCE

II.A.2.; Statute §11.10

DIRECTOR OF EDUCATION FOR THE VISUALLY HANDICAPPED

CROSS REFERENCE

II.A.2.; Statute §11.052

DIRECTOR OF PROGRAMS FOR THE GIFTED AND TALENTED

CROSS REFERENCE

II.A.2.; Statute §11.10

STATUTES

§13.901

Local boards of trustees "may consult with teachers with respect to matters of educational policy and conditions of employment; and such boards . . . may adopt and make reasonable rules, regulations and agreements to provide for such consultation."

RULEMAKING

§22.01

A board of three trustees shall control a common school district, and these three shall be under the supervision of a county governing board. These trustees, as well as those for common consolidated school districts, are elected. The common consolidated district has seven trustees, however.

§22.03--.07

Trustees will begin their terms on May 1 following their election. Vacancies will be filled by either the county school trustees or county board of education "for the remainder of the unexpired term in which the vacancy occurs". The same process of selection takes place for terms of common consolidated school district trustees.

VACANCY

To qualify for the post of trustee a person must be able to read and write the English language, and have been a resident of the district for at least six months before his/her election or appointment.

If the county superintendent believes a trustee to be unfit according to law, he/she may ask the court to "restrain such person from acting as trustee during pendency of the suit;" this trustee may be examined by the court under rules "applicable to the trial of civil actions ...." Either the county board of education or the trustees may

REMOVAL

appoint a suitable replacement if the trustee is removed.

Each trustee is required to take the offical oath, and must elect one of its members as president and one as secretary.

§22.08

The trustees of a common consolidated school district shall have these powers:

(a) contract and be contracted with for the general good of the school district;

(b) receive any gift, grant, donation or device made for the district's use;

(c) sue and be sued; plead or be impleaded in any court of proper jurisdiction;

(d) shall have control of the public schools, its property and all other property belonging to the district; as well as how many schools shall be maintained and where they are to be located, opened and closed;

(e) employ teachers and school officials and pay them on a check drawn on the county depository for the district, signed or drawn upon order authorized by a majority of the trustees and approved by the county superintendent;

(f) to dismiss teachers or other school employees, who may appeal to the county superintendent or the commissioner of education;

(g) to approve all claims against the school funds of the district;

(h) and to supply all information required of them by the county superintendent or Central Education Agency.

§23.12--.19

The "term of trustees of independent school districts... shall be three years in any district which does not include within its boundaries a city or a town with a population in excess of 75,000 or in any district where a term of three years has previously been instituted under either general or special law. . . ."

"The trustees of any independent school district which has previously ... adopted or instituted a term of four years may continue to be elected for a term of four years," with elections being biennial.

The trustees of all county-wide independent school districts shall serve for a regular term of two years.

The trustees of any independent school district which has instituted a term may, by resolution, continue that term even though the size of the district changes so that the specified term is no longer applicable.

In all instances except where the school board is picked by the city commission all vacancies will be filled by the board until the next election.

Each elected trustee must be a qualified voter and must take the official oath of office. At its first meeting after each election the trustees will choose a president, secretary, treasurer, an assessor and collector of taxes and any other officers deemed necessary; all trustees shall serve without compensation.

BOARD OFFICERS

§23.28--.32

The board of trustees in any independent school district may employ by contract all officials of the district for a period of not more than three years if the scholastic population is fewer than 5,000, and not more than 5 years if it exceeds 5,000. One year contracts begin on July 1 and end June 30 of the year they are to expire. This does not include districts having adopted the provisions of the probationary or continuing contract law.

"All independent school districts ... shall have the power by the exercise of the right of eminent domain to acquire ... title to real property for the purpose of securing sites upon which to construct school buildings or for any other purpose which may be deemed necessary for the independent school district."

All such condemnations "shall be in conformity with the statutes of the state for condemning and acquiring property by railroads."

"The board of trustees of any independent school district having an average daily attendance of more than 100,000 ... may enter into agreement with any person .... for the purpose of constructing a combined occupancy structure ...."

"Any portion of the combined occupancy structure which is owned or leased by any person ... shall be subject to all applicable state and local taxes, and shall not ... be considered the property of the ... district."

The board shall publish a notice that a hearing will be held in reference to any combined occupancy structure to be constructed.

§24.03--.05

"A municipal school district shall be governed in the general administration of its schools by a board of seven trustees...." These trustees are to be chosen in the same manner as for independent school districts, unless trustees have previously been selected by appointment of the city council or board of aldermen.

The board of trustees of a municipal school district shall have exclusive control of the school in the district, including having vested in it title to all property of the public schools. The board shall constitute a body corporate with full power to protect said property.

REGULATIONS

§2305.5 — .6; 2306.1—5; 2306.11

"The board of trustees of a school district may request the cancellation or suspension of a teacher certificate by filing a complaint with the commissioner of education."

"The board of trustees and the administrative personnel of a school district may consult with teachers with respect to matters of policy and conditions of employment . . . ."

"Each school district shall establish annually a school calendar "which shall include holidays

to be observed.

"Each school district shall take a scholastic census every five years in accordance with state law and administrative procedure."

"Each school district shall maintain records and make reports to the Texas Education Agency . . . ."

"Each school district . . . shall . . . abide by the . . . agency rules . . . concerning textbooks . . ." and shall include: 1) requisitioning textbooks annually; 2) providing free textbooks that are approved; accounting for all textbooks; 3) having one or more persons "bonded in the sum of 15 percent of the value of the textbooks"; 4) adopting policies for the distribution and handling of textbooks; and 5) selling textbooks to pupils or their parents at state contract prices.

"The name of a school district shall be established by the local board of trustees . . . ."

§2309;2310; 2311

HEARINGS

APPEAL

This series concerns itself with hearings before local governing boards of trustees and provides for the adoption of written procedures for orderly hearings and appeals by aggrieved parties concerning such items as:

1) administrative actions or problems of school districts;

2) appeals involving teacher contracts only in those school districts which have adopted the provisions of the probationary or continuing contract laws;

3) original administrative actions under the jurisdiction of the county superintendent; and

4) original administrative actions under the jurisdiction by the county school trustees.

"For all common school districts, rural high school districts, and independent school districts with fewer than 500 scholastics, the proper route of appeal . . . begins with the district board of trustees and continues on through to the state board of education and a court of competent jurisdiction. For all independent school districts

with 500 or more scholastics the route is primarily the same, but of a more simplistic nature, with the appeal going directly from the district board of trustees to the commissioners, then to the state board of education and a court of competent jurisdiction; bypassing the county superintendent, the county school trustees, etc.

§2311.1-.2

This policy provides for the requirements of hearings and appeals procedure, and includes filing procedure and testimony relevant to such proceedings.

§2311.3

This provision provides for the procedural requirements for record of appeal. It includes such things as written requests, orders, decisions and copies of all petitions.

APPEALS

CROSS REFERENCES

I.County Superintendent; Statute §17.52

I.Joint Advisory Committee on Regional Education Service Centers; Statute §2102.2

I.Texas Education Agency; Statute §11.01--11.02

II.A.3.; Statute §21.111--21.113

II.B.1.a.; Regulation §3336

II.B.1.c.; Statute §12.63; 12.65; 12.66

III.D.Reports Required of Local Board; Statute §17.31

IV.A.; Statute §21.906

IV.A.; Regulation §5201

IV.G.; Statute §21.040

IV.J.; Statute §21.301--21.308

IV.J.; Statute §21.481--21.490

District Superintendent

CROSS REFERENCES

II.B.2.; Regulation §3321.3

III.B.Teachers; Regulation §6206

Division of Administrative Services

REGULATIONS

§2306.8

"School districts may obtain services on request from the Division of Administrative Services" in areas such as school plant management and functional planning.

Division of Education for the Gifted and Talented

CROSS REFERENCE

II.A.2.; Regulation §3531; 3532

Division of Teacher Education and Certification

CROSS REFERENCE

III.B.Teachers; Regulation §6101

Educational Advisory Committee

CROSS REFERENCE

II.A.2.; Statute §11.061--11.062

Executive Director, Department of Mental Health and Mental Retardation

CROSS REFERENCE

II.A.2.; Statute §26.61

GOVERNOR

STATUTES

Title 70, Ch. 4-D, Art. 4413d-2

"The legislature finds that the federal government has established and continued to establish grant programs of direct assistance to ... school districts ... and that ... it is frequently difficult for local government to marshall the technical and financial resources needed to meet the needs of its residents .... [t]he declared policy of the state is to render technical assistance and to assume responsibility for coordirating relationships between local governmental units governed by this Act and federal agencies...."

It shall further "be the duty of the Governor ... or any state agency designated by the governor for such purpose to coordinate the actions of any ... school district ... participating in any grant program established pursuant to an act of congress or administrative ruling pursuant thereto ... under such rules and regulations as the governor or the state agency designated for such purposes shall promulgate."

CROSS REFERENCE

I.Teachers' Professional Practices Commission:
Statute §13.205; 13.206

INDUSTRIAL TRAINING SCHOOL DISTRICT BOARD

CROSS REFERENCE

II.A.3.; Statute §27.03--27.06

JOINT ADVISORY COMMITTEE ON REGIONAL EDUCATION SERVICE CENTERS

REGULATIONS

§2102.2.1

"The procedures as established by the Commissioner of Education for joint committees are as follows.

(1) In each region there is a joint committee of the regional education service center whose membership consists of:

(1-1) one representative from each 12-grade school

district selected by the appropriate board of trustees;

(1-2) one representative designated by the county board of trustees to represent all of the school districts with fewer than 12 grades in the county; and

(1-3) one representative from each four-year institution of higher education within the region which conducts an approved teacher education program, selected by the appropriate board of trustees.

(2) Each member of the joint committee serves at the will of the local board of trustees. No person in the business of vending or servicing materials or equipment to regional education service centers may be a member of the joint committee.

(3) It is the duty of the joint committee to determine whether the board of directors is composed of five or seven members, to elect the membership of the board, and to serve that board in an advisory capacity. The joint committee may establish an executive committee or other subcommittees to assist in its advisory function to the board."

CROSS REFERENCE

..Regional Education Service Centers: Regulation §2102.1

LEGISLATURE

CROSS REFERENCES

I.State Board of Education; Constitution Article VII, §8

III.C.Public Schools; Constitution Article VII, §1

LOCAL TEXTBOOK COMMITTEE

CROSS REFERENCE

II.B.1.a.; Regulation §3336

OFFICIAL ADVISORY GROUP

REGULATIONS

§6301

"Each official advisory group . . . shall, within its size, scope and objectives:

(1) represent the public with respect to a range of school sizes and regional service center areas and shall not have more than one member from a Congressional District unless the composition imposes membership related to a specific office held or other agency representation.

(2) "No appointments to an advisory group shall be recommended by the Commissioner . . . without consultation with the State Board member representing the Congressional District from which the candidate is being recommended.

(3) "Have a specifically designed purpose and set of objectives, define the length of service, the number of annual meetings and the expiration date of the advisory group . . . .

(4) "Minutes of each such advisory group shall be filed with the Commissioner of Education."

This series also concerns the circulation of names for such an advisory group, and the approval process for such members.

§6301

"The purpose of the group shall be to provide the State Board . . ., the Commissioner . . ., or the staff of the local education agency advice and counsel . . . ." Reimbursement for actual expenses incurred will be the only compensation for group members.

PRINCIPAL

CROSS REFERENCE

IV.A.; Statute §21.909

PROFESSIONAL PRACTICES COMMISSION

CROSS REFERENCES

III.C.Teachers; Statute §13.210; 13.212

III.C.Teachers; Regulation §6301

CROSS REFERENCE

II.B.1.a.; Regulation §2102.4.6; 2102.5.7

REGIONAL EDUCATION SERVICE CENTER BOARD

REGULATIONS

"The regional education service centers . . . shall operate to provide to school districts education media, materials, equipment and maintenance; educational services; and coordination of educational planning. The centers shall operate in accordance with state and federal laws and the policies and administrative procedures of the Texas Education Agency."

§2101.1

This series deals with the establishment of regional education service centers.

According to this procedure the Commissioner notifies each local board of school trustees of its responsibility for naming a representative to the regional joint committee. At the organizational meeting, the joint committee shall: (1) elect a permanent chairman and other required officers; and (2) provide for the election of members of the regional board of directors. The board then elects its officers and submits an application for the establishment of a regional education center to the Agency for approval by the State Board of Education.

COOPERATIVE SERVICES

§2101.2

"Regional education service centers shall be located throughout Texas so that each school district has the opportunity to be served and to participate in an approved center on a voluntary basis . . . a media satellite

center may be located in a geographic region by action of the board of directors . . . ."

The center site in each region "shall be located by action of the board of directors . . . and approved by the State Board of Education."

"Approved centers shall serve a geographic area having 50,000 or more eligible scholastics in average daily attendance", except in sparsely populated areas.

"The assignment of counties to regions shall be made by the State Board of Education."

"The assignment of counties to regions will be based on varying reports and criteria; all boundary lines of a region shall coincide with county lines except where a school district is in two or more counties in which case it shall be served from the region encompassing its county of jurisdiction." There may be allowed for other exceptions as well.

§2101.2—3

"In order that each school district may have the opportunity to be served and participate in an approved regional education service center, 20 regions are located throughout the state to provide educational services.

The criteria by which a media satellite center may be established in metropolitan cities with a minimum of 50,000 average daily attendance in a single school district or in areas of extreme sparse population covering two or more counties with the satellite center located a minimum of 150 highway miles from the center are as follows:

(1) no school district within the region receives a smaller proportionate service than the satellite.

(2) The board of directors and the executive director of the center are directly responsible for the operation of the satellite.

(3) A demonstrated cooperative effort prevails between the satellite and the center.

(4) The city in which the satellite is located has a minimum of 5,000 population.

(5) The satellite location has cultural and educational opportunities not available in the surrounding communities.

(6) The satellite is economical to the operation of the center.

Selection of the center site in each region is based on the following criteria:

(1) proximity to the area of highest concentration of pupils;

(2) availability of economical transportation facilities to serve the region;

(3) availability of cultural and educational facilities in the immediate vicinity; and

(4) criteria established by the board of directors to ensure that the center effectively performs its functions.

Included within this series (2101.3) is the assignment of counties to each of the service center regions accompanied by a map showing the boundaries of the regions.

Given any realignment of boundaries by the State Board of Education, the Commissioner is to notify the chairman of each board of directors involved.

The chairman of the board of directors in each region affected determines the total contribution made by all school districts affected and the state matching funds for those school districts within a county or counties changed and transfers an equitable share of materials, as determined by the boards involved, to the region gaining a county or counties."

§2102.1

The operation of education service centers is to be in compliance with the State Plan for Education Service

Centers, adopted and revised by the State Board and administered by the Agency. "The Commissioner . . . shall establish guidelines for working arrangements between the [Texas Education] Agency and the . . . centers."

"In each region a joint committee . . . shall determine the number of members, elect, and advise the board of directors. The Commissioner . . . shall prescribe . . . the procedures for the joint committee."

"Each center shall be governed by a five or seven member board . . . determined by the regional joint committee. Local selection . . . . shall be in accordance with the current State Plan for Education Service Centers." Procedures for membership, meetings and functions will be prescribed by the Commissioner.

"A State wide Advisory Commission on Education Service Centers . . . shall meet upon call by the Commissioner . . . and shall advise him[her]. . . ."

"A planning council . . . shall meet upon call by the commissioner . . . to assist in the development of comprehensive plans for programs to be carried out through the . . . centers in cooperation with the Texas Education Agency, member schools, and institutions of higher learning."

§2102.2.2

"Board of Directors

The procedures as established by the Commissioner of Education for the board of directors are as follows:

(a) Membership

(1) The joint committee shall elect the membership of the board of directors by a majority vote of its membership.

(2) Original boards shall determine the term of office of each of its members by drawing lots for place numbers.

(3) Any adult citizen of the United States who is over 21 years of age, a resident of the region being served by the center, who is not engaged professionally in education or who is not a member of a school district board of trustees, a county board of trustees, or a board of an institution of higher education may be elected to board of directors membership.

(4) No member of the board shall be in the business of vending or servicing materials or equipment to regional education service centers.

(5) Members of the board of directors are eligible for re-election.

(6) Should a vacancy occur due to death or resignation, a 30-day period shall elapse after due notice has been given to the chairman of the board of directors before the vacancy is filled.

(7) Notice of such vacancy shall be given to the authorized representative of the schools within the region involved at the beginning of the 30-day interval.

(8) Vacancies for an unexpired term shall be filled by appointment by the remaining members of the board of directors.

(9) All members of the board of directors shall serve without compensation.

(b) Meetings

(1) The board of directors shall meet quarterly, at a time and place to be established by the board in its rules or procedures.

(2) Special meetings of the board may be called by the chairman or by a majority of the board's membership.

(3) On five-member boards, three shall constitute a quorum. On seven-member boards, four shall constitute a quorum for the transaction of business.

(4) Official minutes of the board shall be kept in the office of the executive director and shall be available to each citizen for examination.

(5) Business may be transacted provided a quorum is present and all members have been properly notified. A majority vote of members present is necessary to secure passage.

(6) All meetings shall be open to the public except that portion of any meeting devoted to the discussion of personnel.

(7) Members of the board of directors attending official meetings of the board shall be reimbursed for actual travel and living expenses.

(8) The board of directors shall hold a meeting each year with the joint committee at some date between May 1 and August 31 to elect members to fill vacancies occurring on the board, evaluate the board, evaluate the program, and advise the board of any desired action. Notice of this meeting shall be sent to members of the joint committee and members of the board at least 30 days prior to the meeting. The board may hold additional meetings with the joint committee or its subcommittees for adivsory purposes."

POLICYMAKING

"The board of directors shall be the policy forming and evaluative body of the regional education service center, and it shall perform the following functions:

(1) Select an executive director in accordance with Policy and Administrative Procedure 2102.3 and develop policies for the center in accordance with Policy and Administrative Procedure 2102.6.

(2) Develop and approve an annual operating budget for the center and submit it to the Commissioner of Education.

(3) Approve all fiscal arrangements, policies, and agreements.

(4) Enter into contracts for grants from both public and private organizations.

(5) Formulate policies to govern the operation of the center.

(6) Confirm the appointment of professional personnel upon recommendation by the executive director.

(7) Coordinate an annual evaluation of the activities of the center.

(8) Make annual reports covering all activities and expenditures of the center to the Commissioner of Education.

(9) Plan for the utilization of all available educational and cultural resources and services.

(10) Formulate policies for the utilization of the joint committee in an advisory capacity.

(11) Acquire, hold title, and sell real property for service center purposes in accordance with statutes governing the authority of boards of trustees of independent school districts. . . .

The Statewide Advisory Committee for Computer Services shall advise the Commissioner of Education on policy and administration of:

(1) The Statewide management information system

(2) The computer services delivery system

(3) The establishment of statewide priorities for the development and implementation of computer services to school districts

(4) The establishment and maintenance of a systematic evaluation process to guide decisions on monitoring, operation, and enhancement of the network system for computer services.

The Statewide Advisory Committee for Computer Services shall be responsible for the dissemination of information about the computer network plan to all educational users.

The Statewide Advisory Committee for Computer Services shall be composed of twelve members, allocated as follows:

(1) Three members represent the area served by the Gulf Texas Multi-Regional Processing Center

(2) Three members represent the area served by the North Texas Multi-Regional Processing Center

(3) Three members represent the area served by

the South Texas Multi-Regional Processing Center

(4) Three members represent the area served by the Regional Processing Centers."

§2102.3

The directors of the Regional Education Service Center shall employ an executive director, as well as other necessary personnel. The center is to be supported by state and local funds.

§2102.3

"Staff

The staffs of the education service centers are employed in accordance with the following requirements and provisions:

STAFF

(a) Executive Director

The executive director of a regional education service center shall hold a graduate degree and be a person who has demonstrated, through experience in education, a high degree of ability in administration, program development, and experimental programs. He[she] shall serve at the pleasure of the board of directors. He[she] shall:

(1) perform all duties and functions as required by the board of directors;

(2) submit required reports to the board of directors for its approval and forwarding to the Texas Education Agency and member school districts;

(3) maintain records pertaining to all functions of the center;

(4) appoint staff members subject to confirmation by the board of directors;

(5) recommend to the board of directors the acquisition of instructional media and equipment requested through the Advisory Committee;

(6) participate in groups concerned with metropolitan planning and with other planning functions affecting all or a portion of his[her] region.

(b) Other Staff

The board of directors confirms employment of

other professional, clerical, and technical staff who are recommended by the executive director. Salary and contract arrangements are established by the board of directors.

(c) Teacher Retirement

Employees of the regional education service center shall be eligible to contribute to and participate in the Teacher Retirement System of Texas."

§2102.6

"Policies for the administration and operation of [regional education service centers]. . . are filed with the Office of Regional Education Services."

§2103

"Each regional education service center shall develop and provide the following basic services to member schools."

BASIC SERVICES

1) Regional educational planning and services to meet the needs of the region.

2) "Participation in appropriate statewide . . . programs . . . including . . . guidance services, special education services, etc. . . ."

3) Media services as specified in law.

4) "Other . . . services which facilitate the effective operation of the program of the centers as determined by the board of directors."

"Services shall be provided to non-public schools, . . . in accordance with . . . laws and state plans."

§2103

"<u>Services Program of Regional Education Service Centers</u>

The regional education service center utilizes the resources of institutions of higher education and coordinates planning with them for the provision of services to member schools and provides planning services in accordance with the State Plan for Education Service Centers . . . .

Media services are provided in accordance with the approved State Plan for Education Service Centers . . .

and media component program of the education service centers . . . .

Computer services are provided in accordance with the approved state plan for computer services.

Guidance services are provided in accordance with an approved design under the Title III funding proposal.

Special education services are provided in accordance with an approved plan as required in Policy 3572.14.

Crime prevention and drug education services are provided in accordance with an approved State Plan for Crime Prevention and Drug Education."

CROSS REFERENCES

I.County Superintendent; Statute §17.94

I.Regional Education Service Center; Regulation §2102.3

II.C.2.; Regulation §2102.2.5

Regional Media Boards

CROSS REFERENCE

II.B.2.; Statute §11.32

Rural District Trustees

Statutes

§25.05

The control and management of the rural high school district shall be vested in a board of seven trustees, who shall be elected for a regular term of three years, any vacancies to be filled by appointment by the members of the board.

"The board of trustees ... shall organize by electing a president and a secretary, each of whom shall be a member of the board." BOARD OFFICERS

School Attendance Officer

CROSS REFERENCE

IV.H.; Statute §21.036--21.039

School District

Regulations

§2301

"Each school district shall be operated in accordance with all constitutional and statutory provisions." These provisions shall be interpreted by the board of trustees except where formal interpretation of the provisions has otherwise been made.

§2306.3

"Beginning in 1970 and every 5 years thereafter each school district is required to report to the Division of Finance of the . . . Agency the number of children age 5 through age 17 inclusive as of September 1 of that scholastic year." Forms to provide such data are included in this provision.

§2306.4

"School districts maintain records and reports as required by Series 4200."

CROSS REFERENCES

II.A.2.; Regulation §3571; 3572; 3572.1; 3573; 3574

II.A.4.; Statute §21.131--21.135

II.A.4.; Regulation §3521

II.A.5.; Statute §21.451

II.A.5.; Regulation §3251; 3252; 3252.1--3252.4; 3253

II.B.1.c.; Regulation §2306.5

III.B.Teachers; Regulation §6105

IV.D.; Regulation §3465

IV.J.; Regulation §2304.1

School District Boards

CROSS REFERENCES

II.A.2.; Statute §21.0331

School District Superintendent

CROSS REFERENCE

III.B.Teacher; Regulation §6206

SECRETARY OF STATE

CROSS REFERENCE

I.State Board of Education; Regulation §9301

SENATE

CROSS REFERENCE

I.Teachers' Professional Practices Commission:
Statute §13.205; 13.206

SPECIAL ADVISORY COMMITTEE ON TEACHER EDUCATION

§6102.2.3

This series (6102.2.3) deals with special temporary committees as advisory groups for teacher education.

"Special temporary committees are supported by the staff of the Texas Education Agency which:

(1) identifies areas of needed study and research;

(2) supplies staff members to serve on the committees; and

(3) supplies the regular staff office work when requested."

STATE ADVISORY COMMISSION ON EDUCATION SERVICE CENTERS

CROSS REFERENCE

I.Regional Education Service Centers: Regulation §2102.1

STATE ADVISORY COUNCIL ON EDUCATION OF GIFTED AND TALENTED

CROSS REFERENCE

II.A.2.; Regulation §3531; 3532

STATE BOARD FOR TEXAS SCHOOL FOR THE BLIND

CROSS REFERENCE

II.A.2.; Regulation §9101; 9104

STATE BOARD OF EDUCATION

CONSTITUTION

Art. VII, §8

"The Legislature shall provide by law for a State Board of Education, whose members shall be appointed or elected."

STATUTES

§11.24; 25

"The State Board of Education is the policy forming and planning body for the public school system of the state. It shall also be the State Board of Vocational Education . . . .

As one part of the Central Education Agency, the . . . Board . . . shall have specific responsibility for adopting policies, enacting regulations, and establishing general rules for carrying out the duties placed on it or the . . . Agency by the legislature.

RULEMAKING

OFFICER

The state commissioner of education shall be the executive officer through whom the . . . Board . . . shall carry out its policies and enforce its rules and regulations.

The Board . . . shall have power to pass on appeals from decisions made by the commissioner in applying such rules and regulations.

APPEALS

APPOINTMENT

The . . . Board . . . shall appoint, by and with the consent of the . . . senate . . ., the . . . commissioner . . . to serve for a period of four years . . . .

REMOVAL

The board shall have power to remove the commissioner for conviction of a felony, or of any crime involving moral turpitude, or for wilful and continuous disregard of the board's directions . . . .

On recommendation of the Commissioner . . . the . . . Board . . . may authorize . . . [him/her] . . . to appoint . . . official commissions comprised of citizens . . . to advise the Commissioner . . . in the discharge of his[her] duties."

"The . . . Board . . . shall review periodically the educational needs of the state, adopt or promote plans for meeting these needs and evaluate the achievements of the educational program." It shall:

"1) formulate . . . the proposed budget or budgets for operating . . . the . . . programs for which it has responsibility;

2) adopt operating budgets on the basis of appropriation by the legislature; EVALUATION

3) establish procedures for budgetary control . . .

4) make . . . biennial reports . . .[to the legislature]. . . concerning all the activities and expenditures of the Central Education Agency;

5) establish regulations for the accreditation of schools; RULEMAKING

6) execute contracts for the purchase of instructional aids. . .;

8) prescribe rules and regulations for certification of teachers . . .;

9) report to the governor . . . the proper and lawful division of time and money to be deoyted to athletics, holidays. . . and to educational purposes.

The . . . Board . . . shall not adopt any policy, rule, regulation, or other plan which would require any school district . . . to hire any supervisor or any guidance counselor.

All rules promulgated by the . . . Board . . . concerning the qualification of personnel. . . shall contain the provisions stating that when specifically requested by a local board, persons holding a degree and a permanent teaching certificate, and already employed to fill the positions for which new qualifications are set shall not be disqualified from holding the positions for failure to meet the new qualifications."

§11.33

"The State Board . . . may provide for the establishment and . . . operation of Regional Education Service Centers . . . to provide educational services to the school districts and to coordinate educational planning in the region."

Such services shall be provided "to encourage a planned statewide network or system of computer service designed to meet . . . educational needs, current and future. Toward achievement of maximum efficiency and to insure a practical uniformity in services, the State Board . . . shall adopt eligibility requirements for . . . computer services to receive the [authorized] state financial assistance . . ."

REGULATIONS

§1201.1 - .3; 1201.5 - .6

"The Board is obligated to follow the directions of the legislature . . . in conformity with expressed legislative intent."

POLICY MAKING

During its course of forming policies the Board is urged to seek the thinking, advice, and counsel of people from all walks of life.

In the area of local school boards the Texas Education agency "believes . . .(they) are the best agencies for managing and controlling operations in school districts." The Agency also believes, however, that it must:

1) offer assistance to school districts that request it;

2) attempt to resolve conflicts to the satisfaction of the district affected; and

3) impose sanctions or penalties on school districts when necessary.

"The State Board . . . shall furnish vital, energetic, and responsible leadership and shall establish priorities for goals and objectives for the public education system . . . ."

There will also exist, on the part of the State Board, an intent "to produce the maximum possible benefits to pupils . . . ." This shall be done by providing a "systematic and rational approach to planning, implementation, and evaluation of all educational programs."

§1202.1-.2

"The State Board of Education . . . is the governing board of the Texas Education Agency and is the policy forming and planning body for the public school system of Texas."

Other major duties of the Board are:

1) to appoint its own executive officer, who will carry out its policies, enforce its regulations, and develop and enforce administrative procedures; BOARD OFFICER

2) "consider the advice and recommendations of the Commissioner of Education in all matters, and direct and support him[her] in the discharge of his[her] duties;"

3) approve plans for organization for the Texas Education Agency;

4) implement procedures for carrying out the duties placed upon it or upon the Agency by the Legislature;

5) formulate and present the Foundation School Program budget;

6) adopt an annual budget for the Agency;

7) periodically review the educational needs of the state, evaluate existing programs, and propose new ones;

8) "adopt standards for the accreditation of elementary and secondary schools;"

9) provide standards for accreditation programs for teacher education;

10) "pass upon appeals made from the decisions of the Commissioner of Education;" APPEALS

11) "appoint members to the State Textbook Committee and execute contracts for the purchase of instructional aids," as well as adopt rules regarding the distribution of these aids by school districts;

12) provide biennial reports on the Texas Education Agency;

13) "approve the computation of the Economic Index. . . and determine annually the total amount of the Local Fund Assignment as the basis for distribution of the Foundation School Fund;"

14) apportion the available School Fund and order apportionment paid to County Administrative Fund of each county;

15) "adopt policies and procedures for payment of Foundation School Fund to the school districts;"

16) "adopt policies and procedures for the certification of teachers;"

17) "authorize . . . the appointment of official commissions . . . to advise the Commissioner of Education. . .;"

18) according to limits, set by the Constitution and the Legislature, direct the investment of the Permanent School Fund;

19) adopt policies, evaluate programs and confirm superintendents for the Texas School for the Blind and the School for the Deaf;

20) perform all duties either prescribed or found necessary to carry out powers granted.

§1201--1203

This section concerns the general philosophy of the State Board of Education and includes such things as: (1) compliance with legislation; (2) advisory sources for policies; (3) belief in local control; (4) economical management; (5) leadership role; and (6) accountability. Section 1202 deals with the duties and responsibilities of the State Board of Education and § 1203 with the investment program of the Permanent School Fund.

§7101 — 7103

This series (7101) concerns hearings and appeals in general and includes: HEARINGS APPEALS

(1) Nature of hearings and appeals

(2) Definitions for the purposes of the rules

(3) Object of rules

(4) Scope of rules

(5) Classification of parties

(6) Parties in interest

(7) Appearances

(8) Conduct and decorum

(9) Communication with parties in a contested case by agency personnel

(10) Classification by pleadings

(11) Form and content of pleadings

(12) Filing of documents

(13) Copies of documents sent to other parties

(14) Motions

(15) Incorporation by reference of Agency records

(16) Amendments

(17) Prehearing conference

(18) Place and nature of hearing

(19) Transcripts

(20) Motions for postponement

(21) Agreements to be in writing

(22) Computing Time; Extensions.

§7102

This series (7102) deals with hearings of appeals to the Commissioner of Education and includes:

(1) Hearing procedure

(2) Presiding officer

(3) Notice of intent to appeal

(4) Petition for review

(5) Notice and hearing date

(6) Briefs

(7) Evidence - admissibility in general

(8) Documentary evidence; official notice

(9) Exhibits

(10) Witnesses

(11) Discovery; dispositions

(12) Subpoenas

(13) Order of procedure

(14) Offer of proof

(15) Formal exceptions

(16) Corrections to the transcript

(17) Proposal for decision

(18) Filing of exceptions and replies in response to a proposal for decision

(19) Decision

(20) Motions for rehearing.

§7103

This series (7103) concerns appeals to the State Board of Education and includes:

APPEALS

(1) Procedure for appeal

(2) Notice

(3) Testimony and evidence

(4) Decisions

(5) Rehearing.

§9102

BOARD OFFICERS

"At the January meeting, following the general election in which members of the State Board of Education are elected and qualified, the Board shall organize and elect a chairperson, vice-chairperson, and secretary from among its members to serve for a term of two years.

VACANCY

In case of death or resignation of any officer of the Board, the vacancy shall be filled by the Board in the succeeding meeting to serve the unexpired term.

REMOVAL

Any officer may be removed from office by a vote of not less than two-thirds of the membership of the Board after due notice and hearing.

(a) Chairperson -- The chairperson shall preside at all meetings and perform all other duties prescribed by law or by the Board.

(b) Vice-Chairperson -- The vice-chairperson shall perform the duties of the chairperson in case of absence or disability of the chairperson. In case the office of the chairperson becomes vacant, the vice-chairperson shall serve until a successor has been named.

(c) -- The secretary shall perform all duties as required by law and such other duties as the Board may request.

BOARD OFFICERS

The Commissioner of Education, who is designated by law as the Executive Secretary of the Board, shall perform all duties as required by law and assigned by the Board.

The Board employs a recording secretary who shall perform all duties as may be required during and between meetings.

COMMITTEES

All decisions . . . are made by the Board in open session and are not delegated to any committee of the Board. The volume and complexity of matters coming before the Board require the use of committees to investigate, study, and report to the Board. The Chairperson of the Board appoints the following committees: Programs and Personnel Development; Policy, Budget, and Finance; Investment of the Permanent School Fund; Priorities, Accountability, and Accreditation.

Each committee shall consist of not less than six members. Following reorganization of the Board, the Chairperson shall appoint for each committee a chairperson and a co-chairperson. Following reorganization of the Board, at the first meeting of the committees, each committee shall elect a vice-chairperson who will serve in the place of either the chairperson or the co-chairperson. Any vacancy on a committee shall be filled by Board Chairperson appointment.

§9103.2-.3

The Board chairperson may call the membership of the Board to meet as the Committee of the Whole for the purpose of obtaining information but no decisions shall be reached for any action taken.

Special committees shall be constituted from time to time as directed by the Board or by the chairperson to perform such duties as the Board or chairperson may direct; the personnel and length of service of special committees shall be designated by the chairperson unless otherwise directed by the Board. No action taken by any special committee shall be final or binding upon the Board unless otherwise directed by the Board.

"Regular meetings of the Board shall be held in Austin, Texas, on the second Saturday of January, March, May, July, September, and November. If a quorum is not present for a meeting, the meeting shall be recessed and all items on the Agenda shall be heard at the subsequent meeting.

Special meetings of the Board may be held at times and places as ordered by the Board during a formal session, or special meetings may be called by the chairman of the Board to be held at a time and place as he[she] shall designate in a notice of meeting. The notice of special meeting shall state the date, time, and place of the meeting and shall be forwarded to the members not less than 72 hours in advance of the time of meeting; provided, however, that such meeting may be held upon shorter notice than 72 hours whenever written consent is obtained from at least 17 members of the Board.

OPEN MEETINGS

Regular, special, and committee meetings of the Board shall be open to the public; however, as provided by statute, the Board may meet in executive sessions. . . .

(1) involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing;

(2) with respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the Board as between the Board and a third person, firm, or corporation;

(3) regarding the deployment, or specific occasions for implementation, of security personnel or devices;

(4) in private consultations between a governmental body and its attorney, instances in which the Board seeks the attorney's advice with respect to pending or con-

templated litigation, settlement offers, and matters where the duty of Board's counsel to his/her client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with applicable statutory provisions.

The Board normally considers recommendations for appointment and termination of employment of any employee of Texas Education Agency in open meetings. However, upon the request of the employee involved or of any Board member, consideration of the matter shall be in executive session . . . .

Upon request of the employee, an open hearing shall be conducted, as provided by statute.

Executive sessions of the Board are meetings with only Board members and invited persons present. Executive sessions are held only to consider such items as provided by law and in accordance with . . . [policy] at the time and place designated by the Chairman.

A regular or special meeting of the Board shall not be recessed for an executive session until all matters on the Agenda have been considered.

Whenever any deliberations or any portion of a meeting are closed to the public, no final action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public.

NOTICE

A written notice of the date, place, and subject of each meeting of the Board and Committees of the Board shall be furnished to the Secretary of State at least 7 days prior to the meeting to be posted in the Capitol Building. In cases of emergency or urgent public necessity, notice shall be given as authorized by statute.

The Commissioner of Education shall prepare and submit to each member of the board prior to each meeting a preliminary copy of the Agenda . . . Official agendas are distributed the day of the Board meeting.

Fourteen members of the Board shall constitute a quorum.

All meetings of the State Board of Education shall be opened with an invocation.

The Board shall observe Robert's Rules of Order, Revised, except as otherwise provided by Board policies of this chapter or by statute.

The official minutes of the State Board of Education shall be kept in the Office of the Commissioner of Education and shall be available to any citizen desiring to examine them.

'Official Minutes' are those which the recording secretary prepares, the Board approves at a regular or special meeting, and are affixed with the original signatures of the chairperson and the secretary of the Board.

Minutes shall be distributed to other state officials and agencies as required by law."

§9301

ADOPTION OF POLICY

"Policies may be adopted or amended under the following conditions: Each member of the Board shall be furnished a copy of a proposed new policy or a proposed amendment in the preliminary and official Agendas for the meeting at which it is to be considered and after proper notice has been given in the Texas Register. If a substantial revision as determined by a Board committee is to be considered for the proposed amendment other than how it was printed in the Agenda, consideration for final action by the Board shlal not be prior to the succeeding Board meeting. Proposed State Board of Education policies or amendments to policies are listed in the Agendas as 'Adoption of Policy' or 'Amendment to Policy'. An affirmative vote by a majority of the Board membership is required for the adoption of new policy or policy amendment. A new or amended policy shall be effective 20 days after it appears as passed by the Board in the Texas Register or on a later date otherwise specified.

The State Board may adopt without prior notice or hearing an emergency policy. The policy would be in effect for 120 days unless renewed for an additional 60

days. Immediately after adoption, the Commissioner will file with the Secretary of State for publication the policy and a written reason for its adoption which will cite the danger to the public health, safety, or welfare affecting the public schools of the State. The emergency policy will then be placed with appropriate notice on an agenda of the State Board of Education for adoption as a permanent policy.

If time does not allow the operation of Policy 9301.3, the Commissioner after finding that there is an "imminent peril" to the public health, safety, or welfare affecting the public schools of the State may without prior notice or hearing adopt, promulgate and cause to be enforced an emergency rule as if it were a policy or an administrative procedure. The emergency rule and the Commissioner's written reasons for its adoption shall be filed with the Secretary of State for publication. It will timely be placed before the State Board of Education with appropriate notice for their consideration as a possible addition to the policies and/or administrative procedures of the State Board.

Any interested person may petition for the adoption or amendment of a policy. A form for petitions may be secured from the Associate Commissioner for Policies and Services and the petition shall be submitted to him[her]. In consultation with the persons in the Texas Education Agency who are responsible for the area with which the rule is concerned, the Commissioner of Education shall evaluate the merits of the proposal to determine whether to initiate policymaking proceedings or to deny the petition. Within 60 days after submission of a petition, the petition shall either be denied in writing, with reasons for the denial stated, or policy making proceedings shall be initiated.

An administrative procedure is the method by which a policy of the State Board of Education is administratively implemented.

Administrative procedures are determined and revised by the Commissioner of Education and must be

correlated with the policies of the Board. All administrative procedures shall be submitted to the Board for the Board's information and review. The State Board of Education approves administrative procedures when (1) required by law, (2) required by Board policy, or (3) requested by the Commissioner of Education.

State plans for the Texas Education Agency shall be developed in accordance with the State Board of Education policies and administrative procedures."

§9303

"Upon recommendation by the Commissioner of Education, adoptions and changes of state plans shall be made by the State Board of Education under the same conditions as that of an adoption or amendment of a policy . . . . However, notice in the agenda shall read "Adoption of State plan" or "Change in State Plan."

When appropriate request is received by the State Board of Education at its meeting or by the State Commissioner of Education, the Board may direct a hearing to be held on a board policy, an administrative procedure, or a state plan.

Following a hearing by the Commissioner of Education, he[she] shall provide the Board with information obtained from the hearing which would aid the Board in actions regarding proposed policies, administrative procedures, or state plans.

CROSS REFERENCES

I.Regional Education Service Center; Regulation §2101.2

I.Regional Education Service Center; Regulation §2102.1

I.Texas Education Agency; Statute §11.01--11.02

I.Texas Education Agency; Regulation §1101; 1102; 1103; 2201

II.A.2.; Statute §11.19; 11.27; 16.104; 16.161

II.A.2.; Regulation §3531; 3532; 3571; 3572; 8101; 8103; 9101; 9104

II.A.3.; Statute §11.34; 41; 42

II.A.3.; Statute §31.01; 31.[illegible]

II.A.3.; Regulation §3231; 3231.1; 3231.2

II.A.4.; Statute §11.17

II.A.5.; Statute §21.451

II.A.8.; Statute §11.18

II.A.8.; Regulation §3541--3544

II.B.1.a.; Statute §12.04; 12.11; 12.15; 12.34; 13.13

II.B.1.a.; Regulation §3335.4--3336.2; 3337.1--3337.3

II.B.1.b.; Statute §12.14; 12.16

II.B.1.b.; Regulation §3331--3334

II.B.1.c.; Statute §12.62

II.B.2.; Statute §11.32

III.A.1.; Regulation §3711; 3713; 3714

III.B.State Board of Education; Statute §11.21; 11.22

III.B.Teachers; Statute §11.31

III.B.Teachers; Regulation §6207

III.C.Education System; Regulation §3102--3103

III.C.Public Schools; Regulation §3101--3104

III.C.Students (GED Exam); Statute §11.35

III.C.Teachers; Regulation §6212

III.D.School Data; Regulation §7401

III.E.Educational System; Statute §11.30

IV.J.; Statute §11.13

STATE BOARD FOR VOCATIONAL EDUCATION

REGULATIONS

§3231.4

The State Board for Vocational Education shall enter into written agreements with the Texas Employment Commission, the Texas Rehabilitation Commission and other administrative departments and agencies.

CROSS REFERENCES

[illegible].State Board of Education; Statute §11.24; 11.25

II.A.3.; Statute §11.34; 41; 42

II.A.3.; Statute §31.39

II.A.3.; Regulation §3231.1; 3231.3

STATE BUILDING COMMISSION

CROSS REFERENCES

II.C.2.; Statute Title 20, Ch. 4, Art. 678e

STATE COMMISSION ON SCHOOL ACCREDITATION

REGULATIONS

APPOINTMENT

§3714

"Members of the State Commission on School Accreditation are appointed for terms of three years. The terms of one-third of the members expire each year, and a member is ineligible to succeed himself [herself] after serving two successive terms." This ineligibility lasts for three years.

In the event of death or resignation of a member of the Commission, a successor is appointed by the Commissioner of Education to serve the remainder of the unexpired term. A member who has served more than one year of an unexpired term is not eligible for appointment to more than one succeeding regular term. This ineligibility also lasts for three years.

CROSS REFERENCE

III.A.1.; Regulation §3714

STATE TEXTBOOK COMMITTEE

REGULATIONS

§3335.1-.3

"At each May meeting the State Board of Education shall appoint the State Textbook Committee. The 15 committee members shall be recommended by the Commissioner of Education for a one-year term." The term extends from May through April.

A list of qualifications for committee members includes such things as experience in teaching in Texas. A member may not have acted as an agent for any publisher or author of published textbooks.

CROSS REFERENCES

I.Commissioner of Education; Regulation §3335.4

II.A.2.; Statute §12.03

II.B.1.a.; Regulation §3335; 3335.4--3336.2

II.B.1.b.; Statute §12.24

II.B.1.b.; Regulation §3331--3334

SUPERINTENDENT OF SCHOOL FOR THE BLIND

CROSS REFERENCES

II.A.2.; Statute §11.061--11.062

II.A.2.; Regulation §8102; 8103; 8105

SUPERINTENDENT OF SCHOOL FOR THE DEAF

CROSS REFERENCES

II.A.2.; Statute §11.051

II.A.2.; Regulation §8102; 8103; 8105

TEACHERS PROFESSIONAL PRACTICES COMMISSION

STATUTES

§13.205--13.206

APPOINTMENT

Commission members "shall be appointed by the governor, subject to confirmation by the Senate. The governor shall request . . . statewide professional organizations of teachers and/or school administrators to submit a list of three qualified nominees. . . ; such nominations shall be advisory."

Members shall be appointed for terms of three years. Terms shall be staggered so that each year one-third of the commission shall be appointed. No person shall serve more than two consecutive terms.

§13.207

Commission members shall serve without pay, "but shall be reimbursed for their . . . travelling expenses" when attending commission meetings..

§13.208

COMMISSION OFFICERS

"The commissioner shall annually select a chairman, vice chairman and secretary." It shall meet not less than

three times each year. "A majority shall constitute a quorum, and a majority of such quorum shall have authority to act . . . . The commission shall adopt its own rules of order and procedure . . . and shall hold meetings pursuant to the provisions of this subchapter."

§13.209

"Members of the commission shall be privileged in their utterances while acting in good faith in the course of their duties."

Texas Advisory Commission on Intergovernmental Relations

Statutes

Title 70; Ch. 7; Art. 4413(32b)

The Intergovernmental Cooperation Act is herein enacted to create the Advisory Commission which in turn will better coordinate relations between "a school district ...(or) any other legally constituted political subdivision of the state" and other organizatons, be they local, state or federal. The commission shall evaluate these interrelationships; evaluate proposed and existing federal program; evaluate the state's role in assisting its political subdivisions and encourage studies relating to intergovernmental relations.

Texas Education Agency

Statutes

§ 11.01 to 11.02

The State Board of Education, the State Board for Vocational Education, the state commissioner of education, and the Department of Education shall comprise the Central Education Agency. This Agency shall exercise general control of the system of public education at the state level. All educational functions not assigned to the Agency by the legislature shall be performed by county boards of education or district boards of trustees. The Central Education Agency may enter into agreements with respect to educational undertakings with an agency of the federal government. No county board of education or

board of trustees of a school district shall enter into contracts with or accept money from an agency of the federal government except under rules and regulations prescribed by the Central Education Agency.

REGULATIONS

§1101; 1102; 1103

"The Texas Education Agency . . . shall carry out the educational functions assigned by the legislature, boards of trustees . . . and board of directors . . . shall be responsible for all educational functions not specifically delegated to the . . . agency."

"The . . . agency shall exercise general control of the system of public education at the state level" and shall be the "sole agency of the state . . . empowered to enter into agreements with respect to educational undertakings."

The agency may not close or consolidate school districts.

The agency is also entrusted with "providing active leadership to local public education agencies in assisting them with their obligations to comply with the (Civil Rights Act of 1964) and its regulations."

The agency shall "keep the public informed of both the progress and the problems of public school education in Texas in accordance with statutes and regulations established by the agency."

"The Texas Education Agency enters into agreements and contracts with and receives funds from federal agencies in accordance with state and federal laws and regulations. The procedures to enter into a federal agreement through contracts or state plans . . . are as follows:

(1) with the approval of the state commissioner of education and the state board . . . , the assistant commissioner having management responsibility for the program area for which federal funds are available, develops a contract or state plan. In developing the contract or plan, the pertinent divisions of the agency are kept

informed and involved.

(2) when required or applicable, the approval of certain state officials is obtained.

(3) With the approval of the State Board . . . . the State Commissioner . . . enters into agreement through contract or state plan.

(4) A copy of the contract or state plan is filed with the Secretary of State.

The only processes by which local education agencies may receive federal funds are funds allocated by formula, by project proposal, or by the United States Office of Education or other federal agency.

Included within this series is a list of procedures for the preparation of the Texas Education Agency operating budget, which include the need for a budget in accordance with "the amounts appropriated in general appropriations act," an allotment for expenses eligible for payment in whole or in part from federal and special funds, as well as other such procedures.

Also described are the responsibilities of the Commissioner of Education in the preparation of the operating budget in which is shown for each division the amount budgeted for the previous year, as well as an estimate for the next year.

"The Commissioner . . . is authorized to transfer funds between divisions and between expense classifications within divisions . . ." given certain provisions. It is the Commissioner's duty to report on the status of all funds at each regular meeting of the State Board of Education.

§1101--1104

"The Texas Education Agency enters into agreements and contracts with and receives funds from special agencies in accordance with state and federal laws and regulations. The procedures to enter into a federal agreement through contracts or state plans. . . are as follows. (1) With the approval of the State Commissioner of Education and the State Board. . .. the assistant commissioner having manage-

ment responsibility for the program over for which federal funds are available, develops a contract or state plan. In developing the contract or plan, the pertinent divisions of the agency are kept informed and involved.

"(2) When required or applicable, the approval of certain state officials is obtained.

"(3) With the approval of the State Board. . .the state commissioner. . .enters into agreement through contract or state plan.

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§1105; 1106

"The Texas Education Agency is herein required to review policies and practices in pursuit of compliance with the Civil Rights Act of 1964 which includes:

(1) "acceptance policies on student transfers from other school districts;

REVIEW

(2) operation of school bus routes or runs on a non-segregated basis;

(3) non-discrimination in extracurricular activities and the use of school facilities;

(4) non-discriminitory practices in the hiring, assigning, . . . etc. of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the ground of race, color or national origin;

(6) non-discriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances."

The Agency is also held responsible for checking complaints of discrimination, and where a violation is found the findings are reported to the Office for Civil Rights, Department of Health, Education and Welfare.

"It is for the agency to utilize all media in reporting both the progress and the problems in public education in Texas, with the Office of Planning in the Office of the Commissioner of Education being responsible for coordinating the program of communication. This responsibility includes coordinating the release of information to news media. Procedures and regulations for the release . . . are as follows:

(1) To aid in channeling educational information of statewide and general interest through various communication media, news releases are made through the Division of Dissemination in the Office of Planning. Exceptions are those releases pertaining to youth organization activities which traditionally have been produced by the Department of Occupational Education and Technology. The Office of Planning assists staff in preparing these particular types of releases when requested.

(2) Professional staff are to answer reporters' questions. These questions may come directly from the news media on the reporter's initiative or as a result

of the reporter's being referred to a particular staff member by the Division of Dissemination. In the first case, to ensure coordination, the Division of Dissemination is informed of the queries and the answers. In the second case, a member of the Division of Dissemination staff, if possible, alerts the staff member that the information will be requested.

(3) Television videotapes and films and radio tapes may originate in the Division of Dissemination or in another of the Agency offices or divisions. In the second case, the Division of Dissemination radio-television-film consultant works closely with staff members of the department concerned to assure maximum production quality.

(4) Scheduling of conferences and workshops planned by any Agency department is coordinated by the Office of Planning for two reasons: (1) avoid scheduling conflicts among staff members, and (2) make information needed for public information readily available.

The Continuing Committee on Communications and Publications assists in developing policies and procedures to strengthen internal and external communication. This committee serves primarily as a planning body for providing public information and coordinating the development, scheduling, distribution, and evaluation of major publications."

§1601-1603

This series concerns the internal operation of the Texas Education Agency as conducted by the Commissioner of Education. Charts depicting the organizational structure of the Agency as well as the State Department of Education, are included here. The Agency acts under an Affirmative Action Program with the Commissioner of Education taking responsibility for the program and the Equal Employment Coordinator implementing it.

§2201

"The Texas Education Agency shall provide . . . services as prescribed by law and the State Board . . . to county schools."

Working Arrangements Between the Texas Education Agency and Education Service Centers

The guidelines for working arrangements between the Texas Education Agency and education service centers are as follows.

(1) The Texas Education Agency and education service centers share responsibility for providing certain identified services and functions. Ideas for additional services conceived by any institution participating in the service center are developed and presented to both the Texas Education Agency and education service center planning groups for reaction or approval.

COOPERATIVE AGREEMENTS

(2) Texas Education Agency areas of concern and plans for action for regional implementation are presented to the Texas Elementary and Secondary School Planning Council.

(3) The current cooperative agreements and the title of the statewide designs governing these programs include migrant, driver, and drug education as well as computer and guidance services; and educational professions development.

(4) Cooperative arrangements involving personnel include the following prerequisites:

(4-1) The education service center is held responsible for performance in accordance with a written statewide design.

(4-2) Personnel selection criteria are jointly agreed upon by the education service center and the Texas Education Agency. Personnel compensation, travel allowances, and fringe benefits are commensurate with those of other personnel having similar functions in the education service center.

(4-3) Personnel employed are selected by and responsible to the administration of the education service center.

(4-4) Each cooperative arrangement (statewide design, letters of approval, contracts, budget approvals, program guidelines) identifies tasks to be performed in accordance with funding agent's program guidelines.

(4-5) The education service center is held responsible for functions and outcomes as outlined by specifications of statewide designs.

(4-6) Cooperative arrangement responsibilities are evaluated and reviewed periodically.

(5) Cooperative arrangements are conducted within the framework of state priority needs; however, the arrangements provide latitude for regional needs assessment and goals oriented toward meeting specific or unique needs not recognized as having statewide import.

(6) Commitment of staff time, physical resources, or funds is cleared through the education service center executive director and the appropriate associate commissioner and reviewed by the association commissioner for field support services of the Texas Education Agency. Concurrence of these managers will be obtained and reflected in related communications.

(7) Requests for the services of education service center personnel by Texas Education Agency personnel is cleared through the appropriate associate commissioner, reviewed by the associate commissioner for regional education services, and then directed to the education service center executive director.

(8) Requests for the services of state personnel by the education service center personnel is cleared through the education service center executive director and then directed to the appropriate associate commissioner.

(9) Requests for assistance by a local education agency received in the Texas Education Agency offices that in the judgment of the associate commissioner can and should be handled at the regional level are directed to the education service center executive director.

(10) Requests for assistance by a local education agency received by the education service center that need the attention of the Texas Education Agency are directed to the appropriate associate commissioner."

CROSS REFERENCES

I.County Superintendent: Regulation §2202; 2203.2

CROSS REFERENCES

I.Regional Education Service Center; Regulation §2102.1

I.Special Advisory Committees on Teacher Education; Regulation §6102.2.3

II.A.2.; Statute §11.03; 11.09; 11.10; 11.101; 11.19

II.A.2.; Statute §21.0331

II.A.2.; Regulation §3571; 3572; 3574; 3578; 8101

II.A.3.; Statute §21.111--21.113

II.A.3.; Regulation §3231

II.A.4.; Regulation §3521

II.A.5.; Statute §11.11

II.A.5.; Regulation §3253

II.A.6.; Regulation §3551; 3563--3564; 3571.1

II.A.8.; Statute §11.18

II.A.8.; Regulation §3541--3544

II.C.2.; Regulation §2102.2.5

III.A.1.; Regulation §2306.10

III.B.Teachers; Regulation §6101

III.C.Teachers; Regulation §6501; 7501

III.E.Teachers; Statute §21.116

III.E.Teachers; Regulation §4401; 6401

IV.A.; Statute §11.20

IV.C.; Regulation §3431; 3432

IV.D.; Statute §11.12

TEXAS EDUCATION AGENCY, LEGAL COUNSELOR

CROSS REFERENCE

III.D.Court Decisions; Regulation §7104

TEXTBOOK COMMITTEE

CROSS REFERENCES

II.B.1.a.; Statute §12.11

II.B.1.a.; Regulation §3336

UTAH

The State Board of Education consists of eleven members elected from each of the election districts as designated by statute. The State Board is vested with the general control and supervision of the public school system and is authorized to issue professional certificates. The Board also determines whether a school district meets the state's minimum uniform school program and may withhold funds where compliance is not found.

The State Board of Education appoints the Superintendent of Public Instruction to serve as chief school officer. The State Board and the State Superintendent are designated the State Educational Authority, the State Adult Educational Authority, and the State Library Administrative Agency.

Each county constitutes a county school district, yet provision is made for consolidation of county school districts where each has an average daily attendance of less than 2,000 students and maintain high schools within thirty miles of one another. The Board of Education of each county school district consists of five members, one member elected from each of five precincts apportioned to achieve as nearly as possible equal population. Cities of the first and second class are considered separately from the counties in which they are located and are controlled by City Boards of Education of seven and five members, respectively. The members of city boards of education are elected from equally apportioned precincts. The respective boards of education appoint a Superintendent of Schools to serve for a two-year term.

UTAH

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ADVISORY COMMITTEE FOR HANDICAPPED CHILDREN

CROSS REFERENCE

II.A.2; Statute §53-18-8

BOARD OF EDUCATION

CROSS REFERENCE

IV.A; Statute §53-1-20

COURSE OF STUDY COMMITTEE

CROSS REFERENCE

II.B.1.a; Statutes §53-14-1 -- 53-14-2

DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2; Statute §53-18-2

DISTRICT SUPERINTENDENT

STATUTES

§53-6-11

Local boards of education shall appoint a "superintendent of schools for each district" who must have "at least a life diploma of grammar school grade," and who shall serve a two-year term. APPOINTMENT

EDUCATION COMMISSION

STATUTES

§63-7-18

The governor and the two houses of the state legislature are authorized to appoint delegates to the education commission. APPOINTMENT

GOVERNOR

CROSS REFERENCE

I.Education Commission; Statute §63-7-18

LEGISLATURE

CROSS REFERENCES

I.Education Commission; Statute §63-7-18

II.B.1.; Constitution, Art. X, §9

III.C.Public Education; Utah Constitution, Art. X, §1

III.C.Public Schools; Utah Constitution, Art. X, §1

LOCAL BOARD OF EDUCATION

STATUTES

§53-1-3

Boards of education are "authorized to hold school on legal holidays" as long as part of the day is used for "appropriate exercises."

§53-2-7

If a vacancy occurs on the board, it shall be filled by "appointment for the unexpired term by a convention of district school board members called for that purpose." The "convention" shall be called by the chairman of the state board within 60 days of the time the vacancy occurs.

APPOINTMENT

§53-6-3 - 53-6-7

Boards of education shall elect a president and vice-president to serve for two-year terms.

BOARD OFFICERS

Any elected or appointed officers of a board of education "may be removed from office for cause by a vote of two-thirds of the board."

REMOVAL

§53-6-10

Boards of education "may appoint other officers" as they deem necessary "for the promotion of the interests of the schools" and may "remove them at pleasure."

APPOINTMENT

REMOVAL

§53-6-12 - 53-6-13

A "school census" shall be taken once every three years by the local boards of education to obtain the names of all children under 18 and "other information" required by the state and local boards. The lists must be sent to the state superintendent with a statement showing "the number of school age children residing in the district."

CENSUS

§53-6-14 - 53-6-18

The president of a board of education shall "preside at meetings," and "appoint all committees." The "clerk of each board of education" shall keep records of all board meetings and prepare an annual "financial statement." The treasurer shall keep financial records and issue monthly reports. No officer or school district employee may incur any indebtedness "without the approval and order of the board of education."

§53-6-20 - 53-6-20.5

Every board of education has the "power and authority to purchase and sell schoolhouse sites," "construct . . . school buildings," "establish and support school libraries," and to "purchase . . . repair and improve high school apparatus, books and supplies." It shall supply textbooks and supplies free to all pupils "except in the high school." The boards "may engage in guidance and counseling," and do whatever is unnecessary for the "maintenance, prosperity and success of the schools, and the promotion of education," and may "adopt bylaws and rules for its own procedure, and make and enforce all . . . rules and regulations for the control and management of the public schools." Every board of education has authority to receive and administer federal funds for "the improvement of general and special educational programs. The funds may also be applied to preschool programs and "guidance and counseling services."

RULEMAKING

CROSS REFERENCES

I.State Board of Education; Statute §53-2-12

II.A.3; Statute §53-16-7

II.A.4; Statute §53-19-1

II.A.7; Statutes §§53-6-23.5 -- 53-6-23.6; 53-26-1

II.A.8; Statutes §§53-27-1 -- 53-27-9; 53-30-2 -- 53-30-5

IV.A; Statutes §§53-2-27 -- 53-2-28; 53-12-1; 53-22-1 -- 53-22-5

STATE BOARD OF EDUCATION

CONSTITUTION

UTAH CONSTITUTION, ARTICLE X, §8

"The general control and supervision of the Public School System shall be vested in a State Board of Education, the members of which shall be elected." The "executive officer of the Board" shall be the "State Superintendent of Public Instruction," appointed by the Board.

APPOINTMENT

STATUTES

§53-2-1

The state board of education shall be made up of eleven members, elected for four-year terms. Each member must be a resident and qualified voter in the district from which he or she is elected.

§53-2-8 - 53-2-9

The Board shall, at its first meeting, elect officers. The Board shall appoint the "state superintendent of public instruction" who shall serve as the board's "executive officer." The board may appoint "assistant superintendents, directors, supervisors . . . and other employees" as it deems necessary for the "administration and supervision of the public school system." Board members shall receive an allowance of $300 per year.

BOARD OFFICERS

§53-2-12

The State Board of Education shall have "general control and supervision of the public school system" and

the "authority to adopt policies which have broad application and give to the board the general overseeing of the public school system," as opposed to authority to directly govern "specific institutions and programs." The board shall "adopt rules and regulations" to prevent "unnecessary duplication of work," which the local boards shall carry out. The state board's policy-making authority shall not extend to direct interference in the "management and operations" of school districts.

§53-2-18

"The state board of education shall determine the scholarship and training required" for diplomas and certificates. Any changes in the requirements shall be effective not "less than one year" from the date the change is announced.

§53-16-2 - 53-16-3

The state board of education is "designated as the state board for vocational education" and the "state superintendent of public instruction" is "designated its chief executive officer." The state board shall expend federal funds for the "promotion, aid and maintenance of vocational education."

CROSS REFERENCES

II.A.2; Statute §53-18-2

II.A.3; Statutes §53-15-1; 53-16-8

II.A.8; Statutes §53-27-1 -- 53-27-9; 53-30-2 -- 53-30-5

II.B.1.a; Constitution, Article X, §9

II.C.2; Statutes §53-11-3; 53-11-7

III.C.State Department of Education Personnel; Statute §53-1-13

III.E.Education Programs in the Schools; Statute §53-2-12.5

STATE TEXTBOOK COMMISSION

CROSS REFERENCE

II.B.1.a; Statutes §53-13-1 -- 53-13-2

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§53-3-1 - 53-3-10

A state "superintendent of public instruction" shall be appointed by the state board of education. The state superintendent must be at least thirty years old and hold the "highest grade" of state certificate or be a college graduate. The state superintendent shall be the "executive officer" of the state board and "investigate all matters pertaining to the public schools." The state superintendent's duties include record keeping, reporting, visiting the schools, and meeting with school officers and teachers. The superintendent shall give opinions on "school law" to superintendents and "other school officers," and such opinions shall be "final until set aside" by a court or "subsequent legislation." The superintendent shall annually report to the governor concerning the school budget and school organization. The superintendent may call an annual convention of "district and city superintendents" to discuss matters "pertaining to the supervision and administration of the public schools." All "district and city superintendents" have a duty "to attend such conventions when called."

CROSS REFERENCES

II.A.1; Statutes §53-14-7.5; 53-14-8; 53-18-3

II.C.2; Statutes §53-11-2; 53-11-4 -- 53-11-5

III.C.State Department of Education Personnel; Statute §53-1-13

TEACHERS

CROSS REFERENCE

IV.A; Statutes §53-22-1 -- 53-22-5

UTAH SCHOOL BOARDS ASSOCIATION

STATUTES

§53-1-15 - 53-1-17

The "Utah School Boards Association" is established

as an "organization and agency of the school boards of Utah." The State Board of Education and boards of education from the local districts are "authorized to become members" of the Association and to cooperate with it in "activities and problems relating to the educational system."

VOCATIONAL SCHOOL ADVISORY BOARD

CROSS REFERENCE

II.A.3; Statute §53-16-17

VERMONT

The State Board of Education consists of seven members appointed by the Governor with the advice and consent of the Senate. In making these appointments, the Governor is to give consideration to the adequate representation of all sections of the state. A member is appointed for a term of six years and may not succeed himself/herself.

The state board has supervision over and management of the Department of Education and the public school system. The Board appoints, subject to the approval of the Governor, its chief executive officer and secretary, the Commissioner of Education. He/she is appointed for an indefinite term and may be removed by a majority of the Board.

A town constitutes a school district. Where one contains an incorporated school district, the town school district consists of only that part not within the incorporated school district. The annual town meeting is also the annual town school district meeting. One school Board member is elected at each annual town school district meeting to serve a term of three years. The school board consists of three Directors unless the electorate at an annual special town school district meeting has voted to have additional directors. Statutory provision limits the number of additional directors to two. Provision is made for merger of school districts, for joint school boards to control joint, contract, or consolidated schools, and for the creation of union school districts.

The State Board is responsible for the grouping of several school districts or the redistricting of Supervisory Unions into Supervisory Unions of approximately fifty teachers each where it is convenient and efficient, though a town or city employing forty or more teachers may remain a district. The School Directors of the school district in a Supervisory Union determine the number of Directors of the Supervisory Union Board. The directors serve terms of one year and vacancies are filled by appointment by the school board of the district which was represented by the vacating director. Supervisory Unions or administrative units not within a Supervisory Union may enter into agreements to share joint programs, services, facilities, and professional and other staff. The members of the school boards of the school districts comprising the Supervisory Union, with the advice of the Commissioner, select a Union Superintendent. He/she is the chief executive officer for each School Board he/she serves and his/her time and salary are divided among the school districts of the Supervisory Union in proportion to the number of teachers in each district or town.

VERMONT

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I. Powers, Duties and Functions

Advisory Boards

CROSS REFERENCE

I.State Board of Education; Regulation, R.M. Ch. I.A.2., pp. 2-3

Advisory Council on Special Education

CROSS REFERENCE

II.A.2.; Statute §2945

Area Administrative Advisory Committee

CROSS REFERENCE

II.A.3.; Regulation, R.M. Ch. II.M., pp. 63-75

Board of School Directors

CROSS REFERENCES

II.B.1.a.; Statute §3743

IV.A.; Statute §1386

IV.A.; Statute §1482

IV.D.; Statute §1221

Commissioner of Education

Statutes

§211

(a) The state board shall employ "a competent executive officer . . . with special training and experience in educational work," who shall be the chief executive officer of the board. He shall be appointed with the approval of the governor for an indefinite term and subject to removal by a majority vote of the entire board. APPOINTMENT

(b) The commissioner shall make reports and recommendations to the board as directed.

§212

The commissioner shall identify educational goals, provide alternative methods of attaining them, and execute policies adopted by the board. Other duties include coordinating the educational work of public and post secondary schools, evaluating instruction in public schools, supervising expenditure and distribution of

education monies, arranging supplementary education activities, conferences and summer schools for superintendants and teachers, informing the public of the education conditions and opportunities within the public schools, establishing school district reporting requirements concerning "necessary statistical data and other information," recommending transportation policies, and, providing technical assistance and information to school districts on school design, construction, etc. to help them achieve flexibility and economy in school construction and maintenance.

CROSS REFERENCES

I.State Board of Education; Regulation, R.M. Ch. I.A.4., pp. 5-6

I.Superintendent; Statute §241

I.Superintendent; Statute §242

I.Superintendent of Schools; Regulation, R.M. Ch. III.C., p. 93.

II.A.1.; Statute §52

II.A.1.; Regulation, R.M. Ch. II., p. 90.

II.A.2.; Statute §2943

II.A.2.; Statute §2944

II.A.2.; Statute §2952

II.C.2.; Statute §3457

III.A.1.; Regulation, R.M. Ch. II., p. 22C.

III.D.Pupil Achievement; Regulation, R.M. Ch. I.D., p. 22A

IV.A.; Statute §1482

DEPARTMENT OF EDUCATION

CROSS REFERENCES

II.A.2.; Statute §2953

II.A.4., Statute §2832

II.A.10.Other-Alternative Programs; Regulation, R.M.Ch.II.E., p.22

III.C.Students; Regulation, R.M. Ch. I.B., p. 22A

DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCES

II.A.2.; Statute §2946; 2947

II.A.2.; Regulation, R.M. Ch. II.L., pp. 39-62A

District Superintendent

CROSS REFERENCES

II.A.2.; Statute §2944

II.B.1.a.; Statute §3743

Education Design Committee

CROSS REFERENCES

III.D.Elementary Education: Regulation, R.M. Ch. II.B.4., p. 12

III.D.Elementary Education: Regulation, R.M. Ch. II.B.5., p. 13

General Assembly

CONSTITUTION

Vermont Constitution (1793, amended 1974)
Ch. II, §68

"Laws for the encouragement of virtue and prevention of vice and immorality ought to be kept constantly in force, and duly executed; and a competent number of schools ought to be maintained in each town unless the general assemly permits other provisions for the convenient instruction of youth.

Governor

CROSS REFERENCES

I.State Board of Education; Statute §161

III.C.State Board of Education, Statute §162

Incorporated School Districts

STATUTES

§472

Meetings of incorporated school districts shall be held annually.

§473

The moderator, clerk and members of the prudential committee shall decide questions of voter eligibility in school meetings.

§474

The clerk shall keep a record of the proceedings of the school district meeting.

§492

The powers and duties of the elected officials above shall be identical to the duties of similar town

officials. The treasurer and collector shall be required to give a bond before commencing their duties. §496

The successor to any district officer is entitled to receive the books and papers from the office of the last incumbent.

Local Advisory Council

CROSS REFERENCE

II.A.3.; Regulation, R.M. Ch. II.M., pp. 63-75

Local School Boards

Regulations

R.M. Ch. III.B; p. 92

The school board is responsible to the voters of its district. Its authority is subject to the State Constitution and laws and the Department's rules and regulations.

School boards are encouraged to emphasize their functions as makers of policy.

R.M. Ch. III.A; p. 92

The State Board feels that local boards of education should have relative freedom and flexibility within the broad framework of goals set by the State Board for excellence in curriculum, pupil personnel, facilities, business procedures, and non-instructional services. The State Board shall carry out programs of consultative assistance promoting a cooperative approach by state and local officials. The State Board sees its supervisory role as one of leadership and service to local school districts with a minimum of regulation and control.

The basic functions of the Department are to provide leadership, service and the administration of State Board policy and State Statute to local educational agencies that will result in providing every pupil with equal educational opportunity for quality education.

R.M. Ch. VII.D; p. 107

The State Board encourages local boards to operate with great freedom and flexibility with the broad framework set by the State Board. Local boards are encouraged to seek the consultative assistance of the Staff of the Department of Education.

CROSS REFERENCES

II.A.6; Regulation, R.M. Ch. II.O., pp. 80-82

IV.A; Statute §1382

IV.D; Statute §1222

IV.F; Regulation, R.M. Ch. IV.G., p. 99

IV.G; Statute §1093

IV.K; Statute §1162

Local Superintendent

CROSS REFERENCES

II.A.1; Statute §1045, 1046

II.A.10.Other - Alternative Programs; Regulation, R.M. Ch. II.E., p.22

IV.D; Statute §1224

IV.K; Statute §1161

IV.K; Statute §1162

Principal

CROSS REFERENCES

IV.A.; Statute §1481

IV.K.; Statute §1161

IV.K.; Statute §1162

School Board

Statutes

§423

The school board shall consist of three elected directors, to serve a term of three years. Two additional directors may be elected for terms of one or two years. The elections shall be held at the annual or a special town school district meeting.

§424

The selectman shall, with the advice of the remaining members of the board, appoint a qualified person to fill any vacancy of a school board director until the next annual or special school district meeting election.

§554

Roberts Rules of Order shall govern the

school board meetings. All persons shall be given "reasonable opportunity" to "appear and express views" on matters considered by the board. "If requested" the board shall state reasons for their action in writing.

§555

LIABILITY

Each school board member shall be liable to the district in tort for any unauthorized payment allowed.

§563

The school board shall: determine educational policies . . . prescribe rules and regulations "of general application," have the authority to take "any action . . . required for sound administration," "distribute to the electorate a report of the conditions and needs of the . . . school system," prepare an annual budget, employ and dismiss persons as may upon "prior recommendation" of the superintendent be required, submit an annual financial report to the superintendent and the commissioner, provide, subject to the approval of the superintendent all textbooks, learning equipment and supplies, "exercise the powers" of a "legislative branch of a municipality," and execute contracts.

CROSS REFERENCES

I.School District; Statute §562

I.Superintendent; Statute §241

I.Union Superintendents; Statute §301

SCHOOL DIRECTOR

CROSS REFERENCE

IV.K.; Statute §1161

SCHOOL DISTRICT

STATUTES

§491

The voters of the district shall elect a moderator, collector, treasurer, one or three auditors and may elect a clerk.

§495

The district voters shall fill any vacancy in the office of a district officer at a special

meeting. The prudential committee shall fill a vacancy created in the office of the clerk.

§562

At a school district meeting the electorate shall: elect a moderator to preside, a school district clerk and board directors, vote annual salaries for board members, authorize the board to lease or purchase school sites and buildings, vote "a sum of money necessary for the support of the schools," authorize bonds or loans, and allow school facilities to be used for other specified public purposes.

CROSS REFERENCES

III.A.2.; Regulation, R.M. Ch. II.B.7., p. 14

IV.A.; Regulation, R.M. Ch. II.B.6., p. 14

IV.C.; Statute §1264

SELECTMEN

CROSS REFERENCE

I.School Board; Statute §424

STATE BOARD OF EDUCATION

STATUTES

§161

The governor shall appoint all seven members of the state board and shall consider geographic balance in making his decision. Each member shall serve a non-renewable six-year term. Any vacancy created will be filled by a person appointed by the governor.

§163

The state board shall meet monthly and shall hold special meetings upon the written request of any two members.

§164

The state board shall supervise and manage the department of education and the public school system and shall: (1) establish any advisory commissions it deems appropriate; (2) have the authority to enter into agreements with local, state and federal governments and public and private concerns; (3) establish procedures for appeal and examine all appeals made to it; (4) prepare a budget for the department of education; (5) re-

gulate the certification and qualifications of all public school teachers and personnel; (6) formulate regulations for public school attendance; (7) formulate regulations in accordance with Chapter 25 of Title II P.L. 89-10; (8) report biennially to the general assembly; (9) constitute the state board for vocational education; and act as the state approval agency for educational institutions conducting vocational training; (10) if deemed advisable, determine educational standards for admission to and graduation from public schools; (11) constitute the state board for vocational rehabilitation and for adult basic education and act as the approval agency for educational institutions conducting programs in these areas.

§168

The state board is the sole state agency to administer any statewide plan that may be a condition for receipt of federal funds.

The state board may establish any criteria and procedures necessary to be eligible to receive such funds.

§213

The state board shall employ deputy commissioners and helping teachers as it deems necessary.

§3582

The state board of education is authorized to formulate a state plan, including surveys and estimates of school building needs, as provided by Congressional legislation.

REGULATIONS

R.M. Ch. I.A2; pp. 2-3

Members of the State Board shall receive $15 per diem compensation and actual and necessary expenses for attendance at meetings of the Board and certain other meetings, both in and out of state.

The Senate to the Board shall consist of one representative from each of the following:

1. Vermont School Boards Association

2. Vermont Headmasters' Association
3. Vermont Elementary School Principals' Association
4. Vermont Education Association
5. Vermont Superintendents' Association
6. Vermont Assoication of Supervision and Curriculum Development
7. American Federation of Teachers
8. Two student representatives for whom expenses are compensated by State Board of Education

Each of the following advisory boards will provide an annual report to the State Board. "It shall be the intent of the State Board...to meet annually with each."

1. Advisory Council on Alcohol and Drug Abuse Education, with 16 members nominated by the Commissioner and appointed by the State Board with an equal number of adult and student members.
2. Advisory Council on Arts and Crafts.
3. Advisory Council on Special Education, with 18 members representing specific agencies.
4. Vermont State Vocational-Technical Advisory Council, with memberships, appointed by the Governor, fluctuating according to federal legislation.
5. State advisory Council for Federal Programs with 16 members appointed by the Commissioner.
6. Advisory Council on Adult Education, with 17 members appointed by the Governor.
7. Certification Review Board, with 15 members appointed by the Commissioner.
8. Certification Appeals Committee, with 9 members appointed by the Commissioner.

R.M. Ch. I.A4; pp. 3-6

PUBLIC NOTICE

Public notification of meetings of the State Board must be given at least 24 hours in advance of meeting time. The Commissioner shall prepare the agenda and distribute it at least five calendar days before the regular meeting. The Commissioner shall prepare and distribute annually in July an agenda of activities for

the ensuing year.

Public dissemination of State Board policy shall be as follows: official action taken at State Board meetings will be the basis of statements of the Board position; the chairperson of the Board and/or the Commissioner of Education will be the authorized source of the Board's position.

The chairperson of the State Board shall be the agent of the entire Board to certify school building and awards.

State Board meeting minutes are available from the Commissioner's office and are distributed to superintendents and other relevant individuals and committees.

CROSS REFERENCES

II.A.1.; Regulation, R.M. Ch. II. p. 87

II.A.1.; Regulation, R.M. Ch. II., p. 90

II.A.1.; Regulation, R.M. Ch. II., p. 90A

II.A.1.; Regulation, R.M. Ch. II., p. 90B

II.A.2.; Statute §2941

II.A.2.; Statute §2944

II.A.2.; Statute §2946; 2947

II.A.3.; Statute §833

II.A.3.; Regulation, R.M. Ch. II., p. 91

II.B.2.; Statute §144

II.C.2.; Statute §3457a

II.C.2.; Statute §3581

II.C.2.; Regulation, R.M. Ch. VI.G., p. 105

III.A.2.; Statute §827

III.A.2.; Regulation, R.M. Ch. II.B.10., p. 15

III.A.2.; Regulation, R.M. Ch. II., p. 84

III.A.2.; Regulation, R.M. Ch. II., pp. 84-84A

III.C.Students; Statute §167

III.C.Students; Regulation, R.M. Ch. I.B., p. 22A

IV.C.; Statute §172

IV.C.; Statute §1262d

IV.J.; Regulation, R.M. Ch. II., p. 86

STATE BOARD FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Regulation, R.M. Ch. II.M., pp. 63-75

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCES

I.Local School Boards ; Regulation, R.M. Ch. III.A., p. 92

II.A.2.; Regulation, R.M. Ch. II.L., pp. 39-62A

II.A.6.: Regulation, R.M. Ch. II.O., pp. 80-82

III.C.Students; Regulation, R.M. Ch. I.A., p. 22A

III.C.State Department of Education; Regulation, R.M. Ch. I.D., p. 8

III.C.Students; Regulation, R.M. Ch. II.P., p. 83

SUPERINTENDENT

STATUTES

§241

Each supervisory union board and each school board not within a supervisory union board with the advice of the commissioner shall select a superintendent. The superintendent may be dismissed by the board for cause as specified in his/her contract. DISMISSAL

§242

The superintendent shall be the chief executive officer for the school board and shall: carry out its policies, identify goals and objectives, prepare plans to achieve them, make personnel recommendations, provide the commissioner with such information as he requires.

REGULATIONS

R.M. Ch. III.C; p. 93

The chairperson of a supervisory union shall notify the Commissioner of Education when a vacancy occurs in the superintendancy in his supervisory union. The Commissioner shall advise the chairperson either that recruitment of a new superintendent may proceed or that the supervisory union is under State Board consideration for supervisory union charge and that recruitment should not proceed until such consideration is completed.

CROSS REFERENCES

III.D.Pupil Achievement Reports, Regulation, R.M. Ch. I.D., p. 22A

IV.A.; Statute §1422

IV.H.; Statute §1121

Supervisory Union Board

Statutes

§263; 264

Business will not be transacted at a union meeting unless the majority of towns represented are present. Elections and decisions made shall be by majority vote.

§265

Each school board may elect a single member to represent the district and act in its behalf at supervisory union meetings.

§266

A school board having more than 3 members shall elect three of its members to represent it at supervisory union meetings. If a school board employs no teacher it may have only one vote at supervisory union meetings.

CROSS REFERENCE

I.Superintendent; Statute §241

Supervisory Union Directors

Statutes

§262

The school directors of each district represented in the union shall appoint the union's directors. Union directors will serve a one-year term and shall elect a chairman. Vacancies will be filled by the school board of the district which was represented by vacating member.

Supervisory Unions

Statutes

§267

Supervisory unions may: (a) provide services cooperatively or agree to provide joint programs, services or facilities; (b) contract with public or private concerns for required services; (c) allocate expenses among the participating supervisory unions; (d) establish a central treasury to receive and disburse funds of participating supervisory unions.

TEACHERS

CROSS REFERENCE

IV.K.; Statute §1161

TOWN SCHOOL DISTRICT MEETING

STATUTES

§422

The annual town meeting shall be the annual school district meeting unless otherwise designated and proper notice is given to the electorate.

UNION SUPERINTENDENTS

STATUTES

§301

All school board members of the districts represented in the union shall select a union superintendent. Each school district shall contribute to a portion of the superintendent's salary based upon the number of teachers in the district.

§303

The union superintendent shall have general supervision over all public schools in his union and shall divide his time among those districts in proportion to the number of teachers in each.

VOTERS

CROSS REFERENCE

IV.C.; Statute §1265

VIRGINIA

The Constitution of Virginia mandates that the General Assembly provide for a system of free public elementary and secondary schools for all children of school age. It places the general supervision of the school system in a Board of Education of nine members, appointed by the Governor, subject to confirmation by the General Assembly. The Superintendent of Public Instruction is to be an experienced educator, appointed by the Governor and subject to confirmation by the General Assembly. The supervision of schools in each school division if vested in a school board.

The Virginia Public School Authority is an agency authorized to purchase bonds to finance capital projects for public schools. It is headed by the Board of Commissioners which consists of the State Treasurer, State Comptroller, the Superintendent of Public Instruction, and five members appointed by the Governor, subject to confirmation by the General Assembly.

Each magisterial district constitutes a separate school district for the purpose of representation. For all other school purposes, the county is the designated unit and the school affairs of each county are to be managed as if the county constituted one school district. The school boards of the respective cities may prescribe the number and boundaries of the school districts. Where a city is not divided into wards, it constitutes a single school district; where one is so divided, each ward constitutes a school district. Each county has a School Trustee Electoral Board composed of three members appointed by the Circuit Court of the county. The School Trustee Electoral Board appoints the County School Board which consists of the same number of members from each district in the county as there are members of the Board of Supervisors of each district. No more than two other members from the county-at-large may be appointed. A referendum may abolish the School Trustee Electoral Board and permit the governing body of the county to appoint the School Board consisting of a number equal to the number of its magisterial districts. The council of each city or town appoints three trustees for each school district in its city or town. Statute provides that no school board is to be elected by popular vote in and for any county or city.

The school board of each school division may appoint a Division Superintendent of Schools who is to be selected from the list of eligibles certified by the State Board. More than one division may appoint the same person to the office. In the event that the local school board fails to appoint a Division Superintendent, the State Board will appoint one.

VIRGINIA

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ADVISORY COUNCIL ON NEEDS OF HANDICAPPED CHILDREN AND ADULTS

CROSS REFERENCE

II.A.2.; Statute §22-10.13

ADVISORY RESEARCH COMMITTEE

CROSS REFERENCE

II.C.2.; Statute §22-166.3; 22.166.6

BOARD OF COUNTY SUPERVISORS

CROSS REFERENCE

I.School Boards; Statute §15.1-708; §22-80; 81; 82; 83.1

COUNTY CIRCUIT COURT

CROSS REFERENCE

I.County School Board; Statute §22-59--66

DEPARTMENT OF EDUCATION

CROSS REFERENCE

III.D.Impact of Proposed Regulations; Statute §22-19.01

DIVISION SUPERINTENDENT

STATUTES

§22-32; 22-36

Superintendents in office on June nineteenth, nineteen hundred forty-six shall continue in office until their terms expire.

Within sixty days before May first, nineteen

hundred forty-five, and every four years thereafter the school board of each school division shall appoint a superintendent from the list of State Board certified candidates. The term shall begin on July first. Two or more divisions may appoint the same superintendent. The school board shall have sixty days to appoint another superintendent in the event that the first appointee declines appointment prior to assuming office.

APPOINTMENT

The State Board shall fix the division superintendent's powers and duties.

§22-38

The school board shall fill any vacancy in the office of division superintendent.

VACANCY

The office of division superintendent shall be deemed vacant if the superintendent resigns, is removed by the State Board, or engages in any other business or employment without prior approval by the school board.

REGULATIONS

Division Superintendent of Schools. §I - XII

Division superintendents of county, town, or city school systems are not required to hold teachers' certificates or licenses, but are required by law to be appointed from a list prepared by the state board of education.

The division superintendent of schools, may on a part-time basis with the consent of the Board of Education serve as school principal.

An acting superintendent may serve for a period not exceeding 60 days in case of vacancy during the regular four year term of office.

It shall be the duty of each division superintendent to observe regulations, and make annual and special reports as the State Superintendent of Public Instruction or the Board of Education may from time to time prescribe.

It shall be the duty of the division superintendent to inspect the accounts of the clerk of the school board

from time to time during the year.

Superintendents shall distribute state reports, forms, laws and regulations in accordance with the directions of the State Superintendent of Public Instruction.

The superintendent shall explain the school system, enforce school laws and regulations, inspect the condition of the schools, supervise teachers, and take lawful measures for the abatement of nuisances, and condemn school buildings which are not safe, and are likely to endanger the health of pupils.

It shall be the duty of superintendents to promote improvement and efficiency of school personnel and promote an application of education generally.

Every superintendent shall keep a record of his/her own official acts.

CROSS RF ERENCES

I.Divisio Superintendent; Regulation, Division Superintendent of Schools, §I-XII

I.State Board of Education; Const., Art. VIII, §5

III.C.Teachers; Statute §22-203; §22-217.8:1

III.E.Teachers; Regulation, In-Service Training Programs, Reimbursement for, §I-VII

IV.J.; Statute §22-230.1 -- 22-230.3

GENERAL ASSEMBLY

CONSTITUTION

Art. VIII, §9

The General Assembly may operate any educational institution which is "desirable for the intellectual, cultural, and occupational development of the people." The governance of these institutions shall be provided by law.

CROSS REFERENCES

I.State Board of Education; Virginia Constitution, Art. VIII, §4

I.State Board of Education; Statute §22-11

I.State Board of Education; Statute §22-12.1

I.Superintendent of Public Instruction; Virginia Constitution, Art. VIII, §6

I.Superintendent of Public Instruction; Statute §22-22

III.A.2.: Virginia Constitution, Art. VIII, §2

III.C.Educational Program; Virginia Constitution, Art. VIII, §1

IV.G.: Virginia Constitution, Art. VIII, §3

GOVERNOR

CROSS REFERENCES

I.State Board of Education; Virginia Constitution, Art. VIII, §4

I.State Board of Education; Statute §22-11

I.Superintendent of Public Instruction; Virginia Constitution, Art. VIII, §6

I.Superintendent of Public Instruction; Statute §22-22

LOCAL SCHOOL COMMITTEE

CROSS REFERENCE

I.School Board: Statute §22-79

PRINCIPAL

STATUTES
§22-217.9

The school board upon recommendation of the superintendent may employ principals and assistant principals who have State Board certificates.

The principal shall provide instructional leadership and administer the school in accordance with the regulations of the school board and the supervision of the superintendent. The principal may recommend to the superintendent the appointment, assignment, promotion, transfer and dismissal of all his/her personnel.

CROSS REFERENCES

II.A.1.;Statute §22-165

IV.H.; Statute §22-275.8; 22-275.9

IV.J.; Statute §22-230.1 -- 22-230.3

IV.J.; Statute §22-231.1

Regional Education Service Agency

Statutes

§22-351; 352

"The purpose of this chapter is to establish voluntary regional education service agencies (RESA's) for the purpose of sharing services which are designed to improve the effectiveness of the educational programs of the member local school divisions, on a voluntary basis."

A RESA shall contain more than a single school division. Upon request of the governing bodies of an area, the State Board shall establish boundaries for a RESA. A school division may become a member of a RESA if the local governing body approves. Each member school board shall participate in at least one service program of the RESA.

Rehabilitative School Authority

CROSS REFERENCE

II.A.7.; Statute §22-41.1; 22-41.2

School Boards

Constitution

Virginia Constitution
Art. VII, and §7

The supervision of schools in each school division shall be by a school board, to be composed and selected in the manner prescribed by law.

Statutes

§15.1-708

A county with a county board form of government shall have three to six trustees who shall be chosen by the county board of supervisors. In addition, any town school board in the county shall select annually one of its members to be on the county board. Trustees shall have four year terms.

§22-33

If a local school board fails to elect a superintendent within the time specified by §22-32 the State Board shall appoint a superintendent. If a vacancy occurs, and a local school board fails to appoint a new superintendent within sixty days from the date of the vacancy, the State Board shall appoint a superintendent for the unexpired term. The Board may grant a local school board an extension not to exceed sixty days to appoint a superintendent.

APPOINTMENT

§22-45; 46; 47; 48; 48.1; 48.2; 49; 51; 52

The school board shall meet annually. Special meetings shall be held upon the request of the chairman or two or more board members.

"The business relating to school matters shall be transacted by the school board at its meetings held as provided by law."

At the annual meeting the school board shall elect a chairman and clerk. The division superintendent may also be the clerk the school board may select a vice-chairman and deputy clerk to act in the absence of the chairman and the clerk. No mayor, member of council, or treasurer, his/her deputy, or other officer of a city, town, or county of more than one thousand people shall be a clerk or a deputy clerk.

BOARD OFFICERS

The division superintendent shall be present at all meetings. He/she need not be present at special meetings if a majority of the numbers approve.

The majority of board members shall constitute a quorum at meetings. The chairman and clerk shall keep and sign minutes of all meetings.

§22-53

The school board clerk shall keep a record of all bids submitted by contractors to the board, receipts and disbursements, and all his/her official acts. The clerk shall make available all official papers for inspection by the division superintendent and any citizen of the county or city for three years after recordation.

§22-56.1

ATTORNEY

A school board may employ the attorney for the Commonwealth or other counsel to represent the board, any of its members, or any school official concerning any legal matter. The governing body of the county, city or town where the school board is located shall pay all costs.

§22-57.1

No school board shall be elected by popular vote.

§22-59 -- 22-66

"Whenever the word 'board' is used in this title, with reference to county schools, it shall be construed to mean the county school board."

Each county shall have a school trustee electoral board "composed of three resident qualified voters, and upon the request of the local governing body, any school trustee electoral board will be composed of one from each election district of such county, who are not county or State officers, to be appointed by the circuit court of each county . . . ." No person paid from public school funds shall serve as clerk on the board.

The school trustee electoral board shall appoint the county school board members. The board shall consist of the same number of members as there are members of the board of supervisors. The governing body may authorize the school trustee electoral board to appoint no more than two additional at-large members. Where by law the governing body itself appoints the school board, the governing body may appoint no more than two additional at-large members.

APPOINTMENT

The school trustee electoral board shall publish two weeks notice in a newspaper of general circulation of a meeting for appointment of county school board members.

In a county with four board members one member shall be appointed annually for a term of four years. In a county with more than four members new appointments shall

be made in a way which will result in having the terms of the least possible number of members expire in any one year.

Vacancies on the board shall be filled for the unexpired term by the school trustee electoral board.

All school trustees shall take the oath prescribed for State officers.

§22-72; 72.1; 72.2

The county school board shall have the following powers and duties: to enforce the school laws; to make regulations for student discipline; to employ teachers on recommendation of the division superintendent; to provide and equip school buildings; to provide necessary loss insurance on school property; to provide adequate and safe drinking water to all schools; to incur costs and expenses; to consolidate schools when it will promote efficiency; and to provide free textbooks or waivers of rental fees to children whose parent or guardian is financially unable to furnish them or to children receiving aid to dependent children, general relief, supplemental security income or foster care.

The board shall obtain the authorization of the governing body of the county or city it represents prior to instituting any legal action against any other governmental agency in Virginia.

A county school board may provide transportation for pupils. A board is only required to transport pupils as provided in §22-10.11.

A local school board may develop an adjacent unused park area if the State of Virginia, a political subdivision of the State or park authority that owns it, consents.

§22-79

A school board shall hold meetings with the people of the county when the board deems it necessary.

A board may appoint local school committees of three to seven members for each schoolhouse to advise the board about the local school.

§22-79.2

"The county school boards selected as provided in this article shall exercise all the powers and perform all the duties imposed upon them by the general law."

§22-79.3

When it is determined by a referendum, as provided in §22-79.4, that the county governing body shall appoint the school board, it shall do so by majority vote at a public meeting. The members' terms shall be four years and staggered as provided in §22-64. Members in office at the time of the referendum shall complete their terms.

§22-79.4; 79.6

PETITION

When presented with a petition signed by a number of qualified voters equal to fifteen percent of the votes cast in the county in the last presidential election, the court shall order the election officials to open the polls and take the sense of the voters on the question of whether the governing body, rather than the school trustee electoral board, should appoint the school board.

If the vote favors the governing body the school trustee electoral board shall be abolished.

Another referendum shall not be held for at least four years from the date of the referendum.

§22-80; 81; 82; 83.1

The county school board in a county having a county manager or county executive form of government shall have three to seven trustees who shall be chosen by the board of county supervisors. The supervisors shall determine the number of trustees.

When a town in a county operates a separate school district, the town school board shall pick one of its members to serve on the county school board.

The term of office shall be four years except for Fairfax County where it shall be two years.

Each city or town council shall appoint three trustees for each school district. The term of office shall be three years. Each trustee shall be a resident of the school district from which he/she is appointed. Each trustee shall take the oath of office prescribed for State officers. No State or city officer or member of the council shall be a trustee.

§22-93; 96; 97; 97.1

The city school board shall establish and maintain a general system of public free schools in accordance with the Constitution and the general educational policy of the Commonwealth.

The city school board shall have the following powers and duties: to make regulations for its own government; to explain and enforce the school laws; to regulate the conduct of pupils; to determine the curriculum, teaching methods, length of the school term and school government; to employ teachers; to suspend or expel pupils when the prosperity and efficiency of the school make it necessary; to provide free textbooks for each child whose parent or guardian is financially unable to furnish them or for each child receiving aid to dependent children, general relief, supplemental security income or foster care; to establish high, normal, and other schools necessary for completeness and efficiency of the system; to take the census of children required in §22-223; to make regulations for the holding of regular meetings; to consult with the people of the city about the schools at meetings; to provide, equip, and care for school buildings and property; to manage the funds of the city made available forpublic schools; to pay all claims approved by the school board; to report annually to the council all expenditures and estimated future budget needs; to perform other duties prescribed by the State Board; to purchase or condumn land for school purposes; to consolidate schools

RULEMAKING

to promote the efficiency of the school system; to provide transportation in its discretion, or as required by §22-10.11.

§22-98

City school boards shall have a clerk, and may have a deputy clerk, who shall have the same duties as the clerk and deputy clerk of a county school board, and whose salary shall be fixed by the board. The clerk and deputy clerk shall furnish the city a corporate surety bond conditioned upon the faithful performance of their duties.

§22-100.1; 100.3; 100.4

When the State Board has created a school division, the school division shall have one school board.

When a school division is composed of more than one county or a county and a city, the board shall have six to nine members. The governing bodies of the county and city shall agree on the number. Unless the governing bodies agree upon some other equitable and reasonable criteria, the number of board members from each county and city shall be apportioned according to population. However, no county or city shall have fewer than one member. Members shall serve staggered four year terms.

If each county or city has an equal number of members the governing bodies shall jointly select a person to vote in case of a tie.

A governing body may appoint any of its members at large rather than by districts.

REGULATIONS

Jointly Owned and Operated Schools, §I-II

The management and control of schools jointly owned by the school boards of two or more counties or by the school boards of two or more counties or by the school boards of one or more counties and one or more cities shall be, if the respective school boards owning said schools so provide by resolution.

There shall be a committee to be known as the joint committee for control of such joint school.

The committee for control as so constituted shall be authorized on behalf of the respective school boards owning such joint school to employ the teaching staff and other personnel, to determine policies concerning instruction for such joint school, and to approve its curriculum in keeping with the general laws and regulations and requirements of the Board of Education and to maintain and keep in repair the school buildings and in general to manage, operate and conduct said joint school and to suspend or expel pupils as provided by the code of Virginia.

The provisions and regulations shall be likewise applicable to the management and control of schools jointly owned by counties and towns operating as separate school divisions.

School Board (Local), §I-IV

It is the duty of all school officials to acquaint themselves with the school laws and regulations, and to see that they are implemented.

The school board shall enter into written agreements with teachers and contracts shall be executed on behalf of the board by the clerk.

The school board shall prescribe the time for opening and closing school. Upon the recommendation of the division superintendent, students shall be provided with books that have been prescribed and selected under the regulations of the Board of Education (State).

CROSS REFERENCES

I.Division Superintendent; Statute §22-32; 22-30

I.Principal; Statute §22-217.9

I.State Board of Education; Statute §22-2

II.A.1.; Regulation; Administrative Procedure for Approval of New Courses

II.A.2.; Statute §22-10.6

II.A.2.; Statute §22-223 -- 22-229

II.A.2.; Regulation, Handicapped Children §I-IX

II.A.3.; Statute §22-330.45

II.B.1.a.; Statute §22-318; 22-318.1

II.B.1.a.; Regulation, Textbook Adoption (State), pp. 133-34

II.B.1.c.; Statute §22-207.1; 22-316; 22-317

II.B.2.; Regulation, Educational Telecommunications §I-III

II.C.1.; Statute §22-7

II.C.3.; Statute §22-164 -- 164.2

III.C.Teachers; Statute §22-203

III.C.Teachers; Statute §22-217.1; 217.2; 217.3; 217.4; 217.5; 217.6; 217.8

III.D.Educational System; Statute 22-19.1; §22-54

IV.B.; Statute §22-40.1

IV.D.; Statute §22-151.2

IV.J.; Statute §22-230.1 -- 22.230.3

SCHOOL DIVISIONS

CROSS REFERENCES

I.School Boards; Virginia Constitution, Art. VII, §7

I.Superintendent of Public Instruction; Statute §22-25

II.A.2.; Statute §22-10.5

II.A.2.; Statute §22-10.8

STATE BOARD OF EDUCATION

CONSTITUTION

Virginia Constitution
Art. VIII, §4

APPOINTMENT

"The general supervision of the public school system shall be vested in a Board of Education of nine members, to be appointed by the Governor, subject to confirmation by the General Assembly." Each member shall be appointed for four years, except that those appointed to fill vacancies shall be for the unexpired terms. No more than three regular appointments shall be made in the same year.

Virginia Constitution
Art. VIII, §5

(a) The State Board of Education shall, subject to criteria prescribed by the General Assembly, divide the Commonwealth into school divisions of such georgraphical area and school-age population as

will promote the realization of the prescribed standards of quality..." The Board shall periodically review these school divisions.

(b) The Board shall make annual reports to the Governor and General Assembly concerning the condition and needs of public education in the Commonwealth."

The report shall identify any school division which has not established and maintained schools "meeting the prescribed standards of quality."

(c) The Board shall give each division school board a list of qualified persons for the office of division superintendent of schools. If a division school board fails to select one of these persons within the time prescribed by law, the Board shall appoint her or him.

(d) The Board shall have authority to approve text books and instructional aids.

(e) The Board shall have primary responsibility for effectuating the educational policy in this Article, subject to the authority of the General Assembly. The Board shall have other powers as prescribed by law.

STATUTES

§22-2

"The public free school system shall be administered by a State Board of Education, ...a Superintendent of Public Instruction, division superintendents of schools, and county and city school boards."

ADMINISTRATION

§22-11

"The general supervision of the school system shall be vested in the [State] Board of Education to be appointed by the Governor, subject to confirmation by the General Assembly, and to consist of nine members."

§22-12.1

"All members of the State Board of Education appointed prior to, and in office on, July one, nineteen hundred

seventy-one, shall remain in office until the expiration of the terms for which they were appointed. Two additional members shall be appointed on July one nineteen hundred seventy-one, to serve for a term of four years from that date."

APPOINTMENT

An appointment shall be for four years, except an appointment to fill a vacancy, which shall be for the unexpired term.

Any appointment, including one to fill a vacancy, shall be confirmed by the General Assembly. Any appointment during the recess of the General Assembly shall expire at the end of thirty days after the beginning of the next session of the General Assembly. "No member of the Board shall be appointed more than once to succeed himself[herself]; provided, that in determining eligibility for appointment, an appointment heretofore or hereafter made to fill a vacancy shall not be considred."

§22-13; 22-14

"The member of the [State] Board of Education serving as president on July one, nineteen hundred seventy-one, shall continue as president until the expiration of the term for which he/she was elected. Thereafter, the Board shall elect from its membership a president for a term of two years."

"A majority of the members of the State Board shall constitute a quorum for the transaction of business."

§22-17

Meetings of the State Board shall be held upon the request of the president or a majority of the members. The president shall give notice to all members of the time of the meetings.

§22-18

"A faithful record shall be kept of the proceedings of the State Board, which shall be signed by the president, or, in his/her absence, by the president pro tempore, and shall at all times be open to inspection."

"The [State] Board of Education may adopt bylaws for its own government," and may adopt regulations for the management of the schools. Except as provided in §22.19.1, the regulations shall have the effect of law when published and distributed.

REGULATIONS

State Board of Education, IV, p. 3

The president and secretary of the board shall sign any and all contracts and agreements entered into by the Board of Education.

CROSS REFERENCES

I.Division Superintendent; Statute §22-32; §22-36

I.School Board; Statute §22-33

I.Superintendent of Public Instruction; Regulation; Board of Education (State), §I-V

II.A.1.; Statute §22-233 -- 22-235

II.A.1.; Statute §22-235.1 -- 22-238

II.A.1.; Regulation, Sex Education, §I-V

II.A.2.; Statute §22-10.4

II.A.2.; Statute §22-10.5

II.A.2.; Statute §22-10.7

II.A.2.; Statute §22-10.8

II.A.3.; Statute §22-318; 22-321 -- 22-324; 22-330

II.A.3.; Statute §22-330.36 -- 22-330.40

II.A.3.; Statute §22-330.47

II.A.7.; Statute §16.1-181

II.A.7.; Statute §22-41.3 -- 22-41.5; 22-41.7

II.B.1.a; Statute §22-295; 296; 297; 299

II.B.1.a; Regulation, Textbook Adoption (State), pp. 133-34

II.B.2.; Regulation; Educational Telecommunications; §I-III

II.C.2.; Statute §22-152 -- 22-154

II.C.2.; Statute §22-156 -- 22-158

II.C.2.; Statute §22-166.1

II.C.2.; Statute §22-166.2

III.A.1.; Statute §22-21

III.A.2.; Virginia Constitution, Art. VIII, §2

III.C.Teachers; Statute §22-217.1; 217.2; 217.3

III.D.Educational System; Statute §22-19.1

III.D.Impact of Proposed Regulations; Statute §22-19.01

III.D.Students; Statute §22-240.1

III.D.Teachers; Statute §22-202

IV.A.; Statute §22-241

IV.A.; Statute §22-243

IV.B.; Statute §22-40.1

IV.D.; Statute §22-276 -- 22-276.2

IV.G.; Statute §22-191; 22-192

STATE BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §22-318 -- 330

II.B.3.; Statute §22-330.36 -- 22-330.40

STATE DEPARTMENT OF HEALTH

CROSS REFERENCE

II.A.2.; Statute §32-11.1

SUPERINTENDENT OF PUBLIC INSTRUCTION

CONSTITUTION

Virginia Constitution
Art. VIII, §6

"The Governor shall appoint a Superintendent of Public Instruction, who shall be an experienced educator." The Governor's appointment shall be subject to confirmation by the General

Assembly. The Superintendent's term shall be coincident with that of the Governor making the appointment. The General Assembly "may alter by statute this method of selection and term of office. The powers and duties of the superintendent shall be prescribed by law."

STATUTES

§22-22

The Superintendent of Public Instruction shall be appointed by the Governor, subject to confirmation by the General Assembly, for the same term as the Governor making the appointment. The Governor shall appoint a replacement in the event of a vacancy subject to confirmation by the General Assembly. "The Superintendent of Public Instruction shall be an experienced educator."

§22-25

The Superintendent shall formulate regulations and assist local school divisions to enforce the school laws. The Superintendent shall furnish blanks for attendance officers, teachers and other school officials as are required by law.

§22-28

"The Superintendent of Public Instruction shall, without additional compensation, serve as secretary of the State Board."

REGULATIONS

Board of Education (State). §I-IV

The State Superintendent of Public Instruction shall appoint departmental positions, subject to ratification by the board. They shall perform such duties as the superintendent may prescribe.

Superintendent of Public Instruction, pp. 125-126

"The Superintendent of Public Instruction shall be the chief executive officer of the public school system, and shall have the following duties:

(a) He[she] shall be the executive officer of the Division of Vocational Education of the State Department of Education.

(b) He[she] shall prepare or have prepared suitable registers, blanks and other forms which may be necessary for making appropriate reports to the State Department of Education. By circulars and otherwise, he[she] shall give information and instruction conducive to the proper organization and conduct of the schools.

(c) He[she] shall require of division superintendents detailed reports annually and special reports from time to time as he[she] may deem proper.

He[she] shall use all proper means to promote an appreciation of education among the people.

(d) He[she] shall preserve in convenient form in his[her] office all papers, documents and records relating to educational work in Virginia and in other states.

(e) He[she] shall prepare, as prescribed by law, a plan for apportioning the money appropriated by the state for public school purposes.

"(f) He[she] shall provide for his[her] office a suitable official seal with which official documents may be authenticated.

(g) He[she] shall submit annually to the Board of Education (State) on or before the first day of November a detailed report of his[her] official proceedings for the year ending the thirtieth day of June preceding, including receipts and expenditures for the public schools, a statistical report showing the number of children, male and female, respectively in the state, and in each county and city, compensation paid teachers, the cost of education per pupil, and whatever else may tend to exhibit the real condition of the schools. He/she shall be at liberty and it shall be his[her] duty to offer suggestions to the Board of Education (State) and to the General Assembly concerning matters pertaining to his[her] department at any time that the public interest seems to him[her] to require it."

CROSS REFERENCES

I.State Board of Education; Statute §22-2

I.State Board of Education; Statute §22-26

II.A.1.; Regulation; Administrative Procedure for Approval of New Courses

II.C.2.; Statute §22-152 -- 22-154

II.C.2.; Statute §22-156 -- 22-158

III.D.Teachers; Statute §22-202

III.E.Teachers; Regulation, In-Service Training Programs, Reimbursement For §I-VII

IV.A.; Statute §22-246

IV.C.; Statute §22-27

TEACHERS

CROSS REFERENCES

IV.A.; Statute §22-249

IV.J.; Statute §22-231.1

IV.J.; Statute §22-232

WASHINGTON

The State Board of Education is comprised of two members from each congressional district of the State, elected by the members of the respective Boards of Directors of those school districts for terms of six years. The Superintendent of Public Instruction is the ex officio president and chief officer and appoints a non-member to serve as ex officio secretary to the Board. The Superintendent may vote only when no majority opinion has been reached among the Board members present. The Superintendent of Public Instruction is elected in the manner of other state officers and holds office for a term of four years.

The State Board has the duty, among others, of prescribing rules and regulations governing the classification of school districts. It is to give consideration to the size, population, topography and climate of a proposed educational service district. In each educational service district there is an Educational Service District Board consisting of seven members elected by the votes of each of the district's seven units.

Any Educational Service District Board may, by resolution, increase the board member size to nine members. The term of office for each board member is four years. Every Educational Service District Board is to employ an Educational Service District Superintendent for a contractual term not to exceed four years. He/she is to serve as chief executive officer of the Educational Service District and Secretary of the Educational Service District Board.

WASHINGTON

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I. POWERS, DUTIES AND FUNCTIONS

DEPARTMENT OF SOCIAL AND HEALTH SCIENCE

CROSS REFERENCES

II.A.7.; Statute §72.05.104

DISTRICT BOARD OF DIRECTORS

STATUTES

§28A.58.110

Every board of directors is empowered to make bylaws for their own government and that of the common schools. RULEMAKING

§28A.58.390

"It shall be the duty of every board of directors to carry out the directions of the electors of their districts as expressed at any [district] meeting."

§28A.58.530

School districts and educational service districts may contract for or purchase information and research services or may become members of nonprofit organizations providing such services.

§28A.58.610

The board of directors may authorize "the expenditure of funds for . . .preparing and distributing information to the general public to explain the instructional program, operation, and maintenance of the" district schools. This information shall not include information designed to influence the outcome of a school district election.

§28A.59.050; .060

The duties of the president of the district board of directors are to preside at all board meetings and perform other duties as prescribed. BOARD OFFICERS

"It shall be the duty of the vice president to perform all the duties of president in case of his[her] absence or disability."

§28A.59.100

The board of directors shall maintain an office where regular meetings are held and records are kept. Records shall be available for public inspection.

§28A.59.180

"Every board of directors of a school district of the first class . . . shall have the power: (1) to employ a superintendent and assistant superintendent of schools; (2) "to prescribe a course of study . . . consistent" with the course prepared by the state board; (3) to establish night, high, kindergarten, vocational training and industrial schools, and schools for the training of handicapped youth to promote the interests of education; (4) to provide free textbooks and supplies if so ordered by electors, and if not, to provide books for children of indigent parents; (5) "to appoint a practicing physician . . . to decide all questions of sanitation and health affecting the safety and welfare of the schools . . ."

APPOINTMENT

§28A.60.010; .310

At the first meeting of second class school board directors they shall elect a chairperson. The Board shall select a board member to act as superintendent in districts without a superintendent.

BOARD OFFICERS

The board of directors of second class districts may authorize the employment of an attorney.

CROSS REFERENCES

I.District Superintendent; Statute §28A.58.137

I.School Directors' Association; Statute §28A.61.010; .020; .040; .060

I.District Superintendent; Statute §28A.59.070

II.A.1.; Regulation §180-50-070

II.A.2.; Statute §28A.13.045

II.A.3.; Regulation §180-58-085

II.A.4.; Statute §28A.34.010
II.A.4.; Statute §28A.34.050

II.A.4; Statute §28A.34.010 -- .030

II.A.9; Statute §28A.58.080

II.B.1.a.; Statute §28A.58.103

II.B.3.; Statute §28A.58.104

II.C.1.; Statute §28A.58.070

II.C.2.; Regulation §180-30-010

II.C.2.; Regulation §180-30-480

II.C.2.; Regulation §180-30-740

II C.3.; Statute §28A.58.105

II.C.3.; Statute §28A.60.190

III.A.2.; Regulation §180-56-250

III.C.School Districts; Statute §18A.85.030
III.C.Students; Regulation §180-56-011

III.C.Students; Regulation §180-56-420

IV.C.; Statute §28A.58.136

IV.D.; Statute §28A.24.101

IV.D.; Statute §28A.24.172

IV.E.; Statute §28A.58.113

IV.G.; Statute §18A.58.240

IV.J.; Regulation §180-40-220

IV.J.; Regulation §180-40-230

IV.J.; Regulation §180-40-240
IV.J.; Regulation §180-40-310

IV.J.; Regulation §180-40-315

IV.J.; Regulation §180-40-320

IV.K.; Statute §28A.58.390

DISTRICT SUPERINTENDENT

STATUTES

§28A.21.220

"The superintendents of all local school districts within an educational service district shall serve in an advisory capacity to the educational service district board and superintendent in matters pertaining to budgets, programs, policy, and staff."

§28A.58.137

The board of directors shall elect a superintendent whose qualifications the "school board alone shall determine." "The superintendent shall have supervision over the several departments of the school . . ." and perform duties prescribed by law. The board may contract with the superintendent for a term no greater than three years. Discretion to renew the contract rests solely with the school board.

RENEWAL

§28A.58.150

"In addition to . . . duties the district school board shall prescribe the school district superintendent shall:" (1) keep accounts of school money; (2) take an annual census of all residents between the ages of four and twenty; (3) make an annual report to the educational service district superintendent.

§28A. 59.070

"The school superintendent as secretary of the board, may be authorized by the board to act as business manager, purchasing agent, and/or superintendent of buildings and janitors, and charged with special care of school buildings and other property of the district, and he[she] shall perform other duties as the board may direct."

CROSS REFERENCES

I.District Board of Directors; Statute §§28A.60.010; 28A.60.310

III.B.Teachers; Statute §28A.70.140

III.B.Teachers; Regulation §180-80-217

III.B.Teachers; Regulation §180-80-245

III.C.Certificated Personnel; Regulation §180-80-195

IV.J.; Regulation §180-40-250

IV.J.; Regulation §180-40-255

IV.J.; Regulation §180-40-260

IV.J.; Regulation §180-40-275

IV.J.; Regulation §180-40-295

DIVISION FOR HANDICAPPED CHILDREN

CROSS REFERENCES

II.A.2.; Statute §28A.13.010

EDUCATIONAL SERVICE DISTRICT BOARD

STATUTES

§28A.21.120

The educational services district board shall designate the headquarters office of the educational services district. Prior to July 1, 1979, county commissioners in each county may be requested to provide appropriate office space for headquarters. After July 1, 1979, educational services districts shall provide their own office space for headquarters. Official records of the board and supervisor shall be kept by the superintendent. Whenever the boundaries are reorganized, the state board of education will supervise the transferral of records.

§28A.21.195

"The superintendent of public instruction shall be responsible for the provision of legal services to all educational service districts: Provided, that any educational service district board may contract with any county for the legal services of its prosecuting attorney."

§28A.21.030; 0301; 0303; 0304; 0306;040

An educational service district board shall serve in each district. Each board member shall serve a term of four years. No board member shall be either a school district employee or member of the state board of education. Each school district must be coterminous with a single educational service district.

§28A.21.086

Every educational service board shall: (1) "if the district board deems necessary" operate a depository and distribution center for instructional material; (2) establish cooperative service programs.

CROSS REFERENCES

I.District Board of Directors; Statute §28A.58.530

III.E.Teachers; Statute §28A.71.100

EDUCATIONAL SERVICE DISTRICT SUPERINTENDENT

STATUTES

§28A.21.070

APPOINTMENT

Every educational service district shall appoint and salary a superintendent for the educational service district. There must be a written contract for a term of no more than four years.

§28A.21.100

APPOINTMENT

The educational service district superintendent may appoint assistant superintendents and other professional and clerical help necessary to perform the work of the office; shall set salaries and pay them out of the district budget.

§28A.21.095

"Each educational service district board . . . may delegate the educational service district superintendent" any of its powers and duties so long as the powers and duties do not "conflict with rules or regulations of the superintendent of public instruction or the state board of education."

§28A.21.110; 111; 112; 113

SCHOOL VISITS

"Each educational service district superintendent shall serve as chief executive officer of the educational service district and secretary of the educational service district board" and visit schools, assist in the advancement of educational interest in the educational service district; keep records, "perform liaison and informational services to local school districts;" and "enforce the compulsory attendance law."

CROSS REFERENCES

II.C.2.; Regulation §180-30-475

IV.H.; Statute §28A.27.080

EDUCATIONAL TELEVISION COMMISSION

CROSS REFERENCES

II.B.2.; Statute §§28A.91.010; .020; .060

INTERMEDIATE SCHOOL DISTRICT

STATUTES

§28A.21.010

Intermediate school district offices shall be organized to: (1) establish intermediate school district offices as agencies which will cooperate and disseminate information to local school districts; (2) "assist the superintendent of public instruction and state board of education" in their duties; (3) "provide pupils . . . with equal educational opportunities.

LEGISLATURE

CONSTITUTION

WASHINGTON CONSTITUTION, ART. IX, §2

"The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established."

PRINCIPAL

CROSS REFERENCES

III.C.Teachers; Statute §28A.67.065

IV.J.; Statute §28A.58.201

IV.J.; Regulation §180-40-255

IV.J.; Regulation §180-40-240

IV.J.; Regulation §180-40-290

SCHOOL ADMINISTRATORS

CROSS REFERENCES

IV.J.; Regulation §180-40-230

SCHOOL DIRECTORS ASSOCIATION

STATUTES

§28A.61.010;.020;.040;.060

To further the coordination of programs and procedures pertaining to policymaking the school directors' association is created.

"The membership of the school directors' association shall comprise the members of the boards of directors of the school districts of the state."

The school directors' association shall effect the coordination of policy-making, control and management of the school districts and prepare at least one annual report.

To assist the school directors' association in carrying out its purpose the association may establish county or regional directors' associations known as units of the association.

CROSS REFERENCES

III.D.Local School Board Administration; Statute §28A.61.030

SCHOOL DISTRICT OFFICIALS

STATUTES

§28A.14.050

APPOINTMENT

"School district officials . . . may appoint local and/or district advisory recreation committees" who shall advise the administrative officer on establishment and operation of recreation programs.

SCHOOL DISTRICTS

STATUTES

§28A.58.010

LIABILITY

"A school district . . . shall possess all the usual powers of a public corporation and . . . may sue and be sued and transact all business necessary for maintaining school and protecting rights of the district."

CROSS REFERENCES

II.A.2.; Statute §28A.16.030

II.A.2.; Statute §28A.13.030

II.A.3.: Regulation §810-58-045

II.A.3.; Regulation §180-58-065

II.C.1.; Regulation §180-30-630

II.C.2.; Regulation §180-30-620

II.C.2.; Regulation §180-30-640

II.C.2.; Regulation §180-30-645

III.A.1.; Regulation §180-16-165

III.C.Students; Regulation §180-56-006

III.C.Students; Regulation §180-56-031

III.C.Students; Regulation §180-56-036

III.D.Students; Regulation §180-52-020

IV.D.; Statute §28A.24.055 -- .060

IV.F.; Regulation §180-52-025

IV.J.; Regulation §180-40-225

IV.J.; Regulation §180-40-265

IV.J.; Regulation §180-40-270

IV.J.; Regulation §180-40-280

IV.J.; Regulation §180-40-285

IV.J.; Regulation §180-40-300

IV.J.; Regulation §180-40-305

CROSS REFERENCES

IV.D.; Statute §28A.24.080

SCHOOL EMPLOYEE

STATUTES

§28A.58.170

"Every school official and employee, prior to termination of office or employment, shall deliver to his[her] successor all books, papers and moneys pertaining to his[her] office or employment."

STATE BOARD OF EDUCATION

STATUTES

§28A.04.120

The state board of education shall: (1) approve the issuance of and program of courses required for a teacher certification; (2) accredit secondary and private schools excluding those who "knowingly" permit secret societies among their students; (3) prepare curriculum for the common schools and rules governing attendance; (4) prepare questions for examinations and prescribe rules for conducting same; (5) constantly re-evaluate courses; (6) carry out duties relating to the organization of school districts; (7) hear and decide appeals; (8) make rules on the advice of the fire marshal for the evacuation of school buildings in case of emergency.

RULEMAKING

§28A.04.137

The state board of education shall administer a "student financial assistance program for needy and disadvantaged elementary and secondary students."

REGULATIONS

§180-08-010 -- 060

The only persons who may "appear in a representative capacity before the state board of education" are the following: "attorneys at law...entitled to practice before the Supreme Court of the State of Washington... [or] the highest court of record of any other state...; persons otherwise qualified...to...represent others

who...have been duly authorized by the state board to appear...before it...[and] a bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for" that organization.

HEARING

"In all hearings involving the taking of testimony ..., where the state board...determines that representative activity...requires a high degree of legal training..., the state board...may limit" representatives to attorneys.

"It shall be unethical for persons acting in a representative capacity before the state board to solicit business." Representatives who appear before the state board "shall conform to the standards of ethical conduct required of attorneys before the courts of Washington....

"No former employee of the State Board or member of the Attorney General's staff may ... appear ... on behalf of other parties in a formal proceeding which he [she] previously took an active part in as representative of the State Board," nor may such an indivual represent other parties in a proceeding if he or she participated "in the investigation as a representative of the State Board."

§180-08-070 -- 140

NOTICE

Parties must be served notice between 20 to 90 days prior to a hearing. The State Board and other parties are responsible for serving any papers or notices they originate to "all counsel of record" and other parties to the hearing, including the state board's final order. Service must be made personally, or by mail or telegram. "Papers required to be filed with the State Board shall be deemed filed upon actual receipt by the state board ... accompanied by proof of service upon parties required to be served."

§180-08-230 -- 360

"Any party may take the testimony of any person ... by deposition upon oral examination or written interrogatories for use as evidence" in hearing proceedings before the State Board.

"The deponent may be examined regarding any matter not privileged ... relevant to the subject matter involved in the proceeding .... Depositions shall be taken before an officer authorized to administer oaths by the Laws of the state ... or of the place where the examination is held."

If a party want to take the oral deposition of another person, the state board and all other parties must be given at least three days notice. After this notice is served, "the state board or its designated hearing officer may ... order that the deposition shall not be taken ..., or that it may be taken only on written interrogatories ..., or that the scope of the examination shall be limited to certain matters, or... be hold with no one present except the parties to the action and their officers or counsel....

"Examination and cross-examination shall proceed as at an oral hearing. In lieu of ... the oral examination, any party served with notice of ... a deposition may transmit written cross-interrogatories to the officer who ... shall propound the seriation to the deponent and record ... the answers."

Witnesses shall be under oath and all testimony recorded. "Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party shall be noted by the officer upon the deposition."

The witness shall examine the transcribed deposition. If the witness wishes to make changes, these "shall be entered upon the deposition ... with a statement of the reasons given by the witness for making them." The witness then signs. "If the deposition is not signed by the witness, the officer shall sign it and state" why.

"A deposition .. will not become a part of the record in the proceeding until received in evidence by

the hearing officer upon his own" or any party's motion.

"A deposition will be received only in its entirety ... Any party may rebut any relevant evidence contained in a deposition...

"Where the deposition is taken upon written interrogatories, the party offering the testimony shall ... file and serve" the interrogatories and state who is to answer them. If they are "forwarded to any office authorized to administer oaths," the officer shall swear the deponent, read the interrogatories one at a time, and have the answer to each recorded. Only the officer, deponent and stenographer may be present. The officer shall certify the deposition and send it to the state board. "In all other respects, depositions upon interrogatories shall be governed" by the same rules as for oral depositions.

§180-08-370 -- 530

"The State Board, or its hearing officer, upon request made before or during a hearing, will officially notice: (1) Federal law;" (2) state law of Washington; (3) "governmental organization ... of the State of Washington, the United States, the several states and foreign nations; (4) agency organization" of the state board. "In the absence of controverting evidence, the state board ... may offically notice:

(1) Agency proceedings" of the state board;

(2) Business customs ...;

(3) Notorious facts ...;

(4) Technical knowledge ...;

(5) Request or suggestion. Any party may request, or ... the state board may suggest, that official notice be taken of a material fact ...;

(6) Statement. Where an initial or final decision of the state board rests ... upon official notice of a material fact, such fact shall be clearly ... stated in such decision ...;

admitted unless written objection thereto is filed prior to the hearing." If parts of a document are to be used, "only the excerts...shall be received in the record." but the entire document should be made available.

Effort should be made to limit the number of expert witnesses. As appropriate to the case, the hearing examiner shall either require or encourage the summarization of "direct testimony based on economic or statistical data ... [in] written sworn statements." The data used to prepare such statements shall be made available for examination.

Any party who desires a continuance shall, when notified of the hearing, request it from the state board "stating ... the reasons why such continuance is necessary .... For good cause shown, the state board ... may grant such a continuance .... During a hearing, if it appears ... that further testimony ... should be received, the examiner ... may ...continue the hearing ...."

"Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable." Consideration should be given to "rules of evidence governing civil proceedings" in the state superior court. "When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling."

§180-08-540 -- 590

PETITION

"Any interested person may petition the state board requesting the promulgation, amendment, or repeal of any rule." Any such petition must include the reasons for the request. The State Board will consider all petitions and "may ... order a hearing for ... further consideration." It will then "notify the petitioning party ... of the disposition, if any, of the petition."

Interested persons may also "petition the state board for a declaratory ruling. The State Board ... shall: (1) Issue a nonbinding declaratory ruling; or (2) Notify the person that no declaratory ruling is to be issued; or" (3) Hold a hearing and the issue either in binding or in nonbinding declaratory ruling, or issue none.

Petitions should conform to the form specified in the regulation.

CROSS REFERENCES

II.A.1.; Regulation §180-50-005

II.A.1.; Regulation§180-50-040

II.A.3.; Statute §28A.09.090 -- .100

II.A.4.; Regulation §180-16-167

II.A.10. Other - Military Training; Statute §28A.04.133

II.B.3.; Statute §28A.04.134

II.C.1.; Regulation §180-30-055

II.C.2,; Statute §28A.47.746; 47.806

II.C.2.; Regulation §180-30-015

II.C.2.; Regulation §180-30-465

II.C.2.; Regulation §180-30-495

II.C.2.; Regulation §180-30-645

II.C.2.; Regulation §180-30-010

III.A.1.; Regulation §180-56-307

III.A.1.; Regulation §180-56-310

III.A.1.; Regulation §180-16-165

III.A.2.: Regulation §180-16-162

III.A.2.; Regulation §180-56-215

III.A.2.; Regulation §180-56-265

III.B.Teachers; Statute §28A.70.005

III.B.Teachers; Regulation §180-80-215

III.C.Student; Statute §28A.04.135

IV.D.; Statute §28A.04.131

IV.D.; Regulation §180-20-200 -- 180-20-230

IV.G.; Statute §28A.04.137

IV.G.; Statute §28A.58.242

IV.J.; Statute §28A.04.132

IV.J.; Statute §28A.58.101; .011

CROSS REFERENCE

III.C.Students; Regulation §180-56-435

STUDENT DISCIPLINARY BOARD

CROSS REFERENCES

IV.J.: Regulation §180-40-220

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§28A.03.010; 28A.03.030

The superintendent will be elected for a term of four years.

Duties of the superintendent of public instruction shall include: supervision "over all matters" relating to the state public schools; to report to the governor biennially of the schools' condition; to prepare curriculum and regulations for governing common schools; to issue teaching certification; to revise the state school code.

§28A.03.020

Generally, the superintendent of public instruction may appoint assistant or deputy superintendents of public instruction, or clerical personnel to help carry out his/her duties. APPOINTMENT

§28A.04.090

"The superintendent of public instruction shall be ex officio president and chief executive officer of the board." BOARD OFFICERS

§28A.04.100

The superintendent of public instruction shall appoint a non-voting, ex-officio secretary who shall keep a correct record of state board proceedings. The record is available to school officials on request. APPOINTMENT

§28A.58.245

"Notwithstanding any other provision of law, the state superintendent is directed to adopt rules and RULEMAKING

regulations to implement voluntary, tuition free attendance programs among school districts . . . to: (1) provide educational opportunities not otherwise provided; (2) avoid unnecessary duplication of specialized educational programs or (3) improve racial balance within and among school districts: Provided the districts' boards of directors approves the free attendance program.

CROSS REFERENCES

I.Education Service District Board; Statute §2].195

II.A.1.; Regulation §180-50-005

II.A.1.; Regulation §180-50-040

II.A.1.; Regulation §180-50-050

II.A.2.; Statute §28A.03.300--.310

II.A.2.; Statute §28A.13.010

II.A.2.; Statute §28A.]3.020

II.A.2.; Statute §28A.]3.070

II.A.2.; Statute §28A.13.080

II.A.2.; Statute §28A.16.020

II.A.4.; Regulation §180-16-167

II.A.6.; Statute §28A.41.250

II.A.8.; Regulation §180-68-050

II.A.10.; Other - National Defense Studies; Regulation §180-50-060

II.B.2.; Statute §28A.91.010; .020; .060

II.C.2.; Statute §28A.04.300

II.C.2.; Regulation §180-30-710

III.A.1.; Regulation §180-56-380

III.A.2.; Regulation §180-16-152

III.A.2.; Regulation §180-30-485

III.A.2.; Regulation §180-56-250

III.B.Teachers; Regulation §180-80-250

III.C.Certificated Personnel; Regulation §180-80-195

III.C.Public Schools; Statute §28A.85.020

III.C.School District; Statute §28A.85.030

III.C.School Districts; Statute §28A.85.030

III.C.Students; Regulation §180-56-410

III.D.Students; Statute §28A.03.360

IV.A.; Statute §28A.31.010

IV.A.; Statute §28A.31.060
IV.C.; Statute §§28A.30.010 -- .080

IV.D; Statute §28A.24.080

IV.D.; Regulation §§180-20-200 -- 180-20-230

IV.G.; Statute §28A.58.240

TEACHER

CROSS REFERENCES

III.D.Education System; Statute §§28A.67.040; .050

IV.J.; Statute §28A.67.100

IV.J.; Regulation §180-40-230

IV.J.; Regulation §180-40-290

WEST VIRGINIA

The West Virginia Board of Education consists of eleven members. The State Superintendent of Schools and the Chancellor of the Board of Regents both serve as non-voting, ex officio members. The other nine members are appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years. At least two, but not more than three, members are to be appointed from each congressional district. The State Board of Education has general direction and control of the education of teachers in the state and makes rules and regulations for the accreditation, classification and standardization of all schools in the state, except institutions of higher education. It may establish multi-county Regional Educational Service Agencies to provide educational services to the county school systems. It appoints the State Superintendent of Schools who serves as its chief executive officer.

The territory of a county constitutes one school district. Each county school district is under the supervision and control of a County Board of Education which is composed of five members elected by the voters of the respective county. The boards may establish, close, or consolidate schools within their respective counties. The County Board elects a County Superintendent of Schools to serve for a term of one to four years. The Superintendent serves as chief executive officer of the Board and is its secretary.

WEST VIRGINIA

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I. POWERS, DUTIES AND FUNCTIONS

ADVISORY COUNCIL FOR THE EDUCATION OF EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2; Statute §18-20-6

BOARD OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3; Statutes §18-2B-1-8

COUNTY BOARDS OF EDUCATION

STATUTES

§18-5-1

"Each county school district shall be under the supervision and control of a county board of education, which shall be composed of five members, nominated and elected by the voters of the respective county without reference to political party affiliation. No more than two members shall be from the same magisterial district."

§18-5-1c

"Each . . . [county] board of education shall . . . elect a president from its own membership and report same promptly to the state superintendent of schools."

§18-5-2

"The [county] board shall by appointment, fill within thirty days any vacancy that occurs in its membership. Such appointments shall continue until . . . the voters shall elect a successor for the unexpired term. In the event that the board does not [so] fill the vacancy . . . the state superintendent of schools shall appoint a person to fill the vacancy."

§18-5-4

"The [county] board shall meet on the first Monday of January . . . . At any [authorized] meeting . . . the board may employ such qualified teachers, or those who will qualify by the time of entering upon their duties, necessary to fill existing or anticipated vacancies

for the current or next ensuing school year. At . . . [any]. . . meeting. . . on or before the first Monday of May, the superintendent shall furnish in writing a list of those teachers to be considered for transfer and subsequent assignment for the next ensuing school year; all other teachers not so listed shall be considered as reassigned to the positions held at the time of this meeting . . . . Teachers . . . listed [for transfer] shall be notified in writing, . . . delivered . . . by certified mail . . . within ten days following said board meeting . . . ."

"Special meetings may be called by the president or any three members, but no business shall be transacted other than that designated in the call."

"By a majority vote of its members, a county board of education . . . may join the West Virginia school board association and the national school board association . . . ."

§18-5-5

"The county board of education shall be a corporation; . . . and as such may sue and be sued, plead and be impleaded, contract and be contracted with."

LIABILITY

§18-5-13

"The county boards subject to the provisions of this chapter and the rules and regulations of the state board, shall have authority:

(1) To control all of the schools and school interests for all school activity and upon all school property . . . ;

(2) To establish schools, from preschool through high school, inclusive of vocational schools; and to establish schools and programs, or both, for post high school instruction, subject to approval of the state board of education;

(3) To close any school which is unnecessary and to assign the pupils thereof to other schools;" provided that the teachers and service personnel shall be notified before the first Monday in May;

(4) To consolidate schools;

(5) To close any elementary school whose average daily attendance falls below twenty pupils for two months in succession, and send the pupils to other schools . . . . If the teachers . . . are not transferred or reassigned . . . they shall receive one month's salary;

(6)a) To provide at public expense adequate means of transportation . . . for all children of school age who live more than two miles . . . from school . . . and to provide . . . adequate means of transportation for school children participating in board-approved curricular and extracurricular activities; and to provide . . . within the available revenues, transportation for those within two miles . . .; and to provide . . . at no cost to the board . . . transportation for participants in projects sponsored . . by the commission on aging . . . . provided . . . that in all cases the . . . transportation facilities owned by the board . . . shall be . . . operated only by drivers regularly employed by the board of education;

b) To enter into agreements with one another to provide . . . adequate means of transportation across county lines . . .

(7) To provide at public expense for insurance . . . of school buses, trucks or other vehicles operated by the board;

(8) To employ and to provide in-service training for teacher-aides, . . . in accordance with the rules and regulations of the state boards;

(9) To establish and conduct a self-supporting dormitory for the accommodation of the pupils attending a high school or participating in a post high-school program and of persons employed to teach therein;

(10) To employ legal counsel;

(11) To provide at public expense, adequate public liability insurance . . . ."

§18-5-31 -- 33

"The county board, upon nomination by the super-

intendent, may employ such service personnel as is deemed necessary for meeting the needs of the county school system. After four consecutive years of acceptable service within the district, any employee shall be notified in writing on or before June thirtieth if he[she] is not to be reemployed for the ensuing year and shall have the right of a hearing before the board, if requested.

NOTICE

HEARING

The . . . board . . . upon the recommendation of the county superintendent, may employ an assistant [superintendent] whose term . . . shall be not less than one nor more than four years" in any case "not [to] extend beyond that of the incumbent county superintendent.

The board, upon recommendation of the county superintendent, shall have authority to employ such general and special supervisors or directors of instruction and of such other educational activities as may be deemed necessary.

The employment of the assistant superintendent shall be on a twelve-month basis. The period of employment for all others named herein shall be at the discretion of the board.

Rules and regulations for qualifications of assistant superintendents, and directors and supervisors . . . shall be fixed by the state board of education.

RULEMAKING

The county board shall have the authority to reimburse such employees for their necessary traveling expenses upon presentation of a monthly, itemized, sworn statement approved by the county superintendent.

Any person employed under the foregoing provision of this section, provided he[she] holds a valid teacher's certificate, shall be given continuing contract status as a teacher and shall hold such status unless dismissed for statutory reasons.

The board may also . . . employ . . . an agricultural club agent for the organization and direction of boys' and girls' agricultural clubs.

The board may fix special salary schedules for the superintendent, assistant superintendents, teachers and other employees so long as the . . . schedule does not conflict with the general provisions of this chapter."

§§18A-2-4;5

"The [county] board is authorized to employ auxiliary personnel [i.e., persons selected and trained for teacher-aide classifications such as monitor aide, clerical aide, classroom aide, general aide] for the purpose of assisting professional personnel in such duties and services as the board may approve." Auxiliary personnel shall execute a written contract stating the terms and pay of work. "Personnel shall meet criteria and guidelines the state board may establish. Auxiliary personnel shall work under the direction of the principal and teachers to whom assigned."

Under similar contractual arrangements, "the board is authorized to employ such service personnel [i.e., those who serve the . . . schools . . . in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation . . .] as is deemed necessary . . . ."

§18A-5-6

"A school census of youths from birth through twenty years of age as of September first of the year in which taken, or of such ages as otherwise may locally be determined, and of mentally and physically handicapped persons of all ages, may be made as directed by a county board of education. Teachers taking the school census shall be entitled to use school hours not to exceed a total of one school day, and shall be compensated for such time as for time taught.

The state superintendent . . . shall have authority to require a statewide enumeration by the counties at such times as he[she] may direct and may establish the procedures therefor.

It shall be the duty of each county superintendent of schools to establish and administer through the office of the county director of school attendance a system of cumulative census records which may be prescribed by the state superintendent of schools."

CROSS REFERENCES

I.County Superintendent; Statute §18-4-1

I.Principal; Statute §18A-2-9

II.A.2; Statutes §18-20-1 -- 18-20-4

II.A.4.; Statute §18-5-18

II.A.9.; Statute §18-5-39

II.B.1.a.; Statute §18-2A-5

II.B.1.a.; Regulation §2445.41

II.B.1.C.; Statutes §18-5-21 -- 18-5-21e

III.B.County Superintendent; Statute §18-4-4

III.B.Teachers; Statute §18-2-6

IV.A.; Statutes §18-5-22; 18-5-23

IV.E; Statute §18-2-25

IV.G; Statutes §18-5-16; 18-5-16a

IV.J; Statute §18A-5-1

COUNTY SUPERINTENDENT

CONSTITUTION

WEST VIRGINIA CONSTITUTION, ART. 12, §4

"The legislature may provide for county superintendents and such other officers as may be necessary to carry out the objects of this article, and define their duties, powers and compensation."

STATUTES

§18-4-1

"The [county] sunerintendent shall be elected by the board" . . . to serve a term of one to four years. He/she is eligible for re-election for additional terms. Upon expiration of his/her term "he[she] shall be given the status of teacher in the system unless dismissed for statutory reasons. The president of the board immediately upon the election of the

superintendent shall certify the election to the state superintendent of schools."

§18-4-10;11

"The county superintendent shall:

(1) Act as chief executive officer of the board;"

(2) Nominate all personnel to be employed; for the approval of the county board of education;

(3) Assign, transfer, suspend or promote teachers and all other school employees of the district, subject only to the approval of the board, and recommend to the board their dismissal . . .;

(4) Organize and attend district institutes; organize and direct reading circles and boys' and girls' clubs;

(5) Close temporarily a school when conditions are detrimental to the health, safety or welfare of the pupils;

(6) Exercise all other authority granted by this chapter or required by the board or state board;

(7) Visit the schools as often as practical;

(8) "Report to the board cases of incompetence, neglect of duty, immorality or misconduct in office of any teacher or employee;

(9) Direct the taking of the school census;

(10) Call, at his[her] discretion, conferences of principals and teachers to discuss the work of the schools of the district;

(11) Report to the board the progress and general condition of the schools;

(12) Make such reports as are required by the state superintendent. In case the superintendent fails to report as required, the state superintendent may direct that the superintendent's salary be withheld until an acceptable report is received."

§18-5-25

"The superintendent as secretary of the board shall:

(1) Attend all board meetings and keep a record thereof;

(2) Record and keep on file all papers and documents pertaining to the business of the board;

(3) Exercise such other duties as are prescribed by law."

CROSS REFERENCES

I.Principal; Statute §18A-2-9

II.A.2; Statute §18-8-10

II.A.4; Regulation §2412

III.D.Public School System; Statute §18-3-8

DIRECTOR OF SCHOOL ATTENDANCE

CROSS REFERENCE

IV.H.; Statute §18-8-3; 18-8-4

DIRECTOR OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §18-2B-1-8

DISTRICT BOARD OF EDUCATION

STATUTES

§18-5-34

"The district board . . . shall exercise such other authority and perform such other duties as may be prescribed by law or by the regulations of the state board of education."

CROSS REFERENCE

II.A.8.; Statute §18-5-19 -- 18-5-19c

EARLY CHILDHOOD ADVISORY COMMITTEE

CROSS REFERENCE

II.A.4.; Regulation §2412

LEGISLATURE

CROSS REFERENCE

III.C.School System; Constitution, Article 12, §1, 12

LOCAL BOARDS OF EDUCATION

CROSS REFERENCE

II.B.3.; Statute §18-5-20

LOCAL SUPERINTENDENTS

CROSS REFERENCE

III.D.Public School Needs; Statute §18-3-5

MULTI-COUNTY SERVICE AGENCIES

REGULATIONS

§3233

In order to "equalize and extend educational opportunities" and "consolidate and more effectively administer" existing programs, multi-county service agencies are created. These regional education service agencies shall provide opportunities for cooperation among county school systems in providing administrative, curricular, media and instructional services.

The regional education service agency shall be composed of the county superintendent and a board member from each participating county and one appointed by the state superintendent. Additional members may be designated by the Board of Directors to represent special regional programs. These agencies are units of the State school system and may benefit from available federal funds.

APPOINTMENT

An executive director shall be appointed by the Board of Directors and shall "serve at its will and pleasure." The executive director shall hold a master's degree and one year of experience in education administration. The services provided by the agency to member counties include: in-service training, experimental programs, public tv, services,

psychologic, diagnostic and prescriptive services, and specialized programs for exceptional children.

MULTI-COUNTY VOCATIONAL CENTER

CROSS REFERENCE

II.A.3.; Regulation §3232

PRINCIPAL

STATUTES

§18A-2-9

"Upon the recommendation of the county superintendent . . . the . . . [county] board . . . shall employ and assign, through written contract, public school principals who shall supervise the management and the operation of the . . . schools to which they are assigned. Such principals shall hold valid administrative certificates appropriate for their assignments . . . .

Under the supervision of the superintendent and in accordance with the rules and regulations of the . . . board . . . the principal shall assume administrative and instructional supervisory responsibility for the planning, management, operation and evaluation of the total educational program of the school or schools to which he[she] is assigned.

The principal may submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the school[s] . . . under said principal's control."

CROSS REFERENCE

IV.J.; Statute §18A-5-1

REGIONAL EDUCATION SERVICE AGENCIES

CROSS REFERENCE

I.Multi-County Service Agencies; Regulation §3233

SCHOOL EMPLOYEES

CONSTITUTION

WEST VIRGINIA CONSTITUTION, ART. 12, §2

"The general supervision of the free schools of the State shall be vested in the West Virginia board of education which shall perform such duties as may be prescribed by law. The board shall consist of nine members to be appointed by the governor by and with the advice and consent of the senate, for overlapping terms of nine years . . . . No more than five members . . . shall belong to the same political party, and in addition to the general qualifications otherwise required by the Constitution, the legislature may require other specific qualifications . . . . No member . . . may be removed from office by the governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law . . . .

The . . . board . . . shall in the manner prescribed by law select the state superintendent of free schools who shall serve at its will and pleasure. He[she] shall be the chief school officer of the State and shall have such powers and . . . perform such duties as may be prescribed by law.

The state superintendent . . . shall be a member of the board of public works."

CROSS REFERENCE

III.D.Educational System; Statute §18A-3-5

STATE BOARD OF EDUCATION

STATUTES

§18-2-1 --18-2-4

The "state board of education . . . shall be a corporation and as such may contract and be contracted with, plead and be impleaded, [and] sue and be sued." CONTRACTS LIABILITY

It "shall consist of eleven members, one of whom shall be the state superintendent of schools . . . and one of whom shall be the chancellor of the board of regents . . . neither of whom shall be entitled to vote. The other nine members shall be citizens of the State appointed by the governor, for . . . terms of nine years . . . . At least two but not more than three members shall be appointed from each congressional district.

No more than five of the appointive members shall belong to the same political party" nor shall any member appointed be "a member of any political party, executive committee or hold any other public office or public employment under the federal government or under the government of this State . . . members shall be eligible for reappointment . . . .

REMOVAL

[N]o member of the state board may be removed from office by the governor except for official misconduct, incompetence, neglect of duty, or gross immorality . . .

The . . . board shall hold at least six meetings in every year. The state superintendent shall be the chief executive officer of the state board, and subject to its directions, shall execute its policies. An [elected] secretary shall keep a record of the [board's] proceedings."

§18-2-5

"The state board of education shall determine the educational policies of the State . . . and shall make rules for carrying into effect the laws and policies of the State relating to education, including rules relating to the physical welfare of pupils, the education of feeble-minded and physically disabled or crippled children of school age, school attendance, evening and continuation at part-time day schools, school extension work, the classification of schools, the issuing of certificates upon credentials, the distribution and care of free textbooks by the county boards of education, and of

teachers, principals, supervisors and superintendents, and such other matters pertaining to the public schools . . . as may seem to the state board to be necessary and expedient . . . .

"[A] child shall not be permitted to enter the public schools of this State . . . unless such child be six years of age prior to November one of such school year." This shall not, however, include public kindergartens.

CROSS REFERENCES

I.District Board of Education; Statute §18-5-34

II.A.1.; Statute §18-2-7; 18-6-4 -- 18-6-5; 18-6-8

II.A.2.; Statute §18-17-5

II.A.4.; Statute §18-5-18

II.B.1.a.; Statutes §18-2A-1 -- 18-2A-4

II.B.1.b.; Regulation §2445.42

II.B.1.c.; Statute §18-5-21 -- 18-5-21e

II.C.2.; Statute §18-5-10

II.C.2.; Regulation §6220

III.B.Teachers; Statute §18-2-6

III.D.School System; Statute §18-2-15

IV.D; Statute §17c-14-12

STATE DEPARTMENT OF EDUCATION

CROSS REFERENCE

III.D.Students; Regulation §2421

STATE SUPERINTENDENT

STATUTES

§18-3-2;3

"The state superintendent of schools shall have general supervision of the free schools of the State, and shall be the chief executive officer of the state board of education. [She]He shall be charged with the general supervision of all county and city superintendents of free schools and of county and district boards of education within the State, except as [otherwise] provided" by statute.

§18-3-4

"The state superintendent of schools shall cause to be instituted such proceedings or processes as may be necessary properly to enforce and give effect to . . . [the]. . . provisions of this chapter . . . or other . . . laws pertaining to the school system of the State, . . . or any rule or direction of the state board of education made in conformity with its powers and duties. The . . . superintentendent . . . shall have power to institute proper proceedings for the removal of any school official charged with dishonesty, continued neglect of duty, or with failure to comply with the provisions of this chapter or of the rules of the state board of education."

REMOVAL

§18-3-10

"The state superintendent of schools shall exercise such other powers and discharge such other duties as are herein assigned to him[her], or as may from time to time be assigned to [her] him by the legislature and by the state board of education."

CROSS REFERENCES

I.County Board of Education; Statute §18-5-2; §18A-5-6

I.State Board of Education; Constitution, Article 12, §2

II.A.1.; Statutes §18-3-7; 18-6-4; 18-6-5

II.A.2.; Statutes §18-17-6; 18-20-5; 18-20-6

II.A.3.; Statutes §18-2c-1-13

II.A.8.; Statutes §18-5-19 -- 18-5-19c

III.A.2.; Statute §18-3-11

III.D.Interpretation of School Laws and Rules; Statute §18-3-6

III.D.Public School Needs; Statute §18-3-5

III.D.Public School System; Statute §18-3-8

TEACHERS

CROSS REFERENCES

III.B.Teachers; Regulation §5110

IV.J; Statute §18A-3-1

TEXTBOOK COMMITTEE

CROSS REFERENCE

II.B.1.b.; Regulation §2445.43

WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY

CROSS REFERENCE

II.B.2.; Statute §10-5-2 -- 10-5-5

WISCONSIN

The State Superintendent of Public Instruction is responsible for the general supervision of public schools in the State and the certification of public and private school teachers. The Department of Public Instruction implements the state's educational programs and provides assistance to school officers in carrying out its directives.

Co-operative Educational Service Agencies are designed to be liaisons between the State and local school districts and to serve educational needs in all areas of Wisconsin. Each agency is governed by a Board of Control composed of members of School Boards of districts within the agency. The Board of Control appoints an Agency School Committee composed of seven residents of the territory within the Agency who are not members or employees of a School Board or of the Agency. The Committee evaluates the existing educational system of the Agency and may formulate a plan to strengthen the administrative districts of the Agency. Provision is made for school district reorganization.

School districts are designated common, union high school, city, or unified. The number of members of their respective school boards and the manner in which they are elected or appointed is provided by statute. The school board of any district may employ a School District Administrator to have general supervision and management of the professional work of the schools and the promotion of students.

WISCONSIN

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I. Powers, Duties and Functions

Advisory Council for Teacher Education and Certification

Regulations

PI 3.001

The state superintendent shall appoint an advisory council for teacher education and certification. The advisory council shall consist of teachers, administrators, higher education representatives and lay citizens who shall serve for three-year terms.

The council's duties include making proposals to the State Superintendent on guidelines and standards for teacher certification, evaluating teacher preparation programs, and annually reviewing the activities of the department of education relating to teacher preparation and certification.

Advisory Council on Health Education

CROSS REFERENCE

II.A.1.; Statute §115.25

Bilingual-Bicultural Advisory Committee

CROSS REFERENCE

II.A.3.; Statute §115.98

City Council

CROSS REFERENCE

I.City School Board; Statute §120.44

City School Board

Statutes

§120.42 — .43

"A city school district operating elementary grades may have 3 or 5 school board members. A city school district operating elementary and high school grades may have 3, 5, 7, or 9 school board members. A city school board which is not elected at large may have additional school board members." School board members shall be electors of the school district

and may be elected or appointed. School board members are city officials and, prior to taking office, they shall file the official oath. The regular terms of school board members shall be for three years.

§120.44

The number of members of a school board in a city school district may be changed by ordinance by the common council and by approval of the ordinance at a referendum of the electors of the city school district.

§120.48

BOARD OFFICERS

The school board in a city school district shall hold regular monthly meetings, and the school board shall inform the public of its regular monthly meetings. Annually, the school board shall elect a school board president and school board vice-president from its members and a clerk who need not be a member of the school board.

§120.49

RULEMAKING

In a city school district the school board shall have the powers and duties of the school board of a common school district. The school board of a city school district may establish and organize high schools, elementary schools, kindergartens, and prescribe the courses to be taught therein. It shall adopt rules for its meetings and deliberations, employ a school district superintendent for not more than three years, employ janitors and engineers, and fix the compensation and duties of those appointed by the school board. The school board may select sites and employ architects and engineers for the plans for school buildings, purchase and preserve necessary school equipment and apparatus, provide for accident insurance covering pupils in the school district, determine the textbooks to be used in the school and keep a list of such books in the school board office. The school board may contract for utilities, furnish school lunches to

pupils at cost, establish and maintain classes for children under 4 years of age and pay membership fees of the school board in an organization of school boards in Wisconsin and the expenses of representatives that attend meetings.

COOPERATIVE EDUCATIONAL SERVICE AGENCY

STATUTES

§116.01

The co-operative educational service agency is designed as a liaison between the state and local school district in serving educational needs and providing programs in Wisconsin schools.

CROSS REFERENCES

I.Education Agency Board of Control; Statute §116.02 -- 116.07

II.A.2.; Statute §115.87

COUNCIL ON EDUCATION FOR THE BLIND

CROSS REFERENCE

II.A.2.; Statute §115.37; 115.79

COUNCIL ON SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §115.37; 115.79

COUNTY BOARD OF EDUCATION

CROSS REFERENCE

II.A.2.; Statute §115.86

DEPARTMENT OF EDUCATION

CROSS REFERENCE

IV.C.; Statute §115.34

DEPARTMENT OF PUBLIC INSTRUCTION

CROSS REFERENCES

II.A.2.; Statute §115.37; 115.79

II.A.2.; Statute §115.33 -- 115.34

III.D.Public Schools; Statute §115.30

STATUTES

§116.02 — 116.07

A board of control shall govern each cooperative educational service agency and be composed of members of school boards of districts within the agency. "The board of control shall: (1) determine the policies of the agency; (2) receive state aid for the operation of the agency; (3) approve service contracts with school districts, counties and other co-operative educational service agencies, but such contracts shall not extend beyond three years; (4) determine each participating local unit's prorated share of the cost of co-operative programs . . .; (5) appoint and contract with an agency co-ordinator . . . who shall be considered as a teacher; (6) meet monthly and at the call of the chair[person] . . .; (8) adopt bylaws for the conduct of its meetings . . . ."

The agency co-ordinator shall be responsible for co-ordinating the services and implementing the policies of the board of control. A professional advisory committee composed of the school district administrator of each school district in the agency shall serve in an advisory capacity.

An entire school district may be ordered to transfer from one agency to another by the state superintendent, but shall not be required to fulfill commitments in the agency from which transferred extending beyond the effective date of transfer.

A board of control may consolidate agencies.

EDUCATION AGENCY SCHOOL COMMITTEE

CROSS REFERENCE

III.B.Agency School Committee; Statute §116.51 -- 116.52

HANDICAPPED CHILDREN'S EDUCATION FUND

CROSS REFERENCE

II.A.2.; Statute §115.86

LEGISLATURE

CROSS REFERENCES

I.State Superintendent; Constitution, Article X, §1

III.C.Public Schools; Constitution, Article X, §3

LOCAL SPECIAL EDUCATION ADVISORY COUNCIL

CROSS REFERENCE

II.A.2.; Statute §115.91 -- 115.94

PRINCIPAL

STATUTES

§118.24

A school district administrator, a business manager and school principals may be employed by the school board for a period not to exceed 3 years. The administrator shall have general supervision and management of the professional work of the schools and the promotion of pupils. The district administrator shall not be a member of the school

board, and shall make written recommendations to the school board on teachers, courses and other matters advisable. She/he may act as principal or teacher in any school under her/his supervision and she/he shall annually attend one convention.

The principal shall perform administrative and instructional responsibilities assigned by the district administrator. School principals, business administrators, and assistants may attend conventions, if authorized by the school board or district administrator, for the purpose of "promoting and stimulating their professional growth and for improving the schools of the district and the state."

Employment contracts for school district administrators, business managers, school principals, and assistants must be in writing and filed with the school district clerk. At least four months prior to the expiration of the contract, the school board shall give written notice of either renewal or refusal to renew the contract. Prior to a notice of refusal to renew a contract, the board must give a notice 5 months prior to contract expiration that they are considering nonrenewal. If the person affected files a request within seven days of receipt of the notice, she/he has the right to a hearing before the board.

NOTICE

CONTRACT RENEWAL

HEARING

SCHOOL BOARD

STATUTES

§118.26

An action upon any claim shall not be maintained against a school district until the claim has been presented to the school board of the district.

§119.10

The school board of a city of the first class is a continuing body. The board shall hold a regular meeting at least one each month at times fixed and published by the board in its rules. A majority of the members-elect of the

board constitute a quorum for the transaction of business, and a majority of the members-elect of the board shall be necessary to elect any person authorized to be elected by the board. If a board member is absent for 4 successive board meetings without satisfactory reason, the board shall declare her/his seat vacant. All elections or appointments by the board shall be by roll call vote.

§119.12

Board members are subject to all restrictions, liabilities, punishments, and limitations prescribed by law for members of the common council in their city and are exempt from jury duty. Service of process upon the board president, the superintendent of schools, and the secretary-business manager constitutes service upon the entire board. Members of the board shall receive $600 annually, payable monthly. If the board president is by law a member of any board or commission, the board may appoint another board member to serve on such board or commission in place of the board president. The city attorney of the city shall be the legal advisor of and attorney for the board.

§119.16

"The board and the superintendent of schools shall identify broad yearly objectives and assess priorities for education in the district" and issue reports on the progress of pupils in the public schools.

The board shall manage schools in 1st class cities, and shall establish schools and districts; the board shall divide the city into attendance districts for such schools. The board shall construct and purchase sites for public schools. The board shall require that the system of instruction be as uniform as possible. Foreign language instruction shall be established by the board in any public school in grades 7 and above.

FOREIGN LANGUAGE INSTRUCTION

The board shall fix the duties and responsibilities of principals, as custodians of the school

premises, and of school engineers. The board shall retire any superintendent of schools, assistant superintendent, supervisor educational department head or professional assistant to the superintendent who reaches the age of 70 years. Upon the request of the common council of the city, the board shall grant the use of school buildings and athletic fields used and make a reasonable charge therefor.

§119.18

RULE MAKING

The board may adopt and modify or repeal rules for its own government which shall promote the good order and public usefulness of the public schools. The board may provide transportation of pupils to and from any school within the city.

The board may determine the school calendar and vacation periods for the school year. The period of teaching in regular day schools shall not exceed 200 days, including legal holidays. The board may close school in case of an emergency. The school board may establish rules scheduling the school hours and determine on which national, state and local legal holiday the schools will be closed. The board may determine qualifications of persons eligible for membership in the teachers retirement fund, and may require bonding for officers and employees.

The board may make arrangements for the exchange of teachers in another city or school district for a period not to exceed one school year.

The board may establish and maintain cafeterias and stores for the sale of school books, cards, refreshments and supplies.

The board may grant diplomas for graduation from high school or special education courses and programs.

DRESS CODE

The board may establish a dress code.

§120.01

A common school district operating elementary grades or a union high school district shall have three

school board members, except in a town with a population of 500 or more which may have 5 school board members. A common school district operating elementary and high schools may have 3,5, 7 or 9 school board members, but no district shall have a school board exceeding 11 members.

§120.02

There may be a change in the number of school board members via petition and election.

§120.05 — 120.06

The members of a school board shall be the district officers. If the territory of a common school and a union high school district is identical, the school board of the common school district shall constitute the school board of the union high school district. If the school district officers are unable to carry out their duties due to disability or absence from the district, the school board may appoint someone to carry out their duties.

In a common or union high school district the school board shall be elected at large. The term of office is three years.

§120.11

The school board in a common or union high school district shall hold a regular meeting at least once a month. A special school board meeting shall be held upon the written request of any school board member.

§120.12

The school board of a common or union high school district shall manage the school district, exercise general supervision over the schools, keep school buildings in good repair, keep school facilities insured, annually inventory school district property, provide books and supplies to indigent children, provide and maintain sanitary facilities, and in a union high school district or a common school district operating

elementary and high school grades, determine the course of study.

§120.13

The school board of a common or union high school district may make rules for the organization gradation, and government of the schools of the district, including rules pertaining to area student dress and conduct. The school district administrator or any principal or teacher may suspend a pupil for not more than three school days (or not more than 7 days if an expulsion hearing has been set) for noncompliance with school board rules or for "conduct by the pupil while at school . . . which endangers the property, health or safety of others." The student shall be given notice of the proposed suspension and her/his parents may request a conference with the principal or school district administrator. If it is determined that the pupil was dismissed unfairly, any reference to the suspension will be erased from the student's record.

RULE MAKING

SUSPENSION

NOTICE

CONFERENCE

The school board may expel a pupil for "repeated refusal or neglect to obey the rules " or for conduct which endangers the health or safety of others. A hearing shall be held prior to the expulsion, with at least five days' written notice given to the pupil and her/his parent or guardian. The pupil may appeal the expulsion to the state superintendent.

EXPULSION

HEARING

APPEAL

The school board may provide in an emergency for the education of the pupils of the district on a tuition basis; may purchase necessary books and stationery for the proper administration of the school district; may apply for, receive and expend money provided by Acts of Congress; may exchange any teacher employed by the school district for a teacher employed by a school district in another state or country; may establish rules scheduling school hours; may contract with or employ architects and engineers for school buildings; may furnish school lunches to pupils and pay for such out

TUITION

of school district funds; may employ public health nurses and licensed dentists; may establish and maintain classes for children less than four years; may in common school districts operating elementary and high school grades establish and maintain kindergarten classes, and may discontinue underenrolled kindergarten classes for four year olds; in a union high school district or common school district operating elementary and high schools may establish and maintain courses in industrial arts, home economics, agriculture or commercial subjects; may pay the membership fee in an organization of school boards; grant the request to use a school house in the school district for public meetings; may grant the use of a school house for lectures, entertainment and permit an admission fee to be charged; may grant the use of school buildings for public meetings, civic activities and lectures. The board may enter into leases for terms not exceeding 20 years for acquisition of cable television services and facilities for educational purposes.

§120.15

The school district president of a common or union high school district shall countersign all checks, defend the school district on actions brought against it, prosecute actions brought by the school district, and act as chairman of school board meetings.

§120.17

The school district clerk of a common or union high school district shall act as clerk and record the proceedings of annual and special meetings, furnish teachers with copies of their contract and have the authority to administer oaths of office to school board members.

§120.72—.73

The school board of a unified school district shall be composed of 5, 7, or 9 members; the number

of school board members may be changed.

School board members in a unified school district shall be electors of the school district and shall be elected at large by the electors of the school district. The regular terms of school board members shall be for three years. All vacancies shall be filled by appointment. The order of school district reorganization creating a unified school district shall designate the date of the first election of school board members.

§120.74

BOARD OFFICERS

The school board shall elect a school board president, school board vice president, clerk and treasurer from among its members, and a secretary who need not be a member of the school board. The board shall meet at least once each month, and be paid a fixed amount, not to exceed $10 for each school board meeting attended, and proceedings of the school board shall be published.

CROSS REFERENCES

I.Principal; Statute §118.24

I.Superintendent; Statute §119.32

II.A.2.; Statute §115.83 -- 115.84; §115.85

II.A.2.; Statute §119.28

II.A.3.; Statute §115.97

II.A.5.; Statute §115.99 -- 115.991

II.A.5.; Statute §116.96

II.A.9.; Statute §118.04

II.A.10.Other - Conservation Camps; Statute §118.05

II.A.10.Other - Extension Courses; Statute §120.21

II.B.1.a.; Statute §118.03

II.C.2.; Statute §120.19

III.A.2.; Regulation PI 8.01

III.B.School Board Member; Statute §119.08

III.B.Teachers; Statute §118.19 -- 118.22

III.C.Teachers; Statute §118.10

III.C.Teachers; Statute §119.41

IV.A.; Statute §118.08 -- 118.105

IV.D.; Statute §121.55; §121.56

IV.G.; Statute §118.14

IV.H.; Statute §118.15

IV.J.; Statute §120.75

SCHOOL DISTRICT

STATUTES

§120.10

The annual meeting of a common or union high school district may elect a chairman, vote salaries for school board members, authorize the payment of expenses of the school board for travel, designate building sites, fix the school term, authorize the school board to furnish textbooks, furnish lunches to pupils in the school district, in counties with a population of less than 500,000 authorize the school board to employ public health nurses, and vote to consolidate schools or to discontinue a school, where more than one high school is operated by the school district.

CROSS REFERENCES

II.A.2.; Statute §115.80 -- 115.81

II.A.2.; Statute §115.85; 115.87

II.A.2.; Regulation PI 11.18

II.A.5.; Statute §115.977

IV.A.; Statute §118.09

IV.A.; Regulation PI 11.16

IV.B.; Regulation PI 11.17

IV.D.; Statute §121.54

SCHOOL DISTRICT ADMINISTRATOR

CROSS REFERENCES

I.Principal; Statute §118.24

II.C.2.; Statute §115.33

III.B.Teachers; Regulation PI 3.01

SCHOOL DISTRICT CLERK

STATUTES

§120.18

The school district clerk shall file a verified

annual school district report which shall contain the school census, the number of children between the ages of 4 and 20 taught in the school district and those taught under 4 and over 20 years old, the number of school days taught, including holidays, the names of all teachers employed by the school district, the amount of money received, and the amount and character of school district debts.

School District Treasurer

§120.16

The school district treasurer of a common or union high school district shall have purchasing power, keep accurate records, make written statements of all money received and disbursed by him, and deposit funds of the school district.

State Superintendent

Constitution

Article X, §1

"The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law."

Statutes

§115.23

The state superintendent shall: ascertain the condition of the public schools; stimulate interest in education and spread, as widely as possible, a knowledge of the means and methods which may be em-

ployed to improve the schools; exclude all sectarian books and instruction from the public schools; supervise and inspect the public schools, county teachers' colleges and day schools for handicapped children; advise the principals and local authorities thereof and give assistance in organizing such schools; by reports, circulars, correspondence and public addresses, give the public information upon the different methods of school organization and management and the subject of education generally; examine and determine all appeals properly before him/her and prescribe rules of practice in respect thereto, not inconsistent with law; annually hold conventions of school district administrators, supervisors, and agency coordinators; license, certify and make rules and prescribe standards of attainment for the examination, licensing and certification of persons including public school teachers, teachers employed by special education programs, and school nurses; file all papers relating to licensing and certification in his/her office; prescribe procedures, conditions and standards under which admissions to first grade may be made at an age earlier than that specified by statute in exceptional cases; accept and disburse federal funds for any function under his/her jurisdiction; develop an educational assessment program to measure objectively the adequacy and efficiency of educational programs, including, but not limited to, a method for pupil grading; establish procedures for the annual reporting, by school districts, of the number of minority group pupils for classification purposes; establish, by rule, minimum standards with regard to ability to read, write and speak a non-English language and knowledge of the culture of limited-English speaking students, for certified teachers and counselors and their aides participating in bilingual-bicultural educational programs; establish, by rule, minimum standards for basic and optional expanded bilingual-bicultural educational programs.

APPEAL

The state superintendent may: designate the deputy state superintendent or another department employee as his/her representative on any body on which the state superintendent is required to serve;

attend such educational meetings and make such investigations as he/she deems important and as will acquaint him/her with the different systems of public schools in the United States; by order, establish classes of non-professional school employees and authorize their employment in the instructional program of the elementary and high schools for specific purposes and their reimbursement; grant declarations of equivalency of high school graduation to persons, if in his/her judgment they have presented evidence of having completed a recognized high school course of study or its equivalent; establish the standards by which high school graduation equivalency is determined, which may include evidence of courses completed at accredited high schools, results of examinations given by or at the request of the state superintendent, successful completion of acceptable correspondence study courses, a general educational development certificate of high school equivalency issued by the U.S. armed forces institute, and course credits from schools approved by the state superintendent or meeting standards established by him/her.

REGULATIONS

PI 2.01

Appeals to the State Superintendent of Education must be in writing. The superintendent will give notice to all the parties involved and will hold informal conferences, investigation, and if necessary, a formal hearing on the matter.

APPEAL

NOTICE

HEARING

CROSS REFERENCES

I.Advisory Council for Teacher Education and Certification; Regulation PI 3.001

II.A.1.; Statute §115.35

II.A.2.; Statute §115.37; 115.79

II.A.2.; Statute §115.52

II.A.2.; Statute §115.53

II.A.2.; Statute §115.55

II.A.2.; Statute §115.86

II.A.2.; Statute §115.89

II.A.2.; Statute §115.91 -- 115.94

II.A.2.; Regulation PI 11.28

II.A.5.; Statute §115.966

II.A.10.Other - Extension Courses; Statute §120.21

II.C.2.; Statute §115.33

III.B.Teachers; Statute §118.19 -- 118.22

III.B.Teachers; Regulation PI 3.01; 3.02; 3.04; 3.20

III.B.Teachers and Certificated Personnel; Regulation PI 3.10

III.D.Public Schools; Statute §115.30

SUPERINTENDENT

STATUTES

§119.32

The superintendent of schools shall be elected by the board of education. The superintendent shall have the general supervision of the public schools, shall appoint the assistant superintendent, supervisors and department heads, and shall assign teachers and substitutes.

CROSS REFERENCES

II.A.1.; Statute §119.28

III.C.Public Schools; Statute §118.13

SUPERINTENDENT OF SCHOOL FOR THE BLIND

CROSS REFERENCE

II.A.1.; Statute §115.35

WYOMING

The State Department of Education consists of the State Superintendent of Public Instruction, the State Board of Education, and such divisions as are necessary to assist the State Superintendent and the State Board in the discharge of their respective duties. The general supervisor of the public schools is the State Superintendent who is the administrative head and chief executive officer of the Department of Education. The State Board of Education is composed of nine members appointed by the Governor with the approval of the Senate. Two members are appointed at large, one a certified classroom teacher and the other a certified school administrator. The other seven members are appointed from among the lay citizens of the State and at least one is to be from each judicial district. Terms are for six years and no member is eligible for reappointment. The State Superintendent is an ex officio member of the board with no voting rights.

School districts are designated elementary (offering grades kindergarten or one through eight only), high school (offering grades nine through twelve only), and unified (offering grades kindergarten or one through twelve). The governing body of a school district is an elected Board of Trustees which may employ a Superintendent of Schools. Provision is made to organize all school districts into unified school districts.

WYOMING

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I. Powers, Duties and Functions

Advisory Board

CROSS REFERENCE

IV.K: Statute §21.1-132

Attendance Officer

CROSS REFERENCE

IV.I: Statute §21.1-50

Board of Trustees

Statutes

§21.1-21

"The board of trustees of a school district shall be the governing body of the school district."

§21.1-23

Members of boards of trustees are to receive no compensation.

§21.1-24

Vacancies on the board of trustees are to be filled by action of the remaining members of the board until the next annual election.

§21.1-26

The board of trustees in each school district shall: (a) "Prescribe and enforce rules, regulations and policies" for itself and for the government of schools under its jurisdiction, consistent with state laws and the rules and regulations of the state board. The rules and regulations are to be open for public inspection.

RULEMAKING

(b) Keep minutes of its meetings and records of all official acts, both of which are to be public records. Each warrant of over $300.00 issued against school district monies is to be published in a legal publication within 30 days. Individual salary payments are to be published once a year, identified only by categories of persons paid, according to forms issued by the state department of education.

BOARD AFFAIRS

(c) Elect a chairman, vice-chairman, clerk, and a treasurer.

(d) Schedule regular meetings, at least one per month.

(e) "Control and disburse all monies received from any source to maintain the schools within the district."

(f) "Conduct all school district elections."

(g) "Fix the site of each schoolhouse considering the needs of the people of each portion of the district and the standards of the state board."

(h) "Consider every petition presented to the board and subscribed by at least five citizens of the school district and take some action on such petition within thirty days after it is received; . . ." unless the board has already acted on the "precise question presented by the petition" within that fiscal year.

PETITIONS

(i) Require a yearly accounting to be made by "each organization, function, or other group sponsored by, or functioning in any way within the schools of the district."

(j) "Provide, in each district maintaining a high school, a course of study adequate to prepare pupils of the district for admission to the University of Wyoming and the various community colleges of Wyoming."

(k) Publish, at least twice a year, notice of the regular meetings of the board of trustees and of the availability of the minutes and records of official acts. The notice is to state that the meetings are open to the public. If the time and place of the regular

NOTICE

meetings is changed, notice of the change must be published.

§21.1-27

The board of trustees in each school district may: (a) sue and be sued in the name of the district; (b) "acquire, hold, convey, lease, rent, and manage property, real and personal, for the benefit of the school district"; (c) enter into agreements "for the performance of acts or furnishing of services or facilities by or for the school district"; (d) "employ legal counsel and bear the cost of litigation." (e) "accept or reject any federal or other gift, grant, bequest, or devise"; (f) "employ a superintendent of schools, teachers, principals, other certified professional employees, and other personnel; and determine their salaries"; (g) "discharge any employee subject to the provisions of any applicable law governing the procedure for terminating the employment of school district employees"; (h) "establish and maintain either vocational programs or kindergartens or both in connection with the public schools of the district"; (i) become members of school board associations; (j) provide school lunch programs; (k) acquire property for the school district by condemnation.

CONTRACTS

§21.1-39

"All meetings of the board of trustees shall be open and public. The board may in special cases hold executive sessions; provided, no official action can be taken except in fully called open and public meetings."

§21.1-44

The board of trustees may indemnify "all board members, teachers and other personnel" against liability for any accidental injury occurring while the person is acting "in the discharge of his duties within the scope of his employment."

LIABILITY

The board of trustees of each school district may procure comprehensive liability insurance to protect the board and its employees from any losses resulting from suit.

LIABILITY

The defense of governmental immunity is waived to the extent of any insurance coverage of the district involving the alleged tort.

IMMUNITY

CROSS REFERENCES

III.D.Students; Statute §21.1-54

IV.A; Statute §21.1-66

IV.A; Statute §21.1-183

IV.D; Statute §21.1-65

CHILD STUDY COMMITTEE

CROSS REFERENCES

II.A.2; Regulation; Chap. XI, Section 8

II.A.2; Regulation; Chap. XII

COUNTY BOARD OF TRUSTEES

REGULATIONS

Chapter XII; Appendix B:

Section 5 - 26

A contest may be initiated by any person seeking an action by the Board that would affect the rights of the contestant or any other person.

Chapter XII; Appendix B: Sec. 7 & 8

The Board shall present a written notice of any hearing to each contestant at least 10 days prior to the hearing date whether in person or by certified or registered mail.

NOTICE

HEARING

Chapter XII; Appendix B Sec. 9

Any contestant desiring a hearing must file with the Clerk of the Board a written request, setting

HEARING

forth: the name and address of the contestant and of his/her attorney (if any) and the name of the Board or person adversely claiming; a statement of facts on which the request is based; and a request for a hearing.

Chapter XII; Appendix B: Rule of Practice Governing Contest Before the County Board of Trustees

Sec. 9

The Board may hear orally or otherwise any motion filed in connection with hearings under these rules.

Chapter XII; Appendix B: Rule of Practice Governing Contest Before the County Board of Trustees

Sec. 10

PETITIONS

The Clerk shall assign each petition a place in a docket and establish a separate file for each docketed case in which all material relevant to it shall be systematically placed.

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 12

Any case may be finally disposed of by stipulation, agreed settlement, consent, order or default of the parties, approved by the Board.

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 13 to 15

At the discretion of the Board, continuances and extensions of time may be granted, a pre-hearing conference to speed disposition of the issues may be convened, and subpoenas on witnesses may be issued.

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 16 & 17

Hearings shall be conducted according to the following order:

HEARING

After the Presiding Officer has announced the opening of the hearing, opening statements shall be made, in order, by the district, the contestant, and any additional parties.

Evidence and witnesses will be presented first by the district, then by the Presiding Officer, and then by the contestant. All witnesses shall be under oath and may be cross-examined by either party or attorney and members of the board and its attorney.

The district may offer rebuttal evidence.

Closing statements will be made first by the district, then by the contestant, followed by the district in rebuttal.

The Presiding Officer shall declare the evidence closed and excuse all witnesses. Parties may tender briefs, or the Board may call for such briefs as may be desirable. The Presiding Officer may declare the matter taken under advisement.

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 18

Wyoming Rules of Procedure, insofar as applicable and not inconsistent with State Laws, shall apply in all hearings.

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 19

ATTORNEY

The filing of a pleading by an attorney constitutes his appearance for the party. The Board must be notified of his withdrawal from any matter. Any person appearing before the Board as a representative shall be precluded from examining witnesses, unless he/she shall be a licensed

Wyoming attorney, or a non-resident attorney associated with a Wyoming attorney. This shall not prohibit any person from representing himself/herself

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 20

ATTORNEY

The attorney for the Board shall be requested to be present at all hearings.

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 22 & 23

The Board shall make and enter a written decision and order containing findings of fact and conclusions of law based on the evidence. Without further action, such decisions shall be final. The Clerk shall send a copy to contestant and interested parties by certified mail. Any Board member participating in the decision shall have been present at the hearing or shall have read the transcript of the proceedings.

Chapter XII; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 24 & 25

Appeals to District Court may be taken in accordance with the Wyoming Administrative Procedures Act. The party appealing shall secure at its own cost and file a transcript of the hearing.

Chapter 12; Appendix B: Rules of Practice Governing Contest Before the County Board of Trustees

Sec. 26

Contemptuous conduct at a hearing shall be ground for exclusion.

District Board of Trustees

CROSS REFERENCES

II.A.3; Statute §21.1-198

II.A.3; Statute §21.1-199

II.B.1.a; Statute §21.1-181

III.A.2; Statute §21.1-178

III.C.Teachers; Statute §21.1-152 -- 21.1-159; 21.1-162; 21.1-164

IV.J; Statute §21.1-61

IV.J; Statute §21.1-64

Governor

CROSS REFERENCE

III.B.State Board of Education; Statute §21.1-11

Legislature

CROSS REFERENCES

II.B.1.a.; Wyoming Constitution, Art. VII, §11

III.C.Educational System; Wyoming Constitution, Art. I, §23

III.C.School System; Wyoming Constitution, Art. VII, §1

III.C.School System; Wyoming Constitution, Art. VII, §9

Local School Districts

CROSS REFERENCE

III.A.1; Regulation Chap. VIII, Section 3

Local Boards of Trustees

CROSS REFERENCES

II.A.2; Statute §21.1-185

IV.C; Statute §21.1-186 to 21.1-188

PROFESSIONAL STANDARDS BOARD

REGULATIONS

Chap. III, Section 4

The Professional Standards Board is authorized by the State Board to serve as the Professional Growth Committee, in accordance with guidelines set forth in July 1967 and available from the Licensing and Certification Services Unit.

SCHOOL DISTRICT CLERK

STATUTES

§21.1-33

The clerk of each school district shall: (a) submit an annual report to the state superintendent of public instruction; (b) keep on file copies of all reports and papers "pertaining to the business of the district" which are submitted to the state superintendent by "school officers or other persons."

§21.1-35

The clerk of the school district shall call a special meeting of the board of trustees upon request of the chairman or the request of any two members of the board.

SCHOOL DISTRICTS

CROSS REFERENCES

II.A.2; Statute §21.1-286

II.A.2; Regulation Chap. XI, Section 1

II.A.2; Regulation Chap. XI, Section 8

SCHOOL FOR THE DEAF DIRECTOR

CROSS REFERENCE

II.A.2; Regulation School for the Deaf, Chap. II, Section 7

CROSS REFERENCE

III.B.State Board of Education; Statute §21.1-11

STATE BOARD OF EDUCATION

STATUTES

§21.1-12

A majority of voting members of the state board shall constitute a quorum.

§21.1-14

The state board shall: (a) Prescribe minimum standards for public schools and other educational institutions receiving money from any state fund. Such standards shall include: "(i) General education programs; (ii) Site selection and building and construction of public schools; and (iii) The evaluation and accreditation of the public schools." (b) The Board shall enforce these rules and regulations "by taking appropriate administrative action in compliance with law" including the withholding of state funds from "any school, school dis rict or institution failing to comply with any applicable law or with the minimum standards prescribed by the state board." (c) "Prescribe rules and regulations for administering the laws governing the certification of school administrators, teachers and other personnel to require either examination in specified subjects, or the completion of courses in approved institutions, or both. The board shall provide for certification of teachers of the Arapahoe and Shoshoni languages. Rules and regulations shall require the following minimum qualifications: "(i) For teachers: a degree from an accredited college or university." "(ii) For administrators: qualification as a teacher . . . experience . . . and additional training in educational administration." (iii) Provided, the board has discretion

RULEMAKING

to make exceptions as to both teachers and administrators in "special circumstances." "(d) Prepare and maintain a list of approved institutions whose graduates may receive certificates and provide for the issuance of Wyoming certificates based upon certificates granted in other states." (e) Maintain placement lists of all teachers employed and all those who desire to register with the department of education together with their qualifications. "(f) Conduct investigations within or without the state regarding educational needs and means of improving conditions to insure an adequate educational system for the State of Wyoming."

CROSS REFERENCES

I.State Department of Education; Statute §21.1-7

II.A.2; Statute §21.1-285

II.A.2; Statute §21.1-287; 21.1-288

II.A.2; Statute §21.1-289

II.A.2; Regulation School for the Deaf, Chap. II, Section 5

II.A.2; Regulation School for the Deaf, Chap. II, Section 6

III.C.Teachers; Statute §21.1-15

III.C.Teachers; Regulation Chap. III, Appendix A; Sections 4-12

III.C.Teachers; Regulation Chap. III, Appendix A, Sections 13-16

III.D.Educational System; Statute §21.1-16

IV.C; Statute §21.1-185

IV.C; Statute §21.1-186 to 21.1-188

IV.C; Statute §21.1-189

STATE DEPARTMENT OF EDUCATION

STATUTES

§21.1-7

The state department of education shall consist of the state superintendent, the state board, and such divisions, staffed by such personnel and provided with such facilities . . . necessary to assist him/her and the state board in the proper and efficient discharge of their respective duties."

CONSTITUTION

WYOMING CONSTITUTION, ART. VII, §14

"The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law."

STATUTES

§21.1-8

"The state superintendent may delegate ministerial and nondiscretionary duties within the department of education."

§21.1-9

"The general supervision of the public schools shall be entrusted to the state superintendent who shall be the administrative head and chief executive officer of the department of education."

§21.1-10

"In addition to any other duties assigned to him by law, the state superintendent shall: (a) make rules and regulations for administering the state educational system; "in any area specifically entrusted to the state board; (b) "consult with and advise the state board, local school boards, local school administrators, teachers and interested citizens, and seek in every way to develop public support for a complete and unified system of education for the citizens of this state;" (c) "maintain adequate files and records of matters pertaining to the business of his[her] office;" (d) "enforce the provisions of this code and the administrative rules and regulations provided for in this code, in accordance with procedures provided by law;"

RULEMAKING

(e) "except as otherwise provided by law, decide controversies arising from or concerned with the administration of the state school system, involving rules, regulations, orders, or directives promulgated by the state superintendent or the state department of education or the state board of education and in all such cases, his[her] decision shall be and constitute the final administrative determination;" (f) "assist the state board in the performance of its duties and responsibilities."

CROSS REFERENCES

I.State Department of Education; Statute §21.1-7

II.B.1.a.; Wyoming Constitution, Art. VII, §11

III.A.1.; Regulation; Chap. VIII, Section 3

III.D.Educational System; Statute §21.1-16

IV.F; Regulation; Chap. III, Section 4

SUPERINTENDENT OF SCHOOLS

CROSS REFERENCE

III.C.Teachers; §21.1-152 -- 21.1-159;
21.1-162; 21.1-164

road, the safe and proper operation of motor vehicles, accident prevention and other matters.

Persons "employed to teach driver instruction must meet qualifications established by the superintendent of public instruction." However, a person giving behind-the-wheel instructions need not hold a teaching certificate.

§343.750

School districts may contract with legally licensed private driver training schools for the behind-the-wheel driver instruction course.

REGULATIONS

§581-22-221

Students in local districts having any combination of grades kindergarten through eight shall receive instruction in the language arts, math, science, social studies, health education, physical education, music education and art education. Local boards may grant exemptions when required by students' religious or cultural beliefs or for students with special physical, sensory or other handicaps.

COURSE OF STUDY

§581-22-234

Local districts are encouraged to develop elective courses to provide an opportunity for students to earn a minimum of ten elective units of high school credit.

§581-54-015

High school driver education programs shall include both classroom instruction and practice driving experience.

School districts may determine satisfactory student achievement of course objectives in classroom instruction and practice driving.

§581-54-020

A state-adopted driver education test shall be provided for each student enrolled for classroom instruction and shall be available to students during the practice driving phase.

A dual control automobile shall be required of all programs conducted for reimbursement. A sign bearing "Student Driver" should be mounted on the vehicle.

CROSS REFERENCES

I. Intermediate Education District; Statute §334.125

I. State Board of Education; Statute §326.011

III.A.1.; Regulation §581-22-206

III.C. School Districts; Regulation §581-22-208; 581-22-222

III.C. Students; Regulation §581-22-224; 581-22-226; 581-22-236

1. Basic Curriculum

Statutes

§15-1511

COURSE OF STUDY

Courses taught in the schools shall be English, reading, writing, arithmetic, geography, history of the U.S. and Pennsylvania; civics; safety education; the humane treatment of birds and animals, health, music and art. State Board of Education may prescribe other courses. All subjects must be taught in English; however, at the discretion of the Superintendent of Public Instruction, a subject may be taught in another language" as part of a sequence in foreign language study or as part of a bilingual education program" if the teachers are properly certified.

§15-1512

The board of school directors with the advice of the proper superintendent of schools shall arrange a course of study adapted to the age, development and needs of the pupils conforming to any general course of study arranged by the Superintendent of Public Instruction.

§15-1513

"Physiology, and hygiene . . . shall be introduced and studied as a regular branch by all pupils in all departments of the public schools, and in all educational institutions supported wholly or in part by appropriations from this Commonwealth."

§15-1514

HUMANE EDUCATION

"Humane education shall be given to all pupils up to and including the fourth grade, and need not exceed half an hour each week during the whole school term. No cruel experiment on any living creature shall be permitted in any public school. . ."

§15-1515

BIBLE

All pupils in secondary public schools shall have courses in literature of the Bible. Such courses are electives and not required.

"Such courses shall be prepared and adopted according to age levels by the Department of Public Instruction, with the advice and counsel of the Council of Basic Education and the approval of the State Board of Education.

§15-1519; 1519.1

DRIVER EDUCATION

Teaching of safe driving of motor vehicles may be taught. For students under 16 years of age, instruction shall be confined to the classroom. Those over 16 may operate the vehicle. Those teaching the "practical operation of motor vehicles" on the highways and roads shall be compensated. Cars may be rented and insurance procured. "No liability shall attach to any . . . school authority by reason of teaching safe driving, except that which is protected by the automobile liability insurance policies which are procured by reason of the authority granted."

Teacher aides may be used in the practice driving phase of the standardized program. The Superintendent of Public Instruction shall, upon request, provide for an oral examination, a written theoretical examination and a practical examination. In addition, the applicant shall possess a high school diploma, have a motor vehicle operator's record free of violation, have completed satisfactorily the exam provided by the Superintendent of Public Instruction, a 3 credit course in driver education and an additional 9 hours of credit in General and Traffic Safety Education within a 3 year period of employment.

§15-1541

CONSERVATION STUDY

Arbor Day shall also be known as Bird Day and at least two hours of the day shall be devoted to the study of nature and conservation. It is the duty of the district superintendent to see that this is complied with.

§15-1546

RELIGIOUS EDUCATION

Any board of school directors has power to enter into arrangement with a religious group," or organization of responsible citizens . . . in organizing part-time weekday religious education for school pupils." In such cases, students may be released from school with the consent of parent(s) or legal guardian for not more than one week.

§16-1605

COURSE OF STUDY

It is the duty of the supervisor of the high school to prepare a course of study which shall be accepted or changed as the board of school directors sees fit. Between grades seven and twelve there shall be at least four semesters (or the equivalent) of history and government (American).

REGULATIONS

§ 5.2; 5.4

The State Board of Education, through the Department of Education, shall delegate to a board of school directors the greatest possible flexibility in curriculum planning.

The Department of Education may waive regulations for experimental programs. It shall evaluate such programs annually and may terminate such programs at its discretion.

§ 5.11

COURSE OF STUDY

School districts may offer additional courses as authorized by the Department of Education in the areas of math, social studies, foreign languages, humanities, English, fine arts, vocational-technical education, home economics, science, industrial arts, family studies, driver education, and aviation education.

§5.12 -- 5.17

Satisfactory completion of planned courses is to be determined by the principal in consultation with the teacher.

Courses may be planned on the basis of fractional units of credit at the discretion of the principal in consultation with the teacher.

Laboratory hours in certain courses may be equated with classroom hours.

Credit may be awarded by the principal, in consultation with the teacher, to students who successfully pass an examination which assesses mastery of a planned course or otherwise satisfactorily complete such a course, regardless of the time actually spent in class or receiving formal instruction.

Course credit may be earned in any manner considered appropriate by the principal and approved by the Department of Education.

Credit for standard evening high school courses shall be granted on the same basis as regular school programs.

§ 5.21, 5.23

SOCIAL STUDIES

ETHNIC STUDIES

Each course of the social studies program in the elementary and secondary schools shall include the active roles and contributions of women and minority racial and ethnic groups in the history of the state and country.

Every school shall teach intergroup concepts designed to improve students' understanding and relationships between individuals and groups of different sexes, races, national origins, religions, and socioeconomic background.

§ 5.22

CONSERVATION EDUCATION

Conservation and outdoor education shall be taught in every school either in separate planned courses or integrated into other courses.

§ 5.25

HEALTH EDUCATION

A planned program of health education is to be taught to each student at all levels of public education through high school. Programs shall include preventive education in current health problem areas

and shall be designed to help every child acquire good health habits and understanding of the conditions necessary for maintaining physical and emotional well-being.

Each student in each grade shall participate in a planned program of physical education.

An adapted physical education program designed to meet the individual needs of students who are unable to participate in the regular physical education program shall be included in the planned program at all levels.

Each school district shall develop and conduct an intramural program for all elementary students grades 4-6 and all secondary grade students that provides the students with the opportunity to participate at a level appropriate to their interest and ability. All boys and girls are to have equal access to facilities, instruction, program time, number of activities, equipment, supplies, services, co-educational activities, and funding.

Interscholastic athletic programs are to conform with regulations of the State Board of Education. Separate programs of interscholastic athletics shall be available to boys and girls which provide equal access to facilities, coaching, scheduling of practice time and games, number of activities, equipment, supplies, services, and funding.

School districts may sponsor co-educational teams.

No rules may be imposed that exclude girls from trying out for, practicing with, and competing on boys' interscholastic teams.

Boards of school directors may employ as coaches persons who are not full-time employees of the school district who have satisfactorily completed a program for certification approved by State Board of Education. Coaches are to perform duties consistent with a docu-

mented statement of need submitted by the board of school directors for the approval of the Secretary of Education.

§ 5.42 - 5.50

Planned courses in elementary schools may be integrated with other courses or may be taught separately.

Planned courses in art and music shall be taught each year of the elementary school.

COURSE OF STUDY

A planned course in language arts emphasizing skills in listening, speaking, reading, and writing, and including instruction in language, literature, and composition shall be taught in each year of the elementary school.

A planned course consisting primarily of the study of the fundamental number operations with an emphasis given to the study of informal algebraic and geometric concepts shall be taught in each year of the elementary school.

Planned courses in modern foreign languages may be taught as part of the elementary school curriculum.

Structured industrial arts content and home economics content may be a part of the program each year of the elementary school.

A planned course in sciences, including laboratory type experiences, shall be taught in each year of the elementary school.

A planned course in social studies including anthropology, economics, geography, history, political science, and sociology shall be taught each year.

The concepts of measurement shall be taught using the units of the metric and English systems coequally in the activities of science and mathematics in each school year as part of the planned courses of these subjects.

§ 5.61 - 5.63

The curricula of the middle schools shall be exempt from the requirements of elementary and junior high school curricula.

School districts shall submit a written request containing a precise statement of the objectives of the schools, a description of the characteristics of the children to be served by the school, a description of the curriculum to be offered which meets both the objectives and the needs of the children served by the school and a plan for the evaluation of the curriculum at least biennially to establish a middle school curriculum.

All or part of any planned course usually considered to be part of the elementary or secondary school may be taught in the middle school.

§ 5.71

ADVANCED COURSES

College-level advanced courses may be offered as part of the senior high school program of studies. High school students may enroll part time in college with the approval of the high school principal. Exceptionally able students may leave high school prior to the senior year to attend approved colleges full time at the discretion of the school district. The high school diploma shall be awarded to these students upon successful completion of the freshman year of college.

COURSE OF STUDY

During grades seven through twelve, six units of social studies shall be offered of which four units, two of World Cultures and two of American Culture, shall be required. The two units of electives may be either single-discipline or interdisciplinary courses. Two units shall be taught in grades ten through twelve and shall be the minimum required for graduation.

Any pupil 14 years of age or older may have an

individualized schedule containing those subjects which prepare him/her for an occupational skill if his/her teacher determines that he/she is not benefiting from the regular program and his/her parents and the school principal agree. Such programs shall include appropriate instruction in citizenship and communication skills.

§ 5.73

COURSE OF STUDY

The junior high school curriculum shall include as a minimum planned courses in:

(1) Developmental reading--Developing reading skills in the content areas. Completion of this course may be accelerated for able pupils. Time spent by pupils in remedial reading courses may be counted toward this requirement.

(2) English--Two courses with content selected from language, literature, and composition. One of the courses may be speech. First priority for instruction shall be language study.

(3) Fine arts--A course in music and a course in art, each equivalent to 3/5 of a unit. These courses may be concentrated within one year or divided among the junior high years.

(4) Industrial arts or homemaking--One course of both, taught in either 7th or 8th grade or the equivalent divided between 7th and 8th grade. Industrial arts and homemaking shall be required in 9th grade.

(5) Laboratory science--Two courses

(6) Mathematics--Two courses with content selected primarily from arithmetic, algebra, geometry, trigonometry, and probability and statistics. An understanding of the structure of mathematics shall be emphasized.

(7) Social studies.

(8) Additional planned courses--Three courses with content selected to reflect student needs. At the school district's discretion, planned courses authorized to be taught in either senior high school or the elementary school may be taught in the junior

high school.

(9) Modern foreign languages--Courses may be taught as part of the junior high school curriculum.

(10) Any planned courses listed within this section may be integrated with other planned courses or may be taught separately.

§ 5.75

In addition to planned courses required for graduation, each senior high school curriculum shall include course offerings in:

(1) Business education.

(2) Conservation and outdoor education.

(3) Consumer education.

(4) Fine arts including instrumental music, vocal music, music appreciation, studio art, art appreciation, and related arts.

(5) Foreign languages, to include at least two in each school system, one of which shall be a modern foreign language given in a minimum 4 year sequence.

(6) Home economics and family studies.

(7) Industrial arts, including concepts of manufacturing and construction, power technology, and visual communications.

(8) Laboratory sciences, including biology, physics, and chemistry.

(9) Mathematics, to include at least three years acceptable for college admission.

(10) Personal and family survival, included as a part of a related planned course.

§ 5.77

METRIC MEASUREMENT

The concepts of measurement in all subjects shall be taught emphasizing the use of the metric system. Specialized courses such as science and mathematics shall utilize whatever measuring system is consistent with the specialized measuring activities of the discipline.

A. Educational Courses and Programs

1. Basic Curriculum

STATUTES

§16-2-16

"The school committee shall post in each school house rules for the attendance and classification of pupils, for the use of textbooks and works of reference, and for the instruction and government of public schools, and shall prescribe studies to be pursued therein, under the direction of the department of education."

§16-22-2

The principles of popular and representative government as enunciated in the constitution of Rhode Island and the constitution of the United States shall be taught in all the public schools. The course of study shall be prescribed by the department of education. Commencing with the fourth grade in elementary schools instruction shall be given in the history and government of Rhode Island, and in every high school instruction shall be given in the constitution and government of the United States.

CONSTITUTION

§16-22-3

The school committees of the several towns shall provide for the instruction of pupils in physiology and hygiene, with special reference to the effects of alcoholic liquors, stimulants and narcotics upon the human system.

HEALTH EDUCATION

§16-22-4

All children in grades one through twelve attending public or state-controlled schools shall receive instruction in health and physical education under such rules as the department of education may prescribe or approve during periods which shall average at least twenty minutes each school day.

PHYSICAL EDUCATION

§16-22-10

Each town school committee shall provide for students of the senior class in high school a course of instruction and demonstration in the operation of a voting machine, and of the manner of casting a valid ballot.

§16-46-6--7; 9--10

The duties of the Council on the Arts shall be: 1) to stimulate and encourage the study and presentation of the performing, visual and environmental arts and public interest and participation; 2) to survey and assess the needs of the arts in Rhode Island and to make recommendations to the general assembly and the governor; 3) engage in activities designed to expand the state's cultural resources and encourage the growth of local community arts councils; 4) to encourage and protect freedom of artistic expression in Rhode Island; 5) to cooperate with the commissioner of education in all areas of primary and secondary arts education, including the use of educational television and other media in the promotion and presentation of the arts.

The chairperson of the Rhode Island Council on the Arts may employ an executive director who shall employ such staff as is necessary to administer the programs of the council.

The council is the official agency of this state to receive and disburse any funds made available by the National Endowment for the Arts.

The council shall prepare and submit a report of its activities to the governor and the general assembly in the month of February each year, which report may also include its recommendations for legislative action.

REGULATIONS

ARTICLE II: EDUCATIONAL PROGRAM DEVELOPMENT, pp. 2-12.1 -- 2-12.2
D. EDUCATIONAL PROGRAM ELEMENTS
2.e.4. DRUGS, NARCOTICS, AND ALCOHOLIC LIQUORS - POLICY

Educational Programs Dealing with Drug Abuse (ED 10/9/69)

"The State Board of Education recognizes that sound school programs constitute an invaluable element in any consortium of public programs designed to reduce the danger of drugs.

Instruction concerning drugs ideally should be part of a comprehensive, continuous, and sequential program of health instruction.

At the Board of Education's direction the State Department of Education developed a curriculum and resource guide (An Educational Program Dealing with Drug Abuse, October 1969) designed to aid in the reduction of drug abuse.

DRUG ABUSE EDUCATION

The Board recommends this guide for the use of local school authorities in constructing curriculum on the subject of drug abuse and urges every school system that has not already developed an adequate curriculum in this field to begin to do so immediately."

ARTICLE II: EDUCATIONAL PROGRAM DEVELOPMENT, p. 2-13.1.
D. EDUCATIONAL PROGRAM ELEMENTS
2.e.5. MINORITY-ETHNIC GROUP CONTRIBUTIONS - POLICY

Instructional Programs Accurately Depicting the Role of the American Negro (BE, 4/11/68)

"The role of the Negro in American history has long been inadequately portrayed or misrepresented. To help correct this injustice, the State Board of Education urges all school committees to take action necessary to assure that instructional programs and materials fairly and accurately depict the role of the Negro in American history."

BLACK HISTORY

ARTICLE II: EDUCATIONAL PROGRAM DEVELOPMENT (p. 2-176)

D. EDUCATION PROGRAM ELEMENTS.

2.e.11. ENVIRONMENTAL EDUCATION

Policy Statement on Environmental Education in Rhode Island (BR, 2/6/75)

ENVIRONMENTAL EDUCATION

The Board of Regents declares that, under the direction of the Commissioner of Education, the Department of Education give leadership to a developing program of environmental education.

The Board encourages the development of programs at the local level using not only educational agency resources, but the Department of Natural Resources and community resources that exist in libraries, environmental interest groups, museums, and so on.

This statement of support will be circulated to all institutions of education and to the many organizations concerned with the quality of life in Rhode Island.

ARTICLE II: EDUCATIONAL PROGRAM DEVELOPMENT (p. 2-17c)

D. EDUCATION PROGRAM ELEMENTS

2.e.12. CONSUMER EDUCATION

Policy Statement on Comprehensive Consumer Education Programs in Schools (BR, 1/10/74)

CONSUMER EDUCATION

The Board of Regents considers the existence of comprehensive consumer education programs of great importance in the education of Rhode Island youth and strongly encourages the immediate development by local school districts of comprehensive programs of consumer education in the secondary schools. The Commissioner and his/her staff will provide such technical support as is necessary for the development of such programs.

CROSS REFERENCES

I. Council on the Arts; Statute §16-46-3 -- 16-46-4

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

III.A.2.; Regulation, Standards for Elementary Schools

1. Basic Curriculum

Statutes

§59-29-10

COURSE OF STUDY

Each district shall provide instruction in the following subjects: "orthography, spelling, reading, writing, arithmetic, geography, English grammar, the elements of agriculture," United States and South Carolina history, and the principles of their respective constitutions, "morals and good behavior, algebra, physiology and hygiene, English literature" and other branches as the state board may direct.

§59-29-20 --59-29-40

DRUG EDUCATION

The nature and deleterious effects of alcohol and narcotics shall be taught in all grammar and high schools which receive any state aid. This subject shall be taught as "thoroughly and in the same manner" as other subjects as required by the state board.

One week each year shall be designated Alcohol and Narcotics Education Week. Pupils in the sixth grade upward shall spend at least 135 minutes of class time during the week discussing the risks involved in using alcohol and narcotics.

Films depicting the nature and effects of these substances shall be studied in all junior and senior high schools.

§59-29-50 --59-29-70

SAFETY INSTRUCTION

A program of instruction in safety instruction and fire prevention shall be taught in all grammar schools in the state.

§59-29-80; 59-29-100

PHYSICAL EDUCATION

Every public school pupil shall take physical education courses. ROTC courses may be deemed equivalent to physical education courses. Suitable modified courses shall be provided for any student

physically or mentally unable to take the courses prescribed for other pupils. The state superintendent shall prescribe the necessary physical education courses and make rules and regulations to carry out these provisions.

§59-29-110

MILITARY INSTRUCTION

Any high school may provide "for theoretical and practical instruction in military science" with the approval of the county board of education. The Adjutant General shall assist and cooperate with the state board in preparing suitable rules to govern such instruction.

§59-39-310 — 59-39-340

DRIVER EDUCATION

A program of driver education shall be established by the governing board of a school district. The state board shall promulgate rules to approve the program for credit, to certify the instructor's qualifications and curricula used in the program, and to create the procedure for reimbursement by the state. The state board shall reimburse the school district for the "actual cost" of the program in an amount equal to thirty dollars for each pupil completing the course. The cost shall include maintenance and replacement cost of the auto, and the cost of equipment and classroom data used in the program.

REGULATIONS

§43-231

Organizational patterns and teaching methods selected should be flexible and varied in order to develop a personalized program for each child and encourage exploratives learning. Time allocations in subject areas listed below neither suggest departmentalization nor dictate daily organization for instruction. Scheduling and organizing for learning is left to the administrators and teachers.

Elementary Schools: They shall provide a curriculum which will be concerned with the fullest development of the potentialities of all children. The program shall

recognize individuals as socially sensitive personalities with varying abilities and limitations. Schools may exercise options to vary from the minimum required minutes in one or more areas provided such variation is justified and prior approval is obtained from the Chief Supervisor, Accreditation and Educational Improvement Section, who must approve any deviation from the minimum required minutes in any area at least six weeks prior to implementation.

Each school shall have a continuous evaluation program to determine how well it is meeting the needs of the individual pupil. Evaluation is an integral part of planning and developing experiences. Progress or lack of progress should always be appraised in terms of the goals sought. Each elementary school shall provide adequate personnel, textbooks, facilities, equipment and supplies to insure a quality program in all subject areas.

Instruction in the subject areas shall be scheduled for each student for a minimum of time on a weekly basis, or the equivalent time.

The curriculum for children below grade one shall consist of experiences and activities which will enhance their physical, emotional, social, and intellectual growth and development and help each child attain at his/her own rate of speed, the educational goals set for the primary school.

Instruction in the following areas should be scheduled for each student for a minimum of time on a weekly basis, or the equivalent time.

Subject Area	Grade 1-2	# Weeks	Grades 4-6	# Weeks
Language Arts (50% of instructional time in language arts for Grades 5-6 must be devoted to the teaching of grammar and composition)	550	36	500	36
Mathematics	225	36	250	36
Natural Science	125	36	175	36

Social Studies	125	36	175	36
Health & Safety	75	36	75	36
Physical Education	75	36	75	36
Fine Arts	75	36	75	36

The curriculum for children below grade one shall consist of experiences and activities which will enhance their physical, emotional, social, and intellectual growth and development and help each child attain at his/her own rate of speed, the educational goals set for the primary school.

A specialized program of instruction utilizing the self-contained class, resource or itinerant teacher model shall be made available to handicapped students.

DRUG EDUCATION

Through special instruction, an awareness shall be developed regarding the use and abuse of alcoholic drinks and drugs. Instruction shall emphasize problems related to their use, pharmacological aspects and physiological effects upon the total community. Instruction shall be offered in all schools of the State and shall be studied and presented as thoroughly and in the same manner as all other required subjects.

Each public school of the State shall designate one week during the school year for the observance of Alcohol and Narcotics Education Week. During the week, each school District Board of Trustees shall require the school principal or other designated person to have each class from the 6th grade upward instructed for at least 30 minutes daily for three days concerning the risks and dangers involved in the use of alcoholic beverages and narcotics. At least one assembly session during the week of not less than 45 minutes shall be held concerning the dangerous effect of alcohol and narcotics.

The District Board of Trustees shall each year inform the State Board of Education of the week each public school in its district has designated as Alcohol and Narcotics Education Week; and the State Board of Education shall, through the Department of Education, provide suitable printed materials and other aids for the use in observance of the week.

Middle Schools: Any deviation from the minimum required minutes in any area must have written approval from the Chief Supervisor, Accreditation and Educational Improvement Section, at least six weeks prior to implementation.

Instruction in subject areas listed below shall be scheduled for each student for a minimum of time on a weekly basis, or the equivalent time.

COURSE OF INSTRUCTION

Subject Area	Grades 5-6	# Weeks	Grades 7-8	# Weeks
Language Arts	500	36	250	36
Mathematics	250	36	250	36
Natural Sciences	175	36	200	36
Social Studies	175	36	200	36
Health	250	9	250	9
Physical Education	250	9	250	9
Fine Arts	75	36	--	--

At least 50% of the instructional time in language arts for Grades 5-8 must be devoted to the teaching of grammar and composition.

Special instruction should be provided in reading for a minimum of 250 minutes weekly for students reading two or more grade levels below their grade placement.

SOUTH CAROLINA HISTORY

Eighth grade social studies must include South Carolina History as it relates to the United States. A multi-text approach is required with the adopted South Carolina and the American history textbooks, and other approved text materials to enrich the total instructional program.

FINE ARTS

A fine arts program including music and art shall be provided as an elective for 36 weeks. Courses in fine arts must be offered during the school day at a scheduled period. Students electing to take fine arts courses must be scheduled for a minimum of 250 minutes weekly for nine weeks.

INDUSTRIAL AND HOME ARTS

At least one elective in industrial arts or home arts shall be offered for 36 weeks, a minimum of 150 minutes weekly. The instruction for learning shall be of an exploratory nature and may be organized into quarterly, semesterly or yearly increments. Schools scheduling all students in Grades 7 and 8 in industrial arts and/or home arts 150 minutes weekly for 9 weeks will fulfill the exploratory requirement.

A specialized program of instruction utilizing the self-contained class, resource or itinerant teacher model shall be made available to handicapped students. Through special instruction emphasizing problems related to the use of alcohol and drugs, an awareness shall be developed regarding the use and abuse of these intoxicants. Each middle school shall follow the same procedure as described above for elementary schools in observing Alcohol and Narcotics Education Week.

§43-234

The minimum curriculum for grades 7-8 follows what was set forth in §43-231 under middle schools. Schools may exercise options to vary from the minimum required minutes in one or more areas if such variation is justified and prior approval is obtained from the Chief Supervisor, Accreditation and Educational Improvement Section. A maximum of 40 students per period with a total

PHYSICAL EDUCATION

HEALTH

teaching load of 240 students per day is permitted for physical education teachers. If physical education and health are taught on alternate days to the same class, the 40 student maximum and 240 student total is also permitted for health. When health is taught as a separate subject, the teaching load is a maximum of 35 students per period and a total of 150 students per day.

INDUSTRIAL ARTS

HOME ECONOMICS

At least one elective in industrial arts or introduction to home economics shall be offered for 36 weeks with a minimum of 150 minutes weekly. The instruction for learning experiences may be organized into yearly or quarterly basis. These electives shall be on an exploratory nature, and the course may be organized on a nine-weeks basis. Schools scheduling all students in Grades 7 and 8 in industrial arts and/or introduction to home economics, may fulfill the exploratory requirement with 150 minutes weekly for nine weeks.

Guidance services shall be offered to junior high school students and shall meet all the requirements established for Grades 9-12.

When Grade 9 is included as a part of the junior high school, the same standards that govern Grade 9 in a senior high school shall apply.

Students physically or mentally unable or unfit to take the physical education course provided for the normal student shall take a suitably modified course in physical education or a subject in another area if the subject is approved in advance by the Chief Supervisor, Accreditation and Educational Improvement Section.

No credit toward graduation may be allowed for work done on a level below the ninth grade. When approved by the principal and the parents, a student promoted to the eighth grade who has given evidence of superior achievements or who has a special need may take one or two units of ninth-grade work for credit. No eighth-grade student may be allowed to take work for more than two units of credit.

A specialized program of instruction utilizing the self- contained class, resource, or itinerant teacher model shall be made available to handicapped students. Each school district shall have written approval no later than October 15 of each year by the Office of Programs for the Handicapped of its annual "District Plan for Programs for Handicapped Pupils."

Enrollment

(1) Self-contained Classes

Area	Min. Ratio Based on ADA	Max. Ratio Based on Membership
Mentally Handicapped-Educable	10-1	18-1
Mentally Handicapped-Trainable	8-1	15-1
Emotionally Handicapped	8-1	15-1
Orthopedically Handicapped	8-1	15-1
Visually Handicapped	6-1	12-1
Hearing Handicapped	6-1	12-1

(2) Resource Room and Itinerant Teacher Models

Area	Minimum	Maximum
Mentally Handicapped-Educable	26	33
Emotionally Handicapped	26	33
Learning Disabilities	26	33
Orthopedically Handicapped	16	20
Visually Handicapped	12	15
Hearing Handicapped	12	15

(3) When resource room and itinerant teacher models serve pupils with differing handicapping conditions, the minimal and maximal caseload shall be determined by the majority of the pupils enrolled in an area of handicapped condition.

(4) A speech clinician shall serve at least 75 speech handicapped pupils during the school year. A maximum caseload is 100 pupils.

§43-235

A minimum of 40 course offerings shall be provided each instructional term for grades 9-12. All schools are urged to exceed this minimum requirement. Each accredited high school shall provide adequate personnel, faculties,

equipment and supplies to insure a quality program in all subject areas. Prescribed courses listed in the various subject areas shall be offered each instructional term. A school may substitute a course in lieu of a prescribed course to meet more effectively identified educational needs of students in the local school by submitting and receiving approval from the Chief Supervisor, Accreditation and Educational Improvement Section, for the substitution no later than August 1 of the current school year.

LANGUAGE ARTS

Language arts course opportunities with a minimum of six units including courses in remedial reading, and English I, II, III and IV shall be offered. At least 50% of the instructional time used to satisfy the language arts requirements for graduation must be devoted to the teaching of grammar and composition.

The language arts program shall enable students to participate in learning experiences varying from communication skills to an in-depth study of literature and creative writing.

MATHEMATICS

A mathematics school program shall include a total of five units each year including three courses of mathematics leading to post-high school study consisting of Algebra I, geometry, and Algebra II (schools having 300 or less members may alternate Algebra II and geometry when the membership does not justify offering both courses concurrently) and two courses of general mathematics. Any school in which 10% or more of the general mathematics students demonstrate performance levels on basic skills which are three years or more below grade placement must offer remedial instruction for these students.

SOCIAL STUDIES

A social studies program each year shall include United States History and Constitution, Economics and American Government and three other courses in the approved social studies area. At least one semester in Economics and American Government is required as part of the 18 units required for graduation. An organized six-week unit of study dealing with the essential elements of communism shall be offered by schools not offering a planned or organized full semester or year's course in the study of

the nature of communism.

NATURAL SCIENCE

A school program in natural science shall annually include General Science and/or Physical Science, Biology, Chemistry and Physics. High schools with enrollments of 300 or less may alternate Chemistry and Physics; a school not offering the courses every year must be able to justify the omission. At least 20% of instructional time in all science subjects shall be devoted to student-centered laboratory experiences.

HEALTH

PHYSICAL EDUCATION

Health and physical education for both sexes must be available in Grades 9-12. One unit is required for graduation with two units permitted as a part of the 18 units required for a State high school diploma. Credit for physical education must be awarded as follows:

Quarter Program . . . 45 days - 1/4 unit

Alternate-day program for full year . . . 90 days - 1/4 unit

Semester Program . . . 90 days - 1/2 unit

Yearly Program . . . 180 days - 1 unit

Students physically or mentally unable or unfit to take the physical education course provided for the normal student shall take a suitably modified course in physical education or a subject in another area if the subject is approved by the Chief Supervisor, Accreditation and Educational Improvement Section. Junior ROTC may be substituted in lieu of physical education. No principal may teach more than two periods in physical education as a means of qualifying for State aid unless he/she is fully certified as a physical education teacher.

FOREIGN LANGUAGE

All accredited high schools shall include at least two years of a foreign language in their programs. A school not meeting this requirement must be able to justify this omission. High schools with fewer than 300 students may alternate first and second year courses in a foreign language when the membership does not justify offering the two levels of a foreign language concurrently.

FINE ARTS

A minimum of two courses in fine arts shall be offered.

TYPING

SHORTHAND

Course opportunities in typing and shorthand with a minimum of two units of credit shall be offered. Approved office occupations

programs may be substituted for business education requirements, provided it is located in the high school.

Schools are required to provide Prevocational Education as an elective for all students in Grades 9 and/or 10 consisting of six exploratory areas. Curriculum guides are available from the Office of Vocational Education from which a school district may select five areas, plus "The World of Work." Schools administered under a nine-week structure may offer four exploratory areas and include "The World of Work" in each unit.

Vocational specialization and skill development in a minimum of four occupational program areas (a minimum of 12 units in Grades 10-12) or vocational specialization and skill development in a minimum of Trade and Industrial programs plus two other vocational program areas shall be included in the vocational education program.

Vocational courses offered in area vocational centers must be scheduled for a minimum of two period daily, five days weekly, 36 weeks annually or its equivalent. Two units of credit shall be granted for each year of training successfully completed.

DRIVER EDUCATION

A complete program of driver education, classroom and behind the wheel phases shall be provided each semester on an elective basis for eligible students. Schools organized in a Grades 9-12 or 10-12 basis shall provide this program. Summer programs of driver education are permissible and recommended but may not be substituted for the regular school year program.

HEALTH

A school program shall include a minimum of nine weeks of health which must be integrated into the physical education program.

DRUG EDUCATION

Through special instruction, an awareness shall be developed regarding the use and abuse of alcoholic drinks and drugs. Instruction shall be offered in all schools of the State and shall be studied and presented as thoroughly and in the same manner as all other required subjects. One week during the school year shall be designated by each public school as Alcohol and Narcotics Education Week. Each school

district Board of Trustees shall require the school principal or other designated person to have each class from the sixth grade upward instructed for at least 30 minutes daily for three days concerning the risks and dangers involved in the use of alcoholic beverages and narcotics. One assembly session during the week of not less than 45 minutes shall be presented.

The District Board of Trustees shall each year inform the State Board of Education of the week each public school in its district has designated as Alcohol and Narcotics Education Week.

A specialized program of instruction utilizing the self-contained class, resource, or itinerant teacher model shall be made available to handicapped students. Each school district shall have written approval no later than October 15 of each year by the Office of Programs for the Handicapped of its annual "District Plan for Programs for Handicapped Pupils". A State high school diploma, or a certificate designed and issued by the school district shall be awarded students who complete a program of prescribed special education.

§43-238 -- 43-239

HEALTH

A secondary school program shall include a course in health education with a minimum of one unit. Course may be taught on a semester basis.

DRUG EDUCATION

Through special instruction, an awareness shall be developed regarding the use and abuse of alcoholic drinks and drugs. One week during the school year shall be designated by local school district for observance of Alcohol and Narcotics Education Week.

§43-242

DRIVER EDUCATION

Driver's education shall be provided to students in grades 9-12 on an elective basis. Schools operating such a program may qualify for reimbursement of funds if they meet certain minimum rquirements outlined in the Highway Safety Act.

Every accredited high school shall provide an accelerated program of study for students who demonstrate sufficient ability to allow them to take courses so as to graduate at the end of the eleventh year.

CROSS REFERENCES

I.State Board of Education; Statute §59-5-60

III.A.1; Regulation §43-232

III.C.Students; Statute §59-29-120

III.C.Students; Statute §59-29-160

1. Basic Curriculum

Statutes

§13-3-48

The state superintendent of schools shall prepare "course guidelines" to submit for approval of the state board of education. The state board of education has the power to "establish course guidelines and other learning options and approve all fields of instruction" for the public schools.

§13-33-4 ; 13-33-5; 13-33-6

U. S. CONSTITUTION

STATE CONSTITUTION

"In all public and nonpublic schools," courses in the United States and the South Dakota Constitution shall be given, "beginning not later than . . . eighth grade and shall continue in the high school."

"Special instruction . . . in patriotism" shall be given in all schools.

In all public and nonpublic schools, "special moral instruction" shall be given to teach students the importance of "truthfulness . . ., public spirit . . . , respect for the contributions of minority and ethnic groups" to South Dakota's heritage."

§13-33-7

ALCOHOL & DRUG ABUSE

"Special instruction" shall be given on alcohol, drugs, and "other substances which have a potential abuse . . . ."

§13-33-9

"No sectarian doctrine may be taught . . . in any of the public schools."

§13-33-10

A student may be excused from school for "one hour per week" to attend "religious instruction" given by a church or church association.

RELIGIOUS INSTRUCTION

§13-33-11

Instruction in the schools shall "promote a mastery of the English language in oral and written communications."

ENGLISH

REGULATIONS

§24:03:06:01

"An elementary program of basic skills (language arts and mathematics), the content subjects (science and social studies), and the special areas (art, music, health, and physical education), shall be maintained. The amount of time allotted to the various experiences within the elementary curriculum at the different levels should be governed by the capacities and needs of the children, as well as the recommendations of the curriculum guides for a particular learning experience."

COURSE OF STUDY

§24:03:06:02

"A well balanced activity program for both boys and girls and applicable to the grade level or age group shall be maintained. It shall provide for large group participation for the development of potential of all students, rather than a selected few. Interschool district contests and activities should be discouraged at the elementary level through grade six. Young citizens league and other leadership development activities and organizations should be encouraged."

§24:03:06:03

"The middle school and junior high school shall exist for the purpose of meeting the particular needs of the age group and not as an administrative

or building convenience. The middle school and the junior high school should provide, in addition to the required areas of study, exploratory opportunities in other areas of study and activities that will enable students to develop broader interests and talents. The required areas of study offered include the following: language arts, writing, oral and written communications, mathematics, science, social science, art, music, and health and physical education. The suggested areas of study are: foreign language, homemaking, industrial arts, music, reading improvement, typing, and agriculture."

COURSE OF STUDY

§24:03:06:07

"A secondary program, grades nine through twelve, with a minimum of twenty-six units of credit, or its equivalent, shall be taught each year, distributed as follows: four units of English or language arts; four units of science; four units of practical arts and vocational arts, which may include homemaking, industrial arts, typing, and shorthand; three units of mathematics; three units of social science; and eight units of electives.

COURSE OF STUDY

"A school may alternate four units on successive years. Two of these units may be counted as a part of the required twenty-six units.

"A school participating in a multidistrict secondary occupational vocational education center may reduce the elective requirements under this section from eight to four, and total course offerings from twenty-six to twenty-two."

§24:03:06:08

"Secondary elective courses that shall be taught include physical education, fine arts, and driver education."

§24:03:06:09

"No more than one unit of physical education and and two units of music may be counted in any one year

toward meeting the required twenty-six units for level II, or thirty-two units of level I."

CROSS REFERENCE

III.C.Students; Regulation §24:03:06:05

1. Basic Curriculum

Statutes

§108

The state board of education shall prescribe rules classifying all public schools; it shall also prescribe curricula and "approve courses of study adopted by local boards of education upon the recommendation of the superintendents of schools . . . ." These courses shall conform to the rules of the state board of education.

§115

To promote driver education and safety, the state department of education is "to promote and expand driver education and training courses through the public schools of this state."

DRIVER EDUCATION

§1111

"The course of study . . . in every high school . . . shall be adopted by the board of education on the recommendation of the superintendent of schools." The number of teachers will depend on the number of grades in the school.

§1901 — 1902

The course of study shall embrace spelling, reading, writing, arithmetic, grammar, geography, history of Tennessee, U.S. history, physical education, music and drawing, hygiene and sanitation (which includes alcoholic drinks, narcotics, and cigarette smoking, and their effect on the human system). Such courses shall be taught in all public elementary schools. City elementary schools shall follow a similar curriculum and cover other subjects as the city board of education may require.

COURSE OF STUDY

§1903 — 1905

AMERICAN HISTORY

Every four year high school receiving public funds shall require each student to have at least one year of instruction in American history and government.

In four-year private schools, the same requirement is followed. Failure to comply with either of these procedures shall be a misdemeanor.

§1907; 1908

"A treatise on the history and interpretation of the Constitution of the United States," in addition to the constitution of Tennessee, shall be taught in each public high school.

§1909

Instruction shall be given to all students on "the uses, purposes and methods of displaying the American flag and other patriotic emblems."

§1924

SEX EDUCATION

Sex education shall not be taught in the public schools without the approval of the state board of education and the local board of education and unless it is taught by qualified instructors.

§1925; 1926

All public secondary schools may be required to include in their driver education courses a minimum defensive driver education. This course will be reviewed every three years by the state board of education.

§1927

BLACK HISTORY

All public schools, at an appropriate grade level, shall include courses pertaining to Negro history and culture and the "contribution of black people to the history and development of this country and of the world."

§1928

There shall be a program established in all public high schools for instruction on the essentials of the free enterprise system. Free enterprise, as used here, means "an

economic system characterized by private or corporate ownership of capital goods, by investments, that are determined by private discussion rather than by a state control, and by prices, production, and the distribution of goods that are determined in a free manner."

§1929

A course in ROTC shall be offered and may take the place of physical education.

CROSS REFERENCE

I.Teacher; Statute §1307

III.A.2.; Regulation pp.71-74

III.C.School; Regulation pp.51-71

III.C.Student; Regulation pp.81-89

IV.E.; Statute §1915

1. Basic Curriculum

Statutes

§ 4.15

The history of Texas shall be taught in all public schools. It shall be taught only in the history course and for not less than two hours in any one week. The commissioner of education shall notify the various superintendents as to how this course shall be divided and any superintendent who fails or refuses to follow this provision shall be fined. HISTORY

§ 4.16

Any official or employee of the public free schools who fails to perform her/his legal duty to formulate a dailty program which includes at least ten minutes for for teaching of ". . .intelligent patriotism, including the needs of the state and federal governments, the duty of the citizen to the state and the obligation of the state to the citizen. . ." shall be subject to a fine and/or removal from office. PATRIOTISM REMOVAL

§16.177

The Central Education Agency shall develop a program of driver education instruction for students 15 years of age or older. DRIVER EDUCATION

The commissioner, with the approval of the State Board, shall establish standards of certification for the personnel who are to operate such a program.

§21.101--.106 COURSE OF STUDY

"All public free schools ... shall be required to offer instruction in ...: English grammar, reading in English, orthography, [spelling], penmanship, composition, arithmetic, mental arithmetic, United States history, Texas history, modern geography, civil government, physiology and hygiene, physical education and ... a course(s) ... in which some attention is given to the effects of alcohol and narcotics."

Coursework shall include "at least 10 minutes for

the teaching of intelligent patriotism" each day. Texas history must be taught "for not less than 2 hours in any one week" and the constitution of both Texas and the United States shall consist of "at least one half hour each week in the school year...." Included in this basic curriculum is instruction on "the essential benefits of ... an economic system characterized by private or corporate ownership or private goods," or the "free enterprise" system.

PHYSIOLOGY & HYGIENE

For physiology and hygiene "textbooks... shall include at least one chapter on the effects of alcohol and narcotics." Any child may be exempted from such a course if his/her parent or guardian presents to the school principal proof of "conflict with the religious teachings of a well-established church or denomination to which the parent or guardian and the child belong."

EXEMPTION

There shall also be "suitable instruction ... given with regard to kindness to animals...."

§21.110

MILITARY INSTRUCTION

"In all school districts wherein military instruction is conducted pursuant to a state or federal law ... the board of trustees of the school district shall have authority to:

1) make contracts with the proper governmental agency with respect to the teaching of such courses in military training; and

2) execute ... a bond ... to secure the contracts for the purpose of procuring arms... or other needed property."

§21.117

PHYSICAL EDUCATION

"Instruction in physical education shall be part of the course of instruction and training in the public elementary and secondary schools of the state."

REGULATIONS

§3211 -3223

"The State Commission on School Accreditation receives requests from the [Texas Educational] Agency staff for

addition or deletion of courses and advises the Commissioner . . . of their decision. The Commissioner . . . makes a recommendation to the State Board . . . for official action.

"The requests and advice to the Commissioner . . . contain the:

(1) course title;

(2) course description;

(3) requirements of teacher preparation;

(4) instructional resources; and

(5) justification for the addition or deletion of the course."

§3223

"The Commissioner of Education shall recommend courses to be approved for the general education curriculum in grades 7 through 12. The titles shall be published as the 'list of approved courses (grades 7-12).

"Courses not contained in the list shall not be allowed as one of the units of credit in the 18 units of credit required for graduation from an accredited high school."

§3222.1-.3

"The curriculum in general education shall include courses approved . . . by the Commissioner . . . with the advice of the State Commission on School Accreditation." In addition to this "each school district may add elements to meet local needs" with the recommended curriculum providing "for elements mandated by law."

§3261

CRIME PREVENTION

DRUG EDUCATION

"Crime prevention and drug education shall be provided as a program encompassing the total education process in which instruction may be provided throughout all grade levels. Inherent in the program shall be the teaching of decision making, interpersonal relations, ..."

"These programs shall be in accordance with the State Plan for Crime Prevention and Drug Education.

"The State Plan for Crime Prevention and Drug Education is developed and administered by the Commissioner of Education and approved by the State Board of Education. Implementation of this plan is assigned to the Division of Crime Prevention and Drug Education, Department of Teacher Education and Instructional Services, utilizing information from the school districts and regional education service centers and school districts.

The state plan includes guidelines for the education service centers and school districts. The guidelines relate to:

(1) An advisory council on Crime Prevention and Drug Education that should include a cross representation of community interest;

(2) A planned curriculum and extracurricular activities program that will . . . develop decision making skills . . . develop interpersonal relations skills . . . provide an information base . . . provide group guidance . . . provide all students with alternatives to drug misuse and juvenile delinquency . . . provide for evaluation and feedback annually.

(3) A guidance program that includes: . . . a sequential guidance program to meet developmental needs for all students . . . early identification and concomitant program planning for high risk potential drug abusers and juvenile delinquents . . . a cooperative identification and/or referral program for students who are known drug abusers or juvenile delinquents or who are in need of counseling services.

(4) A design for drug education and crime prevention programs in staff development which provides for: . . . the coordination of the school district program . . . intensive training approved by the Texas Education Agency for the person(s) who coordinate the program . . . systematic and ongoing staff development that addresses competencies for level of assignment . . . an annual awareness session and orientation for all staff members.

"The Texas Education Agency provides support materials defining learner outcomes and teacher competencies expected as a result of program implementation."

§3333

In May of each year the Commissioner of Education recommends any additional approved subjects for which evidence of need is shown or anticipated and appropriate materials are available, for the elementary grades; for the high school level the Commissioner recommends any new courses accredited by the State Accreditation Committee.

CROSS REFERENCES

I.Texas Education Agency; Regulation §2102.1.2
III.A.1.; Regulation §3712--3713
III.C.Public Schools; Regulation §3101.1

III.C.Schools; Regulation §1107

1. Basic Curriculum

Constitution

UTAH CONSTITUTION, ARTICLE X, §11

METRIC SYSTEM

"The Metric System shall be taught in the public schools . . . ."

Statutes

§53-1-1

U.S. CONSTITUTION

A course in the United States Constitution is required to be given in "all public and private schools."

§53-1-4

"It shall be unlawful to teach . . . in the public schools . . . any partisan, political . . . sectarian, religious or denominational doctrine." Religious tests or "partiality shown in the appointment" of teachers or employees is forbidden. This section does not exclude "moral instruction" to teach students "truthfulness, temperance, purity, patriotism and industry" but such "moral instruction" shall be integrated with the regular schoolwork.

§53-14-3

BIRD DAY

An annual "Bird Day," on the "last Friday in April," shall be observed in every school district, with "lessons and exercises" on the "value of birds and other forms of animal life."

§53-14-4 - 53-14-7

HEALTH EDUCATION

Local boards of education shall provide for "systematic and regular instruction in physiology and hygiene." Beginning in the eighth grade, a course shall be taught on "sanitation and the cause and prevention of disease." In order to instruct students on "the harmful effects of all forms of narcotics upon the human body," instructors shall give "special emphasis" to the harmful effects of "alcohol, tobacco and all other . . . harmful narcotics."

§53-14-7.5

FREE ENTERPRISE

"All public high schools shall give instruction on the essentials and benefits of the free enterprise system." "Suitable teaching material" for the course shall be prescribed by the "state superintendent of public instruction."

§53-14-8

HEALTH EDUCATION

In order to implement study programs in health and hygiene, the state superintendent shall prepare "teaching materials," "courses of study," and "visual aids" for the use of local boards and instructors.

§53-14-12 - 53-14-13.5

DRIVER EDUCATION

"Driver education classes" may be established by local school districts for pupils in "grades ten to twelve." Instruction shall include "classroom instruction" and "behind-the-wheel driving." The "aims and purposes" of the program are to "develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles." Students from private schools, "grades nine through twelve," shall be permitted to enroll in the classes.

POLICY GUIDES

CURRICULUM PLAN 1975-1981

Utah State Course of Study Committee and Textbook Commission 14 pages 1976

This publication describes the curriculum development process of the Utah State Board of Education and outlines the six-year curriculum development plan for the agency.

Eight basic goals and objectives are outlined, upon which the curriculum plan is based. These goals are: intellectual maturity, ethical-moral-spiritual maturity, emotional maturity, social maturity, physical maturity, environmental maturity, aesthetic maturity, productive maturity.

To implement these goals, a curriculum development model has been developed which outlines a step-by-step procedure

for utilizing course content as a vehicle for acquiring the maturities reflected in the goals.

The policy guide, in addition to setting out these goals and objectives, identifies a six-year cycle of curriculum development to implement the goals.

A. Educational Courses and Programs

1. Basic Curriculum

ALCOHOL AND DRUG ABUSE EDUCATION

Statutes

§52

(a) "The commissioner with the approval of the state board shall establish an advisory council on alcohol and drug abuse." The number of members and their qualifications shall be determined by the board.

(b) "The council shall assist the department of education in planning and putting into effect a program of education in the public schools, and for adults, relating to alcohol and drug abuse."

§53; 54

"The commissioner, with the approval of the state board, shall appoint a supervisor of alcohol and drug abuse education" and any required assistants whose responsibilities shall be to supervise preparation of appropriate curricula, promote programs to prepare teachers to instruct in such curricula and to direct education concerning alcohol and drug abuse.

"The commissioner may grant scholarships for competent and interested teachers whom he[she] may designate" to pursue intensive study in the field of alcohol and drug abuse education.

§170

The federal government shall not control or attempt to prescribe the "administration, personnel, curriculum, or instruction" of the Vermont public schools.

§906

Learning experiences shall be provided for pupils "adapted to their age and ability" in the fields of: (1) "Basic skills of communication, including reading writing and the use of numbers;" (2) citizenship,

history and government in Vermont and in the U.S.;" (3) "physical education and principles of health with special reference to effects of tobacco, alcohol and drugs on the human system and society;" (4) "knowledge of English, American and other literature;" (5) "the natural sciences;" (6) "such other knowledge as the state board or local school may deem desirable."

§1045; 1046

DRIVER EDUCATION

A driver education and training course, "approved by the department of education and department of motor vehicles," "consisting of at least 30 hours of classroom and six hours of behind the wheel instruction" shall be available to students aged 15 and over who are regularly enrolled in a public or private high school.

Each superintendent of schools shall arrange for the establishment of a driver education program in all public and private high schools which request it.

§1047 - 1048

The state shall pay to each school providing driver education the reasonable cost of the program. The cost includes "number of pupils instructed, cost of instructors, equipment, materials and supplies." The commissioner shall determine whether the cost is reasonable, and if not, what is reasonable. The commissioner shall reimburse each school district at a rate of $60 a year per pupil completing the program. However, "in no event may the commissioner reimburse" the district "for more than the total cost" of the program.

DRIVER EDUCATION

This program shall be administered in the department of education.

R.M. Ch. II; p. 87

The State Board resolves that school personnel in selecting learning materials and planning curriculum, be urged to ensure that space and treatment commensurate with their contributions be given to the roles of the various minority groups in our culture and that an accurate portrayal be given of the role of minority groups and their leaders in historic events.

ETHNIC STUDIES

R.M. Ch. II; p. 89

The State Board resolves that metrication be undertaken with the intention of making the International System of Units (SI) the primary system of measurement in Vermont and that the Vermont public schools and institutions of teacher preparation begin to provide for the learning and teaching of the metric system by 1975-1976.

METRIC STUDIES

R.M. Ch. II; p. 90

The Vermont House Committee on Education resolves that the Commissioner of Education shall promote the development of a comprehensive health education program by developing in-service teacher training programs and by developing a health education curriculum coordinated with the established curriculum.

HEALTH EDUCATION

The Committee also resolves that the State Board appoint an eleven member Committee on Health Education consisting of three representatives of the health and medicine fields, three representatives of education, three parents, and two students, to assist in developing the health education program and prepare a report to the State Board and the General Assembly, on the progress of the program.

R.M. Ch. II.K3; pp. 35 -- 36

DRIVER EDUCATION

In order that, in accordance with state law, driver education and training be available in public secondary

schools, such schools shall:

1. Include an approved driver education course during regular school hours.
2. Offer driver education during the summer as necessary.
3. Permit after-school behind-the-wheel instruction, if necessary.
4. Shall carry out behind-the-wheel instruction only in Vermont, except where schools have reciprocal arrangements with New Hampshire schools.
5. Shall insure their driver education cars.
6. Shall have driver education cars inspected at least twice annually, one of which must be performed immediately after installation of dual controls.

R.M. Ch. II; p. 90A

HEALTH EDUCATION

Whereas the State Board's Committee on Health Education feels that implementation of a health education program can only be accomplished through legislative action, the State Board urges amendment of VSA, Title 16, SS 906 (as recommended by the Committee on Education to the Board, June 17, 1975).

The State Board urges: the continuation of the Committee on Health Education; provision in the budget for a health education consultant; and that comprehensive health education be accomplished over a multi-year period through a plan of teacher training, demonstration centers, curriculum development, consultation, and advisory committee service.

R.M. Ch. II; p. 90B

ARTS EDUCATION

The State Board encourages local boards: to develop an integrated arts education plan; to urge districts to allow community arts groups to use school facilities and to share their activities with the schools; and to employ learning experiences in arts designed to help students develop values which have personal meaning for them.

CROSS REFERENCES

I.General Assembly; Constitution Ch. II., §68

III.A.1.; Regulation, R.M. Ch. II.C., pp. 13-22

1. Basic Curriculum

Statutes

§ 2.1-24.1

The Governor shall annually proclaim the seventeenth of September as Citizenship Day and September seventeenth through twenty-three as Constitution Week. They shall be observed by appropriate exercises in the schools.

§22-165

Each school principal shall fly the flag each school day. The governing body of the area shall provide the flag. Each teacher shall instruct all of his/her pupils about the history and principles for which the flag stands.

§22-233 -- 22.235

In the elementary grades the following subjects shall be taught: spelling, reading, writing, arithmetic, grammar, geography, physiology and hygiene, drawing, civil government, history of the United States and Virginia.

The school board may establish the daily observance of one minute of silence in each classroom. Pupils shall remain seated and silent during the minute.

The State Board shall give careful directions for and require the teaching of the Declaration of American Independence, the Virginia Statute of Religious Freedom, and the Virginia Bill of Rights in the elementary and high school. These subjects "shall be carefully read and studied, thoroughly explained and taught by teachers to all pupils in accordance with the State course of study . . . ." A written exam on the three documents shall be given at the end of the term.

HISTORY

EXAMINATION

An outline of the Constitution of the United States shall be given to students along with an explanation of its general principles.

In one or more elementary grades or in one or more high school grades the following subjects shall be taught: elementary training in accident prevention, the proper conduct on streets and highways, the operation of motor vehicles and preventing fires. A course in these subjects shall be required of every pupil completing the course of study in any such school.

§22-235.1--238

DRIVER EDUCATION

The State Board shall establish a standardized program of driver education which shall consist of classroom and behind the wheel training. A school board need not offer the course.

Instruction concerning drugs and drug abuse shall be provided by the school as prescribed in the State Board.

HEALTH EDUCATION

Physical and health education shall be emphasized by proper drills and physical exercise set up by the State Board.

"The entire scheme of training shall emphasize moral education through lessons given by teachers and imparted by appropriate reading selections."

§22-240

A governing body may appropriate money for the establishment of handicrafts and domestic arts departments in the schools of their school division.

§55-145.20

If the State Department of Education finds that a commercial driver training course is of comparable quality and content to courses offered in the public schools, the State Department of Education shall certify the course.

REGULATIONS

Administrative Procedure For Approval of New Courses

A local school board needs the approval of the State Superintendent of Public Instruction to offer courses for which there are no state-adopted textbooks. Upon approval of the courses, the State Superintendent shall submit a list of textbooks to the local board for

adoption for a period of six years, unless adoption is revoked by the state.

Driver Education, §I-IV

Schools should schedule a program of driver education so that all eligible students have an opportunity to enroll in a state-approved driver education program.

Local school divisions must adhere to minimum requirements plans based on 14 periods of in-car instruction.

Drug Education, p. 23

Elementary and secondary schools shall include in the health education classes instruction in drugs and drug abuse.

Sex Education, §I-V

SEX EDUCATION

The local school division has the sole responsibility for deciding whether sex education shall be included in the curriculum. Only instructional materials approved by the State Board of Education may be included as a part of the instructional program.

Each locality shall submit its own request even though the same materials may have been previously approved for another county or city.

1. Basic Curriculum

Statutes

§28A.02.080

U.S. CONSTITUTION
STATE CONSTITUTION

Study of the Constitution of the United States and the state of Washington is required for graduation from public schools and from parochial or private schools.

§28A.05.010

COURSE OF STUDY

"Common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcohol stimulants and narcotics on the human system, the history of the United States . . . and other subjects the board of education may prescribe. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures."

§28A.05.030-40

PHYSICAL EDUCATION

In grades one through eight, every pupil shall receive twenty minutes of physical education. High school students shall receive " a minimum of ninety minutes in each school week." Students may be excused for physical, religious or other specified reasons.

WAIVER

§28A. 67.060

"Certified employees shall faithfully enforce. . . the course of study and regulations prescribed." Wilful refusal or neglect to enforce the course of study or regulations shall result in withholding of salary until requirements are met.

§28A.67.110

CITIZENSHIP

"It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance, humanity and patriotism; to teach them to avoid idleness, profanity and falsehood, and to train them up to the true comprehension of the rights, duty, and dignity of American citizenship."

§28A.87.100; 110

HYGIENE

If the board of directors have failed to provide for the teaching of hygiene, with special reference to the effects of alcohol and narcotics or have failed to require students to take such course," the educational service district superintendent must investigate and "refuse to issue or register any warrants" until he/she is satisfied the board of directors is complying with requirements relating to the teaching of physiology and hygiene.

If the educational service district superintendent should fail or refuse to comply with the above, he/she shall be liable to a penalty of one hundred dollars "to be recovered in civil action.

REGULATIONS

§180-50-005

COURSE OF STUDY

" [T]he state superintendent .. is authorized to prepare courses of study for the kindergarten, elementary, junior high and high school departments of the common schools. State board .. approval of such courses shall constitute ... compliance with the pertinent requirements of the ... statutes."

§180-50-010

STATE HISTORY

" [T]he successful completion of a one-semester course, ... in state of Washington history and government shall be a requirement for eighth grade and high school graduation in the state of Washington, ... as hereinafter set forth.

" The ... requirement ... may be met in the elementary school ....

" [T]he history and government of the state ... should be presented with a broad viewpoint, integrating it with other significant phases of the social studies program.

" The high school graduation requirement ... shall be in addition to the elementary school requirement.

" The acceptable equivalent ... must include significant units of work in Washington State history and government, ... Provided, That the equivalent units shall be in addition to the required ... course in United States history ... and the required ... course in contemporary world history, geography and problems.

" [The course] ... shall be presented in broad perspective ... with special emphasis on the wise use of human and natural resources.

" A student who transfers to high school in the state of Washington ... having ... completed a course in northwest history and government in his/her previous high school, may be considered to have ... met this requirement ...."

§180-50-020

U.S. HISTORY

" [T]he successful completion of a one-year course of study in the history and government of the United States shall be a requirement for eighth grade and high school graduation ... as hereinafter set forth.

" The elementary school requirement ... may be met in grades one to eight.

" The high school requirement ... may be met in grades nine to twelve."

§180-50-030

WORLD HISTORY

" [A] one-year course, or its equivalent, in contemporary world history, geography and problems shall be required for graduation from high school ...."

§180-50-040

"[T]he study of the Constitution[s] of the United States and of the State of Washington shall be a condition prerequisite to graduation from ... high schools.... [T]he state board ... hereby prescribes as follows:

U.S. CONSTITUTION

STATE CONSTITUTION

The state superintendent ... is directed to include required study of the Constitution[s] ... in the appropriate ... courses of study prepared ... by the state superintendent for the use of the schools of this state."

§180-50-050

PHYSICAL EDUCATION

" [T]he state superintendent ... is authorized to prepare courses of study ... [in physical education] ...." The courses for junior high and high schools are to be consistent with the principle that every boy and girl be provided the opportunity for a daily program of physical education and health study throughout the four years of high school.

§180-50-070

SEX EDUCATION

" (1) The state board ... believes that the primary responsibility for family life and sex education including moral responsibility rests upon the home and the church. The school can only supplement and complement those standards ....

The decision as to whether or not any program in family life and sex education is to be introduced into the schools is a matter for determination... by the local school board .... If such a program is adopted the state board ... believes that:

(a) Major emphasis ... should be to ... give youth the knowledge and appreciation of the important place [of] the family ....

(b) The program should supplement the work of the home and the church in giving youth the scientific physiological information for understanding sex ....

(c) The program should focus upon helping youth acquire a background of ideals, standards and attitudes which will be of value to him/her now and later when he/she

chooses a mate and establishes his/her own family.

(2) Sex education ... is defined as the study of the anatomy and the physiology of human reproduction.

(3) School districts shall involve parents and ... community groups in the planning, development, evaluation and revision of any instruction in sex education offered ....

(4) Any parent or legal guardian who wishes to have his/her child excused from any planned instruction in sex education may do so upon filing a written request with the school district board of directors, ... Alternative educational endeavors shall be provided for those excused."

WAIVER

§180-56-026

COURSE OF STUDY

Each school district shall make the following areas of study available in the secondary porgram:

(1) Art education
(2) Career education
(3) Consumer education
(4) Economic education
(5) Environmental education
(6) Foreign language education
(7) Health education
(8) Home and family life education
(9) Music education
(10) Remedial education(should include, but not be limited to, reading, language arts and mathematics)

" Students need not be required to take course work in the foregoing areas,... [T]he foregoing areas ... may be taught as separate courses, or may be incorporated into broader subject areas, e.g., humanities. Such programs should be taught with an appropriate emphasis on aesthetics, environmental, consumer or career concerns. "

§ 180-56-066

"(1) English. It is recommended that four year (four units) of English be taught ... to all students and that the program be sufficiently flexible to meet the needs of all students whether they plan to enter

COURSE OF STUDY

college or plan to enter other fields.

(2) Opportunity must be provided for each student to explore occupational choices ... through industrial arts ... and/or to pursue the development of a salable skill through a vocational program. Every student also must have the opportunity of preparing for his/her dual role of homemaker-wage earner.

(3) [E]very boy and girl [should] be provided the opportunity for a daily program of physical education .... "

(4) Health education may be included as an elective requirement. Every boy and girl should be provided the opportunity to enroll for at least one semester in a regularly scheduled health education course at the high school level.

§180-56-230

" [P]rovision of a comprehensive program broad enough to meet the varied needs, abilities and interest of students requires the following minimum offerings (grades nine through twelve): "

Language arts.....6 units*
Social studies.....5 units
Mathematics (including algebra and geometry).4 units
Laboratory science (include biology, chemistry and physics).....4 units
Home economics.....3 units
Health and physical education (3 units for boys and 3 units for girls).....6 units
Industrial arts.....3 units
Fine arts (music and art) .....4 units
Foreign language (3 units of one or 2 units of two languages).....3 units
Business education.....3 units

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* One unit is the equivalent of one year's work

§392-153-010

"DEFINITIONS. (1) A 'traffic safety education course' shall mean an accredited course of instruction in traffic safety education which shall consist of two phases: classroom instruction and laboratory experience."

"(3) 'Laboratory experience' shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions,...

"(4) A 'qualified teacher of traffic safety education' shall mean an instructor [properly] certificated...by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the course, or both under regulations promulgated by the superintendent: PROVIDED, That the laboratory phase may be taught by instructors certificated under rules promulgated by the superintendent...exclusive of any statutory requirement... Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent...and the director of the department of motor vehicles."

§392-153-032

"REALISTIC LEVEL OF EFFORT. Each school district shall have a locally written curriculum guide available to... be used in the traffic safety education program.

The guide shall...include:

(1) The performance objectives appropriate for the area of instruction.

(2) The methods of instruction used by the teacher in presenting the material.

"(3) The student activities that will enable a student to accomplish the objectives...

(4) The level of competency each student is to successfully complete in each objective.

(5) The evaluation criteria...

A student shall meet the objectives and competencies listed...as a condition of successful completion of the... program.

A completing student to be eligible for state reimbursement means a person who...has met one of the following criteria:

(1) Has completed all the program objectives as required...

(2) Has received a failing grade after attending more than 50% of the program's scheduled classes."

(3) Has officially withdrawn, dropped, or transferred after attending more than 50% of the program's scheduled classes.

A student taking the course more than once because... failing...the first and subsequent attempts may be counted as a completing student for each attenpt.

[T]the course...shall be provided for students in a time period not to exceed 18 school weeks nor less than 9 school weeks during the school year, nor less than 6 school weeks during a summer session. In addition the...course shall:

(1) Provide students with no more than 2 hours of classroom instruction and one hour of on-street instruction during any 24-hour period.

(2) Provide laboratory instruction only to students who are currently participating in classroom instruction."

CROSS REFERENCES

III.A.1.; Regulation §180-16-165

III.C.Public Schools; Statute §28A.85.020

III.C.Student; Statute §28.05.050

III.C.Teachers; Statute §28A.67.030; .035

1. Basic Curriculum

Statutes

§18-2-7

"The state board of education shall prescribe minimum standards in the courses of study to be offered in elementary schools, high schools, vocational schools," and other schools which receive State funds. The basic language of instruction . . . shall be the English language only."

§18-2-8

"The state board of education shall, with the advice of the state superintendent of schools, prescribe a course of study in fire prevention for use in the public, private and parochial schools of this State . . . . It shall be the duty of the county superintendent or board of education to arrange for a mandatory course in fire prevention.

FIRE PREVENTION

§18-2-9

"In all public and private schools there shall be given "prior to the completion of the eighth grade, at least one year of instruction in the history of the State of West Virginia. Such schools shall also give regular courses of instruction in the history of the United States, in civics, and in the Constitution of the United States and of the State of West Virginia, for the purpose of teaching..the ideals, principles and spirit of Americanism, and increasing the knowledge of the organization and machinery of the [respective governments]. . . . The state board of education shall, with the advice of the . . . superintendent . . . prescribe the courses of study covering these subjects for the public . . . schools. It shall be the duty of the officials or boards having authority over the respective

WEST VIRGINIA HISTORY

U.S. CONSTITUTION

private, parochial and denominational schools to prescribe courses of study for the schools under their control . . . similar to those required for the public schools."

In all the public schools of this State, the subject of scientific temperance shall be taught, including "the nature of alcoholic drinks and narcotics, with special instruction as to their effect upon the human system and upon society in general; and the textbooks in the subjects of health and hygiene, biology and the social sciences, adopted for use in the public schools . . . shall contain appropriate material for such teaching."

DRUG ABUSE EDUCATION

Violation of this provision is subject to penalty, including for an employee of the public schools, dismissal.

DISMISSAL

§18-3-7

When necessary, the state superintendent of schools shall prepare and distribute "manuals of the courses of study prescribed by the state board of education . . . ."

"It shall be [her] his duty to see that the minimum standards set forth therein shall be maintained in all the . . . public schools throughout the State . . . [and] . . . to provide for the examination of pupils completing such courses of study" and to issue diplomas or certificates.

DIPLOMA

The superintendent shall distribute copies of the school law to school officials and other citizens of the State. He/she shall publish a list of books suitable for school libraries, and shall recommend the proper conditions for the purchase and use of such books. "Such list shall be distributed among the teachers, principals and superintendents throughout the State. [He/she]. . . shall also have authority to publish and distribute such other reports, circulars of information and bulletins as in his[her] judgment will promote the best interests of the schools."

§18-6-1;2

"The purpose of this article is to ensure that every secondary school pupil has the opportunity . . . to enroll in a course of driver education designed to train him[her] to drive skillfully and safely under all traffic and roadway conditions and circumstances; to make the . . . course available to out-of-school youths and to adults; and to ensure that commercial driver education schools achieve and maintain a level of driver education equal to the minimum standards that are prescribed for secondary schools.

All public secondary schools . . .[shall offer] . . . an approved, comprehensive course in driver education." The order of priority of availability of the course shall be: first, "all secondary school pupils at or about the time they reach licensing age;" second, "all persons who do not attend secondary schools who have reached their sixteenth birthday and are under eighteen years of age," of whom tuition, not to exceed fifty dollars may be required; and third, "all persons . . . eighteen years of age or older, . . .[with]. . . first consideration . . . given to those who are applying for their first operator's license." Tuition, not to exceed seventy-five dollars, may be required of this latter group.

§18-6-3

"The state board of education shall establish minimum standards for all driver education courses offered . . . regardless of" who offers the courses. However, "no person shall be permitted to enroll in any driver education course who has a known mental or physical defect that would prevent the person from qualifying for an operator's license, unless the . . . defect is controlled or corrected so the person could so qualify.

The minimum standards shall provide at least that:

(a) All driver education courses . . . are taught by instructors certified by the state board as qualified . . . (b) Each person enrolled . . . shall receive practice driving and observation in a dual control automobile and instruction in traffic regulations and safety techniques.

In addition . . . participating students shall be encouraged to acquire first aid skill."

§18-6-4;5

"The state board shall, with the advice of the state superintendent and the superintendent of the department of public safety, adopt rules and regulations governing the establishment, conduct and scope of driver education for use in the . . . schools located within this State . . .

The state superintendent shall promote and direct the establishment and maintenance of courses of instruction in driver education in [the] secondary schools . . . . Persons having control of authority over private, parochial or denominational secondary schools, who establish and maintain such courses . . . shall comply with the rules and regulations the state board adopts . . . .

In the case of a pupil who will not reach his [her] sixteenth birthday before he[she] completes the driver education course in which he[she] is enrolled, instruction shall be limited to the classroom. Pupils who will reach their sixteenth birthday before they complete . . . the course and those who are sixteen years of age and older shall receive instruction and practical training in the operation of motor vehicles in the public streets . . . The pupil need not have the [required] learner's permit . . . if he[she] is operating a dual control automobile and a duly appointed instructor is actually occupying a seat beside the pupil."

§18-6-6;7

"County boards of education, subject to the rules and regulations of the state board, may expend funds to maintain and repair vehicles used for instructional purposes . . . to pay for compensation of teachers or instructors and to procure automobile insurance . . . ."

§18-6-8

"Before any pupil is graduated from a secondary school . . . he[she] shall first be provided an opportunity and encouraged to successfully complete . . .[an approved] . . . driver education course . . . . If a pupil has successfully completed a similar course . . . in another state, and the course is accepted by the state board . . . then the aforementioned requirement shall be deemed fulfilled . . . .

Any secondary school pupil sixteen years of age or older, but under eighteen, who has successfully completed. . . [an approved]. . . driver education course . . . in a . . . secondary school . . . shall, upon proper application and successful completion of all examination and driving tests required by law for the issuance of an operator's license . . . be issued . . .[such] . . . license without any restriction."

REGULATIONS

§2413

MUSIC

Music shall be a required subject in elementary schools.

§2422.1

PHYSICAL EDUCATION

Elementary schools are required to teach physical education for 30 minutes each day; this time is exclusive of recess periods.

Secondary schools may determine the credit given for physical education up to one unit of which may be counted in the graduation requirements.

A planned program of intramural sports and activities should be made available to all high school students.

§2422.10

SAFETY EDUCATION

Safety education must be incorporated into the public schools in "an adequate and factual way" at all grade levels.

§2422.12

METRIC SYSTEM

All schools shall provide instruction in the metric system. Beginning with the 1980-81 school year it shall be the primary system of measurement taught in the public schools.

§5120

MUSIC

A full time county director of instrumental music may be employed on a 12 month basis provided there is a sufficient program to justify the employment on a full time basis.

§6100

CONSERVATION

School officials shall take actions necessary to conserve energy and to offer instruction concerning the nature and extent of the nation's energy needs.

CROSS REFERENCES

III.C.Students; Regulation §2100; 2421.1

III.D.Students; Regulation §2421

1. Basic Curriculum

Statutes

§115.35

HEALTH EDUCATION

There is a critical health problems education program which "shall be a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence health, understanding, attitudes and practices of the individual child which will enable [him/her] to adapt to changing health problems of our society." The program shall focus on specific problems including, but not limited to, controlled substances, alcohol, tobacco, mental health, and related health and safety topics.

The state superintendent may: establish guidelines for developing comprehensive health education programs; establish special inservice programs to provide professional preparation for teachers; provide leadership for institutions of higher education to develop and extend health education curricula for professional preparation -- both inservice and preservice; develop cooperative programs between school districts and institutions of higher education for preparation of teachers and curriculum development; assist in the development of plans and procedures for the evaluation of health education curricula.

The department of public instruction may appoint a council of representatives from universities and colleges, law enforcement, health, social service and other agencies to advise it on the implementation of this section.

In the state superintendent's annual report he/she shall include information: as to the scope and

nature of programs undertaken under this section; as to the degree and nature of cooperation being maintained with other state and local agencies; as to his/her recommendations to improve such programs and cooperation.

§118.01

COURSE OF STUDY

Reading, writing, spelling, English grammar and composition, geography, arithmetic, agriculture, conservation of natural resources, history, government of the U.S. and Wisconsin and citizenship shall be taught in every elementary school. All instruction shall be in English except in bilingual-bicultural classes. Instruction in public schools shall include morality and individual social responsibility. Also there shall be instruction on the rights and responsibility of the family and consumer.

§119.22

COURSE OF STUDY

"Courses in reading, writing, spelling, English, grammar and composition, geography, arithmetic, elements of agriculture and conservation of natural resources, history and civil government of the United States and of Wisconsin, physical education, sanitation, physiology and hygiene, the effects of controlled substance, and alcohol upon the human system, symptoms of disease, proper care of the body . . . shall be included in the course of study in elementary schools. If the parent files . . . written objection thereto, no pupil is required to take instruction in physiology and hygiene, in the effects of controlled substances and alcohol and in symptoms of disease. Courses in arithmetic, sciences, business and commerce, civics, English, languages, history, mathematics, physical training and such other subjects as the board determines shall be taught in the high schools."

CROSS REFERENCE

Wis. Ad. Regulation PI 8.01

A. Educational Courses and Programs

1. Basic Curriculum

Statutes

§21.1-66

"The board of trustees of each school district shall offer homebound instruction for each pupil in the district who is hospitalized or homebound for more than one week because of injury or illness."

HOMEBOUND INSTRUCTION

§21.1-179;180

All public schools "shall give instruction in the essentials of the United States Constitution and the Constitution of the State of Wyoming, including the study of and devotion to American institutions and ideals." No high school student is to receive a diploma without previously passing an examination on the principles of these Constitutions. The instruction is to be given for at least three years in the elementary grades and for one year in the secondary grades. "Willful failure" on the part of any administrator or instructor to carry out these requirements is sufficient cause for removal of that person from her/his position.

U.S. CONSTITUTION

CROSS REFERENCE

I.Board of Trustees: Statute §21.1-26

its implementation in the local school." The proposed program is then presented "to the local school community . . . . The school-community planning group shall later develop periodic progress reports on what is being taught to be distributed to parents . . . [and] shall also participate in developing a means for evaluating the program . . . .

Each local school system shall develop guidelines and procedures for the selection of teachers . . . . The assignment of teachers shall be the responsibility of the local superintendent of schools . . . . Teachers should have a freedom of choice in teaching Family Life an Human Development courses . . . .

In Focus Area One, the teacher's present area of certification and specialization shall be adequate . . . . In Focus Area two, and . . . three, . . . teachers . . . shall be required to have had additional preparation in content and teaching methods . . . appropriate for the course to be taught. The additional preparation may be provided by college courses, local inservice programs, State workshops, and continual staff assistance.

Each local school system shall establish . . . programs . . . to train . . . its personnel (teachers, administrators, supervisors). . . . The Maryland State Department of Education shall develop . . . programs to train . . . the teachers of teachers . . . .

Each local school system shall establish procedures for annually reviewing content, material selection, community involvement, and teacher selection and training," to be submitted to the State Department of Education.

13.03.02.03

DRIVER EDUCATION

Academic credit. "Local education agencies are permitted by the State Board of Education to award up to 1/2 hour of academic credit to . . . students who successfully complete a driver education course administered by the Maryland State Department of Education."

Availability and Approval of Courses. Public schools or school systems "shall provide each eligible student . . . with the opportunity to complete" an approved driver education

course "prior to the student's initial licensing age." Driver education courses in non-public schools must also be approved by the State Department of Education.

"Each public school system (local education agency) shall establish and maintain State Department of Education-approved driver education courses." A non-public school offering such a course must either offer an approved course on its own or in conjunction with a public school, or arrange to have its students attend the course at a public school.

Approval status for courses must be maintained on a yearly basis upon application to the Driver Education Office of the State Department of Education and approval by the State Superintendent of Schools.

Eligibility of student. "Any 15,16, or 17-year old youth who meets . . . mental and physical standards . . . for the issuance of a Maryland driver's license, and who is a Maryland resident or is a currently, or was in the previous term, enrolled . . . in a Maryland public or non-public school, may enroll in" an approved driver education course. "The person may enroll in a tuition-free course . . . if . . . the student . . . is currently, or recently has been, enrolled in course work other than driver education in the public school or . . . system . . . offering the driver education course; and has never had the opportunity to take a "tuition-free" course or participate in an approved driver education course. If a student has not previously participated in an approved course but the other conditions for "tuition-free" participation do not apply, he or she "may enroll in a "partial fee" course. If none of these conditions apply, a person may enroll by paying the complete fee.

"Student performance requirements." In order to receive "a grade for satisfactory course completion," a student must meet stipulated requirements regarding driving and automobile knowledge, and be able to "apply in a variety of highway traffic situations learned information about traffic laws and regulations; vehicle capabilities; and

limitations related to laws of nature, highway environmental factors, and laws established by man."

Student grades. "Upon completion of the course, each student shall receive" a passing grade (for satisfying minimum performance and course time requirements), a failure, or an incomplete (if the student fails to complete the minimum course time requirements). A student receiving an incomplete should be provided with the opportunity to make up the instruction required to complete the course. A student who successfully completes the course receives a driver education certificate.

Instructional personnel. There are two kinds of instructional personnel. A "classroom instructor . . . renders classroom, simulation, multiple-car-range, and/or road behind-the-wheel instruction." A classroom instructor must be eligible for a professional certificate, hold a bachelor's degree and have "at least 18 semester hours of credit in driver education." A laboratory instructor does not give classroom instruction, must have a high school diploma, and either complete "a state-approved program of driver education" or earn the college credits prescribed for classroom instructors. "The initial laboratory instructor permit is issued for 5-year period and renewed for a 5-year period," and then for 10 years.

If a person wishes to obtain a "driver education classroom instructor endorsement" or "laboratory instructor permit," he or she may apply to the Division of Certification and Accreditation of the State Department of Education. If the person satisfies the appropriate requirement, the State Superintendent of Schools issues the endorsement or permit.

In order to be approved by the State Department of Education, "a program (workshop) for the preparation of driver education laboratory instructors" must meet these requirements. Candidates accepted in the program must be at least 21, have a high school diploma and have been licensed drivers for at least 3 consecutive years. "The local education agency which desires to offer a program" must apply to the State Department of Education for approval.

The program's content and structure must comply with state standards and guidelines.

"Any person who serves as an instructor " in an approved driver education course must hold "a valid instructor authorization card issued by the Maryland State Department of Education." If the applicant satisfies driving record, academic and instructional preparation requirements, the State Superintendent may issue the instructor authorization card.

Time requirements for course. "An approved course for any student shall be conducted on a coordinated basis (classroom and laboratory learning . . . should be . . . 'integrated') over a period of time not less than three weeks, nor more than six months." A student may receive no more than two hours of classroom or laboratory instruction on any day. "Each student . . . shall be provided with at least 30 hours of classroom instruction. . .[and] at least six hours of on-road behind-the-wheel instruction on an approved laboratory substitution," as specified. "Each laboratory instructor . . . shall be observed and evaluated on a continuing basis by a . . . driver education classroom instructor."

Minimum Facility Requirement. If a school or school system offers an approved driver education course, facilities must meet certain requirements. "All rooms used for classroom instruction must meet . . . specifications . . . for rooms used for other course offerings . . . . Driver education simulation units must be maintained so that all primary components remain functional; the film library is up-graded on a regular basis; and the curriculum objectives remain consistent withoverall course objectives. . . . Each car used for on-street behind-the-wheel instruction" must meet certain specifications.

State reimbursement. "The Maryland State Department of Education shall reimburse any school or school system which offers a driver education course . . . an amount equal to the cost of the course, but not to exceed $65 for each eligible student."

Data and Records. "The Maryland State Department of Education, and those schools or school systems which provide approved driver education courses, shall record and maintain pertinent program data" as required.

Evaluation. "Evaluation relative to course costs, time requirements, minimum facility standards, and student performance" shall be conducted jointly by the State Department of Education and the schools. The State Department of Education may also conduct a long-range evaluation "to determine internal and external effectiveness of the program."

13.03.02.05

ETHNIC STUDIES

"All public schools shall include in their programs of studies . . . appropriate instruction for developing understanding . . . of ethnic and cultural minorities.

The State Department of Education shall develop (a) guidelines to assist local boards of education in developing such curricular offerings; and (b) criteria for use by local boards in . . . selecting instructional materials for schools which will insure that proper recognition it given to ethnic and cultural minorities." Local boards are required to report to the State Department of Education "on the implementation of programs of studies and on the selection of instructional materials."

CROSS REFERENCES

III.C.Students; Regulation 13.03.01.02

IV.A.; Statute Art. 77, §85

I. Basic Curriculum

Statutes
71 91

"Every town shall maintain, for at least the number of days required by the [state] board of education . . . unless specifically exempted . . . by said board, a sufficient number of schools for the instruction of all children who may legally attend a public school . . . . No town shall hold double sessions . . . if in any . . . public school of comparable grade levels . . . there are vacant spaces for more than thirty-five children, the number of such vacant spaces to be computed without exceeding a maximum of thirty-five children to a classroom . . . .[S]chools shall be taught by teachers of competent ability and good morals, and shall give instruction and training in [spelling], reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and constitution of the United States, the duties of citizenship, health education, physical education, and good behavior. Instruction in health education shall include, but shall not be limited to: consumer health, ecology, community health, body structure and function, safety, nutrition, fitness and body dynamics, dental health and emotional development. Instruction as to the effects of alcoholic drinks and of stimulants, including tobacco, and narcotics on the human system, as to tuberculosis and its prevention, and as to fire safety, including instruction in the flammable qualities of certain fabrics, and the prevention and treatment of burn injuries, shall be given to all pupils in all schools under public control, except schools maintained solely for instruction in particular subject areas . . . [S]uch other subjects as the school committee considers expedient may be taught in the public schools. The [state] board of education shall adopt rules and regulations for the establishment of

HEALTH EDUCATION

a twelve-month school year. Any city, town or school district by vote of its school committee may maintain and operate on a continuous twelve-month basis . . .,[but], nothing therein . . . shall be construed as to authorize said board to require the establishment of a twelve-month school year . . . ."

71 §1 A

"At the commencement of the first class of each day in all grades in all public schools the teacher in charge of the room . . . shall announce that a period of silence not to exceed one minute in duration shall be observed for meditation or prayer, and during any such period silence shall be maintained and no activities engaged in."

71 §1 B

SCHOOL PRAYER

"The school committee . . . may permit any child . . . to participate in voluntary prayer with the approval of such child's parents before . . . each daily school session . . . . [N]o city or town which permits such prayer shall be denied . . . funds for school purposes to which it may be entitled from the commonwealth."

71 §2

AMERICAN HISTORY

"In all public elementary and high schools American history and civics, including the constitution of the United States, the declaration of independence and the bill of rights, and in all public high schools the constitution of the commonwealth and local history and government, shall be taught as required subjects for the purpose of promoting civic service and a greater knowledge thereof, and of fitting the pupils, morally and intellectually for the duties of citizenship."

71 §3

PHYSICAL EDUCATION

"Physical education shall be carried on daily for all pupils in the public schools and may include calisthenics, gymnastics and military drill; but no pupil shall be required to take part in any military exercise if his[her] parent or guardian is of any religious denomination conscientiously opposed to bearing arms,

or is himself[herself] so opposed, and the school committee is so notified in writing; and no pupil shall be required to take part in physical education exercises if a physician. . .certifies in writing that in his [her] opinion such physical education exercises would be injurious to the pupil."

71 §13

"In every public high school having not less than one hundred and fifty pupils, any course not included in the regular curriculum shall be taught if the parents or guardians of not less than twenty pupils or of a number of pupils equivalent to five percent of the pupil enrollment in the high school . . . request in writing the teaching thereof, provided . . . a qualified teacher is available . . . [T]he teaching . . . may be discontinued if the enrollment of pupils falls below ten . . .[C]ourses . . . under this section shall be given the same academic credit necessary for a high school diploma as is given to similar courses . . . provided that the school committee shall make a determination as to the credit equivalency of such course prior to its being offered."

71 §13 D

DRIVER EDUCATION

"Motor vehicle driving education may be incorporated as a phase of the safety education program in high schools . . . The content of driver education courses shall be established by the commissioner of education in collaboration with the registrar of motor vehicles . . . ." In addition evening courses in driver's education may be provided for persons under twenty-five years of age, and reasonable fees may be charged therefor.

71 §17

"Every town of twenty-thousand inhabitants shall maintain . . . a course in practical arts for all students without regard to sex, including in such course both manual training and household arts as part of both its elementary and its high school program of studies."

71 §27

"The school committee may employ competent persons to deliver lectures on the natural sciences, history, and kindred subjects, ..."

71 §31

"A portion of the Bible shall be read daily in the public schools, without written notice or oral comment; but a pupil whose parent or guardian informs the teacher in writing that he[she] has conscientious scruples against it, shall not be required to read from any particular version, or to take any personal part in the reading. The school committee shall not purchase or use . . . school books favoring the tenets of any particular religious sect."

71 §31 A

"The school committee may set appropriate guidelines for the celebration of Christmas and other festivals observed as holidays for the purpose of furthering the educational, cultural and social experiences and development of children."

71 §51

"The school committee may, at any national, state, or foreign exposition, make an exhibition showing the character, standing or work of its public schools."

REGULATIONS

REG. #16

"1. Physical education includes health education, hygiene, physiology, first aid, . . . performance techniques, and physical fitness activities."

PHYSICAL EDUCATION

2. In grades 1 - 6, 90 minutes per week, as determined by local officials, shall be devoted to physical education. The majority of such time should be devoted to "vigorous physical activity."

3. In grades 7 - 12, 120 minutes per week shall be allocated to physical education, with the same stipulations as in (2).

"4. Children who can benefit from correctional exercises shall have adaptive or corrective programs scheduled."

5. New construction of physical education facilities shall be evaluated by the Bureau of School Building Assistance.

6. Minimum standards of physical education for each grade level shall be promulgated by the Bureau of Elementary and Secondary Education. Students shall be tested annually, the results of which shall be used to determine future policy choices in the area of physical education.

CROSS REFERENCES

I.State Director of Physical Education Statute 69§1A

III.A.1.; Regulation, Regulations of July 18, 1975

III.A.2.; Statutes 15§I; J; A

III.A.2.; Regulation, Regulation #27

III.C.Instructors; Statute 71 §30

1. Basic Curriculum

Statutes

§380.1151

English shall be the basic language of instruction in the public and nonpublic schools. However, religious instruction in a nonpublic school, academic instruction in foreign languages, and bilingual instruction which will assist children of limited English-speaking ability to achieve efficiency in English shall be allowed.

§380.1166

In all public and nonpublic schools, regular courses shall be given in the constitutions, histories, and present forms of government of the United States, Michigan, and its political subdivisions. Instruction shall begin not later than the opening of the eighth grade, or its equivalent, except in schools maintaining a junior high school, in which case it may begin in the ninth grade.

U.S. GOVERNMENT

A high school offering 12 grades shall require a one-semester course of five periods per week in civics. Successful completion of the course shall be required for graduation, except for a pupil who has enlisted or been inducted into military service.

§380.1168

The state board shall develop and make available to districts a curriculum guide for teaching consumer economics as a separate course or as parts of other courses.

§380.1169; 380.1170

Instruction shall be given in the principal modes by which dangerous communicable diseases are spread and the best methods for their restriction and prevention

and in physiology and hygiene, with special reference to the abusive use of tobacco, alcohol and drugs.

HEALTH EDUCATION

Comprehensive health education programs shall be developed as prescribed by §388.381 through 388.385.

A child upon the written statement of parent or guardian that instruction in the characteristics or symptoms of disease is in conflict with his/her religious beliefs shall be excused from such instruction.

§380.1171

Time shall be devoted in the public schools to teaching humane treatment and protection of animals and birds and the important part they fulfill in the economy of nature.

§380.1282

A school board shall establish grades, schools, and departments it deems necessary, determine courses of study, and cause pupils to be taught in the schools or departments the board deems expedient.

§380.1502

Health and physical education for both sexes shall be provided. Every pupil insofar as physically capable shall take physical education.

§380.1503

PHYSICAL EDUCATION

The board of a district having more than 1,000 pupils shall engage instructors of physical education, who may also teach health education, and provide locations and equipment for this instruction.

This shall not authorize compulsory physical examination or medical treatment of pupils.

§388.383

A critical health problems education program is created in the department. The superintendent shall promote and conduct programs including but not limited to: establishing guidelines for local health education programs; establishing teacher inservice programs with competent specialists in health education; supporting the extension of college and university curricula in health education; developing cooperative programs between school districts and institutions of higher education; and aiding in the development of plans and procedures for the evaluation of health education.

§388.384

The department may appoint an advisory committee from various fields of education and health to advise it in the implementation of health education.

The department shall cooperate with federal agencies and use federal funds for health education.

CROSS REFERENCES

I.District Boards of Education; Statute §380.244

II.A.6.; Regulation R388.224, Rule 4

II.B.1.b.; Statute §380.1174

1. Basic Curriculum

Statutes

§126.02

Physical and health education shall be provided for students of both sexes in the public schools. A modified course shall be provided for pupils who are physically or mentally unfit to take the regular course. A student shall not be required to take a physical examination if her/his parent notifies the school, in writing, that she/he objects to the examination.

HEALTH EDUCATION

§126.06

All public schools, in the eighth grade and in high school, shall give courses in the United States Constitution and the Declaration of Independence.

U.S. CONSTITUTION

§126.08

It shall be the duty of the superintendent or the teachers to teach subjects and songs which encourage patriotism.

§126.10

The last Friday in April is Arbor Day. Teachers in the public schools may use class time to discuss the importance of planting and developing trees and forest resources. Special days are also devoted to Francis Willard Day, Leif Ericson, and Susan B. Anthony. One-half hour of class time may be devoted to the life and history of these persons.

§126.11

The state department of education shall prepare an interdisciplinary program for the public schools in environmental conservation.

ENVIRONMENTAL EDUCATION

The commissioner of education shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase -- assessing available curriculum materials -- will determine what needs to be developed to "provide an integrated approach to energy education consistent with socio-economic and

ecological principles. Subsequent phases will develop curriculum guidelines and materials and a plan for their implementation.

REGULATIONS

EDU 20

"The State Curriculum outlines and suggested courses of study for elementary schools shall constitue the basis for the elementary curriculum, with necessary modifications to adapt them to local needs." Constant subjects listed below shall be taught for 1 to 6 or 1 to 8 years:

"Language Arts . . . . . .

Reading - Includes developmental, recreatory, and remedial phases.

Library - Provides instruction in the use of source materials.

Language, handwriting, and spelling -

Assists pupils to develop ability to express ideas, listening skills, and good oral and written communication.

Arithmetic (Mathematics). . . . . .

Social Studies . . . . . .

Included here are history, citizenship and geography.

Science and Conservation . . . . . .

Fine and Practical Arts . . . . . .

Included here are art, music, creative dramatics and crafts.

Health, Physical Education and Safety . . . . ."

In elementary or middle school when instruction is not departmentalized, "teachers shall be responsible for all instructional activities in their . . . assigned classrooms."

EDU 32

Middle schools shall provide a general education for all pupils, special education for all eligible

exceptional pupils, exploration experiences in the fine arts, practical experience in industrial education, agriculture, home economics, music and art, library skills, audio-visual instruction and a planned counseling program. Instruction is to be well organized and sequential, providing continuity between instructional levels while meeting student needs, interests and abilities. Constant subjects shall include, but not be limited to the following:

"Art	Mathematics
Communication Skills	Music
Health	Physical Education
Home Economics and/or	Science
Industrial Education	Social Studies. . . .

Communication skills, mathematics, physical education, science and social studies shall be constant requirements each year of the middle school.

In grades five and/or six of the middle school, art, music and health shall also be a constant requirement each year."

EDU 40

The subject fields in classified secondary schools shall include a minimum of: communication skills, social studies, science, math, physical and health education. The curriculum shall contain constants (or core courses) and electives. A specific program for pupils in secondary schools shall be as follows:

1. Junior secondary schools.

"The minimum total pupil load for the three year period of grades seventh, eighth, and ninth, shall be 3,150 clock hours consisting of required and elective subjects. Of this minimum total, there shall be 1,950 required (constant) clock hours and 1,200 elective clock hours. Elective clock hours shall be utilized to provide additional time for required and/or elective subjects.

2. Electives and experimental programs.

Electives shall be offered in both academic and special fields to meet pupils' individual needs. Schools shall

submit to the commissioner detailed outlines of 1) proposed elective courses and 2) proposed experimental programs.

EXPERIMENTAL PROGRAMS

Requests for experimental programs shall be reviewed by a special department committee. Proposals shall include: a statement of goals and objectives, a description of the program and a list of activities and procedures. A definite time limit for the experiment, a statement of the evaluation procedures to be used, and an identification of any state board regulation which shall be waived for the proposed program. Evidence shall be given that the proposal has had sufficient exposure among and input from students, parents and faculty. If positively evaluated, a program may be continued under the auspices of the departmental committee.

In secondary schools practical arts and vocational departments and classes shall be approved by the state board for vocational education.

EDU 41

The minimum pupil load for regular pupils each year of senior secondary shall be four major credit courses except in cases where the pupil graduates early by accumulating the required number of units for graduation prior to the usual three year period.

The attendance of any student graduating after the normal graduation date must be recorded and aid claimed on the basis of full-time equivalence.

EDU 66

HOME ECONOMICS

At least two full years of home economics instruction shall be maintained in junior secondary schools, at least one full year in senior secondary schools, and at least three full years in a home economics department in any other type of secondary school. Home economics shall be required for all seventh, eighth or ninth grade pupils unless pupils are excused to complete a program in industrial education or for health reasons. Home economics shall be offered either five periods per week throughout seventh or eighth grade or five periods per week for one

semester in both seventh and eighth years. Courses in the ninth through 12th grades shall be offered at least five periods per week throughout the school year.

EDU 161 -- 162

PHYSICAL EDUCATION

Elementary schools shall schedule between ten to thirty minutes daily for physical education. A minimum of eighty clock-hours of physical education shall be scheduled for grades seven, eight and nine; and sixty hours in grade 10. Class size shall not exceed 40 pupils.

CROSS REFERENCES

I.District School Boards; Statute §123.11

II.A.5.; Statute §126.07

III.C.School System; Regulation EDU 4

III.C.Student; Regulation EDU 43

IV.A.; Regulation EDU 140

IV.A.; Regulation EDU 141 -- 142

IV.A.; Regulation EDU 560 -- 562

IV.D.; Regulation EDU 243

IV.H.; Statute §120.10

1. Basic Curriculum

Statutes

§37-13-3

"No doctrinal, sectarian or denominational teaching shall be permitted in public schools of this state. It shall be the duty of the county superintendents of education and the superintendents of municipal separate school districts to enforce the provisions of this section."

§37-13-5 - - 7

All public schools must offer a course on the United States and Mississippi flags, including their history, "what they represent and proper respect therefore. There shall also be taught in the public schools the duties and obligations of citizenship, patriotism, Americanism, and respect for and obedience to law." As part of this requirement teachers shall have pupils "repeat the oath of allegiance to the flag . . . at least once during each month . . . ." FLAGS

§37-13-11

"The curriculum of the grammar schools shall consist of spelling, reading, arithmetic, geography, English grammar, composition, literature, United States history, history of Mississippi, elements of agriculture and forestry, civil government with special reference to the state of Mississippi and local government, physiology, hygiene, with special reference to the effect of alcohol and narcotics on the human system, home and community sanitation, general science, and such other subjects as may be added by the state board of education. COURSE OF STUDY

The subject of safety shall be taught in the grammar school grades." SAFETY EDUCATION

§37-13-13

COURSE OF STUDY

"The curriculum of the high school shall consist of mathematics, English, history, social science, pure and applied science, including agriculture, elementary economics, home economics and manual arts, safety on the highways, and such other subjects as may be added by the state board of education."

Prerequisite for graduation from public high school is a "one Carnegie unit course in American and state government with emphasis on the state and federal constitutions, and the nature and threat of communism."

§37-13-15

STATE HISTORY

The history of Mississippi must be taught in one of the grades in high school. This requirement is independent of any existing laws.

§37-13-17

MUSIC

The board of trustees may institute a course in music to be taught by either a specialist or regular teacher.

ART

Art may be taught in one or more of the six grades in elementary school, and in the discretion of the board of trustees, above sixth grade. "Art (includes) drawing, commercial art, art history, and art appreciation."

§37-13-19

HYGIENE INSTRUCTION

HEALTH EXAMINATIONS

The state board of education shall provide for hygiene instruction and for periodic health examinations for pupils. Provision shall also be made for education and health training through physical exercises, games, play, recreation and athletics. The conduct and attainment of all pupils taking part in such activities shall be graded and marked and may form a part of the requirements for promotion or graduation.

§37-13-21; 23; 25

HEALTH EDUCATION

The state board of health and county health department are empowered to establish "health education programs in the schools and to employ county health educators for such purpose." The county superintendents

upon approval of the county board of education, and the board of trustees of the municipal separate schools, of localities where such programs are established are empowered to cooperate with the state board of health and county health department. Students whose parents make written application to the proper authorities maintaining the program "is inconsistent with tenets and practices of the known religious organization with which they are affiliated shall not be required to participate in the program."

WAIVER

The state shall also provide for a temperance commission that is to "prepare instructional materials on debilitating effects of intoxicants."

INTOXICANTS

§37-13-27; 29; 37; 47

The state board of education must prescribe methods of teaching instructional material prepared by the state temperance commission and shall require that temperance "be taught as a course in all the . . . common schools from grade three to twelve inclusive, requiring a stated number of hours during each scholastic year, the number of such hours to be fixed by the state board of education. Alternatively, said board may require that" principals and teachers "read and comment" on the instructional materials at least once per month.

TEMPERANCE

The county superintendent shall arrange for lectures on temperance "as he[she] may deem proper" and on the effect of intoxicating liquors on the human system.

In prescribing the curriculum for all elementary, junior and senior high schools, the state board of education shall provide for "teaching of scientific facts as to the effects of the use of intoxicating liquor and the destructive social effects thereof."

The state board of education empowers each school district to employ drug education specialties.

§37-13-35

"The state board of education is . . . directed to secure from scientists the latest and best information regarding the truth about alcohol, as to

its effects on the human body."

The state board of education is further directed to procure FBI reports, court records and other reliable information "that reveals the truth concerning the harmful effects of alcohol upon the life of the individual, the family, society and the nation."

EFFECTS OF ALCOHOL

Upon this information the appropriate committees shall "examine, prepare and arrange said material in such a way . . . to make it suitable for use" in grades six through twelve. The information shall be compiled and the state textbook purchasing board shall require it to be used in "suitable books . . . adopted for the aforesaid grades."

The state board of education shall require the above books be used in grades six through twelve.

§37-13-39

"The director of the division of instruction of the state department of education shall supervise the teaching of the effects of alcohol, narcotics and all habit-forming drugs in all grades of the public schools . . . .

ALCOHOL AND DRUG EDUCATION

His/her duties shall be:

(a) "to compile information to be used . . . in teaching the effects of alcohol, narcotics and all other habit-forming drugs, and to furnish said information to teachers and recommend methods of teaching";

(b) to hold conferences with teachers throughout the state to carry out the program;

(c) to cooperate with educational institutions and authorities in carrying out this program;

(d) "to make a detailed annual report to the state superintendent of public education."

§37-13-45

DRUG EDUCATION

The state board of education is authorized to develop a program of drug education to be used in every school district.

§37-13-51

DRUG EDUCATION

(a) "The state department of education, under rules and regulations adopted by the state board of education shall be responsible for assisting school districts in developing, administering and evaluating the drug education program;"

(b) the state department of education and the appropriate state agency shall be jointly responsible for developing a drug education curriculum to be used for the schools;

(c) the state department of education and the appropriate state agency shall be jointly responsible for "developing and administering a program of training for the drug education specialists. This training program shall include appropriate participation by authorities in the fields of education, sociology, medicine, pharmacy, psychology, psychiatry, law and law enforcement. No drug education specialist may be employed who has not completed the training prescribed in this section and who does not have at least an "A" teacher's certificate and one year of teaching experience."

§37-13-52 -- 53

ECONOMICS

In order to ensure the "development of a comprehensive economic education program for grades one through twelve," a program is developed which will "teach a positive understanding of the American economy and the free enterprise system, how it functions, and how the individual can function effectively within our economy as consumer, worker and voter."

§37-25-1; 3; 7

DRIVER EDUCATION

Any school district with a secondary school encompassing any of the grades from nine through twelve may establish driver education programs for day secondary school students.

The intent of driver's education "is to develop knowledge . . . of laws . . . relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the

causes, seriousness and consequences of traffic accidents, and the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles."

Each school district providing driver's education shall prescribe regulations governing who may receive instruction. "It is provided, however, that, any student receiving [driver education] instruction shall be:

(a) Fourteen years of age or above;

(b) A regularly enrolled student in the ninth, tenth, eleventh or twelfth grades; and

(c) a full-time student in the respective secondary school.

A report shall be filedwith the state superintendent of education regarding such education, with a determination of the cost of the program. The state superintendent will provide financially for the program in the methods stated within this chapter.

CROSS REFERENCES

I.State Board of Education; Statute §37-1-1 -- 37-1-9; 37-3-17

III.A.2.; Statute §37-23-9

1. Basic Curriculum

Statutes

§161.102

The state board of education shall: adopt rules in order that all students in state public schools receive courses in physical education; under advice of the director of health, provide a printed manual of physical education and health supervision and school nurse services for the use by teachers, supervisors of physical education, school health supervisors and school nurses of the state.

PHYSICAL EDUCATION

§170.011; .021; .031

Courses on the constitution of the U. S. and Missouri and American history shall be given in all public and private schools in Missouri.

U. S. CONSTITUTION

HISTORY

In order to receive a certificate of graduation, one must satisfactorily pass an exam on the constitutions of the U. S. and Missouri and American history, such courses to begin no later than the 7th grade and continue in high school. Pysiology and hygiene shall also be included as required courses.

HEALTH

§195.300

The state board of education shall promulgate rules requiring a continuing curriculum to be provided in elementary and secondary classes on the use and abuse of dangerous drugs.

RULEMAKING

Regulations

5 CSR 50-400.010

DRUG EDUCATION PROGRAMS

Each public school district shall provide continuing classes on the use and abuse of dangerous drugs. Each district shall insure that staff members are informed about drug abuse through preservice and inservice training programs

DRUG ABUSE EDUCATION

CROSS REFERENCES

III.A.1.; Regulation 5 CSR 50-340.010

IV.A.; Statute §168.171

1. Basic Curriculum

Statutes

§32-4605

The superintendent of public instruction is the "state agency responsible for all aspects of federally assisted driver education and safety programs in the public schools, including . . . approval of . . . programs; certification of teachers; and . . . expenditure of funds for driver education." The department of community affairs shall "establish comprehensive training programs, including . . . driver training schools and certification of the schools and instructors."

DRIVER EDUCATION

§75-7503.1 — 75-7505

"The board of public education shall define . . . the basic instructional program for pupils in public schools." This program is included in the accreditation standards. Other instruction may be offered with the approval of the board of trustees. The superintendent of public instruction is responsible for maintaining "a file of curriculum guides . . . available to districts for the use of schools in planning courses of instruction."

BASIC PROGRAM

§75-7521

PRAYER

Publications "of a sectarian or denominational character" shall not be used in any school or school library, nor shall any instruction be offered "in sectarian or denominational doctrine. However, any teacher, principal, or superintendent may open the school day with a prayer."

§75-7904

TRAFFIC EDUCATION

"The superintendent of public instruction shall: (1) "develop, administer, and supervise the program of instruction in traffic education;"(2) "establish basic course requirements in classroom . . . and behind-the-wheel instruction . . .[and] qualifications for a teacher of traffic education;" (3) "approve teachers . . . establish criteria for . . . course approval . . . [and] approve traffic education courses;" (4) "promulgate a policy for the distribution of . . . moneys to approved traffic education courses and . . . order the distribution of . . . traffic education account" moneys annually; and (5) "assist districts with the conduct of traffic education."

§75-7905

TRAFFIC EDUCATION

"Trustees of any district operating a junior high school or high school may establish . . . a traffic education course . . .[which] shall be "(1) for students at least 15 years old; (2) taught by a traffic education teacher; (3) in conformance with the basic requirements set by the superintendent of public instruction; and (4) taught during or after regular school hours, on Saturdays, or in summer school, "at the option of the trustees."

§75-8904; 8905

HEALTH EDUCATION

ALCOHOL AND DRUG ABUSE

All public and private junior high and high schools shall be required to teach courses in health education to include drug and alcohol abuse, with the advice of the Montana alcohol and drug dependency commission.

REGULATIONS

§48-2.6(10)-S6130

CURRICULUM: ELEMENTARY

MINIMUM PROGRAM

"(1) An elementary school shall have a minimum educational program that includes...

"(a) Language arts...

"(b) Arithmetic...

"(c) Science and conservation.

"(d) Social Sciences...

"(e) Fine arts...

"(f) Physical education...

"(g) Safety...

"(h) Health education...

"(i) Weekly time allotments for each subject area are flexible; however, in grades 1, 2 and 3, the standard school day must consist of four hours.

SCHOOL DAY

"(j) In grades 4, 5, 6, 7 and 8, the standard school day must consist of six hours. Daily time allotments do not include time allotted for lunch period...

"(k) In developing a...schedule, time allotments should be flexible for meeting the individual needs of children...Every teacher should prepare a daily or weekly plan of instruction.

"(2) Basic instructional course material or textbooks...must be reviewed by school district personnel at intervals not exceeding five years. All instructional materials must be sequential and, in addition, must be compatible with previous and future offerings.

"(3) A school district may utilize its own course of study if approved by the Superintendent of Public

Instruction.

"(4) Teachers, supervisors and administrators shall plan together the inservice programs for curriculum development and/or instructional planning."

INSERVICE TRAINING

§48-2.34(1)- S3400

An approved traffic education program for student drivers must: (1) be provided by districts operating both a junior and senior high school; (2) be for students who are 15 or over, or who will reach their 15th birthday within 6 months of course completion; (3) be taught by an instructor approved by the Superintendent of Public Instruction; and (4) consist of at least 60 hours of learning experiences. A student must meet the minimum performance objectives identified by the local school district in order to be considered as having successfully completed the program.

TRAFFIC EDUCATION

Schools desiring to experiment with new teaching techniques may do so but must seek the approval of the Office of Public Instruction.

§48-2.34(1)- S3420

In order to be eligible for state reimbursement, a school district must apply for and receive approval of the Superintendent of Public Instruction for the district's traffic education program for student drivers before the program begins. The traffic education teacher must be approved by the Superintendent before the program begins or the school district will not be eligible for reimbursement.

TRAFFIC EDUCATION

§48-2.34(1)-S3430

Before students 15 years of age can obtain a driver's license, the administrative official of the school district must verify that the student has successfully completed a traffic education program.

TRAFFIC EDUCATION

§48-2.34(1)-S3450

The trustees of any district operating a junior

high school or high school may establish and maintain a traffic education course for pupils enrolled in the district's secondary schools. A student enrolled in the course must reach his/her 15th birthday within 6 months of completing the course.

CROSS REFERENCE

III.C.Students; Regulation §48-2.16(10) - S6120

A. Educational Courses and Programs

1. Basic Curriculum

Statutes

§79-213

"It is one of the first duties of our educational system to so conduct its activities, choose its textbooks, and arrange its curriculum . . . that the love of liberty, justice, democracy, and America will be instilled in the . . . youth of the state." Each year every school board shall appoint three of its members to serve as the "Committee on Americanism, whose duties shall be" to examine and approve American history and government textbooks and "assure themselves as to the character" and allegiance of teachers. Beginning in 1971 all American history courses shall include the contributions of ethnic groups to America's national development, "art, music, education, medicine, literature, science, politics, and government, and . . . war services." In all grades below 6th in all schools at least one hour a week must be devoted to patriotic instruction or exercises. "In at least two of the three grades from the fifth . . . to the eighth grade in all . . . schools at least three periods per week shall be . . . devoted to the teaching of American history from approved textbooks. In high school in at least two grades civics must be taught at least three periods weekly, including instruction in the U.S. and Nebraska Constitutions and "the duties of citizenship. Schools shall hold "appropriate patriotic exercises" on commemorative days. School boards, the State Board of Education, and county and school superintendents are "directly responsible," in that order, for carrying out these provisions; "neglect thereof by any employee or appointed official shall be considered a dereliction of duty and cause for dismissal."

AMERICAN HISTORY

U.S. CONSTITUTION

CITIZENSHIP

DISMISSAL

§79-214 -- 215

Teachers in all schools should emphasize "honesty, morality, courtesy, obedience to law," patriotism, the Constitution, the importance of work and "respect for parents and the home." The Commissioner of Education shall make recommendations for accomplishing this and "incorporate the same in the regular course of study for the first twelve grades" in all schools of the state.

§79-495 — 79-496

"The Commissioner of Education shall lay out a . . . course of study adapted to rural school conditions . . . for the first eight grades in common schools," to include instruction in reading, writing, social studies, history, civics, geography, science, "including health and agriculture," arithmetic and the arts.

After completing this course of study to the teacher's satisfaction, "a pupil may apply to the county superintendent to take the statewide examinations." The examinations are furnished by the commissioner and uniform throughout the state in any year. The county superintendent appoints an examining board to grade the papers. The statewide examinations are not mandatory in counties "in which the county superintendent has a comprehensive testing program or . . . a full-time deputy superintendent or helping teacher" is employed. Curriculum for high school "shall be based upon the program . . .[and] courses of study, and the pupil and teacher guides issued by the Department of Education."

EXAMINATIONS

§79-1270 — 79-1270.02

Pupils in all schools must receive instruction "in a comprehensive health education program which shall include . . . the physiological, psychological, and sociological aspects of drug use, misuse, and abuse . . . . Special emphasis shall be placed upon the commonly abused drugs of: Tobacco, alcohol, marijuana, hallucinogenics, amphetamines, barbiturates, and narcotics."

HEALTH EDUCATION

The Commissioner of Education is responsible for preparing "teaching aids and materials . . . for an effective course in comprehensive health education . . . for distribution to all public and private schools requesting such materials and approved for continued legal operation" under the regulations of the State Board of Education.

School systems that fail to comply with these provisions do not meet approval and accreditation standards, and "proper action by the State Department of Education shall be taken."

REGULATIONS

5-(1)-5-(2)

I.A.4.

School districts may elect to operate schools on a year-round basis. A school year shall consist of a cycle of 175 school days.

5-(4)

A school choosing to operate on a year-round basis may select any one of the many types of operational plans. However, the specific plan to be used must be submitted to the Board of Education for its approval.

11-(34) - 11(43)

A high school program shall offer a total of at least 250 hours of credit. A school system offering a high school program of instruction shall include certain courses, listed below. These courses are not to be confused with graduation requirements which are determined by each local school system. The courses which must be offered are:

English (grades 10-12) - four courses

Social Science (grades 10-12) - three courses

Mathematics - a three-course sequence with a minimum of 30 hours credit

Science - three laboratory science courses, with a minimum of 30 semester hours credit

Modern Foreign Language - a three-year sequential

program (7-12) in the same language

Practical Arts/Vocational Technical Courses - a minimum of 30 semester hours

Advanced Health and Physical Education - two courses, one for boys and one for girls, each for at least two 55 minute periods per week.

Fine Arts (grades 10-12) - a minimum of 20 semester hours credit each year, divided among music and art classes.

11-(48)

Elementary schools shall offer a program of instruction including the following: language arts, mathematics, social studies, health and safety, physical education, science, art, and music.

11-(51)

A school system offering grades 7-8 shall offer a school program including the following: language arts, mathematics, social science, health and physical education, science, practical arts, art, and music.

14-(9)

The elementary school shall provide instruction in the following: (1) reading and language arts; (2) mathematics; (3) social studies; (4) science; (5) health; (6) physical education; (7) art; and (8) music.

14-(31) - 14-(32)

The total instructional program offered in the high school each year shall consist of courses totaling at least 200 instructional units. At a minimum, the high school shall include the following subject fields:

language arts - 40 instructional units

social science - 30 units

mathematics - 20 units

science - 20 units

vocational ed and/or practical arts - 60 units

These 60 units include instruction in: vocational agriculture; business and office education; distributive education; health occupations education; home economics education; trade and industrial education; industrial arts.

Physical education - 10 units

Health -

Music - 4 units

Art - 4 units

14-(33)

Secondary schools including grades other than high school grades shall provide instruction in the following subject fields in each grade during each school year: language arts, social sciences, mathematics, science, health, physical education, music, and art.

CROSS REFERENCES

III.C.Students; Regulation 14-(34)

IV H.; Statute §79-2.6

I. Basic Curriculum

Statutes

§385.110

"The State Board of Education shall prescribe and cause to be enforced the courses of study for the public schools of this state; provided: (1) that high schools may have modified courses of study, subject to the approval of the state board of education; and (2) that any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the State Board of Education."

§385.480

ENVIRONMENTAL EDUCATION

"The Nevada advisory committee for environmental education is hereby created for the general purposes of advising, supporting and coordinating environmental education programs in this state."

§38[illegible].595

"The state department of education shall provide leadership for the environmental education program by appointing an environmental education consultant, who shall be" employed by the state department of education and whose responsibilities shall include coordinating the efforts of the various disciplines concerned with environmental education, developing and distributing environmental educational materials, developing in-service teacher training in environmental education, and coordinating the efforts of private, local and governmental organizations concerned with environmental education.

§389.010

"Boards of trustees of school districts shall enforce in schools the courses of study prescribed and adopted by the proper authority."

§389.020; 389.030; 389.035

All public and private schools and training centers for girls and youths shall give instruction, for at least one year in both elementary and high schools, in the origin, history and essentials of American and Nevada history, constitutions and governments and in American institutions and ideals. No student in any public or private high school or training center shall graduate "without having passed a course in American government" and history.

AMERICAN HISTORY

NEVADA HISTORY

AMERICAN GOVERNMENT

§389.040; 389.050

All state public high schools shall instruct pupils in "the duties of citizenship, both in time of peace" and of war; and shall provide physical training and training in "the duties of citizens in the service of their country." Such instruction shall aim "to inculcate a love of country and a disposition to serve the country effectively and loyally." All graded and high schools shall set aside at least one hour each school week "for the purpose of holding patriotic exercises. Boards of trustees of school districts offering a four-year high school course are empowered to employ" physical training teachers for both boys and girls.

CITIZENSHIP

§389.060

"Physiology and hygiene shall be taught in the public schools" and "special attention shall be given to the effects of controlled substances" upon the human system.

DRUG EDUCATION

§389.080

Public school teachers shall teach lessons on the subject of thrift including "the importance of industry, production, earning, wise spending, regular saving, safe investment and government taxes" and "the importance of thrift in time and material."

THRIFT

§389.090

RULEMAKING

"The state board of education shall adopt rules and regulations governing the establishment, conduct, and scope of automobile driver education" in public schools . . . Automobile driver education shall aim "to develop the knowledge, attitudes, habits and skills necessary for" safe motor vehicle operation. "The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and school days, summer sessions, and at other times for pupils enrolled in regular full-time day high schools or summer classes. A board of trustees maintaining automobile driver education courses shall insure against any liability arising out of the use of motor vehicles in connection with such courses. The cost of such insurance shall be paid from available school district funds. Automobile driver education shall only be conducted "by the state board of education and boards of trustees."

DRIVER EDUCATION

§389.100

"The board of trustees of any school district is authorized to "charge each pupil enrolling for an automobile driver education course" a laboratory fee "which shall not exceed the difference per pupil between the actual cost of providing the course and the amount anticipated under NRS 387.033, or $35, whichever is less." Such a fee does not violate Article II of the Nevada constitution.

§389.110; 389.120; 389.130

ENVIRONMENTAL PROTECTION

Instruction concerning environmental protection, ecology, and conservation of natural and human resources shall be given in all elementary and secondary schools. Secondary school guidance programs shall provide information on careers and further education in environmental matters. School districts shall investigate, in coordination with the Nevada advisory committee for environmental education and the state department of education," the

feasibility of programs of outdoor environmental education and camping."

POLICY GUIDES

Elementary Courses of Study

Curriculum & Instruction Branch, Nevada State Department of Education

This policy guide is not an all-inclusive curriculum guide but rather is a very general study guide, suggesting ideas and concepts for teachers and staff. Local districts are encouraged to develop their own study guides. The courses for which guidelines are established include art, business, English and foreign language, physical education and social studies. In each section the purpose of the course is given and objectives are enumerated which describe expected student performance in the area.

COURSE OF STUDY

CROSS REFERENCES

I.Advisory Committee for Environmental Education; Statute §385.490; 385.500; 385.510

I.Advisory Committee for Environmental Education; Statute §385.520

III.C.Schools; Constitution, Article XI, §9

III.C.Teachers; Statute §391.260

1. Basic Curriculum

Statutes

§106-A:2-a

The "commissioner of safety" and the "commissioner of education" shall devise regulations for driver education courses in the secondary schools. The regulations shall cover "curriculum," the "educational background . . . of teachers," and "facilities and equipment."

DRIVER EDUCATION

§189:10

"The school board shall see that the studies prescribed by the state board are thoroughly taught, especially physiology and hygiene insofar as it relates to the effect of alcohol and other drugs and venereal diseases on the human system."

PHYSIOLOGY AND HYGIENE

§189:11

Beginining not later than the eighth grade and continuing through high school, regular courses are to be given in "the history, government and constitutions of the United States and New Hampshire, including the organization and operation" of local, state and federal government.

HISTORY AND GOVERNMENT

§189:20

"A foreign language may be taught in elementary schools."

FOREIGN LANGUAGE

§189:23

Copies of the state constitution and the election laws shall be given to "all teachers of history and civics" to be used by them for class instruction.

§194:15-a

"A school district may authorize the recitation of the . . . Lord's prayer and the pledge of allegiance . . . in public elementary schools." Participation by students would be voluntary, and students would be informed that such recitations are "not meant to influence an individual's personal religious beliefs."

LORD'S PRAYER

§194:16; 110-A:79

MILITARY DRILL

"A school district may include military drill and physical exercise in its course of instructions . . . ."

§194:17

USE OF FIREARMS

"A school district may include instruction in the safe and proper use of firearms".

§194:20

LANGUAGES

Any school district may "establish . . . a high school in which the higher English branches of education, Latin, Greek and modern languages may be taught."

§194:23-E

TUITION

COURSE OF STUDY

"In order to be entitled to accept tuition students," a high school must offer four year courses to students to prepare them for admission into "colleges, technical schools and teachers colleges as determined by the state board of education," instruct students in the constitutions of New Hampshire and the United States and such other subjects as the school district may determine, or must offer "a course of studies for four years for students, who have completed eight years of grammar school or its equivalent, including subjects prescribed by the state board of education" and "reasonable instruction" in the constitutions of New Hampshire and the United States.

Both high schools and comprehensive high schools must have state board approval.

REGULATIONS

State Board of Education Policies, #321.1.

DRIVER EDUCATION

Driver education is offered at the secondary level to eligible students. Teachers must be certified to teach and have at least five years driving experience. The course must offer both classroom and behind-the-wheel instruction.

State Board of Education Policies,
321.1, p. 00047

COURSE OF STUDY

The State Board of Education shall review recommendations for altering the curriculum and establish or delete programs accordingly.

State Board of Education Policies,
#321.1, p. 00051

HEALTH EDUCATION

The State Board of Education recommends a comprehensive health education program in grades K-12, taught by qualified teachers who have been trained in this special area. The main purpose of any such course should be to develop attitudes which will promote physical and mental health.

SEX EDUCATION

Nutrition education concerning alcohol, drugs and tobacco, and family living, including sex education, are some of the essential elements of a health education program.

"The student should receive instruction which is appropriate for his or her age and maturity level.

School personnel should adopt an open-door policy so that the students are encouraged to seek help with school and personal problems when needed."

State Board of Education Policies,
#321.1, p. 00056 - 57

ENVIRONMENTAL EDUCATION

The State Board and the State Department of Education recommend the development and implementation of environmental education programs. Such a program should be an integral part of the curriculum in grades K-12.

Certification Standards for Educational
Personnel in New Hampshire, #479 - pp. 38-40

HEALTH EDUCATION

"The New Hampshire General Court, prescribed mandatory studies in health education, i.e. physiology and hygiene. Over the past century, this statute has been modified as the needs of the times have changed. Most recently, the 1973 General Court added instruction in venereal disease as a curriculum requirement for New Hampshire schools.

VENEREAL DISEASE

In response to these educational requirements, the State Board of Education approved the following guidelines for New Hampshire schools:

Policy Statement Relating to a Comprehensive Health Education Program

Health Education programs for boys and girls in New Hampshire are a vital concern of parents, school personnel, and the citizens of every community. Health education, and education about the schools, as well as the church and every community agency, must reinforce and supplement the work of the parent. The characteristics and pressures of modern society are such that they dictate a coordinated community effort to develop comprehensive health programs that can help our young people to happier, healthier living.

The State Board and the State Department of Education in their roles of responsibility for programs of basic education in the school, recommend the development of comprehensive health programs by qualified teachers who have been trained in health education. Each school district in the State is encouraged to study its health education needs and develop programs which are consistent with these needs.

The major purpose of any comprehensive health education program would be the development of attitudes and behaviors which will promote physical and mental health. Nutrition, disease prevention, education concerning alcohol, drugs and tobacco, and family living, including sex education, are a few of the essential elements of an effective health program. An effort should be made to develop basic consumer knowledge and attitudes necessary for wise evaluation of buying practices to meet these personal needs.

In order for the community to understand and accept the school's assistance in health education, the following general guidelines are suggested.

1. Each school district should encourage the development of a public information program. Such a program represents an important effort to involve parents and the community in planning and understanding school health programs.

2. In the development stages, local school personnel, in cooperation with an advisory group, should review and evaluate, then recommend, only those instructional materials which have community acceptance. Whenever instructional materials seem to be controversial, they should be reviewed carefully to insure the materials will coincide with community standards and expectations, as well as meet the needs of students.

3. Districts should outline in a straight-forward manner what the school plans to include in the area of health education and use a broadly-based citizens' committee to advise on these programs. The needs and interests of students should be primary factors in the committee discussions. The decision to initiate a comprehensive health program is the responsibility of the local school board. A school district should provide adequate resources to assure trained personnel, and acceptable materials.

4. Instruction should be given by qualified instructors, specifically those who have shown an apptitude (sic) for working with young people, have received special preparation, and are themselves mature individuals and sensitive to community mores.

5. The student should receive instruction which is appropriate for his/her age and maturity level.

6. School personnel should adopt an 'open door' policy so that the students are encouraged to seek help with school and personal problems when needed.

Definition of Comprehensive Health Education and Services

The major purpose of any comprehensive health education program would be the development of attitudes and behaviors which will promote physical and mental health. This definition sets as a goal for each New Hampshire Supervisory Union or district the integration of all community and school health services into a comprehensive program(s) which provides useful services to meet the physical and mental needs of children, youth, and their families. Educational components of this coordinated effort include guidance and

counseling, nursing health services, health and physical education, home economics, food and nutrition, and other related disciplines and activities.

Coordination of Effort

As school districts attempt to discharge their legislated responsibilities for health education and services, there is a need for cooperation and communication within the school and between the school and community. The Comprehensive Health Education and Services policy of the State Board of Education points out the essential relationship between the school and community in developing an effective program and the central role that the school, church, and community have in supporting and reinforcing the responsibility of the family. To facilitate the development of this coordinated effort, the State Board of Education, through its certification authority, establishes provisions for certifying the position of Coordinator of Comprehensive Health Education and Services."

CROSS REFERENCES

II.A.4.; Regulation, State Board Policies, #321.1, p. 00054-55

III.A.1.; Regulation, Minimum Standards and Recommendations - Elementary Schools #319.13, pp. 3--24

III.A.2.; Statute §194.23

III.C.Students; Regulations, State Board Policies, #321.1, p. 00061

1. Basic Curriculum

Statutes

§18A: 4-25
The commissioner may "prescribe minimum courses of study for the public schools" and "require boards of education to submit to him for approval courses of study adopted by them."

§18A: 4-25.11
"The Commissioner of Education is authorized to make research and demonstration grants" to assist local school districts in the implementation of pilot drug education programs.

§18A: 4-28.7
Each school district having secondary grades "shall incorporate the recommended drug education program into its health education curriculum."

§18A: 4-28.8
To implement the drug education curriculum, the commissioner of education shall appoint a program director, pay stipends to teachers attending the summer workshops and presenting the drug education program to secondary school teachers; and prepare educational materials for the programs.

§18A: 4-28.9
"The commissioner of education shall develop criteria and evaluate the effectiveness of various aspects of the Drug Education Program" in the state and report to the state board of education.

§18A: 4-28.10

The purpose of the Drug Education Program is to develop programs and educate students on drugs and "promote coordinated efforts among school districts."

§18A: 6-2

ACCIDENT AND FIRE PREVENTION

Courses in "accident and fire prevention" shall be given in every public and private school in the state.

§18A: 6-3

UNITED STATES CONSTITUTION

Regular courses of instruction in the constitution of the United States shall be given in all public and private schools, beginning in the 7th grade and continuing through high school.

§18A:35-1;2

UNITED STATES HISTORY

A two year course in U.S. history, prepared by the district superintendent of schools, shall be given to all students in high school. The course shall include instruction in the principles of American representative government, social, economic and cultural history of the U.S. and such other historical events as will "instill . . . a determination to preserve these principles" and to encourage the exercise of voting rights. Such course shall also include materials on the history of the Negro in America.

§18A:35-3;4;4.1

STATE STUDIES

All elementary school students shall be given courses in "community civics, geography, history and civics of New Jersey and the privileges and responsibilities of citizenship." The "nature of alcoholic drinks and narcotics and their effects" shall also be taught. A board of education may also teach principles of humanity as they apply to kindness to animals.

§18A: 35-5 -- 9

PHYSICAL EDUCATION

Every public school shall have courses in health, safety and physical education. These courses shall be subject to the "supervision and direction of the commissioner." "Every pupil, except kindergarten pupils, . . .[who is]. . . physically fit . . . shall take [these] courses and they shall form a part of the requirement for promotion or graduation." Such courses shall aggregate "at least 2 1/2 hours each school week."

The state board shall set the qualifications for teachers of such courses.

§18A: 35-10 -- 14

MILITARY TRAINING

If the state board shall so determine, a course in military training shall be included in the health, safety, and physical education course for males in high school. If such a course is not required by the state board, the question of its inclusion may be presented to district voters by referendum upon resolution of the board or petition by 10% of the district voters. If such inclusion is supported by majority vote, military training shall be included in the high school curriculum.

Teachers of the course shall have a certificate as to their qualifications from the chief of staff of the DOD and his/her salary shall be paid by the employing district.

§18A: 43-1 -- 3

ACCIDENT INSURANCE

A board of education may maintain an accident insurance for the benefit of pupils injured while participating in school athletic or physical education programs. A board may require payment by students of "a proportionate share of the premiums or any part thereof". No pupil shall be required to make any payment if he/she elects not to participate in the program. This provision shall not be construed to impose any liability on the board of education for injuries incurred during school-sponsored programs.

LIABILITY

§18A:53-1

The board of education of any school district may allocate funds for the support of museum services for the educational benefit of public school children. The museum facilities and services may include exhibitions and field trips.

REGULATIONS

§6:8-2.5

The educational program (curriculum) for each district and school shall be developed in consultation with the teaching staff members, under the direction of the chief school administrator, and adopted annually by each district board of education and shall;

Be consistent with written goals, objectives and identified pupil needs;

Develop individual talents and interests and serve diverse learning styles to motivate pupil achievement.

Provide for continuous learning through an effective articulation between and among the districts and schools;

Provide all pupils continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program (curriculum);

Provide all pupils guidance and counseling to assist in career and academic planning;

Provide a continuum of educational programs and services for all handicapped children, pursuant to law and regulation;

Provide bilingual programs for pupils whose dominant language is not English, pursuant to law and regulation;

Provide compensatory education programs for pupils, pursuant to law and regulation;

Provide all pupils equal educational opportunity, pursuant to law and regulation;

Provide career awareness and vocational education, pursuant to law and regulation; and

Provide educational opportunities for exceptionally gifted and talented pupils.

§6:27-1.3

The curriculum shall comply with statutory requirements and shall be that which has been adopted by the local board of education and approved by the State Board of Education.

A copy of the program of studies together with the regulations governing its administration as formulated locally and approved by the State Department of Education shall be kept on file in the principal's office of each high school.

The subject offerings shall be sufficiently varied to provide for the educational needs of normal youth of high school age living in the community which the school is intended to serve.

The educational program shall be designed to stimulate each pupil to achieve the highest level of attainment of which he is capable.

The school shall maintain a program for the promotion of character and citizenship and for the development of mental and physical vigor.

Guidance service shall be provided to assist each pupil and his parents to make suitable choice in the use of all available educational resources of the school.

The school shall maintain a plan for curriculum development and for the advancement of instructional efficiency.

CROSS REFERENCES

I.Board of Education; Statute §18A:17A-7

III.A.2.; Statute §18A:33-1

III.C.Students; Regulation §6:27-1.4

III.E.Teachers; Statute §18A:4-28.1--3

III.E.Teachers; Statute §18A:4-28.5

III.E.Teachers; Statute §18A:4-28.6

1. Basic Curriculum

Statutes

§64-35-6; 64-35-9

"The state department of education may prescribe the forms and procedures necessary for the making of applications and the licensing of driver training schools and driver training instructors . . . The state department of education shall prescribe minimum motorcycle driver-training program standards. Such standards shall be at least equivalent to those of regular programs of motorcycle driver training conducted by the public high schools . . . ."

DRIVER EDUCATION

MOTORCYCLE DRIVER EDUCATION

§77-11-1

"The state board shall, by regulation, prescribe courses of instruction to be taught in all public schools in the state, including courses in the history of New Mexico.

NEW MEXICO HISTORY

§77-11 - 1.1

"The public schools . . . shall provide a course of instruction in drug abuse education for grades 7 through 12." The state board shall prescribe the courses of instruction and textbooks.

DRUG ABUSE EDUCATION

§77-11-7

"The state board or its designated representative shall adopt and promulgate minimum standards subject to certification by the state superintendent for approved driver-education and motorcycle driver-education courses. Such courses shall provide behind the wheel or on the motorcycle training to students legally entitled to operate such vehicles.

DRIVER EDUCATION

§77-11-14

Up to the equivalent of 10% of the instructional employees in a school district may be employed under the educational enrichment program. Persons will be hired by the local school administration and may work a 220

EDUCATION ENRICHMENT

day contract rather than the usual 180 day contract. Applicants must have three years experience, and a valid certificate and college major in the area they are employed to teach in.

§77-11-15

Personnel selected for the education enrichment program shall work during a given summer in two evenly divided groups. One group will instruct a maximum of 15 students in 1 1/2 hours a day of classroom work. The other group will be involved in in-service training, curriculum planning, development and coordination. Teachers may not serve in one group twice without first serving in the other group.

REGULATIONS

Reg. Nos. 73-32; 73-33

MOTORCYCLE DRIVER EDUCATION

Approved motorcycle driver-education courses taught in the public schools or in commercial driving schools must meet these requirements.

No student is eligible to receive motorcycle driver instruction unless he/she is legally entitled to operate a motorcycle.

The teacher must: either hold a Secondary Teaching Certificate with endorsement in driver training and have completed at least one course in motorcycle safety or an in-service workshop; or be an experienced motorcycle dirver, at least 21 years of age, who has completed an acceptable motorcycle safety education course, has adequate knowledge of motorcycles, and has demonstrated an aptitude to instruct students and to maintain discipline and follow proper safety procedures.

In the program:

Classloads shall not exceed 12 students per instructor for on-cycle instruction and 35 students per instructor for classroom instruction.

Instruction shall consist of 6 hours classroom instruction, 4 hours on-cycle instruction and 2 hours observation of on-cycle instruction.

Each student shall be exposed during classroom instruction to materials approved by the Driver and Safety Education Unit of the State Department of Education.

CROSS REFERENCES

I.School Staff; Statute §77-8-3

I.State Board of Education; Statute §77-2-2

1. Basic Curriculum

Statutes

§801;802

In order to "promote a spirit of patriotic and civic service" and "to foster . . . moral and intellectual qualities" necessary for the responsibilities of citizenship, boards of education shall require all children over the age of eight to attend "instruction in patriotism and citizenship". "Similar courses" shall be maintained in private schools. All children attending the eighth and higher grades shall attend courses in instruction in the U.S. Constitution, Declaration of Independence and the New York state constitution. The regents shall designate a week during each year and "prescribe a uniform course of exercises in the public schools" to "instill . . . the purpose, meaning and importance of the bill of rights articles in the federal and state constitutions."

PATRIOTISM

CITIZENSHIP

U.S. CONSTITUTION

Military instruction or drill is not authorized, but a board of education may offer a voluntary junior reserve officer training program in conjunction with the Department of Defense.

MILITARY INSTRUCTION

§803

Pupils above the age of eight are required to attend physical education courses. School districts employing at least 20 teachers shall employ a licensed physical education teacher, and other districts may provide for a teacher to conduct physical education courses. Two or more districts may share the costs of hiring a physical education teacher.

PHYSICAL EDUCATION

§ 804

All schools are required to offer instruction on

the abuse of alcohol, tobacco and other drugs. Such instruction shall be part of health education provided at both the elementary and secondary level. The course shall be taught by a teacher certified to teach health education. The commissioner of education may prescribe regulations for health education courses but course content may vary according to the needs of particular school districts.

ALCOHOL AND DRUG ABUSE

§805

If a teacher refuses to teach the required courses on alcohol and drug use, the commissioner of education shall revoke the teacher's license. State funds will not be distributed to any school district that refuses to comply with these requirements. Local superintendents must file an affidavit with the commissioner certifying that their school district has complied with these provisions.

REVOCATION

§806

Mandatory "courses of instruction in highway safety and traffic regulation [including bicycle safety]" will be offered in all schools in the state. School authorities are "empowered to organize . . . school safety patrol[s]" and to appoint patrol[s]" and to appoint pupils as members, contingent upon "written consent of the parents".

HIGHWAY SAFETY

§808; 809

A course in fire prevention shall be provided in every school.

FIRE PREVENTION

Instruction in humane treatment of birds and animals shall be provided in every elementary school.

HUMANE TREATMENT

§809a

Instruction may be given in "the safe and proper use of firearms, . . . the study of game laws and of proper hunting and conservation practices."

USE OF FIREARMS

§810

"The last Friday in April each year is . . . known as Conservation day," and may be used to encourage students' interest in wildlife, and soil and water conservation.

CONSERVATION DAY

§3204

"Instruction may be given only by a competent teacher. English shall be the language of instruction" and of all texts. For a period of three to six years from the date of enrollment, pupils unable to read and understand English sufficiently may receive bilingual instruction. Bilingual instruction is designed, among other things, to provide "a knowledge of . . .[the pupils' own] history and culture . . .;" and "to improve the potential for profitable learning activities by children."

"The course of study for the first eight years" of school "shall provide for instruction in . . . arithmetic, reading, spelling, writing, the English language, geography, United States history, civics, hygiene, physical training, the history of New York state and science.

COURSE OF STUDY

Instruction beyond the first eight years shall include: English language instruction, civics, hygiene, physical training, and American history."

A full time day school . . . shall be in session for not less than one hundred ninety days each year."

SCHOOL YEAR

REGULATIONS

§8.3

The commissioner shall establish regulations for the approved course of study in public schools; subjects in which Regents examinations may be given; the method of grading; and credit to be given for other subjects.

RULEMAKING

§ 100.1

An approved high school four-year course of study shall include: 4 units of English; 3 units of social studies including a year of American history; 1 unit of science, 1/2 unit of health and physical education. A guidance and counseling program, with certified guidance personnel, shall be provided. These subjects constitute the "constants" or required courses and shall be taught in accordance with State syllabuses.

Each pupil shall follow through a three-year sequence in one of the following: science, mathematics, foreign language, music, visual arts, business subjects, practical and industrial arts or vocational subjects.

The additional units needed for graduation shall be free electives. The complete program in any high school shall be determined in terms of "the size of the school, the fundamental arts and interests of the community and the adolescent groups whose needs are to be served."

The junior high school curriculum shall include English, social studies, science, mathematics, health education, visual arts, music and practical arts. There must be a "definite and effective" guidance program, including the services of certified guidance personnel.

The course of study for the first eight years of public school shall include instruction in music, visual arts, arithmetic, reading, spelling, writing, English, geography, U. S. history, civics, hygiene, physical training, the history of New York State and science.

Part 107

Statutory authority: §§ 207, 806

§ 107.1

SAFETY EDUCATION

Safety education shall be taught in both elementary and secondary grades, including highway and traffic safety and bicycle safety. In the elementary and junior high grades, instruction shall be given for at least 30 periods in each grade and for at least 15 periods in senior high.

Part 135 (Statutory authority §207)

§ 135.2

HEALTH & PHYSICAL EDUCATION

All schools shall provide a program of health, physical education and recreation. Boards of education and trustees have a duty to provide adequate personnel and facilities, maintain records for each child and make reports to the department.

§ 135.3

HEALTH EDUCATION

A satisfactory program in health education must be provided in all the grades kindergarten through 12. In junior and senior high school a special course shall be taught by a teacher certified to teach health.

§ 135.4

PHYSICAL EDUCATION

Trustees and boards of education must develop and implement school district plans for physical education. The curriculum shall be designed to promote physical fitness, group understanding, and leadership qualities. The instructional program and pupil needs and progress shall be continuously evaluated and assessed.

In grades K-6, physical education instruction shall be on a daily basis. In grades 7-12, daily instruction shall be available. Pupils shall participate either a minimum of 3 periods per week during one semester and two during the other semester. For pupils in

grades 10-12 only, extraclass programs or out-of-school activities may be made available. Each high school district shall hire a director of physical education who shall be certified in physical education and administrative and supervisory service.

School district plans for the physical education program shall include: curriculum development; appropriate examinations and tests to determine students' needs and progress; class size; etc.

POLICY GUIDES

SECONDARY SCHOOL CURRICULUM IN NEW YORK STATE
A HANDBOOK FOR ADMINISTRATORS 1970
University of the State of New York/State Education Department

The Bureau of Secondary Curriculum Development prepares syllabuses which provide a framework for local secondary school programs and also prepares handbooks to supplement these syllabuses. Curriculum experimentation in schools is encouraged and locally developed programs should submit a course syllabus to the Bureau of Evaluation for approval.

This policy guide is designed to assist school administrators in planning and developing curriculum in the secondary schools. The guide is intended to serve as a basic frame or reference for school administrators and other school personnel who are responsible for developing curriculum.

CROSS REFERENCES

I.City Superintendent of Schools; Statute §2508

I.Superintendent of Schools; Statute §1711

IV.H.; Regulation §16.2

IV.H.; Regulation §101.2 -- 101.4

1. Basic Curriculum

Statutes

§115-37

The "course of study" in the public schools "shall include instruction in Americanism, government of . . . North Carolina, government of the United States, fire prevention, harmful or illegal drugs, including alcohol, and the free enterprise system at the high school level . . . ." Local boards of education may, if they wish, operate a "nongraded system in which pupils are taught at their individual learning levels."

§115-198

The state superintendent, with the approval of the state board, shall prepare "a standard course of study for each grade" of the public schools. This may include establishment of a program of continuous learning based upon the individual child's need, interest, and stages of development, so that the individual child has a nongraded structure of organization.

COURSE OF STUDY

Included in the course of study shall be "outlines and suggestions for teaching . . . Americanism" and for teaching about "harmful drugs or illegal drugs including alcohol" and teaching about "the free enterprise system at the high school level." Local boards of education shall require all subjects to be taught in English and any teacher or principal who refuses to comply with this requirement may be dismissed.

§115-201 - 115-202

A non-credit program of driver training and safety education shall be taught in the public schools. The course shall be part of the required curriculum in the public high schools and made available to "public school students, nonpublic school students and out-of-school youths." The course shall include "actual operation of motor vehicles . . . under the supervision of a

DRIVER TRAINING

qualified instructor." Eligible students must be at least "fourteen years and six months" old.

§115-203

A program of music education shall be "administered under . . . the State Superintendent of Public Instruction." A "supervisor of music education and six area music supervisors" shall be hired to promote music education. The supervisors shall train teachers in "the proper methods of teaching music" and shall "organize and direct leadership in music programs in the schools."

§115-204

PHYSICAL EDUCATION

HEALTH EDUCATION

A physical education and health education program, including "instruction in the subjects of harmful or illegal drugs including alcohol," shall be "administered under" the State Superintendent of Public Instruction. Teachers and principals are required to screen pupils in an effort to "detect signs and symptoms of deviation from normal." School health funds may be used to correct "chronic remediable defects of underprivileged children." Free dental treatment shall be provided for "as many underprivileged school children as possible."

REGULATIONS

§2E.0101--.0102

"The instructional services area is responsible for: (1) developing a standard course of study to be recommended by the state superintendent for approval by the State Board of Education; (2) providing leadership and assistance to public. . . schools in the areas of curriculum, instruction, school organization and staff development; (3) developing and disseminating curricular and instructional materials; . . . (5) keeping the public informed as to the needs, . . . goals and objectives of elementary and secondary schools."

The instructional services area is organized to

carry out its responsibilities through the following functional and service areas:

General Administration and Supervision: These areas have general administrative and supervisory responsibilities in matters relating to overall program operations; they also have coordinating functions with respect to activities in curriculum and instructional services, grades K-12 or some segments or combinations of these grades.

"Subject Fields and Courses: These areas provide overall leadership and assistance to local school administrative units in all phases of a particular subject or course. Illustrative examples of such subject fields and courses are cultural arts, language arts and communications, science, mathematics, the social studies, health and physical education, occupational education, various subdivisions of these, and special subject or study areas as may seem necessary and desirable."

§2E.0103

"The State Board of Education shall adopt a standard course of study upon recommendation of the State Superintendent of Public Instruction and pursuant to a public hearing and any changes the board deems appropriate. The standard course of study thus established will be periodically reviewed by the state board.

COURSE OF STUDY

The standard course of study consists of a K-12 continuum in six broad curriculum or discipline areas:"

1) Citizenship Education. All the social studies areas, i.e., economics, history, government, sociology and human relations

2) Communications. Including all languages and all phases and applications of English-language arts.

3) Cultural Arts Education. This includes the fine and performing arts, recreation, and avocations, and is addressed to both performance and consumer objectives.

4) Healthful Living Education, i.e., personal health, community health, physical education, recreation and safety.

5) Mathematics and Science Education.

6) Occupational Education.

"The development of subject and course content in the above curriculum . . . areas shall incorporate . . . provisions for effective topics or study areas specifically identified by General Statutes, including Americanism, government of the State of North Carolina, government of the United States, fire prevention, harmful or illegal drugs including alcohol, the free enterprise system, and such other topics as may be specified."

Implementation of the standard course of study in public elementary and secondary schools may be effected in any of the following organizational modes: A continuous program of appropriate developmental content in each study area for individual pupils, grades K-8 and an appropriate program of representative course offerings in each study area in grades 9-12 with the following minimum requirements for high school graduation: English, four units; Mathematics, one unit; social studies, two units of credit one of which is American history and heritage; science, two units one of which is life science; physical education and health; electives six units.

For students with special needs, a tailored program on an individual basis will be encouraged by the local school board.

GRADUATION REQUIREMENTS

Minimum requirements for high school graduation in three year (10-12) high schools are as follows:

English: three units; Social studies: one unit of credit which shall be American history and heritage if the topic was not covered in grades eight and nine. Science: one unit of credit which shall be a life science if subject not covered in grade nine. Electives: seven units of credit.

Schools having personalized and individualized instruction will have a continuous program of appropriate developmental content in each study area for individual pupils, grades K-9; and an appropriate program of representative course offerings in each study area in grades 10-12, with graduation requirements based upon satisfactory completion of a personalized program in grades 10-12 tailored to individual abilities, rules, interests and aspirations. Summer school may be an integral part of pupils' programs.

§2E.0401--.0402

The division of cultural arts carries out its responsibilities as a single division consisting of consultants who are specialists in each of the arts. The staff is under the direction of the division director.

The division of cultural arts is responsible for the following: providing consulting services in music, art, drama, dance, speech, creative writing and the humanities on a request basis to the local school systems (K-12); preparing guidelines for curriculum design and implementation in the public schools of programs in the cultural arts; preparing evaluative criteria to determine the effectiveness of educational programs in the cultural arts in the public schools; preparing criteria for use by the state textbook commission in its task of selecting textbooks in the cultural arts for proposed adoption by the state board of education; preparing and distributing bulletins, newsletters, and other curriculum materials among local school systems in the state; cooperating with state and national professional associations to encourage better educational practices among professional teachers of the arts; promoting or continuing emphasis upon the study and practice of the arts in the

public schools: administering such special programs as may be funded by the state or federal agencies supporting the arts in education.

§2E.0701 -- 2E.0702

The division of health, safety and driver education and physical education provides through its consultants and sections leadership services for the purposes of implementing programs related to the needs of youth, grades K-12. In the areas of health, safety and driver education, and physical education: develops course of study guidelines, develops related resource materials and aids local school systems in their implementation of effective programs of instruction; upon request, provides leadership services regarding improvement and accreditation of programs; provides leadership in the development and implementation of special programs and projects, such as school beautification program, dental health project, health and physical education demonstration center and the pedestrian and bicycle safety curriculum grades K-9.

The division is composed of three sections: health education, safety and driver education, and physical education. The division is under the leadership of a director and assistant director, and consultants.

§2E.0703

The county and city boards are responsible for organizing and conducting courses in driver training and safety education. Restricted instruction permits authorizing students to enroll for the behind the wheel phase in the course shall be issued by Department of Motor Vehicle personnel.

DRIVER TRAINING

Student Eligibility Requirements

Students must meet mental and physical qualifications required of license applicants. Courses shall be without

charge, to eligible public school students, non public school students and out of school youth under 18 years of age. Students regularly enrolled in public and non public schools who are 14 years, six months up to age 18 may be enrolled in the driver training and safety education courses. Out of school youth who are 14 and six months up to age 18 may also enroll

Prior to behind the wheel instruction the enrollees must have a restricted instruction permit from the division of Motor Vehicles, state department of transportation. The law requires that this permit be in the car during instructional periods.

Instructional Programs, Materials, Organization and Scheduling

Instructional Program

Classroom instruction shall consist of at least 30 hours; behind the wheel instruction shall consist of a minimum of six clock hours per student exclusive of time spent in the car as an observer. The content of the courses shall be in accordance with a curriculum guide issued by the state superintendent of public instruction.

Materials

Advisory lists of instructional media issued to schools by the Department of Public Instruction will aid schools in selecting books and other instructional materials.

Organization and Scheduling

Driver training and safety education courses shall be made reasonably available at the public schools to all eligible students on a 12 month basis. Programs of instruction designed by county and city administrative units may include regular school day and term, full time or fraction; summer term; or, during extended day and Saturday of regular term as a pattern of operation for its instruction program. Groups for classroom instruction shall range from 24 to 35 students. Groups for in-car instruc-

tion including time spent as an observer, shall not exceed two hours daily. Two hours of classroom instruction plus one hour in car instructions are permissible; extended school day and Saturday programs shall not exceed 16 instructional hours per week per teacher not more than two hours daily in the extended day and not more than six hours on Saturday.

Certificate of Completion

A student satisfactorily completing the prescribed courses of thirty hours of classroom instruction and six hours per student of behind-the-wheel instruction, exclusive of time in the car as an observer, shall be issued a certificate on a form supplied by the state superintendent of public instruction. A file will be kept on the student with a copy of the certificate until he/she reaches age 25.

Instructional Personnel

Persons who hold a full driver education certificate, Class A or class B may teach in the high school driver education program;

Persons who hold a provisional driver education certificate and are working on a competency program prescribed by a college approved to offer driver education teacher preparation programs, may continue to teach as long as they make annual progress toward meeting full certification.

Any person holding a bachelor's degree but not in driver education may qualify to teach driver education by meeting requirements prescribed by one of two colleges approved to offer driver education teacher preparation programs.

Certification and rating of instructors in this program shall be administered by the division of certification of the State Department of Instruction; each instructor shall possess a valid North Carolina driver's license and shall have an acceptable driving record as shown by the official records of the division of motor vehicles. Instructors of driver training and safety education shall be nominated by the superintendent and elected by the county or city boards of education.

The division of languages carries out its responsibilities through the following sections:

English/Language Arts. This section is accountable for overall direction of responsibilities pertaining to English/Language Arts.

Foreign Language. This section is accountable for overall direction of responsibilities pertaining to foreign languages. Both sections are under the division director.

The division of languages is responsible for the following: providing consulting services in language arts (K-6), English (7-12) and foreign languages on a request basis to the various local education agencies; preparing guidelines for curriculum design and implementation in the public schools; preparing evaluative criteria to determine the effectiveness of educational programs in English/Language Arts and foreign languages in the public schools; preparing criteria for use by the state textbook commission in their task of selecting textbooks in English/Language Arts and foreign languages for proposed adoption by the State Board of Education; preparing and distributing bulletins, newsletters, and curriculum materials among the local education agencies to improve instructional programs in English/Language Arts and foreign languages; cooperating with colleges' and universities' teacher training programs in improving the quality of preparing teachers of English/Language Arts and foreign languages; cooperating with state professional associations, particularly in planning and jointly sponsoring one annual conference in English/Language Arts and one annual conference in foreign languages for teachers of the state; arranging for clinics, seminars, and workshops to be administered and/or conducted by State Consultants to improve instructional competencies and effectiveness of teachers of English/Language Arts and foreign languages; promoting, through public relations and demonstration of professional

competence and expertise, a continuing emphasis upon the study of English/language arts and foreign languages in the public schools.

§2E.1001 -- .1002

The division of mathematics carries out its responsibilities through a single section which is accountable for overall direction of responsibilities pertaining to mathematics

The division of mathematics is responsible for the following: providing consulting services in mathematics, K-12, on a request basis, to the local education agencies; preparing guidelines for curriculum design and implementation in the public schools of mathematics programs; preparing evaluative criteria to determine the effectiveness of educational programs in mathematics in the public schools; preparing criteria for use by the State Textbook Commission; preparing and distributing communications among the local education agencies in the State, for the purpose of improving instructional programs in mathematics; cooperating with colleges and universities in helping them to improve their teacher-training programs in mathematics; cooperating with the State professional association of mathematics teachers, particularly in planning and jointly sponsoring one annual conference and several spring conferences; arranging for clinics, seminars, and workshops to be administered or conducted by state consultants, to improve instructional competencies and effectiveness of teachers of mathematics; promoting, through public relations and demonstration of professional competence and expertise, a continuing emphasis upon the study of mathematics in the public schools.

§2E.1201 -- .1202

The division of reading carries out its responsibilities through the state central office staff, which is accountable for providing leadership for eight regional reading consultants, and the regional center staff who, like the state central office staff, are accountable for

overall direction of responsibilities pertaining to reading and related areas. Both sections' staffs are under the division director.

The division of reading is responsible for the following: planning and administering the state's primary reading program; planning, coordinating and monitoring staff development workshops for professional improvement of teachers in reading within each educational district; providing consulting services in reading (K-12) on a request basis to the local school systems; preparing guidelines for curriculum development and implementation in the local units of reading programs; preparing evaluative criteria to determine the effectiveness of educational programs in reading; preparing criteria for use by the state textbook commission in its task of selecting textbooks in reading; preparing and distributing communications among the local school systems for the purpose of improving instructional programs in reading and related areas; cooperating with colleges' and universities' teacher training programs in improving the quality of preparation for teachers of reading; cooperating with state and national professional associations in planning annual conferences in reading for teachers in the state; arranging for institutes, seminars and workshops by state consultants, to improve instructional competencies and effectiveness of teachers in reading.

§2E.1301 -- 2E.1302

The division of science education is a single section with a staff under the division director.

The division of science education is responsible for the following:

Providing consulting services in science education, (K-12); preparing curriculum guidelines and implementation; preparing evaluative criteria to determine the effectiveness of programs; preparing and distributing bulletins, newsletters and curriculum materials among the local school systems; cooperating with colleges and universities in improving teacher training programs for teachers of science;

arranging for clinics, seminars and workshops to be administered and/or conducted by state consultants to improve instructional competencies and effectiveness of teachers of science; promoting a continuing emphasis upon the study of science in the public schools; assisting local school systems in providing learning opportunities for their students in environmental studies.

§2E.1401 -- 2E.1403

The division of social studies carries out its responsibilities through the following sections:

State central office staff under the direction of the division director and as needed an ad hoc advisory committee, such as but not limited to, the social studies curriculum advisory committee, advisory committee for minority group studies, and the law-focused education advisory committee.

The division of social studies is responsible for the following: offering consulting services in social studies, the study of history and the social sciences K-12; preparing curriculum guidelines; consulting services on the teaching of statutorily mandated subjects such as Americanism, Government of the State, Government of the United States, and the free enterprise system; consulting services in the teaching of economics, law education, United States Studies and world studies; arranging for institutes, conferences, workshops and seminars to improve instructional competencies and the effectiveness of teachers in social studies; help in the planning and sponsoring of state, regional, and national conferences for teachers of social studies; cooperating with colleges and universities in improving social studies teacher training programs; prepare and distribute bulletins, pamphlets and curriculum materials designed to improve instructional programs in social studies; promoting generally the improvement of programs and teaching of history and the social sciences; cooperating with the division of archives and history and other agencies having interest in social studies education in order to make more effective

the services offered by these agencies. Procedure for reviewing proposed material in law-focused education: when such materials are presented to the Department of Instruction, they will be referred to the advisory committee on law-focused education; the advisory committee will make its affirmative recommendations to the state superintendent of public instruction within three months. Any decision by the advisory committee is subject to appeal to the state superintendent and the state board of education. If the Department of Public Instruction chooses not to follow the recommendations of the advisory committee, that decision and reasons therefore shall be transmitted in writing to the advisory committee within one month of the date of receipt of the committee's recommendation.

On approving the procedures outlined in this rule, the State Board of Education reserves the right to adopt any and all policies in relation to law-focused education.

CROSS REFERENCES

II.A.1.; Regulation §2E.0101 -- 2E.0102

III.A.2.; Statute §115-36

1. BASIC CURRICULUM
STATUTES

N.D. CONST., Art. 8, §149

"In all schools, instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind."

§15-22-16

"The county superintendent . . . shall see that the pupils . . . are instructed in the . . . branches of study required by law . . . . If any teacher neglects or refuses to give instruction required by law in physiology and hygiene and the nature and effect of alcoholic drinks and other narcotics the county superintendent shall notify the superintendent of public instruction."

HEALTH EDUCATION

§15-38-07

"The following subjects shall be taught . . . : spelling, reading, writing, arithmetic, language, English grammar, geography, United States history, civil government, nature study, and elements of agriculture. Physiology and hygiene shall also be taught, and . . . the teacher shall:

1. Give special and thorough instruction concerning the nature of alcoholic drinks and narcotics and their effect upon the human system;

2. Give simple lessons in the nature, treatment and prevention of tuberculosis and other contagious and infectious diseases;

3. Give, to all pupils below the high school and above the third year of school work, not less than four lessons in hygiene each week for ten weeks of each school year . . . .

4. Give, to all pupils in the three lowest primary school years, not less than three oral lessons on hygiene each week for ten weeks of each school year . . ."

§15-38-08

"In all public and private schools in the state, regular courses of instruction in the constitution of the United States shall be given, beginning not later than the opening of the eighth grade and continuing in the high school, to an extent to be determined by the superintendent of public instruction."

CONSTITUTION

§15-38-09

"Physical Education shall be a regular subject for all pupils in . . . all educational institutions supported wholly or in part by money from the state." All school boards and boards of educational institutions receiving money from the state shall provide for instruction and adopt methods fostering "progressive physical exercises for the development, health and discipline of the pupils."

PHYSICAL EDUCATION

§15-38-10

"Moral instruction tending to impress upon the minds of pupils the importance of truthfulness, temperance, purity, public spirit, patriotism, international peace, respect for honest labor, obedience to parents, and deference to old age, shall be given by each teacher. . . ."

§15-38-11

"Oral instruction in the humane treatment of animals shall be given."

§15-38-12; 15-38-13

The Bible shall not be deemed a sectarian book. At the option of the teacher, it may be read in school for a time not to exceed ten minutes daily, but "no sectarian comment shall be made . . . . No pupil shall be required to read it or be present in the schoolroom during the reading."

RELIGION

§15-41-08

"Each pupil entering a high school shall select one of the courses of study offered by the high school, and [she] he shall not be permitted to change the same except by permission of the superintendent of the school, or upon the request of the pupil's parent or guardian."

§15-47-24

CONSERVATION

"[T]he state superintendent of public instruction shall cause to be set up courses in the teaching of conservation of natural resources, including irrigation and conservation of water and soil, and in teacher training institutions, courses in the teaching of those subjects shall be offered."

§15-47-32

DRIVER EDUCATION

"[A]ny school district may contract with other school districts for the joint use or employment of qualified driver education instructors, driver training cars, or equipment to be used in establishing complete training courses . . . or may contract with any other school district for the use of joint instructors for any other courses of study or may contract with any other school district for sharing the cost of . . . vocational education programs."

§15-47-37

CONSTITUTION

"All students from the seventh grade through the twelfth grade . . . shall receive . . . at least a forty-five minute class . . . each week on the constitution of the United States and the constitution of North Dakota, for at least three of those six years . . . [E]ach morning the pledge of allegiance to the flag shall precede each day's study in the first grade through the sixth grade."

REGULATIONS

Chapter I: I.B.14

DRIVER EDUCATION

The Director of Driver and Traffic Safety Education is responsible for encouraging and supervising courses to prepare teachers for driver education, for supervising driver education curriculum and the training of new drivers, and acting as liaison officer between the Department and the Motor Vehicle and Safety Responsibility sections of the Highway Department in establishing safety standards and procedures.

Chapter III.I.G.

DRUG EDUCATION

The North Dakota Drug Education Program, funded under the Drug Abuse Education Act of 1970, includes: preparation and dissemination of drug-related material; community services and workshops; communication groups; and the services of the staff for informational and educational measures.

Drug education materials, stressing a set of behavioral objectives in each of 12 grades are provided.

Chapter V. II.I.

North Dakota law requires the following subjects to be taught: spelling, reading, writing, arithmetic, languages, English grammar, geography, U.S. history, civil government, motive study, and elements of agriculture, physiology and hygiene. The law also requries instruction in physical education, in the humane treatment of animals, and in the conservation of natural resources, and also moral instruction (teaching to impress the importance of truthfulness, temperance, purity public spirit, patriotism, international peace, respect for honest labor, obedience to parents, and deference to old age). For three of the years between 7th and 11th grade, students shall receive a weekly 45-minute class on the constitution of North Dakota. In grades 1-8, the pledge of allegiance shall precede such day's study.

Students in grades 1-3 shall receive three oral lessons and students in grades 4-9 shall receive four lessons in hygiene each week for ten weeks of each year. Special instruction shall be given regarding alcohol and narcotics, tuberculosis and other contagious diseases.

Curriculum should be geared to the educational philosophy of the local districts. An organized process for curriculum development involving school board, administration, staff, parents, and students should be established.

The daily program will vary according to local circumstances. A weekly time allotment chart has been developed and may serve as a guideline in developing daily or weekly plans. Suggested allotments are provided for two different lengths of school days. Teachers must be allowed 150 minutes per week of planning time, when they are free of pupil contact. The total minutes per week will prevent taking all of the maximum time allotments in all areas in any grade. Weekly allotment allow immaginative and versatile planning.

It is desirable that some guidelines regarding amounts of time to be devoted to various disciplines exist which the local district can use.

Chapter V: II.J.

The educational environment designed for students in the upper elementary grades (7-8) must be unique to that particular situation. The program must provide the scope of the secondary program and the continuity and security found in the regular elementary program.

The following outline indicates course offerings required by law in grades 7-8 and those which could be offered as electives:

	Subject	Length in Weeks per Year
**	Art	18-36
*	Language Arts	36
	Foreign Languages	36
	Typewriting	36

*	Physical Education	36
	Home Economics	18-36
***	Industrial Arts	18
*	Mathematics	36
**	Music	18-36
*	Science	36
*	Social Studies	36

*Required.

**Required at least 1 semester during 2-year period; optionally offered for full year.

***Exploratory activities offered for 18 weeks in such areas as graphic communications, materials, and technology.

Class periods are to be 40-60 minutes in length. Study time should be part of classroom instruction. Large study halls should be discouraged.

The organizational plan of the district (8-4; 6-6; 6-3-3; 6-2-4; 7-5) bears especially on the upper elementary level. The effect on the program should be a major concern in the selection of organizational pattern.

Chapter V: II.L.

Several plans of organization for instruction that should be considered are: ability placement, departmentalization, middle school, multi-grade and multi-age grouping, multi-unit organization, non-graded elementary school, and self-contained classroom.

Chapter V: II.M.

Several instructional approaches which should be considered are: grouping, individualized instruction, and lecture approach.

Chapter V: III.B.

The objectives of the high school curriculum are to provide general education for all future citizens and education, both vocational and college preparatory, to meet the needs of all students

The State Superintendent is charged with the responsibility of approving and/or designing and preparing courses of study to be used in public schools.

To be accredited, a high school must make the following units of study available at least once every four years:

English	4 units
Mathematics	3 units
Physical Science	4 units
Social Studies	3 units
Health and Physical Ed	1 unit
Music	1 unit
Any combination of:	
Business Education	
Foreign Languages	
Homemaking	6 units
Vocational Agriculture	
Industrial Arts	

High schools are also required by law to offer moral instruction, instruction on the U.S. and state constitution, and instruction regarding the humane treatment of animals and conservation of natural resources. The content of all courses shall conform to the state course of study, of high schools as outlined by the State Superintendent. The Superintendent shall provide in the course of study for an elective one half year course in co-operative marketing and consumers cooperatives.

Four units of high school work shall be the minimum number of any year from the ninth grade to the twelfth grade. All unit courses shall be taught a minimum of forty minutes a day for at least 180 days and except for natural science courses for which the minimum shall be longer. It shall be possible in all high schools for each grade to complete four units of work per year. Such courses must be offered in sequential order.

Minimum attendance required for promotion is 160 days.

The public schools shall be equally free, open and accessible at all times to children between the ages of 6 and 21, except that children who do not arrive at the age of

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6 before midnight, October 31 of each year shall not start school until the beginning of the following year.

The school day for pupils is 6 hours. Teachers should be at their stations one-half hour before and one-half hour after school.

All doors in schoolhouses shall be kept unlocked from 8:30 a.m. to 4:30 pm on school days. Egress to fire escapes shall be kept free from obstruction at all times.

The maximum enrollment acceptable per classroom shall be:

Non-laboratory subjects	30 students
Laboratory sciences	24 students
Music and physical ed	reasonable
Vocational agriculture	15-24 students
Industrial arts	16 students
Vocational home economics	16-24 students
Typewriting	according to facilities

High school credit is based on one unit for 180 class periods of 40 minutes for non-laboratory courses and of 55 minutes for laboratory courses. For schools with different schedules, one unit shall be 120 clock hours for non-laboratory courses and 150 clock hours for laboratory courses.

Classes other than required courses shall not be offered unless six or more students are enrolled.

A list of approved high school subjects is available in "A Guide for Curriculum Planning, K-12", 1970. Additional courses may be added by securing prior approval from the Director of Secondary Education.

Accredited secondary schools may offer work for credit during the summer with the approval of the State Department. The same standards for administration, teacher qualification, pupil admission and credit shall apply to the summer as the regular session. Summer school work shall be used primarily for enrichment or make-up, not acceleration.

Chapter V: IV.A.

Required courses are:

1. Language arts 3 units

(including English I and II)

2. Social studies 3 units

(including 1/2 unit of post-1920 American political and economic history)

3. Mathematics 1 unit

4. Laboratory science 2 units

5. Physical Education 1 unit

(1/4 credit per year)

6. Safety and Driver Education

Chapter V: IV.B.

In addition to required courses, students are to elect a minimum of 7 units.

CROSS REFERENCES

I.Assistant Superintendent of Instruction; Regulation, Ch. I.: I.B.4.

I.Superintendent of Schools; Regulation, Ch. II.: I.B.

II.B.1.b.; Regulation, Chapter V: III

III.A.1.; Statute §15-41-07

III.A.1.; Statute §15-41-24

1. Basic Curriculum

Statutes

§3301.17

The department of education shall expend state funds to provide driver education courses to any child enrolled in a high school...Whether the department of education contracts to use public school facilities or operates other facilities for driver education purposes, the cost shall not exceed $50 per pupil enrolled in and completing the course.

DRIVER EDUCATION

State licensed commercial driver training schools shall receive a subsidy for each child successfully completing such a course who was unable to enroll in the driver education course conducted at his/her high school because the course was not offered or scheduling difficulties prevented attending such a course in the term or semester of either the pupil's sixteenth birthday or the next term or semester. Reimbursement at the above mentioned rate shall be obtained by presenting to the board a statement, signed by the pupil's principal, of the pupil's inability to attend a course offered through the high school.

§3313.60

Boards... of county, exempted village, and city school districts shall prescribe a graded course of study for all schools under their control subject to

state board approval. Such courses of study shall include the following subjects:

(A) The language arts, including reading, writing, spelling, oral and written English, and literature;

(B) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society by people of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(C) Mathematics;

(D) Natural science, including instruction in the conservation of natural resources;

(E) Health education," including education concerning drug abuse, alcoholic beverages, and tobacco, and venereal disease, education, "except that upon written request of his(her) parent or guardian, a student shall be excused from taking instruction in veneral disease education;

(F) Physical education;

(G) The fine arts including music;

(H) First aid, safety and fire prevention."

Every school shall include one year's course in the study of American History in the requirements for promotion from the eigth ... to the ninth grade.

"Every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitutions of the United States and Ohio.

"Basic instruction in geography, United States history, the government[s] of the United States ... [and] Ohio, local government in Ohio, the Declaration of Independence," the constitutions of the United States, and Ohio "shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism."

§3315.091

The board of education of any school district may enter into a contract, the term not to exceed one year, with another district or a duly licensed driver training school to provide driver education instruction under section 3301.17 of this code .

Such driver training schools contacting with any public school must meet the course content standards set by the state board of education.

REGULATIONS

§3301-37-02

High schools shall have a comprehensive college preparatory or vocational curriculum. "Instructional methods and procedures shall be those which most effectively promote the purpose of the school program and which meet the needs and individual differences of all pupils."

Each high school shall be comprehensive unless classified by the state department of education as college preparatory, vocational, or island schools. Comprehensive high schools shall offer at least forty-five units of credit: business education and english, five units each; home economics, industrial arts, mathematics, social studies, science, three units each; foreign language, two units; art music, and physical education and health, one unit each; other or additional subjects, 15 units.

"Individual differences of students shall be provided for within the educational program in each school by accelerating students, grouping students, enriching or adjusting the program, differentiating materials and methods, and through establishment of special education classes for those children whose needs cannot be adequately met in general education programs.

Each school shall have a well-balanced and effectively administered student activity program. . .and. . .shall provide appropriate recreational activities."

"Policies of each school shall prohibit unreasonable kinds and amounts of out-of-school assignments and shall provide for supervised study or independent study at

school as appropriate to individual needs."

The instructional program shall have well-defined instructional objectives and manifest systematic planning by teachers. The instructional program shall give evidence of "varying types of learning materials and experiences. . ." adaptation of organization and instructional procedures to student needs. . .use of varied evaluated instruments. . . systematic instruction by the librarian. . .appropriate and effective use of community resources."

§3301-81-01 -- 3301-81-03;
3301-81-05 -- 3301-81-16

DRIVER EDUCATION

"Each public board of education shall make a driver education course available to each resident pupil during the semester or term of the pupil's sixteenth birthday or the immediate succeeding semester or term. The driver education course may be offered after school on Saturdays and during the summer. Pupil's shall be sixteen years of age on or before actual behind-the-wheel instruction is started. The program shall be partially state subsidized.

Driver education may be provided by a public school directly or by a contract with another public school or a licensed commercial driver training school. The course shall extend at least over a full regular session during the school year and shall be a minimum of four weeks during the summer semester. Exceptions may be approved by the State Department of Education. Driver education shall carry credit toward graduation. No pupil may be enrolled for the behind-the-wheel phase of driver education without the written consent of her or his parent. Cars shall have dual controls. Tuition shall not be charged. Certificates shall be issued to those who successfully complete the course. Courses shall be evaluated and approved annually by the Department of Education. Instructors shall spend no more than four consecutive hours teaching in a car. These regulations do not apply to adult education classes.

CROSS REFERENCES

II.A.10.Other - College Courses; Statute §3313.09

III.C.Elementary and Secondary Education; Regulation §3301-31-01 -- 3301-31-09; 3301-35-01 -- 3301-35-08; 3301-37-01 -- 3301-37-08

A. Educational Courses and Programs

1. Basic Curriculum

Statutes

§70-11-101 -- 103

"No sectarian or religious doctrine shall be taught or inculcated" in any public school. However, this section shall not be construed to prohibit the "reading of the Holy Scripture."

Instruction shall be conducted in the English language except for teaching of foreign languages.

Courses of study shall be formulated and approved by the State Board of Education and shall include courses necessary to insure: (a) Teaching of citizenship in the United States and Oklahoma through the study of democracy and ideals, history and government of the United States and other countries; (b) Teaching of health and other subjects which promote healthful living; (c) Teaching of safety through driver education; (d) Teaching of physical education to all physically able students for a weekly minimum of 75 minutes per student in grades 1-6, and 150 minutes per student in grades 7-12. Provided, any student with exceptional talent in music may, with approval of the superintendent of schools, substitute a course in music for a physical education course; (e) Teaching of basic skills of learning and communication, including reading, writing, and math; (f) Teaching of the conservation of natural resources; (g) Teaching of vocational education in areas which will promote occupational competence among school children and adults as citizens of the state and nation; (h) Teaching of other aspects of human living and citizenship as will achieve the legitimate objectives and purposes of public education.

The State Board of Education shall require a

yearly report containing a certification of compliance with the above provisions.

§70-11-104 -- 105

Each local board of education is authorized to provide for military training, athletic training, and physical examination of pupils in its district, and is authorized to enter into contracts for the use of property and equipment for military training.

MILITARY TRAINING

§70-1210

The Drug Abuse Education Act of 1972 shall attempt to develop "a comprehensive drug abuse education program for all children . . ." in the public schools which shall teach value orientation, the adverse effects of drugs and promote positive values and sense of self worth.

DRUG ABUSE EDUCATION

The State Department of Education shall administer the Act pursuant to regulations adopted by the State Board and shall implement the program as quickly as possible. Inservice training in teaching drug education shall be an integral part of this effort.

The State Department of Education shall report annually to the Legislature on the status of the program.

§70-1210.251 -- 1210.258

This act is known as the "Economic Education Act of 1974."

The purpose of this act is to insure the development of a comprehensive education program for all children, kindergarten through grade 12, which will provide a "positive understanding of the American economy, how it functions and how the individual can function effectively" in it as a "consumer, worker and voter." The program shall teach "positive values of profit and competition" in a free-enterprise economy which "underscores the worth and dignity of the individual."

ECONOMICS

The State Department of Education shall administer this program pursuant to regulations adopted by the State Board of Education.

INSERVICE TRAINING

The State Board of Education and State Department of Education shall: (1) implement in-service education programs for teachers, administrators and other personnel (supplementary inservice teacher education materials shall be made available to all school districts); (2) implement this act as expeditiously as possible; (3) implement local school system evaluation of the effectiveness of the economic education program; and (4) recommend degree programs and short course seminars for preparation of teachers.

Each local board of education shall schedule the integration of economic education in social studies, business education, home economics and other vocational courses in all public schools.

§70-19-101 -- 19-105

DRIVER EDUCATION

The aims of driver's education are to develop a knowledge of laws relating to operation of motor vehicles, proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the "knowledge, attitudes, habits and skills" necessary to drive.

The school board of any district maintaining a secondary school may provide driver's education for pupils enrolled in day schools.

The State Superintendent of Public Instruction shall administer this program in accordance with rules and regulations established by the State Board of Education. He or she shall also appoint supervisors of safety education and necessary clerical personnel.

Each school district shall prescribe regulations determining which students are eligible for driver's education, and shall report annually to the State Superintendent of Public Instruction on the cost of the program.

§70-19-110

RULEMAKING

The State Board of Education has authority and power to promulgate "reasonable" rules and regu-

lations to effectuate the legislative intent of this article. It may purchase and/or lease all necessary equipment and materials for the driver's education program.

REGULATIONS

Middle School Regulations: p. 39

III. The Instructional Program

Req. a. The middle school's program shall include the following areas: language arts, social sciences, mathematics, science, arts, physical education, and health and drug abuse education.

b. The different needs and abilities of students should be provided for.

c. "The interrelationship among the areas of learning" should be stressed.

d. "The school shall provide for continuous . . . evaluation of the instructional program.

e. Students needing special education should be provided for.

f. "The promotion or retention of pupils shall be determined through the evaluation of the total growth of the individual child rather than the rate of academic achievement."

g. There should be six hours of instruction per school day.

h. Each grade should offer instruction in health "in the following areas: nutrition, personal health, dental health, community health, safety, and first aid."

i. The curriculum at each grade level should include Drug Abuse Education.

j. "Beginning athletic coaches shall meet the requirements as listed in the high school regulations."

k. Sixth grade students should have at least 75 minutes of physical education per week. In grades 7 and 8 a minimum of 150 minutes per week of physical education should be offered as an elective.

l. "Instruction in Economics shall be an integral part of the curriculum" in all grades.

Req. a. "The instructional program shall include such courses" as required by law and the State Board of Education to be part of the curriculum.

Req. b. A course being offered for a full unit must be taught for the entire school year. Prior approval must be obtained from the Accreditation Section if a school wishes "to offer nine-week mini-courses."

Req. c-e. "High schools shall require eighteen (18) or more units of regularly organized classroom instruction for graduation," 13 1/2 of which must be earned in grades 10-12. The required 18 units are distributed as follows: language arts-4; mathematics-1; laboratory science-1; American history-1; Oklahoma history-1/2; electives -10 -1/2. The required units in mathematics, lab science and Oklahoma history may be completed in the 9th grade. Up to 2 of the 18 units may be in subjects such as physical education, competitive athletics, yearbook or newspaper staff, and audiovisual education, if they are offered as regularly scheduled classes, "and other courses. . . within this category. . . approved by the Accreditation section." Up to 4 of the 18 units may be in "laboratory music classes. . . music theory and appreciation. . . may be counted in addition to the 4 units."

Req. f. Local boards of education may "set local requirements for graduation above those of the State Board of Education."

Req. g. In the interest of the students' "social . . . physical . . .[and] intellectual maturity. . ., it is advisable that he[she] have 4 years' experience in a four-year. . ., or 3 years' experience in a three-year high school in order to graduate. In exceptional cases" students may graduate in less time.

Req. h. "At least 2 . . . of the last 3 units completed for graduation shall be completed . . . in the

accredited high school" the student expects to graduate from.

Req. i. "Units of work earned by a student in an approved area vocational-technical school. . . shall be certified to the high school in which the student is regularly enrolled" and will count toward graduation.

Req. j. The local board of education may accept for credit "a unit of work earned by a student in any approved summer school" in the state.

Req. k. "Students who need more than one unit for graduation shall not . . . participate in the graduation exercises."

Req. l. A teacher may teach only one class during a class period.

Req. m. "Health education should exclude . . . consumer, community and personal health, dental health, mental health, drug abuse, nutrition, safety, environmental health, alcohol and tobacco."

Req. n. Students in grades 10-12 should be offered a minimum of 150 minutes of physical education per week as an elective.

Req. o. "Senior high work-study cooperative programs involving vocational rehabilitation have proved to be the best means of working with high school mentally handicapped youth." Programs should combine school and work experiences and appropriate training. Students must be supervised by the special education teacher-coordinator at least half the school day. Students complete 4 1/2 units in grade 9 and 6 units of required courses in grades 10-12: communications skills -3; social studies (American history)-1; life science-1; computational skills-1. "The remaining units necessary to complete the required 18 units for graduation will be chosen from the following: co-op training, home training vocations, physical education, arts and crafts, music, shop, and other electives.

"This program is also available as an alternate to the regular program for learning disability and deaf or hard-of-hearing youth."

Junior High School Regulations; p. 45
VII. Subject and Graduation Requirements

Req. a. "Courses offered as a full unit of work must be completed before credit can be given for graduation."

Req. b. A year each of English and mathematics must be completed each year.

Req. c. "The social studies program shall include one-half year of United States History in the 7th, 8th or 9th grades."

Req. d. Pupils must complete at least one year of science.

Req. e. The curriculum of each grade level should provide health instruction, to include: "nutrition, personal. . ., dental . . .[and] community health, safety and first aid."

Req. f. A minimum of 150 minutes of physical education per week shall be provided as an elective for all grades.

Req. g. Junior high school subjects below grade 9 may not be used toward high school graduation.

Req. h. "Drug Abuse Education shall be an integral part of the curriculum at each grade level in the junior high school."

Req. i. Teachers may teach only one "ninth grade subject during any one class period."

Elementary School Regulations; p. 30
VII. Subject Requirements

Reg. a. "The instructional program shall include . . . courses" required by state law and the State Board of Education to be part of the curriculum.

b. Local boards of education are responsible for ensuring that all elementary schools include drug abuse education in their curriculum.

c. Each elementary school grade should include health education in its curriculum, to "include such areas as: mental, dental, consumer and community health, anatomy, nutrition, safety and smoking.

d. Economics shall be an integral part of the curriculum in grades kindergarten through eight.

e. Students should have at least 75 minutes of physical education a week.

XIV. General Program of Studies, p. 70

The regulation lists courses that may be offered for credit in the following fields: business education, fine arts, foreign language, general agriculture and home economics, health and physical education, industrial arts, language arts, mathematics, practical arts, science, social studies, and vocational studies. Additional courses other than those listed may be offered for credit if prior approval is obtained from the Accreditation Section.

CROSS REFERENCES

II.A.2.; Statute §25-82.1 -- 25-154

II.A.5.; Statute §70-24-119

III.A.2.; Regulation, High School Progress Criteria: I. The Small High School; p. 75

III.A.2.; Regulation, High School Progress Criteria: II. Senior High School Grades 9-12 or 10-12; p. 76

III.A.2.; Regulation, Junior High School Regulations; p. 47

III.C.Elementary Schools; Regulation, Elementary School Regulations; p. 28

III.C.Schools; Regulation, General Progress Criteria; p. 21

IV.E.; Statute §70-24-109 -- 24-112

1. Basic Curriculum

Statutes

§335.490

After receiving authorization from the voters of the district, a union high school district can extend the course of study in the district to include any and all grades through 12.

"No union high school district composed in part of a split school district shall extend the course of study . . . unless such course of study . . . include[s] all grades of the schools in the union high school district."

§336.035

The district school board must enforce state prescribed courses of study. Supplemental courses may be established to the extent they are not inconsistent with the prescribed courses and upon the approval of the superintendent of public instruction.

Courses can be established concerning venereal disease and taught to students and adults from the community served by the schools. Parents or guardians of minors must be notified before the course is offered and may direct in writing that the minor child be excused from the class.

The course is to be coordinated with the department of health and the superintendent of public instruction. "Teachers certified for teaching venereal disease education shall be used where available." Teaching or refusing to teach such a course is not grounds for removal.

§336.057

All public and private schools must teach courses on the U.S. Constitution, beginning "not later than the opening of the eighth grade . . . continuing in grades 9 through 12."

U.S. CONSTITUTION

§336.067

"In public schools special emphasis shall be given to instruction in: (a) Honesty, morality, courtesy, obedience to law, . . . and other lessons which tend to promote and develop an upright and desirable citizenry. (b) Respect for all humans, regardless of race, color, creed, national origin, religion, age, sex or handicaps. Acknowledgement of the dignity and worth of individuals and groups and their participative roles in society. (c) Humane treatment of animals. (d) The effects of tobacco, alcohol and narcotics upon the human system."

§336.072

All instruction must be in English except: (1) instruction in foreign languages; (2) instruction in another language so that non-English speaking pupils can develop bilingual skills "to make an early and effective transition to English . . . ."

§336.079

Courses teaching "speaking, reading and writing of the English language shall be [taught] at each grade level starting at the first grade," continuing until "children are able to profit from classes conducted in English."

§343.710

DRIVER TRAINING

A driver training program shall be conducted to educate student drivers in "safe and proper driving practices."

§343.720

Any private or public school may offer a course in driver training, including classroom instruction and instruction in dual control automobiles after completion of the classroom instruction. The course shall be devoted to "the study and practice of the rules of the

A COMPENDIUM OF
STATE LEGAL STANDARDS FOR THE PROVISION OF PUBLIC EDUCATION

ORGANIZATIONAL OUTLINE

Introduction, Charts, Bibliography and Interstate Agreements

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IIA

II. Programs, Materials and Facilities

A. Educational Courses and Programs

IIA1

1. Basic Curriculum

A. Educational Courses and Programs

1. Basic Curriculum

Statutes

§16-1-16

A local board of education may prescribe special courses in citizenship, health, morals or any other subject it considers necessary to meet the needs of special groups of students. The board may also prescribe individual tutoring or counseling and may assign special teachers and schedule special courses to carry out this program.

CITIZENSHIP

§16-3-15

The state board of education, on the state superintendent's recommendation, shall prescribe minimum course content for all courses in the public schools. In every elementary school, the following courses shall be taught: reading, spelling, penmanship, arithmetic, English, geography, United States and Alabama history, science, hygiene, physical training and other studies the state board may prescribe.

§16-8-28

The county board of education shall prescribe, based upon the superintendent's recommendation, courses of study for its schools and supply a printed copy of these courses to every teacher and all interested citizens.

§16-12-9

The city superintendent of schools shall prepare courses of study for the schools and submit them to the city board of education for its approval.

§16-35-4

The state board of education shall prescribe minimum course content for all public schools in the state and shall set the maximum number of courses which are compulsory in each grade of the elementary schools.

§16-35-5

The following courses shall be taught in every elementary school: reading, spelling and writing, arithmetic, English,

geography, United States and Alabama history, science, health education, physical education and other studies the state board of education may prescribe.

§16-40-1

PHYSICAL EDUCATION

Every public school shall carry out a system of physical education in accordance with the program outlined by the department of education.

§16-40-2

U.S. CONSTITUTION

Courses on the United States Constitution shall be offered in all public and private schools, beginning not later than the eighth grade and continuing through high school.

§16-40-3

COMMUNISM

In all public high schools instruction shall be given each year in the history and doctrines of communism in order to instill in the minds of students a greater appreciation of democratic processes. The study shall contrast the government of the United States with the Soviet government and shall emphasize the dangers and evils of communism.

§16-40-4

HUMANE TREATMENT OF OF ANIMALS

In all public schools, the humane treatment of animals shall be taught.

§16-40-5

DRIVER EDUCATION

All high school pupils are required to complete a course in driver education before high school graduation.

§16-41-3; 4

DRUG ABUSE EDUCATION

In order to insure the development of a comprehensive drug abuse education program for all children in grades 1 through 12, a program is established that will teach the dangerous effects of drugs.

The state superintendent of education shall administer this program. Priorities for implementation of the program include: (1) implementing in-service education programs for teachers; (2) establishing resource centers; and (3) insuring that this program will become part of the curriculum of every public school.

§16-41-6 -- 16-41-7

DRUG ABUSE EDUCATION

The state board shall adopt regulations to insure the teaching of drug abuse education to all pupils. Every county and city school system shall schedule drug abuse education courses as part of the curriculum of every school, K-12.

Children may be exempted from this requirement if their parents present a signed statement to the principal stating that the course subjects conflict with their religious beliefs.

§16-41-8

SEX EDUCATION

This chapter shall not be construed to authorize or require the teaching of sex education in any form.

CROSS REFERENCES

I.Courses of Study Committee; Statute §16-35-1

III.A.2.; Statute §16-11-20

1. Basic Curriculum

Statutes

§14.30.360

(a) "Each district . . . shall be encouraged to initiate and conduct a program in health education for kindergarten through grade 12.

(b) The state board of education shall establish . . . guidelines for a health education program. A school health education specialist position shall be established and funded in the department of education to coordinate a program statewide."

HEALTH EDUCATION

CROSS REFERENCE

III.C.School System; Regulation 4 AAC 05.080

III.D.Elementary Curriculum Development, Policy Guide
Elementary Course of Study

IV.J.; Regulation 4 AAC 07.040

1. Basic Curriculum

Statutes

§15-1021

The history and significance of the United States Constitution and the Arizona constitution shall be taught to all public school pupils for at least one year in grammar school and one year in high school.

CONSTITUTION

§15-1022

The curriculum for common schools and high schools shall be adopted by the state board of education.

§15-1023

Students shall be given a course on the effects of alcohol and drugs. At the request of a school district, the state board of education may provide a suggested curriculum, in-service training for teachers, and teaching aids.

DRUG EDUCATION

§15-1024

Students in grades one through eight shall spend reasonable amounts of time in both oral and silent reading.

§15-1025

All high school students shall take a course, for at least one semester, on the "essentials and benefits of the free enterprise system."

FREE ENTERPRISE SYSTEM

§15-1031

The flag shall be displayed on school grounds during school hours. Students who wish to recite the pledge of allegience shall have a specific time set aside each day for such purpose. The state superintendent shall prepare a program providing for a salute to the flag and other patriotic requirements for the different grades.

§15-1071 --1074

Elective courses in the use of firearms and safe hunting practices may be offered by the state board of education in cooperation with the Arizona game and fish department. The courses may be offered to students ten

FIREARMS

years or over, and the state board may approve training programs to carry out this provision.

REGULATIONS

R7-2-201

ARS §15.102.15; .16

Basic Goals - Course of Study Committees

The 27 member appointed committee shall develop a course of study for each subject area which shall be used as the content criteria for selecting textbooks. The Course of Study shall constitute the minimum requirements of each course in every grade and shall include content goals for each subject and a list of fundamental facts, principles , theories and skills to be contained in the textbooks for the course.

SBE approv. 11/26/73 AG Approv. 1/22/74

R7-2-301

Policies re Subject Areas

ARS § 15-102.15; 15-1023

Drug Education shall be included in the state adopted Health Course of Study for the Common Schools.

SBE Approv. 11/26/73 AG Approv. 1/22/74

R7-2-301

Policies re Subject Areas ARS 15-102.16; 17

The following subjects must be taught in common schools: arithmetic, literature, health, science, music; geography civics, American history and Arizona history and Constitution may be combined in social studies; handwriting, language, reading and spelling may be combined into language arts.

COURSE OF STUDY

The following subjects may be taught in common schools: manual training, household economics, arts and crafts, band, chorus, foreign language, journalism, physical education, typing and drama.

SBE Approv. 11/26/73 AG Approv. 1/22/74

R7-2-301
ARS 15-102.17

SEX EDUCATION

Sex Education shall not be taught as a separate course in the common schools but may be taught as an elective supplement to state adopted health course if the district chooses. A student may enroll in the classes only upon the parents' written request. To obtain State Board of Education approval for such classes: the number of lessons may not exceed six; classes must separate boys from girls; no specific sex acts, practices or moral concepts shall be taught; no evaluation shall be recorded; parental participation and support for the course must exist; instructional material must be submitted to the SBE for approval.

SBE APPROV. 11/26/73 AG APPROV 1/22/74

R7-2-302
ARS §15-102.15, §15-1021, §15-1025 A

GRADUATION REQUIREMENTS

Minimum Credits Required for Graduation.

16 credits are required for graduation as follows:

Three units of English (grammar, speaking, writing, reading, advanced grammar, composition, American literature, advanced composition, research methods and skills, literature).
One unit of American and Arizona history.
One unit of American Arizona Constitution and government.
One -half unit of "Essentials and Benefits of the Free Enterprise System".
One unit of math.
One unit of science.
Eight and one-half units of electives.

R7-2-301
ARS §15-1022

Sex education in high schools.

A course in sex education may be provided in high school subject to the State Board of Education approval. The course must not include the teaching of specific sexual acts or question the student about his/her personal beliefs or moral values. It shall not substitute for a course in health education. The district's

course of study and text must be submitted to the State Board of Education for approval. Districts should obtain parents permission for enrollment of their child in the course.

CROSS REFERENCES

I.High School District Board of Education; Statute §15-545

II.B.1.a.; Regulation R7-2-301 ARS §15.102.18; 15.1101 B

III.C.Board of Education; Regulation R7-2-102

III.C.Local Boards; Regulation R7-2-301

III.C.School System; Regulation R7-2-301 ARS §15-102.15; 16; 17

III.C.Students; Regulation R7-2-301 ARS §15-102.25

III.C.Students; Regulation R7-2-301 ARS §15-2021

1. Basic Curriculum

Statutes

§80-1607.1

A teacher or Board of School Directors may authorize a brief, silent prayer in school. Students have the option of participating. It "shall not be conducted as a religious service or exercise, but . . . as an opportunity for silent prayer or meditation."

§80-1608--1610

The State Board of Education shall designate days of "patriotic observances," and may authorize school closings with the consent of district boards of directors. A principal or person in charge of a school shall provide a patriotic service for its pupils, including instruction on the "meaning, use of and proper respect for the flag of the United States," if such service isn't being arranged in the community.

PATRIOTISM

§80-1611--1612

During "Bird Week", the third week in April, teachers shall give lessons on "the economic and esthetic value of the resident and migratory birds of the state."

§80-1613 -- 1616

The teaching of American history in all grades of public and private primary schools is compulsory. Arkansas history may be substituted one year. At least one hour a week "shall be devoted to such instruction."

AMERICAN HISTORY

The primary goal of this instruction is fostering a love of country and teaching the principles of American Government.

One year of American history and civics in high school is required for graduation.

Every school shall offer at least a one-half year course in Arkansas history and government between the fifth and twelfth grades inclusive. No institution

of higher learning shall award degrees to students who have not passed a course in American history and civil government. Any person violating the above shall be liable to a fine of $100 to $500 and such violation shall be grounds for dismissal.
The State Superintendent of Public Instruction shall administer the carrying out of this law.

§80-1617

The Commissioner of Education shall outline a course for physical training in cooperation with the State Board of Health. It shall include: "exercises, calisthenics, formation drills, instruction in personal and community health and safety, and in preventing and correcting bodily deficiency." Every pupil, except those excused for physical disability, are required to take such a course. County and city superintendents, boards of directors and other school officials shall oversee the administration of this program.

PHYSICAL TRAINING

§80-1618 -- 1619

The effects of alcohol and narcotics shall be taught in grades three to eight inclusive. This material shall be included in textbooks on physiology and hygiene and "be free from political propaganda." It shall contain "complete, detailed, and scientific information on the subject."

HEALTH EDUCATION

Study in this area is required for promotion from one grade to the next. The State Department of Education shall "provide teacher's aides and devices for . . . assistance" in teaching this subject matter.

Violators of this provision shall be guilty of a misdemeanor and fined $25 --$500

§80-1620 -- 1625

Nature study and conservation of natural resources shall be taught in at least two elementary grades, in at least one high school course at the high school level and to students preparing to be teachers. This category includes: fish and game, soil fertility and erosion, forests and minerals. The Commissioner of Education shall solicit the help of government officers concerned with conservation and natural resources.

§80-1626

At least twenty minutes per week shall be devoted to the study of fire prevention in the primary grades of all public schools.

§80-1637 -- 1643;75-1901 -- 1905;75-281;75-921

DRIVER EDUCATION

School districts are "authorized and encouraged to establish driver education and training programs" primarily for high school students. Districts shall receive from the State Department of Education $20.00 for each student completing such course, and the State shall accredit such courses. Courses must include at least thirty classroom hours and at least six hours of driving in order to be certified. Courses shall be supervised by a "qualified driver education teacher."

All funds credited to driver education programs shall be placed in the Driver Education Account of the Public School Fund. The cost of the program is determined by the cost and upkeep of the automobile(s), instructor's salary and list of other educational materials or equipment.

Each student shall pay a $5.00 fee for the course and the State shall "prorate the amount of federal funds available" in order to equalize the per pupil amount received by each district.

Other persons availing themselves of this course shall pay a $10.00 registration fee. However, the state will waive the fee for those unable to pay it. Public or private funds may be directed towards this program, which shall be "under the auspices of the Arkansas State Police Commission."

Motor vehicles used in this program are exempt from state, county and municipal taxes and license fees. And no automobile dealer who furnishes a car to the State for this program will be held responsible for injuries or damages incurred during the car's use by the school.

Acts 1975, No. 302, §5

In December the State Board shall determine the subjects to be taught in grades one to eight inclusive.

Acts 1975, No. 302, §10

A school district may request a new course and/or new materials by submitting a course outline, materials desired, and statement of course's objectives to the Director of the State Board. After consultation with the Division of Instructional Services, the Director shall approve or reject the request.

CROSS REFERENCES

III.A.2.; Statute §80-1601 -- 80-1682

1. Basic Curriculum

Statutes

§8700 -- 8734

This chapter deals with the need for environmental education, and the establishment of the Conservation Education Service as part of the Department of Education, that has the power and duty to: (a) assist school districts in preparing teachers to present concepts of conservation and other environmental concepts; (b) to cooperate with institutions of higher education for the purpose just stated; (c) assist school districts in the development and/or acquisition of materials relating to wise use of resources and environmental issues; (d) assist districts in the development of educational curriculum and education opportunities for students relating to the conservation of resources; (e) establish and maintain a central library for those purposes; and (f) review each application for a grant to institutions of higher learning.

CONSERVATION EDUCATION

This chapter also provides for a conservation education library as a master source of materials for the Conservation Education Service. The establishment of the library is to be based on new procedures and means of processing and distribution.

§33350-33352

The Department of Education shall adopt such rules and regulations as it deems necessary and proper to secure the establishment of courses in physical education in the elementary and secondary schools. The Department shall also compile a manual in physical education for distribution to teachers in the public schools of the state; exercies general supervision over the courses

RULEMAKING

PHYSICAL EDUCATION

of physical education; exercies general control over all athletic activities of the public schools; advise in matters of physical education; and investigate the work in physical education in the public schools.

§51040 -- 51041

COURSES OF STUDY

Every school governing board shall prepare and keep on file for public inspection the courses of study prescribed for its schools and shall evaluate its educational program, making necessary revisions.

§51050

Every school governing board shall enforce in its schools the courses of study and the use of textbooks and other materials prescribed by the proper authority.

§51053 -- 51056

COURSE OF STUDY

The governing board shall prescribe and enforce the course of study for preschool, kindergarten, grades 1 through 6, and grades 7 and 8 of elementary districts maintaining grades 7 and 8. It may do so in cooperation with the county board and superintendent. The development of any course of study on such a cooperative basis is a proper charge against whatever funds the county superintendent may have for this purpose.

The course of study for grades 7 through 12 and for adult school shall be prepared by the governing board, subject to state board or Department of Education approval.

Courses for continuation high schools shall be prepared under the governing board and shall insofar as possible meet high school requirements under §51220 and 51222.

§51057

Upon a governing board's request, the state board may, for a specified number of years, grant the district exemption from one or more course of study requirements,

if the request is deemed an essential part of a planned experimental curriculum project.

EXEMPTION

The request for exemption shall include: the rationale and objectives of the project; plans for its administration and evaluation and necessary revision; and plans for reporting to the state board on the project.

§51200 -- 51201; 51204

Courses of study are required in grades 1 through 12, designed to fit the needs of pupils for which the courses are prescribed. In addition to course of study requirements, a governing board may include in the curriculum additional courses of study deemed to fit pupil needs.

§51202 -- 51203

SAFETY AND HEALTH EDUCATION

The course of study shall include at the appropriate levels instruction in personal and public safety and accident prevention, fire prevention, the protection and conservation of resources and the environment, and health.

DRUG EDUCATION

Instruction on the nature of alcohol, narcotics, restricted dangerous drugs as defined under §11032 of the Health and Safety Code, and other substances and their effects on the human system shall be included in the curriculum. The governing board shall adopt regulations specifying grades and courses of study in which such instruction shall be given.

§51210 -- 51213

The course of study beginning in grade 1 and continuing through grade 6 shall include instruction in:

ENGLISH

English, including knowledge of, and appreciation for, literature and language and the skills of speaking, reading, listening, spelling, handwriting, and composition;

mathematics, including concepts, operational skills, and problem solving;

social sciences, drawing upon various disciplines, providing a foundation for understanding the development of California and of the United States, the development of the American economic system, man's relations to the human and natural environment (including the wise use of natural resources), eastern and western cultures, and contemporary issues, and including the study of the role of American Negroes, American Indians, Mexicans, persons of oriental extraction and other ethnic groups and the role of women in the development of California and the United States;

science, including biological and physical aspects, with emphasis on experimental inquiry and man's place in ecological systems;

fine arts;

health;

physical education, with emphasis on physical activities for a total period of not less than 200 minutes each 10 school days, exclusive of recesses and lunch period;

other studies, as prescribed by the governing board.

The Legislature encourages the establishment of instructional programs in foreign languages, with instruction beginning as early as feasible.

§51220 -- 51221; 51227

The course of study for grades 7 through 12 shall offer courses in:

English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking;

social sciences, drawing on various disciplines, providing a foundation for understanding the development

of California and the United States, the American legal system and the rights and duties of citizens, the American economic system, man's relations to the human and natural environment (including the wise use of natural resources), Eastern and Western cultures, and contemporary issues, and including the study of the role of American Negroes, American Indians, Mexicans, persons of Oriental extraction, and other ethnic groups, and the role of women in the development of California and the United States

foreign languages, beginning not later than grade 7;

physical education;

science, including biological and physical aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on man's place in ecological systems;

mathematics, designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures;

fine arts, including art, music, or drama;

applied arts, including instruction in the areas of consumer and homemaking education, industrial arts, general business education, or general agriculture;

vocational-technical education, designed to prepare youth for gainful employment;

DRIVER EDUCATION

automobile and motorcycle driver education, designed to develop a knowledge of the Vehicle Code and other state laws relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffice accidents, and the knowledge and attitudes necessary for the safe operation of motor vehicles;

other studies prescribed by the governing board.

§51222 -- 51223

PHYSICAL EDUCATION

All pupils, except those exempted, shall be required to attend physical education courses for a total of at least 400 minutes each 10 school days. Any pupil may be excused from physical education classes during one of grades 10, 11, or 12 for not more than 24 clock hours to participate in automobile driver education; such a pupil shall attend a minimum of 7,000 minutes of physical education during that school year.

A governing board that elects to exempt pupils from required physical education attendance under paragraph 1 and/or 2 of §512416 shall offer those pupils a variety of elective physical education courses of not less than 400 minutes each 10 school days.

Elementary physical education shall be for at least 200 minutes each 10 school days, exclusive of recesses and the lunch period.

§51240

SEX EDUCATION

WAIVER

Whenever any part of the instruction in health, family life education, and sex education conflicts with the religious training and beliefs (including personal moral convictions) of a parent or guardian, the pupil, on written request of the parent or guardian, shall be excused from that part of the training.

§51241 -- 51242; 51246

PHYSICAL EDUCATION

EXEMPTION

The governing board may grant temporary exemption to a pupil from physical education courses, if the pupil is ill or injured and a modified program cannot be provided, or enrolled for one-half, or less, of the work normally required of full-time pupils.

Permanent exemption may be granted if the pupil has completed 10th grade or is 16 years of age or older and has been enrolled in the 10th grade for one academic year or longer, or is enrolled as a postgraduate pupil. No such pupil shall be permitted to attend fewer total hours of courses if he/she elects not to enroll in a

physical education course than he/she would have otherwise attended.

A high school pupil may be exempted from physical education courses if engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours.

Also, a pupil may be exempted who is enrolled in the last semester or quarter of the 12th grade and under §§46145 or 46147 is permitted to attend school less than 240 or 180 minutes per day.

§51243 -- 51245

FOREIGN LANGUAGES

Credit shall be given for the purposes of course of study requirements to courses in foreign languages in private schools on the basis of their being at least equivalent to those required in the public schools. The state board shall adopt regulations prescribing standards and conditions by which such credit shall be given.

Credit for private school courses shall be given for Chinese, French, German, Greek (classical and modern), Hebrew (classical and modern), Italian, Japanese, Jewish, Latin, Spanish, and Russian, and other languages designated by the state board.

It shall not be required that instructors of such courses in private schools be regularly credentialed teachers.

§51261

DRUG EDUCATION

A comprehensive statewide program in public elementary and secondary schools in drug education, providing instruction on the nature and effects of the use of tobacco, alcohol, narcotics, restricted dangerous drugs (under §11032 of the Health and Safety Code) and other dangerous substances, shall be established. The program shall include: sequential instruction throughout

the grades; training for school personnel; instructional materials; identification and reporting of promising programs; and promotion of effective liaison between school and community.

The Department of Education shall facilitate maximum cooperation with other state and federal agencies concerned with drug education and endeavor to obtain maximum federal financial assistance.

§51262

Instruction in drug education should be conducted, in grades 1 through 6, in conjunction with courses in health pursuant to §51210 and, in grades 7 through 12, in conjunction with courses in health or any other appropriate area under §51220. Instruction should be sequential and suited to the grade level.

§51263

The Department of Education shall develop a comprehensive statewide program by assuming the following functions: assist in the development of model curricula and teaching methods in drug education, develop methods of evaluating such instruction, serve on a repository for research results relative to drug education, assist in drug education teacher training in school districts and in training institutions, administer pilot projects on drug education, assist in the development of adult drug education programs, and report annually to the Legislature, school districts and appropriate agencies.

§51268

Each governing board shall adopt a policy regarding its drug education program, in accord with State Board-approved guidelines, specifying, among other things: drug education curriculum; provisions for in-service training and curriculum assistance to teachers; minimum qualifications for instructors in drug education; and responsibility of certificated personnel in teaching or supervising drug-dependent or debilitated pupils.

§51511

RELIGION

Nothing in this code shall be construed to exclude from the public schools references to religion or references to or the use of religious literature, art, or music when such references or uses do not constitute instruction in religious principles or aid to any particular religious group and are incidental to or illustrative of matters properly included in the course of study.

§51530

COMMUNISM

No teacher giving instruction in any part of the public school system shall advocate or teach communism with the intent to inculcate in the mind of any pupil a preference for communism.

However, this shall not prevent the teaching of the facts about communism.

For these purposes, communism shall be considered a political theory that the existing form of the U. S. government should be changed by force or unconstitutional means to a totalitarian dictatorship based on principles of communism expounded by Marx, Lenin, and Stalin.

§51550 -- 51551

SEX EDUCATION

No school governing board may require pupils to attend any class in which human reproductive organs and their functions are described, illustrated, or discussed, whether designated "sex education," "family life education," or part of any other course.

WAIVER

If such classes are offered, the parent or guardian of each pupil enrolled shall first be notified in writing and given the opportunity to request that the pupil not attend. Such requests shall be valid for the school year in which they are submitted but may be withdrawn at any time. No child may attend a class if a request that the child not attend has been received.

Any written or audiovisual material to be used in such classes shall be available for inspection by the parent or guardian at reasonable times and places prior to the holding of a course which includes such classes. The parent or guardian shall be notified in writing of the opportunity to inspect these materials.

This section shall not apply to description or illustration of human reproductive organs which may appear in a legally adopted textbook on physiology, biology, zoology, general science, personal hygiene, or health, nor to any venereal disease education classes conducted under §51820.

Nothing in this section shall be construed as encouraging the description, illustration, or discussion of human reproductive organs and their functions in the schools.

The certification document of any person charged with making instructional material available under this section or with the responsibility of notifying a parent or guardian of any class covered by this section who knowingly fails to carry out the charge may be revoked or suspended on this account. The certification document of any person who knowingly requires a pupil to attend a class covered by this section when a request that the pupil not attend has been received may be revoked or suspended.

§51750

MILITARY SCIENCE

A governing board maintaining a secondary school may establish courses in military science and tactics complying with U. S. laws and provided with reference to Reserve Officers Training Corps units in educational institutions.

No student shall be required to enroll in such courses.

§51820

A governing board may offer instruction in venereal disease education in schools with the assistance of the Department of Education.

VENEREAL DISEASE EDUCATION

Nothing in this section shall be construed as limiting any right provided for in §51240.

If such education is to be offered, the parent or guardian of each pupil to be enrolled shall be notified in writing at least 15 days prior to the commencement of the program, of the parent's right to inspect instructional materials, and of the parent's right to request that the child not attend any such program.

WAIVER

Such a request shall be in writing, but may be withdrawn at any time.

§51830 -- 51833

CONSUMER EDUCATION

Finding that many high school graduates lack the skills necessary to function effectively in the business world, the Legislature intends to provide pupils with the opportunity to learn about the market economy, intelligent consumerism, the knowledge of goods and services necessary to make intelligent decisions, and statutes, regulations, public agencies, and governmental actions affecting consumers. There shall be made available to schools the program materials needed to enable them to offer this instruction to pupils in grades 7 through 12.

The superintendent shall, with state board approval, plan and develop a one-semester instructional program in consumer economics to be made available to grades 7 through 12. It shall include, but not be limited to: fundamentals of personal banking; elementary contracts; consumer guides to purchasing; credit; insurance; and taxation.

§51850

A school governing board, a county superintendent, and the California Youth Authority and State Department of Education in providing programs of high school education, may prescribe regulations determining who shall receive

RULEMAKING

instruction in automobile driver training (the laboratory phase of driver education), subject to state board standards for driver education and training.

No pupil shall be permitted to enroll in automobile driver training unless presently enrolled or having completed a course in autombile driver education.

Driver training courses shall be given in one or more of the grades 9, 10, 11, or 12. Pupils shall be at least 15 years and 6 months of age at the time of completing the driver training course.

§51851

A course in driver education shall: be of at least 2-1/2 semester periods and be taught by a qualified instructor, be completed by the student within the academic year or summer session in which it was begun; and provide the opportunity for students to take it within the regular school day and within the regular academic year.

§51852 -- 51853

A course in the laboratory phase of driver education shall include instruction under one of four plans.

Plan One: a minimum of 12 hours allocated as follows:

1.) A minimum of 6 hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

2.) A minimum of 6 hours in a dual-control automobile with a qualified instructor for observation purposes. Practice driving on an off-street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

Plan Two: a minimum of 24 hours allocated as follows:

1.) 3 hours of on-street behind-the-wheel driving instruction in a dual-control automobile with a qualified instructor.

2.) 6 hours in a dual-control automobile with a

qualified instructor for observation purposes.

3.) 12 hours of instruction in a driving simulator approved by the department.

4.) 3 additional hours in one or more of the above areas.

Plan Three: a minimum of 24 hours allocated as follows:

1.) 3 hours of on-street behind-the-wheel practice driving instruction in a dual control automobile with a qualified instructor.

2.) 6 hours in a dual-control automobile with a qualified instructor for observation purposes.

3.) 12 hours of instruction on an off-street multiple-car driving range.

4.) 3 additional hours in one or more of the above areas.

Plan Four: a minimum of 24 hours alllocated as follows:

1.) 2 hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

2.) 4 hours in a dual-control automobile with a qualified instructor for observation purposes.

3.) 18 hours of instruction in a driving simulator approved by the department and on an off-street multiple car driving range.

For these purposes, one hour means 60 minutes including passing time.

Any deviation from the standard use of a simulator or off-street multiple-car driving range shall have prior approval by the Department of Education before the governing authority can be reimbursed for the students trained.

§51860

A governing board over any elementary, intermediate, or junior high school may provide time and facilities to any local law enforcement agency for bicycle safety instruction.

§52720

In every public school, there shall be conducted daily appropriate patriotic exercises. The giving of the Pledge of Allegiance to the Flag of the United States shall satisfy such requirements.

REGULATIONS

§10000, 01

All high schools shall offer a one semester course in reading and one in math focusing on diagnostic and remedial instruction. Failure to offer such courses or show "good cause" for not providing them shall result in the Department of Education's refusal to approve the schools' course of study. The course of study will also not be approved if no instruction in public safety and health is provided.

MATHMATICS

SAFETY AND HEALTH EDUCATION

§10020

The laboratory phase of Driver Education classes may be provided for eligible students. All autos used shall be equipped with dual controls and shall be identified as such. The course shall include a minimum of 30 hours of classroom instruction. Satisfactory completion of driver education classes and/or laboratory phase shall be recorded in each student's permanent record file.

DRIVER EDUCATION

§10045

Schools may contract with private driver training schools to provide driver education to students. Such districts shall comply with the rules set forth in this section and annually submit a report to the State Department of Education.

§10060

Each school shall appraise the quality of its physical education program.

PHYSICAL EDUCATION

§ 11220

The minimum standards for basic reading programs are:

READING

a) Systematic instruction in basic skills and continuous practice in applying those skills.

b) Presentation of a wide variety of appropriate literature.

c) Continuous assessment, practice and instruction for pupils in oral communication and expression of thought.

Policy Guides

GUIDELINES FOR DRUG EDUCATION PROGRAMS IN THE SCHOOLS

California State Board of Education, 7 pages

1973

DRUG EDUCATION

This statement adopts a "sociological/psychological approach" to drug education in the schools. This model approach recognizes that the individual is a free decisionmaker whose behavior patterns will be influenced by his own value structure. The Board recognizes that drug education should be part of a comprehensive health education program required of all students, and should be structured along the following lines. A program should be comprehensive and continue from grades K-12; inservice training should be offered to staff on a continuing basis and all teachers should have a course in health education; counseling should be readily accessible to all pupils.

CROSS REFERENCES

I.County Superintendent of Schools; Statute §1720--1732

III.A.2; Statute §30

III.A.2; Regulation §3936

III.C.Student; Statute §51224--51226

III.C.Students; Regulation §1630

III.C.Students; Regulation §1632

III.C.Students; Regulation §1635

1. Basic Curriculum

Statutes

§22-1-103

Instruction in the public schools shall be conducted in English, but the development of "bilingual skills" should be encouraged and students who speak another language should be given assistance to "make an effective transition to English."

§22-1-104

The history of the United States and of the State of Colorado shall be taught in the public schools. United States history shall include the "history, culture, and contributions of minorities."

U.S. HISTORY

§22-1-105

"The commissioner of education shall include in the state course of study the history and civil government of the state of Colorado."

§22-1-108--22-1-109

"In all public and private schools . . . there shall be given regular courses of instruction in the Constitution of the United States," beginning not later than seventh grade.

CONSTITUTION

§22-1-110 -- 22-1-111

"The nature of alcoholic drinks and narcotics, and their effects upon the human system . . . shall be included in the branches of study taught in the public schools."

Failure of a teacher or director to comply with this requirement shall be cause for removal.

HEALTH EDUCATION

§22-25-102 -- 103

As "health survival education is an essential element of public education" and as "the school system is the most logical vehicle for conveying . . .

significant health information and developing an awareness of the value of good health," the "Colorado Health and Survival Education Act" is established. The purpose of this act is to "foster and disseminate educational activities and materials which will assist Colorado . . . [residents]. . . in the understanding and appreciation of health needs and problems and their solutions."

"Health and survival education" includes concerns such as "communicable diseases, community health, consumer health, dental health, drug abuse (including alcohol and tobacco), environmental health, human growth and development, health careers, hereditary and developmental conditions, mental health, nutrition, personal health and physical fitness, and safety and emergency care." A "comprehensive health and survival education program" for grades one through twelve is established. Responsibility for administration shall rest with the department of education in cooperation with the department of health.

The program shall include . . ."programs for the selection and training of health education instructors; planning and activation of initial or extended programs; [and] establishment of guidelines for teacher certification programs."

Local boards, with or without the technical assistance of the department, shall submit proposals for the implementation of this article. All such proposals submitted must be approved by the commissioner of education before they are enacted.

§22-25-104

The health and survival education program is responsible for providing: trained health education instructors [for the schools], a plan to improve health education, and guidelines to assure teacher preparation [for health education instruction].

§22-25-106

A district school board or board of cooperative services may request technical assistance, from the department of education, to help it in developing a health education project.

§22-25-108

The state board of education shall, transmit to the governor and general assembly an evaluation of the health education program. Yearly, thereafter, evaluation of the health education program's effectiveness, efficiency and utilization of resources shall be submitted to the above-named parties by the commissioner of education.

§22-25-109--22-25-111

Children whose parents object in writing to their childs' participation in a health education program, because of religious or other beliefs, "shall be exempt from such instruction."

EXEMPTIONS

The Act shall not be "construed to require the teaching of sex education as a specific area of instruction or as a part of health and survival education required by the state board of education."

REGULATIONS

2202-R-2.05

"A district shall offer a comprehensive program of studies and activities with special attention to general education, since this is the primary purpose of education in the public schools."

2202-R-9.01

COURSE OF STUDY

A school district shall provide a comprehensive curriculum. Such an individualized curriculum meets the educational needs of community youth while exhibiting educational goals the district has formulated for its direction. Such a curriculum provides articulation and continuity within and between each field and subject, as well as within and across grade levels. A comprehensive program provides:

(1) general education for school pupils in addition to education programs for the handicapped;

(2) career purpose programs for those with acquired skills;

(3) programs for those who continue on to technical school or college.

2202-R-9.02

Curricular improvement shall be a continuous process. It shall be carried on through an effort involving teachers, supervisors, administrators, and board members. Provisions shall be made so that pupils, parents, concerned citizens and higher education specialists also have input.

2202-R-9.03

The needs of pupils as evidenced by their interests, achievements, aptitudes and the assessment of current community education needs shall be the basis of the curricular program.

(1) PRESCHOOL curriculum shall encourage the cognitive, social, emotional, physical and aesthetic development of young children, while allowing them to work at their own pace, encountering language developing experiences.

2202-R-9.04

ELEMENTARY school curriculum shall include but is not limited to the following areas: language arts, social studies, science, mathematics; fine arts; health, physical education, safety, and career education.

2202-R-9.05

MIDDLE AND JUNIOR HIGH SCHOOL curriculum shall: (1) devote primary attention to the needs of the adolescent, (2) offer exploratory experiences for all pupils, (3) expand activity type experiences, (4) provide a balanced program highlighting academic subject and career education.

2202-R-9.06

The SENIOR high school curriculum shall provide a program of studies which includes at least 30 units (300 semester-hours), or the equivalent, of work

distributed among: language arts; social studies; science; mathematics; foreign language; fine arts; career, vocational and practical arts education; and health, physical education and safety. (Courses offered on alternative years may be used when calculating the 30 units.)

2250-R-102.0

A preliminary evaluation report shall be submitted to the Education Commissioner 30 days after the close of the attendance year of the final segment of the student population, followed by a comprehensive evaluation of the program after six months.

A. Educational Courses and Programs

1. Basic Curriculum

Statutes

§10-17

The English language will be the primary language in instruction and administration except that instruction may be given in any language other than English to any pupil who, "experiences difficulty in reading and understanding English."

ENGLISH

§10-18

All public or tax exempt private schools shall provide instruction in United States government at all levels including the duties and rights of United States citizenship. Familiarization with these subjects is a prerequisite for graduation.

UNITED STATES GOVERNMENT

CITIZENSHIP

The state board shall make available samples of materials to schools required to teach these courses.

A copy of courses in United States history, government, and citizenship shall be filed with the secretary of the state board by each school. Any modification in these courses must also be filed with the secretary.

§10-19

The effect of alcohol, tobacco and drugs shall be taught every academic year to all students in the public schools; textbooks and other such materials shall be used. Institutions of higher education approved to train teachers shall give instruction on the subjects and the best methods of teaching them. The state board and the commission for higher education shall develop health education programs for elementary and secondary schools and for the training of teachers, administrators and guidance personnel with reference to the effects of tobacco, alcohol and drugs.

DRUG EDUCATION

§10-23

SAFETY EDUCATION

Safety education shall be taught in all public schools as part of a program to eliminate automobile accidents. The state board shall prepare material for these courses and furnish them, free of charge, to superintendents of schools.

§10-24d

DRIVER EDUCATION

The secretary of the state board, subject to the board's approval, shall prepare regulations governing driver education programs in secondary school. The regulations shall permit any local board or private secondary school to hire a licensed drivers' school; instruction may also be given by such school's driving instructors who are licensed by the motor vehicle department.

§10-124

The state board shall provide a course of study of motor vehicle operation and highway safety.

Including not less than thirty clock hours of classroom instruction and not less than six clock hours of behind-the-wheel instruction, each local board may provide a course of instruction in motor vehicle operation and highway safety on a secondary level.

The courses shall be open to any person between sixteen and eighteen years old (inclusive) who is a resident of the school district or whose parents or guardian owns taxable property in such school district. The board may hire a licensed drivers' school for such instruction.

§10-220a

HEALTH EDUCATION

All boards of education shall provide in-service training programs for teachers, administrators and guidance personnel. The program must be approved by the state board and shall provide participants with information on drug and alcohol abuse.

Local boards of education shall establish health education programs which shall specifically include instruction on alcohol and drug abuse. This course shall be included in the curriculum for grades K-12.

DRUG ABUSE

The board of education of every school district shall adopt a written policy on the use and sale of drugs on school property and procedures for cooperation with law enforcement officials.

REGULATIONS
§ 10-24d-2 to 10-24d-10

DRIVER EDUCATION

"Any public, private or parochial secondary school which wishes to issue the secondary school - vocational school driver education certificate and ...receive state grants for driver education" must obtain state department of education approval before starting a program.

The driver education course should be offered "to eligible youth as near to their minimum legal licensing age as possible." The course may be scheduled during or after regular school hours or in the summer. Students may not take more than two hours of classroom instruction a day and must be issued appropriate texts, manuals or other classroom materials. Students may take a maximum of one hour of "behind-the-wheel, on-the-street instruction per day."

Driver education teacher must have a valid state driver's license, be at least 21, and "have an acceptable driving record."

Students who complete "an approved driver education course shall be issued a driver education certificate." Schools should keep records of students who have completed the course for at least 9 years.

"Vehicles used in driver education programs shall be...in safe operating order," adequately insured, and have student driver signs.

Secondary schools that have "approved driver education programs shall report annually to the state department of education."

CROSS REFERENCE

I.Local Board of Education; Statute §10-221

A. EDUCATIONAL COURSES AND PROGRAMS

1. BASIC CURRICULUM

STATUTES

§4103

U.S. CONSTITUTION
FREE ENTERPRISE
STATE GOVERNMENT

"All public and private schools shall offer instruction in the Constitution of the United States and the Constitution and government of Delaware and the free enterprise system."

Such instruction shall not begin later than the opening of the eighth grade and shall continue in the high school courses and in courses in state colleges, universities and the education departments of state and municipal departments.

A. Educational Courses and Programs

1. Basic Curriculum

STATUTES

§31-112

All academic and scientific subjects shall be classified into eight departments or four departments depending upon the high school, so that each department shall contain correlated subjects.

§31-1119

The Board may accept, on a loan basis, and provide insurance for, vehicles for use in driver education programs.

DRIVER EDUCATION

§31-1201 — 31-1204

The Board may establish in senior high schools an optional course, for credit, in aeronautics and may employ up to 6 teachers for the course. The Board may provide pupils with free use of textbooks, maps and other supplies necessary for the course and may include, in its budget, sufficient funds to defray expenses for the course.

CROSS REFERENCE

III.C.Public Schools: Regulation: Chap. VII, §702

1. Basic Curriculum

Statutes

§229.8055

In accordance with the Florida Environmental Education Act of 1973 the department of education shall develop and distribute educational materials and activities designed "to assist students, teachers, and administrators in the perception, appreciation and comprehension of environmental principles and problems." The Environmental Education Program shall be administered by an office of environmental education to the department of education.

ENVIRONMENTAL EDUCATION

The office of environmental education shall: (1) assemble, develop and distribute environmental education instruction materials, with special emphasis on the urban environment; (2) develop programs for in-service and preservice teacher training; (3) integrate environmental education into the general curriculum of public schools; (4) estimate environmental protection manpower needs in government, science, and industry, and make an annual report on the adequacy of the education and training programs to the commission and legislature.

Each district school board may submit a model environmental education project for the district. The commissioner shall review all projects submitted, and shall authorize funds equal to the cost of approved programs. It shall transmit to the state board of education and legislature an annual appraisal of programs and projects funded and recommend the level of funding for the coming year.

The commissioner of education shall appoint 20 persons from the public and private sectors to serve on an environmental education advisory council. Each member shall serve a one-year term. The council shall inventory, review, and support environmental education

and formulate and recommend statewide policies in environmental education. Members shall be reimbursed for expenses incurred in performing these duties.

§ 229.841

By December 1978, the Department of Education shall develop a plan and adopt rules by which the metric system can be adopted by 1980 as a system of measurement in all phases of public school education.

§233.061; 233.064; 233.065

HEALTH EDUCATION

The following shall be taught throughout the state: the United States Constitution, proper consideration for the flag, civics, principles of agriculture and "the true effects of alcohol and narcotics on the human body and mind." Parents who object on religious ground to any material presented in connection with the teaching of these subjects may have their child (children) exempt from such instruction.

Public high schools shall "teach a complete course of not less than 30 hours . . . entitled 'Americanism versus Communism' . . . for the primary purpose of instilling . . . a greater appreciation of democratic processes, freedom under law, and the will to preserve that freedom."

CONSUMER EDUCATION

The public schools shall "conduct a free enterprise and consumer education program" which shall include "advertising, appliances, banking, budgeting, credit," etc. This course shall be inter-disciplinary and provide in-service training for teachers. The program shall be appraised yearly by the Commissioner of Education. [§233.0641 may be known and cited as "The Free Enterprise and Consumer Education Act."]

PATRIOTISM

School boards shall institute a "program of a patriotic nature to encourage greater respect for the U.S. government" including recitation of the pledge of allegiance and proper respect for the flag.

§233.062

"The school board may install . . . a secular

program of education including but not limited to an objective study of the Bible and religion."

§322.11

DRIVER EDUCATION

Persons under 18 are required to take a driver education course given by a public or private school or "agency . . . listed by the department (of Motor Vehicles) to qualify for a driver's license." The course shall be a maximum of 36 hours of instruction.

REGULATIONS

6A-6.22 Required instruction in history and government

HISTORY AND GOVERNMENT

Each school that has eighth and ninth grade shall provide instruction in the history and government of Florida which shall include but not be limited to basic concepts and objectives prescribed in accreditation standards and state courses of study. The purpose of the instruction is to aid proficiency in participatory citizenship, learning about contemporary and historical political, economic and social development of the state and applying what is learned in developing value judgments about the affairs of the state in the context of community, state, nation and world concerns.

6A-6.23 Health Education

HEALTH EDUCATION

Comprehensive health education programs may be submitted for funding to the director, division of elementary and secondary education, in accordance with guidelines established by the director for the administration of the program.

CROSS REFERENCES

II.A.4.; Statute §230.2311

III.C.Teachers; Statute §231.09

1. Basic Curriculum

Statutes

§32-434;437

The state board of education may allocate funds for educational research and the preparation and publication of instructional materials. These funds shall be used to promote research and the development of curriculum materials on the influence and effect of alcohol. The state board of education may hire research specialists to develop these materials. The curriculum materials developed shall be distributed to all the public schools.

§32-657a

All elementary and secondary schools which receive state funds shall provide a course on federal and state governments, and courses in U.S. and Georgia history, including a study of federal and state constitutions. The State Board of Education shall prescribe these two courses. Students may not receive a high school diploma without having completed these courses.

UNITED STATES HISTORY

GEORGIA HISTORY

DIPLOMA

§32-1901

"The Georgia State Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels in the public school system and shall establish standards for its administration." The course may include instruction in alcohol, smoking and drug abuse education. The State Superintendent of Schools shall prepare a manual setting out the details of such courses.

Regulations

30-311

"The . . . State Board of Education believes that the

basic skills, attitudes and values essential for the preservation of a society of free men [and women] and the effective functioning of the individual . . . must be acquired in the program of elementary education of pupils ages six through 13. The State Board advocates primary attention . . . to speaking, reading, writing, listening, observing, mathematics and human relationships. The State Superintendent of Schools shall take positive action to insure the development of these skills in a wide range of experiences including music, art, physical activity, occupational orientation and academic studies in science, social sciences and languages."

30-312

"The State Board believes that programs of education for pupils ages 14 through 18 should enable the pupil to explore a wide range of activities and content," with emphasis on "occupational education." High schools should offer courses "in the basic disciplines of social sciences, science, mathematics, languages, art and music," and government and politics. Pupils should be given opportunity to "develop special interests and skills in language art, music, sports and recreational activities." Upon graduation pupils should be prepared "to pursue further study" at the post-secondary level.

"The State Superintendent shall actively and aggressively seek continuous refinement and improvement in content, methods, systems, personnel and facilities of elementary and secondary education . . . . The State Superintendent shall actively and aggressively evaluate programs of secondary education in terms of effectiveness, cost, benefits, facilities, personnel, management and organization."

30-510;520

The State Board is legally responsible for "prescribing a course of study for all schools receiving state aid, . . . approving additional courses of study set up by local school systems, and . . . providing

curriculum revision . . . . The State Board assumes that curriculum planning and development will reflect current best knowledge of the nature of society, . . . the individual and . . . the learning process."

The State Board is responsible for developing courses of study and "comprehensive guidelines for curriculum planning and development . . .[which] shall include appropriate content relating to . . . goals and objectives; . . . nature of . . . the learning process; . . . human growth and development; [and] . . . evaluation of learning."

The guidelines should also describe the instructional program, identify appropriate course guides, and provide for incorporation of the following areas of instruction: nutrition and hygiene; U.S. and Georgia history, Constitutions and government; and physical education.

Approved guidelines shall be reviewed by the State Board at least every 5 years. Local school systems receiving state aid are required to follow these guidelines.

Every five years the "State Superintendent of Schools will appoint a curriculum review committee" representing the teaching profession and other educational personnel, parents, high school students, and Department of Education personnel. The committee's recommendations will be submitted to the State Board for approval.

30-610; 30-620

The "State Board of Education believes that educational goals can best be achieved through a clearly defined program structure that relates objectives to courses taught" and which provides "for funding, management control and accountability for each element . . . ."

"Separate course-of-study guides shall be prepared for programs . . .or content areas," to be distributed to "local school systems for adoption or adaptation . . . Local school systems shall be encouraged to develop local course guides to supplement" those prepared by the state.

"State course guides shall be reviewed" at least every 5 years.

The Office of Instructional Services will prepare course guides, "utilizing appropriate advisory committees appointed by the State Superintendent of Schools." Drafts of course guides shall be submitted to the State Board for approval.

30-717

PILOT PROGRAMS

Pilot programs to implement the State Board's policy on graduation requirements will be instituted in the school systems in 1977-78 . "Local school systems will develop plans for adoption/adaptation of the pilot models in 1978-79 . . . . Statewide implementation of the policy for students who enroll in the ninth grade in 1979-80 will be contingent upon positive evaluation of the pilot program."

FREE ENTERPRISE

Ninth grade students in 1977-78 "must complete a course of study . . . in the principles of economics (business) free enterprise."

A "question of competency-based education for students" will be designated by the State Superintendent to "coordinate the implementation of the policy on graduation requirements.

30-1710; 1720

Career education should assist individuals to acquire "the abilities necessary to satisfactorily manage a personally meaningful and productive career." Schools should help pupils to relate their abilities and interests "to work and educational alternatives" and their eductional training to work, to "identify with work, workers and work values, . . . (and) develop skills and attitudes needed for continued learning, career decision making, planning, job preparation, job seeking and career success."

A school's curriculum should incorporate "the following elements of the career education concept"

by "using career-oriented content and learning-by-doing activities in existing curriculum," encouraging "individual responsibility for personal career planning, and a broadening of perceived occupational and career choices. . . (;) using community and home resources for learning experiences", assisting pupils "to create their own personalized curriculum related in part to career" possibilities or goals; providing for "career exploration, . . . volunteer and paid work experience for credit, development of entry level job skills and job placement . . . (;) relating the fine, practical, and liberal arts to work and other life roles and values . . . (;) establishing work related performance expectation that each secondary student is expected to demonstrate prior to leaving school."

In assisting local school systems to implement the career education concept, the State Superintendent of Schools shall "develop . . . a resource guide" for local use, "incorporate . . . career education into the curriculum framework, . . . insure that local educational plans . . . include . . . the career education concept," and develop a plan for State Department of Education assistance to local systems.

"Each Department Office shall develop annually a plan for career education . . . to be coordinated and reviewed by the Superintendent's Task Force with recommendations being made to the State Superintendent."

30-1910; 1920

HEALTH EDUCATION

"Instructional packages on a course of instruction in health education including alcohol, smoking and health and drug use and abuse shall be instituted in the public schools. . . .

The State Superintendent of Schools shall develop a plan for health education including concepts dealing with alcohol, smoking and health, and drug use and abuse. This plan shall make health education . . . a part of the total school curriculum . . . (and) shall

include a program of curriculum research, development and instruction in health eduation including the effects of alcohol, tobacco and drug use and abuse on the body. . . . The Office of Instructional Services shall prepare and distribute a health education guide for grades kindergarten through six, a . . . guide for grades seven through 12 and a viewpoint in drug use, misuse and abuse."

DRUG ABUSE

30-2010; 2020

Recognizing the Supreme Court decisions on Bible reading and prayer, "The State Board concludes that individuals have the right to read the Bible and pray . . . (and that) education includes the imparting of moral values and concepts to pupils by teachers. Therefore, the State Board will not condemn nor interfere with the judicious use of prayer and religious writings in the classroom. "The State Board encourages the study of the Bible and . . . of religions as a guidance in forming ethical and moral values as a part of the social science curriculum." The State Superintendent shall assist local superintendents to develop "curricular materials appropriate for use in the public schools."

BIBLE READING

The Office of Instructional Services shall "prepare and distribute a comprehensive listing of materials available for use in studies of the Bible and . . . religions."

30-2710; 2720

In order that pupils achieve "a basic understanding of the history and principles of the American system of government at both the federal and state levels, . . . the State Superintendent of Schools shall prescribe for State Board approval a course of study in the background, history and development of the federal and state governments, and . . . the United States Constitution and the Constitution of Georgia."

UNITED STATES HISTORY

All high schools receiving state funds are required to teach this course, and all students graduating from such high schools must successfully complete the course. "The course in . . . federal and state governments shall be supplemented . . . by a study of the local county and municipal governments."

The Office of Instructional Services shall see that local schools offer the prescribed course in government, select texts from the State Board-approved list, and include periodic examinations as part of the required course, and that the "course in American history and government does not supersede . . . courses in Georgia history and government . . . taught traditionally in the seventh and eighth grades."

CROSS REFERENCES

II.A.10. Other -Individual Programs; Regulation 30-714

IV.E.; Regulation 40-2190; 40-2290

IV.G.; Statute §32-604a

1. Basic Curriculum

Statutes

§299-1 -- 4

a)"The department of education may establish and administer a . . . driver education and training program . . . at each high school . . . [conducted] . . . after regular school hours, on Saturdays, and during the summer recess.

b)"The department shall . . .

1)"Set the prerequisites and priorities for the enrollment in the course . . . which shall be open to every resident of the state who is 15 years of age or older and under 19 years of age;

2)"Establish the requirements for and employ necessary [certified] instructors . . .;

3)Issue a certificate of satisfactory completion;

4)"Purchase, rent, or acquire by gift materials and equipment necessary for the program . . .

"The department of education shall be responsible for conducting approved courses for instruction in drivers education and training," and "shall certify any person who satisfactorily completes [such] a course . . .

"The board of education may assess a fee for each student enrolling in the driver education program."

Regulations

Rule 44.31

"Curriculum. A cumulative and sequential educational program which provides a range of up-to-date knowledge and needed skills and which takes into account the unique interests, needs, and abilities of each student shall be developed. The program includes

(but is not to be limited to) the areas of reading, composition, speech, mathematics, social studies, science, art, music, and health and physical education to be offered at the appropriate developmental stage of each individual.

"Instructional guides outlining the educational program shall be filed with the Department of Education."

CROSS REFERENCES

I.State Superintendent; Statute §296-11

III.C.Curriculum; Regulation Rule 33

1. Basic Curriculum

Statutes

§33-113

The state board "shall define the limits of all instruction in the educational institutions supported in whole or in part by the state."

§33-1601

"Instruction in all subjects in the public schools, except . . . the teaching of foreign languages, shall be conducted in the English language."

§33-1602

"Instruction in the Constitution of the United States . . .[and] in the proper use of the American flag and the national colors shall be given in all elementary and secondary schools." Students shall be taught the pledge of allegiance to the flag, the national anthem, and "America."

CONSTITUTION

§33-1603

"No sectarian or denominational doctrine shall be taught in the public schools, nor shall any books . . . or documents of sectarian or denominational character be used."

§33-1605

"In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system."

HEALTH EDUCATION

§33-1606

Arbor Day shall be observed during the month of April to "encourage the planting, preservation and protection of trees and shrubs."

§33-1608 -- 33-1611

SEX EDUCATION

Family life and sex education programs in the schools are intended only to complement "standards . . . established in the family." The decision to implement such a program in schools is made by the local school board of the district. If adopted, such a program should emphasize the importance of the family and offer instruction in the anatomy and physiology of sex and human reproduction. Parents and community groups should be involved in the planning and revision "of any instruction in sex education." Upon written request from a parent or guardian to the board of trustees, a child shall be excused from instruction in sex education and be provided with alternative educational endeavors.

§33-1701 -- 33-1703

DRIVER EDUCATION

The department of law enforcement and the state board of education shall cooperate in the "establishment of driver training courses in the public schools" and "in establishing . . . minimum standards for driver training programs."

All state residents between the ages of fourteen and eighteen are eligible for driver training programs, "whether or not they are enrolled in public, private, or parochial school."

§33-1704 -- 33-1707

In order to be reimbursed for costs of operating a driver training program, "the board of trustees of any school district proposing to establish" such a program must submit its plan to the state board of education at least 30 days "prior to . . . commencement." "Two or more school districts may . . . offer a driver training program jointly," with one district "designated as the operating district." After completion of a course, school districts must report to the state board the number of pupils enrolled, the number completing the course, and "the total cost of operation of the

program." Reimbursement to the district is based on the calculation of these costs.

§33-1708

"The state board of education shall administer the driver training fund" and employ a full-time "state supervisor of driver training." A "complete record of all costs of administering and supervising the driver training program" shall be maintained.

REGULATIONS

Policy Manual, Ch. 400, §401

1. The Board of Education shall determine the minimum Courses to be taught in the public, private and parochial schools.

2. State Board Policies

New curriculum materials shall be made available to the Departments of Education; however, a charge will be levied for disbursal to those persons out-of-state and using the material for personal use.

Venereal disease education shall be incorporated in the health curriculum in the public schools of the state.

High school students completing required courses prior to finishing eight semesters of high school work may petition the State Board for early graduation provided such student has an endorsement and the approval of the superintendent and the local board.

GRADUATION REQUIREMENTS

Any person or group may present, through the local school district to the State Board for approval, programs enabling students to complete the number of units required for graduation from high schools. All participating students must be state residents. Any student may be instructed by a teacher qualified to teach in the course being taught, or by a person qualified by training in the subject field which is to be taught.

Proposed programs of study submitted for Board approval shall:

Be planned and approved by the local school district of which the student is a resident, or by the high school which has the student's records.

Indicate how the costs shall be borne--tuition, fees, textbooks, etc.

A transcript must be submitted with the program and must show: dates of attendance, subjects taken, grades received, credits earned, units required for graduation from the local school.

List the courses which must be completed and credits earned to complete the graduation requirements of the local school in effect at the time.

Indicate the willingness of the school district to provide assistance to the participating student and to administer all correspondence work tests.

Work completed shall be recorded in the district where the program originated. Upon completion of the proposed program the local school districts shall submit a transcript to the State Board indicating any additional credits earned.

When the Board receives the transcript it will issue a diploma, designating the credits earned in residence at the high school and additional credits earned.

No diploma will be issued prior to the regular class graduation date.

The following must be considered in the development of home study programs:

There are no schools available and attendance in school would present a hardship for the child; a recommendation has been approved by the State Superintendent of Public Instruction; the local school district must assume responsibility for maintenance of the program.

High School credit may be granted for religious education pursuant to the following rules:

That the credit be allowed if the course is taught by a

duly certified teacher and may not be given with sectarian interpretation.

That a teacher not employed by the school district teach the courses under the heading of "Bible History" or "Bible Literature": one-half unit for Old Testament and one-half unit for New Testament. Bible History or Bible Literature may be allowed. The course offering shall at all times conform to section 6, Idaho Constitution.

Violations of the constitutional prohibitions shall be taken through the officers or courts of the county in which the violation occurred.

Pupils may be released to attend religious instruction classes outside of the schools. Such release time programs must meet these guidelines:

RELEASE TIME

Such programs shall not interfere with the regular programs offered in the public schools; they shall be voluntary and outside the school facilities.

The programs shall not exceed 30 minutes from the normal school schedule and should be placed at the last part of the day. Participating pupils shall not be given credit for these programs.

Participating pupils and parents shall be informed that transportation to and from the program shall be their responsibility.

The schools and districts shall assume no responsibility for the safe transportation to and from the program nor the health of the pupils while attending the programs.

Pupils transferring from parochial to public school may receive one-half credit for the following courses: Old Testament or Bible Literature and New Testament or Bible History.

Credit in applied music may be granted for voice, piano, woodwind, string, or brass instruments found in a regularly organized symphonic orchestra. Credit issued is subject to the following:

Teachers shall hold a valid certificate and follow regulations regarding attendance, achievement and records.

Pupils must complete a 45-minute practice period five days per week for the school term and shall receive one-half credit for such participation. More than one credit outside music

credit shall not be counted towards graduation.

The Metric System shall be taught in the Idaho schools and all school districts shall convert to the Metric System by 1984.

The State Board of Education has approved high school seniors to participate in a vocational training setting away from the school environment during their eight semesters and earn credits for such participation.

GRADUATION REQUIREMENTS

Graduation requirements for four-year high schools and grades 9-12 of six-year high schools are as follows:

English	3 units (6 semester credits)
Science (1 must be laboratory)	2 units (4 semester credits)
Mathematics	1 unit (2 semester credits)
Physical Education (not athletics)	1 unit (2 semester credits)
American History (grade 11)	1 unit (2 semester credits)
American Government (grade 12)	½ unit (1 semester credits)
Health	½ unit (1 semester credit)
Electives	8 or 8½ units (16 or 17 semester credits)
TOTAL	17 units (34 semester credits)

"Successful completion of 2 units (4 semester credits) of Homemaking or Agriculture may be substituted for the non-laboratory science. Health is required for high school graduation only for students who have not successfully completed a one semester course in Health in the seventh or eighth grade.

Graduation requirements for three-year senior high schools are as follows.

English	2 units (4 semester credits)
Science (laboratory)	1 unit (2 semester credits)
American History	1 unit (2 semester credits)
American Government	½ unit (1 semester credit)
Electives	8½ units (17 semester credits)
TOTAL	13 units (26 semester credits)

"The above requirements assume that the following courses have been successfully completed in grade 9: one year of English, one year of mathematics, one year of science and one year of physical education. The above requirements

further assume that the student has successfully completed one semester course in Health in either grade 7, 8 or 9. In the event that any of the above courses were not successfully completed in the grades indicated, they must be included in the requirements for grades 10-12."

EQUIVALENCY CERTIFICATE

"The State Department of Education issues the Idaho High School Equivalency Certificate to adult residents who have not completed high school provided they meet the following requirements":

1. Minimum test score;
2. They are at least nineteen years of age;
3. "Bona fide resident of Idaho at the time of application and for a period of six months just preceding application. . . "; and
4. Have completed "a one-semester course in American Government," the course to include United States constitution and principles of state and local government.

Policy Manual
Ch. 400, §411

DRIVER EDUCATION

The Department of Law Enforcement is directed to cooperate with the State Board of Education in establishing a driver education course in the public schools of the state.

The State Board recommends that participating school districts operate programs at times other than during regular school hours.

Use of driving simulators is permissible based on a three hour simulation which shall be equal to one hour of behind-the-wheel instruction; that simulation shall not count more than one hour towards the minimum six hour behind-the-wheel training.

The State School for the Deaf and Blind is authorized to offer a driver training program.

The University of Washington Driver Education Instructor Course to certify teachers to teach Driver Training in Idaho is acceptable.

Accreditation Standards For Secondary Schools:
STANDARD III. B.

"Opportunity for proficiency in a given foreign language is highly recommended, with at least the equivalent of two years being offered. The alternation of courses in successive years may be counted in the school's total offerings. Schools whose philosophy or size precludes a comprehensive foreign language program shall secure the approval of their secondary administrator if they deviate from the prescribed program . . . ."

Accreditation Standards For Secondary Schools:
STANDARD III. C.

"The minimum graduation requirements for accredited Idaho high schools shall be as follows:

"a. Four-year High Schools and Grades 9-12 of Six-year High Schools

English	3 units (6 semester credits)
Science* (one must be a laboratory science)	2 units (4 semester credits)
Mathematics	1 unit (2 semester credits)
Physical Education (not athletics)	1 unit (2 semester credits)
American History (grade 11)	1 unit (2 semester credits)
American Government (grade 12)	½ unit (1 semester credit)
Health**	½ unit (1 semester credit)
Electives**	8 or 8½ (16 or 17 semester credits)
TOTAL	17 units (34 semester credits)

* Successful completion of 2 units (4 semester credits) of Homemaking or Agriculture may be substituted for the non-laboratory Science.

** Health is required for high school graduation only for students who have not successfully completed a one semester course in Health in the seventh or eighth grade.

"It is suggested that a course in World Regions (or World History, World Georgraphy, World Affairs, etc.) be strongly recommended sometime at Senior High School level.

"b. Three-year Senior High Schools

English	2 units (4 semester credits)
Science (laboratory	1 units (2 semester credits)
American History	1 unit (2 semester credits)
American Government	½ unit (1 semester credits)
Electives	8½ units (17 semester credits)
TOTAL	13 units (26 semester credits)

. . . .

"All pupils shall be required to complete four years of satisfactory attendance in grades 9-12 to graduate from an accredited high school.

"If a school deviates from the above rule, the school district shall get permission from the Director of Secondary Education in the State Department of Education."

CROSS REFERENCE

III.A.1; Statute §33-118

A. Educational Courses and Programs

1. Basic Curriculum

STATUTES

§27-2

Instruction in the elementary branches of education in all schools shall be in English.

§27-5 -- 27-7

PHYSICAL EDUCATION

Courses in physical education shall be taught in the public schools. Special activities shall be provided for pupils whose physical or emotional condition prevents their participation in normal daily activities.

Courses in physical education shall be designed to develop strength, develop desirable moral qualities, and promote hygienic school and home life. The Superintendent of Education shall prepare course guides for physical education courses.

§27-9.1; 27-11

SEX EDUCATION

A pupil shall not be required to take a course in sex education if his or her parent submits a written objection. Parents and guardians shall be afforded an opportunity to examine instructional materials used in sex education courses.

A pupil shall not be required to take a course on diseases if his or her parent or guardian files a written objection.

§27-12

Every public school teacher is required to teach pupils honesty, kindness, justice and moral courage.

§27-12.1

CONSUMER EDUCATION

Pupils in grades 8 through 12 shall be required to study courses which include instruction in consumer education. The Superintendent of Education shall devise consumer education curriculum for grades 10 through 12.

§27-13.1

In all public schools, courses shall be given on the current problems and needs in conservation of natural resources, including air and water pollution and preservation of wilderness areas.

CONSERVATION

§27-17

School boards of public schools may provide instruction in safety education in all grades. Safety education includes auto safety and safety in the home and school.

SAFETY EDUCATION

§27-18 - 27-20.1

The following holidays shall be observed in the public schools: Arbor and Bird Day, Leif Erickson Day, American Indian Day, and Illinois Law Week.

§27-21

United States history shall be taught in all public schools. One of the objectives of a history course shall be to give pupils a comprehensive idea of our democratic form of government. History courses shall include a study of the role played by American Negroes and other ethnic groups in the history of this country.

U.S. HISTORY

ETHNIC STUDIES

Before a student graduates from eighth grade he/she must receive this instruction and give evidence that he/she has a comprehensive knowledge of the subject matter.

§27-23

The curriculum in the public schools shall include a course in the motor vehicle code. Safety education shall be given in grades 1 through 8 for 1 class period each week, and in at least 1 of the years in grades 10 through 12. Each school district shall provide driver's instruction for district residents between 15 and 21.

§27-24.2

Any school district which maintains grades 9 through 12 shall offer a driver education course in that school. The course will be open to a resident or a non-resident who is at least 15 but not yet 21. Teachers of these courses must meet the certification requirements and regulations of the State Superintendent of Education.

DRIVER EDUCATION

§27-24.3

In order for the school district to receive reimbursement from the State for drivers' education courses, the driver education course it offers must consist of at least 30 hours of classroom instruction and at least six hours of practice driving.

§27-26

SAFE BUS RIDING

The curriculum in all public schools shall include instruction in safe bus riding practices for all students.

§698.1-698.5

CONSERVATION

There is created a Division of Conservation Education, supervised by the State Board, which shall aid in establishing classes "for the purpose of teaching the methods of conservation of wildlife, forests, timberlands, minerals and scenic and recreational areas . . . ."

Classes "shall be open to any person interested . . . "

§698.51 - 698.55

SEX EDUCATION

There is established a Division of Sex Education in the office of the State Board, as well as a Sex Education Advisory Board.

The Advisory Board "shall examine the motion pictures, literature and educational programs" used in sex education programs intended for use in the schools, "recommend criteria in regard to the scope and emphasis" of these materials, and "make recommendations in regard to policies for distribution" of the materials.

The Division shall "aid in the establishment of educational programs designed to provide . . . wholesome and comprehensive education in regard to . . . all aspects of family life and sexual relations, and the dangers of illicit sexual relations. . . ."

§771

SILENCE

A teacher "may observe a brief period of silence with the participation of all the pupils . . . at the opening of every school day." This shall not be a "religious exercise"; rather, it is but "an opportunity for silent reflection on the anticipated activities of the day."

The State Board shall "[e]stablish the minimum amount of instruction time to be devoted to comprehensive health education," a "program designed to provide . . . learning experience based upon scientific knowledge . . . which will favorably influence the . . . values and practices of . . . youth; and which will aid them in making wise personal decisions in matters of health."

The State Board shall also "[e]stablish guidelines in developing . . . programs . . .", and "[e]stablish . . . in-service programs to provide . . . preparation. . . for teachers and administrators . . . ."

REGULATIONS

Driver Education for Illinois Youth

2.01

Any resident of a district who is eligible for driver education may request the complete course from the public high school of his resident district.

27-24.2

DRIVER EDUCATION

School districts providing instruction in grades 9 through 12 shall offer a driver education course in any such school which it operates. The classroom instruction and driver education course shall be open to a resident or non-resident pupil attending a non-public school where the course is offered and to each resident of the district who acquires or holds a currently valid driver's license during the term of the course and who is at least 15 but has not reached 21 years of age ....

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch.4-1

Subject to the following requirements, the instructional program of a school shall be determined by the board of education with involvement of parents, students, the professional staff, and the local community. The basic curriculum shall include organized experiences which provide each student ample opportunity to achieve

the goals for which the school exists and which meet the minimum program defined by The School Code of Illinois and the State Board of Education. It is recommended that activities, including student internships and observations of government in action, be a part of the instructional program where appropriated.

Ch. 4-3

A district shall provide the following coordinated and supervised courses of study [for elementary schools]. The time allotment, unless specified by the Code or regulation, is the option of the local board of education.

Language Arts, Reading and other Communication Skills; Science; Mathematics; Social Studies; Music; Art; Health Education, one semester or equivalent at the junior high level; Physical Education, daily; Career Education -- Awareness and Exploration; Safety Education, one hour per week; Consumer Education, 8th grade only; Conservation of Natural Resources.

American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or equivalent. No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

Ch. 4-4

The district shall provide a comprehensive curriculum including the following as a minimum program of offerings [for high schools]. The time allotment, unless specified by the Code or regulations, is the option of the local school district.

Language Arts, three units; Science; Mathematics; History of the United States, one unit; Foreign Language; Music; Art; Career Education -- Orientation and Prepara-

tion; Health Education, one semester or equivalent; Physical Education, daily; Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 10-12; Conservation of Natural Resources; Driver and Safety Education, 30 clock-hours of classroom instruction and 6 clock-hours behind the wheel -- grades 10,11, and 12; Vocational Education -- Job Entry Skill Development.

The daily program should be organized so as to afford each student easy access to the instructional materials center, the counselor, program of extracurricular activities, and teacher-student conferences.

No teacher should have more than five different preparations. Each teacher should have time to conduct student conferences and plan for instructional programs.

School districts maintaining grades 9-12 shall provide instruction in driver education. Such a course shall consist of at least 30 clock-hours of classroom instruction and at least six clock-hours of practice of driving in a dual control car. Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving. Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor-driven cycles.

Specific minimum requirements for graduation [include]:

16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school. School districts have an option to deviate from this standard with approval from Public School Approval Section of the Illinois Office of Education.

In either of the above, one unit shall be in American History, or American History and Government.

In a four-year high school, three units shall be in Language Arts and in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while

one-half unit may be in oral communication.

American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the advance study of this subject. No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

In addition to the foregoing, all graduates are required by law to have had adequate instruction in honesty, justice, moral courage, humane education, safety education, and others mandated in The School Code of Illinois, Section 27.

It is the responsibility of the school's administration to provide parents and guardians timely and periodic information concerning graduation requirements for a-l students, particularly in cases where a student's eligibility for graduation may be in question. Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

CROSS REFERENCES

I.General Superintendent; Statute §34-8

III.C.Students; Statute §27-3 -- 27-4

1. BASIC CURRICULUM

STATUTES

§20-10.1-4-1 -- 20-10.1-4-2

In grades six through twelve, all public and nonpublic schools shall provide instruction in the constitutions of Indiana and the United States. Failure of any public school teacher or principal to comply with this requirement constitutes a reason for license revocation. Any public school official who fails to enforce this statute or the rules and regulations shall be subject to a fine.

Each public and nonpublic high school shall provide a required course, of at least one year of school work, in the historical, political and civic aspects of the constitutions of Indiana and the United States. The commission on general education shall prescribe this course and its outlines. No high school student may receive a diploma without completing this course.

U.S. CONSTITUTION

INDIANA CONSTITUTION

§20-10.1-4-3

All public and nonpublic schools shall provide, during the two weeks preceding each general election, class discussions in grades six through twelve on government, voting, and election laws. No one may receive a high school diploma unless he/she has completed a two semester course in American history.

CIVICS

AMERICAN HISTORY

§20-10.1-4-4

All public and nonpublic teachers are required to present their instruction with emphasis on honesty, morality and lessons which tend to promote an upright citizenry. The state superintendent shall prepare outlines for this instruction and incorporate them into the regular courses of the schools.

§20-10.1-4-5

COURSE OF STUDY

Each commissioned high school shall include in its curriculum the following studies: mathematics, history, geography, English, literature, language, science, civil government, drawing, music, and "additional courses selected by each governing body, subject to revision by the commission on general education."

§20-10.1-4-6

SAFETY EDUCATION

A course in safety education for at least one full semester shall be taught in the eighth grade of each public and nonpublic school.

§20-10.1-4-7

HYGIENE

"The principles of hygiene and sanitary science shall be taught in the fifth grade of each public school and may be taught in other grades . . . . The state health commissioner and the state superintendent shall jointly compile a leaflet describing the principles of hygiene, sanitary science, and disease prevention . . . Any person who objects in writing, or any person under the age of eighteen whose parent or guardian objects in writing because of his/her religious teachings is entitled to be excused from receiving medical instruction . . ."

§20-10.1-4-8

DISEASE PREVENTION

"The trustee of each township and the board of school trustees of each city shall provide in each of their public schools for the illustrative teaching of the spread of disease by rats, flies, and mosquitoes and its effects, and of disease prevention by the proper selection and consumption of food."

§20-10.1-4-9

"In grades four through eight every governing body and county superintendent shall include instruction in the nature of alcoholic drinks, tobacco, sedatives, narcotics and their effect upon the human system . . .

The commission on general education shall include for high school students a separate course on the effects of these drugs on the human system."

§20-10.1-7-8 -- 20-10.1-7-10

A "voluntary religious observance" is permitted in each school corporation that follows the requirements of the statute. The time used for voluntary religious observance must be in addition to the regular school day of six and one-half hours. Any group which does not accept the religious observance may use school facilities during that time. "Each school corporation shall provide properly supervised facilities for recreation and study" during the time of the religious observance.

The school corporation, principal, teacher, or other employee shall not encourage attendance at any voluntary religious observance and to do so constitutes an "act of insubordination." However, the school shall inform parents and students in writing of any voluntary religious observance and alternatives provided.

The school shall make sure that "no coercion is undertaken by students to cause attendance at these observances and that no opprobrium attaches among the student body or faculty for not participating."

§20-10.1-7-11

At the opening of each school day the teacher in charge of a classroom "may conduct a brief period of silent prayer or meditation with the participation of all students assembled." The governing body of the school corporation may direct the teacher to conduct this meditation period.

§ II, Ch. 1, Policy 70-06

Sex Education Guidelines

SEX EDUCATION

"1. In the primary grades we encourage the identification of male and female roles in relation to family and social situations. We encourage teachers to stress the wonder of the creation of life and its spiritual implications. No information concerning the reproductive process shall be included in the primary level. Classroom discussion should center on positive, normal, moral behavior.

2. Instruction should be given concerning menstruation for girls and concerning puberty with its concomitant body changes for boys... [T]he grade level at which such subject matter is introduced may differ locally. Teachers must be sensitive to and make allowances for individual differences and readiness.

3. Sex education should be appropriately integrated into home economics, health, science, and physical education courses at the junior and senior high school level rather than offered as separate, specialized courses of study.

4. Individual schools must provide complete information to the parents concerning all programs within these areas. Parents should be free to attend classroom instruction at any time and inspect all instructional materials used in the classroom.

5. Methods and techniques of contraception, abortion, descriptions and positions of sexual intercourse shall not be taught.

6. Specific and graphic illustrations and descriptions of sexual deviations, masturbation, and homosexuality shall not be used.

7. Sensitivity training, questionnaires, group encounters, or any other form of activity, the purpose of which is to alter values or the divulging of private information relative to home life and family standards and beliefs, shall not be used.

8. A program must be so structured that it is possible to excuse a child upon request from the parent or guardian.

9. It is absolutely incumbent upon the school board to cause to be carefully read or reviewed all materials used in the program..."

§ II, Ch. 1, Policy 71-10

Foreign Language

"All first class commissioned high schools shall offer at least two years of one foreign language and at least three of a second, and these languages may be classical or modern or both.

§ II, Ch.1, Policy 73-03.1,

Fields of Study and Approved Course Titles-Grades 9-12

NOTE: This policy is adopted as an interim measure only...until a comprehensive review of Commission rules and policies is completed.

"1. General Considerations:

a. This listing of Fields of Study and Approved Course Titles is controlled by the following rules of the Commission on General Education: Rules C-2, C-4 and C-5, Rule G-1, Sections 1, 2 and 3, Rule G-2, Section 3, and Rule G-3, Sections 1, 2, 3, 6, 7, 8, 9, and 10.

b. Definition of terms:

(1) Field or Field Study shall refer...to major groupings of course titles, such as Multidisciplinary, Language Arts, etc.

(2) Course Title shall refer to titles listed under each Field...and to the course titles listed in the Vocational Education Data System Manual.

(3) Approved Course Title are those identified in this document.

c. Credit - A student...shall receive credit for the semesters he has completed the prescribed program for one or more semesters. Unless specified in the listing, the maximum number of semesters to be offered for any particular course shall be locally determined.

e. Grade level - Course titles are...for grades 9-12 unless otherwise specified...

f. Multidisciplinary - Multidisciplinary... encompasses courses which...are often most effectively taught by a team of teachers, however, such courses may be taught by a single teacher from one of the allied disciplines. Since there is no certification pattern...the teacher bearing primary responsibility for each course shall have valid certification in the area of major emphasis in the course. A Multidisciplinary course may, for purposes of meeting graduation requirements and/or providing adequate supervision, be assigned to the department of the teacher bearing primary responsibility for the course.

2. Special Consideration Relating to Vocational Programs:

a. Prior Approval - All local school corporations must have approval from the Division of Vocational Education... prior to planning, developing and implementing programs of vocational education...to be eligible for..reimbursement.

b. Methods of Instruction - The two methods of instruction utilized...are cooperative education and in-school laboratory. The cooperative education method utilizes related classroom instruction and on-the-job training, whereas the in-school laboratory method is based on related classroom instruction and a realistic laboratory experience.

(1) Through cooperative education students acquire occupational skills by on-the-job training... Students spend a part of the day on the job...and...part of the day...

in school for related instruction and courses necessary for graduation. A teacher-coordinator is responsible for supervising and coordinating the...program...

(2) Through the in-school laboratory method... the student spends a part of the day in workshops and laboratories which contain the equipment, accessories, tools and materials actually used in today's industry, business and agriculture. The laboratory teacher is responsible planning, directing and controlling the learning activities... so that they duplicate, as nearly as possible, the situation found in actual industry, business and agriculture.

c. Vocational Student Organizations - The co-curricular activities of vocational student organizations are under the direct supervision of the vocational teacher."

§ II, Ch. 1, Policy 73-03.2

Policy on Differential Credit

"As Indiana schools develop new programs...options providing flexibility to arrange time, space, people, and materials...are needed. The following... is...offered as an alternative to the standards outlined in Rules G-1 and G-3 for granting high school credit.

1. Definitions

a. Course - An organized one or two semester program offered under a single title for one-half or one unit of credit, respectively.

b. Minicourse - A learning activity of shorter duration than a course which may either be a separate self-contained learning activity or a sub-unit of a course for which distinct goals, and objectives are identified. Sometimes called learning blocks, units, microcourses, etc.

c. Fields of Study - One of the curriculum areas listed in Policy Resolution 73-01.1,...

d. Units of Credit - The unit of credit... is... the equivalent of learning experience conventionally provided students during a school year by a minimum of 200 minutes (275 minutes for laboratory fields...)

2. Standards

a. Credit Value for Minicourses - Credit... may be awarded either under Option A or Option B.

Option A

Each minicourse shall provide for...0.05 unit of credit or multiple thereof.

Option B

Each minicourse shall provide for the equivalent of 3 weeks of instructional time as defined in Rule G-3, Section 3 (1/21 unit of credit) or multiple thereof.

b. Curriculum Organization - A high school organizing a ...curriculum,...in terms of minicourses shall design them to...meet...the graduation requirements outlined in Rule G-1.

c. Allowable Combination - A student may meet the minimum graduation requirement...by a combination of appropriate minicourses within the field of study...." The following guidelines should be used to determine "appropriateness" in the areas designated:

(1) Citizenship - The one-half unit of U.S. Government must consist of a combination of minicourses which are all directly related to the philosophy, history, constitutional basis and mode of operation of all levels of government.

(2) U. S. History - The one unit of U.S. History must consist of a combination of minicourses which deal directly with significant aspects of the history of the United States; minicourses in current events or social issues will be considered appropriate if they include relevant historical background.

(3) Mathematics and Science - For some students approaches to the disciplines of mathematics and science which provide an overview of the total field are of greater usefulness than a concentrated study under one course title; therefore, in either mathematics or science, a combination of minicourses totaling one unit of credit which meets the needs of the individual student may be used to fulfill the graduation requirement.

"3. Procedures

a. Program Preparation - If a school chooses to... use...minicourses, it shall define its program by listing the fields of study and/or the courses within those fields

of study in which it will offer minicourses. This...shall include title, credit value and a brief description of each minicourse.

b. Filing - The local superintendent shall then file the program with the Commission on General Education through the Associate State Superintendent for Federal Affairs Services.

c. Authorization - The program shall be... permissible for use...when the local superintendent is advised that the program has been filed with the Commission.

d. Continuation of the Program - The program shall be considered in effect until the Commission is notified that the program has been cancelled, a revised program is filed or the Commission removes it from the files and so notifies the local superintendent."

§II, Ch. 1, Rule C-1

Section 1

HEALTH & SAFETY EDUCATION

"All schools (shall) offer at least 1/2 unit in health and safety education and 1/2 unit in physical education, credit in which courses shall meet the minimum requirements in this area for graduation." Properly equipped high schools may offer a complete unit of credit in either field.

§II, Ch. 1, Rule C-2

Aeronautics

Section 1

AERONAUTICS

High schools may offer up to one unit credit for a course in aeronautics. Such credit "shall not be substituted for any specific state required subject."

§II, Ch. 1, Rule C-3

Social Studies Fusion Course

Section 1

Social studies, a fusion course, may be taught in grades 4-8, in lieu of geography and history.

§II, Ch. 1, Rule C-4

Driver Education

Section 1

Driver and traffic safety education should be taught in both on the road instruction and with an approved simulator.

Section 2

DRIVER EDUCATION

"The Driver Education course shall be taught as a separate subject and made available to all youths of licensing age."

Section 3

Up to 1/2 unit (one credit) may be granted to students successfully completing "the equivalent of a full semester of supervised instruction in keeping with the requirements found in the Administrative Handbook . . ." Student experience will include a minimum of six clock hours behind-the-wheel and twelve hours of in car observation and meet all other standards of section 5 of this rule.

Section 5

"Non-credit, but approved, programs may be offered by public, parochial, private and commercial school programs when properly licensed teachers . . . are used as instructors, and the following minimum standards are met."

a) At least 30 clock hours of classroom instruction

b) At least 6 clock hours of behind-the-wheel instruction (part of which may be undertaken in approved simulators)

c) No more than two hours of behind-the-wheel instruction in any 24 hour period.

Section 6

"Courses are to be offered at that grade . . . or

age level where students are closely approaching or have recently reached the licensing age."

Section 8

Classroom and laboratory instruction should, whenever possible, be concurrent. When not possible the student shall be required to complete both phases in three semesters (fall, spring and summer).

Section 9

Fractional credit may be granted on a pro rata basis provided prior approval is granted by the Commission on General Education and the minimum standards in Section 5 are met.

§II, Ch. 1, Rule G-12

Subject or Courses Offered for Credit

Section 1

"Only high school subjects shall be offered for credit which are . . . certificate[d] . . . by the Commission on Teacher Training and Licensing . . ., but for experimental purposes, the Commission on General Education . . . may authorize for credit . . . subjects not [so] covered. . ."

CROSS REFERENCE

I. State Superintendent; Regulation §I, Ch. 1-c.

I. State Board of Education; Regulation §I, Ch. 3.A

II.A.5; Regulation §II, Ch. 1, Policy 72-06

II.A.10. Other - Experimental Programs; Regulation §II, Ch. 1, Policy 71-08

II.B.1.b.; Regulation §II. Ch. 3, Policy 64-12; 68-08

III.A.1.; Regulation §II, Ch. 1, Rule G-2; G-4; G-5

III.C. Students; Regulation §II, Ch. 1, Rule G-1

A. Educational Courses and Programs

1. Basic Curriculum

STATUTES

§257.25 (3) -- (6)

(3) In grades one through six the following shall be taught: "language arts, including reading, handwriting, spelling, oral and written English, and literature; social studies, including geography, history of the United States and Iowa with attention given to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities, and any others who,...may have been overlooked by reasons of race, sex, religion..., cultures of other peoples and nations, and American citizenship including the study of national, state, and local government in the United States; mathematics; science, including conservation of natural resources and environmental awareness; health and physical education; music; and art."

ETHNIC STUDIES

(4) In grades seven through eight, the minimum required courses are: "science,...mathematics; social studies (with same emphasis on roles played by women, minorities, etc.),...American citizenship; language arts...; health and physical education including the effects of alcohol, tobacco, drugs and poisons on the human body, the characteristics of communicable diseases, including venereal diseases and current crucial health issues; music; and art."

DRUG EDUCATION

(5) Provisions will be made for children requiring "special education."

(6) In grades nine through twelve, the following subjects shall be taught:

a. Four units of science including physics and chemistry...

b. Four units of the social studies. American history, American government, government and cultures of other peoples and nations, and general consumer education, family law, and economics, including comparative and consumer economics.... All students shall be required to take one unit of American history which shall give attention to the role in history played by all persons (with same emphasis as in 3 and 4 above, on the role played by women and minorities) ...one-half unit of the governments of Iowa and the United States, including instruction in voting statutes and procedures....

c. Four units of English, including language arts.

d. Four units of a sequential program in mathematics.

e. One unit of general mathematics.

f. Two units of one foreign language..."

g. Physical education is required for all students in each semester. Emphasis is to be placed on "leisure time activities which will benefit the student outside the school environment and after graduation from high school."

h. "Five units of occupational education subjects...which prepare students for employment in office and clerical, trade and industrial, consumer and homemaking, agriculture, distributive, and health occupations.

i. One or partial units...in the fine arts...which may include art, music, and dramatics.

j. Health education, including an awareness of physical and mental health needs..."

§257.25 (8)

The state board of public instruction may grant exemption from an educational requirement to a public or non-public school. The state board will grant exemption only if it determines that the request is part of "a planned innovative curriculum project" which will meet the students' educational needs and be "consistent with the intent of the educational program." The request for exemption must include a detailed report of the project's rationale, objectives, administration and costs.

§280.3

The board of directors of each public school district "shall prescribe the minimum educational program for schools" and "shall not allow discrimination in any educational program."

§280.9

CAREER EDUCATION

The educational program in each public school shall include the concept of "career education" to "enable students to become familiar with the values of a work-oriented society." The essential elements of the program shall include "awareness of self in relation to others ...," an "exploration of employment opportunities," and experiences to help students "integrate work values and ... skills into their lives."

§321.178

Every public school district shall offer to make available to students attending schools in the district an approved

course in driver education. Such a course shall consist of at least thirty hours of classroom instruction, and six or more hours of laboratory instruction.

REGULATIONS

§670-6.1

Each driver education teacher must be certified to teach in Iowa, have completed twelve semester hours of safety education, have a valid driver's license and a satisfactory driving record and be free from any physical defect that would handicap him in teaching driver's education.

Each student enrolled in Driver's Education shall complete 30 hours of classroom instruction and six hours of laboratory instruction in a dual control automobile.

Courses may be taught at night for adults or in the summer for an eight-week duration.

Autos shall be dual-controlled and easily identified by other motorists. These autos shall be adequately insured. School districts shall be reimbursed for the costs of the program as provided.

CROSS REFERENCE

III.E.Instruction; Regulation §670-2.1 -- 670-2.8

1. Basic Curriculum

Statutes

§72-1101

Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may determine. The state board shall be responsible for the selection of subject matter of instruction and for its organization into courses of study. COURSE OF STUDY

In accredited elementary schools, instruction shall be given in English except for courses of instruction in foreign languages, or as otherwise provided. The board of education of any school district, or the governing authority of any nonpublic school may apply to the state board of education for approval of any bilingual elementary school program and upon approval thereof, instruction may be given in the appropriate languages in accordance therewith.

§72-1103

All accredited high schools, public, private and parochial, shall give a course of instruction in citizenship, and U.S. history. Satisfactory completion of a course in the government and institutions of the United States, and particularly of the U.S. Constitution shall be required for graduation. COURSE OF STUDY

§72-5016; 72-5017

A school board may contract with an auto dealer to obtain driver training vehicles for use in driver education courses. The state board may adopt rules and regulations to administer this act. The state department of education shall prepare a list of schools accredited to conduct driver education training. RULEMAKING

"The board [of education] shall have authority to prescribe courses of study for each year of the school program and provide rules and regulations for teaching in the unified district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations formulated and recommended by the state board of education."

REGULATIONS

§91-5-1 -- 91-5-3; 91-5-6 -- 91-5-8; 91-5-10 -- 91-5-12

DRIVER EDUCATION

Only a public secondary school accredited by the state board or a special school accredited by the state board shall be eligible for reimbursement for a driver education program.

In a driver education course classroom instruction shall be at least thirty hours, and behind-the-wheel driving instruction shall be at least an average of six hours per student. Each student shall have a minimum of two hours of behind-the-wheel instruction.

A maximum of twelve hours of student experience in a state-approved driving simulator shall be accepted in lieu of three hours of behind-the-wheel instruction.

A maximum of eight hours driving time on driving ranges in a multiple-car, state-approved plan shall be accepted in lieu of four hours behind-the-wheel instruction.

The state board shall approve any combined use of simulators and multiple-car driving ranges.

A driver education course shall last at least twenty instructional days.

A driver education instuctor shall have a secondary school teacher certificate, a motor vehicle operator's license, and eighteen semester hours of special training in driver education.

To be eligible to attend a driver education course a person shall be at least a three-fourth-time student in grades nine through twelve or be eligible for an instruction permit, under 21 years old, and not graduated from high school or over eighteen years old, not successfully com-

pleted a course before, and eligible for an operator's license.

To qualify for behind-the-wheel training each student shall have an instruction permit for limited driving or a driver's license.

CROSS REFERENCES

I.District Advisory Board; Statute §72-8134

III.A.1.; Regulation §91-2-5

III.A.2.; Regulation §91-4-3; 91-4-5

III.A.2.; Regulation §91-13-1

1. Basic Curriculum

Statutes

§152.320: 152.390

The administrator of the coal use research program "in cooperation with the superintendent of public instruction . . . shall . . . make plans and provisions for extending . . ." the research program designed to develop new and more effective uses of fossil fuels, "into the regular courses of instruction in chemistry in the public high school."

CHEMISTRY

§158.175

"As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, the [local] board of education . . . may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation . . . shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer."

LORD'S PRAYER

§158.177

1)" In any public school instruction concerning the theories of the creation of man and the earth, and which involves the theory therein commonly known as evolution, any teacher so desiring may include as a portion of such instruction the theory of creation as presented in the Bible, and may accordingly read such

THEORY OF CREATION

passages . . . as are deemed necessary for instruction on the theory of creation, thereby affording students a choice as to which such theory to accept.

2) For those students receiving such instruction, and who accept the Bible theory of creation, credit shall be permitted on any examination in which adherence to such theory is propounded . . . .

3) No teacher in a public school may stress any particular denominational religious belief.

4) This section is not to be construed as being adverse to any decision which has been rendered by any court of competent jurisdiction."

§158.200 -- 260

"The [local] boards of education. . . may provide for moral instruction of pupils subject to their jurisdiction, in the manner provided . . ." by statute.

MORAL INSTRUCTION

"The board . . . may authorize a complete survey of all the pupils attending the public schools within the district and ascertain those pupils who desire moral instruction and have the consent of parent or guardian for the instruction.

The boards . . . shall fix one day each week when pupils . . . may be excused for at least one hour to attend . . .[some] . . suitable place to receive moral instruction in accordance with the . . . preference of the pupils.

Each board . . . may make such arrangements with the persons in charge of the moral instructions as the board deems necessary and admissable.

Pupils attending the classes for moral instruction . . . shall be credited with the time spent as if they had been in actual attendance in school.

Any pupil who fails to take advantage of the moral instruction shall remain in school during the time

when the instruction is being given, but shall not receive any educational advantage over children receiving the moral instruction.

The moral instruction shall be given without expense to any board of education beyond the cost of the original survey."

§158.280

"Instruction in all phases of environment shall be included in the curriculum of the public schools . . . and textbooks regarding the proper use and protection of forests, soils, water, minerals, wildlife and other aspects of the environment shall be prepared or selected by the State Textbook Commission for this purpose."

ENVIRONMENT

§158.405

"The department of education shall administer . . . [the statutes pertaining to alcohol and drug education] . . . pursuant to regulations adopted by the state board of education. In administering . . . [these statutes]. . . the department . . . shall take into consideration the advice of the secretary for human resources . . . the Kentucky commission on alcohol and drug problems . . . and the interagency council on alcohol, drugs and occupational problems."

ALCOHOL AND DRUG EDUCATION

§158.410

1) "Instruction in the effects of the use of alcohol and drugs and the problems which may result in the[ir] periodic, habitual or chronic use . . . shall be conducted in the elementary and secondary schools . . .

ALCOHOL AND DRUG EDUCATION

2) Such instruction shall be sequential in

nature and suited to meet the needs of the students at their respective grade level."

§158.415

ALCOHOL AND DRUG EDUCATION

"The department of education shall develop a comprehensive state-wide program on alcohol and drug education by assuming the following functions;

1) Assist in the development of model curricula for the public schools in drug education and the effects of the use of alcohol, restricted dangerous drugs . . . and other dangerous substances;

2) Identify innovative teaching methods for the instruction of alcohol and drug education in the public schools;

3) Develop methods of evaluating the effectiveness of instruction in alcohol and drug education;

4) Assist school districts in conducting teachers' in-service education programs on alcohol and drug education;

5) Assist teacher education institutions in the development of courses on alcohol and drug education;

6) Administer pilot projects on alcohol and drug education in the schools and conduct teacher in-service education; and

7) Assist . . . the department for human resources in the development of alcohol and drug education programs which will include parents, students, community health agencies, law enforcement agencies, and other community groups. This program shall emphasize the development of coordinated school-community programs relative to alcohol and drug education."

§158.425

"The governing board of each local school district shall adopt a policy regarding an alcohol and

drug education program by resolution in accordance with guidelines approved by the state board of education and consistent with the provisions of . . .[the statutes] . . . specifying among other things, the curriculum to be utilized in teaching alcohol and drug education, provisions for in-service training and curriculum assistance to teachers, and responsibility of certified personnel in identification, counseling and medical referral of pupils."

§158.430

"Nothing in . . .[the statutes]. . . shall be interpreted as prohibiting any [certified employee of any] local school district . . . from inviting qualified persons in the field of alcohol and drug education from outside the school system to assist the teacher in classroom programs . . ."

§158.450;455

"The department of education shall administer . . . [consumer education statutes] . . . pursuant to regulations adopted by the state board of education. In [so] administering . . . the department . . . shall take into consideration the advice of the secretary of consumer protection and regulation, . . . the state consumer advisory council, and the consumer protection division of the office of the attorney general.

Instruction in consumer education shall be conducted . . . in conjunction with courses in any appropriate area of study.

Such instruction shall be sequential in nature and suited to meet the needs of the students at their respective grade level."

CONSUMER EDUCATION

"The department of education shall develop a comprehensive statewide program in consumer education by assuming the following functions:

1) Assist in the development of model curricula . . . in consumer education;

CONSUMER EDUCATION

2) Identify innovative teaching methods for the instruction of consumer education . . .;

3) Develop methods of evaluating the effectiveness of instruction in consumer education;

4) Assist schools in conducting teacher in-service education programs on consumer education;

5) Assist teacher education institutions in the development of courses on consumer education; and

6) Administer pilot projects on consumer education in the schools and conduct teacher in-service education;"

In addition, "the department . . . shall develop and establish a consumer education training program for . . . teachers and administrators to provide training at the local district level."

§158.470

"The governing body of each local school district shall adopt a policy regarding consumer education programs by resolution in accordance with guidelines approved by the state board of education and consistent with the provisions of . . . [the statutes] . . . specifying among other things, the curriculum to be utilized in teaching consumer education, provisions for in-service training and curriculum assistance to teachers."

CONSUMER EDUCATION

1) "Career education shall be conducted in the elementary and secondary, . . . programs . . . as a process incorporated into the total curriculum and in conjunction with courses in any appropriate area of study.

CAREER EDUCATION

2) [It] shall include, but not be limited to the areas of:

(a) Personal development, including the development of competencies necessary to acquire basic learning skills [so that the student learns to:] communicate; compute using the basic processes; acquire knowledge and skills through continued learning; make informed decisions relating to career and life development; apply acquired knowledge and skills to real-life situations; pursue personal interests and enrichment; and obtain and apply knowledge of physical fitness, nutrition and mental health to life-long personal health maintenance;

(b) Career and occupational awareness, including information activities and guidance procedures of the career education concept designed to develop the understanding and ability necessary to make career choices, to cope with the changing economic and occupational environment, and to develop occupational and educational competencies necessary for employment and continued education;

(c) Economic understanding, including knowledge of economic systems, information on tax structures and obligations, understanding of personal and family money management, and the competencies required for the application of such knowledge and understanding to consumer practices;

ECONOMICS

(d) Citizenship, including the rights and responsibilities of citizenship in the community, state,

CITIZENSHIP

nation, and world social and political orders;

(e) Family life, including information and activities designed to develop an understanding of the role of the individual in family life, the rights and responsibilities incumbent upon each role participant, the responsibilities and duties of marriage and parenthood, and the theories and practices of child rearing and early childhood development; and

FAMILY LIFE

(f) Human relations, including knowledge of the relationship of the individual to his[her] social, cultural, natural and political environments, and understanding of the worth and dignity of other people, and the skills and understanding required in developing an ability to work with and relate to other individuals and groups, and an appreciation of the historical and cultural values of his[her] environment and that of others.

HUMAN RELATIONS

3) Career education shall be sequential in nature and suited to meet the needs of the students at their respective grade level."

§158.530

"The governing body of each local school district shall adopt a policy regarding career education by resolution in accordance with the guidelines and regulations approved by the state board of education and consistent with the provisions of . . .[these statutes]. . . specifying among other things the curriculum or program to be utilized . . . provisions for in-service training, assistance to teachers and guidance personnel in implementation of such program, and the procedures by which parents, community members, and others may provide input to the program."

CAREER EDUCATION

§158.535

"Nothing in . . .[these statutes]. . . shall be interpreted as prohibiting any [certified employee of any] local school district . . . from inviting qualified persons in the areas of career education from outside the school system to assist . . . in classroom programs or to present programs to all or any part of the student body in a manner consistent with policy and regulation of the local board of education, the state board of education and the provisions of . . .[these statutes]."

CAREER EDUCATION

§161.170

"Each teacher . . . shall enforce the course of study, the use of the legally authorized textbooks, and the rules and regulations prescribed for the schools. If any teacher wilfully refuses or neglects to comply with . . .[this provision]. . . the board of education, upon recommendation of the superintendent, may remove him[her] at any time. When so removed the teacher shall receive payment only for the time taught."

REGULATIONS

704 KAR 4:010

Physical education experiences and instruction shall be made available to elementary and secondary school pupils.

PHYSICAL EDUCATION

"Each school shall include health instruction in its curriculum for grades K-12 . . . ."

HEALTH INSTRUCTION

CROSS REFERENCES

I.Superintendent of Schools; Statute §160.370

III.A.2.; Statute §156.230

III.C.Public Schools; Statute §158.510

III.E.Career Education; Statute §158.540

IV.A.; Regulation 704 KAR §4:020

1. Basic Curriculum

Statutes

§17:13

The board and the superintendent shall establish and, maintain, and operate a statewide drug education program, through a separate division of drug education within the state department. The director of this division shall be appointed by the superintendent, and "shall be responsible for the affairs of the division of drug education and the statewide drug education program."

DRUG EDUCATION

§17:151.1

"Any city or parish school board may, with the approval of the State Board of Education . . .[and] of the Coordinating Council of Higher Education, extend the curriculum of any high school . . . to include a thirteenth or fourteenth grade, or both, when . . .[it] is necessary or desirable for the benefit of [the] school children . . .[these] city and parish school boards shall designate appropriate courses of study to be offered in the additional school grades . . . .and shall provide the facilities necessary for the effective operation of [the] extended school program."

ADDITIONAL GRADES

§17:154

"The branches of spelling, reading, writing, drawing, arithmetic, geography, grammar, United States history, and health, including the evil effects of alcohol and narcotics, shall be taught in every elementary school . . . The minimum daily session . . . shall be five hours . . .[unless facilities are so insufficient as to require half-day sessions]. . . A school week shall consist of five days and a school month of twenty days."

COURSE OF STUDY

§17:261; 266; 267; 268

Regular courses of study on the Constitution of the United States shall be given, beginning with the eighth grade. The Declaration of Independence and the

U.S. CONSTITUTION

Federalist Papers shall be made required courses in the elementary schools and in the high schools of the state, respectively. At least one hour of instruction per week shall be given to pupils above the eighth grade, in the principles and practices of military science and tactics, stressing the duties of the solider. "The state board of education may take steps . . . to provide for the teaching of kindness to dumb animals in the public schools . . . ."

§17:262 -- 265

ALCOHOL AND NARCOTIC ABUSE

"The state board of education shall include in the curriculum of all public schools in the state a course of study on the evil and injurious effects on the human system of the use of alcohol and narcotics.

The state superintendent of education shall instruct and require the various school boards and parish superintendents to establish" these courses in all of the grades of the public schools.

REMOVAL

Any parish superintendent of education or any member of any parish school board, who refuses, fails, or neglects to comply shall be removed from office.

"The books to be used in the teaching of these courses . . . shall be exhaustive and complete on the subject."

§17:269

SELECTIVE SERVICE OBLICATION

"The state board of education may establish and administer . . . a selective service obligation orientation program of instruction which may be part of the required curriculum for all male students in grades higher than the eighth grade in the state's public schools."

Every male student may be given one hour of non-credit instruction in the ninth, tenth, and eleventh grades, and six hours of instruction during the second semester of the twelfth grade.

§17:270

DRIVER EDUCATION

"The State Board of Education and the State Department of Education shall establish and operate a driver education and training program in each parish of this state for children of secondary school age [whose

purpose it will be]. . . to educate drivers to be competent . . . and to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles."'

The State Superintendent of Public Education "is authorized to purchase all the necessary equipment, visual and training aids and devices . . . required to conduct and operate the program."

§17:272

FRENCH LANGUAGE

All public elementary schools shall offer at least five years of French instruction starting with oral French in the first grade, and all public high schools shall offer a program of at least three years of instruction in the French language and at least one course included in the culture and history of the French populations of Louisiana and other French speaking areas in the Americas.

Any parish or city school board may request the State Board of Education to be excluded from these requirements and these requests shall not be denied.

§17:273

SECOND LANGUAGE

As of the 1976-77 schoolyear, each parish school board and city school board "is . . . authorized to establish as part of the general curriculum of instruction" the teaching of a second language from the first grade to the twelfth grade, "in a well articulated, sequential manner" so that all school children can attain proficiency in a second language.

If a second language program is not established by May 30, 1976, a petition requesting the instruction of a particular second language containing the signatures of at least twenty-five percent of the heads of households of students, shall require such a program to be established by the parish or city school board, upon certification by the superintendent of the parish or city schools.

EXEMPTION

"Any student shall be exempted from the second language program upon request of the parent or guardian."

§17:274 -- 274.1

IIA1-LA 4
LOUISIANA

As a prerequisite to graduation, beginning with the 1977-78 session, all public high schools shall give instruction in a course in civics for at least two semesters, equal to one unit of credit; and instruction on "the essentials and benefits of the free enterprise system," for at least one semester or quarter, equal to one-half unit of credit.

CIVICS

FREE ENTERPRISE

"Free enterprise" as used in this section, means an economic system characterized by private or corporate ownership of capital goods, by investments that are determined by private decision rather than state control and by prices, production, and the distribution of goods that are determined in a free manner. Instruction . . . shall emphasize the positive values of profit and competition in a free economy and the enhancement of the worth and dignity of the individual under such a system.

In-service training programs [for teachers] shall be provided each year by the State Department of Education."

§17:281

"No elementary or secondary school in Louisiana, shall offer, and no teacher shall teach or instruct, any courses specifically designated 'sex education', or a course by any other name in which instruction is given to the pupil at any grade level, primarily dealing with the human reproductive system as it pertains specifically to the act of sexual intercourse . . . No instructor shall test, quiz, or survey students about their personal or family beliefs or practices in sex, morality or religion. This shall not be construed as preventing instructors from supporting principles of good moral behavior with their students. Violation of this section shall be punished by suspension without pay for a period between fifteen and sixty days.

SEX EDUCATION

SUSPENSION

The "State Board and/or Department of Education shall withhold any and all funds payable to a school system until compliance is affected," if the violation has not been corrected within thirty days.

§17:2115

MEDITATION

"Each parish and city school board in the state shall permit the proper school authorities . . . to allow" students and teachers to observe, at the start of each school day, a brief time in silent meditation if they desire to do so. "The brief time in silent meditation shall not be intended or identified as a religious exercise."

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.01.533

VENEREAL DISEASE EDUCATION

EXEMPTION

All schools are authorized to implement venereal disease education for high school seniors. If parents object in writing, their child shall be excepted from the program.

BULLETIN 741

CURRICULUM AND INSTRUCTION

"The high school shall provide a comprehensive, college preparatory and/or vocational curriculum which includes all those pupil activities for which it assumes responsibility. Instructional methods in the elemencary and high school shall be those which most effectively promote the purpose of the school program and which meet the needs and individual differences of all pupils. . . .

Individual differences of students shall be provided for within the educational program in each school by accelerating students, grouping students, enriching or adjusting the program, differentiating materials and methods, providing alternate programs, and through establishing special education classes for those children whose needs cannot be adequately met in general education programs."

CROSS REFERENCES

I.Orleans Parish School Board; Statute §17:126

III.A.2.; Regulation Bulletin 741

III.C.Parish Superintendent: Statute §17:2113

III.C.Students: Regulation Bulletin 741

III.C.Students: Regulation, Policy and Procedure Manual - Elem. and Sec. Educ., 3.01.51a

III.C.Teachers: Statute §17:417

III.D.Curriculum: Statute §17:391.6

III.E.Teachers; Statute §17:2851; 17:2852

IV.E.: Regulation Bulletin 741

A. Educational Courses and Programs

1. Basic Curriculum

STATUTES

§322

"Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district."

§802

The state and national flags will be displayed at every school when that school is open for instruction. It shall be the duty of the teachers "to impress upon the [pupils]. . . the significance of the flag, to teach them the cost, the object and principle of our government, the inestimable sacrifices made by our forefathers, the important contribution made by all who have served in the armed services of our country since its inception and to teach them to love, honor and respect the flag of our country that cost so much and is so dear to every true American citizen."

§1011

"In order to thoroughly prepare the youth of the state for the duties and obligations of citizenship and to provide for their future well-being and comfort", school committees or directors shall provide "adequate programs of health, safety, and physical education" which shall be taught in elementary and secondary schools. The curriculum and "plans of lessons and instruction" shall be prepared by the commissioner.

HEALTH EDUCATION
SAFETY EDUCATION
PHYSICAL EDUCATION

§1012

"Administrative units may employ certified supervisors and directors of physical education." The superintendent of schools shall report to the commissioner "the number of pupils receiving instruction, the number of directors and supervisors employed," their salaries, and other required information.

§1221

All instructors of youths and children in public or private institutions "shall use their best endeavors to impress upon the minds of their pupils . . . the principles of morality and justice and a sacred regard for truth; love of country, humanity and a universal benevolence; sobriety, industry and frugality; chastity, moderation and temperance; and all other virtues which ornament human society . . . [in order to] secure the blessings of liberty and to promote their future happiness and the tendency of the opposite vices to slavery, degradation and ruin."

MORALITY

Teachers must devote at least one half hour of each week to teach ". . . the great principles of humanity, as illustrated by kindness to birds and animals and regard for all factors which contribute to the well-being of man."

HUMANITY

§1222

The commissioner shall prescribe a course of study, required for graduation from all free public high schools", in the foundations of our American freedoms, including the U.S. and Maine constitutions.

FREEDOM

§1223

Scripture reading is unconstitutional, "but the secular study of the Bible or those subjects in which the history of religion may be an integral part is not prohibited."

HISTORY OF RELIGION

§2451

This chapter stresses development of the "knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles" with classroom instruction and actual driving experience. This chapter also seeks to encourage school committees and directors to make provision for driver education "in all the public secondary schools and academies.

DRIVER EDUCATION

"The commissioner shall employ necessary personnel, subject to the terms of the personnel law, and establish rules and regulations to carry out this chapter" including salaries and expenses for a state director of driver education, "clerical assistance and supplementary teaching aids essential to the program."

REGULATIONS

STATE PLAN FOR METRIC EDUCATION

Issued October 1975

Metric study units for all levels are prepared. Workshops for teachers and administrators have been presented. Plans for regional workshops are completed.

METRIC EDUCATION

Administrative Letter No. 3 8/5/77

Driver Education

No charge may be made to students for a driver education program offered entirely within the regular school day. A program taught after school may charge students a fee not to exceed the per pupil cost of the program. Programs taught partially during school hours may charge a fee limited to those costs incurred after school hours. Programs taught during the summer may charge a fee.

DRIVER EDUCATION

CROSS REFERENCE

IV.A.; Regulation, Administrative Letter No. 1 8/1/77

A. Educational Courses and Programs

1. Basic Curriculum

Statutes

Art. 77 §15

"The State Board . . . shall prescribe . . . basic policy and guidelines for the program of instruction for the public schools" and distribute them to all interested parties.

Art. 77 §66

The county superintendent shall recommend to the county board "curriculum guides, courses of study, resource material, and other teaching aids" for adoption.

Art. 77 §87

PHYSICAL EDUCATION

A program of physical education shall be required of all students to develop their good health and coordination.

Art. 77 §88

SAFETY EDUCATION

A program of safety education shall be organized in accordance with the bylaws, rules and regulations of the state board.

Art. 77 §88A

A program of drug education shall be implemented in the public schools prior to the sixth grade and as soon as practicable by those trained in the field of drug abuse. The state board "shall establish criteria for determining how a teacher . . .[is]. . . trained in the field of drug education."

Art. 77 §88B

HEALTH EDUCATION

ALCOHOL AND DRUG ABUSE

The state board shall implement a program of health education dealing specifically with the abuse of alcohol. This program may be included within the program on drug abuse as provided in §88A.

DRIVER EDUCATION

The county board "shall offer instruction in the safe operation of motor vehicles to high school students" who are fifteen years of age or older. The county board shall determine whether the course shall be elective or required and the state board shall determine whether the course shall be given credit. The school principal shall make sure the course does not interfere with other school work.

REGULATIONS

13.03.02.01

Local school systems must "provide a comprehensive program of Family Life and Human Development as a part of a total health program" that conforms to State Board standards. "Such programs shall be initiated following Community involvement" and appropriate teacher preparation.

SEX EDUCATION

"The programs of Family Life and Human Development shall serve two important goals: to build an understanding of the . . . basis of moral values generally accepted in our society, and to develop the foundation for making responsible choices of behavior that will reflect respect for the individual and for others." Objectives include understanding family relationships and potential problems and human sexuality and sexual roles.

The programs shall have three focus areas: "interpersonal relationships, physiological and personality changes, and advanced physiology and psychology of human sexual behavior. Focus Area One: . . . The content shall be concerned with family life and interpersonal relationships . . .[and] shall be part of the regular curriculum for all students in grades kindergarten through 12, to be taught in mixed groups and included within the framework of existing subject areas . . . .

Focus Area Two: . . . The content shall be concerned with the physiological and personality changes related to maturation and human reproduction. The material shall be presented as an identifiable unit within the total program . . . . introduced as shortly in advance of puberty as is

practical . . . direct teaching of human reproduction" should begin between ages 10 and 12. "Each local school system shall develop a prescribed procedure for consultation. . . with community groups relative to the program of human reproduction." Male and female students may be taught separately but must be given the same information. "Pupils may be excused from the unit of the program upon a written request from their parents." Such students shall be provided other worthwhile learning activities.

"Focus Area Three: . . . The content shall be concerned with the advanced physiology and psychology of human sexual behavior and related matters and may be offered as an elective course at the junior and/or senior high level . . . . A student who chooses this course must have the prior consent of his[her] parents . . . The elective course may be taught separately to boys and girls, but should include the same information for both groups . . . . All instruction shall be objective and carefully supervised." The local school system may offer an adult education course in Family Life and Human Development if funds are available.

Each local school system shall establish procedures for evaluating and selecting . . . materials to be used in . . . programs . . .[and] shall appoint a joint committee of educators and representatives of the community which shall examine all . . . materials proposed to be used in the schools . . . . Each school shall provide . . . opportunities for parents to view all instructional materials . . . before the materials are used in the classroom."

Program curricula shall be developed by professional educators. "A Citizens' Advisory Committee . . . representing . . . the Community shall consult with these educators in developing, implementing, and evaluating the program." This committee should be formed immediately. "After the system-wide curriculum is established, local school administrators and local PTA's or similar groups shall develop a community planning group. After studying the . . . program, this group shall prepare a plan for

2. Programs for Exceptional Children

2. Programs for Exceptional Children

Statutes

§16-39-2; 3

Each school board shall provide at least 12 consecutive years of instruction and special services for exceptional children, beginning with those six years old. No matriculation or tuition fees shall be required of exceptional children. Exceptional children are those between six and 19 who have been certified under state board regulations as being unsuited for enrollment in regular public school classes, including the following: the mildly and moderately retarded; speech impaired; deaf and hearing impaired; blind and vision impaired; emotionally conflicted; socially maladjusted; multiple handicapped; and the intellectually gifted.

§16-39-4; 6

Beginning with the school year of 1972, each school board shall submit a five-year plan for implementing instruction and special services for exceptional children. The plan must be approved by the state board of education.

During the fifth year of implementation, each school board shall submit a long-range plan to the state board for its review and approval. The long-range plans shall include provisions for the following: (1) establishment of special education classes; (2) utilization of teachers; (3) attendance requirements; (4) services for exceptional children whose condition will not permit them to benefit from any kind of school program; and (5) tuition payments for exceptional children who are sent to private schools.

§16-39-5

The state board of education shall adopt regulations on the following: (1) standards for certification of exceptional children; (2) minimum standards of instruction and special services to be provided; (3) qualifications for teachers, instructors and other personnel; and (4) guidelines for five-year plans for local programs. The state board shall review and approve or disapprove plans submitted by school boards, and shall have primary responsibility for enforcing compliance with the plans.

RULEMAKING

PUPIL/TEACHER RATIO

§16-39-7

For every group of eight to 15 exceptional children to be taught as a special class, one teacher unit shall be allowed. The minimum number of pupils required for each unit may be reduced to not less than five.

§16-39-8

In order to be eligible for special services an exceptional child must be properly classified and the child's parent must be informed of the classification. In providing instruction for exceptional children, the school boards shall utilize regular school facilities. Exceptional children shall not be segregated and taught apart from other nonexceptional children until a careful study of the child's case has been made and evidence obtained which indicates that such segregation would be for the child's benefit. A written record on each child shall be kept by the school principal. This confidential record shall be available for inspection by school officials and faculty with the principal's consent.

§16-39-10

The state superintendent of education is authorized to purchase and distribute among school boards textbooks, equipment and materials for the use of vision and hearing impaired children and those with other special learning disabilities enrolled in the public schools.

§16-39-11

The special education trust fund shall provide 80 percent of the cost of transportation for exceptional children.

CROSS REFERENCES

I.City Board of Education: Statute §16-11-23

II.A.1.: Statute §16-1-16

II.B.1.a.: Statute §16-36-23; 16-36-25

III.C.Pupils: Statute §16-1-13

2. Programs for Exceptional Children

Statutes

§14.30.180

The state shall provide competent education for exceptional children who are at least three years of age.

§14.30.186

A school district or attendance area may provide special services for exceptional children and shall do so when at least five children reside in the area served by the school. Different school districts (and attendance areas) may cooperate with one another in providing these services. When a district or attendance area does not provide such services exceptional children may attend classes in another district or area under a cooperative agreement.

§14.30.191

EVALUATION

An exceptional child shall be examined to assess his/her learning, mental and physical status before placement in a special program, and "not less than once a year," while he/she is in the program. A report of the assessment, and an opportunity for consultation shall be made available to the child's parent or guardian after each assessment and before placement. A parent or guardian may request an independent examination, "if [he/she] believes that the educational assessment of his [her] child is in error." Where a discrepancy between evaluations exists, a hearing, at the request of the parent or guardians, shall be held -- pursuant to regulations of the department of education and subject to the Administrative Procedures Act -- to resolve the discrepancies.

The department shall establish regulations for such hearings and shall cooperate with the Department of Health and Social Services in establishing "diagnostic standards for the identification and classification of the learning, mental and physical status of exceptional children."

§14.30.231

"The commissioner of education and the commissioner of health and social services shall establish an advisory committee . . . to provide information and guidance for the development of appropriate special education programs and services for exceptional children."

§14.30.285

"The department of education shall institute a statewide program . . . for exceptional children to insure that" children are educated in or near their own school when necessary.

"The . . . exceptional child may be sent to another school district or in-state program . . . if an adequate program . . . is not available in the child's own district and if the commissioner of education determines that another . . . program is adequate . . ." The sending district shall pay the receiving district at the sender's cost-per-pupil rate and the department of education shall pay any remainder necessary to meet the receiver's cost-per-pupil rate. If the commissioner determines that no program in the state is "appropriate for the needs of," or "feasible for," the child, he/she be sent to an out-of-state institution with his/her expenses being paid by the department of education. No child may be transferred to a school outside [his/her district] without the consent of the parent or guardian.

§14.30.305

A school district may provide special instructional services for "exceptional children who are hospitalized or confined to their homes."

HOME INSTRUCTION

§14.30.330

"The parent or guardian of an exceptional child or [with parental knowledge and consent] the school administrator, for . . . children . . . in the district or area . . . , shall make application for enrollment of the child" (in the Program for Education of Exceptional Children). The application shall be

submitted to the governing body of the district and forwarded to the commissioner. "Final certification . . . is the responsiblity of the commissioner."

§14.30.340

"No handicapped child may be required to enroll in a special program if the parent or guardian of the child certifies to the satisfaction of the school board . . . that the child is receiving adequate educational advantages.

A child shall be excused from the [program's] requirements if a physician certifies in writing that the child's bodily, mental or emotional condition does not permit his attendance at school."

§14.30.347

School transportation for exceptional children shall be the same as that provided for regular students except when it is in the best interests of the exceptional child to be transported separately.

§14.30.350

(1) "Exceptional children means children who differ markedly from their peers to the degree that they are better served by placement in a special program . . ." They are categorized as follows:

(A) Mentally retarded includes those children of educable or trainable mind who consistently demonstrate evidence of reduced academic achievement or social behavior and whose intellectual potential indicates restriction significantly below . . . their peers;

(B) Physically handicapped includes children whose . . . physical impairments require "special facilities, equipment or methods to make their educational program effective."

(C) "Emotionally handicapped includes children whose . . . emotional impairments require special facilities, equipment or methods to make their educational program effective."

(D) "Children with learning disabilities includes those who exhibit disorders in one or more of

the basic learning processes . . . who may require special facilities, equipment or methods to make their educational program effective."

(E) "Gifted includes children having outstanding intellect, ability or creative talent;"

(F) Multiple-handicapped includes children who "fit into a combination of these categories . . . whose needs demand . . . special facilities, equipment or methods to make their educational program effective."

REGULATIONS

4AAC 33.020

The administration and operation of a special education program will be guided by the Special Education Handbook published by the department.

4AAC 60.120

"At the age of three years, an exceptional child may receive special assistance as a part of the local school district's annual plan of services for special education. Any pre-elementary school which provides services for an exceptional child and receives state funds for providing those services must adhere to state guidelines for special education programs.

CROSS REFERENCES

III.B.Teachers; Statute §14.30.250 -- 14.30.270

III.C.District Board of Education; Regulation 4 AAC 05.040 -- 05.050

IV.A.; Statute §47.20.010 -- 47.20.050

IV.D.; Regulation 4 AAC 27.020; 27.040; 27.050

2. Programs for Exceptional Children

Statutes

§15-802

The Arizona State School for the Deaf and Blind shall be located in Tucson and shall serve the intellectual and physical needs of the children educated there.

§15-811; 813-814

The board of directors for the school for the deaf and blind shall be made up of the governor and five appointed members, serving three-year terms. The board may bring actions to protect the school, and shall provide books and supplies. The school's records shall be open for public inspection. The board shall annually report to the governor on the financial conditions and work of the school.

SCHOOL FOR THE DEAF AND BLIND

§15-815

The superintendent of the school for the deaf and blind shall be appointed by the board and shall serve as the school's chief executive officer. The superintendent must be a competent educator with at least five years' experience as a teacher of the deaf. The board has authority to remove the superintendent for inefficiency. The superintendent is entitled to a full hearing before the board and if it is decided that she/he was removed without good cause, she/he shall be reinstated without any loss of salary.

REMOVAL

HEARING

§15-816

The superintendent shall recommend the appointment of personnel to the board. The superintendent shall also have the authority to discharge employees and if she/he does so, shall file a written report of such action with the board.

§15-817

The school for the deaf and blind shall have a medical officer to act as physician, who shall visit the school as often as necessary.

§15-818

Teachers or other employees of the school for the deaf and blind shall not be required to subscribe to any religious or political beliefs. The board of directors shall not attempt to influence any school employee to campaign for or contribute to any political candidate, subject to penalty of dismissal. Board members and school employees are prohibited from receiving gifts or money from any firm doing business with the school. A violation of this provision constitutes bribery and is cause for removal.

CONFLICT OF INTEREST

§15-831

The board of directors of the school for the deaf and blind shall supervise the care and education of the students and see to it that the best methods for teaching the deaf and blind are used in the school. The board shall give particular attention to the "humanitarian aspects" of the students' education.

§15-832--834

A complete record of all admissions to the school for the deaf and blind shall be kept. The records may be viewed by the board, a legislative committee, or by court order. Political and religious beliefs shall not be a criteria of admission. Any resident of the state between ages 6 and 21, who is blind, deaf, or defective in speech to the extent that she/he cannot obtain an education in the public schools, shall be admitted, without charge, to the school for the deaf and blind.

ADMISSIONS

The board of directors may enroll a child under six years who meets these same requirements. Persons over 21 may be admitted if there is space available.

§15-835--837

Persons between six and eighteen, whose parents are state residents, and who, due to blindness, deafness or speech defect are unable to attend public school, must attend the school for the deaf and blind. A parent who refuses to send their child to the school

ATTENDANCE

shall be subject to a fine or imprisonment. State truant officers shall enforce the attendance laws and failure to do so shall result in a fine.

§15-838

The superintendent of the school for the deaf and blind shall supply clothes and transportation to students without means. The parents of these students shall be assessed for the supplies provided.

§15-839

The board of directors of the school for the deaf and blind may establish a residential facility for deaf and blind children who are unable to attend the school due to a serious emotional disturbance. The facility will provide a specialized program in order to prepare the student to return to a regular school program.

§15-851

The board of directors of the state school for the deaf and blind may establish a branch elementary day school for the deaf in the Phoenix area. This school shall be governed by the superintendent of the state school.

§15-1001

The department of education shall prescribe a program for the education of crippled children.

§15-1010

All school districts shall develop a plan for special education provisions for all handicapped children.

§15-1012

A division of special education is created which shall have a director appointed by the state superintendent of public instruction. The director must have a master's degree and be experienced in special education. An advisory committee on special education is created, consisting of 12 state board-appointed members, who shall serve for three-year terms.

§15-1013--1014

Before a child is placed in a special education program, she/he shall be evaluated by a professional specialist in order to determine her/his capabilities and needs. At the request of a parent or guardian, the evaluation process may be repeated once each semester.

EVALUATION

§15-1015 --1015.01

The governing board of each school district shall (by 1976-77) (1) provide special education services for all handicapped children; (2) employ special personnel to administer these programs; (3) carry on the educative process within the regular classroom whenever possible; (4) provide transportation to pupils; and (5) establish policies on pupil-teacher ratios in special education.

Each common or high school district board may cooperate with other districts in providing special education services. The boards may establish "work-experience programs" for students 16 or over.

A school district or county superintendent may contract with other public or private schools to provide services for exceptional children. The state board of education may make rules and regulations concerning special education.

RULEMAKING

§15-1020 --1020.04

A special education voucher fund, administered by the state superintendent of public instruction, will serve the needs of persons placed in a private institution to receive special education. Requirements for the voucher system will be developed by the director of the division of special education. One requirement shall be an evaluation of the pupil's educational needs and capabilities by a professional in the field. The pupil's school district (i.e., the location of the private institution) shall review the pupil's progress with the aim of integrating the pupil into the public school at the earliest date possible.

VOUCHERS

REGULATIONS

R7-2-306

ARS 15-1010A, 15-1012 D, 1017 C

Approval of District Special Education Programs

Each district must submit a plan to the State Board of Education which includes a determination of the number and ages of handicapped children in the district, the available facilities, transportation and number of teachers. It must also submit a description of the program of study to include the program goals, children to be served, evaluation procedures, equipment and materials. Screening and placement services must comply with the Guadelupe decision.

R7-2-306

ARS 15-1013, 15-1014 and [Guadelupe court decision]

Procedures for Screening, Referral, Evaluation, Placement and Review of Placement of Handicapped Children.

Each district shall establish written procedures to screen potential handicapped children who can profit from special education programs. These shall include physical and learning disabilities but not psychological testing. No program may have a teacher-pupil ratio of more than 15 to 1.

CROSS REFERENCES

I.District Board of Trustees; Statute §15-448

III.C.Students; Regulation R7-2-301 ARS §15.J46A

III.C.Legislature; Constitution Art. XI, §1

A Board of Trustees of the Arkansas School for the Blind and Arkansas School for the Deaf consisting of five members is responsible for the management of said institutions and is liable for same.

SCHOOL FOR THE DEAF

SCHOOL FOR THE BLIND

"The Governor, by and with the advice and consent of the Senate shall appoint the members of the said Board(s)." Vacancies shall be filled by the Governor, "subject to the approval by the majority of the [Board] members." Board members must be residents of Arkansas and no elected or appointed official shall also serve as a board member. Likewise, persons may only serve on one board at a time. Board members shall take an oath of office and give written notice of acceptance of a position.

REMOVAL

"The Governor [may]. . . remove any member of such Boards . . . for cause only after notice and hearing." Members may appeal their removal to the courts.

Members shall be compensated for expenses of attending meetings.

Boards shall meet monthly on a regular schedule. Each shall select a superintendent of the respective institution committed to its care who shall make recommendations to the Governor on matters relevant to her/his particular institution. Selection of superintendents shall be based on "previous training and fitness to care for the institution." Superintendents shall select employees pending approval by the Board and may dismiss employees "for cause" and report on such dismissals to the Board.

No spouse of the superintendent or board members or relative to the fourth degree shall be newly employed by the superintendent.

§80-2101; 2102

Special educational programs and facilities shall be available to those "for whom the regular public school facilities are not available or are not adequate to meet the specialized needs of these students. . . '[e]xceptional children' means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, specific learning disabled" in addition to other health impariments.

An "exceptional child" is determined by medical and psychological tests.

"Treatment institutions" are hospitals or centers for children confined to institutions for medical reasons for long periods of time.

"A special education class unit is the number of pupils in attendance . . . [for most of] a month in an approved . . . special education class in a public school."

§80-2103

ELIGIBILITY

Eligibility for special services is "limited to . . . students enrolled in public schools and/or approved treatment institutions in the state." Specific requirements shall be set by the Board of Education.

§80-2104

RULEMAKING

The Board may "initiate, inspect, approve, and supervise" educational programs for exceptional children. It shall be the "agency of cooperation", mediating between the state and federal government, treatment centers and local schools. It shall make "necessary rules and regulations . . . and . . . employ necessary personnel . . . contingent upon available funds" to carry out the special education provisions.

§80-2106

All school districts may apply to the State Board for funds to operate a special education program. Applications must be made on "prescribed forms . . . prior to the opening of school." Said application "will serve as a contract between the district and the Board."

If the number of approved applicants exceeds funds available, the Board will prorate funds among the districts.

". . . no part of payment from this Act . . . [shall be] used . . . for school buildings, premises, or plants."

§80-2107

In any district, five or more persons or agencies may petition its district Board of Education for a special class and "school authorities . . . [shall] request the Board to cooperate in the establishment of such a class." Two or more districts may join in making such a request, and one district shall be designated the controlling agent.

"In districts where there is not a sufficient number for the organization of a special class, exceptional children may be . . . [sent to] any other district on a plan acceptable to both districts and Board."

§80-2108

"Courses of study, teacher-pupil ratio, adequacy of methods of instruction, in-service training, qualifications of teachers, therapists, educational examiners, and technicians, and necessary equipment for special education programs must comply with the requirements established by the Board. School boards of the districts wherein a special class or classes are established are to employ all personnel according to the special qualifications and training prescribed by the Board."

§80-2109

"Local boards . . . and treatment institutions shall keep an accurate account . . . of all moneys expended for special education programs" as prescribed by and reported to the Board. They also shall keep records of average daily attendance including pupils instructed by home teachers."

§80-2111

ADMISSIONS

Admissions and discharges of students in special education programs shall be made based upon the recommendations of a private physician or Board approved medical expert.

§80-2112

The State Board may contract with a local or county board of education or other public institution for services for "exceptional children."

§80-2113

CONTRACTS

"Local school boards are . . . authorized to contract for services for exceptional children." Local boards may ask the County Board to perform said function as well.

§80-2115--2117

In accord with "The Handicapped Children's Act of 1973", school districts shall "provide . . . special education sufficient to meet the needs and maximize the capabilities of handicapped children."

The Department of Education shall see to it that "all regular and special education, corrective and supporting services required by handicapped children" is provided. "Full services" should be available by the school year 1979-80.

§80-2118

"To the maximum extent handicapped children shall be educated along with children who do not have

handicaps." Preferrably, handicapped students shall be part of "the regular school environment;" with "special aid and services."

§80-2119

Eligible students must be "enrolled in the public schools and/or approved treatment institutions.

The local . . . school board or governing board of an approved treatment institution shall be responsible for the initial determination of eligibility, but the final determination . . . shall rest with the Board."

§80-2121

FACILITIES

"Physical aspects and specifications for buildings, classrooms and other facilities for, or likely to be used by handicapped children, shall be approved by the Department of Education."

§80-2122

It is the responsibility of local school districts, "to the maximum extent practicable," to provide supplemental aids and services for handicapped students equal to the amount spent on non-handicapped students. However, the state board makes the final determination.

§80-2123

It is the Department of Education's responsibility to provide free public education for the handicapped, irrespective of the availability of existing public and private facilities. The school district shall be responsible for providing "the most appropriate services based on a careful evaluation of the child's needs." Objections by parents or guardians, or "the child's participation in beneficial services" shall have no bearing on the district's and state's responsibilities.

EVALUATION

§80-2124

A "handicapped child" is a person six to twenty-one years of age "who because of mental, physical, emotional or learning disabilities requires special education services." This includes persons who are "mentally retarded, hard of hearing, deaf, speech imparied, visually handicapped, emotionally disturbed,

crippled, specific learning disabled and/or other health impaired children who . . . require special education and related services."

Aid and services may be extended to five year olds participating in a kindergarten program and preschoolers whose handicaps "could become greatly compounded" if unattended.

§80-2125

"Special education means classroom, home, hospital or other instruction . . . to meet the needs of handicapped children transportation, and correcting and supporting services", aside from state operated schools or institutions.

§80-2126

A section for the education of exceptional children shall be established within the department of education if funds are made available. Its coordinator shall direct programs "relating to the handicapped."

§80-2127

The Department of Education shall cooperate with the Department of Social and Rehabilitative Services and other individuals and institutions" to provide diagnostic services to handicapped children."

§80-2128

The Board shall "initiate, inspect, approve, and supervise a program of education for exceptional children, provided funds are available for such a program."

§80-2129

An Advisory Council for the Education of the Handicapped, "shall advise and consult with the Director of the Department of Education and the Coordinator of the Section for the Education of Exceptional Children," review state plans for the education of exceptional children prior to their submission to the proper authorities and report annually to the Governor, General Assembly, State Board and Director of the Department of Education on education of the handicapped.

ADVISORY COUNCIL

The Department of Education shall allocate funds for the publishing of said report, which shall be made public.

§80-2130

"The Department of Education shall develop such plans and procedures . . . to receive and disburse federal funds for handicapped children."

§80-2131

School districts shall report annually to the Department of Education on its efforts to provide special education to handicapped children. Cooperation between the schools and institutions and treatment centers are the primary purpose of this provision.

§80-2132

"Two or more school districts may join together to establish a special class or classes for handicapped children.

[O]ne district shall be designated as the controlling agent."

§80-2133--2135

Districts shall test and examine children it believes are handicapped according to rules and regulations set by the department of education. Regulations shall include "providing for parental prior notification of testing and provision of special education services, right to request educational evaluation and special education services, and right to hearing and appeal of education decisions."

EXAMINATION

These requirements are not mandatory for private schools. Results of tests and examinations shall be confidential and only the parent, guardian and child age 18 and over and physicians or specialists with permission of the former may have access to the results.

§80-2136

The State Board shall "receive and disburse federal funds designated to improve educational opportunities provided for exceptional children," excluding those funds earmarked for "other agencies, institutions, or treatment facilities for exceptional

children."

Expenditures may cover "consultative services, workshop expenses, in-service programs, scholarship for teachers of the handicapped, and testing programs."

§80-2137

The Department of Education shall establish a Special Education Materials Center with available federal and state funds.

§80-2138

The State Board shall set rules and regulations and require reports pertaining to the implementation of programs for handicapped children.

§80-2140--2143

The Arkansas State Department of Education may participate in the El Dorado school district's pilot program of "early education, diagnosis, and treatment of children with hearing defects" in order to determine the feasibility of a similar statewide program. Children with a wide range of hearing defects shall be enrolled in the program, based on "otolaryngological, audiological and psychological examination." The program shall include "free play observation, age ranked toy play, various aptitude and intelligence tests, outpatient care,"and training sessions for parents of handicapped children.

"The facilities and services of other agencies dealing with education of handicapped children shall be utilized." After twelve months the Special Education Section of the State Department of Education shall make a progress report of the program and make recommendations regarding a statewide program.

§80-2201-2207; 2209

SCHOOL FOR THE BLIND

The Arkansas School for the Blind shall be supervised by a Board of Trustees. The trustees and superintendent shall report, independently, to the General Assembly biennially on their operations. Property acquired from the state by this institution shall be the property of the State.

§80-2208

The Board of Trustees of the School for the Blind shall elect a superintendent, physician, matron, teachers and steward and fix their salaries.

§80-2217

"The superintendent shall report to the trustees prior to each session of the General Assembly a detailed statement of the number of pupils admitted and discharged, their place of residence and supposed cause of blindness, the amount of money expended, and for what purpose, and the probable sum necessary to defray the current expenses of the institution."

§80-2301--2304

SCHOOL FOR THE DEAF

The Arkansas School for the Deaf, under the auspices of the Department of Education shall educate the deaf-mutes in the state.

A board of directors (trustees) may hold in trust land or money given the institution.

§80-2307

The Board of Directors and the principal of the School for the Deaf shall keep records of "the condition of the Institute, the amount of the receipts and expenditures, the number, name, and date of admission, age, cause of deafness, and length of time under instruction, of beneficiaries, and all other pupils . . . and the number and salaries of officers and employees." This report shall be made to the Governor on or before the convening of the General Assembly.

§80-2308 -- 2310

The trustees shall contract for "the rent or construction and repair of any building and appurtenances . . . used by [the School for the Deaf]," fuel, furnishings, and meat.

§80-2311

The Board of Trustees and the superintendent of the school for the deaf shall make a report to the Governor and present it to the General Assembly by January 16th of each year. The report shall deal with

"improvements made during the biennial period covered" and include suggestions and recommendations for the coming year.

§80-2314--2316

The Board of Directors and superintendent of the School for the Deaf shall elect employees and have the authority to discharge same. All teachers must have prior experience teaching the deaf.

§80-2401--2406

ATTENDANCE

"Mentally normal" blind or deaf students over eight years of age are required to attend the Arkansas School for the Blind and Deaf at least thirty-two weeks each year until completing a course prescribed by the Honorary Board of Managers or until discharged by the school superintendent. If no facilities exist for blind and deaf persons, the School for the Blind may send those under twenty-one to institutions outside of the state and finance their room, board, tuition, transportation and other relevant items.

Deaf or blind minors shall be exempt from attending state schools if they are instructed by a private tutor, attend another school, are physically incapacitated or for any other reason approved by the superintendent of said school. Parents or guardians who do not comply with the above shall be guilty of a misdemeanor and fined $10.00 to $50.00 for each offense. One week's absenteeism shall constitute an offense.

Anyone encouraging non-attendance or harboring a truant shall be guilty of a misdemeanor and fined $20.00 to $50.00 for each offense. The county superintendent, school attendance offices, prosecuting attorneys, special officers for the deaf and blind and peace officers shall enforce these attendance regulations.

§80-2407--2408

TUITION

Blind persons "of suitable character and capacity" between six and twenty-six years of age who are state residents are "entitled to the benefits of the institution free of charge." Out of state pupils may be admitted upon payment of an amount determined by the Board. Persons over twenty-six may be admitted "by

unanimous vote [of the Board] and approval of the superintendent. . . to learn a trade or receive instruction." Such persons may be expelled if their presence is deemed "injurious."

§80-2412; 2414

Deaf-mutes who are "between six and twenty-one years, of fair intellect and free from any contagious disease" and indigent orphans under six years who are deaf-mutes shall be admitted to said Institution.

Applicants must present a certificate proving state residency.

§80-2415; 2416; 2423 -- 2424

Where parents, guardians, friends, or students themselves cannot provide suitable clothing and traveling expenses to and from an institution, it shall be provided by the school with the authorization of the superintendent or principal. At most $40.00 per student per year shall be allotted. And no more than $2,000.00 total shall be charged to the county per year. If a student must be removed from an institution temporarily or permanently because of "ill-health, . . . vacation of the school," course completion or being disqualified from the program, the state shall reimburse the institution for costs of removal. Funeral expenses for a student shall be made in like manner.

§80-2425; 2426

A deaf-mute may attend state schools for thirteen years unless, at the trustees' discretion he/she is discharged sooner. The trustees may extend this term up to an additional three years and no more than twenty pupils shall be recommended for an extension in one year.

CROSS REFERENCES

I.State Board of Education; Statute §80-147

III.B.Teachers; Statute §80-2211

2. Programs for Exceptional Children

Statutes

§1046

The county board of education in any county required to provide for the education and training of handicapped persons may construct and maintain dormitories for use and occupancy by such persons.

§1261

CONTRACTS

The county superintendent may contract with any other like officer to provide for the education of educationally, physically and mentally handicapped pupils.

§1705

The county school service fund shall make amounts payable to special education schools and programs for the education of all handicapped pupils.

§1710; 1711

No education program for physically handicapped pupils shall be transferred to the county superintendent of schools unless it is in the best interest of the education and welfare of the pupils.

All pupils eligible to participate in such programs shall be provided the opportunity, a list being kept of all applicants who have been denied access.

§1850 -- 1855; 1870 -- 1885

These articles (Art. 12-14) concern themselves with the education and attendance of handicapped and mentally retarded pupils.

Programs dealing with such pupils shall be provided in one or more of the following ways:

"(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade. (b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county. (c) By the maintenance of special classes of secondary grade. (d) By the employment of home instructors to give individual instruction in the

home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped pupils in regular, special day, and special training schools or classes which he[she] may be authorized to conduct, and by the employment of instructors to provide individual instruction for pupils with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects. (e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services. (f) By contract with the county superintendent of schools of another county or with the governing board of any school district. (g) In integrated programs of instruction of elementary or secondary grade. (h) By the employment of instructors to provide individual instruction . . . in schools or in the homes of pupils who are deaf or hard of hearing . . . ."

Mobile classrooms may be acquired and maintained for the purpose of educating physically handicapped pupils enrolled in integrated programs, remedial classes may be provided for pupils excused from regular classes for a portion of a class period.

A report shall be made annually by the county superintendent of schools as to the average daily attendance of such students, along with other pertinent information to be filed with the Superintendent of Public Instruction.

Attendance credits for handicapped students will be granted for emergency elementary classes, secondary grade classes, pupils taught by emergency teachers, and pupils residing in one county and being taught in another, as prescribed herein.

There shall also be maintained special training schools or classes for mentally retarded pupils, provided here are formulas for computing the average daily attendance

of such schools, as well as provisions for attendance regulations and rules, including transportation and lodging.

§11004

The governing board of any school district required or authorized to maintain special training schools or classes for exceptional children may contract with any college or university campus situated within the boundaries of the county within which the school district is located to provide for the education and transportation of such children in and to laboratory classes for exceptional children established and maintained within or without the boundaries of the school district.

LABRATORY CLASSES

§33590 -- 33596

There is in the state government the Advisory Commission on Special Education which "shall study and provide assistance and advice to the State Board of Education in new or continuing areas of research, program development, and evaluation in special education."

§ 46116

With respect to educationally handicapped pupils, the minimum schoolday shall be 180 minutes in kindergarten, 200 minutes in grades 1-3, and 240 minutes in grades 4-8.

SCHOOL DAY

§46502;46512

The attendance of all physically and educationally handicapped pupils given instruction by a school district shall be reported annually to the county superintendent of schools.

ATTENDANCE

§51051 -- 51052

The governing board of a district with more than 8,000 pupils in average daily attendance shall prescribe and enforce a course of study for mentally retarded pupils.

Each county board shall prescribe and enforce a county course of study for mentally retarded pupils to be used in special education programs conducted by the county superintendent and in school districts with an average daily attendance of 8,000 or less.

§51700 -- 51701

The board of any city school district, on the recommendation of the city superintendent, or the board of any elementary district, on the recommendation of the county superintendent, may establish separate classes for pupils who would profit more from a course other than the regular prescribed elementary course and may substitute for th regular course of study school work better adapted to the mental needs of the pupils.

Pupils enrolled in such classes shall be required to use the state series of textbooks only insofar as they are adapted to the work of the classes. All materials and textbooks required in the classes shall be furnished free.

§52200 -- 52208

A governing board or a county superintendent may provide programs for mentally gifted minors living in the district or county.

GIFTED STUDENTS

The minor shall have demonstrated such general intellectual capacity as to place him/her within the top 2 percent of students having achieved his/her grade throughout the state or who is otherwise identified as having such capacity but for reasons associated with cultural

disadvantages has underachieved scholastically. General intellectual ability shall be evidenced by achievement in schoolwork, test scores, and judgments of teachers and administrators who are familiar with the minor's demonstrated ability. The ability of a minor determined to be culturally disadvantaged shall be evidenced by criteria developed by the state board. In no event shall the ability of a culturally disadvantaged minor be evidenced solely by test scores.

A governing board may contract with another district for furnishing programs for such minors and may enter into agreements with a county superintendent for appropriate services.

A program for such minors shall consist of a special day class or special services for an amount of time each week averaging a minimum of one class period per day. A program may qualify for one semester of pupil participation if it consists of special services provided each pupil for 200 minutes per week for 17 weeks through two semesters or for 60 hours per semester during eight or more weeks of a given semester or for 120 minutes per day for 20 days during a summer session.

A governing board providing a program for mentally gifted minors may: conduct programs, seminars, and classes for such minors, within or without the district boundaries; employ personnel and provide equipment and supplies; transport pupils and personnel to and from places (within the state) where such activities are being conducted; and use district facilities for outdoor service and conservation education.

Attendance at these activities shall be included in computing attendance and average daily attendance.

The state superintendent, if he/she approves, shall apportion to each applicant school district or county superintendent an amount per pupil participating in a

mentally gifted minor program.

Each applicant school district or county superintendent shall report to the state superintendent as a part of the annual financial report the total income, including the amount apportioned for special programs for mentally gifted pupils during the year, the total number of such pupils in special programs, and the amount per special program or service expended for them. If the amount of state funds allocated is in excess of expenditures, such excess shall be withheld pursuant to §41341.

RULEMAKING

The state board shall adopt rules which prescribe procedures for identifying mentally gifted minors, establish minimum standards for programs, and establish separate criteria by which a district may identify culturally disadvantaged pupils as mentally gifted minors.

IDENTIFICATION

The state superintendent shall adopt rules which define "apportionment" and prescribe the manner of application for special apportionment.

The Director of Education shall employ such persons as are necessary for administration of services for mentally gifted minors.

§56000--56005

To compile sufficient information regarding handicapped children to assure their proper education, by April 30 of each year, each governing board shall report to the county superintendent: (a) each handicapped child participating in a special class or program for handicapped children and (b) each handicapped child not participating in a special class whose parent or guardian applied to the district for enrollment of the child in a special class or program. ("Applied" includes an interview by school personnel of the parent or guardian of the child.)

The first report required may be limited to the particular

programs in which pupils are participating and the numbers participating in each. The second report shall state if the child was denied enrollment and contains all of the following information for each child; name, address, date of birth, names of parents or guardians, the child's handicaps, and special class or programs, if any, in which the child is enrolled, with a statement of any suspensions of 10 days or more or expulsions.

Handicapped children include the physically handicapped, the mentally retarded, the severely mentally retarded, the educationally handicapped, and the multihandicapped.

The governing board shall adopt regulations to require officers and employees of the district to gather the required information.

RULEMAKING

§56003; -- 56005

By June 30 of each year, each county superintendent shall report for that fiscal year to the state superintendent all of the handicapped children in the area under his/her jurisdiction who are participating in a special class or program provided by the county superintendent and all who are not participating but for whom application has been made. The report shall contain all information required of reports under §56002 and shall also specify the district which submitted the information.

The state superintendent shall adopt regulations specifying the form of reports required of districts and county superintendents.

§56020

To encourage districts and county superintendents to design, implement, and evaluate innovative and exemplary education for exceptional pupils, the state superintendent is granted broad administrative discretion to approve exemplary programs at variance from provisions of the education code.

Such variance may include full apportionment for approved experimental programs which vary from maximum class size or duration and other requirements which derive apportionment

from average daily attendance.

EXPERIMENTAL PROGRAMS

Enrollment in experimental programs for exceptional children shall be limited to combinations of children enrolled in programs for exceptional children at the time of application for approval to operate the experimental program. No more than 5 percent of the statewide enrollment in programs for exceptional children may be enrolled in experimental programs in a given fiscal year.

RULEMAKING

The state board shall adopt regulations relating to application for, operation of, and evaluation of, such exemplary experimental programs.

§56030 -- 56035

With the approval of the county superintendent, any district having a physically handicapped, mentally retarded, severely mentally retarded or multiply handicapped pupil, for whom appropriate special education facilities and services are prescribed for the several sorts of handicap are not available or cannot be reasonably provided and for whom the state has no appropriate facilities, shall, and any district having an educationally handicapped pupil, for whom likewise appropriate facilities cannot be provided, may, in lieu of establishing the needed facilities at unreasonable cost to the district, pay an amount to the parent or guardian of such pupil toward the tuition (including transportation costs) of such pupil, enrolled in a public or private nonsectarian school or institution within or outside the state offering the needed facilities.

Such payments shall also be applicable where the special educational facilities are available but are an unreasonable distance from the pupil's home. The state superintendent shall adopt regulations regarding the determination of unreasonableness of cost and distance. The county superintendent shall make a finding as to the unreasonableness of such cost and distance and report it to the state superintendent who, if he/she approves the finding, shall authorize payments.

Such payments shall also be applicable where the special education facilities are available but the attending physician (or attending optometrist in cases of visual disorder) has recommended that it is in the best interests of the pupil

that the pupil be enrolled in a private nonsectarian school or institution offering the needed special education facilities and the recommendation has been approved by the county health officer and the county superintendent on forms specified by the state superintendent.

Priority in providing special education facilities shall be given to public schools on state-operated programs. State and school district support for an exceptional child's education at a private nonsectarian school or institution shall be approved only if no publicly operated programs are available providing the required facilities and services. Priority in approving private nonsectarian schools or institutions shall be given to the nearest such school or institution to the child's home which provides appropriate facilities and services.

TUITION

Where public funds are paid toward the tuition of a pupil at a private school or institution, the school or institution shall at the end of each school year submit a written progress report for each pupil on forms provided by the state superintendent
and forward them to the county superintendent authorizing placement. The reports shall be used to determine continued placement and reimbursement.

In no event shall the total of any allowances made to a district on behalf of a pupil under this provision exceed the total of such amounts which would have been allowed to the district if the pupil were in attendance at a school in the district.

Whenever an admissions committee is established to determine eligibility for these tuition payments, the parent or guardian shall have the rights of representation prescribed by statute.

The parent or guardian of a pupil who has been denied admission and who qualifies for a tuition payment shall make written application to the district for the payment. Within 30 days, the district shall grant or deny the application, with reasons stated in case of denial. The parent or guardian may

appeal a denial to the county superintendent who shall affirm or reverse the district's decision. If the county superintendent reverses the decision, a report and claim shall be made by the district in which the pupil resides. Thereupon the county superintendent may place and contract for the placing of the exceptional child in another district or county offering special educational services. The superintendent may then transfer to that district or county the amount of state aid the placing district receives for that pupil. If the county superintendent affirms the district's decision, the parent or guardian may further appeal to the Department of Education which shall affirm or reverse the county superintendent's decision and, in case of affirmation, append a statement of reasons. If the department affirms the county superintendent's decision, that decision shall be final. If the department reverses the decision not to grant the application, a report and claim shall be made by the district in which the pupil resides.

A school district having any pupil receiving benefits of special education facilities and services under §56031 shall pay to the parent or guardian of the pupil a monthly amount toward the tuition cost of such attendance. The monthly payments shall be based on estimated amounts computed pursuant to §56031 or the monthly tuition charge, whichever is less. The district shall report the attendance of such pupil and submit a claim for the regular and special purpose apportionment, to be used as reimbursement to the district for payment to the parent or guardian, through the county superintendent to the state superintendent. The report and claim shall be submitted at the time and in the manner prescribed by the state superintendent. The county superintendent shall verify the attendance reported and claim submitted in a manner prescribed by the state superintendent.

Upon verification of the report and claim, the state superintendent shall apportion to the district an amount sufficient to satisfy the claim but not in excess of the allowances specified above.

§56036 -- 56038

No claim shall be satisfied by the state superintendent for the education of an exceptional child unless the school or institution which the child will attend meets minimum educational standards which the state board will establish. Such minimum standards shall relate solely to the educational program to be offered.

A claim concerning the attendance of an exceptional child at any school or institution in which there are insufficient numbers of properly credentialed teachers but which otherwise offers an acceptable educational program shall not be disallowed if the Department of Education determines that in the area there is a shortage of properly credentialed teachers and that the needs of the exceptional children will be more adequately served through an education at the school or institution than they would at existing educational environments.

When there is in the area a sufficient number of properly credentialed and employable teachers, the Department shall require that properly credentialed teachers be employed at the school or institution.

This exemption shall apply only to a school or institution situated in this state.

§56070; 56072 -- 56075

The state board may adopt regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded pupils enrolled in special day classes who are unable to profit from courses of work experience education for suitable occupations.

School districts and county superintendents may contract with sheltered workshops and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded pupils under the age of 21 years and reimburse them for the expenses of training such pupils.

The state superintendent shall reimburse districts and superintendents for the cost per pupil per year for services provided by sheltered workshops and work establishments. The reimbursement shall be the cost of such service not to exceed

$650 per year, less the share of the district or superintendent, as determined pursuant to state board regulations.

Any governing board or county superintendent maintaining secondary schools may enter into contracts with other governing boards or with a county superintendent and with any state agency to obtain or provide services and other assistance related to providing effective rehabilitative services, such as occupational training, mobility training, sheltered workshops, and work-experience programs.

A governing board or county superintendent which accordingly enters into a contract with the Department of Rehabilitation may employ employees of the Department or others not employed by the Department but certified by the Department as fully qualified. A certification to the Department of Education by the Department of Rehabilitation that the individual fulfills all qualifications of that department for the position for which he/she is being considered shall serve as evidence that the individual meets requirements for a services credential with a specialization in pupil personnel services as a rehabilitation counselor or mobility instructor for the blind, in accord with requirements adopted by the Commission for Teacher Preparation and Licensing. Other teacher certification requirements required by this code or by Title V of the California Administrative Code shall be waived for such an individual.

County superintendents and high school and unified school districts which do not have a sheltered workshop available within a reasonable distance may sponsor sheltered workshops or training centers for handicapped students, develop job training situations based on individual capabilities by entering into contracts to produce goods or provide services for public and private agencies or business, and pay students on a piece-rate basis from revenues derived from any source not otherwise prohibited by law, or regulated by state and federal wage and hour laws applicable to persons employed in a sheltered workshop.

A governing board of a high or unified school district, the administration of a regional occupational center program, or a county superintendent may establish and operate a sheltered workshop or rehabilitation service. Before commencing the workshop or service, the educational agency shall publish its intention to operate the workshop or service in a newspaper of general circulation in the area. A copy of the publication, along with pertinent details of the workshop or service, shall be sent to the Department of Education and the State Department of Rehabilitation. These departments may comment on the advisability of commencing the workshop or service, and any other aspect of the workshop or service, to the educational agency and make these comments public.

§56130

No pupil may be required to participate in any special class or program unless the parent or guardian is first apprised of the facts which make participation in the special class or program necessary or desirable.

§56140 -- 56143

When a handicapped minor (including, for these purposes, a mentally disordered minor or any minor eligible for enrollment in a development center or in an educational program for handicapped minors) from a state hospital between the ages of 3 and 18 is deemed to need an educational training program, the appropriate regional center (established under Chapter 3 of Division 25 of the Health and Safety Code) or local mental health program shall send a notice to the county superintendent of residence of such minor and to the county superintendent of placement where such minor is proposed to be transferred from the state hospital. After such notification, the county superintendent of placement shall certify to the state superintendent and to the Director of Health whether or not appropriate public or private educational facilities and programs exist or are planned in the county for the minors proposed to be transferred. If not, the county superintendent shall report to the county mental health advisory board, the county mental health program or the regional center and the developmental disabilities area board, whichever is appropriate. This data shall be used in

the development of the annual county mental health plan, or the annual developmental disabilities area plan, or both.

§56144; 56145

The state superintendent shall report annually to the state board and to the Commission on Special Education in the Department of Education the number of handicapped minors transferred from a state hospital to a regional center or a local agency, who are not currently enrolled in a public or private educational program.

In the event that state appointments authorized for pupils transferred to local jurisdictions requiring development center services for handicapped minors are insufficient to provide programs for all such eligible minors, the state superintendent shall prepare a supplemental budget request to provide sufficient funds. The state superintendent shall furnish a copy of the budget to the appropriate developmental disabilities area board or local mental health program.

§56160

BLIND/DEAF PUPILS

Pupils who are deaf, severely hard of hearing, blind, deaf-blind, or other multihandicapped pupils as determined by the state board and who are between the ages of 18 months and 3 years may be enrolled in experimental programs conducted by a school district or county superintendent. Such programs shall be approved by the state superintendent and conducted in accord with regulations established by the state superintendent. Instruction shall be afforded by a teacher possessing full qualifications to teach such children as prescribed by the Commission for Teacher Preparation and Licensing.

§56161.5

PROGRAMS FOR THE DEAF

A governing board or county superintendent, with the approval of the county board of education and the state superintendent, may establish and maintain an experimental program for deaf or severely hard-of-hearing children who are at least six months of age. Not more than two such experimental programs shall be established. Program approval shall be given to a district or superintendent presently operating such a program or prepaid to undertake such a program.

Such programs shall be permitted to operate differently from regular class programs. The state superintendent may waive provisions of the education code to provide necessary flexibility for such programs.

The Legislature intends that, in connection with such programs, proper recognition be given to the needs of parents, through parents' home training and counseling, the audiological needs of the child, and the purchase of necessary supplies and equipment.

The state superintendent shall prepare for the legislature an interim evaluation report of the programs' results no later than July 1, 1977, and a final evaluation no later than June 30, 1978. Authorization to conduct such experimental programs shall expire on July 30, 1978.

§56500--56501; 56514

MENTALLY RETARDED

The education of mentally retarded pupils of compulsory school age who may be expected to benefit from special educational facilities shall be provided all eligible pupils under §56500 to §56534, §1880 to §1889 and §1856. Such special education may be provided to mentally retarded pupils who are between 5 years and 9 months and 6 years of age and those above compulsory school age and less than 21 years of age.

The annual report shall be made by each district or county superintendent to the Department of Education indicating the number of eligible pupils for whom no special education is provided and the reasons.

No pupil shall be required to participate in a program for mentally retarded pupils unless the local admission committee has consulted with the parent or guardian of the pupil regarding the pupil's intellectual development.

Admission of a pupil to a special program for the mentally retarded under §56500 to §56534 and §1880 to §1887 shall be made only on the basis of an individual evaluation according to state board standards on the recommendation of a local admission committee, including an administrator in charge of special education programs in the district or county, an experienced special education teacher,

a school nurse, and a school psychologist who has examined the child.

Whenever possible, persons on the admission committee for mentally retarded pupils may also serve on the admission committee for educationally handicapped minors.

The committee shall use available medical reports and the services of other pupil personnel workers, educational specialists, school nurses, social workers, or physicians as needed. The recommendation shall include a statement that in the professional judgment of the admission committee's members the pupil recommended for placement in any program can reasonably be expected to benefit from such placement. Any member dissenting from the recommendation shall attach to the final recommendation a statement of reasons for such objection.

PLACEMENT

A district or county superintendent may make an interim placement of a pupil in a program for the mentally retarded for a period not to exceed 30 schooldays whenever a pupil transfers into a district from another in which the pupil was enrolled in a program for the mentally retarded. Such a placement may be made without a complete evaluation. However, before the end of the 30-day period, the admission committee shall examine the interim placement and make a final recommendation.

EVALUATION

Whenever a pupil is being so evaluated, the pupil's parent or guardian shall have the right to be present at all meetings of the admission committee and to 48-hour prior notice of such meetings and may have an appropriate professional represent the pupil and present material to help the committee in its determination. Such a representative shall have no decisionmaking power in any determination made by the committee.

§56504

The Legislature finds and declares that the state has a primary interest in providing equal educational opportunity to children of all ethnic, socioeconomic, and cultural groups and that pupils should not be assigned to special

classes if they can be served in regular classes and that there should not be disproportionate enrollment of any socioeconomic, minority, or ethnic group pupils in classes for the mentally retarded.

§56505--56506

TESTING

Before a pupil is admitted to a special education program under this chapter or under §1880 et seq., the pupil shall be given verbal or nonverbal individual intelligence tests in the primary home language. Tests shall be selected from a state board-approved list.

No pupil shall be placed in a special education class for the mentally retarded if the pupil scores higher than two standard deviations below the norm, considering the standard error of measurement, on an individual test or if, when tested in a language other than English, the pupil socres higher than two standard deviations below the norm on the nonverbal intelligence test.

PSYCHOLOGICAL EXAMINATION

No pupil may be placed in a special education program for the mentally retarded unless a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement substantiates the retarded intellectual development indicated by test scores. This examination shall include estimates of adaptive behavior. Until adaptive behavior scales are normal and approved by the state board, such adaptability testing shall include a visit, with the consent of the parent or guardian, to the pupil's home and interview with members of the pupil's family in the home language.

In the case of a pupil where primary home language is other than English, the psychological evaluation shall be conducted in the pupil's primary home language by a credentialed school psychologist fluent in the pupil's language. If such a psychologist is not available, an interpreter qualified in the pupil's home language shall aid in the evaluation. The district shall provide the interpreter with in-service training under the school psycho-

logist's direction, in the application of evaluation techniques.

Prior written permission for the psychological evaluation shall be received from the parent or guardian. After the evaluation, the psychologist shall confer with the parent or guardian regarding the recommendation to the admission committee. Following the admission committee meeting, a committee member shall meet with the parent or guardian to obtain written permission for placement.

All permission documents shall be written in English and in the language of the parent or guardian. Conferences and informative notices to the parent or guardian shall be in the language of the parent or guardian.

§56507

If a parent or guardian objects to the withdrawal of a child from a special education class under §§56501 or 56515, he/she may request a hearing to be held not less than 20 nor more than 30 days after the request. HEARING

For purposes of §56501, the hearing panel shall consist of a credentialed school psychologist, a teacher currently instructing a special education class at the same grade level in which the pupil is enrolled, but who is not an employee of the district involved, and a special education administrator, each designated by the county superintendent. If it is not practicable to secure services of persons so qualified, the county superintendent may designate persons lacking these qualifications but deemed otherwise qualified. For purposes of §56515, the panel shall consist of a credentialed school psychologist designated by the county superintendent, the medical director or designee of the nearest regional center for the mentally retarded, and a teacher, designed by the county superintendent, currently instructing a special education class at the same grade level in which the pupil is enrolled, but who is not an employee of the school district involved.

The panel, by majority vote, may uphold or reverse the action to withdraw the pupil from the program. The panel's decision is binding on the district. Upon a decision by the panel to reverse a district decision, the pupil shall be readmitted to a special education class notwithstanding §56506, except that in no case shall a pupil scoring higher than one standard deviation below the norm be readmitted to such a class.

§56508--56509

In exceptional circumstances, the admission committee may by unanimous vote agree to place a pupil in a special education class for the mentally retarded in spite of a test score higher than two standard deviations below the norm. The committee shall be guided by the legislative intent expressed in §56504. A written report indicating such a decision and reasons for it shall be sent to the parent or guardian.

Each district shall report annually to the Department of Education: the ethnic breakdown of children placed in special education classes for the mentally retarded and the ethnic breakdown of children newly placed in such classes (1) by the standard admissions procedure and (2) by the exceptional unanimous consent procedure described above.

If the percentage of children from any minority ethnic group in such classes varies by 15 percent or more from the percentage of such children in the district as a whole, an explanation for the variation shall be attached to the report.

The state superintendent shall annually report to the state board on those districts in which there is a significant variation in social and ethnic composition between special education classes under §56500 to §56534 and the regular enrollment of the district.

Mentally retarded pupils who come under §56501 may be enrolled in integrated programs of instruction conducted by a district or a county superintendent. In an integrated program, mentally retarded pupils who are enrolled in a special day class are integrated into regular classes modified to the extent that the mentally retarded pupils can benefit from the integration.

The district or superintendent conducting the integrated program shall be entitled to an apportionment equal to the amount which would have been credited had these pupils been enrolled fulltime in a special day class.

Whenever the number of mentally retarded pupils is less than 6 in each of one or more schools of a district or schools served by a county superintendent and the distance between schools prohibits reasonable transportation of pupils, such pupils may be instructed in regular classes, with the state superintendent's prior approval, provided an instructional aide is employed in such regular class and that supervision of the instructional program for mentally retarded pupils is provided by a person holding credentials to teach the mentally retarded.

Special day classes established for mentally retarded pupils at the elementary and secondary levels shall be maintained for at least the minimum schoolday and taught by a fulltime teacher.

The maximum enrollment in special day classes shall be 18 pupils except that when the chronological age span is more than four years the maximum enrollment shall be 15 pupils. The state superintendent may waive the maximum class size whenever a project is approved to conduct experimental studies to determine proper class size standards.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are, or classroom space is, not available, a district or county superintendent may, on forms provided by the Department of

Education, request permission of the state superinterdent to exceed the maximum class size. The superintendent may approve the request, provided the maximum is not exceeded by more than two pupils and the requesting district has consulted with the teacher involved. Such approval, when based on a lack of additional classroom space, shall not be given for any school year after 1977.

Continuance of pupils in special education progams for the mentally retarded shall be the subject of annual review by the local admission committee to determine whether continued placement in the program is appropriate.

REVIEW

§56515--56518

The education of mentally retarded pupils who do not come within the provisions of §56501, who are 6 or more, and less than 18 years of age, and who may benefit from special educational facilities, shall be provided for as set forth in §§56500 to 56543, 1880 to 1889, and 1856. The education of such pupils who are three or more and less than six years of age may be provided for in the same manner.

Any such pupil who becomes 18 years of age while in attendance upon a special class shall be permitted to continue to attend for the rest of the current year.

However, any such pupil who is participating regularly in an approved occupational training program under §56070 and §56072 may be permitted to continue until his/her 21st birthday.

Mentally retarded pupils identified pursuant to §56515 shall participate in special day classes maintained for at least the minimum schoolday and taught by a full-time teacher.

Maximum enrollment in such classes shall be 12. Circumstances allowing, and procedures for, waiving this maximum are the same as those described in §56512.

An annual report shall be made by each district or county superintendent to the Department of Education indicating the number of eligible pupils under §56515 for whom no such education is provided and the reasons therefor.

§56519; 56529; 56530

The governing board of any elementary or unified district with an average daily attendance of 900 or more in the elementary schools or of any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded pupils who come within the provisions of §56501 and who are not in attendance in other special classes under §§56500 to 56534.

The governing board of any elementary or unified school district which has an average daily attendance of 8,000 or more in the elementary schools, and any unified or high school district which has an average daily attendance of 8,000 or more in the high schools shall provide for the education in special training schools or classes of mentally retarded pupils who come within the provisions of §56515 and who are not in attendance upon other special classes under §§56500 to 56534. Governing boards of districts with an average daily attendance in elementary or in secondary schools of less than 8,000 may, with the county superintendent's approval, do the same.

Governing boards required to provide for the education of mentally retarded minors under §56515 may, with the state superintendent's approval, enter into an agreement with a county superintendent for the latter to provide the educational services or enter into agreements with each other. Parties to such agreements are reported through the county superintendent to the state superintendent. Agreements shall include provision for transportation.

§56520

The state superintendent shall adopt regulations prescribing conditions under which the education of mentally retarded pupils under §§56501 and 56515 shall be the responsibility of either a district's elementary schools or its high schools and for determining when such pupils shall be designated as of elementary or secondary grade for attendance and state apportionment purposes.

§56521

A county superintendent of a county with more than 25,000 pupils in average daily attendance, and in which at least 50% of the mentally retarded pupils are enrolled in classes conducted by the county superintendent, shall employ at least one full time certificated person to coordinate activities related to the course of study for mentally retarded pupils in classes conducted by the county superintendent and by school districts in which the county course of study is required to be used. This employee shall hold at least a regular teaching credential with authorization to teach the mentally retarded.

A county board of a county with 25,000 or less pupils in average daily attendance or the governing board of a district with more than 8,000 pupils in average daily attendance may cooperate with a county superintendent of 25,000 or more in average daily attendance in the development of a course of study for mentally retarded pupils educated by them.

The governing board of a unified or high school district with an average daily attendance of 900 or more shall provide a four-year secondary school program for mentally retarded pupils who come under §56501 and for whom the district is required to provide an education under §56519.

The governing board of a high school district with an average daily attendance of less than 900 may establish special training schools or classes for such mentally retarded pupils or may be admitted by the governing board.

The Department of Education shall establish and enforce minimum standards for all such special schools and classes. The Director of Education shall employ such persons as are necessary to carry out §§56500 to 56543, 1880 to 1889, and 1856.

Before being placed in a school or class for the mentally retarded, a child shall be given a careful individual examination by a psychologist credentialed for that

purpose by the state board or Commission for Teacher Preparation and Licensing, or by a person serving under such a psychologist and holding a credential for that purpose, and a consultation with the parent or guardian shall be held. A psychiatrist may be consulted when the governing board deems it necessary.

EXEMPTION

No examination called for in §§56500 to 56543 shall be given if the parent or guardian objects on religious grounds.

§56533

COUNSELING

Individual counseling in social and vocational matters shall be provided as part of the instructional program for the mentally retarded. With Department of Education approval, a governing board separately, or in cooperation with one or more other boards or with the Department's Bureau of Vocational Rehabilitation, may employ a special coordinator to study employment opportunities and help coordinate the education of mentally retarded pupils with industrial pursuits of the community.

§56534; 56536--56541

The state superintendent shall prescribe procedures for qualifying for and shall determine the amount of allowances for classes and authorized instruction outside classes for the mentally retarded.

During the next two fiscal years, the State Controller shall deduct from apportionments made to each school district from the State School Fund an amount equal to that apportioned to the district under §§56536 to 56541 and pay it into the State General Fund.

§56542

Every mentally retarded, physically handicapped, or multihandicapped pupil is entitled to training or an education free of charge in the public schools.

Educationally handicapped pupils are pupils under the age of 21 years who, by reason of marked learning or behavior disorders or both cannot benefit from the regular educational program and who, as a result, require special educational programs. Such disorders shall be associated with a neurological handicap or emotional disturbance and shall not be attributable to mental retardation.

AUTISTIC CHILDREN

The education of pupils diagnosed as autistic shall be provided eligible pupils as set forth in this chapter.

The governing board of any elementary or unified district or of any high school district with an average daily attendance of 8,000 or more in the elementary schools or in the high schools shall provide for the education, in special classes or programs, of autistic pupils residing in the district and not attending other special classes or programs.

The county superintendent shall provide such education for autistic pupils who reside in the county and in elementary or unified districts or in high school districts with average daily attendance of less than 8,001. Such special classes and programs shall be established at centrally located places. The county superintendent shall provide transportation.

The state board shall adopt regulations prescribing standards for special education programs for autistic pupils. Such regulations shall ensure that no county has more than four autistic pupils enrolled in special classes or programs for autistic pupils per 10,000 average daily attendance. The state superintendent may waive this requirement if necessary.

A governing board or county superintendent with the approval of the county board of education, maintaining schools in juvenile homes, halls, ranches, or camps, may provide for one or more of the special educational programs

for educationally handicapped pupils authorized below.

A county superintendent and the governing board of a district with average daily attendance of less than 901 in the elementary schools or in the high schools may enter into an agreement to provide one or more of the special programs below for educationally handicapped pupils.

A county superintendent and the governing board of a district with average daily attendance of 901 or more in the elementary schools or in the high schools may enter into an agreement to provide only programs (a), (c), or (d) below or a combination of them. Whenever program (a) or (d) is provided by a county superintendent for a district with 901 or more average daily attendance, the foundation program under §41704 (for elementary districts) or under §41712 (for high school districts) shall apply to educationally handicapped pupils.

Governing boards may enter into agreements with one another for the education of educationally handicapped pupils. The district of residence having pupils receiving special education shall pay current expenses entailed in such education which exceed state apportionments made to the county superintendent or school district providing the program.

EDUCATIONALLY HANDICAPPED

Special educational programs for educationally handicapped pupils are:

(a) Special day classes (elementary and secondary) for pupils unable to function in a regular class. Such classes shall be maintained for not less than the minimum school day and fundamental school subjects shall be emphasized.

(b) Learning disability groups (elementary and secondary). The pupil remains in the regular class, but is scheduled for individual or small group instruction given by a special teacher. Whenever one to four educationally handicapped pupils are instructed in such a group, the total attendance credited shall equal one unit of attendance for each 60 minutes of instruction.

(c) Special consultation to teachers, counselors, and supervisors (elementary and secondary) related to the learning disabilities of individual pupils and special education services they require.

(d) Home and hospital instruction (elementary and secondary).

(e) Regular class instruction. When the number of educationally handicapped pupils is less than 6 in each of one or more schools in a district or served by a county superintendent and the distance between schools prohibits transportation, such pupils may be instructed in regular classes with the state superintendent's prior approval, providing an instructional aide is employed in each regular class and that supervision of the instruction program of the pupil is by a credentialed person with expertise and experience in teaching the educationally handicapped.

For special day classes for the educationally handicapped, the maximum enrollment shall be 12 pupils per class. The state superintendent may approve a request to exceed the maximum, if additional classes cannot be established because additional qualified teachers are not available, provided the maximum size is not exceeded by more than 2 pupils.

For classes for autistic pupils, maximum class size shall be six pupils. The maximum may be exceeded upon the determination by the state superintendent that to do so is in the best interests of the pupils.

CLASS SIZE

For learning disability groups, maximum enrollment shall be 32; however, participation in any one group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

Instruction provided by a full-time teacher or equivalent shall result in not more than eight units of average daily attendance being credited.

A governing board may provide for instruction of educationally handicapped pupils who reside in all non-profit, tax-exempt licensed children's institutions within the district. Such instruction may be in the public

schools or in the institution.

The governing board may contract with the county superintendent to provide such instruction.

§56605 -- 56618

A school district maintaining special educational programs for educationally handicapped pupils shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by the state superintendent.

The superintendent shall report to each regular session of the Legislature the school districts and county superintendents permitted to exceed the 2 percent during the preceding school year, the number of additional pupils involved, and the reasons for granting the permission requested.

A county superintendent maintaining schools in juvenile halls, homes, ranches, or camps shall not enroll at any given time more than 2 percent of the juvenile population in programs for educationally handicapped pupils except as permitted by the state superintendent.

The 2 percent limitation does not include pupils participating in programs under §56604.

In any fiscal year, extension of an existing program for educationally handicapped pupils which exceeds 120 percent of the enrollment at the end of the sixth school month of the prior year shall receive the prior approval of the state superintendent before any allowance is made. Approval shall be based on, but not limited to: actual demand for the program; district experience in the operation of such programs; and demonstrated ability of the district to return educationaly handicapped pupils, who can participate effectively, to the regular school program.

Before initiating any program for educationally handicapped pupils, a governing board or county superintendent shall apply to the state superintendent to do so and furnish information requested by the superintendent.

Admission of minors to programs for the educationally handicapped shall be made only on the basis of an individual evaluation and on recommendation of an admission committee including an administrator of special education programs in the district or county, an experienced special education teacher, a school nurse, and a school psychologist who has examined the child. The committee shall avail itself of health reports on the child and of services of pupil personnel workers.

The recommendation shall include a statement that, in the professional judgment of the committee members, the minor is recommended for special placement to ameliorate a marked learning disability and/or behavior disorder. A dissenting committee member shall attach to the final recommendation a statement of reasons for such dissent and alternative recommendations.

A district administrative head or county superintendent may make an interim placement of a pupil in a program for the educationally handicapped for not to exceed 90 days whenever a pupil transfers into the district from another in which the pupil was enrolled in such a program. Before the expiration of the 90-day period, the admission committee shall undertake a full evaluation and make a final recommendation on the pupil's placement.

EVALUATION

PLACEMENT

The committee shall annually review pupil placements in special educational programs and recommend return of pupils to regular programs, continance in special programs, transfer to other special programs, and so on.

Whenever a pupil is being evaluated for placement in a program for the educationally handicapped or a pupil's placement is being reviewed, the parent or guardian shall have the right to be present at all meetings of the admission committee concerning that pupil, the right to a 48-hour prior written notice of such meetings, and the right to have a professional representative to present material to assist the committee in its determination. Such a representative shall have no decisionmaking power in the committee's determination.

NOTICE

RULEMAKING

The state board shall adopt regulations prescribing standards for individual identification and evaluation of educationally handicapped pupils and their admission to special programs. In reaching such standards, the state board shall receive assistance from an advisory committee consisting at least of one member from the Department of Education and one member from the State Department of Health.

The state board shall prescribe standards for programs for educationally handicapped pupils, including, but not limited to, pupil evaluation and curriculum content.

The Commission for Teacher Preparation and Licensing shall adopt standards for teacher qualifications for each type of program authorized for educationally handicapped pupils.

The Director of Education shall employ persons necessary for the administration of services for educationally handicapped pupils.

The state superintendent shall prescribe the form and manner of notification of intention to initiate a program and prescribe procedures for qualifying for allowances for special day classes and other authorized instruction for the educationally handicapped.

TESTING

The testing of all pupils in a grade, school, or district shall not be a condition for apportionment under §41880 et seq. If a governing board elects to do such testing, only such tests so approved by the state board shall be used. Districts intending to do such testing shall give written notice to parents or guardians of pupils concerned at least 15 days prior to such testing and make available to parents or guardians copies of written testing instruments. No pupil shall be required to participate unless the parent or guardian files prior written consent.

§56630--56632

With the state superintendent's approval, a school district with an educationally handicapped pupil for whom special education services cannot reasonably be provided and for whom the state offers no appropriate services may

pay to the parent or guardian a sum toward the tuition (including transportation) of the pupil at a public or private nonsectarian school offering the appropriate services. The amount shall not exceed the sum per unit of average daily attendance of the regular state apportionment to the district, the maximum amount allowable per unit of average daily attendance for excess current expenses under §41863 and §41882, and the amount per unit of average daily attendance from revenue derived from district taxation.

A district with a pupil receiving such benefits shall report the pupil's attendance and submit a claim through the county superintendent to the state superintendent, in a manner prescribed by the state superintendent. The county superintendent shall verify the attendance reported and the claim submitted. On verification, the superintendent, shall apportion to the district an amount sufficient to satisfy the claim.

§56700--56729

A governing board may make special provisions for the education of physically handicapped pupils. Any pupil who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered physically handicapped. Such pupils include: the deaf or hard of hearing; the blind or partially seeing; orthopedic or health impaired; the aphasic; the speech handicapped; other pupils with physical illnesses or conditions which make attendance in regular day classes impossible or inadvisable; pupils with physical impairments so severe as to require instruction in remedial physical education; and the multihandicapped.

Programs for physically handicapped pupils are:

(a) Special day classes (elementary and secondary) for groups of pupils with a similar handicapping condition. The class shall be maintained for at least the minimum schoolday and taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class at the grade level of pupils in the class who are at the highest grade level in the class.

(b) Regular day class program of assistance to physically handicapped pupils enrolled in regular day classes who require special services and equipment beyond the services provided to pupils not handicapped to benefit fully from regular classroom instruction. Such services may include supplemental teaching, transportation, teaching aides and specialized equipment.

(c) An integrated instructional program in which physically handicapped pupils receive their education from regular teachers in regular classrooms, but receive, in addition, supplementary teaching services of a full-time special teacher credentialed to teach physically handicapped pupils of the type enrolled in the program. The special teacher shall serve within the district being served for the full schoolday established for regular pupils.

(d) Remedial instruction class, providing remedial instruction or physical education to physically handicapped pupils who are excused in small numbers, for not to exceed one class period, from their regular or special program.

(e) Individual instruction to physically handicapped pupils in hospitals, sanitariums, homes or other circumstances.

(f) Special speech instruction through speech aides. In counties with less than 30,000 average daily attendance or defined as class five through eight counties (under §1205), a remedial program for speech-handicapped pupils may be conducted using specially trained instructional aides in structured programs of language and articulation under the direction of a credentialed speech therapist. No more than two speech aides may be supervised by one speech therapist.

The maximum size for special day classes for the physically handicapped are as follows:

CLASS SIZE

Types of pupils in class	Ages 3 through 8 years	Ages 9 through 20 years
Deaf	6	8
Severely hard of hearing	8	10
Combination of deaf and severely hard of hearing	6	8
Blind	8	10

Partially seeing	10	12
Combination of blind and partially seeing	8	10
Orthopedic or other health impaired	12	16
Aphasic	6	8
Other physically handicapped	--	20
Deaf-blind multihandicapped	3	5
Other multihandicapped	6	8

The state board may waive these standards whenever it approves a project to conduct experimental studies to determine proper maximum class size standards.

If, after the beginning of the school year, it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, the state superintendent may permit a district to exceed maximum class size, provided that the maximum is not exceeded by more than two pupils.

The state superintendent: shall promote and direct special instruction for the physically handicapped; may employ such personnel as necessary to do so; shall prescribe conditions under which the education of physically handicapped pupils shall be the responsibility of either the elementary or the high schools in a district and determine when such pupils shall be designated in elementary or secondary grades for attendance and apportionment purposes; and shall prescribe procedures for qualifying for and shall determine the amount of allowances for special regular day classes and for authorized instruction outside classes.

The Director of Education shall employ persons necessary for the administration of multihandicapped pupils. The Department of Education may prescribe minimum standards for the special education of physically handicapped pupils.

Whenever a pupil is being evaluated for placement in a program for the physically handicapped, the parent or guardian shall have the right to be present at all meetings of the admission committee concerning that pupil, the right to a 48-hour prior notice of such meetings, and may have a professional representative to present material to assist the committee in its determination. The representative shall have no decisionmaking power with respect to the committee's determination.

Any district furnishing education to physically handicapped pupils shall furnish such education to all such handicapped pupils actually living within the district five or more days a week, although their legal residence may be outside the district.

Subject to §1850, a school district which does not maintain facilities for the education of physically handicapped pupils shall enter into a contract with another district or with a county superintendent maintaining such facilities.

If, after the complaint of a parent or guardian, a county superintendent determines that facilities offered in a district for the physically handicapped are inadequate, the county superintendent shall order the district to provide adequate facilities or enter into a contract with a district maintaing adequate facilities.

The contract shall provide for the payment of the cost of tuition by the district in which the pupil lives and may provide for payment of the cost of the use of buildings and equipment.

Subject to §1850, a governing board may provide for the transportation of pupils assigned to special schools or classes for the physically handicapped and shall provide transportation for those whose physical handicaps prevent their walking to school.

Subject to §1850, the governing board of a district in which any physically handicapped pupil is actually living, although the residence of the pupil's parent or guardian is outside the district, shall provide for the transportation of the pupil to the school at which education is furnished, if the handicap prevents the pupil's working or if the distance is greater than one mile, regardless whether the education is furnished within or without the district.

TRANSPORTATION

Physically handicapped pupils may be admitted at the age of three years or, with the state superintendent's approval, may be admitted at the age of 18 months to special schools or classes for such pupils.

When the district of residence of a physically handicapped pupil between the ages of three and six years does not maintain a special class in the category of a pupil's handicap, but such a class is maintained by the county superintendent or another district, such a pupil shall be admitted to that class when: the pupil is eligible for enrollment under regulations of the superintendent or board maintaining the class; and the superintendent or board is willing to admit the pupil, and the parents of the pupil file a written request that the pupil be so admitted and a physician's statement that the pupil is physically able to attend the class.

When a pupil is thus admitted, the district of the pupil's residence shall enter into a contract or under §56709.

Necessary care may be provided during school hours for pupils where attendance has been irregular because of physical handicaps, and such employees as may be needed may be employed to provide the care.

Subject to §1850 and subject to Department of Education standards, a governing board may establish regulations determining who can profit by and who shall receive special instruction for the physically handicapped provided by §56700 et seq.

Subject to §1850, physically handicapped pupils may be instructed in special schools or classes, in hospitals, sanatoriums, or preventoriums, in the home through home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the Department of Education.

HOME INSTRUCTION

Pupils with speech disorders may be admitted at school for individual or small group instruction. With the state superintendent's prior approval, such pupils may be admitted at the age of 18 months.

Pupils with hearing disorders between the ages of three years and six years may be admitted at school for individual instruction or be instructed in the home, provided that there are too few of such educable pupils to establish a special day class or too few within travel distance and provided that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils. With the state superintendent's prior approval, such pupils may be admitted at the age of 18 months.

Multihandicapped pupils between the ages of 3 and 21 may be enrolled in special day classes, approved in advance by the state superintendent.

The state superintendent shall approve not more than 100 classes during 1970-1971 and not more than 50 additional classes each fiscal year thereafter not to exceed a total of 400 classes. The superintendent shall report annually to the Legislature the progress being made in the education of multihandicapped pupils including: the number of authorized classes, the numbers of pupils enrolled, the nature of handicapping conditions of pupils enrolled, a description of the instruction being provided, objectives of the program, results, and recommendations for further program development.

Subject to §1850, special classes or individual instruction provided for pre-tuberculosis, tuberculosis, convalescent, or other physically handicapped pupils in hospitals, sanatoriums, and preventoriums, may be maintained in institutions within or without the district. Attendance of such pupils shall be credited to the district providing instruction. The minimum schoolday for such classes is 180 minutes.

No pupil shall be required to take advantage of educational provisions for the physically handicapped if the pupil's parent or guardian files a statement with the governing board that the pupil is receiving adequate educational advantages.

Subject to §1850, a pupil with cerebral palsy may attend a special class for pupils with cerebral palsy. The governing board of the district of residence shall pay to the district of attendance each year the total current expenditures of the district of attendance for the pupil's education, less all apportionments of state and federal funds made on account of attendance of the pupil. The governing board of the district of residence may agree to reimburse the district of attendance for the cost of the use of buildings and equipment. If the district of residence has insufficient funds to make such payment, the county superintendent shall apportion to the district a sum to permit the district to meet its objection.

The Department of Education may appoint counselors to assist blind pupils to solve problems related to their school program. The counselors may visit blind pupils in their houses to advise them and confer with their parents; shall be available to advise school personnel regarding the education of the blind; shall be specially trained for this work and thoroughly familiar with problems of the blind. Blindness shall not disqualify persons for these positions.

Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for physically handicapped pupils. With Department of Education approval, districts singly or cooperatively may employ a special coordinator to study employment and occupational opportunities and assist in coordinating the education of the physically handicapped with commercial and industrial pursuits of the community.

The Department of Employment Development shall, through the State Employment Development Service, cooperate with local and state school officials in the placement of physically handicapped individuals.

No person shall be employed to teach physically handicapped pupils with the several sorts of handicap who does not have a valid credential authorizing such teaching.

However, the employment, as a substitute teacher in special classes for not more than 20 schooldays in any school year, of a person holding some other valid credential authorizing substitute teaching shall not be prohibited. The state superintendent may approve an extension of the 20-day period for a given person but not beyond the end of the school year.

Notwithstanding the above, any person may be employed to teach physically handicapped pupils in a sheltered workshop, occupational training program, or other vocational education program if that person holds a designated subjects teaching credential in a subject related to the program in which the person is employed.

The Department of Education may cooperate with the American Printing House for the Blind in the provision and distribution of Braille books and other materials for the use of blind pupils.

The governing board shall insure against the liability, other than a liability which may be insured against under Division 4 of the Labor Code, imposed on the district by any state law, in any insurance company authorized to do business in the state. The cost of such insurance shall be paid out of the district's development center for handicapped pupils fund.

An Advisory Committee on Development Centers for Handicapped Pupils shall be established to aid in setting standards for admission to centers and to advise the Department of Education in the administration and operation of centers. The committee shall consist of one member from the Department of Benefit Payments (appointed by the Director of Benefit Payments), one member from the State Department of Health (appointed by the Director of Health), and one member from the Department of Education, one lay member from the general public, one parent of a handicapped pupil, and four members each from a school district or county superintendent's office participating in the program (all appointed by the Director of Education). The member from the Department of Education shall serve as the committee's secretary.

Members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

A governing board or a county superintendent may provide or pay for the transportation of pupils between their homes and a development center for handicapped pupils.

Whenever a governing board or county superintendent closes temporarily a development center for handicapped pupils, because of fire, flood, epidemic, an order under §41422, or other emergency, the state superintendent shall grant the amount of state funds which would have been earned had there been no closure to the school district or county superintendent, provided that the fact of the closure has been established to the state superintendent's satisfaction by affidavits from the local educational authorities.

§56750 -- 56752

Whenever a school district maintains a school or classes at a tuberculosis or polio ward, hospital or sanatorium maintained by a county, any person who has been admitted to the institution is, if otherwise qualified, eligible to attend such school or classes but shall be deemed to be a resident of the district in which the person resided prior to admission to the institution.

SCHOOL DAY

The minimum schoolday for such classes is 180 minutes. Whenever two or more districts maintain such schools or classes, the governing boards may jointly employ personnel to conduct the programs.

The district maintaining the school shall, no later than 30 days after the enrollment of a student, notify the student's district of residence.

The cost of educating the person shall be paid by the district of residence to the district maintaining the school. Such pupils shall be apportioned excess cost apportionments for handicapped pupils. No interdistrict attendance agreement is required for this arrangement.

RULEMAKING

The state superintendent shall adopt standards and regulations relating to administration, attendance, accounting, and counseling in hospital schools and classes.

§56800 -- 56833; 56865

DEVELOPMENT CENTERS

A governing board or a county superintendent is authorized to establish and maintain, with the state superintendent's approval, one or more development centers for physically handicapped and mentally retarded pupils between three years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months, during which the development center is to be maintained.

The establishment of such a center by a county supertendent shall be undertaken subject to the prior approval of the county board, upon the application of one or more districts under the superintendent's jurisdiction, and on terms provided for in a written contract between the county superintendent and the governing body of any district.

Pupils otherwise eligible for development center placement who are between 18 months and 3 years of age may be enrolled in experimental programs conducted by a district or county superintendnet maintaining a development center. Experimental programs shall be approved in advance by the state superintendent and considered according to state board rules.

Pupils otherwise eligible for development center placement who are between 18 months and 3 years of age may be enrolled in experimental programs at development centers. Such programs shall be approved in advance by the state superintendent.

The governing board or county superintendent maintaining a development center for handicapped pupils shall certify to the state superintendent that each child enrolled in the center has been found eligible by the local admissions and evaluation committee and shall report the number of pupils identified as eligible and the number of pupils enrolled.

The state board shall establish and the state superintendent shall enforce standards for development centers for handicapped pupils and standards for the admission of pupils. The board may change the standards whenever it deems advisable, but shall never adopt a regulation which precludes enrolling a child in a center on the basis of any means test. Eligibility shall be based on the physical and mental handicapping conditions of each pupil.

The state superintendent shall establish standards for the issuance of permits for persons to be employed in centers.

The Director of Education shall employ such persons as are necessary for the administration of services by centers.

With the consent of the parent or guardian, each eligible handicapped pupil, between 3 years and 21 years of age residing in the district, shall be enrolled in a development center maintained either by the district or pursuant to a contract for the district. If a parent or guardian seeks to enroll a child and enrollment is denied, or if a parent or guardian disagrees with the proposed enrollment of a child, provision shall be made for a hearing, including final notice and an opportunity to be heard, before the board itself or before a

panel composed of persons designated by the board and the parent or guardian.

The state board and local governing boards shall adopt regulations for such hearings.

A governing board maintaining a center may accommodate in the center children residing in another district upon terms, including the payment of costs, as are agreed on by the boards. The amount shall be paid from funds of the contracting district available for this purpose.

Enrollment of otherwise eligible pupils shall be on a first-come, first served basis. Enrollment priorities shall not favor the admissions of an eligible pupil living with a parent or guardian over an eligible pupil living in an out-of home residential placement.

A governing board may permit the use of, and furnish maintenance for, buildings, grounds, and equipment of the district and may use existing administrative personnel for the purposes of development centers for handicapped pupils.

A board may enter into agreements with political subdivisions of the state, public agencies, and private non-profit entities for the furnishing to the board of property, facilities, personnel, equipment or supplies for the purposes of such centers.

A board may adopt regulations, consistent with the law and with state board regulations, for centers maintained by it. Regulations may include rules pertaining to the admissions or exclusion of children from centers.

RULEMAKING

A governing board shall employ in a development center for handicapped pupils only such persons who hold credentials issued by the state board of the Commission for Teacher Preparation and Licensing or permits issued by the commission. Each person employed by a governing board for a portion requiring a credential or permit shall, not later than 60 days after the commencement of service, file with the county superintendent a

valid credential or permit issued by the date that service commenced.

A district or superintendent maintaining one or more centers shall designate one person in each center to serve as a supervising head teacher. Such person shall hold a valid credential to teach exceptional children.

Each person employed in a center in a position requiring certification shall be subject to the same rules and eligible for the same benefits as provided for all teachers within the district maintaining the center. Other persons employed in a center shall be deemed for all purposes to be persons employed by the district in positions not requiring certification qualification.

MEDICAL EXAMINATION

EXEMPTION

No regulation shall require medical examination or immunization for admission to a development center for the handicapped of a child whose parent or guardian files a letter with the governing board stating that examination or immunization is contrary to his/her religious beliefs. However, whenever a child is suffering from a recognized or infectious disease, the child may be temporarily excluded until the board is satisfied that any such disease does not exist.

Children regularly enrolled in a development center for the handicapped who are absent on account of illness or quarantine shall be considered in regular attendance for the purpose of reporting attendance for state apportionments, whenever the district certifies that such absence was on account of illness or quarantine.

Any center may be discontinued at any time at the discretion of the governing board, if, not less than 30 days before the discontinuance, the board shall mail to each person having custody of a child in attendance at the center a notice of the intended discontinuance and shall post a similar notice at the center.

Any balance left in a development center for handicapped pupils fund may be deposited in the district general fund one year after discontinuance of the center.

Whenever a district in which a development center for handicapped pupils is located does not have adequate facilities to provide services for pupils, the district shall apply under §16200 for funds to construct needed facilities.

A governing board or a county superintendent maintaining a development center for handicapped pupils may admit to such centers pupils who live in regularly established licensed children's institutions or in a family home, provided that the county board of education of the county or city and county in which the child resided prior to admission to the children's institution or family home approves of the admission and agrees to reimburse the district or county maintaining the center for the costs of educating the child.

If the child's prior residence cannot be ascertained or, if the residence was outside the state, the district or county shall be reimbursed by the county or the city and county in which the institution or family home is located, provided that admission has been approved by the county board of education of that county.

The Legislature recognizes that each severely mentally retarded or physically handicapped pupil eligible for enrollment in development centers is entitled to an appropriate program.

It is the Legislature's intent that there be an orderly phase-in of pupils identified or eligible so that by September 1, 1978, all eligible pupils shall be served.

A county superintendent shall establish development centers for handicapped pupils who reside in the county and in elementary or unified school districts and in high or unified school districts with less than 8,000 average daily attendance in the elementary schools or in the high schools, provided that such districts have not entered into a contract with other counties or districts to provide such programs.

An elementary or unified school district and a high or unified school district with more than 8000 average daily attendance in the elementary schools or in the high schools shall establish development centers for the handicapped.

The county superintendent may establish such centers for handicapped pupils who reside in any district of the county with the approval of the county board of education and the agreement of the local governing board.

Any elementary or unified district and any high or unified school district with less than 8,000 average daily attendance in the elementary schools or in the high schools may establish programs for the handicapped, with the county superintendent's approval.

A county superintendent required to provide development centers for handicapped pupils may, with the state superintendent's approval, enter into agreements with an elementary, unified or high school district for the latter to provide for the education of such pupils.

§59000 -- 59007; 59020 -- 59031; 59040 -- 59045

SCHOOL FOR DEAF

The California School for the Deaf (including two state schools, the California School for the Deaf, Northern California, and the California School for the Deaf, Southern California) is a part of the state school system, except that it derives no revenue from the State School Fund, and has for its object the education of the deaf who, by reason of their infirmity, cannot be taught in the public schools.

The school is under the administration of the Department of Education, which shall: prescribe rules for the school's government; appoint the superintendent and other officers and employees; remove for cause any officer, teacher, or employee; and fix the compensation of all personnel.

The superintendent of the California School for the Deaf shall have had not less than three years' experience in the teaching of the deaf and shall hold a credential issued by the state board for secondary school teaching.

The powers and duties of the superintendent shall be assigned by the state superintendent.

The state superintendent may authorize the California School for the Deaf to maintain teacher training courses in the instruction of the deaf and the hard of hearing. The state superintendent shall prescribe standards for the admission of persons to the courses and for the content of the courses.

The California School for the Deaf may enter into agreements with the Trustees of the California State University and Colleges, the University of California, and any other university or college accredited or a teacher training institution to provide practice teaching required for the issuance of the credential authorizing the holder to teach the deaf and severely hard of hearing.

The Department of Education may employ any person, otherwise qualified, who has retired for service as a substitute in a position requiring certification qualifications at the California School for the Deaf; provided that the total of such service and any service rendered under §23919 shall not exceed 90 teaching days in any one fiscal year.

Every deaf person between the ages of 3 and 21 years, who is a state resident and meets the criteria set forth in this section is entitled to an education in the California School for the Deaf free of charge.

Priority in admission shall be given to elementary age deaf minors residing in sparsely populated regions and to secondary age deaf minors for whom appropriate comprehensive educational facilities and services are not available and cannot be provided.

Admission criteria shall be administratively determined by the state superintendent.

For determining district responsibility when a pupil resides in other than a unified district pupils 15 years of age or older as of September 1 of each year shall be considered resident of the high school district and pupils 14 years or under shall be considered resident of the elementary district.

If the parent or guardian of any pupil in the California School for the Deaf is unable either himself/herself or from the estate of the child to clothe the child or pay for the child's transportation or for necessary dental, opthalmological or medical care while the child is at the school, the parent or guardian (or the school superintendent) may apply for a certificate to that effect to the superior court of the county in which the parent or guardian is resident. If the court is satisfied that the parent or guardian is unable to pay for any such service, it shall issue a certificate to that effect. If the court is not satisfied, it shall not issue the certificate but shall, according to the nature of the application, order the superintendent to provide the child with the service and order the parent or guardian to reimburse the Department of Education for expenses incurred in providing the service.

If the Department of Education is not reimbursed, the superintendent may sue the parent or guardian, in the name of the state, to recover any money paid out by order of the court or due the department or reimbursement.

All money expended under the authority of any such certificate by the Department of Education constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed $385 for 1974 - 1975 and an amount thereafter adjusted annually with the Consumer Price Index, measured for the calendar year next preceding the fiscal year to which it applies.

When a certificate is presented to the school superintendent, the superintendent shall clothe the child and provide the child with necessary transportation and dental, opthalmological, and medical care. The expense shall be advanced by the Department of Education.

All pupils in the school shall be maintained at the expense of the state, except as provided in §59021, 59023 to 59028, 59030, and 59031.

The governing board of each district of residence shall, from the district general fund, pay for the transportation cost of each pupil of the district attending the California School for the Deaf as a day-class pupil.

For determining district responsibility when a pupil resides in other than a unified district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered residents of the high school district and pupils 14 years or under shall be considered residents of the elementary district.

Deaf persons not residents of the state may be admitted to the benefits of the California School for the Deaf by paying to the Department of Education the school year cost for care and instruction of persons at the school, payable quarterly in advance. The cost shall be determined by the Department of Education with the approval of the Department of Finance.

The state superintendent, in conjunction with the California School for the Deaf, shall provide assessment and instructional planning services for individuals referred for such services by responsible local agencies.

§59100 -- 59103; 59110 -- 59113; 59120 -- 59131; 59140 -- 59144

SCHOOL FOR BLIND

The California School for the Blind is a part of the state school system, except that it derives no revenue from the State School fund, and has for its object the education of the blind, who, by reasons of their infirmity, cannot be taught in the public schools.

The school is under the administration of the Department of Education which shall prescribe rules for the school's government, appoint the superintendent and other officers and employees, remove for cause any officer, teacher or employee, and fix the compensation of all personnel.

The superintendent of the California School for the Blind shall have had not less than three years' experience in teaching the blind and shall hold a credential for teaching in secondary schools.

The powers and duties of the school superintendent are such as are assigned by the state superintendent.

There is hereby created at the California School for the Blind the position of fieldworker to be appointed by the school superintendent with the state superintendent's approval.

The fieldworker shall be a member of the school teaching staff and receive a fixed salary.

The fieldworker shall visit graduates and former pupils of the school to advise them regarding the extension of their education, to assist them in securing remunerative employment, and to improve their economic condition in all possible ways. The field worker shall have had special training for such work. Blindness shall not be grounds to disqualify a person for this position.

The Department of Education may employ any person otherwise qualified who has retired as a substitute in a position requiring certification qualifications at the California School for the Blind, provided that the total of such service and any service under §23919 shall not exceed 90 teaching days in any one fiscal year.

Every blind person resident of this state, of suitable age and capacity, is entitled to an education in the California School for the Blind, free of charge.

If the parent or guardian of any pupil in the California School for the Blind is unable either himself/herself or from the estate of the child to clothe the child or pay for the child's transportation or for necessary dental, opthalmological, or medical care while the child is at the school, the parent or guardian (or the school superintendent) may apply for a certificate to that effect to the superior court of the county in which the parent or guardian is resident. If the court is satisfied that the parent or guardian is unable to pay for any such service, it shall issue a certificate to that effect. If the court is not so satisfied, it shall not issue the certificate, but shall, according to the notice of the application, order the superintendent to provide the child with the service and order the parent or guardian to reimburse the Department of Education for expenses incurred in providing the service.

If the Department of Education is not reimbursed, the superintendent may sue the parent or guardian, in the name of the state, to recover any money paid out by order of the court or due the department as reimbursement.

All money expended under the authority of any such certificate by the Department of Education constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed $385 for 1974 - 1975 and an amount thereafter adjusted annually with the Consumer Price Index, measured for the calendar year next preceding the fiscal year to which it applies.

When a certificate is presented to the school superintendent, the superintendent shall clothe the child and provide the child with necessary transportation and dental, opthalmological, and medical care. The expense shall be advanced by the Department of Education.

The governing board of each district of residence shall, from the district general fund, pay for the transportation cost of each pupil of the district attending the California School for the Blind as a day-class pupil.

For determining district responsibility when a pupil resides in other than a unified district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered residents of the high school district and pupils 14 years or under shall be considered residents of the elementary district.

Blind persons not resident of this state may be admitted to the benefits of the California School for the Blind by paying to the Department of Education the school year cost for the care and instruction of persons at the school, payable quarterly in advance. The cost shall be determined by the Department of Education with the approval of the Department of Finance.

The Department of Education, in connection with the California School for the Blind, shall establish and maintain a kindergarten service for the care and teaching of children under school age.

The Department of Education shall create the position of visiting teacher to blind children of preschool age. With the consent of the parents of any blind child of preschool age, it shall be the duties of such visiting teacher to assist and instruct the parents in the early care and training of the

child, to train the child in play and to do anything necessary to assure the child's adjustment to its environment. A sufficient number of visiting teachers shall be maintained to adequately serve the needs of such parents in accordance with the known number of such children and to prevent the caseload of each visiting teacher from exceeding a number of clients that can be adequately served.

The Department of Education shall adopt measures for the giving of vocational training to pupils in the California School for the Blind. The board shall determine the character of this training so as best to adopt the blind to follow useful pursuits, after the completion of their education.

The state superintendent may authorize the California School for the Blind to establish and maintain, either independently or in cooperation with the University of California or the Trustees of the California State University and Colleges, teacher training courses for teachers of the blind. The state superintendent shall establish standards for the content of such courses and for admission to them.

The school may enter into agreements with the institutions of higher education accredited by the state board for teacher training purposes to provide practice teaching required for credentials to teach the visually handicapped, the deaf-blind, or provide orientation and mobility instruction. Such agreements may provide a reasonable payment to teachers at the school who have practice teachers under their direction.

The state superintendent, in conjunction with the California School for the Blind, shall provide assessment and instructional planning services for individuals referred by responsible local agencies under §53336.

§59200 -- 59204 ; 59210 -- 59211

DIAGNOSTIC SCHOOLS

The three diagnostic schools for neurologically handicapped children (Northern California, Central California, Southern California) are part of the state school system, except that they derive no revenue from the Public School Fund, and have for their object diagnosis, and the determination of the treatment, and educational program of children with

neurological handicaps. These schools provide temporary residence for children, who, by reason of their handicaps, need educational diagnostic services not available in regular public school classes.

RULEMAKING

APPOINTMENT

The schools are under the administration of the state superintendent, who shall: prescribe rules for the schools' government; appoint the superintendents and other officers and employees; remove for cause any officer, teacher, or employee; fix the compensation of teachers; determine the length of, and the time for, teacher vacations; and contract with the University of California or with other public or private hospitals or schools of medicine for diagnostic and treatment centers for neorologically handicapped children. Also, in connection with these schools, the state superintendent shall: make comprehensive diagnostic evaluations of individuals referred by local agencies under §56336 and provide instructional planning services for them; provide counseling services for parents, guardians, and families of neurologically handicapped and seriously emotionally disturbed children; and conduct experimental assessment projects designed to meet needs of categories of neurologically handicapped children selected by the state superintendent.

The powers and duties of the superintendents of the Schools for Neurologically Handicapped Children, are such as are assigned by the state superintendent.

The state superintendent, in cooperation with an accredited college or university, may authorize the California Schools for Neurologically Handicapped Children to establish and maintain teacher training courses in the instruction of neurologically handicapped children and shall prescribe standards for the content of the courses and for admission to them. Such courses shall be counted toward a credential in the area of the educationally handicapped upon the establishment of such a credential.

The schools may enter into agreements with universities and colleges accredited for teacher training to provide practice teaching required for the credential to teach the educationally handicapped. Such agreement may provide payment

to teachers at the schools who have practice teachers under their direction.

§59220

Every state resident less than 21 years of age, of suitable capacity as determined by diagnosis at the diagnostic and treatment schools for neurologically handicapped children, is entitled to enrollment in one of the schools, free of charge.

Children with neurological handicaps, not residents of California, may be admitted to the benefits of the schools on payment to the Department of Education, quarterly in advance, the average cost of maintinaing pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of Finance.

REGULATIONS

§3110

School districts and county superintendents shall submit reports of handicapped children on the following forms supplied by the Superintendent of public instruction:

a) "First Period Enrollment Report for Special Education Programs," which concern participation in a special class, school or program;

b) "Report of Handicapped Minor Whose Application for Enrollment in School, Special Class, or Program Was Denied and of Handicapped Minors Not Continuing in Attendance After Admission," for students not participating in such programs, schools, or classes; and

c) for those participating, the name of such class, school or program.

Concerning the latter group, the county superintendent shall review the placement of such students "to determine whether incidence of similar disabilities, location of residences, and chronological ages are such as to

warrant the establishment of special education facilities and services by the county superintendent or school district of residence."

§3150

These regulations are intended to assure all individuals with exceptional needs the individual rights and protections of this article, and to achieve conformity with the Federal Education of the Handicapped Act.

This article does not apply to a) Development Centers for Handicapped Pupils (Title 2, Division 4, Part 30 of the Education Code); b) Educational Services for Individuals with Exceptional Needs (Title 2, Division 4, part 30, Chapter 2 of the Code); or c) Education for Exceptional Children for Whom No Public Facilities are Available (Sedgwick Act, Title 2, Division 4, Part 30 Chapter 1 of ARticle 3 of the Code).

§3152

PUPIL ASSESSMENT

Each school district shall make a formal assessment of pupils thought to have exceptional needs to determine the need for, and placement in, a special education program, upon written consent of the parent.

The following procedures may be used, among others, in making such an assessment:

" 1) testing and assessment materials and procedures shall be selected and administered so as not to be racially or culturally discriminatory;

2) tasks and assessment materials shall be in English, native tongue of the pupil, or other appropriate mode of communication;

3) tests and assessment instruments shall be validated by the specific purpose of their use;

4) care shall be taken that test results accurately reflect the individual's aptitudes or achievement level, rather than the pupil's impaired sensory, manual or speaking skills (except where tests are designed to measure, specifically, those skills);

5) tests and assessment materials shall be used by applicably credentialed personnel;

6) tests and assessments shall be designed to assess the specific area of a pupil's educational needs rather than provide a single intelligent quotient only.

7) Sources in addition to ability or achievement tests, including information concerning the pupil's health status and physical condition, sociocultural background and the adaptive behavior in the school and home environment shall be considered in any determination of the special educational needs of the pupil;"

8) the interpretation of assessment data and resulting determination as to placement shall be made by professionally licensed personnel. No single assessment instrument shall be used by them as the sole criteria for determining the appropriate special education program; and

9) when the assessment team determines that the pupil does not require placement in a special education setting, the pupil shall be placed in a regular instructional setting.

§3153

PLACEMENT

A change in the special education placement of a pupil shall be based on:

1) the pupil's current individualized program;

2) information relating to the pupil's current performance; and

3) a review by a team composed of the parent; administrator or designee, the pupil's teacher(s), the pupil, if feasible; and any other appropriate personnel.

§3154

INDIVIDUALIZED PROGRAM

At the beginning of each school year, the local education agency shall develop or revise the individualized education program for each pupil with exceptional needs. This program shall be developed by the assessment team upon determination of eligibility for special services and shall be reviewed at least annually.

The persons who develop and revise the program shall include, though not be limited to: a special education administrator or designee; the pupil's special or regular

teacher; the pupil's parents; the pupil, when appropriate; other competent persons knowledgeable about the needs of special education pupils; and members of an admission committee, if required by the Education Code.

The written individualized program shall include, though not be limited to statements of:

1) the pupil's present levels of educational performance, including academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills, self-help skills;

2) time-referenced, long-range goals and principle objectives;

3) specific educational services to be needed by the pupil (without regard to their availability), including a description of:

A) all special education and related services needed to meet the unique needs of the pupil;

B) any special instructional media and materials needed;

C) type of special physical education program, if needed

D) career and vocational education program participation;

E) anticipated timeline for any services not immediately available.

4) A description to the extent to which a pupil may participate in regular education programs;

5) projected date of placement and duration in special education program;

6) rationale for the type of educational placement, keeping line with the least restrictive educational environment concept;

7) a list of these responsible for program implementation;

8) "the objective criteria, evaluation procedures, and schedules to determine instructional achievement"; and

9) "the individualized education program is a statement of the services to be delivered and of the anticipated

goals and objectives for the pupil; but is not a contract which guarantees the accomplishment of the anticipated goals and objectives."

§3155

"Least restrictive Educational environmental means that to the maximum extent appropriate, each individual with exceptional needs . . . shall be educated with pupils who are not handicapped; that assignment to special classes, separate schooling or other removal of such pupil from the regular education environment shall occur only when the nature and severity of the handicap is such that education in regular classes with the use of supplementary bids and services cannot be achieved satisfactorily. Public education must offer special assistance to exceptional individuals in a setting which promotes a maximum interaction with the general school population and which is appropriate to the needs of both."

The unique needs of the pupil, any potentially detrimental effect on the pupil with exceptional needs and the quality of services provided for such a pupil or other pupils in the regular classroom shall be considered in selecting the least restrictive environment.

Alternative educational assignments shall be determined by the individual pupil needs as noted in his/her individualized learning program. The range of such alternatives shall include, though not be limited to: individual instruction in home or hospital instruction in residential institutions operated by public and state agencies other than the State Education Department, private, nonsectarian school programs, regular program with appropriate special education related services, special class or center, special class with appropriate integration into the regular program, and state run special schools.

Each school district shall develop policies and procedures for implementing individualized education programs including the least restrictive environment and describing the allocation of resources and support necessary; imple-

menting a school site process for considering such allocation and developing methods of making the school climate receptive to pupils with exceptional needs.

§3156

HEARING

Parents and pupils are guaranteed procedural due process by a fair and impartial administrative hearing before a panel concerning any decision on the pupil's identification as an individual with exceptional needs; assessment and implementation of individualized programs and the denial, placement, transfer, or termination of the pupil in a special education or related services program."

§3157

NOTICE

Parents of an individual with exceptional needs are entitled to written notice of his/her rights.

§3158-3159

The school district shall give written notice to parents of individuals with exceptional needs prior to:

1) proposing to initiate or change the identification, assessment or educational placement of a pupil, or the appropriate public education provided to the pupil; or

2) refusing to initiate the above.

Written consent by the parent must be obtained prior to conducting any assessment.

The written notice shall include:

1) a statement that individuals with exceptional needs shall be educated with non-handicapped pupils, to the maximum extent possible;

2) "A statement that special classes, separate schooling, or other removal of individuals with exceptional needs from the regular education environment shall occur only when the nature or severity of the handicap is such that education in regular classes, with the use of supplementary aids and services, can not be achieved satisfactorily.

3) a full explanation of all procedural safeguards available to the parent and pupil;"

4) a description of proposed or denied action, why such action was taken, and options considered;

5) a description of the assessment procedure, test, record, or report used as the basis for the proposed or denied service;

6) a description of any other factors relevant to the proposed or denied action.

The notice must be in language understandable to the general public and in the native language or other mode of communication, such as those used by the blind or deaf, used by the parent.

If the mode of communication is not in written language, the school district shall insure that the notice is translated orally to the parent and the parent understands the content of the notice. Written evidence of such understanding is required.

§3160-3161

HEARING

A parent or school district may request a hearing on any matter described in this article.

Such hearings and reviews shall be conducted at a time and place reasonably convenient to the parties involved and shall be commenced and completed as quickly as possible, but not later than 45 days after the initial complaint, unless there is a mutually agreeable extension.

§3162

APPEAL

A pupil shall remain in his/her current program while his/her appeal is pending, unless the school district and parent agree otherwise.

Upon written voluntary consent of the parent, the school district may exclude from attendance any pupil:

1) whose physical or mental disability may cause the pupil's attendance to be inimical to the welfare of other pupils or which presents imminent physical danger to such pupil; or

2) whose physical or mental condition may prevent or render inadvisable, attendance at school in special education or related services.

If the parent objects to such exclusion a hearing shall be held to make a determination.

Pending such a hearing, the pupil shall remain in his/her current program unless documentation is presented that actual physical bodily harm has occurred to such pupil or others as a result of such physical or mental disability.

§3163

HEARING

When a school district becomes party to a fair hearing, the district superintendent or his/her designee shall, within ten days:

1) Meet with the parents informally to discuss the parent's concern. The parent has the right to see any documents in the student's file and the right to a representative.

2) After the above review, the superintendent may authorize modifications of the individualized education program to the parent's satisfaction.

3) If the above meeting does not resolve the issue, the superintendent shall immediately refer the problem to the Fair Hearing Panel.

§3164

RECORDS ACCESS

"The parents shall have the right and opportunity to examine all relevant school records of the handicapped pupil . . ." within five days after such a request is made.

The district may charge only the cost of reproducing such records, provided the cost involved does not prevent the parent from access to the records. In such case, no charge shall be made.

§3165

ASSESSMENT

The parent of a handicapped pupil has the right to an independent educational assessment of the pupil by a fully licensed examiner who is not employed by the State Department of Education or the district responsible for the pupil:

If the parent disagrees with the district's assessment, he/she may have an independent assessment made at public expense, if such an assessment is appropriate. If the hearing decides that the assessment is not appropriate, the parent still has the right to a hearing, but not at public expense. Such a parent initiated

assessment shall be considered in any decisions regarding the provision of a free appropriate public education to the pupil, and may be presented as evidence at a hearing before the Fair Hearing Panel. If a Fair Hearing Panel requests an independent assessment, it shall be at the public expense.

Whenever the school district pays for an independent assessment, the criteria for such an assessment shall be the same as when the school district initiates the assessment.

§3166

HEARING PANEL

"The Fair Hearing Panel shall be composed of three persons knowledgeable with the needs of the individual with exceptional needs to serve as an impartial body in its deliberations so as to protect the rights of the parties involved." The Panel shall be formed within five days after the review by the district superintendent, and if there is no agreement as to the concern(s) at issue; or by request of the parent or school district.

"Each member shall be impartial, unbiased and not an employee or agent of the school district or the county superintendent of schools responsible for the hearing and shall not be an employee or agent of a private nonsectarian school being considered for the pupil's placement." The members shall be selected as follows: one by the parent, one by the school district, and one by mutual agreement. Each member shall have expertise relating to the handicap of the eligible pupil. The Chairman shall be selected by the members of the Panel.

Members shall be reimbursed a reasonable per diem rate and transportation costs, as well as other incidental costs.

§3167-3168

HEARING

RIGHT TO COUNSEL

Hearings shall be conducted in an informal manner. All parties to the hearing have the right to counsel and to be advised by individuals with special knowledge and training with respect to the problems of handicapped children, and the right to a verbatim record of the hearing.

All parties shall have the right to names and addresses of witnesses of the other parties, to compel the attendance of any witness who is employed by, or an officer of the school district, to examine and cross examine witnesses, to inspect all statements and other evidence and to present oral summation and argument at the end of the hearing. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any evidence may be admitted if it is reasonable to the conduct of serious affairs. Hearsay evidence may be used for supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible in a civil action. The Chairman may exclude irelevant or repetitious evidence.

The hearing shall be conducted in English, and an approved translator may be provided if English is not the primary home language of the parent.

The hearing shall be held within thirty-five days after the request for an appeal before the Panel at a reasonable time and place. At least ten days notice shall be given to the parents as to time, place and date.

§3169

Wtihin ten days of the hearing, the Panel shall, by majority decision, render a written decision based on evidence and testimony and shall submit the decision to the involved parties. The decision shall contain the findings of fact, a determination of the issues presented, and the reasoning and basis of the decision. The Panel may grant or deny, in whole or in part, the request which caused the hearing. The decision shall be binding unless appeals are made to the Superintendent of Public Instruction.

The school district shall implement the Panel's decision and shall submit the decision to the State commission on Special Education as an informational item, deleting any identifiable information relating to the pupils.

§3170

Written petition for appeal to the State Superintendent of Public Instruction may be filed within twenty days of the decision of the Fair Hearing Panel.

The parties shall be notified within ten days of the time and location of the hearing before the superintendent or his/her designee, and they shall be given an opportunity, within thirty days, to present oral or written arguments. The superintendent's designee shall be known as the Appeal Review Officer.

Within fifteen days after the appeal, the Superintendent shall render a written decision which shall be the final administrative determination. Such determination shall be binding. Notification shall be sent to all parties along with the effective date of the determination and notice of the right to appeal to a court of competent jurisdiction.

§3220

Every educationally handicapped pupils program shall meet the following standards:

a) Be the most appropriate program in the Education Code to meet the specific needs of the pupil and provide for differential grouping of pupils according to specific instructional and management needs of the pupils;

b) provides systematic procedures to assure equal opportunity for referral and assessment for possible participation in educationally handicapped pupils programs;

c) provides a priority system of enrollment based on severity of handicap. First priority shall be given to pupils eligible for the home and hospital program, second priority to those eligible for special day classes, and third to those eligible for learning disability groups.

d) "emphasizes the amelioration of handicapping conditions to the greatest extent possible and in the shortest period of time;"

e) makes adjustments in curriculum and learning areas for the pupil's achievement of his/her fullest potential and continued development in areas of pupil strength;

f) provides career education, vocational education, work experience, and work study programs for pupils who could benefit from such programs;

g) "provides the educational, psychological, pupil personnel and health services necessary for pupil assessment, program planning evaluation and consultation;

h) provides for curriculum development, inservice education, consultation and supervision for the staff;"

i) provides coordination of services;

j) provides an individual educational program for each pupil based on identified disability;

k) provides for monitoring and evaluation of programs and results; and

l) provides for notification, consultation and consent of parents concerning eligibility, program objective, and enrollment of the pupil in the educationally handicapped program.

§3221

Special Day Classes shall meet the following standards:

a) be composed of pupils whose range of handicaps can be managed within their class, and provide for differential groupings of pupils according to specific educational objectives;

b) be maintained for the same time as regular school except:

1) when the governing board or county superintendent of schools "cannot provide more than one program option for educationally handicapped pupils, parttime assignment between special day class and regular school program for those pupils whose prognosis indicates full return for the regular program may be made by admission committee action." Such combined attendance shall equal the regular length of the school day.

2) When pupils can benefit from attending a special class less than a minimum school day.

c) if taught by a full-time teacher whose sole responsibility is the instruction, supervision and coordination of all educational activities of the pupils enrolled in the special day class;

d) is taught by a teacher who holds credentials in special education for learning handicapped or severely handicapped after August 1, 1976.

§3222

A learning disability group shall meet the following standards:

a)"provides special education that, in conjunction with the pupil's regular program of instruction, enables the pupil to effectively participate in the total school program";

b) provides coordination of instruction with the pupil's regular program of instruction;

c) provides specialized learning on a daily or less than daily basis to ameliorate the handicap identified in psycho-educational and health studies in the shortest period of time;

d) is composed of pupils whose range of handicaps can be managed within the group;

e) is limited to pupils enrolled in the educationally handicapped pupils program by recommendation of the admissions committee;

f) shall not enroll a pupil for more than one-half of the regular school day, except where the pupil would otherwise be denied services or a program;

g) "limits a part-time teacher of learning disability groups to a total enrollment that is the same proportion of 32 as the number of minutes taught in learning disability groups is to the length of the regular school day,"

h) only direct instruction time in a learning disability group can be credited for attendance accounting purposes;

i) only time related to instruction, coordination, and preparation for instruction relating to learning

disability groups shall be including in computing full teacher equivalents;

j) is taught by a teacher holding specialist credentials in special education for learning handicapped or severely handicapped, after August 21, 1976

§3223

HOME INSTRUCTION

Pupils enrolled in home and hospital instruction shall receive at least 300 minutes of individual instruction per week, or between 150 and 300 minutes per week as dictated by reasons of health.

Such pupils shall be taught by teachers with special education credentials for learning handicapped or severely handicapped pupils.

§ 18100

DEVELOPMENT CENTER

Development Center for Handicapped Minors as specified in this chapter, means a development center for the supervision and instruction of handicapped minors as authorized by Article 2 of Chapter 5 of Division 12 of the Education Code.

Each center is separate and distinct and shall be approved by the Superintendent of Public Instruction.

POLICY GUIDES

CALIFORNIA MASTER PLAN FOR SPECIAL EDUCATION.
California Department of Education, 44 pages.

The plan includes the goals of the program; the responsibilities of various state agencies and the school districts; the components of a special education program; the evaluation and information systems; and personnel training and development. Specific guidelines and objectives for achieving each of these provisions are also described.

CROSS REFERENCES

II.A.3; Statute §51765

II.A.3; Statute §52300--52332

II.A.8; Statute §52570--52572

II.B.1.a; Statute §60280--60284

II.B.1.c.; Regulation §9581--4

III.B.Teachers; Statute §56531--56532

III.B.Teachers; Regulation §5920.7

III.B.Teachers; Regulation §12026--12032

IV.H; Statute §48220-48224; 48226; 48230

2. Programs for Exceptional Children

Statutes

§22-20-10

The department of education shall pay the costs of maintenance, in a family care home, for those children enrolled in special education programs, for the handicapped.

§22-20-102 -- 22-20-105

It is the intent of the general assembly to provide "educational opportunities for handicapped children." These children shall be instructed in regular classrooms however, regular classroom instruction shall be replaced by special education classrooms if the child's handicap warrants it. The department of education shall assemble and maintain a system of textbooks and equipment for the education of visually and hearing handicapped children.

§22-20-106 -- 22-20-107

Administrative units [school districts] shall submit plans to the department of education for approval of their special education programs. Each plan must include the type and number of children, services to be provided, and the resources necessary. Administrative units may contract with each other, institutions of higher learning or community center boards to provide education programs for handicapped children.

EDUCATION PLAN

§22-20-108--22-20-109

"The determination that a child is handicapped . . . shall be made by a [designated] committee of profesionally qualified personnel," the composition of which shall be prescribed by the state board in accordance with the mandates of this statute. Parents of a handicapped child will be given an opportunity to consult with the committee. The local board of education in the child's school district shall give "final approval" to the enrollment of the child in a special education program.

IDENTIFICATION

If an administrative unit cannot provide the services needed, it may contract with another unit for the needed program, and the child's residence unit shall reimburse the unit providing such services.

§22-20-111

Administrative units that maintain special education instructional materials and a specialist instructor shall be eligible for reimbursement of cost incurred in providing these services.

§27-35-101; 109

SCHOOL FOR THE DEAF AND BLIND

"There shall be permanently maintained an institution for the support and education of the deaf and blind residing within the State of Colorado."

"Every blind, deaf, or mute citizen of the state of Colorado under twenty-one years of age is entitled to receive an education in said school at the expense of the state unless such person has a physical or mental condition which would render his[her] instruction impractical. All applicants above the age of twenty-one years may be admitted at the option of the executive director of the department of institutions."

The governance and operations of the school are set forth in the statute.

REGULATIONS

2220-R-2.0

PROGRAM APPROVAL

An applicant seeking to qualify as a special education unit must satisfy the following standards:

Have an average pupil enrollment of 4,000 or 400 handicapped children in special education programs;

Have boundaries encompassing a geographic area of manageable size;

Employ a qualified special education director, who shall be responsible for development and delivery of the programs permitted by the Handicapped Children's Educational Act;

Provide administrative support for special education programs which will allow compliance with these Rules.

A comprehensive plan shall be developed and administrative units are to update these plans and make new submissions, for Departmental review every three years. A copy of any major change shall be filed with the Department.

An advisory committee shall be formed, one fourth of which shall be parents of handicapped children, and shall aid the administrative unit on all aspects of the program, but shall have no administrative or decision-making authority.

Those districts or boards who desire to form new administrative units are to submit, to the Department, a letter of intent by November 1 of each year preceding the operation of the unit. The letter shall specify objectives that the change shall influence and propose how the unit will comply with these rules.

The Department has thirty days to review letters of intent and calendar it for a decision.

The decision-making process shall not exceed thirty days without the consent of the affected applicant, however if an impasse occurs the State Board of Education shall resolve the issue.

A determination denying an administrative unit shall be followed by written reasons for denial and specific steps for satisfying the objectives of reorganization. The affected applicants must then negotiate with the Department. However, if within thirty days a satisfactory resolution is not reached, an appeal to the State Board may be taken.

An approved, new administrative unit has six months to develop a comprehensive plan.

ADMINISTRATIVE PLAN

An approved administrative plan shall:

Contain a description of the characteristics of special education administrative unit as distinguished by demographic, geographic, sociological and economic factors.

Describe programs and services to be provided for each handicapping condition defined in this section.

Describe the administrative structure of the unit specifying proper procedures to meet or exceed minimum standards in these Rules.

Detail the financial commitments and agreements of

participating districts for special education programs and services.

Provide for a system which maintains the quality of special education programs which also calls for regular evaluation of programs and student progress.

Provide a special education advisory committee, including parents of handicapped children.

Describe procedures to be utilized in satisfying record keeping and reporting requirements as stipulated in these Rules. Add procedures providing instructional materials.

2220-R-3.0

IDENTIFICATION

Local administrative units shall make all efforts to seek out and identify those children, from five to twenty-one years, who may be in need of special education and to refer these handicapped children to available special education programs.

REFERRAL

Children referred for special education programs shall have their records reviewed in a search for information that would be helpful in properly placing or determining, if there is a need, for further assessment. Parents of children referred shall be informed of any referrals and conclusions thereof and of procedures followed to resolve any differences.

Prior to assessments being undertaken, school authorities shall:

Notify parents of reasons for the assessment, offering them opportunity for a conference in which the language of the parent shall be used.

Obtain written permission for the assessment and if the parent refuses, and there exists a danger of harm to the child if services are not given, the local board may institute court dependency proceedings to obtain authorization for assessment. Parents may use the appeal process required by these Rules.

In a situation where the child's parents are unknown the school may seek a judicial declaration as guardian ad litem for the child to enable rendering of the services

needed in the child's best interest.

To properly protect the child being assessed, personnel conducting evaluations must be certified, or otherwise approved and instruments used must control for cultural or ethnic bias.

Assessment shall be conducted in the safest most accurate manner possible; therefore children shall not be placed in special education programs because of an inability to read or write English.

ASSESSMENT

Each administrative unit is responsible for the conduct of its staff and assessment procedures used.

Qualified professionals shall select appropriate assessment procedures for detecting a handicapping condition, to determine its level and intensity and identify the child's education needs.

Educational assessment includes the following: academic history, evaluation of educational environment, consideration of vocational and avocational needs, and evaluation of current academic status.

Health history shall relate information relating the child's birth history, health habits, family health, significant illnesses, accidents, injuries or operations, medications used, screening results, height, weight, body build, medical observations . . . .

A child may be placed, with parental permission, by the director of special education or designate, in a special education environment for a twenty day diagnosis. A child so placed must be staffed before being admitted to a special education program.

If an assessment has been completed parents may submit to the director copies of those records, to be reviewed by the staffing committee in evaluating the child for special education. Use of records of independent assessment call for written parental consent.

PLACEMENT

A committee of professional personnel shall make all determinations as to placement within special education programs. A consensus among committee members is required.

The committee shall have: a special director, school

building administrator, teacher or counselor and a special educator;

Problems of reduced hearing or visual acuity shall require specialist in those areas;

A school psychologist or social worker, nurse, audiologist, physical therapist, speech correctionist, blind mobility specialist and others who have contributed to the child's assessment.

If assessment indicates that a child's condition might be better served by a community center program, he/she shall be so placed, pending parental approval of the staffing committee recommendation.

Members of staffing committees shall not simultaneously serve as designee of more than one other member of the committee.

The staffing committee shall: certify that sufficient assessments have been completed, provide professional interpretation of formal and informal assessment results, identify special education needs of a child, determine a child's need for special education placement as described in these rules, properly place the child in a special education program and place the child in the least restrictive program alternative, and minutes of meetings.

Parents shall receive, timely, written notification of staff so that they may participate in the staffing. Parents shall also have the right to be represented by counsel at staffing or conferences.

2220-R-4.0

A child shall be placed in a special education program that is the least restrictive alternative to meeting his/her needs.

Prior to being placed a staffing committee representative shall meet with the child's parents and present, in writing, a determination of special education need with recommended placement; available alternatives; access to school records pertaining to their child; procedures for review; and appeal procedures.

PLACEMENT

Written parental permission for special education

placement must be obtained, however. If such is refused, the local board may take appropriate action.

If a child, in a special education program, changes districts he/she is to be placed in a comparable program in the new district provided that: written parental permission for the placement is obtained; thirty school days after the child's records are received he/she shall have been staffed; and transfer students shall not be favorably treated over those already waiting placement.

A handicapped child who cannot be accommodated in his/her residentiary administrative unit, due to justifiable cause, shall be served in another unit.

When the assessment and staffing process result in a recommendation or referral for placement in a community center, the state School for the Deaf and Blind, state home and training school, or other state institution, program or service, administrative units and the Department shall cooperate with such agency to secure services for the child.

An administrative unit may contract with a community center to provide services for seriously handicapped or retarded children by a written, executed contract expressing mutual obligations and expectations.

Annual reports on the services rendered and individual progress of each child shall be placed with the administrative unit.

For those special cases a referral may be made for placement in the Colorado School for the Deaf and Blind, state institutions for the mentally handicapped and emotionally disturbed and other state or county agencies. When a child is not accepted into an appropriate institutional program the case shall be referred to the Commissioner of Education for disposition. Expenditure of Handicapped Children's Funds shall not be used for the placement of pupils in private institutions.

2220-R-5.0

Those children who have been placed in special education programs for the handicapped shall participate in these programs as long as there is a need for such a restrictive environment. The cases of such student shall be reviewed, for less restrictive programs annually or more frequently as circumstances dictate.

REVIEW

Program adequacy and the need for other placement shall be made by the reviewing staff committee, if the placement is in a community center and by institutional administrative staff, if the placement is in an institutional program.

The annual review shall be conducted by committee consisting of: director of special education, school administrator or designate, regular and special educators and or support staff assigned specific responsibilities for the child's special education program and those having additional knowledge about the child.

Those making decisions as to change of handicapped program shall be of the same discipline composition as the original staffing committee specified in these Rules.

The review staffing committee may recommend: a continuation placement indicating that the child does not need a program change, alternative placement which allows a change in the program so that the child can be better served, or termination which signals an end to special education.

Procedures for conducting special, annual and termination staffing shall be the duty of administrative units, such procedures providing that: parents be notified of such meeting in time to attend; parents may disagree with the annual review by filing an appeal. Reports of the review shall be placed in a pupil's records or personally delivered to parents.

2220-R-6.0

Appeals procedure, of staff committee findings and recommendations, shall be developed by administrative units.

APPEALS

These procedures shall be part of the administrative

units comprehensive plan submitted to the Department.

The Department shall approve procedures meeting the standards in this section and establish a rule compliance calendar.

Parents have a right to appeal policies and procedures of: classification of children in categories of handicapped condition; determination of child's eligibility for special education; and the recommended program placement.

Appeal time limits are to be set for their completion which are not to exceed eighty days from the date of the staffing committee meeting. Policies and procedures must provide for: timely notification of parties; representation by counsel; cross examination of witnesses; presentation of evidence; and an impartial hearing.

The policies and procedures must detail the steps to be followed by the local board in making its final decision on appeal.

Such policies and procedures must specify how the administrative unit will provide for the education of the child during the period in which the finding and recommendations of the staffing committee are being considered.

2220-R-7.0

The following are approved methods of delivering services to handicapped children:

Consultive assistance to the regular classroom teacher wherein the child continues full-time under the responsibility of the regular classroom teacher who receives help from a special education consultant to develop means to meet the child's needs. The consultant shall work with the child and modify the program as needed.

Itinerant services, where the child receives full time instruction from a regular classroom teacher and special assistance in certain areas, as a supplement to regular classroom instruction.

Resources classrooms which expose the child to instruction from regular classroom teachers and part-time special education teachers.

A self-contained classroom which places the child under the full-time direction, of a special education teacher who has direct responsibility for the child's education. Regular art, music and physical education programs may be used to supplement the special education program.

A work-experience-study program shall expose the handicapped child to a work program; this program is to be maintained by a consultant or coordinator. This program may be part of, or apart from, other types of service alternatives.

HOME-HOSPITAL PROGRAM

A home-hospital program which provides educational instruction to a child not attending private school or participating in an institutional program by assigning him/her an itinerant teacher.

The following variations from these standards are approved without special application for variance and prior departmental approval, subject to the conditions and restrictions specified:

Self-contained and resource classroom maximums may be exceeded by no more than two students or by four, when a full-time classroom aide is available.

Handicapped children with different impediments but similar educational needs in the same educational program, when justified.

Maximum teacher caseloads shall be a compromise between those specified for the different handicapping categories. The interest of the child shall rule such compromises.

Teachers of such programs shall be endorsed in the handicapping category of the majority of their case load.

Properly assigned home/hospital and specialty teachers shall be provided as needed to satisfy student needs, but do not require special education endorsement.

Support staff services shall be controlled by individual educational objectives; such services may be supportive of regular or special education programs and when physical and/or occupational therapy is provided, it shall be considered with the recommendation of a licensed physician.

The Department of Education shall be the qualifying body for any person receiving reimbursements under the Handicapped Children's Act.

All professional personnel shall have been approved, in some manner, by the State in their area of assigned professional service.

Each administrative unit will determine the qualifications and competencies required of instructional aides, secretaries, and other non-certified personnel claimed for reimbursement.

Administrative units, unable to employ properly endorsed teachers must have the local special education director apply for temporary, non-endorsed, teacher eligibility. Any approval shall run for five years from date issued, renewable subject to the following conditions:

STAFF

The individual has a valid Colorado teacher's certificate or letter of authorization.

The employing administrative unit certifies that it has made reasonable efforts to hire an endorsed special education teacher but none could be found.

When the administrative unit, annually, show evidence of reasonable progress toward the endorsement program within the five year period.

Application for another term for the same temporary teacher shall not be approved unless the first temporary teacher's eligibility has been completed or the second endorsement program could be completed within the same five-year period specified in the first request.

Administrative units shall make those needed instructional materials available for the handicapped children program.

Special education instructional centers may be operated as part of the general instructional materials center.

The resources of the Colorado Instructional Materials Center for the Visually and Hearing Handicapped may be utilized by administrative units in their instructional programs. Procedures for use of these resources may be established and recommended to the units by the Department.

Administrative units shall provide approved special equipment for use in educating handicapped children. All facilities that accommodate the instruction of handicapped children shall be free of architectural barriers, and otherwise adequate.

School related transportation of handicapped children shall be provided, when necessary, to assure access to appropriate educational services.

Those administrative units who provide services to handicapped children under five should utilize appropriate child find, family consultation, referral services and direct services.

2220-R-9.0

Administrative units shall maintain adequate records.

The record shall include for each child assessed: signed permission forms; written assessment records; written records of staffing; review, termination or appeal conferences, handicapped child progress reports; and an individual education program.

RECORDS

A record shall be maintained indicating endorsement or approval and assignment of special education personnel. The record shall contain evidence denoting progress toward completion of the endorsement within the stipulated time, for those with temporary teacher eligibility.

A record shall be maintained for each school year showing:

Number of children assessed; number determined to be handicapped by condition; number of students awaiting and placed by handicapped condition.

"Administrative units shall have on file information documenting the operation of a special education advisory board."

Individually identifiable records of students placed in special education program are confidential and shall not be disclosed. Such records shall be maintained for three years.

Administrative units shall submit annual status reports summarizing information required by this section.

2220-R-10.0

Administrative units shall provide programs and services which reasonably comply with the criteria, regulations and standards set forth in these rules or establish a claim for variance based upon conditions indigenous to the administrative unit.

The Department of Education shall monitor special program operation in the following ways:

Analysis and evaluation of all reports applications or other data submitted by the administrative units to the Department.

EVALUATION

An on-site review of programs and services provided which is to be followed, within sixty days, by a written evaluation of the program's accomplishment of Handicapped Children Education Act goals.

Administrative units shall have an opportunity to respond to any written evaluation.

Action shall be taken to implement any changes that have been identified by the on-site visits.

Determination of administrative unit compliance with these rules shall be based on Departmental monitoring of activities allowed in this section.

An administrative unit found conducting a program that does not satisfy these Rules shall be provided the discrepancies with recommendations for their correction and shall have one year to make corrections or file a claim for variance. The administrative unit also may be subject to termination of state funding if the discrepancies are not corrected.

CROSS REFERENCE

III.B.Teachers; Regulation 2260-R-7.0

2. Programs for Exceptional Children

Statutes

§10-76b

The state board of education shall supervise the educational programs and services for children requiring special education and "may regulate curriculum, conditions of instruction, physical facilities and equipment, class composition and size, admission of students, and the requirements respecting necessary special services and instruction to be provided by town and regional boards of education. The educational aspects of all programs and instructional facilities . . . shall be subject to the approval and supervision of the state board."

The secretary shall, by regulation, designate the procedures which shall be used to identify exceptional children. RULEMAKING

The state board shall be the agency for consultation with federal agencies, other state agencies and private bodies on matters of public school education of children requiring special education.

The state board of education shall periodically evaluate the progress and accomplishments of special education programs. They shall also review, with "the joint standing committee on education of the general assembly," the types of projects funded and the evaluation of programs dealing with special education.

§10-76d

Each town or regional board of education shall provide professional services to identify school age children requiring special education; determine the eligibility of such children for special education; prescribe programs for eligible children; and maintain records and reports. EVALUATION The parent or guardian of a child for whom an evaluation is conducted shall be given at least three school days notice prior to the meeting and shall have the right to be present at and participate in the meeting at which an educational program for the child is discussed or developed. NOTICE

The responsible town or regional board shall inform the parent or guardian immediately upon the formal identification of any child as a child requiring special education. "No school-age child requiring special education shall be excluded or exempted from school privileges except with the express approval of the secretary."

Each town and regional school district shall provide special education for school-age children who require special education programs, and for pre-school children whose educational abilities would be greatly impaired without special education provided at an early age. This obligation will terminate when the child graduates from high school or reaches age twenty-one.

The state board of education shall define criteria for determining whether a child is eligible for special education.

The board of education may, with the approval of the state board, make agreements with any private school, agency or institution to provide the necessary pre-school special education program, provided such private facility has a program which meets the special education needs of the pre-school children.

Each town or regional board of education may provide special education for children who have "extraordinary learning ability" which requires programs beyond the level of the regular school program.

With the consent of the parent, any town or regional board may make agreements with any private school, public agency or institution to provide special education programs. Expenditures for contracts made with private schools will be reimbursable by state only if the contract describes the education program and its goals and objectives, and if the public school system cannot provide the special education. The secretary of the board of education shall make this determination based on such factors as the child's needs and the suitability of the program.

Any school district which provides special education shall also provide transportation, tuition, room, and board for children who are placed in a residential facility because of the need for services other than educational services . . . .

No additional children, who have been identified as requiring special education services, shall be placed in a private school, agency or institution outside of the state, except when no public or approved private facility is available in the state; it would be less expensive than an existing special education program in the state. No placement in an out-of-state private special education school, agency or facility shall be approved unless such school, agency or facility first agrees in writing to submit to the state department of education any financial program and student progress reports as the secretary may require.

Each board shall review annually and make a report as to the progress of each child and shall submit the reports to the state board.

Whenever a board determines that a child who has received special education services in private facilities for three years must receive such services for an additional period of time, the board shall annually review the progress of the child prior to approving or disapproving for purposes of reimbursement . . .
§10-76h

A parent or guardian of a child requiring special education may request a hearing on and a review of: diagnosis, evaluation of the program, or exclusion from school privileges.

HEARING

The hearing shall be granted within ten days after receipt of request. A written copy of the decision shall be sent to the parent or guardian within ten days of the hearing, together with a statement of the parent's right of appeal to the state board of education.

APPEAL

The appeal may be taken within thirty days and

at the expense of the board of the school district; the board shall supply a copy of the transcript to the parent or guardian and to the state board.

The appeal may request the state board of education to review the diagnosis, program evaluation, or the exclusion from school privileges by the district board of education.

A parent of a child requiring special education may . . . agree in writing to submit such matters to be reviewed to the secretary for mediation. Within fifteen days of receipt of a request for mediation, . . . the secretary shall appoint a mediator who shall attempt to work out a solution which is acceptable to both the local board and the parent of the child. The state board shall establish a hearing board of not less than three persons knowledgeable in the fields and areas significant to the educational review of such child. Members may be either employees of the state department or qualified persons from outside the department."

Within thirty days after receipt of the request, the hearing board shall review previous records. The hearing board may hear any additional testimony that it shall deem relevant. It may require a complete and independent diagnosis by qualified persons, the cost of which shall be paid by the board of education of the school district. All formal sessions of the hearing and review shall be transcribed by the hearing board.

The hearing board shall have authority to confirm, or reject any diagnosis, evaluation, educationl program prescribed, or exclusion or exemption from school privileges and prescribe alternate special educational programs for the child. "If the board of education of the school district responsible for providing special education . . . does not take action on the findings or prescriptions of the hearing board within fifteen days after it receives

same, the state board of education shall take appropriate action to enforce the findings or prescriptions of the hearing board." Appeal from the hearing board's decision may be made to the court of common pleas within 30 days of the board's decision.

§10-76i

An advisory council for special education, composed of fifteen members, shall advise the state board of education. The secretary of the state board shall appoint the members for three-year terms and vacancies shall be filled in the same manner as original appointments. No member shall serve more than two consecutive three-year terms.

APPOINTMENT

The advisory council shall elect its own chairperson and officers. The members shall serve without compensation but shall be reimbursed for reasonable expenses.

COUNCIL OFFICERS

The advisory council shall review the regulations, standards and guidelines on special education and recommend any necessary changes; make comment on proposed or revised regulations and participate in the development of a plan for providing special education.

The advisory council shall review, with the joint standing committee on education, the progress made by the state and make recommendations for improvement of special education services.

§10-76j

"The state board . . . shall make and keep current a five-year plan for the implementation of special education policy" set forth by law. The plan shall include: A census of children requiring special education . . .; an inventory of personnel and facilities available to provide instruction . . . .; an analysis of the present distribution of responsibility for special education . . .; a formulation of goals, objectives and strategies necessary to achieve compliance with . . . law; a program for recruitment . . . and inservice training . . . in special

education . . .; procedures for identification, screening and diagnosis of children requiring special education . . .; standards for the education . . . to be received by children requiring special education; a program for the acquisition . . . and maintenance of . . . facilities needed to implement the provisions of special education law; a policy . . . for private schools . . . and services for those requiring special education; a delineation of the roles of program personnel; and an analysis of the present formula . . . of financial support . . . and recommendations to insure maximum use of funds . . . ."

Professional organizations, parent groups, local school boards and state agencies may participate in the development of the state plan.

§10-76K

Any school board, public or private nonprofit organization or agency may develop experimental education plans and submit them to the state board, provided all such plans are first approved by the local district school board. Each plan shall specify. . .: "time objectives . . .; methods of evaluation . . .; the area to be served . . .; the policies . . . to be employed in the selection of pupils; the policies . . . with respect to the operation of the project . . .; the size, site, and . . . estimated cost and method of financing . . .; the expected sources of financial support . . .; the policies and standards with respect to professional staff . . .; provision for direct participation" by community members in the project. Acceptance by the state board of an experimental educational project shall constitute compliance of the plan with law.

"The state board shall furnish assistance to all applicants in the planning and developing of projects."

All experimental educational projects shall be evaluated at least annually.

§10-76l

Town and regional boards shall evaluate the progress and accomplishments of special education programs and shall submit annual evaluation reports to the secretary of the state board.

§10-76n

The state board shall continue to maintain the "special education resource center." The secretary of the state board of education is authorized to accept and allocate federal funds for this purpose.

§10-94a

The state board of education may spend up to $3600 per year per child to send children with "perceptual learning disabilities" to institutions outside the state for special education services.

§10-190

LEAVING CERTIFICATE

The secretary of the state board of education may issue a "leaving certificate" to an educationally retarded child without the child having completed eight grades of school.

§10-94g

When the secretary of the state board . . . determines that a child may require special education and the child's parent is unknown or unavailable or the child is a ward of the state, the secretary . . . may petition . . . for the appointment of a surrogate parent who shall represent the child . . . . The petition shall be verified . . . and shall explain why the child meets the criteria . . . and the name of a proposed surrogate parent . . . .

Upon the filing of a verified petition . . . the juvenile court shall issue a summons requiring the parents . . . to appear in court . . . and the cost of the service of any such summons . . . shall be paid by the state board of education.

§10-94h

When the juvenile court determines that the child on whose behalf a petition was filed . . . meets the criteria . . ., the court shall appoint a surrogate parent who shall be the proposed surrogate parent named in petition, or if not that person, another person recommended by the secretary . . . upon request of the court . . . . The appointment shall be effective until the child reaches eighteen years old provided the secretary . . . may petition the court for an extension of the original order . . . and further provided the secretary may petition . . . for replacement of the surrogate parent. Upon the filing of such petition, the court shall issue a summons requiring the child and surrogate parent to appear . . . . If the surrogate parent is for any reason unable to continue . . . the secretary of the state board shall . . . petition the court in the same manner as for the first appointment.

REGULATIONS

§ 10-75b-1 ; 10-75b-2; 10-75c-1

All local and regional boards of education must provide approved special classes or programs for all children "identified by procedures approved by the state board of educaton as being mentally retarded." The board should make the superintendent of schools or another staff member responsible for programs for the mentally retarded. If a town has 10 or more special classes for mentally retarded it should employ a supervisor who holds an appropriate certificate issued by the state board.

There must be "a complete appraisal by appropriate professional personnel...before a determination of mencal retardation is made." This should include comprehensive psychological and medical evaluations and a "report of the child's developmental, social, educational and medical history," any additional necessary reports and professional conferences.

"For initial placement," reports may be no more than 2 years old. A conference with the parents must be held before a child is placed in a special program for the mentally retarded. "Evaluation of children appraised as mentally retarded shall be continuous."

The local board of education should provide transportation for mentally retarded children as necessary. § 10-75b-1; 10-75b-2; 10-75c-1

The board must obtain prior approval, for special education programs from the state board on an annual basis.

The curriculum for educable mentally retarded children aged 16 and over "shall include an educational work experience program..."

"The types, maximum class enrollment and age ranges of special classes for mentally retarded" should conform to the tables included in the regulation.

"Special classes for educable mentally retarded children" should be held in schools which conduct regular classes for children who are their age peers. Trainable and educable children should not be in the same class. Schools that have special classes shall provide for "participation of mentally retarded children in appropriate aspects of the total school program." The school day for educable children shall be the same as for children in regular classes. Trainable children between ages 6-13 should attend school at least 4 hours a day, and those between 13-21 shall attend the same hours as children who attend regular classes. § 10-76b-5

"Special classes and resource rooms in which public school special education programs for exceptional children are constructed shall be part of the public schools housing children in the regular school program." The ratio of special to regular classes shall not exceed 1 to 3. The local board must provide necessary special education equipment and materials.

"The number and age range of exceptional children assigned to a special class..." must be approved by the secretary of the state board.

The local board should establish a plan for the identification of children who require special education and submit the plan to the secretary for approval. The plan should include (1) "professional personnel to be included in the planning and placement terms," (2) guidelines for "preliminary identification; (3) the procedures by which staff members...shall refer children to the planning and placement team for future study...; (4) the procedures...by which the...team shall determine whether future diagnostic study is necessary....

PLACEMENT

"The planning and placement team shall make an evaluative study of any child who may require special education...to determine whether special education is required and to establish the scope of the program." Each child's progress in the program shall be reviewed by the team at least annually. If a child needs special education, his or her parents must "be advised of the nature of his [her] exceptionality and the purposes... of the proposed special education program."

If a child has "more than one significant handicap... the special instruction...needed to meet each such handicap" shall be provided. A local board shall establish a special class when there are "at least four pre-school or six school-age handicapped children for whom special education is required and who need and may be taught effectively together in a special class."

Speech impaired children should be provided "the services of a speech and hearing clinician for at least two thirty-minute periods per week."

If the planning team determines "that a child needs a special education program in the school setting," the local board must provide the program within 12 weeks. "Home instruction shall be provided only when recommended

by the planning and placement team based on evidence that no other educational program is possible" and at least one of the following is applicable: (1) the child cannot attend school for medical reasons; (2) the child cannot be in school because of the severity of his or her handicap or the possible disruption his or her presence could cause; (3) "a special education program is being planned; (4) the child is pregnant...; (5) the parents of the child are unwilling to accept the special education program offered by the board of education; (6) home instruction is recommended "as a supplement to the child's in-school program." The special education services provided to handicapped children receiving home instruction should be "equivalent to those provided to such children in school."

HOME INSTRUCTION

Exceptions to these regulations may be allowed by the secretary of the state board upon request of the local board if it is in the best interests of the children.

EXCEPTIONS

§ 10-76b-9

The local board of education "shall maintain records concerning all exceptional children and shall provide for the...confidentiality of such records."

The local board shall report to the state board of its special education programs as required by the secretary.

§ 10-75g-27

Local boards of education "shall provide or pay for the transportation for speech or hearing handicapped children to school or lessons if the state board approves. The local board may also be reimbursed for the transportation costs of a speech and hearing teacher.

§ 10-766-2 -- 10-766-3

The local board of education, "shall establish a sufficient number of special education planning and placement rooms" to identify and plan "for all children requiring special education." If a board employs 15 "full-time special education personnel," the

superintendent should make a staff member responsible for special education programs. Special education supervisors should be employed in the following ratios: 1 supervisor to 15-29 personnel; 2 supervisors for 30-49; 3 for 50-74; 4 for 75 or more. Responsibility for coordinating a service should be assigned to a staff member in each of the following pupil personnel services if there are between 4 and 12 full time personnel in that category: social work, psychological, speech and hearing, guidance and counseling, and school health services. If more than 12 staff members are employed in any of these specialties, there should be a full-time supervisor. Special education aides should be supervised by certified personnel.

Children in special education programs should be given "the opportunity to participate in all aspects of the total school program" within their capacity. "The board of education shall provide educational programs...for handicapped children" culminating in high school graduation "for all except trainable mentally retarded children." A vocational education program should be provided for children ages 16 and over "who are mentally retarded or whose educational and vocational potential makes such programs desirable."
§ 10-766-4

The school day for children in special education programs shall be the same as for children in the regular programs of the school, except the day may be four hours for mentally retarded children under age 13 or emotionally disturbed children.

Special education staff members should be provided "sufficient time during the school day...to consult with other staff members and parents."

CROSS REFERENCES

III.B.Teachers; Regulation §10-146-10 -- 10-146-15

III.B.Teachers; Regulation §10-146-24 -- 10-146-26

STATUTES

§203

The Board may provide special schools for persons whose educational needs are not being met in regular classes or schools. Such schools may include but are not limited to, schools for persons who are orthopedically handicapped, socially or emotionally maladjusted, or mentally handicapped educable or trainable, or for persons who suffer hearing or speech impairment, or for persons who are truant or insubordinate.

§606

A handicapped pupil who is a resident of a state or country other than Delaware or the United States may be accepted, at the discretion of the receiving district, to attend a Delaware special school under the following restrictions:

Handicapped children may be accepted for admission to special school after a certification from the State Superintendent of Public Instruction that provisions have been made for all eligible in-state students by the special school.

The full tuition shall be paid in advance, such costs reflecting all state, local district and federal expenditures for the education of the handicapped students attending the special school, excluding pupil transportation costs which shall not be the responsibility of the receiving Delaware school district or the state. State costs shall be reimbursed to the General Fund of the State and local district costs shall be retained by the receiving district.

§3102

The State Board shall make and adopt rules and regulations for the education, training and transportation of handicapped, gifted and talented children.

§3103

The Board and the local school boards shall provide and maintain classes and facilities to meet the needs of all handicapped, gifted, and talented children within the State.

§3104

The Board shall use, or transfer for use any fund appropriated to it for the education and training of handicapped, gifted and talented children.

§3105

The principals, superintendents, teachers, and visiting teachers, shall, when known, report to the Board by May 15 of each year on the identity of children between the ages of 5 and 21 who are in need of special education and not receiving it. These children shall be examined and evaluated as to their fitness for special education and training.

§3106; 3107

The Board is also designated as the agency for the care and education of deaf persons. Its duties in this connection shall be in addition to any other duties which it may have in regard to deaf persons. In addition, costs for board, maintenance and instruction of deaf persons shall be borne by the Board, however, the amount paid shall not be greater than the sum paid by or for other persons in the same institution.

§3108

The Governor shall appoint an advisory committee on the needs of exceptional children to serve in an advisory capacity to the Board and the Board of Trustees at the Delaware State Hospital at Farnhurst.

§3109

The Board may enter into agreements with any local school district whereby the Board will reimburse the district for part or all of the cost of educating handicapped children who are institutionalized.

§3110

The Board is designated to make rules and regulations to carry out the provisions of this and other titles relative to identification, evalution, education, training and transportation of exceptional persons.

The rules promulgated shall provide criteria by which handicapped person, ages 4 through 20, shall be assigned to public school facilities or if necessary to private institutions.

§3120

The State of Delaware shall provide . . . for the free and appropriate public education designed to meet the needs of handicapped persons. The Board is charged with the responsibility of implementing the handicapped education program.

§3121

Each school district or state agency responsible for the care of Delaware citizens shall establish and maintain programs and facilities to meet the educational needs of handicapped persons.

§3122

Each school district is to identify, locate, and evaluate handicapped persons residing within its boundaries and in need of special education. The identification system is to provide information concerning the time, method of evaluation and describe the training, education and location of such training. People not receiving training, education or related services are to be identified with reasons for their lack of involvement. Medical treatment shall not be administered to those objecting to such treatment.

§3124

"Any school district administering a program for autistic children may provide from its own personnel or contract with another state agency, or a private service provider if necessary for appropriate supportive services; including, but not limited to, physical, art and music education, psychological services, language and speech therapy, physical and occupational therapy. The supportive services to be provided shall be based upon a program for each child as approved by the State Board of Education. Funds for such services are to be paid from the Educational Contingency Fund of the State Board of Education."

PRIVATE PLACEMENT

"Private placement with financial aid shall be granted only to a 'complex or rare' handicapped person defined as a person in the chronological age group 4 through 20 years inclusive, who is found to suffer from two or more of the defined handicaps, or who is so severely afflicted by a single handicap, that the total impact of the condition means that he or she cannot benefit from the regularly offered free appropriate public educational programs.

The determination shall be made by a committee appointed by the local board of education for identification, placement, review and dismissal of handicapped persons and by the State Board of Education that no school district or other state agency has a suitable free and appropriate program of education for the particular person. Such private placement shall be in a school/institution approved by the State Board of Education. The State Board of Education shall make the final determination concerning the designation of a person eligible under the provisions of this definition.

HEARING

In the case of dispute concerning the private placement of a child, the aggrieved party shall first be heard by the local board of education. Such hearing shall be conducted by an impartial hearing officer appointed at the discretion of the local board of education, but who shall not be an employee of the district involved in the education of the child or have any interest in the outcome of the hearing.

APPEAL

The ruling of the local board of education may be appealed to the State Board of Education. The decision of the State Board of Education shall be final in determining the private placement school or institution in which the authorized persons shall be enrolled.

'Financial aid' shall include maintenance, transportation and tuition as herein defined:

'Maintenance' shall mean the cost for room and board at a residential institution or in a residence approved by the institution in which a person is enrolled. Maintenance does not include the cost of health care or treatment.

'Transportation' is defined for in-state placement as the same number of dollars as provided for a nonpublic school student in accordance with rules and regulations of the State Board of Education; in the case of out-of-state private placement, transportation is defined as the amount provided for nonpublic school students or one round trip per year between Delaware and the school based upon actual air coach fare if that is the lesser amount or as determined by the State Board of Education if no air coach fare estimate is possible.

'Tuition' shall mean payment for instructional services, materials and supplies. Tuition does not include the cost of health care or treatment.

The amount authorized for payment shall be the amounts charged by that institution for tuition or program costs, transportation and maintenance in accordance with the definitions set forth herein."

§3126

The extent of programs and facilities provided for persons determined to be gifted or talented shall be in accordance with the rules and regulations of the Board.

CROSS REFERENCES

IV.G.; Statute §604

IV.H.; Statute §2705

STATUTES

§31-203

The Board of Education may excuse from school a child who, upon an examination ordered by the board, "is found to be unable mentally or physically to profit from attendance at school." However, "if such examination shows that such child may benefit from specialized instruction adapted to [her]his needs, [she]he shall attend such instruction."

MEDICAL EXAMINATION

§ 31-1053; 31-1071

After consulting with the National Advisory Committee on Education of the Deaf, the Secretary of HEW may "enter into an agreement with Gallaudet College for the establishment . . . of a model secondary school for the deaf to serve primarily residents of the District of Columbia and of nearby States." Gallaudet College may also maintain an elementary school for the deaf "to serve primarily residents of the National Capital Region."

SCHOOL FOR THE DEAF

§31-1120

The Board may provide funds for "subsistence supplies and transportation for severely handicapped children . . . ."

REGULATIONS

CH. IV, §450

"The Public Schools of the District of Columbia shall provide an adequate, publicly-supported education for all students, including handicapped students for whom the regular program of instruction is inadequate to meet their special educational needs.

The following priorities are established for the provision of educational services to handicapped students: (a) Handicapped persons who are not currently receiving services; (b) Handicapped students within each disability group, with the most severe handicaps who are not receiving an adequate education; (c) All other handicapped students....

An individualized educational program shall be established for each student identified as in need of special educational services. The individualized educational program for each student shall be reviewed, and modified if necessary, on an annual basis or more often, if required.

PLACEMENT

Handicapped students shall be provided with a placement in the least restrictive educational environment which is adequate to meet their special educational needs. Where possible, special educational services shall be provided at the local school level, preferably in the classroom. Removal from a regular classroom setting shall occur only when the nature and severity of the handicapping condition require such removal in order to provide adequate educational programs and services to the individual student.

"Where special educational services can be adequately provided only by removing the student from the local school classroom, on a full-time or part-time basis, it shall be the goal of the individualized educational program for such student to return to the local school classroom as soon as possible."

CH. IV, §451

TESTING

". . . No single test or evaluation shall be used as the sole criterion to accomplish either of the following: (a) The identification of a student as handicapped in a specific disability category; (b) The placement of a handicapped student in any particular educational program. In all instances where these Rules require any evaluation, diagnosis, recommendation, or proposed placement, such actions shall include a team or group of persons who have knowledge or information of the following and shall be based upon the following: (a) The student's total educational and family situation, including adaptive behavior at

home and in school; (B) Socio-cultural information; (c) The physical and medical condition of the student; (d) The meaning of all results of evaluations and diagnostic tests; (e) All placement options; (f) The personnel available to provide the necessary special education and related services.

In all instances where tests and evaluations, the delivery of notice, or the conduct of a hearing are required by these Rules, the Superintendent of Schools shall ensure that students, parents, and guardians who do not speak or read English are afforded equivalent rights and services through the use of translations, interpreters, bilingual materials or other appropriate means.

"The following requirements and procedures shall apply to all tests and evaluation materials used pursuant to these Rules: (a) All tests shall be validated for the specific purpose for which they are used; (b) Tests and evaluation materials shall be selected and administered only by [or under the supervision of] persons who meet all applicable certification or license requirements; (c) Tests and evaluation materials shall be selected, administered, and interpreted in accordance with the purposes and instructions provided by the producer/author of such tests and materials; (d) Tests and evaluation materials shall include those tailored to assess specific areas of educational need and performance or ability, and not merely those which are designed to provide a single general intelligence quotient; (e) Tests and evaluation materials which are used to determine the aptitude or achievement level of students with impaired sensory, manual, or speaking skills shall be designed for and effective in determining actual aptitude or achievement levels rather than reflecting the student's impaired sensory, manual, or speaking skills...."

CH. IV, §452

"A student who has a physical or mental impairment, or a record of impairment, which is one or more of the following, and who is otherwise eligible, shall be eligible for special education programs and services: (a) mental retardation; (b) hearing impairment or deafness; (c) visual impairment or blindness; (d) speech impairment; (e) orthopedic impairment;

(f) other serious medical or health condition requiring special educational services; (g) serious emotional disturbances; (h) learning disability.

Local school programs and services shall be open for admission to all eligible students at any time. . . .

All students attending Public School programs for the handicapped or who have been placed in private facilities within the District of Columbia and immediate metropolitan area by the Public Schools shall be eligible for free transportation to and from school."

CH. IV, §453

"The Superintendent of Schools shall establish and implement a process for the identification of persons in need of and eligible for special educational services....

"Persons who are not currently enrolled in the public schools who are identified as eligible for and in need of special educational services shall be referred...[for assessment and placement]....

Students who are enrolled in and attending the public schools may be identified as potentially in need of special education services by any parent, guardian, teacher, administrator, counselor, pupil personnel worker, physician, public or private agency, or next friend....

In all instances where a case conference results in an agreement to continue the participation of the student in a local school program, a follow-up case conference shall be held each successive semester unless waived in writing by the parent or guardian. A follow-up case conference must be held, in any event, at least once each school year. The parent or guardian shall be informed of the right to request a referral for further assessment and placement at each follow-up case conference."

CH. IV, §454

"Upon referral for assessment and placement, the following evaluation and diagnosis procedures shall be followed: EVALUATION
(a) All records, reports, information, and data which relate to the student's special educational needs and eligibility for

services shall be compiled and reviewed; (b) The written permission of the parent or guardian shall be obtained for confidential evaluation and testing. Such written permission shall also authorize the Public Schools to obtain any existing data, information, or records from any agency or person which may contribute to the completeness of the educational assessment and diagnosis; (c) Additional tests, interviews, conferences, or other information required for evaluation and diagnosis shall be conducted or obtained and reviewed; (d) A confidential report shall be prepared and shall be reviewed and interpreted for the parent or guardian at a conference held for that purpose.

The written evaluation, diagnosis, and recommendation report shall provide for one of the following: (a) If the student is deemed to be in need of special educational services which can be provided in the local school program, the report shall recommend placement in a local school program. This shall constitute a placement; (b) If the student is deemed to be in need of special educational services which are not available in the local school program, the student shall be referred to the Division of Special Education for a proposed placement; (c) If the student is deemed not to be in need of special educational services, the report shall indicate that the student will remain in or is eligible for the regular school program. This shall constitute a denial of placement.

In any instance where parental permisssion cannot be obtained for the conduct of evaluation and diagnosis due to the refusal of the parent or guardian to grant such permission, the time limits imposed by this section shall not apply.

The following time limits shall apply to the procedures for evaluation and diagnosis: (a) In cases where pre-referral observation and educational assessment have occurred at the local school level OR in cases where an assessment of the student's special educational needs has been made by a private agency, another governmental agency, or a private physician or educational specialist, the evaluation, diagnosis, and recommendation shall be completed within twenty . . . working days of the receipt of the referral; (b) In cases where additional time is required due to lack of pre-referral observation and educational

assessment or other assessment information from outside sources... the evaluation, diagnosis, and recommendation shall be completed within thirty (30) working days of the receipt of the referral; (c) Failure to complete the evaluation, diagnosis, and recommendation within the required time limits shall constitute a denial of placement; (d) If a denial of placement hearing is requested due to a failure to meet the time limits imposed by this section, and a recommendation pursuant to either subsection 454.2(a) or 454.2(c) is made prior to the hearing, that recommendation shall be the subject of the hearing; (e) If a denial of placement hearing is requested due to a failure to meet the time limits imposed by this section, and a referral to the Division of Special Education is made prior to the hearing, such hearing shall be delayed pending the placement recommendation by the Division of Special Education, subject to the time limit modification required by subsection 454.6; (f) In the event that no recommendation or referral for placement is made prior to a hearing on denial of placement due to failure to meet the time limits imposed by this section, the subject of the hearing shall be the failure to complete the process within the required time limits.

HEARING

Upon referral to the Division of Special Education for a proposed placement, the following procedures shall be followed: (a) The placement specialist observes the student in the student's current educational setting or other environment; (b) The evaluation, diagnosis, and recommendation report is reviewed, and other information and data required are obtained and reviewed; (c) A placement conference is held with the student's parent or guardian; (d) A proposed placement is made in writing, stating the reasons for the proposed individualized educational program. The parent or guardian shall be given formal notice of the proposed placement.

The following types of proposed placement may be made by the Division of Special Education: (a) Placement in a local school program with special educational services; (b) Placement in a program operated by another agency of the District of Columbia for which the student may be eligible; (c) Placement in a private facility. The following time limits shall apply to

PLACEMENT

the completion of the proposed placement by the Division of Special Education: (a) Where a timely referral is made to the Division of Special Education, the proposed placement shall be made within thirty...working days of the receipt of the placement referral; (b) In any case where the placement referral has been made to the Division of Special Education after the expiration of the time limits required in subsection 454.4, the thirty-day time limit for the proposed placement shall be reduced by the number of working days taken to complete the evaluation, diagnosis, and recommendation beyond the required time limit; (c) In any case where a denial of placement hearing has resulted in an immediate referral for proposed placement to the Division of Special Education, the proposed placement shall be completed within the time limit imposed by the hearing officer.

Subsequent to a referral and during the assessment and placement process, the student shall be assigned to a local school program or other environment suitable for conducting compehensive assessment and diagnosis."

CH IV, §455.1

"In all instances where a student is identified as potentially in need of special educational services, the student's parent or guardian shall be informed of the following in writing: [a]n explanation of the reasons for the identification. . .; [a]ll procedures for referral, assessment, evaluation, diagnosis, referral for placement, and placement. . .; [r]equirements for notice and due process and request for a hearing. . .; [and] [t]he name and telephone number of an employee. . .who can be contacted for further information. . . ."

CH IV, §455.5

NOTICE

"In all instances where formal written notice is required. . .such notice shall be sent to the parent or guardian by certified mail. . . .and shall include the following: (a) A statement of the recommended placement . . .OR denial of placement. . .including an explanation of the reasons for the action and a description of the. . .

information upon which the action is based; (b) A statement clearly indicating the right of the parent or guardian to challenge the action by requesting a hearing; (c) An explanation of the rights and procedures. . .and the hearing procedures. . .; (d) The name and telephone number of an employee. . .who can be contacted to request a hearing and to obtain further information. . . ."

CH IV, § 455.6

RIGHT TO COUNSEL

HEARING

"The following rights and procedures shall be afforded . . .: (a) The right to be represented at the hearing by a representative of their choosing, including legal counsel . . .; (b) Information on where to obtain free legal counsel; (c) The right to compel the attendance of any school official, or other agent or employee of the District government who may have evidence or present testimony directly related to the subject of the hearing; (c) (sic) The right to present evidence, including documents, reports, and data; and the right to present testimony, including any expert medical, psychological, or educational testimony; (f) The right to have the hearing held not later than forty-five (45) days after the receipt of the request for the hearing. In most cases, the hearing will not be held in less than twenty (20) days from the receipt of the request for hearing in order to provide an opportunity for the parent or guardian to obtain representation, if desired, and prepare for the hearing. However, the hearing may be held sooner upon the request of the parent or guardian; (g) The right to have the hearing held at a time which is reasonably convenient to the parent or guardian and school personnel involved in the hearing. Hearings shall not be scheduled on weekends or holidays without the consent of all parties; however, hearings may be scheduled outside of normal business hours at the request of the parent or guardian; (i) The right to examine all portions of the student's record prior to the hearing, including the right to examine and, upon request, receive copies of any test results, reports, or other data upon which the proposed action is based;

(j) The right to receive a list of the witnesses who will testify at the hearing for the Public Schools; (k) The right to receive the written determination of the hearing officer within ten (10) working days of the completion of the hearing; (l) The right to receive, upon request, a copy of the electronic recording of the hearing; (m) The right to cross-examine any documents or witnesses presented at the hearing by the Public Schools.

CH. IV , §456

"The hearing officer shall conduct the hearing according to the following procedures: (a) The hearing officer shall ensure initially that all necessary parties are present and that an electronic recording is being made of the hearing; (b) The hearing officer shall determine whether proper notice has been provided and whether all required procedures have been followed and rights afforded OR that such rights and procedures have been specifically waived by the parent, guardian, or their representative; (c) The Public Schools, through their representative, shall present documentary evidence and examine any witnesses called on behalf of the Public Schools; (d) The student's parent, guardian, or their representative shall be given an opportunity to cross-examine any documents or witnesses in the order of their presentation; (e) The student's parent, guardian, or their representative shall present documentary evidence and examine any witnesses called on behalf of the student; (f) The Public Schools, through their representative, shall be given an opportunity to cross-examine any documents or witnesses in the order of their presentation. (g) Copies of all documents or written materials presented in evidence shall be made available to the hearing officer and the other party; (h) The hearing shall not be conducted according to the strict rules of evidence; however, the hearing officer may exclude any evidence or testimony which is irrelevant or repetitive; (i) The hearing officer may question any witness or party upon the conclusion of direct and cross-examination, and shall examine all documentary evidence; (j) The hearing officer shall ensure that the hearing is conducted in an orderly manner and shall

have the authority to exclude any party or other person from the hearing on the grounds of substantial interference or obstruction of the hearing process.

If the student has not reached the age of eighteen... years, or is an adult student without legal capacity as determined by a court of competent jurisdiction, the parent or guardian may determine whether or not the student shall be allowed to attend all or part of the hearing. The hearing officer may also exclude the student from all or part of the hearing upon a determination that the attendance of the student would be harmful to the welfare of the student.

The Public Schools shall bear the burden of proof, based solely upon the evidence and testimony presented at the hearing, that the action or proposed placement is adequate to meet the educational needs of the student.

Within ten...working days of the conclusion of the hearing, the hearing officer shall issue a written determination which shall include a summary of the evidence and testimony presented at the hearing, a statement of findings and fact based upon the evidence and testimony, and a conclusion.

In cases where the hearing is held to challenge a denial of placement, the hearing officer's conclusion shall address the following issues: (a) If the denial of placement is based upon failure to meet the time limits for evaluation and diagnosis, pursuant to subsection 454.4, the hearing officer shall make one of the determinations required by subsection 454.4(f). (b) If the denial of placement is based upon failure to make a referral for evaluation, diagnosis, and recommendation upon request, or to hold a pre-referral case conference as required by section 453, the hearing officer shall determine whether or not the denial is justified. If the denial is unjustified, the hearing officer shall order that an immediate referral be made. (c) If the denial of placement is based upon a recommendation that the student is not in need of special educational services ...the hearing officer shall determine whether the regular school program is adequate to meet the educational needs of the student. If the regular school program is found to be inadequate, the

hearing officer shall order that the student be referred to the Division of Special Education for a proposed placement.

In the event that a parent or guardian requests a hearing on a denial of placement and such hearing results in further referral, recommendation, or proposed placement, the parent or guardian shall continue to have the right to request a hearing to challenge any subsequent denial of placement or proposed placement.

In cases where a hearing is held to challenge a proposed placement by the Division of Special Education, the hearing officer's conclusion shall address solely the issue of the adequacy of the proposed placement.

If the hearing officer concludes that the proposed placement is not adequate, one of the following shall apply: (a) If the proposed placement is for a local school program with special educational services, the Division of Special Education shall have twenty...working days to propose another placement.... (b) If the proposed placement is for a special school program within the Public Schools, the Division of Special Education shall have twenty...working days to propose another placement.... (c) If the proposed placement is for a program operated by another agency of the government of the District of Columbia, the Division of Special Education shall have twenty...working days to propose another placement....(d) If the proposed placement is for a private facility, the Division of Special Education shall have twenty... working days to propose another placement....(e) If it is determined at the hearing that no adequate placement exists within the Public Schools or another agency of the District of Columbia government, the Division of Special Education shall have twenty...working days to propose placement in a private facility.

In no instance shall a hearing officer direct a placement in any particular program or private facility.

If a hearing officer determines that the evidence and testimony presented at the hearing do not justify a conclusion that the proposed placement is adequate, the hearing officer shall determine that the placement is inadequate. However, if the hearing officer determines that the evidence and testimony presented at the hearing are not sufficient to reach a conclusion

with regard to the adequacy of the placement, the hearing officer may require the submission of additional evidence or testimony, including additional assessment and evaluation of the student and may continue the hearing to a date certain for the receipt of additional evidence or testimony.

In any instance where this section imposes time limits, a hearing officer may extend the time limits upon a showing of extenuating circumstances by either party."

CH.IV, §457

PLACEMENT

"Students who are otherwise eligible for admission to the Public Schools of the District of Columbia . . . and for whom no adequate educational program is available in the Public Schools, shall be eligible for placement in a private facility by the Division of Special Education.

The Public Schools shall pay the cost of tuition for education and related services for all students placed in private facilities by the Division of Special Education.

Placement in a private facility shall be made only subsequent to an assessment of the student's needs and upon the recommendation of the Division of Special Education or the determination of a hearing officer...

In all cases where it is determined that the programs and services available in the Public Schools are not adequate to meet the educational needs of a student, the selection of the private facility for placement shall be the responsibility of the Division of Special Education.

All private facilities in which students are placed by the Public Schools must meet the following standards:
(a) The facility shall have established an instructional program for students with one or more...handicapping conditions....
(b) The facility's program objectives must agree with the educational and treatment programs required to meet adequately the needs of students with the type(s) of handicapping condition(s) which the facility purports to serve; (c) The facility must provide an individualized instructional program, including specialized curriculum, equipment, and methodology, which is adequate to meet the needs of the students who are placed in

the facility. Individualized instructional programs provided by the facility must provide flexibility sufficient for prescriptive planning and programming to meet individual student needs; (d) The ratio of students to teachers maintained by the facility must be within standards established by a nationally recognized organization acceptable to the Public Schools; (e) The ratio of students to other professional staff members maintained by the facility must be within standards established for each profession by a nationally recognized professional organization acceptable to the Public Schools; (f) All professional staff members who teach or work directly with students must be duly certified or licensed by the jurisdiction in which the facility is located to work with the types of handicapping conditions which the facility purports to serve. Facilities which employ uncertified or unlicensed professionals, when such persons were employed on or before March 1, 1977, and have been continuously employed by the facility since that date, shall have until March 1, 1977, to comply fully with the requirement of this subsection; (g) The facility must be duly licensed or certified by the jurisdiction in which it is located in compliance with all federal, state, and local laws. Such licensure or certification must include evidence that the facility is in compliance with all applicable health, safety, and fire regulations, codes, and ordinances; (h) The facility shall not impose any fee upon the parent or guardian of the student which is not specifically approved within the scope and terms of the contract between the facility and the Public Schools, nor shall the payment of such fees by the parent or guardian be established as a prerequisite for the acceptance of the student for placement; (i) The facility must agree to a written statement in the contract with the Public Schools that the facility does not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, or handicapping condition; (j) The facility must agree to a written statement in the contract with the Public Schools that the facility does not discriminate against any applicant for admission or any student because of race.creed, color, sex, or national origin; (k) The facility must agree to a contractual provision which

provides for due process procedures in the event of the suspension or expulsion of any student placed in the facility by the Public Schools; (1) The facility must agree to a contractual provision which provides for representatives of the Public Schools to conduct on-site inspections, evaluations, or studies of the "facility, its programs, and the progress of any student placed by the Public Schools. Such on-site visits may be conducted in order to insure compliance with the educational standards of the Board of Education, the provisions of the contract between the facility and the Public Schools, or the provisions of any applicable federal laws and regulations.

Where a proposed placement is made in an out-of-town private facility the Public Schools shall provide round-trip transportation for the student and one accompanying adult to attend one pre-admission interview at the private facility.

The Public Schools shall provide one round-trip transportation fare per year for each student placed in an out-of-town private facility by the Public Schools.

Application for admission or referral for assessment must be made by the following deadlines for placement in a private facility: (a) May 15th for placement in the following fall semester; (b) November 15th for placement in the following spirng semester.

Exceptions to the deadlines set forth in this subsection may be granted in extraordinary cases by the Assistant Superintendent of the Division of Special Education."

CH. IV. §499

NOTICE

"Special Forms of Notice: Where notice is required by this Chapter, such notice shall be given to the following persons in the manner provided: (a) Non-Readers: Written notice shall be given to the legal representative or other representative designated by the non-reading person. (b) Visually-Impaired Persons: Written notice shall be given to the legal representative or other designated representative of the visually-impaired person OR may be given in braille to a person who can read braille. (c) Non-English Reading Persons: Written notice shall be given in the same manner as notice to non-readers OR

RIGHT TO COUNSEL

may be given in a language which the person can read and understand....

Right to Counsel: Where the right to representation includes the right to legal counsel, persons entitled to act as legal counsel in Public School administrative matters shall include the following: (a) Attorneys: Persons admitted to practice before the highest court of any state, any U.S. Court of Appeals, or the Supreme Court of the United States; (b) Lawyers: Graduates of accredited law schools; (c) Law Students: A second or third-year law student in a supervised clinical program sponsored by an accredited law school."

CROSS REFERENCES

III.B.Hearing Therapists; Regulation; Chap. XVII, §9, License XIV

III.B.Reading Personnel; Regulation; Chap. XVII, §9, License XV

III.B.Speech Correctionists; Regulation; Chap. XVII, §9, License XIII

III.B.Teacher; Regulation; Chap. XVII, §9, License IV

III.B.Teacher; Regulation; Chap. XVII, §9, License V

IV.D.; Statute §31-1118

IV.G.; Regulation; Chap. IV, §404

2. Programs for Exceptional Children

Statutes

§229.831-.833; .836; .838

Any child who may be "exceptional", as defined by the state board of education requirements, shall be tested to determine whether disability exists. Children with disabilities shall be identified, diagnosed, and treated at the earliest possible time in their school career.

DIAGNOSTIC CENTERS

The department of education shall establish 18 regional diagnostic and resource centers for exceptional children which shall "provide a responsible range of medical, psychological, educational, and other testing services" and shall provide consultant services to parents, teachers, and school personnel. Counties without regional centers shall have mobile testing units. Each center shall hold inservice workshops yearly to familiarize teachers, principals, and supervisors with center programs and facilities.

Each school board in a district with a regional diagnostic center shall: (1) provide necessary physical facilities and administrative support; (2) refer students to the center for testing and; (3) provide programs to meet the needs of students serviced by the center.

The department of education shall award grants to school districts for the establishment or expansion of special education support services designed to provide instructional and consultant services to appropriate persons within the district.

§232.13

The Department of Rehabilitative Services shall review cases of "exceptional children" "whose conditions require special educational services" and report to the school superintendent by March 31 of each year.

§233.056

The Division of Public Schools of the Department of Education is authorized to "establish a coordinating unit and instructional materials center for visually handicapped and other exceptional students."

§233.49

The Department of Education shall purchase material "in various media for the use of partially sighted children."

§242.331-.332

SCHOOL FOR THE DEAF AND THE BLIND

The board of trustees for the Florida School for the Deaf and the Blind shall consist of seven members, including one blind person and one deaf person, appointed by the Governor and confirmed by the state senate. Members must be state residents at least 10 years and serve four-year terms. They "shall act . . . in conjunction with and under the supervision and general policies adopted by the State Board of Education."

The board is responsible for the "management, maintenance, support and control of the Florida School for the Deaf and the Blind."

The School may send deaf and blind students under 20 years of age for whom the state cannot provide the proper facilities to out-of-state schools and finance their "room, board, tuition, transportation," and other relevant costs.

REGULATIONS

6A-3.121 TRANSPORTATION OF THE HANDICAPPED 229.053(1)

The school board shall determine what specific measures shall be used in the transportation of physicially handicapped pupils, including designation of roads, bus turning areas and pupil stop locations. Physically handicapped pupils using the bus must be able to understand instructions from the bus driver. Bus transportation will not be provided to the physically handicapped whose parents fail to meet them at the designated stops. The driver of a bus transporting physically handicapped pupils shall remain with the bus so that pupils aboard will be under supervision at all times. A driver will not be responsible for lifting a physically handicapped person on or off a bus except in an emergency situation. The driver shall not give medicine to the students or aid in any other way that is not expected, but

he or she should be aware of the needs of the handicapped pupils. Parents shall have the responsibility of helping their handicapped child on or off buses when needed, being at the bus stops at the scheduled times and providing instructions in writing to bus driver as to any special symptoms or non-medical care which the child may need while on the bus.

6A-6.301

An exceptional student is a child or youth enrolled in or eligible for enrollment in the public schools of a district who requires special instruction or special education services who is unable to take full advantage of or respond to educational programs and opportunities because of a physical, mental, emotional, social or learning exceptionality.

6A-6.3011 Special programs for students who are mentally retarded.

ELIGIBILITY

A student is eligible for a special program if the measured level of intellectual functioning is two or more standard deviations below the mean on an intelligence test, the assessed level of adaptive behavior is below age, and cultural expectations and sub-average performance on a standardized measure of academic achievement is demonstrated.

6A-6.3012 Special programs for the speech and language impaired

A student is eligible for special programs in speech and language if the student demonstrates receptive or expressive problems of processing, disorders of syntax, fluency problems, voice quality difficulties, or nonmatured articulation disorders. All kindergarten students shall be screened for speech and language difficulties. Those considered for special programs shall also be screened for hearing. Students being considered for exceptional student programs, excluding gifted and homebound or hospitalized who may be screened on a referral basis, shall be screened for language, speech, fluency and voice disorders prior to staffing for eligibility. Students shall be evaluated by speech clinicians and by standardized testing. Developmental and social history shall be included as part of the data base in assessment pro-

grams when determined appropriate by the speech clinician. Dismissal from the program based on graduation or completion of school prior to completion of remediation shall include a referral to an appropriate agency when available.

6A-6.3013 Special programs for the hearing impaired.

To be eligible for special programs for hearing impaired, there shall be audiological evidence that the student is deaf or hard of hearing and, because of such hearing loss, is unable to perform academically or to develop language at a level commensurate with the expected level without special education. Certificated teachers of the deaf and other professionals shall be responsible for implementing and conducting the formal evaluation of a student's receptive and expressive communication skills, academic achievement and learning abilities.

Special programs organized for students who are deaf or hearing impaired shall be utilized by school districts. The programs shall include the following: special class full-time; basic class supplemented by itinerant instruction or a resource room program; basic class with supplementary consultation or special education services by a speech and hearing clinician; or individual instruction in a home setting.

The districts shall adopt a written course of study for the programs adopted and may not adopt a single philosophy of communication but shall attempt to meet the needs of the students. The district shall have or purchase the services of professionals in audiology, school psychology, guidance and other areas which shall support the special education program.

6A-6.3014

Special education programs for students who are visually impaired.

Initial screening is to be done solely for the purpose of referring students to an opthalmologist for further evalution. All new students, kindergarten students and exceptional students shall be screened. The minimum requirement is a medical eye examination and educational evaluation which identifies educational and environmental adjustments needed. Records of reevaluation by an opthalmologist every three years shall be

available except in cases where the student is verified to lack usable vision.

6A-6.3015 Special programs for students who are physically impaired.

The minimum evaluation for a student shall be:

A report of a medical examination within the previous twelve-month period, from a physician qualified to assess the student's physical problems, giving a description of the impairment and any medical implications for instruction and stating that the student is unable to or is restricted in ability to attend regular classes because of a physical impairment; an educational evaluation which identifies educational and enviromental adjustments needed; an annual medical examination to determine changes in the physical condition of the student in order to continue in the program.

6A-6.3016 -- .3017

Special programs for students who are emotionally handicapped and socially maladjusted.

Procedures for student evaluation include: documented and dated evidence that conferences concerning the student's specific problem have been conducted; documented anecdotal records made by more than one person which cite the specific behaviors causing the referral; documented evidence of two interventions and adjustments that have been tried with the student.

The minimum evaluation for determining eligibility shall include a physical evaluation; a visual screening report; a hearing and a speech and language screening report; a comprehensive psychological evaluation; an educational evaluation.

6A-6.3018

Special programs for students with specific learning disabilities.

To be eligible a student must have evidence of a disorder in one or more basic psychological processes; evidence of academic deficits; evidence that learning problems are not due primarily to other handicapping conditions. Each district shall specify the personnel who are directly responsible for the evaluation of the competencies required of these personnel and the method by which data shall be collected.

6A-6.3019 Special programs for students who are gifted.

GIFTED CHILDREN

To determine eligibility for this program, an evaluation of intellectual potential characteristics of the gifted, statement of nonacademic performance, and the need for a special program shall be required.

6A-6.3020

Special programs for students who are homebound or hospitalized.

HOMEBOUND INSTRUCTION

The minimum evaluation for a student to determine eligibility shall be: a medical statement from a physician qualified to assess the physical or mental problems, including a description of the handicapping condition with any medical implications for instruction and stating the student's inability to attend school and the estimated duration of the condition; periodic physical reexamination; and a medical report by a licensed physician as requested by the administrator of exceptional student education or designee.

6A-6.331

PLACEMENT

A staffing committee utilizing the process of reviewing diagnostic, evaluation, educational or social data shall recommend student eligibility for special programs and shall recommend the student's educational placement. Each district shall designate a staff member as a program administrator of special programs for exceptional students.

Each school board shall develop policies providing for review of any assignment, placement or denial of assignment or placement of an exceptional student in a special program. Such policies shall include adequate provision for: written notice to the parent or guardian; reasons for which the action is proposed or on which the decision was based and procedures for review conferences with the parents; procedures for review of an individual case; a decision in writing to be provided the parent or guardian; final review by the school board of any decision contrary to the wishes of the parent or guardian.

"Special programs for exceptional students established in cooperation with adjoining districts shall be established and maintained according to guidelines issued by the director of the division of elementary and secondary education."

CROSS REFERENCES

II.A.6.; Statute §299.836

II.B.1.a.; Statute §233.48

III.A.2.; Statute §228.051

III.B.Teachers; Regulation §6A-4.17

IV.D.; Statute §234.041; 234.111

IV.[illegible]; Statute §232.01

2. Programs for Exceptional Children

Statutes

§32-605a

"All children and youth who are eligible for the general education program, preschool education, or who have special educational needs . . . shall be eligible for special education services. Children, ages 0-5 years, whose handicap is so severe as to necessitate early education intervention may be eligible for special education services. Children and youth with special needs are those who have emotional, physical, communicative or intellectual deviations, or a combination thereof, to the degree that there is interference with school achievements or adjustments, or prevention of full academic attainment and who require modifications or alterations in their educational programs. This will include children who are intellectually gifted, mentally retarded, physically handicapped, speech handicapped, behaviorally disordered, hospital or homebound, handicapped by a specific learning disability, multihandicapped, autistic, hearing impaired, visually impaired and other areas of special needs which may be identified." These special needs will be served on a statewide basis, "both for students that will be served in a self-contained setting and those who can be served effectively in the regular classroom."

§32-609a

"The State Board of Education shall annually determine the amount of funds needed for operation of the State schools for the deaf and blind and such other special schools for exceptional persons as may be established by the State Board of Education . . . The state board shall annually determine the amount of funds needed for elementary and secondary programs operated within correctional institutions, hospitals, mental

institutions and other such programs. The State Board shall "maintain an institution primarily for the detention of persons within school age, and operate within such institution as an elementary, secondary or vocational school for the education of such school age children, which shall be sufficient to enable the local unit to furnish certified teachers and other professional personnel to such school and institution in accordance with the state minimum salary schedule."

HONORS PROGRAM

"The State Board of Education [shall] inaugurate a student honors program for pupils in the public and private high schools of this state who have manifested exceptional abilities, unique potentials, or who have made exceptional academic achievements." This program may be conducted during summer months between normal school year terms at institutions of higher learning or other appropriate centers within this state with facilities adequate to provide challenging opportunities for advanced study and accomplishments by such students. The state board of education shall make "provision for . . . research into all methods of instruction and education of children and youth, sponsor conferences, study groups and workshops, and . . . conduct research or education demonstrations, experimentation, field tests and such other . . . projects as may, in the opinion of the board, tend to support, improve or strengthen the public school system of Georgia. The State Board may employ or contract for the services of specialists and others as may be necessary or desirable for such purposes and cooperate with public school systems and public and private educational institutions and agencies within or without the State for such purposes."

§32-672a

"The State Board of Education and the Georgia Board of Human Resources shall . . . establish a coordinating committee for Exceptional Individuals and Pre-School Programs including "at least one individual at one of the top levels of management."

SCHOOL FOR BLIND

SCHOOL FOR DEAF

§32-2801 --2802

The State Board of Education shall control the Georgia Academy for the Blind and the Georgia School for the Deaf which shall be exempt from regular school laws. The blind and deaf shall have "care, training, and education specially adapted to their needs."

REGULATIONS

30-1111-1124

The State Board shall "provide appropriate educational opportunities to all children and youth including those exceptional children whose school achievement or adjustment is hindered due to emotional, physical, communicative or intellectual deviation, or a combination thereof."

An individual between ages 3 and 20 is considered exceptional if he or she is physically handicapped; mentally retarded; speech, hearing or visually impaired; multi-handicapped; "requires hospital or home instruction. . . is intellectually gifted . . . has a specific learning disability . . . (or) behavior disorder"; is autistic or has other identified special needs. "Children from birth through five years of age whose handicap is so severe as to necessitate early education intervention may be eligible for special education services.

"The State Superintendent of Schools shall . . . submit to the State Board a comprehensive State Plan for Exceptional Children and Youth that:

1. Includes all areas of exceptionality,

2. Reflects the expected enrollment . . . in the special education program.

3. Details the procedures for program operation,

4. Includes procedural due process guarantees,

5. Reflects the cost of operating the program,

6. Projects staffing requirements . . .,

7. Contains procedures . . . for the allocation of state and federal funds to local school systems."

The State Plan shall provide for "state-operated schools and local school system programs. . . . Services outside the local school system will be provided" as necessary to supplement local programs.

An Advisory Council for Exceptional Children will advise the State Superintendent. The Coordinating Committee for Exceptional Individuals and Preschool Programs established by the State Board and Georgia Board of Human Resources will coordinate services.

"The Office of Instructional Services shall develop and implement" a special education program. It shall prescribe regulations for and approval of local plans, offer consultative services to local school systems, provide for in-service teacher training, "administer a program of placement . . . for those exceptional children and youth not adequately served by state schools or local system programs," evaluate local programs and "report annually to the State Superintendent on the evaluation of the effectiveness of" the special education program."

"The State Board of Education endorses the development . . . of programs of special education for pupils in the public schools . . . who have manifested exceptional abilities, unique potentials or who have made exceptional academic achievements." A State Plan for the Education of the Gifted shall be prepared by the State Superintendent for State Board approval and shall provide for programs during the regular school year and "a special student honors program for gifted students in public and private high schools" to operate during the summer. Local plans for programs for the gifted must be submitted to the State Superintendent, who will prepare guidelines for plan development.

"The Office of Instructional Services shall maintain a State Plan for the Education of the Gifted

which provides" guidelines for staffing and for development and review of local plans. It shall also "provide technical assistance to local school systems in the development and implementation of local plans."

SCHOOL FOR HANDICAPPED

The State Board is authorized "to operate state schools for the handicapped." The State Board and State Superintendent shall act in relation to these schools in the same capacity as their local equivalents and are authorized to prescribe "all rules and regulations related to the operation of state schools for the handicapped. Employees of these schools are state employees." The State Superintendent (and Office of Instructional Services) "shall manage the state schools for the handicapped." A plan for these schools' operation shall "be incorporated into the State Plan for Exceptional Children and Youth."

"The allotment of funds by the State Board to local school systems for use in programs for special education shall:

1. Provide for state-approved teachers of exceptional children,

2. Provide for maintenance and operation, sick leave, textbooks and library materials for each special education unit,

3. Provide for the purchase of braille and large print materials for . . . (the) blind or partially sighted,

4. Provide for transportation of exceptional pupils."

Additional funds may be allotted to allow "local units to furnish certified teachers and other professional personnel to . . . schools operated within institutions maintained primarily for the detention of persons within school age." The State Board may also "provide additional personnel and funds for education programs not ordinarily coming within the prescribed curricula for the public schools."

40-214

PLACEMENT

Local boards of education may determine student placement. "The primary consideration in . . . educational placement is the educational appropriateness of an activity or program for a given student or groups of students." Normally most students would attend schools in the board's district, but in certain cases it might be to the student's and school's advantage to temporarily assign the student elsewhere. A temporary placement is when 1) "a student is placed in another location for educational reasons . . . but will return to a regular placement in the local school" within 3 months, or 2) "a student is placed in a local school but on a part-time basis participates in an educational activity in some other location."

The objective of this policy is "to enhance the learning opportunities for special students. The focus therefore is on the educational appropriateness of alternative placement."

40-2191

DIPLOMA

Children who reach age 6 and "all youth who have not yet received a high school diploma or its equivalent shall be eligible for enrollment in the general education and occupational programs."

For preschool programs, 5-year-old children and "three and four year-old children who are either physically, mentally or emotionally handicapped or perceptually or linguistically deficient shall be eligible for enrollment. Enrollment . . . in the preschool program shall be strictly . . . voluntary."

CROSS REFERENCES

I. State Board of Education; Statute §32-408

II.B.1.a.; Regulation 30-1611 -- 30-1613; 30-1621 -- 30-1623

II.C.2.; Statute §32-613a; 32-614a

III.B. Certificated Personnel; Statute §32-635a

III.B. Certificated Personnel; Regulation 30-114; 30-124

IV.D; Regulation 30-2410; 30-2420

IV.H.; Statute §32-2106

2. Programs for Exceptional Children

Statutes

§298-10

"Every parent or guardian having control over any partially or totally blind person, from 6 to 18 years of age, who . . . is unable "to attend public or private schools, shall send them to the state school for deaf and blind for a period comparable to the regular school year . . ."unless excused by the superintendent of education or by a circuit court judge. This section "shall not apply where private skilled instruction is given to such persons . . . ."

SCHOOL FOR DEAF/BLIND

§301-21

"The following terms wherever used with reference to this part shall have the following meanings:"

"Exceptional children" includes:

1) "Children under 20 . . . who deviate from the so-called normal person in physical, mental, social or emotional characteristics or abilities to such an extent that specialized training, techniques, and equipment are required to enable these persons to attain the maximum of their abilities or capacities."

2) "Children under 20 . . . who by reason of physical defects cannot attend the regular public school . . ."

3) "Children under 20 . . . who are certified by a licensed physician . . . to be emotionally maladjusted or intellectually incapable of profiting from ordinary instructional methods."

"Special facilities" includes buildings, equipment and material; transportation; boarding homes; personnel qualified to work with exceptional children."

"Special services" "means psysiotherapy, or any other form of muscle training, speech training, occupational therapy, vocational training, psychological evaluation, or any of them."

§301-22

"It is . . . of vital concern to the state that all exceptional children residing in the state be provided with instruction, special facilities, and special services for education, therapy and training to enable them to live normal competitive lives." To "effectively accomplish such purpose the department . . . shall establish and administer instruction, special facilities, and special services for the education, therapy and training of exceptional children, and provide . . . corrective therapy together with academic, occupational and related training. The department shall cooperate . . . with the U.S. government . . . in developing, extending, and improving such instruction, special facilities, and special services."

"This program shall include boarding facilities . . . special classes in schools or homes, and . . . other facilities . . . required."

§301-23

"(A) division of special education for the promotion, direction and supervision and control of the program shall be created. Adequately qualified personnel may be employed to run the program.

§301-24, 25

"Where one or more exceptional children are found in any one district . . . the superintendent of education shall provide instruction, special facilities and special services according to the specifications of this part in a manner most expedient and economical." Eligibility for the program shall be determined by the department of education.

§301-26

"The department . . . shall establish and make such studies, surveys, evaluations, and rules and regulations as are necessary to carry out the purposes of this part."

RULEMAKING

"The department of social services shall administer work with and for the blind, including the registry of the blind, vocational guidance, training and placement in employment and other services, including the conduct of activities for sight conservation and the prevention of blindness."

REGULATIONS

Rule 44.43

"Substitute Teachers. The school shall maintain a plan for procuring substitute teachers which will insure adequate continuity of instruction."

Rule 49.0 -- 49.5

Students who are handicapped or are suspected of being handicapped and their parents are to be provided with opportunities to understand and to participate in the determination of each student's educational status and the educational program appropriate to his/her needs.

Department personnel shall make every effort to provide to parents the necessary information and guidance in English and, whenever necessary and feasible, in the primary language of the parents.

No change in the educational status of students shall be undertaken except in accordance with this rule.

A District Superintendent, or his/her deputy, may change the educational status of a student upon the recommendation of the principal.

Until any proceeding for change in educational status has been completed, the student shall remain in his/her then current educational status. If applying for initial admission to a public school, the student shall be placed in a regular school program until any proceedings regarding educational status has been completed.

a. Any person working with a student, including the student's parents, may advise the student's principal that a change in educational status will be of benefit to the student.

EVALUATION

The Principal, deciding in favor of an educational evaluation, shall notify the student and/or his/her parent or guardian. This and all other communications with parent or guardians shall be in English and/or in the primary language of the parent and/or guardian. The student and/or his/her parent or guardian may appeal the Principal's decision to the District Superintendent.

CONSENT

Parents shall either give written consent for an educational evaluation under Department auspices or obtain, at their own expense, an independent educational evaluation. If they do neither, the principal shall notify the District Superintendent and formal hearing proceedings shall be initiated in accord with 49-4 c-f.

HEARING

The evaluation under Department auspices shall be conducted under the District Superintendent's office by the appropriate district diagnostic team members and/or other relevant professional personnel.

The educational evaluation reports and recommendations shall be submitted in writing to the Principal. The Principal shall notify the District Superintendent of his/her recommendations. In turn, the District Superintendent shall notify the Principal of his/her action on the Principal's recommendation.

All those who participated in the educational evaluation, or developed the recommendations, or will implement the recommendations, should be available to participate in the conference.

At the conference, parents shall be provided with an explanation of their child's status and with the opportunity to review and assess their child's records, the educational evaluations, the recommendations, and alternative educational programs available.

Parents shall be informed of their right to contest the recommendations at a hearing. Parents accepting the recommended educational program shall sign an agreement authorizing the program for their child. If parents neither accept recommended or alternative educational programs, or fail to participate, the Principal shall notify the District Superintendent and formal hearing proceedings shall be initiated in accord with 49.4 c-f.

After receipt of notification from the Principal, the District Superintendent shall initiate formal hearing proceedings by a written notice to the student and/or his/her parents stating the recommendations, the alternatives available to the child, the parents' rights to a hearing and the means by which a hearing is obtained. The notice shall also indicate that, if a request for a hearing is not received by a specific date, the recommendations shall be implemented without a hearing.

Upon receipt of a request for a hearing, the District Superintendent shall schedule a hearing to be conducted by an impartial hearing officer from outside the Department designated by the Superintendent. The hearing officer shall render a written decision delivered to the student and/or his/her parent, which shall be final.

Time limits specified in the rule may be extended due to the unavailability of evidence or the time needed to translate requested material into the primary language of the parent.

CROSS REFERENCES

IV.D.: Regulation Rule §1.3c

IV.D.: Regulation Rule §1.4a

IV.H.; Regulation Rules 26.1; 26.3

2. Programs for Exceptional Children

Statutes

§33-124

The state board may approve or disapprove any plan for a "program providing instruction and training for handicapped students under the age of twenty-two years in vocational education" submitted by a school district or districts.

§33-2001-2002

"Each public school district is responsible for . . . the education and training of exceptional pupils," who are defined as "those children whose handicaps, [including mental, physical, emotional, visual, auditory or speech handicaps] or . . . capabilities, are so great as to require special education and . . . services." Districts may provide instruction for such persons to the age of twenty-one. "The state board of education shall . . . determine eligibility criteria . . . qualifications of special teachers and . . . personnel, programs of instruction and minimum standards for classrooms and equipment."

§33-2002A

"Special services for exceptional children may include those services provided by certified ancillary personnel," such as special education teachers, speech and hearing therapists, school social workers and psychologists, and teacher aides.

§33-2003

The state board of education shall "establish programs, set standards, and employ . . . personnel . . . to assist . . . school districts in educating and training exceptional children; establish a research program to evaluate on-going programs . . . and make recommendations; formulate, and . . . revise . . . standards for the determination of eligiblity of children for special . . . education."

§33-2004

"The trustees of a school district may contract . . . for the education of exceptional children by another school district or by any private or public rehabilitation center, hospital, or corporation, approved by the state board of education." The school district shall reimburse "the institution, corporation or district contracting to educate such students."

§33-2005 -- 33-2005A

CONTRACT SERVICES

School districts may contract for the services of or employ ancillary personnel to provide special education for exceptional children. Districts so doing shall be reimbursed through the "foundation exceptional education program" of the state.

§33-3401 -- 33-3408

SCHOOL FOR DEAF AND BLIND

A state school for the deaf and blind shall be established and governed by the State Board of Education. It shall employ a superintendent, teachers, specialists and other personnel, and fix their salaries, prescribe the course of study and textbooks used, expend funds to repair, remodel and maintain the school and provide free examination of applicants for admission.

Each school district shall report the number of blind and deaf children attending its schools to the superintendent of the state school for the deaf and blind each year.

REGULATIONS

Administrative Rules and Regulations For Special Education, §2.1

All children in the state must attend a public school if not being educated by other means.

The State Board shall operate, administer and establish policy for all programs of special education.

Each school district functions under local board direction.

Administrative Rules and Regulations For
Special Education, §2.2

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IDAHO

The State Board shall establish a unit to administer this act, programs, set standards, employ all necessary means for educating exceptional children, research programs for evaluation of success and access number of children in need of special education; formulate and revise standards of eligibility for children in need of special education.

ADMINISTRATION

The State Board shall determine the total cost for maintaining the special education program, and select those agencies which, on a contract basis, can supply additional support.

The State Board shall make annual reports to the legislature on the special education program highlighting number of children served; districts operating programs; money distributed; and an estimate of those children needing but not receiving services. This report shall be filed not later than the fifteenth day of the legislative session.

Responsibilities of the Department of Education shall be:

Assisting local districts in establishing special education programs, providing rules which comply with State Board standards, flexible enough to provide support for local districts.

RULEMAKING

Visiting and evaluating those agencies wishing to provide services on a contract basis, approving all on-going contracts for special education services on an annual basis.

Provide consultation services to local districts in the development of comprehensive educational programs in a single or multi-district area.

Provide assistantce to local districts in the development of a long-range plan for exceptional children in single or multi-district area.

Maintain data collection and review procedures which will assure the quality of special education programs state wide.

EVALUATION

Provide copies of program evaluation by the Department

of Education.

Monitor records of local districts which concern special education revenue and expenditure reports, comprehensive child evaluation reports, local district special education plans and any available program evaluation reports.

Make training available to teachers and other personel working with exceptional children in Idaho.

Coordinate and utilize available regional and state support services.

ADVISORY PANEL

Maintain a State Special Educational Advisory Panel which shall:

Advise the state on unmet needs; commenting on these rules and regulations.

Assist the state in developing and reporting data and evaluation of special education programs and services.

Advise the State on needed policies and practices within special education programs and services.

Responsibilities of local districts shall be:

To establish services, first, for those exceptional children not enrolled in special education programs and, second, for those within each exceptionality with the most severe or critical learning problem receiving inadequate education.

To develop plans at the kindergarten, elementary and secondary levels for the comprehensive provision of services to exceptional children.

To maintain special education program in compliance with standards set out in these rules and regulations.

To provide a full or part time administrator whose responsibilities include:

"Establishment of priorities for program development including objectives and strategies for implementing the program.

"Planning and development of instructional services including the Individual Education Program(s).

"Assistance to teachers in selecting and securing materials and equipment for instruction.

"Establishment of procedures for identifying exceptional students in the district . . .

"Coordination with district administrators in order to assure integration of the special education program with the total school program. . . .

"Assistance to building principals and other appropriate school personnel in the scheduling of classes and program for exceptional students.

"Establishment of channels of communication with the school organization and the community concerning exceptional children.

"Organization of Child Study Team(s).

"Development of a uniform procedure of student referral, comprehensive evaluation, placement, change of placement, and annual review of student progress.

"Arrangement of conferences, workshops, courses, etc., which will promote the growth of staff members toward more efficient and effective performance.

"Continuous evaluation of the curricular approaches and assistance to teachers in developing methods of measuring student progress.

"Organization of necessary transportation needs of exceptional children.

"Assistance to the administration in selection of special education personnel.

"Submission of reports and forms to the State Department of Education as necessary for the operation of an approved special education program."

Administrative Rules and Regulations For Special Education §3.4 -- 3.7

The procedures for identification of exceptional students in need of special education may include screening, child-find activities, census, or surveys, or establishing a system of child referral for special education, submitting names of those referred to a child study team for appropriate educational planning.

IDENTIFICATION

A Child Study Team shall include a regular classroom teacher and/or special education teacher, and an administrator (building principal and/or director of special education). Other team members may be selected from the following lists of regular and additional members. Parents shall be given the opportunity to get involved.

"Written parental consent must be obtained if any individual evaluations are to be initiated.

"Appropriate comprehensive evaluation should be completed.

"Individual evaluative reports should be written and submitted to the Child Study Team."

The following are functions of the Initial Placement Meeting.

PLACEMENT

"1. Comprehensive evaluation information should be reviewed on each child.

"2. Eligibility for special education services should be determined utilizing minimum state guidelines for eligibility and any additional district criteria. . . .

"3. A written Individual Education Program (IEP): Total Service Plan must be prepared. . . .

"4. Placement in the least restrictive educational setting must be determined.

"5. Parents shall be given the option to be present at the formal placement meeting. However, if parents are unable to attend, provision must be made to inform parents of the results of the comprehensive evaluation and obtain written parental agreement to the IEP. . . ."

"The IEP: Total Service Plan for each student receiving special education services shall be reviewed as (sic) least annually by the Child Study Team. Parents must be given the opportunity to participate in the annual review process."

The basis for special education placement shall be the result of a comprehensive evaluation.

Comprehensive evaluation procedures will vary according to child need; selection of specific assessment instruments are to be determined by the Child Study Team.

EVALUATION

Comprehensive evaluation records are to be completed by the professional person designated by the Child Study Team as responsible for that particular portion of the evaluation, including program recommendations.

"The Individual Education Program (IEP): Total Service Plan shall include:

"Name of student and date of Child Study Team meeting.

"A summary of the present level of the student's educational performance.

"A statement of the recommended placement. . . .

"The extent to which the student will participate in the regular education program.

"Statement(s) of the annual program goals.

"The specific special education program and/or related services proposed for the exceptional child. . . .

"The projected date, by month and year, of the annual review.

"The signature and position of each Child Study Team member present at the placement meeting, to include the parent if present."

PROCEDURAL SAFEGUARDS

Various procedural safeguards provide for initial identification, comprehensive evaluation, special education placement, and IEP planning and implementation.

These safeguards include: (1) notification to and consent of parents prior to evaluation, placement, or change of placement; (2) use of screening materials which are not racially or culturally discriminatory; (3) placement within the least restrictive educational setting; (4)

periodic review of the child's educational progress; and (5) maintenance of student records in a confidential manner.

Administrative Rules and Regulations For Special Education §3.10

"An Individual Education Plan: Instructional/Implementation Plan shall be developed and implemented for each child. Minimum components of this instructional plan shall consist of:

"Instructional objectives to implement each program goal.

"The date the implementor starts instruction on each program objective and projected date of completion.

"A statement of the level of mastery to be required for each instructional objective. . . ."

Administrative Rules and Regulations For Special Education §3.11

"Each local school district shall provide for a comprehensive system of personnel development which shall include training of general and special education instructional and support personnel serving exceptional children. In-service training might include such activities as:

INSERVICE TRAINING

"Training in the use of Individual Education Programs and other pertinent state and federal policies governing special education.

"Workshops or conferences on teaching techniques, classroom strategies, etc.

"Demonstrations of various methods of classroom management.

"Materials workshops which provide opportunities for school personnel to investigate current resources and materials available for use with exceptional children.

"Local, state, regional, and national conferences and visitations pertaining to the education of exceptional children."

Administrative Rules and Regulations For
Special Education §3.12

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IDAHO

The local school district "shall maintain records of the district special education program for review by the State Department of Education.

"School District Central Records of Special Education program should include:" (1) due process forms; (2) comprehensive evaluation data; (3) an IEP: Total Service Plan for each exceptional student; (4) an IEP: Annual Review Report for each exceptional student; and (5) records of all formal Child Study Team meetings.

"Special Education Teacher Classroom Records should include:" (1) teacher assessment of each exceptional child; (2) the IEP: Instructional/Implementation Plan for each exceptional student which includes measures of on-going student progress; (3) records of parent conferences; and (4) scheduling arrangements regarding the delivery of services.

RECORDS

"Other Ancillary Personnel Records should include:" (1) ancillary personnel assessment of each exceptional child; (2) the IEP: Instructional/Implementation Plan for each exceptional student which includes measures of on-going student progress; (3) records of parent conferences; and (4) scheduling arrangements regarding the delivery of services.

Administrative Rules and Regulations For
Special Education §4.0

Special education program model

The resource program model shall serve as a supplement to regular classroom instruction. The physical location for this resource program may include classrooms, resource room, a learning center, or non-school setting. The resource program teacher will not interfere with the regular classroom teacher, who has major responsibility for student education, but is to serve several districts.

Pupils eligible for participation in the gifted/talented program may be assigned to an in-school or out-of-school educational program individualized to meet his/her needs.

Pupils may be assigned: to spend part of the day in a resource room then return to regular classroom; spend time with a mentor in private sessions in or out of school; to an in or out of school program where he/she receives individual professional attention which is designed to meet that pupil's needs.

Pupils may be assigned to either a regular classroom or other setting for independent study, research, advanced academic work, craftmanship, or other such activities that are not available in a regular classroom curriculum.

PLACEMENT

The above student placements may be combined to address student needs. Participating students must spend a maximum of 5 to 6 hours per week in a program with a differentiated curriculum which is not available in the regular classroom program. Documentation of all time spent in this program must be provided. Special education plans for identified students are to be coordinated with the total education program.

District shall be reimbursed, to a maximum of 16 students, under the Exceptional Sparsity Factor, for each employed full-time facilitator of gifted/talented operating approved special education programs. This reimbursement is designed to provide an operating budget for materials and equipment needed for direct services to students.

The Child Study Team may assign students to a special education self-contained class on a full-time basis. In this model, the special education teacher has the major responsibility for the educational program. Students served within this model may be integrated into the regular education program as much as possible. In the self-contained Model: Moderate, a maximum of 12 pupils without an aide and 18 pupils with an aide will receive state reimbursement under the Exceptional child sparsity factor. In the severe category, a maximum of 6 pupils without an aide and 10 pupils with an aide will receive state reimbursement

under the Exceptional Child Sparsity Factor.

Pupils assigned to the secondary vocational program model will receive instruction in prevocational skills (14-16 years); vocational skills (16-18 years); and on-the-job work experience. This model may include instruction in academic skills relating to vocational areas, training in prevocational or vocational skills, experience in the community or school work stations, and/or job placement. The special education instructor who teaches in this model must hold, in order to receive state reimbursement, an Exceptional Child Certificate.

Itinerant services model:

The consulting teacher is to provide support to the special and/or regular education personnel instructing exceptional children.

Pupils assigned to the Communication Disorders Specialist shall receive speech and language instruction. Such instruction shall be geared to reach severely handicapped pupils and class size may be set accordingly.

Homebound placement may be used to service those children who can not attend school.

HOMEBOUND PLACEMENT

When school districts are unable to meet the special education needs of eligible children, they shall be directed to a contractual program with an approved rehabilitation center, hospital, corporation or agency. Such programs require annual approval from the Department of Education.

Districts may present written Special Design Models to the Department of Education to provide adequate instructional programs for exceptional students. This model requires annual approval from the Department of Education, Special Education Section.

Exceptional children may be placed in state-operated residential hospitals or schools when determined, by child and parents, to be the best means of helping the child.

Regional and state support services will be coordinated through the Department of Education.

The three state special education learning resource centers shall be located: University of Idaho, Boise State University and Idaho State University. Each center shall have a Special Education consultant who shall be a regional staff member of the Department of Education.

Special services shall be made available to hearing impaired public school students through itinerant specialists employed by the State School for the Deaf and Blind.

Services related to special education and the needs of individual exceptional students may be available through Child Development Centers, local public and private agencies, and community organizations.

Policy Manual
Ch. 400, §409

The state shall, pursuant to Idaho code 33-2001, provide for the education and training of exceptional/handicapped pupils residing therein.

State Board responsibilities shall include:

Establish an administrative unit to administer the provisions of this act;

Establish programs, set standards, and employ sufficient personnel needed to assist school districts in educating exceptional children;

Establish a research program to evaluate on-going programs, assess the number and types of exceptional children and make recommendations;

Design and continually revise standards for the determination of those eligible for special education services.

CROSS REFERENCE

IV.D; Statute §33-1512

STATUTES

§10-22.07

CLASSES FOR DEAF

The board shall establish classes for deaf children between 3 and 21 years of age.

§10-22.31

The board may enter into joint agreement with other school districts in order to provide special education services.

§10-22.38

Boards may cooperate with other educational and governmental agencies to carry out programs to identify and treat mental, emotional and physical handicaps in preschool children.

§14-1.01 - 14-3.01

The regional superintendent of schools shall appoint a County Special Education Advisory Committee, which, every fourth year, shall "complete and report to the [State Board of Education] a comprehensive plan whereby all handicapped children in the county may receive a good common school education."

The phrase "handicapped children" refers to the physically handicapped, the educable or trainable mentally handicapped, as well as those children with specific learning disabilities or speech defects.

The State Board of Education shall appoint an Advisory Council on Education of Handicapped Children, the members of which shall be selected on the basis of their knowledge of or experience in education of handicapped children.

§14-6.01

School boards that establish special education facilities shall exercise the same powers and duties regarding these facilities as are prescribed by law for the management of other educational facilities. Any district that maintains a high school is authorized to issue graduation certificates to handicapped children who complete special educational programs.

§14-7.01 - 14-7.02a

If it is necessary for a handicapped child to attend a class or school in another school district, his or her resident district "shall grant the proper permit, provide any necessary transportation, and pay . . . the per capita cost of educating such [child]." If it is necessary that a handicapped child attend a private facility that is in compliance with the regulations of the State Board, the resident district "shall pay the actual cost of tuition charged . . . or $2500 per year, whichever is less . . ." except that transportation shall not be provided to a residential school. It should be noted that "[a] school district providing for a child requiring extraordinary special education services . . . is eligible for reimbursement from the State for the per capita cost of educating that child in excess of the District per capita tuition charge for the prior year or $200, whichever is less."

TUITION

§14-8.01

All special educational facilities shall be under the supervision of the State Board of Education, which shall prescribe standards and regulations governing personnel requirements, eligibility, curriculum, transportation, etc.

The Board shall determine eligibility based upon the recommendations of qualified specialists. Parents must be notified of the type of program and services their child will receive.

§14-11.01

An educational materials coordinating unit for handicapped children shall be established to provide a library, audio-visual, and other types of materials peculiarly adapted to special education instruction.

§14-11.02

The Illinois Office of Education shall develop and operate a service center for deaf/blind individuals. Services provided shall include counseling and referral. An Advisory Board is also created to assist the State

CENTER FOR THE DEAF/BLIND

office and to make recommendations for providing services to deaf/blind individuals.

§14A-1 - 14A-8

The State Board of Education, with the advice of an appointed Advisory Council shall promulgate regulations whereby school districts may submit proposals for the education of "gifted children."

The proposal must include "a statement of the qualifications and duties of the personnel required . . . and the educational materials necessary." If approved by the State Board, "the district shall be entitled to reimbursement for the services and materials required," based upon a statutory formula. In addition, the State Board "may make fellowship grants to persons . . . interested in working in programs for the education of gifted children, for full-time study at the graduate level . . . ."

§34-128

The board shall provide free bus transportation for every "trainable mentally handicapped child" who lives within one mile from his/her assigned school, if the State Board determines that it is necessary.

REGULATIONS

Rules and Regulations to Govern the Administration and Operation of Special Education

2.01

Local districts shall be responsible for providing and maintaining appropriate and effective educational programs for all exceptional children who are residents therein.

2.02

Each local school district, independently or in cooperation with other districts, shall provide a comprehensive program of special education for those exceptional children who are between the ages of three and twenty-one and who are resident in the district.

A comprehensive program shall include:

A viable organizational and financial structure.

Systematic procedures for identifying and evaluating

the need for special education programs and supportive services.

A continuum of program options which incorporate appropriate instructional programs and supportive services.

Qualified personnel who can provide:

Administration of the program

Supervisory services

Instructional services

Supportive services

Transportation services.

Appropriate and adequate facilities, equipment, and materials.

Functional relationships with those public and private agencies which can supplement or enhance the special education programs of the public schools.

Interaction with parents, and with other concerned persons, which facilitates the educational development of exceptional children.

Procedures for internal evaluation of the special education programs and services.

Continuous planning for program growth and improvement based on internal and external evaluation.

2.03

Special education shall be established and conducted as an integral part of the local district educational effort.

The local school district shall be considered the primary agent for the delivery of special education services to exceptional children.

An organizational unit developed by joint agreement between districts shall be considered a service agent of the participating districts.

The cooperative programs shall be directed by, and responsible to, all participating local districts.

2.04

The local school district shall be responsible for ensuring that those children who require special education services enjoy rights and privileges equal to those of all other children.

No exceptional child between the ages of three and twenty-one may be permanently excluded from the public schools, either by direct action by the board of education, by indication of the district's inability to provide an educational program, or by informal agreement between parents and the school district to allow the child to remain at home without an educational program.

A child who has been determined eligible for a special education instructional program or supportive service shall not be expelled for behavior or a condition which is, or results from, an exceptional characteristic as defined by statute.

3.01

Each local school district shall establish and maintain special education instructional programs and supportive services which meet the educational needs of children with the following exceptional characteristics:

Auditory, visual, physical, or health impairment.

Speech or language impairment.

Deficits in the essential learning processes of perception, conceptualization, memory, attention, or motor control.

Deficits in intellectual development and mental capacity.

Educational maladjustment related to social or cultural circumstances.

Affective disorders or adaptive behavior which restricts effective functioning.

3.03

Special education instructional programs and supportive services, including diagnostic services, shall be available to exceptional children who are between the ages of three and twenty-one and who are enrolled in the local school district.

An exceptional child who will be three years old by December 1, shall be eligible for special education services, including private placement if required, from the beginning of the school year. Those attaining three after this time are immediately eligible.

An exceptional child who requires continued public school educational experience to facilitate his or her integration into society shall be considered eligible for such services until age twenty-one or upon successful completion of the secondary program. The child who becomes twenty-one during the school year shall be allowed to complete that year.

An exceptional child who has satisfactorily completed a secondary program and has been assisted in locating further educational and vocational experience as necessary shall be granted a diploma. Both parents and the student shall be made aware that eligibility for the public school special education services is terminated following the granting of a diploma and that the parents may request a review of the recommendation for graduation. DIPLOMA

3.07

The director of special education shall be responsible for the establishment and operation of all special education programs throughout the state.

4.01

Special education instructional programs shall be designed in direct response to the educational needs of exceptional children.

Specific types of instructional programs may be formulated according to common exceptional characteristics of the students, or, for students with differing exceptional characteristics.

Student-based objectives shall be developed for each type of special education instructional program.

The objectives of the program shall have direct and observable relationship to the objectives which have been established for each child who is placed in that program.

4.02

A curriculum of educational experiences adaptable to individual needs, interests, or abilities of each child shall be developed for each type of instructional program.

This curriculum shall be:

Sequential

Developmental

Goal-directed

Clearly stated and available to the public

Subject to continuing evaluation and revision.

4.03

In the formation of special education instructional programs, consideration shall be given to the chronological age, mental age, physical size, motor ability, level of achievement, and social and emotional adjustment of the students.

Special education age groupings shall be early childhood (generally ages 3-5), primary (generally ages 6-8), intermediate (generally ages 9-11), junior high (generally ages 12-14), and secondary (generally ages 15-21).

The age range of students within a special program

or in any individual instructional grouping shall not exceed four(4) years.

4.04

The principal determinants of the number of students served in each special education instructional program shall be the age of the students, the nature and severity of their exceptional characteristics, and the degree of intervention necessary. All exceptions to the following program size limitations shall require the written approval of the Illinois Office of Education prior to the implementation of the program.

4.5

A school district may conduct summer school programs. The Illinois Office of Education encourages the growth of new and creative programs to meet the needs of out-of-school youths and adults. Pursuant to the needs of such students, each high school shall adopt policies with reference to the awarding of credit for evening school courses on the same basis as courses taught in the day program. Experimental and pilot studies may be undertaken with approval of, and under the supervision of, the Illinois Office of Education.

Each local district, independently or in cooperation with other school districts, shall provide a comprehensive program of special education which will meet the needs of children ages 3 to 21 with the following exceptional characteristics:

Auditory, visual, physical, or health impairment; speech and/or language impairment; deficits in the essential learning of perception, conceptualization, memory, attention and/or motor control; deficits in intellectual development and mental capacity; educational maladjustment related to social and/or cultural circumstances; affective disorders and/or adaptive behavior which restricts effective functioning.

These special education programs [for children

with exceptional needs] shall provide school psychological services and school social worker services. Schools shall provide appropriate physical education programs for exceptional students. In those instances where a student's special needs cannot be met through the local or joint Special Education Program, the public school districts may enroll the handicapped student in a private facility.

5.01

Supportive services which shall be provided by the school district are:

Individual or small group instructional services, either itinerant or resource, for exceptional children whose educational needs can be adequately met through part-time instruction by a special education teacher.

Speech and language services for all students with speech and/or language impairments which interfere with their educational or social development.

School psychological services to and on behalf of students who require psychological evaluation and assistance in their educational or behavioral adjustment.

School social work services to and on behalf of students whose educational or behavioral development is restricted due to social or emotional considerations, family circumstances, or problems of the environment.

Special reader services for children whose educational development can be significantly assisted by the provision of such services.

Braillists and typists for exceptional children with visual impairment.

Therapy, for exceptional children whose educationally related, therapeutic needs have been determined in a multidisciplinary staff conference.

Consultant services, the nature of which is determined by the needs or exceptional children.

Consultant services, the nature of which is determined by the needs of exceptional children.

7.04

The amount of instructional or supportive service time provided through the home and hospital program shall be determined in relation to each child's educational needs as well as physical and mental health.

7.05

Instructional time shall be scheduled only on days when school is regularly in session.

7.07

Periodic conferences shall be established between appropriate school personnel and home and hospital personnel to coordinate the courses of study and to facilitate the student's return to school.

7.08

The school district shall not utilize the home and hospital program to avoid its responsibilities to establish in-school programs nor to eliminate children from the school program.

8.03

When the district determines that a child cannot be provided with an education in the public schools, appropriate school personnel shall meet with the parents or guardians of the child to determine an alternative educational plan.

8.04

The district shall be responsible for locating an appropriate state-operated or private program and for facilitating the referral to that program. An appropriate program is one which will provide the child with special education experiences which are both adequate and appropriate to the student's need.

If for any reason the recommended placement cannot be achieved, the district shall provide an alternate educational plan.

8.06

All private facility placements shall be reapproved by the Illinois Office of Education on an annual basis.

8.08

The local school district shall maintain a record of supportive data on each child placed in a private facility. This data shall include:

A summary of the child's individual problems.

A description of the program required by the child.

An explanation of why the child's needs cannot be met by the public school.

The description of the special education program offered by the private facility.

The request for placement of the child in a private facility as approved by the Illinois Office of Education.

Copy of the agreement with the facility.

Conference reports and periodic progress reports submitted by the private facility.

An annual reassessment of the need for continued private placement.

9.01

Local districts are to develop and implement procedures creating public awareness of special education programs. Where appropriate such information is to be in the major language of a particular community. An annual notification to all affected individuals is to be given.

9.02

Each local school district shall be responsible for actively seeking out and identifying all exceptional children in the district who are between the ages of 3 and 21. Procedures developed to fulfill this responsility shall include but not be limited to:

An annual screening of children between the ages of 3 and 5, to identify those who may need special education.

Hearing and vision screening at regular intervals during the child's school career.

Speech and language screening of each child upon initial enrollment in a public school district in

Illinois.

Annual screening by teachers and other professional personnel, for referral of those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting.

Procedures may include coordination with local and state service agencies and existing parent groups.

9.03

When a child is identified through the screening process, or exhibits problems which interfere with the child's educational progress and/or adjustment to the educational setting, or when there is reason to believe that a child may require special education services, the child shall be referred for a case study evaluation.

Each local school district shall develop, and make known to all concerned persons, procedures by which a case study evaluation of a child may be requested.

Referrals may be made by school district personnel, the parents of the child, community service agencies, persons having primary care and custody of the child, other professional persons having knowledge of the child's problems, the child or the Illinois Office of Education.

The local school district shall be responsible for determining the appropriateness of the referral, deciding what further action should be taken, and initiating the necessary procedures.

9.04

All written notices required by these regulations shall be in English, and in the language normally spoken by the parents if it is other than English. NOTICE

9.05

The parents shall be notified regarding referral of their child for a case study evaluation.

When the child is to be given a comprehensive case study evaluation the parents shall be notified, in writing, of the reasons leading to this decision, evaluative procedures which will be conducted and that they will be asked for signed consent.

Annually, written notification regarding the district's policies and procedures for providing a homebound services case study evaluation and a speech and language case study evaluation shall be provided to all parents in the district.

9.07

If the parents object to a proposed case study evaluation by refusing to sign consent, and which objection is not resolved by a conference with the parents, the district may request an impartial due process hearing.

9.08

Before a child is given a case study evaluation, the local school district shall be responsible for determining the child's language use pattern, mode of communication, and cultural background.

9.06

Parental consent shall be obtained prior to a formal case study evaluation.

9.09

The child shall be given a case study evaluation appropriate to the nature of the problems which caused the referral.

For the child who requires special education placement in a home or in a hospital because of a temporary physical or health impairment, estimated to last six months or less, a homebound services case study evaluation shall be conducted.

For the child whose problems seem to be limited to the area of speech and/or language, a speech and language case study evaluation shall be conducted.

The speech and/or language impaired child with additional handicapping conditions or educational deficits shall be referred for further evaluation.

For all other children, a comprehensive case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

An interview with the child

Consultation with the child's parents

A social developmental study, including

an assessment of the child's adaptive behavior and cultural background

A report regarding the child's medical history and current health status

A vision and hearing screening, completed at the time of the evaluation or within the previous six months

A review of the child's academic history and current educational functioning

An educational evaluation of the child's learning processes and level of educational achievement

An assessment of the child's learning environment

Specialized evaluations specific to the nature of the child's problems.

MEDICAL EXAMINATION

An appropriate medical examination by a licensed medical specialist shall be obtained, at parent expense or through community resources, for any child with either a suspected physical, health, vision or hearing impairment

9.11

Each case study evaluation shall be conducted so as to assure that it is linguistically, culturally, racially, and sexually nondiscriminatory.

The language(s) used to evaluate a child shall be consistent with the child's language use pattern.

Psychological evaluation of a child shall be performed by a certified school psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child.

Tests given to a child whose primary language is other than English shall be relevant, to the maximum extent possible, to his or her culture.

9.12

In those instances in which a child has been evaluated by qualified professional personnel outside the school district, that evaluation shall be considered in determining eligibility and need for special education placement.

9.13

Upon completion of a homebound services case study evaluation the local district superintendent or designee shall determine the child's eligibility for homebound special education placement and recommend an appropriate placement.

9.14

Upon completion of a speech and language case study evaluation the speech and language clinician shall review the findings, determine the child's eligibility and need for speech and language services, and make recommendations to the local district superintendent or designee for appropriate placement.

9.16

ELIGIBILITY

Eligibility for special education programs and services shall be determined by the presence of one or more of the following exceptional characteristics: "visual impairment; hearing impairment; physical or health impairment; speech and/or language impairment; learning disability; educational handicap, behavior disorder; mental impairment; multiple impairments."

9.17

PLACEMENT

Recommendations for special education placement shall be based on the following:

The child shall be placed in the educational program which is most appropriate to the students needs and least restrictive of the interaction with nonhandicapped children.

The more severe and complex the child's handicapping condition, the more intensive shall be the special education program provided for the student.

The proposed placement shall be consistent with the findings of the case study evaluation and the established eligibility of the child.

9.19

The local school board has the authority to place students in special education programs. The board may also authorize, by regulation, that the director of special education place students in special education programs.

9.20

The case study evaluation and multidisciplinary staff conference shall be completed within sixty(60) school days of the date of referral or the date of application for admittance to the public school by the parents of the child.

9.21

At least ten(10) days prior to the actual placement of the child, the parents shall be notified, in writing, of the following:

The results of the case study evaluation.

The nature of the special education program or service needed by the child.

The recommendations for placement and the plan for implementing those recommendations.

Their right to object to the proposed placement and the specific procedures in making such an objection, including the procedures for requesting an impartial due process hearing.

Record of such notice shall be entered in the child's temporary student record.

9.22

If the parents agree to the proposed placement and waive the ten(10) school day interval before placement, the child may be placed in the recommended program as soon as practicable.

9.23

If the parents object to the proposed placement within ten(10) school days of their receipt of notification of the proposed placement, the district shall arrange a conference with the parents to try to resolve the situation. If the parents continue to object, they may appeal the proposed placement by requesting an impartial due process hearing. HEARING

9.24

Special education placement shall be made as soon as possible after the determination of eligibility and need for such placement but in no case shall placement

occur later than the beginning of the next school semester.

9.25

The educational status and continued special education placement of each child shall be reviewed at least annually in a conference attended by those professional persons working with the student and others as designated by the director of special education.

Utilizing appropriate evaluation information, including teacher and parent opinions, the annual review shall determine the extent to which the child has met the objectives, recommend further evaluation if indicated, and revise the individual educational plan, including the specific objectives set for the child, as necessary.

When further evaluation is indicated pursuant to the annual review, a review of the child's status, and/or requested by the teachers, parents, other knowledgeable persons, or as a result of an imparrial due process hearing, such an evaluation shall be completed within sixty (60) school days of the request.

9.26

Notification to parents regarding continuation, change or termination of placement shall inform the parents of their right to object and of the procedures to be followed to make such an objection. NOTICE

9.27

Written notification regarding the continuation of the child's special education placement shall be provided to the parents of the child as soon as possible but not later than ten(10) school days prior to the beginning of each school year.

9.28

At least ten(10) school days prior to any major change in the educational placement of an exceptional child(excluding changes in levels, i.e., primary to intermediate), including those stated in rule 9.26, the parents shall be given written notification of the proposed change, including the reasons for the change and a description of the proposed program.

If the parents request an impartial due process

hearing regarding a proposed change in the educational placement of their child, the district shall not change the placement until the matter is decided.

9.29

Special education placement may be terminated only after a complete review of the child's educational status determines that such placement is no longer required, that termination of the placement is in the best interests of the child, or that the child was inappropriately placed.

10.01

When there are differences between the local school district and the parents or other persons having primary care and custody of the child, or the child which cannot be resolved through the procedures regularly utilized by the district, an impartial due process hearing may be requested.

HEARING

A hearing may be requested by the parents, other persons having primary care and custody of the child, the child or the district.

10.04

Within five(5) school days of the request for a hearing, the local school district shall:

Send a certified letter to the Illinois Office of Education requesting the appointment or an impartial hearing officer.

Send to the person requesting the hearing, by certified mail, a copy of the letter sent to the Illinois Office of Education.

10.05

If the district decides not to honor the request for a review, the parents or guardian of the student shall be notified of this denial. Such notification shall be made in writing within ten (10) calendar days of the request and shall contain the reasons for the denial.

If the local district fails to notify the parent of their right to a hearing , as prescribed in the rules and regulations, or if the request for a review is denied either directly or by failure to provide such a review,

the parent or guardian may appeal such a denial directly to the Illinois Office of Education.

10.06

Within five(5) school days of its receipt of the request from the local school district, the Illinois Office of Education shall select and appoint a trained impartial hearing officer to preside at the local hearing.

10.07

Within five (5) days of his or her appointment, the hearing officer shall set the time and place for the hearing.

The hearing shall be held at a time and place reasonably convenient for the parents. However, it shall be scheduled not later than thirty (30) school days after the appointment of the hearing officer, unless the hearing officer permits an extension of time due to extenuating circumstances.

10.09

The hearing officer shall preside at the hearing and conduct the proceedings in a fair, impartial, and orderly manner.

10.10

The hearing which has been requested regarding the placement of a child shall seek to establish, but is not limited to, the following:

That the child has needs which require special education intervention.

That the evaluation procedures utilized in determining the child's needs have been appropriate in nature and degree.

That the diagnostic profile of the child on which the placement recommendation was based is substantially verified.

That the proposed placement is directly related to the child's needs.

That the child's rights have been fully observed.

10.12

The parents of the child, and the local school district or their respective representatives shall have a right to present testimony and question all witnesses at the hearing.

10.14

A record of the hearing procedure shall be made, either by a court reporter who is paid by the school district, or by a tape recorder.

10.15

Within ten (10) school days after the conclusion of the hearing, the hearing officer shall issue findings and recommendations, by certified mail, to the district and parents.

10.17

APPEAL

The parents who wish to appeal to the Illinois Office of Education shall submit a written request for a state-level review to the local district superintendent within fifteen (15) school days of their receipt of the decision of the school district.

10.19

Pending the completion of the due process hearing, an appeal to the Illinois Office of Education shall cause the district to postpone any proposed change in the child's educational placement, unless the State Superintendent of Education decides that the health and safety of the child or others would be endangered. In such a case, the school district shall be responsible for developing an appropriate interim placement.

10.20

Upon receipt of a request for a state-level review, the State Superintendent of Education shall designate a trained, impartial hearing panel, composed of appropriate attorneys and educational employees of the Illinois Office of Education.

10.21

The impartial reviewing panel shall consider the appeal based upon a study of the materials provided by the local school district and the parents.

10.22

A report of the reviewing panel, including its recommendations, shall be submitted to the State Superintendent of Education, who shall decide the appeal within thirty (30) school days of receipt of the appeal by the Illinois Office of Education.

10.23

Copies of the decision of the State Superintendent of Education shall be sent by certified mail to the local school district and the parents. The decision shall be given in English and in the language normally spoken by the parents if it is other than English.

10.24

The decision of the State Superintendent of Education shall be binding on all parties.

10.25

The local school district shall be responsible for implementing the decision of the State Superintendent of Education. All decisions of the State Superintendent of Education issued pursuant to these regulations may be enforced by denying approval of special education programs, denying personnel reimbursement, reducing school district recognition status, or by initiating action in a court of law.

10.26

During the regular school year, the local school district and the Illinois Office of Education shall comply with all timelines stated herein and take whatever other steps are necessary to expedite the resolution of the controversy.

12.01

Professional and noncertified personnel shall be employed in sufficient numbers and with appropriate qualifications to deliver to each exceptional child resident in the district the special education program necessary.

13.01

Each child who exhibits one or more exceptional characteristics as described in Article XIV of The School Code of Illinois shall be eligible for special transportation. Such transportation shall be provided as the child's exceptionalities or the program location may require.

13.03

Personnel responsible for special transportation shall be given inservice experiences which will enable

them to understand and appropriately relate to exceptional children.

13.04

Special transportation shall be scheduled in such a way that a child's health and ability to relate to the educational experiences provided are not adversely affected.

14.01

The extent to which the local school district is fulfilling its responsibilities to exceptional children shall be determined by the Illinois Office of Education.

14.02

Evaluation by the Illinois Office of Education shall focus on the local district's provision of special education services, on each special education cooperative organization of which it is a participant, and on community resources utilized by the district.

14.03

Evaluation of special education programs and services shall be based on all of the following elements:

A Special Education Services Comprehensive Plan. This plan shall describe the district's provision of special education services, its plan for program involvement, and those factors unique to the individual district or cooperative which must be considered in the evaluation. This plan shall be filed with the Illinois Office of Education and revised at least triennially.

Continuous Internal Evaluation. This district and the cooperative unit(s) designated to provide special education services shall develop and implement procedures which assess the extent to which exceptional children are being adequately served and the effectiveness of each special education program and service.

Recognition Criteria for Special Education. These criteria shall be assessed through an indepth study by a team representing the Department of Recognition and Supervision of the Illinois Office of Education.

14.04

Written reports of the results of the evaluation conducted by the Illinois Office of Education and any

subsequent recommendations or actions shall be provided to the appropriate board(s) of education. Reports of the evaluation shall be considered in the public domain.

CROSS REFERENCES

II.A.1.; Statute §27-5 -- 27-7

III.B.Administrators; Regulation, Special Education 12.06

III.B.Director of Special Education; Regulation, Special Education 12.04

III.B.Noncertificated Personnel; Regulation, Special Education 12.07

III.B.Teachers; Statute §14-9 01

III.B.Teachers; Regulation, Special Education 12.02; 12.03; 12.04 12.05; 12.07

STATUTES

§20-1-6-1 -- 20-1-6-2

"There is . . ., under the . . . board of education, a division of special education . . . . The governor shall appoint, upon recommendation of the state superintendent . . . a director of special education . . . . The duties of the director shall include:"

General supervision of all classes and schools for handicapped children; making regulations governing the curriculum and instruction, including licensing of personnel in the field of education; and inspecting classes or schools to see that they "maintain proper standards of personnel, buildings, equipment and supplies."

A "handicapped child" is defined as any child between 3 and 21 years old, who because of physical or mental disability, is incapable of being educated properly through normal classroom instruction, but who would benefit from a special educational program.

§20-1-6-3

"Every school corporation . . . is empowered to establish and maintain instructional facilities for . . . handicapped children" and/or to provide transfer and transportation of handicapped children residing in its geographical limits to the Indiana state schools for the deaf and blind or to another school corporation which maintains facilities for the instruction of handicapped children. Any school corporation may also provide for instruction of special education in the child's home if the child is "unable to attend the special class or school . . . . All nurses, therapists, doctors, psychologists and related specialists employed under [Ch. 6] shall be

registered and authorized to practice under the laws of this state and shall be subject to such additional examination as the division of special education may require.

Teachers in classes and schools for handicapped children shall" possess the usual qualifications as well as special training required by the commission on general education. "Qualifications of para-professional personnel to be employed under the provisions of [Ch. 6] shall be subject to determination of the department of public instruction of the state board of education.

All [handicapped] children shall receive credit for work accomplished on the same basis as normal children who do similar work."

§20-1-6-5 -- 20-1-6-6

A school corporation establishing [a special education program or school] may send all its handicapped children thereto and it may provide dormitories for them. It shall admit, so long as facilities permit, any other handicapped children of the state who are eligible under this act and who are not provided an opportunity to attend an adequate school in their own school corporation.

§20-1-6-8

The medical care of the handicapped child is the responsibility of the family. However, no handicapped child is to be excused from attending school unless the local health officer certifies that attendance "would be injurious to the child." The educational and recreational program shall in no way alter the medical care prescribed by the proper medical authority. Eligibility for all special educational classes and programs shall be determined by appropriate specialists. The medical care of needy children suffering a handicap [is] the responsibility of the state department of public welfare.

MEDICAL EXAMINATION

§20-1-6-12

A child shall not be required to undergo medical examination, if the parent or legal guardian of the pupil notifies the teacher or principal that he/she objects thereto because he/she relies in good faith on prayer or spiritual means for the treatment of sickness. However, no objection shall be made to a physical or medical examination to determine whether a child shall be admitted to any class or school for handicapped children.

§20-1-6-14

"School boards of any school corporations that maintain a recognized school . . . shall . . . establish and maintain such special facilities as may be needed for . . . handicapped children [between ages 6 and 18] who are residents of their school districts, and such other children, resident in other school districts, as may be authorized by this act. . . ." School boards may provide such services for children under 6 years of age.

§20-1-6-16

There is a state advisory council which shall "assist the department of public instruction in the development of a statewide plan to provide a free public school education" for handicapped children. The council shall "advise the superintendent of public instruction and the commission on general education regarding all rules and regulations pertaining to handicapped children; recommend approval or rejection of completed comprehensive plans." There are 12 members of the council appointed to 4 year terms by the superintendent of public instruction. The commissioner of health and the commissioner of the department of mental health, or their designates, shall be ex officio members of the council. Appointed members "shall be selected on the basis of their knowledge of, or experience in the problems of the education of handicapped children."

§20-1-6-19

The superintendent of public instruction may contract with private schools to pay the excess costs of educating handicapped children "whose handicap is of such intensity as to preclude achievement in the local school setting" and when it is not economically feasible to establish a local program for the child.

§20-1-6-20

"Any teacher teaching in any of the participating school corporations who becomes a teacher in the special education school shall retain tenure . . . ."

§20-8.1-6.1-4

A school corporation may transfer "a student with a physical, emotional or mental disability" to another school corporation which has special programs or facilities for children with that particular disability.

REGULATIONS

§ II, Ch. 1, Policy 70-05

Joint Service Areas

"It is recommended that the Commission on General Education approve...specified areas and authorize school corporations to jointly plan programs in special education, vocational education or other state and federal programs that may develop in the future.

School corporations upon special request to the Commission...may transfer to an adjoining district if that district can better serve those students and its adults in its community....."

Rule S-1

Section 1

General Information

a. Authorization to Conduct Special Education Programs

As part of the state's responsibility to educate all children, this rule provides guidelines for the establishment of special education programs eligible for state funding assistance. Such programs must be conducted by school corporations as reimbursement cannot be made to other agencies.

b. Joint School Service and Supply Cooperative Programs and Joint Schools

School and school corporation may conduct, and receive reimbursement for, joint program and classes in special education.

c. Granting of Diplomas and Credit for Subjects Taught

DIPLOMA

Students enrolled in special education programs or classes shall, upon meeting the required standards, be issued the same diploma as that of other students.

d. Assignment of Average Daily Attendance (ADA) or a Day's Membership

For purposes of computing the ADA in special education programs, the following rules shall apply. Students attending their home school shall have their ADA credited to that school. Students attending joint school program shall have their ADA credited to the parent corporation. Students attending joint (corporation) programs shall have their ADA credited as determined by the underlying Agreement. The ADA of transfer pupils shall be credited to the receiving school.

e. Medical and Psychological Reports

All such reports shall be made at least every three years and shall be made easily accessible to those directly concerned with the student.

f. Minimum Instructional Day

The instructional day shall be equivalent to that for regular school program for children of the same age levels. However, waivers may be obtained, provided they

WAIVER

are in writing and submitted sixty days in advance.

g. Appeals

APPEALS

Appeals of any kind shall be made to the "state board for special education appeals" whose members shall be appointed by the governor.

h. Additional Evaluation

HEARING

Where, after hearing, a decision has been made to offer a student special education services, the parent of such student may request the State Superintendent to provide a licensed school psychologist, psychiatrist, or medical doctor, to make further examinations. Such examination shall be used as a basis for recommendation to the state board for special education appeals. Any expenses incurred hereunder shall be borne by the local school system.

MEDICAL EXAMINATION

i. Administration of Medicine

Medicines shall not be prescribed or given without the knowledge and consent of a child's parents, and then only as prescribed by their family doctor.

Section 2

Definitions and Program Specifications

Programs approved hereunder shall be for children between the ages of 6 and 18, provided that program may be provided for children between the ages of 3 and 6 and the ages of 18 and 21. Program for deaf children may begin as young as 6 months.

The local superintendent, with the advice of staff specialists and parents, shall have responsibility for determining the proper education program for a student. No program shall be implemented without prior written permission from the parents.

As special education programming requires the joint efforts of the school and the parents to be effective, it is necessary that the parents be "fully informed" of their child's situation.

As such, before any child is referred for testing, the parents must be notified and a personal interview arranged. The written consent of the parents must be obtained before any tests are administered.

Preliminary group screening tests administered to all students do not require such an interview.

"No child shall be excluded from or transferred out of a regular public school assignment unless such child is provided:

a) free and adequate alternatives educational service suited to the child's needs, and

b) written notice, hearing and periodic review of his/her status and of the adequacy of any educational alternative."

A case conference committee composed of "appropriate" school personnel and the child's parents, should they desire to participate, should be convened by the local superintendent.

The coordinator of such committee shall make arrangement for:

a) "assembly of relevant data and reports concerning the child and

b) the administration of further tests and evaluation" if the child's parents do not object.

Within sixty days of the initial request or recommendation the committee shall meet, and on the basis of relevant reports, shall recommend an educational program for the child. A report in these recommendations shall be sent the local superintendent within twenty days of the meeting. "The superintendent shall provide for the special educational needs of the child by way of an educational placement as close to the norm as possible."

The superintendent shall prepare a report on the recommendations and proposed placement, and send a copy thereof to the child's parents. A notice accompanying such report shall inform the parents of their right to a hearing if there is an objection to the placement.

"Whenever the superintendent proposes to take action regarding a child's . . . placement, denial of placement or transfer the child's parent . . . shall be informed by written notice of said proposal. If the parent . . . opposes the proposal, he[she] shall make a written demand for a

hearing . . .[which]. . . must be conducted within twenty to forty-five . . . days after the demand. Pending the outcome of the hearing, the child must be provided with interim educational services. In carrying out the above, the following procedures shall be followed:

1) If the child is not currently provided with a free educational program, he[she] shall be provided with the program deemed suitable by the local school system staff pending a decision by the hearing officer . . . . If the child is already being [so] provided . . . changes to which the parents . . . object shall not be made pending the hearing decision.

NOTICE

2) Notice . . . shall be given in writing by registered mail to the parent . . . of the child.

d) Such notice shall:

a) describe the proposed action in detail;

b) clearly state the specific and complete reasons for the proposed action . . . .;

c) describe any alternative educational opportunities available on a permanent or temporary basis;

HEARING

d) inform the parent . . . of the right to object to the proposed action at a hearing . . . and of the manner in which to request such a hearing;

e) inform the parent . . . that the child may be [independently] tested . . . and specify the name. . . of an appropriate local diagnostic center;

f) inform the parent . . . of any organizations providing assistance with respect to placement questions;

RIGHT TO COUNSEL

g) inform the parent . . . of the right to be represented at the hearing by legal counsel; to examine and copy the child's school records . . . including any tests or reports upon which the proposed action may be based . . . and, to confront and cross-examine any school official, employee, or agent of the school district or public department who may have evidence upon which the proposed action is based.

4) The hearing shall be at a time and place reasonably convenient to such parent . . . and

. . . not sooner than twenty . . . days nor later than forty-five . . . days after the receipt of a request from the parent or guardian.

HEARING

5) The hearing shall be closed to the public unless the parent . . ." requests otherwise.

RIGHT TO COUNSEL

6) "The child and his[her] parent . . .[have]. . . the right to a lawyer or other representative of their own choosing. If they are unable, through financial inability, to retain counsel, the superintendent shall advise the[m]. . . of availabile voluntary legal assistance.

7) The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.

8) The local school corporation shall bear the burden of proof as to all facts and as to the appropriateness of any placement, denial of placement or transfer.

9) A . . . verbatim record of the hearing shall be made, and upon request shall be transcribed and made available to the parent . . . or his[her] representative.

10) At a reasonable time prior to the hearing . . . the parent . . . or his[her] counsel, shall be given access to all records of the public school system and any of its agents or employees pertaining to the child, including any tests or reports upon which the proposed action may be based.

11) The independent hearing officer shall be designated by the State Superintendent . . . and shall not be an officer, employee or agent of the local school system . . . .

12) Costs pertaining to the hearing officer shall be paid by the local school corporation.

13) The parent . . . or his[her] representative, shall have the right to compel the attendance of, to confront, and to cross-examine any witness testifying for the public school system or any public employee who may have evidence. . . .

14) The parent . . . or his[her] representative, shall have the right to present evidence and testimony . . . ."

15) Within thirty . . . days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact and conclusions of law and shall be sent by registered mail to the parent . . . and his[her] counsel.

16) Appeals of any kind . . . may be made to the state board for special education appeals after [these] procedures . . . are followed." APPEAL

a. Programs for the Multiply-Handicapped

1) Definition

"A multiply-handicapped pupil is one with two or more handicapping conditions which . . . result in problems so complex that placement in programs designed for children with single handicaps will not result in significantly meaningful growth and achievement."

2) Evaluation and Placement Procedures

A case conference committee, on the basis of tests and other evaluations of learning capabilities, shall determine the appropriate placement for multiply handicapped pupils. Said committee shall prepare a written report containing recommendations as to eligibility and admissibility of the student to appropriate special education programs. If it is impossible to satisfactorily assess a given student's needs, he/she may be assigned to a "diagnostic teaching center for intensive continuing evaluation."

The Committee, prior to making its decision as to eligibility, shall determine whether additional evaluations are needed. The director of special education shall coordinate the results of such evaluations in a manner designed to aid the committee in making proper recommendations.

3) Annual Case Review

Each student's case shall be renewed annually by the Committee to determine if additional data is needed "to assess the student's current and continuing needs." The committee shall prepare a report recommending either:

a) "retention in the program;

b) Transfer to a different level of special education programming ;

c) Transfer to a regular school program

d) Transfer to an appropriate public or private resource;"

4) Diagnostic-Teaching Center

A Diagnostic-Teaching Center, staffed with a certified special education teacher and other appropriate consulting specialists, shall assess the learning strengths and weaknesses of individual students assigned thereto. The center shall make recommendations on the basis of such assessments, and the students shall be placed on the basis of such recommendations. "The caseload of the . . . center shall be limited to allow the pesonnel to meet the individual needs of each student enrolled."

5) Classes for the Multiply-Handicapped

Class size shall be no greater than eight, although exceptions may be granted by the Division of Special Education. A teachers-aide shall be employed if the situation so warrants.

b. Programs for the Physically Handicapped

1) Definition

A physically handicapped child is one whom a licensed physician finds has a serious health impairment of his/her "locomotion or motor functions" which shall cause an inability to function in the regular school program or a need for greater protection than the regular school program provides.

2) Evaluation and Placement Procedures

A case conference committee shall determine appropriate placement for the child on the basis of medical reports; an evaluation of learning capabilities and other school information. A written report shall be made containing recommendations as to the eligibility and admissibility of the student "to the most optimum type of special services warranted by the student's needs."

PLACEMENT

The Director of Special Education shall coordinate the results of such evaluation in a manner which shall aid the Committee in making proper recommendations.

3) Annual Case Review

Annually, the committee shall review each student's

case to determine whether additional data is needed "to assess the student's current and continuing needs." The Committee shall prepare a report recommending that the student remain in the program, be transferred to another special education program, or transferred to a regular school program.

4) Classes for the Physically Handicapped

"The following types of classes may be approved:

Nursery: Ages 3-4; Kindergarten: Ages 5-6; Primary Ages 7-9; Intermediate: Ages 10-12; Junior High Ages 13-14; Senior High Ages 15-21"

The above may be combined so long as a special education program is maintained on both the elementary and secondary levels. Class size shall be limited so as to allow the teacher to meet the individual needs of each student. A teacher's aide shall be employed where warranted. Such class may be used as a resource room for students who have been integrated into the regular classes. "The special class teacher . . . will act as consultant for those regular class teachers who have physically handicapped pupils enrolled in their classes."

PUPIL/TEACHER RATIO

5) Alternate Programs for the Physically Handicapped

The Division of Special Education may approve alternate programs for the physically handicapped. Proposals for such programs shall include "a description of the program rationale; the procedures for selection and placement of students; the plan for in-service education of teachers . . . the organizational plan and general curriculum content, and a detailed plan for the continuing evaluation of each student's progress." Such proposal must be submitted 60 days prior to its initiation. All modifications in the program must be submitted annually.

c. Programs for the Visually Handicapped

1) A visually handicapped pupil is one who comes under the statutory description for a blind pupil or a partially-seeing pupil.

2) Evaluation and Placement Procedures

A case conference committee, on the basis of medical reports, evaluations of learning capabilities and other school information, shall make recommendations as to the appropriate placement of such child in the "optimum type of special services warranted by the pupil's needs." The Director of Special Education shall coordinate the result of necessary evaluations so as to aid the committee in making proper recommendations.

3) Annual Case Review

Annually, the case committee shall determine what, if any, "additional data is required in order to assess the student's current and continuing needs." Their report shall recommend retention in the program or transfer to another program.

4) Itinerant Teacher of the Visually Handicapped.

An itinerant teacher is properly certified to teach the visually handicapped who shall regularly provide special instruction and materials to visually handicapped students "who are assigned to regular classrooms throughout the school corporation(s)."

5) Resource Teacher of the Visually Handicapped

"The resource teacher provides intensive instruction from a resource . . . center to blind and partially seeing pupils who are assigned to regular classrooms throughout the school corporation(s)."

6) Classes for the Visually Handicapped

"The following types of classes may be approved: Nursery Ages: 3-4; Kindergarten Ages: 5-6; Primary Ages 7-9; Intermediate Ages 10-12; Junior High Ages 13-14; Senior High Ages 15-21. Combinations may be approved provided that the class sizes shall be limited "to allow the teacher to meet the individual needs of each student enrolled."

d Programs for the Hearing-Impaired

1) Definition

Hearing impairment exists in those students who are either deaf or hard of hearing and whose condition

is such that it is either irreversible or requires prolonged medical care. As defined herein, these are students who shall require special education services, placement and programming determined by the age of onset of the hearing loss, the nature and/or degree of hearing loss, and the ability of the person to function within the group structure.

2) Evaluation and Placement Procedures

Local school administration shall determine the proper placement for any hearing-impaired pupil. The Director of Special Education shall coordinate all necessary evaluation so as to aid the case conference committee in making the proper recommendations.

PLACEMENT

When necessary the Division of Special Education will provide a consultation term. Determination of appropriate placement shall be shall be on the basis of the following:

a) "An audiological evaluation by a [licensed] clinical audiologist . . .

b) A general medical examination.

MEDICAL EXAMINATION

c) An otological examination by an otologist.

d) An evaluation of learning capabilities."

A case conference committee shall prepare a report for each child which shall include recommendations regarding eligibility of the child for a special education program and the most appropriate type of program.

3) Annual Case Review

The committee shall review each case annually to determine "what, if any, additional data is required in order to assess the student's current and continuing needs." They shall recommend either retention in the program or transfer to another program.

(4) Programming in Early Education for the Hearing Impaired

School officials may obtain approval for programs for the education of hearing impaired children between the ages of six months and five years. Programs submitted for approval should contain a plan for the operation and

evaluation of the program.

(5) Classes for the Hearing Impaired

The following types of classes may be approved: infant, preschool, primary, primary-intermediate, intermediate, junior high, and senior.

Class size shall be limited to as "to meet the individual needs of each student . . . ."

(6) Alternate Programs for the Hearing Impaired

Alternate programs may include the following:

(a) Special Consultation and Itinerant Instruction - Provided for those students who are only mildly hearing-impaired and whose needs can be best met by their remaining in the regular classroom. In such cases, "special periodic instruction of an itinerant nature" must be provided, and special consultation, provided the student's teachers, counselors, and supervisors. Such consultation shall be provided by licensed personnel.

(b) Resource Person Programming - In this situation students remain in their regular class for the majority of the day but shall attend a resource room "for specialized work which may include language development, speech-reading, and . . . developmental and remedial instruction in the basic subjects."

(c) Cooperative Part-Time Programming - Students are scheduled to attend a special education class for a major portion of their instruction. Such classes shall have no more than eight students, and the teacher therein shall be required to maintain "a close working liaison" with regular class teachers. "Pupils are individually programmed into regular classes and activities as each student demonstrates potential for successful placement."

PLACEMENT

e. Programs for the Emotionally Disturbed

(1) Definition

An emotionally disturbed child is one who, after available supportive and counselling services, "is chronically unable to make constructive use of his/her school experience as manifested by an inability to develop, socially and emotionally and learn at the same rate as his classmates. . .

This definition does not include or intend to imply an obligation to provide psychiatric treatment or social welfare programs to all children with problems" nor does it include students who are mentally retarded or severely handicapped.

A psychiatrist, a clinical psychologist, or certified school psychologist shall make the determination of whether or not a child is emotionally disturbed.

(2) Evaluation and Placement Procedures - Appropriate placement for such children shall be made on the basis of a report written by any of the three professionals mentioned above. A written report indicating such placement shall include "information pertaining to the nature and extent of such problems as perceptual difficulties, language and communication deficits, related physical impairment, psychological, emotional, and social maladjustment, and other factors affecting the learning of the student."

PLACEMENT

A case conference committee on the basis of said report and other school and health information, shall determine the appropriate placement for each child. The committee shall prepare a written report which shall include recommendation as to the eligibility and admissibility of such child in special education programs.

The Director of Special Education shall coordinate the result of all necessary examinations "in such a manner as to aid the....committee in making proper recommendations."

(3) Annual Case Review

Annually the committee shall review each student's case to determine what, if any, "additional data is required in order to assess the student's current and continuing needs." Their report shall recommend retention in the program or transfer to another program.

(4) Special Consultations

For students whose needs can be best met by remaining in the regular classrooms, special consultations may be utilized as a means of dealing with his/her problem. Such consultation shall deal with "individualized sequence of instruction, behavioral management, (and)

crisis counseling and guidance". Each counselor shall deal with no more than forty students.

(5) Learning Resources and Tutoring Center

Under this program students spend the majority of their time in the regular classroom, and are scheduled into the learning resources and tutoring center for one or more periods of tutorial or small group instruction. Such instruction shall be given by teachers licensed to teach the emotionally disturbed, with caseloads varying between eight and forty students depending on the severity of the handicap.

(6) Part-time Special Class

Students are assigned for a major portion of their classroom instruction to part-time special class. They shall be more finally integrated into the regualr classes as they demonstrate "potential for successful performance." Class size shall be between four and twelve students depending on the severity of their handicap. The teacher in such classes shall be responsible for maintaining a close working liaison with teachers of regular classes and activity programs.

(7) Full-Time Special Classes

The following classes may be approved:

Nursey Special	Kindergarten Special	Primary Special
Ages: 10-12	Ages: 5-6	Ages: 7-9
Intermediate	Junior High	Senior High
Ages: 10-12	Ages: 13-14	Ages: 15-21

Approval may be obtained for providing combination of the above, provided that class size shall be limited "to allow the teacher to meet the individual needs of each student enrolled." Composition of such classes "shall be determined by the behavioral and learning compatability of the students."

F. Programs for the Neurologically - Impaired/Learning Disabled

(1) Definition

"A student with neurological impairments/learning disabilities exhibits severe specific defects in perceptional, integrative or expressive processes which severely impair learning efficiency."

(2) Evaluation and Placement Procedures

Pupil eligibility for such services shall be made upon the basis of an individual evaluation performed by a physician who is trained in the specialty of neurology, pediatrics, internal medicine or psychiatry.

Determination of appropriate placement shall be made by a case conference committee which will consider the results of a psychological evaluation as well as other school and health information. "A written report shall include... recommendations regarding eligibility...(and admissibility)... of the pupil to the most appropriate special education program.

The committee shall...determine whether additional medical evaluation... is needed prior to making a decision on eligibility of the pupil and a recommendation as to the most appropriate of the types of programs..."

The Director of Special Education shall coordinate results of necessary evaluations in such a manner as to aid the committee in making proper recommendations.

(3) Annual Case Review

"A case review of each student...each year by a case conference committee...shall determine what, if any, additional data is required in order to assess the student's current and continuing needs." The committee shall prepare a report recommending one of the following:

(a) Retention in the program.

(b) Transfer to a different level of special education programming.

(c) Transfer to a regular school program.

(d) Transfer to an appropriate public or private resource.

(4) Special Consultation

"Special consultation programs may be established to serve...students whose special needs may be met by remaining in regular classrooms when special consultation is provided by their teachers and supervisors. Such consultation is related to the development and utilization of special, individualized sequences of instruction, behavioral management, speech and language development, crisis counseling and guidance."

(5) Learning Resources and Tutoring Center

"Pupils remain in the regular class for the major portion of the day and are scheduled into the Learning Resources and Tutoring Center for...periods of tutorial or small group instruction given by a professionally certificated teacher. The caseload...may vary from a minimum of eight...to a maximum of forty, depending upon the type of instructional service needed."

(6) Part-Time Special Class

"Students may be assigned to...special education class for a major portion of their instruction... and individually programmed into regular classes and activities as each student demonstrates the potential for successful performance. Class size may range from four to twelve, based on the handicap-severity of the students involved. The special education teacher shall maintain a close working liaison with teachers of regular classes and activity programs."

(7) Full-Time Special Class

The following classes may be approved:

Nursery Special	Kindergarten Special	Primary Special
Ages: 3-4	Ages: 5-6	Ages: 7-9
Intermidate	Junior High	Senior High
Ages: 10-12	Ages: 13-14	Ages 15-21

"Combinations of these classes may be approved by the Division of Special Education ...,(provided that plan size)...shall be limited to allow the teacher to meet the individual needs of each student enrolled. Composition...shall be determined by the behavioral and learning compatibility of the students."

G. Programs for Students with Communication Handicaps

(1) Definition

Communication disorders may include any of the following:

(a) Articulation: This group includes all the speech deviations based primarily on incorrect production of speech sound.

(b) Fluency: "This group includes...stuttering and those which involve an abnormal rate of speech.

(c) Voice: This group of disorders...primarily (deals) with the sound of the voice - pitch, loudness, and quality.

(d) Language: A child who experiences difficulties in the use and/or comprehension of linguistic symbols may require the services of the speech and language clinician.

(2) Evaluation and Placement Procedures

PLACEMENT

Determination of appropriate placement in a program of communication disorders shall be determined on the basis of an evaluation by a certified speech, hearing, and/or a language clinician and the appropriate medical information, educational information and learning capability evaluation. All students who have symptoms...related to the communication disorder shall have an evaluation by a physician. A physician's statement...on file shall describe...the medical needs of these students and the consequent limitations to be imposed upon their training. After the decision has been made to place a pupil in...therapy, the parent...of the pupil involved...may appeal the decision as outlined in Section 2.

(3) Caseload

The caseload of each...clinician shall not exceed one hundred at any given time and shall be determined by the needs of the students, the number of schools, and the type of scheduling. Under intensive (block) or Resource Room scheduling, the caseload...shall be reduced from the...maximum to allow for the intensive nature of the program.

(4) Types of Programs

The following types of programs...may be approved:

(a) Intermittent scheduling

(b) Flexible scheduling

(c) Intensive (block) scheduling

(d) Combination scheduling or

(e) Resource room scheduling

Types of scheduling shall be subject to the approval of the immediate supervisor."

H. Programs for the Educable Mentally Retarded

(1) Definition

"The general rate of mental development of the educable mentally retarded pupil is approximately two-thirds that of a pupil of average intelligence...such student has the capability of becoming functionally literate. Vocationally, such persons have demonstrated the ability to participate successfully in the competitive work market without requiring intensive and constant supervision.

(2) Evaluation and Placement Procedures

Determination of appropriate placement...shall not be by IQ alone, but shall be determined by a case conference committee which will consider the results of a psychological evaluation as well as other school and health information. A written report shall include recommendations regarding eligibility...and admissibility...of the student to the most appropriate program.

PLACEMENT

The Director of Special Education shall coordinate results of necessary evaluations in such a manner as to aid the case conference committee in making proper recommendations.

(3) Annual Case Review

A case review of each pupil shall be made each year by a case conference committee...to...determine what, if any, additional data is required in order to assess the student's current and continuing needs. The committee...recommends... one of the following:

(a) Retention in the program

(b) Transfer to a different level of special education programming.

(c) Transfer to a regular school program.

(d) Transfer to an appropriate public or private resource.

(4) Special Programs for the Educable Mentally Retarded

Special programs may be operated upon approval of the Division of Special Education. The original request shall include a documented program description...submitted sixty days prior to the initiation of the program. The description shall include a program rationale, procedures for selection and placement of students, a plan for in-service education

of teachers...an organizational plan and general curriculum content, and a detailed system for the continuing evaluation of the student's progress. Program applications for succeeding years shall...include only annual changes made since the original program description was submitted. Alternate programs may take one or more of the following forms:

(a) Special Consultation: Special consultation programs may be established to serve...students whose needs may be met by remaining in regular classrooms when special consultation is related to the development of special, individualized sequences of instruction, management, counseling and guidance,...and is provided by professionally certificated special education teachers. The caseload of each special consultant shall be no more than forty students.

(b) Learning Resources and Tutoring Center: Students will remain in the regular class for the major portion of the day and be scheduled into a Learning Resources and Tutoring Center...for tutorial or small group instruction given by a special education teacher. No more than eight students may be scheduled during any individual period. No more than a total of forty students may be assigned to a full-time teacher.

(c) Part-Time Special Class: Students may be assigned to a part-time special education class for a major proportion of their instruction...and individually programmed into regular classes and activities as they demonstrate the potential for successful placement. No more than eighteen students may be assigned...for any given period. No more than a total of thirty-six students may be assigned to a teacher..."

PUPIL/TEACHER RATIO

(5) Classes for the Educable Mentally Retarded

"The following...classes may be approved:

Nursery Special	Kindergarten Special
Ages: 3-4	Ages: 5-6
Primary Special	Intermediate Special
Ages: 7-9	Ages: 10-12
Junior High School	Senior High School
Ages: 13-14	Ages: 15-21

Combinations of the above may be approved... The

special class shall be limited in size to allow the teacher to meet the individual needs of each student enrolled."

I. Special Classes for the Trainable Mentally Retarded

(1) Definition

"These pupils have a level of intellectual functioning which precludes an ability to become literate, yet can function semi-independently in society. Most trainable mentally retarded persons ultimately function in a sheltered or supervised work environment requiring little decision-making or diversification...

(2) Evaluation and Placement Procedures

Determination of appropriate placement shall not be... by IQ alone, but shall be made by a case conference committee which will consider the results of a psychological evaluation as well as other school and health information. A written report shall...include recommendations regarding eligibility... and admissibility of the student to the most appropriate program.

PLACEMENT

The Director of Special Education shall...coordinate... results of necessary evaluations in such a manner as to aid the case conference committee in making proper recommendations.

(3) Annual Case Review

A case review of each student shall be made each year by a case conference committee...to...determine what, if any, additional data is required in order to assess the student's current and continuing needs. The committee shall... recommend...one of the following:

(a) Retention in the program.

(b) Transfer to a different level of special education programming.

(c) Transfer to a regular school program.

(d) Transfer to an appropriate public or private resource.

(4) Types of Classes

The following types of classes may be approved:

Early Education Development Center:	Ages: 3-5
Primary:	Ages: 6-9
Intermedate:	Ages: 10-13
Advanced:	Ages: 14-17
Occupational Training:	Ages: 18-21

Chronological age range of no more than five years may be included in a special class. Exceptions...may be requested...of the Division of Special Education

PUPIL/TEACHER RATIO

The special class shall be limited in size to allow the teacher to meet the individualized needs of each student enrolled."

J. Special Classes for the Severely/Profound Mentally Retarded

(1) Definition

"The general capability of mental development of the severely/profoundly retarded pupil is that he/she can learn to communicate, can learn elemental health habits, and can profit from systematic habit training. It may be possible...to hold down a closely supervised position in a sheltered work environment...but some will not be able to hold down any supervised position but can develop limited speech and motor skills...

(2) Evaluation and Placement Procedures

PLACEMENT

Determination of appropriate placement...shall not be...by IQ alone, but shall be made by a case conference committee which will consider the results of psychological evaluation as well as other school and health information. A written report shall...include recommendations regarding eligibility...and admissibility...of the student to the most appropriate program.

The Director of Special Education...coordinates the results of necessary evaluations in such a manner as to aid the...committee in making proper recommendations.

(3) Annual Case Review

A case review of each student shall be made each year by a case conference committee... to determine what, if any, additional data is required in order to assess the student's current and continuing needs. The committee shall recommend... one of the following:

(a) Retention in the program.

(b) Transfer to a different level of special education programming.

(c) Transfer to a regular school program.

(d) Transfer to an appropriate public or private

resource.

(4) Classes for the Severely/Profoundly Mentally Retarded

The following types of classes may be approved:

Early Education Development Center:	Ages: 3-5
Primary:	Ages: 6-9
Intermediate:	Ages: 10-13
Advanced:	Ages: 14-17
Occupational and/or Other Intensive Training	Ages: 18-21

A chronological age range of no more than five years may be included in a special class. Exceptions...may be requested...of...the Division of Special Education.

The special class shall be limited in size to allow the teacher to meet the individual needs of each student enrolled.

(5) Facilities for Classes

Classes may be housed in buildings outside a regular school facility but shall meet minimum standards as approved by the Commission on General Education."

K. Administration and Supervision of Special Education Programs

"(1) Director of Special Education

A director of special education has responsibilities as the superintendent may direct. A school corporation or... corporations operating under a joint agreement program, which employs five to nine full-time, special education teachers, therapists, and/or clinicians in two or more areas of approved special education is eligible for reimbursement for a half-time director of special education. A school corporation, or corporations operating under a joint agreement program, which employs ten or more...such professionals if approved by the Division of Special Education is eligible for reimbursement for a full-time director of special education.

A school corporation...or corporations operating under a joint agreement program, which employ less than five... such professionals...is eligible for a half-time director for one year provided that the school corporation furnishes evidence that by the next year the school corporation will employ a total of five or more...such persons...in two or

more special education areas.

(2) Supervisor of Special Education

A supervisor, working under a director of special education, has supervisory responsibilities for an area of exceptionality in a total program of special education, and his/her role includes duties and responsibilities pertinent to this area as assigned by the director. A school corporation, or...corporations operating under a joint agreement program, which has a certificated director of special education and which employs five to nine approved full-time special education teachers (not including home teachers), therapists, and/or clinicians in any one area of exceptionality is eligible for a half-time supervisor in that one area. A school corporation, or...corporations operating under a joint agreement, which has a certified director of special education and which employs ten or more...such professionals...in any one area of exceptionality is eligible for a full-time supervisor who must have had a minimum of three years of teaching experience in the area of supervision and be professionally certificated in that area of education.

Future approval of supervisors will depend upon their meeting state certification patterns as promulgated by the Commission on Teacher Education and Certification."

L. Programs of Homebound Instruction and School-Home Telephone

HOME INSTRUCTION

"Homebound and/or school-home telephone programs provide instruction to students unable to attend school because of physical handicaps or special health problems. Homebound teaching should be initiated only after all other possibilities have been exhausted, with the goal of providing a public education for all children, regardless of the physical limitations.

An evaluation by a physician...which indicates that the child has an illness or injury requiring hospitilization or homebound care as part of medical treatment, is required.

A psychological evaluation is required for those students whose medical diagnosis is cerebral palsy, epilepsy, brain injury, hydrocephalus and other conditions which may

affect learning. This evaluation shall include an investigation of mental, physical, social, and emotional factors and an assessment in school subjects.

In cases of emotional disturbance, the school corporation shall submit a statement...that out-patient psychiatric treatment will be given during the period of homebound instruction.

To be eligible...,evidence shall be on file with the local school corporation... that the pupil will be homebound for at least eight weeks, or that a period of homebound instruction...will enable the pupil to complete the regular school work. Students who are enrolled in approved special education programs shall be eligible for homebound instruction providing the teacher is fully certificated to teach pupils with this disability.

If homebound instruction is approved, it may be continued through the summer...to meet promotion requirements.

The number of homebound pupils per teacher shall not exceed five at any one time. Approval for homebound teacher instruction is limited to one hour per day, five-days per week, twenty hours per-month for pupils in elementary schools...and equivalent time periods for...each subject in which the pupil is enrolled for junior high and high school students.

School-home telephone instruction may be provided for intermediate through high school students who meet the requirements for homebound pupils... School-home telephone and homebound instruction may be offered concurrently."

M. Psychological Services

"The psychological services of relevance here are those supportive to the special education program...

Approval may be given for psychological services (1) obtained by the...employment of school psychologists and/or psychometrists or (2) obtained on a contract basis.

"N. Related School Services

School health, counseling and guidance, and social work services are appropriate to complement psycho-

logical services."

O. Special Transportation

"Special transportation refers to any special or additional mode or means of transporting handicapped students to and from school which the school...provides...

Transportation, other than regular bus routes, may be approved for the following types of programs...

(1) Special programs...as defined in Section 2 of this rule.

(2) Handicapped pupils who attend special classes outside their normal school attendance area.

(3) Pupils with special health problems who are able to attend regular classes if special transportation is provided.

(4) Transportation of handicapped students within the school corporation or to another school corporation may be made.

(5) Handicapped pupils legally transferred to special education programs operated by school corporations, joint service and supply programs or joint schools outside the boundaries of the resident school corporation.

Only one round trip each day the pupil is in school shall be approved..."

P. Special Education Aides

"The special education aide would assist the teacher... in the preparation of instructional materials, in setting up and operating of audio-visual equipment, helping with room displays, attendance, in music, physical education, etc. Under the direction and supervision of the teacher, the aide will work directly with the student in areas that relate to his personal, social and learning needs.

The school corporation must provide each aide with intensive pre-service and in-service training which meet the following conditions:

(1) The training curriculum must be differentiated to meet the special needs and characteristics of the particular type and level of handicapped children being served.

(2) It...must be developed so as to bring about enhancement of the communicative and social interacting skills of the...aide and to increase his/her sensitivity to the special needs of the handicapped.

(3) It...must create an awareness of the ethical responsibility involved in working in schools, and an awareness of maintaining the confidentiality of personal information about any child.

The school corporation must provide an orientation period...to clarify the specific working relationships, roles and functions of the supervising teacher, the special education aide and the supervisors.

Written application from the school corporation proposing to use...aides must be approved by the Division... The application...shall include guidelines for selection and training, intended use and job descriptions of each...aide."

Section 3. Applications for Classes and Programs

"a. Application for a new special class or program shall be made to the Division...before the program starts.

b. Applications to continue special classes and programs which have been previously approved shall be made...by October 15 for a full-year program, and by February 15 for a half-year program. Pre-approvals... will be accepted July 15 for programs with fully certificated special education teachers. A corporation will be notified of approval or disapproval of all requests.

c. Application for approval of a psychological services program shall...include a description of the proposed plan for psychological services and in the case of contracted services, a copy of the contract...

d. Homebound instruction may be approved any time during the year."

HOME INSTRUCTION

Section 4. Facilities

Facilities for all special education programs shall meet standards as approved by the Commission on General Education. Adequate (and appropriate) equipment shall be provided for all programs.

Section 5. Certification

"A school corporation may be eligible for reimbursement for special education programs where the teachers, therapists, clinicians, school psychologists and psychometrists, directors and supervisors hold certification appropriate for the special work. Exceptions are listed below:

The homebound program...is taught primarily by regular classroom teachers. Teacher requirements are the same as those for teaching in regular classes...

Graduate students may be approved if they are in training working toward certification in school psychology or school psychometry at an approved training institution."

Section 6. Reimbursement

"Reimbursement will be granted only to school corporations which have approved programs..."

§ II, Ch. 1, Rule S-2,

Rule S-2. SPECIAL ORAL TRAINING CENTER CLASSES (Implementing Chapter 166, Acts of 1955)

"Section 1. Special classes...may be conducted by any approved public school corporation...provided, however, that there shall not be more than five oral training centers in the state and not more than a total of fifteen oral training units. Reimbursement cannot be made to any agency other than public school corporations. Application for oral training units must be submitted to the Commissions through the General Commission (Commission on General Education)... These applications must be submitted and approved before the class starts and in any case, by October 15 of each year.

Section 2. Special classes to be approved under these provisions...shall provide instruction for any pupils who are hearing handicapped which makes regular school room activity impractical or impossible, and who are not in residential attendance in any of the institutions of the state, but who, with the advantage of a special educational program, may be expected to benefit from instruction and training.

Section 3. An "oral training center" shall be any facility...for the oral training of hearing handicapped children. Special classes...shall be known as "oral training units."

They...shall consist of not less than six nor more than ten children. Oral training units shall consist of three divisions...oral nursery, oral elementary, oral advanced.

Section 4. Before a special class may be approved...the following information must be recorded:

a. Definite information secured by the examinations... as to the physical and mental ability of the pupils to be admitted to the oral training units.

MEDICAL EXAMINATION

b. The medical examination for such pupils shall include a complete otological examination administered by a licensed physician...

c. The psychological examination must be obtained through properly selected individual intelligence, achievement and other useful tests...administered to each pupil... with results interpreted by (a) properly certificated school psychometrist, school psychologist, or by an approved clinic... Only educable children of sound mind can be approved for class enrollment.

d. The name of the teacher to be employed and the type and number of certificates held; the time to be devoted to special class work must be furnished.

e. The oral training method and the amount of instruction to be given each pupil. The doctor's certificate... should indicate any restrictions.

g. The anticipated expenditures...

Section 4. Hearing handicapped children may be taught any subject taught in public schools and receive credit the same as other children...,

Section 5. The purchase of special equipment must be approved by the Commission on General Education...and the Hearing Commission before it is purchased if reimbursement is expected.

Section 6. A school corporation may receive reimbursement for any oral training unit only if the teacher holds the usual qualifications required of teachers...and a special teacher's certificate appropriate for the special work...

Section 7. Teachers hired to teach special education classes for hearing handicapped may teach other classes, or children, but will be reimbursed only for the time spent in oral training units under the provisions of this Act."

§ II, Ch. 1, Rule S-4

Rule S-4. GENERAL REGULATIONS FOR THE EXCLUSIONS OF CHILDREN WHO ARE MENTALLY OR PHYSICALLY UNFIT FOR SCHOOL ATTENDANCE (Implements Chapter 215, Acts of 1963)

"Section 1. General Procedure. The following ...shall be followed in considering children for exclusion from school attendance:

(1) The local school shall obtain a complete evaluation of each child.

(2) On the basis of...such an evaluation and a consideration of existing school facilities, the local superintendent shall make a decision on exclusion.

(3) The Division of Special Education shall issue a statement of approval or disapproval of each recommendation for exclusion.

(4) The approved exclusion of each child is valid for one school year.

Section 2. Specific Procedure

a. Evaluation

The complete evaluation...shall include these areas: (1) mental, (2) physical, (3) social, and (4) emotional."

CROSS REFERENCE

I. State Superintendent, Regulation VI, Ch. 2.c

2. Programs for Exceptional Children

Statutes

§220A.6

The state department of public instruction may exchange information with other public agencies in order to provide education, treatment, or support services to the "mentally handicapped person."

§257.25(9)(c)

Each school offering any of grades seven through twelve shall have "arrangement for special education services."

§263.9

The state board of regents, in conjunction with the University of Iowa, shall establish a hospital-school for the education and treatment of severely handicapped children.

§263.10

Every resident of the state, under twenty-one, who is "so severely handicapped as to be unable to acquire an education in the common schools" shall be entitled to received "education, care, and training" in the institution.

§269.1

SCHOOL FOR BLIND

"All blind persons and persons whose vision is so defective" that they cannot attend public school, who are Iowa residents, shall be entitled to a state-provided education in the Iowa Braille and Sight-Saving School.

§270.3

SCHOOL FOR DEAF

Any Iowa resident, under twenty-one years old, "who has a hearing loss which is too severe to acquire an education in the public schools" may attend the school for the deaf.

§273.1

"It is the intent of the general assembly to provide an effective ... means of identifying and serving children

from under five years of age through grade twelve who require special education"; to provide for "media services" for pupils in kindergarten through grade twelve and for children "requiring special education"; to finance the programs and avoid duplication of other programs and services.
§273.2

An "area education agency," governed by a board of directors, shall "provide for special education services and media services for the local school districts." The board may also provide "in-service training programs for employees of school districts," "educational data processing," "research .. and educational planning for children ... requiring special education," provided that these programs do not duplicate existing services.
§273.5

IN-SERVICE TRAINING

A division of special education of the area education agency shall be established which shall provide for "special education programs and services to the local school districts." The division of special education shall be headed by a "director of special education" who is certified by the department of public instruction. The director shall "identify children requiring special education," insure that each child "receives an appropriate special education program," supervise personnel, submit plans for services and programs to the department of public instruction.
§280.8

The board of directors of each public school district shall make "adequate educational provisions" for children requiring special education.
§281.1

"There is created within the state department of public instruction a division of special education for the promotion, direction, and supervision of education for children requiring special education in the schools."

The state superintendent is authorized to organize the division.

§281.2

Children requiring special education shall mean those children under twenty-one years of age who are handicapped in receiving an education because of "physical, mental, emotional, communication or learning disabilities." "Special education" includes home and classroom instruction, transportation and support services. School districts are required, "as an integral part of public education," to make provisions for children requiring special education. Children requiring special education shall, to the maximum extent possible, attend regular classes with children who do not require special education. Separate classes shall exist only when the handicap is so severe that the child cannot attend regular classes. "Every child receiving special education shall ... receive a level of education commensurate with the level provided each child who does not require special education."

§281.3

The division of special education shall organize and supervise the special education system; certify teachers in the program; prescribe curricula for special schools; certify the elegibility of children in the program; establish special education classes for children in hospitals, nursing homes, juvenile homes; establish special education research projects; co-ordinate programs and services with existing agencies; employ support personnel; and provide in-service training to personnel.

§281.4

Area education agencies and local school boards may provide special education programs. If an area education agency provides such services, the agency's board may establish special education classes; acquire and construct facilities for providing such services; co-ordinate

programs with participating school districts; employ special education teachers; and provide transportation for children. The board of directors shall employ certified teachers. The board of directors may establish and operate a "special education center" to provide "diagnostic, therapeutic, corrective, and other services" on a more comprehensive scale than can be provided by a single school district.

§281.6 -- .11

When special education services are provided, the parents of a child requiring such services must enroll the child in the program. "The school districts shall certify children requiring special education" and "provide examinations for children" before making certification. Final decision rests with the state superintendent of public instruction. "Exceptions to attendance" are made for children upon a determination that they can no longer profit from the program. Special education may continue for those over twenty-one years of age who have not been able to finish the program. Program plans submitted to the state department of public instruction (see Educational Courses and Programs, Special Education, Area Education Agency, §273.5) shall establish that:

(1) there are sufficient children requiring special education in that area;

(2) there are qualified agencies and personnel to administer the program;

(3) there is a planned course of instruction.

§299.18 -- .19

Children over seven and under nineteen years of age who are so deaf or blind or handicapped as to be unabel to obtain an education in the public schools, shall be sent to an appropriate state school. If the parents of such child does not comply, the state board of regents may compel the child's attendance.

RESIDENT SCHOOLS

§299.22

Deaf and blind children may be excused from attendance at a state institution only if such attendance would be futile, the child is diseased, or the child is receiving other adequate instruction.

REGULATIONS

§670.12.11 --12.10(§257, 280, 281)

It is the responsibility of school districts to assure adequate special education programs and services to meet the statutory requirements.

To the extent practicable, children shall be educated in the regular school program and attend classes with those who are not handicapped.

Three types of special education shall be offered: self-contained special classes serving pupils with similar needs; special class with integration serving those who can attend some classes with nonhandicapped students; resource teaching program serving pupils who require special instruction in a specific skill.

Instruction and appropriate special education shall be provided to children who cannot attend school at their home or hospital.

Special schools shall be provided by the school district or area education agencies for children who "cannot be effectively educated in the regular schools."
School districts shall implement activities designed to evaluate and improve special education programs and services. Districts should also cooperate in research activities designed to evaluate and improve these programs.

§670.12.12 -- 12.19(Special Education -- Area Education Agencies)

Area education agencies shall develop policy and provide special education programs and services and maintain the responsibility for the quality of such programs.

Each year they shall submit a plan for providing com-

prehensive special education programs and services setting forth the number of children to be served, the kind and type of programs and services required, and the goals and objectives of the program. The Department of Education shall evaluate and approve the plan based upon "whether it can reasonably be concluded that there are...procedures and resources to provide the [required] programs and services..." and other criteria cited in this section.

Each area education agency shall maintain an ongoing identification, assessment, diagnostic and placement program to assure proper identification and service to those children requiring special education. Approved screening models, referral systems and diagnostic procedures and instruments shall be used. A diagnostic-educational team shall be used to diagnose and place children and shall be responsible for recommending the type of program needed. Each placement shall be reviewed annually.
All screening, assessment and evaluation results shall be evaluated promptly and a full record made. These case records shall be confidential and terminated three years after the child completes the program or no longer requires services.

The Director of Special Education shall function as an advocate for children requiring special education. Instructional personnel may serve as resource teachers, special class teachers or exclusively serve the needs of children with a particular handicap. Professional support personnel shall be employed to provide special services to the handicapped child.

Each year an area education agency shall make a report covering the fiscal year and the Department of Education shall evaluate it. An area education agency shall be informed in writing if its report is unsatisfactory and the reasons therefor.

Pupils, parents and the general public are encouraged to participate and advise the area education agency concerning special education. Parents shall be notified of all screening and assessments conducted on their child and shall receive

a copy of all rules and procedures used by the state and local officials in this program.

CROSS REFERENCES

II.A.1.; Statute §257.25(3) -- (6)

III.B.Education Personnel; Regulation §670-15.16 (257)

III.B.Education Personnel; Regulation §670-15.17 -- .19 (257)

III.B.Education Personnel; Regulation §670-15.40 (257)

IV.H.; Statute §299.5

2. Programs for Exceptional Children

Statutes

§72-853

The state superintendent of public instruction is authorized to expend available funds to send deaf, blind or otherwise severely handicapped children to any facility, school or institution within or without the state, providing a qualified program of education for such children.

§72-961 --72-965

The state board shall administer the Special Education for Exceptional Children Act. An exceptional child is a child of school age who differs "in physical, mental, social, emotional or educational characteristics" to the extent that special education services or specialized instruction is necessary to enable [him/her] to progress toward the maximum of [his/her] ability." Specialized instruction is "programs of life and social adjustment provided in a state institution under the jurisdiction of the secretary" of social and rehabilitation services.

STATE PLAN

The state board shall prepare the state plan in consultation with the state advisory council for special education. The state plan shall include: (a) a statement of objectives of state supervision of district special education; (b) provisions for operating special education services in school districts and state institutions; (c) required curricula; (d) criteria for diagnosing an exceptional child; (e) definitions of categories of exceptionality; (f) implementation dates for special education services for the various categories of exceptionality; and (g) standards for services to the various categories.

The state advisory council shall consist of nine members appointed by the state board for three year terms. Members shall represent persons and community organizations interested in exceptional children, local school districts, higher education institutions and state institutions.

§72-966

The board of education of every school district shall provide special education services for all exceptional chidren in the school district, and such services shall meet standards set by the state board and be operative not later than July 1, 1979.

§72-967

Each district board shall have the authority to establish and organize approvable special education services for exceptional children within its schools, or in the home, hospital or other facility; or contract with any school district for special education services, or any accredited private nonprofit corporation, or any public or private institution within or without the state which has proper special education services for exceptional children, for the purpose of education of exceptional children.

§72-968--72-969

The boards of any two or more districts within or without the state may agree to cooperative special education services for exceptional children. The agreement shall be for three to five years. The district, designated in the agreement as the sponsoring district shall apply for approval of the agreement with the state board. The state board shall approve the agreement if the services provided for in the agreement meet standards set by the state plan. No agreement shall be effective until the state board approves it.

§72-970

Special education services provided by state institutions for exceptional children shall meet standards set by the state plan and shall be approved by the state board. A state institution may contract with a district for special education services if the district's services have been approved by the state board.

§72-971

In order to obtain data necessary for review of

the progress in special education services, the department shall conduct an annual survey of the school districts showing the total number of exceptional children within the various categories of exceptionality in the state.

§72-972 -- 72-975

HEARING

Each child or his/her parent or guardian shall have the right to a hearing before the child is excluded or transferred from regular school on the ground that s/he is an exceptional child or placed or denied placement in special education services.

NOTICE

A written notice which describes the proposed action, the reason for the action, and states the right to a hearing shall be given to the parent or guardian of the child; the hearing shall be held not less than fifteen days nor more than thirty days from the date that the notice is received. The hearing must be requested within ten days of receipt of the notice. No action may be taken until this period has elapsed unless the parent agrees to it in writing.

DUE PROCESS

The hearing provided for in § 72-972 shall be closed unless the parent or guardian requests an open hearing. The hearing shall afford procedural due process, including the following: the right of the child to have counsel of his/her choice present, the right of the parent or guardian to be present, the right of the child and his/her counsel to hear or read the testimony of any material witness, the right of the child to present witnesses, the right of the child to testify in his/her own behalf, the right of the child to an orderly hearing and a fair and impartial decision based on substantial evidence.

The person conducting the hearing shall not be the same person who recommended the action. At a reasonable time prior to the hearing the parent or guardian or the child's counsel shall be given access to any information relating to the proposed action.

APPEAL

The child, his/her parent, or guardian, or his/her counsel shall receive written notice of the result of a hearing held pursuant to § 72-972 within twenty-four hours after the result is determined. The child or his/her parent or guardian may appeal to the board not later than ten days after receiving the decision. Within twenty days after the appeal is filed, the board or a hearing officer shall hear the appeal. The child and his/her parent or guardian shall be notified of the time and place of the hearing at least five days before it is to be held. The hearing shall meet the requirements of the hearing provided for in § 72-973. A record of the hearing shall be made either by mechanical or by an official court reporter. The board shall decide the appeal within five days after the hearing.

COSTS

The school district shall pay the costs of any hearing held pursuant to §§ 72-072 or 72-974. The board's decision of an appeal may be appealed to the district court.

§72-976

"[N]o school district shall be required to keep an exceptional child in regular instruction when the child cannot materially benefit from the work of the regular classroom, nor to provide such exceptional child with special education services for exceptional children in a regular school setting when it is determined that the child can no longer materially benefit therefrom, but needs specialized instruction.

§72-977

Every parent or guardian of a child determined by the school district to be exceptional shall enroll the child and see that the child attends "the special education services" provided by the school district.

§72-981

TECHNICAL ASSISTANCE

The state department of education shall assist local boards of education by (1) giving technical advice and assistance in connection with programs for

screening, diagnosis and certification of exceptional children; and (2) making recommendations concerning appropriate special education services.

§72-982

Any teacher, administrator, or other school employee participating without malice in the making of an evaluation of a student as part of the certification of exceptional children procedures or participating in a judicial proceeding resulting from an evaluation shall be immune from any civil liability that might otherwise be incurred from the evaluation.

LIABILITY

§72-8230

Two or more boards which enter into an agreement pursuant to § 12-2904 to provide education services shall be limited to providing services in the following areas: special education, vocational education, career education, media services, curriculum development, and in-service training for staff programs.

The legal entity created by the agreement shall be administered by a board of directors. The board of directors shall be composed of at least one member appointed by the board of each school district entering into the agreement.

Any agreement for special education or vocational education shall be for a term of from there to five years.

Any agreement shall be effective only after approval by the state board, and shall be subject to change or termination by the legislature.

The legal entity created by the agreement shall have the powers and duties of a unified school district for purposes of employer/employee relations and receiving and spending funds.

§74-6301; 74-6303; 74-6304

The Kansas coordinating council for handicapped children shall coordinate programs for handicapped children through the age of 18, shall maintain a directory of services for handicapped children, shall distribute

information about services, shall initiate coordinated planning between governmental and private groups, shall maintain records concerning handicapping conditions and handicapped chidren in Kansas, and shall make recommendations to governmental and private groups concerning improving services to handicapped children.

The council shall meet twice a year and shall make a yearly written report to the governor on its work. §76-1001a--1002; 1006; 1101a--1115

SCHOOL FOR THE DEAF

"The Kansas state school for the deaf," the state institution under the supervision of the state board of education; shall educate as day students or resident students, any resident of the state within the age of eligibility for admission as determined by the state board who is unable to materially benefit from attendance in the public schools because of a hearing impairment as determined by other provisions in this code. Nonresidents of the state may be admitted until maximum enrollment is attained, but not to the exclusion of any eligible resident of the state.

The state board shall appoint a chief executive officer of the school for the deaf. The superintendent shall manage the school and have any other powers and duties as specified by the state board.

The state board may approve the charging of student activity fees from students who are residents of the state. Tuition, fees and charges for maintenance shall be collected only from students who are nonresidents of the state.

The Kansas state school for the visually handicapped shall be controlled by the state board in like fashion as the state school for the deaf. The same admission requirements apply to the state school for the visually handicapped as apply to the state school for the deaf, except that the relevant handicap for admission is visual impairment. The same rules and regulations apply with respect to tuition and charges and the appointment of the superintendent.

"The state board is . . . authorized to establish . . . summer training program for visually handicapped persons" at the state school for the visually handicapped. Tuition and other charges for such program shall be set by the state board.

REGULATIONS

§91-17-8

HOME STUDY

Any person who supervises a home-study project shall file a weekly report to the certified classroom instructor describing the progress of any child under his/her supervision.

Regular attendance reports shall be filed monthly.

The teacher shall keep complete records as requested by the state department of education. The records shall be filed monthly with state and local boards of education.

Each school shall file on September 15 a report showing the school's compliance with L.1969, ch. 316, to the state board.

§91-12-20, 21

"In providing special education services for exceptional children, the board of education of every school district shall comply with the Kansas State Plan for Special Education as adopted by the state board . . . ."

Services for exceptional children shall be implemented at the age at which the local board provides educational services for non-exceptional children. Local funds and state special education categorical funds may be used for services to preschool children.

CROSS REFERENCES

II.A.3.; Regulation §91-27-2; 91-27-4

II.A.3.; Regulation §91-27-6

III.A.1.; Regulation §91-28-2 -- 91-28-10

III.B.Administrators; Regulation §91-1-7

III.B.Certificated Personnel; Regulation §91-1-22

III.B.Certificated Personnel; Regulation §91-1-1 -- 91-1-2

III.B.Certificated Personnel; Regulation §91-1-22

III.B.Certificated Personnel; Regulation §91-1-23

III.B.Certificated Personnel; Regulation §91-28-4

III.B.Teachers; Regulation §91-1-5 -- 91-1-6

2. Programs for Exceptional Children

Statutes

§156.165

"The superintendent . . . is to inform all local school boards of the availability of funds for special education projects for the education of exceptional children . . . and to give priority to such projects as the department of education may be asked to approve."

§157.200

1) " 'Exceptional children' means persons under twenty-one years of age who differ in one or more respects from average or normal children in physical, mental, learning, emotional or social characteristics and abilities to such a degree that they need special educational programs or services for them to benefit maximally from the regular or usual facilities or educational program of the public schools . . . , or those children who, because of their intellectual or creative abilities or potentialities, require special educational programs or services . . . . Requirements of average daily attendance for exceptional classes will be regulated by statute, or . . . by departmental regulations. Categories of exceptionalities include . . . (a) physically handicapped children; (b) children with communication disorders; (c) educable mentally handicapped children; (d) trainable mentally handicapped children; (e) children with learning disabilities; (f) emotionally disturbed children; (g) multiple handicapped children; (h) intellectually gifted or talented children."

§157.220

"The state department of education is . . . designated as the agency for cooperation with the state and federal governments, the approved treatment

centers and local schools of Kentucky . . ." to carry out the provisions of the statutes relating to special education. It "shall make necessary rules and regulations" to provide for the administration of the statutes, "including, but not limited to establishment of classes, eligibility and admission of pupils, the curriculum, class size limitations, housing, special equipment and instructional supplies . . . .

Local supervision of special education facilities for exceptional children shall be approved by the division of special education according to rules and regulations approved by the state board of education."

§157.221

"The state board of education shall create a 'bureau of education for exceptional children' in the state department of education," to supervise and direct a state program for exceptional children . . .

The . . . board . . . shall establish appropriate divisions within the bureau . . . . These divisions shall include, but not be limited to . . . learning disabilities, communication disorders, mental retardation, physically handicapped, and emotionally disturbed.

It shall be the duty of this bureau to recommend rules and regulations for adoption by the state board of education, and generally carry out the program provided for . . ." in the statutes.

RULEMAKING

"This bureau shall have an assistant superintendent of public instruction and necessary assistants appointed by the superintendent of public instruction." The assistant superintendent of public instruction must hold a masters degree in education, with emphasis in one or more areas of exceptionality. [She]He shall also "have had successful supervisory experience in the education of exceptional children." Any director within the bureau must have taken at least thirty semester hours of graduate work, twenty of which "shall have been in education of one or more areas of exceptionality.

[She] He shall also have had successful teaching or supervisory experience in the education of exceptional children."

§157.224

Kentucky "is committed to providing a comprehensive educational program for its exceptional school age children. The bureau of exceptional children . . . coordinates, directs and monitors that program. State direction and implementation of [the] . . . program is manifested in the biennial appropriation of funds to finance a particular number of such classroom units.

All . . .[local] . . . boards of education shall operate special education programs to the extent required by . . . a plan which has been approved by the state board of education. If any . . . [local] . . . board of education fails to operate and implement special education programs in accordance with an aforesaid plan, the application of said . . . board of education for minimum foundation payments may be considered insufficient."

§157.230

1) "If parents of as many as eight trainable mentally handicapped children living in a school district desire special education classes for their children, school boards of any school district shall establish and maintain such classes, subject to any limitation(s) . . ." in these statutes or specified in regulations of the state board of education.

2) "School boards of any school district may subject to any [statutory] limitation, . . . establish and maintain special educational programs for exceptional children . . . .

3) School boards of any school district may admit on preapproval and certification any physically handicapped child into special education programs at any time after the child has attained the age of three years."

4) Local school boards "may admit on proper approval and certification any educable or trainable mentally handicapped child into special education programs at any time after the child has attained the age of six years; provided however, that educable and trainable mentally handicapped children shall not be enrolled in the same special class."

§157.240

1) "No physically handicapped child shall be allowed special education facilities except upon a certified diagnosis of a physical defect by competent and appropriate professional authorities acceptable to the superintendent of public instruction.

2) The director of special education, upon the approval of the superintendent . . . shall prescribe rules, regulations and tests for determining what children shall be classified as educable mentally handicapped or trainable mentally handicapped, and questionable cases shall be decided by the director after adequate examination and consideration of specific case histories."

§157.260

"The director of pupil personnel of each school district shall ascertain annually all children within his[her] district who are handicapped and shall report the same to the department of education."

§157.270

"If in any district there are exceptional children not able even with the help of transportation to be assembled in a school, instruction shall be provided in the child's home, or in hospitals or sanitaria . . . however, a minimum of two visits a week with a minimum of one hour of instruction per visit, by a teacher provided by the board of education . . . [shall be]. . . equivalent to the attendance of one child five days in school."

§157.280

If for some reason a school district does not provide a special education program for a particular classification of exceptional children, "the board shall provide a program by contract with another . . . district or private organization that maintains a . . . program approved by the state board of education for that exceptionality . . . ." Where such a contract is instituted "the district of residence of these pupils shall share the total cost of the . . . program in proportion to the number of pupils as in accordance with contract agreement . . . ."

2) The "home" school district shall pay for the student's "transportation to and from the program in the other school district or to the private organization." If transportation is provided by the other district or the private organization, "the cost of transportation shall be included in the total cost."

3) If a child's attendance is required, either by statute or regulation, at the Kentucky School for the Deaf or Blind, "the district in which the child resides shall provide transportation to and from the school on a regularly scheduled basis at intervals of no less than once each month . . ." either individually or in cooperation with other school districts on a regional basis "as approved by the state board of education upon recommendation of the superintendent . . . ."

SCHOOLS FOR DEAF/BLIND

§157.285

"Local boards of education may contract to provide 'related services' to exceptional children and their families when the desired services are not available through a public or private agency."

RELATED SERVICES

§157.290

"The local superintendent of schools shall present to the superintendent of public instruction an application for tentative preapproval of a plan for special education programs for exceptional children."

§157.295

TESTING

"The superintendent of public instruction shall employ two additional supervisors for the purpose of testing and classifying the mentally retarded, and two additional supervisors to supervise programs for all other exceptional children."

§159.050

SCHOOLS FOR DEAF/BLIND

"In school districts that generate [special] schools for the education of children who are blind or deaf . . . such children between the ages of seven and sixteen whose mental condition permits application to study shall be enrolled in and attend such schools regularly for the full term of the schools or until discharged by the board of education of the district." If no special district school is provided, "The suprintendent of public instruction, on recommendation of the state director of pupil personnel, may cause the child to be enrolled in one of the state institutions for the education of such special groups."

§167.015 -- 035

SCHOOL FOR THE DEAF

The state board of education shall manage and control the Kentucky School for the Deaf. They "shall have possession and the responsibility and authority for preservation, repair and control of the buildings and grounds . . . ." They may, subject to specific statutory limitations, "sell any property held for the use and benefit of the school, and purchase other property deemed . . . to be suitably and conveniently located, and erect buildings necessary for carrying out the purposes of the school. The board may adopt rules and regulations to carry into effect its powers . . . and may require from the superintendent of the school any reports and information it desires as to the condition of the school."

The board "may employ, prescribe and direct the

duties and conduct of a superintendent, professors, teachers, and all other necessary agents and employees for the . . . school. The superintendent shall be a person with at least five years experience in the education and training of the deaf.

APPOINTMENT

There shall be established a Kentucky School for the Deaf Advisory Board composed of five members appointed by the governor . . .[who] . . . shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. The . . . board shall act in an advisory capacity to the state board of education and the superintendent in conducting the activities of the school."

§167.090-120

DEAF CHILDREN

Except as provided herein "every person residing in this state who has custody, control, care or supervision of any deaf child between the ages of seven and sixteen years shall cause the child to attend some public, private or parochial school for the hearing or in which deaf children are taught, for the full term each year.

This shall not apply to a person tutored in the home by a "qualified instructor," nor to any child certified as "not in [the] proper mental or physical condition to be sent to school.

If it is satisfactorily shown to the court at the time of prosecution" for violation of this statute "that the schools . . . that provide . . . education for the deaf, are taxed to capacity and there is no room or means of taking care of or instructing the child, the person accused . . . shall be dismissed from liability.

No person shall, with the intent to evade . . . [this statute] . . . make a false statement concerning the age of a child, or the length of time the child has attended a school."

§167.130

SCHOOL FOR DEAF

Any school at which the deaf are educated "shall . . . receive any deaf child sent to the institution, unless . . . the institution is taxed to its capacity, and there is no room or means of taking care of the child, or that the physical condition of the child is such as to prevent study or to constitute a menace to the health of the other pupils . . . or that the child is mentally deficient and incapable of successfully pursuing the prescribed course of study . . . or that the habits and practices of the child are such as to constitute a detriment to the welfare of the other pupils . . . ."

§167.140 -- 170

SCHOOL FOR BLIND

"The Kentucky School for the Blind . . . shall be managed and controlled by the state board of education. The board shall have the possession, preservation, repair and control of the buildings and grounds belonging to the state and dedicated to the school. The board may . . . sell any property held for the use and benefit of the school, and purchase other property deemed . . . to be suitably and conveniently located, and erect buildings necessary for carrying out the purposes of the school. The board may adopt rules and regulations to carry into effect its powers . . . and may require from the superintendent of the school any reports and information it desires as to the condition of the school."

RULEMAKING

The board "may employ, fix the compensation and prescribe and direct the duties and conduct of a superintendent, physician, matron, professors, teachers and all other necessary agents and employees of the . . . school . . . . The board may remove at pleasure any person so employed by it. The superintendent shall be a person with at least five years experience in the education and training of the blind.

REMOVAL

The board may prescribe the course of education and rules for the government and discipline of pupils in the school, and fix and regulate tuition fees" and out of state admission policies, "but no charge shall be made for the admission of pupils from this state."

TUITION

An advisory committee may be appointed by the superintendent of the school to "assist him in conducting the activities of the school.

The state board of education shall alone have the power to expel a pupil from the . . . school . . . no officer or employee of the school shall be permitted to inflict corporal punishment on any of the pupils."

EXPULSION

§167.210 -- 240

"Deaf-blind children includes any child whose combination of handicaps of deafness and blindness prevents him[her] from profiting satisfactorily from educational programs provided for the blind child or the deaf child.

DEAF/BLIND CHILDREN

The state department of education is . . . authorized to expend available funds for the purpose" of educating deaf-blind children at a qualified institution. "Such funds may be spent for evaluation and diagnosis, room, board, tuition, transportation, and other items which are necessarily relevant to the education of such children.

The division of special education of the state department of education is . . . authorized to determine if deaf-blind children should be educated in a facility, school or institution within or without the Commonwealth." They "shall cooperate with existing agencies . . . in the coordination of their educational activities for such children.

The state department of education is authorized to adopt and promulgate such rules and regulations as it deems necessary and proper for carrying out the purposes of . . . this section."

704 KAR 3:250

There exists a Work-Study Program for Exceptional Children and Youth which includes "instruction in the classroom and placement in actual on-the-job working situations under the supervision of a work-study program coordinator . . . . [His/her] responsibility is to "supervise exceptional students between the ages of fourteen (14) and twenty-one (21) who are enrolled in a special education program and/or enrolled in regular classes . . .[He/she] shall hold a valid special education teaching certificate or a special education supervision certificate."

707 KAR 1:003

"[The] Kentucky State Plan for the Administration of the Education of the Handicapped Act shall be prepared and approved by the State Board of Education . . . ."

707 KAR 1:005

"The experimental program in the utilization of para-professionals and teacher aides in special instructional services for exceptional children shall be operated . . . [provided] applications . . . shall be submitted when local school districts submit applications for classroom units for teachers of exceptional children . . . ."

707 KAR 1:010

"Local boards of education shall operate programs for pupils with hearing impairment . . . ."

HEARING IMPAIRMENT

All personnel shall be required to have appropriate state certification. Eligible pupils are those whose "primary handicap is a hearing loss ranging from mild to profound to such a degree that he[she] does not use normal communications skills effectively . . . ."

Program memberships shall vary from six pupils to ten pupils per teacher, whether they be under the special class

plan, the resource room plan, or the itinerant teacher plan.

"An Admission and Release Committee established by the local school district shall be responsible for the placement and release of pupils in programs for pupils with hearing impairment. The committee shall consist of a minimum of two . . . permanent and two . . . temporary members. The superintendent or his[her] designate shall be one . . . of the permanent members.

Every child shall be given an appropriate audiological and speech and/or language evaluation by a qualified examiner(s).... The teacher shall maintain an ongoing objective and subjective assessment of the pupil . . . .

Programs shall be organized and operated under one or more, or a combination of the following:

(a) A special class plan shall be a classroom based program in which the handicapped pupil is enrolled. The chronological age range for pupils enrolled in the special class shall not exceed four...years. The pupils shall participate in the regular class whenever possible.

(b) A resource room plan shall be a program which serves hearing impaired pupils who shall be enrolled in the regular class and shall be able to do part of their classwork in the regular class. The pupil shall go to the resource room for special services not available in the regular class.

(c) An itinerant teacher plan shall incorporate a teacher who travels to the pupil's school(s) on a regularly scheduled basis to work with pupils either individually or in small groups. Pupils shall be enrolled in a regular class and shall receive a portion of their instruction in the regular program . . . ."

ITINERANT TEACHER

707 KAR 1:020

"Private organizations having programs for exceptional children and youth shall apply to the State Board of Education for approval if they wish to enter into contract agreements with local school districts. [Their] educational programs shall

meet the requirements of appropriate section(s) of Kentucky Revised Statutes and State Board of Education regulations. In the event that a private organization located outside of Kentucky desires to provide contractual services, it shall be approved in the area of exceptionality involved by the Department of Education in the state where the organization is located and doing business."

707 KAR 1:040

Programs for deaf-blind children shall be operated pursuant to the following criteria:

1) "Before educational placement for deaf-blind children can be considered appropriate evaluations of the child shall be made by qualified personnel . . . . The Kentucky State Department of Education is authorized to expend available funds [administered by the Bureau of Education for Exceptional Children] for . . . providing [such] evaluation and diagnostic services....

If results of the evaluation indicate that the child should be enrolled in an educational facility for deaf-blind children, the parents or guardians shall make application to an appropriate school . . . ."

EVALUATION

A child shall be eligible for placement in a special educational facility for deaf-blind children if he/she "has both a vision and hearing loss so severe that he[she] cannot make educational progress in existing state residential programs . . . ."; if all efforts have been exhausted for providing special education programs in public school programs for the deaf or the blind; and for placing the child "in existing state-supported programs offering special adaptations of standard educational programs and practices . . . ."

PLACEMENT

707 KAR 1:050

"Local boards of education shall operate programs for exceptional children of compulsory school attendance age . . . .

Appropriate state certification [for personnel] shall

be as required . . . . The program plans for exceptional pupils shall be determined by the needs of the pupils in the local school district . . . . The length of the school day shall be the same as for non-handicapped children . . . Local school district personnel shall establish one district-wide Administrative Admissions and Release Committee and a School-Based Admissions and Release Committee (SBARC) in each school . . . ."

The AARC's principal functions shall be to:

(1) "Receive information on identified children not currently enrolled in the local school district who are thought to need special educational services and/or programs.

(2) Determine if the local school district can provide appropriate services if local programs must be changed to accommodate the identified child, if additional services or programs will be developed or if the child must receive services outside the local school district."

and

(3) "Follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement . . . ."

The main functions of SBARC shall include:

"[the receipt of] referrals on pupils currently enrolled in the school thought to need special educational services and/or programs."

2. due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards

3. appropriate evaluations on referred pupils.

4. "the referral of cases where appropriate services are not available within the school, to the AARC.

The local school district shall obtain written parental approval to administer any specific individual psychological, psychiatric medical and/or educational test for the purpose of placement of a child in a program for exceptional children. If the parent(s) refuse to give permission for the evaluation the local school district

shall either accept their decision or ... request an impartial hearing ....

A pupil shall be eligible for enrollment in a program for crippled and other health impaired if a licensed physician determined that he/she is physically unable to attend regular class. A medical statement by a licensed physician shall be on file in the central office. The Admissions and Release Committee shall review this statement as well as any additional reports, information and assessments deemed necessary for placement of each individual child in an appropriate educational program ...."

PUPIL/TEACHER RATIO

Program membership shall vary according to the different program plans, from six to fifteen pupils per teacher for the special class plan, to ten to twenty pupils per teacher for the resource room and itinerant teacher plans.

HOME INSTRUCTION

"An exceptional child shall be eligible for instruction in his[her] home, hospital, or sanitarium provided a signed statement is secured from the licensed physician, psychologist, psychiatrist, or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study ... Children with communicable diseases shall not be enrolled in a home instruction program ... Home instruction shall not be used as a substitute for a more appropriate educational placement for exceptional children."

Program membership shall vary from six to ten pupils per teacher in a home instruction program to six to fifteen pupils per teacher in a combined home and hospital instruction program.

"High school pupils on home instruction programs shall meet minimum State Board of Education requirements, follow the prescribed local course of study, and acquire the required number of units prior to graduation from high school ....

Pupils who ... obtain intelligence quotient scores between fifty and seventy-five on individual intelligence tests shall be eligible for enrollment in programs for the

educable mentally handicapped. [Upon recommendation of the appropriate Admissions and Release Committee], pupils whose intelligence score is borderline may be placed in a program for the educable mentally handicapped on a trial basis [a period of four months] ... The evaluation of pupils ... shall consist of:"

(a) The referring person's assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) A behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.).

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and assessment of basic skills areas such as reading, math and language.

(d) A developmental history.

(e) An individual psychological assessment utilizing a recognized standardized measure of individual intelligence.

(f) In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping conditions, a referral for appropriate assessments by qualified professional(s) shall be made.

(g) Evaluations of referred pupils shall be completed by persons who are qualified to perform such evaluations.

EVALUATION

In these programs, there shall be ten to twenty pupils per teacher.

"Pupils who ... obtain intelligence quotient scores below fifty on individual intelligence tests shall be eligible for enrollment in programs for the trainable mentally handicapped ..."

A similar evaluation shall be conducted for the trainable mentally handicapped as for the educable mentally handicapped.

There shall be six to twelve children per teacher. "The chronological age range for the special class shall not exceed six years...."

PUPIL/TEACHER RATIO

Pupils with learning disabilities enrolled in special

programs shall be evaluated in the same capacity as other mentally handicapped children. There shall be eight to fifteen pupils per teacher.

"Pupils shall be eligible for enrollment in a program for the emotionally disturbed (behavior disorders) whose emotional and behavioral disorders indicate they can benefit from a modified learning environment and an instructional program compatible with their individual learning needs." These pupils must have demonstrated:

"(a) An inability to learn which cannot be explained by intellectual, sensory or health factors.

(b) A variety of extreme behavior patterns ranging from hyperactive, impulsive responses to depression and withdrawal.

(c) A general, pervasive mood of unhappiness or depression.

(d) A persistent inability to establish and maintain meaningful interpersonal relationships.

(e) A tendency to develop physical symptoms such as speech problems, pains and fears, associated with personal and/or school problems."

There shall be eight to fifteen pupils per teacher.

PUPIL/TEACHER RATIO

"Any pupil having a speech handicap/communication disorder shall be eligible for placement. Admission shall be based upon evaluation and/or recommendation by personnel certified by the Department of Education."

There shall be forty to seventy-five pupils per week in the program.

"A pupil shall be eligible for enrollment in a program for the visually handicapped if an eye specialist certifies that he[she] has a visual acuity of 20/70 or less in the better eye after correction ....

Program membership for the special class plan, the itinerant teacher plan and the resource room plan shall be from five to ten pupils per teacher ...."

PUPIL/TEACHER RATIO

CROSS REFERENCES

I.Department of Education; Statute §156.010

II.B.1a.; Statute §156.476

III.B.Special Education Personnel; Statute §157.250

III.B.Teachers; Statute §157.250

III.B.Teachers; Statute §157.390

III.B.Teachers; Regulation 704 KAR §3:270

III.B.Teachers, Regulation 704 KAR §20:203; 704 KAR §20:205

III.B.Teachers; Regulation 704 KAR §20.230

III.B.Teachers; Regulation 704 KAR §20:235

III.B.Teachers; Regulation 704 KAR §20:240 -- 245

III.B.Teachers; Regulation 704 KAR §20:250

III.B.Teachers; Regulation 704 KAR §20:255

IV.H.; Statute §159.030

2. Programs for Exceptional Children

Statutes

§17:234

"Every parent or tutor or other person having charge of mentally or physically deficient children (this applies to blind, deaf and spastic children) shall enforce the attendance of these children at special schools or classes provided by the state or parish and city school board . . . ."

§17:1941 -- 1942.1

It is the duty of every state, city and parish public school system to provide an appropriate, free, public education to every exceptional child. The legislative purpose is to provide a uniform system of special education; to provide a nondiscriminatory means of identifying and evaluating childrens' individual needs; and to conduct periodic evaluations of programs provided.

The special education program shall be funded by the state and administered by the Department of Education.

§17:1943

Included in the definition of "exceptional child" is any child who is defined as being mentally retarded, gifted and talented, hard of hearing, deaf, speech impaired, severe language disordered, visually handicapped, emotionally disturbed, orthopedically handicapped, hospital/homebound, other health impaired, learning disabled, educationally handicapped or slow learners.

"Special education" shall be any program of instruction within the elementary and secondary structure, specifically designed to provide for different learning styles of exceptional children. Instruction may be provided for children ages three to 21 years.

§17:1944

Special education services shall be administered by the Department of Education and by city or parish school boards. The superintendent of education shall establish, within the department, a division of special education

services to supervise and monitor all programs throughout the state.

The powers and duties of the division of special education services include the following: (1) assisting school boards in the evaluation and placement of children requiring special education services; (2) regulating and helping to develop special education programs; (3) collecting the required financial data from all schools receiving funds; (4) reviewing and analyzing data for purposes of evaluation; (5) promoting public awareness of available programs and services; (6) developing certification requirements for special education instructors; (7) investigating complaints and providing hearings; (8) involving parents in the planning and evaluation process; (9) insuring minimum standards for private agencies that provide special education services; and (10) enforcing compliance with state and/or federal laws, and rules and regulations.

The Department of Education shall issue regulations, written in cooperation with private agencies, teachers and families, to be published prior to the 1978-79 school year. RULEMAKING

§17:1945

Before placing, transferring or denying placement to an exceptional child, an evaluation must be conducted, by the Department of Education. A medical assessment must be made prior to the evaluation and notice must be given to the child's parents. Parental consent, in writing, is necessary before the child may be placed in a special education program. ASSESSMENT CONSENT

The evaluation is to be conducted by a multidisciplinary team, certified as qualified examiners by the Department of Education. The Department of Education is authorized to contract for evaluation services and may provide inservice training for the teams. EVALUATION

In order to locate and identify children with special education needs, educational assessment programs shall be established. Children will be placed, with parental consent, in a four to six week program, to determine

whether the child needs further evaluation.

REEVALUATION

Children placed in special education programs must be reevaluated at least every three years. The reevaluations will be carried out by certified multidisciplinary teams according to Department of Education procedures.

TESTING

The Department of Education will establish procedures to assure the integrity of testing and evaluation materials and to eliminate any racial or cultural discrimination.

An individual education plan shall be established for each child by the city or parish school board providing services. The plan will be reviewed and updated at least once a year. The plans are considered confidential and may not be released to the public.

Progress reports on exceptional children shall be made by all agencies providing services.

§17:1946

PLACEMENT

The Department of Education has authority to approve alternative education settings for special education programs, which may include the regular classroom or self-contained classroom, public or private school.

However, children requiring special education in special classes in alternative settings shall be placed there only when the nature or severity of the exceptionality is such that education in regular classes cannot be achieved satisfactorily. The Department of Education shall prepare regulations on the "least restrictive placement of exceptional children in alternative settings."

§17 1947

The responsibilities of local school systems include providing the following services for exceptional children aged three-21: (1) special education and related services; (2) alternative educational settings; (3) materials and supplies; (4) individualized education plans; (5) procedural safeguards; (6) evaluation and reevaluation; (7) parent participation; and (8) protection in evaluation.

Special education may be provided for children below age three who have serious handicapping conditions requiring immediate treatment.

All educational personnel must hold a valid degree or certificate as required by the Department of Education.

If best results can be obtained by providing cooperative services, school boards and districts shall implement such plans according to Department of Education procedures.

Transportation will be provided by parish and city school boards.

All new construction projects must meet government standards in providing accessibility to handicapped persons.

Local school boards shall employ a director of special education on a full or part time basis.

§17:1948

Local school boards shall submit an annual application for special education funds together with an annual evaluation of the prior year's program. The Department of Education shall establish criteria for the plans and reports.

APPOINTMENT

Each parish and city school system shall appoint a local advisory council to develop the plan. The council will be composed of a handicapped individual, a parent, a special education teacher and a local official. At least one public hearing is required to be held in each city or parish that submits application for funds.

HEARING

§17:1949; 17:1950

A parish or city school board may purchase services from any public or private agency, requiring that agency to provide free education to exceptional children. However, the agency must meet Department of Education standards.

CONTRACTS

The Department of Education itself may contract with school boards, and public or private agencies to provide special education services.

§17:1951

A special school district shall be established to provide special education for exceptional children enrolled in state operated programs. The special district will be administered by the Department of Education.

Each local system shall reimburse the special district for exceptional children it sends to the district

§17:1952

RULEMAKING

The Department of Education shall prepare regulations providing for parental participation in special education planning. The rights of parents will be protected by the following guarantees: (1) an opportunity for an independent evaluation of their child; (2) written notice of any proposed change in identification or placement of a child; (3) an opportunity to present complaints and a guarantee of due process rights in doing so.

§17:1953

In order to assure the availability of adequately prepared and trained personnel in special education, the Department of Education shall conduct a manpower needs assessment and submit a plan of its findings to the Louisiana legislature. The plan shall address the need for programs at all levels of personnel involved in special education.

§17:1954

APPOINTMENT

The Department of Education shall appoint a "state advisory council for the education of exceptional children," which shall include handicapped individuals, parents, special education teachers and program administrators.

§17:1955

CONFIDENTIALITY

The Department of Education shall establish procedures to protect the confidentiality of all information collected in providing special education. Parents are to be assured of a means of amending or challenging facts included in evaluation or individual education plans.

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.01.63

Primary purpose of program is training of dependent retarded children. Training is instruction above custodial care but less

than the level of limited academic instruction. Local boards of education shall process applications from parents for such services. A child shall be eligible if he/she has an IQ of between 30 and 50, is not a danger to himself or others, is capable of controlling himself or others, and is ambulatory and between seven and eighteen years of age.

CLASS SIZE

Classes for these children shall be a maximum of ten students; if an aide assists the teacher the maximum class size shall be fifteen students.

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.02.12

State School for the Deaf.

SCHOOL FOR DEAF

The state school for the deaf shall have a high school program. Visible English shall be the primary means of communication in all academic and extracurricular activities. Pupil teacher ratios shall range from one to four for speech classes to one through eight for junior-senior high classes.

The state school for the deaf shall be the state agency designated to coordinate programs for educating the deaf throughout the state. Any teacher or employee who "agitates or impedes the educational process or. . . contributes to the disruption [of the students] should be cited for willful neglect of duty and be subject to dismissal..."

DISMISSAL

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.02.21

Children may be admitted who are between five and nineteen years of age. Preference will be given to younger children because they have a greater chance to benefit by attending the school. The number of bedridden and wheelchair pupils "should be held to a minimum" Pupils should represent "a wide geographical distribution" in the state.

Curriculum should contain "ordinary school subjects with emphasis on such vocational training as may fit each case." Therapy for each child must be worked out with the medical director and his staff.

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 4.02.03

Policy Statement on the Right to Education for the Handicapped.

All handicapped children have the right "to a free appropriate public education." [The Board states the Federal regulations, goals, priorities and procedures of §612 and 613.] and the compliance provisions and policies of the board. These are set forth in the Amended Annual Program Plan for Special Education for 1978, 1:7-14-77 Louisiana Register, and Policy statements 2:10-27-77 Louisiana Register.

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 5.01.50

Local school boards may use state funds to purchase services from private residential facilities for educable children if the school district does not provide such services. To be eligible, the children must have an IQ of between 30 and 50. The school district will be reimbursed not more than $600 per year from state funds. The private school utilized must be approved or licensed by the state and is required to submit a description of facilities, personnel, and program to the special education section of the state department of education.

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 5.02.01

Local school districts may be reimbursed $5.00 per hour for part-time teachers of home bound students.

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 6.00.70

Exceptional Children

Special educational services shall be provided in a special education classroom or resource rooms or through the services of an itinerent special education resource teacher. Teachers shall be certified in special education. They shall not be assigned a caseload of more than 27 students.

BULLETIN 741

POLICIES AND PROCEDURES

"Each school shall have a written policy concerning admission to and dismissal from Special Education Pro-

grams. The policy shall contain:

A statement that emphasizes the school's efforts to maintain the student in the least restrictive alternative environment.

CONSENT

A statement of written consent by the parent or guardian to place the student in a Special Education program.

A statement that requries students to receive a competent authority evaluation prior to being placed in a Special Education program, where possible . . . ."

EVALUATION

CROSS REFERENCES

I.Parish School Boards; Statute §17:151

III.B.Director of Special Education: Regulation Bulletin 741

III.E.Teachers: Regulation Bulletin 741

IV.H.: Statute §17:226

2. Programs for Exceptional Children

Statutes

§3121

The state policy is to provide equal education for all children including exceptional children. Educational opportunities for exceptional children shall be provided by the addition of a suitable assistance program to regular educational programs. The only exceptions to this policy will be made after "supporting evaluative data, indicating that a child cannot be properly served in a regular program, have been submitted to and approved by the commissioner."

§3122

"Any exceptional child committed or otherwise legally admitted to any state-operated institution for the mentally ill or mentally handicapped shall have the right to attend the public school in the administrative unit in which such institution is located, or in any adjoining administrative unit."

§3123

"1. 'Exceptional children' means any persons who reach the age of 5 years on or before October 15th of any school year and until the end of the school year in which such persons reach the age of 20 years who require special services in the area of vision, audition, speech and language, cerebral or perceptual functions, physical mobility functions, behavior, mental development or maturation, or multiples of these functions, as defined by the commissioner, so that their educational progress and potential may be realized.

"2. 'Special education' means classroom, home, hospital, institutional or other instruction; educational diagnosis and evaluation; transportation and other supportive assistance, services, activities or programs, as defined by the commissioner, required by exceptional children."

"3. 'Special education facility' means a public or private school, or portion thereof, intended for use in meeting the educational and related needs of exceptional children."

§3124

It shall be the responsibility of each administrative unit operating schools to identify all children within its territory who require supportive assistance and special education. In addition, each "administrative unit shall provide educational diagnosis and evaluation as may be necessary for the planning and implementation of a special education program for each child . . . Activities related to identification, educational diagnosis and evaluation, planning and implementation, and the provision of services shall be conducted in accordance with guideline and regulations set forth by the commissioner.

"Nothing in this chapter shall be construed to authorize or require physical examinations or medical treatment of any child whose parent objects thereto on the grounds that he relies solely upon nonmedical remedial care and treatment in accordance with a recognized religious method of healing."

PHYSICAL EXAMINATION

MENTAL EXAMINATION

§3125

1. "Local programs": Administrative units operating schools shall establish appropriate programs for exceptional children. Such programs must be approved by the commissioner with respect to admission requirements, staff qualifications and certification, instruction, facilities, professional supervision and teacher-student ratio.

2. Two or more administrative units may enter into a cooperative agreement for the purpose of providing educational programs of supportive services for exceptional children. Such programs shall be approved by the commissioner. Cooperative programs are encouraged when they would be more effective than other programs.

3. Other programs may be implemented to insure

the education of all exceptional children in addition to those already in operation. All programs are subject to approval by the commissioner.

§3127

Administrative units will be denied any state aid if they are found guilty of not providing education to exceptional children who are legally entitled to it, effective as of July 1, 1976. Such action may be taken by the commissioner only after a public hearing by the state board of education and on due notice and record that establishes the failure of the administrative unit to provide suitable education for exceptional children.

§3128

Under guidelines and regulations set by the commissioners each administrative unit shall keep current records of exceptional children. "Each such administrative unit shall institute procedures which guarantee the confidentiality of such records as required by law."

CONFIDENTIALITY

"The commissioner shall make and keep current by annual review a state plan for the education of all exceptional children in Maine. This state plan shall be made available for public inspection on request."

§3129

Anyone using public funds to build facilities to be used for the education of exceptional children "shall obtain approval in advance from the commissioner." Approval will be granted by the commissioner if the facilities will adequately "meet the needs of its exceptional children."

§3131

1. "Due Process. The guidelines and regulations established by the commissioner shall establish procedures to assure and protect the rights of due process for all children referred to in this Title."

2. "Preschool Children. The commissioner may

authorize expenditures to institutions and organizations for speech and language education of hearing and language impaired children *who have not become of compulsory* school age."

§3161

In addition to money raised for the support of public schools, any administrative unit may appropriate money to educate teachers and other personnel to meet the educational needs of mentally retarded children. "Such appropriation shall be expended on a matching basis with any funds made available by the department for the same purpose."

Teachers and other personnel may be reimbursed by the department on a matching basis for money they spent on their own education in order to educate the mentally retarded.

§3162

The county commissioners may use county funds to construct or acquire buildings "for educational programs for retarded children" approved by the department and receiving state subsidies. Any proceeds received from selling these buildings which were originally built or acquired with county funds must be used solely for services and programs for retarded children.

REGULATIONS

Administrative Letter 42 7/22/77

Placement of Emotionally Disturbed Children in Private Facilities PLACEMENT

The Maine Dept. of Education and Cultural Services feels that the joint efforts of state agencies to plan for residential placement and provide services which are not reimburseable under special education guidelines should be continued and expanded. The following procedure should be noted by public schools in placing emotionally handicapped children in private schools. The student must be referred to a pupil

evaluation team by school officials, teacher, physician, psychologist, social worker, or parent. The pupil evaluation team shall determine the student's needs and recommend appropriate placement. If residential placement is required, the case shall be referred to the community mental health center. It shall determine the appropriate facility giving preference to in-state facilities.

If placement is not required, the CMHC may consider other alternatives such as in-school or direct family services.

The school administrative unit is responsible for educational costs and room and board at a fixed rate set by the Commissioner for up to 40 weeks. It shall provide costs for transporting children to and from school at the beginning and end of the school year and up to five trips during the year shall be reimbursed.

Parents unable to accept the administrative unit's recommendation for placement may request a due process hearing.

HEARING

STATE PLAN FOR THE PREPARATION OF PERSONNEL TO WORK WITH EXCEPTIONAL CHILDREN

Grant request 1975.

Purpose

"To improve the quality of programs for exceptional children through the development and implementation of a comprehensive system of personnel development ...designed to assure that all personnel necessary to provide services to exceptional children are adequately prepared and trained."

Key Features of the Plan

"The plan describes present in service and pre service activities, needs and descriptions of activities to meet the needs."

Administrative Letter No. 31 2/4/77

To: School Superintendents from the State Consultant for Gifted and Talented Education

Re; In service Training

A state consultant for gifted and talented children is available to assist teachers and school districts in designing programs for gifted and talented children. The consultant will conduct workshops at local schools and has information on model programs and other literature on the subject to make available to interested schools and teachers.

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MAIN

INSERVICE TRAINI

2. Programs for Exceptional Children

Statutes

Art. 77 §55

The county board shall prescribe programs of training or instruction for mentally or physically handicapped children subject, however, to the policies and guidelines established by the state board.

Art. 77 §98C

The state board shall implement a program to evaluate each student entering first grade to identify learning disabilities. The state board shall guide and coordinate programs to assist the needs of the disabled students.

Art. 77 §99

The boards of education shall furnish information to the health departments of children with mental, physical or emotional handicaps. The health department shall recommend children who need help to the board of education which shall provide for appropriate educational facilities including transportation to such facility. If the facility is located outside the state or political subdivision in which the child resides, and if state aid provides for the child's education, the board shall pay the cost of transportation to the facility.

Art. 77 §100

The state board shall promulgate rules and regulations to examine, classify, and educate handicapped children. The standards shall include teacher qualifications, curriculum and equipment standards and supervision of the program.

The state department of health shall assist the state board in setting up the standards.

If a county inaugurates a special program of instruction to meet the needs of a handicapped child, the county shall receive $1,000 per child, or the actual cost whichever is less, from the appropriation made for this purpose in the state's annual budget.

If the county does not provide special programs and the parent must go outside the county or state to obtain appropriate instruction for the handicapped child, that parent shall receive $1,000 or actual cost as provided above.

Art. 77 §100A

If all locally available administrative remedies have been exhausted, the parent of a mentally, physically or emotionally handicapped child may request that the state board review the diagnosis, evaluation of educational programs provided, or exemption from school privileges. The state board shall establish a hearing board of at least three knowledgeable persons which has the authority to dismiss any complaint made without good cause, or confirm, modify or reject any prior diagnosis or program prescribed for the child. Appeal from the decision of the hearing board shall be to the circuit court for the county in which the child resides.

HEARING

Art. 77 §102

The governor shall include in the state budget an item stating that a handicapped child under 6 years of age may receive special education to help the child attain scholastic achievement as near normal as feasible. This program shall be administered under the state department of education.

Art. 77 §103

The Maryland department of education, county schools and the Maryland School for the Deaf, and the Maryland School for the Blind shall cooperate to meet the educational needs of children with those disabilities. Teachers working in the Maryland School for Deaf and for Blind shall be paid no less than public school teachers.

Art. 77 §§104,105

Each child who is unable to progress satisfactorily in school because of deafness or blindness shall

attend a school or class for the deaf or blind unless the child is receiving adequate comparable education elsewhere. Each parent or guardian of a deaf or blind child shall require the child to attend school or receive instruction.

Anyone who fails to comply with this provision shall be guilty of a misdemeanor and fined not more than five ($5.00) for each offense.

Art. 77 §§106D;E

(a) The state shall make available free educational programs for all handicapped children and the state board shall adopt standards for the "identification diagnosis, examination and education" of all children in the state through age 20. These standards of education shall not be lower than those of the public schools. "The term 'special educational services' means those services necessary to assure that all children with handicaps which impede their ability to learn are afforded the opportunity to attain appropriate levels of knowledge and learning skills consistent with their potential . . . ." The standards shall include qualifications for teachers, guidelines for curricula, provisions for residential centers, and coordination with government agencies.

(b) Each local board of education shall develop a plan to provide special educational services in accordance with state standards. However, the local plan may exceed the minimum standards imposed by the state board. Each local board shall consult with public and private agencies knowledgeable about the problems of special educational services prior to adopting a plan. Each plan submitted shall carry an estimate of the number of children who are to receive the services.

(c) The state superintendent shall review each plan and, if in accordance with state standards, shall recommend its approval to the state board. If the plan is not approved and if the local board does not resubmit an acceptable plan, the state superintendent shall develop a plan for the sub-

division.

(d) The state superintendent shall also adopt a plan for those children in state institutions.

(e) The state board shall annually review the approved plans.

(g) A child shall be placed in a non-public institution at public expense if the state approves. The approvals shall be based on standards it promulgates for this purpose. A court may not order a child sent to a non-public institution at public expense unless the placement is in accord with this subsection.

Art. 77 §§106F,G

Gifted and talented children are those identified by professionally qualified persons as having outstanding abilities in intellectual capabilities or in the creative, visual or performing arts.

The state board shall encourage the development of programs for these children and shall provide guidance and technical assistance to support programs to: train teachers to identify these children, develop new or modified curricula, and disseminate findings related to such programs.

Art. 77 §106G-3

Each county shall contribute the basic cost (average amount expended by the county from all public sources for the handicapped child) for each child receiving special education services who is domiciled in the county.

The state and counties shall share in a contribution of $100,000,000 ($100 million) as the public funding of the excess cost in accordance with the formula set forth by law. Excess cost is defined as the cost of providing special education services in excess of the basic cost but excluding federal funds received for this purpose or the cost of placing children in non-public schools.

In addition to any other requirement, the state shall contribute the full amount required for special education services in non-public schools.

REGULATIONS

13.04.01.01

"State and local education agencies shall provide free educational programs and services for all handicapped children . . . . The State Board of Education shall appoint a State Advisory Committee for Special education to review . . . special education standards. . . , programs and services . . . .

Handicapped children are those persons through the age of 20 who have been determined . . . as having temporary or permanent difficulties arising from cognitive, emotional, physical, perceptual factors . . . and who require special educational programs and services as an educational intervention." Economic and cultural disadvantages do not in themselves justify special education programming. Services may be either direct, as a "supplement to a child's regular program or an alternate program," or indirect, such as "consultation with regular teachers and parents, special alteration in plant or facility, additions of special equipment, or provision of special learning materials."

13.04.01.02

"The State education agency. . . shall . . . maintain State interagency coordination to ensure the development of interagency planning and implementation of programs for handicapped children." Local education agencies shall cooperate with other State and Local agencies for the same purpose.

"The local education agency shall submit annually to the State Superintendent of Schools a comprehensive five-year plan for the provision of special educational services. Local agencies shall inform the public about special education programs and services. Local agencies must

maintain and report to the State Department of Education a list of all children through age 20 who need special education. The local education agency shall . . . ensure the maintenance and confidentiality of . . . records of children receiving special education programs and services." Services to be offered under special education plans must either conform to the States' "Administrative Manual for the Continuum Program," or in its absence, "local education agencies shall provide an alternative variety of delivery systems . . . .

Children shall be educated in regular classes, with the use of supplementary aids and services, unless the nature or severity of the handicap is such that their education cannot be satisfactorily accomplished . . . . Services may include consultative . . . diagnostic/prescriptive . . .[and] itinerant services," and vocational programs and counseling.

"Children shall be educated in a special program only if the nature and severity of the handicap so indicates. Such programming may include . . parent/infant . . ., pre-school . . .[and] itinerant program, self-contained classes," vocational programs and counseling, "home and hospital instruction, special education centers, non-public educational institutions, State-operated day and residential schools and state-supported schools.

Local education agencies shall not assess nor assign children to special educational programs . . . solely on the basis of national origins, linguistic, or cultural differences."

Children may be enrolled in residential schools only if their handicap "is evaluated as severe or profound and its effect on the child's home and school environment requires total environmental support." Local and state education agencies may cooperate "to provide special educational programs and services which are impractical in a single school system . . . . Health services supporting special programming shall be provided."

13.04.01.03

"Parents or legal guardians of children with handicapping conditions shall have the right to review information pertaining to screening, educational assessment, the educational management plan, and exclusion or exemption from school privileges."

HEARING

Local boards of education shall provide a "hearing procedure for any parent(s) . . . of children . . . in or in need of special education programs when a request is made in writing, for good cause, to review (1) diagnosis, (2) evaluation of educational programs . . ., or (3) the exclusion . . . from school privileges of the child . . . . After exhaustion of all locally available administrative remedies," the parent or local board of education may request that the State Board of Education review the case.

"Parents or legal guardians have the right of prior informed consent regarding their child's psychological evaluation, confidential information usage, special education programming and placement."

13.04.01.04 -- 13.04.01.05

"The local education agency shall cooperate with local health agencies under the Department of Health and Mental Hygiene to implement . . . preschool screening procedures to identify potentially handicapped children." Children shall be screened "for potential learning problems" when they enter the primary grades. "The local education agency, jointly with the local health agency, shall administer to each child a minimum of two hearing and vision" tests and "shall provide for continuous screening of children" for learning problems.

"The local education agency shall provide an appropriate educational assessment for all children identified. . . as potentially in need of special education programs and services . . . . Results . . . shall be written and shall include academic achievement, developmental patterns, techniques of learning, and behavioral patterns."

Local education agencies shall establish "admission

review and dissmissal committees" which are responsible for evaluating "educational assessment reports;" and making recommendations on admission to or continuation in programs, program changes, "withdrawal of . . . services, and follow-up procedures." Members of the Committee should be "interdisciplinary personnel who are directly responsible for the special educational needs of the child" and should include a school psychologist if "self-contained program placement" is being considered. A child must "have both a written educational assessment and . . . management plan" before being admitted to special education programs. No more than six months should elapse between initial assessment and admission to programs.

"The educational management plan shall" be directly related to the assessment, "State and local curriculum goals," and the child's needs and abilities. The plan should "be periodically reviewed and modified."

13.04.01.06 - 13.04.01.14

"Local education agencies shall provide special education programs and services in accordance with specific program standards. Standards regarding maximum class size or caseload may vary only when indicated in the . . . agency's . . . five-year plan and approved by the State Superintendent of Schools . . . . Request for approval in variation of class size or caseload delineated herein shall include consideration of the age of the children, . . . the handicapping condition . . . services needed and staff utilization."

Standards are set forth for programs for four different levels of "intellectual limitation": mild, moderate, severe, and profound. "Intellectual limitation is defined as signficantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during developmental period. . . . Program eligibility is determined by "scores on standardized tests and "verification of variance of adaptive behavior from normal in . . ."sensory-motor . . . communication . . . [and] self-help skills . . ., socialization, . . . appli-

cation of basic academic skills . . .[and] of appropriate reasoning and judgment" in daily life; and "vocational and social responsibilities and performance." Class size and staffing ratios vary according to the level of intellectual limitation and the specific age-group program (parent-infant, preschool, primary, intermediate, junior high-middle school, secondary), and "in accordance with each local system's five year plan and shall show a phase-in from 1975 - 76 school year class sizes to those stated for the 1980-1981 school year."

PUPIL/TEACHER RATIO

Standards for class sizes and teacher ratios for learning disabilities also vary according to age group and should be implemented during the 1975 - 76 -- 1980 -81 period. "Learning disabilities are defined as deficits in association, conceptualization, attention, psycho-motor development, perceptual, receptive, integrative, or expressive processes which interfere directly with cognitive learning and which require special education programming." If it is verified by appropriate professional personnel that a child has one (or more) of these deficits and that intelligence is normal and "sensory acuity is not the primary deficit," the child is eligible for programs. "Visual impairment is defined as limitations in visual acuity which, following correction, interfere with successful functioning in the environment . . . . Hearing, language, and speech impairment, including deafness, is defined as deficit(s) in the communication process(es) which require special educational programs and services." These include language, voice, fluence, articulation, and learning impairments. "Program eligibility is determined by verification by an appropriate certified specilaist(s)." The standard for programs for physical disabilities are similar to those for other programs. "Physical disability is defined as neuro-muscular or medically restricting condition which interferes with moral learning processes and requires either temporary or permanent special educational provisions and/or habilitation or rehabilitation . . . . Program eligibility is determined by . . . diagnosis . . . by a qualified licensed physician . . .[and] verification through educational

assessment that the diagnosed physical disability interferes with normal learning processes."

Programs for emotional impairments fall under two categories -- "vulnerable" and "marginal adjustment." Standards are set forth in the same manner standards are established for other special education programs. "Emotional impairment is defined as behaviors which have developmental deviation in emotional functioning and which interfere directly with learning . . . . Program eligibility shall be determined by a certified special education teacher and a school psychologist . . . [and] shall indicate . . . marginal adjustment or vulnerability . . . . Marginal adjustment is defined as a level of functioning at which present skills, behavior and psychological attitude have weaknesses which directly interfere with learning"; for "vulnerability" functioning in the same areas is "so limiting that the pupil appears to be programmed for inevitable learning failure."

Similar program standards are set forth for multiple impairments, which are "defined as two or more handicapping conditions which, when taken together, require a combination of specialized programs and services . . . .

"Home and hospital instruction is a short term itinerant service" intended to support or supplement "school-based educational programs for children with physical disabilities . . .[or] severe emotional impairments requiring transitional programming, and . . . shall be one of the options available to pregnant students." The service is available to physically disabled children who are receiving medical treatment or convalescing in a hospital or other institution, and to emotionally impaired children on an emergency basis only (up to 60 days). "Home and hospital instruction shall never assure primary responsibility for the education of any student." To be eligible for the service the child's condition must be verified by an appropriate professional, the treatment program and prognosis must be taken into account, and "the child's home school principal and the local education agency superintendent of schools must approve."

"Non-public educational institutions for the handf-capped shall be approved" according to law and the bylaws of the State Department of Education. A child is eligible for such placement if the local education agency verifies that the child's handicap is such that he or she cannot be educated in "public . . . or State institutional schools." The local superintendent and State Superintendent of Schools must approve the placement.

"Educational programs offered by State institutions shall be approved" according to law and State Board of Education may require local education agencies to provide special educational services for handicapped children through age 20 residing in approved public residential institutions within their respective boundaries."

13.04.01.17

"The local education agencies shall provide administration and supervision . . .[and] certificated educational personnel" in order to implement regulations concerning special education programs and services.

13.04.01.18

"All handicapped children enrolled in an approved educational program shall be provided transportation . . . . Reasonable daily transportation or reimbursement shall be provided for attendance at approved non-residential facilities, and the State Superintendent of Schools shall establish . . . criteria for the frequency of transportation to be provided to residential facilities."

13.04.01.19

"The local education agency shall provide facilities for programs and services for handicapped children as an integral part of the school . . .[to] include highly structured areas for identification and educational program management."

13.04.01.21

"When all local available administrative remedies for providing special education programs for mentally, physically or emotionally handicapped children . . . have

been exhausted, the parent(s) . . . may request in writing from the Maryland State Board of Education a review of the case as it relates to the diagnosis, evaluation of the education programs provided by a local or regional board of education, or the exclusion . . . from school privileges of a child."

Parents making such a request are provided an official application by the State Department of Education, to be returned within 15 days to the State Superintendent of Schools, who then schedules an initial reviw.

The State Hearing Review Board determines if "there is sufficient cause to conduct a review hearing." If a hearing is granted, it must be "scheduled by written notice within 20 days.

"The parents . . . of a child for whom a placement action is proposed shall have the right to inspect . . . all records pertaining to the child of the local school system . . . . The child may receive independent medical psychological, and educational evaluations."

The Hearing Review Board conducts the formal hearing and must afford "each side . . . a reasonable time to present its case . . .

The Hearing Review Board shall consist of at least three persons, each of whom is knowledgeable in one of the areas significant to the educational review of the child . . . ."

Diagnosis, evaluation of programs and exclusion from school are the only areas to be addressed at the hearing. The Hearing Review Board may "confirm, modify, reject, or prescribe alternate special education programs for the child" in these areas

HEARING

"A formal hearing judgment shall be rendered by a majority vote of the Hearing Review Board members within ten days" of the hearing's conclusion, to include its findings and conclusion. The State Superintendent shall notify the parents of the decision. Appeal may be made to the apprpriate court of jurisdiction.

"Each local board of education shall establish . . . a hearing procedure" for the same reasons as outlined above. "After exhaustion of all locally available administrative remedies and procedures," the parents or local board may

request that the State Board of Education review the case.

Local boards shall notify, in writing, the parents; "before placing a child in a program of special education; . . . before transferring a child from one program . . to another significantly different program; . . . whenever a child is denied placement in a program of special education requested by the child's parent(s). . .; before excluding a child in or in need of a special education program from local free education programs." These are called "proposed placement actions."

Except in emergencies, "the parents . . . shall be given the opportunity to participate in an informal placement conference" before a "proposed placement action" is implemented.

Each local school system shall establish procedures insuring full cooperation with all parent(s). . . in . . . all matters . . . pertaining to the education and welfare of the child and the full evaluation and exploration of educational placements for the child."

HEARING

"When a hearing is requested . . . and the child is . . . enrolled in a free educational program," no change may be made "in the child's placement status without (1) the consent of the parent(s). . . or (2) pursuant to a decision of the hearing officer or panel, whichever occurs first, except in emergency situations . . . . Unless specifically stayed. . . , the decision of the hearing officer . . . shall be implemented as soon as practicable but in any event within 30 days . . . .

"When a hearing is requested . . . and the child is not currently receiving free educational services, a special expedited hearing schedule shall apply" as provided.

"In any disciplinary case initially deemed to warrant suspension or expulsion . . ., if credible evidence is presented . . . indicating that the child may be handicapped and subject to placement in a special education program, then an evaluation of such a child shall be initiated . . . at the direction of local school authorities. . . . If it is established that the child is handicapped and that the handicapping condition was a significant

cause of the behavior which prompted the disciplinary action, then any suspension or expulsion shall terminate. . . .

Each board of education shall develop hearing procedures which, at a minimum, meet the requirements of these regulations."

CROSS REFERENCES

III.B.Certificated Personnel; Regulation 13.06.01.05

IV.D.; Regulation 13.15.02.01; 13.15.02.03; 13.15.02.02

2. Programs for Exceptional Children

Statutes

15 §1 M; N

The powers and duties of the division of special education shall include: a) assist in identification and referral of special education children; b) development of special education programs; c) coordinate expertise of professionals; d) compile data; e) analyze and review programs; f) develop public information and standards for review; g) handle federal aid; h) to make recommendations to the board of education; i) develop certification standards; j) to receive and handle complaints; k)"to provide for the maximum practical involvement of parents;" e) to investigate denials of "equal educational opportunities"; m) to develop cost accounting and reporting procedures for schools and other vested educational agencies; n) to conduct research and development projects to improve the quality and efficiency of programs; and any other powers and duties set forth in the statute.

There shall be a sufficient number of bureaus within the division to carry out its powers and duties, at least one of which shall be responsible for holding hearings and conducting investigations.

15 §1 O

There shall be established in each regional office of the Department a regional branch office of the division of special education headed by a director with experience in educating children with special needs.

The branch office shall: (1) consult with and assist school committees in implementing the state's special education program; (2) "assist school committees in identifying, diagnosing and evaluating children with special needs and in developing . . . programs to meet . . . [those]. . . needs; (3) approve all special education placements by school committees . . . (4) assist and encourage the formation of joint agreements between . . . committees for the provision of special education" services; (5) "investigate and

evaluate . . . special education program[s] . . ." and (6) "maintain a list . . . of professional personnel within and without the region qualified to assess children with special needs . . . ."

15 §1 P

ADVISORY COUNCIL

A special education advisory council consisting of sixteen members appointed by the Department, shall be established in each region. At least eight of the members shall be parents whose children are enrolled in the special education program.

The council "shall advise the regional branch regarding all aspects of special education programs in the region" and shall annually submit a report "on the quality and adequacy of such programs." They shall also transmit complaints and suggestions to the state advisory commission.

15 §1 Q

A state advisory commission for special education shall be established in the department. Each regional advisory council shall elect two members to the commission, at least one of whom shall be a parent whose child is receiving special education.

"The commission shall annually submit a report to the department evaluating the quality and adequacy of special education programs . . . and recommending improvements . . . The department shall implement the[se] recommendations or shall state in writ[ing] . . . why . . . [they] . . . cannot or should not be implemented. [T]he bureau responsible for hearing complaints and conducting investigations . . . shall attempt to resolve the disagreement informally." If that cannot be done the state board "shall conduct public hearings to investigate the basis for disagreement and resolve any [such] dispute . . . ."

15 §6B; 6C

The state board of education shall appoint a supervisor of guidance and placement and an advisory commissioner on academically talented pupils.

15 §15 B

"There shall be established in the division of special education a library center for the acquisition, maintenance and distribution of books and other material deemed essential to the proper instruction and training of visually handicapped children."

19 §28

"Whenever a mentally retarded person qualifies for attendance at an educational, habitational or day care program or facility of the department of mental health, the department shall notify the school department of the [location] in which the person resides." The school department shall then pay transportation costs.

71 §10

"If the school committee of a town of less than five hundred families or householders not maintaining a public high school offering four years of instruction, pays, with the approval of the department, for the instruction of a pupil who by reason of physical disability is unable to attend a high school in another town, the commonwealth shall reimburse the town . . . for tuition . . . and . . . transportation . . . but not exceeding one hundred dollars a year."

TUITION

71B §2

The department shall promulgate, in cooperation with the departments of mental health, public health and welfare, regulations regarding programs for children with special needs which emphasizes each child's developmental potential so as to "minimize the possibility of stigmatization and to assure the maximum possible development" and further they shall be "sufficiently flexible to include children with multiple special needs." Children receiving special education shall be entitled to participate in any of the following programs: "(1) additional direct or indirect instruction consultation service, materials, equipment or aid provided children

RULEMAKING

or their regular classroom teachers; (2) supplementary individual or small group instruction or treatment in conjunction with a regular classroom program; (3) integrated programs in which children are assigned to special resource classrooms but attend regular classes to the extent they are able to function therein; (4) full-time special class teaching . . .;(5) teaching . . . at home; (6) full-time teaching at a special day facility; (7) teaching or treatment at a hospital; (8) teaching or treatment at a short or long term residential school; . . . (10) occupational and pre-occupational training in conjunction with full-time special class teaching in a public school building, at home, special day school or other day facility, hospital, or short or long-term residential school; (11) any combination or modification of programs (1) through (10) or other programs, services, treatments or experimental provisions which obtain the prior approval of the department."

Every child shall be assigned to a special education class after a determination of need and shall be entitled at least annually to a determination of continuing need.
71B §3

IDENTIFICATION

In accordance with the regulations of the department, every school committee shall identify the children who have special needs and based upon a diagnosis and evaluation, propose a special education program to meet those needs, provide for the program, maintain appropriate records of the program and make such reports as the department may require. "Until proven otherwise, every child shall be presumed to be appropriately assigned to a regular education program and presumed not to be a school-age child with special needs or a school-age child requiring special education.

No school committee shall refuse a school-age child with special needs admission" to public school "without the prior written approval of the department" and the provision for an alternative program if so desired

NOTICE

Within five days after the referral of a child "the school committee shall notify the parents or guardians of such child in writing in the primary language of the home of such referral, the evaluation procedure to be followed, and the child's right to an independent evaluation".

EVALUATION

Within thirty days after notification the school committee shall provide an evaluation including assessments of the child's educational status by his/her classroom teacher; his/her medical and psychological assessment; and other assessments by specialists as may be required. A specific record shall be kept of all evaluations and progress reports which shall be made available to the parents, guardians, or persons with custody of the child.

HEARING

The department may hold hearings regarding the evaluation. The parents may refuse the educational program suggested by the initial evaluation and request a hearing. If rejected, the program desired by the parents shall be provided the child except where such placement would "seriously endanger the health or safety of the child or substantially disrupt the program for other students.

PLACEMENT

No parent or guardian of any child placed in a special education program shall be required to perform duties not required of a parent or guardian of a child in a regular school program.

Within ten months after placement of any child in a special education program and at least annually thereafter the child's educational progress shall be evaluated." Evaluations and assessments are confidential.

713 54

School committees may join to provide special education or, enter into an agreement with any public or private school, agency or institution to provide the necessary special education within the school district. One school shall be designated "operating agent" to receive funds.

71B §6

School committees shall annually report to the department "the assignment by sex, national origin, economic status, race and religion of children by age level to special education classes and the distribution of children residing in the district by sex, national origin, economic status, race and religion of children by age level." If in any program there is a pattern of assignment on the basis of these aforementioned factors, which is substantially disproportionate from the distribution, [within the district] the department shall notify such school district of its prima facie denial of equal educational opportunities" and public hearings shall be held at which "the local school district must show that such disproportion is necessary to promote a compelling education interest of the children affected and of the commonwealth." If such showing cannot be made the district shall be required to submit a plan to eliminate such disproportionate representation. If such plan is deemed inadequate, the superior court may be petitioned to provide the necessary relief.

71B §7

"No results of standardized or local tests of ability, aptitude, affect, achievement, or aspiration may be used exclusively in the selection of children for referral, diagnosis, or evaluation. Such tests must be approved by the department in accordance with regulations issued by the board to insure that they are as free as possible from cultural and linguistic bias or, wherever necessary, separately evaluated with reference to the linguistic and cultural groups to which the child belongs."

71B §8

The school committee of the town where a special education child resides may be required to provide transportation for which they shall be reimbursed.

71B §9

The department shall define the circumstances in which school committees may be required to provide special education programs for school-age children with special needs and shall provide standards for class size, curriculum, personnel and other aspects of special education for such children.

71B §10

"The department may, on an annual renewal basis, upon the request of the parents and the recommendations of a local school committee and a regional branch of the division of special education, and with the approval of the secretary of educational affairs refer children requiring special education" to any institution within or without the commonwealth whose curriculum has been approved as being equivalent to that for comparable children in the public school.

REFERRAL

Before acting on a request the "department shall determine the nature and extent of a child's special needs, shall require the local school committee and regional advisory council to prepare and submit plans detailing the time needed to establish facilities" adequate for special education children. Expenses of instruction and support may be paid by the commonwealth in accordance with regulations issued jointly by the departments of education, mental health, public health, youth services, and public welfare. The per pupil cost shall at least meet that of the average pupil and parents should not be expected to provide funds beyond support of the child.

FACILITIES

71B §11

The division of special education shall establish recreation programs for school age children with special needs. The department shall reimburse half the cost of the program.

71B §12

The department shall maintain a department for school-age children in each institution under the control of the departments of mental health, public health and youth services "which provides support and care for resident children with special needs." The department shall have a director and staff whose salaries and benefits will be at least equal to that of the average statewide public school salaries for comparable personnel. The department may operate twelve months of the year.

The per capita expenditure on such programs "shall be equivalent to a higher than the average expenditure for special education programs in the public school."

71B §13

Costs of a special education program in excess of the average statewide per pupil expenditure shall be reimbursed by the commonwealth up to 110% of the difference between average regular and special education costs.

If a child attends a clinical nursery school, day care center or other institution for the retarded, the department shall reimburse the town in which the child resides for one-half the cost of transporting the child. If a retarded person attends "an educational, habitational or day care program or facility of the department of mental health," the department shall reimburse the town for one-half the cost of transporting a child and the full cost of transporting an adult to and from the facility.

76 §2 A

"Every person in control of a deaf child between seven and eighteen shall cause such child to attend some suitable school, approved by the department, where the deaf are taught speech and speech reading . . . [T]his section shall not apply to such a child whose mental . . . [or] . . . physical condition in other respects . . . is such as to render such attendance inexpedient or impractical, or who is being given private instruction,

approved by the department, during the time the public schools are in session." Failure for one month during any school year to attend shall be punishable by a fine of not more than twenty dollars.

REGULATIONS

Regulations of October 1, 1975

200. Administrator of Special Education

"Each school committee shall appoint a person to be its Administrator of Special Education. Such appointment shall be made in accordance with the following:

ADMINISTRATION

200.1 Each school committee with three thousand or more school-age children enrolled in its school system shall appoint a person qualified pursuant to statutory requirements to be its Administrator of Special Education. Such Administrator shall devote full time to the duties involved in supervising the provision of all special education programs and services in the school system . . . .

200.2 Each school committee with less than three thousand school-age children enrolled in its school system shall appoint a person qualified pursuant to statutory requirements to be its Administrator of Special Education. Such Administrator shall have the duties involved in supervising the provision of all special education programs and services in the school system . . . . Such Administrator may have other duties if the special education duties are not such as to require the devotion of full time.

201.0 Options available to school committees for satisfying the requirements of these regulations. . . .

201.1 Each school committee shall have the following options: . . .

201.1 (a) It may satisfy such requirements itself.

201.1 (b) It may enter into an agreement to satisfy such requirements through a collaborative.

201.2 (a) Any facility operated by a collaborative shall be treated . . . as if it were located within the jurisdiction of each of the school committees which are members of such collaborative.

IIA2 MA 10
MASSACHUSETTS

"201.3 Each school committee which desires to choose . . .(c) shall submit in writing . . . an agreement or contract and a plan for its implementation. The Division . . . shall communicate to the school committee its approval, or rejection, of the contract or agreement. No such agreement or contract shall take effect until approved . .

203.0 Each school committee shall insure that all communications with parents . . . pursuant to these regulations be in both English and the primary language of the home, if such primary language is other than English.

204.0 Implementation in a manner different from that required by these regulations. Each school committee may submit, in writing, a proposal for approval by the Division for the satisfaction of any requirement in these regulations in a manner different from that specified in these regulations. The Division may approve such proposal if it shows substantial promise of contributing to improvements in the methods for meeting the goals of these regulations and if such proposal does not conflict with any provision of Chapter 766 . . . .

205.0 Nothing contained in these regulations shall be construed to limit the right of parents to have their children educated at private schools, completely at private expense.

206.0 School-age children of ages sixteen through twenty-one: Consent of parents and children.

[T]hese regulations shall not be construed to require the attendance at school of school-age children of ages sixteen through twenty-one who have left school . . . .

208.0 Where these regulations require the participation of a parent and such parent fails or refuses to so participate, the school committee shall conduct an investigation of such failure or refusal. Such school committee shall make every effort to contact the parents.

209.0 Testing: Limitations on the use of tests. Each school committee shall insure that wherever testing of a school-age child is required or permitted by these regulations, the results . . . shall not be used exclusively or principally as the basis for any finding or conclusion. Such tests shall be as free as possible from cultural and linguistic bias and separately evaluated with reference to the linguistic and cultural groups to which the child belongs. Such tests shall be administered and interpreted only by persons specifically qualified to administer and interpret them. The Division shall periodically review the tests and testing procedures used . . . and shall "disapprove those tests and testing procedures which do not conform to the requirements of this paragraph. . . ."

TESTING

CHAPTER 3 - IDENTIFICATION, REFERRAL AND EVALUATION.

300.0 Each school committee shall maintain . . . a register in ever-current form of school-age children in need of special education services "resident within its jurisdiction listing the following information for each child entered to it:

300.1 Date of entry to the register.

300.2 Date of birth.

300.3 Full name of child.

300.4 Full names of parents.

300.5 Date and place of most recent evaluation by a CET.

300.6 Current program prototype and area(s) of need for special education services.

300.7 Beginning date of special education.

300.8 Place of special education.

301.0 Identification: Census. Each school committee shall file as part of the annual school report. . . and in the individual school report filed each year, a census of all school-age children in need of special education services resident within its jurisdiction.

CENSUS

303.0 Identification: Case finding; plan. Each school committee shall make a continuous and systematic effort to identify potential cases of school-age children in need of special education services. Each school committee shall submit for approval . . . a plan describing the specific manner in which the school committee shall make such effort . . . . The Division . . . shall communicate to the school committee its approval or rejection of the plan. The school committee shall implement such plan after it has been approved.

IDENTIFICATION

304.0 In order to identify the potential cases of . . . children in need of special education services, each school committee shall provide or arrange for the following:

304.1 Annual registration, optional on the part of the parents, of all children of ages three and four. The following shall occur at such registration:

304.1(a) Parents shall be requested . . . to submit a copy of the report of the most recent physical examination of their child and any other information relevant to determining whether such child has a substantial disability.

304.1(b) Parents shall be given information about the purpose and availability of orientation sessions and screening for their children.

304.4 Continuous screening of school-age children after they have entered school . . . ."

306.7 The screening may be waived if the parents arrange at their expense, for the results of an "equivalent screening or assessment, as determined by the person doing the school screening or assessment, to be presented to the school.

307.0 Identification: Kindergarten entry screening; parent involvement. Each school committee shall inform the parents of the results of the screening . . . and of the opportunity . . . to discuss such results with the appropriate school personnel. Where such results indicate a reasonable likelihood that a child . . . has need of special education services, the following shall apply:

307.1 The results of the screening shall be discussed fully with the child's parents and kindergarten teacher . . .[or] prospective kindergarten teacher . . . .

307.2 If the . . . teacher and parent both disagree with the results of the screening or otherwise believe that a referral for evaluation should not be made, such results shall not be used as an immediate basis for referral . . . . Such results may be used subsequently, if they are confirmed by further screening, after a reasonable time has elapsed to allow the kindergarten teacher and parent to observe the behavior in question.

307.3 Where the parent or kindergarten teacher agrees with the results of screening, or where such results are confirmed by a subsequent screening . . . the child shall be referred for an evaluation.

308.0 Identification: Continuous screening after kindergarten entry. All school-age children shall be continuously screened after entry to kindergarten. The following shall apply to all such continuous screening:

308.1 It shall consist, at a minimum, of those assessments prescribed by the regulations and forms for the physical examination of school children . . . .

308.2 Children identified by the continuous screening. . . as being children with a reasonable likelihood of having a need for special education services shall be referred for an evaluation.

309.0 Evaluation: Plan for conducting. Each school committee shall submit for approval . . . no later than May 1 . . . a plan describing the specific manner in which that school committee will conduct its evaluations . . . . The Division . . . shall communicate to the school committee its approval or rejection of the plan. The school committee shall implement such plan after it has been approved. Such plan shall contain the following:

EVALUATION

309.1 Specification of the personnel to be involved in the evaluation process . . . .

309.2 Specification of the projected number of school-age children who will receive intermediate and full core evaluations.

309.3 Specification of the places where evaluations will take place.

309.4 Specification of other public or private schools, which are projected to be involved in providing evaluations.

310.0 Evaluation: Administrator of Special Education; duties. The duties of the Administrator of Special Education . . . shall include the following:

310.1 Exercising general supervision over the identification, referral, evaluation and program planning for all school-age children in need of special education services.

310.2 Providing for the [required] register and census . . . .

310.3 Insuring that current records are kept of all information relating to evaluations required to be maintained . . .

310.4 Designating a chairperson for each CET.

"310.5 Assisting in the organization of the CET's.

310.6 Receiving referrals of school-age children for evaluations and assigning such children to individual full core or intermediate evaluations.

310.7 Maintaining a current list and description of program options available for . . . children in need of special education services.

310.8 Working jointly with the CET's to find the best combination of educational and other services for each school-age child in need of special education services.

310.9 Working jointly with the CET's in recommending to the Division placements of school-age children in need of special education services in the program prototypes . . . .

310.10 Working jointly with the CET's in carrying out any other duties required by these regulations.

311.0 Evaluation: CET's; composition for writing the educational plan. For each individual full core evaluation, the persons listed below shall meet to write the educational plan of the school-age child who has been evaluated. For each intermediate evaluation all of the persons who have conducted assessments, as well as the persons described in paragraphs 311.7 through 311.10, in 311.11 where an approved vocational educator has been invited to participate, and in 311.12 where the child is participating, shall meet to write such educational plan. No one person shall fill more than one of the positions listed; provided, however, that a registered nurse may fill the position described in paragraph 311.2 and may also act as the physician's designee; and provided, further, that the chairperson may fill any one of the other positions of the CET.

311.1 A chairperson who shall be designated by the Administrator of Special Education from among the members of the CET.

311.2 A registered nurse, or social worker with a master's degree in social work or a certified guidance or adjustment counselor.

311.3 A certified psychologist or one licensed to practice in Massachusetts.

311.4 A physician who is licensed to practice in Massachusetts or in another state having comparable or higher licensing requirements; provided, however, that the physician's report may be presented by a designee of such physician when such physician is unable to attend the meeting. . . . Such designee shall be another physician or a registered nurse.

311.5 A certified or approved teacher who has recently had or currently has the child in a classroom or other teaching situation.

311.6 An administrative representative of the local school department.

311.7 A parent of the child.

311.8 The teacher who will be primarily responsible for teaching the child ....

311.9 The primary person, if any, who will be assisting the teacher . . . in implementing the child's educational plan . . . .

311.10 Upon the request of the child's parents, and at their expense, any professional outside the school system who is currently working with such child.

311.11 An approved vocational educator, as deemed necessary by the CET chairperson, when the child to be evaluated is of ages sixteen through twenty-one. Where the CET intends to make a vocational education prescription for any such child, a vocational technical school director shall be consulted.

311.12 The child, at his/her request, if such child is of ages fourteen through twenty-one; the CET shall notify such child for whom an educational plan is to be written of his/her right to be present at and to participate in the writing of such plan and shall keep a written record of such notification and of the child's response. If the child is younger than fourteen, . . .[he/she may be invited] if the CET decides that such presence is necessary or desirable and in the best interests of the child.

312.0 Evaluation: CET's; composition; specialists. For the evaluation of any school-age child, specialists who are certified, licensed or board-registered shall be added to the CET, after a request for such specialists, . . . by a member of the CET who is conducting any of the assessments as part of the evaluation.
the following shall apply:

313.1 The school committee within whose jurisdiction such child resides shall provide or arrange for the provision of the evaluation.

314.0 Evaluation: Referral; limitation. Prior to referral of a . . . child for an evaluation, all efforts shall be made to meet such child's needs within the context of the services which are part of the regular education program. In addition, all efforts shall be made to modify the regular education program to meet such needs.

315.0 Evaluation: Determinations; required determinations. No later than five days after the occurrence of any of the conditions described in paragraphs 315.1 through 315.6, each school committee shall insure that the following categories of school-age children are referred to the person described in each such paragraph for a determination of whether a referral for an evaluation should be made:

315.1 A child in the regular education program, who, at mid-year, presents a substantial risk of non-promotion . . . [i.e.,]. . . if a child is failing in two or more non-elective subjects. The principal of the school attended by such child shall receive the referral and be responsible for determining whether a referral for an evaluation should be made.

315.2 A child in the regular education program who fails to be promoted at the end of the year. The principal . . . shall receive the referral and be responsible for determining whether a referral for an evaluation should be made.

"315.3 A child in the regular education program who has been suspended for more than five school days in any quarter or permanently excluded from school. The principal . . . shall receive the referral and be responsible for determining whether a referral for an evaluation should be made.

315.4 A child in the regular education program who has been absent without a medical excuse for more than fifteen school days in any quarter. The principal . . . shall receive the referral and be responsible for

determining whether a referral for an evaluation should be made.

315.5 A child who has been committed to, referred to, or detained by the Department of Youth Services, and who is currently under their jurisdiction. . . [T]he Department of Youth Services shall receive the referral and be responsible for determining whether a referral for an evaluation should be made.

315.6 A child who demonstrates a substantial negative change in alertness, learning or behavioral capacity within two weeks after returning to school after illness with the mumps, measles, chicken pox, encephalitis or other high fever, or after cerebral injuries involving loss of consciousness. The school nurse shall inquire into the condition of such child within such two-week period, and shall be responsible for determining whether a referral for an evaluation should be made.

316.0 Evaluation: Referral; who can refer.

A school-age child may be referred by any of the following to the Administrator of Special Education of the appropriate school committee for an evaluation:

316.1 A school official, including a teacher.

316.2 A parent of such child.

316.3 A judicial officer.

316.4 A social worker.

316.5 A family physician for the family of such child

316.6 A person having custody of the child.

316.7 Any other person, including a school-age child who wishes to be referred for an evaluation, may request one of the persons specified . . .[above]. . . who receives such a request may refer the child for an evaluation.

317.0 Evaluation: Referral; notice to parents.

No later than five days after a school-age child is referred for an evaluation by any of the persons listed. . . the school committee shall send a written notice to the parents of such child informing them of the following:

NOTICE

317.1 That a referral has been made including the name and position of the person making such referral.

317.2 The nature of the evaluation process including a description of the specific assessments of the child that will be conducted.

317.3 Whether a full core or intermediate evaluation has been recommended and of the right of the parent to a full core evaluation, upon request, regardless of the recommendation.

317.4 Of the date when the evaluation will begin and of the right of the parents to meet, with or without their child, with the chairperson of the CET or a designee of such chairperson, prior to that date to discuss the reasons for the referral and the nature of the evaluation including the possibility of a home visit, with parental consent.

317.5 That they have the right to be present at and participate in all meetings of the CET where the educational plan is being developed and written, . . . that their child also has the right to be present at and participate in all such meetings. . . .

317.6 That the evaluation, including a recommendation of a suitable educational plan for the child, shall be completed no later than thirty school working days after the date of the notice letter . . . .

317.7 That they may obtain an independent evaluation from an approved facility, or at private expense, from any specialists.

317.8 That the parents will be sent a written notice containing a thorough explanation of the results of the evaluation within ten days after its completion and that such notice will include a copy of the proposed educational plan and a complete statement of the right of the parent to meet with the CET liaison person . . . to accept such plan, to reject such plan, to resolve differences of opinion during a required thirty-day time period and to appeal, as well as their right to an independent evaluation.

A statement of the intended placement of the child during the evaluation process shall also be included.

317.9 A copy of the notice required by this paragraph shall also be sent by mail to the child where the child is eighteen years of age or older. Included in such notice shall be a description of the rights of such child. . . .

318.0 Meeting between parents and CET prior to evaluation. Each school committee shall insure that the parents of each child referred for an evaluation have an opportunity to meet, with or without their child, with the chairperson of the CET, or . . .[his/her] designee . . . prior to the . . . evaluation to discuss the reasons for the referral and the nature of the evaluation. . . .

319.0 Evaluation: Full core and intermediate. Within thirty . . . days after the date of notification . . . the school committee shall provide an evaluation of the . . . child . . . and shall write an educational plan for such child. Such evaluation shall be either a full core or intermediate evaluation in accordance with the following:

319.1 The Administrator of Special Education shall decide, based upon the recommendation of and the information provided by the person making the referral, whether a full core or an intermediate evaluation is required, subject to the following:

319.1 (a) An intermediate evaluation shall be required if, at the time of referral, the referred child is enrolled in a regular education program or is receiving special education in prototype 502.1 or 502.2 unless the parents request a full core evaluation . . . or school personnel recommend that a full core evaluation be conducted.

319.1 (b) A full core evaluation shall be required in any case in which a child is referred because of the suspected existence of a need for special education services which would require such child to be outside of the regular class for more than twenty-five percent of the time.

319.1 (c) A full core evaluation shall be required if the child's parents request it.

319.1 (d) A full core evaluation shall be required if the personnel who are administering the intermediate evaluation determine that a full core evaluation is necessary or desirable.

320.0 Evaluation: Full core: assessments. A full core evaluation shall consist of the following assessments adapted to the age of the school-age child being evaluated and performed by [qualified] personnel . . . .

320.1 An assessment of the child's educational status by an administrative representative of the school department . . .[including a review]. . . of the child's education . . . school progress and . . . current standing.

320.2 An assessment by a[n] approved teacher who recently had or currently has the child in a classroom or other teaching situation. Such assessment shall include:

320.2 (a) An analysis of the child's specific behavioral abilities . . . with a comparison of those abilities to the tasks which are contained in the regular education program.

320.2 (b) A statement of school readiness, functioning or achievement.

320.2 (c) A statement of the child's behavioral adjustment, attentional capacity, motor coordination, activity levels and patterns, communication skills, memory and social relations with groups, peers and adults.

320.3 A comprehensive health assessment, by a physician . . . .

320.3 (a) . . .[This] . . . may be waived if the parents arrange at their expense for the results of an equivalent assessment . . . to be presented to the school and if the person who conducted the equivalent assessment . . . agrees to attend the meetings of the CET.

320.4 An assessment by a psychologist, including . . .[a]. . . psychological examination, culminating in specific recommendations.

320.5 An assessment by a nurse, social worker or a guidance or adjustment counselor of pertinent family history and home situation factors including, with prior written parental consent, a home visit.

320.7 Each person completing [such] an assessment . . . shall summarize in writing, the procedures employed, the results and diagnostic impression, and shall define in detail . . . the child's needs offering explicit means of meeting them.

320.7(a) Such written summary shall recommend any prescriptive elements needed to meet the child's needs.

320.7 (b) Such written summary shall propose a date for review of the child's progress and state criteria by which, at that time, the effectiveness of the child's program may be determined.

320.8 Any assessment may be waived with the approval of the parent if an equivalent assessment . . . has been completed during the [prior] six months . . .

321.0 Evaluation: Educational Plan. The educational plan for each . . . child in need of special education services shall be written by the CET and the Administrator of Special Education in accordance with the following provisions:

EDUCATIONAL PLAN

321.1 Elements stated by the CET. After completion of all the assessments . . . and based on the results of those assessments, the CET shall meet to write the portion of the child's educational plan for which it is responsible. . . .

321.1(a) A specific statement of the child's performance level . . . .

321.1 (b) A specific statement of the measurable physical constraints on such performance . . .

321.1 (c) A specific statement describing the child's learning style.

321.1 (d) A specific statement of the educational objectives which the child can reasonably be expected to achieve during the following three months, six months, nine months, and where appropriate, twelve months.

321.2 Additional elements stated by the CET. For each of the objectives stated pursuant to paragraph 321.1 (d) the CET shall make the following statements as part of the child's educational plan:

321.2 (a) A statement of the types and amounts of services . . . which are necessary to enable the child to achieve the objectives, ...

321.2 (b) A statement of any parent-child instruction which is necessary to enable the child to achieve the objective . . .

321.2 (c) A statement, in accordance with . . . paragraph 507.0, of the types of materials and equipment necessary to enable the child to meet the objective . . . .

321.2 (d) A statement of the suggested methodology and teaching approach for meeting each objective.

321.2 (e) A statement of whether the particular services provided to the child should be provided in a classroom setting, in a small group, or on an individual basis.

321.2 (f) A statement recommending the daily duration of the child's program.

321.2 (g) A statement recommending the number of days per year on which the child's program should be provided.

321.2 (h) A statement of the child's transportation needs. . . .

321.3 Determination of need for special education services; choice of prototype and program. The Administrator . . . shall determine and state as part of the . . . plan, whether the objectives set by the CET require . . . special education services which are not available within the regular education program. The Administrator . . . shall state the reasons for the conclusion that the child does or does not require such services. If the child does require such services, the Administrator . . . shall complete the child's educational plan by stating the prototype through which the child's program is to be provided and the specific program within such prototype.

323.0 Meeting between parents, the Administrator of Special Education and CET liaison person after completion of the educational plan. Each school committee shall insure that the parents of each child for whom an educational plan has been written, shall have an opportunity, within fifteen days after it sends the written notice . . . to meet with the CET liaison person and the Administrator . . . to evaluate the adequacy of the plan.

324.0 Evaluation: Educational plan; notice to parents. No later than ten days after the CET and the Administrator . . . complete the evaluation and educational plan or make a finding of no need for special education services, the school committee shall send a written notice to the parents of such child . . . containing the following information:

324.1 A statement that the evaluation has been completed and that the parents have the right to meet with the CET liaison person and the Administrator . . . within fifteen days . . . to evaluate the adequacy of the educational plan . . . .

324.2 A copy of the educational plan or a statement that the child is without need of special education services.

324.3 A statement that all papers relevant to the evaluation . . . are available for inspection by the parents . . . .

324.4 A statement that, in the event an educational plan is rejected by the parents, there is a thirty-day required time period . . . to allow for efforts to resolve differences of opinion through informal discussion; and that during such period, the parents . . . shall have the right to meet with the Administrator . . .

324.5 A statement of the specific choices available to the parents . . .

324.6 A list of the names and locations of facilities which are approved for conducting independent evaluations and of the right of the parents to a choice of facilities . . . .

324.7 A statement detailing the entire appeal process and hearing procedure.

324.8 A form . . . for the parents to indicate their choice of options [shall]:

324.8(c) State that rejection of an educational plan or of a finding that the child is without need for special education services shall automatically constitute an appeal to the Division . . . .

324.8(d) State that such appeal can be withdrawn or need not be continued if an agreement can be made between the parents . . . and the school committee.

325.0 Evaluation: Educational plan; options available to the parents. No later than fifteen days after the end of the thirty-day time period provided for in paragraph 400.0, the parents of the school-age child who has been evaluated . . . shall exercise one of the following options:

325.1 To agree with the Administrator . . . and the CST upon a mutually acceptable plan during the thirty-day period . . .

325.2 To accept or reject the educational plan or the finding that the child is without need of special education services . . .

325.3 To postpone until the completion of an independent evaluation a decision on the educational plan or on the finding that the child is without need of special education services.

325.4 To reject the educational plan or the finding that the child is without need of special education services . . . .

326.0 Placement Pending Evaluation and Appeal. The following provisions shall apply to placement of school-age children pending evaluation and appeal:

PLACEMENT

326.1 Placement Pending Evaluation Between the time that a child is referred for an evaluation and the time the school committee receives the choice of options form . . . the school committee shall provide or arrange for the provision of a placement for such child. The nature of such placement shall be determined in accordance with the following:

326.1(a) A child who, at the time of referral, was in the regular education program shall remain . . . [there]. . . unless the school committee or the child's parents . . . submit a written statement to the Regional

Branch Office . . . showing that the child's remaining in such program endangers the health or safety of the child or substantially disrupts such program . . . . If such a showing is made, the Regional Branch Office shall approve an appropriate placement for the child.

326.1(b) A child who, at the time of referral, is in a special education program paid for by the school committee shall remain . . .[there]. . . unless the child's parents . . . wish the child to be in the regular education program in which case the child shall be placed in such regular education program; or unless the school committee submits a written statement to the Regional Branch Office. . . showing that the child's remaining in such special education program or being placed in the regular education program. . . endangers the health or safety of the child or substantially disrupts such program . . . . If such a showing is made, the Regional Branch Office shall approve an appropriate placement for the child.

326.1(c) A child who, at the time of referral, is not in either the regular education program, or a special education program paid for by the school committee shall be placed in an appropriate program as determined by agreement between the school committee and the child's parents . . . . When such agreement cannot be reached, the Regional Branch Office . . . shall select an appropriate program for the child.

326.2 Placement Pending Appeal or Postponement of Decision. If . . . a child's educational plan or a finding that the child is without need for special education services is rejected, or a decision . . . is postponed, the school committee shall provide or arrange for the . . . placement for such child during the ensuing appeal or postponement of decision.

326.2(a) A child who was placed, pending evaluation, in the regular education program shall remain . . .[there]. . . unless the school committee or the child's parents . . . submit a written statement to the Regional Branch Office . . . showing that the child's

remaining in such a program endangers the health or safety of the child or substantially disrupts such program. . . If such a showing is made, the Regional Branch Office shall approve an appropriate placement for the child.

326.2(c) A child who, pending evaluation, was not placed in either the regular education program or a special education program paid for by the school committee shall be placed in an appropriate program as determined by agreement between the school committee and the child's parents . . . . Where such agreement cannot be reached, the Regional Branch Office . . . shall select an appropriate placement for such child.

327.0 Evaluation: Independent evaluation. Where an independent evaluation of a school-age child is conducted pursuant to parental request . . . the following shall apply:

327.1 The parents . . . shall have the right to an independent evaluation which is equivalent to the content of the original evaluation.

327.2 The independent evaluation shall be completed no later than thirty school working days after the date on the form which the parents . . . return to the school committee . . . .

328.0 Evaluation: Independent evaluation, acceptance or rejection of original plan. No later than thirty days after the date on the statement of the results of the [independent] evaluation . . . the parents . . . shall accept or reject the educational plan resulting from the original evaluation by noting such acceptance or rejection on the form provided . . . .

329.0 Evaluation: Program provision or further appeal. Where the educational plan of a . . . child in need of special education services has been accepted by that child's parents . . . the child shall be placed immediately in the specified program.

330.0 Evaluation: Intermediate Evaluation. Where an intermediate evaluation is administered to a school age child . . . the following shall apply:

330.1 All of the requirements which apply to a full core evaluation shall apply to an intermediate evaluation except for the following:

330.1(a) A lesser number of assessments shall be required for the intermediate evaluation than the basic five assessments (paragraph 320.1-320.5) which comprise a full core evaluation.

330.1(b) The educational plan which is developed by the intermediate evaluation shall recommend placements only within the prototypes described in paragraphs 502.1 regular education program with modifications) and 502.2 (regular education program with no more than 25% time out) except for those placements described in paragraph 331.0.

330.1(c) The personnel involved in the intermediate evaluation shall refer the child for a full core evaluation . . . if they or the parents deem it necessary and desirable.

331.0 Evaluation: Intermediate evaluation: emergency evaluation and placement, placement upon new residence. An emergency placement can be made on the basis of an intermediate evaluation. Such placement can be made in the following cases:

331.1(a) The child shall be referred immediately by the Administrator . . . for an intermediate evaluation which shall be convened the same day and shall recommend no later than the following day, a temporary placement. . . not to exceed ten days.

331.1(b) The parents shall be informed immediately of the child's behavior and shall participate, if possible . . . in the placement decision. No such placement shall be made without the prior written consent of the child's parents unless an emergency situation exists, in the opinion of the Administrator . . . which would make prior consent impossible without resulting injury to the child or to others.

331.2 Where a school age child's family has moved, and such child was in a special education program in a former community of residence, the school committee with jurisdiction over the child's new residence shall place the child immediately in a comparable special education program upon agreement between the Administrators . . . of the new and former communities of residence and the child's parents.

332.0 Review of the child's progress: Ten-month and annual reviews. Each school committee shall provide for a review of the progress of each school-age child who has been placed in a special education program. Such review . . . shall be completed within ten months after the initial placement . . . and at least annually thereafter and shall be conducted according to the following: REVIEW

332.1(a) Whether the child has achieved the goals set forth in the educational plan.

332.1(b) Whether the child has met the criteria which indicate readiness to enter a less restrictive program. . . .

332.1(c) Whether the program the child is in should be specifically modified to render it more suitable to the child's needs.

332.2 A written summary of the review . . . shall be conveyed to the parents of the child within ten days after such review is completed.

333.0 Re-evaluation of the child. Each school committee shall provide, where necessary and . . . as recommended by the Administrator . . . and the CET after their review of the child's educational progress . . . for a re-evaluation of each child whose progress is reviewed pursuant to . . . paragraph 332.0. . . . (within the time intervals specified . . . in 332.0.)

334.0 New educational plan. The Administrator. . . and the CET which . . . reviews the progress of a . . . child who has been placed in a special education program shall write a new educational plan for such child. . . (within the time intervals specified . . . 332.0) . . . based

on the review of the child's progress and the re-evaluation of the child, and shall recommend that the program the child is in be:

334.1 Continued in a form substantially similar to its current form, with modifications to reflect the child's progress during the previous year.

334.2 Continued in a form which is substantially different from its current form.

334.3 Terminated . . . and that such child be placed in a new program. Where this recommendation is chosen, the person who would be primarily responsible for teaching the child in the new program and the primary person who would be assisting such teacher shall be added to the CET for purposes of writing the educational plan for the child.

336.0 New educational plan: Procedural requirements. Any new or modified educational plan . . . shall conform to all of the requirements for an original educational plan, and the rights of the parents with respect to such . . . plan shall be the same as those which apply to an original educational plan.

337.0 Ongoing review and re-evaluation: Ongoing modifications of educational plan. In addition to the requirements of paragraphs 332.0 through 336.0, each school committee shall provide for each child within its jurisdiction who is in a special education program, an ongoing review of such child's educational progress, an ongoing re-evaluation of such child where necessary, and, where necessary, ongoing modifications of the educational plan for such child.

338.0 Provision for transition where child approaches twenty-two years of age. Where a . . . child in need of special education services approaches high school graduation, or the age of twenty-two years, or as circumstances may require . . . the CET and the Administrator . . . shall recommend and the school committee shall provide . . . a transition for such child

into the care of an appropriate, available and capable agency . . . .

339.0 Applicability of this chapter to vocational technical schools.

339.1 Children attending vocational technical schools.

[T]he requirements of this chapter shall apply to school-age children who are enrolled in a vocational technical school, and the school committee for such school shall be responsible for fulfilling those requirements. . . .

339.2 Children who are not already attending, but are to be placed in vocational technical schools. Whenever . . .[a]. . . child in need of special education services is to be placed . . . at a vocational technical school which such child is not already attending, that school shall provide the members of the CET described in paragraphs 311.8 and 311.9 to assist in writing the educational plan.

339.3 Long range program planning for Children. The school committee of each regional vocational school district shall provide assistance to the school committees within its region in long range program planning for . . . children in need of special education services who . . .[may]. . . require vocational education services later in their school careers.

CHAPTER 4 -- APPEAL PROCEDURES

" 400.0 Efforts to reach a settlement through informal discussion. . . .[T]o encourage informal resolution of differences of opinion over educatioal plans, there shall be a thirty-day time period for informal discussion. During this period each school committee shall insure that the parents . . . shall have the opportunity to meet with the chairperson, . . . or the CET. . . to try to resolve such differences . . .

APPEAL

401.0 Appeal to the Bureau: Hearing process; notice to parents and child. No later than five days after receipt of a notice indicating that an educational plan or a finding of no need for special education services has been rejected, a school committee shall send a copy of such notice to the Bureau of Special Education Appeals . . . and to the Regional representative of such Bureau. No later than five days after receipt of such notice, the Bureau shall send a notice to the parents . . . and a copy to the school committee. Such notice shall contain the following

HEARING

401.1 A statement indicating the right to a hearing . . . with instructions for requesting a hearing. . . . . Such form shall contain a conspicuous warning that failure to request a hearing during the required time period shall constitute a waiver . . . .

401.2 A statement indicating the place of the hearing, if requested....

401.3 A statement indicating that the Bureau will give written notice of the date of the hearing when such date is determined.

402.0 Appeal to the Bureau: Return of notice; scheduling of hearings. No later than fifteen days after the date on the notice sent by the Bureau pursuant to paragraph 401.0, a parent . . . desiring a hearing shall

so indicate on the form provided . . . and return such form to the Bureau. No later than five days after receipt of such form the Bureau shall:

402.1 Schedule a hearing date on its hearing calendar . . . .

402.1(a) Hearings shall be scheduled in the order in which requests are received unless, in the opinion of the Division . . . the needs of the child on whose behalf the hearing is requested, are such that the health or safety of such child, or of other children, would be endangered by a delay. Upon such a showing, the Bureau shall expedite the appeal of such a child.

402.2 Send the written notice . . . indicating the date of the hearing; provided, however, that should the hearing calendar be full . . . the Bureau may designate an impartial hearing officer to conduct the hearing. Such designated hearing officer shall comply with all of the provisions of this Chapter.

402.3 Where a hearing is not requested, the hearing officer shall direct that all relevant documents and materials be forwarded by the Administrator . . . and a decision shall be rendered based on such documents and materials, as well as the result of any independent evaluation.

402.4 Hearings shall be held in the region of the Department of Education where the child resides.

403.0 Appeal to the Bureau: Hearings; rights of parents and child; notice to parents and child. The Bureau shall hold a hearing no later than sixty days after receipt of the request for a hearing . . . .

403.1 The parents . . . shall have the right to be represented by a person[s] of their choosing . . . .

403.2 The parents . . . shall have the right . . . to examine all school records pertaining to the school-age child, including the written record and clinical history of the evaluation provided by the CET and of any independent evaluation, and any other school records and papers upon which the proposed action may be based.

403.3 The hearing shall not be open to the public.

403.4 The parents . . . shall have the right to reject the decision of the hearing officer and to request placement of their school-age child in the regular education program. If such placement is requested, the school committee shall provide the school-age child with the educational placement chosen by the parents, unless such school committee can make a showing in the Superior Court . . . that such placement would seriously endanger the health and safety of such child or substantially disrupt the program for other children. Upon such a showing, such court shall be authorized to place such child in an appropriate educational placement.

403.5 The parents . . . shall have the right to reject the decision of the hearing officer and to appeal to the SAC where the parents . . . desire that the child be placed in a special education program, or in a special education program different from that recommended by the Bureau.

403.5(a) Pending the decision of the SAC the school-age child shall be placed in a program in accordance with the provisions of paragraph 326.0.

404.0 Decision of the Bureau. The hearing officer shall render a decision no later than thirty days after the completion of the hearing . . . or, if no hearing was requested, after the expiration of the fifteen-day appeal period . . . . Such decision . . . shall contain a specification of one of the following placements:

404.1 The placement recommended by the Administrator of Special Education.

404.2 The placement requested by the parents.

404.3 An alternative placement to that recommended by the Administrator . . . or the parents. In the case

of a decision which specifies this placement, the Administrator . . . and CET which completed the school evaluation shall write an educational plan incorporating the decision of the hearing officer.

405.0 Decision of the Bureau: Notice to parties. The decision of the hearing officer shall be in writing and shall be sent, not later than three days after it is rendered, to the parents and to their respresentative, if any . . . .

APPEAL

406.0 Appeal to the SAC. No later than fifteen days after the date of the notice sent to the parents . . . shall exercise one of the following options:

406.1 To accept the educational plan recommended by the Bureau by indicating their acceptance on the form provided . . . .

406.2 To reject the educational plan recommended by the Bureau and to have their . . . child placed in the regular education program . . . by indicating such rejection and choice of the regular education program on the form provided . . .

406.3 To reject the educational plan by indicating their rejection on the form provided . . . . Rejection. . . shall automatically constitute an appeal to the SAC . . . unless the . . . child is to be placed in the regular education program .

407.0 Appeal to SAC: Decision No later than thirty days after the next meeting of the SAC following receipt of the form sent by the parents . . . the SAC shall render a decision which does one of the following:

407.1 Orders the placement recommended by the Bureau.

407.2 Orders the placement recommended by the Administrator . . . and CET where it is different from that recommended by the Bureau.

407.3 Orders the placement recommended by the parents . . . .

408.0 Procedure following the decision of the SAC: Notice to parties. . . . [The decision of the SAC] shall

be in writing and shall be sent no later than three days after it is rendered, to the parents and to their representative, . . . to the Bureau, and to the school committee and its legal representative, if any.

408.1 That the parents can consent to the decision of the SAC, or appeal to the Superior Court.

408.2 That there is a time period within which such an appeal must be entered.[30 days].

408.3 That pending an appeal . . . the child will be placed according to the provisions of paragraph 326.0, pending further order of the Court.

409.0 Appeal to Superior Court. The parents . . . may appeal the decision of the SAC to the Superior Court with jurisdiction over the residence of such child . . . . The Superior Court shall be authorized to order the placement of the child in an appropriate educational program.

410.0 Placement of a child where a placement is agreed upon or ordered. Whenever a placement is agreed upon, ordered or otherwise required . . . such placement shall be made forthwith, without any unnecessary delay.

PLACEMENT

CHAPTER 5 -- PROGRAMS

501.0 Special education which each school committee is required to provide: Plan. Each school committee shall provide . . . each of the elements of the educational plan . . . in accordance with the applicable provisions of these regulations.

501.1 Each school committee shall take all steps necessary to insure compliance with all elements of the educational plans of school-age children in need of special education services.

501.2 Each school committee shall submit, for approval, to the appropriate Regional Branch Office . . . no later than May 1 of each . . . calendar year, a plan

describing the specific manner in which that school committee will provide special education during the . . . . [upcoming]. . . calendar year . . . . The Division . . . shall communicate to the school committee its approval or rejection of the plan. The school committee shall implement such plan after it has been approved. In such plan the school committee shall state:

501.2(a) The projected number of school age children in need of special education services to be served through each of the program prototypes . . . .

501.2(b) The special education programs and services available within the jurisdiction of the school commit ee.

501.2(c) The number and types of personnel assigned to special education programs and a plan for training regular classroom teachers when such training is recommended pursuant to paragraph 321.5(g).

501.2(d) The methods the school committee will use to evaluate special education programs during the next school year, in accordance with paragraph 506.1.

501.2(e) The specific manner in which the school committee will provide transportation for . . . children in need of special education services, in accordance with paragraph 901.4.

502.0 Program prototypes. This paragraph contains a list and description of the program prototypes.

502.1 Regular education program with modifications Each school committee shall provide a program within this prototype to each . . . child in need of special education services for whom an educational plan specifies such a program. Programs within this prototype shall have the following characteristics:

502.1(a) The child shall be assigned to a regular education program.

502.1(a)(i) Such child shall be eligible, on the same basis as such other children, for the auxiliary and supportive services provided as part of the regular education program . . . .

502.1(b) The special education component of the child's program shall consist of one or more of the following:

502.1(b)(i) Modification of the child's regular education program as specified by the CET . . . . made by the teacher who normally conducts the child's regular education program.

502.1(b)(ii) Any of the services listed in paragraph 503.1 which are specified by the CET to be provided directly to the child. Such services shall be provided within the classrooms in which the child's regular education program is being conducted.

502.1(c) The daily duration of the child's program shall be equal to that of the regular school day unless the Administrator . . . states that a shorter or longer duration is in the child's best interests. . . .

502.1(d) For each child placed in this prototype, the school committee shall make available . . . the personnel specified by the Administrator . . . .

502.1(e) Each school committee shall provide all aspects of programs within this prototype within public school regular education facilities.

502.2 Regulation education program with no more than 25% time out. All of the provisions of paragraph 502.1 shall apply to programs within this prototype; provided, however, that such programs shall have the following additional or different characteristics:

502.2(a) The child shall be removed from the regular education progam and classroom to receive any of the services listed in paragraph 503.1 which the CET specifies should be provided to the child . . . provided, however, that the child shall not be removed from the . . . classroom for more than 25% of the class time of each school day.

502.2(b) When children are removed . . . for [these] services . . . the number of children in any one instruction group shall not exceed the following limits and shall be less if the CET so recommends and the school committee approves such recommendation.

502.2(b)(i) Eight children for each teacher or other qualified professional.

502.2(b)(ii) Twelve children for each teacher or other qualified professional where . . . assisted by one aide.

502.2(b)(iii) Sixteen children for each teacher or other qualified professional where . . . assisted by two aides.

502.2(c) Each school committee shall provide all aspects of programs within this prototype in public school regular education facilities; provided, however, that a child in this prototype may be provided work study placement, occupational tryouts and job site visits outside of a public school.

502.3 Regular education program with no more than 60% time out. All the provisions of paragraph 502.2 shall apply to programs within this prototype provided, however, that the child may be removed from the regular education program and classroom, to receive services . . . for no more than 60% of the class time of each school day.

502.4 Substantially separate program. Each school committee shall provide a program within this prototype to each . . . child in need of special education services for whom the educational plan specifies such a program. Programs within this prototype shall have the following characteristics:

502.4(a) The child shall be assigned to a special class or classes made up entirely of . . . children in need of special education services.

502.4(a)(i) While . . . in the special class the child's program . . . shall be that specified by the educational plan.

502.4(a)(ii) In each special class the number of children for each teacher shall not exceed eight and, for each teacher with an aide, shall not exceed twelve. [This]. . . shall be less if the CET so recommends and the school committee approves such recommendation.

502.4(a)(iii) The ages of the youngest and oldest child in each special class shall not differ by more than thirty-six months, unless particular circumstances make it desirable to have a wider range of ages in one class, in which case a written request for approval of such wider age range shall be made to the Division . . .

502.4(a)(iv) The grouping of children in each special class shall be such that the methods and goals in the educational plan for each child shall not be incompatible with those for all of the other children in the class.

502.4(b) The child shall leave the special class to receive services and to participate in activities specified by the Administrator . . .

502.4(c) The daily duration of the child's program shall be equal to that of the regular school day, unless the Administrator . . . states that a shorter or longer duration is in the child's best interests. . . .

502.4(d) For each child placed in this prototype, the school committee shall make available . . . the personnel specified by the Administrator . . . .

502.4(e) Each school committee shall provide all aspects of programs within this prototype within public school regular education facilities.

502.5 Day school program. Each school committee shall . . . arrange for the provision of programs within this prototype to each . . . child in need of special education services for whom an educational plan specifies

such a program. Programs within this prototype shall have the following characteristics:

502.5(a) The child shall be placed in a program at a facility other than a public school regular education facility.

502.5(a)(i) The child's program shall be that specified by the educational plan.

502.5(a)(ii) The child's program shall be conducted for the number of days in the public school year, unless the Administrator . . . states that a program with a longer or shorter duration is in the child's best interests.

502.5(a)(iii) The child's program shall have a duration of at least five hours each day unless the Administrator . . . states that a shorter or longer duration is in the child's best interests.

502.5(a)(iv) The child shall return home each night.

502.5(a)(v) The site of the program shall be within on hour traveling time, one-way, from the child's home; provided, however, that where a school committee believes that a longer traveling time may be necessary it shall make a written request for approval of such longer time to the Division . . . .

502.5(b) For each child placed in this prototype the school committee shall make available . . . the personnel recommended for the child by the Administrator. . . .

502.6 Residential school program. Each school committee shall . . . arrange for the provision of a program within this prototype to each . . . child in need of special education services for whom an educatioal plan specifies such a program. Programs within this prototype shall have the following characteristics:

502.6(a) The child shall be placed in a program at a facility other than a public school regular education facility and shall live in such facility.

502.6(a)(i) The child's twenty-four hour program shall be that specified by the educational plan.

502.6(a)(ii) The child's program shall have a duration of the number of days in the public school year, unless the Administrator . . . states that a program with a longer or shorter duration is in the child's best interests.

502.6(b) For each child placed in this prototype the school committee shall make available . . . to implement the child's plan, the personnel specified by the Administrator . . . .

502.7 Home or hospital program. There are two distinct types of programs within this prototype: Type A and Type B. For both types, the . . . child's physician rather than an educational plan specifies the home or hospital program. In a Type A program the entire program is provided without CET involvement. In a Type B program, the CET performs an evaluation and the CET and Administrator . . . develop an educational plan.

502.7(a) Type A programs. Each school committee shall provide a Type A home or hospital program to each . . . child who, in the judgment of the child's physician, will have to remain at home or in a hospital on a day or overnight basis, or any combination of both, for a period of not less than fourteen or more than sixty school days during any school year, in order not to endanger the health or safety of such child or that of others. The school committee shall provide such physician with information presenting the programs which the school system could make available as alternatives to the home or hospital program.

502.7(b) Type B programs: Children who qualify for such programs. Each school committee shall provide a Type B program for each school age child who falls into

one or more of the following categories:

502.7(b)(i) A child who would qualify for a Type A program except that the child's physician has referred the child for an evaluation.

502.7(b)(ii) A child who, in the judgment of the child's physician, will have to remain at home or in a hospital for more than sixty school days . . . in order not to endanger the health or safety of such child or that of others. The Administrator . . . shall refer such child for an evaluation.

502.7(b)(iii) A child who has been in a Type A program for fifty school days and who, in the judgment of the child's physician, will be required to remain . . . for more than sixty school days. The Administrator . . . shall refer all such children for an evaluation. Such Administrator shall be responsible for advising the physician that such fifty-day period is about to expire.

502.7(c) Type B programs: Characteristics. Type B programs shall have the same characteristics as Type A programs; provided, however, that the content of the child's program and the personnel used to provide it shall be those specified by the educational plan.

502.7(d) Notification application to both Type A and Type B home or hospital programs. No school committee shall provide a home or hospital program to a school-age child without prior written notification to the Division . . . of both the . . . program to be provided and the exclusion of the child from a public school facility.

502.8 Parent-child instruction. Each school committee shall . . . arrange for the provision of a program within this prototype for each parent for whom a CHT recommends such a program. Programs within this prototype shall have the following characteristics:

502.8(a) They shall be supplemental to other programs . . . and shall not be the exclusive means of providing [required] special education . . .

502.8(b) They shall consist of training and support provided to parents to enable them to participate in educating or treating their child in need of special education services. Such training and support shall be that recommended by the CET.

502.8(c) No parent shall be required to participate . . . .

501.8(d) For those parents to whom training or support or both are to be provided . . . the school committee shall make available to provide such training and support the personnel specified by the Administrator. . .

502.9 Diagnostic program. Each school committee shall provide a program within this prototype to each school-age child in need of special education services for whom a CET recommends such a program

502.9(a) A CET shall recommend such a program for a child only when . . .[its]. . . assessments . . . of the child are so inconclusive that the CET is unable to set objectives for the child to achieve and is consequently unable to write an educational plan for the child.

502.9(b) Whenever a CET recommends a diagnostic program for a child it shall:

502.9(b)(i) Prepare a list of specific questions about the child which the personnel conducting the program shall attempt to answer.

502.9(b)(ii) Recommend diagnostic procedures for answering those questions.

502.9(b)(iii) Specify the types and amounts of services needed to conduct the program . . . based on the nature of the questions to be answered.

502.9(c) For each child placed within this prototype the school committee shall make available to implement that child's program the personnel specified by the Administrator . . . on the basis of the recommendations of the CET.

502.9(d)(iii) No child shall remain in a diagnostic program for more than eight weeks.

502.9(d)(iv) Five days before the end of the child's diagnostic program, the CET shall reconvene to write an educational plan for the child based on the findings made during the program. The personnel who conducted the child's program shall be added to the CET which writes the child's educational plan

502.9(e) A diagnostic program shall always be provided within a public school regular education facility unless the child being placed in such program has already been determined by the Administrator . . . to qualify for a placement in either prototype 502.5 . . . or prototype 502.6 . . . under the standards contained in paragraph 321.3, and the Division . . . has given prior written approval for placing the child outside a public school regular education facility.

502.10(b) Each school committee shall . . . arrange for the provision of the parent and child counseling services . . .(503.1(h) (i) when recommended by a CET to each parent of a . . . child in need of special education services, regardless of the prototype in which that parent's child is placed.

502.11 <u>Programs for school-age children in need of special education services who are ages sixteen through twenty-one</u>.

502.11(a). . . [C]hildren in need of special education services who are of ages sixteen through twenty-one, shall, subject to . . . paragraph 206.0, be eligible for programs within each of the program prototypes on the same basis as are other school-age children in need of special education services.

504.0 <u>Providing day school or residential programs</u>. Each school committee shall . . . arrange for the provision of all day school . . . and residential school . . programs in compliance with the following procedures and requirements:

504.1 <u>Placement within city, town or school district preferred</u>. Each . . . child in need of special education

services who requires a day school or residential school program shall be placed in a program within the city, town, or school district in which such child resides . . . .

504.2 Procedure for placements within city, town or school district. The following procedure shall be used for placing . . . [such] . . . children . . . in day school . . . or residential school . . . programs within the city, town or school district in which the child resides:

504.2(a) The Administrator . . . shall, with the assistance of the school committee and in consultation with the child's parents . . . determine whether there is available within the city, town or school district in which the child resides a program which complies with all elements of the child's educational plan.

504.2 (a)(i) If the Administrator . . . finds one or more programs which comply . . . he/she shall list them in order of preference based on which will be most beneficial to the child . . .[and] send such list together with all the information he/she has concerning the schools on such list and a copy of the child's educational plan to the appropriate Regional Branch Office . . . .

504.2(b) No school committee shall place a child in a day school or residential school program without the prior written approval of the Division . . .

505.0 Parent involvement. Each public or private school, agency or institution which provides special education for . . . children . . . shall make every effort to elicit the interest and encourage the participation of the parents of such children to the greatest degree possible in the special education programs or their children. Such efforts shall include compliance with the following requirements.:

PARENTAL INVOLVEMENT

505.1 Offering parents consultation regarding the development and future opportunities of their children.

505.2 Providing parents an opportunity to meet, at least quarterly, with the teaching staff involved in implementing their child's educational plan . . . .

505.3 Insuring that the person who is responsible for reporting . . . the child's progress to the CET or the school committee shall also make a written report . . . to the child's parents at least quarterly. Such report shall:

505.3(a) State the goals set by the CET for the child and the time set for the child to achieve those goals.

505.3(b) Specifically describe in behavioral terms the progress the child has made toward achieving such goals.

504.4 Insuring that any parent who is not satisfied with the progress of his/her child or with the child's program, shall have the right to meet with the person in charge of the school or institution . . . and the Administrator . . . for the school committee within whose jurisdiction such child resides, no later than five school days after requesting such a meeting.

506.0 Program evaluation.

506.1 Each school committee shall establish a system of evaluating the special education programs it provides . . . . Such system shall include a method for determining which programs are successful and which are unsuccessful in . . . achiev[ing] the goals set . . . . Any facility outside the jurisdiction of a shcool committee, with which that school committee contracts . . . shall be consulted in connection with the establishment of criteria for its evaluation, and shall be furnished a written copy of such criteria. The success of each program . . . shall be evaluated at least once each year.

EVALUATION

506.1(a) Each school committee shall submit to the . . . Division . . . a detailed description of the methods it will use to evaluate special education programs during the next school year.

506.2 Whenever more than ten percent of the . . . children . . . assigned to a particular program do not achieve those portions of their educational goals for which that program is responsible, the school committee shall take all necessary steps to ascertain whether the necessary correction may lie in the prescription or the program. If the latter, it shall improve the program so that the . . . children . . . achieve the goals set for them or abolish the program and replace it with a better one.

506.3 Each CET, whenever it reviews the progress of a . . . child shall retain and make available to the . . . Division a written record on each such child. Such record shall include the following items:

506.3(a) A statement of the goals set in the child's educational plan the preceding year and the program component responsible for helping the child to achieve each such goal.

506.3(b) A statement of whether the child achieved or did not achieve each such goal.

507.0 Materials and equipment. Each school committee shall provide . . . all materials and equipment which the CET states are necessary to implement the educational plan of each . . . child . . . . [M]aterials and equipment shall include items required . . . for the child to participate in the educational program and . . .[not]. . . items such as . . . leg braces which the child uses outside of the educational program.

507.1 . . .[They]. . . shall be of good quality and . . . suitable for the role they are to play in each child's educational plan.

508.0 Facilities for children in need of special education services. Each school committee shall comply with the following provisions . . .

508.1 Programs for . . . children in need of special education services shall be provided in rooms which are at least equal in all physical respects to the average standards of the rest of the public school in which those programs are provided.

508.2 The facilities in which programs for . . . children in need of special education services are provided shall be such as to maximize the integration of such children into the life of the school and to minimize the separation and stigmatization of such children. . . . [For example]:

508.2(a) Placing a . . . class of fourteen and fifteen-year-old . . . children in need of special education services in a part of the school building in which all the other classrooms are occupied by elementary school children would violate the rule of paragraph 508.2.

508.2(b) Placing a sign saying 'special class' on the door . . . would violate the rule of paragraph 508.2.

508.2(c) Placing all special education facilities together in one part of a school building would violate the rule of paragraph 508.2.

508.3 Children with limited mobility shall have access, free from barriers to their mobility, to those areas of school buildings . . . necessary for the carrying out of the educational plans of such children. . . .

508.3(b) Each school committee shall provide whatever equipment and make whatever physical adaptations in its public school facilities are necessary to comply with the provisions of paragraph 508.3.

508.4 Each Regional Branch Office . . . and each RAC shall make unannounced inspections of facilities . . . to insure that such facilities comply with the[se] requirements . . . .

CHAPTER 6 - SERVICES FOR CHILDREN OF AGES THREE AND FOUR

600.0 Identification of children with substantial disabilities. Each school committee shall comply with the following requirements for children of ages three and four with substantial disabilities:

600.1 It shall enter such children to the register . . . (300.0).

600.2 It shall file the information about such children . . . (301.0).

600.3 It shall make all reasonable efforts to identify such children and shall describe such efforts

in the plan . . .(303.0) to identify such children.

600.4 It shall make the efforts described in paragraph 304.0 to identify such children.

600.5 It shall conduct a screening program . . . comparable in content to the kindergarten entry screening program . . . provided, however, that screening of such children of ages three and four shall be optional on the part of the parents . . . and shall be designed for those children with a reasonable likelihood of having substantial disabilities . . . . [I]f the child is referred for an evaluation, the time limits specified in paragraph 317.0 for referral and evaluation shall be applicable.

601.0 Referral for evaluation of children with substantial disabilities. The provisions of paragraphs 316.0 through 318.0 . . . shall apply to children of ages three and four.

602.0 Evaluation of children of ages three and four. Evaluation of children of ages three and four shall be conducted by a CET composed of the persons doing the interview and assessments . . . and shall consist of a combination of procedures that are of sufficient diagnostic sensitivity to make a determination of substantial disability in one or more areas. Such evaluation shall consist of the following elements:

602.1 A parent interview . . . with special consideration of a home visit, with parental consent . . . . Such interview shall result in the completion of a standardized developmental history and shall include discussion of:

602.1(a) Information on the developmental and medical history of the child.

602.1(b) Information concerning the child's relationships and behavior with siblings, peers and significant adults.

602.1(c) Parental concerns and expectations relating to the child and a current description of the child.

602.1 (d) The evaluative procedure to be undertaken . . . .

602.1(e) This interview shall be conducted only by . . . persons with experience or training, or both, in working with three and four year olds and their parents. . . .

602.2 Assessments, appropriate to the age and development of the child, in the following areas provided by trained and qualified specialists with experience or training, or both, in working with three and four year olds, including a physician who specializes in early childhood disabilities:

602.2(a) Auditory functioning . . .

602.2(b) Visual functioning . . . .

602.2(c) Physical development . . . .

602.2(d) Emotional and social functioning . . . .

602.2(e) General intellectual functioning . . . .

602.2(f) Language and speech . . .

602.2(g) Observation of the child in a group situation . . . .

602.2(h) Assessments by any additional specialists who may be added . . . .

602.3 A final narrative report detailing all observations, assessment results and behavior descriptions . . . including a statement of the reasons why the child is or is not considered to have a substantial disability.

602.4 A conference with parents to take place at a point late in the process and designed primarily to discuss, explain and convey the results of the evaluation.

603.0 Post-evaluation procedures for children of ages three and four. The provisions of paragraph 321.0 are hereby incorporated . . . .

604.0 Evaluation: Educational plan; parent involvement. For each child of age three or four who is determined . . . to have a substantial disability, the members of the CET who conducted the interviews and assessments and the persons described in paragraphs 311.5 through 311.10 shall meet together to write their part of the educational plan for the child . . . [E]very

effort shall be made by the . . . CET to encourage in the child's parents . . . that they are competent to participate fully in the decisions that affect their child and to assume their responsibility in the educational process.

605.0 Evaluation: Educational plan; requirements The Administrator . . . and the CET shall write those parts of the educational plan which they are required to write . . . (321.0 and 322.0.)

606.0 Post-educational plan procedures for children of ages three and four. The provisions of paragraphs 323.0, 324.0 and 325.0- 327.0 through 329.0; and 332.0 through 337.0, and of Chapter 4, all adapted to reflect the fact that children of ages three and four are not in public school, are hereby incorporated into this chapter and shall apply to children of ages three and four.

607.0 Placement of children of ages three and four pending appeals. All parties involved in an appeal from a finding of no substantial disability or from an educational plan which has been rejected shall cooperate, with the assistance of the Division . . . to place the child in a program which is as appropriate as possible, pending a final resolution of the appeal.

608.0 Provision of programs; Program prototypes. Each school committee shall provide . . . each of the elements in the educational plans of children of ages three and four who have substantial disabilities. In implementing such . . . plans, each school committee shall provide . . . each of the following prototypes when such prototypes are recommended by an educational plan.

608.1 Home programs, which shall include the following characteristics:

608.1(a) Scheduled weekly home visits arranged with the family.

608.1(b) Instruction for parents including materials, demonstrations and discussion groups.

608.1(c) Provision of developmental toys and materials for the child.

608.1(d) Regularly scheduled group sessions for parents . . . .

608.1(e) The program shall be coordinated with other services which are being provided to the child.

608.2 Group day programs, which shall include the following programs:

608.2(a) Integrated programs . . . designed to serve the general child population and which include one or more children with substantial disabilities.

608.2(b) Specialized programs:

608.2(b)(i) Which serve only children with substantial disabilities and may have children in the same program who have different types of needs . . . .

608.2(b)(ii) In which a child leaves home for individual instruction . . . .

608.3 Family day care, ... Family day care shall have the following characteristics:

608.3(a) The total number of children in a . . . program shall not exceed six, including participating children living in the residence.

608.3(b) Family day care programs may care for a [wide] range of children . . . .

608.4 Residential programs which shall include nursing homes licensed for pediatric care . . .[and other approved] . . . residential facilities . . . . Residential placements shall be limited to [severely disabled] children . . . .

610.0 Program standards. The following minimum program standards shall be maintained for all approved programs for children of ages three and four with substantial disabilities, except for those within the home program prototype described in paragraph 608.1:

610.1 The program shall provide for parental participation . . .

610.1(a) Parents shall be provided complete information on the availability of programs and services.

610.1(b) Parents shall be provided opportunities for consultation with and guidance by school personnel on available programs and services.

610.1(c) Parents shall be provided complete information on the availability of opportunities for parent training and education.

610.1(d) The child's family shall be recognized as critical to the effective implementation of the educational plan . . . . [involving]:

610.1(d)(i) home visits, with parental consent;

610.1(d)(ii) regularly scheduled conferences;

610.1(d)(iii) participation in program activities.

610.1(e) Program staff and school department personnel shall assist parents in locating and arranging for needed supportive services . . . .

610.2 The program staff shall meet the minimum professional standards . . . .

610.3 A written plan shall be provided and implemented for staff training and development.

610.4 The ratio of children to staff shall be based on the needs of the children in the program; . . . [but] . . . shall not exceed a ratio of six children with substantial disabilities to one teacher.

610.5 Staff shall demonstrate competency in working with children of ages three and four with substantial disabilities in the following ways:

610.5(a) Documentation of quality of past performance.

610.5(b) Observation of present work by qualified persons selected by the CET and the Administrator . . . .

610.6 A written statement shall describe the philosophy of education underlying the program and how it is expressed through the program.

610.7 In writing and in observable content, the program shall demonstrate an understanding of the developmental sequences of growth as the base upon which

curriculum is modified and adapted to respond to the strengths and needs of each child.

610.8 In writing and in observable content, the program shall demonstrate the methods and techniques employed in modifying and adapting the curriculum.

610.9 The program shall provide a written plan expressing:

610.9(a) Methods for preliminary and ongoing evaluation of whether the program is meeting the child's needs.

610.9(b) A system for observing and recording behavior of children.

610.9(c) Long term goals and short term objectives for each child, specifying strategies for achieving . . . [them]. . . and criteria for evaluating the achievement of objectives by the child

610.10 The program shall provide equally for emotional, social, physical and cognitive growth and development.

610.11 Full time day or residential programs shall provide curriculum which includes the following areas: listening, speech and language; activities for developing gross and fine motor skills; creative expression; opportunities for socialization; family and community living; self-help skills.

610.12 In the case of contracted services the teacher . . . shall maintain a close professional association with the CET consisting, at a minimum, of quarterly written reports on the child's progress and regular meetings to discuss such progress.

610.13 In all cases the program shall maintain a close professional association with necessary support services.

610.14 The program shall maintain an active involvement with community resources.

610.15 For individual children, the selected program shall be that with the greatest potential for implementing the educational plan.

611.0 Procedures for placing children of ages three and four in programs. Whenever children of ages three and four who have substantial disabilities are to be placed in a residential program . . . the requirements and procedures of paragraphs 504.1, 504.2, and 504.3, (except paragraphs 504.2(b)(i), 504.2(b)(v), and 504.3(b)(v)), shall apply to such placements. . . . Such procedures and requirements shall not apply to placement of children of ages three and four who have substantial disabilities in programs within any other prototypes.

CHAPTER 7 - EDUCATION OF CHILDREN IN INSTITUTIONS UNDER THE CONTROL OF THE DEPARTMENTS OF MENTAL HEALTH, PUBLIC HEALTH AND YOUTH SERVICES.

700.0 Admission of a school age child in need of special education services to an institution under the control of the Department of Mental Health, Public Health or Youth Services. The following provisions shall govern: . . . .

700.1 A . . . child in need of special education services may be admitted to a day or residential program in a state school under the control of the Department of Mental Health if:

700.1(a) An educational plan has recommended . . . [it]. . . for such child; and

700.1(b) The procedures and requirements of paragraph 504.1 through 504.3 have been met; and

700.1(c) The superintendent of the state school has approved the admission.

700.2 . . . . [Such a child] may be admitted to a day or residential program in a state hospital under the control of the Department of Mental Health or to a state hospital or hospital school under the control of the Department of Public Health if:

700.2(a) A Type A or Type B hospital program has been recommended for such child by a physician as provided for in paragraph 502.7; and

700.2(b) The superintendent of the state hospital or hospital school has approved the admission.

700.3 A school-age child in need of special education services may be admitted to a day or residential program in an institution under the control of the Department of Youth Services if such Department approves the admission.

701.0 Provision of special education by the Division, through its Bureau of Institutional Schools, to school-age children in institutions under the control of the Departments of Mental Health, Public Health and Youth Services.

The Division, through its Bureau of Institutional Schools, shall provide . . . special education to . . . children in need of special education services in day and residential programs in institutions under the control of the Departments of Mental Health, Public Health and Youth Services. The duties of the Bureau . . . in providing such special education shall include:

701.1 Administering all federal and state funds allocated . . .

701.2 [Determination of]. . . . the method, from the options described in paragraph 701.5, . . . shall be made in consultation with the CET, and the Administrator of Special Education, the Assistant Superintendent for Children's Services . . . or with the supervisor from the education department . . . .

701.3 Establishing a monitoring and evaluating system for each method of providing special education.

701.4 Providing technical assistance to school committees and collaboratives in maximizing the utilization of state and federal funds . . . .

701.5 Providing . . . those educational services as defined in paragraph 701.1, recommended by CET's for all [such] school-age children in need of special education services . . . .

701.6 Monitoring the overall efficiency and quality of the educational component of the . . . programs . . . .

701.7 Insuring that the special education staff assigned to [such] institutions . . . meet the requirements for certification and approval of the Board of Education.

701.8 Insuring that the intent and purpose of this chapter, of these regulations and of the law governing the provision of special education to [such] school-age children . . . is fully carried out in [these] institutions. . . .

702.0 Supervisory persons and Assistant Superintendents for Children's Services. In each institution under the control of the Departments of Mental Health, Public Health, and Youth Services with less than sixty school-age children in a residential program, the staff providing education services . . . shall constitute the education department for such institution. The Commissioner of Education and the Superintendent of the institution shall jointly appoint a supervisory person from among the staff . . . and shall have the authority to evaluate and, if necessary, to dismiss such person. In each institution under the control of the[se] Departments . . . with sixty or more school-age children in a residential program, the Commissioner . . . and the Superintendent . . . shall jointly appoint a director of educational services . . . who shall have the title of Assistant Superintendent for Children's Services, and shall have the authority to evaluate and, if necessary, to dismiss such Assistant Superintendent. Such supervisory persons and Assistant Superintendents shall report directly to the Superintendent of the institution.

703.0 Duties of the supervisory persons and the Assistant Superintendents for Children's Services.

703.1 The Assistant Superintendents . . . in state schools under the control of the Department of Mental Health shall:

703.1(a) Supervise and monitor the provision of all services that are provided by the children's units in such schools, and shall direct the special education staff and the staff of the Department of Mental Health employed in those units.

703.1(b) Provide in-service training to members . . . who are employed in the children's units

and in any other units where school-age children may be residing.

703.1(c) Provide, for each school-age child not residing in a children's unit, jointly with the unit director of the unit in which the child is residing, a program which satisfies the requirements of the child's educational plan.

703.2 The Assistant Superintendent . . . and the supervisory persons shall:

703.2(a) Work with . . . staff of the institution to insure that the educational plan for each school-age child. . . in the institution is carried out and that any other services rendered to the child are consistent with such plan.

703.2(b) Provide in-service training to the special education staff and, if required by this chapter, to other staff.

703.2(c) Develop the special education program in the institution.

703.2(d) Attend meetings called by the Bureau of Institutional Schools to review plans for implementing services.

703.2(e) Provide such reports as required by the Bureau . . . for monitoring, evaluating and modifying each child's plan.

704.0 Involvement of parents. The Bureau of Institutional Schools, the Assistant Superintendent for Children's Services . . . and the supervisory person in each institution . . . shall make every feasible effort to elicit the interest and encourage the participation of parents . . . in the education program of their children while such children are in a day or residential program in [such] an institution . . . . Such effort shall include the following:

704.1 They shall offer to consult with parents regarding their children's development and future opportunities.

704.2 In all communications with parents, they shall. . . insure that the parents understand the educational programs of their children. . . .

704.3 Parents shall be afforded the opportunity to meet, at least quarterly, with the special education staff directly involved with their children. The Assistant Superintendent . . . the supervisory person . and the Bureau . . . shall inform parents, in writing, when and where such meeting will take place.

704.4 When children go home on visits for a weekend or longer, appropriate guidance shall be given to parents so that they can assist in continuing the education program of their children.

704.5 Regardless of their participation in the above, parents shall receive a written quarterly report of the educational progress of their children . . . .

704.6 Any parent who is not satisfied with the educational progress of his/her child, or with the child's program, shall have the right to meet with the Assistant Superintendent . . . the supervisory person . . . a designee of the Bureau . . . and the Administrator of Special Education of the school system with responsibility for the education of such child. Such meeting shall be scheduled within five school working days after a request for such meeting."

CHAPTER 9 - TRANSPORTATION

900.0 Transportation the school committee must provide. Each school committee shall provide or arrange for the provision of all transportation recommended by a CET pursuant to paragraph 902.0.

901.0 Transportation the school committee must provide: Further conditions.

901.1 No school committee shall be relieved of the obligation to ... arrange transportation . . . on regular transportation vehicles by the fact that various conditions specified by a CET have to be fulfilled before such child may be transported on such vehicles.

902.0 CET: Transportation plan. As part of the educational plan for each . . . child . . . each CET shall include the following:

902.1 The CET shall state all reasonably available transportation which the child requires . . . .

902.2 The CET shall state whether the child is able to be transported on regular transportation vehicles [or that]. . . the child's condition is such that no modification of such vehicles can feasibly be made which will allow the child to be safely transported on them.

902.3 If the child . . . may be transported on regular transportation vehicles, the CET shall state all conditions which must be fulfilled in order to transport the child safely.

903.0 Transportation provided by the parents. If the school committee arranges to have the parents of a . . . child . . . transport such child, it shall pay such parents the prevailing rate per mile for state employees for each mile which such parents actually transport the child at the request of the school committee. No parent shall be required to provide transportation, nor shall any school committee be relieved of the obligation to provide transportation . . . because of the inability or unwillingness of such parents to provide such transportation

905.0 Requirements with which school committees must comply. When providing . . . transportation . . . by anyone other than the parent of the child being transported, the school committee shall comply with the following requirements:

905.1 It shall arrange to have . . . children . . . who are confined to wheelchairs transported in vehicles which do not require such children to be removed from their wheelchairs in order to enter or leave the vehicles; provided, however, that this requirement shall not be applicable where . . .[such]. . . transfer in and out of conventional vehicles . . .[is]. . . for therapeutic or for independence training reasons.

905.2 It shall not permit any . . . child . . . to be continuously transported for more than one hour except with the written permission of a CET.

905.3 It shall provide an in-service training program for operators of vehicles . . . to acquaint such operators with the needs of the children they are transporting and to equip them to meet those needs. Such operators shall be required by the school committee to complete an in-service training course within the first six months of their employment.

905.4 It shall provide a qualified attendant on each vehicle which transports one or more children of ages three and four who have substantial disabilities or any school-age child in need of special education services who is prone to disturbing behavior which could distract the driver. Such attendant shall be an employee of the school committee. No transportation contractor shall receive any additional payments because an attendant rides in a vehicle operated by the contractor.

905.5 It shall ascertain . . . the nature of any need or problem which a . . . child . . . has which may cause difficulties during transportation . . . [and] . . . communicate such information to any person who operates a vehicle in which such a child is transported.

905.6 It shall make sufficient inspections of equipment and unannounced spot checks, at least once monthly, to insure compliance with all requirements of this chapter . . . .

905.7 It shall insure that someone is responsible for assisting . . . child . . . in and out of the home, on and off the vehicle and in and out of the classroom, when . . . necessary.

"CHAPTER 10 - <u>SPECIAL EDUCATION PROFESSIONAL STANDARDS</u>

1001.0 <u>Approval of persons performing psychological functions.</u>

1001.1 The following provisions shall apply to psychological personnel approved under the regulations promulgated pursuant to G.L.c. 71, s. 46:

1001.1(a) Persons approved as Supervising Psychologist and as Psychologist may perform the psychological functions required by these regulations.

1001.1(b) Persons qualified as Psychological Assistant . . . must meet any applicable certification requirements

1002.0 Personnel certified or approved prior to the effective date of the Regulations for the Interim Approval of Professional Personnel for Special Education.

1002.1 All persons issued certificate #56 (Teacher of Special Schools and Classes - Mentally Retarded) and/or #58 (Teacher of the Deaf) prior to July 1, 1973, may . . . teach school-age children requiring special education services only in a sub-group of a regular class, or in a separate room, unless such persons also hold an appropriate Massachusetts teaching certificate.

STAFF

1002.2 The certificates of all persons issued certificate #57 (Teachers of Speech and Hearing Handicapped) are valid for life subject to the conditions of the certificate.

1002.3 All persons approved as Teachers of the Visually Handicapped prior to the effective date of [the] Regulations . . . who hold an appropriate Massachusetts teaching certificate and provide evidence of successful teaching experience in a program for the visually handicapped, will qualify for interim approval as Teachers of Children with Sensory Handicaps in the area of Vision requiring special education services.

1002.4 Persons approved as Instructors of the Perceptually Handicapped . . . must meet . . . the new certification requirements established . . . to qualify for certification as Teacher of School-Age Children with Moderate Special Needs requiring special education services.

1002.5 . . .[T]o qualify for approval as an Instructor of Perceptually Handicapped children . . . a candidate must provide evidence of successful completion of two three-semester-hour college courses in this area, or their equivalent, in a public school training program affiliated with a degree granting institution.

1002.6 All approvals issued . . . between July 1, 1973, and August 31, 1974, inclusive . . .

and all personnel approved after September 1, 1974, must . . .[have met]. . . new certification or approval requirements by September 1, 1977.

1002.7 Those instructing . . . children . . . in the integrated program shall hold the appropriate elementary, secondary or special subject, or support certificate, or exemption. 'Instruction in the Integrated Program' is defined as assumption of full responsibility for instruction of all children in a regular classroom. It does not include special education services . . . provided to individual . . . children in need of special education services or small groups of such children within the regular classroom; provided, however, that personnel instructing . . . children with severe special needs . . . in separate programs (e.g., state institutions) need not hold Massachusetts elementary, secondary, special subject or support certificates, in order to qualify for approval as Teachers of School-Age Children with Severe Special Needs requiring special education services.

1002.8 The following shall apply to Administrators of Special Education:

1002.8(a) Personnel certified as in 1002.8(c) and employed within Massachusetts as Administrators . . . prior to September 1, 1974, . . . shall be issued approval as Administrator of Special Education by the Division of Special Education.

1002.8(b) Personnel employed as Administrators of Special Education on or after September 1, 1974. . . must meet by September 1, 1977 the requirements of the Regulations for the Interim Approval of Professional Personnel for Special Education, as an Administrator of Special Education.

1002.8 (c) Any person approved as an Administrator of Special Education must also hold a valid Massachusetts Elementary, Secondary, Special Subject or Support certificate.

1003.0 Approval of Special Education Personnel, from the effective date of the Regulations for the Interim Approval of Professional Personnel for Special Education, to September 1, 1977. In addition to the preceding paragraphs of this chapter, the following alternative plans shall apply:

1003.1 Plan A: Transcript evaluation. Applicants, previously certified, who complete a training program which fulfills the course and experience requirements specified in the applicable regulations . . . may apply to the Division for issuance of the appropriate approval and/or endorsement for employment in programs for school-age children in need of special education services.

1003.2 Plan B: Recommendation by approved or audited training program.

1003.2(a) Applicants who meet non-academic requirements and who successfully complete a preparational program that has been determined to be satisfactory by the Board of Education through the program audit process may be granted the appropriate Massachusetts certificate and/or approval upon submitting proof of completion of the program and the recommendation of the preparing institution. Program audits will be performed on the basis of criteria and procedures established by the Board of Education.

1003.2(b) Individuals who have gained competencies above preparational program entry levels in working with children in need of special education services may apply to an audited or approved program for assessment of these competencies and for an opportunity to complete such additional preparation as may be necessary to qualify for institutional recommendations.

1003.2(c) Recommendation by an audited program does not provide eligibility for interstate reciprocity under the Interstate Certification Compact.

1003.3 Plan C: Program Audit; interstate reciprocity. Applicants who meet non-academic requirements and who complete an approved program . . . shall be issued appropriate certification and/or approval for employment with school-age children in need of special education services. Such programs shall have been approved for preparation for the specific certificate or approval by the state agency responsible for teacher certification and preparation. The preparing institution shall issue official notice that the applicant has completed such program and is recommended for certification or approval in the specific category.

1004.0 Program approval of specialized programs which develop as a result of new needs in personnel. Individual programs which meet a specific need shall be individually audited for the purposes of interim approval.

1005.0 Non-educational professionals: Required qualifications. All non-educational professionals, not certified or approved pursuant to this chapter, who are required or permitted to provide services pursuant to these regulations, shall be appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for their profession.

1006.0 Teachers, administrators, and support personnel: Required qualifications. School committees shall employ . . . only those certified or approved, or both, in accordance with these regulations.

1100.0 Composition of RAC's. "There shall be established in each region of the Department of Education a RAC consisting of sixteen members. The following shall be members of each RAC;

1100.1 Eight members selected in the following manner:

1100.1(a) One who is a parent of a child with a substantial disability enrolled in a program for children of ages three and four, described in Chapter 6.

1100.1(b) From the program prototypes 502.1 . . . 502.2 . . . 502.3 . . . and 502.4 . . . six parents of school-age children requiring special education services in programs within these prototypes; provided, however, that each prototype shall be represented by at least one but no more than two parents.

1100.1(c) From any one but not more than one of the program prototypes 502.5 . . . and 502.7, . . . one parent of a school age child requiring special education services in a program within such prototype.

1100.2 A public school teacher teaching . . . in a regular education program.

1100.3 A public school teacher teaching . . . in a special education program.

1100.4 A public school administrator in either regular or special education.

1100.5 A member of the Advisory Council of the

Department of Education for the region represented by the RAC . . . by the Advisory Council of which that person is a member.

1100.6 An approved vocational technical administrator or teacher from a local or regional vocational school.

1100.7 A professional from an institution of higher education who prepares persons for professional employment in education.

1100.8 One other person with demonstrated commitment to school-age children requiring special education services.

1100.9 A member of a local Council for Children who shall be recommended . . . by the Director of the Office for Children.

1100.10 The Commissioners of the Departments of Mental Health, Public Health, Public Welfare and Youth Services and the Director of the Office for Children shall each designate a representative to serve ex officio on each of the RAC's

1103.1 The members of the initial RAC's shall serve the following terms:

1103.1(a) The six parent members described in paragraph 1100.1(b) for terms of three years each.

1103.1(b) The two parent members described in paragraphs 1100.1(a) and 1100.1(c), and three other members described in paragraphs 1100.2 through 1100.9, for terms of two years each.

1103.1(c) Five other members described in said paragraphs 1100.2 through 1100.9, for terms of one year each.

1104.0 RAC: Duties. Each RAC shall receive complaints and suggestions relative to the provision of special education in the region and shall submit to the SAC, on or before April 1 of each year, a written report including the following:

1104.1 A specific assessment of the qualitative and quantitative adequacy of all aspects of the provision of special education within the region.

"1104.2 A specific statement of recommended changes in any aspect of the provision of special education

in the region, with a detailed description of the process by which such changes should be accomplished.

1104.3 A detailed summary of the complaints and suggestions received during the year. Where complaints and suggestions have been repeated, or where a clearly discernable pattern has emerged, such repetition or pattern shall be emphasized.

1105.0 RAC: Additional duties. In addition . . . each RAC may:

1105.1 Advise and consult with the Regional Branch Office of the Division, on all aspects of the provision of special education within such region.

1105.2 Hold periodic meetings . . . to hear complaints and suggestions . . . .

1105.3 Submit interim reports to the SAC, as necessary, in addition to the annual report required by paragraph 1104.0. Such interim reports shall include references to complaints and suggestions received . . . .

1105.4 Designate a representative to serve on the Regional Review Board.

1106.0 RAC: Meetings. Each RAC shall:

1106.1 Meet at least once a month from September through June.

1106.2 Arrange the time and place for meetings so as to encourage the highest attendance of members and of the public.

1106.3 Give adequate notice of meetings, at least ten days in advance of such meetings, to members and the public.

1106.4 Conduct its meetings in accordance with G.L.c. 30A, s.11A (the 'open meeting law').

1106.5 Make decisions by vote of a majority of the persons present and entitled to vote; provided, however, that a quorum shall consist of a majority of the total membership of the RAC; and provided, further, that in the absence of a quorum, all decisions must be ratified at the next meeting when a quorum is present.

1107.0 RAC: Relation to the Division; supportive services. The Regional Branch Offices . . . shall assist the RAC's in carrying out their duties. Such assistance shall include doing the following, without charge, upon reasonable notice and subject to the availability of staff and resources as determined by the Director . . .: mailings . . ., typing . . ., duplicating of materials [and] provision of any other services and materials which are reasonably necessary for the carrying out of its duties by a RAC.

1108.0 RAC: Operating Structure. Each RAC shall conform to the following requirements:

1108.1 The officers shall consist of a chairperson, vice-chairperson, and a secretary.

1108.2 The officers shall be elected annually at the June meeting.

1108.3 The chairperson shall be the chief executive officer . . . and shall preside at all meetings. The chairperson shall name the members of all committees and shall appoint the chairperson of each committee.

1108.4 The vice-chairperson shall act for the chairperson in the event of absence or incapacity.

1108.5 The secretary shall be the recording officer . . . and shall be responsible for keeping complete and accurate minutes of the RAC meetings.

1108.6 The RAC shall appoint such committees, including an executive committee, as it deems necessary or desirable to carry out its responsibilities.

1108.7 All members . . . shall be installed and sworn to the faithful performance of their duties and shall be expected to attend meetings and perform such other duties as are incumbent upon them.

1108.8 Any member may resign from the RAC at any time. The Board of Education shall appoint a person to fill any vacancy which occurs for any reason.

1109.0 SAC: Election. Each RAC shall elect two members, at least one of whom shall be a parent whose child is receiving special education, to be members of the SAC. The Commissioners of the Departments of Mental Health, Public Health, Public Welfare and Youth Services and the Director of the Office for Children shall each appoint a representative to serve as an ex officio member of the SAC. Members of the SAC shall be reimbursed subject to appropriation, for expenses necessarily incurred in the performance of their duties.

1109.1 The members of the SAC shall serve for terms of three years each with no members serving for more than two consecutive terms; . . . .

1110.0 SAC: Duties; annual report. The SAC shall submit an annual written report to the Board of Education on or before June 1 of each year. Such report shall include the information for the entire Commonwealth, required to be submitted by the RAC's for their respective regions pursuant to paragraph 1104.0, and shall also include a specific statement of recommended changes in any aspect of the provision of special education . . . with a detailed description of the process by which such changes should be accomplished. Such report shall be based upon the reports submitted . . . and shall include a comprehensive summary and consolidation of the findings of statewide importance of such reports, with specific references to important matters peculiar to a given region. The Department of Education shall implement the recommendations of the SAC or shall state in a written reply to said SAC the reasons why such recommendations cannot or should not be implemented. In such circumstances, the Bureau of Special Education Appeals . . . shall attempt to resolve the disagreement informally; provided, however, if a settlement cannot be reached, the Board of Education shall conduct public hearings to investigate the basis for the disagreement and resolve any dispute between the Department . . . and the SAC.

1111.0 SAC: Appeals. In addition to the duties specified in paragraph 1110.0, the SAC shall decide appeals in accordance with Chapter 4. The SAC shall establish any procedures additional to those specified in said Chapter 4, which are necessary or desirable to enable it to determine such appeals.

1113.0 Regional Review Board: Composition. There shall be established in each EOHS region a Regional Review Board composed of the following members:

1113.1 A Director of a Regional Branch Office . . . who shall be the chairperson.

1113.2 A professional staff person appointed by the Commissioner of Mental Health.

1113.3 A professional staff person appointed by the Commissioner of Public Health.

1113.4 A professional staff person appointed by the Commissioner of Public Welfare.

1113.5 A professional staff person appointed by the Commissioner of Youth Services.

1113.6 A professional staff person appointed by the Commissioner of the Massachusetts Rehabilitation Commission.

1113.7 A person appointed by the Director of the Office for Children.

1113.8 A person appointed by the chairperson of the RAC, after consultation with other members of the RAC. Such person shall be a parent of a child requiring special education services.

1114.0 Regional Review Boards: Duties. The Regional Review Boards shall have the following duties:

1114.1 They shall consult with the Regional Branch Offices . . .on individual placements of school age children requiring special education services in day school . . . and residential school . . . programs pursuant to paragraphs 504.2(b) and 504.3(b).

1114.2 They shall approve private schools within the Commonwealth pursuant to paragraph 800.0.

1114.3 Pursuant to paragraph 503.1(1), they shall refer requests for services, materials or equipment to the Inter-departmental Children's Project Team and shall notify the school committee and the child's parents if such request[s]. . . cannot be provided . . .

1114.4 They shall assist school committees in implementing these regulations.

1114.5 They shall assist in insuring the coordinated delivery of services by the respective departments represented on each Regional Review Board.

1114.6 They shall assist in insuring the maximum use of federal funds . . . .

1114.7 They shall notify the SAC whenever a . . . child in need of special education services is

placed outside of the Commonwealth and shall recommend, for inclusion in the annual report of the SAC, the development of programs in the Commonwealth to meet the needs of such . . . children.

1114.8 They shall have such other duties as are specified in these regulations.

1115.0 State Review Board: Composition. There shall be established at the state level, a State Review Board composed of the following members:

1115.1 The Associate Commissioner of Special Education or a person designated by such Associate Commissioner, who shall be the chairperson.

1115.2 A professional staff person appointed by the Commissioner of Mental Health.

1115.3 A professional staff person appointed by the Commissioner of Public Health.

1115.4 A professional staff person appointed by the Commissioner of Public Welfare.

1115.5 A professional staff person appointed by the Commissioner of Youth Services.

1115.6 A professional staff person appointed by the Commissioner of the Massachusetts Rehabilitation Commission.

1115.7 A person appointed by the Director of the Office for Children.

1115.8 A person appointed by the chairperson of the SAC. Such person shall be a parent of a child requiring special education services.

1116.0 State Review Board. The State Review Board shall have the following duties:

1116.1 It shall approve private schools outside of the Commonwealth pursuant to paragraph 800.0.

1116.2 It shall consult regularly with the Regional Review Boards and shall prepare and submit to the Departments represented on the State Review Board an annual report based upon conclusions derived from such consultation.

1116 3 It shall consult with the SAC on decisions in individual appeals cases, upon request by the SAC.

1116.4 It shall perform at the state level, those functions specified in paragraphs 1114.6 through 1114.8, except that assistance shall be given to the Division rather than to school committees.

1116.5 It shall have such other duties as are specified in these regulations."

CROSS REFERENCES

III.B.Teachers; Regulation #21

III.B.Teachers; Regulation #29

STATUTES

§380.1701

The state board shall: develop, establish and continually evaluate, in cooperation with intermediate boards, a state plan for special education, coordinating all special education programs and services; require each intermediate board to submit a special education plan to be approved by the state board; and promulgate rules setting forth requirements and procedures for plans.

§380.1702

If a school board claims a financial emergency rendering it unable to provide special education programs in compliance with §380.1751, it shall apply to the state board for approval to provide a special education program which does not comply.

If the state board determines that a district is not providing special education programs in compliance with §380.1751 and the local district has not obtained prior approval, the state board shall give the district a notice of non-compliance. Unless the district submits proof of compliance or of emergency within 30 days, the state board shall direct the intermediate board of which the local board is constituent to provide a complying program.

Special education programs which the state board directs an intermediate board to provide shall be funded as if provided by the local district, which shall contribute the unreimbursed cost of the programs.

§380.1703

The state board shall establish qualifications for special education personnel and rules concerning curriculum, eligibility, review procedures, size of classes and programs, equipment, and housing.

§380.1711

An intermediate board shall: develop, establish and continually evaluate, in cooperation with the constituent districts a plan for special education approved by the state board; contract for the delivery of special education programs and services; employ special education personnel and appoint a director; accept and use funds and contributions to provide special education programs; acquire vehicles, sites, and buildings, and equip them for special education use; maintain a record of each handicapped person under 26 years of age who is resident in its constitutent districts and who has not completed a normal course of study, and the special education services which the handicapped person is receiving; have the authority to place a handicapped person in appropriate programs or services; investigate and report failures to comply with contract or statute provisions or with the intermediate district plan; receive the report of a parent or guardian, or with a parent's or guardian's consent, of appropriate professional personnel that a person under 26 is or may be handicapped, and evaluate pupils.

§380.1716

The intermediate board shall appoint annually a committee of at least five persons consisting of two school superintendents and three board members who, with a designee of the state board, shall visit special education facilities and advise the intermediate board of their administration.

§380.1729

An intermediate board operating special education programs shall expend funds received under these statutes for special education purposes in accordance with state board rules.

§380.1741

An intermediate board operating special education programs may carry pupils in membership in the same manner as a local school district and shall be entitled to its proportionate share of state school aid available for these programs.

§380.1742

When employing additional personnel to implement a special education program, an intermediate board shall employ first an employee of a constituent district whose employment is discontinued because the constituent district is discontinuing a special education program. Such employees shall be entitled to all rights and benefits to which they would otherwise be entitled if they had been employed by the intermediate board originally, except that, at the option of the board, they may be subject to another probationary period of one year.

§380.1743

An intermediate board in providing special education programs previously provided by a state agency shall, before employing any additional personnel to implement the program, first employ an employee of a state agency whose employment is discontinued because a state agency is discontinuing a special education program.

Such employees shall be entitled to all rights and benefits to which they would otherwise be entitled had they been employed by the intermediate school district originally, except that they may, at the board's option, be subject to another probationary period of one year.

§380.1751

A local school board shall provide special education programs by either operating a program or contracting with its intermediate board, another intermediate or local board, a state agency, or a combination of these, for operating a

program. The intermediate district of which the local district is constituent shall be a party to each contract even if it does not participate in providing the program.

A local district contract for special education programs shall provide specifically for: buildings, equipment and personnel; transportation, or room and board or both, for participants; the contribution to be made by the sending local district if the program is to be operated by another party; and other appropriate matters.

Each program operated or contracted for by a local district shall accord with the intermediate district's plan, though it may provide more than required by the intermediate district.

This section shall be construed to allow operation of programs by departments of state government without local district contribution.

§380.1756; 380.1757

A local board shall provide transportation and room and board for a handicapped person who would otherwise be unable to participate in a special education program, except those operated by the Michigan school for the blind, the Michigan school for the deaf, the department of mental health, and the department of social services. The board may provide for weekend transportation of a handicapped person in residence at the Michigan school for the deaf and the Michigan school for the blind.

§388.1009a

ADVISORY COMMITTEE

The special education advisory committee is created to advise the state board in the field of special education. It consists of nine members, appointed by the state board, serving three sets of staggered terms of three years each. The person within the department responsible for special education shall be an ex officio member. The committee shall elect its own officers. Members shall be reimbursed for expenses.

§388.1093

The advisory commission on education of the gifted and/or academically talented is created. It shall consist of 20 members, appointed by the state board of which not more than half shall represent the education profession and including a director appointed by the state board, representatives of labor, business, or industry, a non-educational state agency, local and intermediate school board members and administrators, a community college district, a four-year college or university, a neighborhood education authority, a school psychologist, a specialist in the psychology and education of gifted students, a parent, a teacher, a counselor, a high school student, and a post high school student. The state superintendent or a designee shall be a nonvoting ex officio member and chairman.

The director shall be employed full-time in the department and carry out administrative and organizational functions of the commission. Other members shall serve without compensation except for expenses incurred in the performance of duties.

§388.1094

The commission on the education of the gifted and/or academically talented shall evaluate and report on current efforts in the state toward education of the gifted and/or academically talented, recommend guidelines and estimate the cost for a comprehensive education program for such students, and present proposed legislation in the regard.

The state board shall study this material and, by December 1, 1975, provide to the governor and legislature an estimate of the cost of such a comprehensive plan and legislation to implement it.

§393.1

The Michigan school for the deaf, at Flint, and the Michigan school for the blind, at Lansing, are placed under the jurisdiction of the state board. The superintendents of these institutions shall be appointed by the state board and the superintendents shall employ all employees of the institutions.

§393.21

The Michigan schools for the deaf and for the blind are public schools and shall not be regarded as charitable institutions. They shall have for their object the education of children who by reason of the impairment of their senses may not be advantageously educated in other schools of the state.

§393.31; 393.59

SCHOOL FOR THE DEAF

The Michigan school for the deaf shall continue to be maintained. The board of trustees shall, by the tenth day of September preceding the regular session of the legislature, present to the governor a detailed statement of the institution's operations for the two fiscal years closing on the thirtieth day of the preceding June, including the superintendent's report, the treasurer's report for all receipts and disbursements, and the number and names of all officers and regular employees and the salary or wages and other emoluments attained to each.

§393.60; 393.61

The board of the school for the deaf shall cause a full and accurate inventory, in duplicate, to be taken at the close of each fiscal year, and shall keep a regular account of all moneys received and disbursed and the receipts from and expenditures for each department of business and for the construction or improvement of buildings.

§393.62; 393.63

The board of the school for the deaf is authorized to draw from the state's general fund such amount of money as shall appear to the auditor general necessary to meet current expenses. The amount shall not exceed 1/4 the amount appropriated for the institution for the year preceding the regular session of the legislature. Amounts so drawn shall be considered as an advance to the institution on any appropriations made by the legislature at its regular session.

§393.64

Members of the board of the school for the deaf shall receive no compensation for their services, except their traveling and other necessary official expenses.

§393.65

The school for the deaf shall receive deaf and partially deaf children whose defective hearing prevents them from receiving instruction in other schools, to remain not beyond 21 years of age, who are in suitable physical and mental condition to receive instruction and who themselves or whose parents or guardians are residents of the state, without charge for tuition, boarding, lodging, washing, or health services.

Any enrolled child in need of medical attendance not available through the school's established program shall receive it at school expense.

The board of trustees may substitute transportation for residence for children who live within a radius of 10 miles of the school. The board may also admit persons over 21 years of age under appropriate conditions and out-of-state students at a tuition fee.

§393.66

Deaf persons who on account of poverty are unable to furnish themselves with suitable clothing and other necessities for attending the school for the deaf may be assisted at the discretion of the school's board by an amount not to exceed 60 dollars per annum for each person.

§393.101; 393.104

SCHOOL FOR THE BLIND

The Michigan school for the blind shall be maintained at Lansing. Pupils shall be educated in branches usually taught in the common schools and in useful arts and trades that they are best adapted to pursue.

§393.105; 106

Blind and partially blind persons, between the ages of 7 and 19, whose defective sight prevents their receiving instruction in common schools and who themselves or whose parents or guardians are residents of the state, shall be eligible to attend the school for the blind without charge for tuition, board, lodging, washing, and medical attendance. Out-of-state residents shall be admitted at a charge, at least 10 per cent more than sufficient to cover necessary expenses.

ELIGIBILITY

The board of control may, in their discretion, admit persons under the age of 7 or over 19.

§393.107

A pupil shall be entitled to remain in the school for the blind for 12 years, or, in the board of control's discretion, 14 years. The board may dismiss any pupil at any time for persistent disobedience, immoral conduct, or sufficient cause.

A child over the age of 18 may, with consent of the board of control, be transferred to the Michigan employment institution for the blind.

§393.109

Each school census enumeration shall make a list of all blind children, or children whose vision is so defective as to make it impossible to properly educate them in the public schools, which shall be verified by oath. The lists shall be forwarded to the state superintendent who shall prepare a report containing the name, age, and residence of each blind child and the names of residences of their parents and guardians. The report shall be forwarded to the superintendent of the Michigan school for the blind.

CENSUS

Every parent or guardian of any blind child between the ages of 7 and 19, shall be required to send that child to the Michigan school for the blind, unless the child is being educated at a private or parochial school, is incapable of being educated, is over 17 years of age and has been

taught and is employed at a trade, or is 18 years of age and employed at the Michigan employment institution for the blind.

The superintendent of the Michigan school for the blind shall furnish to the county commissioners of schools a list of blind children within their counties. Each truant officer, when notified that there are within the district children who come under this act, shall investigate such cases and report to the superintendent of the school for the blind and the county commissioners of schools. The superintendent shall determine whether the children are included or exempted from attendance at the school for the blind, and, if included, he/she shall notify the proper truant officer who shall take steps to enforce the provisions of this act.

When on account of indigent circumstances a parent or guardian is unable to furnish a child with transportation to and from the school for the blind, the school's board of trustees shall provide transportation for the child and, for a child under the age of 12, may include transportation for the parent or guardian.

Any one refusing to comply with this act shall, upon conviction, be deemed guilty of a misdemeanor and subject to prescribed penalties.

§393.111

The board of control and officers of the school for the blind shall make a biennial report to the governor and legislature on the condition and needs of the school and a detailed fiscal account of the preceding two official years, with estimates of the amount needed for support of the institution for the ensuing two years.

REGULATIONS

R 340.1721

A person shall be eligible for special education programs and services if identified as having one or more of the impairments as defined in R 340.1702 to R 340.1714, if he/she is not more than 25 years of

age prior to the fourth Friday after Labor Day of the school year of enrollment, if he/she has not completed a normal course of study, and if he/she has not graduated from high school. A person identified as having multiple impairments shall receive special education programs as recommended by the educational planning and placement committee or pursuant to the decision of the hearing officer on appeal of the recommendation.

R 340.1722

The local school district superintendent shall be responsible for making a change in the educational status of a handicapped person except where section 340.298c or section 340.613 of the Michigan Compiled Laws are applicable in which case the superintendent of the intermediate district is responsible.

PLACEMENT

The superintendent shall appoint an educational planning and placement committee.

PARENTAL INVOLVEMENT

The superintendent shall ask, in writing, the parent to participate as a member of the committee in developing a recommendation concerning a change in the educational status of his/her handicapped child. Upon request of the parent, all school records of the child shall be made available to the parent before the committee meeting.

The superintendent shall direct the committee to meet and recommend regular and special education programs and services, according to the educational, social, and physical needs of the handicapped person. The recommendation shall be based on all evaluative information requested by the committee or provided by the parent or handicapped person. The recommendation shall be made within twenty-five school days after receipt of the referral for possible special education services. This time limit may be extended by the state board upon demonstration of just cause in writing.

The superintendent shall direct an annual review of the programs and services provided each handicapped person. The superintendent and the parent of each handicapped person shall be advised of the findings of the review.

If a person has been enrolled in a special education program in another school district or institutional program, and if evidence is presented that demonstrates reasonable cause to believe the person is eligible for a special education program or service, the superintendent shall place immediately, upon written consent of the parent, the handicapped person in an appropriate program or service. The placement shall not exceed twenty-five days. During that time the committee shall meet and make a recommendation. If the parent does not consent, the committee shall expedite its reaching a recommendation by giving the case precedence over all other cases.

The superintendent shall place the handicapped person according to the recommendation of the committee or hearing officer in not less than five or more than fifteen school days after the parent has been notified.

"Any time limitation in this rule shall be construed so as to do substantial justice and may be varied upon approval of the state board of education for good cause shown."

R340.1724

HEARING

A parent who requests a hearing to contest a proposed educational placement or change in the educational status of a handicapped person shall have the right to a closed hearing upon request, one copy of a transcription of the hearing, to be represented by a person of his/her choosing, to present evidence, and to compel the attendance of witnesses.

The hearing officer's decision shall be made within twenty calendar days after the hearing and shall contain written findings of fact and conclusions of law.

A temporary change in the educational status of the handicapped person may be made for the period prior to the decision upon consent of the parent. If consent is not obtained, the state board may grant the temporary change. The state board shall notify the parent of this decision and the reasons for it. Any time limitation in this rule shall be construed so as to do substantial justice and may be varied upon approval of the state board for good cause shown.

R 340.1725

APPEAL

A parent may appeal an unsatisfactory decision on placement of a handicapped child by the hearing officer to the superintendent of public instruction. The deadlines for appeal to, and the decision by, the hearing officer set forth in R 340.1724, shall apply to an appeal to the superintendent. The superintendent may make a decision from the record below or review the decision de novo.

R 340.1731

Records shall be maintained by intermediate school districts for all handicapped persons 0 to 25 years of age, including those placed in state and privately operated facilities.

When a handicapped person changes residency from one intermediate school district to another, the original district shall transfer the person's records upon written request of the new district and the parent of the handicapped person.

Written consent of the parent shall be obtained before an intermediate school district provides a state board-approved agency with a handicapped person's records. If consent is not obtained

the district shall release the records with the name of the handicapped person and the name, address, and telephone number of the parent deleted.

R 340.1732

"A handicapped person under 26 years of age on the fourth Friday following Labor Day who habitually sleeps, keeps personal effects, and regularly lodges at a place not for the purpose of securing a suitable home but for an educational purpose, or who is lodged at a place as directed by an agency or institution under the auspices of a juvenile or probate court, the department of mental health, or the department of social services, such as a private home, group home, or a private or public institution, shall be a resident of the school district in which the person's parents reside...."

If a guardian has been appointed to provide the handicapped person with a suitable education, the person shall be a resident of the district in which the guardian resides.

If the handicapped person has no living parent, or guardian, or if the parent resides out of the state, the person shall be a resident of the district in which the probate court having control or custody is located.

A handicapped person, not covered by these rules shall be a resident of the school district in which the person habitually sleeps, keeps personal effects, and has a regular place of lodging for the purpose of securing a suitable home and not solely for an educational purpose.

If a handicapped person is placed by court order or at the direction of a child placement agency in a state institution, a licensed foster home, a licensed nursing home, or a licensed group residential facility, the local school district in which the

facility is located shall provide the person with special education programs and services and shall maintain the person's records. For all other purposes, including funding, the handicapped person's residence shall be determined according to the previous rules.

Notice of a disagreement between two school districts shall be given to the state board. The state board shall notify the districts involved and the parent of the handicapped person and shall consider the arguments they submit. Within fourteen days of notice of a disagreement the state board shall make a determination as to the residency of the handicapped person.

R 340.1733

"Rule 33. An intermediate school district, local district or other agency shall adhere to the following general requirements for all programs and services for handicapped persons:

FACILITIES

(a) Special education classrooms shall have at least the average number of square feet per student as compared to the average number of square feet per student in regular classrooms in the school district. Special education classrooms shall be located in schools housing regular education pupils of comparable age and grade level except for facilities designated and in use for this purpose prior to the effective date of these rules and except when special facilities are provided for severely mentally impaired or trainable mentally impaired, or for specialized vocational training for handicapped persons, or for emotionally impaired persons served in mental health facilities. Teacher consultants and special education supportive personnel shall have space designated on a scheduled basis in each building to afford individual and small group work. Each handicapped person shall be assigned to educational programs and

services which are housed in buildings which allow that handicapped person to participate fully in regular and special education services.

(b) A curriculum plan based upon individual student performance objectives shall be written for special education programs and services by the special education personnel in conjunction with other school personnel for each handicapped person in accordance with his/her needs in the cognitive, affective, and psychomotor domains with special attention to needs for personal adjustment training, pre-vocational and vocational training. The student performance objectives for special education programs and services shall be available to the parent and may be reviewed by the state board of education or its designee.

(c) The special education programs and services and methods of instruction shall be consistent with the performance objectives written for each handicapped person.

(d) Intermediate school districts or local districts may operate or contract for operation of pre-vocational evaluation of work activity center services or other necessary ancillary services.

(e) Intermediate school districts or local districts, or a combination of such districts, may provide for work study services and, with approval of the state board of education, assign special education personnel to the supervision of work study services. These services shall be available to handicapped persons regardless of their disability if either of the following conditions are met:

(i) They have received prerequisite personal adjustment training, pre-vocational education, and vocational training.

(ii) Within 1 additional school year, they will cease to be eligible as provided in rule 21 for special education programs and services.

(f) A written work study plan, signed by the parent, school, and employer, shall set forth the educational goals, job activities, related subjects, standards of attainment, time and duration of the program, and wages to be paid to the handicapped person. The superintendent of the district shall designate a staff member to visit the student and her/his supervisor at the job site at least once every 20 school days to check attendance, evaluate the handicapped person's progress, and evaluate the placement in terms of the health, safety, and welfare of the individual handicapped person.

(g) The instructional program for a school day shall focus on the individual needs of the handicapped person, as determined through the plan for each student.

(h) Special education programs and services shall be provided for at least the minimum number of hours and days of teacher-pupil contact in conformance with the child accounting rules, being R 340.1 to R 340.13 of the Michigan Administrative Code, but the number of hours and days for a special education program or service shall be not less than those required for regular education programs.

(i) The age range for persons under 16 years of age in a special education class shall not exceed 4 years at any one time except for severely mentally impaired, trainable mentally impaired, or severely multiply impaired.

(j) Handicapped persons qualifying for special education programs and services shall be provided supplies and equipment at least equal to those provided to other students in regular education programs and, in addition, those supplies and equipment necessary to meet their defined performance objectives.

(k) Physical therapy service shall be provided to a handicapped person if prescribed by an appropriate medical authority and recommended by the educational planning and placement committee as an essential component of the educational program.

(l) Occupational therapy shall be provided to handicapped persons if recommended by the educational planning and placement committee as an essential component of the educational programs.

(m) The expense of additional diagnostic services recommended by the educational planning and placement committee and required by the school district, including neurological, medical, and psychiatric and other professional services not provided by the school district, other public agencies or covered by medical insurance, shall be borne by the operating school district."

R 340.1734

A local district may request permission from the state board to deviate from a special education rule. The district shall notify the intermediate district of the request. Within seven days the intermediate district shall inform the state board of its position. The state board shall act on the request within thirty days of its receipt. The state board may grant the request for a period not to extend beyond the end of the school year or the end of the fiscal year, whichever comes first. The request shall be granted only when the board believes that the deviation is in the best interests of the handicapped person affected, and good cause is shown. A deviation shall not be granted so as to exclude or deny a handicapped person a special education program which he/she requires.

R 340.1735

"Evaluation of a handicapped person shall be made in the dominant language of the person's home. A bilingual aide may be employed to assist the evaluating personnel."

R 340.1736

"Paraprofessional personnel may be employed to assist special education professional personnel in accordance with the intermediate school district plan. Paraprofessional personnel shall include, but is not limited to, teacher aides, health care aides, bilingual aides, and instructional aides and program assistants in programs for severely mentally impaired and severely multiply impaired."

R 340.1737

Each type of handicapped person shall be provided programs and services according to the intermediate district plans and the requirements in R 340.1738 to R 340.1747, in addition to the program requirements for all handicapped children found in R 340.1733.

R 340.1738

"Rule 38. Specific requirements for programs and services for the severely mentally impaired shall be as follows:

PUPIL/TEACHER RATIO

(a) An instructional unit for the severely mentally impaired shall consist of at least 1 instructor or teacher and 4 instructional aides for a maximum of 24 pupils, with an average ratio of 1 instructional aide for 6 pupils. At least 1 full-time instructor or teacher and 1 full-time aide shall be employed in every program for the severely mentally impaired.

(b) A school year for the severely mentally impaired shall include a minimum of 230 days and 1150 clock hours of instructional activities.

(c) Persons employed in a severely mentally impaired program shall have the following responsibilities:

(i) Instructors or teachers shall be responsible for the instructional program and shall coordinate the activities of aides and supportive professional personnel.

(ii) Instructional aides shall work under the supervision of the instructor or teacher and assist in the daily training program for not more than 6 severely mentally impaired pupils.

(iii) Program assistants may assist the teacher or instructor and the instructional aides in the feeding, lifting, and individualized care of severely mentally impaired pupils."

R 340.1739

"Rule 39. Specific requirements for programs and services for the trainable mentally impaired shall be as follows:

(a) After August 31, 1975, all classroom programs for the trainable mentally impaired shall be provided in buildings constructed or renovated for use as school facilities.

(b) A classroom unit for the trainable mentally impaired shall be:

(i) One teacher and 1 teacher aide for a maximum of 15 pupils, or

(ii)One lead teacher with a maximum of 3 instructional aides for a maximum of 30 pupils, with not more than 10 pupils for each aide."

R 340.1740

"Rule 40. A specific requirement for programs for the educable mentally impaired shall be that not more than 15 students shall be in the classroom at any one time and the teacher shall have responsibility for educational programming for not more than 18 different students."

R 340.1741

"Rule 41. A specific requirement for programs for the emotionally impaired shall be that not more than 10 students shall be in the classroom at any one time and the teacher shall have responsibility for educational programming for not more than 15 different students."

R 340.1742

"Rule 42. (1) Specific requirements for programs and services for hearing impaired persons are as follows:

(a) A special class with 1 teacher shall have an enrollment of not more than 7 pupils.

(b) Group hearing aids, deemed necessary by the educational planning and placement committee for instruction, shall be provided.

(c) Communication skills and language shall be emphasized as an integral part of the curriculum.

(2) The Michigan school for the deaf shall be considered a part of the total continuum of services for hearing impaired persons through the following procedures:

(a) All applications for placement at the Michigan school for the deaf shall be submitted by the intermediate school district superintendent, or his designee, to the superintendent of the Michigan school for the deaf.

(b) Prior to application, the person shall have been identified by the referring school district as hearing impaired in accordance with part 1.

(3) The agency initiating a change of placement into or out of the Michigan school for the deaf shall be responsible for establishing the educational planning and placement committee. Representatives of the intermediate school district of residence and the Michigan school for the deaf shall be invited to participate in the educational planning and placement committee meeting."

"Rule 43. (1) Specific requirements for programs and services for the visually impaired are as follows:

(a) Class size shall be determined primarily by the severity and multiplicity of the impairments of the visually impaired. A special class with 1 teacher shall have an enrollment of not more than the equivalent of 8 full-time pupils, and the teacher shall have responsibility for programming for not more than 10 different students.

(b) The curriculum shall include instruction in orientation and mobility, assistance in early development of comprehensive communication skills, and pre-vocational and vocational experiences.

(c) An agency operating special education programs and services for the visually impaired may also operate a program of transcription of education materials into braille in accordance with R 388.261 to R 388.265 of the Michigan Administrative Code.

(2) The Michigan school for the blind shall be considered a part of the total continuum of services for visually impaired persons through the following procedures:

(a) Applications for placement at the Michigan school for the blind shall be submitted by the intermediate school district superintendent, or his designee, to the superintendent of the Michigan school for the blind.

(b) Prior to application, the persons shall have been identified by the referring school district as visually impaired in accordance with part 1.

(3) The agency initiating a change of placement into or out of the Michigan school for the blind shall be responsible for establishing the educational planning and placement committee. Representatives of the intermediate school district of residence and the Michigan school for the blind shall be invited to participate in the educational planning and placement committee meeting."

R 340.1744

"Rule 44. Specific requirements for programs for the physically or otherwise health impaired are as follows:

(a) The class size shall be not more than the equivalent of 15 fulltime pupils per teacher.

(b) Special classroom units serving physically or otherwise health impaired shall provide at least 60 square feet of floor space per person.

(c) Health care aides may be employed to serve in a supportive capacity to the nurse, physical therapist or occupational therapist."

R 340.1745

"Rule 45. Specific requirements for the programs for the speech and language impaired shall be as follows:

(a) Size and composition of groups shall be determined by the teacher of the speech and language impaired. Delivery of services shall be determined by the teacher of speech and language impaired in cooperation with the district director of special education or his designee, and the building principal of the school in which the pupils are enrolled.

(b) The teacher of speech and language impaired shall work with an active case load of no more than 75 pupils at any one time."

R 340.1746

"Rule 46. Specific requirements for programs for the homebound and hospitalized are as follows:

HOMEBOUND INSTRUCTION

(a) Homebound services for physically or otherwise health impaired shall be initiated no later than 15 school days after certification of a medical handicap which requires the person to be confined to his home.

(b) A teacher employed for a homebound or hospitalized program, or for a combination of these

programs, shall have no more than 12 pupils assigned to him/her at any one time.

(c) Progress reports for each person shall be recorded in accordance with the intermediate school district plan.

(d) A teacher of homebound or hospitalized persons shall instruct persons a minimum of 2 nonconsecutive hours per week. Therapists may supplement, but not substitute for, a teacher's instructional time."

R 340.1747

"Rule 47. A special education program serving learning disabled students shall have not more than 10 students in the classroom at any one time and the teacher shall have responsiblity for educational programming for not more than 15 different students."

R 340.1748

"Rule 48. Specific requirements for programs and services for the severely multiply impaired shall be as follows:

(a) An instructional unit for the severely multiply impaired shall consist of at least 1 instructor and 2 instructional aides for a maximum of 9 pupils. At least 1 fulltime instructor and 1 fulltime aide shall be employed in every severely multiply impaired program. Supportive services of a physical therapist, an occupational therapist, a speech therapist and a nurse shall be reasonably available.

(b) A school year for the severely multiply impaired shall include a minimum of 230 days and 1,150 clock hours of instructional activities.

(c) The program shall emphasize treatment of the total child rather than service to any single handicap in isolation.

(d) Persons employed in severely multiply impaired programs shall have the following responsibilities:

(i) Instructors shall be responsible for the instructional program, shall coordinate the activities of instructional aides and other supportive personnel and shall maintain a systematic method of home-school liaison.

(ii) Instructional aides shall work under the supervision of the instructors and assist in the daily program for not more than 3 pupils.

(iii) Program assistants shall be utilized where necessary and shall have the responsibilities indicated for program assistants in severely mentally impaired programs in rule 38; otherwise instructional aides shall have such responsibilities."

R 340.1749

"Rule 49. The teacher consultant for special education:

(a) Shall provide services to pupils who have been identified as handicapped according to rules 3 to 14.

(b) Shall provide services to pupils whose handicap is such that they may be educated effectively within a regular classroom if supportive service is provided to them.

(c) Shall provide consultation to regular classroom teachers who have handicapped pupils integrated into their classrooms.

(d) May provide educational services to handicapped persons in their home.

(e) May be employed as an itinerant staff person in 1 or more school buildings.

(f) Shall carry an active case load of not more than 25 handicapped persons, and all persons served under this rule shall be counted as part of the active case load.

(g) May work with a regular classroom teacher for a total of not more than 10 consecutive school days to evaluate the educational needs of a person suspected of having an impairment as defined in rule 2."

R 340.1750

"Rule 50. Each intermediate school district shall employ or contract for the services of a director of special education. Local districts may employ or contract for the services of a director of special education in accordance with the intermediate district plan. For the district to qualify for reimbursement, the director shall perform such full-time duties as the development, organization, and administration of special education programs and services, the planning and conducting of inservice education programs, the development and maintenance of continuous evaluation procedures for special education, the liaison with school staff and the community, the preparation of special education reports, and other duties related to special education as assigned."

ADMINISTRATION

R 340.1751

"Rule 51. A supervisor of special education instructional programs, or other equivalent title, may be employed and shall perform in an administrative, supervisory, or consultative capacity for the instructional phases of specific areas of special education. The persons shall perform such full-time duties as supervising and advising teachers providing instructional programs for the handicapped, assisting in the planning and conducting of inservice education programs, providing consultative services to the entire staff of the district and others concerning the instructional phases of specific areas of special education, and other administrative duties relating to special education as assigned. While primary responsibility is supervision of personnel providing instructional services in special education, duties may include the supervision of ancillary special education personnel."

R 340.1752

"Rule 52. A supervisor of special education ancillary services, or other equivalent title, may be employed and shall perform in an administrative, supervisory, or consultative capacity. The person shall perform such full-time duties as supervising and advising ancillary personnel providing services for the handicapped, assisting in the planning and conducting of inservice education programs, providing consultative services to the entire staff of the district, and other administrative duties relating to special education ancillary services as assigned."

R 340.1781

"Rule 81. For full or temporary approval by the state board of education a teacher shall meet the requirements in rules 82 to 89 prior to employment by an intermediate school district, constituent district or other agency operating special education programs and services."

R 388.222

IDENTIFICATION

"Rule 2. (1) Pupils shall be selected from each of the grades K-6 on the basis of having extraordinary need for special assistance in the basic cognitive skills.

(2) Pupils in grades 2-6 shall be considered to have extraordinary need if they meet any of the following criteria:

(a) They score 1 or more years below grade level in computation or communication skills on a standardized achievement test instrument administered between September 1 of the previous school year and October 31 of the year of selection.

(b) They demonstrate mastery of 40% or fewer of the objectives on the reading or mathematics tests of the Michigan education assessment battery for the previous school year.

(c) If neither criteria (a) nor (b) is available, they score 1 or more years below grade level on a standardized achievement test instrument administered prior to September 1 of the prior school year.

(d) If (a), (b), or (c) is not available, it is the attested judgment of a school teacher or school official that the pupil is in need of substantial improvement in basic skills.

(3) Pupils in grades K-1 shall be considered to have extraordinary need if it is the attested judgment of a school teacher or school official that the pupil is in need of substantial improvement in readiness skills. In making this judgment, a teacher shall consider available test information.

R 388.261, R 388.262, R 388.263, R 388.264, R 388.265

A school district, to be eligible for assistance in a program of transcription of educational materials into braille under section 388.622 of the Compiled Laws of 1948, shall administer an approved program for the blind or partially seeing or shall administer teacher counselor programs. The teacher counselors shall be certified and approved to teach the blind or partially seeing. Eligible school districts may jointly administer a program.

Only a person who is certified by the library of congress to prepare braille materials and who is an approved teacher of the partially seeing shall teach others how to prepare materials.

The department of education shall approve the costs of salaries for teachers to teach others to transcribe books into braille, the costs of books, and the costs of transcriptions.

The superintendent of the school district administering the preparation of instructional materials shall select materials according to the following guidelines.

The materials shall be of the same quality as materials used by the sighted and shall meet the standards of the library of congress or those of the department of education.

Identical materials or those proposed for reproduction shall not be readily available.

Permission for reproduction shall be granted, as indicated on an official list available from the American Printing House or the Library for the Blind and Physically Handicapped

in the department of education. A statement of intent and a list of reproduced materials shall be filed with the American Printing House for the Blind in the department of education.

Materials shall be suitable for the specific needs of eligible pupils.

A district shall submit a proposed budget annually for administering a program of transcription of materials into braille to the department of education for approval prior to any expenditure of funds. An audited cost statement shall be submitted to the department with the approved expenses incurred in transcription of materials.

R 388.411, R 388.412

A pupil shall be selected for learning disabilities services by decision of a local planning committee based upon a comprehensive psychological examination by a school psychologist. A learning disability means a disability which interferes with educational development of a pupil. It may be manifested in disorders of listening, talking; reading, writing, spelling or arithmetic.

The committee shall include but need not be limited to, the pupil's classroom teacher, the instructional program administrator, and a learning disabilities teacher.

A pupil shall not be eligible for service from a learning disabilities teacher if the pupil is provided with a special education program

R 388.415

"Rule 5. (1) The case load of a learning disabilities teacher providing fulltime direct supplementary instruction shall be not more than 50 pupils. If the teacher is employed less than fulltime in such instruction, the case load shall be proportionately reduced.

(2) Not less than 1 day a week, or its equivalent in time, shall be used by a learning disabilities teacher for consultation with school staff members and parents and for inservice training."

R 388.416

"Rule 6. A school district establishing a learning disabilities program under the state school aid act of 1972 shall submit to the state board of education a tentative budget, projected program objectives and evaluation design for the program as part of its application. The state board of education shall require reports and evaluations of such programs as it deems necessary."

CROSS REFERENCES

I.School Social Worker; Regulation R340.1011

I.State Board of Education; Statute $388.1010

III.A.2; Regulation R388.415, Rule 5

III.B.Director of Special Education; Regulation R340.1771

III.B.Special Education Personnel; Regulation R340.1791

III.B.Special Education Personnel; Regulation R340.1793

III.B.Special Education Personnel; Regulation R340.1794

III.B.Supervisor of Special Education; Regulation R340.1772

III.B.Supervisor of Special Education; Regulation R340.1775

III.B.Teacher Consultant for Special Education; Regulation R340.1790

III.B.Teachers; Regulation R340.1784

III.B.Teachers; Regulation R340.1786

III.B.Teachers; Regulation R340.1788

III.B.Teachers; Regulation R340.1782

III.B.Teachers; Regulation R340.1783

III.B.Teachers; Regulation R340.1787

III.B.Teachers; Regulation R388.413

III.B.Teachers; Regulation R388.414

III.B.Teachers; Regulation R390.1105

III.B.Teachers; Regulation R390.1161

III.B.Teachers; Regulation R390.1162

III.B.Teachers; Regulation R390.1163

III.B.Teachers; Regulation R390.1164

III.B.Teachers; Regulation R390.1165

III.B.Teachers; Regulation R390.1166

IV.A; Regulation R340.292; R340.293; R340.294; R340.295

IV.D; Statute $380.1321

IV.J; Statute $380.1311

2. Programs for Exceptional Children

Statutes

§120.17

Every district shall provide special instruction and services for handicapped children. "Special instruction . . . may be provided by one or more of the following methods: (a) "Special instruction and services in connection with attending regular elementary and secondary school classes; (b) The establishment of special classes; (c) Instruction and services at the home or bedside of the child; (d) Instruction and services in other districts; (e) Instruction and services in a state college laboratory school or university of Minnesota laboratory school; (f) Instruction and services in a state residential school or a school department of a state institution approved by the commissioner; or by any other method approved by him[her]; (g) Instruction and services in other states; (h) Contract with public, private, or voluntary agencies.

The state board shall promulgate rules relative to qualifications of essential personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms, equipment, supervision [and] parent consultation . . . . RULEMAKING

If a district does not provide such special instruction the parent or guardian may apply to the commissioner for such instruction. If the instruction is outside the district of residence, transportation, board, lodging and tuition shall be paid for by the district of residence. The commissioner may set the tuition."

Districts may enter into agreements to provide special instruction for handicapped children. Parents may send handicapped children to the school of their choice.

Responsibility for the temporary institutionalization of a handicapped child shall be determined by: (1) the school district in which the child's parents are legal residents; (2) costs for instruction in the institution shall be borne by the department to which the institution is assigned.

If a child residing in an institution may "benefit from public school enrollment," his/her tuition and other costs shall be paid to the school which he/she is temporarily attending by the district where the child's parents are legal residents.

TUITION

Any unreimbursed special transportation costs shall be paid by the state to the school which the child is temporarily attending. When a school district of legal residence cannot be established because the parents reside outside the state, or because the parental rights have been terminated by court order, the child's legal residence shall be the school district in which he/she resides and that district shall offer the same program to the child as it provides for all resident handicapped children in the district.

§120.61

School boards, with the approval of the state board of education, may establish a flexible school year program for handicapped children.

§128A.02 -- 128A.03

The state board of education is responsible for the control, management and administration of the Minnesota school for the deaf and the Minnesota braille and sight-saving school. The board may promulgate rules regarding the operation of both schools and the individuals in attendance. The state board may employ personnel to provide services in the schools. Teachers employed at these schools shall be subject to the standards of the board of teaching and the state board of education.

SCHOOL FOR THE DEAF AND THE BLIND

The state board of education shall appoint an advisory council for the school for the deaf and for the school for the blind to advise the state board on policies per-

taining to the control, management, and administration of these schools. Each advisory council shall consist of seven members, and include parents of the children involved.

§128A.05

Any individual between four and 21 years old, who is deaf or hard of hearing may attend the school for the deaf if it is determined that the hearing impairment is such that education in regular or special classes cannot be achieved satisfactorily.

ADMISSIONS

The school for the blind is open to individuals between four and 21 who are blind or partially seeing, and who cannot achieve a satisfactory education in a regular or special classroom.

§128A.06

Each school shall have an admissions and discharge committee comprised of five members knowledgeable in the fields of hearing impairment or visual disability. The district where the child resides shall make application for admission to the committee, which shall review the child's records and needs. The progress of an individual in attendance at either school shall be periodically evaluated by the professional staff of the school. Actions and decisions of the admissions and discharge committee are subject to review by the commissioner.

REGULATIONS

EDU 120 -- 122

Handicapped children shall have access to free public education which is suited to each child's individual needs. Such students shall be educated with non-handicapped students whenever possible. An assessment of the students' needs, goals, performance and procedural safeguards whenever changes occur in placement or service shall be provided by the district.

Classrooms and facilities used by handicapped children shall be constructed, designed or renovated to meet their needs.

Districts shall submit plans for providing special instruction and services for handicapped pupils to the commissioner.

EDU 124 -- 127

School districts shall develop systems for categorizing all handicapped children with regard to age and educational placement. The district shall designate a team for determining the educational needs of handicapped children and the development and content of program plans. Periodic review of these programs shall be conducted. The performance or refusal to perform such an assessment shall be communicated to the parents or guardians of handicapped children and a written response of approval or objection shall be allowed the parent.

PLACEMENT

EDU 128 -- 129

If a written objection is made the school district shall arrange a conference to review the reasons for the proposed change of a student's program. If conciliation is not reached, a hearing must be held.

HEARING

CROSS REFERENCES

I.District School Boards; Statute §120.095

II.A.1.; Regulation EDU 32

II.A.3.; Statute §123.351

IV.D.: Statute §124.223

IV.D.: Regulation EDU 242

STATUTES

§37-23-1

"The purpose (of the sections relating to exceptional children) is to provide competent educational services and equipment for exceptional children for whom regular school facilities are not adequate. This specifically includes but shall not be limited to, provision for day schools for the deaf and blind . . . under six years (of age), where early training is in accordance with the most advanced and best approved scientific methods of introduction, always taking into consideration the best interests of the child and his[her] improvement...."

SCHOOLS FOR DEAF/BLIND

§37-23-3

"An exceptional child shall be defined as any child of educable and trainable mind . . . under twenty-one years of age for whose particular needs institutional care and training are not available in this state or who cannot or should not pursue regular classwork because of defective hearing, vision, speech, mental retardation or physical handicap or because of the possession of an exceptionally high degree of intellect, ability or creative talent. Such children shall be determined by competent professional persons in such disciplines as medicine, psychology, special education, speech pathology and social work . . . . Such professional persons shall be approved by the state department of education."

§37-23-5

"The state department of education is . . . empowered to foster, inspect and administer a program of education for exceptional children . . ."

§37-23-7

"Any school district where properly interested persons or agencies or parents or guardians of five or more of any one type of exceptional children or of

types which may be taught together, with the exception of those children possessing an exceptionally high degree of intellect, ability, or creative talent, petition . . . the governing board of the district for . . . special . . . classes, the school authority shall request . . . the state department of education to cooperate in securing a screening team, approved by the state department of education, to diagnose and evaluate the exceptional children . . ."

EVALUATION

If the screening team recognizes five or more exceptional children of any type that can be taught together, the appropriate school authority shall request the state department of education to assist in establishing necessary classes. "Two or more school districts may join and contract to establish 'special classes'".

§37-23-31

When at least five children of "educable mind under the age of twenty-one cannot have their needs met in a "regular public school program due to "deafness, aphasia, emotional disturbance and/or other low-incidence conditions," and a program geared to their special needs is not available in their local school district, "a state-supported university or college" shall be empowered to provide an educational program for these children, provided the program is approved by the state department of education. The "state-supported university or colleges shall then be empowered "to provide facilities, employ and contract with teachers, supply textbooks and other instructional equipment and appliances," and otherwise furnish and supervise an educational program pursuant to rules and policies of the state board of education.

Any state supported university or college that conducts a full-time medical teachers program approved by the state board of education may contract with "any private school or non-profit corporation supported

institution, the Mississippi school for the deaf, or any state-supported institution [furnishing] special education . . . provided the private school or institution" has conducted such a program at "standards acceptable to the state department of education" for at least one year before the college or university wishes to contract for "special educational services."

§37-23-63

"Every child who is a resident citizen of the state of Mississippi of educable or trainable mind under twenty-one years of age, who cannot pursue regular class work due to reasons of defective hearing, vision, speech, mental retardation or other mental or physical conditions as determined by competent medical authorities and psychologists, who has not finished or graduated from high school, shall be eligible to receive state financial assistances."

§37-23-65

The state department of education shall administer the financial assistance program "consistent with the maintenance of high quality programs for the benefit of the exceptional children served."

§37-23-69

"The state department of education shall have the power to determine and pay the amount of . . . financial assistance . . . and . . . to prescribe classifications of applicants and programs developed. Financial assistance shall not exceed the actual amount of tuition and fees and shall not exceed one thousand dollars per child annually.

§37-23-91; 93; 95

Certain counties may establish children's development centers for county children "who are mentally or physically retarded or are otherwise unable to attend public school, including, but not limited to any child of educable or trainable mind under twenty one years of

age for whose particular educational needs institutional care and training are not available in such county, or who cannot pursue regular classwork due to reason or reasons of defective hearing, vision, speech, mental retardation or physical conditions, as determined by competent medical authorities and psychologists who are approved by the state board of education . . . .

Any such child . . . in such county shall be eligible to attend the center regardless of the school district within the county in which he[she] lives . . . ."

The county board of education is empowered to employ teachers and personnel to manage the child development center.

§37-23-123

The intent of the legislature in enacting the provisions below "is to develop and make available to children of this state who are experiencing learning problems or show evidence of potential learning problems a comprehensive program of services that will raise the quality of education for all children . . . who are in need of such services.

The intent of the legislature is not to displace existing screening teams, but to organize, mobilize and coordinate existing resources in the state for diagnostic services, while going into remote areas and rural sections where such resources are not available or within reasonable proximity. This service is extended to complement the services presently available from the state department of education and other agencies."

§37-23-125

"The department of education shall adopt and promulgate . . . rules and regulations . . . necessary to implement and administer" the program to detect learning problems.

RULEMAKING

§37-23-127

(1) "The state superintendent of education shall appoint a learning resources advisory committee

not to exceed thirty members as the superintendent . . . deems proper from . . . the following groups:

(a) Professional educators actively engaged in the education of children or youth in the administration of programs for exceptional youth and children;

(b) Professional educators in higher education dealing with exceptional children and youth and related areas,

(c) Parents of exceptional children or youth."

(2) The committee shall meet regularly and it and it shall be purely advisory.

§37-23-131

To implement the special education provisions, the department shall have the following duties:

(a) "To establish in various areas of the state . . . a team of full-time professional qualified persons trained . . . in the disciplines of psychology, speech and hearing, special education and social work." One team shall be assigned to each area and shall provide "diagnostic, screening and prescriptive services to all children " or youth (needing) such education related services;

SCREENING

(b) To contract for or purchase services of clinical and medical specials . . . when . . . needed.

(c) To consult with school personnel, parents and agencies concerned with children and to serve as resource personnel to which such persons or agencies may consult [with]. . .

(d) To serve as a resource in programs of preservice and inservice training of teachers.

(e) To disseminate information to the public with regard to children who experience learning problems."

§37-23-151

This section establishes a program to register children under twelve with impaired hearing or eyesight

with the intent that such identification may assist them "in obtaining education, training, medical attention and other assistance to enable them to become more productive citizens . . ."

§43-5-3

SCHOOLS FOR DEAF/BLIND

"The government and control of the Mississippi School for the Deaf and the Mississippi School for the Blind shall be vested in a board of trustees consisting of nine members."

§43-5-7

SCHOOL VISITS

The board shall inspect the schools for the blind and deaf frequently. The two school superintendents shall be required to report monthly on the status of the schools and their pupils.

§43-5-13

BRAILLE

LIP-READING

"Braille print . . . shall be taught in the school for the blind." Lip-reading shall be taught at the school for the deaf.

§43-5-15

Both the school for the blind and for the deaf shall be open to those eligible to attend. Students generally shall not be admitted to either school if their auditory or visual acuity would be sufficient to attend regular public school. Children under the age of six may not attend the school for the blind. Neither institution shall admit a pupil "who is not a bona fide resident of this state or who is not of good moral character."

2. Programs for Exceptional Children

Statutes

§161.162

"The state board of education shall establish a section of special education within the division of public schools. Special education includes all schools and classes pertaining to the exceptional child. The board shall appoint, upon the recommendation of the state commissioner, a director to head the section of special education. The board shall define his[her] duties and fix his[her] compensation."

APPOINTMENT

§162.670 -- .710

Missouri public schools are required to provide all handicapped and severely handicapped children within 21 years of age a gratuitous education. Handicapped and severely handicapped children shall be educated with non-handicapped children in regular classes: "Each child assigned to a special education program shall be fully reevaluated on a regular basis." Children shall be placed in programs which best suit the needs of the child. The state board of education shall adopt regulations governing eligibility of children to attend half day. An advisory committee consisting of representatives of community organizations shall review special educational services. "The board of education . . . of each district shall take . . . special census of handicapped and severely handicapped children under twenty-one residing in the district. The state board of education may withhold state aid until the census results are received. If a school district fails or is unable to provide special educational services they shall contract with a nearby district for such services or with nonprofit organizations which meet standards established by the state board of education.

REEVALUATION

RULEMAKING

The state board of education may withhold any portion of state aid for failure to provide educational services. Transportation shall be provided for all

handicapped children residing within the district, including transportation to and from contracted day classes.

§162.715

"State aid shall not be granted unless professional personnel employed in special educational programs have been specially trained for work in the programs." The quality of programming and services shall be at least equal to that provided for children attending school in the district. Teachers are employed in accordance with standards established by the state board of education.

§162.720

Where there are a sufficient number of gifted children requiring accelerated programs, the district may establish special programs for such gifted children.

§162.725

The state board of education shall provide special education services for all severely handicapped children residing in school districts not included in special districts, providing they are unable to provide appropriate programs for severely handicapped children. Special educational programs shall be designed to develop pupils so that they may adjust to society as well as possible considering their handicap. Where special districts have been founded children shall be educated in their programs.

§162.730

The state board of education shall establish schools to provide special educational services for all severely handicapped children residing outside special school districts or in other districts providing such programs. Such programs shall be referred to as "state schools for severely handicapped children." The state board of education shall govern the state schools for the deaf and blind.

SCHOOLS FOR DEAF/BLIND

"The course of study of these schools shall be

of a character to develop the mental, physical, vocational, and social abilities of the pupils and to prepare those students capable of advancing for admission to post-secondary programs."

§162.735 -- .750

"The state department of education may assign severely handicapped children, except those residing in special school districts, to state schools for severely handicapped, blind, or the deaf. The state board of education may contract with another public agency or private agency when it is determined the arrangement would be in the best interest of the child. The parent or guardian of the child may appeal the assignment. Children not residents of the state may be admitted to these schools, if they have the capacity to receive them, and upon payment of full tuition and costs.

APPEAL

TUITION

§162.760 -- .770

"The state board of education shall appoint a section head and the other personnel to implement, effectuate and supervise programs for severely handicapped children, shall appoint the superintendent of the Missouri School for the Blind, and Missouri School for the Deaf, and upon the superintendent's recommendation appoint teachers, and employees, determine the number of teachers and employees, and fix their monthly compensation. The superintendent shall transmit desired reports to the board.

APPOINTMENT

§162.775

SCHOOL FOR BLIND

"The superintendent of the school for the blind shall have the eyes of every pupil admitted to the school carefully examined by the school physician or a certified opthamologist. If . . . it appears that by medical treatment or by surgical operation sight may be improved or restored, the superintendent after obtaining the consent of the parents or guardian, . . . when it is practicable to obtain their consent, shall institute the medical treatment or shall have the surgical

EXAMINATION

CONSENT

operation performed which in his[her] judgment is practicable and advisable. If the treatment or operation is successful, the pupil shall be discharged from the school . . . ."

§162.795 -- .805

APPOINTMENT

Five members of the board of advisors for the Missouri School for the blind and Missouri school for the deaf shall be appointed by the governor for terms of four years, and shall act in an advisory capacity in matters relating to the conduct, and improvement of the schools. Members shall be compensated $100 per annum and for their expenses. The commissioner of education shall appoint such state and area advisory committees . . . to make recommendations for various state schools for severely handicapped children."

§162.815

"In all areas of this state the voters may organize and create a special district for the primary purposes of: (1) educating and training handicapped and severely handicapped children residents within the special district and (2) providing vocational education for residents of the special district."

§162.825 -- .840

Special school districts for the education and training of the severely handicapped may be created through an election by the voters upon the initiation of a request by a petition signed by the voters equal to 5% of the votes cast in the last school board election.

§162.855

"The board of education of a special school district shall consist of six members . . . and is subject to the same liabilities as the board of a six-director school district. The board is vested with power to: "(1) establish and operate programs for the education of handicapped and severely handicapped children residing in the district subject to rules and regulations of the state board of education and the state department of education . . . (2) establish and

operate programs for the vocational education of residents of the district; (3) employ teachers and other personnel necessary to provide these programs . . ."

§162.880 -- .890

If there are a sufficient number of handicapped, severely handicapped, blind and deaf children in the district, the board of education of the special district may establish schools within the district, and determine whether a child is eligible for their programs. The special districts have exclusive responsibility and "shall be required to establish schools or classes for the training or education of handicapped or severely handicapped children under any other existing law."

§162.900

A special school district is entitled to state transportation aid for handicapped and severely handicapped children, and for the vocational education program. Free transportation shall be provided for children under 21 who reside in the special district and attend classes.

§162.915

"The board of education of a special school district may acquire by purchase, lease, gift, bequest, eminent domain or otherwise all necessary lands, buildings, equipment, and supplies including transportation facilities" for the education of handicapped, severely handicapped children and programs for vocational training. If the board for any reason cannot secure title, the board may condemn the property and in which case title shall rest in the special school district. School sites may be located in places within the district as deemed in the best interest of the district.

§162.940

"[T]he board of education of a special school district shall require of all resident students over twenty-one years of age and all nonresident students

desiring to participate in the programs of the special school district a tuition fee in an amount approved by the state department of education."

§162.945 -- .950

The board of education of the responsible special school district shall notify parents or guardians of every child diagnosed, evaluated, reevaluated or assigned to programs for the handicapped, blind or deaf, and of the recommended assignment. A parent or guardian will be permitted to inspect resources pertaining to the diagnosis and will be entitled to a hearing on the action pertaining to the child's record.

HEARING

§162.965

PLACEMENT

"The decision of the board of education regarding placement of a handicapped child of the district or the state board of education shall be final, except that any person aggrieved by the decision may appeal . . . [A] copy of the board's decision together with a copy of its findings of fact shall be mailed . . . to the parent or guardian . . . ."

APPEAL

§162.970

Handicapped children in programs provided by the division of mental health shall have the right to gratuitous education services for handicapped and severely handicapped children and shall not be denied admission to appropriate public schools or special school district where the child resides, because he/she is in a program provided by the division of mental health, and they shall not be precluded from providing services to such children.

§167.033

Handicapped and severely handicapped children between the ages of seven and sixteen years shall attend regularly some day school provided they receive special educational services. Home instruction shall be substantially equal to instruction given in special educational programs.

HOME INSTRUCTION

§178.710

The board of education of the special school district may establish schools or classes within schools for handicapped children. All costs of instruction shall be paid by the special school district. Children attending schools shall be included in the attendance records of the special district for the apportionment of funds in the same manner as 6 director school districts. The special school district may contract with any other public school district to integrate children in a special school district class.

§179.100

The county superintendent of schools, shall conduct a special census each year of all children within the county who appear to be physically or mentally handicapped, and information on those under 21 shall be recorded by the state department of education. The school boards of all three director school districts and the superintendents of all six director school districts shall assist in reporting those handicapped living in the districts, and the special census shall choose which children are receiving special training. Upon completion of the special census concerning the number of handicapped children residing within the district, the report shall be forwarded to the state department of education.

REGULATIONS

5 CSR 70-720.010

SPECIAL EDUCATION

Missouri School for the Deaf

SCHOOL FOR DEAF

To be admitted, the applicant must have a "severe-to-profound hearing loss;" be between the ages of 5 and 20; and the parents of the child must be bona fide residents of Missouri.

5 CSR 70-742.020

Each local school district is responsible for guaranteeing an "appropriate" educational program for every handicapped student and for providing appropriate special education services to these children.

TESTS

Pertinent records and tests must be obtained for each child prior to placement, and formal reevaluation of the placement shall be made every three years.

Local districts may provide programs for severely handicapped students. Approval of these programs will be based on the quality of the local program.. If no program is provided the local district shall refer severely handicapped students to the state division of special education. The local district shall pay a portion of the expense of state institutionalization of these students equal to the average per student cost spent by the local district.

5 CSR 70-742.030--.110

The State Board of Education shall provide services for severely handicapped students including a state school for the deaf and blind and a sheltered workshop facility.

To receive state approval, a local school district must offer a special education program that is "at least comparable" in quality, staffing and services to that offered to normal students in the district. Each district must formulate and implement a plan for special education. The plan should include diagnostic and screening provisions; employemnt of qualified special education personnel, ancillary professional personnel and teacher aides; appropriate vocational programs and support services.

Persons shall be responsible for maintaining records of handicapped students, education, health and progress. The responsible teacher shall write reports on each such student and develop a final written report at the end of the year or termination of the program.

If a child's needs would be better met by a part-time attendance, the superintendent shall develop procedures to

meet the educational needs of the child.

An educational resource teacher, one who assists the regular teacher in the diagnosis and educational programming for handicapped students, shall serve a class of between 15 to 25 students. Itinerent teachers, those who travel from class to class serving handicapped students, shall also handle a class of 15-20 students. The resource room teacher shall serve 10 to 15 students on the secondary level. The resource room teacher handles children who need special education only in specific subject areas.

The services of ancillary professional personnel may be provided for a period equal to 1/4, 1/2 or 3/4 of the school.

Local school districts may receive state reimbursement for transportation provided to handicapped students to the extent that such costs exceed the average cost of transporting regular students. The local district shall be reimbursed 1/2 of such excess costs.

Each local school district must file a census with the State Dept. of Educ of all handicapped children to include diagnosis information and current education status.

State financial assistance is available to school districts to develop early childhood special education programs for students 3-4 years of age. Those who have been diagnosed as having a mental physical or emotional disability are eligible.

5 CSR 70-742.120

A maximum of five percent of the district enrollment may be included in a gifted/talented program. Multiple criteria shall be used to identify such students. Instruction and educational experiences provided should be "individualized" and the curriculum offered should be "above and beyond the established curriculum" Each local program shall be submitted to the State Department of Education for approval and evaluation. Those approved shall be eligible for state funding.

CROSS REFERENCES

II.C.1.; Statute §162.780--785

III.C.School Personnel; Statute §162.810

IV.D.; Statute §162.755

IV.H.; Statute §167.031

STATUTES

§75-7510

If a pupil is unable "to attend school due to the isolation of his [her] residence or . . . mental or physical incapacity," district trustees "may provide supervised correspondence study." The district or county superintendent is responsible for supervision of the course.

CORRESPONDENCE STUDY

§75-7802 — 75-7804

"The conduct of special education programs shall comply with the policies recommended by the superintendent of public instruction and adopted by the board of (public) education. These policies may include . . . regulation of class size, class grouping, curriculum, methods of instruction, teacher qualifications, distances of travel to classes . . ., necessary equipment and other special services." The superintendent of public instruction "shall supervise . . . the conduct of special education in the state by:"

(1) recommending policies to the board and administering board policies; (2) "certifying special education teachers on the basis of . . . qualifications . . . prescribed by the board;" (3) identifying children needing special education, "determining the type of instruction required . . . and preparing appropriate curriculum guides . . . [and] "seeking appropriate medical . . . and psychological assistance from . . . public agencies" in identifying and diagnosing children and planning programs; (4) recommending special education programs or classes to districts and approving classes or programs in compliance with state law, board policies and the regulations of the superintendent of public instruction; (5) supervising and "consulting with district superintendents, principals, teachers and trustees . . . and . . . co-operating with parents;"

(6) co-ordinating federal, state and other public agencies and "private bodies on matters concerning special education . . . and . . . establishing regional special education services." The superintendent of public instruction shall be assisted in identifying children, planning programs, and "generally supervising and co-ordinating special education" by the state department of health, the department of institutions, and the state school for the deaf and blind.

§75-7805

District trustees must operate "at least one applicable special education program" if there are at least ten educable mentally retarded children, at least seven trainable mentally retarded children, and/or at least ten physically handicapped children in the district. After July 1, 1979 all district boards must provide "a special education program for every handicapped person . . . between the ages of six and twenty-one . . . who cannot benefit sufficiently from the regular programs of instruction by reason of . . . mental, physical, emotional or learning problems." A district board may establish its own program, a co-operative program, or participate "in a regional services program" to "meet its obligation to serve handicapped persons." Eligibility for special education programs is "determined under regulations of the superintendent of public instruction."

§75-7806 -- 75-7807

District trustees may establish a special education program for: (1) four or more educable or trainable mentally retarded or physically handicapped children, or "educationally handicapped persons between "ages 6 and 21; (2) individual children requiring . . . home or hospital tutoring . . . or other individual programs;" (3) educable or trainable mentally retarded and educationally or physically handicapped children under age 6, if the superintendent of public instruction determines that such programs will assist the child to

participate "in the regular instruction of the district, or . . . provide other . . . educational advantages which will . . . benefit the child;" (4) educable mentally retarded and educationally or physically handicapped persons between ages 21 and 25 if "such programs will assist a person . . . to better participate in society."

Parents of four or more persons requiring one kind of special education program may petition a district board to establish a program. Parents living in several districts may petition each board to establish a co-operative program. "The inter-local co-operative agreement . . . may be used to establish a multi-district special education program."

§75-7808 – 75-7810

"In lieu of providing special education in the district the trustees may arrange" for a child to attend a program in another district of the state or a "program offered outside of the state." No tuition is charged to the resident district if the child attends a program in another district of the state; if the program is out-of-state, the "trustees may negotiate the . . . payment of tuition." If a child attends a state institution, the resident district or county is not required to pay tuition; however, if "such child attends classes conducted by a school within a local district, the resident district or county of the child's parents must "pay tuition to the district or county operating the school . . . . Transportation payments shall be made for students enrolled in such classes or receiving training . . . at the state institution."

TUITION

§75-7811

"The determination of the children requiring special education and the type of special education needed . . . shall be the responsibility of the superintendent of public instruction," who must approve any program or class that the trustees of a district wish to establish. "Each special education class or

program must be approved annually."

§75-7812

"No mentally retarded . . . or physically handicapped child shall be excluded from an approved special education class or program unless" class enrollment has reached its maximum, or "the child's intellectual ability, age or behavior pattern is not compatible with the class, as determined by the superintendent of public instruction" with appropriate assistance. In the latter case the trustees must arrange for provision of "adequate protection and care" with the local welfare department and department of institutions, "so far as the parents are willing to accept such services."

§75-7815

Districts operating special education programs and providing transportation in compliance with the regulations of the superintendent of public instruction are eligible for transportation reimbursement. The state provides two-thirds and the resident county one-third of the reimbursement.

§75-7816

A "district operating an approved special education class or program" for children under six or persons between 21 and 25 years of age is eligible for state financial assistance and transportation reimbursement.

§80-110

When taking the required school census, districts "shall use reasonable diligence to ascertain the number of blind and deaf children" between ages five and 18 resident in the district. The names and addresses of all such children and their parents shall be forwarded by the county superintendent to the superintendent of the Montana state school for the deaf and blind.

§48-2.18(1)-S1800

A planned and coordinated program of special education is required by the Board of Public Education. The special education program shall provide opportunities for comprehensive services to handicapped children and youth. The program, supervised and coordinated by the Superintendent of Public Instruction, shall be developed in cooperation with school district personnel and others from the educational community. The program shall incorporate the many educational arrangements which can be designed to integrate young handicapped persons, whenever possible, into the regular educational program and eventually into the mainstream of society. The program shall assure that careful and systematic procedures are used to identify and diagnose young handicapped persons. The program shall include measures to assure fiscal accountability of funds provided for the operation of special education.

The Special Education program shall assist all handicapped children and youth in developing their maximum education and social potential. The Board of Public Education encourages special education programs that enable handicapped youth to become partially or completely self-sufficient in our increasingly complex society. The Board of Education's intent is that young handicapped persons will be given opportunities to become contributing, confident, dignified and self-reliant human beings. The policy is based on the premise that the right of a young handicapped person to the special education he or she needs is as basic as the right of any other young citizen to an appropriate education in Montana schools.

§48-2.18(1)-S1810

Special education should be considered one component of the regular education program. Services provided through special education should supplement rather than supplant the regular education program. Equal opportunity to an education does not mean identical programs

EQUAL OPPORTUNITY

for all individuals; it means the use of special methodologies and strategies to develop the full educational potential of a handicapped individual. The handicapped student may require the assistance of special professionals, unique curriculum content, and alternative procedures and materials to develop this full potential and to be assured equal educational opportunity.

§48-2.18(2)-S1820

The conduct of special education in the public schools must comply with the policies recommended by the Superintendent of Public Instruction and adopted by the Board of Public Education.

§48-2.18(2)-S1830

PROGRAM APPROVAL

Authority for approval and disapproval of programs is given to the Superintendent of Public Instruction. Programs must be in compliance with the laws of Montana, Board of Public Education policies, and regulations of the Superintendent of Public Instruction.

Trustees of local school districts cannot operate any special education program without approval from the Superintendent of Public Instruction.

In the event that special circumstances exist which prohibit a local district from following the regulations of the Superintendent of Public Instruction, a special request must be sent to, and approved by, the Superintendent of Public Instruction prior to implementation.

§48-2.18(2)-S1840

ASSESSMENT

If a school district encounters difficulty in assessing children on a timely basis with staff employed by the district, funds may be approved for hiring staff to perform assessment of children during the summer if:

(a) evidence of a need for assessment during the summer is provided.

(b) a special request is made by the district to the Superintendent of Public Instruction indicating the number and type of persons to be employed during

the summer; the estimated number of children to be assessed; the estimated length of time assessment persons are required and the total cost of the summer assessment program.

§48-2.18(6)-S1850; S1860; S1870; S1880; S1890; S18000; S18010

"Special education" means specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a handicapped child, including but not limited to classroom instruction, instruction in physical education, home instruction and instruction in hospitals and institutions. It includes speech pathology, audiology, occupational therapy and physical therapy.

"Handicapped child" means a child evaluated as being mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, emotionally disturbed, orthopedically impaired, other health-impaired, or as having specific learning disabilities, who because of those impairments needs special education and related services.

"Mentally retarded" refers to a person with significant subaverage general intellectual functioning, which originated during the developmental period and who does not exhibit acceptable adaptive behavior. All three criteria must be met before a person is so classified. Subaverage general intellectual functioning is regarded as approximately 1.6 standard deviations below the population mean (I.Q. of approximately 75) for the age group involved as determined by an individual test of general intellectual functioning.

"Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairment caused by congenital anomaly, impairments caused by disease and impairments from other causes.

"Other health impaired" means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic

fever, nephritis, asthma, sickle-cell anemia, hemophilia, epilepsy, leukemia or diabetes.

§48-2.18(10)-S18060

EXEMPTION

The compulsory attendance law applies to all children including handicapped children. To exempt a handicapped child from compulsory attendance, an excuse providing specific rationale demonstrating that the child cannot attend school because of the child's present bodily or mental condition is to be issued at the request of a parent or guardian. The excuse may be issued by the district superintendent or county superintendent when there is no superintendent employed by the district.

§48-2.18(10)-S18070

All handicapped children in Montana are entitled to a free appropriate public education provided in the least restrictive alternative setting. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Separate schooling or other removal of handicapped children from the regular educational environment may occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The board of trustees of every school district must provide or establish and maintain a special education program for every handicapped person between the ages of 6 and 18 inclusive. After September 1, 1980 such services shall be provided for all handicapped children between the ages of 3 and 21, inclusive.

The board of trustees of any school district may meet its obligation to serve handicapped persons by establishing its own special education program, by establishing a cooperative special education program, or by participation in a regional services program.

§48-2.18(10)-S18090

The parents of persons requiring special education may petition the board of trustees to establish an individual district special education program. Parents residing in several districts may petition the board of trustees of each district to cooperatively establish a special education program. The interlocal cooperative agreement authorized by statute may be used to establish a multi-district special education program.

§48-2.18(14)-S18100

"Parent" includes a parent, a guardian, a surrogate parent or a person acting as a parent of a child in the absence of a parent or guardian. The term includes persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child's welfare.

IDENTIFICATION

Local school districts shall advise parents annually of the procedures for identification, location, referral and screening of preschool and school age population. Such notice must be given through newspapers, student handbooks or letters to parents to ensure that parents of all children are informed of the procedures.

NOTICE

All written notices must be in language understandable to the general public and provided in the native language of the parents, unless it is clearly not feasible to do so. Where the native language of the parents is not in written form, interpretation shall be provided in the native language. When necessary, arrangements shall be made to facilitate communications with hearing and visually impaired parents.

§48-2.18(14)-S18110

If there is reason to believe that a preschool or school age child is in need of special education services, written permission must be obtained by the local agency from the parents before the process of individual

EVALUATION

evalution, interviewing or formal testing can begin, and again upon reevaluation. The annual review of the Individualized Education Program is exempt from the requirement for parental approval for evaluation.

Written parental approval applies only to those procedures used selectively with an individual child and not to basic tests administered to all children in school.

NOTICE

Prior to an evaluation or a reevaluation, a written notice of intent to conduct an evaluation/reevaluation shall be delivered to the parent during a personal conference or by certified mail. The written notice must be written in language understandable to the general public and provided in the native language of the parents. Where the native language is not in written form, interpretation shall be provided orally in the native language. Oral interpretation shall always be made available in the native language of the home and in English. When necessary, arrangements shall be made to facilitate communication with hearing and visually impaired parents.

(a) The notice of Intent to Conduct an Evaluation must include a full explanation of all of the procedural safeguards available to the parents; a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reason why those options were rejected, a description of each evaluation procedure, test, record or report the agency uses as a basis for the proposal or refusal and a description of any other factors which are relevant to the agency's proposal or refusal.

(b) The notice of Intent to Conduct an Evaluation must be written in language understandable to the general public, provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(c) If the native language or other mode of communication of the parent is not a written language,

the local educational agency shall take steps to insure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice and that there is written evidence that the requirements in (a) and (b) have been met.

Written parental consent to conduct the evaluation must be obtained prior to the evaluation process. In addition to written parental permission to evaluate and reevaluate, the local agency should obtain written parental acknowledgement of receipt and understanding of the notice of intent.

§48-2.18(14)-S18120

PLACEMENT

Within 30 days after completion of the Child Study Team evaluation, a designated school district official shall inform the parent in an appropriate mode that a change in the educational status of the child is proposed or that a requested change in placement is denied. Notification shall be made by personnel conference, or if that is not possible, by certified mail. Written notifiction must be in language understandable to the general public and provided in the native language of the parents. The child should be informed of and helped to understand, if capable, the educational change. The parent must be invited to participate in the conference for developing the individualized education plan if the child is to be placed in a special education program. The form to be used to notify parents of the proposed change in the educational placement/program or to deny initiation of a requested program should be included.

The notice of placement/program change should include a description of the proposed educational program, the reasons why the proposed placement is deemed appropriate or why the requested program is being denied and the reasons why it is the least restrictive program setting appropriate for the education of the child; a description of any tests, reports or evaluation procedures on which

the proposed education placement is based or the requested educational program is being denied; a statement that the school reports, files and records pertaining to the child shall be available for inspection to the parents or their designee as indicated in writing; a description of the right of the parent to obtain a hearing if there are objections to the proposed action or nonaction emphasizing that the parent need not accept the proposed decision when there is disagreement with the proposed alternative program; a detailed description of the procedures the parent should use to appeal a hearing decision; an explanation stating that if the proposed action is rejected by the parent, the child shall continue, temporarily, in the current placement unless the current placement endangers the health or safety of the child or other children and/or substantially disrupts the education programs of other children.

A child shall continue, temporarily, in the current placement whenever parents do not give written consent for a change in their child's educational program, except in a case where the current placement endangers the health or safety of the child or other children and/or substantially disrupts the educational programs of other children or if applying for initial admission to a public school, shall with the consent of parents or guardian, be placed in the public school program until all such legal proceedings have been completed.

§48-2.18(14)-S18130

CONFIDENTIALITY

School records and confidentiality of information must follow the same provisions established for regular education under the Family Education and Privacy Rights Act.

§48-2.18(14)-S18140

PUBLIC NOTICE

The Superintendent of Public Instruction shall, through the state's five major newspapers advise the public of policies and procedures that have been established by the Superintendent's office to protect confidentiality

of child identification data collected and maintained through the state's annual identification and location of handicapped children and youth. Data items to be collected and maintained by the Superintendent of Public Instruction on an ongoing basis will be limited to the children's initials, birthday, sex, school district and handicapping condition, except for programs in state-operated schools.

Educational agencies shall provide public notices advising the public of procedures established by the local school district board of trustees to protect confidentiality of the children's records. Data items to be collected and maintained by local school districts will include, professional diagnostic information, services needed and provided, and items related to cost accounting. If other personally identifiable information is to be collected in the future, the district shall advise parents. Parental consent is needed if data is to be used for a purpose other than for which it was collected.

Each participating school district and/or other participating agencies will be required to provide the Superintendent of Public Instruction with a written notice which will assure the Superintendent that personally identifiable data collected by that agency will be maintained in a confidential manner.

In accordance with local board of trustees policies, each educational agency must establish written procedures to ensure that parents or the student after reaching the age of majority shall have the option to request destruction of their or their child's confidential records five years after termination of special education services, after reviewing them. Otherwise the LEA shall keep the records for 5 years beyond legal school age (21). Reasonable effort shall be taken by the agency maintaining personally identifiable data to provide parents with notification 60 days prior to its destruction and the parents will be offered the opportunity to receive a copy of such records.

Standards 161 and 162, Standards for Accreditation of Montana Schools shall also be followed by Montana schools.

48-2.18 (14)-S18150

PROTECTION IN EVALUATION PROCEDURES.

"(1) Each educational agency shall establish procedures to assure that. . .procedures used for evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory. . .

EVALUATION

PLACEMENT

(2) The procedures. . .shall be established in accordance with the following criteria:

(a) Evaluation and placement procedures are administrated in accordance with. . .[statutory]. . .safeguards. . .

(b) The determination of a child's need for special education. . .is based on a comprehensive evaluation, which may include. . .:

(i) an individual psychological examination,

(ii) relevant physical information,

(iii) appropriate achievement testing and evaluation of classwork,

(iv) direct observations in a variety of functioning environments,

(v) assessment of the social skills and emotional status and

(vi) interviews with, or information provided by, important and involved persons in the child's life.

(c) Tests and other materials and procedures used. . . have been properly and professionally evaluated. . .

TESTING

(d) The evaluation materials and procedures are provided and administered in the child's native language or mode of communication,. . .

(e) Steps are taken to assure that. . .test[s]. . . accurately reflect. . .the child's ability in the area tested and not the child's impaired communication skill or the fact that the child is not skilled in English.

(f) Whenever individual intelligence tests are administered, steps are taken to assure that judgments about the child's placement are not based solely on an I.Q. score. . .

(g) The cultural differences of a child are taken into account. . .

(h) No single test or type of test or procedure is used as the sole criterion for determining. . .[placement]. . .

(i) The. . .determination of the educational placement of the child is made by a team or group of persons.

(j) All relevant information with regard to the functional abilities of the child is utilized in the placement determination."

48-2.18 (14)-S18160

INDEPENDENT EDUCATION EVALUATION.

INDEPENDENT EVALUATION

"(1) Parents shall have the right to an independent educational evaluation of their child. . .

(2) Requests. . .should be made to district superintendent. The parents must state the reason(s) for their request. . .The local school district. . .is responsible for the financial expense of the independent evaluation. . .

(3) The following is a delineation of responsibility of the parents, district or county superintendent and the Office of Public Instruction in an independent education evaluation:

(a) Parents.

(i) The parents must direct. . .[the]. . .request. . . stat[ing] the reason(s). . .[therefore]. . . .

(ii) The parents must allow the local school district to complete a current evaluation. . .before requesting an independent evaluation.

(iii) The parents must sign a consent for[m]. . .

(iv) The parent must sign a release of information. . . [form]. . .All records and information from the independent evaluation become part of the child's school record.

(b) District Superintendent

(i) Within 10 to 15 days of a request. . .the school district must submit a letter to the Office of Public Instruction stating. . .the parents' reason for an independent evaluation.

(ii) When necessary, the school district will contract

for the independent evaluation. This contract must have the prior approval of the Office of Public Instruction.

(c) Superintendent of Public Instruction

(i) The superintendent. . .will assist the school district and parents in securing an appropriate independent evaluation(s).

(ii) The Superintendent. . .will approve or disapprove the contract for independent educational evaluation. If. . . disapproved, an alternative independent evaluation(s) will be offered.

§48-2.18(14)-S18170

Each educational agency shall set forth procedures to assure that each child's individualized education program is reviewed and revised at least annually and that a comprehensive educational revelation of the child is conducted whenever conditions warrant, at least once every three years. A comprehensive educational evaluation will be made at the request of the child's parents or teachers.

REVIEW

§48-2.18(14)-S18190

Individual programs involving the use of restraint, shock, or seclusion shall be conducted only with the written consent of the affected student's parents and at the recommendation of the child study team and shall be described by specific behavioral objectives. Chemical restraint may never be used for punishment, for staff convenience or as a substitute for a program. Each use of physical restraint, aversive techniques or environmental seclusion shall be recorded in the student's file. This record shall include description of behavior to be modified, evidence that less aversive measures have been tried, expected behavioral outcome, actual behavioral outcome, a list of possible secondary effects, data for review or termination and written parental permission.

SHOCK THERAPY

§48-2.18(14)-S18200

Child Study teams shall assign a diagnostic label

DIAGNOSTIC LABEL

for each handicapped child following comprehensive evaluation. The label is to be used for reports required by the Office of Public Instruction. Educational agencies should not refer to students, teachers or rooms by diagnostic labels. Parents shall be informed of the diagnostic category as it relates to the handicapping condition of their child.

NOTICE

§48-2.18(14)-S18210

When parents question or express dissatisfaction with the details set forth in the notices that an educational agency provides them, the local education agency and Superintendent of Public Instruction shall attempt to clarify the question or resolve the difference directly with the parents by informal negotiation or procedure other than a formal due process hearing.

COMPLAINT

§48-2.18(14)-S18220

Each agency shall establish written procedures which provide for parental presentation of complaints with respect to any matter relating to the identification, evaluation, educational placement of the child, or the provision of a free appropriate public education for the child.

HEARING

§48-2.18(14)-S18230

"Whenever a complaint has been received, the parents shall have an opportunity for an impartial due process hearing.

APPEAL

§48-2.18(14)-S18240

Any party who has exhausted all administrative appeals and who has been aggrieved by the findings and decisions made in the hearing, or any party aggrieved by the reviewing officer's decision shall have the right to bring civil action with respect to the complaint presented.

COURT

The action may be brought in any state court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. The court shall receive the records

of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of evidence, shall grant such relief as the court determines is appropriate.

§48-2.18(18)-S18250

ASSESSMENT

Each school district must screen and develop criteria for further assessment for its students annually to determine potential candidates for special education and report the screening process to the Superintendent of Public Instruction. Each school district is responsible for developing a referral process. Youth who have been or are being considered for retention, delayed admittance or exclusion from school in the regular program shall be considered as a possible referral to a Child Study Team.

§48-2.18(18)-S18260

ASSESSMENT

No child shall receive special education service until a Child Study Team has performed an appropriate comprehensive assessment which yields evidence that the child has learning and/or behavioral problems requiring a specialized service not afforded by the regular program.

Areas of assessment shall include, when appropriate, scholastic, physical, and adjustment. Assessment results shall be summarized in writing, dated and signed by the individuals responsible for conducting the assessments. The report shall be kept with the child's permanent records.

Summaries shall include procedures and instruments used, results obtained and apparent significance of findings as related to the child's instructional program. Assessments in each of the areas stated shall take into account the age, maturation and cultural background of the child.

Since conditions which cause a child to be handicapped can have the effect of depressing or distorting standardized intelligence and achievement test scores, these scores should not be used as the only criterion

in determining a child's need for services. A Child Study Team in conjunction with the parents will determine the appropriate educational program for a handicapped child.

TESTING

Individual tests of mental measurement (IQ results) done by an agency recognized by the Superintendent of Public Instruction may be utilized by a Child Study Team. Psychologists participating on such a team must be approved by the Superintendent, too. When a school psychologist and Child Study Team utilize the test results of another agency or person, that school district assumes responsibility for accuracy of the psychological information.

An evaluation of the child, based on procedures which meet statutory requirements is conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

§48-2.18(18)-S18270; S-18280

CHILD STUDY TEAM

A Child Study Team shall consist of a regular classroom teacher, principal, or designee, and the special education person who may serve the child. Parents may participate in the child study process. Generally, school psychologists and speech pathologists will complement any team. Utilization of other expertise is recommended and required in many instances. The Child Study Team may determine what other specialties may be needed to complete an appropriate evaluation.

Secondary school Core Child Study Teams will require other individuals at the discretion of the parents or agency to accommodate a particular student's needs.

Child evaluation relates to a process which involves a group of persons including the parents, who are charged with the responsibility of gathering all of the pertinent data possible regarding an individual child to determine whether the child is handicapped, what the child's education needs are and what service options might be best utilized to deliver the services to the child.

Individual members of each Child Study Team shall

conduct their part of the evaluation as appropriate to their professional skills and training, and shall summarize in writing their evaluation results, identify the instruments or methods used to gain the data, and make recommendations for providing services to the child. The summary of the evaluation and recommendations are to be filed in the student's educational records, interpreted to parents and made available to the chairperson of the Child Study Team for educational planning.

Once a decision is made by the Child Study Team that a child is handicapped and is not receiving an appropriate education, the district has 30 days in which to initiate the appropriate changes in the child's program.

§48-2.18(18)-S18290

CHILD STUDY TEAM

In addition to the core team the composition of specific child study teams shall include the following:

(1) A school psychologist for a mentally retarded child.

(2) A physician's report and pertinent medical information obtained and utilized in the development of the child's individualized education program for the orthopedically impaired.

(3) A vision consultant should be utilized by the Child Study Team for a visually handicapped child when so indicated by the severity of the handicap. A current evaluation from an ophthamologist or optometrist shall be utilized also.

(4) A consultant for the hearing impaired, audiologist, and speech pathologist may be needed for a deaf and hard-of-hearing child. A physician's report and pertinent medical information shall be utilized.

(5) A speech pathologist for a speech/language impaired child. The speech pathologist may be the special education person on the core team.

(6) Other personnel as determined necessary for other health impaired children. Eligibility for the home-bound program must be documented by a physician.

(7) A school psychologist, a teacher or administrator with training or knowledge in the area of specific learning disabilities, a speech therapist when the speech therapist considers participation necessary and other appropriate professional individuals for children with specific learning disabilities.

(8) A qualified psychologist and/or a licensed/certified psychiatrist for the emotionally disturbed.

§48-2.18(18)-S18300

CHILD STUDY TEAM

Each Child Study Team member shall sign the Child Study Report and file in the child's folder. If a team member disagrees with the majority in a placement decision, a statement is to be prepared, signed, dated and included in the child's folder by the dissenting member. The statement is to be viewed as a potentially helpful alternative for the child.

§48-2.18(18)-S18310

EVALUATION

APPROVAL

Services provided directly to a child via special education shall begin only when a comprehensive Child Study Team evaluation has been conducted and when written parental/guardian approval of the written individualized education program has been developed. Written parental consent for special education placement shall also be obtained annually prior to placing the child in the program. The data gathered from the comprehensive educational evaluation conducted by the Child Study Team shall be utilized in the development of the individualized education program.

"Individualized education program" means a written statement for each handicapped child developed in a meeting by a representative of the local educational agency who shall be qualified to supervise the provision of the specially designed instruction to meet the unique needs of handicapped children, regular and/or special education teachers who have direct responsibility for implementing the child's individualized program, the parents or guardian of the child, and whenever appropriate, the child. The statement shall include at least: a statement of the

present levels of educational performance of such child (baseline data); a statement of annual goals; short term instructional objectives (psychomotor as well as basic academic and life skill objectives); a statement of the specific educational services to be provided to such child and the extent to which such child will be able to participate in regular educational programs; the projected date for initiation and anticipated duration of such services; and appropriate objective criteria and evaluation procedures and schedules for determining at least annually, whether instructional objectives are being achieved.

INDIVIDUALIZED PLANS

When individualized education plans are developed for secondary special education students it should be carefully considered whether a total basic skills focus is still realistic, whether the service thrust and focus should be development of compensatory and adjustment skills, and whether utilization of a vocational program is appropriate.

§48-2.18(18)-S18320; S 18330

RECORDS

Each agency shall maintain records of the individualized educational program for each handicapped child. Such program shall be established, reviewed and revised.

Each agency and parents shall establish or revise an individualized education program for each handicapped child before the beginning of each school year. They will then review and, if appropriate, revise its provisions at least annually. Parents shall have the opportunity to review their child's individualized education program and be given the opportunity to assist in scheduling the meetings at a mutually agreed time and place.

REVIEW

The conference shall be summarized in writing, dated and signed by persons present. Content of the summary shall follow the outline of the individualized education program. A copy of the summary shall be provided to parents.

§48-2.18(18)-S18340

PLACEMENT

A child may not receive service under special education without an annual review which determines the program's appropriateness for the child. Short-term placement (six week maximum) is permissible for diagnostic teaching and/or trial speech therapy. Written parental approval, as well as an evaluation by the appropriate Child Study Team, is required for short-term placement.

§48-2.18(18)-S18350

PLACEMENT

If a student transfers to a school district and has previously been in a self-contained special education program, the district may place the child in a similar program on a temporary basis (maximum of six weeks) provided parental consent is obtained to provide the district time to complete a comprehensive evaluation and establish the Child Study Team process to determine the handicapping condition as well as the most appropriate placement.

§48-2.18(18) - S18360

PROMOTION

Promotion of handicapped students from elementary to junior high and from junior high to senior high requires that systems of communication and information exchange are developed and function between each level of educational instruction. Chronological age and physical development should be a strong factor in the decision to move a student from the junior to the senior high. Consideration also must be given to the least restrictive educational principle in planning for promotion.

If a student is in a non-graded educational program (not classified as being in a certain grade, yet doing the work customarily assigned in that grade), the school district's responsibility will change from the elementary to the high school beginning the school year which follows the student's 14th birthday. The high school district must then determine, based upon the recommendations of a child study team composed of appropriate high school personnel plus elementary personnel who have provided

direct services to the student in the past, the most appropriate educational placement for the student.

§48-2.18(18)-S18370

PARENT PARTICIPATION

Parents shall be afforded the opportunity to participate in the Child Study Team process, individual planning conferences and periodic educational program reviews and to assist in scheduling the meetings at a mutually agreed on time and place.

The Child Study Team may evaluate the child with written parental consent. Planning conferences and periodic program reviews may be conducted without the parent in attendance only if there is sufficient documentation of attempts/efforts to arrange a mutually agreed on time and place or if the parents waive their right to participate, in accordance with due process procedures. If it is not possible or practical for the parent to attend, other alternatives may be attempted including individual or conference telephone calls. An interpreter may accompany the parents to allow communication in their native or primary language.

§48-2.18(22)-S18380

Individual assistance for a handicapped student shall be accomplished through utilization of the least restrictive educational alternative. Under this alternative, handicapped students shall be educated, whenever possible, with students who are not handicapped. Removal of handicapped children from the regular educational environment will only occur when the nature or severity of the handicap is such that education in regular classes with use of supplementary aids and services cannot be achieved satisfactorily.

To meet the needs of each handicapped person, districts should afford children access to a variety of instructional and service options. Every district cannot be expected to have all the necessary resources to develop as many services as are necessary to meet the needs of handicapped children in the district. Services will be

developed as availability of qualified staff permits. Small school districts with a minimal number of handicapped students should seek to serve those students with programs and services coordinated with nearby districts and/or through regional resources.

§48-2.18(22)-S18390-S18410

RESOURCE SERVICE

Instruction from a resource service requires that the special education teacher be available to provide direct service to handicapped students who are enrolled in the regular instructional program. Resource instruction may be provided by a resource teacher working with handicapped students in the regular classroom or by removing the students to a separate resource room for some part of the school day. A student should not be removed from the regular classroom to a separate resource room unless the move is essential in meeting the specific needs of a child. The resource teacher is responsible for ongoing consultation and communication with the child's regular classroom teacher regarding specific needs and recommendations of materials and instructional procedures and to exchange information for parent conferences. The resource teacher and the regular instructional staff should coordinate their best efforts and expertise frequently and systematically to best serve the student.

The special education teacher assigned to a resource program is responsible for assisting in Child Study Team assessment, translating strategies, preparing materials, providing instruction, maintaining appropriate records of progress and conferring with parents and regular teachers. The resource teacher should periodically follow up on children who have been phased out of special education programs to determine their progress in the regular classroom.

A teacher of a resource service should have a minimum caseload of eight handicapped students before establishing a full-time service.

If a school district is considering adding resource services, it must first establish the maximum of handi-

capped students able to be accommodated in existing services. Once each resource service is filled to the maximum, the school may provide service on a part-time basis by prorating the number of additional handicapped students, until the minimum of eight is reached. Then, an additional full-time resource service may be utilized.

A resource service may serve a combination of handicapping conditions as long as the needs of the children assigned to the service are appropriately met through this option.

The caseload for a speech pathologist, suggested to be in the range from 15 to 60 children depends on the severity of the handicapped students to be served.

The teacher in a self-contained program is responsible for assisting in the Child Study Team assessment, translating assessment findings into appropriate educational objectives and implementing and evaluating instructional procedures necessary to achieve these objectives. To ensure that capable students have an opportunity to return to the regular instructional program, a thorough system of referral, assessment, programming and termination must be developed. Communication, with the regular instructional staff, particularly with the regular classroom teacher, is of utmost importance.

The age range of children assigned to a self-contained classroom should be considered in establishing the composition of the class. Chronological age range greater than six years is not recommended. The actual range should be determined by the school administration utilizing the recommendations of the Child Study Team.

A minimum of four handicapped students needing removal from the regular instructional program for more than 50% of the school day is required for a self-contained class. The school administration shall determine the number of students assigned to the program by utilizing the recommendations of the Child Study Team.

Once a self-contained class reaches the maximum number of students as recommended by the Child Study Team,

the school administration must give consideration to providing the teacher with additional child management help, such as an aide, so that the class may accommodate more handicapped students.

A self contained service may serve a combination of handicapping conditions as long as the needs of the children assigned to the service are appropriately met, through this program option.

Services to any homebound and/or hospitalized students may be provided when a medical doctor verifies that a student is hospitalized or provides medical documentation and reasons for the students' need to remain out of school. When the Child Study Team has completed a comprehensive education evaluation, the service may be extended to the student.

§48-2.18(22)-S18420

CONTRACTED SERVICES

A school district may serve a handicapped child through diagnostic and/or instructional contracted services. When instructional services are to be contracted, the educational objectives must be stated in the proposed contract and sent to the Superintendent of Public Instruction for approval.

§48-2.18(22)-S18430

PLACEMENT

If a school district is unable to provide services for its resident handicapped students or unable to provide services through cooperative services or regional services, the school district may have to use out-of-district placement. The decision to place a child out-of-district must be recommended by the resident district Child Study Team and approved by the resident district board of trustees. Placement made independently of the public school by the parents and/or other agencies relieves the public school of all financial obligations.

When a child is handicapped to such a degree that a totally controlled environment is needed, residential school placement may be essential. When an out-of-district placement involves the payment of tuition or board and room, the placement must be approved by the Superintendent of Public

Instruction.

A district must, first, make a reasonable attempt to secure and utilize in-state resources before out-of-state placement will be approved.

It is the resident district's responsibility to convene the Child Study Team and set the time and place for conducting a review of the child's needs and educational placement.

The receiving district is responsible for providing program monitoring and assisting the resident district with conducting an annual review of the child's program and progress. The receiving district shall provide pertinent data regarding the child's program and progress to the resident district and parents.

The resident district and receiving district should form a Joint Child Study Team to consider the evaluation data and explore program options.

A regional service staff may provide supportive services when such services are not available through the local district.

To ensure that the request for an out-of-district placement is appropriate and follows the Special Education Rules and Regulations:

(a) The resident school district will assure that all students considered for out-of-district placement shall be processed by a resident Child Study Team and approved by the board of trustees; and that the Child Study Team, in recommending such placement, has identified service options outside of the district, outlined reasons why services cannot be provided by the resident district and specified the date requested for placement. The resident school district will also investigate placement options and assure that the selection of placement is in keeping with the least restrictive alternative, make transportation arrangements, specify criteria for the student's return to the resident district and outline provisions for program monitoring and annual review.

(b) The receiving school district will form a Child Study Team to determine acceptance and whether appro-

priate services can be offered, and conduct periodical review and report results to the appropriate official of the resident district.

(c) The resident school district will conduct an annual review of each child placed out-of-district. It will, through the Child Study Team, make recommendations annually for either continued out-of-district placement or termination. Based on the Child Study Team reports, the resident school district will submit a recommendation to the Superintendent of Public Instruction for continued out-of-district placement.

§48-2.18(26)-S18450

The program narrative must describe the total special education program within a given district and shall include the following components:

(a) Identification (screening and number of students receiving services)

(b) Referral (Sources of student performance information and referral contact)

(c) Staffing (Pre-staffings, Child Study Team and Staffing format)

(d) Personnel (Administration, Teachers and Supportive Personel)

(e) Evaluation (Student and Program)

(f) Facilities

(g) Needs or Deficiencies

(h) Additional Information

If a school district does not provide special education services and does not submit a budget, it still must screen its students annually for handicapping conditions. This process must be described in narrative form and submitted to the Superintendent of Public Instruction for approval.

§48-2.18(26)-S18460

"Program units must be received by the Superintendent of Public Instruction on or before October 10. Current information regarding enrollment, as well as the status of professional personnel, is required to ensure that each district is meeting the service needs of handicapped

students.

§48-2.18(26)-S18470

PROGRAM EVALUATION

All special education programs must be evaluated with both objective and subjective measures. Objective measures must be appropriate in terms of reliability and validity to assure reasonably accurate information. Subjective data may be used to substantiate, clarify or enrich the evaluation results. The evaluation design must be concise and measure the degree to which the stated educational objectives have been accomplished. Results should be reported in a manner conducive to decision making by all educational agencies and evaluators. Evaluation should be an ongoing process with reporting completed at least once a year. The district should make these reports available to the public on request.

§48-2.18(26)-S18480

PROGRAM APPROVAL

Special approval from the Superintendent of Public Instruction is required before certain programs may be operated. Examples follow:

(a) A program for homebound or hospitalized students. To get special approval for such a program, the school district is to submit to the State Superintendent's office, a program unit application requesting permission to operate the program.

(b) Room and Board Expenditures. Approval by the Superintendent as needed in addition to budget authority approval. The school district must submit a written request to the Superintendent of Public Instruction to send a special education student to another district (or agency).

(c) Preschool Programs. To develop educational programs for handicapped children aged three through five. The school district is to submit a letter briefly describing the program, identification process, and/or number of handicapped children and types of handicapping conditions to be treated, to the Office of Public Instruction requesting permission to operate such a program.

(d) Extended Year Programs. Programs consisting of

instructional services providing pupils with special education service beyond the regular school year. They should only be considered for a small percentage of handicapped students who require concentrated assistance to present skill regression. The program should clearly focus on the maintenance of skills and should not generally be considered as an ongoing developmental program. To start such a program, dates for the program, a brief outline of the program, an estimate of the cost for the program, an explanation of how children are selected for the program, a list of staff members for the proposed program, a letter of program approval from the Office of Public Instruction and proof that the budget authority has been established in the school year in which the program is to be operated must be provided.

(g) Special Education Child Eligibility for Transportation. Approval of the Superintendent of Public Instruction is required. Transportation shall be provided by the resident district when the child is enrolled in a special education class or program operated by either the district of the child's residence or some other Montana district or the child is enrolled under an approved tuition agreement in a special education class or program operated outside of Montana on an approved tuition agreement in a private institution.

§48-2.18(38)-S18650; S18660

SPEECH PATHOLOGIST

The caseload for a speech pathologist depends on the severity of the handicapped students to be served. The suggested range is from 15-60 children. The caseload must be verified by a fully licensed speech pathologist before it will be approved by the Superintendent of Public Instruction.

A full-time audiologist must serve a minimum school population base of approximately 10,000 regular students.

§48-2.18(38)-S18670

PSYCHOLOGIST

A full-time school psychologist must serve a minimum population base of approximately 1500 regular students.

§48-2.18(38)-S18680

For budgeting approval, a full-time supervisor of special education must have a minimum of at least twelve full-time special education personnel or a regular student population of 3000 regular students. School districts are encouraged to establish cooperative special education programs under the direction of one supervisor of special education in order to meet minimum approval levels. Consideration should be given to include rural schools under the individual's supervisor even if the rural school does not have a special education teacher.

For school districts that have special education personnel in excess of the minimum stated, additional supervisors may be added upon request to and approval of the Superintendent of Public Instruction.

§48.2.18(38)-S18690; S18700

SOCIAL WORKER

A full-time social worker must serve a minimum population base of approximately 3000 regular students and/or have an assigned caseload of 25-60 families per year.

COUNSELOR

A full-time counselor serving only special education must serve a minimum population base of approximately 3000 regular students.

If a school district budgets for and provides counseling services to handicapped students under special education, all of the students involved must also receive instructional special education service.

§48-2.18(42)-P18720

HEARING

A parent or employee of a school district may apply for a hearing before the trustees of a school district of:

EVALUATION

(a) a child residing in the district or being served by the district is being considered by employees of the district for evaluation and permission has not been granted by the parents.

PLACEMENT

(b) a change in the educational placement of a child is planned by a district or has been requested by the parent.

and the parents and the district disagree concerning the proposed change.

(c) a request for an extension of a temporary placement of a child being served by a district has been filed.

(d) the parents desire to present complaints with respect to any matter relating to the identification, evaluation or educational placement of the child or the provision of a free appropriate education to such child.

Either the personnel serving a district or a parent of a child residing in or served by the district may request in writing addressed to the chairman of the board a hearing before the board of trustees. The parent or his[her] designee established in writing shall be allowed access to school reports, files and records pertaining to the child and shall be allowed to obtain copies at the actual cost of copying. Upon receipt of a request for a hearing, the chairman of the board shall direct the appropriate special education personnel serving the district to schedule a conference within 5 days with the parent for the purpose of settling the controversy, and avoiding the hearing. If attendance of the parent at an informal conference cannot be obtained within 5 days of receipt of request for a hearing or no agreement is reached at the conference, the chairman of the board shall set a date, time and place for the hearing convenient for all parties. The hearing shall take place no later than 10 days after the receipt of the request for a hearing, unless the parent agrees in writing to a later date, but no later than 20 days after receipt of request.

The chairman shall notify all other trustees, the special education personnel serving the district and the parents of the child of the date, time and place of the hearing. Notice to the parent by certified mail shall be written in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language is not a written one, the chairman shall direct the notice to be translated orally or by other means to the parent in his[her] native language.

The child shall remain in his[her] current educational placement until the board enters a decision following the hearing unless the health and safety of the child or other children would be endangered or the child's presence substantially disrupts educational programs.

RIGHT TO COUNSEL

At the hearing the board shall hear witnesses and take evidence. The parent and the personnel serving the district may present evidence and may be represented by a legal counsel. The hearing shall be closed to the public unless the parents request an open hearing.

In the case of a placement question, the personnel must demonstrate why placement is being recommended or denied and why less restrictive placement alternatives would not adequately and appropriately serve the child's educational needs.

No transcript need be made of the hearing. At all stages of the hearing, interpretation shall be provided, when necessary, at public expense. After all the witnesses have been heard, the board shall render its decision.

Within 10 days of the hearing, the chairman shall send by certified mail a copy of the decision and the reasons entered in the minutes to the parent in language understandable to the general public and in the native language of the parent unless it is clearly not feasible to do so. If the native language is not a written language, the chairman shall direct the decision to be translated orally.

APPEAL

Within 10 days of receipt of the decision, the parents may appeal to the county superintendent in writing. The county superintendent shall promptly send a copy of the notice to the chairman of the board whose decision is being appealed. Upon receipt of the notice of appeal, the chairman of the board shall have sent to the county superintendent two copies of the decision of the board after hearing and reasons as entered in the minutes. The decision of the board shall be adhered to pending outcome of the appeal unless the board grants a specific waiver to the parent.

APPEAL

The County Superintendent shall hear appeals from the decisions of boards on any matter concerning the provision of a free appropriate public education to a handicapped child as provided in the procedures for a hearing before the board of trustees.

Upon receipt of a notice of appeal the county superintendent shall determine a date, time and place for the hearing convenient to all parties. The hearing shall be held within 10 days of receipt of the appeal, unless the parent agrees in writing to a later date, but no later than 30 days after receipt of request. The county superintendent shall notify the person appealing and the board which rendered the decision of the date, time and place of the hearing not less than two days before the date of the hearing. Notice to the parent sent by certified mail shall be written in language understandable to the general public and in the native language of the parent, unless it is clearly not feasible to do so. If the native language is not a written language, the county superintendent shall direct the notice to be translated orally or by other means.

NOTICE

After receipt of a notice of appeal, the county superintendent shall not communicate with any of the parties or their representatives concerning any substantive matter at issue in the appeal without giving notice and the opportunity to be present to all parties.

The county superintendent shall preside over and conduct the hearing in a fair and impartial manner so that all parties have the opportunity to present relevant evidence.

The county superintendent shall decide the appeal within 10 days of the end of the hearing. The written decision shall include findings of fact, conclusions of law and an order. If a decision is to disapprove an educational plan, it shall state what would be an adequate and appropriate educational plan for the child. If the decision approves a plan, it shall state why less restrictive placement alternatives could not adequately and appropriately serve the child's educational needs. The decision shall inform

the parties of the right to appeal to the State Superintendent.

Upon making a decision, the county superintendent shall send by certified mail a copy of the findings of fact, conclusions of law and order to the parent in language understandable to the general public and in the native language of the parent unless it is clearly not feasible to do so. If the native language is not a written language, the county superintendent shall direct the information to be translated orally to the parent.

The county superintendent shall cause a record to be made of each hearing containing the record submitted by the board in an appeal, a copy of the notice of appeal and all intermediate notices and rulings, all exhibits offered into evidence, a verbatim record of the hearing (in typewritten form at the request of either party or if either party appeals to the Superintendent of Public Instruction), proposed findings of fact, conclusions of law and orders if requested, and the findings of fact, conclusions of law and order of the county superintendent.

A person or board may appeal a decision of the county superintendent to the Superintendent of Public Instruction by sending a notice of appeal to the Superintendent within 15 days of the receipt of the decision. A copy of the notice of appeal shall be sent to the county superintendent and other parties to the controversy. The notice of appeal shall contain the name of the party appealing, the names and addresses of other parties to the hearing, a copy of the findings of fact, conclusions of law and order being appealed, a brief statement of the grounds for the appeal and the signature and address of the party appealing or representatives.

Appeals to the Superintendent of Public Instruction shall be conducted in accordance with the rules governing contested cases before the Superintendent. APPEAL

§48-2.22(1)-S2200

The Montana School for the Deaf and Blind is encouraged to enter into cooperative agreements with

other districts (School District #1) when such arrangements are determined to be in the childrens' best interests.

§48-2.22(1)-S2210

SCHOOL FOR DEAF/BLIND

The Board authorizes the Montana School for the Deaf and the Blind to provide regional services of itinerant consultants and instructional tools, materials and books, and that these services shall be made available to all school districts in the state.

§48-2.22(1)-S2220

With the Board's approval, the Montana School for the Deaf and Blind may conduct instructional and/or educational programs during the summer months.

§48-2.22(1)-S2230

The Board establishes a policy that the Montana School for the Deaf and Blind shall adopt a yearly calendar of at least 180 but not more than 186 instructional days.

§48-2.22(2)-S2240

APPOINTMENT

SUSPENSION

The Superintendent of the school for the deaf and blind shall appoint an admission and suspension committee. Upon receiving a formal application from the parent or guardian, a medical examination form and a personal conference with the parent or guardian, the committee shall make recommendations to the superintendent for the admission of students. In cases of suspension, the committee shall examine all other alternatives, confer with the parents or guardian on the reasons for and length of suspension.

§48-2.22(2)-S2260

Only Montana residents may be admitted to the school.

CROSS REFERENCES

III.B. Teachers; Regulation §48-2.18(34) - S18620; S18630

IV.G.; Statute §75-6303

2. Programs for Exceptional Children

Statutes

§79-204

All state residents between ages 7 and 16 who are unable to attend the public or private schools of the state "by reason of partial or total blindness or deafness" must attend either the Nebraska School of the Visually Handicapped or the Nebraska School for the Deaf "until graduated or discharged" by the school's superintendent. This does not apply if "such persons are being . . . otherwise educated, or . . . by reason of mental or physical handicap" may not be admitted to these schools.

SCHOOL FOR BLIND

SCHOOL FOR DEAF

§79-339

The State Department of Education is authorized "to employ a special consultant . . . in . . . special education for gifted children, "who shall work with all state schools to develop programs for gifted children. "Gifted children" are those whose abilities are such that they "need special facilities or educational services or both . . . to assist them to achieve more nearly their potentials."

GIFTED CHILDREN

§79-1409; 79-1410; 79-1414

A school board may obtain permission from the Department of Education "to establish . . . one or more day schools having an average attendance of not less than five pupils for the instruction of deaf persons over the age of five years, whose parents or guardians" are state residents. A school board maintaining such a school must report annually to the Department of Education and at other times as required.

SCHOOL FOR DEAF

For the purpose of these sections "any person who, by reason of defective hearing, cannot profitably be educated in the public schools . . . shall be considered deaf."

§79-1901 — 79-1906

"All educational programs for acoustically handicapped persons of suitable age and capacity from birth until completion of "an educational program, including the Nebraska School for the Deaf, are under the general control of the State Superintendent of Education.

The purpose of the Nebraska School for the Deaf is "to provide general and special education for persons" up to age 21, until they have completed an educational program. All state residents who are acoustically handicapped and unable to attend regular schools, "are of suitable age and capacity, and . . . good moral character" are entitled to a free education at the Nebraska School for the Deaf. Non-residents who meet admission requirements may be admitted and charged for attendance.

The school's physician must visit the school daily and otherwise as required, make sanitary inspections and report to the State Board of Education on the school's sanitary conditions.

Pupils at the school shall be instructed "by the oral, aural and lip-reading method, and not by the deaf alphabet and sign language method, except where they are" mentally or physically incapacitated. "All pupils . . . shall be taught . . . by means of special conversational courses" as far as possible.

§79-1907 — 79-1908

The parents or guardians of a pupil at the Nebraska School for the Deaf must furnish clothing, transportation to and from school, and "support the pupil during the summer vacation." The school's superintendent shall supply clothing or pay a pupil's transportation home if the pupil has not been furnished these things, and charge the expense against the parent or guardian, if the pupil is a minor, or against the pupil if he or she has no parent or guardian or is not a minor. If the parent or guardian cannot pay and the "pupil is a

pauper, then the account shall be paid from the county general fund."

§79-1912 — 79-1913

The State Department of Education is responsible for providing "a comprehensive education program for acoustically handicapped children . . . to be operated as a satellite program by the Nebraska School for the Deaf . . . . Such program shall be designed to serve acoustically handicapped children at the preschool and primary level of education. Any . . . child whose needs are not . . . met by such program shall be referred to the Nebraska School for the Deaf."

The State Department of Education is responsible for coordination of the curriculum and instruction methods of this program with that of the state school. The department shall adopt rules and regulations necessary to implement the program.

§79-2001 — 79-2005

SCHOOL FOR BLIND

"The State Department of Education shall have . . . general control of all programs of education and welfare for visually handicapped persons of suitable age and capacity from birth until completion of a suitable program of education to include . . . the Nebraska School for the Visually Handicapped." The state school provides "general and special education" for visually handicapped persons up to age 21, until completion of an educational program. It also is "the state resource center for all educational programs for visually handicapped children . . . and shall provide services such as in-service training of teachers, itinerant teaching, counseling services, the loan of equipment, books and learning media to local school districts and educational service units."

The State Department of Education is "responsible for the education and welfare" of visually handicapped persons who are unable to attend regular public schools "and who are not otherwise provided for, and . . . are of suitable age and capacity, and . . . good moral character

without charge." Nonresidents may attend the state school if they meet admission requirements and pay a fee. The State Department of Education must "provide such professional and medical services . . . as . . . necessary for the health and welfare of visually handicapped persons" in educational programs.

§79-2006 — 79-2007

The parents or guardians of a pupil at the Nebraska School for the Visually Handicapped must furnish clothing, transportation to and from school, and "support the pupil during the summer vacation." The school's superintendent shall supply clothing or pay for a pupil's transportation home if the pupil has not been supplied with these, and shall charge the cost against the parent or guardian, or against the pupil if he or she has no parent or guardian. If the parent or guardian cannot pay and the "pupil is a pauper, then the account shall be paid from the county general fund."

§79-2010 — 79-2011

With the approval of the Commissioner of Education, the Nebraska School for the Visually Handicapped "may contract with a local school district, educational service unit, or public institution . . . for educational services which cannot be provided more effectively by the school."

Visually handicapped children under age 16 must attend "an approved program provided by a local school district, . . . an educational service unit . . . or nonpublic school or" attend the state school. The State Department of Education shall "determine the need for and adequacy of," and approve, educational programs for the visually handicapped in all schools.

REGULATIONS

3-(1) - 3(2)

Gifted and talented children are those with demonstrated abilities of high performance capability in

intelligence, academic aptitude, and creative thinking, and in order to realize their potential, need programs and services which will accommodate their individual differences beyond those provided by the school system.

GIFTED CHILDREN

Identifying gifted/talented students is the superintendent's responsibility and must be accomplished by a combination of intelligence tests, parent nominations and records of past performance.

EVALUATION

Eligibility shall be determined by administrators, parents, teachers, and students. A school district must identify students by general intellectual ability and specific academic aptitude. Eligibility shall be determined by test scores on standardized achievement and aptitude tests.

3-(3) — 3(4)

Before receiving State Department of Education appoval, programs for gifted/talented students must meet certain requirements. The programs must contain the following: (1) specific identification and selection procedures; (2) clear objectives; (3) a definite curriculum, teaching methods and materials; (4) guidance and counseling services; (5) a specific evaluation plan; (6) a three-year evaluation conducted by an evaluation team selected and approved by the State Department of Education; and (7) internal evaluation during the years when the external survey is not required.

A school system seeking State Department of Education approval for a program or wishing to continue a previously approved program must submit its application to the State Department of Education before June 1 each year.

3-(5)

Each school district should appoint one professional staff member to coordinate the gifted/talented program. Although there are no specific certification requirements for teachers in this area, it is recommended that careful attention be given to staff selection. Teachers hired

should be those who demonstrate an interest in and understanding of gifted/talented children.

3-(6)

Program approval is based on the evaluation reports required by the State Board of Education.

14-(11)

The school system shall develop policies and procedures for special education programs.

14-(47)

Each secondary school shall develop policies and procedures for special education programs.

51-(2)

Each school district is required to have on file with the State Department of Education a two-year projection of special education plans, number of children to be educated, and budget requests. The State Department of Education shall review the school district's reports and budgets.

Each plan must include: (1) a description of services to be offered; (2) a five-year projection of needs for each service group; (3) a detailed description of the methodology to be used in evaluating the results of programs; (4) a description of procedures to be used for placement.

The school system shall have developed policies and procedures for special education programs which ensure that: (1) efforts to identify children who need such programs are made at least annually; (2) services will be provided or contracted for; (3) parents are given due process rights; and (4) the district will follow-up and monitor the progress of pupils placed in these programs.

All special education programs will be reviewed at least biennially by the State Department of Education. Continuing evaluation will be conducted by the Department, taking into account such factors as numbers and types of students, class sizes, qualifications of staff, and other appropriate factors.

Special education programs and services are available to students ages five to eighteen.

51-(3)

Special education programs are designated at three different levels. Level I programs are those which can be maintained in a regular classroom, through the provision of 1-3 hours of supportive services. Level I programs may include: resource teacher programs for diagnosed children; speech programs; aural rehabilitation programs; psychological and diagnostic programs; home-school liaison programs; special reader programs; and physical or occupational therapy programs.

Level II programs are those services established for the handicapped child who requires a special education program outside of the regular class program for a time period exceeding three hours per week. Level II services are provided by licensed and/or certificated professional personnel.

Integration into a regular class program shall be determined in relation to the objectives established for handicapped children. A trial period may be undertaken to evaluate the child's adjustment before the change becomes final.

Level III programs are those provided for a handicapped child who attends a program outside the district. These services may be provided by contracting with another school district or by some combination of school districts.

51-(4)

Each school board shall identify all children who would benefit from special education services. No child will be referred for professional diagnosis without written parental consent. Final verification of each handicapping condition will be made by appropriate licensed personnel. Each school board shall provide diagnostic data on each child to the State Department of Education.

IDENTIFICATION

51-(5)

There are three requirements that must be met before a school board shall authorize placement of children in special education programs: (1) consultation with parent or guardian; (2) consultation with a child's most recent teacher; (3) diagnosis and recommendation by appropriate licensed personnel.

PLACEMENT

The child's parent or guardian must approve placement in a special program. The child's progress shall be reviewed annually. Notification of continued, modified or terminated placement of a child shall be communicated to the parent or guardian.

51-(6)

RIGHT OF REVIEW

The parent or guardian shall have the right to review the child's placement. If a child is denied placement in a special education program, his/her parents shall be promptly notified and advised of their right to a review of this determination. A request for review shall be made to the superintendent of the school district. If the parent believes the diagnosis of the child is wrong, he/she may secure an independent diagnosis. The parent or guardian shall have access to all records, reports, or other materials concerning the child's placement and upon which the board based its decision.

The review shall be in the form of a conference between the parent and school district personnel. After considering the evidence presented by both sides, the school district officials shall make their recommendation to the parents. The notice of decision shall inform the parents of their right to a review of the placement decision by the State Department of Education.

NOTICE

The request for a state-level review must be made to the school district superintendent who shall communicate this report to the State Department of Education. The State Department of Education will name a hearing officer to review the matter.

HEARING

CROSS REFERENCES

I.Board of Education: Statute §79-452 -- 458

I.State Board of Education: Statute §79-329 -- 330

III.B.Teachers: Statute §79-1413

III.D.School System: Statute §79-314; 316; 318

IV.H.: Statute §79-203

2. Programs for Exceptional Children

Statutes

§388.440; 388.450

The basic statutory support guarantee "establishes financial resources sufficient to insure a reasonably equal educational opportunity to handicapped minors." "Handicapped minors" are those people under 18 years old who deviate "either educationally, academically, physically, socially or emotionally so markedly from normal growth and development patterns" that they "cannot progress effectively in a regular school program." The board of trustees of a school district shall make such special provisions as may be necessary for the education of handicapped minors and shall establish, subject to state department of education standards, uniform rules of eligibility for instruction under such special education programs.

§388.460

"No minor shall be required to take advantage of the special provisions for the education of handicapped minors if the "minor's parent or guardian files a statement with the board of trustees of the school district showing that the minor is receiving adequate educational advantages."

§388.470

"Before any child is placed in a special program for handicapped children a consultation shall be held with his[her] parents or guardian," and an examination shall be conducted in accordance with state department of education standards, to determine the extent of the handicap. A psychiatrist may be consulted if the board of trustees deems it necessary.

EXAMINATION

§388.490

Except as otherwise provided, "handicapped minors may be admitted at the age of 5 years to special programs established for such minors, and their enrollment or attendance may be counted for apportionment purposes."

The following handicapped minors may be admitted to special programs and have their enrollment counted for apportionment purposes: (1) aurally or visually handicapped minors "at any age under 5"; (2) academically talented minors "at the age of 4"; and (3) mentally retarded minors "at the age of 3."

§388.500

UNGRADED SCHOOL

"Handicapped minors may be instructed in special ungraded schools or within special programs established for the instruction of handicapped minors. Boards of trustees of school districts may purchase sites and erect buildings for such purposes, rent suitable property at an economical rental for special or ungraded rooms," and "accept gifts or donations of sites and buildings for such purposes."

§388.510

"The board of trustees of a school district may provide for the transportation of pupils assigned to special schools or programs for handicapped minors."

§388.520

"The state department of education shall prescribe minimum standards for the special education of handicapped minors," including those aurally, visually, physically, speech, mentally, educationally or multiple handicapped, and those academically talented. State funds will not be apportioned to school districts for special education programs until the programs are "approved by the state department of education as meeting the prescribed minimum standards."

§395.010

The superintendent of public instruction may (1) arrange with institutions of the visually or aurally handicapped in other states for the "admission, education, and care" of the visually or aurally handicapped of Nevada; (2) pay for placement of such persons, if they meet the qualifications of 395.020, in a residential

facility with an education program in a county of Nevada, if their own county does not have such a program; and (3) "make all necessary contracts and agreements to carry out provisions of this chapter."

§395.020

A visually or aurally handicapped person may receive educational benefits if (a) he or she is physically and mentally capable of receiving education; (b) he or she has no "offensive or contagious diseases"; (c) he or she and his or her parents, guardian, or next of kin are unable to pay for admittance to an institution for visually or aurally handicapped; (d) he or she is a Nevada resident under 21 years old during the enrollment period for the school year.

REGULATIONS

Standards and Instructions for Administration of Exceptional Pupil Education Programs
Re: NRS 385.080; 388.450; 388.470; and 388.520

"It is the policy of Nevada that school districts provide programs of instruction for students who deviate either educationally, academically, physically, socially or emotionally so markedly from normal growth and development patterns that they have not progressed effectively in a regular school program, and, therefore, need special instruction or special services."

Increased funds will be available to school districts that establish special education programs. School districts shall establish uniform rules of eligibility for the programs, as well as examination procedures and minimum standards for instruction and special services.

Teachers shall hold a certificate in "Exceptional Pupil Education with an endorsement in the area of their major teaching responsibility." A committee consisting of a teacher, principal, and a psychologist or counselor, shall determine student placement.

V HEARING
PLACEMENT
NOTICE

Standards and Instructions for Administration of
Exceptional Pupil Education Programs
Re: NRS 385.080, 388.450, 388.470, and 388.520

The parents of a handicapped child have a right to a hearing on the proposed placement or non-placement of the child in handicapped education. The parents (or guardian) shall receive notice 30 days prior to the hearing, including the district's reasons why the child's "best interests" are served by the district's placement decision. The parents have a right to examine all pertinent school records prior to the hearing.

Standards and Instructions for Administration of
Exceptional Pupil Education Programs
Re: NRS 385.080, 388.450, 388.470, and 388.520

Teachers in the special education programs must hold a certificate in Exceptional Pupil Education, except for those who teach the academically talented. Individual assessments for each child shall be made annually with "goals and objectives written in measurable terms." Students placed in "educable mentally retarded programs" and in "learning disabilities programs" should be "reviewed at least yearly and written recommendations be made available to State Department personnel."

CROSS REFERENCES

I.Superintendent of Public Instruction; Statute § 385.390

III.B.Teachers; Regulation, Nevada Teacher Certification, Part Two, pp. 11-15

2. Programs for Exception Children

SCHOOLS FOR DEAF

Statutes

§132:17

The state board of education shall furnish the parents of deaf children with information on "schools for the deaf" or public schools which have "special classes for instruction for the hard of hearing."

§186-A:1 --186-A:2

The state policy is "to provide the best and most effective education to all handicapped children." A "handicapped child" is one who is physically, intellectually, or emotionally handicapped and less than twenty-one years old. "Emotionally handicapped" includes persons with "behavior and/or learning problems" due to "internal emotional conflicts, home conditions or general environment".

§186-A:3

"The state board of education is authorized to establish a program of special education."

§186-A:4

"Every school board" must make an annual report to the state department of education giving "the number of handicapped children in its school district."

§186-A:5

The state board of education shall assist the school districts in "developing an approved plan" for special education.

§186-A:6

"Every handicapped child" who may benefit by instruction "shall attend an approved school or program". If the child applies for "continued education facilities," the instruction may continue until the child reaches the equivalent of a high school education or the age of twenty-one.

§186-A:7

"A school district shall establish programs for handicapped children" or pay tuition to another school district which has an approved program.

TUITION

§186-A:8

Any handicapped child who attends an approved, special school either within or outside of New Hampshire, shall have a portion of his or her tuition paid by the school district where he/she resides. Handicapped children may be assigned to "approved schools" by the board of education.

TUITION

§186-A:10

The state board of education is authorized to "receive and expend" federal funds for special education.

§186-A:11

The state board of education has authority to appropriate funds to school districts for special education programs which meet "the standards set by the state board of education."

§186-B:1

SERVICES TO THE BLIND

"To enable the state to more effectively provide services to the blind of all ages in the state," the "education, training, [and] vocational rehabilitation . . . of the blind" are placed under one administration. The department of education assumes responsibility for the "education and training of all handicapped children in the state."

§186-B:2

APPOINTMENT

"The state board of education shall appoint the director of blind services".

§186-B:3

"The department of education shall establish a program for the education, training, and vocational rehabilitation for the blind of all ages . . . ." The services provided shall include "vocational guidance and training" and "placement of blind persons in employment".

§186-B:4

The "director for blind services" shall keep a "register of the blind" listing all blind persons in the state and their "capacity for education and industrial training". The director shall act as a source of "information and industrial aid for the blind".

§189:11-b

"The school board of each school district may provide the services of a learning disability teacher".

CROSS REFERENCES

III.A.1.; Regulation, Minimum Standards and Recommendations - Elementary School, #319.13, pp. 3--24

IV.D.; Statute §186-A:9

IV.H.; Statute §193:3

STATUTES

§18A:46-5

Each county child study team shall cooperate with the local boards of education pertaining to: (a) identification and diagnosis of children needing special educational services; (b) development and approval of public school programs for handicapped pupils; (c) supervision and coordination of such programs; (d) social case work and psychological evaluation; (e) remedial instruction; and (f) additional responsibilities determined by the commissioner.

§18A:46-6;7

IDENTIFICATION

Each board of education shall identify which pupils cannot be "properly accommodated through the school facilities usually provided because of handicaps." The board shall report annually to the county superintendent of schools, who shall report to the commissioner, the number and classification, as well as the names and addresses of children enrolled in special educational programs and those not attending school. The reports shall be available to state agencies involved with the handicapped.

§18A:46-7.1

Each year the board of education shall distribute, to parents of the handicapped children of the district, copies of Chapter 46 and any current rules and regulations relating thereto.

§18A:46-8

Each handicapped child shall be identified, examined and classified according to procedures prescribed by the commissioner under one of the following categories: "mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiply handicapped.

CLASSIFICATION

§18A:46-9

Any child classified as mentally retarded shall be further classified as either: (a) "educable mentally retarded children;" (b) "trainable mentally retarded children;" (c) children "eligible for day training."

§18A:46-10

Pupils needing special educational services to "ameliorate or to prevent the development of learning handicaps" shall be classified according to their ability to benefit from specified services. Such services shall include, but not be limited to: (a) case work with pupil at home or school; (b) counseling or guidance; (c) remedial instruction; (d) special scheduling of a school program, including part time attendance in special or regular groups; (e) referral to other agencies for services; (f) special grouping in school for children who probably will return to the regular program; (g) arrangement for direct services therough the county department of child studies.

PSYCHOLOGICAL EXAMINER

§18A:46-11;12

Each board of education or boards of education jointly shall employ a "psychological examiner" to "administer the procedures for diagnosis and classification required by this chapter" or the board or boards may use the psychological services of a clinic or agency approved by the commissioner under suitable standards.

§18A:46-13

Each board of education has a duty "to provide suitable facilities and programs of education" for all handicapped children "except those so mentally retarded as to be[eligible for day training] . . ." "The absence or unavailability of a special class facility in any district" does not relieve the board of its responsibility to provide education for handicapped children.

§18A:46-14

The facilities and programs required by this chapter shall be provided by: (a) a special class or classes in the district; (b) a special class in the schools of another district or another state; (c) joint facilities or classes in institutions provided by two or more districts; (d) a joint commission program; (e) a state operated program; (f) instruction at school supplementary to the regular program; (g) individual instruction at home or at school.

When a child is confined to a hospital or institution and is enrolled in a special education program, the board shall pay his/her tuition.

TUITION

The board may also furnish facilities and programs for people over 20 who do not have a high school diploma, or children under 5.

§18A: 46-16 -- 18

ADMISSION

A pupil may be "refused admission to, or be excluded temporarily from" school pending his/her examination and classification.

Upon the advice of the psychological examiner, the superintendent of schools may exclude a child classified as eligible for day training.

RE-EXAMINATION

Any such child shall, upon request of the parent or guardian, be reexamined one year after the last previous examination.

The names of such children shall be reported to the secretary of the board of education. The city superintendent shall furnish a list of these children to appropriate institutions and agencies, although such lists shall not be made public.

An exclusion or refusal of admission shall continue until "set aside by action of the board of education or lifted as a result of a reexamination."

§18A: 46-29 -- 36

A county board of education may establish a "county special services school district" for handicapped children. The State Board of Education shall prescribe rules and regulations for the special service schools. The county schools may accept pupils from other districts and charge for their tuition. The courses of study for such schools shall be subject to the Commissioner of Education's approval, and shall provide programs that are not elsewhere available in the county.

TUITION

Each special services school district shall have a board of education consisting of the county superintendent of schools and six other persons appointed by the county board. The board members must be residents of the county for at least two years prior to appointment and must demonstrate an interest in children with learning disabilities.

APPOINTMENT

§18A:61-1

A state school for the deaf shall be maintained and shall be supervised by the commissioner of education. Deaf persons of suitable age (not over 21) who are state residents shall be admitted to the school. Proof of residency must be submitted with the application for admission.

SCHOOL FOR DEAF

REGULATIONS

§6:28-1.2

Children declared eligible for special education shall receive, upon recommendation of a child study team employed by a local board of education, the same educational opportunities as non-handicapped children.

§6:28-1.3

A child study team shall consist of a school psychologist, a learning disabilities specialist, and a school social worker.

CHILD STUDY TEAM

§6:28-1.5

Members of the child study team shall be employees of the board of education or the State Board.

§6:28-1.8

IDENTIFICATION

Local boards shall be responsible for the iden-- tification of handicapped children between the ages of five and 20 who are residents of their school district and are not attending nonpublic schools. Local boards may assume such responsibility for children below the age of five and beyond 20.

The identification process may involve the judgement of teachers, medical and health professionals, school administrators, special services personnel, parents, and/or agencies concerned with the welfare of children.

§6:28-1.9

The identification, evaluation and classification procedures shall include provisions for parental notification and participation.

IDENTIFICATION

Identification: The parent shall be notified in writing in the dominant language of the home when a child has been referred to a basic child study team for evaluation. Such notification shall state the reasons for the referral and shall contain a statement of the parent's rights to challenge the referral.

The chairperson of the basic child study team or designee shall inform the parent of the classification, educational plan and the recommended education program at a conference prior to their implementation. A summary of the classification, educational plan and educational program shall also be provided the parent in writing in the dominant language of the home.

At the conference and in writing the parent shall be informed of the right to dispute the classification, educational plan and educational program and to invoke the mediation process or hearing described in the New Jersey statues.

§6:28-1.10

EVALUATION

All identified pupils shall be provided an evaluation by the basic child study team to determine if they are handicapped and in need of special education programs as a prerequisite to any board of education action on exclusion from the public school.

Parents of pupils attending public schools, who have been identified as stated above, shall be provided copies of the law and the regulations relating to the handicapped by the local school district, and shall be fully informed of the procedures to seek redress for any issue arising under said law or regulations by which they feel aggrieved.

Parents who challenge the findings of the child study team have the right to request an independent educational evaluation of their child from the Branch of Special Educational and Pupil Personnel Services, State Department of Education. The Department of Education shall provide, without cost to the parent, all neccessary professional evaluation services for this purpose.

§6:28-1.11

REVIEW

An administrative review process may be made available to attempt to resolve disputes. Such process should consist of the following: (1) an informal conference between the parents and members of the child study team and such other professional staff member as may be appropriate and such representatives as the parent may reasonably wish to include; (2) an opportunity for the parent to meet with the local board of education; and (3) consultation with and review by special services personnel of the office of the county superintendent and regional child study teams or with the branch of special education and pupil personnel services, State Department of Education.

In addition to this review process, a review shall be made available upon request to the local board of education and shall include the following: (1) a full hearing before an impartial hearing examiner, conducted at a time

HEARING

and place convenient for the parents, with a verbatim record of the hearing kept; (2) full access by the parent to all records, findings and recommendations of the child study team reasonably in advance of the hearing; (3) the parent shall have a right to the presence of the legal counsel and other representatives; (4) an opportunity for the parent to be heard, to present witnesses, and to cross-examine witnesses appearing on behalf of the child study team or the chief school adminstrator or designee; and (5) a decision shall be made promptly and in writing, be based solely upon the evidence presented at the hearing, and a copy shall be made available to the parent.

APPEAL

Any party may appeal this decision to the Commissioner of Education. The decision of the Commissioner of Education may be appealed to the State Board of Education. The decision of the State Board of Education may be appealed to the New Jersey Superior Court, Appellate Division.

PLACEMENT

No recommendation for placement, change in placement or exclusion from placement of a handicapped child shall be implemented before a hearing is held on a parental challenge to such recommendation and a decision entered; provided a request for a hearing is made within ten days of notification of such recommendation, except that such recommendation may be implemented if the chief school administrator demonstrates with clear and convincing proof that failure to effect such implementation will harm the child or other children.

§6:28-2.2

DIAGNOSTIC EXAMINATION

Local boards of education shall provide for such diagnostic examinations as are neccessary to determine the need of special education programs for pupils who manifest disabilities in one or more of the following areas: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired (neurologically impaired or

perceptually impaired), orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiply handicapped.

Examination and classification shall include the following:

PHYSICAL EXAMINATION

1. A comprehensive physical examination, designed to assist in the classification process, shall be given by a physician employed by the local board of education. If a parent or guardian of the child employs his own physician, a report of such physical examination which is acceptable to the school physician shall suffice.

PSYCHOLOGICAL EXAMINATION

2. A psychological examination shall be given by a certified school psychologist and shall include, but not be limited to, a comprehensive battery of evaluation instruments which are intended to assess the intellectual, social and emotional development of the child.

EDUCATIONAL ASSESSMENT

3. An educational assessment shall be made by an approved learning disabilities specialist and shall include, but not be limited to, an evaluation of the nature and causes of learning disabilities as well as determination of the individual's education competencies on the functional level.

SOCIAL CASE STUDY

4. A social case study shall be made by a certified school social worker and shall include, but not be limited to, an evaluation of the family and community factors which contribute to the child's problem and which serve as supportive resources.

When a school district is unable to employ a basic child study team, the school district shall utilize the services of an eligible approved clinic or agency or professionals in private practice, representing basic child study team disciplines, to classify handicapped children. This shall be done only with the advanced written approval of the Commissioner of Education.

§6:28-3.1

Handicapped pupils shall be afforded educational programs according to how they can best achieve success in learning.

Whenever possible handicapped children are to be grouped with non-handicapped children as part of their educational programs.

PLACEMENT

The chief school administrator or designee shall be responsible for the placement of handicapped pupils based on the recommendations of the basic child study team employed by the local board or the findings of a clinic or child evaluation center... Parents shall be consulted on all placements.

§6:28-3.19

SUPPLEMENTAL INSTRUCTION

Supplemental instruction shall be provided handicapped children which is given to complement their regular instructional program. Supplemental instruction shall be provided at a school or other facility operated and controlled by the local board.

The teachers providing supplemental instruction shall be appropriately certified or approved and shall be employed by the board.

§6:28-3.2

All school districts shall provide a continuum of educational services including programs of instruction complementary to the regular classroom.

Handicapped children shall be served in an educational program on any of the following basis but priority shall be given to the program which offers the student the least restrictive environment.

1. Instruction at school which complements regular class program; supplementary instruction; and resources room and/or learning center.

2. A special class program in the district.

3. A special program in the public schools of another district; a county vocational and technical school; a county special services district; an education services commission or a jointure commission.

4. Public school programs in hospitals, convalescent homes or other private institutions provided by agreement between one or more school districts.

5. A State of New Jersey operated program.

6. Sheltered workshops in conjunction with other educational programs in the local district on a part-time or full-time basis.

7. Sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or an adjoining state or a nearby state and within 400 miles of Trenton or, with the approval of the Commissioner, to meet particular circumstances, at a greater distance from Trenton, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the Commissioner it is impractical to provide services.

PRIVATE INSTRUCTION

8. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the Commissioner it is impractical to provide a suitable special education program for a child.

INDIVIDUAL INSTRUCTION

§6:28-3.20

The board shall furnish daily transportation within the state to handicapped children. The board, when providing this transportation, is to exercise the upmost care for the child's safety.

§6:28-3.3

Teachers instructing handicapped children shall provide instruction designed to correct or compensate for the disability as well as work cooperatively with other teachers who may provide other portions of the pupil's educational program.

In programs other than special class the instructional reponsibility shall be shared between teachers holding general and special education certificates.

§6:28-3.4

CLASSROOM AIDES

Classroom aides, under the supervision of a principal, teacher of the handicapped, general education teacher or other personnel, appropriately certified, may assist the teacher in special classes or other special programs.

§6:28-3.6

EXTRA-CURRICULAR ACTIVITIES

Handicapped children shall not be denied access to participation in extracurricular, intramural, and interscholastic activities as well as health, recreation and social services activities.

§6:28-3.9

The local district, independently or in concert with other school districts, shall provide an appropriately sequential program, kindergarten through secondary school completion, for all classified handicapped pupils.

A handicapped child must be certified as having completed the elementary special education program. The child's program responsibility then passes to the secondary school.

§6:28-3.10

A special program shall be defined as one planned for individual handicapped children under the supervision of an appropriately certified or approved teacher who regularly provides instruction to the children and shall plan and implement the program of these handicapped children which may include instruction by other teachers.

The following requirements pertaining to health and safety shall be observed: (1) suitable health services shall be part of the school program, (2) adequate provision by the local board of education for continuing child study team services appropriate to the children's disabilities, and (3) provisions for rest, lunch, and special training in accordance with the needs of the pupils.

Adequate building facilities shall be provided.

A course of study or training, adapted to the special needs and abilities of the pupils with emphasis on their capabilities shall be offered.

The teacher or teachers assigned to the program shall hold an appropriate teaching certificate as prescribed by the State Board of Education.

Instructional materials and educational media suitable to the education or training of handicapped children shall be provided in consideration of ability and age levels, and in recognition of educational and social needs.

Any joint provision for supervision of programs, facilities, examinations or transportation shall meet statutory provisions.

Supervision of education programs for the handicapped in local school districts shall be performed by appropriately certified and qualified supervisors of instruction.

CLASS SIZE

Class size and grouping shall be appropriate to the disability and need of the children involved. In the following categories or subcategories the maximum class size shall not exceed: chronically ill - 20; orthopedically handicapped - 15; educable mentally retarded - 15; trainable mentally retarded - 10; socially maladjusted - 12; communication handicapped - 10; neurologically impaired - 8; perceptually impaired - 12; emotionally disturbed - 8; visually handicapped - 8; auditorially handicapped - 8; and multiply handicapped - 8.

Factors of chronological and mental age shall be weighed in the formation of special classes, as well as factors of social adjustment.

Participation in a regular school activity program shall be provided to the extent that the capabilities of the child permit as determined by the child study team.

Exceptions regarding group size, age range and classification restrictions for experimental purposes may be made with prior approval of the Bureau of Special Education and Pupil Personnel Services.

Reports of general and special examinations used in the identification, classification, placement or instruction of handicapped pupils and records descriptive of the child's needs, abilities and progress shall be available to the Commissioner of Education and his designated representatives.

§6:28-3.12

CONFINED CHILDREN

Children confined to their home, or to a hospital by a physician because of illness or injury shall receive an appropriate educational program at their place of confinement upon ascertainment and notification to the appropriate school adminstrator that such confinement is expected to extend to a period of at least two weeks.

§6:28-3.13

"Confined children shall receive instruction for not less than five hours per week..." These five hours shall be accomplished by no less than three daily visits by the teacher.

§6:28-3.15

HOME INSTRUCTION

Individual home instruction may be accomplished by telephone or television for confined children. Such instruction may consume all except two hours per week of instruction.

§6:78-1.1

SCHOOL FOR DEAF

The function of the School for the Deaf is to provide tuition free residential and day educational facilities and instruction for deaf children in the following areas: (1)preschool, (2)nursery, (3)elementary, (4)junior high school, (5)senior high school, (6)vocational-technical, and (7)post-seconday education.

Appropriate certificates and diplomas shall be awarded upon the completion of approved courses of study.

Applications for admission shall be made directly to the school through a written request from the parent or legal guardian with or without assistance from the child study team of the applicant's local school district.

All applicants must be deaf persons of suitable age and capacity for instruction, legal residents of this State, not over 21 years of age and meet the following criteria:

1. All applicants must have a residence other than the school.

2. All applicants must be classified as "auditorily handicapped" (deaf) in accordance with statute.

3. All applicants must be physically and emotionally capable of adapting to residential and educational requirements of the program.

4. All applicants under the age of 14 years must either be too remote from another approved program for the deaf for commuting purposes or be classified as capable of benefitting from a limited residential placement due to extenuating circumstances.

An applicant who is refused admission after following the admission procedures outlined above, may appeal such decision in writing to the Commissioner of Education.

CROSS REFERENCES

I.Business Manager; Statute §18A:18-2--18-2.3

I.Commissioner of Education; Statute §18A:4-32--35

I.Commissioner of Education; Statute §18A:46-2

I.Commissioner of Education; Statute §18A:46-3

I.Commissioner of Education; Statute §18A:46-15

I.Jointure Commission; Statute §18A:46-25

I.Jointure Commission; Statute §18A:46-26

I.Jointure Commission; Statute §18A:46-27

II.A.1.; Regulation §6:43-4.1

II.C.2.; Regulation §6:8-4.8

III.B.Teacher; Regulation §6:11-6.3

III.B.Teacher; Regulation §6:11-8.4

III.B.Teacher; Regulation §6:11-12.13

III.B.Teacher; Regulation §6:28-3.17

III.B.Teacher; Regulation §6:48-2.1

III.C.Students; Regulation §6:28-3.7

IV.A.; Regulation §6:29-4.2

IV.D.; Statute §18A:46-23

IV.G.; Statute §18A:46-20--22

2. Programs for Exceptional Children

Constitution

New Mexico Constitution Article XII, Section 13

"The legislature shall provide for the control and management of . . . the New Mexico School for the Visually Handicapped, the New Mexico School for the Deaf and the Northern New Mexico State School . . . by a board of regents for each institution."

Statutes

§73-23-3

Children who, on account of a visual handicap, cannot be educated in the public schools must be sent for 7 school years to the New Mexico School for the Visually Handicapped unless such children attend private school, are taught at home or are too physically disabled to attend.

SCHOOL FOR BLIND

§73-23-4

The superintendent of the New Mexico School for the Visually Handicapped shall arrange for payment for transportation of students to the school when students' parents cannot afford to pay.

§73-23-5

"Superintendents of all school districts in the state . . . shall report to the superintendent of the New Mexico Institute for the Blind whether or not there are blind children of legal school age within their . . . districts." The superintendent of the institute must then notify the parents of such children that, subject to exceptions their children are to attend the New Mexico School for the Visually Handicapped.

§73-24-5

Names and addresses of all deaf and hard of hearing school age persons must be reported by the district superintendent to the superintendent of the New Mexico School for the Deaf who, in turn must notify such childrens' parents to send the children to the School.

SCHOOL FOR DEAF

If this is financially not feasible the School for the Deaf will pay for a child's clothing and transportation. Deaf students are subject to the state compulsory attendance law.

§77-11-3, 3.1, 3.2

Exceptional children -- those "whose abilities render regular services of the public school to be inconsistent with their educational needs" -- must be provided with special education sufficient to meet their needs. Standards are developed by the state board. Programs are administered by the local district. The state department of education shall set standards for diagnosis and screening and educational offerings for the exceptional children. The state superintendent must approve the programs prior to distribution of funds.

§77-11-3.3

"The responsibility of school districts, institutions and the state to provide a free public education for exceptional children is not diminished by the availability of private schools and services." Local boards, with state superintendent approval, can make agreements with nonsectarian nonprofit educational training centers for educating exceptional children. Payment is made by the local board. It continues to be a state responsibility to see that "exceptional children receive the education to which the laws of the state entitle them."

Agreements between the board and private centers must provide for diagnosis, on-site evaluation of programs by the board and the department of education and must ensure that state standards are met.

CROSS REFERENCES

III.B.Educational Diagnostician; Regulation, Reg. No. 76-25

III.B.Teachers; Regulation, Reg. Nos. 63-3; 69-2; 69-4; 74-2; 74-3; 74-4; 63-1

IV.D.; Statute §77-14-4

2. Programs for Exceptional Children

Statutes

§4201 -- 4205

BLIND/DEAF PUPILS

Specified institutions for the instruction of the deaf and of the blind "shall be subject to the visitation" . . . review and evaluation of the commissioner of education. All deaf children who are three or over and have lived in the state for one year are eligible for appointment to such schools.

The commissioner of education may allocate funds for clothing for state deaf pupils when parents or guardians are unable to do so.

§4206 -- 4208

BLIND PUPILS

"All blind persons of suitable age and capacity" (resident in the state for one year immediately preceding application) are eligible for appointment to specified institutions for instruction of the blind.

"Each blind pupil shall be provided with board, lodging and tuition." The regular term of instruction is eight years, but may be extended.

The commissioner of education may allocate funds for clothing for state blind pupils when parents or guardians are unable to do so.

§4209

SCHOOLS FOR BLIND/DEAF

Pupils who are both blind and deaf or both blind and cerebral palsied shall be admitted as state pupils into one of the specified institutions for the instruction of the deaf and blind and under the same conditions of eligibility.

§4301 -- 4307

SCHOOL FOR BLIND

A New York State School for the blind is established "under the jurisdiction and control of the education department." The school's primary objective is to furnish the best know facilities for education of the blind and "to train them in some useful profession or manual art . . . ." The governor shall

appoint one member per year, who meets residence requirements, to serve a 7-year term on the "board of visitors" and shall appoint members, as necessary, to fill vacancies. Members shall serve without pay. Board members shall "visit and inspect" the school for the blind, and recommend the appointment and approve the removal of a superintendent . . . ." The superintendent shall "supervise and manage" the school. The commissioner of education is empowered to set "personnel procedures and conditions of employment."

APPOINTMENT

REMOVAL

§4308 -- 4310

"All blind persons of suitable age and capacity for instruction, who are legal residents of the state, shall be entitled to the privileges of the New York State School for the Blind, without charge, and for such a period of time . . . as may be deemed expedient by the education department."

SCHOOL FOR BLIND

Out-of-state pupils will be accepted as space allows, and will be required to pay tuition.

TUITION

Admission applications must be accompanied by an official certification of residence.

§4311

Parents or guardians of blind children must provide clothing and travel expenses for students. The department of education shall furnish the above if parents or legal guardians are unable or fail to do so.

Whenever it is "deemed necessary by the education department to permanently remove a pupil from the school" such pupil shall be removed by his/her parents or guardians.

REMOVAL

§4351 -- 4354

"The New York state school for the deaf is . . . established under the jurisdiction and control of the education department."

SCHOOL FOR DEAF

"The primary object of the school shall be to furnish children of the state suffering from deafness. . . who may be expected to profit from instruction, such

educational opportunities as will enable them . . . to be come useful and well-adjusted citizens of the state."

APPOINTMENT

"The regents shall appoint an advisory board of visitors . . . consisting of nine members," who meet residence requirements, for five-year terms. Vacancies will be filled by regents' appointment. Members shall serve without pay. It is the responsibility of the board of visitors to visit and inspect the New York state school for the deaf.

SCHOOL VISITS

APPOINTMENT

"The chief executive officer of such school shall be a superintendent," appointed by the regents, who has supervision and management of the school. The commissioner of education is empowered to set "suitable personnel procedures and conditions of employment."

§4355; 4356

SCHOOL FOR DEAF

"All deaf persons of suitable age and capacity for instruction who are legal residents of the state shall be entitled to admission to the New York state school for the deaf without charge for such period of time . . . as shall be deemed proper and expedient by the department."

"The board of education or trustees of each school district shall establish a committee on the handicapped" to annually "identify, review and evaluate . . . the status of each handicapped child." The committee shall "make recommendations . . . as to appropriate programs . . . evaluate the programs, services and facilities for handicapped children; report to the board of education, and provide for the transmittal of information . . . such as test results, to the child's home district or education district."

"The board of education or trustees of each school district shall be required to furnish suitable educational opportunities for handicapped children . . . ."

School authorities shall provide "suitable transportation to and from special classes or programs".

§4401; 4402

"The board of education or trustees of each school district shall ascertain . . . the number of handicapped children in such district under the age of 21 years and the nature of the handicapping condition of each such child . . ." ("A 'handicapped child' means a person . . . who, because of mental, physical or emotional reasons can receive appropriate educational opportunities from special services.)

§4403

REGISTER

The state department of education shall: "maintain a register of handicapped children and . . . use all means . . . necessary to adequately meet the physical and educational needs of such children . . .;" stimulate public and private efforts in this direction; and periodically inspect and evaluate such programs.

§4404

EVALUATION

HEARING

If a parent or guardian of a handicapped child objects to evaluations and program recommendations of the committee on the handicapped, he/she is entitled to a hearing before a hearing officer, subject to review by the commissioner of education.

§4407

When the department of education is satisfied that a handicapped child is not, because of an unusual handicap or combination of handicaps, receiving such instruction from which he/she can be expected to benefit the department is authorized to contract with an out-of-state facility for the child's instruction.

CONTRAC

§4408

SCREENING PROGRA

"The legislature declares that the establishment of a mandatory learning impediment screening program which will enable school districts to detect quickly and accurately the presence of handicaps likely to impede the learning process in individual children at

the earliest possible point during their schooling is an essential first step toward achieving the realization of its goal of maximizing the educational opportunities of all children in the state of New York."

REGULATIONS

§ 6.1 — 6.4

SCHOOL FOR BLIND

The commissioner of education has general control and management of the New York State School for the Blind. The commissioner shall determine admissions, and provide clothing and expenses for indigent children.

DIPLOMA

The board of visitors of each school shall study the needs of the schools and report to the commissioner. Diplomas shall be awarded to pupils who meet the requirements for graduation.

§ 149.4 — 149.5

School districts that receive additional State aid for pupils with special educational needs shall prepare and submit to the commissioner annual reports which describe the special education program objectives and activities. At the close of the school year, the school districts shall file an annual report describing the program and evaluating the results achieved.

§ 200.3

APPOINTMENT

Each board of education shall appoint a committee on the handicapped. Boards may also appoint subcommittees to assist the committee on the handicapped.

EXAMINATIONS

School districts shall provide a physical examination, a psychological examination, and other necessary evaluation in order to ascertain the physical and mental factors which contribute to the handicapping condition.

The formation of special classes shall depend upon "the severity of the children's handicaps, capabilities and educational, social or emotional needs."

Special classes for children handicapped because of severe physical reasons (including children who are blind, deaf, orthopedically handicapped or neurologically impaired) shall be organized as follows: (1) the age range of the children shall not exceed three years. (2) The class size shall not exceed 10 at the elementary level, and not above 15 at the secondary level.

Special classes for children handicapped because of severe emotional reasons: the age range shall not exceed three years and class size shall not exceed 10 at either elementary or secondary levels.

CLASS SIZE

Special classes for the educable mentally retarded: (1) age range shall not exceed 3 years; (2) register at the elementary level shall not exceed 15; at the secondary level it shall not exceed 18.

Special classes for the trainable mentally retarded: (1) Age range shall not exceed four years. (2) The total register for children through 12 shall not exceed 10; for children over 12, it shall not exceed 12.

Special classes for multiply handicapped children: (1) The register of children shall be based on the needs of the children as well as their ages. (2) Children in such classes will receive the services of certified specialist in two or more areas of special education.

The formation of resource programs shall depend upon the nature of the child's capabilities and individual needs. The total enrollment in a resource program shall not exceed 20. Each handicapped child in a resource program shall receive at least one hour of individual or small group instruction five days a week. The teacher shall be certified in the appropriate areas of special education. There shall

be resource programs for (1) educable mentally retarded, emotionally disturbed, physically handicapped; (2) visually impaired and partially sighted; (3) severely speech impaired; (4) hearing impaired; and (5) those with combined handicapping conditions.

HOME INSTRUCTION

Home and hospital instruction shall be available for handicapped children who are unable to attend school.

Each board of education shall provide for an individual education plan for each handicapped child. The individual education plan shall be written to meet the unique needs of each handicapped pupil. This plan shall be developed at the time the child enters the special education program, and shall be reviewed and revised periodically (at least annually).

REVIEW

The individual education plan shall include: a statement of the present educational level of such pupil; a statement of annual goals; a statement of the specific services and materials to be provided to the pupil; appropriate objective criteria and evaluation procedures and schedules for determining, at least on an annual basis, whether the instructional objectives are being achieved.

Planning conferences to determine the education plan shall be conducted as soon as possible, but not later than 30 days, after the child enters the special education program. The participants shall include the pupil's teacher, the pupil, and whenever appropriate, the pupil's parents.

§ 200.5

The parents and guardians of handicapped children shall be advised of any modification or change in a child's evaluation or special education placement. This is required whenever a committee on the handicapped decides that a child needs special educational services, or recommends a change in the child's placement, or recommends the continuation of the child's placement. The notice

EVALUATION

NOTICE

HEARING

APPEAL

to the parents must be in writing and shall include a detailed description of the committee's recommendations; the tests upon which the recommendation is based; state that school files and reports are available for inspection; describe the right to a hearing if there are objections to the recommendation; and include a statement on appealing any hearing decision. Within 10 days of receipt of a notice of recommendation, a parent or guardian may request a hearing. The board of education shall appoint a hearing officer to conduct the hearing. At the conclusion, the hearing officer shall submit her/his recommendation to the board of education which shall render a decision at its next meeting. The parents shall be advised that they have a right of appeal to the commissioner of education.

When a board of education is notified by a child's parent or guardian or by a physician that there is reason to believe that the child may need special education services, the board of education shall provide for an eligibility determination within 30 days of the notification.

§ 200.6

Applications to state-supported schools for the deaf, blind or severely physically handicapped shall be made by parents through the committee on the handicapped. If the committee recommends approval, the board of education shall forward the request to the commissioner. The commissioner will direct the parents to have the child evaluated at the State school and notify the parents, board, and committee of the results and recommend approval, if appropriate.

EVALUATION

The commissioner's approval of the State appointment will be based on the following:

(1) Only deaf, blind or severely physically handicapped students from ages 3-21, who are New York State residents, may be appointed to State supported

schools. (2) Appointments shall be on a day basis unless special circumstances prevent daily travel arrangements. (3) State supported schools must maintain a full program for at least 180 days. (4) A State-appointed pupil is entitled to the due process rights offered under State education law. (5) Confidentiality of pupil records shall be maintained.

SCHOOL YEAR

State-operated and state-supported schools shall submit annual budgets to the commissioner of education.

§ 200.8

If it is established that a child suffers from a handicap for which appropriate facilities do not exist within the State, state assistance may be given to send the child to an out-of-state school.

PLACEMENT

The out-of-state school must have a suitable education program and have been approved by the State where the school is located.

The commissioner must approve all out-of-state placements of handicapped children.

§ 200.12

IDENTIFICATION

The board of education shall identify all handicapped children from birth to 21 who reside in the district. A register of such children shall be maintained by the committee on the handicapped.

§ 203.1 (Statutory authority §207)

EXAMINATION

All school districts shall administer examinations to ascertain the physical, mental and social causes of children who "fail continuously" or who are "under-achievers." Such children are those who fail in two or more subjects in one year, or those who in a teacher's judgment fail to achieve their capacity for a year. The physical examination must be conducted by a licensed physician and shall

precede the other examinations. The results of the examinations shall be reviewed by the school authorities in order to determine the best procedures for removing the causes of failure or under-achievement for each child.

CROSS REFERENCES

I.Chancellor of City District; Statute §2590-h

III.D.Educational Programs; Regulation §11[illegible]

IV.D.; Statute §3621 -- 3622

IV.D.; Regulation §156.13

IV.H.; Statute §3208

2. Programs for Exceptional Children

Statutes

§115-1.2

An annual census of "children with special needs" shall be [taken] by the Departments of Public Instruction and Human Resources. The census shall be conducted by local education agencies and its purpose shall be "to ensure that all children with special needs are identified and that appropriate programs are provided." CENSUS

§115-11.6 - .8

A "Council on Educational Services for Exceptional Children" is established as an "Advisory Council to the State Board of Education."

The Council on Educational Services for Exceptional Children shall periodically review the "exceptional child programs in the public schools," receive and review complaints regarding the programs and recommend "corrective actions and programming" to the State Board of Education.

§115-172 - 175

Every deaf or blind child between six and 18 years who is eligible for admission to a State school for the deaf or the blind, must attend an approved school. A blind child may however attend a public school. Parents and guardians of such children must see to it that the children regularly attend school. The superintendent of a school for the blind or the deaf may "exempt or discharge" a pupil whenever deemed "necessary or proper", but the parents of such a child may petition the school board for review. Failure on the part of the parents of such a child, to send the child to school shall constitute a misdemeanor. The names of parents of deaf or blind children shall be reported by county and city superintendents to the superintendents of schools for the blind and the deaf.

§115-315.23 - 115-315.26

A system of "Regional Educational Training Centers" is established to "provide in-service training to all special education teachers," to develop skills in elementary grade teachers "to detect potential special educational needs," to "provide in-service training and consultative services to a parent or guardian of a child with special needs," and to "conduct an in-depth evaluation of the impact of in-service training on the delivery of services to children with special needs within the public schools." The State Superintendent shall "develop rules and regulations" for the operation of the centers.

§115-321 - 115-342

SCHOOL FOR THE BLIND

All blind children "between the ages of six and 18 years" may be admitted to the state school for the blind. Transportation and clothing may be provided for children who are unable to pay for same.

SCHOOL FOR THE DEAF

The state school for the deaf shall receive children "between the ages of six and 21 years" who are state residents. The school for the deaf shall provide instruction in the "branches of study now prescribed . . . for the public schools" and students shall receive free textbooks.

REGULATIONS

§2E.0601

The division for exceptional children is responsible for the following:

(1) providing consultative services to local school systems in planning, establishing, and maintaining programs for the instruction of exceptional children; the following areas of exceptional children are provided services: crippled, emotionally disturbed, gifted and talented, hearing impaired, homebound, hospitalized, learning disabled, mentally retarded, multi-handicapped, speech and language impaired, visually impaired;

(2) assisting local school systems in utilizing available resources through the completion of the equal educational opportunities plans as set forth in the Equal Educational Opportunities Act;

(3) cooperating with other divisions in the department of public instruction and other departments, agencies and institutions of higher education to foster a collaborative effort on behalf of all exceptional children;

(4) disseminating information needed by parents, lay persons, legislators, organizations, and agencies, to keep them properly informed and to assist them in better understanding programs for exceptional children;

(5) coordinating and administering activities of three participating federal programs;

(6) providing staff development to improve and upgrade competencies of regular and special class teachers, administrators and support personnel.

§2E.0604

The placement of children in any program shall be based on a competent evaluation by qualified personnel and shall be in keeping with "the powers, procedures and placement in the least restrictive setting." The school-based committee should review the placement of each child so they may be placed in the most appropriate program for the following year.

PLACEMENT

Eligibility for enrollment in a public school program for the trainable mentally retarded, elementary and secondary level, a child must have attained his[her] sixth birthday but not his[her] eighteenth. A county or city board of education may enroll older youth between their 18th and 21st birthdays in a secondary class designed for eligible children in the 15-21 age group. Two or more units may join together in providing programs for children with special needs; instructional materials, supplies and equipment shall be provided by local boards of education for children with special needs.

ELIGIBILITY

Facilities and equipment used for children with special needs shall be designed and organzied to meet the particular needs of the exceptional children being served.

Transportation will be provided by local boards of education from special funds provided through the Director, Division of Transportation of the State Board of Education.

Psychologists will be used to identify, diagnose and evaluate children who are not succeeding in the regular school program, and to assure correct placement of these children. Psychologists shall meet either level 1, 2, or 3 certification as approved by the board and the division of certification and may settle students in grades K-12. First priority for services should be given to grades K-6, with emphasis on prevention and early identification and remediation of problems.

EVALUATION

Qualification of Personnel

Teachers of exceptional children shall hold as a minimum a class A certificate except in emergency cases one may hold less than a class A certificate but must be working actively toward "A" certification. Personnel employed for services to exceptional children in 1974-75 and each year thereafter have a maximum of three years to obtain exceptional children certification and must work at a rate of six semester hours each year of employment to be employed in these positions. Beginning speech, language and hearing specialists shall be certified in speech and language to be employed. Beginning on September 1, 1981, all teachers of the trainable mentally retarded shall be certified in special education.

STAFF

Teacher aides employed in the per pupil grant-in-aid program shall have training at least equivalent to high school graduation.

§2E.0605

"Local administrative units shall develop comprehensive plans, hereafter referred to as the Equal Educational Opportunities Plan, for programs and services for each school year to meet the special needs of all exceptional children."

In developing a plan of programs and services for children with special needs, local units shall include the

following: service forecasting; planning a continuum of services for children with special needs in the least restrictive alternative; providing procedures on referral, screening, assessment, placement and due process; drafting a plan to implement a continuing census of children with special needs; identification of new programs and services to be offered.

§2E.0607

Each local administrative unit shall establish and maintain services which meet the educational needs of children with handicapping characteristics or exceptional needs. To the maximum extent possible, children shall be educated in regular class settings. When the regular class environment does not prove satisfactory in meeting the needs of the children, other supportive services should be provided prior to removing them from the regular classroom.

Each local administrative unit shall document in writing the specific reasons a child's special education needs cannot be met in the regular classroom before placing him/her in a special class or school. Special education teachers should continue to deliver special services to the child in the regular classroom if needed until the regular teacher can take full responsibility for the child. No child should be returned to a regular class without follow-up services to him/her and the regular classroom teacher.

In order for a child's needs to be met a number of options should be made available ranging from the following alternatives: regular classroom; regular classroom programs with supportive services; part time special classes; full time special class; special day school hospital home services; and residential centers.

In the development and implementation of a continuum of program and service alternatives for children with special needs, the following supportive services need to be considered: psychological services, pupil personnel services, audiological services, public health services mental health services, social services, psychiatric

therapy, and remedial reading. A continuum of programs and services model for children with severe speech, language and hearing impairments should include a communication development program, a communication deviations program, and a communication disorders program.

§2E.0609

"Each administrative unit shall develop procedures for referral, screening, assessment, and placement of children with special needs. These procedures must be in keeping with the Equal Educational Opportunities Act and follow due process procedures."

§2E.0610

"Variations from placement procedures may occur when sufficient evidence exists to indicate that children can be properly identified and placed within the intent of the procedures. A written plan detailing the variations with reasons listed shall be submitted to the director, Division for Exceptional Children for approval prior to their implementation."

PLACEMENT

Referral

When a teacher recognizes that a child's educational needs are not being met, the teacher will provide in writing an assessment of the pupil's strengths and weaknesses. This will be given to the principal of the school who then may contact the chairperson (director or coordinator) of programs for exceptional children.

REFERRAL

The pupil will be observed in his/her regular classes by at least one of the following: the principal, the chairperson of programs for exceptional children, a teacher of exceptional children. A description of the child's behavior will be completed.

The regular teacher, the local chairperson and the principal will confer to determine if the regular program can be adapted to meet the needs of the child. If a special program or service is desired, reasons should be given in writing and referral made to the school-based committee.

Children with speech and/or language problems may be identified through mass screening and/or teacher-referral.

School-Based Committee

A school-based, biracial (at least one member of the committee shall be of the same race as the child) committee to be responsible for initiating screening and assessment of children referred to it should be selected.

The following information must be gathered on each child who needs special attention other than that available in the regular classroom. This information will be presented to the school-based committee:

Initial referral from teacher, principal, parent, surrogate parent or bona fide agency; local chairman and/or principal's observation of the child if needed; recommendations following the joint conference between teacher, chairman and principal requesting special services; the assessment of an exceptional child will be multifactored to provide a comprehensive view of the child from the perspective of the school, home and community.

A. Education Function

Screening and assessment will be the responsibility of the school-based committee. The assessment will include some or all of the following information:

ASSESSMENT

Screening. The child's existing school records including work samples shall be collected and analyzed.

Assessment. An assessment shall be made of the child's educational functioning in relation to the educational program of the school.

"Any classification of students for educational purposes should consist of a description of the types of educational programs and services needed by each child to learn to the fullest extent possible in the school setting, rather than just categorizing the child by some diagnostic label which is unrelated to educational programming."

B. Psychological Evaluation. The psychological evaluation shall include but not be limited to, the assessment of intellectual functioning and social and personal behavior, adaptive behavior and psycho-motor development, to be performed by a qualified examiner who is certified or licensed.

C. Vision and Hearing Screening can be conducted by school health nurses and other appropriate personnel. Speech, language and hearing specialists may conduct hearing screening. Medical evaluations of these functions should be conducted by a physician.

Adjustments shall be made for the socio-cultural and home environment of pupils when making assessments and selecting instruments, and when administering tests and evaluating the results.

The school committee is responsible for written recommendations to the receiving teacher on the strengths and weaknesses of the child based on collected data. These recommendations will be used in the re-evaluation process in determining continued or changed placement. If the committee's judgement is that more data is needed on the child, the parent or guardian must be informed of the need and give them written consent.

PLACEMENT

The administrative placement committee should have in its membership a person of the same race as the child being considered for placement. Placement is recommended by the school-based committee. The administrative placement committee will review reports and recommendations and then render a decision for placement. One of the following procedures should be followed: a conference is held with the parent or guardian; they are notified of the committee's decision and are given a description of the program or service to be provided; they are told of their right to review or challenge the data and provide additional data that could have effect on the placement of the child; and the parent is furnished a copy of the appeal procedures and is appraised of his/her right to appeal the decision.

A letter is sent to the parent or guardian containing the committee's decision concerning placement; a

written description of the program or service to be provided; a description of the rights of the parents; a list of agencies that could provide free evaluations if desired; and a copy of the appeal procedure. Each year the school-based committee should receive the placement of all children in special education programs in their school and make recommendations to the administrative placement committee concerning the future placement of the child. The parent or guardian must be notified of any changes in placement. After no more than three years of placement an in-depth re-evaluation is recommended.

NOTICE

A request to inspect or review a child's record either by the child or a parent or guardian should be honored within a reasonable time, but in no case more than 45 days after the request has been made, and a child or legal guardian has a right to a hearing to challenge the validity of the contents of the records. Parental consent is required prior to release of records.

REVIEW

Unusual circumstances may permit placement, after necessary evaluations, without parents' consent. In addition, such assignment shall be made only upon the recommendation of the administrative placement committee and with approval of the local superintendent. The parent is entitled to appeal this action following due process procedures.

CONSENT

Recommended and regional screening and evaluation before placement, and administrative guidelines are available for the following programs. Programs for crippled children; programs for emotionally disturbed children; programs for gifted and talented children; programs for hearing impaired children; programs for homebound children; programs for hospitalized children; programs for learning disabled children; programs for educable mentally retarded children; programs for trainable mentally retarded children; programs for severely and profoundly retarded children; programs for multi-handicapped children; programs for speech and language impaired children; programs for visually impaired children.

§2E.0611

The policies adopted by the State Board of Education for the Governor's School of North Carolina are as follows:

that the school be administered and financed by the State Board of Education as a part of and in connection with the division for exceptional children; the director of the Division for Exceptional children is responsible for coordinating the efforts of the Governor's School Director with the division and state agency and to coordinate the outreach activities of the school. An advisory board known as the Board of Governors, appointed by the State Board of Education will be composed of 10 citizens, one being always a state assistant superintendent, one being the administrative head of the institution or facility housing the school, with the rest being appointed by the state superintendent and approved by the state board for not more than two consecutive three year terms. A chairperson and vice chairperson shall be selected from that membership, and the board shall meet at least three times a year.

The School Director, under the Direction of the Director, Division for exceptional children, shall be responsible for the development and implementation of the curriculum of the school and also for recommending procedures which will insure the continuous evaluation of all aspects of the school and its program. The Director of the Governor's School periodically shall submit reports to the Director, Division for Exceptional Children on the status of the school and its outreach activities.

§2E.0612

A parent or guardian of a child must be notified any time a child has been or is about to be: NOTICE

(1) denied entry or continuance in a program appropriate to his/her condition and needs;

(2) placed in a program which is inappropriate, unsuitable, or inadequate to his/her condition and needs;

(3) assigned to a special program when he/she is not a child with special needs.

A parent or guardian of a child can initiate the review process if she/he feels her/his child is a child with special needs even when the state or local authority regards the child as fully capable of achieving his/her full potential in a regular program. The notice to the parent must contain:

a statement of the placement, or impending placement with a brief statement of the reasons for the actions taken; a statement informing the parent or guardian of his/her entitlement to a hearing for review; a statement indicating the name and address of the entity to receive the written request; a statement authorizing the parent that he/she has access to all the information on which the full determination was made; a statement informing the parents of all of his/her legal rights at the hearings; a statement informing the parent that the child may appear before the hearing.

HEARING

The initial hearing should be made before the local school board in all matters which are primarily educational. The parent may introduce any information which could have had some bearing on the correctness of the determination being made. The official who made the determination must be present.

Within seven days the school board shall make its determination, in writing, supported by explanation of the reasons for its decision.

The initial hearing shall be before the advocacy council in all "human resources matters," and shall follow the same procedures as the other hearings mentioned.

§2?.0613

APPEAL

The State Superintendent of Public Instruction shall designate a hearing officer to hear all appeals from decisions of local school boards concerning determinations made. He/she shall designate a hearing date; notify the parent or guardian of an affected child twenty days before the designated hearing; designate an alternate hearing date in case the hearing is delayed. The hearing before the hearing officer shall be informal. Technical rules of evidence need not be observed. However a complete record of the hearing shall be kept.

The hearing officer shall occupy the position of an impartial Judge taking under consideration the best interest of the child.

The determination of the hearing officer shall be designated the final administrative decision. It must be reached within twenty-five days, must be in writing and include reasons for the decision. The standard for reaching the decision shall be based upon a determination of what is in the best interest of the child. No child shall be excluded from receiving education or service for any reason whatsoever. All appropriate local officials shall be promptly notified of the final administrative decision and shall be directed to act in a manner consistent with such decision.

The final administrative decision is the decision of the State Superintendent of Public Instruction.

CROSS REFERENCES

II.A.6.; Statute §115-1.2

III.C.School System; Statute §115-1.1

IV.A.; Regulation; §2D.0200--2D.0202

IV.D.; Statute §115-11.2

IV.G.; Statute §115-177 -- 115-179.1

2. Programs for Exceptional Children

Statutes

§15-34.1-02

Any person who has control over a deaf child of at least four years of age, or blind or mentally deficient child of an age seven to twenty years, shall send such child to an adequate educational institution. Adequate means any school specializing in the training of the handicapped.

§15-47-34

"The state director of institutions, after consulting with the superintendents of the school for the blind, the school for the deaf, and the Grafton state school, shall determine whether those children under the age of twenty-one, who are deaf as well as blind, should be sent to the school for the blind, the school for the deaf, or the Grafton state school. If . . . there are not adequate facilities for the education of such children in this state the director . . . is authorized to determine whether such deaf-blind children, should be sent to any school or institution outside the state . . . providing a qualified program of education for such children."

The director may pay for such out of state education according to legislative appropriations. The director may promulgate any necessary regulations to carry out these duties.

§ 15-59-02, 15-59-03

ADVISORY COUNCIL

"The state board of public school education shall constitute the advisory council on special education". The superintendent of public instruction shall employ a director of special education.

School districts shall provide special education to handicapped children and may act jointly with one or more other districts. School districts may provide special education to gifted children. Every school district is required to keep a record of all resident handicapped children who are of school age.

§15-59-05

"The advisory council on special education acting through the office of the Superintendent of Public Instruction, shall establish general state policy within the provisions of this chapter and shall endeavor to ensure a cooperative special education program coordinating all available services. It shall cooperate with private agencies, soliciting their advice and cooperating in the establishment of policy and in the coordination and development of special education programs. With the approval of the advisory council and in accordance with the provisions of this chapter and the policy of the council, the director of special education shall prescribe rules and regulations for the education of exceptional children and for the administration of this chapter, and he [she] shall assist the school districts of the state in the inauguration, administration and development of special education programs, establish standards and provide for the approval and certification of schools, teachers, facilities, and equipment."

§15-59-06.1

The superintendent of public instruction shall enforce educational standards for all special education programs.

§15-59-07

A school district may contract with a private institution for the education of handicapped children if the district is not able to provide a special education program. The district of the student's residence shall be reimbursed by the state for sixty percent of the costs of this program.

§ 15-59.1--15-59.1-02

The county superintendent of schools shall appoint a county board of special education consisting of 3 to 5 members. The board shall annually prepare a program and a budget for special education programs.

§ 25-06-04, 25-06-09

SCHOOL FOR THE BLIND

In order to be admitted to the school for the blind, an applicant must be blind, of school age and capable of receiving an education. All public school superintendents are required to report the names of all blind persons under twenty-one to the superintendents of the school for the blind.

§ 25-07-04; 25-07-10

SCHOOL FOR THE DEAF

In order to be admitted to the school for the deaf, an applicant must be at least four years old, with her/his hearing impaired to such an extent that she/he cannot be educated in the public schools. All public school superintendents must report the names of all deaf children to the superintendent of the school for the deaf.

REGULATIONS

Chapter I: I.B.8.

Under the law and the regulations of the Division of Special Education, any school board may set up the additional educational services and facilities needed by exceptional children to benefit from public education.

The Division of Special Education is responsible for defining special education standards for children, teacher education, and facilities, for evaluating, approving, and reimbursing programs, and for advising and assisting local schools on special education matters.

Chapter III: III

Special education is the program through which the local school provides education to children whose educational needs are not adequately provided for in the regular school program because of physical, mental, emotional, or social conditions.

Chapter III: III.A

Approved special education programs may be initiated by county special education boards, local districts, or cooperatively by several districts.

Chapter III: III.B.

Any child enrolled in an approved special education program is considered regularly enrolled in school. Pupils in special education at junior high or high school levels should be integrated into regular classes; their curriculum will be individualized and coordinated by the director of special education or the special education teacher. Pupils with physical handicaps, learning disabilities or other conditions should be accommodated in the school program. When special classes are needed, the special education curriculum should include both work experience and academic subjects.

Chapter III: III.C.

All programs are locally administered, but must have prior approval by the Department and meet Department standards.

Chapter III: III.D.

When county funds are authorized for special education, the county special education board administers the funds to local boards or otherwise provides county-wide special education services, administered at the county level.

Chapter III: III.E.

Special education program areas are: educable mentally retarded; trainable mentally retarded; physically handicapped; speech defective, visually handicapped; hard-of-hearing (not deaf); those requiring instruction at home or in the hospital; socially and emotionally maladjusted; and specific learning disabilities.

Chapter III: III.G.

The school board should cooperate with local welfare and health agencies as they identify children who may be in need of special education programs.

Chapter III: III.H.

Only those children who meet the prescribed regulations for the classifications of exceptionality, based on medical, psychological, educational, and social education, may be considered for special class placement or service.

PLACEMENT

Chapter III: III.I.

Detailed information regarding each classification of exceptionality is available from the State Department of Public Instruction.

Chapter III: III.J.

Physically handicapped children and certain children with specific learning disabilities must attend private school if public school facilities are not available. Local school contracts with certain private schools for three times the state cost of education and funds from state foundation payment program are available to pay 60% of the contracted amount.

Chapter III: IV.

The programs under federal aid require prior approval by the division of the State Department responsible for the administration of that program.

Chapter V: IV.D.

Students enrolled in an approved special education program should receive regular recognition and diploma upon satisfactory completion of required work.

CROSS REFERENCES

I.Local Board of Education; Statute §15-47-13

I.State Board of Public School Education; Regulation, Ch. I.: II.

III.B.Teachers; Regulation, Ch. IV.: II.H.

III.B.Teachers; Regulation, Ch. V.: II.C.

STATUTES

§3301 15

The state board of education or its representatives shall inspect all institutions of public welfare, mental health and mental retardation, rehabilitation and correction which employ teachers. A report shall be made annually to the directors of the above-mentioned departments and the governor on the teaching, discipline, and school equipment in those institutions.

INSPECTION

§3321.05

"A child of compulsory school age may be determined to be incapable of profiting substantially by further instruction," as determined by standards and examinations or tests of the state board of education. Such capacity shall be determined with reference to instruction available to the particular child in his(her)district of residence, or elsewhere in the public school system, special classes or schools, departments of special instruction, or individual instruction. The state board may enlist the assistance of department, bureau or university of the state supported wholly or partially by state appropriations in the formulating, applying and giving of such standards, examinations or tests.

If a child is determined incapable of profiting from further instruction, such child shall be placed under the supervision of a visiting teacher or attendance officer as long as he(she) is of compulsory school age. Records shall be kept of the names of all such children.

A child whose status has been so determined shall not be admitted to the public schools while such determination remains in force. However, such determination may be revoked by the state board of education for good cause.

§3323.02

The state board of education shall provide a program

of appropriate public school education for all handicapped children of compulsory school age regardless of the severity of the handicap. No state or federal funds shall be granted to any school district, board of mental retardation, or other education agency for a special education program which does not adhere to the procedures, standards and guidelines set by the state board. Such agencies may be required to provide documentation that they are in compliance with such requirements.

The superintendent of public instruction shall provide a status report on the implementation of such programs, which shall include, among other items: the number of identified handicapped children, the number placed in appropriate special education programs, and a summary of the reasons for nonplacement of handicapped children in such programs.

§3323.03

EVALUATION

"The state board of education shall ... establish standards and procedures for identification, location and evaluation of all handicapped children in the state, regardless of the severity of the handicap." No single method of evaluation shall be the sole determinant of the appropriate special program for the child. The state board shall require all school districts to locate and evaluate all handicapped children not receiving special education.

County boards of mental retardation and community mental health and retardation boards may transmit the names and addresses of handicapped children not receiving special education to the board of education.

§3323.04

PLACEMENT

The state board of education, with the department of mental retardation shall establish criteria for the placement of handicapped children in special educational programs. Evaluations shall take place at least yearly.

An appropriate educational program may include instruction in regular classes, a special education program, or

any combination of the two. As far as practical and appropriate, state guidelines shall try to assure that handicapped children shall be educated with children who are not handicapped, whether in public or private institutions or facilities.

HEARING

A hearing on the placement decision may take place if any agency directly affected by it objects. The decision of the hearing officer shall be final except where the child in question or his(her) parents files a complaint in accordance with this code.

§3323.05

EVALUATION

PLACEMENT

Handicapped pupils and their parents shall be guaranteed procedural safeguards concerning the identification, evaluation and educational placement by procedures established by the state board of education. These shall include, though not be limited to:

A) An opportunity for the parents to inspect all relevant records concerning identification, evaluation or placement, and to obtain an independent evaluation of the child;

B) Procedures to protect the rights of the child in the absence of the parent, or where the child is a ward of the state;

NOTICE

C) Written notice to the child's parents of any changes in identification, evaluation,or placement, or refusal to do so, and notice of all procedures under this section;

D) An opportunity for the child or his(her) parents to lodge complaints as to identification, evaluation or placement of the child. Upon a complaint, the superintendent may hold an informal hearing;

HEARING

E) An opportunity for a due process hearing, upon formal complaint, with an impartial hearing officer. A party to a hearing under this division shall be accorded:

RIGHT TO COUNSEL

1) The right to counsel and advice by trained individuals with respect to problems of handicapped children;

2) The right to present evidence, cross-examine witnesses and compel their attendance;

3) The right to a copy of the record of the hearing;

4) "The right to written findings of fact and decisions."

F) An opportunity to appeal to the state board of education, which shall review the case and issue a final order. An appeal of such order may be taken to the county court of common pleas.

APPEAL

§3323.06

A) "The state board of education shall develop, implement, provide general supervision of, and assure compliance with a state plan for identification, location, and evaluation of all handicapped children in the state, for the placement and provision of special education and related services for all handicapped children of compulsory school age, and for the availability of educational placement and special education for handicapped children not of compulsory school age." The state shall provide the means for monitoring, and assure compliance with, the program, as well as a system of personnel development and in-service training, and protection of the confidentiality of personal information of records collected under this chapter.

B) The state board may establish identification and diagnostic services for children under three years of age and counseling services for their parents.

C) The state board shall select competent persons to inspect all classes and programs provided under this plan and to report concerning class instructions, conditions under which classes are maintained, and the extent and nature of all related services for handicapped children."

INSPECTION

§3323.07

The state board shall establish education programs for all handicapped children of compulsory school age, and may establish such programs for children not of compulsory school age. The state board shall require all school districts,

and authorize the department of mental health and mental retardation or other educational agencies, to establish such programs.

§3323.08

Each school district shall have a special education program in accordance with the state plan and subject to state approval. Such plan shall:

A) provide organizational structure, staffing, and supervision for identification, placement, and educational programs for handicapped children;

B) provide identication , location, evaluation of all handicapped children, and educational placement of identified handicapped children of compulsory school age and may provide placement for children at least three years old, including:

1) individual psychological evaluation with written parental consent;

2) use of state board of education criteria for placement.

C) provide an individualized education program to be reviewed each year;

D) provide necessary programs and related services to meet the educational needs of all handicapped children of compulsory school age which meets state board established standards;

E) provide that the superintendent make accessible to the child's parents, the board's standards on special education, the district's comprehensive special education plans, criteria for placement, policy on confidentiality, and the child's individual program;

F) outline steps taken in compliance with the standards established by the state board.

A school district may arrange to provide such special education programs by cooperative agreement or contract with other districts, or non-profit agencies, subject to the approval of the state board of education.

School district plans for special education shall be submitted to the state board after approval of the county superintendent.

§3323.09

The division of mental retardation and developmental disabilities shall establish a special education program to be maintained by the county boards of mental retardation, and shall submit a comprehensive plan to the state board of education.

Such plan shall provide a program of education for mentally handicapped children under the age of twenty-two and the county board shall prepare a statement for each child receiving such instruction which includes name, district of residence, district providing special education and length of the program. After receiving such a statement, the state shall pay the county board tuition if the pupil was a non-resident.

§3323.091

The department of mental health and retardation and the Ohio youth commission may establish special education programs in institutions under their jurisdiction which shall conform to state standards. Such programs may apply for state funds under this code.

The superintendents of such institutions shall prepare a statement on handicapped students receiving special education. Upon receipt of such statements, the state department of education shall:

A) pay normal tuition less the amount of state funds allocated to the child's school district of residence; or

TUITION

B) require the child's district of residence to pay normal tuition, if state funds are insufficient.

§3323.10

An eleven member special education advisory council is herein created to advise the state board of education on

matters relating to special education of the handicapped. The members shall be appointed by the governor. At least four members shall be parents of handicapped children, four shall be persons with demonstrated knowledge of the needs of handicapped children, and three may be school district employees. Employees of the state board of education or department of mental health and retardation may not be members.

APPOINTMENT

Members shall be reimbursed for expenses in their official capacity.

§3323.12

Home instruction shall be provided for all handicapped children of compulsory school age who are unable to attend school even with the help of special transportation. Such instruction may be arranged through cooperative agreement or contract with the county board of mental retardation or other educational agencies.

HOME INSTRUCTION

Five hours of home instruction shall be equivalent to five days of school attendance for determining average daily membership in school districts.

§3323.13

When a student is required, by reason of his(her) handicap to attend school in a district other than the one in which he resides, the district where he(she) attends classes may require payment from the district of his(her) residence. Such payment shall not exceed the tuition of a normal child in the same grade.

TUITION

The district board may contract and pay for the pupil's transportation.

§3312.14

When the per capita cost of special education programs for non-resident pupils exceeds the amount received

by the district of attendance, under chapter 3317 of this code, and the amount received from the state board of education, the district of residence shall pay the excess cost of providing special education programs to the district of attendance by an approved formula.

§3323.15

The state board of education may arrange with any board of education maintaining classes for handicapped students or offering special instruction for students who do not reside in the district to pay for the board of such students under standards and restrictions set by the state board of education.

§3325.01

SCHOOL FOR DEAF

SCHOOL FOR BLIND

The state board of education shall be responsible for the control and supervision of the state schools for the deaf and blind, and shall appoint a superintendent for each upon recommendation of the superintendent of public instruction. They shall serve at the pleasure of the board.

§3325.011; 02

The state schools for the deaf and blind shall receive pupils who are blind, deaf, or blind and deaf who are:

1) residents of the state;

2) wholly or partially blind, or deaf, or both;

3) cannot be educated in the public school system in the judgment of the superintendents of public instruction and the appropriate state school; and

4) are suitable students for the methods of instruction used at the school.

The superintendent of the state school for the deaf may pay necessary expenses for students who are both blind and deaf in any suitable institution.

SCHOOL FOR DEAF

SCHOOL FOR BLIND

§3325.03

The superintendents of the state schools for the deaf or blind may return any student not making sufficient progress in school or industrial work to justify his(her) continuance as a pupil in such school to his(her) parent or guardian, or an appropriate agency.

§3325.04

The superintendents of the state schools for the blind and handicapped may, with the approval of the superintendent of public instruction and subject to regulations of the civil service, employ suitable teachers, nurses, and other necessary personnel to provide proper instruction and care for their pupils.

§3325.06; .07

The state board of education shall establish a program to train parents of deaf or hard of hearing preschool children. The aim of such programs is to aid these parents in "affording to the children the means of optimum communicational facilities."

Toward this end, the state board of education shall use any of the following instructional methods:

A) Classes for parents of preschool age children;

B) A nursery school where parent and child shall enter as a unit;

"C) Correspondence course;

D) Personal consultations and interviews;

E) By such other means or methods as the superintendent deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age."

Educational programs for the deaf shall use the so-called oral system and, after a fair trial of nine months, any pupil unable to learn such method may be taught the manual method in a separate program.

§3301-51-01 -- 3301-51-08

Special education units designed to evaluate new instructional methodology or alternative procedures for educating exceptional children may be approved upon submission of a written proposal indicating the rationale for the experimental unit, the target audience, assessment and placement procedures, projected staffing ratios, facilities, materials and equipment, and the measurable objectives at the administrative program, teacher and child levels. Such programs must be evaluated annually.

Comprehensive programs at all grade levels shall be provided for hearing impaired children, crippled children, visually impaired children, multiple impaired children, neurologically and emotionally handicapped children, emotionally disturbed children, educable mentally retarded children, and children with speech disorders and hearing deficits. To be eligible, children must be of legal school age and be capable of profiting substantially from instruction as determined from a multi-factored assessment procedure. Crippled children must have a physical disability which prevents successful functioning in the regular classroom to be eligible. To be eligible for a program for neurologically and emotionally handicapped children a child must function within the normal range of intelligence, must be unable to meet the academic and social behavioral expectations of the regular instructional program as determined through an educational assessment that includes standardized test data and observational data. To be eligible for a program for educable mentally retarded children a child must function within the general intelligence range of 50 through 80 and be unable to meet academic and social behavioral expectations of the regular instructional program as determined through test data and classroom observation indicating a long-term need for a modified educational program.

The school district shall have written criteria for placement of exceptional children which shall include "priorities

PLACEMENT

to establish placement of students on the basis of individual need. Procedures providing for a conference with parents prior to placement and provisions for systematic procedures to reevaluate students in approved programs. Programs for exceptional children shall include provision of the services of appropriate specialists including occupational therapists, physical therapists, speech therapists, school psychologists, and work-study coordinators. Teachers of exceptional children shall hold that job as a full-time assignment. All necessary equipment and facilities shall be provided. Special education units shall be housed in regular school buildings housing children of comparative school age. Except for programs for children with speech disorders and hearing deficits, programs for educable mentally retarded children and programs for multiple impaired children "teachers shall incorporate assessment information, instructional objectives and evaluation data in the instructional program." With the exception of programs for emotionally disturbed childern, programs for educable mentally retarded children, programs for children with speech disorders and hearing deficits, exceptional children shall be integrated into regular classes to the extent they are able to succeed in those classes.

Properly qualified teacher aides and volunteers may be utilized in programs for exceptional children.

§3301-51-10

Boards of education may be reimbursed by the state for providing necessary transportation for handicapped children.

§3301-51-11

The Superintendent of Schools is responsible for providing home instruction for physically handicapped and emotionally disturbed children. Teachers shall be appropriately certificated. To be eligible to receive home instruction, children must either be physically unable to attend classes or incapable of progressing satisfactorily

in classes with others as determined by a current educational assessment.

Supplemental tutoring may be approved for those children "whose academic and/or social behavioral performance should show a measurable improvement through short-term, intensive tutoring instruction." Supplemental tutoring may be approved only if "there is no immediate appropriate special class placement available, the child has received instruction in an approved special education unit for children with learning and behavioral disabilty and has been returned to a regular classroom program [and] a current educational assessment indicates that the child can remain in a regular class and progress satisfactorily with [her or] his peers in all educational and social areas with the assistance of tutoring services."

Supplemental tutoring may also be approved for visual or hearing impaired children under similar conditions.

Experimental individual instructional services may be approved for a school district submitting a written proposal indicating the rationale, target audience, assessment and placement procedures, facilities, materials, equipment, and objectives of the experimental service. Experimental services shall be annually evaluated.

§3301-51-12

School districts may be reimbursed by the state for providing boarding homes for physically handicapped children, student reader services, and guide services for visually impaired children.

§3301-51-14

School districts may be reimbursed for the expenses of providing transportation for educable mentally retarded children.

§3301-51-15

Experimental programs to evaluate new methodology or alternative procedures for educating gifted or talented

children may be approved upon submission of an application by a school district to the state department of education including the rationale assessment and placement procedures, staffing ratios, facilities, materials, equipment, and measurable objectives of the experimental program. The experimental program shall be evaluated annually. Children functioning in the upper 3% of the student population or functioning 2 standard deviations above the mean on objective tests instruments, or having the potential of functioning within either of these groups shall be eligible.

"Areas of giftedness shall include the following: superior intellectual ability, specific academic aptitude, creative or productive thinking, leadership ability, visual and performing arts, psycho-motor ability."

School districts shall have written criteria for eligibility and placement which shall include "priorities to establish selection of students on the basis of individual needs.

Instructional programs shall stress critical thinking, problem solving, creative thinking, research skills, scientific method, independent study and research, mentorships, internships and other one-to-one exposure to experts, field trips and special seminars.

Options for programs include acceleration of instruction, ability grouping and instruction which expands rather than replaces the general education program.

§3301-51-16

EVALUATION

HEARING

Parents of handicapped children have the right to deny permission for any proposed evaluation activities prior to the holding of an impartial due process hearing at which an evaluation may be approved. Parents have the right to review records, have copies made at actual cost of copying and requests that amendments be made to the data. Parents have the right to obtain an independent evaluation of their child at their own expense and have the right to present complaints concerning evaluation or placement of

their child. At due process hearings parents have the right to an impartial hearing officer, counsel, and the advice of individuals with special knowledge of the problems of handicapped children. The right to present evidence, confront, cross-examine, and compel the attendance of witnesses, the right to a verbatim record, written findings of fact and decisions, and the right to be fully informed in written and oral form of all evaluation, placement, and review activities and decisions in the native language of the home. Parents have the right to obtain a description of facilities and program options and the right to a conference with any person participating in evaluation, placement or review decisions.

Handicapped children have the right to a free and appropriate public education and all the rights of their parents upon obtaining the age of majority except in cases where the child is legally determined to be incompetent.

EVALUATION

School districts shall obtain written parental permission before evaluating handicapped children unless no response is received to a request for permission within thirty days. Requests for permission to evaluate shall include reasons the evaluation has been requested, descriptions of any suspected problems, persons responsible for the evaluation, advantages and limitations of the evaluation, program options, procedures and instruments that will be used, and an explanation of how findings of the evaluation are to be used. The request for permission shall also indicate that the parent has the right to a summary of multi-factored evaluation data, the right to obtain an independent evaluation at their own expense and the right to deny permission for the evaluation pending the outcome of an impartial due process hearing. Where the parents of a handicapped child are unknown or unavailable, the superintendent shall determine if the child is in need of a parent surrogate and shall assign one (not an employee of the school district involved in the education or care of the child).

PLACEMENT

Placement of handicapped children shall be determined by a placement team conference. At the discretion of the chairperson anyone having a current demonstrated interest

in the placement proceedings may participate in the placement conference. The placement team conference shall produce a written report and recommendations for placement. Within fifteen days after receipt of the placement team conference report, the superintendent shall notify the parent that a change in educational status is proposed or that a requested change in placement is denied. The notice shall describe the educational plan proposed for the child, the method by which it was developed, reasons why it is deemed the least restrictive alternative for the child. The notification shall also state that no change in the child's placement will be made pending resolution of any parental objection unless the placement endangers the child's or other childrens' health or safety.

CASE CONFERENCE

A case conference may be requested by the parents or the school district at any time. Attempts shall be made to resolve complaints and disagreements by an informal hearing. "Every effort should be made in the review to resolve any disagreements and to avoid a formal hearing." All parties have the right to invite others to participate in the informal hearing including legal counsel.

HEARING

In the event a formal hearing is held, an impartial hearing officer mutually selected by the superintendent and the parent shall conduct a hearing within forty-five days of appointment. If the parents and superintendent cannot agree, the State Department of Education shall appoint a hearing officer. Parties to the hearing have the right to a full and complete listing of persons the other party will have at the hearing five days prior to the hearing. The burden of proof at a formal hearing shall be upon the superintendent. The hearing officer's decision shall be based solely on the evidence at the hearing and the decision may be appealed to the State Board of Education. The decision of the hearing officer shall be adhered to pending the outcome of the appeal.

The State Board of Education shall issue a final order within 60 days of receipt of an appeal. Education

agencies shall destroy all personally identifiably data within five years after the data are no longer needed to provide an educational program or services to the child except that directory information and attendance information may be maintained.

§3301-51-17

In consultation with "agencies having information concerning handicapped children and youth" each school district shall operate both in-school and out-of-school programs to "identify, locate and evaluate all handicapped children." Written policies concerning these programs and "child information management" shall be prepared and made available. The identification program shall include "written referral procedures for the purpose of obtaining appropriate multi-factored evaluations. . .standards for multi-factored evaluation, least restrictive placement and individualized educational plan." The district superintendent shall be responsible for the identification program which shall include "reporting a summary of the child data from the in-school child identification system to the Ohio department of education." "The out-of-school child identification system shall locate handicapped children from birth to twenty-one years of age." "Child information management procedures shall be implemented to assure that appropriate statistical data is available to readily determine where each handicapped child is in the identification, location, evaluation, placement and program review process. . . data shall be organized so that it can readily be determined whether the child is receiving an appropriate public education, a partial education or no education. . .the reason why the child is not receiving an appropriate public education shall be recorded." "The school district shall document that an attempt was made to contact every household within the school district at least once" and the identification system shall include a public awareness campaign including use of mass media, oral presentations to local organizations, and distribution of printed materials.

"An appropriate public education program. . .shall be provided for each handicapped child. . .in accordance with a district comprehensive plan."

"The parents shall be notified of intent to identify and evluate their child. . .and shall be provided an opportunity to submit any data. . . .Written parental permission shall be obtained before evaluation is initiated. The parents shall be provided a statement of their right to refuse permission for evaluation knowing that school district can request an impartial hearing. The parents shall be provided a statement that if no response is received to the request for permission to evaluate within thirty days. . . the school district may proceed with the evaluation.

EVALUATION

"Parents shall be informed of reasons the evaluation has been requested and the name of the person(s) who initiated the process; an accurate and concise description of suspected problems; the names of persons responsible for providing evaluation information; a description of the potential advantages and limitations of the proposed evaluation; a description of possible special education program options; general description of procedures and instruments that will be used; access to a summary of multi-factored evaluation data; a description of how the findings of the evaluation are to be used by whom and under what circumstances; a statement of the right of the parent(s) to obtain an independent educational evaluation at their own expense; a declaration that the child's education status will not be changed without the parent(s) knowledge or upon the decision rendered in an impartial due process hearing."

In performing multi-factored evaluations "descriptive evaluation data shall be compiled from as many of the following areas and other areas as deemed necessary for determining the child's educational performance including the learning characteristics and the child's unique educational needs; medical history and evaluation, educational and developmental history, personal/social/emotional functioning, cognitive

functioning, academic functioning, vocational/occupational needs, communication skills, gross/fine/sensatory motor skills, adaptive behavior."

Information provided by the parents shall be considered in the multi-factored evaluation.

"The school district shall place each handicapped child residing within the district in an appropriate educational program. . .[A] placement team. . .shall be designated by the superintendent of the school district of residence. . . [A] placement team conference shall beheld to: determine if the data is adequate, identify specific areas where additional evaluation is needed, recommend further evaluation where necessary, determine eligibility for special education programs or related services, determine the child's unique educational needs, determine the nature and degree of special education intervention needed including an estimate of the length of time such placement is expected to be appropriate, recommend placement in the least restrictive alternative. A written report of the results and recommendation of the placement conference shall be prepared. . .[and] shall be kept on file."

The chairperson of the placement team may allow "others who have a current demonstrated educational interest in the proceedings" to participate in the placement conference.

"Upon request the parents shall be given the opportunity for a case conference regarding their child's placement."

"Each school district shall establish and maintain written procedures to assure that to the maximum extent appropriate handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped. . . . Each school district shall establish and maintain written procedures" to enforce this requirement and "the policy established by each school district shall include a continuum of alternative placements. . . .

"Each school district shall establish procedures which assure the development of an individualized educational plan for each handicapped child at least annually. . .the individualized educational plan shall be developed at a conference. . .in cases where it is not possible or practical for the parent to attend, other alternatives to assure parental participation must be attempted." If a parent waives the right to participate or unsuccessfully attempts to arrange a conference with the parent are documented, the conference may be held without parental participation. The conference must be held within the first thirty days of attendance or placement.

"The individualized educational plan shall contain the following: a statement of the present levels of educational performance of such child, a statement of annual goals including short term instructional objectives, a statement of the specific educational services to be provided to such and the extent to which such child will be able to participate in regular educational programs, the projected date for initiation and anticipated duration of such services, appropriate objective criteria and evaluation procedure and schedule for determining on at least an annual basis whether instructional objectives are being achieved and whether current placement is appropriate." The plan shall be available to the parent.

The effectiveness of the plan shall be reviewed annually and if appropriate revisions shall be made. The parent shall be invited to participate, but the review may be conducted without the parent if a written waiver is obtained or unsuccessful attempts to arrange a mutually agreed upon time and place are documented.

REVIEW

§3301-51-19

A school district shall provide through qualified personnel or a contract with a nonprofit agency transportation, developmental corrective, and other supportive services to assist handicapped children to benefit from

special education. These services shall be provided in accordance with a comprehensive plan approved by the State Board of Education.

CROSS REFERENCES

III.B.Teachers; Statute §3323.11

IV.H.; Statute §3321.03

IV.I.; Statute §3331.01 -- 3331.03; 3331.05; 3331.14

2. Programs for Exceptional Children

Constitution

OKLAHOMA CONSTITUTION, ART. XIII, §2

"The Legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State."

Statutes

§70-13-101 -- 13-102

Each school district and each county superintendent of schools is authorized, individually or in cooperation with other districts, to establish special education programs for exceptional children, including gifted as well as physically or mentally handicapped children. Any children served shall be residents of the state whose conditions make it impractical or impossible for them to benefit from regular classroom programs, and whose education requires a modification of the classroom program.

It shall be the duty of each school district to provide special education for all handicapped exceptional children residing therein. This duty may be satisfied by: (1) Directly providing special education; (2) Joining in a cooperative program with another district; (3) Joining in a cooperative program with a private or public institution; or (4) Transferring certified handicapped exceptional children to other school districts.

Each local board of education shall determine whether a child is eligible for special education under rules and regulations approved by the State Board of Education. Any child determined to be eligible shall be allowed to receive special education for at least twelve years. Eligibility of exceptional children shall be re-evaluated at least once every three years.

§70-13-103 -- 13-104

The State Board of Education is authorized to cooperate with school districts to make it possible for exceptional children to attend regular schools by providing transportation, special equipment, devices, books, supplies or other facilities, or special instruction within the regular school building. If unable to attend regular schools, exceptional or pregnant children may receive home instruction.

A school district may provide special classes or individual instruction to children in hospitals, sanatoriums, and preventoriums.

§70-13-105; 13-109; 13-111

The State Board of Education is authorized to determine and prescribe qualifications for all persons who teach exceptional children; to define standards of eligibility of all exceptional children; to fix minimum requirements for special education; and to make necessary rules and regulations.

The State Board of Education shall appoint, employ, and fix the compensation of all necessary personnel for this program.

The State Board of Education shall have the power and the duty to maintain a register of all handicapped children and to use all means and measures necessary to meet the physical needs of all educable and trainable handicapped children. It shall also be its duty to stimulate all private and public efforts to relieve, care for, cure, educate or train handicapped children in coordination with governmental agencies.

§70-13-112

Partially sighted children may attend a special education program created by the state board in selected school districts and governed by regulations promulgated for this purpose.

§70-18-110

If any school district fails "for any reason whatsoever" to provide special education for a handicapped exceptional child, the child shall be entitled to transfer to any nearby school district which does provide special education. The school district in which the child resides shall pay a special education transfer fee to the receiving district, or have its State Aid grant reduced by an equivalent amount.

§70-1210.171

It shall be the right of every deaf child to receive "an appropriate education" at the expense of the state. Each school district shall identify all deaf children according to regulations of the state board.

§70-1210.271 -- 1210.566

This Act is known as the Prescriptive Teaching Act of 1974.

The purposes of the Act are: to expand services of the present evaluation and prescriptive units to ensure that a student "with a particular learning difficulty or exceptional capability . . . will receive proper screening, diagnosis, and prescription in order that he or she may reach his or her maximum potential; to provide a screening program for all students K-6, to be completed over a 2-year period; to provide educational screening to every kindergarten, first and second grade student; to provide educational centers and coordination of services so that educational evaluative and prescriptive needs of every student are met.

The intent is for the state of Oklahoma to meet its responsibility to ensure that every student has the opportunity to achieve his or her "highest level of learning for the benefit of his [or her] future life in society."

It is further intended that the State Department of Education make available to all Service Centers the services of a physical and/or occupational therapist, to establish and coordinate therapy programs "in concert with individualized learning plans prescribed by the Service Centers."

Qualifications for all Service Center personnel shall be determined by the State Board of Education.

Service Centers shall ensure that every student is "screened" for determination of the existence of "exceptional learning needs." However, no child whose parent or legal guardian objects in writing shall be screened.

Every Service Center shall provide: (1) student appraisal, including "diagnostic and evaluative service" for students with learning problems, analysis of placement alternatives and recommendation for special class placement if needed. However, projective psychological, personality or adjustment tests shall not be used to collect information on a student's personality, home life, etc.; (2) appropriate media and equipment; (3) individualized learning plans, including prescriptive teaching plans to teachers, consultation for educators and parents, special education materials for teachers; (4) assistance in organizing staff development, including conferences and other inservice training programs for educators, assistance in emphasizing the "awareness, utilization and adaptation of appropriate materials, learning theory, research findings, etc.; and (5) coordination of educational evaluative and prescriptive services provided by any unit of government.

Each Service Center shall analyze the screening results and administer further evaluation to students having exceptional learning needs.

All results of individual student screening shall be confidential, available only to parents and professional personnel. No student shall be given individual evaluation without written parental permission.

In no case shall results of any student screening or evaluation be made a part of the permanent in-school records.

The State Board of Education is authorized to promulgate necessary rules and regulations to carry out this act, including regulations for the staffing and operation of Service Centers to "assure the uniform application and availability of all services." The Rules shall also provide for the withholding of funds from Service Centers to assure compliance.

RULEMAKING

The State Board of Education shall furnish curriculum materials for these programs, and hold workshops or short courses in various locations to assist local teachers in implementing these provisions.

REGULATIONS

General Regulations:

VIII. Special Education; p. 18

"Special education is a program . . . for the exceptional child who cannot satisfactorily profit from the instructional program offered in the regular classroom." The Oklahoma Legislature has provided for the establishment of special education programs and all pertinent laws and regulations are contained in the State Department of Education's bulletin, "A Program of Education for Exceptional Children in Oklahoma."

School districts operating approved programs are entitled to additional state aid. "Programs may be approved for the following categories of exceptional children, beginning at age four for a minimum of twelve years": physically handicapped, learning disabilities; emotionally disturbed; gifted; educable mentally handicapped; trainable mentally retarded; and speech handicapped. Children in the following categories "may begin school at birth for a minimum of twelve years:" multiple-handicapped; deaf and hard-of-hearing; blind and partially sighted. The regulation gives minimum and maximum class sizes for

self-contained programs for each category.

For each child there must be "written individualized program . . . and a yearly evaluation" of the program's effectiveness.

"All districts must . . . follow due process procedures in testing and placement of children in programs for the handicapped. Informed parental consent . . . must be obtained before a child may be placed in or removed from a special program."

As of 1977-78 all districts "must have an approved plan for the education of all handicapped children." Maximum program size "should be modified downward if the class contains several age or grade levels, or . . . many children with extremely severe problems." Instruction in self-contained classes is the "least desirable" educational option for children with special needs; if at all possible, "they should be integrated in the regular classes and school programs . . . .

"Senior high work-study cooperative programs involving vocational rehabilitation have proved to be the best means of working with high school mentally handicapped youth. . . . This program is also available . . . for learning disability and deaf or hard-of-hearing youth." Home bound instruction is another service available for handicapped children. The State Board of Education may "cooperate with any school district" to allow "an exceptional child to attend the regular school" by providing for transportation, special equipment, materials "or other facilities, or for special instruction within the regular school building." The local district is responsible for applying for these services.

CROSS REFERENCES

II.A.1; Regulation, High School Regulation: VII. Subject and Graduation Requirements; p. 63

III.B.Teachers; Statute §70-6-128

IV.G; Regulation, High School Regulations: IV. Admissions; p. 82

IV.G; Regulation, Junior High School Regulations: VI. Admissions; p. 45

2. Programs for Exceptional Children

Statutes

§343.045

The superintendent of public instruction shall establish criteria for the development and operation of special programs, and certify these programs for reimbursement if they meet these criteria.

§343.055

The superintendent of public instruction, subject to the approval of the state board of education, shall administer all special education programs. The superintendent shall establish rules relative to such other qualifications of faculty and staff, curriculum, "admission, diagnosis, eligibility of pupils, size of special facilities, rooms and equipment, supervision, territory to be served, and such other rules as [are] necessary to administer" these programs.

ADMINISTRATION

The state board of education may: (a) purchase and prepare equipment and supplies to be loaned to approved programs for handicapped children in the public schools; (b) contract with an educational institution to provide educational services for children who are both deaf and blind.

§343.065

The superintendent of public instruction shall employ qualified personnel to assist the school districts, county and regional facilities and hospitals in the organization and development of special programs and in obtaining required services, equipment and materials, particularly where the number of children is too small to justify district purchase of equipment and materials.

§343.077

A person having legal custody of a child or

the school district may apply to an approved school district program, if the child is found eligible.

A child, thought to be eligible and in need of special education, shall not be placed in, transferred from nor denied placement in such a program unless the administrative officers of the school district have notified the parents or legal guardians of the proposed action, the reasons therefore, and of their right to a hearing before the school board if there is an objection to the action.

NOTICE

HEARING

Resident students may not be charged for participation in special programs, except those relating to driver education.

§343.221

The district school board of any school district in which there are children under 21 years of age who require special education: (1) must submit an annual statement of projected activities and cost of a special education program for handicapped children to the superintendent of public instruction; (2) shall provide special education for such children consistent with the projected activities and cost statement; (3) may contract for special education with other school districts if the district school boards jointly agree; (4) may contract with private agencies or organizations approved by the state board of education for special education; (5) may use the clinical services of public agencies which provide diagnostic and evaluation services for children.

§343.227

Eligibility for special education requires a determination made on the advice of qualified educational and medical authorities, which shall include a medical examination and parental consent.

ELIGIBILITY

Medical examinations must be given by a licensed physician.

§343.236

Where it is more economical or effective to do so, special education may be provided on a county or regional basis by the superintendent of public instruction or a school district delegated by the superintendent. The responsible district shall be reimbursed from special education funds.

§343.271

Centers may be established at institutions of higher education approved by the Teacher Standards and Practices Commission to assist in the preparation of special teachers and provide consultant, evaluative and instructional services in education to school districts and handicapped children. Funds "for the education of handicapped children may be used to help defray costs to such centers."

§343.277

The resident school district pays the cost of educating a child enrolled in another school district in order to obtain special education.

§343.287

ADVISORY COUNCIL

"There is created a state advisory council for handicapped children, consisting of not less than nine members appointed by the Superintendent of Public Instruction." Members must include parents, educators, and other persons associated with or interested in the education of handicapped children.

The council shall review the statewide program of education of the handicapped "and advise the superintendent of public instruction and the state board of education on such programs."

§343.293

Any school district or combination thereof, operating or planning to operate a special education program, "may appoint one or more local advisory councils

consisting primarily of parents of children being served" by the programs.

Each council selects its own officers and fixes their duties.

Each council reviews the special programs and reports to the district school board(s) involved. The local council makes recommendations as to appointments on the state council.

§343.295

A document certifying successful completion of program requirements shall be awarded to handicapped children, but shall not indicate that the document was issued by the program.

§343.395-401

GIFTED CHILDREN

"Educationally able and gifted children" are those children who have demonstrated or show potential of a very high level of academic or creative aptitude.

A written plan for the improvement of instruction for the educationally able and gifted may be submitted by any school district to the superintendent of public instruction. In determining which plans to approve, the superintendent shall consider: (a) "the adequacy and type of program proposed;" (b) "the number of children who will benefit by the proposed program;" (c) "the availability of personnel and facilities in the school district or districts;" (d) "the need for such a program in the district(s);" (e) whether the plan meets the requirements of the provisions in this chapter; and (f) "any other factors which will help accomplish the purposes of" this chapter.

To be approved, the submitting district must agree to pay an amount equal to a grant by the state out of district funds, "and to submit the completed program to an independent audit."

§343.975

Educational programs for children living in or under the care of state hospitals and training centers for the mentally retarded must be approved by and meet the standards of the state board of education.

The cost of such education shall be paid by the Mental Health Division of the Department of Human Resources.

§346.010

Free training and education services shall be provided for deaf or blind children, pursuant to rules of the state board of education.

FACILITIES

Facilities to serve as schools for the blind are to be chosen by the superintendent of public instruction. The purpose and use of available facilities may be changed in whole or in part to "better enable the state to meet its responsibilities for the education and training of deaf or blind children."

"The facilities shall be operated primarily for the provision of education and training services for sensory handicapped children who cannot be efficiently served under the [special education programs for handicapped children]."

§346.020

The superintendent of public instruction: (a) prescribes the course of instruction of students attending deaf or blind schools; (b) may drop any student for cause, "after it has been ascertained that the pupil has ceased to make progress or is not being benefited;" (c) "may deny admission to persons not suitable to be instructed therein."

Teachers, administrators and other personnel are chosen by the superintendent of public instruction.

"The superintendent of public instruction shall have control over persons enrolled in these facilities and shall direct their care and promote their mental, moral and physical welfare."

§346.040

Traveling expenses and the cost of all clothing necessary for their comfort shall be paid by the county in which they are residents for indigent deaf or blind students attending facilities for their benefit.

§346.051

Students enrolled in facilities for the training of the deaf or blind may be referred to a physician, clinic or hospital for "medical, surgical or dental treatment when such treatment cannot satisfactorily be provided at the facility." Rules and regulations governing such referrals shall be prescribed by the superintendent of public instruction.

§430.770 -- .790

The Mental Health Division may 1) contract with school districts to provide classes for trainable mentally retarded children if the contract is approved by resolution of any school district within the intermediate education district; 2) contract with private agencies to provide classes for trainable mentally retarded persons; 3) provide a contract with public or private agencies to provide diagnostic and evaluation services necessary for the mentally retarded; 4) provide counseling services to parents or guardians of mentally retarded persons; or 5) contract with public or private agencies or persons to provide such services.

Children participating in classes shall be considered in school in the district in which they reside for purposes of any financial aid to the school district that is based on or distributed according to enrollment.

Where a child participates in a class for the trainable mentally retarded in another district, the district in which the child resides shall contribute to the the school district providing, or causing to be provided, the classes, an amount equal to the per capita operating cost of the district providing, or causing to be provided,

the classes for each such child.

Any school district providing or contracting with an intermediate education district for classes for the trainable mentally retarded shall be reimbursed by the Mental Health Division.

Any intermediate education district providing or causing to be provided classes for trainable mentally retarded children shall be reimbursed by the Mental Health Division.

Programs offered pursuant to contract shall be reimbursed.

§430.810

The Mental Health Division determines: (a) Eligibility of persons to participate in programs for the trainable mentally retarded.

(b) "Qualifications for contracting with the division to provide any program for mentally retarded persons.

(c) Approved costs, considering expenses for staff, equipment and supplies, transportation of children and such other costs as the division may consider necessary.

All determinations of the division are final and are not subject to administrative or judicial appeal."

REGULATIONS

§581-15-015

School districts may provide home, hospital, institutional or other regularly scheduled instruction to any eligible student with a mental, physical, emotional or learning problem or to pregnant individuals.

HOME/HOSPITAL INSTRUCTION

Reimbursement for such service is subject to regulations governing reimbursement for special educational services.

In order to qualify to be placed in a home the pregnant student or handicapped student must be a resident student of the district. The State Board of Education determines eligibility to receive special education.

§581-15-020

Subject to the Superintendent of Public Instruction's approval, the district school board of any district with school age children who require special education may contract with private agencies for special education when economically feasible and in the interest of learning opportunities.

Subject to regulations, the district may be reimbursed under the Handicapped Child program.

PLACEMENT

Criteria for placement for a pregnant or handicapped student are that: (1) he/she is enrolled as a resident student of the district; (2) the private educational program is approved; and (3) the student meets minimum criteria established by the State Board of Education for determining eligibility to receive special education.

§581-15-025

Whenever a change is proposed in a child's educational program or when a parent requests a different placement for a child, the administrative officer of the school district shall give the matter a complete review and notify the parent of such proposed action.

NOTICE

The written notice regarding a proposed change in a child's education program should: (a) describe in detail the requested action and reasons for such; (b) specify any test or reports on which the action is based; (c) state that school files are available on request; (d) describe the right to a due process hearing; (e) state that the child will remain in the present educational placement until there is a decision reached in the hearing or the proposed placement is accepted by the parties.

HEARING

At a reasonable time prior to the hearing, the parents or their counsel shall be given access to all school district and other public office records pertaining to the child, including tests or reports upon which the proposed action is based. At a reasonable time prior to the hearing, the parents or their counsel shall have an opportunity to obtain an independent educational evaluation

ACCESS TO RECORDS

of the child. Full opportunity for examination and cross-examination shall be accorded each party. Within 30 days after the hearing, the hearing officer shall render a decision in writing, and it shall be filed with the school district and a copy sent by certified mail to the parents.

Pending a determination by the hearing officer, the school district shall take no action to place or to deny placement, or to transfer the child.

§581-15-035

In order to qualify for state reimbursement, special education programs must be approved by the Superintendent of Public Instruction. These programs shall strive to meet the individual needs of the students. School districts shall insure that such students shall enjoy the same rights and privileges provided to other students.

A district plan shall be on file with the Department of Education before a program can qualify for reimbursement. The plan shall include: procedures for locating handicapped children in the district, criteria for students' eligibility, provisions for review or modification of a handicapped child's special education program, staff roster containing certification and teacher's assignment, procedures to insure the confidentiality of the special education programs, and a special education organizational chart or description of the organization of the special education program.

§581-15-040

Special education programs shall meet the regulations prescribed by the State Board of Education in the minimum standards for Elementary-Secondary Schools. Districts providing programs for educable mentally retarded children shall utilize the state-adopted curriculum guide or other guides approved by the Superintendent of Public Instruction. In order for students to be eligible, parental consent must be obtained to conduct a diagnostic evaluation to

determine a child's educational needs and it must be verified that the child meets criteria established by the Department of Education.

EVALUATION

The school district shall be responsible for providing for the diagnosis of a child referred for special education. The diagnosis shall consider the physical, educational, and psychological needs of the child with primary emphasis directed toward factors of educational significance. If a child's primary language is other than English, he/she shall not be assigned to the special education program on criteria developed solely in the command of the English language. The parents shall be notified upon determining that the child is eligible for special education.

The special education facilities shall meet the State Minimum Standards for Elementary-Secondary Schools.

Supervisors of programs must possess the appropriate certificate issued by the Teacher Standards and Practices Commission.

School districts that have resident eligible handicapped children shall provide for their special education.

§581-15-050

The areas of handicapping conditions are: (1)blind children; (2) deaf children; (3) speech and language impaired; (4) physically handicapped; (5)learning disabled; (6) emotionally handicapped; and (7) mentally retarded.

Eligibility criteria for special education programs include examination and testing for each area. For children who suffer from learning disabilities, emotional handicaps, or mental retardation, the district shall be required to develop an individualized instruction plan based on the case study of the child. Periodic evaluation and assessment (at least once a year) shall be made.

ELIGIBILITY

EVALUATION

§581-15-115

The Superintendent initiates "standardization visits" to institutions providing educational programs for the mentally retarded on a regularly scheduled basis. The institution's educational program will be classified after an official standardization visit.

§581-15-125

The institution shall appoint an advisory board to review and make recommendations regarding educational programs. The advisory board shall consist of seven to nine members (appointed for terms not to exceed three years) including a staff member of the public school special education program and a parent of a resident child.

The advisory board shall annually review and make recommendations to the institution regarding its programs, goals and objectives.

§581-15-130

"The educational program shall adopt program goals to assure each child the opportunity to develop to the best of his or her ability." The goals shall be in writing and shall encompass the range of learner outcomes desired from participation in the program. The goals shall reflect the needs of each mentally retarded child in areas of communication, self-help, academics, and vocational skills, and shall follow the Department's Goals for Elementary and Secondary Education as closely as possible.

EDUCATIONAL GOALS

§581-15-135

Data on students' attainment of basic communication, self-help, functional academic, physical, social, community living, prevocational and vocational skills shall be collected and reported to the Mental Health Division.

§581-15-140

The educational program shall identify and set priorities for program needs. Such priorities shall be reviewed biennially by the educational advisory board.

"The educational advisory board shall recommend for adoption priorities determined through review of assessment data for each skill."

§581-15-145

The educational program staff shall develop a written plan dealing with needs of the highest priority in the educational program.

§581-15-150

The educational program shall prepare a written description of diagnostic procedures used to identify learners not attaining goals, identify learners requiring specialized goals and experiences, and describe the specific nature of functions interfering with learning environment.

§581-15-155

The educational program shall adopt and implement prescriptive procedures for each child which include

written individual performance objectives. The educational program shall maintain a written description of its provisions for prescriptive instruction based on the diagnosed needs of the individual student and maintain individual performance objectives and individual educational prescriptions.

§581-15-160

The educational program shall adopt and implement plans to meet instructional needs of students by providing learning activities dealing with individual learning strengths, learning problems, interests and special problems associated with handicaps in sight, hearing and physical and emotional development. Records shall verify that the learning activities are being carried out.

§581-15-165

Curriculum guides or class schedules shall specify regularly scheduled individualized instruction under the direction of a certified teacher in the following curriculum areas: communication skills, self-help skills, functional academics, physical skills, social skills, community living skills, prevocational skills, and vocational skills.

§581-15-170

Each child under age six shall receive three and one-half hours daily of preschool instruction.

Children age 6, 7, and 8 shall receive three and one-half hours daily of primary school instruction.

All other children receive 5 hours daily of school instruction. When, for medical reasons, a physician determines

a student cannot attend an off-resident educational program and such condition shall last thirty days or longer, a daily one-hour program shall be provided under the direction of certified educational personnel.

§581-15-175

"Upon reaching the age of 21 years old or completion of twelve years in an educational program, the student shall be awarded a document certifying successful completion of individualized program requirements.

Records shall specify those individualized program requirements successfully completed by each student."

§581-15-185

EQUAL OPPORTUNITY

Equal educational opportunities shall be provided which assure that mentally retarded and developmentally disabled children will have the essential educational services and activities necessary to achieve physical, mental, emotional, social and vocational development. Students shall be assured an opportunity to participate in educational programs with equal access to facilities appropriate to their ability.

§581-15-190

"The educational program shall complete and forward promptly all reports required by the Department."

§581-15-195

The educational programs shall provide a minimum of 175 days per year of appropriate educational instruction. Students remaining residents may attend summer programs.

Records of daily attendance shall be maintained.

SCHOOL TERM

§581-15-200

The educational program shall establish a written policy which contains guidelines in conformance with existing statutes for access to and dissemination of information contained in student records and provides for maintenance of permanent student records.

§581-15-205

Teachers and administrators who hold valid Oregon certificates shall be employed and assigned in accordance with their certificates. Certification and assignments shall be filed and maintained along with a job description. Certified substitute teachers will be assigned in the absence of a certified teacher.

STAFF

§581-15-210

Rules of the State Board of Education shall be followed relating to teacher aides. The educational program shall maintain written job descriptions showing duties to be performed by teacher aides and agendas of in-service programs showing that teachers aides have received suitable training.

§581-15-215

A pupil/teacher ratio at all instructional levels shall be maintained. All pupils enrolled shall have access to individualized instruction.

Reports and records of actual class enrollments shall be maintained. Language development, motor development, and behavior management shall be provided to individual students.

PUPIL/TEACHER RATIO

The Mental Health Division shall provide sufficient certified teachers to assure that all school-aged handicapped children meet the attendance requirements.

§581-15-220

A center offering organized media services shall be provided by the educational program. The center shall be located to serve the needs of the instructional program.

The educational program shall maintain job descriptions, staff assignment listing, or evidence of staff management responsibilities for the educational program's total media program; and written policies and procedures requiring and facilitating the selection of materials and recording of services on the basis of program goals and instructional needs.

§581-15-225

The educational program shall adopt written procedures for selecting and purchasing instructional materials.

§581-15-230

The educational program shall adopt procedures for coordinating evaluation and purchase of instructional

equipment to insure the quality of the equipment with needs of teachers and students.

§581-15-235

The institution shall insure the existence, use and practical arrangement of appropriate space and facilities necessary to support program goals and which assures the health, safety, and well being of the institution's students and employees.

FACILITIES

§581-15-240

The educational program shall provide equipment and supplies necessary in the instructional program.

The equipment shall be selected with consideration for the health and safety of students and employees.

§581-15-245

The institution shall obtain Department approval of the building program, preliminary hearings, and outline of site development particulars.

§581-15-250

"The institution shall be responsible for the management of a current comprehensive employee-student emergency plan and safety program for all educational departments and programs under its jurisdiction."

Safety procedures shall be posted in conspicuous locations. An emergency medical plan shall be posted for obtaining first aid, ambulance, hospital and doctors services.

§581-15-255

The educational program shall maintain reports of safety inspections of all property under its jurisdiction.

§581-15-260

"The educational program shall conduct an accident prevention in-service program as part of a regular orientation program for all employees and shall maintain agendas for all safety orientation sessions."

§581-15-265

An accident reporting system for accidents occurring on school property, or involving educational program employees, students or visiting public shall be maintained.

§581-15-270

The educational program shall provide necessary safety devices, safety equipment, and safety instruction for students and adults involved in activities where hazards may exist.

The program shall insure the presence of required first aid supplies and qualified first-aid personnel.

§581-15-275

Transportation provided the educational program at institution expense shall comply with applicable state laws and administrative rules adopted by the State Board of Education.

§581-15-280

"Buses used in educational programs shall be constructed, equipped, maintained and inspected in accordance with applicable statutes and rules adopted by the State Board of Education."

§581-15-285

"Bus drivers used by the education program shall possess a valid Oregon School Bus Driver's License and shall comply with rules governing operating procedures adopted by the State Board of Education."

§581-15-290

"Buildings and grounds used as part of the educational program shall be maintained to provide conditions conducive to the health and safety of all persons."

§581-24-020

EXPERIMENTAL PROGRAMS

In administering standardization programs, the Department will encourage districts to develop carefully planned pilot or experimental programs. When the program requires deviation from the standards, the district will submit a petition to implement the change.

When a district believes it is not feasible to meet the requirements of a specific standard, it may petition the Board and the Superintendent for a waiver.

The Superintendent shall recommend to the Board approval of deviations or waivers when satisfactory written assurance is provided by the district superintendent. All petitions for waivers or deviations shall have the approval of the district board. Petitions which modify

requirements specified in the Oregon Revised Statutes shall not be approved. The Board shall revive the Superintendent's recommendations and approve or reject petitions for deviations or waivers from these standards.

§581-24-070

The district shall determine the needs for specific services for all exceptional children; develop and use written plans to provide for the development and implementation of local programs and services for exceptional children; develop and use procedures for assisting local school districts to gather, analyze and appropriately report individualized testing data; and develop written plans for the evaluation of these programs, including the use of performance indicators.

CROSS REFERENCES

I. Intermediate Education District; Statute §334.125

I. Intermediate Education District; Statute §334.175

IV.F.; Statute §346.049

IV.H.; Statute §339.030

2. Programs for Exceptional Children

Statutes

§9-971A

Speech and hearing correctional services are health services and are available on a general and even-handed basis to all school children in the Commonwealth.

The Secretary of Education, directly or through the intermediate units, shall have the power and duty to furnish free to nonpublic school students, upon the premises of the nonpublic schools which they regularly attend, services adequate for the diagnosis and correction of speech and hearing defects provided that such services are also afforded to public school students by the public school district in which the nonpublic school is located.

DIAGNOSIS

§13-1328

Every person having control or charge of any child of compulsory school age who is so handicapped as to make it impracticable to have such child educated in the public schools shall allow such child to be sent to some school where proper provision is made for the education of the deaf or of the blind or of crippled children or shall provide for the tuition of such child by a legally certified private tutor.

TUITION
TUTOR

§13-1371

It shall be the duty of the district superintendent, in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the intermediate unit every exceptional child within said district. Following such report, the child shall be examined by a public school psychologist certified by the Department of Public Instruction and by any other expert which the type of handicap and the child's condition may necessitate. A report shall be made to the intermediate unit of all children examined and all children enrolled in special classes.

PSYCHOLOGIST
EXAMINATION

"The State Board of Education shall adopt and prescribe standards and regulations for proper education and training of all exceptional children. . . ." The Department of Public Instruction shall determine counties to be joined for such purposes. "Standards and regulations shall recognize such factors as: number of exceptional children, types of handicaps, facility of transportation, adequacy of existing provisions for exceptional children, and availability of school plant facilities."

It shall be the duty of the board of school directors to provide and maintain special classes or schools in accordance with the approved intermediate plan. The Superintendent of Public Instruction shall superintend the organization of such classes and other arrangements and shall enforce the provisions. If the approved plan indicates it is not feasible, the board of school directors shall secure such proper education and training outside the public schools of the district or in special institutions only providing for teaching the child in his/her home in accordance with Department of Instruction regulations. Homebound instruction shall be provided for children confined in detention homes for more than 10 days even though children are not exceptional.

HOMEBOUND INSTRUCTION

The intermediate unit shall have power and duty to provide, maintain, administer, supervise and operate such additional classes or schools as are necessary to provide for the proper education and training of exceptional children.

Where in the judgment of the Superintendent of Public Instruction the provisions have not been complied with or needs of children not adequately served, the Department of Public Instruction is authorized to provide classes and schools for the proper education and training of exceptional children. Pupil eligibility for enrollment in classes for exceptional children shall be determined according to State Board of Education standards.

§13-1373

The Secretary of the board of school directors shall make reports required by the Department of Public Instruction in regard to such special education maintained for the current school year for which approval is desired.

§13-1373.1

The services of such readers, helpers and guides for special education may be contracted and paid for by the school district.

The Department of Public Instruction shall establish such necessary rules and regulations as it deems necessary. RULEMAKING

§13-1374

Free transportation may be furnished any exceptional child regularly enrolled in a regular or special class. If transportation is not feasible, the Board of School Directors may pay for suitable board and lodging. If such transportation or board and lodging is not provided and the child is therefore unable to attend the class or center, the intermediate unit shall provide the transportation necessary. BOARD AND LODGING

§13-1376

The school district in which certain exceptional children between the ages of 6 and 21 reside shall pay 25% of the cost of tuition and maintenance of the child in a school or institution as determined by the Department of Education, and the Commonwealth shall pay out of funds appropriated to the department for special education 75% of the cost of their tuition and maintenance as determined by the Department. If the residence of the child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. In no event shall the total cost of tuition and maintenance exceed $8,500 per year for blind, deaf, cerebral palsied and/or brain damaged and/or muscular dystrophied and/or socially and emotionally disturbed and/or mentally retarded TUITION

residential students, $5100 per year for blind, deaf, cerebral palsied and/or muscular dystrophied day students, and $3100 per year for tuition of brain damaged and/or socially and emotionally disturbed and/or mentally retarded day students.

The Department of Education is to be provided with data to determine the reasonableness of tuition and room and board charges made on Pennsylvania resident approved reimbursed students and shall disallow any charge deemed unreasonable.

When any person between 6 and 21 residing in Pennsylvania who is blind or deaf or afflicted with cerebral palsey and/or brain damage and/or muscular dystrophy is enrolled with the approval of the Department of Education as a pupil in any schools or institutions for people so affected under the supervision of or approved by the Department of Education, Pennsylvania shall pay to the school or institution out of moneys appropriated to the department for special education, the cost of tuition and maintenance of the person, as determined by the Department of Education, and the cost of instructing the parents of a blind child under six years old. The total cost of tuition and maintenance for a residential student is not to exceed $8500 per year, $5100 per year for deaf or blind and/or cerebral palsied and/or muscular dystrophied day students, and $4600 for tuition of brain damaged day students.

When any child resident between the ages of 6 and 21 who is socially and emotionally disturbed is enrolled in an approved day school of the Department of Education, the school district in which such child is a resident shall pay 25% of the cost of tuition of the child and Pennsylvania shall pay out 75%. Cost of tuition is not to exceed $4100.

No private institution receiving payment shall impose any charge on the student or parents who are Pennsylvania approved reimbursable residents for a program of instruction and maintenance appropriate to the child's needs unless programs not part of the school year are given.

Where the private institution provides special educationprograms for multihandicapped students which is adjudged necessary by the Department of Education the maximum rate payable shall be increased by 75% for the 2nd severe handicap, 85% for the third severe handicap and 100% for more than three severe handicaps.

§13-1379

NOTICE

The Superintendent of Public Instruction, "when in his[her] judgment the same is deemed desirable," shall inform the parent or guardian of the location of special schools and the nearest public school having special classes for the hard of hearing, with information concerning the advantages and benefits of such classes and the expenses involved.

§13-1380

The Department of Public Instruction is authorized to educate blind children under 8, whenever, from any cause, the parent(s) may be unable to properly educate them. With the written consent of the parents or the local authorities, the Department of Public Instruction may contract with any nonsectarian institution established for the education of the blind, whereby any such child may be educated until 8 years or beyond age 8 when for physical, mental or other proper reasons, such child needs special care longer. The contract may be cancelled and the child removed any time by the Department of Public Instruction.

§13-1381

The Department of Public Instruction is authorized to make provisions for defraying the necessary expense of any students who are blind or deaf and are regularly enrolled students pursuing any course of study in any school approved by the Department of Public Instruction.

§13-1382

The time for which pupils may be taught in institutions or schools for the instruction of the blind or deaf at the expense of the State, shall be determined by the Department of Public Instruction.

APPOINTMENT

An institution shall be provided for the deaf and dumb between the ages of ten and twenty. The Governor is authorized to appoint a commission to investigate and examine the school along with all the "buildings, grounds, equipment, affairs and accounts" of the school. The commission shall determine any indebtedness, liens against the institution and schools, including buildings and grounds, and any claims against the institution and schools. A report shall be made to the Governor.

HOME FOR DEAF MUTES

A commission shall be selected to locate a place for a home for the training of the deaf mutes and this commission shall plan the erection of the home.

REGULATIONS

§ 11.29

HOMEBOUND INSTRUCTION

A child of school age enrolled in the public schools who is homebound and unable to attend the public schools as determined by a medical examination, receiving approved homebound instruction or instruction in the home, shall be counted for attendance purposes as if in regular school attendance. The district or intermediate unit or both shall provide homebound instruction or instruction in the home if the homebound pupil is able to receive such instruction.

§13.2

It shall be the policy of the Board, through the Secretary of Education, to provide exceptional school-aged persons with quality special education programs and services which will ultimately enable them to participate as fully as possible in appropriate activities of daily living.

TESTING

All agencies shall insure that testing and evaluation materials and procedures used in classifying exceptional persons will be selected, administered and interpreted so as not to be racially or culturally discriminatory.

NONDISCRIMINATION

If the percentage of persons from any identifiable group (racial or ethnic) assigned to special education programs is significantly disproportionate to the

distribution of that group in the school district or intermediate unit, the Department of Education shall notify the school district or intermediate unit. To maintain the assignments, the intermediate unit or school district must then show evidence that the assignments are justified and the disporportion is necessary to promote a compelling education interest of the persons affected.

NOTICE

EVIDENCE

§13.3

The Secretary of Education shall establish standards for the education or training of all exceptional persons in the Commonwealth. Criteria for attendance, admission, absences and excuses shall apply to all approved programs and services for exceptional persons.

The Secretary may grant exceptions to this Chapter's provisions to meet certain unique programmatic needs of exceptional persons. Such exceptions will be evaluated annually by the Secretary and will be terminated at the Secretary's discretion.

PLANNING

Each school district shall include in its long range plan procedures for the education of all exceptional school-aged persons. Each intermediate unit shall prepare a comprehensive plan for the education of exceptional school-aged persons which includes the district plans, the intermediate unit plan and combination of the two plans. This plan shall include all programs and services available including welfare agencies, approved private schools and other private schools and agencies. The Secretary shall prescribe the format and content of the intermediate unit and school district plans.

§13.7; 13.8; 13.9

Professional personnel shall consist of individuals responsible for identification of exceptional persons and for provision of special education programs and services in accordance with the Public School Code of 1949 and the provisions of this Chapter.

Paraprofessional personnel shall consist of individuals under the direct supervision of the professional personnel. The duties and training of the paraprofessional staff shall be determined by the intermediate unit or school district.

MAINSTREAMING

Intermediate units and school districts shall mainstream those exceptional persons who can profit by an appropriate program of education or training in a regular class. If mainstreaming is recommended, specific supportive services, including staff orientation, necessary for appropriate education and/or training of persons placed in the mainstream shall be provided in accordance with the nature of the placement.

§13.11

HEARING
DUE PROCESS

All handicapped school-aged persons identified shall be provided with an appropriate program of education or training including the right of a due process hearing for mentally retarded or due process procedures for other handicapped school-aged persons to determine the appropriateness of the classification and program. The primary responsibility for providing an appropriate program of education or training shall be that of a school district. Where such school district board cannot provide an appropriate program effectively and efficiently it shall use the services of the intermediate unit. The services of approved private schools, state schools and out-of-state institutions may be used where intermediate unit boards and school district boards agree that they cannot provide services effectively and efficiently for handicapped school-aged persons. Intermediate units and school districts shall insure that handicapped school-aged persons are provided with an opportunity for placement in appropriate vocational education programs designed to meet their unique needs.

"The following priority order of educational placement for handicapped school-aged persons shall be followed except where a deviation is needed to meet the appropriate needs of the persons or the purpose of these regulations:

(1) A regular class in a regular school with supporting services.

HOMEBOUND INSTRUCTION

(2) A school district special education program in a regular school; including homebound instruction.

(3) A school district special education program

in a special facility.

(4) An intermediate unit program in a regular school.

(5) An intermediate unit program in a special facility.

(6) An approved private school program.

(7) A state school program.

(8) An approved out-of-state program.

(9) An intermediate unit program of instruction in the home.

EVALUATION

If a handicapped school-aged person has been re-evaluated and is found to no longer have the exceptional characteristics that require special education programs and services; the intermediate unit or school district shall prepare an appropriate program for the person to return to the regular school. If at the end of one year the individual demonstrates that the regular program is now appropriate, all records and materials identifying the person as exceptional shall be placed in a confidential file and shall be released only upon permission of the parent or guardian.

CONFIDENTIAL RECORDS

§13.12

PLACEMENT

The Secretary shall approve the placement of certain multi-handicapped school-aged persons in approved out-of-state institutions if there is no appropriate program for placement of such multi-handicapped school-aged persons in the school districts, intermediate units, approved private schools in the Commonwealth, or state school; the parent, school district superintendent and intermediate unit executive director agree that there is no appropriate placement in the Commonwealth; and there is no concurrence by the Secretary of Education with the decision of the school district superintendent and intermediate unit executive director.

If an appropriate placement for such persons has been identified within the Commonwealth, the Secretary of Education may initiate action for the return of such person, and the person shall be returned to an approved program within the Commonwealth.

§13.13

Special schools devoted exclusively to the education of handicapped school-aged persons may be established by the intermediate units or school districts upon approval by the secretary. Approval shall only be granted after the school district or intermediate unit submits written documentation that there is no appropriate existing or projected regular or special classroom space available in the area. Special schools shall be separate facilities which have been designated to meet the instructional needs of handicapped school-aged persons. To receive approval such facilities shall:

(1) Conform to regulations on school buildings in Chapter 21.

(2) Be located in close proximity to a school where regular class programs are available to permit as much integration and participation in regular programs as is feasible and desirable.

(3) Include special construction devices and equipment essential to provide an improved learning environment in relation to the nature and degree of physical or mental condition.

(4) Adhere to a plan for special education which enhances the possibility of providing a high quality of special education programs and services.

(5) Receive approval of the Secretary that such a facility is consistent with an approval plan and only where integrated facilities are not feasible.

§13.14

Approved private schools shall be recognized as a resource to the state school system in providing for certain handicapped school-aged persons. Approved private schools shall be:

(1) Licensed or accredited by the appropriate state board or state recognized accrediting agency.

(2) Approved in accordance with such standards and procedures as necessary to insure compliance with law and these regulations.

(3) Reapproved at least every three years by the Secretary of Education.

The Department shall furnish annually to each intermediate unit a listing of all approved private schools and the types of programs approved for each. Intermediate unit planning shall include provisions for use of approved private schools where appropriate to provide especially for multi-handicapped school-age persons. The use of approved private schools is not restricted to serving multi-handicapped school-aged persons.

"The Secretary may approve, as necessary, certain private schools to provide an appropriate educational program for persons in those areas of the state where such programs cannot be provided by the school district, intermediate unit or other state agency."

§13.15

Satisfactory completion of special education courses for exceptional school-aged persons shall be determined by the special education teacher in consultation with the principal of the school and the Supervisor of Special education. Each exceptional . . . school-aged person except trainable and profoundly mentally retarded persons satisfactorily completing special education programs at the high school level. . . shall be granted and issued a regular high school diploma by the secretary of education; trainable and profoundly mentally retarded persons shall be issued a certificate in accordance with standards established by the Secretary.

§13.16

Curricula for mentally or physically handicapped school-aged persons shall be conducted in accordance with standards established by the Secretary of Education and shall include provisions for:

(1) Admission, continuance, enrollment and pupil qualifications or eligibility, determined by the type and degree of mental or physical handicap.

(2) Facilities and materials, supplies and special

equipment, determined by the type of mental or physical handicap.

(3) Amount of supervision and special teaching determined by the type and degree of mental or physical handicap.

Curricula determined by type and degree of mental or physical handicap shall provide for an orderly sequence of instruction to permit the development of learning skills and compatible with age and ability levels of exceptional persons.

§13.21

DUE PROCESS

The due process procedures for exceptional school-aged persons other than those who are mentally retarded or thought to be mentally retarded shall be applicable to all gifted and talented school-aged persons.

§13.22; 13.23

Curricula for gifted and talented school-aged persons shall be conducted in accordance with standards established by the Secretary and shall include:

(1) Admission, continuance, enrollment and pupil qualifications or eligibility, determined by the type and degree of extraordinary mental abilities or talents.

(2) Facilities and materials, supplies and special equipment, determined by the type and degree of extraordinary mental abilities or talents.

(3) Amount of supervision and special teaching, determined by the type and degree of mental abilities or talents.

School districts may join in with other districts, intermediate units or the Department in a cooperative arrangement to provide programs for gifted and talented school-aged persons.

§13.31

DUE PROCESS

The due process procedures described in this section shall be applicable to all exceptional or thought-to-be exceptional school-aged persons not covered by Subchapter D of this Chapter including those who have

never had an educational assignment.

"The parent of any school-aged person shall upon presentation to the school district of written evidence that their child is an exceptional or thought-to-be exceptional person and receiving less than an appropriate program of education or training, have the right to request due process procedures. The educational assignment of every exceptional or thought-to-be exceptional person must be evaluated not less than every two years, or annually upon the request of the parents, and upon such re-evaluation, notice and opportunity to request due process procedures shall be provided. No exceptional or thought-to-be exceptional school-aged person shall be subjected to a change in educational status unless the district first informs that person and his/her parents about the opportunity for due process procedures.

EVIDENCE

DUE PROCESS

EVALUATION

NOTICE

"Due process procedures shall adhere to the following course of events:

(1) A parent conference shall be held for the purpose of detailed explanation of a contemplated change in education or major modification of any exceptional or thought to be exceptional school-aged persons program.

Upon request of the parent, a due process hearing shall be held before a hearing officer who shall render a decision.

HEARING

§13.32

The following procedures shall be complied with when the school district initiates due process procedure:

DUE PROCESS

When any exceptional or thought-to-be exceptional school-aged person is recommended for a change in educational status by a school district, intermediate unit or any school official, notice of the proposed action shall first be given to the person and the parent. If the parent desires the parent may, in writing, indicate satisfaction with the recommendation and waive the parent conference.

NOTICE

A parent conference shall be initiated at the

request of the school or the request of the parent within ten days of the receipt of the notice.

The parent may request complete evaluation by the school district or intermediate unit and if this has not been completed, it shall be complied with by the school district or intermediate unit prior to the parent conference.

NOTICE
DOCUMENTATION

Prior to the conference the parents shall receive by certified mail, all information pertaining to the conference including but not limited to documentation of the reasons for the change in educational status, such as, test used, results and the like, what change in educational status is being recommended and other alternatives that are available for the individual and why these alternatives were not recommended.

OUTSIDE EVALUATION

If the parent does not agree with the school evaluation, they may have an outside evaluation done at their own expense prior to the parent conference.

At the parent conference the Chief School Administrator or his/her designee shall chair the conference. The conference shall include but not be limited to the guidance counselor, the evaluator to explain the tests and procedures, the person and parent, and the evaluator that did the testing for the parent. Every effort shall be made to reach an amicable agreement keeping in mind the best interests of the individuals and in no way shall the parent conference take the place of the due process rights required in these regulations. If the conference does not resolve differences, the parent may request a due process hearing. A due process hearing shall not be granted more than once annually from the date of the hearing.

HEARING

If a due process hearing is called for, it shall be scheduled not sooner than 15 days nor later than 30 days after receipt of the request in the Department of Education, provided however that upon showing good cause

a reasonable extension shall be granted at the parent's request. The hearing shall be held in the school district at a place reasonably convenient to the parent of the person. At the parent's option, the hearing may be held in the evening; such options shall be set forth in the form requesting the hearing.

The hearing officer shall be assigned by the Secretary or designee, but shall not be an officer, employee or agent of any school district or intermediate unit in which the person resides.

The hearing shall be an oral, personal hearing, and shall be public unless the parent specifies a closed hearing. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.

The proposed change in educational status or modification for appropriateness shall be approved only if supported by substantial evidence on the whole record of the hearing. Introduction by the school district or intermediate unit of the official report recommending a change in educational assignment, provided a copy of such report was given to the parent at the time notice was given, shall discharge its burden of going forward with the evidence, thereby requiring the parent to introduce evidence in support of the parent's contention.

EVIDENCE

HEARING RECORD

A record of the hearing shall be made and kept for at least three years and be available to the parent or the parent's representative. The parent may be represented at the hearing by any person of the parent's choosing, including legal counsel.

LEGAL COUNSEL

The parent or the parent's representative shall be given reasonable access prior to the hearing to all records of the intermediate unit or school district concerning the person, including any tests or report upon which the proposed action may be based. The parent shall have the right to present evidence and testimony, including expert medical, psychological or educational testimony.

TESTIMONY

No later than 20 days after the hearing, the hearing officer shall render a decision in writing which shall be accompanied by written findings of fact and conclusions of law, which shall be sent by certified mail, return receipt requested, to the parent or the parent's representative.

NOTICE

There shall be no change in the person's educational status without prior notice and the opportunity to be heard, except that in extraordinary circumstances the department upon written request by the school district or intermediate unit setting forth the reasons, and upon notice to the parent, may approve an interim change in educational assignment prior to the hearing, in which event the hearing will be held as promptly as possible after the interim change. The department shall act upon any such request no later than within three days of its receipt.

Any time limitation shall be construed and applied so as to do substantial justice and may be varied upon request and good cause shown.

APPEAL

The decision of a hearing officer may be appealed to the Secretary of Education.

§13.33

DUE PROCESS

The following procedures shall be complied with when the parent initiates the due process procedures:

(1) Any parent who believes his/her school-aged child is appropriately classified as an exceptional person, is an exceptional person classified as non-exception, is a non-exceptional person classified as exceptional or is receiving less than an appropriate program of education and training, may forward to the school district written evidence which supports the parent's contentions.

EVIDENCE

(2) Upon receipt of the above documents, the school district superintendent shall initiate within 10 days, a parent conference.

(3) At the parent conference, the Chief School Administrator or his designees shall chair the conference. The conference shall include but not be limited to the guidance counselor, the evaluator, to explain the tests

and procedures, the person and the parent, and the evaluator that did the testing.

(4) Every effort shall be made to reach an amicable agreement keeping in mind the best interests of the individuals and in no way shall the parent conference take the place of due process.

(5) The school district shall prepare written evidence supporting the appropriateness of the person's classification and the program in which the person is currently enrolled and make this available to the parent or the parent's representative.

(6) Upon conclusion of the parent conference the parent may, if unsatisfied with the school district's explanation, request a due process hearing. HEARING

(7) If the parent conference does not resolve differences, the due process conference shall follow the same procedures listed in §13.32.

§13.61

No child of school age who is mentally retarded or who is thought by any school official, the intermediate unit, parents or guardian to be mentally retarded, shall be subjected to a change in educational status without first being accorded notice and the opportunity of a due process hearing. The provisions of this section also applies to any child who has never had an educational assignment. NOTICE HEARING

The following procedures shall be complied with:

(1) If any mentally retarded or allegedly mentally retarded child of school age is recommended for a change in educational status by a school district, intermediate unit or any school official, notice of the proposed action shall first be given to the parent or guardian of the child.

(2) Notice of the proposed action shall be given in writing to the parent or guardian of the child either at a conference with the parent or by certified mail to the parent, addressee only, return receipt requested.

(3) The notice shall describe the proposed action in detail, including specification of the statute or regulation under which the action is proposed and a clear and full statement of the reasons for it, including specification of any tests or reports upon which such action is prepared.

(4) The notice shall advise the parent or guardian of any alternative education opportunities available to their child.

(5) The notice shall inform the parent or guardian of their right to contest the proposed action at a full hearing before the Secretary, or designee, in a place and at a time convenient to the parent, before the proposed action may be taken.

(6) The notice shall inform the parent or guardian of their right to be represented at the hearing by a person of their choosing, including legal counsel, of their right to examine before the hearing their child's school records including any tests or reports upon which the proposed action may be based, or their right to present evidence of their own, including expert testimony, and of their right to call and question any school official, employee or agent of a school district, intermediate unit or the department who may have evidence upon which the proposed action may be based.

(7) The notice shall inform the parent or guardian of the availability of various organizations to assist them in connection with the hearing and the school district or intermediate unit involved shall provide the address and telephone number of the organization in the notice.

(8) The notice shall inform the parent or guardian that they are entitled under the Mental Health and Mental Retardation Act of 1966 to the services of a local center for an independent medical, psychological and educational evaluation of their child and shall specify the name, address and telephone number of the MH-MR center in their catchment area.

(9) The notice shall specify that if notice is given at a conference with the parent, the parent may indicate at that conference, their satisfaction with the recommendation and may waive the opportunity for a hearing by indicating so in writing to the school district or intermediate unit. If the parental decision is indicated at a conference, the parent shall be given a form which shall be mailed to the school district or intermediate unit within five calendar days if the parent desires to change the decision. There shall be no change in educational assignment during the five-day period. If notice is given by certified mail, the parent shall fill in the form requesting a hearing and mail the same to the school district or intermediate unit within 10 days of the date of receipt of the notice.

(10) The hearing shall be scheduled not sooner than 15 days nor later than 30 days after receipt of the request for a hearing from the parent or guardian, provided that upon good cause shown, reasonable extension shall be granted at the parent's or guardian's request.

(11) The hearing shall be held in the local district and at a place reasonably convenient to the child's parent or guardian. At the parent's or guardian's option, the hearing may be held in the evening; such option shall be set forth in the form requesting the hearing.

(12) The hearing officer shall be the Secretary, or designee, but shall not be an officer, employee, or agent of any local district or intermediate unit in which the child resides.

(13) The hearing shall be oral, personal and public unless the parent or guardian specified a closed hearing.

(14) The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.

(15) The proposed change in educational status shall be approved only if supported by substantial evidence on the whole record of the hearing. Introduction

by the school district or intermediate unit of the official report recommending a change in educational assignment, provided a copy of such report was given to the parent at the time notice was given, shall discharge its burden of going forward with the evidence, thereby requiring the parent to introduce evidence in support of their contention.

(16) A stenographic or other transcribed record of the hearing shall be made, kept for at least three years, and shall be available to the parent or guardian or their representative.

(17) The child's parent or guardian may be represented at the hearing by any person of their choosing, including legal counsel.

(18) The parent or guardian or their representative shall be given reasonable access prior to the hearing to all records of the school district or intermediate unit concerning their child.

(19) The parent or guardian or their representative shall have the right to compel the attendance of, and to question any witness testifying for the school board or intermediate unit and any official, employee or agent of the school district, intermediate unit, or the Department who may have evidence upon which the proposed action may be based.

(20) The parent or guardian shall have the right to present evidence and testimony, including expert testimony.

(21) No later than 20 days after the hearing, the hearing officer shall render a decision in writing which shall be accompanied by written findings of fact and conclusions of law and which shall be sent by registered mail to the parent or guardian and their representative.

(22) There shall be no change in the child's educational status without prior notice and the opportunity to be heard, except that in extraordinary circumstances the State Director of Special Education, upon written request to such person by the district or intermediate unit setting forth the reasons and upon notice to the

parent may approve an interim change in educational assignment prior to the hearing, in which event the hearing will be held as promptly as possible after the interim change. The Director shall act upon any such request within three days of its receipt.

(23) Any time limitation shall be construed and applied so as to do substantial justice and may be varied upon request and good cause shown.

Notice and the opportunity of a due process hearing shall be afforded on and after the effective date of the stipulation to every child who is mentally retarded or thought to be by any school official, the intermediate unit, or parents before the child is subjected to a change in educational status.

EVALUATION

Any educational assignment to other than a regular class shall be automatically re-evaluated every two years. If requested by the parent or guardian, the assignment shall be evaluated annually. Upon each evaluation, the school district shall give notice and opportunity for a hearing.

A board of school directors shall not postpone or deny the admission of a child who has attained the chronological age established for admission to the district's schools without due process and hearing. However, when conditions warrant and subject to the due process procedures such child may be assigned in a timely manner to a free public program of education and training other than in a regular class.

§13.62

The Secretary, the Board, and the Intermediate Units shall cease and desist from applying sections 1304, 1318, 1326, 1330(s), 1371(1), 1372(3), 1375 and 1376 of the Public School Code of 1949 except as follows:

(1) §1304 means only that a school district may refuse to accept into or retain in the lowest grade of the regular primary school or the lowest regular primary

class above kindergarten, any child who has attained the mental age of 5. Any child whose admission to such grade or class is postponed, or who is not retained in such school or class is entitled to immediate placement in a free public program of education and training pursuant to §1371-1382 which provides alternative programs of education and training for exceptional children.

SUSPENSION

(2) §1318 means that the suspension of a mentally retarded child under the same circumstances as a typical child might amount to punishment for a ramifacation of the very disability which a public school program of education is attempting to remedy. To avoid such a result, a suspension or expulsion pursuant to §1318 is a change in educational assignment which would, except as provided in this section, require notice and a due process hearing.

EXPULSION

NOTICE

HEARING

(Since a disciplinary problem with a mentally retarded child may be so immediate or severe as to require summary action, after the approval of the State Director of Special Education an interim change in the educational assignment of a mentally retarded child in the form of suspension, expulsion or other placement may be made so long as there is a due process hearing as soon as possible after the change.)

(4) §1326 means only that the parents of a child have a compulsory duty while the child is between 8 and 17 years old, to assure that child's attendance in a free public program of education and training. If a parent does not discharge the duty of compulsory attendance with regard to any mentally retarded child between 8 and 17, then the Department shall take those steps necessary to compel the child's attendance pursuant to §1327 and any compulsory attendance regulations.

(5) §1326 does not limit the ages between which a child must be granted access to such a program. No school district or intermediate unit may deny access to a free program of public education to any mentally retarded child age 6-21 whose parents elect to enroll that child in such a program.

(6) §1330(2) means only that when a parent elects to voluntarily withdraw a child from public school attendance, that parent may be excused from liability under the compulsory attendance provision of §1326 when the parent acquires the approval of the local school board, the approval of the Secretary and a finding by an approved clinic or public school psychologist or psychological examiner that the child is unable to profit from further public school attendance.

(7) §1371(1) means children aged 6-21, and all mentally retarded children who have reached the age less than 6 at which pre-school programs are made available to other children either by the Department through any of its instrumentalities, such as local school districts of intermediate units, or by the Department of Public Welfare through any of its instrumentalities. Preschool programs are equally available to mentally retarded and typical children less than six years of age.

HOMEBOUND INSTRUCTION

(8) §1372(3) means that homebound instruction is one of the options available to a school district where placement in a regular public school class is not possible. For a given mentally retarded child, homebound instruction may be the only appropriate method for providing the free public program of education and training to which that child is entitled, even though this is the least preferable type of education program. Such instruction shall involve education and training for at least five hours a week. Pupils assigned to Homebound Instruction shall be re-evaluated not less than every three months with notice and opportunity for a hearing.

(9) §1375 means that insofar as the Department of Public Welfare will arrange for the care, training and supervision of a child certified to it, the Department of Public Welfare will provide a program of education and training appropriate to the individual capacities of that child. When it is found, on the recommendation of a public school psychologist and upon

approval of the local board of school directors and the Secretary, as reviewed in a due process hearing, that a mentally retarded child would benefit more from placement in a program of education and training administered by the Department of Public Welfare than from any program of education and training administered by the Department, the child should be certified to the Department of Public Welfare for the timely placement in a program of education and training.

TUITION

(10) §1376 means the term "brain damage" as used in this section and as further defined in the Board of Education's Criteria for Approval of Reimbursement". It includes all mentally retarded persons. There should now be available to them tuition for day school and tuition maintenance for residential school up to the maximum sum available for day school or residential school, whichever provides the program of education and training more appropriate to the mentally retarded child's learning capacities.

CROSS REFERENCE

II.A.1.; Regulation §3.71

2. Programs for Exceptional Children

Statutes

§16-21-13

The school committee of any town is empowered to establish within its limits open air schools for the instruction of such children of school age as in its judgment are not in such physical condition that they can be safely instructed in the ordinary schools of the town, and to furnish for the conduct of such schools such medical, food or other supplies as are necessary for the purposes for which such schools are or may be established.

§16-24-1

The school committee of each town shall provide special education to satisfy the needs of those children within the age range as designated by the regulations of the state board of education who are either mentally retarded or physically or emotionally handicapped to such an extent that normal educational growth is prevented.

§16-24-2

The state board of education shall issue regulations, including

RULEMAKING

"1. criteria to determine who shall be included in the category of exceptional child and all persons from the age of three to twenty-three who are mentally retarded and/or multi-handicapped must be included in establishing the category of exceptional child;

2. minimum criteria for establishment and/or reimbursement of special facilities for each category of exceptionability;

3. methods of reimbursement;

4. teacher-training recommendations, minimum teacher qualifications;

5. transportation, and

6. any other necessary regulations."

§16-24-3

The school committee shall annually ascertain the number of children in its town of school age and resident therein who are physically, emotionally or mentally handicapped.

§16-24-5

Wherever possible and practical two or more towns may organize to provide a district center facility for children in their towns who are in need of special care and individual instruction.

§16-24-8

"Each city and town where there are ten or more mentally retarded minors, who may be expected to profit from special educational facilities designed to make them economically useful and socially adjusted, shall establish such special classes as may be necessary to provide instruction adopted to the mental attainments of such minors."

§16-24-9

Each city or town where there are ten or more mentally retarded minors who cannot profit from ordinary classroom instruction but who may be expected to benefit from special education designed to educate and train them to further their individual acceptance, social adjustment and economic usefulness in their homes and within a sheltered environment shall provide classes and instruction adapted to the mental attainment of such minors.

§16-24-10

Each city or town with fewer than eight mentally retarded minor residents may contract with another city or town or may establish a special class for the education of such minors.

§16-24-16

"For the purposes of furnishing transportation

and providing incidental expenses for the education of mentally retarded children under the age of twenty-one a center approved by the assistant director of health for mental retardation shall be decreed to be a school as considered in this chapter."

§16-25-1

The governor, on recommendation of the department of education and upon application of the parent or guardian, may appoint any deaf or blind child being a state resident, who shall be a fit subject for education, as a state beneficiary at any state institution or school now or hereafter established.

§16-25-2

The department of education is responsible for supervising all such beneficiaries, and no child appointed as above shall be withdrawn from any institution or school except with the consent of the institution, or the consent of the governor; and said department shall report annually to the general assembly concerning the education of handicapped children.

§16-25-4

The department of education shall have the power to provide for the suitable care, maintenance and instruction of any child under school age who may be born blind or become blind, and whose parents can not properly care for, maintain or educate such children.

§16-25-5

For the purpose of providing such care, maintenance and education, the department of education is empowered to contract with any institution having or furnishing facilities for such care, maintenance and education of blind children in this state or any other state at a contract price within the amount appropriated therefor.

§16-25-7

The department of education shall provide readers

for blind students in institutions of higher learning; and the general assembly shall annually appropriate money necessary to carry out the purposes of this section.

§16-26-2

SCHOOL FOR THE DEAF

The state board of education shall have supervision, administration and control of the Rhode Island School for the Deaf.

§16-26-4

The primary object of the school shall be to furnish to the deaf children of the state instruction and the best known facilities for the enjoyment of such a share of the benefits of the system. The board of education shall have charge of the affairs of the school.

§16-26-5

"The board of regents shall appoint a principal for the School for the Deaf who shall...have charge of the education and internal affairs of the school, and shall also, upon the recommendation of the principal, appoint teachers, subordinate officers, servants and other assistants, prescribe their duties, terms, fix salaries, and for just cause remove any or all of them." The board shall likewise cause all furniture, school books, school apparatus and other supplies and equipment necessary for the school to be purchased in accordance with the law.

§16-26-7

ADMISSION

All children of this state, between the ages of three and twenty years who are deaf or whose hearing or speech, or both, "are so defective as to make it inexpedient or impracticable to attend the public schools," not being mentally or otherwise incapable, may attend the Rhode Island School for the Deaf, without charge, under such regulations as the board of education may establish. Residents of other states

may be admitted upon the payment of such rates of board and tuition as may be fixed by the board of education.

§16-42-1; 16-42-2

PROGRAMS FOR THE GIFTED

A Rhode Island area advisory committee on education programs for gifted children is created, consisting of one superintendent of schools from each of the areas of the state determined and appointed by the commissioner of education; three representatives-at-large from the superintendents and assistant superintendents of the state appointed by the commissioner of education and the president of the Rhode Island superintendents' association.

§16-42-3

"The state department of education will supply such technical, clerical and other assistance as shall be required by the area advisory committee" on education for the gifted.

§16-42-4

The advisory committee shall recommend to the commissioner of education:

"a) programs within a school for gifted and talented children; b) area programs for gifted and talented children; and c) outside school programs for gifted and talented children."

§16-42-5

The commissioner shall make regulations to implement this chapter, such regulations to include: "a) criteria for determining who is to be included in the category of the gifted or talented child; b) minimum criteria for the establishment of special facilities; and c) methods of reimbursement to the cities and towns."

§16-42-7

ELIGIBILITY

"Eligibility of programs for gifted children for reimbursement purposes shall be determined by the commissioner of education upon recommendation of the area advisory committee."

The general assembly shall annually appropriate money necessary for the education of gifted children.

REGULATIONS

REGULATIONS OF THE BOARD OF REGENTS GOVERNING THE SPECIAL EDUCATION OF HANDICAPPED CHILDREN (BR, 4/20/77)

Section I: General Regulations

III. "The school committee of each school district shall establish within its school district the special education required by these regulations and/or it shall provide for the free education of all resident handicapped children either through these programs or in other special education programs approved by the Commissioner of Education ... .

Unusual situations not specifically provided for in these regulations will be evaluated by the Commissioner of Education who shall prescribe a program designed to meet the needs of each individual case.

IV. A handicapped child shall be admitted to a special education program if he/she is deemed eligible on the basis of the evaluation process as prescribed hereinafter.

ADMISSION

To the extent practicable and in keeping with the findings of the evaluation process, the handicapped child requiring special education shall be educated in the regular school program of the local school district; shall receive instruction in classes attended primarily by normal children; and shall be furnished such supplementary equipment, facilities, and remedial or other supportive services as may be necessary to enable him/her to perform satisfactorily in the normal learning environment of the school ... . Special classes, facilities and services shall be provided outside of the regular school program only on the recommendations made through the evaluation process that proves that such other locations are necessary for the conduct of appropriate and efficient programs ... . Such segrated programs shall be conducted on the basis of homogeneous grouping according to the similarity of handicapping condition and developmental level.

Based on an annual review of the educational plan and reassessment, ...a handicapped child shall be continued in a

special education program as long as he/she remains eligible but only until he/she is ready to return to regular education. No handicapped child, however, should remain in a class with the same teacher for a period to exceed three years.

No handicapped child as specified by these regulations shall be excluded, suspended or withdrawn from any school-based education program for reasons deriving only from his/her handicapping condition. The sole exception to this regulation shall be when the superintendent of schools, upon substantial evidence, determines that the child will be an immediate danger to himself/herself or to others. A child so excluded shall be afforded home tutoring and counseling therapy as determined by the Core Evaluation Team in an effort to determine a reassignment to a program which can better meet the specific needs of such child ... .

V.1. Each school district shall submit to the Department of Education an annual census of handicapped children in accordance with forms and instructions supplied by said Department.

CENSUS

2. Each school district shall submit for approval to the Department of Education a written, comprehensive implementation plan for these regulations projected for an initial five-year period ... . It shall be annually updated in writing as appropriate and necessary, and shall be submitted to the Department of Education together with progress reports of the previous year's activities. Said plan shall include but not be limited to: provision for establishment of a systematic process for identification of student needs through active and continuous screening and identification of handicapping conditions for all children aged 3 to 21 (and) systematic approaches to referral, diagnosis, assessment, programming and annual review of all children referred for special education; provisions for parent involvement including establishment of an advisory committee, installation of procedural safeguards and training of surrogate parents to insure the protection of a handicapped child's human and constitutional rights; provision for assessing program needs and establishing

FIVE YEAR PLAN

priorities among those needs; provision for developing a statement of strategy and possible alternatives to be used in meeting established needs that would provide for an ... administrative structure that adequately facilitates the operation of special education programs, development ... of specific programs ... designed to allow an individualized curriculum experience for handicapped children, (and) orientation and inservice training of school personnel; (and) provision for ... evaluation of ... programs and ... services for handicapped children."

3. The procedure for determining eligibility for placement in special education shall be as follows:

"Referral for evaluation assessment. Each school system shall design ... and implement a referral system through which those pupils with suspected handicapping conditions can be brought to the attention of the appropriate school personnel for diagnostic work-up. The referral system shall include ... : development of a standardized referral form ... ; specific designation of the ... office which will receive ... the referral ... ; delineation of the steps which that ... office ... will undertake ... so that appropriate diagnostic intervention will commence ... (and) provision for reporting annually to the State Department of Education on the number of referrals received and the disposition of such referrals ... .

Referral of any child suspected of having a handicapping condition may be initiated by: the child's classroom teacher; anyone having professional dealings with the child; (and/or) the child's parent(s) or legal guardian(s) to ... office designated in the school referral system plan ... .

All school districts shall conduct systemwide screening programs. All preschool children (beginning at age 3) residing in the school district shall be eligible for screening for handicapping conditions .... All school-aged children ... shall be screened for vision, hearing, health, and speech ... (and) for any other handicapping conditions upon initial entry into the school district. All children suspected, as the result of the screenings ... of handicapping conditions shall be reported by the person in

SCREENING PROGRAMS

charge of the screening to the ... office designated in the school's referral system plan ....

REFERRAL

Referrals shall be made by the classroom teacher to the ... office designated in the school's referral system plan whenever a child exhibits any of the following characteristics: failure of the child in two (2) or more academic subjects at the end of a term; failure of the child to be promoted at the end of the school term; frequent suspension of the child from school; exclusion of the child from school; frequent unexplained absences of the child from school; (and) demonstration of any negative change in the alertness, learning or behavioral capacity of the child upon his/her return to school after an illness or accident ....

EVALUATION

Evaluation Assessment Process. Each school district by itself or in conjunction with other school districts, shall organize its professional personnel to function as an evaluation team chaired by an administrator of special education or his/her professional designee. Such team shall be composed of a core unit that includes a speech/language pathologist, a school psychologist, a school social worker and a special education teacher trained in diagnostic techniques and educational methodology. Said team shall also have readily available to it the services of a licensed medical practitioner, the classroom teacher of any child referred for evaluation, the principal of the school which such child attends and any other clinical or school personnel when deemed necessary by the members of the evaluation team and its chairman. The purpose of the Core Evaluation Team functioning in its entirety, is to provide a complete overall evaluation of any moderate to severe or profoundly handicapped child referred for possible placement in a self-contained special education class or residential school program ....

Evaluation-Assessment procedures, utilizing methods, techniques and materials which are culturally unbiased, insofar as possible, and which are appropriately adapted to each age level, shall be used in identifying and describing children with handicapping conditions. Assessments shall be individually administered in the child's spoken and written language, if possible.

Children referred for evaluation of suspected conditions such as learning disabilities, mild to moderate degrees of behavioral disorders or any other type of handicap which probably will not necessitate a self-contained special class placement shall receive a special education assessment which includes: classroom observation together with a differential psycho-educational examination individually administered by a trained diagnostic special education teacher, together with a school psychologist, the child's classroom teacher and where appropriate a speech/language pathologist and remedial reading specialist and any other additional specialists as deemed necessary by the examiners and supervisor of special education .... (Such an intermediate evaluation may result in a full-core evaluation whenever the ... examiners feel that test results are too inconclusive or inadequate to develop a sound educational plan provided that parental agreement is secured. Within five consecutive school days after completion of the evaluation of a child the examiners shall meet in conference with the child's parents and principal of the school which the child attends .... The purpose of the conference will be to review the results of the evaluation assessments and cooperatively develop an educational plan ....

Any child referred for evaluation of a suspected handicapping condition which probably will result in self-contained special class placement shall be given the following evaluation assessment ...: a general medical assessment, a psychological assessment, a sociological assessment, and a special education assessment as prescribed for Intermediate Evaluations. Additional specific assessments shall be required for certain handicapping conditions when determined as necessary by the examining physician and other respective members of the Core Evaluation Team. Such conditions are as follows: Behavior Disorder -- a psychiatric assessment; Orthopedic Disorder -- an assessment by a physical and occupational therapist as specified by the general medical assessment; Neurological Disorder -- a psychiatric assessment and a neurological assessment; Aphasic Disorder -- a neurological assessment, a psychiatric assessment, an audiological assessment administered by a licensed audiologist, an otological assessment, and a

diagnostic speech and language assessment administered by a speech/language pathologist; Hearing Disorder -- an audiological assessment administered by a licensed audiologist, an otological assessment, and a speech and language assessment administered by a speech/language pathologist, and psychological assessment administered by an appropriately trained psychologist; Speech or Language Disorder -- a diagnostic speech and language assessment and an audiological screening administered by a speech/language pathologist; Blind or Partially-Sighted -- an opthalmological assessment including exploration of the need for low vision services, examination of mobility and orientation skills and visual communication skills, (and) Other Handicapping Conditions --any additional assessments deemed necessary by the Core Evaluation Team.

...Within five consecutive school days after completion of a full-core evaluation, the Core Evaluation Team ... shall meet in conference with a child's parents and teacher, the principal of the school which the child attends, and a vocational educator if the child is sixteen years or more of age.

The purpose of the conference will be to review the results of the evaluation assessments and cooperatively develop an individualized educational plan ....

EDUCATIONAL PLAN

Educational plan elements (shall include:) detailed description of the child's academic ability levels ...; detailed description of the manner in which the child approaches a learning task, taking into consideration his/her attitude, behavior, attention span, and sensory modalities most often used; detailed description of the child's strengths and weaknesses in the ... areas (of) receptive and expressive language ability, visual acuity and perceptual ability, physical or sensory motor development, emotional maturity and social behavior, occupational and self-help skills; explanation documenting the effect that any of the above identified deficiencies may have on the child's educational progress and overall development; suggestions and rationale for teaching methods and techniques for combatting the child's learning difficulties; suggested services and rationale that would be supportive to the educational development of the child;

recommendations for program placement including specific reasons for amount and type of special education instructional and supportive services that the child may need; suggestions for program content including methods, materials, goals and objectives, and a means for review of each child's progress to be reported annually; (and) recommendations for involvement of the parent(s) in a child's program including any counseling services felt needed for such person(s).

PLACEMENT

Program Placement. Specific recommendations for program placement on the special education program continuum shall be made by the school district administrator of special education on the basis of the results and analysis of the overall evaluation process and the recommendations for program placement by the participants in the case conference and after consultation with the parent(s). A statement containing these recommendations shall be officially communicated and interpreted to the parent(s) .... Said notice shall contain the following: a listing of the types of evaluation assessments that were conducted and an explanation of the evaluation assessment findings; the details of the special education program placement or a statement that the child does not need a special education program placement ...; a statement that all documents and information relevant to the child are available for inspection by the child's parent(s), and/or designated representative; a statement that proclaims the right of the parent(s) to have independent evaluation assessments conducted at their own expense by professionals of their choice if they disagree with the evaluation conducted in accordance with these regulations; [and] a listing of names and addresses of local diagnostic facilities where independent evaluation assessments may be conducted [at present expenses].

REEVALUATION

Re-evaluation Procedures. No handicapped child shall remain in any special education program for a period exceeding one year without receiving a detailed analysis of the effectiveness of his/her special education plan .... Based on progress reports, personnel involved with a handicapped

child's special education program shall review progress with the child's parent(s) and determine the specific types of evaluation assessments which may be needed to modify the child's educational plan or a change in placement.

No later than thirty consecutive school days prior to the end of each academic year, instructional and supportive service personnel involved with each handicapped child shall develop a new educational plan which reflects the goals and objectives for the coming school year relative to the needs and progress of the child.

ANNUAL REVIEW

At least annually, the school district administrator of special education shall review the results of educational plans with the special education advisory committee in a fashion that preserves the anonymity of both student and teacher ...

The school term for special classes shall be the same as that for the regular education program in the public schools in the school district in which the classes are located, (except that) the school term for severely and profoundly retarded and multi-handicapped children shall consist of a minimum of 230 days per year.

SCHOOL TERM

The school day for special education classes shall be the same as that for the regular education programs in the public schools in the school district in which the classes are located.

The school day for classes for mildly to moderately handicapped pre-school age children shall consist of a minimum of a two and one-half hour session for five days per week exclusive of travel and lunch time unless otherwise directed by the evaluation process. The school day for such classes shall be extended to a maximum of a five-hour session when indicated as appropriate by the evaluation process.

The school day for severely and profoundly retarded and multi-handicapped pre-school age children shall consist of a minimum of a five-hour session for five days per week exclusive of travel and lunch time unless otherwise directed by the evaluation process.

All handicapped children shall be provided free trans-

portation in accordance with the severity of the handicapping condition, as determined by the evaluation process to and from home (door to door) to the educational program in which they are enrolled with the following exceptions: transportation, to and from home, to hospitals or residential schools where the children will reside overnight; transportation, to and from home, to clinical facilities for the purposes of medical or psychological evaluation assessments or therapy; (and) transportation, to and from home, and to regular class programs unless the child has a handicapping condition requiring special transportation services.

TRANSPORTATION

Vehicles used for the transportation of handicapped children shall comply with all safety regulations required for pupil transportation and shall include the following: seat belts ... to secure children while the vehicle is in motion; a minimum of one aide, assigned to each bus or other appropriate vehicle used specifically for handicapped children ...; (and) hydraulic lifts or other appropriate special devices ... on special selected buses to accommodate children with unique problems, whose lack of mobility to enter or exit vehicles would pose potential harm to themselves or those trying to help them.

School districts shall provide in-service training for administrative personnel, drivers and aides affiliated with special transportation services in order that they may effectively deal with handicapped children and understand the problems faced by the parents of such children ....

STAFF

All professional personnel ... for whom certificates or licenses are required by state law and/or regulations, shall hold appropriate certificates or licenses. Where no such mandates exist, such personnel shall show evidence satisfactory to the Department of Education that they have appropriate professional training and/or experience to perform satisfactorily and successfully in their respective areas.

A school district having 10,000 pupils enrolled in the public schools shall employ at least one full-time administrator of special education. A school district having fewer than 10,000 pupils enrolled in the public schools which does

not employ its own administrator of special education shall join with another school district ... in appointing a full-time administrator of special education to administer a regional special education program. A community or regional program which has more than 10,000 pupils enrolled in the public schools shall also employ a full-time assistant administrator of special education for every 2,000 students enrolled in excess of 10,000. A regional program having fewer than 10,000 pupils enrolled in the public schools which exceeds two communities shall employ a full-time assistant administrator of special education.

A school district having 1,500 pupils enrolled in the public schools shall employ one full-time psychologist or equivalent for each 1,500 so enrolled. In cases where the enrolled population of children, as determined by the Evaluation Team, to be served .... A community having a combined enrollment of 1,500 pupils enrolled in the public and non-public schools shall employ one full-time speech/language pathologist on a part-time basis in accordance with the needs, as determined by the evaluation process, of speech/language handicapped children to be served .... A school district having 2,500 pupils enrolled in the public schools shall employ one full-time school social worker or equivalent for each 2,500 pupils so enrolled. In cases where the enrolled populations of children falls between even multiples of 2,500 the school district shall employ a school social worker on a part-time basis in accordance with the needs of the handicapped children to be served .... The school committee of each school district shall employ one full-time physical and/or occupational therapist or equivalent for every thirty mild to moderately handicapped children identified as being in need of physical and/or occupational therapy. School districts which have less than thirty resident mild to moderately handicapped children in need of physical and/or occupational therapy may join with another school district(s) in providing a full-time physical and/or occupational therapist for every thirty such children identified. Each school district shall also provide a physical and/or occupational therapist at least one full day per week for every six resi-

dent severe, profound and/or multi-handicapped children identified as being in need of physical and/or occupational therapist at least one full day per week for every six so identified children.

In cases where the identified population of mild to moderately handicapped children in need of physical and/or occupational therapy should fall between multiples of thirty the school district shall employ a physical and/or occupational therapist on a part-time basis in accordance with the needs of such children as determined by the evaluation process ....

IX. Each LEA shall establish and maintain procedures to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provisions of free appropriate education by such agency. Such procedures shall include but need not be limited to: written prior notice to the parent or guardian whenever the LEA proposes to initiate or change or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate education, (including) ... a description of the action proposed and of the reason for such action and of the safeguards afforded to parents or guardians and the procedures by which they may avail themselves of these safeguards, (and) ... a form to be signed and returned by the parents giving consent or objecting to the proposed action by the LEA or requesting a conference with the Supervisor of Special Education to discuss the proposed action, (and) ... specific information ... concerning the LEA staff person who will assist the parents in availing themselves of all safeguards ...; a procedure to protect the rights of the child whenever the parents or guardians of the child are not known, unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State Education Agency or Local Education Agency which is involved in the education or care of the child) to act as surrogate for the parent or guardian; an opportunity for a conference with the local Supervisor of Special Education no later than ten school days after the request; (and) ... an opportunity to appeal to the School Committee if the decision of the Super-

PROCEDURAL SAFEGUARDS

intendent is not acceptable to the parents, (in which case) ... a hearing shall be held by the School Committee or its designated hearing officer and a decision shall be given not later than thirty days after the appeal ....

APPEAL

A parent or guardian not satisfied with the decision of the School Committee may continue his appeal under provisions of Chapter 16-39 of the General Laws of Rhode Island, 1956, as Amended.

Any party to any (such) hearing ... shall be accorded: the right to prior notice of the time and place of the hearing; the right to be accompanied and represented by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children; the right to present evidence and confront and cross-examine witnesses; the right to a written or electronic verbatim record of such hearings, at cost to the party; (and) the right to written findings of fact and decision.

HEARING

During the pendency of any proceedings conducted pursuant to ... (the) above, unless the SEA or the LEA and the parents or guardians otherwise agree, the child shall remain in his/her current educational placement, or, if applying for initial admission to a public school, shall, with the consent of the parent or guardian, be placed in a regular class in the public school program until all such proceedings have been completed ....

In the event that a parent or guardian withholds consent to change the identification, evaluation or educational placement of a child, the Supervisor of Special Education shall arrange a meeting with the parent or guardian .... In the event that a parent or guardian ... shall fail or refuse to attend, then the parent or guardian's withholding of consent shall be deemed insufficient and the change proposed shall be accomplished ....

Notwithstanding any time limits prescribed above, parents or guardians have the right to request a conference with the local Supervisor of Special Education at any time when they believe that a decision substantially altering the educational placement of their child has been made ....

The Commissioner of Education shall appoint a State

Advisory Committee on Special Education ... composed of individuals involved in or concerned with the education of handicapped children. Parents of handicapped children shall compose a majority of committee membership. Also included shall be handicapped individual(s); teacher(s); state and local educational official(s) and administrator(s) of programs for handicapped children.

The State Advisory Committee shall provide advice to the Commissioner in matters concerning: unmet needs within the state in the education of handicapped children; rules and regulations proposed for issuance by the state regarding the education of handicapped children; procedures for distribution of federal and state funds for programs for handicapped children; (and) developing and reporting program data and evaluations required by the United States Office of Education.

ADVISORY COMMITTEE

The State Advisory Committee shall meet at least 4 times annually and additionally as requested by the Commissioner and shall submit such reports as are required ....

The State Education Agency shall provide assistance to the State Advisory Committee in developing the Committee's organizational structure and bylaws ..., providing technical and consultative services, ... (and) providing in-service training for Committee membership as required to carry out its functions.

Each Local Education Agency shall appoint an Advisory Committee on Special Education. However, if two or more LEA's join to provide special education on a regional basis, then those LEA's shall jointly appoint a Regional Advisory Committee with representation from each community ....

Each Local and/or Regional Advisory Committee shall be composed of individuals involved in or concerned with the education of handicapped children. Parents of handicapped children shall compose a majority of the committee membership, and at least 50% of this majority shall be selected by the parents of handicapped children. Also included shall be handicapped individual(s); teacher(s) of handicapped; local administrator(s) of public school programs for handi-

capped; regular classroom teacher(s) and/or other administrator(s) ....

The Advisory Committee shall provide advice to the LEA in matters concerning: the special education services currently offered; unmet needs of handicapped children; development and implementing future plans; local compliance with state and federal laws and regulations; applications for state and federal funding; (and) evaluation of special education services. It shall serve as an advocacy group for individual handicapped children and groups of handicapped children, and shall establish and maintain a procedure for providing surrogate parents when required by state/federal regulations.

It shall meet at least four times annually and shall submit reports as required to the local education agency.

The LEA shall provide assistance to the Advisory Committee ....

APPROVAL

To be eligible for approval by the State Department of Education, special education programs conducted in non-public schools shall meet the regulations of the Board of Regents for Education governing the approval of public school programs. Such programs shall be subject to visitation by the Commissioner of Education or his/her authorized representative as often as he/she deems necessary. Approval of such programs shall be on an annual basis ....

School districts shall make available to handicapped children the following continuum of special education programs: full-time placement in regular class with special education consultation ... to the regular teacher or subject matter teacher(s) and to the parent(s) of the handicapped child by itinerant or resource special education teachers, together with other appropriately certified specialists ..., part-time regular classroom placement with supplementary part-time placement for a portion of the school day or week in a resource room or other set-aside area for intensive, individual or small group instruction or treatment by a special education itinerant and/or resource teacher, together with other appropriately certified specialists ...; part-time

regular classroom placement with supplementary part-time placement in a self-contained special education class for the purpose of intensive and continuous support by a special education teacher, together with other appropriately certified specialists ...; full-time placement in a special education, self-contained classroom integrated in a school district building ... on the basis of homogeneous grouping ... for the purpose of providing constant and repetitive approaches to academic and social problems by a special education teacher, together with other appropriately certified specialists ...; home and hospital instruction provided by a special education teacher and/or appropriately certified personnel ...; special day school placement in a separate special public school facility or in a non-public special education program approved by the Commissioner of Education; residential school placement in a public or non-public facility whose special education program has been approved by the Commissioner of Education ...; (and) other programs, services and treatments (including) ... placement, part-time or full-time, in a Developmental Skill Program providing developmental training in physical, self-help and living skills for handicapped children ..., in a sheltered workshop or occupational training program ..., (and in) "hands on" vocational instruction and a cooperative industrial work experience where appropriate ....

PROGRAMS

Physical facilities for all special education programs shall conform to the provisions of Public Law 90-480 of the federal statutes related to architectural barriers and the stipulations of Chapter 17 of Title 37 of the General Laws, 1956, as amended, which relate to the standards of public financed buildings (schools) and to all regulations governing approval for nursery, elementary and secondary schools of this state and any other applicable federal or state regulations or statutes. Such programs shall be integrated wherever feasible in school buildings with regular classes. Such integrated programs shall be located on the same floor level (except where otherwise specified by these regulations) and in close proximity to regular classes.

FACILITIES

All handicapped students in any high school instructional

program who have satisfactorily completed the requirements for the twelfth year of their particular program, including those completing special education work-study programs at the senior high school level, shall be granted a standard high school diploma that does not differentiate in course or program or in any other manner from the diploma granted to graduates of regular twelfth year education programs.

Appropriate records of attendance, evaluation, suspension or withdrawal shall be maintained for each child, kept in a protected location, and treated in a confidential manner. Parents shall be permitted to examine the records of their child and such records shall not be disclosed to any party other than those personnel directly involved in a child's program without a signed release from the parent(s) in accordance with the rules of confidentiality ....

ACCESS TO RECORDS

II.1. All handicapped children in a preschool program shall receive an individual developmental program suited to their particular needs which shall include, but not be limited to, language development, symbol recognition, communication and socialization skills, health, perceptual and sensory motor development, art, music and physical education.

The maximum size of a special, self-contained class whether part-time or full-time for mildly or moderately handicapped children shall be limited to eight children if there is no teacher's aide. With a teacher's aide, the maximum size allowable shall be ten children. Maximum class size for severely, profoundly, and multi-handicapped children shall not exceed six children and shall have assistance from a full-time teacher's aide if the number exceeds three.

Severely, profoundly and multi-handicapped children shall receive supportive services from a physical and/or occupational therapist at least one full day per week unless otherwise indicated by the evaluation process. Such services shall include direct service to such children and also consultation with the classroom teacher and parent(s). Other services should be on an as needed basis ....

Supportive personnel, together with the teacher and teacher aide, shall participate and consult in an on going evaluation process ....

2.1 Self-contained, special classes whether part-time or full-time for mildly and moderately handicapped children shall be limited to eight children unless there is a teacher's aide, in which case the maximum number allowable shall be ten children. At the senior high school level when a work placement program is being conducted whereby half of the class is involved in out-of-school work placement, there shall be a certified special education teacher in the classroom and at least one other certified special education teacher employed in the coordination and counseling of work placement activities. When half the class is on work-placement, the maximum size of the class may exceed ten with an aide but in no case shall it exceed a maximum of twenty. Maximum class size for severely, profoundly, and multi-handicapped children shall not exceed six children and shall include assistance from a full-time teacher's aide when the number exceeds three.

Severely, profoundly and multi-handicapped children shall receive supportive services from a full-time physical and/or occupational therapist at least one day per week unless otherwise indicated by the evaluation process. Such services shall include direct service to such children and also consultation with the classroom teacher and parent(s). Other services should be on an as needed basis.

Placement of school age handicapped children in special classes shall not exceed a four year chronological age span and shall be based on the homogeneity of disability and developmental level ....

Each handicapped child shall have ready access to materials, equipment, and other services that are customarily available to children in regular classes ....

Teachers, teacher's aides, and supportive personnel shall participate and consult in an on going evaluation process ....

Programs involving twenty or more severe, profoundly and multi-handicapped children shall employ a full-time non-teaching supervisor of special education, trained in programming for severe, profound or multi-handicapped children and whose basic responsibilities shall be the overall administration and supervision of classrooms up to a maxi-

mum of no more than fifty such children.

2.2 Resource program personnel shall provide and/or participate in ... consultation and inservice training of teachers; performance of differential diagnostic/educational evaluations; behavioral analysis; development of prescriptive educational programs ...; individual and small group tutoring; (and) consultation with other professionals and parents.

Each such class shall have available the supportive personnel specified for each handicapped child by the evaluation process. Such class shall also serve as a transitional placement for handicapped children preparing to enter or re-enter a regular class.

Supportive personnel, together with the teacher, and teacher's aide, shall participate and consult in an on going evaluation process ....

Placement of handicapped children in the least restrictive environment shall include regular classes when determined by the evaluation process. Prior to placement of handicapped children in the regular classroom of any given school both the principal and classroom teachers shall be provided with adequate orientation to allow them to implement the child's individual education plan ....

PLACEMENT

The maximum number of handicapped children placed in any regular class shall be determined by the local school district in accordance with the findings and recommendations of the evaluation process.

No handicapped child shall be placed in regular academic classes or subject matter areas with normal children who are more than two years below the chronological age of such child unless such programs utilize heterogeneous grouping as a basis of meeting similar educational needs.

Each handicapped child placed in a regular class shall have available the supportive instructional and service personnel as determined by the evaluation process.

Any notable reversal in the academic progress or behavioral maturity of children in a regular class which occurs after placement of handicapped children in such class for 90 consecutive school days shall be cause for the local administrator of special education to initiate a re-evaluation of

such placement.

Homebound and hospital instruction shall take place on the specific recommendation of the school district administrator of special education. Such recommendation shall be based on a physician's diagnosis and statement that the child will be absent from school for more than thirty consecutive days ....

HOMEBOUND INSTRUCTION

In homebound instructional programs, the home atmosphere shall be conducive to learning. Special conditions recommended by the physician shall be observed. The minimum number of hours of instruction shall be three per school week at the elementary level of education and four at the secondary level unless fewer hours are recommended by the physician ....

A complete record of homebound teaching activities shall be maintained. Homebound instruction shall be coordinated with the work of the regular class ....

The use of the home-to-school telephone system should be employed whenever possible ....

Homebound children shall be provided with summer tutoring if they are unable to complete their current school year due to health reasons.

Teachers of the homebound shall hold Rhode Island teaching certificates in the area appropriate to the health impaired and physically disabled child and/or to such child's primary handicapping condition.

School districts shall not use home tutoring programs as a substitute for in-school programs nor as a means of excluding handicapped children from in-school programs.

HOSPITAL INSTRUCTION

Hospital special education instructional programs shall meet the same criteria as that specified for homebound instructional programs. . .

All teachers employed in hospital programs shall be trained and certified to provide special education . . . .

If a general hospital, organized to provide educational programs to children with normal intelligence who are physically disabled or health impaired, should receive children who have additional handicaps then such children shall receive the educational services prescribed by the public school evaluation process in a manner that will allow such services

to be tailored to the child's current medical condition and the uniqueness of the hospital environment.

Section Four: Supportive Services

SUPPORT SERVICES

"I. Supportive services to handicapped children shall include:
psychological services with specific responsibilities to administer psychological assessments and interpretation of those findings in regard to further referral for other types of assessments or to the recommendation of appropriate services and approaches which will be beneficial to the handicapped child's educational program, and to provide individual and group counseling and/or other psychological remedial measures appropriate to the needs of handicapped children. Any aversive techniques used in therapy or behavior modification programs shall be employed only on the written recommendation of a psychiatrist in concert with the Core Evaluation Team and shall be close supervised by the psychologist involved with the child. . . .
social work services with specific responsibilities to provide sociological case history assessments on children referred for core evaluations, identify those handicapped children who require home intervention, and provide social work services to parent(s) of handicapped children. . . .
occupational therapy services with specific responsibilities to provide occupational and self-help assessments when required by the evaluation process, and provide direct occupational therapy services to handicapped children as required by the child's educational plan.
physical therapy services with specific responsibilities to provide physical therapy assessment when required by the evaluation process, and provide direct physical therapy services to handicapped children as required by the child's educational plan.
speech, language, and hearing services with specific responsibilities to provide speech and hearing screening services . . . provide speech, language and hearing evaluative and/or therapeutic services as specified in the evaluation process, and provide annual re-assessment of all handicapped who have speech, language or hearing disorders. . . .

Other therapeutic or evaluative services not specified, heretofore, shall be provided to handicapped children by the school committee of the child's residence when deemed necessary by the Core Evaluation Team as a result of the evaluation process. Other supportive services provided to normal children in regular classes, such as music, art, remedial reading, math, and industrial arts, shall be provided to handicapped children in accordance with the recommendations of the Core Evaluation Team.

All supportive service personnel shall directly participate or consult as requested or specified in the evaluation process, provide direct individual evaluative and/or therapeutic services to handicapped children as specified by the evaluation process, and participate in professional, parent, and community education to further the coordination of educational, medical, and social concerns regarding handicapped children. . . .
. . . Each school or center where supportive services are provided shall meet the following criteria. . . Rooms provided for itinerant and permanently assigned staff shall be regularly available for their use, of adequate size with sufficient and appropriate work space, seating space and furnishings. . . Adequate storage space shall be provided. . . Physical mobility of pupils shall be considered in providing an environment that is architecturally barrier-free. Facilities used for supportive services shall permit privacy, be relatively free of extraneous noise and be accessible to pupils. All equipment ordinarily deemed necessary to carry out specific supportive services must be provided and maintained.

Specific recommendations for supportive services for any handicapped child shall be made by the school district administrator of special education on the basis of the evaluation process. Each of the specialists assessing a child shall develop goals and objectives for the particular service to be provided which shall be incorporated into the child's overall special educational program . . . .

School districts shall make the following supportive services available to children with the following types of handicapping conditions as part of the child's educational program when specified by the evaluation process.

Behavioral Disorders -- The school district shall have available for consultation a psychiatrist and a clinical psychologist or have a formal affiliation with a mental health, child guidance, or psychiatrically-oriented clinic responsible for observation and consultation on the behaviorial status of its school children.

Hearing Disorders -- The school district shall have available for consultation a speech/language pathologist, an audiologist and an otologist, or have a formal affiliation with a clinic employing such personnel.

Visual Impairments -- The Department of Education and State Services for the Blind shall cooperate in the development of preventative and rehabilitative measures for blind and partially-sighted children . . . . In addition, the school district shall make the following services available in consultation with the Department of Education and State Services for the Blind: special visual management programs including orientation and mobility training services; speech, language, and hearing services to all blind and partially-sighted children in need of such services; special reader and tutorial services for all blind and partially-sighted children whose educational development can be significantly assisted by the provision of such services: braillists and typists in appropriate quantity to facilitate the educational development for all blind and partially-sighted children in need of such services; and . . . a consulting opthalmologist and a consulting specialist in the education of the visually handicapped.

Orthopedic Handicaps or other Health Impairments -- The school district shall make appropriate consultation or assistance available to any teacher who has been assigned children with orthopedic handicaps or other health impairments in accordance with the recommendations of the evaluation process or the child's family physician.

Learning Disabilities (including aphasic and neurological impairments) -- The school district shall make available for consultation a clinical psychologist, a neurologist, an audiologist and a speech/language pathologist, or be affiliated with a clinic employing such personnel in accordance with the evaluation process."

CROSS REFERENCES

III.B.Teachers; Statute §16-14-6

IV.D.; Statute §16-24-4

2. Programs for Exceptional Children

Statutes

§59-5-140

Academic and vocational training at schools for the deaf and blind shall meet the standards prescribed by the state board of education and shall be administered by the state superintendent. Officials from the state department of education shall evaluate the program at each institution and report to the board of that institution.

§59-21-510 --59-21-580

The special education program is under the state department of education. The state superintendent shall expend the services of the division of instruction to include a more extensive program of special education, "and to provide for the mandatory establishment of education and training services for handicapped children." State aid shall be available to reimburse school districts for the salaries of teachers and other personnel employed to teach the physically, mentally or educably handicapped children as provided in this section. County superintendents are required to determine the number of physically and mentally handicapped children and report the information to the state superintendent.

The local officials shall test students to determine which pupils are eligible for special educational services. TESTING

A school district shall operate its own special education program either singly or jointly with other districts provided the plan is approved by the state board of education. It is eligible for state aid if the facilities and application are approved by the state department of education.

The state board of education shall establish rules and regulations to determine: which children are in need of special education services, certification RULEMAKING

requirements for teachers, application procedures for state aid, and any other matters necessary to carry out provisions of this article.

§59-21-550

No teacher shall be employed to teach special education unless the person holds a valid teacher's certificate and possesses the special qualifications the state board of education may require or holds a certificate in special education as developed by the state board of education.

§59-33-10

The general assembly finds that it is "necessary and proper to provide an appropriate education for all handicapped children and youth enrolled in public schools . . ." To achieve this goal, implementation of an intensive five-year program to expand and improve existing programs will be undertaken.

§59-33-30

The state board shall establish a program of specialized education for all handicapped children under the direction of the state superintendent. The board shall establish "screening, evaluating and placement procedures . . . and determine certification requirements for teachers" and standards for the physical plant and equipment.

PLACEMENT

§59-33-60

The general assembly shall appropriate funds to implement this program. The costs shall be shared with the school district on the same basis as costs for children attending public schools. These provisions are supplementary to all existing programs for education of handicapped children.

§59-33-80

It shall be the public policy of this state to provide, when feasible, an education for the handicapped individual "within the context of his[her] home and community." Residential treatment centers

shall attempt to "effect a meaningful return of institutionalized persons to the more normal environment of their homes . . . ." When parental consent to a return of an institutionalized person is not given, the treatment center "may place the individual in a foster home or other residence" designed to promote the growth and development of the handicapped individual.

§59-67-520

"The state department of education has the responsibility for transporting handicapped children within any school district to the nearest school in which a class is located serving the pupil's handicap."

REGULATIONS

§43-211

In elementary schools, each teacher of trainable mentally, orthopedically, or emotionally handicapped students in a self-contained classroom model and each teacher of a double session kindergarten unit shall have a teacher aide full time. A school district may employ secretaries and aides to be assigned as assistants to professional staff.

In middle schools, each teacher of trainable mentally, orthopedically, and emotionally handicapped students in a self-contained classroom model shall provide a teacher aide full time. A school district may employ secretaries and aides to be assigned as assistants to professional staff.

In secondary schools, a school district may employ teacher aides to be assigned as assistants to the professional staff.

§43-241

HOMEBOUND INSTRUCTION

Homebound instruction sponsored by State funds shall be limited to three weekly periods of one hour each. If more instruction is needed, the school district or other interested persons must provide the additional funds. There is no limit to the amount of instruction that may be

provided with funds other than State funds.

The teacher shall teach the homebound student or students in a room especially set aside for the period of instruction.

Students who because of illness, accident, pregnancy or congenital defect cannot, even with the aid of transportation, be assembled in a school are eligible for homebound or hospitalized instruction. A physician must certify that the student is unable to attend school, but may be expected to profit from instruction given in the home or hospital.

A student is eligible for homebound instruction on the day following his/her last day of school attendance or on the first day of the regular nine-month academic year of the school in which he/she would otherwise be enrolled if he/she is unable to begin the school year. He/she remains eligible until the day before he/she returns to school or until the last day of the regular academic year in the school year he/she would normally be enrolled, whichever occurs first.

All teachers of homebound students must hold a valid teacher's certificate in order to be reimbursed by the State Department of Education. The teacher providing instruction of students domiciled in South Carolina must hold a valid South Carolina teacher's certificate. A South Carolina school district may be reimbursed for the provision of instruction to a South Carolina student who is compelled to reside outside of the State to receive medical services for the cost of homebound instruction by the South Carolina Department of Education provided the teacher is certified by the Department of Education in the state where services are rendered.

§43-243

NEEDS ASSESSMENT

Each school district shall conduct a survey of the educational needs of all handicapped children in the district and devise an education plan based thereon. The district shall make an annual report to the State Department of Education, based upon this plan. The education of handicapped pupils must be recognized as a district-wide function.

Educational programs for handicapped pupils shall be provided for all handicapped children ages 6-21. The programs shall be interrelated with other school programs to the extent that handicapped pupils can benefit thereby. Local school districts may contract with other districts to provide programs and services.

The curriculum shall be adapted at all levels to meet the special needs of handicapped pupils. Counseling and guidance services, as well as appropriate occupational or vocational training services, shall be provided to handicapped pupils.

Pupil personnel records shall be maintained so as to clearly indicate the screening, evaluation and placement services used.

Each faculty member shall be certified. If the local district cannot secure properly certified teachers, it may hire teachers with certification in another teaching area who have completed certain minimal requirements in the special education field. Local districts shall conduct in-service training programs, whose primary purpose shall be to complete the certification of teachers who are teaching out of their field.

Facilities for special education programs shall be comparable in size and quality to regular school facilities. When necessary, the physical facilities used in these programs shall be specially adapted to the needs of the handicapped.

[Appendix B]

Each school district should design and implement a continuous screening program to identify all children in need of special education services. Pupils should be screened on the basis of: (a) teacher, parent, and/or physician referrals; (b) psychological services; (c) referral from community services; (d) group achievement and/or intelligence tests.

CROSS REFERENCES

II.A.1.; Regulation §43-231; 43-234; 43-235

II.A.2; Regulation §43-208

II.B.1.c.; Regulation §43-72

III.C.Education System; Regulation §43-130

IV.D.; Regulation §43-82

2. Programs for Exceptional Children

Statutes

§13-27-10

The school board must forward the names of all deaf children in its district to the superintendent of the state school for the deaf, and the names of all "visually handicapped children" to the state school for the visually handicapped. The superintendents of these respective schools shall "take all necessary action" to see that such children are "given the advantages of proper education."

SCHOOL FOR DEAF

SCHOOL FOR BLIND

§13-27-24 — 13-27-26

The parents of any blind or deaf child must comply with school board orders to send such child to the state school for the deaf or blind. If the parent refuse to do so, such attendance can be compelled by the circuit judge.

§13-28-12.1

When a child who is in a juvenile home, "under the responsibility of the bureau of Indian affairs," or in a "child care institution" is "assigned to . . . a special education facility," the state shall pay for all "auxiliary services . . . maintenance costs . . . and transportation costs."

§13-37-1

"Children in need of special assistance and children in need of prolonged assistance" means any person under twenty-one who is a state resident and who, because of his/her educational needs, is "not adequately provided for through the usual facilities and services of the school and requires special education."

§13-37-1.1

The state board of education shall "adopt rules governing" special education.

RULEMAKING

§13-37-1.2

The division of elementary and secondary education of the department of education is designated as the state agency with responsibility for the education of "children in need of special assistance and children in need of prolonged assistance." The division shall have "regulatory and co-ordinating authority" over any program pertaining to the special education of such children.

§13-37-2

"Special education" means the "educational . . . and auxiliary services" provided to "children in need of special assistance and children in need of prolonged assistance" and includes "school instruction conforming as nearly as possible to the school program . . . to the extent that the child in need of special and/or prolonged assistance is capable of profiting."

§13-37-4

To qualify for special education benefits, a child must present a certificate showing that he/she is an "exceptional child." CERTIFICATE

§13-37-5.1

Annual evaluations of the child's progress in special education programs will be made in order to determine whether the child will benefit from further instruction.

§13-37-8.6

The state board shall adopt rules specifying which types of auxiliary services may be provided to any school district's students by other schools or agencies, and specify the charges which may be made for such services. RULEMAKING

§13-37-14

The state board of education is "authorized and directed" to provide a "special education program for the state."

§13-37-14.1

The district school boards have the responsibility for providing "all . . . resident exceptional children with an appropriate educational program." Placing the child in a private program or in the program of another school district will satisfy this responsibility, "if it is unreasonable for the resident school district to provide the program."

§13-61-1

A school "for the visually handicapped" is established under the control of the state board of regents.

SCHOOL FOR BLIND

§13-61-4

"All state residents, between the ages of three and twenty-one, who, because of blindness or deaf-blindness, either partial or total, cannot "receive the full benefits of the public schools," are entitled to receive a free education in the state school for the visually handicapped.

§13-62-1

A state school for the deaf is established under the control of the board of regents, "and so managed as to afford an appropriate education to those entitled to its benefits."

SCHOOL FOR DEAF

§13-62-6

"All persons under twenty-one," whose "hearing impairment precludes" attendance in public schools, are eligible for admission to the state school for the deaf.

REGULATIONS

§24:05:02:01

SCREENING COMMITTEE

"Each district shall establish a screening committee for exceptional children. The committee shall consist of the school physician; speech, language, or hearing clinician; school nurse; school psychologist; teachers; guardians; director of special education; and administrator. If any of the above personnel are not available, the district administrator shall select a representative in that area of expertise or obtain approval from the division for a committee of different composition. The screening committee shall:

(1) Design or designate a questionnaire for guardians to assist in identifying exceptional children;

(2) Design or designate questions to be asked of teachers in conjunction with the needs assessment to assist in identifying exceptional children;

(3) Design or designate a formal diagnostic screening mechanism and determine the criteria to be used in selecting those children who shall be referred for evaluation."

§24:05:02:02

IDENTIFICATION

"Each district shall identify, through an initial screening, all children in the district, to select those suspected of being exceptional, who shall be referred for a formal screening. All new children shall be screened as they enter school. Preschool age children shall be included in the identification processes at the request of their guardian, or they shall be identified through a screening process designed by the committee for preschool age children."

§24:05:02:03

"The initial screening shall consist of a questionnaire to be filled out by the guardian of each child and a needs assessment to be completed

by the teachers. The guardian questionnaire shall request information on the medical and physical condition of the child as well as past educational experiences. Guardian and teacher consultations shall be held annually for those children demonstrating potential problems based on the initial screening."

§24:05:02:04

" The formal screening, with guardian permission, shall include, but not be limited to, one or more of the following problems: hearing; vision; speech; language; physical; emotional; and mental. All children with suspected exceptionalities as determined by the initial screening shall be provided a formal screening. The screening shall be performed by a person trained in the use of a standardized screening instrument."

§24:05:02:05

EVALUATION

The evaluation shall consist of procedures and assessment techniques determined by the nature and degree of the child's exceptionality. All children identified by the formal screening as potentially exceptional shall be referred, with guardian permission, for an evaluation. Pertinent information from the screening as potentially exceptional shall be referred, with guardian permission, for an evaluation. Pertinent information from the screening process and school records shall be made available to the appropriate evaluator with guardian permission. Every evaluation, when complete, shall provide data that can be used by the teacher and guardian in planning an instructional program for the child.

§24:05:02:06

"Personnel eligible to provide an evaluation shall meet the following South Dakota requirements in their area of evaluation, or the equivalent requirements in the state in which they are practicing:

"(1) An educational evaluator shall have a valid South Dakota teaching certificate and shall have had classroom teaching experience. The evaluator may be, but shall not be limited to, a teacher, guidance counselor, special education director, or school psychologist;

"(2) A psychological evaluator shall be a certified or licensed psychologist or psychiatrist;

"(3) A speech, language, or hearing evaluator shall have a valid South Dakota certificate as a speech, language, or hearing clinician, or a certificate of clinical competence in speech pathology or audiology from the American speech and hearing association;

"(4) A medical evaluator shall be licensed by the state board of medical osteopathic examiners;

"(5) An occupational therapy evaluator shall be registered by the American occupational therapy association;

"(6) A physical therapy evaluator shall be licensed by the state board of medical osteopathic examiners."

§24:05:03:01

PLACEMENT

"Unless otherwise specified, the following requirements shall apply to all placement programs for exceptional children:

"(1) Written consent shall be obtained from the guardian prior to placement;

"(2) Placement shall be based upon the needs of the child as determined by the evaluator;

"(3) The district shall have written policies for selection and placement of exceptional children into regular classes, and an exceptional child shall attend the district's regular education program as the child's individual needs permit;

"(4) A child whose primary language is other than English shall not be assigned to a special education program based on performance on tests which depend

solely upon command of the English language. If no adequate culture-fair test is available, the district shall provide an interpreter to assist the examiner and child."

§24:05:03:02

"A special education program for exceptional children shall be approved by the division only when complying with this section. A district with a program not complying with this section shall submit to the division a plan to comply with the rules and shall include a timeline. The requirements are as follows:

"(1) If there appears to be a change in the child's physical or educational behavior, a psychological or medical referral shall be made;

"(2) Instructional grouping for exceptional children shall consider chrononlogical ages, mental ages, and level of academic achievement by subject area. The instructional unit shall have an adjusted curriculum geared to the interests of the child's chronological age and to the life skills needed by the child. It shall also provide each child with academic, social, and occupational skills leading to independence as an adult;

"(3) Teachers shall incorporate assessment information, instructional objectives, and evaluation data in the instructional program. The teacher

shall maintain monthly records for each child's individual instructional program. Quarterly reports shall be made to the guardian regarding the child's academic progress and behavioral adjustment;

"(4) Library and media services and special equipment and materials shall be made available for each child as needs determine;

"(5) Physical facilities shall be equal to, or better than, those used to house regular educational classes;

"(6) Physical facilities shall be large enough to accommodate and store special equipment and materials. Physical facilities shall be adequate for small group sessions;

"(7) The classroom shall be located in a school building housing non-exceptional children of comparable chronological ages;

"(8) The teacher or clinician shall meet the requirements for certification as established by the state board of education;

"(9) A district may submit a plan for approval by the division for a program to evaluate new instructional methods or to evaluate alternative procedures for educating exceptional children. The division shall have the authority to approve the plan and may make exceptions to the requirements of subdivisions (1) through (8). A district requesting approval for such a program shall submit a written proposal to the division and receive written authorization before implementation. The application shall include the rationale for the experimental unit; description of the target population; screening, evaluation, and placement procedures for children; description of facilities; description of methods or procedures to be evaluated; list of measurable objectives at the administrative, program, teacher, and child levels."

§24:05:03:03

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to deaf or hard of hearing:

"(1) Prior to placement, a child shall receive a complete otological examination; a complete audiological evaluation which shall include puretone tests, tests for bone conduction, speech reception threshold and speech discrimination, a hearing aid evaluation, and recommendations for auditory training; and a thorough speech and language evaluation to determine competencies and needs for rehabilitation;

"(2) The program shall provide the following options for children, based on individual needs:

"(a) A special classroom unit with flexibility to enable children to receive maximum services on a part time to full time basis;

"(b) Supplemental tutoring by a certified teacher of deaf or hard of hearing or by a speech, language, or hearing clinician;

"(c) Part time placement into a class of deaf or hard of hearing children or instruction in specific academic areas;

"(d) Supportive services to assist teachers of hearing children to meet the educational needs of deaf or hard of hearing children;

"(3) A district program for the deaf shall be developed in consultation with the South Dakota school for the deaf."

§24:05:03:04

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to gifted and talented:

"(1) Placement of a child shall be based on a study of all available evidence of the child's ability and potential made by personnel qualified to administer and interpret appropriate standardized tests, judge demonstrated ability and potential, and recognize outstanding talent;

"(2) Selection for participation shall not be based solely on a fixed criteria. Items of evidence which shall be considered in determining student participation are:

"(a) Creative or productive performance;

"(b) Specific academic aptitude;

"(c) General intellectual ability; and

"(d) Demonstration of potential leadership ability, musical talent, artistic talent, psychomotor development, or other specialized talent areas;

"(3) Community resources shall be utilized;

"(4) Students shall not be set apart into separate classes on a full-time basis;

"(5) Students shall be given alternatives to regular course work, as appropriate, that will meet class requirements."

§24:05:03:05

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to the specific learning handicapped:

"(1) Prior to placement, a child shall receive an educational evaluation to determine present functioning in academic areas, and a psychological evaluation;

"(2) The program shall provide diagnostic and resource services for children, and supportive services to assist the regular classroom taecher;

"(3) There shall be no segregated classrooms for the specific learning handicapped child."

§24:05:03:06

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to the mentally handicapped:

"(1) Prior to placement a child shall receive a psychological evaluation to determine the presence of significant limited intellectual functioning; an educational evaluation to determine present functioning in academic, social, and vocational skill areas; and a complete speech, language, and hearing screening;

"(2) The district shall maintain written measurable educational objectives for each level of instruction and skill areas to include, but not be limited to, academic, social, and occupational; there shall be on-going written procedures to reassess educational objectives in light of analysis of the needs of the handicapped children in the program;

"(3) A comprehensive program shall provide the following options for eligible children based on assessed needs:

"(a) Instruction in academic areas by the special education teacher;

"(b) Participation with the general student body in selected school activities and nonacademic subjects;

"(c) Instruction in selected academic areas with general education teachers; provided, that the assessment of the child indicates his functioning level to be comparable to the level of academic placement in the skill area, and that placement has been made according to a written plan for the child indicating specific objectives to be reached as a result of the assignment, length of time the assignment is to continue and process for reevaluation;

"(d) Instruction in self care skills, social adjustment, and economic usefulness;

"(e) A work study program at the secondary level. The work study program shall provide each child with planned objectives leading to one or more occupational skills and an opportunity for practical work experience or occupational skill training;

"(4) Secondary students shall have an opportunity for, but not be limited to, instruction in physical education, home economics, industrial arts, career education, and driver's education. Course work shall be adjusted to the abilities of each child with the assistance of certified teachers and directors."

§24:05:03:07

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to the physically handicapped:

"(1) Prior to placement the child shall receive an evaluation by the appropriate medical specialist to determine any special medical or physical problems and to determine the needs of the child in the therapy areas;

"(2) The program shall be organized so that provision can be made for the child to receive a portion of his or her instruction from a special teacher and be integrated into regular classes in proportion to the child's ability to succeed;

"(3) Physical and occupational therapists shall provide treatment as needed;

"(4) Daily living skills, adapted physical activities, and counseling shall be provided;

"(5) The program shall be housed in a classroom in a public school building, or in a private school approved by the division;

"(6) Special equipment and furnishings necessary for the safety and treatment of physically handicapped children shall be provided."

§24:05:03:08

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to the behaviorally handicapped:

"(1) Prior to placement, each child shall be certified by a psychological evaluator as being unable to perform successfully in a regular classroom. A written report for each child enrolled shall be on file at the treatment facility or district, and with the division. The report shall include a social behavior assessment, psychological evaluation, educational evaluation, educational and treatment programs, prognosis, and a plan to return the child to the regular school program;

"(2) The program shall provide, but not be limited to, group living experiences, or individual and group therapy, or instruction in academic and vocational subjects,based upon the child's needs;

"(3) The instructional unit shall be housed in an institution, private or public school, or agency that provides for treatment or care program."

§24:05:03:09

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to speech or language impaired:

"(1) Prior to placement, each child shall receive a diagnostic speech evaluation including observation of the speech structures, audiometric evaluation, and language evaluation;

"(2) Records shall be maintained on all children screened, placed on waiting list, currently on active case load, and those dismissed from therapy;

"(3) Children dismissed from therapy shall be reevaluated at the beginning of the next school year upon teacher or guardian recommendation;

"(4) The clinician shall have a schedule for coordination of the program; for parent, staff, and agency conferences concerning students; and for staff development activities and related follow-up.

§24:05:03:10

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to visually impaired:

"(1) Prior to placement a child shall receive a medical evaluation;

"(2) The program shall provide, but not be limited to, the following options:

"( ) A special classroom unit with flexibility to enable children to receive maximum services on a part time or full time basis;

"(b) Supplemental tutoring;

"(c) Reader services; and

"(d) Support services to assist the regular classroom teacher adjust the instructional objectives, methods, and materials;

"(3) Textbooks of regular type and corresponding special texts to include, but not be limited to, Braille, large print, and tapes shall be provided;

"(4) Orientation and mobility instruction, Braille, daily living skills, adapted physical activity, and counseling shall be provided to all children needing the services."

§24:05:03:11

"In addition to the general requirements for placement and approval of programs, the following requirements shall apply to early childhood programs for exceptional children:

"(1) Each child shall receive services in accordance with the regulations for the child's exceptionality;

"(2) There shall be on-going evaluation for each child."

§24:05:03:12

"A child shall receive homebound instruction upon the recommendation of a medical or psychological evaluator. The instructional program shall follow

the program requirements, as nearly as possible, for the child's indicated handicapping condition."

§24:05:04:01

"Each district shall develop a plan for providing services to the exceptional children in the district based on results of a needs survey. The plan shall be revised each year to include changes, and this revised plan shall be submitted to the division for approval by March 1 of each succeeding year. The plan shall:

"(1) Describe the demographic, geographic, sociological, and economic characteristics of the district;

"(2) Include an administrative organizational chart as it affects special education programs;

"(3) Provide for a special education advisory committee which shall include guardians of exceptional children;

"(4) Describe how exceptional children will be served;

"(5) Describe how special education curricula will be developed; how the teachers will receive continuing professional training, and what the procedures will be for evaluating the special education programs and services;

"(6) Describe the procedure which will be used in developing a comprehensive information system of services for exceptional children to include, but not be limited to, screening and evaluation results, staff coordination, and referral sources."

§24:05:04:02

"Application for approval of programs by the division shall be made by May 31 of the year preceding the year of operation. Revisions in the program application shall be reported to the division by September 30 of the year of operation. Changes in

enrollment after that date shall be reported as they occur during the school year. Approval by the division shall be granted based on compliance with the placement and program requirements in the statutes."

§24:05:05:01

"Auxiliary services are provided to children on an individual basis to support a district program or in lieu thereof. Approval by the division shall be granted programs which meet the requirements of the statutes."

§24:05:05:02

EVALUATION

"Requests for evaluations to determine a child's eligibility for placement in a program shall be made to the division on a form provided by the division. Approved requests will be referred by the division to evaluators. This section shall not apply to a district who has an appropriate evaluator in their employ."

§24:05:05:04

"An exceptional child shall be assigned by the division to a private special education program if it is determined that the private facility can best meet the needs of the child. Such application shall be made by the district on a form provided by the division."

§24:05:05:05

PLACEMENT

"An exceptional child shall be placed in a program out of state only when no appropriate program is available within the state. The referring district, agency, or individual shall contact the division to initiate such placement. The request shall be reviewed and approved or rejected by an out of state placement committee."

CROSS REFERENCES

III.A.1.; Regulation §24:03:02:06

III.B.Special Education Directors; Regulation §24:02:03:28

III.B.Teachers; Regulation §24:02:03:21

IV.D.; Statute §13-37-8.9

IV.H.: Statute §13-27-5

§1730

"Compulsory school attendance shall be required of all blind children between the ages of 7 and 16 years." This does not apply to blind children who are mentally or physically incapable of benefiting from school attendance. This also does not apply to a student who has already graduated from elementary school or the Tennessee School for the Blind.

§1731 --1736

Blind children shall have the option of attending regular schools for sighted children or a private school or instructor, or the Tennessee School for the Blind.

SCHOOL FOR THE BLIND

The local superintendent shall certify to the department of education those blind students who either do not attend school regularly or who cannot "make satisfactory progress under the methods used for the sighted."

The superintendent may also recommend that a blind student who is incapable of progressing in a school for the sighted be placed in the School for the Blind.

Blind children shall be subject to the same truancy laws as sighted children. However, the Tennessee School for the Blind may reject any student who is so mentally or physically defective that he or she cannot effectively do the required work, and it may expel any incorrigible and unmanageable student.

TRUANCY LAWS

Parents or guardians who knowingly misrepresent a child's age or time of school attendance shall be guilty of a misdemeanor.

If a parent or guardian is unable to compel a child to go to school, he or she may be discharged from further liability and the child shall be proceeded against as a delinquent. No child declared incorrigible can be allowed to attend the School for the Blind without consent of the school's authorities.

§2902

With respect to exceptional children the state board of education may take steps necessary:

(1) "to adopt plans for the establishment and maintenance of classes . . ., to adopt teacher-pupil ratios for such classes, and to adopt methods of instruction . . .;"

(2) to establish minimum standards for admission, to study the curriculum and to provide for professional services in helping to determine the eligibility of exceptional children;

(3) to acquire special transportation, equipment, supplies and material for exceptional children;

(4) to provide for special attendant(s) when necessary;

(5) to contract for use of approved facilities and services for exceptional children;

(6) to cooperate with other agencies and institutions concerned with the "health, education and welfare of exceptional children."

§2912

The policy of the state is to see to it that special education services are provided "to meet the needs and maximize the capabilities of handicapped children." This policy shall be implemented in a timely fashion, "as an integral part of the policy of this state."

§2913

Corrective and supporting services required by handicapped children shall be provided by the state board of education. The commissioner of education shall "organize and supervise" schools and classes according to the regulations and standards established. Such schools shall be financed by the department of education.

As long as practicable, handicapped children shall be educated along with children without handicaps. Impediments to learning and to the normal functioning of handicapped children shall be overcome by use of special aids and services rather than by separate schooling. Children who are legally blind shall have the choice

between education alongside non-handicapped children and education at the School for the Blind.

"Physical aspects and specifications of schools, classrooms and other facilities . . . shall be related to [the handicapped children's] special physical, educational and psychological needs."

Local governments, school districts and the state shall respond as equally to the needs of handicapped children as to those of non-handicapped children.

§2915

The division for the education of the handicapped shall be headed by an assistant commissioner with a proper education, training, and experience. "This division shall assume the duties and responsibilities currently the function of the area of special education of the state department of education . . . . The assistant commissioner . . . shall be appointed by the commissioner of education."

§2916 -- 2918

"[A]n advisory council for the education of the handicapped . . . shall advise and consult with the governor, the commissioner of education, the state board of education and the director of the division for education of the handicapped."

The council shall be composed of nine members representative of community organizations, interested in the handicapped, and the general public.

ADVISORY COUNCIL

The council shall comment on rules and regulations, consider problems presented to it, review the state plan prepared, comment on it, and make an annual report to the governor, the legislature, and the state board of education.

§2919

A school district may independently provide education and services for handicapped children or it may participate in a special education services association to provide those services.

The association may perform all of the district's special education functions or only specified functions.

The school district shall provide those functions not performed by the association.

§2920 — 2924

A special education services association "may be established by resolution of each of the governing boards of the school districts participating in it."

Representatives of each participating local district shall be on the governing board of the association, each district having one representative. The association has the power to do such things as are necessary and incidental to the execution of any powers conferred upon special education services associations. These shall range from establishing educational programs to employing teachers, to accepting grants and other moneys, to providing transportation for handicapped children.

The association may establish and operate special education centers "to provide diagnostic, therapeutic, corrective and other services" for handicapped children. The services may be provided in regular public schools or in a center's own facilities.

Space may be used for dormitories and related facilities to make boarding available to the children who can not travel to and from home daily.

Special education services associations "shall provide education, corrective and supporting services for all handicapped children . . ." and "shall make arrangements with . . . private schools [and] institutions . . . for services to handicapped children" should such associations be unable "to provide satisfactory service[s] in [their] own facilities . . . ."

§2925

"A school district may qualify . . . as a special education services association, if it provides a full complement of educational, corrective, and supporting services . . . for all handicapped children resident within its boundaries." The state board of education shall determine whether it meets

statutory requirements governing special education services associations and is able to maintain "a full complement of special education facilities and programs."

§2926; 2927

Each special education services association shall have an interschool district agreement to work by, which shall be adopted by either affirmative vote of "each of the governing boards" of the participating school districts or by the electors in "each such school district."

The state board shall approve the agreement unless it finds it not acceptable.

The agreement shall contain provisions pertaining to "the internal management and control of the special education services association" and to the types of relationships "between the party school districts and the . . . association." Any such association, in forming, wishing to qualify for state aid, shall submit its agreement to the state board of education.

§2929

Nothing in these statutes shall prevent a school district from providing educational and other services for handicapped children "by contracting with another school district to provide such services for handicapped children from such other district."

§2930; 2931

A school district which is part of a special education services association may withdraw only with the approval of the director of the division for education of the handicapped, after it is determined that such withdrawal is in the interest of the children.

An association may be dissolved by its governing board, but dissolution shall not occur until the end of the school year.

§2932

The plan for the implementation of policies regarding special education shall include a census of the handicapped children and their geographic distribution; "provisions for

diagnosis and screening of handicapped children; an inventory of personnel and facilities; criteria for determining how handicapped children are to be educated; a program for the preparing, recruiting and in-service training of personnel; and any other matters that seem appropriate.

§2933

Each year each school district shall report to the commissioner of education and the state board of education the extent to which it is providing a special education to handicapped children required by the state and, if it is not fully complying, how it plans to do so.

§2934

"The state Board of education and each local school district shall strive to provide appropriate educational services for handicapped children at the earliest possible date."

§2935 — 2937

A three-phase incremental program shall be prepared by the local school boards.

The first phase will be a census of persons qualifying as exceptional children. Such data will be confidential and made available only to survey-takers, appropriate superintendents and staff and other approved persons. It shall also include a survey of the existing programs, services and facilities.

CENSUS

The second phase will consist of a training period for professional and paraprofessional personnel. Such training programs shall not be limited to new teachers but shall include those who are experienced in special education. All training should be "in house".

PROFESSIONAL DEVELOPMENT

The third phase of the incremental plan will be "the establishment of special education classes and/or the provision of special education services."

Each school board shall prepare such incremental plans, which will then be submitted to the state board for review and approval. If approved, the plan will be binding on the submitting school board.

If the plan is disapproved, representatives of the state board of education shall meet to put together a plan that can be approved. If no such plan can be devised, the state board shall devise one that will be adhered to within thirty days unless the school board files a suit "to retain the enforcement of such plan on the ground that it is arbitrary, impracticable, detrimental to the education of exceptional children, or invalid . . ."

§2938 — 2940

All plans shall consider the "advantages and disadvantages in providing special education to particular kinds of handicapped children through cooperative undertakings with other jurisdictions." Also, the state or school district "may enter into agreements with other school districts or states to provide such . . . education." These agreements shall contain any and all factors dealing with the education and well-being of the children. A provision shall be included stipulating that such children "shall continue to have all civil and other rights."

§2941

Every child in public and private school shall be tested to see whether such child is handicapped. This requirement does not apply to out-of-state students attending private school unless required by a previous agreement.

A list shall be kept of all handicapped children required to be tested and examined.

§2942; 2943

There shall be a unit in the division for the education of the handicapped called "Special Education Materials and Training Unit" which will assist in the education of handicapped persons. This unit may "develop, . . . acquire, . . . and make available, equipment, materials and special supplies and devices [used] in connection with the education of handicapped persons . . . .";

"provide instruction in the operation" of such materials; and "provide in-service training for teachers of handicapped persons . . . ."

Unless otherwise provided, this unit shall provide services "only to schools and systems, institutions, organizations, and persons in this state."

The state department of education may contract with other states and agencies to help provide for these services to the handicapped children.

§2944

The commissioner of education is authorized to enter into contracts to furnish equipment and supplies needed in the teaching of handicapped children.

Any articles or services contracted for by the commissioner may be made available to any school systems or entities entitled to them, as long as they serve the handicapped.

§2945

The special education materials and training unit may inspect the facilities of any applicant for or recipient of its equipment and materials and may examine only pertinent records.

The unit may also require an accounting of all such materials and supplies.

§2946

Unless provided, each school district shall establish a special education resources center "which shall perform the functions of procurement, maintenance, servicing and distribution of special education equipment, supplies and materials to the schools . . . ."

"It is the purpose of this section to promote the efficient and expert use of special education aids and to discourage their being positioned, kept, or made available for use by persons and under conditions not conducive to their proper employment. The division for the education of the handicapped shall develop, revise and keep in force regulations and guidelines for the operation of centers . . . ."

§2947 -- 2948

"A child or his[her] parent or guardian may obtain review of an action or omission by state or local authorities on the ground that the child has been or is about to be:" denied either entry or continuance in a special education program; placed in a program that is inappropriate; denied educational services because no suitable program of education or related services is maintained; provided with special education or other education which is unsufficient; or "assigned to a special education program when he[she] is not handicapped."

PLACEMENT

All records, reports and materials that the determination was based on shall be made available to the reviewing parent or guardian.

HEARING

The state board of education shall make all the rules and regulations concerning the conduct of the hearing.

"Nothing . . . shall be construed to limit any right which any child or his[her] parent or guardian may have to enforce the provision of any regular or special educational service."

§2949

If a school district fails to provide services to handicapped children, the state department of education may withhold all or part of the state aid for regular public schools. This denial may continue until the failure to provide special education has been remedied.

DENIAL OF AID

"No action pursuant to the first paragraph of this section shall be taken by the state department of education, except after public hearing on due notice, and on a record that establishes the failure of the school district to provide special education of adequate quantity and quality."

The state department of education may provide the special education services if the system fails to do so. Costs incurred by the department shall be paid for by the school district.

§2950

"The commissioner of education and the state department of education . . . shall provide technical assistance in the formulation of any plan [for handicapped children] or subsequent report required. . . ." Such assistance shall be advisory and consultative.

§2951

INSERVICE TRAINING

In-service training programs shall be available to any teacher of handicapped persons employed by a school system, institution, organization or program.

§2952 — 2953

The division for the education of the handicapped may give grants to professional personnel wishing to work in educational programs for handicapped children, to help qualify them for professional requirements.

The division shall be responsible for the administration of this program and shall keep records of each person approved for training.

The program shall not be limited to new teachers. The state board may also provide training grants "to personnel who are approved for participation as a paraprofessional . . . [in the state's] exceptional child program . . . ." The state board of education is to administer this program.

These grants are limited to those who work or agree to work in the exceptional child program.

§2954

All schools under construction or being renovated and remodeled shall be designed in such a way as to be accessible and usable by handicapped children, if indeed the school is used by handicapped children.

FACILITIES

No school or school-related construction shall get state aid unless it conforms with the previous subsection.

Plans for the schools shall be submitted to the state department of education for approval before awarding any construction contract. The plans shall "properly implement the stated educational and related objectives and functions . . . ."

§2955

"The state board of education shall issue . . . amend and revise rules and regulations . . ." concerning buildings and their construction.

A manual shall be published by the state board of education "containing educational and architectural standards to be met by special education facilities . . . "

§3001; 3002

SCHOOL FOR THE BLIND

The institution for the instruction of the blind shall be a body corporate called the Tennessee School for the Blind. Its powers are "(1) to sue in law and equity; (2) to take and hold property . . . for [the] . . . school; (3) to have a seal and such corporate rights and powers as are necessary and proper to effect the end of its creation -- the education of the blind."

§3005

"The state board of education shall have power (1) to appoint and remove officers and teachers . . .; (2) to prescribe the salaries of . . . officers and teachers; (3) to make such regulations . . . necessary . . . for the control . . . of the school; (4) to control and manage the household and domestic affairs . . .;" (5) to exercise the necessary authority in running the school; (6) to establish a work department and to provide boarding for the adult blind; (7) to do whatever is deemed necessary to establish a foundation for the school of the blind.

§3008; 3009

PLACEMENT

A blind child whose parents are citizens of the state may be placed in the institution for the instruction of the blind.

Non-resident students shall be admitted "by or under the . . . state board upon such terms as it may deem proper . . . ." Pupils who cannot pay have preference over those whose families can pay.

§3010

"The pupils shall be taught such branches of learning as they can acquire, and as are usually taught

to young persons, and such trades and handicrafts as the blind can learn and practice . . . ."

§3011

"The governing authority of the . . . school for the blind [can] . . . install facilities for training the blind in radio and television engineering." It shall train other blind students who wish to enroll in the course and may charge nonstudents for such training. Other handicapped persons may be admitted "at the discretion of the superintendent of the school for the blind. . ."

§3017

"The commissioner of education shall have the power to provide for the suitable care, maintenance, and instruction of blind children of school age" residing in the state and who, because of a lack of training, are not eligible to attend the school for the blind.

§3020

"The commissioner of public welfare shall prepare and maintain a register of the blind in Tennessee which shall describe their condition; cause of blindness and capacity for education and industrial training."

If after examination by an optometrist a person is found to be blind or "with correction 20/200 or less in the lesser eye" the optometrist shall report the results of the exam to the register of the blind.

The department of public welfare is empowered to establish rules and regulations regarding the "custody, use and preservation" of the files and records of the blind. Except for purposes directly connected with the administration of services to the blind, this list shall not be published.

§3026

The school for the blind, through its superintendent, can "provide and coordinate training for blind children of pre-school age and their parents throughout the state." The training shall be convened with instruction in physical and mental preparedness, to qualify them for admission to the school for the blind.

The state board shall have the power (1) to appoint and remove all officers and teachers of the school for the deaf; (2) to prescribe the salaries of officers and teachers; (3) to make all by-laws proper for the control and regulation of the school; (4) to control and manage household and domestic affairs; (5) to use the proper authority necessary to establish a foundation for the school.

REGULATIONS

pp.28 - 43

"[Each] local school system must plan a variety of programs to meet the educational needs of all students . . . . Alternative programs must be provided when the educational objectives cannot be met in the regular program ." The state school fund provides monies to finance such programs. "The State Commissioner of Education is authorized . . . to act for the State Board of Education in implementing its powers and duties in the areas of exceptionality[when] not otherwise provided. . ."

Special education options have been designed "to provide a series of progressively restrictive alternatives for meeting educational needs of verified handicapped children," whether they be assigned to regular programs (through a wide diversity of supportive services) or to full-time special programs (like individualized instruction in a special program or in a special day school or residential facility).

"Indirect services to support children in programs for handicapped children shall include supervisory and administrative services; evaluation of suspected handicapped children; and inservice education and teacher preparation."

Educational, social, and psychological evaluations, and/or medical diagnosis and information shall serve to determine a child's eligibility for special education services.

General eligibility standards exist for children who are mentally retarded, whose speech and/or language are impaired, who are deaf and hearing impaired, who are blind and visually limited, who are physically handicapped, who are learning disabled, behaviorally disordered, socially maladjusted, who have two or more functional disabilities, who are intellectually gifted, or whose handicaps do not correspond to those given above.

ELIGIBILITY

"All available data (referral, screening, assessment, including certification by a specialist) . . . should be compiled for consideration by the multidisciplinary team (M-team) [whose] purpose . . . is to recommend the appropriate educational program for the child through a careful evaluation of all data . . . ."

pp.43 — 44

"Children of educable mind who because of visual impairment . . . cannot be satisfactorily educated in the regular schools . . . shall be considered for admission to the Tennessee School for the Blind . . . . All children admitted shall be of sufficiently sound mind and body capable of receiving an education."

p 44

"Children who because of a severe hearing deficiency cannot be satisfactorily educated in the regular public schools and whose parents or guardians are residents of the State of Tennessee shall be eligible for admission to the Tennessee School for the Deaf . . . .

SCHOOL FOR THE DEAF

"Recommendation for admission shall take into consideration the percent of hearing loss, the age of onset of deafness, the facilities available to the child locally, the child's adjustment to his[her] handicap, the acceptance of the problem by the local school sytem, and the child's need for professional guidance and vocational training by

skilled workers with the deaf. All children having a hearing loss greater than 85 percent in the better ear according to the American Medical Scale shall be eligible for admission. All children admitted shall be of sufficiently sound mind and body to be capable of receiving an education."

p. 100-102

"The State Board of Education shall provide or cause to be provided by school systems all regular and special education, corrective and supportive services required by handicapped children to the end that they shall receive the benefits of a free public education appropriate to their needs."

"Each school system shall file with the State Commissioner of Education on or before July 1, a plan for the implementation of appropriate instruction and special education services for exceptional children ages 4 through 21, inclusive, and 3 year old deaf children who reside within the school district, including a reasonable procedure for obtaining certification of exceptional children by a specialist."

"The plan shall include:

(a) Procedures for referral, screening, assessment, and placement including certification by a specialist.

(b) Number of eligible children by handicapping condition to be served through the various program alternatives.

(c) Inventory of personnel and facilities available to provide instruction and other services to handicapped children.

(d) Certification that equal education opportunities be provided and that due process procedures established by the State Department of Education will be followed in the implementation of programs for handicapped children.

(e) Detailed budget for the expenditure of all funds available to provide special education services.

Each school district is required to comply with the following specific requirements:

(a) Use appropriate identification procedure to determine eligibility of children for special education, corrective, and supportive services.

(b) Employ personnel who meet applicable certification and employment standards.

(c) Develop an individualized education program adapted to the individual needs, interests, and abilities of each child.

(d) Provide appropriate physical facilities.

(e) Provide special equipment, materials, and supplies needed to implement the special program.

(f) Provide special transportation where necessary.

(G) Maintain appropriate records and reports to be used in planning and evaluation of special education programs and services."

School districts shall also be responsible for the expenditure of all state funds for handicapped children as intended, according to the local plan approved by the State Commissioner of Education.

CROSS REFERENCES

III.C.School; Regulation pp.51-71

IV.H.; Statute §1708 -- 1710

2. Programs for Exceptional Children

Statutes

§ 11.03

The Central Education Agency shall have exclusive jurisdiction and control over the Texas School for the Deaf, and it shall be the duty of the commissioner of education to appoint a superintendent for that school, subject to approval by the State Board of Education.

SCHOOL FOR DEAF

§ 11.05

The art of printing shall be among the subjects of study offered at the Texas School for the Deaf. A "competent, practical" printer shall be employed as instructor.

PRINTING

§ 11.051

The superintendent of the School for the Deaf "shall make the determination in [her] his sole discretion of which children are economically deprived" and thus "entitled to have their clothing and travel expenses paid [by the state]."

§ 11.052

With the approval of the State Board of Education, the commissioner of education shall appoint a Director of Education for the Visually Handicapped, who together with not less than three nor more than five qualified coordinators shall be primarily responsibile for the development and administration of a "comprehensive statewide plan for the education of the visually handicapped which will ensure that visually handicapped children have an opportunity for achievement equal to the opportunities afforded their peers with normal vision." The Director of Education for the Visually Handicapped shall be responsible for the evaluation of and the development of Standards and guidelines for special education, and the maintenance of effective liaison between special education programs provided by local school districts and related initiatives exerted by related state programs, agencies, or facilities. Also, the director

APPOINTMENT

shall encourage the use of all pertinent resources by assisting in the development of contractual arrangements between local school districts and other organizations and discourage interagency competition, overlap, and duplication in thedevelopment of specialized resources and the delivery of services.

The minimum components of this comprehensive statewide plan shall include but not be limited to the following: "(a) adequate provision for comprehensive diagnosis and evaluation of each school-age child having a serious visual impairment; (2) procedures, format and content of the individualized written service plan for each child; (3) emphasis on providing educational services to visually handicapped children in their home communities whenever possible; (4) methods to assure that. . .children . . .receive, prior to being placed in a classroom or within a reasonable time thereafter, the compensatory skills training, communicative skills, orientation and mobility training, social adjustment skills, and vocational or career counseling required in order for. . .students to succeed in classroom settings and to derive lasting benefits of a practical nature from the education . . .; (5) flexibility on the part of the local school systems to meet the special needs of children through. . .specialty staff and resources. . .contractual arrangements with other qualified agencies, public or private. . ., supportive assistance from regional service centers, field offices of the Central Education Agency, or adjacent school districts . . ., short-term or long-term services through the Texas School for the Blind. . .; (6) a statewide admission, review, and dismissal process; (7) provision for effective interreaction between the visually handicapped child's classroom setting and his home environment, including provision for parental training (8) a requirement for the continuing education and professional development of ...staff providing special education services (9) adequate monitoring and precise evaluation of special education

services (10) a requirement assuring that staff assigned to work with children have prompt and effective access directly to resources available through cooperating agencies in the area.

§11.06

SCHOOL FOR BLIND

The Texas School of the Blind is operated (1) to provide educational services on a residential basis to blind children who are unable to obtain adequate educational opportunities in their local communities (2) to provide short-term services to blind children and youth for the purpose of equipping them to be able to benefit from educational services available in their local communities; (3) to serve multiply handicapped blind children and youth who cannot be effectively assisted through community programs but whose developmental capacities are such that it may not be convincingly demonstrated that the children and youth should appropriately be admitted to residential institutions operated by the State Department of Mental Health and Mental Retardation; (4) to serve as the primary catalyst within the state for promoting greater excellence and relevance in educational services for blind individuals; (5) to serve as a resource to local school programs throughout the state in connection with their efforts to serve blind and visually handicapped individuals effectively; (6) to serve as a mechanism for training and ongoing staff development for those who are involved in providing educational and closely related services to blind or visually handicapped youth in local communities throughout the state; (7) to serve as a research and demonstration facility through which are developed new and innovative methods of applying the most advanced technology, scientific achievement, and psychological and social knowledge to solve the educational problems of blind and visually handicapped; and (8) to cooperate with any and all other public or private agencies.

§11.061 — .062

The principal governing body for the Texas School for the Blind shall be a five-member board designated by the State Board of Education from among its membership to be known as the Board of the Texas School for the Blind. The Board of the Texas School for the Blind shall be constituted annually and its

membership shall be designated according to the criteria of providing continuity and the development of knowledge and expertise about matters related to the operation of the Texas School for the Blind. The chief administrative officer of the School for the Blind shall be its superintendent, who is empowered to take "all necessary and appropriate action" to carry out the functions and purposes of the Texas School for the Blind. The superintendent is subject only to a requirement of reporting not less than quarterly to the Board of Texas School for the Blind as to his/her activities, progress in the implementation of general policies prescribed by the board, and such additional matters as the Board might request. The Board shall function in a capacity equivalent to the board of a school district. The Board shall establish a semiannual meeting with two advisory committees both of which shall be available to the superintendent for consultation and assistance on request at any time. An educational advisory committee will consist of two teachers employed in classroom settings at the School for the Blind, two teachers working primarily with blind and visually handicapped students in public school settings, and two staff of the School not employed in classroom settings. A consumers advisory committee will consist of the parents of two students attending the School for the Blind, the parents of two blind children enrolled in public school programs, one former graduate of the school employed in a profession other than education, and one former student of the school successfully engaged in a vocation not normally requiring college training. Members of the two advisory committees shall serve two-year terms, and shall be appointed by the Board of the Texas School for the Blind following consideration of such recommendations as might be made by the superintendent. Members of the advisory committees shall receive no salary for their services.

APPOINTMENT

§11.071

Economically deprived children attending the Texas School for the Blind shall be entitled to clothing and travel benefits paid for by the state.

§11.08

MEDICAL SERVICES

Appropriate ophthalmological or optometric services along with other specialty medical and psychological services shall be provided to examine and treat all students at the Texas School for the Blind in relation to their needs. Other specialty medical and psychological services shall be provided as needed.

§ 11.09

PRESCHOOL PROGRAM

"The Central Education Agency shall develop a special program for preschool children, [three years of age or older], who have a hearing loss sufficiently severe to prevent adequate progress in speech development. The purpose of the program shall be to prepare such children for entry in the first grade of the Texas School for the Deaf or the Texas public schools by providing them with a command of some form of communication with others. . The Central Education Agency shall establish the academic requirements for teachers who teach this program and shall issue certificates to teachers who meet such standards."

§ 11.091

EVALUATION CENTER

"With the advice of its technical advisory council, the Governor's Coordinating Office for the Visually Handicapped shall establish [and coordinate] a comprehensive diagnostic and evaluation center and program in Austin for the multiply handicapped blind children and youth." The center shall utilize resources of the State Commission of the Blind, the Texas School for the Blind, the Criss Cole Rehabilitation Center, the State Department of Mental Health and Mental Retardation, the University of Texas, and other public or private organizations in the Austin area.

"The purposes and functions of the [center] are: (1) to provide thorough diagnostic studies of multiply handicapped blind children and youth, to determine the nature and scope of special education and related services needed by the individuals, which studies shall at the minimum consist of a comprehensive evalu-

ation of pertinent medical, psychological, social, cultural, environmental, and related factors which bear on the individual's ability to benefit from educational services; (2) to develop scientifically valid instruments, methodologies, and procedures for measuring ... the total developmental assets and deficiencies that relate to the capacity of a multiply handicapped blind youth to benefit from educational programs and to prepare for a full and useful life as an independent, contributing member of society; (3) to test, develop, demonstrate, and help implement concepts, formats, and processes for establishing, executing, periodically reviewing, and... modifying individualized written service plans for all blind or visually handicapped children or youth participating in educational programs within the State...; (4) to stimulate and assist in the development of more adequate diagnostic and evaluative resources in other communities for blind and visually handicapped children... throughout the state, experimenting with a variety of new and innovative methods for providing [these] services at the community level with a view toward ultimately assuring timely and convenient access to the diagnostic and evaluative resources required for developing and carrying out individualized service plans with optimum effectiveness; and (5) to develop new and innovative methods for applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve the educational problems of blind and visually handicapped children or youth.

INDIVIDUALIZED PLAN

Every blind or visually handicapped individual eligible for educational services through preschool, kindergarten, elementary, secondary, or vocational-technical programs within the State... shall receive the educational programs according to an individualized written service plan which: (1) shall be developed following adequate diagnosis and evaluation of all pertinent medical, psychological, social, cultural,

environmental, and related factors which bear on the individual's ability to benefit from educational programs; (2) shall be jointly represented by a representative of an educational program who is qualified and experienced in working with individuals handicapped by serious visual loss, by the blind or handicapped individual and her/his... guardian, and by representatives of other public or private organizations providing or capable of providing specialized services which tend to assure greater effectiveness of the educational effort exerted in behalf or the blind or visually handicapped individual; (3) specifies in measurable terms the goals and objectives to be accomplished as a result of the educational and specialized services to be provided by the various organizations working with the blind or visually handicapped individual; (4) specifies the time by which each service is to be initiated, the anticipated duration of each service, and the time within which the objectives and goals of the services might be achieved; (5) contains a procedure and schedule for periodic review and evaluation of progress toward established objectives and goals based on objective criteria and contains a record of the reviews and evaluations; (6) summarizes the views of the blind or visually handicapped individual, or as appropriate, her(his)guardian... concerning her(his) goals and objectives and special services being provided; (7) outlines the obligations undertaken by the individual's family in connection with the individualized written service plan, including family commitments regarding physical restoration services, procurement of optical aids, and related services; (8) provides assurances that the blind or visually handicapped individual has been informed of her(his) rights and the means by which she(he) may express and seek remedy for her(his) dissatisfactions, including but not limited to procedures for utilizing the ombudsman services of the Governor's Coordinating Office for the Visually Handi-

capped; (10) reflects that the individualized written service plan has been reviewed as frequently as necessary, but in no event less than once annually, by competent educational authorities, representatives of cooperating organizations, the individual and her(his)guardian, and that the plan has been modified, refined, or redeveloped in a manner consistent with determinations made through such review; (11) describes in detail the arrangements made to provide the blind or visually handicapped individual with orientation and mobility training instruction in Braille or use of large print, other training to compensate for serious visual loss, access to special media, and special tools, appliances, aids, or devices commonly utilized by individuals with serious visual losses; and (12) sets forth the plans and arrangements made for contacts with and continuing services to the blind or visually handicapped individual during periods in which she(he) might not be involved in school programs.

Whenever services are terminated under an individualized written service plan on the basis that the handicapped individual is not capable of benefiting from educational services, the following conditions and procedures must be carried out: (1) the decision shall be made only with the full participation of the blind or visually handicapped individual, her(his) guardian, and representatives of other organizations in the area in which individuals reside who are also providing services to the individual; (2) the rationale for the decision shall be recorded as an amendment to the individualized written service plan, certifying that the concerted provision of educational and related services has demonstrated beyond reasonable doubt that the individual is not capable of benefiting from educational services; (3) a copy of the individualized written service plan and the certification that the individual is not capable of benefitting from educational services will be sent to the Governor's Coordinating Office for the Visually Handicapped

for review and further investigation, following which, if it is determined that the termination of services is appropriate and justified, recommendations and referrals will be offered to the blind or visually handicapped individual and her(his) guardian regarding services to be considered through residential school programs, other state institutions, community facilities operated by the State Department of Mental Health and Mental Retardation, or other resources as appropriate to the case and as accessible to the individual's guardian; (4) until such time as when the individual whose written plan of services has been terminated attains the age of 21 years and is referred for consideration for vocational rehabilitation services, there shall be at least an annual review of the individual's case, during which the individual and her/his guardian will be afforded clear opportunity for full consultation in the reconsideration of the determination that the individual is capable of benefitting from educational services, except in situations where a periodic review is precluded because the individual has refused services or has refused a periodic review, or is no longer present in the state or cannot be located, or has a medical condition that is rapidly progressive or terminal."

§ 11.10

"(a) The Central Education Agency is authorized to approve the establishment and operation of county-wide special day schools for the deaf in all counties having a population of 300,000 or more inhabitants.... Such schools shall be administered by a centrally located school district designated by the Central Education Agency in each such county, and the districts accepted in the designation shall provide appropriate physical facilities, buildings, equipment, supplies, material, and transportation to all eligible children residing in the county without regard to school district boundaries. (b) The provisions of this section may apply to any

DAY SCHOOLS FOR DEAF

two contiguous counties whose cumulative population exceeds 140,000 but does not exceed 335,000 ... provided that such two county day schools shall be administered by one school district designated by the Central Education Agency. (c) School districts in counties contiguous to those authorized to operate a bi-county day school for the deaf may participate in the day school for the deaf program upon approval by the Central Education Agency of requests from a school district in a county contiguous to those counties authorized to operate the bi-county day school and the school district designated to conduct the school. (d)(1) All deaf children between the ages of 6 and 21, inclusive, residing in the county or multicounty providing day school program shall be eligible to attend the school designated by the operating district. Provided, however, no later than June 1 the governing board of any school district within a county or multicounty which has in operation an approved day school program may file with the Central Education Agency notice withdrawing for the next ensuing school year for such day school program to operate in lieu thereof an exceptional children program providing for the education of all its resident deaf under applicable laws. (e) Deaf children between the ages of 6 and 13 inclusive in such counties shall not be eligible for admission to the Texas School for the Deaf except upon recommendation of the superintendent of the operating district with the concurrence of the superintendent of the Texas School for the Deaf (g) children enrolled in the county-wide day school in such counties, who become 14 years of age on or before December 31, shall be eligible for admission to the Texas School for the Deaf or to continue their academic training and program of vocational planning, guidance and training in the special day school. (k) The central education agency shall approve the educational program for the countywide day schools and the program shall be comparable to that of the Texas School for the Deaf. (n) The legislature intends to continue a process of providing better education available to deaf children on a statewide basis and to afford all deaf children an opportunity for achievement more equal to their peers with normal hearing (O) the Central Education Agency shall employ a Director of Deaf

Education (at a salary not exceeding $30,000) with the responsibility to develop and administer a comprehensive statewide plan for deaf education services including continuing diagnosis and evaluation, counseling and teaching, and designed to accomplish the following objectives: (1) assisting and counseling parents of children of any age whose hearing is determined by professionally acceptable evaluation to be nonfunctional for education purposes, such assistance and counseling to be provided in each of the regional day school programs for the deaf... and admitting all children between the ages of 3 and 21 whose hearing is determined by professional acceptable evaluation to be nonfunctional for educational purposes to the regional day school programs for the deaf; and (2) Enabling a majority of as many as may be practicable of deaf children to reside with their guardians and be afforded compensatory education in their home school districts or in facilities or regional day school programs for the deaf; and (3) Enabling deaf children who are unable to attend schools of their place of residence and whose parents or guardians live too far from facilities of regional day school programs for the deaf for daily commuting or to be accommodated five nights a week in foster homes or other residential school facilities provided for by the Central Education Agency in order that such children may attend a regional day school program for the deaf; and (4) Enrolling children in the Texas School for the Deaf at Austin or any other educational facility for the deaf upon the joint recommendations of the Director of Deaf Education, the superintendent of the child's regional day school program for the deaf, and the Superintendent of the Texas School for the Deaf at Austin, admitting to the Texas School for the Deaf only those children whose needs can best be met in that institution, designating the Texas School for the Deaf as the principal regional school for the central region of the state and superintendent of the Texas School for the Deaf as the superintendent of the central region; and (5) encouraging children enrolled in regional day school programs for the deaf who have demonstrated ability to do so to return to regular school classes on a part-time, full-time or trial basis. Supplemental aid from the regional day school program for the deaf shall be made available to such children; and (6) Recognizing the need

for development of oral communications abilities in deaf children and the ability of many to achieve high educational excellence through that method, but also recognizing the mobility of some to gain their education successfully by this means, the comprehensive plan developed by the Central Education Agency will call for the use of methods of communication which will best meet the needs of each individual deaf child in this state, with each child to be examined thoroughly so as to ascertain his/her potential for communications through oral means. The state director and regional superintendents may establish separate programs to accommodate diverse communication methodologies.

(p) The Central Education Agency shall apportion the state into not more than eight nor less than five areas each furnishing a regional day school program for the deaf. (q) The Central Education Agency shall employ a superintendent for each regional day school program for the deaf. These superintendents shall be responsible to the Director of Deaf Education of the Central Education Agency. It is the intent of the legislature that the regional superintendent utilize the local resources to the fullest practicable extent in the establishment and operation of the regional programs. Regional superintendents are authorized and expected to contract with any qualified public or private organization or qualified individuals for diagnostic, evaluation and instructional services or any other services incidental to the education of deaf children including transportation and/or maintenance. Upon the recommendation of regional superintendents, the Central Education Agency shall employ educational and other personnel, may purchase or lease real or personal property; may accept gifts of real or personal property or services from any source, public or private, including independent school districts and institution of higher learning in the state for the purpose of establishing and operating regional day school programs for the deaf. The Central Education Agency may provide by rule or regulation that upon establishment of each regional school, the countywide schools in that region shall become a part of the regional school operation and that all equipment, classroom supplies, and other personal property owned by the countywide schools shall become the property of the

CONTRACTS

RULEMAKING

regional day school. When any such programs are combined the directors and employees of the former countywide schools shall be employed in appropriate substantially similar capacities within the regional day school programs for that region.

§11.101

CONTRACT

The Central Education Agency may contract with qualified private schools to provide education and training for eligible deaf children. Such contract shall provide for standards of education and training, and standards for buildings, equipment and facilities at least equal to those provided by the Texas School for the Deaf.

§11.15

APPOINTMENT

"The Advisory Council for Language-Handicapped Children shall consist of twelve members appointed by the Governor. The duty of the council is to study the problem of language-handicapped children and to advise the commissioner and the Central Education Agency in the development of programs designed to diagnose and treat the problems of language-handicapped children." Members shall be appointed "from the fields of psychology, medicine and education."

"The . . . Agency shall:

1) develop programs, with the advice of the council, designed to diagnose and treat the problems of language-handicapped children;

2) establish . . . at least three required experimental diagnostic facilities" providing them with rules and regulations for their operations, necessary contracts, funds, and other practicalities necessary for their continued operation.

§11.16;161

"a) The . . . Agency shall establish and develop a State program for the education of deaf [and/or blind] adults" whose purpose shall be "to provide primary and secondary educational opportunities to adults whose hearing or [sight] loss . . . has interfered with the attainment of

a level of educational advancement otherwise potentially achievable.

b) The program shall include:

1) criteria and standards . . . for determining eligibility.

2) criteria and standards for determining teachers' qualifications, curriculum, equipment, and classroom facilities . . . .

Any school district may establish an educational program for deaf and/or blind adults."

§11.19

"The Central Education Agency shall establish a program . . . of educational opportunities . . . for students with extraordinary learning or leadership ability or outstanding talent in the creative or vocational arts whose development requires programs or services beyond the level of those ordinarily provided in regular school programs.

The commissioner shall appoint a full-time director of programs for the gifted and talented . . .[who]. . . with the approval of the State Board shall develop and annually update a state-wide plan for the provision and coordination of programs for the gifted and talented. The plan shall include . . .;

APPOINTMENT

1) the development of criteria for the identification of gifts and talents of students;

2) the development and intra agency coordination of instructional programs and techniques . . . .;

3) the development of training programs for professional personnel . . .;

4) coordination of all state, federal, and local resources available for the education of the gifted and talented; and

5) a statement of the objectives of the program, the methods to be used in obtaining the objectives, and the methods to be used in assessing the results.

There shall be an advisory council on the education of the gifted and talented . . .[which] . . . shall assist the director in developing the state plan . . . ." Rules

concerning membership, meetings, expenses, etc. are set forth in the statute. "The director shall present all proposed rules and regulations relating to the program to the council for their review and comment . . . .

APPOINTMENT

The Commissioner may appoint regional advising councils . . . to assist in the implementation of the state program at the local level.

The director, with the approval of the . . . Board. . . may establish demonstration programs for the education of gifted and talented students in various regions of the State. . . A school district or a combination of school districts desiring to participate in a demonstration program . . . shall submit . . . a detailed plan describing the . . . students to be served, the objectives and methods of obtaining the objectives for the proposed program, and the method of assessing the results of the program. All proposed demonstration programs shall be reviewed by the advisory council . . . prior to submission to the . . . Board . . . for approval."

§11.27

"The State Board . . . may provide for the maintenance, care and education of persons under . . . 21 . . . who are totally deaf and blind, totally blind and nonspeaking or multiply-handicapped.

The Board may . . . require reimbursement for the cost of their maintenance, care, and education. . .

CONTRACTS

The board may . . . enter into contracts with public or private institutions. . . . which are equipped to provide the specialized facilities and personnel necessary to care for and educate [such] persons . . .; it may also provide maintenance . . . attendants, and transportation to and from such institutions for such persons."

§12.03

"The . . . Board . . . is authorized to acquire . . . with or without bids . . . free textbooks recommended as suitable and usable" for the public school education (grades 1-12) of the blind and visually handicapped students

"whose visual acuity is impaired to the extent that he[she] is unable to read the print in regularly adopted textbooks. . . . The board may also enter into agreements providing for the acceptance, requisition, and distribution of books and instructional aids pursuant to . . . [federal law]. . . for use by [blind and visually handicapped] students enrolled in public or private non-profit schools" but not for the purchase of such textbooks if state funds other than administrative costs are involved.

BRAILLE

"All [available] textbooks. . .[including]. . . books in Braille . . . or any other medium or any apparatus which conveys information to the . . .[student]. . . or otherwise contributes to the learning process. . . shall be examined by the State Textbook Committee for its recommendation as to their suitability and usability . . . .

RULEMAKING

Textbooks for the blind and visually handicapped may be obtained and distributed by the Central Education Agency pursuant to rules and regulations adopted by the . . . Board . . . as it may act on recommendations of the State Textbook Committee and commissioner of education."

§16.104;161

"It is the intention of this section to provide for a comprehensive special education program for exceptional children in Texas."

'Exceptional children' means children between the ages of 3 and 21 inclusive, with educational handicaps, (physical, retarded, emotionally disturbed and/or children with language and/or learning disabilities)." In general, this encompasses any children whose disabilities "render regular services and classes of the public schools inconsistent with their educational needs."

The statute sets forth definitions for physically handicapped mentally retarded, emotionally disturbed and language and/or learning disabled children.

The "special services" required for the education of such children includes "special teaching in the public school curriculum inside and/or outside the regular

classroom; corrective teaching . . . corrective health habits; transportation . . . instructional media, and and supplies; professional counselling . . .; supervision of professional services and pupil evaluation services; established teaching techniques for children with language and/or learning disabilities."

"Exceptional children teacher units" shall, under rules and regulations established by the State Board, be allotted to eligible school districts. Such units shall be allocated on a separate formula from other type units.

"Professional personnel for the operation and maintenance of a program of special education shall be:

1) exceptional children teachers;

2) special education supervisors;

3) special education counsellors;

4) special service teacher, such as itinerant teachers of the homebound and visiting teachers. . . and;

5) psychologists and other pupil evaluation specialists" whose policy shall be set by the commissioner.

Paraprofessional personnel "shall consist of . . . teachers aides, who may or may not hold a teacher's certificate." The commissioner shall establish their qualifications and salary levels.

The commissioner, under rules adopted by the State Board, shall establish "quantitative bases for the allotment of all special education unit personnel." School districts may, at their own expense either employ special educational personnel in excess of the state allotment or supplement their state allotted minimum salary. In addition, districts may pay for all or part of continuing education programs for its special education personnel.

"Special education unit personnel may be . . . utilized on a full-time, part-time or consultative basis or may be allotted by the commissioner . . . jointly to serve two or more school districts." Two or more districts may jointly operate their special education program, or any part thereof.

Districts operating approved programs shall be allotted a "special service allowance . . . for pupil evaluation, special seats, books . . . and other supplies required for quality instruction."

Special education teachers shall be paid on the same pay scale as regular teachers with similar qualifications and experience. Special education counselors and supervisors shall be paid on the same pay scale as regular counselors and supervisors with similar qualifications and experience.

Special education personnel may be employed on a full-time, part-time or consultative basis, or may be allotted pursuant to cooperative district agreements.

A "special service allowance" to be used for pupil evaluation, special seats, . . . books, instructional media and other supplies "required for quality instruction" shall be allotted to each school operating an approved program.

The annual salaries for special education teachers, special service teachers, counselors and supervisors shall be the same as those of individuals in the regular school systems with similar qualifications and experience. The commissioner of education shall approve the qualification for such special education personnel.

Salary costs and operating costs "shall be paid from the Foundation Program School Fund." Local school districts may, if they so choose, supplement these expenditures with their own funds.

Eligible school districts and regional education service centers may contract with nonprofit community mental health and/or mental retardation centers . . . for the provision of services to exceptional children." Such organizations must be approved by the State Board.

The legislature shall appropriate funds for the implementation of this program. If the monies so appropriated are inadequate to fully implement the program, the commissioner with the approval of the state board shall make such adjustments as are necessary to reduce the cost.

In the event the comprehensive program cannot be provided to all exceptional children, priority in services to be rendered shall be given to those with the most severe handicaps. Detailed records are required to be kept "to allow meaningful evaluation of the effectiveness of the policies and procedures adopted."

SPECIAL SERVICES

Special services extended to children with visual or hearing handicaps "shall be provided by qualified staff certified by: reputable public or private nonprofit organizations in the [applicable] fields of work. . . as having the professional credentials and competence required for certification within those fields."

Special services to be extended to children with visual and/or hearing handicaps shall be provided to children from their birth through age 22. Such services include "parental counseling and training, competent orientation and mobility training," and other necessary "nonacademic services".

§21.0331

SCHOOL FOR BLIND

SCHOOL FOR DEAF

"A child who is blind or deaf and who does not have adequate or appropriate educational facilities available in the area in which he[she] resides shall be referred .... to the Texas School for the Blind or the Texas School for the Deaf .... The ... board of every school district ... shall promptly notify the Central Education Agency of each referral made," along with a statement "setting forth the basis for the determination that the child could not be served adequately ... in the area" where the child resides.

"[T]he Central Education Agency shall furnish the governor and the budget office of the legislature annually the number of the above-noted referrals, the number "actually served" and the number "eligible for admission to these schools but whose admission has been delayed because of inadequate facilities...."

"The governing board of any school district ... which failed to provide adequate services for these children

shall report this fact, the number of children, and the type of disability to the Central Education Agency" annually.

§21.080

"A school age child or ward of an employee of a state school for the mentally retarded ... is entitled to attend school in a school district adjacent to the state school free of any charge ... provided ... his[her] parent or guardian is required by the superintendent of the state school to live on the grounds of the state school ...." The tuition charge "shall be paid by the school district...."

§21.907

"A teacher may use the oral, manual, Rochester (combination method), and the language of signs methods of instruction in teaching deaf and deaf-mute students ... subject to the recommendation of his/her supervising teacher."

§21.911

TESTING

After a test is administered in the child's primary home language to discover verbal or non-verbal intelligence he/she may be assigned to a special education class.

§26.01--.13; 26.15--.17

Districts may be created to provide for handicapped individuals, special services that include special teaching in the public school curriculum within or without the regular classroom, corrective teaching including several alternatives such as lipreading, speech correction etc. Non-handicapped scholastics will be those who are "eligible for public school education under state law and who (are) not officially labeled as being handicapped."

The creation of special rehabilitation districts is to provide education, training, special services and guidance to handicapped persons, peculiar to their needs.

"Any county or combination of counties, contiguous to an existing rehabilitaiton district may be annexed to it and become part of it...."

§26.63

All plans for programs in the rehabilitation district are to be made by the board of directors and approved by "the state commissioner of education and by the executive director of the Texas Department of Mental Health and Mental Retardation." The board shall also "make reasonable limitation on the duration of residence and attendance by trainees ... terminate the training of any trainee who proves to be unadaptable to the training program of the district."

§26.65--.68

"(T)he district shall be eligible for and allotted administrative units, special service personnel, exceptional child teacher units, vocational education units, and other special education personnel" and "shall be eligible to receive state funds for the purpose of educating any handicapped... scholastics between the ages of 14 and 21, inclusive, who is in need of an alternative school setting."

The district's allocation of principal, special service, supervisor and counsellor units shall be computed on eligible exceptional children teacher units in the same manner as other independent school district's allocation.

The board may "fix such fees and tuition rates as are deemed necessary to supplement other sources of funds for maintaining and operating the district in carrying out its functions."

TUITION

REGULATIONS

§3511

"The public educational program of Texas shall include an educational provision for pupils who have special needs because of certain distinguishing characteristics. Individuals who have characteristics that result in special learning problems . . . or potentials shall be identified, appraised, and provided instruction."

"The ultimate objective . . . shall be that there will be no discernible ethnic class or population group differences in the achievement of instructional objectives."

In dealing with the subject of gifted and talented students the State of Texas believes "all children are entitled to full recognition of their right to educational opportunity commensurate with their capability for learning and their special talents." Programs in dealing with this "may be provided throughout all grade levels."

"School districts may make adaptations in elementary and secondary curriculum, instruction, and school organization for identified gifted and talented students. Adaptations shall be reported annually to the Texas Education agency."

"The instructional provision for gifted and talented students may provide for the granting of credit or advanced standing, or both, to pupils of recognized ability in secondary school subjects."

"Gifted and talented students are those students with extraordinary learning or leadership ability or outstanding talent in the creative or vocational arts whose development requires programs or services beyond the level of those ordinarily provided . . . ."

"The State Plan (for gifted and talented students) shall provide for the provision and coordination of programs for gifted and talented students on an annual basis."

Demonstration programs for the education of such students may be established in the state, the cost to be borne by the state and district.

A State Advisory Council will be established for the education of these students, with four members appointed by the governor and five members by the Commissioner of Education. Regional advisory councils may also be appoined.

§3531; 3532

"The Division of Education for the Gifted and Talented has the primary responsibility for the administration of education programs for gifted and talented students.

The State Plan for Gifted and Talented students shall include the following:

(1) the development of criteria for the identification of gifted and talented students;

(2) the development and intra-agency coordination of instructional programs and techniques designed to meet the individual needs of gifted and talented students in all educational fields;

(3) the development of training programs for professional personnel involved with the education of gifted and talented students;

(4) coordination of all state, federal, and local resources available for the education of the gifted and talented; and

(5) a statement of the objectives of the program, the methods to be used in obtaining the objectives, and the methods to be used in assessing the results.

A school district or a combination of school districts desiring to participate in a demonstration program for the education of the gifted and talented shall submit to the Commissioner of Education a detailed plan describing the gifted or talented students to be served, the objectives and methods of obtaining the objectives for the proposed program, and the method of assessing the results of the program. All proposed demonstration programs will be reviewed by the Advisory Council on the Education of the Gifted and Talented prior to submission by the Commissioner of Education to the State Board of Education for approval.

Members of the State Advisory Council will serve for terms of two years without compensation but are entitled to reimbursement for actual expenses incurred in carrying out the work of the council. Council members will select a chairman who will convene the council not less than four times a year. A staff member of the Division of Education of Gifted and Talented shall be designated to act as executive secretary of the council and will furnish all clerical assistance necessary for the council to carry out its responsibilities.

The council will assist in developing the State Plan for the Education of the Gifted and Talented. All proposed

rules and regulations relating to the program will be presented to the council for review and comment prior to State Board of Education approval."

§3571; 3572

"All public school-related efforts to assist exceptional children should be primarily directed toward meeting the educational needs of these children. To meet the needs of exceptional children in a responsive and prudent manner, it is necessary to develop intensive local planning processes, to move to the innovative use of educational and other resources, to maximize the demonstrated value of regional response to problems involving special education , and to disseminate widely the results of research and experimentation. Because the numbers of children with particular types of exceptionalities or combinations of exceptionalities and resources available to meet their needs do not occur uniformly throughout the state, allocation formulas will be flexible to assist in meeting these needs.

The implementation of legislative intent and the execution of the policies and administrative procedures in this series are the responsibilities of the school district. The Texas Education Agency assists school districts in establishing, operating, and further developing comprehensive programs for exceptional children.

Implicit in the development of a plan to provide comprehensive educational programs for exceptional children is the need for certain regional services in support of school district efforts. These multi-school needs may be met through the regional education service center system.

There is an awareness of the keen sense of responsibility felt by the parents of exceptional children. The parental understanding and acceptance of the educational needs of their children and responsible cooperation in efforts to meet these needs are recognized as indispensable requisites to the success of programs of special education.

Based on statutory authority and policies, provisions are made for special education programs for exceptional children according to categories of handicapping conditions. The instructional organization of all programs and services for exceptional children should be comprehensive and flexible to meet the educational needs of each exceptional child. Programmatic goals and resulting instructional elements provided through special education services furnish a basis for meeting the educational needs of exceptional children.

The Special Education Five-Year Planning Document describing services for exceptional children ages 3 through 21 years of age, inclusively, is required by the State Board of Education and is kept in duplicate on file at the school district. Review of the planning document may be requested at any time by the Texas Education Agency for monitoring or other purposes. The format of the document is in accordance with the guide as developed by the Texas Education Agency.

On or before July 15 of each school year, each school district is required to return the Annual Special Education Statistical Report. This report form is provided by the Texas Education Agency before the beginning of the school year. This form is designed primarily to evaluate the quantity of special education services. Various quality studies sampling certain school districts may be carried out during the year in addition to the Annual Special Education Statistical Report.

Programs operated cooperatively or jointly between two or more school districts must be described in the Special Education Five-Year Planning Document. The school district designated as the fiscal agent is responsible for all applications, reports, records, and accounting for the cooperative program.

The contracting arrangements between one school district and one or more other school districts for part or all programs and services for exceptional children must be described in the Special Education

Five-Year Planning Document.

In addition to meeting the provisions of the policies and administrative procedures for pupil transfer . . . the tuition of a special education pupil who transfers is the responsibility of the parent or guardian if the service is provided in the home district. If the service is not provided in the home district, the home district has the responsibility for tuition payment.

The general directives which are established by the Commissioner of Education and which are used in determining pupil eligiblity in special education programs for exceptional children are listed below.

ELIGIBILITY

(1) Pupil identification data shall include name, sex, and evidence of legal age for the program.

(2) For each pupil receiving special education services, there shall be a written educational plan and evidence of the pupil's need for service.

(3) There shall be written reports on vision and hearing screening tests prior to admission to special education programs.

(4) Assignment to special education programs for exceptional children shall be made upon the recommendation of an Admission, Review, and Dismissal Committee.

(5) School districts shall not assign national origin-minority group pupils (or linguistically different pupils) to special education classes on the basis of criteria which were developed solely upon the command of the English language.

(6) Pupils may not be placed in special education services if the only deficiencies identified are directly attributable to a different cultural life style, or not having had educational opportunities, or not having achieved from previous educational experiences.

(7) Admittance to and maintenance in any special education program shall be on a trial basis.

(8) An annual review of the appropriateness of each child's continued assignment to special education services as evidenced by progress or lack of it

shall be made by an Admission, Review, and Dismissal Committee.

(9) All special education assignments must be comprehensively reappraised at least every three years if assignments to special education services continue beyond three years.

The specific eligibility criteria which are established by the Commissioner of Education and which are used in determining pupil eligibility in special education programs for exceptional children are described in the following categories:

Physically Handicapped

Visually Handicapped

In working with parents or guardians of exceptional children each school district has a plan in operation which provides the following components:

(1) Notification to parents or guardians is made of screening or referral activities which include their children.

(2) Permission is secured before comprehensive assessment or consideration for placement in special education services and parent or guardian approval is secured for release of relevant information from various diagnostic sources to the school for educational purposes. CONSENT

(3) All school records, other information and data regarding their children are made available to parents or guardians. Parent or guardian approval for use of pupil information by other schools and agencies is secured before the information is released.

(4) Grievances relating to special education services are to be dealt with according to State Board of Education Policy and Administrative Procedure Series 7100, Hearings and appeals. GRIEVANCES

(5) Parents and guardians will be advised of this plan. Communications, both written and verbal, will be in the language best understood by the parents or guardians.

APPRAISAL

The appraisal process is an orderly and systematic continuum of services for pupils which provides for:

* referral
* screening
* data analysis and alternatives
* comprehensive assessment
* admission, review, and dismissal
* dissemination, and
* evaluation

The goal of appraisal is to provide a basis for making decisions designed to bring about desired changes in pupil achievement and/or adjustment.

(1) When a pupil is considered for initial or continued special education services, a determination is made to ascertain the pupil's primary home language, the pupil's most fluent language, the language in which the pupil has the best speaking ability, and the language in which the pupil has the best capacity for understanding.

(2) In cases in which the school examiner is not fluent or otherwise competent in the best language of the pupil, a person fluent in both the language of the child and English is used. Where an interpreter is used and standardized tests are required, extreme care is taken to maintain standardized test administration procedures.

TESTING

(3) The Department of Special Education and Special Schools is responsible for the preparation and dissemination of the list of approved tests. The list will be developed and approved through the regular planning procedures of the Texas Education Agency and submitted by the Commissioner of Education to the State Board of Education for consideration. Texas Education Agency leadership will be exerted in the development of tests in areas where inappropriate tests or no tests exist.

Referral is initiated when a pupil is perceived as having problems which may impede pupil achievement and/or adjustment. Referral may be made by the parent or guardian, physician, community agencies, other appro-

priate individuals, groups or organizations, school personnel, or as a result of the school's systematic screening procedures. Each referral is directed to the appropriately designated committee of the school.

Screening consists of generating and compiling all immediately available data. Each school is responsible for establishing procedures for collecting screening data to be submitted to the designated committee.

The committee analyzes and interprets data available on each pupil referred and determines the appropriate alternatives of:

(1) eligible or ineligible for further consideration of special education services.

(2) placement in diagnostic class.

(3) referral for comprehensive assessment, specifying, if possible, extent of assessment.

(4) referral for other types or kinds of service.

(5) referral directly to the Admission, Review, and Dismissal Committee, or

(6) other alternatives.

(b-d) Comprehensive Individual Assessment

ASSESSMENT

Comprehensive individual assessment is the observation, diagnosing, and identification of individual pupil achievement and/or adjustment characteristics. It provides all necessary information for developing an appropriate educational plan, determining eligibility for special education services, and planning appropriate instructional arrangements.

Data to determine intellectual functioning are not gathered from single-area reference test(s) such as vocabulary, strictly perceptual-motor tests. Such instruments may be used as a part of or in addition to a comprehensive battery to assess a wide range of intelligence factors, but they may not be used to determine total intellectual functioning.

Assessment instruments used to assess verbal, performance, and adaptive behaviors related to the measurement of intellectual functioning must be selected from a list

provided by the Commissioner of Education as approved by the State Board of Education.

It has been the operation guideline of the Texas Education Agency to require only group intelligence tests to establish normal intelligence, as required for eligibility for five of the six handicapping conditions. The sixth handicapping condition, mental retardation, specifically requires individual assessments of intellectual functioning as needed to meet eligibility criteria for specific handicapping conditions.

When it has been determined through comprehensive appraisal of language dominance that a student's dominant language is other than English, appraisal instruments should be administered in the other language. Where no clear language dominance is demonstrated, appraisal instruments should be administered in both English and the child's other language. When translating an instrument from English to another language, every effort must be made to maintain the original intent and purpose of each item. Interpretation of scores derived from translated instruments must take into consideration possible errors or inconsistencies in literal or conceptual translation. Ideally, the examiner for such appraisal shall be fluent in both English and the language of the student, and sensitive to the differences in culture of the student which may affect the appraisal. Where no bilingual examiner is available, an interpreter may be used, recognizing the additional problems inherent in interpreting data gathered in that manner.

Professional judgment must be exercised in selecting assessment techniques which are most appropriate for the individual child being assessed.

Comprehensive appraisal of educational functioning consists of securing data from formal and/or informal tests in the appropriate skill areas related to developmental, pre-academic, academic, pre-vocational, or vocational levels of performance. Consideration shall be given both to the language of instruction and to the pupil's demonstrated dominant language when selecting measures

of educational functioning.

Comprehensive appraisal of sociological variables consists of identifying the family and home environmental situation influencing the student's learning and/or behavioral patterns. Sociological data are obtained through voluntary communication and cooperation with the family.

Comprehensive appraisal of health factors consists of a medical assessment and diagnosis of the student's physical condition, intended to reveal factors which have influence on student achievement and/or adjustment. When a health problem is perceived or suspected by either the referring party, screening committee, appraisal personnel, or as required to meet eligibility criteria, an appropriate medical opinion will be obtained.

Each school is responsible for establishing a procedure for collecting the comprehensive individual appraisal data in a systematic manner to be submitted to the Admission, Review, and Dismissal Committee.

. . .

The educational plan is the translation of all information derived from the appraisal process into written instructional and behavioral recommendations for the teacher. These recommendations, based on the pupil's identified strengths and weaknesses, include: skills to be mastered, content areas to be emphasized, methods to be employed, materials to be utilized, and appropriate classroom management.

. . .

The Admission, Review, and Dismissal Committee is composed of at least three members, representing the areas of administration, instruction and appraisal and/or special education.

The committee considers available information for the purpose of determining the eligibility of all pupils for original assignment (admission), continued enrollment (review), and termination for special education services (dismissal). Specifically, the act of determining eligibility includes the assignment of

handicapping condition as defined in Policy 3571.2.2 and is based on appropriate data derived from the total appraisal process. All required screening and appraisal data are submitted to the committee as minimum information for their consideration.

The Admission, Review, and Dismissal Committee performs the following minimum responsibilities:

(1) reviews all available data

(2) determines if the pupil meets the eligibility criteria

(3) makes appropriate instructional placement designation

(4) initiates development of educational plan, or modifies existing educational plan

(5) reviews all special education assignments annually to determine continuation, change, reappraisal, or termination

(6) develops an individual written summary of the deliberations, findings, and recommendations, following each meeting of the Committee. Each summary includes the date, the names, the positions, and the signatures of the persons participating in each meeting. A report is made and included in each pupil's eligibility folder.

Dissemination is the provision of the written educational plan to the personnel responsible for implementation. This may be further supported by conferences between supportive professional personnel and instructional personnel.

EVALUATION

Evaluation is the on-going process of determining the effectiveness of the educational plan for each pupil in bringing about desired changes in pupil achievement and/or adjustment. A systematic follow-up is instigated with evaluation information of the effectiveness of the plan. This systematic follow-up may occur at any time but at intervals of no more than three months.

. . . . .

Teachers of exceptional children are employed and utilized in accordance with the provisions of the

Texas State Public Education Compensation Plan (Salary schedule, Policy 4105) and the procedures as adopted.

Because special education services are considered as an integral part of the total school instructional program, the duties of a special education teacher of exceptional children are defined as a regular teaching day of instruction. In addition to the teaching load, the teacher may be assigned to a share of the routine responsibilities of operating the school provided his [her] class is supervised at all times.

"If the school district has three or more special education teacher units where a special education supervisor is not employed or if the district has three or more self-contained special education teacher units on a separate campus without the services of a principal, the teacher-coordinator may be allocated and employed for an additional month.

A special education teacher-coordinator is a teacher who has full certification in one or more areas of special education and who in addition to his [her] special education teaching duties is assigned other administrative or supervisory responsibilities in special education in the local program.

Supportive professional personnel are employed in accordance with the provisions of the Texas State Public Education Compensation Plan and the administrative procedures as adopted.

A special education supervisor meets certification requirements as established and is assigned full time to special education program supervision.

A special education visiting teacher meets certification requirements as established and is assigned full time to special education programs.

A special education counselor meets certification requirements as established and is assigned full time to special education programs.

An educational diagnostician meets certification requirements as established and is assigned full time

to special education programs.

A school psychologist meets certification requirements as established and is assigned full time to special education programs.

An associate school psychologist meets certification requirements as established, is assigned full time to special education programs.

Special education teacher aides are employed in accordance with the provisions of the Texas State Public Education Compensation Plan . . . .

Teacher aides are employed to work the same number of days as instructional personnel and are assigned full time in the special education instructional program.

An aide trainee, a student who shows an aptitude for working with children, may be provided work experience and training which prepares him[her] to become a teacher aide. He[she] assists the teacher with routine tasks in a special education class.

Supportive professional personnel positions are normally authorized for the same number of months of work as are instructional personnel. These positions may also be authorized for an 11 or 12 months assignment, upon application from the school district, when a plan justifies the extended work period.

In addition to their duty assignment, special service personnel may be assigned a share of the routine responsibilities of operating the school provided this does not prevent the effective functioning of their major responsibilities to handicapped pupils.

Professional consultants are utilized as needed to provide comprehensive special education planning and programming.

The utilization and fees for consultants are in accordance with guidelines established by the Texas Education Agency.

Special education instructional personnel may be utilized in any of the ways described below in keeping

with program purposes, educational needs of pupils, the planned program of the school district, and teacher qualifications and certification.

A special education teacher in a self-contained classroom is a teacher who works with special education pupils on a full-day basis. The pupils receive all of their instruction from the special education teacher or other special education personnel.

A special education teacher in an integrated special education program is a teacher who works with special education pupils who may be integrated into a regular class for less than one-half of the school day. The special education pupil receives the majority of his[her] instruction from the special education teacher.

A special education teacher in a resource special education classroom is a teacher whose special education pupils may come from their regular classroom to the resource room as necessary for special instruction.

A helping special education teacher is one who is assigned to several classrooms and is scheduled to assist each teacher in providing individual and group instruction to handicapped pupils.

An itinerant special education teacher is one who provides instructional programs to handicapped pupils on more than one school campus. A minimum of one hour of instruction per week is required for each pupil.

HOMEBOUND INSTRUCTION

A homebound teacher is one who carries out the instructional program in the home of the handicapped pupil. A minimum of four hours of instruction per week is required for each pupil.

A hospital class is one in which instruction is provided in a hospital setting for children who cannot attend classes in the public schools because of illness or a crippling condition. A minimum of four hours of instruction per week is required for each pupil.

Children whose mental or physical condition prevents them from attending public school classes may be provided instruction in community facilities which

are appropriate to their needs.

A diagnostic class is one in which children are placed for a period of time not to exceed two months for a diagnosis of learning difficulties so an educational program can be developed and applied in other types of instructional settings.

A vocational adjustment class of the cooperative work-study program is a class on the secondary level for handicapped pupils who will spend a part or all of the school day off campus in an on-the-job training station or in supervised employment. The Vocational Adjustment Coordinator is the special education teacher assigned to this class. Cooperative work-study programs may be provided through cooperative agreements between the Department of Special Education of the Texas Education Agency, the Texas Rehabilitation Commission, and the school district.

Upon approval by the Department of Special Education, other special types of programming for instructional arrangements are provided for handicapped children whose needs cannot be met by any of the arrangements outlined above.

The Texas Plan for Special Education Instructional Material Services provides

(1) professional leadership in the evaluation, selection, and development of special education instructional materials, media, books, and other supplies; and

(2) inservice training for special education personnel in the better utilization of instructional materials, media, books, and other supplies.

Adopted textbooks used in the Texas public schools are available to exceptional children at the grade level in which they are achieving. Forms for obtaining textbooks are distributed by the Textbook Division of the Texas Education Agency. The directives for obtaining adopted textbooks are as follows:

(1) Pupils enrolled in special education

programs are to be included in the total enrollment figures which are the basis for textbook requisitions.

(2) Teachers of exceptional children are to be included in the count for each grade and subject level taught in order that teacher editions, manuals, and guides can be provided.

(3) School district officials are to retain out-of-adoption textbooks as may be needed to build a suitable library of materials for use by teachers and pupils.

(4) In subjects where pupils advance more than one grade level within a single year, additional textbooks are allowed to meet these needs if they cannot be met from the normal quota of 110 percent of the enrollment.

(5) If the annual requisition for textbooks for the past year did not include in the total enrollment the pupils of special education classes, a supplemental requisition for textbooks to meet the needs of pupils in these classes may be filed.

School districts certify and register through the Texas Education Agency all visually handicapped pupils . . . for the purpose of establishing eligibility to receive textbooks . . . .

Special seats are any type of special chair or seating equipment which will enhance the learning situation or enable a child to maximally participate in classroom activities.

A student is eligible for special seats if he[she]:

(1) is unable to utilize the classroom chairs or desks provided by the school district;

(2) is between the ages of 3 and 21;

(3) has an established need through educational planning;

(4) has medical evidence that special seats are required for the classroom; and

(5) is orthopedically handicapped or other health impaired."

Electronic communication services are services provided for the student confined to his[her] home, which enable him[her] to receive instruction along with his[her] classmates and to participate verbally in calss discussions. The services may be a type of telephone set-up or other electronic communication system.

Under Texas law each special pupil is entitled to transportation services; as are other pupils.

"A special education pupil's home school is considered to be the one to which he[she] is assigned for special education purposes.

Children eligible for special education and who can utilize regular transportation services are transported, if eligible, . . . on regular routes.

Pupils unable to utilize regular transportation are provided special transportation to assist them to receive educational services. The school district:

(1) establishes the pupil's eligibility for special education services;

(2) establishes the pupil's need for special transportation;

(3) provides the type and kind of special transportation needed; and

(4) makes application according to the procedures in Policy 3464."

The Commissioner of Education establishes procedures by which public schools may contract with non-public schools for instructional services for special education students.

"Approved non-public schools for exceptional children are categorized in two basic groups.

[1] Mental health and/or mental retardation facilities

include institutions, programs, or centers under the jurisdiction . . . of the Texas Department of Mental Health and Mental Retardation. . . .

[2] Private, nonprofit facilities include the private, non-profit organizations, institutions, or agencies providing services for exceptional children. These facilities must have a nonprofit corporation charter issued by the State of Texas.

Approved non-public schools for exceptional children must meet the standards as set forth in the Principles and standards for Accrediting Institutional and Special Schools. (The Principles and Standards for Accreditation, Policy 3712)

Mental health-mental retardation facilities must have been in operation at least one year.

Private, nonprofit facilities must have been in operation for at least two years and hold a nonprofit corporation charter issued by the State of Texas at least for the same period of time.

Before approval, all facilities will have received a site visit by a team of professional staff members from the Texas Education Agency.

Request for approval will be made by the applying non-public school to the Division of School Accreditation on or before September 1.

After the determination has been made that the institution is eligible to apply, a site visit will be made by the visitation team.

Following the site visit the applying institution will be notified of its approval or disapproval. Approvals will be for one year or three years.

Institutions not approved, may reapply for the next year if sufficient improvements have been made to warrant the application or they may appeal the recommendation on non-approval through established procedures of the Division of School Accreditation.

Approved schools will make an annual report to the Division of School Accreditation as prescribed by that division.

An approved school which does not contract for two successive years will be dropped from the approved list.

During the 180 days of contracted service any non-public school that charges tuition, mails out statements requesting payment, or charges parents any sums of money for educational services contracted, regardless of the terms used to describe services for which payment is charged, except for routine supply items, will be subject to immediate removal from the list of approved schools.

Non-public schools reporting the operation of programs beyond the required 180 days of instruction may determine an equitable means of assessing fees for programs without penalty.

Any accredited school district may contract for any eligible handicapped pupil under the following conditions:

(1) the child resides with his[her] parent or guardian on a day-by-day basis;

(2) the parent or guardian of an exceptional child, for whom the school district has contracted with be charged no additional tuition;

(3) the school district does not have an approved special education program in operation for the type handicap contracted or the program does not meet the needs of the individual pupil for whom the contract is made; and

(4) the school district has described contracting with non-public schools as an element in their Five-Year Comprehensive Planning Document for Special Education.

The school district is responsible for:

(1) maintaining the pupil eligibility file and the dissemination of that information to the non-public school;

(2) verification of days of attendance of the pupil contracted;

(3) negotiating the contract with the non-public school and maintaining fiscal records of receipts and expenditures:

(3-1) contracts are negotiated on an individual pupil basis and must be completed on or before the date determined by the Assistant Commissioner of Special Education and Special Schools as the date for verification of pupils for contracting with non-public schools

(3-2) contracts on pupils who move during the year and other pupils are found eligible for and need contract service, the new pupils may then be substituted; and

(4) state monies paid school districts for contract pupils may be used for no other purpose:

(4-1) the district will keep revenue and expenditure accounts for these monies; and

(4-2) if at the end of the school year the revenues exceed the expenditures, the excess will be returned to the Texas Education Agency.

(5) allocations for contract services are granted on the basis of individual pupils. School districts receive contract funds through regular Foundation School Program payments and must make payments to non-public schools on a regular basis.

Contract pupils may be eligible for special transportation allocations.

A portion of the contract cost may be paid from either state or federal funds.

The procedures by which regular vocational education programs are provided for exceptional children are listed below:

(1) Handicapped students may be considered as eligible to enroll in regular occupational programs if they have been screened and recommended by the Admission, Review, and Dismissal Committee which has determined that such students can profit from the instruction

and that their presence will not seriously hinder the instruction of other enrolled students.

(2) When considering a student for assignment, continuation in or dismissal from a regular occupational program the Admission, Review, and Dismissal Committee will be composed of at least six members, as designated by the guidelines for operation of both special education programs and occupational education and technology programs.

(3) A copy of the Committee's review shall be made a part of the handicapped student's anecdotal file. Such copy will indicate date of meeting, names and professional assignments of members, and decision reached.

(4) A 'trial' period of approximately two weeks shall be provided. Its purpose will be to allow withdrawal of a handicapped student from an assignment that proves unsatisfactory.

(5) Special Vocational Education Programs for Handicapped Pupils may be requested from the Department of Occupational Education and Technology. The purpose of such programs is to provide vocational education for the individual, who because of his[her] handicap, cannot succeed in the regular vocational education program without the provision of special services.

(6) Only those handicapped students eligible for approved special education programs are eligible for vocational education programs for the handicapped."

"Regional education service centers providing any special education services to school districts . . . funded from any state or federal source will develop and submit a plan for the services to the Department of Special Education for review and approval."

"Regional education service centers employing and utilizing personnel as described . . . will meet the certification requirements as specified . . . ."

§3572.1

"Accredited school districts applying for foundation School Program funds in special education shall develop a comprehensive plan which shows the orderly development and operation of the program . . . .

Two or more school districts may develop cooperative special education programs . . . . A special education pupil shall be eligible for transfer . . . on the same basis as another pupil . . . . Eligibility . . . shall be determined by applying general directives and specific criteria . . . .

Each school district shall adopt policies to implement a plan for counseling parents or guardians of pupils who are considered in any way for special education services. A pupil's appraisal process shall be established by each school district." Any pupil benefitting from this program "shall be tested or otherwise appraised in his[her] . . . primary home language . . . . Each school district shall establish at least one committee for the screening, placement, review, and dismissal of pupils considered for and receiving special education services.

Special education unit personnel may be employed and/or utilized on a full-time, part-time, or upon a consultative basis . . . ." The list of positions to be occupied by such teachers is included in this policy (3572.6).

"The Commissioner of Education shall establish regulations for the operation of a Texas Plan for Special Education Instructional Material Services. RULEMAKING

"Pupils enrolled in special education programs shall be entitled to the same percentages of adopted free textbooks . . . as are other pupils. Visually handicapped pupils shall be furnished special textbooks and other special materials . . .

"School districts may be partially reimbursed for . . . equipment classified and approved as special seats for special education pupils and for providing electronic communication services to eligible homebound pupils.

"Each school district operating an approved special education program shall be allotted a transportation allowance for transporting children in special education programs who are unable to attend the special education program in the public school . . . .

". . . (a) accredited school districts may contract with nonprofit community mental health and/or mental retardation centers . . . or any other nonprofit organization . . . . . for the provision of services to exceptional children. . . who reside with their parents or guardians.

"Exceptional children may be eligible for educational programs of occupational education and technology.

"Eligible exceptional children may receive services from the Texas Rehabilitation Commission. Eligible visually hanciapped children may receive services from the State Commission for the Blind.

"Regional education service centers . . . shall develop and submit a plan for (special education service). . . to the Department of Special Education.

"All accredited school districts operating approved special education programs for exceptional children . . . shall provide comprehansive special education programs and services for handicapped pupils between the ages of 3 and 21 years . . . ." A formula for such programs "shall be based on the school district's total average daily attendance for pupils between the ages of 6 and 21 years for the preceding school year."

It will be the Commissioner's duty to make necessary adjustments to available funds for such programs, to establish regulations and procedures., and determine the number of districts approved for such programs.

". . . [A]ny accredited school district may make application for allocations for special education programs based on identified handicapped pupils between the ages of 3 and 21 . . . by disability categories."

Included in this policy (3563.2) is the provision for the establishment of regulations and procedures for

approval of school districts to special programs as well as the formula for allocating instructional units and adjusting funds for such programs. Records of pupils in such programs must be kept.

"A special education program shall be provided . . . for preschool children, including the ages of three through five years, who have a hearing loss sufficiently severe to prevent adequate progress in speech development" in order "to prepare children for entry in the first grade of the Texas School for the Deaf or the Texas public schools . . . .

"Children whose sense of hearing is nonfunctional . . . for understanding normal conversation . . . shall be eligible for this program" to be taught by certified teachers and funded by the state and participating districts.

SCHOOLS FOR DEAF

"The Texas Education Agency is authorized to establish on a countywide basis special day schools for the deaf in all countries having a population of 300,000 or more . . . according to the last preceding federal census. The . . . agency is authorized to establish on a bi-county-wide basis special day schools for the deaf in any two contiguous counties whose cumulative population exceeds 140,000 but does not exceed 335,000. . . ." School districts contiguous to these bi-county-wide schools may participate in them with agency approval, and may operate on the same basis a bi-county-wide schools upon approval and will be administered by a centrally located school district which will provide necessary facilities, etc.

"All deaf children between the scholastic ages of 6 and 21 inclusive, residing in the county, providing a day school program therein authorized for such scholastics, shall be eligible to attend the school designated by the operating district." Such children between the age of 6 and 13 shall not be eligible for admission to the Texas School for the Deaf "except upon recommendation of the superintendent of the operating district of the Texas School for the Deaf."

ELIGIBILITY

Also included in this policy (3564.2) are eligibility requirements, funding and allocation cost formulas, and

a provision for program approval by the Texas Education Agency.

"The . . . agency may establish procedures for contracting with private schools for the deaf to provide education and training for deaf children . . .," this policy (3574.3) includes funding and eligibility for such schools.

"The Commissioner shall provide for the education, maintenance, and care for deaf and blind, totally blind and non-speaking, and other multiple handicapped persons who can not be provided adequate educational services by other provisions of the education code.

"The parent or guardian of eligible pupils may make application through the resident's school district.

"Contracts may be negotiated with . . . approved public or private institutions inside the State . . . or outside . . . if recognized by or accredited by a state, regional, or national accrediting association. All institutions must be equipped to provide the specialized facilities and personnel necessary to care for and educate these persons. Transportation . . . may be provided. . . ."

Policy 3574.5 provides for special education services for pregnant girls in licensed maternity homes to "provide a continuation of educational programs" for such girls, who are not over 21 years of age and have not completed high school.

"A teacher assigned to the program . . . is required to hold a valid Texas secondary teacher certificate." This program to be funded as part of the Foundation School Program.

DIAGNOSTIC FACILITIES

The establishment of regional experimental diagnostic facilities for language handicapped children is to promote "the development of a planned program for diagnostic, treatment, and staff development applicable to all public schools programming for children who are language handicapped." Such a program might also aid afflicted children by entering them as part of a "network of statewide language and/or learning disabilities public school programs." Each of these facilities "shall operate three

basic components to accomplish the purposes: pupil appraisal, pupil treatment, and staff development," and shall be administered by a regional education service center. Each of these centers desiring to apply for the establishment of a regional diagnostic facility "shall prepare a project application in accordance with prepared guidelines." Procedure and implementation are to be developed by the Commissioner. The Commissioner shall also "select the facilities to be funded under these policies . . . ." A contract for independent evaluation shall be negotiated for by the Commissioner.

EVALUATION

PROGRAM FOR THE DEAF

A regional day school program for the deaf was established in order "to continue a process of providing education for the deaf on a statewide basis . . . and to afford all deaf scholastics an opportunity for educational achievement equal to their peers with normal hearing," and as such is to function in accordance with procedures established by the Commissioner; its cost is to be borne by the state.

"The Texas Education Agency shall allocate to Rehabilitation Districts for Handicapped Persons, exceptional children teacher units and other special education resources . . . . The costs . . . to be borne entirely by the state . . . . subject to the same policies . . . as any other school district operating a special education program."

"The . . . Agency shall allocate to the Department of Corrections, exceptional children teacher units and other special education resources as authorized for the education of eligible handicapped, incarcerated persons who are not high school graduates," with costs to be borne entirely by the state and subject to the policies of all special education programs.

"When the parents in any school district, of the required number of any type of exceptional children, or types which may be taught together, petition the governing board of that district for a special class, it shall be the duty of the board to request the Commissioner . . . to cooperate in the establishment of the class or classes."

". . . [a] school district . . . has the responsibility to educate, free of tuition, children within the district residenced and enrolled in a private school for exceptional children where it is determined that enhancement of the children's progress will result from public school attendance.

CONTRACTS

"The Texas Department of Mental Health and Mental Retardation may negotiate and enter into contracts with public schools in counties where special schools are located to accept and educate pupils of the special schools in the public schools (and). . . is authorized to pay tuition to the public schools out of any available appropriate funds.

TUITION

"Children admitted to the special schools may be placed in public schools by the superintendent, and the special school may pay a reasonable tuition for the children. School districts may provide additional services for emotionally disturbed children . . . .

"School districts shall report pupils who are blind, deaf, mute, and mentally retarded between the ages of 7 and 17, inclusive, who are not provided adequate educational services. Reporting shall be made according to the following described manner:

a) "Each school district superintendent shall refer to the superintendent of the Texas school for the blind. . . or for the Deaf any child who is blind or deaf who does not have adequate or appropriate educational facilities available in the area in which he[she] resides.

REFERRALS

b) "A notification of referrals . . . shall also be made to the Texas Education Agency by each school district superintendent . . .[it] shall include statements setting forth the basis for the determination that the child could not be served adequately or appropriately in the area in which the child resides. Each . . . superintendent shall report annually to the . . . agency the number of children and type of disability of children who are blind, deaf, mute, or mentally retarded for whom the school district has failed to provide adequate services."

"On or before October 30 of each year preceding a regular session of the Legislature, the Texas Education Agency shall furnish the Governor and the budget office of the Legislature with statistics relating to:

1) the number of children referred to or applying for admission to the Texas School for the Blind and the Texas School for the Deaf;

2) the number of blind or deaf children actually being served by these schools; and

3) the number of blind or deaf children who might be eligible for admission to these schools but whose admission has been delayed because of inadequate facilities at these schools."

"Advisory groups for special education . . . may be established . . . as necessary for the best interest of exceptional children in the development of special education programs." These groups are to be created by the Legislature and assisted by the Texas Education Agency.

§3573

EDUCATIONAL NEEDS

The educational needs of each exceptional pupil must be the dominant factor in determining the array of educational services and "the appropriateness of the instructional arrangements. Programmatic goals and resulting instructional elements provided furnish a basis for meeting the educational needs of exceptional children at the early childhood, elementary, and secondary levels."

The basic personnel allocations for programs for pupils, ages 3 through 21, are for each 3,000 pupils in ADA and multiples thereof, an entitlement of:

23 professional instructional units
10 teacher aide units
4 supportive professional units

For each additional 1,000 pupils in ADA, there may be an additional entitlement to serve pupils, ages 3 through 21, of:

7 professional instructional units
3 teacher aide units
1 professional supportive unit

A school district operating Comprehensive Special Education Programs for Exceptional Children is responsible for providing educational services to all exceptional children in the district, ages 3 through 21. The district will provide evidence that a minimum of 15 percent of the exceptional children served are in the 3, 4, and 5 year age range and/or that a minimum of 15 percent of the resources allocated in special education is utilized in this facet of the program.

Pupil accounting records are maintained for exceptional pupils receiving special education services, ages 3 through 21 years of age, inclusively.

School districts having less than 3,000 pupils in ADA where it is not geographically feasible for joint or cooperative programs with other districts may upon the approval of the Commissioner of Education submit applications for comprehensive special education programs when such applications have been coordinated through the regional education service centers. The school designated as the fiscal agent is responsible for all applications, reports, records, and accounting for the cooperative program.

School districts having within their geographical boundaries facilities serving exceptional children on a statewide basis for whom they . . . wish to provide special education services, may apply for instructional and supportive units on the formula based on 'Services to Identified Handicapped Pupils.'

Through administrative arrangements, each special education teacher has available to him/her the services of a special education supervisor, special education counselor or visiting teacher, and an educational diagnostician."

The allocation for special materials is to be used "to improve the quality of instruction in special education programs. The allocation may be utilized for special books, instructional media, and other supplies including consumable materials, appropriate for instruction for and with eligible handicapped pupils."

The allocation which is made to the regional education service center is to be used for the support of the 'Texas Plan for Special Education Instructional Material Serivces'. The regional education service centers shall use this allotment for the support of the materials center. The monies may be used for the acquisition of materials, personnel, and other necessary expenses for the development of the system.

The school district may utilize funds allocated for consultative services in the following manner:

(1) effective program evaluation and planning of its comprehensive special education efforts;

(2) strengthening component parts of special education on a consultative basis; or

(3) special consultants as may be needed in working with individual handicapped pupils.

The allocation which is made to the regional education service center is to be used to support regional and local planning and evaluation activities necessary for the development and operation of a statewide program for comprehensive special education for exceptional children.

Final approvals will be made after the school district files the verification report which gives the extent of special education programs and services as of the date established by the Commissioner of Education.

School districts operating under Plan A approval have until February 1 to activate approved personnel units which are authorized by preliminary approvals.

The purpose of a special education program based upon pupils identified according to disability categories is to provide a variety of services to meet the needs of exceptional children through the established categories of handicapped conditions at the early childhood, elementary, and secondary levels.

The purpose of comprehensive special education programs for visually handicapped children is to provide for the basic educational needs of each visually handi-

capped child. Special provisions necessary to meet these needs are as follows:

(1) program organization;

(2) books and materials in appropriate learning medium or media;

(3) supplemental instruction;

(4) orientation, mobility, and independent travel;

(5) maximal development of any visual ability for optimal visual efficiency at all distances;

(6) special aids and equipment; and

(7) development of social and personal management skills and good study habits.

The purpose of comprehensive special education programs for auditorially handicapped children is to provide services and programmatic considerations of speech reading, communication, and conservation of residual hearing so that these children may develop skills necessary to attain academic achievement.

The purpose of comprehensive special education programs for minimally brain-injured children is to provide an instructional program in an educational setting that will meet the needs of the minimally brain-injured child by providing assistance so that whenever possible these children may be prepared to return to the regular school program."

"The purpose of comprehensive special education programs for orthopedically handicapped and other health impaired children is to provide educational opportunities as the physical condition of the child permits . . . .

The purpose of . . . (such) programs for educable mentally retarded children is to enable each child to develop social and vocational proficiencies and functional academic skills that will enhance satisfactory integration into community life."

For trainable mentally retarded children such programs "assist each child in the development of self-care skills, social adjustment, and some measure of occupational usefulness."

The purpose of programs for emotionally disturbed children "is to provide an instructional program that will meet the needs of individual children who are emotionally disturbed by assisting them to adjust and function intellectually, emotionally, and socially at their expected level."

For language and/or learning disabled children the program "is to provide programmatic modifications for children who have identifiable deficits in the processes related to organizing and integrating the information necessary for academic success."

For speech handicapped children the program "is to provide appraisal of each child's speech, oral language, or mild hearing disorder and to develop a program of correction to meet the child's individual needs." And for the multi-handicapped children the purpose of the program "is to develop an instructional program based upon a cognizance of the interaction of the child's handicapping conditions which allow him[her] to develop to his[her] maximum potential."

There also exists a need for a comprehensive special education program for other exceptional children such as pregnant students, who may benefit by being provided with "opportunities for continuing the educational process . . . ," and for deaf-blind children who may be provided with the basic educational needs of each child. In this program special areas of consideration range from communication skills through vocational training and functional academic skills.

Code	Min. No. Children 1/6 Unit	Min. No. Children 1/3 Unit	Min. No. Children 1/2 Unit	Min. No. Children 1 Unit	Min. No. Children 2 Units	No. Children For Each Unit Above Two
Visually Handicapped			4	8	14	10
Auditorially Handicapped			4	8	14	10
Minimally Brain-Injured			4	8	14	10
Orthopedically Handicapped and Other Health Impaired						
In School			4	8	14	4
Homebound	1	2	3	6	12	8
In Hospital			4	8	14	10
Mentally Retarded						
Educable			4	8	14	4
Trainable			4	8	14	4
Emotionally Disturbed						
Elementary			4	6	12	8
Secondary			6	8	20	14
Hospital			6	8	20	14
Community Center			6	10	20	14
Homebound	1	2	3	6	12	8
Language and/or Learning Disabilities			8	9	20	4
Speech Handicapped			30	60	110	60
Physically Handicapped/Mentally Retarded			3	6	12	6
Pregnant Students						
Homebound	1	2	3	6	12	8
In School, Community Class, Maternity Home Class			4	8	14	14
Deaf-Blind			3	5	5	5

§3574

This series (3574) deals with the special programs of special education and includes a preschool program for children with hearing loss and the authorization, eligibility, funding, etc. that goes with such a program.

"School districts establishing this program are allocated teacher units on the basis of the following formula:

Number of Pupils	Number of Units
4	1/2
6	1
12	2

and one additional unit for each additional eight pupils.

The Commissioner of Education designates the school district in eligible counties to operate day schools for the deaf.

SCHOOLS FOR DEAF

A contract between the Commissioner of Education and the authorized school district stipulates the following.

CONTRACT

(1) The Texas Education Agency provides financial support to the county-wide day schools for the deaf in accordance with provisions of the statutes authorizing the program.

(2) The designated school district provides the administration, educational program, pupil transportation services, and necessary facilities to maintain and operate the county-wide day schools. The program is located on one school campus unless otherwise approved by the Commissioner of Education.

No school district within a county which is a county-wide or bi-county-wide day school for the deaf is eligible under the regular program of special education to apply for teacher units or contract allocations with approved non-public schools for deaf pupils in the age range served by the county-wide program."

ELIGIBILITY

Pupils eligible for such a program are those that qualify as auditorially handicapped and whose hearing is nonfunctional "which results in a delay in language and/or speech development or otherwise creates an educational handicap."

EVALUATION

"Admission to the program is made after evaluations have been completed on the

(1) physical status;

(2) otological examination;

(3) educational background and intellectual assessment; and

(4) medical and family history

In the case of a multi-handicapped child, deafness must be the major handicap.

A local Admission, Review, and Dismissal Committee is established. This committee has the responsibility for admission of pupils to the program, for annually reviewing the progress of each pupil, and for dismissal of pupils from the program.

School districts establishing this program are allocated teacher units on the basis of the following formula:

	County-Wide	Bi-County-Wide
Teachers	One for each eight pupils or major fraction.	One for each seven pupils or major fraction
Principals	One for each 15 or more teachers.	One for each such school.

Supervisors	One for each 10 teachers not to exceed three, however, a minimum of one for each approved school.	One for each 10 teachers, not to exceed three, however, a minimum of one for each approved school.
Visiting Teachers	One	One

The county-wide or bi-county day school is operated for the same school calendar year as that of the operating school district.

It is the purpose of the program for county-wide day schools for the deaf to provide services and programmatic considerations of speech reading, communication, and conversation of residual hearing so that these children may develop skills necessary to attain academic achievement. At the secondary level . . . the program provides academic training, vocational planning, guidance, and training.

Requirements governing certification of teachers of the deaf apply to teachers employed in the county-wide day schools. Supervisors are to hold appropriate certificates and be qualified for their positions by training in the area of teaching the deaf and a minimum of three years of experience in that area. Principals are to hold administrator certificates. Visiting teachers are to hold certificates for visiting teachers.

Program coordination between the county-wide and bi-county day schools and residential schools for the deaf is attained through a committee composed of representatives from

(1) each of the county-wide and bi-county day schools;

(2) Texas School for the Deaf;

(3) Department of Special Education; and

(4) Texas Rehabilitation Commission."

"Accredited school districts may enter into contract with approved private schools for the deaf for the education and training of certain eligible deaf pupils.

CONTRACT

"School districts may make applications . . . for this program if no other state supported program is provided or available to the pupil and the parent requests the contract services.

"The school district must maintain a pupil eligibility file and other records for each pupil contracted.

SCHOOLS FOR DEAF

"Private schools for the deaf are defined as only those nonprofit, nonsectarian schools devoted to the education of deaf children.

Schools may make application for approval to the Texas Education Agency after they have successfully operated for two or more years.

They are approved after it has been determined that they meet the Principles and Standards for Accrediting Institutional and Special Schools . . . .

TUITION

The parent or guardian of an exceptional child, for whom the school district has contracted, will be charged no additional tuition.

"Deaf and blind, totally blind and non-speaking, and other multiply handicapped persons eligible for consideration are students under the age of 21 . . . .

"Applications may be made by the parent or guardian of an eligible student through the superintendent of the resident's school district on forms provided by the Texas Education Agency.

Applications are considered in the order in which they are received, after all other educational program and service alternatives provided by the school district and the State of Texas have been determined inappropriate for the student's education.

"The application information, supplemental material, and testimony regarding a student will be made available to the Texas Education Agency as needed in the determination of student eligibility and placement in this program.

The Commissioner of Education establishes a State Admission, Review, and Dismissal Committee.

This committee has the responsibility for receiving and processing the applications and recommending to the Commissioner of Education the names of students eligible for this service.

Students receiving services from this program will be reviewed annually to determine continued need for the service.

Students receiving services from this program will be reviewed annually to determine continued need for the service.

Students receiving services from this program in out-of-state institutions during the 1974-75 school year will be considered annually, without reapplication, as long as the committee determines this is the appropriate placement for the student."

"The parent or guardian of an approved student may submit necessary receipts for travel expenses in getting students to and from the designated institution for reimbursement purposes. This is limited to two round trips per year.

When approved, the cost of travel expenses for an attendant may be reimbursed.

The travel expense reimbursement will be determined within the established rates for the Texas Education Agency."

"School districts providing special education services for pregnant girls who are residents of or under the supervision of licensed maternity homes will have the following information available on each eligible girl:

(1) date of birth;

(2) report of school placement and academic achievement;

(3) a physician's written report which includes a general medical diagnosis of pregnancy;

(4) a statement of request or acceptance of services from the maternity home; and

(5) a signed recommendation of the local Admission, Review, and Dismissal Committee."

Applications for units for such a program may be made "at any time during the school year when the need is established."

"School districts establishing this program are allocated teacher units on the basis of the following formula:

(1) Units

4 pupils - 1/2 unit

8 pupils - 1 unit

14 pupils - 2 units

14 pupils for each additional unit

(2) Days of Instruction

10 months units - 180 days

11 months units - 200 days

12 months units - 220 days

(3) Length of Teaching Day

Minimum of three hours per day per pupil or 15 hours per week."

This series also provides for the establishment of regional experimental diagnostic facilities for language handicapped children.

"The primary goal of the centers for language handicapped children is the development of a planned program for diagnosis, treatment, and staff development applicable to all public school programming for children who are language handicapped.

At the close of this demonstration program, the secondary goal is to have specific information in "packaged" form about skills, techniques, guidelines and/or manuals, and policies whereby a program for children who have language disabilities can become a part of the network of statewide language disabilities public school programs.

"Each program for the diagnosis and treatment of language handicapped pupils operates three basic components.

(a) Appraisal

At the conclusion of three years of operation,

the center provides the Texas Education Agency with a screening instrument and a manual describing its administration in any local education agency.

The appraisal component of a center will also provide the Texas Education Agency with a description of an indepth appraisal process and a manual which will detail the areas of administration, test reliability, validity, and implications for diagnosis.

This component involves personnel trained in the administration and tabulation of group screening instruments in order to more efficiently identify the language handicapped child in his[her] public school environment.

This component completes indepth appraisal of the language handicapped child identified from the screening process in order to determine the factors interfering with his[her] language function.

"Specific information is obtained from the following areas:

(1) Educational -- what educational information has direct bearing on the child's lack of academic success?

(2) Sociological -- what environmental factors have contributed to the child's language problem?

(3) Psychological -- which tests administered are more sensitive to identifying the problems in the child's mechanism for using adequate spoken or written language?

(4) Medical -- what medical information is necessary to identify the language handicapped child? (This component should gain information from pediatrics, neurology, psychiagry, and pathology.)

This information gained from indepth appraisal is translated by the staff into individual prescriptions applicable to instruction for each child.

The appraisal component provides for continuing evaluation of its procedures in order to determine what information needs to be secured on each child and how this information can be made relevant in any public school environment.

At the conclusion of the three-year project for language handicapped children, the contracting agent is to have developed an instructional program with curriculum design, methodology, techniques, and materials. This information is made available in concise, practical form for replication on the public school campus. The project also addresses itself to the development of designs for new staffing patterns and instructional arrangements applicable to public school settings.

This component develops curriculum designs based on the individual prescriptions for the language handicapped child.

Materials are evaluated to determine their applicability and appropriateness for the language handicapped child. This component develops and evaluates new staffing patterns which are more effective and can be replicated in public school environments.

Instructional arrangements and scheduling are also examined.

The component develops methods for integrating and coordinating the instruction of the language handicapped in the total academic process of the public school system.

"There is continuous evaluation of the treatment component so that the manuals developed are efficient and applicable for public school programming.

(c) Personnel Training

At the end of the three-year operating period the contracting agency is to have prepared guidelines for preservice and inservice staff training outlining procedures and content of such training which can be replicated in the public schools. This component will also submit at the close of the project, a curriculum for teacher certification based on course listings and content of such courses.

IN SERVICE TRAINING

This component develops procedures for preservice and inservice training for all project staff in the areas of

(1) appraisal (including screening); and

(2) treatment (instructional program).

An institution of higher education develops a program for staff training from which academic credit can be obtained.

This institution is also responsible for the development of a planned academic program which leads to possible certification standards for the areas of personnel involved. The institution is also responsible for its awareness of the evolving certification standards of the Texas Education Agency."

This series (3574) also allows for the creation of a demonstration center for language handicapped children that is to have a legally constituted board with contractual authority, and an administrator with a director whose approval is subject to the approval of the Commissioner of Education. There are also to be three component directors for the areas of appraisal, treatment, and personnel training and an advisory committee to the administrator. There shall be a minimum of 10 instructional personnel and 7 aides; with maximums 20 and 14 respectively.

There is to be at least one and not more than three regional, experimental, diagnostic and treatment facilities. . . . Applications are accepted from regional education service centers with a minimum of two directly participating public school systems of no less than 3,000 students in average daily attendance.

The selection of facilities for the program is to be made by the State Board of Education, upon recommendation of the Commissioner of Education, with the advice of the Advisory Council for Language Handicapped Children.

EVALUATION

"At the close of the three-year study the participating third party evaluation system provides the Texas Education Agency with a document outlining specific procedures for evaluating special education programs.

The purpose of the third party evaluation is:

(1) to systematically collect, tabulate, and analyze data from the centers;

(2) to report progress of the centers to the Texas Education Agency for payment purposes;

(3) to assist in the overall evaluation of language center projects; and

(4) to serve in an advisory capacity in annual replanning, modification, and other aspects of language center operation.

"The third party evaluation may be by any public or private organization having professional capabilities in:

(1) planning research designs;

(2) evaluating special education techniques in appraisal, instructional design, and staff training; and

(3) analyzing data related to academic achievement of pupil performance and cost analysis."

Reimbursement, made on a performance contract basis, will be given to the group carrying out the evaluation in an amount not to exceed 10% of the total operating cost of all language centers involved in the study.

There is also to be a Technical Advisory Committee that is to advise on the operation of the total project and shall be composed of representatives from:

(1) Texas Education Agency staff;

(2) Three Language Centers;

(3) Third Party Evaluation; and

(4) The Advisory Council for Language Handicapped Children.

"The Technical Advisory Committee advises on the operation of the total project. The approval of this committee is obtained before any modifications or changes are made in the components of the projects."

PROGRAM FOR THE DEAF

The Regional Day School Program for the Deaf is established and provided in accordance with a statewide design as approved by the Commissioner of Education and in accordance with administrative procedures. Development

and implementation of the program are assigned to the appropriate Agency department, Office of Education for the Deaf.

To provide the Regional Day School Program for the Deaf the state is apportioned into not more than 8 nor less than 5 regions as established and revised by the Commissioner of Education. A superintendent for each region responsible to the director of education for the deaf is employed.

(1) Services to deaf children will include:

[a] early identification

[b] diagnosis

[c] continuing evaluation

[d] counseling

[e] teaching

[f] other services as necessary"

The implementation of a comprehensive statewide design includes:

1) "assisting and counseling parents"

2) "enabling as many as may be practicable of deaf scholastics to reside with their parents or guardians and be afforded education in their home school districts or in regional facilities

3) enabling deaf scholastics who are unable to attend school near their place of residence to be accommodated in foster homes or other residential school facilities

4) enrolling in the Texas School for the Deaf in Austin only those scholastics whose needs can best be met in that school, designating the Texas School for the Deaf as the principal regional school for the central region of the state and superintendent of the Texas School for the Deaf as the superintendent of the central region

5) encouraging scholastics who have demonstrated ability to do so to return to regular school classes on a part-time, full-time, or trial basis. (Supplemental aid is made available to such students.)

6) encouraging methods of communication which will best meet the needs of each deaf child. (Each child is examined thoroughly so as to ascertain his[her] potential for communication. Separate programs may be established to accommodate diverse communication methodologies.)

"Providing education for all students within a school district is the responsibility of that district. . . . the principal cost of educating deaf persons is borne by the state . . .(however) local resources should be utilized to the fullest extent in the establishment and operation of local programs for the deaf.

"Services funded by approved application through the Regional Day School Program for the Deaf are operated and administered by school districts.

When an application is filed by a countywide or bi-countywide day school for the deaf and is approved for funds under the Regional Day School Program, all services and properties of the previous plan continue as a part of the new approved program. When such an application is approved, the prior approvals for that countywide or bi-countywide day school are terminated and considered null and void. Employees of the former organization are employed in essentially similar capacities within the new program pursuant to the school district's final authority for organizing, staffing, and equipping the approved program.

Services funded under other statutes may continue to be so provided under existing policies and administrative procedures; however, such services are encouraged to become part of the Regional Day School Program for the Deaf.

Operating costs for the Program are determined and paid on the basis of procedures such as:

(1) Districts make application for funding under the Regional Day School Program by use of a form provided by the agency.

(2) An operating expense allocation not to exceed that amount specified by statute for each student enrolled in any current year.

(3) Teachers, principals, supervisors, counselors, paraprofessionals and supportive personnel shall be employed in such numbers as necessary to establish and operate the Regional Day School Program for the Deaf. This shall not be less than student-professional ratios known to be requisite for success in education of deaf persons. Salaries of personnel in the Regional Day School Program for the Deaf shall be established according to the school district's authorized salary schedule where the personnel are employed and as approved for funding under the . . . Program . . . .

CONTRACTS

4) Contracts may be authorized with any qualified public or private organization or qualified individuals for diagnostic evaluation and instructional services or any other services incidental to the education of deaf persons, including transportation and/or maintenance.

5) Educational and other personnel shall be employed; real or personal property may be purchased or leased; gifts or grants of real or personal property or services from any source, public or private, including independent school districts and any institution of higher learning in the state, may be accepted for the purpose of establishing and operating eduction programs for the deaf."

§3577

Series 3577 concerns itself with special provisions relating to special education and includes:

1) parent petitions for special education services;

2) the allowance of pupils in private schools for exceptional children to attend public schools;

3) public school contracts for the education or pupils in special schools;

4) additional services for emotionally disturbed children; and

5) special provisions for school districts operating special education programs in certain locations.

§3578

Series 3578 concerns itself with special reports relating to certain exceptional children and includes the Agency notification of school district superintendents of the availability of services in the Texas School for the Blind and for the Deaf for needy pupils.

The series includes referrals by these superintendents of "any child who is blind or deaf who does not have adequate . . . educational facilities available in the area in which the child resides." These referrals are made to the Texas School for the Blind and for the Deaf. A copy of these referrals is made to the Department of Special Education by each school district superintendent, also included are statements setting forth the basis for the determination that the child is not adequately provided for.

The annual Special Education Statistical Report reflects the number of students that are in this category.

"At the time the Texas Education Agency submits the biennial budget to the Governor and the Legislative budget offices, a report of the number of children referred to or applying for admission to the Texas School for the Blind and the Texas School for the Deaf will be made. Also included in the report is the actual number of pupils served and the number of eligible pupils not admitted because of lack of facilities."

§3579

Series 3579 includes advisory groups for special education as authorized by the legislature and the State Board of Education. A group of this character is the Advisory Council for Language Handicapped Children. This council has its staff, offices, and facilities provided for by the Texas Education Agency. The council in turn reports to the Commissioner of Education any information and advice it feels is appropriate.

§4103.4.6

"County-wide or multi-county day schools for the deaf shall be operated and supported from the Foundation School Program Fund . . . ."

§8101

SCHOOL FOR BLIND
SCHOOL FOR DEAF

"The Texas School for the Blind (as well as that for the Deaf). . . shall be under the control of the Texas Education Agency . . . shall function as an independent school district . . . and as a facility for the education of students with visual, (hearing), impairment . . .(and) shall not become custodial in nature."

"The . . . Agency has exclusive jurisdiction (over these schools). . ." and it may be extended, but not limited, to the physical assets of the schools and appropriations made for their benefit.

"The State Board of Education is the governing board and serves as the board of trustees for each school . . . ."

"The Commissioner . . . shall have general administrative responsibility for the schools and shall appoint the superintendents and director for business management . . . .

"The associate commissioner for special education and special schools is responsible to the Commissioner . . . for the general direction of the schools."

Services common to both schools "shall be centralized under a director for business services. The "director shall be responsible for the support of the program administered by the superintendents.

The primary responsibility of the superintendents of the two schools is that they serve as the administrative and educational head of the school and as an advisor to the associate commissioner. They shall also establish operating procedures for the schools, respectively, and in doing this involve faculty, staff, parents, and students, such procedures to be approved by the Commissioner."

Series 8102 states that the assistant commissioner for special education and special schools shall approve "all organizational structures, personnel patterns and the establishment of lines of authority for the schools, prior to implementation." The series also provides for the director for business services to administer the business office operations, plans, and to supervise the following support activities:

" (a) Administration

(1) Budget control

(2) Finance and accounting

(3) Payrolls

(4) Personnel records

(5) Cashier services

(6) Student accounts

(7) Stock records

(8) Auditing

(9) Insurance

(b) Purchasing and Warehousing

(1) Supply demand

(2) Purchasing

(3) Receiving

(4) Warehousing

(5) Issuing

(6) Inventories

(c) Maintenance

(1) Construction

(2) Repairs

(3) Technical assistance

(4) Maintenance contracts

(5) Laundry

(6) Transportation

(d) Food Service

(1) Menu planning

(2) Food requirements

(3) Quality and quantity control

(4) Cook supervision"

This series also states that the superintendents for the Texas Schools for the Blind and for the Deaf shall "plan, coordinate, supervise, and implement the following operating procedures for components of the school:

(2) personnel recruitment and assignment;

(2-1) personnel selection;

(2-2) personnel assignment;

(2-3) staff development

(2-4) personnel dismissal;

(3) student life programs and activities;

(4) admission and dismissal of students;

(5) governance of students, faculty, and staff;

(6) medical services;

(7) budget requirements and approval of expenditures; and

(8) planning for plant, program, and personnel requirements.

Current operating procedures are maintained for each school and distributed to faculty, staff, parents, and students."

§8103

"The educational program of the schools for the blind and deaf is described in each school's operating procedures manual. Each superintendent through and with the assistance of the staff and the faculty develops and maintains a five-year educational plan which shall provide for continuous updating to meet changing needs. This plan is reviewed periodically by the assistant commissioner of special education and special schools who reports his[her] findings and recommendations to the Commissioner of Education and to the State Board of Education.

The schools are accredited by the application of the Principles and Standards for the Accrediting of Institutional and Special Schools . . . . The schools may seek national and regional accreditation.

Proposals for special projects and programs are submitted in writing by the appropriate superintendents to the assistant commissioner for special education and special schools for approval. Proposals favorably considered are forwarded to the Commissioner of Education for his[her] approval, and if appropriate, to the State Board of Education for confirmation. All proposals must be compatible with the five year educational plan.

The extra curricular activities program for each school is the responsibility of each superintendent working through and with the assistance of students, staff, and faculty and is described in the school's operating procedures manual.

The student life program of the schools is the responsibility of each superintendent working through and with the assistance of students, staff, and faculty, and is described in the school's operating procedures manual.

Admission of students to the schools is the responsibility of each superintendent assisted by a student personnel committee composed of staff and faculty representatives and is described in the school's operating procedures manual.

A plan for governance of students is the responsibility of each superintendent working through and with the assistance of students, staff, and faculty and is described in the school's operating procedures manual.

SUSPENSION
DISMISSAL

Suspension and dismissal of students from the school is the responsibility of each superintendent, who acts with advice from a student personnel committee composed of staff and faculty representatives. Procedures for suspension and dismissal, including appeals, are described in the school's operating procedures manual.

APPEALS

GRIEVANCE

Each superintendent establishes appropriate procedures and committees to ensure fair and full consideration of any grievance from students, parents, staff, or faculty. Procedures for grievances are described in the school's operating procedures manual."

This series also considers special transportation provisions for day school pupils at the Texas School for the Deaf and for the Blind.

"When a pupil is admitted to the Texas School for the Deaf under the Regional Day School for the Deaf Program as a day (non-resident) school pupil, the Superintendent of the Central Region shall notify the superintendent of the pupil's home district of this admission.

This notification will serve as verification of the pupil's eligibility for services as a pupil who is deaf, residence in his[her] legal home district, and attendance at the Texas State School for the Deaf as a day school pupil.

The pupil's home district superintendent will make application for funds for special transportation for the pupil through regular application procedures of the Regional Day School for the Deaf Program.

The home district will make the arrangements for and provide supervision of transportation services. It will be responsible for budgeting, accounting and auditing of funds received.

The Superintendent of the Texas School for the Deaf will be responsible for reporting the attendance and progress of the pupil to the home district at regular intervals.

The Superintendent of the Texas School for the Deaf will determine the distance a pupil may reside from the campus to be admitted as a day school pupil.

Special Transportation Provisions for Day School Pupils Attending the Texas School for the Blind:

When a pupil is admitted to the Texas School for the Blind as a day (non-resident) school pupil, the Superintendent of the Texas School for the Blind shall notify the superintendent of the pupil's home district of this admission.

This notification will serve as verification of the pupil's eligibility for services as a pupil who is

blind, residence in his[her] legal home district, and attendance at the Texas School for the Blind Program as a day school pupil.

The pupil's home district will make application for funds for special transportation for exceptional children's program through regular provisions of the Texas Education Agency procedures on transportation.

The home district will make the arrangements and provide supervision of transportation services. It will be responsible for budgeting, accounting and auditing of funds received.

The Superintendent of the Texas School for the Blind will be responsible for reporting the attendance and progress of the pupils to the home district at regular intervals.

The Superintendent of the Texas School for the Blind will determine the distance a pupil may reside from the campus to be admitted as a day school pupil."

§8103.1

EQUAL OPPORTUNITY

"The educational programs of the Texas Schools for the Blind and for the Deaf shall be designed to guarantee equitable educational opportunity to qualified students. The program for each school shall provide a plan to meet changes in educational needs. Each school shall be accredited through the high school grades offering appropriate academic and vocational subjects."

§8103.2

Special projects and programs for the Texas Schools for the Blind and for the Deaf shall be approved by the Commissioner of Education.

§8103.3

"A student life program shall be conducted to ensure opportunity for the students to grow and develop social and living skills" in the schools for the blind and for the deaf.

§8103.5

"Operating procedures for admission of students (into the Schools for the Blind and for the Deaf) shall be established in accordance with law by the superintendent of each school.

When the . . . facilities are not sufficient to accommodate qualified students applying for admission, the superintendent shall maintain waiting lists.

A hearing impaired child is subject to the provisions of the County-Wide Special Day School Program. . . .

Procedures for governance of students shall be established and administered by each superintendent."

§3103.7

SUSPENSION
DISMISSAL

"The superintendent may suspend or dismiss a student (from either the Texas School for the Deaf or for the Blind). . . for misconduct or for non-compliance with school regulations." He[she] may also do so if "tests, observations, and conscientious teaching attempts prove the student unable to progress in any of the programs offered.

The superintendent shall establish operating procedures for the suspension and dismissal of students . . . .

Provisions shall be made for each school for hearing grievances from students, parents, staff, or faculty."

§8103.9

"Day school pupils who attend either the Texas School for the Deaf or the . . . Blind shall be provided transportation in accordance with administrative procedure established by the Commissioner of Education."

§8104

MEDICAL SERVICES

"Each school (for the deaf or the blind) shall maintain an infirmary. Medical services including health and dental care shall be provided to protect each student.

Emergency care may be provided school employees who are injured or become ill on the job.

Operating procedures of each school shall in-

clude regulations for providing medical services to the students and emergency care for employees."

§8104

The responsibility for providing medical services in the Texas Schools for the Deaf and the Blind rests with the superintendent of each school.

§8105

APPOINTMENT

The director for business services and the superintendents (of the Texas Schools for the Blind and for the Deaf) are authorized to appoint personnel to approved positions within staff requirements for their respective areas of responsibility, provided that the requirements of the job classification plan are complied with and that the educational appointments meet legal certification requirements. Professional appointments shall be submitted to the State Board of Education for confirmation.

§9104; 9101

". . . [T]he State Board of Education shall designate from its membership a five-member committee to serve as the Board of the Texas School for the Blind. The committee shall function in accordance with law.

Each year the Chairman of the State Board of Education appoints the committee, subject to Board confirmation, to serve as the Board of the Texas school for the Blind.

The membership of the State Board of Education shall be composed of one member from each congressional district . . . . The term of office . . . shall be for six years or as otherwise established . . . .

The following limitations and requirements determine eligibility for election to the State Board of Education.

(1) a person is ineligible if he[she] holds an office with the State of Texas or any political subdivision of the state, or holds employment with or receives compensation for services from the State or any political subdivision . . . or engages in organized public educational activity."

CONFLICT OF INTEREST

(2) to be elected from or to serve in a district, a person must have been a bona fide resident of the district for five continuous years prior to election.

(3) "a person must be a citizen of the United States, a qualified voter of his[her] district, and at least 30 years of age.

Persons seeking election to the state board of education . . . are subject to the following statutory requirements.

(1) "campaign expenses must not exceed $1,500.

(2) "Request for placing a candidate's name on the official ballot and amount of filing fee must be in accordance with provisions of the Texas Election Code.

(3) "Financial contributions toward campaign expenses from persons or organizations in the textbook or bond selling business are prohibited.

APPOINTMENT

When a vacancy occurs, the Board shall fill the vacancy by appointment of a qualified person from the district affected who shall hold office until a successor is duly elected at the next general election. . . .

Before a vacancy . . . is filled a period of at least 30 days shall elapse after due noice of the vacancy has been given at a Board meeting. During this period of time, full notice of the vacancy shall be given to the people of the district involved."

An invitation shall be extended to members-elect to the State Board . . . to attend meetings of the Board as observers and guests prior to the time the new members take office.

"The Commissioner of Education shall provide new members with appropriate information for orientation to the role of a State Board . . . member."

CROSS REFERENCES

II.A.6.; Regulation §3551; 3561--3564; 3571.1

II.B.1.a.; Regulation §3337.1--3337.3

II.C.2.; Statute Title 20, Ch. 4, Art. 678g

III.A.1.; Regulation §3712--3712

III.B.Teachers; Statute §13.043

III.B.Teachers; Regulation §6203.2; 6206; 6210

IV.D.; Regulation §3465

IV.D.; Regulation §4107.1--4107.3.7

IV.G.; Statute §26.64

2. Programs for Exceptional Children

EXAMINATION

Statutes

§53-18-1

All handicapped children must be examined by a person certified by the district superintendent or state board and a report made to the state superintendent on the child's "special educational and training needs."

§53-18-2

A "director of special education of handicapped children" shall be appointed by the state board of education. The director shall be "a specially qualified and experienced" person and shall coordinate "all state programs for all handicapped children." The state board of education shall "adopt standards and regulations" for evaluating handicapped children. All teachers employed to teach handicapped children must be "certified teachers" or must meet qualifications prescribed by the state board of education.

§53-18-3

School districts which maintain special education classes approved by the state board of education may "receive reimbursement from the state board." "The state superintendent of public instruction shall superintend the organization of such special programs."

§53-18-6 - 53-18-7

"Certificates of exemption" may be given to a handicapped child who is determined to be so unstable as to pose a "potential hazard to the safety of himself [herself] or to others." The handicapped child must be examined by an evaluation team established by "the district board of education." The "state division of health" shall provide "diagnostic services" "not otherwise provided by local school districts."

§53-18-8

An "advisory committee for handicapped children" shall be established to "study the needs of and recommend programs for handicapped children to the state board of education."

POLICY GUIDES

IIA2-UT 2

UTAH

RULES AND REGULATIONS FOR PROGRAMS FOR THE HANDICAPPED

Utah State Board of Education 69 pages

1974 with 1977 revisions

Philosophy

The state education agency is committed to the principle of equal access to an appropriate education for all persons regardless of variance in their ability to participate in educational experiences. Most handicapped persons cannot be guaranteed equal access to an appropriate education without special educational programs and services in addition to or in place of programs and services provided for the general population.

Handicapped persons should be educated in regular classrooms and neighborhood schools. Frequently it will be necessary to provide special supplementary services in the regular classroom or to remove handicapped persons from regular programs for parts or all of their programs. It is projected that a majority of the handicapped can receive a major portion of their educational experience through regular classroom provisions.

Every effort should be made at the service level to shift the emphasis from the handicapping condition to achieving the educational and personal needs of each handicapped person.

Authority to Make Policy

Authority and responsibility to make policy and set standards in the area of education of the handicapped rests with the state board of education by virtue of its constitutional mandate to provide general control and supervision of the public school system (article X section 8) and by specific legislative enactment found in the 1953 Utah Code (§53-18-2,3,4). These statutes also indicate an intended partnership arrangement between the state board of education and local school districts.

RULEMAKING

Policy Statement

I. Special Education and Related Services

Districts must provide special education and related

services for people who are classified and identified according to a handicapping condition.

II. Child Find and Referral

Local school districts must establish and utilize a process for identifying and referring for service each potentially handicapped person, age five through twenty-one.

III. Data Gathering and Assessment

Districts must provide for gathering of information necessary for assessment and child study, as required for decision making on behalf of the potentially handicapped person. Written permission for evaluation must be obtained from the parent(s) or legal guardians. The diagnostic and placement team is responsible for assuring that evaluation materials and procedures are appropriate for children of all racial and ethnic groups being considered for placement in a special education program.

IV. Child Study, Classification and Individualized Education Program

PLACEMENT

Child study, classification and individualized education program will proceed under the direction of an evaluation placement team.

V. Delivery of Service Responsibility

Each district which finds itself unable to offer a program locally because of insufficient numbers of students or lack of resources, must provide services by: combining services with another district or contracting with another district, agency or individual, or serving the student at home until a more appropriate service can be provided.

VI Certification Requirements

Teachers serving in a self-contained service pattern must be certified in the category in which they are assigned. Teachers serving in a resource program providing service for a single handicap must be certified in the category to be served.

Teachers, serving in a resource program providing service to pupils who are mildly handicapped from two or more categories, who hold certificates in any of four areas - intellectually handicapped, emotionally handicapped, learning disabled, or communication disordered - are considered to be properly certified.

VII. Districts shall provide appropriate and specific full time leadership service for coordination and supervision of special education programs, including instructional assistance to special education teachers. Leadership may be provided within the district on a multidistrict or regional basis or on a contracted arrangement.

VIII. Districts shall provide appropriate and specific identification, diagnostic and assessment services.

IX. Documentation and Attendance

Districts shall require teachers serving the handicapped students to keep roll books (official attendance register) and other written documentation that may be necessary to verify services rendered.

CROSS REFERENCE

III.D.Educational Programs; Policy Guides, Report of Nine Special Programs in Education (1976).

2. Programs for Exceptional Children

Statutes

§830

The department of Social and Rehabilitative Services shall pay the expenses incurred by a school district for a child in its care. The amount shall be equal to the average per pupil cost in the state for the immediately preceding year or a proportional part if the student did not attend full time for the entire year. Pupils for whom the district is reimbursed shall not be included in the district's average daily membership in determining state aid.

Funding for this program shall be determined from a line item request submitted by the Department of Social and Rehabilitative Services. If appropriated monies are insufficient to provide the amount of support indicated, the per pupil payment shall be uniformly reduced.

§2941

It is the policy of the state to provide "equal educational opportunities" for all children of Vermont. The state department of education shall provide special educational facilities and instruction to see to the needs of handicapped children.

§2943

The commissioner of education shall superintend all matters relating to the education of handicapped children.

§2944

"Within the limits of funds made available" the commissioner shall provide for "essential early education" and special education of handicapped children in "schools and public programs and/"or in private settings if the latter "will best serve the interests of such persons." The costs incurred shall be paid

by the state board of education. However, the school district in which the child resides shall reimburse the state for expenses incurred up to the average per pupil cost. If the child is a ward of a state agency, the state agency shall reimburse the state board of education for such expenses.

The superintendent of a district shall "certify the need" of any handicapped child not receiving the educational opportunities provided by the commissioner and the school board of the district shall request the commissioner to provide the opportunities. "Upon acceptance of the child by the commissioner," the commissioner shall pay the costs of special education for the child. The district shall repay the state board the costs of the special education which do not exceed the average per pupil cost of education in the district.

The parents of any handicapped child not "receiving necessary special education in accordance with the laws of this state" or any child who has been improperly classified as handicapped may petition the state board of education to correct the alleged erroneous action. If any allegation has merit, the board shall order "necessary action."

Within limits of the budget the commissioner may extend special education to a handicapped person having attained the age of 21 in order to complete a program of special education.

§2944a

"Any school district...may establish a professional team for the purpose of diagnosing and educating children of adequate mental ability with learning disabilities of a perceptual, conceptual or coordinative nature or related behavioral problems. The team may consist of a school psychologist and such other persons having pertinent and professionally qualified skills."

§2945

The advisory council on special education shall consist of the commissioner, the director of special

education and other representatives of the department. It shall meet annually.

§2946; 2947

The state board of education shall employ a director of special education who shall also serve as secretary to the advisory council. The council may recommend general state policy and shall cooperate with private agencies. The director shall implement the policies and regulations of the council and recommend standards for the approval of special schools and equipment and certification of teachers of handicapped children.

§2948

The commissioner may award a school district a grant of 75% of the actual salaries and wages of special education personnel if the cost of special education exceeds the average per pupil cost of the school district. The commissioner may pay the reasonable costs for the salaries and wages of teaching personnel in the essential early education program for the initial three-year period and thereafter shall pay 75% of such salary and wage costs.

§2949

The state board of education may enter into reciprocal agreements with other states to share the expense of securing persons skilled in educating the handicapped.

§2951

The cost of transporting a child to a special day class shall not exceed "$100 per child per school year" and shall be considered part of the cost of the handicapped child's education.

§2952

The commissioner shall report to the general assembly biennially on the educational needs and status of handicapped children.

Using a "separate appropriation," the department of education shall "diagnose and educate children "of adequate mental ability with learning disabilities."

REGULATIONS

R.M. Ch. II.L; pp. 39 -- 62A

The Division of Special Educational and Pupil Personnel Services shall have jurisdiction over eligibility and programs standards for Vermont and federal programs for the handicapped.

State-set standards for each program shall be as follows:

Programs and services for pupils with retarded mental development

There is ample evidence of the ability of pupils with limited ability to comprehend abstract concepts to understand the concrete and functional. Programs must be designed to develop academic skills, decision-making abilities, self acceptance and qualities of personality and character required for employment and acceptance in society.

Eligibility of pupils

Mental retardation refers to sub-average general intellectual functioning which originates during the developmental period and is associated with impairment in maturation, learning, and/or social adjustment.

To determine mental retardation an individual study is made of each child referred, using a cluster of criteria, the educational, social, medical, and developmental histories, and a psychological study involving more than one psychological measurement. Except in unusual instances, no child with higher than a 75 I.Q. will be considered to have a general learning disability. Impairment in the educable pupil will result in a generally measurable level which is one-half to three-fourths that

of normality, impairment in the trainable pupil will result in a level of less than one-half of normality. Pupils scoring on the border between educable and trainable levels shall be placed in the next appropriate program. The educable child must have a reasonable expectation of achieving economic and social self sufficiency.

The Director of Special Educational and Pupil Personnel Services will determine placement.

For participation in the program, a child must not require custodial care and must demonstrate behavior which allows others to grow.

Program Policies

1. Each child shall be evaluated educationally yearly. Department regulations and semi-annually reports shall be sent to parents and to the Division of Special Educational and Pupil Personnel Services.

Approved programs under ESEA, Title VI, must include provision for appropriate related services.

2. The curriculum of a program shall meet the standards approved by the Division of Special Educational and Pupil Personnel Services.

Each district shall delegate an individual as coordinator of the program.

Class size for educable pupils shall not exceed 15 or be less than 12. Class size for trainable pupils shall not exceed 10. A class size of 12 is recommended for early elementary level I educable programs and for programs having one or more children with multiple handi capping conditions.

PUPIL/TEACHER RATIO

Several Department regulations regarding length of the school day and provision of supplementary services shall apply. All teaching staff must have basic teaching credential required by the Department and earn 12 hours within three years after accepting a teaching position.

3. Classrooms should allow pupils to be within a facility housing pupils of similar age. The Division shall approve the adequacy of classrooms and all major purchases of equipment. Facilities shall meet standards of the State

Departments of Health and of Public Safety.

4. Each sending district shall ensure provision of suitable transportation for pupils as determined by the Division of Special Education and Pupil Personnel Services.

The local educational agency shall, whenever possible, provide a Type A School Lunch Program.

Programs and services for pupils with severe learning difficulties, orthopedic handicap, or multiply handicapping conditions and other health impairment.

The education of orthopedically handicapped children demands flexibility and individualization. Such children may require physical and speech therapy aid adjustments in the school programs.

The education of children with severe learning disabilities may require a variety of techniques, including the self-contained classroom, the resource room, clinical teachers assigned to a child, or residential treatment.

Eligibility

To be eligible a pupil must be unable to profit from the usual instructional procedures of a school. Acceptance into a program shall be based upon the recommendation of a team of specialists chosen for their training in the evaluation of this type of child. Their recommendation shall include suggested interventions appropriate to the education of the pupil.

Program policies

The program shall be the specific responsibility of a trained administrator in the district who will coordinate educational, medical, and psychological efforts on the child's behalf. Continuous psycho-educational evaluation must be made. Related services of speech and other specialists shall be made available.

The maximum number of children in a special class shall be 12. The classroom shall be constructed or adapted and equipped to meet needs of physically handicapped pupil. The teacher shall meet the Department's certification standards.

Programs and Services for Visually Handicapped and the Multiply Handicapped Blind

Eligibility of pupils

To be eligible, a pupil must be determined by an opthalmologist to have central visual acuity of 20/200 or less in the better eye with correcting glasses, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees. Also, a pupil may be eligible who has more than 20/70 vision but cannot use vision as a chief channel of instruction in a normal classroom without supplementary service and equipment. Multiply handicapped pupils who are blind must also qualify under criteria established for another disability.

Program policies

A local administrator or teacher shall be designated as a program coordinator for a child receiving supplementary services. The coordinator in cooperation with a team of specialists will determine the need for low vision aids and supplementary materials. Among possible elements in a program shall be: residential education; reader service; specialized equipment; and use of a resource teacher or resource room.

Health impaired pupils who are housebound shall be tutored by a certificable teacher for six hours per week at the elementary level and for two hours per week per subject at the secondary level. A coordinator for the program shall be designated by the district superintendant. Every effort shall be made to give the pupil full use of the school program and services, including the use of such services as home-to-school telephones.

Programs and Services for Hearing Handicapped Children Including Those with Multiple Learning Disabilities

Eligibility of pupils

To be eligible, a pupil must have a hearing loss that approaches an average of 60 or 65 decibels across the speech range in the better ear and be unable to develop

language successfully without special education. Also, a pupil may be eligible whose haring is functional with or without hearing aid but whose less causes a language deficit or learning difficulty making it impossible to use fully the regular school experience without special services. A pupil with a hearing loss who also qualifies under another handicapping condition may be eligible.

Program policies

Before placement in a program, a hearing handicapped child must undergo a medical and audiological examination, possibly a psychological examination, and a thorough educational evaluation by the local educational agency.

The Austine School is the approved placement for deaf and severly handicapped children. Alternative placement will be made by the Director in consultation with the Headmaster of the Austine School and other appropriate specialists.

A deaf child should have a full program day of special education beginning at age four. Classes for elementary deaf children shall not exceed eight, and shall be fully equipped with auditory equipment. Supplementary services of tutoring, lip reading, and auditory training and language development may be part of a program. An elementary program shall include the necessary curriculum in language training for the child's level of accomplishment and also provision for basic instructional areas. Secondary programs shall be accredited by the State Department of Education.

Programs and Services for the Emotionally Disturbed

Eligibility of pupils

To be eligible, a seriously emotionally disturbed child must be unable to learn without special instructions and consistently demonstrate academic achievement below age expectancy and yet not require hospitalization. A study of the child shall be held in the school records.

A total educational plan for the child shall be part of each project application. It shall: explain the

plan to modify the behavior of the child, show how the child will be taught in basic instructional areas and how the child will receive necessary related services, and provide for the involvements of parents or guardians.

A plan shall provide for retaining pupils in regular class or for their eventual return to a regular program. Whenever the special class approach is used pupil enrollment shall not exceed 10. The class shall be housed in facilities distinct but not separate from other educational programs of the district. Approval is contingent on adequate space, equipment, and materials.

Behavior shall be regularly and systematically recorded and evaluated.

Special teachers should hold standard teaching certificates and should obtain a minimum of 12 additional hours of specialized training within a three-year period starting from initial special contracts.

Programs and Services for the Speech-handicapped

Any pupil who has a speech pattern which deviates from the average so far as to draw unfavorable attention to him may be eligible for speech therapy.

The speech therapist shall be certified according to standards set by the Division of Professional Services of the Department of Education.

At the initiation of a speech therapy program, children in grades one through six in the participating districts shall be given a screening test. Thereafter, screening may be restricted to grades one, three, and five, all new pupils, and referrals from parents. Children in kindergarten or in grade seven or higher will be seen at the request of a teacher, administrator or parent.

The therapist's caseload shall be determined by the combined severity ratings of the cases. The ratings of a caseload shall not exceed 60 units. Children should be seen for two periods a week of 15 to 20 minutes. When only one period per week is possible, it shall be 25 to 30 minutes.

The purpose of the learning disabilities programs shall be to initiate, expand, and improve comprehensive services for children with special learning disabilities.

Each program shall be funded through a local educational agency. It shall contain certain essential characteristics, including: an assessment reached by team approach, of the pupil's special learning disabilities and abilities and program planning based on this assessment; coordination of state and community services available to the child; a clear statement of administrative responsibility; and a design for evaluation.

To be eligible, a child should have a special learning disability which is not primarily due to sensory, motor, mental retardation, or emotional disturbance, or envirionmental disadvantage. Children with sensory, motor, or emotional handicaps may also have special learning disabilities; such children shall be considered multiply handicapped. The child must exhibit a disorder in one or more of the basic psychological process involved in understanding or using spoken or written languages. The child should generally demonstrate a significant discrepancy between potential abilities and actual achievement, but learning ability should fall above the definition of mental retardation. The child's deficits should be unable to be ameliorated in the regular classroom.

Guidelines for program administration

The local agency shall submit a total plan for the program and also carry out evaluation.

The district shall invest the per pupil cost in each child enrolled in a learning disabilities class and, having done so, shall receive 75% of the salary of a qualified teacher. The child's school district of residence shall be responsible for transportation.

A specialist in learning disabilities shall have completed at least a fifth year in an approved university or college program. A teacher may receive minimum certification by holding a teaching certificate and completing

within three years, 12 hours in diagnosis of educational disabilities and education and curriculum for children with disabilities.

The elementary special class may contain up to 8 children and may be increased to ten by adding an aide. At the junior and senior high levels, the ratio of teachers, psycho-educational program planners, and aides to pupil enrollment should not exceed one staff member for each five pupils. No more than 15 pupils, seen individually, in small groups or in resource room assignments, shall be assigned to a supplementary instruction teacher or to the resource room teacher. Pupils receiving supplementary individualized instruction shall receive at least one hour per day of teaching. A special class shall not have a chronological span of more than four years.

PUPIL/TEACHER RATIO

The chief school administrator of the district, shall appoint a team of administrators, teachers, and consultants. The program and personnel, including the team, are under the direction of the chief school administrator.

A team using accepted psychological and educational procedures, including direct observation, plus medical opinion (when desirable) shall produce diagnosis, assessment and educational prescription.

The educational appraisal shall include data on the following areas of learning behavior:

1. Measures of the child's general development and ability levels.
2. Measures of the child's school achievement should be taken.
3. At least the following should be considered in relation to the child's overall development age in determining the areas of disability: ability to relate parts to a whole; ability to manage language communications functions in the areas of speech, reading, and writing; ability to generalize learning experiences beyond examples given, to see

principles, and to transfer information to new situations; abstract reasoning and time sense or other difficulties in conceptualizing ability in the arithmetic functions of computation, sequencing, and comprehension of mathematical symbols; ability in memory areas; and ability to coordinate various receptive and expressive modes.

Attention shall be given to the assessment of the child's general behavior in relation to learning situations, particularly with reference to the child's expressed attitude toward himself/herself: Does the child need attention to his/her low frustration tolerance? Have his/her learning problems led him to flee from challenge? Has lack of understanding of his/her abilities and disabilities led to over-compensation on his/her part? Is there evidence of control and manipulation of others or negativism resulting from the lack of success or other factors in the situation?

The assessment and prescription should give attention to the following when they are in evidence in the child's behavior, remembering that at some ages and at some mental ability levels, the following might be appropriate: excess or deficiency of general motor activity, difficulty in gross or fine motor coordination, excess or deficiency of verbal activity or inappropriate or distorted verbal activity, excessive concentration or lapses in attention or difficulty in initiating concentration, reaction atypical in terms of their intensity, appropriateness or frequency.

The curriculum shall be specialized, individualized, and prescriptive. A variety of program models are approvable:

a. Full regular school day plus special help for the teacher
b. Reduced regular school day plus special help for the teacher
c. Part regular school day plus special help for the teacher
d. Full or regular school day and supplementary clinical instruction
e. Small group instruction in resource room

f. Special class instruction

A school psychologist reimbursed under this Act shall: be responsible to the local school district; meet professional standards set by the Department; participate in psycho-education assessment, team work, and planning for the district's handicapped; shall not have a caseload exceeding 50 to 100 pupils.

Multiply handicapped pupils shall be provided with programs appropriate to the various handicapping conditions.

Policy for Home- and Hospital-bound Instruction

To be eligible, a child must be unable to attend regular school for a extended period of time on account of a condition that actually limits physical activity.

Upon learning of the child's homebound condition, the superintendant shall submit the state referral form for special education to the Division of Special Educational and Pupil Personnel Services. After notification approval, the person referring will assign a home teacher to the case.

Each elementary child receiving home instruction shall be taught an average of six hours per week, scheduled on the basis of at least one hour each school day. Junior and senior high school students shall receive an average of two hours per week per subject, scheduled into three or more periods per week. Home instruction during the summer months and special services in art, reading, etc., will be provided if deemed advisable.

Any techniques that help the homebound pupil to maintain a close identity with classmates in regular classes shall be used. A home-to-school telephone service shall be available on request.

The case of a homebound pupil receiving home instruction shall be reviewed on a yearly basis.

A medical report by a physician stating the nature of the disability and its probable duration shall be submitted when the pupil is referred for home instruction.

The home teacher shall prepare a report of the

pupil's progress when the child returns to school or at the end of the school year.

The home teacher will report hours of instruction on forms provided for payment purposes.

Policies Regarding and Educational Services for Schoolgirls who are Pregnant or are Mothers.

The Department aims to provide educational opportunity for pregnant schoolgirls and mothers who must temporarily leave the regular educational system.

A resident girl who is under the age of 21 years and who is pregnant or a mother and who, by reason thereof, is enrolled in the Elizabeth Lund Home in Burlington or who chooses to remain at home shall be a "handicapped child" pursuant to 16 V.S.A. SS 2942. Such a handicapped girl shall be eligible for "special education", with the following qualifications.

The Elizabeth Lund Home provides programs relevant to such handicapped girls. Regarding girls enrolled there, the Home shall report to the Division of Special Educational and Pupil Personnel Services the girl's presence and her program, and, on a monthly basis, her progress.

Every handicapped girl shall receive a minimum of 6 hours per week of individual tutoring. An educational program for each girl shall be devised by the Elizabeth Lund Home with the assistance from local educational administrators and personnel. In the case of a handicapped girl in secondary school for whom the pursuit of a high school diploma is not appropriate, an educational program must be designed so that the girl may be employable and self-sufficient upon termination of her handicap.

The Director of the Elizabeth Lund Home shall furnish once yearly such fiscal information as is required for budgetory and fiscal purposes.

To the extent that funds are available under 16 V.S.A. SS 2948, the Department shall reimburse the Home for expenses incurred in the operation of the tutorial program.

A tutor providing educational services for a handicapped girl shall be certified by the Department.

Policies Relating to the Operation of Special Educational Services under the State Department of Education

Funding of pupils shall depend on their meeting eligibility requirements state above. If funds are not available at the time a handicapped pupil needs special educational services, he/she will be placed on a waiting list.

Residential schools shall receive the tuition they request after justifying this expenditure to the Department.

Home teachers shall receive a tutoring fee comparable to the accepted rate in the local area.

Public and private school programs for the mentally retarded shall receive a budget arranged with the Department including:

salaries based on local salary schedule;

funds for substitute teachers determined by the local cost of substitutes multiplied by the number of days of leave for which a teaher is eligible;

expenditures for all supplies, library and audio-visual materials, and textbooks;

funds for field trips and supplementary activities necessary and unusual in the special program;

expenditure for initial or additional equipment such as furniture;

funds for annual physical examinations and medical care services;

administrative and operational expenditures, transportation and food services.

Elementary guidance is reimbursed on a first-come, first-serve basis for those on the waiting list. Six programs are funded each year and code program is funded for a three-year period.

If the district is reimbursed 75% of costs in utilizing the classroom construction act, all regulations of the school administrative services division shall be

followed. The award shall be based on submission of a comprehensive plan. The district shall be sufficiently large to support at least a four-level program: early elementary, late elementary, junior high, senior high. Private programs for the educable mentally retarded, funded by the Division must find a public school administrative set up by 1975.

In addition, policies and regulations available from the Department were adopted in 1975-1976 to: provide a local plan to describe full educational opportunity for all handicapped; guarentee due process; provide non-discriminatory testing for the handicapped and disadvantaged; make sure that the handicapped programs comply with the least restricted doctrine; establish a child identification system, procedures for confidentiality, regulations for Early Essential Education, and priority service to unserved handicapped; and establish procedure for inter-agency responsibility for the education of the handicapped.

CROSS REFERENCE

II.C.2.; Statute §3457

2. Programs for Exceptional Children

Statutes

§22-10.4

The Board of Education shall operate "a program of special education designed to educate and train handicapped children between the ages of two and twenty-one" and may operate a program for individuals of other ages. "In the development of such program, the Board of education shall assist and cooperate with local school boards" and the Commission for the Visually Handicapped and the Virginia Council for the Deaf.

§22-10.5

"Each school division shall provide special education for the handicapped children within its jurisdiction. Each school division shall submit annually to the Board of Education a plan for special education for the year following and a "report indicating the extent to which the plan required by law for the preceeding year has been implemented." The plan for the year following "shall include estimated costs of the program" and shall show the obligation for local expenditure and expenditure by the State.

§22-10.6

"A local school board may provide special education for handicapped children" either with its own facilities and personnel "or under a contract with another school division or a public or private non-sectarian school, agency or institution approved by the Board of Education."

§22-10.7

(a) "Special education for visually impaired children" shall be "operated jointly by the local school board and the Virginia Commission for the Visually Handicapped" and be subject to the regu-

lations of the Board of Education.

(b) The Virginia Commission for the Visually Handicapped shall prepare and operate a program of special education services designed to meet the educational needs of visually impaired children between the ages of birth and twenty-one and may operate a program for other ages. The Virginia Commission for the Visually Handicapped shall cooperate with the Board of Education and local school boards to develop the program.

"(c) '<u>Visually impaired</u>' means having vision which after best correction limits ability to profit from a normal or unmodified educational setting.

'<u>Program</u>' means a modified program which provides special materials or services and may include the employment of itinerant teachers or resource room teachers for the visually impaired."

§22-10.8

If a school division is unable to provide appropriate special education for a handicapped child and appropriate education is not available in a state school or institution, the school board shall pay the parent or guardian three-fourths of the tuition paid or obligated to be paid by the parent whose child attends a private non-sectarian school for the handicapped approved by the Board of Education. The school board shall not be obligated to pay more than twelve hundred fifty dollars for a child attending a non-residential school or five thousand dollars for a residential school. The school board may pay the parents more from its own funds. If State funds are not available, the school board shall pay the parent or guardian "an amount equal to the actual per pupil cost of operation in the average daily membership for the school year immediately preceding." The school board shall be entitled to count such pupils for reimbursement from the basic school aid fund.

TUITION

When a local school board contracts with another school division or a public or private non-sectarian school to pay the tuition for handicapped children in its jurisdiction, the

Board of Education may reimburse the local school board sixty per cent of its costs not to exceed seven hundred fifty dollars per pupil at a non-residential public or private school or three thousand dollars for a residential school. The Board of Education may reimburse a local school board sixty per cent of its costs in operating preschool special education for handicapped children aged two through four. Reimbursement shall not exceed one thousand dollars per pupil.

§22-10.11

"Each handicapped child enrolled in and attending a special education program provided by the school division pursuant to any of the provisions of §22-10.6 shall be entitled to transportation to and from such school or class. The school board may, in lieu of providing transportation, allot funds to assist in paying the cost of other means of transportation."

TRANSPORTATION

The Board of Education shall fix a maximum amount for assistance in paying the cost of transportation with due regard for the cost of transportation of public school pupils. The local school division shall pay at least forty per cent of this amount. Sixty per cent of this amount shall be paid by the State, "subject to funds being available." Whenever offically closed, the Virginia School for the Deaf and Blind or the Virginia School at Hampton shall transport each pupil to and from the school and the residence of the pupil's parent or guardian. A school board may provide transportation or funds to pay for transportation to handicapped children in its jurisdiction who are attending schools pursuant to §22-10.8(a)

§22-10.13

ADVISORY COUNCIL

The Overall Advisory Council on Needs of Handicapped Children and Adults previously created continues to exist. The Council shall have nineteen members and meet at least once a year. It "shall continuously study

the handicapping problems of children and the various phases of the programs for handicapped persons." The Council shall make recommendations and reports.

§22-223 -- 22-229

CENSUS

Every three years the school board shall see that a census be taken of (1) all persons having reached their fifth birthday on or before December thirty-first and who have not reached twenty years of age as of January first of the school year and who reside in the school division, and (2) all handicapped children as defined in §22-228, except blind and deaf children, who are between the ages of two and twenty and who reside in the school division. Children who are domiciled in orphanages or eleemosynary institutions or who live on any federal military reservation shall be included in the census of the school division where the institution or federal property is located. Children in mental institutions, prisons, state hospitals, state training schools or state training centers for the mentally retarded shall be included in the census for the school division of the residence of their parent or guardian.

The school board on recommendation of the division superintendent shall appoint agents to take the census. The agents shall also "gather statistics relating to the interests of education" in their school division, according to forms furnished by the Superintendent of Public Instruction.

The census lists shall be open for public inspection. The State Board of Education may require a special census at any time.

Every three years a census of deaf and blind persons two to twenty years of age in each school division shall be taken. The division superintendent shall give the census to the superintendent of the schools for the deaf and blind, to the Virginia Commission for the Visually Handicapped, and to the Virginia Council for the Deaf.

§22-275.5

Every visually impaired or deaf child between the ages set forth in §22-275.1 shall attend a school that uses special methods and equipment for visually impaired or deaf persons. The principal of any such school may excuse a necessary absence of a pupil. A child whose physical or mental condition would make instruction inexpedient or impracticable need not attend school.

ATTENDANCE

Any child attending school prior to reaching seventeen shall be required to continue in school until he/she reaches twenty or until the pupil has completed all courses at the school which the pupil can benefit from.

§22-275.12; 275.13

Any person who induces, or attempts to induce, any visually impaired child or deaf child to not attend school when required to do so or who employs or harbors any such child shall be guilty of a misdemeanor and be fined not more than ten dollars for each offense.

VIOLATIONS

Within thirty days from the beginning of the school year every principal teacher of a school in a county or town and every truant officer in a city shall give the names of all children who are visually impaired or deaf between the ages in §22-275.1 who do not attend school to the superintendent and the school board. The school board shall give the names to the superintendents of the State schools for the deaf and blind, the Virginia Commission for the Visually Handicapped who shall investigate all cases of non-enrollment.

A visually impaired child is one whose vision after best correction limits his/her ability to profit from a normal or unmodified educational setting.

§32-11.1

The State Department of Health shall report to the Department of Education or any local school division any information about a child with a health problem or handicapping condition which might affect the child's career in school and his/her need for special education.

Hearing Impaired Children in State Residential Schools, Education and Training of, §I-III

"Programs of education for hearing impaired children in state residential schools should seek to aid each pupil consistent with his or her abilities, interests and educational needs to 1) become competent in fundamental academic skills; (2) be qualified for further training and/or employment, (3) participate as a responsible citizen (4) develop a positive and realistic self-image; (5) exhibit a responsibility for the enhancement of beauty in daily life and (6) practice sound habits of personal health."

Each state board, agency, or institution shall submit to the Board of Education by January 15 of each year an acceptable five-year plan for the education and training of all children in residence or in custody. The plan should stress the educational objectives of the board, strategies for achieving the objectives, a formalized system to assure a smooth transition of the child into the educational program of the state school, and an assessment plan for determining the extent to which the objectives have been achieved, including follow up studies of former students.

Each state board, agency or institution shall maintain an up-to-date policy manual.

There shall be an educational advisory committee for each residential school for the hearing impaired which included individuals from the area and community served by the school, public agencies, parents, and educators, appointed by the director or superintendent of the facility.

EVALUATION

There shall be an initial medical, psychological, sociological, and educational evaluation for each child served in the education program, followed by a periodic re-evaluation consistent with sound professional practice. There shall be curriculum options provided for each group

of children. There shall be an educational plan maintained on file for each child, and there shall be at least 5 hours of education and training per day for each child.

There shall be at least an annual evaluation of the educational progress of each child to determine the effectiveness of the educational plan and to make recommendations for modification of that educational plan.

Handicapped Children Attending Approved Private Non-Sectarian Schools, Tuition Assistance For, §I-IX

In order to determine the eligibility of a handicapped child for further assistance, the handicapped child must have reached his or her fifth birthday by December 31, 1975 and shall not be 21 by December 31, 1975. If hearing is impaired, the handicapped child may be between the ages of two and 21. The child must be identified as handicapped in accordance with Board of Education definitions or procedures.

ELIGIBILITY

The Department of Education shall provide to local school divisions an updated list of those approved private non-sectarian schools for the handicapped in which eligible handicapped children enrolled may receive tuition assistance from their local school division.

The superintendent of the local school division shall certify that the child is handicapped in accordance with Board of Education definitions.

The superintendent of the school division shall certify that in his/her judgment, State schools or institutions cannot provide an appropriate educational program for the child during the school year for which application is made.

The local school board shall pay the parent or guardian of each eligible handicapped child for the school year 1975-1976 three fourths of the tuition cost and shall not be obligated to pay more than $1250 for a child in a non residential school nor $5000 for a child in a residential school provided the local school board is not required to provide such aid if matching state funds are not available. "In the event state funds are not available, the local school board shall pay the

TUITION

parent or guardian tuition costs of such child in an amount equal to the actual per pupil cost of operation in the average daily membership for the school year immediately preceding, and such school board shall be entitled to count such pupils and receive reimbursement from the basic school aid fund in the same manner as if the child were attending the public schools.

APPEAL

A parent may appeal the decision of the local division superintendent concerning the eligibility status of their child for tuition assistance. If dissatisfied with the decision of the local school board, the appeal may be addressed to the State Superintendent of Public Instruction.

Special Education,
Reimbursement From State Funds, §I-VIII

Handicapped children shall not be assigned to a facility other than a regular elementary and secondary school unless special facilities are determined to be educationally advantageous for the severely handicapped.

Certification is required for special education teachers.

Reimbursement is available to assist local school boards with 60% of the actual cost of providing transportation for preschool handicapped children to attend special education classes operated by local school boards.

All reimbursement is subject to the availability of funds. In the event of insufficient state funds, reimbursement will be prorated accordingly.

CROSS REFERENCES

II.A.10.Other - Educational Programs for Institutionalized Children; Statute §22-9.1:04

III.A.2.; Statute Ch. 714, Acts of Assembly, 1976

IV.H.; Statute §22-275.6; 22-275.7

IV.J.; Statute §22-230.1 -- 22-230.3

STATUTES

§28A.03.300-.310

The superintendent of public instruction shall institute a program to screen children for learning/language disabilities. The program shall screen all children after the first grade.

§28A.13.005

It is the purpose of the law to ensure that handicapped children get an appropriate education at public expense as guaranteed by the Washington constitution.

§28A.13.010

A division for handicapped children shall be established in the office of the superintendent of public instruction to oversee their special education.

"Handicapped children are those children in or out of school who are temporarily or permanently retarded in normal education processes by reason of emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual motor handicaps, including problems in visual and auditory perception and integration."

"The superintendent of public instruction shall require each school district to insure an appropriate educational opportunity for all handicapped children of common school age." An appropriate education is one tailored to the "unique needs . . . of handicapped children."

"No child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county."

§28A.13.020

"The superintendent of public instruction shall appoint an administrative officer of the division" whose duties shall include coordination and supervision of

APPOINTMENT

special education programs and ensuring that "an appropriate educational opportunity" is provided.

§28A.13.030

School districts are authorized to establish "residential schools and/or homes . . . for aid and special attention to handicapped children."

§28A.13.045

The Board of Directors of every school district can contract with agencies approved by the state board of education for operating handicapped programs. Approval standards shall conform substantially with those for the approval of Special Education Aid programs in common schools.

§28A.13.050

"Special educational and training programs may be extended to include children of pre-school age."

§28A.13.060

If a handicapped child is denied the opportunity of a special education program by a local school superintendent," he/she must show that the district cannot make arrangements to accommodate the child and he/she will not benefit from an alternative educational opportunity."

The parent or guardian has a right of appeal.

§28A.13.070 APPEAL

"The superintendent of public instruction shall: assist school districts to formulate programs to meet the needs of handicapped children; assist in placing handicapped children eligible to receive special education aid; "approve . . . programs . . . eligible for special excess cost financial aid"; adjudge appeals excluding a handicapped child; promulgate rules necessary "to ensure educational opportunities with the common school system for all handicapped children who are not institutionalized;" and establish sanctions for failure to comply with the provisions of this chapter.

§28A.13.080

The superintendent of public instruction may establish sanctions for application to school districts which fail

to comply with the provisions for handicapped children, including withholding state aid until compliance is assured.

§28A.14.010 — 14.020

A division of recreation is established in the special education service division.

APPOINTMENT

A qualified administrator appointed by the superintendent shall coordinate and supervise the recreation programs operated by the state school districts.

§28A.14.040

School districts may employ special education recreation instructors and may allow adults to participate in its recreation program.

§28A.16.010

A division of special education for superior students is established for students "who consistently show remarkable performance in academic pursuits or demonstrate exceptional ability."

§28A.16.020

"The state superintendent of public instruction . . . shall administer a program to improve the education of students of superior capacity."

§28A.16.030

"Local school districts . . . may establish and operate special . . . programs of education for superior students and employ . . . special instructors and . . . operate in conjunction with any institution of higher learning joint programs of education for superior students."

§28A.24.100

"Individual transportation . . . may be authorized" by the intermediate school district transportation commission. All handicapped children . . . who are not ambulatory and/or are not capable of protecting their own welfare while traveling to and/or from school . . . shall be provided with transport at school district . . . expense."

§72.05.010

The purpose of state residential institutions for children with behavior problems, and defective, feeblemind, deaf and blind children is to provide such care as will best serve the welfare of the child, and to provide "care . . . most likely to accomplish their rehabilitation and restoration to normal citizenship."

REGULATIONS

§180-68-100

"Superior student program--Authority--Program approval Excess costs defined. (1) The state board adopts the policies and regulations relating to administration of the program for students of superior capacity...

RULEMAKING

"(2) The state superintendent...shall establish regulations and procedures for the administration of the superior student program,

"(3) Excess costs,...shall be defined as any costs in excess of the costs incurred by regular promotion or advancement of a student."

CROSS REFERENCES

III.B.Guidance Counselor; Regulation §180-56-245

III.B.School Psychologist; Regulation §180-84-015

IV.D.; Statute §28A.24.110

2. Programs for Exceptional Children

Statutes

§18-8-10

"Every . . . person having control of any mentally normal minor over six years of age, who is defective in sight or hearing to the extent that he[she] cannot be benefitted by instruction in the public schools, shall be required to send such minor to the West Virginia schools for the deaf and the blind . . . . Such minor shall . . . attend such schools for a term of at least thirty-six weeks each year until he[she] has completed the course of instruction prescribed for such schools by the state board of education, or has been discharged by the superintendent of said school."

SCHOOL FOR DEAF

SCHOOL FOR BLIND

Exemptions from such attendance are as follows:

(a) "Instruction by a private tutor or in another school approved by the state board . . ." for the prescribed time;

(b) "Physical incapacity for school work;"

(c) Any other reason deemed good and sufficient by the superintendent of such schools, with the approval of the state board of education.

"Any parent [or] guardian . . . who fails or refuses to comply with the requirements of this section shall be guilty of a misdemeanor . . . . Failure for the period of one week within the school year to send such minor to school shall constitute an offense . . . .

Any person who induces or attempts to induce such blind or deaf minor to absent himself[herself] from school, or who employs or harbors such minor unlawfully, while said school is in session, shall be guilty of a misdemeanor . . . .

It shall be the duty of school attendance directors and assistants, prosecuting attorneys, and any special attendance directors appointed by said school . . . to enforce the provisions of this section.

The county superintendent of schools shall furnish to the superintendent of the . . . schools for the deaf and/or blind and to the state superintendent of schools the names of persons in his[her] county between the ages of six and eighteen reported to him[her] to be deaf and blind with the names and addresses of their parents or guardians."

§18-17-1

"The West Virginia schools for the deaf and blind . . . shall be maintained for the care and education of the deaf . . . and blind youth of the State. The . . . affairs of the schools shall be under the control, supervision and management of the state board of education . . .[which]. . . shall employ the superintendent, principals, teachers and other employees and shall fix the . . . salary to be paid to each person so employed.

The minimum salary scale for said principals and teachers shall be" that set forth by statute for other teachers and principals in the public schools.

§18-17-2

"All deaf youth and blind youth residents in the State, between the ages of six and twenty, providing they are educable, physically capable and free from contagious disease, shall be enrolled in the school on application to the superintendent until the school is filled. Applicants shall be admitted in the order of their application. It shall be the duty of the superintendent to keep a careful record of the names of all applicants with the dates of their admission and discharge, their ages, . . . addresses, the names of their parents or guardians, and the degree, cause and circumstances of their deafness or blindness."

§18-17-3

"All such deaf . . . and blind pupils shall be admitted to the schools without charge for board and tuition. When not otherwise provided with clothing they

shall be furnished therewith by the institution while they are pupils therein," said clothing to be charged back to the students' home county.

§18-17-4

"The pupils of said schools may continue therein until completion of the prescribed course of study, or a lesser period of time which the condition and progress of the pupil may justify, as determined by the state board of education and the superintendent. After all applicants . . .[of]. . . the prescribed age . . . have been enrolled, if there are additional accommodations, the superintendent may enroll other deaf . . . and blind pupils who may be of suitable age to receive any advantage from the institution, and upon such terms as the . . . board . . . may prescribe, but . . . such persons shall withdraw from the institution in the order of their admission to make room for new applicants between the ages prescribed."

§18-17-5

"The course of instruction in the institution shall be prescribed by the state board of education, with the advice of the superintendent, and shall be as extensive in the intellectual, musical, vocationl and prevocational departments as the capacities and interests of the pupils may require."

§18-17-6

"The county assessors of the State are . . . required to register the names of all deaf persons and all blind persons under eighteen years of age in their respective counties, with the degree and cause of deafness and blindness in each case, as far as can be ascertained from the . . . families, their ages, the names of their parents or guardians, their . . . addresses, and such other facts as may be useful in making the institution efficient . . ." Their report shall be submitted annually "to the state superintendent of

schools and to the superintendent of . . .[the]. . . schools for the deaf and the blind. The superintendent shall immediately communicate with the parent or guardians of all . . . persons mainted in the . . . report. with a view to their admission . . . into said schools."

§18-20-1;3

"County boards of education . . . shall establish and maintain for all exceptional children between five and twenty-three years of age, special education programs, including but not limited to special schools, classes, regular classroom programs, home-teaching or visiting-teacher services . . . as the state board of education shall approve. Provisions shall be made for educating such exceptional children (including the handicapped and the gifted) who differ from the average or normal in physical, mental or emotional characteristics . . . to the extent that they cannot be educated safely or profitably in the regular classes of the public schools or to the extent that they need special educational provisions within the regular classes in order to educate them in accordance with their capacities, limitations and needs. In addition, county boards . . . may establish and maintain other educational services for exceptional children as the state superintendent of schools may approve. The state board of education shall adopt rules and regulations to advance and accomplish this program.

RULEMAKING

Nothing in this section shall be construed to prevent county boards . . . from providing . . .[such] . . . programs . . . for . . . exceptional children who are three years of age or older.

Counties maintaining . . .[such]. . . programs . . . and receiving or requesting reimbursement from state appropriated funds shall file with the state superintendent of schools . . . applications, annual reports and such other reports as he[she] may require."

§18-20-2;4

"The board of education of each county is responsible for providing suitable educational facilities, special equipment, and such special services as may be necessary" for the education of the exceptional child. "Special services include provisions and procedures for finding and enumerating exceptional children of each type, diagnosis by appropriate specialists who will certify the child's need and eligibility for special education and make recommendations for treatment . . . [and] . . . special teaching by qualified and specially trained teachers, transportation, lunches, and remedial therapeutic services. Qualifications of teachers and therapists shall be in accordance with standards prescribed or approved by the state board of education.

MEDICAL EXAMINATION

Each child prior to enrolling . . . shall be examined by an appropriate medical specialist . . . who shall report to the county superintendent of schools. The specialists' report shall carry recommendation for eligiblity and placement in regular school, or in the special education facility

No educationally exceptional child shall be excused or excluded from attending school except with . . . written approval of the county superintendent . . . .

Counties may provide for educating their resident exceptional children by contracting with other counties or other educational agencies which maintain such special education facilities."

§18-20-5

"The state superintendent of schools shall have the power to organize, promote and administer. . .[the special education]. . . program . . . and be responsible for:

(1) Stimulating and assisting county boards . . . in establishing, organizing and maintaining special schools, classes, regular class programs,

home-teaching and visitor-teacher services ;

(2) Cooperating with all other public and private agencies engaged in . . . educating and rehabilitating exceptional children, and in helping coordinate the services of such agencies ;

(3) Preparing the necessary rules, regulations . . . and procedures . . . to define minimum standards in providing suitable facilities for education of exceptional children, ensuring the employment, certification and approval of qualified teachers and therapists subject to approval by the state board of education ;

(4) Performing such other duties and assuming such other responsibilities in connection with this program as may be needed."

§18-20-6

"There shall be an advisory council for the education of exceptional children which shall advise and consult with the state board of education on matters pertinent thereto. The . . . council shall be composed of nine members appointed by the state superintendent, . . . four of which shall be parents of exceptional children utilizing the services of the special education programs . . [O]fficers and employees of the State shall not be eligible for appointment . . . . . The members . . . shall be citizens and residents of this State, who by reason of their training, education or experience are qualified to carry out the functions of the council. Members shall be appointed for terms of three years.

APPOINTMENT

All members shall be eligible for reappointment. A vacancy caused by death, resignation or removal of a member prior to the expiration of his[her] term shall be filled only for the remainder of such term. Five members . . . shall constitute a quorum. The . . . council shall meet at least four times each year . . . [or]. . . when called by the [elected] chairman or . . . requested by five members of the . . . council.

Members . . . shall not receive any compensation for their services . . . but shall be reimbursed any actual expenses incurred by them in carrying out their duties . . .

The council shall:

(a) Consult with the state board . . . concerning any rules and regulations formulated by such board in implementing this article; (b) Consider and advise the state board and superintendent concerning any problems presented to the council; (c) Hold public meetings at such times and places as the advisory council deems appropriate; (d) Periodically review the state plan for special programs and make any recommendations it may have concerning changes it may deem proper."

CROSS REFERENCES

I.County Board of Education; Statute §18A-5-6

III.C.School System; Constitution; Article 12, §12

2. Programs for Exceptional Children

Statutes

§115.37; 115.79

The state superintendent shall consult with the council on special education concerning:

(a) all proposed department or division policies relating to special education;

(b) new special education programs and expansion, reduction or termination of existing programs;

(c) the annual state plan required by statute; and

(d) any other matters upon which the state superintendent wishes the council's opinion.

The council may report biennially to the legislature on the progress made by special education programs and planning and any other information. The council shall have access to reports and statistics kept by the department of public instruction relating to special education.

The council on the education of the blind shall make recommendations as to policies and procedures of the department affecting the visually handicapped and the state superintendent shall seek such advice from the council. The council shall advise on services, activities, programs, investigations and researches which will contribute to the welfare of visually handicapped persons.

Notwithstanding any provision to the contrary, the council shall have access to files, records and statistics kept in the department relating to the visually handicapped.

"The object of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf is to afford the visually handicapped and the deaf a practical education and physical rehabilitation which may aid them to make a living, discharge their duties as citizens and secure to them all possible happiness."

Both schools shall be maintained and governed by the state superintendent as follows:

1. The school year shall be not less than thirty-eight (38) weeks.
2. Blind and/or deaf residents between ages six (6) and twenty-one (21) shall be "received and taught in the schools free of charge." Non-residents may be received for a charge but not at the exclusion of a resident. Pupils over twenty-one (21) may be admitted and charged.
3. All pupils shall equally and freely enjoy the benefits and privileges of the schools without discrimination.
4. Transportation may be provided for indigent residents.
5. A summer program may be maintained at the school for the deaf. A summer program shall be maintained each year at the school for the visually handicapped for adult visually handicapped persons. There are no age limitations on summer programs.
6. Both schools may provide instruction for pre-school deaf and/or blind children and their parents.

§115.53

The state superintendent may:

(1) Provide for the education of deaf-blind children either in a special class outside the state or within the state when there are enough deaf-blind children to warrant such a class;

(2) Arrange for vocational, trade or academic training for any pupil in either the state school for the deaf or the state school for the visually handicapped qualified to take such training;

EXAMINATION

(3) Arrange for otolaryngological (hearing) or opthalmic visual examination of any pupil or prospective pupil of the schools;

(4) Apply for admission to the Wisconsin general hospital of any pupil in the state schools;

(5) Arrange for visits by members of the staff of either school to other public schools or to families of blind or deaf children, when such visits will be advantageous to blind or deaf children.

§115.54

If it appears, by affidavit, to any county judge that any blind or deaf child between the ages of six (6) and twenty-one (21), due to failure of the child's parent, guardian or custodian, is deprived of a suitable education, the judge shall order such person to bring the child before him/her. If the charges are admitted or if testimony shows them accurate, the judge may order the child sent to the school for the deaf or the school for the visually handicapped or to some class or other school for instruction.

SCHOOL FOR THE DEAF

SCHOOL FOR THE VISUALLY HANDICAPPED

§115.55

Embossed, clear-type or large-type text books acquired by the school for the visually handicapped

SCHOOL FOR THE VISUALLY HANDICAPPED

shall constitute a circulating collection for the blind and visually handicapped, kept at the school and under the supervision of the school's superintendent. All blind and visually handicapped school age children of the state may use such books upon compliance with rules made by the school's superintendent and approved by the state superintendent.

§115.76

"Child with exceptional educational needs" means any child who has a mental, physical, emotional or learning disability which, if the full potential of the child is to be attained, requires educational services to the child supplementing or replacing regular education. Children with the following conditions, in addition to children with such other conditions as the state department determines, may require educational services to supplement or replace regular education:

(a) physical, crippling or orthopedic disability;

(b) mental retardation or other developmental disabilities;

(c) hearing impairment;

(d) visual disability;

(e) speech or language disability;

(f) emotional disturbance;

(g) learning disability;

(h) pregnancy, including up to two (2) months after the birth of the child or other termination of the pregnancy; and

(i) any combination of the conditions named by the state superintendent or enumerated in paragraphs (a) to (h).

SCHOOL FOR THE DEAF

SCHOOL FOR THE VISUALLY HANDICAPPED

The state superintendent shall appoint an administrator of the division for handicapped children who shall, under the superintendent's direction, appoint personnel. The division shall be responsible for: services for children with exceptional needs who are under the jurisdiction of the state superintendent and for the Wisconsin schools for the deaf and for the visually handicapped; submission to the proper federal authorities of a state plan, prepared by the medical director of the division, and making reports required by the proper federal authorities; supervision of the education of all children, three (3) years of age and older, who have exceptional needs and who reside in any state or county operated facility; transportation of children in special education programs outside the school district, cooperative educational service agency or county where the child's parents reside.

The division shall:

(1) coordinate the development of all special education programs for children three (3) years of age and older;

(2) approve any plans for creation, expansion, reduction or discontinuance of any such program before the plans are implemented;

(3) maintain and publicize current information on all public and private special education programs within the state;

(4) develop a program for the preparation, recruitment and in-service training of personnel; and

(5) receive any federal aid available for special education programs.

A parent or a physician, nurse, social worker or administrator of a social agency who has reasonable cause to believe that a child brought to him/her for services has exceptional needs shall, after informing the child's parents of his/her intention to do so, report the child's name and other required information to the school board for the district in which the child resides or to the division for handicapped children. Any person required to be licensed or certified by statute, who is employed by the school district in which a child attends public school and who has reasonable cause to believe a child has exceptional educational needs, shall report such child and other required information, after notifying the child's parent, to the school board.

NOTICE

Pursuant to standards adopted by the state superintendent, the school district shall screen each child, upon enrollment in public school, to determine if the child has exceptional needs.

SCREENING

The school board shall appoint a multidisciplinary team of at least two (2) persons skilled in assessing exceptional needs of children and in programming for such children.

MULTIDISCIPLINARY TEAM

This team shall:

(a) upon written parental approval examine any child who has attained the age of three (3) years and who as a result of school district screening, or as a result of a report by an individual or the school board, is believed to have exceptional needs;

EXAMINATION

(b) consult with the child's parent prior to recommending a child for a special education program;

(c) recommend a child to the school board for special education if it deems it in the best interest of the child, except that a

pregnant girl may be recommended only if she is under twenty-one (21), has not graduated from high school and if both she and her parents consent; and

(d) recommend a suitable program for children it recommends for special education, including instruction in the home if a physician's written statement attests that the child is unable to attend school.

Teachers of children in special education programs shall report annually to the school district on the child's progress and the teacher's recommendation for further education of the child.

Each child of at least three (3) years of age who is receiving special education in a state or county facility shall be reexamined by the multidisciplinary team at least once every three (3) years.

Upon receipt of a recommendation for special education from a multidisciplinary team or upon a decision to remove a child from a special education program, the school district clerk shall notify the child's parent.

NOTICE

A child's parent may, within four (4) months of such notice, appeal the school board's decision, but no more than one (1) appeal may be initiated in any school year. The child's status shall not be changed until expiration of the time for the parent to request a hearing unless the parent consents, except that where the health or safety of the child or others requires the change may be made by order of the school board without prejudice to the rights of the child or parent.

APPEAL

A parent shall have access to any reports, records, clinical evaluations, etc., upon which the decision was based. At the hearing the parent may examine and cross-examine witnesses, introduce evidence and appear in person or by advocate. He/she may determine whether the hearing will be public or private. He/she may seek an independent examination of the child and if he/she is unable to afford such examination the

HEARING

INDEPENDENT EXAMINATION

school board shall reimburse him/her for the reasonable expense of such examination.

The decision of the school board at such hearing may, within thirty (30) days, be appealed to the state superintendent for a hearing upon the record and the recommendation of the multidisciplinary team. The decision of the state superintendent may, within thirty (30) days, be appealed to the circuit or county court where the child resides.

§115.83 -- 84

A school board, board of control of a co-operative educational service agency or, upon authorization of the county board, a county handicapped children's educational board may:

(a) with approval of the division establish, maintain, expand or discontinue a special educational program;

(b) employ, for such program, either full- or part-time "certified" personnel including teachers, coordinators, school social workers, school psychologists, paraprofessionals and consulting teachers "to work with any teacher of regular education programs who has a child with exceptional educational needs in a class, and any other personnel approved by the department; and

CONSULTANT

(c) provide in-service training for any teacher who has a child with exceptional educational needs in a class and any other services approved by the department.

The board maintaining special educational programs or other services shall report annually to the department (and at other times as it directs) such information as the department requires, including: the number of pupils provided service, their residence;

and the amount of time served during the school year.

A special education program may be for the school term, a summer program or for the school year. It may consist of such programs as to allow the children to attend regular education programs, one or more special schools or preschools, special sections within a school, special instruction centers, special instruction at home or at any other location or program approved by the department.

Special education programs may be supplemented by family guidance or counseling services to train members of the child's family to assist in the child's education.

§115.85

It is the responsibility of each school district to ensure that special education programs are available to all children with exceptional needs who are three (3) or over and who reside in the district. A school district may provide special education to resident children who are residents of private institutions and the board may provide special education for preschool children, subject to the approval of the state superintendent. The school district board shall place the child in an appropriate program within the district, if possible, and, if not, shall pay tuition for the child to attend a school outside the district.

Each year the school board must report to the State Department of Education the number of children placed in special programs and the screening process used to detect exceptional educational needs; a description of the programs and an evaluation of students' progress; and plans for new special education programs or for the discontinuance of any existing programs.

§115.86

Any county board may establish a special education program for children with exceptional educational needs, and upon establishment of such program a board shall be created called the "Handicapped Childrens Education Board," and shall consist of 3 to 5 persons, which may include

school board members, county board members and other electors.

This board shall have charge of all matters pertaining to the organization and maintenance of such programs, and the authority to erect buildings, employ teachers and personnel subject to county board approval. The county board may assign the functions of the board to a cooperative educational service agency operating in the county, and may contract for professional and administrative services. The school board of any district included under the administration of a board may withdraw from participating in the program upon the approval of the state superintendent. Such withdrawal is not effective until the end of the next school term.

The board may promulgate a plan for transportation of children who participate in special education programs, subject to the approval of the state superintendent.

§115.87

A cooperative educational service agency, county handicapped children's education board or school district operating a special education program shall admit a nonresident if the program is appropriate for the child's special needs.

Tuition shall be charged for nonresidents admitted to special education programs. TUITION

In counties having a population of 500,000 or more the school district shall pay tuition charges for children with exceptional educational needs.

Any two or more school districts may admit residents to the program and waive tuition for admittance.

If a child lives in a district served by a county handicapped children's education board, sufficient to benefit the child's need and the child attends a program in another district, the school district of residence shall be charged with tuition.

Upon approval of the state superintendent, the school board of any district may place a child in a special educational program outside the state.

§115.89

HEARING

If the state superintendent finds, after public hearing, that a school district has not provided programs for children with exceptional needs, she/he may recommend to the school district to remedy the denial, and require the district to submit a remedial plan and, if the plan is inadequate to remedy the denial of equal educational opportunities, she/he shall request the attorney general to proceed against the school district for injunctive or other appropriate relief.

JUDICIAL PROCEEDING

§115.91 — 115.94

The state superintendent annually shall establish criteria by which social and economic factors can be measured and on which the superintendent will make grants to agencies or school districts for programs for children with special educational needs. The state superintendent shall issue guidelines for programs serving children with special educational needs.

No application shall be reviewed by the state superintendent unless the school district or applicant has established a local advisory program council consisting of parents, community representatives, school administrators and teachers to advise on the development of applications and the implementation of approved programs.

§119.28

The board shall establish and maintain special schools for children with exceptional educational needs and shall prescribe the courses of study and the educational and other activites in special schools. Teachers may be employed to give home instruction to those unable to attend special schools. Transportation

may be provided for children attending special schools. The superintendent of schools shall prescribe the periods of instruction at special schools.

REGULATIONS

PI 11.01

The legislature shall make provision for youth with EEN ("Children with exceptional educational needs"). These children are to be identified and provided with the appropriate educational training.

Children with the following conditions, in addition to children with such other conditions as the state superintendent determines, may require educational services to supplement or replace regular education:

Physical, crippling or other orthopedic disability;

Mental retardation or other developmental disabilities;

Hearing impairment;

Visual disability;

Speech or language disability;

Emotional disturbance;

Learning disability;

Pregnancy, including up to 2 months after birth of the child or other termination of the pregnancy;

Any combination of these conditions.

Children with no EEN requiring alternative educational programming shall not be considered within this format.

PI 11.02

Children with suspected exceptional educational needs shall be referred for services by the appropriate personnel. The procedures behind the referral system are to be made known to those interested.

All districts shall adopt and implement a

process of screening for those who are suspected of having exceptional educational needs.

PI 11.04

Once a determination has been made that a child has an exceptional educational need, his/her parents are to be notified; no child is to be placed in a special education program without parental consent.

NOTICE

If there is no appropriate program operated by a public school or agency in Wisconsin, the board may seek out and place the child in any in-state non-sectarian facility.

When the situation dictates, children with exceptional educational needs may receive special education at home when there is a physician's statement in writing that the child is unable to attend regular school.

PI 11.05

"The department shall collect, maintain and disseminate student records as required by the Family Education Rights and Privacy Act of 1974."

The consent of an exceptional educational need student's parents must be obtained prior to that student's records being made available. In addition to any required student records, districts shall maintain as part of the exceptional educational need child's record the following:

1. Parental consent for district action;

2. Any data utilized by the multidisciplinary team (M-team) to reach decisions, e.g., evaluations, reports, pupil records;

MULTIDISCIPLINARY TEAM

3. The findings and recommendations of the M-team;

4. The placement decision of the board, director or program designee;

5. The individual educational plans prescribed for the child with EEN.

(1) Section 115.76 (3) (h), Wis. Stats. denotes pregnancy, including up to 2 months after the birth of the child or other termination of pregnancy, as a condition which may require special educational services to supplement or replace regular education.

(2)(a) The provisions of the Code relating to compulsory school attendance shall apply during the school term to students with EEN and may be satisfied by attendance at special education programs operated by an LEA, state or county residential educational facility or private special education services.

(b) Each district shall develop a systematic plan for providing educational services to school-age pregnant girls and mothers. This plan shall be submitted to the division and shall include:

1. Goals.
2. Processes.
3. Procedures.
4. Evaluation design.

(3)(a) Student eligibility. All girls up to the age of 21, unless they have graduated from high school, are eligible to receive special education programming during a pregnancy, including up to 2 months after the birth of the child or other termination of the pregnancy.

(b) All teachers shall hold licensure to teach in Wisconsin. All ancillary personnel shall hold licensure in their respective areas of expertise. Teachers shall be certified at the appropriate level or in specific subject areas or both. All teachers involved in the special programs specifically designed to meet the needs of the affected student shall complete an additional 9 hours of training.

(c) Alternative educational plans shall be offered to the affected students

PI 11.24

RESOURCE ROOM

A resource room program is a special education program type located in a regular school, where the teacher provides for instruction in specific skill areas and the children with EEN enrolled in this program are integrated into the regular academic programs.

(a) This program type shall have a minimum of one certified special education teacher within a particular program area assigned to a designated number of students.

(b) The enrollment for this program type may vary, with a minimum of 15 children.

PI 11.25

ITINERANT PROGRAM

Itinerant program type. An itinerant program is a special education program in which the teacher serves students in several schools. This program operates 5 days a week. The itinerant teacher serves as a consulting teacher (section 115.83 (1) (b), Wis. Stats.) to regular and special education personnel.

(a) Staff. This program type shall have a minimum of one certified special education teacher within a particular program area assigned to a designated number of students.

(b) The enrollment for this program type may vary, with a minimum of 15 children.

PI 11.26

HOMEBOUND INSTRUCTION

A homebound instruction is a special education program in which a teacher serves children with EEN in the home, a hospital, a sanitarium or a convalescent home.

(a) This program type shall require a teacher to hold a valid Wisconsin teacher's license.

(b) Enrollment within this program type shall require all of the following:

1. A physician's statement on a prescribed form from the division shall be submitted

declaring the child physically or emotionally unable to attend school.

2. The physical or emotional incapacity to attend school shall be anticipated as continuous over 30 days.

3. The M-team shall recommend that home-bound instruction is the most appropriate program to meet a child's EEN.

4. No child shall be eligible whose primary disability is defective vision, defective hearing, defective speech or other physical handicaps when special education programs and services are available unless the nature of the physical disability prevents attendance in such programs.

PI 11.28

(1) The purpose of this section is to ensure that districts will provide equal educational opportunities for children with EEN and to provide remedies in those cases where districts are not providing equal educational opportunities. PI 11.28 is intended to implement section 115.89 of the Wisconsin Statutes which requires non-complying districts to remedy the denial of equal educational opportunities.

EQUAL EDUCATIONAL OPPORTUNITY

(2) The superintendent or designee shall receive and investigate complaints and data substantiating complaints charging that a district is not providing appropriate programs.

COMPLAINT

INVESTIGATION

(a) If the superintendent deems it necessary, the complainants shall submit, within 10 days of receipt of a written request from the superintendent, data clarifying and further substantiating the complaint.

(b) The district shall submit to the superintendent, within 10 days of receipt of a written request from the superintendent, all additional information not on file with the department.

(3) The superintendent shall review all data within 30 days following receipt of data from the complainants and the district, and shall set a time, date and place for holding a pre-hearing conference and shall send notice of such conference to the parties to the complaint.

(c) If after the pre-hearing conference the superintendent determines that the district is in compliance with section 115.85 (1) and (2), Wisconsin Statutes, a complete report of the issues raised by the complainants, as well as the disposition of such issues and agreement of the parties thereto, shall be sent to the parties to the complaint.

HEARING NOTICE

(4)(a) If after the pre-hearing conference the superintendent determines that a public hearing is necessary, notice of time, date and place and purposes of a public hearing to be held in the district shall be sent to all parties. An official record of the hearing shall be kept.

(b) The superintendent shall make findings within 10 days following the public hearing in the district, including a finding that the district has denied equal educational opportunities to children with EEN or a finding that the district is in compliance relative to the specific complaints in the allegation.

(5) After the superintendent has found that a district has denied equal educational opportunities to children with EEN, the superintendent, through the division, may make recommendations to the district to

remedy the denial of equal educational opportunities, and shall order development by the district of a remedial plan and implementation of that plan within 3 months of receipt of the order by the district.

PI 11.34

(1) Children shall be determined to have a handicapping condition who have been identified, evaluated and classified as handicapped pursuant to statute. The minimum criteria for the determination of handicapping condition and eligibility for special education shall be consistent throughout the state.

(a) A transition period shall be provided for moving a child out of special education who upon re-evaluation does not meet criteria in the rules.

(2) Educational needs resulting primarily from poverty, neglect, delinquency, social maladjustment, cultural or linguistic isolation or inappropriate instruction are not included under subchapter IV, chapter 115, Wis. Stats.

(a) Mental retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior manifested during the developmental period.

(b) A physically handicapped child is one who has some physical defect such as affection of the joints or bones, disturbances of the neuromuscular mechanism, congenital deformities, cardiac condition, spastic and other acquired deformities. Such physical defects, organic diseases or conditions may hinder the child's achievement of normal growth and development.

(c) Medical verification that a girl is pregnant shall establish the disability and handicapping condition and the need for special education.

(d) A visual handicap is determined by functional visual efficiency including a visual fields, ocular motility, binocular vision and accommodation.

(e) An auditory handicap is determined by medical (otologic) and audiologic evaluations.

(f) Speech and language handicaps are characterized by a delay or deviance in the acquisition of prelinguistic skills, or receptive skills or expressive skills or both of oral communication.

(g) The handicapping condition of learning disabilities denotes severe and unique learning problems due to a disorder existing within the child which significantly interferes with the ability to acquire, organize or express information.

(h) Classification of emotional disturbance as a handicapping condition is determined through a current comprehensive study of a child, ages 0 through 20, by an M-team.

Emotional disturbance is characterized by emotional, social and behavioral functioning that significantly interferes with the child's total educational program and development including the acquisition or production, or both of appropriate academic skills, social interactions, interpersonal relationships or intrapersonal adjustment.

(i) A multiple handicapped child is one who has 2 or more handicapping conditions leading to EEN which may require programming considerations and are determined by an M-team composed of specialists trained, certified and experienced in the teaching of children with the EEN.

CROSS REFERENCES

III.A.2.; Regulation PI 8.01

III.B.Certificated Personnel; Regulation PI 3.20

III.B.Teachers; Regulation PI 3.03; 3.20

III.B.Teachers; Regulation PI 3.10

IV.B.; Regulation PI 11.16

IV.B.; Regulation PI 11.17

IV.D.; Statute §121.54

IV.D.; Statute §121.57

2. Programs for Exceptional Children

Statutes

§21.1-63

"The board of trustees . . . may deny admission to any child who:

"(a) has completed the twelfth grade; or

"(b) has such a mental or physical disability that based upon a physician's certificate the board believes such child could not reasonably benefit from the programs available or the attendance of such child would be inimical to the health, safety, or welfare of other pupils; provided that the board shall make the best possible provision for suitable and adequate education of such child in accordance with the laws of this state."

§21.1-284

All school-age children with "a mental, physical, or psychological handicap or social maladjustment which impairs learning, shall be entitled to and shall receive a free and appropriate education in accordance with his[her] capabilities."

§21.1-285

The state board, jointly with each local board of trustees, has general supervision and responsibility for the education of all children in the state with handicaps which impair learning. "The state board shall adopt reasonable rules and regulations to assure that each such child receives a free and appropriate education in accordance with his[her] capabilities." RULEMAKING

§21.1-286

Each school district having any resident school-age handicapped children shall, subject to state board rules and regulations, provide for the appropriate diagnosis, evaluation, education or training and necessary related services, which may include room and board, RESIDENT SCHOOL

for such children. Any district not able to provide the necessary and appropriate programs and services shall contract with another school district or agency to obtain them. If the programs and services cannot reasonably be provided by the district or by interdistrict contracts, it is the responsibility of the state board to assist local boards of trustees in arranging for the appropriate educational programs and services either within or without the state.

§21.1-287;288

The state board of education shall maintain and operate the school for the education of the deaf and shall provide adequate staff, equipment and supplies for the proper operation of the school.

SCHOOL FOR DEAF

§21.1-289

The state board has the general supervision of "the deaf and blind and all other persons with a physical disability which prevents reading in the normal manner and, insofar as funds are available, the board shall provide "such educational and other services as it deems necessary to help such persons to help themselves to become and remain useful citizens of the community."

The state board of education may hire personnel and purchase books, equipment and supplies to accomplish this purpose.

REGULATIONS

Chap. II, Sec. 5

The contract of an initial contract teacher may be terminated by the State Board upon notification in writing by the Director of the School for the Deaf. An initial contract teacher shall not be entitled to a hearing or reasons for such termination.

TERMINATION

Chap. II, Sec. 6

The contract of a continuing contract teacher may be terminated by the State Board through a written notice of a recommendation of termination together with written reasons therefore from the Director of the School for the Deaf to the continuing contract teacher, on or before March 15 of any year. Any continuing contract teacher shall be entitled to a hearing before the board.

TERMINATION

HEARING

Chap. II, Sec. 7

The suspension or dismissal of any teacher may be initiated by the Director of the School for the Deaf, submitting to the teacher a written notice of such dismissal or suspension, together with the written reasons therefore. Any such teacher shall be entitled to a hearing.

Chap. III: Rules of Practice Governing Hearings

Hearings concerning contested terminations, suspensions, or dismissals of teachers and pupils of the Wyoming School of the Deaf shall follow the procedures given in Chapter XII, Appendix B, of the Wyoming Educational Regulations for Contests before Boards of Trustees.

SUSPENSION

DISMISSAL

Chap. XI, Sec. 1

Each school district shall adopt, submit to the Office of Exceptional Children and implement local regulations and procedures regarding the operation of the district's education porgrams and services for handicapped children. The district has latitude in determining the content of its regulations. Some specific criteria are necessary. Provisions which must be included in district regulations are given in the following sections.

RULEMAKING

Chap. XI, Sec. 2

PLACEMENT

To the maximum extent appropriate, handicapped children are to be educated in regular classes with children who are not handicapped. All placements and procedures which remove handicapped children from the regular educational environment shall occur only when learning problems are of such nature and severity that education in regular classes, even with the use of supplementary resources cannot be achieved satisfactorily. All placements must be appropriate to individual needs; educational goals shall be specified via an individual education plan.

Chap. XI, Sec. 3

IDENTIFICATION

Each school district shall maintain a system to identify handicapped children who are residents of the district, to assess their educational needs, and to implement appropriate educational programs.

The identification program should include: pre-school children, school-age children not receiving an education, handicapped children attending school but not receiving full or appropriate educational services they need, and school-age youths who have left school but who have needs which the school system can meet.

Chap. XI, Sec. 5

RULEMAKING

Regulations shall be adopted for referring children for assessment who are suspected to have learning and/or behavorial problems, and for confidentiality during this process.

Chap. XI, Sec. 6

Each exceptional child placed in a special instructional program shall receive an individual assessment conducted by a multidisciplinary team of certified, endorsed, or licensed personnel using whatever instruments and procedures

are appropriate. All assessment materials and procedures shall be free from social or cultural bias. Results shall be interpreted to parents, guardians, or surrogate parents in language they understand. In the event of misclassification or misplacement, all indications of the misclassification or misplacement shall be removed from the child's school records.

Chap. XI, Sec. 7

All information obtained in assessment shall be translated into appropriate written recommendations and prescriptions. An individual educational plan shall be written, implemented, monitored, evaluated, and continuously updated for every handicapped child. It is suggested that the educational plan include: long and short-term goals, measurable objectives to be attained, educational strategies and materials, programs for assisting parents, guardians, or surrogate parents with their child, and career and education goals and strategies.

Chap. XI, Sec. 8

Each school district shall establish at least one Child Study Committee or equivalent group, and adopt regulations and procedures to facilitate the thoughtful evaluation, placement, progress review, and reassignment of handicapped children.

It is suggested that such a Committee be established in every school in which handicapped children are provided special instructional services. The core members should represent the areas of exceptionality, regular education, pupil assessment, health and administration.

Chap. XI, Sec. 9

School districts should adopt reasonable criteria for the graduation of the handicapped from high school. It is suggested that students, who meet these criteria be graduated with a standard high school diploma.

DIPLOMA

Chap. XI, Sec. 10

IN-SERVICE TRAINING

Staff members of the district shall receive ongoing in-service preparation in the education of handicapped children.

Chap. XI, Sec. 11

PRIVACY

School district regulations to protect the privacy of students and parents relative to school records shall apply to the implementation of all rules concerning handicapped students.

Chapter XII: The General Regulations Regarding the Eligibility of Handicapped Children

Prior to placing a handicapped child in a special instructional program, the district shall obtain written documentation of the need for the placement by an individual assessment, appropriate to the child's age, culture and socio-economic background. Documentation shall include assessment of hearing, vision, and current educational functioning (strengths and weaknesses) in the cognitive, socio-emotional, academic, and motor areas, and recommendations concerning placement.

(A child who is a new resident of the school district and is known to have been in a special education program operated by the sending district, but where assessment records have not yet been received, may, with written parental consent and endorsement of the Child Study Committee, be provisionally placed in a special instructional program for handicapped children until the records are received, for a period not to exceed 25 school days.)

The assessment of a child who does not have adequate English usage to express school-related abilities should be conducted by personnel knowledgeable about the child's

general culture and fluent in both English and the language in which the child is most competent. When such personnel are unavailable, a language interpreter shall assist communication between the diagnosticians and the child.

Prior to placement, the child's parents, guardians, or surrogate parents shall give written consent and the Child Study Committee or equivalent group must recommend placement.

Each child shall have an individual educational plan, and a program to monitor and evaluate progress shall be implemented.

PLACEMENT

Each child's continued placement shall be determined at least annually by a Child Study Committee or equivalent group. Each child shall be reevaluated every two years. Continuation in the program shall end when the child achieves the goals prescribed in his/her educational plan and can function in the regular school program.

CROSS REFERENCES

III.B.School Personnel; Regulation Chap. III, Section 8

IV.G; Statute §21.1-70

IV.J; Regulation Chap. II, Section 8

3. Vocational Education

3. Vocational Education

Statutes

§16-3-18

The state board and the state superintendent of education shall co-operate with the federal board for vocational education in administering federal programs relating to vocational education.

§16-4-17

The state superintendent shall prepare rules and regulations for the administration of the vocational education laws. RULEMAKING

§16-37-1; 3

Alabama accepts the federal legislation concerning vocational education. The state superintendent of education is in charge of vocational education and shall enforce all rules and regulations made by the state board of education.

§16-37-4

The state board of education has full authority to formulate plans for the promotion of vocational education in agricultural, trade, industrial, and home economics subjects and shall provide for the preparation of teachers in these subjects. The board has authority: to make studies on vocational education, to aid local communities in establishing schools or classes in these subjects, to provide for the certification of teachers and determine the qualifications for persons training vocational teachers.

§16-37-5

Any county or city board of education may cooperate with the state board of education in establishing vocational schools or classes.

§16-37-6

In its annual report to the governor, the state board of education shall report on the condition of vocational education in Alabama.

County and city boards of education may jointly maintain and operate vocational high schools. Resident pupils of the co-operating boards of education will not be charged tuition. The cooperative agreement shall provide for a staff, setting forth its powers and duties, and for an advisory board composed of members of each cooperating board.

CROSS REFERENCES

II.B.1.a.; Statute §16-36-23; 16-36-25

IV.A.; Statute §16-1-7

3. Vocational Education

Statutes

§14.35.020

In regard to vocational education the state board of education shall (1) "prepare, submit and supervise the administration of plans for vocational education and rehabilitation; (2) select a state director of vocational education.

Regulations

4 AAC 51.010

(a)The standard for the administration of vocational education shall be the Alaska Plan for Vocational Education adopted by reference.

(b) "The commissioner of education is hereby authorized to approve courses of classes in vocational education which have been recommended by the director of vocational education." He/she is authorized to approve actions "which in his/her discretion are essential and necessary to the proper conduct of the vocational program . . ." subject to review by the state board at its next regular meeting.

CROSS REFERENCES

III.B.Certificated Staff; Regulation 4 AAC 12.060

III.B.Vocational Trades Staff; Regulation 4 AAC 12.050

3. Vocational Education

Statutes

§15-1051 --1054

Any high school with sufficient room and facilities may apply to the state board of education for permission to institute classes in vocational education. The high school shall employ trained teachers who meet qualifications set by the state board. The classes will be free to all resident pupils but nonresident students may be charged tuition of three dollars per month. The state board of education will administer the vocational education program and cooperate with the federal government in dispersing funds.

Any school district may organize its own vocational education program and shall receive state and federal aid to enable it to do so.

§15-1062 --1064

The Arizona youth farm loan fund shall be administered by the board of vocational education to provide financial aid to young men under 25 who are students or former students of vocational agriculture. The board of vocational education has the power to collect or cancel claims and acquire property as provided herein.

§15-1091 — 1093

The state board of vocational education shall establish an advisory council for technical-vocational education made up of members recommended by the director of vocational education. The advisory council shall help to plan a program and curriculum for technical-vocational education. If a school district meets the minimum standards recommended by the advisory council, it may receive state aid to establish a vocational education program. Districts which may apply for state funds are high school districts (one or more).

ADVISORY COUNCIL

§15-1501

All students are required to wear eye protective devices while engaged in vocational classes or laboratory

EYE PROTECTIVE DEVICES

activities. The devices will be provided by the school district. The state board of education shall make rules and regulations to enforce this provision.

CROSS REFERENCES

I.District Board of Trustees; Statute §15-448

IV.A.; Statute §15-1501

3. Vocational Education

Statutes

§80-460--463

Vocational-Technical High School Districts may be formed, governed by a state board for vocational education which shall have these powers: establish criteria "for size and location of sites for the proposed vocational-technical high school; nature and extent of the programs, and size and type of buildings required ; develop a tentative budget"; advise on the "changes and expansion of the program ; establish the required minimum qualifications for the staff of the vocational-technical high school" and "approve budgets for area vocational-technical high schools."

The area schools shall be controlled by a "board . . . composed of a representative appointed by each local school board in the special district." Each member shall serve a five year-term. The board shall: "determine the educational program"; oversee employment of administrative and teaching staffs; administer grants from public or private institutions; acquire property and "exercise all other powers . . . reasonably necessary to the establishment, maintenance, and operation of a . . . school. Seventy-five per cent (75%) of the local school boards in the proposed district may petition for an election to determine whether such district shall be formed. The proposed district must be approved by the State Board for Vocational Education."

§80-2557--2560.1

The state board for vocational education shall administer federal funds slated for "assisting the state and/or local school districts in providing for the extension of vocational education of less than college grade in the field of vocational-technical and adult education for persons sixteen years of age and over."

The board shall "establish or designate one or more area vocational-technical and adult education schools [to train persons] . . . in . . . areas which may be prescribed by the Congress." If state and/or federal funds are not available for such programs, the Board may direct a local district to build such educational facilities. In determining the schools' location and the courses of instruction the Board shall consider: "trends in industrial development; concentration of population; concentration of industry; natural resources and reasonable distance for people in all areas of the State." The Board may also authorize the establishment of branches of vocational schools or offer vocational-technical instruction in public schools and/or in other community facilities.

§80-2561

FACILITIES

The Board shall "purchase, or lease, or contract buildings, land, equipment, machinery, and supplies necessary for the teaching of trade, vocation, and/or other federally aided adult courses of less than college grade." It shall employ persons in these schools and set salaries. Those persons shall be governed by the department of education.

§80-2562

TUITION

The state board for vocational education may set student fees for vocational-technical schools and adult education courses "according to the type of course of instruction and the length."

§80-2569.1

The State Board of Vocational Education shall administer occupational education programs. A State Advisory Council on Vocational Education shall be responsible for those education programs and local educational agencies may appeal the "policies, procedures, programs, or allocation of resources" for said programs.

ADVISORY COUNCIL

The Advisory Council for Voc-Tech Education shall consist of twenty-four members each serving a three-year term. Vacancies shall be filled within fifteen days by appointment. At least one Council member shall represent each of these classifications: (a)" familiar with vocational needs and the problems of management in the State; (b). . . familiar with the vocational needs and the problems of labor; (c). . . familiar with the administration of state and local vocational programs;" (d) . . . knowledge or experience . . .[in] . . . vocational education; (e) . . . familiar with programs in comprehensive secondary schools;"(f) representative of "local education agencies," (g) representative of a school system with many "academically, socially, economically, and culturally disadvantaged students; (h) a person representing the general public"; (i) representative of "a community or junior college or other institution of higher education which provides vocational technical education; (j) the executive director of the Arkansas Industrial Development Commission ; (k) the director of the Arkansas Manpower Council; (l) the director or associate director of the Arkansas Rehabilitation Service, (m) a member of the Arkansas Senate," (n) and "a member of the Arkansas House of Representatives

Consideration shall be given to representation from all areas of the State . . . [N]o member of the State Board for vocational education may serve as a member of the Council."

EVALUATION

The Advisory Council shall promote interest in vocational-technical education, advise the State Board on policy issues, evaluate vocational-technical education programs and report on such an evaluation and make recommendations for annual and long-range plans.

The General Assembly shall authorize federal and/or state funds for the Council's operation.

Members shall receive a $25.00 per diem fee and shall be reimbursed for expenses incurred carrying out Council business.

§80-2587--2589

The state board of vocational education shall establish programs for training plumbers, "in cooperation with, and the approval of, the Plumbers Licensing Division of the State Board of Health and local training committees." Such courses shall prepare students for the licensing examination for plumbers. They may be incorporated into any high school or community college vocational education program. The state board of vocational education shall set rules in cooperation with local plumbing training committees establishing the level of instruction. Instructors "shall be approved by the training committee and the state board for vocational education. A student may receive credit towards said course for a summer apprenticeship with a licensed master plumber. Each plumber trainee shall apply to the State Board of Health for a temporary card, which will allow him/her to work under a master plumber's supervision.

Upon satisfactory completion of said course and passing the necessary examinations a student is eligible for a plumber's license. "Training programs may be taught by a master or journeyman plumber." Courses of study shall be prescribed by National Plumber Standards."

CROSS REFERENCES

IV.A.; Statute §80-1634 -- 80-1635

IV.G.; Statute §80-1655

IV.J.; Statute §80-1656

3. Vocational Education

Statutes

§8000 -- 8007

This section provides for the creation of the California Advisory Council on Vocational Education and Technical Training, and it shall consist of:

(1) Director of Employment Development;
(2) a member of the Assembly Education Committee;
(3) a member of the State Education Committee; and
(4) 27 members appointed by the Governor. All members are to serve varying terms. All members of the council who are also members of the Legislature shall work with it as long as that work does not interfere with Legislative duties, and they shall constitute a joint legislative committee.

APPOINTMENT

The members appointed by the Governor shall include: (a) One person familiar with the vocational education needs and problems of organized labor; (b) one person familiar with the vocational needs and problems of management; (c) one person representing the state industrial and economic development agencies; (d) Three persons representing higher education; (e) one person familiar with the administration of state and local vocational education programs; (f) one person having special knowledge and expertise with respect to vocational education who is not involved in such programs; (g) one person familiar with programs of technical and vocational education, including programs of comprehensive secondary schools; (h) one person representing local community college agencies; (i) one person representing secondary education agencies; (j) one person representing community college governing boards; (k) one person representing secondary school governing boards; (l) one person representing elementary school governing boards; (m) one person representing county offices of education; (n) one person representing the manpower and vocational education agencies in the state; (o) one person representing school districts with large concentrations

of academically and culturally disadvantaged pupils; (p) one person with special knowledge and experience, with respect to the special education needs of handicapped persons· (q) two persons who are students currently enrolled in a vocational education program; (4) two persons representing a cross section of industrial, business, professional, agricultural, and health service occupations; (s) two persons representing the general public, one knowledgeable of the disadvantaged; (t) three persons representing private postsecondary education institutions not provided for.

Members of the council shall serve without compensation.

The council shall have the following duties: (1) advise the proper boards in the preparation of long range plans, policy matter, etc.; (2) prepare and submit annual evaluation reports, as well as statements describing its separate consultations; and (3) evaluate programs of occupational education and training maintained by local education agencies, and publish and distribute the results.

The council is authorized to obtain the services of such personnel as may be necessary.

There shall be a vocational education staff that may perform the duties of data gathering and analysis. This staff shall maintain inventories, evaluate programs, and facilitate the preparation of reports and the like.

§8020 -- 8035

There shall be created a number of approved regional adult and vocational education councils with predetermined boundaries. The superintendent and chancellor shall jointly publish guidelines for application by school districts for the formation of these councils.

High school districts, unified school districts, and the county office of education shall participate in a regional adult and vocational education council, with regulations prescribed to them.

Each regional adult and vocational education council, shall be composed of 11 members, as follows:

(a) Four representatives of high school or unified districts selected by vote by the governing board; (b) Four representatives of community college districts or districts within county boundaries, selected by governing board; (c) a representative of a county office of education selected by the governing board; (d) a representative of a prime sponsor; (e) a representative of a private post-secondary education institution selected by the administrators of the private postsecondary education institutions in the region. Members shall serve two year terms. The regional adult and vocational education council shall appoint a vocational and continuing education advisory committee of 18 members from seven different agencies, including handicapped teachers, students, etc. They may retain staff to assist.

Each council shall meet to review programs within the system, as well as plans concerning vocational education, and shall make recommendations.

The council, in exercise of its duties may: (a) prevent unnecessary duplication of courses or services; (b) plan for short-term improvement of vocational education; (c) meet on a regular basis no less than once every two months; and (d) file reports of its activities. The council will receive necessary information from the Superintendent of Public Instruction and Chancellor of the California Community College, who will also submit reports regarding the council to the Legislature.

§8070

The governing board of each school district participating in a vocational education program shall appoint a vocational education advisory committee consisting of one or more members of the general public knowledgeable on the subject.

APPOINTMENT

§8080

Determination of need for: (a) a regional occupational center shall be established by the governing body of the agency maintaining the center; (b) a high school by the governing body of the district maintaining the high school.

§8090 -- 8100

CONTRACTS

School districts may enter into contracts with private business, trade and technical schools to provide training and retraining programs when such organizations have facilities available for this purpose. Federal, state, and local funds may be used for such programs.

Any school district maintaining a regional occupational center may contract with a private post secondary school to provide vocational skill training, provided that such an agreement or contract meet specific guidelines herein outlined.

Certain qualifications necessary for public owned school buildings are not necessarily required of non-public school buildings pursuant to this article.

Courses for vocational training must be approved by the Superintendent of Public instruction or the board of governors as the case may be.

§8120 -- 8121

The development of programs in vocational educational curriculum is encouraged and pursuant to this encouragement a vocational manpower management information system is to be established in order to provide comprehensive information on current and projected occupational demand and supply relationships in local labor markets.

§37113

"The governing board of every district maintaining a high school shall, subject to space being available, admit pupils regularly enrolled in nonpublic schools to enroll in vocational and shop classes and in classes relating to the natural and physical sciences."

§48227--48229

A minor may be assigned to a vocational course in a place of employment in lieu of the regular school course. Prior to assignment, the principal of the school which the minor attends and has been attending during the preceding year shall recommend the assignment, which shall be approved by the state superintendent, and the minor shall be issued a work permit. A minor assigned to a vocational course shall remain under the jurisdiction of the school last attended and may at any time be returned to that school when in the minor's best educational interests.

§49320

The number of students in any industrial education facility shall not exceed the number of basic work stations (defined as assigned locations where a student normally spends class time performing the functions necessary to meet the objectives of the course) designed for the number of students assigned, as determined by the local governing board.

§51760

A governing board maintaining a high school may: provide for instruction contributing to success in employment through courses of work experience education, provide for guidance and supervision to insure maximum benefit to students in work experience education courses; arrange coordinate, and award credit for work experience education courses and employ necessary personnel; and provide for the district to purchase liability insurance for students enrolled in these courses or require students to purchase insurance and pass the costs to the district.

§51761 -- 51762

The state board shall establish standards for work experience education including, but not limited to, selection and approval of work stations, supervision of pupils, credit, and guidance procedures.

The Department of Education shall adopt rules necessary to implement these standards.

§51763 -- 51764

All laws or rules applicable to minors in employment relationships are applicable to students enrolled in work experience education courses.

Work experience education includes the employment of pupils in part-time jobs approved as having educational value for students and coordinated by school employees.

§51765

A governing board which maintains a work experience education program in which mentally retarded pupils are employed in part-time jobs may use funds derived from any source, to the extent legally permissible, to pay the wages of these pupils.

The Legislature declares that the authority granted by this section is necessary to ensure that the work experience education program will continue to provide maximum educational benefit to students, particularly mentally retarded pupils, and that the program is deemed to serve a public purpose.

§ 1766

APPRENTICESHIPS

Work experience education involving apprenticeable occupations shall be consistent with §3070 et seq. of the Labor Code and with standards established by the California Apprenticeship Council.

§51767 -- 51768

A governing board may provide for work experience education programs in contiguous areas outside the district.

A governing board providing work experience and work study education may provide for employment under such program of pupils in part-time jobs located in areas outside the district and such employment may be by any public or private employer. Such districts may pay wages to persons receiving such training whether assigned within or without the district, except that no payments may be to or for private employers, and may provide workers' compensation insurance.

§51769

The school district or county superintendent under whose supervision work experience education, or occupational training classes, are provided shall be considered the employer under §3200 et seq. of the Labor Code of persons receiving such training unless such persons are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work experience or occupational training provides workers' compensation insurance. Whenever work experience education, or occupational training classes, are under the supervision of a regional occupational center operated by two or more districts, the district of residence shall be deemed the employer.

§51770

Sections 1292, 1293 and 1294 of the Labor Code shall not apply to work experience education programs, provided that the work experience coordinator determines that the students have been sufficiently trained in the employment otherwise prohibited, if parental approval is obtained, and the principal or counselor of the student has determined that the progress of the student toward graduation will not be impaired.

§51790 -- 51792

AVIATION EDUCATION

The Department of Education shall aid local districts to develop a program of aviation education.

Each governing board is encouraged to develop aims for aviation education to include: integration of aviation concepts throughout elementary school with instruction in science, social studies, and arithmetic, aviation experiences in junior highs in social studies, science, and arithmetic; and elective courses in high schools including air transportation, vocational training, economic, social and political implications of aviation, the history and science of flight, and flight experience where such is feasible. Periodic reports concerning the

program shall be made to the Department of Aeronautics.

The Department of Aeronautics may assist in the selection of airports and pilots used in aviation education programs. It is authorized to make available to public schools offering flight experience as part of the regular curriculum a basic insurance program and to assure that adequate supervision and precautionary measures are taken by flight school operators. Governing boards may participate in the insurance program and pay from district funds a pro rata share of its cost.

§52300 -- 52332

REGIONAL CENTERS

The Legislature intends that qualified students be provided with the opportunity to attend a technical or vocational school or program, regardless of the geographical location of their residence. Regional occupational centers or programs (meeting the criteria and standards of instruction in regional occupational centers, but not necessarily situated in one single location) shall serve this purpose.

A regional occupational center or program may be established: by one or more county superintendents, with state board consent; by the governing boards of any school districts maintaining high schools in a county, with the consent of the state board and of the county superintendent; by a governing board maintaining 500 or more schools; by two or more school districts maintaining high schools through the use of the resources of a community college or colleges serving the same geographic area, with the consent of the state board and of the county superintendent; by two or more school districts pursuant to §6500 et seq. of the Government Code, in which case the county superintendent may, with state board consent, maintain a separate regional occupation center or program.

Notwithstanding the above, a single school district in a class 1 county, having an average daily attendance of 50,000 or more, or a single school district located in a class 2 county, having an average daily attendance of 100,000 or more, may apply to the state board through the county

superintendent for permission to establish a regional occupational center or program. The state board shall, within 90 days, prescribe a procedure, whereby the district may establish a center or program.

A school district or county superintendent, sponsoring a regional occupational center or program, shall conduct a job market survey in its geographical area, in cooperation with the local office of the Department of Human Resources Development, prospective employers, the district's advisory committee on vocational education, and the appropriate advisory committee for each of the proposed training programs. The survey shall include an analysis of existing vocational and occupational training programs in the area.

The board or superintendent shall determine whether or not the survey and analysis justifies the proposed skill training and whether the skill training will be offered through a regional occupational center or program or through a contract with an approved private post-secondary school, pursuant to §8092.

A regional occupational program or center may provide day, including Saturday and Sunday, and evening full-time and part-time vocational education programs for minors and adults, the year round.

It may include within its programs a sheltered workshop.

It may permit the establishment and operation of such business, commercial, manufacturing or construction activities as will best serve the aims of vocational education (including the sale of products or services to private or public corporations or to the general public) if all the following conditions have been complied with: it shall be only for the education or training of students enrolled in the center or program; it shall be approved by the appropriate agency of the Department of Education according to requirements of the State Plan for Vocational Education and rules adopted by the state board; it shall be operated on a nonprofit basis, with all revenues restricted

to cover instructional and operating costs; it shall obtain the approval of the appropriate trade associations and of the county labor council. However, it may be conducted without the need to obtain local business licenses or permits or to pay local business taxes. Attendance of students in any such activity shall be credited to the center or program for apportionment purposes, except that the state superintendent shall deduct from such apportionments any revenues earned by the facility in excess of operating costs.

To the extent feasible, business, commercial, manufacturing, or construction activities established in a center or program shall be made to work cooperatively with sheltered workshops located in the area of such programs.

A regional occupation center shall be established at a readily accessible place selected to serve the pupils who will attend the center.

The governing board or county superintendent establishing a center or program may acquire sites, plan, construct, purchase, or lease buildings, and equip them. Buildings of not more than one story or equipment for a term not to exceed 10 years may be leased without complying with other provisions of this code.

A regional occupation center's or program's curriculum shall be subject to the approval of the department and shall comply with the State Plan for Vocational Education. The state board shall establish guidelines and criteria differentiating between causes appropriate for regional occupational centers or programs and those appropriate for high schools.

Credits earned from a center or program may be applied toward fulfillment of requirements for a high school diploma. A pupil who has attended a center or program full-time and completed the prescribed course of study may be conferred with a high school diploma.

DIPLOMA

A school district which by itself or in cooperation with other districts maintains a regional occupation center or program may admit to the center or program pupils who reside in the district or in any of the cooperating districts

and pupils residing in other districts under interdistrict attendance agreements pursuant to §46600 and §46605.

A county superintendent maintaining a regional occupational center or program may admit to the center or program: any pupil eligible to attend high school or adult school in a district subject to the county superintendent's jurisdiction and who resides in a district not maintaining a center or program and pupils residing in the county but outside of districts participating in the county regional occupational center or program (under §46617.5).

A county superintendent may authorize pupils who reside in districts participating in the center or program conducted by the county superintendent to enroll in other centers or programs where it is deemed in the pupils' best interests under an attendance agreement specifying that the county superintendent authorizes the center or program to be credited with the attendance of such pupils.

No pupil shall be admitted to a center or program, unless the county superintendent or governing board maintaining it determines that the pupil will benefit and approves the pupil's admission. A pupil may be admitted on a full-time or part-time basis.

Any visually handicapped, orthopedically handicapped, or deaf person who has been graduated from high school may attend a regional occupational center or program on the same basis as a high school pupil. Additional special instruction and support services shall be provided to such persons.

A pupil enrolled in grades 10, 11, or 12 who is also attending a regional occupational center or program may be excused from attending physical education courses by the governing board of the district in which the pupil is enrolled, if such attendance resulted in hardship because of travel time involved. If so excused, the pupil's minimum schoolday in the regular high school is 180 minutes.

The county superintendent or governing board maintaining a regional occupational center or program may accept and expend grants from the federal government or from other public or private sources for the purpose of this chapter.

Units of average daily attendance in regional occupational centers or programs are the quotient arising from dividing the total number of days of pupil attendance during the fiscal year by 175. Attendance in sheltered workshops in centers and programs (pursuant to §52305) shall not be considered in computing units of average daily attendance.

Any district or county superintendent operating a 60-minute regional occupational program shall be credited with one-third of a unit of average daily attendance for each student in the program and two-thirds of a unit of average daily attendance in a 120-minute program.

SCHOOL DAY

The minimum day in a regional occupational center is 180 minutes and in a regional occupational program is 60 minutes.

The Department of Education shall annually submit to the Legislature an evaluation of the regional occupational centers and programs for the preceding fiscal year, including an analysis of costs of individual centers and programs, their enrollment, numbers of graduates and trainees, dropout rates, and placement data.

Any school district, in a county contiguous with the Republic of Mexico, and any county, contiguous with the Republic of Mexico, which maintains a regional occupational center may enter into a student exchange agreement with a trade and technical training school located in Mexico.

In computing average daily attendance of the center, the state superintendent shall include any Mexican students if the agreement provides as far as possible for the exchange of students on a one-for-one basis, if the educational services provided the U.S. students in Mexico are at least equivalent in quality to services in the regional occupational center, and if the state superintendent has approved the agreement prior to its operative date. No average daily attendance shall be credited to the center for U.S. students while in attendance at the Mexical school.

A governing board of a district in a county contiguous to the State of Arizona or a county superintendent of

such a county which maintains a regional occupational program may enter into an agreement with a public or private educational agency in Arizona to provide students enrolled in the program vocational or technical training which is not otherwise available to such students, due to geographical isolation. Such training shall be approved by the state superintendent and conform to the State Plan for Vocational Education. The attendance of such pupils shall be included in computation of average daily attendance and credited to the county school service fund of the county of residence.

A governing board or county superintendent operating a regional occupational center or program may maintain center or program classes in industrial or school facilities located outside the district or county. The state superintendent shall be notified prior to the establishment of such classes.

No instruction shall be given in a regional occupational center except by a certificated teacher.

§52350 -- 52352

DROP OUTS

To curtail the rate of pupil dropouts or premature enrollment terminations, the Legislature intends that special emphasis be given to prevocational training courses.

A county superintendent or governing board maintaining grades 7, 8 or 9 may, with the state superintendent's approval, establish a program in which pupils whose academic attainment level and behavior indicate that they will probably terminate enrollment prior to completion of grade 12, but who demonstrate aptitude for prevocational training, are identified by various means and offered prevocational courses as well as counseling and guidance.

The county superintendent shall have primary authority to establish the program within the county. Should he/she fail to do so after the request of a governing board, the governing board shall have full authority to do so.

Notwithstanding the mandatory course of study in grades 7, 8 and 9, the state board shall prescribe the

particular courses to be waived in the case of pupils enrolled in prevocational training. Such courses shall be those of less importance in connection with instilling in pupils traits necessary to good citizenship.

Any pupil identified as eligible shall voluntarily, without duress or coercion, and with the consent of a parent or guardian, be authorized to elect to enroll in prevocational courses as follows: in grade 7, one such course per semester; in grade 8, two such courses, provided that the pupil successfully completed any such course during the preceding school year, and in grade 9, three such courses per semester, provided the pupil successfully completed any such course during the preceding school year.

It shall be unlawful for any school officer, employee or board to willfully cause or aid in the forced enrollment of a pupil in a prevocational course as a disciplinary measure, or to cause or aid in effecting any distinction in the form of any diploma issued at graduation based on a pupil's having enrolled in the program.

The state board shall adopt rules prescribing the particular means to be used in identifying pupils who may be eligible for prevocational training and all other rules governing such programs.

RULEMAKING

The state superintendent shall administer §52356 et seq. and have power of review and approval of any prevocational programs.

§52370 -- 52374

The governing board of any high school district may maintain on Saturday special day and evening classes in vocational training provided for by any federal program of national defense or any federal agency, acting through the Department of Education.

With the state superintendent's approval, pilot programs may be established for the maintenance on Saturday of classes in vocational training, which may be part of, but are not limited to, a federal program of national defense or any federal agency.

In either case, no apportionments from state funds

based on average daily attendance in such classes, whether maintained on Saturday or other days, shall be made where the total cost of classes is borne by the federal government or any federal agency.

A governing board may establish and maintain, in connection with any high school under its jurisdiction, cooperative vocational courses in accord with state board standards.

AGRICULTURE COURSE

The governing board of a high school district maintaining an agriculture course may transport pupils and instructors to and from any classes or places of work, whether within or without the district, in the same manner and subject to the same limitations as in transporting pupils to and from school.

The duties and powers of a governing board with respect to any high school established in the district prior to August 14, 1929, and not supported in whole or in part by any funds derived from the levy of any district tax may, with the state board's approval, be transferred to the Chief of the Division of Vocational Education in the Department of Education who may appoint any qualified person to exercise supervision over the school.

§52382 -- 52394

A program of summer vocational and technical education for pupils who have completed grades 9 to 12 may be established by any governing board maintaining a high school. It shall consist of training in skills in which ample opportunities for gainful employment are to be found and may include work experience involving the gainful employment of pupils. Limitations on the employment of aliens by public agencies shall not be applicable to the employment of pupils in such programs. Wages earned by pupils in such programs shall be paid weekly or, if not possible, biweekly.

No average daily attendance of pupils in such a program shall be credited unless the program has been approved by and is conducted according to rules of the department of education. Districts desiring to participate

shall submit applications describing in detail the proposed content and operation of summer programs.

Each participating district shall submit an annual report and evaluation of the conduct of its summer programs, on forms provided by the department.

With department approval, a governing board may contract with and receive funds from any other public or private agency or cooperate with institutions of higher learning for purposes of such programs.

A governing board offering an approved program may no more than 10 weeks prior to the beginning of the program for the forthcoming summer, employ staff to perform tasks necessary to implement the program.

RULEMAKING

The department shall adopt rules to implement §52382 et seq., including standards for the programs, and shall develop, in cooperation with districts, program cirriculums. The department shall annually report to the Legislature on the operation and results of the programs.

From funds appropriated by the Legislature, a district shall be reimbursed for the current expense actually incurred by the district per pupil in average daily attendance participating in the program during the preceding fiscal in excess of the foundation program amount during the year for such a purpose.

§52700--52706

AGRICULTURE COURSE

A governing board may, for the purpose of providing practical instruction in agriculture, establish one or more school farms. The cost of purchasing and equipping a school farm and all other costs not met from the receipts of the farm's operation including the cost of its supervision shall be charged against district funds.

Moneys received from the sale of farm products shall be paid into the county treasury to the credit of the district's general fund or may be deposited in an account established for each farm or for all farms in the district by the governing board. All farm receipts may be withdrawn from the general fund and deposited in the account for expenditure for the operation and maintenance of the farm or farms.

The governing board may designate an employee to have custody of such an account.

The governing board may buy feed, livestock, and materials and supplies for a farm and may sell produce, livestock and other products of a farm in accordance with regulations adopted by the board.

REGULATIONS

§10071

WORK EXPERIENCE

Work experience education shall consist of:

a) exploratory work experience education guiding the vocational growth of the student by affording him/her an opportunity to sample a variety of work conditions; general work experience education b) supervised part time paid employment to develop skills and desirable work habits; c) vocational work experience education -- extends vocational learning opportunities through part time paid employment.

All three such programs must be submitted to and approved by the State Department of Education. Further requirements for these programs are detailed in sections 10072-10078.

§10090-91

COMMUNITY CLASSROOM

A community classroom is a program which conducts occupational training in various physical sites. Its general purpose is to expand occupational opportunities by utilizing facilities other than the public schools. The program shall be conducted under the immediate supervision of a certificated instructor. The number of pupils enrolled per hour, per certified instructor, shall not exceed 30. hours of training the instructor shall meet personally with each student. The instructor shall maintain records of each student's progress.

§10100

COOPERATIVE VOCATIONAL EDUCATION

Cooperative vocational education programs shall comply with the procedures set forth in the State Plan for Vocational Education. Each responsible local

education agency (LEA) shall comply with the requirements set forth in this article. An advisory committee shall be designated and composed of employers, and individuals having knowledge of cooperative vocational education. To qualify a student must be at least 16 years of age and a full time student.

§ 11441

PREVOCATIONAL STUDY

The eligibility of a student to elect a prevocational study course shall be determined by the principal upon recommendation from the pupils teachers and counselors according to Section 6034 of the Education Code. Such recommendations of the students aptitude for prevocational training shall be based on:

1) Teacher observation and appraisal
2) Achievement Tests
3) Aptitude Tests
4) Counseling and guidance problems
5) An indication that enrollment of the pupil in a prevocational program will increase the likelihood of her/his completion of high school through grade twelve.

§ 11442

WAIVER

Courses to be waived in lieu of prevocational program courses shall be determined on an individual basis for each pupil.

a) A course in English, mathematics or government or history as described in Education Code Section 8571(a),(f) and (b), shall not be waived.

§ 11443-11444

A request for approval of a district plan shall be submitted to the Superintendent of Public Instruction by May 1 preceding the school year in which a vocational education program is to be conducted under Education Code Sections 6031-6036. The request shall include:

a) A copy of the plan including a description of courses. This plan shall conform to the above mentioned sections of the Education Code.

b) A copy of the resolution of the governing

board adopting the plan.

c) The Superintendent of Public Instruction shall report periodically to the State Board of Education on the nature of such programs and the number of pupils enrolled.

An annual report shall be made to the district governing board and to the State Department of Education.

§ 11502-11503

County Superintendents or cooperating school districts shall submit applications for the establishment of Regional Occupational Centers or Regional Occupational Programs to the State Board of Education. The application shall both explain and justify the intended operation including compliance with all requirements in this Chapter (9) and Chapter 14 of Division 6 of the Education Code.

REGIONAL CENTERS

Curriculum shall be approved by the State Department of Education and shall comply with all requirements in the California State Plan for Vocational Education.

§ 11504-11505

Regional Occupational Centers shall provide vocational or technical training for students who are not presently served through such courses offered by high schools or community colleges. General training courses such as industrial arts, and basic adult education are not acceptable. Instruction shall be "provided by an instructor meeting the requirements of Education Code Section 52323, the California State Plan for Vocational Education."

§ 11506

Each Regional Occupational Center or Program shall submit an evaluation to the Department of Education which shall include the following:

a) An analysis of the cost of individual centers, programs and services.

b) Enrollment of high school, post-high school students and adults.

c) Number of trainees employed and the number of trainees continuing training in other institutions.

d) Dropout rates and placement data.

e) Activities included in Education Code 7451.5(c) and 7451.6 and 7451.62.

§ 11507

Each Center or Program shall be organized and administered so that there is a clear and separate audit of income and expenditures, agreements, contracts, enrollments and all other statistics pertaining to fiscal accountability.

§ 11508

Regional occupational centers and programs may establish and operate business, commercial, trade, manufacturing or construction activities including the sale of products or services to private or public corporations or companies, or to the general public as authorized in subdivision (c) of Education Code Section 7451.5.

The sale of such products shall be approved by the State Department of Education.

§ 11536

The occupational purpose of Vocational Education contracts is to provide quality vocational, technical and occupational preparation to a large number of public school students through private post-secondary schools approved in Chapter 1 of Division 21 of the Education Code.

§ 11537

The instructional purpose of Vocational Education contracts is to provide vocational, technical and occupational instruction which will prepare students for:

a) Gainful employment in an occupational area where training has been given.

b) Occupational upgrading.

c) Enrollment in more advanced training programs.

§ 11542

The Department of Education shall use the following criteria in determining the appropriateness of vocational education to be provided by private post secondary schools:

a) Manpower needs and job opportunities that relate directly to instruction under the contract have been identified.

b) Courses do not duplicate those courses available in the region.

c) Students eligible for enrollment must meet criterion defined in subdivision (g) of Section 11538.

d) The contracted services shall not reduce existing vocational education efforts and shall meet the standards set forth in California State Plan for Vocational Education.

e) Keep clear separate audit of all fiscal, enrollment and statistical data.

CROSS REFERENCES

II.A.2; Statute §56070; 56072-56075

II.A.2; Statute §59100--59103; 59110--59113; 59120--59131; 59140--59144

II.A.8.; Regulation §10530

II.A.10.Other-Continuation School; Statute §48430; 48436

II.A.10.Other-Continuation School; Statute §48431--48432; 48437-48438

II.A.10.Other-Individual Instruction; Statute §58400--58412

III.C.Educational System; Statute §51004--51005

IV.A; Statute §32030--32034

IV.G; Statute §46617.5

3. Vocational Education

Statutes

§23-8-103

In order to receive state support, vocational education programs must meet the following standards: "(a) Be designed to provide students with an entry level occupational skill; (b) Be of sufficient duration to provide entry level skills and related knowledge required by business and industry; (c) Have a technical advisory committee . . . to assist school districts in planning and conducting their vocational education curricula; (d) be conducted in facilities that are sufficiently equipped to permit adequate training . . . ."

§23-8-104

"On or before November 1 of each year . . . the Board shall submit to the general assembly a report on the implementation and result of [vocational education] programs funded . . ., including: (a) The specific nature of the types of programs funded; (b) The numbers of students . . . served . . .; [and] . . . (e) Such other aspects of the programs as will enable the general assembly to evaluate the results, cost effectiveness, and viability of the approved programs . . . ."

CROSS REFERENCES

II.A.9; Statute §22-32-118

III.B.Teachers; Regulations 2260-R-2.0; 2260-R-6.0

IV.A; Statutes §22-3-101 -- 102; 22-3-103 -- 104

3. Vocational Education

Statutes

§10-12

"The state board of education is designated as the state board of vocational education for the purpose of cooperating with the federal government in the promotion and administration of vocational education."

§10-13

APPOINTMENT

"The state board of education may appoint one or more school physicians for the state vocational schools and shall provide such physicians with suitable facilities for the performance of such duties as it prescribes."

§10-21a

EMPLOYERS

Any employer may offer accredited high school courses or may offer vocational training courses on the business premises for the benefit of any employee. The courses must be approved by the local board of education but the local board shall not be responsible for paying for the courses.

§10-64

Any town or regional board may establish a regional vocational agriculture center, provided there is a regional vocational agriculture consulting committee. Each board shall appoint two representatives to the committee who have a competent knowledge of agriculture and who need not be members of such board.

§10-66

"The state board of education shall have authority to make such regulations as are necessary to carry out the purposes of this part and to insure reasonable economy in the vocational agriculture centers."

§10-95

The state board of education may establish schools, part-time schools and evening schools in vocational education. The board may make regulations on admissions, appoint and remove members of the school staffs and make rules for the management of the schools.

The board may enter into arrangements with establishments in order to provide an opportunity for

the students to obtain practice." A town in which a school has been established may appropriate funds for maintaining the school.

§10-95b

"The boards of education of Branford, etc. . . and such other local boards . . . as may wish to participate shall . . . establish a career education center." The cooperative arrangements for the center shall provide for direct community participation.

The center shall provide "a continuing career education program from grades kindergarten through twelve . . . . shall offer career training opportunities on the secondary level" and shall use "teaching techniques and materials designed to meet the needs of the students." The center shall be eligible for transportation grants.

"The center may acquire . . . such facilities as may be necessary."

The state board shall annually evaluate the progress of the center . . . and shall submit a report of the findings and recommendations . . . to the general assembly.

§10-96

The state board of education shall establish standards for approving vocational schools and industrial arts programs in junior and senior high schools, and prescribe regulations for these schools and programs to receive state aid.

The state board of education shall "evaluate periodically the progress, accomplishments and needs" of these programs and make a general, annual report to the governor and the general assembly.

§10-96a

The state board shall prepare a "five-year master plan for career and vocational education" and shall submit the plan to the governor and general assembly. The plan shall be revised biennially. The master plan shall include: goals for vocational and career education;

financing methods; number and location of vocational schools and the scope of their programs; the need for new facilities; the need for program revision; and measures for improving opportunities in vocational education.

§10-97

The board of education of any town, or a regional board of education shall provide transportation for students under twenty-one years of age who are residents of the town or district and attend a state-approved vocational high school. If a high school does not offer vocational training, the town or regional board shall pay tuition and transportation costs for their students to attend a vocational school in another district.

TUITION

REGULATIONS

§ 10-95-1 to 10-95-5

"To be admitted to a state vocational-technical school" an applicant must have completed the 8th or 9th grade of an elementary school or junior or senior high school and will enter into the 9th or 10th grade of the vocational-technical school. A student seeking admission must provide evidence of "physical fitness for the pursuit of a trade....Preference in admission shall be given to students who show...ability to complete satisfactorily the instructional program." Students are admitted in September. An applicant who does not meet the requirements of these regulations "shall be considered for...admission as a special student."

CROSS REFERENCES

III.B.Teachers; Regulation §10-146-21 -- 10-146-23

III.B.Teachers; Regulation §10-146-27 -- 10-146-32c

III.B.Vocational School Administrator or Supervisor; Regulation §10-146-70 -- 10-146-72

IV.A.; Regulation §10-214a-1 -- 10-214a-3

4. Early Childhood Education

CROSS REFERENCES

III.A.2.; Statute §10-16

III.B.Teachers; Regulation §10-146-10 -- 10-146-15

STATUTES

§205

The Board may establish such vocational technical centers, or schools as in its judgment will promote the educational interests of the state.

§1064

"(a) The members of the school board of any reorganized vocational-technical school district shall be appointed by the Governor from the residents of such district. The school board shall be composed of seven members. Annually, the Governor shall appoint one member for the term of seven years to fill the vacancy caused by the expiration of the term of the member whose term expires at such time. Any vacancy in the office of any such member, caused by death, resignation, removal from the district, or any other cause whatever, shall be filled by the Governor for the unexpired term. Every member, at all times, shall be a resident of the reorganized vocational-technical school district, or his[her] office shall be considered vacant and a successor shall be appointed for the unexpired term as provided in this section. After the expiration of the terms of the present members, not more than four members of the school board shall be of the same political party, and no member shall fail to state his[her] political affiliation.

In the case of any reorganized vocational-technical school district which will not have, after reorganization, at least seven school board members serving pursuant to section 1061 of this title, the Governor shall appoint such members as are necessary to bring the total number of school board members to seven and shall designate the term of such appointed members so that the term of one member shall expire each year thereafter for the succeeding seven years. Not more than four members of the school board shall be of the same political party, and no member shall fail to state his[her] political affiliation.

The terms of the school board members shall begin

July 1 following their appointments and shall continue until their successors qualify."

§3201

This chapter is to encourage youth to pursue vocational and occupational education when such pursuit is deemed in the best interest of the student and the State.

§3203

The General Assembly shall appropriate in the annual budget a sum to be known as the "Vocational Youth Organization Fund."

§3204

The Board may award grants, under the Vocational Youth program, to vocational organizations which are an integral part of the instructional program in the following, but not limited to, occupational-vocational areas, such as Agriculture, business and office occupations, distributive education, home economics, and trade and industrial education.

§3310

The State Board for Vocational Education shall:

Be responsible for the preparation of a State Plan for Vocational Education and the execution of its provisions;

Be responsible for the disbursement of vocational funds received from the U.S. Government and the State; the vocational funds to be disbursed to the school districts and to the State Treasurer as determined by the State Board for Vocational Education;

Appoint and provide for the compensation of all personnel necessary to administer this program;

Prescribe rules and regulations governing the qualifications and certification of teachers of vocational education in the State;

Prescribe the minimum amounts necessary to be allocated by the various school districts for vocational education programs, in order to comply with the standards set forth in the State Plan for Vocational Education;

Report annually on the administration of this program; as a part of the annual report of the State Department of Public Instruction.

3. Vocational Education

Statutes

§31-614

The Board shall "establish occupational schools on the elementary school level" for less advanced students, and also provide "trade or vocational courses on the senior high school level . . . ."

CROSS REFERENCE

III.B.Teachers; Regulation: Chap. XVII, §9, License VII

3. Vocational Education

Statutes

§230.63-.631; .634

With approval by the department of education, any school board may "organize, establish, and operate" an area vocational-technical center.

The center must meet the requirements of the state vocational education plan and any additional criteria established by the department of education.

The center shall offer terminal courses of a technical and vocational nature and courses for out-of-school youth and adults. Area vocational-technical centers are subject to general state school laws.

§230.65

Vocational-technical centers approved by the department of education shall participate in the minimum program funds for public schools. Funds shall be allocated from minimum foundation program funds according to the formula established by law.

§230.651

The state board of education is directed to designate a public school district which has a vocational education program of at least eight vocational education units and one high school with a department exclusively or principally devoted to vocational education as an area vocational education school center.

§230.66

A supplemental program to provide training to meet the employment needs of industry shall be under the department of education. The Industry Services Advisory Council shall have seven members and shall consist of the directors of the divisions of economic development and of labor and five members appointed by the state board of education. The duties of the council shall be prescribed by regulations of the state

board of education. Vocational education programs "offered under this act shall be supplementary to those offered by vocational-technical schools . . . and other public schools programs and shall be operated on a statewide basis to assist any area to become more competitive in industrial and economic development."

"The program prescribed in this act shall be concerned only with training for skilled and semiskilled operations requiring learning time of 1 year or less and each such training program shall terminate when training needs have been met." The department of education shall administer programs, provide "technical and engineering services, curriculum development, instructional services, . . . and overall program direction and . . . an adequate staff to carry out an effective training program for industry."

All expenses incurred by a school board under an agreement with the state to provide the services prescribed by this act shall be reimbursed by the state from funds appropriated for this purpose.

If a school board refuses or is unable to provide the training program, the department of education may enter into a cooperative agreement with any institution, public or private, which is willing to operate the program. Persons employed in the programs shall be exempt from the requirements for certification. The department of education may procure and control the equipment necessary to provide adequate training programs.

§233.068; .0682; .069

COURSE OF STUDY

"Practical courses of direct job-related instruction" shall be offered for students under 19 years of age. Each school district must offer "courses in at least five vocational education areas." "Provisional certification shall be granted instructors " for said courses when persons with usual academic backgrounds are not available.

School districts may "jointly implement the requirements" for vocational education. The State Board of Education shall establish minimum requirements for vocational education plans such as examinations of students' performance, "job placement" and "satisfactory performance in employment." The Vocational Improvement Fund, begun in 1971-72, shall be used to develop vocational education programs including those mentioned above. Utilization of community resources shall be encouraged and programs which integrate school and community given priority in funding. Prior to each legislative session, the Commissioner of Education shall report on the "objectives, methods, and output of the projects".

§944.19

COURSES FOR PRISONERS

The School Board and State Department of Education shall "establish and maintain classes . . . of a vocational, adult or academic nature" for prisoners in public or private institutions. The school board within the district of the institution shall administer such a program, properly approved by the State Board.

REGULATIONS

6A-6.59

The industry service advisory board shall assist the director of vocational education by recommending policies and procedures for the training program, coordinating interagency activities relating to identification of new or expanding industry and training needed by such industry, providing labor market research and labor force analysis, establishing plans for recruiting and selection of employees for the industry, and advising the director of vocational education on such other matters as he (she) may request.

6A-6.61

TRAINING PROGRAMS

Programs of training under the industry services training program are to be supplemental to those offered by vocational-technical schools and other public school programs financed

through the kindergarten through grade twelve. Training programs under the provisions of section 230.66 of the Florida Statutes may be carried out on the basis of agreements between the school board and the director of the division of vocational education; provided that, in the event a school board refuses or is unable to provide a training program, the director of the division of vocational education may enter into a cooperative agreement for a training program with such other agency as provided by law.

6A-6.63

Vocational education courses include world of work instruction in the elementary grades and courses in one or more of the following: exploratory education; agricultural education; business education; distributive education; health occupations education; home economics; industrial education; and such other offerings as may be authorized by the Florida state plan for vocational education.

COURSE OF STUDY

6A-6.64

Vocational educational instruction is graded, ungraded, credit or non-credit instruction which is not designed to lead to a baccalaureate or higher degree and which consists of the following types of courses and activities: introductory course; exploratory course; occupational proficiency course; pre-technical course; vocationally oriented home economics; remedial or compensatory education course; activities of vocational education student organizations.

6A-6.67

A coordinating council for vocational education, adult general education and community instructional services shall be established in each community college district. The membership of this council shall include the superintendent and directors of vocational education and adult general education of each school district in the community college area and the president and deans or directors of vocational education and community instructional services of the community college.

The council shall develop recommendations to the respective school boards and to the community college board of trustees and where appropriate may make recommendations to the commissioner of education and to the appropriate division directors of the department of education. The responsibilities of the council shall be to review the total vocational education, adult general education, and community instructional services programs being offered in the district, to make such recommendations as are necessary, to encourage the development of needed offerings or changes in existing offerings and to avoid unwarranted duplications.

6A-6.69

Each board shall provide for an administrator of vocational education in accordance with the following requirements: (1) an administrator of vocational education shall meet the same qualifications as the department of education has for the director of vocational education; (2) the administrator shall be a member of the superintendent's or president's administrative staff; (3) the administrator shall be responsible for the administration of the vocational education programs within the community or school.

ADMINISTRATION

6A-6.74

"Duties, responsibilities and functions of the department of education relating to vocational-technical and adult education, except those specified...to be performed by the board or commissioner or...assigned to other divisions, bureaus, sections or units, are hereby assigned to the division of vocational education." The director of the division shall organize the personnel and activities of the division in order to perform the powers, responsibilities, and functions assigned to it in the most effective and efficient manner.

The director has authority to fill vacancies, direct the work of the division and cooperate with other divisions to make the department work.

6A-6.75

The state advisory council for vocational education shall be appointed by the state board constituting the state board for vocational education from a list nominated by the commissioner of education. The council shall perform duties as set forth by regulations and as are assigned by the state board or commissioner of education.

CROSS REFERENCES

II.A.4.; Statute §229.061

III.B.Administrative Certificates; Regulation §6A-4.44

III.B.Teachers; Statute §231.361

III.B.Teachers; Regulation §6A-4.20

III.B.Teachers; Regulation §6A-4.21

III.B.Teachers; Regulation §6A-4.38

III.B.Teachers; Regulation §6A-4.41

III.B.Teachers; Regulation §6A-4.42

III.B.Teachers; Regulation §6A-4.43

III.D.Curriculum; Statute §230.67

III.E.Administrators; Statute §§229.543 -- .545

IV.A.; Statute §232.45

3. Vocational Education

Statutes

§32-611a

"The State Board of Education shall maintain a comprehensive program of career, occupational and vocational education. The purpose of this program shall be to provide occupational training and retraining to meet the needs of individual citizens and the manpower needs of business and industry within the State. This program shall be designed to prepare individuals for gainful employment, . . . in recognized occupations . . . and to prepare individuals for enrollment in advanced technical education programs. This program shall provide for vocational guidance and counseling, instruction related to the occupation or occupations for which the student is in training, and instruction necessary for students to benefit from such training.

The State Board of Education [shall] receive federal funds allotted to Georgia under the Vocational Education Act or other acts of Congress appropriating federal funds for career, occupational, [and/or] vocational education."

§32-934

The board of education may open a department of industrial education, "in which the students may be taught agriculture, home economics, or trades and industries . . . ."

§32-2201

"The State of Georgia hereby accepts the provisions of . . . [the federal vocational education] act to provide for the promotion of vocational education . . . ."

§32-2205

"The boards of education of the several counties may employ and pay agricultural teachers and home

economics teachers when employed in the consolidated schools of the counties . . ."

§32-2206

"It shall be the purpose of this law to more nearly equalize the education opportunities in certain phases of vocational education, especially trade and industrial and distributive occupations, to persons of the State, who, in the discretion of the State Board of Education, are of the age that will make it possible for them to profitably pursue training for a specific occupation."

§32-2210-- 2215

The State Board of Education does not have authority to make local vocational training programs mandatory. State-owned equipment may be apportioned to local units for vocational education and vocational education funds may be used for transportation for "trainers living outside the jurisdictional area of the local school unit."

The State Board of Education shall establish an advisory committee "composed of equal representation of labor and management" to advise the Board regarding vocational education policies.

§32-2218 --2219

To better enable the State Board of Education to properly locate and carry on the state area Trade, Vocational and Industrial schools the board is "authorized to contract for and purchase real estate and building sites, to build, construct and properly equip and maintain, for teaching and boarding students, all necessary buildings and houses . . . ."

§32-2221

"State Board of Education is . . . empowered . . . to . . . establish rules and regulations for the operation of . . . [vocational] schools, . . . prescribe courses of study to be taught . . . [and] prescribe the ages, requirements and conditions under which students may be

RULEMAKING

received for instructions in such schools." The State Board will "prescribe and arrange for classes and courses in the different vocations and trades, and . . . [will] prescribe and set up courses for citizens of the State who may receive injuries in industry." The board will be impowered to "set up classes to rehabilitate and prepare members of the military . . . for renumerative employment."

MILITARY

"The State Board of Education is . . . authorized to employ teachers, supervisors and directors of vocational training . . . for area trade schools."

§32-2302a; 2303a; 2304a; 2305a

The State Board of Education is the State Board of Vocational Education. The State Board shall prepare and approve plans for vocational education; establish standards for vocational schools; inspect courses and training programs; maintain a system of teacher training; conduct studies in order to promote and improve vocational education.

The State School Superintendent shall serve as executive officer of the Division of Vocational Education Service.

REGULATIONS

30-2111-2118

The State Board of Education, as the State Board for Vocational Education, is authorized to develop and administer a state program for vocational education.

"Vocational education means vocational or technical training . . . which is given in schools or classes . . . under public supervision and control or under

contract with the State Board or local educational agency. Vocational education is . . . designed to prepare individuals for gainful employment . . . in recognized . . . and . . . new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs . . . . Vocational education includes vocational guidance and counseling . . ., instruction related to the . . . occupations for which the students are in training . . ., and job placement.

"The State Board shall provide related activities, in support of a comprehensive program of vocational education, including . . .

1. Vocational youth clubs
2. Leadership training
3. Staff and student travel
4. Staff development
5. Research and demonstration
6. Special programs for handicapped, disadvantaged and gifted students
7. Curriculum materials development and dissemination
8. Job placement and follow-up
9. Career guidance for decision making and planning."

With the advice of the State Advisory Council for Vocational Education, the "State Superintendent shall develop . . . a State Plan for Career and Vocational Education which provides for an assessment of current and future needs for vocational education, program budgets. . ., staff development activities," and administrative procedures. "Before approving the State Plan, the State Board shall conduct a public hearing" after public notification.

In order to receive state funds for vocational education programs, plans must be submitted for approval. In preparing these plans, local school systems shall use the Vocational Education Program Manual, which will provide appropriate guidelines.

The State Advisory Council for Vocational Education shall "advise the State Board on the development of the State Plan for Vocational Education . . . (and) on policy matters arising in the plan's administration, evaluate vocational education programs, services and activities . . . (and) prepare and submit through the State Board to the Commissioner and to the National Advisory Council an annual evaluation report."

Allotment of funds for vocational education programs shall be determined and disbursed annually. "The State Superintendent shall apportion and distribute to local school systems and other eligible agencies . . . any and all funds which may be . . . available . . . to aid and assist such systems and agencies in paying the costs of vocational education."

Teachers and personnel for vocational education programs in high schools and vocational technical schools shall be allotted by the State Superintendent.

30-2310; 2320

BILINGUAL EDUCATION

"The State Board supports the implementation of programs of bilingual vocational education. . . . Local units of administration which serve students whose language as normally used is other than English" are eligible for federal "grants for conducting bilingual vocational education programs. Applications to the U. S. Commissioner for Education must be made through the State Board." Proposals shall be reviewed by the Assistant State Superintendent for Adult and Vocational Education, who acts on behalf on the State Superintendent of Schools.

40-219; 40-229

"The State Superintendent through the Office of Adult and Vocational Education shall develop for State Board approval procedures" for cooperative programs to be offered by state and area vocational-technical schools and high schools to high school students. The

Office of Staff Services shall ensure claims for attendance credit are substantiated.

CROSS REFERENCES

II.A.6.; Regulation 30-2610 -- 30-2620

II.A.8.; Regulation 30-911

II.B.3.; Statute §32-626a

III.B. Director of Vocational Education Services; Statute §32-2306a

III.B. Teachers; Statute §32-1021

IV.A.; Statute §32-4201

IV.A.; Regulation 40-3910; 40-3920

IV.G.; Statute §32-604a

3. VOCATIONAL EDUCATION

STATUTES

§300-1, 300-2

The department of education in establishing agricultural, industrial, and domestic courses of instruction "may prescribe the manner and designate the places in which . . . [they]. . . shall be conducted . . ."

§300-3

Profits arising from agricultural and industrial courses of instruction shall "be used by the school for the purchase of equipment and material" or "be distributed among the pupils actually engaged in such pursuits."

§300-4

"All moneys arising from the sale of manufactured or repaired articles, or from work and labor performed, or from any other source, in any state trade school . . . shall . . . be expended by it in payment of expenses incurred in the purchase of additional materials and supplies required by such schools, and in the care, maintenance, and operation thereof, and in the employment of student labor therein before or after regular school hours."

§300-24

"The state board of vocational education shall, . . . extend to the 13th and 14th years vocational and agricultural . . . shop training programs."

§305A-2-4

A state board for vocational education shall be established. The responsibilities of the board shall include using whatever necessary to insure the receipt of federal funds; desegragating schools, departments or classes which are to be the recipients of such funds; determining "by general regulations, the qualification to be possessed by persons teaching agricultural, trade

. . . [and] industrial . . . subjects." They shall also "enforce rules and regulations concerning the granting of certificates and licenses to such teachers . . ." "The board shall make an annual report to the Governor describing the condition and progress of vocational education during the year . . ."

A vocational education coordinating advisory council "shall serve in an advisory capacity to the board."

§372-4-6

APPRENTICESHIPS

The department of labor and industrial relations shall be responsible for the general direction and management of apprenticeship programs.

"Related instruction for apprentices, coordination of instruction with job experience, and the selection and training of teachers and coordinators for the instruction shall be the responsibility of the department of education or of the community college division."

STATUTES

§18-2B-1-8

"The aims and purposes of the area vocational education program shall be to provide vocational training or retraining . . . designed to prepare individuals for useful employment in recognized occupations. The program shall be made available to residents . . . in . . . areas designated and approved by the . . . board of vocational education.

"The state board of education is designated as the state board of vocational education . . . and is . . . authorized and empowered to establish, operate and maintain area vocational educational programs including the acquisition of necessary lands and the construction of necessary buildings for the purpose of operating and conducting educational training centers. [It] may delegate . . . its operational authority for multi-county vocational centers to an administrative council composed of equal representation from each of the participating county boards of education, the superintendent of schools from each participating county, and the state director of recreational education or his[her] representative." The administration and supervision of the area vocational educational programs shall be . . . [handled] . . . by the director of the division of vocational education.

ADMINISTRATION

"The state board of vocational education is . . . authorized to pay transportation costs for unemployed persons participating in any area vocational educational program.

"The director of vocational education may appoint a consulting committee for each area designated, composed of members representing business, labor, management, school administrators and lay groups. [They] shall advise the head of the local area or training center on such matters pertaining to shop equipment, curriculum,

labor-management coordination or selection of personnel. A statewide consulting committee may be appointed by the director . . . to serve in the same capacity and for the same purposes."

§33-2201

"The state of Idaho . . . accepts the benefits and provisions of" the Smith-Hughes Act to promote vocational education.

§33-2202 -- 33-2203

"The state board of education is . . . designated as the state board for vocational education for the purpose of carrying into effect the provisions of . . . the Smith-Hughes Act . . . and is . . . authorized to cooperate with . . . any agency of the United States designated to administer such legislation; . . . to execute the laws of the State of Idaho relative to vocational education; to administer the funds provided by the federal government and the State of Idaho." The board is authorized to promote vocational education in the public schools and "provide for the preparation of teachers in such subjects," prescribe qualifications for and "provide for the certification of . . . teachers, directors and supervisors." The board has "full power to fix the compensation" of persons employed "to administer the federal act." The board shall "promote and aid in the establishment . . . of schools, departments or classes" in vocational education subjects in local communities.

§33-2204 -- 33-2206

The state board for vocational education shall have two regular meetings a year. The board shall appoint an administrator to "be known as the administrator of vocational education." The board shall make an annual report to the governor and legislature "of all moneys expended for vocational education both from state and federal funds."

CROSS REFERENCE

II.A.2; Statute §33-124

3. Vocational Education

Statutes

§29-5

School districts which transport resident pupils to another school district's vocational program shall be reimbursed by the State for transportation costs.

§694 698

The State of Illinois accepts all provisions of the Federal Vocational Education Law of 1917. The State Treasurer shall act as the custodian of all funds allotted to the state under this law and keep them in a separate "Federal Vocational Educational Fund."

§697

The State Board of Education shall be responsible for policy and guidelines and assume all powers and duties pertaining to vocational and technical education, including: to cooperate with the federal government in the administration of the Federal Vocational Education Law; to promote the establishment of schools and classes provided for in Board plans and cooperate with state and local authorities in the maintenance of such schools and classes; to conduct, prepare and publish the results of studies related to vocational education; to promulgate rules and regulations regarding vocational and technical education; and to report annually to the Governor on the extent, condition, possibilities for improvement, and costs of vocational education in the state.

CROSS REFERENCES

II.A.8.; Statute §201-1 -- 203-3

II.C.2.; Statute §35-1 -- 35-31

III.B.Teachers; Statute §21-10

III.B.Teachers; Regulation, State Certification Requirements VII

III.E.Teachers; Statute §20-6.1-2-3

STATUTES

§20-1-18.1-2

APPOINTMENT

"The governor shall appoint the following members to the [state board of vocational and technical education]:

(1) the state superintendent of public instruction (ex officio);

(2) the executive officer of the commission for higher education (ex officio);

(3) one member each from the state board of education, the commission for higher education, the governing board of a secondary and a post secondary vocational institution, and one each from vocational administration, and members representing labor, business and agriculture. Members are appointed to staggered 4 year terms.

§20-1-18.1-4 --20-1-18.1-6

The state board of vocational and technical information shall: plan and coordinate vocational education programs; review budget and advise the legislature accordingly; review plans for proposed programs; receive and disburse federal funds; annually evaluate vocational education programs in the state and report their findings to the general assembly, adopt rules and regulations and appoint advisory committees; contract for services it deems necessary.

§20-1-18.1-5

"The board [of vocational and technical education] shall employ an executive officer, designated state director of vocational education, and any staff as it may deem necessary . . . . The board's staff shall serve as liaison between the vocational staff of the

state department of public instruction and the vocational staff of the commission for higher education, but no board staff member may be an employee of any other state institution or agency."

§20-1-18-7

"Two or more school corporations may cooperate to establish and maintain or supervise schools or departments for vocational education . . . ." The heads of the cooperating school corporations or their designates "constitute a board for the management of the schools or departments." Such a board may by resolution designate three or more of its members as an executive committee which shall "to the extent provided in the resolution . . . exercise the authority of the board in the management of the school and shall submit a written summary of its actions to the total board at least semiannually."

§20-1-18.1-7

A "state advisory council on vocational education is established" which shall "promote interest in vocational education, advise the board on policies relating to vocational education, advise the board in the development of the state plan, submit an evaluative report on the state plan to the appropriate federal agency, and perform any additional function required by federal laws and by this chapter."

§20-3-11-27

The board of school commissioners in a school city of 300,000 or more may "conduct . . . a system of industrial or manual training and education." In such a system the board "shall employ competent instructors in the various subjects to be taught, and

shall establish such general rules and regulations" as will "produce the best results and . . . give instruction to the largest practicable number of pupils."

§20-10.1-6-1

School boards may establish industrial or manual training to teach the principles of mechanical construction, mechanical drawing and printing. The board shall employ competent teachers and may make rules and regulations for student admissions. Students may be required to pay tuition.

TUITION

§20-10.1-6-2

School boards may establish vocational schools or departments for industrial, agricultural or home economics education as approved by the state board of vocational and technical education and may "maintain them from the general fund."

§20-10.1-6-3

Each township elementary school shall offer elementary agriculture and each city elementary school shall offer industrial work. Both township and city elementary schools shall include elementary home economics. A teacher must pass an examination prepared by the commission on teacher training and licensing in order to qualify to teach any of these industrial or home economics courses.

§20-10.1-6-4 -- 20-10.1-6-5

Day, part-time, and evening classes in industrial, agricultural or home economics shall be offered by vocational schools or departments. Evening classes must offer training for persons employed during the day and must relate to the person's employment; evening classes in home economics shall be open to all women. Part-time

classes are also for working people and must relate to the person's job. Day and part-time classes are restricted to persons over 14 and evening classes to persons over 16.

§20-10.1-6-7

School corporations may enter into cooperative programs with employers to provide job training for students enrolled in vocational education classes. The job training must be approved and supervised by the school.

§20-10.1-6-9 -- 20-10.1-6-10

The state board of vocational and technical education shall help to establish vocational schools and departments, vocational teacher-training classes, and "shall supervise and approve the schools, departments and classes." The board must approve the vocational school or department for "organization, buildings, location, equipment, qualification of teachers, courses, length of term, methods of instruction, conditions of admission, employment of pupils, and expenditures of money."

§20-10.1-6-11

Each school board administering vocational schools or departments shall appoint an advisory committee composed of representatives of local trades, industries and occupations. The advisory committee shall advise the school board and other school officials who manage and supervise these schools or departments.

§20-10.1-6-12

The state shall pay each school corporation that maintains a vocational school or department up to "one-third of the cost for instruction in vocational and technical subjects authorized and approved by the state board of vocational and technical education."

§I, Ch. 4

State Board of Vocational and Technical Education

"The board is to receive federal funds . . . and to divide and distribute such funds between the Commission on General Education . . . and the Indiana Vocational-Technical College in a manner which will contribute most to Vocational and Technical Education in Indiana." The board is composed of the Governor, the State Superintendent, and seven others who are "familiar with the vocational education needs of management and labor in the state." Additional qualifications are set forth in the statute.

State Agency Institutional Schools

This agency, because of the number of other agencies conducting education in institutions within their respective spheres, shall perform certain limited functions as accorded to the Department by statute.

State School Bus Committee

This Committee whose composition is set forth in the statute "sets standards for the construction, equipment and inspection of school buses and the forms for school bus contracts.

Health and Safety

"The State Fire Marshall, the State Board of Health and the Administrative Building Council must approve all school building projects." Only the State Board of Health may condemn and close a school building as being unsafe or unhealthy.

CROSS REFERENCE

I. State Superintendent; Regulation §I, Ch. 2.a

II.A.1; Regulation §II, Ch. 1, Policy 73-03.1

II.A.2.; Regulation §II, Ch. 1, Policy 70-05

III.A.1; Regulation §II, Ch. 1, Rule G-3; G-4

III.E. Teachers; Statute §20-6.1-2-3

IV.A.; Statute §20-8.1-8-1

IV.E.; Statute §20-10.1-8-1 -- 20-10.1-8-3

3. Vocational Education

Statutes

§258.2

"The state board of public instruction shall constitute the board [of] vocational education."

§258.3

The superintendent of public instruction shall appoint and direct personnel to carry out the vocational education program.

§258.4

The state board of vocational education shall promote and help to establish vocational programs in the schools; establish standards for vocational education teachers and for schools; and annually inspect all vocational programs.

§258.7

A thirteen-member advisory council on vocational education, appointed by the governor, shall advise the state board for vocational education. The members shall include representatives of the community, business, and education.

§258.9

Any school district with a population of more than five thousand, which receives federal aid for a vocational education program, shall appoint a local advisory committee for vocational education. The advisory committee shall assist the local school board in establishing and maintaining vocational programs.

§258.10

The board of directors of any school district is authorized to "carry on ... vocational instruction in ... agriculture, commerce, industry, and home economics ..."

§258.13

The superintendent of public instruction shall include in his/her biennial report an accounting of expenditures for, and observations on, the vocational education program.

§258.14

A "vocational youth organization fund" shall be created to encourage youth to pursue vocational education and to develop leadership in the vocational programs.

§280A.1

There shall be seventeen areas established in the state of Iowa which may operate "either area vocational schools or area community colleges," which offer the following: the first two years of college work; vocational training; "in-service and retraining programs;" high school completion programs; programs for high school students; "personnel services;" "community services;" "vocational education for persons who have academic, socio-economic, or other handicaps which prevent succeeding in regular vocational education programs."

§280.3 -- .5

Two or more counties may merge for the purpose of providing an area vocational school. Such a merger plan must be approved by the state board of public instruction, and include a detailed description of the area, its projected needs, interest in the program, and proposed curriculum.

§280A.12 -- .13

"The governing board of a merged area shall be a board of directors composed of one member elected from each director district in the area ..." The board of directors shall elect a president and appoint a salaried secretary and treasurer.

The board of directors of each area vocational school or area community college shall "determine the curriculum to be offered," make contracts for services with private vocational schools, "determine tuition rates," "establish policy and make rules ..." and set the salary of the area superintendent. The board of directors may, with state board approval, "expand the curriculum of the school to qualify as an area community college."

RULEMAKING

§280A.25

The state board of public instruction shall have authority to administer funds for area vocational schools and community colleges, adopt rules and regulations to carry out these vocational programs, permit high school students to attend area vocational schools, review programs and make recommendations.

§280A.27

"There shall be an area schools branch within the state department of public instruction." The branch shall exercise the authority and perform the duties of the state department with respect to area vocational schools and community colleges.

§280A.33

Approval standards for area vocational schools and community colleges shall be inititated by the Area Schools Branch and approved by the state board of public instruction. Approval standards shall include standards for "administration, qualifications ... of personnel, curriculum, facilities ..., instruction ...". The department of public instruction shall "supervise and evaluate the educational program" in the area schools. The superintendent of public instruction shall make recommendations, in writing, to the area schools when it is determined that deficiencies exist. The state board may remove an area school from its approved list for

failure to comply with the approval standards. The school must be given at least one year's notice and one year in which to remedy any deficiencies. The suspended area school may request a hearing before the state board of public instruction.

§280A.36

The administration of the area community college and area vocational school shall encourage faculty development by "stimulating department chairmen ... to meet their responsibilities in this regard;" "lightening the teaching loads of first-year instructors ...;" "stimulating curricular evaluation; and ... encouraging ... an atmosphere in which the faculty brings a wide range of ideas and experiences to the students, each other, and the community."

§280A.38 -- .40

The board of directors of area schools may "enter into lease agreements" for buildings for classroom use. Boards of directors of two or more merged areas may agree to combine, subject to elector approval. Any merged area shall provide a vocational school within a county of the area containing "a city of fifty thousand" or more.

CROSS REFERENCES

II.E.1.; Statute §297.7

III.B.Education Personnel; Regulation §670-15.32; 670-15.34 -- 670-15.37

IV.A.; Statute §280.10 -- 280.11

§72-4413 -- 72-4414

STATE PLAN

The state plan for vocational education shall not be approved by the state board until the proposed plan has been distributed to each school district and other interested persons, reasonable public notice has been given, and each school district and each interested person has been given a reasonable opportunity for a public hearing. The state board shall adopt regulations.

NOTICE

HEARING

RULEMAKING

The state board may contract for vocational education research.

§72-4415

The state board of education shall be responsible for the distribution and allocation of state and federal funds for vocational education.

The state board shall exercise general supervision of all vocational education courses and programs. Every area vocational school and area vocational-technical school may have an area advisory council comprised of primarily nonprofessional persons appointed by the board of such school and having the qualifications and terms approved by the state board.

§72-4416 -- 72-4417

Any board may present a plan to the state board for the establishment and operation of an area vocational school. Upon review of such plan, the state board may designate the facility as an area vocational school.

Students admitted to a vocational education course or program which is conducted by the school district in which such student resides may be charged fees but shall not be charged tuition. Nonresidents shall be charged tuition and fees determined in accordance with this section.

TUITION

§72-4417a

TUITION

No school district shall be liable to pay the tuition and fees for any student whose parent has not been a resident of the school district where the vocational school is located for six months prior to enrollment of the student.

RULEMAKING

The state board of education may adopt regulations for determining residence of students for tuition purposes.

Upon the request of any board, the state board shall review the determination of the residence of any student.

§72-4418

The state board shall adopt regulations for enrollment of students in vocational courses.

Any student applying for admittance to a vocational program shall be admitted if the board of the vocational program approves, a similar program is not offerred in the district where the student resides, if the applicant is capable of benefiting from the instruction, and if the applicant meets minimum age requirements for the program.

APPEAL

Any applicant who is denied admission for any reason may appeal to the state board whose determination shall be final.

§72-4421

Any two boards may agree to cooperatively operate an area vocational education school or course. The agreement shall be for three to five years and shall be approved by the state board before taking effect.

§72-4422

TUITION

The board may admit an out-of-state resident to a vocational program if the student pays tuition and fees and if the state plan allows nonresidents of Kansas to attend.

§72-4429

An area vocational school may make agreements for students enrolled in a public school of another adjoining

state to attend vocational education schools of this state. Agreements under this act shall be for a period not to exceed three years, subject to limitation, change or termination by the legislature. The state board of education shall adopt rules and regulations for the administration of this act, and must approve any agreement made under this act.

§72-5326 a

The board of control of any area vocational-technical school, as provided for in K.S.A. 72-4412, upon majority vote, may pay dues from its operating fund to any organization whose purpose is to accredit the vocational-technical school, to exchange information among area vocational-technical schools, or to assist boards of control in developing curriculum or solving problems.

REGULATIONS

§91-16-1; 16-3; 16-5; 16-6

Any person whose application for admission to a vocational education course or program is denied may, within thirty days following his/her actual notice of the denial, appeal to the state board. The appeal shall be filed at least thirty days prior to the state board meeting at which the appeal is to be heard. The appellant may also file a statement of why his/her application should be approved and any supporting documents.

APPEAL

The commissioner of education shall give written notice of the time and place of the hearing to appellant, the local board, and any other concerned person. The local board shall, within ten days after receipt of the notice of hearing, file any defenses which it will raise and any supporting documents, and shall serve these on all interested parties. The appellant, the vocational education school, and any other interested person may file any defenses, replies or statements and supporting documents ten days prior to the hearing. These shall be served on all interested parties.

NOTICE

HEARING

The appellant, the board, and any other interested party recognized by the presiding officer of the state board may in turn present his/her case at the hearing. Any parties may examine the evidence and question any other party. The hearing shall be informal, non-adversary, and without oath-taking. Each party's presentation shall last one hour unless the chairman of the state board grants lesser or greater time in the interests of justice.

If six members of the state board approve the application of the appellant, the local board shall admit the appeallant to the vocational education course or program. The decision shallbe delivered to all interested parties within five days of the hearing's conclusion.

§91-6-16 - 9-16-18

In order to attend a vocational education course or program which is not part of a regular high school curriculum, a prospective student shall submit a written application to the vocational education institution. An out-of-district prospective student shall also submit an affidavit of residency.

A student may be disapproved or placed on a waiting list for the following reasons: the school has insufficient facilities or staff; reasonable proof exists through interviews, counseling, or testing that the student is incapable of benefitting from instruction or of being employed in the occupation for which instruction is being sought; or the student fails to meet minimum age requirements.

Each accepted student shall receive an enrollment decision form signed by the director. Within two weeks after the student has been accepted the vocational education institution and the student shall notify the district that is required to pay the student's tuition. The local board of the applicant's district shall act upon the student's request for tuition in the month in which the board receives it. Failure to do so shall be considered a denial and grounds for appeal.

TUITION

Unless good faith doubts exist as to the student's residence or qualifications, the board shall approve the

tuition request. The board may also deny the request if the district has the same or substantially the same state approved vocational education course or program.

If an applicant's application is denied the party making the denial shall notify the student of the reasons for the denial and the student's right to appeal to the state board within thirty days. The applicant shall have thirty days to appeal from the date he/she is actually informed of the right to appeal.

APPEAL

The vocational education institution shall submit to the board of the student's residence a statement of tuition due. If within thirty days after starting school, a student drops out, the district shall be liable for only one-half tuition.

§91-17-6

PARENT-SUPERVISED PROJECTS

Acceptable learning activities shall include parent-supervised projects in agriculture and home-making, and work study programs in cooperation with local business and industry.

A student shall file a written report of the learning activities he/she pursued since the last class meeting and the time spent on each activity. The teacher shall evaluate the report, shall approve plans for further learning activities, and shall provide necessary assignments and instruction.

§91-27-2;91-27-4

An area vocational school shall have an administrative staff appropriate to the size and the purpose of the institution and one which permits it to function effectively and efficiently.

The school shall have a written plan for the school which includes goals, objectives and expected outcomes for administrative assignments. The plan shall be reasonably commensurate and in agreement with state board educational goals and with recognized educational concepts and practices. The plan shall be formulated with broad base community involvement, "except that

experimental or innovative programs . . . are encouraged." The plan shall state specifically the amount of time assigned for the improvement of instruction including determining the needs of the students and staff and supportive services available to supplement administrative responsibilities.

The plan shall be approved by the governing body and the state board.

The chief administrator of an area vocational school shall be the executive officer of the governing body.

Each administrative staff member shall hold a certificate as required by the state board.

An instructor's records shall be kept on file.

Records shall be kept about the following: (1) student personnel, (2 staff, (3) instructional supplies and equipment, (4) curriculum, (5) student activities, (6) instructional media, (7) guidance, (8) school plant, (9) administrative operation, and (10) job placement and follow-up studies of graduates.

ACCESS TO RECORDS

The records of students, staff, and curriculum shall be accessible only to those who have a legitimate interest in them and shall be protected from theft and fire. "Governing board policy shall provide for the right of privacy which shall include consent, due process, record management, security and access and dissemination of personal data."

The school shall keep complete financial records. The school shall have its accounts audited annually.

The school shall organize its schedule of classes in a pattern most appropriate to achieving the objectives of the program. The school shall meet minimum state board enrollment requirements pertaining to instruction.

A high school student whose educational experience can be better served by an area vocational program should enroll through proper admission procedures. Each school shall display the United States flag and Kansas flag.

". . . 1. Each area school shall make a statement expressing its purposes and objectives. Where appropriate,

objectives and performance terms will indicate the degree to which they are being achieved by the students in the school.

2. The statement shall be the joint product of the thinking of the faculty, the administration, the students, the patrons, and the industrial, professional, and business community involved with the school. The statement shall be approved by the governing board of the area school.

3. The statement shall reflect the individual character of the area school including familiarity with the community's sociological composition, various community agencies and resources, the expectations and requirements of the businesses and industries for which the school is training its students, and the needs and characteristics of the community's youth and adults. The statement shall be consistent with the principles and spirit of American democracy and with the prevailing values of work in American society.

4. The statement shall show evidence of the priorities established for the school's various responsibilities. Implementation of such priorities shall be evident in the educational program.

5. The objectives shall be identified for the specific subject areas, the various occupational programs, and the student personnel services. They shall be expressed in the terms of the specific behaviors, skills, attitudes to be achieved, and be coherent and consistent with the major purposes of the institution.

6. Provision shall be made for periodic review and appropriate modification of the statement in light of changing social conditions and circumstances.

7. Information from a variety of sources, including the local advisory committees, shall be required to determine the extent to which the institution's purposes and objectives are being achieved and to evidence that the major characteristics of the program are traceable to the purposes and objectives established by the statement.

8. The statement shall be given to all members of the staff, the students, and the various segments of the community.

B. Curriculum. 1. The educational program shall be developed from the school's statement of purposes and objectives and from a knowledge of the needs of its students and shall be appropriate to serve the important vocational education needs of the community, state and nation.

2. The school's program shall be designed specifically to meet the vocational education needs of its students. It shall provide a variety of learning experiences through classroom, laboratory or on-the-job activities, and appropriate guidance services.

3. The planning and the design of the school's vocational education program shall provide opportunities for cooperative participation by patrons, students, faculty members and the advisory committees.

4. Provisions shall be made for students of different aptitudes, mental capacities, and interests -- including the disadvantaged and handicapped.

5. Continuity and articulation of programs shall be within and between the area schools and other schools in the state.

6. Resources of the industrial and business segments of the community shall be ucilized judiciously in providing program enrichment.

7. Programs of vocational education shall provide instruction in both preparatory and supportive courses which reflect occupational trends, meet the changing needs of job requirements, and develop an effective understanding of the world of work.

8. The primary purposes of any course or curriculum shall be to prepare students with skills and knowledge for entry into an occupation, for advancement within an occupation, for upgrading their occupational skills, or for preparing them for additional specialized occupational and technical education.

9. The content of each course in the curriculum shall be based on the skills and knowledge required in the occupation and will be developed and conducted in consultation with persons actively engaged in the occupation.

10. Flexibility and adaptability shall be essential characteristics of programs for vocational education.

NEEDS ASSESSMENT

11. The program shall be based on periodic surveys by the area school of manpower needs and the evaluation of the curriculum in terms of those needs.

12. It is the responsibility of the area school to plan curriculum patterns that serve the vocational needs of the students and community.

13. Each area school shall provide the necessary instruction, or make available instruction, in reading to enable its students to cope with the requirements of the school's vocational programs.

14. Each area school shall provide the necessary instruction, or make available instruction, in mathematics fundamentals to enable its students to cope with the requirements of the school's vocational programs.

15. A follow-up of students shall be conducted by the area school to determine how well students have succeeded and, where indicated by the follow-up, changes shall be made in the curriculum.

16. Adult occupational education must provide experiences related to promoting gainful employment. Such education shall be designed to meet the needs of those unemployed, untrained, and underemployed adults who desire to retrain and upgrade their skills. Adult occupational programs shall operate within the philosophy and under the administration of the area school.

EVALUATION

C. Evaluation. 1. Periodic Evaluations. (a) Comprehensive Evaluation. A thorough evaluation of all aspects of the area school shall be carried out at least once in each five-year cycle with the first cycle commencing with the 1975-76 school year. Such evaluation includes an analysis of the management and utilization of existing facilities and resources, finances, instructional program,

student services, and community services. The evaluation of the area school shall be on a self-study basis involving students, patrons, and staff. The self-study shall be followed by an on-site team visitation and evaluation as hereinafter provided.

(b) Visiting Team: The visiting team, appointed by the State Board according to procedures adopted by it for the evaluation of an area school, shall include sufficient vocationally and educationally competent personnel to assess every aspect of the school's vocational program. Some visiting team members shall be qualified evaluators other than State Board personnel and shall include some evaluators from out-of-state.

(c) Criteria For Selection of Visiting Evaluation Team Members. The composition of the visiting evaluation team shall be representative and knowledgeable of the various segments of the area school programs, and, in addition, the following shall be considered: 1. Individual criteria: (a) At least one year of teaching or employment experience relating to area school programs. (b) Possess an interest in working on a visiting evaluation team.

(c) Evaluation competency through study, previous visiting evaluation team experience, or prior school responsibilities which provided the needed skills for evaluation.

(d) Ability to adapt or compromise on the opinions and ideas of other members of the team in order to arrive at an evaluation.

2. Group Criteria: a) Appropriate representation from different instructional areas.

(b) Appropriate secondary and post-secondary representation.

(c) Multi-cultural/multi-racial representation.

(d) Representative range of teaching experience or employment experience.

(e) Representative range of age.

(f) Appropriate male/female representation.

(d) Visiting Team Report: It shall be the responsibility of the visiting team to submit a written report to the chief administrative officer of the area school and to the State Board. Such report shall include statements pertaining to strengths, areas needing improvement, and, when appropriate, suggesting means of improvement and including the specific area, if any, where the institution or program may not be in compliance with accreditation standards. The chief administrative officer of the area school shall be given the opportunity to comment upon the written team report and to file supplemental materials pertinent to the facts and conclusions prior to State Board action on the written report.

2. Continuous Evaluations. (a) Data Collection Systems. An area school shall maintain a system of data collection which provides evidence as to the effectiveness of the school, and which shall be collected and utilized in program planning and shall be part of the continuous evaluation system. (1) Student characteristics: An analysis shall be made of the economic, educational, and social backgrounds and the mental and physical capabilities of the students. (2) Labor Markets To Be Served: An analysis shall be made of current and emerging employment needs, as the basis for those program modifications in the area school that will provide the trained manpower to meet changing labor market requirements.

(3) Financial Ability. An analysis shall be made of the financial ability of the area school to provide the resources necessary to meet fully the vocational education needs in the communities served.

(4) Individual Program Cost Effectiveness: An analysis shall be made of the per student costs of each individual program. When correlated with data concerning student performance on the job, this information shall be used to increase the efficiency and effectiveness of the school's vocational curriculum.

(5) Achievement: An analysis shall be made of the achievement levels of students to determine the

extent to which instructional objectives are being achieved.

(6) Staff Morale: Because of the crucial impact of teacher morale on teaching effectiveness, the school shall identify those factors that either foster or impair sound staff morale.

(7) Participating Schools: Studies shall be made of the reactions of the professional staff in the participating schools to the contributions being made by the area school.

(8) Advisory Committee's Recommendations: Studies shall be made of the practical experience inputs, the recommendations, and the suggestions of the various advisory committees and their role in program modifications.

(9) Follow-Up Studies of Graduates or Trainees: The area school shall conduct follow-up studies of its graduates and those who leave for early employment to determine their present job placements and to obtain their assessment of the effectiveness of their vocational school education. Efforts shall be made to maintain contact in succeeding years for similar purposes.

(10) Early Leavers: The area school shall conduct studies of the early leavers to determine reasons for their leaving the school. This information shall be used to adapt the program of the school to the needs and interests of such students.

(11) Surveys of the Community and of On-the-Job Supervisors: An area school shall annually conduct systematic surveys of opinions of the on-the-job supervisors of the school's students and graduates in order to evaluate the effectiveness of the initial training the students have received and of the community to ascertain whether the educational requirements of all persons needing or desiring training are being met. . . ."

§91-27-6

Based on assessed student needs and interests an area vocational school shall provide a student record service, individual appraisal service, informational

service, admissions and registration service, counseling service, follow-up service, student placement service, school health service, and guidance service.

Guidance services shall be directed by a certified vocational guidance counselor. The service shall assist a student to understand his/her strengths, weaknesses, interests and abilities, to understand and to adjust to his/her environment, and to assist the school to reach its overall education objective.

The school shall provide the necessary facilities insuring privacy for counseling, clerical help and materials for effective implementation of guidance services.

Instruction and services shall be available to meet the requirements of disadvantaged and handicapped students and students with exceptional needs because of economic, educational, mental, physical or social limitations.

§91-27-7

An area vocational school shall show evidence that its library media facilities are being used effectively and efficiently.

The library media services shall be directed by a certified librarian or certified vocational instructor. The library media collection shall be adequate in size and scope to serve effectively the program offered and shall be kept up-to-date through a planned program of acquisition and deletion.

§91-27-9 -- 91-27-10

The vocational schools accreditation advisory body to the state board shall, without discrimination based on age, sex or race, have a membership representing public employment services, employers, employees, post-secondary and secondary vocational educators, vocational students, and the general public including minority groups. The advisory body shall advise the state board about accreditation standards, operation procedures

and policy, educational needs, and manpower projections.

The state board and the advisory body shall annually review the accreditation regulations for area vocational schools.

CROSS REFERENCES

II.A.2.; Statute §72-8230

III.A.1.; Regulation §91-18-27

III.A.1.; Regulation §91-27-1

III.A.1.; Regulation §91-27-8

III.A.1.; Regulation §91-28-6

III.B.Administrator; Regulation §91-1-7

III.B.Certificated Personnel; Regulation §91-1-9

III.B.Certificated Personnel; Regulation §91-27-3

III.B.Certificated Personnel; Regulation §91-1-22

IV.A.; Statute §72-5201 -- 72-5203; 72-52-5

STATUTES

§158.525

"The department shall develop a comprehensive statewide program of career education by assuming the following functions;

1) Assist in the development and dissemination of model curricula in career education . . . in conjunction with the programs of local boards of education and the institutions of higher education responsible for teacher education;

2) Identify and disseminate information relating to innovative teaching methods for instruction in career education;

3) Assist local school boards in conducting teacher in-service education programs in career education based on a training program developed by the department;

4) Assist teacher education institutions in the development of a program designed to prepare teachers to utilize the theories and methods required of a program of teacher education;

5) Provide funding for teacher in-service education programs when so requested by local school districts . . .

6) Assist in the design and implementation of career education guidance programs and services deemed appropriate by the department."

§163.020;030

"This state accepts and agrees to comply with all the provisions of the acts of Congress . . . relating to vocational education . . . the purpose of which is to provide training, develop skills, abilities, understandings, attitudes, work habits, and appreciation, and to impart knowledge and information needed

by workers to enter into and make progress in their chosen vocations. These training opportunities should be provided for the young people who are enrolled in the regular day schools, and, also, for out-of-school youth and adults, both employed and unemployed who are in need of and can profit by vocational training.

The state board of education is vested with the authority to carry out the purposes of the program of vocational education . . . and is given all the necessary power and authority in administering vocational education and carrying out the provisions of the acts relating thereto.

§163.085

"The state board of education is authorized to purchase, lease or erect . . . buildings to be used as state vocational schools . . .[which]. . . in its discretion will best meet the vocational education needs of the Commonwealth. Such facilities . . . shall be operated in accordance with policies of the board and . . . the state plan for vocational education . . . ."

§163.086

APPOINTMENT

"There shall be a state advisory council on vocational education . . . of 21 members appointed by the governor to advise and consult [with the state board of education, superintendent of public instruction, and assistant superintendent of vocational education] in the development of rules and regulations and annual state plan for the administration of vocational education. The council shall be responsible for holding public hearings on vocational education and evaluate significant areas of the state program . . . each year, prepare an annual report of its findings, then submit it . . . to the United States commissioner of education and the national advisory council on vocational education in compliance with the provisions of the acts of Congress . . . ."

704 KAR 3:150

"Teachers qualified to serve in an approved [industrial arts] unit in a junior and/or senior high school shall [have] a regular certificate, valid at the secondary level. . . In scheduling industrial arts classes, consideration shall be given to pupil placement . . . . The maximum number of pupils per shop class should not exceed twenty four. . . . Evaluative procedures shall be included in the plans for the program . . . ."

PUPIL/TEACHER RATIO

There shall be minimum space requirements for industrial arts classes.

705 KAR 1:010

"The Kentucky State Plan for the Administration of Vocational Education shall be prepared and approved by the State Board of Education . . ."

705 KAR 3:020

"A public specialized high school may be established . . .[provided it] shall be used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market . . . ."

Other standards to be met include:

"(2) The school shall serve a minimum of 1,500 students in grades nine . . . through twelve . . ., with a minimum of 500 students in the eleventh and twelfth grades.

(3) All students enrolled in the school must have an objective of occupational preparation for entering the labor market.

(4) All students in the school shall be enrolled in a program of occupational orientation, exploration, and work experience, or occupational preparation leading to job entry skills.

(5) The school shall offer a minimum of twelve . . . different vocational preparation programs. The types of programs shall be approved by the Assistant Superintendent for Vocational Education.

(6) The total school curriculum shall meet the minimum State Board of Education standards for high school accreditation.

(7) The administrator and assistant administrator shall hold a certificate for the administration, coordination, and supervision of vocational education.

(8) Each vocational education program offered in the school shall meet the minimum State Board of Education requirements for teachers, curriculum, and equipment.

(9) The school shall be available to all residents of the area designated and approved by the State Board of Education."

705 KAR 3:030

"A department of a public high school or area vocational education center may be established . . . [provided] the facility shall be used exclusively or principally for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; [it] shall serve an area with high schools having a minimum enrollment of 1200 students in grades nine through twelve . . .; [it] shall [offer] a minimum of five different vocational preparation programs . . . approved by the Assistant Superintendent of Vocational Education [which] . . . shall meet the minimum state requirements for teachers, curriculum, and equipment [and] the facility shall be available to all residents of the area. . ."

705 KAR 3:060

"A department of a public high school may be established as part of a remote high school to serve one or more public high schools in a public school system [provided] the

public high school(s) to be served . . . is [at least] twenty-five miles [away] from any area vocational education center: [that] the public high school(s) to be served has no local school districts adjacent to it with which it can cooperate to meet the minimum standards for establishing . . . an area vocational education center; [that] the facility . . . be used exclusively or principally for providing vocational education in [at least] . . . five different occupational fields to a minimum of 150 students, fifteen years of age or older . . . available for study in preparation for entering the labor market . . . . The types of programs and related instruction shall be approved by the Assistant Superintendent for Vocational Education . . .[and] shall meet the minimum state requirements for teachers, curriculum, and equipment. The head of the department must hold the certificate for administration, supervision, and coordination of vocational education . . . . The facility shall be available to all residents of the area . . .[and] the department shall be operated by the local school district as a regular part of the high school program . . . .

The local school district shall be responsible for the complete maintenance of the department and all of the equipment in accordance with state and federal guidelines and regulations . . . ."

705 KAR 3:070

Residential vocational school facilities "shall be used for the purpose of demonstrating the feasibility and desirability of such [schools] for youth of high school age . . [These] shall enroll youths, [between] fifteen years of age and . . . twenty-one years of age . . . ., who need full-time study on a residential basis in order to benefit from such education . . .[The schools] shall serve a minimum of 500 full time residential students . . . [receiving] at least six hours of instruction per day on an individualized basis . . . . The vocational education programs offered at such schools shall include occupational fields for which available labor market analysis indicates

a present or continuing need for trained manpower. [These] shall be appropriately designed to prepare enrollees for entry into employment or advancement in such fields. . . ."

705 KAR 3:075

"Maintenance of vocational education facilities owned by the local boards of education shall be the responsibility of the local boards of education. . . ." When owned by the state and operated by the "Department of Education, Bureau of Vocational Education" maintenance "shall be accomplished from approved funds designated in accordance with current and approved plans and specifications on file in the office of the Superintendent of Public Instruction and the Division of Engineering, Executive Department of Finance and Administration."

705 KAR 3:090

"Equipment purchased for vocational education programs shall . . . meet the specifications and requirements as established by the Bureau of Vocational Education . . .[and] made available by the Bureau . . . in the form of recommended equipment lists . . .; [and shall] be in accordance with the safety standards as outlined in the Occupational Safety and Health Act of 1970 . . . and subsequent amendments thereto . . . ."

705 KAR 4:010

"Objectives of vocational instruction" shall be designed to . . . prepare individuals for gainful employment . . . in recognized . . . and in new or emerging occupations or . . . for enrollment in advanced or highly skilled vocational and technical education programs . . . . The content of instruction . . . shall . . . be developed and conducted in consultation with potential employers and other individuals having skills and substantive knowledge of the . . . occupational fields included in [the] instruction . . . . The vocational program of instruction shall combine and coordinate classroom instruction with

field, shop, laboratory, cooperative work, or other occupational experience . . . ." Instructional personnel in vocational education shall be qualified and fully certified under the provisions of the Kentucky State Plan for the Administration of Vocational Education and . . . regulations of the State Board of Education . . . . [They] shall attend district, regional, or state in-service education meetings . . . when . . .[these] are reimbursed by funds from the Bureau of Vocational Education . . . . A continuous evaluation of the vocational education program shall be conducted by the local educational agency . . .[which] . . . shall include a follow-up of students after their termination from the program . . . . Classrooms, libraries, shops, laboratories, and other facilities, including instructional equipment, supplies, teaching aids, and other materials, shall be adequate in quantity and quality to meet the objectives in the vocational instruction . . . ."

705 KAR 4:020

"Extended employment time shall be used for . . . teaching secondary students during summer sessions . . . [supervising] . . . student organization activities occurring during the summer; [and for] other activities such as curriculum committees, laboratory organizations, conducting manpower surveys, and planning an improvement of the course of study . . . . Plans for extended employment shall be submitted with the annual local plan for vocational education. . . . . By May 15, each teacher shall submit a schedule of extended employment activities for the summer. [It] shall be approved . . . by the local superintendent . . . ."

705 KAR 4:040

Enrollees in cooperative vocational education programs shall be at least sixteen years of age. If under eighteen years of age, "they must secure a work permit issued by the superintendent of schools. Students from eighteen to twenty-one years of age shall have a certificate of age on file with the employer. [They shall have taken basic skill

prerequisites]. . . .[They] shall receive minimum classroom instruction equivalent to five hours per week. A local advisory committee shall be formed to advise on suitability of job selection, standards, related instruction, and criteria for evaluation and performance.

Cooperative teacher coordinators shall . . . hold a teaching certificate designated for a teacher in an occupational area in which he[she] is coordinating cooperative vocational education experiences, [and] have a minimum of two years teaching experience in an occupational program area . . . ."

705 KAR 4:060

Vocational preparation programs offered in vocational schools "shall be offered on a daily basis and on a schedule which is consistent with good educational practice . . . . Vocational student organizations shall be integrated in the vocational education program. Vocational teachers shall serve as adult advisors to the student organizations to improve the quality and relevance of instruction, develop student leadership, enhance citizenship responsibilities, and provide other wholesome experiences for youth . . . . Students shall be admitted for enrollment and receive instruction on the basis of their potential for achieving the objectives of such instruction . . . .

Secondary students enrolled in public or private schools shall be permitted to enroll in vocational programs within state-operated area vocational schools consistent with that school's student enrollment quota for cooperating local school districts. Secondary students shall be at least fifteen . . . years of age during the school year in which they enroll in a vocational preparation program. No lower age limit shall deny any student use of the facilities of vocational schools for career education experiences designed to produce occupational awareness, orientation, exploration, and limited work exposure. High school credit shall be permitted for students enrolled in vocational programs in vocational schools on the same basis as the equivalent

time would be granted high school credit for programs offered in the secondary schools.

Each local district shall provide adequate instructional supplies for each approved vocational education program. . . ."

705 KAR 4:070

AGRIBUSINESS EDUCATION

In secondary schools offering secondary agribusiness education programs, "instruction shall be for youth . . . who are preparing for job entry in the field of agriculture. . ." In addition, "the following minimum requirements shall apply to those schools:

(1) The curriculum shall be designed to offer training that will enable students to develop skills and competencies that are necessary for job entry and advancement in their chosen agricultural occupations.

(2) Each student shall plan and conduct, under the supervision of the teacher, an occupational experience program which contributes to his[her] occupational objective.

(3) Each student enrolled in a preparatory program shall have a record of an occupational objective on file. It shall specify a planned sequence of instruction.

(4) Preparatory programs designed for eleventh and twelfth grade students shall be two . . . year programs that meet for a minimum two . . . hour block of instruction each school day . . . .

The Future Farmers of America (FFA) shall be the officially recognized student organization for secondary students enrolled in agribusiness education . . . Agribusiness education teachers shall serve as FFA chapter advisers in multiple teacher departments; each teacher shall share the FFA chapter responsibilities.

A regular program of agribusiness education shall require the services of a teacher for a twelve . . . month period. The summer months shall be spent supervising occupational experience programs of secondary students, supervising the business operations of young and adult farmers and other agricultural workers employed in agriculture."

AGRIBUSINESS EDUCATION

705 KAR 4:080

"The Kentucky FFA Leadership Training Center at Hardinsburg shall be operated and maintained as a definite part of the state program of agribusiness education. The center shall provide training in leadership and citizenship development for youth.

The Assistant Superintendent for Vocational Education shall have general responsibility for the management and control of the center. The director of the center shall be a supervisor on the staff in agribusiness education in the Program Development Division, Bureau of Vocational Education, Department of Education. The facilities shall be maintained by dues and fees collected from members of the Kentucky Association of Future Farmers of America, by funds budgeted by the Bureau of Vocational Education and by fees charged other groups using the center. The facilities shall be used by the members of the Kentucky Association of FFA and other vocational education youth organizations for leadership training and recreation. When not used for vocational education purposes the facility is available for use by other educational and farm organizations . . . ."

BUSINESS AND OFFICE EDUCATION

705 KAR 4:090

"The following minimum requirements shall apply for schools offering a secondary vocational business and office education program:

(1) The school shall offer a minimum of two . . . business and office occupational curriculum clusters in addition to a basic program. The clusters are secretarial, clerical, accounting - jr. management, and data processing.

(2) The program shall have a minimum of three . . . business teachers, two . . . of whom are approved as vocational teachers.

(3) A minimum total of fifteen . . . vocational business and office students are enrolled in the two . . . occupational clusters.

(4) Students shall have an occupational objective card on file specifying a planned sequence of instruction

(5) Each student's curriculum shall consist of six . . . units of credit in business and office, four . . . of which must be classified as vocational.

The Future Business Leaders of America (FBLA) shall be the official student organization for business and office education . . . ." A minimum one-week of extended employment shall be given to vocational business and office teachers "to complete the activities of the program and participate in approved in-service education . . . ."

Vocational business and office teachers shall have a "baccalaureate degree with a major or minor in business, a provisional high school certificate for Kentucky," and "one year or 2,000 hours of work experience related to the occupation to be taught . . ."

705 KAR 4:100

HEALTH AND PERSONAL SERVICE EDUCATION

"The following standards shall apply for schools offering a secondary vocational health and personal service education program:

(1) The student enrollment shall not exceed the number established as approved for the available classroom and clinical facilities.

(2) The maximum student/teacher ratio for health occupations programs shall be fifteen . . . to one . . . per session and twenty . . . to one . . . for personal service programs unless otherwise approved in writing by the Assistant Superintendent for Vocational Education. In the event a licensure, certification, or registration board mandates a lower student/teacher ratio, the requirements of this board shall apply.

(3) Secondary health and personal service education classes normally meet for a minimum of three . . . hours per day. Innovative programs of shorter duration shall be approved in writing by the Assistant Superintendent for Vocational Education.

(4) The program shall meet the criteria required by state and national boards and associations that license, certify, or register the graduates of the program.

Student leadership development activities shall be integrated into the educational program. . .

All health and personal service education instructors shall be employed for a minimum of one (1) month beyond the regular school term to complete the activities of the program and participate in planned inservice meetings . . . .

An instructor in health and personal service education shall have at least a high school diploma, or its equivalent, determined by evidence of an acceptable score on a GED test administered by an approved testing center, be a graduate of an approved curriculum of vocational education in the area to be taught, and have at least three . . . years of work experience in the area. One . . . year of the work experience requirement may be substituted by one . . . year of additional education beyond the high school level in an approved postsecondary school. The minimum qualifications for an instructor shall be equivalent to those required by state and national boards and associations that license, certify, or register the graduates of vocational programs. The work experience shall be approved by the Assistant Superintendent for Vocational Education. The teacher shall hold the Kentucky education certificate designated for the position. In a health careers program, at least one . . . instructor shall be a registered nurse licensed to practice in the Commonwealth of Kentucky . . . ."

705 KAR 4:110

CONSUMER AND HOMEMAKER EDUCATION

Schools "offering a secondary vocational program in consumer and homemaking education" shall "offer instruction in the areas of child development, clothing and textiles, food and nutrition, housing, management-consumer education, and personal and family development," which will be included in a "two year comprehensive program.

The Future Homemakers of America (FHA) shall be the official student organization for home economics education and shall be an integral part of the instructional program . . . . The teacher shall be employed [for an

extended one-month period]. . . to complete the activities of the program and participate in appropriate in-service education . . . ."

705 KAR 4:120

HOME ECONOMICS

Schools "offering a secondary vocational program in gainful home economics" shall base their curriculum on "a job analysis of the occupation." Classes "shall meet for a minimum of two consecutive class periods daily . . . . Students shall be enrolled on the basis of their interest and aptitude for a specific occupation or a cluster of closely related occupations.

The student organization, FHA or FHA/HERO shall be an integral part of the program. The teacher shall be employed [for an extended minimum one month term]. . . to complete the activities of the program and participate in approved inservice education."

A secondary gainful home economics teacher shall have "a certificate to teach vocational home economics" and "one year or 2,000 hours work experience related to the occupation to be taught or one year teaching experience, a course related to occupational instruction and approved additional experience or occupational experience in the area of home economics related to the occupation . . . ."

705 KAR 4:130

INDUSTRIAL EDUCATION

"The following minimum requirements shall apply for schools offering a secondary industrial education program:

(1) Classes having the objective of occupational preparation shall be organized to operate for three . . . consecutive hours including passing time on a daily basis during the school year. Any exception to this schedule will be made for the purpose of experimentation or research with the approval of the Assistant Superintendent for Vocational Education.

(2) Students enrolled in occupational preparatory programs shall be at least fifteen . . . years of age during the school year in which they enroll, and they shall be enrolled on the basis of their potential for achieving

the specific occupational goal they have chosen.

(3) Courses of instruction shall be made up of specific occupational content and be of sufficient length to prepare students with entry-level skills in the occupation.

(4) Class size shall be determined by the number of individual work stations provided. No more than twenty . . . students shall be the responsibility of one . . . teacher at any given time.

The Vocational Industrial Clubs of America (VICA) shall be the official youth organization for industrial education students. The organization shall function as an integral part of the instructional program.

Industrial education teachers shall be employed at least one . . . month beyond the regular school term to complete the activities of the program and participate in approved in-service education.

Facilities for industrial education programs shall be of adequate size and design to accommodate the equipment activities, and the number of work stations peculiar to each program. The equipment shall be equivalent to that used in industry. . . .

The minimum qualifications for employment of an industrial education teacher shall be:

(1) A high school graduate or the equivalent with at least three years of journeyman level experience in the occupation to be taught, which shall be approved by the Assistant Superintendent for Vocational Education: or an approved associate or bachelors degree in industrial education.

(2) A certificate endorsed to teach the specific preparatory program . . . ."

705 KAR 4:140

DISTRIBUTIVE EDUCATION

Schools "offering a secondary marketing and distributive education program" shall "offer a three year program of instruction beginning in grade ten . . . .

Distributive Education Clubs of America (DECA), the official student organization for marketing and distributive education, shall be an integral part of the instructional

program . . . . Teachers shall have a minimum of one month extended employment . . . to complete the activities of the program and to participate in approved in-service education . . . [They] shall [have] a baccalaureate degree with a major or area in distributive education, business administration, or business education [accounting or general business]; a provisional or standard high school certificate for Kentucky; [and] one year or 2,000 hours occupational experience in distributive occupations . . . approved by the Assistant Superintendent for Vocational Education . . . ."

705 KAR 4:150

PRACTICAL ARTS EDUCATION

In schools "offering a vocational practical arts education program," students "shall explore a minimum of six occupational clusters from a minimum offering of nine clusters during three consecutive years of grades six, seven, eight, and nine . . . . In addition . . . students must have an orientation to the world of work and the economic system.

During the first year of the program, students shall explore at least three . . . clusters from a minimum of six . . . cluster offerings. In addition, they must have a module consisting of orientation to the world of work and the economic system prior to, or concurrent with, beginning exploration of the occupational clusters.

During the second year of the program, students shall explore at least three . . . clusters not previously explored from a minimum of six . . . cluster offerings, three . . . of which were not previously explored in the first year of the program.

During the third year of the program, students shall explore at least one . . . cluster from a minimum of four . . . offerings. Enrollment at this level shall be permitted to be in a cluster previously explored in the first or second year of the program . . . ."

Students "may elect to enroll in other vocational student organization if [their] bylaws . . . so permit."

Teachers shall hold "a provisional high school certificate for Kentucky;" they must have "work experience in

the occupational cluster or clusters to be taught on a vocational certificate in the occupational area being taught," and "experiences in directing students in an exploratory program or pre-service or in-service experiences in directing students in an exploratory program."

705 KAR 4:160

PUBLIC SERVICE OCCUPATION EDUCATION

Schools "offering a vocational public service occupation education program at the secondary level" shall ' offer a two year public service education program of instruction in grades eleven and twelve . . . . The Vocational Industrial Clubs of America (VICA) shall be the official student organization for public service occupations students...."

Teachers "shall have a minimum of three weeks extended employment to complete the activities of the program and participate in approved in-service education." They shall have a "high school diploma, three years of work experience related to the occupation to be taught," and a "one-year vocational education certificate for public service occupations education."

705 KAR 5:020

ADMINISTRATION

"The overall administration of area vocational education schools shall be under the direction of the Assistant Superintendent for Vocational Education.

Area vocational education schools . . . constructed as an addition to the high school facility which is owned and operated by a single local school district for the benefit of only one . . . high school shall be directly administered by a local board of education being responsible for the education program in the area served by the school.

Area vocational education schools . . . constructed as a separate facility to serve two . . . or more high schools in two . . . or more local school districts . . . shall be directly administered by the State Department of Education, Bureau of Vocational Education, through the regional staff for vocational education which is responsible for the vocational programs in the region in which the school is located. . . ."

"Each area vocational education center that is operated by the State Department of Education, Bureau of Vocational Education, shall have an official steering committee appointed by the Superintendent of Public Instruction upon recommendation of the Assistant Superintendent for Vocational Education. It shall provide systematic contact with and participation by responsible leaders in the cooperating local school districts. The center steering committee shall be composed of the superintendent of schools, one . . . member of the local board of education, the principal of a cooperating secondary school, and one . . . lay citizen from each participating local school district; and a member of the Regional Advisory Committee on Vocational Education.

The center steering committee shall be authorized to consult, counsel, and advise with the coordinator of the area vocational education and his[her] staff, and the director of the Division of Program Management in the Bureau of Vocational Education, State Department of Education, on all matters pertaining to the operation of the center.

The steering committee shall consult, counsel, and advise with the administrators responsible for the operation of the center on such things as: (1) Annual and long-range program planning for the center; (2) Procedures to be followed in implementing the program plans; and (3) Management procedures in handling the details pertaining to program operations.

The management procedures referred to in the preceding section of this regulation include such areas as determining the programs to be offered, curriculum development, employment of personnel, in-service training of personnel, enrollment quotas for secondary school students from the different participating local school districts, discipline of students, class and school schedules, transportation of students, equipping and maintaining the facilities, program evaluation,

student counseling and guidance, records and reports, and other areas of concern pertaining to the operation of the center."

705 KAR 5:050

The "policy for vocational-technical education regional advisory committees in Kentucky shall be prepared and provided to regional advisory committees and other interested parties . . . ."

705 KAR 5:060

"State-operated vocational-technical schools and area vocational education centers shall be permitted to accept live work projects when the administrative and instructional staffs deem these necessary and appropriate for the vocational education of the students....

Individuals or organizations committing live work to a school shop shall be provided a copy of the school policies for accepting and performing live work.

School employees and members of the State Board of Education shall not guarantee or be liable for any live work performed in the vocational shops, nor shall they be responsible for the theft or loss of any article or articles that may be left in the vocational shops for any reasons...."

705 KAR 5:070

"A regional vocational education program shall include all vocational, technical, . . . programs in their geographic region as designated by the State Board of Education to be served by a state vocational-technical school and area vocational education centers...."

705 KAR 5:080

"Teachers and administrators employed by a state vocational-technical school or an area vocational education center shall be responsible for the supervision and discipline of students during the time they are in attendance at a state-operated vocational facility.

Secondary school students who are subject to disciplinary action shall be referred by the principal of a state vocational-technical school or the coordinator of an area vocational education center to the principal of the parent school in which the student is enrolled. The principal or coordinator shall submit in writing to the princiapl of the parent high school the reason(s) for disciplinary action. The principal of the parent high school shall respond to the vocational principal or coordinator as to the action to be taken. The vocational principal or coordinator will accept the decision of the local school authority and act accordingly.

SUSPENSION

Any secondary student who is suspended or expelled from a participating local high school shall be considered suspended or expelled from the state vocational-technical school or area vocational education center in which [he/she] is enrolled."

EXPULSION

CROSS REFERENCES

I.Department of Education; Statute §156.010

II.A.4.; Statute §158.530

III.A.2.; Statute §156.230

III.A.2.; Regulation 705 KAR §3:080

III.A.2.; Regulation 705 KAR §5:010

III.B.Teachers; Regulation 704 KAR §3:150

III.B.Teachers; Regulation 704 KAR §3:160

III.B.Teachers; Regulation 704 KAR §20:025

III.B.Teachers; Regulation 704 KAR §20:220

III.C.Public Schools; Statute §158.510

III.E.Career Education; Statute §158.540

IV.H.; Statute §339.210 -- .990

3. Vocational Education

Statutes

§17:151.2

"The parish school boards of St. John the Baptist, St. Charles and St. James Parishes may establish a consolidated multiparish vocational-technical school district . . . and may provide funds for the establishment, operation and maintenance" of vocational-technical schools in the district.

§17:349.4

"Any state-operated trade or vocational technical school which violates the constitution or laws of the state, or state board of education policy, rules and regulations shall be closed . . . and the [board] shall cease and desist in the operation of such school or schools . . . ."

§17:480

"The teaching certificate of any teacher in the state operated trade and vocational, technical schools of Louisiana, who shall instruct a class in violation of the constitution and laws of this state, or of state board of education policy, rules, and regulations . . . is . . . revoked" as well as teaching certificate of the teacher's supervisor or director who permitted the instructor of that class. "The directors of trade and vocational technical schools" are prohibited from paying such teachers for rendering services without a valid teacher's certificate."

Regulations

Policy and Procedure Manual of State Board of Elementary and Secondary Education
1.00.13

Initiation of new programs in trade, or vocational education should come to the State Board of Education from the directors of these schools. It shall be their duty to present these programs to the Board.

Policy and Procedure Manual of State Board of Elementary and Secondary Education 1.03.00

There shall be a state advisory council for vocational technical education. Members of the council shall serve two-year terms. It shall consist of the regional directors council and an executive committee and shall advise the board of the administration of vocational-technical schools.

Policy and Procedure Manual of State Board of Elementary and Secondary Education 3.00.12

The objectives of the vocational technical education shall be determined through a state survey designed to measure the interests of the citizens. All schools are expected to maintain educational standards. Offerings should reflect economic and social shifts and public needs.

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.03.02

VO-TECH ATTENDANCE POLICY

A student must attend classes four days after enrollment to be counted for reporting purposes. If a student has three consecutive absences or five intermittent absences in a two month period, he/she will be suspended for a three month period To reenroll after dismissal, the student must give "reasonable assurance that the casues of the excessive absences have been removed." The validity and approval of absences for injury, illness, military duty or death in the immediate family will be determined by the school's director. [The regulations governing vocational schools are set forth in the Vo-Tech Policy and Procedure Manual.]

SUSPENSION

MILITARY

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 4.03.40

Affirmative Action Policy of Vo-Tech Schools

"We affirm ourselves to a program of recruitment selection, appointment, promotion, training and compensation only on pertinency of task and not on the basis of non-pertinent factors."

The objectives of the program include communicating to administrators, employees and the public of the existence of the program through state wide press releases, a job bank, workshops at each vo-tech school and mailings to employment agenices.

The responsibility for the program rests with the director of each school. He/she shall review the policies periodically to determine their effectiveness.

EQUAL OPPORTUNITY

A person who believes he/she has been discriminated against has the right of appeal as follows: (1) the equal employment counselor; (2) equal employment director (3) civil service commissioner or state board of education as appropriate. Persons are urged to seek the advice of an equal employment counselor before filing with the CSC or SBE.

APPEAL

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 5.03.31

TUITION

State operated vo-tech schools are to charge tuition of $30.00 per month to out-of-state students. A student over 23 years of age must have been a Louisiana resident for twelve months to be considered a resident for tuition purposes.

Policy and Procedure Manual State Board of Elementary and Secondary Education, 5.03.40

Bus transportation should be provided to vo-tech schools at no cost to the student.

CROSS REFERENCES

I.Parish School Boards; Statute §17:151

III.B.Teachers; Regulation Bulletin 746

III.C.Teachers; Statute §17:480

III.C.Teachers; Statute §17:541

III.C.Teachers; Statute §17:542

III.C.Teachers; Statute §71.543

III.E.Teachers; Statute §17:86

IV.A.; Statute §17:2114

3. Vocational Education

Statutes

§57

The purpose for the establishment of state vocational institutes by the board is "to promote specialized training for persons who give evidence of special aptitude or need and who desire specialized training designed specifically to train for service in trade, industry or commerce."

§106

The commissioner shall appoint an education specialist II or agricultural education consultant who shall be responsible, among other duties, for "supervision of agricultural technical education including agribusiness and agriculture's relation to the environment."

§2351-A

1. A "vocational center" is located in a particular community, and is governed by the local school board;

2. A "vocational region" means all communities within a certain geographical area governed by a board representing the various community municipalities.

§2356-A

Any school offering vocational education, regardless at which level the program is offered, must meet the following requirements:

1. Regional Center - "It shall be a Regional Center for vocational . . . education and may include satellite centers."

2. Approval of State Board of Education - A vocational education program cannot be established, maintained or operated without the approval of the state board of education;

3. Programs - "Programs of education and training in trade, industrial, agricultural, business, distributive, technical and service occupations shall be available to

persons in secondary school, or who have graduated from secondary school;

4. Satellite Centers - If there is a justified need for expansion, all requests for satellite centers shall be submitted to the State Board of Education. The local school committee "shall assume full financial responsibility" and receive state subsidy and tuition income. The school committee shall furnish facilities and equipment and "be eligible for school construction aid." Personnel operating satellite centers shall be nominated by the superintendent and be approved by the school committee of directors. Personnel working in satellite programs shall be "supervised by the school principal and the director of the . . . vocational center," making joint recommendations to the superintendents of schools.

5. Advisory Committees - As of 1972 there shall be an advisory committee in any operating vocational education center. Members shall consist of the superintendent or his representative of the participating high schools and "one Board member chosen from each school committee or board of directors by its membership." The responsibility of the advisory committee will be to prepare and submit annual reports on the satellite and/or vocational centers to the state board of education and each town served by the centers;

6. Local Director - He/she must meet qualifications set forth by the state board of education. The director shall be responsible to the administrative staff of the school operating the center.

7. Transportation - It shall be provided by the existing regional centers and any future satellite programs.

§2356-F

Any person eligible for "free public education in the secondary grades," full-time 13 and 14-year students, or any continuing education student "may attend any regional technical and vocational center" in his/her

area provided that, by the same standards as all other students applying for admission, he/she is "qualified to profit by instruction and that the school can accommodate" him/her.

§2356-G3.

"Vocational regions shall be administered by a cooperative board." A majority vote of the school committees or board of directors shall determine the size, number and appointments of the cooperative board and the method of sharing costs. "Decisions reached on the method of sharing costs and the representation on the cooperative board may be appealed to the state board of education by any administrative unit within the region." "The board's decision shall be final and binding." Membership of the cooperative board shall be in proportion to the population. Citizens holding jobs with a conflict of interests with the cooperative board members will not be considered. The cooperative board members will elect a chairperson, a vice chairperson, a secretary and adopt a constitution or by-laws or both. The secretary and treasurer need not be members of the cooperative board.

CONFLICT OF INTEREST

§2356-G5

"The superintendents of schools within each region shall serve as an advisory committee to the cooperative board." The advisory committee shall be invited and receive notice of all cooperative board meetings.

"The vocational administrator shall meet with the superintendents' advisory committee at least four times each year to review proposed programs, budgets and issues relating to vocational education."

§2356-G6

The cooperative board shall submit an approved annual budget to the legislative body in each unit. The legislative body will vote to accept or reject the budget. No portion may be amended. The cooperative board members shall be notified in writing of the results

of the vote. "A vote on the budget of the vocational region must be completed at the same time as the regular school budget in each year."

Warrant. "Each regional meeting shall be called by a Warrant. The warrant shall be signed by a majority of the cooperative board membership." It shall:

(1) "specify the time and place of the meeting;"

(2) "direct to any resident living within the vocational region by name ordering him to notify all voters within the region to assemble at the time and place appointed;"

(3) "an attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the vocational region at least seven days before the meeting.

§2356-I

If the school administration determines that a student would benefit more by attending an "out-of-state secondary or vocational school which is closer than a Maine Regional Vocational school, the local administration shall be reimbursed by the state of Maine the same amount per pupil as would have been incurred by the Maine Regional School."

§2401

The commissioner shall have the duty of investigating the methods of industrial education, advise and aid introductory industrial courses for free state schools and academies and report on the industrial education courses in all special schools. He/she shall have the authority to inspect and approve the courses of study in all free high schools and academies aided by the state.

INSPECTIONS

CROSS REFERENCES

I.Department of Education and Cultural Services; Statute §1-B

III.D.Educational System; Regulation, Coordination of Planning and Management (1972), Pursuant to 20 MRS §102

IV.D.; Statute §2356-C8

IV.H.: Statute §911

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Art. 77 §133

The state treasurer is custodian for all moneys received by the federal government under the Smith-Hughes Act, the George Borden Act, the Vocational Education Act of 1963 and any other similar laws Congress might enact relating to vocational education. The state board of education shall be responsible to carry out the provisions of those acts and to authorize the distribution of any federal funds received for this purpose. It shall also authorize that assistants' salaries and office expenses be included as necessary.

CROSS REFERENCES

III.B.Certificated Personnel; Regulation 13.06.01.05

III.B.Teachers; Regulation 13.06.01.02; 13.06.01.03

IV.A.; Statute Art. 77, §89

IV.A.; Regulation 13.05.06.01

IV.H.; Statute Art. 77, §92

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Statutes

71 §37 K

"Each school committee may authorize business demonstration projects of an educational nature, to be operated by students as an educational service. Each such project shall be subject to all applicable health, safety and nutritional regulations."

74 §2

"The commissioner, under the direction of the state board, shall investigate and promote distributive occupations, industrial, agricultural, household arts education and practical nurse training, and initiate and superintend the establishment and maintenance of schools for . . . [such] education, and shall supervise and approve such schools."

74 §2 A

"The commissioner shall establish rules and regulations to promote the use of vocational students during their vocational studies by the town or in the case of a regional school district, the [region] . . . Students shall not be permitted to perform work on projects which are outside the . . .[area] . . . served by the school attended by said students, unless the projects have exceptional educational value as determined by the commissioner."

74 §3; 4; 5A

Separate towns, regional school districts or districts of two or more towns may establish and maintain independent distributive occupational training schools including industrial, agricultural, household arts and practical nurse programs.

74 §5, 6

Local and district trustees for vocational education, administering approved independent distributive occupations, industrial, agricultural, household arts and practical nurse training schools,

shall, under a scheme approved by the commissioner, appoint advisory committees composed of representatives of local trades, industries and occupations. District trustees shall adopt plans of organization and administration which shall be binding on all towns in the district.

74 §7

"Residents of towns in the commonwealth not maintaining approved independent distributive occupations, industrial, agricultural, household arts and practical nurse training schools offering the type of education desired . . .may, upon the approval of the commissioner, . . .be admitted to a school in another town." The commissioner shall take into consideration "the opportunities for free vocational training where the applicant resides the financial status of such place, the age, sex, preparation, aptitude and previous record of the applicant, and other relevant circumstances."

74 §7 A

TUITION

Tuition for state wards attending vocational education programs shall be paid by the commonwealth.

74 §7 B

"An apprentice . . . shall upon the concurrence of the commissioner of labor and industries, be approved by the commissioner for related vocational training in any city or town regardless of residential qualification under the direction of the state board. Related classes for an approved apprenticeship program shall be conducted in a single school system, unless the commissioner in agreement with the commissioner of labor and industries determines that it would be in the best interests of said program to conduct such classes in more than one such school system."

74 §8

Tuition of non-residents attending vocational education shall be paid by the town in which the person resides.

74 §8 A

A person who is admitted to a day school in another town at least one and one-half miles away shall have his transportation paid for by the town wherein he/she resides. The town may receive fifty percent of the cost of such transportation.

74 §9

The commonwealth shall annually pay one-half the net maintenance sum to schools maintaining approved independent distributive occupations, industrial, agricultural, household arts or practical nurse training schools except agricultural departments in high school.

74 §10; 11

The commonwealth shall reimburse towns paying tuition and fees in agricultural departments in high schools and other vocational schools. The counties of Bristol, Essex and Norfolk shall be reimbursed for one-half the net maintenance sums.

74 §12

"The commonwealth shall pay to towns . . . maintaining approved . . . independent agricultural schools consisting only of agricultural departments in high schools two-thirds of the salary of the instructors therein."

74 §13

"Independent industrial, agricultural, household arts and practical nurse training schools may offer instruction in day, part time and evening classes. Independent distributive occupations schools may offer instruction in part-time and evening classes only. Attendance upon such day or part-time classes shall be restricted to those over fourteen years of age; and upon such evening classes, to those over sixteen years of age."

74 §14; 14A

Towns and regional school districts may establish and maintain household and other practical art classes to be open to persons over sixteen. The purpose of such classes shall be to: 1)provide opportunities for disabled soldiers and disabled workers; 2) provide additional

opportunities for livelihood for the inhabitants of smaller towns; and 3) provide "greater opportunities for persons trained in war industries."

Federal funds may be received and expended for such programs.

74 §15; 16

Cities may establish and maintain schools for instruction in "gardening, fruit growing, floriculture, poultry raising, animal husbandry, and other branches of agriculture and horticulture." A description of the purposes and scope of the instruction to be given shall be circulated prior to its establishment.

74 §17

Boards or officers having power to take land for school purposes in cities may take, by eminent domain, land not already appropriated to public use, or lease or purchase land either within or without the city limits, for the purposes of agricultural classes. A school committee may erect suitable buildings and provide the use of the plots for temporary housing of pupils.

74 §18

School committees or trustees for vocational education may establish classes for training teachers for continuation schools or vocational schools.

74 §20; 21; 22

The state treasurer shall be the custodian of federal funds in relation to vocational education programs and shall distribute them to the state board who may use them for salaries, and/or courses for the preparation of teachers of vocations selected as in need of stimulation

74 §22 E

"Any school committee or board of trustees for vocational education may elect a teacher who has served in its schools for not less than one school year to serve at its discretion" (i.e. have tenure) for vocational education programs.

74 §26; 27; 28

Agricultural schools, supported and approved by the state shall have boards of trustees whose members will serve without compensation, but shall be reimbursed for expenses. Such board shall submit estimates of the amounts necessary to equip and maintain their respective schools

74 §31B

The boards of trustees of agricultural schools "may supervise and control all athletic and other organizations composed of vocational agricultural school pupils." Expenditures by the trustees for the organization, equipment, and facilities for sport activities shall be considered to be a proper maintenance item for reimbursement purposes.

74 §32; 33

"Any resident of the commonwealth over fourteen years of age who resides in any town outside of a county in which a county agricultural school is located may be admitted to such school on the conditions prescribed" as to tuition payment. Residents of the counties where agricultural schools are located may attend free.

74 §37

Members of the staffs of the agricultural schools "shall investigate farm and market conditions for the purpose of advising individuals and organizations as to business methods among farmers, and satisfactory methods of marketing farm products, shall instruct in the formation of co-operative enterprises and shall perform other work calculated to promote the agricultural or rural development of the respective counties."

REGULATIONS "

REG. #5, Section 1

"A. LEGISLATION

Chapter 74, Sections 1 to 37, amendments thereto, and other legislation bearing on the subject . . . .

1. General. The Commissioner shall investigate and promote distributive occupations, industrial, agricultural and household arts education. The Commissioner shall cooperate with the Office of Education, Federal Security Agency, in the administration of the Smith-Hughes Act, the George-Barden Act and amendments thereto.

2. Establishment and Maintenance of Schools. The Commissioner shall initiate and superintend the establishment and maintenance of such schools. He[she] shall supervise and approve such schools. He[she] shall approve o disapprove non-resident pupils and fix tuition rates and present annually to the General Court a statement of amounts for which cities and towns shall receive reimbursement.

3. Approval Factors (Statutory). The ten approval factors over which the Department has definite responsibilities are . . .

Organization	Qualifications of Teachers
Control	Methods of Instruction
Location	Conditions of Admission
Equipment	Employment of Pupils
Courses of Study	
	Expenditures

4. Vocational Education Defined. Vocational education is . . . define[d] . . . as 'education of which the primary purpose is to fit pupils for profitable employment.' This shall be in preparation for employment or for advancement while in employment. The . . . four forms of vocational education which may be given State aid [are:] Agricultural, Distributive Occupations, Household Arts Education and Industrial Education.

5. Types of Schools Provided For. In each field, the following types of schools may be organized:

a. All Day -- a school in which the pupils are enrolled full time at the minimum hours established for the field.

b. Part-time Co-operative -- a school in which the pupils are enrolled full time at the minimum hours established for the field to provide to qualified pupils technical or related instruction in conjunction with school supervised experience in cooperating establishment.

c. Part-time and Evening -- schools in which the pupils give a part of their working time to instruction in the school.

d. Evening Trade Extension -- a school which provides supplementary instruction for pupils employed during the working day. Such instruction must relate to the day employment.

e. Apprentice -- a school which provides a minimum of 150 clock hours per year of supplementary training to qualified apprentices.

B. BASIC REQUIREMENTS AND REGULATIONS COMMON TO ALL SCHOOLS . . .

1. Distinctive Characteristics. The schools provided for . . are those . . 'under a distinctive management,' intended to furnish education distinctive in aim and character from general education provided for in the public schools . . . .

2. Periods of Activity.

a. Period of Initiating and Superintending Establishment. -- For formal approval of establishment of schools, the Commissioner will require:

1. A copy of the city ordinance or vote of the town authorizing a local board of control for vocational education. . . . .

2. Appointment of board of control (Trustees for Vocational Education) and executive officer. . . . .

3. Appointment of an advisory committee. The

names of the members should be listed . . . .

4. Appointment of a director whom the Commissioner approves (Distinctive management). . . . .

5. An approved location. Supervisors of the Department report upon this factor.

6. Adequate equipment. A report upon this is made by supervisors of the Department.

7. An organization of courses which the Commissioner approves; the proposed departments, courses of study and methods of instruction. Supervisors of the Department report upon these and superintend their organization . . . .

8. Teachers whom the Commissioner approves . . . .

9. An approved organization of pupils, plans for admission of pupils and employment of their time; the program of the school or department with a calendar and key. . . .

When all this evidence is ready for consideration, formal approval . . . will be acted upon by the Commissioner. Approval of establishment of schools shall be ordered as of the date on which all the above approval conditions . . . were satisfactorily met.

For formal approval of the establishment of additional departments or courses in approved schools, the Commissioner will require compliance with items (3, 5, 6, 7, 8, and 9) above.

. . . [Such] approval . . . may not be given for more than thirty days prior to the date upon which all required data is received.

b. Period of Superintending Maintenance of Established Schools -- For formal statement that established schools constitute approved schools, and the cities or towns maintaining them are entitled to reimbursement, the Commissioner will require the following evidence annually, or as necessity arises:

1. Directory of board of control (Trustees for Vocational Education) and the executive officer . . . .

2. Directory of the members of the advisory

committees . . . .

3. Registers of the school faculties in cases of re-appointments . . . .

4. Courses of study proposed for evening classes and unit courses . . . .

5. Programs of schools or departments . . . .

6. Trade or Occupational Records . . . or Farm Practice Records . . or Unit Course History Cards . . . . Supervisors of the Department will report upon these.

7. Special approved Life History Cards or Folders . . . . Supervisors of the Department will report upon these.

8. A financial record, . . . financial statistical returns . . . accompanied by an affidavit stating the cost of maintenance or amount of money expended for tuition of non-resident pupils. Supervisors of the Department will superintend the preparation of these.

9. Vital statistical returns . . . . Supervisors of the Department will superintend the preparation of these.

10. Applications of non-resident pupils . . . .

11. Notices of the withdrawal of non-resident pupils . . . .

12. Notice of the appointment of new faculty members, or transfers to new positions of faculty members whom the Commissioner approves . . . .

13. Notice of the resignation or change in salary of instructors . . . .

14. Written notice of any other changes affecting any of the approval factors.

Upon the basis of this evidence and further reports of supervisors of the Department, the Commissioner will determine annually . . . [the] . . . amounts for which cities and towns shall receive reimbursement . . . . The period of reimbursement may begin with the date of approval of establishment of schools or the date of entrance of

approved non-resident pupils. . . .

C. BASIC REQUIREMENTS AND REGULATIONS COMMON TO ALL SCHOOLS (By Approval Factors)

1. Organization. By 'organization' is meant the working plan for carrying out the aims of the schools. . . . Schools will be inspected upon the basis of the plans approved.

a. As to Departmental Character -- All independent State-aided vocational schools shall be organized by departments or courses. A department or course is an organization of instructional activities, pupils and teachers.

b. Advisory Committees -- . . .[B]oards of control (trustees for vocational education) shall appoint advisory committees composed of representatives of local trades, industries and occupations and areas of distribution.

These committees . . . will be most effective when the director points out specific services which they can render. The superintendent . . . or the director of a school may well act in any executive capacity for the advisory committee.

Members of the committees shall not also be members of the boards of control . . . .

c. Distinctive Management.

1. There shall be a director, who under the executive officer of the board of control (trustees for vocational education), shall be distinctly responsible for the conduct of the school and for all instruction given in the school.

2. An assistant director may be appointed with the approval of the Commissioner. [He/she] must be assigned specific responsibility under the director. . . .

d. Faculty. -- The faculty shall consist of all personnel charged with administrative, supervisory and instructional responsibilities.

1. All faculty members shall meet [their] respective qualifications . . . .

2. be approved by the Commissioner; [and]

3. be appointed by the local board of control (trustees for vocational education).

e. Vocational Guidance -- In all schools there should be established approved vocational guidance programs providing services for the effective administration of these programs. The services are:

1. Prepare and use individual inventories, including test information.

2. Organize and present occupational information, especially information drawn from local occupational surveys and follow-up studies.

3. Organize and present information on educational and training opportunities.

4. Administer and interpret standardized objective tests.

5. Provide counseling for all individuals.

6. Provide placement: (a) In a suitable training program; (b) In employment -- placement includes graduates and school-leavers.

7. Make follow-up studies of graduates and school-leavers.

8. Secure the cooperation of parents in the counseling of individuals.

9. Make contacts with community referral and resource agencies to assist individuals in solving their problems.

f. Size of Classes -- The size of classes should be determined by agreement with the Commissioner, in relation to the field and subject, the number of pupils always limited to . . . secure efficient instruction.

g. Persistency of Attendance and/or Membership --

As a factor in size of classes, persistency of attendance and/or membership will be reported upon by Supervisors . . . and a minimum standard of such persistency will be required for each type of school and course. Failure to maintain these standards . . . may result in withholding approval and reimbursement.

h. Quantity of Service -- A minimum quantity of service, varying with the type of school is required for reimbursement approval. . . . [See Below]

2. Control. By 'control' is meant the responsible local board in whose charge . . . is placed the local administration of vocational education . . . .

The city or town determines which method of control to adopt. The board designated shall be known as 'Local Trustees for Vocational Education.'

3. Location . . . .

The school and all of its departments shall be satisfactorily located as to housing conditions, land and accessibility.

Approval of the Commissioner shall be secured for plans of new buildings, remodeling of existing facilities and for location of departments within a building.

4. Equipment. By 'equipment' is meant the machinery and apparatus, apart from educational supplies, employed in carrying on the instruction.

. . . . The equipment shall be sufficient in quantity and variety to enable all departments of the school to give instruction in all the standard methods of the occupation for which the school proposes to give instruction.

5. Courses of Study.

a. Courses of study shall be submitted in sufficient detail for approval. They shall show the proposed aim, scope, content and order of presentation of content. Supervisors of the Department shall analyze these courses and report upon them . . . . Whenever material changes are made in the courses, approval of the

Commissioner shall be secured.

b. Certificates and Diplomas -- The granting of a trade or occupational certificate is recommended as the standard form of recognition for the completion of vocational training.

It is however within the legal authority of the local board of control . . .(in the case of independent schools, not connected with the public schools) to grant a high school diploma to graduates of a vocational school, either through the establishment of a vocational high school or through cooperation with the high school.

6. Qualifications of Teachers. By 'qualifications of teachers' is meant the qualities and attainments that are acceptable as fitting a person to instruct or direct pupils in vocational schools . . . . [See Below]

7. Methods of Instruction. By 'methods of instruction is meant the instructors' regular way or manner of carrying out the work of the school with the pupils.

They shall be suited to the field of service and the type of practical work.

a. The Project Method of Instruction -- The project method of instruction is recommended for vocational schools as a method of instruction best calculated to develop power to use and to apply vocational information.

[A] project is a job, or it is something involving the discharge of a responsibility on the part of a pupil. The project method of instruction . . . is a plan of instruction combining growth in manipulative skill on a shop, store, farm, or home job with growth in power to apply the related technical knowledge on the job.

Approved schools shall provide for performance of practical work, which conforms in all factors with commercial standards. Output of practical work shall be judged by commercial standards and be of salable character under market conditions. . .

b. Project Management -- Some definite method of checking, inspecting and routing the pupil through a series of projects calculated to give the desired vocational instruction is necessary. This can be

accomplished by project routing -- carefully planning the specific requirements which the pupil is to meet and deal with in successive projects.

A very definite progressive project control, combined with an inspection report and the perpetual inventory of the pupil's educational conditions at the close of the given project is an essential part of the project method of instruction . . . .

8. Conditions of Admission. By 'conditions of admission' is meant the legal and administrative requirements and procedure in permitting pupils to enter vocational schools: Qualifications as to age, aptitude, sex, schooling, employment status are specific for each field and type of school.

Under the limitations imposed and subject to the approval of the board of control . . . the director of the school shall assume the responsibility for admission of pupils.

High school pupils are not eligible for admission to vocational classes for the purpose of pursuing therein any portion of their general education.

a. Admission of Non-Resident Pupils

1. Residents of cities and towns which do not maintain State-aided vocational schools or specific courses, have a legal right to apply for admission to any State-aided vocational school, department or course under certain conditions and with certain obligations . . . .

The applications of qualified non-residents must be given official consideration by the school in which they wish to enroll. Such non-resident applicants must meet all the qualifications specified. . . In addition, applicants must be residents of . . . Massachusetts. Applications . . . must be passed in review by the Commissioner. [His/her] decision . . . is final. [He/she] shall consider . . . the opportunities for free vocational training [in] the [applicant's] community . . .; the financial status of the community; the age, sex, preparation, aptitude and previous record of the applicant; and all other relevant circumstances.

2. Requirements -- Administrative -- Approval of admission shall not be granted before the school authorities . . . of the place of residence have had an opportunity to express their opinion; continuance in the school shall be conditioned upon satisfactory improvement of the opportunity afforded and reports shall be sent at least quarterly from the school to the parents or guardians of non-resident pupils and to the school authorities . . . of the place of residence, setting forth clearly the facts as to the pupil's (1) attendance, (2) effort, and (3) progress . . . .

3. Obligations -- Financial -- Step 1. The cities or towns of residence shall pay to the counties, cities or towns maintaining the schools involved such tuition fees as the Commissioner . . . shall set . . . . Step 2. The State shall reimburse such cities and towns.

Provisions under this form are construed to cover:

b. Employment Within the School -- It shall be of a character which promises efficient vocational instruction . . . [and] . . . must be of a productive nature. The allotment of time must conform to the requirements . . . for each field of service and type of school.

c. Employment Outside the School -- The concern of the School is here largely that of employment upon home project work in connection with agricultural and household arts schools; . . . employment in industry or areas of distribution where the school is organized on a coperative plan; and employment of pupils through placement in their trades during vocational periods.

e. Pupils' Individual Records -- Certain records shall be required for reference in matters involved in the employment of pupils' time and the resulting efficiency of the vocational instruction. These records will be used to supplement inspection of the work by supervisors of the Department.

They will constitute a specific statement as to an individual pupil in terms of: The kinds of experience and accomplishment; the time requirement

Two types of records of pupils shall be required from the schools: historical and statistical, and trade and occupational. . . .

PERTINENT IN ALL FIELDS

All candidates accepted for vocational teacher-training and all candidates appointed as teachers in State-aided Vocational Schools shall present evidence of citizenship, ... [and of their sound moral character] . . . ."

REG. #5, Section 2

QUALIFICATIONS OF TEACHERS - ALL FIELDS

"A presentation of these qualifications in detail is to be found in chart form [infra]. . . .

1. General Statement -- Teacher Status. The distinctive qualification for shop, distributive, farm and home-making teachers is the possession of a minimum number of years of work experience in the trade or occupation in which the candidate proposes to teach.

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The work experience required must have been within a period which would give it current value . . . .

The Department . . . does not appoint teachers nor fix their salaries. Teachers are nominated and appointed by the local board of control. The Department . . . has, however, the legal right and direct responsibility for approval of qualifications of teachers in general and in relation to specific situations.

The qualifications of teachers should be approved in advance of their nominations by the local authorities . . . . Teachers who are to give instruction in State-aided vocational schools are approved specifically in terms of subjects or occupations and for specific positions

Instructors are approved in the following classifications:

Instructors of:

a. Shop, distributive occupations, farm or homemaking.

b. Related technical subjects.

c. Academic subjects.

In ordinary circumstances, candidates for teaching positions in shop and related subjects who have not fulfilled the Teacher-Training requirement will not be approved when fully qualified candidates are available. Teachers appointed prior to completion of the Teacher-Training

requirements must complete [them] within" the required time

Temporary aids or assistants are approved, to serve jointly with and under the direct supervision of a . . . teacher, where a class is too large for a single teacher unaided, but not large enough to justify division.

The educational requirement for an aid or assistant is the same as that for shop teachers.

An emergency substitute may be employed . . . for a period not to exceed one month at which time formal approval for a substitute must be secured.

Teachers employed on an extended substitute or on a part-time basis must meet the minimum requirements in the type of work for which they are approved as required for full-time teachers . . . . Part-time . . . teachers will be approved . . . only when the size of classes or the requirement for service is not sufficient . . . to warrant the employment of a full-time teacher.

2. General Statement -- Administration and Supervisory Classification

a. Directors . . . shall be selected from an approved list of candidates established by a rating plan promulgated by the Department . . . in cooperation with local school authorities for the position at the time a vacancy exists.

1. Education

Professional - shall be a graduate of an accredited four-year college . . ., have completed an approved teacher-training course in Vocational Education, . . . [and] . . . shall have at least 30 semester hours of approved courses in education beyond the Bachelor's Degree level.

2. Experience

a. Trade or Technical - shall meet the requirements for approval as a teacher in a State and/or Federally-aided vocational school.

b. Teaching - shall have had at least 5 years of satisfactory experience as an instructor in a

State and/or Federally-aided vocational school. . . .

c. Supervisor of Practical Art and Handicraft Classes - Supervisors employed on a full-time basis, must have graduated from secondary school courses or equivalent and completed at least one year of special technical and professional training in home-making of collegiate grade, and have had at least four years of successful experience as a dressmaker, milliner, or homemaker. They should have sympathetic understanding of the problems of the persons attending the classes and ability to guide the teachers.

Part-time supervisors should meet . . . the qualifications of the full-time supervisor.

d. Placement Co-ordinator - In general a placement co-ordinator should qualify as a teacher in the field in which he[she] services. In case he[she] serves in two or more fields in a school he[she] should qualify as a teacher in the dominant one. He[she] should also have had at least 1 year of satisfactory teaching experience in a State-aided vocational school.

e. Vocational Counselor - The Vocational Counselor should qualify as a teacher in a State-aided vocational school. . . .

General Education: He[she] shall include in his[her] general education courses: Psychology, Economics, Sociology, and Vocational Education.

Professional Training: This training shall be based upon the duties he[she] must perform. Professional courses should include: Principles and Practices of Vocational Guidance; Occupational and Training Information, Analysis of the Individual, including Tests and Measurements; Techniques of Counseling; and Organization and Administration of Vocational Guidance.

Experience: He[she] should have had at least two years of approved teaching experience in a State-aided

vocational school or secondary school, or in personnel work in business or industry.

Occupational Experience: He [she] should have had at least one year of continuous full-time satisfactory occupational experience other than teaching or counseling. time of a vacancy. Such rating examinations would establish a local approved list from which the local school committee may elect a person to fill the vacancy.

Ratings. Such ratings may be determined by written or oral examinations or both, and other evidence as shall be determined by the examining board. A teaching demonstration shall be part of any scheme for rating full-time teachers for day school service.

Examination on:

Oral English

Trade Processes

Applied Mathematics

Applied Drawing

Applied Science

Theory and Technique of Teaching Trade Processes

Aims and Philosophy of Vocational Education

Oral Interview or teaching demonstration (Personality)

Trade Experience

Education . . . .

Official Procedure - New Appointments. Notice of intention to appoint should be given in writing . . . long enough before formal action to give the State office opportunity for thorough inquiry in case any question arises. . . .

Before approval can be recommended, Supervisors . . . must interview all candidates for full-time service in day schools who have not complied with the teacher-training requirement.

If approval can be given, an official approval letter is forwarded to the local director. . . .

Official Procedure - Reappointments. Register of the faculty on . . .[the appropriate form]. . . for day and evening schools shall be furnished annually.

TRAINING OF TEACHERS -- LEGISLATION

Section 18, Chapter 74, General Laws, provides for the establishment and maintenance of classes for training teachers for State-aided vocational schools. . . .

The ... State Department ... has engaged in the work of training . . . teachers . . . .

Information regarding this work may be secured from the . . . Department . . .

After the instructor has completed the work he[she] proposed, he[she] must submit evidence of its completion to the State office before December 1, of the next school year....

If evidence is approved it will be recorded on the instructor's professional improvement card . . .

REGULATIONS REGARDING PROFESSIONAL IMPROVEMENT FOR TEACHERS IN STATE-AIDED VOCATIONAL SCHOOLS

Teachers, regularly employed . . . are as a condition of appointment, required to complete approved professional improvement work annually during each year of service.

[E]ach school year the instructor should fill out a "Professional Improvement Proposal" blank on which he[she] states the work he[she] proposes to do during the coming school year. He[she] then must submit the blank to his[her] local Director for his[her] . . . signature of approval of the type of work he[she] proposes to do.

If an instructor does professional improvement work other than that which he[she] proposed or for which no proposal was given, he[she] must submit a new proposal blank which conforms with the work he[she] has done.

REGULATIONS REGARDING PROFESSIONAL IMPROVEMENT FOR TEACHERS IN DAY INDUSTRIAL SCHOOLS

In meeting the professional improvement requirements, instructors . . . must present evidence of maintaining command of their trades and trade knowledge by employment in, or approved contact with the trade (not less than a total of 30 clock hours per year) at least once during every two years of service . . .

This trade contact requirement may, however, be

fulfilled by approved attendance at the summer conference, provided that instructors attend the specific classes which apply to their particular trades.

Professional improvement may take the form of additional training or research in methods of teaching, increased skill or knowledge in the trade; in English, Mathematics, Drafting; Science; Sociology, Economics, Occupational or Educational Surveys, Vocational Guidance and Testing which will be of benefit to the students, school or the teaching profession. Attendance at the annual summer conference conducted by the Division of Vocational Education is an excellent means of fulfilling the professional improvement requirement . . .

Evening school instructors who are not regularly employed as day school teachers may be required to take professional improvement courses which will assist them to gain proficiency in teaching.

[Part-time] teachers . . . must meet the professional improvement requirements if fifty percent or more of their school time is devoted to teaching vocational classes.

REGULATIONS REGARDING PROFESSIONAL IMPROVEMENT FOR TEACHERS IN PRACTICAL ART CLASSES FOR WOMEN

Proposals for professional improvement should be submitted for approval

Each teacher should propose . . . some form of professional improvement. Every year a minimum of 15 class hours . . . is required when formal courses are proposed as professional improvement . . .

All teachers are required to complete at least 30 hours of approved professional improvement work during each year of service.

Professional improvement work must be done during the year for which credit is requested. Summer school attendance may be credited to either the school year immediately preceding or immediately following the course.

Teachers taking the teacher-training course before or during their first year of service may offer the teacher-

training course for the professional improvement requirement for the first year of service.

Additional preparation or experience required for a teacher to meet in full the minimum requirements for her position should be completed during the first year of service.

Evidence for all completed work . . . must be sent to this office not later than September first.

Professional improvement may take the form of additional training in methods of teaching, increased skill in the trade, study of English, special problems, art or other related subjects, investigation of educational problems of occupational conditions or other volunteer undertaking for the benefit of students, school or profession. . . .

REGULATIONS REGARDING PROFESSIONAL IMPROVEMENT
FOR TEACHERS IN STATE-AIDED DISTRIBUTIVE
EDUCATION SCHOOLS

All teacher-coordinators in Part-time Cooperative Distributive Education schools are required to complete a minimum of 30 hours of approved professional improvement work during each year of service. Professional improvement work must be undertaken during the year for which credit is requested.

When professional improvement and teacher-training classes are operated concurrently, teachers who complete the teacher-training course may submit this accomplishment in lieu of the professional improvement requirement. At the beginning of the school year the teacher-coordinator should complete the "Professional Improvement Proposal" blank and submit it to the local Director who signs and forwards it for approval to the State Supervisor of Distributive Education.

In addition to the yearly professional improvement requirement, all teacher-coordinators must complete, over

a ten-year period, a minimum of 160 hours of approved work experience in distributive employments. This occupational experience should be accumulated in consecutive two-year periods during vacations or in part-time employments. Evidence of employments must be furnished to the State Office immediately after the period of employment or at the end of each two-year period.

SUPPLEMENTARY PROFESSIONAL IMPROVEMENT REGULATIONS AS APPLIED TO TEACHERS OF VOCATIONAL AGRICULTURE

Professional Improvement certificates are granted annually to all teachers successfully completing and reporting an approved program. Certificate credit is not given when reports lapse into the succeeding year or when the required proposals were not submitted. . . .

Fields of Improvement are Classified as Follows:

1. Farm experience needed in the community in which the man[woman] lacks recent practice . . .

2. Technical courses in agriculture in which he[she] is not now up to date.

MINIMUM QUALIFICATIONS OF INSTRUCTORS

The tables on the following pages . . . [infra] list the minimum qualifications of instructors in the four forms of Vocational Education which may be given state aid."

AGRICULTURAL SCHOOLS AND DEPARTMENTS

Factor	Teacher: Agriculture	Teacher: Farm Mechanics	Teacher: Evening School	Academic and Related Sciences Teacher
1. Age	21-40 (See Note 1)	21-40 (See Note 1)	21-40 (See Note 1)	21-40 (See Note 1)
2. Occupational Experience	8 years (See Note 2a & b)	8 years (See Note 3)	8 years (See Note 2a & b)	Apprentice teaching or one year of successful teaching experience for academic teachers. Knowledge enough of farming to enable the instructor to understand the aim of vocational agricultural education, and a natural inclination toward country living.
3. General Education	Completion of secondary school courses or equivalent.	Completion of secondary school courses or equivalent. (See Note 4)	Completion of two years beyond elementary school. (See Note 4)	College graduation.
4. Technical Education	Special courses in agriculture, approved as to type, distribution and amount.	Eight years of diversified trade experience; or Graduate of an accredited college, majoring in shop work with at least two years of approved diversified trade experience; or Graduate of a State and/or Federally-aided trade school with at least four years of approved diversified trade experience.	Special courses in Agriculture, approved as to type, distribution and amount.	Scientific courses approved as to type, distribution and amount for related teachers. Major or minor in English or History, for academic teachers.
Professional 5. Education	Course of 100 clock hours of college grade.	Course of 100 clock hours of college grade. (See Note 4)	Course of 20 clock hours of pre-service training followed by a course of 20 clock hours of in-service training (See Note 4)	Course of 100 clock hours of college grade.
6. Teaching Experience	Not required but is to be given preference in comparative ratings for appointment to administrative or supervisory services.			
7. Personality	Sound health and physique, neatness of person, befitting habits of conduct and speech, presumption of ability to manage pupils.			
8. Sex	Men as instructors for classes of men and boys. Women as instructors for classes of women and girls. Exceptions may be approved for special units of work in the evening school.			

1. An upper age limit of fifty years applies to World War veterans.
2. a. Years in secondary school, while living and working in out-of-school time on farm, will count.
   b. Four calendar years in farming, if two years, or equivalent, in Agricultural College courses have been taken.
3. Years spent in technical training may be substituted for trade experience, not to exceed four years.
4. Not applicable to part-time teachers.

DISTRIBUTIVE EDUCATION PART-TIME CO-OPERATIVE SCHOOLS

Factor	Teacher-Coordinator*	Related Teacher	Academic Teacher
1. Age	21-40†	21-40†	21
2. Occupational Experience	1. Three years of approved Distributive Occupations experience in the branch of Distribution in which the candidate will teach. 2. Approved teaching experience in Distributive Education and/or special technical training in or directly related to Distributive Occupations may be substituted for occupational experience, but not in excess of two years.	1. One year's successful teaching experience. 2. Evidence of ability to adapt their special knowledge and skills to the vocational needs of the students. 3. Approved teacher-coordinators are automatically qualified to teach related subjects.	Must meet the requirements established by local school regulations
3. General Education	Graduation from an accredited institution of college grade.	Graduation from an accredited institution of college grade.	
4. Technical Education	One year or more of special technical training in or directly related to Distributive Occupations at an accredited institution of college grade may be substituted for occupational experience but not in excess of one year.		
5. Professional Education	Completion of 150 hours of an approved Teacher-Training course in the theory and practice of Vocational Distributive Education.		
6. Teaching Experience	Not required but is to be given preference in comparative ratings for appointment to administrative or supervisory services.		
7. Personality	Sound health and physique, neatness of person, befitting habits of conduct and speech, presumption of ability to manage pupils.		
8. Sex	No restrictions.		

* Teachers employed on a part-time basis must meet the minimum requirements in the type of work for which they are approved.
† Except for Veterans of World War I and II in accordance with Chapter 74, Section 24A.

DISTRIBUTIVE OCCUPATIONS EDUCATION PART-TIME AND EVENING SCHOOLS

Factor	*Part-Time School*	*Evening School*
1. Age	24*	24*
2. Occupational Experience	1. Three years of approved Distributive Occupations experience in the branch of distribution in which the candidate will teach. 2. Approved teaching experience in Distributive Education and/or special technical training in or directly related to Distributive Occupations may be substituted for occupational experience, but not in excess of two years.	Two years of approved Distributive Occupation experience in the branch of distribution in which the candidate will teach.
3. General Education	Graduation from an accredited institution of college grade.	Graduation from an accredited secondary school.
4. Technical Education	One year or more of special technical training in or directly related to Distributive Occupations at an accredited institution of college grade may be substituted for occupational experience but not in excess of one year.	
5. Professional Education	Completion of 60 hours of an approved Teacher-Training course in the theory and practice of Vocational Distributive Education.	Completion of 60 hours of approved Teacher-Training in the theory and practice of Vocational Distributive Education.
6. Teaching Experience	Not required but is to be given preference in comparative ratings for appointment to administrative or supervisory services.	
7. Personality	Sound health and physique, neatness of person, befitting habits of conduct and speech, presumption of ability to handle pupils.	
8. Sex	No restrictions.	No restrictions.

* No upper age limit

DAY HOUSEHOLD ARTS SCHOOLS

Factor	*Homemaking Teacher*	*Related Technical Teacher*	*Academic Teacher*
1. Age*	A. 21-40* college graduate. B. 25-40* only one year of technical and professional training.	Same as homemaking teacher	21-40*
2. Occupational Experience†	A. Where instruction is departmentalized, at least two years' practical experience for pay, or an equivalent in the specific branch of homemaking to be taught. Where the teacher must give all or several phases of instruction, at least a total of two years' practical experience for pay or an equivalent in all or the several branches of homemaking to be taught. B. At least four years of successful experience as a dressmaker, milliner, or homemaker.	Knowledge enough of homemaking to enable the teacher to enter into the objectives of vocational homemaking education.	At least one year of successful teaching experience in a regularly organized day school. Knowledge enough of homemaking to enable the teacher to enter into the objectives of vocational homemaking education.
3. Academic‡ and/or special technical training	A. College graduation, from a Household Arts Course preferably Vocational. B. One year of special technical and professional training, preferably in Vocational Household Arts in the subject to be taught, in addition to occupational experience.	College graduation	(1) Graduate of an accredited institution of college grade, baccalaureate degree, with major or majors in the subject matter area in which the candidate is to teach

Factor	Homemaking Teacher	Related Technical Teacher	Academic Teacher
4. Special Professional Training	Completion of the approved 60-hour teacher training course in the theory and practice of vocational teaching.	Same as homemaking teacher	Same as homemaking teacher
5. Personality	Sound health and physique, neatness of person, befitting habits of conduct and speech, presumption of ability to manage pupils.	Same as homemaking teacher	Same as homemaking teacher
6. Sex	Women as teachers for women and girls. In special approved situations, exceptions may be made.	Same as homemaking teacher	Same as homemaking teacher

* The upper age limit does not apply to World War Veterans. The upper age limit does not apply to qualified teachers of at least one years' previous successful experience in a regularly organized day school, providing that this experience was acquired prior to reaching the age of 45.

† Teaching experience may not be substituted for occupational experience.

‡ Every teacher of home nursing in Day Household Arts Schools shall qualify under heading "Homemaking Teachers," and shall be a graduate of an approved hospital, and in addition shall have had a total of not less than one year of special technical and professional training in preparation for teaching. (Credit for a portion of hospital training may be given toward the professional and technical requirement.)

NOTE: The teacher-training requirement for part-time teachers is a matter for individual consideration and adjustment. This requirement may be met in conjunction with the professional improvement requirement.

Every teacher of home nursing in Day Household Arts Schools shall qualify under the heading "Homemaking Teachers," shall be a graduate of an approved school of nursing, be a registered nurse in Massachusetts, and have a Bachelor's degree with a major in the field of nursing or education.

PRACTICAL ART AND HANDICRAFT CLASSES (WOMEN AND MEN)

Factor	Homemaking and Handicraft Teachers
1. Age	21, Minimum
2. Occupational Experience	Dressmaking:* at least four years of experience in the trade, producing garments of high standard as shown by acceptable evidence. Foods:* at least four years experience in taking full charge of meal planning and preparation on a professional basis or as a homemaker. Handicrafts:* Ceramics, decorated ware, ~~[illegible]~~, furniture refinishing, jewelry, lamp shades, leather, metal ware, weaving, wood carving, and other crafts. — at least four years experience in producing for sale, articles of high standard as shown by acceptable evidence. Home Furnishings and Decorations:* Slip covers, draperies, and upholstery: — at least four years experience in the trade. Cane and rush seating, knitting, crocheting, braided rugs and hooked rugs— at least four years experience in producing saleable articles of high standard as shown by acceptable evidence. Home Nursing: at least two years of experience, following graduation from an approved hospital and evidence of current knowledge of nursing. Millinery:* at least four years of experience in trade with major experience as maker and trimmer.
3. Academic Training	Completion of at least two years of secondary school or equivalent.
4. Special Technical Training	Dressmaking: completion of approved instruction in the techniques and art of dressmaking. Foods: completion of approved instruction of at least 200 class hours in theory and practice of foods and nutrition. Handicrafts, Home Furnishings and Decorations: Ceramics, decorated ware, jewelry, lamp shades, metal ware, weaving, wood carving, braided rugs and hooked rugs: — completion of at least 60 hours of approved instruction in fundamental applied art principles.

* Must be employed in trade or occupation at time of employment, and need continue to produce articles throughout employment.

Factor	Homemaking and Handicraft Teachers
4. Special Technical Training (Cont.)	Home Nursing: graduation from an approved hospital. Millinery: completion of approved instruction in the techniques and art of millinery.
5. Special Professional Training	Completion of the approved course in the theory and practice of vocational teaching: 80 hour teacher-training course including 20 hours of supervised practice teaching.
6. Personality	Sound health and physique, neatness of person, befitting habits of conduct and speech, ability to manage pupils.
7. Sex	No restrictions.

DAY INDUSTRIAL SCHOOLS

Qualifying Factors	Unit Trade Shop Teacher	Related Technical Teacher	Academic Teacher
1. Age	24–40*	24–40*	21–40*
2. Occupational Experience†	Eight years of full time service in the trade in which the candidate proposes to teach. (1) Successful work as a student in an approved day vocational school in the trade in which he proposes to teach may be accepted year for year as equivalent for the earlier portion of the required eight years. (2) Half the time spent successfully as a student in a technical school or college in the trade in which he proposes to teach may be credited upon this requirement. In all cases at least four years of full time employment at journeyman status are required. Experience in the trade must have been sufficiently recent to insure complete command of up-to-date practices. In certain trades a license is required.	(1) A qualified shop teacher may be approved as an instructor in his particular trade. Related drawing may be taught by a qualified draftsman with experience related to the trade or occupation of the department involved.	
3. General Education	Completion of secondary school or its equivalent.	A. Same as qualified shop teacher. B. Graduate of a technical institution of collegiate grade from a program inclusive of the fundamentals of that specific trade or occupation and with sufficient knowledge of that specific trade or occupation to enable the instructor to enter into the aim and purpose of vocational education.	(1) Graduate of an accredited institution of college grade, baccalaureate degree, with major or majors in the subject matter area in which the candidate is to teach.
3. General Education (Cont.)		C. A qualified academic teacher who has one of the following: a. At least two years of practical experience in that specific trade. b. Evidence of at least two years of technical training of collegiate grade and one year of practical experience in that specific trade or occupation.	
4. Technical Education (Additional to Occupational Experience and Academic Training)	Preference is given for approved special courses for improvement in trade.	1. Sufficient knowledge of the specific trade or occupation to enable the instructor to enter the aim and purpose of vocational education beyond the grade to be taught.	1. Same as for Related Technical teacher.
5. Professional Education	Completion of approved courses in the theory and practice of vocational teaching as follows: 120-hour Teacher-Training Course including 20 hours of supervised practice teaching. 120-hour Advanced Teacher-Training Course.	Same as for Shop Teacher.	Completion of approved courses in the theory and practice of vocational teaching. 60-hour Teacher-Training Course.

* An upper age limit of fifty years applies to World War Veterans.
The upper age limit does not apply to qualified teachers of at least one year's previous successful experience in a regularly organized day school providing that this experience was acquired prior to reaching the age of 41.

† Teaching experience may not be included in occupational experience.

DAY INDUSTRIAL SCHOOLS, CONTINUED

Qualifying Factors	Unit Trade Shop Teacher	Related Technical Teacher	Academic Teacher
6. Teaching Experience	Not required but is to be given preference in comparative ratings for appointment to administrative or supervisory services.	One year of successful teaching experience in an organized day school. Candidates may offer evidence of successful completion of the required pre-employed teacher-training course in lieu of one year of teaching experience.	(1) At least one year's successful teaching experience in an organized day school.
7. Personality	Sound health and physique, neatness of person, befitting habits of conduct and speech, presumption of ability to handle pupils.	Same as for Shop Teacher.	Same as for Shop teacher.
8. Sex	Men as teachers for men and boys. Women as teachers for women and girls.	Same as for Shop Teacher.	Same as for Shop teacher.

EVENING INDUSTRIAL SCHOOLS

Qualifying Factors	*Shop Teacher*	*Related Technical Teacher*	*Academic Teacher*
1. Age	24 min. No max.	Same as shop teacher	None employed
2. Occupational Experience	Same as for qualified teacher in a day industrial school.	Same as for qualified teacher in a day industrial school	None employed
3. General Education	Completion of elementary school course or equivalent.	Same as shop teacher	None employed
4. Technical Education (Additional to Occupational Experience and Academic Training	None required.	None required	None employed
5. Professional Education	15-hour teacher-training course.	15-hour teacher-training course	None employed
6. Teaching Experience	Not required but is to be given preference in comparative ratings for appointment to administrative or supervisory services.	Not required but is to be given preference in comparative ratings for appointment to administrative or supervisory services.	None employed
7. Personality	Same as Day Industrial School.		
8. Sex	Men only.	Men only.	

GENERAL VOCATIONAL DEPARTMENTS

Qualifying Factors	*Shop Teacher*	*Related Technical Teacher*	*Academic Teacher*
1. Age	Same as day industrial schools.	Same as day industrial schools	Same as day industrial schools
2. Occupational Experience	A. At least one year approved experience in industry (graduation from a State-aided day vocational school may be accepted in lieu of experience in industry). or B. Same as for Unit Trade Shop teacher in day industrial school.	Same as qualified shop teacher	
3. General Education	A. Graduation from an approved Teachers College or training school specializing in industrial arts with the occupational experience as stated above. or B. Same as for Unit Trade Shop teacher in day industrial school.	Same as qualified shop teacher.	Graduate of an accredited institution of college grade.
4. Technical Education	Preference is given for approved special courses for improvement in command of occupational technical knowledge.	Same as qualified shop teacher	Sufficient knowledge of the occupations involved to enable the instructor to enter into the aim and purpose of this type of vocational education.
5. Professional Education	Completion of approved courses in the theory and practice of vocational teaching as follows: 120-hour Teacher-Training Course including 20 hours of supervised practice teaching. 120-hour Advanced Teacher Training Course.	Completion of approved courses in the theory and practice of vocational teaching as follows: 60 hour Teacher-Training Course	60-hour Teacher-Training course.

Qualifying Factors	*Shop Teachers*	*Related Technical Teacher*	*Academic Teacher*
6. Teaching Experience	Not required but is to be given preference in comparative ratings for appointment to administrative or supervisory services.		At least one year of successful teaching experience in an organized day school.
7. Personality	Sound health and physique, neatness of person, bentting habits of conduct and speech, presumption of ability to handle pupils.	Same as for shop teacher.	Same as for shop teacher.
8. Sex	Men as teachers for men and boys. Women as teachers for women and girls.	Same as for shop teacher.	Same as for shop teacher.

AGRICULTURAL EDUCATION

"A. DAY SCHOOLS, COUNTY OR SEPARATE SCHOOLS AND DEPARTMENTS IN HIGH SCHOOLS

Vocational agricultural training is organized as independent agricultural schools designed to fit for occupations on the farm and allied occupations. This type of school may be organized as a separate department in a high school. Such schools must meet the following provisions:

1. Organization.

a. Departmental Character. [See Section 1.C.1.a]

b. Advisory Committees . . . [See Section 1.C.1.b]

[C]ommittees must be appointed for each school and department.

c. Distinctive Management . . . [See Section I.C.1.c] . . . The school shall be under a director designated by the local Trustees for Vocational Education . . . . In schools consisting of departments in high schools the Principal of the High School is generally designated as the Director. However, the Superintendent . . . or any other qualified individual may be designated by the Local Trustees . . . .

d. Faculty -- [See Section I.C.1.d] . . . Instructional personnel shall be responsible for the supervision . . . of the productive work of the students; teach on-the-job at periods frequent enough to assure that application based on previous study is functioning.

Instructors shall be employed for one calendar year with provisions for continuous service during the summer.

All instructions are annually approved for continuance in teaching as conditioned upon successful teaching exerpeince and professional improvement.

e. Vocational Counseling and Placement -- [See I.C.1.e] . . . . This . . . shall be a joint responsibility of the Director, educational manager and agricultural instructor.

All former pupils shall be contacted yearly for . . . five years, and facts recorded as to their employment and earnings. In addition, such follow-up should be "continued until the former pupil has been fully established in farming as owner, operator or on a satisfactory employment basis.

f. Size of Classes -- [See I.C.1.f] . . . Minimum class enrollment is six in established departments. [H]owever, . . . temporary approval may be given for continuance of classes of fewer than six. In new or re-established programs the minimum total enrollment is 16 students.

g. Persistency of Attendance and/or Membership -- . . . [See Section I.C.1.9] . . .

h. Quantity of Service

1. County agricultural schools . . . -- Classes should be in session for at least five clock hours per day five days per week with 25% of the time devoted to academic, 25% to related, and 50% to agricultural study.

2. High School Departments -- The agricultural class session should occupy 50% of the high school instructional time and not less than 120 minutes per day of which not less than 90 minutes shall be consecutive.

2. Control . . . [See Section I.C.2.]

3. Location . . . [See Section I.C.3] . . . Adequate quarters must be furnished, having a minimum of 600 sq. ft. for classroom and 2,100 sq. ft. for farm mechanics instruction . . . .

5. Course of Study . . . [See Section I.C.5] . . .

County Agricultural Schools . . . Courses shall be organized on a 4-year basis offering 6 months of class instruction and 6 months of supervised farming practices each year seasonally distributed and related to the instruction received.

High School Departments -- Courses should be organized on a 4-year basis, including at least six months of supervised

farm work per year seasonally distributed and related to the instruction received.

Project and Survey Courses, and Related Subject Matter Instruction in Agricultural Schools, and High School Departments -- The course of study must involve participation of the pupil in vocational agriculture in both the operative and the managerial jobs involved in farming . . . .

8. Conditions of Admission. . . .

Day Schools -- An applicant must be 14 years of age.

Admission to the school must be based upon the applicant's definite conscious aims and desires to pursue a course to fit for successful establishment or employment in occupations connected with Agriculture, the care of domestic animals, forestry and other wage earning or productive work on farm land and the applicant's evident ability to profit by the instruction

9. Employment of Pupils . . . . -- Each pupil shall conduct annually an approved supervised farming program related to the instruction given and compatible to his[her]occupational objective. . .

B. EVENING SCHOOLS

1. Organization. Assembled and non-assembled unit courses in evening schools are organized and conducted to serve out-of-school youth and adults who are engaged in or are planning to enter into farming or other agricultural pursuits.

b. Advisory Committee -- . . . . An advisory committee must be appointed. The day school advisory committee may serve as the advisory committee of the evening school, or a special committee may be appointed. . . .

c. Distinctive Management -- . . . . The school shall be under a director designated by the local Trustees for Vocational Education (Board of Trustees or School Committee). The director of the day school program may serve as director of the evening school.

d. Faculty -- . . . . The faculty shall consist of the director and either full-time or part-time instructors.

e. Vocational Counseling and Placement. -- Not required.

f. Size of Classes -- . . . . Normally a minimum of six.

g. Persistency of Attendance and/or Membership -- . . . . Unapproved absence for three consecutive class sessions shall require dismissal from membership.

8. Conditions of Admission . . . . -- Unit classes,. . . are open to persons 16 years of age or older who are engaged in occupations connected with agricultural; or who plan to establish themselves in agricultural; or who are heads of families who have land or livestock which they desire to . . . contribute more effectively to their support.

9. Employment of Pupils . . . Persons enrolled in evening school unit classes shall be responsible for conducting annually supervised farming programs, at least six months in length, and which are related to the instruction received each year.

10. Expenditures. For detailed regulations regarding the approval factor (Expenditures) see Section VII."

REG. #5, Section 4

"The three areas of distributive employments are as follows: retailing, wholesaling, and the service trades.

A. PART-TIME COOPERATIVE SCHOOL (HIGH SCHOOL DEPARTMENTS)

A Part-time Cooperative School is one providing instruction in vocational Distributive Education subjects to qualified students in school supervised cooperative employment which is an integral part of their school program.

1. Organization.

a. Departmental Character -- . . . . Part-time Cooperative Schools shall be organized and approved as individual departments or courses where technical and related distributive instruction is given in conjunction with practical and paid work experience by employment in approved and selected distributive agencies . . . . Cooperative courses include work experience in distribution as part of the school program, in which the student is legally considered a member in the publicly-supported school system rather than an employee in the usual sense of the word . . . .

b. Advisory Committee -- The Board of Control (School Committee) shall appoint an Advisory Committee composed of members representing the wholesale, retail and service areas of distribution.

c. Distinctive Management -- . . . . . The Director under the Executive Officer of the Board of Control shall be clearly responsible for the conduct of the Distributive Education School and for all instruction therein. Under certain conditions the Principal of the High School or the teacher-coordinator may be delegated administrative and supervisory responsiblities by the Director when the Distributive Education School is located in the high school building.

When the [DE]. . . School is located in a building other than the high school, an inter-school arrangement should be made with the high school to permit the students to enter and take part in extra-curricula [sic] activities of the high school and should under conditions agreed upon make them eligible for a high school diploma.

[I]n setting up such an inter-school plan, the program must offer an opportunity of a minimum of fifteen hours of instruction per week, of which ten are given to vocational Distributive Education and related subjects.

Whenever an approved [DE]. . . School uses or shares the facilities of other school units, the following division and assignment of responsibilities applicable are enforced:

1. The Director of [DE]. . . has full responsibility for: Organizing classes; keeping all records . . . statistical and financial; report to local and state officer recommending budgets . . . preparing curriculum; . . . preparing instructional material and recommending equipment; conducting distributive faculty meetings; recommending qualified teachers; . . . admitting students; disciplining students; supervising teachers; . . . recommending and approving professional improvement of teachers; assigning and training of students; employment of pupils; investigating and recommending approval of cooperative employments; attending educational conferences and meetings; placing and following

up students graduating or leaving school; providing information regarding students to employers and others requesting such information; disseminating information regarding Distributive Education (public relations).

2. The Director and the High School Principal have joint responsibility for participation of . . .[DE] students in extra-curricular activities; scheduling of physical education and athletic programs; assigning related teachers to part-time service; . . . participation of Distributive students in assemblies; recommending high school students for transfer to the Distributive Department or from the Distributive Department to . . . the high school; recommending Distributive students as to eligibility for high school diplomas; recommending Distributive students as to eligibility for high school athletics.

d. Faculty . . . . -- For Qualifications of Teachers, see Section II. . . .

f. Size of Classes -- . . . . There shall be one teacher-coordinator to not more than twenty-five nor less than twelve students, and the number always limited to the size of the group necessary to secure effective instruction . . . .

Academic class maximum thirty-six; class minimum twelve.

h. Quantity of Service -- . . .

1. Minimum School Hours -- Cooperative part-time students in an approved [DE]. . . School spend 540 clock hours in school during the regular school year. At least 360 of such clock hours shall be devoted to instruction related to and based upon the distributive employment activity of the students . . . .

2. Minimum Work Hours -- Students enrolled in an approved . . .[DE] School shall be employed not less than an average of fifteen hours per week in selected and approved employments. . . .

The cooperative work experience . . . is organized as an integral part of the school program and may be scheduled on a part-day, part-week or alternating period basis. . . .

3. Alternate Plan for School and Work Schedule -- Since the cooperative employments may be scheduled on a part-day or part-week basis, it is possible in some communities for students to be employed full time for part of the school week. The school schedule must then allow for the release of students to accommodate the work schedule.

4. Diploma Requirements -- The curriculum of the cooperative part-time students should be arranged so that they would be eligible to receive the[ir] regular diplomas . . . . Such requirements for diploma certification should be met, but not at the expense of the basic fifteen-period weekly minimum for distributive and related instruction. . . .

5. Course of Study . . . -- The course of study may be organized on a short unit basis. No unit is to be covered in fewer than five class periods. Flexibility should be maintained in regard to subject emphasis in order to meet the specific needs of the occupation within the community.

7. Methods of Instruction . . . -- The methods of instruction shall conform to those prescribed in pre-service classes of the State conducted teacher-training program for Part-Time Cooperative . . .[DE] Schools. These instructional methods shall be adapted to the type of class, the course content and the individual needs of the students

When the [DE] School is in session, it is recommended that the teacher-coordinator devote a minimum of 10 clock hours per week to out-of-class coordinating activity. . . .

8. Conditions of Admission . . . -- The minimum requirements for students entering the [DE] School are as follows:

a. Boys and girls sixteen years of age and over.

b. Satisfactory completion of the eleventh year in high school or its equivalent.

c. A creditable record of attendance.

d. Physically and mentally fitted for the occupation.

e. Ability to profit by the instruction to be determined by the Guidance Counselor in cooperation with the school faculty and Advisory Committee.

f. They shall be employed or assured employment in

an approved distributive occupation within forty school days after their enrollment in the school.

Minors admitted to the cooperative course shall be 'employed' on authority of a special certificate . . . subject to school regulations and supervision. No minor under sixteen . . . may be admitted to membership in a Part-Time . . . Program.

9. Employment of Students . . .

a. Approved Combined Instruction -- The division of time for 'Approved Combined Instruction and Employment for Wages Program' is a matter for special arrangement and approval to meet particular employment situations. The school is responsible for the supervision of the employment phase of instruction outside of the school . . . .

c. Students' Individual Records -- . . . Information shall be required for reference involving the employment of students and the effectiveness of the distributive instruction . . . . The recorded information should reveal in terms of the individual student the following:

1. Location and nature of the work experience.
2. Daily, weekly and monthly tabulation of the student's wages and hours of employment.
3. School and work attendance data.
4. School and work progress, accomplishment. . . . and final full time placement.

B. PART-TIME AND EVENING SCHOOLS

A part-time or evening school is one providing vocational distributive instruction to students (out-of-school youth and adults) who are employed in or will enter a distributive occupation. The time given to instruction shall not exceed in each day, or week or other unit of time the number of hours the student is profitably employed. Special part-time and evening courses organized for students entering limited seasonal employment (pre-Christmas, pre-Easter) may be conducted for qualified secondary school students. All instruction . . . shall be based upon and complementary to the distributive work activity in which

the student is regularly engaged or in which he[she] has definite prospects for employment.

1. Organization.

a. Departmental Character -- . . . [C]lasses shall be organized as distinct courses, offering instruction in vocational distributive activity to particular students who are employed in distribution or will enter a distributive occupation.

b. Advisory Committee -- . . . Specific requirements are the same as for Part-time Cooperative Schools. The advisory committee serving the Part-time Cooperative School may also serve the part-time and evening school.

c. Distinctive Management -- . . . Specific requirements are the same as for Part-time Cooperative Schools.

d. Faculty -- . . . For Qualifications of Teachers, see Section II.

e. Vocational Counseling and Placement -- Not required.

f. Size of Classes -- No class shall be established when less than 12 students enroll and there should be not more than 30 students per instructor for all part-time and evening classes.

h. Quantity of Service -- Approved evening or part-time schools may offer 6 to 60 clock hours of instruction with class sessions of not less than one hour in duration. . . .

5. Course of Study. . . -- The course of study shall match current and the anticipated occupational needs of the enrollees.

6. Qualifications of Teachers . . . Specific requirements Section II.

7. Methods of Instruction. . . -- The methods of instruction shall conform to those prescribed in pre-service classes of the State conducted teacher-training program for part-time and evening schools.

8. Conditions of Admission. . . -- The minimum requirements for students entering part-time and evening Distributive Education Schools are as follows:

a. Sixteen years of age or over.

b. Employed in a distributive occupation.

c. Planning to enter or have definite prospects of employment in a distributive occupation.

d. Ability to profit by the instruction.

e. Preparing for short-term seasonal employment in distribution.

High School students may not be admitted . . . except those special pre-employment training classes for selected students entering short-term seasonal employments (pre-Christmas).

9. Employment of Students. The school has no supervision of employment outside the in-class activity.
Students' Individual Records -- Information shall be required for reference regarding the nature and place of the students' employment and the record of school accomplishment."

REG. #5, Section 5

"A. Day Household Arts

Household arts education is that type of vocational education which fits for occupations connected with the household. This type of vocational education has a two-fold objective, namely, to enable pupils to share efficiently and happily in their present family situations, and to become more capable and successful homemakers in the future; and in as far as is possible, to fit individuals for related wage-earning occupations.

1. Organization . . . . -- The . . . program may be organized as an all-day school or as a department in the conventional high school.

b. Advisory Committee -- . . . The advisory committee for a household arts school should be composed of citizens of broad sympathy for and knowledge of homemaking problems.

c. Distinctive Management -- . . . In a . . . school organized as a department in the conventional high school, the superintendent of schools or the high school principal may be approved as the local director.

d. Faculty -- . . . For Qualifications of Teachers -- All Fields, Section II.

The following activities should be included in the schedules of the homemaking and related subject teachers:

1. Time devoted to teaching and supervising of homemaking and related work . . . including supervision of directed out-of-school experiences.

2. Regularly scheduled conference periods for work with individual pupils on directed out-of-school experiences.

4. Employment beyond the regular school year, . . . for services directly connected with the vocational program in homemaking.

5. Work in connection with the Future Homemakers of America as an integral part of the home economics education program.

f. Size of Classes -- . . .

Vocational Classes -- There shall be one instructor to not more than twenty pupils.

Related Subject classes -- There shall not be more than thirty pupils in a related subject class.

Academic class -- There shall be one instructor to not more than thirty-six pupils.

h. Quantity of Service -- . . . The . . . school shall offer an opportunity of at least the same number of weeks of instruction as is provided for the conventional high school, thirty clock hours per week, five days of six clock hours each of instruction of which at least 75% of the time shall be for vocational instruction (homemaking and related) with at least 50% of the total time on productive homemaking work under the direct control of the school. It affords for a minimum of two school years, an intensive, comprehensive, homemaking program. A one-year program . . . is offered to high school graduates.

An approved . . . school organized as a department in a public high school offer, for at least two consecutive school years, a minimum of [three] periods daily of homemaking and related instruction; the balance of the time shall be devoted to general education.

5. Courses of Study . . . -- The curriculum is to be concerned with the fundamental values and problems in the several aspects of home living and homemaking and deals with these in such a way as to develop needed skills, understandings, attitudes and appreciations

Increasingly, the . . . curriculum guides, give special emphasis to the objectives (in terms of pupil growth), to class activities or pupil experiences, to evaluation devices, and to teaching aids and references, rather than to the outlining of subject matter content only.

No prescribed course of study has been formulated for the day household arts school. Each school is allowed much latitude in working out the content of its own courses

7. Methods of Instruction . . . -- Class and group instruction should be given . . . . The method of instruction will necessarily vary with the type of unit and class, but in every instance carefully planned lessons should be given in accordance with teacher-training class instruction.

8. Conditions of Admission . . . -- Public high school students are not eligible for admission to vocational homemaking classes for the purpose of pursuing therein any portion of their general education."

Reg. #5, Section 6

"The trades, crafts or manufacturing pursuits in which instruction is offered shall be classified as:

Production occupations

Service occupations

Assembly occupations

The occupations as classified may be taught in Independent Trade and Industrial classes organized in:

All-day Schools

Part-time Cooperative Schools

Part-time and Evening Schools, including Apprenticeship. Supervisors of the State Department of Education shall report upon the systems and devices for carrying on the shop work in the schools.

A. All-Day Schools

An all-day school is one in which the entire vocational program is carried on, at least six clock hours of class

instruction per day, within the school by unit trade and/or general vocational organization and without reference to any current employment status of the pupils therein.

1. Organization.

a. Departmental Character -- . . . Independent Industrial Schools shall be organized by departments giving instruction in a trade, craft, manufacturing or service pursuit, and general education as approved.

These departments shall have a unit trade or general vocational organization as to shop and related work.

b. Advisory Committees -- In addition to standard requirements . . . the committees should be organized by departments.

c. Distinctive Management -- . . . An interschool arrangement with the high school is possible and desirable . . . where conditions warrant this procedure. Such a plan . . . must meet the requirements of the law providing for distinctive vocational management and be developed under special agreements with the high school principal, the trade school director, coordinated through, and with the approval of, the executive officer. This plan permits vocational classes to be organized in such a way that pupils enrolled in vocational schools may be instructed in the shops and related classes of the trade school and may attend such academic classes in the high school as are specifically approved for reimbursement as a part of the vocational school.

This will enable vocational pupils to enter and take part in the extra curricular activities of the high school and should, under conditions agreed upon, make them eligible for a high school diploma. . . .

[T]he following division and assignment of responsibilities as applicable are in force:

1. The Director of Vocational Education under the Executive Officer . . . has full responsibility for: Organizing classes; keeping of all records; . . . statistical and financial; reporting to Local and State office; recommending budgets . . .; preparing curriculum . . .; preparing instructional material and recommending equipment; conducting Vocational faculty meetings; recommending qualified teachers

to Executive Officer; admitting pupils; disciplining pupils; supervising teachers -- shop, related and academic . . .; recommending and approving professional improvement of teachers; assigning and training of pupils; employment of pupils; investigating and recommending approval of cooperative employment; attending educational conferences and meetings; placing and following-up pupils graduating or leaving school; providing information regarding pupils to employers and others requesting such information; disseminating information regarding Vocational Education (Public Relations).

2. The Coordinator (High School Principal) and Vocational Director have joint responsibility for:

Participating of vocational pupils in extra-curricula activities;[sic] scheduling of physical education and athletic programs; assigning high school teachers for part-time service in Vocational schools; assigning rooms; participating of Vocational pupils in assemblies; recommending high school pupils for transfer to trade school or from trade school to high school; recommending Vocational pupils as to eligibility for high school diploma; recommending Vocational pupils as to eligibility for high school athletics.

d. Faculty -- . . . For qualifications of teachers -- all fields -- Section II. . . .

f. Size of Classes -- . . . No shop instructor shall regularly have instructional responsibility for more than twenty nor less than twelve pupils in any one class.

h. Quantity of Service. . . . -- A minimum service equal to the same number of weeks of instruction as provided for the established local high school must be offered. A school week shall consist of not less than thirty . . . clock hours per week, six . . . clock hours per day, exclusive of lunch periods and other scheduled recesses. At least 75% of the total time of the pupil shall be devoted to vocational instruction (shop and related).

j. Courses of Study. . . -- The course of study . . . shall consist of an analysis of the trade or occupation in terms of divisions, units, type jobs and lessons based on the analysis of each type job. The single items should be arranged in a progressive order of learning.

8. Conditions of Admission . . . -- Admission shall be open to applicants who are at least fourteen years of age and/or have successfully completed the eighth grade . Admission must be based on the applicants' definite conscious aims and desires to pursue the occupations trained for and applicants' evident ability to profit by the instruction offered.

B. Part-Time Cooperative Schools

A part-time cooperative school is one providing alternate periods of Vocational instruction for pupils in cooperative employment as an integral part of their vocational training and in instruction given at the school plant.

1. Organization

a. Departmental Character -- . . . Part-time cooperative schools shall be organized and approved by individual courses, conducted in approved schools where technical and related instruction is given in conjunction with practical experience by employment in cooperating factories, manufacturing, mechanical establishments or workshops.

8. Conditions of Admission . . . -- Minors admitted to cooperative courses shall be 'employed' on authority of a special certificate . . . subject to school regulations and supervision. No minor under sixteen years of age may be admitted to membership in an industrial cooperative course.

[A]dmission to state-aided vocational schools shall be possible to minors over 14 years of age ready to leave school to enter employment (having a sixth-grade educational acquirement), and able to profit by the instruction.

[W]hen part-time cooperative schools and industrial departments are associated with established high schools, membership in either or both vocational programs may properly be limited to pupils also enrolled as high school pupils.

C. Part-Time and Evening Schools Including Apprentice Training

A part-time class is a vocational class for pupils giving part of the working time to profitable employment and part-time to the class, . . . class[time] not exceeding

. . . the number of hours the pupil is profitably employed.

An evening trade extension class . . . is one providing instruction for pupils employed during the working day.

1. Organization.

a. Departmental Character -- Evening trade extension and part-time classes shall be organized by courses dealing with the day employment of the pupils and all of the time allotment will be devoted to vocational instruction.

b. Advisory Committees -- . . . Specific requirements same as for all-day schools.

c. Distinctive Management -- . . . Specific requirements same as for all-day Schools.

d. Faculty -- . . . For qualifications of teachers -- all fields -- see Section II.

e. Vocational Counseling and Placement -- Not required.

f. Size of Classes -- . . . A minimum average membership of sixteen students per teacher in each shop or occupational activity is required.

h. Quantity of Service -- Approved evening schools should offer at least twenty weeks of instruction, four hours each week . . . on two nights each week . . . .

5. Courses of Study . . . -- Courses of study for shop instruction are the same as those for all-day schools.

8. Conditions of Admission. . . -- Three limitations are imposed upon applicants for part-time, evening trade extension courses:

a. Age: they shall be over sixteen years of age.

b. Employment: they shall be employed. This is defined: 'engaged, had, kept for or in service regularly with or without wage.'

c. Character of instruction as related to employment: they shall be admitted only to courses . . . related to their employment.

CROSS REFERENCES

I.Director of Occupational Affairs; Statute 71 §38A - 38F

I.State Board of Education.; Statute 15§1F

II.A.8.; Statute 72 §3

III.A.2.; Regulation, Regulation #26

III.A.2.; Regulation §36A

III.D.Educational Systems; Statute 69 §2

IV.A.; Statute 71 §55C

3. VOCATIONAL EDUCATION

STATUTES

§380.681

An intermediate school district may establish and operate (or rescind) an area vocational-technical education program if approved by the majority of school electors in an annual or special election.

§380.684

An intermediate school board in which an area vocational-technical education program has been established may operate the program on contract with local school districts or with community colleges for the operation of the program. Such programs shall be approved by majority vote of representatives of the constituent districts at an annual budget meeting.

The intermediate board may expend area vocational-technical education funds for state-approved programs for acquiring, purchasing or constructing area vocational-technical buildings, sites and equipment, but not for purposes other than those set forth in sections 681 to 691.

§380.685

An intermediate school board shall make payments from area vocational-technical funds to those constituent districts and community colleges under contract serving the intermediate school district which operate area vocational-technical education centers.

§380.686

An intermediate school board may make grants of money to constituent districts or community colleges operating area-vocational technical programs for building construction, site acquisition, or equipment purchase if the board of the constituent district contracts to receive non-resident children into the facility for a period of at least 15 years after the contract date or if the board of trustees of the community college contracts to receive non-resident persons on a tuition basis into the facility

for a period of at least 15 years after the contract date.

The contracts shall provide that the districts or colleges are bound to accept non-public school and non-resident pupils in return for and in consideration for these grants-in-aid.

§380.688

A constituent district or community college maintaining an area vocational-technical education facility may become an area vocational-technical education center by contracting with the intermediate school board to accept non-resident pupils assigned to its facility by that board.

§380.689

The intermediate school board annually shall appoint a committee of at least five persons, including at least two school superintendents and three constituent district board members, who with a staff member of the state board annually shall visit area vocational-technical education facilities in the intermediate school district and advise the intermediate board relative to the administration of the program.

§380.690

A school district of not less than 18,000 pupils or a first or second class school district may elect not to come under an area vocational-technical program by a resolution adopted by its board not later than 30 days after receipt of notice that the question of establishing such a program will be submitted to the school electors. Such a district may thereafter elect to come under the program if a majority of the registered school electors approve the program and the annual tax rate for that purpose in effect in other constituent districts.

In an intermediate school district where the school electors have failed to approve the establishment of an area vocational-technical program, a combination of two or more contiguous constituent districts containing not less than 12,000 students, by resolution of their boards, may elect to establish such a program, if approved by the intermediate

board and designated by the state board. At any subsequent time within six months of the resolution, a petition by school electors equal in number to 5% of the votes cast in the most recent school election shall require the school board to submit the questions to the electorate. Participation in the program shall be terminated if not approved by a majority of the school electors voting.

Programs established in this manner shall receive any appropriate state or federal funding on the same basis as programs established by intermediate districts. Buildings, sites, and equipment for such programs may be jointly acquired, owned, or leased.

A contiguous school district desiring to become part of an area vocational technical educational program established in this manner may do so with the approval of each participating school district, the intermediate school district, and the state board. Districts operating a program established in this manner may subsequently elect not to participate, or may thereafter elect to participate, in an intermediate school district program in the same manner prescribed in this section for school districts of not less than 18,000 pupils or first or second class school districts.

§380.1287

The board of a district other than a primary district may establish vocational education programs, subject to state board approval, and may enter contractual arrangements with business and industrial firms for this purpose. Contracts shall allow for full payment of personal and property taxes on leased sites.

§388.805

All federal funds received by the state for the purpose of vocational education and rehabilitation shall be received and administered by the state board of control for vocational education.

§388.1084

A vocational education demonstration program is established to develop, test, and evaluate a vocational education assessment and counseling system using computer and

other automated techniques and a career development program to devise curriculum and materials for new careers in the labor market.

§388.1313

The career education advisory commission, consisting of 20 members appointed by the state board to two-year terms in two staggered groups, is created in the department. The state superintendent or designee shall be a nonvoting, *ex officio* member and serve as chairman. The membership, of which not more than half shall represent the education profession, shall include representatives of labor, business, or industry, a noneducational state agency, local and intermediate school board members and administrators, a community college district, a college or university, a neighborhood education authority, the state advisory council for vocational education, parents, teachers, counselors, and students.

§388.1314

The commissioner shall evaluate current efforts in the state toward career education and submit its findings to the state board along with recommendations of guidelines and objectives for a comprehensive career education program.

§388.1315

The state board shall recommend statewide guidelines and goals for a comprehensive career education program not later than nine months after the effective date of this act.

In cooperation with the career education commission and teacher training institutions, the board shall develop a plan for professional personnel development (both pre- and in-service) in career education.

§388.1316

The state shall be divided by the state board into career education planning districts to increase communication among member educational agencies and to coordinate and promote career education in the district. The number and boundaries of such districts shall be reviewed annually.

A planning district shall be served by a career education planning district council whose membership shall be recommended by local educational agencies and selected by the intermediate board in which they are constituent. Membership shall not exceed 20, of which not more than half shall represent the education profession, and shall include representatives of local and intermediate board members and administrators, the arts, business or industry, a labor organization or manpower agency, parents, teachers, counselors, and students. All other educational agencies shall be represented as nonvoting, ex officio members on the council. A career education planning district council shall develop annually a comprehensive, cohesive, and well-coordinated career education plan, utilizing state board guidelines.

§388.1317

Each local educational agency shall have a comprehensive career education plan and annually evaluate its career education program, using state board guidelines, the planning district's plan, and the local plan.

§388.1318

The department, in cooperation with other agencies, shall periodically compile and make available to career education planning districts and local educational agencies information pertaining to current and future job opportunities.

§395.1; 395.2

The provisions and appropriations of an act of Congress to provice for cooperation with the states in the promotion of vocational education and in the preparation of teachers of vocational subjects are accepted by the state of Michigan.

§395.3

The state superintendent, with the approval of the state board, shall provide for the administration of §395.1 to 395.10. The state board is charged with the responsibility of cooperating with the federal board for vocational

education and is authorized to incur such expenses as it may deem necessary to the proper administration of the funds.

§395.5

The board of education of any approved program giving instruction in agricultural, industrial or home economics subjects, which receive the benefit of federal or state moneys, shall provide suitable facilities for such instruction and shall appropriate a sum to cover expenses. At the end of the fiscal year, the state board shall apportion to the local boards state and federal funds to reimburse such expenditures, giving to each school its proportionate share.

Institutions authorized to give training for vocational teachers shall provide facilities and funds during the year and at the end of the year shall be reimbursed from federal and state funds equally.

§395.6

The state board shall formulate rules and regulations necessary for the development and operation of vocational schools, subject to the approval of the federal board of control. The board of any school where vocational education is given under this act shall make an annual report to the state superintendent.

§395.7

The state board shall provide for the inspection of the work in schools and institutions offering vocational instruction and vocational teacher training. Upon approval of the work, the state superintendent shall certify to the auditor general the amount of state and federal moneys due to the board of each school and institution.

§395.31; 395.32; 395.33

The state board may take any necessary action consistent with state law to comply with the "vocational education act of 1963" and may accept and expend federal funds under that law for developing and expanding vocational education so long as no state funds are expended in excess of any amount for which appropriated.

The state board shall make an annual report of activities and expenditures under this act to the state legislature.

REGULATIONS

R 390.1167

"Rule 67. Personnel assigned instructional responsibility in fields for which a state or federal license is required shall hold the appropriate license before requesting a vocational endorsement or authorization."

R 395.241, R 395.242, R 395.243

The program under the vocational education act of 1963 combines instruction with field, shop, laboratory training, and cooperative work experience.

The program shall be for:

(1) persons 14 years of age or older attending high school full time who have an occupational goal of record, and

(2) persons 16 years of age or older who do not attend high school, and

ELIGIBILITY

(3) persons who have already entered the labor market and who need training to achieve stability or advancement in employment, and

(4) persons who have academic, socio-economic or other handicaps that prevent them from succeeding in the regular vocational programs provided.

The program shall be designed to fit persons for employment in occupations other than those considered professional.

R 395.244

Vocational education shall be directed by the state board or a local educational agency responsible for vocational education and shall be taught by public school teachers.

The state board or local educational agency may enter into a written agreement with a public or non-public agency or institution for the agency or institution to provide vocational education. The agreement shall incor-

porate the standards of the state plan, shall be reviewed annually, and shall state that public funds shall be used only to cover those additional costs which are necessary to administer the program under the state plan or to lower fees charged to students.

An agreement shall not be made with an agency or institution which charges fees and is able to cover with its own resources substantially all the necessary costs of administering the program, unless the agency or institution agrees to use the public funds to reduce tuition.

"Vocational instruction shall be designed only to fit individuals for gainful employment."

Each student shall have a recorded occupational objective in a recognized occupation.

A person who has an academic, socio-economic or other handicap which prevents him/her from succeeding in a regular vocational program shall be provided with special classes which are an integral part of the vocational program in which the student is enrolled.

Funds shall be available for general education subjects only if they meet conditions as set forth for vocational classes. A program may be supplemented with general education subjects as may be necessary to develop a well rounded individual regardless of whether they are eligible for federal financial participation.

Funds shall not be available for instruction for which the student can receive credit leading to a degree.

In establishing, continuing, or terminating a program the interests, needs, and abilities of all persons in the community who have need for, desire and can benefit from the instruction shall be considered. The need and opportunity in the employment market for the skills and knowledge for which instruction is being provided shall be considered.

Any individual who resides in the state and who is qualified shall receive instruction. If the locality does not offer a reasonably comparable program to the one needed, a person shall be permitted to enroll in

ADMISSION

another locality's program.

An individual shall be admitted to a program on the basis of his/her potential for achieving competence in the occupation. An individual who has an academic, socio-economic or other handicap, and who would not be able to succeed in an occupation, may be admitted to special classes in a program to enable him/her to develop competencies adequate for employment in a recognized occupation.

The program shall have a planned logical sequence of essentials of education or experience necessary for the individual to be employed in his/her occupational objective.

The program shall be developed and conducted with potential employers and others involved in the field.

Related vocational instruction shall be provided for a worker being trained under a written apprentice training agreement.

A cooperative program shall provide part time vocational instruction in the school and on the job training to prepare the student for employment in the field of his/her occupational objective. A written agreement between the employer and the school shall specify the job activities and wages. "At no time shall there be exploitation of the student learner for private gain." The student shall be employed for at least fifteen hours per week and shall attend related instruction at least one class period per day.

Students shall be provided with facilities, equipment, and materials which are adequate to enable them to meet their occupational objective.

Funds may be used to reimburse the local public educational agency or money paid to a business or industrial establishment to provide vocational education when the agency cannot provide adequate facilities and materials.

When the activities of vocational education youth organizations complement the vocational instruction offered, such activities shall be supervised by

qualified vocational education teachers or administrators.

R 395.251

A local school operating a vocational education program shall cooperate with state staff in developing and maintaining adequate vocational counseling services.

R 395.252

STAFF

Training of vocational personnel shall include both pre-employment and inservice training and "shall provide for qualified teachers, supervisors and other vocational education personnel in the state."

The state director shall evaluate annually the vocational teacher education programs to determine their compliance with the state plan and to make changes to strengthen programs.

The state board or a teacher education institution designated by the state board shall conduct the preservice and inservice training. The state board shall designate a public teacher education institution to run teacher education programs using federal funds.

The state board may enter into a written agreement with a nonpublic teacher education institution to provide teacher training. The agreement shall be initiated by the board, shall describe the program and its standards, and shall be reviewed annually by both parties.

Each institution shall submit its budget to the state director.

The state board may contract with a teacher education institution for instruction materials and data about vocational education and the labor market.

Vocational teacher training shall be offered only to a person who has entered or who is preparing to enter the profession of teaching vocational education students or a profession for which such education would be useful. Vocational teacher training supported with funds under Smith-Hughes and supplementary acts shall be given only to a person who has had vocational experience or relevant work experience.

R 395.253

The state board or professional staff of a local public educational agency may conduct research, demonstration projects, and experimentation. An agency shall have an agreement which specifies all tasks to be completed. The professional staff shall have competencies acceptable to the state board. "Prior approval for studies or projects shall be granted by the state board."

Any research, demonstration, or experimental program shall meet the requirements of the state plan. To be eligible for approval a project shall be significant, shall directly apply to the problems in vocational education, and shall have an adequate design, facilities, and personnel. The funds requested for the project shall be reasonable in terms of expected outcomes.

The state plan's requirements may be waived by the state board if the project would not violate any federal act or regulation, and after the state board has notified the United States commissioner of education.

If the waiver would result in a violation of a federal regulation, the state board shall not use any federal funds for the project until the United States commissioner of education approves the project.

R 395.254

The state board shall require each school district and educational institution to submit vocational education agreements "relating to ancillary services and activities" and reports on the status of these services and activities.

R 395.261, R 395.262

A local public agency that has received state board approval to operate area vocational education facilities may apply to the state board for approval of a construction project. The project shall adhere to state standards and be approved by the fire marshal and the director of public health.

Priority of funding among agencies shall be determined according to the area's educational needs, the ability

of the area to provide facilities and the number of districts in the area. Secondary consideration shall be given to the number of persons to be benefitted and the occupational opportunities of the facility.

During the construction of a facility, the state board staff shall make periodic on site inspections.

R 395.271, R 395.272

WORK-STUDY

A work-study program shall be for a student who needs earnings in order to begin or continue in vocational educational education. Employment in a program shall be available to a student who has been accepted in a vocational education program or is in good standing in a program. The student shall be between the ages of 15 and 21 at the beginning of employment. The student shall be capable of maintaining good standing in the program while employed in the opinion of the school authorities.

The student shall be employed for no more than fifteen hours per week during school and no more than 40 hours per week in the summer.

Employment shall be for a public agency.

A local education agency shall submit a project proposal for a work-study program to the state board. The state board shall give preference to agencies serving communities having substantial numbers of drop-outs and unemployed youths.

R 395.291

A vocational education in business and office occupations shall meet the needs of persons over 14 years of age who have entered or are preparing to enter such an occupation and shall make a contribution to the students' employability. The instruction shall provide entry, refresher, and upgrading instruction.

Instruction for full-time students or out of school youth or adults may be provided in preparatory classes utilizing participation activities and projects geared to the interests, needs and abilities of those enrolled.

Supplementary classes may be provided for out of school youth and adults who have entered into a business

and office occupation. The classes may be offered for as many hours as necessary to meet the needs of persons enrolled. Specific attainment goals for the individual class group shall be included in the justification of the need for the class.

Cooperative education classes may be provided for full time secondary or post high school students. The classes shall provide actual office employment experience which is appropriate to the vocational objective of the students and which is long enough to develop the necessary competencies for employment.

R 395.301

Agricultural vocational education shall be designed to meet the needs of persons over fourteen years of age who have entered or are preparing to enter an occupation involving agricultural skills.

Classes shall include subject matter and practical experience necessary for gaining or upgrading employment in an agricultural occupation.

Preparatory programs in high schools shall meet the needs of secondary school students and shall be offered to students in a two to four year program. The program shall be available to any student. The program may work with youth organizations.

A post high school preparatory program shall be for persons who do not attend high school. The program shall teach areas which have sufficient job opportunities. The program shall be evaluated in terms of course content, progress in training, follow up and placement.

Supplementary programs shall meet the needs of young and adult farmers. The program "shall deal with agricultural problems encountered by young men in becoming established in farming and those who require basic agricultural education on farm problems." The program shall supervise any new practice applied by the student on his/her farm.

Classes may be provided for persons who have entered an agricultural occupation and who need training to

achieve stability or advancement. The classes shall relate classroom instruction to the work experiences of the enrollee.

The faculty of an agricultural education program include staff members who have degrees in technical agriculture and who are qualified by training and experience for teaching and research in the area to be taught. A high school teacher shall be employed for at least twelve months.

An agricultural education program shall have facilities which include a farm, livestock, and poultry and scientific laboratory facilities of recognized college standards in all basic areas of agriculture and related sciences.

R 395.311, R 395.312

A distributive education program shall offer instruction in marketing of products and services in the area of the occupational objective of the student. Preparatory classes utilize participation activities geared to the needs of the students or on the job training.

Instruction for persons who are out of school and who are employed in a distributive occupation shall be offered in supplementary classes designed to upgrade the students' skills and knowledge.

High school classes shall meet for a minimum of one semester with one class per school day. To be eligible for reimbursement, the school shall submit a written plan of operation in advance to the state board.

To be eligible for reimbursement for classes for out of school persons, a school shall submit a statement of the need for the instruction and availability of employment and a plan of operation in advance to the state board.

Cooperative education classes may be offered to post high school students and high school students. Cooperative education may be offered to students in preparatory classes if the experience is appropriate to the vocational objective of the students and is long enough to develop the necessary competencies.

R 395.321, R 395.322, R 395.323

Home economics education shall be designed to prepare a person over 14 years of age for the vocation of homemaking and for a gainful occupation.

Preparatory education in homemaking shall reflect the needs of the students. A course for out of school students shall meet for at least ten hours. Two years of homemaking education shall be provided for high school students with at least half the time devoted to practical work.

Preparatory education for gainful employment shall be planned for areas with actual or anticipated opportunities for gainful employment. Cooperative education may be offered if it is appropriate to the vocational objective of the students and lasts long enough to develop the necessary competencies.

Supplementary classes may be offered to out of school persons employed in a home economics occupation who are at least sixteen years old.

A home economics supervising teacher shall have a secondary vocational home economics certificate, two years of teaching experience in home economics; one of which shall have been in a vocational all day home economics program. "She[he]may be employed with a minimum of six semester hours of graduate work including supervision with a plan for completing the master's degree."

R 395.331, R 395.332, R 395.334, R 395.335

Vocational education in trades and industries shall be for persons over 14 years of age who have entered or are preparing to enter a trade, industrial or fishery occupation.

Trade and industrial education shall include any subject which is necessary to develop the manipulative skills, technical knowledge, and related information such as job attitudes, safety practices, and trade judgment necessary for employment in a trade and industrial

occupation.

Type A day trade related instruction shall be offered to full-time day school students over 14 years of age and as units separate from the field, laboratory, shop, cooperative work, or other occupational experience.

Type B day trade related instruction shall be offered to full-time day school students over 14 years of age and shall be offered by the shop or laboratory instructor as an integral part of the shop or laboratory experience.

Any instruction in related subjects for which funds are used shall have a direct functional value in the occupation.

A supplementary class shall be held during the nonworking hours of the enrollees. Only persons who are 16 years old or older and who are employed in a trade, industrial, or fishery occupation or temporarily unemployed may attend. The instruction shall be limited to that which will enhance the skill or knowledge of the worker. Instruction may include instruction for apprentices and for personnel training for leadership positions in management, labor, and other industrial organizations.

Type C classes shall be a special type of preemployment trade training which may be provided to unemployed persons.Training may be offered for any length of time and in any combination of classroom instruction and field, shop, laboratory, cooperative work, or other occupational experience.

Classes for single skilled or semiskilled occupations may enroll only persons who are preparing for such an occupation.

"Classes for out of school youth and adults, when George-Barden funds are used, may be organized for persons who have not yet entered employment and who are either out of school youth over 14 years of age or over 18 years of age."

Part time classes under the Smith-Hughes act shall provide not less than 144 hours of classroom instruction per year. Regular day trade type A instruction shall extend

over not less than nine months per year and not less than 30 hours per week. At least half the instructional time shall be given to work on a useful and productive basis. In regular day trade classes in cities of less than 25,000 population, the state board, with the approval of the U.S. commissioner of education, may modify the conditions as to length of course and hours of instruction.

A cooperative work experience program shall be for persons enrolled in a school to receive part-time vocational instruction and on the job training through part-time employment. A written cooperative training plan agreement between the school and employer shall state the job activities, standards of attainment, length of the program, and wages to be paid the student learner. The student shall be employed for at least fifteen hours per week. The program shall be long enough to develop competencies necessary to prepare the learner for employment. Related vocational instruction in classes limited to the cooperative group shall be scheduled for an average of at least one class period per day.

Representative advisory committees for trade and industrial education, joint apprenticeship committees, and technical committees may assist industrial and technical education at both the local and state levels.

R 395.341

The regulations for distributive and trade and industrial programs shall apply to persons over 14 years of age who have entered or are preparing to enter into employment in a fishery occupation.

R 395.351, R 395.352, R 395.355

Vocational education in health occupations, under title II of the George-Barden act, shall be for persons who are or have been employed or are preparing to be employed in a health occupation.

Instruction in theory shall be closely correlated with supervised practical experience in the clinical phases of the curriculum. The preparatory full time practical nurse program established in cooperation with

the Michigan state board of nursing is outlined in the publication "Minimum Standards and Educational Criteria for Programs of Practical Nursing in Michigan." Preparatory training for other health occupations shall be designed to prepare students for gainful employment. Supplementary classes shall be designed to provide additional knowledge and training in recognized health occupations.

Course content and length shall be adequate to provide the skills stated in the course objective. A major part of the supervised practical experience required shall be spent on activities directly related to patient needs.

R 395.361, R 395.362

Technical education, under the state plan pursuant to title II of the George-Barden act shall be designed to train persons for employment as highly skilled technicians in occupations requiring scientific knowledge in fields necessary for the national defense, as determined by the state board. Preparatory classes shall be offered to persons who are preparing to enter such an occupation. Supplementary programs shall be offered to persons already employed in such an occupation.

Each student shall be in the ninth grade or at least 16 years old.

CROSS REFERENCES

III.B.Teachers; Regulation R390.1161

III.B.Teachers; Regulation R390.1162

III.B.Teachers; Regulation R390.1163

III.B.Teachers; Regulation R390.1164

III.B.Teachers; Regulation R390.1165

III.B.Teachers; Regulation R390.1166

III.B.Vocational Education Administrator; Regulation R395.231

III.B.Vocational Counselor; Regulation R395.236

III.E.Teachers; Regulation R395.286

IV.A.; Statute §380.1288

IV.A; Regulations R340.1302; 340.1305

3. VOCATIONAL EDUCATION

STATUTES

§120.05

A vocational center school serves a group of secondary schools and offers approved vocational training and adult programs. An area vocational-technical school is organized by statute under standards established by the state board of education.

§121.21

"The board of any . . . district may petition the state board to classify . . . schools as an area vocational-technical school."

The state board will promulgate regulations to insure equal opportunity for all persons who desire a vocational-technical education.

RULEMAKING

EQUAL OPPORTUNITY

"The rules shall provide for, but are not limited to the following:

(a) The area to be served by each school . . . ;

(b) Curriculum and standards of instruction and scholarship;

(c) Attendance requirements, age limits of trainees, . . . non-resident attendance, determination of . . . costs, individual programs, and attendance for which no tuition will be charged;

(d) The distribution and apportionment of all funds . . .

(e) Transportation requirements and payment of aid therefor."

§121.213

A vocational-technical student association may fund a program for legal counseling and services for students.

§123.351

Two or more independent school districts may establish a cooperative center to provide vocational

education by a majority vote of the school boards involved. The center shall be governed by five members drawn from the boards of the participating districts. Vacancies shall be filled by the appropriate school board.

The center board shall have "general charge of the business of the center and ownership of the facilities." It may: furnish vocational courses to any resident, provide special education for the handicapped, provide educational programs for high school and adult vocational students, and prescribe tuition rates. It shall be a public corporation entitled to receive and disburse any public or private funds made available to it.

Each center shall be approved by the state board, and subject to the general laws regarding independent school districts. Any district wishing to join or withdraw from the center must be approved by a majority vote of the full board.

§124.53

The state board of education is designated as the board for vocational education and shall cooperate with the federal government in carrying out this program.

§124.57

The state board shall reimburse districts maintaining vocational programs for monies spent on teachers' salaries and other reimbursable expenses. If local districts are unable to provide vocational training, the state board has authority to employ "itinerant teachers" to provide these services. An "itinerant vocational teacher" is one who gives part-time instruction in vocational education in one or more districts.

§124.69

The state board of education has authority to enter into agreements with the federal government to provide for vocational training and retraining and placement after training.

§126.151

Any pupil enrolled in a vocational-technical education program approved by the state board of education may belong to a vocational student organization which is operated as an integral part of the program. The commissioner of education may provide assistance and leadership to these organizations.

REGULATIONS

EDU 60

"Written . . . application for the approval of agriculture, business and office, distributive home economics, trade and industrial education, vocational education for health occupations and technical occupations, and industrial education departments or classes to be established by school districts in classified secondary and post secondary schools shall be made to the state board for vocational education."

EDU 61

The state board for vocational education shall approve applications of school districts to establish departments and classes in specialized fields (as stated in EDU 60) only if the following standards are provided:

MINIMUM STANDARDS

-- Sufficient and suitable facilities.

-- Courses and fine allotments based on the state curriculum guide.

-- Properly certified teachers.

-- Sufficient reference materials and audio visual aids.

-- Class periods of sufficient length.

-- Class size conducive to efficient instruction and accommodation.

-- All required reports on file and accessible to teachers.

Credits for such specialized courses shall be the same as for other secondary subjects.

Approval of such a department may be withheld upon filing a written report of deficiencies in the proposed program.

If a school loses approval of a department, the local board of education must reapply for approval of that special department.

EDU 62

To be eligible for vocational aid a school district shall meet the requirements of the Minnesota state plan for vocational education. The amount of reimbursement granted to such for approved vocational classes shall be determined by the state board for vocational education.

EDU 63

Districts which cannot provide vocational instruction may apply to the state board for vocational education for itinerant teacher services.

Itinerant teachers shall be under the direction of the chief supervisor of the vocational field. The courses offered shall be recognized by the Minnesota state plan and shall not supplant a local course.

EDU 64

To qualify for the approved business education program, courses shall be offered in 10th, 11th and 12th grades at least five periods per week. Basic business shall be offered as an elective and the ratio of pupils to teachers in Office Practice classes shall not exceed 20 to 1. If instruction in one year of shorthand is given, an advanced course in transcription must also be offered if the school wishes to have its department approved.

EDU 65

To qualify for approved general agriculture education programs, General Agriculture courses offered below the ninth grade shall be offered either five periods per week throughout the seventh or eighth school year or five periods per week for one semester in both seventh and eighth years. Courses for the ninth grade and at the secondary school level shall be given at least five periods per week throughout the year.

EDU 67

At least two full years of industrial education shall be maintained in junior secondary schools, one year in senior secondary schools and at least three full years in a department in any other type of secondary school. Industrial education shall be required for all seventh and eighth graders unless excused for health reasons. Courses shall also be offered in "the ninth, tenth, eleventh and twelfth grades, where classes may be combined. All pupils of a given class shall receive instruction in a given media at the same time. Industrial education shall be offered at least five periods per week throughout the school year in junior high schools. Senior high school instruction shall be for a minimum of five periods a week throughout the year.

EDU 69

Adult vocational education shall assist people in acquiring skills for "gainful employment" to maintain or further their employment status or to further consumer home making education. All adult education shall be in accordance with the state plan for vocational-technical education.

CROSS REFERENCES

IV.A.; Statute §126.20

IV.D.; Statute §124.223

STATUTES

§37-3-25

The director of the division of vocational education shall be responsible for education in the fields of agriculture, trades and industry, home economics, adult education, teacher training and distributive education.

§37-13-58

(1) The state department of education is designated as the agency responsible for administering and supervising "the career education concept as an educational innovation;"

(2) to implement the above intent, the state department of education is empowered to credit an office of career education within its framework to develop "standards, procedures and criteria for the administration and supervision of a state-wide program of career education in grades one through twelve. The office of career education shall be responsible for "promoting a statewide effort designed to prepare local school facilities and staffs to incorporate the career education concept in their local educational programs."

§37-13-60

Each school is empowered to plan for implementation of a career education program.

The state department of education, the state coordinator of career education and the school district governing boards shall implement this program according to each individual district's needs.

Furthermore, the commission on school accreditation shall "encourage the development of plans of career education and the implementation thereof, and shall be authorized to accredit same."

"The main purpose for any agricultural high school being to teach theoretical and practical agriculture and home economics, and to be a real service to the fairness of the county, any school failing to come up to the following standards shall be dropped from the list of approved agricultural high schools by the state board of education:

(a) Each school shall own and operate a dairy sufficiently large to furnish milk and butter necessary for use in the dormitories;

(b) Each school shall own and operate an approved poultry farm with one or more breeds of chicken . . .;

(c) (Every school shall have) a model orchard with a minimum of one acre demonstrating correct methods of planting, cultivating, pruning and propagation of orchard plants;

(d) (Every school shall have) a model garden sufficiently large to furnish vegetables to the boarders. The minimum acreage for vegetables and truck crops shall be one acre for each twenty boarders;

(e) A sufficient number of pure-bred hogs shall be kept for teaching and demonstrating purposes;

(f) Plots of land shall be cultivated on the school farm demonstrating the yield per acre and the best method of cultivation of such crops as cotton, corn, sugar cane, potatoes, etc., suitable to the different sections of the state;

(g) Students shall be required to take part in the work thus outlined for the specific purpose of encouraging farm life . . . and acquiring practical knowledge . . .;

(h) Schools shall do . . . extension work and shall maintain . . . agricultural and home science laboratory equipment as . . . prescribed by the state board of education;

(i) The sciences and other subjects taught in the agricultural high school shall be connected vitally

with the social and economic life of the school and the county;

(j) Each school is required to have a minimum of one-eighth of an acre of ground set apart as a vegetable garden for use of the home economics department of the school;

(k) Each school is required to own and operate an incubator for the teaching of poultrying . . .;

(l) Each school must provide means of laundering of plain clothes for the boarding students;

(m) Each school is required to own a modern canning outfit . . .;

(n) Each girl boarding in the dormitory . . . must do five hours per week of practical work;

(o) All girls who graduate from agricultural high school must demonstrate their ability to make their own clothes, prepare and serve meals, and do other things necessary to ordinary household management."

The state superintendent of education shall enforce the above standards.

§37-27-91

"Any agricultural high school . . . which has not been operated and maintained (as such) for four years . . .; which does not own sufficient buildings in which to operate . . . an agricultural high school, and which owes legal, valid and outstanding debts, may be abolished by the board of supervisors of the county in which . . . [it] is located."

§37-31-1

The state of Mississippi accepts all the provisions of the federal Smith-Hughes Act which provides "for the promotion of vocational education."

§37-31-3 -- 5

"The state board of education shall constitute the state board of vocational education."

"The state superintendent of education shall serve as executive officer of the state board of education as the state board for vocational education, and

designate, by and with the consent of the state board, such assistants necessary . . . .

§37-31-7

"The state board of education shall have all necessary authority to co-operate with the federal board for vocational education in the administration of the "Smith-Hughes Act," to administer any legislation pursuant thereto enacted by the state of Mississippi and to administer the funds provided by the federal government and the state of Mississippi . . . for the promotion of vocational education in agricultural subjects, trade and industrial subjects, home economic subjects and distributive educational subjects. It shall have . . . authority to formulate plans for the promotion of vocational education in such subjects as are an essential . . . part of the public school system of education . . . and to provide for the preparation of teachers of such subjects . . . . It shall have authority to make studies and investigations relating to vocational education in such subjects; to publish the results of such investigations and to issue other publications as seem necessary by the board; to promote and aid in the establishment by local communities of schools, departments, or classes giving training in such subjects; to co-operate with local communities in the maintenance of such schools, departments or classes; to prescribe qualifications for the teachers, directors and supervisors . . . and to have . . . authority to provide for [their] certification . . .' to cooperate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors and supervisors . . . and to . . . determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers."

§37-31-15

"The board of trustees of any public school . . . and the board of trustees of the school for the blind and the board of trustees for the school of the deaf

and dumb, located in the city of Jackson, may . . . cooperate with the state board of education in the establishment and maintenance of vocational schools or classes giving instruction in agricultural subjects, or in trade and industrial subjects, or in home economic subjects, or in distributive education subjects, to persons in need of such instruction . . ."

§37-31-61

"The state board of education is . . . empowered to establish and conduct schools, classes or courses, for preparing, equipping and training citizens of the state for employment in gainful occupations, in trade, industrial and distributive pursuits, either separately, or in conjunction with any public school, agricultural high school or junior college."

The state board is also authorized to accept any funds which may be available for such purposes.

§37-31-73

"The various school districts, counties, municipalities and junior college districts . . . are . . . authorized to enter into agreements" between governing authorities of the above political entity to provide for "construction and operation of regional and vocational education centers," meaning facilities aimed at vocational or technical education on the secondary or post-secondary level," jointly operated by or [facilities] which accept students on a contractual basis from two or more districts of this state, or for any school district which encompasses an entire county."

§37-31-81

"The division of vocational education of the state department of education is . . . directed to establish a 'Future Farmers of America' camp . . . ."

CROSS REFERENCES

I. Board of Trustees; Statute §37-7-623; 625--629; 639

I.State Board of Education; Statute §37-1-1 -- 37-1-9; 37-3-17

IV.A.; Statute §37-11-49

3. Vocational Education

Statutes

§162.895

Free vocational instruction for children under the age of twenty-one residing within the districts, shall be provided in the special school district, so as to enable students to receive a high school diploma at the completion of the twelfth grade. The board of education shall establish standards for admission to vocational programs operated by the district.

DIPLOMA

§178.440 -- .530

The state board of education is responsible for vocational education administration, in submitting plans for teacher training, and shall provide that teachers be trained in the state colleges and state teachers colleges of Missouri. The state board shall make studies and investigations relating to prevocational and vocational training in agriculture and shall cooperate with local communities in the maintenance of the schools. The state treasurer is custodian of funds for vocational education and shall make an annual report to the general assembly. The board of education may contract with other school districts if vocational education services for high school students is unavailable within the school district; and may also contract for additional instruction for courses of study approved by the state board of education for graduation from high school in Missouri. The tuition fee shall be paid to the receiving school district by the board of education of the contracting district. The state board of education shall establish standards and inspect all public prevocational and vocational schools and such schools are entitled to state or federal moneys as long as they are approved by the state board of education.

TUITION

§178.540 -- .580

The state commissioner of education is the executive officer of the state board for the adminis-

tration of vocational education. The president of the state board of education shall annually appoint a five member committee known as the "state advisory committee for vocational education", and such members shall be reimbursed for their expenses incurred in attending conferences. The school board shall appoint persons of experience in agriculture, industry, home economics and commerce to give advice and assistance to the school board in the establishment and maintenance of the schools. The state board of education may incur the expenditures for the salaries of assistants and other necessary expenses and shall make a report to the general assembly on the administration of law.

APPOINTMENT

REGULATIONS

5 CSR 60-120.010 -- 040
VOCATIONAL EDUCATION

The regulations summarize the rule as follows. The entire text may be obtained from the Secretary of State.

The plan designates specific groups of individuals to be served and indicates programs designed to meet their needs. It provides for goals and objectives which will result in educational change and is a basis for evaluation of the statewide effort to serve the vocational needs of the people of Missouri. The general administrative procedures are delineated in section 1 of the plan. This section contained rules pertaining to the State Board of Education which is responsible for the administration of the state plan, public hearings and dissemination of information, qualifications and training of personnel, program evaluations, state reports, cooperation arrangements with other state agencies, provisions for construction projects, hearing opportunities and procedures on local applications, and the identification of areas that are designated as economically depressed or having high unemployment.

The Handbook of Vocational Education establishes the guidelines for implementation and operation of vocational education. It describes the general guidelines for administration of vocational

education; including certification of teachers and inservice education, facilities, time requirements for programs and courses, evaluation, replacement of equipment guidance services and advisory committees. It also establishes the guidelines for the administration of specific vocational education program areas.

CROSS REFERENCE

IV.A.; Statute §170.005 -- .009

IV.E.; Statute §171.098

3. Vocational Education

Statutes

§75-7702

The board of public education shall be the state's "governing board . . . for vocational education . . .[and] shall adopt policies to effect the orderly development of a system of vocational education," to include: "a state plan . . .; standards . . .[and] instruction qualifications for vocational education courses and programs . . .[and] criteria for approval of . . . programs which are to receive financial assistance; a basis for apportionment of all moneys appropriated by the legislature for vocational education . . .[and] received by the state . . . from the federal government . . .; a system of evaluation . . . which allows for consideration of . . . manpower needs and job opportunities;" and other policies necessary for the system's operation.

§75-7703

"The superintendent of public instruction shall be the executive officer of the board of [public] education for the administration of all state and federal laws related to vocational education."
The superintendent shall:

(1) "administer the . . . policies adopted by the board . . .; (2) prepare curriculum guides . . .; (3) employ . . . professional staff . . . for the state supervision and administration of vocational education;" (4) report the status of programs to the board; (5) keep all records on vocational education; and (6) "provide . . . supervisory and consultative assistance to districts."

§75-7704

"The trustees of any district . . . may establish . . . a vocational education course or program that complies with the . . . standards" of the board of

public education. A course or program must be approved by the board "to be eligible for state or federal financing."

§75-7705 — 75-7706

The state of Montana accepts the "terms and provisions" of the federal Vocational Education Act and of all other federal laws "which provide funds for . . . vocational education in Montana. The state treasurer is "designated as the custodian of all federal and state moneys . . . for vocational education."

CROSS REFERENCES

III.B. Teachers; Statute §75-6006

III.B.Teachers; Regulation §48-2.18(34) - S18620; S18630

3. Vocational Education

Statutes

§79-1419

The state of Nebraska accepts those acts of Congress that provide for the promotion and development of vocational education in the states.

§79-1412

The State Board of Education is also the State Board of Vocational Education and the Commissioner of Education shall be its executive officer. Members receive no compensation for services. The board shall meet regularly at least four times a year. Special meetings may be called by the presiding officer or by the commissioner "upon the written request of a majority of the board." Five members constitute a quorum.

§79-1422 -- 79-1423; 79-1429; 79-1435

The State Board of Vocational Education shall adopt policies for vocational education and supervise the administration of vocational education "by the assistant commissioner of education . . . in change of vocational education." The board is authorized to cooperate with the U.S. Office of Education in the administration of federal laws on vocational education and "to make such rules and regulations as are necessary to properly carry out" the federal and state laws.

On the recommendation of the commissioner, the board shall appoint assistants as necessary, who "shall be located by the assistant commissioner of education in charge of vocational education" and reviewed and selected by the commissioner. APPOINTMENT

The State Board of Vocational Education is authorized to (1) cooperate with school boards to establish vocational schools and courses; (2) cooperate with the U.S. Office of Education in the administration of federal laws and administer all funds for vocational

education in public schools; (3) appoint officials and assistants and fix their salaries; (4) make studies on vocational education, aid local boards in establishing and maintaining schools and classes in vocational education; (5) "prescribe qualifications and . . . provide for the certification of teachers and supervisors of vocational and related subjects;" participate directly or indirectly in maintaining classes for the preparation of teachers and supervisors" of vocational education, and "establish . . . the qualifications . . . [for] persons engaged in the training of vocational teachers." The board shall make a biennial report to the legislature on "the progress of vocational education" in the state, the schools or classes receiving funds, and expenditure of federal and state moneys for vocational education.

§79-1428

The board "of any public school, college, or university, may establish, in cooperation with the State Board of Vocational Education and in conformity with the Nebraska State Plan for Vocational Education, a vocational school, department, or class giving instruction of less than college grade in agriculture, trade, distributive subjects to persons of the required age" who will be or are working in those areas. Schools or classes approved by the state board are entitled to reimbursement.

CROSS REFERENCES

I.State Board of Education: Statute §79-329 -- 330

III.B.Teachers: Regulation 11-(28)

3. Vocational Education

Statutes

§388.330; 388. 340; 388.350

"The state board for vocational education shall consist of the state board of education" and "shall hold at least four meetings per year at the state capital, coincident with" state board of education meetings. "The superintendent of public instruction shall serve as executive officer of the state board for vocational education." He or she shall designate necessary assistants, enforce rules and regulations established by the board, maintain an office for the board at the state capital and keep all board records there.

§388.360

The state board for vocational education shall have authority: (1) to cooperate with federal groups in administering Nevada's federal vocational education funds; (2) to administer state funds and programs provided for "the promotion, extension, and improvement of vocational education"; (3) to formulate plans for, make studies of, and certify teachers in vocational education; (4) to cooperate in promoting and maintaining "the establishment by local communities" of groups providing vocational education; (5) to pay compensation as well as necessary administrative and travel expenses to personnel administering the federal and state vocational education acts.

§388.370

"The state board for vocational education shall make a report biennially to the legislature setting forth the condition of vocational education in . . . Nevada, a list of the schools to which federal and state aid has been given" and a detailed statement of the expenditures of the federal and state funds provided.

§388.380

"Any board of trustees of a school district may establish and maintain vocational schools or classes" and raise and expend money for such vocational schools or classes in the same manner in which moneys are raised and expended for other public school purposes."

CROSS REFERENCES

I.Advisory Council on Vocational Education; Statute §399.060 -- .070; 399.100 -- .120

I.State Department of Education; Statute §385.010

III.B.Teacher; Regulation, Nevada Vocational Teacher Endorsements, pp. 1-4

III.B.Teachers; Regulation, Nevada Teacher Certification, Part Two, p. 7

3. Vocational Education

Statutes

§186:39

The state of New Hampshire accepts and will match funds with the federal act providing for vocational education.

§186:40

The state board of education is authorized to arrange with school boards and school districts for vocational education facilities. The state board may also "approve certain schools" for use as "vocational training centers" and make provisions for students to attend who reside in other school districts.

§188-A:1 -- 188-A:2

In order to prepare "youth and adults for productive employment as technicians and skilled workers," the state board of education is "directed to establish technical institutes".

§188-A:2-a

A director for "each technical institute" shall be appointed by the commissioner of education. The director's duties shall include the "administration and operation" of the institute.

§188-A:3

The curriculum for the technical institutes shall be "designed to prepare qualified high school graduates as technicians who may serve as assistants to professionally trained personnel".

§188-A:5

The state board of education is "authorized and directed to establish vocational-technical institutes" throughout the state.

§188-A:7

A seven member committee, appointed by the governor, and representing labor, business and education, shall advise the state board of education regarding the

APPOINTMENT

"administration and programming of the technical institutes".

§188-A:9

The state department of education is "authorized and directed to apply" for federal funds for vocational education.

§188-A:12

The state board of education is "authorized and directed to designate comprehensive high schools offering vocational education programs as vocational education centers." The state board will pay tuition costs for students to attend vocational schools in other districts when their own district does not offer such courses.

TUITION

§188-E:1

The state board of education is "authorized and directed to designate high schools offering vocational education programs as vocational education centers."

§188-E:3

The state board of education is "directed to make grants available" to regional centers for the "construction of vocational education facilities." The criteria for determining the granting of funds shall include whether or not the center will receive students from other school districts.

§188-E:4

A "state advisory committee for regional vocational centers," made up of one representative from each regional center, shall be appointed by the state board of education. In addition, each regional center shall have its own local advisory committee.

APPOINTMENT

§188-E:5

The program for the regional centers shall "provide for a substantial vocational offering". The programs shall be extended to "disadvantaged and handicapped persons" as well as "drop-outs" and persons desiring adult education courses.

DROPOUTS

§188-E:6

Students shall enroll both at their regular high school for "non-vocational courses" and at a regional vocational center. Students may, "where distance, transportation, or other physical restrictions prohibit," attend solely the vocational education center.

§188-E:7

TUITION

The state board of education is authorized to pay tuition for students whose school district does not provide vocational courses and who must go outside the district to attend a vocational school.

REGULATIONS

State Board of Education Policies,
321.1, p. 00047

The State Board of Education will designate area vocational centers in accordance with the long range plan for secondary vocational education.

CROSS REFERENCES

I.State Board of Education; State §186:5 -- 186:6a

III.A.1.; Regulation, Minimum Standards and Recommended Practices
High Schools, #319.1, Ch.II -- Ch.VII

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-69

IV.D.; Statute §188-E:8

3. VOCATIONAL EDUCATION

STATUTES

§18A:35-4.2

"The commissioner of education and the state board of education shall have the authority . . . to establish and operate a Career Development Program comprised of vocational education projects."

§18A: 54-5 -- 7

The board of education of any school district may establish vocational schools. The location, management, and curriculum of vocational schools must be approved by the commissioner of education. Pupils from other districts may attend classes and will be required to pay tuition.

TUITION

§18A:54-13;16;17

In any county with a population not exceeding 100,000, there may be established a vocational school. For each county system of vocational schools there shall be a board of education consisting of the county superintendent and four appointed persons. Each board member must have been a county resident for three years prior to appointment.

APPOINTMENT

§18A:54-22

All teachers, principals and superintendents in county vocational schools shall have the same rights and privileges as other teachers, principals, etc.

§18A:54-24

The curriculum in county vocational schools shall be approved by the commissioner and the state board.

§18A:54-25

"The school year for a county vocational school shall begin on July 1 and and June 30."

§6:41-2.1

In order for a state to receive federal funds under the Vocational Education Act it must have an advisory council which shall be separate and independent from the State Board.

§6:41-2.4

The State Advisory Council on Vocation Education shall:

1. Advise the State Board on the development of the State Plan including the preparation of long-range and annual program plans, and prepare and submit a statement describing its consultation with the State Board on its State Plan.

2. Advise the State Board on policy matters arising in the administration of the State Plan submitted pursuant to the Act and the regulations in this part.

3. Evaluate vocational education programs, services and activities under the State Plan and publish and distribute the results thereof.

5. Prepare and submit through the State Board to the United States Commissioner of Education and to the National Advisory Council an annual evaluation report which evaluates the effectiveness of vocational education programs, services and activities carried out in the year under review.

6. Prepare and submit an annual budget.

§6:42-1.1

Disadvantaged persons having a combination of conditions which relate to academic, socioeconomic, cultural and other handicaps that prevent them from succeeding in regular vocational education shall be eligible for vocational education.

§6:42-1.2

Handicapped persons including those who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, crippled or have other health characteristics which prevent these persons from succeeding in a regular vocational education program shall be eligible for vocational education.

§6:42-2.2

ON-THE-JOB-TRAINING

Cooperative agreements may be reached between the school and prospective employers to hire pupils, through the vocational education programs, for on-the-job training employment.

§6:43-1.1

A program of vocational technical education of less than college grade shall be conducted and be part of the state plan for Vocational and Technical Education.

§6:43-2.3

Pretechnical, vocational instruction should be designed to prepare individuals for enrollment in advanced or highly skilled postsecondary and technical education programs.

It shall not include instruction designed to prepare individuals for higher education or professional training.

§6:43-2.4

PREVOCATION INSTRUCTION

"Prevocational instruction shall include instruction designed to familiarize individuals with the broad range of occupations for which special skills are required for careers in such occupations."

§6:43-2.7

The content of vocational instruction shall be developed and conducted in accordance with the following standards to assure soundness and quality in such instruction:

1. The program of instruction shall be based on a consideration of the skills, attitudes, and knowledge required to achieve the occupational or other objective of such instruction and includes a planned sequence of those essentials of education or experience (or both) deemed neccessary of the individual to achieve such objective.

2. The program of instruction shall be developed and conducted in consultation with employers and other individuals or groups of individuals (such as local advisory committees) having skills in and substantive knowledge of the occupations or the occupational fields included in the instruction.

3. The program of instruction shall include the most up to date knowledge, attitudes and skills neccessary for competencies required to meet the occupational or other objective of such instruction.

4. The program of instruction shall be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the occupational or other objective of the instruction.

5. The program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience which is appropriate to the occupational or other objective of the instruction is of sufficient duration to develop competencies neccessary for the student to achieve such objective and is supervised, directed, or coordinated by persons qualified under the State Plan.

§6:43-2.9 -- .10

The vocational instruction shall be conducted and supervised by teachers, teachers aides, supervisors, and other supporting personnel. Vocational guidance and counseling personnel services are also to be made available.

Vocational education for disadvantaged or handicapped persons shall include special educational programs and services designed to enable disadvantaged or handicapped persons to achieve vocational education objectives that would otherwise be beyond their reach as a result of their disadvantaged or handicapping condition.

To the extent feasible, disadvantaged or handicapped persons shall be placed in regular vocational education programs to the extent that they are able to benefit from such programs and provided only with those supplementary special education services which are neccessary to enable them to so benefit.

If certain disadvantaged or handicapped persons cannot benefit from regular vocational education programs to any extent, even with the provision of supplementary special educational services, then these persons shall be provided with special programs of vocational instruction which meet the standards and requirements of regular vocational education programs and which, in addition, include such special instructional devices and techniques and such supplementary special educational services as are neccessary to enable those persons to achieve their vocational objective.

Vocational education programs and services for disadvantaged or handicapped persons shall be planned, developed, established and administered by State Boards and local educational agencies in cooperation with other public or private agencies, organizations, and institutions having responsibility for the education of disadvantaged or handicapped persons in the area or community served by such programs or services, such as community agencies, vocational rehabilitation agencies, and special education, department of State and local educational agencies, and other agencies, organizations, and institutions, public or private, concerned with the problems of such persons.

§6:46-2.1

"The Division of Vocational Education is the supervisory agent in the initiating and operating of state approved vocational education apprenticeship programs."

Related instruction programs shall be provided constituting a minimum of 144 hours each year of apprenticeship.

CROSS REFERENCES

I.Board of Education of County Vocational School District; Statute §18A:54-20

I.Commissioner of Education; Statute §18A:4-32--35; §18A-54-2--3

I.State Board of Education; Statute §18A:54-21

III.B.Teacher; Regulation §6:11-6.3; §6:11-8.4; §6:11-8.5; §6:11-12.4 §6:11-12.16; §6:11-12.24; §6:48-2.1; §6:48-2.2

III.B.Vocational Education Programs; Regulation §6:43-2.12

IV.A.; Statute §18A:40-12.1

IV.A.; Regulation §6:3-1.14

3. Vocational Education

Statutes

§77-11-20

"The vocational education division of the state department of education shall provide a course of instruction in diesel mechanics . . ."

§72-12-4

"The vocational education division is created within the department of education" the state superintendent, with state board approval, shall appoint a director of vocational education. The state board may delegate appropriate administrative functions to the division.

§73-34-3 --73-34-4

A technical and vocational institute district will be formed by the state board of education if it finds, after a survey caused by petition of 10% of the voting population, that the proposed district is geographically suitable, that there is need (200 potential students) and there is financial support. After state board approval, local boards present the proposal for public election.

§73-34-6

The governing board of the technical and vocational institute district shall:

(1) "determine the financial and educational policies of the institute;"

(2) select a president for the institute;

(3) "fix fee rates and tuition rates for students nonresident in the district;

(4) have authority to issue certificates of proficiency;

(5) have authority to accept gifts, receive federal aid, and purchase, sell, hold, rent property in the name of the district."

§73-34-7

"The state board of education shall in conjunction with the board, prescribe the course of study for the technical and vocational institute and shall define official standards of excellence in all matters relating to the administration, course of study and quality of instruction."

§73-34-7.1

The purpose of the technical and vocational institute law is ". . . to extend state support to public school vocational and technical education programs of not more than 2 years' duration designed to fit individuals for employment . . ."

§73-34-10

Technical and vocational institute districts may arrange for the use or sharing of facilities with any school district or with the board of regents of a higher educational institution.

§73-34-11

Any school district within the county or the adjoining county to the institute district may petition the state board of education to be included in the institute district. If this occurs: the school district may be admitted to the institute district by the same procedure used to first establish the institute district.

§73-34-12

Institute districts may be dissolved by vote of the general electorate after a petition for dissolution is presented to and approved by the state board of education. Plans for dissolution must include payment of all debts. If the electorate approves of the dissolution plan, the institute district board shall proceed with the plan and submit a report to the state board of education, which shall formally declare the institute district dissolved.

§73-37-1

"It is the intention of the legislature. . . to provide means whereby the state . . . in cooperation

with school districts can provide facilities for training and preparation of students for productive employment as technicians and skilled workers, and to more nearly equalize educational opportunity. Further, it is the intention of the legislature that such facilities be developed only in those locations where the number of students will be sufficient to permit the offering of a broad program of vocational and technical education with reasonable economy."

§73-37-3 --73-37-4

"The local school board of a school district may develop and present a plan to the state board (of education) for the establishment and operation of an area vocational school." If the state board approves the plan it will be submitted to the "qualified ad valorem taxpaying electors" in the school district for a vote. If the vote is favorable, the state board shall designate the approved school as an "area vocational school"

§73-37-5

The local school board, with state board approval, may accept non-resident "qualified" (i.e., non-high school graduates, regularly enrolled in one-half or more of the minimum course requirements approved by the state board for public school students and at least 6 years old) students for vocational and technical education on a tuition basis. It may also accept on a tuition basis, with state board approval, resident and nonresident nonqualified students but nonqualified students shall not be included in the district's average daily membership report for the purpose of receiving state basic support.

TUITION

§73-37-6

"Federal funds made available to the state for vocational training programs . . . may be used in support of area vocational schools."

§73-37-6.1

Funds from the "area vocational school fund" shall be distributed to area vocational schools based

on the number of students in the school. Students enrolled in a course which the cost is totally reimbursed from federal, state or private sources are not counted for the purpose of disbursing these funds. The chief of public school finance shall require area vocational schools to make periodic reports of enrollment for the purpose of fund distribution.

§73-37-16

"The vocational education division of the state department of education shall institute vocational education programs to provide occupational training for persons above the compulsory school age or to high school dropouts in order to make them eligible for employment."

§77-11-20

"The vocational education division of the state department of education shall provide a course of instruction in diesel mechanics . . ."

§77-12-2

Unless otherwise provided by law the state board "shall establish policies for the conduct of all programs of the state and state plans established relating to vocational education or vocational rehabilitation." The state board is also the administrating agency for any plans in the field.

§77-12-5

"Subject to the policies of the state board, the vocational education division shall:

A. provide vocational education to qualified individuals;

B. (administer) . . . any state plan or federal aid funds relating to vocational education;

C. . . . make agreements with public or private agencies to establish or to maintain a vocational education program;

D. enter into reciprocal agreements with other states to provide vocational education;

E. accept gifts or grants to be used for vocational education;

F. adopt regulations for the administration of laws relating to vocational education; and

G. conduct research and compile statistics relating to vocational education."

§77-12-9

Vocational education or rehabilitation shall be provided to anyone who is a resident of the state at the time of application and qualifies under a vocational education or rehabilitation program established by the state or anyone who qualifies for eligibility under an agreement which the state has with the federal government or with another state.

CROSS REFERENCES

I.State Board of Education; N.M. Const. Art. XII, Section 6

I.State Board of Education; Statute §77-2-2

3. Vocational Education

Statutes

§1101; 1102

A county board of supervisors or governing body may establish "a county vocational education and extension board for the purpose of giving instruction in agriculture and home economics and . . . other special subjects . . . ."

The board will consist of nine appointive members who shall serve nine year terms. "At least three members . . . shall be appointed upon recommendations made by the farm and home bureau associations of the county and at least three members upon recommendations made by the district superintendents of the county." APPOINTMENT

The powers and duties of a vocational education and extension board include: determining the vocational education needs of the county; employing teachers and supervisors and determining salaries; cooperating with public agencies to conduct vocational education; making contracts with school authorities for services to be rendered and leasing land, buildings and other facilities necessary to carry out vocational education purposes.

§1103; 1104

Vocational education courses must be approved by the commissioner of education. Elementary and secondary level courses "are to be approved" by the local superintendent of education. Employee qualifications "must conform" to state regulations. State aid is available to county vocational education programs. COURSES

§4601

School districts which maintain an "occupational education program" shall appoint an advisory council to advise the board of education on policy matters. APPOINTMENT

§4602

School districts shall provide occupational education programs for high school students and adults. The programs shall be organized by the boards of education and shall include "occupational classes" and "work experience." The board of education has authority to employ teachers and approve curriculum.

§4606

School districts are encouraged to provide "school-to-employment" programs consisting of part-time school and part-time work programs.

§4701 -- 4707

Any county board outside the city of New York may establish farm schools for instruction to school age children in "industrial, agricultural, and homemaking subjects . . ."

A board of managers, composed of district superintendents, shall operate and maintain the school.

Courses of instruction shall include: agriculture, mechanic arts, trades, homemaking.

School age children may be admitted on application or upon commitment as truants or juvenile delinquents. TRUANT

§4712

A farm school shall be part of the public school system, and subject to the control of the commissioner of education.

REGULATIONS

Part 15 (Statutory Authority: §207)

§15.1

The commissioner shall make regulations establishing standards for industrial arts, vocational-industrial schools and classes. In approving these programs the commissioner shall RULEMAKING

consider the adequacy of facilities, standards of instruction and educational efficiency.

Part 111 (Statutory authority §207)

§ 111.1

The board of education of any school district or the vocational education board of any county district may establish industrial high schools. Before an industrial high school opens, a plan of organization and administration must be submitted to the assistant commissioner for vocational education for her/his approval.

§ 111.2

The curriculum of every industrial high school must include three groups of subjects: (1) unit trade shopwork; (2) related technical subjects; and (3) academic or non-vocational subjects.

COURSE OF STUDY

The unit trade shopwork may include the following courses: machine shop, printing, automobile repair, carpentry. For each trade taught, the school must submit to the department for its approval a course of study.

The related technical subjects must be those which will give the students the "practical technical information which intelligent trade workers are required to have." The department must approve the course of study for each subject offered. The subjects may include mechanical drawing, mechanics and mathematics.

An approved industrial high school four-year course of study shall include: 4 units of English, 3 units of social studies, one unit of science, one-half unit of health, and physical education. Industrial high schools may also offer additional instruction in mathematics, science, social studies, music, drawing and art.

§ 111.3

Graduation from a 4-year course in an industrial high school requires the completion of 19 units of work.

An industrial high school must have at least two qualified teachers who devote their full time to unit trade, related technical and academic instruction. A teacher in an industrial high school must hold a vocational certificate. Local school authorities are responsible for vocational teachers' professional improvement and shall make an annual report to the commissioner on this matter.

The superintendent or principal of an industrial high school must hold a permanent or provisional vocational director's certificate. Proper buildings, equipment, tools and machinery must be provided. A suitable library, and proper chemical and physical laboratory facilities must be provided. An advisory board representing local trades must be appointed by the school board in each district.

APPOINTMENT

§ 111.4

If nonresident pupils attend the industrial high school, they must pay tuition. Claims for tuition shall be filed with the trustees or board of education that is required to pay.

TUITION

Part 140 (Statutory authority §207)

§ 140.1 — 140.2

Before September 1 of each year, all county vocational education boards shall file a report with the Commissioner for her/his approval of educational services. The report shall include: copies of all courses of study; names of supervisors and teachers to be employed; a copy of the budget; and copies of agreements between vocational education boards and local school districts.

Before June 30 of each year the board shall file with the Commissioner a report covering educational services rendered. The report shall include financial information and a descriptive summary of the educational services rendered.

§ 140.3 — 140.4

Each county vocational education board shall have regular and special meetings. The boards may employ only full time qualified teachers for educational services for day pupils.

§ 141.1 — 141.2

A board of education in a city with over 125,000 population, a board of education in an approved regional plan, a board of cooperative educational services, or a vocational education and extension board may establish an occupational education program. This program may include cooperative agreements with employers for part-time work and study and will be conducted in high school classes.

§ 141.3

Each school district that receives state aid for an occupational education program shall prepare a plan describing the program.

§ 141.4

Boards of education may provide training, instruction in basic and remedial subjects, and establish part-time employment programs for youth. The educational programs shall be at the high school level unless otherwise specified by the commissioner. Supervised work experience programs may be organized for youth 14 years old who have special education and employment handicaps.

§ 141.5

Occupational education programs shall maintain certain standards, including supervised instruction by certified personnel; an educational program that embraces both general and occupational education; and instruction that is related to the occupation for which the student is being trained.

§ 141.7

Boards of education conducting occupational education programs shall file annual reports with the Commissioner which must include the number of enrollees, and an evaluation of the results obtained from the program.

§ 141.8

A board of education may establish a "school to employment program" for students identified as potential school dropouts. These programs shall be a part-time school, part-time work arrangement.

DROPOUTS

CROSS REFERENCES

I.Chancellor of New York City District; Statute §2590-h

II.A.10.Other - Home School Program: Statute §4801 -- 4809· 4815

III.B.Teachers; Regulation §80.5

3. Vocational Education

Statutes

§115-229 — 115-230

The State Board of Education shall have authority to administer federal funds for "the promotion of vocational education." The State Board shall formulate plans for a vocational program in "such subjects as are an essential and integral part of the public school system" and provide a program for "the preparation of teachers in such subjects." The Board shall have authority to make and publish "studies and investigations relating to vocational education" and to promote the "establishment by local communities of schools, departments, or classes giving instruction in such subjects," and to "prescribe qualifications for teachers, directors and supervisors of such subjects."

§115-230.1

The State Board of Education is authorized and directed to develop a program for the public schools which will offer "more diversified and comprehensive" instruction in "basic work skills, applied economics, and industrial education" and to implement the program on an experimental basis in the public schools. The State Board may provide for the "in-service training or retraining of vocational and other teachers" in preparation for this program.

§115-234

Local boards of education may establish classes in vocational education. Teachers in the vocational program "shall be employed in the same manner as are other public school teachers."

§115-235

Local boards of education are authorized to purchase or lease land "suitable for forest planting or other vocational training." The "school forest" shall be managed by the "department of vocational

agriculture of the school."

§115-235.1

The State Board of Education shall develop "prevocational and industrially-oriented practical arts programs for the middle grades" insofar as funds are available, and a program for the lower grades which provides a "thorough introduction to the world of work."

CROSS REFERENCES

I.State Superintendent; Statute §115-231

II.A.1.; Regulation §2E.0101 -- 2E.0102

II.C.1.; Statute §115-240 -- 115-242

III.B.Teachers; Regulation §2H.0212

III.B.Teachers; Regulation §2H.0213

III.B.Teachers; Regulation §2H.0216

III.B.Teachers; Regulation §2H.0217

IV.A.; Statute §115-258 -- 115-260.1

STATUTES

§15-20.1-02

"The state board of public school education shall be the state board of vocational education." The board, acting through the office of the superintendent of public instruction, shall appoint a director and executive officer for vocational education, who, under the direction of the board, shall be charged with the administration of vocational education. The state board shall also designate assistants to the director. The duties, terms of office, and compensation of the director and assistants shall be determined by the board. The director shall hold as a minimum a baccalaureate degree, enforce the rules and regulations adopted by the board and prepare vocational education reports.

ADMINISTRATION

§15-20.1-03

The Board of Vocational Education shall have the authority to cooperate with the United States Department of Health, Education and Welfare or any other federal agency in the administration of Congressional acts relating to vocational education, and:

1. to administer state legislation in conformity with Congressional acts relating to vocational education;

2. to administer vocational education funds and contract with:

a. any public or private institution or agency agricultural and training schools or state school district;

b. any public or private institution or agency of any other state;

3. to formulate plans for the promotion of vocational education subjects;

4. to provide for preparation of teachers;

5. to fix the compensation of necessary administrative personnel.

6. to conduct studies relating to vocational education;

7. to promote the establishment of schools, departments or classes and to cooperate with local communities in the maintenance thereof;

8. to prescribe the qualifications and provide for the certification of teachers, directors and supervisors;

9. to cooperate with school districts and communities in the maintenance of classes for the preparation of teachers, directors and supervisors for vocational education, to maintain such classes under its own control, and to establish qualifications for those having vocational education teachers.

§15-20.1-05

The board shall administer the funds for vocational education.

§15-20.1-09

The school board of a vocational school district shall not exceed seven members, and shall be elected from geographical areas nearly equal in population.

§15-20.1-10

TUITION

The vocational school board is authorized to receive real or personal property from the United States and federal grants. It may accept enrollments and set the amount of tuition for students residing outside of the district. Payments from the county equalization fund of a student's residence shall be the same rate as that paid for high school students.

§15-20.1-11

COURSE OF STUDY

The curriculum offered students by a vocational school shall be determined by the school board and approved by the state board.

§15-20.1-70

The governing body of any school district and the board of trustees of any county agricultural and training school may cooperate with the state board in the establishment and maintenance of schools, departments, or classes giving instruction in vocational education as approved by the state board, and may use any moneys raised by public taxation for such purposes in the same manner as the moneys for other school purposes are used for the maintenance and support of public schools. When any school, department, or class giving instruction in vocational education has been approved by the state board, it shall be entitled to share in any federal and state funds available for vocational education.

§15-20 2-02

The school boards of three or more school districts may submit to the state board of vocational education a plan to establish a multi-district vocational education center. The proposal and its processing shall be consistent with the state plan and meet the requirements and procedures adopted by the state board.

§15-20.2-04

A multidistrict vocational education center shall be operated by a center board. The number of members will be proportionally determined according to school district population. Center board members shall be members of the school board and their term of office shall be for three years with eligibility for reappointment. Their compensation shall be the same as members of the school boards.

§15-20.2-05

Four districts or fewer may establish small Center Boards.

§15-20-2-07

The powers and duties of the center board are:

1. to supervise, manage and control multi-district vocational education centers;

2. to provide vocational education programs approved by the state board;

3. to contract with, employ, pay, and remove for cause administrative personnel in the multi-district vocational education center;

4. to lease, acquire or purchase vocational education equipment;

5. to lease, acquire, purchase or sell vocational education facilities;

6. to receive and administer funds for multi-district vocational education funds;

7. to enter into contracts consistent with its powers.

§15-20.2-08

The center board shall assess expenses of school districts based on its enrollment compared with total high school enrollment. Each school district shall remit payment to the center board.

§15-20.2-12

A school district board may request that the state board approve such district as a participating district in a multidistrict vocational education center.

§15-20.2-15

The state board may dissolve a vocational education center.

§15-20.2-16

The state board is authorized to establish rules, regulations, standards and procedures as to the creation, operation, control, supervision and approval of multidistrict vocational education centers.

§15-41-05

The state board of public school education, acting as the state board for vocational education, shall make all rules and regulations required for compliance with federal financial aid programs.

REGULATIONS

Chapter I: III.

The State Board for Vocational Education provides a state director and supervision for such programs as: home economics education, office education, distributive education, agriculture, trade, technical and health education, vocational guidance, and related services.

The State Board shall have the authority to cooperate with any federal agencies in the administration of acts of Congress relating to vocational education, including the powers and duties to administer federal and state funds and to make contracts for vocational educational purposes, to plan for vocational educational programs; and to provide for the preparation of teachers and prescribe qualifications for teachers and administrators in vocational educational programs.

Chapter III: II.A.

Vocational education prepares individuals for employment as semi-skilled or skilled workers in occupations requiring less than a baccalaureate degree. The State Director of Vocational Education and the State Supervisors of Vocational Services (Agriculture, Distributions, Home Economics, Office Education, Trades and Industry, Vocational Guidance, and Manpower Development and Training) are available to assist local agencies.

Chapter III: II.B.

The State Board shall reimburse approved public or private agencies giving instruction in vocational education.

Chapter III. II.C.

The governing body of any school district and the board of trustees of any county agricultural and training school may cooperate with the State Board in providing vocational educational instruction. Any program of vocational education approved by the State Board shall be entitled to share in any federal or state funds available for vocational education

Chapter III: II.D.

The school board shall determine vocational curriculum, provided that it shall be submitted annually to the State Board for approval and only an approved curriculum shall be offered.

CROSS REFERENCES

I.State Board of Public School Education; Regulation, Ch. I.: II.

III.A.1.; Statute §15-41-24

III.B.Teachers; Statute §15-41-25

III.B.Teachers; Regulation, Ch. IV.: II.1.

3. Vocational Education

Statutes

§3311.16 - .18

Any local exempted village, city or county board of education may undertake a study to assess the need to establish within the county or an area comprised of two or more adjoining counties, a joint vocational school district. The cost of such a study shall be divided by the interested parties, and they shall file a copy of the study with the state board of education. Upon the approval of the plan by the state board, each of the interested districts shall have 30 days to decide whether to become part of the proposed vocational school district. If one or more boards decides not to become part of the proposed district, revised plans shall be made to accommodate this. The boards of education of the school districts participating in the establishment of a joint vocational school district may participate on a proportional basis in meeting the administrative, clerical and other expenses necessary to the establishment and operation of a joint vocational school district until funds are otherwise provided. Participation in the vocational district shall not mean any loss of a regular school district's separate identity or legal existence.

§3311.19

The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education. Where the limits of the joint vocational school district do not extend beyond one county, the board's of education of participating districts may choose to have the county board of education serve as the joint vocational school district. Otherwise, the board of education of the joint vocational school district shall be composed of one or more members of the boards of education from each affected city exempted village or county school districts, assuring that the joint vocational school district board of education be composed of an additional number of members.

A county board of education may, with approval of a majority of affected boards of education, select one or more members of boards of education within the county and joint vocational school districts to serve in the place of its county board of education members.

Should the board of education of any school district included within a joint vocational district have its board membership raised under the preceding paragraph, the joint vocational board shall submit a revised plan accomodating such procedures to the state board of education for approval.

The vocational schools in such joint vocational school district shall be available to all youth of school age within the joint vocational school district subject to admissions' standards as set by the joint vocational school district board of education. A joint vocational school district board of education shall enjoy the same legal posture as a city school district as regard the management and operation of its district

Where a county board of education has been designated to serve as the joint vocational school district board of education, the county superintendent of schools shall be the executive officer for the joint vocational school district, and shall enjoy the same legal posture as a superintendent of schools with regard to such district. Such superintendent may receive additional compensation, but he/she shall have no continuing tenure other than that of county superintendent.

Each member of a joint vocational school district board of education shall be paid such compensation as the board may provide by resolution, provided that such compensation shall not exceed twenty dollars a meeting and milage at the rate of ten cents a mile to and from meetings of the board, not exceeding twelve meetings in any one year.

§3311.211

TUITION

The board of education of the joint vocational school district shall collect tuition for the attendance of pupils from nonparticipating school districts. The board of education of

the joint vocational school district may accept gifts, grants federal funds, tuition and other allocations of funds for the purposes of erecting, repairing and equipping buildings and for the cost of operation of the vocational schools of such districts.

§3311.212

The board of education of a joint vocational school district and a participating district may enter into agreements to permit the use of school buildings of the latter to carry on a vocational school program. The cost is to be arranged by agreement between the parties.

§3311.213

With the approval of the board of education of a joint vocational school district which is in existence, any other school district in a county comprising part of a joint vocational school district may become part of the latter.

"On the addition of a local school district to the joint vocational school district, pursuant to this section, the board of education of such joint vocational school district may submit to the state board of education a proposal to enlarge the membership of such board by the addition of one or more members of the county board of education of such additional local school district," subject to approval by the state board.

§3311.215

Facilities of the joint vocational school districts may be used for post-high school training, technical training and retraining programs of vocational education. Joint vocational school districts operating a vocational school may construct, maintain and operate facilities other than those used for vocational training to be used solely for post high school training, technical training, retraining programs of vocational education, dormitories, and other facilities for the use of any student.

§3311.217

The board of education of a joint vocational school district may send a resolution to the state board of education requesting the dissolution of the joint vocational school district. Such

resolution shall require the approval of a majority of the full membership of the joint vocational school district or a majority of the participant school districts boards of education. The resolution shall include a plan for the disposition of all properties, debts, etc. to each participants school districts. Upon approval of the state board of education, the district shall be dissolved accordingly.

§3313.07

Special education classes for deaf, blind, emotionally disturbed, crippled, neurologically handicapped, and educable mentally retarded pupils may be approved for state funding in joint vocational school districts.

The state board of education may assign school districts to joint vocational districts and shall require districts to enter into contract under agreements pursuant to RC 3313.90 so that special education students as well as others may receive suitable vocational services.

§3313.53

"The board... of any city, exempted village, or local school district may establish and maintain in connection with the public school systems:

(A) Manual training, industrial arts, domestic science, and commercial departments;

(B) Agricultural, industrial, vocational, and trade schools."

Such schools may be funded out of public school funds.

§3313.90

Each school district shall establish and maintain a vocational education program adequate to prepare a pupil for an occupation. Districts who are members of joint vocational school districts or have contracts with such districts are in compliance with this provision.

A minimum enrollment of 1500 pupils in grades nine through twelve is required as a base for a comprehensive vocational course offering. This requirement may be met alone, through school

district consolidation, participation in a joint vocational school district, or through contract with a state licensed school. Exceptions to the minimum number of required students may be made by the state board of education based on sparsity of population of other factors indicating that comprehensive educational or vocational programs can be provided through an alternative plan. State funds shall be contingent upon a comprehensive vocational program plan approved by the state board of education. The state board of education shall not approve a school district plan unless the plan proposed reasonably meets the vocational needs of other school districts in the general area . . . . Such a plan shall include:

(a) the organization for vocational education; (b) the offering of such programs in comprehensive high schools, specialized schools or skill centers, and joint vocational schools; (c) building requirements for vocational facilities at respective locations. In approving the organization for vocational education, the state shall provide that no school district is excluded in the state plan.

§3313.91

Any public board of education may contract with any public agency board or bureau, or with any private individual or firm for the purchase of any vocational education or vocational rehabilitation service for any resident of the district under the age of twenty-one years and may pay for such services with public funds. Requirements for such services including teachers and facilities shall be the same as for public schools and must be approved by the state board of education.

REGULATIONS

§3301-11-05

"Each joint vocational school board of education shall establish a procedure to be utilized to report to the public on a yearly basis, data indicating the achievements, problems, plans and improvements made by the district to meet the educational goals established by either the state board of education or the district board of education."

The report shall indicate staff/pupil ratios, percentage breakdowns of staff by race, pupil enrollment data by sex and race, average daily pupil attendance, number of students working full-time or part-time, number of academic courses offered, and the economic status of the district (one or more of the following: "unemployment, percentages receiving public assistance, percentages receiving free or reduced price lunches").

§3301-61-03 -- 3301-61-15

"Each school district shall provide. . .through an approved plan for vocational education job training for eligible students based upon the following percentages": where the percent of high school graduates entering college or degree granting higher education programs is 50% or less, the school district must offer vocational education to 40% of the students 16 years of age or older. In districts where 51% to 60% of the graduates enter college, vocational education must be offered to 30% of those students 16 years or older. Where 61% to 70% of the high school graduates enter college, vocational education must be offered to 20% of the students 16 or older. Where 71% or more of the high school graduates enter college, vocational education must be offered to 10% of the students 16 or older.

Twelve different job training offerings and twenty classes of vocational education must be provided. No more than four of the twelve offerings may be provided by cooperative education methods. Programs shall take into consideration present and future market trends and the recommendations of local advisory committees composed of appropriate representatives of employers and employees in each field related to the proposed job training offering."

School districts may enter into contractual agreement to provide vocational offerings.

"In grant programs which support the provision of health, education or welfare services, discrimination in the selection or eligibility to receive the services

and segregation or other discriminatory practices in the manner of providing them are prohibited."

If the State Board of Education determines, pursuant to the requirements of the administrative procedure Act, that a school district has failed to provide vocational education requried by law, it shall terminate distribution of funds to the school district unless the district establishes "good and sufficient reasons" for its failure to comply.

Programs for vocational education curriculum development and development of professional competence may be extended beyond the regular school year. "Nondegree instructors teaching on a one-year certificate may be approved for extended service beyond the regular school year up to a maximum of four weeks."

§3301-63-01 -- 3301-63-09

FIRE FIGHTER TRAINING

A public agency may receive a continuing or limited charter for a fire fighter training school where at least five trainees have been recruited.

Instructors must be approved by the state superintendent and must have either completed an approved training program, conducted by a state coordinator, or be able to provide evidence of competencies in the subjects to be taught. Fire fighters shall be issued a certificate upon satisfactory completion of the minimum training course.

"Each school shall have. . .classrooms and facilities . . .to effectively carry out the program of instruction." Attendance at all sessions shall be required except for valid reasons and a record of attendance shall be maintained. A final examination must be taken and passed. The training program must be completed in 50 training days or less. Instruction shall include community fire defense, chemistry of fire, classification and uses of fire extinguishers, water fire hydrants, standpipes, fire pump, fire hose, tools, rope, ladders, gas masks, alarms, action analysis, forceable entry, rescure, ventilation, salvage, overhaul and pickup, care of apparatus, arson detection and investigation, inspections, and radiation and gaseous hazards.

CROSS REFERENCES

II.C.2.; Statute §3311.218

III.B.Certificated Personnel; Regulation §3301-21-01 -- 3301-21-39

III.B.Teachers; Statute §3319.24

III.B.Vocational Teachers; Statute §3319.241

IV.A.; Statute §3313.643

IV.I.; Statute §3331.01 -- 3331.03; 3331.05; 3331.14

3. Vocational Education

Constitution

OKLAHOMA CONSTITUTION, ART. XIII, §7

"The Legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State."

Statutes

§70-14-101 -- 14-106

The State Board of Vocational and Technical Education shall meet at least once a month. No business may be transacted unless a quorum of seven members is present.

The Board shall supervise the Department of Vocational and Technical Education; supervise the vocational and technical schools and colleges; cooperate and enter into agreements with HEW and other federal agencies; provide for the formulation and adoption of curricula, courses of study, and other instructional aids; purchase or otherwise acquire equipment and other property; enter into contracts with the State Board of Education and with other states for the conduct and administration of services and activities.

The State Department of Vocational and Technical Education may operate or provide for courses and training in vocational and technical education, and charge students reasonable tuition fees. It may also operate an equipment pool, at which equipment shall be kept for the use of area school districts and vocational and technical schools. TUITION

§70-14-108

The State Board of Vocational and Technical Education shall prescribe criteria and procedures for

establishing area vocational-technical school districts. Each district shall be a body corporate with the usual powers of a corporation for public purposes. Its governing board of education shall consist of five elected members, and shall have the same powers and duties as boards of education in independent school districts. Territory may be annexed or detached from an area school district, in accordance with rules and regulations of the State Board of Vocational and Technical Education.

Schools shall be subject to classification, inspection, and accreditation by the State Board of Education.

REGULATIONS

High School Regulations; p. 64
XIII. Vocational and Technical Education

The State Board of Vocational and Technical Education is a "thirteen-member board consisting of the State Superintendent of Public Instruction, the six appointed members of the State Board of Education and six other members appointed by the Governor.

APPOINTMENT

"The State Department of Vocational and Technical Education consists of the following divisions: Agriculture Education, Area Vocational-Technical Schools, Business and Office Education, Distributive Education, Health Occupations Education, Home Economics Education, Manpower (CETA) Training, Special Services, Trade and Industrial Education, Cooperative Vocational Education, and Coordinated Vocational Education Training (CVET).

"Vocational and Technical education programs are a cooperative effort of local schools, the State Department and other state agencies . . . .

"Req. a. Units of work earned by a student in an approved vocational-technical school. . . shall be certified. . . to the high school in which the student is regularly enrolled" and will count toward graduation. "The area vocational-technical school is considered to be

an extension of the local school district and . . . subject" to the district's regulations.

Req. b. "All administrative personnel of a vocational school or an area vocational-technical school who teach less than half time shall have an appropriate administrative certificate."

Req. c. Vocational and technical education-teachers must be certified in the field taught.

Req. d. Three units of credit are earned for secondary level courses in area vocational-technical schools that meet 3 hours a day, 5 days a week, for at least 175 days a year.

3. Vocational Education

Statutes

§344.100

Oregon accepts all provisions and benefits of the federal vocational education act. To provide for the promotion of vocational education in agriculture and the trades and industries and "in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure."

§344.130

District school boards may cooperate with the state board of education in establishing vocational schools or classes, using "any moneys raised by public taxation in the same manner as moneys for other school purposes are used for maintenance and support of public schools."

§344.215

Career education "provides the learning experiences needed to make effective career choices and to develop the attitudes, knowledge and skills that enable persons to perform successfully in the (occupational) role."

Vocational education "offers specific skill training in a wide variety of subtechnical and subprofessional skills to prepare individuals for gainful employment. It is completed initially at the high school level or in a post-high school technical institution, community college or apprenticeship program and may continue through skill upgrading or retraining for a new job."

§344.225, 235

A state advisory council for career and vocational education shall be appointed by the governor.

The advisory council shall give advice on the state plan for vocational education, evaluate career and vocational education programs, and prepare an annual evaluation report.

§345.320

"[V]ocational schools are capable of increasing the educational opportunities available in this state " and contributing to the social and economic progress of the people of the state, while offering different approaches to education, and are often able to provide vocational education and placement assistance not otherwise available.

The licensing laws are "to provide for the protection, education and welfare of the citizens of this state, its vocational schools and its students, by establishing minimum standards. Concerning quality of education, ethical and business practices, health and safety and fiscal responsibility, and protecting against substandard, transient, unethical, deceptive or fraudulent practices."

CROSS REFERENCE

IIA3.1.b.; Regulation §581-11-106

STATUTES

§9-958; 9-959

All powers and duties of county boards of school directors with respect to vocation-technical education and special pupil services are transferred to intermediate unit boards of directors. All Commonwealth payments paid to county boards of school directors on account of vocation-technical education and special pupil services shall be paid to intermediate unit boards of directors.

§18-1802

The Superintendent of Public Instruction shall be the executive officer of the State Board for Vocational Education and shall appoint, periodically, with the State Board of Vocational Education's approval, such expert assistants as may be necessary in vocational industrial, vocational homemaking, vocational agricultural, vocational distributive or vocational business and office occupational education and all clerical and other agents necessary.

APPOINTMENT

§18-1803

The State Board for Vocational Education shall "assist in the establishment of," "inspect and approve," and "report annually" concerning "the condition and progress of" vocational schools and departments for vocational agricultural, industrial, homemaking, distributing business, and office occupational education.

§18-1804

"The State Board for Vocational Education shall provide for vocational schools or classes, with the necessary staffs, in accordance with the State Plan for Vocational Education, approved by the Federal Board for Vocational Education.

§18-1805

Instruction in vocational industrial, vocational agricultural, vocational homemaking and vocational distributive occupational schools or departments may be given in day, part-time and evening classes. Attendance for these classes shall be restricted to those over 14 years old.

§18-1806

Any school district may establish and maintain vocational schools or departments; require a deposit fee of a sum not to exceed ten dollars from each person enrolling in evening vocational schools or classes; acquire land for the purpose of an agricultural school and equip and maintain land as needed.

§18-1807

"Two or more districts may, through a joint school committee, establish and maintain vocational . . . schools or departments, to be known as joint vocational schools or departments."

§18-1808

APPOINTMENT

Local school boards may appoint an advisory committee composed of members representing local trades, industries, and occupations. The committee shall counsel and advise those having the management and supervision of such schools.

§18-1809

Any resident of any school district which does not maintain approved vocational schools, offering the type of training which she/he desires, may apply to the board of school directors of any other district for admission to such school or department. If refused admission, he/she may apply to the State Board for Vocational Education which may approve or disapprove such application. The board should take into consideration the opportunities for free education or vocational training in the community in which the applicant resides, financial

status of community, age, sex, . . . and other relevant circumstances. The decision of the State Board for Vocational Education is final.

Any child of school age who resides three miles or more from the nearest vocational high school may be assigned to a more convenient school in another state on request from the child's parents or legal guardian, provided, that the consent of the proper official in such school district is given and transportation is not provided to a vocational school in the state. The school district in which the person resides must pay the high school charge provided for by this act.

§18-1810

Vocational schools must be approved by the State Board for Vocational Education. "School districts maintaining such vocational schools or departments shall receive reimbursement . . . . and shall make such certificates to the Superintendent of Public Instruction as are required."

§18-1841

An area vocational-technical board may establish schools or classes to prepare for vocational trades, to be known as "area vocational-technical schools. These classes shall be known as a 'technical institute' and offer post high school programs and courses which will prepare out-of-school youth and adults for sub-professional occupations which increase students' qualifications for employment. Technical institute programs shall be coordinated with those offered in area vocational-technical schools to insure progressive advancement of students. Such institutes shall be organized in accordance with proposals of area vocational-technical boards, and must conform to standards established by the Department of Education and the State Board for Vocational Education."

§18-1842; 1844

Each county board of school directors or area vocational-technical board shall appoint an advisory committee, composed of representatives of local trades, industries, and educational agencies. The advisory committee shall advise the area vocational-technical board on such matters as need for equipment or facilities, curriculum, labor management coordination, business and industrial requirements or selection of personnel.

The intermediate board of directors may call an election to determine if an area vocational-technical school may be established. It shall certify the vote conducted in convention or by mail ballot to the Department of Education and if enough school districts vote in the affirmative, the intermediate unit board of directors shall proceed to organize and establish an area vocational-technical school or technical institute. School districts indicating unwillingness to participate may become participating districts at a later date according to terms and conditions defined by the then participating districts.

In cases where a second or third class school district maintains an approved vocational program, such district may make the program part of the area vocational-technical school, or continue to operate the program independently either as a participating or non-participating district.

§18-1845

All expenses in connection with the establishment of area vocational-technical schools or technical institutes and additions and improvements shall be borne by the school districts in the proportions agreed upon by the respective districts.

All property shall be owned jointly by the participating districts.

§18-1847

"On obtaining the consent of the area vocational-technical board any pupil residing in a non-participating district may attend the area vocational-technical school or technical institute, provided the school district in which the pupil resides pays an amount equal to the total approved budget for current expenses, divided by the number of pupils enrolled in the school."

§18-1849

"Future development of area vocational technical schools shall conform to the state plan. The school directors of a specified attendance area desiring to change the specified area, or questioning the practicality of the plan may petition the state board for vocational education for change. Decision of the board shall be final."

§18-1850.1

Local boards of school directors shall have authority to establish a vocational-technical school or institute and

set forth the rights and obligations of the participating districts. No change shall be made without majority vote of each participating school district. The several participating boards of school directors shall be known as the area vocational-technical board. Its duties shall be: to assume the obligations incurred by any county board of school directors on behalf of such participating districts pursuant to prior agreements;

to formulate and adopt policies and the budget relating to the operation of the school or institute;

to designate a superintendent of the school or institute which may be a county superintendent or a "chief school administrator;"

to make surveys to determine the current vocational and technical needs of the school districts;

to make rules and regulations for the administration of the work under its charge;

to employ professional employees and other necessary persons and determine their salaries. Employees shall have the same rights as personnel in other schools; and,

to acquire real property and tangible equipment and supplies;

to provide for free mandated transportation of district pupils to and from the area vocational-technical school;

to make an annual report to the Department of Public Instruction; and

to receive federal, state, school district and other public and private funds;

to prepare and submit to the Department of Public Instruction a budget;

All actions of an area vocational-technical school board shall be by a majority vote of the members of the board; an area vocational-technical board shall have power to delegate the operation of the school to one or more county boards of school directors acting as agent for the area vocational-technical board.

§18-1850.2

An intermediate unit board of directors or joint committee designated as an agent to operate, administer and manage a school shall discharge its duties and responsibilities in accordance with the agreement between itself and the area vocational-technical board. "The agreement shall give the agent the power and authority to operate, administer and manage a school given by law to an area vocational-technical board and shall provide that the agent shall conduct the affairs of the school and/or institute within the limits of the budget adopted by the area vocational-technical board." Certain powers granted an area-technical board may not be delegated.

§18-1850.3

A joint committee may be selected to operate a school and/or institute. Its membership shall be determined by agreement among the boards of participating

school districts. Each participating board of school directors shall elect one or more of its members to serve on the area vocational-technical committee. The committee members shall serve staggered three-year terms.

§18-1851

"Where the provisions of this act have not been complied with or the vocational educational needs of children and adults are not being adequately served, the Department of Public Instruction is authorized to provide vocational schools, departments or classes for the proper vocational education and training of children and adults. Eligibility for classes shall be determined according to standards and regulations promulgated by the State Board for Vocational Education.

§18-1853

An area vocational-technical board authorized to establish and operate an area vocational-technical school or technical institute may contract "with the State Public School Building Authority, the General State Authority, municipal authorities, nonprofit corporations, municipal corporations, political subdivisions, public and quasi-public and private agencies, Federal government and its agencies and instrumentalities to lease lands and buildings for the purpose of operating an area vocational-technical school or technical institute."

§19-1922

Vocational education programs for out-of-school youth or adults should be undertaken upon request by 20 or more out-of-school people if there is an administratively feasible educational objective provided for in the State Plan for Vocational Education and there are facilities available.

§19-1925

"Any board of school directors may admit persons less than six years of age, or more than twenty-one years of age, to suitable special or vocation schools or departments."

§1703

The State Board of Education is designated to carry out, through the bureau of vocational education, the provisions of the act and "shall have full power to take all necessary steps in the formulation of plans for the promotion of education in agriculture, in trades, in home economics, industries, and to formulate and execute plans for the preparation of teachers of vocational subjects."

§1707

The State Board of Education is hereby designated as the State Board for Vocational Education to carry out the provisions of said act "as it relates to the cooperation of the state and federal governments, and shall have full power to take all necessary steps in the formulation of plans for the administration of education in agriculture, in trades, in home economics, in industries and distributive occupations and to formulate and execute plans for the preparation of teachers of vocational subjects."

REGULATIONS

§ 6.1 - 6.3

Four general types of educational field experience programs are:

(1) Cooperative vocational education: A planned instructional program developed through a signed cooperative arrangement among school representatives, students, parents, and employers in the community to provide students with an opportunity to alternate in-school academic and vocational instruction with entry-level paid employment in any occupational field.

The students' total occupational work experience is planned, coordinated, and supervised by the school in close cooperation with the employer.

(2) Work study program: Designed to provide financial aid through part-time work for vocational students outside of school hours. Students may perform work in the school system or any other public agency. Whenever possible, the work-study program should be related to the educational program of the students.

(3) Work release programs: Student is released from school for a portion of the school day in accordance with existing federal and state laws in order to obtain paid employment. Purpose is to provide students with income and the values associated with being productive. Employment need not be related to any future vocational interests, prior schooling, or training.

(4) General field experiences: Any instructional activity designed to promote the general educational development of students. Programs are usually non-paid and offered to orient the participants to the nature of the community outside the school.

It shall be the policy of the State Board of Education through the Department to provide every youth attending secondary school with the opportunity to receive vocational education which will facilitate the attainment of economic independence and the development of human potential.

Vocational education programs and services shall be subject to the approval and supervision of the Secretary and shall be consistent with a high quality of education for every pupil in the Commonwealth.

Exceptions to specific regulations may be granted by the Secretary when it becomes necessary to provide for unusual conditions.

§ 6.41, 6.42

New or renovated program facilities shall be

assigned in accordance with shop, laboratory, and classroom space allocations approved by the Secretary. Standards and procedures shall be developed in accordance with the revised method of administering public school new construction and renovation projects. All standards shall be developed according to schedules approved by the Secretary based on formulas established by him.

Equipment shall be comparable, insofar as practical, to that used in occupations or household for which vocational education is provided.

§ 6.53

INSERVICE TRAINING

The Board of School Directors of each educational agency which has a vocational education program and each Area Vocational-Technical Board shall provide for in-service education for the vocational education staff.

§ 6.54

CLASS SIZE

Factors determining the class size in any vocational education class shall include the size of the laboratory, type of equipment, the number of work stations, and the safety of the students.

§6.71 -- 6.75

Vocational education shall be a part of a comprehensive educational program in every school district to assist in providing career awareness, career exploration, and preparation for occupational specialization on the secondary level.

Enrollment in such vocational educational programs shall be granted in accordance with provisions of the Pennsylvania School Laws and the State Board of Education.

Vocational education curricula shall be designed to contribute to the total career education program of the school.

A record of each vocational education pupil's occupational objective and planned program of studies

shall be on file in each school operating an approved vocational education program.

A State and Federal program of education, including safety shall be integrated in the curriculum and practiced in all instructional areas.

Vocational education youth organizations functioning in a vocational education school or department shall be administered as an integral part of the respective vocational instructional programs.

§ 6.76

EQUAL OPPORTUNITY

Area Vocational-Technical Boards shall have a written policy regarding admissions to each of their programs insuring that admittance in no way could be construed as discriminatory. Admittance shall be based upon the aptitude of the student for the applicable vocational-technical program. Fair and equal access to all courses and programs for all students without respect to sex shall be insured; students who have not achieved high grades in academic subjects, but who otherwise qualify, should not be unfairly penalized.

§ 6.77

School district boards and area vocational-technical school boards may provide programs to meet the basic vocational education needs of the citizens of the community including those who have left or graduated from high school.

Educational opportunities in vocational-technical skills and knowledge considered at the level normally taught by high schools and area vocational-technical schools may be made available to adults needing such training.

§ 6.78

Cooperative vocational field experience programs shall have a curriculum which integrates field placement and in-school instruction. Work release programs may have a curriculum which attempts to integrate the

work experience release activity with the in-school instruction. Students involved in work release programs have the option to return at any time to either a regular general program of instruction or an appropriate vocational education program.

§6.81 -- 6.83

"Vocational education programs will be evaluated by the Secretary using such techniques as self-study, Department staff reviews, or external evaluation units.

Within six months following the receipt of a formal evaluation report from the Secretary, the Board of School Directors, or Area Vocational-Technical Board shall submit to the Secretary a plan for program improvement.

Standards for the approval of vocational education programs and the implementation of these regulations shall be based upon desired vocational competencies to be achieved for each vocational program."

§ 6.91

The State Board of Education adopts as its goals for vocational-technical education, the goals specified and approved by the State Board for Vocational Education each year in the State Plan for Vocational Education.

CROSS REFERENCES

III.B.Certificated Personnel; Regulation §6.51; §49.161; §49.162; §49.141 -- .143; §49.151; §49.152

3. VOCATIONAL EDUCATION

STATUTES

§16-8-1

The state board of education is designated as the state board of vocational education to co-operate with the federal office of education and veterans administration in the administration of any act of Congress, "relating to vocational education . . . or to disabled veterans."

§16-8-2

The general treasurer is the custodian of all funds required to be appropriated by virtue of Rhode Island's acceptance of the Smith-Hughes Act for vocational education.

§16-22-1

"The department of education shall make a study of the curricula offered by the public schools within the state of Rhode Island for the purpose of planning a more practical education program," and with the object of training pupils so that at the completion of their schooling they may be qualified to seek specialized occupations in the fields of business, industry, manufacturing and the various trades, or to pursue further studies for the various professions. Through vocational guidance counselors within the schools each pupil shall receive assistance in selecting courses which will best suit them for some specialized occupation or profession upon graduation from high school.

§16-27-1.2

The state board of education is empowered to provide vocational evaluation and work adjustment services to persons disadvantaged by reason of handicaps, youth or advanced age, low educational attainment, ethnic or cultural factors, prison or delinquency records, or other conditions, constituting barriers to employment.

§16-30-1

The school committee of any town may, with the approval of the department of education, establish a

technical institute, to offer educational opportunities in the technical fields through the thirteenth and fourteenth years of school.

§16-45-1

The state board of education shall "establish and maintain regional schools for vocational and technological training with such equipment, books and supplies as are necessary;" and the department of education shall appoint the necessary teachers and other employees, determine their salaries and fix their terms.

§16-45-3

The state board of education shall investigate, evaluate and review the specific vocational needs of the entire state, and shall report annually to the governor and general assembly and make recommendations for future programming of courses and facilities for vocational and technological training.

§16-45-7

The general assembly shall annually appropriate necessary sums for support of regional vocational and technological schools.

§16-45-8

Any resident of the state, being otherwise qualified therefor shall, until a vocational school is in operation in the region in which she/he resides, be eligible to register at, receive instruction from, and be issued a certificate by the regional vocational school serving the inhabitants of the greater Providence area.

ELIGIBILITY

§16-53-1

"There is hereby established a permanent committee to be known as the Rhode Island state advisory council for technical-vocational education."

§16-53-2

ADVISORY COUNCIL

The advisory council for technical-vocational education shall be composed of 21 members appointed by the

governor, and membership shall exclude members of the board of regents, the state director of vocational education and the regent staff, and it shall include a wide variety of persons knowledgeable in diverse areas of vocational-technical education and implementation of educational policies.

§16-53-3

The state advisory council on technical-vocational education shall:

A. Advise the board of regents on the development of a state plan pursuant to federal guidelines.

B. Advise the board of regents on policy matters arising in the administration of the state plan submitted pursuant to the federal act and the guidelines and regulations in this part.

C. Evaluate vocational education programs, services and activities under the state plan, and publish the results thereof.

D. Prepare as required by federal guidelines, an annual evaluation report, which (1) evaluates the effectiveness of vocational education programs, and (2) recommends such changes as may be warranted by the evaluations.

E. Prepare and submit to the United States Commissioner of Education an annual budget covering the proposed expenditures of the state advisory council and its staff for the following fiscal year.

REGULATIONS

ARTICLE I: ROLE AND FUNCTION OF THE STATE EDUCATION AGENCY, pp. 1-13.2 -- 1-13.3

BOARDS, COUNCILS, COMMISSIONS AND COMMITTEES

H. An area advisory committee for the Blackstone Valley Regional Vocational School shall be established to advise the State Department of Vocational Education and Blackstone Valley Vocational School officials concerning the development of the vocational-technical program and to provide closer cooperation and better understanding of trade and industrial education in industry, business, the home, and the school.

The Committee shall consist of an indefinite number of members, appointed by the Commissioner of Education on recommendation of the Professional Liaison Committee to serve terms of one, two, or three years. Members shall be representatives of labor, business, and the professions.

The officers of the committee shall consist of a chairman, selected by the committee for a one-year period, and a secretary who shall be the Coordinator of the school.

Meetings shall be called as required by the chairman. All active members of the committee may vote. A majority of the members shall constitute a quorum.

CROSS REFERENCE

IV.A.; Statute §16-21-16

4. Early Childhood Education

Statutes

§16-2-27

Every child who has attained or will have attained five years of age on or before December 31 of any school year shall be eligible to attend kindergarten during all the days that kindergartens are in session during said school year.

CROSS REFERENCE

III.A.2.; Regulation, Standards for Elementary Schools

3. Vocational Education

Statutes

§59-53-1810 --59-53-1870

The state board of education may cooperate with any local or state agency to advance vocational education. The state shall appropriate an amount equal to or greater than that appropriated to South Carolina by Congress under the "Promotion of Vocational Education" Act. The funds may be used to pay or to train teachers of vocational subjects, to purchase supplies and equipment, and to maintain vocational classes.

§59-53-1880

School districts may affiliate to develop and maintain vocational education facilities and programs. The agreement shall be evidenced by a written instrument filed with the state board of education and the county board of education.

§59-53-1900 --59-53-1920

The school districts of the state may join to create a vocational school board to construct and operate vocational schools. The school shall not constitute a separate school district but shall be a joint project funded by the cooperating school districts. The board of the vocational school shall consist of members from each cooperating district. The board shall be "fully empowered to operate . . . maintain . . . and extend the facilities . . ." and to govern the functioning of the school and has the powers enumerated in this section.

Anyone who "wilfully injure[s] or destroy[s]" vocational school facilities shall be guilty of a misdemeanor.

Regulations

§43-183

Custodial services for vocational centers shall be provided to adequately clean and service all shops and classrooms.

§43-185

Boards of trustees shall establish written policies outlining procedures for handling discipline problems that arise in connection with area vocational centers including specific assignments of responsibilities to the director of vocational centers and principals of the feeder schools.

§43-236

The program of studies in each vocational center should be broad in offerings to meet the diverse occupational needs of students. If centers are organized on a quarterly or semesterly basis, courses should be sequential in content and planned for four quarters or two semesters to be equivalent to one year of skilled training. A vocational center may offer credits and courses in accord with established procedure of the district's secondary schools.

A vocational education program shall include vocational specialization and skill development in a minimum of four occupational program areas (a minimum of 12 units in Grades 10-12) or vocational specialization and skill development in a minimum of 10 Trade and Industrial programs plus two other vocational program areas.

The vocational center or the school's program shall consist of at least the minimum offerings and shall be selected from the following occupational program areas:

Agricultural Education - A minimum program shall include at least three levels of single period courses or a two-year course in specialized agricultural occupations scheduled for multiple periods daily, five days weekly, 36 weeks annually.

Distributive Education - Program consists of D.E. I for 11th graders as a prerequisite for D.E. II for 12th graders with students receiving a minimum of one unit of credit for 250 minutes of instruction weekly. Students receive one unit of credit for approved on-the-job training in addition to credit for classroom instruction. Fashion Merchandising is a one-year specialty D.E. Program offered to 12th grade students for a minimum of 500 minutes

of instruction weekly for two units of credit.

Health Occupations Education - A minimum program consists of exploratory and/or occupational courses in the 11th and 12th grades on a three-hour block; post secondary adult courses on a nine-or twelve-months basis for eight hours a day; and adult supplementary/preparatory courses of specified content for two to three hours of instruction.

Occupational Home Economics - Included should be one and two level courses in Child Care Services, Clothing Services, Food Services, Housing and Home Management Services, scheduled for multi-periods daily, five days weekly, thirty-six weeks annually.

Office Occupations Education - Program shall include a minimum of four different course offerings each year. Each student enrolled in an office occupations course shall be enrolled in one of the six clusters/majors. Office Procedures is a senior-level course required for each office occupations student enrolled in and completing the stenographic, clerical, accounting, keypunch and senior intensified clusters/majors. A minimum of four courses is required for each of the six clusters. The clusters are stenographic, accounting, clerical, senior intensified, keypunch and data processing.

Trade and Industrial Education -- A sequence of learning activities in each occupational area sufficient to permit student job-entry on completion shall be provided as a minimum; that is interpreted as three levels of two hours per day or two levels of three hours per day.

Prevocational Education - schools are required to provide this offering as an elective for students in Grades 9 and/or 10. It shall consist of six exploratory areas. Curriculum guides are available from the Office of Vocational Education from which a school district may select five areas, plus "The World of Work." Schools administered under a nine-week structure may offer four exploratory areas and include "The World of Work" in each unit.

Consumer and Homemaking Education - Program includes basic and advanced year courses, and one and two level semester courses in Child Development, Clothing and Textiles, Con-

sumer Education, Family Life Education, Foods and Nutrition, Housing and Home Furnishings and Human Sexuality, scheduled for a single period daily for five days a week.

Vocational centers planning to adopt the quarter or semester system shall develop a written outline or guide for each course and secure approval of the Chief Supervisor Accreditation and Education Improvement Section, and of the Chief Supervisor, Program Planning and Development.

The director of an area vocational center may conduct an experimental program which necessitates the temporary waiving of certain standards provided the program has prior approval of the Chief Supervisor, Accreditation and Educational Improvement Section, and of the Chief Supervisor, Program Planning and Development.

Area vocational centers courses are approved as described in the Secondary Schools section.

In addition to the policies of the State Board of Education, the programs under the jurisdiction of other state licensure boards shall meet their requirements.

§43-275

In secondary schools and vocational centers, teachers and students participating in courses involving potential eye hazards must wear protective eye devices.

CROSS REFERENCES

I.State Board of Vocational Education; Regulation §43-7

II.A.1.; Regulation §43-235

II.A.10.Other - Experimental Programs; Regulation §43-230

II.C.2.; Regulation §43-180

III.A.1; Regulation §43-240

III.A.2; Regulation §43-208

III.B.Administrative Staff; Regulation §43-165

III.B.Teachers; Regulation §43-205

III.C.Community Education; Regulation §43-254

III.E.Professional Personnel; Regulation §43-201

IV.G.; Regulation §43-272

3. Vocational Education

Statutes

§1-45-9 — 1-45-10

The "state board of vocational education" is the head of "the division of vocational education." The board shall consist of five members appointed by the governor. APPOINTMENT

§13-39-3 — 13-39-4.1

The "board of vocational education" shall be governed by a salaried director.

§13-39-5

The director of vocational education may be "removed by the Governor at any time for cause." REMOVAL

§13-39-6

The director of vocational education, subject to the board's approval, shall select personnel for the division.

§13-39-9

The director of vocational education shall "have general control and supervision" over all "vocational training and technical education" in all public and trade schools.

§13-39-10

The board of vocational education has "the power and authority" to adopt rules for the "promotion and coordination" of vocational education in the state. RULEMAKING

§13-39-10.1

The state board shall "establish rules, regulations and standards" for "efficient post-secondary" vocational educational programs, and avoid duplication of programs among the districts. RULEMAKING

§13-39-11

The director of vocational education must carry out all "policies . . . adopted by the board."

§13-39-13

The board of vocational education has the power to enter into contracts with any government agency "for the purpose of promoting vocational training" and to receive and appropriate federal funds.

§13-39-16

The board of vocational education shall "coordinate . . . the courses of vocational training . . . with the practical experience of training of apprentices in the skilled trades."

APPRENTICES

§13-39-17

In determining the type of vocational training and technical education to be offered, the board of vocational education shall consider state and national needs in "trade and industrial occupations" and "adopt . . . programs to keep pace with the changing needs of the state and the nation for trained workers."

§13-39-18

The director of vocational education shall submit courses of study to the board for approval.

§13-39-21

The director of vocational education shall "prescribe a . . . system for gathering and reporting of vocational . . . education data" for purposes of recordkeeping and for "evaluation of educational progress."

§13-39-22

The director of vocational education has the authority to "conduct research and compile statistics" on vocational training and education within the state.

§13-39-24

The director of vocational education shall report to the board on the "operation and status" of the vocational programs, and make recommendations to the board on "policies and rules . . . necessary for progress in the field of vocational training and technical education."

§13-39-25

The board of vocational education shall recommend policy and legislative changes regarding vocational training and technical education to the governor and the legislature.

§13-39-27

Any school district is authorized to establish "in cooperation with the division a vocational department, classes and facilities for vocational education."

§13-39-28

"All persons who have the ability to profit from the vocational training or technical education course to which they apply may be enrolled . . . ."

§13-39-41 - 13-39-42

Two or more school districts may combine plans for operating a "multi-district secondary occupational-vocational education center." The plan must be approved by the state board of vocational education.

§13-39-44

A "multidistrict occupation-vocational" school shall be operated by a board comprised of members from all participating districts.

§13-39-52

The multidistrict center board shall offer vocational education in "not less than five different occupational-vocational programs."

§13-39-53

A multidistrict occupational-vocational education center shall have the same powers and obligations as a school board [except to levy taxes and issue bonds].

§13-39-64

The state board of vocational education is authorized to adopt rules for the "creation, control, supervision and approval" of multidistrict occupational-vocational education centers.

RULEMAKING

REGULATIONS

§24:10:01:01

"The board [of vocational education] is charged with effectuating the responsibilities and duties assigned by the statute creating the division of vocational education and providing for the appointment of a director."

APPOINTMENT

§24:10:01:03 -- 04

Proposals for amendment, adoption or repeal of a rule must be submitted to the board of vocational education at least 45 days ahead of the meeting at which the proposer expects the board to act on the proposal. Any such proposals "must be immediately referred to all members of the board."

§24:10:01:05

Petitions seeking a declaratory ruling on the applicability of any vocational education statute or rule or order of the division of vocational education are to be handled by the director, who shall, upon receipt, "promptly set a [hearing] date" at which all interested parties may appear and testify. Ten days written notice shall be given to the petitioner and all board members.

NOTICE

"The director may, in [her/his] discretion, cause public notice of the hearing to be published in at least 3 newspapers of general circulation in . . . South Dakota at least 10 days prior to [the] . . . hearing. The director shall cause a record of the proceedings to be made, and it shall be maintained in the office of the director."

HEARING

"No provision of this plan shall be interpreted as unreasonable requirements to limit employment of any person for positions provided for in these rules."

§24:10:13:01 -- 03

"An application for a (vocational education) project or activity shall be in writing and contain:

"(1) A description of the personnel needs to be met by the project and a specification of the end-product or outcomes to be achieved at the termination of the project or activity;

"(2) A brief justification for the program with a statement describing the innovative features of the program, and a resume of the content and activities proposed for attaining the objectives of the project or activity;

"(3) A brief description of the characteristics of the personnel to be trained, and the number of persons to be trained by the project;

"(4) A brief description of the plan for evaluation, a brief description of the plan for disseminating the results of the program, a brief description of the management and administrative procedures to be followed;

"(5) The project costs for the project or activity and a justification of the costs;

"(6) A statement that the applicant must assure that no supplemental funds will be used to supplant existing monies, but will be used to meet high priority needs, not currently part of an existing program in teacher preparation or development.

"Applications will be promptly reviewed by the director and the appropriate supervisory personnel and will be either approved or disapproved.

"Written notice of the disposition of the application shall be given the applicant."

§24:10:14:01 -- 04

"Local education agencies must submit applications for special programs, services and activities to the director or appropriate state supervisor on forms to be obtained from the office of the director.

"Applications for special programs, services and activities must contain:

"(1) Identification of special program, service or activity, the level of the program, and an indication whether it is a new or continuing program;

"(2) Fiscal year salary or salaries for services and projected daily schedules of staff;

"(3) Equipment and supply lists, including costs;

"(4) Annual and long range plans, including information on population to be served and labor market statistics; and

"(5) Narrative description of the program.

"Applications must be promptly submitted by the director to the board for its consideration. Written notice of the board's decision must be given to the applicant. NOTICE

"The board in its discretion may hold hearings on the application at a time and place to be determined by the board. Notice of the time and place of the hearing must be given to the applicant." HEARING

§24:10:18:01 -- 07

"The board (of vocational education) may consider and approve applications for exemplary programs and projects, such applications to be submitted through the director.

"Applications shall be submitted to the director by an individual authorized to act for the applicant and shall contain:

"(1) A statement of the purpose of the proposed program or project;

"(2) A description of the nature of the program or project;

"(3) The proposed: duration of the program or project; date for start of program development; and start and termination of the program while students are involved;

"(4) An explanation of how the results of the program or project will be used for the improvement of the vocational education program in the local school or the state, or both; and

"(5) The number of private nonprofit school students to participate, and the degree and manner of expected participation of such students, and, the financial information specified.

"An application shall include the qualifications of the staff personnel responsible for the proposed program or project, including a listing of the staff positions necessary to carry out the program or project.

"All applications will be reviewed to assess the:

"(1) Impact on meeting the vocational education needs of disadvantaged youth, and reduction of youth unemployment and the extent to which the project promotes cooperation between public education and manpower agencies;

"(2) Relevance to priority areas in vocational education specified in the state's long range program plan and to vocational education programs, services, and activities described in the state's annual plan;

"(3) Adequacy and competence of personnel designated to carry out the program or project, and the adequacy of facilities;

"(4) Reasonableness of cost estimates and the expected potential of the proposed program or project being made a part of the regular vocational education program; and

"(5) Adequacy of the provisions for evaluating the proposed program or project with a reasonable degree of objectivity.

"Applications deemed to be complete will be referred to a review panel designated by the director for evaluation and recommendation as follows:

"(1) The review panel will either approve the application in whole or in part, disapprove the application, or defer action on the application for such reasons as lack of funds or need for further evaluation;

"(2) Any deferral or disapproval of an application will not preclude its reconsideration or resubmission. The applicant will be notified in writing of the disposition of the application;

"(3) A letter will be issued by the sate director for each grant or contract award outlining the approval budget and the grant or contract award conditions. Provisions will be made to assure continuous monitoring of the program or project and for ascertaining that the program or project is proceeding satisfactorily in full accordance with applicable state laws.

"Exemplary programs or projects for which the board makes grants shall meet these requirements:

"(1) Planning, development, and operation of programs and projects shall be done in cooperation with other agencies which might support projects similar in purpose;

"(2) Each proposal must specify the coordination procedures which shall take place and the personnel responsible for the maintenance of such coordination;

"(3) There will be genuine and meaningful participation in all exemplary programs for pupils in nonprofit private schools.

§24:10:19:01 -- 02

"The board (of vocational education), when contracting with those private schools which provide post secondary vocational education or technical education, or both, to provide such education shall provide that such education be of the same standards and quality as required by the state plan and that it be open to supervision by the state supervisory staff.

"Such contracts as the state board or local boards may make for vocational education must:

"(1) Be in writing;

"(2) Incorporate the applicable standards and requirements prescribed by the state board;

"(3) Require instruction under contract to be conducted as part of the state and local program under provision of the state board;

"(4) Constitute a reasonable and prudent use of funds;

"(5) Include assurance that funds allocated will only be used to lower the rate of or to eliminate tuition fees and other charges which would otherwise be collected; and

§24:10:20:01 -- 03; 05

"Applications for federally supported consumer and homemaker education shall be made to the board through the director and supervisor of home economics education.

"Applications submitted for funding under this chapter shall contain:

"(1) Justification in terms of meeting social and cultural conditions and the needs of persons in economically depressed and high unemployment areas;

"(2) Indication that the project or program will encourage preparation for professional leadership;

"(3) Preparation for youth and adults to enter work of the home or as homemaker and wage earner;

"(4) Provision for consumer education as an integral part of the program.

"The (state) board, through the home economics education supervisory staff will review applications on guidelines which include review of the annual program plan, long range program plan, facilities, cost estimate, staffing, supervision, evaluation, disadvantaged youth and adults, and availability of funds.

"The supervisor of home economics education shall cooperate with the state institutions approved for preparing teachers of vocational home economics through curriculum development, research, special demonstration, and experimental programs, development of instructional materials, and provision of equipment."

§24:10:21:01 -- 07

"Applications for federally supported cooperative vocational education programs shall be made to the board for consideration under the special provisions of this chapter.

"Applications for federal funds for cooperative vocational education programs will be considered for the following purposes only to:

"(1) Provide financial assistance for personnel to coordinate such programs;

"(2) Provide instruction related to the work experience;

"(3) Reimburse employers when necessary for certain added costs incurred in providing on the job training through work experience;

"(4) Pay costs for certain services, such as transportation of students or other unusual costs that the individual students may not reasonably be expected to assume while pursuing a cooperative work-study program;

"(5) Conduct pre-service or in-service training for personnel to conduct such programs;

"(6) Pay costs of planning and organization of such programs.

"Applications for cooperative vocational education programs shall include information on the nature, the duration, the purpose and plan of the project, the value to vocational education, the qualifications of the staff, the financial arrangements and the participation of public and private employers, number of private nonprofit school students to participate, and the degree and manner of expected participation of such students.

"The director, in establishing priorities for local applications, will consider the impact on needs of disadvantaged youth, impact on reducing youth unemployment, promotion of cooperation between public education and public and private employers, relevance to annual and long range plans, adequacy and competency of staff, adequacy of facilities, reasonableness of cost estimates, expected outcomes, and such other factors as may be deemed pertinent.

"After review by the director, the applicant will be notified, in writing, about the disposition of the proposal. This action shall normally take no more than thirty days. It may be approved in whole or in part, approved conditionally, or disapproved or action may be deferred for stated reasons.

"Cooperative vocational education programs will provide on the job training which:

"(1) Is related to existing career opportunities susceptible to promotion and advancement;

"(2) Does not displace other workers who perform such work;

"(3) Employs student learners in conformity with federal, state and local laws and regulations and in a manner not resulting in exploitation of the student learner for private gain; and

"(4) Is conducted in accordance with a written agreement.

"Cooperative vocational education programs will be approved only if the state board determines, on the basis of information in local applications, that necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs."

AUTHORITY: SDCL 13-39-37; 13-39-64

§24:10:21:10

"The local education agency must make a preliminary and follow up study of the students involved in the cooperative education program, and give an evaluation report of the program. The local educational agency will provide continuous supervision through the coordinator to provide evaluation of the on the job training program. The local coordinator will develop a follow up program on each student for a period of three years."

AUTHORITY: SDCL 13-39-37; 13-39-64

§24:10:23:01 -- 04

"Applications by a center for new programs shall be made to the state director. Such applications shall be made prior to January 15 of the year in which the program is sought to be instituted. The board may prescribe forms for such application.

"An application for a new program shall state the nature and objectives of the program, the personnel needs, the projected cost thereof, and such other information as the state board may request. The board may prescribe application forms to be used.

"Among the criteria to be used in determining the appropriateness of individual courses are the state's manpower needs and job opportunities and the existence of adequate enrollment and adequate facilities.

"Written notice of the board's decision shall be timely given to the center board."

AUTHORITY: SDCL 13-39-64

§24:10:24:01 -- 02; 04 -- 10

"Each multidistrict secondary vocational education center, hereinafter referred to as "MDSOVEC", shall be organized and administered by a center board.

"Each center's board shall employ administrative personnel for effective operation of the center according to rules, policy or procedure developed by the center board and approved by and filed with the state board.

APPOINTMENT

"A director shall be appointed by the center board and said director shall have the necessary authority to effectuate the purpose of the MDSOVEC. The director shall have such qualifications as the state board, in its discretion, may provide.

"To become a MDSOVEC and to quality for accreditation, a MDSOVEC shall enroll a sufficient number of students, the number to be determined by the state board. A participating district of the MDSOVEC may include grades nine through twelve, but should emphasize vocational instruction for grades eleven and twelve.

"A MDSOVEC is considered to be an extension of the home school and students must be, and must remain, full-time enrollees.

"A participating school district shall report to the center board students to be counted as full-time enrollees of the local school for the purpose of

reporting to the state division of elementary and secondary education.

"A MDSOVEC shall keep records and reports relative to student personnel, staff, instructional supplies, curriculum, student activities, instructional media, guidance, school plant, administrative operation and job placement and follow up studies of graduates. Records shall be housed safely from fire and theft. Forms for such reports may be prescribed by the state board.

"A participating school shall organize its schedule of classes in a pattern most appropriate to achieve objectives of the program and may provide varying time periods as needs arise. The sharing of the students' time between the participating school and the MDSOVEC shall be a minimum of one hundred twenty minutes per day, excluding travel time."

AUTHORITY: SDCL 13-39-64

§24:10:25:01 -- 05; 07 -- 09

"Applications for federally supported work study programs for vocational education students shall be made to the board for consideration under the special provisions of this chapter. It is the policy of the board to approve applications submitted by the local education agencies, giving preference to applications submitted by communities with high concentrations of youth unemployment and school dropouts, insofar as financial resources are available for the undertaking of such programs.

"An application for a work study program shall be prepared in consultation with assigned professional staff of the board on forms developed and provided by the board. Such form shall include information on the nature, duration, and purpose of the program, qualifications of staff, and financial arrangements for payment of students.

"Applications will be reviewed and weight assigned to important factors, including assigning priorities to local educational agencies with high concentrations of youth unemployment and school drop-outs and applying other criteria such as relevance to annual and long range plans, adequacy and competence of staff, reasonableness of cost estimates and expected outcomes. Action on applications will be made by a committee of three or more supervisors from the state staff to evaluate such application and determine that all provisions are met as provided in the state plan. The director will review the committee's recommendation and will approve or disapprove the application.

"The work study program will be administered by the local educational agency and made reasonably available to the extent of available funds to all qualified youth in the area served by such agency.

"Employment under the work study program will be furnished only to a student who:

"(1) Has been accepted for enrollment, or, if she/he is already enrolled, is in good standing and in full time attendance as a full time student in a program which meets the standards prescribed by the state board and the local education agency for vocational education programs;

"(2) Is in need of the earnings from such employment to commence or continue her/his vocational education program; and

"(3) Is at least fifteen years of age and less than twenty-one years of age at the date of the commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in her/his school program while employed under the work study program.

"No student will be employed during an academic year or its equivalent for more than fifteen hours in

any week during which classes in which he is enrolled are in session."

AUTHORITY: SDCL 13-39-37; 13-39-64

§24:10:27:04 -- 06

"Applications for grants or contracts will describe the nature, duration, purpose, and plan of a proposal project for research and training, the use to be made of the results of regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the proportion of the cost to be funded by the applicant and such other pertinent information as the state may require.

"In reviewing proposals the board will consider their educational significance, including the expected potential impact on the operating program and their relevance to current statewide priorities, effectiveness and efficiency of plan, adequacy and competence of personnel, adequacy of facilities, and economic efficiency.

"The educational significance and efficiency of the plan of development and demonstration project proposals will, in addition, be judged on their potential impact upon disadvantaged youth, youth unemployment, the development of cooperative arrangements with other agencies and institutions, and the provision for meaningful inclusion of students in private nonprofit schools, where relevant. A recommendation in regard to the application will be made by the state advisory council. Following review of the proposal as hereinbefore provided, the applicant will be notified, in writing, of the disposition of the proposal. This action shall normally take no more than thirty days. It may be approved in whole

or in part, approved conditionally, disapproved or action may be deferred for stated reasons.

AUTHORITY: SDCL 19-39-37; 13-39-64

§24:10:28:01 -- 06

"The [state] board shall coordinate its staff preparation and development activities with the pertinent programs provided for by the Educational Professional Development Act. The board may, through contractual agreements, find designated institutions to achieve the objectives of personnel development. The advisory committee may so recommend.

EVALUATION

"The staff of the board shall make periodic evaluations of the total program. Such evaluation shall include consultation with local administration, classroom visitation, interviews with teachers, counselors and administrators, and such other actions as may be deemed necessary. There shall be at least one visit per year to each teacher and to each consumer institution for purposes of evaluation.

SCHOOL VISITS

"The board will review project, programs or contractual agreements to determine if the project is designed to meet the needs for trained professional personnel for the state vocational education program, especially for the disadvantaged and handicapped programs; to determine if the project provides an in-service program for those presently teaching in vocational education programs; to determine if the program is realistic and relevant to current vocational education needs and is consistent with and an improvement in the state's vocational education professional personnel development program; to determine if the applicant has done adequate planning, reflecting on involvement of teachers and other personnel; to determine if there is sufficient data or funding and resources to enable the applicant to reach its objectives; to determine if sufficient data is

provided to evaluate its effectiveness; and to determine if the proposal addresses itself to the priority areas of the state's needs.

"The board through the director, with the assistance of its staff and fiscal officer, will participate in periodic consultations with the United States commissioner of education and his staff and will make such reports to the commissioner as she/he may consider reasonably necessary to carry out his responsibilities and keep such records, afford such access thereto, and comply with such other provisions as the commissioner may find necessary to assure [herself] himself that such reports are correct and verifiable. Such reports shall include the annual estimate of projected program needs and the annual report.

"An advisory committee is hereby created consisting of the director of vocational education, a designee of the board of regents, and the academic deans and head teacher trainers from northern state college, university of South Dakota at Springfield and South Dakota state university. Membership will be reviewed annually with replacements made on a need basis. The committee will evaluate the effectiveness of programs for teacher training and recommend changes to the state board of education and the board of regents.

EVALUATION

AUTHORITY: SDCL 13-39-37

§24:10:29:01 -- 03

"The general types of programs to be conducted include agricultural education, distributive education, consumer and homemaker education, occupational home economics, trade and industrial education, health education and technical education. Other programs or offerings may be considered by the board in its discretion. Proposals for vocational education programs may be made by the board, director, staff or

by an applicant. Special programs may be approved for the disadvantaged and the handicapped. Cooperative and exemplary programs may also be approved and the board may in its discretion consider and approve other special programs.

"Vocational education programs may be offered at the secondary school or post secondary school level or as adult programs."

AUTHORITY: SDCL 13-39-37; 13-39-64

CROSS REFERENCES

II.A.1.: Regulation §24:03:06:07

II.A.2.; Statute §28-9-41

III.B.Assistant Director Vocational Education: Regulation §24:10:02:01 -- 24:10:02:03

III.B.State Supervisors; Regulation §24:10:03:01-06

III.B.Teachers; Regulation §24.10:05:01 -- 03

III.B.Teachers; Regulation §24:10:01:07

III.B.Teachers; Regulation §24:10:01:08

III.B.Teachers; Regulation §24:02:03:27

III.B.Teachers; Regulation §24:10:06:01 -- 02

III.B.Teachers; Regulation §24:10:06:03

III.B.Teachers; Regulation §24:10:07:01 -- 05

III.B.Teachers; Regulation §24:02:03:27

III.B.Vocational Education Personnel; Regulation §24:10:01:07; 24:10:01:08

IV.A.; Statute §13-24-18.2

STATUTES

§2601 — 2602

An area vocational school shall be defined as "a training program or school organized to provide training in vocational education to pupils in an area consisting of more than one county."

§2603 — 2604

Local boards of education connected with area vocational schools are authorized to contract for the "establishment, operation and maintenance of such schools." The terms of the contract made between the respective boards shall determine the basis for the admission of pupils, but in no event shall tuition be charged.

TUITION

These local boards of education are authorized to use public school funds for the operation of such school. Existing school plants may be used or new ones acquired or constructed.

§2605

Contracts made between the local school districts who maintain area vocational schools shall provide the method of administering such schools. Such administration may be placed under the county or city board of education, or under a board of control consisting of representatives from each of the participating school districts. The board of control shall elect its own officers, and shall have all the authority with respect to area vocational schools that county boards of education are authorized to exercise.

ADMINISTRATION

§2606

"Contractual arrangements entered into in establishing an area vocational school shall be for a period not less than five years nor more than ten years . . . and shall first be approved by the quarterly county court or city governing body of each county and city participating in the establishment, operation and maintenance of [such] school."

§2607; 2608

The purpose of an area vocational school shall be to give necessary instructions for the training of craftsmen in manipulative skills and business practices, the curriculum of which shall not duplicate that of the public schools except where necessary. "Pupils admitted. . . shall be of sufficient age and maturity to be able to perform the vocation or craft selected . . ." Admission shall not be based on "academic credits or college entrance requirements."

ADMISSION

"Transportation . . . may be provided . . .from local school funds in the same manner as provided for students attending other public schools."

§2609

"It is . . . the intent of the general assembly of the State of Tennessee to establish a statewide system of area vocational-technical schools, and regional technical schools, to meet more adequately the occupational and technical training needs of citizens and residents of this state . . . ."

§2610

The state board for vocational education is authorized to develop comprehensive plans to carry out the intent of the general assembly and "to locate, to establish, to construct and to operate a system of area vocational-technical schools and regional technical schools . . . ."

A regional technical school shall be established by the board in such location(s) as is deemed necessary to provide technical training, such school functioning as a two-year terminal training center for industry-bound engineering technicians and for preparing students to earn a living as technicians or technical workers in the field of production, distribution or service.

§2611

The state board for vocational education is authorized to appoint an advisory committee or consultants to advise the board with respect to the location, establishment and construction of the schools.

§2612

The state board for vocational education may contract with the local board(s) of education, counties or municipalities, public or private bodies, foundations or agencies or other groups to carry out the operation of area vocational-technical schools and of regional technical schools.

§2615

The state board for vocational education may accept any area vocational-technical school, or regional technical school already established, and use such school as one of the vocational-technical schools or regional technical schools.

§2701

The state board of education is designated the state board for vocational education and is authorized to accept on behalf of the state "all acts of congress pertaining to vocational education.. . ." It is the sole agency of the state for administering vocational education programs.

"Also, the state board for vocational education is authorized to make agreements with the federal and local government units "to participate in federal vocational education programs."

§2703

The state board of education shall prepare plans showing the kinds of vocational education that the appropriations shall be used for, the kind of equipment, courses of study, methods of instruction, and the qualifications of teachers. Plans shall also include qualifications of supervisors and plans for teacher training.

§2704 — 2706

After receiving the approval of the state commissioner of education, the state supervisor of vocational agriculture is authorized to use funds to promote vocational agriculture.

The money shall be used to offer scholarships to vocational agriculture students and to maintain state summer training camps for vocational agriculture students.

§2709

The intent of the general assembly is to have comprehensive vocational and technical education made available in grades nine through twelve. Counties shall be surveyed to determine the needed expansion of vocational and technical education programs for high school students. After this survey is taken, facilities shall be planned for comprehensive vocational training for high school students by the board of vocational education, in accordance with any of several alternatives, including comprehensive high schools, area vocational-technical schools, vocational training centers, and joint facilities serving two or more counties and/or school systems.

"The board of vocational education shall . . . adopt the plan of vocational and technical education program for each county."

§2710

All vocational courses, "supported in whole or in part by state funds . . . shall be offered and made available on an equal basis to any student, without regard to race, creed, sex or national origin of such student."

EQUAL OPPORTUNITY

REGULATIONS
p. 49

"Where two or more county, city, or special school district boards of education pool their resources in the establishment, operation, maintenance, and transportation of pupils of an area vocational school, such school shall meet the standards established by the State Board of Education for an approved school unless otherwise provided by law.

The State Commissioner of Education is authorized to grant waivers of any of these rules and regulations."

CROSS REFERENCES

I.Department of Education; Statute §111

III.C.Student; Regulation pp.81-89

3. Vocational Education

Statutes

§11.34; 41; 42

"The State Board of Education is also the State Board for Vocational Education. As such it shall have the powers and . . . duties . . .[of]. . . the State Board of Vocational Education . . . . The state commissioner of education shall be the executive officer through whom the state board for vocational education shall carry out its policies and enforce its rules and regulations . . . .

Other functions and duties now or hereafter assigned to the supervision of the State Board for Vocational Education shall be carried out by appropriate divisions in the State Department of Education."

§16.103

School districts having a four-year accredited high school "shall be eligible . . . for two vocational teacher units to teach one or more vocational programs" if they are needed and have been approved by the commissioner.

"Additional vocational teacher units . . . may be allotted" according to community needs and approval by the commissioner.

A district qualifying "for less than one vocational teacher unit" may be allotted a fractional unit in order that it may employ a part-time vocational teacher.

School districts with accredited four year high schools may be eligible for "specialized vocational supervision units and vocational counselor units as there is need and in the number determined by application of formulas adopted by the State Board . . . and subject to approval by the commissioner. . ."

Vocational professional unit allotments shall be in addition to other professional unit allotments, in the amount of $400 for each unit.

School districts unable to offer appropriate vocational education programs "may enter into contracts with post secondary public institutions" to provide such

instruction, provided, however, that the instructors, materials and equipment utilized meet secondary program requirements. Any contract entered into "shall not exceed the cost that would result if the programs were operated by the . . . school districts" themselves.

In the event the cost of providing this program shall exceed the limits appropriated by the legislature, the commissioner, with the approval of the Board shall make whatever adjustments necessary to reduce the cost to the level of appropriation.

§21.107

COURSE OF STUDY

"All public free high schools located outside of incorporated cities or towns shall be required ... to offer instruction in agriculture, industrial arts, home economics, and other vocational studies."

§21.111-113

"The board of trustees of any public free school district of this state ... is ... authorized ... to conduct and supervise vocational classes and other educational programs for students of all ages; and ... to expend local maintenance funds for the cost...." The board is also authorized to purchase, acquire or lease real or personal property and to enter into contracts "pertaining to the [operation] of such programs by the district."

CONTRACT

"The board ... may contract with another school district... to provide vocational classes for students in the district." Any student benefiting from such an arrangement shall be computed in the attendance statistics of his her district of regular enrollment, and the cost is not to exceed that of regular enrollment fees. Materials and instructions must meet with the approval of the Central Education Agency and the "instructors teaching in private schools, which are contracting with public schools for

instruction of public school students, shall be eligible for the same in-service teacher education opportunities provided by the state for public school teachers."

"(E)very independent school district in a county having a population of 200,000 or more, ... may offer... (to) senior students a one-semester course in police administration and a one-semester course in fire protection administration...."

POLICE ADMINISTRATION

FIRE PROTECTION ADMINISTRATION

§27.01--.02

"A district to be known as the'_____ County Industrial Training School District' may be established and located in any county ... to provide vocational training for residents and nonresidents of such county."

Upon the receipt of a proper petition the commissioner's court will call for an election of three members of the board of trustees for the industrial training school district. These three persons shall then appoint four persons, one each from the city council of any incorporated city within the county, a member of the governing body of any other school district in the county, a juvenile judge for that county, and the county judge or a member of the commissioner's court. These persons shall be full voting members of the board of trustees, all members of which shall be residents of the county where the school district is established.

Vacancies will be filled by the elected trustees.

§27.03--.06

"The board ... shall select a chair[person] of the board and define his[her] duties, and shall have the power to remove him[her] when in its judgment the interest of the district shall require it," and shall have similar powers over other officers of the district. The board shall enact by-laws and arrange for and operate whatever facilities necessary for the district, and shall determine what departments of instruction shall be maintained.

In addition to these powers the board will:

1) make proper arrangements by contract with other educational institutions for the use of facilities and for the services of qualified personnel;

2) determine the qualifications for admission of students to any school established by the district;

3) determine the tuition and/or fees, if any, charged students attending any vocational training school established in the district;

4) grant diplomas for successful completion of any type of vocational training sought.

DIPLOMA

The board of trustees shall serve without compensation.

§27.07

"No industrial training school district may be established within any county, if any school district in that county has established or is in the process of establishing a vocational or technical high school."

Such a district may be abolished, by election of the voters.

§31.02--31.15

The purpose of the Technical Vocational Education Act of 1969 is to "provide the necessary legal basis to establish a state educational system which will develop trained personnel in the area of technical and vocational skills .... (and) to establish as a part of the total educational system of the (state) ... one council responsible for the development of a program to train manpower, through education, to further industrial and economic development in the (state)."

The advisory council, as created by the act, shall consist of 24 members appointed by the State Board of Education and will consist of:

APPOINTMENT

1) one member familiar with vocational needs and the problems of management;

2) one member familiar with vocational needs and the problems of labor in the state;

3) two members representing state industrial and economic development agencies;

4) one member actively engaged in the administration of community or junior college vocational-technical education;

5) one member actively engaged in technical training institutes;

6) one member familiar with the administration of state and local technical-vocational education programs;

7) one member having special knowledge with respect to the administration of state and local technical-vocational education programs but not involved directly in the administration of such programs;

8) one member who represents technical-vocational education at the secondary school level;

9) one member, representative of local education agencies and school boards;

10) one member who is familiar with programs of teachers' training for technical-vocational teachers in the post-secondary institutions;

11) one member who is familiar with post secondary baccalaureate technological degree programs;

12) one member representative of the manpower services councils of the state;

13) one member representative of those school systems with large concentrations of academically, socially, economically, or culturally disadvantaged students;

14) one member qualified in respect to the special educational needs of the physically or mentally handicapped persons;

15) one member qualified with respect to the locally administered manpower programs sponsored by organizations having voting representatives of the socio-economically disadvantaged in their policy-making bodies;

16) four members representing a cross section of industrial, business, professional, agricultural, and health service occupations;

17) one member representing the general public;

18) one member representing proprietary vocational-technical schools of the state;

19) one member who is a present or a recent vocational education student who is not otherwise qualified for membership; and

20) one member representing the State Employment Service qualified with respect to career development, placement, development or adjustment.

[M]embers of the council hold office for staggered terms of six years. A chairperson of the council shall be selected annually from the council.

A majority of council members represents a quorum at a meeting, meetings will be held quarterly or on request of the chairperson. The public is to be informed of the items finalized at such meetings.

§31.17--.19

APPOINTMENT

The chairperson of the Advisory Council for Technical Vocational Education may appoint such committees of the council or such advisory committees as the council shall deem necessary.

"The council shall adopt and publish rules of procedure for the orderly transaction of its business", and shall "grant any educational institution within its purview a hearing upon request."

The council will appoint those employees necessary to perform its duties.

§31.31--.37

The principal function and purpose of the Advisory Council for Technical-Vocational Education is "to cause to be established a climate conducive to the development of technical , vocational, and manpower training in educational institutions in the (state) ..." as well as planning, recommending and evaluating educational plans in these areas.

It will also be the duty of the council to "recommend the coordination and implementation of programs of training consistent with the purpose" of the forementioned areas.

Additional functions are to:

1) recommend and evaluate the role and scope of educational institutions in the state in a comprehensive plan for developing manpower education;

2) recommend the appropriate subjects to be taught at each level of training;

3) recommend a state plan designating the method and criteria to be utilized in establishing all technical schools, in development of a comprehensive manpower program and a means of coordinating manpower training;

4) recommend and evaluate a list of courses offered by institutions and pilot projects, and present these recommendations to the governor and legislature, along with methods of funding existing programs and propose new methods;

5) recommend the establishment of the responsibility of educational institutions handling the program and encourage and evaluate cooperative programs between these institutions and industry;

6) provide up-to-date information on employment opportunities in the state economy to persons trained in these institutions;

7) recommend necessary research projects and a program of teacher certification as well as recommend and evaluate a statewide plan for the development of a comprehensive program of apprenticeship training;

8) support actions and activities to encourage and strengthen local and regional vocational advisory councils in carrying out their responsibilities; and

9) recommend methods through which increasing numbers of handicapped individuals may benefit from such programs and recommend and evaluate innovative programs for these individuals.

It will be the duty of the council to report on related programs; on its own activities; and the number of handicapped individuals deriving benefits from such programs to the governor and to the legislature, the last two of which should be presented annually.

The council shall encourage cooperation between public and private institutions; all state boards and agencies are directed to cooperate with the council and supply information and material to it. The council may contract with anyone in a way that reduces duplication and achieves better utilization of personnel and facilities.

§31.39

The State Board for Vocational Education may accept or reject any recommendations made by the Advisory Council for Technical-Vocational Education; those rejected must be returned immediately to the council.

REGULATIONS

§3231

APPOINTMENT

"The State Board of Education appoints members of the Advisory Council for Vocational-Technical Education . . . from a list of persons recommended by the Governor . . . ." Included within this series is a list of seventeen job qualifications that may apply to members of the Council, all of which have to do with familiarity and expertise related to vocational education and its needs.

"The Texas Education Agency provides offices and other supportive services . . . for the . . . Council . . . ." The Agency also "gives due consideration to all recommendations made by the council regarding the planning . . . in public schools . . . to meet the needs of industrial and economic development in the State.

"The Council concurs in any amendment made to the State Plan for Vocational Education before it is placed before the State Board of Education."

§3231.1

"The State Board of Education also serves as the State Board for Vocational Education . . . and is the sole agency to enter into agreements with the federal government pertaining to the expenditure of funds for vocational and technical education. The Commissioner

. . . shall allocate vocational teacher units and other professional personnel to public school districts . . . , provide certain ancillary or supportive services . . . , and govern the allocation and financing of vocational education programs, services and activities conducted in accordance with . . . provisions . . . ."

§3231.2

APPOINTMENT

"A 21-member representative Advisory Council for Technical-Vocational Education in Texas is appointed by the State Board . . . after recommendation by the Governor and subject to confirmation by the Senate."

"The Council shall make independent studies of manpower needs and job opportunities within the state, provide information and planning, and be responsible for data needed for evaluating, planning, and making recommendations regarding the coordination and implementation of technical-vocational education at all levels to the Board . . . ."

§3231.3

APPOINTMENT

"The State Board for Vocational Education provides three members, appointed by the chairman of the Board, to serve with the like membership from both the State Advisory Council and the Coordinating Board, Texas College and University System, on a joint Committee which . . .(is) to advise in the coordination of criteria for approval and funding vocational-technical occupational programs and in the approval criteria and financing of teacher-education programs offered . . . in the colleges and universities of the State."

§3233-3235

There will be two types of vocational teacher units: a full vocational teacher unit which represents "one vocational teacher receiving a full-time annual salary" and a fractional unit which "shall be a lesser portion of a full unit . . . ."

"Each school district having a four-year accredited high school shall be eligible . . . for two vocational teacher units . . . provided there is need thereof, and provided the program(s) (involved) are on the current list of courses certified . . . .

A district having an accredited high school which qualifies . . . for less than one vocational teacher unit may be allotted a fractional part of a unit . . . ." These policies also pertain to budget balance districts.

"Allocation of a one-half vocational unit to each of two schools wishing to share a single teacher unit may be made, provided that the minimum eligible student memberships required for a one-half unit is assured by each school.

Special consideration shall be given to approving . . . units . . . when unusual circumstances prevent a public school from conforming to all the requirements for the approval of a unit.

"Vocational teacher units shall be located in accordance with the allocation of professional units to the Department of Corrections" provided certain criteria are met.

"Reallocation of existing units is contingent upon the district's adherence to state plan requirements." Evaluations are to be made by the school districts as to the effectiveness of vocational education in terms of how realistic it is in light of "anticipated opportunities for gainful employment in the area served by the school; how well suited to the need of the student that education is; and how effective in terms of placement the programs are.

"The average membership of eligible students officially enrolled in approved vocational programs during the current school year shall be the basis for the reallocation of such units for the succeeding year."

"An additional teacher unit (is). . . a duplicate unit . . . . A school district shall be eligible (for

such a unit). . . if reallocation of the existing unit is justified . . . . a district desiring to expand its vocational program in the same subject or course, shall submit an application" for such with the Texas Education Agency.

". . .(P)riority shall be given to districts requesting new vocational teacher units in one or more vocational programs before consideration is given to schools requesting additional units in the same vocational fields.

Formulas and procedures shall be established . . . to determine the maximum number of vocational education units . . . ."

Exceptions may be made in the matter of additional units "if a school district can show that . . . (it) will result in benefits to the instructional programs.

"School districts which have been allocated funds for vocational programs . . . shall have the responsibility of providing data and information requested.

Vocational supervisor units and . . . counselor units may be authorized as provided in the Foundation School Program and as defined by the Commissioner of Education.

Vocational supervisor units and . . . counselor units are allocated in accordance with need to school districts having four-year accredited high schools" as well as to the Department of Corrections in accordance with the allocation of professional units.

"A student eligible to be counted in the minimum membership required for allocation or reallocation of vocational teacher units . . . shall be:

ELIGIBILITY

1) a regular student of the district;

2) under 21 years of age as of September 1;

3) legally enrolled; and

4) in regular attendance.

Any student in both special education programs and occupational education programs" may be counted for reallocation in both programs if both of the programs

are approved. A student may not be counted as an eligible student in a program for longer than that program is conducted in the school which he/she attends.

"A handicapped student . . . may be counted as an eligible student in a regular vocational program if it is designed and approved to meet his/her special needs . . . ."

A student should be given specific instruction required in his/her intended occupation.

Exceptions may be made by the agency to let some otherwise ineligible students into vocational education programs.

§3234; 3235

"Vocational supervisory units are allocated for the purpose of providing administrative and supervisory services to the various vocational educationprogams, services, and activities . . . .

Vocational counselor units are allocated to . . . assist persons in making informed and meaningful occupational-career choices . . .

Applications by school districts for (such units) are made to the Department of Occupational Education and Technology." Upon a review of such applications the Department bases its approval on a list of requirements based on minimum full time teacher unit requirements in different areas, and also based on the local plan for utilizing the services of these special units.

For vocational counselor units a school district "is eligible to apply for the allocation of a . . . unit on the basis of one counselor for the first 300 vocational students enrolled and one additional counselor for every additional 500 vocational students enrolled in approved vocational courses.

Students expected to be enrolled in a vocational program other than consumer and homemaking education must have the interest, aptitude, and ability to benefit from the program and have as their objective entrance into full time employment in the occupation for which they would be trained upon completion of the program. These

programs are designed to (1) assist students in making informed and meaningful occupational choices; (2) prepare students for gainful employment, or provide preparation for enrollment in an occupational program at a higher secondary or post-secondary level."

These students are counted as eligible students in only one unit. "Students simultaneously enrolled in other programs allocated in addition to classroom units may be counted as eligible students if the programs are specifically designed to meet the special learning needs of the students enrolled . . . ."

There is provided, within this series, a table representing specific program requirements for eligible students in vocational education along with appropriate footnotes.

"To provide for individual differences in the vocational needs of students, it is frequently advisable to provide a certain amount of instruction . . . through an interrelationship between two or more vocational education programs in which each program contributes to the preparation of students for employment." Such an approach may exist where a "cooperative effort of teachers in two or more vocational education programs" is in existence.

"Providing certain students can prove that they have the interest, aptitude and ability to benefit from a vocational education program and that their teacher has sufficient time to carry out the full scope of the course for which a unit was allocated, otherwise ineligible students may participate in vocational education programs, as long as not more than 10 percent of any class section is made up of the non-eligible students.

Vocation personnel travel is to be determined by the school districts.

"An area vocational school provides a program of vocational education in a minimum of five different occupational fields to meet the varying training needs of students in preparing for gainful employment; makes available, as needed, special programs of occupational training for potential school dropouts and other persons having academic or other handicaps preventing them from succeeding in regular programs of vocational education; and provides programs for adults as needed to prepare them for employment or provide them training or retraining to increase their knowledge and skills in present employment.

"An area vocational school may be (1) a specialized high school used exclusively or principally to prepare students for entering the labor market; (2) a department of a high school used exclusively or principally to prepare students to enter the labor market; (3) a technical or vocational school used exclusively or principally to prepare persons who have completed or left high school to enter the labor market; or (4) a department or a division of a post-secondary institution which provides vocational-technical education leading to immediate employment but not necessarily leading to a baccalaureate degree."

This series also includes the designation of county-wide vocational school districts as area vocational schools, as created by the Texas Legislature. "Provision is made . . . for vocational education for designation by the . . . Agency of one or more school districts in a county as an area vocational school. School districts will be eligible . . . when applicant districts have met conditions established . . . and when it is demonstrated that adequate provision is made for students who have need for programs of vocational education in the area vocational school who are residents of the applicant district and for students from neighboring districts within the county, or where appropriate from adjoining counties, and that the area vocational school can be operated economically on a continuing and educationally feasible basis."

Upon application by a district for designation as an area vocational school, the Texas Education agency shall determine if criteria is met. If the State Board designates a district as an area vocational school that district may apply for financial assistance.

Additional criteria for designation of area vocational schools includes:

1) "the geographic area to be served, its population density, and proximity to other designated area vocational schools;

2) the number of public school districts in the county . . . with which written agreements for providing vocational education have been executed between the districts and the applicant district as required;

3) the present and future number of available eligible students who desire, need, and are able to benefit from the vocational education programs planned;

4) the assurance of the establishment and maintenance of a program of student counseling, guidance, and selection to assist students in making sound decisions regarding enrollment in vocational education programs;

5) the present and future number of students eligible for enrollment in occupational training programs for potential school dropouts having special educational needs;

6) the present and future number of eligible adults needing and desiring training or retraining to prepare them for gainful employment or increase their knowledge in their present employment;

7) the number of employment opportunities available in wage-earning or income-producing occupations in the geographical area to be served by the area vocational school;

8) the appointment and use of representative advisory committees to provide the local board of trustees with advice and counsel related to need for programs in occupations existing in the area to be served; and

9) adequacy of the physical plant and facilities . . . and the availability of funds for initial and continuing operation of the area schools."

"A cooperative agreement between the applicant school district and each cooperating school district is provided the associate commissioner for occupational education and technology before final designation of the applicant school is made." Some of the points of understanding within the agreement include:

1) "any resident of the county-wide vocational school district who has attained the age of 14 years prior to September 1 shall be considered eligible to attend a school district in his[her] county designated as operating a vocational school program, providing he[she] is accepted by the district as qualifying under its entrance requirements.

TUITION

2) no tuition shall be charged any eligible resident of the county enrolled in said area vocational school program, if the county has voted and collects said county-wide tax in support thereof.

3) any pupil under 21 years of age on September 1 and who has not completed the twelfth grade shall be eligible to be counted in average daily attendance (ADA) for Foundation School Program purposes by the approved area vocational school provided he[she] does not attend school on a part-time basis in his[her] home district.

Where an eligible non-resident pupil attends an area vocational school on a part-time basis and spends the balance of the school day in school in his[her] home district, provided . . . his attendance in the area vocational school shall be considered eligible for the allotment of vocational units to the area vocational school.

4) Any eligible student resident in a school district which is under this agreement with a neighboring school district . . . shall . . . be received by the designated area district free of tuition . . . .

5) Any eligible student residing in a school district which is not listed under any agreement . . . may . . . be received by a designated area district in his [her] county or in an adjoining county if there is none in his[her] county, on terms as the receiving district may deem just and proper . . . .

6) Upon certification of the acceptance and vocational program enrollment of students from one district to another . . . the Texas Education Agency shall adjust its records to pay directly the state per capita apportionment to the respective district in which the students are received and educated.

An approved area vocational school that includes two or more public school districts, on a county-wide basis, or in an area encompassing more than one county, shall have a minimum of one trustee of each public school district in the designated area appointed by the board of trustees of the school district administering the area school in the designated area of the county to serve as an administrative advisory committee."

§3237.2

". . . [P]ublic educational institutions which have been designated by the State Board of Education as area vocational schools are eligible for reimbursement on the construction of facilities subject to the following terms and conditions.

(1) "The facility will be functional and will meet the needs of those persons and communities to be served.

(2) "The project will be undertaken in an economic manner and will not be elaborate or extravagent in design or materials.

(3) "Sufficient funds will be available to meet the local share of the cost of construction or renovating the facility.

(4) "When . . . completed, sufficient local funds will be available for effective use of the facility for the purpose for which it is being constructed or renovated on a continuing basis.

(5) "The interest of the State Board of Education or the local educational agency in the facility or in the land on which the facility is located will be sufficient to assure undisturbed use and possession for the purpose of construction or renovation and operation of the school

facility covered in the project during the expected usable life of such facility.

(6) Representatives of the U.S. Office of Education, and such other persons as the U.S. Commissioner of Education may designate, will have access at all reasonable times to the project wherever it is in preparation or progress, and the contractor will provide proper facilities for such access and inspection.

(7) All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the 1963 Act will be paid in accordance with federal requirements existing at the time the contractual agreement between the State Board of Education and applicant school district is negotiated.

(8) The governing board of the applying school district certifies that the facility is to be built for the purpose of conducting vocational-technical education programs in accordance with policies of the State Board of Education.

(9) The applying school district agrees that whenever the facilities, in which the Texas Education Agency has an interest, are sold or no longer used for aporoved purposes, the Texas Education Agency will be credited with its proportionate share of the value of the facilities, the value being determined on the basis of the sale price in the case of a bonafide sale, or the fair market value in the case of discontinuance of use for a vocational-tehcnical education purpose or other diversion.

(10) The applying school district agrees that regular locally accepted school practices for contracting for new construction, expansion, or renovation will be used in awarding contracts for this project, and that all construction shall be done in accordance with local building codes and practices and is consistent with applicable state and federal laws.

(11) The applying school district certifies that the plans and specifications for construction are functional,

economical, reasonably accessible to the physically handicapped, and appropriate for the type of programs of instruction to be offered.

(12) The associate commissioner for occupational education and technology will be consulted by the school district for approval of any major revision of the plans and specifications that may be contemplated subsequent to this approval, and representatives of the Texas Education Agency will be permitted access at all reasonable times to the project wherever it is in preparation or progress.

(13) A copy of the contractual agreement between the general contractor and the participating school official shall be filed with the Texas Education Agency as soon as the contract is awarded.

(14) The applying school district will provide the following information or data (to be attached to the application):

(14-1) copy of the deed to the property on which the facility is to be constructed, or a copy of the purchase agreement for the property setting forth the terms of transfer over the signature of the present owner, or a copy of a long-term lease agreement;

(14-2) detailed architectural drawings and specifications of the facilities to be constructed or renovated, including fixtures; and

(1403) description and details of conventional furnishings of the classrooms, shops, laboratories, and offices.

(15) The applying school district agrees that it will incorporate or cause to be incorporated into any contract for renovation, modification, or construction of facilities reimbursed under this agreement, an equal opportunity clause."

§3238

"The Commissioner of Education shall enter into agreements with . . . local education agencies, and other public or private agencies and institutions for the purpose of allocating funds for conducting vocational

education research, developmental projects, demonstration programs, or exemplary projects in accordance with procedural steps established by the . . . Agency. Local education agencies and other public or non-profit private agencies and institutions apply to the State Board of Education for grants . . . to support the costs of programs and projects for (1) research and training programs, (2) experimental, developmental, or pilot programs developed by the institutions and agencies and designed to meet the special vocational needs of youths, particularly youths in economically depressed communities who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education programs, and (3) the dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, which programs and projects have been recommended by the Division of Occupational Research and Development or by the State Advisory Council for Technical-Vocational Education in Texas.

A grant or contract for the expenditure of funds in support of research or developmental projects of the type described in the preceding paragraph may be awarded to applicants who submit acceptable proposals for such projects to the Division of Occupational Research and Development."

§3238

"The procedural steps for approval of vocational research, demonstration, and exemplary programs and projects are. . .:

(a) Application procedures --

The proposal document describes the nature, duration, purpose and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the costs to be borne by the applicant, and other

detailed documentation as set forth in the guidelines for proposal preparation and submission.

(c) Review of Applications (Proposals) -- Proposals are reviewed by a review panel of at least five qualified persons. Review panel participants are selected on an ad hoc basis and may include representatives from (1) the membership and staff of the State Advisory Council for Technical-Vocational Education in Texas, (2) the membership and staff of the Coordinating Board, Texas College and University System, (3) the professional staff of colleges, universities and secondary schools, (4) the professional staff of the various departments of the Texas Education Agency, and (5) other public and private organizations.

Each proposal evaluated by the review panel is carefully reviewed in terms of the following pertinent factors: (1) relevance to priority areas in vocational education as specified in the long-range program plan and to vocational education programs, services, and activities specified in the annual plan; (2) adequacy and competence of personnel designated to carry out the program or project; (3) adequacy of facilities; (4) reasonableness of cost estimates; (5) expected potential of the proposed program or project being made a part of the regular vocational education program; and (6) the expected potential for utilizing the results of the proposed programs or porjects in exemplary or regular vocational education programs.

(d) Action on Applications (Proposals) -- Action is taken on each proposal as soon as practicable after receipt by the Division of Occupational Research and Development. The review panel assembled by the Division of Occupational Research and Development will present a written recommendation within ten days after review to the associate commissioner for occupational education and technology who will, as authorized by the State Board of Education, either (1) approve the proposal in whole or in part, (2) disapprove the

proposal, or (3) defer action on the proposal for such reasons as lack of funds or need for further evaluation. Each applicant is notified in writing of the action on the proposal and is advised that any deferral or disapproval action will not preclude resubmission of the proposal for reconsideration at a later date. In the case of approved proposals, notification to applicants includes the grant or contract award conditions which the applicant accepts in accordance with state law.

§3239.1

"To conduct work-study programs . . . public schools . . . make formal applications to, and obtain prior approval from the Department of Occupational Education and Technology. Applicant schools make the following assurances that each program will be conducted in accordance with the following standards and regulations:

(a) Administration -- The work-study program is administered and supervised by the local education institution and made available, to the extent of available funds, to qualified youth in the area served by the school.

(b) Eligible Students -- Employment is furnished only to a student who ELIGIBILITY

(1) is enrolled, or pre-enrolled, full time in an approved program of vocational or technical education, and is in good standing, and in regular attendance at the institution conducting the work-study program;

(2) is in actual need of his[her] earnings from such employment in order to enter or continue in a program of vocational or technical education;

(3) is at least 15 and less than 21 years of age; and

(4) is, in the opinion of appropriate school officials, capable and willing to maintain good standing in his[her] school program.

(c) Hours and Compensation -- Students can be employed in accordance with law during the academic year for not more than 15 hours per week when classes are in

session. Compensation is limited to $45 per month or $350 per academic year.

There are no limitations on hours worked or compensation earned during summer months if students are not enrolled in classes.

(d) Employment in Public Agencies -- Under a work-study program, a student must be employed by a local educational agency or by some other municipal, county, state or federal agency, in accordance with a written agreement or arrangement between the public school and the employing governmental agency.

If a student is employed by a federal agency, the written agreement is to state that the student is not to be considered a regular federal employee for any reason.

(e) Maintenance of Effort -- Compensation of students employed in work-study programs cannot exceed the average amount of funds paid students for similar type employment during the three preceding years."

§3239.1-.2

". . . [T]he Commissioner of Education shall enter into agreements with public schools . . . applying for approval to conduct work-study programs which provide part-time employment for youths who need their earnings to enter or continue in vocational education."

Eligible schools are reimbursed at a specified rate by federal regulations.

§3240

"Standards, rules, regulations, and procedures for conducting regular vocational education programs for out-of-school youth and adults in public schools . . . are given in the . . . Agency publication entitled "Planning Programs for Out-of-School Youth and Adults."

§3241.2

"School districts which are financially unable to provide facilities and equipment for a program of occupational education or which have fewer than the required number of students to maintain the vocational unit will be eligible to enter into contracts with eligible educational institutions for the instruction needed."

"Any public school district, public or private post-secondary institution, or trade or technical school, which is approved or accredited . . . which has adequate physical facilities and qualified instructional personnel, and is able to provide instruction at the secondary level during the regular public school day, will be eligible to enter into contracts with public school districts for vocational instruction."

§4103.3

"The Commissioner . . . shall make necessary adjustments to assure that foundation program costs for vocational education will not exceed the amount of such funds provided by the Legislature . . . ."

CROSS REFERENCES

I.State Board for Vocational Education; Regulation §3231.4

III.B.Associate Commissioner; Statute §31.71

III.B.Teachers; Statute §13.035--13.037

III.B.Teachers; Regulation §6203.2; 6206

III.C.Public Schools; Regulation §1107

IV.A.; Statute §21.909

IV.A.; Regulation §5205

IV.D.; Regulation §3465

3. Vocational Education

Statutes

§53-15-1

The state board of education shall supervise the "supervisors of agricultural and industrial and home economics education." The supervisors shall "systematize the teaching" of these subjects, "suggest courses" to be taught, make an annual visit to each school district, and "make suggestions" and "recommendations" for the improvement of teaching of "agricultural and industrial and home-economics" courses in the schools. The supervisors shall submit an annual report "to the state board of education."

§53-16-5 - 53-16-6

The state board for vocational education shall have authority to "administer federal funds" and programs "for the promotion . . . of vocational education in agricultural subjects, home economics subjects, and education in health, civic and patriotic service." The state board has authority to "appoint" and "fix the compensation" of assistants to administer the vocational program. The "area technical centers" shall be managed by the state board. "The board shall have authority to prescribe courses," to "award post-secondary education credit," to "maintain a record of training for each student, and to verify the training to other educational institutions and prospective employers." The board shall meet at least four times per year.

§53-16-7

"The board of education of any school district may establish and maintain all-day vocational schools or classes, giving instruction in agricultural subjects, trade or industrial subjects, business or distributive subjects, or home economics subjects." The board may also establish "evening schools" and "part-time schools."

The state board for vocational education shall "report biennially to the legislature" on the "condition of vocational education in the state."

§53-16-17

Each vocational school shall have an advisory board consisting of a member of the district board of education and other members appointed by the state board. The advisory board "shall make recommendations" on curriculum and on "major changes in school policy" in order to advise the state board "as to how the school may best serve the educational and industrial needs of the state" and how the school's curriculum "may best be coordinated with the instructional programs of school districts in the state."

Policy Guides

VOCATIONAL EDUCATION PROGRAM STANDARDS FOR QUALITY

Utah State Board of Education 7 pages, 1977

This policy guide, published by the Utah State Board of Education in February 1977, sets forth policies and standards for vocational education. The underlying philosophy for vocational education in Utah is based on the following principles:

(1) equality of educational opportunity regardless of sex, creed, religion or race; (2) shared responsibility for vocational education among the nation, state and local community; (3) a need for competent staff; (4) utilization of advisory committee skills and expertise; (5) emphasis on the importance of individual and her/his contribution; (6) preparing people for employment, based on realistic considerations of job needs; (7) developing positive attitudes, good skills and usable knowledge; (8) evaluation of student competency; (9) providing options and opportunities to people for fulfilling vocational goals.

The Utah State Board for Vocational Education has the sole

authority to administer the vocational education program, make policy and set standards.

The vocational education programs shall: (1) be provided to all individuals leaving secondary or post-secondary schools and who desire training; (2) provide placement services for students; (3) serve the educational needs of all students, including those who have socioeconomic, cultural-physical or other handicaps; (4) be realistic in terms of actual occupational requirements, and (5) provide for planning and evaluation of programs.

Evaluation shall be an integral part of the vocational education system. Goals and objectives developed in the planning process shall be reviewed and evaluated by teachers, students and parents, as well as program administrators. The assessments and evaluation will provide a basis for planning future programs and services.

CROSS REFERENCES

I.State Board of Education; Statutes §§53-16-2 -- 53-16-3

IV.A; Statute §53-1-20

STATUTES

§171

(a) The board may reimburse part of the salary for "tryout classes" not eligible for federal aid, which are given to provide a "better determination of objectives to students" before taking vocational courses in high school.

(b) The Department of Labor and Industry is designated as the approving agency for business engaged in apprentice training.

APPRENTICE TRAINING

§833

(a) Vocation Education courses. "Instruction in subjects meeting standards approved by the state board for federal aid under any effective act of Congress relating to vocational education." Vocational tuition means the sums authorized to be charged under this section.

(b) A school district not offering vocational courses desired by a pupil "shall pay the vocational tuition charged by other high schools which provide such courses." "It shall pay full tuition charged a pupil who elects to receive his entire high school education in another school district if the school district does not provide or offer to provide daily transportation to and from a school where vocational courses of the students' choice are offered."

A receiving district may establish a vocational tuition charge not in excess of the net cost per pupil for each semester of attendance.

If the state board determines a vocational student paying tuition has aptitude, interest and ability, it shall pay: (1) one half his vocational tuition to the receiving school district if the student receives his high school education elsewhere; (2) one half the maximum tuition to the receiving district if the student resides elsewhere but receives his entire education at

the receiving school because of lack of transportation. The state board shall reimburse the sending district for transportation it provides to a school offering vocational courses. But if such transportation is offered, the student may not receive his entire education at a school offering vocational courses at public expense.

If a student is not a Vermont resident, the tuition charged shall be the same as for residents, but shall be "paid according to the policy established by the state of residence."

§1027

High schools shall, under the "direction and regulations" of the state board, include within their curriculum prevocational or vocational courses in one or more of the following areas: "agriculture, industrial arts, trade and industry, business or homemaking, appropriate to the needs" of the particular area in which the school is located.

REGULATIONS

R.M. Ch. II.M; pp. 63 -- 75

In applying for financial assistance under Title II of P.O. 94-482, the Vermont State Board for Vocational-Technical Education assures the U.S. Commission of Education that it will comply with Section 106 or Title II of P.L. 94-482 in the following ways:

It will provide for proper administration of the Act and cooperate with the agencies, councils and individuals specified in the Act.

It will distribute funds on the basis of an annual application, developed in consultation with area representatives of education and training resources and the local advisory council on vocational education. The application will describe: area vocational education needs and the program proposed to meet them; the relationship of this program to area manpower programs established under the Comprehensive Employment and Training Act of 1973; and the relationship between this program and other

vocational education programs supported by state or local funds.

It shall, in approving applications, give priority to programs proposed in economically depressed areas, unable to provide vocational education without federal assistance and to programs proposed in new areas to meet new and emerging manpower needs.

It will use federal funds only to supplement and never to supplant state and local funds.

It will not use funds under this Act for any vocational education program which cannot be demonstrated to prepare students for employment or assist students to make a meaningful occupational choice.

Vocational education must serve a variety of individuals.

Vocational education, in addition to teaching manipulative skills, must also help students to:

- understand theory and apply it to practice
- develop proper work attitudes
- read and comprehend the written word
- develop interpersonal skills
- communicate
- adopt and adapt to change
- properly use math

Also, occupational skill must be developed in concert with social and cultural skills.

In order to provide adequate and realistic learning opportunities, instruction must be directly related to present and future job markets. The curriculum must be taught in facilities similar to those of business and/or industry. There also must be opportunity for instruction in the employer's facilities.

To remain up-to-date, vocational education must be continually evaluated.

High quality vocational education must be provided within reasonable access of every secondary school pupil. For such a program the State Board for Vocational

Education proposes these policies:

1. The offering of educational opportunities through vocational education is better accomplished through facilities tied to selected comprehensive high schools than through separately established, specialized vocational schools. This arrangement minimizes segregating young people according to the school they attend, gives vocational students a chance to take academic courses at a high school level as they are capable and cuts costs.

2. A reasonably wide choice of vocational education should be within access (i.e. a maximum commuting distance of one hour) of pupils living in any part of the state. Specifically, each area vocational center will offer no fewer than five programs of sequential instruction representing, as the demand warrants, four of the standard vocational fields: agriculture, distributive education, health, occupational home economics, office occupations and trade and industry.

3. No pupil shall be denied the opportunity to enroll in vocational education programs because of sex, race, religion, or national origin.

4. The State Board of Vocational Education will designate certain high schools as area vocational centers.

a. In making such a designation, the state board will consider such factors as the school's acceptance of responsibility, current and projected enrollment in the area, and existing and potential facilities.

b. The designated area vocational center shall provide land on which vocational facilities may be constructed, in the same building or part of a functional campus type facility.

c. During initial construction, the area vocational center will maintain evidence of "local effort" by contributing all facilities and equipment supporting current vocational programs or, if no programs are offered, by providing facilities and initial equipment for at least one new vocational program.

d. The school board of the district in which an area vocational center is located will have ultimate authority over its operation.

e. The area vocational center will employ a full-time local director of vocational education and a full-time area guidance coordinator.

5. Programs of sequential vocational education will cover grades eleven and twelve. Programs to meet individualized needs especially of the handicapped or disadvantaged, will be developed and open to students in grades 9 and 10 who meet these criteria. Programs at the several area vocational centers need not be identical, and should vary according to local needs and resources. Programs should include courses in communications and math suiting various student abilities. Programs, known as Second Site(s) may be operated at a sending high school by area vocational centers where dense student populations, overenrollments or other special situations exist.

Programs at the area vocational centers and sending schools must be covered by a local plan. The plan for the center will be developed in consultation with the administrative advisory committee and local advisory council (per P.L. 94-482); the plan for sending schools will be developed in consultation with the community advisory council (per P.L. 94-482).

6. The costs of operating an area vocational center will be shared by districts being served and the state and federal governments. Pupils from districts without a high school will have tutors paid by their home district. Pupils from districts with a high school will have tuition paid half by the home district and half by the State under the vocational tuition law.

TUTORS

Existing programs (including those at sending high schools) reimbursed from federal and state matching funds will continue to be reimbursed so long as: Department standards are maintained; enrollment justifies the program's continuation; the program is relevant to the employment market; a local plan is submitted and approved.

7. The board of an area vocational center shall establish a system of advisory committees that will be headed by one major committee, an area administrative advisory committee. Each non-center high school receiving funds for vocational programs shall also establish a system of advisory committees.

There will be a local advisory council (as required by P.L. 94-482.) The council may be separate from program advisory committees or they may be combined.

The local school board and the Division of Vocational Technical Education of the Department will decide the committee composition structure in the local plan.

a. The area administrative advisory committee will evaluate programs at the area vocational center and attempt to solve problems and concerns regarding the program's operation and its improvement. The committee shall meet at least twice per school year. After each meeting, each superintendant shall report to his/her local board. Should the committee be unable to resolve conflicts, it will make recommendations to the school board which operates the center. The board will take action on the recommendations and report back to the administrative advisory committee. Dissatisfied school districts will have normal opportunities for appeal.

b. The local advisory council for vocational education shall report to the administrative advisory committee or the school board on current job needs and program relevance. It shall consist of representatives of the general public, business, industry, labor and agencies and institutions with an interest in vocational education.

c. A program advisory committee, consisting of persons from the region who are employed in occupations that are related to the program, should be formed for each vocational program. The committee shall review the program, curriculum content, equipment, and facili-

ties and make recommendations to the teacher, administration and school board.

8. In cases where a high school is too far from an area vocational center, the Department may provide special assistance for the operation of vocational programs.

9. Each secondary school sending students to an area vocational center should provide orientation to the world of work to students in grades 7-10.

10. Every school district will develop and institute safety program for every program.

The board of school directors of the designated area vocational center shall: accept the terms of the State Board for Vocational Education for designation; appoint an area administrative advisory committee and solicit and give due regard to its recommendations; contract with the Department to finance construction of the approved building project and contract and supervise construction of the approved facilities in compliance with prescribed conditions; and staff and administer the program.

The board of school directors of the cooperating high schools shall: select representatives to the area administrative advisory committee; offer students counseling services, orientation to the world of work, and courses in communications and math; and arrange tuition and transportation for students attending area vocational center.

R.M. Ch. II; p. 91

The State Board recommends that each school offering vocational education establish vocational youth groups as an integral part of vocational education, with an active involvement in curriculum planning, especially career education, leadership and citizenship development, and preparation for the World of Work.

Long Range Goals for Vocational Education in Vermont

(A pamphlet related to Chapter II.M. in Reference Manual of the State Board of Education)

The State Board of Vocational-Technical Education views FY 1985 as the next milestone in the development of vocational-educational education in Vermont. The following goals are broad and long range. They are consistent with the Department's goals but are especially relevant to Goal VI, to enable students to have, at the end of his/her formal education, knowledge of the "world of work" and acquisition of a salable skill.

A. By the end of FY 1985 all area vocational centers will be utilized 12 months per year, 5 days per week, 14 hours per day at 75% efficiency, so as:
"to provide program capabilities for the occupational training needs of 65% of 11th and 12th grade youth in in-school and community based vocational educational training, of which 20% will be from the disadvantaged and handicapped population;

to develop and implement by FY 1980 a formal system of program evaluation and curriculum review and development;

to cooperate in the development of the State Plan for Career Education."

B. By the end of FY 1985 an authorization plan will be in effect for providing state funds on a continuing basis for replacement of obsolete or worn out equipment at the area vocational center.

C. By the end of FY 1985 each local high school and area vocational center, supported by federal/state funds will have a plan for professional development of staff. The Division of Vocational-Technical Education will also have such a plan.

D. A public information/dissemination program will be initiated in FY 1977 and sequentially developed into a comprehensive system by the end of FY 1985.

VERMONT VOCATIONAL EDUCATION MINI-PLAN 1976-77

This mini-plan for vocational education was developed jointly by the Vermont Department of Education and the Vermont Advisory Council for Vocational-Technical Education. It is an abbreviated version of the state plan. This mini-plan for the school year 1976-77 sets forth five goals: to provide students with career and self awareness activities; to work to achieve quality vocational-technical education programs for secondary students which are commensurate with individual interests, abilities and aptitudes; to make available programs through cooperation with those institutions of higher education that offer post-secondary vocational education; to make available quality vocational education in all parts of the state for out of school youth to adults; to determine and provide leadership needed for state and local staffs to achieve goals and objectives of vocational-technical education involving federal state and local laws, policies regulations and guidelines.

Each goal is followed by a list of objectives, specific activities to be provided, and budget figures, state and local, for implementing these goals.

In short, the mini-plan provides a capsulized view of the state of vocational education in Vermont for 1976-77. Copies of the plan may be obtained from the Vermont state board of education.

VERMONT VOCATIONAL EDUCATION PROPOSED ANNUAL AND FIVE-YEAR MINI-PLAN 1978-82

State Department of Education, Division of Vocational-Technical Education 5 pages 1977

This mini-plan developed jointly by the Vermont Department of Education and the Vermont Advisory Council for Vocational Technical Education, is an abbreviated version of the State Plan for Vocational Education and is intended to give an over

view and summary of that report. The mini-plan sets out four goals: Goal I: to provide students in grades K-6 with career and self-awareness activities; Goal II: work to achieve quality vocational-technical education programs for secondary students which are commensurate with individual interest, abilities, and aptitudes, and meet manpower needs. Goal III: in cooperation with other institutions, state and local agencies and divisions with the Department of Education work to achieve needed vocational-technical education programs and services at the "adult public/post secondary education level." Goal IV: To have the State Board for Vocational Education provide the leadership that will assure achievement of the goals and objectives of the five-year and annual plans for vocational-technical education in accordance with federal, state and local laws, policies, rules and regulations.

The goals are supplemented with specific objectives, activities and budget figures for implementing the goals. The projected five-year plan provides for evaluation of each program and designing an evaluation system for the state which would include self-evaluation, advisory committee evaluation and follow-up of graduates.

CROSS REFERENCE

IV.G.; Statute §824

3. Vocational Education

Statutes

§22-239

The school board may establish all day, part-time, or continuation, or evening classes in industrial, agricultural, household arts, or commercial education in the same manner that the regular schools are provided for. The classes shall be less than college grade and shall "meet the vocational needs of persons over fourteen years of age who are able to profit by such instruction."

§22-318 -- 22-330

The State Board shall act as the State Board of Vocational Education to carry out the provisions of the federal act to provide for the promotion of vocational education; for cooperation with the States for the promotion of such education in agriculture and in the trades and industries; for cooperation with the states in the preparation of teachers of vocational subjects; to appropriate money; and to cooperate with the federal board for vocational education.

The State Board may establish, supervise, and inspect industrial, agricultural, household arts and commercial schools, and aid local school boards to establish such schools. The State Board may establish a State department of vocational education to study the problems of vocational education and to promote and supervise the teaching of the subject.

Any money appropriated by the General Assembly for vocational education shall be used exclusively for it and shall be used only in accordance with State Board regulations.

Any governing body in any school division may appropriate funds for vocational education.

§22-330.36 - 22.330.40

A school board may establish a special vocational educational project to supplement the regular vocational education program in the secondary schools. The school board may use its own facilities or contract with a non-

profit corporation established to promote vocational education. Any non-profit corporation establishing a project shall submit its articles of incorporation and bylaws to the State Board for approval.

Whenever a project is submitted for approval to the State Board, the State Board shall review the project to see that it meets the requirements of this chapter; it meets all other legal requirements; and that it affords proper methods for protecting public funds. If the State Board does not act on a submission within sixty days, the project shall be deemed to be approved.

§22-330.44 -- 22-330.46

FACILITIES

The school board may buy a site for the construction of a special vocational educational project. If the project is not built on public property, the project shall be sold within a reasonable time. The power of eminent domain shall not be used to acquire a site for a project.

§22-330.45

The school board may transport students to the sites of special vocational educational projects.

The school board or vocational educational corporation may provide insurance to their students or agents to protect them from loss from their work on the project.

Neither the school board members nor the officers or directors of a vocational educational corporation shall be personally liable for any negligence arising out of any act of any student or agent in connection with the project.

§22-330.47

ACADEMIC CREDIT

The State Board may regulate the awarding of academic credit for participation in a special vocational educational project.

CROSS REFERENCES

I.Superintendent of Public Instruction, Regulation; Superintendent of Public Instruction

IV.A.: Statute §22-10.2

3. Vocational Education

Statutes

§28A.09.070

The state of Washington accepts federal Vocational Education Acts of 1917, 1936, and 1946 and supplemental vocational and education acts.

§28A.09.090-.100

"Vocational schools or classes may be established" as all day, part-time, or evening schools. The state board may authorize school districts to include vocational education in their high school curriculum.

Regulations

§180-58-015

"General statement of purpose. The basic purpose of... [the statues]...authorizing the state board...to offer vocational education programs in the elementary and secondary schools... is to unify the vocational education delivery system in this state in order to provide the optimum educational opportunities to children and adults, to eliminate duplication of effort and expenditures, and to serve the population and the economy of the state most effectively."

§180-58-020

"Definitions.

(1) 'Vocational education' shall mean a planned series of learning experiences, ...which...prepare persons to enter, continue in or upgrade themselves in gainful employment in recognized occupations and homemaking, which are not designated as professional or requiring a baccalaureate or higher degree.

(2) 'Occupational exploration' shall include prevocational education [and] shall mean a series of educational experiences designed to (a) assist individuals in developing their understanding of, appreciation for, aptitudes for and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

"(3) 'Job market area' shall mean the geographic area for recruitment and placement of job entrants,..."

§180-58-030

"Appropriate advisory committee--Definition. 'Appropriate advisory committee' shall mean a local committee made up equally of employers...engaged in the trades, crafts or vocations involved in that program for which a school district is seeking authorization: Provided, That where such a committee is not appropriate to a specific program a citizens' advisory committee, made up of other representatives of the community to be served, may be deemed sufficient."

§180-58-045

"Occupational exploration programs--Operational requisites.

(1) Facilities and equipment. Facilities and equipment [shall be] for the satisfactory maintenance of acceptable educational standards...[and] shall meet the necessary safety codes...

(2) Programs. Occupational exploration programs shall:

(a) Assist individuals to achieve self-fulfillment and self-support, with self-respect.

(b) Assist individuals in developing their understanding of and appreciation for the production and distribution of goods and services and for the role of the family in our society.

(c) Develop an attitude of respect toward work, pride in workmanship and respect for the inherent dignity of the worker.

(d) Emphasize the importance of striving for excellence in all of life's work.

(e) Provide knowledge and practical experience through active student participation to assist in the choice of an occupation.

(3) Guidance and counseling. Effective vocational guidance...shall include...occupational information and counseling.

(4) Administration and instruction. There shall be satisfactory evidence that the school district will provide adequate administration and supervision as well as competent instructional and counseling personnel...

(5) Conformity with state plan for vocational education. Vocational education and occupational exploration programs shall, as a minimum, be consistent with the Washington state plan for vocational education...."

§180-58-055

"Vocational education programs, secondary schools. Programs will operate in compliance with the criteria for vocational education...The criteria will include...the following: (1) Establishment of need. Each school district making application for authorization of a program...shall submit an endorsement from the appropriate advisory committee...that there is evidence of available employment...in the industry for those with requisite vocational skills.

(2) Facilities and equipment. The operating school district shall provide such facilities and equipment adequate for the satisfactory maintenance of acceptable educational standards...[which] shall meet the necessary safety codes...

(3) Programs. Vocational education programs shall: (a) Provide for the vocational interest of students and the needs of industry...by seeking out a balance of realistic student interest...with identified industry need...

(b) Be determined by needs, aptitudes, interests and abilities of individual students.

(c) Be designed to develop skills, understanding and attitudes needed by a worker in his occupation.

(4) Administration and instruction. (a) The school district will provide adequate administration and supervision as well as competent instructional and counseling personnel...

(b) Instructors shall be occupationally competent and vocationally certified in the area in which they are to teach...

(5) Guidance and counseling. Effective vocational guidance...shall include...occupational information and counseling.

(6) Class size. The maximum number of students per class shall be determined by the number of training stations, safety factors and individual instructional requirements of the specific occupation or trade being taught.

CLASS SIZ

(7) Conformity with state plan for vocational education. Vocational education and occupational exploration programs shall,... be consistent with the Washington state plan for vocational education...."

§1[illegible]-065

Vocational-technical institute programs-Operational requisites. (1) Establishment of need. Each school district making application for authorization of a program...shall submit an endorsement from the appropriate advisory committee that the program...is or will be needed by the industry... [and]...that there is evidence of available employment...in the industry for those with requisite vocational skills.

(2) Facilities and equipment. The operating school district shall provide...a facility and equipment comparable to those used in the occupation...[which]...shall meet the necessary safety codes...

(3) Programs. Vocational-technical school programs shall:

(a) Provide for the vocational interest of the students and the need of industry for a skilled work force.

(b) Be directly related to employment opportunities to provide flexibility that will adapt to time, location, demand and condition.

(c) Be determined by needs, aptitudes, interests and abilities of individual students.

(d) Be designed to develop skills, understanding and attitudes needed by a worker in his occupation.

(e) Provide opportunities for persons desiring to prepare for employment and for the upgrading and updating of skills and knowledge of employed workers.

(f) Designed for continuous enrollment where applicable.

(4) Guidance and counseling. Provisions shall be made for effective vocational guidance for youth and adults which shall include...occupational information, counseling, placement and follow-up.

(5) Administration and instruction. a)The vocational-technical school will provide adequate administration and super-

vision to insure the maintenance of acceptable educational standards.

(b) Instructors shall be occupationally competent and vocationally certified in the area in which they are to teach.

(6) Class Size. The maximum number of students per class shall be determined by the number of training stations, safety factors and individual instructional requirements of the specific occupation or trade being taught.

(7) Conformity with state plan for vocational education. Vocational education programs shall be,...consistent with the Washington state plan for vocational education...."

§180-58-085

"Establishment of program, application for processing. (1) The board of directors...desiring to establish and operate a vocational education program...shall submit an application... to the superintendent...[which]...shall state such information as may be necessary to a determination of eligibility for approval....

(2) All applications...shall be evaluated...for compliance with the pertinent policies, rules and regulations...,as well as the provisions of the Washington state plan for vocational education. Findings of such evaluations shall be submitted to the superintendent for consideration and recommendation to the state board...."

§180-58-090

"Approval of programs-Conditions. (1) Initial and continued approval. The initial approval shall be effective for a stated period of time with the proviso that approval thereafter shall be continuous upon evidence of compliance... [with the regulations]."

CROSS REFERENCES

III.B.Teachers; Regulation §180-80-220

III.C.Public Schools; Statute §28A.85.020

3. Vocational Education

Statutes

§18-2B-1-8

"The aims and purposes of the area vocational educational program shall be to provide vocational training or retraining . . . designed to prepare individuals for useful employment in recognized occupations. The program shall be made available to residents . . . in . . . areas designated and approved by the . . . board of vocational education.

The state board of education is designated as the state board of vocational education . . . and is . . . authorized and empowered to establish, operate and maintain area vocational educational programs including the acquisition of necessary lands and the construction of necessary buildings for the purpose of operating and conducting educational training centers. The administration and supervision of the area vocational educational programs shall be . . .[handled]. . . by the director of the division of vocational education.

The state board of vocational education is . . . authorized to pay transportation costs for unemployed persons participating in any area vocational educational program . . . .

The director of vocational education may appoint a consulting committee for each area designated, composed of members representing business, labor, management, school administrators and lay groups. [They] shall advise the head of the local area or training center on such matters pertaining to shop equipment, curriculum, labor-management coordination or selection of personnel. A statewide consulting committee may be appointed by the director . . . to serve in the same capacity and for the same purposes."

APPOINTMENT

"A job-preparation program for school dropouts . . . financed by the State, in cooperation with the counties" is established. The program is "to be based on the following described needs and purposes:"

(1) To decrease the number of dropouts between 15 and 17;

(2) "To provide a planned program of practical job preparation on the basis of interest, aptitude and ability for those who drop out before completing high school;

(3) To make participation in such a program compulsory for all male youth sixteen and seventeen years of age with the view to later extending it to include female dropouts falling in the same age bracket;

The administration and supervision of said youth job-preparation program shall be under the state department of education and in cooperation with school officials and boards of education of the respective counties. There shall be selected, by the state superintendent, a supervisor of the program who shall be under the direction of the division of vocational education . . . . Said supervisor shall be authorized to draw upon the aid and services of such other divisions of the department of education as guidance, counseling and testing; driver education and school transportation; instruction and curriculum; as well as other professional agencies and organizations in or outside of government that may be able to lend help on a voluntary basis.

The state department of education, by and with the help of the respective counties, shall develop a practical job-preparation program for all male youth as hereinafter designated. The program shall provide job training, based on interest, aptitude and ability of said youth . . . .

The instructional program shall be under the supervision of the county, or area administration . . .

subject to the guidance and direction of the state supervisor, county or area directors of the program, and teachers of any academic aspects of the program shall be duly certified teachers. For instruction in the common jobs and occupations, persons of practical experience in such may be employed and they shall be classified as job trainers. Nothing shall prevent the use of approved volunteers in this program.

In initiating this . . . program, any existing [or future] public school buildings and facilities . . . which may be adapted to or useful in such a job preparation program, shall be made available during the summer months for the . . . program."

REGULATIONS

§3232

Each county board of education wishing to participate in a multi-county vocational center shall adopt a resolution and agree to operate under the policies set forth by the administrative council. The council for each center shall make all decisions regarding policy personnel and programs. The council shall be composed of representatives of each county, the superintendent of each county and the assistant state superintendent for vocational education. The council members shall serve a three year term.

CROSS REFERENCES

II.A.1.; Statute §18-2-7

IV.A.; Regulation §4310

3. Vocational Education

Statutes

§119.30

The school board may establish trade schools, junior and senior, for purposes of giving practical instruction in useful trades. Pupils completing the 8th grade shall be admitted to senior trade schools, and those completing at least 6th grade shall be admitted to junior trade schools. Pupils may be required to pay the cost of materials consumed in the course.

CROSS REFERENCES
II.A.2.; Statute §115.53
III.B.Teachers; Regulation PI 3.03
IV.H.; Statute §118.15

3. VOCATIONAL EDUCATION

STATUTES

§21.1-198

"The board of trustees of any school district . . . that maintains a fully accredited four-year high school is . . . authorized to establish and maintain a program of vocational, terminal continuation, and adult education in connection with the public schools of the district. Such comprehensive program may include instruction in any occupations . . . . The offerings shall be open to high school pupils, out-of-school youths or adults and shall be given in the regular high school grades or as postgraduate work.

§21.1-199

The board of trustees of any school district maintaining a comprehensive vocational terminal continuation, and adult education program may:

(a) "Fix fee and tuition rates for adult education courses; TUITION

(b) "Cooperate with the state department of education, the state board, and the federal government in administering the program; and

(c) "Do all things necessary to promote the purposes of state law relating to vocational education."

CROSS REFERENCES

III.B.School Personnel; Regulation; Chap. III, Section 7

III.B.Teacher; Regulation; Chap. III, Section 6

IV.A; Statute §21.1-183

4. Early Childhood Education

IIA4

4. Early Childhood Education

Statutes

§16-2-5

The state department of education shall establish a center for early childhood education in each congressional district to carry out public kindergarten pilot programs. The state department of education will help local districts set up programs and provide criteria and funds for employing personnel and purchasing equipment.

§16-8-41

The county boards of education have the authority to establish and maintain kindergartens and playgrounds for resident children. If kindergartens are established, children from age five to eight may be admitted.

CROSS REFERENCES

I.State Board of Education; Statute §16-3-20

IV.G.; Statute §16-11-16

REGULATIONS

4AAC 60.140

INSPECTION

"(a) Each preelementary school shall request an inspection by public safety and health agencies and shall conform to standards established by such agencies.

(b) Copies of satisfactory compliance to such standards shall be filed with the Department of Education prior to the issuance of a Certificate of approval."

4AAC 60.150

"Major changes in written policies, plans, programs and other information included in the initial application for certification of pre-elementary school shall be transmitted to the department within 30 days."

4AAC 60.160

EQUAL OPPORTUNITY

"No preelementary school will be approved unless it adopts a policy of non-discrimination in respect to race, sex, creed, color or religion with the following exceptions:

(1) a preelementary school established for an identified group (i.e., physical-mental handicaps) may serve this group only but otherwise may not discriminate;

(2) a religious group may elect to serve children of a particular faith, but otherwise may not discriminate."

4AAC 60.170

"(a) The pre-elementary school shall provide the following information to the department: the philosophy of education; the goals and objectives of the school; the program model and teaching techniques used in achieving the stated goals and objectives; daily educational activities schedule including provision for individual activities, small group activities and large group activities, the

number and ages of the children to be served along with the number of staff members working with the children; provisions for parental involvement; a copy of public advertisements regarding the school; a copy of the personnel and administrative rules of the school; and a copy of all administrative forms used by the school.

(b) A pre-elementary school must have sufficient staff to provide for each child's physical care and to offer individual attention to children as it may be needed as well as time to interact with children for the benefit of their conceptual and language growth. The number of staff and their utilization should reflect programmatic requirements, differences in the needs of the children served and should permit flexible groupings.

MINIMUM STAFF

(c) There must be at least two staff members, one of whom may be a teacher-aide, present in each building. They must be stationed in sufficient proximity to be of aid in emergency situations.

(d) The operator shall provide a written training plan for each staff member who serves in the capacity of teacher, teacher-aide or assistant teacher. The plan must include provisions for preservice and inservice training and must indicate frequency as well as content. All such training is subject to approval by the department.

(e) The department shall investigate to determine whether the programmatic objectives of the school are being met."

CROSS REFERENCES

II.A.2.; Regulation 4 AAC 60.120

III.A.1.; Regulation 4 AAC 60.010; .020; .030; .040; .050

III.A.1.; Regulation 4 AAC 60.160

IV.A.; Regulation 4 AAC 60.175

IV.A.; Regulation 4 AAC 60.010; .020; .030; .040; .050

IV.F.; Regulation 4 AAC 60.090

IV.G.; Statute §14.03.080

IV.G.; Regulation 4 AAC 42.070

4. EARLY CHILDHOOD EDUCATION

REGULATIONS

R7-2-301

ARS § 15-488 C

Each district having kindergarten must teach three of the required subjects including reading.

SBE Approv. 11/26/73 AG 1/22/74

CROSS REFERENCE

I.District Board of Trustees; Statute §15-448

4. Early Childhood Education

Statutes

§80-1646

A kindergarten Education program may be incorporated into elementary and secondary education programs.

Students enrolled in such a program must be at least five years old by October 1 of the year they are admitted. A birth certificate and health records are required for admission. Kindergarten teachers shall be certified by the Department of Education.

The State Board of Education, which shall approve all kindergarten programs shall make rules which will allow poorer counties to share, proportionately, the funds available for this program. The Department of Education shall report to the Governor and General Assembly, annually, on such programs' location, funding and enrollment.

§80-1647 -- 1649

The State Board and/or State Board for Vocational Education has the authority to receive and administer funds for Early Childhood Education and/or Adult Education except where the U.S. Congress delegates such authority to a state agency, institution, or other state official.

The Board is prohibited from charging fees or tuition for Early Childhood Education. TUITION

§80-1651

The General Assembly may establish centers for research and demonstration in the area of Early Childhood Education. Such contracts shall be subject to "cooperative agreements between the Department of Education and the sponsoring teacher-training institution or institutions and/or local school districts."

§80-1652; 1653

The State Board of Education shall set minimum standards for public and private kindergarten programs and early education programs with regard to facilities,

staffing and finance. The Board shall set certification standards for teachers of these programs.

§80-1658

If it is unfeasible to operate a kindergarten program during the normal school year, a school district may establish a summer program for five year olds. The State Board of Education shall approve such programs, which shall be at least ten weeks in duration. A school district shall be reimbursed by the Department of Education for the cost of operating a summer kindergarten program.

CROSS REFERENCE

IV.G.; Statute, Acts 1975, No. 195

4. Early Childhood Education

FAMILY CARE

Statutes

§8390 -- 8397

Agreements may be entered upon for the establishment and management of programs for the care and development of infants, and the training of students in their roles as parents, as part of the high school program.

Infant care and development services include the following: (a) supervision and group care; (b) educational stimulation; and (c) health screening and treatment.

Services available to all students include: (a) providing supervised infant care; (b) teaching of parenthood education; (c) teaching of family planning; and (d) the development in student parents of reasonable expectations regarding infant behavior.

If there is more than one high school in a district the location of the infant care and development center will be determined based on the opinions of student parents.

Parents who are high school students may enroll their children in infant care centers.

§37040 -- 37046

"The governing board of any school district that maintains one or more elementary schools shall establish and maintain such number of kindergartens as are necessary for children living in the district who are eligible for admission. . . .

The kindergarten and the first grade may be combined in one class if the total class enrollment does not exceed the enrollment fixed by Section 41376 as permissible for grade 1 without reduction of average daily attendance. The attendance of the children enrolled in the kindergarten in such a class shall be counted as attendance upon a kindergarten.

A preschool educational program established by a

school district or by a county superintendent of schools pursuant to Section 8320 may be combined in one class with a kindergarten in a school maintained by such district or within the jurisdiction of such county superintendent of schools, in any situation in which Section 37044 is applicable with respect to the duty to establish a kindergarten. The attendance of only those children enrolled in the kindergarten in such a class shall be counted as attendance upon a kindergarten.

The reports for the kindergarten classes shall be kept and made separate from other school reports.

Notwithstanding any other provisions of law to the contrary, the governing board of any school district that maintains one or more elementary schools may elect not to establish and maintain a kindergarten at any elementary school in which there are nine or less applicants for kindergarten attendance in the attendance area of that elementary school, subject to approval of State Board of Education.

The governing board may conduct the kindergarten in the same room with and by the same teacher conducting one or more elementary grades maintained by the district. The minimum schoolday for pupils of a kindergarten which is so conducted is 180 minutes, inclusive of recesses, and the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten.

SCHOOL DAY

The principal in each of the public schools maintaining a kindergarten shall keep a register, open to the inspection of the public, of all children in kindergarten."

§52000 -- 52029

The Legislature declares that a comprehensive program of early childhood education is needed to restructure public education in California. The state board shall develop a comprehensive program for children ages 3 years and 9 months to the completion of grade 3, or its equivalent to assure that each child will have an individualized program to permit development of the

child's maximum potential and that all pupils who have completed the third grade will have achieved competence in basic skills sufficient to continued success. The system will be based on local school-by-school master plans for early childhood education, developed by local school districts, which shall include a phase-in program based on an increase in the number of schools participating until maximum participation is reached.

Parent participation shall be included in the program in a manner which involves parents in their children's formal education in the classroom and through decisionmaking, maximizes opportunities for parent-teacher cooperation, and recognizes the continuity between early childhood education and the home.

Each school district maintaining kindergarten and grades 1 to 3, inclusive, or any one or more such class or grade, may develop and submit to the Department of Education for approval a master plan for early childhood education. In developing the plan, the governing board shall seek direct community, parent, and teacher involvement, without which no plan shall be approved. Governing boards may submit joint master plans.'

A master plan shall include a comprehensive statement setting forth the district's educational program for early childhood education on a school-by-school basis.

The state board shall establish standards for the evaluation of master plans including, but not limited to, provision for: assessment of educational needs, a program of restructuring kindergarten through third grade; opportunities for educational programs for pupils 3 years and 9 months of age (including children's center, day care, preschool, and child care services), defined and measurable program objectives; a program to phase into the program all district schools in no more than five years; individualized diagnostic approach to instruction; parental involvement in the program and its evaluation and a program of parent education, staff development and inservice training, pupil transportation; and evaluation of the program.

No district shall initiate classes for pupils of age 3 years and 9 months or over under the master plan until the district's program for restructuring the early grades is completed and successful.

School districts with approved early childhood education master plans shall be eligible for state allowances, apportioned to the extent that funds are available on a priority basis according to a schedule established by the state board. The Department shall give highest priority to those districts with the largest number of pupils determined to have educational need (according to state board criteria) and those districts with the lowest measure of assessed valuation per pupil and making the most significant property tax effort.

Districts receiving allowances shall provide that a minimum of 50 percent of the amount allowed to the district in any one year shall be designated for schools with the largest number of pupils with educational need until allowances are authorized for all schools.

The state board shall review annually the success of each local district in meeting objectives of its plan and may provide that, if a district has not met its objectives, allowances shall not be increased according to the phase-in schedule. The board shall adopt rules governing the termination of allowances to districts which are unsuccessful in meeting the objectives of their plan.

RULEMAKING

The state board shall adopt pupil performance objectives in reading and mathematics for early childhood education programs and take actions necessary to develop and implement such objectives.

Each district receiving allowances or implementing a master plan for early childhood education shall submit to the Department of Education a report of its early childhood education program, at least annually, in a form and manner prescribed by the state board. It shall include, but not be limited to, factors relating to (a) fiscal

expenditures, (b) degree and success of program implementation, and (c) quantitative estimate of pupil progress.

The Department of Education shall derive a composite score for each school obtained from these three factors. In determining the score, the Department shall weight the factors as follows:

	Factor (a)	Factor (b)	Factor (c)
1st year	20	70	10
2nd year	10	50	40
3rd year and subsequent years	0	50	50

The Department shall compute an index of student attainment for each school, using factors shown to be predictive of school success. The obtained score for each school shall be weighted by the degree this score meets or exceeds the predicted school achievement level. Scores falling below the predicted level of achievement shall be treated as zero scores. The Department shall inform districts of their schools' performance. Such data shall regularly be analyzed, evaluated, and submitted to the Legislature in the form of an annual report.

The state board shall adopt regulations necessary to the administration of early childhood education programs, including, but not limited to, those specifically required under §52000 et seq. RULEMAKING

A governing board, in its application for master plan approval, may request waiver of any provisions of the code if such waiver is necessary to operate an early childhood education program. The state superintendent, with approval of the state board, may grant, in whole or in part, any such request when failure to grant the request would hinder the implementation and maintenance of the district's program. WAIVER

In its application for master plan approval, a district may include how child development services are to be

coordinated with the program.

A governing board with an approved early childhood education master plan shall establish and maintain such number of classes for pupils who have attained the age of 3 years and 9 months as are necessary to implement the plan for children of the district eligible for admission as below but are not eligible under §48000 and whose parents or guardians present them for admission.

A child may be admitted to early childhood education during the first school month of the term if the child is of the prescribed age. For good cause, the governing board may permit a child of the proper age to be admitted after the first school month. The child shall be 3 years and 9 months on or before September 1 of the current school year.

As an alternative, school districts may authorize the admission of all children on an individual basis at the time each child reaches four years of age.

The state board shall adopt rules for the approval of state aid based on late enrollment in any school year that is, enrollment after the first month of the school year. RULEMAKING

The state board shall establish minimum standards authorizing service of instructional personnel in classes in early childhood education.

The minimum schoolday for early childhood education classes is 180 minutes including recesses. SCHOOL DAY

The computation of average daily attendance in such classes for determinig state allowances shall be as under §§46117 and 46320. §46000 et seq. and §46100 et seq. shall apply.

So much of the moneys appropriated for state allowances as is needed shall be for the purpose of providing state funds to be matched with federal funds. Federal reimbursement shall be obtained by the Department of Benefit Payments for services to children of those families, designated by the Department of Education, eligible for federal financial participation. The two departments shall enter into a contract wherein the Department of Education agrees to provide educational services for

such pupils and wherein the Department of Benefit Payments agrees to pay to the Department of Education all costs of services to participants.

Nothing in §52000 et seq. shall be construed to sanction, perpetuate, or promote the racial and ethnic segregation of pupils in public schools.

REGULATIONS

§4100

APPROVAL

The Superintendent may decline to approve an Early Childhood Education Program (ECE) if it fails to meet its plan objectives and has low levels of effectiveness as determined by program quality and pupil progress.

If the Superintendent intends to disapprove a school's ECE program he/she must give a preliminary notice by February 15 to the school stating its intention to disapprove the program and the level to which it is below the acceptable standards. A final notice of disapproval shall be issued on November 1 and termination of funding shall be effective as of that date.

APPEAL

A district may appeal the final determination if characteristics of the school's population have changed. It may also ask for a continuance of one year from the Superintendent of Public Instruction.

§ 12025

This article applies to every preschool program conducted according to Chapter 2.5 of Part 4 of Division 9 of the Welfare and Institutions Code or in conjunction with a program described in Education Code Sections 16613, 16643 and 16644. Only children between age three and six may be admitted to such a program.

§ 12033

The program shall be designed to create an atmosphere which encourages continuous educational experiences, to motivate the child and to provide each child with opportunities to learn:

1) Language development;

2) Perceptual training and cognitive learning;

3) Creative exploration and enrichment activities;

4) Social and physical development;

5) Individual activities balanced with group interaction, as well as planned experiences and spontaneous self-directed play.

"The program shall take into account the stages of child development" and the ways in which young children learn.

§ 12034

DISCHARGE

A child may be discharged from a program when evaluations made by a teacher in consultation with a social worker reach the conclusion that the child can no longer profit from the program.

§ 12035

The physical facilities of the program shall meet all of the following requirements:

a) They shall be in compliance with all applicable state and local laws, regulations and ordinances.

b) They shall be adapted to the needs of preschool children.

c) A minimum of 35 square feet of space shall be provided for each child indoors, and 75 square feet of space per child outside.

d) There shall be facilities for emergency isolation.

§ 17901

The chief administrative officer of each school district shall be administrative head of all children's centers and shall appoint a qualified person as supervisor of such programs of three or more units.

A person holding a valid regular permit for the supervision and instruction of children may be employed as substitute supervisor for not more than five months during a fiscal year.

§ 17907

CHILDREN'S CENTER

Children's center hours shall be determined by the governing board of the school district to meet local conditions. Mothers should be employed during the day-time only and every effort should be made to see that each child spends time each day with its parents.

§ 17908

ADMISSION

In order to be eligible for admission to a children's center a child's parents shall supply the information necessary to complete the form of "Application for Child Development Services" and the signatures to the parental agreement included in that form.

Verification of continued eligibility shall be made of parents who receive salary from an employer, once every six months. Whereas parents who operate their own businesses shall be reviewed at least quarterly.

§ 17909

RULEMAKING

The governing board shall fix the rules for admission and exclusion of children to children's centers.

The principal administrative officer of the district, or his/her representative, shall determine which children qualify under such rules.

MEDICAL EXAMINATION

(b) Each child under four years and nine months of age shall have a complete medical examination prior to or immediately following admission. Only children who have been immunized, or whose parents agree to have them immunized against diphtheria, whooping cough, poliomyelitis, tetanus, and measles shall be admitted, with exemption only as stated in Education Code Section 16624.

IMMUNIZATION

§ 17910-17911

FIRE DRILL

The chief administrative officer of the school district shall require children's centers to conduct fire drills at least once each calendar month.

A civil defense plan shall be adopted which provides for civil defense drills on any day that the

center is in operation.

§ 17915

The locations of the children's centers shall be determined by the governing board of the school district and it shall also decide the physical facilities to be provided, taking into account the necessity for safety of children from fire and health hazards.

§ 17916

The day program in the children's centers shall take into account the stages of child development, the ways in which children learn and ages of the children enrolled. The program shall include a planned social, educational and physical environment which allows children to grow to their fullest potential.

§ 18141 -- 18160; 18166 -- 18174

The school district or county superintendent of schools shall provide the following services for school age parents and for non-parent students:

(A) Provide supervised infant care during school hours so that the parent may continue with his/her secondary education;

(B) Provide for school-age parents' and other participating students' representation on the Infant Center Advisory Council;

(C) Provide instruction in parenthood education, both theory classes and practical observations and experiences in the infant center;

(D) Provide instruction and practical experiences in child growth and development so that the parents and nonparents have reasonable expectations regarding infant behavior in order to minimize parental frustration and consequent child abuse, and maximize optimal development of the child;

(E) Provide ongoing instruction and discussion in family planning and human sexuality;

(F) Provide instruction and experience in career development opportunities in order to enhance the parents' employability upon completion of their high school education; and

(G) Provide instruction to complete their regular high school education resulting in a diploma

(2) For infants and toddlers:

(A) Provide supervision and care in a comfortable, clean facility which meets standards prescribed in these regulations;

(B) Provide for their physical and emotional needs in a manner which conveys love and concern and develops trust;

(C) Provide educational stimulation beginning at their earliest stages of development;

(D) Provide health screening, referral and follow-through review;

(E) Provide proper nutrition planned under the supervision of a nutritionist;

(F) Provide ongoing social services to children and

(G) Provide the children with the opportunity to interact with their parents at the center.

CROSS REFERENCES

II.A.2; Statute §56161.5

II.A.2; Statute §59100-59103; 59110-59113; 59120--59131; 59140-59144

II.A.10.Other-Child Development Program; Statute §8200--8201

II.A.10.Other-Child Development Program; Statute §8203--8206; 8211

III.A.2; Statute §46111; 46117--46119

III.B.Non-Teaching Aide; Regulation §17904--17905

III.B.Teachers; Regulation §17903

III.B.Teachers; Regulation §17931

III.B.Teachers; Regulation §17932

III.B.Teachers; Regulation §17933-17934

III.B.Teachers; Regulation §17935-17936

III.B.Teachers; Regulation §17937

III.B.Teachers; Regulation §17938

III.B.Teachers; Regulation §17939--17945

III.C.Teachers; Regulation §17946

IV.G; Statute §46611--46613

IV.G; Statute §48000--48001

IV.G; Statute §48002--48003

IV.H; Regulation §17913

4. Early Childhood Education

Statutes

§22-32-119

"A board of education may establish and maintain kindergartens . . . for the instruction of children one year prior to such children's admission to the first grade, and . . . may prescribe courses of training, study and discipline and rules and regulations governing such . . . programs."

Regulations

2202-R-13.05

Early childhood education programs shall not be above the first floor of any school building and shall have the appropriate size and furnishings to permit group activities.

CROSS REFERENCE

III.B.Teachers; Regulation 2260-R-6.0

§204

The Board may establish kindergartens and playgrounds and such other types of schools as in its judgment will promote the educational interests of the state.

4. Early Childhood Education

CROSS REFERENCES

III.B.Teacher; Regulation; Chap. XVII, §9, License I

III.B.Teacher; Regulation; Chap. XVII, §9, License III

IV.G.; Regulation; Chap. IV, §404

4. Early Childhood Education

Statutes

§229.061

A school district may organize nursery schools for children at least three years and nine months old. Such a school shall be funded by tuition and district taxes.

School districts may also establish other types of classes and instruction including adult education, child rehabilitation, vocational, and applied arts and sciences.

§230.2311

BASIC SKILLS

The first priority of public schools shall be to assure that students master the basic skills of reading, writing, and arithmetic. Each school district shall develop a program for early childhood and basic skills development which shall be based on the guidelines prepared by the Department of Education. The program shall include: (a) an increase in the number of adult classroom assistants in kindergarten and grades 1-3; (b) emphasis on the basic skills development with attention to the emotional and social development of each child; (c) the assessment of educational needs; (d) data about preschool and childcare programs which may be integrated into the district program; (e) staff development and inservice training in the use of teaching aides, language arts, and computational needs; (f) evaluation of the programs by the school officials and parents; (g) the use of parents in the classroom.

§232.04-05

ADMISSION

Children at least five years old by January 1 of a school year or four years and eleven months by the start of a mid-year program are eligible for admission to kindergarten, as prescribed by the school board. Children at least four years old by January 1 of a school year or three years and eleven months by the start of a mid-year program shall be eligible for admission to

public nursery school, as prescribed by the school board.

REGULATIONS

6A-1.9521

A district may provide half-day kindergarten programs of not less than two and one-half hours of instruction per day.

CROSS REFERENCES

III.A.2.; Statute §228.051

III.B.Teachers; Regulation §6A-4.14

4. Early Childhood Education

Statutes

§32-607a

"Preschool shall be at least on a one-half day basis for a 180-day school year and shall be made available to all children who have attained age five by September 1 of a fiscal year." Enrollment is on a voluntary basis.

Regulations

30-810; 820

"The State Board will provide a preschool education program which will be at least on a one-half day basis for 180 days with services on a priority basis for handicapped five-year-olds who need selective preschool training.

Participation by local school system boards of education in programs of preschool education and . . . by eligible children shall be . . . strictly voluntary."

A Coordinating Committee for Exceptional Individual and Preschool Programs is established by the State Board of Education and Georgia Board of Human Resources, to meet at least on a quarterly basis.

"The Office of Instructional Services shall be responsible for the development and implementation of a statewide program of preschool education." This shall include development of assessment procedures "to determine eligibility of five-year-old children for selective preschool training," consulting with local school systems, and evaluating local preschool programs.

CROSS REFERENCE

II.A.2.; Regulation 40-2191

4. Early Childhood Education

Statutes

§298-4

"The department of education may establish . . . kindergartens . . . in school zones where there are at least 15 children eligible to attend." To be eligible a child must be 5 years of age on or before December 31 of the school year; provided . . . "that the department may establish procedures and criteria to determine the psychological and physiological readiness of children for kindergarten and may grant an exception in the case of a child who is found to be ready."

CROSS REFERENCES

I.State Board of Education; Statute §296-33

I.State Superintendent; Statute §296-11

4. Early Childhood Education

Statutes

§33-208

It is not "compulsory for individual school districts to establish a kindergarten program." A "child who is eligible by age for attendance" does not have "to enroll in an established public kindergarten."

Regulations

Policy Manual
Ch. 400, §405

The establishment of a public kindergarten system in the State of Idaho is within the interest of the people and part of a viable public school program.

4. Early Childhood Education

Statutes

§10-21.1 - 10-21.3

The board shall examine and employ teachers and fix the amount of their salaries. The board shall establish kindergartens. School districts and their officers, and school employees shall be protected from suit.

§10-22.18 - 10-22.18a

The board shall establish kindergartens and child care centers.

CROSS REFERENCE

III.B.Teachers; Statute §21-2.1

STATUTES

§20-5-16-1

The board of school commissioners of any incorporated town or city may establish nursery schools for children under six years of age.

4. Early Childhood Education

Statutes

§257.25(1) -- (2)

The state board shall establish standards in accordance with the following: (1) A pre-Kindergarten program shall be taught by a certified teacher and the program shall "help children to work and play with others, to express themselves,...and to extend their interests and understanding of the world about them." (2) A Kindergarten program shall likewise be taught by a certified individual and shall seek to "develop healthy emotional and social habits and growth in the language arts and communication skills...".

4. Early Childhood Education

CROSS REFERENCE

I.School Districts: Statute §72-6734; 72-6757; 72-6769 -- 67,115

STATUTES

§157.312; .315

"It is the intention of the general assembly . . . to authorize a local board of education to operate a public kindergarten in the common schools . . . .

Upon the recommendation of the superintendent of public instruction, the state board of education shall adopt regulations defining and prescribing the criteria for kindergartens . . . and the eligibility requirements of pupils to attend these classes."

§158.090

"The board of education of any school district may establish and maintain kindergartens for children from four to six years of age and, subject to the approval of the superintendent of public instruction may establish such night schools, industrial schools and other schools for the residents of the district as it deems admissible."

§158.320;330

"Kindergarten-nursery schools shall, at all times be open to inspection . . . and shall keep such records, furnish such information and reports, and comply with such rules and regulations . . . as are promulgated by the state board of education."

§158.350

"There shall be an advisory committee, consisting of five members appointed by the superintendent, to advise and consult with the superintendent in the development of rules and regulations and the ensuring of compliance with the provisions . . ." of the kindergarten-nursery school statutes.

CROSS REFERENCES

III.A.2.; Statute §158.030

III.B.Teachers; Statute §157.390

III.B.Teachers; Regulation 704 KAR §5:050

4. Early Childhood Education

Statutes

§17:22.1

The superintendent "shall establish and maintain within the State Department of Education a separate Bureau of Childhood Development. Its director shall be appointed by the superintendent and shall be responsible for the affairs of the bureau.

APPOINTMENT

The bureau shall "survey, inventory, coordinate and evaluate all programs of childhood development and family assistance" in the state, provide leadership for these programs, and coordinate and monitor the delivery of services to them, provided that it does not "administer direct services programs."

The bureau shall "make recommendations . . . for statutory reforms in child development and family assistance programs"; for "criteria and minimum standards for approval of local public and private programs"; and for parental training and involvement in these programs. It shall "aid and oversee the establishment of children's councils at the local and/or regional level."

The bureau shall have the authority to develop a system of early diagnosis of children and serve as the advocate and promoter of programs to effectively meet the needs of all children and their families . . .[and] recommend a system of parental training and parental involvement in childhood development and family assistance programs.

All state agencies shall provide information required by the superintendent as recommended by the bureau in the performance of the duties of the bureau.

§17:22.2

"The State Advisory Council to the Bureau of Childhood Development is created for the purpose of providing recommendations for the planning of a comprehensive childhood development program by emphasizing preventive measures designed to develop the maximum level of physical, mental, and social potentials which the children possess, and to

strengthen the role of the family as the first and most fundamental influence on child development." It shall be composed of members "who are providers, supporters, and consumers of childhood development and family assistance programs, as well as designated permanent members."

The state advisory council shall "advise the director (of the bureau) on policy planning" and it will "annually review the planning process of the Bureau of Childhood Development."

REGULATIONS

BULLETIN 741

KINDERGARTEN

"Louisiana legislation concerning kindergartens allows school boards to establish kindergartens for children between 4 years and 8 months and 6.0 years of age. Public school kindergartens receive funds from the state on a per pupil basis in the same manner as grades 1-12.

Any kindergarten, public or private, seeking approval by the State Board of Elementary and Secondary Education, must: (1) meet basic standards, (2) fill out a report, and send it to the State Department of Education, and (3) request a visit by properly authorized members of the Department. The kindergarten program is informal in nature and planned to meet the developmental needs of young children with structured and unstructured learning activities."

BULLETIN 741

ENROLLMENT

"Kindergarten age shall be defined as beginning at four years, eight months with a birth certificate required upon enrollment. The maximum enrollment for kindergarten should not exceed the pupil/teacher ratio of 27 to 1 or the funding level, whichever is lower. The maximum enrollment allowed in any class or section shall not exceed 35 students except in certain activity type classes such as physical education, music, art, etc. Any

PUPIL/TEACHER RATIO

kindergarten center established for kindergarten only must have an enrollment of 50 students to be classified as a bona fide school. Although kindergarten is not mandatory and enrollment is left to the discretion of the parent, public schools shall accept all children who seek admission to the kindergarten program."

BULLETIN 741

MATERIALS AND EQUIPMENT

"Classrooms should provide an atmosphere of freedom to inquire, to discover and to learn through incidental as well as through planned experiences. Their physical setting should reflect thought for the child's developmental progress in all areas: physical, cognitive, social and emotional. Therefore, it is necessary that the kindergarten be provided with materials and equipment which can arouse the child's innate curiosity and stimulate sequential development in self-awareness, motor skills, communication, cognitive ability and social skills. . . ."

BULLETIN 741

PARENTAL INVOLVEMENT

"The most effective kindergarten programs are those in which parents and school personnel cooperatively seek ways to enhance the child's social, emotional, intellectual, and physical development. Kindergarten programs must assume the responsibility of sharing with parents an awareness of the needs and developmental patterns of the young child by: Providing information to parents on how they can help their child to learn. Strengthening parents' confidence in their ability to teach their children. Supporting parents in this role by supplying ideas and materials to be used in the home."

CROSS REFERENCES

III.A.2.: Regulation Bulletin 741

III.B.Teachers: Regulation Bulletin 741

IV.A.: Regulation Bulletin 741

4. Early Childhood Education

CROSS REFERENCE

II.A.2.; Statute §3131

4. Early Childhood Education

CROSS REFERENCE

III.B.Certificated Personnel; Regulation 13.06.01.05

4. Early Childhood Education

Regulations

REG. #13

1. Kindergarten . . . should be provided by all public school systems for all children . . . .

4. Class size for kindergartens shall not exceed an average of 25.

"6. Kindergarten classes shall be taught by qualified and certified teachers.

"7. The Bureau of Elementary and Secondary Education shall establish curriculum guidelines for all kindergartens."

Any or all of these provisions may be waived by the Board of Education "under certain extenuating conditions."

CROSS REFERENCES

II.A.2.; Regulation, Regulations of October 1, 1975

III.A.2.; Regulation, Regulation #26

4. Early Childhood Education

Statutes

§380.1285; 380.1286

An intermediate board or the board of a district other than a primary district may establish nursery schools or approved day care programs. The board may charge tuition or fees, accept gifts or federal funds, and enter cooperative arrangements with other state departments to provide health and welfare services for day care children. The board may determine the age at which a child may be enrolled.

The state board shall promulgate rules with respect to day care programs.

A board may also establish kindergarten classes.

§388.1022

The state department shall license a parent cooperative preschool (an institution, administered by parents, providing an educational and developmental program for preschool children and an educational program for parents) if it is duly licensed by the department of social services as a child care organization and if it employs not less than one qualified parent cooperative preschool teacher.

CROSS REFERENCES

III.B.Preschool Teachers; Statute §388.1024

IV.A.; Regulation R325.1481

4. Early Childhood Education

CROSS REFERENCES

I.District School Board; Statute §123.34; 123.35

III.A.2.: Regulation EDU 21

4. Early Childhood Education

Statutes

§37-21-5

The division of economic opportunity of the state of Mississippi shall enforce the provisions relating to childhood education.

CROSS REFERENCES

I. Board of Trustees; Statute §37-7-623; 625--629; 639

III.B.School Personnel; Statute §37-21-1

4. Early Childhood Education

CROSS REFERENCE

II.A.2.; Regulation 5 CSR 70-742.030 -- .110

II.A.6.; Regulation 5CSR 50-820.010--020

4. Early Childhood Education

Statutes

§75-7507

"The trustees of an elementary district may establish a program" that will accommodate all children five years of age in the district. The trustees may also establish a "free preschool program for children between the ages of three and five years." If established both these programs are considered "an integral part of the elementary school;" however, state equalization aid moneys may not be used to finance preschool programs.

4. Early Childhood Education

Statutes

§79-549

A Class I, II, or III school district board "offering a kindergarten program may . . . offer such program either half days only for the full school year or full days for one half the school year. If the latter option is chosen, the program "shall be during the second semester of the school year."

Regulations

11-(46)

A school system operating an elementary school program shall provide for kindergarten instruction, [illegible] be taught by a teacher whose sole responsibility will be the kindergarten class.

CROSS REFERENCE

IV.G.: Statute §79-444 -- 444.02

4. Early Childhood Education

Statutes

§388.060

"The board of trustees of a school district, with the approval of the superintendent of public instruction, may establish, equip, and maintain a kindergarten or kindergartens in a school attendance area." A child must be five years old by September 30 to be admitted to kindergarten at the beginning of the school year and have his/her enrollment counted for apportionment purposes. The Board of Trustees will budget for the establishment of a kindergarten "by including the costs in the next regular budget for the school district."

4. Early Childhood Education

Regulations

State Board of Education Policies.
#321.1, p. 00054 - 55

READING

The "right to read" is considered a top priority by the State Board of Education. In order to carry out this objective, some specific recommendations have been made: (1) It is recommended that elementary schools include kindergartens. (2) School library facilities should include approximately twenty volumes per student. (3) Reading should be taught as an integral part of each subject and not as an isolated skill. (4) Teachers should have reading course work.

CROSS REFERENCES

III.A.1.; Regulation, Minimum Standards and Recommendations - Elementary Schools, #319.13, pp. 3--24

4. Early Childhood Education

Statutes

§18A:6-79

The Commissioner and the Board of Education shall have authority to plan for, establish, and operate "demonstration model early child development centers." These centers shall concentrate on the development of children aged three to six, "including, but not limited to health . . . language and computation skills development, . . . and recreation."

"The centers shall design projects within an experimental framework of early childhood education and day care support" to test and evaluate unproven educational ideas, equipment, methods, approaches, and newly developed curriculum materials.

The commissioner shall promulgate rules and regulations to carry out this program. RULEMAKING

§18A:44-1

The board of education of any district may establish a nursery school or department and admit any child who is under the age at which children are admitted to other classes.

§18A:44-2

A board of education may establish a kindergarten school or department and admit "any child over the age of 4 . . . and under . . . the age of 6 who" is a resident of the district.

Regulations

§6:26-2.1--.2

Kindergarten school days shall normally consist of not less than four hours of actual school work, some programs having continuous 2 1/2 hour sessions may be considered full days. All kindergarten teachers are to be properly certified. SCHOOL DAY

§6:26-2.3--.4

Kindergarten programs are to be designed to meet the individual needs of every child including instruction in reading and writing. Pupil classroom enrollment is not to exceed 25 pupils per teacher.

CROSS REFERENCES

III.A.2.; Regulation §6:20-1.3

III.B.Teacher; Statute §18A:44-3

III.B.Teacher; Regulation §6:11-6.2; §6:11-6.3; §6:11-8.3; §6:11-8.4

4. Early Childhood Education

Statutes

§77-11-2

"In accordance with state board regulations, every local school board shall establish and conduct early childhood education programs, and may provide transportation for students attending these programs. The state board regulations shall provide for minimum standards for the programs and qualifications for teachers in the programs."

§77-11-2.1

The department of education shall conduct an annual evaluation of early childhood education programs. The evaluation shall include an analysis of student progress, administrative and teaching effectiveness and school-student-parent relationships related to these development areas; social, intellectual, emotional and psycho-motor.

The department shall prepare a report of its evaluation, recommending any necessary changes.

Regulations

Reg. No. 74-11

Early Childhood Education programs are pre-elementary programs established by a local school board for the development of children who have not attained the age at which they are subject to the Compulsory School Attendance Law.

Early Childhood Education programs are required to be available to students in all districts by 1977-1978.

Students qualified to attend school by the Compulsory School Attendance Law shall be at least six years of age prior to 12:01 a.m. on September 1 for the school year beginning that September.

Students qualified to attend Early Childhood Education programs shall be five years of age prior to 12:01 am on September 1 for the school year beginning that September. Local education agencies may allow younger persons to enroll

in Early Childhood Education programs if circumstances allow, but in reporting "Early Childhood Education ADM" as that term is used in the Public School Finance Act, only persons admitted in accordance with dates set out above may be counted.

Local education agencies shall: give priority to serving age-eligible children who exhibit needs that, if unmet, will be detrimental to later success; establish a system of parent involvement in program services; make efforts to articulate Early Childhood Education programs with the primary educational program (K-3); secure the services of teachers competent in Early Childhood Education; evaluate such programs at the direction of the State Department.

4. Early Childhood Education

Statutes

§1712

The board of education of each school district may maintain free kindergartens and nursery schools for resident children, subject to age limitations.

Boards of education shall maintain night schools in each district "where 20 or more persons from 17-21 . . . are required to attend" or "where 20 or more persons over the age of 16 make applications for instruction." In night schools, "the common branches" and other "additional subjects will be taught on at least two nights each week, for two hours each night . . . ."

§2514

The board of education of a city school district may maintain free kindergartens for resident children between four and six. The board may also maintain free nursery schools. The board may establish night schools, free to all residents, offering courses "at least two nights each week, for two hours each night."

§2555

The city board of education may maintain free kindergartens for children four to six and may also maintain free nursery schools. The board may also maintain free night schools open to all residents.

4. Early Childhood Education

Statutes

§115-205.11 - 115-205.13

"Provided that funds are available," local boards of education "shall provide . . . kindergartens" for children within their administrative units. The kindergarten programs "shall be subject to the supervision of the State Department of Public Instruction" and "operated in accordance with standards adopted by the State Board of Education." By the school year 1978-79, any child reaching the age of five on or before October 15 of that year, shall be eligible for enrollment in kindergarten. A local board of education "may elect not to establish and maintain a kindergarten program."

Regulations

§2E.0801-0802

The director of the division of kindergarten-early childhood education is responsible for the overall coordination and direction of the division. ADMINISTRATION

The state office is responsible for developing operating, and administering programs for public kindergarten, first, second and third grades.

The regional offices are responsible for assisting with an orientation and inservice program for personnel responsible for public kindergarten and the first, second, and third grades.

The division of kindergarten-early childhood education is responsible for: developing and maintaining standards, policies and regulations regarding the operating and administering of an educational program having kindergarten as the integral part of the first, second, and third grades; developing and implementing a 12-month orientation and inservice program for personnel responsible for the public education for young children enrolled in kindergarten and the first, second, and third grades.

§2E.0803

The following standards, policies, and regulations shall govern the operation and administration of the kindergarten program.

ELIGIBILITY

An eligible child is one who has passed the fifth anniversary of his/her birth on or before October 15 for enrollment in kindergarten. Exceptions are children who come to North Carolina from another state and have been enrolled in a public kindergarten program. The length of day for five-year-olds shall be comparable to the length of day for six, seven, and eight-year olds. Any exception to this should be requested in writing to the state superintendent for approval of the State Board of Education. The compulsory attendance law does not apply to five-year-olds.

Research, Evaluation and Staff Development

EVALUATION

The state agency will establish an ad hoc advisory committee to assist in determining types of research and evaluation; the state agency shall coordinate, in cooperation with local administrative units, appropriate research and development aspects to continue the improvement of programs; other research efforts should be coordinated by the state department of public instruction. Local unit administrators should make provisions for staff members to participate in staff development activities conducted under the direction of the Department of Public Instruction. All research and evaluation conducted by the State Department of Public Instruction will be coordinated by the division of research in cooperation with the division of early childhood education.

Support Services

Comprehensive support services requiring the participation of available health, social services and psychological service agencies should be a part of every kindergarten program.

Administrative and Consultant Services

The implementation of these standards, policies, and regulations is under the direction of the State Board of Education through the Department of Public Instruction and its division of kindergarten-early childhood education.

The State Board of Education authorizes a maximum of 28 pupils per kindergarten class.

CROSS REFERENCE

III.C.School System; Statute §115-1.1

4. Early Childhood Education

Statutes

§15-45-01

"The school board of any school district may, upon its own motion, establish free public kindergartens."

§15-45-02

"The school board shall establish a curriculum for kindergarten and such other rules and regulations governing the kindergartens as it may deem best . . . . All kindergartens shall provide at least one hundred eighty half days of classroom instruction or ninety full days of classroom instruction each year. The school board shall determine whether kindergarten shall be provided on a half-day or full day basis."

SCHOOL TERM

§15-45-04

"Kindergartens may be discontinued by resolution of the school board."

Regulations

Chapter V: II.O.

Entrance into kindergarten is most commonly determined by age; residence and maturity are also considered. Promotion policies vary; the chief determinant is chronological age.

ADMISSION

The major objectives of early childhood education programs are: to develop language skills, verbal ability, other learning skills and the beginnings of the various subject areas; to become socially adjusted to a non-home environment; to acquire motivation and postive attitudes to work; to develop a positive concept of self, to develop physically and to develop basic habits of health and body care and an appreciation of the natural and the man-made world.

OBJECTIVES

CROSS REFERENCE

III.B.Teacher: Statute (15-46-03

4. Early Childhood Education

Statutes

§70-18-108

It is the intention of the Legislature to provide free public kindergarten for every five-year-old child in the state. It shall be the duty of every school district to provide and offer kindergarten free of tuition for every child who attains the age of five by November 2.

Regulations

Elementary School Regulations; p. 32
XII. Kindergarten

Reg. a. All school districts must provide tuition free kindergartens for children five years of age.

b. Kindergarten classes should be conducted separately from other classes.

c. A certified teacher should be employed for each half-day kindergarten session.

d. The teacher-pupil ratio for each half-day session should be no more than 1 to 26.

e. The kindergarten school day should be at least 2 1/2 hours.

f. The "school year shall consist of 180 days . . . up to 5 may be used for professional meetings."

g.-j. Classrooms should have two exits, appropriately sized movable furniture, and should be equipped with adequate materials and restroom facilities.

CROSS REFERENCES

III.A.2; Statute §70-1-111

IV.G; Statute §70-1-114

4. Early Childhood Education

Statutes

§336.095

Free kindergarten facilities may be provided by the district school board of any common school district.

These kindergartens are to be funded in the same manner as other schools of the district.

Kindergartens are part of the state public school system.

§336.115

Nursery schools may be sponsored, maintained, operated or supervised by any district school board, for children between the ages of two and six years, if rules, standards and teacher certification requirements of the state board of education are complied with.

§343.125

Elementary schools may hire child development specialists.

The specialist's job is to assist elementary students in "developing positive attitudes toward themselves and others in relation to life career roles;" to assist the professional staff "in early identification of pupils . . . with learning or developmental problems;" to assist parents of elementary school children "in understanding their children's unique aptitudes and needs and to aid in relating home, school and neighborhood experiences;" "to refer pupils . . . to appropriate state or local agencies for additional assistance;" "to coordinate resources available through the community and the school." Services under this section may be provided "by contract with qualified state or local programs."

§343.145

Guidelines for the implementation of a child development program shall be established by the state board of education, "including but not limited to qualifications for child development specialists and procedures for community coordination of efforts." Such guidelines need "not be limited to traditional treatment oriented disciplines or . . . disciplines requiring certification."

Exceptions to the qualifications are possible after a determination has been made "that an individual is capable of performing the required functions."

§343.425

Operating guidelines consistent with state board of education requirements for grades kindergarten through three shall be prepared by the department of education for early childhood education programs.

The department of education reviews applications for early childhood education programs and may approve applications after considering: (a) "the educational adequacy and type of program;" (b) the number of children who will be served by the program;" (c) "the availability of trained personnel and facilities;" and (d) the need for the program in the applying district."

§343.435

Any school district "in which there are children who are three years of age or older, but who have not attained compulsory attendance age" and are not enrolled in kindergarten, may: (a) "provide early childhood education for such children" or (b) contract with another district operating an approved program where economically feasible and in the interest of education.

4. Early Childhood Education

Statutes

§5-503

The board of school directors may establish and maintain kindergartens for children between the ages of four and six. The number of kindergartens shall be fixed by the board. If the average attendance in any one kindergarten is ten or less, the directors shall discontinue the same at the close of the school year. The board of school directors shall appoint and assign a sufficient number of teachers who shall be certified in accordance with the rules and regulations prescribed by the Council of Basic Education. RULEMAKING

§590

"The board of public education in every district of the first class is authorized to furnish free milk to all pupils attending kindergarten and first grade."

Regulations

§ 5.41

Kindergarten curricula shall meet standards established by the Department of Education.

4. Early Childhood Education

Statutes

§59-3-80

The state department of education shall cooperate with the federal government in administering an educational program for the care of pre-school children and shall expend all funds given for this program by the federal government.

§59-35-10-- 59-35-30

Any county board of education may establish and provide for kindergartens for children who are at least four years old. If established, the kindergartens shall be part of the "free common school system" and shall receive a proportionate share of all funds available for education.

CROSS REFERENCE

III.B.Teachers; Statute §59-35-30

4. Early Childhood Education

Statutes

§59-3-80

The state department of education shall cooperate with the federal government in administering an educational program for the care of pre-school children and shall expend all funds given for this program by the federal government.

§59-35-10 -- 59-35-30

Any county board of education may establish and provide for kindergartens for children who are at least four years old. If established, the kindergartens shall be part of the "free common school system" and shall receive a proportionate share of all funds available for education.

CROSS REFERENCE

III.B.Teachers; Statute §59-35-30

4. Early Childhood Education

Statutes

§13-33-3

Local school boards may provide "adult education courses, summer schools, kindergartens, and nurseries."

CROSS REFERENCES

I.State Superintendent of Schools; Statute §13-1-25

III.A.1.; Regulation §24:03:06:12

III.B.Teachers; Regulation §24:02:03:06:01

4. Early Childhood Education

Statutes

§2301 — 2302

Any board of education may establish schools for children under six years of age. The state board of education may promulgate rules and regulations concerning such schools.

RULEMAKING

Such school boards are authorized to receive and accept federal or state funds specifically appropriated for pre-school purposes, provided that no state or local funds appropriated for grades one through twelve shall be used for pre-school purposes.

§2303

The state board of education shall exercise general control over all pre-schools or early childhood classes, including the employment of teachers, attendants, and any other employee, and shall also have complete control over the expenditure of funds. This does not apply to pre-schools already controlled by any incorporated city for the benefit of working mothers' children.

§2304 -- 2305

MINIMUM STANDARDS

The following are minimum standards for kindergarten: (a) a five-day week, coinciding with the school term of the local school system (kindergarten classes shall be operated for at least 20 hours a week);

(b) the length of the kindergarten day shall be at least four hours;

(c) children entering kindergarten shall be five years of age on or before October 31 of the current term;

(d) teachers shall be certified;

(e) adult aides shall be hired at the discretion of the local board of education and shall be paid from local school system funds.

§2306

Compulsory attendance is not required in any kindergarten in the state.

§5101 — 5102

"The purpose of this chapter is to provide for the coordination of all state services in a comprehensive child development program for children under six years of age by emphasizing preventive measures designed to provide the services which will enable children to develop . . . the physical, mental and social potentials they possess; to maximize the role of the family as . . . the most fundamental influence on child development; . . . and to develop a process for the coordination of services for children age six to eighteen."

§5104 — 5105

The office of child development is created within the office of the governor whose powers and duties are "to design, develop, and review annually a comprehensive, statewide, community-based program to meet early childhood needs . . .; to . . . review the budget . . .; to . . . encourage the use of all available funds for children's services; . . . to assist . . . parents or guardians [and their children] in obtaining [these] services . . .;" and to do everything within reason to foster community-based early childhood development programs.

§5106

A state child development coordinating council shall meet "to establish policy to insure coordination of child development and related family service activities . . . ." Statewide plans shall be approved by a majority vote before being implemented.

"Within two years following the creation of the office of child development, the office . . . shall develop and implement a detailed process for the coordination of services and programs for children ages six to eighteen . . . ."

§5107

A regional child development coordinator shall be employed by the director of each development district to (1) "organize local child development councils in each of the counties or multi-county groupings . . .;

(2) to establish a regional child development council;

(3) to identify available resources . . . ; (4) to serve as liaison between the regional council and the office of child development."

§5108

The regional coordinator shall appoint members to the initial local child development councils from among the population of his/her district and, with the recommendation of the local child development councils, to an initial regional child development council.

"Each regional council shall serve as a vehicle for transmitting program and project comments to the state child development coordinating council and the office of child development . . . and recommend priorities for child development and family assistance services . . . ."

Each council shall also "advise the state child development coordinating council of the child development needs of the districts and recommend . . . priorities . . . ; serve as advisory bodies to the regional health planning council and screen all child development projects which originate in their district to insure comprehensiveness . . . ; make recommendations to the state child development coordinating council on all child development projects originating within the districts . . . ."

§5109

A child development advisory committee shall be established "to make recommendations to the office concerning the statewide program and its implementation."

§5110 — 5111

Any "school board, college, junior college, vocational-technical school or group whose program of early childhood development has been reviewed by the office of child development may submit a proposal to the department of education for a program for the training of personnel in early childhood development . . . . Upon the request of any school or group, the department

of education may provide technical advice to enable the school or group to develop a suitable proposal."

The department of education may work with the office of child development "to develop or obtain training materials, curriculum, and teaching formats for training persons . . . ." These courses may be used by professionals and para-professionals as well as by volunteer members of the community. However, "all personnel employed . . . shall meet the same requirements as established by the state board of education for certification in the public school systems."

REGULATIONS
pp. 76-80

COURSE OF STUDY

"Kindergarten classes . . . shall be under the control and management of the board of education . . . . The . . . curriculum shall be developed around the needs of the young child taking into consideration how he[she] learns . . . . [I]t shall draw from all instructional areas and present these as integrated learning experiences that teach concepts, foster skills, and serve as foundations for learning tasks rather than as isolated subjects."

There are nine goals for children to be reached through the curriculum.

The daily kindergarten program shall include such features as social interaction and development of vocabulary and listening skills.

Curriculum materials and equipment, "appropriate to the needs and scaled to the different abilities within the group shall be provided" for classes of 25 five-year-old children.

"Compulsory attendance shall not be required at any kindergarten in the State."

The kindergarten day shall be at least four hours long.

Teacher-pupil ratios in kindergarten classes shall range between 13 pupils and 25 pupils per class.

Kindergarten teachers "shall hold a Tennessee certificate valid for K-3 or Elementary (grades 1-9) with a K-3 endorsement."

CROSS REFERENCE

IV.G.; Statute §1746

4. Early Childhood Education

Statutes

§11.17

"a) The Advisory Council on Early Childhood Education . . . shall assist the State Board . . . in formulating minimum standards for quality educational experiences in all public programs at the kindergarten grade level."

b) The Council is composed of 24 members appointed by the governor and shall include specialists from educational associations who deal with early childhood development. The specific representatives are set forth in the statute, as are the provisions governing terms of office, meetings, etc. APPOINTMENT

"The Central Education Agency, with the advice of the council, shall:

1) develop minimum standards for kindergarten education;

2) formulate minimum standards for the certification of teachers . . . including:

A) issuance of a kindergarten teaching certificate upon the completion of the bachelor's degree in child development . . . or early childhood education . . . from an accredited college or university which requires a multidisciplinary preparation and includes student teaching or one year of teaching experience;

B) issuance of a preliminary teaching certificate upon the completion of the associate of arts degree in child development from an . . . institution authorized to issue such degree;

C) issuance of an emergency teaching certificate for those who do not qualify . . .[with above]. . . but present evidence of commitment to a definite approved plan of study which upon completion would result in regular certification;

D) issuance of a paraprofessional teaching

certificate for those who have completed training through . . . programs approved by the State Board . . .;

E) develop the curriculum and course of studies for the kindergarten grade level, to be revised each year as deemed necessary."

f) The . . . Agency, with the advice of the council, shall develop standards for the certification of . . . personnel and for the accreditation of public kindergartens.

g) Not less than six months prior to each regular session of the legislature the Commissioner . . . shall recommend to the Governor desirable programs for public kindergartens and the administrative and legislative changes necessary to accomplish them."

§21.131--.135

Under this statute any school district may establish "one or more kindergartens for the training of children ... who are under the scholastic age and ... at least five years of age." It shall be part of the public school system and be governed by its officers. If the proposition to establish a kindergarten is defeated by the voters, it may not be voted on again for at least one more year. The kindergarten(s) may be operated on a half-day or full-day basis.

REGULATIONS

§3339

Series 3339 concerns textbooks for children enrolled in kindergarten classes, with a detailed process for fund allotment in lieu of textbooks for new classroom units and includes:

(1) the determination of new classroom units; the "number of new kindergarten classrooms for any given year is to be determined by subtracting the number of kindergarten teaching units earned during the prior school year from the number to be earned during the current year as

based on the school district's kindergarten average daily attendance for the first 15 days of the instructional year.

Where a school district elects to operate all or part of its state-supported kindergarten classrooms on a half-day basis, as authorized by Section 21.135, Texas Education Code, 1971, a child shall earn one half-day of attendance for each half-day session he[she] is present."

(2) the allocation of funds;

(3) the use of funds;

(4) instructional materials:

which "may be purchased by state funds alloted for this program are books and any apparatus, including three-dimensional manipulative materials, which convey information to the child or otherwise contribute to the learning process.

"'Instructional materials' for this program are used synonymously with 'textbooks'.

Items which may not be purchased with state funds allotted for this program are:

(1) room furnishings including desks, tables, chairs, filing cabinets, rugs, or any other item which is usually attributed to capital outlay; and

(2) consumable or expendable materials including food, paints, clay, paper, ditto masters, or any other item which is consumed in use."

(5) guidelines for the selection of instructional materials:

"(1) A plan should be developed which would consider all available federal, stae, and local funding sources for initiating and maintaining kindergarten classrooms.

(2) Kindergarten classrooms should be organized around permanent learning centers to provide children with opprotunities to explore individual interests, exercise initiative, and develop resourcefulness.

(3) Varied instructional materials should be organized so that different centers of learning are distinct, and a balance of materials is maintained among the centers. (Bulletin 696, A Guide for the Education of Five-Year-Old Children in Texas)

"(4) Instructional materials should be appropriate for five- year- old children.

(5) Preference should be given to materials which are multi-purpose and those which can be used in more than one learning center.

(6) Instructional materials should reflect the varieties of language and culture of Texas school pupils.

(7) Instructional materials should be of high quality with a life expectancy of more than one year.

Within the above guidelines additional instructional materials in the form of teacher guides for instruction, commercially prepared charts, flash cards, books for reading aloud to children, and other appropriate materials should be available to the teacher."

§3521; 3522

"The providing of an early childhood education program to the individual student is considered a responsibility of the school district. The Texas Education Agency supports the school districts by (1) administering state programs described in Policy 3522, (2) providing leadership through staff development, and (3) providing program guidelines.

With assistance from the Texas Education Agency, local education agencies implement and coordinate early childhood education programs which are as follows:

(1) bilingual education

(2) basic Foundation School Program

(3) migrant education

(4) preschool programs for non-English speaking children

(5) programs for educationally deprived children

(6) special education

(7) child development laboratories."

§3521.1; 3522

"Early childhood education programs shall be considered an integral part of the educational program for children in the public schools of Texas."

"The Commissioner of Education shall establish administrative procedures, develop operational plans, and execute agreements with local education agencies in the implementation of early childhood education programs . . . (and) enter into agreements with federal, state, and other agencies for the state's participation (in such) . . . programs."

CROSS REFERENCES

II.B.1.a.; Statute §12.04

III.B.Teachers; Regulation §6203.2; 6206

4. Early Childhood Education

Constitution

UTAH CONSTITUTION, ARTICLE X, §2

"The public schools shall include kindergarten schools; common schools, consisting of primary and grammar grades; high schools, an agricultural college; a university . . . ." "The common schools shall be free."

Statutes

§53-19-1

"Local boards of education may establish . . . full or short term kindergartens" for resident children who are five years old. Kindergarten teachers must either be certified or pass "a special examination" given by the state board of education.

4. EARLY CHILDHOOD EDUCATION

STATUTES

§2852

(b)(c)4. A day care facility operated by a nursery school or other preschool establishment attended by children of less than compulsory school age is subject to regulation by the department of education to insure that children are provided with wholesome growth and educational experiences and not subject to neglect.

4. Early Childhood Education

CROSS REFERENCE

IV.G.: Statute §22-1.1

4. Early Childhood Education

Statutes

§28A.34.010

"The board of directors of any school district shall have the power to establish and maintain nursery schools and to provide before-and-after-school and vacation care in connection with the common schools . . ." The board shall do so at locations convenient for the public and shall offer "courses, activities, rules and regulations" as meet minimal standards set by Health, Education and Welfare. The board may charge a reasonable fee for attendance which may be supplemented by federal, state or local district funds.

§28A.34.050

The board of directors has the discretion to establish and maintain nursery schools or day care centers for working parents.

§28A.35.010 — .030

The board of directors may "establish and maintain free kindergartens . . . for the instruction of children between the ages of four and six." Kindergartens so established shall be part of the "common school system" and open to all children resident of the school district of proper age. Attendance shall be reported by teachers and administrators "as other school attendance is reported."

REGULATIONS

§180-16-160

"The State Board of Education recommends to boards of directors of school districts ... [that] all-day nursery school service for working mothers ... be continued" if possible, and that "nursery schools providing group activities for a limited part of the day and ... instruction in child care for parents should be established on an experimental basis."

§180-16-167

A proposal to generate "a kindergarten program as a ninety full-day school year basis in lieu of a one hundred eighty half-day basis" must demonstrate "evidence of need ... on the basis of" transportation, physical or limatic limitations or establish that the 90 day program would better meet the children's educational needs.

"The ninety full-day kindergarten program may be scheduled for consecutive or nonconsecutive school days." The proposal for the program must have compliance with minimum approval requirements. The proposal must be submitted by the school districts' board of directors to the state superintendent of public instruction, who will reivew the proposal and submit it with his or her recommendations to the state board for approval.

CROSS REFERENCES

III.B.Teachers; Statute §28A.35.070

4. Early Childhood Education

Statutes

§18-5-18

"County boards of education shall provide . . . early childhood education programs for all children who shall have attained the age of five prior to November first of the school year in which the pupil enters such . . . program and may establish . . .[such] . . . programs . . . for children below the age of five.

Persons employed as early childhood education teachers, as distinguished from paraprofessional personnel, shall be required to hold a certificate valid for teaching at the assigned level as prescribed by regulations established by the state board of education. The . . . board . . . shall establish and prescribe guidelines and criteria setting forth the minimum requirements for all paraprofessional personnel employed in early childhood education programs . . . and no such paraprofessional personnel shall be employed . . . unless he meets such minimum requirements.

The state board of education with the advice of the state superintendent . . . shall establish and prescribe guidelines and criteria relating to the establishment and operation of early childhood education programs . . . . Guidelines and criteria so established and prescribed are also intended to serve for the establishment and operation of nonpublic early education programs and shall be used for the evaluation and approval of such programs, provided application for such evaluation and approval is made in writing to the state board by proper authorities in control of such programs. The state superintendent . . . at intervals not to exceed two years shall publish a list of nonpublic early childhood education programs that have been approved in accordance with the provisions of this section."

Only "pursuant to such guidelines and criteria . . . [may] . . . the county boards . . . establish programs taking early childhood education to the homes of the children involved, using educational television, paraprofesssional personnel, . . . mobile or permanent classrooms and other means developed to best carry early childhood education to the child in its home and enlist the aid or involvement of its parent or parents in presenting the program to the child; or may develop programs of a more formal kindergarten type, in existing school buildings, or both, as such county board may determine, taking into consideration the cost, the existing available facilities, the distances each child may be required to travel, and such other factors as each county board may find pertinent."

At the outset "funds shall be allocated to . . . regions for establishing and operating regional demonstration centers . . . to provide exemplary and innovative early childhood education programs, to provide laboratory experiences for preservice and in-service education for professional personnel and staff development programs for training paraprofessional personnel, . . . and to promote cooperation between counties in providing high cost supervisory, developmental, research and evaluative services not currently available to individual counties."

REGULATIONS

§2310

Counties may establish kindergartens for children aged four through six. Teachers must hold an elementary school teaching certificate and may be required to take specialized training. Standards applicable to public kindergartens shall also be used as guideline for nonpublic kindergartens and shall be used for the evaluation and approval of such schools.

PUPIL/TEACHER RATIO

A kindergarten program shall have a pupil-teacher ratio no greater than 20:1. The program shall continue 2 1/2 hours daily for 36 weeks. It shall attempt to develop the child's physical, emotional, social and mental powers. It shall provide the child with many opportunities to express himself/herself through play language and art, to explore his/her environment, himself/herself and his/her relations with others. No reading shall be taught.

The facilities shall be well lit, ventilated and spacious and meet the health and safety requirements provided in this section.

MEDICAL EXAMINATION

All children must be given a medical exam prior to admission to certify that the child is free from communicable disease. Teachers shall maintain records of the name and phone number of a physician to call in case of emergency.

§2412

The county superintendent shall appoint an early childhood advisory committee to assist in planning an approved program in early childhood education (ECE). The proposal shall be approved by the county board of education and the county superintendent.

Goals of the program should include: developing the child's "positive self-concept," his/her ability to deal with people and his/her emotions, his/her capacity for critical thinking and creative expression, and his/her physical coordination.

Activities of an ECE program should provide: instructional situations where the child can use language and a variety of forms of oral expression; opportunities for the child to interact with others in group activities and to understand social rules; games and activities to develop the child's coordination imagination and ability to follow instructions.

Health and nutrition services shall be provided to children in the ECE program. Health services which shall be provided include: finding and remedying existing health

defects and providing preventive services. The county may provide medical exams, vision, hearing and speech tests, dental exams, immunization programs, screening process to identify intellectual, social and developmental weaknesses, individual office care and follow up treatment.

When limited space or personnel is available selection of five year olds to participate may be based upon age; first come first served basis; lottery; or other "fair and equitable procedures," or the county may provide a modified program consisting of two half-day sessions; 12-15 week sessions; or other staggered or rotating attendance systems to accommodate all five year olds.

PUPIL/TEACHER RATIO

Class size for children below six years of age shall not exceed 20 children for each teacher.

Transportation shall be available for children to and from school and adult supervision shall be provided when children under six are not accompanied by older children.

Parents should be encouraged to participate in the program planning and as volunteers. The ECE program should be coordinated with programs for children up to 8 years of age so that each plan "flows" into the next. Inservice training is required to improve the overall quality of the ECE program. ECE Programs shall be evaluated throughout the duration of the program to determine whether it is meeting its goals and objectives. The evaluation design should delineate the process by which findings are implemented.

4. EARLY CHILDHOOD EDUCATION

CROSS REFERENCES

III.A.2.; Regulation PI 8.01

III.B.Teachers; Regulation PI 3.03

CROSS REFERENCE

IV.G; Statute §21.1-58

5. BILINGUAL/BILCULTURAL EDUCATION

5. Bilingual/Bicultural Education

Statutes

§14.30.400; 14.30.410

School boards "shall provide a bilingual-bicultural education program for each school . . . which is attended by at least eight pupils of limited English-speaking ability and whose primary language is other than English." Such a program may be provided in schools with less than eight pupils of limited English-speaking ability. A special fund shall be established to institute this program.

Regulations

4AAC 34.010-020

The department of education shall provide grants of state funds "to encourage and assist school districts, in cooperation with local communities, to meet the special needs of children of limited English-speaking ability." This shall be acomplished through the "establishment of bilingual/bicultural education programs."

5. Bilingual/Bicultural Education

Statutes

§15-202

"All schools shall be conducted in English, except . . . where there are pupils who have difficulty writing, speaking or understanding English because they are from an environment where another language is spoken primarily or exclusively, the district may provide special programs of bilingual instruction."

§15-1097 --1099

A school district may provide bilingual instruction in the common schools for a period of four years per pupil. A district may also provide special courses for children who are unable to speak English. The district may hire special teachers for this purpose and may cooperate with other school districts or agencies in carrying out this program.

The state board of education shall establish standards for students and teachers in bilingual programs. Districts meeting these requirements will be eligible for state aid, as set forth herein and must report annually to the state superintendent.

ELIGIBILITY

Policy Guides

SUGGESTIONS FOR COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AS IT PERTAINS TO STUDENTS WITH A PRIMARY LANGUAGE OTHER THAN ENGLISH

Recommendations by the Arizona State Superintendent's Task Force 17 pages 1976

The report describes the legal requirements for complying with the Title VI requirements and suggests a plan for school districts to follow to insure their compliance with the law. The provisions of the plan include: formulating a policy commitment toward providing equal education opportunity; identifying, assessing and diagnosing language proficiency; and placing students whose primary language is other than English in programs designed to meet their needs.

5. Bilingual/Bicultural Education

Statutes

§10100 -- 10107

This section deals with providing for a local, state and federally funded bilingual-cross-cultural teacher preparation programs. It shall be the duty of The Commission for Teacher Preparation and Licensing to monitor the functions of said program, and shall in turn design a career ladder program which will allow bilingual teacher aides to become fully certificated bilingual teachers. The Commission will be responsible for designing a comprehensive language and culture curriculum for teachers who are already certificated.

The Bilingual Teacher Development Grant Program is herein established to evaluate candidates for grants in bilingual education.

It shall be the duty of the Department of Education to serve as a clearing house for bilingual-bicultural teaching personnel, and shall prepare projections on the needs for such personnel.

§45400 -- 45403

This article seeks to remove some of the barriers that face pupils who speak a single primary language other than English, and to provide them with the most beneficial education possible from the public elementary schools, junior high schools, and high schools of the state.

When at least 15 percent of the pupils enrolled in a public school speak a single primary language other than English, the governing board shall hire a bilingual person for the administrative office of each such school.

§52100 -- 52114

Finding that large numbers of children in the state come from families where the primary language is not English and that the inability to speak, read, and comprehend

English presents a formidable obstacle to classroom learning which can be removed only by instruction in the pupils' dominant language, the Legislature supports the development of bilingual programs.

Public schools shall be allowed to choose to participate in the establishment of bilingual programs, the goals of which shall be to develop competence in two languages for all participating pupils, to provide positive reinforcement of the self-image of participating pupils, and to develop intercultural awareness among pupils, parents, and staff in participating districts. Pupil participation is voluntary on the part of the parent.

RULEMAKING

The state board shall adopt regulations for the administration of bilingual education.

Each school district shall annually ascertain, under state board regulations, the number of children of limited English-speaking ability and the number of children who are non-English-speaking and classify them according to their primary language. Results shall be reported to the Department of Education by the first day of April of each year.

Each non-English-speaking child shall receive special assistance from the district, in any manner approved by the Local Board, regardless of participation in the bilingual program.

Each school district wishing to participate in the bilingual program shall determine what educational achievement levels and what needs for bilingual education exist in the district. This need assessment shall be verified by a school district advisory committee composed of parents of potential participants in the bilingual program.

The district shall write a project description with the following components: goals for bilingual education; measurable objectives for the attainment of goals; a description of how the student is to demonstrate the knowledge to be achieved; acceptable levels of performance; a plan of program manangement; teacher and aide preservice and inservice

training; a parent-teacher communication plan; and a plan for the gradual assumption of costs by the district.

Each participating district shall have an articulated sequential program of instruction, designed to develop competence in English and in the primary language of the participants, including criteria, developed with Department of Education assistance, for the placement and removal of pupils in a bilingual program.

At the beginning of each year, the district shall evaluate each child to be placed in a bilingual program with respect to strengths and weaknesses in both English and the primary language.

At least annually an evaluation of the children's linguistic progress, in a form prescribed by the Department of Education, shall be submitted to the Department.

In bilingual classes, there shall be an approximate balance between children whose primary language is other than English and children proficient in English. Not more than two-thirds of the children shall be limited-English-speaking children.

Instruction shall be conducted in both English and the primary language of the limited-English-speaking children.

All teachers in these classes shall be bilingual teachers. Given the shortage of qualified bilingual teachers, a district may, after a search assisted by the Department of Education, request from the state superintendent waiver of certification requirements of such teachers or authorization to use for two years only a monolingual teacher and a bilingual aide.

All bilingual-bicultural programs which involve special state funding or which are financed by a combination of state funds and federal funds (under Title VII of the Elementary and Secondary Education Act of 1965, as amended) shall be approved by the state board. Selection shall be made on a priority basis. Application shall be made on forms provided by the state superintendent and may be made jointly by two or more governing boards.

Funds allocated to districts for bilingual purposes

may be used only for: employment of bilingual aides; purchase and development of special bilingual teaching materials and equipment; special in-service training and staff development, and reasonable expenses of parent advisory groups on bilingual education.

Each district receiving state or federal funds for bilingual education shall establish a districtwide advisory committee in which parents (not employed by the district) of participating students shall constitute more than a simple majority. At each school with a bilingual program, a parent advisory group in which parents of participating students shall constitute a simple majority shall also be established.

The responsibilities of the Department of Education in administering the bilingual education program shall include, but are not limited to, the following: to review proposals from school districts and recommend projects for board approval, to encourage experimentation in bilingual education; to foster parent involvement; to make recommendations to districts in the areas of in-service training, cirriculum, testing, and the development of materials; to develop and recommend to the Commission for Teacher Preparation and Licensing standards for the certification of bilingual personnel, and to develop an annual evaluation of bilingual programs for submission to the Legislature and the Governor.

§52150--52152

In light of the need for adequately prepared personnel to help limited- and non-English-speaking children, the state superintendent shall establish a Bilingual Teacher Corps Program for the development of a corps of bilingual teachers. The program shall provide a stipend of $1500 per year, plus necessary expenses, to individuals serving as teaching aides providing direct instructional services while such individuals are pursuing an approved educational program directed toward a teaching credential in a cooperating institution of higher education. Such

stipends shall supplement, not supplant, other state and federal student financial aid programs. The superintendent may enter into contracts with local educational agencies, the California State University and Colleges, and the University of California for the training of these candidates.

The superintendent shall report to the Legislature annually for the duration of the program.

REGULATIONS

§3947

EVALUATION

Eligible students not enrolled in a program of partial bilingual, full bilingual or bilingual-bicultural education shall be individually evaluated and receive individual instruction.

Whenever an elementary school has 10 or more non-English speaking students or 15 limited English speaking students with the same primary language the school district shall offer a full bilingual education or bilingual-bicultural education for such pupils. If the school has 10 or more limited English speaking students, it shall offer partial or full bilingual education instruction.

§4301

This section applies to application for funds for bilingual programs. It is the intent of the Bilingual Education Program to ensure equal education opportunity; encourage establishment of bilingual education practices where appropriate; and enable children of limited English speaking ability to achieve competence in the English language.

§4304

The program shall include the development of reading, writing and speaking skills in English and the primary language and shall integrate history and culture of the non English speaking groups. All teachers shall be bilingual. Parents shall be notified that they may withdraw their child from the program.

§4309

Funds under this program shall be expended only for bilingual teacher aides, special bilingual equipment, inservice training and expenses of parent advisory groups.

§4310-15

This article applies to all California public schools. It is the purpose of this chapter to require school districts to offer bilingual learning opportunities to each limited English speaking pupil. Such a program shall utilize the pupil's primary language and teach the pupil English. At a minimum the program shall provide for an individual learning program for these children.

INDIVIDUAL PROGRAM

Teachers in this program must meet the criteria of the Education Code §5672(h) or (i). School districts may request a one year waiver of these requirements for teachers employed after January 1, 1977 if the teacher is currently enrolled in a program or the Board finds that the district made a "good faith effort" to recruit and hire bilingual, cross cultural teachers.

§4316

The program shall be assessed annually by each school district and information required by the Superintendent shall be submitted in an annual evaluation report. A census of all non or limited-English speaking students shall also be conducted annually.

EVALUATION

§4318

Advisory Committees shall be established in each school district to advise the governing board on development of goals and objectives for the program and to establish a timetable and plan to ensure compliance with the provisions of the Education Code Section 5767.16.

§4319

Instructional services shall begin in the language

the student understands and comprehends best. Fluent English speaking students shall be offered instruction in the primary language of their limited English-speaking counterparts.

§4320

. Parents of eligible children shall be notified of the fact that their child will have an opportunity to enroll in a program of bilingual education and the opportunity not to enroll. Parents have the right to visit these classes and to participate in the school district advisory committee or both. The notice shall be written in the primary language of the pupil.

§ 11372-11373

In addition to meeting eligibility requirements outlined in Education Code Section 6063, an English program shall:

a) provide at least one-half hour of daily instruction in spoken English. Such instruction shall include work in articulation, pronunication, correct usage, and vocabulary.

b) The instructing teacher shall hold a regular teaching credential and have special training in the teaching of English as a second language.

c) An appropriate classroom shall be provided by the district.

d) Records shall be kept of each participating pupil.

e) The determination of the success of the program shall be provided to the district board and the State Department of Education.

To qualify for an allowance for instructors teaching English as a second language, the district shall submit evidence that such teachers will be given the opportunity to participate in in-service education programs designed to improve their competence.

§ 11375

A school district conducting such an English program shall submit reports described in Education Code Section 5063 as the Superintendent of Public Instruction shall require.

§ 11401-11402

ENGLISH LANGUAGE CENTERS

English Language Centers shall be maintained and operate in accordance with the regulations in Article 66 of Chapter 6 of Division 6 of the Education Code.

The instructional program shall conform to the following:

a) The preschool instructional program shall encourage the development of self-expression and communication in English.

b) The elementary or high school program shall reinforce the course of study of the students in the Center. The program shall be planned in cooperation with teachers and administrators.

c) Programs for adults shall help adults cope with the challenges of "an ordinary education program and/or to obtain or retain employment."

§ 11405-11407

Techniques, materials and equipment shall be appropriate to the age of the student and the level of her/his ability in English. Facilities shall be adequate for the number of persons served at each level. "The program shall not duplicate unnecessarily, but shall be coordinated with, any existing programs."

§ 11408-11410

A person shall be judged eligible for such programs under Education Code Section 6074 upon receipt by the center of a letter or other evidence stating the persons inability to understand, read, write or speak English. Such letters may be received from, but are not limited to the following:

a) The person's employer.

b) A principal of the public or private school in

which a minor is enrolled.

c) The director or supervisor of a child's center or preschool program.

d) The State Department of Employment.

There shall be periodical determination by teachers and administrators of the center of the students' progress. Whenever it is determined that the student can no longer profit from further participation in the program, her/his eligibility in the program shall be terminated.

Class scheduled for a time shorter than the entire school term may be indicated on the application. In which case the administrators of the center shall give reasons why they consider the period adequate to reach the goals of the class.

§ 11411

The program shall provide a means of ascertaining:

a) The extent of impairment of the ability of a student to cope with an ordinary education program.

b) The actual ability necessary for a student of employable age to obtain or retain employment.

c) Progress made by a student in the development of her/his facility in English so that she/he can cope with an ordinary education program and/or obtain or retain employment.

§ 11600

The purpose of the Bilingual Teacher Corps program is to recruit and insure the training of bilingual teachers and administrators. The Superintendent of Public Instruction shall provide stipends to individuals qualified to pursue such a program.

CROSS REFERENCES

II.A.8; Statute §52540--52544

II.A.10.Other-Child Development Program; Statute §8200--8201

III.B.Teachers: Regulation §5920.6

III.B.Teachers: Regulation §11403--11404

5. Bilingual/Bilcultural Education

Statutes

§22-24-102

The general assembly recognizes the need to "provide programs to perfect the English language skills and cultural development" of non-English-speaking students, which is best accomplished through "bilingual and bicultural programs in grades kindergarten through third grade." Programs shall be directed toward the achievement of the following objectives: (a) Improved performance in comprehending, reading, writing, and speaking the English language; (b) "Improved school attendance and reduced dropout rate; (c) Development of a positive self-concept and attitude; and (d) Greater parental involvement in the school programs."

The policy of this state is to insure equal educational opportunity for every student and to recognize the educational needs of students with linguistically different skills.

EQUAL OPPORTUNITY

§22-24-105

A state steering committee on bilingual and bicultural education shall be formed by the Governor, composed of nineteen members, all of whom shall be legal residents of this state.

The state committee shall adopt guidelines for the submission of plans for bilingual and bicultural education programs by districts.

§22-24-106

"The state board . . . has the power to: (a) Select the director of the unit of bilingual and bicultural education; (b) Adopt all [necessary] rules, regulations, and procedures . . . for the implementation of this article. (c) Adopt appropriate timetables for the submission of bilingual and bicultural plans by districts . . . and adopt standards, criteria, or other measures which the unit shall apply in evaluating plans submitted by such districts; (d) Review any appeals

RULEMAKING

by districts . . .(e) Report its evaluations or analyses of all bilingual and bicultural plans funded or rejected.

The state board of education shall: (a) Approve all tests, criteria, identification instruments, and procedures used by districts; (b) Insure that said tests, criteria, identification instruments, procedures are normed for relevant geographical areas and are valid for the purpose of identifying students with linguistically different skills.

§22-24-107

(1) "The department has the duty to: (a) Establish a unit of bilingual and bicultural education . . .; (b) Study, review, evaluate, and disseminate all available resources and programs," all information on student dropout, retention and achievement performance; "all successful and innovative preservice and inservice programs for staffs of bilingual and bicultural programs" and assist districts in selecting and contracting said services; and "Compile a data bank on bilingual and multilingual teachers and potential graduates . . . for the purpose of assisting districts in their independent efforts to seek bilingual teachers."

§22-24-108

"Each district . . . shall annually conduct a census . . . to ascertain and identify the number of school-age children in grades kindergarten through third grade with linguistically different skills residing within its boundaries." Parents of students identified in the census shall be notified of their right to enroll their child in the bilingual program, and given a "non-technical description of the purposes, methodology and content of the program."

IDENTIFICATION

Any school with fifty or more students in kindergarten through third grade with "linguistically different skills," shall develop a program. Special provisions concerning inter district cooperation, etc., are set up for those districts with less than fifty children.

§22-24-109

"A district is required to develop an acceptable plan for a bilingual and bicultural education program . . . and to amend such plan if it is unacceptable to the department." It is the duty of the school board to carry out such a plan.

§22-24-110

No later than thirty days after the approval and funding of a blingual education plan, "the district shall notify the parents or legal guardian of each student to be included in the program."

Preference shall be given to students with linguistically different skills, but the program shall be open to all other students.

An orientation session shall be held "with the student's parents or legal guardian at the beginning of classes for the purpose of fully explaining the program in a manner and language understood by said parents or legal guardian." Parents may subsequently withdraw a child from the program by submitting a written notice to the district. District officials shall consult with the parents and explain to them the type of program in which the child will be placed.

PARENTAL CONSENT

§22-24-112

"A bilingual and bicultural program shall be a full time program of instruction" in both English and the student's native language. The "skills of comprehension, speaking, reading, and writing" shall be taught in both languages, and the historical and cultural contributions associated with the student's language shall be presented in that language.

"The program shall be located in the regular program of the public schools and not in a separate program, and districts shall assign students to schools in such a way that will promote, encourage, or have the effect of integrating students regardless of national origin or linguistic ability." Students in

the bilingual program shall participate equally with other students in extracurricular activities.."

"No district may transfer a student of linguistically different skills out of a bilingual and bicultural program unless the parents or legal guardian of the student approves the transfer in writing."

Students who do not have "linguistically different skills" shall be encouraged to enroll in bilingual and bicultural programs.

§22-24-113--22-24-114

In selecting teachers for a bilingual and bicultural program, a school board "shall make an affirmative effort to seek, recruit, and employ persons who are bilingual."

Inservice training shall include, but is not limited to:

STAFF

(I) Development of instructional skills in reading, writing, and speaking;

(II) Development of bilingual and bicultural teaching skills;" and a demonstration of such teaching skills.

"Districts may employ curriculum specialists for the effective development and implementation of the program," and school boards shall seek to employ persons who are bilingual.

"The school board shall make an affirmative effort to seek, recruit, and employ teachers' aides who are bilingual. The school board shall provide procedures for the involvement of the community committee in the screening of applicants."

"In-service training of teachers' aides shall include development of personal skills in reading, writing, and speaking; and opportunities to develop general teaching skills."

Districts with more than fifty students conducting bilingual programs, shall employ at least one "community coordinator." He/she "shall promote commun-

ication, understanding, and cooperation" between the schools and community.

§22-24-115

A district with one hundred or more pupils enrolled in a bilingual or bicultural program" shall appoint a . . . district director of bilingual and bicultural education. [He/she] shall be qualified . . . as a bilingual teacher and shall direct the operation of the district's . . . program. An affirmative effort shall be made . . . to employ a district director who is bilingual."

Districts with less than one hundred students enrolled in the program shall appoint a supervisor of bilingual and bicultural education. He/she "shall be qualified . . . as a bilingual teacher and shall supervise the operations of the program."

"An affirmative effort shall be made by the school board to employ supervisors who are bilingual."

§22-24-116

"Districts should provide for the maximum involvement of parents of students enrolled in the programs."

A "community bilingual and bicultural committee shall be established within each district offering a . . . program. The parents of students enrolled in each respective program of each school shall elect at least seventy-five percent of the regular community committee."

COMMUNITY COMMITTEE

In addition to the parent members of each community committee, a representative of the bilingual teachers . . . teachers' aides, the community coordinator, and the district director or supervisor of bilingual and bicultural education shall be members of each respective community committee.

The school board shall provide "assistance in program

development" and other areas to the committee to aid them in their work. The committee shall review the district's plans for bilingual programs, the needs of children residing in the district, and evaluations of prior programs. The committee shall vote upon and review all district plans for bilingual programs. Amendment of any program requires the approval of the state board of education.

"The department shall not approve any plan unless it is accompanied by the written comments of the community committee . . . and unless said plan has been voted on by the community committee.".

REGULATIONS

2224-R-2.0

THE BILINGUAL AND BICULTURAL EDUCATION ACT

The State Steering Committee and the State Board of Education shall cooperate to implement this Act.

Adoption of rules, bylaws and election of officers shall be accomplished at the initial committee meeting.

The committee and the State Board shall hold at least two joint meetings a year.

2224-R-3.0

A community committee shall be established and shall consist of eight members: six of which are to be parents of children enrolled in the program with one member being a staff member of the district program and another a district administrator.

The six parents shall be elected by the parents of children enrolled in the program at a district school board election conducted in compliance with steering committee guidelines.

The school district shall determine how the committee staff members are to be elected.

The initial committee's term of office shall be established by the local board of education for the academic year.

Each board of cooperative service (BOSC) operating bilingual and bicultural education programs under this Act shall assure:

That there is a community committee in each school district operating such a program;

That a BOSC committee is established having one parent of a child enrolled in the program from each school district participating in a program operated by the board of cooperative services.

The BOCS shall meet and serve as a liaison between the local community committees and the BOSC administration on matters pertinent to the operation of the programs.

2224-R-4.0

Districts must develop measures for conducting an annual census in their districts. The measures shall be consistent with those recognized by the Department.

CENSUS

Census Team(s) shall utilize all available data to determine the numbers of students with linguistically different skills in a school. Those students identified will be used to determine which district schools shall be selected for a program plan.

2224-R-5.0

The district director or supervisor of the Bilingual Program must be Colorado certified as a teacher or administrator.

2224-R-6.0

PUPIL-TEACHER RATIO

Class size for bilingual program instruction shall not exceed 28 for grades one through three if no bilingual aide is available.

A certified bilingual teacher may supervise, when assisted by one bilingual education paraprofessional, a class of no more than 38.

Adult-child ratio for bilingual kindergarten classes shall not exceed 25:1. Introduction of a para-

professional, with proper Department notification, may allow the ratio to increase, 20:2. The notification must explain why the modification would aid school development.

2224-R-7.0

Districts seeking financial assistance for their programs shall submit a comprehensive plan, including:

findings of the census study, listings of eligible schools, grades, and classes to be included and total number of students to be enrolled;

description of goals and objectives as they relate to students by grade level and a recital of how these goals and objectives are to be achieved;

DISTRICT PLAN

management plan showing the line of authority and how the program will be staffed, organized, coordinated and monitored;

a proposed budget, including projected expenses with an evaluation plan;

notification of those concerned of program needs and progress;

upward mobility and inservice plans to meet local staff needs, and a budget breakdown on proposed expenses for these programs permitted under this Act;

use of teachers who are bilingual;

a written reaction to the plan by the community and the community committee's vote on it shall be included in the plan.

School districts wishing to participate in the bilingual program, receiving state funds, may submit requests after the annual census no later than December 1 of each succeeding school year;

The community committee shall be established 45 days before the program plan for bilingual program is adopted by the local board of education.

Department recommendation to State Steering Committee for approval plan will be made no later than March 15 of each year.

Submission of a final evaluation report of the previous year's program to the Department shall be made

no later than August 1 of each year.

The program funded pursuant to the Act shall be implemented at the beginning of the school year for which funds have been requested.

2224-R-8.0

This section shall apply to programs offered under provisions of CRS 1973 22-24-119.

Students reported are those who speak only a language other than English. A "non-English Speaking Census" shall be conducted on or before October 5 of each year.

Students enrolling after the "non-English Speaking Census" shall be assessed and the results reported to the Department on or before November 15.

Tutorial Grant application must include a comprehensive plan to be submitted to the Department on or before November 1 and shall include:

identification of children in "non-English Speaking Census" not enrolled in state bilingual programs servicing kindergarten through grade three;

language spoken by those identified;

specified program approach to be utilized by the district;

procedure for defining measurable objectives and a means for evaluating progress towards these objectives;

a proposed budget necessary for conducting the program such budget to include numbers of staff and positions for each.

2224-R-9.0

Districts receiving tutorial grants are to submit final reports by August 1 following the school year in which the program was offered. The report shall include: number of children served, teachers or aides employed; results of the evaluation of progress towards achieving defined objectives; costs expended for staff, teacher aide training and instructional materials.

A school district has 20 working days, from the date of receipt, to respond to a CRS 1973, 22-24-108(11) complaint. Five days after it receives the school district's response the department shall review and determine whether the statute has been complied with or whether a plan of compliance has been submitted. If the district's response is rejected it shall receive detailed grounds of non-compliance, an order instructing it to comply, and notice of a right to hearing. The Steering Committee and State Board shall receive copies of the notice and other relevant correspondence.

If the district fails to request a hearing, the department shall, in cooperation with the Attorney General's office, move to enforce the Act and rules specified in the department's order.

HEARING

The State Board shall cause all requested hearings to be heard by a hearing officer within 20 days of receipt of the request. The hearing shall be conducted within the provisions of CRS 1973, 24-9-105, as amended.

The hearing officer's decision is appealable to the State Board, and the decision of either, if an appeal is taken, shall be deemed the final agency action. The decision shall be enforced by the department, in cooperation with the Attorney General's office.

APPEAL

5. Bilingual/Bicultural Education

Statutes

§10-17

Local boards shall determine when instruction shall be given bilingually and biculturally and shall design the procedures and acquire the training materials necessary to meet the special needs of children of limited English-speaking ability.

The programs shall be designed "to provide bilingual instruction . . .; to impart a knowledge of the history and culture associated with the student's language; to establish closer cooperation between the school and the home; to provide bilingual and bicultural early childhood educational programs . . .; to provide bilingual and bicultural adult education programs; and to provide such programs in trade, vocational or technical schools and for dropouts and potential dropouts.

§10-17a

"A bilingual and bicultural program of study may be established by any board of education" provided the purpose of such program shall be to enable children to become proficient in English. A private school may, with the approval of the state board of education, establish such a program of bilingual education."

§10-17c

In areas with large concentrations of non-English speaking persons the state board shall assist the board of the school district in implementing bilingual programs.

The state board shall annually evaluate the bilingual and bicultural programs conducted and report to the general assembly.

CROSS REFERENCE

III.B.Teachers; Statute §10-146c -- 10-146f

5. Bilingual/Bicultural Education

CROSS REFERENCES

III.B.Teachers; Regulation; Chap. XVII, §9, License XVI

III.B.Teachers; Regulation; Chap. XVII, §9, License XVII

IV.G.; Regulation; Chap. IV, §402

5. Bilingual/Bicultural Education

CROSS REFERENCE

II.A.3; Regulation 30-2310; 30-2320

5. Bilingual/Bicultural Education

Statutes

§10-22.38a

Boards may provide bilingual programs for students whose first language is one other than English.

§14C-1 - 14C-12

The State Board shall prescribe regulations for a bilingual education program for "children of limited English-speaking ability." Each school district shall ascertain annually the number of such children within the district. Where more than 20 of these children live in a district, "the school district shall establish for each [language group], a program in transitional bilingual education . . . ." Where the number is less than 20, the district may establish a bilingual program.

"[W]henever possible [children] shall be placed in classes with children of approximately the same age and level of educational attainment." Classes shall be given in the native language of the children, as well as in English.

The parents of the children must be notified of enrollment in the program in the native language and in English, within 10 days of the enrollment. A parent "shall have the absolute right . . . to withdraw her/his child from such program by providing written notice of such desire. . . ." In the event that the parent consents to the enrollment, the child shall continue in the program for three years or until he or she achieves the skills necessary to "perform successfully" in classes given only in English. This three year period may be extended "in the discretion of the school district and subject to the approval" of the parent.

Teachers in bilingual programs must meet statutory requirements in addition to having valid teaching certifications. "School districts shall give preference . . . to those . . . who have the relevant foreign cultural background . . . ."

With respect to costs, "[e]ach school district shall be reimbursed for the amount by which . . . costs exceed the average per pupil expenditure . . . ."

§34-18.2

The board of education may provide programs in a language other than English for those children whose first language is other than English.

CROSS REFERENCES

II.A.8.; Statute §201-1 -- 203-3

III.B.Teachers; Regulation, State Certification Requirements XIII

STATUTES

§20-10.1-5.5-2

"The superintendent of public instruction shall carry out a bilingual-bicultural program for the improvement of educational opportunities for non-English dominant children" by: assisting in the establishment of services and programs and in-service training for bilingual teachers.

§20-10.1-5.5-3

English speaking students may participate in the bilingual program as long as their presence does not hinder the progress of the non-English dominant children. When possible, students shall be grouped according to age and academic level. "The ultimate objective shall be to place the bilingual-bicultural student in the regular course of study."

§20-10.1-5.5-4

Before a student is placed in a bilingual-bicultural program, the school board must notify the child's parents. The notice must be in English and in the appropriate non-English language, and must inform the parents of their right to visit the program and to refuse placement or withdraw the child from the program.

§20-10.1-5.5-5

Each year, the principal of a school which operates a bilingual-bicultural program shall appoint a local advisory committee composed of bilingual teachers, counselors, community members and parents of students enrolled in the program. A majority of the committee

shall be parents of students enrolled in the program. Each year the governing body of each school corporation operating a bilingual program shall select one representative from each local advisory committee to serve on a "corporation advisory committee." Both committees shall participate in planning, implementing and evaluating the bilingual programs. "All bilingual-bicultural programs must be approved by the appropriate local advisory committee before implementation."

§20-10.1-5.5-6

"School corporations may establish full or part-time summer or preschool bilingual-bicultural courses, but they are not substitutes for bilingual-bicultural programs required during the normal school year."

§20-10.1-5.5-7

The division of migrant bilingual-bicultural education of the department of public instruction shall assist school corporations in developing bilingual - bicultural programs by evaluating instructional materials; providing technical assistance; developing in-service training programs for personnel; monitoring and evaluating programs; establishing resource centers; and promulgating regulations to implement this chapter.

REGULATIONS

§ II, Ch. 1, Policy 72-06

Ethnic Studies

"The Commission on General Education...resolves that present programs of studies...and programs of studies hereafter submitted for approval should provide for the following considerations:

a. Content and materials should accurately depict

our multi-ethnic society. . . .

b. Contributions and cultural aspects of all ethnic groups should reflect an integrated approach to the study of humanistic and social subjects.

Multi-ethnic courses may be offered on an elective basis with the approval of the Department of Public Instruction.

Regular history courses...and...regular social studies courses, of American history, should include scholarly attention to the heritage of Americans of all ethnic origins."

5. Bilingual/Bicultural Education

CROSS REFERENCES

II.A.1.; Statute §72-1101

II.A.3.; Regulation §91-27-2; 91-27-4

5. Bilingual/Bicultural Education

Statutes

69 §35

"There shall be . . . within the department, . . . a bureau of transitional bilingual education . . . The project director shall be appointed by the board of education upon the recommendation of the commissioner, and . . . shall have the minimum qualifications of a bachelor's degree in either business administration, liberal arts, or science, and shall have at least two years of documented administrative or teaching experience. The . . . director shall file a quarterly report with the board of education, the clerk of the house of representatives and the . . . senate.

The bureau . . . shall . . .(1) assist the department in the administration and enforcement of the provisions of chapter seventy-one A . . .; (2) . . . study, review, and evaluate all available resources and programs that, . . . are or could be directed toward meeting the language capability needs of children and adults of limited English-speaking ability . . .; (3) . . . compile information about the theory and practice of transitional bilingual education . . ., encourage experimentation and innovation . . . and . . . make an annual report to the general court and the governor; (4). . . provide for the maximum . . . involvement of parents . . . in . . . planning, development, and evaluation . . . and . . . provide for the maximum . . . involvement of parents, . . . teachers and teachers' aides, . . . community coordinators, representatives of community groups, educators and laymen knowledgeable in the field . . . in the formulation of policy and procedures relating to the administration of chapter 71A . . .;" 5) consult with other departments and agencies to and in the administration of said chapter; and 6) make recommendations as to pre-service and inservice training for teachers, "curriculum development, testing and testing mechanisms, and the development of materials . . ."

71A §2

Each school committee shall determine by March first the number of children "of limited English-speaking ability" within their school system, and shall classify them according to their primary language. When there are twenty or more children of limited English-speaking ability in any classification, the school committee must establish a program in transitional bilingual education. Every child shall participate in the program for a period of at least three years or "until [she]he achieves a level of English language skills which will enable him[her] to perform successfully in classes . . ."

EXAMINATION

An examination in the oral comprehension, speaking, reading and writing of English shall be administered annually to all children participating in a program in transitional bilingual education.

71A §3

NOTICE

No later than ten days after the enrollment of any child in a program in transitional bilingual education the school committee shall notify his/her parents, of such enrollment, in writing in English and in the language of the parents. "The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education." The notice shall further inform the parents that they have the "absolute right" to withdraw their child from the program.

71A §4

"A school committee may allow a non-resident child of limited English-speaking ability to attend its program in transitional bilingual education, and the tuition for such a child shall be paid by the city, town, or the district in which she/he resides." Towns may join together to provide programs. The commonwealth shall reimburse the cost of providing transportation.

71A §5

"Instruction in courses of subjects included in a program of transitional bilingual education which are not mandatory may be given in a language other than English." In those subjects in which "verbalization is not essential to an understanding of the subject matter, including art, music and physical education," children of limited English-speaking ability shall participate fully with their English-speaking contemporaries" in regular classes. Children enrolled in a program shall be able to participate in extra-curricular activities. Whenever feasible, such programs shall be located in the regular public schools, and children shall be placed with their peers, with the maximum student-teacher ratio, set by the department, which shall reflect the special educational needs of children enrolled.

71A §7

"A school committee may establish on a full or part-time basis pre-school or summer school programs in transitional bilingual education for children of limited English-speaking ability." These programs shall not substitute for programs required to be provided during the regular school year.

71A §8

The costs to the School Committees of the programs in transitional bilingual education shall be reimbursed by the commonwealth for the amount by which such costs exceed the average per pupil expenditure of the area for the education of children of comparable age.

71A §9

". . . the department shall exercise its authority and promulgate rules and regulations to achieve the full implementation [of any transitional bilingual education program]."

REGULATIONS

REG. #23

3. Annually each school committee shall conduct

a census of the "number of children of limited English-speaking ability resident in the district" both in and out of school.

5. All personnel conducting the census "shall be able to communicate in the home language of the children being counted.

6. Children of limited English-speaking ability shall mean those children who meet the statutory requirements of native tongue and parentage and who have difficulty performing ordinary classwork in English due to problems handling the English language."

7. Districts shall classify such children by the child's primary language. Such classification shall compare to "living foreign languages."

8. The local director of the program "shall annually evaluate every child "considered for placement in it, in order to dermine the child's continued eligibility. The Bureau of Transitional Bilingual Education shall establish guidelines for such determinations.

9. When it is determined that within any city, town, or school district (not including children in private schools), there are "twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program for Transitional Bilingual Education." School districts may establish programs when there are less than twenty children in a given classification.

Reimbursement

11. "The costs of instruction, training and support . . . of [the] Transitional Bilingual Education [program]. . . shall, for the amount by which such costs exceed the average per pupil expenditure of the school district for the education of children of comparable age, be reimbursed by the Commonwealth.

Educational Quality

20. Programs in Transitional Bilingual Education

shall mean a full-time program of instruction.

1. in all those courses . . . which a child is required by law to receive and which are required by the child's school district in the native language of the children . . . enrolled in the program and in English.

2. in the reading and writing of the native language of the children . . . and in the aural comprehension, speaking, reading and writing of English, and

3. in the history and culture of the country, territory or geographic area which is the native land of the parents of [such] children . . . and in the history and culture of the United States."

21. Non-mandatory course instruction may be given in a language other than English. "In those courses or subjects in which verbalization is not essential to an understanding of the subject matter. . .[e.g., Art, Music, Physical Education]. . ." such children shall attend classes with their English speaking contemporaries. The same shall be true with respect to extracurricular activities. "Programs in Transitional Bilingual Education shall be located in regular public schools rather than special facilities" unless it is determined not to be feasible and is approved by the Bureau.

ENROLLMENT

22. Enrollment in the program shall be for a period of three years or until the child "achieves a level of English language skills which will enable him/her to perform successfully in classes in which instruction is given only in English, whichever shall occur first." Such three-year period may be extended at the discretion of the school committee and with the approval of the child's parents.

23. "Programs shall be designed and conducted . . . [to] . . . achieve skills in aural comprehension, speaking, reading and writing of English sufficient to perform ordinary classwork in English within the three-year transitional period.

PUPIL-TEACHER RATIO

24. The maximum student-teacher ratio shall be 15:1" except it may be 20:1 when a teacher's aide is assigned to the class.

25. "It is highly recommended that native speaking teacher's aides be utilized" and that whenever possible, they be paid out of Title I funds of the federal Elementary and Secondary Education Act.

26. "The age spread in any . . . class shall be no more than three years . . . except that the . . . kindergarten class shall be no more than one year.

27. The regulations shall be interpreted as encouraging experimentation and innovation in teaching . . . classes, including the use of . . . open classrooms, team teaching, etc."

28. Children in the program "shall be taught the history and culture of their own background and the history and culture of the United States to draw upon and balance both." Such courses "will encourage a student to keep and report his[her] own heritage and draw upon and understand the American way of life."

29. Children in the program "shall receive full regular program credit for all years completed and courses taken." Such program credit shall be transferable between different schools and school districts.

30. "It is highly recommended that school districts utilize . . . native speaking community coordinators who shall act as liaison between the school district and the [children's] parents . . . and visit the homes of the children in order to exchange information about the . . . program.

31. It is highly recommended that school districts utilize . . . native speaking guidance counselors or pupil adjustment counselors . . . ."

32. School districts shall take measures to see that the program is adequately administered. If 200 or more children are in the program, it "shall appoint a local project director, supervisor, or teacher in charge . . . ."

33. Participating school districts "shall designate

a committee of three or more members, including . . . representatives . . . from the school administration, . . . [the] program, and [the] Parent Advisory Committee." Such committee "shall be responsible for conducting an annual review of the district's . . . programs and reporting its conclusions to the Bureau . . . and the school committee.

34. School districts shall send program reports to parents of children enrolled in . . .[the] . . . programs in the same manner and frequency as progress reports sent to parents of other children enrolled in the school district. Such . . . reports shall be written in English and the native language of the parents."

35. Children enrolled in the programs "shall have full access to special and other educational services available to other children in local school districts."

Preschool and Summer Program

36. Any preschool or summer programs offered "shall comply with the statutory definition of Transitional Bilingual Education, except that such . . . programs may be full or part time."

37. Kindergarten programs may be provided, the costs of which may be reimbursed.

Parent Participation

PARENTAL INVOLVEMENT

38. Each participating school district "shall establish a Parent Advisory Committee (PAC) on Transitional Bilingual Education," which shall be composed of parents of children enrolled in the program. The committee "shall have at least five members including . . . representatives from every language group in which" programs are conducted in the district. Members "shall be selected in a manner which fairly represents the views of [the] parents."

39. The PAC "shall meet regularly with school officials, and at least once annually with the school committee, to participate in the planning, development and evaluation of the district's . . . program. Members . . . shall have access to . . .[the] program['s] records."

40. The PAC "may appoint sub-committees for different language groups and/or schools."

41. "No plan shall be approved under this Act which has not been submitted in advance to the . . . Parent Advisory Committee."

42. Parents of children enrolled in the program "who are members of Title I parent advisory committees shall be eligible to participate on Parent Advisory Committees established under the Act and regulations.

English Speaking Children

43. Transitional Bilingual Education programs may include children of English-speaking ability subject to the notification and withdrawal provisions of Section 3.

Joint Programs

44. School districts establishing joint programs . . . may establish such financial arrangements as they see fit . . . and shall work out equitable reimbursement arrangements with the Bureau . . . and the Department . . ."

Notice and Withdrawal

45. Within ten days after the enrollment of any child in the program, the local school committee shall notify by mail the parent or guardian of the child of the fact their child's enrollment in the program. Such notice "shall contain a simple, non-technical description of the purposes, method and content of the program . . . and shall inform the parents that they have the right to visit . . . classes in which their child is enrolled, and to come to the school for a conference to explain the nature of . . . [the program]". The notice shall further inform the parents of their "absolute right" to withdraw their child from the program. "The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

NOTICE

WITHDRAWAL

47. Parents shall have an absolute right to withdraw their children . . . at any time up to one month from the date they receive notice of enrollment. Thereafter, they may exercise their right to withdrawal only at the end or beginning of a semester, or with permission of a teacher"

in the program.

48. Parents of children enrolled in the program "shall have access to their children's individual school records and shall have the right to visit . . . classes in which their children are enrolled. Parents shall also have the right to request and receive a conference with a . . . [program] teacher . . . relating to the nature and purposes of the . . . programs, and their children's program in school."

Plans

50. Annually "school districts shall submit letters of intent for programs in Transitional Bilingual Education to the Bureau . . . by December 1st of the school year preceding the implementation of a program . . . . Such letter of intent shall contain a short narrative description of the proposed . . . program." The Bureau should respond to the school district by the following February 1st.

51. "School districts shall submit plans for programs in Transitional Bilingual Education to the Bureau . . . by March 31st of the school year preceding the implementation of a program . . . . Such plans shall comply with the Act and the regulations and shall contain information required by the Bureau to determine whether the school district is in compliance . . . Plans shall be submitted in accordance with guidelines and forms prepared by the Bureau.

52. Plans shall set forth steps taken towards a census of children of limited English-speaking ability resident in the school district.

53. Plans shall describe the ways and means by which a . . . program will teach the history and culture of the [children's] native land.

55. No program . . . shall be eligible for reimbursement which has not submitted a plan approved by the Bureau . . . . The Bureau shall process and approve such plans or recommend changes in such plans by May 15th of the school year preceding the implementation of a program . . .

56. Plans submitted for approval . . . shall contain . . . program projections for the following two school years.

Such projections shall be regularly updated for submission with plans for following school years.

Board of Education

57. "The Board . . . may upon petition of a school committee waive any of the provisions of these regulations as to any particular district for such time as may . . . seem reasonable to avoid undue hardship to such district."

CROSS REFERENCES

III.B.Teachers; Statute 71A §6

III.B.Teachers; Regulation #21

STATUTES

§380.1153

The board of a school district having an enrollment of 20 or more children of limited English-speaking ability in grades K-12 shall establish a bilingual instruction program. The board of a district with fewer than 20 children of limited English-speaking ability may establish such a program.

If children of different age groups or grade levels are combined, the board shall insure that the instruction given each child is appropriate to the child's level of educational attainment.

A child residing in a district which lacks a bilingual program may enroll in a program in another school district. Tuition and transportation shall be provided by the district in which the child resides. TUITION

An intermediate board shall determine whether the number of children of limited English-speaking ability residing in its constituent districts, which do not operate bilingual programs warrants the establishment of an intermediate bilingual instruction support program. An intermediate district operating a bilingual program may carry children in membership in the same manner as a local school district and shall be entitled to its proportionate share of state funds available for the program.

§380.1154

The bilingual program operated by a district shall provide full-time instruction in courses and subjects required by this act and by the board for completion of the grade level in which the child is enrolled.

§380.1155

Prior to placement of a child in a bilingual program, the board shall notify the child's parents or legal guardian. PLACEMENT The notice written in English and in the native language of the child, shall contain a simple, non-technical description NOTICE

of the purposes, methods and content of the program. The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board.

A child shall be enrolled in a bilingual program for three years or until the child achieves a level of proficiency in English, sufficient to receive an equal educational opportunity in the regular school program, whichever comes first. A child shall not be transferred out of a program prior to a child's third year of enrollment unless the parents or guardian approve the transfer in writing or unless the child successfully completes an examination which reflects a level of proficiency in English appropriate to the child's grade level.

§380.1156

A board operating a bilingual program shall establish an advisory committee, comprised of representatives of parents of children enrolled in the program, bilingual instruction teachers and counselors, and members of the community, to assist the board in evaluating and planning the program. A majority of its members shall be parents of enrolled children.

§380.1158

Relative to bilingual instructions, the state board shall advise and assist school districts in complying with §380.1152 through 380.1158, shall evaluate all instructional materials, compile data, encourage experimentation, and make an annual report to the legislature and the governor.

CROSS REFERENCES

II.A.1; Statute §380.1151

III.E.Bilingual Education Program; Statute §380.1157

5. Bilingual/Bicultural Education

Statutes

§126.07

Book used and instruction given in the public schools shall be in English, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words. In a program for children of limited English speaking ability, instruction and books may be in the primary language of the children. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study.

§126.32 -- 126.34

In order to provide equal educational opportunity to every individual, the bilingual education act provides for the establishment of at least three pilot transitional bilingual educational programs.

EQUAL OPPORTUNITY

Under the provisions of the act, "children of limited English speaking ability" are children whose primary language is other than English and who have trouble reading, writing, speaking, and understanding ordinary classroom instruction and performing classroom work in English.

§126.35

The program of instruction in bilingual education classes shall consist of instruction in both the primary language and in English in all subjects taught. Concern for the students' cultural heritage should be demonstrated, as well as instruction given in the childrens' history and culture and U.S. history and culture. Inservice training shall be developed for the staff, consisting of improving bilingual skills and providing opportunities to develop better teaching techniques.

As far as is possible, children with different non-English primary languages should not be placed in the same bilingual program. Additionally, if graded classes

are used, children should be placed in classes with others of approximately the same age and level of educational attainment.

When a pilot program is established, every school age child of limited English speaking ability shall be eligible to enroll and participate in the program for a period of three years or until she/he achieves a successful level of English language skill. Within ten days of enrollment the child's parents shall be informed, in writing, in both English and their primary language, of the program's purposes, their right to visit the program, and their right to withdraw their child from the program. However, no withdrawal shall be allowed until the parents meet with school district officials.

ENROLLMENT

NOTICE

WITHDRAWAL

If it is economically feasible, children whose primary language is English may enroll in the program.

§126.38

In order to ensure the maximum involvement of parents of children enrolled in bilingual programs, school districts shall establish a parent advisory committee. The committee shall be composed solely of parents of children in the program, eligible or enrolled secondary students, bilingual education teachers and representatives of community groups.

PARENTAL INVOLVEMENT

§126.39

The state board of education shall conduct a statewide assessment of the need for bilingual education, shall study and review all available resources and programs, and shall design program models appropriate for meeting the need for bilingual education. The state board shall provide for comprehensive evaluation of pilot programs. The maximum involvement of the state advisory task force, parents of enrolled children, and teachers of bilingual education shall be encouraged.

EVALUATION

Before September 1, 1979, the state board of education shall report to the legislature on the pilot programs and include recommendations for legislation. The state board may promulgate rules providing for standards and procedures for implementing the bilingual education act.

§126.40

The state board of education shall appoint an advisory task force on bilingual education programs. Members shall include: members of community groups, parents of children enrolled in bilingual programs, and bilingual education teachers. The task force shall: make recommendations to the state board on proposals for programs and advise the board in the administration of its duties.

§126.41

During 1978-79, at least three pilot programs shall be funded, one of which must be in a rural area. School districts applying for grants must submit a plan outlining their needs, goals and objectives, and specifics as to how the proposed program will be conducted. Each school district receiving a grant shall take a census of all children of limited English speaking ability, shall assess the language proficiencies of the children, and test them for achievement. All testing and evaluation procedures shall be selected so as not to be racially or culturally discriminatory. Participating school districts shall keep records on bilingual education programs.

CROSS REFERENCE

III.B.Teachers; Statute §126.36 -- 126.37

5. Bilingual/Bicultural Education

Statutes

§189:19

The "English language shall be used exclusively" for instruction in the public schools. However, "experimental educational programs in . . . bilingual education shall be permitted . . . with the approval of the state board of education."

§193:9 --193:10

All persons "between sixteen and eighteen" who cannot "read and speak English" must "attend an evening or special day school" until they have completed the "minimum course of studies prescribed by the state board." However, this requirement does not apply to "persons over sixteen years . . . employed in cutting, harvesting or driving pulp-wood and timber, nor to persons temporarily employed in any sort of construction or agricultural work."

CROSS REFERENCES

I.State Board of Education; Statute §186:5 -- 186:6a

5. Bilingual/Bicultural Education

Statutes

§18A:35-15

In order to "insure equal educational opportunity to every child, in recognition of the educational needs of children of limited English speaking ability," a bilingual education program in the public schools is established.

§18A:35-17--19

Each district shall identify the children who have limited English speaking ability and shall classify them according to their primary language ability.

When there are 20 or more children "with limited English speaking ability in any one language classification" a bilingual program shall be established for all pupils therein. The board may also establish a program for a classification with less than 20 pupils. Each pupil may participate in such program for three years.

§18A:35-20

"Programs in bilingual education shall be located in the regular public schools." The pupils in these programs shall participate fully with English speaking students in courses in which verbalization is not essential to the subject matter."

§18A:35-21

A school district may join with any other school district or districts to provide bilingual programs.

§18A:35-22

Parents of children enrolled in bilingual programs shall be notified of such enrollment in writing. They shall be as involved as possible in the development and review of the program.

§18A:35-23--26

The commissioner of education and the Chancellor of Higher Education shall "promulgate rules, establish procedures [and] employ personnel" in order to implement this program. A "State Advisory Committee on Bilingual Education" shall be established to assist in the "formulation of policies and procedures" relating to bilingual education. It shall include representatives of the "language communities served," teachers and layment knowledgeable in the field of bilingual education. The State Board and State Board of Higher Education shall "develop resources, programs, curriculum and instructional materials" and undertake other activities to provide bilingual programs.

REGULATIONS

§6:31-1.3

When, at the beginning of any school year, there are within the schools of the district, 20 or more pupils of limited English speaking ability in any one language classification, the board of education shall establish, for each such classification, a program in bilingual education for all the pupils therein. A board of education may establish a program in bilingual education for any language classification with less than 20 children therein.

Children enrolled in a program of bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of education attainment.

A program of bilingual education may make provision for the voluntary enrollment on a regular basis, of a limited number of children whose dominant language is English, in order that they may acquire an understanding of the cultural-heritage of the children of limited English speaking ability for whom the partitular program of bilingual education is designed.

Residents between the ages of five and 18 not enrolled in any school shall be offered an opportunity to enroll in any bilingual program so established.

§6:31-1.7--.8

The bilingual curriculum is not to vary from that offered to all pupils within the school district. In subjects where limited English speaking ability is not essential, pupils, regardless of their English speaking ability, may be taught together.

In such situations the number of pupils who are proficient in English shall not be less than ten within a classroom. The backgrounds of both groups of pupils shall be incorporated into the class curriculum.

All bilingual programs shall be conducted within the school buildings of the district.

§6:31-1.9

Every school age child of limited English speaking ability not enrolled in existing private school systems shall be enrolled and participate in the bilingual education program established for the classification to which he belongs by the school district in which he resides for a period of three years.

ORAL EXAMINATION

An examination in the oral comprehension speaking, reading and writing of English, as prescribed by the State Department of Education, shall be administered annually to all children of limited English speaking ability enrolled and participating in a bilingual education program.

No school district shall transfer a child of limited English speaking ability out of a bilingual program prior to his three years of enrollment unless the pupil has received a score on said examination, determined by the State Department of Education, in consultation with the local school district, which reflects a level of English language skills appropriate to the pupil's grade level.

A child of limited English speaking ability enrolled in a bilingual education program, who does not reflect a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, may at the discretion

of the school district continue in that program for a period longer than three years.

IIA5-NJ
NEW JERSEY

A child of limited English speaking ability enrolled in a bilingual education program, who reflects a level of English language skills appropriate to his or her grade level, may at the discretion of the school district continue in that program for a period longer than three years.

At the discretion of the districts, bilingual education programs may include children of English speaking ability, provided that no bilingual class contains a majority of students whose native language is English.

§6:31-1.10

Any two or more districts may combine to provide bilingual education programs, facilities, or transportation.

§6:31-1.11

Within ten days after a pupil has been placed in a bilingual program the district is to notify his/her parents of such placement.

PLACEMENT NOTICE

Progress reports on those pupils placed in the bilingual programs are to be regularly forwarded to parents of enrolled pupils.

§6:31-1.12

In each district where bilingual education is offered, interested parents of enrolled children are to be invited to sit on the advisory committee. This committee, being composed of parents, teacher, community leaders, shall aid in the development and review of program objectives and dissemination of information to those concerned.

§6:8-3.8

The district board of education, after consultation with the chief school administrator and teaching

staff members, shall establish reasonable pupil minimum proficiency levels in the basic communication and computational skills.

Each pupil shall be assessed, upon entrance into the educational system and annually thereafter, to identify pupils not meeting minimum proficiency levels.

Preventive and remedial programs, supplemental to the regular program, shall be established. These programs shall include:

Programs to assist those pupils (defined as a "State compensatory education pupil") performing below the established minimum levels of pupil proficiency in the basic areas of communication and computational skills;

Procedures for the screening of currently and newly enrolled pupils in order to determine whether or not they should be enrolled in preventive and remedial programs should include those diagnostic measures which could be used to predict the relevant learning difficulties and needs;

Instruction and services to meet pupil needs;

Ongoing communication between teaching staff members and parents or guardians of compensatory pupils participating in preventive and remedial educational programs;

Evaluation procedures which measure compensatory pupil achievement related to preventive and remedial educational program objectives and standards;

Evaluation of the effectiveness of preventive and remedial educational programs.

As part of the annual district and school classification procedure, the State Department of Education shall monitor the district board of education's pupil minimum proficiency levels and the rate of pupil growth in achievement with particular attention to services and preventive and remedial educational programs for the basic communication and computational skills.

TITLE-NJ 5
NEW JERSEY

ASSESSMENT

PREVENTIVE PROGRAMS

REMEDIAL PROGRAMS

EVALUATION

The Department of Education shall conduct studies and evaluate findings biennially after the effective date of this Chapter in order to report the status of progress toward the attainment of pupil minimum proficiency levels established by the district board of education.

CROSS REFERENCES

I.Advisory Committee of Bilingual Education; Regulation §6:31-1.14

I.Bureau of Bilingual Education; Regulation §6:31-1.13

III.B.Teacher; Regulation §6:11-8.8; §6:11-8.9; §6:31-1.5

5. Bilingual/Bicultural Education

Constitution

New Mexico Constitution Article XII, Section 8

The legislature shall provide for the training of teachers in the normal schools or otherwise so that they become proficient in the English and Spanish languages to qualify them to teach Spanish-speaking pupils in the public schools . . . and shall provide means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students."

Statutes

§77-23-3

There is a Bilingual Multi-Cultural Education Act whose purpose is "to ensure equal educational opportunities for students in New Mexico." Cognitive and affective development of students is encouraged by: (1) utilizing the students' cultural and linguistic backgrounds in the program; (2) using a positive approach in teaching, (3) teaching students to appreciate the value and beauty of different languages and cultures.

§77-23-4

"The state board shall issue guidelines for the development and implementation of programs" under the Bilingual Multi-Cultural Education Act. The state department of education shall administer and enforce the Act and assist local boards in developing and evaluating programs.

§77-23-5

A. "The (local school board may prepare and submit to the department (of education), the state superintendent of public instruction . . . and the chief (of public school finance) a program plan in accordance with guidelines issued by the state board."

B. "At regular intervals, the (local) school

board, the department (of education) and a parent advisory committee from the district shall review the goals and priorities of the plan and make . . . recommendations to the state board."

C. "Programs shall be located in the regular public schools of the district. Involvement of students in any programs shall not have the effect of segregating students by ethnic group, color or national origin."

§77-23-6

"To be eligible for state financial support each program must:"

(1) provide for the educational needs of linguistically and culturally different students in grades K-6 who want to participate;

(2) fund programs for these students "where there is an identifiable need to improve (their) language capabilities;"

(3) use 2 languages for instruction within the program and teachers with bilingual education training;

(4) "emphasize the history and cultures associated with the students' mother tongue;"

(5) be approved by the department of education, the state superintendent for public instruction and the chief of public school finance.

REGULATIONS

Reg. No. 73-21

At their discretion, local education agencies may submit to the State Department proposals for bilingual-multicultural education programs.

Priority will be given to programs designed to improve the language capabilities of culturally and linguistically different students in grades K-3. The need for such a program may be demonstrated through parents' surveys, on-going recores of students, existing or specially implemented test data, and other appropriate methods.

Programs should include: the use of cultural background of students, the inclusion of components to insure "affective (self image) development" of students, and specific instruction to improve bilingual proficiency among students.

A parent advisory committee, the local board, and a representative of the State Department shall review the program. No less than two reviews of the program shall be made yearly.

CROSS REFERENCE

III.B.Teachers; Regulation, Reg. No. 74-1; 76-26

5. Bilingual/Bicultural Education

Regulations

§ 154.1 — 154.2

The purpose of these regulations is to implement the legislative intent to provide special State aid for local programs for pupils of limited English speaking ability, and to establish standards for the best use of these funds. Students of "limited English speaking ability" are those who have special educational needs because the dominant language is not English.

§ 154.3

School districts filing applications for these grants must set forth the goals of the program, the number of pupils, qualifications of the staff, provisions made for the continuing evaluation of the program, and the measures taken to ensure maximum community participation and involvement.

§ 154.4

The board of education of a school district shall provide for the establishment of a bilingual education advisory committee made up of community persons with particular knowledge or experience relating to this problem. The advisory board shall advise the board of education of a school district at all stages and with respect to all major policies and decisions concerning the operation and evaluation of these programs.

§ 154.5

In approving applications for funds for bilingual programs, the commissioner may consider all aspects of the district's plan such as the educational benefits, the curriculum and staff provisions, and whether or not adequate means exist for evaluation of the program.

§ 154.8

All bilingual education projects for which funds are approved shall be subject to the general supervision of the commissioner and the Education Department. Records shall be maintained for all pupils participating in the program and records shall also be kept on the operation of each program.

CROSS REFERENCE

II.A.1.: Statute 43204

5. Bilingual/Bicultural Education

Statutes

§70-24-119

The State Board of Education shall adopt necessary rules and regulations providing coverage of "outstanding events involving and surrounding the history of the [Black] race and other minority races and the development of their cultures."

5. Bilingual/Bicultural Education

Statutes

§11-1107

The board of school directors may employ such special teachers, including special teachers who speak the idiomatic or colloquial language of immigrants residing in the school district for the purpose of easing the transition period of such immigrants, qualified as provided, as they may deem necessary for any of the public schools or departments in the district.

Regulations

§ 5.24

"Each child whose dominant language is not English shall be provided with either a bilingual/bicultural program or English as a Second Language Program..."

Students whose dominant language is English are to become acquainted with the language, history, and culture of their non-English speaking peers.

CROSS REFERENCE

II.A.1.; Statute §15-1511

5. Bilingual/Bicultural Education

Statutes

§11.11

The Central Education Agency shall develop a special program for non-English speaking children, the purpose of which shall be to prepare such children for entry in the first grade by providing them with a command of essential English words...The program shall not exceed a period of four and one-half months. Any non-English speaking child who is at least five and who will be entering the first grade may be enrolled. This program shall not be set up in any school district, or combination of districts, unless at least 15 children qualify. The Agency shall establish the academic requirements for teachers who teach in this program.

§11.17

The Central Education Agency shall establish bilingual education training institutes and "shall make rules and regulations governing the conduct of and participation in the institutes." All school personnel participating therein shall be reimbursed for their expenses.

RULEMAKING

§12.04

"The State Board . . . shall acquire . . . with bids . . . free textbooks and supporting media for use in bilingual education programs conducted in the public school systems . . . ."

§21.451

This statute is to "provide for the establishment of bilingual education programs in the public schools and to provide supplemental financial assistance to help local school districts meet the extra costs of the programs."

A bilingual program will be established if a district has 20 or more children "of limited English-speaking ability in any language classification in the same grade level during the preceding scholastic year. . . ." Limited English-speaking ability meaning those children whose native tongue is not English.

This program shall be a "full-time program of instruction" and will include comprehension, speaking, reading and writing as well as history and culture associated with the native language of the children and the English language. In nonverbal subjects all children shall participate equally.

All limited English-speaking children shall be enrolled in the program for either three years or until he/she "achieves a level of English language proficiency...." Approval must be granted from the school district and the child's parents for a child to be in the program for longer than three years. Until proficiency is proven no child may be transferred out of the program.

No later than 10 days after he/she begins the program the child's parents must be notified of his/her enrollment.

"Programs in bilingual education ... shall be located in the regular public schools of the district rather than in separate facilities." The school district is to insure "that the instruction given each child is appropriate to his or her level of educational attainment...." The maximum student/teacher ratio shall be set by the Central Education Agency.

Districts may combine to provide bilingual programs, and a child from out of the district shall participate in the program, with his/her district of residence paying the tuition. These programs may be offered as preschool and summer programs.

TUITION

Rules and regulations regarding bilingual teachers shall come from the State Board of Education, and the salary is the same as for classroom teachers with equivalent degrees.

RULEMAKING

The approval of allotments for operational expenses and transportation for bilingual programs shall come from the Central Education Agency.

REGULATIONS

§3251; 3252.1-.4; 3253

"As an integral part of the instructional program,

multi-cultural education shall be readily apparent in such components as bilingual education, second language learning, and social studies.

"The basis for bilingual education shall be founded on the belief that a program of bilingual education will meet the needs of children of limited English-speaking ability and facilitate their integration tinto the regular school curriculum.

"Bilingual Education . . . constitutes an authorized instructional program encompassing the total education process in which two languages . . . shall be used for a portion of the curriculum . . . (it) shall be provided in kindergarten, first grade and second grade in 1975-76 and also in the third grade by 1976-77. . . (and) may be offered in the fourth and fifth grades for students who have not progressed sufficiently in the use of the English language to participate in the regular school curriculum. Any bilingual program beyond the fifth grade shall be at the expense of the respective local school district.

"The amount of time and the treatment accorded to each of the languages in both content area and language instruction shall be commensurate with the individual needs of pupils. Inherent in the program of bilingual instruction shall be the teaching of the cultural heritage of the people whose languages are used and the contributions made to the community, the state and the country. For pupils whose first language is other than English, the teaching of concepts, content information, and attitudes and relationships may be undertaken entirely in the first language until sufficient facility is achieved in the use of both languages, recognizing English as the predominant curriculum language.

"A school district must provide a program of bilingual instruction to facilitate the state policy. . .

if the school has an enrollment of 20 or more children of limited English-speaking ability in any language classification in the same grade level during the preceding scholastic year.

"A state-supported required bilingual education program in grades K-3 shall be implemented in accordance with law . . . .

"Optional bilingual education for grades four and five will be implemented by the Commissioner of Education utilizing appropriate measurement instruments and procedures required to assure sufficient facility in the use of the English language by those students who have not by the end of grade three progressed sufficiently in the use of the English language to participate in the regular school program. The State Board of Education may authorize establishment of a program with respect to a language classification with less than 20 children where sufficient need is demonstrated.

"Permissive bilingual education may be offered beyond grade five when such instruction is necessary to insure a pupil's reasonable efficiency in the English language. In addition, bilingual education may be provided for all students in all grades if in the judgment of the board of trustees the program contributes to meeting the needs of all students. Such . . . programs shall be at the expense of the respective school districts.

"The Texas Education agency shall provide for Bilingual Education Training Institutes. The Commissioner of Education shall establish procedures governing the content, conduct of, participation in, and reimbursement of participants in the institutes."

§3252

"The Division of Bilingual Education has primary responsibility for the administration of bilingual education programs. The Division assists school districts in establishing, operating, and developing comprehensive bilingual education programs.

Bilingual education is a full-time program of instruction developed to meet the individual needs of each child in order that the pupil can participate in the regular school program as rapidly as possible. It is characterized by the following instructional components.

(1) The basic concepts initiating the child into the school environment are taught in the language he[she] brings from home.

(2) Language development is provided in the child's dominant language.

(3) Language development is provided in the child's second language.

(4) Subject matter and concepts are taught in the child's dominant language.

(5) Subject matter and concepts are taught in the second language of the child.

(6) Specific attention is given to develop in the child a positive identity with his[her] cultural heritage, self-assurance, and confidence.

(a) Responsibility for Implementation

All public school efforts to assist children of limited English-speaking ability shall be directed primarily toward meeting the educational needs of these children in accordance with State Board of Education policies and Administrative Procedures. To meet those needs in a responsible and sensitive manner, it is necessary to undertake intensive local planning processes, to maximize the innovative use of bilingual methodology and instructional resources, to emphasize the positive values of cultural and linguistic diversity, and to disseminate the results of program evaluation. Because the numbers of children of limited English-speaking ability and resources available to meet their needs do not occur uniformly throughout the State, school districts shall explore every available avenue to provide these children with a full-time instructional program of bilingual education....

Children of limited English-speaking ability means children whose primary language is one other than English and who have difficulty performing ordinary classwork in English."

§3252.2

"State-Supported Required Bilingual Education

(a) Establishment of State-Supported Required Bilingual Education Programs.

Bilingual education shall be provided in kindergarten, first and second grades in 1975-76, and in kindergarten, first, second, and third grades by the 1976-77 school year.

The means by which school districts shall operate a bilingual education program with children of limited English-speaking ability under the Foundation School Program are:

(a-a) Establishing Requirements for School Districts

The Commissioner of Education shall receive from each school district, not later than March 1 of each year, a written report of the number of school-age children of limited English-speaking ability within each grade level in the district and a classification according to the language in which they possess a primary speaking ability.

In determining the criteria for identifying children of limited English-speaking ability, the school district should make use of both objective and subjective measures of English proficiency. Objective measures must be suitable for the age of the child and must compare his[her] language skills with those of the typical native English-speaking child of the same age. Measures of a more subjective nature, such as teacher opinion as well as peer interaction and/or parent information concerning the child's language, should be used to supplement conclusions reached from objective measures. For children in the early elementary grades (K-2) assessment of language

IDENTIFICATION

proficiency should be on the basis of oral language production and comprehension. For others, assessment should include the reading and writing skills also, since these are a part of language proficiency. In any case, a judgment must be based on the child's real language and not just an artificial, incidental, or nonessential aspect of it.

(a-b) Operational Expenses Allocation

A special allowance per pupil of limited English-speaking ability enrolled in an approved state-supported required bilingual education program is to be made for pupil evaluation and special instructional materials.

The special allowance is allocated to a school district at the beginning of the school year as soon as the 'application for Operational Expenses Allocation' is submitted to and certified by the Division of Bilingual Education to the Finance Division.

The procedures which apply to the use of the operational expenses allocation to each approved bilingual education program are:

(1) the allocation will be used to improve the quality of instruction in bilingual education classes. The allocation shall be utilized for pupil evaluation services and materials (the cost of purchasing and scoring of evaluation instruments), books, instructional media, and other instructional materials appropriate for instruction with children of limited English-speaking ability;

(2) instructional materials which may be purchased by state funds allotted for this program are books and any apparatus, including three-dimensional manipulative materials, which convey information to the child or otherwise contribute to the learning process;

(3) items which may not be purchased with state funds allotted for this program are:

(3-1) room furnishings including desks, tables, chairs, filing cabinets, rugs, or any other item which

is usually attributed to capital outlay; and

(3-2) consumable or expendable materials including food, paints, clay, paper, ditto masters, or any other item which is consumed in use.

(4) the special allowance used for the operation of an approved program must supplement, not replace local funds normally budgeted for the total instructional program;

(5) since unused funds shall be applied against the Operational Expenses Allocation for the ensuing school year, the school district must maintain records that specifically identify or otherwise account for itemized expenditures from the Operational Expenses Allocation and must retain documents as necessary to audit in accordance with State Board of Education Policy 4201, Budgeting, Accounting, Financial Reporting and Auditing for School Districts and Education Service Centers; and

(6) Priority for Operational Expenses Allocations will be given to those districts implementing required (grades K-3) and optional (grades 4 and 5) bilingual education programs. Second priority will be given to those districts implementing optional bilingual education programs with less than 20 children of limited English-speaking ability where sufficient need is demonstrated.

(a-c) Application for Operational Expenses Allocation

Allocations for state-supported required bilingual education programs for children of limited English-speaking ability will be made on the basis of an approved application submitted to the Texas Education Agency in September of each scholastic year.

Each application shall include a program description which indicates the following:

(1) the number of children of limited English-speaking ability in the program and their primary language classification.

(2) The number of native English-speaking children, if any, participating in the bilingual education program

(3) The number of teachers and paraprofessionals assigned to the program.

(4) Location of program (specify campus or campuses).

(5) Brief description of instructional programs.

(6) Record of on-going and proposed inservice education geared to the requirements of the bilingual program and the needs of the professional and paraprofessional staff.

(7) Where programs are being operated jointly, a description of the contracting arrangements.

(8) A description of parental-involvement activities.

(9) An evaluation design.

A 'Supplemental Application for Operational Expenses Allocations for State Bilingual Education Programs' will be distributed by the Division of Bilingual Education in January of each scholastic year, in order that school districts will be able to report and receive an operational expenses allocation for children of limited English-speaking ability who were identified and enrolled in the program since submission of the preliminary 'Application for Operational Expenses Allocation.'

(a-d) Evaluation of Programs

School districts operating programs of bilingual education should develop an evaluation design in accordance with the objectives derived from the six instructional components (see Administrative Procedures 3252.1) for use in making local programmatic decisions, as well as to provide for the collection of information required for statewide evaluation purposes.

An evaluation plan would embrace the following elements:

"* Instructional (Product/Process)

* Management

* Parental/Community Involvement

* Staff Development

* Materials Development/Acquisition/Use

In devising an evaluation plan the Texas Education Agency Bulletin entitled "Evaluation Plan Model" (May, 1974) is suggested as a reference.

Guidelines for submission and information requirements for statewide evaluation of bilingual education programs will be disseminated by the Texas Education Agency along with instructions for the completion of the 'Application for Operational Expenses.'

(b) Program Content: Method of Instruction

The state-supported required bilingual education program implemented by a school district shall be a full-time program of instruction as described in Policy and Administrative Procedure 3252.

(c) Enrollment of Children in Program

Every school-age child of limited English-speaking ability residing within a school district required to provide a bilingual program for his[her] language classification shall be enrolled in the program for a period of three years or until he[she] achieves a level of English language proficiency which will enable him[her] to perform successfully in classes in which instruction is given only in English, whichever first occurs.

Children enrolled in the program, whenever possible, shall be placed in classes with other children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school district shall insure that the instruction given each child is appropriate to his or her level of educational attainment, and the district shall keep adequate records of the educational level and progress of each child enrolled in the program.

No school district may transfer a child of limited English-speaking ability out of a state-supported required bilingual education program prior to his[her] third year of enrollment in the program, unless:

* the parents of the child approved the transfer in writing; and

* the child has received a score on an examination which in the determination of the Texas Education Agency, reflects a level of English language skills appropriate to his or her grade level.

** a list of approved tests and their appropriate grade levels are disseminated annually to school districts.

If later evidence suggests that a child who has been transferred is still handicapped by an inadequate command of English, he[she] may be re-enrolled in the program for a length of time equal to that which remained at the time he[she] was transferred.

Assignment to a bilingual education program may continue beyond three years with the approval of the school district and the child's parents or legal guardian.

Native English-speaking children may be voluntarily enrolled in the program although no funding from the Operational Expenses Allocation is provided for them. Both groups of children may be served in the same classroom, provided there is grouping within the classroom to meet the special needs of both groups.

(d) School District Policy for Parent or Guardian Notification

Each school district operating a state-supported required bilingual education program for children of limited English-speaking ability will have a board policy requiring that:

(1) the child's parent or guardian be notified of the child's enrollment in a bilingual education program no later than 10 days after the enrollment of the child; and

(2) such written notification shall be in English and in the language in which the parents or guardian of the child possess a primary speaking ability.

(e) Joint Bilingual Education Programs and the Transfer of Students

A school district may join with any other district or districts to provide bilingual education programs. The availability of the programs shall be publicized throughout the affected districts.

The tuition of a child of limited English-speaking ability who transfers from one district to another is:

TUITION

(1) the responsibility of the home district if bilingual education is not provided in the home district; or

(2) the responsibility of the parent, if bilingual education is provided in the home district.

(f) Preschool and Summer School Programs

(g) A bilingual education teacher is a teacher employed by a school district in a position requiring state certification and having bilingual education endorsement or a special assignment permit for bilingual education.

Bilingual education endorsements shall be issued as specified in Policy 6203, Specific Requirements for Teacher Certification by Class and by Level including Areas of Specialization and Endorsements.

(h) Curriculum and Staff Development

A special Curriculum and Staff Development Allocation is made annually to school districts on the basis of pupils of limited English-speaking ability enrolled in an approved state-supported required bilingual education program.

Allocations are made on the basis of an approved application submitted to the Texas Education Agency. Each application includes a program plan focusing on bilingual education for each participant (staff member) for the period requested.

Funds allocated to this program are for payment of services for staff participation in the following activities:

(1) staff development to familiarize teachers with materials and/or bilingual education methodology and philosophy; this development may be planned and sponsored by the school district, by the regional service center, by the Texas Education Agency, or by teacher training institutions offering bilingual teacher education programs approved by the Texas Education Agency;

(2) development and/or revision of curricular and instructional materials for bilingual education classes;

(3) teaching in bilingual education summer programs designed for children of limited English-speaking

ability needing specialized or intensive individualized instruction at the grade level(s) at which the school is required to implement the program;

(4) advanced language training for bilingual teachers and language training for monolingual teachers working under special assignment permits; and

(5) the line item amount of the appropriations for this purpose will not be exceeded in allocating funds to local school districts."

§3252.3

"State-Supported Optional Bilingual Education

The requirements established in Administrative Procedure 3252.2, State-Supported Required Bilingual Education Programs, apply in the implementation of state-supported optional bilingual education programs in grades K-3 (grades K-2 for the 1975 - 76 school year).

In addition, a district has the option to implement a state-supported optional bilingual education program in Grade 4 or 5 (Grade 3, 4, or 5 for the 1975 - 76 school year), for students who do not meet the exit requirements of the state-supported required bilingual education program as specified in Administrative Procedure 3252.2(c)."

§3252.4

"Bilingual Education Permitted

If a district elects to implement a bilingual education program which is not state-supported, Policy and Administrative Procedure 3252.1, Bilingual Education Program Description, is to be followed as a guideline for the implementation of the program."

§3253

"Bilingual Education Training Institutes

The Texas Education Agency contracts with school districts, colleges, universities, education service centers, and/or individuals to conduct bilingual education training institutes throughout the State of Texas.

Professional and paraprofessional personnel employed by public schools eligible to participate in the institutes are reimbursed for expenses incurred as a result of their participation. The institutes are conducted in accordance with the training models approved by the Commissioner of Education."

§3340

Series 3340 concerns textbooks for children enrolled in bilingual education classes.

CROSS REFERENCES

II.B.1.a.; Regulation §3340.2

III.B.Teachers; Regulation §6206

III.C.Public Schools; Regulation §1107

IV.D.; Regulation §3465

IV.D.; Regulation §4107.1--4107.3.7

5. Bilingual/Bicultural Education

Statutes

§28A.05.015

All students shall be taught in English but may be taught in another language when it will aid "the educational advancement of the student."

5. Bilingual/Bicultural Education

Statutes

§115.95

It is the policy of the legislature to provide adequate instruction for children whose English language abilities are limited or nonexistent.

§115.96

The school board shall conduct a count of the limited-English speaking pupils in the public schools of the district, assess the language proficiency and classify pupils by language group, grade level, age and English proficiency.

The parent or guardian of the child shall be notified of the bilingual-bicultural programs and registering procedures, and must give written consent to such child's placement.

The school board shall place each limited-English speaking pupil in the appropriate bilingual-bicultural education program, and a parent or guardian may appeal the school board's failure to place the pupil in the bilingual-bicultural education program.

§115.966

The state superintendent shall report to the legislature on the status of bilingual-bicultural education programs and shall include the number of pupils served in the basic and optional expanded program for each language group in each school district. The department shall provide the number of pupils who as a result of the program improved their English language ability so that the program is no longer necessary for such pupils.

§115.97

The school board may adopt either a basic or expanded bilingual-bicultural education program. A pupil shall be eligible for the program until

he or she is able to perform ordinary classwork in English, and the program shall be designed to provide instruction to meet this objective. Pupils who are not limited-English speaking pupils may participate in the educational program, but preference shall be given to limited-English speaking pupils in admitting pupils into the program.

Such programs shall be taught by a bilingual teacher.

§115.977

"A school district may establish bilingual-bicultural education programs by contracting with other school districts or with a cooperative educational service agency."

§115.98

A bilingual-bicultural advisory committee shall be appointed by the school board, which is composed of parents of limited-English speaking pupils enrolled in such programs, other teachers, bilingual teacher's aides, bilingual and other counselors and bilingual counselor's aides in the district, at least one community representative and school district administration representatives. The committee shall advise the school board of its views to ensure the program is planned, operated, and evaluated with their involvement and consultation.

§115.99 — .991

"A school board may establish a full-time or part-time preschool or summer bilingual-bicultural education program according to rules established by the state superintendent. The school board may institute preservice or inservice programs designed to improve the skills of bilingual teachers, bilingual teacher's aides, bilingual counselors, bilingual counselor's aides or other personnel participating in, or preparing to participate in, a bilingual-bicultural education program."

§115.993

The school board of a district operating a bilingual-bicultural education program shall report to the state superintendent the number of pupils, including both limited-English speaking pupils and other pupils, instructed the previous school year in bilingual-bicultural education programs.

6. Compensatory Education

6. Compensatory Education

CROSS REFERENCES

I.City Board of Education; Statute §16-11-23

II.A.1.; Statute §16-1-16

6. Compensatory Education

CROSS REFERENCE

II.A.3.; Statute §15-1141; 15-1143; 15-1145

II.B.1.a.; Regulation R7-2-201 ARS §15.102.18; 15.1101..

6. Compensatory Education

Statutes

§1700; 1703; 1704

The county school service fund is provided in order to aid the county superintendent of schools in providing the coordination of the educational program among school districts in his/her jurisdiction and to provide professional and financial assistance to school districts which otherwise would not be able to furnish a satisfactory program of education for their children. Some of the services rendered under this program are to: a) prepare courses of study; b) supervise instructional practices; c) provide direct guidance services; d) provide for the purchase and distribution of school supplies; and e) to provide educational opportunity to normal and special pupils who would otherwise be denied it.

Under this program the county superintendent may employ qualified personnel to provide for the coordination of courses of study, guidance services, to be performed by persons who hold a valid credential, or a life diploma based thereon.

§45360 -- 45367

This article provides procedures for the implementation and conduct of teacher aid projects. Programs on projects conducted pursuant to this article shall be deemed a program of compensatory education.

§54000--54004; 54007

Recognizing that because of differences in family income, differing language barriers, and pupil transiency, differing levels of financial aid are necessary to provide quality education for all students, the Legislature appropriates funds for programs for educationally disadvantaged youth.

The state superintendent shall administer provisions

concerned with such programs and make apportionments to school districts to meet the total approved expense of such programs. Districts which receive such apportionments shall not reduce existing resources which have been used to meet the needs of low-income pupils. Nothing shall preclude the use of federal funds for educationally disadvantaged youth.

Apportionments allowable to districts shall be calculated on the basis of a determination of the bilingual-bicultural character of the district, the level of family poverty, and the degree of pupil transiency.

The state superintendent shall apportion funds in accord with procedures specified in statute and with policies adopted by the state board. Funds shall be allocated based upon a plan, submitted by the district to the state superintendent and approved by the state board, including a statement of what the district seeks to accomplish, a description of the program designed to achieve these purposes, and a planned program of annual evaluation.

In approving programs, the state board shall give consideration to the effectiveness of the program and shall not continue in operation any program that has been shown to be of low effectiveness and has only limited possibility of improved effectiveness. Districts which demonstrate low levels of program effectiveness may continue to receive their entitlements, but the state superintendent shall reduce the entitlements if the programs have limited possibilities of improved achievements.

The state superintendent, with the concurrence of the Director of Finance, may, upon the district's request, designate a portion of the district's entitlement for noninstructional costs such as costs for vandalism, security, and insurance.

§54005--54006

RULEMAKING

The state board shall adopt regulations setting forth standards to be used in the administration and evaluation of programs for educationally disadvantaged youth. An amount not to exceed 1 percent of total appropriations

for such programs shall be retained by the Department of Education for administrative purposes. Funds appropriated for such programs not allocated as under §54002 shall be allocated by the state board to provide programs to as many eligible pupils as possible and to stimulate the development of innovative programs.

The state superintendent shall submit annually to the Governor and to each house of the Legislature a report evaluating the programs and recommendations concerning whether they should be continued in operation.

§54401 -- 54407

The Legislature declares that, because of linguistic, cultural, and economic disadvantages, the latent talents of many minors remain undiscovered and are not adequately developed by the general educational programs and so encourages the establishment, in a comprehensive, communitywide and statewide effort, of programs directed to identifying those disadvantaged pupils who are potentially capable of completing regular courses of instruction and stimulating their interest in educational attainment.

Participation in a program of compensatory education shall not preclude an individual's participation in any other potentially beneficial program offered in the public schools. Nothing here shall be construed to sanction, perpetuate, or promote racial or ethnic segregation in public schools.

Each county superintendent is authorized, on request, to provide consultative and coordination services for districts under its jurisdiction which have established programs of compensatory education. Such activity shall be financed through the county school service fund.

The state board may establish programs of the following types: modification of curricula in connection with the training of prospective teachers to incorporate methods and techniques to teach disadvantaged children; research and consultative projects to assist local and

state agencies in the education of disadvantaged pupils; and research and development undertakings directed to overcoming disadvantage, with related activities involving evaluation, demonstration and dissemination of findings.

The Legislature intends that the University of California and the California State University and Colleges participate with local agencies and the state board in endeavors related to compensatory education, including special teacher training for the education of the disadvantaged and provision of technical and personnel services to local agencies.

The state board shall establish standards, under which all compensatory preschool programs shall operate regardless of source of funds.

WAIVER

A governing board in its application may request waiver of provisions of the school code for any compensatory education program if such waiver is necessary to operate a program for low-income children.

§54420 -- 54424

Each application of a local district for federal funds under the Elementary and Secondary Education Act of 1965 as accepted in this code or any state funds for purposes of compensatory education shall include a comprehensive compensatory education plan. The plan should: demonstrate that the district has fully utilized and coordinated all other sources of funds and the assistance of all volunteer aid offered; emphasize a preventive program, aimed at the child between the ages of three and eight, with goals of teaching the child to read, awakening the child's interest in learning, and preventing the child's alienation from school. It shall also include remedial programs for older children; direct expenditures to schools with large concentrations of educationally disadvantaged children; and, if disadvantaged children who speak English as a second language are involved, include early English language instruction and the use of personnel proficient in the children's primary language.

PUPIL/TEACHER RATIO

The state board, on recommendation of the Advisory Compensatory Education Commission, shall establish a priority listing of the following program elements to be used in the approval of school district plans: reduction of ratios of pupils to teachers; special efforts in the area of reading instruction, including the employment of additional and/or special personnel, preschool programs, in-service professional study; school home cooperation; cultural enrichment; after school tutoring programs; remedial and corrective programs directed to enhancing the pupil's interest and competence in the English language; and evaluation, testing, and consultation.

In addition, the district may propose other programs, subject to the approval of the Director of Compensatory Education, to include: the employment of competent school community coordinators; curriculum revision and the development and use of new instructional equipment and facilities, and effective use of auxiliary personnel.

A district may establish nursery schools and admit children who are at least three years of age. Nursery schools shall be maintained pursuant to standards set by the state board.

§54425

A governing board maintaining a compensatory education program shall, at times and in the manner prescribed by the Director of Compensatory Education but not less than once in each school year, submit information evaluating the program in all respects including, but not limited to, the following: the existence of residential areas within the district likely to produce substantial numbers of disadvantaged children; the general adequacy of the program in terms of the degree to which all resources have been mobilized, precision in the definition of objectives and particular methods to be used, the projected term of the undertaking, and measures provided to enable periodic evaluations of accomplishments; the operational promise of the program in terms of the adequacy of the

district's facilities to execute it; the economic efficiency of the program; the extent to which the program will facilitate the development of data and information which will serve to increase the general effectiveness of programs for the disadvantaged, and the results of comprehensive achievement tests administered to all students enrolled in compensatory education programs, together with test scores of appropriate control groups of students.

§ 54440 -- 54445

MIGRANT CHILDREN

In light of the handicaps that inhibit the educational progress of children of migratory agricultural workers and migratory fishermen and the inability of local agencies to reduce these handicaps, it is necessary for the state to aid local districts through regional coordinating offices and the provision of special programs for migrant children.

A migrant child is a child who has moved with a parent or guardian from one school district to another within the 12-month period preceding the identification of the child as such in order that a parent or guardian might secure temporary or seasonal employment in an agricultural or fishing-related activity.

IDENTIFICATION

With the concurrence of the child's parents, a child identified as a migrant child may be deemed to continue as such a child for a period, not in excess of five years, during which he/she resides in an area where programs are provided for migrant children. Priority shall be given, however, to programs for migrant children and in no case shall migrant programs be provided solely for children who have ceased to migrate.

The state board shall adopt a state master plan for services to migrant children, including provisions for:

instructional activities on a regular and extended year basis designed to identify and treat academic deficiencies of migrant children, with special emphasis

on oral and written communications, reading and mathematics. Small group or individual instruction and tutorial services will be provided, and all services will supplement regular programs of instruction;

health and welfare services designed to identify and treat conditions of a physical, including dental, emotional or environmental, nature which interfere with the learning process of migrant children;

preservice and inservice education of personnel;

supportive services including transportation, family liaison, and other services;

Child development activities such as social sensorimotor, conceptual, and language development and perceptual discrimination activities for pre-kindergarten aged children; and

the active involvement of parents, teachers, and community representatives in the local implementation of migrant education programs.

Services to migrant children, provided by the state plan, will not reduce or replace services provided by local districts or other governmental or private agencies and shall be coordinated with all existing resources available to migrant families.

In implementing the plan, the state superintendent is authorized to contract with county superintendents or local educational agencies or enter into agreements with other states, state agencies, or the federal government.

The state board shall adopt regulations necessary to implement programs for migrant children.

§ 54460 -- 54487

APPOINTMEN

A Director of Compensatory Education shall be appointed by the state board, upon the superintendent's nomination, subject to the state civil service. In performing appointed duties, the Director shall act as representative of the Department of Education. The Director shall be provided with facilities and staffing necessary to the execution of his/her duties.

The Director of Compensatory Education shall: have overall supervision of programs of compensatory education, take necessary actions to coordinate such programs; receive and recommend approval or disapproval of program applications; provide technical and consultative assistance to school districts; conduct continuing research to improve administration of programs of compensatory education; and serve as a clearinghouse for information on problems of educating the disadvantaged and on sources of funds, public and private, for such purposes.

The state board, on the Director's recommendation, shall determine the eligibility of applicant districts for grants and have the power to approve, withhold approval, or disapprove of any program. The Director may assign priorities to programs of compensatory education maintained by different school districts on the basis of numbers or concentration of disadvantaged pupils in particular areas.

RULEMAKING

The state board shall adopt rules including those which prescribe the procedure by which a district shall identify disadvantaged minors, establish minimum standards for programs, and require the annual submission of such reports by districts as will permit the evaluation of programs of compensatory education and the accumulation of data which will be useful in improving such programs.

No program shall be approved unless the teacher and other certificated personnel in the program hold regular credentials.

WAIVER

The Director of Compensatory Education may waive this requirement where the Director is satisfied that provisionally credentialed teachers have been provided through a career opportunities program, a teacher corps program or a district career development plan to provide employment and concurrent training for capable persons of low-income background.

Grants shall be made to school districts for the employment and in-service education of teachers in kindergarten and grades 1 to 6, with special emphasis on kindergarten and the primary grades, and any needed teacher

materials and supplies so that the ratio of pupils in these grades to each full-time equivalent classroom teacher will be reduced to a ratio of 25 to 1.

A full-time equivalent classroom teacher is a person employed in a position requiring certification qualifications and whose duties require him/her to teach pupils in regular day classes for the full time for which he/she is employed during the regular school day. In computing the total number of full-time equivalent classroom teachers, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils shall be included.

In the event a district is unable to employ the numbe. of teachers necessary to achieve the required ratio, the Director of Compensatory Education is authorized to approve projects that provide for the employment of non-certificated teachers' aides so that a ratio of pupils to both teachers and aides shall not exceed 20 to 1. All aides shall be trained in a specially designed in-service education program. Not more than 25% of the total allocated to a district shall be devoted to the employment of teachers' aides. The Director of Compensatory Education shall approve the use of any portion of a district's allocation for the employment of such aides only upon the district's certification that teachers are unavoidable for employment.

Noncertificated teachers' aides shall be under the immediate supervision of certificated teachers and shall not be used to carry out administrative duties other those which may be assigned by the .eacher.

A district may employ as a teachers' aid any person determined to be qualified, including pupils in grades 11 and 12 and in institutions of higher learning. Employment may be on a full- or part-time basis. Employment of pupils in grades 11 through 14 shall be arranged so that no reduction in attendance credit and State School Fund apportionments results. Aides shall be paid

at least the federal minimum hourly wage. The employment of college and university students as aides may, where appropriate, be undertaken for student teaching credit purposes.

The Director of Compensatory Education shall require that the class size reduction project be an integral part of the district's overall compensatory education plan and and that a significant portion of funds received for compensatory education be devoted to it.

The Director of Compensatory Education, upon the advice of the Directors of the Departments of Finance, Social Welfare, Human Resources Development, and Industrial Relations, shall designate the most concentrated areas of poverty and social tension in the state. The Director of Compensatory Education shall allocate funds for programs under §54480 proportionately by public school population among the areas designated and then approve projects proposed by school districts within such areas at particular schools with the highest concentrations of low-income children and with the lowest records of academic achievement.

Apportionments for purposes of §54480 et seq. shall be made on the state superintendent's order. Moneys shall be expended precisely as directed by the Director of Compensatory Education, with not more than 5% expended for in-service education. Apportionments shall be in the form of grants, no part of which shall be required to be matched as a condition to receiving state aid. In making allocations, the Director shall use an allocation factor equivalent to average state-wide teacher salary per full-time equivalent teacher.

§54520 -- 54529

To ensure that the instructional program in the early elementary grades will complement preschool programs, preschool followthrough programs shall comprise an essential component of compensatory education, coordinated with other components of compensatory education.

From funds which may be appropriated by the Legislature or from federal funds which may be made available, grants may be made to applicant districts which have established preschool followthrough programs. No matching-fund requirements shall be imposed, unless otherwise required for purposes of eligibility for federal funds. Eligibility standards shall be prescribed by the state board.

In accepting federal funds, the people of California agree to accept all conditions and requirements which may be prescribed in connection with them. The state board is designated as the state educational agency to carry out the provisions of federal statutes.

Evaluations shall be made of the instructional programs in grades kindergarten, 1, 2, and 3 in selected elementary schools in which are enrolled substantial numbers of pupils who have participated in preschool programs. Evaluations shall be directed to determine the extent to which the instructional programs complement the preschool training and effect continuity in efforts to raise the level of educational attainment and potential of children and to determine the particular components of the educational programs which should be emphasized or might be incorporated.

The state board shall provide for the establishment of pilot preschool programs in schools maintaining grades kindergarten, 1, 2, and 3 to serve disadvantaged minors who have participated in preschool programs. The programs shall include any one or more of the following components, in addition to others which may be determined essential under §54523:

(a) Reduction of pupil-teacher ratios to at least 20 to 1 at the kindergarten level and to at least 25 to 1 in the primary grades.

PUPIL/TEACHER RATIO

(b) Establishment of single session kindergarten programs, with the individual teacher responsible for one rather than two kindergarten classes.

(c) Utilization of teacher aides and other supporting

staff personnel.

(d) In-service professional study to develop understanding and teaching techniques to meet needs of disadvantaged minors.

(e) Development of curricula and educational aides to meet the educational needs of disadvantaged children.

(f) Providing comprehensive health services.

(g) Experimentation in grouping of children to realize the maximum benefit for children.

Pilot preschool programs shall be established on the basis of a geographical dispersion most appropriate for the programs' purposes. The programs shall serve as demonstration models for other districts.

Each district maintaining a preschool follow-through program shall at times and in the form prescribed by the state superintendent, but at least annually, submit reports about the program.

APPOINTMENT

The Director of Compensatory Education may appoint a professional task force to serve as Department of Education employees to help evaluate instructional programs in primary grades and formulate pilot preschool followthrough programs.

Federal funds provided for purposes of §54520 et seq. shall bear all costs of administration by the state board and superintendent of these programs and related purposes.

Funds provided by §54600 et seq. and by Titles I and II of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (§54100 et seq.), and Chapter 106 of the Statutes of 1966, First Extraordinary Session, shall be expended in the most effective way possible. Cost effectiveness measures shall be employed in the approval and evaluation of all projects for educational improvement. No project shall be continued in operation that has been shown to be of low effectiveness or to have limited possibility of improved effectiveness.

Program effectiveness should be measured in terms of program objectives, related primarily to the pupils'

improvement in ability to read, to use and understand the English language, and to use and understand concepts of mathematics.

Each program should be evaluated annually by the Department of Education. The evaluation shall be assisted by an advisory committee competent to assess the effectiveness of the program's results and make recommendations to the Department.

The state superintendent shall compute an educational improvement allowance for each school district which, during the preceding fiscal year, had an average daily attendance, exclusive of the average daily attendance of adults, of 500 or more and for which the entitlement for funds under Title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year for each unit of average daily attendance exceeds 150% of the statewide average entitlement.

The governing board of any district for which an allowance has been computed may apply to the state superintendent for an apportionment of part or all of the allowance. The application shall contain a detailed plan for use of the allowance and shall be submitted in accordance with §54420 et seq. It is the intent of the Legislature that amounts allowed for educational improvement be expended only for such programs. Applications shall be subject to the state board's approval.

Under the state superintendent's direction, these programs shall be administered by the Office of Compensatory Education.

§58600 -- 58608

It is the intent of the Legislature that demonstration programs be established for intensive instruction in reading and mathematics to serve pupils in grades 7, 8, or 9 who attend schools in designated areas of disadvantage.

These programs shall be operated by school districts directly or by school districts through contract for partial or complete operation with a public or private agency.

The state superintendent shall have the authority to permit the waiver of any provision of the education code if such is necessary for the development of the demonstration programs.

Provisions related to such programs shall have no force or effect after September 1, 1978.

From funds appropriated therefor by the Legislature to the Department of Education, the state superintendent, with the state board's approval, shall administer provisions relating to demonstration programs in intensive instruction and make apportionments to districts to meet the expense of them.

Any governing board maintaining grades 7, 8, or 9, on account of any school located in any area designated by the state superintendent under §54483, may apply in a manner prescribed by the state superintendent to establish a demonstration program in intensive education.

The state board shall adopt standards to be used in the evaluation of applications, which shall include a statement of specific goals to be sought in the program, both in terms of pupil achievement and for the purpose of establishing a model program, and the requirements for evaluation of the program.

Projects shall be approved only if it can be shown that, if successful, the cost effectiveness of the project (a) will be adaptable within the budgets of other similar school districts, or (b) can be replicated using other existing compensatory education funds in grades 7, 8, and 9, or (c) can be replicated if additional compensatory education funds become available.

Projects shall be continually reviewed regarding their effectiveness in improving pupil achievement levels. Those least cost effective shall be terminated and replaced with ones of proven effectiveness or by new projects of promise.

Upon approval by the state board of an application, the state superintendent shall certify the amount to be apportioned to the applicant district.

Annually, the state superintendent, with state board approval, shall submit a report to the Legislature on the

implementation and evaluation of demonstration programs. The report shall discuss: pupil achievement; dissemination and replication activities; funding sources; cost analysis of the demonstration projects, recommendations concerning improvement and extension of the program; and the waivers of code provisions authorized by the state superintendent under §58602.

REGULATIONS

§ 12037; 12051

The preschool compensatory educational programs are conducted under Education Code Secion 9458(c) or 6460. Each program shall meet the requirements of Article 2 and be designed to benefit disadvantaged preschool children "whose economic, social and environmental disadvantages constitute a barrier to their future success in the educational programs of the school."

The "most concentrated areas of poverty and social tension: or a "designated area of disadvantage" as used in Article 5 of Chapter 6.5 of Division 6 of the Education Code shall be either of the following:

a) The area served by elementary schools identified by the elementary schools serving those concentrated areas of poverty and social tension as defined in Section 12050(a) in accordance with a severity score based upon the sum of the following:

(1) The percentage of the pupils enrolled in the school who took the October 1968 sixth grade state reading achievement test whose score was at or below the first quartile;

(2) The percentage of families (at least 20%) in the census tract or tracts served by the school whose 1959 income reported to the census was under $3,000 and;

(3) Twice the percentage of unemployment reported by the 1960 decennial census for the census tracts served in whole or in party by the school; or

b) The Director may designate as "a most concentrated area of poverty and social tension" the attendance area of an elementary school that has been identified and approved

as a target area school for purposes of Title I, ESEA program services in a school district in which there are schools declared eligible in accord with the scores computed under sub-Paragraphs (1), (2), and (3) of subsection (a). The selection of such school attendance areas shall be based primarily on the criteria of high concentration of children from low income and AFDC families.

§ 12091

"An applicant for funds to conduct programs under this chapter shall:

a) Be identified as a most concentrated area of poverty and social tension described in Section 12051 or a designated area of disadvantage described in Education Code Section 6490 and,

b) Meet the requirements of subsections (a) through (e) of Sections 12060 and 12061."

§ 12092-12093

An application by the governing board of a school district to establish a program under Article 5 of Chapter 6.5 of Division 6 of the Education Code shall contain a detailed description and analysis of the program. When such a program is to be conducted through a private agency the district shall submit with its application a statement containing evidence that that agency is competent to conduct the program.

§ 12094-12095

A demonstration program shall be designed to insure educational success in reading and math. Such a program shall include the following goals:

a) Development of creative programs;

b) Experimentation with new curricula and methodology;

c) Analysis and assessment of the abilities and needs of "low achieving pupils."

d) Individualized instruction.

e) Corrective programs for pupils performing one year or more below grade expectations level.

In demonstration programs conducted through private agencies

the competency of such agencies to conduct the program shall be evaluated by an evaluation committee.

§ 13005

"...[C]oordination with the school district staff who work in the area of compensatory education is required."

CROSS REFERENCES

II.A.10.Other-Abstract Mathematics; Statute §54682 -- 54684

II.A.10.Other-Dropout Prevention Program; Statute §54661; 54663

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

III.B.Teachers; Regulation §12097--12099

III.B.Teachers; Regulation §13001--13003

III.C.Educational System; Statute §33570--33577

III.E.Teachers; Regulation §13026--13044

6. Compensatory Education

CROSS REFERENCES

II.A.9; Statute §22-32-118

III.C.Students; Statute §22-32-109.5

III.E.Reading Skills; Statutes §22-22-101 -- 105

6. Compensatory Education

Statutes

§10-266a — 10-266e

A town or regional school district may receive grants to provide supplementary educational programs for children whose educational achievement has been or is "restricted by economic, social, linguistic or environmental disadvantages." At least 75% of the children served by this type of program must be "educationally deprived" children as defined by low-income criteria established by the state board of education. School districts receiving grants must show that the funds are used to establish special supplementary programs such as "pre-kindergarten programs, remedial programs, bilingual programs", or experimental programs approved by the state board of education.

Applications for grants shall be made to the state board of education and applicant districts must certify that they will use the requested funds to establish special programs. Periodically, the state board of education will review the grants made to ensure that funds are being used for the specified purposes.

The state board of education shall give assistance to the towns in planning and developing special programs.

§10-266i

The state board shall annually review the disbursement of funds for special projects and the evaluation of programs dealing with the education of disadvantaged children and youth.

§10-266j

A town or regional board of education may make an agreement with another school board or group of boards to implement programs for disadvantaged children. The agreement shall provide for tuition payments, allocation of grant monies, and transportation arrangements.

TUITION

6. Compensatory Education

CROSS REFERENCE

III.B.Reading Personnel; Regulation; Chap. XVII, §9, License XV

6. Compensatory Education

Statutes

§233.055

The state shall have a remedial reading program including "pre-testing and post-testing of reading level and ability" and "control groups at each level to enable a measurement of the [program's] effectiveness." The commissioner of education shall submit an evaluation of the program, including an "evaluation of current reading ability," at the end of each year. This section shall be entitled "The Florida Remedial Reading Education Act of 1971".

CROSS REFERENCES

III.C.Pupils; Statute §232.245

RULEMAKING

6. Compensatory Education

Statutes

§32-604

"The State Board of Education shall promulgate rules, regulations and standards and establish the terms and conditions necessary to implement programs of compensatory education. Compensatory education shall include, but shall not be limited to programs of remedial reading, mathematics, and such other programs as are needed."

§32-618a

The State Board of Education may establish "minimum requirements and standards" for the "distribution, use, and expenditure of funds" allotted for compensatory education.

Regulations

30-2610 -- 2620

In order to provide "adequate educational opportunity for disadvantaged children," the State Superintendent of Schools is authorized to operate "programs of compensatory education . . . to provide supplemental, especially designed instructional activities for individuals who need such activities . . . to achieve at a comparable level to other individuals who do not exhibit such needs.

Participants in compensatory education programs shall include children . . . identified . . . as low achievers . . . due to inadequate skills development, lack of maturity, substandard home environment, lack of motivation or insufficient previous educational opportunities."

Local boards may use state funds for compensatory education to employ "professionals and auxiliary personnel to assist teachers . . . in grades one through four." Federal funds are available for compensatory education programs "in the basic skills and preschool areas . . . for the benefit of educationally deprived children who are specifically identified as such . . . . Funds are

provided to maximize the educational opportunity for the following groups . . . : children in the regular public school population . . . (and) preschool children who meet the identification criteria; . . . institutionalized neglected or delinquent children; . . . children of migrant agricultural workers and . . . fishermen."

Federal funds "for programs of vocational education for disadvantaged youth may be used . . . to provide special vocational education programs and services in comprehensive high schools. . . . These . . . may take the form of modifications of regular programs, special educational services . . . supplementary to regular programs, or special . . . programs designed only for disadvantaged youth." The Office of Instruction shall "develop and implement" regulations for compensatory education programs.

6. COMPENSATORY EDUCATION

RULEMAKING

STATUTES

§14B-1 - 14B-8

The State Board of Education with the advice of an Advisory Council, shall promulgate regulations whereby school districts may submit proposals for compensatory programs for children between the ages of three and eighteen "subject to . . . language, cultural, economic and like disadvantages . . . [and] unlikely . . . [to] graduate from high school unless special educational programs . . . are made available to them."

Proposals may include a broad range of services supplemental to, or independent from, the regular school programs, as long as they comply with "standards . . . set forth in Title I of the Federal Elementary and Education Act of 1965, . . . directed to the stimulating of the educational and cultural capabilities of . . . children . . . ."

The Advisory Council shall evaluate proposals in light of factors set forth in Title I, including the nature of the applicant district, the quality of existing resources, and the adequacy of the proposal in redressing deficiencies in resources.

The Advisory Council submits the proposal to the State Board along with a recommendation. If the State Board approves the program, "the applicant is entitled to reimbursement . . . for the costs of instruction and other services . . . as . . . specified in Title . . . ."

CROSS REFERENCES

II.A.10.Other - Innovative Programs; Statute §1051 -- 1070

6. Compensatory Education

CROSS REFERENCE

II.A.3.; Regulation §91-27-2; 91-27-4

6. Compensatory Education

Statutes

Art. 77 §106A-C

A disadvantaged child is one who is not achieving his/her scholastic potential because of environmental deprivations.

The state board may establish compensatory education programs to: (1) modify teacher training curricula to enable teachers to more effectively teach disadvantaged children; (2) research projects to assist state board in carrying out its responsibilities; (3) evaluate and disseminate findings relating to compensatory education programs. The state board may also establish criteria to guide local school systems in applying for state funds specifically provided for this purpose and for federal funds under the Elementary and Secondary Education Act. Each application for state funds shall emphasize a preventive program and shall attempt to awaken the child's interest in learning, give the child a sense of achievement and thus prevent his/her possible early departure from school.

The state superintendent "shall have overall supervision and control" of compensatory education programs.

STATUTES

§388.1083

Based on information from the assessment program, the department shall provide remedial assistance programs to raise competencies in basic skills of students identified as in extraordinary need of assistance. A program shall include but not be limited to: individual diagnosis and the development of an individual instructional program; provision for instructional systems that take account of individual student needs; provision for program evaluation.

The department shall establish guidelines for programs, provide technical assistance to districts implementing guidelines, and conduct evaluations necessary for the setting of guidelines.

The department shall provide for preservice and in-service training of staff involved in school programs and establish demonstration projects with selected schools.

A remedial assistance program shall be audited by an agency independent of the state department of education.

§388.1133

The number of pupils in grades K-6 construed to be in need of substantial improvement in basic cognitive skills in 1975 - 1976; 1976 - 1977; and 1977-1978 shall be calculated for each district as follows:

(a) Using the reading and mathematics scores of the statewide assessment battery given in the fall of the two prior years, the percentages of the pupils in grade 4 who attained 40% or fewer of the reading objectives and who attained 40% or fewer of the mathematics objectives shall be averaged. The aggregate enrollment in grades K-4 shall be multiplied by this average percentage to determine the estimated number of pupils in grades K-4.

ASSESSMENT

(b) The calculation shall be repeated using the test scores of pupils in grade 7 and the aggregate enrollment in grades 5-6.

The number of pupils determined in (a) shall be added to the number determined in (b) and this sum shall be construed as the desired number.

§388.1136

A district receiving funds under §388.1131 may use these funds in any manner which contributes toward substantial improvements in the basic cognitive skills of pupils, including, but not limited to: employment of additional personnel; purchase of instructional materials; leasing of portable classrooms; contracting with outside groups; providing in-service training; and providing adequate nutrition and health care to students.

A district shall use state funds to supplement and not supplant the use of federal money.

§388.1137

An assessment of the program of each pupil in need of special assistance shall be made with the use of pretests and posttests. These shall be administered or approved by the department and shall measure progress toward performance objectives specified in the district's approved application (under §388.1135).

REGULATIONS

R 388.223--388.225; 388.231; 388.425

"Rule 3. A district shall include in its application the following components:

(a) A statement of the performance objectives of its compensatory education program to be conducted under chapter 3 of the act.

(b) A commitment that its minimum performance objective shall be an increase in achievement equivalent to 1 year's growth as specified in the performance objectives for this program as measured by approved assessment and evaluation procedures.

(c) A description of the educational program to be used to attain the objectives, including a time line of major tasks to be accomplished, a description of the budget, and the organizational and instructional components.

(d) An assurance that the number of pupils identified for chapter 3 services in each of grades K-6 shall be determined in the manner prescribed by section 35(c) of the act.

(e) The approximate number of pupils to be served in each elementary school which may house a program.

(f) A description of the method of involvement of parents, teachers, and administrators. This group shall be used also in the planning and evaluation of the project."

"Rule 4. (1) A pre-test shall be administered in each area of basic cognitive skills in which a pupil participates. The pre-test scores shall not be used to determine eligibility to participate. The date of the pre-test shall be included in the application and approved by the department of education.

TESTING

(2) A post-test shall be administered to each pupil participating in the program. The post-test shall be either identical to, or a parallel form of, the pre-test. The date of the post-test shall be included in the application and approved by the department of educaiton.

(3) A district using a department of education approved objective referenced instrument shall have the option of administering the various parts of the tests as a diagnostic-prescriptive instrument throughout the school year. The scores obtained on a pre-prescriptive and post-prescriptive basis shall be aggregated at the end of the school year and 1 total pre-test score and 1 total post-test score shall then be submitted to the department for each of the pupils.

(4) Evaluation results shall be reported by school districts to the department of education by July 15 of each year.

(5) Instruments used for evaluation shall be selected from a list of standardized achievement tests covering communication and computational skills approved by the department

of education. Substitute instruments, including objective referenced tests, may be used if:

(a) They are described in the program application.

(b) They are reviewed and approved by the department of education.

(6) Expenses incurred by testing, reporting test results, and other local evaluation activities shall be the financial obligation of the district and may be deemed a chapter 3 program expense."

"Rule 5. For purposes of evaluation, the beginning date of a project shall be designated in the approved evaluation plan as stated in a district's application. The program duration shall be not less than 150 days."

"Rule 11. A school district accepting chapter 3 of the act funds shall file with the department of education an annual evaluation, a chapter 3 expenditure report, and other reports in the form prescribed by the department."

"Rule 4. (1) An annual report shall be provided to the department of education. The report shall include, when appropriate, a summary by grade of pupil scores of pre-test and post-test. Additionally, the report shall state the results of an external evaluation and audit based upon the performance objectives submitted in the application.

(2) The evaluation audit shall be conducted by an approved group or individual other than the applicant agency or employee of that agency. The cost of this audit and evaluation shall be borne by the applicant agency. The auditor shall certify that:

(a) The delivery system was based upon objectives stated in the application.

(b) Final evaluation was based upon the stated objectives.

(c) Evaluation results submitted are accurate."

"Rule 8. To meet the "comparability" requirement of section 35(b) of the act, a school district shall establish comparability, or submit an approvable plan for achieving comparability, as required for purposes of title I of the elementary and secondary education act, Public Law 89-10, as amended, in accordance with the federal rules in force as of the effective date of this rule which are available at no cost from the Michigan department of education, Lansing, Michigan or from the division of compensatory education, department of health, education and welfare, United States office of education, Washington, D.C., and in accordance with the following criteria:

(a) A school district shall report its per pupil instruction costs on a school building basis in order to be able to provide assurance of meeting the comparable expenditure criteria.

(b) A school district shall allocate at least the same number of dollars for per pupil instruction for each building in which a title I project is approved as is spent for the average non-title I building.

(c) A school district shall report its instructional staff-pupil ratio on a school building basis in order to be able to provide assurance of meeting the comparable instructional staff-pupil ratio criteria.

(d) A school district shall have instructional staff-pupil ratios in title I schools the same as or lower than the average instructional staff-pupil ratio for non-title I schools.

(e) A school district shall have fully qualified teachers certified with appropriate majors or minors for the grade levels or subjects which they are teaching in all title I schools equal to or greater than the ratio for the other schools in the district.

(f) A school district shall submit data on services to be provided with title I funds. A service shall be provided on a comparable basis with local and state funds before title I money may be used to fund the same service."

R 388.424

"Rule 4. (1) A reading support services teacher who functions as a consultant on reading support services to teachers, as a facilitator of inservice training in the area of reading support services or as a coordinator and trainer of para-professional and voluntary personnel in the area of reading support services shall not be restricted as to student load.

(2) The student load of a reading support services teacher providing fulltime direct supplementary remedial reading instruction shall be not more than 50 pupils. If a teacher is employed less than fulltime in this instruction, the student load shall be reduced proportionately.

(3) The student load of a reading support services teacher providing instruction with emphasis on developmental reading shall be commensurate with the performance objectives of the program.

(4) Not less than 1 day a week, or its equivalent in time, shall be used by a reading support services teacher for consultation with school staff members and parents and for inservice training.

(5) A school district which has entered into a guaranteed reading performance contract with an outside agency may be approved for reimbursement for participating reading support services teachers meeting the standards prescribed in rules 2 or 3 even though the functions of the teachers deviate from those prescribed in rule 1 and subrules (1),(2) and (3), if the performance contract is approved by the department of education based upon its finding that the reading support services program is innovative, holds promise of success and is in the best interests of the children of the school district."

R 388.601, R 388.602, R 388.603, R 388.604

"A neighborhood education center, whether operated by the authority or by a sponsor under a contract, shall develop an educational, cultural and social program designed to achieve increased student performance in terms of high school equivalency, and to develop skills necessary for achieving successful educational experiences beyond the high school level."

A neighborhood education center means a facility operated to provide high school students and drop-outs with supplementary services to the regular high school course of instruction.

The neighborhood education authority may operate a center or contract with a nonprofit corporation to operate a center.

A center shall not promote or assist a political party or associated organization or engage in activity is derogatory to a racial, religious or ethnic group, "whether directly or by an undue degree of emphasis on the standards, values and achievements of such groups."

A center shall evaluate its program to see if it "reduces the rate of dropouts and attains notable educational achievement."

CROSS REFERENCES

III.B.Teachers; Regulation R388.422

III.B.Teachers; Regulation R388.423

REGULATIONS

5 CSR 50-820.010--.120
COMPENSATORY EDUCATION

WAIVER

Any rule in this section may be waived by the assistant commissioner if its operation would work an extreme hardship upon the affected party or to the program beneficiaries.

Educational deprivation shall be determined by standardized testing. Children must be two months behind grade level in grade one, 4 months behind in grade two and multiples of two thereafter. Teacher observation shall be used only in subjects not covered by the tests.

At least $250 shall be spent per pupil for the regular year programs. Title I instruction must be designed to reinforce regular school programs, but instruction is to be based on the need of the students on a priority basis. Teacher pupil ratios shall not exceed 10:1. In classes where the teacher is assisted by a teacher aide, however, the ratio may be 14:1. The remedial instruction offered must be "substantially different in quality and content" from services offered children in regular classrooms. Consultants and supervisors may be provided to strengthen the instructional program if the class has ten students who need the specific service the person provides. A consultant or supervisor may be provided on a minimum ratio of one for every ten teachers.

Title I programs may be approved for pre-kindergarten or early childhood education children but not for regular kindergarten programs. Concentrated instructional kindergarten programs with supplemental or supportive services for Title I children may be approved, however.

Three types of Title I summer school programs may be approved.

Type I - not eligible for state funds and was not eligible in the preceding year. Title I funds may be used: if the program is available exclusively for educationally deprived children, instruction in the school is available for 30 days, at least three hours are taught on a priority basis determined by educational

need, and class size does not exceed ten students per teacher.

Type II - operates or did operate a program in the preceding year where state funds were approved. To continue receiving state and Title I funds the school must conform to state requirements.

Type III - operates or did operate in the preceding year an approved program for Title I and non-Title I children. The program must conform to state requirements.

Health, food service and transportation services may be provided for children in Title I programs. These services must supplement those provided by the school district to receive reimbursement.

Handicapped children are eligible for Title I programs but all other available funds must first be exhausted before Title I funds are used.

Teacher assistants must have a minimum of two years of appropriate college credit and may be assigned for each Title I teacher. They may not engage in activities for non-Title I classes. A teacher clerk may be assigned for every four teachers and must possess a high school diploma.

All Title I teachers must have a BA and Missouri State Teacher's Certificate. Special teachers must have additional requirements established for them. Supervisors of Title I programs must have a master's degree and be certified as a school administrator. Remedial reading teachers must have a certificate. Consultants and supervisors must have a master's degree with a major in the subject area and a teacher's certificate.

Title I funds are to be used solely to supplement and not to supplant state or local funds.

5 CSR 50-823.010

ANNUAL PROGRAM PLAN FOR MIGRANT CHILDREN

The Department of Education is eligible to receive federal funds under Title I for special educational programs for educationally deprived children of migrant agriculture workers.

5 CSR 70-742.130

State aid may be provided for approved classes in remedial reading. Thirty-five to fifty students may be enrolled in a class. Appropriate professional personnel shall determine the eligibility of each student referred.

6. Compensatory Education

Regulations

3-(7)

A "culturally and educationally deprived child" is one whose family environment materially affects her/his ability to achieve at the class level, or one who comes from a broken home, and/or whose background is of such a nature as to restrict normal school progress.

The identification of culturally and educationally deprived children is the responsibility of the superintendent. The State Department of Education shall determine eligiblity procedures for the program. For children in grades one through twelve, eligibility will be determined by standardized test scores. IDENTIFICATION

The program provided must include at least 140 instructional hours in the special program for each child and must include an annual evaluation.

Staff personnel will be selected on the basis of their interest, ability, and special training in the area.

6. Compensatory Education

CROSS REFERENCE

III.B.Teachers; Regulation, Nevada Teacher Certification, Part Two, p. 10

6. COMPENSATORY EDUCATION

REGULATIONS

§6:42-1.3

The State policy is to include disadvantaged students, insofar as possible, in regular programs; provided, however, it may be necessary to design programs for selected students prior to including them in regular programs. It may also be desirable that special services be provided for selected students enrolled in regular programs to assure maximum opportunity for success.

CROSS REFERENCE

II.A.9.; Regulation §6:26-3.3; §6:27-3.3

6. Compensatory Education

Regulations

Part 151 (Statutory authority §207)

§ 151.1 — 151.3

These regulations implement the procedures for establishing prekindergarten programs for pupils "with special educational needs associated with poverty."

School districts applying for aid to establish such a program must state the number of pupils to be included in the program (at least 70% of whom must be disadvantaged); the program's goals; staff qualifications; and plans for continuing program evaluation.

In approving a program, the commissioner shall consider such factors as the educational benefits to be derived from the program; and whether or not the program is educationally sound in terms of staff qualifications, and whether or not it is economically sound.

§ 151.6

All programs shall be under the commissioner's supervision. Individual student records shall be maintained on attendance and evaluation, and school districts shall submit reports to the commissioner as may be required.

Part 164 (Statutory authority §207)

§ 164.1

These regulations provide guidelines for the use of funds for basic education and literacy programs for welfare recipients who are at least 16, not enrolled in a regular school program, and who have "special educational needs associated with poverty."

§ 164.2 — 164.4

Districts that apply for funds to operate these programs must enumerate the people who would benefit by the program and describe the proposed program.

CLASS SIZE

In order to be approved, a program must provide for a minimum of 200 hours of classroom instruction, offered at least six hours per week; class size of at least 10 but not more than 20 students; and a standardized reading test for all English speaking students and an oral test for non-English speaking students.

School districts may use funds alloted to operate their own program or to enter into an agreement with other districts to provide a program.

§ 164.6

The commissioner shall supervise all programs. Districts must keep individual records for each adult participant, so that the program can be evaluated.

6. Compensatory Education

Statutes

§115-352 — 115-357

The State Board of Education shall operate the "North Carolina Advancement School" which shall provide a place for "experimentation and research into the causes of and remedies for underachievement in the public schools." The school will be administered by a "governing board" appointed by the State Board and a director, also appointed by the Board. The director shall be responsible for the "development and implementation" of curriculum, "developing procedures" for "evaluation of all aspects of the school and its progress," and for coordinating the school's program with that of the public schools.

Regulations

§2E.0301

The division of compensatory education is responsible for the following: administering compensatory education programs for disadvantaged, migrant, handicapped, delinquent and neglected children and youth as authorized by Title I of the Elementary and Secondary Education Act of 1965, Special Education Programs and Projects for Educationally Deprived Children; providing to local districts and agencies technical assistance in program development, program implementation and program evaluation of ESEA Title I and such programs as follows through, educational services for Indochinese refugee children, and Indian education; coordinating the delivery of consulting services from other divisions of the Department of Public Instruction to compensatory education projects operated by local school districts and agencies; promoting through demonstration of professional competence emphasis upon compensatory education programs in school districts and agencies.

§2E.0302

The division of compensatory education is organized to carry out its responsibilities through the following operational sections: the administrative operations section is responsible for administering compensatory education programs for disadvantaged, handicapped, delinquent and neglected children and youth.

The programs operations section and the migrant operations section will work in conjunction with the administrative operations section in implementing its responsibilities.

CROSS REFERENCES

II.A.1.; Statute §115-204

III.C.School System; Statute §115-1.1

6. Compensatory Education

Regulations

Chapter III: IV.F.

Title I of the 1965 Elementary and Secondary Education Act provides funds to reinforce local educational programs on the basis of children from economically and educationally deprived backgrounds. Title II provides funds for library and instructional materials. Title III provides funds to encourage imaginative solutions to educational problems. The Resource Information Center (RIC) is a program of the North Dakota Department of Public Instruction supported by Title III funds and concerned with the resource and information needs of North Dakota's educators. Twelve centers throughout the state are equipped with microfiche readers and microfiche materials for their use. Title IV, Section 402, provides funds for the planning and evaluation of educational programs administered by the Commissioner of Education. Title V provides funding to strenghten State Departments of Education. Title VI-B of Public Law 91-230 is a federal program to initiate and expand special educational and related services for handicapped children.

6. Compensatory Education

Regulations

§3301-71-01 -- 3301-71-06

School buildings "which qualify for participation in Title I of the Elementary and Secondary Education Act" in school districts having "fifty residents between 5 and 17 years of age whose parents are receiving aid to dependent children" or having "a number of such residents equal to 5% of the average daily membership of the school district" may receive state funds "for the design and operation of special programs to improve the educational and cultural status of disadvantaged pupils."

"Participating districts shall plan and propose suitable programs. . .and submit such reports as the Department of Education may require.

"The State Department of Education shall review and recommend program proposals. . .provide appropriate consultative services. . .keep adequate fiscal and program records and reports and establish evaluative criteria for effective program appraisal."

"District applications shall describe the target group, their educational and cultural characteristics and the means used to identify them, the specific problems which need to be resolved and cannot or are not being met with existing programs, procedures to meet the problems, staff services and materials for the program and "evaluative procedures that will be used to determine the success of the program in meeting its objectives."

Program goals may include but need not be limited to academic achievement, adaptation of curriculum, cultural enrichment, drop-out prevention, home school and adult education, health and related services, library services, motivational development, safety and building security.

"The procedure to be used in achieving the program objectives shall be appropriate, adequate and efficient. Adequate evidence shall be submitted that the proposed program will supplement regular school program."

Expenditures shall not be approved for capital outlay purposes or equipment costing in excess of 10% of the total amount of the program.

CROSS REFERENCE

III.C.Students; Statute §3331.15

6. Compensatory Education

Statutes

§343.650

Disadvantaged children are those who are socially or culturally deprived to such a degree that supplemental facilities and services are necessary for them to profit in the regular school program.

§343.660

A district school board "may provide facilities and services for [disadvantaged children] during and outside of regular school hours and regular school days."

§343.830

"School districts may establish summer programs for migrant children [who will attend regular school sessions in the coming school year] to supplement the regular school program and provide instruction in those educational areas in which the migrant child needs special help."

6. Compensatory Education

CROSS REFERENCE

III.B.Teachers: Regulation §24:02:03:06:02

6. Compensatory Education

Statutes

§16.176

"Educationally disadvantaged pupils" are those eligible to receive federal compensatory aid under Title I of the Federal Elementary and Secondary Education Act. "The commissioner . . . with the approval of the State Board . . . shall review the standards established for educationally disadvantaged pupils and adjust the standards if they perpetuate inequities or become obsolete."

Regulations

§3551

"Statewide migrant education is maintained by the Texas Education Agency through programs for the education of migrant children under the 'Peak Load Program' of the Foundation School Program . . . and Title I of the Elementary and Secondary Education Act of 1965 as amended by Public Law 89-750. A description of the Title I program is as follows:

(a) Funding Authorization

Funds are made available to school districts under the provisions of Title I of the Elementary and Secondary Education Act of 1965 to finance supplementary education programs which meet the specific needs of migratory children of migratory agricultural workers.

(b) Establishing Eligibility for a Basic Grant

The maximum eligibility or entitlement of each school district for Title I migrant funds is determined by formula on the basis of the number of migratory children who are served in a supplementary educational program. To establish eligibility for a grant, the district is required to:

(1) present auditable data identifying all migrant children to be served in a supplementary education program;

(2) provide the Texas Education Agency with an assurance that the use of Title I Migrant funds in the designated project areas will not result in the reduction of state and local funds used in financing educational programs for migrant children;

(3) identify campuses within the district on which supplementary education programs for migratory children will be conducted;

(4) develop projects designed to meet the specific educational needs of the migrant children;

(5) describe arrangements that have been made to provide a supplementary educational program for migrant children in the school district who are enrolled in non-public elementary and secondary schools;

(6) present plans, procedures, and techniques for evaluating the effectiveness of the program and report the results of the evaluation to the Texas Education Agency; and

(7) agree to establish fiscal procedures and controls in accordance with directions and policies set forth in the Financial Accounting Manual, (Budgeting, Accounting, Financial Reporting, and Auditing for School Districts and Education Service Centers, Policy 4201).

(c) Fiscal Records

The submission of an application and its approval by the Texas Education Agency constitutes acceptance by the school district of its responsibility to maintain such records and make such reports as may be required by the Agency in administering this program.

School districts operating Title I Migrant Programs shall conform to the accounting principles of the Financial Accounting Manual.

Furniture and equipment purchased with funds provided by this program will be separately recorded and adequately controlled. Library books purchased with funds provided through this program will be separately recorded and controlled. Adequate control includes:

(1) development of property inventory records for the items purchased;

(2) periodic physical inventories and the reconciling of these inventories with property records; and

(3) identified marking on all equipment and library and supplementary textbooks purchased with migrant program funds.

(d) Determination of Student Eligibility of the Title I Migrant Program

A student shall be eligible for the Title I migrant program if he[she] is a migratory child of a migratory agricultural worker and if he[she] has moved with his[her] family from one school district to another during the past year in order that a parent or other member of his[her] immediate family might secure employment in agriculture or in related food processing activities."

§3563

"The Texas Education Agency actively provides leadership and administration for various programs directed toward meeting needs of the educationally disadvantaged pupils. . . .

Title I of the Elementary and Secondary Education Act of 1965 supports education programs for the educationally disadvantaged pupils. The Texas Education Agency administers its responsibility in accordance with the following procedures.

The Texas Education Agency has the authority to make payments to the local education agencies for grants for the period beginning July 1, 1965, and enigng June 30, 1973.

The maximum grant for which a local education agency in a state . . . is eligible to recieve under Title I of the Elementary and Secondary Education Act will be determined by:

(1) the number of children aged 5 to 17, inclusive, in families residing in the school district and having an

annual income of less than the low-income factor provided by Congress, reported by the Bureau of Census and agreements between the Texas Education Agency and local education agencies;

(2) the number of children of such ages in families residing in the school district and receiving payments under the program under Title IV of the Social Security Act . . . receiving an annual income in excess of the low-income factor prescribed by Congress;

(3) the number of children of such ages living in the school district in institutions for neglected or delinquent children . . . and

(4) the number of children of such ages living in foster homes in the local district as reported by the State Department of Public Welfare and being supported with public funds.

The Department of Health, Education, and Welfare advises the Texas Education Agency annually of

(1) State Grant Awaru under the Elementary and Secondary Education Act . . . and

(2) County Aggregate Maximum Basic Grant.

Establishing Eligibility for Approval

To establish eligibility for approval by the Texas Education Agency for a grant within the limit of its entitlement, the districts are required to:

(1) provide assurance that the use of Title I funds to finance projects will not result in the reduction of state and local funds used in financing the school district educational programs;

(2) use Title I funds as a supplement to state and local funds; (The Title I program and the regular school program will be planned and budgeted to assure that federal funds will supplement and not supplant State and local funds and that state and local funds will be used to provide services in project areas that are comparable to the services provided in non-project areas); and

(3) provide Assurance of Compliance . . . or court order or desegregation plan as modified by the execution of HEW 441B previously filed with the Office of Civil Rights in accordance with regulations of the Department of Health, Education, and Welfare.

Grants under Title I of the Elementary and Secondary Education Act of 1965 to a local education agency . . . will be made on basis of applications which are submitted to Texas Education Agency and approved by it in an aggregate amount not in excess of the amount of the funds made available for that local educational agency.

Each application shall include a program description which indicates the following.

(1) The Title I program is based on a consideration of the relative needs of children at all ages and grade levels and is designed to meet a limited number of high priority needs which cannot be met through the regular school program or other programs.

(2) The Title I program is based on clearly stated objectives and desired outcomes and . . . will very likely result in reduction of educational deficiency.

(3) Consideration is given to the relationship of the Title I program to the regular school program and to the possibility of modifying that program so as to provide a better base for the addition of supplementary compensatory educational services.

(4) The applicant's Title I program will be conducted in a limited number of eligible attendance areas and will provide relatively higher concentrations of services in areas having the highest incidence of poverty. It shall be the school district's responsibility to establish criteria to determine the educationally disadvantaged that have the greatest need.

(5) Title I activities or services will be offered at locations where the children can best be served.

(6) Title I services will be programmed so that those services will be concentrated on a limited number of children.

(7) The proposed staffing pattern is appropriate for the activities and services to be provided.

(8) In-service training will be geared specifically to the requirements of the Title I program and the needs of the Title I staff.

(9) Specific provision has been made for professional staff members and education aides assigned to assist them to participate together in coordinated training programs.

(10) Due consideration has been given to the provisions of Title I services not only during the regular school year but also during the summer.

(11) Educationally deprived children enrolled in private schools will have genuine opportunities to participate in the Title I program on the basis of need as determined by the comprehensive assessment of the needs of all children in the eligible low-income areas. The high priority needs of private school children residing in those areas will be met with services that are comparable in scope and quality to those provided to meet the high priority needs of public school children.

(12) The Title I program includes appropriate activities or services in which parents will be involved.

(13) Expenditures for equipment will be limited to the minimum required to implement approved Title I activities or services.

(14) Title I funds will be used for construction only when necessary to implement projects designed to meet the highest priority needs of educationally deprived children in the applicant's district.

(15) The Title I program includes provisions for the dissemination of information to teachers and administrators for their use in planning and conducting projects.

(16) A system-wide council composed of parents of children to be served in schools participating in ESEA, Title I Activities has been established, informed.

and involved in the planning, development, and operation of the Title I project.

(17) ESEA, Title I applications and other pertinent documents will be available for public inspection and reproduction upon request and at a reasonable charge."

The agency administers its responsibilities under Texas State Compensatory Assistance in accordance with the following procedures:

"The Texas Education Agency shall make payments to school districts for each appropriation period.

The maximum grant which a school district may receive is not to exceed the amount appropriated by the Legislature divided by the number of children from families having an annual income factor as determined by Congress . . . .

To establish eligibility for approval by the Texas Education Agency for a grant within the limit of its entitlement, the districts are required to:

(1) provide assurance that the use of state compensatory funds to finance projects will not result in the reduction of other state and local funds used in financing the school district educational programs;

(2) use state compensatory funds as a supplement to other state and local funds . . . .

Grants under the Texas compensatory education program are made on the basis of applications which are submitted to the Texas Education Agency and are approved in an amount not to exceed the amount of funds made available for the local educational agency.

It is the school district's responsibility to establish criteria to determine the educationally disadvantaged that have the greatest need. However, the priority focus of the . . . program must be for supplementary instructional programs for educationally disadvantaged pupils in the areas of reading, mathematics, language development, and/or bilingual/multicultural development. Supportive type program activities such

as counseling, health service, and the like may be provided but only if the proposal clearly states how the activity will give assistance or help improve the instructional process for the educationally disadvantaged pupils participating in a compensatory instructional program(s).

Each application includes a program description which indicates the following:

(1) The . . . program is based on a consideration of the needs of children at all ages and grade levels and is designed to meet a limited number of high priority needs which cannot be met through the regular school program or other programs.

(2) The . . . program is based on stated objectives and desired outcomes and, if executed as planned, will very likely result in reduction of educational deficiency.

(3) Consideration is given to the relationship of the program to the regular school program and to the possibility of modifying that program so as to provide a better base for the addition of supplementary compensatory educational services.

(4) Activities or services are offered at locations where the children can best be served.

(5) Services are programmed so that those services are concentrated on a limited number of children.

(6) The proposed staffing pattern is appropriate for the activities and services provided.

(7) In-service training is geared specifically to program requirements and staff needs.

(8) Specific provision is made for professional staff members and their education aides to participate together in co-ordinated training programs.

(9) Consideration is given to the provision of services during the regular school year and also during the summer.

(10) Expenditures for equipment are limited to the minimum required to implement approved activities or services."

The evaluation of education programs for the educationally disadvantaged is carried out in a way in which:

"(1) The application by a school district describes procedures and techniques to be utilized in making at least an annual evaluation of the effectiveness of its Title I program.

(2) The application by a school district must give appropriate objective measurements of educational achievement.

(3) Evaluation results are used in determining future activities or redirecting existing programs."

For evaluation of the Texas State Compensatory Education Assistance program:

"(1) The application by a school district describes the procedures and techniques to be utilized in making at least an annual evaluation of the effectiveness of its state compensatory education program.

"(2) The application by a school district must give appropriate objective measurements of education achievement.

(3) Evaluation results are used in determining future activities or redirecting existing programs."

§3551; 3561; 3562; 3563; 3564; 3571.1

"A statewide educational program for migrant children shall be coordinated by the Texas Education Agency and shall focus on meeting the particular educational needs of children of migratory families.

The broad purposes of the program shall be

1) to provide assistance to local education agencies having a high concentration of migrant children in order that these agencies may operate comprehensive educational programs and provide ancillary services to meet the unique needs of migrant children;

2) to develop and conduct staff development programs for personnel in the Texas Child Migrant Program;

3) to cooperate with other state education agencies in improving educational programs and in developing record transfer systems for migrant children; and

4) to coordinate the activities of cooperating agencies serving migrant children in the State . . . .

The educationally disadvantaged is a special pupil population which has educational deficiencies that limit progress in the traditional education program.

In view of the special needs of disadvantaged children, support shall be given . . . in the implementation and conduct of compensatory education programs. The Texas Education agency shall provide leadership to assist school districts to implement and conduct educational programs for disadvantaged pupils . . . .

Compensatory education is a comprehensive program of education intended to strengthen and enrich the curriculum of . . . children through activities and services specifically designed to accommodate individual differences of students who exhibit special needs caused by educational deprivation, especially that generated by racial or ethnic isolation."

Educational programs for such pupils "shall be evaluated using objective measures to the extent possible." The evaluation will consider the quality of the educational process and the extent of change evidenced by the pupils.

The intent for a statewide special education program is ". . . to guarantee to each child of school age in Texas the availability of a Foundation School Program . . ." to ". . . provide for a comprehensive special education program for exceptional children in Texas . . ." and "to provide for full implementation of all legislation relevant to the education of exceptional children . . ." while furnishing leadership and guidance to local school districts in the field of exceptional children.

6. Compensatory Education

CROSS REFERENCE

III.D.Educational Programs: Policy Guide, Report of Nine Special Programs in Education (1976).

6. Compensatory Education

Regulations

R.M. Ch. II.N; p. 76 - 79

The Elementary and Secondary Education Act of 1965, Title I, provides funds to local education agencies:

- serving a large number of children from low-income families to expand and improve educational programs to meet the special educational needs of educationally deprived children and to provide specific projects that are innovative or show special promise in meeting special educational needs of educationally deprived children.
- serving handicapped children formerly enrolled in State-supported or operated schools to supplement the special educational program to provide an appropriately designed education program.

It also provides funds to State educational agencies:

- to initiate, expand, and improve special educational services for handicapped children in State-supported or operated schools;
- to establish or improve under agreement with local educational agencies educational and related services to meet the particular needs of children of migratory agricultural workers or of migratory fishermen;
- to meet the special educational needs of children in institutions for neglected and delinquent children.

Applications must meet criteria specified in Federal legislation. Funds must be used to supplement and not supplant local funds.

Follow Through Assistance provides grants to State Department and local school personnel to enable them to assist local Follow Through Programs and to provide technical assistance to communities and local agencies interested in activities related to Follow Through Funds shall go for travel, conferences, and dissemination relating to Follow Through; joint meetings of parents, staff and administrators of Vermont's two Follow Through projects; develop-

ment of fuller use of teacher aides in Follow Through programs; and encouragement of institutions of higher learning to improve programs in early childhood education and development.

R.M. Ch. II.0; pp. 80 -- 82

The Youth Work Experience Program (State statute: Title 16 V.S.A. Ch. 125, 3541; Federal statute: P.L. 93-203, 93rd Congress, S. 1559, Dec. 28, 1973, 87 Stat. 839) is designed to encourage young people to stay in school by offering jobs and earnings for disadvantaged youth.

Youth enrolled in this program must be regularly enrolled in school, be between 14 and 22 years of age and come from low income families. Priority is given to youth with social or emotional adjustment problems, poor academic achievement, poor attitudes, cultural deprivation and physical or mental handicaps. Selection of enrollees is the function of the local school system and is based on relative need of each applicant.

Funds may be spent for payment of enrollee wages and for part of the administrative of such. Employment is provided for youth to work 10 hours per week at $2.30 per hour; during summer, youth may work up to 30 hours per week at $2.30 per hour.

Detailed monthly reports are required; evaluation reports are required at irregular intervals.

The Right to Read provides grants to State Educational Agencies (Grant Number OE6-0-72-1574).

The goals of the Vermont Right to Read plan are to:

- staff and maintain a State Right to Read office in the Division of Elementary and Secondary Education;
- provide technical assistance to local school districts;
- train local school district persons to serve as leaders in developing and implementing good comprehensive reading programs;
- establish five regional staff development centers.

Local school districts have moved local Right to Read leaders and applied to the State Department to have the local leader participate in leadership training ses-

sions at regional centers.

Funds, granted to the State Department, are in turn given to regional centers and local school districts to support: leadership training seminars; expenses of local leaders to attend seminars; salary and travel of Right to Read administrator; follow-up services and technical assistance to local Right to Read leaders and local school districts; and materials for Right to Read programs.

Applicants for assistance must be an employee of State Department with responsibilities related to Right to Read or a local school district that appointed a local Right to Read leader.

The Vermont Legal Education Project (Project Number VA7510) is intended to encourage, initiate and support efforts at law-related education in Vermont secondary schools and to train Vermont educators in the techniques and materials of law-related education.

The Governor's Commission on the Administration of Justice made the grant to the State Department, which in turn has granted funds to five secondary schools which are serving as Legal Education Centers. Training is available through the project to interested Vermont teachers.

The project has made available to local schools funds for teacher release time and partial salary payment, for learning and curriculum materials, and other expenses. Subsidized teacher training institutes have also been offered.

6. Compensatory Education

Statutes

§28A.41.250

The superintendent of public instruction shall submit budget requests for education programs for the urban, rural, and racially disadvantaged (URRD). He/she shall also appoint a 21-member advisory committee and shall adopt rules and regulations to involve representative citizens in program decisions affecting any of the target groups.

CROSS REFERENCES

IV.G.; Statute §28A.04.137

6. Compensatory Education

CROSS REFERENCE

III.A.2.; Regulation PI 8.01

7. Schools for Delinquents

7. Schools for Delinquents

CROSS REFERENCES

I.City Board of Education: Statute §16-11-23

I.State Board of Education: Statute §16-3-20

7. Schools for Delinquents

CROSS REFERENCE

I.State Board of Education: Statute §80-147

STATUTES

§48600--48602

24-hour elementary schools shall be operated for minors between the ages of 8 and 16 years and the attendance, care, guidance, observation and education of minors attending the school provided for.

The county superintendent shall have primary authority over the 24-hour schools and shall, with the county probation officer, have authority to do what is necessary to promote the prosperity of the school or the well-being and education of the minors in it. The county superintendent or the governing board of the district shall have, in reference to 24-hour schools, the same powers assigned for the management of other schools.

A 24-hour school shall be one of the public elementary schools of the district.

§48605--48609

The principal of any school in the county or district shall report to the county or district superintendent, after conference held with the parent or guardian, any pupil who the principal believes may be eligible for a 24-hour school.

A board of admissions shall investigate the case of such a child. Admission and discharge of minors with behavorial disorders shall be made on the basis of an evaluation according to state board standards by the board of admission. The board shall include a teacher, a psychologist, a school nurse or social worker, a principal or supervisor, or attendance supervisor, a licensed physician, and representatives of the probation department and of the social welfare department of the county.

ADMISSION

The county superintendent or district governing board may accept into a 24-hour school any minor between the ages of 8 and 16 years who is a resident of the county or district, whose parent or guardian does not exercise proper supervision, and who is, by reason of insubordinate conduct,

in need of special education training to prevent his/her becoming subject to juvenile court law. The pupil may be assigned to the school by the county or local superintendent, with the consent of the parent or guardian.

If the parent or guardian of the pupil enters into a contract with the county or school district for the support of the child, the child may be maintained for the period assigned by the county or local superintendent.

If the parent or guardian refuses and if the child cannot be located in another school, the county or local superintendent shall file in the superior court of the county a complaint asking for a court order to commit the child to the 24-hour school and fixing the amount the parent or guardian shall pay. If a parent or guardian is unable to pay the amount, the court may provide for the payment by the county of a sum sufficient to maintain the child during the period of commitment.

§48610--48613

A minor placed in a 24-hour school without the consent of parent or guardian shall remain for the duration of the period provided by the court order, or until recommendation that the minor be released is made to the court by the admission and discharge committee.

If a minor has been assigned to a 24-hour school by a county or local superintendent, with parent or guardian consent, the parent or guardian, on application to the county or local superintendent, may secure the release of the minor.

If, in the opinion of the principal of any 24-hour school, the further detention of any minor is detrimental to the minor, the minor may be returned to the county or local superintendent or to the court which committed the minor.

Any pupil who leaves a 24-hour elementary school without the principal's permission shall be deemed an habitual truant within the meaning of §601 of the Welfare and Institutions Code, and dealt with as such. TRUANT

Any person who contributes to such truancy on the minor's part is guilty of a misdemeanor.

§48614--48616

The county superintendent or district governing board shall approve the course of study and methods of enforcing it in a 24-hour school. Vocational and trade training shall be provided and funded under §41703 when maintained by the county superintendent.

Each 24-hour school may conduct clinics for the diagnosis and observation of children and may advise parents and school authorities regarding courses of study or treatment in the interests of the child's normal development.

§48617--48618

The county probation officer having management of a 24-hour school may enter into a contract with any other county or state agency to provide for the supervision of minors placed in the 24-hour school.

The enrollment in each 24-hour school shall be limited to standards under §56615.

§48630 -- 48641

TRUANT

OPPORTUNITY PROGRAMS

Pupils who are, or are in danger of becoming, habitually truant or irregular in attendance or disorderly during attendance shall be provided an opportunity to resolve their problems through opportunity schools, classes, or programs. The assignment of a pupil to an opportunity program shall be conducted with a view to the pupil's improvement and restoration, or soon as practicable, to regular programs. A school governing board may confer a diploma upon any pupil who has completed the prescribed course in an opportunity school.

An opportunity program may be established at any level, elementary or secondary, for the instruction of pupils assigned to it by the appropriate school board or superintendent.

The school governing board may: establish a set aside space for opportunity programs, make special rules and regulations for the operation of opportunity programs, assign (along with the superintendent or other designee of the board) pupils to opportunity programs, and accept and expend federal and other funds for opportunity programs.

If a pupil assigned to an opportunity program is habitually truant, irregular in attendance, or disorderly during attendance at such a program, the supervisor of attendance or other designee of the school governing board shall refer the pupil to the school attendance review board in the county. If the school attendance review board determines that available community services cannot resolve the pupil's problems, it shall direct the county superintendent to request a petition on behalf of the pupil in the juvenile court of the county. If the court finds the allegations sustained, it, in addition to any other judgment it may make regarding the pupil, may order the parent or guardian to deliver the child at the beginning of the schoolday, for the remainder of the school term, to the opportunity program.

Opportunity schools established by the county board of education shall be limited to counties with average daily attendance of less than 8,000. Such a school shall be deemed in lieu of any continuation education program and shall excuse districts in the county from complying with otherwise applicable statutes requiring continuation education programs.

§48650 -- 48676

The governing bodies of counties and cities may establish and maintain adjustment schools for the purpose of furnishing to minors under the age of 18 years care, custody, education, and adjustment to good citizenship, which shall be continuous during the period the minors remain in school.

§48650 et seq. shall be construed in conformity with their intent as well as their expressed provisions. The governing board of any adjustment school may do all lawful acts necessary to promote the school's prosperity or the pupils' welfare.

Article 16 (commencing with §900) of Chapter 2 of Part 1 of Division 2 and §579 of the Welfare and Institutions Code shall, so far as applicable, govern matters related to adjustment schools.

The governing bodies of two or more counties may unite in the establishment and maintenance of adjustment schools, to be located as agreed upon by the counties and entered in the minutes of the respective counties.

If adjustment schools are organized by only one county, their government shall be vested in a governing board which shall be either the school board or the county probation committee of the juvenile court, or a board of trustees composed of seven members from both the board of education and the probation committee as determined by the county governing body.

If adjustment schools are organized by joint action of more than one county, their government shall be entrusted by the county governing bodies to a governing board which shall be: the board of education of the county in which at least one adjustment school is located; the probation committee of the juvenile court of the county in which at least one adjustment school is located; or a board of trustees of seven members who shall represent all of the counties.

If a board of trustees is chosen to govern the adjustment schools, members shall serve six-year terms staggered in three groups.

RULEMAKING

The governing board of an adjustment school shall: make rules and regulations for the government of the school; see that proper care and education are provided for minors in the school to the ends for which such schools are established; make all contracts for the establishment and maintenance of the school (never to exceed the amount appropriated for such purposes by law); shall appoint a superintendent, not of its own number, qualified for the work to be performed at the school, who shall hold office at the pleasure of the governing board, and determine the number, title, duties, terms of office, and salaries of all other officers and employees.

CONFLICT OF INTEREST

No member of the governing board nor officer nor employee of the adjustment school shall be interested, personally, directly, or indirectly, in any contract, purchase, or business carried on in behalf of the school.

The governing board of any adjustment school shall cause the school to be conducted as may seem best calculated to carry out the intentions of §48650 et seq.

OATH

The superintendent of the adjustment school shall file an oath with the governing board that he/she will faithfully and impartially discharge the duties of the office.

The superintendent: shall, subject to the governing board's discretion, be invested with the custody of lands, buildings, and other property of the school; shall account to the governing board for property entrusted to him/her, for money received as superintendent, and for minors entrusted to the school's care; shall, subject to the governing board's direction, appoint officers and employees of the adjustment school; and shall exercise supervisory and executive powers conferred by the governing board.

The superintendent shall reside in one of the adjustment schools under his/her jurisdiction, and shall be furnished with suitable quarters, furniture, food supplies, and laundry.

The adjustment school shall receive into its care all boys and girls under 18 years of age who are committed to it by order of the juvenile court of the county. Any such committed minor shall remain in the school for the duration of the period provided in the order of commitment, or until further order of the juvenile court. The juvenile court shall review the order of commitment at least once each year.

If at any time in the opinion of the superintendent of the adjustment school the further detention of the minor is detrimental to the interests of the school, the minor may immediately be returned to the committing court, and the court may revoke its previous order.

COURSE OF STUDY

An adjustment school shall offer a course of study corresponding as far as practicable with the course of study in the public schools, including vocational and trade training.

Any juvenile court order may provide that the expense of the support of a pupil committed to an adjustment school be paid in whole or in part by the pupil's parent or guardian.

If the adjustment school is organized by only one county, the entire expense shall be borne by the county. If the adjustment school is organized by two or more counties, the initial expense shall be apportioned between each of the counties on a pro rata basis in the ratio that the number of children of school age residing in each county bears to the number of children of school age residing in all of the counties. The annual expense of maintaining the school by two or more counties shall be apportioned in the ratio that the average daily enrollment of minors placed in the school from each county during the preceding year bears to the total average daily enrollment in the school from all of the counties during the year.

REGULATIONS

10581

High school districts maintaining classes for inmates in county jails or road camp must be approved by the Bureau of Adult Education. Recreational classes are not permitted. Classes will be approved in elementary subjects, American or English, Math, Social studies and vocational subjects.

CROSS REFERENCE

IV.J; Statute §48907.5

7. Schools for Delinquents

CROSS REFERENCE

II.A.2.; Statute §203

7. Schools for Delinquents

CROSS REFERENCE

II.A.2; Statute §32-609a

STATUTES
§33-3501 - 3508

A school shall be established for the "care and rehabilitation of delinquent, handicapped and emotionally disturbed children and to provide for the care, control and discharge of juvenile offenders." The school shall be under the supervision of the state department of health and welfare which shall: employ instructional and administrative staff, adopt rules and regulations and prescribe the course of study. All teachers must hold valid teaching certificates.

7. Schools for Delinquents

Statutes

§13-10

Boards of education of cities having a population of over 24,000 and less than 500,000 may establish a "parental or truant school."

The county board of education may hire teachers and make and enforce regulations for the county normal schools.

§13-40 - 13-43.19

A Department of Corrections school district is established for the education of inmates and wards, and the district may establish primary, secondary, or vocational schools.

The Board of Education for the school district shall be composed of the director of the Department of Corrections, assistant directors of juvenile and adult divisions, and six appointees.

The Board's duties shall include: to adopt rules and regulations; employ a superintendent of schools and supervisory personnel; provide advanced vocational education; and develop goals and objectives for the programs and a plan to achieve them.

§646 - 674

Counties which send "dependent and neglected" children to industrial schools shall bear the expense, though this amount may be subject to partial reimbursement from the state.

No girls over 18 nor boys over 17 shall be committed to these institutions. The schools are subject to certain state imposed requirements as to visitation, inspection and supervision.

Boys and girls may be restored to their parents if, in the case of males, a "proper showing" is made; if, in the case of females there is made "a showing that the welfare of the girl will be best promoted" thereby.

§10-22.20-10-22.20b

The board shall establish special classes for students 21 or over in adult education and occupational training. The board may enter into agreements with community college or other school districts to provide career education for students in the 11th and higher grades who desire preparation for a trade. The board shall appoint a properly qualified and certified person to serve as director of adult education.

REGULATIONS
Ch. 4-8

The Illinois Office of Education has recognized the school programs as they are conducted by the Department of Corrections. Units of credit earned while institutionalized are considered to be transferable to the public schools.

7. Schools for Delinquents

Statutes

§232.23

At the request of the board of supervisors, the county board of education "shall provide ...teaching staff, books, and other necessary materials..." for the instruction of school age children detained in the juvenile home.

§259A.6

A minor who is in a state training school "or the Iowa juvenile home" may qualify for the high school equivalency program.

§299.8 -- .9

Any child "over seven and under sixteen years of age, in proper physical and mental condition," who fails to attend school regularly, "shall be deemed to be a truant." The board of directors may provide for the confinement and instruction of truants, and may establish truant schools for that purpose.

TRUANT

7. Schools for Delinquents

CROSS REFERENCES

II.B.3.; Statute §72-1623

IV.G.; Statute §72-8223

STATUTES

§159.190 -- 210

"The board of education of any independent school district embracing a city of the first or second class may equip, maintain, conduct and adopt rules concerning parental or truant schools for the purpose of affording a place where children of compulsory school age who come within the provision of this chapter and of statutes concerning neglected, dependent and delinquent children may be enrolled for the purpose of discipline and instruction."

Such a school "shall not be located outside the county in which the city is located or near any penal institution.

"No religious instruction shall be given in [the] . . . school except as is allowed by law to be given in public schools." Students shall be permitted to "receive religious training in accordance with the belief of their parents or guardians . . . ."

§159.220;230

"Any child committed to a parental or truant school upon an order . . . by the county court may be allowed to return home and remain there on probation, subject to the . . . supervision of a probation officer of the county court. If the child . . . violates the terms and conditions of probation, he shall be returned to the school. No child shall be released upon probation in less than four weeks from the time of his commitment, nor shall a child be thereafter released upon probation unless the court is satisfied that the child will attend regularly some public or private school." A child who satisfactorily completes a one year probation period, shall be discharged from the truant school, and shall not be recommitted thereto, except by subsequent proceedings

undertaken for similar violation of this chapter.

"Any child released . . . on probation . . . who violates the conditions of his[her] probation at any time within one year thereafter, shall, upon the order of the county court, be returned to the . . . school and shall not be released upon probation within a period of three months from the date of re-entering. If a child violates the conditions of a second release . . . he shall be recommitted to the school and shall not be released therefrom on probation until he has remained in the school one year.

Each board of education shall maintain a permanent and continuing school census.

The director of pupil personnel of each district working under the direction of the superintendent of schools shall institute and maintain a complete, accurate, permanent, and continuous census of all children between the ages of six and eighteen that reside in the school district . . . . The school census shall specify the name, date of birth and sex of each child; the name, nationality, occupation, and post office address of each parent, guardian or custodian of the child; the school district in which the child resides; and the school to which the child belongs . . .[and] any other data required by the superintendent of public instruction."

Each director shall annually prepare a report "showing the number of children residing in the school district . . . that he[she] serves who will . . . be between the ages of six and eighteen. The report shall list children according to the schools to which they belong . . . and shall contain any other information required by the superintendent of public instruction. It[s validity] shall be sworn to before a notary public . . . ." The local board of education shall keep a duplicate copy and mail the original to the superintendent of public instruction.

"No . . . person shall . . . make a false report of the census to the superintendent of public instruction."

7. Schools For Delinquents

Statutes

§17:235

"It shall be the duty of all state agencies and institutions to cooperate fully with the visiting teachers. . .; and of the principals, superintendents, or heads of the training and correctional schools to notify the visiting teachers when a child is to be released and/or returned to a parish. Visiting teachers shall cooperate fully with the state departments of public welfare, labor, and health, with state and local agencies . . . with juvenile and family court authorities, training and correctional schools, law enforcement officers . . ., including interchange of confidential and privileged information . . . ."

§17:471

Persons employed by the Director of Institutions or the Louisiana Board of Institutions to provide educational instruction to inmates must hold a valid teacher's certificate issued by the department of education.

Teachers so employed shall serve a probationary term of three years and shall automatically become regular and permanent when this term is completed, unless a written recommendation from the Director of Institutions to dismiss/discharge the teacher is filed during or at the completion of the probationary period. Regular and permanent teachers employed by in-state institutions shall be removed from office only when found guilty of willful neglect of duty, incompetence, or dishonesty by a hearing of the Louisiana Board of Institutions. Any charges lodged must be written and signed, and the hearing shall be public or private at the option of the teacher charged. The Board of Institutions shall provide a copy of the charges to the teacher at least 15 days before the hearing. The teacher has full right to legal counsel of choice, to have any and all witnesses heard at the hearing, and to appeal an adverse judgment to the court of appropriate jurisdiction.

REMOVAL

HEARING

RIGHT TO COUNSEL

APPEAL

CROSS REFERENCE

IV.H.; Statute §17:233

7. Schools for Delinquents

Statutes

Art. 77 §28

The state superintendent "shall approve any program of instruction offered by any State institution" under the supervision of the Departments of Juvenile Services, Correctional Services or Mental Hygiene. Upon approval the state superintendent shall issue a certificate of approval, which may be revoked for cause at any time. "Any such institution shall be open for inspection of such program . . . and shall furnish such information and reports" as may be required.

Art. 77 §93

The county board may establish "parental schools" for habitual truants or may agree with another county to jointly establish such a school. The juvenile court may commit habitually truant children to the school, but no person convicted of an offense other than truancy may be committed.

TRUANTS

Art. 77 §218

An Educational Coordinating Council for correctional institutions shall be under the jurisdiction of the Department of Public Safety and Correctional Services but administered and funded by the State Department of Elementary and Secondary Education. The Council shall recommend an educational program for each correctional institution. A director of educational programs within the Department of Public Safety and Correctional Services shall implement and operate the educational program.

Art. 77 §219

An Educational Council for state hospital and juvenile institutions shall be under the State Department of Elementary and Secondary Education. It shall recommend an educational program which shall be coordinated with the function of the facility as a whole and with the public school system. A director of educational programs within the Department of Health and Mental Hygiene shall implement and superintend these programs.

7. Schools for Delinquents

Statutes

127 §48

"The commissioner [of corrections] shall establish and maintain [academic and vocational] education . . . programs for persons committed to the custody of the department."

127 §92 A

"The department of education shall permit an inmate of a [state] correctional institution . . . who is eighteen years of age or over to take the general education development tests" without charge.

7. Schools for Delinquents

Statutes

§380.472

"The first class district . . . board may establish . . . and conduct a school for the purpose of affording a place of confinement, discipline, instruction and maintenance of [school age] children of the city . . . who may be committed to the school by a court of competent jurisdiction, or admitted on the judge's recommendation . . . with the consent of their parents or guardian. A child . . . convicted of an offense punishable by confinement in a penal institution shall not be committed or admitted to the school."

§380.628

The intermediate board may establish a school for school-age persons living "in children's homes operated by the juvenile division of the probate court or [living] at home but are assigned to the school by the juvenile division of the probate court." To operate the school, the intermediate "board may lease or purchase sites; build . . . or rent housing facilities, and employ" needed personnel. The "board may exclude pupils for reason of persistent misbehavior; classify and promote students for instructional purposes; and to all things necessary to . . . conduct . . . the school."

The intermediate board may "build or acquire real or personal property for" the inter-district's use and "may pay for the property out of [district] funds . . . which will or may become lawfully available." The board also may receive "any real or personal property or an interest therein for use in maintaining scholarships or other educational purposes, and . . . may act as trustee or custodian for the property."

The intermediate board may sell or lease unneeded real or personal district property, giving proper instruments passing title; may "dedicate . . . and convey land for highway purposes . . .; and [may] give easement for public utilities."

A school board other than a primary board may establish one or more ungraded schools for the instruction of pupils residing in the district who have been deemed juvenile disorderly persons, including habitual truants, children who, while attending school, are meaningfully turbulent, disobedient, and insubordinate, or who are immoral in conduct, and children who are not attending school and who habitually frequent public places and have no lawful business or employment.

7. Schools for Delinquents

Statutes

§120.15

"Boards may maintain ungraded schools for the instruction of children of the following classes between seven and sixteen years of age: "(1) habitual truants; (2) those incorrigible, vicious, or immoral in conduct; and (3) those who habitually wander about the streets or other public places during school hours without . . . employment. The board may compel their attendance at such school . . . and cause them to be brought before the juvenile court . . . ."

7. Schools For Delinquents

Statutes

TRUANTS

§127.091

The school board may establish special truant or parental schools for habitual truants and others who greatly deviate from the status quo and need special attention and instruction in any district with ten thousand inhabitants or more. Pupils may be assigned and compelled to attend these schools. These schools are to be maintained from public school funds. Ten dollars per month for support maintenance, clothing and other expenses shall be provided for each child from the city or county treasury.

7. Schools for Delinquents

CROSS REFERENCE

IV.G.; Statute §75-6313

7. Schools for Delinquents

Statutes

§79-212

District boards "may, with the approval of the Department of Education, establish . . . special schools for . . . children who cannot profitably or properly be cared for in the usual schools," such as a child "who is habitually truant or incorrigible." A child may be required by the district superintendent to attend such a school upon complaint of the parent or guardian, principal or attendance officer. Special schools must offer the basic instruction required by law, be the equivalent of other district schools in facilities and health conditions, and "be taught by teachers prepared by training and experience" to teach such children.

TRUANT

STATUTES

§388.550

"With the approval of the juvenile court and the board of county commissioners, the board of trustees of a school district may employ necessary legally qualified teachers for the instruction of children detained in" detention homes and juvenile forestry camps maintained by the county, and juvenile training schools established by the state.

§388.560

"Only courses of instruction approved by the state board of education shall be given in . . . detention homes, juvenile training schools or juvenile forestry camps. Necessary textbooks, equipment, and supplies shall be furnished by the school district."

§388.570

"The state board of education shall establish rules and regulations for the computation of average daily attendance of children detained in detention homes and juvenile forestry camps."

7. Schools for Delinquents

Statutes

§ 112

The education department shall establish and enforce standards of instruction, personnel qualifications and other requirements for education services or programs, with respect to children who are in the care of the division for youth, department of mental hygiene and department of social services.

CROSS REFERENCE

II.A.10.Other - Home School Program; Statute §4801 -- 4809, 4815

7. Schools for Delinquents

Statutes

§343.980

Educational programs for children living in or under the care of the children's services division juvenile training schools and camps must be approved by and meet the standards of the state board of education.

§420.011-.031

Admissions to juvenile training schools are limited to persons between the ages of 12 and 18 years who have been placed in the custody of the Children's Services Division. No child admitted to a juvenile training school shall be transferred by the administrative process to any penal or corrective institution. Those who are under 21 and are in the custody of the corrections division may be temporarily assigned to a juvenile training school; but would remain within the legal custody of the corrections division.

Traveling and other expenses shall be borne by the county from which the child was placed in the legal custody of the division.

The granting of legal custody and guardianship does not terminate the juvenile court's wardship over the child. Upon parole, the legal custody of the person is vested in her/his parents or other person to whom she/he is returned.

§420.055

The Children's Services Division may establish a research coeducational program and may use the assistance of professional personnel from other state agencies in establishing eligibility standards. The director of the program is responsible for the care and custody of all children admitted to the program.

§420.060-.074

Upon finding that the education and training of a student of a juvenile training school will be furthered if the student is permitted to work on a temporary basis, the superintendent may enter into an agreement with any suitable person or business establishment for the temporary employment of the student.

The superintendent shall continue to exercise appropriate supervision over the student during the period of his/her temporary employment.

Students temporarily employed are entitled to the protection and benefits to the same extent as other employees of their employees under 21 except that payment of wages shall go directly to the superintendent and compensation that is not expended on medical services shall be placed in a trust account.

§420.120

The MacLaren School for Boys is a training school for males under 21. The administrator shall equip, conduct maintain and supervise the school in the same manner as he/she does other institutions within the Children's Services Division. Other officers or employees shall use their best efforts to the end that the youths are trained and developed into useful members of society. The chief objects of the school are educational and reformatory rather than penal.

The superintendent, subject to the approval of the administrator, may appoint an assistant superintendent.

§420.210-235

The superintendent of the MacLaren School for Boys with the approval of the Administrator of the Children's Services Division may establish one or more temporary work and training camps for any boys committed to the MacLaren School for Boys who are determined by the superintendent to be qualified and amenable as security risks for work and training in such camp.

Camps established on a temporary basis shall be maintained and operated under the supervision of the superintendent and shall be governed by the rules and regulations concerning discipline, care and education of the MacLaren School for Boys.

While at a camp the superintendent is responsible for the care and custody of all boys assigned to the camp. The same educational, training, religious, cultural and medical facilities that are available to the boys at the MacLaren School for Boys shall be provided by the superintendent.

Any boy who violates the rules and regulations relating to discipline of a camp or who appears to the superintendent to be a bad security risk may be returned to the MacLaren School for Boys on order of the superintendent.

§420.320

The Hillcrest School of Oregon is a training school for females under 21. The administrator shall equip, conduct, maintain and supervise the school in the same manner as he/she does other state institutions. The school shall provide an academic and vocational education to its students and promote their mental, physical and moral welfare.

§420.500

No student of a juvenile training school may be transferred to an institution for the mentally ill or deficient for a period of over 14 days unless she/he has been committed to an institution for the mentally ill or mentally deficient.

§420.810-.840

Children in the legal custody of the Children's Services Division, who in their opinion have made sufficient progress in rehabilitation and reform, may be placed in foster homes.

The Administrator of the Children's Services Division or his/her representative may enter into agreements with persons or families found suitable for the placement of children in the legal custody of the Children's Services Division.

The agreement shall provide for the custody, care, education, maintenance and earnings of the child placed for a time fixed in the agreement but not to exceed the time when the child reaches the age of 21 years. The Children's Services Division shall make necessary payments to persons assuming foster care.

The Administrator of the Children's Services Division or representative shall visit foster homes, ascertain whether the children are properly placed and make reports to the Administrator or his/her designated representative concerning the investigations and visits.

The child may be returned to the juvenile training school, or re-placed if, in the opinion of the Administrator or his/her authorized representative, the child would benefit by removal from the foster home.

No parent or other person not a party to the placement agreement shall interfere with or assume any control over the placed child.

The Administrator of the Children's Services Division or his/her authorized representative may cooperate with other child welfare agencies in placement of students of juvenile training school in foster homes.

CROSS REFERENCE

III.B. Teachers; Statute §342.174

7. Schools for Delinquents

Statutes

§13-1375

The State Board of Education shall establish standards for temporary or permanent exclusion from the public school of children who are found to be uneducable and untrainable in the public schools." Any child so reported by a certified public school psychologist may be reported to the Superintendent of Public Instruction and when approved by him/her, shall be certified to the Department of Public Welfare as such a child. When thus certified, "the public schools shall be relieved of the obligation of providing education or training for such child." The Department of Public Welfare shall arrange for the care, training and supervision of such child.

7. Schools for Delinquents

Statutes

§29.01--.02

"The board of corrections may establish and operate schools at the various units of the Department of Corrections. All persons incarcerated at the Department of Corrections who are not high school graduates are eligible to attend such schools."

7. Schools for Delinquents

Statutes

§53-26-2 -- 53-26-7

Local boards of education of any city may establish "special schools and classes." Children between eight and eighteen who are not receiving the "training and education" they need, or who have become or are in danger of becoming "delinquent, dependent or neglected," shall be transferred to such a special school. The cost for keeping the children "shall be wholly paid by their parents." The local boards of education shall appoint a "school attendance officer" and a "clinical psychologist" to carry out these provisions.

7. Schools for Delinquents

Statutes

§16.1-181

Whenever the court commits a child to the State Board of Corrections or to any other institution or agency, the court shall transmit with the order of commitment a summary of its information about the child. The State Board shall be responsible for any child when it receives the order and summary. All local school boards shall furnish the State Board promptly any information on a child requested. The State Board shall furnish local school boards any academic, vocational, and related achievement information requested when the child is returned to the community from the State Board's care. The State Board and other institutions or agencies shall furnish the court any information on a child when requested.

§22-41.1; 22-41.2

The Rehabilitative School Authority shall be composed of all the educational facilities of all institutions operated by the Department of Corrections.

The board shall supervise the School Authority. It shall be composed of seven members appointed by the Governor, subject to confirmation by the General Assembly. No member shall serve more than two consecutive four-year terms. The chairman of the Virginia Parole Board, the head of the Division of Adult Services, the head of the Division of Youth Services and the director of Vocational Education in the Department of Education shall be ex officio members without vote.

§22-41.3 -- 22-41.7

ADMINISTRATION

The School Authority, through the board, shall operate a system of schools including elementary, secondary, post-secondary, vocational, technical, adult and special educational schools for persons committed to the institutions composing the School Authority.

The board shall have the following powers and duties:

To adopt regulations for operation of the schools;

To appoint and set compensation for a superintendent who meets Board of Education minimum standards; to adopt regulations for payment of personnel; to establish schools of the appropriate grades, levels and types; to adopt regulations for admission of pupils; to enter into agreements with private entities or public or private schools; to employ teachers on recommendation of the Authority superintendent; to prepare a budget to submit to the General Assembly; to receive and disburse funds; and to comply with State and federal regulations and statutes.

REGULATIONS

Children in Custody of the State Board of Corrections Served by the Rehabilitative School Authority Education and Training of, §I-II

Children ages 2-21, of Virginia in residence or in custody of a State board, agency or institution are, by definition special individuals with specialized needs, and appropriate eductional programs should be planned and provided to meet the specific education and training needs of all children.

Children in Custody of the State Board of Corrections, Served by the Rehabilitative School Authority, Education and Training of, §III

FIVE YEAR PLAN

The Board of the Rehabilitative School Authority shall submit to the Board of Education by January 15 of each year an acceptable five-year plan for the education or training of all children in residence or on custody.

The board shall maintain an up-to-date policy manual. There shall be an Educational Advisory Committee for the board which includes individuals from the community, public agencies, parents, educators and correctional staff appointed by the board. Advisory Committee responsibilities shall include providing recommendations regarding educational planning, program andphilosophies.

There shall be provided to each school age child at least five hours of education and training per day for the implementation of the educational plan.

There shall be at least one teacher and one teacher

aide for every ten children.

EVALUATION

There shall be at least an annual evaluation of the educational progress of each child to determine the effectiveness of the educational plan and to make recommendation for modification of that educational plan.

CROSS REFERENCE

II.A.10.Other - Educational Programs for Institutionalized Children; Statute §22-9.1:04

7. Schools For Delinquents

Statutes

§72.05.104

The department of social and health service, "in order to provide educational facilities for persons admitted or committed to any state school or institution, may: (1) "enter into an agreement with the local school district"; or (2) provide a comprehensive school program in connection with any institution as if that institution were itself a local school system.

In the event that either option is exercised, all teachers shall meet all certification requirements and the program shall conform to the usual standards defined by law or state regulation.

8. Adult Education

8. Adult Education

Statutes

§16-34-1 -- 4

It is the responsibility of the state board of education to eradicate illiteracy in Alabama. The board is given authority to conduct research and collect data in this cause. County and city boards of education shall cooperate with the state board of education in carrying out this task. The state board of education is authorized to maintain adult education programs.

CROSS REFERENCE

I.City Board of Education; Statute §16-11-23

3. ADULT EDUCATION

REGULATIONS

4AAC 39.040

"District school boards offering secondary education programs for adults, may issue certificates of completion or diplomas provided the program standards for graduation meet those prescribed by the commissioner."

DIPLOMAS

8. Adult Education

Statutes

§15-328--329

A school district with 15 or more employed children shall establish a part-time school or class. The school shall offer instruction at least five hours per week, and shall be governed by the state board of education.

§15-921

The board of education of a high school or union high school or the board of trustees of a common school may establish an evening school if they deem it necessary. Children between fourteen and twenty-one may be admitted. Persons over twenty-one must pay tuition.

TUITION

§15-1041

A division of adult education is established which shall: (1) prescribe curriculum for adult classes in the public schools; (2) adopt rules and regulations for adult and immigrant education; (4) establish classes for English instruction for foreigners; and (5) make provisions to enable students to pass a high school equivalency test.

§15-1042

In any district with fifteen or more non-English speaking adults, the board of trustees may establish a night school for teaching English.

ENGLISH LANGUAGE INSTRUCTION

§15-1043

State appropriations for adult education may be expended by the Department of Education and by the school district if they apply and meet standards established by the State Board of Education.

§15-1141; 1143; 1145

The state board of education may accept and administer federal funds for the reduction of illiteracy, education of immigrants or other purposes outlined herein. School districts with emergency needs may apply for federal funds. If any school district uses funds for some other purpose than described herein, the State board shall withhold its funds.

CROSS REFERENCE

III.B.Teachers; Statute §15-233;234

8. Adult Education

Statutes

§80-227

The County Board of Education may set up an "Opportunity School Fund" to teach illiterate adults in the district. However, no opportunity school shall be established where the average daily attendance of illiterate adults is less than twelve and the cost of the school exceeds $2 per year per pupil.

§80-1645

"The State and/or local school districts are authorized to spend . . . tax funds for Adult Education of less than college grade."

CROSS REFERENCES

II.A.3.; Statute §80-2561

II.A.3.; Statute §80-2562

II.A.4.; Statute §80-1647 -- 80-1649

IV.G.; Statute §80-1654

IV.J.; Statute §80-1656

8. Adult Education

Statutes

§8500; 8530 -- 8537

This section deals with adult education as essential to the needs of society in an era of rapid changes so that all adults are entitled to quality public supported continuing education opportunities.

Adult basic education is the responsibility of high school and unified school districts, as is the high school diploma program. Vocational and occupational training and retraining programs for adults may be available in high school, also.

DIPLOMA

Other types of education available through the high school, related to continuing adult education are parent education, consumer education, civic education, etc.

Agreements may be made and transfers carried out in the pursuit of continuing adult education.

§46190 -- 46192

In classes for adults (including classes maintained in county jails, industrial farms or wood camps), a day of attendance is 180 minutes. No student shall be credited with more than 15 clock hours of attendance during one school week unless enrolled in a class in elementary subjects, a class for which high school credit is given, a class in English for foreigners, a class in citizenship, or a class in a trade or industrial subject.

SCHOOL DAY

Each clock hour of teaching time devoted to the individual instruction of physically handicapped adults in a tuberculosis ward or hospital shall count as one day of attendance,but not more than one day of attendance shall be credited in any calender day.

§48401

Complaints that a district is failing to provide continuation education classes as required shall be presented to the county superintendent. If the county superintendent finds the complaint justified, he/she shall

forward it to the state superintendent who shall take steps to enforce compliance.

§52501 -- 52518

The governing board of any school district maintaining secondary schools shall have power with the approval of the Department of Education to establish classes for adults, except classes in outdoor science education and conservation education.

If such classes result in average daily attendance in any school year of 100 or more, such districts shall establish an adult school.

COURSE OF STUDY

Classes for adults: shall conform to any course of study and graduation requirements otherwise imposed by law, may be convened at such hours and for such length of time, and at such period and for such length of time during the school year as may be determined by the governing authority; may be held on Saturday and Sunday; and may be maintained in conjunction with day or evening high schools, community colleges, adult schools, or regional occupational centers.

High schools maintained in any state institution for adults or in any city or county jail, road camp, or farm shall consist only of classes for adults.

The Department of Education shall establish standards including standards of attendance, curriculum, administration, and guidance and counseling service for adult classes as a basis for state apportionments.

A governing board maintaining an adult school shall have authority, with the Department's approval, to establish a prescribed elementary course appropriate for adults.

DIPLOMA

A governing board maintaining an adult school may establish graduation requirements and grant diplomas or other certificates of achievement to adults upon their satisfactory completion of either an elementary or secondary course of study.

Whenever a governing board maintaining adult classes is unable to maintain them in the district because

of its inability to secure teachers or its lack of facilities, the board may, with the approval of the county superintendent and the state superintendent, maintain the classes elsewhere than within the district or contract for adult instruction with the governing board of another district.

No state funds shall be apportioned to any districts on account of attendance in adult schools unless the courses have been approved by the Department of Education.

No adult classes shall be maintained by any district: if the district receives compensation for such class from any public or private agency, individual or group, except fees authorized by §52612 and state and federal apportionments; if the classes are not open to the public; if the pupils are paid for such attendance; or if the cost of such class is paid entirely from federal funds.

No adult classes in dancing or recreational physical education shall be maintained by any district for which the district receives money from the State School Fund.

§52540--52544

Upon application of at least 20 persons above the age of 18 years residing in a high school district who cannot speak, read, or write English at an eighth grade level, the governing board shall establish classes in English. The board may establish classes without demand and with a lesser number of students, but may discontinue a class if enrollment falls to 10 or less for a one-month period. Application for classes shall be made in time to permit the board to arrange to meet the expenses of the class.

Classes shall be held at least twice a week for a two-hour period.

§52570--52572

The governing board of any school district maintaining secondary schools or a county superintendent shall have the power, with the approval of the Department of Education, to establish special classes for handicapped adults. Attendance in such classes established by the county

superintendent shall be credited for apportionment purposes to the county school service fund.

Special classes for handicapped adults may be conducted in workshop and training facilities provided by nonprofit organizations or in public school facilities.

A governing board or county superintendent may contract for the providing of such classes by any adjacent high school or unified district, subject to the state superintendent's approval. For apportionment purposes, average daily attendance in such contracted classes shall be credited to the district in which the student resides. Any such contract shall be for a term of not to exceed one year but may be renewed or revised annually.

§52612--52615

TUITION

An adult enrolled in adult classes may be required by the governing board to pay a tuition. The total of tuition required and state apportionments shall not exceed the estimated cost of such classes.

No charge shall be made for a class in English and citizenship for foreigners or a class in an elementary subject, and no tuition charge shall be made for a class for which high school credit is granted when the student does not hold a high school diploma.

A governing board may establish a bank account for each school of the district maintaining adult classes into which fees collected from pupils in such classes shall be deposited. Such fees shall be expended only for materials or services for the operation of such classes and activities of particular benefit to pupils in adult classes. The governing board shall designate an employee of the district to have custody of this incidental expense account.

The governing board may provide for the sale of materials purchased from the incidental expense account to pupils in adult classes, for use in such classes. The proceeds shall be deposited in that account.

§10500

All classes for adults shall have an educational purpose. Recreational classes are not permitted. Adult schools and classes must be approved each year by the Bureau of Adult Education. No class will be approved for summer school or during the regular school year which does not comply with the regulations of this article.

§10530

COUNSELING

Counseling and guidance services must be provided for adult schools. Classes shall be conducted for two hours per day, four days per week for not less than 128 days per year. A general or vocational curriculum shall be offered.

§10562

In a school district maintaining an adult student population of 100 or more average daily attendance, a separate adult school may be established. The administrator shall be a properly credentialed person.

§ 11004

Continuation high schools shall be established, by approval of the State Department of Education, as separate administrative units.

A principal shall be appointed who holds the necessary credentials and may serve as the director of continuing education if he/she holds an administrative credential.

The curriculum provided will enable students to meet graduation requirements described in Education Code Section 8574. School shall be conducted at least 175 days each school year.

§ 11010

Application for exemption from maintaining continuation education classes, as permitted by Education Code 5952, shall desicribe the district's plan to provide instruction for such pupils.

CROSS REFERENCES

II.A.3; Statute §8020--8035

II.A.5; Regulation §11401-11402

II.B.1.c; Statute §60070

II.B.1.c; Statute §60100--60102

IV.G; Statute §48040

8. Adult Education

Regulations

2202-R-9.10

The schools shall provide, in house or within the community, opportunities for those who have not completed high school to continue their education. These programs shall be structured around the needs of those who have not completed secondary school.

CROSS REFERENCE

II.A.9; Statute §22-32-118

8. ADULT EDUCATION

STATUTES

§10-52

A regional district may provide adult education for the towns in the district and shall be eligible for reimbursements from state funds. All students from outside the regional school district shall pay tuition. TUITION

§10-63b

The state board of education shall initiate and encourage adult education programs for persons aged 16 or over whose inability to speak, read or write the English language impairs their ability to obtain employment. The programs shall attempt to eliminate this inability and to raise the general educational level of participants. ENGLISH

"Any town or regional school district . . .shall be eligible to receive grants under this section as specified in the state plan. The state board of education may expend . . . not more than five per cent of any state funds granted to said board for such programs."

§10-68

Any board of education may appoint a director of adult education and shall pay his/her compensation. His/her salary shall be certified by the superintendent. APPOINTMENT

§10-69

Each school district shall establish an adult education program or provide adult education services through cooperative arrangements with another school district. An "adult" is anyone over 16 who is not enrolled in school. Full-time students may not enroll in adult education courses without the permission of their principal. ADULT

The adult education curriculum shall include instruction in "Americanization and United States citizenship and elementary and secondary school completion programs." CITIZENSHIP

In any town where adult classes and activities are established the board of education shall provide rooms and other facilities and employ the necessary personnel. The board shall exercise the same powers and duties with regard to adult education as it performs for public schools.

CROSS REFERENCE

III,B.Teachers; Regulation §10-146-33

8. Adult Education

CROSS REFERENCES

II.[illegible].4; Statute §3501

IV.I; Statute §3507

IV.I; Statute §3508; 3509

IV.I, Statute §3511 & 3514

REGULATIONS

CH. IV, §415

"The Board of Education is the District of Columbia agency responsible for the administration of the General Educational Development (GED) tests. The Board of Education shall approve the issuance of the District of Columbia High School Equivalency Certificate pursuant to statutory requirements, the mandatory requirements of the Commission on Educational Credit of the American Council on Education, and the provisions of this section.

Approval of the issuance of equivalency certificates by the Board of Education shall be based upon certification by the Superintendent of Schools to the Board of Education for approval.

The Board of Education shall also provide GED testing and certification services to persons incarcerated or confined in institutions located in the District of Columbia or operated by the District of Columbia outside the boundaries of the District of Columbia.

The Board of Education shall also provide GED testing services in braille, large print, or on cassette tapes for visually impaired persons. GED tests shall be given in English and Spanish.

The civilian restricted forms of the GED tests shall be administered by the Board of Education only to such students who demonstrate a "serious need" to take the tests as defined by the American Council on Education. Such tests shall not be administered to high school graduates or administered for any purpose prohibited by the American Council on Education.

Applicants for the GED testing and certification program must be residents of the District of Columbia, as defined in section 400 of this Chapter, at the time of application and examination. Upon request, an applicant must present satisfactory evidence of residency

Nonresidents of the District of Columbia who are otherwise qualified may apply and receive GED testing and certification in the District of Columbia if they qualify under any one of the following criteria: (a) The last school attended by the applicant was a public or non-public school located in the District of Columbia AND the applicant submits written certification of such attendance issued by an official of the school attended; or (b) The applicant is currently serving as a member of the Armed Forces of the United States on active duty assignment in the District of Columbia; or (c) The applicant is a trainee in a program sponsored by the government of the District of Columbia; or the Fedeal government which is operated in the District of Columbia.

Applicants for GED testing and certification must be at least eighteen...years of age OR be at least sixteen...years of age and meet any one of the following criteria: (a) The applicant has been out of a formal classroom situation for a period of not less than six...months prior to submitting an application; or (b) The applicant was a member of a high school class which has already graduated; or (c) The applicant has dropped out of a regular school program without re-enrollment for a period of not less than six ... months, during which time the applicant has been enrolled in a GED preparatory class; or (d) The applicant is certified by a training program sponsored by the government of the District of Columbia or the Federal government as being an active applicant for or enrollee in a manpower program AND that training or job placement is imminent AND that the equivalency certificate is necessary in connection with such training or job placement; or (e) The applicant has not regularly attended school and submits a written request by a manpower or employment training service that the applicant be allowed to take the GED test.

The content of the GED tests administered by the D.C. Public Schools shall be determined or supplied by the GED Testing Service of the American Council on Education.

The minimum standards for qualification for issuance of a D.C. High School Equivalency Certificate shall be as follows:

(a) An average standard score of 45 or above on all of the tests in the GED test battery; AND (b) A minimum standard score of 35 or above on each of the tests in the GED test battery.

Applicants who have taken the GED test battery and failed to meet the minimum standards for qualification may apply to re-take the tests after the expiration of the applicable waiting period, as follows: (a) Three . . . months, if the applicant has been enrolled during such time in an organized educational program, acceptable to the administrator of the GED program, which is designed to prepare persons for taking the GED tests; OR (b) Six . . . months. . . ."

CROSS REFERENCES

II.A.9.; Statute §31-1542

II.A.10.Other-Career Development Center; Regulation; Chap. IV, §405

III.B.Teacher; Regulation; Chap. XVII, §9, License XVI

III.B.Teacher; Regulation; Chap. XVII, §9, License XVIII

8. Adult Education

Regulations

6A-6.10

School boards are authorized to establish schools, classes, or courses, or otherwise provide for the general educational needs of adults, utilizing existing public school facilities and other appropriate faculties available for such purposes locally.

6A-6.12

The organization and administration of the adult education programs shall guarantee that the education and services are identified and provided in an effective and economical manner. One of the following plans shall be submitted to and approved by the director of vocational education: Plan #1 has the program operating under the immediate direction of the superintendent. Principals appointed by the school board shall have administrative responsibilities. General supervision is given to the general supervisor of instruction. Plan #2 operates under a director of adult education. It is administered and supervised at the community level by qualified principals who coordinate their work with the regular day faculties. Plan #3 operates under a director of vocational and adult education who is certified in administration or supervision of secondary education. Where the program is too big, a full- or part-time supervisor will be employed to give supervision to the program. Under Plan #4, the program functions as an arm of a community junior college. The president has the responsibilty of the general care, control and supervision of the program.

6A-6.13 COURSE OF STUDY

The adult education program shall be developed and adjusted on the basis of systematic and continuing study of the community and of its people. Adult education shall consist of elementary education courses such as reading, arithmetic spelling, secondary education courses for adults, community service courses for adults.

6A-6.14

ELIGIBILITY

The following requirements shall apply: Facilities most appropriate for the group concerned and most conducive to the instruction involved shall be utilized. Enrollment shall be limited to individuals who have legally left the elementary or the secondary school. However, students of compulsory school age may be assigned to the program where the child is shown to have such a need that he/she would be better served by the adult education program, both educationally and socially. Fees may be charged where approved by the board to supplement the funds allotted by the board. Adult education classes must be taught by qualified teachers.

6A-6.20

ACADEMIC CREDIT

School boards shall adopt policies setting forth the conditions and establishing the bases for granting high school credits and high school diplomas to adults on the basis of prescribed work completed in the adult education program of the district. Minimum requirements include a minimum of sixteen credits not including physical education. Eight units of these must be from the academic fields of English, math, natural science, and social studies. One credit must come from either American history or government. A minimum of 30 hours of class instruction in Americanism v. Communism is also required.

High school credit may be awarded to adults on the basis of their achievement on standardized tests. The level of subject matter required of the adult shall be at least as high as that customarily required of individuals who have completed the full term of instruction in the high schools of the state.

High school credit may be awarded for educational experiences in the armed forces of the U.S. under the specified conditions.

CROSS REFERENCES

II.A.3.; Regulation §6A-6.67

II.A.4.; Statute §228.061

III.B.Administrative Certificates; Regulation §6A-6.15

III.B.Teachers; Regulation §6A-4.38

III.B.Teachers; Regulation §6A-4.39

8. Adult Education

Statutes

§32-417

"The said Board should regulate all operations of gifts and grants that are subject to public scrutiny. The State Board of Education shall receive moneys available from federal grants to provide education of non-college grade for persons above the age of 18 years."

§32-608a

"The State Board of Education shall maintain an adult general education program within the State. This program shall provide instruction in basic skills and subjects to individuals 18 years of age and older who have left school and who have less than an eighth grade education or its equivalent . . . Priority shall be given to elimination of illiteracy in the State and to the attainment of a General Educational Development (GED) equivalency diploma . . . .

To be eligible for state and federal funds, all programs shall be operated in accordance with the State Board of Education policies, regulations, and standards."

ILLITERACY

§32-2401, 2402

"It shall be the duty of the State Board of Education . . . to . . . promote the establishment of schools for adult illiterates . . . [and] . . . aid in the elimination of the adult illiteracy of the state, and do or perform any other act which in their discretion will contribute to the elimination of the state's adult illiteracy by means of education, instruction and enlightenment . . . The State Board of Education shall adopt such rules and regulations as may seem expedient to it for the carrying on of its business in regard to adult illiteracy."

RULEMAKING

§32-2501

"The county commissioners . . . shall have authority in their discretion to provide for the carrying on in their respective counties of schools for instructing adult illiterates in the elementary branches of an English education only."

§32-2503

Where other officials do not act to establish schools for adult illiterates "the county boards of education shall have the power in their discretion to establish and conduct such adult schools and provide for the expenses of maintaining said schools out of any school funds which may be available for that purpose."

REGULATIONS

30-911

"The elimination of adult illiteracy is a primary goal of the . . . State Board of Education . . . (which) has the legal authority . . . to provide for a program of adult education."

The State Board encourages local school systems, junior colleges, vocational-technical schools and other state agencies to cooperate in developing adult education programs. Programs shall be open to all adult residents of the state. "Services shall include adult basic, secondary and general education for individuals 18 years of age and older whose basic educational deficiencies impair their ability to obtain employment. . . . Career education shall be stressed at all levels and vocational education at the entry, re-entry and advancement levels will be provided" as needed.

With State Board approval, a local board of education may individually or cooperatively "operate Adult Basic Education and Adult Secondary Education programs." Local school boards may receive "state and federal funds . . . to support the education of adults

. . . whose inability to speak, read or write the English language" make it difficult for them to obtain employment. Private schools are not eligible for state and federal funds.

State and local advisory committees . . . shall be appointed by the State Superintendent and the administration of the local boards respectively."

The State Superintendent shall annually evaluate and report to the State Board on the "effectiveness and relevance of services."

30-920

"The Office of Adult and Vocational Education shall develop . . . and operate a State Plan for Adult Education . . . to be evaluated at least annually." It shall include procedures and criteria for distributing funds, criteria for local plans, eligibility criteria for adult education enrollees and criteria for selecting personnel, "provisions for pre-service and in-service education for local and state . . . personnel . . . (and) for a reporting mechanism for local school systems, . . . (and) provisions for state consultative assistance to local school systems."

The State Superintendent is authorized to approve "local system plans which meet the requirements contained in the approved State Plan for Adult Education. The local plans shall provide for an assessment of needs, supervision, implementation and evaluation."

CROSS REFERENCE

IV.B.; Statute §32-620a

3. Adult Education

Statutes

§301-1

"To provide increased opportunity for the people of Hawaii, the department of education shall establish and regulate a program of adult education of less than college grade, to be conducted . . . in public school buildings and use public school equipment . . ."

§301-2

"As rapidly as facilities are available and interest is developed, courses shall be initiated in the following fields:"

1) "Basic elementary education;"

2) Advanced elementary education

3) "Secondary education"

4) "Homemaking and parent education' "for all those . . . adults who desire training in family life, including child care, nursing, budgeting . . ."

5) "Civic training" "A program of understanding and enlightenment in civic duties . . ."

6) "Naturalization training" for "those who have filed applications for U.S. citizenship"

7) "Cultural opportunities" to ". . . meet the interests and desires of . . . people."

§301-3

APPOINTMENT

"The department of education shall appoint an advisory council for adult education comprised of fifteen or more representatives of industry, labor civic organizations and education."

§301-4

The programs shall be financed from a combination of student fees and public funds. "Fees shall be set in accordance with the recommendations of the advisory council, . . . provided that":

1) "Registered" unemployed adults "shall be granted free enrollment in such courses as will tend

to assist in securing employment;"

2) "Certified" indigent adults shall be granted free enrollment "in classes that tend to assist such persons in becoming self-sustaining;"

3) Eligible veterans will be permitted to use Veterans Administration funds;

4) Any costs not covered by the fees "shall be paid for out of [state] funds appropriated for this purpose."

§394-2

The department of education shall assist the department of labor and industrial relations in its efforts to establish manpower development and training programs, by providing instruction and training to those unemployed and underemployed individuals eligible to receive it.

REGULATIONS

Rule 43

HIGH SCHOOL CERTIFICATE

A high school certificate may be earned through adult education schools by earning the same number of credits required for graduation from the regular high schools, or by achieving satisfactory scores on a test administered by the adult school and on the General Educational Development Test.

8. Adult Education

Statutes

§33-1607

Local boards are "authorized to provide instruction for Americanization of adult residents of the state, including . . . reading, writing and speaking the English language, . . . the Constitution, American history, and . . . other subjects."

Regulations

Accreditation Standards For Secondary Schools:
ADULT EDUCATION CRITERIA

"(The following criteria are applicable and available to those high schools in which the adult program is an extension of a regularly accredited high school program.)

ENROLLMENT

"1. Adult Students. Enrollments may be extended to persons 17 years of age or older who are not enrolled in a regular day school program. Students under the age of 17 years may be admitted upon approval of their present or previous high school principal or other authorized school official.

COURSE OF STUDY

"2. Curriculum and Schedule. The adult high school curriculum should approximate the local basic distribution of courses required for graduation. However, the program should also encompass characteristics consistent with the more mature needs, interests, opportunities, and responsibilities of adults. Courses of study should reflect in depth and content the intellectual, social, vocational, and emotional experiences of adults.

"For adults, high schools should offer a flexible program of studies based on daily, weekly, and semester schedules which best meet the educational needs of students. Special care should be taken to minimize conflicts with work schedules, family responsibilities, and similar obligations of adults.

"3. Units of Credit. A unit of credit for adults shall be awarded for knowledge, skill, or competency equal to that required to earn credit in an equivalent course in a regular accredited secondary school.

4. Awarding of Credit. In addition to credits previously earned and documented by transcripts at grade nine or higher, the adult courses should gain credit in the same pattern as the secondary unit requirements.

5. Professional Staff. The regulations and requirements for professional staff shall be the same as for the secondary unit except for non-credit courses. The qualifications of teachers shall be subject to the discretion of the local governing board.

6. Counseling and Library Services. Schools with adult programs shall provide adequate counseling services for the effective formulation of realistic individual programs of study. Library facilities and privileges shall be made available to adult students."

CROSS REFERENCE

IV.D; Statute §33-1512

8. Adult Education

Statutes

§13-1 - 13-9

Where more than twenty children between the ages of 16 and 18 in a school district do not attend regular school sessions because they are employed, the school board "may establish and maintain part-time or continuation schools in classes for such children" in accordance with standards established by the State Board of Vocational Education.

It shall be the duty of the child's parent or guardian to "cause the child to attend [the] school or class." In the event of a willful failure to comply the parent or guardian "is guilty of a misdemeanor." Further, the child's employer "shall permit such child to attend such school or class" and, similarly, shall be guilty of a petty offense in the event of willful non compliance.

"[S]chool officials charged with the responsibility of enforcing the compulsory attendance laws shall be responsible for the enforcement of attendance."

§201-1 - 203-3

The State Board of Education may, "[f]or the purpose of promoting and establishing special classes for the instruction" of persons less than 21 not in regular school and of persons over 21, "contract with other state agencies to accept and expend appropriations given . . . for educational purposes in order that the agencies may reimburse school districts, having adult education programs.

The State Board shall also "establish standards for and supervise the development of bilingual, adult vocational and educational programs" in districts where there is a "substantial Spanish-speaking population."

Regulations

<u>The Illinois Program for Evaluation, Supervision, and Recognition of Schools</u>

Ch. 4-7

Local school districts, shall provide for the edu-

cational needs of adults under 21 years of age who wish to re-enter high school to acquire a high school diploma or an equivalency certificate. Local boards of education may permit other adults to re-enter high school under this provision.

Local school districts may establish special classes for the instruction (1) of persons age 21 years or over, and (2) of persons less than age 21 and not otherwise in attendance in public school, for the purpose of providing adults in the community and youths whose schooling has been interrupted with educational programs appropriate to the needs of the individuals.

Local school districts, as provided in a definite policy of the boards of education, may offer credit through proficiency testing, correspondence courses, military experiences, life experiences and other nonformal educational endeavors.

CROSS REFERENCES

II.A.7.; Statute §13-40 -- 13-43.19

III.B.Teachers; Statute §21-11

III.B.Teachers; Regulation, State Certification Requirements IX

8. Adult Education

Statutes

§20-10.1-7-1

"The commission on general education and the state superintendent may prescribe a program of adult education."

Regulations

§II, Ch. 1, Rule E-1

Adult Classes Approved for Reimbursement and/or Awarding High School Credit

Section 1

a. Establishment; Authorization. Before tuition support shall be awarded or high school credit granted for adult education, the local school authority must obtain special authorization from the Indiana State Department of Public Instruction (ISDPI)

b. Inspection. All classes shall be subject to inspection by the ISDPI.

Section 2

School corporations shall be reimbursed for adult classes on the same basis as regular classes. This reimbursement shall not be less than the total cost for instruction nor more than that sum plus the total cost for support services.

Section 3

a. Certified Teachers. All classes shall be conducted by certified teachers

b. Adult Student Services. "Administrative, counselling and guidance and other ancillary services shall be furnished."

Section 4

Local school administration shall determine the amount of time and work necessary for a unit of credit, provided that no class in which credit is awarded shall provide less than 42 clock hours of instruction, with the following exceptions:

a) Approved Examinations. Approved examination may be used to grant credit in lieu of coursework. Such examination should cover the content ordinarily included in a high school course on the subject. Such exams should be approved in advance by ISDPI.

b) Work and/or Non-School Experience. Credit may be granted (up to 2 units) for work and/or non-school experience. A local evaluation course composed of the local superintendent, the principal of the existing school, the local director of adult education and an area teacher of the course for which credit is requested, must pass on such experience.

c) Vocational Subjects. Vocational subjects, unless qualifying under Rule G-1, are excluded from this stipulation. Credit granted under the above sections "must meet the State Plan requirements for Vocational Education. . .if reimbursement from state funds is anticipated."

Section 5

Students over 16 may be authorized by the local superintendent to enroll in adult classes.

Section 6

Annually, on or before July 1, the Department shall provide guidelines for the implementation of this rule.

CROSS REFERENCE

I. State Superintendent; Regulation §I, Ch. 2.c.

II.A.3.; Statute §20-10.1-6-4 -- 20-10.1-6-5

II.A.10 Other - Alternative Programs; Regulation §II, Ch. 1, Rule M-1

§259A.2

All applicants for the high school equivalency diploma must be eighteen years old, and not currently enrolled in any secondary school.

DIPLOMA

§259A.5

"The superintendent of public instruction" shall adopt all rules, regulations, and tests for administering the high school equivalency program.

RULEMAKING

§288.1

The board of directors of any school district may establish "public evening schools" when deemed advisable "for the public convenience and welfare."

§288.2 -- .3

When an evening program is requested, in writing, by ten or more persons over sixteen years of age, "the board shall establish and maintain an evening school ... for not less than two hours each evening" for at least two days each week. Any person, over sixteen, who cannot attend the public day school, shall be admitted.

§289.1

In any city of twelve thousand or more, in which there are more than fifteen children between the ages of fourteen and sixteen who are not in regular attendance in a full-time school, the local board of directors of the school district "shall establish and maintain part-time schools ... for such children."

§289.3

Part-time schools or classes shall be organized according to the standards set for vocational education "and shall provide not less than eight hours of instruction per week" during the regular school term.

§289.5

The state board for vocational education shall "fix standards for ... part-time schools, ... or classes; fix the requirements of teachers, and ... approve courses of study ...".

§289.6 -- .7

When a part-time school has been established, parents of children between 14 and 16, who work, must send their children to same, and any violation will be punished by a fine. Any person unlawfully employing a child eligible for part-time school shall be punished by fine or imprisonment. Enforcement shall rest with the local districts, the state department of public instruction, and the state board for vocational education.

8. Adult Education

Statutes

§72-4518 -- 72-4519

The state board of education is hereby designated as the agency for administration of adult basic education programs, and for supervision of the administration of such programs by boards of education of any school district.

The state board shall allocate funds for adult basic education programs.

§72-4520

Each board, or two or more boards, may administer an adult education program which meets state board standards. In order to receive state and federal funds for the program, it must be approved by the state board.

§72-4525 -- 72-4526

TUITION

Any board establishing an adult supplementary education program may charge tuition or fees to offset expense in part or in total.

Teachers shall have known competence in the subjects taught, and must be certified only where general education subjects are taught for grade school or high school credit.

The board shall issue a certificate of accomplishment to every student completing an adult basic education program, certifying the subjects studied and the accomplishments made.

8. ADULT EDUCATION

CROSS REFERENCE

II.A.4.; Statute §158.090

§17:14

"The board and superintendent shall establish and maintain within the State Department of Education a separate division, . . . designated as the division of adult and community education," adopting the rules and regulations necessary to establish and operate a statewide adult and community education program on the elementary and secondary levels "to eliminate illiteracy" and to provide adults the opportunity to earn elementary certificates and high school equivalency diplomas. The various parish and city school boards shall operate the programs with an allocation of funds from the state education department, subject only to the overall administration and supervision of the division of adult and community education. "The State Board shall approve the plan of operation for developing and implementing all adult and community education programs." The superintendent shall appoint the director of the division of adult and community education.

RULEMAKING

DIPLOMA

§17:291 -- 293

"In order to increase the academic, civic, and vocational intelligence of all employed boys, aged fourteen to sixteen, and of all employed girls, aged fourteen to eighteen, who have not completed the requirements for graduation, . . . the legislative authority of all incorporated cities, towns, and villages . . . may establish and provide, by ordinance, . . . part-time schools and classes and the part-time education, training, and guidance for all such employed children."

The ordinance provides that the school board of a parish "shall have the power of administration, supervision and control over the part-time schools and classes, the type and kinds of training, the methods of instruction, the subjects to be taught, the special training of teachers, the manner and form of the administration, supervision and control, and all other matters . . . .

General supervision of their schools shall be exercised

by the state board of education."

Not less than 144 hours of instruction shall be given each student; all part-time classes shall be held between nine in the morning and five in the afternoon; the children's employers shall set the hours when the children may receive part-time instruction, and shall release them during those hours for the purpose of instruction. Compulsory attendance shall be enforced in the part-time schools or classes.

"Time spent in such instruction shall be reckoned as part of the time or number of hours of work permitted by law."

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.07.00

The State board of education adopts a comprehensive program to wipe out illiteracy and functional illiteracy. It shall test all functional illiterates to determine actual grade level. Those who meet appropriate requirements will be issued a sixth grade equivalency certificate and removed from the rolls of the functional illiterates. Adults who have completed less than five years of formal schooling will be recruited for participation in the program.

TESTING

CERTIFICATE

Persons who have never graduated from high school but who have satisfactorily completed the college entrance exam, have a B.A. and are enrolled in a graduate or professional school shall be permitted to be issued high school equivalency certificates. To receive a high school diploma or equivalency, a person must be at least nineteen years of age and either: (a) completed sixteen units of prescribed work during a minimum time of three regular nine-month sessions or (b) enroll in adult academic education and achieve a grade placement of 13.0 or higher in basic skills and not below 12.0 in any of the three basic areas of reading, language or arithemetic. The person must also take the GED tests and achieve 35 or above on each of 5 tests or an average of 45 on all tests.

BULLETIN 741

EVENING SCHOOLS [GRADUATION REQUIREMENTS]

"All state-approved high schools may offer courses for adults in the evenings, or at such times as necessary apart from their regular daily schedules. Before these courses may be accredited, a particular high school must submit a report in the form of an amendment to the Annual School Report to the Department of Education. . . .

All other minimum objective standards required of state-approved high schools shall be the same in the adult education program where high school credit is granted. In those cases where credit is allowed for successful completion of adult education courses, such credit may be considered as having been earned in residence."

BULLETIN 741

ADULT EDUCATION PROGRAM [GRADUATION REQUIREMENTS]

GED TEST

"To qualify to be recommended to take the GED test a student must be 18 years or older unless married. After successful completion of the GED test, a student 18 years of age or older, and a married student under 18, may be awarded a high school equivalency diploma. The diploma of a person under 18 years of age may be deferred by the local system until the time when the person could have graduated in the regular program.

DIPLOMA

For a student to be eligible to be recommended to take the GED test, he[she] must enroll in an adult education program and take a standardized achievement test at the high school level. An average score of 13.0, with no one area below 12.0, must be attained by the individual before he[she] can be recommended to take the GED test. Individuals 18 years of age or older will be allowed to qualify to take the GED test without mandatory class attendance."

CROSS REFERENCE

III.B.Teachers: Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 6.07.01

8. Adult Education

Statutes

§888

An administrative unit may raise money and support day or evening schools, classes and educational activities for people over 16 years who are not attending another public school. The Adult Education Program will be under the direction and supervision of the school committee or directors; pupils will be subject to the same conditions, rules, and regulation as in public schools.

The school committee or directors may pay tuition of residents who attend classes in another administrative unit which aren't offered in the unit of their residence.

The commissioner may grant exceptions in admitting students into adult education programs at the local level.

§2358

"In order to improve the industrial and civic efficiency of persons between the ages of 14 and 18 now engaged in industrial occupations and who have not reached the proficiency in reading, writing, arithmetic, language, geography, history and citizenship required for the completion of the elementary school course as recognized in the schools of the state, the school committee and boards of education of the towns and cities of the state are authorized to establish part-time or part-time continuation schools and classes for the benefit of such persons."

Regulations

STATE PLAN FOR ADULT BASIC EDUCATION

July 1, 1976

Purpose

"offer adult basic education programs within the state... geared for those adults with less than eighth grade level

competencies in reading, writing, and mathematics."

Key Features

"includes individual projects planned, geographic and population areas to be served, evaluation procedures to be utilized..."

CROSS REFERENCES

III.B.Teachers; Statute §59

III.D.Educational System; Regulation, Coordination of Planning and Management (1972), Pursuant to 20 MRS §102

IV.D.; Statute §220: 358

8. Adult Education

Statutes

Art. 77 §43

The county board may establish and maintain day and evening schools for adults to provide a general program of continuing education.

Regulations

13.04.03.01

The purpose of the provision is to provide county boards with state reimbursement for offering adult vocational education courses "which are not eligible for reimbursement from Federal Vocational Funds." The State Board will assist the county board of education "in paying the salaries of the teachers of such courses." The purpose of the program is "to increase the cultural, civic, and occupational intelligence of the persons enrolled in the courses." Enrollees must be at least 16 years of age and "not attending a regular day school . . . ."Any regularly employed day-school teacher or qualified substitute for day-school teaching is eligible to teach adult education courses "that deal with the subject regularly taught. Courses not offered in regular day schools shall be taught by "an individual . . . recognized as an authority in the craft, technical field, or occupation in which he[she] is engaged and who has the respect of his or her fellow citizens of the community." Courses may be offered in the following categories: commercial education; shop courses; home economics; agriculture education; distributive education; and general education. No more than 25 individuals may be enrolled in each class. "The State Superintendent of Schools is authorized to withhold State aid in any case where he[she] is convinced that the quality of instruction is not maintained."

The State Board of Education shall determine "the salary to be paid qualified evening school instructors . . . . Before the class is organized, the instructor shall submit to the county superintendent and the State Supervisor an

outline for the course to be taught." Courses shall consist of between 10 and 24 sessions of two hours each. "The county board of education shall furnish a suitable classroom, with light, heat, and janitor services . . . . It is the general practice to have the enrollees pay for the materials used in Adult Education courses." For the county board to be reimbursed for courses, "the request for funds as well as the instructor must be approved, in writing by the State Superintendent of Schools . . . before the class is organized."

CROSS REFERENCE

II.A.1.; Regulation 13.03.02.01

8. Adult Education

Statutes

69 §9

"The department, with . . . any town . . ., may provide for . . . instruction in . . . English for persons eighteen years of age or over unable to speak, read or write . . ., and in the fundamental principles of government and other subjects . . . for American citizenship, as shall jointly be approved by the local school committee and the department . . . . Teachers and supervisors . . . shall be chosen and their compensation fixed by the school committee, subject to the approval of the department."

69 §9 A

ENGLISH LANGUAGE INSTRUCTION

"Upon application of twenty or more residents . . . who are eighteen years of age or over certifying that they desire to attend [an English] class . . ., the school committee . . . shall establish . . . a class . . . for a period of not less than forty sessions; provided that in case the attendance of any . . . class falls below fifteen," the class will terminate.

69 §11

"The division of immigration and Americanization shall employ such methods . . . [as] will . . . bring into sympathetic and mutually helpful relations the commonwealth and its residents of foreign origin, protect immigrants from exploitation and abuse, stimulate their acquisition and mastery of English, develop their understanding of American government, institutions and ideals, and generally promote their assimilation and naturalization . . . ." The division may cooperate with other agencies; investigate abuses; and make reasonable charges for services rendered and materials furnished.

71 §18

Any town may and every town with a sufficient need must "maintain for not less than forty evenings . . . an evening school or schools for the instruction of persons over fourteen years of age in orthography,

reading, writing, the English language and grammar, geography, arithmetic, industrial drawing, both free hand and mechanical, the history of the United States, physiology and hygiene and good behavior. Such other subjects may be taught as the school committee considers expedient."

71 §19

In every city of fifty thousand inhabitants where fifty or more residents, sixteen years or over, petition for an evening high school, such a school shall be annually maintained.

71 §20

The school committee shall, two weeks before the opening of each term of evening school, post in town notice of the location and time of classes as well as the fair education practices of the state. The school committee may require from each student, not bound by law to attend evening school, advance payment not exceeding ten dollars for each course where there is no state reimbursement and five dollars for each course for which there is state reimbursement or where the classes are held in Boston.

71 §21

Each town which has 200 or more minors under 16 who have "home" or "employment" permits, and work at least six hours per day may establish and maintain continuation schools for the instruction of these children.

The schools or courses of instruction shall be in operation between the hours of eight a.m. and five p.m. Monday through Friday for the same number of weeks each year as are the high schools.

71 §22

"Every minor [who is employed at least six hours a day] shall, subject to the laws relating to the public schools, attend said schools or courses in the town of his[her] employment for not less than four hours per week; but the attendance of minors who have been required to attend . . . , and are temporarily out of employment . . . shall be for not less than twenty hours per week, if [possible] . . . . Instruction in the regular schools

may and upon application of the parent or guardian shall be accepted as equivalent to that required by [state law]."

71 §23

"In the establishment and conduct of . . . [continuation schools], a town may take advantage of established educational agencies, and may utilize any suitable quarters approved by the department; but when established, the schools or courses shall be a part of the public school system of the town."

71 §24

Local costs for maintaining approved continuation schools shall be reimbursed by the state. The town of residence of a person who is required to attend a continuation school of another town shall pay a tuition fee to be fixed by the commissioner of education. However, expenses incurred by cities or towns in paying claims for tuition under this section shall be reimbursable under state law.

71 §25

"Any minor under sixteen who has been regularly employed in a town other than that of his[her] residence and who is temporarily unemployed, may be required, under conditions approved by the department, to attend a continuation school or course in the town of his[her] residence."

71 §26

If a town which is required to establish a continuation program fails to appropriate the necessary funds, it shall forfeit to the state twice the amount of the state's contribution to the program. The state will then return three-fifths of the forfeited amount to the town to establish and maintain the continuation program.

71 § 71 B

"A school committee may offer adult physical fitness programs to be held in the gymanisium of any school at any time during which such gymnasium facilities are not being used for school purposes."

CROSS REFERENCE

II.A.3; Regulation #5, Sections 4; 6

8. Adult Education

Statutes

§380.1293

A school board of a district other than a primary district may establish adult education courses.

§388.531

The county board of supervisors, through the county commissioner of schools, may establish an adult education program, employing such personnel and purchasing such equipment as may be necessary. The board shall first furnish evidence concerning local needs for adult education satisfactory to the state superintendent.

§388.532

All adult education personnel shall have special training for such work. The proposed program and personnel qualifications shall be approved by the state superintendent.

§388.533

A county board of supervisors operating an adult education program shall include in its annual budget a sufficient sum to operate the program.

CROSS REFERENCE

I.State Board of Education; Statute §388.1009

8. Adult Education

Statutes

§124.26

Evening school and continuing education programs which qualify persons to receive a high school diploma shall be eligible for state aid. All classes taught by teachers subsidized under this provision shall be tuition free and no charge shall be made for materials or tests.

CROSS REFERENCE

II.A.3.; Statute §121.21

8. Adult Education

RULEMAKING

Statutes

§37-35-1

The state board of education is empowered and directed to promulgate regulations to develop an adult education program. "The aim and purpose of such a program shall be to reduce illiteracy and to provide a general plan of continuing . . . education with priority to be given to academic training through high school and training in technical skills and trades needed by industries . . . ."

§37-35-90

"The state board of education is authorized to . . . establish general educational development preparatory classes in secondary schools and colleges and to provide [state] financial assistance for the specific purpose of preparing adults eighteen years of age and older without the high school diploma" to pass a high school equivalency test.

The state board of education, division of instruction, through the secondary schools and junior colleges shall administer the program.

Adult students may be accepted provided they are state residents.

8. Adult Education

Constitution

MISSOURI CONSTITUTION, ART. 9, §1(b)

"Specific schools for any contiguous territory may be established by law. Adult education may be provided from funds other than ordinary school revenues."

Statutes

§178.290

The school board in any urban district, six-director district or metropolitan district may establish and maintain night school, and fix the tuition for those over 20 who are not entitled to free public school privileges. Public school buildings may be used provided it is kept in good condition.

Regulations

5 CSR 60-100.010--.040
ADULT EDUCATION

Missouri will fund adult education programs designed to provide basic instruction in reading, writing for persons 16 years and over who are no longer in school. The program shall provide persons the opportunity to receive a high school diploma and provide professional development for adult education staff members.

DIPLOMA

To be eligible to take the general educational development tests and earn an equivalency certificate a person must either be 18 years of age; 17 years and out of school for 6 months; 17 or 16 and have permission of school officials; a juvenile with court permission, or a hardship case. A minimum score of 225 is required on all five tests with no score below 35.

Adult education programs must be under the administration of regular administrative school officers and part of the total school program. The program should encompass characteristics consistent with the "more mature interests and responsibilities" of adults and offer a flexible course of studies which fit the

needs of students. Graduation requirements in the adult high school shall be the same as set forth in the regular high school program provided that at least two units must have been earned in residence.

In addition to the requirements discussed, adult education programs must be provided with adequate classrooms and facilities, textbooks and teaching aides, as well as qualified teachers and counselors. Additional training must be available for adult basic education graduates upon completion of the program.

Before a program is implemented, the local public educational agency must initiate a community survey. Based on this determination and an application, the State Department of Education evaluates the program and if approved, funds are made available. Also, local advisory committees composed of community members shall be formed prior to approval of the program and shall be at least three times annually.

Minimum enrollment per class shall be eight students with recommended enrollment of twelve students.

TEACHER QUALIFICATIONS

Requirements for a life certificate in adult basic education include a bachelor's degree from an accredited teacher education institution and 21 semester hours in adult education. For a 5-year certificate one needs a bachelor's degree and eight semester hours and a recommendation by the local superintendent or director of adult education. For a one-year certificate, one needs a bachelor's degree and must attend adult education teacher training workshop and be recommended as above. Teachers may be on a full or part-time basis.

ADULT EDUCATION

Programs of adult education services "to promote integration of Indochinese refugees into American society" shall be established in addition to the existing adult education programs. Funding shall be separate. Records must be kept on the program and submitted to the State Department of Education.

8. Adult Education

Statutes

§75-7207

If the district trustees establish an adult education program, "they shall establish an adult education fund" which is "the depository for all federal, state and district moneys" designated for such program.

§75-7512 -- 75-7514

District trustees may establish an adult education program for the instruction of persons who are at least 16 years old and "not regularly enrolled, full-time pupils." Such programs may be conducted "at any time of the day when facilities and personnel are available . . . [and] may provide both basic and secondary general education, vocational education, American citizenship education," or any other courses approved by the trustees. The trustees are responsible for the "supervision and administration of adult education when a program is established in the district."

§75-7515 -- 75-7516

"A separate adult education fund shall be established when an adult education program is operated by a district." The trustees are authorized "to charge tuition for instruction and . . . fees for the use of equipment and materials." TUITION

8. Adult Education

Statutes

§79-1415 — 79-1417

"There is hereby established in . . . the Department of Education the Adult Immigrant Educational Division for the education of adult aliens and others, under the direction of a state supervisor appointed by the department." School boards are authorized "to expend money for conducting schools and classes in school buildings, industrial establishments, places of employment, and . . . other places . . ., for . . . giving instruction to foreign-born and native adults and minors" over age 16. Courses "shall include English, history, civics, and other subjects tending to promote good citizenship and to increase vocational efficiency." The Commissioner of Education shall select courses, supervise instruction, and approve teacher selection.

8. Adult Education

CROSS REFERENCE

III.C. Recipients of High School Diplomas; Regulations, High School Graduation Requirements Manual

8. Adult Education

Statutes

§186:61

"The state board of education shall establish . . . an educational program for adults to earn a high school diploma or its equivalent." The state board of education shall "adopt rules for the issuance of . . . diplomas . . . and equivalency certificates."

DIPLOMA

§186.62

"The state board of education shall promote and encourage other programs of adult and continuing education" and receive and disburse funds for these programs. The purpose of such programs is to "encourage the development of adult and continuing education programs . . . both within and outside of the public school system," and to "encourage the use of public school facilities by various educational groups . . . within the community."

§188-A:13-a

The state board of education is "authorized and directed" to "establish and implement adult education and work or apprentice related programs" to provide instruction "designed to prepare . . . individuals without regard to race, color, creed or national origin for service to business, trade or industry".

EQUAL OPPORTUNITY

§194:18

A school district "may maintain an evening school as a part of its public school system" and if a district has "fifteen or more persons" from sixteen to eighteen who cannot read and speak English, the district "shall maintain an evening or special day school" to instruct these persons.

Regulations

Guidelines for Preparing Applications for Local Projects in Adult Basic Education
#319.10, pp. 2-9

"The Adult Education Act of 1966 authorizes the State Department of Education to approve projects for adult

basic education under the auspices of local school districts and permits reimbursement from Federal funds to such districts of an amount equal to ninety per cent (90%) of the total verifiable sums expended for the cost of the program. In compliance with the ten percent (10%) matching requirement of the Act, our State Legislature has appropriated approximately $11,000 for each year of the 1970-71 biennium. In the event that additional resources are needed to qualify for our full federal allotments, matching funds (either in cash and/or in-kind contributions) will be solicited at the state level and, if necessary, at the local level.

. . .

In the language of the Act, 'adult basic education' means education for adults whose inability to speak, read or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training, and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsbibilities.

Application Procedures

Local educational agencies, upon approval from the New Hampshire Department of Education, may participate in the Act on the basis of a program of instruction set forth fully on the official application forms. . . ." Applications (forms ABE 1-6) for Adult Basic Education projects that are scheduled to start the beginning of the school year should be submitted to the State Adult Basic Education Office not later than July 31st.

"A public school agency is eligible to proceed with an A.B.E. [Adult Basic Education] project only after its proposal has been approved by the State Department of Education." Upon such approval a Statement of Program Approval (ABE-7) will be sent together with a

countersigned copy of the local A.B.E. application (ABE 1-6) to the sponsoring agency.

"Any person is eligible for education under this Act who is 16 years of age or older and has completed fewer than eight grades of school" or who aspires to learn English as her/his second language. Students cannot be charged fees or tuition and instructional materials must be provided without cost.

TUITION

"The curriculum [of adult education] must be adult oriented, taught in adult language, and illustrated in adult situations. Whenever possible, the basic skills of reading and mathematics should be taught in the context of job, health, consumer, family life, an civil information, as well as other related areas which adults need to know in order to cope more effectively with their daily responsibilities.

The selection and purchase of instructional materials shall be the responsibility of the local director and his [her] A.B.E. staff." To assist them there is an extensive adult curriculum library and advisory bulletins distributed by the State Department of Education.

"The instructional program should be organized in a series of relatively short instructional cycles. . . .

A.B.E. classes must meet at least twice each week and each class must be at least two hours in duration. An instructional cycle must consist of at least 40 classroom hours."

The recommended enrollment for each class is 15 students, however, a class may be approved and funded with a minimum of 10 students enrolled. Any class that has consistently less than 10 students may be merged with an existing class or terminated.

"Because of the great disparity in student educational backgrounds, . . ." individualized instruction which utilizes teacher aides, volunteers and programmed learning materials and other innovative and

INDIVIDUALIZED INSTRUCTION

flexible teaching methodologies is required. Each program shall be accompanied by arrangements for pre-service and in-service training.

"Local directors, supervisors, head teachers, guidance counselors, and all other professional personnel shall be certified for participation in the A.B.E. program in accordance with certification requirements established for adult education by the State Department of Education.

Sub-professional -- teacher aides, volunteers, etc. -- assisting the local program will be certified as qualified for their assigned duties by the local superintendent of schools."

In order to meet the needs of the adult students a counseling program must be provided. A testing program should be administered to determine academic placement, assess education progress and provide data for evaluation of both the local and state programs.

The local A.B.E. staff will assist adults to acquire health services and information which are available from the State Division of Public Health.

"All equipment acquired with Federal funds must be labeled as having been purchased for use in your A.B.E. program with monies authorized and appropriated by the Adult Education of 1966 (P.L. 89-750)." This equipment must be checked and certified as to continued use for purposes stated in the Adult Education Act.

If such equipment was purchased for $100 or more, and sold, the federal Government shall be accredited with its proportionate share of the value of such equipment.

Personnel affiliated with local A.B.E. programs will be expected to keep records and submit reports as required by the State Education Department. Fiscal records, invoices and similar verifications of all expenditures will be kept in files for at least three years. As required by the State plan, there will be an annual audit of each local agency's A.B.E.

account. A certified copy of this audit shall be submitted to the state A.B.E. office by means of form A.E.B. 17.

Student records including such data as class time, level of instruction, scores attained on tests, pertinent staff comments, age, and educational background shall be kept cumulatively.

In accordance with federal and state law, local A.B.E. projects are required to organized and utilize local advisory committees. The advisory committee is to have a membership reflecting many facets of the community such as educators, business people, labor leaders, industrialists, clergy, etc. "The committee can play an important role in interpreting the program to the community, gain support from the community leadership, be a source of volunteer referrals, provide entree to industry and business, aid in identifying and recruiting adults who are deficient in the basic educational skills, and in numerous other ways assure that future progress will be smoother and easier. A special memorandum outlining suggestions for creating local advisory committees is avialable from the State Department of Education.

The selection and training of staff [for a program in adult basic education] is of paramount importance. It is essential that all staff members possess the attributes of friendly personality, patience, and enthusiasm. Teachers should have the qualities of flexibility in the use of methods and techniques. . . . They must also be willing to work with teacher aides and volunteers and to learn to use them effectively."

The recruitment of students is a crucial problem which should be solved with the aid of the local advisory board and several community agencies. Bulletin #2 entitled "Student Recruitment and Community Involvement," is available from the State Department of Education.

It is the goal of every local A.B.E. program to create a stimulating environment in which adults can learn with dignity and enjoyment.

DIPLOMA

State Board of Education Regulations
for Adult High School Diploma Program
#00602

Adult evening programs, leading to a high school diploma, may be offered in adult programs conducted by local boards of education. Teachers must be certified and attend continuing in-service programs. Students will plan their own program, assisted by periodic counseling, and each will be given a final examination.

COURSE OF STUDY

Enrollees must be at least 16 years old. Students must complete a minimum program of 16 units for graduation, including eight in the following:

English	4 units
Social Science (U.S. History required)	2
Mathematics	1
Science	1

State Board of Education Policies,
#321.1, p. 00047

The need for adult and continuing education is recognized as an integral part of the educational system.

CROSS REFERENCES

I.State Board of Education; Statute §186:5 -- 186:6a

II.A.5.; Statute §193.9-193.10

III.B.Educational Personnel; Regulations, Certification Standards, #479, pp. 1-69

8. Adult Education

Statutes

§18A:48-1

A board of education may establish public evening schools "for the instruction of persons over 12 years of age who are residents of the district."

§18A:49-1

A board of education may establish evening schools "for the instruction of foreign-born residents of the district over 14 years of age in the English language and government of the U.S."

§18A:50-1

The board of education may maintain a program of adult education. The board shall determine the courses to be offered, subject to the approval of the commissioner, with consent of the state board.

§18A:50-8;9

Two or more boards of education may agree, by resolution, to jointly provide adult education courses. When such agreement has been made and it has been decided to employ a program supervisor, one board shall be designated the employing board.

§18A:50-12

School districts may establish high school programs of education for adults and out-of-school young people which will include "curricular content appropriate to the high school curriculum" designed to prepare them to secure a high school equivalency certificate.

§18A:52-1--3

The boards of education in municipalities of over 10,000, may provide free evening lectures for working men and women.

Evening school for foreign born shall be separate from other evening classes. Such courses of study may be organized and approved by the State Board.

Subjects taught shall include English; local and state government laws of New Jersey; government and laws of the United States; problems in American democracy.

CROSS REFERENCES

I.Commissioner of Education; Statute §18A:4-32--35

I.State Board of Education; Statute §18A:50-10; §18A:50-13

III.B.Teacher; Regulation §6:11-3.13

III.C.Students: Regulation §6:44-6.1; §6.44-6.3; §6:44-6.4

IV.G.; Statute §18A:50-2

IV.H.; Regulation §6:27-1.14

STATUTES

§77-1-4

All residents under 18 who do not have a high school diploma or its equivalent and who are not judged unable to benefit from instruction because of mental, physical or emotional conditions shall have a free public school education available to them including the right to enroll, re-enroll and, subject to the Compulsory School Attendance Law [77-10-1 et seq.] the right to withdraw. Residents meeting these qualifications except that they already have a high school diploma or its equivalent shall have the same rights but on a space available basis.

DIPLOMA

"Local school boards shall make regulations concerning the enrollment and re-enrollment of all persons."

RULEMAKING

§77-11-4

When 15 or more students within a school district have been issued certificates of employment the local board shall establish a part time school. Students with certificates of employment must attend the part-time school unless excused by the district superintendent. "The state board shall adopt regulations concerning the establishment and operation of part-time schools" which must give at least 150 hours of instruction a year.

§77-11-5

A. Any person employing a student 14 years old or older shall permit the student to attend a part-time school established in the school district where the student lives or is employed.

B. "When the maximum number of hours of employment for a person having attained the age of 14 years is established by state or federal law, the hours of attendance at a part-time school shall be computed as hours of employment under these laws. Nothing in this section shall affect the right of an employer to reduce

accordingly the compensation to be paid to a person because of the time spent in a part-time school."

§77-11-6

"Pursuant to the standards and regulations of the state board, a local school board may establish an adult education class within the school district provided that the minimum enrollment for any . . . class shall be 10 persons. The local school board has authority to employ a certified school instructor to teach any adult education class established."

8. Adult Education

Statutes

§3207

"In each city . . . in which evening instruction is provided . . . each person from 17-21 years of age who is unable to speak, read, and write English as required for the completion of the fifth year of . . . elementary . . . study, and who is not attending . . . equivalent day instruction, shall attend . . . evening instruction."

§4604

Local boards of education may establish "day and evening schools for adults," which may include citizenship schools, "general continuing education adult schools," and recreation schools.

Regulations

§ 161.1 (Statutory authority §207)

In order to be approved by the Commissioner of Education, adult education courses must be operated by a board of education. Teachers must be certified and may hold an adult education or vocational certificate. The program must be administered by someone who holds a valid certificate other than an adult education or vocational education certificate. The school must strive to accomplish "important educational objectives" and maintain a level of attendance that is consistent with good instruction.

§ 165.1

These regulations provide guidelines for funding of high school equivalency classes for persons who are at least 16, not enrolled in a regular school program, and who have not received a high school diploma.

§ 165.2 — 165.4

School districts applying for funds for these programs must set forth the number of people to be served by the program and a description of the program. To be approved, a program must provide for a minimum of 150 hours of instruction, offered at least six hours per week. Classes shall consist of 8-20 students. All students must possess a seventh grade reading skill to be eligible for the program.

CLASS SIZE

Funds alloted may be used to establish individual district programs or regional cooperative programs.

§ 165.6

Districts will be required to keep records on pupil progress and attendance and make reports to the commissioner as required.

Part 166 (Statutory authority §207)

§ 166.1

This section provides guidelines for funding programs to operate evening school classes for persons who are at least 16, not enrolled in a regular school program, and who have not received a high school diploma or high school equivalency diploma.

DIPLOMA

§ 166.3

An approved evening school program shall include courses designed to "develop minimum competencies necessary to qualify for a high school diploma or a high school equivalency diploma." This includes courses designed to meet the needs of students with less than a 7th grade reading ability and those with a better than 7th grade reading level ability.

DIPLOMA

CROSS REFERENCES

II.A.4.: Statute §1712

II.A.4.: Statute §2514

II.A.4.: Statute §2555

8. Adult Education

Statutes

§115-199

An adult education program may be established if the State Board of Education so determines. The State Board may also approve the establishment of local adult education programs instituted by local boards of education.

3. Adult Education

Statutes

§15-46-01

"The school board of any public school district may establish and maintain a public evening school as a branch of the public schools. At the direction of the [county or city] superintendent of schools or the superintendent of public instruction, the board shall establish and maintain such an evening school . . . . An evening school . . . shall be available to all persons over sixteen years of age who . . . are unable to attend the public schools . . . .The [general supervision of the evening school] shall be subject to the . . . control of the superintendent of public instruction."

§15-46-02

"When in any school district there are ten or more persons over sixteen years of age who desire instruction in an evening school and who petition therefor, the board shall establish . . . such school during a period of not less than three months of every school year and for not less than two hours at least three times a week during the term of the evening school." If such school is not established by the board, "the superintendent of public instruction may . . . require that an evening school be established."

PETITION

§15-46-05

Evening school funds shall be expended under the direction of the county superintendent of schools as she or he deems best.

Regulations

Chapter III: VI.

GED TEST

To aid adults who have not had the opportunity to complete formal requirements for high school graduation, the State Department of Public Instruction has established the high school achievement program. The principal requirement for a high school achievement certificate is demonstration, on the tests of General Educational Development, of an educational competence commensurate with the average high school graduate.

The Division of Independent Study offers a composite review course covering the areas of study in the equivalency examination. The Division does not administer the exam.

All arrangements for testing (including fee payment) are made with the official testing center selected. An applicant who fails to make the required score (a standard score of 40 or above on each test or an average standard test score of 50 on all the tests) may retake the tests only once.

Beside passing the test, candidates must be 19 years of age or older and North Dakota residents, must file a formal application for an equivalency certificate, and must be recommended for the certificate by the superintendent or principal of the last civilian school they attended.

All equivalency certificates are issued by the State Department.

Chapter III: VII. A.

The school board of any district may establish and maintain a public evening school at the direction of the local or state superintendent or on petition by ten or more persons over 16 years of age who live in the district and desire evening instruction.

An evening school shall be available to all persons over 16 years of age who are unable to attend public schools. The curriculum and conduct of evening schools

shall be under the direction of the superintendent of public instruction.

One-half of the salaries of all teachers in an evening school shall be paid by the state.

Chapter III: VII. B.

If courses are offered for regular credit: the teacher shall hold a first grade professional certificate and have the same preparation as required in the regular high school program; the course content and the achievement expected of students shall be equivalent to that in a regular high school program; the minimum amount of class time shall approach 100-120 hours; and the rate of tuition shall be determined by the local board.

8. Adult Education

Statutes

§3313.531

Adult high school continuation programs are organized instructional programs for persons 16 years or older who are not otherwise enrolled in a recognized high school program, and which offer courses for credit toward a high school diploma.

DIPLOMA

A single school district, or two or more boards of education, may establish such a program, receiving reimbursement not to exceed $5 per instructional hour, provided such program is in accordance with the rules, regulations and standards set for such a program by the state board of education.

§3313.54

A board of education may establish an Americanization school upon the application of 15 or more persons born outside the territorial limits of the United States, including Alaska and Hawaii. Applicants must be persons who are 18 years of age or over, of foreign birth, and residents of the district or of an adjoining district. Pupils may be charged a fee.

AMERICANIZATION SCHOOL

§3313.56

"The board... of any city, exempted village, or local school district may establish and maintain part-time schools or classes for the further education of children who are employed on age and schooling certificates. Such ... classes shall be conducted not fewer than four hours per week while in session, and for not fewer than one hundred forty-four hours per calendar year between the hours of 7:00 AM[and 6:00 PM weekdays]....". Standards for such schools and classes shall be set by the state board. Funds shall be provided for the expense

of such schools in the same manner as for the expense of ordinary elementary schools.

REGULATIONS

§3301-43-01 -- 3301-43-05

Boards of education may establish for persons 16 years of age or older and not otherwise enrolled in a high school an adult high school continuation program which is limited to courses for which credit may be granted toward the issuance of a high school diploma. Teachers for the program shall hold a valid certificate.

DIPLOMA

CROSS REFERENCES

II.A.3; Regulation §3301-11-05

II.A.9; Statute §3313.641

III.C.Elementary and Secondary Education; Regulation §3301-31-01 -- 3301-31-09; 3301-35-01 -- 3301-35-08; 3301-37-01 -- 3301-37-08

8. Adult Education
Regulations

Adult Education Regulations.

I. Adult Basic Education, p. 80

School superintendents should designate staff members "to be responsible for the adult education program.

"It is . . . recommended that all schools cooperate with the State Adult Education Organization."

Req. a. Adult education teachers must be certified in the same way as other public school teachers.

Req. b. "A certificate of 8th grade school achievement may be earned by enrolling in courses of basic education sponsored by the local public school and . . . passing standardized educational tests as prescribed by the State Department of Education.

Adult Education Regulations:

III. Adult High School Completion Program, p. 81

A. "The State Department of Education. . . encourages the development of adult learning opportunities to accomplish diploma completion and other desirable adult educational goals within limits prescribed by the local board of education.

"B. The following regulations are applicable . . . to those high schools in which the adult program is an extension of the regularly accredited high school program . . . . The school offering a high school completion program shall meet these standards:"

Req. 1. To have such a program a school must apply to the Accreditation Section of the State Department of Education "at the beginning of each adult semester or session."

Req. 2. Only persons who are 18 and over and "under no legal compulsion . . . to attend school" may enroll.

Req. 3. Teachers must have valid teaching certificates.

Req. 4. Adults must earn 18 units to receive a State High School Diploma, distributed as follows: language arts-4; mathematics-1; science-1; American history -1; Oklahoma history-1; electives-10 1/2.

DIPLOMA

Req. 5. Granting credit:

a. "Course credit shall be accepted . . . from schools . . . accredited by the State Board of Education or any regional accrediting association.

CORRESPONDENCE COURSE

"b. Credit for correspondence courses may be accepted from any regionally accredited institution.

"c. Credit may be granted for . . . apprenticeship programs or . . . occupational or vocational learning or achievement . . . .

"d. Credit for a specific subject" may be earned through an examination given by the school.

e. Credit may be granted for education or training received through the military.

MILITARY

f. In order to graduate, an adult student must earn at least 2 units "in the adult high school completion program or in the day high school awarding the diploma."

Req. 6. Each 1/2 unit shall be allotted 45 hours and each full unit 90 hours.

General Progress Criteria:

VII. Civil Defense Education, p. 26

The objectives of the State Department of Education's Civil Defense Education (CDE) program is "to conduct, through organized adult education classes, a program that will alert adults . . . to the need for emergency planning . . .[for] survival in a nuclear age."

CIVIL DEFENSE EDUCATION

Administrators should recommend teachers who will receive appropriate instruction and be "certified to teach 'personal and family survival' classes in their . . . communities." This course may also be incorporated into the regular school curriculum as part of safety education, social studies or science courses.

CROSS REFERENCE

III.C.Students: Regulation, Adult Education Regulations: High School Equivalency Certificates: p. 80

STATUTES

§336.125

Continuation schools may be operated by a district school board, which shall fix the hours school will be in session and the length of the school term.

The board shall employ teachers and "provide for the instruction of pupils in all branches taught in the day sessions if there seems sufficient demand in the evening school;" establish graduation requirements; and admit any person not attending the day session without regard to age.

§336.135

Any school district with fifteen or more employed students between the ages of 14 and 18 years, and any other school district so desiring, shall provide classes for such employed students.

Rules governing organization and administration are created by the board of education and funds available for the promotion of vocational education may be used.

§336.145

A district school board may establish adult education classes and employ personnel to conduct courses in English, except as needs for teaching a foreign language require otherwise, on the "fundamental principles of democratic government, English language, citizenship, public affairs, forums, arts and crafts, general cultural subjects, adult recreation and such other subjects as they may authorize."

COURSE OF STUDY

Scheduled fees may be charged and used "for the support or encouragement of adult education."

FEES

"The classes shall be subject to the rules of the district school board, shall be organized

to meet the needs of the adults in the district, and, as far as practicable, shall be held at such times and places as are most convenient and accessible to the members of the class."

§339.145

"Persons 16 years of age or older and persons who have graduated from high school may enroll in the adult education program of a school district . . . subject to [established] terms and conditions . . . ."

CROSS REFERENCE

I. Superintendent of Public Instruction: Statute §326.310

8. Adult Education

Statutes

§19-1901

"General extension education" shall designate the instructional and recreational services provided and administered by the board of school directors, but shall not include activities which are subsidized under the provisions of Federal enactment nor the coaching or supervision of interscholastic athletic teams or games.

Areas of "extension education" for which local school districts receive reimbursement from the Commonwealth shall be general extension education credit courses including standard evening high school and summer schools, general extension education noncredit courses required for classes in which 50% of the pupils are out-of-school youth and adults including citizenship classes, adult education for the blind, home nursing, home management, child care and recreation including activities for children and youth from the ages of 6-21.

§19-1902-1904

Free extension education shall be provided upon written application, "signed by fifteen or more residents over the age of sixteen" who don't attend public or private day school. If average attendance falls below ten for any month, school may be closed.

Class shall be in school buildings at any time not in conflict with day school activities, except on Sunday or holidays.

A $7.50 deposit fee may be required from each enrollee which will be returned at the close of the term to everyone who attended at least 75% of the classes, or may be returned for any other justifiable reason.

§19-1905

Credits earned in the standard evening high

school shall be equal to those earned in the regular day school program and upon graduation from an evening high school a student shall be awarded the appropriate school certificate or diploma.

§19-1906

General extension education shall be an "integral part" of the public schools and shall be under the supervision of the district superintendent. "The State Board of Education shall adopt standards for the qualifications and certification of general extension teachers and leaders, pre-approval of instructional budgets and all other matters pertaining to general extension education."

8. Adult Education

Statutes

§16-5-22

The general assembly shall appropriate funds necessary for support and maintenance of public evening schools in the several towns of the state, to be apportioned by the state board of education.

§16-29-1

Each town shall establish one or more evening schools in which the speaking, reading and writing of the English language shall be taught, free of charge, to those residents of said town more than sixteen and less than twenty-one who cannot speak, read and write in the English language. The school committees of two adjoining towns may unite for the purpose of jointly establishing and maintaining an evening school for persons resident in such town.

§16-29-2

The school committee of any town may establish and maintain one or more public day continuation schools for the teaching of the English language and American citizenship, at which any person beyond compulsory school age, resident of such town, may attend free of expense, or may make provisions, at the expense of the town, for the attendance of such persons in continuation community Americanization classes, and to co-operate with the school committee of any city or town in the establishment of such classes and said department may fix the compensation of said supervisor.

CITIZENSHIP CLASSES

§16-29-3

"Continuation or evening schools may be established in shops or factories; provided that such schools are under the control and supervision of the school committee.

§16-29-6

The department of education is empowered to provide for the inspection and supervision of day and

evening schools maintained under the provisions of this chapter, and the general assembly shall annually appropriate necessary sums to defray the expenses of such inspection and supervision, and for the promotion of Americanization.

§16-29-7

ENGLISH LANGUAGE INSTRUCTION

All persons between the ages of sixteen and twenty-one who cannot speak, read and write the English language in accord with standards approved by the department of education, and who resides in a town in which the school committee has established a day continuation school for the teaching of the English language, or an evening school, shall attend either school at least two hundred hours every year until he/she shall have acquired reasonable facility in speaking, reading, and writing the English language in accord with standards approved by the department of education.

§16-29-8

Attendance in private schools or private instruction in the English language may be accepted only if the private instruction is approved by the school committee. Persons attending private schools or receiving private instruction shall be deemed as having acquired reasonable facility in speaking, reading and writing the English language as provided in §16-29-7, only after the successful passage by such person of an examination, provided by the school committee.

§16-29-9

VIOLATIONS

All of those required to attend Americanization schools whose absence makes it impossible for him/her to complete the two hundred hours of instruction annually within the time set by the school committee, may be fined $1.00 for each wilful absence, and not exceeding $20.00 each year, for persistent refusal to attend such instruction, or may be committed to an institution during her/his minority.

The general assembly shall annually appropriate such sum necessary for the promotion of house and community classes in any city or town for instruction in use of the English language in the common rights and obligations of citizenship and in the fundamental principles of American government.

8. Adult Education

Regulations

§43-237

The curricula of an adult basic education program shall include organized and systematic instruction in the communication and computational skills of reading, writing, speaking, listening and arithmetic.

The number of units for the high school diploma program shall be consistent with the requirements prescribed by the State Board of Education for adults to complete the requirements for a State high school diploma in the following areas:

A minimum of 18 units of credit shall be the basis of awarding the State high school diploma to adults and be distributed as follows:

Language Arts	4 units
Social Studies (U.S. History & Constitution)	2 units
Mathematics	2 units
Natural Science	1 unit
Electives	9 units.

Effective for those who graduate in 1981 or thereafter, to qualify for a state high school diploma, a student must earn a total of 18 units of credit distributed as follows:

Language Arts	4 units
U.S. History	1 unit
Economics (1 1/2 unit)	
Government (1 1/2 unit)	
Other Social Studies	1 unit
Mathematics	2 units
Natural Science	1 unit Electives

At least 50% of the instructional time in any course used to satisfy the language arts requirements for graudation must be devoted to the teaching of grammar and composition.

The level of accomplishment required for the granting of credit shall be the same as that required in the regular

high school program. Class time may be waived only when objective evidence of subject matter attainment has been demonstrated by an acceptable performance on an approved, standardized subject matter exam. Credit granted by objective evidence must be approved by the principal of the high school awarding the diploma. A copy of the test results with information as to the date of the examination, the name and form of the standardized test, name of examiner, and signature of principal's approval must be filed in the school records for the adult.

Enrollment shall be limited to individuals who are 18 years of age or over and have left the elementary or secondary school, except when the local school board may assign individual students of less than 18 years of age who have officially withdrawn or been expelled from regular school. These students may be assigned to one or more classes of an adult education program when they exhibit an unusual educational need or exhibit physical, social or economic problems which can be better served by the adult education program.

No student shall be graduated from the adult education program prior to the time that he/she would normally have graduated had he/she remained in the regular high school. A minimum of 2 units shall be completed in residence as a prerequisite to being eligible for the State High School Diploma.

A student may not earn more than eight units through each or a combination of credit earned by successfully passing an approved standardized test, credit earned for occupational training and experience and credit earned through approved correspondence courses.

Adult education is provided for adults who want a basic education, to prepare for the High School Equivalency Examination, to develop skills, or to complete the requirements for a State High School Diploma. Enrollment in the program must be limited to adults who are residents in South Carolina.

Each district shall provide a program of adult

education in each of the three levels: Basic Level I (Grades1-4), Basic Level II (Grades 5-8), and High School Completion (Grades 9-12). It is recommended that each district offer a program in continuing education, vocational education, vocational exploration at Basic Levels I and II, and high school vocational courses as indicated by an assessment of local needs.

The district with the written approval of the Office of Adult Education may contract for the operation of the adult program with another school district in South Carolina. Diploma Programs must have written approval from the Accreditation and Educational Improvement Section, Office of General Education.

Students enrolled in the high school completion program shall have access to school library facilities.

NEEDS ASSESSMENT

An annual needs assessment, including a thorough status and evaluation of the district's adult education programs, must be submitted on or before October 15.

Adult Education facilities shall be adequate in size and arrangements. Buildings shall be kept clean and comfortable. Each room shall be designed and equipped to serve specific purposes. Adequate lighting, ventilation and heating shall be provided in all utilized areas. All operating adult school facilities shall comply with safety regulations prescribed by the State Fire Marshall and with sanitation and health regulations prescribed by the State Board of Health.

PHYSICAL EXAMINATION

Adult education personnel shall have an annual physical examination. Certification that the person is free of contagious disease must be filed in either the school, area or district office. Adult education personnel employed in the regular program who had an annual physical examination must meet the requirement.

Each adult education director shall develop and implement an organized inservice education program for professional personnel. A copy of the inservice education plan shall be made available to the adult education supervisor upon request.

Each approved adult education high school diploma program shall meet a minimum of 30 weeks and include a minimum of 60 hours of instruction for each unit of credit.

A student must attend class a minimum of 50 hours to receive consideration for credit. Any work missed in the high school completion program must be made up.

The adult education director is directly responsible for the supervision and improvement of the adult instructional program.

Accurate attendance and achievement records of each student shall be stored to provide security against possible destruction.

The maximum student membership in an adult education class shall be 30 students per teacher.

No credit toward a State High School Diploma will be granted to any adult education student unless the program has been officially approved in writing by the Office of Adult Education and the Accreditation and Educational Improvement Section, Office of General Education. If the program does not meet the minimum length of time, no credit shall be granted to any student in the high school completion program, unless verified by an approved standardized test.

§54-43-10 -- 59-43-30

Any district board of trustees may establish an adult education program. The trustees may raise and allocate funds, hire teachers and organize classes provided the classes comply with the rules and regulations of the state board of education. The state board shall determine teacher qualifications, tuition and the subjects taught. The program may be supported either in whole or in part by federal, state and local funds.

CROSS REFERENCES

II.A.10.Other - Experimental Programs; Regulation §43-230

III.A.2; Regulation §43-208 ; 43-164

III.B.Administrative Staff; Regulation §43-165

III.B.Teachers; Regulation §43-205

III.C.High School Students; Regulation §43-259

III.E.Professional Personnel; Regulation §43-201

8. Adult Education

Statutes

§13-28-35

A school district which operates an "adult education program" may "charge . . . tuition as . . . determined by the school board.

TUITION

CROSS REFERENCES

I.State Superintendent of Schools; Statute §13-1-25

II.A.4.; Statute §13-33-3

8. Adult Education

Statutes

§2501 — 2504

Boards of education are authorized to establish night schools for persons sixteen years of age and over. These schools shall be a part of the public school system and funds shall be used at the discretion of the board of education.

Average attendance per night shall form the basis of apportionment of state and county school funds.

Boards of education shall adopt courses of study that will best serve the locality.

Regulations

p.48 — 49

"Night schools . . . shall be established and maintained by the county or city boards of education within whose jurisdiction the school is located. . . .[and] shall meet the standards of an approved school and shall provide all services . . . without fee . . . .

Persons between the ages of 16 and 21 years who are enrolled in public day schools shall not be eligible to attend a night school . . . ."

8. Adult Education

Statutes

§11.18

The adult education program herein established shall be for individuals "over the age of compulsory school attendance" and envisions "services and instruction provided by public local education agencies below the college credit level . . . ." This shall include "community education;" a "concept which involves the people of the community in a program designed to fulfill their educational needs, while promoting more effective use of public education facilities and other public facilities for the purpose of providing recreational, cultural, and other community related services.

The Central Education Agency shall:

1) manage this program with adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs . . .;

2) develop, implement and regulate a comprehensive statewide program for community level education services. . .;

3) develop the mechanisms and guidelines for coordination of comprehensive adult education . . . with other agencies . . .;

4) administer all state and federal funds for adult education and related skill training in Texas;

5) prescribe and administer standards and accrediting policies for adult education . . .;

6) prescribe and administer rules and regulations for teacher certification for adult education . . .

Adult education program shall be provided by public school districts . . . junior colleges, and . . . universities . . .[and]. . . shall be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction . . . whenever it is appropriate for . . . optimum development.

The State Board . . . may establish and designate an adult education advisory committee . . . for the purpose of advising the board on needs, priorities, and standards of adult education programs. . ."

REGULATIONS

§2306.13; .14

"Any school district having 10,000 or more scholastics may provide later afternoon and evening sessions, and determine which pupils may be admitted or assigned to those programs."

§3541; 3542; 3543; 3544

"Statewide adult and continuing programs of education shall be provided to meet the educational needs which are not met by other public educational programs. The educational opportunities for adults shall include programs to meet special or general needs of those who desire to obtain general or specific knowledge and the related skills . . . .

Comprehensive Adult Education and Related Training shall be for adults whose educational development is above the eighth grade level of achievement. Instruction shall be designed to meet the following objectives:

1) individual adult educational goals;
2) high school graduation; and
3) certificate of high school equivalency."

EQUIVALENCY CERTIFICATE

Other adult education programs will include:

1) Adult Basic Education
2) Manpower Training
3) Civil Defense Education
4) Comprehensive Adult Vocational Education; and
5) Adult Bilingual Education.

"Adult education shall be provided for special approval for those who have specific qualifications. The population eligible shall include

ELIGIBILITY

1) veterans;
2) adult migrant farm workers;

3) welfare recipients receiving aid for families with dependent children; and

4) persons incarcerated in the Department of Corrections."

The Texas Education Agency shall . . . issue a Certificate of High School Equivalency on the basis of the General Educational Development Tests . . . .

EQUIVALENCY CERTIFICATE

The requirements which applicants for the Certificate of High School Equivalency shall meet are as follows:"

a) minimum test scores;

b) minimum age;

c) residence;

d) method of applying; and

e) a fee.

§3541; 3542; 3543

"The statewide adult and continuing education program provides educational opportunities for adults who are over the age of compulsory school attendance or who are not required to be in regular attendance and do not have a high school education or the educational prerequisites for developing a saleable skill. Instruction, including bilingual instruction, is provided below the college credit level to adults through local education agencies in the areas of adult basic education for grades 1-8, adult education for grades 9-12 or general educational development preparation, and adult skills training for all performance levels.

A comprehensive Adult Education program is provided in accordance with the State Plan as approved by the State Board of Education. The requirements of the education program for adults are as follows:

Provides for adults to continue their education to the level of completion of secondary school or its equivalency, or secure the specific educational prerequisites for gainful employment, vocational education, avocational training, aesthetic undertakings, or post-secondary education.

Persons whose educational development is above the eighth grade level of achievement and who are over the age of compulsory school attendance, or are not required to be in regular attendance, and who have not acquired a high school diploma from an accredited school, or its equivalency" are eligible for the program.

DIPLOMA

"Agency staff members establish procedures necessary to administer the program under provisions of State law and State Board policy to assist local education agencies in providing comprehensive adult education programs. Information research, teacher-training, operating guidelines, and technical assistance are provided to local education agencies in developing these programs.

Instruction is provided below the college level and is designed to (1) lead to a high school diploma from an accredited high school or the certificate of high school equivalency, (2) assist adults to meet specific educational objectives below the college credit level, and (3) provide educational prerequisites to vocational training or post-secondary education.

DIPLOMA

A valid teacher certificate is required in cases in which instruction is for the high school diploma and is desirable in the other adult education instructional areas. Teachers of adults are selected on the basis of general qualifications, interest in adult education, and the ability to work effectively with undereducated adults. An adult basic education program is provided in accordance with the state plan for adult basic education as approved by the State Board of Education and the United States Commissioner of Education.

Education is provided for adults whose inability to speak, read, or write the English language and do simple arithmetic constitutes a substantial impairment of their ability to obtain or retain employment or function as responsible adults.

Persons over the age of compulsory school attendance or are not required to be in regular attendance and whose educational achievement is below the ninth grade level," are eligible for the program.

"A Statement of Qualifications is required to be filed with the Texas Education Agency for all personnel. Teachers of adults are selected on the basis of general qualifications, interest in adult education, and the ability to work effectively with undereducated adults.

The manpower development and training program for adults is provided cooperatively by the Texas Education Agency and the United States Office of Education. The Texas Employment Commission and the Texas Education Agency enter into agreements in joint responsibilites for the operation of this program."

The objectives of the program are to "provide training to out-of-school youths and adults who do not have a saleable skill, to individuals who need retraining for employment, and to those who need upgrading in a skill.

A statement of qualifications of the proposed instructor must be submitted to the Texas Education Agency. The instructor must meet the requirements as outlined in the Texas State Plan for Vocational Education for the occupation for which he[she] wishes to qualify.

CIVIL DEFENSE EDUCATION

A civil defense education program is provided through agreements between the Texas Education Agency and the Department of Defense, Office of Civil Defense."

The program shall "provide basic survival information concerning natural and man-made disasters to high school and adult students through the curriculum in both junior high and high school. Advice, guidance, and encouragement are provided to school systems to assist them in incorporating Civil Defense concepts and principles into their school systems, and assistance is given to help develop school Civil Defense plans in consonance with the local Civil Defense emergency plan for all types of disasters.

Teachers are certified through completion of a Civil Defense teacher-training program. Staff members of the Texas Education Agency conduct teacher-training at local education agencies upon request.

Comprehensive adult Vocational Education programs are developed by local education agencies to meet the needs of adults. The Texas Education Agency establishes procedures necessary to administer the program and assists local educational agencies. Technical assistance, consultative assistance, teacher-training, operating procedures and guidelines are provided to local education agencies."

The objectives of the program are to "provide instruction for vocational and avocational skills for adults, 16 years of age and older, and out-of-school youth, including those persons who have dropped out of school before age 18.

Included in instruction are vocational orientation courses, counseling and guidance, occupational skill training for those adults without a saleable skill or in need of skills upgrading or retraining, driver education, second occupation courses, and avocational.

A statement of qualifications on the proposed instructor must be submitted to the Texas Education Agency in all cases except for driver education. The requirements for approval are that the applicant have a college degree and work experience in the occupation which is to be taught. Degree requirements may be waived where trade experience warrants such a waiver. Instructors in driver education are required to have a valid teachers certificate.

WAIVER

An adult bilingual education program is provided in accordance with the state plan for adult education as approved by the State Board of Education and the United States Commissioner of Education.

Bilingual education is provided for adults whose inability to function in the English language constitutes substantial impairment of their ability to obtain or retain employment or participate in day-to-day activities of our culture."

ELIGIBILITY

Eligible persons are those "over the age of compulsory school attendance who are not required to be in regular attendance and whose educational achievement is below the college credit level. (Anyone with a high school diploma or its equivalency is not eligible.)

A Statement of Qualifications is required to be filed with the Texas Education Agency for all personnel. Teachers or adults are selected on the basis of general qualifications, interest in adult education, the ability to work effectively with undereducated adults, and the ability to instruct through the use of English and the native language of the students.

A veterans approval program is provided through the Texas Education Agency which contracts with Veterans Administration and establishes procedures necessary to administer the program of Veterans Approval, in accordance with state and federal requirements.

Veterans, war orphans, widows, and wives of disabled veterans, and service personnel are assisted in receiving academic, vocational, and professional training. Veterans are assisted in receiving a secondary school diploma or an equivalency certificate provided by public and non-public institutions, as well as apprenticeship and other training on the job provided through industry and job training establishments.

VETERANS

DIPLOMA

The work incentive program is provided through the Texas Education Agency which enters into agreements with the Texas Employment Commission and establishes procedures necessary to administer the program.

The program's objective is to upgrade "employment capabilities of certain welfare recipients receiving Aid for Families with Dependent Children (AFDC).

A Statement of Qualifications on the proposed instructor must be submitted to the Texas Education Agency. Normally, the requirements for approval are that the applicant have a college degree and have work experience in the occupation which is to be taught. Degree requirements may be waived where trade experience warrants such a waiver.

The Texas Education Agency provides leadership for various programs designed to meet the educational and rehabilitative needs of persons incarcerated in the State Department of Corrections.

For the purpose of this procedure, a person is eligible for these programs if he[she] is incarcerated in the State Department of Corrections, has not graduated from an accredited high school and is able to benefit from the instructional program offered."

CROSS REFERENCE

III.C.High School Diploma Recipients; Regulation §3544

8. Adult Education

Statutes

§53-27-1 - 53-27-9

Local boards of education may, and "upon the direction of the state board of education must," establish evening classes for "at least two hundred hours during the school year" in "English, the fundamental principles of the Constitution . . ., and American history." The state board of education may make regulations for the "organization and supervision of Americanization school." All aliens between "sixteen and thirty-five" who cannot read, write, and speak English are required to attend "at least four hours a week." Failure to attend or to send a minor child will constitute a misdemeanor. Aliens must register with the district superintendent of schools each year. An "instruction fee" of $10 is required, which shall be used to pay teachers' salaries.

ALIENS

§53-30-2 - 53-30-5

The "control and supervision of adult education" is "vested in the state board of education." Local school boards may raise funds, hire teachers and "establish classes for adults in English, the fundamental principles of democratic government, citizenship, public affairs, workers' education, forums, arts and crafts, general cultural subjects, adult recreation" and other subjects.

The state board of education shall make "rules and regulations" for the adult education program, appoint a "full-time director," determine teachers' qualifications and "issue teaching certificates." The classes shall be open to persons "18 . . . or over" or any person with a high school diploma.

8. Adult Education

CROSS REFERENCE

I.State Board of Education; Statute $164

8. Adult Education

Statutes

§22-222

The school board in any school division which conducts day schools for eight or more months each year may conduct night schools for pupils regardless of age.

REGULATIONS

§180-72-040

"Purpose--Cooperation policy. The major purpose of adult education... is to raise the educational level of adults in the state who have not obtained an education consistent with their ability to learn and to provide adults disadvantaged through lack of a high school diploma with the opportunity to complete their high school education and to obtain proper recognition for it.

"Cooperation in the development and conduct of adult education programs by the educational agencies concerned is essential to achievement of the major purpose.... The provisions of this chapter therefore are designed to reflect and facilitate such cooperation."

§180-72-055

"Adult high school completion education--Policy. Every effort should be made to provide adequate opportunities for adults to complete...high school Provided, That discretion be exercised so that no inducement exists by means of which youth drop out of regularly established school programs."

§180-72-060

"Adult high school completion education--Community college and common school district participation. (1) Program Authorization. A community college district and a common school district...may enter into agreement for the conduct of an adult education program by the common school district in behalf of the community college district when such program will not conflict with an existing program of the same nature and in the same geographical area conducted by the community college district...."

"(3) Cooperative study of needs. Community colleges and common school districts are encouraged to study cooperatively the needs in their own communities for educational services designed for adults..., to provide appropriate programs to meet such needs."
§180-72-070

"Federal programs for adult education. The superintendent ...in cooperation with the state director of community colleges... [shall]...administer the programs of adult education supported ...by federal monies..to those who have not completed the regular high school program and are unable to participate in an organized program of adult courses to obtain certification of educational attainment upon the completion of a specified testing program.

(2) Administration. The superintendent [shall]... establish procedures for the establishment and operation of the certificate of educational competence program...

(3) Minimum requirements. The minimum requirements... may include allowance for educational experiences...as shall be...prescribed by the superintendent...

(4) Examination basis. The superintendent...may authorize the awarding of a certificate of educational competence to those adults unable to participate in an organized program of adult courses and in need of a certificate to qualify for employment or further education and training: Provided, That (a) the applicant submits to a general test of educational competence... and (b) the applicant has attained a satisfactory test result...."

"Regulatory provisions recognize intent of specific acts. The policies, rules and regulations...recognize the intent of (1) chapter 261..., to (a) place major responsibility for adult education in the community colleges, (b) provide for the conduct of adult education programs by the common schools under arrangements between the appropriate community college and common school district, (c) permit the issuance of high school diplomas by the community colleges...and (d) provide for the administration of certain federally supported adult education programs by the superintendent...in cooperation with the state director of

community colleged;(2)boards of directors of common school districts ...[shall]...make arrangements with adults wishing to attend school; and (3) The state board...shall prescribe course requirements for high school completion and issue state high school certificates to those completing the said course."

CROSS REFERENCES

II.A.10. Other - Community Education; Statute 28A.58.247

III.B.Teachers; Regulation §180-80-245

IV.G.; Statute §28A.58.240

8. ADULT EDUCATION

STATUTES

§18-5-19-19c

"The board of education of any district . . . shall have authority to establish and maintain evening classes or night schools, continuation or part-time day schools, and vocational schools, whenever practicable to do so, and shall admit thereto . . . all . . . persons . . . excepting children and youth who are required by law to attend day schools. Boards of education shall have authority . . . to use the schoolhouses and their equipment for such purposes. Any such classes of schools shall be conducted in accordance with the rules and regulations of the state board of education.

"The board of education of any district . . . shall have authority also to provide for the free use of any school property" for community recreation and meetings.

"The board of education of any county shall have authority to enter into contracts of agreement . . . for the education of veterans in special classes of the elementary and high schools of the county.

The board of education of any county shall have authority to provide special classes for adult education and to charge tuition for members of such classes who are twenty-one years of age or over, . . . TUITION

The state superintendent of schools shall have authority to establish in the state department of education a division of veteran and adult education, and to provide for suitable coordination and supervision of such educational programs as are established" pursuant to this section. "All programs [so] established . . . shall be under regulations of the state board of education."

9. Summer Programs

IIA9

9. Summer Programs

Statutes

§51730 -- 51732

A governing body may establish, in connection with any elementary school under its jurisdiction, special day and evening classes and summer schools for instruction in any areas prescribed and authorized for the elementary schools.

These classes may be convened at such hours and for such lengths of time during the school day or evening and at such period and for such length of time during the year as may be determined by the governing authority in accord with state board rules and with the superintendent's approval.

Such classes shall be open to minors and adults who in the judgment of the governing board may profit from the instruction offered.

Regulations

§ 11471-11474

Summer schools may be established by the governing board with prior written approval of the Superintendent of Public Instruction.

Summer school shall include only authorized subjects which shall be of the same level of difficulty as regular classes.

Summer schools shall meet the following time requirements: SCHOOL DAY

Kindergarten -- Not less than 180* minutes per day including recesses for not less than 20 teaching days

Elementary (grades 1-8) -- Not less than 200* minutes per day for not less than 20 teaching days

High School

(grades 7-12)-- Not less than 240 minutes per day
for not less than 30 teaching days

Exemptions from these time requirements may be made by the Superintendent of Public Instruction on the basis of agricultural labor factors, climactic conditions and specialized educational programs.

§ 11475

Summer schools offering work experience education shall:

1) Comply with provisions of Article 5 of Chapter 1 of Division 10 of this code.

2) Maintain one certificated coordinator for every 25 students.

3) Provide for at least 180 minutes of group and individualized instruction each week in work experience.

4) Grant a maximum of ten units of credit.

CROSS REFERENCE

II.A.3; Statute §52382--5239.

9. Summer Programs

Statutes

§22-32-118

A board of education may provide summer school courses and charge fees and give credit for attendance at such courses.

"A board of education may establish and maintain continuation programs, part-time programs, evening programs, vocational programs, programs for aliens, and other opportunity programs and may pay for such programs out of the moneys of the school district or charge a fee or tuition."

A school district may also establish "community education programs" including but not limited to pre-school programs, family education and counselling programs and senior citizens activities. The board "may prescribe the educational activities and rules and regulations governing such programs."

STATUTES
§10-74

TUITION

Summer schools may be established by a town or regional board of education. Attendance is voluntary and the board may charge a reasonable tuition rate.

9. Summer Programs

Statutes

§31-1542

The Board is authorized to conduct summer school, adult education, extended school year, and Americanization programs. Pay for employees of such programs shall be specified by statute.

CROSS REFERENCE

II.A.10.Other-Career Development Center; Regulation; Chap. IV, §405

9. Summer Programs

Statutes

§32-644a

"The board of education of any local unit of administration may . . . provide for continued operation of one or more public schools of the local unit for a period of time beyond the normal school year . . . for the purpose of providing summer school education programs,... enrichment school programs . . . accelerated school programs . . ." and vocational and special education programs. The State Board of Education shall prescribe minimum standards and requirements for all programs.

"Teachers and other professional school personnel employed full time or part time during such period shall be paid additional salary based on the State minimum monthly salary schedule in proportion to the time and services rendered by such personnel . . . . The State Board is authorized to determine the relative need for establishment of any one or more of the various summer school education programs enumerated above, to establish priorities for implementation of such programs, and to allot funds available for this purpose to local units of administration in support of those programs which the state board may . . . deem to be most worthy of state financial support."

Regulations

40-3012

The State Board encourages the operation of summer school programs in local systems as needed. Summer school sessions may include "continuation of prescribed school programs, remedial, enrichment . . . accelerated . . ., vocational . . .(and) special" education and school programs.

"The State Superintendent shall develop for State Board approval . . . requirements and criteria for summer school programs . . .[and] shall insure that salaries of

teachers and other certificated personnel employed for a summer school or for longer school terms" meet the state minimum.

CROSS REFERENCE

II.A.2; Statute §32-609a

REGULATIONS

Rule 51.1

TUITION

a. Effective June 1977, tuition for a full summer term in all grade levels shall be $48.00.

b. Tuition shall be paid prior to the first session.

c. Tuition payments will be refunded on an adjusted basis, as the term progresses but no refund will be made after the third week of summer school.

d. In some cases, tuition payments may be waived on a first-come-first-served basis, provided state appropriated funds are made available to cover such waivers.

REGULATIONS

Accreditation Standards For Secondary Schools:
STANDARD III. E.

Summer schools

Summer session high school shall be approved by the local board and supervised by a certified administrator.

The accumulation of 3 units of summer school work may be accepted as the equivalent of an academic year.

Each school shall have a pupil activity program which shall not be subject to over or under-participation.

Four units courses are the normal yearly amount of work to be carried by the average pupil, excluding music and physical education. Only pupils with high rank in ability and achievement should be allowed to carry additional units. To graduate from an accredited high school a student must complete four years of attendance in grades 9-12.

Schools shall develop and maintain a definite guidance program which includes the following:

Individual and group counseling in the areas of education, employment and personal life.

Maintenance of records that contain pertinent data on all students from entrance to graduation.

Coordination of the guidance program with the total education program, including standardized testing.

Maintaining a counselor-pupil ratio of one counselor to 400 pupils.

Maintenance of a guidance library.

9. Summer Programs

Statutes

§10-22-.33A

Boards may provide summer school courses and charge tuition for attendance.

TUITION

CROSS REFERENCE

II.A.2.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 4-5

REGULATIONS

§II, Ch. 1, Rule E-2

Section 1

Special authorization for summer classes must be obtained from the State Department of Public Instruction.

Section 2

Certified teachers shall conduct the classes.

Section 3

Summer school programs shall be offered free to any bona fide resident of the offering school corporation.

Section 4

The minimum term for such classes shall be 40 days.

Section 5

One credit (1/2 unit) in summer school classes shall require at least 73 clock hours of instruction. Fractional credit may be granted for driver training instruction.

Section 6

No student may earn more than one unit (two 1/2 units) in a given summer.

§II, Ch. 1, Rule E-3

Elementary Summer School Classes

Section 1

Special authorization from the State Department of Public Instruction must be obtained prior to the organization of summer school classes for grades 1-8.

Section 2

All such classes shall be taught by certified teachers, employed under written contracts.

Section 3

All such summer school classes for which state tuition support is paid, shall be offered free to bona fide residents.

Section 4

The minimum term for such classes shall be 30 days and the maximum 40. "The maximum time for any elementary student shall not exceed four hours per day."

CROSS REFERENCE

II.A.5.; Statute §20-10.1-5.5-6

9. Summer Programs

CROSS REFERENCE

III.A.2.; Regulation $91-2-2

9. Summer Programs

CROSS REFERENCE

II.A.1.: Administrative Letter No. 3 8/5/77

9. Summer Programs

Statutes

71 §28

"The school committee may establish and maintain schools to be kept open for the whole or any part of the summer vacation; but attendance thereon shall not be compulsory or be considered as a part of the school attendance required by law."

9. Summer Programs

Statutes

§124.20

Foundation aid shall be paid for summer school programs as provided herein.

CROSS REFERENCES

III.C.School System; Regulation EDU 4

III.C.Student; Regulation EDU 42

REGULATIONS

5 CSR 50-340.050

STANDARDS FOR SUMMER SCHOOL PROGRAMS

A summer school program must be in operation for six weeks and include 160 hours of instruction. State aid is limited to 20 percent of the attendance for the previous term. Programs may be operated at each level and must include instruction in 3 or more of the following: language arts, social studies, math, science, and practical arts. State aid will not be approved for summer school classes that are not authorized by the Department. Transportation and food services may be provided by the local school district. The quality of textbooks and other instructional aids shall be "of equal quality to those used during the regular term."

CROSS REFERENCES

II.A.6.; Regulation 5 CSR 50-820.010--020

9. Summer School

Statutes

§79-1001.02

Regularly enrolled pupils between ages 6 and 15 "deemed by the school administration to be making unsatisfactory progress" shall be required "to attend summer school for up to one half of a regular school day" if the pupils would benefit from it. Classes should emphasize "reading, language arts, and arithmetic, and . . . personality development . . . . Teachers shall be encouraged to design . . . techniques and curricula not usually used during the regular school year . . .[as] new incentives toward learning. Teachers should have a maximum of 15 students or 25 "if assisted full-time by an aide or paraprofessional. . . . Students shall be graded . . . upon their relative degree of striving to improve their skills, attitudes, and personalities." *

3. SUMMER PROGRAMS

REGULATIONS

§6:26-3.1

Regular public elementary school rules shall apply to those elementary summer programs. These summer programs are to be operated free, to district pupils, by the local board.

§6:26-3.2

Members of the district administrative, supervisory or teaching staff who are certified to supervise instruction shall be responsible for administration at the summer session.

Summer session teachers shall hold valid certificates for all subjects they instruct.

§6:26-3.3

Summer session pupil assignments for remedial courses shall rest upon recommendations by principals of schools which pupils regularly attend, naming subjects and purposes for assignments.

The equivalent of one years work in a subject in enrichment or advanced work shall be regarded as a maximum. In remedial work, two subjects shall be regarded as a maximum.

§6:27-3.3

Pupil assignment for summer session remedial courses shall be based on the permission from the principal of the school which the pupil regularly attends, naming the subjects which the pupil may take and the purpose for which each subject is taken. In remedial work two subjects shall be regarded as a maximum.

CROSS REFERENCES

III.A.Pupil: Regulation §6:27-3.1

III.B.Teacher: Regulation §6:27-3.2

9. SUMMER PROGRAMS

CROSS REFERENCES

III.A.2.: Regulation §110.2 - 110.2

III.C.High School Diploma Recipients; Regulation §110.4

9. SUMMER SCHOOL

STATUTES

§115-205.19

Summer schools may be established by any county or city board of education. The standards for such programs shall be those "developed by the State Board of Education" and include "the requirements for approved curriculum, the qualifications of the personnel, the length of the session" and the credits to be granted.

CROSS REFERENCE

II.A.1.; Regulation §2E.0103

9. Summer Programs

CROSS REFERENCES

II.A.1.; Regulation, Ch. V.: III.3.

II.A.10.Other - Correspondance Courses: Regulation,Chapter III:VIII.A.

9. Summer Program

Statutes

§3313.57

Subject to parental approval boards of education may provide "activities for children during the summer vacation period which will promote their health, their civic and vocational competence, and their industry, recreation, character, or thrift." Subject to state board approval "the successful completion of such vacation activities may be required for promotions and diplomas of graduation; but the completion by any child of such vacation activities shall not be prerequisite to the issuance of an age and schooling certificate for such child." Expenses may be paid by the board.

DIPLOMA

§3313.641

"... the board... of a city, exempted village, or local school district may ... operate a summer school, an evening or day school for adults and out-of-school youths, or technical school or institute for instruction beyond high school, offer driver education courses.... [or] offer postgraduate work in any course of instruction to pupils who have completed the twelfth grade, which may be open to any pupil irrespective of his age... upon payment of such tuition as the board prescribes. Courses of instruction in basic literacy may be offered with or without tuition, as the board determines."

TUITION

9. Summer Programs

CROSS REFERENCE

III.A.1; Regulation, High School Regulations:
XI. Summer High Schools; pp. 68-69

9. Summer Programs

CROSS REFERENCE

III.A.1; Regulation §43-240

9. Summer Programs

CROSS REFERENCES

I.State Superintendent of Schools; Statute §13-1-25

II.A.4.; Statute §13-33-3

9. SUMMER PROGRAMS

REGULATIONS

pp.75 — 76

"Summer schools organized and operated as a part of the public school program shall be under the control and management of the board of education having jurisdiction and shall comply with rules and regulations prescribed by the state and local boards of education. The qualifications of the teachers, the equipment, and the standards enforced shall be the same as in the regular school term. All summer school work shall be organized by, and under the direction of, the principal or a qualified person designated by the local board of education. All summer school classes shall meet in the school building. A preliminary report in quadruplicate showing the organization of the summer school, the certification of teachers, the schedule of classes, etc., shall be sent to the State Commissioner of Education for approval immediately after the beginning of the summer school period. A final report shall be sent to the State Commissioner of Education immediately after the closing of the summer school session."

9. Summer Programs

Statutes

§22-21.3

Any vacation school or summer camp operated by the State Board of Education or Department of Education shall be available to school-age children regardless of whether they attend public or private schools during the regular school year.

CROSS REFERENCE

IV.A.; Statute §22-55

9. Summer Programs

Statutes

§28A.58.080

"Every school district board of directors is authorized to establish and operate summer and/or student vacation period programs . . . . Attendance shall be voluntary."

CROSS REFERENCES

II.C.3.; Statute §28A.58.105

9. Summer Programs

Statutes

§18-5-39

In order to meet the needs of students for remedial or accelerated instruction, a separate summer school program is established.

"The board of . . . any county shall have authority to establish a summer school program utilizing the public school facilities and to charge tuition to students who attend . . .[A]ny deserving pupil whose parents, in the judgment of the board, are unable to pay such tuition, may attend without charge. The . . . board . . . shall have the authority to determine the term and curriculum of such summer schools based upon the particular needs of the individual county. The curriculum may include . . . remedial instruction, accelerated instruction, and the teaching of manual arts. The term of such summer school program may not . . . interfere with the regular school term.

The . . . boards . . . may employ as teachers for this summer school program any certified teacher. Teachers [so] employed . . . shall be paid an amount to be determined by the board and shall enter into a contract of employment."

9. Summer Programs

Statutes

§118.04

Any school board may elect to operate summer classes or to permit pupils to attend summer classes operated by another school district on a tuition basis. The school board shall make rules governing attendance and may allow children residing in the school district during the summer sessions the status of residents of the district for attendance purposes. Children may be permitted to attend summer classes in another district upon payment of a nonresident tuition; tuition shall not be charged for students who are residents of the school district.

TUITION

10. Other Programs

10. Other - Educational Programs in Prisons

CROSS REFERENCE

I.State Board of Education: Statute §16-3-20

10. Other - Citizenship Night Schools

Regulations

4AAC 33.010

Citizenship night schools shall be established in communities where there is sufficient demand and funds appropriated. The cost shall be reimbursed by the state.

10. Other - Community School Program

Statutes

§14.36.010 -- 14.36.070

It is the intent of the legislature that Alaska develop a program of grants to assist the development of community schools and provide technical assistance and coordination for the community school program. The community school program is designed to promote a "more efficient use of school facilities through an extension of buildings and equipment beyond the normal school day." To receive a grant, a local attendance area shall develop "a comprehensive plan for the community school program, including, but not limited to, before and after school hours activities for both children and adults, continued educational programs for children and adults, and cultural enrichment and recreational activities for citizens in the community."

10. Other-Correspondance Courses

Regulations

4AAC 33.030

"(a) Students living in localities where they do not have daily access to a regular school program for their education grade level may apply for enrollment in the department's centralized correspondence study program at any time.

(b) Students living in localities where they have daily access to a regular school program for their education grade level who choose to participate in the department's centralized correspondence study program must apply for enrollment in the department's program before the end of the first quarter of the school year. Applications received by the department after that date will be processed as applications for enrollments for the following school year, unless the commissioner approves an earlier enrollment date.

(c) Students enrolled in the department's centralized correspondence study program who voluntarily drop the program during a school year without the permission of the department for good cause shown and enroll in a regular school program to which they have daily access may not be included in the local school district's computation of average daily membership for that school year. The local school district may, in its discretion, charge those students the same tuition rate which it would charge students attending its school who reside outside the school district.

(d) The commissioner may require progress reports from students enrolled in the department's correspondence study program as he[she] considers necessary, and he[she] shall, in the absence of good cause shown, refuse to furnish additional courses if satisfactory student participation or progress is not noted."

CROSS REFERENCE

III.C.School System; Regulation 4 AAC 33.080

10. Other-Community School Program

Statutes

§15-1171 -- 1176

High school and common school districts may enter into agreements to construct and develop recreational facilities on public school property. The establishment of "community school programs" will serve the community by providing recreation and supplementary education. Any school district board may establish a community school program and may charge tuition and fees for its use.

CROSS REFERENCE

IV.E.; Statute §15-1171 -- 1176

10. Other - Native American Education

Statutes

§15-1161

The state board of education may enter into contracts with the Department of the Interior to provide for the education of Indians in the public schools.

10. Other-Teacher Training Schools

Statutes

§15-901--903

Teacher training schools shall be part of the public school system and governed by the same laws. Teachers need not be certified in order to teach in the training schools. The district board of trustees shall supervise the school and prescribe rules for the admission and attendance of school age children.

10. Other - Abstract Mathematics Program

Statutes

§ 54682 -- 54689

Any district maintaining an elementary school with a high percentage of educationally needy children, meeting provisions of Title I of the Elementary and Secondary Education Act of 1965, as amended, is eligible for the abstract, conceptually oriented mathematics program and may apply to the state superintendent for approval of the establishment of such a program. "Abstract, conceptually oriented mathematics" means mathematics which includes such general topics as algebra, number theory, set theory, elementary logic, coordinate geometry, combinations, and intuitive geometry and which are taught at secondary or college level sophistication, with an approach annual at the understanding of the underlying relationships and structure of mathematics.

The number of districts whose applications may be approved shall not exceed 4.

Abstract, conceptually oriented mathematics classes shall be in addition to regular mathematics classes for educationally needy children in participating schools. Consisting of at least 40 minutes, but not more than 60 minutes, each and utilizing the discovery method (a mode of teaching that assures attentive answers through questioning and inductive reasoning), they shall be held not less than four times per week on separate days of the week.

In-service training of a local teaching staff shall be accomplished by having the regular classroom teacher present during the project class sessions. The mathematics specialist shall consult for at least one additional period per week with the school district staff involved in the project.

The mathematics specialist shall have at least the equivalent of 36 semester hour credits in mathematics from an accredited college or university.

The state superintendent may contract with a nonprofit corporation knowledgeable about an abstract, conceptually oriented mathematics program to carry out §54682 et seq., including but not limited to: recruiting, training, placing, and and supervising the mathematics specialists, coordinating all matters, and providing in-service training.

The program shall be monitored by the state superintendent to ensure that classes are conducted according to the contract. The superintendent shall withhold funding for classes that do not satisfy the contractual agreement.

The superintendent shall publish guidelines for participating districts which shall contain specific instructions for the systematic collection of necessary information.

The state superintendent shall provide for an evaluation of the district, conceptually oriented mathematics program, which shall include, but not be limited to: an assessment of its impact on mathematics achievement of target pupils and an analysis of changes in motivation, interest, and self-image among the same pupils. The superintendent shall contract with an independent, non-profit agency to conduct all of the evalution.

The superintendent shall report at least annually the findings of such evaluations to the state board.

REGULATIONS

§ 11301-11306

Applicants for specialized math programs must follow program "Guidelines". Mathematics achievement tests shall be given to pupils in classes participating in the programs to determine the effectiveness of the program. Tests shall be submitted to the Department of Education for scoring and statistical analysis.

TESTING

Districts administering programs shall submit an annual report and any other reports required by the Department.

§ 11320-11325

The following standards apply to Program I to improve mathematics instruction:

a) The district is willing to conduct the program for its duration or for three years.

b) A control class is paired with each class taught by a Program 1 teacher and mathematics is taught in a participating class the same amount of time as in a control class.

c) Instructional materials for in-service training are paid for by the State.

d) Each participating class is instructed for 40 minutes four days a week.

§ 11330

The following standards apply to an accelerated math program:

(a) Only pupils with demonstrated aptitude and talent for mathematics are in the program.

(b) Materials produced by the program are made available to the State Department of Education for distribution to public schools.

(c) The district files a copy of the fully executed contract with a neighboring cooperating junior college, college or university ... [and with] ... the Department of Education.

10. Other - Alternative Schools

Statutes

§58500 -- 58514

A governing board may establish and maintain one or more alternative schools.

An alternative school or class shall be designed: to maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, resourcefulness, courage, creativity, responsibility, and joy; to maintain a learning situation maximizing student self-motivation and encouraging students in their own time to follow their own interests; maximize cooperation between teachers, parents, and

students in the learning process; and maximize the opportunity of students, teachers, and parents to react continuously to the changing world.

A notice describing the character of an alternative school shall be sent along with the notification of parents and guardians required by §58980. The notice shall indicate that the law authorizes interested persons to request a governing board to establish alternative school programs.

A copy of this notice shall also be distributed annually to each teacher of the district and posted conspicuously in schools and educational buildings.

A parent or guardian of any pupil may request the governing board to establish an alternative school program.

Provisions related to alternative schools (§§58500 to 58514) shall cease to be operative July 1, 1980, and are then repealed.

Teachers employed and students enrolled in an alternative schools shall be selected entirely from volunteers. Previous classroom performance shall not be a criterion limiting any student from attending.

There shall be no racial, sex, or ethnic discrimination in any aspect of the operation of alternative schools.

EQUAL OPPORTUNITY

Each district may enroll not more than 10 percent of its total average daily attendance during the preceding fiscal year in alternative schools. The maximum percentage may be waived by the state superintendent if the district shows that it is continuing to operate its alternative program without loss of its experimental value. However, the state superintendent shall not waive any provision of this code (as under §58509) for a district which exceeds the maximum.

Alternative schools shall be operated in a manner to maximize the opportunity for improvement of the general school curriculum by innovative methods and ideas developed within the alternative school operation.

Any alternative school shall be maintained and funded by the district at the same level of support as other educational programs.

For the operation of alternative schools, the state

superintendent may waive any provision of this code other than those relating to earthquake safety and provisions §§58500 to 58514.

EVALUATION

Each district operating an alternative school shall annually evaluate it. The evaluation shall include pre- and post-testing of basic skills and identify variables which may have affected student academic achievement, and shall be sent annually to the state superintendent. The state superintendent shall annually submit to the Legislature a report showing the number and type of alternative schools being operated and their success as reported by the districts.

The state superintendent shall establish minimum standards to further implement the definition of alternative schools used by §58500.

A governing board may provide in whole or in part for the transportation of a pupil attending an alternative school or pay to the parent or guardin a sum covering the actual cost of transporting a pupil. In no case, however, shall a district's state apportionment for transportation be increased because of the operation of an alternative school.

REGULATIONS

§ 11651-11654

Alternative schools may be established pursuant to Article 2.3, Chapter 6, Division 6, Part 2 of the Education Code. A district which approves an alternative school shall "notify the Superintendent of Public Instruction giving the name, expected enrollment and beginning date of the school.

WAIVER

Each district may submit an application for an enrollment waiver pursuant to Education Code Section 5813.5 or 5816.

EVALUATION

Any district establishing an alternative school shall provide an annual evaluation of that school according to the requirements of Section 5816.5 of the Education Code.

10. Other - Child Development Program

Statutes

§8200 -- 8201

The purpose of this chapter is as follows:

(a) as part of the education system provides for the care and development of children in the absence of their parents which places primary emphasis on: 1) the preparation of preschool age children for effective matriculation in the education programs of their community when they reach school age, and 2) the improved educational performance of children of school age with particular emphasis upon those children who require special assistance including bilingual capabilities to attain their full potential;

(b) provide parents with an opportunity to reach the level where they may offer proper care for their children;

(c) provide a comprehensive system of child development services.

§8202

No child shall be hungry while in attendance in child development facilities. These facilities have an obligation to provide for the nutritional need of children in attendance.

§8203 -- 8206; 8211

In providing child development programs priority will be given to children of families who qualify as low-income and disadvantaged. All programs and assistance for the aid of such children shall be sought out. It will be the Department of Education that is responsible for the promotion, development, and provision of care for such children.

Child development services may include:

(a) activities for prekindergarten children; (b) full or part-day supervision, etc. for children 14 years of

age or younger; (c) full-or-part-day supervision, etc. for children five years of age or younger; (d) full or part-day supervision, etc. for children 14 years of age or younger, for less than 24 hours a day, in a licensed home; (e) instruction in children's developmental activities for parents with prekindergarten children; (f) necessary social services; (g) health screening and health treatment; (h) nutrition services; (i) late-hour supervision.

§8240 -- 8250

The Department of Education shall develop and promote a full range of services as are essential to the creation of a child development program which will meet a wide variety of child needs. Priority shall be given to the employment of persons in such programs with ethnic background which are similar to those of the children receiving services.

The state shall also offer training and job opportunities in local child development programs for recipients of public assistance.

The Superintendent of Instruction shall be held responsible for a range of programs for child development where the need exists; and he/she shall enter into appropriate agreements to that end.

In addition to these duties, the Superintendent of Instruction shall:

(1) adopt rules and regulations that provide for procedures and standards for the accreditation of neighborhood family day care homes; (2) be responsible for the formulation and conducting of public hearings essential to the establishment and promotion of all aspects of child care; (3) provide a basic plan for the filing of claims, etc., (4) adopt rules for determining eligibility and priority of service; (5) establish a fee schedule for families utilizing child development services, no recipient of such services shall pay a fee.

RULEMAKING

Representatives of higher education in California may establish and maintain child development centers on or near their respective campuses.

MEDICAL EXAMINATION

IMMUNIZATION

WAIVER

§8252 -- 8256

No standard, rule or regulation shall require medical examination or immunization for admission to a child's center of a child whose parent or guardian files a letter stating that such is contrary to his/her religious beliefs.

The State Board of Education shall prescribe minimum education standards for child development programs.

For the purpose of bettering child development programs the Governor shall appoint an advisory committee comprised of selected persons from different sectors of the community, which will assist and evaluate.

Arrangements shall be made for the employment of the community social service personnel deemed necessary to provide the necessary services for those parent-child adjustment problems which arise.

Standards shall be established for the qualification of any child development facilities as places of instruction and on-the-job training in pre-school child development services fulfilling requirements for teaching credentials and permits persons enrolled in child development courses.

§8280 -- 8285

This section provides for the establishment of a pilot study to develop and test a coordinated child care delivery system which shall provide the parent a choice in selecting quality child care to fit their needs. This section also provides for the selection of the site for such a pilot study, which is to be administered by the Department of Education, with the Director of the Department of Finance and the Secretary of Health and Welfare Agency serving in an advisory capacity.

§8320 -- 8370

The governing board of any school district is authorized to establish and maintain child development programs. The superintendent of schools in each county shall have the same authority to establish children in centers as governing boards of schools.

Children residing in other districts may attend child development facilities.

Employees in preschool and other types of child development services shall have the same rights and privileges as are granted to employees of the same agencies in children's centers.

Participants in the program may be provided with work incentive programs.

Funds, agremeents and budgets are to be established by the governing board of any school district for the purpose of aiding the child development program.

The governing board of a school district shall employ in a children's center only such persons who hold permits properly issued, and these persons shall be required to have proper physical examinations.

A high school student or any other adult shall be selected by the governing board of a school district to serve as nonteaching personnel to perform noninstructional work.

Children's center permits may be either regular or provisional in nature.

A special child development permit shall be issued to any person employed as a supervisor conducting a child care and development program under contract with a county who did not meet the requirements for an emergency instructional permit authorizing service in children's centers, and shall be valid for 36 months. During this period of time, given certain requirements are met, a person may be issued either an emergency instructional permit or a supervision permit.

Service under a provisional permit shall not be included in computing the service required as a prerequisite to attainment of classification as a permanent employee of a children's center. Temporary certificates may be issued for the purpose of authorizing salary payments to children's center employees whose permit applications are being processed.

Each person requiring a permit shall be deemed to be employed in a position requiring certification qualifications. Such employees may be laid off at any time for lack of work, funds, etc. All such employees to be included in the retirement system, and shall receive all proper compensations.

REGULATIONS

§ 18010-18013

Campus Child Development Programs may be operated by public or private non-profit agencies.

The program shall be located on the campus.

Parents who are enrolled in an approved academic or vocational program or an educational work-in-training program in a public or private post-secondary institution leading to a "degree," or "diploma" as defined in Section 29002 of the Education Code, are eligible for subsidized child care in a Campus Child Development Program if the family's gross income falls within or below the income range established by the Superintendent of Public Instruction.

The Campus Child Development Program may provide services for infants and children up to 14 years of age, to the extent that facilities allow.

Student families who are not eligible for State subsidy may be enrolled at full hourly cost providing the services rendered to all families are comparable.

§ 18014-18015

The programs shall be maintained for daily hours as determined by the governing board of the Operating Agency. The Operating Agency shall provide the following services to student families enrolled:

(a) Supervised care of students' children while the parent or parents are attending classes, working, counseling, studying or preparing for and taking examinations.

(b) An educational program for the children commensurate with their individual developmental needs.

(c) Nutrition in the form of breakfast, lunch or

snacks, as determined by local need.

(d) Opportunities for the parents to participate with their children at the site, to become members of the Advisory Council, and to attend parent education classes.

(e) Health Screening, immunization and referral services to the extent that campus and community health facilities are available.

(f) Social services including referrals for family counseling available on campus or at other public or private community agencies.

§ 18016

Each agency shall develop and make available to the public, written admission procedures according to local needs and as required by this article. These procedures shall include, but need not be limited to, those set forth in Section 18150(c), (d), (e) and (f) of this title. The parent(s) class, work or study schedule shall be included in the information obtained pursuant to Section 18150(f)(2)(B).

§ 18019

Attendance records shall be kept in accordance with requirements of the Superintendent of Public Instruction. The following attendance records shall be kept:

(a) A record of hours of attendance shall be kept separately for state-eligible children. This attendance record shall be supported by a sign-in, sign-out time system for recording daily attendance.

(b) A record of absence due to illness or quarantine shall be kept and verified by contact with the parent. Absence due to illness or quarantine when properly verified is allowable as attendance for reimbursement purposes for the number of hours per day for which the child is enrolled.

§ 18021

Physical facilities shall comply with all applicable state and local statutes and ordinances, and standards prescribed in Section 18169 of this title and shall be appropriate to the needs of the children in the program.

§ 18024

Each agency operating a Campus Child Development Program shall establish an evaluation procedure related to program objectives. Documents shall be kept to support the evaluation results and shall be submitted to the Superintendent of Public Instruction as required.

Programs may be evaluated periodically by the State Department of Education in a form and manner determined by the Superintendent of Public Instruction.

CROSS REFERENCES

III.B.Teachers; Regulation §18020

III.D.Child Development Program; §18022

10. Other - Citizenship Classes

Statutes

§52550--52556

In counties in which the U.S. district courts are located, the county superintendent shall obtain monthly from the court clerk the names and addresses of all persons filing declarations of intention to become U.S. citizens or petitions for naturalization. The superintendent shall send a notice to the applicants stating that the governing board shall establish upon application classes in training for citizenship.

Upon application of 25 or more persons, the governing board shall establish such classes. Upon demand the board may establish the classes with a lesser number of applicants. Application shall be made in time to permit the governing board to arrange to meet the expenses of the classes.

Upon satisfactory evidence that a district required to do so has failed to establish citizenship classes, the state and county superintendents may withhold 5 percent of state and county apportionments until the district has complied.

COURSE OF STUDY

The course of study in citizenship training shall consist of the teaching of U.S. history, state and community civics, the U.S. Constitution, and allied subjects such as will properly prepare the applicants to assume the responsibilities of citizenship.

Classes shall be held at least twice a week for three months. At the close of this period if enrollment has fallen to 10 or less, the governing board may discontinue the class for that year.

10. Other - Community Service Classes

Statutes

§51810 -- 51815

A governing board maintaining secondary schools is authorized without state approval to establish community service classes in areas of civic, vocational, literacy, health, homemaking, technical and general education.

Such classes shall be open to adults and such minors as may profit from them. They may be convened at such hours and for such length of time during the day or evening and at such period for such length of time during the school year as the governing board determines. Governing boards shall have the authority to grant appropriate certificates of accomplishment in such classes.

Attendance shall not be reported to the state and no state apportionment shall be made for the maintenance of such classes.

Governing boards may expend from the general fund any money budgeted for community services to maintain community service classes and may charge fees or may provide instruction for remuneration by contract, or with contributions or donations.

10. Other - Continuation School

Statutes

§48430; 48436

Continuation education schools and classes shall attempt to meet special educational needs of pupils by providing an opportunity for the completion of required academic courses for high school graduation, a program of individualized instruction emphasizing occupational orientation or a work-study schedule, an individualized program of instruction and guidance for pupils with behavior or severe attendance problems, or a combination of these.

The state board shall prescribe and enforce standards and regulations for guidance and instructional programs in continuation education, for reimbursement for it, and for personnel certification.

§48431; 48432; 48437; 48438

The governing board of each high school and each unified school district shall establish special continuation education classes and may establish regional occupational programs, whenever there are minors in the district subject to compulsory continuation education.

The state department may exempt a school from this requirement if there are fewer than 100 students enrolled in grade 12 or if a district seeking exemption has entered into an agreement with another district to maintain special continuation classes for minors in either district (but not if the agreement would make it necessary for such minor to travel an excessive distance from their homes).

If there is a regional occupational program within a county, a governing board may enroll minors, otherwise subject to, and in lieu of, continuation education, in the program.

A governing board: shall establish a program of guidance, placement, and followup for all minors subject to compulsory continuation education; may accept and expend federal funds and other funds for purposes of continuation

education; and shall provide for an independent study of the effectiveness of its program and file it with the state department.

§48433; 48434; 48435

Continuation classes shall provide suitable instruction for persons required to participate in them. At least four 60-minute hours of instruction per week for each minor within the district who is subject to compulsory education shall be provided.

Such classes shall be maintained between 8 a.m. and 5 p.m. or, if the governing board deems it necessary, 6:30 p.m. However, if a district maintains adult classes, continuation classes may be held when adult classes are held, day or evening.

CROSS REFERENCE

IV.G; Statute §48413

10. Other - Correspondence Instruction

Statutes

§51740 -- 51741

A governing board maintaining secondary schools may, subject to rules prescribed by the state board and on the state superintendent's authorization, provide pupils enrolled in regular day schools of the district with instruction by correspondence provided by the University of California, or other university or college in California accredited for teacher training, in subjects included within or related to the course of study offered

in the school and which for good reason cannot be taken by the pupil.

A governing board may also provide veterans enrolled in district schools with correspondence instruction provided by institutions referred to above or by any other university, college, school or institution approved by the state superintendent in subjects necessary to adjust the veteran to an occupation and which, for good reason, cannot be given in the school.

In either case, the governing board shall pay for the instruction.

10. Other - Data Processing Program Center

§10500 -- 10556

The governing board of a school district may establish and maintain educational data processing centers.

A regional education data center may consist of either of the following: (a) one educational data processing center having an average daily attendance of 100,000 or more pupils; (b) one such center that provides data processing services to two or more school districts within or without the county, having a combined average daily attendance of not less than 100,000 or more than 300,000 pupils.

The functions of such centers shall include the processing and reporting of information relating to programs of instruction, school business administration, and pupil personnel data.

Requirements for such a center include: (a) it must possess equipment, personnel and funds sufficient to convert and correlate basic source material into data processing form by use of a basic data system; (b) it meets established minimum standards.

There shall also be administered an independent data-processing center, that is to be overseen by a board composed of one representative of each of the

participating local education agencies and one public member who shall be appointed.

The board of such a center: (a) shall adopt rules and regulations for its own government; (b) shall determine the location of the center; (c) shall establish and administer the operating budget of the center; (d) may contract with public or private agencies for service or with participating local education agencies; (e) may employ such staff as the board deems necessary.

10. Other - Demonstration Scholarship Program
§58000 -- 58051

It is the intent of the Legislature to enable one or more school districts to participate in no more than four demonstration programs designed to develop and test the use of education scholarships for school children.

The Demonstration Scholarship Program is designed to test the proposition that permitting school children at all levels and parents to choose among schools, including schools offering different approaches to instruction, will develop a school system move responsive to the students it serves.

A governing board or combination of governing boards may contract with a state or federal governmental agency to establish a demonstration scholarship program and to receive funds to support such programs. Any governing board decision related to such a program is a proper subject for meeting and conferring under §7100 et seq.

The demonstration scholarship program shall be administered by the demonstration board (the governing board or combination of governing boards or a board appointed by participating boards, contracting with a state or federal agency, to conduct the program). The demonstration board shall adopt regulations for the administration of the program, providing that: comprehensive information on all eligible schools and available opportunities under the program shall be disseminated to the parent or guardian of each eligible child in the demonstration area prior to the commencement of the school year for which the demonstration scholarships are to be issued; and the demonstration board shall ascertain that no arbitrary action by any school would

invalidate the admissions standards, and may review, approve, and disapprove the expulsion or suspension of any student by any eligible school.

There shall be an advisory board consisting of parents, teachers, administrators, and other appropriate persons selected by procedures developed by the demonstration board.

Scholarship funds may be made available for the 1973-1974 school year and for six subsequent years.

The demonstration board shall award a scholarship to each school child residing in the demonstration area, subject only to age and grade restrictions which it may establish. Scholarship funds shall be made available to the parent or legal guardian of a scholarship recipient in the form of a voucher, drawing right, or certificate which may not be redeemed except by participating schools. All scholarships are exempt from state income taxes.

The demonstration board shall establish the amount of the scholarship in a fair manner. There shall be a basic scholarship for every eligible student; the method of computing the scholarship's value shall be included in the contract. In addition, there shall be a compensatory scholarship for disadvantaged children; the amount and the manner by which children may qualify for it shall be included in the contract.

The contract shall provide for additional pupil transportation costs incurred by the district as a result of the demonstration.

The demonstration board shall authorize the parents or guardians of scholarship recipients to use demonstration scholarships at any school in which the scholarship recipient is enrolled which also: (a) Meets all health and safety standards (b) Does not discriminate in the admission of students and the hiring of teachers on the basis of race, religion, color, national origin, economic status, political affiliation, or sex, and has filed a certificate with the state board that the school is in compliance with Title VI of the Civil Rights Act of 1964; and provides that students from racial or bilingual minority groups be admitted in proportion as such

students make application; and takes an affirmative position to secure an integrated student body, reflecting the racial, ethnic, and socioeconomic composition of the demonstration area. Any school that receives applications in excess of enrollment capacity shall fill at least 50 percent of its enrollment capacity by a lottery among applicants, except when the contract provides that students currently enrolled and their younger siblings are not subject to the lottery. The demonstration board shall immediately investigate all complaints of violations and shall suspend redemption of any scholarships by any school or violation. The demonstration board's decision shall be final, except for any subsequent judicial review. If an otherwise eligible school is subsequently found ineligible, the demonstration board shall immediately notify parents and guardians of students in attendance of such ineligibility and shall provide for the student's continuing education at another school.

TUITION

(c) In no case levies any tuition or charge to the student above the value of the scholarship.

(d) Files with the demonstration board a statement of financial responsibility.

(e) Provides public access to all financial and administrative records and provides to parents and guardians comprehensive written information on courses of study offered, curriculum materials and textbooks, personnel qualifications, salary schedules, the minimum school day, the actual maount of money spent per pupil, and such other information as the demonstration board requires.

(f) Offers a comprehensive course of study in the basic skill areas of mathematics and the English language.

(g) Maintains a register of reports, including monthly attendance.

(h) Expends scholarship funds exclusively for the secular education of students.

A participating local board: shall not require a certificated employee of the district to serve in a participating school except according to procedures approved by the certificated employee council of the demonstration area; shall

involve certificated employees in the development of the program; shall employ in each school a teacher coordinator, selected by teachers in the school and assigned coordinator duties in place of a portion of regular teaching assignments; and shall make available in-service training relevant to the program.

SUSPENSION

NOTICE

HEARING

The demonstration board: may suspend redemption of scholarships by any school not complying with provisions related to the program, after notice and hearings; shall establish a parent-teacher needs assessment committee to evaluate how well educational needs of pupils in the demonstration area are being met by participating schools; may rent or lease any of its property or facilities for the program's duration; may authorize any certificated or classified employee to take a leave of absence for the duration of the program to accept employment directly related to the program; may employ a staff for the demonstration board; may receive and expend funds to support the program; may contract with other public and private agencies to provide or receive services or materials; may determine rules for the use of scholarships in the demonstration area and for its own government; establish criteria for and make selection of textbooks, regardless of provisions elsewhere in this code; and shall develop an evaluation system for the program.

Meetings of the demonstration board shall be open to the public. Residents of the demonstration area shall be afforded the regular opportunity to express themselves before the board.

The state superintendent and other educational officers shall take actions within their power to assure that the demonstration board and participating schools have sufficient flexibility to carry out the intent of the program.

WAIVER

The state superintendent may waive selectively the application of provisions of this code (except for those of this chapter); at a demonstration board's request. Such waiver may be requested on behalf of participating schools and on behalf of certain non-participating schools within the demonstration area. The purpose of waivers to non-participating schools is to permit the establishment of a control group of schools of comparable characteristics and size with the flexibility to

innovate in education without using demonstration scholarships. Thus, the progress of students and the type and variety of educational offerings of control group schools may be compared with that of schools participating in the Demonstration Scholarship Program.

The participating local board shall receive all public funds allocable to the demonstration area and transfer these funds to the demonstration board for use in the demonstration scholarship program.

Participating schools may receive grants or gifts from foundations, charitable trusts, governmental agencies, or other public or private sources. Participating schools shall maintain financial records which clearly report all income used to defray actual costs of educating students in attendance. This, however, shall not be construed to permit schools to receive funds for the purpose of supplementing the demonstration scholarships.

A demonstration board may permit privately owned schools to participate in the demonstration scholarship program on a selective and experimental basis, provided that such a privately owned school, for the duration of its participation, shall operate under the exclusive control of officers of the public schools, specifically, the demonstration board, and shall meet all requirements of this code. Each participating privately owned school shall enter into an agreement with the demonstration board setting the terms of participation.

"Privately owned school" shall exclude any institution controlled by any religious creed, church or, demonination or with its goal, the furtherance of any religious creed, church, or denomination.

The demonstration board's control shall include the power: to promulgate general regulations regarding the use of demonstration scholarships; to establish the amount of scholarships; to prescribe regulations binding on participating schools; to establish standards for teachers, instructors, and textbooks; to review and approve the supervision or expulsion of a pupil at a participating school; and to make any appropriate use of participating school facilities, equipment and supplies.

10. Other - Dropout Prevention Program

Statutes

§54661 -- 54663

Elementary and secondary school dropout prevention programs shall be established to reduce the number of children who do not complete elementary and secondary education in urban and rural schools with higher concentrations of children from low-income families and with high dropout rates. It is the legislature's intent that all existing district, state, and federal programs related to dropout prevention be integrated with dropout prevention programs created hereby.

Any district may submit an application to establish a dropout prevention program with a detailed plan including the following:

(a) a description of the proposed programs including innovative methods system, materials, and performance objectives;

(b) proposed procedures to coordinate the program with other dropout prevention programs;

(c) evaluative techniques and objective measures to be used;

(d) proposed educational and administrative staffing;

(e) steps taken to develop the proposed program, including involvement of potential participants and their families; and

(f) the district's elementary and secondary dropout rate for the three years preceding the application.

In approving applications, the state board shall give priority to acceptable applications from districts with the highest concentrations of children from families with an annual income of $4,000 or less and district which exceed the average statewide dropout rate.

The state board shall adopt regulations necessary to implement §54661 et seq. and allocate funds for these purposes and may grant waivers for any education code provision as may be necessary for the development of an effective dropout prevention program.

Districts with such programs shall report to the state board the effectiveness of programs in reducing the number of dropouts. On the basis of such reports, the state board shall

report annually to the Legislature on the success of the program and make recommendations for improvements.

The Department of Education shall administer provisions related to dropout prevention and all programs financed under Title VIII of the Elementary and Secondary Act of 1965. The state board shall allocate funds annually received by California under this Title.

10. Other - Education of Prisoners

Statutes

§1900 -- 1909

Classes or schools shall be maintained for prisoners in any county jails, county industrial farm or joint county road camp for the purpose of providing instruction in civics, vocational, literacy, health, homemaking, technical and general education. Under this provision diplomas or certificates may be awarded upon successful completion of a prescribed course of study.

Classes or schools may be established and maintained in connection with the jail facilities for the education and vocational training of the prisoners. Necessary funds shall be transferred as necessary for such programs. The provisions herein are applicable only to Riverside and Marin County.

10. Other - Emergency Schools

Statutes

§1920 -- 1925

This article deals with providing elementary education for children residing in a county or for children of migratory laborers engaged in seasonal industries within the county whenever an emergency school education is necessary.

This shall include the maintenance of said schools, the providing of teachers, and transportation for pupils involved.

This provision includes the purchase and/or construction of building and sites for such schools. The formula for computation of average daily attendance is provided.

10. Other - Evening Schools

Statutes

§51720 -- 51724

A governing board maintaining a high school and a continuation education program may establish evening high school programs for minors subject to compulsory attendance. A governing board may establish the number of days and the specific days of the week on which such a session shall be in session as well as the number of hours each day.

The program shall consist of courses similar to the regular high school curriculum. Credit for course work shall be acceptable by all regular day high schools of the district.

The attendance of a minor at an evening high school shall be voluntary, but the written permission of the minor's parent or guardian is required.

A pupil's attendance in an evening high school program shall not result in the crediting of more than one unit of average daily attendance, even if the pupil also attends one or more classes in the regular high schools of the district.

10. Other - Evening Study Halls

§51710

The governing board of any district maintaining a high school may establish evening study halls for high school pupils. Evening study halls shall be under the supervision of certificated personnel employed at the high school who volunteer their services. The compensation for such personnel shall be in amounts determined by the governing board and be paid solely from revenues provided by the district.

CROSS REFERENCE

II.A.9; Statute §51730--51732

10. Other - Farm Labor Driver Training Course

Statutes

§40070

The Department of Education shall develop a course for the training of farm labor vehicle drivers that will provide them with the skills and knowledge necessary to prepare them for an examination for certification.

10. Other - Home Instruction

Statutes

§51800 -- 51802

A governing board may employ "home teachers" not exceeding one teacher for every 500 units of average daily attendance in the elementary or high schools of the district to work in the homes of pupils, instructing children and adults in matters relating to school attendance, in sanitation, in the English language, in household duties, and in the fundamental principles of the American system of government.

Home teaching for pupils afflicted with any sort of handicap may be provided on Saturday. No pupil shall be required to attend home teaching on Saturday without the consent of the parent or guardian.

10. Other - Independent Study Program

Regulations

§ 11701-11703

The governing board of any school district conducting independent study shall adopt written policies to govern such study.

Written agreements which include:

1) a statement of objectives;

2) an evaluation procedure;

3) the duration of the study contract;

4) signature of any person other than school staff who will be assisting students.

Record keeping and reporting shall be the responsibility of the local district.

10. Other - Indian Education Center

Statutes

§33380 -- 33384

"The California Indian education centers established pursuant to this article shall serve as educational resource centers in Indian communities to the Indian students, parents, and the public schools. The centers shall be designed to: Improve the academic achievement of Indian students with particular emphasis on reading and mathematics; Improve the self-concept of Indian students and adults; Increase the employment of Indian adults; Serve as a center for related community activities; Provide tutorial assistance to students in reading and mathetmatics; Provide individual and group counseling to students and adults related to personal adjustment, academic progress, and vocational planning; Provide coordinated programs with the public schools; Provide a neutral location for parent-teacher conferences; Provide a focus for summer recreational sports and academic experience; Provide adult classes and activities; Provide college-related training programs for prospective Indian teachers; Provide libraries and other related educational material.

The State Board of Education upon the advice and recommendations of the Superintendent of Public Instruction, shall adopt guidelines for the selection and administration of the California Indian education centers.

"Application for the establishment of a California Indian education center may be made to the State Board of Education by any tribal group or incorporated Indian association, either separately or jointly, upon forms provided by the Department of Education. The State Board of Education shall select up to 10 applicants for such centers."

The Department of Education shall annually evaluate the Indian education centers and report its findings.

10. Other - Individual Instruction

Statutes

§58400 - 58412

Recognizing that several schools have developed programs of individualized instruction which have greatly improved their students' achievement, the Legislature intends to extend the use of individualized instruction on a large scale, and to immediately organize a comprehensive program of individualized instruction based upon performance criteria in a major urban school district.

Such a comprehenisve program shall: address the range of socioeconomic-educational problems of urban school children; convert the entire curriculum for kindergarten through 12th grade and articulate the curriculum with a community college; fully integrate vocational education with the regular curriculum to acquaint students with a variety of career alternatives and to provide them with opportunities to acquire the combination of vocational and academic skills required for their individual objectives; draw together existing experience, techniques, and material in the field of individualized instruction and produce an increased fund of economically reproducible instructional resources to accelerate large-scale conversion of schools in other districts; provide a careful evaluation of the effectiveness of individualized instruction and the problems of conversion; provide a major opportunity to design and test the criteria and tools for measuring educational performance; and provide the Governor and the Legislature with more precise information on the fiscal requirements for converting schools to programs of individualized instruction.

"Individualized instruction based upon performance criteria" means an educational method in which: each student's individual characteristics play a major role in the selection of educational obejctives and of the course and materials of instruction; the time spent by each student in a given subject area is determined by the student's performance; and the performance of each student is measured by comparing the student's performance with a specific objective, rather than with the

performance of other students.

The Legislature also declares that funds are needed to convert the regular curriculum to individualized instruction adn to integrate vocational education and that, once these are accomplished, the program shall operate on funds regularly available to school districts.

The state board shall establish application procedures and select a school district to undertake an individualized instruction program.

In selecting the district, the board shall use the following criteria. The school district shall be a large urban unified district, have had an average daily attendance of not less than 30,000 for 1967-1968, have an agreement with a community college to articulate their curricula, and represent the range of socioeconomic-educational problems faced by urban schools. The local board, district officers, and the administrators and teachers of the schools shall be strongly committed to individualized instruction. The district shall plan on maximum participation of teachers and administrators in the program and have a plan for community involvement with the program. The cost experience of the program and the instructional technology used shall be readily transferable to other schools. The district shall have a written statement adopted by the local board setting forth the goals and, to the extent feasible, the measureable objectives of education in the district.

The state board shall conduct a thorough field review in order to make independent judgments of the suitability of a district to participate in the program.

The district selected to undertake the individualized instruction program shall have complete responsibility for the program's progress and success. The staff of the Department of Educarion shall serve as a resource team for the district

The state board may waive any provision of the Education Code (except §§15501 to 15518 and §39140 et seq.) which it deems necessary to waive to assure the program's success.

The district selected shall, at the program's inception, design an evaluation system and shall submit an evaluative report to the Governor, the Legislature, and the state board annually for three years.

The evaluation system shall be based on the set of goals established by the district and shall compare the effectiveness of schools involved in the program against other schools in the district striving for the same set of goals. The evaluation system shall include but not be limited to: measuring the relative success of students in defining and achieving their individual educational and career objectives; measuring changes in student performance and attitude, community support of the schools, and teacher morale, and measuring the costs of converting to individualized instruction and differences between the newly developed program and the former program.

District evaluation and reporting requirements required of the district shall not supersede other legal requirements, though the Department of Education shall make efforts to use the special evaluations required of this district to satisfy other legal requirements so as to minimize the administrative burdens of the district.

The Legislative Analyst shall: review the quality of the evaluation system designed by the district and report to the Legislature on the outcome of this review; analyze the problems of converting the curriculum to individualized instruction; analyze the problems of basing the curriculum on performance criteria; and use the transferability of components of the individualized instruction program to other districts; analyze the waiver of any provision of the Education Code that was requested by the district and granted by the state board to determine if statutory or constitutional changes are necessary to encourage and assure success of conversion of other districts to individualized instruction; and carry out other analytical tasks as deemed appropriate.

The Legislative Analyst shall file a final evaluative report with the Governor, the Legislature, and the state board not later than January 5 following four years of operation of the program.

The Department of Education shall develop a plan to systematically individualize instruction in the public schools and integrate vocational education with the regular curriculum. The plan shall:

(a) Be submitted by September 15, 1973.

(b) Specify the fiscal requirements for the conversion effort and the support of such schools after the effort. The department shall prescribe the role, if any, which funds from at least the following sources shall play: the Elementary Secondary Education Act, the National Defense Education Act, the Economic Opportunity Act, the Vocational Education Act, and the Miller -Unruh Basic Reading Act.

(c) Specify criteria for selection of school districts, including but not limited to criteria set forth in §58404, and indicating that the next schools to participate shall reflect distinctly different educational environments such as a high concentration of social or ethnic minority students or very low assessed valuation per average daily attendance.

(d) Present a design for long-term evaluation of the success and progress of the conversion program.

(e) Outline the requirements for technical assistance to school districts.

(f) Specify changes needed in state textbook policy to assist the conversion program.

(g) Set forth other information as the department may deem necessary.

10. OTHER - INNOVATIVE PROGRAM

STATUTES

§ 12052

Districts shall give priority to projects or programs that provide for innovative methods for utilization of teachers and classroom space and for the evaluation of those methods.

10. OTHER - MATHEMATICS IMPROVEMENT PROGRAM

STATUTES

§54300 -- 54301

Funds and services for mathematics improvement programs shall be provided first to districts, and to particular schools within districts, for which the most comprehensive plans have been developed to evaluate the effectiveness of programs and secondly to districts in which the need for mathematics instruction is greatest

and the financial ability of districts to provide it is least.

Mathematics improvement programs shall be afforded to pupils at all levels and shall be administered by the state superintendent under regulations adopted by the state board which shall include minimum standards and criteria for all programs and provide for submission of periodic reports by all participating districts. Programs may be consolidated or conducted in conjunction with other mathematics programs being conducted in the public schools, if the evaluation of the programs is not thus rendered impracticable.

The Department of Education shall enter into a contract with the Regents of the University of California for the recruitment, training, designation, and supervision of mathematics specialists employed in the mathematics specialist program. The cost of the contract shall not exceed $50,000.

§54341 -- 54344

A school district maintaining elementary grades and participating in the mathematics specialist program may apply, in a manner and on forms provided by the state superintendent, for an allowance for the employment of mathematics specialist teachers. No allowance shall be made by the superintendent unless the superintendent approves the application and certifies that all state board requirements are met. Allowances shall be made as early as practicable in the fiscal year.

The superintendent shall allow to each eligible district an allowance equal to the total salaries to be paid mathematics specialists employed by the district, diminished by the product of the ratio which the assessed valuation per unit of average daily attendance during the preceding fiscal year in kindergarten and grades 1 to 8 in the district bears to the assessed valuation per unit of such average daily attendance in the state and one-half of the total of salaries to be paid mathematics specialists in the district.

Mathematics specialists shall be selected by the school districts based upon a list of qualified teachers submitted by the Regents of the University of California.

CROSS REFERENCE

III.D.Students; Statute §54302--54304

10. Other - Migrant Education

Policy Guides

CALIFORNIA MASTER PLAN FOR MIGRANT EDUCATION

California State Board of Education, 32 pages

1976

The plan is designed to help migrant children realize their highest potential by ensuring a relevant and equal opportunity to these children and assisting the local school districts to meet their special needs. The plan attempts to provide instructional activities, health and welfare services inservice training, supportive services, and community and parental involvement. Responsibility for the program is shared by state regional and local education entities.

10. Other - Military Service and Training

Statutes

§51440 -- 51442

Subject to regulations prescribed by the state board, a governing board may, for certain persons, evaluate classes completed in any high school or institution of higher learning, grant credit toward graduation for military service and training while in the U. S. military service and, if satisfied that the person has completed the equivalent of high school graduation requirements, grant the person a diploma. Such persons are veterans of wars or national emergencies who are residents of the state, former members of the armed forces who are residents and who

have received other than a dishonorable discharge, and members of armed forces who are, and on the date of entrance to the armed forces were, state residents.

A veteran who entered the U. S. military service while a 12th grade high school student and who at the time of entrance into military service had satisfactorily completed the first half of the work required for the 12th grade shall be granted a high school diploma.

10. Other - Outdoor Science Program

Statutes

§8760 -- 8773

The governing board of any school district may: (a) Conduct programs and classes in outdoor science education and conservation education; (b) acquire and maintain real or personal property for such programs; (c) contract for the joint operation and maintenance of such programs and classes; (d) transport or arrange transportation of pupils and instructors to or from places where such programs and classes are being conducted.

If such programs involve studies in marine science, arrangements may be made with the U.S. Coast Guard for transportation.

A school district may also: (a) conduct courses in forestry; (b) acquire forest lands outside the boundary of the district by lease; (c) afforest and reforest, and plant trees on such lands; (d) transport pupils, instructors, to or from classes or places where such work is being done.

Agreements may be entered into between districts to provide programs and classes in outdoor science education and conservation education for pupils in the district: in doing this the proper financial burden is to be borne by agreeing districts.

Personal or real property may be acquired or conveyed for the purpose of such programs and classes.

10. Other - Program Improvement Schools

Statutes

§54631 -- 54643

Program improvement schools shall be established throughout the state in not more than five separate schools (elementary, junior high, or senior high) in different districts to offer educational programs developed by the director and staff of such schools in cooperation with representatives of the local community and designed to facilitate an evaluation of the effectiveness of promising instructional methods intended to improve pupil achievement in areas of reading and mathematics.

A school may be designated a program improvement school when all of the following conditions are met:

(a) The school meets the criteria of §54483.

(b) The director of the school is appointed by the school district with the concurrence of the state superintendent and the Director of Compensatory Education.

(c) The school has at least the staff for auxiliary and administrative services that would be present in an adequately staffed school.

(d) The governing board has delegated to the director of the program improvement school all powers and duties related to budget, curriculum, courses of study, pupil conduct, staffing, and class scheduling.

(e) The school director has appointed a community resource committee.

(f) The proposed program has been developed by the school director and staff in cooperation with an institution of higher learning and has the concurrence of the community resource committee.

Districts are encouraged to waive their existing administrative salary schedule for the individual proposed for the school directorship in order to obtain an individual of demonstrated managerial talents who is committed to educational achievement.

A community resource committee shall be appointed by the director of each program improvement school to assist the director and his staff to plan and implement the program. At least one-half of its membership shall be made up of parents of children participating in the program.

Any school may apply to establish a program improvement school provided that the proposed program meets the requirements of §54633 and provided that the governing board intends to provide an entitlement for the development, implementation and maintenance of the school's program.

The application shall include a detailed program plan, including a description of quantifiable achievement objectives and the in-service training programs.

The state board shall exempt from any and all provisions of the education code a program improvement school when such provisions would hinder the implementation and maintenance of the proposed program.

For the purpose of state and federal categorical aid allocations, the program improvement schools shall be designated as school districts.

The state board, on the advice of the state superintendent and the Director of Compensatory Education, shall adopt rules necessary to implement §54600 et seq., which shall be administered by the Office of Compensatory Education.

RULEMAKING

The state board shall provide for evaluations of program improvement schools, including an analysis of the improvement or lack of it in pupil achievement, the costs of components in effective programs, and the effectiveness of the community resource committees.

Program improvement schools shall report to the state board the average scores of their pupils on standardized achievement tests. The district in which a program improvement school is located shall report the average scores of pupils in other schools. These two sets of reports shall be compared, and on their basis the state board shall prepare annually a comprehensive evaluation of the program for the Legislature.

10. Other - Programs at Tuberculosis Facilities

Statutes
§52531

Whenever any city or county maintains a tuberculosis facility in another county of the state, the governing board of any district of the city or county maintaining the facility may maintain classes in the institution for pretuberculosis, tuberculosis, and convalescent minors and adults. Attendance in the classes shall be credited to the district maintaining the classes.

10. Other - Special Reading Instruction

Statutes
§ 54101 -- 54180

An elementary school reading program shall be directed to the prevention of reading disabilities and their correction at the earliest possible time. The program shall be provided in grades 1, 2, and 3 and may be provided in kindergarten. However, units of average daily attendance in kindergarten shall in no manner be utilized in the computation of personnel or appropriation quotas, nor shall any kindergarten teacher be eligible to apply for a scholarship grant for teachers of reading.

Salary payments for specialist teachers in reading, scholarships to encourage the development of skills in the teaching of reading, and salaries for the employment of professional librarians shall be provided. Funds for these purposes shall be provided to districts and to schools in districts where the need for reading instruction is greatest. The program is voluntary, and any district may participate or decline to participate.

The state board shall adopt regulations for the administration of the special reading instruction program. RULEMAKING

The state board shall prepare a consolidated application form for use of school districts applying for appointment of a specialist teacher. It shall cover any request for funds under Titles I, II, and III of the

Elementary and Secondary Education Act of 1965, as amended, the Education Improvement Act of 1969 (§54600 et seq.), the Professional Development and Program Improvement Act of 1968 (§44630 et seq.), the Special Teacher Employment Programs (§54480 et seq.) and any other state or federal act providing funds to assist in reading programs for grades 1, 2, and 3.

The application shall be accompanied by a single coordinated project for all funds for which application is made as well as district funds devoted to the project. The project shall include a specialist teacher and any other educational component approved by the state board, including, but not limited to, teacher aides, tutors, interns, diagnosticians, materials and equipment, and administration or supervision. Each project shall include provisions for evaluation.

If a district is unable to participate fully in the reading program because of its inability to employ enough specialist teachers to fully meet the basic quota of certificated employees to be appointed special teachers (as under §54140 and §54141), the governing board may request to participate on a reduced basis. The state superintendent may grant the request if the superintendent determines that, in districts with more than one school, all efforts are made to concentrate available teachers in the school or schools of the district where the need is greatest.

If there are not sufficient funds to fully fund the SHARE programs established under Chapter 1199 of the Statutes of 1970 and programs operated under §54100 et seq. of this code, the state superintendent shall, insofar as necessary, reduce amounts allocable, first, for teacher scholarship grants, then for professional librarians, and then for salary increases.

Any governing board maintaining grades 1, 2, and 3 may nominate to the Commission for Teacher Preparation and Licensing qualified certificated employees of the district for the position of specialist teacher. Nominations shall be based on the teacher's observed performance in teaching reading. A certificated employee of the district who has

not been so nominated may petition the commission to be appointed a specialist teacher. In this case, the commission shall appoint a panel of three persons who shall observe the employee's performance in the classroom and either nominate the employee or deny the nomination.

APPOINTMENT

Each certificated employee nominated shall be notified of the time and place at which a written examination, designated by the Commission for Teacher Preparation and Licensing, will be administered. Such an examination shall be administered on a statewide basis at least once in each school year. The commission may select, for this purpose, an examination prepared by any competent public or private person or agency.

EXAMINATION

Employees who pass the examination shall be granted certificates entitling them to accept positions as specialist teachers in reading.

As an alternative to the above procedure, certificated employees may be examined for possible selection as specialist teachers in reading by a specialist teacher selection committee. Such a committee may be appointed by any governing board maintaining elementary schools and shall be comprised of five members, including one college or university authority in reading instruction, three district or county office personnel knowledgeable in reading instruction and in areas of human relationships, and one district administrator. Reasonable and necessary expenses of committee members shall be paid by the school district. The committee shall inquire into nominees' qualifications and determine whether or not nominees are qualified for selection. To be selected, each nominee shall meet the following requirements: completion of two years of successful teaching in kindergarten through grade 3; full state credentials to teach in the primary grades; completion of college or university courses in the teaching of elementary school reading, the diagnosis and remediation of reading disabilities, and directed clinical practice in the remediation of reading disabilities. A selected nominee shall be granted a certificate entitling him/her to

accept a position as a specialist teacher in reading.

Each school district maintaining grades 1, 2, and 3 shall compute a basic quota of employees to be appointed specialist teachers of one such employee for each 125 units of average daily attendance in grades 1, 2, and 3, provided that, with respect to districts maintaining more than one school, each of which has an average daily attendance in grades 1, 2, and 3 of less than 50, and with respect to all districts in a county with an average daily attendance in grades 1, 2, and 3 of less than 50, the quota shall be one specialist teacher for each 100 units of average daily attendance.

For any district in which 30% or more of the first grade pupils received scores below the first quartile of scores throughout the state for tests during the preceding school year, the basic quota shall be increased by one specialist teacher for each 300 units of average daily attendance. For any district in which 40% or more of the first grade pupils received scores below the first quartile for such tests, the basic quota shall be increased as ordered by the Department of Education following an investigation of the district's circumstances.

Each district may employ specialist teachers in number not to exceed 110% of the established quota.

A governing board may employ qualified teachers to serve under the direction of specialist teachers in reading, and shall establish in-service training programs for regular elementary teachers in the instructional methods of the reading specialist

Persons employed as specialist teachers in reading shall be considered as classroom teachers for purposes of all laws dealing with permanent status of certificated employees of a district.

A specialist teacher employed by a district may elect to serve for a period of not to exceed two consecutive school years in the employ of other districts. The teacher shall be afforded a leave of absence by the home district and shall retain all accumulated personnel rights.

A specialist teacher employed by a district with an average daily attendance in grades 1, 2, and 3 of less than 50 shall serve under the direction of the county superintendent.

The annual salary of a specialist teacher shall be increased by $250 over that otherwise payable to him/her under a regular contract of employment. The sum shall be paid in a lump sum. The warrant on which the payment is made shall clearly identify the purpose for which the payment is being made with such words as "special stipend for state basic reading program.

Specialist teachers in reading shall be relieved of all regular teaching and administrative responsibilities and shall devote full time to the following responsibilities: supplementing reading instruction otherwise provided for all pupils in grade 1; providing instruction to small groups of pupils and individuals in grades 2 and 3 who have been determined to have reading disabilities, and administering reading tests to be given pupils in grades 2 and 3 under §60640 et seq.

A school district which maintains grades 1, 2, and 3 may apply to the state superintendent by July 1, for an allowance for the employment of specialist teachers, in a manner and on forms provided by the state superintendent. The state board shall adopt minimum standards of course content for basic reading programs and criteria to be used by the superintendent in approving district applications.

The superintendent shall notify each district of action on the application, including the estimated allowance, prior to September 1. The total of the estimated allowances for all applicant districts shall not exceed the funds appropriated for the purpose by the Legislature. The superintendent shall not disapprove any application on the basis of the methodology of providing basic reading instruction which the district has selected. Allowances shall be made as early as practicable in the fiscal year.

Allowances shall be made in accordance with a system designed to give priority to districts in the following order: first, to insure that the districts participating in the program during the preceding year,

which continue to be eligible, will not be required to reduce programs below the level of the preceding year; and second, to insure that applications for expansion of programs and for new programs be considered on a priority basis in terms of the percentage of pupils in grade 1 who received scores in statewide testing during the preceding year below the first quartile of scores. Allowances for a district that received only basic aid in the preceding fiscal year shall be reduced by one-half.

The superintendent shall establish a procedure for each district provided an allowance pursuant to this Article, to report by April 1 of each year, the program actually maintained. If the district failed to conduct the program in full or in part as approved, the allowances shall be corrected accordingly.

The allowance shall be an amount equal to the total of salaries to be paid specialist teachers and professional librarians.

Any regularly credentialed teacher in grades 1, 2 or 3 may apply for a scholarship grant, in the amount of $250, for teachers of reading. Grants shall be made by the state board on recommendation of the state superintendent from amounts appropriated for the purpose by the Legislature. Grants may be used to meet expenses of attending any session of an institution accredited for teacher training purposes and enrolling for credit in courses designed to improve the teaching of reading.

The number of grants awarded shall not exceed one-fourth of the number of specialist teachers in reading for whom allowances have been provided.

A salary allotment for a professional school librarian shall be computed by the state superintendent whenever he/she determines with respect to any district that the district has employed 30% of its basic quota of specialist reading teachers and that a librarian holding a credential is employed full time in a school or schools in which one or more specialist reading teachers are employed.

The salary allotment for the professional school

librarian shall be $500 multiplied by the number of specialist teachers in reading employed full time in the school.

10. Other - Summer Environmental Internship

Statutes

§52410--52414

Upon approval of appropriate school district personnel or the county superintendent and with the consent of the parent or guardian, an eleventh or twelfth grade student who will be at least 17 years of age at the commencement of the junior year, may be employed during summer vacation as an environmental intern by a federal, state, or local agency in California concerned with regulation or protection of natural resources and the environment. Duties of the interns shall be established by the employing agency in conjunction with the local district or county superintendent and be oriented toward maximum exposure to programs of environmental control and resource use.

Successful completion of a summer program and submission by the intern of a suitable report to the district may result in academic credit toward graduation.

Such students may be deemed temporary employees of the agency involved for purposes of social security, unemployment insurance, and workers' compensation or may be deemed for these purposes employees of the district or the county superintendent.

The school district or county superintendent and the employing agency shall jointly apply to the Conservation Education Service for funds. The state superintendent, upon recommendation of the Curriculum Development and Supplemental Materials Commission, and with the state board's approval, is authorized to make grants for purposes of the internships.

10. Other - Technical, Agricultural and Natural Resource Conservation Schools

Statutes

§1790; 1805; 1807; 1808

This statute calls for the establishment, by the county superintendent of schools, of technical, agricultural and natural resource schools for the benefit of young people in need of jobs in these fields. This program also seeks to help youths who: 1) drop out of high school; 2) are unemployed; 3) are involved in juvenile problems; 4) are on welfare; 5) are not suited for purely academic studies These schools are to be under the management and control of the county board of education, who shall make such special rules and regulations as are necessary for proper operation, as well as purchase or otherwise obtain a site or sites for such schools and provide for the construction of suitable buildings.

The county board of education shall appoint a board of admissions to the school(s) who shall admit or investigate the case of any student who requests admission to the school(s). The pupils admitted must be minors from the age of 13 to 18 years who have completed the eighth grade, must be of reasonable aptitude and be residents of the county having jurisdiction over the school.

Each pupil, upon admission to said school, shall have his/her program outlined, with the course of study for the students established by the county board of education.

The course of study shall include:

"(a) Two hours per week on the average of American history emphasizing American institutions and ideals and California history. (b) Two hours per week on the average of world history, the history of western civilization, and world geography. (c) one hour per week on the average of American government emphasizing principles of the Constitution and the Declaration of Independence, and the principles of state and local government under the Constitution of this state. (d) Five hours per week on the average in the use of English, designed to teach the

student to read rapidly and perceptively, to write clearly and correctly, and to present ideas orally. Such instruction shall include the principles of grammar and punctuation as instruments of reading and writing. Also a core of reading designed to familiarize the student with the variety of literary forms and to improve his/her reading ability shall be taught. (e) A program to develop and maintain an adequate level of physical fitness."

A student at such an institution may be assigned part time to a vocational course in a place of employment.

Members of the staff at such schools may be required to reside in the school.

The costs of buildings, sites, etc. are to be absorbed by the county maintaining the school, with the school attendance being credited to the county school service fund.

A student shall be deemed to be a resident of the high school district in which he/she lived at the time of his/her admission to the program. A formula for the computation of such a student's average daily attendance is included, along with reimbursement procedures.

10. Other - Tutoring

CROSS REFERENCES

IV.H; Statute §48220--48224; 48226; 48230

IV.I; Statute §48225

10. Other - Year-Round Elementary School

STATUTES

§37500 -- 37531

This chapter provides for the establishment of a year-round school program in an elementary school maintained by a unified school district. Such a program shall be of an experimental or pilot program nature and shall have a duration of seven full academic years. Included herein are the elements, finances and testing and reporting of such a program.

10. Other - Youth Conservation

Statutes

§1780 -- 1784

The county superintendent of schools may contract for the operation and maintenance of programs in youth conservation. Under this program he/she may employ youths to carry out the program, and pay for such functions as may be necessary.

10. Other - Community Education Programs

CROSS REFERENCE

II.A.9; Statute §22-32-118

10. Other - Innovative Programs

Statutes

§22-21-101--22-21-102

To promote "experimentation in all areas of the operation of public schools in order to achieve, evaluate, and disseminate programs that will increase the efficiency or economy of public education," the "Public Education Incentive Program Act" is established.

§22-21-104--22-21-105

Local school boards may submit proposals to the state board for "incentive programs." Incentive programs should be innovative and "clearly show the possibility of a substantial increase in efficiency."

Incentive programs may include the following: "Programs which initiate new instructional concepts . . .," thereby stimulating "movement toward the individualization of instruction" and that would "initiate better staff development;" planning programs in automated instruction and other educational media; and programs to achieve racial integration in the schools. The state board of education has authority to "adopt rules and regulations" to carry out these provisions.

10. Other - Migrant Children Program

Statutes

§22-23-102--22-23-106

"In order to facilitate the education of migrant children who are unable to receive continuous education

during the regular school term," a program for the education of migrant children is established.

"The state board may employ necessary personnel, pay . . . travel expenses . . . and purchase supples and equipment to carry out this program." Participation in the program is open to school districts with migrant children. The educational residence of a migrant child shall be the school district where he/she receives shelter and the necessities of life.

A migrant child shall attend school while residing in any school district when the regular terms of school are in session, and the local board shall enforce such attendance. The state and participating school districts shall share the cost of administering the program.

ATTENDANCE

Any school district may make application to the state board to operate a summer school program for migrant children. Those participating school districts shall be reimbursed from state funds, for actual costs incurred in operation of the programs.

10. Other - Career Education Programs

Statutes

§10-94e

Any student enrolled in a community based career education program . . . shall not be covered by any state labor law while working in any government agency, etc. provided the student does not receive compensation in the program.

"Career education program" means an alternative school or school without walls program to allow students to develop career awareness and orientation.

10. Other - Demonstration Project

Statutes

§10-239d -- 10-239e

A town or regional board of education may establish a demonstration board and staff and authorize it to administer the demonstration project.

The demonstration board may: employ a staff, receive and expend funds, contract with other government agencies, determine rules and regulations and otherwise provide the specified programs and services.

Subject to age and grade restrictions it may establish, the demonstration board shall award a scholarship to each school child in the demonstration area. In addition to each base scholarship, compensatory scholarships shall be given to disadvantaged children.

The demonstration scholarship board shall authorize the parents of scholarship recipients to use the scholarships at any public or private school in which the child is enrolled as long as the school meets all standards required by law; does not discriminate in admissions and hiring policies on the basis of race, color or economic status; is free from sectarian control; provides public access to records and provides adequate information to parents on curriculum, textbooks, and qualifications of teachers; provides reports to parents on pupil progress; and meets any other requirements established by the demonstration board.

EQUAL OPPORTUNITY

10. Other - Home School

Statutes

§10-252

Children in state-operated receiving homes operated by the state shall be counted in the school census. The commissioner of social services shall provide teachers and books for the schools at receiving homes. The school shall be supervised by the state board of education and may employ only certified teachers.

10. Other - Institution School

Statutes

§17-441

(a) The commissioner of children and youth services shall establish a special school district for the education or assistance of any child or youth who resides in any state operated institution. The commissioner shall administer and supervise the school district, establish vocational and academic education, and training and development programs as he deems necessary. The commissioner shall be the district superintendent and have authority to organize different grades, maintain school libraries and employ teachers.

The commissioner shall annually evaluate the progress of the school district and submit annual reports to the state board of education

10. Other - Programs for Expelled Students

CROSS REFERENCE

IV.J.: Statute §10-233b-e

10. Other - Special Cooperative Services

CROSS REFERENCE

I.Board of Education; Statute §10-118a

10. Other - Part Time Schools

Statutes

§3501

The Board of Education in every district in which there are employed or there reside fifteen or more children between the ages of 12 and 16 years to whom have been granted an employment certificate, shall establish and maintain part-time schools in general civic or vocational subjects for such children or for those minors who have ceased to attend all-day schools. The part-time schools or classes shall be maintained each year during the full period of time when the public schools of the district are in session.

CROSS REFERENCES

IV.I.; Statute §3507

IV.I.; Statute §3508; 3509

IV.I.; Statute §3511; 3514

10. Other-Career Development Centers

Regulations

CH. IV. §405

"Students who are otherwise eligible for admission under the provisions of this Chapter and who meet either one of the following criteria shall be eligible for admission to the Career Development Centers and Career Development programs of the D.C. Public Schools:

(a) Students who have satisfactorily completed the ninth grade of the regular instructional program or the equivalent;

(b) Students who are or will become fourteen . . . years of age on or before December 31 of the current school year and who exhibit aptitude for the Career Development program. Such students must have the recommendation of the principal or other person in charge of the school or program which they are attending, the recommendation of the principal or other person in charge of the Career Development Center or program to which they seek admission, and the approval of the Superintendent of Schools or his[her] designee.

Persons who are sixteen . . . years of age or older are eligible for admission to the Adult Education programs of the D.C. Public Schools.

Students who are at least fourteen . . . years of age, but less than sixteen . . . years of age, who have satisfactorily completed the eighth grade or its equivalent in the regular instructional program, and who are lawfully and regularly employed during regular school hours shall be eligible for admission to the Adult Education programs of the D.C. Public Schools.

Students in Adult Education programs who wish to attend regular instructional program day classes must receive the written permission of the principal or other person in charge of the regular school or program.

Students may apply for admission to the Summer School program for the purpose of meeting course requirements for

graduationor promotion, re-taking a failed course, or taking advanced or enrichment courses. Admission to the Summer School program shall be based upon the written approval of the principal or other person in charge of the school or program last attended by the student. Three or more unexcused absences shall be grounds for loss of eligibility to attend summer school."

10. Other-Educational Program for Pages

Statutes

§31-121

The Board of Education may employ personnel for the education of pages and pay compensation for their services.

10. Other-Experimental Programs

CROSS REFERENCE

II.B.4.; Regulation; Chap. IV, §445

10. Other-Manual Training

CROSS REFERENCE

I.Board of Education; Statute §31-111

10. Other - Community School Programs

Statutes

§228.071

Recognizing that "the community school is an expression of the philosophy that the school...is most effective when it involves the people of the community in a program designed to fulfill their educational, recreational, cultural, social, health, and other shared needs" and that "the community school promotes a more efficient use of school and other public facilities through an extension of personnel, buildings, and equipment," the state shall provide leadership and financial support to encourage local districts to establish community schools.

A school board may submit to the department a request for a community school grant. "The district school board shall give priority to the programs serving the maximum number of persons within the limits of resources available and to programs which will allow for matching funds or for joint funding from the federal government or other sources...."

10. Other - Innovative Programs

Regulations

6A-1.9532

When a school board proposes to operate an experimental or innovative school program at any school for less than the minimum school year, the commissioner may approve such program provided there shall be no reduction below the number of days required to provide 900 actual teaching hours for grades four through twelve and 720 hours for kindergarten through third grade.

10. Other — Evening or Part-Time Schools

Statutes

§32-932

Local boards of education have the authority to establish evening or part-time schools for working students over 14 who cannot attend day schools.

10. Other — Experimental Programs

Regulations

05-210

As Executive Secretary of the Board, the State Superintendent of Schools shall administer Board policies. These policies must "allow the flexibility necessary for efficient administration." With the approval of the Board's Chairperson, the State Superintendent may modify or waive for up to five days, "any State Board policy in order to continue on an engaging basis the operation of school . . . .

"Proposals for new policies or changes in policy . . . initiated outside of the Department of Education shall be submitted to the State Superintendent . . . . Executive procedures will be submitted to the State Board for its information and may be changed by the State Superintendent as needed . . . .

"A local board . . . may request waiver of State Board policy," provided such policy "works an undue hardship" upon the local school system, or a proposed "experimental design in a school system . . . at variance with State Board policy . . . can be shown to be of significant educational value to students." The Board shall determine the length of time for the waiver.

Adoption or change of "policies that affect local school systems shall be confirmed prior to July 1 of the school year in which" they take effect. "Copies "of all new policies or changes . . . shall be distributed to local system superintendents" as soon as possible.

10. OTHER — INDIVIDUAL PROGRAMS

REGULATIONS

30-714

For students over 16 local boards are encourage to "adopt policies for individual program completion in more or less than 12 school years."

10. OTHER — INSTITUTIONAL SCHOOL

STATUTES

§32-443:444

The state board of education is authorized to provide for the education of children and adults who reside in state institutions. The board may issue rules and regulations, employ teachers, and provide books and supplies for this purpose.

10. OTHER — MANUAL LABOR SCHOOLS

STATUTES

§32-931

"The county board of education may organize in each county one or more manual labor schools on such a plan as may be self-sustaining: Provided, that the plan be first approved by the State Board of Education."

10. OTHER — OPEN CAMPUS SCHOOLS

REGULATIONS

40-217; 227

"Students who are prevented for valid reasons from attending regular high schools . . . are . . . entitled to a quality education. . . . The State Board . . . shall provide allotments . . . for those special programs that allow students to complete their education while attending public high school programs on a

part-time basis." This may include "students who leave school to go to work."

In order to be allotted teachers, open campus schedules must meet certain requirements. Schools "must be so organized that students meet the requirements for graduation expected of all other high school graduates . . . (and) shall be staffed with certificated teachers and other professionally certificated personnel" and must employ "supportive personnel such as librarians and counselors." Students may not be charged tuition. Schools may not be adult education schools or "a regular high school or a vocational high school structured for youth regularly enrolled." Schools may operate during the day or evening.

10. Other— Pilot Programs

CROSS REFERENCE

II.A.1; Regulation 20-717

10. Other — Programs for Pregnant Students

REGULATIONS
40-510; 520

"Each local unit of administration shall provide for regular day-time instruction for the student who is married, . . . a parent or . . . pregnant, whether married or unmarried," either in the "existing regular day-time educational program" or in special programs within the regular program. "Special programs may include instruction in prenatal . . . and child care."

"The State Superintendent of Schools shall . . . insure that local systems have rules . . . relative to the attendance of students who are married, . . . a parent or . . . pregnant." Regulations shall provide that such a student may be excused from instruction at the request of a physician because of the "health of the student, or of the student's child or child-to-be," and that "special evening or home instruction programs . . . be provided for . . . students so excused. . . . Withdrawal or re-entry dates shall be determined upon the basis of health and educational factors. Provisions

shall be made for salvaging as much credit as possible for work satisfactorily completed by the student prior to withdrawal."

The Office of Instructional Services shall assist local systems in developing regulations and special programs for married, parent or pregnant students.

10. OTHER - FISHERMAN TRAINING PROGRAM

STATUTES

§189-32

"There is established within the department of education a fisherman training program . . . open to all who wish to become fishermen." Actual instruction shall be aboard fishing vessels, and over a twelve-month period shall cover:

1) "Bait catching;"
2) "Preparation of fishing gear;"
3) "Fishing positions and techniques;"
4) "Cooking;" and
5) "Such other duties are deemed necessary for the effective performance of a fisherman on a vessel."

10. OTHER - MODEL SCHOOL PROGRAM

§362-21, 22

The purpose of the model school program is 1) "to allow for more effective use of education programs in multi-problem neighborhoods and 2) to provide for exemplary and demonstration school programs which could serve as models for other neighborhoods and schools . . . Schools must be more attuned to the total needs and values of these neighborhoods, and model schools must demonstrate how to adjust the classroom and curriculum systems to the neighborhood environment." New teachers in the model schools program shall attend a two-week workshop for "sensitivity training and cultural adjustment purposes."

10. OTHER - POLICE ORGANIZATION

Rule 37

Each school will organize and maintain a Junior Police Organization in cooperation with the local police department except where the District Superintendent grants an exception because need for such an organization does not exist.

10. Other - Maternity Education Programs

Statutes

§33-2006 -- 33-2008

"Every public school district . . . within which is located a state licensed . . . or sponsored system of care for expectant or delivered mothers shall provide . . . instruction in accredited courses . . . for expectant and delivered mothers under twenty-one (21) years of age, who are enrolled for care." The state department of education shall reimburse from state funds the "costs of instruction, including . . transportation of teachers." A school district "shall provide instruction" to "expectant or delivered mothers" who are outpatients of a licensed maternity home located within the district.

10. Other - Experimental Programs

CROSS REFERENCE

III.A.1; Regulation, Accreditation Standards for Secondary Schools, Standard I -- VI

10. Other - Education Programs for Pregnant Students

Statutes

§10-22.6a

The school board shall provide home instruction for pregnant students.

10. Other - Independent Study Programs

Regulations

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 4-6

Each local board of education with a high school shall adopt a policy which defines the board's position with reference to the awarding of high school credit on the basis of local examinations to pupils who have achieved the necessary proficiencies through independent study, either with or without private tutoring, or for work taken in or from another institution. Plans for earning credit outside of regular classes should be approved in advance by the local high school principal according to established policy. The pupil's permanent record should show how the credit was earned. The examination papers upon which such credit is validated should be kept in the school file for three years as evidence for recognition and accreditation agencies.

10. Other - Innovative Programs

§1051-1070

There is established an Educational Development Board consisting of certain specified members, in addition to 7 members appointed by the governor with the adivce and consent of the state senate. These members shall be selected on the basis of their knowledge of, interest or experience in, the creation, or implementation of . . . innovative educational programs . . . ."

There is also established a fund to be controlled

by the Board and expended for its own expenses and/or the providing of grants to innovative secular programs" it approves.

The Board shall review grants in accordance with its regulations, placing "particular emphasis upon those educational problems . . . that arise out of the economically depressed and critically disadvantaged areas where educational opportunity is not available."

10. OTHER - ACTIVITY-BASED PROGRAMS

REGULATIONS

§ II, Ch. 3, Policy 71-09

Activity-Based Programs (Revision of 70-12 and 71-06)

"A school corporation may submit to the office of the State Superintendent of Public Instruction an application for permission to use one of these experimental programs in lieu of the textbooks listed in the state adoption. To receive favorable consideration of this application, the local superintendent shall provide the Assistant State Superintendent for Instructional Services with evidence of adequate in-service teacher training, reasonable cost, adequate resources, and sufficient planning for effective implementation of the program. Permission shall be granted on a limited basis...for a period of one year to corporations which meet these requirements. Permission for succeeding years shall depend upon the maintenance of adequate in-service training, reasonable cost, adequate resources, and sufficient planning. The staff of the Department...shall report to the Commission all such requests...and shall recommend approval or nonapproval. The Commission shall then act upon each such request."

10. OTHER - ALTERNATIVE PROGRAMS

REGULATIONS

§II, Ch. 1, Rule M-1

Recognizing of Credit for Adult Educational Experience, Military and Otherwise

Section 1

High schools are authorized to issue a diploma or certificate under the following conditions. DIPLOMA

a. The diploma is issued to one "who has earned units through actual attendance in high school, with recognition given credit earned as follows:

1) night school;

2) work experience;

3) correspondence credit; up to 2 units if under 21 and to four units if over 21

4) college attendance up to 2 units if under 21 and to four units if 21 or older

b. Said person must have lived in Indiana at least one year, and in the high school district the six months preceding the certificates' issuance, "or preceding entry into the armed forces . . . when some or all of the credit has been earned through:

1) actual school attendance;

2) armed forces training;

3) course work in the armed forces;

4) examination

5) requisite high school course equivalent examination (Rule E-1, Section 4a)

6) college attendance limited to 2 units if under 21 or to 8 units if 21 or over

7) High school course credit for work experience approved by an evaluation committee as in Rule E-1, Section 4b.

10. Other - College Credits

Regulations

§II, Ch. 1, Rule G-11

College Credits Applied Toward High School Graduation

Section 1

A pupil with the approval of his/her principal and/or superintendent "may take in a recognized college the courses thus approved" and have the credit applied to his/her high school diploma. For a pupil under twenty-one such credit may not count for more than two units; for a person over twenty-one, for not more than four units. "However, as many as eight units may be applied . . . if the person is over twenty-one . . . when such work is taken . . .[and] . . . no credits used for a high school diploma shall be used for college graduation."

DIPLOMA

10. Other - Correspondence Work

Regulations

§II, Ch. 1, Rule G-10

Correspondence Credit

Section 1

Correspondence school work by high school students must be approved in advance by his/her principal and/or local superintendent. A maximum of two units of such course work may be applied towards the diploma of any student under twenty-one, on a maximum of four units for any person over twenty-one years of age. Any such correspondence program must be accredited by the National Commission on Accrediting.

10. Other - Experimental Programs

Regulations

§ II, Ch. 1, Policy 71-08

Procedures for Obtaining Waivers for Experimental-Innovative Courses and Programs

"Recognizing the need for experimental programs...., the following procedures for obtaining needed waivers have been developed to encourage and facilitate innovation.

Experimental courses and experimental-innovative school programs are defined as those not presently authorized or permitted by the State Board and Education through its Rules and Regualtions...., The term courses refers only to high school (grades 9-12) while the term programs refers to all grades 1-12. School corporations planning either COURSES or SCHOOL PROGRAMS of this type shall seek Commission approval by submitting a proposal to the Assistant Superintendent for Instructional Services.... three months prior to the initiation of the course program.... However, initial proposals involving the operation of an

entire school or school corporation shall be submitted at least eight months in advance of program initiation.... Evaluation by the Department of Public Instruction and approval by the appropriate Commission...must be obtained before such programs are implemented... A determination shall be made of the extent to which waivers from...Board... Rules are involved and whether or not the completed proposal reflects adequate planning. Department of Public Instruction personnel shall, upon request....cooperate in both the preparation and processing of proposals. A report of COURSE or PROGRAM evaluation shall be made to the Department...during the last month of course or program duration, and/or prior to a request for continued operation, and at any other time as required by the approving Commission. Department...staff members shall review in person the operation of the course or program.

Proposals shall specify the anticipated duration of the experimental period. Continuation...beyond the experimental period may be granted by the appropriate Commission...if requested by the local school corporation.

1. Experimental Courses

a. Characteristics- a single secondary course or elementary subject area exceptional...in one or more ways including title, method of accreditation, materials, time allotment, instructional strategies, instructional and noninstructional personnel, location of class meeting.

b. An acceptable proposal shall include but not be limited to the following information:

(1) Rationale - A statement of purpose...and how the needs of students will be served more effectively.

(2) The Course and the School - The amount of credit to be awarded, whether...required or elective, whether the course will supplement or supplant other offerings, the...students the course is designed to serve, prerequisites, how the course organization will meet minimum standards as outlined by the State Board....,etc.

(3) Course of Study - Student objectives...concepts to be developed...topics to be covered, and a sequential plan of course procedure.

(4) Instructional Materials - Basic texts, if any, supplementary materials and equipment unique to instructional strategies.

(5) Evaluation - A method, conceived prior to initiation...and based upon course objective, of determining the extent to which objectives of the course have been reached and student needs met.

(6) Finance - How local, state and federal funds will be used to support the course.

(7) General Information - Schools, addresses and principals involved, number of students, grade placement, ages, and criteria used for selection...how community resources are being used...and plan for information dissemination and visitation.

(8) Planning - Steps taken, community and staff involvement.

2. Experimental - Innovative School Programs

a. Characteristics - Revision of the organization of the school program which implies or requires rule changes or waivers by a Commission...

b. An acceptable proposal shall include but not be limited to the following information:

(1) Rationale - A statement of purpose including how the program will serve the needs of students more effectively than the existing program.

(2) Student Objectives - What improvement in student growth can be expected and how the program will more effectively facilitate learning.

(3) Program Organization - How minimum standards of the state statutes and Commission...Rules will or will not be met. When appropriate, the exceptions to rules sought and how more effective student learning will result.

(4) Implementation - In-service training procedures

(5) Evaluation - A method...., of determining the extent to which program objectives and student needs have been met.

(6) Finance - How local, state and federal funds will be used to support the program.

(7) Planning - Steps taken, community and staff involvement.

CROSS REFERENCE

II.B.1.b; Regulation §II, Ch. 3, Policy 64-1[illegible]

10. Other - Exploratory Teaching Experience

Regulations

§II, Ch. 2, Rule C-5

Recognition of Credit Toward High School Graduation For Pretraining Experience in Teaching Grades Kindergarten Through Nine

Section 1

Junior and Senior high school students may earn credit through successful performance "in an exploratory teaching experience in grades kindergarten through nine.

Section 2

The requirements, limitations and conditions . . . are as follows:"

a) Such experience shall provide actual work with students in a regularly scheduled class under the guidance of "competent and fully qualified licensed teachers."

b) Each program shall have a supervisor who shall ensure that the student "has continuing and developmental experience in class organization, management and instruction.

c) The program shall provide for frequent conferences among the participants concerning teaching principles and procedures, and the student should be advised of vocational opportunities in the teaching profession.

d) The classroom experience shall include both observation and participation.

h) Evaluation shall be based on the student's "aptitude, cooperation, . . . practice performance . . . potential, teaching qualities and eventual teaching employment." Examinations and grading shall be the

responsibility of the high school sponsor teacher.

i) Credit for the course:

(1) "One credit (1/2 unit) may be earned per semester."

10. Other - Military Education

Statutes

§20-10.1-7-5 -- 20-10.1-7-7

Governing bodies of school corporations may institute a system of military instruction. The schools may hire persons as military instructors who hold a certificate of eligibility issued by the commission on teacher training. Military instruction is not compulsory.

10. Other - College Courses

Statutes

§282.26

High School students may be permitted to take courses in a junior college and may apply credits earned toward their high school requirements.

10. Other - Innovative Programs

CROSS REFERENCE

III.A.2.; Regulation §670-3.1 (257.25)

10. Other - Alternative Schools

Statutes

§72-9201

The board of education of any school district may establish an alternative school at any of the levels of grade seven or above to provide an educational alternative for students determined by such board of education to be unable to benefit from other schools of the school district. Requirements of statutes and regulations shall apply to any such schools to the extent that the same are not obstructive to programs of learning and instruction in such schools. The Board of education must obtain approval from the state board to waive existing regulations in the operation of such schools.

10. Other - Independent Study Program

Regulations

§91-2-6

A student shall be admitted to senior high school upon completion of a course of study in an accredited elementary or junior high school. A student shall be admitted to high school from an unaccredited school according to the student's past education experience record or the student's successful performance at the level of assignment or the student's test results on a validating examination.

The school district shall determine a policy for promoting a student. A student shall receive credit either by successfully completing classroom work, passing a validating examination, by completing an independent study program, or by participation in state board approved, part-time cooperative training program.

Each school shall have an independent study committee, which includes sponsoring teachers, to review and approve

student proposals for independent study. An independent study program shall be an in depth study of a particular subject area. The responsibilities of the sponsoring teacher shall be specified by the school. The teacher shall list for the student criteria to be met for successful completion of the program.

A student shall graduate upon completion of nine required units, eight elective units, and any other requirements imposed by the board. The nine required units include one unit of American history, one-half unit of American government, one-half unit of social studies, one unit of laboratory science, four units of English language arts, one unit of mathematics, and one unit of physical education. The physical education requirement may be waived if a licensed physician states that the student is physically or mentally incapable of participating or if the parent states that participation is contrary to the student's religious beliefs.

A school board may have its own graduation requirements if they are approved by the state board, do not conflict with state board, do not conflict with state goals, include seventeen units of credit of which one unit is in American history and one-half unit is in American government, and are formulated with broad base community involvement. The school shall cooperatively work with the student to produce a personalized education that is appropriate and relevant to his/her capabilities, needs and interests.

10. Other - Innovative Programs

CROSS REFERENCES

II.A.3.; Regulation §91-27-2; 91-27-4

III.A.1.; Regulation §91-2-13

III.A.1.; Regulation §91-3-3

III.A.1.; Regulation §91-3-5

10. Other - Programs for Military Dependents

Statutes

§72-5333

The board of a school district may contract with military reservation authorities to provide schooling for military or civilian dependents on the reservation.

10. Other - Special Purpose Schools

CROSS REFERENCE

III.A.1.; Regulation §91-28-2 -- 91-28-10

10. Other - Year-round School Program

Statutes

§157.520 -- 540

1) "It is the intention of the general assembly . . . to permit the state board of education, upon recommendation of the . . . superintendent . . . to authorize a local board of education to operate public elementary and secondary schools on a basis other than the standard school day, month, term or year for purposes of experimentation. The objective . . . is to encourage experimentation that may result in improved quality of education or more efficient use of educational resources in the state.

2-3) The board, upon recommendation of the superintendent, shall adopt regulations relating to the requirements to be met by school districts for authorization to operate [such] experimental programs . . ." provided that they shall select no more than three school districts from those applying to operate experimental programs on a basis other than the standard school day, month, or term and "at least three school districts meeting the requirements of the board for experimental operation of year-round school programs."

The department of education shall reimburse the school district selected for costs incurred in running the experimental school program. "The school services furnished shall be substantially equal to those provided during the regular school year.

The superintendent shall make thorough cost, benefit and effectiveness analyses and evaluation of all experimental programs . . . and shall make annual progress reports and, at the earliest appropriate time, final recommendations relating to their continuation, expansion or termination to the legislative research commission and to the governor."

10. Other - Non-listed Courses

Regulations

704 KAR 10:050

"Any school desiring to offer a course not listed in the 'Program of Studies for Kentucky Schools' shall secure the approval of the State Board of Education upon recommendation of the Superintendent of Public Instruction before such a course is offered . . . . No course shall be considered for approval that is inconsistent with state board regulations, Kentucky Revised Statutes, and the Constitution of the Commonwealth of Kentucky . . . ."

10. Other - Experimental Programs

Regulations

704 KAR 20:125

"The Superintendent of Public Instruction may approve an experimental program in new patterns of organization or instruction in the elementary school in which experienced high school teachers may be assigned to serve at the elementary school level in the experimental program provided the local school superintendent submits to the Bureau of Instruction before July 15 a written proposal for the experimental program which shows the need for using successful high school personnel in the program."

CROSS REFERENCE

III.A.1.; Regulation 703 KAR §2:040

III.A.2.; Statute §158.070

10. Other - Alternative Programs

Regulations

BULLETIN 741

TYPES OF ALTERNATIVE PROGRAMS

"The kinds of alternative programs that can be developed are limited only by the school system's needs and the creativity of its staff. Without being all-inclusive, the majority of alternative schools fit into the following categories:

'Schools without walls' where students work and study throughout the community.

'Schools within schools' which subdivide large high schools into small units which may focus around a special interest, such as urban affairs, foreign studies, anthropology.

Schools for disruptive or suspended students who experience a variety of problems in the regular school setting.

Schools for youngsters having difficulty in areas of human relationships, self-organization, or other behaviorally linked learning problems.

'Open schools' utilizing flexible curriculum where individualized study and self-direction are stressed.

Schools for academically or artistically talented students.

Magnet schools for college-bound students.

Continuation schools with provisions for students whose education in conventional schools has been interrupted. (This includes dropout centers, pregnancy-maternity centers, street academies, etc.)"

BULLETIN 741

PROCEDURES FOR APPROVAL OF ALTERNATIVE SCHOOLS

"The local school board or governing body shall pass a resolution establishing the alternative school and setting forth its goals and objectives.

After the school has been in operation for ninety

days, the school administration shall request a visit from a representative of the State Department of Education, who will determine its suitability for state approval. In order to be eligible for approval, a school must have a competent and certified staff, sound curriculum, an appropriate pupil-teacher ratio, adequate financial support, and facilities sufficient to achieve its desired objectives. An annual report based upon the standards for approval of alternative schools will be made to the State Department of Education. . . ."

10. Other - Metric Education

Regulations

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.00.11

Lousiana has a ten year goal to implement metric education as the primary system of measurement. The program includes preservice and inservice training, curriculum and textbook changes and public awareness of the reasons for and advantages of the metric system.

10. Other - Pilot Programs

CROSS REFERENCE

I.Local Boards; Statute §17:81.2

10. Other - Programs for Suspended and Expelled Students

CROSS REFERENCE

IV.J.; Statute §17:416.2

10. Other - Year Round School Operation

CROSS REFERENCE

III.D.Year Round School Operation; Statute §17:341 -- 346

10. Other-Alternative Education

Statutes

§931

"Because education is essential to the preservation of the rights and liberties of the people, school attendance is required of children and youth. To further preserve these rights and liberties and to insure equal access to educational opportunities, it should be a purpose of the schools to help certain youths find appropriate alternatives to school and to maintain contact with youths who have withdrawn from school before graduation or completion of a program of studies." DROPOUTS

§932

A school superintendent, responsible for any grade level from 9 through 12, "shall cause to be established a positive action committee." Each committee is comprised of appointed school officials, teachers (or guidance counselors), parents, students, recent "drop outs", and community members.

Members serve for two year terms, and the membership of the committee can be expanded, if deemed necessary by a majority vote. DROPOUTS

The purpose of this committee is to "study the problem of dropping out" and those factors which affect children from kindergarten through grade 12. It must develop a plan to be submitted to the school committee "for appropriate action." Among areas covered by the study are "attitudes and practices" in the schools "which may intentionally or unintentionally discriminate against students because of racial, sex, ethnic or economic background;" servicing dropouts through human service programs; developing in-service training and orientation programs for teachers and school personnel about the dropout problem; school policies dealing with different forms of disciplinary action.

REGULATIONS

STATE PLAN FOR DROPOUTS

Pursuant to MRSA §931-932

DROPOUTS

Statement of Purpose

"to help certain youth find appropriate alternatives to school and to maintain contact with youths who have withdrawn from school before graduation or completion of a program of studies."

10. Other - Programs for Pregnant Students

Regulations

13.07.02.02

The State must "provide appropriate school programs for all students including pregnant girls, married or unmarried. Such programs shall be approved by the State Superintendent of Schools and shall include . . . counseling, social work, and psychological services as needed." A girl who is pregnant and has not finished high school "may . . . remain in the regular school program and shall not be involuntarily excluded. . . .

A girl who is pregnant . . . who is under compulsory school age, may voluntarily withdraw from . . . school . . . provided that she enrolls in an . . . educational program planned for her." Programs may include modification of the regular program; "enrollment in a special school or . . . class for pregnant girls . . .[or] in a residential school; . . . telephone . . . home . . . [or] TV teaching; . . . programmed instruction; . . . admittance to a private maternity home," or a combination of these programs. The local school system is responsible for working with the girl's family to cooperate with State, local and private agencies "to assure that the pregnant girl receives proper medical, psychological, and social services prior to termination of pregnancy and for as long as needed thereafter."

CROSS REFERENCE

III.C.Students; Regulation 13.03.01.02

10. Other - Alternative Education Program

CROSS REFERENCE

IV.H; Statute 76 §18

10. Other - Alternative Schools

STATUTES

76 §3

"Every minor between sixteen and eighteen, except a married woman, who does not meet the requirements for the completion of the sixth grade of the public schools of the town where she/he resides" shall attend some alternative school unless his/her physical or mental condition is such as to render his/her attendance "harmful or impractical." Every married woman who does not meet the requirements for the completion of the sixth grade may also attend alternative programs.

10. Other - Conservation Education

STATUTES

15 §4 A

The board of education "shall appoint a supervisor of conservation education who shall serve in the division of elementary and secondary education" and who shall be responsible for setting up a conservation "education center to promote improved educational methods", encourage the training of teachers, and to organize government services for the "advancement of resource management."

10. Other - Extended School Year Program

STATUTES

71 §26 A

"If the school committee of a town determines that sufficient need exists . . . for extended school services for children, between three and fourteen years of age, of mothers who are employed, and whose employment is determined by said committee to be necessary for the welfare of their families, said school committee, subject

to [the school plan approved by the commissioner of education] and with the approval of the city council or selectmen may establish and maintain such services."

71 §26 B

If a school committee determines upon "sufficient need," that extended school services should be established, it shall submit a plan to the commissioner of education. The plan shall consist of standards established by the commissioner in consultation with the state department of public health and shall be operated by the school committee under the general supervision of the commissioner. The parents . . . shall pay up to four dollars per week toward the cost of these services.

71 §26 C

The state and/or any town may accept funds from the federal government to help finance the extended school services program.

REGULATIONS

REG. #26

Extended School Year Rules and Regulations

1. Local superintendents, with the approval of the school committee, shall write to the Commissioner "stating the school system's intent to consider the adoption of an extended school year."

2. A feasibility study will be conducted by the local school committee to determine which ESY approach "might make a positive and cost-effective contribution to the realization of local educational goals."

3. The Department shall assist the committees in an advisory capacity and by providing "information and resource materials upon request."

4. The school committee shall make its determination of whether to implement the ESY program upon review of the study.

5. The final plan shall be submitted to the Commissioner for consideration by the Board, "which will react within 90 days." The plan shall include:

a. "Specific reasons for adoption of the ESY program.

b. Cost analysis . . . of the current program in relation to those of the proposed ESY plan.

c. Waiver request, if necessary.

d. Provision for public information program.

e. Provision for extensive in-service and concentration program for all directly concerned.

f. Provision for an extensive evaluation of the program."

6. No ESY plan may be implemented without prior approval.

7. "Each year the LEA shall submit an evaluation program to the . . . Department . . ." which must be received "in sufficient time to allow for appropriate review and approval by the Department prior to the beginning of the next full year."

10. Other - Magnet Educational Program

Statutes

71 §37 J

The board of education may reimburse any city, town or regional district for all or part of the cost of providing magnet educational programs and may contract with any other public or private facility for the purpose of purchasing magnet educational programs. "Magnet educational program" shall mean educational measures including planning and special services, instruction, or treatment of children which meet requirements set by the board.

10. Other - Nautical Schools

74 §52

A town may establish and maintain schools for training persons in nautical duties. School committees may excuse persons attending these schools from attendance at other schools.

10. Other-Community School Program

Regulations

R 388.281, R 388.282

A community school program may include, but need not be limited to, preschool activities for children and their parents, continuing and remedial education for adults, cultural enrichment and recreational activities for all citizens, and the offerings of technical services to community groups. A community school program shall not include regular instructional activities for children five to eighteen years of age.

To be eligible for funds for a community school program, a district shall submit an application to the department of education. The program shall provide a budget for a salary for a director and for inservice education of the director. To be eligible for funds a district with less than 1800 students shall employ cooperatively with one or more other districts a community school director, unless it certifies that it tried but failed to join with another district.

The school board shall authorize the program and shall make a commitment for inservice for the director.

The director shall have the qualifications for a Michigan teaching certificate and three years teaching experience or a master's degree with a major in educational administration or fields related to community organization.

The program shall cooperate with governmental agencies and services agencies in identifying and servicing the needs of citizens.

The program shall have a citizen's advisory council whose membership shall be appointed by the board of education and shall be broadly representative of the community.

The program shall agree to account for the use of all funds applied for to the department of education.

10. Other-Cooperative Educational Program

CROSS REFERENCE

I. Intermediate Board of Education; Statute §380.627

REGULATIONS

R 340.433, R 340.434, R 340.435, R 340.436

"Application to the superintendent of public instruction for approval of driver safety school shall be made on forms designated for this purpose...

The county board of supervisors shall appoint a municipal judge, a justice of the peace, and two citizens at large to serve on the county advisory board for driver safety schools." The board may establish driver safety schools and may determine the policies governing their operation.

DRIVER SAFETY

Each driver safety school shall teach at least eight hours of classroom instruction. The maximum number of students shall not exceed thirty per class Course content shall be reviewed by the advisory board and approved by the superintendent of public instruction. The course shall include causes of traffic accidents, traffic laws and their enforcement, psychology of the driver, development of good driving attitudes, physical and emotional facotrs related to driving, and defensive driving techniques.

An instructor, who has responsibility for the operation of a driver safety school, shall be a certified driver education instructor.

The board shall establish fees which shall not exceed $10.00 per student.

The instructor shall maintain records of attendance and evaluation of student progress and shall submit an annual report to the board for transmittal to the superintendent of public instruction.

R 388.301; R 388.304, R 388.305, R 388.306, R 388.307

These regulations shall apply to driver education programs provided by school districts, private and parochial schools, and organizations for youth under eighteen years of age.

A school shall obtain approval from the state department of education before operating a new driver education program.

Willful failure to comply with any of these rules shall be considered just cause for withdrawal of approval. If the school requests one, the department of education shall grant the school a hearing.

A school may offer the program during the regular school year, after school hours, or during the summer period.

R 388.331, R 388.332, R 388.333, R 388.334, R 388.335

An organization may apply for approval of a driver education program for persons under the age of 18. The department may visit the proposed facilities and shall supervise the program.

No more than thirty students enrolled for the first time shall be taught per classroom.

Classroom facilities shall be inspected by the state fire marshal and the health department.

The owner and any person who has direct managerial and supervisory responsibility in operating the driver education program shall be a person of integrity in character and business practice.

Financial resources shall be adequate to realization of the announced instructional objectives.

A record of registration, attendance, and achievement shall be maintained for each student.

Tuition rates and equipment fees shall be filed with the department of education.

R 388.308, R 388.309

A driver education program shall have thirty hours of classroom instruction and six hours per student of behind-the-wheel experience. Experience on multiple car ranges may be substituted for part of the behind-the-wheel requirement with the approval of the state department of education.

R 388.315, R 388.316

The oldest students shall be given priority in placement in a driver education program unless circumstances based on need warrant earlier enrollment. No student under the age of 15

shall be admitted unless the student qualifies for a license under section 257.312 of the Compiled Laws of 1948. The student may be only admitted after the licensing authority indicates that the student will be granted a license, and the student's parent or guardian notifies the school that she/he wants the student to take the course.

10. Other-Experimental Programs (Arts Education)

Statutes

§388.1352 - 388.1356

The advisory committee on the development of comprehensive arts education is created to evaluate current efforts in comprehensive arts education programs and submit findings to the state board and to the legislature, including recommendations of guidelines for comprehensive arts programs in education and for experimental and developmental comprehensive arts education programs.

The committee shall consist of 25 members appointed by the board to staggered three years terms. The committee shall elect a chairperson from its members. Members shall be reimbursed for expenses incurred in performing duties.

This act shall expire December 31, 1978.

10. Other-Neighborhood Education Programs

Statutes

§388.1073

The state neighborhood education authority shall have power to develop and operate or provide for the development and operation of neighborhood education centers,

that is, facilities to provide educational, cultural, and social programs previously for school drop-outs but not limited to them. The authority shall have power to enter into and perform contracts with sponsors of centers, to accept grants for the purposes of such centers (provided that such grants do not obligate the state to continue or support programs so established), to acquire and otherwise deal with real and personal property, to avail itself within limits of available appropriations, of the services of state employees, and to promulgate rules necessary to carry out this act.

§388.1075

Cultural and social programs provided under §388.1071 to 388.1076 shall be clearly related to educational purposes and shall not include activities which promote any political party or are derogatory to any racial, religious, or ethnic group, whether directly or by undue emphasis on any other racial, religious, or ethnic group.

10. Other-Programs for Pregnant Students

Regulations

R 340.1121, R 340.1122, R 340.1123, R 340.1124

A pregnant girl under the compulsory school age may withdraw from school when her parent or legal guardian submits a signed request, and a physician states that the girl is pregnant and that continued attendance in school may adversely affect her health or that of the child. No pregnant girl shall be ordered, coerced, or withdrawn against her will from a regular school program.

A girl who withdraws from school because of pregnancy shall be readmitted upon her application. If she is within the compulsory school age, she shall be required to comply with the compulsory school attendance law after the birth of her baby, unless a physician states that her health would be impaired.

A school district may provide and receive financial reimbursement for an accredited alternative school program. The program shall be taught by a person holding a valid Michigan teaching certificate. The program shall be approved by the state department of education as equivalent to the regular school program. The program shall provide health counseling, child care instruction and services, social services and prenatal instruction within the resources of the district providing the program. A pregnant girl of any age, who has not graduated from high school, shall be admitted to the program upon making written application for admission.

A school district shall receive payment for the salary of each teacher employed by the district for an accredited alternative educational program, at the rate of one teacher per twenty pupils.

10. Other-Sex Education

Statutes

§380.1506; 380.1507

A school board may hire instructors and provide facilities for sex education. A sex hygiene program shall be supervised by a registered physician or nurse or a teacher certified as a supervisor in the field.

Instruction or advice or information with respect to birth control shall not be offered.

Upon written request of parent or guardian, a child shall be excused from attending classes in which sex hygiene, sex education, or the symptoms of disease are under discussion.

§380.1508

The state board shall aid and provide leadership in the establishment of sex education programs at all levels of instruction, establish a library of educational

materials concerning sex education available to school districts, and aid in the establishment of in-service and college programs for instruction of teachers and other personnel in sex education.

10. Other - Agricultural Education

Statutes

§123.64

School boards are authorized to purchase school sites and suitable tracts of land for "purposes of instruction, experimentation and demonstration in agriculture."

10. Other - Alternative Programs

CROSS REFERENCE

IV.J.; Statute §127.29

10. Other - American Indian Language and Culture

Statutes

§124.64

The state board of education is authorized to enter into contracts with the United States, and to receive federal money, for the purpose of educating Indians in Minnesota.

§126.46 -- 126.48

In order to ensure equal educational opportunity to every individual, an American Indian language and culture education program is established. An "American Indian child" is any child, living on or off a reservation, who is an enrolled member of a federally recognized tribe.

EQUAL OPPORTUNITY

The American Indian language and culture education programs shall be offered in elementary and secondary schools and designed to: make the curriculum more relevant to the needs and interests of American Indian pupils; provide positive reinforcement of the self-image of American Indian pupils; and develop intercultural awareness among pupils, parents, and staff. The program may include: instruction in American Indian language, literature and culture; and inservice training and technical assistance for staff.

ENROLLMENT

Enrollment in the program shall be voluntary. School districts shall make affirmative efforts to encourage participation.

If it is economically feasible, the school district may make provision for the voluntary enrollment of non-American Indian children. However, priority shall be given to American Indian children. Students shall not be assigned to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

In nonverbal courses such as art, music, and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries.

§126.49 -- 126.50

STAFF

The board of teaching shall grant teaching licenses in American Indian language and culture education to persons who: possess competence in an American Indian language or possess qualifications relative to or knowledge of American Indian history and culture; and who possess a bachlor's degree or meet other requirements of study as the board may prescribe. In hiring for all positions in these programs, preference shall be given to persons who share the culture of the American Indian children enrolled in the program.

Teachers' aides may also be employed in the program. Any district with 100 or more students enrolled in the program shall employ one or more full time or part time community coordinators who shall promote communications, understanding, and cooperation between the schools and the community.

§126.51

PARENTAL INVOLVEMENT

School boards shall provide for the maximum involvement of parents of children enrolled in the program. Before implementing a program, each school district shall establish a parent advisory committee which shall give parents the necessary information and an opportunity to express their views on the program. The committees shall be composed solely of parents, secondary students eligible

for the program, teachers, and representatives of community groups.

§126.52

The state board of education shall conduct a statewide assessment of the need for American Indian language and culture education programs, shall study and review all available resources and programs; design program models; and provide for comprehensive evaluation of pilot programs. The evaluation shall include assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs.

EVALUATION

The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, teachers, and representatives of community groups.

The state board shall report to the legislature, by September 1, 1979, on the status of the pilot programs and recommend any legislative changes it deems necessary.

The state board of education has authority to promulgate rules for implementing the act.

§126.53

The state board of education shall appoint an advisory task force on American Indian language and culture education, composed of parents, secondary students, teachers, and members of community groups. The task force shall make recommendations to the board concerning approval of programs and advise the board in its administrative duties.

TASK FORCE

§126.54

During 1978-79, at least six pilot programs in American Indian language and culture education shall be funded. Each school district making application for funds shall submit a plan outlining its program organization, courses scheduled, and goals and objectives. Each school district receiving a grant shall take a census of American Indian children in the schools; test for achievement; and

classify them by grade, level of education attainment, age and achievement. Participating schools and districts shall keep records on the programs.

10. Other - Community School Programs

Statutes

§121.85

The purpose of community school programs is "to expand utilization by the school of the human resources of the community."

§121.86

The community school programs shall be headed by a director and shall be under the control of the board of education. The director shall recommend rules to implement the programs to the board which will adopt those it deems necessary.

Regulations

EDU 680 -- 685

The community education program shall provide an education-based partnership between the community and the education system. Recommendations for community services shall be made by the advisory council to the district board of education which retains the final authority in deciding programs.

10. Other - Programs for Dismissed Students

CROSS REFERENCE

IV.J.; Statute §127.38

10. Other-Agricultural High Schools

Statutes

§37-27-1

"The county board of education in each county is . . . empowered to establish not more than two agricultural high schools in the county, and determine their location, in which instruction shall be given in high school branches, theoretical and practical agriculture, domestic science, and in such other branches as the board may hereinafter provide for and make a part of the curriculum, subject to review and correction by the state board of education." If only one school is established at first, the county board of education may establish another if the need arises.

§37-27-7

A board of six trustees, one from each supervisor's district, three who shall be elected by the county board of supervisors and two who shall be elected by the county board of education shall govern and control the county agricultural high schools. The county superintendent of education shall be the board's secretary, his/her term shall be his/her tenure of office, and he/she shall be the sixth board member and "represent the county at large." Board terms shall be for four years.

§37-27-9

Two or more county boards of education may join in establishing an agricultural high school or agricultural high school junior college.

"Any county not contributing to the support of an agricultural high school or high school junior college" wishing to cooperate in its maintenance and thus receive full benefits shall request it of the county board of education who may make a levy for support of the institution. After the levy, the county shall enjoy full rights and privileges as the original counties who established the agricultural high school or high school junior college.

§37-27-15

"The trustees of agricultural high schools . . . shall have full power to do all things necessary to the [school's] successful operation." If a common school is connected to an agricultural high school, teachers shall be chosen according to common school procedure.

§37-27-23

County boards of trustees shall judge the "eligibility of all applicants to "agricultural high school." No applicant shall be permitted to enroll "when in the opinion of said trustees the moral and mental characteristics of the applicant are such as would prove detrimental to the good morals of the institution."

The trustees shall also make detailed statements of receipts and disbursements and contract to supply water to municipalities as well as make oil, gas, and mineral leases.

§37-27-31

The board of trustees of any agricultural high school is empowered to lease all the buildings and equipment "to any responsible individual for the purpose of carrying on a private school when there are no funds available for running said institution and to lease the lands of said institution to some responsible person for agricultural purposes." Such leases shall not last for more than three years.

§37-27-33

If an agricultural high school establishes "facilities for the industrial training of students" and the board of trustees feels that their training will be "facilitated by continuous operation of such facilities," the board of trustees may lease facilities to individual companies or corporations provided all students wishing to participate are given "a reasonable opportunity to do so."

"The trustees of an agricultural high school in one country may acquire by donation the plan (including lands, buildings, and equipment) of a privately owned educational institution situated on land outside but adjoining the county line, and . . . thereon . . . maintain and operate an agricultural high school as though it was wholly located in the county receiving the donation."

§37-27-51

The board of trustees of any agricultural high school . . . may enter into an agreement with one another "providing for the attendance of any high school pupils . . . at such agricultural high school . . . all contracts shall be subject to the approval of the state educational finance commission."

Any parent or guardian of a high school student may request that the board of trustees enter into such an agreement. If the request is rejected or not acted upon, the county board of education may act on it and may enter into such an agreement "subject to the approval of the state educational finance commission."

§37-27-53

Any pupil attending agricultural high school otherwise entitled to transportation "at public expense under any applicable statute . . . shall remain entitled to such transportation."

§37-27-55

Any pupil attending an agricultural high school "shall be reported and accounted for the allocation of minimum education program funds and building funds just as though such pupils were attending the regular schools of the district in which they reside."

§37-27-61

"The county superintendent of education of a county which does not . . . maintain (or contribute to the support)of an agricultural high school . . . may provide, with the approval of the county board of

education and the board of supervisors, for the attendance of pupils residing in the county or which he [she] is superintendent of education, at an agricultural high school or agricultural high school-junior college located in a county adjoining thereto . . ."

CROSS REFERENCE

II.A.3.; Statute §37-27-19

10. Other-Career Education Program

STATUTES
§37-13-59

To implement the career education program, the state department of education is empowered to hire a state coordinator of career education and staff. His/her responsibility shall be "to coordinate efforts of the personnel of the state department of education, the state's colleges and universities, local public schools and other appropriate agencies" to provide career education.

10. Other-Economic Education Program

§37-13-54 -- 55

The state department of education shall administer the economic educational program and "support shall be provided by colleges and universities in preparation of teachers. These institutions are also encouraged to establish formal Economic Education Centers to assist the schools with curriculum planning, in-service training and further work in the development of instructional materials."

In administering the economic education program, the state department of education shall take the following into consideration:

(1) implement inservice training for personnel;

(2) implement the above sections "in the most expeditious manner possible";

(3) "encourage local school evaluation of the effectiveness of the economic education program";

(4) "cooperate with the state colleges and universities in developing programs and short course workshops for the preparation of economic education teaching personnel."

10. Other-Native American Education

CROSS REFERENCE

I. Board of Trustees; Statute §37-7-623; 625--629; 639

10. Other-Programs for Hospitalized Children

Statutes

§37-11-11

"When five or more children of educable mind between the ages of six and twenty-one who are capable of pursuing courses of instruction at the secondary school level or below shall be confined in a hospital for an extended period of time, such children . . . shall be provided with a program of education . . . provided the need for (extended) hospitalization . . . shall be certified by the chief of staff . . . and that the ability of such children to do school work shall be certified by qualified psychologists and/or educators approved by the state board of education."

10. Other - Innovative Programs

Regulations

5CSR 50-340.090

STANDARDS FOR INNOVATIVE PROGRAMS

Off-campus programs may be provided if properly supervised by teachers assigned to supervise off-campus study and the pupils participating spend at least half-time regularly enrolled in on-campus classes. The Department of Education must approve a written proposal for the off-campus plan submitted by local school officials.

CROSS REFERENCES

III.A.1.; Regulation 5 CSR 50-340.010

10. Other - Part-Time Schools

CROSS REFERENCES

III.A.2.: Statute 178-310 -- 360

IV.I.; Statute §167.051

10. Other - Indian Education Programs

Statutes

§75-6309

Any Indian child is subject to the compulsory attendance laws, "unless . . . prohibited by the laws or treaties affecting" the child's tribe or the reservation where the child lives. Where a prohibition exists, the trustees may accept from the Indian tribe or reservation the authority to enforce the compulsory attendance laws for such Indian children.

The trustees may agree with an Indian tribe or reservation "to perform any other functions prescribed by" Title 75, "except as limited by the laws of the U.S. and its treaties with such tribe."

CROSS REFERENCES

III.B. Certified Personnel; Statute §75-6131

III.C.Educational System; Statute §75-6129

III.E. Teachers; Statute §75-6133 -- 75-6136

10. Other - Private Music Instruction

Statutes

§75-7508

Pupils may receive credit for "private music instruction, conducted outside of school hours and at the pupil's own expense . . .[and] provided by a teacher holding a valid Montana Teacher's certificate with a music endorsement." The district must "provide adequate supervision . . . and . . . determine the allowable credit for such courses."

10. Other - Correspondence Instruction

CROSS REFERENCE

IV.G.: Statute 79-469

10. Other - Experimental Programs

Regulations

11-(12)

Accredited schools are encouraged to carry on some innovative or experimental programs. If, however, the experiment presents a potential violation of any Accreditation Rules and Regulations, the school's administration must seek Department of Education approval for the experimentation.

10. Other - Education Voucher Programs

Statutes

§194-A:1 -- 194-A:5

The state board of education is authorized to "conduct a test of education voucher programs in certain school districts" to determine "whether education voucher programs will improve the quality of education, will increase freedom of choice with respect to publicly financed education and will provide more educational opportunities."

An "education voucher" is an instrument which may be exchanged for "the provision of educational services" or may be redeemed for cash up to a set maximum value.

The state board of education shall have the authority to "promulgate rules and regulations" for the education voucher program, including administrative standards, eligibility standards, and evaluation standards.

"Participating districts" are authorized to make agreements with the state board of education for the establishment of "educational voucher programs."

The state board of education shall "monitor and evaluate" the educational voucher programs to "determine whether such programs are improving the quality of education, increasing freedom of choice with respect to publicly financed education and providing more equal educational opportunities." The state board of education shall submit its reports to the governor.

10. Other-Demonstration Schools

Statutes

§18A:38-24

Any pupil may, with the consent of the district board of education and the commissioner, "be admitted to any demonstration school maintained in connection with any state college." The district board shall pay the determined amount of tuition.

TUITION

10. Other-Environmental Education Programs

Statutes

§18A:6-81--83

In order to meet the growing needs of New Jersey's environmental problems and to increase awareness and knowledge of environmental concerns, the commissioner of education is authorized to promote the establishment of "local public and nonprofit elementary and secondary school environmental education programs."

The commissioner of education is authorized to operate and develop "Regional Environmental Education Centers" in order to develop "environmental education programs" in each school district and provide environmental education to teachers.

§18A:6-84 --86

Any public or nonprofit educational agency may apply to the commissioner "for designation as a Regional Environmental Education Center."

Courses of study shall be approved by the Commissioner of Education and the State Board.

Instruction at the Regional centers shall include, "the study of man and his[her] environments, problems of environmental pollution, as they relate to the fields of ecology and other sciences. . . ."

§18A:6-87 - 89

Any public or non-profit school may arrange its schedule so that elementary and secondary school pupils" may utilize the services and facilities of an environmental education center."

The commissioner is authorized to enter into agreements with and to make cost sharing grants of money to, local school districts, New Jersey Public Broadcasting Authority or Regional Environmental Education Centers, to assist in the costs of services for local student participation in their educational services.

Upon application, the commissioner is authorized to enter into agreements with, to make grants of money to, local school districts to pay half the cost of "constructing and equipping local environmental education facilities."

§18A:6-91

The commissioner, with the approval of the state board of education shall: (a) make rules and regulations for the establishment and operation of the Environmental Education Centers for the purpose of providing curriculum materials, teacher training, demonstration pilot programs, guidance and consultative services to municipal conservation commissioner and other environmental interest groups. These centers shall concentrate their research and curriculum development efforts on "land use, ecology and related physical and social sciences;" (b) employ necessary personnel.

RULEMAKING

10. Other-Evening Schools For Aliens

CROSS REFERENCES

III.B.Teachers: Statute §18A:49-2

III.B.Teacher: Regulation 16:11-3.13

10. Other-Neighborhood Education

Statutes

§18A:54A-3

In order to motivate high school dropouts, the "Neighborhood Education Center Act" is adopted. DROPOUTS

CROSS REFERENCES

I.Commissioner of Education; Statute §18A:54A-7

I.Council of Neighborhood Education Centers; Statute §18A:54A-5

10. Other-Indian Education Program

Statutes

§77-2-11 -- 77-2-13

The "Indian education division" is created within the state department of education.

The superintendent shall appoint an assistant for Indian education.

The Indian education division shall:

A) provide direct assistance to meet the educational needs of Indian students;

B) provide direct assistance to local school districts in the planning, development, implementation and evaluation of curricula designed for Indian students;

C) establish an advisory council of Indian educators and others to assist in evaluating, consolidating and co-ordinating activities relating to education of Indian students.

10. Other - Experimental Programs

CROSS REFERENCE

III.B.Teachers; Regulation §80.2

10. Other - Home School Program

Statutes

§4801 -- 4809; 4815

The "common council" of any city having a population of 70,000 to 250,000 may establish a "home school for the purpose of giving instruction in the trades, industrial, agricultural and homemaking subjects in addition to instruction in public school subjects" to the city's school age children. Such school "shall be deemed a part of the public school system of the state, and shall be subject to the supervision and control of the commissioner of education and the education department."

A board of managers, comprised of at least five members, shall be appointed by the major, and shall be responsible for the operation and maintenance of the school. The managers may "discharge or parole . . . any child admitted" to the school. APPOINTMENT

The course of instruction includes "instruction in agriculture, mechanic arts, trades and homemaking, and in the duties, responsibilities and privileges of citizenship."

School age children are admitted on application, or committed as truants, incorrigible pupils, or juvenile delinquents. Juvenile courts may commit children to the school, but the board of managers may transfer any child committed by the court "found to be incorrigible, not amenable to proper discipline . . . or feeble minded . . . ." TRUANT

10. Other - Indian Education

Statutes

§111

The department of education shall perform "the

functions conferred by law" for the education of Indian children.

§4101 -- 4119

"The commissioner of education shall establish schools . . . for Indian children . . . ." In his/her discretion, the commissioner may cause suitable buildings to be erected or contract with any school district for such instruction. Composition of faculty, compulsory attendance laws, education of physically handicapped Indian children, and other policies with respect to Indian education conform substantially to state public education policies and procedures.

CROSS REFERENCE

IV.H.; Statute §3205, 3206

10. Other - Nautical School

Statutes

§4901 -- 4904

The board of education of the city of New York may, "in its discretion . . . provide and maintain a nautical school" in New York City "for the education and training ofpupils in the science and practice of navigation."

The board of education of the city of New York shall appoint at least three of its members as an executive committee for the nautical school. APPOINTMENT

The chamber of commerce of New York is to appoint a committee of its members as a council to cooperate with the New York City board of education in the establishment and maintenance of the school. APPOINTMENT

10. Other - Correspondence Courses

Regulations

Chapter III: VIII. A.

Supervised correspondence courses for high school credit or enrichment are available through the Division of Independent Study. The Division offers approximately 120 courses. Course work is done in units on a students' own. A local supervisor administers unit tests and final examination, but these are evaluated by the Division itself.

A summer school program is offered for high schools unable to provide one.

Graduation is possible through the Division. Requirements are the same as recommended by the State Department of Public Instruction.

Applications for enrollment of students presently enrolled in a high school, or those below compulsory school age, must have the application signed by a local school administrator.

10. Other - College Courses

Statutes

§3315.09

The board of education of any school district may enter into a contract for up to one year, with any other board or authorized official of any college to obtain instruction in special technical, professional or advanced studies beyond the scope of the public high school.

Similary the board may enter into a contract with a private corporation or association on a non-profit basis, for maintaining and furnishing a museum of art, science or history or providing music instruction or other educational services.

10. Other - Experimental Program

CROSS REFERENCE

III.C.Elementary and Secondary Education; Regulation §3301-31-01 -- 3301-31-09; 3301-35-01 -- 3301-35-08; 3301-37-01 -- 3301-37-08

10. Other - Part Time Schools

CROSS REFERENCES

IV.H.; Statute §3321.16 -- 3321.22

IV.I.; Statute §3321.08 -- 3321.10

10. Other - Programs for Out-of-School Youths

CROSS REFERENCE

II.A.9.; Statute §3313.641

10. Other - School in Children's Homes

Statutes

§3313.65

"The inmates of a county, semi-public, or district children's home shall have ... the privilege of the public schools. So far as possible such children shall attend such school in the district within which such home is located.... Such board shall employ... necessary teachers, and provide books and educational equipment and supplies, and conduct such school in the same manner as a public school within the district. The trustees of the home shall furnish necessary furniture, fuel, and light."

10. Other - Tuberculosis Schools

§3313.55

Any board of education may establish special schools for persons who are afflicted with tuberculosis, and may require all afflicted youths, within such district, to be excluded from the regular schools. The board may provide from the school funds for the transportation of such persons to and from such special schools. The board "of any school district in which is located a state district, county, or municipal hospital for children with tuberculosis or epilepsy... shall make provision for the education of all educable children therein; except that in the event another school district... is the source of sixty percent or more of the children in said hospital or institution, the board... shall make provision for the education of all the children therein..."

10. Other - Civil Defense Education

CROSS REFERENCE

II.A.8; Regulation, General Progress Criteria; p. 26

10. Other - Correspondence Schools

Regulations

High School Regulations;
XII. Correspondence Credit, p. 69

Req. a. "High school correspondence credit to be applied toward graduation from an accredited high school" must be earned "through one of the regional accredited institutions."

Req. b-e. A student at an accredited high school carrying a normal student load may only take a correspondence course with the approval of the high school principal or superintendent. A student may not "take by correspondence any high school course . . . offered in the local school unless there is a conflict in the schedule." Students attending an accredited high school may take a "maximum of 1 unit by correspondence each year for 2 years." Students who take one or more unit "by correspondence in an approved manner . . . must comply with all other" graduation requirements to obtain a diploma from a school.

Req. f. "Individuals over the age of 19 . . . may complete their high school work by correspondence from any of the regional accredited institutions which offer high school correspondence courses."

10. Other - Collegiate Courses

Statutes

§336.155

District school boards may contract with the state board of higher education for "the offering of lower division collegiate courses, to be conducted under the joint supervision of the division of continuing education and the district school board."

10. Other - Experimental Programs

CROSS REFERENCE

III.A.1.; Regulation §581-22-206

10. Other - Extended Educational Experiences

§336.175

The district school board may provide extended educational experiences to students "through public and private community agencies, when such experiences can be provided by the agencies more appropriately or at a lesser cost . . ." These programs may include but are not limited to work experience.

10. Other - Home Education

§343.960

The state board of education shall be responsible for approving the educational program for children living in private schools or homes enumerated herein.

The education may be provided in the regular schools or by the school district in facilities provided by the agency.

10. Other - Off-Campus Experience

CROSS REFERENCE

IV.H.; Regulation §581-22-230

10. Other - Other Courses

§343.910

In cities of at least 8,000, a district school board in cooperation with the city may employ "home demonstration agents and 4-H club agents to conduct educational programs among city youth and homemakers in the sciences of homemaking, agriculture and related arts and sciences."

10. Other - Driver Improvement School

Statutes

§2901

Any first class county or city may establish a driver improvement school. Motor vehicle operators residing in the first class county or city and with the approval of school administrators and operators residing elsewhere may attend. The purpose of the school is to give instruction in the operation of motor vehicles and for generally improving the driving habits of the operators attending.

§2902

A driver education school shall be established by the county commissioners subject to the approval of a majority of the judges of the court of common pleas, except in first class cities where the school shall be established by the city council.

§2903

Driver education schools shall be under the direction of the county superintendent of schools except in first class cities where they shall be under the direction of the superintendent of schools. The superintendent shall have the power and duty to hire instructors, but the cost of operation shall be on the county or city.

10. Other - Tutorial Services

Regulations

§ 11.31

Private tutoring by a properly qualified tutor shall be subject to the approval of the district superintendent of schools. Such instruction shall include subjects and activities designated and pre-

scribed by statute and shall be conducted daily throughout the period that the public schools are in session.

A compulsory school-age child regularly attending full time a nonpublic or private day school in which activities prescribed by statute and regulations of the State Board of Education are taught shall be excused from attending the public schools.

"Membership attendance of nonpublic school pupils lawfully enrolled part time in the public schools shall be recorded and counted on an equivalent full-time basis for attendance purposes and reimbursement."

HOMEBOUND INSTRUCTION

A school-age child unable to take part in homebound instruction or instruction in the home may upon recommendation of the school physician and a psychiatrist or public school psychologist or both and with the Secretary's approval be excused temporarily from school attendance. The temporary excusal, which shall be re-evaluated every 3 months may be extended upon recommendation of the school physician and with the Secretary's approval. The temporary excusal and re-evaluations are subject to requirements of notice and due process hearing. Children so excused shall be entered on the inactive roll.

10. Other - Americanization Schools

Statutes

§16-29-10

The truant officers shall inquire into "all cases" of the Americanization school attendance requirements, shall be authorized to enforce attendance by "legal processes", and shall not be liable for the costs of so doing.

10. Other - Programs for Pregnant Students

Regulations

ARTICLE IV: STUDENTS (p.4 - 12.3)

E. DISCRIMINATION, SEGREGATION, AND INTEGRATION

4. Regents: Policy for the Education of Pregnant Students (BR, 6/5/78)

The Board of Regents reaffirms the right of all students to equal educational opportunity. No student, whether a parent or prospective parent, shall be arbitrarialy excluded from any part of a regular school program.

The Board recommends that, whenever necessary, school programs for pregnant girls be adapted as as to allow for the provision of additional appropriate services. A comprehensive list of agencies to which local school systems can turn for supportive assistance for a pregnant school girl should be made available through the school system.

The Board recommends that a deliberate effort be made by local systems to interest new mothers in a return to school following birth of their child.

10. Other - Experimental Programs

Regulations

§43-230

Experimentation offers opportunities for the development of improved techniques and procedures in the educational process. Elementary and middle schools not using state-adopted textbooks in the required subject areas as the basis for their instructional program or that vary from the minimum time requirements must submit an application for an experimental program. Supplementary materials of instruction when utilized with an approved basal text does not constitute an experimental program. An experimental program must meet the following conditions:

1. The purpose, outline of general procedures, and plan of evaluation must be submitted to the Chief Supervisor, Accreditation and Educational Improvement Section, for written approval at least six weeks prior to the implementation of the program.

2. An evaluative report must be submitted to the Chief Supervisor, Accreditation and Educational Improvement Section, at the end of the experimental program on forms supplied by the Accreditation and Educational Improvement Section.

3. Experimental courses approved and offered for three consecutive years in elementary schools and for three years in middle schools may be considered regular courses in the sponsoring school without additional approval.

4. Standards relating to the minimum curriculum, the length of the school year, and others may not be violated in middle schools.

In secondary schools, the administrative head of an accredited high school may conduct an experimental program which necessitates the temporary waiving of certain standards providing condition (1) listed above is met, standards relating to the minimum curriculum, the length of the school year and others are not violated and evaluative

reports as described in condition (2) above are submitted with the following information: the number of students who passed and failed, instructional materials used, instructional schedule followed, and plans for continuing or modifying the experiment. Experimental courses approved and offered for three years may be considered regular courses in the sponsoring school without additional approval.

WAIVER

The director of an area vocational center may conduct an experimental program which necessitates the temporary waiving of certain standards provided the program has prior approval of the Chief Supervisor, Accreditation and Educational Improvement Section, and the Chief Supervisor, Program Planning and Development.

Experimentation by local directors of adult education programs is encouraged. It shall be reported to the Office of Adult Education when waiving of certain established standards are necessary for experimentation. Requests for prior approval shall be made to the Office of Adult Education and approved by the Office of General Education.

10. Other - Schools for Institutionalized Orphans

Statutes

§59-37-10 --59-37-30

The state board of education shall establish a grammar school and/or high school for institutionalized orphans and needy children if the directors of the institution request. The school shall be under the "direction and control" of the school district in which it is located and shall use its teachers but the instruction of those pupils shall be held in buildings provided by the institution. The school shall be subject to all rules and regulations that govern the operation of other public schools in the state. The state board shall provide for the support of the school and may discontinue the school at any time it deems advisable.

10. Other - Indian Education Programs

Statutes

§1-4-1

The "state commission of Indian affairs" is responsible for "securing assistance . . . particularly in the areas of education, health, welfare." The commission seeks to provide "resources and services" in order to "give equal opportunity to Indian people to solve their educational . . . problems . . . ."

§13-15-2

The state board of education is authorized to contract with the Department of the Interior "for the education of Indian children." The state board may receive and appropriate federal funds for that purpose.

§13-15-3

Local school boards are authorized to contract with the U.S. Bureau of Indian Affairs for the education of school-age children. Such contracts may agree to pay "tuition charges," or share "costs and facilities."

§13-15-5

Education provided under such federal contracts must meet school board standards. If the education is "supplied by a federally operated school," it shall be "considered in lieu of the public education required by law."

CROSS REFERENCE

IV.G.: Statute §13-28-11.1

10. OTHER - MINI-COURSES

REGULATIONS

p. 90

"Local school systems may establish mini-courses under the supervision of a certified teacher and with the approval of the local board of education and the State Commissioner of Education." These shall "permit the nine-week programs (for 1/4 of credit) for schools wishing to enrich the curriculum and provide more exploratory opportunities for students."

10. OTHER - OUT OF SCHOOL EXPERIENCES

REGULATIONS

p. 90

"Local school systems may establish guidelines for students to earn a maximum of two units of credit for out-of-school experiences. The guidelines would require instruction, text materials, and the same time requirements as for the regular school program." A certified teacher must supervise, and prior approval must be given by the local board and the State Commissioner.

"Credits earned in out-of-school experiences may not be substituted for required subjects as established by the State Board of Education" except for one-half unit credit of economics by participation in a Junior Achievement program. Out-of-school experience programs may include: Junior Achievement, private music, dance, and drama programs, apprenticeship programs, travel programs, and other programs whose goals are in accord with the school's objectives.

10. Other - Community Education

Regulations

§3621

"The procedures for providing community education programs are as follows:

(1) The Texas Education Agency will solicit from school districts proposals for pilot programs in community education and will, within the funds available, fund a limited number of such programs.

(2) The Agency will, within the resources available, provide upon request technical assistance to help school districts implement community education programs.

(3) Instruction shall be locally designed to meet community needs, using state guidelines for all programs supported by state or federal funds.

(4) Teacher qualifications for all locally designed and funded non-credit programs shall be established by the school district. Teacher qualifications for credit instruction must meet the state standards for such instructional programs."

10. Other - Consumer Education

Statutes

§21.119

"The Central Education Agency shall develop curricula and teaching materials for a unit of study in consumer education." This will be an optional unit of study.

Regulations

§3623

"A program in consumer education shall be developed, tested, and implemented as a multidisciplinary program, incorporated in appropriate subject areas and grades K-12."

§3623

"The program of consumer education as a multi-disciplinary program is the responsibility of several departments, chiefly the Department of Teacher Education and Instructional Services and the Department of Occupational Education and Technology.

A state design for consumer educationestablishes a conceptual framework for instruction defining goals, objectives, and activities. This design assigns responsibilities for the Texas Education Agency implementation."

10. Other - Crime and Narcotics Programs

Statutes

§21.118

The Central Education Agency will "provide and implement an effective education program" dealing with crime and narcotics. This will be to conduct assessments of the drug problem in each local high school district... (provide) training in drug-crime education ...." and to educate all members of the community concerning the drug problem...." This program will provide for study of crime and drug related problems and accreditation standards and teacher requirements.

Under this program funding will cover administrative costs for program development, coordinating and training professional positions, school district costs for materials and staff and such funding will be provided by the state, to be paid from the general revenue fund or other source.

10. Other - Environmental Education

Statutes

§3622

"There shall be a statewide design for environmental education. This design shall include goals and objectives, a framework for interdisciplinary environmental education programs, a structure for implementation, procedures for evaluation, and plans for financing such programs. The

statewide design for environmental education shall be coordinated with statewide activities for environmental education through the Governor's Office, Division of Planning Coordination.

An advisory committee on environmental education for conservation shall be established by the Commissioner of Education. The committee shall function in a reciprocating capacity, reacting to ideas being tested by the Texas Education Agency and offering suggestions relative to environmental education."

§3622

"The statewide design is implemented through guidelines for environmental education programs to be developed by school districts. The Division of Program Development is responsible for coordinating the efforts of several organizational units in developing the framework for these guidelines."

10. Other - Instructional Resources Program

Regulations

§3311

"Procedural guidelines for an instructional resources program are:

(a) comprehensive planning

(b) instructional resources programs personnel

(c) instructional resouces program and other state agencies."

10. Other - Late Afternoon and Evening Sessions

Statutes

§ 21.902

"The board of trustees of any district may provide late afternoon and evening sessions and determine which pupils shall be admitted or assigned to such school programs."

10. Other - Multi-Cultural Education

Regulations

§3251

"Multi-cultural education is in accordance with the State Plan for Implementing in Public School Curriculum the Concept of Confluence of Texan Cultures, adopted and revised by the State Board of Education and administered by the Commissioner of Education.

The State Plan includes guidelines relating to:

(a) Curriculum for Cultural Confluence

Teaching the knowledge of and appreciation for differences in cultural, language and life-style will be an integral part of the curriculum for every pupil.

(b) Textbook Materials for Cultural Confluence

Textbook materials used in teaching the concept of cultural confluence will present the positive contributions of all individuals and groups to the American way of life and will include a wide range of goal choices and life styles.

(c) Teacher Education for Cultural Confluence

Both the preservice and the inservice education of teachers will include components of the concept of cultural confluence to ensure their having a knowledge and understanding of cultural, language, and life-style differences."

10. Other - Programs for Pregnant Students

CROSS REFERENCE

IV.J.; Regulation §2304.1

10. Other - Schools for Prison Inmates

Regulations

§4103.4.2

"The Commissioner . . . may allocate personnel units and operating costs to schools operated by the Department of Corrections . . . ."

10. Other - Indian Education Programs

Statutes

§53-2-33

In order to provide for the "welfare and education of Indians in public schools," the state board of education is "authorized to enter into contracts with the United States Department of the Interior." Such contracts are subject to the approval of local boards of education.

10. Other - Part-Time Schools

CROSS REFERENCE

IV.H; Statutes §53-24-1 -- 53-24-9

10. Other - Alternative Programs

Regulations

R.M. Ch. II.E; p. 22

Determination of education equivalent to that provided in public school shall be made by the Department of Education.

Within the Department of Education shall be established a Committee on Equivalent Education which shall act on home study cases. In such cases, other than those under Special Education, education shall be built around the Calvert Home Study Plan for elementary students and approval correspondence courses for secondary students.

Annually, each superintendant shall submit to the Department a list of places where education is provided other than public schools for children between the age of 7 and 16 years. The person responsible for approval of private schools shall ascertain that any non-public school on this list has been approved by the Board of Education.

10. Other-Alternative Study

Regulations

R.M. Ch. II; p. 88

The State Department enthusiastically supports the concept (called DUO, Do Unto Others) of volunteer work by students for academic credit, and recommends the granting of full academic credit for those who participate. The program is devised for youth of the tenth or eleventh grade and is recommended as a full semester activity. The benefits reaped by the student will depend on the creativity and planning of the local school and on the commitment of the sponsor.

10. Other-Citizenship Education

Regulations

R.M. Ch. II; p. 85

The State Board resolves to encourage local school boards to develop a comprehensive citizenship education plan, including participatory learning experiences in conjunction both with the decision-making

process of school life and with community agencies.

10. OTHER-DRUG EDUCATION

REGULATIONS

R.M. Ch. II.J; p. 35

The State Board urges immediate support and leadership by the Department to implement efforts to educate both adults and youth in the harmful affects of addictive drugs.

10. OTHER-LEGAL EDUCATION

REGULATIONS

R.M. Ch. II; p. 85

The State Board and the Vermont Bar Association jointly resolve to endorse the concept of legal education in the schools.

10. Other - Educational Programs for Institutionalized Children

Statutes

§22-9.1:04

"Each State board, agency and institution having children in residence or in custody shall provide education and training" which is "at least comparable" to that provided in the public schools. The board, agency or institution may provide education and training either with its own facilities and personnel in cooperation with the Board of Education or with a contract with a school division or any other public or private nonsectarian school, agency or institution.

The Board of Education shall prescribe standards and regulations for education and training provided directly by a board, agency or institution.

Each board, agency or institution providing the education and training shall submit annually its program to the Board of Education for approval in accordance with regulations of the Board

Any board, agency, or institution providing education and training to a handicapped child, as defined in §22-10.3, may proceed as a guardian, pursuant to §22-10.8 (a) to contract with a private non-sectarian school to provide special education as defined in §22-10.3

CROSS REFERENCE

IV.A.; Statute §22-55

10. Other - Community Education

Statutes

§28A.58.247

"Notwithstanding . . . any law, rule, or regulation, any school district is authorized to provide community education programs in the form of instructional, recreational and/or service programs on a non-credit and nontuition basis . . . for the purpose of stimulating the full education potential and meeting the needs of district residents of all ages and making the fullest use of the district's school facilities."

10. Other - Correspondence Courses

Statutes

§180-56-046

" Each school district ... shall adopt rules governing the acceptance of correspondence or college course for high school credit. Such rules shall limit acceptance to courses from approved schools or institutions .... The following are approved schools:

RULEMAKING

(1) Schools approved by the national University Extension Assocation,

(2) Community Colleges, vocational-technical institutes, four-year colleges and universities, and state approved private schools in Washington State, and

(3) Other schools ... approved, after evaluation for a particular course offering, by the school district."

10 Other - Environmental Study Center

Statutes

§28A.21.300

The operation of a state supported environmental study center shall be transferred to the educational service district "which the superintendent of public instruction deems . . . in the best interest of the public for utilization of such a center. . . ."

10. Other - National Defense Studies

Statutes

§180-50-060

" [T]he state superintendent ... is authorized to proceed with development of appropriate and necessary units relative to the national defense program."

10. Other - National Guard Career Training Program

Statutes

§28A.04.133

The state board of education may accept "national guard high school career training in lieu of" either required or elective high school credits.

§180-56-056

School districts may accept national guard high school career training in lieu of either required or elective high school credits.

Approval of the school district shall be obtained prior to a student's participation in a national guard career training program as follows:

" (1) The number of credits ... to be granted shall be calculated, agreed upon by the student and an authorized representative of the school district, ...

Credit toward high school graduation may be granted by the school district upon certification by a national guard training unit commander ... that the student has met all program requirements. "

10. Other - Programs For Institutionalized Persons

CROSS REFERENCES

II.A.7.; Statute §72.05.104

10. Other - Unstructured Learning Experiences

Regulations

§180-56-041

" Credit ... may be granted for school planned learning experiences primarily conducted away from ...[school] ... facilities. School planned learning experiences ... may be accepted for credit upon compliance with [rules and] procedures established by the school district. Such rules shall include ... the following ...

(1) A proposal for approval of credit ... submitted prior to the experience and ... include ...

(a) Name of program

(b) Length of time ...

(c) Objectives ...

(d) Description of how credits shall be determined

(e) Content outline ... and/or major learning activities and instructional materials to be used

(f) Description of how student performance will be assessed

(g) Qualifications of instructional personnel, and

(h) Plans for evaluation of program.

(2) The proposal shall be presented to the ... school district board of directors for review, revision and approval or disapproval.

(3) The reasons for approval or disapproval shall be communciated to the students, parents, guardian..."

10. Other - Work Study Programs

Regulations

§180-56-051

" [W]ork experience ... should be regarded as a permanent phase of the secondary school curriculum rather than just a device to relieve a manpower shortage. The following ... may be granted for work experience [credit]:

(1) The work program shall be supervised by the school.

(2) The work experience shall be definitely related to the school program of the student.

(3) Credit given ... shall represent growth in the student and the type of work done should have definite educational value.

(4) The job ... shall provide varied experiences.

(5) A ... program shall be supplemented by an adequate program of guidance, placement, follow-up and coordination between job and school.

(6) Work experience as a planned part of a school subject may be included in the credit given for that subject.

(7) One work credit may be granted for not less than one hundred thirty five hours of work experience related to a student's school program.

(8) A student participating shall be legally employed and must have passed his/her sixteenth birthday.

(9) An employer's report ... indicating satisfactory progress on the job, shall be filed with the school.

APPRENTICESHIPS

(10) The regular state apprenticeship program, ... is acceptable."

10. Other-Conservation Camps

Statutes

§118.05

The school board may establish conservation camps, which need not be within the school district in order to promote an understanding of geology, geography, conservation and nature study. The board shall establish requirements for participation in the camps.

10. Other-Extension Courses

Statutes

§120.21

The school board of a union or common high school district or a common school district operating elementary and high school grades may contract with the university extension division for extension courses for pupils enrolled in high school, and for courses in flight instruction approved by the state superintendent. The cost of such contracts shall be paid out of school district funds.

10. Other-Flight School

CROSS REFERENCES

II.A.10.Other - Extension Courses; Statute §120.21

10. Other - Indian Education

CROSS REFERENCE

III.B.School Personnel; Regulation Chap. III, Section 7

B. Educational Materials

IIB

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§16-36-1

A state textbook committee is created whose duty it is to make recommendations to the state board of education on textbooks to be used in the public elementary and high schools. In making its recommendations the textbook committee shall consider any recommendations made by the committee on courses of study or by the state superintendent of education.

§16-36-2

The committee shall be composed of 16 members, 14 appointed by the state board of education and 2 appointed by the governor, for one-year terms. Vacancies on the committee shall be filled by the original appointing authority. In order to qualify as a member of the committee, each person appointed must file an affidavit with the state board of education, declaring her/his intent to faithfully perform her/his duties and stating that s/he has no pecuniary interest in any textbook contracts.

CONFLICT OF INTEREST

§16-36-3

The state textbook committee shall elect officers from among its members at an organizational meeting and shall meet thereafter at the call of the chairman or the state superintendent of education.

§16-36-4; 5

Local textbook selection committees shall be appointed by each county and city board of education; the composition of the committee is to be determined by each local school board. In order to qualify, committee members shall file an affidavit with their respective board, stating their intent to faithfully perform their duties and stating that they have no personal economic interest in any textbook contracts. Local committee members shall serve for three-year terms. The local committees shall meet on call of the chairman of the local board and shall select textbooks from the state board of education's adopted

list or, if authorized by law, select books from a list submitted to the committee by a proper local authority.

§16-36-6

The adoption of a textbook by a majority vote of the local committee shall be for a six year period and may not be changed during that time unless the change is authorized by the state board of education.

§16-36-8

Besides recommending textbooks, the state textbook committee also has authority to recommend instructional materials when requested to do so by the state board of education, or when the textbook committee determines that such materials would improve the educational program.

§16-36-9

Before the state board of education adopts textbooks, members of the public shall be allowed a reasonable amount of time to be heard concerning any book proposed for adoption. Adoption of textbooks shall be made only at a public meeting of the state board of education.

§16-36-10

All textbooks adopted shall be in effect for six years and no changes may be made during that time unless recommended to the state board of education by the state textbook committee. All contracts with publishers shall stipulate that the authors of the books are not members of the communist party or known advocates of communism.

§16-36-22

City boards of education, upon the recommendation of the city superintendent of schools and the approval of the state board of education, may substitute texts for high schools other than those prescribed by the state board. Counties with a population of 150,000 - 180,000 may substitute other textbooks for use in junior and senior high schools for the state-adopted textbooks.

§16-36-23; 25

The state department of education shall purchase and furnish textbooks to pupils and teachers in schools operated by Alabama state hospitals, the Alabama institute for deaf and blind and the Alabama boys and girls industrial training schools.

§16-36-27

The state board of education shall provide as many textbooks as funds allow for the use of all public school pupils. No pupil shall be without a textbook except in courses which do not require one book for each pupil and except in courses not prescribed by the state courses of study committee.

§16-36-36

Neither the state superintendent of education nor any member of the state board of education shall have an interest in any textbook contract or publishing firm. A violation of this provision may result in fine or imprisonment.

CONFLICT OF INTEREST

§16-36-37

Any teacher who uses a textbook other than the book prescribed by the textbook committee shall be guilty of a misdemeanor and punished by a fine.

CROSS REFERENCES

II.A.2; Statute §16-39-10

II.C.2; Statute §16-11-11; 16-11-13

C. ISSUANCE

STATUTES

§16-36-32

All textbooks furnished to pupils shall remain the property of the state or local school system. The parent or guardian of a child to whom textbooks are issued shall be held liable for loss or damage of the books.

2. Audiovisual Education

Statutes

§16-7-2;3;5

The Alabama educational television commission shall consist of five members, appointed by the governor, who are residents and qualified voters. Co ssion members shall not have any financial interest in the facilities with which the commission deals. Vacancies on the commission shall be filled by the governor.

The commission shall promote the use of educational television and shall control and supervise the use of educational channels. The commission may own and operate television stations, or it may contract with other individuals or agencies for the operation of television stations.

3. School Libraries

Statutes

§16-21-1

The county board of education is authorized to appropriate funds to public schools for establishing, or improving school libraries.

§16-21-2

The state superintendent of education shall compile and publish a list of books from which the school libraries shall be chosen, and s/he shall adopt rules and regulations for the choice of books and the training of librarians.

§16-21-3

Any county board of education may establish a system of circulating libraries as an alternative to separate libraries for each school.

CROSS REFERENCE

I.City Board of Education: Statute §16-11-23

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§14.07.050

Textbooks for district schools shall be selected by district boards. A State School Textbook Committee, "appointed by the director for state schools," shall make selections for state schools and the list shall be submitted to the "Board of Directors for State Operated Schools" for approval or rejection. A district may select from the list of the Committee.

§14.07.057

School boards selecting their own books shall submit a list to the department of education.

2. Audiovisual Education

Statutes

§14.58.10 -- 14.58.90

The Department of Education shall contain the Alaska Educational Broadcasting Commission. The commission shall consist of nine members appointed by the governor, subject to confirmation by the legislature. They shall serve a term of five years and may be removed only for cause. They shall receive no salary but shall be compensated by a per diem and travel expenses. The commission shall "control and supervise" the educational broadcasting channels, receive for revision and approval all educational broadcasting licenses, applications for federal, state or private funds involving educational broadcasting, provide consulting services to public or private agencies concerning educational broadcasting, serve as a library and clearing house for information on broadcasting for educational and public purposes, "have the final authority over the broadcasting policy programming, and provide coordination for the development of educational broadcasting.

To carry out its duties the commission may hire a director, a consultative, technical and clerical staff and appoint unpaid advisory committees to assist the commission to develop educational broadcasting.

Regulations

4AAC 63.010

"The goals of the commission are to assist in the establishment and support of educational broadcasting facilities in the state in order to provide citizens of Alaska with the opportunity to

(1) obtain the information needed to further their education, welfare, health and safety; and

(2) receive general educational instruction and instruction to obtain school or college credit; and

(3) become culturally enriched."

3. School Libraries

Statutes

§14.56.20

"The department shall: (1) stimulate and encourage citizen's participation in the development and improvement of library facilities; and (2) establish policies, plans, and procedures of the department and promulgate reasonable regulations and orders, with penalties, as may be required."

B. EDUCATIONAL MATERIALS
1. TEXTBOOKS
A. SELECTION AND PURCHASE
REGULATIONS
R7-2-201

ARS 15.102.18

The nine-member appointed state textbook committee shall advise the State Board of Education on designing and evaluating textbook adoption procedures and study legislative changes in the textbook adoption procedures.

TEXTBOOK COMMITTEE

R7-2-201

ARS §15.102.18
15.101.B

The 27 member appointed Textbook Evaluation Committee shall study available instructional materials and recommend to the State Board of Education three to five textbooks for each subject area and supplementary texts. When approved these shall become the official state textbooks. Supplementary texts shall be chosen to more fully cover the subject or to better meet the diverse educational needs of students with language or learning disabilities or cultural differences.

R7-2-301
Policies re Subject Areas

"The State Board of Education believes and suggests that parents should be involved in educational pursuits and encouraged to participate actively with the teachers in helping children learn. The views of parents should be solicited and given serious consideration in the selection of instructional materials and methods."

PARENTAL INVOLVEMENT

R7-2-301

ARS §15.102.18; 15.1101 B

The State Board of Education believes that parents have the right to know what is being taught their children and therefore, shall be provided with a copy of the current state adopted course of study and textbook list upon request to the State Superintendent. The State Board of Education recommend, that local districts develop procedures to allow parental review and participation in textbook selection.

CROSS REFERENCE

I.High School District Board of Education; Statute §15-545

B. Content Standards

Regulations

R7-2-201

ARS §15.102.18; 15.1101 B

Textbook Content Policy

"Textbooks shall be objective. . . violence shall be treated in the context of cause and consequence. . . coarse and vulgar expressions shall be avoided. . . textbook content shall not interfere with the school's legal responsibility to teach citizenship. . . ."

CROSS REFERENCES

II.A.1.; Regulation R7-2-201 ARS §15.102.15,.16

II.A.1.; Regulation R7-2-301 ARS §15-102.17

C. Issuance

Statutes

§15-1101; 1103; 1107; 1109

The state board of education shall provide free textbooks to all students in the common schools. The state board of education sahll contract with publishers for the purchase of textbooks.

Pupils shall be held responsible for damage to or loss of textbooks. In schools with four or less teachers, the county school superintendent may advise the board of trustees on the selection of textbooks.

3. SCHOOL LIBRARIES

STATUTES

§15-450

The board of trustees may establish a district library and may appoint district librarians. The library shall be free to all pupils who attend the school.

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

§80-136--139

School officials are prohibited from having interests in the sales of school supplies. Specifically, "any member of (the) board . . . their agents or employees" are prohibited from "directly or indirectly receiving any pecuniary reward or profit" from actions taken "by the board of which he /she may be a member." Those who violate this law "shall upon conviction, be deemed guilty of a misdemeanor," fined, and "be removed from office by the judge" hearing the case.

§80-1902

No school officer or employee shall represent a person "seeking to sell any school books to the State or to any school district" or receive compensation for "service or influence in recommending or procuring the use of any book, school apparatus or furniture . . . in any public school." Violators shall be guilty of a misdemeanor, removed from office and fined a maximum of $500.

LIABILITY

Acts 1975, NO.302,
§1-4

The State shall provide free textbooks and other instructional materials including textbooks, workbooks, dictionaries, films, filmstrips and other audiovisual equipment used in a particular program

By March 15 of each year the State Board of Education shall authorize the acquisition of materials for grades nine to twelve inclusive.

A State Textbook and Instructional Materials Selecting Committee shall select the materials, "make and execute contracts with publishers."

By June 15, the State Department on Education "shall prepare and distribute to school districts an

2. Audiovisual Education

§80-3901--3908

The Educational Television Commission shall consists of eight members, including at least one person from each Congressional district, one "actively engaged . . . in the public school system" and one engaged in an institution of higher learning. No commissioner shall simultaneously hold a political position. Commissioners "shall be appointed by the Governor with the advice and consent of the Senate for terms of eight years" and may be reappointed. Each member shall receive $15.00 each day of attending to the Commission's business and expense allowance of up to $10.00 per day.

COMMISSION

"No member of the Commission shall have any financial interest in any facilities such as the Commission is authorized to deal with, including an interest in any commercial television or radio station."

The Commission shall elect a chairman, secretary and other officers annually. The Commission's purpose is to promote the use of educational television and, to this end, "survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use." The Commission shall supervise "the use of channels reserved by the Federal Communications Commission" for said use. "It may designate the location of stations to utilize such channels and make rules and regulations governing the operation of such stations and programs televised over such channels. [And it] may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions, or other governmental agencies for the operation of such stations."

The Commission "may solicit and accept gifts and grants of money" and money received from the sale of property.

approved list of books . . . and other instructional materials for all subjects offered".

Acts 1975, No. 302, §7, 8

The Selecting Committee shall choose books and other instructional materials for the succeeding calendar year. It shall be comprised of nine persons, each having at least five years teaching or supervising experience in Arkansas public schools, four years of college, currently teaching or supervising in the subject for which he/she is choosing materials and three years prior teaching experience in that subject and representative of the grades under consideration.

SELECTION

The Committee shall select at least six books for every subject for grades nine through twelve inclusive.

For grades one through eight inclusive, the Committee shall recommend a total of six to nine "basic instructional programs." The Committee shall make its final recommendations to the State Board by December 15.

Acts 1975, No. 302, §12

School district boards of directors shall make reports to the State Board of Education on the "adoption, distribution, and use of State textbooks and instructional materials."

Acts 1975, No. 302, §15

Person(s) wishing to sell textbooks and other instructional materials to the state must comply with strict filing and bidding procedures.

No one connected with the public school system may benefit from contracts for educational materials, upon penalty of fines and/or imprisonment.

LIABILITY

B. CONTENT STANDARDS

CROSS REFERENCE

II.A.1.; Statute §80-1618 -- 80-1619

C. ISSUANCE

CROSS REFERENCES

II.B.1.a.; Statute, Acts 1975, No. 302, §1 -- 4

IV.J.; Statute §80-1504 -- 80-1505

The Commission may "contract with other educational institutions in the State for the employment and use on a contract basis of the full-time or part-time services of employees." A revolving cash fund shall be set up "into which . . .[the] Commission shall pay all funds received from the sale of instructional materials" and from which funds for purchasing educational materials shall be drawn. The Commission shall keep a record of all transactions which shall be "available to the legislative auditors."

CROSS REFERENCE

II.B.1.a.; Statute Acts 1975, No. 302, §1 -- 4

3. SCHOOL LIBRARIES

CROSS REFERENCE

II.A.2.; Statute 380-2137

4. Supplies and Equipment

CROSS REFERENCES

II.A.2.; Statute §80-2308 -- 80-2310

II.A.3.; Statute §80-2561

II.C.2.; Statute §80-214

B. EDUCATIONAL MATERIALS
1. TEXTBOOKS
A. SELECTION AND PURCHASE

STATUTES

§ 60000 -- 60003

The state board shall have the power to adopt one or more separate series of textbooks or instructional materials systems for any of the several courses offered in the elementary schools.

The Legislature recognizes the need to establish broad minimum standards and general educational guidelines for the selection of instructional materials throughout the state but also recognizes the need for specific choices to be made at the local level.

The Legislature also recognizes that, in § 51000 et seq. and in § 51200 et seq., it gave governing boards broad powers to establish courses of study and that governing boards must have the ability to choose instructional materials appropriate to their courses of study.

§60060 -- 60063

Every publisher or manufacturer of instructional materials offered for adoption or sale in California shall:

(a) Furnish the instructional materials at a price in California which, including all costs of transportation, shall not exceed the lowest price at which the publisher offers the materials to any state or district in the United States.

(b) Provide any instructional materials free of charge in California to the same extent as provided to any state or district in the United States.

(c) Guarantee that all copies of any materials sold in California shall be at least equal in quality to copies of such materials sold elsewhere in the United States.

(d) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials.

(e) Maintain an office and depository in California or arrange for one by contract. (For purposes of textbook purchases under §§60264 and 60401, this requirement shall apply to all publishers and manufacturers except one whose total orders for

textbooks from all governing boards in California are, for a particular school year, less than 1,000 copies of any single title or less than 10,000 cpies of multiple titles).

(f) Upon the willful failure of the publisher or manufacturer to comply with these requirements, be liable to the governing board in the amount of three times the total sum under the publisher or manufacturer nor paid in excess of the price required under (a) and (d) and in the amount of three times the total value of the materials which the board is entitled to receive free under (c).

LIABILITY

These provisions shall apply to the acquisition of materials under §18132 and 18171.

A governing board shall order any publisher or manufacturer who violates any of these provisions to cease to offer any instructional materials to that board. If such an order is made, it shall be unlawful for the publisher or manufacturer to sell materials to that board until the publisher or manufacturer is no longer in violation.

§60071 -- 60076

No publisher or manufacturer of instructional materials, nor any representative of one, shall offer or give any endowment, money or valuable thing, or any inducement, to any school oifered to influence the adoption or purchase of any instructional material, nor shall any school official accept any such offer.

CONFLICT OF INTEREST

Any publisher or manufacturer or representative of one or school official who violates this provision is guilty of a misdemeanor. A school official who violates these provisions shall also be removed from his/her official position.

REMOVAL

However, nothing here shall be construed to prevent the offering by a publisher or manufacturer or representative on the accepting by a school official of sample copies, nor shall anything be construed to restrict a school official from receiving royalties or other compensation from the publisher or manufacturer of materials written or prepared by the school official and adopted or purchased by a board. No district shall have the right to receive any such royalty or compensation due to a school official employed by the district unless the material was written

or prepared during the normal school day during which the official was required to be on duty.

§60200 -- 60202

The state board shall biennially adopt a list of textbooks and instructional materials for use in the elementary school grades.

(a) The state board shall adopt not less than 5 but not more than 15 of any of the following, per subject, per grade: instructional materials, instructional materials system, instructional materials sets, or a combination of these. The state board may designate each as a basic or supplementary It shall not adopt more than two instructional materials sets

(b) Fewer than five of these may be adopted per subject per grade.

However, in no event shall the board adopt less than two basic instructional materials systems per subject, per grade.

(c) If a district board establishes to a state board's satisfaction that the adoption of basic instructional materials does not promote the maximum efficiency of pupil learning in the district, the state board shall authorize the district board to use its instructional materials credit to purchase additional instructional materials specified by the state board in accord with its procedures.

(d) The state board shall bienially adopt lists of instructional materials for language arts, arithmetic, social services, reading, science, and any other subject in which the board shall determine the desirability for instructional materials.

(e) The state board shall, at the time of adoption, determine the date upon which state-adopted materials shall be available for use by districts.

(f) The state board may adopt materials without designating a grade or subject and may designate more than one subject or grade.

In adopting the biennial list, the state board may retain any instructional materials from the previous biennial list, delete from the previous biennial list any materials which are obsolete or received in order from any district during the previous biennial period, and add materials not previously submitted for adoption or

materials previously submitted which have been revised to comply with any state board recommendations.

Before final adoption of any instructional materials not currently listed, the state board shall make any textbooks prepared for adoption available for public inspection for 30 days at display centers designated by county superintendents. There shall be at least 5 display centers in Los Angeles County, 3 each in Orange County and San Diego County, and 2 each in Alameda County and Santa Clara County.

§ 60203 -- 60205

The State Board shall give the Curriculum Development and Supplemental Materials Commission a public hearing before making any adoption of instructional materials for use in the elementary schools.

The Commisssion shall recommend curriculum framework to the state board; develop criteria, available to the public, for educational materials resubmitted for adoption so that the materials shall adequately cover the subjects in the indicated grade; study and evaluate all materials submitted for adoption; and recommend to the state board instructional materials which it approves for adoption.

The Commission may appoint task forces of subject matter experts to assist them. Such task forces shall include teachers and representatives of various ethnic groups and of various types of districts.

§60221 -- 60226

Publishers and manufacturers submitting instructional materials for adoption shall provide sample copies in quantities determined by the state board.

Publishers and manufacturers shall, at a time designated by the Commission, submit the following information:

(a) Detailed specifications of the physical characteristics of instructional materials, submitted for adoption.

(b) A price schedule for the sale of completed materials (including all costs of transportation), a statement of the cost to the state of purchasing a single unit of each item, and any discounts for quantity purchases and for payment within any

specified period of time.

(c) A price schedule for lease and/or purchase by the state of films, dies, and other materials to be used by the state to manufacture such materials.

(d) A price schedule of royalty costs to be paid to the publisher or manufacturer whenever the state manufactures and distributes to districts any such materials.

Publishers and manufacturers may submit revisions to price schedules for any materials being considered for relisting.

Publishers and manufacturers shall make available for purchase by any governing board any diagnostic, criterion-referenced, or other tests that they may develop.

At a district board's request and with the county superintendent's approval, publishers and manufacturers or other qualified persons shall provide in-service training in the use of instructional materials produced by them. The training shall be provided on terms agreed upon and may be paid for by the board. No penalties shall be imposed on a publisher or manufacturer that does not provide such training free of charge.

Publishers and manufacturers shall develop plans to improve the quality and reliability of instructional materials through learner verification. Boards shall be encouraged to allow publishers and manufacturers limited access to classrooms for necessary testing and observation. Publishers and manufacturers shall provide copies of test results and evaluations made as part of learner verification at the board's request.

§60260 -- 60265

It is the Legislature's intent that district boards order instructional materials which meet the needs of pupils in their district.

District boards shall determine the necessary quantities and distribution pattern of instructional materials to pupils. No minimum order or ratio of materials shall be required, except that sufficient quantities shall be provided to meet the needs of pupils and the requirements of Section 7.5 of Article IX of the California Constitution. District boards shall order all parts of any instructional material system which they

order, except parts already owned. District boards may order any quantity of any part of any instructional materials set.

District boards shall provide for substantial teacher involvement and promote parent and community involvement in selecting instructional materials.

After any material, including any state-adopted textbooks, has been placed in use by a district board subsequent to a biennial adoption, it shall be retained in use by the district for not less than 2 years nor more than 6 years. The state superintendent may exempt materials from these requirements whenever the district board demonstrates that the material's continued use will contribute to maximum efficiency of pupil learning.

§60280 -- 60284

The state board may acquire instructional materials ordered by district boards by purchasing them directly from the publisher or manufacturer or from any publishers's or manufacturers' depository or by leasing films, dies, maps, engravings, and copyrights, providing for the payment of royalties, and doing all other things necessary for compiling, printing or publishing them.

The cost of instructional materials acquired in any manner shall be paid out of the State Instructional Materials Fund.

Each contract executed for the procurement of instructional materials shall include the right of the state to transcribe and reproduce material in braille, large print, recordings or other media for the use of handicapped minors, including the visually handicapped. The royalty shall be the same specified in the contract for the regualar materials designed for nonhandicapped pupils.

BRAILLE

LARGE PRINT TEXTS

§60400 -- 60404

The board of each district maintaining a high school shall adopt textbooks for use in the high school. Publishers of high school textbooks must comply with §60040 et seq., §60060 et seq., and §60226.

The state board shall designate the kinds of books which shall be classified as textbooks. All textbooks and instructional materials shall be purchased directly from the publisher or

manufacturer or any publisher's or manufacturer's depository.

Textbooks adopted shall be put into use in the district not later than the school year next following their adoption. Once placed in use, a textbook shall be retained in use for a period of not less than three years.

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CALIFORNIA

REGULATIONS

§9521

The State Board of Education has the right to donate, sell, distribute or otherwise dispose of any obsolete or undistributed textbooks.

§ 18530-18556

The State Curriculum Development and Supplemental Materials Commission shall submit to the Board its recommendations made pursuant to Education Code Section 9404(d).

The State Board shall display for 30 days those textbooks recommended for adoption, at display centers designated by county superintendents as provided in Education Code Section 9402. A copy of this article and a notice of the time and place of the public hearing to be given the Commission pursuant to Education Code Section 9403.

At that public hearing, the Curriculum Commission may present written comments on its recommendations of the instructional materials submitted for adoption.

PUBLIC LEARNING

Any person may submit a written statement or make oral comments on the materials recommended by the Commission.

POLICY GUIDES

CURRICULUM DEVELOPMENT AND INSTRUCTIONAL MATERIALS EVALUATION FOR CALIFORNIA SCHOOLS. 20 pages 1975. California State Board of Education.

This booklet describes the procedures for appointing committees to review instructional materials in various subject matter areas and the procedures for textbook adoption and evaluation.

CROSS REFERENCES

II.A.1; Statute §51050

II.A.10.Other-Individual Instruction; Statute §58400--58412

B. CONTENT STANDARDS

STATUTES

§51510

Except as to textbooks approved by the state or county board, no bulletin, circular or publication may be used as a basis of study if the material contained in it has been disapproved by the governing board of the district in which the school is located.

§ 60040 -- 60047

When adopting instructional materials for use in the schools, governing boards shall include only materials which:

(a) accurately portray the cultural and social diversity of our society, including the contributions of both men and women in all types of roles, of American Indians, American Negroes, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups, and of the entrepreneur and labor in the development of California and the United States;

(b) accurately portray, whenever appropriate, man's place in ecological systems and the necessity for the protection of the environment, and the effects on the human system of the use of tobacco, alcohol, narcotics and restricted dangerous drugs and other dangerous substances;

(c) encourage, when deemed necessary and proper, thrift, fire prevention, and the humane treatment of animals and people;

(d) contain, when appropriate to the comprehension by pupils of social science, history, or civics, the Declaration of Independence and the Constitution of the United States; and,

(e) are, to the satisfaction of the governing board, accurate, objective, and current and suited to pupils at their respective grade levels.

No instructional materials shall be adopted by any governing board which, in its determination, contain any matter reflecting adversely on persons because of their race, color, creed, national origin, ancestry, sex or acceptance of any sectarian doctrine or propaganda contrary to law.

EQUAL OPPORTUNITY

§6004 -- 60047

Any governing board may conduct an investigation of the compliance of any instructional materials, which it adopts with content standards under §§60040 to 60045.

If, after the good faith acquisition of instructional materials by a governing board, they are found to be in violation of such standards and the governing board is unable to acquire other acceptable materials in time to be used, the governing board may use the acquired materials but only for that academic year.

§60110 -- 60111

DRUG EDUCATION

The Legislature intends that the state board give high priority to the adoption of accurate, objective, and current instructional materials on drug education for classroom use by teachers and pupils.

The Department of Education shall establish an information center of current drug education materials, to be used by districts and teachers and including samples of effective courses of study, curriculum guides, teaching materials, reference materials, and reports on current district policies on drug education.

CROSS REFERENCE

II.A.1; Statute §51511

C. ISSUANCE

STATUTES

§60070

No school official shall require any pupil, except pupils in adult classes, to purchase any instructional material for the pupils' use in the school.

§60100 -- 60102

District boards are not required to provide instructional materials, free of charge, or otherwise to any adult involved in adult classes. Provisions related to educational materials are not applicable to materials used by adults in adult classes.

§60310 -- 60315

Instructional materials or texts adopted by the state board may be ordered by the head of any state institution offering instruction in the elementary grades or giving instruction in elementary teaching; governing boards or nonpublic schools; and individuals for use only in California.

LARGE PRINT TEXTS

BRAILLE

The state board shall make available copies of adopted textbooks in large print for pupils whose visual acuity is 20/70 or less or who have other impairments making the use of such textbooks necessary, and in braille characters for pupils whose corrected visual acuity is 20/200 or less.

The state superintendent shall maintain a central clearinghouse-depository and duplication center for specialized textbooks, reference books, recordings, study materials and other items for the use of visually handicapped students. Such materials shall be available to other handicapped minors who are unable to benefit from the use of conventional materials and to visually handicapped students enrolled in public community colleges, California State University and Colleges, and the University of California.

The state superintendent shall loan to pupils entitled to attend public schools but in attendance at a school other than a public school under §48222 specialized instructional materials for the visually handicapped without cost to the pupils or their schools.

The state superintendent shall lend to pupils entitled to attend public schools but in attendance at a nonpublic-school under §48222 instructional materials adopted by the state board for use in the public schools. No charge for the materials shall be made for the use of such materials.

§60410 -- 60414

Each high school district board shall purchase textbooks for the use of pupils. The textbooks shall remain the district's property and be supplied to pupils for use without charge. The board may fix a charge not to exceed the cost of the books for books furnished pupils in classes for adults or may lend books to such pupils and require a deposit refunded on return of the books.

The board shall arrange to place books purchased within easy reach and accessible for the use of all pupils.

The board may at the end of any term sell textbooks owned by the district to pupils at prices not exceeding the actual value of the books. Pupils shall not be required to make such purchases. The proceeds shall be credited to the district's general fund.

The board may purchase textbooks for the use of students residing in the district but attending high school in an adjourning state which does not furnish textbooks free of charge. Such textbooks shall remain the district's property.

§60500 -- 60530

RULEMAKING

Governing boards shall adopt rules and procedures for prescribing standards for determining when instructional materials adopted by them are obsolete and whether or not such materials are usable for educational purposes.

The state board, any district board employing a superintendent, and other districts with the county superintendent's approval may dispose of obsolete instructional materials by donation to any governing board, county free library, or state institution; by donation to any public agency or institution of any territory of the U.S.; by donation to a nonprofit charitable organization; by donation to children or adults in California or foreign countries for increasing the general literacy; and by sale for a nominal price for use in California to any organization which agrees to use such materials solely for educational purposes. Any recipient organization or institution must certify that it will use the materials for educational purposes and that it will make no charge of any kind to persons to when the organization gives or lends such materials.

In order to ship the obsolete instructional materials to such recipients, governing boards may use funds from the State Instructional Materials Fund if the cost of shipping will be lower than the estimated cost of storing or otherwise disposing of the materials.

The state board shall pay the publisher or manufacturer the royalties agreed to for any instructional material that the state board designates or obsolete, but which it provides to district boards that have previously ordered the material.

Money received by the state board from the sale of obsolete materials shall be deposited in the State Instructional Materials Fund. Money received by a district board shall be deposited as the district board prescribes and used for district purposes.

The state board, any district board employing a superintendent, and other school districts with the county superintendent's approval may dispose of obsolete instructional materials by mutilating them so as not be salable as instructional materials and selling them for scrap at the highest obtainable price or by destroying them by any economical means, provided that no such material shall be destroyed until 30 days after the board has given notice to all persons who have requested such notice.

REGULATIONS

§9501 -- 9502

Title to instructional materials purchased by the Board shall pass to the school districts upon delivery. Nonpublic schools whose pupils are loaned state instructional materials must prescribe rules for their care and collect money for loss or willful or negligent damage to them.

§9583-4

LARGE PRINT TEXTS

BRAILLE

The superintendent of any district may request the State Board of Education to supply large print or braille textbooks.

CROSS REFERENCES

II.B.1.a; Statute §60260--60265

II.B.1.a; Statute §60400--60404

2. Audiovisual Education

Statutes

§1250 -- 1251

The county superintendent of schools may enter into agreements with the governing board of any school district under his/her jurisdiction to provide for the use by the district of audiovisual equipment and apparatus. He/she is to provide for all incidentals related to such equipment. Such an agreement may also be entered with any nonpublic school or institution of higher education.

These materials shall be available for use by the nonpublic instution of higher education or the nonpublic school when not needed by the public schools.

§1830 -- 1836

Elementary and secondary schools which elect to participate in the use of the facilities which provide for audial and visual curriculum materials may do so as provided for by this article.

Certain personnel, not including clerical, accounting, and stenographic services personnel, shall hold valid credentials.

This article provides for the proper acquisition and distribution of necessary materials, and provides for the participation in or procuring by television broadcasts for use in the education program of the schools. When not in use for school purposes such facilities may be used for transmitting community educational television programs.

§51870 -- 51875

A school district or a county superintendent may contract for, on behalf of schools under their jurisdiction, subject to the state superintendent's approval, the processing of television broadcasts or closed-circuit television programs for use in the the educational program.

CONTRACTS

The state superintendent shall administer an instructional television service for public school pupils to include but not limited to: providing for equitable and high-quality instructional television service to the largest feasible number of public school pupils; providing for contracts with local educational authorities acting on behalf of regional organizations (of educational agencies), or directly with regional organizations, for assistance in developing and implementing instructional television service, evaluation procedures, and teacher training and parent involvement programs; providing for the production and acquisition of the highest quality and most widely useful instructional television programs possible for distribution by all regional organizations on a statewide basis; providing technical assistance to regional organizations to assist them in the production of their own quality programs, using local funds and meeting unique regional educational needs; and providing for statewide coordination among regional organizations and local educational agencies to eliminate unnecessary duplication of effort and facilitate economical provision of high quality programming in areas of highest priorities of need.

APPOINTMENT

The State Instructional Television Advisory Committee shall be appointed by the state board to assist in the production of high-quality programming and in the determination of areas of highest priorities of need for instructional television. It shall consist of eight representatives of regional organizations, with a maximum of one from each region, three public school administrators or classroom teachers or students or parents or combination of them, and one professional with expertise in television programming, and one professional actively engaged in the management of delivery systems. Members shall serve without compensation except for travel expenses incurred in the performance of duties. They shall serve staggered terms of three years.

The state board shall establish regulations governing the administration of instructional television and may request assistance from interested parties in the exercise of this responsibility. The state superintendent shall enforce these regulations and make an annual report to the state board on all aspects of instructional television activity in the state.

Nothing in §51870 et seq. shall be construed as limiting regional organizations and other agencies from expending their own funds for purposes related to instructional television.

REGULATIONS

§ 19502;19505;19506

School districts pursuant to Education Code Section 6442 or county superintendents pursuant to Education Code Section 6441 shall apply to the Superintendent of Public Instruction for approval of a plan to procure television broadcasts or closed-circuit T.V. programs.

3. School Libraries

Statutes

§1770 -- 1775

The county superintendent of schools may:

a) agree with the county librarian to take over all library services, and employ a librarian and such assistants as may be deemed necessary for the function of the library; and (b) transfer necessary funds for the purchase of books for the library as needed.

In addition to these library duties the county superintendent may establish a county teachers' library as well as file annual reports as to the condition of all libraries under his/her jurisdiction.

§18000 -- 18139

There is established here a commission known as the Board of Library examiners, consisting of:

(1) the State Librarian; (2) President of the California Library Association; (3) the librarian of the Public Library of the City and County of San Francisco; (4) the librarian of the L.A. Public Library. These members receive no compensation.

The governing board of each school district shall provide school library services for the pupils and teachers of the district by establishing and maintaining school libraries or by contractual arrangements with another public agency.

"The libraries shall be open to the use of the teachers and the pupils of the school district or community college district during the schoolday. In addition, the libraries may be open at such other hours, including evenings and Saturdays, as the governing board may determine. Libraries open to serve students during evening and Saturday hours shall be under the supervision of certificated personnel. Certificated personnel employed to perform full-time services in an elementary,

junior high, or high school during the regular schoolday, may supervise, but shall not without their consent be required to supervise, a school library on evenings or Saturdays. If such a person agrees to supervise the school library during Saturday or evening hours, he[she] shall be compensated in the amounts determined by the governing board of the district as indicated on the salary schedule."

County boards of education may adopt lists of books and other library materials for districts not employing a superintendent of schools or a librarian full time.

The governing board of any school district may exclude from schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

The governing board of a school district may:

APPOINTMENT

(1) appoint a librarian(s) to staff libraries it maintains; (2) be accountable for the proper care and preservation of the school libraries of the district; (3) shall report on the condition of school libraries; and (4) may agree with the proper authorities of the county to contract for the provision of school library services by the county library.

School districts may purchase textbooks approved by any board authorized to adopt such materials in addition to those furnished by the county library.

The county librarians may dispose of books and other materials no longer fit for service and no longer needed by the course of study.

CONTRACT

The governing board of any high school district lying wholly or partly within a county maintaining a county free library may enter into a contract or agreement with the board of supervisors of the county by which the high school district may secure the advantages of the county free library.

Whenever the governing board of a school district enters into an agreement with a county or city library for school library services the district shall provide for the care and custody of the books and other property delivered to it.

Agreements made as forementioned may be terminated.

§18310; 18312 -- 18322

A library district may be formed upon the application of 50 or more taxpayers and residents of any unified school district, followed by an election.

If there are formed substantially within the territory of a union high school library district two or more unified school districts, the library district shall become a unified school district library which shall be governed by the governing board of the unified school district whose territory includes the largest portion of the territory of the library district.

Any union high school district may establish and equip a public library for the dissemination of knowledge of the arts, sciences, and general literature. The title to all library related property is to be vested in the district in which the library is located.

§18330; 18340-18341; 18370-18373

On petition of 50 or more taxpayers in a united high school district for the formation of a library, the district may cause an election for that purpose.

In the name of the library district, the governing board may sue or be sued, and may hold and convey property for the use and benefit of the district.

The trustees in whose control the library district has been placed shall severally hold office during the term for which they have been elected as trustees of the union high school district.

A library district may at any time be dissolved by a two-thirds vote. Upon dissolution the property of the district shall vest in any union high school district in which the library is situated.

§18380 -- 18411

The board of library trustees shall meet at least once a month, with special meeting to be called at any time by any two trustees. Three members constitute a quorum. At the first meeting of the board, a certificate shall be made out showing that the library has been established. The board shall be responsible for all transactions and rules of the library under its management.

The board of trustees shall:

(1) prescribe the duties and powers of the librarian and secretary ; determine the number of and appoint all officers and employees; (2) purchase necessary books and journals ; (3) purchase real property, erect or rent and equip rooms ; (4) request the appropriate state officials to furnish the library with copies of any and all reports, and laws; (5) borrow books from, lend books to, and exchange books with other libraries; (6) do and perform any and all other acts necessary; and (7) designate the hours during which the library will be open.

§18440 -- 18452

APPOINTMENT

A board of library trustees may appoint a library commission consisting of five members to manage and operate the library or libraries of the district. Said commission shall hold office for three years.

REGULATIONS

§ 16041-16043

Each school district may provide in its libraries books, reference books, periodicals, photographs, pictorial or graphic works, maps, charts, globes, sound recordings, films, filmstrips, kinescopes, video tapes, or other printed or audio visual materials approved for use in the schools by the governing board pursuant to Chapter 12 (commencing with Section 7050) of Division 6 of the Education Code.

Pupils may borrow school library materials at

no charge. "School librarians ... shall be responsible to perform duties assigned by the school district governing board."

§ 20150

As used in this chapter and where used in Chapter 1.5 of Division 20 of the Education Code, "library system" shall mean one or more libraries providing the following basic elements of library service, involving but not necessarily limited to book and periodical resources:

(a) The selection and acquisition of materials in a consolidated or in a coordinated mannter.

(b) The organization of materials for use, including cataloguing, classification, and physical preparation, in a consolidated or in a coordinated manner.

(c) The lending of materials for home use, with the return of such materials unrestricted as to service outlet.

(d) Reference and research, including assistance to users by library staff, consolidated or coordinated where necessary to provide

4. Supplies and Equipment

Statutes

§40000 -- 40008

The county board of education shall establish rules and regulations under which any school district in the county shall purchase standard school supplies and equipment.

RULEMAKING

The governing board of each school district shall purchase school furniture, including musical instruments, and apparatus as are necessary, and may purchase uniforms for the use of school bands.

The clerk of each district shall provide all school supplies.

§40011 -- 40015

Writing and drawing paper, pens, ink, and other necessary supplies for the use of schools, shall be furnished under direction of the governing boards of the school district.

The governing board of a school district may rent or lease personal property needed for district purposes.

CROSS REFERENCE

IV.E; Statute §35272

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

CONSTITUTION

COLORADO CONST., art. 9 §16

"Neither the general assembly nor the state board of education shall have power to prescribe textbooks to be used in the public schools."

C. ISSUANCE

STATUTES

§22-32-117

"When the free use of textbooks is provided . . . a local board may require each nonindigent pupil to make a reasonable loss or damage deposit....

All such deposits shall be refunded to the pupil when [she]he has returned the textbooks or equipment in good condition except for ordinary wear....

A board may not require a pupil who has not completed the twelfth grade to pay any [other] fees as a condition of enrollment in school."

2. Audio-Visual Education

CROSS REFERENCE

IV.E; Statute §29-7-102

3. School Libraries

Regulations

2202-R-11.01 - 11.02

Each elementary and secondary school shall have an instructional media program designed to be used by pupils and staff in conjunction with everyday instruction. The media program may be housed centrally or dispersed in decentralized resource centers. The program shall include print and nonprint educational material, intellectually stimulating and varied so as to meet interests of those who use its services.

2202-R-11.03

The instructional media center should be attractive, easily accessible, well-lighted, appropriately equipped, and should accommodate the following proportions of the enrollment at learning stations:

(1) schools enrolling up to 1,000 pupils, 8 percent, but not less than an average class;

(2) schools enrolling 1,000 to 1,999 pupils 7 percent, but no fewer than 80 pupils;

(3) schools enrolling 2,000 pupils, 5 percent but no fewer than 140 pupils.

The centers shall not be used as a study hall.

2202-R-11.04 - 11.05

In addition to the instructional media center, which shall be open throughout the school day, each participating school shall have enough space, access to well lighted rooms, and electrical outlets to enable use of all forms of media made available.

2202-R-11.06

Each school should strive to meet the following minimum textbook collection:

(1) fewer than 199 pupils - 500 plus 10 books per pupil up to 200 pupils;

(2) 200-499 pupils - 2,500 plus 8 books per each pupil over 200;

(3) 500-999 pupils - 4,900 plus 6 books per each pupil over 500

(4) 1,000 - 1,999 pupils - 7,900 plus 4 books per each pupil over 1,000

(5) over 2,000 pupils - 11,900 plus 2 books per each pupil over 2,000.

In addition to these described above, pupils and faculty should have access to nonprint material, amounting to one item of nonprint material per pupil. The nature of the individual school curriculum and learning program will dictate numbers and types of specific formats.

2202-R-11.07

Media centers shall provide an appropriate range of periodicals listed in guides such as: the ABRIDGED READER'S GUIDE, and READERS GUIDE AND SUBJECT INDEX TO CHILDRENS MAGAZINES, subject to their enrollment and curriculum. Media centers should subscribe to at least two daily newspapers and one of local circulation.

2202-R-11.08

Media centers shall provide, for use of community and staff, a collection of publications and productions of professional organizations, periodicals, curriculum guides and other pertinent printed and nonprinted materials. This collection is to be kept current.

2202-R-11.09

Each school shall employ a library media specialist whose qualifications meet section 8.05(7). Recommended staffing patterns are as follows:

(1) up to 499, one half-time specialist

(2) 500 - 999, one full-time specialist

(3) 1,000 - 1,799, two full-time specialists.

Schools having two or more media staff members should designate one as nonprint specialist. Where satellite centers are a part of the school's instructional media program, provisions should be made for close liaison between the satellite center and the media center.

MEDIA SPECIALIST

Records of classification, cataloging, circulation, and financing should be up-to-date. An alphabetically arranged catalog, using a recognized system for classification and subject headings, and a shelf list should be maintained for print and nonprint media.

B. Educational Materials

1. Textbooks

A. Selection and Purchase

STATUTES

§10-229

Textbooks may not be changed without a notice of the proposed change, and a two-thirds vote of all members of the board.

REGULATIONS
§ 10-281n-6

"Textbooks means any book...or manuals...intended for use as a principal source of study material for a given class group of students, a copy of which is...available for...each pupil." A nonpublic school may submit for approval a textbook which has not been used in the public schools. The secretary of the state board shall approve the textbook "if it meets the same standards of educational quality for the subject matter and...grade as...for public schools provided such textbook does not ...promote...any religion or denominational tenent.... The maximum amount reimbursable to a nonpublic school for all textbooks purchased "during the contract period" shall be three dollars per student...in grades one through eight and fifteen dollars per student...in grades nine through twelve."

CROSS REFERENCE

I.Local Board of Education; Statute §10-221

B. Content Standards

STATUTES
§10-18a

"Each town or regional board of education shall, in selecting textbooks for social studies, use textbooks which present the achievements and accomplishments of individuals and groups from all ethnic and racial backgrounds."

CROSS REFERENCE

III.E.Teachers; Statute §10-226g

C. ISSUANCE

STATUTES

§10-228a

The board of education of each school district shall purchase textbooks and loan them to pupils free of charge.

3. School Libraries

Statutes

§10-28a

The state board shall give assistance in the organization, establishment and administration of school libraries. It shall extend to the librarian and teachers of any public school aid in management of such library. The board is authorized to purchase materials to be loaned to such school libraries.

CROSS REFERENCES

I.Local Board of Education; Statute §10-221

I.Local Board of Education; Statute §10-241

B. Educational Materials

2. Audiovisual Education

Statutes
§128 - 129

The State Board of Education is responsible for all of the property rights, duties and obligations of the former educational television board.

The Board shall maintain an educational television system serving public schools and institutions of higher learning. The Board may contract with other state agencies for space, equipment, supplies and personnel and pay for the same.

The Board may enter contracts which make the facilities available for a fee which is not be less than the cost of the services and facilities provided. Funds obtained in this manner shall be retained in the General fund of the state treasury.

§130

The Board is responsible for educational television, educational radio, and other public and educational broadcasting within this state.

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

§31-401

The Board shall provide without cost "all textbooks and other necessary educational books and supplies" to students in the public schools.

§31-402

Books purchased shall be property of the District of Columbia and loaned under such conditions as the Board may prescribe.

§31-403

Parents or guardians shall be liable for the cost of books destroyed or damaged while on loan to children in their care.

§31-404

The Board is authorized to purchase only those books and supplies recommended by the superintendent . . . and formally approved by the Board.

§31-406

The Board shall provide for the expense of textbooks and supplies from funds appropriated by the Board.

§31-1104

No school officials shall "receive any . . . benefit" due to the purchase of textbooks and supplies for the use of the public schools.

CROSS REFERENCES

II.B.4.; Statute §31-405

CROSS REFERENCE

III.B.Librarian; Regulation; Chap. XVII, §9, License VII

4. Supplies and Equipment

Statutes

§31-405

The Board may "exchange or . . . sell books or other educational supplies which are no longer desired for school use."

Regulations

CH.IV, §445

"All instructional materials, including teachers' manuals, audio-visual aids, and other supplementary instructional materials which are to be used in connection with any research or experimental program or project shall be available for inspection and review by the parent or guardian of students involved in such programs or projects.

For the purpose of this section, "research or experimental program or project" shall be defined as any program or project designed to explore or develop new or unproven teaching methods, techniques, or materials."

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes
§233.07-10

Annually, the State Board of Education shall appoint persons to state instructional materials councils including four teachers, two "lay persons", one school board member and two teacher supervisors who shall recommend materials to be purchased by elementary and secondary schools, taking into account the "desires of the districts". The council members shall serve three-year terms and each district shall have no more than one representative on a council. "Instructional materials" include: textbooks, "consumables", "learning laboratories," slides, films, filmstrips, recordings, and "manipulatives." Council members shall submit affidavits attesting to the fact that they will not benefit personally from any contracts made. Council meetings and agendas shall be announced two weeks in advance and shall be open to the public. Councils shall standardize the presentation of a product, the forms for the results of Council recommendations, and guidelines for district councils evaluating materials for statewide use.

EVALUATION

The standard for evaluating materials is that they "best implement the curriculum objectives of the schools." The councils must file a written statement of their criteria and evaluation procedures with the Commissioner of Education.

Another goal of the councils shall be to "accurately portray the cultural and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of Florida and the United States." Further, materials shall illustrate the necessity for environmental protection and conservation, the effects of

tobacco, alcohol and "other dangerous substances," and "encourage thrift, fire prevention and humane treatment of people and animals."

Civics or history textbooks must contain the Declaration of Independence and the Constitution of the United States.

The State Council shall supply local councils with sample materials before making any recommendation. Finally, the Council shall make its report on the procedures it followed for evaluating materials and its recommendations "for each grade and subject field in the curriculum." Individual members may submit dissenting opinions. All findings shall be available to the public.

§233.16

The Department of Education shall select educational materials from the list of recommendations of the State Instructional Materials Council. Contracts shall then be drawn up by the Department of Legal Affairs. The Department of Education shall "make necessary regulations . . . to secure the prompt and faithful performance of all contracts."

§233.34; 233.37; 233.38; 233.39

School districts may use up to 25% of their annual allotment for instructional materials for purchasing materials such as library and reference books not on the "state adopted list" and "for repair and renovation" of books. Unused funds shall be carried forward each year.

Materials shall be used until their physical condition "makes them unsuitable for further use" or until they are obsolete. Districts may exchange textbooks when shifting enrollment deems necessary.

Book renovation or repair shall be debted against a district's allotment for new materials, and contracts for services shall be based upon competitive bidding.

§233.43

The superintendent's responsibilities regarding instructional materials shall be determined by the school board.

§233.48

"The Commissioner of Education shall include in the department's annual legislative budget . . . funds . . . for: (1) The instructional materials councils; (2) Operating expense of the surplus instructional materials exchange; (3) Instructional materials for . . . partially sighted pupils," and other necessary materials.

CROSS REFERENCES

II.A.2.; Statute §233.056

II.B.1.b.; Statute §233.165

III.C.School Officials; Statute §233.115; §233.14; §233.15

B. CONTENT STANDARDS

STATUTES

§233.165

Those selecting reading materials used in public schools shall consider: "the age of the children who . . .would have access to the material"; "the educational purpose" of the material; and "the degree to which the material would be supplemented and explained". "No materials containing hard-core pornography . . . shall be used in the public school".

CROSS REFERENCES

II.B.1.a.; Statute §233.07 -- 233.10

C. ISSUANCE

STATUTES

§233.46-233.47

Principals shall collect damages for textbooks from students or parents. They shall sell said materials to parents, when requested. Funds "collected from the sale, exchange, loss or damage of instructional materials" shall go into the fund for appropriation of

new materials. Principals shall make reports on textbook inventory as directed by the Department of Education. §233.255

The Department of Education may sell materials "for educational use to non-public schools in the state and to the public" to subsidize the efficient and economical distribution of materials to public school personnel and students. Proceeds shall go to the "Educational Media and Technology Trust Fund". This does not mean that the department be allowed to "enter into the business of publishing textbooks."

CROSS REFERENCE

II.B.1.a.; Statute §233.34; 233.37; 233.38; 233.39

2. Audiovisual Education

Statutes

§229.805

The department of education is authorized to establish a TV network connecting the communities or networks it designates. The origin and transmission of programs shall be directed by the state board.

The department of education shall: (1) encourage the extension of educational television network facilities; (2) coordinate Florida's educational television with that of other states and with the federal government; (3) further the development of educational television within the state; (4) identify and provide for the needs of the system as they relate to instructional materials.

§229.8051

A public broadcasting program system shall be administered statewide by the department of education under policies adopted by the state board of education. The program shall provide complete broadcast service to all areas of the state and funds for educational programming to meet statewide priorities.

§230.59

"Educational communications systems" may be operated by school boards and shall include wired or radio systems to carry messages related to "instruction, administration, or general information" between buildings or campus or the general public. Boards, singly or in combination, "may lease, establish, or acquire educational communication systems or services to implement the goals of the state system of public education."

§235.40

Local school boards "may acquire . . . suitable lands and other facilities . . . for use in providing educational radio or television transmitting sites and may erect such buildings, antennas, transmission equipment and towers or other structures" for said purpose.

3. School Libraries

Statutes

§233.29-233.30

District school boards shall "establish and maintain as essential to the instructional program, adequate libraries and library services".

School boards may contract with "county or community groups or organizations for a co-operative program(s). . . of library establishment, maintenance, and use" on public school property and controlled by the school board of that district.

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

§32-416

"No member or appointee of the board, or any other person having authority to select or aid in the selection of textbooks for the schools, shall for himself[herself] . . . receive any gift, compensation or remuneration from any schoolbook publishing house."

CONFLICT OF INTEREST

§32-707

The State Board of Education may by regulation prescribe textbooks to be used in the public schools, and may prescribe "multiple listings" from which local superintendents may choose.

§32-709

"The State Board of Education shall select a committee or committees of educators actually engaged in public school work in this State to examine textbooks and make recommendations thereon to the State Board of Education . . . ."

§32-717

"All purchases, listings, or adoptions of textbooks for use in the public schools of the State . . . shall be made upon competitive sealed bids or proposals, after notice of the time and place of receiving same has been published once in each of at least three newspapers of general circulation published in the State . . . ."

The State Board of Education may, if "advantageous" to the state, publish textbooks or arrange for their publication.

REGULATIONS

30-1611 -- 1613; 30-1621 -- 1623

The State Board of Education shall distribute funds to "local units of administration" for instructional media and equipment. Local systems must use these funds in such manner as to "contribute to the attainment of student goals identified for the system. . . . For instructional equipment priority shall be given to that which would benefit students with special needs." Local school boards shall determine how much is to be spent on textbooks and how much on "nontextual media." The latter includes "library books, films, recordings, paperback books, filmstrips, workbooks, video and audio tapes, newspapers, magazines" and other materials.

Procedures for allotting funds shall be developed by the Office of School Administrative Services. The Office of Instructional Services shall assist local school systems in developing "policies and procedures dealing with instructional media and equipment" and in implementing "media programs" and evaluating and improving "media centers."

30-1614 -- 1616; 1624; 1625

"The State Board shall maintain a free textbook program for . . . providing funds to local school systems for the purchase of textbooks." Textbooks include hard- and softbound books and "basic instructional multi-media programs."

The State Board shall appoint a Textbook Advisory Committee to review, and make recommendations on, textbooks. In performing these duties, "each member

of the Textbook Advisory Committee shall establish a subcommittee from his/her district to assist in the evaluation of materials bid." All committee and subcommittee members will use the same evaluation criteria. "All meetings of the Textbook Advisory Committee shall be open to the public."

The committee shall meet "to prepare the list of titles to be recommended to the State Board for adoption . . . Interested citizens . . . shall be given an opportunity to present their views on any books under consideration. . . . The State Board may accept or reject, in whole or in part, recommendations of the Textbook Advisory Committee.

"Appeals from publishers or interested citizens shall be made . . . to the State Superintendent of Schools" who will submit them to the State Board's textbook committee for recommendation on further action. With respect to "appeals concerning items" the State Board may "prohibit expenditure of state funds for the items in question."

Members of the Textbook Advisory Committee may not receive gifts or money from or accept employment with "any author, producer, publisher or distributor of instructional materials while serving on the committee."

The State Superintendent shall report annually to the State Board on the free textbook program.

"Funds . . . shall be used for the purchase, maintenance, repair . . . of equipment for instructional laboratories and for special education classrooms. . . (and) must not be used in support of interscholastic or athletic activities." The Office of Instructional Services shall assist local systems in developing the instructional equipment program.

CROSS REFERENCES

II.A.1; Statute §32-434; 32-437

II.B.1.b.; Statute §32-708

B. CONTENT STANDARDS

STATUTES

§32-708

"The State Board of Education may provide for the selection and purchase of free textbooks . . . . None of the books purchased as free textbooks shall contain anything of a partisan or sectarian nature."

C. ISSUANCE

STATUTES

§32-710

"The State Board of Education is authorized and directed to inaugurate and administer a system of free textbooks for the public schools of the State of Georgia."

§32-711-712

"The State Board of Education shall . . . provide for purchasing, . . . repairing and furnishing free textbooks for use by the pupils in all of the elementary and high school grades in the public shcools of this state . . . .

The State Board of Education is further impowered to restore, repair, recover, or rebind all books used in the public schools of the State."

§32-719

If funds appropriated are insufficient to provide all textbooks free, preference for free distribution shall be given to the elementary schools starting with the lower grades.

§32-723

". . . The State Board of Education is authorized and impowered to do whatever may be necessary for the general welfare of the free school book system, and in order to acquire school books at the lowest possible cost . . . ."

2. Audiovisual Education

Statutes

§32-408.1

"The State Board of Education is authorized to make available educational programs through the medium of educational television." Also, the State Board may "own, operate, maintain and manage television stations, transmission equipment and all other related equipment and facilities, both audio and video, for the production and transmission of open and closed circuit telecasting."

§32-413.1

"The Board will receive all federal funds, and any other funds that are made available to the State for educational television for all levels of education."

§32-627a

"The State Board of Education shall annually determine the cost of operating and maintaining the statewide network of public school educational television stations . . . . Such costs shall be paid entirely from state funds." The State Board shall also establish an Educational Television Advisory Council to develop a plan for the utilization and expansion of instructional services.

Regulations

30-1410; 1420

"It is . . . the policy of the State Board to develop and operate an instructional and public television network, including" the acquisition of "equipment and facilities to transmit and produce those programs . . . most needed to supplement . . . the offerings of the educational enterprise, including local school systems." The State Superintendent shall develop a state plan for the network's operation to be approved by the Board.

"The Office of Instructional Services shall prepare a state plan for the state's utilization of the television media. . . . (It) shall periodically review the utilization . . . by local school systems of the Educational Television Network and shall report at least annually to the State Superintendent the status of the program in local schools. . . . The Office of Staff Services shall develop . . . a plan to assess the effectiveness of the educational television services program in meeting its stated objectives."

CROSS REFERENCE

II.B.3; Statute §32-626a

3. School Libraries

Statutes

§32-626a

"The State Board of Education shall annually determine and request of the General Assembly the amount of funds needed for county and regional public libraries of the State . . . .

The Board shall further make adequate provisions for staff, supplies, services, and facilities to operate and maintain special media equipment to meet the library needs of Georgia's blind and handicapped children."

§32-2604 --2605

The State Board of Education shall assume all the duties of the abolished State Library Commission and shall "give aid, advice and counsel to all libraries and communities which may propose to establish libraries as to the best means of establishing and administering them, the selection of books, cataloging and other details of library management, and shall endeavor to improve libraries already established . . . ."

CROSS REFERENCE

II.C.2; Statute §32-1401

4. Supplies and Equipment

CROSS REFERENCE

II.C.2.; Statute §32-1401

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§298-21

No school, without the written permission of the department of education shall create stores or sell merchandise, excepting, "school lunches, milk, ice cream, candy, things made or grown at the school as part of the educational program, and in cases where classroom efficiency, uniformity or standardization of particular supplies is essential, textbooks, equipment and necessary school supplies and equipment may be sold at any school."

STATUTES

§93-1

"There shall be established within the department of education . . . a state publications distribution center for depositing and distributing government publications and for promoting an orderly depositing library system for state and county publications."

§312-1

"The department . . . shall care for, manage and control all . . . libraries. This shall include control over the real estate; building funds; acquisition of books; placement of libraries (within reach of all residents throughout the state . . .") and any other incident necessary to the management and control of the system.

§312-2.1

"The state librarian, under the direction of the superintendent of education, shall be responsible for the operation of all school and public libraries within the state."

§312-5

"Annually . . . the department of education shall report to the Governor the moneys received from all sources and expended for all purposes during the preceding year, and any matters pertaining to the libraries which it may deem important. . ."

4. Supplies and Equipment

Statutes

§106-1, 4

Annually, the heads of the executive departments shall submit a "return of inventory sworn to before a person authorized . . . containing a full, true and corrected list by detailed items of all property, of whatever nature . . . belonging to the state and in the possession, custody, control or use of the officer so making the return . . ." or of any employee under his/her supervision. The officer shall include in his/her list a "separate detailed statement . . . of items of property acquired and those disposed of during the year . . ." since the last inventory. Failure to comply with this provision can cause the employees' salaries to be withheld.

§106-13

"The head of every department . . . of the state shall be responsible for all state property pertaining to his/her. . .department, whether he/she receipts for the same or not. Shortages occurring during the administration of one person shall not be the responsibility of his/her successor."

§298-5

"No equipment, material or other fees shall be assessed against any pupil in any elementary school," except special fees may be collected from students "who negligently break, damage, lose, or destroy equipment and supplies."

"The department may . . . group pupils within any public school in accordance with their abilities and educational needs."

Regulations

Rule 44.53

"Equipment. A sufficient variety and quantity of classroom and outdoor equipment shall be provided to permit a quality educational program in terms of the philosophy

and objectives of the school. The equipment shall be free of hazards and in good repair at all times. Classroom furniture and playground equipment shall be scaled to the size of the students using it."

CROSS REFERENCES

I.State Board of Education; Statute §296-33

II.B.1.a.; Statute §298-21

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

REGULATIONS

Policy Manual
Ch. 400, §407

The state board shall determine how and under what regulations textbooks shall be adopted for the public schools.

The Division of Instruction shall prepare and mail a special bulletin to all Idaho school districts listing the textbook adoptions.

The State Textbooks Committee shall prepare a list of textbooks and teaching material from which school districts shall select those for use in instruction.

Membership on the State Textbook Committee shall include one elementary supervisor and one subject area consultant, each being a voting member.

The following procedures shall govern the State Textbook Committee:

Textbooks shall be adopted for a five-year period.

The Committee will consider for recommendation only complete textbooks submitted to it.

Revised edition of adopted list books may be submitted to the Committee within two years of adoption. These revised editions must have committee recommendation and be adopted by the State Board prior to being offered for sale by publishers as adopted books.

Textbooks published within two years after an adoption in that area may be submitted to the Committee for consideration. If this textbook is recommended for adoption, the termination date of the contract is the same as other contract termination dates in that area.

Consumable textbooks are not usually recommended by the Committee to the State Board. This does not include workbooks which are used with a non-consumable textbook.

The Committee does not recommend for adoption reference books, encyclopedias, library books, etc. This type

of material is not evaluated by the Committee for publishers or professional educators.

A committee shall be formed by the State Textbook Committee under supervision of the State Science Supervisor to evaluate new materials and make recommendations on their adoption.

Schools may conduct experimental programs with proper supervision, provided written permission to do so has been granted by the Supervisor of Science and Mathematics.

The procedure for submitting textbooks for adoption in the State of Idaho are as follows.

"1. Notify the Executive Secretary of the Idaho State Textbook and Improvement of Instruction Committee by letter on or before November 1, of all materials being submitted for consideration. Give titles, authors, and copyright dates. This letter should accompany books at the time they are sent to the Executive Secretary.

"2. Deliver textbook samples to Committee members.

"3. Interviews:

"a. Interviews with the Committee will be held in May, at the Statehouse, Boise, Idaho.

"b. Interviews with individual Committee members may be held any time after the spring meeting and before November 1, at the convenience of the representative and the member, provided they are scheduled in advance.

. . . .

"4. Each publisher is requested to submit to each Committee member a brief on books and materials presented. . . .

. . . .

"6. Recommendations for adoptions in the areas specified will be made at the November meeting of the State Textbook and Improvement of Instruction Committee. . . .

The Executive Secretary of the Idaho State Textbook and Improvement of Instruction Committee must be notified by November 1 of all materials being submitted for consideration. Recommendations for adoptions in the areas specified will be made at the November meeting of the textbook committee.

Idaho State Textbook
Committee Handbook (1976), pp.1-5

The State Textbook and Improvement of Instruction Committee has the responsibility for screening, evaluating and recommending textbooks for adoption to the State Board. Local school districts then evaluate the listed materials and select those materials designed to fit local needs.

The State Textbook Committee is appointed by the State Board.

There are fifteen committee member regulars serving six-year terms while specialists serve one year.

After being screened and recommended by the State Textbook Committee all adopted materials should be consistent with the curriculum and direction of the state's educational program. The list of texts recommended for adoption are arrived at through an approach known as multiple adoption. The thrust of the adoption process is to approve all materials meeting a certain standard and a rejection of those items falling below the standard.

During the committee's spring meeting, publishers may present material for adoption, at a gathering open to all. This allows the Committee members to gather information on the nature of texts for adoption which occurs at the Fall meeting.

At the Fall meeting specific evaluation, screening, and recommending of instructional materials occur, subsequent to comments from interested groups on material value. Special meetings of the Committee may be called by the chairperson.

Each committee member is responsible for evaluation and screening of the presented materials. However, it is the duty of the Committee to involve others in order to have a wide base of input in deciding which materials are to be adopted.

Criteria to be used by the Committee in selecting

materials is to be made available to interested publishers. All requests for consideration of materials by the Committee shall be submitted to the Executive Secretary.

CROSS REFERENCE

III.A.1; Statute §33-118

B. CONTENT STANDARDS

CROSS REFERENCE

II.A.1; Statute §33-1603

3. School Libraries

Statutes

§33-2501

The state superintendent of public instruction shall be an ex officio member of the state library board.

§33-2502

The "Idaho State Library . . . shall cooperate with the . . . public school libraries . . .[of] the state."

§33-2601

The board of trustees of a school district may establish, with the approval of the school district electors, a public library if, within the district, there is no town or village having a population of more than 1,000. The board of trustees shall serve as the board of trustees of the library.

§33-2609 -- 33-2612

Regional library systems are established "to provide improved library and information services for residents of a multi-county region." Two or more library boards [each of which consists of five appointed or elected citizens, as the case may be] "may petition the state library board for the establishment of a regional system." Such systems shall be governed by a board of directors, on which "each library shall be entitled to one representative," and libraries serving populations of 10,000 or more, two representatives. The board shall not exceed 25 members.

PETITION

§33-2613

The system board of directors "shall serve as a liaison agency between the participating libraries and their governing bodies and library boards, . . . [making] such by-laws, rules and regulations as may be necessary for its own government and that of the

RULEMAKING

regional system." Each system board shall "provide improved library service . . . in cooperation with participating libraries, . . . purchase books and . . . supplies . . . and . . . employ such personnel as the system finds necessary; and exercise such other powers . . . necessary for the effective use and management of the regional system."

REGULATIONS

Accreditation Standards for Secondary Schools, Standard V,D.

The instructional media center shall provide facilities and space for the following:

FACILITIES

Student and teacher use, such as facilities and space for large groups, small groups, individual study, viewing, listening, recording, student and staff work areas and general library use.

Housing of all basic instructional media.

Other facilities.

Each school shall provide work areas for professionals and staff away from pupils and possible "interruption by students."

Accreditation Standards For Secondary Schools: STANDARD VIII. B.

All library books shall be catalogued with an author and title card for fiction, and not less than a title, author, and one subject card for all non-fiction.

Shelf lists of all books shall be maintained which may be combined with the accession record if desired.

Loan records shall be kept to aid the annual book inventory.

CROSS REFERENCE

III.A.1; Regulation, Accreditation Standards for Secondary Schools, Standard I -- VI

4. Supplies and Equipment

CROSS REFERENCE

II.C.2; Statute §33-601

IV.A; Regulation, Accreditation Standards for Secondary Schools, Standard V

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

C. ISSUANCE

STATUTES

§28-14

The school board may provide free textbooks to children in the event that a majority of voters in the school district approve the action. Once such a plan has been adopted by referendum, the school board shall provide free textbooks for at least four years, and the policy shall be discontinued only upon another referendum. The school district shall also sell textbooks to students who wish to purchase them for their own use.

§10-22.25

The board shall buy textbooks and rent them to the students.

CROSS REFERENCE

I.General Superintendent; Statute §34-8

2. Audio-Visual Education

Statutes

§10-22.30

The board shall enter into contracts to provide educational television or radio programs for school children.

3. SCHOOL LIBRARIES

CROSS REFERENCE

III.B.Media Personnel; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 7-5

4. Supplies and Equipment

Statutes

§28-1 - 28-3

Suppliers of instructional materials shall submit to the State Board price information, along with a surety bond, before materials are offered for adoption, sale or exchange in the state.

The State Board shall, "within 30 days after the filing of any list and bond, send a copy of the list to the regional superintendent . . ." who shall submit it to the school board for ultimate decision as to which materials to acquire.

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§20-1-1-3

"The commission on textbook adoptions shall exercise all the powers and duties . . . with reference to the adoption and approval of textbooks and teaching materials in the public schools."

§20-10.1-9-1 -- 20-10.1-9-3

"The commission on textbook adoptions shall make multiple adoptions of textbooks" and contract with publishers for the books. A multiple list of seven textbooks for each subject shall be adopted by the commission. The commission may prescribe rules and regulations to carry out its work. The classifications for textbook subjects are: language arts, social studies, mathematics, science and health education, and miscellaneous.

§20-10.1-9-7

The meetings of the commission at which textbooks are adopted shall be open to the public. The commission [on textbook adoption] shall give notice of the meeting by publication in two newspapers at least thirty days prior to the meeting. The notice shall include a list of all subjects and grades to be considered.

§20-10.1-9-21 -- 20-10.1-9-22

Locally, the superintendent of schools is responsible for establishing textbook selection procedures. An advisory committee shall make recommen-

dations on textbooks and the superintendent shall present these to the governing body of the school corporation. A special committee of parents and teachers may also be formed to review books, magazines and audio-visual material used in the classroom.

After a local superintendent has selected textbooks, she/he shall forward to the commission on textbook adoptions a list of the selections. If the commission "finds a deviation from the state adopted list, the commission on education shall cancel the accreditation of the offending schools."

§20-10.1-9-25

CONFLICT OF INTEREST

The commission on textbook adoptions shall not adopt any textbook in which any of its members has a direct or indirect financial interest.

Any firm, association, or person that gives money or promises an appointment in order to influence the selection of a textbook, shall be guilty of a misdemeanor and fined or imprisoned or both.

REGULATIONS

§ II, Ch. 3, Policies 62-08; 62-09

"If the state adopted texts were used as a basic text and if the content satisfied the requirements as set out by the State Department of Public Instruction... the method [of selection] was a matter for the local administration to handle.

It was agreed that the resolution of the previous meeting covered the point in question-that is, if a text book is used, a state adopted textbook is to be used. If a course is being taught by a laboratory method, it is a matter of state and local administration to determine the efficiency of the method and content of such a course."

§ II, Ch. 3, Policy 72-01-(1)

"Texts or programs for each textbook category, duly advertised for state adoption in the manner prescribed...shall be adopted by secret ballot. The ballot for each category shall list in alphabetical order by name of the publisher and title the texts or programs submitted for adoption. Each Commission member may vote for as many as seven (7) texts or programs; however, a Commission member is obligated to vote only for so many texts or programs as he deems suitable for state adoption."

§ II, Ch. 3, Rule 2

"The school corporation, or its said dealer, prior to July 15, shall annually ascertain the probable number of books needed to supply the schools for the ensuing year and...will order said books on or before the 15th day of July each year."

§ II, Ch. 3, Rule 3

"Section 1. The Commission on Textbook Adoption... shall receive sealed bids from...suppliers of textbooks to be used in the public schools... Said bids shall be opened at one time in a special meeting of said Commission... open to the public.

Section 2. All bidders must submit samples of the book or books bid not later than the time provided in the 'Notice to Publishers'... Such samples must be designated as official samples. Failure to submit official samples. . . will result in a rejection of the bid submitted. . ."

CROSS REFERENCE

I. State Board of Education; Regulation §I, Ch. 3.A

I.State Superintendent; Regulation §I, Ch. 2C

B. Content Standards

Statutes

§20-10.1-9-10 -- 20-10.1-9-11

The commission on textbook adoptions shall carefully examine all books submitted for approval. The commission shall consider such things as the "amount and quality of material, subject matter, style of binding, mechanical execution and price." The commission shall not approve a textbook which contains "anything of a partisan or sectarian character."

Regulations

§ II, Ch. 3, Policy 64-12

Materials for Experimental Courses

"The Commission on Textbook Adoption...is aware that...we are living in a period of scientific, technological, and intellectual development. We realize that mathematics is one of the great factors in this intellectual revolution.

"Therefore, we as a body feel it our duty to authorize for use in the Indiana schools instructional material which may be needed in experimental courses authorized by the Commission on General Education. . . ."

§ II, Ch. 3, Policy 67-10

Supplemental Materials

"All supplementary books be deleted from the bid request (no adoption to be made for supplementary reading books)."

Multi-Ethnic Content

"The Commission on Textbook Adoption...resolves that textbooks submitted...for offical adoption should provide for the following considerations:

1. Textbook content and illustration should accurately depict...our...multi-ethnic society...

2. The contributions, heritage, and cultural aspects of minority groups should be recognized and explained in such a manner to historically integrate these facts into the proper sequence of subject presentation.

3. Publishers...should publish supplemental material...which can be used to give additional insight and detail of the role of multi-ethnic groups in our country.

4. The Commission...resolves to officially adopt textbooks based on the concepts and principles of this resolution."

CROSS REFERENCE

II.A.10. Other-Activity Based Program; Regulation §II. Ch.3, Policy 71-09

C. ISSUANCE

§20-5-6-5

A school board operating a textbook rental program may furnish textbooks without charge to students who are unable to purchase or rent the books.

2. Audio-Visual Education

Statutes

§20-10.1-7-2

School corporations may conduct educational television instruction and may contract with a television station for the use of the station's facilities and staff. Any two or more school corporations may jointly operate educational television facilities. Credit will be given in the elementary and high school grades for educational television instruction when it is approved by the commission on general education.

Regulations

§ II, Ch. 1, Policy 65-11

Educational Television

"Whereas, the General Commission accepts educational television as another media for distribution of educational information and materials for the masses, it encourages and approves its use to provide educational opportunities for all.

CROSS REFERENCE

I.State Superintendent; Regulation §II. Ch. 2C

3. School Libraries

Statutes

§20-5-15-1

"In all cities and incorporated towns of this state [the school board] shall have the power, if . . . they deem it to the public interest, to establish a free public library in connection with the common schools . . . and to make such rules and regulations for the care [and administration] of such library . . . ." In cities of between 4,000 and 4,500 population, "in which there is a public library open to all the people already established under the library laws of this state, supported in whole or in part by taxation, [the school board] shall have the power, by and with the consent of the . . . board in charge of such library . . . to take over, receive and take full charge of such established library . . . as if [it] had been originally established by such [school] board."

§20-10.1-11-2

If at least fifty-one percent of the registered voters of a school corporation so petition, the governing body of the school corporation shall provide an elementary school library with enough textbooks to meet the needs of all students in the first eight grades.

If a school has previously established an elementary school library, the voters may petition [20% required] for a high school library containing textbooks to meet the needs of all students in each of the four high school grades.

§20-10.1-11-8; 20-10.1-11-11

If the voters' petition is properly filed, the school corporation is obligated to maintain the elementary

school library or high school library with textbooks for all students.

The library textbooks shall be loaned, free of charge, to each resident student.

CROSS REFERENCE

I. Board of School Commissioners; Statute §20-3-11-1.

I. State Superintendent; Regulation §I, Ch. 2.C.

III.A.1.; Regulation §II, Ch. 1, Rule G-4; G-5

4. Supplies and Equipment

Statutes

§20-5-9-1

"Any two or more school corporations within a county may . . . engage in joint employment of professional personnel and/or in joint purchases of necessary supplies, equipment and other materials . . . . The county superintendent of schools shall be the administrator of these joint activities."

§20-2-9-3

The care, management and maintenance of all property, real and personal, belonging to their respective corporations for common school purposes, shall be handled by the school trustees.

B. EDUCATIONAL MATERIALS
1. TEXTBOOKS
A. SELECTION AND PURCHASE

STATUTES

§257.25 (9)(d)

Each school offering any of grades seven through twelve shall have "adequate instructional materials for classrooms."

§278.1

The voters at the regular election shall have the power to "direct a change of textbooks," direct the sale of school property, authorize a boundary change, change the name of the school district.

§279.25

The board of directors of a local school district may purchase "dictionaries, library books, ... maps, charts, and apparatus ... for each school building under its charge; and may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of the school unless so aided."

§292.2 -- .6

The area education agency board shall be in charge of buying and distributing books and materials for the use of the school districts. In districts where there is not a librarian, the secretary of the board shall serve as librarian.

§301.1

The board of directors of each school district is authorized and empowered to adopt textbooks for all subjects taught in the public schools, to contract for and buy the books, and to sell, loan, or rent them to pupils.

c. ISSUANCE

STATUTES

§301.24 -- .25

Qualified voters may petition at the time of the regular school election to vote on the issue of providing free textbooks. If the majority vote in favor of such a plan, the board of directors shall loan textbooks to pupils free of charge.

§301.26

Students will be held responsible for any loss of or damage to textbooks.

2. Audiovisual Education

Statutes

§18.137

A "state educational radio and television facility board" is created to establish and operate an educational radio and television facility and other "communications services" as are necessary to accomplish "the educational objectives of the state."

§18.146

The state educational facility board has the power to "purchase or lease property, equipment, and services" and to improve them for use in educational communications.

§18.149

The state educational facility board shall appoint an "educational facilities director" who shall not be included in the Iowa merit system. All personnel appointments shall be without regard to sex, race, religion, political affiliation, etc.

§18.150

Local boards of education are not prohibited from "owning, operating, improving and maintaining educational radio and television stations ... now in existence." Local boards of education are "empowered and authorized to enter into such agreements with the state educational radio and television facility board as are contemplated in §18.146" (purchase or lease of property).

§273.10

The purchase of equipment for media production must be approved by the state board of public instruction, but the purchase of equipment for television production is prohibited. The area education agency must contract with the state educational radio and television facility board for these services.

3. School Libraries

Statutes

§2[illegible]-25(9)(a)

Each school offering any of grades seven through twelve shall have a qualified media specialist. The media center shall be a "resource center of instructional material for the entire educational program." The number and kind of books, newspapers, etc., "shall be adequate for the number of students in attendance...and other appropriate factors."

§273.6

"The media centers required under section 273.2 shall contain:

"a. a materials lending library ...

"b. a professional library.

"c. a curriculum laboratory, including textbooks ...

"d. capability for production of media-oriented instructional materials.

"e. qualified media personnel."

Regulations

§670-2.10 -- 2.15 (257)

Each high school library should contain: two sets of encyclopedias, parallel texts and more explicit supplemental books, for each course offered, books for recreational and enrichment purposes at various reading levels, an abridged and unabridged dictionary, compilations of source and reference materials, an atlas, and at least five magazine and periodical subscriptions.

§670-3.5 (20)

Each secondary school shall establish a media center as a resource center for instructional materials for the center's

entire educational program. It shall have an adequate number and kind of reading materials and audio-visual materials to serve the needs of pupils and teachers.

B. Educational Materials

1. Textbooks

A. Selection and Purchase

CROSS REFERENCES

II.A.1.; Statute §72-8205

IV.E.; Regulation §91-17-3

C. Issuance

STATUTES

§72-4107, 72-4107a; 72-4141; 72-4146; 72-4147

The board of education of any school district may provide a revolving fund to purchase the necessary school textbooks.

Whenever the parents or guardian of any child are unable to purchase textbooks, the board of education shall furnish them.

The board of education of any school district may establish a school textbook rental plan for such grades as are maintained by the district.

All books purchased by the board under the textbook rental plan shall remain the property of the board. Pupils shall be responsible for any damages to, loss of, or failure to return such books at the time and for the person that may be designated by the board. The board adopting the textbook rental plan may make regulations for administering the plan.

2. Audiovisual Education

CROSS REFERENCES

II.A.2.; Statute §72-8230

III.A.1.; Regulation §91-28-2 -- 91-28-10

3. School Libraries

Statutes

§72-1623

The district board shall establish and maintain a system of free public schools for all children residing in the city school district and may make all necessary rules and regulations for the government and conduct of such schools, consistent with the laws of the state: provided (1) the board of a city having a population between 120,000 and 200,000 may establish and maintain a public library system paid for from the same funds as school expenditures; (2) if any city is located within a school district maintaining a high school the board shall not establish or maintain a high school. The board may divide the city school district into subschool districts for purposes of attendance by pupils. The board shall hold the title to and have the use and keeping of all school buildings.

Regulations

§91-2-7

The district library media program shall provide in-service programs in the use of library media equipment.

The program shall be implemented by:

A written policy statement about the selection and best use of library media including procedures for dealing with controversial materials.

Establishing coordinated services for maintaining material, equipment, and delivery services.

Evaluating annually the program to determine its effectiveness in relation to the goals of the educational program.

Utilizing all available media resources, including public or community resoruces, within the district, and, if feasible, in surrounding districts.

The library media center program shall have a long range plan formulated by administrators, teachers, library media specialists and students. The center shall expand classroom experiences and provide reading, listening and viewing activities. The center shall continuously evaluate its objectives and its services and shall have a written media selection policy.

Each school shall have a center with a well-balanced collection of books, basic reference material, periodicals, and nonprint media (audio visual materials) appropriate to the objectives and needs of the school and the students.

In the alternative, a school may have a "library media center organized as a resource center of instructional material for the entire educational program." The library shall have five professional magazines for teachers "dealing with general teaching methods as well as specific areas of organization and use of educational media both printed and audiovisual."

The school shall have a written library media plan which states the amount of time that the library will be staffed, the number of print and nonprint materials in the library, and the library's budget. The school shall have a written statement of the goals of the program. The goals shall not conflict with state goals and shall be formulated with broad base community involvement. Experimental or innovative programs are encouraged. The statement shall indicate the kinds of supportive services available to the school to supplement the school's program.

The library media program shall be approved by the local board and the state department of education.

CROSS REFERENCES

II.A.3.; Regulation §91-27-7

II.C.2.; Statute §72-1033 -- 72-1033a

III.A.1.; Regulation §91-4-6

III.B.Certificated Personnel; Regulation §91-1-22

4. Supplies and Equipment

Statutes

§72-5389 -- 72-5391

Any school district board of education may buy for student use supplemental workbooks and materials, specialized clothing and towels for physical education, shop, and science courses, musical instruments for band or orchestra, and materials that are used in specific courses or projects or in which the pupil may keep upon completion of the course or project.

The board of education may charge fees for any of these items and for any optional activities, facilities, materials and equipment.

The board of education may waive payment of fees for mandatory courses if the parent or guardian of a pupil is unable to pay.

§72-8227 -- 72-8228

Two or more district boards may enter into agreements providing for cooperative maintenance of data processing centers on a shared cost basis, however, such an agreement must be approved by the state board. The districts entering into such a cooperative agreement must have a combined enrollment of not less than 15,000 students.

DATA PROCESSING

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

IIB1-KY 1
KENTUCKY

A. SELECTION AND PURCHASE

STATUTES

§156.400

1) "The superintendent of public instruction shall arrange the elementary and secondary school subjects . . . into five adoption groups . . .[which] . . . shall be arranged as nearly equal in number and purchase cost as possible."

2) Group I shall start in 1975 and last for five years. Groups II through V shall start in each succeeding year, and also last for five years. "The state textbook commission . . . may extend any or all subjects [presently] under contract or accept bids for less than five years for the purpose of arranging adoption groups with proper subjects and equal size."

§156.405

1) "The state textbook commission shall consist of the superintendent of public instruction and ten . . . members . . . appointed by the state board of education upon recommendation of the superintendent . . .

APPOINTMENT

2) Eight of the appointed members . . . shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and . . . at least four years of . . . accredited college education. Five members . . . shall be classroom teachers actively employed in the public schools of Kentucky as teachers in the subject field or fields for which the commission will select books. Two members shall be principals, supervisors or superintendents of public schools or public school systems. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. Two members shall be lay citizens. In selecting the members . . . the superin-

tendent . . . shall give due regard to representation from both rural and urban areas and both elementary and secondary levels . . . . The lay citizens shall have children in the public . . . schools at the time of appointment."

The committee shall meet at least once a year, and their meetings shall be open to the public.

§156.410

1) "The superintendent . . . shall prepare minimum manufacturing standards and specifications . . . and formulate other criteria for use in the selection and adoption of textbooks in Kentucky." He/she shall also, in conjunction with the state board of education, supervise and manage any other matter relating to the advertising and acceptance of bids.

§156.437

1) "The state board of education, upon the recommendation of the superintendent of public instruction may designate subjects in the state courses of study for which programs may be listed by the state textbook commission . . ."

2) The state board, with the superintendent's recommendation "shall have the authority to prescribe rules and regulations for the listing by the state textbook commission . . . [regarding] the purchase of subject programs for the pupils in the state public schools."

§156.440

1) "Textbook publishers . . . upon . . . request . . . shall furnish to the local boards of education the requested sample copies of their books that were . . . placed on the state multiple list of textbooks . . ."

2) Each year the local board of education shall "select from the state multiple list books or programs

for each subject and grade to be used as a basal text, in its school system for a period of five years."

3) If the local school boards decline or fail to make textbook adoptions they "shall use the books or programs in the state multiple list designated by the state textbook commission for each subject and grade for the adoption period."

4) Upon selection from the multiple list, the local superintendents of schools "shall send to the superintendent of public instruction a complete list of books adopted . . ."

§156.445

"No textbook shall be used in any public school . . . as a basal textbook unless it has been approved and listed on the state multiple list of textbooks by the state textbook commission. Any changes of textbooks made by the . . . commission shall not become effective until grades and classes of the respective . . . school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time."

§156.460, 465

CONFLICT OF INTEREST

"No superintendent, teacher or other official employee of any institution supported . . . by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the superintendent of public instruction.

No person shall secure or attempt to secure the adoption of any school textbook in any school district . . . by rewarding or promising to reward, directly or indirectly, any person in any public school in the state. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for the use of any school textbook to be used in this state."

§156.476

"The state board of education, upon the recommendation of the superintendent of public instruction, may select suitable textbooks and other materials . . . for children with impaired vision who are attending the free public schools . . . in grades kindergarten through twelve. Such . . . materials shall not be subject to the official textbook. . ." rules and regulations. "[The] board . . . upon the recommendation of the superintendent . . . shall have the authority to prescribe rules and regulations for determining the pupils eligible for such books, the number of books to be purchased, and the general administration of the program. The superintendent . . . subject to the approval of [the] board . . . may purchase these books and distribute them without cost to the [eligible] students . . . . All textbooks purchased under this section . . . are the property of the State."

§157.150

All textbooks which have been adopted for use by the State Textbook Commission become the property of the state when they are purchased.

REGULATIONS

704 KAR 2:020

The Kentucky State Plan for Administering the Textbook Program "shall include the standards and procedures for the management of the textbook program in relation to the selection, listing, adopting and purchasing textbooks for the schools of the Commonwealth."

CROSS REFERENCE

II.A.1.; Statute §161.470

STATUTES

§156.435

1) "The State Textbook Commission shall . . . select, approve and publish a list of ten books or programs in each subject and grade taking into account the needs of the various types of school organizations. The Commission shall not list more than one book or program for the same subject and grade from the same person, firm or corporation.

2) The state textbook commission shall have the authority to reject any book which contains subversive material or information . . . If . . . the multiple list . . . contains [any book with] subversive material or information . . . the commission shall have authority to remove the book from the list. The . . . commission shall have the authority to add books to the state list when the number of books on the list is less than ten per subject and grade or when the list does not contain books for subjects added to the state courses of study.

5) The superintendent of public instruction shall prepare a multiple list of the . . . books and programs . . ." selected annually by the Commission ". . . and publish some and send a copy to the superintendent of each county and independent school district . . ."

§158.180; 190

"No person connected with the public school system shall use or cause to be used, read or taught in the public schools any textbook or printed matter of any kind that . . . criticizes or condemns, or could be deemed discrediting, discriminating or harmful to, any legally constituted school or system of healing, science or profession in Kentucky.

No book or other publication of a sectarian, infidel or immoral character, or that reflects on any religious denomination, shall be used or distributed in any common school. No sectarian, infidel or immoral doctrine shall be taught in any common school."

CROSS REFERENCE

II.A.1.; Statute §158.280

C. Issuance

Statutes

§156.450

"Where old books, displaced by new adoption are offered by pupils in exchange for the corresponding new books, the new books shall be offered at a price not more than twenty percent in excess of the listed exchange price."

§156.470

"Textbooks submitted to the state textbook commission for examination shall remain in the office of the superintendent of public instruction for the period of the adoption. After the adoption period they shall be sold by the state board of education."

§157.145

"The superintendent of public instruction shall each year cause all textbooks which have not been made obsolete by new adoptions to be rebound upon request of the local districts."

§157.160

"The superintendent of public instruction, subject to the approval of the state board of education, shall make rules and regulations for the disposal of

textbooks no longer in condition to be used for purposes of instruction."

§156.455

"When a pupil moves from any school district the board of education of the district shall, if requested, purchase . . . the textbooks in actual use by him[her] at the time. The price shall be based upon the condition of the books. The books may be sold by the board . . ., or furnished to indigent children in the district."

§156.474

"The state board of education, upon the recommendation of the superintendent of public instruction, shall have the authority to prescribe the conditions, . . ." and the rules and regulations "whereby a school district may make multiple textbook adoptions for the different school subjects by grades.

2) The superintendent . . .[with] . . . the approval of the board . . . may purchase the textbooks from the publishers . . . for grades kindergarten through twelve and distribute them without cost to the pupils attending the free public schools in the school district."

§157.100

"The superintendent of public instruction subject to the approval of the state board of education shall purchase [approved] textbooks . . . and . . . other related media . . . and distribute them without cost to pupils attending grades kindergarten through twelve, of the public schools of the state."

§157.110

1) "In the purchase and distribution of textbooks . . . the state board of education shall first furnish textbooks to the primary grades, then, if additional funds are available, to the intermediate grades, and so on until the funds are exhausted. If

sufficient funds are not available to furnish textbooks for all grades, then the board may determine for what grades and/or subject textbooks shall be provided.

2) The . . . board . . . upon the recommendation of the superintendent . . . shall adopt regulations whereby local school districts may be reimbursed for certain textbooks in grades nine through twelve, whose condition would warrant their continued use."

§157.130

"The superintendent of public instruction shall, subject to the approval of the state board of education make rules and regulations governing the purchase, requisition, distribution, assignment to pupils, care, use and return of textbooks and a plan for permanently labeling the textbooks as the property of the state."

§157.140

"Each pupil, or [her]his parent or guardian, shall be responsible to the teacher for all books not returned by the pupil, and a pupil not returning all books delivered to [her] him shall not be entitled to . . ." distribution of any other educational materials "until the books are paid for by the parent or guardian or accounted for . . ."

§157.170

"The superintendent of public instruction, subject to approval of the state board of education, shall make rules and regulations governing the sale of textbooks by superintendents to pupils, parents or guardians of pupils attending the public schools . . . . Superintendents shall not sell textbooks to private or sectarian schools. Books sold under this section shall be sold at the retail contract price."

§157.190

1) "The superintendent of public instruction, subject to the approval of the state board of education shall provide basally adapted textbooks without cost

to all children between the ages of six and eighteen who are confined in any state correctional institution . . . and who are regularly enrolled in classes of elementary grades."

§160.330

"Each board of education may furnish textbooks and other necessary school supplies free of charge to indigent children . . . or to such other children as it deems advisable under such rules and regulations as it may adopt."

2. Audiovisual Education

Statutes

§168.010 -- 100

It is the public policy of the state "that there be established, developed and utilized in the public interest a network of educational television production and related facilities . . . such as will ultimately make available to students . . . television programs and related services in aid of education . . . ."

The Kentucky Authority for Educational Television shall be established as a public corporation to implement the purpose of this statute. Its memberships and administrative organization are set forth in the statutes. It is granted "all such constitutional powers as are necessary to . . .[the] accomplishment" of the policy of this statute. Specifically it shall have authority to produce, prepare, transmit and relay . . . educational television programs and related services, provided, however they do not transmit or permit to be transmitted "any subversive matter, any political propaganda, or any image or message in the interests of any political party or candidate for public office; or be used by, or in aid of of any church, sectarian or denominational school" unless such material is "properly related to the study of history or of current events, or is no more than factually informative of current issues of government or of various political ideologies."

CROSS REFERENCE

I.Department of Education, Statute §156.010

III.B.Librarian; Regulation 704 KAR §20:145; 704 KAR §20:150

3. School Libraries

Statutes

§171.130 -- 145

The department of libraries "shall give assistance and advice to all school . . . libraries . . . as to the best means of establishing and administering them, selecting and cataloging books and other details of library management." It may "for the benefit of blind and physically handicapped . . . make available books . . . in any . . . medium of reading used by the blind and physically handicapped.

CROSS REFERENCE

III.B.Librarian; 704 KAR §20:140

4. Supplies and Equipment

Statutes

§156.074

"The state board of education may secure price contract agreements for the purchase of supplies and equipment by district boards of education. The board by regulation shall specify the particular types of supplies and equipment for which contracts shall be secured . . . The board . . . shall fix standards of quality and quantity and shall develop standard specifications for supplies and equipment."

§156.076

"The superintendent of public instruction shall furnish full information on established price contracts to each district board of education." Any such board "may purchase supplies and equipment from the vendor to whom the contract has been awarded, under the terms of the contract." In addition any board of education may, after advertising for bids, award contracts, "if the superintendent of public instruction certifies that such a bid offers supplies and equipment which meets the standards and specifications fixed by the state board of education and that the bid price is lower than that established by the price contract agreement."

§156.447

1) "The state board of education, upon the recommendation of the superintendent of public instruction may authorize school districts to select and use supplementary textbooks, print and audio-visual materials and audio-visual equipment other than those selected and listed by the state textbook commission . . ."

2) The superintendent, with the approval of the state board of education, "and in accordance with documented district needs, shall make available each year . . ." funds for the purchase of such supple-

mental materials.

3) "Local school districts may purchase supplementary . . . materials . . . in accordance with regulations adopted by the state board of education upon the recommendation of the . . . superintendent . . ."

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§17:8

"The board shall prescribe and adopt and shall exercise control over the distribution and use of free school books and other materials of instruction for use in elementary and secondary schools . . . ."

It shall adopt one or more lists of basic textbooks and "it may authorize and approve revised editions of any school book it adopts."

Each contract with a publisher for school books shall be:

a. awarded on a competetive basis;

b. made without determinate date of expiration;

c. made as to run without change until properly terminated;

d. made as to stipulate the publisher will automatically reduce net cost of textbooks when reduced anywhere in the U.S.;

e. made as to authorize either party (board or publisher) to terminate it upon 90 days notice.

"The State Department of Education shall be the depository in the state for books for the schools."

These books "shall be distributed to the several parish and city school boards from the depository on requisition of the superintendent of education for public elementary and secondary education."

§17:351 -- 352

The State Board of Elementary and Secondary Education shall prescribe and adopt school books and other materials of instruction to the children of this state as well as to students attending vocational-technical schools and programs under the jurisdiction of the Board. Together with the State Department of Education or separately the Board shall take action "to assure that all school books,

films, and booklets . . . and other audio-visual devices . . . are thoroughly screened, reviewed and approved as to their content by the State Board of Elementary and Secondary Education and the local parish or city school board concerned." A copy of all approved textbooks and teaching materials shall be available for inspection at the State Board of Elementary and Secondary Education.

CROSS REFERENCES

I.Orleans Parish School Board; Statute §17:126

III.E.Teachers; Statute §17:86

B. Content Standards

Regulations

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.01.84

Textbooks should not present a partisan or sectarian viewpoint, be obscene or sensationalistic or promote discrimination on the basis of sex. Textbooks shall reflect true scholarship, promote the proper use of the English language, the work ethic, sanctity of the family and the right to privacy and shall recognize cultural ethnic and social differences in our society.

CROSS REFERENCE

II.A.1.; Statute §17:262 -- 265

2. Audiovisual Education

Statutes

§17:2501 -- 2506

The Louisiana Educational Television Authority (LETA) is created within the executive department of the state government, "in order to promote the use of educational and public television and radio in the state of Louisiana to further the education and cultural enrichment of its citizens." The Authority is empowered to act as the official agency of the state to be the licensee of the stations or channels needed to implement the purposes of this chapter. It is "charged to cooperate with all presently existing noncommercial and educational public television and radio stations within the state of Louisiana.

The power to establish policy to carry out the intent of this chapter shall be vested in the members of the Authority, which shall consist of the governor, the state superintendent of education and the president of the Louisiana State Board of Education, or their designees," and eighteen other selected persons.

The Authority "shall employ a professionally qualified executive director to carry out the policies established by the Authority." It will meet "not less than bimonthly." Ten members shall constitute a quorum" for the transaction of business." The terms of members shall be overlapping to insure that ordinarily members will be replaced every two years."

The State Department of Education "shall have the sole responsibility for and control over the preparation content and programming of all instructional television programs used to supplement elementary and secondary curricula in the schools of the state."

Subject to this provision, "the Authority shall have full responsibility and control over the preparation, content, coordination and programming of all programs.

. . .[LETA] shall provide in its rules for local option time for each station" for local programming under the direction of the station's advisory board.

In compliance with the rules and regulations of the FCC, "no station licensed to the Authority shall be used for . . . the presentation of biased or one-sided aspects of partisan politics, or to advocating or opposing [either] any present or prospective political candidacy, [or]. . . any legislation currently being considered or prepared."

3. School Libraries

Regulations

BULLETIN 741

INSTRUCTIONAL MATERIALS AND EQUIPMENT

"Instructional materials and equipment shall be appropriate in kind and amount to facilitate instruction. . . .

The library of each school shall have an up-to-date growing collection to meet the needs and interests of faculty and students. The library shall reflect the philosophy and purposes of the school, and it shall relate directly to the educational program and the teaching techniques used by the teaching staff. It shall, at the same time, provide an opportunity to explore beyond the sphere of school activities. . . ."

BULLETIN 741

MEDIA CENTERS

"Each school shall have library or media services that are geared to the instructional levels and handicapping conditions of the students with a focus on the early childhood, preacademic, academic, prevocational, and vocational aspects of their needs.

The utilization of funds for library services shall be at least proportional to that received by nonhandicapped students."

CROSS REFERENCE

IV.E.; Regulation Bulletin 741

4. Supplies and Equipment

CROSS REFERENCE

II.A.4.; Regulation Bulletin 741

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§856

Administrative units shall supply schoolbooks, apparatus and appliances for the pupils' use in the public schools at the expense of the administrative unit. A parent or guardian may buy books for the exclusive use of his/her child. No school shall buy secondhand books. Whoever violates this section shall forfeit up to $500, to be recovered in a civil action by any school officer or person aggrieved."

"Administrative units shall pay for the necessary repairs of school buildings and the improvement and maintenance of school yards and playgrounds out of [money] raised and appropriated for the support of public schools."

Administrative units may lease buildings, furniture and other school equipment as follows:

1) the property shall be the same as any school property;

2) the period of use or occupancy shall be the same as the periods when public school buildings of the unit are used and occupied;

3) the lease will provide for exclusive use and occupancy of rooms for instruction during their period of use, and may provide for concurrent use of other areas of property;

4) co-occupancy shall be used for housing on an emergency basis. Leases shall not exceed 10 years and must be approved by the commissioner before the lease is signed, to qualify for reimbursement.

CROSS REFERENCE

III.C.School District; Statute §854

C. ISSUANCE

STATUTES

§857

"School committees shall make rules and regulations . . . for the distribution and preservation of school books and appliances furnished at the expense of the town."

§322-A

"Textbooks and supplies shall be provided at the expense of the interstate school district."

STATE PLAN FOR NORTHEAST LEARNING RESOURCE SYSTEM WORKSHOPS

Developed annually.

Purpose

"To participate in the Region IX Area Learning Resource Center activities designed to assist states in developing intrastate media and materials center..."

B. EDUCATIONAL MATERIALS
1. TEXTBOOKS
A. SELECTION AND PURCHASE

STATUTES

Art. 77 §67

The county superintendent shall prepare lists of all textbooks, visual and auditory aids, furniture and other school supplies needed by the schools and recommend that the county board purchase them.

Art. 77 §79

The county board of education shall select and purchase the textbooks and other materials in ample quantities at the lowest price consistent with good quality. Such materials "shall be furnished free of cost" for use by pupils in the public schools.

B. CONTENT STANDARDS

CROSS REFERENCES

II.A.1.; Regulation 13.03.02.01

II.A.1.; Regulation 13.03.02.05

C. ISSUANCE

REGULATIONS

13.04.04.01

"The rules . . . for carrying out the provisions of Federal laws relating to the acquisition of school library resources, textbooks, and other instructional materials . . . . shall be . . . . in the Maryland State Plan for making Available School Library Resources, Textbooks and Other Instructional Materials."

13.05.05.01

"The county board of education shall prepare rules and regulations for the distribution and care of books furnished to pupils, and shall attach to each book . . . a copy of these rules." If a student does not comply with these rules, the principal may withhold "all books and school supplies until restitution is made." Teachers must keep accounts of all books issued. At the end of the school year the principal must account for books and supplies

to the county board of education, "and shall be responsible for losses of books and stationery when such losses are not explained to the satisfaction of the county board of education."

CROSS REFERENCE

II.B.1.a.; Statute Art. 77, §79

2. Audiovisual Education

Statutes

Art. 77 §29

The state superintendent is authorized to furnish "visual and auditory aids, educational television and such other aids that will facilitate instruction in all subjects in the schools."

Art. 77 §161

The Maryland Public Broadcasting Commission (MPBC) operates and maintains television and radio programming facilities to provide educational programs and cultural entertainment. The Commission shall request funds to operate the system and to employ personnel to "coordinate all functions of the television and radio systems."

". . . The Commission shall have full responsibility and control over the preparation, content and programming of all its programs for the general public. The State Board of Education shall have sole responsibility . . ." for educational television used to supplement curricula in the public schools.

The Commission shall consist of eleven persons appointed by the governor.

CROSS REFERENCES

II.B.1.a.; Stacute Art. 77, §67

III.B.Certificated Personnel; Regulation 13.06.01.05

3. School Libraries

Statutes

Art. 77 §162

". . . The State of Maryland, in collaboration with the counties . . . adopts the policy to continue the orderly development and maintenance of library services and facilities throughout the State."

Art. 77 §163

"The State Board of Education shall exercise general direction and control over library development . . ." including the power to make rules and regulations, recommend legislation, accept appropriations and/or materials from the federal government.

Art. 77 §164

The Division of Library Development and Services shall be under the control of the State Board of Education and shall "provide for the public libraries and for the coordination and development of other library services . . ."

The Division shall be headed by a person titled Assistant Superintendent for Libraries, who shall be appointed by the State Board of Education and shall possess an advanced degree in library and information service and have administrative experience in libraries.

Art. 77 §§166; 166A; 166B

The Division of Library Services shall have the power to develop statewide library services; provide professional and technical advisory services to library officials, state government agencies and others; collect library statistics; identify and provide for research studies on library needs; administer federal and state funds appropriated to it; and carry out other duties set forth by law.

The state of Maryland is a party to the Interstate Library Compact, the purpose of which is to "cooperate and share . . . responsibilities, to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative

basis . . .[and to provide] joint or cooperative library services in areas where the distribution of population or of existing and potential resources make provision of library service on an interstate basis . . ." most effective.

The means of accomplishing these goals are set forth in the statute.

Art. 77 §167

The Maryland Advisory Council on Libraries "shall gather information pertaining to the needs of libraries throughout the state, render advice . . . to the Division of Library Development and Services, the State Superintendent, the State Board of Education and the Governor . . ." The Council shall consist of eleven members; seven appointed by the governor and the other four shall be the Commissioner of Higher Education, the President of the Pratt Free Library Board of Trustees, the President of the Maryland Library Association, and the dean of the Library Science School at the University of Maryland.

Art. 77 §169

Upon request to the State Department of Education any three or more local public libraries outside a standard metropolitan statistical area may maintain a regional resource center and cooperate to provide books, information and other material which an individual library could not provide adequately. [The services provided and the administration of regional resource center are set forth in this section.]

CROSS REFERENCE

II.B.1.a.; Regulation 13.04.04.01

4. Supplies and Equipment

CROSS REFERENCE

II.B.1.a.; Statute Art. 77, §67

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

71 §50

"A change may be made in the school books used in the public schools by a vote of two-thirds of the whole school committee. . . [N]otice of intended change must be given at a previous meeting."

CROSS REFERENCE

I.Department of Education; Statute 69 §10A

B. Content Standards

CROSS REFERENCE

III.A.1.; Regulation, Regulations of July 18, 1975

C. Issuance

Statutes

71 §48

"The committee shall . . . purchase textbooks and other school supplies, and, under such regulations as to their care and custody as it may prescribe, shall loan them to the pupils free of charge." If instruction is given in the manual and domestic arts, these materials shall also be supplied. It shall also "procure such apparatus, reference books and other means of illustration, as may be needed.

The committee, at the individual request of a pupil in a[n approved] private school . . . which does not discriminate in its entrance requirements on the basis of race or color, shall lend free of charge to him/her textbooks" which are the same as those used in public schools.

71 §49

Pupils may purchase, under regulations as the school committee may prescribe, any textbooks which are to be, or have been used by them in school.

2. Audiovisual Education

Statutes

71 §13F

"The course of study in elementary and high schools may include instruction by means of educational programs broadcast through the facilities of television stations. The cost of such programs may be shared by cities and towns within viewing range of such television stations . . . . [F]unds [are] not to exceed one dollar per pupil . . . . The board of education, with the advice of the commissioner, shall appoint a committee to coordinate and administer such programs. Said committee shall be known as the executive committee for educational television . . . ."

71 &13G -- 71 §13I

The Executive Committee for educational television shall act in matters pertaining to educational television and manage a program fund. The composition, powers and duties of said committee are set forth in the statute. "Said committee shall not provide or sponsor any program which advertises a commercial product or service . . . [aid(s) or maintains] any denominational religious doctrine . . . [or] . . . programs to aid any political party . . ."

CROSS REFERENCE

III.B.Media Specialist; Regulation, Regulation #19

3. School Libraries

Statutes

78 §14

The commissioner of education shall make an annual report of the acts of the board of library commissioners, including therein a full detail of expenditures.

78 §19

The board of library commissioners has the authority to: disburse funds appropriated for the "extension and encouragement" of library services, deal with the federal government regarding federal grants for library services, contract to improve library services, establish a comprehensive program of regional public library services, designate libraries as regional reference and research centers.

CROSS REFERENCES

II.A.2.; Statute 15§15B

III.B.Librarian; Statute 78 §22; 25; 30

III.B.Librarian; Statute 78 §29

4. Supplies and Equipment

CROSS REFERENCE

II.C.1; Statute 69 §3

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

§380.1422

Each school board shall select, approve, and purchase textbooks, which shall be the property of the district and loaned to pupils without charge. A board may require a reasonable and refundable deposit on textbooks.

§380.1431

A school board shall not use in the district schools a textbook not listed with the state board. Anyone desiring to offer textbooks for use in the state shall file with the state board copies of all textbooks offered with a sworn statement of the usual list price, the lowest net wholesale price and the lowest exchange price.

The board shall not list a textbook unless the offerer enters into an annual written contract embracing these terms:

The offerer shall furnish all textbooks listed in the statement to every district in the state at the lowest price contained in the statement.

Prices listed in the statement shall be automatically reduced in this state when reductions are made elsewhere in the United States.

Textbooks offered for use shall be at least equal in quality to those filed with the state board.

If an abridged or special edition of a listed textbook is offered elsewhere in the U.S. at a lower wholesale price than the net wholesale price of the listed textbook, the offerer shall file the special edition, and its price, where requested, with the state board, and offer the textbook for sale at the lowest net price.

No one shall enter into any agreement to

control the prices of textbooks or restrict competition in their sale.

If the state board determines that a textbook is being offered for sale elsewhere in the U.S. at a lower price than that for which it is offered for sale in this state, the board may cancel all filings on the part of the offerer of the textbook.

§380.1437

A person shall not attempt to secure the sale of a textbook in a district by making rewards of valuable items or promises of work to a teacher or school officer.

This shall not prevent a person from giving sample copies of textbooks for examination.

§380.1805 ; 380.1806

CONFLICT OF INTEREST

A superintendent, school officer or teacher who acts as agent for an author, publisher, or seller of school books or apparatus is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than three months, or both.

A board may dismiss and cancel the contract of a superintendent, school officer, or teacher who fails to comply with this act.

§388.1006

A state board member shall not act as the agent of any publisher of school books or be interested in the publication or sale of any such book as agent or otherwise.

B. Content Standards

Statutes

§380.1173

The appropriate school authorities, consistent with acceptable academic standards, shall select instructional materials which reflect the pluralistic, multisocial, and

multiethnic nature of our society, past and present, and positively portray the varied roles of men and women in this society.

The state board shall make a biennial random survey of instructional materials in use to determine the progress made in the attainment of these objectives.

§380.1174

The state board may develop guidelines for expanding existing school curriculum to include materials on the culture of ethnic, religious and social minority peoples, and the contributions of women.

Guidelines shall be available for grades K to 12 and shall include the history and heritage, living conditions, beliefs, and customs, word meaning and usages and problems of and prejudices against these groups.

CROSS REFERENCE

II.A.5.; Statute §380.1158

2. Audiovisual Education

Statutes

§380.671

The state board shall establish criteria for approving regional educational media centers for initial and continued funding. Among the criteria shall be: minimum size for the service area based on enrollment; provision for intermediate school districts or parts of them to combine to operate an instructional materials center (either by contracting with one district to administer the center or by organizing a cooperative board); designation of a service area which will provide efficient lines of communication with outlying districts and the use of subcenters in sparsely settled areas; and qualification standards for personnel.

Intermediate school boards acting singly or in cooperation may operate educational media centers to serve public and nonpublic schools in their respective areas.

An educational media center provides educational services to local school districts, including: a materials lending library of motion pictures, slides, film strips and disc recordings; a graphics staff and duplication services for visual and audial materials; an acquisition, delivery and dissemination system; a technical and maintenance service; professional leadership training services to local school districts; and professional, reference and informational library services.

§388.1041; 388.1042; 388.1043

The state board may take any necessary action consistent with state law to comply with the "television broadcasting facilities act of 1962" and the "national defense education act of 1958" and may accept and expend federal funds available for such purpose by the legislature.

The state board may appoint an advisory committee to conduct studies relating to the development of an educational television system with emphasis on the feasibility of a multi-channel broadcasting system for instruction, materials distribution, and administrative data handling.

3. School Libraries

Statutes

§380.260

"The board may establish and maintain a library or museum, or both," which "may be separately operated for the" district's public schools. "The board may appoint librarians and hire other [library or museum] employees . . . and fix their salaries, may purchase necessary books and apparatus, and may include in the [district's] general budget . . . sums for building maintenance and support of a library or museum."

The board may appoint separate boards of library or museum commissioners of not more than 7 persons. Board of education members shall not serve as such commissioners. These "appointed boards shall have control . . . of the public library and museum, subject to the approval of the board of education," and "shall keep correct records of [their] proceedings." School district library money shall be paid to the board of education treasurer to be kept until receipt of orders by the board of library commissioners which have been approved by the board of education secretary.

§397.261

In the cities where free public libraries are under control of boards of education, such boards are authorized to include in their annual estimate sums sufficient to defray the expense of the maintenance and purchase of required books.

§380.351

The 2nd class district board shall receive funds designated for maintaining district or public libraries and shall use them for such purposes." The board may delegate the expenditure of library funds to an executive body constituted by law for [library] management within the city."

§380.1264

A school board shall provide for the care and management of a library or museum established in the district, appoint personnel, fix salaries, and provide materials and equipment.

§380.1451

A school district other than a primary district, by a majority vote of the school electors, may establish a public library. The school electors and the school board may vote a district tax for support of the public library.

§380.1452

A school board shall have charge of the library and may donate or sell library books belonging to the district.

Persons residing within the district in which a library is established shall be entitled to the privileges of the library. The board may contract with a community outside the board's jurisdiction for the use and privileges of the library.

§380.1456

An intermediate board may donate or sell library books belonging to the intermediate district to a township board with a township library, a city library or a county library board.

4. Supplies and Equipment

CROSS REFERENCE

II.B.3.; Statute §380.1264

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§126.16

Any person, company or corporation selling textbooks in the state of Minnesota shall:

1) file a copy of the textbook, the list price, the lowest exchange and wholesale price in the office of the commissioner;

2) file a written agreement with the commissioner (a) to furnish textbooks of equal quality at the lowest prices to filed and (b) to reduce price automatically if reductions are made elsewhere in the U.S;

3) file a surety bond of $2,000 with the commissioner.

§127.15

CONFLICT OF INTEREST

Any teacher, or any person connected with the public schools, who profits from the sale of textbooks or school supplies shall be fined from $50 -- $200 for each offense.

§127.21 -- 127.23

The attorney general shall revoke the license of any textbook publisher who seeks to control prices or restrict competition in the sale of textbooks.

Publishers who sell school textbooks without first placing samples on file shall be guilty of a gross misdemeanor and shall be fined 500 to 2000 dollars.

State officials and/or board members shall not receive any money, gift or favor from any person or corporation selling textbooks. Penalty not exceeding $500 or imprisonment shall be given to any one convicted of such a crime.

CROSS REFERENCES

I.District School Boards; Statute §123.11

III.A.2.: Regulation EDU 3

3. School Libraries

Statutes

§121.22

The department may purchase books and audio visual educational items to be used as a state circulating and traveling library.

§121.23

The department of education shall give advice to the managers of any public library and encourage the establishment and aid in the organization of local libraries.

§121.24

The department shall keep relevant statistics on public and traveling libraries and report them to the legislature.

§134.01 --134.02

"Every school district may provide library facilities . . . ." The school board may approve funds to maintain a library and hire a librarian.

§134.03

In cities of less than 2,000 people that do not levy a tax for a public library, the school board may maintain a public library for the use of all residents.

§134.04

The state department of education shall periodically prepare a list of books suitable for school libraries.

§134.21

The interstate library compact is enacted into law in Minnesota. The state board of education shall designate an officer of the state department of education as "compact administrator."

§134.06

A school board may contract with a city or county board to become a part of its public library and to receive library books for the use of students. The school board and the library board may jointly employ a librarian who meets the standards of the state board of education.

CROSS REFERENCE

I.State Board of Education; Statute §121.09

III.B.Librarians; Regulation EDU 6

4. Supplies and Equipment

Statutes

§123.16

Contracts for furniture, construction, and repair will be awarded to the lowest bidder. Contracts for rental of rooms or facilities and for student transportation must be approved by the commissioner. "Members of the board are authorized to contract with, do work for, and furnish supplies to the school district" subject to the provision of state law.

B. EDUCATIONAL MATERIALS
1. TEXTBOOKS
A. SELECTION AND PURCHASE

STATUTES

§37-43-3

The Mississippi State Textbook Purchasing Board is established which "shall consist of the governor who shall be ex-officio chairman, the state superintendent of public education and three members . . . appointed by the governor, one from each . . . supreme court district, who shall serve for . . . four years . . . . Each appointed member . . . shall be an educator of known character and acknowledged ability in his or her profession, with at least five years of successful teaching or supervisory experience in the public schools of Mississippi immediately previous to his or her appointment." Each appointed member shall be a qualified voter of his or her supreme court district and at least thirty years old.

§37-43-19

"The board . . . is . . . authorized (a) to promulgate rules and regulations for the purchase, . . . use . . . and accounting of all books . . . furnished under this chapter and other rules and regulations . . . necessary; RULEMAKING

(b) to adopt, contract for and purchase . . . basal textbooks through twelve grades as provided in the school curriculum . . .;

(c) to have complete power and authority . . . [regarding] any acts or regulations, not contrary to law, that may be deemed necessary for furnishing and loaning free textbooks to the school children . . . ."

§37-43-21

To assist the textbook board in appraising a textbook, rating committees in each field in which textbooks are being considered shall be established. Each committee shall be composed of seven members. "The state superintendent shall appoint three members of each APPOINTMENT

of the committees . . ." Each member shall be a competent teacher trained in each field "in which textbooks are being considered for adoption." The governor shall appoint four members of each committee whom "he[she] deems competent."

Each committee shall appraise the books and make recommendations thereon. "No book shall be recommended which does not receive a majority vote of the members of each committee."

§37-43-31

"The board shall adopt and furnish textbooks only for use in the [prescribed state course of study]. In all subjects the board may adopt five textbooks from those recommended by the textbook rating committees . . . ."

Any person given the authority to sell textbooks may do so if requested to by any parent, person, or school board in any community of the state.

CROSS REFERENCE

III.C.Department of Education Personnel; Statute §37-3-41

B. Content Standards

CROSS REFERENCE

II.A.1.; Statute §37-13-35

C. Issuance

Statutes

§37-43-1

"This chapter is intended to furnish a plan for the adoption, purchase, distribution, care and use of free textbooks to be loaned to the pupils in all elementary and high schools.

The books herein provided by the state textbook purchasing board shall be distributed and loaned free of cost to the children of the free public schools . . . and of all other schools located in the state, which

maintain educational standards equivalent to the standards established by the state department of education for the state" schools. All pupils shall be permitted to carry any loaned textbooks home with them.

2. Audiovisual Education

Statutes

§37-63-1

"It is declared to be the legislative purpose of this chapter and the public policy of the state of Mississippi, that there be established and developed in the public interest an educational television and radio system which shall provide educational and instructional, professional growth, and public service programs for the students and citizens of Mississippi, . . . to be known as Mississippi Educational Television."

§37-63-5

"The Authority for educational television shall consist of the state superintendent of public education and six members appointed with the advice and consent of the senate." APPOINTMENT

Authority members who are not state employees shall receive a per diem allowance for attending meetings plus expenses.

§37-63-7

"The Authority for educational television shall employ an executive director who shall be the administrative officer of the authority . . . ."

§37-63-9

"The Authority for educational television is empowered to lease, purchase, and operate facilities necessary to "provide complete coverage of educational television in the state."

§37-63-13

"The Authority for Educational Television is empowered and is hereby designated as the proper and official state agency to:

(1) Control and supervise the use of television broadcast . . . and radio frequencies reserved by the Federal Communications Commission for non-commercial, educational purposes."

(2) Review all application by educational institutions for education television and radio licenses, and all applications for federal state or private funds involving construction or acquisition of television or radio equipment or facilities.

(3) "Prescribe official state approved standards for appropriate educational television equipment which may be purchased by [any educational institution or non-profit organization] in order to insure a standard of quality and technical compatibility throughout the state."

(4) Serve as a consultant on educational television and radio.

(5) "Serve as a clearing house for information on television and radio for educational purposes."

(6) Do anything "necessary to insure the orderly and coordinated development of educational television and radio . . ." and

(7) Set policy for the governance of "programming, administration, and supervision . . . of educational television and radio."

3. School Libraries

Statutes

§37-55-1

"The county superintendent of education shall name two first grade teachers who, together with the county superintendent, shall constitute a county library commission. Their duty shall be "to name a list of books suited for school libraries and all books purchased under this chapter shall be selected from this list. A further duty shall be "to make rules and regulations to govern and control the use of such libraries in the county and . . . [to] name a local manager who shall make a report every year to the county commission. . . ."

RULEMAKING

CROSS REFERENCE

I.State Board of Education; Statute §43-5-5

4. Supplies and Equipment

Statutes

CROSS REFERENCE

III.C.Department of Education Personnel; Statute §37-3-41

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§170.061 -- .171

The publisher shall file a copy of the textbook in the office of the state board of education with a sworn statement of the list price, and a written agreement to furnish the book.

"The state board of education shall furnish annually each school district with a list of publishers who have conformed to the law relating to sample books, prices and bond.

Any member of any school board who accepts a bribe from any person or corporation selling or offering for sale any textbook upon conviction shall be punished by a fine, imprisonment or both.

3. School Libraries

Statutes

§170.201 -- .211

"The board of any six-director district may accept and receive gifts and devises for the erection and endowment of libraries and the purchase of books, and the school board of any urban school district may establish and maintain a library and free reading room for the use of the school district."

CROSS REFERENCE

III.A.1.; Regulation 5 CSR 50-340.010

4. Supplies and Equipment

CROSS REFERENCE

II.A.2.; Statute §162.915

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

§75-7603

"Textbooks shall be selected by the district superintendent or by the school principal." In the absence of either, "the trustees shall . . . adopt the textbooks on the basis of recommendations of the county superintendent."

§75-7604 — 75-7605; 75-7607 — 76-7609

Districts must obtain the textbooks adopted "from a licensed textbook dealer." A textbook dealer may obtain a license from the superintendent of public instruction after filing a written agreement guaranteeing that (1) "textbooks shall be supplied to any district at the listed, uniform sale prices in effect for schools; (2) the sale prices shall be the standard prices in effect throughout the United States; and (3) price reductions made elsewhere are automatically applicable. A district or county superintendent must notify the superintendent of public instruction if a textbook dealer is "offering to supply textbooks without a license" or in any way violating the "laws regulating the offering of textbooks for sale or adoption to districts." The dealer must be notified of the complaint. If the superintendent of public instruction finds that there has been a violation, the dealer has 30 days "to rectify his[her] error." Any textbook dealer who sells a textbook to a district without obtaining a license is guilty of a misdemeanor. If a "dealer enters into any . . . agreement . . . to control textbook prices or otherwise restrict competition" in textbook sales, he/she forfeits his/her license and surety bond.

§75-7610

"No textbook dealer . . . shall offer," nor shall any "trustee, county superintendent or school

employee . . . accept any emolument or other inducement . . .[to] influence . . . the selection, adoption or purchase of textbooks." Any violation of this provision is a misdemeanor, and "any trustee, county superintendent or school employee convicted of such misdemeanor shall be removed from his[her] position."

POLICY GUIDES

TEACHER'S RESOURCE GUIDE TO ACCOMPANY
BASIC QUALITY EDUCATION
Board of Public Education 63 pages
1975

This resource guide was published by the superintendent of public instruction as a companion to the 1975 report on "basic quality education." The resource guide is essentially a dual bibliography of periodicals and catalogs that contain suggestions for classroom and school use, and a topical list of books. The topical bibliography is divided into resources on "humanizing education" and on "values and decision making."

B. CONTENT STANDARDS

CROSS REFERENCE

II.A.1.; Statute §75-7521

C. ISSUANCE

STATUTES

§75-7602

District trustees shall purchase textbooks and loan them to public school pupils "free of charge, subject to the textbook damage policy" adopted.

3. School Libraries

Statutes

§44-222

"The library board of trustees of every public library" is authorized "to contract . . . with school districts . . . to give and receive library service."

§75-7511

The superintendent of public instruction shall establish "a library of visual, aural and other educational media . . . selected . . . on the basis of their usefulness as teaching aids and resources for schools and other educational groups within the state." The superintendent of public instruction shall set rental fees for use of these materials.

§75-7517

District trustees are required to establish a school library in each school. The libraries must meet the "minimum requirements of the standards of accreditation adopted by the board of [public] education.

§75-7518; 75-7520

"The trustees shall adopt . . . policies . . . for regulating the use and operation of school libraries." District residents may be allowed to use school libraries if "such use does not interfere with the regular school use of the library." Trustees "shall report school library information" to such officials as may request.

§75-7519

The district superintendent, or principal if there is no district superintendent, shall select school library books with the trustees' approval. If there is no superintendent or principal, "the trustees shall select . . . books on the basis of

the recommendations of the county superintendent."

REGULATIONS

§48-2.6(10)-S6140

Each school shall have a library and each district shall have written policies regarding selection and use of materials. The librarian shall have a teaching certificate with a library endorsement. Junior and senior high schools of 501 students shall have a full-time librarian. It is recommended that at least 6,000 instructional items or a ratio of 20 per student, whichever is greater, be maintained.

§48-2.6(10) - S6150

Schools with an enrollment of more than 350 shall maintain a central library. The selection and use of materials is the responsibility of the local school board.

It is recommended that all schools which have separate grades shall have a separate library. It is recommended that the librarian shall have a teaching certificate with library endorsement.

The minimum number of instructional items, exclusive of textbooks, shall be 500 or at least 10 per student. It is recommended that the minimum number shall be 800 or 12 items per student. Schools with an enrollment over 500 shall provide at least six additional items per student.

CROSS REFERENCE

III.C.Educational Program; Regulation §48-2.16(10) - S 6110

4. Supplies and Equipment

Statutes

§75-6322

"The trustees of any district may require pupils in the commercial, industrial arts, music domestic science, scientific or agricultural courses to pay reasonable fees to cover the actual cost of breakage and of excessive supplies used."

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§79-4.118; 4.120

School boards "shall purchase all textbooks, equipment, and supplies necessary for" district schools. If a contract is entered into "with any publisher who shall . . . become a party to any combination . . . for . . . raising the price of school textbooks," the school board may declare the contract "null and void."

REGULATIONS

14-(19)-14(23)

Each elementary school shall maintain materials and supplies to support the required curriculum. At least 50% of the textbooks used must have been purchased within the past five years. Schools using instructional television shall have current broadcast schedules and related program manuals. Each elementary school shall keep an up-to-date list of new library acquisitions. Each school shall have at least one set of encyclopedias, at least one film projector, and shall acquire a minimum of 25 new library resources per teacher per year. The school library resources shall be accessible to students during the entire school day.

CROSS REFERENCE

II.A.1; Statute §79-213

C. ISSUANCE

STATUTES

§79-4, 121

All books purchased by school boards are district property and shall be "loaned free of charge

to pupils" attending school. Pupils shall be held "responsible for any damage to, loss of, or failure to return such books" by the board.

STATUTES

§79-2110 — 79-2114

The Department of Education shall provide for the development and utilization of "instructional television programs in the elementary and secondary schools." A director and other staff may be employed. The department "may publish . . . informational material . . . [and] make such materials available at cost to all individuals, schools. . . and organizations." The director of instructional television is appointed by the Commissioner of Education with the approval of the State Board of Education. The director must have had at least "three years of successful elementary or secondary school experience and . . . hold a Nebraska Administrative and Supervisory Certificate." The director's duties include: "(1) to administer the elementary and secondary instructional television responsibilities as provided by law . . .; (2) to act as contract agent for the Department of Education . . . [and] provide a liaison" between the department and educational organizations; (3) to consult and cooperate with the Nebraska Educational Television Commission . . . to coordinate . . . the transmission of instructional television programming to . . . schools;" (4) to work with department personnel to make the best use of instructional television in school curricula and to improve education in the state, and (5) "to provide for the evaluation of the fulfillment of school needs through instructional television programming." The Nebraska Educational Television Committee or its designees "shall serve as an advisory committee to the Commissioner of Education and the director of instructional television." This advisory committee shall "assist in the study of needs of the schools and recommend appropriate program development" and otherwise assist in

and make recommendations for the development and coordination of instructional television operations and programs.

REGULATIONS

11-(61)

Each high school shall make instructional use of media which may include television, filmstrips, records, radio, and newspapers.

11-(71)

Each elementary school shall make instructional use of selected media, including television, radio, and newspapers.

14-(45)

Each secondary school shall have at least one movie projector, one record and tape player.

CROSS REFERENCE

II.B.1.a.; Regulation 14-(19) - 14-(23)

3. School Libraries

Regulations

11-(52) - 11(56)

Each school system shall have a library in each school. All high schools must have a library with at least 1,800 titles, exclusive of textbooks. At least 300 new titles will be acquired each year until a maximum of 5,000 titles are acquired.

11-(63); 11-(66)-11-(67)

Every elementary school shall have a library with at least 1,200 titles, exclusive of textbooks. Each school must acquire 200 new titles yearly until a minimum total of 2,400 titles is obtained.

14-(44)

Each secondary school shall have a central library media facility which shall be available to students during the entire school day. The library shall contain at least 1,200 titles, exclusive of textbooks. A minimum of 150 new library resources shall be acquired each year.

CROSS REFERENCES

II.B.1.a.; Regulation 14-(19) — 14-(23)

III.B.Librarians; Regulation 14-(39)

III.B.Teachers; Regulation 11-(28)

4. Supplies and Equipment

Regulations

11-(79)

Each school shall have the necessary equipment and facilities that follow recommendations of the school's textbooks and manuals.

CROSS REFERENCE

II.B.1.a.; Regulation 14-(19) - 14-(23)

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§385.240

"The superintendent of public instruction shall approve or disapprove lists of books for use in school libraries, but such lists shall not include books containing" material which would tend to "influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life or not in harmony with the Constitution and laws" of the U.S. or Nevada.

§390.010 - 390.160

Within the state department of education, there exists a state textbook commission composed of the superintendent for public instruction or his or her representative and eight persons appointed by the governor: four from Clark County, two from Washoe County and two from the remainder of the state. Members appointed by the governor shall be "certified by the state department of education as having been actively engaged in school teaching or administration in the state for at least four years prior to being appointed" and "shall serve terms of four years."

APPOINTMENT

Before entering office, appointive commission members shall take the constitutional oath of office and file the same in the office of the secretary of state.

OATH

Vacancies occurring in terms of appointive members shall be filled by the governor's appointment of "an eligible person to serve for the remainder of the unexpired term."

VACANCY

"The commission shall elect one of its members as president of the commission, to serve a

COMMISSION OFFICERS

CONSULTANT

RULEMAKING

two-year term. The state board of education may employ a textbook consultant who may serve as secretary of the commission. The state board of education shall define his[her] other duties.

The commission shall adopt rules of procedure concerning all aspects of internal organization and textbook selection. The rules of procedure shall be in writing and shall be approved by the state board of education before becoming effective.

A majority of the members of the commission shall constitute a quorum. . . ."

The commission's rules of procedure shall list the times and places of its regular meetings. Special meetings may be called by the secretary at the request or with the consent of the majority of commission members. All meetings shall be public. The secretary shall keep a full record of all proceedings which shall be open to public inspection. "Minutes of meetings shall be prepared and distributed" to commission members and county school superintendents. When engaged in commission works, members shall receive per diem and travel expenses.

"The commission shall select textbooks to be recommended for adoption to the state board of education. The . . . board . . . shall make the final selection of all textbooks to be used in the public schools in this state."

"The commission shall have power to make such contracts for the purchase and use of textbooks" as it deems "necessary for the interests of the public schools." Contracts shall set forth textbook prices and "guarantee that there is no subversive or sectarian doctrine, as determined by" Nevada and U.S. laws "in any textbook covered by the contract."
§390.220

"Boards of trustees of school districts . . . shall enforce in schools the use of textbooks prescribed and adopted by the state board of education."

§390.230

Only "the textbooks adopted by the state board of education shall be used in the public schools" and shall be used as basic textbooks. This section does not prohibit the continued use of previously approved textbooks until they become unserviceable. "the use of supplemental textbooks purchased by a school [must be] with the approval of the superintendent of public instruction," and, "after approval by the commission, the temporary use of textbooks [is] for tryout purposes." Any school officer or teacher violating the provisions of this chapter or failing to follow the rules and regulations of the commission shall be fined up to $100. "All superintendents, principals, teachers and school officers are charged with the execution of this section."

CROSS REFERENCES

I.State Department of Education; Statute §385.010

III.C.Teachers; Statute §391.260

B. Content Standards

CROSS REFERENCE

I.Advisory Committee on Indian Education, Statute §385.580

C. Issuance

Statutes

§393.170

The board of trustees shall buy all necessary new library books, supplies, textbooks, and supplementary schoolbooks approved by the state textbook commission and necessary school supplies for pupils. The cost "shall be a legal charge against the school district fund." Books bought by the board shall be school district property and shall be loaned to pupils of the school for their classes. Parents and guardians shall be responsible for books and other materials loaned to

children, and shall pay the clerk of the board the full purchase price of all such things destroyed, lost, or badly damaged. The board shall make rules and regulations governing the care of such property and the payment of fines. The same conditions apply to equipment and materials for use in manual or industrial training and for teaching domestic science. If this equipment is no longer used by schools, it may be sold in accordance with the law. Authorized supplementary books and desk books shall be purchased for the use of teachers and shall be the property of the school district. The clerk of the board shall turn over to the county treasurer, within 30 days after receiving it, all moneys collected under this provision, to be credited to the school district fund. Any violation of this provision is a misdemeanor.

2. Audio-Visual Education

Statutes

§398.090

The Nevada educational communications commission shall promote noncommercial educational facilities and systems (T.V., radio, etc.) utilized in formal education and in general information distribution and advise the governor on educational communications matters.

§398.140 --.170

The commission may: (1) establish general policies concerning the nature and character of educational radio and television broadcasts and set standards and requirements to maintain high production quality for programs on a statewide educational communications network; (2) establish a Nevada instructional television planning council, to "advise the commission on necessary instructional programming to satisfy common curriculum needs of all public school districts;" (3) "establish a Nevada educational television community development council," to "determine general cultural or informational programming needs of the entire state and to advise the commission on requirements" for such programming; (4) "establish a Nevada legislative communications council," which shall prepare the legislative program provided by the commission, for the purpose of assuring the continued operation of a statewide educational communications network; (5) "initiate or receive for review and approval all applications for federal, state or private funds for the development or operation of a statewide education communications network; and (6) serve as a clearing house for information."

3. School Libraries

Statutes

§385.120

The state board "shall approve or disapprove the action of the superintendent of public instruction with respect to the lists of books for use in school libraries."

CROSS REFERENCE

III.B.Media Specialist; Regulation, Nevada Teacher Certification, Part Two p. 8

4. Supplies and Equipment

Statutes

§393.160

The board of trustees may purchase or rent all school supplies or equipment necessary for the district, furnish classroom supplies to schools, and repair any equipment.

CROSS REFERENCE

II.B.1.c.; Statute §393.170

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

B. CONTENT STANDARDS

STATUTES

§189:26

Books which favor a "particular religious sect or political party" may not be used in the public schools.

C. ISSUANCE

STATUTES

§189:16

School boards shall purchase "textbooks and other supplies" and loan them "to the pupils . . . free of charge".

2. Audiovisual Education

CROSS REFERENCES

III.A.1.; Regulation, Minimum Standards and Recommendations
- Elementary Schools, #319.13, pp. 3--24

III.B.Educational Personnel; Regulation, Certification Standards,
#479, pp. 1--69

CROSS REFERENCE

II.A.4.; Regulation, State Board Policies, #321.1, p. 00054-55

III.A.1.; Regulation, Minimum Standards and Recommended Practices - High Schools, #319.1, Ch.II -- Ch. VII

III.B.Educational Personnel; Regulation Certification Standards, # 479, pp. 1--69

4. Supplies and Equipment

CROSS REFERENCES

II.A.8.; Regulation, Guidelines for Adult Basic Education #319.10, pp. 2-9

III.A.1.; Regulation, Minimum Standards and Recommended Practices - High Schools, #319.1, Ch. II -- Ch. VII

III.A.1.; Regulation, Minimum Standards and Recommendations - Elementary Schools #319.13, pp. 3--24

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§18A:6-8

No official or employee of the public school system shall benefit from the sale of any textbooks; school apparatus, or supplies of any kind. A violation may result in removal from office or loss of certification.

CONFLICT OF INTEREST

§18A:34-1;2

Textbooks shall be selected by "majority vote" of the board of education and "furnished free of cost" to all district students. The board shall make rules for the care of textbooks and keep accounts of money expended for books and supplies.

REGULATIONS

§6:20-6.6

Any textbooks used in the public schools of the State and new textbooks approved by any local board of education shall be allowed for instructional use.

CROSS REFERENCE

I.Board of Education; Statute §18A:17A-7

B. CONTENT STANDARDS

CROSS REFERENCE

III.E.Student Achievement; Regulation §6:8-4.5

C. ISSUANCE

REGULATIONS

§6:20-6.1

All local boards may purchase and loan, without charge, textbooks to pupils residents of their respective

school districts or other districts within the state. Children enrolled in New Jersey school (public or non-public) are eligible.

§6:20-6.7

Pupils are not to be charged for use of textbooks but reimbursement by pupils will be expected for those textbooks that are lost or damaged.

CROSS REFERENCE

II.B.1.a.; Statute §18A:34-1;2

2. Audiovisual Education

Statutes

§18A:51-1--6

The boards of two or more districts in a county may, by "majority vote," resolve to establish "a county audio-visual aids center." A "county educational audiovisual aids commission," consisting of seven members, shall supervise and manage the center. The members shall, for the first year, be appointed by the commissioner and thereafter elected. The commission shall furnish audiovisual aids to the public schools.

§18A:51-13--16

Any board of education may contract with a nonprofit educational television station in order to "make use of television as an educational aid." Every board of education may participate in the organization of a nonprofit educational television station and procure its services for school use. All contracts must be approved by the state board of education.

3. School Libraries

CROSS REFERENCES

I.County Superintendent; Statute §18A:32-2

III.B.Librarian; Regulation §6:11-12.5; §6:11-12.6; §6:11-12.7

III.E.Student Achievement; Regulation §6:8-4.5

4. Supplies And Equipment

CROSS REFERENCE

III.E.Student Achievement; Regulation §6:8-4.5

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§6-5-22

Purchases made from the state board of education free textbook fund are exempt from the general rule that public purchases must be made by a state purchasing agent.

§73-8-15

"No board of regents of state educational institutions, boards of education, board of school directors, nor any member of any said boards, nor any school official nor teacher . . . shall sell to any school or state educational institution that they are connected with . . . any school books, school furniture, equipment . . . or . . . supplies or property insurance or life insurance to any school employee. Nor shall any person herein mentioned work under contract or receive commission or profit from a contract with any school."

CONFLICT OF INTEREST

§77-13-8

School districts, state institutions, private schools and adult basic education centers, (hereinafter, agents) may select instructional material for students' use from a multiple list adopted by the state board.

REGULATIONS

Reg. No. 77-2

The adoption, requisition and distribution of instructional materials shall proceed as follows:

The State Board shall officially adopt a list of instructional material to be used in the schools once annually, except when the state instructional material director determines there to be an emergency. Instructional material that is not in finished form shall not be adopted. A maximum of 15 books or programs will be adopted in each subject or major subcategory at the

§77-13-4

"Subject to the policies of the state board the division shall:

. . .B. adopt and enforce regulations for the handling, safekeeping and distribution of instructional material and for inventory and accounting procedures to be followed by school districts, state institutions, private schools and adult basic education courses . . .;

C. withdraw or withhold the privilege of participating in the free use of instructional material if the Instructional Material Law is violated."

primary, elementary and secondary levels. Local agencies shall adopt material in subject areas in which their needs assessment indicates a deficiency within two years after the material is placed on the state list.

Regional centers shall be established on a trial basis to receive instructional material samples and make them available to evaluators. Advisory committees, appointed by the State Board, will prepare recommendations for the State Board.

CROSS REFERENCE

I.Department Employees; Statute §77-19-1

C. Issuance

Statutes

§77-13-3

"The state instructional material division is created within the department of education. With approval of the state board, the state superintendent shall appoint a director of the division to be known as the state instructional material director." The director shall be bonded.

§77-13-7

Any qualified student is entitled to the free use of instructional material, which shall be distributed to school districts, state institutions, private schools and adult basic education centers as agents for students. The agents are responsible for distribution and safekeeping of the instructional material.

2. Audiovisual Education

CROSS REFERENCE

III.B.Audio-visual Specialist; Regulation, Reg. No. 73-4

3. School Libraries

CROSS REFERENCE

III.B.Librarians; Regulation, Reg. No. 72-28

B. Educational Materials
1. Textbooks
A. Selection and Purchase

CROSS REFERENCES

I.City Superintendent of Schools; Statute §2508

I.Superintendent of Schools, Union Free School District; Statute §1711

B. Content Standards

Statutes

§701;704

Boards of education "shall designate textbooks to be used in the schools." Textbooks may be loaned free of charge to children enrolled in grades K-12 of a public or private school. School authorities may "purchase supplies and either rent, sell or loan" them to children attending the public schools. No textbook may be used which contains seditious or disloyal matter.

Regulations

Part 21 (Statutory Authority: §§ 207, 701)

§ 21.1

A complaint, alleging that a public school textbook contains seditious material, must be in writing and contain a full statement quoting the matter complained of. The complaint shall be filed with the Textbook Commission.

C. Issuance

Regulations

§ 21.2

Resident students in grades kindergarten through 12 may borrow textbooks that are used for required courses in public schools. This does not include encyclopedias, supplementary textbooks, or special dictionaries. A written request for a textbook loan

is required of private school pupils.

School districts shall distribute textbooks "on an equitable basis" to all children in grades kindergarten through 12.

2. Audiovisual Education

Regulations

Part 179 (Statutory authority §207)

§ 179.4 – 179.5

Broadcasting corporations chartered by the Regents ("Councils") will provide an instructional television broadcast service for regional school use. The councils and local education agencies will cooperatively develop an instructional television service committee to represent school interests and needs. All schools in New York State may utilize television broadcasts at no cost to the schools.

Quarterly reports describing the working relationship of the area instructional television committee and the council shall be filed with the commissioner.

An instructional television service committee shall be formed in each of the several regions of the state. The regional committee shall identify instructional television needs in the area, identify programs to be scheduled, and develop a program of evaluation of the use and effectiveness of programs broadcast to schools.

3. School Libraries

Statutes

§274;275

The commissioner of education shall make rules for the management and use of school libraries. In districts where a public library does not exist, the school library shall serve the needs of all residents. In a district that maintains a high school, the local board of education may hire a school librarian who meets qualifications set by the commissioner of education. In other districts, any "competent person" may serve as librarian.

Regulations

Part 91 (Statutory Authority: §207)

§ 91.1

A school library shall be established and maintained in each school. The libraries must contain a specified number of titles, according to the pupil enrollment size.

§ 91.2

Each school district shall employ a certified school library media specialist. The number of hours or days devoted to library work by the media specialist will be determined according to school enrollment.

CROSS REFERENCES

III.A.2.; Regulation §100.2

III.B.School Media Specialist; Regulation §80.18

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§115-10

The state board of education shall meet once a month or at any special meetings called by the chairperson. "A majority vote of the whole . . . Board shall be required to adopt textbooks." All Board proceedings "shall be recorded" and "kept in the office of the Superintendent of Public Instruction, and open to public inspection."

§115-205.1 -- 206.2

The state Board of Education has the authority to "select and adopt for the exclusive use in the public school . . . the basic textbooks" needed for instructional purposes.

§115-206.14 — 115-206.18

Local boards of education shall administer the "local operation of the textbook program." Local boards shall adopt their own "written policies" on "selection and procurement" of "instructional materials." Local boards are the "custodians of all books furnished by the State" and shall provide safe storage facilities for the books. No pupil may be charged a rental fee by a local board for the use of textbooks, but damage fees may be charged for "abuse or loss of textbooks." Local superintendents shall administer the textbook program and see to it that moneys are accounted for and that teachers and principals fully cooperate. A parent or guardian has a right to purchase basic textbooks or any instructional material from the State Board of Education and the local boards of education respectively.

B. Content Standards

Statutes

§115-206.3 - 115-206.5; 115-206.8

A "Textbook Commission", consisting of twelve members, shall be appointed by the Governor for a four-year term. The members shall include six elementary teachers or principals, five high school teachers or principals, and one county or city superintendent. All elementary school textbooks shall be evaluated by the Commission's elementary school representatives, and high school textbooks evaluated by those respective Commission members. A written evaluation , giving consideration to the suitability of the book for its particular grade level, and the content or subject matter , shall be filed by each member for each book evaluated. The State Board of Education and the Textbook Commission then jointly examine the reports and the Board shall then select the textbooks it believes "will meet the teaching requirements of the State public schools."

The state superintendent may at any time tell the Board that "a particular book is unsatisfactory" and urge the adoption of a different one.

CROSS REFERENCES

II.A.1.; Regulation §2E.0401 -- 2E.0402

II.A.1.; Regulation §2E.0901 -- .0902

C. Issuance

Statutes

§115-206.12

The State Board of Education shall see to it that children in the public schools are "provided with free basic textbooks."

CROSS REFERENCE

II.A.2.; Statute §115.321 -- 115.342

3. School Libraries

Statutes

§115-206.24

Each local "administrative unit" shall hire "at least one half-time librarian." This employment "shall be supplemental to . . . any previously existing library positions." Librarians hired under this provision shall not be considered part of the "instructional personnel" of §115-59(b).

CROSS REFERENCE

I.Local Boards of Education; Statute §115-27

4. Supplies and Equipment

Statutes

§115-52

Local boards of education have the duty "to purchase or exchange all supplies, equipment and materials" in accordance with state law.

§115-132

Local boards of education shall "provide suitable supplies for the school buildings under their jurisdiction." Such supplies shall include "necessary instructional supplies, . . . blackboards, reference books, library equipment, maps, and equipment for teaching the sciences."

In addition, the boards shall provide schools with "a good supply of water" and where "sewerage facilities" are not available, "sanitary privies" shall be provided. These shall be considered "an essential and necessary part of the equipment of each public school."

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§15-43-04

"The superintendent of public instruction shall distribute to the clerks of district school boards and the county superintendents of schools, a complete printed list of books filed with his [her] department, giving the prices and terms of the sale and, annually, shall cause a supplementary list of textbooks filed during the year, with prices and terms of sale, to be printed and distributed. All books used in the public schools of the state shall be selected, adopted, and purchased by contract from such list by the district school boards. School boards may use supplementary books not shown on the lists . . . ."

§15-43-05

"No person [or company] shall . . . attempt to obtain . . . the adoption, selection, or purchase of, or contract for, any school textbook by making any reward or promise of a reward to any teacher or school officer. No person [or company] shall offer or give emoluments, money, or any valuable thing, promise or employment or any other inducement to any teacher or school officer in any school district for any vote or promise of vote, or for his [her] influence, for the selection of any schoolbook for use in this state. This shall not prohibit any person [or company] from giving or any school officer or teacher receiving, a reasonable number of sample schoolbooks for examination. Any school officer or teacher who receives sample books for examination shall deliver the samples to the clerk of the school district after such examination, and the books then shall become the property of the district."

CONFLICT OF INTEREST

§15-43-11

"No public school or educational institution of the state shall change or alter the basic textbooks which are used . . . more often than once in five years." This is not applicable to technical books used in institutions of higher learning.

REGULATIONS

Chapter V: II.S.

Textbooks are locally selected. They may be purchased by the school to be used free of charge, rented to pupils, or sold at cost. The school district may provide texts for indigent children and for the use of teachers. Schools are expected to use up-to-date tests. Basic textbooks may not be changed more often than once in five years.

B. CONTENT STANDARDS

REGULATIONS

Chapter V: II.T.

In the areas of language arts and mathematics, schools shall have a sequential set of instructional materials.

Music should be offered to all elementary students for at least 90 minutes per week, and physical education for 150 minutes per week.

C. ISSUANCE

STATUTES

§15-43-07

"A school board may purchase textbooks from the publisher at prices and terms listed with the superintendent of public instruction and may sell such books

to the pupils at cost price or at prices including the cost of transportation and of handling. Such board may purchase all necessary books for indigent pupils and loan such books free of expense to such pupils, and shall purchase all books necessary for the use of the teachers in conducting the work of the schools of the district. Books purchased for the use of indigent pupils and of the teachers shall be paid for out of the funds of the district and shall remain the property of the district.

§15-43-08

"When a family removes from a school district in which free textbooks are not provided, the school board of the district from which the family removes, may purchase the textbooks in actual use by the children of such family at a fair price based upon the cost of the books and upon the condition thereof. The books so purchased may be resold to other children in the district.

§15-43-09

"When the school board of any school district shall deem it desirable or necessary, or whenever such board is petitioned so to do by two-thirds of the voters of the district, it shall provide free textbooks and supplies for all schools under its charge. All such books purchased . . . shall be paid for out of the funds of the district, and the school board shall see that sufficient funds are raised and set aside therefor. The clerk of the district shall keep a record of all books furnished to the schools in the district. Any school board which has adopted the free textbook system must dispense with such system if petitioned so to do by two-thirds of the voters of the district. No petition to dispense with the free textbook system shall be acted upon by the board within a period of four years after such system is adopted, and after such system has been dispensed with, it shall not be installed again until the expiration of four years thereafter."

§15-43-10

"In any school district which does not have the free textbook system, the parent or guardian of any child in school shall provide him [her] with the textbooks adopted by the school board necessary to the reasonably successful progress of the child in class in all of the subjects of study of the grade to which the child is assigned by [her/]his teacher."

2. Audiovisual Education

Statutes

§15-47-36

"The superintendent of public instruction may contract, for a period not to exceed two years, with provisions for its renewal, with a non-profit organization for the purpose of providing . . . educational television services."

§15-65-02 -- 15-65-03

In order to encourage the creation of educational radio and television facilities, the "North Dakota educational broadcasting council" is established. The council shall be comprised of twelve members, including the state superintendent of public instruction. The council shall be concerned with the "development of statewide educational television and radio facilities," and shall cooperate with the state department of public instruction in developing statewide educational broadcasting projects.

Regulations

Chapter III: VIII. B.

The Division of Independent Study runs the North Dakota State Film Library, which makes approximately 5,000 prints of educational films available to schools and other organizations.

REGULATIONS

Chapter III: V.

A school library or media center, with adequate quarters, collection, and staff, has become an essential part of the instructional program of any elementary or secondary school. Standards for School Media Programs (published by the ALA/NEA in 1969) should be the basis for planning North Dakota media programs.

A sequential program of instruction in media center use should be provided for students throughout the grades.

Material should be available for long or short-term loans to classrooms. Any class, group, or individual should be permitted to go to the media center without pre-scheduling.

Chapter III: V.A.

One unified center for library services and other media resources is recommended for all students in each building. The center should include: quarters with sufficient office, working, and storage space for the acquisition and processing of materials and for filing of records; the services of professional and supportive staff; and a centralized pool of printed and audio-visual materials.

The library should be open for a half hour before and after school in addition to time during the school day.

The Dewey decimal classification should be used. All centers should have a shelf list, a card catalog, a materials lending policy, and information files kept up to date.

All instructional materials throughout the school should be catalogued and records of them kept in the library.

Chapter III: V. C.

"Policies and Procedures for Selection of Instructional Materials," approved by the American Association of School Librarians, is recommended in the selection of materials.

Chapter III: V. E.

Balance, suitability and quality in the collection are essential. Recognized sources must be used in the selection and evaluation of materials. Weeding of obsolete or worn-out materials is a continual process. Collections should be evaluated periodically.

Chapter III: V. G.

As a media center provides more comprehensive services, additional areas may be needed such as conference rooms, library classrooms, storage areas and typing space.

Office space or workroom should include storage space for back-issue magazines, which should be kept at least five years.

The AV production room should include provision for teachers to produce audiovisual materials locally and to preview audiovisual materials for purchase or use.

Chapter V: II. X

"An effective and efficient media center is reflective of three major facts: the professional staff and their preparation, the facilities for the media program, and the amount of media available for teachers and students."

The elementary library is an integral part of the elementary school. For an effective library program, it is recommended that a full-time, professional librarian be assigned for each school.

CROSS REFERENCE

III.3.Media Specialists; Ch. IV.; II.F.

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§3329.01; .02

Any book publisher desiring to sell schoolbooks to any board of education for use in the public schools must file the published list wholesale price with the superintendent.

When the price list has been filed, "the superintendent immediately shall fix the maximum price at which such books may be sold to or purchased by boards of education, which price must not exceed seventy-five percent of the published list wholesale price thereof." Upon notification of the maximum price, the publisher may agree to accepting the price fixed and furnish the books for a period of one year.

§3329.09

In all school districts, the clerk of the board of education shall be the custodian of school books purchased by the district, and shall keep the necessary records as required by the boards.

Pupils may purchase textbooks for their own use. The board may sell textbooks to such pupils at no more than ten percent above cost and such payment shall be credited to the same fund from which the textbooks were purchased.

§3329.10

"A superintendent, supervisor, principal, or teacher employed by any board of education shall not act as sales agent, either directly or indirectly, for any person, firm, or corporation whose school textbooks..."

CONFLICT OF INTEREST

may be used in the public schools. Forfeiture of teaching certificates may result from violation of this section.

CROSS REFERENCE

I.Board of Education; Statute §3313.18

B. CONTENT STANDARDS

REGULATIONS

§3301-35-05

"Instructional materials shall be provided by the Board of Education. . .and shall be appropriate in kind and amount to achieve the goals in all areas of work and study. . . . Each junior high school shall have sufficient up-to-date textbook materials for each pupil and shall have proper procedures for their selection. . . . Instructional materials shall be selected with consideration for the students cultural backgrounds, motivational patterns, and their approach to learning tasks. Multi-level instructional materials which may include textbooks shall be provided for all pupils."

Each junior high school shall have guidance materials which "reflect the orientation of pupils to secondary educational experiences, personal and social development, and career outlooks.

"Each school shall have adequate audio-visual instructional equipment and related audio-visual materials so that a wide variety of instructional uses can be continuously and effectively made at all appropriate times by the staff.

"Appropriate and adequate supplementary materials including current magazines, pamphlets, newspapers, and other multi-level instructional material shall be available to pupils in each subject level.

The junior high school library shall "meet the needs of early adolescence pupils." Junior High schools with less than 500 enrollment shall have a library of 5,000 volumes. Junior high schools with enrollment 2,000 or greater shall

have libraries with 10,000 volumes plus 2 volumes for each additional pupil over 2,000. Intermediate size junior high schools shall have libraries in between these sizes

"Each school district shall establish and maintain in a convenient location a library of books, magazines, and other materials essential to professional growth of its teachers.

All instructional materials and equipment shall be "in a state of good repair."

C. ISSUANCE

STATUTES

§3313.642

The board of education of a city, exempted village, or local school district shall not be required to furnish free any materials used in a course of instruction other than necessary textbooks. The board may, however, furnish such materials free to students it determines are in "serious financial need." The board may determine fees for such materials and fines for loss, damage, or destruction of school equipment and property, including musical instruments, library material, textbooks, etc. It may enforce such fines by witholding grades and credits.

§3329.06; .08

"The board of education of each city, exempted village, and local school district shall furnish, free of charge, the necessary textbooks to the pupils attending public schools," as needed. The board may limit purchases to six subjects per year, "the cost of which shall not exceed twenty-five percent of the entire cost of adoption." Such books are property of the district and shall be on loan to the pupil.

The board of education of each district shall determine how many textbooks are required, and by majority vote of the board, which books shall be purchased. The board shall pay for the books, and shipping costs out of the general fund. No book shall be changed without a of four-fifths vote of the board.

Books so voted shall be adopted for a four year term.

2. Audiovisual Education

Statutes

§3313.05

The board of education may provide educational television courses and programs to classes within the district The board shall pay any membership or fees required to receive such programming related materials and educational services, provided they are secured from nonprofit educational television corporations.

3. School Libraries

Regulations

§3301-37-05

Standards for high school instructional materials and libraries shall be similar to those for junior high schools.

CROSS REFERENCES

II.B.1.b.; Regulation §3301-35-05

III.A.2.; Regulation §3301-35-04

4. Supplies and Equipment

Statutes

§3313.811

No board, principal teacher, class organization, or individual student may sell or supervise the sale of uniform school supplies, foods, candies or similar supplies or school property, except where profit from such sale is used for school purposes.

The school district board of education shall provide funds for the purchase and sale of uniform school supplies.

§3315.06

The county board of education may provide programs, examinations, school records, diplomas, and other necessary supplies and equipment for instructional programs. The board may pay expenses for county and local district board meetings; at least once a year to discuss educational matters. The county boards may pay superintendents and the assistant superintendents up to $600 per year for travel expenses and may employ stenographers and clerks for the superintendent.

CROSS REFERENCE

III.E.School Employees; Statute §3315.07

B. Educational Materials

1. Textbooks

A. Selection and Purchase

STATUTES

§70-16-101

The State Textbook Committee shall be composed of twelve members (two from each Congressional District) appointed by the Governor, and one appointed member who shall be a lay citizen educator without a teaching certificate, and having at least one child in the public school system. A majority of the twelve members from the Congressional Districts shall be classroom teachers. Each member must have at least five years' teaching or supervisory experience and shall be actively employed in the public schools during his or her term of service on the Committee.

The State Superintendent of Public Instruction or a designated member of his or her staff shall serve as secretary of the Committee and vote only when there is a tie vote.

§70-16-102 -- 16-104; 16-107; 16-109; 16-110

The State Textbook Committee shall select textbooks for subjects taught up to and including 12th grade. Selections shall be for not more than five years per textbook, except basic textbooks for essential curriculum which can only be certified for four years. The Committee shall select seven textbooks for each subject.

The Committee shall advertise for books in all basic subjects. If it be found that any member of the Committee, State Textbook Director, or any employee of that office is financially interested in a bidder, the member shall be disqualified from the committee and the bidder shall be disqualified from bidding.

CONFLICT OF INTEREST

The textbook committee shall make "a full and complete investigation" of all books and bids received. Not more than five classroom teachers may be consultants. The books selected shall be those which the committee considers "best suited for the public schools . . . ."

The State Textbook Committee may require a publisher whose bid is accepted to substitute new or revised editions for the adopted editions at a price to be mutually agreed upon.

The State Textbook Committee shall have the right to reject any and all bids. If it fails to select sufficient books from among the proposals submitted, it may advertise for sealed bids under the same terms as before.

§70-16-111; 16-116

The superintendent of schools of each independent school district and the county superintendent of schools for each county shall appoint a local textbook committee consisting of from three to nine teachers, of which a majority shall be classroom teachers, and one lay member. The superintendent of schools or a designated principal shall serve as chairperson of the local textbook committee.

Upon a written request, the State Board of Education shall furnish to the local textbook committee a reasonable number of examination copies of each textbook selected by the State Textbook Committee. The local textbook committee shall adopt textbooks from the multiple list selected by the State Textbook Committee. Each local committee shall serve without compensation and shall cease to exist when local adoptions have been completed.

The superintendent of schools for each independent school district and the county superintendent of schools of each county shall submit to the State Board of Education a requisition for all adopted textbooks that will be needed

for the ensuing year.

All meetings of the State Textbook Committee and of every local textbook committee shall be open to the public, except any agent of a textbook publisher may be excluded.

§70-16-122 -- 16-124

Anyone who offers or causes to be offered any money, books, bribe or "any valuable thing whatsoever" to any member of a board of education or textbook committee, or any other person, "with the intent to influence his or her decision" with respect to selection of textbooks, "shall be guilty of a felony and punishable as such."

CONFLICT OF INTEREST

Any teacher, superintendent, or other school district employee who shall "in any way be interested in the profits, proceeds or sale" of any textbook used in the public schools "shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of" 50 to 100 dollars, and shall in addition thereto "forfeit his [or her] office or position."

If any school official "directly or indirectly solicits, receives, or agrees to receive" any bribe or reward "with the intent, and which will have the effect, to influence his or her decision . . . in the selection . . . of any textbook . . .," the following sanctions shall apply: Members of the State Board of Education and the State Textbook Committee shall be "guilty of a felony and punishable as such."

County or district superintendents, and members of local boards of education or local textbook committees "shall be guilty of a misdemeanor, and upon conviction thereof shall be punished" by a maximum fine of $500, or a maximum imprisonment of six months, or both.

Any person, firm or corporation that violates any provisions of this article or any rules and regulations of the State Board of Education or State Textbook Committee, (if the penalty is not otherwise

provided), "shall be guilty of a misdemeanor and upon conviction thereof shall be punished" by a fine of from 100 to 500 dollars, or by imprisonment from 90 days to one year, or both. Any public official or employee or Board or Committee member violating any provisions or rules shall in addition forfeit his or her position or office.

C. Issuance

Constitution

OKLAHOMA CONSTITUTION, ART. XIII, §6 (amended 1946)

"The Legislature shall provide for a system of textbooks for the common schools of the State, and the State through appropriate legislation shall furnish such textbooks free of cost for use by all pupils therein. The Legislature shall authorize the Governor to appoint a committee composed of active educators of the State, whose duty it shall be to prepare official multiple textbook lists from which textbooks for use in such schools shall be selected by committees composed of active educators in the local school districts in a manner to be designated by the Legislature."

Statutes

§70-16-111.1 -- 16-115; 16-118, 16-121

"Satisfactory proof" that a school district has issued to every child a complete set of "currently adopted basic textbooks" for his or her grade for his or her personal use, shall constitute compliance with the law.

Schools in which grades seven through nine are taught may either use textbooks adopted for use in junior high school grades or textbooks for use in elementary school grades.

The State Board of Education may provide a repair service for textbooks that become deteriorated, and shall

prescribe rules and regulations for distributing the repaired books.

The State Board of Education shall provide office space and equipment for, and fix the compensation and duties of, personnel necessary for "proper performance" of its duties and functions with respect to textbooks.

All textbooks destroyed by fire or other hazard shall be replaced by the State Board of Education.

The State Board of Education shall adopt rules and regulations for the issuance of textbooks to school children, and for the preservation of the textbooks.

The State Textbook Committee shall also have power to adopt necessary rules and regulations.

All textbooks shall be furnished free of cost to school children. Each district shall mark the books for identification to maintain proper records. The State Board of Education shall maintain a replacement program so that each child will have, "at all times, textbooks that are in satisfactory condition."

2. Audiovisual Education

Statutes

§70-12-101; 12-105; 12-108;

The State Board of Education is authorized to formulate, establish and maintain a program of audiovisual education for public schools, and shall adopt and enforce rules and regulations necessary to make such programs effective. It shall also appoint, employ, and fix the compensation and duties of necessary personnel.

§70-12-102 -- 12-104; 12-106 -- 12-107

The county superintendent of schools and the local board of education may purchase or rent films, projectors, and any and all equipment necessary for successful operation of the visual education program. Any county or school district may establish a local film library.

The State Board of Education is authorized to establish regional film libraries in cooperation with State Universities, for the purpose of storing and circulating films. It shall also establish a state depository for the storage of films for assignment to regional libraries.

§72-23-102 -- 103; 105; 106; 123-124

The Oklahoma Educational Television Authority is authorized and empowered to plan, construct, repair, maintain and operate educational television facilities for the purpose of providing a state-wide system of educational television for all Oklahoma citizens.

It shall be unlawful for any person, organization or company to advertise or attempt to sell its products or services, and for anyone to sponsor the election of anyone to public office through use of the facilities.

Any attempt to influence the program content or use the facilities of educational television for personal profit or benefit by any elected official

shall be a misdemeanor, punishable by a maximum fine of $1000 or maximum imprisonment of one year, or both.

The Oklahoma Educational Television Authority shall have the power to select an advisory committee of no more than 35 persons to assist the Authority in carrying out its duties. These persons shall serve without pay

The Oklahoma Educational Television Authority shall be an instrumentality of the state. Its activities shall be deemed an "essential function of the state," and shall be tax exempt.

The Authority shall consist of 13 members, 7 of whom shall be appointed by the Governor. They must have been residents of Oklahoma for at least 5 years, and a majority of them must be "actively engaged" in the educational profession. All members shall serve without pay.

The Oklahoma Educational Television Authority is authorized and empowered to: assume control of television channels assigned by the FCC; adopt bylaws for regulation of its affairs; contract, sue and be sued in its own name; construct, maintain and operate television facilities; acquire and dispose of real and personal property, and employ whatever personnel necessary.

It shall be unlawful for any member, officer or employee of the Authority to accept a fee or transact "business for profit." Violation of this section shall constitute a felony, punishable by a fine of $500 to $5,000 maximum, and/or imprisonment of up to five years.

This article, "being necessary for the advancement of education and the welfare of the state," shall be liberally construed and regarded as supplemental and additional to powers conferred by other laws.

§70-23-122

The Oklahoma Educational Television Authority shall submit to the Legislature by the end of each

year a full report showing projects under construction and in operation, planned projects, and the financial condition of the Authority.

REGULATIONS

High School Progress Criteria; p. 77

III. Library

The criteria suggest an appropriate distribution of printed materials in the high school library and establish lists to be used in selecting library resources.

Hig School Regulations; p. 66
IX. Library-Media

Req. a. "The library shall be . . . a resource center of instructional materials for the entire educational program."

Req. b. Requirements for teacher-libraries, librarians, audiovisual and media specialists may vary with the size of the school as follows:

Size of School	Position	Training/Education	Time Devoted
less than 100 pupils	teacher/ librarian	6 hours of library science valid certificate	1 period/day
	audiovisual specialist	6 hours audiovisual train. valid teaching certificate	1 hour/day
	media	6 hours library science 6 hours audiovisual valid teaching certificate	2 hrs/day
100-199 pupils	teacher/ librarian	15 hours library science valid teaching certificate	2 periods/day
	audiovisual specialist	10 hrs. A/V training valid teaching certificate	2 hrs/day
	media specialist	10 hrs. library science 6 hrs. A/V training valid teaching certificate	1/2 day
200-499 pupils	teacher/ librarian	15 hrs. library science valid teaching certificate	1/2 day
	audiovisual specialist	15 hrs. A/V training valid teaching certificate	1/2 day
	media specialist	15 hours library science 8 hours in A/V training valid teaching certificate	2/3 day

500-1499 pupils	librarian	library certificate	full-time
	audiovisual specialist	teaching certificate in field	full-time
	media specialist	teaching certificate in field	full-time
over 1500 pupils	2 librarians	library certificate	full-time
	audiovisual specialist	certificate in field	full-time
	media specialist	certificate in field	full-time

Req. c. A "Scale of annual minimum expenditure based on the number of students is established."

Middle School Regulations, p. 40
IV. Library - Media

Reg. a. The library should be a "resource center of instructional materials for the entire curriculum."

b. Senior high regulations apply when middle and senior high libraries are combined.

c. "In approved middle schools in non-high school districts, a separate library . . . from the elementary grades shall be maintained."

d. In schools with enrollment of less than 150, 151 to 300, and 301 to 599 students, the teacher-librarian shall devote, respectively, at least 1, 2, and 3 periods a day to the library and have earned, respectively, 3, 9 and 15 hours of credit in cataloging and library science.

"In schools with . . . over 600 students, the librarian shall devote full time and hold a library certificate.

e. The regulation sets out the required annual expenditure for books and other materials based on the number of students.

Junior High Regulations, p. 40
X. Library-Media

Req. a. "The library shall be . . . a resource center of instructional materials for the entire curriculum.

"Req. b. If the junior and senior high libraries are combined, the senior high regulations will apply.

"Req. c. In approved junior high schools in non-high school districts, a separate library . . . from the

elementary grades shall be maintained."

Req. d. In schools with enrollments of less than 150, between 151 and 300, and between 301 and 599 students, teacher-librarians shall devote at least 1, 2, and 3 periods respectively to the library per day and have at least 3, 9 and 15 hours respectively in cataloging and library science. "In schools with an enrollment of over 600 students, the librarian shall devote full time and hold a library certificate."

Req. e. The required annual expenditure for books is based on the number of students. "Materials collection shall include print and non-print materials adequate in quality and quantity for . . . the curriculum" and student needs.

Elementary School Regulations, P. 31

X. Library - Media

Req. a. If several elementary schools have a central library, it should be "supervised by a librarian with a library certificate or . . . 15 hours of library science and an elementary certificate." Aids should work under the librarian's supervision.

b. Elementary schools should "maintain a desirable library and reading program. The . . . library shall contain suitable reference books, sets of supplementary readers, functional readers and recreational reading materials.

4. Supplies and Equipment

Regulations

General Progress Criteria, p. 23
IV. Instructional Material and Equipment

Each classroom should have U.S. and state flags, a standard size blackboard, bulletin board space, modern desks and chairs that are movable; "at least two appropriate pictures;" and "extra chairs and sufficient instructional supplies. . . "Laboratory facilities . . .[and] materials . . . shall be adequate to meet the needs of instruction of all courses offered." The Learning Resources Center should be separate from the classrooms "and the book collections shall be . . . catalogued" and readily available.

"All resources should be carefully selected with preference given" to recommended items in the specified lists.

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§337.011

The textbook commission consists of seven persons "of recognized scholarship and professional standing" appointed by the state board of education.

The membership shall consist of: (a) three teachers -two from public elementary or secondary schools and one from a community college or university; (b) "three public school administrators or superviors;" and (c) "one public member."

§337.055

The state board of education shall review the selection list of the state textbook commission and may ratify or reject any selection. Items not meeting the guidelines and criteria established by the board shall be rejected. "The state board shall notify the commission within five days of the meeting [of the textbooks rejected]."

§337.100

"The superintendent of public instruction . . . issue[s] a circular giving the full title of each [item] selected by the textbook commission, when the [item] was ratified by the state board, with such other information as the state board may consider useful."

§337.110

If for any reason a textbook on the approved list needs to be replaced or another added, a special session of the commission shall be called.

§337.141

A school district having a population of 20,000 or more pupils, and, with approval, a school district having a population of fewer than 20,000 pupils "may adopt and use textbooks in place of or in addition to those adopted by the state board of education provided . . . the guidelines and criteria [are met]." This section does not prohibit district employees from serving on the textbook commission or otherwise participating in textbook selection.

REGULATIONS

§581-11-051

The State Textbook Commission shall select, and the State Board of Education shall adopt, the books to be used in Oregon public schools. "Adoption of supplementary books or other instructional materials is not made by the State Board of Education."

§581-11-070

A list of textbooks selected by the State Textbook Commission shall be presented to the State Board of Education for review and ratification or rejection of the books. Any person, upon written notification prior to a hearing, may challenge the adoption of a book. State board adoption of such material shall be known as interim adoption. The Superintendent of Public Instruction shall hold a hearing within 15 days of the date of receipt of challenge by the superintendent.

ADOPTION

HEARING

§581-11-075

Textbook proposals submitted by publishers must be on forms supplied by the Department of Education. A separate proposal form must be used for each subject on which a proposal is submitted.

§581-11-085

Local school districts with 20,000 or more average daily membership may adopt textbooks not adopted by the State Board of Education provided they meet the criteria for textbook adoption established by the State Board of Education.

Local school districts with fewer than 20,000 average daily membership may adopt books not adopted by the State Board of Education provided they meet the criteria established by the State Board of Education. To obtain such approval, a written application prior to use of the books in schools must be submitted to the State Board of Education. The application should include: identification of the books, evidence that the texts meet established guidelines, identify what needs proposed books meet that state adopted books do not achieve, evidence that the textbooks will meet the needs of the local school, and evidence of teacher participation in evaluation of appropriate textbooks. Applications for independent adoptions and resolutions of the boards of education should be sent to the Coordinator of Accreditation.

APPROVAL

§581-22-271

"Each local district shall establish procedures for selecting and purchasing instructional materials."

CROSS REFERENCES

I. Intermediate Education District; Statute §334.175

II.A.2.; Regulation §581-15-225

III.E. Curriculum; Statute §336.082; 336.086

IV.J.; Statute §339.250

B. CONTENT STANDARDS

STATUTES

§337.035

"The state board of education by rule shall establish guidelines and criteria for the review and selection of textbooks to be used in the public elementary and secondary schools in the state."

§337.040

REVIEW

The state textbook commission shall hold a public meeting "for the purpose of reviewing and selecting textbooks and other instructional materials" and any other meetings that are necessary.

§337.050

The state textbook commission reviews and selects a multiple choice list of textbooks and other instructional materials "for each grade and subject field in the standard curriculum for which, in its judgment, textbooks are required." No textbook shall be chosen for a subject field when the guidelines established by the state board of education for textbooks cannot be met.

§337.120

Textbooks and other instructional materials shall be selected from the multiple choice approved list by the district school board, with the assistance of teachers, administrators and citizens at the board's discretion.

"The board shall cause at least one half of the [selected items]. . . to be used in its schools at the beginning of the school year following the selection and the remainder thereof at the beginning of the second school year following the selection, except when authorized . . . to postpone such use for a reasonable period of time."

§337.260

There must be selected for use in public schools "textbooks on American history and government which adequately stress the services rendered by those who achieved our national independence, who established our form of constitutional government and who preserved our federal union. No textbook shall be used in the schools which speaks slightingly of the founders of the republic or of those who preserved the union or which belittles, or undervalues their work. Respect for all people, regardless of race, color, creed, national origin, age, sex, or handicap, and their contributions to our history and system of government shall be reflected in the textbooks adopted by the state board of education."

REGULATIONS

§581-11-055

Textbook criteria committees shall work under the supervision of the state textbook commission. Each committee shall be appointed to recommend categories and develop criteria for specific subject areas that are established from the standard school program.

§581-11-060; 581-11-065

Criteria to determine fair and accurate presentation in textbooks shall be developed by the criteria committee to provide assistance for judgmental determination by evaluation committees, the State Textbook Commission, and the State Board of Education. The criteria shall be used to fairly present: drug and narcotic usage; contributions of various ethnic groups; factual and impartial manner of both sexes; avoidance of stereotyping as to race, ethnic group, occupation, age, geographic location, and handicapped conditions, fair presentation of controversial issues of teaching strategies and methodology consistent with educational philosophies, value and goals.

The State Textbook Commission shall approve developed critieria and submit it to the State Board of Education for review and adoption or rejection.

§581-11-095

No books will be considered by the Commissioner unless presented sixty days prior to the adoption date.

All publishers are required to prepare briefs which include documentation and analysis on each textbook showing how it conforms to the guidelines and criteria adopted by the State Board of Education for the review and selection of textbooks. Such briefs must be submitted to Commission members, their advisors, the Secretary of the Commission, and appropriate evaluation committee members.

§581-11-100

Business education books should have substantial aids to instruction, when applicable, such as teacher's manuals, keys, standardized tests, course outlines, workbooks, progress records, and tapes.

§581-11-101

Drivers education has become a widely accepted objective of secondary education. Textbooks should assist in developing skills based on an understanding of the mechanics of a car, and the laws within which it operates for the protection of human life and safety.

§581-11-102

Modern foreign languages (German, Russian, Spanish and French) are referred to as the second language in the body of the criteria. The criteria to be used when evaluating such books include: a major emphasis on understanding and speaking; relationships between the writing system and the sound system; exercises designed for learning of grammatical structure; and materials reflecting the cultural aspects of the second language countries. Included in the student text: the basic vocabulary and grammatical structure, glossary or dictionary which contains both English to second language and second language to English listings; detailed maps; songs. Included in teacher materials should be: techniques to clarify and compare cultural differences in the following areas:

(1) sex roles; (ii) ethnic groups; (iii) career planning; (iv) nonverbal communication.

§581-11-103

Student instructional materials for health education should: (1) center around a positive mental health theme; (2) emphasize health rather than illness; (3) develop skills which are directed toward prevention of abusive behavior; and (4) emphasize the importance of individual responsibility for one's own health. The contents should have an equal female-male representation and cultural-racial representation.

The instructional materials and mathematical textbooks should demonstrate quality in the following seven general considerations: (1) affirmative action considerations-portraying both sexes, ethnic groups, and senior citizens; (2) content considerations — goal-oriented subject matter, student interest developed in numbers, utilizing the metric system as a primary system of measurement; (3) problem solving considerations - gathering, organizing, presenting data, and predicting and choosing solution strategies, computing and checking, problem solving; (4) developmental strategy considerations - develop concepts in more than one way; (5) individualized instruction considerations - provide challenging activities which will also permit all students to experience success; (6) format considerations - provide instructional materials of durable quality, format illustration, and a style of writing which is clear; (7) teacher material considerations - comprehensive and self-instructive teacher's guide which will explain the learning theory and educational philosophy underlying the student materials. In grades kindergarten through sixth, instructional materials should be rich in concrete experiences for students with abstract exercises based on and directly related to the concrete experience.

In grades 7-8, materials should review, unify and extend previously developed concepts.

On the secondary level, general mathematics, basic mathematics, advanced general mathematics, and consumer mathematics or applied mathematics will be offered. Instructional materials should stress mastery and real world applications of skills and concepts.

§581-11-105

In evaluating science instructional materials the following criteria shall be considered: content, com-

patibility with state minimum standards, and the purpose for the use of each activity, unit, chapter, and entire program. The science instructional materials should stress: safety, the metric system, sound environmental practices, recent scientific research, and new approaches to the study of science and technology. Vocabulary and concept levels should be suitable for the age group which will use the material. Where appropriate the use of tobacco, alcohol, narcotics, or restricted dangerous drugs should be presented in a factual manner, without glamorization or encouragement, by illustration or discussion references. The achievement and consideration of various ethnic groups at different socioeconomic levels should be treated fairly and equitably. There should be fair recognition of alternative views, with facts and data distinguished from theories and hypothesis; methodology and teaching strategies should be consistent with stated educational philosophies and the values of science. Students should be given the opportunity to engage in the major activities which are employed in scientific inquiry: observing, organizing, inferring, analyzing, synthesizing, generalizing, reviewing and summarizing.

§581-11-106

The general criteria for all homemaking, music and social studies should be in reasonable agreement with the educational principles expressed in the State Board of Education criteria and state curriculum guidelines. Subject matter is meaningful in terms of pupil needs, experiences, interests, and understandings. The sequence of material is consistent with the findings of recent research in child growth and development and accepted instructional techniques. Content is accurate both in fact and presentation and does not speak slightingly of minority points of view. The balance between illustrations and reading material is such that the pupil does not lose continuity in using the text. Illustrative material is

representative of all economic and cultural levels, is fair in treatment of both sexes, is multiethnic whenever possible, and is of such a nature that it does not date the book.

Textbooks will, when possible, involve the student in interdisciplinary experiences which draw widely upon the student's background, values and skills.

CROSS REFERENCE

III.C.School Districts; Regulation §581-21-046

C. ISSUANCE

STATUTES

§337.150

Prescribed textbooks are to be provided free to all resident public school pupils in grades one through eight and may be provided for use in grades nine through twelve or any combination thereof.

Where the school district does not provide free textbooks, parents or guardians shall be required to, but the board shall loan textbooks to indigent pupils.

CROSS REFERENCE

IV.G.; Statute §339.135

2. Audiovisual Education

Statutes

§354.420

"The purpose of [this chapter] is to encourage the development of and provide means for making educational television and radio programs of direct instruction and instructional enrichment for pupils and in-service education for teachers available to the public schools of the state, and to provide for the authorization and approval of such programs by the Department of Education."

Educational television and radio are authorized as a "means of instruction in the public schools of Oregon to the extent that may be approved by the Department of Education and accepted by local school district officials."

§354.430

"The Department of Education may utilize its appropriate personnel and facilities and any funds made available to it: (1) To stimulate interest by school districts in the appropriate use of educational television and radio in the public schools. (2) To plan and produce suitable educational television and radio programs of direct instruction, instructional enrichment for pupils and inservice programs for teachers in the public schools. (3) To cooperate with officials of state-operated educational television and radio stations in planning and producing suitable programs of direct teaching and instructional enrichment, and in planning and producing in-service programs for teachers for the public schools. (4) To assist local school districts in planning suitable programs of educational television and radio for the public schools, and to cooperate with officials of state operated educational television and radio stations in producing such programs . . . . (6) To contract for and pay for professional

services utilized in the development and production of programs for educational television and radio. To purchase, rent, lease or contract for use of filmed, taped or otherwise recorded educational television and radio programs from available sources and to sell programs or to exchange them for others of a similar nature...."

§354.440

"All educational television and radio programs provided by state-operated educational television and radio stations for direct teaching, instruction, establishment, and inservice education of teachers. . . shall be approved by the State Board of Education."

REGULATIONS

§581-22-268

"Each local district shall provide in each school a center offering organized media services and materials consistent with district program and course goals."

§581-71-010

The purpose of educational television and radio in relation to the elementary and secondary schools is the improvement of instruction and services to children. All agencies involved in such programming for the public schools, including the Department of Educational Media of the State System of Higher Education, the Oregon State Department of Education, and participating schools, shall consider their specific activities as part of a cooperative project for the accomplishment of these goals.

It is the primary responsibility of the Oregon State Department of Education to develop programs for in-school viewing and listening and teacher inservice both within the Department and with school districts and

involve the network in-school program personnel in such program planning.

Instructional programs for in-school viewing and listening and teacher in-service may be initiated by any appropriate group, but such programs must be approved by the Oregon State Department of Education before they can be scheduled on either network.

It is primarily the responsibility of the Oregon State Department of Education to supply public school educators with information about and schedules of in-school and teacher in-service programs; to develop and publish teacher's guides and handbooks; to initiate and submit ideas for programs; to work with school districts on facilities and the development and utilization of programs; and to conduct surveys of program utilization, evaluation and needs. The cooperative services of the informed officers of both agencies may be utilized to provide public information concerning approved in-school and teacher in-service programs.

CROSS REFERENCES

II.A.2.; Regulation §581-15-220

III.E. Schools; Regulation §581-24-065

7. SCHOOL LIBRARIES

STATUTES

§357.410

Any local government unit may: Establish, equip and maintain a public library; Contract with an established public library or with a private society or corporation owning and controlling a secular or non-sectarian library for the purpose of providing free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon;

Contract with one or more units of local government or library boards to provide jointly a public library service or share in the use of facilities, under such terms and conditions as may be agreed upon;

Contract with the trustees of the state library for assistance in establishing, improving or extending public library service.

"Local government unit" means any school district.

CROSS REFERENCE

I. Intermediate Education District; Statute §334.175

4. Supplies and Equipment

Regulations

§581-22-272

Each local district shall establish procedures to coordinate evaluating and purchasing instructional equipment to insure quality and comparability of equipment with needs of teachers and students.

§581-22-276

"Local districts shall provide equipment and materials to support programs and activities to implement district goals."

CROSS REFERENCE

II.A.2.; Regulation §581-15-230; 581-15-240

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

§8-803

All school textbooks, in 2nd, 3rd, and 4th class school districts, shall be adopted by the board of school directors between April 1 and August 1 and provided for use at the beginning of the following school term. The adoption or change shall only be made by the recommendation of the superintendent of by 2/3 vote of the board. Books, supplementary to textbooks regularly adopted, may be adopted and purchased for use in the schools at any time and shall be adopted in the same manner as textbooks.

§8-808

CONFLICT OF INTEREST

No person shall act as agent for school books or school supplies in any district in which he is employed or was employed during the preceding school year.

§8-810

BRIBERY

Any school director, officer, superintendent, supervising principal, or teacher, who shall seek or receive bribes in order to secure the recommendation, adoption, rejection or purchase of any school books, furniture, or other supplies shall be guilty of a misdemeanor carrying penalties of fines and/or imprisonment.

§9-973

The Secretary of Education, directly or through intermediate units, shall have the power and duty to purchase textbooks, instructional materials and equipment, and upon individual request, to loan them free subject to Secretary of Education rules, to all children residing in the Commonwealth who are enrolled in grades kindergarten through twelve of a nonpublic

school wherein the requirements of the compulsory attendance provisions may be met.

CROSS REFERENCE

II.C.1.; Statute §333

C. ISSUANCE

STATUTES

§8-804

The board of school directors may allow a pupil the use of school books during vacations, under such rules and regulations as it may adopt.

RULEMAKING

2. Audiovisual Education

Statutes

§5-523

The State Board of Education shall adopt and amend (when necessary) a State Plan for Educational Broadcasting which shall provide for the development of educational broadcasting facilities and define educational broadcasting service areas to be served by specified broadcasting centers. The Department of Education shall promulgate regulations to implement the State plan. The plan shall be submitted prior to adoption or amendment to the Pennsylvania Public Television Network Commission for comments.

RULEMAKING

§5-525

Whenever funds become available for establishing and operating pilot educational television projects; purchasing and producing tapes, films and recordings for educational broadcasting; or establishing network facilities to link facilities, the Department of Public Instruction may expend such funds for such purpose(s) in amounts it determines to be in accord with State Board of Education policies, this section does not authorize expenditure of state funds for such purposes unless specifically appropriated by the General Assembly.

Regulations

§ 9.21 - 9.24

The Secretary shall be responsible for the development of a Commonwealth plan for educational broadcasting and shall insure that there is full educational utilization of noncommercial broadcasting stations, commercial stations, and cable television systems, as well as the development of all available FCC educational allocations.

Closed-circuit television systems and other origination and distribution facilities may be developed at school districts and intermediate units with the approval of the Secretary. These facilities may be integrated with the existing State educational-public television network, with each other and with other stations to form a statewide educational service.

The Secretary shall assist in the application to the FCC for allocations consistent with the Commonwealth plans for their educational use.

A broadcasting service area shall be an area in which engineering "class A" signals are received and used from at least one broadcasting facility. Broadcasting service areas are listed.

§ 9.25 - 9.27

A Regional Educational Broadcasting Council shall be a nonprofit corporation established with the approval of the Secretary to establish and coordinate educational broadcasting program needs, improve the use of educational radio and television, evaluate the effectiveness of educational radio and television, and procure program services necessary for educational broadcasting.

Each broadcasting service area shall be administered by a Regional Educational Broadcasting Council in accordance with standards approved by the Secretary, Pennsylvania corporate laws, and, if applicable, FCC regulations.

Programs developed by the Council and financed in whole or in part by Departmental and Federal educational funds shall be subject to the Secretary's approval and be available to all Pennsylvania students.

§ 9.31

The Secretary shall develop standards and specifications for all media equipment to be purchased with Federal and Commonwealth funds.

3. School Libraries

Regulations

§5.31 -- 5.33

Each school district shall employ a full-time, certified elementary teacher or school librarian to provide leadership in the development of an elementary library program.

Each secondary school shall employ a full-time, certified school librarian.

Each school district shall have a library book collection of no less than 10 carefully selected titles per elementary and secondary pupil or a collection of 10,000 titles, whichever is smaller. Books borrowed from nonschool libraries shall not be counted in this total.

Every school district is to have a comprehensive library program including printed material and non-printed media that encompasses kindergarten or grades 1-12 and meets standards established by the Department of Education.

§ 9.1 - 9.9

If an intermediate unit provides an instructional materials service it will be established, approved, and operated as provided in Public School Code of 1949 regulations of the State Board of Education and the standards of the Secretary. Intermediate unit instructional materials service will include all component districts.

The intermediate unit may appoint such program specialists and other staff members as may be necessary for the supervision and operation of instructional materials service. Such program specialists shall meet qualifications established by the State Board of Education and the standards of the Secretary.

An intermediate unit may contract with the approval of the Secretary with another intermediate unit

to provide an approved program of instructional materials service.

All instructional materials and related equipment purchased by intermediate units become the property of the unit. If service is discontinued, all property shall be disposed of as provided in a plan submitted to the Secretary.

Revenues for support of the instructional materials service shall be obtained from a computed pro rata share when a majority of the component districts participate in this program. If less than a majority of the component districts participate in the instructional materials service, the revenues may be obtained from either a direct fee or other manner agreed to by the intermediate unit and participating districts. The budget of the service is to be included in the operational budget of the intermediate unit.

APPOINTMENT

If an intermediate unit appoints an instructional materials advisory committee, it shall do so in accordance with the Secretary's standards.

4. Supplies and Equipment

Statutes

§8-801

The board of school directors shall purchase all necessary furniture, equipment, textbooks, school supplies and other appliances for the use of the public schools and furnish the same free of cost subject to rules and regulations regarding use and safe-keeping as the board may adopt. RULEMAKING

§21-2113

The superintendent of supplies shall be the executive agent of the board of public education under such regulations as the board shall prescribe. He/she may appoint such assistants as the board of public education may authorize and approve. APPOINTMENT

CROSS REFERENCES

II.C.1.; Statute §333

II.C.2.; Regulation §21.21 -- 21.23

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Statutes

§16-23-1

A change may be made in the school books in the public schools of any town by a vote of two-thirds of the whole school committee; provided, that no change be made in any textbook in the public schools of any town more often than once in three years, unless by the consent of the department of education.

§16-38-7

"No superintendent or school committee of any town, or any person officially connected with the government or direction of public schools shall receive any private fee, gratuity" or compensation for promoting the sale or "exchange of any school book, map or chart in any public school, or be an agent for the sale or the publisher of any school textbook", or be pecuniarily interested in the introduction of any school textbook; and any such agency or interest shall disqualify the person from holding any school office.

CONFLICT OF INTEREST

§16-38-8

No person shall offer to any public school officer any fee, commission or compensation as an inducement to effect through such officer any sale or promotion of sale, or exchange of any school book, map, chart or school apparatus.

CROSS REFERENCE

II.A.1.; Statute §16-2-16

B. Content Standards

Statutes

§16-1-9

The commissioners of education shall recommend

and implement a uniform set of textbooks, assist in selecting school library books and publish an annual list of recommended textbooks. Any books of a sectarian nature or which would not be proper for use in public school shall not be recommended by the commissioner.

C. Issuance

Statutes

§16-23-2

The school committee shall furnish textbooks in the field of mathematics, science and modern foreign languages appearing on the published list of textbooks recommended by the commissioner of education, to all elementary and secondary grade pupils, said textbooks to be loaned to the pupils free of charge.

CROSS REFERENCE

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

2. Audiovisual Education

Statutes

§16-28-1

Educational television services shall be made available to all the citizens of Rhode Island in the interest of education, culture, health and living conditions.

§16-28-2

The board of regents, formerly the state board of education, is empowered

a. To accept and control the television channel or channels assigned by the FCC to Rhode Island.

b. To adopt rules and regulations necessary for that purpose.

c. To construct, repair and operate non-commercial educational facilities.

d. To produce, lease, rent and contract for telecasting purposes any cultural, educational or public information programs.

e. To make and enter into all contracts necessary for the performance and execution of its duties and powers under this chapter, and to employ consulting engineers, attorneys, accountants, financial and construction experts, superintendents and such other employees as may be necessary, who shall not be in the classified service of the state, and to fix their compensation.

f. To receive appropriations from the general assembly and to accept federal grants for or in aid of the construction and operation of any television facility or for any other purpose connected with educational television.

g. To comply with rules and regulations of the Federal Communications Commission or any federal agency administering any law to aid or encourage education.

h. To fix, revise, change or collect fees for the use of the television facilities.

i. To do all things necessary for implementing the powers expressly granted in this chapter.

§16-28-4

An advisory commission consisting of twenty members shall be created for educational television. The commission shall be broadly representative of the different educational, cultural, professional, religious and social interests of the state.

§16-28-5

It shall be the duty of the state board of education to consult with the advisory commission on matters relating to the operation of the educational television station, providing, however, that ultimate policy decisions shall rest with the board.

CROSS REFERENCES

I. Council on the Arts; Statute §16-46-3 -- 16-46-4

II.A.1.; Statute §16-46-6--7; 16-46-9--10

II.B.3.; Regulation, Standards for Approval and Accreditation of Secondary Schools, App. A

III.C.Educational Television; Statute §16-28-3

3. SCHOOL LIBRARIES

REGULATIONS

STANDARDS FOR APPROVAL AND ACCREDITATION
OF SECONDARY SCHOOLS IN RHODE ISLAND

APPENDIX A: School Library Standards for
Secondary Schools (SBE, 5/9/63)

"School library standards for secondary schools shall be as follows:

Size of School	Staff	Collection
Under 250	1 school librarian one-half time	2,000 volumes
250-499	1 full time librarian	2,000 volumes for first 250 pupils. 8 for each addition pupils.
500-999	1 full time librarian plus 1 full time clerical assistant	4,000 volumes for first 500 pupils. 4 for each additional pupil.
Over 1000	1 full time librarians. 1 full time clerical assistant	6,000 volumes for first 1,000 pupils. 3 for each additional pupil.

"The library should have a live, up-to-date, growing collection to meet the ever-changing needs and interests of the faculty and student body.

"Certain references are essential regardless of the size of the school. Up-to-date (published within the last 5 years) encyclopedias; dictionaries of words, of people, of places; atlases; almanacs; indexes; and books of statistics are required.

"The magazine collection should be sufficient to meet the needs for current news, opinions, and comments; special fields of interest; and recreation. (Should include 25 or more.)

"Daily newspaper coverage of local, state, national and international happenings should be supplied in sufficient quantity to provide for the needs of the enrollment.

"A collection of professional books and periodicals in line with curriculum needs and interests should be provided for teachers and administrators.

"A functional pamphlet and clipping file that is timely should be available to supplement all other mateirals.

"An annual expenditure of $300 is recommended for these materials.

"Local school policy should determine the responsibility for the audio-visual center. Audio-visual materials such as pictures, film-strips, and phonograph records should be chosen after school needs are determined. A sufficient number of all types of these materials to fit the curriculum should be provided.

"The Board of Education makes the following regulations for all new schools: [a]dequate space for a library shall be provided in all new schools. The reading room in the elementary school library shall be large enough to seat the largest class plus 20. Secondary school library reading rooms shall be large enough to accommodate at least 10% of the enrollment. All library reading rooms should provide at least 25 square feet of floor space per reader. . . .

"New schools shall be given three years to reach the requirements for book collections contained in the standards."

CROSS REFERENCES

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

III.A.2.; Regulation, Standards for Elementary Schools

4. Supplies and Equipment

CROSS REFERENCES

II.C.2.; Statute §16-2-15

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§59-5-90

The duties of the state educational finance commission and school book commission are devolved upon the state board of education.

§59-31-510

The commission may negotiate and execute contracts with publishers to purchase or rent textbooks. The attorney general shall approve all these contracts. If books are sold to the state at a price higher than that sold to any other person, the lower price shall automatically become the contract price for the textbooks.

§59-31-590

No school official or teacher shall "become an active or silent agent of any schoolbook publisher or be otherwise pecuniarily interested in the introduction of any schoolbook into any school in this state." Any person violating this section shall be guilty of a misdemeanor.

REGULATIONS

§43-70

The State Board of Education shall have the responsibility and duty to adopt the textbooks used for instruction in the free public schools of South Carolina.

APPOINTMENT

The Board shall appoint, with recommendation of the State Superintendent of Education, a Textbook and Curriculum Advisory Committee consisting of 14 members, 8 who are actively involved in school work either administratively or supervisory, at least one from each congressional district; 1 lay citizen preferably a former member of the State Board of Education, 5 members from the staffs of the state educational agencies having responsibilities in the curri-

culum and textbook fields including the Director of the Office of General Education, the Director of the Office of Textbooks and a representative of ETV. Four of the appointed members shall be appointed for two year terms; five shall be appointed for four year terms. The Committee shall have the power to organize itself.

The duties of the Committee shall be to study continually the curriculum and textbook needs and make recommendations to the Board in subject fields in which textbook adoptions are needed to meet new programs of study; to replace textbooks on which contracts are expiring; to make recommendations in regard to exercising options in existing contracts; to make recommendations in regard to renegotiating expiring contracts. Careful attention shall be given to new and improved methods of presenting instructional materials. The Committee is authorized and directed to secure the assistance of any consultants deemed proper, especially consultants from the State Department of Education, colleges and universities of South Carolina.

The Committee shall meet annually at the call of the Chairman. Additional meetings may be held at the call of the Chairman, a majority of its members, or on request from the State Board of Education. The Board, however, reserves the right to limit the number of official meetings this committee may hold in one school year.

The Committee shall report to the Board not later than May of each year in regard to the necessity of textbook adoptions to be made during the following school year. The Committee may make curriculum reports when in its judgment such reports are deemed advisable.

The Board shall examine the recommendation of the Committee and determine the fields in which textbook adoptions will be made. The Board, through its Administrative Officer, shall make information relative to the adoptions available to publishers and school administrators by mail, not later than June 30 preceding the adoption date. The Board also shall make due arrangements for an official announcement at least 45 days before bids are to be opened.

The announcement shall be sent to all publishing companies registered with the Administrative Officer of the Board, and a notice shall be given by legal advertisement in at least one daily newspaper in the State of South Carolina in accordance with the general legal requirements.

The formal notice by the Administrative Officer of the Board shall make available sample copies of the bid forms to be used by the publishers in submitting textbooks for adoption and a copy of the contract and bond each publisher will be required to execute if its books are adopted.

The Board shall appoint, with recommendation of the State Superintendent of Education, as soon as practical, an Evaluating and Rating Committee for each major subject field or related subject area in which adoptions are to be made. The Board desires that a balance be maintained on each evaluating committee between large and small, rural and urban schools. There shall be at least two nominees, one principal and one alternate, for each position except that of the State Department of Education.

If the principal nominee does not accept, the State Superintendent of Education is authorized to appoint the alternate nominee and to make other substitutions when necessary. Each committee shall consist of between nine and twelve members. One member shall be a representative from the State Department of Education and one may be a college teacher or layman competent in the fields under consideration. All others shall be persons who are actively engaged in teaching, in the supervision of teaching or administration in the public schools, who have had teaching experience, special training or supervision in the subject field in which they have been appointed, not less than one-third of whom shall be full-time classroom teachers.

The recommendations by the State Superintendent of Education shall include the suggestion of a Chairman and the size of each committee.

It shall be the duty of each Evaluating and Rating Committee to rate all textbooks offered for adoption and

file a written report with the Administrative Officer of the State Board of Education. The report shall consist of the committee's evaluation, list of textbooks which the committees recommend as suitable for adoption, and an annotation which includes for each textbook, the common reading level of the materials, level of difficulty, and other information as required by the State Superintendent. A textbook must receive affirmative votes from at least 2/3 of the committee members to be placed on the recommended list.

If a committee does not find the specified number of books satisfactory, its report shall indicate if the number is considered inadequate, the reasons shall be carefully detailed in its report.

To facilitate efficient and competent evaluations by the committee, the Board shall furnish the committee with detailed instructions pertaining to its duties, textbook evaluating guide materials, etc. and the time schedule necessary in order the Board to complete its work in an orderly fashion. The State Department shall serve as co-ordinator and liaison between the Board and the committees.

Publishers shall be required to furnish a brief to each committee member for all textbooks being offered for adoption. Failure to comply with this regulation will automatically exclude textbooks for adoption. The brief shall include a common reading level of the text material, level of difficulty and other information so required by the State Superintendent of Education. The Committee shall hold hearings allowing adequate time for each publisher's oral presentation, provided that there are at least 21 days between final date for submitting briefs and the dates of hearings. HEARING

The Director of the Office of General Education and the Chairman of the Evaluating and Rating Committee shall develop a schedule of official hearings according to the Calendar of Events adopted by the State Board of Education.

Each publishing company or its representative is

responsible for distributing textbook samples and briefs to each member of the appropriate Textbook Evaluating and Rating Committee on or before the date set by the Board for each adoption year. This may be done by personal delivery or by mail to the address specified by the committee member. The textbook representative may have a maximum of 30 minutes of personal interview with the committee member.

CONSULTANTS

The committee is authorized and directed to secure the assistance and advice of any consultants deemed proper, especially consultants from the State Department of Education or colleges and universities of South Carolina. Necessary clerical services may be requested and secured from the State Deparmtent of Education.

Textbooks shall not be recommended by the Evaluating and Rating Committee and the State Board of Education shall not adopt textbooks that fail to meet the South Carolina Official Manufacturing Standards and Specifications. But the Board reserves the right to waive minor deviations and technicalities; the publisher shall be responsible for showing cause why the minor deviations or technicalities cannot be met.

If an Evaluating and Rating Committee cannot submit a report that is acceptable to the Board, the committee may be dissolved and a new committee appointed in the same manner as the original committee. Each Evaluating and Rating Committee shall be dissolved as soon as the Board completes the adoption in the subject field for which it was appointed.

The Office of Textbooks is to cooperate fully with the State Board of Education, the Textbook and Curriculum Advisory Committee and the Textbook Evaluating and Rating Committees in determining whether textbooks offered for adoption meet the South Carolina Manufacturing Standards and Specifications for Textbooks. The Office shall furnish a list of textbooks offered for adoption which in its judgment, fail to meet the Manufacturing Standards and Specifications and list in detail the deviations it finds prior to the rating by the evaluating committees.

Materials in certain critical areas which may not

meet the manufacturing standards and specifications for textbooks may be adopted when recommended by the appropriate Textbook Evaluating and Rating Committee and when the Committee's justification is deemed sufficient by the Board.

It is the Board's duty to adopt between 3 and 5 books and series of books in each subject field if so many books have been recommended by the Evaluating and Rating Committees. The Board is not required to adopt any books recommended by the committees that in the Board's judgment are unsatisfactory. The Board may adopt more than 5 books or series of books if the Evaluation and Rating Committee recommends to do so and the Board concurs.

The Board shall not approve and add a textbook or other instructional materials to the state list of adopted textbooks unless it has been reviewed and rated by a properly constituted rating committee.

Substitutions of new copyrights for textbooks under contracts will be allowed only with written permission as specified in this section.

Any school, desiring to teach an elective course that has been approved by the Board where, due to the volume, a formal adoption has not been made, may apply to the State Department of Education for approval of the book which the school proposes to use. The State Superintendent of Education, after consultation with his/her staff, may approve the text if it is found to be satisfactory. If not found to be satisfactory, the matter shall be taken up with the school involved, recommendations made and a suitable text shall be agreed upon between the school and the State Department of Education. All texts so approved shall be reported to the Board in writing within 90 days with a description of the circumstances which make the action advisable. The texts are subject to Board approval.

Any school may be given the right to select and use a new and improved textbook not already on the state adopted list upon the recommendation of the Director of the Office of General Education and with the approval of the State Board of Education. All textbooks approved under

this paragraph shall be reported to the State Board of Education. This paragraph shall not be used to circumvent state textbook adoptions.

All contracts shall provide that, if any person who furnishes adopted textbooks in the state shall sell the same textbooks or cause them to be sold or offer them for sale to any other person, state or State Board of Education for a price less than the state has contracted to pay for the textbooks, the lower prices shall become the price of the textbooks in the state and that the content of the textbook shall be considered and not the title in investigating such prices. The State Board of Education shall make the necessary investigations as to the prices of such textbooks so sold to others.

It shall be unlawful for any teacher of a school supported in whole or in part from the public school funds of this state, any trustee of any such school or any other school officer or employee to become an agent of any school book publisher or be in anywise pecuniarily interested in the introduction of any school book into any school in this state. A violation of this provision is a misdemeanor. Any teacher or administrative officer of the South Carolina public school is not prevented from authoring instructional materials or a textbook for use in the state's public schools by this provision.

CROSS REFERENCES

I.State Board of Education; Statute §59-5-60

II.B.1.c; Regulation §43-72

B. Content Standards

Statutes

§59-31-30; 59-31-50

The state shall designate a uniform series of textbooks. Use of any texts which have been disapproved or condemned by the state board of education shall be unlawful.

REGULATIONS

§43-252

It is the policy of the Board that no workbook be allowed to take the place of a state adopted text. If considered indispensable, the workbook should be selected from the published list approved by the Board.

CROSS REFERENCE

II.A.10.Other - Experimental Programs;
Regulation §43-230

C. ISSUANCE

STATUTES

§59-31-210; 59-31-230

The state board shall rent textbooks to each pupil for a rental amount fixed by the state board. Library books and audiovisual equipment shall be provided to public schools on a rental basis or they may be purchased by the school districts.

§59-31-260-- 59-31-280

Any county or school district enrolling more than 5,000 pupils may set up its own textbook rental system or provide textbooks free for its pupils. A county may abandon its system and join the state system by submitting a written statement to the state board and selling its textbooks to the state.

§59-31-340

The state board of education shall hold each school district responsible for the "proper protection, use and care of all school books allotted to [the] district."

§59-31-360

The state board shall waive textbook rental for "as many of the grammar and high school grades as available funds permit." Effective 1966-67 school year, the state board will provide basal textbooks adopted and approved by the board free of charge to all pupils in grades one - four and by 1969 provide free textbooks to pupils in grades one through eight.

§43-72

"(1) The State Department of Education shall provide for use in the public schools only books that are regularly adopted by the State Board of Education and daily contracted for with the publishers.

(3) Books issued to schools and depositories shall be consigned to them by the State Department of Education for a period equivalent to the first four year period of the contract between the State Board of Education and the publishers, except limited changes that are justified by variations in student achievement. Any books exchanged must be on different levels of difficulty.

(10) Books shall be rented to pupils for the entire school year for one-third of the contract retail price except that all literature shall be rented for one-fourth of the contract price.

(11) Only new books that have not previously been rented may be sold to pupils. The sales shall be at contract retail prices. Used books may be sold only if unreasonably abused or damaged, as provided in §13 and §14.

(12) All record forms furnished by the State Department of Education shall show the contract retail price and yearly rental price of books listed.

(13) Parents or guardians shall be required to pay for books lost and the pupil and parents and/or guardians shall be denied further benefits of the South Carolina Rental Textbook Law until this requirement is fully complied with. The remaining balance between the cost of the book and the amount of rental previously paid, and a minimum charge of 25%, irrespective of the number of years the book has been used, will be collected for lost books issued to a pupil. If the length of service of books cannot be determined, an average price, based on actual value of books in the state, will be assessed. Books destroyed by fire in school buildings or private homes will be replaced free, provided officials of the

school shall furnish a certified list of books destroyed.

(14) Parents and/or guardians shall be required to pay a fine for books damaged or in any way abused beyond reasonable wear and tear. The amount to be charged shall be determined by the agent in charge of books and shall in no case exceed the amount of charge applicable had the books been lost, provided that the pupil may have the option of paying the fine or purchasing the book.

(15) No Board or agent shall be allowed to require a pupil to make a money deposit to secure the return of books.

(16) No book shall be issued to a pupil until the rental fee has been paid in full

(20) No requisition for additional books shall be approved for any Depository until the Depository has settled in full with the State Department of Education all prior year's indebtedness and submitted reports required by the Department at the close of school. Books being replaced by newly adopted books must be returned before any new books can be shipped.

(28) Books shall be subject at any time to inspection by authorized agents of the County Board of Education and/or District Board of Trustees, or the State Department of Education. It shall be the duty of each teacher to frequently inspect the books issued to her/his pupils and to emphasize the proper care of handling of books.

(29) All parties responsible for books shall make such reports to the State Department of Education as to the condition of books.

(30) All books shall be covered with book covers which may be ordered without charge from the State Department of Education.

(33) Pupils shall not mark books, paste labels in them or force the bindings.

(35) Books handled by children suffering from contagious diseases shall be burned by the local agent if such is recommended by the physician attending the child. The local agent shall provide the State Department of Education with a list of books and a statement in writing from the physician recommending destruction of the books. The Department shall give credit to the school's account.

(36) All parties responsible for books shall keep an accurate record of the number of books received and returned. Each school or Depository shall keep an accurate record of rental and other fees collected from pupils and the amount of such funds remitted to the proper authority.

(38) In each school, books may be distributed directly to the pupils from a central book room, or delivered from the book room to each teacher for re-issue to pupils in her/his room. All used books of each title shall be issued before any new books of the same title are issued. The State Department of Education shall provide forms for recording books issued by the agent to each teacher.

(39) A record shall be kept of all the books issued to each pupil during the year and shall be kept on forms provided by the State Department of Education.

(40) Books shall be turned in by the pupils at the close of school year, or when the pupil withdraws from school or when completed. Books turned in before the end of the school year shall be separated from books not used during the current school year.

(42) Boards or their agents shall promptly furnish the State Department of Education necessary reports.

(43) A pupil transferring from one school to another in the State Rental System shall return his/her books to the agent of the school he/she is leaving. The agent shall properly receipt the pupil for the return of his/her books and give him a "Pupil's Transfer Slip" on which is indicated the amount of rental paid by that pupil in his/her school. The transfer slip, when presented at the second school, shall entitle the pupil, without charge, to books with a rental value of the amount shown on the slip. If the

rental on books issued at the second school exceeds the credit value of the slip, the pupil shall pay the difference, but there shall be no refund if the entire credit value of the slip is not used at the second school. Transfer slips from any public school system in the state are acceptable. The agent of the 2nd school shall submit the transfer slip to the same authority to whom his/her rental collections are remitted for the credit of his/her account.

(44) A pupil moving out of the State, or to another school, within the state not connected with the State Rental System, shall receive from the State Department of Education a refund of one-half of the rental paid during the year if he/she leaves school before February 1. The agent of the school shall certify to the Department the amount of rental paid by the pupil and the date of his/her withdrawal from school.

(45) Schools ordering Library books through the State Department of Education shall use order blanks provided by the Department. The order shall be made in duplicate.

(46) Library books, that do not appear on the library lists prepared by the State Library Committee cannot be shipped by the State Department of Education."

§43-71

(1) The South Carolina State Board of Education designates the textbooks listed under §3 as "free basal textbooks" for grades 1-8.

(2) Requisitions for free textbooks shall be made only to the State Department of Education and only on official current requisition forms with the top section completed and signed by the agent and/or official designated by the district or county. Membership must be reported with each requisition. Requisitions shall be in accordance with policies outlined in the "Rules and Regulations for Free Textbooks." A requisition may be returned to the school for further action if it does not conform with the Rules and Regulations.

(3)(a) Any pupil who is a member of any grade

within the free textbook program may be assigned free textbooks on the appropriate level.

(b) A school may select any number of series in any subject provided the combined total number of books in all the series in any one subject does not exceed the total membership of the grades in which the subject is listed, with the exception of Reading, Grades 1-6. After combined total in each subject area has been reached, the school may not increase the number of free books except when acceptably justified by an increase in membership or when otherwise eligible under the Rules and Regulations to change series.

(c) Free Basal Textbook List:

Arithmetic, Grades 1-8. Texts for all grades but 1 and 2 are hardback books.

Art, Grades 1-6 - Paper Bound Books. A school may requisition one teacher's manual and one student's book for each Art teacher for each grade level they instruct only when the school has a bona fide planned course in Art.

Art, Grades 5-8 - Hardback books for bona-fide planned Art courses may be purchased.

Basal Reading Skills Program - Grades 1-6. The First Grade readiness readers and pre-primers are a part of the basal reading program. Readiness readers will be furnished free to students only when those books are essential to beginning their reading program. (Nonconsumable readiness readers and pre-primers must be returned to the bookroom when completed.) A school may obtain reading series not to exceed 120% of its total membership in Grades 1-6 After the total has been reached, the school may not increase the number of free books in any series in these grades except where acceptably justified by a membership increase or when it is otherwise eligible under the Rules and Regulations to change series.

Basal Reading Skills Program, Grades 7 and 8.

Consumer and Homemaking Education, Grade 8 books may be requisitioned on the basis of justifiable needs of the program and not on a book per pupil basis.

English Grammar, Grades 3-8

Health, Grades 1-8

Industrial Arts, Grades 7 and 8 books may be requisitioned to meet a planned course in the subject in a quantity not to exceed the equivalent of one book per student.

Music, Grades 1-8 books may be requisitioned only when there is a planned course in Music instruction.

Science, Grades 1-8.

Social Studies, Grades 1-8. A geography and history book or a fusion book (combination) may be used. If a fusion book is used, a History or Geography may not be obtained as a free book.

Spelling (Hardback), Grades 2-8.

Writing, Grades 1-8 books are paperbound, but should be considered as manuals not to be written in unless authorized and non-consumable and when completed must be returned to the bookroom for further use.

(d) Educable Mentally Handicapped (special Education). Primary classes in reading shall be eligible for necessary reading materials not to exceed two pre-readiness Readers and/or Readiness Programs and one beginning Reading program. Intermediate classes shall be eligible for two Reading Programs, one of which may be a Readiness Program. Junior and Senior High School classes shall be eligible for two Reading Programs.

When practical, the educable mentally handicapped classes may receive regular free text material but the total of all material shall not exceed the quantity of free textbook material offered to other students.

(4) A school may change to a new title or series in a subject area only when new material on the same level is adopted by the State Board of Education. Schools shall not return books presently on the state adopted list to be exchanged for other titles or series, except limited changes justified by variations in student achievements. Any books exchanged must be on different levels of difficulty.

Provided, that the Board shall have the authority to limit or postpone the acquisition of titles or series for such period of time as deemed advisable.

(5) Title to all books issued to schools and depositories under the Free Textbook Act shall be vested in the State.

(6) The District Board of Education shall be responsible for the proper custody of all books in its schools and depositories and shall be responsible for the administration of the "Rules and Regulations for Free Textbooks" in those schools and depositories.

(7) The County or District Board of Education shall elect the system of distribution. A county depository, district depository or school depository may be established through which all books will be distributed. The Board of Education may designate an agent to operate the depository, maintain adequate records and make necessary reports and remittances to the Office of Textbooks; however, such designation does not relieve the Board of its responsibilities.

(8) Each school or depository will be sent an invoice listing the books shipped to it. The school or depository agent shall verify the books received with the books listed on the invoice. If the titles and number of books received do not agree with the title and number of books on the invoice. . . a report must be made within 30 days to the Office of Textbooks showing the name of the school and county, the number and date of the invoice, and a complete itemized list of the differences between invoice and books received, both over and short.

(9) Each school and depository shall maintain a separate and complete file for textbook records, correspondence forms. Each shall maintain an accurate record of the number of books on hand, books received and books returned. They shall keep an accurate record of sales, lost books and damage fees; report same to the State Department of Education; remit all funds collected and pay promptly all amounts due. The Department will issue an official receipt covering each remittance.

Each school and depository shall furnish the Office of Textbooks with membership reports, anticipated membership reports, inventory reports and other reports as may be requested. Each school shall maintain a record of books issued to each pupil.

(10) Each school and depository shall provide for textbooks adequate places of storage which are safe and sanitary. Books should not be stored on floors and should be at least one inch from walls to allow proper ventilation and protection from termites.

(11) Books may be distributed directly to the pupils from a central bookroom or delivered from the bookroom to each teacher to be issued to the pupils. The State Department of Education shall provide forms for recording books issued by agent and teacher.

(12) All books and book records shall be subject at any time to inspection by authorized agents of the County and/or District Board of Education and the State Department of Education. It shall be the duty of each teacher to inspect frequently the books issued to pupils and to emphasize the proper care and handling of books.

(13) All free textbooks shall be covered with bookcovers which may be ordered without charge from the State Department of Education.

(14) Free textbooks issued to pupils shall be stamped "Property of South Carolina, Year_____, No._____," or have a gummed label placed on the inside of the front cover. New books shall not be stamped or labeled until issued to pupils. Restamping a book after the first stamp has been applied is not necessary, but the current year and serial number should be entered underneath the original stamp impression each year the book is issued.

(15) All used books of each title shall be issued before any new books of the same title are issued.

(16) Pupils' names may be written below the property stamp impression or on the property label. Pupils may appropriately mark lesson assignments; otherwise they shall not mark or write in textbooks.

(17) No board or agent shall require a pupil to pay a deposit on any free books.

(18) Books shall be turned in to the school by the pupil, parents or guardians when appropriately requested by teacher or school official, when the course is completed or discontinued by the school or pupil, when the pupil withdraws from school or at the end of the school year.

(19) A school from which a pupil transfers shall make an appropriate notation on the pupil's transcript records as to whether all his/her books were returned to the school and whether any damage or lost book fees are unpaid.

(20, 21) Schools may require pupils, parents or guardians to pay for textbooks they lose or damage through improper care or abuse, and they may be denied further benefits of the Free Textbook Program until they fully comply. Waiver of this requirement may occur where the principal and/or responsible officials believe that the child is a victim of unusual circumstances. The school district shall be responsible for the cost.

The report of lost textbooks paid for and sales should be itemized by titles on an appropriate form sent each school at the end of the school year. A schedule is provided in subsection 20 for determining amounts to be charged for lost textbooks and paperback books.

The amount to be charged for damaged textbooks shall be determined by the agent in charge of books, teacher or principal and shall in no case exceed the amount of charge had the book been lost, provided that the pupil, parent, guardian, shall have the option of paying the damage fee or purchasing the book.

Books on which only a damage fee is collected shall remain the property of the state and shall remain with the school for further use. Damaged books purchased under the option shall be reported in the "Lost and Sold Book Report" and the collection included in the amount remitted for lost and sold books. Free book damage fees collected should be reported in a lump sum on an appropriate

report form sent each school at the end of the school year.

A replacement paperback book may be issued a pupil only after the lost or badly damaged book has been paid for.

(22) Books destroyed or damaged beyond further use by fire in school buildings or private homes shall be charged to the individual or school if a school official furnishes the State Department of Education a certified list of the books destroyed and the place and date of the fire.

(23) Books issued to a pupil having a contagious disease shall be burned by the local agent if such destruction has been recommended by the physician attending the child. The local agent shall provide the State Department of Education with a certified list of the books destroyed.

(24) Schools or depositories shall not return used free textbooks except when requested or authorized to do so by the State Department of Education or as otherwise authorized in these Rules and Regulations. New textbooks may be returned at any time by instructions provided in subsection 24.

(25) Defective books should be so marked on the outside of the front cover with the defect identified on the inside of the front cover and returned as soon as possible to the Central Textbook Depository. The Office of Textbooks should be notified whether a replacement or an inventory credit is desired.

(26) Out-of-adoption textbooks, those for which the contracts with the publishers have expired, shall be returned, if new, to the Central Textbook Depository promptly after the expiration of the contract, along with any newly rebound books they do not plan to use. Schools may continue to use a title on which the contract has expired as long as the title is available from stock owned by the state. Such books should be used until all newly adopted texts have been carefully evaluated and the best titles are selected. Schools may continue to use the old title for some grade sections and new titles for other grade sections if they wish. Schools which change to new

titles will be requested to return a portion of the titles that are being discontinued. The remaining copies may be used or disposed of by the school. Maximum use should be made of these books such as additional text material. Out-of-adoption books will be removed from the inventory of books charged to the school before the second year after the expiration of the contract with the publisher. If the school is unable to dispose of the books locally, they may be returned to the Central Textbook Depository.

2. Audiovisual Education

Statutes

§59-1-360

The State Department of Education may lend film, recordings or other audiovisual material to nonpublic institutions of higher learning and to other charitable schools and educational institutions.

§59-7-10 --59-7-60

APPOINTMENT

The South Carolina Educational Television Commission shall be composed of seven members appointed by the governor. Four designated members of the state legislature and the state superintendent shall be ex officio members. The commission shall make a complete study of "the use of educational television and its adaptation for instructional purposes . . ." and shall make a report with recommendations to the governor. The commission may purchase or lease facilities required "to develop, promote and extend educational programs to meet the needs of the state." Textbooks and curricula used in educational television shall be in conformity with the general policies of the state department of education. An advisory committee of technical experts shall be appointed by the commission and assist it in its duties.

Regulations

§43-25

By joint agreement between the State Board of Education and the South Carolina Educational Television Commission, the State Department of Education shall be responsible for the development, acquisition, scheduling and utilization of instructional television and radio resources to be used in the public schools by students, teachers and adults. The South Carolina Educational Television Commission provides professional telecommunication support to achieve the approved program objectives of the Department including the production of television and

radio programs, transmission of such programs, expansion of the ETV Network, printing, public information and publications, field technical services and other services relating to the public school program in South Carolina. The Department is charged with the curriculum development, scheduling and utilization activities related to all Department television and radio resources produced through the South Carolina ETV Network facilities as well as the acquisition of resources for transmission to the public schools with advice from the State ITV and Radio Advisory Committee.

The Board shall review and approve annually the Department's recommendation for television and radio resources to be made available to the public schools via the ETV and Radio Network.

§43-400

The State Department of Education is authorized to provide audiovisual equipment for use in the public schools.

CROSS REFERENCE

I.State Board of Education; Statute §59-5-80

3. School Libraries

Regulations

§43-253

An elementary school with less than 375 pupils shall provide at least half-time services of a librarian and one with more than 375 pupils shall provide a full-time librarian. The library shall be open at least seven hours per day and provide a collection of at least 10 library volumes per pupil.

A middle school with less than 400 pupils shall provide a librarian for at least 3 hours daily and a school with more than 400 pupils shall provide a full time librarian. The library shall contain a collection of at least eight library volumes per pupil.

A high school library shall provide a collection of at least eight library volumes per student in Grades 7-8 and at least six volumes per student in Grades 9-12.

Schools with an enrollment of more than 400 pupils shall employ a certified librarian devoting full time to library services.

CROSS REFERENCE

II.B.1.c; Regulation §43-72

4. Supplies and Equipment

Regulations

§43-250

Each elementary and middle school shall budget at least $7 per pupil for instructional supplies and materials. Each high school shall receive an appropriation of at least $5 per student in Grades 7-8, and $3 per student in Grades 9-12.

CROSS REFERENCE

IV.G; Statute §59-17-90

B. Educational Materials

1. Textbooks

A. Selection and Purchase

CROSS REFERENCE

I.Local School Board; Statute §13-8-39

B. Content Standards

STATUTES

§13-34-11

The state board of education has authority to "review any books or other instructional material" used in the public schools. The board may order the withdrawal of any materials it finds to be "undesirable in nature."

C. Issuance

STATUTES

§13-34-16.2

In order to promote "an educated and enlightened citizenry," the state of South Dakota declares its policy to loan textbooks without charge to all public school students ages five through nineteen.

§13-34-16.3

Each public school board shall loan textbooks without charge to students enrolled in a public school, in an accredited nonpublic school, or who are pursuing a course of study in the school district. The textbooks shall be approved by the school board.

2. Audiovisual Education

Statutes

§13-1-22.1

The state board of education shall establish standards for equipment used in radio receiving and transmitting systems by school districts.

§13-47-1 - 13-47-1.1

A "state board of directors for educational television" is created, consisting of the "commissioner of higher education," the state superintendent of schools and four Governor-appointed members. The board functions under the "division of cultural affairs" of the department of education.

APPOINTMENT

§13-47-2; 13-47-7; 13-47-15 - 13-47-17

The "state board of directors for educational television" shall "establish policy for and exercise control over the state educational television network." The board has the power to "promote and sponsor a non-commercial educational television network." The board has the power to "establish general policies relating to the nature and character of educational television broadcasts." The provisions "relating to educational television shall also apply to educational radio broadcasting." The board has the power to "make certain that facilities authorized by this chapter are not used for any purpose which is contrary to the Constitution of the United States or the state of South Dakota, or for broadcasting propaganda, or attempting to influence legislation."

§13-47-19

The state board for educational television may arrange with the state board of education for "telecasting instructional television programs" for school use.

§13-47-21

"The executive committee of the South Dakota Instructional Television Council shall act as an advisory board to the state board of education" and assist the board in "reviewing . . . and recommending" school programs. It is representative of schools using these programs and it advises the board in order that the programs "meet the needs of the local school systems."

REGULATIONS

§24:03:07:01

"All instructional materials shall be readily available to both teachers and students. Instructional materials shall be in keeping with study guides approved by the state board."

AUTHORITY: SDCL 13-1-12; 13-3-47

§24:03:07:02

"When a school system employs seven to seventeen teachers on a full time basis in grades kindergarten through twelve, the educational media specialist shall devote at least one-half of his time serving as a media specialist. When a school system employs eighteen or more teachers on a full time basis in grades kindergarten through twelve, the educational media specialist shall devote full time to this assignment."

AUTHORITY. SDCL 13-1-12; 13-3-47

§24:03:07:03

"Instructional media collections shall include up to date materials, both book and non-book, which meet the need of the individual learner. This material shall be centrally organized, properly maintained, readily available, and easily accessible to students and staff. The meeting of the basic quantitative

standards alone is no assurance of an adequate materials collection."

AUTHORITY: SDCL 13-1-12; 13-3-47

CROSS REFERENCES

III.E.School Personnel; Statute §13-47-20

3. School Libraries

Statutes

§13-1-31

"The state board of education shall have supervision over school libraries" and adopt necessary rules to govern them.

4. Supplies and Equipment

Statutes

§13-24-18

Every school board shall provide "equipment, reference books, and other facilities . . . recommended by the state board of education.

CROSS REFERENCE

I.Local School Board: Statute 613-8-30

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§2001 — 2007

APPOINTMENT

The state textbook commission is composed of seven members, six of which are chosen by the governor. Members shall be highly qualified educators with no less than four years of college with a bachelor's degree and "at least five years of teaching, supervisory, or administrative experience."

The terms of the commission's members shall be three years.

"The state commissioner of education shall be ex officio secretary of the commission, with the right to vote . . ." The chairman of the commission shall be elected each year.

Each member shall take an oath before entering office. No member of the commission shall receive gifts, awards or rewards from a publisher; nor shall such member accept employment as a lawyer, agent, employee or representative of any publisher or distributor during his or her term of office.

CONFLICT OF INTEREST

Members shall be compensated for each daily attendance at meetings and shall receive reimbursements for all travel expenses.

§2008; 2009

The state textbook commission has the duty to prepare a list of approved textbooks. "A list of at least four books in each subject and grade shall be listed...."

The commission shall have the authority to determine the policies and conditions for removing textbooks from and adding textbooks to the list.

§2010

"The state textbook commission shall have authority to adopt minimum manufacturing standards and specifications for textbooks, and to make contracts with publishers" for a period of between three and five years.

§2021

Local boards of education are required to adopt textbooks to be used in the public schools from the list of textbooks adopted by the state textbook commission.

C. ISSUANCE

STATUTES

§1719

If a child cannot attend school because he/she cannot obtain books, the local board of education shall procure the books out of school funds and lend them to the student.

§2014

"The state textbook commission shall establish the retail price at which adopted books shall be [retailed]. . . ." Any retailer receiving more than the designated retail price shall be guilty of a misdemeanor.

§2020

No teacher or principal shall use textbooks not found on the approved list. This does not apply to textbooks that were previously listed and purchased.

STATUTES

§3801; 3802

An educational TV and radio network is to be established "to meet more adequately the educational needs of the pupils . . . and to meet the educational needs of out-of-school adults."

The state board of education is authorized to do whatever necessary to carry out the intent of the statutes concerning television and radio.

Each public school must be "within television and radio receiving distance of one or more educational television and radio stations . . . ."

§3803

The state board of education can appoint an advisory committee(s) to advise the board concerning the "location, establishment, construction, and operation of said state educational television and radio network" and any other necessary matters.

§3804

The state board of education is authorized to contract with public or private television and radio stations and any other body or agency "in order to carry out the provisions and purposes of this chapter."

§3805

The state board of education is authorized to have research done in the field of educational television and radio as it sees necessary "in order to carry out the provisions . . . of this chapter."

§3806

The state board is authorized"(1) to accept grants of funds from . . . any public or private body to be used for the purposes of this chapter, and (2) to accept, purchase, or lease . . . any educational television and radio facilities or other property. . . ."

A city, county or special school district can donate, sell or lease land, facilities and other property to the board "to be used for an educational television and radio network . . . ."

§3807

The state board of education is "authorized to expend and/or obligate . . . funds . . . which may be made available for the purposes of this chapter, to the end that a unified state educational television network may be located, established, constructed, and operated in the state . . . for the benefit of the pupils in the public schools . . . and for the benefit of out-of-state adults."

As concerns radio, the board may obligate or expend the funds.

REGULATIONS

pp.92 — 94

The primary functions of a school's library/media center "are to assist in the identification, evaluation, acquisition, production, organization, and coordination of the school's resources and to motivate, instruct, and assist students and teachers in their effective use."

There shall be a library/media specialist "with certificate endorsement as librarian" in every school whose functions shall vary according to the number of teachers in the school. When there are 15 teachers or less in a school, the principal or a designated faculty member shall serve as library/media coordinator.

"Schools with 54 or more full time teaching positions, excluding special education positions, shall have two full-time library/media specialists" with certificate endorsements as librarians.

There is a materials collection consisting of "items selected to meet instructional and developmental needs of students" and adapted to their needs and abilities. "Pamphlets, textbooks, unbound periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection."

"All schools shall follow a system-wide procedure for selection and acquisition . . .[and] develop a school library/media inventory system for all items and equipment" to be classified, shelved, and circulated through an adequate system.

CROSS REFERENCES

I.Department of Education: Statute 5111

4. Supplies and Equipment

CROSS REFERENCES

II.A.2.; Statute §2942; 2943

II.A.2.; Statute §2944

II.A.2.; Statute §2945

II.A.2.; Statute §2946

II.C.2.; Statute §813

B. EDUCATIONAL MATERIALS

I. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§ 2.08

If a trustee or teacher in any public school, or county or city superintendent shall act as agent or attorney for any textbook publishing company selling textbooks in Texas, such person shall forfeit his position with the public schools.

CONFLICT OF INTEREST

§ 4.13 to 4.14

Any school trustee or teacher who shall prevent or wilfully fail to use any textbook adopted for use in the schools or receive any commission or rebate on any such book shall be guilty of a misdemeanor.

§ 4.24

Any person convicted of wilfully violating any law providing for the purchase and distribution of free textbooks shall be fined.

§ 4.27

It shall be unlawful for any person, organization or corporation, either connected with the textbook business or interested in selling bonds, to make a financial contribution to or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education.

CONFLICT OF INTEREST

§12.04

"a) The State Board . . . may acquire . . . with or without bids . . . free textbooks recommended as suitable by the State Textbook Committee in accordance with guidelines established by the Central Education Agency for the education of children enrolled in [public school] kindergarten classes . . . .

b). . .[T]extbooks means books and any apparatus . . . which convey information to the . . .[student]. . .

or otherwise contribute to the learning process. The . . . Agency shall establish guidelines clearly delimiting the types of materials most effectively used in helping kindergarten children learn . . . .

e) Textbooks . . . may be obtained and distributed by the . . . Agency pursuant to rules and regulations adopted by the . . . Board . . . as it may act on recommendations of the . . . Committee and the Commissioner. . . .

g) Each school district may elect to receive an allotment of $400 at the time each new kindergarten classroom is established by the district in lieu of textbooks procured under the provision of this section." Such funds shall be used "only for the purpose of purchasing teaching materials for the kindergarten class which meet the [established] standards and guidelines. . . ."

§12.11

a) Annually, the Commissioner shall recommend to the State Board "the names of 15 persons no two of whom shall live in the same Congressional district, for appointment to the textbook committee for a one-year term. . . .

APPOINTMENT

b) Each of the persons so named shall be an experienced and active educator engaged in teaching in the public schools of Texas. At least a majority of the members . . . shall be classroom teachers, and all members shall be appointed because of unusual backgrounds of training and recognized ability as teachers in the subject fields for which adoptions are to be made during the year of appointment."

CONFLICT OF INTEREST

c) No person with any interest whatsoever in a textbook publishing house shall be eligible for appointment to the Committee.

"d) The State Board . . . shall approve or reject the nominations . . . .

e) It shall be the duty of the . . . committee to recommend to the commissioner . . . a complete list of textbooks which it approves for adoption at the various grade levels and in the various school subjects.

The committee shall examine carefully all books submitted for adoption and shall prepare and publish . . . a list of its recommendations to the state commissioner.

f) The . . . committee shall hold its meetings where and when the . . . Board . . . shall determine, its members shall receive no salary but shall be reimbursed for expenses . . . ."

§12.12

"a) The commissioner . . . may remove books from the list recommended by the . . . Textbook Committee, but he[she] shall not place on the list any book not recommended by the committee, nor . . . reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the committee.

b) The commissioner . . . shall [thereafter] submit to the State Board . . . the list recommended by the . . . Committee."

§12.15

"The State Board . . . shall adopt a multiple list of books for use in the high schools . . .[which]. . . shall include not fewer than three nor more than five textbooks on the following subjects: algebra, plane geometry, solid geometry, general science, biology, physics, chemistry, and one-year world history, American history, homemaking, physical geography, driver education and safety, vocal music, English composition, literature (. . . American. . . and English), shop courses, physiology, agriculture, civil government, commercial arithmetic, bookkeeping, typewriting, shorthand, journalism, and the Latin, Spanish, German, Czech, and French languages."

"Free textbooks may also be adopted and provided for any additional courses or subjects approved by the Central Education Agency and accredited by the state accrediting committee."

§12.17

"a) When textbooks are to be selected and adopted . . . or where a contract for a textbook then in use is

about to expire . . . the chairman of the State Board shall give "at least two months public notice --

1) in the public press . . .;and"

2) in writing "to all persons, firms or corporations in whose behalf the notices shall have been requested.

b) The notices . . . shall contain:

1) time and place of the meeting . . . at which the adoptions may be made;

2) the subject on which textbooks may be adopted;

3) the last date on which sample copies of books offered for textbook adoption may be submitted;

4) the amount of cash deposit required;

5) the time to be allowed for signing contract and filing bond after the award is made; and

6) a statement that formal proposals will be received on the date of the meeting."

§12.18

"Every person, firm, or corporation desiring to submit a bid on a book for adoption shall," at least thirty days prior to the Board's adoption meeting, file with the commisisoner "five copies of each book offered for consideration . . . . Publisher's price information . . . shall be printed, stamped, or pasted in each . . . book filed . . . .

The bid shall state the prices . . . and the terms and conditions upon which the book will be furnished."

The bids shall quote two prices; one with a trade-in allowance for used textbooks, and one without such allowance.

"Information which shall also be printed, stamped, or pasted in each . . . book . . . shall be:

1) a statement of the price at which the book . . .[is]. . . sold in other places . . . and the minimum quantities in which it will be sold at such prices;

2) a statement of the publisher's catalogue price of the book . . . together with trade discounts and the conditions under which . . . such discounts are allowed. . . .;

3) a statement of the minimum wholesale price at which the book . . .[is]. . . sold f.o.b. the shipping point of the publisher . . . ."

§12.20;21

"Each person, firm, or corporation submitting a bid on any book[s]. . . for adoption shall file with the commissioner . . . on the day that the . . . Board. . . meets . . . an affidavit . . . setting forth all of the facts with reference to the eligibility of the bidder to make a proposal.

Each affidavit filed must contain the following:

1) the names of all persons employed to act for the bidder . . . in any way whatsoever in securing the contract . . . together with the[ir] addresses. . . and the capacity in which each served;

2) the names of any persons who may have at any time during the preceding year received. . . any. . . thing of value from the bidder. . . for services rendered in this state. . . in securing or attempting to secure contracts for the sale of books of the publisher. . . .

3) a statement that no member of the State Board . . . or of the . . . Textbook Committee is in any way interested. . . in the individual, firm, or corporation bidding[.]"

If, after filing the affidavit, the publisher shall employ "an attorney or other representative to assist in securing the award of a contract . . . he[she] shall disclose such employment. . . by filing a supplementary affidavit before any contract in which he[she] is interested shall be awarded.

A publisher who . . . does not comply with the provisions of this section shall not be eligible to bid."

Any statements in the affidavit, subsequently found to be untrue, shall subject any contract awarded to forfeiture, "unless it is shown that such misstatement or non-disclosure of fact was unintentional. . . ."

§12.22

"No book[s]. . . shall be purchased from any person, firm, or corporation who is . . . connected with any trust," and an affidavit to that effect shall be required.

§12.23

At the meeting of the state board at which the bids are received "no person. . . shall appear. . . in behalf of any book submitted to the board for adoption or seek to influence the member thereof."

§12.25

"The maximum price which the State Board . . . shall contract to pay . . . shall not exceed the minimum price at which the publisher sells the book in wholesale quantities" and any contract made at a higher price shall be void.

§12.28

Any contract awarded shall provide that the State Board, may, during the life of the contract "order the changes, amendments and additions to the book" in order to "keep them up-to-date and abreast of the times."

However, if the "changes or revisions make it impractical for the revised books to be used in the same class with the old books, the publishers shall be required to give the same exchange terms as were given when the books were first adopted. . ."

§12.29

No contract for the purchase of textbooks shall exceed six years in length. Nor shall any contract provide that a certain book shall be used to the exclusion of all others.

All contracts shall be only for "such books as the state may need"; not for a fixed number or quantity of books.

Any books purchased by the state may be re-sold "to any person, or to private and/or parochial schools, or state institutions . . . at the same rate and discount as those granted to the state. . ."

Cancellation of the contract by reason of fraud, collusion, or material breach shall cause a forfeiture of the publisher's bond.

§12.30

Upon entering a contract for the furnishing of textbooks, the state board shall publicize such fact, and the state superintendent shall mail a circular to all county superintendents and school board presidents, "which shall contain a list of all the books" adopted.

§12.31

A publisher awarded a contract shall be required to keep at a designated central depository in the state a sufficient number of books to meet the state's immediate demands.

§12.32

All books furnished under an adoption contract shall be of the same "standard of quality and mechanical excellence" as the samples furnished by the publisher during the bidding.

"Complaints regarding textbook service or quality shall be made . . . to . . . the commissioner. . . ." If the complaint does not receive "prompt attention," it "shall be taken to the county judge, who shall report the fact to the attorney general." The attorney general shall have the authority to sue the publisher to enforce the terms of the contract.

§12.33

Any adoption contract "may be cancelled by the state. . . for fraud, or collusion, or material breach. . . in the part of either party to the contract or any member of the State Board . . . or any person, firm, or corporation, or their agents . . . ."

§12.34

At least once a year the State Board shall meet to consider "the advisability of continuing or discontinuing . . . any or all of the state-adopted textbooks . . . ."

Contractual adoptions and/or expiration shall be arranged so that no more than one-sixth of the total number of adoption contracts shall expire in any given year.

Changes in the adopted series shall be made only when the Board satisfies itself that "a change is necessary for the best interest of the school children and . . . is consistent with financial economy."

In arriving at such a determination the commissioner of education acting for the Board shall canvas local superintendents "as to whether or not they believe the existing text should be readopted . . . ."

§12.61

Each spring, teachers, principals and local superintendents shall compile a report containing the maximum attendance, for each of the grade levels in the district. Such compilations, where reported to the Commissioner of Education, shall be used to determine the number of books needed for the following year. An additional ten percent shall be added to this figure to take into account error, population shifts, etc.

The county superintendent, subject to the approval of the county board of education and the Commissioner shall have the duty to requisition and distribute textbooks.

All requisitions for supplementary textbooks may be made wherever convenient, provided, however, that they should be made at least "one month in advance of the time the books will be needed."

§13.13

"The State Board . . . may remove books from the list submitted by the commissioner . . . but . . . shall not place on the list any book not recommended by the commissioner . . . nor . . . reduce to a single adoption any list for a specific grade or subject . . . in which multiple adoption is recommended. . . ."

§2102.4.6;2102.5-.7

"Each education service center shall maintain a continuing inventory of all property. The inventory shall be available for review at all times by member schools or the Texas Education Agency." All services of the center "shall be evaluated in accordance with procedures specified by the Commissioner . . ., the approved state plan, and as required by law."

The regional board of directors of the centers "shall adopt and revise policies for the administration and operation of its center" to be filed with the agency. Each center shall also establish policy and procedures to meet its responsibility in the state textbook adoption process.

§3311.1

"Instructional resources shall be provided as a part of the public education program of Texas. Every pupil shall have available to him[her] through local and state sources a broad range of printed and non-printed instructional resources consistent with his[her] learning style and his[her] capacity to learn."

"Statewide instructional resource programs . . . shall provide leadership and guidance . . . in the establishment, operation, and development of comprehensive programs of printed and non-printed instructional resources and services."

"The Commissioner of Education shall establish procedures and formulas for the implementation of statewide instructional resource programs. The operational guidelines shall be made available to the public schools of Texas."

§3331

This series (3331) concerns the state textbook program in general, with specifics concerning manufacturing standards and specifications of textbooks in which the Commissioner of Education "refers manufacturing standards and specification changes to the State Board of Education for approval."

§3334

"In January of every year the Commissioner of Education undertakes to secure a statement from school district officials of the number of usable books on hand in subjects wherein contracts will expire on August 31 of the year follwoing the then current year. He[she] also seeks the opinion of school district officials as to whether the contracts for books in these subjects should be renewed or new books adopted. He[she] considers this information, the recommendations of the State Textbook Committee, the recommendations of the Texas Education Agency Instructional Division staff, the fiscal aspects, gradual introduction plans, the availability of books offered for re-adoption and the new books available as well as any other information available to him[her]. After considering these factors the Commissioner of Education recommends to the State Board of Education those contracts which he[she] feels should be renewed." . . . .

"The Commissioner of Education prepares and submits to the State Board of Education a proclamation. Accompanying and considered a part of the proclamation are special provisions and description of content of textbooks applicable to the new books to be considered for adoption. . . .

The Schedule of State Textbook Adoption Procedures is printed in the official agenda of each May meeting of the State Board of Education.

"The procedures whereby citizens may protest books offered for adoption includes the following:

(1) Any citizen, referred to herein as "petitioner", desiring to enter a protest (bill of particulars) against books which are offered for use in Texas public schools declares by the specified date, in writing, his intentions to do so to the Commissioner of Education.

(2) Upon receipt of a protest (bill of particulars), the Commissioner of Education notifies the State Textbook Committee and the publisher(s) involved.

(3) On or before the specified date, the petitioner files three typewritten and signed copies, on one side of 8 1/2 x 11 inch white paper with margins at least two inches on the left and one inch on the right, top, and bottom of each page, of his[her] protest with the Commissioner. This bill of particulars sets forth clearly and specifically by direct references to page and paragraph designations the books, chapters, statements, illustrations, or selections which he[she] is protesting, together with a concise statement as to his[her] reasons for so protesting. The bills of particulars must not compare, rate, or endorse textbooks. If a hearing before the Commissioner of Education and the State Textbook Committee is desired, a request for such a hearing should be included. Upon receipt of the above copies of the protest, the Commissioner of Education causes the protest to be reproduced and sends copies to each member of the State Textbook Committee and to the publisher(s) involved.

(4) All information furnished in support of his protests by a petitioner shall be included in the bill of particulars.

(5) A separate bill of particulars shall be filed for each publisher and all protested books of that publisher shall be covered therein.

(6) The publisher(s) may answer the protests by filing three typewritten signed copies, on one side of 8 1/2 x 11 inch white paper with margins at least two

inches on the left and one inch on the right, top, and bottom of each page, of his[her] statement with the Commissioner of Education on or before the specified date. The publishers' answers must be addressed to specific charges of the petitioner. If a hearing before the Commissioner of Education and State Textbook Committee is desired, a request for such a hearing should be included.

(7) All information furnished by the publisher in response to protests shall be included in his[her] answer to the petitioner's bill of particulars.

(8) Hearings on textbook protest are held in accordance with the provisions of:

(1) Policy 3334.6.3, Hearings by the Commissioner of Education and the State Textbook Committee on Textbook Protest; and

(2) Policy 3334.6.5, Hearings by the State Board of Education on Textbook Protests and Complaints.

The procedures governing hearings and appeals on textbook protests and complaints are included in the official agenda of each May meeting of the State Board of Education."

§3334.7

"The Commissioner of Education, upon finding a book subject to removal from the committee's recommended list, confers with the publisher to determine if adjustment or changes can be made to avoid its removal.

In the event that a book from the list of five books in each adoption category recommended by the committee is removed by action of the Commissioner or the State Board of Education, the book ranked next in order of preference by the committee on the alternate list shall be placed on the recommended list of five books in that adoption category.

The Commissioner prepares a list of changes which the publisher is asked to make in a book. This list is transmitted to the State Board of Education, the publisher

making the changes, the regional education service centers, and other persons, such as Braillists, needing immediate access to such information."

§3335

"The Commissioner of Education . . . recommends 15 people for appointment to the (State Textbook Committee) . . . . Should the State Board of Education refuse to appoint any of them, the Commissioner . . . recommends eligible alternates."

APPOINTMENT

"The Commissioner . . . determines that each proposed committee member meets the qualifications as required by statute."

§3335.4-3336.2

"The duties of the [textbook] committee shall be to:

1) examine carefully all books submitted for adoption, using advisors in each subject field called for in the adoption;

2) select and certify advisors who meet qualifications;

3) comply fully with the procedures governing appeals . . .;

4) prepare and publish a list of textbooks recommended . . . for adoption . . .;

5) advise the Commissioner . . . of any alternate books and any changes . . . which they recommend be made. . . .;

6) consider the subjects in which contracts will expire August 31 of the second year following the then current year and transmit among its recommendations . . . those subjects in which new books should be provided; and

7) determine and report to the Commissioner . . . the suitability and usability of the Braille and Large Type versions of all recommended textbooks."

"At each November meeting, the State Board of Education shall

1) authorize the purchase of sample textbooks for use by local textbook committees; and

2) approve the rules governing the selection

and use of the newly adopted textbooks by a school district."

§3336

"The Commissioner of Education proposes the following rules as to the manner of selecting textbooks from the multiple lists by local school officials.

(1) For purposes of multiple list selections, the county board of school trustees and the county superintendent have jurisdiction in each system of county schools or other schools subject to supervision by county boards of school trustees. The jurisdiction for each independent school district rests with the board of trustees and the superintendent of schools of that district.

(2) On or before December 15 of each year, each board of trustees and each county board appoints a local textbook committee composed of not fewer than five and not more than 15 members. The official minutes of each board at which the appointment of a textbook committee is made must include a record of the names of persons appointed to serve on the textbook committee.

(3) Appointments to the textbook committee are made by the board of trustees upon the recommendation of the superintendent of schools and by the county board upon the recommendation of the county superintendent. Should any board reject any recommendation, the superintendent is requested to present to the board another recommendation in lieu of the one rejected. APPOINTMENT

(4) The entire personnel of each textbook committee must be professional employees of the independent school district or of the county system of school districts. The majority of each committee must be classroom teachers. The superintendent or county superintendent is a member and serves as chairman of the committee.

(5) It is the duty of the local textbook committee to examine all books on the multiple lists adopted by the

State Board of Education, to select the textbooks from these lists for use in its school system, and to recommend its selections to the board of trustees or county board for ratification.

(6) Each local textbook committee makes its selections at a meeting of the committee held not later than March 1. In the event selections recommended by the committee are not ratified by the local board, the committee makes other selections at a meeting held as soon as possible following the meeting of the board at which time any of the previous selections were not ratified. The quorum of the committee for any meeting at which selections are made must consist of at least a majority of the members of the committee.

(7) If the board of trustees or the county board, by majority vote, fails to ratify any of the selections made by its textbook committee, the reasons therefor must be placed in its official minutes, and the board then directs the textbook committee to recommend other selection or selections from the multiple lists and to report its selection to the board for ratification. This procedure continues until the board ratifies all selections of the local textbook committee. Final selection must be recorded in the minutes of the board.

(8) After ratification by the board of trustees or county board, two copies of the textbook committee's report carrying the signatures of members of the committee who participated in the selection, the board president, and the board secretary, are sent by the superintendent or the county superintendent to the Textbook Division not later than March 31. Forms on which such reports are to be made are provided by the Textbook Division. Only those books recommended by the textbook committee and ratified by the board of trustees or the county board are furnished by the state for use in any school.

(9) The period between December 1 and March 1 is the only period for visitation of publishers' representatives

(including executives, sales representatives, and educational consultants) with textbook committee members or other school district personnel on multiple list selections. The full cooperation of publishers' representatives and local school officials is requested so that an orderly procedure may prevail in multiple list selections.

(10) The selections as certified to the Textbook Division are final and, therefore, are not subject to reconsideration during the contract period or periods covering the books selected.

(11) Where two or more titles are selected from a multiple list, requisitions may be made for a combined total of the selected titles not to exceed the quota applicable to a single title. After books which have been duly selected have been requisitioned and delivered to the school district, these books shall be continued in use during the contract period or periods. It is not permissible to return copies of one title in order to secure copies of another title on the same multiple list.

(12) High school textbooks may be distributed to eighth grade pupils enrolled in accelerated classes. The distribution of high school textbooks to eighth-grade and high school students shall be based on subject enrollment, subject to statutory quotas.

(13) Where selections have not been made from the multiple lists of prior adoptions, the current local textbook committees may select such texts if the subjects are to be taught in their systems during the ensuing school term. Such selections are to be reported with other multiple list selections on the regular form where spaces are provided for indicating them. New selections are not permitted from multiple lists of texts which are readopted. School district officials must continue to use the texts previously selected.

(14) The procedures by which out-of-adoption textbooks are provided to city and county jails, institutions within the Department of Corrections, and other state agency institutions are as follows:

(14-1) The Textbook Division will obtain written permission from the publishers involved in diverting books which have previously been returned to them to libraries maintained by city and county jails, institutions within the Department of Corrections, and other state agency institutions.

(14-2) Jail and institution officials will be notified that:

(1) books in certain subjects are available to them upon request; and

(2) they must pick up the books in their containers; and

(3) they must give the school a receipt in duplicate. (One copy of the receipt will be retained by the school; the other sent to the Textbook Division.)

(14-3) School officials will be notifed to release expiring adoption textbooks that jails and other institutions in their community might request.

(14-4) The receipts signed by institution officials and sent to the Textbook Division by school officials will be tabulated and the quantity of books will be removed from publishers' exchange billings."

§3337.1--3339.5

"Bids must be submitted to the State Board of Education at prices with an allowance for exchange of books presently in use and prices without an allowance for exchange.

One official sample copy and five additional copies of each textbook offered for adoption must be filed . . . . All samples must have price information . . . inside the front cover.

A publisher submitting a bid . . . on a book . . . must deposit $2,500 . . . with the State Treasurer as earnest money to produce a valid contract provided his/her book . . . (is) adopted.

A determination of the suitability and usability of the Braille and large type versions of all textbooks

recommended . . . shall be considered as part of the committee's recommendations.

Textbooks recommended as suitable and usable for the education of blind and visually handicapped pupils may be acquired . . . without cost to eligible pupils enrolled in grades one through 12 of the public schools.

Agreements may be entered into which provide for . . . books and instructional aids for legally blind pupils . . . ."

Money for the purchase of Braille and large type textbooks must be used only for textbooks found in the General Catalogue of Braille and Large Type Publications or published by the Instructional Materials Reference Center, or supplements thereof.

"Gifts of textbooks and instructional materials for the education of the blind . . . may be accepted by the State Board of Education and shall become state property . . . .

All laws . . . which apply to textbooks provided to sighted pupils . . . shall apply to the distribution and control of Braille and large type textbooks and other instructional materials.

Kindergarten textbooks for the regular state textbook program may be acquired . . . with or without bids, subject to a special proclamation issued by the State Board of Education . . . .

Textbooks of the regular state textbook program for kindergarten children . . . shall be paid out of the State Textbook Fund.

All requirements governing the distribution and control of regular textbooks . . . shall apply to the distribution and control of kindergarten textbooks."

Included in this policy is the fund allotment in lieu of textbooks for new classroom units.

§3340.2

"Textbooks recommended as suitable for use in bilingual education programs shall be adopted in accordance with regular textbook adoption policies and administrative procedures . . . ."

CROSS REFERENCES

I.District Board of Trustees; Statute §2305.5--2305.6; 2306.1--2306.5; 2306.11

I.Commissioner of Education; Regulation §3335.4

I.State Textbook Committee; Regulation §3335.1--3335.3

II.A.4.; Regulation §3339

II.A.5.; Regulation §3340

II.A.5.; Statute §12.04

B. CONTENT STANDARDS

STATUTES

§12.14

"a) The State Board . . . shall select and adopt a multiple list of textbooks for use in the elementary grades . . .

b) The . . . list shall consist of not less than three nor more than five textbooks in the following subjects: spelling, reading (basal and supolementary), English language and grammar, geography, arithmetic, physiology-hygiene, civil government, driver education and safety, vocal music, elementary science, history of the United States (in which the Confederacy shall be fairly represented), history of Texas, agriculture, a system of writing books, and a system of drawing books.

c) The board may also select and adopt textbooks for any additional subjects approved by the . . . Department of Education . . . including but not limited to . . . foreign languages . . . .

d) The board may . . . adotp as textbooks a geography of Texas and a civil government of Texas.

e) No book adopted shall contain anything of a partisan or sectarian character."

§12.16

a) If "three suitable textbooks are not offered for adoption on any one subject, the board may select fewer than three textbooks.

b) Specific rules as to the manner of selection for all books in the multiple lists . . . shall be made

by the State Board . . .

c) . . . [N]o public school in the state shall use any textbook unless it has previously been approved and adopted by the State Board. The board shall prescribe unless under which such textbooks adopted and approved shall be introduced or used by or in the public schools . . . .

d) Textbooks on physiology and hygiene shall contain at least one chapter on the effect of alcohol and narcotics."

§12.24

After careful examination of the textbooks submitted the state board shall select and adopt those books which in their opinion "are most acceptable for use in the schools . . . .

No textbook shall be adopted until it has been read carefully and examined by . . . the State Textbook Committee."

If the board finds the bids submitted to be unsatisfactory, they "may postpone the selection" and re-advertise for new bids.

If no texts are submitted that meet the requirements of the schools, the superintendent shall "investigate the book market for the purpose of securing bids. . . ."

REGULATIONS

§3331; 3332; 3333; 3334

"Textbooks adopted by the State Board of Education for use in the public schools fo Texas shall be furnished without cost to the pupils.

All adopted textbooks must meet the following content requirements and limitations:

1) Textbooks shall contain no material of a partisan or sectarian character.

2) Textbooks in physiology and hygiene must contain at least one chapter on the effects of alcohol and narcotics."

3) Textbook content shall:

a) promote the school's legal responsibility to teach citizenship and understanding of the free enterprise system;

b) emphasize patriotism and respect for recognized authority;

c) promote respect for human rights;

d) be objective in content;

e) impartial in interpretations;

f) not include selections of works which contribute to civil disorder, social strife, or disregard of the law;

g) treat violence in the context of cause and consequence;

h) not include blatantly offensive language or illustrations nor present material which would cause embarrassing situations or interference in the learning atmosphere of the classroom;

i) identify evolution as only one of several explanations of the origin of humankind;

j) present varying life styles, treat divergent groups fairly and reflect the positive contribution of all individuals and groups to the American way of life, with an avoidance of bias.

"The public schools of Texas must either furnish free textbooks adopted by the State Board of Education . . . (but) may procure and use unadopted books and other materials when

1) there is no adopted textbook on a subject;

2) field testing on a classroom basis is being conducted by the district in cooperationwith a publisher or an educational institution or assiciation;

3) the adopted textbooks are not appropriate to be used by pupils with special needs; or

4) the method of instruction requires additional materials supplementary to the adopted textbook or does not involve the use of a textbook.

"Textbook contracts shall be arranged so that not

more than one-sixty of the total number of different basal subject contracts expire in any one year.

All textbooks purchased under contracts with the state of Texas shall be required to be manufactured at least equal to the Manufacturing Standards and Specifications for Textbooks as approved by the State Board of Education.

The Commissioner of Education shall determine which textbooks are to be rebound.

School districts may be permitted to retain out-of-adoption textbooks in amounts of at least 25 percent or as may justifiably be needed so long as they are used by the school for reference, teaching aids, or library use.

Consumable textbooks may be considered for adoption only in those subjects taught in the first and second grades.

In December of each year, the Commissioner . . . shall bill the textbook publishers for exchange allowances and other charges properly allocable to the publishers.

Textbooks shall be supplied to pupils in special education classes with regard to level of the pupil's ability . . . .

School districts shall not be reimbursed from state funds for expenses incurred in local handling of textbooks.

Those worn textbooks on the current adoption lists no longer in useable condition for instructional purposes remain the property of the state. They shall be destroyed . . ." with resultant material being sold to the highest bidder.

"In July of each year the Textbook Fund shall be set aside from the available School Fund and approved, in an amount needed for the purchase and distribution of textbooks and for other necessary expenses. An additional amount not in excess of 25 percent of the amount arrived at above also shall be set aside to meet emergencies or unusual and unforseen expenses and school

conditions.

Multiple lists consisting of not less than five textbooks in a subject shall be adopted by the state board of education. Fewer than three textbooks may be adopted where fewer suitable books are offered for adoption. The subject in which textbooks shall be provided . . ." include spelling, arithmetic, civil government, etc., elementary schools, and algebra, calculus, shorthand, etc. in high school. All in all a total of 24 subjects at the elementary level, 49 at the high school level.

"The State Board of Education shall review the textbook contracts which (are to) expire . . . and determine which contracts are to be renewed for terms not to exceed six years and which contracts are not to be renewed.

The determination to renew contracts shall be made after the State Board of Education has satisfied itself that renewal would be to the best interest of the State . . ." as well as after considering such factors as budgetary control, gradual introduction plans and other factors.

"The fact that a publisher . . . refuses to rebid his/her textbooks as is provided in policies . . . shall be just cause to refuse to award future contracts to that publisher.

At a meeting specified by the State Board of Education the Board shall issue a proclamation for new textbooks in those subjects in which contracts are not renewed . . .(it) shall serve as public notice to all textbook publishers and to the public that bids to furnish textbooks to the state are being invited. The proclamation shall contain "such things as times and places for adoptions, subjects concerned and amounts of deposit.

The responsibilities of the state Textbook Committee shall be in accordance with law and policies.

Also at a meeting there will be adopted "a schecule of textbook adoption procedures for the ensuing years;" and

will include specific dates and responsibilities.

"All textbook publishers who filed a statement of intent to offer textbooks for adoption shall deposit with each of the 20 regional education service centers one copy of each textbook being offered, or . . . a prospectus giving a full description of each system being offered and its components . . . . The books deposited . . . shall be in the same format supplied to the State Textbook Committee . . . ." Procedures for handling the textbooks is left to the Commissioner of Education.

"One copy of each instructional system offered for adoption shall be placed on display . . . for a period of time as determined by the Commissioner . . . ."

"Any citizen of Texas may protest . . . a book or books offered for textbook adoption . . . .

All information about misconduct or procedural irregularities shall be filed with the Commissioner . . . .

The Commissioner . . . shall notify the state Board . . . of all textbooks considered . . . which were not on deposit in the regional education service centers . . . . the Board may . . . remove from adoption consideration of any book . . . not properly on deposit . . . ."

The process for hearings before the Commissioner of Education and the State Textbook Committee in Textbook Protests may be found in Policy 3334.6.3, and includes the purpose of such hearings, the method of presentation, the date of presentation, and a list of five provisions for the hearing of oral presentations by petitioners and publishers.

"Responsibility of the textbook committee for considering protests of petitioners shall be limited to protests against books and their content . . . . not . . . complaints about textbook adoption procedures or about conduct or persons engaged in the adoption process." No one shall "refer information or complaints about misconduct or procedural irregularities to the committee. To do so would mean disqualification by the State Board . . . from further

participation in the adoption."

"(T)he State Textbook Committee . . . shall consider petitioners' protests and publishers' answers in accordance with . . . provisions . . . (that) limit its consideration . . . (allow for whatever discussion," and provide for "no formal action on the protests and answers," but give "full consideration to the protests and answers before . . . votes on textbooks to be recommended" are made.

It will be the duty of the State Board of Education to conduct hearings on textbook protests and complaints preceding a November meeting date in order to hear complaints and protests. Each complainint and person complained against shall have a set presentation time.

A second session of the meeting is "designated . . . for hearing protests of textbooks. To be eligible to appear, the petitioner shall have filed . . . an appeal from the decision of the Commissioner . . . to the State Board . . . and shall have appeared as a petitioner in the joint hearing before the Commissioner . . . and the State Textbook Committee."

"Both the petitioner and the publisher shall restrict their presentation to

1) information previously filed . . . ;

2) the record of the joint hearings . . . ."

A third session of the meeting shall be designated for the textbook report of the Commissioner "and a discussion thereof by members of the Board."
Decisions are reserved for the November meeting.

"At a meeting specified . . . the Board shall approve procedures governing hearings and appeals on textbook protests and complaints." These procedures are to be in accordance with policies, printed; mailed to school districts; and made available to interested citizens.

In considering protested books the Commissioner shall give full consideration to all facts previously presented, and shall provide the State Board with "the list of books he/she has received from the State Textbook

Committee together with a report of those books which he/she has deleted. He/she shall not alter the list from accepted policy. A book may be removed if its prices are "much higher than average in the subject" or "quality is below specifications.

"At each November meeting the State Board . . . may remove from the list any book which was recommended by the Commissioner . . . which in its judgment should not be adopted and adopt the remaining list of textbooks as recommended . . . ." The Board shall not place on the list any book not recommended by the Commissioner . . . nor shall the Board reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the Commissioner . . . ." If the bids submitted are not satisfactory, the Board may postpone the selection of the books . . . to such time as the Board may select . . . new bids . . . ."

CROSS REFERENCE

II.A.1.; Statute §21.101--21.106

C. ISSUANCE

STATUTES

§12.01

"a) Textbooks adopted by the . . . Board . . . for use in the public schools . . . shall be furnished . . . as set out in this chapter, without cost to the pupils attending such schools."

§12.35

"The purchase and distribution of free textbooks for the state shall be under the management of the commissioner . . . subject to the approval of the . . . Board . . . ."

Each teacher shall be given a desk copy of the textbook for the course which he/she teaches.

"Any person, school not controlled by the state, state institution or dealer . . . may order books from the state depository . . . and the books so ordered shall be

furnished at the same rate and discount as are granted to the state. . . ."

§12.62

"No public school. . . shall use any textbook unless it has been previously adopted and approved by the State Board . . ." Where multiple lists have been adopted "one or more of the several textbooks . . . may be selected by local school officials, but all of the schools in any one district, or all districts under the supervision of any one county school system . . . must select the same book[s]. . . for all of the schools within the system. . . .

Once textbooks are selected . . . they shall be continued in use in that school system for the entire period of the adoption or for a minimum period of not less than five years . . . .

Supplementary readers for pre-primer, primer, first, second, and third grades shall be distributed on a quota of not more than 300 percent of the enrollment for each of the grades to which the book is assigned. . . and for grades four through eight, at a quota of not more than 200 percent of the enrollment. Agriculture and home-making textbooks for grades nine through twelve must be supplied per quota of 220 percent of the enrollment. "All other books . . . shall be supplied on the basis of one book for each pupil enrolled . . . ."

§12.63

The commissioner of education, subject to the approval of the State Board shall make "specific rules as to the requisition, distribution, care, use, and disposal of books . . . .

Textbooks shall be subject to inspection by any agent or inspector authorized by those having charge of the local textbook service or . . . by the commissioner. . . .

The commissioner. . . with the approval of the . . . Board. . . may provide for the disposition" of worn out or discarded textbooks. With books in fair condition, which are no longer used, inspectors of the Department of Education

"may require continuance of their use."

The local school trustees "shall have the power to make such arrangements for the distribution of books to the pupils as they may deem most effective and economical."

The commissioner, pursuant to the rules and regulations of the Board, "shall make available on request copies of discontinued textbooks for use in . . . city and county jails, institutions within the Department of Corrections, and other state agency institutions."

§12.65

"The district school trustees may delegate . . . to their employees power to requisition and distribute books and to manage books . . . ."

All books to be distributed shall be labeled as being the property of the state, and shall be numbered and a record shall be kept of each number and the name of the student recipient. Books must be covered by the pupil under the direction of the teacher. Books must be returned to the teacher at the close of the session or when the pupil withdraws from schoool.

Each pupil, or his[her] parent or guardian, shall be responsible . . . for all books not returned by the pupil, and any pupil failing to return all books shall forfeit his/her right to free textbooks until the books . . . not returned are paid for . . . ."

Reports as to the use, care, and condition of free textbooks may be required of teachers and other school officers by the local trustees or the Department of Education. Failure to make such reports can result in the withholding of the staff member's monthly salary.

"No . . . employee of the school engaged in the distribution of textbooks . . . shall, in connection with this distribution, sell or distribute, or in any way handle any kind of school furniture or supplies . . .

Local boards . . . shall make provision for the fumigation of books before the[ir] reissue. . . ."

§12.66

Local boards of School Trustees "may sell books to pupils or parents . . . at the state contract price. All money accruing from [such] sales . . . shall be forwarded to the commissioner . . . ."

REGULATIONS

§2304.12

"The school district refuses to issue free textbooks to any pupil who has not returned or paid for all free textbooks previously issued to him[her]."

§2306.5

"Requisitions for textbooks are handled by the superintendent in independent school districts, by the county superintendent for common school districts, and by the principal in common school districts having 300 or more scholastics, if this is the wish of the district."

". . .[B]ooks are provided to the district from the state on the basis of the reported maximum attendance plus applicable quota. Orders for these books are delivered to the designated school book depositories on or before June 1."

"Both annual and emergency requisitions must be approved by the . . . Agency before shipment by textbook depositories."

"Requisitions for supplementary books may be made during the school term one month in advance of need."

"The school trustees of each district are legal custodians of the textbooks consigned to the district and are responsible for the requisition, distribution, use, and accounting for such books."

This series also includes the bonding of board members for the handling of these textbooks.

"A district may delegate authority to its employees to handle and manage textbooks in accordance with statutes and the following regulations:

(1) "all textbooks are to be labeled and

3. School Libraries

Statutes

§21.351--.355

If a school district has boundaries embracing the entire area of a county that is valued in excess of $30 million it "may enter into contracts with the county ... to provide joint library facilities."

"The commissioners court of the county shall appoint a board of library trustees consisting of five members who are residents of the county... [and] shall organize by appointing a chairman, a secretary, and a treasurer." It will be their duty to present to the trustees of the school district and the commissioners court a petition "setting forth the need for additional library facilities" to be maintained upon or adjacent to school grounds to be used as a county free library and as a school library. They will decide on the petition and if approved a contract will be enacted for that purpose.

If the contract is put into effect the commisioners court must deliver to the board of library trustees the county-owned free library or libraries.

The library, upon completion, will be managed by the board of library trustees, and may be used by educational and civic organizations subject to trustee rules.

CROSS REFERENCE

III.A.1.; Regulation §3712--13

4. SUPPLIES AND EQUIPMENT

REGULATIONS

§4601

"Priorities shall be given to the purchase of needed goods and services available from other agencies of the State of Texas to assure the best support for the activities of the Texas Education Agency.

Interagency contracts shall be prepared on all occasions to provide for revenue from, or receipts to, State of Texas agencies that are not agencies of public education as named in appropriate Texas law.

When authority to grant, allocate, or otherwise fund educational undertakings is not available, interagency contracts may be used. (Federal Funds for the Texas Education Agency, Policy 4302)

Approval authority for interagency contracts shall be vested with the Commissioner of Education.

Interagency contracts shall be prepared and approved prior to the commencement of the activities.

Notice required by the contract shall be to or by the Commissioner of Education.

Procedures for budgetary control, expending, auditing, and reporting within adopted budgets shall be established.

All payments of operating funds to other State of Texas agencies shall be by proper interagency contract. Grants, allocations, or other funding arrangements may not be made to other Texas governmental agencies with operating funds.

All contracts providing for revenue from other State of Texas agencies shall be executed and approved by the State Board of Control before expenditures of anticipated monies shall be authorized. Contracts shall be subject to all appropriate policies of the State Board of Education.

Activities conducted by, or at the direction of, the Governor of Texas are exempted from the Interagency Cooperation Act as are goods and services in amounts of

numbered, and records of issues of books to pupils are to be kept . . . ."

(2) "books issued to pupils are to be covered under the direction of the teacher, and books must be returned to the teacher at the end of the term or when the pupil withdraws from school.

(3) a district may require reports concerning textbooks from school personnel and must make textbook reports to the Texas Education Agency as required.

(4) a district is to make provision for the removal of covers and for fumigation of textbooks before they are reissued."

"A district may sell textbooks to pupils or parents at the State contract price."

"The school district is to hold each pupil, or his[her] parent or guardian, responsible to the teacher for textbooks not returned or paid for. No further free textbooks are to be issued to a pupil who has not returned or paid for all books previously issued to him[her]."

CROSS REFERENCES

I.District Board of Trustees; Statute §2305.5--2305.6; 2306.1--2306.5; 2306.11

II.B.1.a.; Regulation §3311.1

IV.J.; Regulation §2304.1

2. Audiovisual Education

Statutes

§11.32

"The State Board . . . shall provide . . . for the establishment and operation of Regional Education Media Centers to furnish participating school districts with education media materials, equipment and maintenance, and educational services."

Approved centers "are established for the purpose of developing . . .[and] . . . providing . . . the following:

1) lending library service for educational motion picture films . . . slides . . . filmstrips, and disc recordings;

3) comprehensive lending library collection of programmed instruction materials for both remedial and enrichment purposes;

4) educational magnetic tape duplicating service for both audio and visual tapes . . .;

5) overhead and other projection transparency duplicating service . . .;

6) professional . . . services to assist . . . in effective and efficient utilization of all center materials and services."

Regional centers shall be strategically placed so that a number of school districts have access to their materials. The area served generally will contain at least 50,000 students.

A Regional Media Board shall, under standardized rules and regulations of the State Board, govern the centers. Rules relating to membership on the media board are set forth in the statute.

"The Central Education Agency . . . shall review for purposes of continuity and standardization the services of the centers."

§3321

"Annually, the Division of Finance notifies each school district of the provisions for financial support for instructional television services."

§3321.2

"Eligibility and Participation

Each district desiring to receive support for instructional television services must submit an application for State funds, and a copy of their proposed contract with a television station to the Texas Education Agency on or before October 1 of each year."

§3321.3

"Educational Programming Committee

Each television station is required to have an educational programming committee composed of a minimum of one representative from each participating school district and a representative from the television station. A television station owned and controlled by a single district is required to have an educational programming committee with a membership of not less than five.

The programming committee is responsible for the following instructional television activities:

(1) designating instructional content to be offered each semester;

(2) providing for the preparation of teacher guides;

(3) organizing work conferences to guide teachers in classroom utilization of television instruction;

(4) communicating with school districts and the teachers who are instructing by means of television; and

(5) evaluating the program.

On or before the following specified dates, the programming committee for each station submits to the Division of Instructional Media:

"(1) an evaluation report of the previous year's programming and utilization by September 1;

(2) the instructional television schedule for the

current school year, submitted by October 15; and

(3) a list of new, retained, and deleted teaching guides by October 15.

Public school districts wishing to participate in media services annually submit applications for State Financial Assistance for Regional Media Services to the regional service center. This application indicates approval of the local board of school trustees to particpate in media services and specifies the rate of payment and number of scholastics upon which total payment is based. (Regional Education Service Centers Funding, Policy 4115 Services Program of Education Service Centers, Policy 2103). Basic media services provided are:

(1) a materials lending library containing 16 and 8 mm motion picture or improvements thereof with provision for processing and servicing, 35 mm slides or improvements thereof, filmstrips, remedial and enrichment programed instructional materials, and disc recording;

(2) visual duplication service to reproduce transparencies, slides, filmstrips, and charts or improvements thereof;

(3) a magnetic tape duplicating service for audio and video tape;

(4) a delivery and dissemination system for materials and services;

(5) professional leadership training services to the districts for coordination of media and curriculum; and

(6) acquisition and utilization of materials that will be coordinated with the curriculum of local school districts.

Optional media services may include but are not limited to:

(1) equipment repair service with local school districts paying for such service;

(2) evaluation of services of new equipment, materials and techniques;

(3) graphics staff to produce transparency masters and charts; and

(4) other services.

The superintendent of the school district desiring to discontinue participation must notify the executive director of the service center to make the necessary arrangements for withdrawal."

§3321.1--3322.3

"The instructional television program shall be provided as a public education program in accordance with law. Eligibility to participate . . . shall be extended to any . . . high school district . . . ."

An educational programming committee shall be established for each television station participating in instructional television.

A media service program shall be provided through education service centers . . . . funded from the Foundation School Program.

To receive media services from the regional education service center serving its particular geographic region, a Texas public school district shall make application to the center and pay its proportionate share for the cost of the media services . . . .

Any school district that is participating . . . may elect to discontinue its participation . . . for a succeeding scholastic year with the provision that title to all educational materials and property purchased by the center shall remain with and in the center."

§4114

"Any school district may contract for approved instructional television services and be reimbursed from the Foundation School Program Fund for one-half of the cost of such services not to exceed $0.75 per pupil in average daily attendance in the district during the preceding year."

CONTRACT

CROSS REFERENCE

II.B.1.a.; Regulation §3311.1

IIB2-TX 5
TEXAS

less than $25.00.

Contracts for needed goods, services, and professional assistance from individuals and private or public firms may be obtained by the Texas Education Agency for the benefit of public education within the State of Texas through the use of administrative funds, in accordance with federal and state program regulations.

Authority to execute contracts with private individuals or firms shall be vested in the Commissioner of Education under general authority granted him[her] by the State Board of Education. This authority covers the execution of contracts which implement projects and services approved by the State Board of Education and where funds for the projects and services have been included in the Texas Education Agency budgets as approved by the State Board of Education.

The Commissioner of Education shall submit to the State Board of Education certain contracts for execution or approval where (1) required by statutes or regulations; (2) required by terms of the contract; or (3) deemed by the Commissioner of Education to be in the best interests of the Texas Education Agency.

Contracts for the performance of professional services by individuals may provide for payment of an honorarium or a fee. In addition, payments for travel expenses may be paid at "actual" expense as calculated and applicable to Texas Education Agency staff members.

Contracts prepared shall contain a clear statement of tasks to be performed by the contractor and will identify the Agency as the Texas Education Agency, an Agency of the State of Texas. Sources of payment shall be described as warrants issued by the State of Texas and shall limit jurisdiction to the State of Texas. Private contract relationships are to be limited to a transaction between the contractor and the Texas Education Agency acting by authority of the State Board of Education.

Where like quality goods or services are available from several sources, bids from the several sources shall

be taken and the best bid awarded the contract.

Notice required by contracts shall be to or by the Commissioner of Education.

Firms, including eleemosynary institutions, shall furnish budgets and accounting records as requested by the Texas Education Agency. All contracts shall contain the assurance clauses that may be required by appropriate regulation including the Civil Rights Act of 1964, executive orders, copyrights and patents, non-collusion clauses, and others necessary to particular fund sources.

Contracts authorized by this series shall not be used to purchase goods or services or to lease facilities that are subject to State of Texas purchasing regulations through the State Board of Control.

All contracts shall be executed and approved before expenditures of anticipated monies shall be authorized and shall be subject to required budgetary approval by the State Board of Education.

Contracts may provide only for reimbursement of services performed or goods delivered; advance payment or funding shall be prohibited."

CROSS REFERENCE

I.State Board of Education; Statute §11.33

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

CONSTITUTION

UTAH CONSTITUTION, ARTICLE X, §9

The Legislature and the State Board of Education shall not have the authority to "prescribe textbooks" for the "common schools".

STATUTES

§53-13-1 - 53-13-2

The "state textbook commission" shall be made up of the state superintendent, local superintendents and lay persons, and shall have authority to "decide what textbooks shall be adopted for use in the district schools and the high schools of the state."

§53-13-10

The use of textbooks adopted by the commission is mandatory and failure on the part of any local board to "enforce the use of" such textbooks is a misdemeanor and punishable by "removal from office."

§53-14-1 - 53-14-2

A "state course of study committee," consisting of the state superintendent, the deans of the "state schools of education," "three school superintendents" and "five lay citizens," shall meet annually to "recommend textbooks" and "determine . . . changes . . . in the state course of study" for the public schools. It shall be the committee's responsibility to formulate a "statement of aims, purposes, objectives and philosophy of education as a guide for the public schools." The "executive responsibility for carrying out the work of the committee" shall rest with the state board of education.

POLICY GUIDES

UTAH STATE COURSE OF STUDY COMMITTEE AND TEXTBOOK COMMISSION

Utah State Board of Education, 26 pages 1976.

This publication describes the state textbook commission which has responsibility for deciding what textbooks shall be adopted and the state course of study committee which has responsibility for formulating a statement of aims, purposes and objectives for public schools. These two bodies appoint curriculum advisory committees in each major area to serve as consultants on curricular offerings and the adoption of textbooks.

The guide also outlines the method of adopting textbooks. Selection criteria are set forth, which include: (1) physical format, (2) organization, (3) content (style, accuracy, treatment of minorities, sexism, controversial issues), (4) enrichment and extension possibilities, (5) author, and (6) accompanying instructional aids.

In the appendix to the guide, statutory materials on textbooks are set forth.

CROSS REFERENCE

II.A.1; Statutes §§53-14-7.5; 53-14-8

2. Audio-Visual Education

CROSS REFERENCE

III.D.Educational Programs; Policy Guide. Report of Nine Special Programs in Education (1976).

3. School Libraries

Statutes

§53-2-14

"The state board of education shall promote the establishment and improvement of public school libraries" and "adopt standards, rules and regulations" in order to "provide adequate school library service."

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§3743

The board of school directors shall select and provide with district funds all textbooks used in the public schools and all appliances and supplies for elementary schools. The selection of textbooks shall be subject to the approval of the superintendent of the district.

REGULATIONS

R.M. Ch. II.B8; p. 14

Each school district furnishing elementary education shall expend a minimum of $10 per elementary pupil per year for the purchase of learning resource materials, which shall be located within a school facility.

CROSS REFERENCES

III.C.School Officials; Statute §557

2. Audiovisual Education

Statutes

§144

(a) $5,000 shall be allocated each biennium to provide "visual educational films and instructional help" in using those materials in the schools.

(b) The state board may administer all federal funds made available to this state under P.L. 89-10 (Elementary and Secondary Education Act of 1965 20 U.S.C. §241a).

§2802, 2803

The University of Vermont (UVM) and the state agricultural college may construct and operate or interconnect with other television stations to provide a statewide education television network to transmit programs to students in Vermont. The UVM and Agricultural College may hold all necessary governmental authorization for all facilities contemplated by this chapter.

§2804

The Vermont instructional television committee shall advise the board of trustees of UVM and Agricultural College in determining elementary and secondary school "instructional television programming, policy and courses for the Vermont educational television network."

§2805

The Vermont Educational Television Broadcasting Council shall consult with and advise the board of trustees in carrying out the purposes of this chapter.

Regulations

R.M. Ch. II; p. 89

The State Board strongly supports educational television in Vermont and registers its opposition to any contemplated cutback that will curtail present service and to any suggestion that ETV service be totally dispensed with.

3. School Libraries

CROSS REFERENCE

III.A.1.; Regulation, R.M. Ch. II.C., pp. 15-22

B. EDUCATIONAL MATERIALS
1. TEXTBOOKS
A. SELECTION AND PURCHASE

STATUTES

§22-295; 296; 297; 299

The State Board shall adopt regulations governing the purchase, distribution and care of textbooks.

The State Board shall select textbooks and educational appliances, including films for use in the schools.

No textbook adopted for basal use shall be changed for at least six years unless the book becomes obsolete or unless a change would result in a decrease in price.

The State Board shall enter into written contracts with publishers of textbooks.

§22-306.1

The State Board with a State legislative commission may contract with a publishing firm for preparation of texts on Virginia's history, government, and geography. The State may require exclusive use of these texts in the teaching of these subjects.

The Virginia History and Government Textbook Commission created by Senate Joint Resolution No. 5, 1950 shall have seven at-large members appointed by the Governor for two year terms.

If the Commission and the State Board cannot agree about any matter arising under the contracts with publishers, they may refer the matter to the Governor for decision. Sixty days before the beginning of the regular session of the General Assembly, the Commission shall report to the General Assembly and the Governor what remains to be done under the contracts.

§22-318; 318.1

Any school board may withdraw itself from coverage by this chapter.

A school board may use basal textbooks not on the

state-adopted list so long as they are selected in accordance with State Board regulations.

REGULATIONS

Textbooks, Local Adoption, pp. 129-131

The Constitution of Virginia empowers the Board of Education with the authority to adopt textbooks for basal use in the schools of Virginia.

Books not on the State-adopted list may be used if selected in accordance with rules and regulations promulgated by the Board of Education.

An Evaluation Committee shall be appointed by the school board to review and evaluate textbooks only in one or more of the specified subject areas for which state adoptions were effective beginning July 1, 1973.

A local school board that adopts one or more textbooks in accordance with these regulations in a particular subject area may also adopt one or more of the State Basal Textbooks for that particular field.

Textbook Adoption, State Level, pp. 133-34

Textbooks will be adopted for a six-year period for those subjects as stipulated by the Board of Education (State).

An adopted book may be deleted from the approved list within the six-year period in accordance with statutory provisions.

A local school board may select textbooks not on the July 1, 1973 adopted list but may do so provided such textbooks are selected in accordance with rules and regulations established by the Board of Education (State).

CROSS REFERENCES

I.School Boards; Regulation, School Board (Local), §I-IV

II.A.1.; Regulation, Sex Education, §I-V

C. ISSUANCE

STATUTES

§22-193 -- 22-201

No tuition shall be charged for high school students.

A school board may charge students with fees or require a deposit for the library, examination paper, pens, pencils and ink. Students may be charged for class dues, voluntary student activities, night school, post-graduate classes, vocational or manual training classes, summer school, rental of texstbooks, or any course not required for a high school certificate. No student's report card or diploma shall be withheld for non-payment of a fee.

FEES

A student shall reimburse the school for any destruction of property done by the student in pursuit of his/her studies.

§22-298

The State Board shall determine the number of basal textbooks required for instruction in classes of various sizes in the several subjects in schools with varying library facilities.

§22-307.1; 22-316; 22-317

A school board may, in accordance with State Board regulations, establish a textbook rental system.

The funds spent shall not exceed the number of pupils enrolled multiplied by two dollars or the actual cost of the system.

Any school board with a system of providing free textbooks shall be reimbursed on the same basis as school boards with a textbook rental system.

State textbook funds shall be apportioned on the basis of one dollar per pupil enrolled during the preceding year.

The State Board may withhold textbook funds from a school board if it fails to comply with the provision of this chapter.

CROSS REFERENCES

I.School Boards; Regulation, School Board (Local), §I-IV

IV.G.; Virginia Constitution, Art. VIII, §3

2. Audiovisual Education

Regulations

Educational Telecommunications, §I-III

The educational telecommunications station shall be located in Virginia or if not shall be temporarily the only available source for a satisfactory signal.

All telecommunications programs intended for in-school use must be approved by the Board of Education or by local school boards.

Film Circulation From State and Regional Bureaus of Teaching Materials, §I-II

General circulation of films from the state and regional bureaus of teaching materials is restricted to Virginia public schools and state-supported colleges except private colleges, health agencies, agricultural agencies and noncommercial ETV stations.

3. SCHOOL LIBRARIES

STATUTES

§22-163

Whenever the patrons of any school raise by private subscription five dollars to buy books and materials for a school library the school board shall also appropriate fifteen dollars and the State Board forty dollars.

The school board may allow residents of the county to use a school library if the county does not have a library.

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§28A.58.103

"Every board of directors shall . . . adopt policy relative to the selection of instructional materials. Such policy shall: (a) state the district's goals relative to instructional materials; (b) delegate responsibility for preparation . . . of reading lists and specify procedures . . . for selection of instructional materials; (c) establish an instructional materials committee"; devise procedure for acting on complaints regarding instructional materials; (e) "provide free textbooks, supplies and other instructional materials to be loaned to the pupils of the school."

B. CONTENT STANDARDS

CROSS REFERENCES

II.B.1.a.; Statute §28A.58.103

III.C.Public Schools; Statute §28A.85.020

C. ISSUANCE

CROSS REFERENCES

II.B.1.a.; Statute §28A.58.103

2. Audiovisual Education

Statutes

§28A.91.010; .020; .060

The "Washington State educational television commission" shall consist of sixteen members including representatives of the television industry, higher education, the common schools, the superintendent of public education and the general public.

The commission shall promote the study and effective development of educational television in the state consistent with the public interest and federal regulations.

CROSS REFERENCES

II.B.3.; Statute §28A.04.134

3. School Libraries

Statutes

RULEMAKING

§28A.04.134

"The state board shall adopt rules establishing minimum standards for integrating school district library and media services into learning resource centers in order to improve instruction, encourage programs of learning resource services, and to furnish a basis for continuing evaluation of such programs."

§28A.58.104

"Every board of directors shall provide for the operation and stocking of libraries . . . the board deems necessary for the proper education of the . . . students or as otherwise required by law."

CROSS REFERENCES

III.A.1.; Regulation §180-16-165

III.A.2.; Regulation §180-56-350

III.B.Guidance Counselor; Regulation §180-56-245

III.B.Librarian; Regulation §180-80-247

4. Supplies and Equipment

CROSS REFERENCES

III.A.2.; Regulation §180-56-370

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Constitution

WEST VIRGINIA CONSTITUTION, ART. 12, §9

CONFLICT OF INTEREST

"No person connected with the free school system of the State, or with any educational institution . . . under state control, shall be interested in the sale, proceeds or profits of any book or other thing used, or to be used therein, under such penalties as may be prescribed by law: Provided, that nothing herein shall be construed to apply to any written work, or thing invented, by such person."

Statutes

§18-2A - 1-4

"The state board of education shall classify the elementary school subjects now required to be taught . . . into five adoption groups. The five adoption groups shall be grouped by related subject field as nearly as possible." Adoption shall be made each succeeding year starting in 1973, for a period of five years. The adoption period for each group shall be the time in which textbooks for all subjects are adopted.

A 15-member committee of teachers and other educational specialists shall help the board to "select, approve and publish a list of at least five books or series of books in each subject and grade in the elementary subjects required to be taught.

Upon completion of the approved multiple lists, the state board of education "shall . . . execute contracts for the selected books with the publishers. . . ," prepare and publish a list of the adopted books and "send a copy to each county superintendent not later than January first of the year of the county adoption. Such contracts . . . shall run for five years."

§18-2A-5

"Textbook publishers, upon requests of county superintendents, shall furnish to county boards of education . . . single copies of books . . . in the state multiple list of textbooks . . . .

The county board of education shall, upon recommendation of the county superintendent with the aid of a committee of teachers not to exceed five members . . . have the option to select from the state multiple list one or more book(s) or series of books for each subject and grade to be used as . . . textbooks in the county for a period of five years.

After the . . . board . . . has adopted the . . . textbooks . . . the county superintendent shall send to the state board of education and the respective publishers a complete list of books adopted . . . ."

§18-2A-8

"No textbook shall be used in any public elementary school in West Virginia as a basal textbook unless it has been approved and listed in the state multiple list of textbooks by the state board of education. Any changes of textbooks made by the state board of education shall not become effective until grades and classes of the respective county school districts have completed work for which the adopted book then in use was originally intended. The . . . board . . . may upon request by a county board of education . . . approve the adoption of additional books to meet the needs of specific children which were not provided for in the original adoption.

The state board of education is authorized to make such rules and regulations as it may deem necessary and expedient to carry out the provisions of this article."

§18-9

"Any . . . person who shall receive, solicit, or accept any gift, present, or thing of value to influence him[her] in his [her] vote for the adoption of books,

or any person who shall either directly or indirectly give or offer to give any such gift, present or thing of value to any person to influence him[her] in voting for the adoption of books, shall be guilty of a felony . . . ."

REGULATIONS

§2445.41

The county boards of education shall each adopt a uniform system of textbook adoption so that the same books will be used in the various schools within the county. The method and schedule of adoption shall state the procedures for selection and set forth the method of financing.

A correlated language arts text designed to incorporate training in all language arts should be adopted by the counties for grades 1 and 2 because it avoids the artificial boundaries that exist when each subject area is taught separately. The state board of education therefore approves these textbooks on the optional list of state adopted textbooks.

B. CONTENT STANDARDS

REGULATIONS

§2445.42

The state board of education opposes the use of any book containing subversive doctrines and authorizes a committee to ascertain if such books are used in public schools in West Virginia.

SUBVERSION

§2445.43

State and local textbook committees shall select only those textbooks that "accurately portray minority and ethnic group contributions to American growth and culture and which depict and illustrate the intercultural character of our pluralistic society."

ETHNIC STUDIES

C. ISSUANCE

STATUTES

§18-2A-6

"The state board of education shall notify each county superintendent of the list of books adopted on the state multiple list and the prices at which they are to be sold, and any person selling such books at a higher price . . . shall be guilty of a misdemeanor . . . ."

§18-5-21-21e

"The board of education of every county may purchase the necessary textbooks to be used in the free schools by the pupils thereof.

At the commencement of every term, the county superintendent shall deliver to the teachers . . . the textbooks necessary . . . for the ensuing term . . . It shall be the duty of the teachers to take charge of such textbooks and to distribute them among the pupils of their schools as needed; and said teachers shall have and exercise general control of all such textbooks, . . . and before receiving . . . [their]. . . salary" at the close of the school term," shall collect and gather together all textbooks so used and deliver them to the county superintendent."

If any of the textbooks delivered to any pupils shall be unnecessarily injured or destroyed, they shall be replaced by the pupils who injured or destroyed them.

The board . . . shall provide the textbooks . . . for the pupils whose parents, in the judgment of the board, are unable to provide the same.

The board . . . upon application of the proper authorities of any private school, may likewise provide state-adopted textbooks for use of the pupils enrolled therein, whose parents, in the judgment of the board, are unable to provide same."

The state superintendent of schools shall annually distribute "such amounts of free textbook money as the legislature may provide . . ."

After complying with the provisions of this section relating to distribution of free textbooks, the board "shall use any proceeds remaining in the 'free textbook account' for the purchase (including replacement and repair) of textbooks for all pupils enrolled in the public schools of the county, grades one to eight inclusive . . .

The order of preference used in providing free textbooks . . . shall be either by grade preference . . . or by subject preference . . ."

Any additional proceeds available after the above distributions "shall be used for the purchase of approved library books and other supplementary materials for grades one to eight. . .

In providing free textbooks to pupils . . . the board . . . shall have authority to purchase state-adopted textbooks from pupils who own them, . . . at a price commensurate with the useable value of said books at the time, but in no case to exceed one-half the original purchase price of the textbook . . . . All such purchases shall conform to the order of preference . . . adopted by the county board of education . . . .

The state board of education shall have authority to prescribe rules and regulations governing the care, distribution and use of free textbooks . . . .

The state board . . . is further authorized to prescribe and require reports to be made by the various county boards . . . concerning the expenditures . . . distributions and conditions of inventories at such time and in such form as the board may require.

The state superintendent . . . is authorized . . . to withhold the state allotment of free textbook money . . . for any violation of the rules and regulations herein authorized."

2. Audiovisual Education

Statutes

§10-5-1

"It is the duty of this State to provide the best educational training possible for all its citizens and . . . the encouragement and use of noncommercial educational radio, television and related media operating and originating from educational broadcasting, closed circuit or related facilities located . . . within this State serving all of the citizens . . . on a regional basis or as part of a coordinated statewide plan is a proper, necessary and beneficial means of providing and extending enriched educational instruction to all citizens of this State . . . ."

§10-5-2-5

"The West Virginia educational broadcasting authority . . . shall consist of nine members, who shall be citizens and residents of the State, of whom one shall be the state superintendent of schools, [and] one shall be a member of the West Virginia board of education . . . . The other . . . members shall be appointed by the governor with the advice and consent of the Senate for overlapping terms."

The authority shall select a chairman, executive secretary, "and such other personnel as may be necessary to perform its duties."

The authority shall meet at least three times a year. "The members shall serve without compensation but . . . may be reimbursed for actual expenses incident to the performance of his[her] duties."

The authority shall have the power:

(1) To act as advisor and consultant to television and radio stations concerning noncommercial educational programs;

(2) To cooperate with and assist all local and state educational institutions in planning and development of the use of educational radio, television and related media;

(3) To promote and coordinate the use of these media for noncommercial educational purposes;

(4) To construct, maintain and operate educational broadcasting, closed circuit or related facilities . . . within this State including . . . production centers, broadcasting stations and a broadcasting network connecting such communities or stations as may be designated by the authority;

(5) To acquire . . . for the use and benefit of the authority by purchase, lease or agreement, any property, both real and personal, and any interest in such property necessary to carry out the provisions of this article;

(6) To apply for and receive any [necessary broadcasting] license . . .;

(7) To supervise and approve the origination and transmission of all noncommercial educational radio, television and related media programs in this State which would be carried through the facilities of a state network;

(8) To employ such personnel as may be necessary to operate and maintain any facility created under the provisions of this article;

(9) To lease from communication common carriers and use such transmission channels as may be necessary or, if it determines it could more economically construct and maintain such transmission channels, it may design, construct, maintain and operate the same, including a television microwave network;

(11) To contract and be contracted with . . .

(13) To promulgate reasonable rules and regulations to carry out the provisions of this article . . .

(14) To perform such other services in behalf

of noncommercial educational radio, television and related media as it may consider to be in the best interest of the State.

The authority is further authorized and empowered to apply for and receive appropriations, gifts, bequests or grants . . .

The authority may also create one or more advisory councils . . .[which]. . . shall consist of not more than nine members to be appointed by and serve at the will and pleasure of the authority. Members so appointed shall serve without compensation, but may be reimbursed for actual expenses incident to the performance of their duties . . .

Any such council shall serve in an advisory manner to one or more facilities established under the provisions of this article as directed by the authority and shall meet at least twice a year."

STATUTES

§18-5-20

"The board may provide libraries for its schools and may purchase books, bookcases, and other things necessary therefor . . . . The board may employ a full-time librarian or may require one of the teachers at the school to serve as part-time librarian. Any such full-time librarian or any such teacher-librarian who holds a degree in library science based upon the successful completion of a full year of graduate work at an institution qualified and approved to offer such degree, and who holds a collegiate elementary, first-class high school, or other certificate of equal rank, shall be paid the same salary as is prescribed by law for teachers holding a master's degree.

The board shall have authority to employ [a librarian] during the vacation period . . . . Any librarian so appointed shall keep the library open at least one day a week."

CROSS REFERENCES

II.A.1.; Statute §18-3-7

II.C.2.; Regulation §6220

III.B.Professional Staff; Statute §18A-3-3 -- 18A-3-7

B. EDUCATIONAL MATERIALS

1. TEXTBOOKS

A. SELECTION AND PURCHASE

STATUTES

§118.03

The school board shall adopt all the textbooks necessary for use in the schools under its charge. The school board may purchase text books and sell them to pupils at cost or may designate agents to sell the textbooks whose commission shall not exceed 10% of the net price. No book may be adopted or used in any public school which falsifies the facts regarding the history of our nation.

CROSS REFERENCE

III.C.School Personnel; Statute §118.12

CROSS REFERENCE

III.B.Certificated Personnel; Regulation PI 3.20

3. SCHOOL LIBRARIES

CROSS REFERENCES

II.A.2.; Statute §115.55

III.B.Teachers; Regulation PI 3.04

B. Educational Materials

1. Textbooks

A. Selection and Purchase

Constitution

WYOMING CONSTITUTION, ART. VII, §11

"Neither the legislature nor the superintendent of public instruction shall have power to prescribe textbooks to be used in the public schools."

Statutes

§21.1-181

The board of trustees of each school district is to purchase all necessary textbooks and may purchase any additional supplies it deems necessary. "Such textbooks and supplies . . . shall be loaned to pupils free of any charge." Pupils are held responsible for damage to, loss of, or failure to return textbooks and unused supplies.

The board may sell, at its cost, any surplus books or supplies to any pupil or parent who desires to purchase them.

§21.1-182

"No school trustee, officer, or employee of the district shall be interested in any way directly or indirectly in the sale of school supplies to the district."

CONFLICT OF INTEREST

2. AUDIOVISUAL EDUCATION

CROSS REFERENCE

III.B.School Personnel: Regulation Chap. III, Section 8

3. School Libraries

CROSS REFERENCE

III.B.School Personnel; Regulation Chap. III, Section 8

C. School Property and Facilities

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C. School Property and Facilities

1. School Site

CROSS REFERENCE

I.County Board of Education: Statute §16-8-40

II.C.3; Statute §16-11-11; 13

2. Physical Plant and Fixtures

Statutes

§16-1-2

In order to eliminate hazardous conditions, the state superintendent shall inspect all school buildings during and prior to completion of construction. INSPECTION

16-3-26

The state board of education may hold, lease and rent property and make repairs and improvements on property under its control.

§16-4-10

The state superintendent shall prepare rules and regulations for the safe and hygienic construction of school buildings. The superintendent also has authority to condemn school buildings that violate these rules and regulations. RULEMAKING

§16-8-43

The county board of education shall provide sanitary, hygienic and suitable rest rooms for public school children, not less than two for each school when both sexes are in attendance.

§16-9-14

The county superintendent shall recommend for the county board's approval, the kind, grade and location of schools to be established.

§16-10-8

The board of school trustees has the care of the school building and grounds and shall keep the county board of education informed on matters affecting the educational interest of the school.

§16-11-11; 13

The city board of education shall hold in trust all school property; shall have the authority to purchase and sell property; to maintain and repair school buildings; to purchase sites and

to build new schools; and to institute condemnation proceedings to acquire land for school purposes.

The city board of education has authority to purchase school buses also.

§16-12-4

The city superintendent of schools shall recommend for approval by the city board of education the kind, grade and location of schools to be established.

3. Use of Facilities

Statutes

§16-10-11

The board of school trustees may authorize the use of the schoolhouse for civic and community functions.

C. School Property and Facilities

1. School Site

Statutes

§14.08.151

The ownership of educational land and buildings shall be vested in the state with use permits given to the regional school board.

§14.14.060; 14.14.065

"The borough assembly shall determine the location of school buildings" based upon the recommendation of the school board. The board shall be responsible for the design of the building and its upkeep. Renovation, construction and repair shall be the responsibility of the borough assembly.

The relationship between a city school district and the city shall be the same.

2. Physical Plant and Fixtures

Statutes

§14.08.161

School construction, repair and improvement in a regional area shall be determined by the governor upon recommendation by the Department of Education.

Regulations

4AAC 05.090

If a community initiates a major renovation or construction of a new facility, a school may be discontinued only after the governing body submits a plan for discontinuance to the department for approval. If the plan is not disapproved within 90 days it may be considered approved.

4AAC 06.030

All plans for major construction or renovation must be approved by the commissioner. The approval is effective for two years. All costs and financing for a project must be reported to the commissioner.

4AAC 24.010

"Operational plans or applications for schools, submitted by the board of directors in accordance with AS 14.08.100 shall include the following:

(1) area map showing location of attendance center, proximity to other schools, attendance area, proposed transportation routes.

(2) programs or educational levels to be offered;

(3) description of facilities;

(4) number of pupils, by grades, expected to attend;

(5) number and ages of preschool children in attendance area."

4AAC 24.020

"(a) The following factors will be considered in approving or disapproving plans and applications:

(1) number of school age children;

(2) number of preschool children;

(3) adequacy of facilities;

(4) proximity of other schools;

(5) effect of school on other area schools;

(b) Operational plans include changes in pupil attendance centers in areas which affect other districts, and the addition of one or more elementary or secondary grades to an existing school."

CROSS REFERENCE

II.C.1.; Statute §14.14.060; 14.14.065

3. Use of Facilities

Statutes

§14.03.100

School facilities may be used for any "legal gatherings" on a reasonable and impartial basis.

CROSS REFERENCE

II.A.8.; Statute §14.36.010 -- 14.36.020

C. SCHOOL PROPERTY AND FACILITIES

3. USE OF FACILITIES

STATUTES

§15-451

The board of trustees may permit school buildings to be used as civic centers for recreational or educational activities of the district.

§15-452

A board of trustees may use the school buildings and grounds for public recreation centers. The board may organize community recreation activities for neighborhood youths.

PUBLIC RECREATION

C. School Property and Facilities

2. Physical Plant and Facilities

Statutes

§14-604--611; 80-3505--3506; 14-627--628

"The State Board of Education shall establish reasonable minimum standards for school house construction . . . [which] may be revised . . . as educational problems and methods of procedure develop and change." The Board shall be advised by the American Institute of Architecture, the Fire Prevention Bureau, and the Arkansas State Board of Health. All school building plans must be approved by the State Board of Education. School buildings, like all buildings financed in part by the state, shall accommodate handicapped persons by providing ramps, special entrances, special parking areas, handrails and the like.

MINIMUM STANDARDS

A minimum hourly wage rate "shall not affect public school construction unless federal matching funds" are used.

§80-140; 141

"The State Board of Education is . . . designated as the agency . . . to receive and administer . . . all federal funds made available to this state for the purpose of assisting local school districts in providing elementary and secondary school facilities."

The board shall "make such plans, rules and regulations as are necessary . . . to meet requirements of any law enacted by the Congress . . . or any supplementary federal regulations pertaining to such legislation."

RULEMAKING

§80-142

The State Board "is hereby granted authority to prescribe principles, standards, and criteria in setting up priority of projects" which shall "include the following factors. (a) the relative condition of facilities . . . taking into consideration the age and

condition of school buildings and facilities . . . (b) the relative financial ability of districts to provide facilities with local taxes; (c) the adequacy of satisfactory (transportation) facilities . . . and (d) the relative debt service obligations of districts in proportion to the statutory limitations on bonded indebtedness of districts."

§80-214

"Each County Board of Education . . . (may) . . . make purchases of property and equipment . . . from the Government." The School Board, by a vote, must authorize such purchases.

§80-228

"The School Board . . . shall make available suitable room, including heat and light, provided that in doing so it shall not interfere with instruction . . . during the customary school hours."

§80-1903; 1904

Any person "who shall deface, mar, or disfigure any . . . [school building, furniture or fixtures] shall be fined double the sum of the damaged objects and/or building(s) between $10 and $50 for each offense, to be recovered by civil action." This punishment is in addition to that provided by other statutes.

LIABILITY

If the offender is a minor, under eighteen and living with parents his/her parents shall be liable for damages, not more than $1,000.00

Fines collected for damages shall go into "school funds of the district where the crime was committed."

§80-2216

"The superintendent may employ such operatives as are necessary for the proper management of the institution, repairs of buildings, cultivation of adjacent grounds" subject to the approval of the Board of Trustees.

CROSS REFERENCES

I.School District; Statute §80-403 -- 80-408A

II.A.2.; Statute §80-2121

II.A.2.; Statute §80-2308 -- 80-2310

II.A.3.; Statute §80-2561

3. Use of Facilities

Statutes

§19-3604, 3605

". . . where school funds or property are utilized the State Board of Education shall: 'establish minimum qualifications of local recreational directors and instructors" and "distribute . . . appropriate manuals" necessary to carry out this provision.

Activities related to the regular school curriculum shall have priority over recreational uses of same.

§80-517

School buildings may be used for "social, civic and recreation purposes, or other community purposes" such as town meetings, as long as they "do not interfere with the regular school work." The directors of the school district, who shall authorize such use, may charge for it.

§80-518

"The directors may permit a private school to be taught in the district schoolhouse during such time as the said house is not occupied by a public school, unless they be otherwise directed by a majority of the legal voters of the district."

C. SCHOOL PROPERTY AND FACILITIES

1. SCHOOL SITE

§35270 -- 35271; 35275-35276

"The governing board of any school district may select and acquire sites within the boundaries of the district, and may acquire or construct thereon school facilities . . . ."

§39000 -- 39018

"The State Department of Education shall establish standards for school sites.

The governing board of any school district may, and when so directed by a vote of the voters within the district shall, purchase or improve school lands.

The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. The investigation shall include such geological and soil engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake damage.

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, SAFETY

shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.

If, with respect to a proposed site located within two miles of an operative airport runway, the report of the Department of Education submitted to a school district governing board . . . does not favor the acquisition of the site or the sole or partial basis of the unfavorable recommendation of the Department of Aeronautics, no state agency or officer shall grant, apportion, or allow to such school district for expenditure in connection with that site.

§39420 -- 39421

When any territory withdrawn from a school district contains a school building, site or real property, the building or site, together with the fixtures thereof, shall, upon the withdrawal of the territory becoming effective, become the property of the district of which the territory becomes a part or the whole.

§39490 -- 39491

"The governing board of any school district which has acquired title to property included within an application which has been approved . . . for state school building aid and which property is to be used as an access roadway to such school site may exchange such property for other property to be used as an access roadway which abuts a state highway . . . ."

"The governing boards of any school district may sell, exchange, grant or quitclaim all or any of its interests in, or may lease for a term not exceeding 99 years, to the federal government or its agencies, to the state, . . . any real property belonging to the school district . . . which is not . . . needed for school classroom buildings . . . ."

In addition to this, the governing board may sell any personal property or school supplies to these parties, if owned by the district, as well as:

(a) sell for cash any personal property belonging to the district if the property is not required for school purposes;

(b) dedicate or convey to the state, for public street or highway purposes, any real property belonging to the district; and

(c) if the district owns shares of stock in a mutual water company may rent, lease, or assign such shares, for a term not to exceed one year.

REGULATIONS

§ 14010

Before acquiring title to real property for school use, a school district shall:

a) Prepare a statement of policies covering transportation, enrollment and the grades of students to be served on the site.

b) Prepare maps showing present and proposed school sites.

c) Comply with Education Code Section 15002.1 with emphasis on engineering investigation of the site.

d) Secure a written site review from the bureau of field representative for sites that the district intends to acquire.

2. Physical Plant and Fixtures

Statutes

§1264; 1265; 1269

The superintendent of schools of each county may require the governing board of any district to repair school building or property, or otherwise improve the asthetic appeal of school ground, where practicable. The superintendent may also employ extra help to meet this end.

§4211

The county committee shall prepare and submit to the Superintendent of Public Instruction a report and recommendations respecting the urgency of need for school plant facilities if assistance is sought for the purpose of providing such facilities.

§39100 -- 39156

"The Department of Education shall:

(a) Advise the governing board of each elementary, high school, and unified school district on the acquisition of new school sites, and after a review of available plots give the governing board of the district in writing a list of the approved locations in the order of their merit considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction and charge the governing board of the school district a fee of twenty-five dollars ($25) for each 10 acres or fraction thereof of school site reviewed.

(b) Establish standards for school buildings.

(c) Review all plans and specifications for buildings in every district required to submit plans and specifications therefor to it for approval. The department may, upon the request of the governing board of any other district, review plans and specifications for buildings in such district.

(d) Approve plans and specifications submitted to governing boards of school districts, and return without approval and with recommendation for changes any plans not conforming to established standards.

(e) Make all necessary provisions by which governing boards of school districts, or architects engaged by them, may procure by purchase or otherwise, copies of standard specifications, plans, and building codes prepared by the department.

(f) Make, upon the request of the governing board of any school district, except a city board of education, a survey of the building needs of the district, advise the governing board concerning the building needs, suggest plans for financing a building program to meet the needs, and collect the cost of the survey, exclusive of the salaries of the state employees participating therein, from the district.

(g) Employ experts and clerical, and stenographic assistants as may be required for expediting the checking and approving of plans and specifications."

This chapter also includes the subject of plans for school buildings appropriate for school districts. Included are provisions on standards for such plans, who might receive them, and who must submit them.

"The Department of General Services under the police power of the state shall supervise the design and construction of any school building or, if the estimated cost exceeds ten thousand dollars ($10,000), the reconstruction or alteration of or addition to any school building, to ensure that plans and specifications comply with the rules and regulations adopted pursuant to this article and building regulations published in the State Building Standards Code, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications for the protection of life and property."

Before letting any contract for any construction or alteration of any such school building, the written approval

of the plans, as to safety of design and construction, shall be first had.

All plans, specifications, and estimates shall be prepared by a certified architect holding a valid license.

INSPECTIONS

SAFETY

"Inspections of school buildings shall be made in order to insure the protection of the safety of the pupils, the teachers and the public."

§39120 -- 39232

This section provides for the need of fitness for occupancy standards for school buildings and enumerates what buildings require inspections for such standards, and how changes are to be made on buildings not meeting those standards.

§39170 -- 39173

The governing board of any school district may build and maintain a schoolhouse as well as establish additional schools in the district.

§39240 -- 39252

LEASE

The governing board of any school district may lease land or buildings for a term extending to the expected duration of use by the school district.

§39360 -- 39383

The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession.

§39480 -- 39484

"The governing board of a school district may exchange any of its real property for real property of another person or private business firm."

§39600 -- 39616

The governing board of any school district shall:

(a) furnish, repair, insure against fire and in its own discretion rent the school property of its

districts, and may also insure against other perils.

(b) provide a warm, healthful place in which children who bring their own lunches to school may eat the lunches.

(c) provide sufficient patent flush water closets for the use of the pupils.

(d) provide for the annual cleaning, sterilizing, and necessary repair of football equipment of their respective schools.

The governing board of any school district may:

(a) grade, pave, construct sewers, or otherwise improve streets and other public places in front of real property owned or controlled by it.

(b) construct a mobile home site on the grounds of any school or schools maintained by the district.

(c) when leasing a building for housing of school district employees, lease such buildings for any period they deem necessary.

(d) provide sewers and drains adequate to treat and/or dispose of sewage and drainage on or away from each school property.

§39630

"The clerk of each school district . . . shall . . . keep the schoolhouses in repair during the time school is taught therein, and exercise a general care and supervision over the school premises and property during the vacations of the school."

§ 46304

"If the Superintendent of Public Instruction determines that a school district in which pupils reside does not have suitable quarters in which to maintain school for all the day pupils of the district, or that for other good and sufficient reasons the education of pupils in the district in which they reside is not practical or in the best interests of such pupils, the governing board of the district of residence shall contract with the governing board of another school district for the education of those pupils...."

TUITION

"Such contract shall provide for the payment of tution in such amount and in the manner as may be agreed upon by the governing board of the district of attendance and the governing board of the district of residence.

Any contract for the education of pupils residing in a school district made by the governing board of the district in accordance with the provisions of this section shall be deemed for all purposes to be...the maintenance of a school within the boundaries of the district."

REGULATIONS

§630

HEALTH

Governing boards, superintendents, principals and teachers are responsible for the "sanitary, neat and clean conditions of the school premises." All buildings and grounds shall be maintained according to the requirements of the Board of Health.

§ 14000-14001

It is the right of each school child to have access to adequate educational facilities. The State Board requires that educational facilities shall be:

a) Evolved from a well-documented statement of educational program requirements.

b) Planned to provide for saturation enrollment.

c) Located on an adequate site and designed to meet legal requirements for fire, structure and panic safety.

§ 14030-14031

Before authorizing the preparation of plans for the erection of any school building each district shall:

a) Request a conference with a field representative of the Bureau of School Planning to justify the need for new construction.

b) District personnel should prepare a written statement of the goals, objectives, and policies which determine the educational program of the district.

c) "Prepare essential program information for the district architect for preliminary design studies."

§ 14032-14033

"New school construction cannot be advertised for bids until written approval of final plans and specifications is given by the Bureau of School Planning."

§ 14041-14045

Plans for a construction project requiring state school building aid shall be prepared in accordance with Article 4 of this chapter. Districts shall prepare a justification document in order to secure approval for such aid from the Department of Education.

CROSS REFERENCES

II.A.2; Statute §1046

II.A.2; Statute §56802--56833; 56865; 57800; 57818

II.A.3; Statute §52700--52706

3. Use of Facilities

Statutes

§10800

The governing board of any school district may lease real property owned by the district to the State Department of Education.

§11002

The governing boards of two or more school districts whose boundaries are contiguous may enter into an agreement upon such terms and conditions as may be agreeable for the joint use and maintenance of school buildings and other school facilities.

§11020 -- 11022

Whenever a high school district and a community college district have coterminous boundaries and the same persons comprise both governing boards, either district may sell all or any of its interests in any real property belonging to the district which is not or will not be needed for classroom buildings by the district owning it.

§39290 -- 39325

Any school district may enter into leases and agreements relating to real property and buildings to be used by the district.

§39330 -- 39333

Any school district or any county superintendent of schools may, as lessee, enter into a lease or lease-purchase agreement for equipment or service systems with any persons or firms.

§39430 -- 39432

"The governing board of a school district may . . . enter into . . . a community lease to which a city or other public agency . . . private persons or private agencies

are also parties for the leasing of the parcels of land owned by the district and the other parties for the extraction and taking of gases not associated with oil."

§39440 -- 39453

"Any school district may enter into leases and agreements relating to real property and buildings to be used jointly by the district and any private person, firm, or corporation . . . ."

§39470 -- 39473

"Any school district may enter into a lease or agreements with a city, county or city and county for the joint occupancy, or a private educational institution for its sole occupancy, of the real property and buildings of the school district,provided that no such occupancy . . . shall occur during normal school hours when the school is in session."

§40040 -- 40058

The governing board of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest as well as religious affairs, child care programs, public agencies and other community associations.

CROSS REFERENCE

IV.E; Statute §48930--48932

c. School Property

1. School Site

Statutes

§22-32-111

"A school district has the power to take by eminent domain so much real property as the board of education of the district may deem necessary for any school purpose authorized by law."

Regulations

2202-R-13.07

Representatives of the local board of education, in cooperation with the area's planning and zoning officials, shall aid in the planning and locating of educational and recreational facilities.

2. Physical Plant and Fixtures

Statutes

§22-32-124

"The board of education of a school district may determine the location of public schools within the district and erect necessary buildings and structures without a permit or fee in compliance with a local building code." All buildings and structures "shall be erected in conformity with the standards of the industrial commission of Colorado."

Regulations

2202-R-13.01

All buildings and grounds shall meet the standards of the Department of Health, section 66-1-7(14), and the Safety Inspection Division of the Department of Labor and Employment, section 80-2-1 through 21. All school buses shall meet the Colorado Rules and Regulations Governing the Operation of School Transportation Vehicles.

2202-R-13.02

The school buildings shall provide suitable space with respect to enrollment, the educational program, and essential administration and supporting services.

2202-R-13.03 -- 13.04

The school grounds shall provide suitable space to accomodate its enrollment and shall include playgrounds that are operationally safe. Playing fields shall be provided for outdoor physical education activities. Gymnasiums shall be equipped with sufficient lockers and shower facilities to accomodate regular classes participating in physical education programs. Gymnasium modifications shall be made for elementary schools.

2202-R-13.06

All teaching areas, regular classrooms, and special-purpose rooms shall be adequately equipped in terms of class size and course content.

(1) Regular maintenance of school equipment and instructions on their use shall be provided for pupils and staff.

II.C.1; Regulation 2202-R-13.07

IV.A; Regulation 2202-R-13.08

C. School Property and Facilities

1. School Site

Statutes

§10-47

Regional boards of education have all the powers and duties conferred upon boards of education by the general statutes not inconsistent with this part. The boards may purchase, lease or rent property for school purposes. They may build, add to or equip schools for the benefit of the towns comprising the district.

§10-49a

Upon approval of the town by referendum, any school district may acquire real property to build a school. Upon notification of the town clerk by the school district, the town shall hold and bear the cost of a referendum sixty days after receipt of such notice.

§10-241a

A school district may take land by eminent domain proceedings.

CROSS REFERENCE

II.A.2.: Regulation §10-76b-5

2. Physical Plant and Facilities

Statutes

§19-382

Fire alarms shall be installed in all school buildings.

§19-384a

Adequate stairways, exits and fire escapes shall be provided in all school buildings. These devices must be constructed in accordance with the fire safety code.

CROSS REFERENCES

I.Local Board of Education; Statute §10-221

II.C.1.; Statute §10-47

3. Use of Facilities

Statutes

§10-239

Any school district may allow the schoolhouse(s) to be used for any non-school purposes.

C. School Property and Facilities

1. School Site

Statutes

§1022

Reorganized school districts shall be empowered to "purchase, receive, take, lease, or otherwise acquire, own, hold, improve, and otherwise use real or personal property, or any interest therein and to sell, convey, lease, exchange transfer or otherwise dispose of all its property. . ." Legal title to property, real and personal, of a reorganized school district shall be held in the name of the reorganized district.

2. Physical Plant and Fixtures

Statutes

§1055

The school board of reorganized districts shall provide for the care and maintenance, within standards adopted by the Board, of all buildings and grounds and other school property.

§1057

When school property is no longer needed for school purposes it may be sold subject to written approval by the Director of State Planning and the Board.

3. Use of Facilities

Statutes

§1056

All property, estate, effects, money funds, claims and state donations vested by law in the public school of any district prior to June 3, 1968 for the benefit of the public schools of that district, shall be under the control and management of the school board of that district. Any property devised or bequeathed on or after June 3, 1968, for use of any public school district, shall be held in trust by the school board for the benefit of the public school of the respective district. Such trust money shall be exempt from federal and state taxes.

The control, management, and custody of school property in all public school districts shall be subject to the laws of the State, the Board and the school districts. Each school board rules and regulations governing the use of school property within the respective districts subject to the following provisions and the Board's approval.

The use of property for use other than the education of youth shall not be permitted when it interferes with this primary purpose. However, a request by ten citizens or community organizations for use of property for purposes other than education must be considered.

In granting such requests the school board should consider:

The facility requested has not been scheduled for other use;

The use of the facility will be beneficial to and consistent with the education program;

The use will serve educational, cultural, civic, political or recreational purposes and not result in personal monetary gain.

A school board shall permit free use of property under its jurisdiction but may charge for cost of custodial salaries, heating and lighting.

A school board may refuse to allow use of facilities

under its jurisdiction for purposes it deems not in harmony with public education and an interference with public education. Dispute arising in response to the ways school boards exercise this discretion shall be by written appeal to the Board.

Any group of citizens allowed use of school facilities shall be responsible for any damage done above normal wear.

The school baord shall not be liable for any damages in tort due to negligent construction or maintenance when it permits use of its facilities.

C. School Property and Facilities

2. Physical Plant and Fixtures

Statutes

§31-812

Appropriations shall not be used to maintain school "in any building unless all outside doors . . used as exits or entrances shall open outward and be kept unlocked every school day" for one-half hour before and after school hours.

Regulations

CH. V. §507

"No school building shall be named in honor of any living person.

No school building shall be named in honor of any deceased person until at least two ... years after that person's death....Upon the receipt of a recommendation from the Superintendent of schools for the naming of a school building, the Board of Education shall refer the recommendation to the proper committee for consideration in public session and recommendation to the full Board. Upon receipt of the recommendation from the committee, the Board shall take proposed action to name the school building. Notice of such proposed action shall be published in the D.C. Register for a period of not less than thirty...days prior to final action to name the school building. Additional notice shall be given to the organized community in the area of the school buildings and shall be delivered to the press and media.

The existing name of any school building may be changed upon the written recommendation of the Superintendent of Schools and the action of the Board of Education pursuant to the procedures set forth in this section.

Any person or organization may submit a proposed name or change of name of any school building to the Superintendent

of Schools for consideration; however, the Superintendent shall not be required to submit any particular name or recommendation for change of name to the Board of Education."

CH. V. §510

"It is the goal of the Board of Education to make the most efficient and practical use of its school buildings and other physical facilities....it is the policy of the Board of Education to investigate and determine the status of the utilization and projected use of all buildings. Having obtained such information, the Board of Education shall determine the disposition of underutilized facilities....

The Board of Education shall consider all responsible options and alternatives to the closing of schools and shall provide for consideration of the concerns and comments of affected citizens and representative groups of citizens....

First priority for utilization of public school buildings shall be given to the programs and activities of the District of Columbia Public Schools.

The approval of the Board of Education shall be required upon the written recommendation of the Superintendent of Schools, to effect the phasing out or termination of any program utilizing public school facilities which has been established or approved by the Board of Education.

The approval of the Board of Education...shall be required to phase out or close any public school building."

CH. V, §513

"In the event that a program or activity is being housed in a public school building which meets the criteria of this Chapter for relocation, but for which no suitable alternative exists, the Superintendent of Schools shall make recommendations to the Board of Education for disposition of the program or activity.

A recommendation by the Superintendent of Schools to phase out or close a school building shall include a recommendation on the disposition of the building of the building to be phased out or closed."

"Public school buildings which are vacant, underutilized, or incapable of being efficiently and effectively operated may be phased out or closed by the Board of Education upon the written recommendation of the Superintendent of Schools....

Notice of proposed action to close or phase out a school building shall be sent to each affected Advisory Neighborhood Council, shall be available for review in the offices of the Superintendent of Schools, appropriate Regional Superintendents, the Board of Education, the principal of each affected school, and appropriate Public Libraries. Such notices shall include all supporting criteria, findings, and recommendations by the Superintendent....

After taking proposed action and prior to taking final action on a recommendation to phase out or close a school building, the Board of Education shall hold a special community meeting to receive input and comment from the public....

The results and findings of such special community meetings shall be reported to the Board of Education prior to its taking final action by the member of the Board chairing the special community meeting....

Except as provided otherwise, all public school buildings regardless of their use, shall remain under the jurisdiction and control of the Board of Education pending action by the Board declaring any such building no longer needed for its own direct educational purposes....

In making its determination of the disposition of a closed building, the Board of Education shall take into consideration the following factors:

(a) The suitability and need for the land which the building occupies for playground space, athletic field, construction of new facilities, parking for school system employees, or other educational purpose; (b) The suitability and need for the building to house alternative, non-public school educational programs; (c) The suitability and need for the building to house public school programs or offices located in space which is leased or on loan to the Board of Education; (d) The potential need for the building to house future public

school educational programs; (e) The potential income or other benefit to the Board of Education through the sale or lease of the building.

Buildings which are no longer needed for direct educational purposes, and for which no alternative public school use or non-public school educational or alternative use is designated may be declared no longer needed by the Board of Education and released from the control of the Board for use or other disposition by the government of the District of Columbia.... [Those] which are retained under the control of the Board of Education for possible future educational use, shall be re-evaluated annually by the Board of Education, pursuant to recommendations from the Superintendent of Schools."

CH.V, §516

"All temporary and demountable structures which have been closed by the Board of Education shall be automatically declared no longer needed for direct educational purposes by the Board of Education and released from the control and jurisdiction of the Board."

3. Use of Facilities

Statutes

§31-801; 31-802; 31-803

Public school buildings, and grounds shall be used for those purposes "directly connected with the public school system." The Board shall control the use of buildings and grounds and limit that use to such purposes. It is authorized to accept, upon recommendation of the superintendent, free and voluntary service from its employees and other persons.

Control over construction and repairs of all school buildings shall be vested in the Director of Inspection.

Regulations

CH. V, §500

"The control of all public school buildings and grounds, as vested in the Board of Education by the Code of Laws of the District of Columbia, shall be exercised in accordance with the provisions of this Chapter.

The jurisdiction of the Board of Education includes all uses of public school buildings and grounds, regardless of the purpose for which the space is used or the agency, individual, or organization using such space.

First priority for use of public school buildings and grounds shall be given to the programs, activities, and requirements of the Board of Education. Where the use of such buildings and grounds is granted to another agency of the government of the District of Columbia, or any other individual or organization, the grant of use shall recognize and include the priority claim of the Board of Education for the use of such buildings and grounds.

Public school buildings and grounds shall include those portions of buildings and school grounds which are designated by law or design for use by other government agencies or non-

public school organizations unless such facilities are separate entities which operate independently of heating plants, utilities, and security systems which serve the portion of the buildings and grounds operated by the Board of Education....

The Board of Education shall have no authority to sell, lease, or otherwise divest the real property under its control and jurisdiction. In order for any real property under the control of the Board of Education to be sold, leased, or otherwise conveyed, such building or property must first be released from the control of the Board of Education to the government of the District of Columbia, pursuant to the provisions of this Chapter.

No use shall be made of any public school buildings and grounds which unlawfully discriminates against any person on grounds of race, color, sex, age, religion, marital status, sexual orientation, citizenship status, national origin, handicapping condition, or any other basis of unlawful discrimination under the laws of the District of Columbia."

CH. V, §501

"Public school buildings and grounds shall not be used for any sectarian purpose, except as provided in this section.

The buildings and grounds of the public schools may be used by parochial or private schools for sponsoring athletic contests, pursuant to the requirements of this Chapter, if both of the following conditions are met: (a) A specific smoking area has been designated by the principal or other school official pursuant to guidelines established by the Superintendent of Schools; (b) The smoking area has been approved by the D.C. Fire Marshall or by safety officials of the D.C. public schools pursuant to guidelines established by the D.C. Fire Marshall; (c) A specific space is also provided for non-smokers; (d) No smoking shall be allowed in public meeting rooms, auditoriums, or gymnasiums.

Public school buildings and grounds shall not be used for any commercial, profit-making, fund-raising, or other solicitation by any agency, individual, or organization, except as specifically provided otherwise in this section. The charging of admission

fees or other fees to defray costs or to offset expenses may be permitted if specific provision for such fees is included in the Use Agreement executed pursuant to this Chapter."

CH. V, §501

"Public school buildings and grounds may be used by the public schools and related public school support organizations, as defined in section 503.1 of this Chapter, for fund-raising activities pursuant to guidelines established by the Superintendent of Schools.

Activities which are by nature commercial or for profit which involve in-service training or supplemental education for employees of the Board of Education may be permitted use of public schools buildings and grounds pursuant to guidelines established by the Superintendent of Schools.

Fund-raising activities by other organizations may be permitted use of public school buildings and grounds upon the written recommendation fo the Superintendent of Schools and the approval of the Board of Education."

CH. V, §502

"The Board of Education may grant the use of public school buildings and grounds to individuals, organizations, or other agencies of the government of the District of Columbia in accordance wtih the provisions of this Chapter and the laws of the District of Columbia.

Non-public school uses of buildings and grounds under the jurisdiction of the Board of Education may include any of the following: (a) Alternative educational programs and services and other supplementary educational activities; (b) Civic meetings held for the purpose of free discussion of matters of public interest; (c) Regularly operated social centers and recreation centers; (d) Playgrounds, (e) Any other use which is sepcifically authorized by law or the Rules of the Board of Education.

All activities, meetings, programs, or other uses of public school buildings and grounds granted under this Chapter

shall be open to the public, unless specific provision for restricted admission is included in the Use Agreement executed pursuant to this Chapter.

Public school buildings and grounds may be used by otherwise qualified individuals, organizations, and agencies which charge a dues or membership fee so long as membership status or the payment of dues or membership fees is not a prerequisite for attendance at meetings held in public school buildings or on school grounds."

CH. V, §503

"The following school-related organizations shall be allowed to use public school buildings and grounds pursuant to the provisions of sections 500,501, 502, 506, and this section:

(a) Parent-Teacher Associations (PTA) or Home & School Associations which are duly recognized by the local school administration pursuant to guidelines established by the Superintendent of Schools; (b) Local School Advisory Committees; (c) Citywide educational organizations or local affiliates of national educational associations which are recognized by the Superintendent of Schools.

School-related organizations shall be granted the use of public school buildings and grounds without charge for one... meeting per month during non-school hours, pursuant to the following: (a) Time and space provisions set forth in the guidelines issued by the Superintendent of Schools pursuant to subsection 503.4; (b) The Superintendent of Schools may require that monthly meetings be held at a school other than the local school with which the organization is associated where regional facilities are available at a reasonable distance from the local school and where such use is more economical.

School-related organizations may use buildings and grounds during school hours without charge for meetings, committee meetings, or other purposes which do not conflict with the operation of the school and where such use does not incur additional costs to the Board of Education. Designation of local school hours for each building and other guidelines for such use shall be established by the Superintendent of Schools.

Use of public school buildings and grounds by school-related organizations shall be granted upon the recommendation of the local school administrator and approval of the Superintendent of Schools or his[her] designee pursuant to uniform guidelines established by the Superintendent of Schools."

CH.V, §504

"Use of public school buildings and grounds by non-public school related organizations, individuals, or other agencies of the government of the District of Columbia shall be granted pursuant to the provisions of sections 500,501, 502, 505, 506, and this section.

Use of public school buildings and grounds shall be granted only where such use is without cost to the Board of Education or where such costs are reimbursed to the Board of Education by other agencies of the government of the District of Columbia.

Grant of use of public school buildings and grounds under this section shall be pursuant to an executed Use Agreement which conforms to the requirements of section 505 of this Chapter.

All Use Agreements executed pursuant to this section which extend for a period of more than one...year shall be defined as "short term" Use Agreements.

All long term Use Agreements shall be reviewed annually and may be extended, modified, or cancelled subsequent to such review. No Use Agreement shall contain any provision for automatic extension beyond the original term of the agreement.

All Use Agreements shall be executed by the Superintendent of Schools and a copy provided to the Board of Education.

Long Term Use Agreements shall be subject to the prior approval of the Board of Education.

Grants of use and Use Agreements shall be valid only with respect to the original grantee. Grants of use and Use Agreements shall be non-transferable and shall make no provision for the designation of any sub-grantee by the user."

"Each Use Agreement executed pursuant to this Chapter shall include provision for at least the following:

(a) The name of the individual, organization, or agency with which the agreement is made; (b) The name, title, and authority of the person(s) responsible for the use of the building or school grounds and provision for contact between the person(s) and the Superintendent of Schools or his[her] designee; (c) A description of the particular room(s), space, or area to which the grant of use applies; (d) The specific times, dates, or other appropriate designation of the period(s) of use; (e) The specific use(s) covered by the agreement; (f) Reference to the general restrictions and conditions of use provided by this Chapter and any other specific conditions and restrictions applicable to the particular grant of use; (g) A description of the costs or estimated costs related to the grant of use and specific provisions for the payment or reimbursement of such costs, including all costs for custodial services and supplies, heat or air conditioning, utilities, telephone service, and repairs or modifications to existing structures; (h) Provision for the assignment of risk and liability for damages and personal injury, including any requirement for insurance coverage; (i) Inclusion of the applicable provisions of this Chapter in the agreement by reference.

Where appropriate, provisions of the Use Agreement with regard to costs may include a fee based on costs per square foot, a pro rata fee for maintenance and repairs, or other appropriate form of cost allocation, reimbursement, or payment, including the provision of in-kind services or other form of exchange of consideration for the costs of the use of buildings and grounds.

All Use Agreements shall be subject to cancellation at any time for violation of the provisions of this Chapter, violation of any provision of the Use Agreement, a finding by the Board of Education that the use conflicts with the priority needs of the school system, or other reasonable cause upon the written recommendation of the Superintendent of Schools with written notice to the user and the action of the Board of Education."

CH. V, §506

"The use of cafeteria or kitchen facilities, or any use of public school buildings and grounds for the preparation, handling, serving, or storage of any item(s) of food or drink by school-related organizations pursuant to section 503 of this Chapter shall be approved in advance by the local school administration and be subject to guidelines established by the Superintendent of Schools."

CH.V, §517

"Buildings which the Board of Education has declared no longer needed for its own direct educational purposes may be designated by the Board for use by non-public school individuals or organizations for educational and supplementary uses, as provided by law and this Chapter. Such uses may include, but are not limited to, day care and early childhood centers, alternative educational programs for residents of the District of Columbia, and offices of educational organizations. Such uses shall be subject to annual review by the Board of Education and recission for cause...

All agreements between the Board of Education and any non-public school individual or organization designated as user of a closed building shall be subject to review on an annual basis. The Board of Education shall maintain jurisdiction over such buildings and retains the authority to modify, revise, or terminate any such agreement or designation pursuant to such annual review process as the Board of Education shall determine."

C. School Property and Facilities

1. School Site

Regulations

6A-2.39 School Site

Before a site can be approved, the following conditions must be met: Each site shall contain the minimum number of usable acres determined by the grade level of the school and the number of students in the school. These conditions may be waived if there is evidence that a school site of that size is impracticable in any given situation.
The school board shall have a written agreement with the appropriate agency for the provision of electricity, water and sewage disposal or have made provisions for on-site utilities. Water and sewage approvals must be approved from appropriate state agencies. Provisions shall also be made for fire and police protection, primary and secondary access roads, drainage and the vehicular drives.

CROSS REFERENCES

II.B.2.; Statute §235.40

III.A.2.; Statute §235.15; 235.16; 235;18; 235.19

III.E.Teacher; Statute §231.605

2. Physical Plant and Fixtures

Statutes

§232.36

The State Board of Education shall set sanitation standards for school facilities and grounds which may be augmented by the school board and administered by the superintendent.

§235.002; 235.01; 235.012-.016

In order to equalize education the legislature has "authorized state and district school officials to cooperate in establishing and maintaining school plants that will . . . (promote) the health, comfort, and . . . moral and intellectual development of school children" by updating and constructing educational facilities. Towards this end, the Office of Educational Facilities Construction has been established (the "office"). It "shall recommend to the state board rules, regulations, and procedures for the administration of its programs and activities." State departments and agencies shall cooperate and aid the office in its tasks. The office shall: ask local school boards to submit "long-range plans for educational facilities construction" and improvement of existing schools; instruct municipal governments to "construct and maintain sidewalks or bicycle trails within a two-mile radius of each school"; "approve or disapprove . . . the acquisition of sites"; "develop the mechanisms to be used in bidding specific projects"; "determine the roles of the different state and local government agencies . . . in the planning, design and construction of educational facilities"; "develop a mandatory, uniform building code for school construction; and encourage participation by "local personnel" and make sure "the needs of local communities be given consideration" in construction or improvement decisions.

ASSESSMENT AND PLANNING

The programs of the office shall be administered by an associate commissioner, appointed by the commissioner.

That person shall "report on the projected needs of school facilities construction" annually, review requests for construction funds and make recommendations to the commissioner.

§235.09

Non-students who wilfully deface or destroy school property, including the school grounds, "with obscene word, image or device" shall be guilty of a second degree misdemeanor.

§235.195

"Two or more school districts . . . [may] participate in a cooperative project to establish a common educational facility" by applying to the Commissioner of Education. The Commissioner, after reviewing a survey of the areas, shall make his/her recommendations to the State Board of Education.

§235.211;235.221

"Upon the request of the school board, the state board shall provide relocatable educational facilities for use at school centers where there is an immediate need for pupil stations or where . . . the pupil population will not remain stable in the near future years." Relocatable facilities may be loaned to school districts for this purpose.

All facilities constructed must conform to the State Uniform Building Code for Public Educational Facilities Construction.

A Special Facility Construction Account shall "provide necessary construction funds to school districts that have urgent construction needs but lack sufficient resources at present." The State Board of Education shall approve requests for such funds "within 30 days after receipt of the recommendations" (by the Office of Educational Facilities Construction).

§235.26

BUILDING CODE

There shall be "a mandatory, uniform, statewide building code for the construction of public education facilities." The code shall be flexible, yet "afford reasonable protection for public safety, health and general welfare." The Office of Educational Facilities Construction shall prescribe the necessary standards, which "shall have the force and effect of law" and supersede local school board or other building codes.

§235.30

Prior to the "construction or alteration of, or addition to, any building. . .the school board shall provide for . . . supervision and necessary inspection of the work."

§235.31-.34

CONTRACTS

School boards shall negotiate contracts for construction of public educational facilities with bidders who have been pre-qualified for school construction by the State Board of Education. Boards may opt to contract "only for . . . extensive repair, alteration, remodeling, renovation or improvement of any existing building." They shall publish their intentions in a local paper for 30 days, "after which a public hearing shall be held." A cost analysis shall be conducted before the awarding of a contract.

Bidders must be certified by school boards, pending a review and recommendation by the school superintendent. Rejected applicants may request in writing reconsideration of their applications within 10 days after notification of the original decision and the board must act "within 30 days after the filing thereof."

VIOLATION

Violation of a contract shall constitute a misdemeanor of the second degree.

§235.43

The Commissioner of Education may "internally organize those functions of the Department of Education

which relate to the construction of educational facilities." Such a reorganization should include the transfer of functions from areas of the Department of Education to the Office of Educational Facilities Construction.

CROSS REFERENCES

III.A.2.; Statute §235.15; 235.16; 235.18; 235.19

3. Use of Facilities

Statutes

§235.02

"The school board may permit the use of educational facilities . . . for any legal assembly, community use centers, or . . . voting places." The board shall set rules "necessary to protect educational facilities when used for such purposes."

§235.04-235.055

School boards may dispose of "any school land or real property" that is "unnecessary for school purposes . . . because of location, condition, or other cause." Motor vehicles used for driver education, however, shall be disposed of as contractually agreed upon. The board also has the "right to take private property for any public school purpose" and shall pay the "absolute fee simple title." School boards may construct school facilities on federal, state or local lands acquired by a "long-term lease" allowing the use of the land for at least 40 years or the life expectancy of the facilities, whichever is longer.

C. School Property and Facilities

1. School Site

Regulations

40-4210; 4220

"The State Board assumes the responsibility for supporting the wisest choice of sites on which public school facilities are to be constructed.

"The State Board shall establish a School Site Approval Committee" to evaluate proposed sites submitted by local school systems. The State Superintendent is directed "to develop . . . guidelines for the School Site Approval Committee and for local school systems in the selection of school sites." Criteria shall include minimum acreage; a clear title; available utilities; availability of public sewage or sewage treatment; "safety precautions can be provided to prevent hazards" from traffic, pollution or other sources; "the community area is appropriate for a school site in terms of . . . zoning, traffic and other environmental factors;" typography and geography are appropriate and the site is feasible for construction; there is "adequate space . . . for athletic and recreation area development."

2. Physical Plant and Fixtures

Statutes

§32-613a; 614a

"The State Board of Education shall grant funds to local units of administration for the purchase, maintenence, repair and replacement of equipment for instructional laboratories and for special educational classrooms."

The State Board of Education may "prescribe minimum requirements and standards" concerning "purchase, distribution, and use" of these facilities.

§32-649a

"The State Board of Education shall establish common minimum requirements which each public school facility must meet in order to be certified for use . . . [the] minimum requirements shall include those provisions of law and/or State Board policy on matters related to fire and physical safety, sanitation and health, . . . minimum space, size and configuration . . . ."

§32-809

Local boards of education shall "have authority to lease any schoolhouse or other school property for private educational purposes . . . ."

§32-909

"The county boards of education shall have the power to purchase, lease, or rent school sites, build, repair or rent school houses, purchase maps, globes, and school furniture, and make all arrangements necessary to the efficient operation of the schools."

The superintendent and the board of education must approve the construction of all school buildings.

§32-1401

The county board of education may build and equip schoolhouses in the county

§32-1404

Counties and municipalities "may contract with each other for the joint building and maintenance of high school buildings" for the use of the "children living in such municipalities and those living in the county outside of the limit of such municipalities."

§32-1903

"County, city and area boards of education may employ supervisors and special teachers of physical education and health education . . . ."

"The Board of education may allow the use of school buildings or school grounds after regular school hours and during vacations as community centers for . . . recreation."

Two or more school district boards may jointly employ a physical education teacher.

§32-2001; 2003

Public schools with two or more stories must have ample fire escapes in order to receive state aid. Minimum safety requirements include an easy means of exit and ample stairways.

REGULATIONS

30-1210; 1220

The State Board is required by law to prescribe "common minimum requirements which each public school facility must meet in order to be certified for use in school programs." It shall also set forth rules and standards for "location, construction, equipping, operation and maintenance of new school facility construction." All requirements shall be recommended by the State Superintendent, including enforcement procedures for schools which aren't certified. "This enforcement process shall provide for . . . deficiency remediation and . . . periods of consultation and probation" before state funds are withheld.

"The Office of School Administrative Services shall develop and implement . . . the common minimum requirements " criteria for new facilities and related procedures for certification and enforcement. Non-certified schools must submit "a plan for compliance with the common minimum requirements."

CROSS REFERENCE

IV.A.; Statute §32-420 -- 32-421

C. School Property and Facilities

1. School Site

STATUTES

§298-25

The superintendent of education shall have authority to recommend that state lands, including the buildings thereon, be sold once they are no longer necessary for school purposes.

CROSS REFERENCE

I.State Board of Education; Statute §27-11

2. Physical Plant and Fixtures

Statutes

§296-37

"The department of education shall . . . implement acoustic noise control and air conditioning of existing and new school facilities in areas affected by aircraft, traffic and other noise." The criteria for deciding whether such control is necessary shall be whether they are "required for effective classroom instruction."

Regulations

Rule 44.52

"Facilities. The school shall provide buildings and playgrounds which are adequate to provide a quality educational program in terms of the philosophy and objectives of the school.

The classrooms shall be sufficient in number, adequate in space, and so arranged as to be conducive to carrying on the assigned activities. Playgrounds and physical education facilities shall be well maintained, free from hazards, and large enough to permit an adequate program of physical education."

CROSS REFERENCE

I. State Board of Education; Statute §27-11

3. Use of Facilities

Statutes

§296-49

"The state department of education . . . may establish and regulate" after-school and weekend activities . . ."including but not limited to day-care programs, arts and crafts . . ." etc. Any volunteers working on these programs will be considered state employees "in determining the liability of the state . . . for the negligent acts of such persons."

§298-22

School grounds shall be made available after school hours for use by the department of parks and recreation or the recreation commission whenever this can be done without interference with the normal activities of the school.

§298-23

"All public school buildings, facilities and grounds shall be available for general recreational purposes and for public and community group meetings, whenever these activities do not interfere with the normal and usual activities of the school and its pupils concerned." The department of education "shall issue such rules and regulations as are necessary to carry out this section."

§298-24

"The fullest freedom shall be given to the citizens of the state to use for lawful purposes all public school buildings throughout the state . . ." when the structures are not being used for strictly educational purposes. A permit shall be issued by the proper authorities, "when the proposed use is shown to be lawful by the applicant."

Rule 6.1

All public school buildings, facilities and grounds shall be available for general recreational purposes and for public and community group meetings whenever these activities do not interfere with the normal and usual activities of the school and its pupils as provided by law.

Rule 6.2

Applications for use of school buildings, facilities, and grounds must be submitted in writing. Authority to approve applications is vested in the District Superintendent or his[her] representative.

Rule 6.4

School buildings may not be used for religious services or church schools except on an occasional and temporary basis.

Rule 6.6

Only school groups may use school buildings for sleeping quarters except with the written permission of the Superintendent. In the event of public emergency, school buildings are to be made available by the Superintendent.

Rule 6.7

School buildings and facilities shall not be used for private instruction except on an occasional and temporary basis.

Rule 7.1

Cafeteria equipment used in the preparation and serving of food shall be used only by organizations or persons for school related activities. Any exception must have written approval of the District Superintendent.

Rule 8.1; 8.8

The Department will cooperate with individuals, community organizations and agencies desiring to sponsor activities in the public schools, that are in

keeping with the purposes and educational aims of the schools, when such can be integrated into the school program without undue disruption or loss of instructional time for the student or impose an unreasonable added work load on the staff and students of the school.

Rule 8.3

Schools shall not be used to promote private interests and causes that have not gained general approval as being for the public welfare, nor for direct sales promotion of individual competitive goods or services.

Rule 8.5

All materials or activities initiated by private sources shall be judged on grounds of their (a) direct contribution to educational values; (b) factual accuracy; (c) good taste.

CROSS REFERENCE

IV.E.; Regulation Rules 8.6; 8.10; 8.11

C. School Property and Facilities

1. School Site

CROSS REFERENCES

II.C.2; Statute §33-601

IV.A; Regulation, Accreditation Standards for Secondary Schools, Standard V

2. Physical Plant and Facilities

Statutes

§33-112

"The state board shall authorize and approve all plans . . . for the construction or alteration of buildings" at state educational institutions.

§33-122

"The state board shall cooperate with the board of health and welfare and other state agencies in establishing regulations covering school buildings, sanitation, sewage disposal, water supply, or other matters affecting the public health."

§33-601

The board of trustees of each district has authority "to rent to or from others, school buildings, or other property used . . . for school purposes . . .; to contract for the [acquisition] or repair of any school building, . . . school site, or equipment, necessary for the operation of the school district . . . [and] with any city located [in] the school district for the joint . . . construction . . . and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities . . . ."

CROSS REFERENCES

I. Board of Trustees; Statute §33-506--510

IV.A; Regulation, Accreditation Standards for Secondary Schools, Standard V

3. Use of Facilities

CROSS REFERENCE

II.C.2; Statute §33-601

C. School Property and Facilities

1. School Site

CROSS REFERENCE

II.C.2.; Statute §35-1 -- 35-31

2. Physical Plant and Fixtures

Statutes

§35-1 — 35-31

There shall be a School Building Commission made up of a representative of the State Board and the Director of Finance, and three members appointed by the governor to six year terms. The Commission's purpose is to provide "school sites, buildings and equipment to meet the needs of school districts unable to provide such facilities because of lack of funds and . . binding limitations."

The Commission shall be responsible for providing facilities for vocational education programs and residence facilities for children who are wards of the state as well.

3. Use of Facilities

Statutes

§10-22.10

The board may grant civic groups and night schools the right to use the school buildings after school hours.

C. School Property and Facilities

1. School Site

CROSS REFERENCE

I. Board of School Commissioners; Statute §20-3-11-5

II.C.2; Regulation §II, Chap. 1, Policy 66-11

III.A.1.; Regulation §II, Ch. 1, Rule G-3

REGULATIONS

§ II, Ch. 1, Policy 66-11

Civil Rights - Location of New Buildings

"The Commission on General Education....is concerned that de facto segregation not be intensified or perpetuated by the location of new buildings.

We have, therefore, directed the Division of Schoolhouse Planning, before granting approval to any proposed site for a new building, or addition to buildings, to consider the effect on segregation.

We also suggest...that you give careful consideration to the effect on segregation of any new building or additions to buildings and that you confer with the Division... before deciding on any location or making any commitments for a site or addition to a building."

§II, Ch. 1, Rule B-1

Procedure, Planning and Approval in Remodeling Old, or Constructing New School Plants

Section 1

a) These rules "contemplate providing guidance toward construction to meet long range educational needs" through the Division of Schoolhouse Planning.

The Division's responsibilities are:

1) to determine the "educational need for the enlargement or remodeling of the school plant after the local community has studied the local situation."

2) To judge the adequacy of the proposed site "in regard to size, environment, location in relation to pupil population and . . . meeting desirable educational needs.

3) Improving the quantity and educational re-

lationship of the floor space in the added, remodeled or new structure."

c. "Request forms" for such construction must be filled out by the local school official.

d. When such request is properly received, an inspection will be made in the community tendering such request.

e. "Upon the basis of the inspection report and the recommendation of the Division . . . action on the request will be taken by the State Superintendent. . ."

f. If approved, the corporation may prepare preliminary plans which shall be submitted to the Division for "analysis and recommendation." The Division shall either make, or withhold their recommendation based on the factors specified above. If the preliminary plans are approved, the corporation "may proceed with the development of final plans and specifications."

g. Final plans must be approved by the Department. Such approval is assured if "no unapproved deviations from the preliminary has been made in the final plans and specifications.

h. Where the above procedures and standards have been complied with the Division is authorized to recommend approval to the State Superintendent who is authorized to act for the Commission on General Education, and issue approvals. Where, however there are "questionable situations" or "substantial variation," approval or disapproval must be determined by the Commission itself.

§II, Ch. 1, Rule B-4

Incorporation of Safe Areas Into School Facility Design

Section 1

Requirement

School corporation submitting preliminary plans for either new building construction or major building

addition shall indicate therein "that provision has been made for minimum safe area(s) within the structure."

"Safe area" is an area determined by a certified architect or engineer "providing a reasonable degree of protection . . . from high winds and/or debris, either falling or airborne."

d. The "minimum safe area" shall be 4.0 square feet per person to be based upon planned student and staff capacity of the building.

Section 2

Available Guidelines

"The Division of Schoolhouse Planning will furnish a set of guidelines to any school corporation requesting them."

CROSS REFERENCE

I. Board of School Commissioners; Statute §20-3-11-5

I. General Superintendent; Statute §20-3-11-9

I.State Board of Education, Regulation §I, Ch. 3A

I.State Superintendent; Regulation §I, Ch. 2C

II.A.3.; Regulation §I, Ch. 4

C. School Property and Facilities

1. School Site

Statutes

§297.1 -- .3

The board of each school district may fix the site for each schoolhouse and may take and hold real estate not to exceed thirty acres.

§297.7

The board of directors of a school district may acquire real estate by purchase or lease for the purpose of constructing a schoolhouse. They may also construct a technical school for vocational education

§297.22

The board of directors may authorize the sale of a school or school site when they determine such sale would be for the benefit of the school district.

CROSS REFERENCE

I.Local School Districts; Statute §274.1

2. Physical Plant and Fixtures

Statutes

§300.1

Boards of school directors in any city are authorized to establish and maintain "public recreation places" and "playgrounds" for children in the public schools.

3. Use of Facilities

Statutes

§297.9

The board of directors may authorize the school to be used for community meetings and activities. Any compensation received for such use shall be expended for upkeep and repairs

CROSS REFERENCES

II.A.3.; Statute §280A.38 -- .40

II.C.2.; Statute §300.1

C. School Property and Facilities

1. School Site

Statutes

§72-8225

The board, as lessee, may contract for the use of land or improvements, or both. The term of the lease shall not exceed three years.

Regulations

§91-27-5

Each site and each building shall meet the requirements of Kansas law for school building construction, fire protection and health.

CROSS REFERENCES

II.C.3.; Statute §72-1625--72-1626

III.A.1.; Statute §72-8212

2. Physical Plant and Fixtures

Statutes

§72-126; 72-128

The state of Kansas will assure that adequate facilities are provided in relation to the distribution of school population. The state board of education is responsible for making and completing an inventory of existing school facilities, and, developing a program for the construction of school facilities.

CROSS REFERENCES

II.C.1.; Statute §72-8225

II.C.1.; Regulation §91-27-5

III.A.1.; Statute §72-8212

III.A.1.; Statute §72-8213--72-8213a

3. Use of Facilities

Statutes

§72-1033--72-1033a

The school board shall control school district property. The school board may open the schoolhouse for public purpose under board regulations. The school board may contract with a public library board to allow the public library board to use the school library or to have the public library board provide library service to the school library.

§72-1625--1626

Any board is hereby authorized to purchase or lease grounds for public recreation parks and playgrounds on grounds and in buildings under the custody and management of such board.

The board of education of any city of the 1st or 2nd class may purchase and hold land for school sites outside the boundary of such city for purposes of planning to meet future school needs.

Regulations

§13-1357

The governing body of a city may lease to the board of education a military memorial park, recreation or athletic field which is adjacent to any public school property for not more than twenty years. The purpose of the lease shall be to provide adequate facilities for athletics, amusements, and recreational activities of the schools. The governing board may permit the board of education to build a stadium and other buildings. The board of education may charge admission fees for school activities.

When not in use by the schools, the park may be used by public, civic, religious and charitable organizations, and war veterans. The governing body

may issue permits for such use and allow an organization to charge admission fees.

CROSS REFERENCE

III.A.1.; Statute §72-8212

C. School Property and Facilities

1. School Site

Statutes

§160.320

"Any board of education may make provision for roads or passways to its school buildings . . . and may apply to . . . the governing authority of the city . . . to open the same as other roads and passways are opened for public necessity and convenience. If there is no road or passway from the residence of any pupil to the school building which he[she] attends, it shall be lawful for such pupil, in attending school, to walk over the property of any person between the residence of the pupil and the school building."

§162.030

"Each board may, when unable to make a [satisfactory] contract . . . with the owner for the purchase of real estate to be used for school purposes, initiate condemnation proceedings pursuant to . . ." statute.

§162.040

"So much property in each school district as escheats to the state, and is not required . . .[by statute]. . . to be disposed of in some other manner, shall vest in the state for the use and benefit of the public schools in the district. The board . . . may. . . enter upon and take possession of the property, or sue for and receive the porperty. The board may sell and convey any of . . .[such]. . . property."

§162.060

"No board of education may award a contract for the erection of a new building or contract for an addition to or alteration of an old building until the plan has been approved by the superintendent of public

instruction" in accordance with the rules and regulations of the state board of education.

§162.120 -- 160; 290; 300

"For the purpose of providing buildings for school purposes, boards of education of school districts . . . may convey to . . .[a] . . . city [or county] a[ny] site . . . held . . . by such boards of education."

"Every city [or county] to which a site for a building has been conveyed . . . shall" erect a school building on the site "for the purpose of supplying the board of education of the . . . district . . . with adequate buildings to carry out its duties and powers."

Any city [or county] which desires to so construct a school building shall cause plans and specifications giving "a full description of the building to be constructed, the details thereof and the manner of construction" to be prepared by an architect approved by the board of education. Said plans "shall be submitted to the board of education of the school district and to the superintendent of public instruction for approval."

"Immediately upon . . . approval . . . the board of education shall offer to lease the building." The length of the lease and the rental payments thereunder shall be computed so as to "amortize the total cost of the erection of the building . . . provide an adequate maintenance fund, and in addition . . . a sum sufficient to pay the cost of insuring the building." Such procedure shall be in addition to other methods of acquisition of school buildings by boards of education.

§162.310 -- 350

"For the purpose of providing buildings to be used in connection with any state educational institution, the governing body of the institution may convey to any person . . . real estate held by . . . the institution as a site for the buildings."

"Every person to whom a site is conveyed . . . shall immediately . . . contract with some person approved by the . . . institution, for the immediate erection on the site of a building . . . according to plans and specifications approved by the . . . institution." The contract shall contain a penalty bond to insure timely construction.

REGULATIONS

702 KAR 4:050

"The Superintendent of Public Instruction shall cause an inspection to be made of each proposed school building site or site addition and shall approve each site ....

The minimum size of school sites varies according to the type of school (elementary, junior high, middle school, etc. ...)."

CROSS REFERENCE

I.Board of Education; Statute §160.160

2. Physical Plant and Fixtures

Statutes

§162.070;075

All "contracts for the erection of new school buildings, additions and repairs to old buildings," or the purchase of supplies and equipment, except those which do not exceed twenty-five hundred dollars, "shall be made by the board . . . to the lowest and best responsible bidder complying with the terms of the letting, after advertisement for competitive bids pursuant to . . .[statute]. . . but the board may reject any or all bids. All necessary specifications and drawings shall be prepared for all such work."

This "shall not apply to purchase made . . . from the United States . . . or any agency thereof."

§162.440

Local boards of education may, upon approval of the superintendent of public instruction, establish an insurance fund which "shall be used exclusively for replacing or repairing any injury or destruction to any of the buildings owned by the board or to their contents when caused by national catastrophe, fire or riot . . . but not when caused by wear and tear or the natural processes of decadence or deterioration."

§273.060

"The governing body of any educational institution . . . shall have the same rights, civil and penal, against any person injuring or intruding upon any property belonging to it as were granted . . . [by stututes] . . . concerning the public property of a county. The net proceeds shall be paid to the governing body entitled thereto."

Regulations

702 KAR 4:060

"The structural design for construction of all new

school buildings, building additions and remodeling shall be in conformance with the ... Kentucky Standards of Safety and ... local building codes and regluations ...."

School dimensions, standards for facilities and classrooms shall be established for elementary schools, on the one hand, and for middle, junior high, and high schools, on the other hand.

702 KAR 4:070

"The design of the mechanical, ventilation, or air conditioning system in schools shall be in accord with the recommendations and standards contained in ... the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide.

There shall be mechanical ventilation in all new schools. "All electrical work shall conform to the requirements of the National Electric Code... All plumbing shall be installed in accord with the Kentucky Plumbing Code." The heating system shall "insure uniform temperature of seventy(70) degrees."

702 KAR 4:080

"Relocatable classrooms which can be moved and assembled into instructional units on the school site may be approved on a year to year basis " following compliance with specific requirements dealing with space, weight, dimensions, and design of facilities.

CROSS REFERENCES

I.Board of Education; Statute §160.160

I.Superintendent of Schools; Statute §160.390

II.A.2.; Statute §167.015 -- .035; §167.140 -- .170

II.A.3.; Statute §163.085

II.A.3.; Regulation 705 KAR §3:075

II.C.1.; Statute §162.060

II.C.1.; Statute §162.120 -- 160; .290; .300

II.C.1.; Statute §§162.310 -- .350

II.C.3.; Statute §97.020

III.D.Facilities; Regulation 702 KAR §1:010

III.A.2.: Regulation 705 KAR §3:080

IV.A.; Statute §212.210

IV.A.; Statute §227.220

3. Use of Facilities

Statutes

§97.020

"The legislative body of any city . . . or county may establish a park, playground and recreation system and may vest the power to provide, maintain and conduct . . .[them] . . . in a . . . board of education. Any board so designated may maintain and equip parks, playgrounds and recreation centers and the buildings thereon, and may employ . . .[necessary personnel]. . . as it deems proper."

§160.293

"Upon the recommendation of the superintendent of public instruction, the state board of education may adopt regulations authorizing a local board of education to enter into an agreement with a public agency for the purpose of developing and maintaining on school property recreational facilities for school and community purposes in accordance with the following standards:

1) The property must be used in such a manner and at such times so that there will be no interference with school activities.

2) The control and management of this property shall be in accordance with regulations adopted hereunder by the state board of education.

3) All agreements must have prior approval of the superintendent of public instruction and the attorney general."

§162.050

"The board . . . may permit the use of the school house, while school is not in session, by any lawful public assembly of educational, religious, agricultural, political, civic or social bodies, under rules and regulations which the board deems proper."

702 KAR 4:005

"Local boards of education are authorized to cooperate with a public agency for the purpose of developing and maintaining recreational facilities on school property ...."

C. School Property and Facilities

1. School Site

Statutes

§17:87.6

A parish or city school board "may sell, lease or otherwise dispose of . . . any school site, building . . . or personal property which is not used and . . . not needed in the operation of any school within the jurisdiction of [the board]. . . ."

2. Physical Plant and Fixtures

CROSS REFERENCE

I.Parish School Board; Statute §17:81; 84.1

I.Parish School Board; Statute §17:151

C. School Property and Facilities

1. School Site

Statutes

§307

When disposing of real or personal property worth over $1,000, the school directors will advertise for sealed bids.

"The directors are authorized to return unused real property to the individual from whom it was purchased, their heirs or assigns, when it is no longer needed for school purposes."

§322-C

When a new school building is to be constructed or acquired it shall first be determined in which state it should be located; then the laws of that state shall apply.

CROSS REFERENCES

I.Board of School Directors; Statute §306

I.Department of Education; Statute §2,3

2. Physical Plant and Fixtures

Regulations

MEMO TO SCHOOL SUPERINTENDNETS FROM THE COMMISSIONER
Feb. 10, 1977

Because asbestos is hazardous to health, existing school buildings should be checked for flake off of asbestos material. Designers who are aware that buildings may contain these hazards are urged to contact the Division of School Facilities.

ASBESTOS

MEMO TO SCHOOL SUPERINTENDENTS FROM THE COMMISSIONER, 4/5/77

Because mercury vapor lamps may cause radiation exposure if broken, the schools should develop a program of "frequent and regular inspection" of such lamps. Any lamp with defects should be removed immediately.

MERCURY VAPOR LAMP

CROSS REFERENCES

I.Board of School Directors; Statute §306

I.Department of Education; Statute §2,3

II.A.2.; Statute §3162

II.B.1.a.; Statute §856

CROSS REFERENCE

I. Board of School Directors; Statute §306

C. School Property

1. School Site

CROSS REFERENCES

II.C.2.; Statute Art. 77, §26

II.C.2.; Statute Art. 77, §47

2. Physical Plant and Fixtures

Statutes

Art. 77 §9

The state board shall establish standards and guides for the planning and construction of school buildings. The board shall maintain a school construction planning service to assist in developing and reviewing school plans and in determining their suitability. It shall distribute planning information to the local boards of education.

Art. 77 §26

The state superintendent shall pass upon all proposals for school sites and all plans for construction or remodeling of school buildings. If the state superintendent does not approve any of the above she/he must state her/his reasons in writing. No instruction shall proceed without such approval.

Art. 77 §47

(a) The county board is authorized, subject to the approval of the state superintendent, to purchase sites, improve or construct school buildings. When the board determines a school is no longer needed, it shall be disposed of by the county commissioners. The county board shall consult an architect and a planning commission and shall conform to all applicable building regulations. When considering a school building site, a public hearing may be held if requested by the commissioner or citizens to give all parties an opportunity to present their views.

Art. 77 §130

A state school building construction aid program shall finance the construction of school buildings in each county through state grants. The formula to determine the amount each county receives is provided by law. The state department of education shall develop and the state board shall adopt regulations to administer this program. The state superintendent shall approve the expenditures for each county. If the appropriation

for the state program is insufficient to pay all costs in any given year, all eligible projects shall be reduced proportionately.

.Art. 77 §130A

". . . The state shall pay all costs in excess of available federal funds of all public school construction projects . . ." The state shall also reimburse the counties for their direct expenditures to school construction.

The Board of Public Works is authorized to adopt regulations to administer the programs provided for in this section. The state's obligation to pay for school construction extends only to those projects which comply with the Board of Public Works regulations. Any conflict between the authority of the state board of education or other state education agency and the rules and regulations of the Board of Public Works shall be resolved in favor of the Board of Public Works.

REGULATIONS

13.05.04.01 - 13.05.04.02

'The rules and regulations for the planning and construction of school buildings shall be those set forth in Planning Maryland School Plans . . .[which] sets forth 'desirable goals rather than minimum standards.' The method of achieving these goals is left to the discretion of the superintendent and the architect. The only minimum standards. . . are those conforming with local building codes and those affecting the health and welfare of the child."

FIRE REVENTION

Fire prevention standards for school planning and construction "shall include the following standards prepared by the National Board of Fire Underwriters and approved by the National Fire Protective Association:

1. Building exits
2. Installation of oil-burning equipment
3. Protection of openings in walls and partitions against fire."

CROSS REFERENCE

I.County Superintendent; Statute Art. 77, §60

3. Use of Facilities

Statutes

Art. 77 §97

The county board shall encourage the use of school facilities for community purposes. The board may refuse to allow a group to use the facilities if it appears likely that this use will provoke a public riot or breach of the peace. The board may permit a partisan political organization receiving more than 10 percent of the state vote in the preceding election to use the facilities for programs and meetings designed to elect a public official. Use of the facilities for religious purposes shall be at the discretion of the county board.

The board shall give priority to nonprofit day care programs before and after school hours and may make space available during school hours provided the state health regulations governing day care centers are met.

DAYCARE CENTERS

Art. 77 §98

Persons using the school facilities shall be responsible for all damage to property except ordinary wear and tear. If any person or group fails to do so, the county board may refuse all future applications by that person until the injury is repaired. Failure to return the premises to their prior state of cleanliness will, likewise warrant the county board in refusing to allow that person future use of the school facilities.

DAMAGE

C. School Property and Facilities

1. School Site

Statutes

69 §3

"The department of education . . . may receive, . . . , any grant or devise of land or any gift or bequest of personal property for educational purposes . . . ."

CROSS REFERENCES

II.A.3; Statute 74 §17

III.C.Magnet Schools; Statute 71 §371

2. Physical Plant and Fixtures

Statutes

70 App. §1-1

"To promote the planning and construction of school buildings and the establishment of consolidated and regional schools, in order to insure safe and adequate plant facilities for the public schools, and to assist towns in meeting the cost thereof, there is . . . established in the department of education but not subject to its control, a temporary commission, to be known as the school building assistance commission."

70 App. §1-7

"Any city, town, regional school district or county may apply to the commission for a school construction grant to meet in part the cost of an approved school project .

70 App. §1-8

"[T]he board of education shall examine... application(s) and any facts, estimates or other information relative thereto, and shall determine whether the proposed construction is in the best interests of the Commonwealth and the city, town, regional school district or county, with respect to its site, type of construction, sufficiency of accommodations, and otherwise."

The board shall give notice of its acceptance or rejection of the project within reasonable time.

"The final approved cost shall be determined by the board of education within a reasonable time after the acceptance of the completed project by the local school committee."

71 §16D

"A regional school district shall be entitled to receive state aid for construction of regional schools."

71 §70

"A town may, at a town meeting, determine the situation of its school houses."

CROSS REFERENCES

I.Regional District School Committee; Statute 71 §16A

I.School Building Assistance Committee; Statute 70 §1-2 -- 1-3

II.A.3.; Regulation, Regulation #5, Section 1

III.A.1.; Regulation, Regulations of July 18, 1975

III.C.Magnet Schools; Statute 71 §37I

IV.D.; Statute 71§68

3. Use of Facilities

Statutes

69 §8

The department of education may allow public school buildings to be used for specified courses if their use does not interfere with the normal activities carried on in the building.

71 §71

For the purpose of promoting the usefulness of public school property, the school committee may conduct educational and recreational activities in or upon school property under its control, and subject to its regulation shall allow the use of the property by individuals and associations "for such educational, recreational, social, civic, philanthropic and like purposes as it deems for the interest of the community." Religious affiliation or political affiliation does not matter. "This section shall not apply to Boston."

C. School Property and Facilities

1. School Site

Statutes

§380.87

"If authorized by a vote of the school electors, . . . the board may locate, purchase or lease" school sites in the district's name; "purchase, lease, acquire, erect or build" school buildings; "or sell or exchange" unneeded real property. "The board may properly" pass "title to property" and "may sell personal property in an amount" totalling not more than $500.00 in one school year without approval of the school electors."

§380.143

In the school district's name, the board may acquire, lease or equip sites in or out of the district "for schools, libraries, administration buildings, agricultural farms, athletic fields, and playgrounds" with funds provided for such purposes. The board may "sell, exchange or lease real or personal property" no longer needed by the district. However, real property "leased to a private individual, association or corporation shall not be exempt from property taxation" during the lease term. The board may convey land to the state for highway purposes "when the action does not divide the school property into two or more separate parcels."

§380.250

The board may: (a) locate and acquire, in the district's name, sites in or out of the district "for schools, libraries, administration buildings, agricultural farms, athletic fields, and playgrounds;" (b) acquire, or build and equip buildings for uses listed in subdivision (a); (c) pay for facilities listed in subdivisions (a) and (b) with district funds provided for that

purpose; (d) sell or lease, "subject to §380.1141," the district's unneeded real or personal property and give proper instruments passing title to such property; (e) maintain court condemnation proceedings where such taking is necessary for the public's use and benefit.

§380.361

A second class district may purchase or lease, in the district's name, "sites for schools, administrative buildings, agricultural sites, athletic fields, and playgrounds;" may sell unneeded property; and "may establish . . . and maintain agricultural, trade, and other vocational schools" inside or outside district limits.

§380.431

First class district boards may take, lease, and convey real and personal property for public school use "within and without its corporate limits." Except for powers given to regional boards under §380.481 or delegated to them by first class district boards, first class district boards "have the power to purchase, lease, and take by eminent domain all property; erect and maintain . . . all buildings; employ and pay all persons; and do all other things . . . necessary for the proper establishment and management of . . . public schools."

The first class . . . district board may adopt by-laws and regulations for its own government and . . . government of all [district] schools, property and pupils."

§380.1262

A school board may acquire real or personal property for school purposes and pay for it out of funds legally available for these purposes. The outstanding balance of all contractual agreements, exclusive of interest, shall not exceed one and one-fourth percent of the state equalized valuation of real and personal property in the district.

§380.1265

A school board may become a participating member with other units of government and spend building and site funds to acquire school sites through an urban renewal program.

§380.1621 — 380.1634

If a site for a school or other educational facility is designated, determined, established, or enlarged and the school board is unable to agree with the owner of the site on the compensation to be paid for the site or if the board is unable to procure a perfect unencumbered title in fee simple to the site, the board shall apply to the county circuit judge.

The circuit judge shall issue a summons commending the sheriff to summon 18 county residents to form a jury.

Prior public notice of the assembly of the jury shall be given by publication in a county newspaper.

The judge, the persons summoned as jurors, and the sheiff shall assemble in accord with the summons. If the owner could not be found, the officer shall certify the fact. Either party may challenge a juror for the same causes as in civil actions. A jury of 12 shall be chosen.

Subpoenas for witnesses may be issued. The jury may visit and examine the premises and from this and other evidence shall determine the necessity for using the real estate and the just compensation to be made for it. If the jury finds that it is necessary that the real estate shall be used, the jurors shall sign a written certificate stating this and the sum to be paid as compensation. The circuit judge shall endorse the certificate.

Upon filing the certificate in circuit court, the court shall render judgment for the sum. If the owner is unknown, insane, non compos mentis, or an infant, the school board may deposit the sum with the county treasurer.

The court shall then determine that the title in fee of the real estate shall be vested in the school

district and shall award to the district a writ of possession. The school district, after making the payment or deposit required, may enter upon and take possession of the real estate.

If the school site is encumbered by mortgage, levy, tax sale, or otherwise, the mortgagee or other parties claiming to be interested shall severally be made a party to the procedure and shall make proof relative to their proportionate claims to the site. The circuit judge shall settle their several claims.

Jurors and sheriffs shall be entitled to the same fees for services rendered under this part as for like services in civil cases in the circuit court.

CROSS REFERENCES

I.District Board of Education; Statute §380.331

I.District Board of Education; Statute §380.1210

I.School Districts; Statute §380.1132

II.A.3; Statute §380.690

II.A.7; Statute §380.628

2. Physical Plant and Fixtures

Statutes

§380.1261

A school board shall have general care and custody of schools and property of the district and make regulations for their management and preservation.

§380.1263

A school board shall not build a school on a site without having prior title in fee to the site, a lease for not less than 99 years, or a lease for not less than 50 years from the U.S. government, the state, or a political subdivision of the state.

A school board shall not build a frame school on a site for which it does not have a title in fee or a lease for 50 years without securing the privilege of removing the school.

§388.851

All school buildings, public and private shall conform to these specifications:

(a) all plans for and construction of buildings shall be prepared and supervised by an architect or engineer registered in Michigan. Before construction, the state superintendent's written approval shall be obtained. Such approval shall not be given until the state superintendent has obtained the approval of the state fire marshal, or appropriate municipal official, for factors concerning fire safety and of the health department for factors concerning water supply, sanitation, and food handling. (The state superintendent, in cooperation with the state fire marshal and the state health commissioner, shall publish a bulletin on good school building planning procedures.)

MINIMUM STANDARDS

(b) All walls, floors, partitions, and roofs shall be constructed of fire-resisting materials. All steel

members shall be protected by at least 3/4 of an inch of fire-resisting material.

(c) No wood lath or wood burning shall be used but this shall not prohibit use of finished wood flooring, wood door and window frames, wood sash or wood framing and grounds, for the purpose of installing wood trim, panelling, or similar facing materials.

(d) Every room enclosing a heating unit shall be enclosed by walls of fire-resisting materials and equipped with automatically closing fire doors and shall not be located directly beneath any portion of a school building constructed after the effective date of this act. Any natural or other gas used for heating purposes shall be chemically treated to give a very distinguishable odor if a leak should develop.

(e) In gymnasiums, fire proofings may be omitted from the trusses and purlins if they are more than 16 feet off the main floor level. Adequate exits shall be provided from all parts of school buildings. In all cases there shall be at least two stairways and the distance from the door of any class or assembly room to a stairway or exit shall not exceed 100 feet.

(f) Provisions concerning fire safety may be issued by the state fire marshal.

§388.852

The architect or engineer shall be responsible for constructing the building of adequate strength to resist fire and in a workmanlike manner according to approved plans.

§388.853

The state fire marshal shall inspect any building to determine whether the construction complies with provisions of this act. The marshal shall inspect each building at least twice during construction, one inspection to be made of the frame work prior to plastering and one inspection on

completion of the building. The architect shall notify the fire marshal when the building is ready for inspection.

A school building, existing or under construction, shall be exempt from state fire marshal inspection if located in a municipality where both the school board and the governing body of the municipality have certified to the state superintendent that fire safety inspections and measures are satisfactorily provided for by a municipal code administered by a full-time fire prevention and safety department. Before such certification can be submitted, the municipality shall first receive from the state fire safety board written attestation that the municipality has an ordinance for fire protection in schools equal to the minimum state requirements and that the municipality has a full-time fire prevention inspection service having a qualified program of school plan review and inspection.

§388.854

VIOLATIONS

The license or registration of any architect or engineer convicted of violating any provisions of this act shall be revoked Any school officer or board member failing in responsibilities under this act shall be guilty of a misdemeanor punishable by a fine not exceeding $500.00 or by imprisonment in the county jail not exceeding three months, or by both. Any violation of this act may be enjoined in a proceeding instituted by the state fire marshal, to be brought in the circuit court in the county in which the school buildings are situated.

§388.855a

Except as provided, the provisions of §388.851 to 388.855a shall not apply to one-story school buildings or additions nor to construction and remodeling where total cost is less than $15,000.00.

Subdivision (a) of §388.851 shall apply to all buildings, regardless of the number of stories, where total-cost exceeds $15,000.00.

For all construction involving total cost of less than $15,000.00, it shall not be necessary that a registered architect or engineer be employed, but plans for such buildings shall be submitted to the state fire marshal and to the state superintendent for criticism, suggestions, and approval.

CROSS REFERENCES

I.Building Principal; Statute §380.1247

I.District Board of Education; Statute §380.245

I.District Board of Education; Statute §380.246

I.District Board of Education; Statute §380.1266

II.A.3; Statute §380.690

II.A.3.; Regulation R395.261; 395.262

II.C.1; Statute §380.250

III.C.District Boards; Statute §380.1281

IV.A; Statute §380.1300

IV.D; Statute §§380.1341; 380.1342

3. Use of Facilities

Statutes

§380.1268

A school board upon written application of a responsible organization or a group of seven citizens of the district may grant the use of school facilities as community or recreation centers for the entertainment and education of the people and for the discussion of topics of civic import. The use shall not infringe seriously upon the original and necessary uses of the property.

The board shall prescribe regulations for use to secure fair, reasonable, and impartial use of facilities.

The organization or group shall be responsible for damage and may be required to pay a use or rental fee.

CROSS REFERENCE

IV.D.; Statute §380.1333

C. School Property and Facilities

1. School Site

Statutes

§123.63

Municipal corporations or districts where the district has the power and authority to purchase sites for school buildings without authorization by the voters shall also have the right of eminent domain for sites and grounds for public school buildings. Such power shall be exercised under and pursuant to the forms in Chapter 117.

Regulations

EDU 420 -- 424

The plans and specifications of buildings, selection of school sites and the construction of facilities shall be submitted to the commissioner of education for approval.

CROSS REFERENCES

II.C.2.; Statute §123.15

III.A.2.; Regulation EDU 2

III.A.2.; Regulation EDU 3

2. Physical Plant and Fixtures

Statutes

§120.77 --120.78

"The legislature finds that it is necessary to promote fuel conservation among the school districts of the state."

Each year the school districts shall submit comprehensive energy reports to the commissioner of education.

§123.15

"When authorized by the voters . . . the board may acquire necessary school houses, or enlargements or additions to existing school house sites . . . and sell or exchange school houses or sites . . . .

The board shall provide proper sanitary facilities, plant shade trees and shrubbery . . . procure insurance on school property and make proper repairs. "The board may assist the municipality in building sidewalks for the use of pupils . . . when necessary, the board shall lease rooms and shall purchase, sell and exchange . . . equipment . . . for school purposes. The board shall provide for the heating . . . of school houses . . . . The board may authorize the use of any school houses in the district for divine worship, Sunday Schools, public meetings, elections and other community purposes as . . . will not interfere with their use for school purposes."

CROSS REFERENCE

III.A.2.: Regulation EDU 3

3. Use of Facilities

CROSS REFERENCES

I.District School Boards; Statute §123.19

II.C.2.; Statute §123.15

STATUTES

§37-7-315

In reorganizing schools under this chapter, the county board of education does not have to "specify or designate the location of the school houses or attendance centers therein." "Existing school buildings shall be retained as places of attendance until changed in manner herein." When existing buildings are not used as attendance facilities, the county board of education may use the buildings for "related school activity."

The governing body of any school district is empowered "to designate" school buildings' location and "to change, alter, or abolish the location of such school buildings and attendance centers from time to time as may be required by the educational needs of such school district." If a change or alteration involves construction of new facilities or major repair, the work shall not be "effective" until approved by the state educational finance commissioner and by the county board excluding municipal separate school district.

"The board of trustees or other governing authority . . . shall have the power and authority to specify the attendance areas which shall be served by each school building or attendance area, and to change or alter same from time to time as necessity requires."

§37-7-401

Where necessary from the standpoint of public transportation or efficiency of school operation any reorganized school district may, with the prior approval of the state educational finance commission, acquire land outside of school district boundaries and construct thereon.

§37-7-451

IIC1-MS 2
MISSISSIPPI

When any school district owns land not used or needed for school purposes or operation of the school, the board of trustees may sell or convey such "land, buildings or property."

2. Physical Plant and Fixtures

Statutes

§37-3-23

The director of the division of school building and transportation shall be responsible for school plant planning, construction and inspection and school transportation services.

§37-7-403; 407; 411

Two or more reconstituted school districts may cooperate in the construction of school buildings situated in either of the cooperating districts. No cooperation for operation shall be had before approval by the state educational finance commission.

The state educational finance commission shall consider the request in light of whether the plan "will promote the welfare of the school districts involved and the efficiency of the operation of the schools." Also before approval by the state educational finance commission the board of trustees of all school districts included should agree as to which board or boards will control the joint school district. All pertinent laws of the state shall apply to joint school districts.

CROSS REFERENCES

II.C.3.; Statute §37-7-317

III.C. School Employees; Statute §37-11-27

3. Use of Facilities

Statutes

§37-7-305

The board of trustees is empowered to lease school district lands for oil, gas and mineral exploration for a period no greater than ten years and the proceeds shall be paid to the school district fund.

§37-7-317

"The board of trustees is . . . authorized . . . to transfer jurisdiction and control of any recreational property . . . under its dominion to the governing authorities of any municipality or county in which such property is located provided such transfer is temporary" for the summer recess and provided the governing authority of the municipality or county concurs in approval.

§37-7-471; 473

Whenever the board of trustees of any school determines by resolution that any school facility is not needed for school or related purposes, that the sale of the property is not necessary to the financial welfare of the district and that use of the school facility "will promote and foster the development and improvement of the community in which it is located and the civil, social, educational, cultural, moral, economic or industrial welfare thereof," the board of trustees is empowered to "sell, convey, lease or otherwise dispose" of the school facility for the above purposes.

Such facility may be conveyed, leased, disposed of, or sold to "any group of persons . . . to be used as a civic, community, recreational or youth center, or to be used by any county or district fair association in connection with its activities, or to be used for church purposes, or to be used as a library or other public building, or "as a factory or otherwise in connection with an industrial enterprise, or to be used for any similar or related purpose or activity."

CROSS REFERENCE

II.C.1.; Statute §37-7-451

C. School Property and Facilities

1. School Site

Statutes

§162.780 -- .785

"[T]he state board of education shall not sell or in any manner dispose of any real estate purchased by tax moneys belonging to the schools without an act of the general assembly authorizing the sale or other disposition," and "may acquire by purchase . . . or otherwise all necessary lands for the use and benefit of the Missouri school for the blind, Missouri school for the deaf and state schools for severely handicapped children. Whenever the board selects property . . . and for any cause without secure title . . . the board may condemn the property . . . and in such condemnation" may use the property "for the use and benefit of the school."

CROSS REFERENCE

III.A.1.; Regulation 5 CSR 50-340-010

2. Physical Plant and Fixtures

CROSS REFERENCE

II.A.2.; Statute §162.915

C. School Property and Facilities

1. School Site

Constitution

MONTANA CONSTITUTION, ART. X, §4

"The governor, superintendent of public instruction, auditors, secretary of state, and attorney general constitute the board of land commissioners. It has the authority to direct, control, lease, exchange and sell school lands which have been or may be granted for the support and benefit of the various state educational institutions, under such regulations and restrictions as may be provided by law."

Statutes

§11-1006

"All . . . school districts . . . are . . . granted the . . . authority to . . . receive" real or personal property and to own and improve the same.

§11-2918; 2921; 3019; 3025

If a city or town is on the public domain, all school lands "must be conveyed to the school trustees of the school district" in which the city or town is located. If the lands of a city or town "are on a school section . . . and . . . owned by the state," the town may purchase the lands from the state.

§16-1009

The board of county commissioners may sell any real or personal property which it does not need to the school district "for its appraised value." Notice of the sale must be given if the value exceeds certain limits.

§75-8203

District trustees are authorized to select and purchase sites for school contingent upon the approval of the district's electors, except when property acquired is "contiguous to an existing site . . . in use for school purposes . . . . Any site . . . selected or purchased by the trustees shall . . . be . . . accessible and suitable" and comply with state board of health requirements and any "state-wide building regulations." The state board of land commissioners may sell or lease to districts a tract of state land not exceeding ten acres "to be used as a school site."

§75-8204

District trustees are authorized "to purchase, build . . . acquire or sell or otherwise dispose of sites and buildings" upon the approval of the voters, unless a bond issue or additional levy has been authorized or approved, or "moneys are otherwise available . . . and the ballot for the site approval for such building" included the building.

§75-8205

If district trustees "determine that a site, building, or any other . . . property of the district is . . . abandoned, obsolete, . . . or unsuitable for . . . school purposes," they may sell or dispose of the property. The trustees must "adopt a resolution stating their intent to sell," and post notices of the resolution. "Any taxpayer may appeal the resolution . . . to the district court by filing a verified petition" setting out the petitioner's objections. The court shall hold an informal hearing and its decision is final.

CROSS REFERENCE

IV.A.; Statute §75-8207

2. Physical Plant and Fixtures

Statutes

§69-1803 — 1806

All buildings used for education that are two or more stories high shall have at least one interior or exterior fire escape for each 5,000 square feet of area occupied by the building. Such buildings shall have "proper guide signs and exit lights" and an internal alarm system. "Exterior stairways . . . shall be located on buildings as remote from interior stairways as possible . . . . Public corridors shall extend to all fire escapes." Buildings shall have no more than one room between the corridor and the fire escape; "when a room intervenes, the corridor shall have a glass panel . . . that is easily broken."

§69-1808 — 69-1810

No educational building may be constructed or altered, for $1500 or more, unless "sketches or architectural plans" are approved by the state fire marshal. Buildings "designed for human occupancy owned or controlled by the state may not be constructed unless plans for . . . construction" are approved by the state fire marshal. All buildings shall be inspected at least every six months by appropriate officials for violations of fire safety regulations. Fire alarms, extinguishers, hoses and other equipment and fire escapes shall be included in inspections. Parties responsible for maintenance of fire safety equipment have a maximum of 90 days to remedy "defective conditions." The state fire marshall shall be responsible for "enforcement of the provisions of this act." Failure to comply with these provisions is a misdemeanor. The state attorney general or a county attorney may also enjoin "the further occupancy of . . . [a] building until compliance with this act."

§69-4117 — 69-4118

The department of administration "shall adopt rules for lighting, heating, ventilation, plumbing and sanitary arrangements for schoolhouses." The department must approve plans "before a schoolhouse is constructed," and it "must conform" to the department's rules "before being used." "The department shall make sanitary inspections of schoolhouses," and, if a building "is found unsanitary . . . shall direct that condition be corrected . . . . If the . . . conditions are not corrected within the time specified, the building . . . is a public nuisance . . .[and] either the department or a local board of health shall bring an action to correct the unsanitary conditions."

§75-7205

With the approval of the majority of a district's electors, the trustees "may establish a building reserve . . . for the future construction, equipping or enlarging of school buildings or for . . . purchasing land needed for school purposes in the district." The total of the building reserve and the district's outstanding indebtedness shall not exceed 5% of the value of the district's taxable property.

§75-8206 — 75-8206.1

"All school construction plans requiring state review and approval shall be submitted to the state department of administration for approval." The department is responsible for coordinating plan review and approval required by any other state agency. No public or private school shall be built or altered until plans have been submitted to and approved by state board of health and state fire marshal. Plans must be "prepared in accordance with the regulations of the board of health . . .[and] state fire marshall, and the building code . . .[of] the state building code council."

§75-8212

District trustees "have the authority and . . . duty to insure . . . real and personal property of the district."

§75-8308

District trustees "shall not make any payment . . . for the construction of school facilities until the plans . . . have been approved" by appropriate state agencies. Any person violating these procedures or the regulations of the state board of health or state marshal shall be guilty of a misdemeanor.

REGULATIONS

§48-2.6(14)-S6180

"The primary duty of a district with regard to school facilities is to safeguard the health and well-being of the children enrolled in its schools." In addition to sufficient classroom space, a quality educational program needs facilities for science, music, art, vocational education and guidance programs.

§48-2.6(14)-S6190

The school area must be large enough to provide adequate space for school facilities and activities. New and remodeled schools must comply with requirements outlined in the School Environment Guide, published by the State Department of Health.

§48-2.6(14)-S6200

School plant and facilities must be adequate for the number of students enrolled and the curriculum offered.

All high schools must have at least four classrooms in addition to a study hall and library.

New construction must be approved by the Superintendent of Public Instruction.

§48-2.6(14)-S6210

School grounds and buildings must be maintained in such a manner so as to assure the health and safety of students and staff.

CROSS REFERENCES

II.C.I.; Statute §11-1006

IV.A.; Statute §75-8207

3. Use of Facilities

Statutes

§60-701

Any school district can lease its property for oil and gas development purposes provided it does not interfere with the normal use of such property by the school district.

§62-211 — 62-213

A school district may co-operate with a city or town to operate a "program of public recreation and playgrounds; and acquire [and] equip . . . land . . . and . . . recreation facilities." A school district "may operate such a program independently" or co-operatively, or delegate its operation to a "board of recreation." Any board operating "a recreation program . . . is authorized to accept gifts," hire necessary staff, and "conduct its activities on" available property.

§62-214

When school property is used, for public recreation programs, the state board of education has authority to prescribe qualifications for recreational directors and instructors, and to prepare other needed materials.

§62-215

"The use of school facilities for recreational purposes . . . shall be secondary" to their use for "conducting a regular school curriculum."

§75-8209 — 75-8211

District trustees are authorized "to lease buildings suitable for school purposes" for a period of no more than three years. Trustees may also "rent, lease, or let any buildings or facilities of the district." The procedures outlined in §75-6808 shall govern "any letting of contracts related to the construction or furnishing of a new" or altered building.

C. School Property and Facilities

1. School Site

Statutes

§79-4.145 — 79-4.146

Any city or village may "convey title to any real estate . . . used as a public park, to the school district . . . within whose boundaries such real estate may lie." Such property may be used in the same way other school district property is used.

§79-4.151

"In order to provide for orderly school planning and development . . ., a planning commission considering . . . a zoning ordinance, or approval . . . of any development of real estate, shall notify the board . . . of each school district in which the real estate . . . to be affected by such a proposal lies" of the next meeting at which the proposal will be discussed and give the board a copy of the proposal.

§79-4.152 — 79-4.154

Any school board "may lease, purchase . . . and hold title to real property . . . outside its school district for laboratory, recreation . . . or educational facilities." District voters must approve any purchase over $1,000 in Class I or II districts or over $5,000 in Class III-VI districts. Voters need not approve the lease or acquisition of such property if it is contiguous to property outside the district already owned by the same. A school board "may enter into a lease or lease-purchase agreement for the exclusive use of . . . buildings or equipment," for a period not to exceed five years.

§79-4,4107; 4,114; 4,117

All school districts may exercise the right of eminent domain. The land to be taken for a school site may not exceed 50 acres, and "public parks and county or district fairgrounds" may not be taken. A public hearing must be held, with notice given. A district may purchase between one and ten acres per site of school lands from the state if it wishes to build a schoolhouse.

§79-504 - 79-506; 79-507

The voters of Class I and II districts may designate or change the site for a schoolhouse at a meeting by a vote of 55% of those present. If the voters fail to establish a site, the county superintendent shall determine the location. The decision will be final unless 55% of the voters request a change in writing.

The district voters "shall also have the power at any annual or special meeting (1) to direct the purchasing or leasing of any . . . site and the building . . . of a schoolhouse, housing . . . for the school employees . . ., or other school buildings; (2) to determine the amount . . . to be expended for such purposes . . ., and (3) to vote a tax on" district property. The voters may also "authorize . . . the sale of any schoolhouses, site, building, or other property belonging to the district."

§79-521; 79-530

"School property of any kind belonging to" a Class III, IV, V or VI district may only be sold at a regular meeting of the board of education with "an affirmative recorded vote of at least two-thirds of all" board members.

CROSS REFERENCES

I.State Board of Education; Statute §79-322 -- 327

II.C.2.; Regulation 14-(32) - 14-(34)

IV.A.; Regulation 14-(24) - 14-(28)

2. Physical Plant and Fixtures

Statutes

§79-541

The voters of a Class III or VI district may authorize the purchase or lease of a site and construction of a teacherage to provide housing for school district employees, determine the expenditure for such, and vote on a property tax to cover expenses.

Regulations

14-(52) — 14-(54)

Each secondary school shall maintain a safe and healthy environment both in the school building and on school grounds. Adequate classroom and laboratory space shall be provided.

3. Use of Facilities

Statutes

§79-4.142

School boards may "permit the use of public school buildings for public assemblages . . .[and] exact such rental as may be necessary" to cover costs.

C. School Property And Facilities

1. School Site

Statutes

§393.080

The board of trustees may build, purchase, or rent schoolhouses and other school buildings and may change the location of schools.

§393.140

The board of trustees may acquire, by exchange, purchase, lease or otherwise, any school site or other real property for necessary school purposes.

§393.150

The board of trustees may change the location of schoolhouse sites.

§393.220

The board of trustees may sell, rent, or lease real property of a school district when necessary, unless it would contravene a condition in a gift of property to the district.

§393.3251

The board may lease or rent school district real property having a rental value of up to $5,000 a year for up to a year without formal appraisal. "After determining the amount and the terms of the lease, the board of trustees shall in open meeting by a majority vote of the members adopt a resolution declaring its intention to lease the property."

2. Physical Plant and Fixtures

Statutes

§385.125

"The board may adopt standard rules and specifications for the construction of school buildings by the boards of trustees of various school districts. If such plans and specifications are adopted, provisions shall be made" for their production and distribution by appropriate rules and regulations. The board of trustees of a school district may use any such plans and specifications if it determines that they are in the best interests of the district. Before adopted, plans and specifications shall be submitted to the state public works board "whose written approval . . . shall be obtained prior to any further consideration" by the state board. RULEMAKING

§393.010

"The board of trustees of a school district shall: (1) manage and control the school property within its district; (2) have the custody and safekeeping of the district schoolhouses, their sites and appurtenances."

§393.0718

The board of trustees may appoint a custodian of property who shall have the power of a peace officer to carry out the intents and purposes of §393.071 to §393.0719, inclusive.

§393.090

The board of trustees may rent, purchase, or build suitable dormitories and dining halls for high school students and provide for maintenance and management of them.

§393.100

The board of trustees shall repair all school buildings when necessary. If it neglects to do so, the state department of education shall make necessary repairs up to $500 and will pay for it out of school district's funds.

§393.325

The board may lease any school building not in use for community center purposes. The lease must be made with a nonprofit association of a community or area within the school district. The building may not be used for private gain. The lease shall provide for cancellation of the lease and a return of the building to the school district, upon 30 days' written notice and demand.

CROSS REFERENCE

II.C.1; Statute §393.3251

3. Use of Facilities

Statutes

§393.071; .0713; .0716; .0717

The board of trustees may grant the use of school buildings or grounds for public, literary, scientific, recreational, or educational meetings or discussion, and shall establish rules and regulations for use. Such use shall not interfere with the regular conduct of school work and shall not allow for monopolization by any person or group. Use may be granted for up to one year and is subject to renewal or revocation at the discretion of the board.

§393.0714

Public agencies may use school buildings, grounds and equipment without charge to hold examinations for personnel selection.

§393.0715

School property may not be used for a program or movement designed to overthrow state or federal government by force, violence or other unlawful means. No board may grant use of school property for this purpose. Any violation of this provision is a misdemeanor.

C. School Property and Fixtures

1. School Site

Statutes

§195:16-b

Cooperative school districts shall have the power of eminent domain to acquire school property.

§199:2 --199:3

"The school board of cities shall have sole power to . . . purchase land for schoolhouse lots." All plans for the construction of schoolhouses in a city school district must be approved by "the school board of that district."

§199.8

"If ten percent or more of the voters of a district are aggrieved by the location of a schoolhouse," they may petition the school board which shall hold a hearing to determine the location.

2. Physical Plant and Fixtures

Statutes

§189:12

"The school board shall provide . . . fuel, and . . . make . . . repairs of the school houses and furniture . . . ."

§199:1

The location and construction of schoolhouses must be approved by the district school boards. The state board of education may make recommendations to the school board for "any changes it deems necessary."

§199:23

School buildings shall have at least one outside door that "can always be opened easily on the inside."

§199:24

A school building in which there are "one hundred or more" students shall have its main exit doors equipped with some safety device" so that the doors can be opened easily from the inside.

§199:25

School buildings that fail "to meet the requirements of the two preceding sections may be condemned as unfit for school purposes".

CROSS REFERENCES

II.C.1.; Statute, §199:1

II.C.1.: Statute §199:2 -- 199:3

III.A.1.; Regulation, Minimum Standards and Recommended Practices - High Schools, #319.1, Ch.II -- Ch.VII

III.A.1.; Regulation, Minimum Standards and Recommendations - Elementary Schools, #319.13, pp. 3--24

3. Use of Facilities

Statutes

§199:22

A school district may permit the use of a schoolhouse "for a writing or singing school, and for religious and other meetings, whenever such use will not conflict with any regular school exercise."

§199:22-a

A school board "may operate or allow to be operated . . . a meal program on school property" for elderly persons. Such a program shall not be operated at the district's expense and "shall not interfere with the education of the students."

C. School Property And Facilities

1. School Site

Statutes

§18A:13-15

The board of education of any regional district may acquire, for school purposes, "lands or premises not exceeding 45 acres," located in any municipality adjoining the regional district.

2. Physical Plant and Facilities

Statutes

§18A: 4-13

"The state board shall conduct all building operations," including construction and repair work, and may hire architects and engineers to prepare building plans and specifications.

§18A: 13-41

A board of education of a new regional district "shall take charge of the educational facilities of the constituent districts" when the commissioner certifies to the boards of education of each constituent district that "suitable facilities and accommodations have been made available for the instruction of pupils in that district."

Regulations

§6:8-4.8

School buildings and sites shall be suitable to carry out the educational program of the school, making provisions for the handicapped. All school buildings are to be safe clean, and in good repair.

CROSS REFERENCES

I.Business Manager; Statute §18A:17-27; 28; 29; §18A:18-2--2.3

II.B.2.; Regulation §6:11-12.21; §6:11-12.22

3. Use Of Facilities

Statutes

§18A:4-12

The board may allow municipalities to use school lands for recreation a playgrounds, but the city shall be liable for any damage done to the property.

§18A:20-34

Local boards of education may permit the use of school buildings for education purposes, for use as public libraries, for holding civic and recreational meetings, and for elections.

C. School Property and Facilities

1. School Site

Statutes

§6-1-8

The state department of education and local public school districts are "empowered to sell or otherwise dispose of real or personal property" belonging to them subject to approval of the state board of finance.

§7-8-23

"Should any state lands be valuable or desirable for . . . school site purposes, the commissioner may subdivide and sell such lands for such purposes in accordance with law."

§7-8-59 --7-8-60

Any school district which may have use for any state lands shall have the right and power to lease the land and shall have preference over private lessees. But reasonable value must be paid.

§22-9-15

School districts may condemn property.

§77-4-2 I

The local school board shall "acquire real estate by eminent domain . . . ."

Regulations

Reg. No. 73-17

Before a local board may take any final action with regard to the selection of a school buidling site or changes in an attendance center, the local superintendent must obtain approval of the State Superintendent of the local board's evaluation of the effects of the site selection or attendance center change on the school bus transportation in the area.

Failure to obtain such approval may result in denial of additional State Transportation Distribution funds to cover increased costs of transportation caused by local school board action.

2. Physical Plant and Fixtures

Statutes

§4-16-32

". . . the state fire board is empowered to adopt and revise regulations relating to the safe conduct or use of . . . educational occupancies."

§6-1-4

"All officers and boards charged with the custody and control of public buildings . . . shall keep such public buildings insured for the benefit of the state and its political subdivisions."

§6-4-3

The municipal or county government may "vest the power to provide, maintain and conduct playgrounds, recreation centers, zoos and other recreational activities and facilities in the school board."

§6-4-5

". . . Any school board may join with any municipality or county in conducting and maintaining a recreational system, and may expend funds as are included in its maintenance budget for such purpose."

§6-4-15

A. "A school district may construct, own or operate community recreational facilities within the school district. A school district may operate the community recreational facilities on land owned by the school district or on land acquired by the school district for the . . . facilities."

B. "A local school board of a school district may enter into agreements with any state or federal agency . . . to obtain assistance in acquiring, constructing or operating community recreational facilities."

§77-17-2 --77-17-3

A school district may enter into a leasing contract only with a "lessor corporation" which is a nonprofit corporation organized solely for the purpose of acquiring or leasing land and erecting school buildings on the land to be leased. Leasing contracts shall not be longer than 30 years and shall only be made if the local school board certifies that the district lacks the funds to purchase the required building(s).

§77-17-4

Prior to a contract the lessor coporation must submit, and the state board must approve, proposed construction plans, specifications and estimated costs.

§77-17-13

"The School Leasing Law is supplemental to all existing laws relating to the acquisition, use and maintenance of school buildings by a school district." However, when a district proceeds under this law other laws on the topic of maintenance, use and acquisition need not necessarily be complied with.

§77-18-1

Each local school board shall secure the approval of the chief prior to the construction, re-opening, or letting of contracts for construction of any school building. Upon written application to the chief he/she shall within 30 days, approve or disapprove the plan. The plan must include 1) a statement of need; 2) the anticipated number of students affected; 3) estimated cost; 4) a description of the proposed construction; and 5) a map of the area.

§77-18-2

"No local school board shall construct or cause construction of any public school building within 400 feet of any main artery of travel without prior written approval of the state board."

When a local school board plans to spend $25,000 or more of state funds for construction, remodeling or expansion, the project must have state board approval. When the money being spent is locally raised the state board's role is limited to review and recommendation.

CROSS REFERENCE

I.Local School Board; Statute §17-4.2A

3. Use of Facilities

CROSS REFERENCES

II.C.2.; Statute §6-4-3

II.C.2.; Statute §6-4-5

II.C.2.; Statute §6-4-15

C. School Property and Facilities

1. School Site

STATUTES

§401

Any school district meeting, by a majority vote, may designate a site for a schoolhouse. A board of education in a union free school district with a population of 5,000 or more may designate sites without voter approval.

§ 402

If a schoolhouse has not been used for a period of two years or longer, the district may vote to sell the property. Prior to a sale, the board of education may lease the building and grounds for one year periods. The board may also lease the property to nonprofit corporations for purposes relating to youth or the aged.

§404

Any school district or any city with less than 70,000 population may acquire real property for school purposes by gift or by condemnation.

§1910 -- 1911

The board of education of a central high school district shall designate sites for school buildings. If the board is unable to agree, the commissioner of education will determine the sites. The proposition will then be submitted to the voters for their approval.

§2511

The board of education may purchase real and personal property for school purposes. The board may institute proceedings to acquire property.

§2512

The board of education has authority to designate sites, purchase, repair, or construct school buildings. Sites and buildings must be approved by the board of education. In a city school district, the board of education must be advised by the city planning commission.

§2556 -- 2557

A board of education has authority to purchase, repair, improve, or construct new buildings. A site shall not be designated without a majority vote of the board of education, and all plans and specifications for school buildings must be approved by the board of education.

The board of education has authority to purchase real property for school use. The board may condemn property that it wishes to acquire for school purposes.

CROSS REFERENCES

I.Board of Education, City; Statute §2590-b -- 2590-c

II.A.3.; Statute §1101, 1102

2. Physical Plant and Fixtures

Statutes

§408;409

"Plans and specifications of school buildings must be approved by the commissioner of education."

"All school buildings . . . shall comply with . . . regulations as the commissioner of education shall adopt . . . for the purpose of insuring the health and safety of pupils in relation to proper heating, lighting, ventilation, sanitation and health, fire and accident protection."

RULEMAKING

Regulations

Part 155 (Statutory authority §207)

§ 155.1

It is the duty of each school district to provide suitable and adequate facilities. Each school district shall develop a long range plan for educational facilities and update it at least annually. The plan shall take into consideration the following: the educational philosophy of the district; projected student enrollment; use of existing facilities; and provision of additional facilities. Specifications for the construction or remodeling of educational facilities shall be submitted to the commissioner. Facilities shall be designed efficiently, with consideration for the health and safety of occupants, and the conservation of natural resources.

§ 155.3

School facilities must meet certain health and safety requirements. There must be an adequate number of exits and fire escapes, fire alarms, and adequate lighting, heating, and sanitary facilities.

§ 155.5

ENVIRONMENTAL IMPACT

Any action proposed by a district which might have a significant effect on the environment must be approved by the commissioner. Such actions incl[illegible] construction or expansion of facilities costing more than $10,000 or construction plans which affect scenic or recreational areas. If the commissioner decides that the plan will have a significant effect on the environment, an environmental impact statement must be prepared and filed with the commissioner.

CROSS REFERENCES

II.C.1.: Statute §2555 -- 2557

II.C.3.; Regulation §155.5

III.School Officers and Employees; Statute §410

3. Use of Facilities

Statutes

§413; 414(a)

Free use of a school building shall be granted "for any examination."

"The trustees or board of education may adopt reasonable regulations" for the use of school buildings and grounds outside of regular school activities when such activities "will not be disruptive of normal school operations." Such activities may include: instruction in "any branch of education"; "public library purposes"; and "social, civic, recreational meetings" which are "open to the general public."

Subject to "satisfactory conditions", school officials may allow access to school buildings and grounds by news media for "the dissemination of information" of interest to the general public.

CROSS REFERENCE

II.C.2.: Regulation §155.1

C. School Property

1. School Site

STATUTES

§115-125

"Sites for schoolhouses" may be acquired by local boards of education, but a school board may not operate a school "outside its own [unit] boundaries." School boards have the power of eminent domain to acquire property for school purposes.

§11-126

Local boards of education have the power to sell any building, site or other real property owned by the board, when in there discretion such property is "unnecessary or undesirable". Such sale shall be made pursuant to statute.

§115-240 - 115-242

Local boards of education may "purchase suitable building sites" to be used for the construction of buildings by vocational building trade classes in the public schools. If the completed building is "not needed for public school purposes," it may be sold and the proceeds used "to finance similar building projects." All projects undertaken must be approved by a five-member advisory council appointed by the board.

CROSS REFERENCE

I.Local Boards of Education; Statute §115-27

2. Physical Plant and Fixtures

Statutes

§115-73

In order to "protect all school property in its district," school committees are "given custody of all schoolhouses . . . and other school property in the district." The committee must report any damage of school property to the county board of education.

§115-129

Local school boards have a duty to provide "adequate school buildings equipped with suitable school furniture and apparatus." In the event that "the existing . . . school building does not have sufficient classrooms," the local boards of education may acquire mobile classroom units for use as temporary classrooms. The mobile units must meet the approval of the State Board of Education and the "requirements of the North Carolina State Building Code."

§115-130

The building and repairing of all schools shall be under the control of the local boards of education. The boards shall see to it that a new building meets the standards for "structural and functional soundness and safety and sanitation."

§115-131

A local school board may not erect or repair any school building unless the site on which it is located is owned by them. A board may, however, appropriate funds for the "establishment of a school facility . . . in an adjoining county or city . . . unit" under a mutual agreement between the two school units and provided the board may send pupils from its district to the new facility.

§115-133

It is the duty of the local boards of education to "keep all school buildings in good repair." All principals and teachers shall be held responsible for damage

to school buildings by students due to lack of proper discipline unless such damage could not have been prevented by reasonable supervision. Local boards may permit the use of school facilities "for other than school purposes."

§115-149

All principals and teachers have a duty to exercise due care in the protection of school property against damage and failure to exercise such care may subject them to financial responsibility for damage caused to school property during the day. All principals must report such damage or any unsanitary condition to their superintendents immediately.

§115-150.1

The principals of all public schools shall have certain duties regarding fire hazards which shall include: making certain that "all corridors, halls, and tower stairways which are used for exits shall always be kept clear," and that "all doors used for exits shall be kept in good working condition." The principal shall make certain that all trash is removed from the school building daily. The principal shall report to the superintendent of schools on the inspections made.

§115-150.2

"Every public school building . . . shall be inspected every four months." Schools shall be inspected to make certain that they comply with safety regulations, that no fire hazards exist, and that all equipment is properly maintained. The principal shall make certain that all fire hazards are immediately corrected or called to the attention of the superintendent of schools.

3. Use of Facilities

Statutes

§115-133.3

School boards may permit the use of school buildings for political meetings as long as such use does not "interfere with school activities or functions."

C. SCHOOL PROPERTY AND FACILITIES

1. SCHOOL SITE

CONSTITUTION

N.D. CONST., §156

The superintendant of public instruction, governor, attorney general, secretary of state and state auditer shall constitute a board of commissioners. This board shall have the control of the appraisement, sale, rental, and disposal of all school and university lands, and the proceeds of such land shall be invested as provided by law.

STATUTES

§15-21-19

"In addition to its other powers, the state board of public school education shall have the power, in its sound discretion to authorize any school district to acquire sites, construct buildings, and operate schools to discontinue such schools and liquidate the assets thereof, outside its district boundaries if the school district is affected by the impact of federal activities in its area, or if anticipated increased enrollments make it necessary, and if consent is first obtained from the school district within which the school is to be located."

CROSS REFERENCE

II.C.2.; Regulation, Chapter II:IIIG

2. Physical Plant and Fixtures

Statutes

§15-35-01

"No building designed to be used in whole or in part, as a public school building shall be erected until a copy of the plans thereof has been submitted . . . to the superintendent of public instruction."

§15-35-01.1

". . . all construction, purchase, repair, improvement, renovation or modernization of any school building within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars shall not be commenced unless approved by the superintendent of public instruction. The superintendent . . . shall not approve such school building project unless[she]he shall find that the building will be fully or substantially usable by any reorganized school district which in [her/]his judgment is likely to be created and which would encompass all or a major portion of the school district applying for approval of a construction project . . . , such school board shall have the right to appeal . . . to the board of public school education and the decision of the board . . . shall be final."

Regulations

Chapter I: I.3.12

The Director of School Construction has the responsibility to assist and advise school boards in planning and financing building programs and to approve building plans.

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NORTH DAKOTA

A successful school building program requires careful planning and execution. All building projects should be discussed with the State Department of Public Instruction before preliminary plans are prepared, and preliminary plans should receive tentative approval before final plans and specifications are developed. The Department will advise, but not assume responsibility for aspects of construction.

The steps in any contemplated building program are:

To contact the State Department of Public Instruction and become familiar with laws and regulations governing construction procedures.

To secure the advice of the State Superintendent and his/her offices.

To determine the educational objectives of the project and the district's ability to accomplish them, and, in terms of these, to prepare the educational specifications for the project.

To locate the facilities on suitable sites.

To equip the facilities.

Site selection is the responsibility of the school board. It may acquire school sites upon its own motion. It should be planned several years in advance of the actual need, based on careful population, land use, and educational studies. Eminent domain or condemnation should be a last resort in obtaining school sites.

Site size should be: for an elementary school, ten acres plus one acre for each 100 pupils enrolled or fraction thereof, and, for a junior or senior high school or a combination elementary-high school, a basic twenty acres plus one acre for each 100 pupils enrolled, or fraction thereof. Wise long-range planning might provide for an additional two to five acres beyond present basic needs.

Building area may require from 70 to 150 square feet per pupil enrolled, depending on the grade levels, the number of specialized areas, and the school design.

A good physical education program is designed for the physical development of all children enrolled. Physical education space should be ample enough to meet all students' needs.

Facilities for outdoor science laboratories should not be overlooked. Sites with natural features may aid science instruction.

Regarding recreational use areas: kindergartens should have a fenced area with sandpiles, play equipment space, a wading pool, and shaded areas; elementary schools should have paved and unpaved space for vigorous activities; high schools should have adequate space for large team games and for individual or dual sports; and general activities for all age groups.

Supplementary use areas include: walks which avoid vehicular hazards; driveways and service drives; school bus and general parking; bicycle racks; buffer spaces between game areas; and areas for storage and maintenance equipment.

Whenever possible, school sites should be developed in connection with park sites.

New construction and remodeling work must have preliminary plans approved by the State Department of Public Instruction before final plans and specifications are developed and approved. Change in plans and specifications subsequent to final approval must have Department approval. Plans and specifications are required for any project costing $2,000 or more. Any new construction costing $25,000 or more requires permission to build from the Department and must have plans and specifications prepared by an architect registered in North Dakota. Only architects registered in North Dakota may be hired by public school boards.

All public school construction and remodeling must meet all North Dakota code requirements.

All building projects are to be insured while under construction, and all public school buildings located in incorporated villages or cities must be insured with the

State Fire and Tornado Fund or by private insurance companies.

All regular classrooms shall be above grade level. Classrooms for grades 1-8 shall have a minimum area of 750 square feet and for grades 9-12 minimum of 720 square feet. At least one entrance to the school building providing access to all facilities should be planned without steps; school buildings should be planned with handicapped children in need. Any school building with eight or more classrooms is to have an administrative unit and a fire resistive vault. Planning should be given to various kinds of storage required in a school building.

All schools with two or more rooms shall have at least two fire drills per month. One-room schools must have one fire drill per month.

Every public school must have an adequate flag pole and the U.S. flag must be displayed in suitable weather during the school hours of each day's session.

In general, furniture should be comfortable for students and in good condition. Outdoor equipment should include: bicycle racks; playground equipment; backstops, net posts, goal posts; seating facilities and bleachers; picnic tables, fireplaces; garden and lawn tools; drinking fountains; a watering service system, jumping, vaulting, and other track equipment; archery and driving range equipment.

Maintenance schedules should be classified on the basis of regular inspection under: emergency; summer; annual; and three-year, five-year, or larger controls. Maintenance should be based on sound custodial and business policies and practices. The janitor can add much to the educational program by adhering to a daily cleaning schedule. The janitor should be trained in the proper techniques for the cleaning and maintenance of materials and equipment in the building, and should be sent to in-service janitor workshops at school expense. The janitor should have regulations and a schedule for: hours of duty, frequency of various cleaning activities; requisition and storage of supplies; taking

inventories; and vacations. The janitor should be of good moral character -- a congenial and conscientious person. His/her appearance in dress is very important.

CROSS REFERENCES

I.Commissioner of Education; Statute §15-02-05

II.C.1.; Statute §15-21-19

IV.A.; Statute §15-35-11

IV.A.; Statute §15-47-22

IV.A.; Statute §15-47-23

IV.A.; Statute §18-12-03; 18-12-05 -- 06

3. Use of Facilities

Statutes

§15-35-14

School boards may permit the use of school buildings for any appropriate purposes when not in use for school purposes. "Equal rights and privileges shall be accorded to all religious denominations and to all political parties." Such use shall not interfere with the operation of school activities. A charge shall be made to defray the cost of expenses.

C. School Property and Facilities

1. School Site

STATUTES

§3313.92

Any two or more district boards of education may enter into a cooperative agreement on construction, acquisition, or improvement of any building, structure or facility, including schools and classrooms, and for their management, operation, occupancy, use maintenance or repair.

CROSS REFERENCE

I.Board of Education: Statute §3313.17; 3313.18

II.C.2.; Statute §3313.37

2. Physical Plant and Facilities

Statutes

§3301.41

The board of education may acquire, warehouse, distribute, transfer, retransfer, recapture, revert and dispose of federal real and related personal property, and take the necessary procedural steps to dispose of such federal property.

§3311.218

When the boundaries of a joint vocational school district and a technical college district are coterminous, the board of education of the former and the board of trustees of the latter may agree to share the use of any physical facility or equipment owned or used by either district. The agreement shall be approved by resolution by both boards, and shall be filed with the state board of education.

§3313.37

The board of education of any school district, except a county school district, may build, enlarge, repair or furnish the necessary schoolhouses, purchase or lease sites, therefor, or rights of way thereto, or purchase or lease real estate to be used as playgrounds for children, or rent suitable schoolrooms.

§3313.38

The board of a school district that is inaccessible from the mainland at some time of the year for any reason, may purchase, erect or rent and maintain residence for a principal or teacher when it is necessary to insure adequate personnel for the schools. TEACHER RESIDENCE

§3313.92

(A) Any two or more district boards of education may enter into

a cooperative agreement on construction, acquisition, or improvement of any building, structure or facility, including schools and classrooms, and for their management, operation, occupancy, use, maintenance or repair.

(B) Any such agreement shall provide for (1) the method of construction, acquisition, etc. how it will be managed, maintained and the designation of one board with exclusive charge including advertising forbids and awarding contracts; (2) the manner in which title is to be held; (3) management and/or administration of such project which may be by one board of education; (4) the manner of appointment or sharing of all costs, which may be based on fixed amounts or on ratios and formulas or through tuition paid by both parties.

(C) Any agreement may provide (1) an orderly process for making determinations as to planning, operation, etc. which may include provisions for a committee, board or representative commission; (2) securing necessary personnel from the participating districts (3) standards for admission for students (4) conditions for participation of ther districts to the agreement; (5) establishing means of determining special charges for particular services and materials; (6) the method of amending, supplementing, terminating or withdrawing of a party to the agreement, and the terms of the agreement; (7) designation of the applicants for or recipients of any state federal or ther aid, assistance, or leave available by reason of any activities conducted under the agreement; (8) designation of one or more boards to maintain records of the activities conducted under the agreement; (9) other matters as the participating districts agree upon;

(D) For paying or contributing the board's share of the agreement it may:

(1) appropriate money from its general or other funds not restricted by law; (2) issue bonds and notes; (3) levy taxes; (4) contribute real and personal property for use under this agreement without the need for competitive bidding;

(E) Funds provided for the agreement shall be transferred to a separate designated fund to be used for such projects designated in the agreement. Such fund shall be subject to inspection and audit;

(F) As used in this section, construction acquisition or improvement of any building, structure, facility also includes acqusition of real estate and interests in real estate, site improvement and furniture, furnishing, and equipment.

(G) The agreement shall be subject to any laws made hereafter making express reference to such agreements and shall require transfer of any functions or property to any board, person or body hereafter established.

(H) The powers granted in this section are supplementary to and not in restriction of the other powers of the districts board of education and are to be "liberally construed to permit the achievements of this section and to permit the boards...to take advantage of federal grants and loan programs..."

§3318.01;02

Applications to purchase classroom facilities will be submitted to the state board from the school district board on the appropriate forms together with the district board's authorization. Classroom facilities includes "rooms in which pupils regularly assemble in public school building to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, including the acquisition, construction, reconstruction, and other improvement and equipment of buildings and structures and the acquisition of sites thereof.

§3318.03

The state board will review all applications and make a determination as to the needs, costs available funds under this code which might be applied to the proposed project, and the assigned priority based on the relative degree of overcrowding on existing satisfactory classroom facilities.

Certain sections of the code are listed as exceptions. If the state board of education acts favorably, the project shall be conditionally approved and the state shall reserve and encumber its estimated share of the necessary funds under this code. Such conditional approval shall be submitted to the controlling

board for its approval. The controlling board shall approve or reject the state board's determination conditional approval and the estimated amount of the state's portion of the cost of such classroom facilities. If the controlling board approves, the superintendent shall certify such conditional approval to the district board. Such conditional approval and encumbrance of funds shall be in force for 120 days by which time the district board shall accept the conditional approval and the electors shall vote on the following proposals. (A) Issuing bonds of the school district board for its portion of the cost; and (b) levying taxes for the purpose of paying the cost of purchasing classroom facilities.

§3318.17; .18; .19

A detailed report on the classroom facilities acquired by the state and sold to the districts, the moneys received from the school districts and such other information on the nature and progress of this program shall be made biennially to the general assembly.

§3319.19

The board of county commissioners will provide and equip offices as a permanent headquarters for the superintendent of schools and shall provide the necessary heat, light, water and janitorial services. Such offices shall be used by the county board of education when in session, and shall be located in the county seat, or outside upon approval of the board.

CROSS REFERENCES

I.Board of Education; Statute §3313.201

II.A,3.; Statute §3311.215

3. Use of Facilities

Statutes

§3313.59

The board of education of a city, exempted village, or local school district may cooperate with other public officials to provide education, social, civic and recreational activities in public parks, libraries, museums and other public buildings and grounds over which such public officials may have responsibility.

§3313.75 -- .76

The board of education of a city, exempted village, or local school district may authorize the opening of schoolhouses for any lawful purposes providing such action does not interfere with the public school.

Such schoolhouses or other buildings maintained by public support may be "available for use as social centers for the entertainment and education of the people, including the adult and youthful population, and for the discussion of all topics tending to the development of personal character and of civic welfare, and for religious exercises."

§3313.77

The board of education of any city, exempted village, or local school district may adopt a policy whereby it may charge a reasonable fee for the use of school property when not in use for school purposes. A schedule of fees shall be listed and available to residents of the district. Such uses include: USER FEE

"A) Giving instructions in any branch of education, learning, or the arts;

B) Holding educational, religious, civic, social, or recreational meetings and entertainments, and for

such other purposes as promote the welfare of the community; provided such meetings and entertainments shall be non-exclusive and open to the general public;

C) Public library purposes, as a station for a public library, or as reading rooms;

D) Polling places, for holding elections and for the registration of voters, or for holding grange or similar meetings."

§3313.78

The board of education may permit school property to be used as a meeting place of electors to hold discussions of public questions and issues, upon request of a committee representing a candidate for public office or a recognized political party. Such meetings shall not be held during normal school hours, nor shall there be any charge for such use.

The candidate or organization holding the meeting shall be responsible for any damages or expenses incurred.

§3313.79

Any organization or group of citizens using school property for any purposes mentioned in this code "shall be responsible for any damage done... over and above the ordinary wear, and shall, if required, pay the actual expenses incurred for janitor service, light, and heat."

DAMAGE

C. School Property and Facilities

2. Physical Plant and Fixtures

Statutes

§70-24-115

Each local board of education is authorized and empowered to construct, "equip and maintain storm and fallout shelters," independently or jointly with other offices or agencies or other entities of local, state, and federal governments.

§74-360.11; 74-360.12

Each Board of Education may appoint campus police to protect the property of the schools and shall prescribe duties and fix compensation for those police.

Regulations

General Progress Criteria, p. 22

III. Physical Plant

A school's plant should be adequate for the school's educational program and student and community needs. Planning for more construction or alteration in facilities should take future needs into account. The State Board may "prescribe rules of governing the construction of school buildings and . . . furnish plans and specifications for school buildings."

Schools "should be well lighted and ventilated," and all facilities "should be maintained to insure the best hygienic conditions for pupils and teachers." Equipment, buildings and grounds should be maintained and used so as to protect students from injuries, and the school plant should have adequate fire protection and be familiar with the State Civil Defense Program.

"The number of students assigned to any class should be commensurate with room accommodations, equipment, books, courses of study . . . and health and safety provisions." A cafeteria, teachers' lounge and infirmary should be provided as needed by the school.

C. School Property and Facilities

1. School Site

CROSS REFERENCE

II.C.2.; Regulation §581-22-274

2. Physical Plant and Fixtures

Statutes

§332.155

"A district school board . . . may furnish, equip, repair, lease, purchase and build schoolhouses. . . ."

§333.290

The local school committee, under the rules and regulations of the county school board, cares for school property and makes recommendations concerning its improvement and use for civic purposes. It must visit the school regularly and report to the district superintendent of the school's progress and needs and the wishes of the community concerning the school.

§479.020

". . . all buildings . . . erected after May 28, 1925, or any building having three stories or more where the stories above the second story are actually used, shall be equipped with not less than one standard fire escape or one exterior stairway, for each 10,000 square feet of lot or ground space, or fraction thereof, occupied by the building.

(2) If the approval of the State Fire Marshal is secured with respect to a particular building, the requirements of subsection (1) . . . do not apply to such building if it: (a) Is constructed with two-hour fire-resistive structural elements of steel, iron, concrete or masonry; and (b) Has incombustible fire-resistive walls and permanent partitions; and (c) Is provided with not less than two inclosed smokeproof stairwells with fireman's access to each floor and to the roof, or is provided with other fire protection and escape which the State Fire Marshal finds adequate for the use of the building.

§479.050

Fire escapes in schools shall extend clear to the ground or "have an approved counterbalanced stairway, when the state fire marshal deems such to be necessary, as in the case of schools . . . ."

§479.080

"An electric red or green exit light . . . shall be placed in full view of hallways showing location of fire escapes. Each light must be kept burning from sundown to sunrise when such building is occupied. The light must not at any time be . . . out of order and when out of order must be immediately repaired.

All . . . schools . . . shall be equipped with a fire warning system in accordance with the rules and regulations of the state fire marshal."

§479.150

"The outside doors and other exits leading thereto, in every . . . school building . . . shall be so swung and hinged that they will open outward. Revolving doors shall not constitute any part of the door width required for exit facilities."

REGULATIONS

§581-22-274

"Each local district shall provide site and building environments appropriate for the district instructional and support program activities and for human physical needs."

§581-22-278

Local districts shall obtain Department approval of the district's building program, preliminary drawings,

and outline specifications which indicate the general scope of the project and types of structural particulars.

CROSS REFERENCES

II.A.2.; Regulation §581-15-245; 581-15-290

IV.A.; Regulation §581-22-300

3. Use of Facilities

Statutes

§332.172

The district school board may permit the use of school buildings and grounds by residents of the district for civic and recreational purposes.

The district board may appoint a special supervising officer to have charge of the buildings and grounds, preserve order, protect school property and do all things necessary in the capacity of a peace officer to carry out the provisions of this section.

The district school board shall make rules governing the use of school buildings and grounds under this section.

CROSS REFERENCE

II.C.2.; Statute §333.290

C. School Property and Facilities

1. School Site

Statutes

§7-701

The board of school directors shall provide the necessary grounds and suitable school buildings to accommodate all children aged 6 through 21 who attend school. Such buildings shall be constructed, furnished, equipped and maintained in a proper manner. Suitable provisions shall be made for the heating (including the purchase of fuel), ventilating, adequate lighting, and sanitary conditions and for a safe supply of water, so that every pupil in any building may have proper and healthful accommodations.

§7-702

The location and amount of real estate required by school district for school purposes shall be determined by majority vote of all members of the board of school directors. "No new school building shall be erected without a proper playground."

§7-703

The board of school directors is vested with the necessary power and authority to acquire, in the name of the district, schools and real estate for school use.

§7-703.1

The board of school directors is vested with the power and authority to lease for an extended period of five years or more buildings or portions of buildings constructed or altered for school use provided the buildings comply with standards and regulations established by the State Board of Education and the Department of Labor and Industry.

§7-704

The board of school directors is vested with the necessary power and authority to acquire, in the name

of the district, for proper school purpose, any school building or real estate situated in another school district and to erect thereon school buildings and to sell, convey, transfer, or abandon the same or part.

§7-707

The board of school directors is vested with the necessary power and authority to sell unused and unnecessary lands and buildings by certain listed methods.

§7-708

No property acquired by the school district for school purposes shall be considered as abandoned until the board of school directors shall pass, by majority vote of the members, a resolution declaring the intent to vacate and abandon the property.

§7-721

If the board of school directors cannot agree on the terms of its purchase with the owners of real estate that the board has selected for school purposes the board, after having decided upon the amount and location, may take possession of the land, designate and mark the boundary lines and may use the land for school purposes. No board of school directors shall take by condemnation any burial ground or land belonging to any incorporated institution of learning, incorporated hospital association, or unincorporated church, incorporated or unincorporated religious association which is actually used for purpose for which it was established.

§7-735

The Governor shall appoint an advisory committee consisting of 15 members who will serve without compensation. The committee shall advise the State Board of Education on standards for school buildings. It shall state reasons for its recommended changes with reference to specific educational or health benefits expected to accrue and the associated expected change in construction or maintenance costs.

APPOINTMENT

§7-741

"Any school district or authority planning to construct or reconstruct a school building located in an area certified by the Department of Environmental Resources to be subject to mine subsidies, shall, before beginning design, obtain an evaluation of the substrata of the land upon which it will be situate from the Department of Environmental Resources."

§7-772

The board of school directors in each school district shall put and maintain the grounds about every school building in a neat, proper and sanitary condition and shall provide and maintain a proper number of shade trees.

§333

The several boards of directors of sub-school districts of 2nd class cities shall have the power to purchase ground, to erect, enlarge and repair school buildings, to purchase furniture, apparatus, books, stationary and fuel, to pay janitors, to borrow money, to provide for the payment thereof with its interest, and to levy taxes.

§791.11

The Public School Building Authority shall have the power to acquire by purchase or eminent domain proceedings, either the fee or such right, title, interest or easement in lands it deems necessary. However "no lands, interest in lands or property of a public service company, or property used as a burial ground or place of public worship, or a dwelling house and the reasonable curtilage not to be less than 300 feet appurtenant thereto," shall be appropriated by eminent domain. The right of eminent domain shall be exercised by the Authority in the manner provided by Pennsylvania law.

§791.16

Whenever any public school building or addition to any public school building is to be erected or

constructed on a site on, over or adjacent to any land which has or may have been mined for coal or any other mineral, the authority may request the Department of Mines and Mineral Industries to examine such site and to advise the authority whether it can be safely erected."

REGULATIONS

§21.41 -- 21.43

Every school district shall secure approval from the Secretary of the Department of Education prior to entering into contract for purchase of a school site. Application for approval shall be submitted on forms provided by the Secretary of the Department of Education and shall contain such school site analysis data as may be required by him/her. When approving an application for a school site, the Secretary of the Department of Education will certify that the proposed site conforms to the long-range building program of this school district.

In its application for approval of a school site, a school district shall set forth in detail the size and types of buildings to be accommodated, the variety and scope of education programs to be offered, the educational specifications applicable and the extent and nature of out-of-school activities to be served, along with such other information as may be required by the Secretary of the Department of Education.

The Secretary of the Department of Education may require the applicant school district to establish an advisory committee composed of architects, engineers, landscapers, real estate brokers, and other persons knowledgeable in matters relative to real estate to consult with the school district on its selection of a school site.

§21.61 -- 21.63

The Secretary of the Department of Education shall establish an advisory committee on school building standards, to be composed of architects, engineers, contractors, educators and others who may be interested in school building

construction.

The advisory committee shall offer advice to the Secretary of the Department of Education as may be requested by him/her or among other things requests for the granting of exceptions to building standards which may be set by the Board of Education or Secretary of the Department of Education, shall review procedures established by him/her for approval of school sites and school buildings, shall review standards established by him/her in conformity with these regulations, and may make recommendations to him/her on any other matter relative to school building programs.

The advisory committee on school building standards shall in January of each off-numbered year submit to the Secretary of the Department of Education and to the Board a report setting for its findings and presenting recommendations for improvement in the school building program.

§21.71

In the administration of these regulations, the Secretary of the Department of Education shall issue procedures and guidelines to facilitate compliance. The Secretary of the Department of Education may approve sites or school building projects or both, which deviate from these regulations, if such deviations are in the interest of education experimentation or if circumstances make compliance with regulations impracticable.

2. Physical Plant and Fixtures

Statutes

§5-506

Whenever graded schools can be made to accommodate the pupils of one or more one-room schools by consolidating said one-room school(s) with another school, either graded or ungraded it shall be the duty of the board of school directors to abandon the one-room school(s) and erect a suitable modern building for the purpose of consolidating and properly grading all of the schools. No pupil of the abandoned schools shall be required to walk more than a mile and a half to the new school building.

§7-705

"The board of directors of any fourth class school district, when they consider it necessary, may purchase or build a residence(s) for the use of the principal or teacher or janitor . . . in the same manner . . . as other school buildings are purchased or erected. [The] district may fix and charge a rental . . . to be paid into the school treasury," for the use of the building.

§7-731

The Department of Education, with respect to construction or reconstruction of public school buildings, shall have the power and its duties shall be: (1) to review all projects, and to make recommendations to the General Assembly and Governor; (2) to assist school districts by offering such architectural, engineering and financial advice; (3) to hold hearings on projects; and (4) receive and investigate complaints.

§7-731.1

No building facilities for school use authorized under §704.1 shall be leased by any school district until approved by the Department of Education. Such

approval shall not be given unless the building facilities meet standards required to operate public school buildings.

§7-733

All public school buildings built or rebuilt shall conform to standards established by State Board of Education for heating and ventilating systems, light area, floor space, cubical contents, substantiated need and cost standards for construction. The board shall, every three years, review and revise such standards in light of improved facilities, equipment and methods, changing philosophies of classroom efficiency, and with a view to utilizing natural advantages wherever available. Such standards shall permit opportunity for individuality in design and equipment.

The Secretary of Education shall have the power to deny approval of a project which fails to meet State Board of Education standards.

§7-736

No board of school directors shall use a common heating stove to heat any schoolroom unless such stove is in part enclosed so as to protect pupils while seated from direct rays of heat.

§7-737

No school room or recitation room shall be used in any public school which is not provided with ample means of ventilation and does not have some device to protect pupils fromcurrents of cold air. Every such room shall have a thermometer.

§7-739

In buildings used for school purposes, all doors shall open outward. Every school building shall be provided with necessary fire-escapes and safety appliances. New school buildings and additions equipped with windows and no emergency fire rescue door to outside, shall be equipped with escape windows approved by Department of Labor and Industry.

§7-740

The board of school directors shall maintain in a proper manner a suitable number of water-closets or out-houses, not less than two for each building, where both sexes are in attendance. Such water-closets or out-houses shall be suitably constructed for and used separately by, the sexes.

Out-houses and water-closets that are outside and detached from school buildings shall have entrances that are properly screened. Unless constructed at a remote distance from each other, they shall have separate means of access and if possible, the means of access shall be separated by a closed partition, wall or fence, not less than seven feet high.

The board of school directors shall keep all water-closets or out-houses in a clean and sanitary condition and shall not less than 10 days prior to the opening of any school term have them properly cleaned and disinfected.

§7-751

All construction and repairs including introduction of plumbing, heating, ventilating or lighting on school property by any school district where the entire cost exceeds $1500 shall be done under separate contracts to be entered into by the district with the lowest responsible bidder after due public notice. The board of directors may perform any construction or repairs with an entire cost of less than $5000 by its own maintenance personnel or have the work performed by contract after soliciting bids from at least three responsible bidders. The board may authorize the secretary of the board or other executive to award contracts for construction or repair where the entire cost is $1500 or less, without soliciting competitive bids.

Whenever a board shall approve the use of a prefabricated unit, the board may advertise for a single bid on all the work and award the contract to the lowest responsible

bidder. If due to an emergency a school plant or any part thereof becomes unusable, competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon approval of the bid by the State Superintendent of Public Instruction, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said bids.

§7-777

If any person shall willfully or maliciously break into, enter or deface any property used for school purposes, he/she shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than $5 and not more than $200 or undergo an imprisonment in the county jail for a period not exceeding six months, either or both at the discretion of the court.

§21-2111

The superintendent of buildings shall be responsible for the conditions and care of all school buildings and premises. He/she may appoint assistants as the board may authorize and approve. All plans for new school construction, additions or repairs shall be approved by the superintendent of buildings and shall be submitted to the superintendent of schools for criticism.

'§791.3 - 791.5

The "State Public School Building Authority" composed of the Governor, legislative leaders and other designated officials is created for the purpose of constructing, improving, maintaining and operating buildings for public school and educational broadcasting facilities." The Authority has the powers necessary or convenient for carrying out its purpose.

Any school district or districts have the power and authority to enter into contracts with the authority to lease from the authority any school building, including furnishings and equipment, not to exceed 40 years.

All leases for intermediate unit facilities shall be filed as required under §919-A of the Public School Code of 1949 and shall be filed on such forms in such manner at such time as may be required by the Secretary. After the first full year of occupancy, the lessor shall agree to promptly furnish the lessee with copies of real estate tax receipts showing the amount assessed and paid for upon the described premises. If such receipts show an increase or decrease of 5.0% or more, the rental will be adjusted to reflect such change.

Lease may be terminated by mutual agreement of lessor and lessee.

The lessor shall agree to make at his/her expense all alterations or repairs specified in the rental option for the premises before lesses takes possession. Until the alterations are completed, the lessee shall not be liable for the payment of rent.

The lessor shall agree to make at his expense all interior and exterior repairs, to keep and maintain the premises in a tenantable condition, including all the plumbing, drainage, heating equipment and electric wiring during the term of the lease and any renewals or extensions; to assume liability for all damages resulting from failure to maintain the premises in a tenantable condition; and to purchase and maintain adequate insurance on the premises.

§21.1

Well-planned, well-constructed, well-maintained educational facilities are essential to achieve superior education of the Commonwealth's citizens of all ages.

§21.21 -- 21.23

Approval of school buildings shall be based upon data and plans or projected in the long-range building plan. The number and area of reimbursable spaces for general use, instructional use and service use shall be

determined according to schedules developed by the Secretary of the Department of Education based on formulas established by him/her.

A list of necessary equipment will be made available by the Secretary of the Department of Education for consideration by school districts of those projects in which cost of equipment is a factor in determining reimbursement.

§21.31 -- 21.33

All architectural and engineering plans for the construction of new school buildings shall be approved by the Secretary of the Department of Education as conforming to these regulations and to such standards as may be established by the Secretary of the Department of Education.

At the time of final submission of plans to the Secretary of the Department of Education, a school district shall furnish certification that all necessary approvals have been obtained from local, regional and State agencies relating to health, safety, authentic design, highway access, freedom from flooding, subsidence and conformity to community planning.

The Secretary of the Department of Education shall establish design standards relating to the health, comfort and safety of school buildings.

CROSS REFERENCES

II.C.1.; Statute §333

II.C.1.; Regulation §21.71

3. Use of Facilities

Statutes

§7-706

"Any school district shall have the power to join with any city, borough, incorporated town, township, or county . . . in equipping, operating and maintaining parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may appropriate money therefor."

§7-709

The board of school directors may lease for any lawful purpose, other than educational use, unused and unnecessary lands and buildings of the district pending sale or re-use for school purposes.

§7-775

The board of school directors may permit the use of its school buildings and grounds for social, recreation and other proper purposes, under such rules and regulations as the board may adopt.

C. School Property and Facilities

1. School Site

STATUTES

§16-9-5

Any city or town, from time to time may take lands therein, improved or unimproved for the location of schoolhouses, the enlargement of school lots, and for school purposes, provided that the amount of the same at any one taking shall not exceed five acres.

CROSS REFERENCES

II.C.2.; Statute §16-2-15

II.C.2.; Statute §16-8-4

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

2. Physical Plant and Fixtures

Statutes

§16-2-15

"The school committee shall locate all schoolhouses, and shall not abandon or change the location of any without good cause. Unless otherwise provided by law, the school committee of each town shall have control of all public school buildings and property, including repairs of said buildings and the purchase of furniture and other school equipment."

§16-8-4

The board of regents is empowered to co-operate with the United States commissioner of education in his/her program for "surveys and state plans for school construction", to regulate necessary expenditures relating thereto, and to survey the need and develop the plans for construction of additional school facilities as the state may need or be able to finance.

§16-9-4

Any town may vote, in a meeting notified for that purpose, to provide schoolhouses, together with the necessary fixtures and appendages thereto.

§16-21-3

The state board of education from time to time shall approve proper standards of lighting, heating, ventilating, seating, and other sanitary arrangements of school buildings, and proper regulations necessary for the safety and health of persons who may attend school.

Regulations

ARTICLE I: ROLE AND FUNCTION OF THE STATE EDUCATION AGENCY, pp. 1-18.1 -- 1-18.3

D. BUDGET

Regulations for Determining the Necessity of School Construction (BR, 3/26/75)

In determining the necessity of school construction, the local school district shall assemble for its consideration: the present pupil population and projected pupil population for the next five years; the estimated population of the community; an evaluation of existing buildings in terms of serving present and projected program needs; evidence of coordination of proposed construction with other local planning; information about availability of space in adjoining school districts, federal schools, transportation, and available community facilities suitable to educational use; and an analysis of the current financial status of districts.

When, after evaluation of this data, the local school committee believes that there is a need to construct new and/or additional facilities, this data should be compiled into a single proposal and submitted to the Commissioner of Education, along with:

- a description of the construction project(s), including age groups to be served, approximate size of building(s), and estimated total cost;
- description of site (already located or being sought), including size, location, and availability of utilities; and
- a written outline of educational specifications for the new building(s).

Approval of a proposed construction project does not include endorsement of materials, mechanical equipment, or other devices mentioned in the plans or specifications.

GUIDELINES FOR THE DEVELOPMENT AND MAINTENANCE OF A DISTRICT FIVE-YEAR SCHOOL CONSTRUCTION, MAINTENANCE AND REHABILITATION PLAN (1975)

FIVE YEAR PLAN

The state department of education requires each school district to develop and maintain a five-year school construction, maintenance and rehabilitation plan. The plan is intended to provide each school system with a continuous basis for planning educational facilities and a continuous basis for choosing alternatives in allocating facility resources.

The school committee initiating the plan should designate specific individuals to provide leadership and be responsible for the implementationof the plan. A planning committee should be named, composed of representatives or designees of the school committee, the superintendent, the state department of education, instructional services, business services, and building principals. Professional resources should be called upon in particular areas of competency.

Each school district's five-year plan should consist of four components, as described below.

Part I shall describe the educational program and include a history of quantitive and qualitative change in the district's educational program; a description of the character of the local community and its relations with the school system; and an account of general goals of education in the district and of the policies and operations of the pre-, elementary, middle, high school, and special programs and instructional and general support services in the district.

Part II shall provide a comprehensive evaluation and report of the utilization and condition of school facilities now existing in the district. The evaluation should be the result of a visit to each school by an evaluation team, accompanied by the school principal. A uniform checklist should be used as an evaluative tool.

Part III shall offer a master plan for the next five years showing existing and future schools with their anticipated attendance boundaries. This should represent the most efficient method of schoolhousing to meet district needs.

Part IV, which is not due until the initial five-year plan has been in effect for a year, shall state the district's plan for review and continuing evaluation of the five-year plan and state the plan to insure continuous up-dating of all parts of the five-year plan. An annual update must be submitted to the Commissioner of Education.

CROSS REFERENCES

I. Regional School District Planning Board; Statute §16-3-7

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

III.A.2.; Regulation, Standards for Elementary Schools

C. SCHOOL PROPERTY AND FACILITIES

2. PHYSICAL PLANT AND FIXTURES

REGULATIONS

§43-180

Buildings and grounds shall be adequate in size and arrangements to accommodate the program offered. Buildings and grounds shall be kept clean and comfortable. Each room shall be designed and equipped to serve specific purposes. Adequate lighting ventilation and heating shalll be provided in all utilized areas. Buildings and grounds shall be properly maintained, safe and attractive.

All operating school facilities shall comply with safety regulations prescribed by the State Fire Marshal and with sanitation and health regulations prescribed by the State Board of Health.

Playgrounds, physical education and play equipment shall be adequately maintained and safe.

Private offices shall be provided for each principal and for counseling services.

All vocational education laboratories and facilities shall meet the standards prescribed by OSHA and governed by the Department of Labor. Courtesy inspection and assistance are available from the South Carolina Department of Labor.

§43-181

Each high school shall have a sufficient number of fire extinguishers. The extinguishers must be regularly inspected and clearly designated throughout the building.

CROSS REFERENCE

I.Board of Trustees; Statute §59-19-90

C. School Property and Facilities

1. School Site

Statutes

§5-1-7

The commissioner of school and public lands shall "conduct all sales" and supervise "all leasing of school and public lands."

§13-3-26

The state superintendent of schools shall "make suggestions to district officers" regarding their duties as to "school facilities and sites, . . . equipment and grounds."

§13-24-1

Local school boards have authority to "purchase or lease land for school purposes."

§13-24-2

Local school boards have "eminent domain power" for the taking of school lands.

§13-24-14

The superintendent of schools shall approve all building plans, and all building sites.

Regulations

§24:04:01:01--02

The following are minimum acreage requirements for school sites. They are applicable to new or proposed sites as well as existing sites where school housing capacity is to be increased through remodeling or additional buildings. The acreage criteria are:

(1) Primary schools, grades nursery through three: at least three acres plus 1/2 acre for each 100 pupils in planned ultimate enrollment.

(2) Elementary schools: at least five acres plus one acre for each 100 pupils in expected ultimate enrollment.

(3) Middle schools (grades 5 through 8 usually): at least seven acres plus one acre for each 100 pupils in planned ultimate enrollment.

(4) Junior high schools: eight acres plus one acre for each one hundred pupils in planned ultimate enrollment.

(5) Secondary schools: at least twelve acres plus one acre for each 100 students in planned ultimate enrollment.

(6) Combination schools (kindergarten through twelve): at least fifteen acres plus one acre for each 100 pupils in planned ultimate enrollment in grades 7 through 12.

(7) "Sites for vocational schools shall consist of not less than 20 acres plus two acres for each additional course offering over five."

AUTHORITY: SDCL 13-24-14

CROSS REFERENCE

I.Local School Board; Statute §13-8-39

2. Physical Plant and Fixtures

Statutes

§13-3-25

The state superintendent of schools shall have the power to supervise "the acts . . . of the school board pertaining to the management . . . of such schools . . ., the maintenance and repair of facilities . . ., the maintenance of sanitary conditions . . ., and to direct repairs" as needed.

§13-24-11

It is the duty of local school boards to "equip, provide for . . . maintenance . . ., and keep in . . . repair" all school buildings.

§13-24-16

In order to provide for the "health conditions of the school," each school must have "sanitary facilities," "suitable drinking water," adequate "electrical service and lighting facilities and a telephone."

CROSS REFERENCES

I.Local School Board; Statute §13-8-35

II.C.1.; Statute §13-3-26

IV.A.; Statute §13-25-1; 13-25-7 -- 13-25-9

3. Use of Facilities

Statutes

§13-24-19

Any school district which operates a dormitory facility shall limit admission to "pupils enrolled in the school," and provide such facilities "free to the resident children of the district." Dormitory facilities shall not be used for students in "post-secondary and adult vocational training programs."

§13-24-20

The school board "may rent or grant the use of school facilities" for any community purpose and may charge for such use, provided "such use shall not interfere with school activities."

CROSS REFERENCE

II.C.1.: Statute §13-24-14

C. School Property and Facilities

1. School Site

STATUTES

§801

"County and city boards of education are empowered to exercise the right of eminent domain and to take and use the property of individuals or private corporations for public school purposes . . . ."

§802 — 804

Not more than seven freeholders shall be appointed who shall constitute a board of appraisers and shall determine the cash value of the land.

If the owner of the property and the board of education do not agree on a price, then the appraisers shall fix a value on the land.

If the owner and the board still cannot agree on the appraisal, then the board, after posting a bond, can build on the property.

§805 -- 807

"All municipal corporations establishing or having any free public school . . . . are empowered to take and condemn the lands, property, property rights, privileges, and easements of individuals and/or of private corporations . . . for the purpose of school sites or the extension or enlargement of grounds" to build schoolhouses or other school buildings.

The owner shall be compensated for such property.

REGULATIONS

P 107

"The Commissioner of Education shall approve all new school sites."

2. Physical Plant and Fixtures

Statutes

§813

The county board of education shall have custody of county school property. The board may designate the principal of the school to look after the grounds, buildings and equipment; a custodian can be appointed to guard or care for the property during vacations.

Regulations

pp. 102 — 103

All buildings housing schools shall be approved only when the school plant conforms to minimum standards and when a reasonable and definite effort is being made to meet these standards.

Adequate storage space "shall be provided [for teaching material] in each classroom, . . . for pupil's wraps, [and]. . . for janitorial supplies and equipment." "There shall be no storage space under any stairs."

All schools "shall have an adequate building maintenance program . . .[and]. . . make provisions for satisfactory housekeeping, well-kept grounds, . . and special and constant sanitary maintenance of kitchen, cafeteria, and toilet rooms."

pp. 103—104

Schools shall be housed in structurally safe buildings, whose "total exit facilities . . . shall be at least 22 inches in width for each 100 people to be housed at one time." Single exit doors must be at least 36 inches wide. All buildings "shall have at least two exits remote from each other."

"Adequate fire extinguishers . . . shall be provided for all buildings. [They] shall be serviced annually."

Glass different from wire glass shall not be used in interior doors or interior corridor walls. "No glass in any building shall be larger than 1400 square inches unless it be an approved safety glass" such as wire glass, laminated glass, tempered glass or approved plastic sheet.

Handrails shall be "on every stairway or outside step with four or more risers (3 steps)."

"All classroom and exit doors shall open outward," the latter being equipped with "panic hardware."

Ventilation shall be provided for all classrooms, through different methods (natural, gravity, or mechanical ventilation).

p. 104

"One drinking fountain shall be provided for each 60 pupils enrolled."

pp. 104-106

"Toilet rooms for each sex shall be provided, and there shall be at least one water closet of appropriate height for each 30 girls and one for each 40 boys . . . . Lavatories shall be provided . . . in the ratio of one fixture for each 50 pupils. . . . A percolation test satisfactory to the State Department of Public Health shall be run before locating a disposal field."

Adequate lighting shall be provided to the schools "in such amounts as to [equal] 30 foot candles on desk top."

A separate space shall be provided for clinical health services.

All power driven equipment used by the school "shall be properly and adequately equipped with safety devices."

Cafeteria facilities shall be provided with adequate washing facilities, refrigeration, hand washing and toilet facilities, screened openings, dry food storage, and fly chaser fans.

Tables and utensils shall be "kept in a sanitary condition."

p. 108

"The Commissioner of Education shall approve all plans and specifications for construction including relocatable or portable, and mobile buildings."

p.109

"The State Commissioner of Education shall make such inspections as he[she] may deem necessary . . . ."

p.114

"Every school shall be provided with an area for physical education consisting of a well-drained, smooth playground . . . ."

p.124

"The State Commissioner of Education is . . . authorized to grant waivers of any of these standards if in his[her] discretion it seems advisable because of factors which might improve the location or facilities for the total school attendance centers."

CROSS REFERENCES

II.A.2.; Statute §2954

II.A.2.: Statute §2955

II.C.1.; Statute §802 -- 804

3. Use of Facilities

Statutes

§307 -- 308

The different boards of education have the right to permit school buildings and property "to be used for public, community, or recreational purposes under such rules, regulations and conditions as may be prescribed . . . by such boards of education. [Such] right shall not extend to the use of . . . buildings and property for private profit."

The board of education or its members shall not be liable "for any injury to person or property resulting from such use of school buildings or property . . . ."

CROSS REFERENCE

II.A.2.; Statute §2902

C. School Property and Facilities

1. School Site

STATUTES

§ 2.04

"No public road shall be opened across land owned and used by any school district. . .without the consent of the regents, directors, or trustees of that institution and approval of the governor. . . ."

§17.26

Local boards "shall have the power to purchase and lease, and by exercise of . . . eminent domain to acquire . . . real property" for the school system.

Eminent domain proceedings shall be in conformity with the statutes.

CROSS REFERENCES

I.District Board of Trustees; Statute §23.28--.32

I.State Board of Education; Regulation §9201--9206

2. Physical Plant and Fixtures

Statutes

Title 20; Ch. 4, Art. 678g

"It is the intent of this act to eliminate, insofar as possible, unnecessary barriers encountered by aged, handicapped or disabled persons, whose ability ... is needlessly restricted when such persons cannot readily use public buildings."

This act applies standards and specifications for the adjustment of such things as camps, entrance doors, stairs etc., which includes design criteria and site development.

Within this act "[e]very effort shall be exercised to obviate hazards to individuals with physical disabilities."

"The responsibility for administration and enforcement of this act shall reside primarily in the State Building Commission, but (it) ... shall have the assistance of appropriate state rehabilitation agencies in carrying out its responsibilities under this act."

"The State Building Commission shall have all necessary powers to require compliance with its rules and regulations ... including powers to institute and prosecute proceedings in the District Court to compel such compliance...." The commission is also "authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this act", to receive all plans and specifications for construction of buildings subject to provisions of this act for approval and make inspections of buildings already constructed to certify that privately owned structures are free of architectural barriers.

Title 63; Ch. 2; Art. 3955, 3959, 3960

"The owner of each building, which is or may be constructed within this State ... in (the) case of schoolhouses two or more stories in height ... shall provide and equip such buildings with at least one adequate fire escape ...." Such is also the case with school buildings owned by any school district in which "schools of any kind are conducted". Whether the school is two or more stories in height it

FIRE ESCAPES

will have one fire escape for every two-hundred and fifty students.

The State Department of Education is to approve fire escape passages, complying with set standards whether it is exterior or interior fire escapes. Fire escapes for new school buildings "three stories or more in height ... shall be interior ...." New school buildings two stories or less need no fire escapes. All fire escapes are to fit the standards set forth in this article.

"Each board, commission, offical or person having charge ... of any building included in ... the article ... shall fully comply with the provisions" set forth.

REGULATIONS

§2102.2.5

"The Statewide Advisory Committee for Computer Services shall advise the Texas Education Agency on all aspects of the statewide program of computer services." This committee shall be under the control of Regional Education Service Centers.

CROSS REFERENCES

I.State Board of Education; Regulation §9201--9206

II.B.1.a.; Regulation §2102.4.6; 2102.5--2102.7

III.A.1.; Regulation §2306.6--2306.9

3. Use of Facilities

Title 103; Ch. 7 Art. 6081 and Sec. 2,2a

"Any governmental unit may by agreement establish .. and operate jointly with another governmental unit located in the same or adjacent counties, playgrounds, recreation centers, athletic fields, swimming pools, and other park and recreational facilities located on property now owned or subsequently acquired by either of the governmental units."

C. SCHOOL PROPERTY

1. SCHOOL SITE

STATUTES

§53-6-21

The sale of any "school sites or buildings" must be approved by a two-thirds vote of the local board of education.

2. Physical Plant and Fixtures

Statutes

§53-11-2

All "plans and specifications" for the construction of any school building costing in excess of $20,000 must be approved by the "state superintendent of public instruction." Such plans must comply with "standard building codes" so as to "assure safety to occupants."

§53-11-3

The state board of education shall "adopt codes to govern the preparation of plans," which shall include "minimum standards for construction . . . ventilation, sanitation . . . protection from fire . . . and promoting the safety, health and comfort of the occupants" and providing "suitable facilities for the handicapped." The board shall also "establish rules and regulations" for determining "school plant facilities" needs and make available to the districts information on "school designs" and "new methods of construction."

§53-11-4 - 53-11-5

The state superintendent has authority to enforce the school construction provisions and may employ "an architect or other qualified personnel" to "examine plans and specifications" or inspect a "school building in the course of construction." No plans for construction may be approved unless prepared by a "duly licensed architect."

§53-11-7

The state board of education may apply for federal funds to aid in the construction of school buildings and allocate these funds to public schools in the state.

3. Use of Facilities

Statutes

§53-21-1 - 53-21-5

All public school buildings shall have a "civic center" where citizens of the school district may meet for recreation and to discuss community problems. The funds for such use of the school buildings shall be provided by the school districts. The local boards of education shall manage the civic centers and make "rules and regulations" for the activities conducted there. The local boards of education shall permit public school buildings to be used for other than school purposes, as long as they do not interfere with the school, and may charge for such use.

C. School Property and Facilities

1. School Site

Statutes

§560

The school board may acquire land for school purposes by condemnation according to procedures established in Title 24, Chapter 63. The school board, school district officers or board of trustees shall exercise the powers given to municipal officers in Title 24 Chapter 65.

Regulations

R.M. Ch. VI.E; p. 105

The original cost of school sites will be excluded from cost of construction eligible for state aid.

CROSS REFERENCE

I.School District; Statute §562

2. Physical Plant and Facilities

Statutes

§3457

Any school owned and operated in a school district which is designated by the commissioner to provide instruction for retarded children shall be eligible to receive state aid for the construction or alteration of school buildings in an award not to exceed 30% of the construction cost. As a condition of such award the district shall enter into a contract with the state under such terms as it requires.

§3457a

A school district may receive state aid covering 75% of the construction costs for classroom space for handicapped children if the state board of education finds "evidence of need" and the project meets the board's criteria "as to type, kind, quality, size, use, location, and estimated cost suitable for the proposed curriculum . . . [and] . . . will effectively serve the largest numbers of handicapped pupils in an area specified by the board . . . ."

§3581

State board of education is authorized to accept and disburse federal funds made available to acquire, construct and remodel public school buildings.

§3741

Each town shall maintain "suitable" school houses. The board may purchase, lease, erect or dispose of any school houses when authorized.

Regulations

R.M. Ch. VI.C; pp. 104 -- 105

The State Board supports and encourages local school administrators and school boards to induce both students and the community when improvements are to be made to new or existing school facilities and sites. Such student involvement should be incorporated as a part of the total educational program of the district.

R.M. Ch. VI.G; p. 105

The State Board may make regulations pertaining to school construction and capital outlay if the Board submits the regulations for approval to the legislature or to the joint fiscal committee not less than 30 days prior to the proposed effective date of the regulations.

The State Board will approve school building and projects only if there is demonstrated and urgent need for the projects, such as overcrowded classrooms, deterioration of existing buildings, and unsafe or unhealthful conditions.

A project may be approved in entirety or in part for such parts as meet the requirements of demonstrated and urgent needs.

CROSS REFERENCE

I.State Board of Education; Statute §3582

C. School Property and Facilities
1. School Site

Statutes

§22-7

School boards with the consent of the Board of Education "may establish joint schools" ..."and may purchase, take, hold, lease, convey, condemn, jointly, property, both real and personal, for joint schools." School boards, acting jointly, shall not condemn more than thirty acres of land for the use of any one joint school. The title of acquired property shall vest jointly in the school boards in proportions that the school boards may determine. Joint schools shall be managed by the school boards jointly, in accordance with regulations promulgated by the State Board of Education. Unless approved by the school boards, any regulation in effect "at the time of the adoption of a plan for the operation of a joint school shall not be changed for the joint school by the State Board of Education."

§22-147 -- 22-151

Title to all property received for school purposes shall be vested in the county school boards. The board may invest property and may use the profits to build schools.

A board may condemn property for school purposes.

A board may buy property from the United States.

§22-161

The school board may sell or lease, either as lessor or lessee, property.

§22-189

It shall be lawful for a school board "to establish and maintain public high schools at such places as may be both most convenient for the pupils to attend, and most

suitable for the purposes of such schools . . . ." The establishment of a high school shall not be allowed to interfere with the instruction in elementary schools.

CROSS REFERENCE

II.A.3.; Statute §22-330.44 — 22-330.46

2. Physical Plant and Fixtures

Statutes

§22-151.1

"The county school board may transfer the maintenance of school buildings and grounds and operation and maintenance of school buses from the department of education to the department of public works . . .(it) may authorize the construction of new school buildings and additions to existing school buildings . . . ."

§22-152 -- 22- 154

No school shall be contracted for or built until the division superintendent and Superintendent of Public Instruction approves the plans and specifications.

The State Board shall make regulations for minimum floor and air space, minimum ventilating facilities, and minimum light that must be provided for in building plans before approval may be granted.

§22-156 -- 22-158

A school building shall facilitate leaving in the event of fire or accident.

A school shall hold a fire drill once a week during the first month of school and after that monthly. SAFETY

The Superintendent of Public Instruction shall periodically survey any nonfireproof school when authorized by the State Board. The State Board may close or change construction on any school it considers a fire hazard. The State Board may withhold State funds from any school board that has not corrected a defect.

Schools shall be decent and healthy. Any school which is unfit for occupancy shall be condemned and its use discontinued by the division superintendent.

§22-166.1

The State Board may, after advertising its intention, commission a licensed architect to prepare plans for school buildings which may be made available to local school boards.

§22-166.2

If school construction costs are paid by the state, the school board shall confer, prior to contracting, with the State Board about the services that the State Board can give the local board.

Upon request of a local school board the State Board shall furnish building plans done by licensed architects, data on school construction costs and brochures explaining services that the State provides for school construction. The State Board shall also aid the local board in advertising for bids and preparing contracts. The local school board shall pay the State Board for the cost of the services as determined by the State Board.

§22-166.3; 22-166.6

The Advisory Research Committee shall advise the State Board about school construction. It shall have thirteen members appointed by the Governor for four year terms. One member shall be from each of the following: Senate of Virginia, House of Delegates, State Department of Education, Virginia Chapter, American Institute of Architects, Virginia Branch, Associated General Contractors, Virginia Society of Professional Engineers, Architectural Department of Virginia Polytechnic Institute, Architectural Department of the University of Virginia, a member of a local school board, and a division superintendent, and three people from the field of business and management.

The State Board , with the approval of the Governor, may hire personnel necessary to carry out the provisions of this article.

3. Use of Facilities

Statutes

§22-164 -- 22.164.2

The school board or the division superintendent with the approval of the board may permit the use of school buildings and grounds for voting places or for any legal assembly after school hours or during vacation.

The school board may permit a library board created pursuant to §42.1-35 to operate a library in a school building as long as it does not interfere with the use of the building for school purposes. The board shall adopt regulations to protect school property when it is used for this purpose.

The school board may permit use of school property as long as the use does not impair the efficiency of the schools. Permission shall be granted under school board regulations. The board may authorize the division superintendent to permit use of school property. The board may restrict property use to after-school hours.

CROSS REFERENCE

IV.D.; Statute §22-151.2

C. School Property and Facilities

1. School Site

Statutes

§28A.58.040

The board of directors of each school district may purchase, lease, receive or hold personal and real property over which they will have exclusive control. They may convey such property when no longer needed for school purposes.

§28A.58.070

The board of directors of a school district may condemn and appropriate limited acreage for school useage.

Regulations

§180-30-055

"[C]ompliance with applicable statutory requirements relating to sites and approval of the site by the state board ... shall be prerequisites for state assistance ....

Minimum site sizes (a) for elementary schools shall be five acres plus an additional acre for each one hundred pupils for projected maximum enrollment; and (b) for ... [all others] ... schools shall be ten acres plus an additional acre for each one hundred pupils for projected maximum enrollment .... [D]eviations below such minimums shall be subject to state board ... approval.

Unless ... waived ... by the state board ... a school district ... shall file with the state board ... an opinion of ... legal counsel (a) that fee simple title to the real property is vested in the school district making application, free and clear of all encumbrances ... and (b) containing the legal description of such property.... [T]his regulation shall not apply to land secured on lease from the state ...."

"(1) An application for state assistance ... shall be comprised of completed forms prescribed by the state board ... and the supporting documents and data set forth below.

(a) Complete set of preliminary ... drawings.

(b) Signed ... copy of contract between school district and the architect.

(c) Site documents as follows:

(i) Opinion by ...legal counsel relating to fee simple title ... of site ...;

(ii) Statement of approval by the state department of health or local health agency having jurisdiction;

(iii) Statement of approval by ...[the] ... locoal planning commission ...;

(iv) Statement of approval by state department of ecology ...

(v) Statement indicating compliance with applicable rules of the council on environmental policy ... and;

(vi) Request for site approval by the state board ....

(d) Certification of nonhigh school district participative finance funds ... when applicable.

(e) Copy of resolution adopted by the school district board ... certifying full compliance with the provisions ... relating to racial balance and supported by the following data:

(i) An ethnic count for each school in the district ... the extent of the change in ethnic count projected for a five-year period ...;

(ii) A map indicating present attendance areas and ethnic distribution at all levels and any proposed changes;

(iii) Transportation services proposed,...;

(iv) A statement delineating impact and relationship of proposed construction of any federal and state programs, ... and;

(v) Such additional data as the school district deems pertinent in support of the resolution.

(f) Documentation of compliance with requirements of energy conservation program ....

(2) The school district shall (a) complete the application ... in accordance with the cooperative study ...."

2. Physical Plant and Fixtures

Statutes

§28A.04.300

The Washington State School Building Systems Project shall "develop and implement a schools construction project designed to produce schools which will suit the needs of the children of this state . . ." The project shall be under the control of the superintendent of public instruction and shall be evaluated prior to its termination on June 30, 1977.

§28A.47.746; 47.806

The state board shall furnish "consulting and advisory service" to school districts planning and developing school building programs, and shall prepare a manual to guide local school districts in "designing, planning, maintenance and operation of school plant facilities . . . ."

§28A.60.200

Each second class district may construct, remodel, build, purchase or lease real and personal property and furnish facilities.

§28A.60.350

Any second class school district with an enrollment of three hundred or less students may provide housing for the superintendent of the district.

Regulations

§180-30-010

The State Board recognizes that primary responsibility for determing the appropriate type of school building to be constructed must be in the hands of the local board of directors. The State Board's primary responsbility

lies in prescribing rules and regulations to assist the local directors in carrying out their responsibilities.

§180-30-015

"(1) The policy of the state board of education with respect to state assistance in school building construction to nonhigh school districts contemplating establishment of high schools is that assistance "must be considered in light of the need for improvement of school administrative units and school attendance areas among or within such districts."

"(2) In administering the assistance program consideration shall be given to a) the effectiveness of small high schools in terms of curriculum offerings and per capita expenditures for plant operations, and b) the necessity of providing educational opportunities in remote and/or isolated areas.

"Generally, it is considered inadvisable for non-high school districts to establish high schools or for existing high schools with limited enrollment to be continued because they are unnecessary [for] ... convenience ... [or] ... the educational opportunities of students ....

"(3) State assistance ... shall be administered in conformity with the[se] policies and principles ... and in accordance with the following purposes and objectives:

(a) To ... establish ... single area high school[s] ... wherever ... conditions permit.

(b) To allot state funds to nonhigh school districts for construction of secondary school facilities only upon prior approval by the state board of education ....

(c) To allot state funds to high school districts for ... school plant facilities only when such allotments will not result in the continuation of small high schools ... where (i) the students ... can be served ... in ... schools of larger size or (ii) the operating district can be united with another district[s] ....

(d) To make high school operations possible in

areas ... remote or isolated, and likely to remain so, ... Eligibility for ... state funds on the basis of remoteness must be determined in the light of (i) the situation,... which prevails at the time of the application; (ii) possible future changes in the situation ... and (iii) the number of high school students living in the area who cannot reside at home and attend another high school."

§180-30-030

"Allotments for funds ... for ... school building facilities shall be determined ... [by] ... the following conditions:

"(1) Facilities (a) have been destroyed by ... calamity; or (b) are ... hazardous to the safety and health of school children .... Provided, that the pupils affected cannot [conveniently] be housed elsewhere ...

"(2) [Serious overcrowding]

"(3) Certain facilities ... are lacking or extremely inadequate, including ... multipurpose rooms, kitchens, health units, shops and physical education facilities.

"(4) [A] foreseeable excessive future increase in school population ...."

§180-30-040

"[R]acial imbalance shall ... exist when a school has an enrollment of any one minority racial group in excess of forty percent .... A minority racial group is ... a racial group constituting a lesser part or smaller number identified in relation to the total enrollment of children in the public schools of the state.

"A prerequisite for an allotment of funds ... shall be satisfactory evidence ... that the proposed construction will not create or aggravate racial imbalance within the boundaries of the applicant school district. Provided, that this regulation shall not apply to schools serving American Indian communities.

"In order to determine the effect of proposed

construction upon racial imbalance the superintendent ... shall require study for that purpose . . ."

§180-30-220

" Additional state assistance in school building construction ... for improvement in school district organization may be allowed when it is found by the state board ... there is need for such ... assistance to achieve improvement and equalization of educational opportunities of pupils, economics in the administration and operation of schools and equalization among school districts of the tax burden ....

(1) Determination by the state board ... that a plan ... constitutes an acceptable administrative unit shall be a prerequisite for additional state assistance consideration ....

(2) When the boards ... of two or more school disticts, at least one of which shall be a high school district, contemplate the formation of new school district ... make application for additional state assistance under the provisions of this section, the respective boards ... shall file ... a joint resolution of intent which shall set forth the proposed organizational pattern and evidence of the need for additional state assistance, including ... the following:

(a) Map of the proposed ... district.

(b) Current and projected enrollment for a five-year period.

(c) Number of secondary school students ... in each component district of the proposed new district.

(d) Reasons why existing buildings cannot satisfactorily house the projected enrollment of the proposed new distirct.

(e) Financial status of the proposed new district.

(f) Number of school buses currently in operation by the component districts and number required ....

(g) Analysis of the improvement in educational opportunities through the ... new district.

(h) Statement of impetus new facilities would provide in effecting the formation of the proposed new district.

(i) Complete description of the site ... including ... its location with respect to pupils to be served, size and adequacy.

(j) Such additional data as the boards ... deem pertinent to a thorough analysis of the proposal.

(3) When ... a proposal ... will provide an acceptable administrative unit ... and the state board has determined that additional state assistance is necessary to achieve the objectives in this section... the state board shall notify the boards ... of the component districts (a) of its approval of the proposed ... pattern, and (b) that upon approval by the voters of the proposal ... an application by the [new] board of directors ... for state assistance ... will receive favorable consideration ....

(7) When ... an improvement in school district organization will be achieved ...

additional

state assistance may be allowed in an amount to be determined by the state board."

§180-30-225

"A school district which furnishes ... evidence of need for additional state assistance to provide for improvement in racial balance ... shall be eligible for such ... assistance ... in accordance with the following...:

(1) Definition of racial imbalance [see] ... WAC 180-30-040.

(2) Data submitted in ... the racial balance study ... [WAC 180-30-630] ... must substantiate that the proposed construction or modernization will improve racial balance in one or more schools.

(3) [As] it is the responsibility and authority of the [local] board ... to determine the type of school building it desires ... and [as] the varying degrees of minority race imbalance throughout the state may require varying procedures to alleviate such imbalance, it shall be the responsibility of school district boards ... to determine means to achieve improvement in racial balance.

(4) [T]he school district shall submit a description of its program of achieving racial balance, including ... the following:

(a) [T]he philosophy of the school district as it relates to racial imbalance.

(b) Objectives of the program.

(c) Program improvements to be employed.

(d) Limitations of existing ... facilities which preclude implementation of the contemplated program.

(e) Proposed use of any [resulting] vacated space ....

(f) Estimate of time period for full implementation of program.

(5) When ... [a proposal] ... involved ... two or more schools, all such units must be included in the program improvement application.

(6) In addition to the[se] regulations, the regulations governing the basic state assistance program shall [also] be applied: Provided, that the waiver of any such requirements ... shall be subject to approval by the state board....

(7) When ... an improvement in racial balance will be achieved ... additional state assistance may be allowed in an amount to be determined by the state board: Provided, that the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes."

§ 180-30-407

"[S]tate assistance ... may be allowed for costs incurred through energy conservation considerations in a modernization project."

§180-30-408

"The superintendent ... shall ... assure that energy conservation practices shall be employed in design of all school building projects ...."

CONSERVATION

§180-30-415

" State participation in financing costs of preliminary planning shall be limited to (1) school districts which evidence a need ... for the purpose of improving the usefulness or adequacy of their school plant facilities ... and (2) the availability of state funds ...."

§180-30-420

The applicant school district shall submit a written application which shall include the proposed budget for carrying out its planning process.

§180-30-425

"The superintendent ... shall determine procedures and forms for the administration of state participation ...."

§180-30-465

"Any interdistrict financial plan for construction or modernization of school facilities irrespective of whether state funds are involved ... must be approved by the state board ... prior to carrying [it] into effect ...."

§180-30-470

" The board of directors ... [where] ... the proposed new facility is to be located ... shall be the applicant district ...."

§ 180-30-475

" The applicant school district shall submit a written application which shall include ... the following ...

(1) A joint resolution ... of all participating school districts shall (a) confer contractual authority and subsequent ownership on the board of directors in whose jurisdiction the facility is to be located ... and (b) designate such board ... as the legal applicant.

(2) Contract between applicant and participating districts.

(3) Statement defining the educational program or services to be offered in the proposed ... facility.

(4) Number and grade level[s] ... by district of all pupils to be housed in the proposed ... facility.

(5) Description of proposed project including size ... and the estimated cost of construction ....

(6) Proposed financial plan to fund construction and joint operaton of proposed facility.

(7) Certification by the county treasurers ... as to (a) amount of funds in the building fund of the district, (b) bonds authorized and (c) value of the taxable property of the district.

(8) An area map indicating location of schools within the ... districts and the location of the proposed ... facility.

(9) [E]valuation of the proposal by the superintendent of the educational service district in which the proposed new facility is to be located ...."

§ 180-30-480

"The boards of directors of participating school districts shall ... contract with the board of directors of the applicant school district ...for the following ...

(1) Financial terms by which each cooperating district will participate in the cost of construction ....

(2) Administration of the facility and of the

program or services to be offered ....

(3) Duration of the ... agreement.

(4) Procedures for dissolution of cooperative operation of the facility including ....

(a) Ownership of all captial equipment and facilities.

(b) Distribution of assets or the payments to be made to the participating districts.

(c) Minimum period of operation prior to dissolution ...."

§180-30-495

"A project to be constructed under interdistrict cooperative financing ... shall be subject to approval by the state board ... irrespective of whether state funds are involved ... shall be in conformity with the applicable rules and regulations hereinafter prescribed ....

(1) Projects financed entirely with school district local funds. All rules and regulations promulgated by the state board ... relating to school building construction ... shall govern ... except those rules ... deemed by the superintendent ... to be inapplicable ....

(2) Projects financed with state assistance.

(a) All rules and regulations promulgated by state board ... relating to school building construction shall govern except such rules deemed by the superintendnet ... to be inapplicable ....

(b) In determinin[g] state assistance ... each participating district, otherwise eligible ... shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all particpating districts ....

(3) [A]pplications for state assistance ... shall be judged by the state board ... on the basis of the need for ... (a) providing educational opportunities ... not otherwise provided, (b) avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities, or (c) improving racial balance ....

(4) [A]dditional state assistance may be allowed in an amount to be determined by the state board: Provided that the total amount allotted shall not exceed ninety per cent of the total project cost determined eligible for state matching purposes: Provided further, that the total funds available... are sufficient to meet state-wide needs ...."

§180-30-575

"[P]rerequistites for a recommendation by the state educational agency ... for ... federal funds ... for school building construction should include ... (a) The school building project shall be consistent with over-all state plans for the construction of school facilities, and (b) the applicant school district shall meet requirements established by the state board ... for eligibility for an allotment of state funds for assistance in construction of school facilities of any kind ...."

§180-30-620

"(1) The school district shall submit to the state board ... a notice of intent to file an application for each proposed school building project....

(2) (a) At the time a notice of intent is filed ... the school distict shall arrange for a cooperative study of its school housing situation .... [T]he ... study shall provide information including ... following:

(i) Kind and extent of the school plant

facilities required and the urgency of need for such facilities;

(ii) Ability of the district to provide capital funds by local effort;

(iii) Need for improvement of school administrative units and school attendance areas among or within districts;

(iv) Enrollment trends and racial balance data;

(v) Site; and

(vi) Such other data as the state board ... may require ....

(b) Subsequent projects shall ... [include such data] ... as the state board may require ...."

§180-30-640

"Upon receipt of authoriziaton ... the school district shall ... prepare final plans and specifications in accordance with the following ....

(1) Separate and/or combined bids may be received for general construction, mechanical work and electrical work ... [and] ... may be awarded on the basis ... most advantageous to the school district ....

(6) (a) The final plan and specifications ... shall be subject to the approval of the state fire marshal ... the state electrical inspector, the health agency having jurisdiction and, when applicable, the state department of ecology ....

(b) The life cycle cost analysis, when required, shall be subject to approval of the office of energy management and conservation....

The architect shall certify to the superintendent ... that the final plan and specificatons are in full compliance with ... pertinent statutes relating to construction of public buildings applicable to school building construction."

"(1) The school district shall submit ... the final plan and specifications to the state board ... for review and approval ... [plus] ...

(a) Form for certification of construction documents and final cost estimate of project, completed and signed by architect.

(b) [L]etters of approval by governmental agencies ....

(c) Signed statement by architect of analysis of square foot area.

(d) Life cycle cost analysis ....

(2) The school district shall obtain [final] approval ... by the state board ... prior to the call for bids ...."

§180-30-710

"(1) The superintendent of public instruction is ... authorized to ... administer the disbursement of state funds allotted ... for school building construction, ...

(2) The superintendent shall keep a complete and accurate record of each allotment ... made and of all disbursements, upaid balances and other matters connected therewith."

§180-30-740

"[F]inal payment on a contract ... shall not be made until thirty days have elapsed following final acceptance by the school district ... of the work as completed.

After the ... 30-day period, final payment shall be made in accordance with ... subsections (1) through (3) ... and such other procedures as amy be prescribed by the superintendent ... in compliance with statutory and state board of education regulations.

(1) (a) Upon completion of work by a contractor ... the architect and the school district officials shall inspect the ... work to determine compliance with

plans and specifications.

(b) The architect, upon determining that the ... work has been completed satisfactorily, shall recommend ... to the school district ... acceptance as completed satisfactorily. Separate letters shall be written concerning the work of each contractor.

(c) The school district board ... upon determining that the ... work has been completed satisfactorily, shall ... officially accept such ... work as completed satisfactorily.

(2) Final payments ... shall be subject to receipt by the superintendent ... of the documents listed below and such other evidence of final completion ... he/she may determine to be necessary.

(a) Documents to be submitted immediately following official final acceptance of building, improvement or work.

(i) Properly executed state invoice voucher;

(ii) Architect's letter of inspection;

(iii) School district board of directors ... final acceptance;

(iv) Archtitect's certificate of final amount due and payable to contractor; and

(b) Documents to be submitted immediately after the expiration of the 30-day period ....

(i) [A] certified list of all valid liens in event liens have been filed."

CROSS REFERENCES

I.District Superintendent: Statute §28A.59.070

III.A.2.; Regulation §180-30-485

3. Use of Facilities

Statutes

§14.030

School districts may provide recreation services as their facilities permit. They may buy equipment, facilities, and hire instructors with the administrators' approval.

§28A.58.105

Every board of directors shall authorize school facilities to be used for night schools, summer schools and for public meetings.

§28A.60.190

School boards in each district may provide for public use of school property, may promote such use, and disseminate and house information pertinent to community interests.

C. School Property and Facilities

1. School Site

Statutes

§18-5-11

"The boards of two or more adjoining counties may jointly establish and maintain schools. The title to the school shall be vested in the board of the county in which the school is located.

The boards of the several districts shall determine the site of the proposed school and the amount to be expended for its establishment and equipment. The cost shall be apportioned upon the basis of the respective valuations of the taxable property in each district.

The board in the district in which the buildings is located shall be vested with the control and management of the school.

The annual operating cost shall be apportioned among the districts on the basis of the average daily attendance of pupils from each district."

CROSS REFERENCE

II.C.2; Statute §18-5-8

2. Physical Plant and Fixtures

Statutes

§18-5-8

"The board shall purchase by condemnation or otherwise, the land necessary for school buildings, playgrounds, athletic fields . . . and other educational purposes, and make necessary expenditures for the improvement of the land."

§18-5-9

The county board of education shall provide:

(1) "A sufficient number of suitable schoolhouses . . . to meet the educational needs of its district;

(2) . . . furniture . . . and all necessary supplies for the schools;

(3) For the health and cleanliness of the pupils;

(4) For the repair and good order of the school grounds, buildings and equipment.

The board may also provide for medical and dental clinics."

§18-5-10

"The state board may require all plans and specifications for the execution of school buildings to comply with the requirements of law. They may require all county boards to submit all plans and specifications for their approval."

Regulations

§6220

Each county shall develop a comprehensive school facilities plan which shall include the following steps: a community analysis, population and enrollment study, educational plan, evaluation of existing facilities and

a financing plan.

The State Board of Education shall use the following priorities in evaluating each county's comprehensive school facilities plan: The plan must provide: for a safe and healthful environment; for educational programs mandated or supported by the legislature; for essential facilities such as libraries, science labs, physical education facilities, etc., and for future housing increases.

CROSS REFERENCE

III.C.State Board of Education; Statute §18-2-27

3. Use of Facilities

Statutes

§18-5-7

"If at any time the board shall ascertain that any building or any land no longer shall be needed for school purposes, the board may sell, dismantle, remove or relocate any such building and sell the land in which they are located at public auction after proper notice. . . to the highest responsible bidder." The board . . . may also lease for oil and gas or other minerals any lands or school sites owned in fee by it . . . . The provisions of this section . . . shall not apply to boards of education selling or disposing of its property for a public use to the State of West Virginia, or its political subdivisions . . . for an adequate consideration without considering alone the present commercial or market value of the property."

C. SCHOOL PROPERYY AND FACILITIES

2. PHYSICAL PLANT AND FACILITIES

STATUTES

§115.33

"If any school district administrator or elector in the school district complains in writing to the state superintendent that any [school building] in the school district is in such condition as to endanger the lives or health of the pupils or that the building is otherwise unfit for school purposes, the state superintendent shall investigate the matter and may hold a hearing in connection therewith.

INVESTIGATION

HEARING

If conditions warrant, [he/she] shall order the school board or other officers having control of the school to repair, improve or remodel such building by a stated date so as to render it safe and sanitary. If [he/she] deems the building . . . not worth repairing, [he/she] shall order the erection or acquisition of an adequate school building by a stated date. [Failure to comply] with the order shall deprive the school district of its right to share in the school fund income until the state superintendent determines that the school district has complied with [his/her] order.

Upon written application of the school board, the state superintendent shall grant a hearing on the order." Execution of the order shall be stayed pending the hearing. The superintendent may affirm, amend or vacate the original order.

"The state supervisors of schools shall be inspectors of public school buildings under the direction of the state superintendent."

§118.11

"The school district shall erect and maintain all the fence necessary to enclose the school site on grounds without any financial burden on the holders of adjoining properties."

§120.19

In order to provide school buildings and equipment for elementary or high schools and to enable the construction, financing and ultimate acquisition thereof, the school board of a common or union high school district may make agreements with non-profit corporations. Buildings so constructed or acquired by the school board are exempt from taxation.

CROSS REFERENCE

III.A.2.; Regulation PI 8.01

3. USE OF FACILITIES

STATUTES

§120.61

The board of school directors in cities of the 1st, 2nd or 3rd class may allow school buildings and grounds to be used for civic purposes.

C. School Property and Facilities

1. School Site

CROSS REFERENCE

I.Board of Trustees; Statute §21.1-26

A COMPENDIUM OF
STATE LEGAL STANDARDS FOR THE PROVISION OF PUBLIC EDUCATION

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III. Quality of the Educational Process

ALABAMA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Statutes

§16-26-1

Matters relating to the minimum standards prescribed for high schools by the state board of education shall be administered through the department of education. Instruction manuals, curriculum bulletins and rules and regulations shall be printed by the state board of education. Accreditation requirements for high schools and the list of approved high schools shall be approved and printed by the state board of education on the recommendation of the state superintendent of education.

2. Other Qualification Standards

Statutes

§16-3-14

The state board of education shall prescribe rules and regulations for the grading and standardizing of public schools. RULEMAKING

§16-4-14

The state superintendent shall prepare rules and regulations for grading and standardizing all public elementary and high schools. She/he shall also prepare and submit for state board approval the minimum requirements for issuing all certificates and diplomas in these schools. RULEMAKING

§§16-8-29; 16-9-22

The county superintendent shall prepare rules and regulations for grading and standardizing all public schools in the county and submit them for approval and adoption by the county board. RULEMAKING

The county board of education shall, upon the superintendent's recommendation, grade and standarize all schools under its jurisdiction.

§16-8-30

The county board of education shall fix a uniform date each year for the opening of all school in the county.

§16-8-36

The public schools of the county shall include elementary schools, grades one to six; junior high schools, grades seven to nine; and senior high schools, grades 10 to 12.

§16-11-20

The city board of education shall grade and standardize the schools under its jurisdiction, and shall prescribe courses of study. Copies of the courses of study shall be given to all teachers and interested citizens.

§16-12-8

The city superintendent of schools shall prepare rules and regulations for grading and standardizing the public schools and recommend them for approval by the city board of education.

RULEMAKING

§16-26-2

All high schools established by county boards of education constitute a system of high schools for the county. City boards of education shall provide a system of high school education which shall meet the minimum standards prescribed by the state board of education. A town or city board may cooperate with the county board of education in establishing and maintaining a county system of high schools which shall include the town or city.

CROSS REFERENCES

II.A.2.; Statute §15-39-7

III.A.1.; Statute §16-26-1

B. Qualification Standards for Personnel

Board of School Trustees

CROSS REFERENCE

I.Board of Trustees; Statute §16-10-1

Certified Personnel

STATUTES

§16-23-2

All matters relating to the issuance and renewal of certificates shall be subject to rules and regulations of the state board of education. It shall be the state superintendent's duty to submit rules and regulations on certification to the state board of education for its approval.

RULEMAKING

§16-23-3

The state superintendent of education may grant provisional certificates in times of emergency. Provisional certificates may only be valid for one year and may not be renewed.

Certified Staff

CROSS REFERENCE

III.A.2.; Statute §16-4-14

City Board of Education

CROSS REFERENCE

I.City Board of Education: Statute §16-11-1

City Superintendent of Schools

STATUTES

§16-12-2

The city superintendent of schools must hold a degree from a recognized four-year college or university and be knowledgeable in school administration.

County Board of Education

Statutes

§16-8-1

The county board of education shall be composed of five elected members. They must be of good moral character, possess at least a fair elementary education, be of good standing in their communities, and be known for their honesty, business ability, and interest in public education.

County Superintendent

Statutes

§16-9-2

The following requirements must be met by a person seeking appointment or election to the office of county superintendent: an Alabama certificate in administration and supervision; at least five years experience in public school work; three years experience as a teacher, principal or administrator during the past five years; a degree from a college or university; and if appointed by the county board, knowledge in school administration.

§16-9-10

Any person possessing the qualifications for a certificate of administration and supervision required as a qualification of a county superintendent shall be entitled to receive the certificate. If the state superintendent fails to issue the certificate without good reason for doing so, she/he shall be subject to a penalty of $250.00.

§16-23-7

The county superintendents, city superintendents, supervisors, principals and teachers must be certified by the state superintendent of education.

Local Textbook Selection Committee

CROSS REFERENCE

II.B.1.a.; Statute §16-36-4; 16-36-5

School Employees

CROSS REFERENCES

III.C.School Employees; Statute §16-9-23

III.C.School Employees; Statute §16-12-15; 16-12-16

State Board of Education Members

STATUTES

§16-3-4

Members of the state board of education must be qualified voters of the state. Board employees or persons who have been professional educators within the last five years preceding the election shall not be eligible for board membership. A professional educator is a teacher, supervisor or principal of any public or private school, or an administrator in the field of education.

State Superintendent of Education

STATUTES

§16-4-1

A state superintendent of education shall be appointed by the state board of education and serve at its pleasure. Alternatively, the board may enter into a contract with the state superintendent for a period not to exceed four years

The superintendent of education must be of good moral character, have an education equivalent to graduation from college, be knowledgeable in school administration and have training and experience sufficient to qualify him/her to perform the duties of superintendent.

The salary of the state superintendent shall be set by the state board of education.

STATE TENURE COMMISSION

CROSS REFERENCES

III.C.Teachers; Statute §16-24-30

III.C.Teachers; Statute §16-24-36

STATE TEXTBOOK COMMITTEE

CROSS REFERENCE

II.B.1.a.; Statute §16-36-2

TEACHER

STATUTES

§16-3-16

The state board of education, through the state superintendent, shall prescribe rules and regulations governing the training and certification of teachers. The state board has full authority to adopt rules and regulations on the issuance of professional and special certificates.

RULEMAKING

CROSS REFERENCE

IV.A; Statute §16-3-12; 16-3-13

APPOINTED PERSONNEL

CROSS REFERENCE

I.State Superintendent of Education; Statute §16-4-4

CERTIFICATED PERSONNEL

STATUTES

§16-23-5

The state superintendent of education has authority to revoke a certificate for immoral conduct or unbecoming or indecent behavior. REVOCATION

CITY SUPERINTENDENT OF SCHOOLS

STATUTES

§16-12-1

The city board of education shall appoint a city superintendent of schools who will serve at the pleasure of the board and receive compensation as the board may direct. The city board may remove the city superintendent for incompetency, immorality, misconduct, wilful neglect of duty, or whenever the board determines the dismissal to be in the best interests of the schools. APPOINTMENT REMOVAL

COUNTY BOARD OF EDUCATION

CROSS REFERENCE

III.D.County Board of Education; Statute §16-8-37

COUNTY SUPERINTENDENT

STATUTES

§16-9-23

The county's superintendent shall nominate for appointment by the county board of education all principals, teachers and other employees of the board. The superintendent shall have authority to assign them, transfer them, suspend them and recommend them for dismissal. APPOINTMENT

PRINCIPAL

CROSS REFERENCES

III.C.Teachers: Statute §16-10-9

PUPILS

STATUTES

§16-8-35

The county board of education shall upon the superintendent's recommendation, prescribe the conditions for the promotion of pupils from elementary to junior high and from junior high to high school.

CROSS REFERENCE

III.A.2.: Statute §16-4-14

SCHOOLS

STATUTES

§16-26-3

In the interests of economy of organization and administration, county boards of education may place the elementary, junior and senior high schools of any district under one principal.

SCHOOL BOARD

STATUTES

§16-1-13

If a school board determines that it is in the best interests of pupils in that district, the board may prescribe the manner and procedure to be followed in classrooms for teaching pupils of disparate ability, background and achievement in the public schools. The board's authority shall extend to prescribing the grouping and classification of students within the same grade, based upon general intelligence, and academic achievement. Such a classification shall be prescribed only after the board has consulted with the school superintendent, teachers, students and parents. The board may assign special teachers, prescribe special courses or remedial courses, and take other necessary action for teaching the special groups of students.

School Employees

Statutes

§16-8-23

The county board of education, upon the written recommendation of the county superintendent, shall appoint all principals, teachers, and professional assistants. The county board may suspend or dismiss superintendents, principals, teachers, or other employees for immorality, misconduct in office, insubordination, incompetency or wilful neglect of duty.

SUSPENSION

DISMISSAL

§16-12-15; 16

The city superintendent shall be responsible for the administration of the office of superintendent of schools. The city superintendent shall nominate all principals, teachers and other employees for appointment by the city board and shall transfer, promote, suspend, or dismiss them in accordance with the school laws.

School System

Statutes

§16-8-11

The county board of education shall maintain a uniform and effective system of public schools.

CROSS REFERENCE

I.County Superintendent; Statute §16-9-15

State Board of Education

CROSS REFERENCE

II.B.1.a.: Statute §16-36-36

State Board of Education Appointees

Statutes

§16-3-25

The state board of education may remove any person appointed by it (who is not subject to the merit system) for incompetency,

REMOVAL

immorality, misconduct in office or wilful neglect of duty. The person charged must receive notice of the dismissal and an opportunity to be heard. If a vacancy occurs, it may be filled by the state board of education.

NOTICE

STATE BOARD OF EDUCATION MEMBERS

STATUTES

§16-3-4

The governor may remove any appointed member of the state board of education for immorality, misconduct in office, incompetency or wilful neglect of duty. The person must be given a copy of the charges against him/her and the opportunity to be heard.

REMOVAL

NOTICE

STATE SUPERINTENDENT OF EDUCATION

CROSS REFERENCE

II.B.1.a.: Statute §16-36-36

TEACHERS

STATUTES

§16-10-9

The board of school trustees shall strive to develop support for the schools. In case of dissatisfaction they may file charges with the county board of education requesting the removal of the principal or any teacher in the school.

REMOVAL

§16-11-17

The city board of education shall set employees' salaries and may dismiss any principal, teacher or other employee for immorality, misconduct, incompetency, neglect of duty, or when the board determines the dismissal to be in the best interests of the school.

DISMISSAL

§16-24-11

A teacher is not permitted to cancel her/his contract during the school year or anytime within 45 days prior to the beginning of the school term unless the cancellation is mutually agreed upon. A teacher may be permitted to cancel her/his contract at any other time by giving five days' written notice to the employing board.

§16-24-1; 2

In order to attain continuing service status or tenure, a teacher must serve under contract for three consecutive years in the same county or city school system and be reemployed in that city or county for the succeeding school year. The term "teacher" includes all certified persons employed as instructors, principals, or supervisors in the public schools.

An instructor with continuing service status who is promoted to principal or supervisor must serve for three consecutive years in that position before attaining tenure as a principal or supervisor.

By the end of the school term, the superintendent shall submit to the board a list of teachers recommended for tenure status.

Consolidation of two or more schools shall not prejudice the tenure rights of the teachers involved.

§16-24-8; 10

CONTRACT CANCELLATION

A tenured teacher's contract may be cancelled for "incompentency, insubordination, neglect of duty, immorality, justifiable decrease in the number of teaching positions or other good and just cause." A contract may not be cancelled for political or personal reasons.

NOTICE

The employing board of education shall give written notice to the teacher stating the reasons for the proposed cancellation and naming a time and place at which the teacher may appear before the board. In order to contest the cancellation, the teacher must file an intent to contest at least five days before the hearing. The teacher may be suspended, without pay, pending the hearing. After the board's decision, the teacher has the right of appeal to the state tenure commission which shall determine the validity of the board's action.

§16-24-12

NOTICE
RE-EMPLOYMENT

Unless the employing board gives written notice to the teacher on or before the last day of school, a teacher shall be deemed offered reemployment. A teacher's contract may not be cancelled except by majority vote of the board.

§16-24-30

A state tenure commission is established, consisting of seven members, including teachers, a principal and other appointed members. The tenure commission shall meet at such times as the chairman may determine and shall appoint officers from among their members. The commission may adopt rules, regulations and orders necesssary to carry out its functions.

RULEMAKING

§16-24-36

It is the duty of the state tenure commission to hear and determine appeal cases. A teacher with tenure status who has been denied a hearing before the local board of education has a right of appeal directly to the state tenure commission.

APPEAL

HEARING

The action of the state tenure commission in reviewing transfers of teachers or cancellation of teacher contracts, if made in compliance with the provisions of this chapter, and unless unjust, shall be final and conclusive.

CROSS REFERENCE

II.B.1.a.; Statute §16-36-37

D. Evaluation and Reporting

County Board of Education

STATUTES

§16-8-37

The county board of education shall publish an annual statement of its receipts and disbursements. The board may also publish and distribute a report on the condition and need for improvement of the county board of education. The refusal or failure of any board member to comply with these requirements is a misdemeanor.

County Superintendent

CROSS REFERENCE

I.County Superintendent; Statute §16-9-22

CURRICULUM

STATUTES

§16-35-3

The "courses of study" committee shall conduct evaluations of the courses taught in the public schools. It shall prepare the course content for each grade and periodically revise it. In evaluating the curriculum, "consideration shall be given to the required basic content, textbooks used, the educational objective of the course, changing scientific, technological and cultural developments, as well as established facts of American history, tradition and patriotism." Every two years the committee shall prepare a report of its recommendations on minimum course content and recommendations on revisions of content and materials in specific areas. The report will be submitted to the state superintendent of education and to the state textbook committee.

EDUCATIONAL CONDITIONS

STATUTES

§16-3-17

The state board of education shall conduct investigations relating to the educational needs of the state and means for improving educational conditions. The board may employ additional expert assistance if needed. INVESTIGATION

EDUCATIONAL SYSTEM

STATUTES

§16-3-25

The state board of education shall consider the state's educational needs and recommend additional legislation or changes in existing legislation to the governor and the legislature.

Needs of Education

Statutes

§16-3-21

The state board of education shall submit an annual report to the governor covering all operations of the department of education and the conditions, progress and needs of education in the state.

Proposed Courses of Study

CROSS REFERENCES

II.A.1.; Statute §16-12-9

II.A.1.; Statute §16-91-21

Pupils

CROSS REFERENCE

III.C.Pupils; Statute §16-1-13

Reports Required by the State Board of Education

Statutes

§16-4-18

The state superintendent shall prepare an annual report of the state board of education, as well as all other reports required of the board.

§16-8-39

The county board of education shall make all the reports required to the state board of education.

§16-12-14

The city superintendent shall prepare all reports required by the state board of education and submit them to the city board for its approval.

STATUTES

§16-4-6

The state superintendent of education shall execute the educational policy of the state board of education. She/he shall call and conduct conferences for county and city boards of education, county and city superintendents, principals and teachers on matters relating to the condition, needs and improvements of the schools.

§16-6-1

The Alabama education study commission shall be composed of eight members appointed by the governor for eight year terms. The commission shall report to the legislature at each session on the following: (1) an evaluation of current educational programs and policies and recommendations for improvement; (2) the financial needs of public education in the state; and (3) the commission's recommendations as to the responsibility of the state and local boards for financial aid.

§16-9-26

The county superintendent shall visit the schools, observe the management and instruction, and give suggestions for the improvement of the schools. SCHOOL VISITS

§16-9-31

The county superintendent shall forward to the state superintendent of education an annual report on the public schools of her/his county.

§16-10-7

The board of school trustees shall visit the schools under its jurisdiction at least once a month and consult with teachers and principals on pupil progress and school conditions, and give aid for the advancement of the schools. SCHOOL VISITS

§16-11-22

The city board of education shall make all reports required by the state board of education.

§16-11-24

The city board of education shall publish an annual report on its financial status. The board may publish a report on the condition, accomplishments and needs for improvement of the schools.

§16-12-11

The city superintendent shall visit the schools, observe instruction and give suggestions for improvement.

School System

CROSS REFERENCE

I.Board of Trustees; Statute §16-10-1

Special Education Plan

CROSS REFERENCE

II.A.2.; Statute §16-39-4; 16-38-6

Special Education Programs

CROSS REFERENCES

II.A.2.; Statute §16-39-4;6;5

Unemployed Teachers

Statutes

§16-23-6

The state superintendent of education shall inform county and city superintendents of the names of unemployed teachers. For this purpose, a placement bureau shall be organized in the state department of education.

Vocational Education

CROSS REFERENCES

II.A.3.; Statute §16-37-4

II.A.3.; Statute §16-37-6

E. Improvement Efforts

Drug Abuse Education Program

Statutes

§16-41-9

The state superintendent of education shall report to each session of the state legislature on the status of the drug abuse education program and recommend improvements or modifications.

Educational System

CROSS REFERENCE

III.D.Educational System; Statute §16-3-17

Schools

Statutes

§16-4-20

The state superintendent shall prepare for the state board's approval and adoption legislative measures needed for the development and improvement of public schools.

CROSS REFERENCES

III.C.Schools; Statute §16-4-20

III.D.Schools; Statute §16-6-1

III.D.School; Statute §16-10-7

School Board Members

Statutes

§16-1-6

The state superintendent of education and local boards shall cooperate with the Alabama association of school board members in its inservice training program for school board members.

SCHOOL STAFF

STATUTES

§16-9-16

The county superintendent shall conduct conferences with teachers, principals, and other interested citizens and shall promote professional efficiency in teachers and develop public interest in education. CONFERENCE

TEACHERS

STATUTES

§16-9-25

The county superintendent shall organize and attend county and local institutes for teachers and citizens; advise teachers as to further professional study; and assist parents and citizens in acquiring knowledge of the aims and work of the school.

§16-12-10

The city superintendent of schools shall organize institutes for teachers and for citizens; shall advise teachers on further study; and assist parents and teachers in acquiring knowledge of the work of the schools.

§16-23-7; 10

In order to improve teacher quality, institutes shall be held annually in each county. Attendance by teachers and administrators is required and an unexcused absence is cause for suspension. The county superintendent has a duty to insure that all employees attend. SUSPENSION

§16-23-12; 13

As a further means of improving teachers' qualifications, county or city superintendents shall conduct conferences on curriculum, problems of instruction, and administration. Extension courses for teachers may also be provided. CONFERENCE

§16-23-14

All laws, rules and regulations of the state board of education relating to teacher preparation or inservice training shall be administered by the state superintendent of education.

CROSS REFERENCE

II.A.1.; Statutes §§14-41-3: 16-41-4

ALASKA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

4AAC 60.010; 020

"Every person, institution, or agency operating a school for children ages three through five years, when the school's primary function is educational, shall apply to the department for a certificate of approval."

Schools maintained entirely by federal funds, church schools devoted to instructing in religious subjects or schools having an enrollment of six children or less are exempt from applying for a certificate of approval.

AUTHORITY:
AS 14.07.020(8)
AS 14.07.060
AS 14.35.080(4)

4AAC 60.030

"(a) Application for a Certificate of Approval shall be submitted on a form prescribed by the department.

(b) No preelementary school may represent that its program has a sponsorship, approval, characteristics, affiliation, or accreditation which it does not have, nor may any school cause a likelihood of confusion or misunderstanding as to any of these matters.

(c) Before issuing a Certificate of approval, the department shall conduct an investigation of the applicant, the proposed plan for the education and supervision of children and the mode of operation of the preelementary school. If the results of the investigation reveal that

the primary purpose of the school is educational and that the applicable rules and regulations promulgated by the department are satisfied, a regular Certificate of Approval shall be issued.

(d) The department may grant a conditional Certificate of Approval for programs with minor deficiencies correctable within a time specified on the permit not exceeding six months."

AUTHORITY:
AS 14.07.020(8)
AS 14.07.060

4AAC 60.040

"(a) A school or program denied a certificate of approval by the department is entitled to a hearing before the State Board of Education at a regular meeting of the board if a written appeal is received by the commissioner within 15 days of the date of the denial of certification. HEARING

(b) The decision of the board on appeal is final." APPEAL

4AAC 60.050

A certificate of approval remains in effect for five years. It may be revoked or suspended for failure to follow applicable laws or regulations concerning education, or "the health, safety and welfare of students and employees." REVOCATION SUSPENSION

The holder of the certificate has a right to a hearing. The hearing examiner's recommendations shall be the basis for any action by the commissioner of education. The ruling of the Commissioner may be appealed to the board. The Board's decision is final. HEARING APPEAL

AUTHORITY:
AS 14.07.020(8)
AS 14.07.060

4AAC 60.150

"Major changes in written policies, plans, programs and other information included in the initial application (for certification of pre-elementary school) must be trans-

4AAC 60.160

EQUAL OPPORTUNITY

"No pre-elementary school will be approved unless it adopts a policy of non-discrimination in respect to race, sex, creed, color or religion with the following exceptions:

(1) a preelementary school established for an identified group (i.e., physical-mental handicaps) may serve that group only but otherwise may not discriminate;

(2) a religious group may elect to serve children that adhere to its religious beliefs but otherwise may not discriminate."

AUTHORITY:

AS 14.07.020(8)

AS 14.07.060

CROSS REFERENCES

I.School District; Statute §14.03.083

II.A.4.; Regulation 4 AAC 60.160; .170

2. Other Qualification Standards

Statutes

§14.03.020

The school year is from July 1 to June 30.

§14.03.030

SCHOOL TERM

A "school term" is "fixed by the . . . school district." Terms must be at least 180 days; provided, however, that a maximum of 10 days may be devoted to in-service teacher training. With approval of the commissioner a district may have a term less than 180 days but it must provide a minimum of 680 hours of instruction for grades one through three and 850 hours for all other grades.

§14.03.040

SCHOOL DAY

A "day in session" shall be at least four hours long (exclusive of intermissions) for grades one through three, and five hours long for all other

grades. "The period of the day in session shall be devoted to the instruction of pupils or to study periods . . ."

§14.14.120

"When there are fewer than eight children eligible to attend elementary and secondary school in a district the school board may declare the district inoperative for that school year." The school board shall continue to function to the extent necessary to preserve the assets and the continuity of the district. The board must also take whatever steps are necessary to insure that children from the district receive proper schooling.

REGULATIONS

4AAC 15.030

"(a) A school district with seven or more full time equivalent certificated staff members, administrator included, and offering both elementary and secondary programs, shall employ a qualified superintendent as chief school administrator.

(b) A school district with four to six full time equivalent certificated staff members, administrator included, shall employ a qualified principal as chief school administrator.

(c) A school district with one to three full time equivalent certificated staff members, administrator included, shall designate a qualified teacher a principal/teacher as chief school administrator.

(d) In sec. 30 of this chapter, a 'chief school administrator' is an administrator who has full administrative control of a school district."

AUTHORITY:

AS 14.07.060

AS 14.14.130

AS 14.20.230

mitted to the department within 30 days following implementation of the change."

AUTHORITY:

AS 14.07.020(8)

AS 14.07.060

CROSS REFERENCE

II.C.2.; Regulation 4 AAC 24.010 - .020

III.C.District Board of Education; Regulation 4 AAC 05.050; 4 AAC 05.050

B. Qualification Standards for Personnel

Administrators

Regulations

4AAC 12.030

" (a) The administrative certificate, valid for five years, shall be issued to an applicant who

(1) has completed a program in school administration approved by the Alaska State Board of Education, has a master's or higher degree, is recommended by the preparing institution and has three years of satisfactory teaching experience on a regular certificate; or

(2) has completed a comparable program in another state and is recommended by the preparing institution.

(b) The applicant must have earned at least six semester hours of credit within the five year period prior to the application.

(c) A regular administrator's certificate may be renewed any number of times by completing six semester hours plus evidence of satisfactory service obtained during the life of the certificate.

(d) Three of the six semester hours required for renewal may be by correspondence or, with the prior approval of the commissioner, the completion of institutes and/or workshops."

AUTHORITY:

AS 14.07.060

AS 14.20.020

CERTIFICATED STAFF

REGULATIONS

4AAC 12.060

"(a) Each certificate will be endorsed indicating the area(s) in which each applicant is qualified.

(b) Endorsements shall be based on:

(1) the preparing institution's recommendation; or

(2) a determination by the commissioner of the applicant's qualifications based on his[her] transcripts.

(c) For the 'vocational' endorsement, *the applicant must also submit evidence of two years' successful work experience related to the vocational area which was outside the field of education."

AUTHORITY:

AS 14.07.060

AS 14.20.020

*NOTE: The 'vocational' endorsement is required of persons teaching vocational education courses under the provisions of a memorandum of agreement between the Division of Vocational Education and individual school districts.

4AAC 12.080

"(a) Institutes and workshops may be accepted for renewal of certificates under the following conditions:

(1) prior to attending workshop or institute: the applicant must apply to the commissioner requesting approval for certificate renewal purposes;

(2) upon receipt of the application the

commissioner shall notify the applicant of the number of hours of nonacademic credit to be granted for the proposed workshop or institute;

(3) if approved, evidence of satisfactory completion must be submitted by the instructor or workshop leader to the certification supervisor;

(b) For certification purposes, satisfactory teaching experience must have been completed in a state approved or accredited school;

(c) Partial years of experience will be prorated toward experience requirements for certification.

(d) Expired certificates: A person whose certificate has expired for a period of 30 days or more must make new application for a certificate and meet the requirements for certification at the time of the new application."

AUTHORITY:

AS 14.07.060

AS 14.20.020

COMMISSIONER OF EDUCATION

CROSS REFERENCE

III.C.Commissioner of Education; Statute §14.07.145

COMMUNITY SCHOOL COMMITTEE

CROSS REFERENCE

I.Community School Committee; Statute §14.14.180; 14.14.190; 14.14.260; 14.14.270

PROFESSIONAL PERSONNEL

REGULATIONS

4AAC 12.045

"(a) A professional certificate valid for five years may be issued a professional staff member of the

department for whom certification is required, and who has

(1) submitted a transcript of all academic work;

(2) earned a bachelor's and/or higher degree.

(b) A professional certificate may be renewed for successive periods of five years upon the recommendation of the commissioner and upon complying with such other requirements as may be established by the board."

AUTHORITY:

AS 14.07.060

AS 14.20.020

4AAC 12.070

A letter of authorization may be issued to applicants who do not qualify for the appropriate certificate. A letter will be issued only at the request of the school board through the chief school administrator and shall be valid only to the end of the school year in which it is issued. The types of letters of authorization are: Recognized Expert, issued only for areas of specialization; Emergency, granted in extreme emergencies when regularly certificated persons are not available; and Student Teacher, issued for the purpose of completing a course in practice teaching.

AUTHORITY:

AS 14.07.060

AS 14.20.020

CROSS REFERENCE

III.C.Professional Personnel; Statute §14.20.370--14.20.510

SCHOOL BOARD MEMBER

STATUTES

§14.12.080

"To be eligible to be a member of a school board, a person must have the same qualifications as are necessary to be a municipal voter in the school district."

REGULATIONS

4AAC 06.050

(a) All employees, except those whose work does not bring them in close contact with pupils, are required to have a physical examination upon initial employment in a district and be re-examined every three years. "A district may require a physical or other examination at any time or at more frequent intervals at its expense."

(b) The board for district schools and the director for state schools shall determine which employees, if any, are exempt from the physical examination requirements.

(c) This regulation does not exempt anyone from other regulations or laws requiring physical examinations.

(d) "The medical examination form shall be prescribed by the commissioner and approved by the Department of Health and Social Services and the board. It shall include a tuberculin skin test. A chest X-ray is not required unless indicated by the tuberculin test."

AUTHORITY:

AS 14.07.020(f)

CROSS REFERENCE

IV.A.; Regulation 4 AAC 60.115

SCHOOL PSYCHOLOGIST

STATUTES

§14.30.380

The minimum standards for a school psychologist are those set out in the state classification plan for a psychologist and may be supplemented by additional regulations formulated by the Department of Education.

SPECIAL SERVICES STAFF

REGULATIONS

4AAC 12.040

"(a) A special services certificate, valid for five years, may be issued to an applicant who has completed a program in a special service area, has a bachelor's or higher degree, and is recommended by the preparing institution.

(b) The applicant must have earned at least six semester hours within the five year period prior to application.

(c) A special services certificate may be renewed any number of times by completing six semester hours of appropriate credit plus evidence of satisfactory service obtained during the life of the certificate.

(d) A special services certificate does not qualify the holder to be assigned as a regular classroom teacher.

(e) Three of the six semester hours of credit required for renewal may be by correspondence, or, with the prior approval of the commissioner, the completion of institutes and/or workshops."

AUTHORITY:

AS 14.07.060

AS 14.20.020

STATE BOARD OF EDUCATION

CROSS REFERENCE

I.State Board of Education; Statute §14.07.075-- 14.07.125

SUBSTITUTE TEACHER

CROSS REFERENCE

III.B.Teacher; Regulation 4 AAC 18.020

TEACHERS

STATUTES

§14.20.010

"A person may not be employed as a" public school teacher "unless he[she] possesses a valid teacher certificate" except that he/she may be employed for up to 3 months while awaiting action on an application for a teacher certificate or certificate renewal.

§14.20.020

"The board shall issue a teacher certificate to every person who" (1) holds a "baccalaureate degree from an institution of higher education accredited by a recognized regional accrediting association or approved by the commissioner;" (2) meets additional requirements which the board "may establish by regulation." EXCEPTIONS: "(1) Persons employed in the state public school system on September 1, 1962; (2) persons issued a temporary "emergency certificate" by the commissioner. "The board of education may, by regulation, establish various classes of certificates."

§14.20.100;14.20.110

"A person applying for the position of teacher" may not be required or compelled "to state his religious or political affiliation." The maximum fine for violation of §100 is $100.

§14.20.120

"A statement of the qualifications of each teacher and superintendent employed by the state or a school district shall be filed with the commissioner. The statement shall contain the credits earned in college, normal school, or university, and the number of years of teaching experience . . . ."

§14.30.250 -- 270

A teacher of a class for exceptional children must possess a valid teacher certificate and "such training as the department may require."

During the first year special services are offered in a district or attendance area the school board "may waive part of the qualifications for teachers as set out in §250."

These qualifications do not apply to substitute teachers.

REGULATIONS

4AAC 12.020

"(a) The regular certificate, valid for five years, shall be issued to an applicant who

(1) has completed a teacher education program approved by the Alaska State Board of Education, has a bachelor's degree, and is recommended by the preparing institution; or

(2) has completed a comparable program in another state and is recommended by the preparing institution.

(b) The applicant must have earned at least six semester hours of credit within the five year period prior to the application.

(c) A regular certificate may be renewed any number of times by presenting six semester hours of appropriate credit plus evidence of satisfactory service obtained during the life of the certificate.

(d) Three of the six semester hours required for renewal may be by correspondence, or with the prior approval of the commissioner, the completion of institutes and/or workshops."

AUTHORITY:

AS 14.20.020

AS 14.07.060

4AAC 15.010

No teacher or administrator shall be entitled to pay unless he[she] has first obtained a valid certificate.

A contract, which includes certification as a condition of employment, shall be invalid if a teacher fails to obtain certification, or the level of certification, required for the position covered by the contract.

AUTHORITY:

AS 14.03.030

AS 14.07.060

AS 14.20.220 - 275

4AAC 18.020

"(a) No person may be employed for more than 19 consecutive days as a substitute teacher for the same position unless approved by the commissioner.

(b) Teachers who do not meet the certification requirements may be placed on a noncertified regular teacher status and their salary shall be the same as that paid to substitute teachers, provided that approval of the commissioner is secured."

AUTHORITY:

AS 14.07.060

4AAC 60.110

PHYSICAL EXAMINATION

"All staff members (including volunteers) must have a physical examination annually and not more than three months prior to initial employment in a pre-elementary school." The examination must include a tuberculin test and the results of the examination must be available for inspection by the department of education.

AUTHORITY:

AS 14.07.020(7)(8)

AS 14.07.060

CROSS REFERENCES

II.A.2.; Regulation 4 AAC 33.020

III.C.Teachers; Regulation 4 AAC 18.010

III.E.Teacher Qualifications; Stattue §14.20.120

VISITING TEACHERS

REGULATIONS

4AAC 30.010

"(a) The exchange of teachers is for a period of one year only. The school board of the school district making the exchange is authorized to grant the exchange in accordance with this section and may give teachers leaves of absence for not more than one year.

(b) Teachers in district schools desiring exchange positions with teachers of school systems in the states or territories shall first secure the written consent of their respective school boards. The consent shall state that a leave of absence is granted for one year, specify the year, and state that the teacher may return to her [his] position the following year. These letters shall be forwarded to the commissioner for recordation.

(c) All teachers must have taught successfully for a period of five years in the state, the last three years of which must be in the position they are holding at the time of their application for exchange.

(d) The district school boards have authority to accept in exchange, teachers qualified in the other states or territories for the period of one year, and the exchange teachers are not required to secure a state certificate for the year of exchange. If the teachers coming into the state stay longer than one year, they are required to secure certificates in accordance with the regulations of the department.

(e) In selecting teachers for exchange, special attention shall be paid to the "general fitness" of

teachers under consideration. No applicant for the privilege of securing an exchange position shall be recommended unless it is felt that the teacher will make a satisfactory contribution and will represent with credit the public schools of Alaska.

(f) This section also applies to exchange teaching positions for foreign countries. Exchange teachers from foreign countries are not required to meet the citizenship requirement for teaching in the state and will not have to take the oath of office, provided they have been cleared for entrance into this country. They shall, however, be required to file a medical certificate.

(g) Exchange teaching in another state or in a territory or in a foreign country will be acceptable as Alaska experience for not to exceed a one year experience credit, provided that the experience is in a public school and provided that the teacher has gone directly from an Alaska position in the exchange position."

AUTHORITY:

AS 14.07.060

AS 14.20.020(c)

VOCATIONAL TRADES STAFF

REGULATIONS

4 AAC 12.050

"(a) A vocational trades certificate, valid for two years, shall be issued to an applicant who

(2) has completed four or more calendar years of full-time work experience in a trade or vocational pursuit, for which not more than two years of formal training (trade school or technical institute) may be substituted; and

(3) has letters of recommendation from one or more training agencies or supervisors of the trade experience stating the experience has been satisfactory;

(4) has proof of employment in his[her] trade or vocational area for a school district or non-public school.

(b) A vocational trades certificate may be renewed any number of times upon submission of evidence of completion of three semester hours of credit or additional training and/or work experience acceptable to the commissioner, and evidence of satisfactory service obtained during the life of the certificate."

AUTHORITY:

AS 14.07.060

AS 14.20.020

C. Performance Standards

Administrators

CROSS REFERENCE

I.Teacher; Statute §14.20.095

Chief School Administrator

CROSS REFERENCE

III.C.School Board Members; Statute §14.14.140

Commissioner of Education

Statutes

§14.07.145

Subject to the governor's approval, the board of education shall appoint a commissioner of education to act as the principal executive of the department of education. "The commissioner shall be appointed without regard to political affiliation." He/she shall have at

least five years' experience in the field of education, three of which "in an exclusively administrative position." His/her term is not to exceed five years. He/she may be removed by four members of the board for incompetency, immorality, malfeasance or misfeasance. Among his/her duties are the employment and removal of personnel.

REMOVAL

COMMISSIONER'S STAFF

REGULATIONS

4AAC 03.060

(a) "Exempt and partially exempt positions shall be filled by the commissioner. No appointment shall be final until approved by the board.

(b) "Procedures for the recruitment, evaluation, and selection of staff members shall be established by the commissioner and the board . . . .

(c) "Removal of exempt and partially exempt staff members shall be in accordance with procedures established by the commissioner and the board."

REMOVAL

AUTHORITY:

AS 14.07.060
AS 14.07.145(f)
AS 44.27.010

COMMUNITY SCHOOL COMMITTEE

CROSS REFERENCE

I.Community School Committee: Statute §14.14.170

DISTRICT BOARD OF EDUCATION

REGULATIONS

4AAC 05.040

"(a) The governing body of a district shall provide an elementary school in each community in which eight

or more children are available to attend elementary school." Secondary schools or school programs shall be provided where there is one or more children available to attend and there is an elementary school in the community unless an exemption is requested.

A child is not considered available to attend school if he or she is provided access to a school by being transported a reasonable distance, desires to enroll or is enrolled in and desires to remain enrolled in a private school or program, a correspondence course of study, has a physical or mental condition which makes attendance impractical; is in custody of a court or law enforcement officials; or is under suspension or otherwise denied admittance.

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

4AAC 05.050

A community may request that no local secondary school or only a partial secondary school program be provided. The local school committee shall make such a request by formal action at a public meeting to the governing body of the school district. The request shall be accompanied by a list of the name, age and grade level of each child who is available to attend secondary school. The governing body shall notify the parents of each child affected and review the committee's action if requested by a parent. The request will remain in effect until formal action is taken to rescind it by the committee. However, the initial request will remain effective until the close of one full school year. Requests or recission of requests shall be made only after the local school committee has conducted a public hearing after giving residents reasonable notice of the hearing. A record must be kept of the hearing containing the names and testimony of those speaking at the hearing.

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

LOCAL BOARDS OF EDUCATION

CROSS REFERENCE

I.Teachers; Statute §14.20.095

PRE-ELEMENTARY SCHOOL

CROSS REFERENCE

II.A.4.; Regulation 4 AAC 60.160; .170

PROFESSIONAL PERSONNEL

STATUTES

§14.20.370 -- 14.20.510

"Teachers required by Alaska law to be certificated instructors in institutions of higher learning, school administrators, school program administrators, and school counselors are within the teaching profession." There shall be a "Professional Teaching Practices Commission. The commission consists of nine members appointed by the governor and confirmed by a majority of the legislature in joint session." Members must be U.S. citizens, residents of Alaska, and must have 5 years experience in the teaching profession. Names shall be offered by various organizations for consideration. "The Commission consists of the following members: (1) 5 classroom teachers; (2) one principal; (3) one superintendent; (4) one representative of the office of the commissioner of education; (5) one representative of an Alaskan institution of higher learning." Members are appointed to a three year term and may be reappointed to one additional term. "The commission

shall have the initial responsibility of developing . . . criteria of professional practices . . ." It shall also (1) adopt rules for the implementation of this Act; (2) "conduct investigations and hearings on alleged violations of" professional ethics; (3) advise the department concerning related regulations and decisions on teacher certification. Further, "the commission may (1) study proposals . . . of any existing [educational] organization . . .; (2) subpoena witnesses, place them under oath, and maintain written records; (3) warn or reprimand members of the teaching profession . . .; (4) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in [A.S. 14.20.30] except that in the case of an administrator, the commissioner of education must concur; (5) make any recommendation to the board or to school boards [for the improvement of] the teaching profession; (6) request assistance [from existing professional organizations] when analyzing charges . . .; (7) appoint an executive secretary, and delegate . . . ministerial functions to him . . . . A decision issued by the commission with the approval of the commissioner of education . . . . is final. Members of the teaching profession are obligated to abide by the . . . standards adopted by the commission."

SUSPENSION

REVOCATION

PROGRAMS FOR EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Statute §14.30.180

PUBLIC SCHOOLS

CONSTITUTION

Alaska Constitution, Art. VII, §1

"The legislature shall . . . establish and maintain a system of public schools open to all children of the state

. . . free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." (Schools sytem established by AS 14.03.010).

STATUTES

§14.03.090

"No partisan, sectarian, or denominational doctrines may be advocated in a public school" while in session. "No teacher or school board violating this section may receive public money."

§14.07.070

"No state funds may be paid to a school district or teacher who fails to comply with the school laws of the state" or department regulations.

REGIONAL BOARD

CROSS REFERENCE

I.Regional Boards; Statute §14.08.081

SCHOOLS

CROSS REFERENCE

IV.G.; Regulation 4 AAC 05.030

SCHOOL BOARD MEMBERS

STATUTES

§14.07.155

"No member of the school board may be a candidate for partisan political office" during his/her term.

§14.08.131

"A board member having a direct or indirect pecuniary interest in a contract . . . is disqualified from voting on any question involving his [her] pecuniary interest unless the member has disclosed that interest to the board and the remaining members have approved [his/her] voting."

§14.12.120

"A member of a borough or city school board is not, while acting within the scope of his [her] authority, subject to personal liability resulting from the activities of the school board."

§14.14.080

"When a member of a school board has notice of and is absent from three consecutive regular . . . meetings and is not excused by the president of the school board, . . . the school board may declare the position vacant and shall notify the ex-member by registered mail."

§14.14.140

"(a) School board members, or members of their immediate families, may not be employed by the school board except upon approval of the commissioner."

(b) A chief school administrator may not employ members of his immediate family "except upon approval of the commissioner."

SCHOOL DISTRICT

CROSS REFERENCES

I.Borough School Boards; Statute §14.14.100

I.School District; Statute §14.03.083

SCHOOL LUNCH PROGRAM

CROSS REFERENCE

IV.C.; Statute §14.52.030

REGULATIONS

4AAC 03.050

Board members shall observe the needs of the schools as far as possible; and when they receive written requests or complaints, they shall forward them to the commissioner who shall take appropriate action.

AUTHORITY:

AS 14.07.020-030

AS 14.07.060

STUDENTS

REGULATIONS

4AAC 3[illegible]

"(a) High school credit is allowed for training in the armed forces. Discharged veterans of wars in which the United States or the United States as a member of the United Nations is or has been involved, including veterans of the Army, Navy, Marine Corps, Coast Guard, and Merchant Marine, may be allowed high school credit for certain phases of training and experience achieved while in the armed forces. The achievement record of a veteran must be verified by the proper officer of the armed forces and submitted to the high school designated by the veteran. This record is evaluated by the high school principal who may award a high school diploma when the state requirements for graduation have been met; provided, however, that no more than eight units of credit earned in this manner may be allowed. The responsibility for securing verification of a service

MILITARY

record rests upon the veteran but high school principals shall give the veteran all possible assistance.

(1) For the successful completion of 12 weeks of basic training, a high school may allow one unit of credit.

(d) A high school student leaving school to enter any branch of the armed forces, either by induction or by voluntary enlistment, may, at the discretion of the principal, be graduated immediately and issued a diploma; provided, the student has successfully completed the first semester of the senior year, and in addition, that the student has already earned a total of 13 1/2 units of credit."

DIPLOMA

AUTHORITY:

AS 14.07.030(11)

AS 14.07.060

4AAC 39.020

"(a) The following persons may, by applying to the commissioner, be given the opportunity to take special examinations in high school areas of study:

EXAMINATION

(1) a person 19 years of age or older who is not a high school graduate and is not registered as a student in a regular high school program;

(2) a person who is 18 years of age and is not a high school graduate whose high school class has graduated and who is not and has not been within the last 10 months registered as a student in a regular high school program;

(3) a person whose circumstances are such that continued schooling in a regular high school program cannot be reasonably expected.

(b) The commissioner shall establish standards of achievement in the test areas and shall determine if the applicant receives a passing score. When the examination requirements as set out by the commissioner for high school graduation have been met, the commissioner is authorized to issue a high school diploma."

DIPLOMA

AUTHORITY:

AS 14.07.020(6)

AS 14.07.060

4AAC 39.030

"A person 16 years of age or older who is not an eighth grade graduate, and who is not registered as a student in a regular elementary or junior high school, may, by applying to the commissioner, be given the opportunity to take special examinations designed to measure achievement in the academic areas normally covered in grade school courses of study. The commissioner shall establish standards of achievement as measured by the examinations and shall determine if the applicant receives a passing score. When the requirements as set out by the commissioner have been met, he[she] is authorized to issue an eighth grade diploma."

EXAMINATION

DIPLOMA

AUTHORITY:

AS 14.07.030(11)

AS 14.07.060

4AAC 42.040

"The department may in its discretion provide eighth grade examinations to registered private and denominational schools, and eighth grade diplomas shall be granted to those pupils who satisfactorily complete the examination according to state standards. This diploma entitles the pupil to enter any high school in the state."

EXAMINATION

DIPLOMA

AUTHORITY:

AS 14.07.060

AS 14.30.010(b)(1)

AS 14.45.020

CROSS REFERENCES

II.A.8.; Regulation 4 AAC 39.040

II.A.10.Other - Correspondence Courses; Regulation 4 AAC 33.030

TEACHERS

STATUTES

§14.20.030

"The commissioner or the Professional Teaching Practices Commission may revoke or suspend a certificate

REVOCATION

SUSPENSION

only for the following reasons: (1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner; (2) immorality; which is defined as the commission of an act which, under [state law], constitutes a crime involving moral turpitude; (3) substantial non compliance with the school laws of the state or the regulations of the department; or (4) upon a determination by the Professional Teaching Practices Commission that there has been a violation of ethical or professional standards or contractual obligations."

§14.20.140;14.20.145;14.20.158

NOTICE

A tenured teacher who is not to be retained must be notified in "writing, delivered before March 16, or by regular mail postmarked before March 16." Likewise, a non-tenured teacher must be notified by the last day of the school term. "If notice of non-retention is not given . . ., a teacher is entitled to be reemployed in the same district for the following school year on the contract terms the teacher and the employer may agree upon, or if no terms are agreed upon, the provisions of the previous contract are continued."

RE-EMPLOYMENT

"The right to be reemployed . . . expires if a teacher does not accept reemployment within 30 days after the date on which he/she receives his/her contract for reemployment."

§14.20.150

A teacher possessing "a standard teaching certificate [who] has been employed . . . in the same district continuously for two full school years and is reemployed for the [next] school year," acquires tenure rights which "become effective on the first day the teacher performs teaching services" in the next school year.

§14.20.155

A tenured teacher "has the right to employment within the district during continuous service [and] may agree to a new contract at any time." Should such an agreement be absent, "the provisions of the previous contract are continued."

§14.20.160

"Tenure rights are lost when the teacher's employment in the district is interrupted or terminated, or when the teacher reaches the age of 65."

§14.20.165

A tenured teacher "who was retired due to disability . . ., but whose disability (1) has been removed" (removal being certified by a competent physician), or "(2) has been compensated for by rehabilitation or other appropriate restorative education or training" (which is certified by the department of education), "shall be restored to full tenure rights in the district from which he was retired [when] an opening for which he is qualified becomes available."

§14.20.170

DISMISSAL

(a) "A teacher, including a teacher who has acquired tenure rights, may be dismised at any time only for the following causes: (1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform duties in a satisfactory manner; (2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turptitude; or (3) substantial noncompliance" with written state or local laws, regulations, bylaws, or rules.

SUSPENSION

(b) "A teacher may be suspended temporarily with regular compensation" pending an "investigation to determine whether or not cause exists for dismissal."

§14.20.175

A non-tenured teacher "is subject to nonretention," upon the expiration of his contract, at the pleasure of the employer. "However, at his request, the teacher is entitled to a written statement of the cause for his nonretention." School boards may provide for a nonretained teacher to "be heard informally by the board." Tenured teachers are subject to nonretention only because of (1) incompetence; (2) immorality; (3) substantial noncompliance with laws, regulations, bylaws or rules; or (4)" . . . a necessary reduction of staff occasioned by a decrease in school attendance."

§14.20.180

Notices to all teachers of dismissal, and to tenured teachers of non-retention, shall be accompanied by "a statement of cause and a complete bill of particulars. The tenured teacher may, within 15 days . . . notify the employer in writing that he requests a hearing before the school board" and he may require that (1) the hearing be public or private; (2) the hearing be under oath or affirmation; (3) he have the right of cross-examination; (4) he be represented by counsel; (5) he have the right to subpoena a person who has made the allegations which are used as a basis for the decision of the employer.

NOTICE

HEARING

RIGHT TO COUNSEL

"Upon receipt of the notification . . ., the employer shall immediately arrange for a hearing." The proceedings shall be recorded and copies "furnished to the teacher for cost upon his request." The final decision of the board, being a majority vote by roll call, "shall be written and contain specific findings of fact and conclusions of law."

§14.20.205

A tenured teacher dismissed according to this procedure "is entitled to a trial de novo in the superior court."

§14.20.210

"A school board or the department may adopt teacher tenure bylaws not in conflict with the regulations of the department or state law."

REGULATIONS

4AAC 18.010

"(a) All teachers' and administrators' contracts for Alaska public schools shall contain the following provisions....

(7) contract to show clearly that each teacher in a public school must file a medical certificate with the chief school administrator; MEDICAL CERTIFICATE

(8) contract to be terminated without liability to the employing board should the teacher fail to discharge the duties imposed either through incapacity or disability, or for cause as defined in AS 14.20.170;...

(10) contract to be terminated without penalty to the employing board should the teacher fail to obtain a valid certificate in accordance with ch. 12 of this title;

(11) contract to be made in duplicate and signed by at least two members of the school board and the teacher; in the case of rural teachers, the signature of the teacher and the director of state schools are sufficient;

(12) all contracts for teachers (as defined by AS 14.20.370) shall contain a clause stating the teacher is obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission....

(d) Contracts may be terminated by mutual consent of both parties upon 30 days written notice by either party and the written assent of the other party; a teacher failing to give the written notice, or who leaves a position following the notice without having the written assent of the employing board, may be liable to revocation of certificate for breach of contract." NOTICE

AUTHORITY:

AS 14.07.060

AS 14.20.130

AS 14.25.110(b)

4AAC 24.050

Nonretained or dismissed non tenured teachers shall have the same rights to be heard as tenured teachers.

AUTHORITY:

AS 14.08.090(5)

CROSS REFERENCES

III.C.Public School; Statute §14.07.070

III.D.Professional Employees; Regulation 4 AAC 19.020; .030

III.D.Teachers; Regulation 4 AAC 19.040

D. Evaluation and Reporting

Community School Programs

CROSS REFERENCE

I.Community School Committee; Statute §14.14.200

Educational Plan

CROSS REFERENCE

III.C.School System; Regulation 4 AAC 05.070

Elementary Curriculum Development

Policy Guides

ELEMENTARY COURSE OF STUDY: SCOPE AND SEQUENCE FOR ALASKA SCHOOLS

Alaska Department of Education 1971 33 pages

The Course of Study is intended as a guide to further curriculum development at the local school level. The guide is meant to be introduced through an in-serivce training program, rather than distributed to faculty.

The guide covers curriculum development for mathematics, language arts, social studies, science and health, art, music, and physical education. For each subject, objectives are formulated for progressive stages of development.

CROSS REFERENCE

IV.A.; Statute §14.30.370

PRE-ELEMENTARY SCHOOLS

CROSS REFERENCE

III.A.1.; Regulation 4AAC 60.030

PROFESSIONAL EMPLOYEES

REGULATIONS

4AAC 19.010

"Evaluation of the performance of professional employees of each school district shall be directed toward improving the quality of instruction and facilitating the learning process in the public schools. Additionally, formal evaluations shall serve as a method for gathering data relevant to subsequent employment status decisions pertaining to the person evaluated."

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

4AAC 19.020

"The evaluation should emphasize such factors as teaching or administrative skills, processes and techniques and interpersonal relationships with students, parents, peers and supervisors, as well as those additional factors which the school district considers relevant to the effective performance of its professional employees. The standards for performance must be measurable and relevant."

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

4AAC 19.030

"(a) Formal written evaluation of professional employees of each school district must be made at least once per contract year for each certificated staff member, without regard to tenured or non-tenured status, including teacher evaluation of principals and other administrators.

(b) An acknowledgement of content signed by both the evaluator and the person evaluated must appear on all formal evaluations. The person evaluated must be informed that he[she] has the right to review each written evaluation prior to its final submission and comment in writing on any matter contained in it and that he[she] may at his[her] request, retain the evaluation for a reasonable amount of time, but not less than 24 hours, for the purpose of reviewing and commenting upon it. The fact that a person evaluated exercises his[her] right to comment on his[her] evaluation in the manner described may not be used against him[her]. Failure to submit written comments by a person evaluated prior to his[her] acknowledgement of the evaluation constitutes a waiver of this right.

(c) The evaluation may include information other than specific observations of the evaluator. Districts may adopt procedures whereby input such as students' evaluation of teachers, principals' evaluation of administrators, peer and self-evaluation are utilized. The evaluation must clearly indicate that this kind of information has been used and clearly identify the source of the information."

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

4AAC 19.040

"(a) Neither the formal evaluation document, nor any notes, comments, or other information used in its preparation is a matter of public record.

(b) The evaluation may be reviewed upon demand at reasonable times by the person evaluated or some other person designated in writing by the person evaluated.

(c) Each school district shall establish procedures as to which supervisory personnel may have access to the evaluation documents.

(d) Unless mutually agreed otherwise by both the person evaluated and the school board (or its designee), no portion of an evaluation may be made public, except as evidence in a proceeding relative to an evaluated person's certification or employment, or as otherwise allowed or required by a court of law."

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

4AAC 19.050

"(a) Responsibility for evaluation of the performance of professional employees rests with the individual school district. To this end, each school board shall develop and adopt procedures for evaluation of its professional employees. These procedures must be consistent with the standards and guidelines set out in this chapter, as well as with other relevant provisions of federal or state law and regulations.

(b) Prior to final adoption, the local procedures must be submitted to the department for review."

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

PROGRAMS FOR EXCEPTIONAL CHILDREN

IV.A.; Statute §47.20.010 -- .050

REGIONAL RESOURCE BOARD

REGULATIONS
4AAC 66.040

"Each regional resource center board must file an annual evaluation report. This evaluation must be submitted to the commissioner within 90 days after the close of each project year."

AUTHORITY:
AS 14.07.060
AS 14.12.180

Reports Required by State Board

Statutes

§14.07.170

The state board of education may appoint unpaid advisory commissions. It may require school boards or school personnel to submit to the department of education the district budget or any information or reports which are reasonably necessary to assist the department.

School Accounts

Statutes

§14.14.050

School boards have the responsibility of auditing all school accounts in their districts, in conformance with requirements established by the commissioner.

School Districts

CROSS REFERENCE
IV.J.; Regulation 4 AAC 07.050

REGULATIONS

4AAC 05.070

"For each of the first three years of operation of a school . . . the chief school administrator of a school district shall develop and have approval by the governing body of that district . . . an educational plan . . ." At the end of each year the plan shall be evaluated. The chief school administrator shall assure maximum community participation in the development and evaluation of these plans. Copies of these plans shall be on file for public inspection in the school district office.

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

4AAC 05.080

(a) A school curriculum may be supplemented through the use of correspondence courses approved by the commissioner but this may not be used to shorten the school day for any student.

(b) Certificated teachers shall be used for the instruction of students.

"(c) The governing body of the district may make provision for the employment of qualified residents . . . who hold an appropriate certificate to teach particular skills or courses and for the employment as teachers aides of qualified residents . . . who do not hold an appropriate certificate."

AUTHORITY

AS 14.07.020(1) and (2)

AS 14.07.060

CROSS REFERENCES

I.State Board of Education; Statute §14.07.160

III.B.Teachers; Statute §14.20.100; 14.20.110

STAFF

REGULATIONS

4AAC 42.050

"Staff members of the department, after prior consultation with the supervisory head, shall make periodic visits to private and denominational schools and shall file reports of the visits. The report shall state whether the curriculum and operation of the school is in conformity with state standards."

TEACHERS

CROSS REFERENCE

III.C.Teachers; Policy Guide Elementary Course of Study
III.E.Certificated Staff; Regulation 4 AAC 19.060

E. IMPROVEMENT EFFORTS

CERTIFICATED STAFF

REGULATIONS

4AAC 19.060

"Each school district shall provide in-service training in evaluative techniques for all certificated staff."

INSERVICE TRAINING

AUTHORITY:

AS 14.07.020(1) and (2)

AS 14.07.060

EDUCATIONAL PERSONNEL

STATUTES

§14.12.150

(a) The districts or attendance areas may "join together to establish regional resource centers to provide" various training services for teachers, staff, management, school board members, etc.

(b) The centers "shall be governed by a board consisting of one representative from each participating district", appointed by that district's governing board.

(c) "Regional resource center boundaries shall be established by the state board of education on recommendation of the commissioner" in seven regions (specified by the statute). "A district may not be included in more than one regional resource center area."

(d) "Regional resource center boards may receive and expend both public and private funds . . .

(e) Employees of the . . . centers are not in the state service and are not subject to the State Personnel Act. However, all . . . employees shall be members of either the teacher's retirement system (A.S. 14.25) or the public employees retirement system (A.S. 39.35).

PROFESSIONAL EMPLOYEE

CROSS REFERENCE

III.D.Professional Employee; Regulation 4 AAC 19.010

QUALITY OF INSTRUCTION

CROSS REFERENCE

III.D.Professional Employee; Regulation 4 AAC 19.010

STATUTES

§14.14.150

"The department and local districts may cooperate with the Association of Alaska School Boards (representative agency of the members of school boards in the state) in its in-service training program for school board members . . . ."

TEACHERS

CROSS REFERENCES

II.A.4.; Regulation 4 AAC 60.170

III.A.2.; Statute §14.03.030

III.B.Certified Staff; Regulation 4 AAC 12.080

ARIZONA

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Teachers..... IIIE-AZ 13

III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

2. Other Qualification Standards

STATUTES

§15-301

The school year shall begin on July 1 and end on June 30.

§15-1137 --1137.02

The state board of education shall establish standards, review programs, and approve or disapprove plans for school districts to operate extended school programs. The superintendent of public instruction shall supervise the programs. School districts, with state board approval, may operate on a four quarter, three semester, or other extended school operation.

EXTENDED SCHOOL YEAR

REGULATIONS

R7-2-301

ARS §15-1137 A,B,C

Requirements for Operating an Extended School Year.

To operate an extended school year a district must determine the cost, community support and the long range benefits of the plan and submit it to the State Board of Education for approval.

SBE Approv. 7/24/73 AG 9/6/73

CROSS REFERENCES

II.A.2.; Regulation R7-2-306 ARS §13-1013; 15-1014

II.A.3.; Statute §15-1051 -- 1054

B. Qualification Standards for Personnel

County Superintendent

Statutes

§11-511

A county superintendent must have a valid teaching certificate. The superintendent shall receive a salary plus expenses.

Director of Special Education

CROSS REFERENCE

II.A.2.; Statute §15-1012

School District Employees

Statutes

§15-206

School district employees are not required to submit to periodic examinations for tuberculosis, unless the employee shows symptoms of pulmonary disease. If an employee does have tuberculosis, she/he must resign immediately or request a leave of absence.

TUBERCULOSIS EXAMINATION

State Board of Education

CROSS REFERENCE

I.State Board of Education; Statute §15.101.01

Superintendent of School for Deaf and Blind

CROSS REFERENCE

II.A.2.; Statute §15-815

Teachers

Constitution

ARIZONA CONSTITUTION, ART. XI, §7

Sectarian instruction in the public schools is forbidden, and "no religious or political qualifications shall ever be required as a condition of admission into any public educational institution" for teachers or students.

SECTARIAN INSTRUCTION

STATUTES

§15-231;232

Every teacher and administrative officer shall take an oath before a person qualified to administer them before receiving his/her teaching certificate. It is unlawful for an official to allow anyone to serve as a teacher or administrative officer without having complied with this section.

§15-233

In order to qualify for a certificate as a superintendent, principal, or teacher, the applicant must pass an examination on the "provisions and principles" of the United States and Arizona constitutions. A person who meets all certification requirements except for this one shall be issued a certificate for only one year. Teachers in adult and evening classes shall be exempt from this requirement. No teacher shall receive a salary unless she/he possesses a certificate.

EXAMINATION

§15-443

The Board may employ and fix the salaries of personnel. Contracts shall be in writing. All teachers must be certified prior to employment. Close relatives of trustees may not be employed, except by consent of the Board.

§15-1191 --1195

The board of trustees of any school district may enter into teacher exchange agreements with other states or districts. Temporary certificates shall be issued to exchange teachers who meet the requisites set by the state board and such certificates shall remain good for one year. The teacher's salary shall be paid either by her/his home district or the employing district, and the teacher shall not lose any tenure or other benefits previously earned.

TEACHER EXCHANGE

REGULATIONS

ARS §15-102.20

R7-2-201

Teacher Education Committee.

The 23-member appointed committee shall advise the State Board of Education on teacher education programs and rules and regulations governing teacher certification.

SBE Approv. 7/24/73 Atty Gen Approv. 9/13/73

ARS 15-102.20; 15-206A; 15-234; 15-1192
Policies re Certification

1. Reciprocity

Certificates secured in other states are not transferable.

SBE Approv. 7/24/73 AG Approv. 9/6/73

2. Basic Certificate is valid for six years and renewable based on continuous teaching or five semester hours of upper division graduate work or equivalent.

ELIGIBILITY

3. Applicants for certification must be U.S. citizens, qualified exchange teachers or resident aliens of good moral character, adequately trained and competent and free from active tuberculosis. Persons who have not passed the Arizona and U.S. Constitution test or have not graduated from an accredited institution may be granted a provisional certificate for one year. Persons shall be automatically rejected who have active TB, have been convicted of a misdemeanor involving moral turpitude, drug use or sale, or a felony.

4. A person is eligible for a renewable standard teaching certificate after six years of teaching and fulfilling all other requirements for a Basic certificate (or Basic Certificate in Special Education) and receiving a Master's degree or having completed 30 semester hours of an approved graduate program.

RENEWAL

R7-2-306

Policies re Options for Obtaining Certification

One can obtain a teaching certificate by attending an approved teacher preparation program at an Arizona college and properly filling out an "institutional recommendation" form. These applicants are automatically accepted. Out-

of-state applicants and other individuals can obtain certification by submitting transcripts and notarized application. These are evaluated by the Division according to SBE requirements.

SBE Approv. 11/19/73 AG 1/18/74

Policies of University Teacher Preparation Program
ARS §102.20

Each university may present their teacher preparation program to the State Board of Education for approval. If approved, any applicant with such a university recommendation may be automatically certified provided other forms and fees are correct.

Policy re Teacher Intern Program

INTERN PROGRAM

A two-year temporary certificate may be issued to one enrolled in a teacher intern program. Such a program shall consist of four semesters of academic work in the university and observation in the district culminating in the recommendation for issuance of a Basic Certificate.

Policies re Renewal of Certification

RENEWAL

Persons over 55 who have taught for 25 years may renew their certificates without additional credit providing they have taught in Arizona the previous four years. Not more than one renewal of six years may be granted under this provision.

SBE 1/7/74 1/22/74 Constit. XVIII §10

R7-7-2-401

Any person denied a certificate may apply to the State Board of Education for consideration.

In order to provide well trained and competent teachers and administrators, the State Board of Education establishes specific certification requirements.

(1) Basic Certificates: To earn an elementary and secondary teaching certificate, an applicant must have a bachelor's degree from an accredited institution with 45 semester credits in liberal arts education. For the elementary certificate, the holder must complete a 30-hour major in education, and for the secondary certificate, a 30-semester hour major in a subject taught in

Arizona high schools. Additionally, 24-semester hours in professional preparation are required for the elementary certificate and 22 hours for the secondary certificate.

(2) Basic Special Education Certificate (elementary and secondary): The degree and general education requirements are the same for each area of special education as the Basic Teaching Certificate. The academic subject field, professional preparation requirements and the electives vary according to the specific area of specialization.

CROSS REFERENCES

II.A.5.; Statute §15-1097 -- 1099

II.A.10.Other - Teacher Training Schools; Statute §15-901 -- 903

C. Performance Standards

Board of Education

Regulations

R7-2-102
Goals of the State Board of Education
Every student shall have the opportunity:to learn to read and write effectively; master basic computational skills... understand the essentials...of the United States and Arizona Constitutions,...develop rational and logical thinking processes...and the knowledge, communicative and manipulative skills necessary [for] further education or to earn a living."

Legislature

Constitution

ARIZONA CONSTITUTION, ART. XI, §1

The Legislature shall enact laws to provide for "the establishment and maintenance of a general and uniform public school system . . ." and "education and care of the deaf, dumb, and blind."

ARIZONA CONSTITUTION, ART. XI, §6

EQUAL EDUCATIONAL OPPORTUNITY

The Legislature shall provide for a system of free common schools, maintained in every district at least six months per year, open to all students between six and twenty-one.

PUBLIC SCHOOLS

CROSS REFERENCE

III.B.Teachers; Constitution Art. XI, §7

SCHOOL DISTRICT EMPLOYEES

CROSS REFERENCE

III.B.School District Employees; Statute §15-206

SCHOOL OFFICERS

CROSS REFERENCE

III.C.Teachers; Statute §15-207; 208

SCHOOL SYSTEM

REGULATIONS

R7-2-301
ARS § 15-102.15; 16; 17

Policy of State Board of Education re Course of Study

The State Board of Education believes every child should have "equal educational opportunity to receive the basic knowledge and skills..." The course of study provides "minimum course content ...to insure a minimum quality education..." The Board "encourages local districts to excel beyond these basic standards."

SBE Approv. 7/24/73 AG Approv. 9/13/73

Policies re Pupil Equality

The State Board of Education calls upon local boards to "encourage a spirit of mutual cooperation, trust and good will among students" and an appreciation of their individual and cultural differences.

The Board believes a "Strong quality education provides the necessary knowledge and skills which will enable the student to overcome [physical or cultural] handicaps. . ."

STUDENTS

STATUTES

§15-546

The state board of education shall issue "certificates of promotion" to eighth grade pupils. The

certificate will admit the holder to any state high school.

§15-547

GED TEST

Any person 18 or over who passes a "general educational development test" shall be awarded an Arizona high school certificate of equivalency.

REGULATIONS

R7-2-301

ARS § 15-102.25

Every student shall have equal opportunity to learn to read and write effectively and to master basic computational skills. Promotion shall be based on predetermined standards for these basic skills as established by the local district. Each student must achieve a sixth grade competency in such skills prior to receiving an eighth grade certificate of promotion and a ninth grade competency prior to graduation from high school.

EQUAL OPPORTUNITY

SBE Approv. 11/26/73 AG 1/22/74

R7-2-301

ARS § 15-2021

One goal of the educational system is that each student have an equal opportunity to understand the United States and Arizona Constitutions. Therefore, each district must develop a method to assure that students are knowledgeable prior to receiving a certificate of promotion from the eighth grade.

SBE Approv. 11/26/73 AG Approv. 1/22/74

R7-2-301

ARS 15-546 A

Policies re Promotion

Eighth Grade Certificates of Promotion

PROMOTION

Two types of certificates shall be issued: a standard certificate shall be issued to those who attain a sixth grade

competency in basic skills. A special education certificate shall be issued to those "evaluated and determined to have a physical and/or mental deficiency which prevents their attainment of a sixth grade competency..." The district superintendent must certify all special education certificates.

SBE Approv. 7/24/73 AG 9/13/73

CROSS REFERENCES

II.A.1.; Regulation R7-2-302 ARS §15-102.19; §15-1021; §15-1025 A

IV.E.; Statute §15-1031

STATUTES TEACHERS

§15-203

A teacher using sectarian books, teaching sectarian doctrines or conducting religious exercises in school is "guilty of unprofessional conduct and his[her] certificate shall be revoked." REVOCATION

§15-207; 208

"Wilful neglect or failure" to carry out statutory duties is sufficient cause for dismissal for a public school superintendent, principal, teacher or other officer. A teacher who fails to carry out[her]his prescribed duties is "guilty of unprofessional conduct and[her]his certificate shall be revoked." DISMISSAL

§15-253

Notice of dismissal to a tenured teacher must be in writing and specify the acts or behavior underlying the charges. The teacher has the right to a hearing, if requested within 30 days. If charges are filed against a teacher, the board may immediately suspend the teacher. NOTICE HEARING

§ 15-254

SUSPENSION

The school board may immediately suspend a teacher after having given the teacher written notice of suspension and a statement of the charges against him/her. The suspended teacher shall be paid a regular salary during the suspension period.

§15-255

Any certificated teacher charged with a criminal offense shall be placed on a compulsory leave of absence.

§15-258

A probationary or continuing teacher who has signed and returned her/his contract shall not resign without board approval.

RESIGNATION

§15-260

The provisions of this article may be modified or repealed at any time. No person has acquired a vested right to continuing employment by virtue of this article.

REGULATIONS

R7-2-201
ARS §15.102.20 --23

Professional Practices Advisory Committee

A 12 member appointed committee shall develop and recommend a standard code of professional ethics and advise the State Board of Education on competence and fitness to teach. It shall hold informal hearings on complaints of unprofessional conduct and recommend appropriate action to the State Board of Education. It shall report annually to the State Board of Education.

CODE OF ETHICS

SBE Approv. 7/24/73 AG Approv. 9/6/73

R7-2-401

Policies re Revocation, Suspension, and Dismissal
ARS §102.23, 15-207, 15-232, 15-258

COMPLAINT

Properly executed complaints shall be forwarded to the Professional Practices Advisory Committee for action except in cases involving moral turpitude or falsifying certification materials. After a hearing, they shall recommend action to the State Board of Education. The State Board of Education shall review the recommendation and render a decision.

HEARING

If a complaint is filed in a court of competent jurisdiction alleging an offense of moral turpitude or falsifying certification material, certification shall be temporarily

suspended pending a Board hearing. These substantive charges are legal grounds for revocation.

SUSPENSION

Suspension. The Board may issue three types of suspensions. Limited (one year); conditional (specific conditions must be met before reinstatement) and indefinite (respondent must request reinstatement).

REVOCATION

Revocation. In addition to statutory bases for revocation, the following shall be defined as unprofessional or immoral conduct or unfitness to teach and grounds for revocation provided the procedural requirements are fulfilled and the Board's action is not arbitrary.

Conviction of a felony or offense of moral turpitude, falsifying information on certification applications, failure to list all arrests and convictions, failure to inform the Division of Certification of any arrest and conviction within 90 days.

SBE Approv. 1/7/74 AG 2/7/74

CROSS REFERENCE

II.A.2.; Statute §15-818

D. Evaluation and Reporting

Career Education Counseling Program

CROSS REFERENCE

IV.B.; Regulation R7-2-306 ARS §15-1199.01 A. B

District Plan for Special Education

CROSS REFERENCE

II.A.2.; Regulation R7-2-306 ARS §15-1010A; 15-1012D; 15-1017C

Educational Programs

CROSS REFERENCE

III.A.2.; Statute §15-1137 -- 1137.02

EDUCATIONAL SYSTEM

CROSS REFERENCE

I.District Board of Trustees; Statute §15-439 -- 440

SCHOOL LUNCH PROGRAM

CROSS REFERENCE

IV.C.; Statute §15-1122 -- 1126

SERVICE PROGRAMS

CROSS REFERENCE

I.County School Superintendent; Statute §15-1166 -- 1167

STUDENT

STATUTES

§15-1131 --1135

All third grade pupils are required to take a reading achievement test at the beginning of the school year, and all fifth grade pupils are required to take a mathematics achievement test. The superintendent may require testing of students in higher grades. The tests shall be adopted by the state board of education and shall be uniform throughout the state. Test results shall be reported to the state board of education which shall evaluate them and assess the quality of reading programs in the schools. Mentally retarded pupils or any student excused from attending public school shall be exempt from the testing requirement. TESTING

POLICY GUIDES

SUGGESTED GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CONTINUOUS UNIFORM EVALUATION SYSTEM (CUES) 20 pages

Arizona Department of Education 1977

The guide describes the CUES system which emphasizes what is learned rather than what is taught. It uses a continuum of performance objectives and emphasizes individual achievement of these objectives. Additionally, school districts are encouraged to conduct in-service workshops, develop parent reporting

systems, and alternative learning plans which may be more appropriate to the needs of particular students. The guide suggests detailed steps for implementing and developing the CUES system at the local level.

TEACHER

§15-268

A system of assessment and evaluation of certified teachers shall be developed within each school district. Each school district shall develop guidelines for the evaluation of instruction, which shall include (1) criteria for evaluating teacher performance in all areas of teaching, and (2) evaluation of teachers' competence as it relates to the criteria. All evaluations shall be in writing with a copy given to the teacher. The evaluations shall be conducted periodically, and shall include recommendations for improvement. Assessment and evaluation reports are confidential and cannot be released to the public.

E. IMPROVEMENT EFFORTS

TEACHERS

STATUTES

§11-512

The county superintendent shall: (1) conduct teachers' institutes and hire lecturers in the field of teaching for these institutes; (2) enforce the curriculum; (3) examine teachers applying for certification; (4) appoint trustees and board of education members to fill vacancies until the next election; (5) make annual reports to the state superintendent; and (6) carry out other powers and duties prescribed by law.

CROSS REFERENCES

II.A.1.; Statute §15-1023

III.B.Teachers; Regulation R7-2-201 ARS §15-102.20

IV.B.; Regulation R7-2-306, ARS §15-1199.01A,B

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School

1. Accreditation

STATUTES

§80-428

A newly elected school board and the county board shall "provide an accredited elementary school for every child as close to his /her home as possible (and) . . . access to an accredited high school."

§80-1233

Any state-accredited primary or secondary school "may be entitled to assignments of student teachers" from post-secondary State institutions, "irrespective of accreditation by any other agency, private or public."

§80-4601--4615

The purpose of the Quality Education Act is to raise the standards of primary and secondary schools. It proposes the elimination of schools with less than an "A" rating by June 1, 1979. The judiciary may issue court orders mandating implementation of this Act until that time.

If no school in a county has an "A" rating, the state board of education shall designate one district in that county to operate its elementary and secondary schools and annex the remaining districts by June 1, 1980. The state board shall give additional funds to schools or districts it determines are "isolated" to hire additional teachers and thereby "improve the quality of the education program." A maximum of seven districts and/or schools may be so designated each year. The state board shall use specifically enumerated standards for annually accrediting schools. A school which falls below an "A" rating must regain its higher status within two years or be subject to annexation or dissolution. The state department of education shall notify schools

APPEAL

of their "A", "B", or "C" rating by April 15 of each year. Districts may appeal their rating after April 15, 1979 by the following May 1 and a hearing must be held by June 15 of that year.

Annexed districts shall receive the same amount of state aid for two years.

A district may petition the County Board of Education to be annexed to an adjoining district whose schools have "A" ratings. The Board of Directors of a receiving district may be increased to not more than eight members, who shall be appointed by the county board to serve until the following school election.

CROSS REFERENCE

II.A.4.; Statute §80-1652 -- 80-1653

2. Other Qualification Standards

Statutes

§80-1601--1682

All "common or elementary schools in Arkansas" shall be open and free at least six months each year. The State Board of Education shall designate the subjects taught, as required by law.

SCHOOL CALENDAR

A school month consists of twenty school days or four weeks of five school days each. A school day consists of at least five hours of instruction.

CROSS REFERENCES

II.A.1.; Statute §80-1637 -- 80-1643; 75-1901 -- 75-1905; 72-281; 75-921

II.A.2.; Statute §80-2108

B. Qualification Standards for Personnel

Commissioner

Statutes

§80-118

The Commissioner shall be appointed by the state

board of education and "may be removed with or without cause" by the state board. He/she "must hold a master's degree from an accredited institution, . . . have had ten years' experience as a teacher, five of which must be . . . of an administrative or supervisory nature, and must hold a valid state teacher's certificate." The commissioner shall be bonded and must account "for all the school money of the state."

REMOVAL

COUNTY BOARD OF EDUCATION

CROSS REFERENCE

I.County Board of Education; Statute §80-201

COUNTY SCHOOL SUPERVISOR

STATUTES

§80-217

The County Supervisor shall be selected by the County Board of Education "for a term of one or two years, subject to re-employment." He/she must meet stringent qualifications regarding completion of degrees and administrative experience.

§80-231

The county supervisor must: "hold a bachelor's degree (from) . . . a college or university approved for the certification of teachers," have at least five years teaching experience, "at least three years of such experience . . . of school administrative nature," and hold a teaching certificate valid in Arkansas.

SCHOOL BOARD MEMBERS

STATUTES

§80-504

"A school director shall be a bona fide resident and qualified elector of the school district which he/she serves." A vacancy may be filled by a majority vote of the remaining members of the board.

VACANCY

School Employees

Statutes

§80-409

CONTRACTS

The board of school directors of each district shall contract with teachers and other employees as prescribed by the state board. Local school boards may issue annual contracts to non-teaching personnel or maintain time sheets.

No spouse or relation "within the fourth degree of consanguinity or affinity to any member of the school board" shall be employed except as specified in this act. Teachers and other employees may be elected upon written petition of the electorate.

School Directors shall make certain all subjects "prescribed the the state board of education or by law" are taught.

State Board of Education

CROSS REFERENCE

I.State Board of Education; Statute §80-102 -- 80-105

Student

CROSS REFERENCE

IV.G.; Statute §80-1527

Teachers

Statutes

§80-1208

The State Board of Education shall issue and renew all teachers' certificates.

§80-1209

A teacher must be licensed to teach in the State of Arkansas and register his/her license with the county superintendent. Without such certification, the teacher shall not receive "any compensation from school funds."

§80-2211

Teachers qualified for the literary department of the School for the Blind must hold a first grade county teacher's license or professional license or state license.

CROSS REFERENCE

II.A.2.; Statute §80-2314 -- 80-2316

VOCATIONAL EDUCATION TEACHERS

CROSS REFERENCE

II.A.3.; Statute §80-2587 -- 80-2589

C. PERFORMANCE STANDARDS

COUNTY BOARD MEMBERS

STATUTES

§80-204--207

Should county "members . . . (accept) employment elsewhere" or move to a different community or fail to "attend meetings of the school board or participate in its affairs over a period of ninety days," they forfeit their position on the board.

§80-226

The County Supervisor may be discharged by the Board of Education if he/she fails to "perform any duties provided by law, or . . . imposed . . . by the county board of education." The license of the county supervisor may be revoked by the state board of education for wilfull neglect of duties.

REVOCATION

SCHOOL BOARD

CROSS REFERENCE

I.School Board; Statute §80-1532 -- 80-1534

School Board Members

Statutes

§80-1909

It is unlawful for a school board member to be directly or indirectly interested in a contract or purchase made by his/her district unless his/her company offers the lowest bid in a competitive bid.

School Employee

CROSS REFERENCE

II.B.1.a.; Statute §80-1902

School Officials

Statutes

§12-3004--3006

"No elected public official shall receive . . . any salary, compensation, gift or any payment from any tax-exempt foundation." Elected officials or State employees shall not pay to or receive compensation from one another. School district officials and all local officers must file a financial disclosure statement on or before January 31 of each year with the County Clerk and Secretary of State. Said statements shall be "open to public inspection." Violators of these provisions shall be guilty of a misdemeanor, fined $50 to $500 or imprisoned for ten to ninety days or both. In addition, guilty persons shall "forfeit [their] public office or position."

CONFLICT OF INTEREST

§80-1907--1908

Any officer or employee of the school system "who shall wilfully fail or refuse to comply with any provisions of the 'school law' for which no punishment is . . . provided by law shall be . . . guilty of a misdemeanor" and fined $10.00 to $500.00

LIABILITY

CROSS REFERENCE

II.B.1.a.; Statute §80-136 -- 139; §80-1902

SCHOOLS

CONSTITUTION

ARKANSAS CONSTITUTION ART. XIV, §1

Intelligence and virtue being the safeguard of liberty and the bulwark of a free and good government, the the state shall maintain a general, suitable and efficient system of free schools, whereby all persons in the state between the ages of six and twenty-one years may receive gratuitous instructions.

ARKANSAS CONSTITUTION ART. XIV §2

No money or property belonging to the public school fund, or to this state for the benefit of schools or universities, shall ever be used for any other than the respective purposes to which it belongs.

STATUTES

§12-2801--2807

"Except as otherwise specifically provided by laws . . . all state, county, township, municipal and school district records . . . shall be open to inspection and copying by any citizen of the State . . . during regular business hours of the custodian of the records." Citizens are entitled to "reasonable access" to said records.

ACCESS TO RECORDS

Similarly, meeting of same governing bodies, except grand juries and organizations partly supported by public funds shall be open to the public. Persons denied access to reports or meetings may appeal to the courts and be heard within seven days of filing a petition. Knowing violation of this law shall constitute a misdemeanor.

CROSS REFERENCE

I.State Board of Education; Statute §80-123

STATE BOARD OF EDUCATION

CROSS REFERENCES

I.State Board of Education; Statute §80-102 -- 80-105

II.B.1.a.; Statute §80-136 -- 80-139

STATE TEXTBOOK AND INSTRUCTIONAL MATERIALS SELECTION COMMITTEE

CROSS REFERENCE

II.B.1.a.; Statute, Acts 1975, No. 302, §7 -- 8

STUDENTS

CROSS REFERENCE

II.A.1.; Statute §80-1618 -- 80-1619

SUPERINTENDENT

STATUTES

§80-1214.1

"The State Board of Education may revoke the license of any superintendent or supervisor . . . where the State Comptroller has found it necessary to proceed upon the bond of said (personnel) . . . to recover funds wrongfully used. Revocation shall be mandatory . . . where recovery on said bond is had."

REVOCATION

CROSS REFERENCE

III.C.Teachers; Statute §80-1228

STATUTES

§80-1214

"The State Board of Education may revoke the license of any teacher for cause, but only after a hearing before the board upon reasonable notice to such teacher and a written copy of the cause to be considered."

REVOCATION

NOTICE

§80-1228

HEARING

The State Board of Education may revoke the certificates of a teacher "who knowingly falsifies any attendance records" and of a superintendent of schools "who knowingly permits or requires" such falsification. Persons whose licenses have been revoked in this manner shall not be eligible for an Arkansas license thereafter.

§80-1243--1248

"Teacher shall mean . . . any person employed by a school district in [Arkansas] in a teaching, instructional, administrative or supervisory capacity, for which a teacher certificate issued by the Arkansas State Education Department is required as a condition of employment." A local school board shall notify a teacher of his/her dismissal in writing. It shall serve notice of a refusal to renew a contract in the manner prescribed by the Teachers' Salary Law. It may include reasons for such actions. Otherwise, "the teacher may file a written request with the board within ten days after receipt of the notice . . . for a statement of the reasons for such dismissal or termination or decision not to renew the contract of the teacher."

A teacher may request a hearing in the same manner. Such a request "shall be sent . . . to the president of the school board, with a copy to the superintendent, within thirty days after written notice of dismissal . . . is received by the teacher."

HEARING

The hearing shall be conducted in this manner: it shall take place five to ten days after the request has been submitted unless the teacher and the board agree to a postponement; it shall be private unless otherwise requested by the teacher or board; both sides may be represented by legal counsel; a record of the proceedings is optional. "If a teacher quits or refuses to teach in accordance with his or her contract without just cause, or otherwise breaks or violates the contract between the teacher and the school district, and enters into a contract with another district or accepts employment in a position requring a teacher certificate with another district during the term of . . .[said] . . . contract. . ., the school board of the injured district may . . . petition the State Board of Education to revoke or suspend the certificate of such teacher . . . during the time for which he or she has been employed under the contract . . . ." This law shall not "limit or restrict" the teacher's right to seek a legal remedy.

§80-1304

RENEWAL

Employment contracts between teachers and boards of school directors shall be renewed in writing by the termination date of the preceeding contract. Otherwise the board must notify a teacher of its decision not to renew said contract no later than within ten days after its termination. Likewise, a teacher must give notice of resignation up to and "within ten days after the close of school" or if said contract "is superceded by another contract between the parties."

"If a teacher quits or refuses to teach in accordance with his or her contract without just cause, he or she is hereby prohibited from teaching

elsewhere during the time for which he or she had been employed."

§80-1629

Teachers shall exercise discipline in the hope of "instill(ing) . . . good morals and gentle manners."

CROSS REFERENCE

I.Teachers; Statute §80-1261

D. Evaluation and Reporting

Educational System

Statutes

§80-2214

The Board of Trustees and superintendent shall report to the Governor and General Assembly by January 15th of each year. "These reports shall deal with improvements made during [a] biennial period . . . with suggestions and recommendations covering the institution for the blind for the next legislative period."

CROSS REFERENCE

I.City Superintendent; Statute §80-534

Elementary and Secondary Education

Statutes

§80-4101--4105

An Advisory Council on Public Elementary and Secondary Education has been created and is "purely advisory." It shall have forty-five members, ten persons from each of the four Congressional districts, and five from the General Assembly. The Chairpersons of the Education Committees of the House and Senate shall be members of the Council. Twenty members shall be appointed by the Commissioner of Education for two-year terms and twenty members for four-year terms.

"The Council shall annually select a a vice-chair[person] from its membership."

Minutes of meetings shall be public record. "The facilities and personnel of the State Department of Education shall be made available to the Council. The Department of Education shall publish such reports as desired by the Council and shall pay all necessary expenses" except a per diem allowance.

"The Council shall make such studies, evaluations, recommendations, and reports as it deems advisable in public elementary and secondary education, but shall, as a minimum, file a biennial report with the Governor, General Assembly and the State Board of Education [covering] . . . recommendations for improvement of the quality of public elementary and secondary education", save for the area of vocational education.

Exceptional Children

CROSS REFERENCE

II.A.2.; Statute §80-2129

Kindergarten Programs

CROSS REFERENCE

II.A.4.; Statute §80-1646

School for the Deaf

CROSS REFERENCE

II.A.2.; Statute §80-2307

School Lunch Program

CROSS REFERENCE

IV.C.; Statute §80-130

Special Education Programs

CROSS REFERENCES

II.A.2.; Statute §80-2131

II.A.2.; Statute §80-2140 -- 80-2143

II.A.2.; Statute §80-2311

State Board Proceedings

Statutes

§80-110

The State Board of Education shall keep records of its proceedings and submit an annual report to the governor.

§80-112

"The annual report of the state board of education to the governor shall be transmitted by him[her] to the general assembly at the opening of each session." They shall be distributed to state school officers.

Teacher Records

Statutes

§80-1215

"The teacher shall keep such records and make such reports as may be required by the county board of education and the board of school directors."

Vocational-Technical Programs

CROSS REFERENCE

II.A.3.; Statute §80-2570 -- 80-2572

E. Improvement Efforts

County Schools

Statutes

§80-234

"The County School Supervisor shall cooperate with the State Department of Education in the establishment and improvement of the ratings of the schools in [the] county."

Education System

CROSS REFERENCE

III.A.1.; Statute §80-4601 -- 80-4615

CROSS REFERENCE

II.A.2.; Statute §80-2136

SCHOOL BOARD MEMBERS

STATUTES

§80-458

School districts may "belong to, and pay dues to, a nonprofit state association of school board officials . . . for the purpose of compiling and disseminating information, conducting seminars and workshops, and similar programs designed to inform school board members of school problems and to enable boards to . . . efficiently perform their respective duties."

TEACHERS

STATUTES

§80-1218

The County Board(s) of Education shall call teachers meetings, individually or jointly (with other districts), to "exchange ideas in the working of the schools." All teachers in districts with a population of less than 5,000 must attend all meetings called by the County Supervisor of Schools.

TEACHERS' CONFERENCES

CALIFORNIA

Section III. Page

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A. QUALIFICATION STANDARDS FOR SCHOOLS AND SCHOOL DISTRICTS

2. OTHER QUALIFICATION STANDARDS

STATUTES

§30

"English shall be the basic language of instruction in all schools . . . to insure (its) mastery. . . Pupils . . . proficient in English . . . may be instructed. . . in . . . (a) foreign language."

§37020 -- 37026

"The governing board of any elementary school district shall maintain within the boundaries of the district at least one elementary day school.

The governing board of any high school district shall maintain within the boundaries of the district at least one four-year high school or one senior high school and one junior high school, as provided in Section 3701.

Each unified school district shall maintain classes at least in grades 1 through 12.

Except as otherwise provided, the courses of study for the day elementary schools in districts maintaining junior high schools shall embrace six years of instruction, and in districts in which junior high schools are not maintained, the courses of study shall embrace eight years of instruction. Courses shall allot six or eight years, respectively, for instruction in subjects required to be taught in such schools and may allot not more than two years for kindergarten instruction.

The course of study for any day elementary school located in an elementary school district situated in a high school district maintaining one or more junior high schools, where the districts are governed by boards of identical personnel, shall embrace six years or eight years at the discretion of the governing board of the elementary school

district.

The courses of study for the day elementary schools of a unified school district maintaining one or more junior high schools shall embrace six years or eights years, or some of the elementary schools may be maintained for six years and some may be maintained for eight years. The courses of study for any day elementary school located in an elementary school district situated in a union or joint union high school district maintaining one or more junior high schools shall be six years or eight years at the discretion of the governing board of the elementary school district if such high school district did not maintain a junior high school prior to July, 1943, and if such elementary school is located 40 miles or more by the nearest traveled road from any junior high school maintained by such high school district.

In all other cases, the courses of study of any elementary school shall embrace eight years.

Each day elementary school may allot not more than two years kindergarten instruction."

§37200 -- 37203

"The school year begins on the first day of July and ends on the last day of June.

(a) A school month is 20 days or four weeks of five days each, including legal holidays; provided, however, that for the purposes of counting attendance only in providing for a school calendar the Christmas vacation period, or any portion thereof, may be excluded by the school district in the definition of a school month.

(b) The provisions of subdivision (a) of this section are limited to defining a school month for attendance counting purposes only. A school month for employee pay purposes may be designated by the governing board to begin on any day of the week.

Except where a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or where the school has been closed on account of fire, flood, or other

public disaster, the governing board of any school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year, and all of the day high schools established by it for an equal length of time during the school year."

When it is necessary for the convenience of the residents of any district that the school be maintained a part of the year in one portion of the district, and a part of the year in another portion of the district, the aggregate of the time the school is maintained in the different portions of the district shall be the time for which a school has been maintained in the district during a school year.

§37220 -- 228; 37230 --232

The public schools shall continue in session on all legal holidays other than those designated.

When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

When any of the holidays on which the schools would be closed fall on Saturday, the public schools shall close on the preceding Friday.

Nothing in this section is to be interpreted as authorizing a school district governing board to maintain schools in its district for a lesser number of days during the school year than the minimum established by law...the governing board of any school district may declare a holiday in the public schools under its jurisdiction when good reason exists.

"All public schools and educational institutions shall include in the school work on or near the anniversary of the adoption of the Constitution of the United States exercies and instruction for pupils suitable to their ages in the purpose, meaning, and importance of the Constitution of the United States, including the Bill of Rights.

All public schools and educational institutions shall observe Conservation, Bird, and Arbor Day not as a holiday, but by including in the schoolwork of the day, suitable exercises having for their object instruction as to the economic value of birds and trees, and the promotion of a spirit of protection toward them, and as to the economic value of natural resources, and the desirability of their conservation.

February 15th of each year, the anniversary of the birthday of Susan B. Anthony, is designated and set apart as Susan B. Anthony Day.

All public schools and educational institutions shall observe this day with suitable exercises, directing attention to the development of the political and economic status of women in the United States, through the efforts of Susan B. Anthony.

March 5th of each year, the anniversary of the death of Crispus Attucks, the first black American martyr of the Boston Massacre, is designated and set apart as Black American Day to direct attention to the development of black people in the United States of America.

All public schools and educational institutions shall observe this day with suitable exercises.

All public schools and educational institutions throughout the state shall, on January 15th of each year, the anniversary of the birth of Dr. Martin Luther King, Jr., hold suitable exercises commemorating, and directing attention to the history of, the civil rights movement in the United States, and particularly the role therein of Dr. Martin Luther King, Jr.

The governing body of any elementary, high school, or unified school district or any county superintendent of schools may maintain classes on Saturday or Sunday, or both.

Whenever climatic conditions of a school district are such as to render it necessary that the schools be closed as early in the year as possible or opened as late in the year as possible, the governing board of the school district may maintain schools and

classes on any days other than Saturday, Sunday, the 25th of December, the first day of January, the fourth day of July, and any day appointed by the President or the Governor for a public thanksgiving.

When classes are maintained on holidays pursuant to this section, proper exercises shall be held commemorating the day.

§ 46100

SCHOOL DAY

The governing board of each school district shall fix the length of the school day.

§ 46111; 46117 -- 46119

SCHOOL DAY

The minimum schoolday for kindergarten pupils is 180 minutes inclusive of recesses. No kindergarten pupil shall be kept in school in any day more than four hours exclusive of recesses.

A simple-session kindergarten shall be taught by a full-time certificated teacher assigned to only one session of kindergarten daily as principal teacher and where full-time duties are directly related to the kindergarten program.

The governing board of a district with fewer than 40 kindergarten pupils may request permission from the state superintendent to maintain two kindergarten classes of 150 minutes on the same day taught by the same teacher. The average daily attendance for such classes shall be adjusted by a factor of 0.500.

§ 46112 -- 46114

SCHOOL DAY

The minimum schoolday, except in opportunity programs, shall be 230 minutes in grades 1-3 and 240 minutes in grades 4-8. Where a governing board has prescribed double sessions for grades 1-3, the minimum shall be 200 minutes.

The minimum school day may be computed by determing the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10.

If the resulting quotient is 230 or more for grades 1-3 or 240 or more for grades 4-8, the pupils shall be deemed to have complied with minimal requirements, even if any one school day is less than 230 or 240 minutes respectively, but not less than 120 minutes for grades 1-3 or 180 minutes for grades 4-8.

§ 46141 -- 46144; 46146

SCHOOL DAY

The minimum schoolday for high school students, including educationally handicapped students but excepting students in an evening high school, regional occupational center, opportunity program, vocational training program and work experience education program, is 240 minutes. It may be computed by determing the number of minutes of attendance in any 10 consecutive school days and dividing by 10. If the quotient is 240 or more, the pupils shall be deemed to have complied with the minimum even if any one schoolday is less than 240, but not less than 180 minutes.

The minimum day in special day or Saturday vocational training programs and work experience education programs is 180 minutes.

A day of attendance in grades 1[illegible]d 12 is 180 minutes of attendance.

REGULATIONS

§11

All elementary schools shall have recess for at least 20 minutes daily. Children shall not be kept in school more than one hour without a recess and all children must leave the schoolrooms at recess.

§ 11237

Whenever one specialist teacher is to serve more than one school pursuant to Education Code Section 5781(a) and (b), the priority required by Education Code Section 5792(b) shall be determined by the combined totals of the pupils in grades 2 and 3.

§3936

All participating districts shall have multicultural education where a survey reveals a multicultural population.

CROSS REFERENCES

II.A.1; Regulation §10000--01

II.A.2; Statute §56036--56038

II.A.8; Regulation §11304

II.A.9; Regulation §11471--11474

II.A.10.Other-Child Development Program; Regulation §18021

II.A.10.Other-Special Reading Instruction; Statute §54101--54180

B. Qualification Standards for Personnel

Administrator

CROSS REFERENCE

II.A.8; Regulation §10562

Certificated Personnel

Statutes

§44830 -- 44834

No person shall be employed for a position requiring certification qualification unless they possess the qualifications prescribed by law.

§44836 -- 44927

Included here are provisions for the employment of personnel in the school system by the governing boards of school districts which includes moral qualifications, and the presence of proper records and identification, and includes teachers applying for a transfer or exchange position.

Under this article are qualifications for teachers, librarians, home instructors, supervisors of health, physicians, psychologists, dentists, optometrists, adult education teachers, and administrators and supervisors. These qualifications apply to both permanent as well as probationary and part-time employees.

CHILDRENS' CENTER EMPLOYEES

CROSS REFERENCE

II.A.10.Other-Child Development Program: Statute §8320--8370

COUNTY SUPERINTENDENT

STATUTES

§1206

Anyone who is county superintendent must possess a valid credential issued by the State Board of Education.

§1208 -- 1212

County superintendents in schools of the one through eight class shall possess a valid certification document authorizing administrative services or, in the case of class one, two or three superintendents a valid elementary administrative credential and a valid secondary administrative credential.

CURRICULUM DEVELOPMENT COMMISSION

CROSS REFERENCE

III.E.Curriculum Statute §33530--33539

DIRECTOR OF CONTINUING EDUCATION

CROSS REFERENCE

II.A.8: Regulation §11004

NON-TEACHING ASSISTANT

REGULATIONS

§ 17904-17905

"A person may be employed as a non-teaching aide pursuant to Education Code Sections 13253 and 13253.5 or as a non-teaching assistant pursuant to Education Code Section 16625.01 to serve under the immediate supervision of those holding permits for supervision and/or instruction of a program. Such a person shall submit the following prior to her/his employment:

a) Health certificate form (No. 41-3)

b) Duplicate personal identification cards, processed in accordance with Education Code 13588.

Volunteer personnel shall submit a health certificate form (No. 41-3) to the chief administrative officer, before being assigned to duties in any children's center."

PRINCIPAL

CROSS REFERENCE

II.A 8; Regulation §11004

SCHOOL DISTRICT EMPLOYEES

STATUTES

§7000 -- 7002

No person who is known to be a member of the Communist Party shall be employed by or retained in the employment of any school district.

School Personnel

Regulations

§5502

Before hiring a retired person, the Board shall require the person to pass a physical exam.

PHYSICAL EXAMINATION

School Psychologist

CROSS REFERENCE

IV.A.; Statute §49422; 49425

Teachers

Statutes

§44259 -- 44274

The minimum requirements for the teaching credential are:

(a) a baccalaureate degree or higher from an approved institution;

(b) a fifth year of study to be completed within five years from the date of issuance of the preliminary credential;

(c) an approved program of professional preparation;

(d) passage of a subject matter examination or its waiver;

(e) demonstration of a knowledge of the various methods of teaching reading, to an adequate level.

The minimum requirements for the designated subjects teaching credential shall be adequate, successful, and

recent experience in the technical skill, trade or vocation named. The minimum requirements for the teaching credential also include the satisfactory completion of a unit requirement in health education.

The minimum requirements for specialist instruction credentials are:

(a) a valid teaching credential; and

(b) such specialized and professional preparation as the Commission for Teacher Preparation and Licensing deems necessary.

§44259 -- 44274

Also included are minimum requirements for services credentials with specialization in

(a) pupil personnel services;

(b) health;

(c) clerical or rehabilitative services; and

(d) administrative services.

§44280 -- 44317

The adequacy of subject matter preparation and the basis for assignment of certified personnel shall be determined by the succesful passage of a subject matter examination prepared by the Commission for Teacher Preparation and Licensing, and explained herein.

EXAMINATION

The commission shall waive the subject matter examination requirement for graduates of accredited public and private institutions of higher education who have successfully completed subject matter programs.

§44330 -- 44333

Each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications.

§44334 -- 44336

No certification document shall be granted to any person unless and until he/she

(1) has subscribed to an oath or affirmation as provided herein; and

(2) passed a satisfactory examination.

§44337 -- 44338

PHYSICALLY HANDICAPPED

No person otherwise qualified shall be denied the right to receive credentials, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the ground he/she is physically handicapped or physically deformed.

§44339 -- 44354

Each applicant for a credential is required to submit reasonable evidence of identification and good moral character.

If the applicant fails to meet standards set by the Commission for Teacher Preparation and Licensing he/she may be denied any application for the issuance of a credential.

§44610 -- 44617

The purpose of these provisions is "to encourage and promote the temporary exchange of teachers between school districts . . . and schools in foreign countries and to make available . . . as teachers foreign-born persons and others who are especially qualified to provide instruction . . . in order that the schools . . . comply with the requirement of state law . . . ."

REGULATIONS

§5902

A preliminary similar multiple subject teaching credential shall be issued for not more than five years following completion of a baccalaureate. After the five

years a single or multiple subject teaching credential shall be issued for five years.

§5920

Emergency credentials shall be issued for up to one year as provided herein.

§5920.6

Emergency Bilingual/Cross-Cultural Teaching Credential shall be granted to a person for one year who meets all the following requirements: completed 90 semester hours of college work, competence in a language other than English, passing specified assessments and examinations, completion of a three hour course or inservice training in bilingual classroom instruction; has served in a bilingual setting and is enrolled or admitted to an approved teacher education institution. The Credential shall be renewed for one year periods upon completion of six semester units of collegiate work.

§5920.7

An emergency specialist credential in learning handicapped, severely handicapped and physically handicapped is not renewable. Applicants must have a valid teaching certificate and one year teaching experience in the area of specialization.

§5922

A life teaching credential may be issued when the person has had five years of full time school experience within the past 10 years and 2 years of continuous full time employment in a California public school district while holding clear credentials.

§5923

Local school boards may initiate a program to certify persons to teach designated subjects by filing an application with the Commission for Teacher Preparation and Licensing. Programs must meet the guidelines established by the Commission to be approved.

Specific Requirements for obtaining a credential include either:

a) a high school diploma plus at least 5 years paid work experience in the field or its equivalent; completion of a state approved examination; completion of 9 semester hours of inservice training and two semester hours of study of the U.S. Constitution if not previously completed. For driver education, the applicant must have a satisfactory driving record for three years prior to receiving his/her credential application; or

b) part time teachers must comply with the requirements above but complete only four semester hours of inservice training or sixty hours rather than nine semester hours or 135 hours.

This credential authorizes the person to teach the subject or trade in which the applicant has demonstrated competency.

To qualify as a supervisor of a designated subject program, a person must possess a clear credential authorizing him/her to teach the subject, three years of fulltime classroom experience and completion of an approved six semester hour program of inservice training.

§5924

An eminence credential may be issued to persons teaching a subject or offering a service that the school board wishes to have taught or practiced in its district. To obtain such a credential the person must possess superior knowledge and skill in comparison with the generally accepted standards and "distinguished superiority" in attainments.

To be reissued a credential, the superintendent must submit to the Commission a copy of the applicant's evaluation report, a statement that the school district will rehire the applicant and a statement that the applicant will "best serve the children of the district."

§5931

In addition to other requirements for obtaining any credential an applicant must either

a) complete an approved teacher education program at a California college or university

b) complete an approved program in another state

c) complete an approved teaching intern program

d) have completed a baccaulareate degree and have three years successful experience completed within 10 years prior to the date of application verified by the state in which the experience occurred.

§5931.1

If a college refuses to recommend an applicant for appropriate credentials, the person may apply directly to the Commission. It shall evaluate the student based on the materials submitted (including a statement of the reasons why the college refused to recommend the applicant) and it shall determine whether to issue a credential.

§5931.2

To add an authorization to the credential a person must apply to the Commission. To obtain an authorization in a single subject area a person must verify that he/she has knowledge of the subject matter by completing an exam adopted by the Commission or a course of study.

The Commission intends that teachers given authorization outside the grade level or subject matter previously taught shall have transitional supervision as deemed appropriate by the district or county superintendent.

§5932

The Commission believes a fifth year of study is an integral part of a teacher education program. The design of the fifth year study will be a responsibility of the teacher in consultation with an accredited university. The Commission shall allow a wide latitude for fifth year programs including: pursuit of a master's degree, inservice training, pursuit of a program of professional preparation.

An applicant may appeal a university's decision not to approve the individuals' fifth year program to the Commission which shall examine the applicant's credentials and make a determination.

§6000-6055

All applicants for teaching credentials must:

have a scholarship record of "C" or better in courses taken to fulfill requirements for a credential; pay a fee of $20; submit a health certificate dated within 12 months of filing application; submit an official transcript; take a course in U.S. Constitution; and be at least 18 years of age.

§6058

To qualify for a life diploma a person must have 48 school months of successful school experience at least 21 of which have been in the public schools of California.

§6076

Any applicant for a credential or renewal of life diploma who is dissatisfied with the action taken by the Commission may appeal to the State Board of Education and is entitled to a hearing at that point.

§ 11210-11215

A governing board that nominates, pursuant to Education Code Section 5775, a qualified certificated employee of the district for the position of

specialist teacher shall submit the nomination to the Bureau of Teacher Education and Certification, State Department of Education (the Bureau).

A certificated employee may petition the Bureau to be nominated a specialist teacher.

APPOINTMENT

The Bureau shall appoint Panels of Observers, required by Education Code Section 5775, who shall select each person appointed a member of an observer panel which shall make observation visits of teachers. Each observation panel, by a two thirds vote, shall nominate or deny nomination of the candidate teacher for the position of specialist teacher.

EXAMINATION

Applicants shall take the State Board designated examination, pay the cost of the examination and pay for issuance of the Specialist Teacher's certificate, if successful.

§ 11230-11234

Applications for an allowance for the employment of specialist teachers and professional librarians under provisions of Education Code Section 5793 shall contain information on eligibility, teachers quotas, and priorities.

After notice of approval and at the end of the school year each district shall furnish preliminary and final certification of actual participation in the act. Districts which fail to conduct their programs in full as certified shall draw a warrant in favor of the Department of Education for the amount of the discrepancy.

§ 11326-11327

Eligibility for designation as a mathematics specialist depends on the following:

a) A baccalaureate degree accompanied by work in both mathematics and math education.

b) Awareness of current trends in math education.

All math specialists designates are subject to approval of the State Board.

§ 11331

Teachers participating in Program III shall meet the qualifications in Education Code Section 5799.25 plus hold a major in mathematics and a regular credential authorizing service at the grade level taught.

§ 11403-11404

Members of the teaching staff of English Language Centers shall have a California teaching certificate and competence based on experience and education to teach English.

Persons with special abilities in the native language of the students may work as "teaching aides" under the supervision of the teaching staff. The administration shall judge the competency required of teaching aides and decide if there is provision for such aides in the plans submitted for approval.

§ 12026-12032

Teachers may be employed with such a program only if they hold a permit authorizing supervision or instruction of children in a children's center under Education Code Secions 16625-16629.

Assistants (as defined in Section 12020(d)) may be employed under the direction of persons holding teaching or supervisory permits. Volunteers may perform any service authorized under Section 12020(d). Both assistants and volunteers shall file certificates with the operating agency declaring themselves free from tuberculosis, as defined in Education Code Section 11708.

"There shall be at least two assistants or volunteers, not less than 16 years of age present for every 15 children."

A teacher, assistant or volunteer shall be provided to assist a child whose primary language is not English. Such service shall be made by a person who is proficient in the child's primary language, to help the child speak English correctly.

"The operating agency shall make every effort to involve parents in observation and participation in the preschool program."

§ 12097-12099

Any person employed as a teacher or supervisor in a demonstration program shall be certified by the State of California unless this requirement has been waived according to Education Code Section 6493. Teachers aide may be employed in tasks which shall be determined by the district.

A district operating a demonstration program shall periodically evaluate the program including the pupils' achievement.

§13001-13003-13005

The New Careers in Education Programs incorporate academic study with on-the-job training for persons who are "familiar with the life problems of low-income and minority students." Local school districts are the eligible applicant agencies and maintain control over the non-academic learning opportunities of the interns.

"...(C)oordination with the school district staff who work in the area of compensatory education is required."

§ 13007-13017

Interns must meet the following requirements:

a) have acquired at least 60 units of college credit;

b) lived or worked extensively with low-income families or be a member of a minority group.

An intern may be removed from such a Program after due process is conducted by a review committee.

§ 17903

Each person employed in a position of supervision and/or instruction in a children's center program shall hold a children's center permit issued by the Superintendent of Public Instruction in accordance with Article 2.

§ 17931

A person who holds a credential described in Education Code Section 16706 when such credential is deemed a children's center permit shall:

(a) File (register) the credential with the county superintendent of schools as provided in Education Code Section 16760 if he/she is employed in a children's center maintained by a public agency.

(b) File (register) the credential with the private agency if he/she is employed in a child development program maintained by a private agency, such filing (registration) to be made not later than 95 days after commencement of his/her service for the agency.

§ 17932

Each applicant for a children's center permit of any type or for any renewal thereof shall submit an application to the Commission for Teacher Preparation and Licensing, or to the Office of the County or District Superintendent of Schools of the county in which the applicant is employed.

Such an application shall be accompanied by the following:

(1) Identification. A personal identification card as otherwise provided in Section 6026 of this title, unless an acceptable card has been submitted with a previous application for a permit under this section or for a certification document issued by the Commission for Teacher Preparation and Licensing.

(2) Fee. Each application for a permit shall be accompanied by a money order or check for the fee specified in Section 6020 for the issuance of a credential.

(3) Transcript. Transcripts of record listing all college and university course work.

(4) Verification of Experience. For each permit granted in whole or in part on the basis of educational experience, the application shall be accompanied with original letters, from responsible persons having knowledge of the facts, verifying the dates and character of the experience claimed.

When all requirements for a permit are met by the date an application is filed, the permit shall be dated as of the date the application was filed, and such date shall be deemed the date of issuance.

§ 17933-17934

Every applicant for a children's center permit, or renewal permit, shall, on demand, submit satisfactory evidence of good moral character as described in Section 17945.

The Commission for Teacher Preparation and Licensing shall issue permits of the following types for service in child development programs:

(a) Supervision permit.

(b) Instructional permit.

(c) Emergency Instruction permit.

§ 17935-17936

Each applicant for a supervision permit shall comply with the procedure prescribed for application (Section 17932) and meet all the following requirements:

(1) Two years of successful teaching or supervision experience in a child development program.

(2) A bachelor's or higher degree granted by an approved institution.

(3) A major, as defined by the institution offering the degree, in early childhood education or child development, and in addition at least six semester hours of course work covering administration and supervision of child development programs. In lieu of a major, a candidate may offer successful completion of twenty-four semester hours of course work

completed through an approved collegiate institution.

The supervision permit authorizes the holder to perform the following services in a child development program:

(1) Supervise a child development program consisting of any number of children's facilities.

(2) Perform services in the instruction of children in a child development program.

The permit issued pursuant to this section shall be valid for 2 years.

Each applicant for a Supervision Permit issued upon postponement of requirements shall comply with the procedure prescribed for application (Section 17932) and meet both of the following requirements:

(1) Possession of a bachelor's or higher degree granted by an approved institution, and at least twelve semester hours of course work in subject fields related to early childhood education.

(2) Two years of successful teaching or supervision experience in a child development program.

The permit shall be valid for two years and may be renewed for two-year periods upon fulfilling both of the following:

(1) Successful completion during the term of the permit to be renewed of four semester hours of course work which applies to a major in a subject field related to early childhood education, or four semester hours of course work in subject fields related to early childhood education.

(2) A year of successful teaching or supervision experience in a child development program.

Upon completion of two years of successful experience in a child development program, subsequent permits may be renewed for two-year periods upon completion of the course work specified in (b)(1) of this section.

The supervision permit issued upon postponement of requirements authorizes the services as specified above.

Applicants for regular instructional permits shall meet the following requirements:

(1) A bachelor's or higher degree granted by an approved institution.

(2) A major in early childhood education or child development. In lieu of a major, a candidate may offer successful completion of sixteen semester hours of course work completed in an approved institution in subject fields related to early childhood education.

(b)Postponement of Requirements. An instructional permit may be issued on the basis of postponement of requirements to an applicant who meets either (1) or (2):

(1) Possession of a bachelor's or higher degree granted by an approved institution and eight semester hours of course work in subject fields related to early childhood education.

(2) Either (A) and (B) or (A) and (C):

(A) Sixty semester hours of course work, including at least twelve semester hours of course work completed in an approved institution in subject fields related to early childhood education.

(B) Two years of successful experience as a teacher or non-teaching aide or non-teaching assistant in a child development program as defined in Section 17930.

(C) A field work course which provides experience in a pre-school program, completed through a community college, college or university which is accredited by a regional accrediting association.

(c) Term and Renewal. An instructional permit shall be valid for a period of two years, and may be renewed as follows:

(1) When issued under subsection (a), the permit may be renewed for the life of the holder upon compliance with the procedure prescribed for application (Section 17932) and certification by the chief administrative officer of the employing agency of a minimum of a year of successful

experience in a child development program within the two years immediately preceding the application.

(2) When issued under subsection (b), the permit shall be valid for a period of two years and may be renewed for successive two-year periods upon compliance with the procedure prescribed for application (Section 17932) and the successful completion, during the life of the document to be renewed, of at least four semester hours of course work in an approved institution in subject fields related to early childhood education.

§ 17938

Each applicant for an emergency instructional permit shall submit with the application verification of (1), (2) or (3):

(1) Sixty semester hours of course work, completed through an approved collegiate institution, including twelve semester hours of course work in subject fields related to early childhood education.

(2) One year of successful experience as a teacher, nonteaching aide or nonteaching assistant and thirty semester hours of course work in subject fields related to early childhood education and continued enrollment in an approved institution.

(3) Employment as a teacher in a State Department of Education community-based contract center on October 1, 1974.

(b) Term and Renewal. The emergency instructional permit shall be valid for two years and may be renewed for successive two-year periods upon compliance with the procedure prescribed for application (Section 17932) and submission of both (1) and (2):

RENEWAL

(1) Certification by the chief administrative officer of the employing agency of a minimum of a year of successful experience performed under the authorization of the document to be renewed.

(2) Verification that the holder has, during the two years preceding the application, successfully completed not less than four semester hours of course work in a subject field related to early childhood education or four semester hours of course work which applies to a bachelor's degree.

The emergency instructional permit may be renewed for two-year periods provided the holder continues to complete renewal requirements specified in (b)(1) and (2) of this section, until the applicant completes requirements for the regular instructional permit or the instructional permit issued upon postponement of requirements.

(c) Authorization. An emergency instructional permit authorizes the holder to perform service in the instruction of children in a child development program.

(d) Expiration Date. The authorization to issue Emergency Instructional permits under this Section will expire June 30, 1976.

§ 17939-17945

APPOINTMENT

The Superintendent of Public Instruction shall appoint a permit committee consisting of 3 persons to examine applications and conduct investigations in connection with children's center permits.

A permit is not required for a nonteaching aide described in Education Code Sections 13253 and 13253.5.

A permit issued pursuant to this article is subject to the condition that it may be suspended or revoked for the reasons and by the procedure specified in this article.

The grounds and procedures for denial, suspension and revocation of teaching credentials, shall, respectively, constitute grounds for denial, suspension and revocation of children's center permits.

§ 18020

Campus Child Development Programs shall provide adequate, qualified personnel to achieve the programs objectives.

Personnel policies shall be established pursuant to Section 18168(a)(9) of this title.

Health requirements for all personnel, including volunteers, shall conform to those stated in Section 18168(a)(8) of this title.

Director/Teacher: Directors or teachers shall hold credentials or permits issued by the Commission for Teacher Preparation and Licensing or possess teaching credentials issued by the State Board of Education or Commission. In larger programs, persons who directly supervise more than one teacher, shall have a Child Development Supervisor's Permit or an Administrative Services Credential.

Teacher's Aides or Assistants: Teacher's aides or assistants may be employed to the extent that they are essential to the program. If sufficient competent volunteers, work study students, and parent participants cannot be recruited on a regular basis, teacher's aides or assistants may be budgeted to assure adequate adult-child ratios.

§56531--56532

No person shall be employed as a teacher of mentally retarded pupils who does not hold a valid credential for the education of mentally retarded children. However, the employment of a person with some other valid credential for substitute teaching as a substitute teacher of a special class for the mentally retarded for not more than 20 schooldays in a school year shall not be prohibited.

Any person may be employed to teach mentally retarded pupils in a sheltered workshop, occupational training program, or other vocational educational program if that person holds a designated subjects teaching credential in a subject related to the program.

CROSS REFERENCES

I.Commission for Teacher Preparation: Statute §44200--44202; 44204--44236

I.Committee of Credentials: Statute §44240--44258

II.A.1.; Statute §51268

II.A.2.; Statute §56036--56038

II.A.2.; Statute §56160

II.A.2.; Statute §56700--56729

II.A.2.; Regulation §3222

II.A.2.; Regulation §3223

II.A.3.; Statute §52300--52332

II.A.3.; Regulation §11504--11505

II.A.5.; Statute §10100--10107

II.A.5; Statute §52100--52114

II.A.5.; Regulation §4304

II.A.5.; Regulation §4310-4315

II.A.5.; Regulation §11372--11373

III.E.Teacher; Regulation §5750

TEACHERS' AIDES

REGULATIONS

§ 12065

In evaluating the qualifications of a prospective teachers aide, a school district shall place primary consideration on that person's basic knowledge, skills, personality factors, and her/his relationship with the community.

Teachers aides shall have a certificate indicating freedom from active tuberculosis on file as defined in Education Code Secion 11708.

Teachers' aides shall be under the immediate supervision and direction of a certified classroom teacher. Aides may engage in activities which reinforce the teacher's effectivenes.

TUTORS

CROSS REFERENCE

IV.H; Statute §48220--48224; 48226; 48230

AIDE

STATUTES

§44836

A student providing services in elementary schools or child development facilities as a nonteaching aide shall perform no instructional work.

ALTERNATIVE SCHOOLS

CROSS REFERENCE

II.A.10.Other-Alternative Schools; Statute §58500--58514

BASIC READING PROGRAMS

CROSS REFERENCE

II.A.1; Regulation §11220

BOARD MEMBERS

REGULATIONS

§ 18601-18604

A board member or designated employee shall file an annual statement disclosing her/his interest in investments, real property, income and management positions as designated reportable under Section 18608. These disclosure statements shall contain information specified in Title 5, California Administrative Code, Sect. 74.

CONFLICT OF INTEREST

§ 18605-18606

Board members and designated employees must disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from

CONFLICT OF INTEREST

its effect on the public generally, on any reportable interest of that person (except sources of gifts less than $250). In addition, board members and designated employees must disqualify themselves from making or participating in the making of any decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on the personal residence owned by that person. No board member or designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made.

Compensatory Education Programs

CROSS REFERENCE

II.A.6; Regulation §12094--12095

Educational Program

Statutes

§51002

It is the intent of the Legislature to set broad minimum standards and guidelines for educational programs and to encourage local districts to develop programs that will best fit the needs and interests of pupils pursuant to stated philosophy, goals, and objectives.

Regulations

§3935

No program utilizing categorial aid funds shall "sanction perpetuate or promote segregation. . . " or create special tracks for educationally disadvantaged or physically isolate such students except on a temporary basis to remedy a diagnosed need.

STATUTES

§33570 -- 33577

There is in the state government the Equal Educational Opportunities Commission, properly staffed, that shall "assist and advise the State Board of Education and shall formulate and present such policy recommendations as it determines necessary to insure equal education opportunities for all students and effect statewide coordination of programs for education of disadvantaged minors."

EQUAL OPPORTUNITY

§35351

No public school student, because of his/her race, color or creed, shall be assigned to or be required to attend a particular school.

§51004 -- 51005

Recognizing that it is the policy of the people of the State of California to provide an educational opportunity so that every student shall be prepared to enter the world of work and that all students need to be provided with opportunities to explore and make career choices, the Legislature finds that fairs as community resource and youth leadership activities are integral to assisting students in making choices and encourage further expansion of cooperative activities between schools, youth leadership activities, and community resources.

The Department of Education shall annually encourage school districts to plan programs and activities which utilize the resources of fairs and youth leadership activities as an integral part of the vocational instructional program and career decision-making.

REGULATIONS

§30-36

It is the policy of the State Board of Education to provide equal opportunity in employment for all persons and to prohibit discrimination in personnel policies to further this policy. Educational agencies must adopt and implement plans for increasing the numbers of women and minorities at all levels of responsibility. The Department of Education shall distribute guidelines to assist agencies in developing and implementing affirmative action programs and render assistance in carrying out these requirements. In small school districts, the county superintendent shall assist the districts under his/her jurisdiction.

EQUAL OPPORTUNITY

§§ 14040-14021

"It is the declared policy of the State...to... exert all effort to prevent racial and ethnic imbalance in pupil enrollment."

CROSS REFERENCE

III.A.2; §11

ENGLISH LANGUAGE INSTRUCTION

CROSS REFERENCE

II.A.5; Regulation §11401--11402

HIGH SCHOOL DIPLOMA RECIPIENTS

STATUTES

§51420 -- 51427

The state superintendent may issue a California

high school equivalency certificate to any person who has not completed high school and who is at least 18 years of age or would have graduated from high school had he/she remained in school, who is a resident of the state or is a member of the armed services assigned to this state, and who has passed a general educational development test, approved by the State Board and administered at an approved testing center, with a score equal to the standard of performance expected from high school graduates.

Applications for a high school equivalency certificate shall be submitted on a form prescribed by the state superintendent. A fee, not to exceed ten dollars, may be charged and used for purposes of equivalency certification.

Each testing center shall, upon the applicant's request, provide the state superintendent with a certificate of the applicant's test results.

The state superintendent may provide for the administration of the general educational development test to persons confined to state or county hospitals or correctional institutions.

The state superintendent shall keep a permanent record of equivalency certificates issued and applications for them.

The equivalency certificate shall be deemed a high school diploma for purposes of meeting employment requirements by all state and local public agencies.

The state board shall adopt rules necessary to implement §51420 et seq.

LOCAL BOARD OF EDUCATION

CROSS REFERENCE

III.C.Superintendent; Statute §32340--32341

MATHEMATICS IMPROVEMENT PROGRAM

CROSS REFERENCE

II.A.10.Other-Mathematics Improvement Program;
Statute §54300--54301

PRINCIPAL

REGULATIONS

§ 17632

"A principal or supervising teacher may acquire tenure only as a teacher."

PUBLIC SCHOOLS

STATUTES

§40

EQUAL OPPORTUNITY

Elementary and secondary schools and classes are to be conducted without regard to the sex of the students enrolled in the classes.

School counselors, teachers, instructors, and administrators shall not offer vocational or school program guidance to students of one sex which is different from that offered to students of the opposite sex.

There is to be equal availability to equipment, supplies, locker rooms, etc. regardless of sex.

SCHOOL EMPLOYEES

STATUTES

§7004 -- 7007

It is the duty of any employee of any school district to appear, if subpoenaed, before an appropriate committee to answer questions as to his/her advocacy of violent overthrow of the government, knowing membership in any organization promoting such overthrow, and all related questions.

Refusal to appear before any such committees to answer questions may mean suspension or dismissal from his/her employment.

IIIC-CA 34
CALIFORNIA

SUSPENSION

§44930 -- 44985

DISMISSAL

"No permanent employee shall be dismissed except for one or more of the following causes:

(a) Immoral or unprofessional conduct.

(b) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.

DISMISSAL

(c) Dishonesty.

(d) Incompetency.

(e) Evident unfitness for service.

(f) Physical or mental condition unfitting him[her] to instruct or associate with children.

(g) Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him[her].

(h) Conviction of a felony or of any crime involving moral turpitude."

(i) Knowing membership by the employee in the Communist Party.

A permanent employee may be dismissed on all grounds of unprofessional conduct.

No report on the fitness of a teacher in a dismissal proceeding shall be received by a governing board unless the teacher shall have been given the opportunity to submit his/her comments on the report.

An employee is entitled to a hearing, and any possible appearances or examination upon discovering he/she may be dismissed with the intent of providing all possible means for vindication. A decision on competency may be made by the Commission on Professional Competence.

HEARING

This article also provides for the granting of leaves of absence and conditions attached to such leaves.

§70

CONFLICT OF INTEREST

"Public employees should perform their duties in an impartial manner free from bias caused by their own financial interests. . . . Assets and income which may be materially affected by their official action should be disclosed and . . . employees should be disqualified from acting [so] that conflict may be avoided."

This code has the force of law.

To implement the preceding goals, four categories of employees are designated to disclose information to the personnel department. The information to be disclosed varies with the category of employee. Those persons employed above the level of Assistant Superintendent shall report all financial interests required of the lower three categories. These include interests in investments, real property, income and positions of management which the employee "knows or has reason to know" is the type utilized by the department. Employees must disqualify themselves from making decisions "which will foreseeably have a material financial effect, distinguishable from its effect on the public generally on any reportable interest of that employee (except sources of gifts less than $250)" including the employee's personal residence.

To disqualify oneself, the employee notifies his or her immediate superior in writing and another person shall be assigned to the matter.

§ 17646

NOTICE
DISMISSAL
SUSPENSION

The superintendent of a special school, with approval of the Chief of the Divisions of Special Education, may serve a written notice of dismissal or suspension on an employee. Such notice shall include the grounds upon which such an action is based and the date on which dismissal is effective.

§ 17647

HEARING

Within 10 days of receipt of such notice, the employee may file a request for a hearing with the Chief of the Division of Special Education. A hearing shall be held within 30 days at which evidence from the Superintendent of Public Instruction and from the employee regarding the existence of grounds for such dismissal, may be presented.

§ 17648

"The Chief of the Division of Special Education or her/his designee shall prepare a written statement that she/he finds grounds do, or do not, exist for the employee's dismissal or suspension."

§ 18520-18523

The meeting shall be a public meeting, unless the employee otherwise requests five days prior to the meeting by letter directed to the Secretary of the State Board of Education at Sacramento in which event the meeting shall be an executive one.

Attendance at an executive session shall be limited to members of the board, a subcommittee or counsel thereof, the employee and his counsel, and such members of the staff of the Department of Education as the chairman may then designate.

RIGHT TO COUNSEL

The employee shall be permitted to be represented by counsel of his own choosing at such meeting.

The chairman or the person propounding the questions shall have the power to issue such orders as are necessary to maintain the fair, proper, and orderly conduct of the proceedings.

CROSS REFERENCES

III.C.Board Member; Regulation §18601--18604

III.C.Board Member; Regulation §18605--18606

School Officer

Statutes

§44030

"Any principal, teacher, employee, or school officer of any elementary or secondary school who refuses or willfully neglects to make such reports as are required by law is guilty of a misdemeanor . . . ."

State Board of Education

Regulations

§ 18600

On June 4, 1974, the Political Reform Act of 1974 was enacted into law. A part of that Act has a direct application to the State Board of Education. Among the goals the Act seeks to achieve are:

CONFLICT OF INTEREST

(a) Public officers and employees should perform their duties in an impartial manner free from bias caused by their own financial interests.

(b) Assets and income of public officers and employees which may be materially affected by their official actions should be disclosed and, in appropriate circumstances, the officer or employee should be disqualified from acting in order that conflicts of interest may be avoided.

(c) To accomplish the above goals and to satisfy the requirements of law the State Board of Education adopts the following Conflict of Interest Code.

(d) This Code has the force of law and any violation of the Code by a designated officer or employee may subject him or her to the sanctions provided by law.

STATUTES

§48412; 48414

A person subject to or exempt from compulsory continuation education (except high school graduates) may apply to have proficiency in basic high school skills verified according to criteria established by the state department. The state board shall award a "certificate of proficiency," equivalent to a high school diploma, to pupils who demonstrate such proficiency.

DIPLOMA

The department shall develop standards of competency in basic skills and supply to approved centers means to verify such competency in order to measure eligibility for exemption from compulsory continuation attendance.

The department may charge a fee, not to exceed $10.00, for each examination application to cover costs of administering proficiency determination.

Any person 16 or 17 years of age exempt from compulsory continuation on account of successful demonstration of proficiency shall be permitted to reenroll in the district, without prejudice.

§51224 -- 51226

The governing board maintaining a high school shall adopt minimum academic standards that every pupil shall have to meet to receive a diploma of graduation. Standards will be such as will enable individual achievement to be ascertained and evaluated. Such standards shall include separate courses of study including, but not limited to, a course designed to prepare prospective students for admission to colleges and for vocational training. Standards shall be made available to the public.

GRADUATION

Requirements for graduation shall include: English, American history, American government, mathematics, science, physical education, and other prescribed courses.

The state board shall prepare and distribute to each school district examples of minimum academic standards for graduation to assist school districts in developing their own standards.

The state board is not authorized to adopt statewide minimum academic standards for high school graduation.

REGULATIONS

§1021-1025

TESTS

Each school district shall administer achievement tests for basic skills to each pupil in grades 6 and 12. Scores shall not be included on the pupil's cumulative record or be used for placement purposes. The district or County Superintendent shall make sure the tests are properly administered.

§1026

TESTS

Statewide test results shall be released by the State Board at a regularly scheduled meeting. No school district shall release its result prior to this meeting.

§1041

PHYSICAL TESTS

Students shall be required to take physical performance tests in grades 5, 7 and 10. Physically handicapped children will be given as much of the test as the condition permits.

These scores shall be included in the student's permanent record.

These test scores shall be used to identify physically underdeveloped pupils, appraising student progress and adapting the physical education program to the student needs.

§1050

READING TEST

Grade 1 pupils shall be given an entry level reading test developed by the SBE. Pupils in grades 2 and 3 shall also be tested.

Test Scores shall not be used for placement and not included on the student's cumulative record.

§1630

COLLEGE COURSES

A high school student may receive credit for courses taken in a state college provided the person makes written application, the course is included in the high school curriculum and college credit is not received.

§1632

FOREIGN LANGUAGE

Private school instruction in a foreign language may be applied to a regularly enrolled high school student if the parents make written application to the school and the instruction demands a level of difficulty comparable to a specified level at schools in the district. The principal shall make this determination based on test scores given in the school.

§1635

WORK EXPERIENCE

Credit may also be given for work experience but not to exceed 10 semester periods each semester with a maximum of 40 semester periods.

§ 11521

CERTIFICATE OF PROFICIENCY

Each "certificate of proficiency" shall be accompanied by an indication of the pupil's accomplishment and the date of the award on the pupil's official transcript.

§ 11531

TESTING

Each General Educational Development Testing Center may be authorized to administer tests as long as it has complied with the following:

a) Fulfilled the requirements of the Commission on Accreditation of Services Experiences.

b) Agreed to comply with test security requirements.

c) Agreed to inspection by representatives of the State Department of Education.

CROSS REFERENCES

II.A.4: Statute §52000--52029

II.A.4; Regulation §12034

II.A.5: Regulation §11408-11410

II.A.5; Regulation §11411

II.A.8; Statute §52501--52518

II.A.10.Other-Advanced Programs: Regulation §11301-11306

II.A.10.Other-Individual Instruction; Statute §54800--54812

II.A.10.Other-Program Improvement Schools; Statute §53631-54643

IV.H; Statute §48410--48415

SUPERINTENDENT

STATUTES

§32340 -- 32341

Any superintendent or board of education, who issues a credential, except as provided by law, is guilty of a misdemeanor.

STATUTES

§44420 -- 44437

Should any person employed by a school district in a position requiring certification qualifications refuse to fulfill a valid contract of employment with such district his/her credentials may be suspended. SUSPENSION

Such revocation may also take place if the holder is convicted of a sex offense or narcotics offense. REVOCATION

REGULATIONS

§5481

"Principle I. Commitment to the Student. The educator measures his[her] success by the progress of each student toward realization of his[her] potential as a worthy and effective citizen. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling these goals:

(a) He[she] encourages the student to independent action in the pursuit of learning and provides access to varying points of view.

(b) He[she] prepares his[her] subject carefully, presents it to his[her] students without distortion and -- within the limits of time and curriculum -- gives all points of view a fair hearing.

(c) He[she] protects the health and safety of his[her] students.

(d) He[she] honors the integrity of his[her] students and influences them through constructive criticism rather than by ridicule and harassment.

(e) He[she] provides for participation in educational programs without regard to race, color, creed, or national origin -- both in what he[she] teaches and how he[she] teaches it.

(f) His[her] professional relationships with students

shall not be used for private advantage; the educator neither solicits nor involves them or their parents in schemes for commercial gain.

(g) He[she] shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law."

§5482

"Principle II. Commitment to the Public. The educator believes that democratic citizenship in its highest form requires dedication to the principles of our democratic heritage. He[she] shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all and for interpreting educational programs and policies to the public. In fulfilling these goals:

(a) He[she] has an obligation to support his[her] profession and institution and not to misrepresent them in public discussion. When he[she] criticizes it in public he[she] has an obligation not to distort the facts. When he[she] speaks or writes about policies he[she] takes adequate precautions to distinguish his[her] private views from the official position of the institution.

(b) He[she] does not interfere with a colleague exercise of political and citizenship rights and responsibilities.

(c) His[her] institutional privileges shall not be used for private gain. He[she] does not exploit his[her] pupils, their parents, his[her] colleagues, nor the school system itself for his[her] private advantage. He[she] does not accept gifts or favors that might impair or appear to impair professional judgment nor offer any favor, service, or thing of value to obtain special advantage."

§5483

"Principle III. Commitment to the Profession. The educator believes that the quality of the services of the education profession directly influences the nation and its citizens. He[she] therefore exerts every effort to raise professional standards, to improve his[her] service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of trust to careers in education. In fulfilling these goals:

(a) He[she] accords just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.

(b) He[she] does not use coercive means or promise special treatment in order to influence professional decisions of colleagues.

(c) He[she] does not misrepresent his[her] own professional qualifications.

(e) He[she] applies for, accepts, offers and assigns positions or responsibility on the basis of professional preparation and legal qualifications.

(d) He[she] does not misrepresent the professional qualifications of his colleagues, and will discuss these qualifications fairly and accurately when discussion serves professional purposes.

(f) He [she] uses honest and effective methods of administering his[her] educational responsibility. He[she] conducts professional business through proper channels. He[she] does not assign unauthorized persons to educational tasks. He[she] uses time granted for its intended purposes. He[she] does not misrepresent conditions of employment. He[she] lives up to the letter and spirit of his[her] contract."

§5484

DISMISSAL

Unprofessional conduct that is cause for dismissal shall be only those which "involve jeopardy to student welfare, evidence malice, serious incompetency or bad judgment; or show a consistent pattern of misconduct."

The procedures for denial, suspension and revocation of Childrens' Centers permits shall be as follows:

SUSPENSION

REVOCATION

(a) Statement of Issues. Upon filing of an appeal pursuant to Section 17944(c) hereof, the Superintendent of Public Instruction shall cause a statement of issues to be prepared, filed and served consistent with the provisions of Section 11504 of the Government Code and a hearing thereon shall be held as is herein provided.

(b) Accusation. Proceedings to suspend or revoke a children's center permit pursuant to Section 17955(b) hereof shall be initiated by the filing of an accusation consistent with the provisions of Government Code Sections 11503 and 11505 and the provisions of Government Code Section 11506 shall apply.

(c) Hearings. When a hearing is held involving the denial of an application for,or the suspension or revocation of, a children's center permit, the proceedings shall be conducted pursuant to this article and to Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code, insofar as it may be applicable.

HEARING

(d) Notice of Hearing. The provisions of Government Code Section 11509 shall apply to the Notice of Hearing.

NOTICE

(e) Augmented Permit Committee. Every hearing in a contested case shall be conducted by the permit committee augmented by a presiding officer, who shall be an attorney, appointed for that purpose by the Superintendent of Public Instruction, which committee shall be designated the augmented permit committee, or, by the presiding officer, sitting alone, as the Superintendent of Public Instruction may order.

(f) Proposed Decision. In every contested case, the augmented permit committee, or the presiding officer, as the case may be, shall prepare a proposed decision in such form that it may be adopted by the Superintendent

of Public Instruction as the decision in the case. A copy of the proposed decision shall be filed by the Superintendent of Public Instruction as a public record and a copy of the proposed decision shall be served on each party in the case and his attorney. The Superintendent of Public Instruction may adopt the proposal in its entirety, or partially or may reject the proposed decision and decide the case upon the record, after allowing parties to submit written arguments.

POLICY GUIDES

HANDBOOK ON THE LEGAL RIGHTS AND RESPONSIBILITIES OF SCHOOL PERSONNEL AND STUDENTS IN THE AREAS OF MORAL AND CIVIC EDUCATION AND TEACHING ABOUT RELIGION
California State Board of Education, 32 pages
1977.

This booklet discusses the educational responsibilities of school personnel in teaching morality, truth, justice, patriotism and other values recognized by the California Legislature in Code Section 1355.15. It also summarizes the legal rights and responsibilities of students and teachers. Finally, it provides guidelines about teaching religion in the public schools.

TENURED EMPLOYEE

REGULATIONS

§ 17631

Tenure is acquired by being a full time pre-tenure employee at one special school for three successive school terms or fiscal years. This shall include the "voluntary transfer of a tenure employee at one special school to another special school for the same type of student for one school term."

§ 17633-17634

NOTICE

REAPPOINTMENT

Unless the superintendent of the school gives her/him notice, by March 1, that she/he will not be reappointed, a pre-tenure employee shall be deemed reappointed for the school term of fiscal year.

"Unless she/he gives written notice to the superintendent by April 1 that she/he resigns effective on or before the close of the school term or fiscal year .... a pre-tenure or tenure employee shall be deemed to have accepted full-time appointment or reappointment for the succeeding year."

§ 17649

TERMINATION

The Superintendent of Public Instruction may terminate the employment of a tenure employee under conditions specified in Education Code Sections 13255 and 13256 or upon revocation of the employee's credentials without complying with Section 17647 or 17648.

§ 17645

DISMISSAL

SUSPENSION

Any ground for which a permanent certificated employee of a school district may be dismissed or suspended by a school district constitutes ground for suspension or dismissal of a tenure employee.

D. Evaluation and Reporting

Alternative Schools

CROSS REFERENCES

II.A.10.Other-Alternative Schools; Statute §58500--58514

II.A.10.Other-Alternative Schools; Regulation §11651--11654

BILINGUAL EDUCATION PROGRAM

CROSS REFERENCES

II.A.5; Regulation §4316

II.A.5; Regulation §11372--11373

II.A.5; Regulation §11375

CERTIFICATED PERSONNEL

STATUTES

§44660 -- 44664

The intent of this article is to establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines which may be uniform throughout the district or be individually developed for territories or schools within the district.

POLICY GUIDES

GUIDELINES FOR SCHOOL DISTRICTS TO USE IN DEVELOPING PROCEDURES FOR EVALUATING CERTIFICATED PERSONNEL

California State Board of Education, 11 pages 1972.

This booklet describes guidelines for districtwide policies that will provide "a uniform system of evaluation of certificated personnel" and for the development of specific procedures for classifying such personnel.

CHILD DEVELOPMENT PROGRAM

REGULATIONS

§ 18022

The State Department of Education may visit each Campus Child Development Program to conduct compliance

reviews. The compliance reviews will be conducted in accordance with Sections 18153(a)(1),(2) and (3), 18154, and 18155 of this title.

The compliance review process assesses the adequacy of the Campus Child Development Program and provides authorization for its continued operation pursuant to the provisions of this chapter.

CROSS REFERENCE

II.A.10.Other-Child Development Program; Regulation §18024

COMPENSATORY EDUCATION PROGRAMS

CROSS REFERENCES

II.A.6· Statute §54005--54006

II.A.6; Statute §54425

II.A.6; Statute §54520--54529

II.A.6; Statute §58600--58608

COUNTY SCHOOLS

STATUTES

§4208

Each county superintendent of schools, every other county officer, and officers or employees of any school district shall furnish any records, reports, etc. to the county committee and confer with that group concerning such county's problems, when requested to do so.

CURRICULUM

STATUTES

§60630 -- 60634

From time to time, the state board shall conduct studies of the effectiveness of various public school courses, including details of specific course objectives and of levels of student achievement. For this purpose, the board may use results of any

tests administered under §60603 et seq. The board shall report its findings and recommendations to the Governor and the Legislature. Such reports shall maintain the anonymity of individual students.

Governing boards shall cooperate fully with the state board in making their schools available for studies, provided that the state board shall provide all materials and consultant services free of charge.

The state board may accept federal or other funds for purposes of financing such studies.

CROSS REFERENCE

II.A.1; Statute §51040--51041

DISTRICT SCHOOLS

REGULATIONS

§3934

School districts eligible for special categorial programs shall rank the schools in the district on the basis of educational criteria such as "differential levels of verbal functioning due to linguistic, social, cultural or economic isolation."

DROPOUT PREVENTION PROGRAM

CROSS REFERENCE

II.A.10.Other-Dropout Prevention Program;
Statute §54661; 54663

EARLY CHILDHOOD EDUCATION PROGRAMS

CROSS REFERENCE

II.A.4; Statute §52000--52029

EDUCATIONAL INFORMATION

STATUTES

§10600 -- 10607

The object of this section is to make complete,

current, and reliable information relating to education available to all public education agencies in California at maximum efficiency and economics through statewide compatibility in the development and application of information systems and electronic data-processing techniques insofar as they relate to data required in reports to the Department of Education. In pursuit of this end a system is established to conduct and keep up to date a basic, integrated, statewide information system for education.

In establishing and maintaining the system the Department of Education shall consult and cooperate with school districts, maintain the system by incorporating necessary or desirable changes, and provide sufficient flexibility within the system to allow local and state education agencies to meet all of their education information needs.

School districts shall cooperate and consult in joint development, coordinate activities, and conduct those activities pursuant to the goal of information processing.

The information processing capabilities of the system shall include the following: (a) Provision of a statewide common data base for education research and other uses in education; (b) Interchange of data with other education institutions; (c) machine processing aid to decision making in education administration and the use of modern management tools; (d) reduction of routine clerical activities in education agencies; (e) facilitation of preparation of reports required by state and federal agencies; (f) support of functions of the Educational Management and Evaluation Commission.

The Department of Education, in its establishment and conduct of the system shall: (a) develop statewide education use standards; (b) make available the system components; (c) establish a pilot data-processing

center; (d) establish safeguards to assure only appropriate access to confidential information; and (e) disseminate information about the system.

The system is intended to provide a basic package of services to school districts that will facilitate the gathering of data required for reporting to the state.

Educational Programs

Statutes

§33550 -- 33556

There is in the state government the Education Management and Evaluation Commission, consisting of members of proper experience, that shall "assist and advise the State Board of Education in the evaluation of the program achievement of education programs, in the determination of the relative cost effectiveness of education programs, and shall make recommendations concerning the expanded use, modification, or replacement of education programs so as to produce a higher degree of program achievement and cost effectiveness."

CROSS REFERENCE

III.E.Educational Programs; Statute §33500; 33502--33508; 33512--33522

Regulations

§3926

Every school district maintaining categorial aid programs must submit a comprehensive program plan for students who will receive additional services from these funds. It shall indicate goals and measureable objectives such as improvement of basic skills and evaluation procedures designed to test how well the objectives have been met and the extent of student progress.

Employee Reports

Statutes

"On or before December of each year, each school district shall submit to the Superintendnet of Public Instruction, on forms that he/she shall provide . . . a report containing all of the following information . . . .

The number of teachers employed by the district.
The number classified employees (of the) district.
The number of pupil services employees (of the) district.

HANDICAPPED CHILDREN

CROSS REFERENCES

II.A.2; Statute §56000--56005

II.A.2; Statute §56140--56143

II.A.2; Statute §56144; 56145

INDEPENDENT STUDY PROGRAMS

CROSS REFERENCE

II.A.10.Other-Independent Study Programs; Regulation §11701--11703

INDIAN EDUCATION CENTERS

CROSS REFERENCE

II.A.10.Other-Indian Education Centers; Statute §33380--33384

INDIVIDUALIZED INSTRUCTION

CROSS REFERENCE

II.A.10.Other-Individual Instruction; Statute §58400--58412

INSTRUCTIONAL METHODS

CROSS REFERENCE

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

Occupational Center Programs

CROSS REFERENCES

II.A.3; Statute §52300--52332

II.A.3; Regulation §11506

Physical Education Program

CROSS REFERENCE

II.A.1; Regulation §10060

Program Improvement Schools

CROSS REFERENCE

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

Public Schools

Statutes

§44816 -- 44824

Any teacher who is teaching in any school at the close of school shall, in his/her annual report, include all statistics for the entire school year.

The principal of each elementary school is to submit an annual report when directed to do so.

Each city or district superintendent shall make an annual report of the schools under his/her jurisdiction to the county superintendent.

The principal of every high school shall annually make out under oath and deliver a full and complete report of textbooks then in use in the high school and the courses of study offered.

School Libraries

CROSS REFERENCE

II.B.3; Statute §1770--1775

Social and Ethnic Composition of Special Education Classes

CROSS REFERENCE

II.A.2; Statute §56508--56509

Special Education Programs

CROSS REFERENCE

II.A.2; Statute §33590--33596

II.A.2; Statute §56515--56518

II.A.2; Statute §56605--56618

II.A.2; Regulation §3154

Students

Statutes

§49066

Grades given to pupils for course work shall be determined by the teacher of the course and this determination, in the absence of mistake, fraud, bad faith, or incompetency shall be final. GRADES

No grade in a physical education class may be adversely affected by a pupil's failure to wear standardized physical education apparel where the failure arises from circumstances beyond the pupil's control.

§49067

The school governing board shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written report to, the parent of a pupil who is in danger of failing a course. The refusal of the parent to attend the conference, or respond to the report, shall not preclude failing the pupil at the end of the grading period. GRADES

This provision shall apply to the parent of any pupil, even if the pupil has attained the age of 18 years.

§54302 -- 54304

TESTS

The state board, with the advice of the Advisory Committee on Educational Research in Basic Educational Programs, shall select achievement tests to be administered to pupils in mathematics improvement programs and shall also develop an achievement test in mathematics for grades 3, 6, and 8 to measure the degree to which mathematics programs meet the objectives of the revised outline of the mathematics curriculum developed by the Advisory Committee on Educational Research in Basic Educational Programs. This test may be designated by the state board for use in studies to evaluate state-recommended course content and other assessment purposes.

Tests shall be provided by the state superintendent free of charge to participating school districts.

§60603 -- 60614

TESTING PROGRAM

The state board shall:

(a) Require a testing program in all school districts.

(b) Require the Department of Education to recommend achievement tests to the state board for adoption.

(c) Develop a testing method that will obtain an accurate estimate of statewide, districtwide, and schoolwide performance of pupils in grades 6 and 12 in basic skills courses. Under such a testing method, the Department of Education shall annually require that such district administer a statewide test to all pupils in grades 6 and 12.

(d) Designate a physical fitness performance test.

(e) Adopt regulations for the administration of the testing program.

The state board may develop and use tests of its own devising and may utilize expert services of any persons or groups.

The state board shall determine which, if any, results or achievement tests may be recorded on the pupil's cumulative school record.

Each governing board shall, in accord with state board rules, conduct an achievement testing program within the district.

Each county superintendent shall cooperate with and assist local districts in carrying out the testing programs prescribed by the state.

Each governing board shall submit all answer sheets for the achievement tests on a pre-school basis to the Department of Education for scoring.

With the exception of physical performance tests, no superintendent, school officer, or teacher shall carry on a program of specific preparation for the testing program as such or for a particular test.

No group test directed to ascertaining the intelligence quotient of a pupil, except tests administered to determine individual placement in special education programs, shall be given to any pupil who has come to the U.S. for the first time from a foreign country in which English is not the primary language until such student has resided in the U.S. for two years.

Annually each governing board shall administer to each pupil in grades designated by the state board the physical performance test designated by the state board.

Each physically handicapped pupil and each pupil physically unable to take all of the test shall be given as much of the test as his/her condition permits.

Upon the Department of Education's request, a school district shall submit at least once every two years the results of its physical performance testing.

No school district shall administer any standardized group test which attempts to provide a single measure of general scholastic aptitude to any pupils in a district except for:

(a) scholastic aptitude tests administered for placement in special educational programs for mentally gifted minors or in postsecondary education or for purposes of determining eligibility

for scholarship awards.

(b) giving scholastic aptitude tests for research purposes (if the district has a state superintendent-approved testing plan including a current schedule of testing, a statement of purposes for the tests and provisions for the tests' interpretation by a school psychologist, psychometrist, or school counselor).

§60640 -- 60644

TESTS

The state board shall require each district to administer uniform tests to each pupil not later than the pupil's third month of attendance in the first grade in order to obtain a composite estimate for each pupil of skills related to learning and memory, attention, visual perception, and auditory comprehension.

The state board shall also require each district to administer uniform tests in reading annually to pupils in grades 2 and 3. The state board shall develop a testing method that will obtain an accurate estimate of statewide performance of pupils in grades 2 and 3 in reading.

If no published tests are deemed suitable for these purposes, the state board may combine parts of available tests or develop a new test.

Answer sheets shall be transmitted to the Department of Education for scoring. The state board shall determine the form in which this shall be done.

These tests shall be employed to determine each district's quota of specialist reading teachers.

Scores for individuals on the first-grade entry level shall not be used for individual diagnosis or placement and shall not be included on the pupil's cummulative record.

Scores of tests of pupils in grades 2 and 3 who have participated in a remedial program shall be maintained separately. From a study of test results in districts which conduct a basic

reading program and districts which do not, the state superintendent shall evaluate basic reading programs and report findings to the state board.

§60650

PERSONAL INFORMATION

No test, questionnaire, survey or examination containing any questions about a pupil's or a pupil's parents' or guardians' belief or practices in sex, family life, heredity and religion shall be administered to any pupil, unless a parent or guardian is given prior notice and given written permission.

NOTICE

§60660 -- 60664

TEST ANALYSIS

The Department of Education shall submit an annual report to the Legislature, the state board and each school district containing a district-by-district analysis of the results and scores of the testing program in basic skills courses including tests administered under §54100 et seq. and §60640 et seq. The report shall include an analysis of such factors bearing on the results as demographic, financial, pupil and parent, and instructional and staff characteristics and specially funded programs.

The state board shall recommend to the Legislature appropriate or necessary legislation with respect to results of the testing program.

Whenever the state board designates a new test to be administered under this chapter, the Department of Education shall study the compatibility of the results of the new test and existing tests.

The state superintendent shall perform an analysis of selected schools to identify educational factors which produce the difference between unusually high-performing districts and unusually low-performing districts. Schools chosen for study shall be comparable in social and demographic characteristics and shall vary only on student attainment.

REGULATIONS

§ 11201

The reading testing program required by the Act in Grades 1,2 and 3 shall be conducted as provided in Sections 1050-1056.

READING TESTS

CROSS REFERENCE

I.Principal; Reg. §11371

II.A.2; Statute §56605--56618

II.A.2; Statute §56700--56729

II.A.4; Statute §52000--52029

II.A.10.Other-Demonstration Scholarship Program; Statute §58000--58051

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3; Statute §52382--52391

II.A.3; Regulation §11443--11444

E. IMPROVEMENT EFFORTS

CERTIFICATED EMPLOYEES

STATUTES

§1946

The county board of education may contract for the conduct of centralized in-service training programs for both certificated and classified employees of the school districts.

IN SERVICE TRAINING

REGULATIONS

§3933

Schools maintaining programs under this section shall provide staff development for all certificated personnel to assure successful implementation of the program.

COUNTY SUPERINTENDENT

STATUTES

§1943

Personnel may be employed to conduct research in connection with the activities of the county superintendent and to develop systems for applying such research findings to improve the effectiveness of those activities.

CURRICULUM

STATUTES

§33530 -- 33539

This section concerns the Curriculum Develpment and Supplemental Materials Commission which is designed to "study problems of courses of study in the schools of the state and shall . . . recommend to the State Board of Education the adoption of minimum standards for courses of study in preschool, kindergarten, elementary, and secondary schools."

Members of the Commission shall have a proper background and be sufficiently qualified to carry out such a task.

EDUCATIONAL OPPORTUNITIES

STATUTES

§45340 -- 45349

This article seeks to fulfill the need to provide classroom teachers and other certifieated personnel with more time to teach and the means for them to utilize their professional knowledge more effectively. This is done by authorizing the employment of instructional aides so that such aide may assist in ways determined to be useful in improving the quality of educational opportunities for pupils.

EDUCATIONAL PROGRAMS

STATUTES

§33500; 33502 -- 33508; 33512 -- 33522

"The Legislature hereby declares that there is further need to encourage the adoption of new or improved educational ideas, practices, and techniques in solving critical educational problems in preschool, elementary and secondary schools throughout the state. Recognizing the need for the planning and developing of new programs involving a wide range of new approaches designed to improve the quality of education available in this state, this chapter is expressly enacted to foster innovation and create change in education, based on research and proven need. It is the intent of this chapter to bring purposeful change and experimentation to schools throughout the state, through the use of all available resources of the state.

The Legislature further finds that there are in existence a large number of permanent commission, committees and councils, some of which have overlapping duites and functions, and some of which have been perpetuated beyond the original need or purpose for which created. In order to provide a more economical, efficient and logical structure to educational policymaking, it is the intent of the Legislature to create three levels of educational advisory committees, and educational task forces."

Pursuant to this chapter there is in the state government the Educational Innovation and Planning Commission, and the Superintendent of Public Instruction shall serve as its executive secretary.

All projects recommended by the commission shall be submitted to the State Board of Education for its approval.

"Priority for experimental, demonstration or operational projects shall be given to the following:

(a) A language development program or a mathematics program, or both, given in the elementary or secondary

grades or both. For purposes of this article, 'language development' includes the elements of reading, writing, spelling, speaking and listening, and comprehension of ideas and concepts.

IN SERVICE TRAINING

(b) An in-service and preservice training program for elementary or secondary teachers or both developed with local institutions of higher education. Such programs shall emphasize the improvement of specific classroom teacher skills required to instruct language development and mathematics.

"In order to be deemed an approved project and be eligible to receive an allocation from the State Board of Education, an experimental, demonstration, or operational project shall meet the following criteria:

(a) The proposed activities are not activities presently being performed by other state and federal programs.

(b) The proposed activities supplement, but do not supplant, other state or federal programs.

Special consideration shall be given to applications which meet the following criteria:

(a) The target school has an above average number of pupils whose reading achievement scores fall within the first quartile, as measured by the most recently administered statewide reading test;

(b) The application includes comprehensive evaluation plans.

The State Board of Education shall submit an annual comprehensive report to the Governor and the Legislature which shall document:

(a) Improved achievement levels resulting from the projects.

(b) The degree to which the program has motivated schools, both participating and nonparticipating in the program to improve their curriculum in language development and mathematics and other instructional areas emphasized in grants approved.

(c) The numbers of programs continued by the original local educational agencies.

(d) The results of the dissemination and diffusion efforts by exemplary projects . . . .

The commission shall identify and submit to the State Board of Education up to 25 projects conducted during the current years as 'exemplary projects.' Priority shall be given to projects which exhibited the greatest degree of success in achieving their objectives, with the highest priority given to those which demonstrate the greatest gain in achievement levels. Such exemplary projects may include projects funded pursuant to this article and similar projects selected from other funding sources which address state priorities. Information concerning such exemplary projects shall be disseminated to all local educational agencies in the state which maintain the grade levels involved in such projects."

CROSS REFERENCE

I.County Superintendent; Statute §1260

INSTRUCTIONAL MATERIALS

CROSS REFERENCE

II.B.1.a; Statute §60221--60226

NONCERTIFICATED EMPLOYEES

CROSS REFERENCE

III.E.Teachers; Statute §1930--1931

SCHOOL DISTRICT BOARD MEMBERS

STATUTES

§33360 -- 33363

"The Department of Education and a statewide association composed exclusively of school district

governing boards or county boards of education, or both, acting jointly, may conduct annual workshops within this state. Such workshops shall include but are not limited to study and instruction on the subjects of school finance, the Education Code and related laws, and the ethics, duties, and responsibilities of the school district governing boards and county boards of education . . . .

The Department of Education shall maintain a permanent record of each school district and county board of education member who successfully completes a workshop and shall issue a certificate of completion to such member.

Any member or member-elect of a school district governing board who attends and successfully completes a workshop as authorized by this article may be reimbursed for expenses. . . ."

School District Educational System

Statutes

§10400 -- 10407

This section seeks to improve school district educational systems and to enrich their educational offerings by utilizing resources which exist in the community. Emphasis is to be placed on agriculture, science, business and commerce, vocational education, and teacher training. In pursuit of this end contracts and agreements with appropriate organizations may be entered into by school districts.

Assistance may be sought from colleges and universities so that their programs may be functionally and effectively integrated with and provide assistance to the public schools.

CROSS REFERENCE

I.District Board of Education; Statute §35160--35177

TEACHER AIDES

CROSS REFERENCE

II.A.6: Statute §54460--54487

TEACHERS

STATUTES

§1263

Certified personnel shall participate in workshops sponsored by the county superintendents to further the understanding of the nature and range of child disabilities in order that a better understanding of these disabilities is provided.

§1930-1931

An annual teachers institute may be held as well as an annual institute for noncertificated employees.

§10300 -- 10319

The superintendent of schools of every school district may hold an annual teachers' institute in each year. Such institutes are to be provided at accessible times and places, and shall feature lecturers competent to instruct in the art of teaching. Reports on attendance to such institutes are to be given to governing boards by the superintendent; they are to be attended by all.

Every teacher shall be paid his/her regular salary for the time covered by his/her attendance upon an institute.

The superintendent of any school district may authorize any teacher or instructor of the district or county, in lieu of attending one or more days of institute held by him/her, to attend an institute held by another district.

The expense of a joint teachers' institute shall be borne proportionately by the counties, city and county, and city school districts participating therein.

Such institutes may also be held for persons employed in the classified service.

§44380 -- 44387

This article seeks to stimulate interest in retraining and study for the purpose of encouraging classified employees to prepare themselves for the changes that are occurring in technology as well as other fields.

§44490 -- 44504

This section provides for the Ryan Master Teacher Act which is herein established to "encourage teachers employed in the public schools to attain excellence in their profession, and to provide . . . incentives to that end in the form of special recognition and material reward." This act will be administered by the Master Teacher Review Board.

§44560 -- 44564

Each school with a substantial population of students of diverse ethnic backgrounds shall provide an inservice preparation program designed to prepare teachers and other professional school service personnel to understand and effectively relate to the history, culture, and current problems of these students and their environment.

§44570 -- 44591

This section seeks to facilitate the process whereby institutions of higher education, research centers, or regional education laboratories may provide resource personnel and special courses with local school districts for in-service training in secondary education.

IN SERVICE TRAINING

§44630 -- 44643

The purpose of this article is to provide, through the Professional Development and Program Improvement Act of 1968, professional development and improvement centers to offer comprehensive in-service training programs to strengthen the instructional techniques of classroom teachers in kindergarten and grades 1 through 6.

IN SERVICE TRAINING

§51264 -- 51266

DRUG TRAINING PROGRAM

The Department of Education shall develop a drug training program for public school teachers and administrators to provide training at the local district level.

Regional training programs for school district teams of teachers, administrators, youth and community representatives shall be made available to every district under criteria established by the Department of Education.

Team members shall be reimbursed for travel and expenses by their district. All certificated teaching or administrative personnel attending a training program shall receive their regular salary for the time covered by this attendance.

§54345 -- 54347

IN SERVICE TRAINING

The state superintendent shall pay costs of regional in-service training programs for specialized teachers in mathematics including the salaries of persons employed to provide the instruction. Teachers in attendance shall be reimbursed for living and travelling expenses and paid a nominal stipend. Expenses incurred for training of supervisors or administrators shall be borne by districts.

From funds which may be appropriated, the state superintendent shall reimburse districts for expenses incurred, under contractual agreements, in securing the participation of colleges and universities in providing the accelerated instructional program in mathematics in grades 7 to 12.

The state board and superintendent shall take necessary steps to ensure that federal funds which may be available for any experimental pilot programs shall be received.

§56050 -- 56053; 56060 -- 56064

A governing board or a county superintendent and any employee holding a position requiring certification qualifications or any certificated person under contract to teach physically handicapped or mentally retarded pupils may enter into an agreement whereby the district or superintendent may make a

financial grant for the employee or certificated person to undertake during summers specialized preparation to teach physically handicapped or mentally retarded minors.

The state superintendent with state board approval, shall establish regulations for the administration of §56050 et seq.

REGULATIONS

§5750

IN SERVICE TRAINING

Inservice training in teaching reading shall consist of a minimum of 60 clock hours of classroom instruction. The teacher of the course must have completed at least one course or workshop in teaching reading or have been approved by a Committee on Credentials.

§ 13026-13044

Any district or county superintendent may apply for funds under the Professional Development and Program Improvement Act of 1968. Each application shall include an assessment of the needs of the district, a statement of objectives for all participants in the program, and a description of the system of rotation by which the participants will be released from regular duties and receive concentrated training.

CROSS REFERENCES

II.A.1; Statute §51268

II.A.2; Statute §59000--59007; 59020-59031; 59040--59045

II.A.2; Statute §59100--59103; 59110--59113; 59120--59131; 59140--59144

II.A.5; Statute §52100--52114

II.A.5; Statute §52150--52152

II.A.5.; Regulation §11372--11373

II.A.6; Statute §54460--54487

II.A.10.Other-Abstract Mathematics Program; Statute §54682-54689

II.A.10.Other-Demonstration Scholarship Program; Statute §58000--58051

II.A.10.Other-Special Reading Instruction; Statute §54101--54180

II.B.1.a; Statute §60221-60226

III.E. Educational Programs; Statute §33500; 33502--33508; 33512--33522

CROSS REFERENCE

II.A.3; Statute §8020--8035

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

REGULATIONS

2202-R-2.01

To provide quality education for the pupils of Colorado and retain its accreditation, each district must continually maintain and improve its educational programs.

2202-R-2.02

To maintain accreditation, educational programs should encompass district goals and objectives, organizational structure, personnel qualifications, comprehensive curriculum and pupil services and adequate, safe facilities.

2202-R-2.03

It is desirable to evaluate a district in terms of its own stated goals and educational objectives arrived at through school-community interaction.

2202-R-2.04

Evaluation of a school district program shall include kindergarten through grade twelve; applicable curricular activities; and its preschool and continuing education programs. The contracting out of areas of the program is possible, upon proper authorization (Department of Education), the refusal of which is appealable to the state board.

EVALUATION

2202-R-3.02

"When applying for standard accreditation, A ... resolution stating a local board's intent to seek accreditation and its willingness to comply with accreditation standards, must be presented.

2202-R-3.03

The district shall formally notify the commissioner of Education of its intent to apply for standard accreditation.

2202-R-3.04

An accreditation consultant will visit the district to explain standard accreditation criteria and aid in the review of the district's current status.

2202-R-3.05

The district shall conduct a self-evaluation, identifying its educational strengths and weaknesses; thereafter, to be conducted yearly. An accreditation consultant will be available to assist the district.

2202-R-3.06 - 3.07

When a district completes the evaluation it shall notify the Department of Education, who shall send a committee of review, two weeks after having received two copies of the evaluation report.

2202-R-3.08

REVIEW COMMITTEE

The Department and the local district will form a committee of review composed of teachers and administrators. This committee will review the district's evaluation report and observe its programs.

2202-R-3.09

A written report identifying any accreditation deficiencies shall be drafted by the committee of review and forwarded, to the district, within thirty days of the visit.

2202-R-3.10

"The committee of review's report will be submitted to the Department which will report to the State Board those districts which meet or do not meet the criteria of standard accreditation."

2202-R-3.11 - 3.12

Final decisions with regard to standard accreditation are made by the State Board annually, and districts will be notified of any change of status by a letter from the Commissioner of Education.

Those districts adversely affected by a decision of the state board must, sixty days from the time of notification, lodge a letter of intent to appeal. After receiving this letter, stating the reason for appeal, the State Board must schedule a hearing during one of its next two meetings.

APPEAL

2202-R-4.01

Districts with standard accreditation are to be evaluated by yearly reports, from school districts and on-the-scene visits. A letter identifying deficiencies, confirmed by the accreditation consultant, shall be sent to the chief administrator, and the president and secretary of the governing board.

2202-R-4.02

A letter sent to a district notifying it of accreditation deficiencies constitutes an advisement. A district is to report any steps taken to eliminate the deficiency the year following receipt of the advisement.

2202-R-4.03

If an on-site visit to a district during the year following an issuance of an advisement reveals that it has failed to make satisfactory progress in removing its deficiencies, or when a district annually has a number of deficiencies, that district shall be placed on the list of warned school districts. Such districts will be notified of this action by letter from the Commissioner of Education.

2202-R-4.04

A district shall be placed on probation when, during the year after it was warned, an on-site visit reveals no progress in accreditation deficiency removal. Such districts will be notified of this action by a letter from the Commissioner.

PROBATION

2202-R-4.05

Ninety days following a warning or being placed on probation, a district must develop a plan, including a time schedule, to remove deficiencies. Upon approval of the plan, the district will be advised by letter to implement the plan. Warned or probationary status applies until all deficiencies are removed.

2202-R-4.06

A district shall lose its warned or probationary status and drop to nonaccredited status if it fails to file a plan in time or fails to execute it fully, without giving just cause.

2202-R-4.07

If conditions exist in a district or school that are prejudicial to the health, welfare and safety of pupils, and after notice is given are not corrected, then the State Board shall remove accreditation from the district or school.

2202-R-4.08

Districts recommended for probation or to be dropped accreditation status will be notified two weeks before any State Board meeting at which such action will be taken. Districts may appeal adverse action by appearing before the State Board of Education.

APPEAL

2202-R-20.0

The purpose of accreditation by contract is:

to individualize school district accreditation by basing it on the particular needs of pupils;

implement long-range planning staff responsibilities and district-wide procedures;

CONTRACT PLAN

to interrelate school and community (a) goals, needs and objectives; (b) programs, practices and services; (c) program planning and budgeting; (d) inputs, processes and outputs; (e) costs and benefits.

Section II - Criteria for Accreditation

Accreditation by Contract is an alternative accrediting program. The program is to encourage districts to adopt long-range planning procedures in a continuous effort to maximize student educational opportunities.

Under this program, each district shall establish its individual needs, capabilities and standards of excellence. To qualify a district shall meet the minimal standard of accreditation or approved alternatives, and further implement planning and evaluation processes for providing optimal education programs. The contract, committing the district to the plan, shall be submitted to the State Board for its approval.

Basic to the Accreditation Contract is the implementation of a plan to meet the educational need of students. General goals, accompanied by an implementation plan, are cited by an applicant district in a contract. This plan shall run for five years with provisions for yearly continuous update. Continuous accountability is the corner stone of the Accreditation Contract.

to determine results by establishing measureable objectives.

to take timely action by charting a long-range operational plan directing who shall act and at what time.

2202-R-21.0

To initiate an Accreditation by Contract program the local school board president, of the district desiring the programs, must submit written notification to the State Commissioner of Education. Upon receipt of such letter the Department of Education shall, if possible, commit a staff member who will, in liaison with the requesting district, develop an Accreditation by Contract plan.

2202-R-22.0

The local board shall appoint an advisory committee which is to be composed of a representative cross section of the social, economic, racial and ethnic groups of the community. This committee shall be charged with the responsibility of making recommendations on how to involve all community groups, in the program, and how to use the community in the contract accreditation planning process.

2202-R-23.0

The first phase of the planning process involves identifying goals and needs. Activities to be conducted by those school personnel, community representatives and students serving on advisory committees shall include:

(1) development and review of general educational goals.

(2) collect and analyze facts and concerns about students, staff, program, facilities, and financial needs of the district.

(3) identification, analysis of student educational needs and objectives, and, in turn, the requirements of staff, program, facilities and financial investment.

A development of programs to meet identified needs shall include:

(1) continuous review of those alternative plans for meeting student needs and selecting the best staff,

programs, facilities and financial investments to further that end.

(2) The development, review, and prioritizing of specific objectives for staff.

(3) develop a means of collecting and analyzing data which indicates whether student objectives are being achieved; if so, how to improve and maintain this accountability.

(4) Submission of reports to public concerning educational accountability.

2202-R-24.0

Three months prior to the time a proposed plan is submitted for approval, a state review committee shall conduct an evaluation of the contractual plan and any recommendations made shall be followed.

2204-R-24.0

The Accreditation by Contract plan shall be evaluated by a Department committee, for completeness, in that, it will be updated yearly within its five year span.

2. Other Qualification Standards

Constitution

COLORADO CONST., art. 9 §7

Public funds shall not be used "to help support or sustain any religious or sectarian school."

COLORADO CONST., art. 9 §8

"No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution . . . either as a teacher or student."

SECTARIAN DOCTRINES

"No sectarian . . . doctrines shall ever be taught in the public school, nor shall any . . . classification of pupils be made on account of

race . . . nor shall any pupil be assigned or transported to any public educational institution for the purpose of achieving racial balance."

REGULATIONS

2202-R-7.03

In districts with less than 150 pupils the superintendents shall devote 50 percent of their time to administration. Districts with more than 150 pupils, shall have a full-time superintendent.

2202-R-7.04

An elementary school with more than 250 pupils and a secondary school with more than 100 pupils, shall have a full-time superintendent and at least, a half-time principal. Schools, with more than 400 students must employ a full-time principal or the equivalent.

2202-R-8.06

PUPIL-TEACHER RATIO

Pupil teacher ratio per school should not exceed 28:1, non teaching time of administrators excluded. When paraprofessionals are utilized to aid teachers the ratio should not exceed 38:2. The child-adult ratios for kindergarten, 25:1, and pre-school, 12:1, shall not be exceeded. Persons not legally certified for instructional activities shall not conduct them.

2202-R-8.07

A pupil-teacher, per class ratio of 35:1, maximum of 160 pupils a day shall not be exceeded. Activity type classes, which, by their nature attract large numbers of students, are exempt.

CROSS REFERENCES

II.A.1; Regulation 2202-R-9.01

II.A.4; Regulation 2202-R-13.05

II.A.5; Regulations 2224-R-6.0; 2224-R-7.0

II.B.3; Regulations 2202-R-11.06; 2202-R-11.09

II.C.2; Regulation 2202-R-13.06

III.B.Teachers; Statutes §22-63-103 -- 104

III.B.Teachers; Regulation 2202-R-8.05(2)

IV.A; Regulation 2250-R-2.0

IV.B; Regulation 2204-R-12.02

B. Qualification Standards for Personnel

Administrators Counselors

CROSS REFERENCES

III.B.School Personnel; Regulation 2260-R-8.0

III.B.Teachers; Regulations 2260-R-2.0;
2260-R-5.0

Certificated Personnel

Regulations

2260-R-11.0

Accepted institutions of higher education or the State Department of Education may submit requests to the Commissioner of Education for new endorsement standards which shall include a rationale for the development of these standards.

Upon approval of the request a committee shall be appointed, by the State Department of Education, including representatives of the appropriate institutions, to develop the standards.

Commissioner of Education

CROSS REFERENCE

I.State Board of Education; Constitution,
Article 9, §1

Counselors

Regulations

2202-R-8.05(6)-8.05(7)

The certificate of a staff counselor shall have a counselor's endorsement or he/she should have, at least, twelve semester-hours in basic guidance and counseling.

Similarly, the certificates of instructional media staff shall have a media endorsement or he/she should have, at least, eighteen semester-hours in basic print or nonprint media.

District Superintendent

Regulations

2202-R-7.02

To fill the position of superintendent or principal a person must hold an appropriately endorsed certificate. Educational administrative and training standards must be established by the Governing Boards of nonpublic schools.

Principals

CROSS REFERENCES

I.Principals; Statute §22-32-126

III.B.District Superintendent; Regulation 2202-R-7.02

Professional Personnel

CROSS REFERENCE

II.A.2; Regulation 2220-R-7.0

School Personnel

Regulations

2260-R-8.0

"Graduate Endorsements. The following shall serve as standards for endorsements requiring completion of approved graduate programs on Types A, B, or D Certificates.

Counselor: To be endorsed Counselor, an applicant shall hold or be eligible for a Type A or equivalent Certificate and shall have completed the following requirements: Hold a master's or higher degree in guidance and counseling from an accredited institution of higher education and complete an approved graduate counselor program in an

accepted institution of higher education. . . . Have developed the following knowledge and skills: Counseling both individuals and groups; Planning and decision making skills related to personal, social, educational, and career opportunities; Designing, administering, and evaluating a counseling program reflecting the needs of the community served.

Performing, interpreting, and using educational research, including follow-up skills; Supervising the use of records; Evaluating skills relative to self-assessment for professional growth planning; Recognizing organizational structures and effecting positive changes in consultation with parents and school personnel; Assessing and identifying learning and developmental problems; Have completed a supervised practicum or internship in an elementary "and/or secondary school at the appropriate grade level(s) for endorsement (elementary, secondary, or K-12).

Educational Media Specialist: To be endorsed Educational Media Specialist, an applicant shall hold or be eligible for a Type A or equivalent Certificate and shall have completed the following requirements:

MEDIA SPECIALIST

Hold a master's or higher degree from an accredited institution of higher education and have completed an approved graduate program in educational media in an accepted institution of higher education; Have completed three years of teaching experience and/or school media experience while holding a valid Colorado Type A or equivalent certificate;

Have knowledge and skills in the following areas: Administration of media program; Media cataloging and classification; Media production and design; Reference services; Media selection, evaluation, and utilization; Research and evaluation; Media materials for children and youth; Curriculum development and instruction design; Have completed a supervised practicum or internship in an elementary and/or secondary school at the appropriate grade level(s) for endorsement (elementary, secondary, or K-12). The practicum or internship may be waived by the accepted institution upon comparable media experience.

Reading Teacher: To be endorsed Reading Teacher, an applicant shall hold or be eligible for a Type A or equivalent certificate and shall have completed the following requirements: Have completed two or more years of teaching experience in an accredited and/or established elementary or secondary school while holding a Type A or equivalent certificate; Have completed an approved 5th year graduate program in an accepted institution of higher education in reading designed to develop knowledge and skills in the following areas: Diagnostic, prescriptive, and evaluative techniques appropriate to the requested grade level(s) for endorsement; Foundations of reading instruction, including methods, techniques, and materials appropriate to the requested grade level(s) for endorsement; Psychological processes related to the teaching of reading; Diagnostic and remedial teaching of reading, including methods, techniques, and materials; Organization and management procedures for reading instruction;

Have graduate studies in a minimum of three supporting areas, such as: tests and measurements; exceptional children; child and adolescent development; speech and hearing; guidance and counseling; child and adolescent literature; language development; curriculum; developmental and advanced reading skills; and reading problems within multi-lingual, multi-cultural, and disadvantaged environments;

Have completed a supervised practicum(s) or internship(s) as a reading teacher at the appropriate grade level(s) for endorsement (elementary, secondary, or K-12).

Reading Specialist: To be endorsed Reading Specialist, an applicant shall hold or be eligible for a Type A or equivalent certificate endorsed for reading teacher and shall have completed the following requirements:

An approved 6th year graduate program of studies in reading in an accepted institution of higher education;

Graduate studies in the teaching of reading to qualify for a K-12 reading teacher endorsement. (An elementary or secondary reading reacher shall have completed preparation

in reading at the level alternate to the initial reading endorsement); Graduate preparation in reading in the areas of: research; organization and supervision of reading instruction; advanced diagnosis of reading and learning disorders; and advanced problems in reading and learning disabilities; Have completed an advanced supervised practicum or internship as a reading specialist.

School Administrator: To be endorsed School Administrator, an applicant shall hold or be eligible for a Type A or equivalent certificate and shall have completed the following requirements: Hold a master's or higher degree from an accepted institution of higher education and complete an approved program in administration designed to develop knowledge and skills in the following areas: Basic management skills; . . . Leadership skills; . . . Decision-making and problem-solving skills; . . . Human relations skills;. . . Personnel administration skills; . . . Curriculum and instruction assessment skills; . . . Resource utilization skills; . . . . Have completed a supervised practicum or internship at the appropriate level(s) for endorsement (elementary school principal, middle school/junior high school principal, secondary school principal, or superintendent). The practicum or internship may be waived by the accepted institution based upon comparable administrative expereince."

SPECIAL SERVICES

REGULATIONS

2260-R-9.0

"Special Services Endorsements. The following shall serve as standards for Special Service endorsements on Types A, B, or E Certificates, as appropriate:

Audiologist, K-12: To be endorsed Audiologist, an applicant shall have satisfied the following requirements: Hold a master's or higher degree in audiology from an accepted institution of higher education; Have completed an approved graduate-level program in audiology; Demon-

strated competencies for providing services to preschool and school age children; . . . Preservice and inservice education, including training and supervision of support personnel needed to implement a hearing conservation program, participation in the development and implementation of teacher inservice training and environmental noise control;

Supervised practicum or internship within a school setting under the supervision of a certified audiologist (or under the combined supervision of a clinical audiologist and a teacher of the hearing handicapped).

Occupational Therapist, K-12: To be endorsed Occupational Therapist, an applicant shall have satisfactorily completed an approved occupational therapist program, in an accepted institution of higher education, designed to develop knowledge and skills in the following areas:

"Orientation to the role of the school occupational therapist; Scientific application of accepted therapeutic theories and practices of evaluation and treatment methods to achieve maximum function, independence, emotional, social, and physical adjustment for each student served; Staffing in consultation with physicians, physical therapists, speech correctionists, nurses, social workers, psychologists, counselors, and other specialists; Community resources; Legal rights and due process of students, parents, teachers, administrators, and school boards; Maintenance of records; Educational alternatives for children requiring the services of an occupational therapist; Full-time clinical affiliations in cooperating hospitals and health agencies, or field experience with handicapped children supervised by a qualified occupational therpist.

Peripatology, K-12: To be endorsed in Peripatology, an applicant shall hold a master's or higher degree and shall have satisfactorily completed an approved peripatology program, in an accepted institution of higher education, designed to develop knowledge and skills in the following areas: Travel techniques; . . . Sensory training; . . . Alternative mobility aids; . . .Concept development; . . .

Course time allotments; Maintenance of records; Relationship to the family and other community services; Field experience; In depth experiences with visually impaired children and youth early in the preparation program and continuing throughout the program.

Physical Therapist, K-12: To be endorsed Physical Therapist, an applicant shall have satisfactorily completed an approved physical therapist program in an accepted institution of higher education designed to develop knowledge and skills in the following areas: Orientation to the role of the school physical therapist; Provision of physical therapy services to sensory-motor impaired preschool and school-age children; Gross and/or fine motor screening; Assessment and evaluation of referred children; Normal sensory-motor development and function; Community resources: Staffing processes and procedures; Interpretation of medical reports and prescriptions, and appropriate compliance; Educational alternatives for sensory-motor handicapped children; Legal rights and due process of students, parents, teachers, administrators, and school boards; Maintenance of records; Consultations with teachers and other professional groups, and parents; Treatment of sensory-motor problems; Supervised practicum in a school setting, or two years of field experience with sensory-motor impaired children supervised by a qualified, registered physical therapist.

School Psychologist, K-12: To be endorsed School Psychologist, an applicant shall have completed an approved 6th year program of graduate study, in an accepted institution of higher education, designed to develop knowledge and skills in the following areas:

Psychological foundations; . . . . Psychological methods, and techniques; . . .[and] Professional education. . . .

Field experience under the supervision of a certificated school psychologist in the psychological service division of a school system.

A Type E, Special Services Certificate, endorsed

School Psychologist, may be issued to an applicant trained in clinical psychology who has: Earned a doctorate degree in psychology; Had at least two years experience in Colorado under the supervision of a Colorado licensed psychologist; Been issued a license by the State Board of Psychological Examiners.

School Social Worker, K-12: To be endorsed School Social Worker, an applicant shall have satisfied the following requirements: Hold the master's or higher degree in social work from an accredited graduate institution of higher education.

Have completed an approved graduate level school social worker program in an accepted institution of higher education designed to develop knowledge and skills in the following areas: Orientation to the role of the school social worker; Psychosocial assessment; Counseling and consultation; Social case work; Family problems; Staff cooperation and communication; Community resources and social work agencies; Child welfare laws; Research; Comprehension and sensitivity to the dynamics and interrelatedness of the school, the home, and the individual child; Child growth and development with special reference to learning; Cause and effects of stress, disability, disease, and deprivation on human behavior and development, especially in those children whose learning is affected by physical, neurological, intellectual, emotional disturbances or retardation; Have completed a supervised practicum.

Speech Correctionist/Language Specialist, K-12: To be endorsed Speech Correctionist/Language Specialist, an applicant shall have satisfied the following requirements:

Hold a master's or higher degree and have completed an approved program in speech pathology from an accepted institution of higher education;

Demonstrate competencies for providing services to pre-school and school age children within the school setting, under the supervision of a certificated speech/language specialist or speech correctionist in the following

areas:

Identification of speech, language, and hearing problems. . . ."

TEACHERS

STATUTES

§22-2-109

The state board of education shall "adopt rules and regulations which prescribe standards for the evaluation of teacher preparation programs; . . . adopt rules and regulations which prescribe standards of qualification, preparation, training, or experience that are required for the issuance of all certificates and letters of authorization; . . . adopt rules and regulations which prescribe standards for endorsements deemed appropriate for each type of certificate or letter of authorization; . . . utilize representatives from all levels of education in the development of standards of qualification, preparation, and experience for all certificates, letters of authorization, and endorsements; . . . conduct or arrange for research pertinent or essential to implement" the teacher certification provision of this Act; and perform the duties previously allocated to the state board of teacher certification."

RULEMAKING

§22-60-102

In order to "provide quality education," evaluate and revise certification standards, and encourage the "professional development" of teachers, the "Teacher Certification Act" is adopted. Colorado teachers must be of "good moral character," possess a "thorough knowledge of their subject matter," hold "at least a bachelor's degree," and have an "adequate foundation in professional education." The policy of the state education system involves the safeguarding of children against "unqualified incompetent and immoral teachers;" the improvement of "instructional programs;" a wiser use of teachers' services; and greater flexibility in certification standards.

The certificates shall consist of the following types:

The general teacher certificate, Type A, "certifies that a person has been awarded a bachelor's degree from an accepted institution of higher education, including therein a student teaching program.

The professional teaching certificate, Type B, certifies that a person has a minimum of three years of experience under a "Type A" and has been awarded a master's degree or a higher degree in an accepted institution of higher education.

The vocational teaching certificate, Type C, "certifies that a person has satisfactorily completed five or more calendar years of work experience in the specific occupational area."

The administrative certificate, Type D, "certifies that a person has completed an approved program of school administration in an accepted institution of higher education, has completed a master's or higher degree in an accepted institution of higher education."

The special service certificate, Type E, "certifies that a person has been awarded an appropriate degree from an institution of higher education and has met the standards of the state board of education concerning academic and professional preparation and experience." [i.e., audiologist, school nurse, guidance counselor, social worker, etc.] However, "a guidance counselor shall be required to have, in addition to a Type A certificate, five years teaching experience."

The provisional certificate certifies that a person "has been awarded a bachelor's degree from an accepted institution of higher education and has completed a program of teacher preparation in an accepted institution of higher education but lacks any specific requirements of the state board of education in force at the time of application."

"Types A, B, C, D, and E certificates granted under this section shall be valid for a period of five years after the date of issuance."

§22-60-105

The department of education has authority to issue "letters of authorization" of three different types: "recognized expert," "intern," and "emergency teacher." Criteria for the issuance of such letters shall be experience and demonstrated ability.

§22-60-107 — 108

Teachers who have completed a "professional growth plan" consisting of six or more semester credits, and an approved institution of higher education may apply for the renewal of their certificates. In-service education programs may be approved for recertification credit. Additional means of obtaining such "credit", such as supervision of student teachers, foreign study, educational travel, etc. are set forth in the statute.

RENEWAL

§22-60-114

Teachers who received their training at Colorado state universities "shall evaluate their program during their first and third years of teaching." These evaluations will be reviewed by the department of education and sent to the state "teacher preparation institutions."

§22-63-103 - 104

A board of a school district may enter into contracts only with certified teachers. Teachers in an adult education program may receive compensation without certification.

REGULATIONS

2202-R-8.01 - 8.02

All teachers must be fully certified and shall be assigned to officially approved areas of experience.

2202-R-8.03

Elementary school teachers shall have specific preparation in elementary education. Those working in special areas such as reading, speech, therapy, physical education, art, music, shall have educational training and or experience to qualify as instructors in these areas.

2202-R-8.04

Teachers with elementary or secondary school endorements shall instruct grades 5 through 8. Those with elementary school endorsements may instruct any other subjects for which they have been trained. Teachers with secondary endorsements shall have at least 16 semester hours of preparation in each field in which they teach.

2202-R-8.05

Teachers in grades 9 through 12 shall have specific preparation in each subject to which they are assigned. (Algebra, chemistry, composition, geography, etc. are subjects). Special circumstances may allow experience to be approved as a basis for assignment. In case of need, teachers may be temporarily assigned to one period of 60 minutes or less per day outside their specific preparation, subject to approval by the Colorado Department of Education.

PROFICIENCY EXAMINATION

To qualify to teach in their subject fields teachers holding type "A" or "B" certificates, must pass a proficiency examination, administered by an accredited college. Holders of type "C" certificates are qualified to teach in areas of their endorsements.

Teachers and supervisors of driver education, traffic safety, and courses so related shall have a driver education endorsement on their certificates, or have successfully completed at least a twelve semester-hour sequence of appropriate college-level course work in the field of driver and safety education to meet State Board requirements.

2202-R-9.05

Teachers instructing grades 9 through 12 shall have a minimum of 20 semester hours of preparation in each field in which they teach: (math, science, English, social studies, are "fields").

2260-R-1.0

The Colorado Department of Education has the sole authority to issue teaching certificates.

Any person employed to instruct students, or administer, direct, or supervise the instructional program in a public school, including the superintendent of schools, and who is compensated for his/her services, is required to hold a certificate with appropriate level(s) and area(s) of endorsement.

Certificates endorsed and issued by the state prior to July 1, 1976 shall be valid for period issued. Those based on specialized areas shall be continued on subsequent renewals of Types A, B, C, D or E.

Certificates which have expired are invalid as well as those issued in other states.

To apply for a Colorado certificate one must submit a completed application and an official copy of all college records to the Department of Education.

College transcripts shall be original or photostat, bearing the seal of the institution, the signature of the registrat and descriptive title number, credit and grade for each course listed. Credits are to be in semester hours or may be interpreted to the equivalent in quarters, trimesters, units or term credits.

Transcripts from institution outside the United States shall be in English or English translation.

Certification that the applicant has met all graduation requirements, by the registrar of the accepted institution whether or not the degree has been conferred, qualifies the applicant as a "holder" of the degree.

Applicants must have earned six semester or nine quarter hours of credit appropriate to the certificate at a

fully accredited, four-year degree-granting institution of higher education within the five-year period prior to the date of application.

Certificates, Type A, B, C, or E may be issued based on satisfactory completion of a Colorado approved program or equivalent as defined below, plus submission of an institutional recommendation.

A program in education, administration, or special services at an accepted Colorado institution of higher learning that is approved and endorsed by the State Board is necessary to meet the certificate requirements.

Applicants who hold teaching degrees from non-accredited colleges or universities may gain their certificates after an evaluation of the non-accredited degree granting program and completing certification requirement at an accepted institution.

Each applicant for a certificate must submit, from the attended institution, a recommendation certifying: that the applicant has completed the approved program in a satisfactory manner and is in good standing; the grade level(s) subject area(s) or service specialization(s) completed by the applicant.

This recommendation shall not be required for renewal of a Type C, Vocational Teaching Certificate, or a certificate, or certification based upon a foreign degree.

2260-R-2.0

General Teacher Certificate requirements are:

A bachelor's or higher degree from an accredited institution, including a broad educational background in liberal arts.

Completion of an approved teacher education program in an accepted institution of higher education.

Institutional recommendation verifying:

Satisfactory completion of the program with the applicant's grade level(s), subject area(s) or service specialization(s).

Evidence of at least six semester hours of recent

college credit appropriate to the certificate and endorsement earned in the five-year peiod prior to date of application for the certificate.

Waiver of professional education courses for applicants seeking Type A certificates may be granted if the applicant meets the requirements of section 2.0(a), 2.0(d), 2.0(e) and:

Has five or more years of teaching experience in an elementary or secondary school, and

Demonstrates professional education and teaching through:

a good evaluative report and scoring at or above the 75th percentile on the professional education section of the National Teacher's Examination.

The Professional Teaching Certificate requirements are:

A master's or higher degree from an accredited institution of higher learning. Such a degree may be designed to:

Constitute and strengthen preparation in a teaching field, and/or improve instruction and comprise a field of specialization(s) (Supervision, direction, and administration in education).

A minimum of three years of teaching experience, which must be:

In an accredited and/or established pre-school through secondary school, as full-time instructor, administrator, supervisor, or director of instructional programs;

Obtained while holding a Type A or equivalent certificate;

Six semester hours of credit appropriate to the certificate and endorsement from an accredited institution of higher education in the five-year period prior to the date of application for the certificate;

The institutional recommendation (for initial certificates and additional endorsements) verifying;

The grades, subject area(s), or major area(s) of service specialization(s) of the applicant and satisfactory completion of an approved teacher program.

A Type C Vocational Teaching Certificate qualifies the holder to teach in that field and, is valid for five years from date of issuance. It may be issued to those who:

Have worked full-time for five years in the occupation in which instruction is to be given.

A maximum of two years of trade or technical school experience maybe applied to meet the five years;

Have successfully completed, with Letter of Authorization, a year of teaching in a Type 3 vocational education program;

Have been recommended as having a knowledgeable understanding of the occupation with an ability to teach, by the most recent superintendent of schools or designate;

Have completed six semester hours of academic credit in the area of vocational education.

The Administrator Certificate requirements are: eligibility for a Type A or equivalent teacher certificate and a master's or higher degree from an accredited institution of higher education;

Completion of an approved graduate program for school administration in an accepted institution of higher education or proof of partial completion of an approved administration preparation program in each of two or more accepted institutions of higher education. Applicant's status in each institution, i.e., work completed and any work remaining to be completed must be supplied. Assuming all other requirements have been met, certificates may be issued, by a finding that one program has been completed by combining work taken in all;

Six semester hours of completed credit towards the certificate within the five year period prior to the date of application and institutional recommendation(s) verifying satisfactory completion of an approved program.

The holder of a Special Service Certificate may perform service in a special area. To obtain such a certificate an applicant must;

Hold bachelor's or higher degree from an accredited institution of higher education with an endorsement for special service area;

Have completed six semester hours of credit appropriate to the certificate within the five-year period prior to the date of the application.

A three year, non-renewable, Provisional Certificate I may be issued to teachers who:

Hold a bachelor's degree from an accredited institution of higher education.

Has completed teacher preparation program including student teaching but lacks preparation related to teaching the exceptional child in the normal classroom.

Has received the institutional recommendation verifying completion of an approved program.

A one year, non-renewable, Provisional Certificate II, may be issued to teachers who:

Have completed approved teacher preparation programs and hold bachelor's degrees from accredited institutions of higher education;

Hold valid Colorado Teacher Certificates that have not been renewed due to an abrupt change of circumstances or an extreme financial hardship;

Have submitted an official statement from the registrar or equivalent verifying enrollment in at least six semester hours of credit appropriate to the teaching field of the teacher.

2260-R-3.0

Letters of authorization, Type I, II, and III, shall be valid only for the position(s), grade level(s), and endorsement area(s) for which they are issued and only within the school district which requested the issuance of such letters of authorization.

Type I, Recognized Expert authorizations are to be issued upon request of a school district board when a person with special expertise, not available through a fully accredited teacher, is available with verifiable proof that he/she possesses this expertise and is best suited for the position.

Renewal of a Type I authorization may be obtained upon request of a school district board. Subsequent renewal request must be supported by the district's evaluation of the teacher's performance and an attestation to the continuing need to employ the noncertified teacher.

RENEWAL

Type II, Intern, authorizations are to be issued upon request of a school district and the approved institution through which the internship is being completed and when the intern is to receive pay from the school district while serving as an intern.

Type III, Emergency Teacher, authorization may be issued when:

EMERGENCY

The school district board of education has made a bona fide effort to hire a fully-certified teacher but none were available.

The non-certified applicant is best suited for the position.

In addition, a school district board who has made a Type III, authorization request, must attest, to the Colorado Department of Education, that a fully-certified teacher could not be found and that the non-certified applicant is suitable for the position.

The applicant shall include with the application an explanation of how he/she will complete certification requirements.

Type III letters of authorization may be renewed upon request of the Colorado school district. Subsequent requests shall include information explaining efforts made to secure a fully certified teacher, the continuation of the emergency situation, and an evaluation of the teacher's performance during the preceding year.

The applicant shall submit evidence of progress toward full certification and official transcripts indicating progress made toward the degree and/or certification program.

2260-R-5.0

"Endorsement of Certificates or Letters of Authorization. Certificates and Letters of Authorization shall be endorsed to indicate the grade level(s), subject matter area(s), or other areas of specialization which may be appropriate to the applicant's preparation, training and experience.

Endorsements shall be based upon one of the following: Recommendation of the accepted institutions of higher education. Evaluation by the Teacher Education and Certification Unit of the Colorado Department of Education.

ENDORSEMENTS

The major part of the services performed in a public school by the holder of a certificate shall be related to such endorsement.

Teachers assigned for more than fifty percent of their time as a curriculum area supervisor, coordinator, or supervisor of counseling, or in the assignment of students shall be endorsed in the area so supervised or coordinated."

2260-R-6.0

"Teaching Endorsements. The following shall serve as standards for teaching endorsements on Types A and B Certificates.

Early Childhood Education: To be endorsed in Early Childhood Education, (ages 3-8), an applicant shall have completed the following requirements: . . . The Approved Program of Professional Education as prescribed in Section 2260-R-4.0; . . . Studies to develop knowledge and skills in the following areas: . . . The evolution of early childhood education; . . . The process of child development from conception to adolescence; . . . The interrelationships of child development and curriculum planning; The influence of the family, the school, the community; . . . The recognition of the parents' role as the primary influence on the young child's development; [and]

The attitudes appropriate to an early childhood curriculum. . . .

Elementary Education: To be endorsed Elementary Education, an applicant shall have completed the following requirements: The Approved Program of Professional Education as prescribed in Section 2260-R-4.0. Studies to develop knowledge and skills in the following areas: Liberal arts preparation in language arts, science, mathematics, humanities and fine arts, social sciences, and health and physical education. Methods, techniques, resources, and related practices in the teaching of reading, mathematics, science, expressive arts, social science, health, physical education, and the language arts.

Agriculture: To be endorsed in Agriculture, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in agriculture designed to develop knowledge and skills in the following areas:

Practical farm . . . experience. Biological, physical and applied science . . . . Specialized preparation for one or more of the following occupational areas: agricultural production, supplies, products, and resources; ornamental horticulture; natural resource management; enviromental development; and forestry. . . .

Art: To be endorsed in Art, an applicant shall have completed the Approved Program of Professional Education prescribed in Section 2260-R-4.0 and an approved program in art designed to develop knowledge and skills in the following: . . . . Concentration of preparation in one of the following areas: art history; drawing; painting; sculpture; photography; printmaking; fibers; ceramics; jewelry; crafts; and communication arts. . . .

Business Education: To be endorsed in Business Education, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in business education designed to develop knowledge and skills in the following: Studies in a minimum of eight of the following areas: accounting, business communications, business

law, consumerism, data processing, economics, finance, management, and marketing. Studies to develop specialization of preparation in one or more of the following: . . . . Accounting; . . . . Data processing; . . . . Secretarial office occupations; . . . . Clerical office occupations. . . .

Distributive Education: To be endorsed in Distributive Education, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in distributive education designed to develop knowledge and skills in the following; Marketing, retailing, advertising and visual merchandising, salesmanship, management, finance and banking, accounting and data processing, economics, and business law. . . . Experiences and involvement in distributive education youth organizations. Philosophy and objectives of vocational education and the coordination of cooperative programs.

Drama: To be endorsed in Drama, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in drama designed to develop knowledge and skills in the following areas: Theatre history; . . . Dramatic literature; . . . . Acting; . . . . Technical theatre; . . . . Directing; . . . Methods of teaching theatre . . . .

Driver Education: To be endorsed in Driver Education, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in driver education designed to develop knowledge and skills in the following areas:

The general principles of accident causation and prevention, including first aid. The nature of the driving task and knowledge and skills to operate a motor vehicle in basic and advanced driving maneuvers with emphasis on perceptual and decision-making skills. . . . The physiological and psychological influences of alcohol and drugs as they relate to the highway transportation system. . . . Preparation and/or experience in classroom and on-the-street teaching including student assessment, writing of objectives, designing of learning experiences, and evaluations.

Preparation and/or experience in multiple-vehicle driving range and driving simulation. Organization and administration of a driver and traffic safety education program. . . .

English: To be endorsed in English, an applicant shall have completed the Approved Program in Professional Education as prescribed in Section 2260-R-4.0 and an approved program in English designed to develop knowledge and skills in the following areas: An understanding of how language is acquired and used from early childhood through adulthood. The relationship between the student's language and his[her] environment, including dialect study and standard and non-standard English. The structure of the language as seen through linguistics, grammar, and semantics, and how these apply to using the English language. . . . Familiarity with an extensive body of literature, including the contemporary and 'literary heritage' of our country and other countries, children's literature, adolescent literature, minority literature and dramatic literature. Composition, including both creative and expository writing. Oral communication to include interpersonal, public, and group.

Foreign Language: To be endorsed in Foreign Language, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section "2260-R-4.0 and shall have meet [sic] the following requirements: Completion of an approved program in foreign languages designed to develop knowledge and skills in the following areas: Phonology, conversation, linguistics, grammar, and composition. Culture of the language and the region, where applicable, including knowledge of art, music, literature, history, and geography. Customs and varying life styles of the people . . . .

Health: To be endorsed in Health, an applicant shall have completed the approved Program in Professional Education as prescribed in Section 2260-R-4.0 and an approved program in health designed to develop knowledge and skills in the following areas:

Understanding of man's ecology and interaction with society, with studies in such fields as the biological and behavioral sciences. Understanding of health issues and health problems of the individual in society, such as: emotional and social health, alcohol, tobacco and other drugs, nutrition, and communicable and noncommunicable diseases. Physical and psychological human growth and development and their relationship to the health instruction program including family life education and appraisal of health status of the individual. Evaluation of the validity and reliability of health information and resources.

Consumer health including intelligent selection of health products and health services, consumer protection agencies, health misconceptions and superstitions, health insurance plans and delivery systems.

The identification of emerging health problems and issues.

Understanding of public health principles and the individual's responsibility in motivating and maintaining public health agencies and organizations, health careers, urban health problems, and disease prevention and control.

An understanding of the dynamics of accidents and the conditions conducive to safe living.

Organization and administration of school health programs.

Home Economics: To be endorsed in Home Economics, an applicant shall have completed the Approved Program in Professional Education as prescribed in Section 2260-R-4.0 and an approved program in home economics designed to develop knowledge and skills in the following areas:

Home management, including economic management, personal decision making, task analysis, and consumer education, plus safety-first aid. Science of food, food preparation and nutrition. Housing, home furnishing, equipment, clothing, and textiles. Personal relationships, family relationships, parenting, and child development.

Industrial Arts: To be endorsed in Industrial Arts, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in industrial arts designed to develop knowledge and skills in the following: Study of philosophy, history, principles, methods, and safety of industrial arts and technology. Preparation in each of following with a concentration in at least one area: Construction and manufacturing: tools, materials, and processes used in manufacturing and constructing. These studies shall be concerned with the industry, technology and products derived from materials and processes. For example: ceramics, crafts, methals, plastics, textiles, and woods. Graphic communications: tools, materials, and processes used in graphic communication. For example: graphic arts, drafting, and photography. Power and energy: tools, materials, and processes involved in electricity, electronics, and power. For example: steam, automotive, solar, rocket, and small engine power.

Mathematics: To be endorsed in Mathematics, an applicant shall have completed the Approved Program in Professional Education as prescribed in Section 2260-R-4.0 and an approved program in mathematics designed to develop knowledge and skills in the following areas:

The sequential nature of mathematics to provide an understanding of the aspects of mathematics. The capacity and disposition for continued learning in mathematics to include studies and experiences in algebra, geometry, tirgonometry, analytic geometry, calculus, probability and statistics, and computer science as it relates to mathematical problem solving. Knowledge of curriculum improvement trends and issues in mathematics. History of mathematics, the intellectual and philosophical nature of mathematics, and knowledge of ways to apply the principles of mathematics to other disciplines, e.g., logic, science, psychology, economics, and mathematical model building.

Music: To be endorsed in Music, an applicant shall have completed the Approved Program of Professional

Education as prescribed in Section 2260-R-4.0 and an approved program in music designed to develop knowledge and skills in the following areas: Production of sound including playing, singing, and conducting. Organization of sound for personal expression and the understanding of the elements of music. Description of sound in terms of medium, meter, mode, and motion. Evolution of western and non-western musics. The use of contemporary methods, materials and literature in one or more of the following areas of specialization: . . . .

Physical Education: To be endorsed in Physical Education, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in physical education designed to develop knowledge and skills in the following areas: The sociocultural, philosophical, and psychological foundations of physical education, including the historical development of play, games, dance, and sports, and the study of child growth and development. Physical and biological science foundations including areas such as: human anatomy, exercise physiology, kinesiology, and health. Movement fundamentals, including study of movement patterns, movement exploration, gymnastics, tumbling, lead-up games, team sports, physical fitness, and perceptual motor activities.

To be endorsed in Elementary School Media, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in school media . . . . "[He/She shall:] hold an endorsement as an elementary teacher. Have satisfactorily completed at least 18 semester hours of upper division or graduate credit in school media designed to develop knowledge and skills in the following areas: administration of a media program, media cataloging and classification, production and design reference services, and media selection, evaluation, and utilization.

Science: To be endorsed in Science, an applicant shall have completed the Approved Program of Professional

Education as prescribed in Section 2260-R-4.0 and an approved program in science designed to develop knowledge and skills in the following areas: Biology, chemistry, earth science, physics, and mathematics. An applicant shall complete a concentration of preparation in one or more of the following areas: Biology; . . . . Chemistry; . . . . Physics; . . . . Earth-Space science; . . . . Geology; . . . . General science. . . .

Social Studies: To be endorsed in Social Studies, an applicant shall have completed the Approved Program in Professional Education as prescribed in Section 2260-R-4.0 and an approved program in social studies designed to develop knowledge and skills in the following areas: History (American and world histories), political science, economics, sociology, geography, psychology, and/or "social psychology, and anthropology. Studies which illustrate the interdisciplinary relationships between and among the various social sciences. Approaches and materials in new social studies curriculum projects. Current affairs and the handling of controversial issues in the classroom. Pedagogical skills necessary to teach the process skills, e.g., critical thinking and problem solving.

Speech: To be endorsed in Speech, an applicant shall have completed the Approved Program in Professional Education as prescribed in Section 2260-R-4.0 and an approved program in speech designed to develop knowledge and skills in the following areas: Interpersonal communication; . . . . Group communication; . . . . Non-print media; . . . . Public communication; . . . . Persuasion; . . . . Intercultural communication; [and] Methods of teaching speech communication. . . ."

2260-R-7.0

"Special Education Endorsements. The following shall serve as standards for Special Education endorsements on Types A and B Certificates.

SPECIAL EDUCATION

Director of Special Education, K-12: To be endorsed Director of Special Education, an applicant shall have satisfied the following requirements: Hold a master's or higher degree in education or in a related field of

special services such as school psychology, school social work, or speech correction. Have a minimum of two years experience working with handicapped children. Have completed an approved program for the preparation of directors of special eduction in an accepted institution of higher education, designed to develop knowledge and skills in the following areas: Communications; objective and humanistic communication; and leadership training techniques; General school administration; Personnel administration; public school finance and law, litigation, and due process; Planning, implementing, and evaluating educational programs; Special education learning handicaps of the various disabilities; Procedures for identifying and programming for all handicapped children; Planning, organizing, and utilizing resources; Evaluation of delivery systems; Establishing evaluation plans, conducting program evaluations and organizaing evaluation data into a system for decision-making purposes.

Educable Mentally Handicapped, K-12: To be endorsed Educable Mentally Handicapped, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in educable mentally handicapped designed to develop knowledge and skills in the following areas: Development and educational practices related to all exceptionalities with special emphasis on mental retardation; Current concepts, practices, and trends in mentally retarded; Child growth and development; Sequence of normal development in physical, motor, affective, and cognitive areas; Identifiable deviations in the mentally handicapped child; Psychological and sociological problems related to mental retardation; Understanding the relationship of cultural diversities to mental retardation; Assessment; Observation techniques in the appraisal of exceptional children; Principles and practices of measurements of the handicapped; Program alternatives; Staffing processes -- the teacher's role in interdisciplinary staffing; Service alternatives -- regular and self-contained classrooms; resource rooms and integration; itinerant teacher; residential, work experience, and early

childhood programs; Methods; Psychology of learning and mentally handicapped children; Educational program planning "and methods for teaching educable mentally handicapped children; Special techniques in educational diagnosis and prescription applicable to elementary level educable mentally handicapped children; Special methodology applicable to secondary level educable mentally handicapped children in prevocational educational planning, child analysis and placement, and family living skills; Liaison functions; Consultation techniques to be used with parents, community, and other professionals; Use of community resources, including: supportative federal, state, and local agencies, community businesses for job training and service groups; Field experiences with normal children and supervised student teaching in a regularly established class for educable mentally handicapped children.

Educationally Handicapped, K-12: To be endorsed in Educationally Handicapped, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved master's degree program in educationally handicapped (Including emotional, social, behavioral, perceptual, and communicative learning disabilities) designed to develop knowledge and skills in the following:

Basic concepts in the historical development and educational practices of all exceptionalities with special emphasis on: "emotionally handicapped, socially handicapped, behaviorally handicapped, perceptual/neurologically handicapped, communicatively handicapped, and multiple-handicapped in above areas; Current concepts, practices, and trends in serving educationally handicapped; Child growth and development; Sequence of normal development in physical, motor, affective, and cognitive areas; Identifiable deviations in the educationally handicapped child; Psychological and sociological problems related to educationally handicapped; Understanding the relationship of cultural diversities to educational handicap; Assessment and observational techniques. Staffing processes and procedures -- the teacher's role and responsibilities in interdisciplinary staffing; Methods; Psychology

of learning and educationally handicapped children; Educational program planning and methods for teaching educationally handicapped children; Special techniques in educational diagnosis and prescription applicable to elementary level educationally handicapped children; Special methodology applicable to secondary level educationally handicapped children in prevocational-educational planning, child analysis and placement, and family living skills; Educational remediation, particularly in reading, other language arts, and mathematics.

Liaison functions; Consultation techniques to be used with parents, community, and other professionals; knowledge and use of community resources, including: supportive federal, state, and local agencies; community businesses for job training; and service groups; Supervised teaching in educationally handicapped, In addition to field experiences with "normal" children, the applicant shall have satisfactorily completed supervised student teaching in a regularly established class for educationally handicapped children.

Hearing Handicapped, K-12: To be endorsed Hearing Handicapped, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in hearing handicapped designed to develop knowledge and skills in the following areas:

Foundations; Historical and current developments in education of the hearing impaired; National and local issues; trends, agencies, programs, and professions concerned with the hearing impaired; Psychological, sociological, vocational, and educational implications of hearing impairment; parent and child counseling; Speech science and audiology. . . . . Language . . . . Communication . . . . Curriculum and instruction. Curriculum and instructional procedures common "to education of the hearing impaired and to regular education, with emphasis in reading, language arts, and mathematics.

Plan, implement, and evaluate learning experiences for individuals and groups; Select, design, produce, and

utilize media, materials, and resources appropriate to learner behavior and lesson objective; Field experience with "normal" children, and supervised teaching in the area of hearing handicapped.

Physically Handicapped, K-12: To be endorsed Physically Handicapped, an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in phsycially handicapped designed to develop knowledge and skills in the following: Methods of teaching physically handicapped children, to include: Evaluation techniques (academic education aspects); Teaching procedures; Curriculum planning with adaptations; Aids used in the education of physically handicapped children; Therapeutic problems; Developing satisfactory self-image; Care and pathology of physically handicapped children, to include: Medical and educational problems in areas of crippled and other health impaired; Medical terminology; Self-help skills; Counseling parents of physically handicapped children; Psychology of education, to include characteristics and educational needs of physically handicapped children; Tests and measurements, to include understanding of and ability to interpret results of psychological and educational tests; Child development, to include understanding of normal child development and relation to the physically handicapped child; Field experiences with 'normal' children and supervised teaching in the area of physically handicapped.

Visually Handicapped, K-12: To be endorsed Visually Handicapped an applicant shall have completed the Approved Program of Professional Education as prescribed in Section 2260-R-4.0 and an approved program in visually handicapped designed to develop knowledge and skills in the following areas: Research and foundations, to include: Educational and psychological studies; Technological developments; Legal and educational definitions of blindness; Vocational and avocational guidance; Diagnosis, assessment, and remediation, to include: Causes and effects of visual impairments; Structure and function of the visual system;

Child growth and development; Assessment techniques; Placement alternatives; Methods of teaching, to include: Adaptation of teaching approaches for visually impaired; Language arts -- visual, auditory, tactile; Communication skills in other subject areas; Techniques of daily living; Orientation and mobility; Materials, to include: Development of braille codes; Transcription, production, and duplication of materials to braille, print, and non-print media. Securing materials; Utilization of resources, to include: Legislation and agencies for the visually impaired; Staffing processes and procedures; Field experiences with 'normal' children and supervised student teaching in the area of visually handicapped."

2260-R-10.0

The standards of qualification, preparation, and experience required for issuance of certificates and which prescribe standards for endorsements appropriate for certificates shall be reviewed on or before January 1, 1978, and at least once every five years thereafter, by the State Board of Education.

Procedure: The State Department of Education shall appoint committees to review certification/endorsement standards in accordance with a review schedule it established.

2260-R-12.0

The Colorado Commission on Teacher Education and Certification is to assist the State Board of Education in discharging its responsbiilties under section 22-2-109 (a),(b),(e), CRS 1973.

The Commission members shall include: five teachers one elementary; one middle school or junior high school; one senior high school; one special area; one vocational; a building administrator; a system wide administrator; a district program director or supervisor; a chairman or dean of education; a college of education faculty member, and the Commissioner of Education, or designate, who will be ex-officio member and secretary of the Commission with voting rights.

Members shall be appointed by the State Board, serving three year, serially expiring terms.

The commission shall:

Review, recommend and improve teacher education programs; review reports submitted by Colorado teacher institutions; review endorsement standards and file recommendations with the State Board;

Visit and evaluate teacher education programs in institutions of higher education and make recommendations about approval of such programs.

EVALUATION

At its first meeting and annually thereafter the members shall elect a chairman and other essential officers.

2260-R-15.0

Renewal of a Certificate. A Colorado Type A, B, C, D, or E Certificate may be renewed for a period of five years. The holder of such certificate shall submit an application for renewal and supply evidence of the completion of an approved professional growth plan within the five year period preceding the date of application for such renewal.

RENEWAL

Renewal credit must be appropriate to the certificate's endorsement and/or teaching responsibilities of the holder and/or a career change in education. The first and subsequent renewals of a certificate shall be through the development and completion of a professional growth plan totaling six or more semester hours of renewal credit from the following:

Appropriate college or university credit.

(minimun of 2 semester hours of college credit is required of the 6 semester hours needed for renewal.)

The remaining hours may be obtained from any combination of the following:

Approved educational travel (maximum of 1 semester hour). Supervision of student teacher or intern (maximum of 1 semester hour). Foreign study (maximum of 2 semester hours). Professional development experience(s) (maximum of 1 semester hour).

The goals and objectives of the professional growth plan shall have the prior approval of the local district board of education. Said approval shall predate any professional growth experience which a teacher desires to be included.

The Commissioner of Education shall be responsible for the development of professional growth plan forms to be supplied to teachers.

College or university credit. A professional growth plan shall include a minimum of two semester hours of credit from an accepted institution of higher education judged to be appropriate to the certificate to be renewed; the assignment of the teacher; or a career change in education.

If college credit is awarded then no inservice credit may be received for the same experience.

Inservice education. Colorado Statute 22-60-103(6), CRS 1973, as amended, defines the inservice education program as a "Planned series of learning experiences provided for by a school district designed to improve the teaching and learning processes." A professional growth plan may include a maximum of four semester hours of credit earned through approved district inservice program. The rules adopted by the State Board of Education in Guidelines and Procedures for Planning and Submitting Inservice Education Programs for Recertification Credit Approval apply to all inservice for recertification credit programs submitted for recertification purposes and call for approval by the State Board of Education prior to any inservice program's implementation date.

Education Travel. A maximum of one semester hour of inservice education credit may be waived upon the satisfactory documentation of the completion of approved educational travel judged to have special significance for increasing the skills of the teacher.

TRAVEL

If college credit is claimed for educational travel, inservice credit shall not be received.

Teachers not employed by a school district who seek credit under this paragraph shall apply for approval to the Colorado Department of Education.

Supervision of student teacher or intern. A professional growth plan may include the supervision of a student teacher or intern in lieu of one semester hour of inservice education credit provided:

That approval is granted in advance by the Colorado district in which the teacher is employed.

That for each student teacher or intern supervised, the dean or the designated official of the sponsoring institution's education unit and the designated official of the cooperating school district shall verify that the supervision of the student teacher was completed successfully;

That a minimum of one academic quarter of full-time supervision is completed.

Professional Development Experiences. One semester hour of inservice education credit may be waived upon satisfactory documentation of an individual experience or activity judged to be directly related to maintaining or increasing the value of the teacher in his[her] current assignment.

PROFESSIONAL DEVELOPMENT

This credit shall be granted pursuant to the following rules:

Professional development experiences shall be organized in academic or professional areas.

The activities must be adequately described and justified in terms of objectives of the experience and contributions to the improvement of instruction.

The activity must be related to stated developmental needs of the individual teacher or district.

Prior approval of the professional development experience shall be obtained from the local school district professional growth committee.

Evidence shall subsequently be submitted to the local district professional growth committee showing completion of the experiences for which prior approval has been granted.

One semester hour of credit shall be based on a minimum of twenty-five contact hours.

Foreign study may be used in lieu of two semester hours of inservice education credit provided:

The study is taken in a college or university approved by the ministry of education or equivalent educational agency within the country.

Documentary evidence of such study must be validated by an official of the institution in which study is taken. This evidence must be stated in the English language.

Evidence shall subsequently be submitted to the local district professional growth committee showing completion of the study for which prior approval was granted.

Administration of Professional Growth Plans by Local School Districts.

The local school board of education shall adopt procedures for the administration of professional growth plans by which teacher's certificates are renewed.

The district procedures shall be developed, for review by the local board of education, by a committee composed of one representative of each type of certificate employed in the district (A, B, C, D, and E). The committee representatives for each type of certificate

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The study is taken in a college or university approved by the ministry of education or equivalent educational agency within the country.

Documentary evidence of such study must be validated by an official of the institution in which study is taken. This evidence must be stated in the English language.

Evidence shall subsequently be submitted to the local district professional growth committee showing completion of the study for which prior approval was granted.

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The district procedures shall be developed, for review by the local board of education, by a committee composed of one representative of each type of certificate employed in the district (A, B, C, D, and E). The committee representatives for each type of certificate

shall be selected by and from practicing holders of each type of certificate.

2260-R-72.0

Traffic safety education-driver education

Requirements for teachers instructing driver education and related courses are successful completion of 12 semester hours of college course work in the following areas:

Safety education, basic driver education, advanced driver education with recommended electives: organization, administration and supervision of safety education, philosophy of safety education, driving stimulators and multi-media concepts. . . . . Other specific requirements for driver education, traffic education, and safety education teachers: A valid Colorado Teacher Certificate; A valid Colorado Driver's License; Have three (3) years of satisfactory driving experience immediately preceding the time of teaching, as provided by evidence from the State Department of Revenue, Motor Vehicle Division."

CROSS REFERENCES

II.A.1; Statutes §22-25-104;
22-25-102 -- 111

II.A.2; Regulation 2220-R-7.0

C. Performance Standards

Department of Education

CROSS REFERENCES

II.A.5; Regulation 2224-R-7.0

III.B.Teachers; Regulation 2260-R-3.0

Educational Programs

CROSS REFERENCE

III.A.1; Regulation §2202-R-2.02

EDUCATIONAL PROGRAMS AND STAFF

CROSS REFERENCE

III.B.Teachers; Statutes §22-61-101 -- 103

HIRING PRACTICES

CROSS REFERENCE

III.A.1; Regulation 2202-R-23.0

INSTRUCTION

REGULATIONS

2202-R-10.01 - 10.02

Instruction of pupils shall be designed to meet their individual needs, while stimulating them to work and progress at their maximum intellectual, social, emotional and physical effectiveness. This framework requires continual diagnosis of pupil development.

PUBLIC SCHOOLS

CROSS REFERENCE

III.A.2; Constitution, Article 9, §7, 8

STATE BOARD MEMBERS

CROSS REFERENCE

I.State Board of Education; Constitution, Article 9, §1

STUDENTS

STATUTES

§22-32-109.5

"If a board of education imposes any special proficiency test for graduation from the twelfth grade beyond the regular requirements . . . the results of such tests shall be used . . . to design regular or special

classes to meet the needs of all children as indicated by overall test results." If a board imposes a "proficiency test," it "shall be given at least twice during each school year, and initial testing shall take place in the ninth grade."

Any child who does not pass the proficiency test "shall be provided with remedial or tutorial services during the school day in the subject area in which the test indicates deficiencies for graduation purposes." Such services shall be provided until the test results are "satisfactory."

PROFICIENCY TEST

"Parents of children not satisfactorily fulfilling the requirements of a special proficiency test shall be provided with all special proficiency test scores for their child a minimum of once each semester."

REGULATIONS

2202-R-9.08

Minimum graduation requirements in accredited districts.

(a) four-year schools, 18 units, or 180 semester hours, equivalent;

GRADUATION REQUIREMENTS

(b) high school grades 10-12: 14 units, or 140 semester-hours, equivalent;

If the local board permits, early graduation shall be allowed upon completion of course requirements.

2202-R-12.03

A sequence of tests designed to measure pupil achievement aptitude and interest shall be administered in the elementary and secondary schools. A district's testing and evaluation should be coordinated with its accountability efforts.

2202-R-130.0

The Colorado GED testing program is restricted to the following:

Individuals who show need and who have never been awarded a high school diploma.

Exception may be permitted if such records are lost or inaccessible.

Individuals eighteen (18) years or older.

Special exception may be granted those, under eighteen, who show a need to take the GED.

All applicants must have a Colorado mailing address.

Those Colorado residents outside the state serving in the Armed Forces or incarcerated in penal institutions, shall be exempt, provided they were Colorado residents prior to entering the Armed Forces or being incarcerated.

Non-residents may request testing in accordance with policies of the state where they reside. No equivalency certificate will be issued in such cases.

Colorado residents who successfully complete the GED program, while in the Armed Forces or residing in another state, shall receive the Colorado High School Equivalency Certificate, provided they meet age and residency requirements.

2202-R-131.0

GED TESTS

GED tests shall be made available to applicants in English and in Braille.

2202-R-132.0

Minimum score requirements for awarding a Colorado High School Equivalency Certificate are as follows: the applicant must score no lower than 35 on each of the five examinations, compiling an average score of 45.

2202-R-135.0

A high school equivalency certificate shall be issued to those qualified GED test candidates.

TEACHERS

STATUTES

§22-60-110

A teaching certificate or letter of authorization

may be annulled by the department of education for misrepresentation or fraud. A certificate or letter of authorization may be suspended or revoked when the holder has been determined to be mentally incompetent to such a degree that the holder is incapable of continuing to teach or when the holder is found guilty of a violation of any law involving sexual behavior, illegal sale of narcotics, has committed a felony or "has become professionally incompetent or guilty of unethical behavior."

SUSPENSION

REVOCATION

§22-60-112

"The state board of education is authorized to appoint a hearing commissioner, who may preside at hearings on the denial, annulment, suspension, or revocation of a certificate or letter of authorization."

§22-63-116 — 117

DISMISSAL

"The grounds for dismissal of a tenured teacher shall be physical or mental disability, incompetency, neglect of duty, immorality, conviction of a felony, insubordination, or other good and just cause." The teacher must receive written notice of the dismissal and charges, and shall be entitled to a hearing before a panel selected by the teacher and the board of education. The board of education will review the panel's findings and either retain, dismiss or place the teacher on probation. The teacher may appeal the board's decision to the district court.

NOTICE

HEARING

§22-65-104 — 105

A "professional practices commission" is established, consisting of twelve members appointed by the governor. The commission shall "adopt a code of ethics and professional standards for teachers."

CROSS REFERENCE

II.A.1; Statutes §22-1-110 -- 111

D. Evaluation and Reporting

Accreditation Deficiencies

CROSS REFERENCE

III.A.1; Regulations 2202-R-3.09;
2202-R-4.01

Annual Report, School Districts

CROSS REFERENCE

I.County Superintendent; Statutes §22-4-101 -- 102

Bilingual Education Program

CROSS REFERENCES

II.A.5; Statutes §22-24-106; 107

II.A.5; Regulations 2224-R-7.0; 2224-R-8.0;
2224-R-9.0

Career Education

Regulations

2208-R-4.0

Reporting Procedures

Recipients of Career Education Act monies shall submit an annual report to the state coordinator of career education no later than July 15th of the school year in which the money was granted. These reports are to be succeeded by monthly activity statements submitted on periodic basis.

CROSS REFERENCE

IV.B; Regulations 2208-R-2.0; 2208-R-3.0

Correction for Accreditation

CROSS REFERENCE

III.A.1; Regulation 2202-R-4.02

District Accreditation Status

CROSS REFERENCE

III.A.1; Regulation 2202-R-3.10

District Goals and Objectives

CROSS REFERENCE

III.A.1; Regulation 2202-R-2.03

District Self-Evaluation

CROSS REFERENCE

III.A.1; Regulations 2202-R-3.06 -- 2202-R-3.07;
2202-R-3.08

Educational Accountability Program

Regulations

2207-R-2.0

Local Boards

Local boards shall adopt an educational accountability program based on that district's student and educational needs. District plans are to be reviewed prior to July 15 of each year.

Local boards shall develop an accounting of budgetary expenditures and resource commitments. In furtherance of budgetary accountability, evaluation shall be conducted, and directed toward improving educational programming through appropriate budgetary expenditures.

A yearly educational accountability program report shall be submitted to the State Board, prior to June 15, and shall be required of all local boards participating in the program. A recital of how the district has achieved its goals and objectives and an analysis of those educational decisions which affected school programs, services and processes shall be included.

§2207-R-3.0

Local accountability advisory committee

"The local board, upon the advice of the superintendent, shall appoint members to the local advisory accountability committee." Membership of the committee shall appear in the annual accountability report submitted to the State Board. The committee shall advise the local board.

"Committee makeup shall be: one parent, one property taxpaying resident who does not have children in the district's schools, one teacher, and one administrator."

The local board shall establish for the committee a charge consistent with the accountability law, a statement of which is to be sent to the committee.

ACCOUNTABILITY PROGRAM

The local committee should establish objectives and a plan, that are to be reported on to the local board twice a year, that will accomplish the board's charge.

A plan for the continuing development of the accountability program in the district shall be recommended to the local board, prior to July 15 of each year, by the local committee.

2207-R-4.0

Local accountability programs

The board of education of each school district shall adopt and maintain an educational accountability program. By June 15 of each year said plan shall be reviewed and revised by the district's local board.

These steps shall be followed when accountability programs are developed:

Develop, analyze, redefine, and improve a statement of district goals;

Identify student and staff, outcome objectives for the district, and develop the most efficient programs for these objectives.

Determine strengths, accomplishments, costs of programs in terms of student and staff goals and redefine or modify, where needed, those characteristics of [non productive] programs.

The local board shall establish a timetable for the development and operation of its educational accountability program. . . .

In designing and implementing an accountability program, the board, its superintendent and local committee shall work through the district's professional staff of administrators and teachers . . . and the community.

The administrative professional staff shall assist in making decisions to facilitate the educational programs; they shall provide assistance to the teaching professionals; shall provide information necessary for local board use in planning, budgeting, and decision making pertaining to the educational programs.

The teaching professionals shall assist administrative staff in eductional program implementation; work closely with administrative staff in formulating objectives that the educational programs shall address; serve as facilitors and make recommendations about programs strengths and weaknesses, such information being relayed to local boards for use in planning, budgeting, and program improvement.

Local committees, board and citizen action groups should communicate when dealing with similar areas of educational concern.

The district community shall be encouraged to voice concerns, relating to educational programs by communicating with local boards . . . or committees.

2207-R-5.0

Colorado Board of Education

The State Board shall recommend procedures for development of the accountability program which shall:

Establish a procedure for continuous examination of and improvement of state educational goals;

Establish procedures to identify factors which increase quality education within the State.

Suggest accountability evaluative procedures which will assist in determining the extent that student and staff outcome objectives have been accomplished.

2207-R-6.0

Colorado Department of Education

The Department of Education shall provide local districts with any needed assistance with their accountability programs.

Publications, procedures and other resources needed by local districts in accountability development shall be placed with the Department of Education. The information shall be identified and made available to those requesting.

Annual accountability report information reported to State Board by local districts, shall serve as a guide for giving support to local district accountability efforts.

The Colorado Department of Education shall assemble requests which may be used in the accountability process, possibly including an educational package from the State Board. These processes are to be referred to the State Accountability Advisory Committee for review and comment.

CROSS REFERENCE

I.State Accountability Advisory Committee;
Regulation 2207-R-7.0

EDUCATIONAL OBJECTIVES

CROSS REFERENCE

III.A.1; Regulation 2202-R-23.0

EDUCATIONAL PROGRAMS

REGULATIONS

2202-R-10.03 -- 10.04

Evaluation of existing programs shall be continual in order to further the student's educational achievement. To this end, an instructional improvement program shall be formed including such activities as classroom visits, teacher conferences, faculty meetings, curriculum activities, review of materials, evaluation of various techniques, and self-evaluation by the administrator and teachers.

CROSS REFERENCES

III.A.1; Regulation 2202-R-20.0

III.E.Educational Accountability Programs; Regulation 2207-R-4.0

EDUCATIONAL QUALITY

STATUTES

§22-7-105

The state board of education shall annually report to the general assembly on its activities in "developing and administering the educational accountability program, including the progress of the state and local school districts toward the achievement of their respective goals and objectives. The state board of education shall also recommend any legislation which it deems necessary for the improvement of educational quality in this state."

EDUCATIONAL STRENGTHS AND WEAKNESSES OF SCHOOL DISTRICT

CROSS REFERENCE

III.A.1; Regulation 2202-R-3.05

PILOT SCHOOL PROGRAMS

CROSS REFERENCE

II.A.1; Regulations 2250-R-100.0; 102.0

PUPIL ACHIEVEMENT, APTITUDE AND INTEREST

CROSS REFERENCE

III.C.Students; Regulation 2202-R-12.3

SCHOOL PROGRAMS

CROSS REFERENCE

I.District Superintendent; Regulation 2202-R-7.05

III.A.1; Regulation 2202-R-2.04

Special Education Assessment

CROSS REFERENCE

II.A.2; Regulation 2220-R-9.0

Special Education Individual Program

CROSS REFERENCE

II.A.2; Regulations 2220-R-4.0; 2220-R-5.0

Special Education Programs

CROSS REFERENCE

II.A.2; Regulations 2220-R-2.0; 2220-R-10.0

Teacher Qualification Standards

CROSS REFERENCE

III.B.Teachers; Regulation 2260-R-10.0

Teacher Training

CROSS REFERENCE

III.B.Teachers; Statute §22-60-114

E. Improvement Efforts

Bilingual Education Inservice Training

CROSS REFERENCE

II.A.5; Statutes §22-24-113 -- 114

Curriculum

CROSS REFERENCE

II.A.1; Regulation 2202-R-9.02

DISTRICT

CROSS REFERENCE

III.A.1; Regulations 2202-R-4.02; 2202-R-4.05

EDUCATION ACCOUNTABILITY PROGRAMS

CROSS REFERENCES

I.State Accountability Advisory Committee;
Regulation 2207-R-7.0

III.D.Educational Accountability Programs;
Regulations 2207-R-5.0; 2207-R-6.0

EDUCATIONAL PROGAMS

STATUTES

§22-6-102 - 22-6-111

In order to provide "support for the development of school improvement plans," the "Comprehensive Educational Planning Act" is established. Comprehensive educational planning includes "evaluation of the present educational program" and "development of a plan" to meet each district's goals. School districts which participate in comprehensive educational planning shall prepare a plan for the district, providing for participation by "community representatives, professional personnel, and students." The state board of education shall administer the program.

DISTRICT GOALS

§22-7-104

Local boards of education shall adopt plans for "a local accountability program designed to measure the adequacy and efficiency of educational programs" in each district. An "advisory accountability committee" shall be appointed to "make recommendations" on the accountability program.

"The advisory accountability committee shall consist of at least one parent, one teacher, one school administrator, and a taxpayer from the district." The local board shall annually report to district residents on the "extent to which the district has achieved its stated goals and objectives."

REGULATIONS

2206-R-2.0

Regulations concerning grant application

Grants of up to five thousand dollars per year shall be made available to districts that express an intent to develop a comprehensive educational plan and provide funds for planning programs equal to - or greater than - the amount requested from the state.

Districts, assisted by the State Department of Education, shall submit a preplan for involving community representatives, professional personnel and students in all phases of its comprehensive plan; for evaluating district educational strengths and weaknesses; for delineating knowledge, skills, and attitudes which will be the goals of the districts's educational program; and for developing an educational program which will enable district pupils to meet these goals.

Districts are to be notified thirty days in advance of the final date for grant application.

In the event that district grant requests outnumber available funds, priority shall be given to those districts whose preplans or progress reports show the strongest promise for student educational improvement and serve as a model for other districts.

CROSS REFERENCES

III.A.1; Regulation §2202-R-2.01

III.D.Educational Programs; Regulations 2202-R-10.03 -- 2202-R-10.04

EDUCATIONAL QUALITY

STATUTES

§22-7-102

In order to "institute an accountability program to define and measure quality in education" and to "help the public schools of Colorado to achieve such quality," an "educational accountability

program" is established. In order to develop this "evaluation mechanism," the approaches which should be used include: "(a) means for determining whether decisions affecting the educational process are advancing or impeding student achievement; (b) appropriate testing procedures to provide relevant comparative data at least in the fields of reading, language skills, and mathematical skills; (c) the role of the department of education in assisting school districts to strengthen their educational programs."

§22-7-103

The state board of education shall develop a state accountability program which implements "a procedure for the continuous examination and improvement of the goals for education in this state;" identifies "performance objectives;" and determines the "extent to which local school districts accomplish their performance objectives." A seventeen-member advisory committee shall be created to assist the state board in carrying out this program.

EDUCATIONAL SERVICES

STATUTES

§§22-5-102 - 22-5-104

In order to improve and expand "educational services" in public schools, the general assembly has approved the "creation of boards of cooperative services" to enable

two or more school districts to combine to furnish educational services. A five member board may be formed, by the school districts, to provide the cooperative services. The mechanics of setting up such a board are set forth in the statute.

PUBLIC EDUCATION

STATUTES

§22-2-202

It is the intent of the general assembly to "improve the quality of education . . . through special provisions and the application of programs of education to areas of scholastic endeavor, including the acceptance and implementation by the state of special educational incentives . . . ." available from the federal government.

CROSS REFERENCE

II.A.10.Other - Innovative Programs; Statutes §22-21-101 -- 102; 22-21-104 -- 105

READING SKILLS

STATUTES

§22-22-101 - 105

It is the purpose of the Educational Achievement Act to assist local school districts in carrying out programs for students who fall below their "grade level" in reading.

"Local school districts shall be eligible to apply for grants from the state board of education for planning and implementing programs for improved educational achievement in areas where there are high concentrations of children who are not achieving up to their grade levels through:

(a) Improved utilization of educational personnel . . .;

(b) Training and development programs . . .[for] . . . teachers and other educational personnel;

(c) Comprehensive educational programs . . . including

the development and implementation of new curricula and instructional methods, materials, and equipment."

The board shall approve grants only if the board determines that:

"(a) The local school district has a workable plan. . .; and

(b) Schools servicing areas where there are high concentrations of children who are not achieving up to their grade levels will not receive less in expenditures per pupil from other state and local sources than other schools administered by the local school district."

"(c) Each program . . . will be of such size, scope, quality, and design as to assure substantial progress. . . ."

"Guidelines for programs shall be established by the "educational achievement committee" which shall work in conjunction with the board, such committee to be appointed by the governor, and to be comprised of nine persons."

TEACHER EDUCATION PROGRAMS

CROSS REFERENCE

III.B.Teachers; Regulation 2260-R-12.0

TEACHERS

CROSS REFERENCE

I.County Superintendent; Statutes §22-4-101 -- 102

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

CROSS REFERENCE

IV.G.; Statute §10-186; -- 10-187

2. Other Qualification Standards

STATUTES

§10-15

"Public schools including kindergartens shall be maintained in each town for at least one hundred eighty days of actual school sessions during each year. When public school sessions are cancelled, . . . the re-scheduled sessions shall not be held on Saturday or Sunday. The state board . . . may authorize the shortening of any school year . . . and may authorize implementation of scheduling of school sessions to permit full-year use of facilities which may not offer each child one hundred eighty days of school sessions within a given school year" but assures the opportunity that each child will receive an average of 180 sessions per year during their ten years of schooling.

"The public schools shall be open to all children over five years of age without discrimination" of any kind; "provided town boards of education may . . . admit to any school children under five years of age or may exclude children who will not attain the age of five years until after the first day of January of any school year. . . .

EQUAL OPPORTUNITY

"Any child attending a public school shall have an equal opportunity to participate in the activities, programs and courses of study offered in such public school.

In said schools [legally qualified teachers shall teach]... reading, spelling, writing, English grammar, geography, arithmetic, United States... history, the duties of citizenship, which shall include a study of the town, state, and federal governments, hygiene, the effects of alcohol, nicotine or tobacco and of controlled drugs, physical and health education, including methods, as presented by the state board, to be employed in preventing and correcting bodily deficiency, instruction in the humane treatment and protection of animals and birds and their economic importance, such instruction, when practicable, to be corrected with work in reading, language and nature study; and such other subjects as may be prescribed by the board."

§10-16

CLASS DAY

"The school day shall consist of not less than four hours of actual school work, except that in nursery schools and kindergartens a continuous session of two and one-half hours may be considered as a school day; provided any school session of at least two hours but less than four hours of actual school work may be counted as half a school day and, in the event of dismissal of school because of weather conditions, completion of the regular morning session may be considered as a school day. Evening school sessions shall be considered as half a school day."

§10-259

"The fiscal and school year shall commence July first and end June thirtieth."

CROSS REFERENCES

II.A.2.; Regulation §10-76b-5

II.A.2.; Regulation §10-766-2 -- 10-766-3

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CERTIFIED PERSONNEL

CROSS REFERENCE

III.C.Certified Personnel; Regulation §10-146-9

INTERMEDIATE ADMINISTRATOR OR SUPERVISOR

REGULATIONS

§ 10-146-99 -- 10-146-101

"This certificate, or the certificate as superintendent shall be required for all administrative and supervisory positions in Connecticut public shcools...including principal, supervisor of instruction, curriculum coordinator, assistant superintendent of schools, supervisor or consultant in special subjects or fields, supervisor of academic subjects, system director of adult education or similar positions."

For a provisional certificate as an intermediate administrator or supervisor, an applicant shall establish...that he or she meets the following requirements:

"(a) Holds a...standard Connecticut teaching certificate; or holds and is eligible for a provisional...teaching certificate; and meets all course requirements for a standard...certificate; and holds a master's degree"

(b) Has taught for at least five years, "at least three of which shall have been in public schools...in... positions requiring certification in the state in which... employed, or in...positions which would have required certification had the service been in Connecticut public schools." Five years of teaching in a state board of education-approved private school may be accepted in fulfillment of this requirement;

(c) "Presents the recommendation of an accredited college or university approved in Connecticut for the preparation of administrative and supervisory personnel

...[which] shall include a statement of the particular administrative or supervisory position which has been emphasized in the preparation." The recommendation shall be based on a program of at least 15 hours of graduate study beyond the master's degree, "taken at the recommending institution," and this study must have been completed at least in part within 8 years prior to the date of application. "Special consideration for waiver of the recommendation may be given to...applicants" who have had three years "experience in public school administration or supervision in another state" or experience in a state board of education-approved private school;

(d) "Has completed, in his or her total post-baccalaureate program, study in the" specified areas of professional education, administration and supervision.

"To receive a standard certificate as intermediate administrator or supervisor, an applicant shall, in addition to holding a provisional certificate as intermediate administrator or supervisor, meet the following requirements:" three years experience in an approved school of the state in an administrative or supervisory position and 30 hours of study beyond the master's degree. "The total undergraduate and graduate program shall have included, in addition to appropriate professional preparation," at least 100 hours in general education.

PROFESSIONAL PERSONNEL

STATUTES

§10-27

Any state agency may exchange a limited number of professional personnel and students with institutions of other states and other countries and may pay the salaries of such personnel and may assign scholarships and grants-in-aid to the exchangees.

READING CONSULTANT

REGULATIONS

§ 10-146-93 -- 10-146-95

This certificate is "required for anyone serving as supervisor, consultant, coordinator, director or special teacher in...reading instruction, including anyone who works with teachers and staff on curriculum planning "as it relates to the total reading program;" assist teachers and staff in improving reading instruction, or provides "special remedial reading instruction for elementary and/or secondary students.... The certificate may be issued for elementary level, kindergarten and grades 1-8; for secondary level, grades 7-12; or for all levels."

Requirements for the provisional certificate are:

(a) completion of requirements for a standard teaching certificate and a master's degree;

(b) three years classroom teaching experience;

(c) completion at the graduate or undergraduate level, of study in the areas specified "appropriate to the level at which reading certification is sought."

The requirements for a standard certificate is three years experience under the provisional certificate.

SCHOOL PSYCHOLOGIST

REGULATIONS

§ 10-146-82a -- 10-146-82c

"This certificate is required for anyone serving as a school psychologist in a public school system."
The requirements for a provisional certificate are:

(a) a master's degree;

(b) completion "as part of or in addition to the master's degree, at least...one and half years of

full-time graduate study or forty-five...hours in a planned program in school psychological services...;

"(c) ...recommendation of the preparing institution...; and"

(d) completion,"in addition to the supervised practice or field work experience, an internship... of one full school year...of supervised experience in a school setting under...a certified school psychologist, the local school system and the preparing institution.

"(e) if all other requirements except the internship are met in an approved program for the preparation of the school psychologist, a provisional certificate may be issued" for up to 2 years under these conditions:

(1) the internship must "be supervised jointly by a certified school psychologist and the preparing institution...;"

(2) the certificate is not "applicable toward the time period required for the standard certificate; and,

(3)...the intern [must] be concurrently registered in an approved program for preparation as a school psychologist during the school year that the provisional certificate is in force.

"At the expiration of the two-year period, the provisional certificate may be renewed only upon recommendation of the preparing institution."

Requirements for the standard certificate are three years of experience under the provisional certificate and completion of 15 hours of graduate credit beyond the requirements of the provisonal certificate in the areas specified.

School Social Worker

Regulations

"This certificate is required for anyone serving as a school social worker or as a visiting teacher in any public school system."

The requirements for a provisional certificate are either a master's in social work with a major in social case work, or the following combination: a bachelor's degree; 30 hours at a school of social work; and 2 years experience "in social case work...in an approved family or children's agency," or two years of teaching.

Requirements for a standard certificate are 3 years experience under the provisional certificate and a master's in social work.

School Staff

Statutes

§10-145

"No teacher, principal, supervisor, supervising agent or school superintendent shall be employed . . . unless he/she possesses an appropriate state certificate." The hiring board of education may prescribe qualifications in addition to those imposed by the state board of education.

Special Positions

Regulations

§ 10-146-92

The need may arise for positions which are not otherwise covered in these regulations but "are clearly professional in nature and require issuance of an appropriate certificate. In such cases, the state board of education may empower the bureau of teacher certification to issue provisional and standard certificates with endorsements

other than those listed. Issuance of each certificate "shall be based on completion by the applicant of general, specialized and professional education clearly appropriate to the...position and similar in quality, quantity and degrees to that required for other" comparable positions in the public schools.

SUPERINTENDENT OF SCHOOLS

REGULATIONS

§ 10-146-96 -- 10-146-98

"This certificate is required for the position of superintendent of schools, and is valid for...all administrative and supervisory positions in the public schools but not in state vocational-technical schools..."

To receive a provisional certificate as a superintendent of schools, an applicant shall establish...that he or she meets the following requirements:

"(a) Holds a...standard Connecticut teaching certificate; or holds and is eligible for a provisional...teaching certificate; and meets all course requirements for a standard...certificate; and holds a master's degree...;"

(b) Has completed 8 years of teaching or administrative experience, at least 5 years of which "have been in public schools in the United States in...positions requiring certification in the state in which...employed.... Eight years of...teaching or administrative experience in a private...school" approved by the state board, education may be accepted for this requirement;

(c) Has completed at least 3 years "full-time administrative or supervisory experience in public schools... in...positions which, if in Connecticut public schools, would require possession of the certificate as intermediate administrator or supervisor." Three years experience in a state-board approved private school may be accepted;

(d) "Presents the recommendation of an accredited college or university approved by the state department of education for the preparation of superintendents of

schools." The recommendation shall be based on a program which includes at least 30 hours of graduate study beyond the master's degree, at least 15 of which are "completed at the recommending institution." For the recommendation to be valid, the program must be completed at the institution within 8 years prior to the date of application. "Special consideration for waiver of the recommendation may be given to "applicants with five years experience as [a] superintendent[s] of schools in another state;"

(e) "Has completed, in his or her total post-baccalaureate program" study in the specified areas; and

(f) "Has completed, in his or her total undergraduate and graduate program, in addition to appropriate professional preparation for teaching, administration and supervision," at least 100 hours of general education.

"To receive a standard certificate as superintendent of schools, an applicant shall" have a provisional certificate and at least three years service as a superintendent of schools.

TEACHER

STATUTES

§10-145b

A graduate of a four-year baccalaureate program of teacher education or a four-year baccalaureate program approved by the state board of education shall be granted a provisional teaching certificate, valid for ten years.

The holder of a provisional certificate shall be under the direct supervision of the superintendent of schools or a designated principal or supervisor who shall evaluate the performance of the holder of a provisional certificate.

A person holding a provisional certificate shall have completed thirty credit hours of course work beyond the baccalaureate degree in order to qualify for a standard certificate. The course work shall consist of either a planned program at a university or an individual program under the supervision of the local board of education.

If the provisional certificate holder completes the necessary course work and has competently performed her/his duties, the state board of education shall issue a standard teaching certificate. The teacher's comptency shall be judged on the completion of three years of satisfactory teaching. A standard teaching certificate may be revoked for any of the following reasons: obtaining the certificate through fraud or misrepresentation; persistent neglect of duties; professional unfitness; conviction of a crime involving moral turpitude; or other sufficient cause.

REVOCATION

Any provisional certificate holder who is not granted a standard certificate may appeal to the state board of education for reconsideration. The board shall hold a hearing within sixty days if requested in writing and shall render a decision within thirty days. A teacher may appeal the board's decision to the court of common pleas within thirty days of receipt of the decision.

APPEAL

§10-146a

The state board of education shall seek and consider the advice and recommendations of the advisory board on state certification of teachers prior to the establishment of any new or revised regulations or standards. The advisory board shall be comprised of fifteen persons chosen from various sectors of the educational profession.

The advisory board shall counsel the state board of education on the establishment of professional standards and policies and the procedures for the issuance and

revocation of professional certificates.

Members of the advisory board shall serve without compensation but shall be reimbursed for all reasonable expenses.

§10-146b

Any person who is unable to complete the requirements for a standard certificate within the period required by law may appeal to the board for an extension and the board may extend the period in a hardship or an emergency situation. Only one extension shall be granted.

§10-146c - 10-146f

The interstate agreement on qualifications of educational personnel is enacted into law in Connecticut. The secretary of the state board of education is the designated state official for Connecticut.

The requirement of certification may be waived for a teacher of bilingual education who is qualified to teach and will only teach in that program. The requirements for provisional certificate will be waived but not those for standard certification.

WAIVER

§10-149

The state board of education shall adopt regulations for the qualifications of physical education teachers, and shall require all students who are preparing to teach to receive instruction in these courses.

REGULATIONS

§ 10-146-1 -- 10-146-8

"Applications for state certificates shall be... filed with the bureau of teacher certification, state department of education.... "

"To receive a certificate an applicant in addition to meeting the specific requirements.... shall submit"

an application, transcripts of all credits, "a statement made by the preparing institution that the applicant has the necessary qualities of personal fitness for teaching and...is competent to fill the position for which the certificate is sought;" evidence that the applicant is at least 18 years old and a U.S. citizen (the citizenship requirement may be waived in certain instances). If work experience is needed for certification, the applicant must obtain a statement from his or her superintendent or employer.

The State Board of Education issues provisional and standard certificates.

The provisional certificate is issued to an individual who fulfills all these requirements. It is "valued for five years and may be renewed or exchanged for a standard certificate." The provisional certificate may be renewed for 5 years if the holder fails to complete the requirements for a standard certificate; however, "inability to qualify for a standard certificate at the end of ten years shall result in the termination of...employement covered by the certificate, subject to appeal for cause to the state board of education..."

"A standard certificate shall be issued when an applicant submits evidence of the following: (1) three or more years of satisfactory experience under the provisional certificate." In certain instances "equivalent experience in an approved private school or other program approved by the board may be accepted; (2) "completion of additional general and professional preparation...specified for the particular certificate...."

"Temporary emergency permits may be issued "if the superintendent of schools cannot hire a certificated

teacher. "All properly certified personnel employed in the public schools of Connecticut on August 23, 1955, and continuously thereafter in the same...position... may continue" under the same certificates.

The superintendent of schools is responsible for seeing that a teacher holds a valid certificate before issuing a contract, notifying the bureau of teacher certification when new employees are hired. The superintendent shall also submit a signed statement to the bureau for each person who applies for certification beyond the initial certificate.

To be certified, an applicant must "be recommended by the teacher preparation institution." For the recommendation to be acceptable, institutions in the state must "be approved by the state board of education for preparation of teachers, supervisors or administrators," and out-of-state institutions must meet these requirements: accreditation "by the appropriate regional accrediting association; approval by the state board under whose jurisdiction it covers "for the particular area...in which certification is sought; and" accreditation by the National Council on Accreditation of Teacher Education.

Applicants who do not meet the requirements of these regulations (§ 10-146-1 to 10-146-95) will be denied certification, unless the secretary of the state board of education determines that an individual's educational experience are equivalent to the educational experiences required.

§ 10-146-10 -- 10-146-15

"Elementary certificates shall be endorsed for particular levels of teaching according to... preparation and the recommendation of the preparing institution. Endorsements may be made for: nursery and/or kindergarten through grade 3 or grade 6; grade 4-8, "valid also

in grades 7th and 8th in junior high school or in a junior-senior high school."

The reqirements for a provisional elementary certificate are:

(a) a bachelor's degree;

(b) at least 75 hours of general education, including study in English, science, mathematics, social science, and fine arts. If an applicant has completed all other requirements but lacks no more than 6 hours in education courses, he or she may be issued a one-year provisional certificate, renewable for four years if the deficiency is removed;

(c) 30 hours in professional (early childhood or elementary) education in the following areas: foundations of education, educational psychology, curriculum and teaching methods, student teaching, guidance, and health and safety education.

After a year of teaching, "an elementary certificate endorsed for a particular grade or level...may, upon recommendation of the superintendent of schools," be endorsed for another grade or level. "Teaching endorsements may be extended" as follows:

(a) "Extension of elementary or special education endorsement to secondary" requires 3 years teaching and completion of the course requirements for teaching the subject at the secondary level (§10-146-17d).

(b) "Extension of secondary, special subject or special education endorsement to elementary" requires 3 years teaching and completion of the general education requirement for the elementary provisional certificate, and 15 hours "of professional courses...related to elementary teaching."

(c) Extension of special subject endorsement to secondary" requires either 3 years teaching or a course in each of the areas of foundations of education, education psychology, and curriculum and teaching methods (related to secondary teaching); and completion of the course requirements for teaching the subject at the

extension of a special subject or field endorsement to another special subject or field "requires completion at an institution approved for the preparation of teachers of the special subject or field for which endorsement is sought," of preparation, including all the requirements for a provisional certificate in a special subject or field that are applicable to the subject.

(e) "Extension of elementary or secondary endorsement to a special subject or field at the same level only" requires 3 years teaching and completion of 35 hours in the subject as specifed in the requirements for a provisional certificate in a special subject (see § 10-146-22(d)).

(f) "Extension of elementary, secondary, special subject or special education endorsement to include library endorsement" requires completion of eighteen semester hours' credit in library science as part of a planned program leading to a major in library science.

(g) "Extension of elementary, secondary or special subject endorsement to include special education" requires completion of appropriate course requirements as specified for a provisional certificate and special education.(§ 10-146-25(d)(5)).

In order to receive a standard elementary certificate a teacher must have a provisional elementary certificate, three years teaching experience and complete either a master's degree or thirty hours credit beyond the bachelor's degree at either the graduate or undergraduate level and including 15 hours in general education.

§ 10-146-16 -- 10-146-20

"Secondary certificates are valid for all endorsed subjects...in grades seven through twelve. A secondary certificate may be endorsed for one or more elementary levels and...for the teaching of a special subject." The requirements for a provisional secondary certificate are:

(a) a bachelor's degree;

(b) at least 45 hours "in general education including at least three of the following areas in addition to the area of major specialization: English, science, mathematics, social science, including U.S. history, fine arts, foreign languages. If an applicant fulfills all other requirements but lacks no more than 6 hours in general and professional education requirements, a one-year provisional certificate may be issued and its renewal for four additional years contingent upon removal of the deficiency;

(c) at least 18 hours of professional education, including the following areas: foundations, educational psychology, curriculum and teaching methods, student teaching, guidance, health and safety education;

(d) at least 30 hours "in one or two fields of concentration appropriate for the particular subject endorsement sought in accordance with" the requirement established for each field. The requirements for driver education is a "teaching certificate valid for grade seven or above" and 3 hours in driver education. The teaching of core subjects requires regular certification in one subject and completion of at least half" the requirements for each other subject included in the core program." Also required are at least 6 hours "in courses specifically designed for...teachers of the core curriculum."

A teacher may receive "temporary authorization to teach a subject other than his [her] major assignment as a minor assignment "if the superintendent of schools so requests and the teacher has at least 6 hours in the subject." The permit may be issued for one year in one subject, of not more than two instructional periods per diem."

The requirements "for extension of a secondary or special subjects certificate to elementary levels" are three years teaching; completion of the general educational requirements for a provisional elementary

certificate, and at least 12 hours "specifically related to elementary teaching."

To obtain a standard secondary certificate, a teacher must have a provisional secondary certificate, have 3 years teaching experience, and complete either a master's degree or a program of 30 hours beyond the bachelor's degree, at either the graduate or undergraduate level, including 15 hours of general education.

§ 10-146-21 -- 10-146-23

"The certificate for special subjects or fields is required for the following special subjects taught at either or both the elementary and secondary levels: Agriculture (non-vocational), art, health, homemaking, industrial arts, library, music, and physical education. Special subjects certificate may be endorsed for grades one through twelve, one through eight, and seven through twelve;...[and] for one or more elementary levels or for one or more secondary subjects."

The requirements for a provisional certificate in a special subject are:

(a) a bachelor's degree;

(b) at least 40 hours of general education, including "at least three of the following...in addition to the area of major specialization:" English, science, math, social sciences, fine arts, and foreign languages. If an applicant has completed all requirements but lacks no more than 6 hours of general or professional education in the teaching field, a provisional certificate valid for one year may be issued and may be renewed for 4 more years if the deficiency is removed;

(c) at least 18 hours in "professional education... appropriate to teaching at both the elementary and secondary level and to the special subject" to be taught, including the following areas: foundations of education; educational psychology; curriculum and teaching methods; student teaching, guidance; and health and safety education;

(d) at least 35 hours "in appropriate technical courses...in the special field to be taught and including the particular areas as noted for each subject" in the regulation.

"To receive a standard certificate for a special subject in a given field a teacher shall hold a provisional special subject or field certificate," complete 3 years of teaching, and complete a master's degree or a program of at least 30 hours beyond the bachelor's degree of either undergraduate or graduate credit, 15 hours of which must be in general education.

§ 10-146-24 -- 10-146-26b

"Special certification is required for anyone employed as a teacher of handicapped children. This classification includes teachers of the following: Blind, partially sighted; deaf; speech correction; and hearing conservation...; and mentally handicapped...; physically handicapped; socially and emotionally maladjusted; neurologically impaired, and those suffering learning disability..." Certification covers teaching on the elementary or secondary level, according to preparation."

1) Certification of teachers of the blind, partially sighted, and deaf: Provisonal certification.

The requirements for a provisional certificate for special education in these areas are:

(a) a bachelor's degree

(b) At the elementary level or for grades 1-12; at least 75 hours in general education, including English, science, math, social sciences and fine arts.

(c) At the secondary level: at least 45 hours in general education, including study in at least three of the following: English, science, math, social science, fine arts, and foreign languages, and at least 30 hours "in one or two fields of concentration appropriate for the subject endorsement sought in accordance with" the secondary teaching certificate requirements.

If an applicant fulfills all requirements but lacks no more than 6 hours in general and professional education, a one-year provisional certificate may be issued and may be renewed for 4 additional years if the deficiency is corrected.

(d) at least 30 hours in professional education including: Foundation of education, educational psychology, curriculum and teaching methods, student teaching and 12 hours in the areas listed for blind and partially sighted; for teaching of the deaf, all of the 30 hours in professional education "shall be devoted to the education of the deaf."

Standard Certificate: To obtain the standard certificate a teacher must have a provisional certificate, 3 years teaching experience, and complete a master's degree in a program, 30 hours beyond the bachelor's degree of either graduate or undergraduate credit, 15 hours of which must be in general education.

2) Certification for teachers of the mentally and physically handicapped, emotionally disturbed learning disabilities, etc.

Provisional Certificate: The requirements for a provisional special education certificate in these areas are:

(a) a bachelor's degree; and

(b) completion of a "planned program of professional education related to the preparation of teachers of children with handicapping conditions and presentation of an approved institution's recommendations that the applicant has completed the program satisfactorily.

Standard certification: A teacher may receive a standard special education certificate for these areas if he or she holds a provisional certificate, has three years of special education teaching experience, and completes a master's degree in special education or a program of at least 30 hours beyond the bachelor's degree of either graduate or undergraduate credit, 15 hours of which must be in special education.

3) Certification for Speech and Hearing Specialists:

Provisional Certificate: The requirements for a provisional certificate as a Speech and Hearing Specialist are:

(a) "a valid license from the Connecticut State Department of Health to practice Speech Pathology;"

(b) at least 12 hours in professional education, including work in foundations of education and educational psychology; special education; "curriculum and method of providing clinical services to the communicatively handicapped in the public schools," and student teaching.

Standard Certficate: "The holder of a provisional certificate...as a Speech and Hearing specialist may receive a standard certificate upon completion of three years of successsful teaching under the provisional certificate."

§ 10-146-27 -- 10-146-52c

A. Skilled Trades

The certificate in skilled trades is required for teaching in a vocational and technical school, day school, and evening school and particular skilled trade subject endorsed on the certificate." The requirements for a provisional certificate to teach skilled trades are:

(a) graduation from high school;

(b) at least 2 courses in teaching vocational and industrial education;

(c) "eight years of approved experience in the field for which the certificate is endorsed" which may include up to 5 years of "apprenticeship or specialized schooling."

Requirements for a standard certificate are:

(a) Three years "service in a position covered by the provisional certificate;

(b) 18 hours in "trade and industrial teacher education,"

(c) 12 hours in professional education.

B. Evening Vocational Schools

"This certificate is required for teaching the particular skilled trade subject endorsed on the certificate in the evening vocational school program." The requirements for "a provisional certificate as a teacher of skilled trades in evening school" are:

(a) high school graduation;

(b) at least one course in "teaching in vocational and industrial education;"

(c) eight years experience in the appropriate field to be taught.

The requirements for a standard certificate are three years experience under the provisional certificate and at least two courses in teaching and vocational and industrial education.

C. Trade-Related Subjects

"This certificate is required for teaching trade-related subjects, day school or evening school, in a vocational-technical school and/or in the vocational part-time trade extension classes." The requirements for a "provisional certificate to teach trade related subjects" are:

(a) a combination of high school graduation; 2 years post-secondary education with at least 30 hours in technical subjects such as math, science, drafting and design; and three years of appropriate industrial experience; or

(b) "the requirements for a provisional secondary certificate" in mathematics and/or science.

The requirements for a standard certificate are:

(a) 3 years experience under the provisional certificate;

(b) "either a standard certificate endorsed for teaching mathematics and/or science in a secondary school, and the following combination: "18 hours in trade and industrial teaching education and 12 hours in professional education.

D. Trade-Related Subject in Evening School Only

The requirements for a provisional certificate "to teach trade related subjects in the vocational-technical school evening program" are:

(a) high school graduation;

(b) 2 years post-secondary education with at least 30 hours in technical subjects;

(c) three years of approved industrial education,

(d) at least one course in teaching in vocational education.

Requirements for the standard certificate are three years service under the provisional certificate and at least 2 course of teaching in vocational and industrial education.

E. Vocational-Technical Fields

"This certificate is required of technical institute instructors and vocational instructors in such fields as radio, television, etc." The emphasis is on technical knowledge rather than trade skills.

The requirements for a "provisional certificate to teach vocational-technical fields" are:

(a) "A bachelor's degree with a major in the technical field to be taught."

(b) "Three years of satisfactory industrial experience."

(c) At least two courses in vocational education teaching.

Requirements for the standard certificate are:

(a) Three years service under the provisional certificate.

(b) 18 hours in trade and industrial teacher education;

(c) 12 hours in professional education.

"Teachers of academic and special subjects in the vocational-technical schools which are ordinarily part of the public secondary school curriculum" must hold the same certificates as would be required in the public secondary schools.

F. Vocational Agriculture

The requirements for a "provisional certificate to teach vocational agriculture in grades 9 to 12, also valid for teaching non-vocational agriculture and young farmer and adult classes" are:

(a) a bachelor's degree from an agriculture college or school of education "and completion of the curriculum requirements for teaching vocational agriculture,"

(b) three years farm experience since age 14.

The requirements for a standard certificate are three years service under the provisional certificate and a master's degree or 30 hours of graduate credit, at least 15 in professional education.

The requirements for a "provisional certificate valid for teaching adult vocational agriculture only" are:

(a) 6 years "recent experience in farming or in related agricultural activities;

(b) ...recommendation of the local advisory committee and the employing agency."

The provisional certificate may be renewed after three years of experience. There is no standard certificate.

G. Vocational Homemaking

"To teach vocational homemaking...in the state vocational technical schools, a teacher shall hold a vocational homemaking certificate, requirements for which are the same as those for the homemaking certificate" under certificates for special subjects. (§§ 10-146-22 and 10-146-23).

H. Adult Vocational Homemaking

"This certificate is required for teaching adult vocational homemaking in part-time or full-time...(and) state-aided programs and in vocational-technical schools. A person certified to teach vocational homemaking is eligible to teach adults in vocational homemaking courses." The requirements for "the provisional certificate for adult vocational homemaking" are: high school graduation; 8 years "wage earning experience in the field" to be taught; and 2 hours credit in teaching adult vocational homemaking.

The requirements for the standard certificate are: 3 years service under the provisional certificate and at least four hours in teaching adult vocational homemaking.

I. Teacher - Coordinator, Distributive Education

"To receive a provisional certificate...as teacher-coordinator of cooperative part-time classes, which is required for teaching and/or coordinating cooperative part-time classes in distributive education" the requirements are:

(a) a bachelor's degree

(b) 15 hours in the distributive fields;

(c) 9 hours of "professional education in such courses as vocational education, organization...of distributive education, school organization, teaching methods, and

(d) one year as a successful paid worker in distributive occupations."

The requirements for a standard certificate are 3 years of service under the provisional certificate and a master's degree or 30 hours graduate courses.

J. Adult In-service Distributive Education

"This certificate is required for teaching distributive education courses to adults employed in distributive occupations. The certified teacher-coordinator of cooperative part-time classes is eligible to teach the adult in-service distributive education classes. "Otherwise, the requirements are:

(a) high school graduation;

(b) 12 hours "of preparation for teaching in distributive education;"

(c) five years work experience "in a distributive occupation" or a bachelor's degree.

The requirements for a standard certificate are 96 clock hours of service under a provisional certificate and 24 hours in teaching distributive education.

I. Teaching Distributive Education

K. Occupational Subjects

Certification for "teachers, in those occupational

programs which call for special knowledge ...and experience in a field not provided for with present teacher preparation institutions. This classification includes teachers of semi-skilled occupational subjects in approved vocational education programs in day and evening school in the particular semi-skilled area endorsed in the certificate." The requirements for a "provisional certificate to teach occupational subjects" are:

(a) a high school diploma;

(b) at least three years "work experience in the field to be taught;"

(c) at least 2 courses in vocational and industrial education teaching.

"Alternatives for formal course work may be presented to show proficiency in the following competencies:

"(1) Have the ability to employ recognized methods of teaching...

"(2) Have demonstrable knowledge of classroom organization...

"(3) Have the ability to use...teaching materials... in the classroom.

"(4) Have demonstrable knowledge of the objective... of vocational education.

The requirements for a standard certificate are:

(a) Three years of service under the provisional certificate;

(b) Completion of a vocational education program which consists of 18 hours in vocational education teaching. ... "Alternatives for formal course work may be presented to show proficiency" ...

(c) Completion of a professional education program which consists of at least 12 hours taken in at least four of the following areas: developmental reading in secondary schools; psychology of learning; developmental psychology; audiovisual education; principles of secondary education; psychology of the

disadvantaged; and other related areas.

§ 10-146-53

The following are the requirements for "provisional and standard certificates to teach in programs of adult education."

(a) Academic or commercial subjects. "This certificate is required for teaching an academic or commercial subject in a public school adult education program." For a provisional certificate an applicant must fulfill "the requirements for a provisional or standard secondary teaching certificate endorsed for the subject taught." The requirements for a standard certificate is three years of teaching under the provisional certificate.

(b) English to non-English speaking adults. For a provisional certificate, the applicant must have a bachelor's degree and 4 hours "in methods of teaching foreign-born adults." The requirement for a standard certificate is three years teaching under a provisional certificate.

(c) One-year adult certificate. "This certificate may be issued for teaching adult classes in subjects other than those usually taught in the secondary schools, and not covered by other provisions of these requirements to an applicant who has filed with the bureau of teacher certification:

"(1) a general application listing details of education and background and

"(2) a statement from the employing superintendent of schools...that he[she] is familiar with "the applicant's background and that he or she is suited thereby for the teaching of adult classes in the subjects for which certification is sought" and is a U.S. citizen. This "certificate may be renewed annually...but cannot be converted to a standard certificate."

"Temporary emergency permits may be issued by the bureau of teacher certification...if...necessary to keep the schools in operation."

For a temporary permit to be issued for teaching positions, these conditions must be met:

1) a shortage must exist;

2) the superintendent of schools must request in writing a "permit to cover a specific position," state that there is no regularly certified teacher to fill the position, and attest "that special attention will be given, in the form of supervision...and...other assistance..., to the teacher for whom the permit is requested.

3) "the candidate for the position...holds a bachelor's degree...[and] is enrolled" in a teacher education program. For a secondary teaching position, the candidate may lack more than 18 hours in education and/or content courses, and no more than 9 in any subject to be taught; for an elementary position, the deficiency may be no more than 24 hours.

"A temporary emergency permit for administrative supervising a special service position will be issued only when the following conditions are met:"

(1) a shortage exists;

(2) the superintendent of schools requests in writing a "permit to cover the specific position...,...attest... that a fully certified candidate...is not available, ...[and] establishes the fact that immediate appointment to the position is essential for the welfare of the school children involved."

Temporary emergency permits may be renewed as follows:

(1) the superintendent must make written request;

(2) the individual holding the permit must have "fulfilled the annual in-service course requirements of at least" 6 hours;

(3) secondary permits may be renewed no more than twice and elementary permits no more than three times.

"An applicant may be eligible for a temporary emergency permit to teach industrial arts under the following conditions...:

"(1) A continued acute shortage of industrial arts teachers has been established;"

(2) the superintendent of schools requests a temporary permit in writing, states that a regular certified "candidate for the industrial arts position" is not available, and "attests...that the teacher ...will be provided with a cooperating teacher or supervisor of industrial arts who will be responsible for...guidance...during the entire first year of teaching;

(3) the applicant meets the following requirements: high school graduation; at least 5 years experience in a field(s) "closely related to the industrial arts teaching assignment;" at least 2 courses in industrial education teaching; "enrollment in...[a] teacher-preparatory program...which will lead to a bachelor's degree and...a provisional certificate as a teacher of industrial arts.

The temporary emergency permit for industrial arts teaching "may be renewed from year to year or... evidence of...: (1) satisfactory teaching...; (2) continued good standing in the teacher-preparatory program;" (3) completion of at least 12 hours in the program each year.

§ 10-146-56 -- 10-146-57

A substitute teacher must hold either a current teaching certificate or a substitutes' permit. "A substitutes' permit valid for" up to 40 days "in any one tour may be issued at the request of the superintendent of schools" as follows:

The superintendent of schools must request that a substitutes' permit be issued by the bureau of teacher

certification and state that the individual has a bachelor's degree or has graduated from an accredited 2 or 3 year normal school, is in good health and a U.S. citizen. The superintendent must annually provide the "bureau of teacher certification with a list of all substitutes he[she] proposes to employ during the coming school year." The bureau authorizes permits by validating the list.

"Additions to the original list of substitutes may subsequently be made at any time during the school year.... A substitutes' permit may be extended beyond the...forty-day period but not beyond the end of any school year."

§ 10-146-75 -- 10-146-77

"This certificate is required for anyone serving as a school counselor in grades kindergarten through twelve or coordinating school counseling services within a single school."

An applicant for a provisional certificate must meet the following requirements:

(a) "Hold a standard teaching certificate, or hold a provisional teaching certificate and have had three years of...teaching experience, or have completed a one-year's full-time supervised school internship....

"(b) Have completed one year of...work experience in one or more fields other than teaching...;

"(c) Hold a master's degree;

"(d) Have completed, as part of or in addition to the master's degree" at least 30 hours of graduate study in school counseling services;

(e) "Present the recommendation of the preparing institution...; and

"(f) Present evidence from the preparing institution of a progression of supervised experiences in counseling and guidance through laboratory and practicum."

Requirements for the standard certificate are three year experience under the provisional certificate and 45 "graduate semester hours in the area of school counseling services."

CROSS REFERENCE

II.A.1.; Statute §10-24d-2 -- 10-24d-10

VOCATIONAL SCHOOL ADMINISTRATION OR SUPERVISOR

REGULATIONS

§ 10-146-70 -- 10-146-72

"This certificate is required for anyone serving as administrative and supervisory director of a vocational school, and as assistant director of a vocational school, or as supervisor of a vocational evening school program."

The requirements for a provisional certificate are:

"(a) a standard certificate...for teaching in the vocational-technical schools, (b) five years of... experience as a teacher or supervisor in a public or nonpublic vocational school, (c) three years...industrial experience, (d) a bachelor's degree...and (e) a minimum of thirty semester hours of...professional preparation, undergraduate or graduate, including six...hours... in administration and supervision of vocational education."

Requirements for a standard certificate are three years of service under the provisional certificate and 10 hours "in approved graduate professional study beyond the requirements for the provisional certificate."

REGULATIONS

§ 10-146-9

The state board of education may revoke any certificate if it "finds that one or more of the following just causes exist: (1) the certificate was fraudulently obtained; (2) negligence of a professional unfitness for duties; (3) conviction of "seditions or subversive activity...[or] of a crime involving moral turpitude or of any other crime of such nature that...continued certification would impair the standing or certificates issued by the board."

REVOCATION

The local board of education or any interested person ("the regulating party") may request that a certificate be revoked. The state board must conduct a "preliminary inquiry to determine whether probable cause exists for instituting" revocation procedures.

"If the board...finds that probable cause does exist," the certificate holder shall be notified that revocation procedures are being initiated and shall be informed of grounds upon which the action is being taken. The notice shall also inform the holder that within 15 days he or she may either surrender the certificate or request a hearing before the board. If the holder does not request a hearing, the board may hold one at its own initiative. "If no hearing is held, the secretary of the board shall make...an investigation of the matters set forth in the notice" and report to the board.

NOTICE

HEARING

"The hearing shall be conducted by the board with at least two-thirds of the members...present and shall be public if the holder" so requests. The holder and the requesting party may "be present throughout the hearing and...be represented by Counsel."

RIGHT TO COUNSEL

In order for a certificate to be revoked, 2/3 of the board's full membership must so vote. The

board shall prepare a written opinion on the reasons for its action. Notice of the board's determination and its written opinion "shall be promptly furnished... to all parties to the proceeding."

Compliance with Education Laws

CROSS REFERENCE

I.State Board of Education; Statute §10-2

Educational System

Statutes

§10-239g

The demonstration board shall provide a valid test for judging the quality of education resulting from the demonstration program as compared to the present system of public and private schools. The evaluations shall be reported to the state board of education and the joint standing committee on education.

High School Diploma Recipients

Statutes

§10-5

Any person who has satisfactory evidence that she/he has an education equivalent to that required for graduation from high school may be issued a state high school diploma. Each person shall make application in the manner and form prescribed by the state board and shall, at the time of

DIPLOMA

filing, pay to the board the sum of two dollars. If the credentials and evidence are not sufficient, the person shall pay a fee to the board for any testing services needed. No veteran or member of the armed forces shall be required to pay the fees required by this section.

REGULATIONS

§10-5-1 -- 10-5-5, §10-5-7

DIPLOMA

The State Board issues a state high school diploma. "Any person requesting a state high school diploma shall furnish evidence of academic attainment equal to that usually required for graduation from a public high school in Connecticut." Application should be made on state board forms and all accompanying transcripts, letters and other documents should be original copies.

To be eligible for the state high school diploma and equivalency examination an applicant must be at least 19 years old and a state resident, "submit evidence of previous academic attainment...and...pass appropriate examinations in English, mathematics, natural sciences and social studies." In evaluating "a candidate's application for the state high school diploma,...work previously taken in an approved educational institution" or completed in the armed forces shall be taken into consideration.

LOCAL BOARD OF EDUCATION

STATUTES

§10-152

EQUAL OPPORTUNITY

A board of education shall not discriminate on the basis of sex in determining teachers' salaries.

§10-153

A board of education shall not discriminate on the basis of marital status in the employment of teachers.

§10-254

"Any member of a board of education who fraudulently makes or joins in making any false certificate, by reason of which money is drawn from the state treasury, shall be fined not more than sixty dollars."

CROSS REFERENCE

III.D.School District; Statute §10-4b

Non-Enrolled Adults

CROSS REFERENCE

III.D.Non-enrolled Adults; Statute §10-14f

Public School

CROSS REFERENCE

III.A.2.; Statute §10-15

Public School System

Statutes

§10-4a

"The educational interests of the state shall include, but not be limited to, the concern of the state that each child shall have for the period prescribed

in the general statutes equal opportunity to receive a suitable program of educational experiences; that each school district shall finance at a reasonable level an educational program designed to achieve this end; and that the mandates in the general statutes pertaining to education within the jurisdiction of the state board of education be implemented."

PUPIL

CROSS REFERENCES

II.A.1.; Statute §10-18

II.A.1.; Statute §10-24d-2 -- 10-24d-10

III.D.Student Proficiency; Statute §10-14e

SCHOOL SYSTEM

CROSS REFERENCE

I.Regional Educational Service Center Board; Statute §10-66i

SCHOOL BOARDS

CROSS REFERENCE

I.State Board of Education; Statute §10-2

SCHOOL FOOD AUTHORITY

CROSS REFERENCE

IV.C.; Regulation §10-215b-1 -- 10-215b-22

STATUTES

§10-151

A board of education may authorize the superintendent or "supervisory agent" (principal, administrator or supervisor) to employ teachers. Any superintendent or supervisory agent not authorized to employ teachers shall submit nominations for teachers to the board of education.

A teacher's contract must be in writing and may be terminated for incompetence, insubordination, moral misconduct, disability, elimination of the teacher's position, or other sufficient cause. If a board fails to review a teacher's contract, the teacher is entitled to a hearing before the board. If a teacher is terminated for any of the above reasons, he/she must receive written notice and a hearing, if requested. The board's decision may be appealed to the court of common pleas which shall affirm or reverse the board's decision.

TERMINATION

NOTICE

HEARING

APPEAL

§10-151a

A teacher shall have access to supervisory records, reports of competence and personal character, maintained in his/her personnel file.

ACCESS TO RECORDS

REGULATIONS

§ 10-281n-4

"For the salary of a teacher to be reimbursed" under the Nonpublic School Secular Education Act the teacher must "instruct in secular subjects only and...not devote more than half of his [her] time "to nonteaching duties" nor during the regular school day offer religious instruction.

Salaries of teachers who were "employed full time in an approved school on July 1, 1969" or were employed between July 1, 1969 and July 1, 1972 and hold a bachelor's degree are reimburseable. "After July 1, 1972, any teacher in an approved nonpublic school shall be required to meet all the state board of education requirements for certification as a public school teacher and hold an appropriate certificate from the state board education to be qualified for salary reimbursement.

CROSS REFERENCES

III.B.Teachers; Statute §10-145b

III.B.Teachers; Statute §10-146a

D. Evaluation and Reporting

Bilingual and Bicultural Programs

CROSS REFERENCE

II.A.5.; Statute §10-17c

Child Nutrition Program

CROSS REFERENCE

IV.C.; Statute §10-215c

Compensatory Education Programs

CROSS REFERENCE

II.A.6.; Statute §10-266i

Curriculum

CROSS REFERENCE

II.A.1.; Statute §10-18

Driver Education Program

CROSS REFERENCE

II.A.1.; Statute §10-24d-2 -- 10-24d-10

Education System

Statutes

§10-157

The board of education of each town shall provide for the supervision of schools by a superintendent or a supervising agent. If the board elects a superintendent, it shall fix his/her salary and term of office (not more than three years). The superintendent shall report to the board on the condition of the schools with suggestions for their improvement. If a town has a supervising agent it is not necessary to elect a superintendent.

CROSS REFERENCE

III.E.Teachers; Statute §10-4

Experimental Projects in Special Education

CROSS REFERENCE

II.A.2.; Statute §10-76k

Institution Schools

CROSS REFERENCE

II.A.10.Other - Institution Schools; Statute §17-441

Master Plan for Vocational Education

CROSS REFERENCE

II.A.3.; Statute §10-96a

Plan for Special Education

CROSS REFERENCES

II.A.2.; Statute §10-76i

II.A.2.; Regulation §10-76b-6 -- 10-76b-8; 10-76b-10

Proceedings of Local Board of Education

Statutes

§10-224

The secretary of the board of education shall keep records of the board's proceedings and submit an annual report to the town.

Racial Composition of Schools

Statutes

§10-226a

The board of education of each town shall annually submit data to the state board of education reflecting

the number of pupils of racial minorities in the schools. Racial minorities means students of Negro, Mongolian, Malay, Puerto Rican, Mexican American or American Indian ancestry.

Racial Imbalance

Statutes

§10-226b

Whenever the state board of education finds that racial imbalance exists in a public school, it shall notify in writing the local board of education. A racial imbalance exists whenever the proportion of students of racial minorities exceeds or falls short of the proportion of public school pupils in all grades in the district.

Regional Board Services

Statutes

§10-66h

The board of a regional educational service center shall annually furnish to all participating boards an evaluation of the programs and services provided by the regional board.

Scholarship System

Statutes

§10-239a

A "demonstration scholarship program" has been adopted by the legislature to enable six towns to participate in a program to develop and test the use of education scholarships. The purpose of the program is to test the usefulness of education scholarships in improving educational quality, providing greater parental choice, and to determine the extent to which educational quality is affected by economic incentives.

School District

Statutes

§10-4b

Whenever the state board finds that any school district has failed to make reasonable efforts to implement the educational interests of the state, the board shall conduct an inquiry to find out why the school district has failed and shall determine what recommendations should be made as to the necessary remedies. The local board shall be given opportunity to be heard by the state board.

Special Education Plan

CROSS REFERENCE

II.A.2.; Statute §10-76j

Special Education Programs

CROSS REFERENCES

II.A.2.; Statute §10-76d

II.A.2.; Statute §10-76l

Student Proficiency

Statutes

§10-14e

Each student enrolled in the tenth grade in public high school or any endowed or incorporated high school or academy shall take a proficiency examination. EXAMINATION

Any student in the twelfth grade in any such school who has failed the examination shall be re-examined once prior to receiving her/his high school diploma.

Any student enrolled in twelfth grade in any such school who has not taken the proficiency examination may take it.

STUDENTS

STATUTES

§10-14g

The state board of education shall "(1) establish a means to examine proficiency of performance in basic verbal and quantitative skills, and (2) develop procedures to administer, grade and report the results of examinations to be offered for the purpose of testing such skills." The examinations shall be graded as "pass" or "fail". The examinations shall not be given more than four times in any calendar year.

TEACHER

STATUTES

§10-151b

The superintendent of each school district shall continuously evaluate each teacher, and shall report the status of each evaluation to the town or regional board of education each year.

CROSS REFERENCES

II.A.1.; Statute §10-19

II.A.1.; Statute §10-220a

TEXTBOOKS

CROSS REFERENCE

III.E.Teachers; Statute §10-226g

E. IMPROVEMENT EFFORTS

SCHOOL SYSTEM

STATUTES

§10-226d

The state board of education shall review a plan to correct racial imbalance and if it is satisfactory, the board will approve it and will provide assistance

to the local board. The board of education shall submit quarterly reports on the implementation of the approved plan.

§10-226e

The state board of education has authority to establish regulations prescribing procedures for reports and criteria to be used in approving plans to correct racial imbalance.

SPECIAL EDUCATION SERVICES

CROSS REFERENCE

II.A.2.; Statute §10-761

TEACHERS

STATUTES

§10-5

The state board of education "shall have general supervision and control of the educational interests of the state;" . . . provide leadership and otherwise promote the improvement of education" in the state; conduct workshops and related activities . . . to assist teachers in making effective use of . . . curriculum materials and in improving their proficiency . . . and shall keep informed as to the progress and needs of the schools in the state."

The "board shall submit to the governor . . . and to the general assembly a detailed statement of the activities of the board and an account of the public schools . . . and other such information as will assess the true condition, progress and needs of public education."

The board shall include in its report recommendations for policies and programs designed to improve education.

§10-226g

The board of education of each school district may provide a program in intergroup relations training

for all public school teachers. The boards may appoint an employee to act as coordinator of intergroup relations and this person shall provide workshops for teachers, evaluate textbooks, and implement programs of intergroup relations in the schools.

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

2. Other Qualification Standards

Statutes

§2802

The Board of any district may initiate the expansion of a regular school year from 180 day program to 230 day program.

§2803

The qualified voters in any school district must, by referendum, approve the proposal of a local school board for expansion of the school year from 180 day program to 230 day program. Such referendum must be approved at least six months before the implementation of such programs.

§2804

The Board must, by resolution, approve the expanded program at least three months before the plan is submitted for referendum. Approval must be based, in part, on an analysis of a ten-year student population projection for the local district.

§4107

Every day in which a general election is held in the State shall be a legal holiday for all schools.

Any person causing said schools to be open on these days shall be fined.

B. Qualification Standards for Personnel

Certificated Personnel

§1092

"Every employee of a reorganized school district must meet qualification standards adopted by the Board and be certified or otherwise licensed . . . ."

DISTRICT BOARD OF EDUCATION MEMBERS

CROSS REFERENCES

I.District Boards of Education; Statute §1052

I.District Boards of Education; Statute §1062

STATE BOARD OF EDUCATION

STATUTES

§1230

"The State Board of Education shall make rules and regulations relative to the certification of substitute teachers and such rules and regulations shall include at least three classifications for substitutes as follows:

Class A -- A Class A certificate may be issued to an applicant who holds a valid Delaware teacher's certificate or such a certificate that has expired. In the case of a certificate that has expired, the applicant for the substitute certificate shall not be required to present refresher courses for issuance of the substitute's certificate.

Class B -- A Class B certificate may be issued to an applicant with or without a Bachelor's degree who meets at least the requirements for temporary emergency certificate as set forth in section 1313 and section 1315 of this Title.

Class C -- A Class C certificate may be issued to an applicant who is not eligible for either Class A or Class B certification but who is recommended to the State Superintendent of Public Instruction by the chief school officer of a Delaware school district."

STATE BOARD OF EDUCATION MEMBERS

CROSS REFERENCE

I.State Board of Education; Statute §101

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCE

I.State Superintendent of Public Instruction; Statute §107

TEACHERS

STATUTES

§1201

The State Board has the authority to pass rules and regulations governing the qualification and certification of teachers in the public schools; certificates issued by other certifying boards prior to July 13, 1971 concerning qualification and certification of teachers shall be honored by the Board.

§§1202; 1203

Professional status certificates, valid for five year terms, shall be issued to teachers meeting the initial certification requirements and who have served for a three year period in the type of position for which the certificate is appropriate. Renewal of the Professional status certificate occurs when the teacher shall have been employed for at least three school years during the aforesaid five-year term in the position for which the certificate was issued.

CROSS REFERENCE

II.A.3.; Statute §3310

VOCATIONAL-TECHNICAL DISTRICT BOARD MEMBERS

CROSS REFERENCE

II.A.3.; Statute §1064

C. PERFORMANCE STANDARDS

SCHOOL EMPLOYEES

STATUTES

§1094

The contract with school employees shall be a contract drawn on a form approved by the Board executed by the reorganized school district board. One copy of the contract shall be delivered to the employee and one shall be made part of the permanent file of the school district.

A school employee may be dismissed or suspended from his[her] duties.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCE

I.State Superintendent of Public Instruction; Statute §107

TEACHERS

STATUTES

§1204

A Professional Status Certificate may be revoked upon dismissal for immorality, misconduct in office, incompetency, wilful neglect of duty or disloyalty, provided full and fair hearing and appeal shall have been allowed as elsewhere set forth in this title.

A teacher shall not forfeit his/her Professional Status Certificate and his/her rights appertaining if he /she be transferred against his/her will to an educational position for which he/she is not certified.

§4101; 4102

On the first day of school at the beginning of the school year, during first period, the First Amendment of the Constitution of the United States of America shall be read by the teacher in charge to students in all public schools.

A three minute portion of time during the day shall also be allotted to each student to pursue his/her individual, moral, philosophical, patriotic or religious activity.

Any school official who refuses to comply with these provisions shall be subject to a monetary fine.

§4105; 4106

Each morning in public schools teachers are to lead students in a salute and pledge of allegiance to the American flag. Any school official who fails to require the salute and pledge shall be fined.

D. Evaluation and Reporting

Public Schools

Statutes

§124

The Board is to submit, yearly or on or before the first day of January, an annual report covering all operations of the Board. The annual report of the Board for the school year next preceding the meeting of the General Assembly shall include recommendations for additional legislation and for changes in existing legislation.

§1050

The school board of each reorganized district shall publish an annual report, addressed to the people of the district, covering the current conditions, accomplishments, and need for improvement and advancement of the schools, as well as a statement of the business and financial transactions of the school board. This report is to be approved by the school board not later than December 31, following the close of the fiscal year.

Vocational Education Programs

CROSS REFERENCE

II.A.3.; Statute §3310

E. Improvement Efforts

Educational Programs

CROSS REFERENCE

I.Advisory Board to the State Board of Education; Statute §110

DISTRICT OF COLUMBIA

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A. QUALIFICATION STANDARDS FOR SCHOOLS AND SCHOOL DISTRICTS

2. OTHER QUALIFICATION STANDARDS

STATUTES

§31-1101

Children beyond the second grade "shall be given a whole school-day session."

B. QUALIFICATION STANDARDS FOR PERSONNEL

CHILD LABOR INSPECTOR

REGULATIONS

CH. XVII, §9

LICENSE XII - PUPIL PERSONNEL SERVICES TSA - 15

"Child labor inspectors:

(1) A Bachelor's degree from an accredited institution with a major in education, social work, or the social or behavioral sciences

(2) Satisfactory completion of a sequence of courses in preparation for being a child labor inspector which may be taken as part of or in addition to the degree.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

A minimum of twelve...semester credits which must include coursework in each of the following areas: (a) Psychology-adolescent, child, abnormal, developmental, or social psychology (b) Sociology - social problems, sociology of urban youth, juvenile delinquency, community and urban services, criminology, urban studies and problems, Black studies, problems of minorities, or cultural anthropology (c) Education - educational psychology, urban education, principles of education, school and community, or school law.

A minimum of twelve...semester credits taken from the following areas: (c) Social work - principles and practices of social case work, methods of interviewing, or community organization (d) Business/Law - economics, business or labor law, personnel policies and practices, or administration

"(e) Child welfare - exceptional children, legislation in care and protection of dependent children, problems of neglect, child abuse, handicapped children, or delinquent children and parents

(f) Guidance and counseling - techniques of interviewing, measurement and evaluation, vocational information, mental hygiene, or human relations

(3) Student teaching, internship, practicum, or field experience taken as part of the professional training program

OR

A minimum of two...years of satisfactory related professional experience."

COUNSELOR

REGULATIONS

CH. XVII, §9

LICENSE IX - PUPIL PERSONNEL SERVICES TSA-15

"Counselors and pupil personnel workers/All grade levels

Class 1 - Counselors

(1) A Master's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for counseling in the schools which may be part of or in addition to the degree requirements. A minimum of thirty (30) semester credits in counseling is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Principles of guidance (b) Techniques of counseling (c) Vocational information (d) Group counseling (e) Organization and administration of guidance services (f) Mental hygiene (g) Human relations (h) Pupil assessment (i) Rehabilitation counseling (for counselors in special schools)

Additional semester credits must be courses in the following areas:

Not less than three semester credits in the following:

(a) Principles and problems of elementary school guidance (b) Counseling the disadvantaged (c) Sociology of urban youth (d) Case study techniques (e) Current issues and trends in guidance

Not less than three (3) semester credits in the following:

(a) Child, adolescent, developmental, social or abnormal psychology (b) Urban youth (c) Group dynamics (d) School and community (e) Sociology

DIRECTOR OF DEPARTMENT OF EDUCATION

CROSS REFERENCE

I.Board of Education; Statute §31-212

EDUCATION PERSONNEL

STATUTES

§§31-1801 - 1803

The Mayor may enter into an agreement with any other states which is substantially the same as the "Interstate Agreement on Qualification of Educational Personnel" published in the D.C. Code. The "designated State official" under any such agreement will be the Superintendent, who may enter into contracts under the Agreement only with the Board's approval. Copies of such contracts shall be on file at the Mayor's and the Board's office.

HEARING THERAPISTS

STATUTES

CH. XVII, §9

LICENSE XIV - PUPIL PERSONNEL SERVICES TSA-15

"Hearing Therapists

(1) A Bachelor's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for being a hearing therapist which may be part of or in addition to the degree requirements. A minimum of twenty-four...semester credits in hearing therapy is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

(a) Educational psychology (b) Sociology of urban youth (c) Introduction to teaching in urban elementary schools or urban secondary schools (d) Methods of speech and/or hearing therapy

(3) Satisfactory completion of a minimum of two hundred (200) clock-hours of supervised hearing therapy experience with hearing-loss pupils.

OR

A minimum of one...year satisfactory experience as a hearing therapist."

LIBRARIAN

REGULATIONS

CH. XVII, §9

LICENSE VIII - School LIBRARIANS (All grade levels) TSA-15

"Class 1 School librarians/Elementary Schools

(1) A Bachelor's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in library science which may be part of or in addition to the degree requirements. A minimum of eighteen (18) semester credits in library science is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

(a) Organization and administration of school media centers and their collections (b) Cataloging (c) Selection and use of materials for children and young people (d) Audiovisual materials (e) Reference materials.

(3) Satisfactory completion of a sequence of courses in preparation for teaching at the elementary level which may be part of or in addition to the degree requirements. A minimum of fifteen (15) semester credits in elementary education is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology; (b) Teaching of reading; (c) Children's literature; (d) Sociology of urban youth; (e) Introduction to teaching in urban elementary education; (f) Observation and student teaching, OR one...year of satisfactory library or teaching experience on the elementary level.

"Class 2 School librarian/Junior High Schools

(1) A Bachelor's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in library science which may be part of or in addition to the degree requirements. A minimum of eighteen . . . semester credits in library science is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Organization and administration of school media centers and their collections (b) Cataloging (c) Selection and use of materials for children and young people (d) Audiovisual materials (e) Reference materials.

(3) Satisfactory completion of a sequence of courses in preparation for teaching at the secondary level which may be part of or in addition to the degree requirements. A minimum of fifteen...semester credits in secondary education is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology (b) Teaching of reading (c) Sociology of urban youth (d) Introduction to teaching in urban secondary schools (e) Observation and student teaching, OR one...year of satisfactory library or teaching experience on the secondary level.

"Class 3 - School librarians/Senior and Vocational High Schools

(1) A Master's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in library science which may be part of or in addition to the degree requirements. A minimum of thirty...semester credits in library science is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Organization and administration of school media centers and their collections (b) Cataloging (c) Selection and use of materials for children and young people (d) Audiovisual materials (e) Reference materials.

(3) Satisfactory completion of a sequence of courses in preparation for teaching at the secondary level which may be part of or in addition to the degree requirements. A minimum of fifteen...semester credits in secondary education is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology (b) Teaching of reading (c) Sociology of urban youth (d) Introduction to teaching in urban secondary schools (e) Observation and student teaching, OR on ...year satisfactory library or teaching experience on the secondary level."

PRINCIPAL

REGULATIONS

CH IX, § 11.3

Eligibility lists shall be established by the Director of Personnel for the positions of principal and assistant principal. Each list shall contain the names of persons who have been prescreened by the Director. The list shall be open on a continuing basis and reviewed annually. The lists shall be open for inspection at all times.

Any change in the qualifications for eligibility shall be transmitted to each person on the list. Those not meeting the qualifications shall be dropped from the list.

Persons automatically eligible for placement on the current list must request such placement.

PSYCHOLOGIST

REGULATIONS

CH. XVII, §9

LICENSE X - PUPIL PERSONNEL SERVICES

"School Psychologists

(1) A Master's degree in psychology from an accredited institution;

(2) Satisfactory completion of a sequence of courses in psychology which may be part of or in addition to the degree requirements. A minimum of thirty . . . semester credits in psychology is required, with not less than twenty...semester credits on the graduate level.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Individual testing and diagnosis (b) Projective techniques (c) Sociology of urban youth (d) Educational psychology (e) Pupil assessment

Remaining semester credits must be courses in the following areas:

(a) Mental hygiene (b) Clinical psychology (c) Child development (d) Developmental psychology (e) Abnormal psychology (f) Human development (g) Statistics or Educational research

(3) Satisfactory completion of a practicum in psychology in an educational setting, a child guidance setting, a medical setting, or a community agency setting

OR

A minimum of one...year satisfactory paid professional experience as a psychologist in one of the above settings."

READING PERSONNEL

REGULATIONS

LICENSE XV - READING PERSONNEL (All grade levels TSA-15)

"Reading teachers, reading specialists, regional reading coordinators, and reading consultants:

Class 1 - Reading Teachers

(1) A Bachelor's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for teaching reading on the elementary or secondary level which may be part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

(a) Educational psychology (b) Child or adolescent psychology (c) Introduction to teaching in urban elementary schools or urban secondary schools (d) Children's literature (e) Teaching of reading (f) Diagnosis and correction of reading disabilities (g) Corrective and remedial techniques of reading (h) Sociology of urban youth.

(3) A minimum of three...years of satisfactory teaching experience on the elementary and/or secondary level.

Class 2 - Reading Specialists

(1) A Master's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for being a reading specialist which may be part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

(a) Educational psychology (b) Child or adolescent psychology (c) Introduction to teaching in urban elementary schools or urban secondary schools (d) Materials and methods of teaching (e) Personality, cognition and learning behavior (f) Children's literature (g) Education of exceptional children (h) Sociology of urban youth (i) Corrective and remedial techniques of reading (j) Diagnosis and correction of reading disabilities (k) Clinical or laboratory practicum (l) Foundations or surveys of reading (m) Observation and student teaching on the elementary or secondary level

(3) A minimum of three...years of satisfactory teaching experience on the elementary and/or secondary level, or equivalent experience in a reading laboratory or clinic.

Class 3 - Regional Reading Coordinators

(1) ALL requirements of License XV, Class 2, must be met.

(2) Satisfactory completion of a sequence of graduate courses in education which may be part of or in addition to the degree requirements. A minimum of twelve ...graduate-level semester credits is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Human relations (b) School administration(c) Educational technology. Additional semester credits must be not less than one...graduate level course from each of the following areas: (a) Remediation and diagnosis of reading and learning problems (b) Curriculum development and supervision

(3) Field experience under supervision of a qualified reading consultant.

Class 4 - Reading Consultants

(1) A Master's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for being a reading consultant which may be part of or in addition to the degree requirements. A minimum of thirty...semester credits in graduate courses beyond the master's level is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology (b) Child or adolescent psychology (c) Introduction to teaching in urban elementary schools or urban secondary schools (d) Materials and methods of teaching reading (e) Personality, cognition, and learning behavior (f) Literature for children or adolescents (g) Education of exceptional children (h)Sociology of urban youth (i) Corrective and remedial techniques of reading (j) Foundations or surveys of reading (k) Diagnosis and correction of reading disabilities (l) clinical or laboratory

practicum (m) Remediation and diagnosis of reading and learning problems (n) Curriculum development and supervision (o) Observation and student teaching

Additional semester must be graduate-level courses in the following areas: (a) Human relations (b) School administration (c) Educational technology (d) Guidance

(3) A minimum of three ...years of satisfactory teaching experience on the elementary or the secondary level, or both, OR the equivalent amount of experience in the reading laboratory or reading clinic.

(4) Field experience under the supervision of a qualified reading consultant."

REGIONAL SUPERINTENDENT

REGULATIONS

Ch. II, §210

"Each applicant for the position of Regional Superintendent must meet all of the following qualifications:

(a) A Master's degree.

(b) Successful completion of at least twelve . . . semester hours of administration and supervision in education at an accredited institution. For the purpose of this Section, 'satisfactory completion' is defined as the attainment of a grade of 'B' or higher in such course-work.

(c) At least ten . . . years of experience in the field of education (a portion of which shall have been at the level of Principal) or comparable experience in business, industry, or government. Five . . . years of such experience must have been obtained in an urban school system.

Qualified applicants who are employees of the D.C. Public School System shall be given priority when applicants possess equal qualifications and display comparable capacity and fitness for the position."

Ch. II, § 211

The superintendent shall establish a screening panel for each regional superintendent vacancy. The panel

shall consist of one student, a representative, chosen by the Board of Education, experienced in educational administration, two representatives of the community and one member of the administration appointed by the superintendent. It shall review all candidates to see if they meet the minimum qualifications.

Ch II, § 212

The superintendent shall establish a regional selection panel to interview and rank the candidates for position of regional superintendent. The selection panel shall consist of the superintendent, one administrative officer GS-15 or greater, two representatives of the community, and a member of the Board of Education. The Director of the Division of Personnel shall be a nonvoting member of the committee.

The person who receives the highest rating from the panel shall be recommended to the board.

Ch II, § 213

The Board of Education shall appoint all regional superintendents upon recommendation from the selection panel. The Board may accept or reject the recommendation, but may not substitute its own recommendations.

SCHOOL EMPLOYEES

STATUTES

§31-1511 --1513

Upon written recommendation of the superintendent, the Board "is authorized to establish the eligibility requirements and prescribe methods of appointment and promotion "for its employees, as well as "to classify and assign "such employees to salary classes.

Generally, the first two years of service are probationary except that any person having more

than three years' satisfactory experience outside the District may be assigned permanent status after a one-year probationary period.

Teaching certificates shall be valid for five years and may be renewed upon application and upon the completion of six hours credit during the preceding five-year period.

CROSS REFERENCES

III.C.School Employees; Regulation; Chap. IX, §13

III.C.School Employees; Regulation; Chap. IX, §14

School Janitors

CROSS REFERENCE

I.School Janitors; Statute §31-1105

School Officers

Regulations

CH. IX, §11.1

"(a) School officer positions . . . shall be filled on the basis of qualifications and fitness for the particular position and shall be filled according to the competitive procedures....(b) In the event that candidates being considered for a school officer position possess comparable qualifications and display comparable fitness and capacity for the position being filled, priority shall be placed upon promotion from (1) within the D.C. Public Schools, (2) residents of the District of Columbia, and (3) persons who have successfully completed the Administrative Internship Program, respectively. (c) Members of the community shall be encouraged to identify and recommend persons whom they consider qualified for school officer positions and to participate in the selection process...."

Ch. IX, §11.6

Appointments to school officer vacancies shall be made through a selection panel in which organized school

communities shall be entitled to participate.

Each panel shall consist of one member of the board of education, one school officer serving in the same type of position, the regional superintendent or designee, the director of personnel or designee and two community representatives.

Each selection panel shall conduct an oral interview of each candidate. The candidate with the highest rating shall be recommended to the board of education for appointment.

CH. IX, §11.7

APPOINTMENT

"(a) The appointment of all school officers shall be made by the Board of Education upon the written recommendation of the Superintendent of Schools. (b) The Board of Education may accept or reject the recommendation of the Superintendent but may not substitute its own recommendation for that of the Superintendent. (c) The Superintendent of Schools shall receive the report of the selection panel from the Director of Personnel. The Superintendent may accept or reject the candidate selected by the panel. (d) In the event that the candidate selected by the panel is rejected by the Superintendent, the Superintendent shall direct the Director of Personnel either to re-open the position for application and establish a new selection panel <u>or</u> submit the name of the next-ranked candidate for consideration. If none of the top three candidates, as ranked by the selection panel, is accepted for recommendation to the Board by the Superintendent the position shall be re-opened and a new selection panel established. (e) The final report of the selection panel shall be forwarded to the Board of Education with the recommendation of the Superintendent for the information of the Board. (f) The appointment of school officers by the Board of Education upon the Superintendent's recommendation shall be by a majority vote."

"Minimum qualifications and eligibility requirements for school officer positions shall be established by the Board of Education. . . . (a) In order to qualify for appointment to a school officer position, a candidate must possess the following qualifications: (1) A Master's Degree from an accredited institution. (2) A minimum of five . . . years experience in the field of education or a field closely related to the activities of the position for which the candidate is being considered, or a combination thereof. (b) In addition to the eligibility requirements set forth in paragraph (a) above, candidates for specific school officer positions shall be required to possess such additional qualifications as the Board of Education shall determine and set forth in this Section.

(a) Where an examination by the Board of Examiners is required by law as a pre-requisite for eligibility for a school officer position, such examination shall consist of the following: (1) An examination of the academic credentials presented by the candidate to assure that the candidate meets the minimum requirements set forth in this Section. (2) An examination on other professional licenses or certifications as may be prescribed by the Board of Education or the laws of the District of Columbia. (b) The determination of all other qualifications as set forth in this Section shall be made by the Director of Personnel.

(a) Candidates for the position of principal must meet the requirements for eligibility for school officer positions. . . .

(b) A candidate for the position of Principal must have successfully completed four . . . years of work in a supervisory capacity in the field of education or a related field <u>or</u> two . . . years as an Assistant Principal or Acting Principal.

(c) A candidate for the position of Principal shall have successfully completed a minimum of six . . . semester hours in educational supervision or administration at an accredited institution. For the purposes of this Section 'successful completion' shall be evidenced by the receipt of a

grade of "C" or better for undergraduate coursework completed or "B" or better for graduate coursework taken for the hours required by this subsection.

(a) Candidates for the position of Assistant Principal must meet the requirements for eligibility for school officer. . . .

(b) Candidates for Assistant Principal must have successfully completed . . . a minimum of six . . . semester hours in educational supervision or administration at an accredited institution."

School Personnel

Statutes

§31-114

APPOINTMENT

No teacher, principal, or director "shall be appointed until he[she] shall have passed an examination prescribed by the board of examiners." No person shall teach in the high schools without a degree from an accredited college "or a graduation certificate from an accredited normal school, such normal school graduate to have had at least five years of experience as a teacher in a high school . . . . This provision for examination shall not apply to teachers coming from the teachers' college, or teachers being advanced from the different classes in the grade schools."

Social Worker

Regulations

CH. XVII, §9

LICENSE XI - PUPIL PERSONNEL SERVICES TSA-15

"School social workers, attendance officers, and psychometrists: Class 1 - School social workers

(1) A Master's degree in social work from an accredited graduate school of social work

(2) Field work placement experience in a setting dealing with the problems of school-age children and their families

OR

A minimum of one...year of paid professional experience in a setting dealing with the problems of school-age children and their families.

Class 2 - Attendance officers

(1) A Bachelor's degree from an accredited institution with a major in education, social work, or the social or behavioral sciences.

(2) Satisfactory completion of a sequence of courses in preparation for work as an attendance officer which may be taken in addition to or part of the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

A minimum of fifteen...semester credits representing preparation in each of the following areas: (a) Psychology-psychology of adolescence, child psychology, developmental or social psychology, mental hygiene, or dynamics of human behavior (b) Education - educational psychology, urban education, school law, or curriculum studies (c) Sociology and Social Problems - social problems, delinquency, poverty, interracial and intercultural problems, problems of minorities, Black studies, cultural anthropology, or family or urban sociology (d) Child Welfare - exceptional children, legislation in care and protection of dependent children, problems of neglect, child abuse, handicapped children or delinquent children and parents.

The remaining nine...semester credits are to be taken in the following areas: (e) Social work - principles and practices of social case work, methods of interviewing, group work, or community organization (f) Guidance and counseling - measurements and evaluation, pupil assessment, techniques of interviewing, case study techniques, principles of guidance, or techniques of counseling

(3) Student teaching, internship, practicum, or field experience taken as part of the professional training program;

OR

A minimum of one...year or satisfactory professional experience in the major;

OR

A minimum of two...years of satisfactory para-professional experience as an attendance aide.

Class 3 - Psychometrists

(1) A Bachelor's degree with a major in psychology, sociology, or education from an accredited institution.

(2) Satisfactory completion of a sequence of courses in education and psychology which may be taken as a part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

A minimum of twelve...semester credits from at least four...of the following: (a) Tests and measurements OR the testing and assessment of pupil learning characteristics (b) Psychological or individual testing (c) Educational psychology (d) Educational or psychological statistics (e) Educational sociology

(3) A minimum of six...graduate semester credits in individual or group assessment

(4) A minimum of three...graduate semester credits in any of the following: Advanced educational or psychological statistics - Introduction to research [not including thesis writing] - Urban sociology

(5) A required course in Introduction to Urban Education on the elementary or secondary level or both

(6) A minimum of one...year of satisfactory teaching experience (K-12),

OR

A minimum of one...year of satisfactory professional experience in an area that incorporates pupil assessment or research.

* * *

(7) A Master's degree in psychology from an accredited graduate school may be substituted for the requirements of sections (1) - (4), above."

SPEECH CORRECTIONISTS

REGULATIONS

CH. XVII, §9

LICENSE XIII - PUPIL PERSONNEL SERVICES TSA-15

"Speech Correctionists

(1) A Bachelor's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for being a speech correctionist which may be part of or in addition to the degree requirements. A minimum of twenty-four...semester credits in speech correction is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

(a) Educational psychology (b) Sociology of urban youth (c) Introduction to teaching in urban elementary schools or urban secondary schools (d) Methods of speech correction

(3) Satisfactory completion of a minimum of two hundred (200) clock-hours of supervised speech practice.

OR

A minimum of one...year satisfactory experience as a speech correctionist."

TEACHERS

REGULATIONS

CH. XVII, §5

"An applicant who has been denied renewal of his[her] teaching certificate may request a review of the decision by the Board of Examiners.

RENEWAL

A request for review of denial of renewal of a teaching certificate shall be in writing to the Chief Examiner and must be filed not later than thirty...days from the date of receipt of notice of denial of renewal.

Review before the Board of Examiners shall include an opportunity for the employee or the employee's representative to present arguments to the Board orally or in writing.

A review of denial of renewal shall not extend the date of expiration of the certificate . . . . However, an employee who is found to have been wrongly denied renewal by the Board of Examiners shall be retroactively restored to employment.

The decision of the Board of Examiners shall be made within thirty...days of the filing of the request for review, and shall be the final administrative action on the matter, except where provided otherwise by law or collective bargaining agreement."

CH. XVII, §9

LICENSE I - EARLY CHILDHOOD (Pre-K & K) TSA-15

"Teachers of pre-kindergarten and kindergarten:

(1) A Bachelor's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for teaching on the early childhood level which may be part of or in addition to the degree requirements. A minimum of eighteen . . . semester credits in early childhood education is required.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

(a) Child development or child psychology (b) Curriculum for early childhood education OR nursery school curriculum procedures (including literature, story telling, music, art, mathematics, and science) (c) Methods and materials for early childhood education OR methods of teaching in nursery school.

Additional semester credits may include courses from any or all of the following areas: (a) Play activities and materials for nursery and kindergarten children; (b) Teacher, child, family, and community interaction (c) Philosophy of education of the young child (d) The role of the early childhood teacher.

(3) Observation and student teaching on the early childhood level.

OR

A minimum of one . . . year of satisfactory teaching experience under adequate supervision at the early childhood level."

LICENSE II - ELEMENTARY SCHOOL TEACHERS (Grades 1-6) TSA-15

"Class 1 - Regular classroom teachers

(1) A Bachelor's degree from an accredited institution;

(s) Satisfactory completion of a sequence of courses in preparation for teaching on the elementary level which may be part of or in addition to the degree requirements.

The following academic semester credits are REQUIRED: English (composition & literature) 12; Geography 3; History 6; Mathematics 9; Science (biological & physical) 6; Music 2; Art 2; Health & Nutrition 3; Physical Education 3.

The following education courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology; (b) Introduction to teaching elementary education in the urban setting; (c) Corrective and remedial techniques for teaching of reading; (d) Sociology of urban youth; (e) Mathematics for elementary teachers (content course) (f) Speech and language development for teachers (g) Development of oral communication skills in children; (h) Materials and methods of teaching the following on the elementary level: Language Arts, Reading, Social Studies, Mathematics, Science, Related subjects (at least TWO of the following): art, music, physical education, health, or children's literature.

(3) Observation and student teaching on the elementary level

OR

A minimum of one...year satisfactory teaching experience on the elementary level.

Class 2 - Teachers of art, music, physical education and foreign languages

(1) A Bachelor's degree from an accredited institution with not less than thirty...semester credits in the subject area to be taught; (2) Satisfactory completion of a sequence of courses in preparation for teaching the subject area on the elementary level, as part of or in addition to the degree requirements. The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology (b) Introduction to teaching in urban elementary

education (c) Materials and methods of teaching the subject area in elementary school (d) Sociology of urban youth (e) Teaching of reading

(3) Observation and student teaching on the elementary level

OR

A minimum of one year of satisfactory experience in teaching the subject area on the elementary level.

Class 3 - Science Resource teachers (K-6)

(1) A Bachelor's degree from an accredited institution with not less than eighteen (18) semester credits in science;

(2) A minimum of two . . . years of satisfactory teaching experience on the elementary school level.

(3) Satisfactory completion of a sequence of courses in preparation for teaching science on the elementary level, as part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology (b) Introduction to teaching in urban elementary education (c) Sociology of urban youth (d) Teaching of reading (e) Materials and methods of teaching science in the elementary school.

Class 4 - Mathematics Resource teachers

(1) A Bachelor's degree from an accredited institution with not less than eighteen . . . semester credits in mathematics as part of or in addition to the degree requirements;

(2) Satisfactory completion of six . . . semester credits as part of or in addition to the required eighteen... semester credits in mathematics, for experience in one or more mathematics institutes or workshops for teachers of four... or more weeks in duration.

(3) A minimum of three years of satisfactory teaching experience, at least two of which are at the elementary level.

(4) Satisfactory completion of a sequence of courses in preparation for teaching on the elementary level which may be taken as a part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology (b) Introduction to teaching in urban elementary education (c) Teaching of reading (d) Sociology of urban youth (e) Materials and methods of teaching mathematics in the elementary school

(5) Observation and student teaching on the elementary level

OR

A minimum of one (1) year of satisfactory experience in teaching mathematics on the elementary level."

CH. XVII §9

LICENSE III - SECONDARY SCHOOL TEACHERS (Grades 7-12)

"Teachers of academic, business and scientific subjects, art, music, industrial arts, home economics, physical education, and foreign languages:

(1) A Bachelor's degree from an accredited institution;

(2) Satisfactory completion of a sequence of courses in preparation for teaching at the secondary level which may be part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Educational psychology (b) Introduction to urban secondary education (c) Materials and methods of teaching (the major) in the secondary school (d) Teaching of reading (e) Sociology of urban youth (f) Observation and student teaching at the secondary level, OR one...year of satisfactory teaching experience at the secondary level.

(3) Thirty ...semester credits in the subject area to be taught, representing broad and adequate preparation, which may be taken as part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, shall be REQUIRED in each of the specific subject areas:

Class 1 - Teachers of art

Drawing and painting, Painting II: water colors; oil and acrylics; Design I, II, and III; Workshop methods and techniques; Graphic Arts I, II, and III; Sculpture I and II; Ceramics I and II; Mural painting; Creative crafts; weaving, textile design, batik, tie-dyeing, stichery and jewelry design; Art history: Ancient to modern; Lettering, display, and poster design; African/Afro-American art history; Film-making.

Class 2A - Teachers of Business Education (Grades 7-9)

Accounting, records management or business finance; Business laws; Business mathematics; Introduction to business or business organization and management; Economics; Typewriting. . . .

Class 2B - Teachers of Business Education(Grades 10-12) Accounting and Data Processing

Intermediate Accounting; Business law; Business organization and management OR introduction to business; Automated data processing, computer science, or computer programming; Economics. . . .

Class 2C - Teachers of Business Education (Grades 10-12) Distributive Education: Merchandising, Marketing and Management

Not less than twelve...semester credits from any of the following courses: Marketing; Merchandising; Management; Retailing; Salesmanship; Advertising.

Not less than eighteen...semester credits from any of the following: Accounting; Business English; Business law; Business research; Business mathematics; Business statistics; Economic geography; Economics; Insurance; Money and banking; Real estate Records management; Typewriting.

In addition to the above requirements, one...of the following courses is REQUIRED: Organization and coordination of distributive education programs, OR

Cooperative and project methods of teaching distributive education

Class 2D - Teachers of Business Education (Grades 10-12) Secretarial Studies

Advanced Typewriting; Advanced Gregg shorthand; Office practice, office procedures, and office machines; Busi-

ness communications and business correspondence; Business English; Business organization and management OR Introduction to business....

Class 2E - Teachers of Business Education(Grades 10-12)

Typewriting, Office Machines, & Office Practices

Advanced typewriting; Office practice, office procedures or office machines; Business communications and business correspondence; Business organization and management OR Introduction to business; Business law; Economics. . . .

Class 3 - Teachers of English

Not less than fifteen...semester credits in literature taken from each of the following areas: Survey courses in American, English, Black, or Contemporary literature; Courses in specific genres of literature; Courses in specific periods of literature OR course about specific authors.

Not less than twelve (12) semester credits in the use of language taken from any TWO or more of the following courses: Composition; Creative writing; Speech and drama; Journalism, media or research; Nature and structure of language.

Class 4A - Teachers of Foreign Language: French

Advanced conversation; Advanced grammar and composition. A course in French literature (17th, 18th, 19th, or 20th century). . . .

Aural-oral competency in French as determined by an interview conducted in the language by the Foreign Languages Department.

Class 4B - Teachers of Foreign Language: German

Advanced conversation; Advanced grammar and composition; German classicism OR German romanticism; German civilization OR modern German civilization; Not less than ONE of the following courses: German poetry; German drama; German novel.

Aural-oral competency in German as determined by an interview conducted in the language by the Foreign Languages Department.

Class 4C - Teachers of Foreign Language: Latin

Advanced grammar and syntax; Latin prose and composition; Roman comedy OR Roman satire. Not less than ONE of the following courses: Tacitus; Livy; Horace. Not less than ONE of the

following courses: Cicero; Virgil; Latin poetry.

Class 4D - Teachers of Foreign Language: Spanish

Advanced grammar and composition; Advanced conversation Literature of the Golden Age; Not less than TWO of the following courses: Latin American literature; 19th Century Spanish literature; Modern Spanish literature; Black Themes in Spanish literature; Aural-oral competency in Spanish as determined by an interview conducted in the language by the Foreign Languages Department.

Class 5 - Teachers of Health & Physical Education

Foundations of health & physical education: Introduction, history, principles and philosophy of Health and physical education.

Physiology and anatomy; Nutrition; Physical education skills: theory and practice of team and individual activities; Aquatics: swimming and water safety; First Aid; Safety education; Evaluation: techniques and/or tests and measurements; Foundations of dance and/or rhythmic movement education; Health education; drug education and sex education; Physical therapy and care of injuries; Theory of coaching and officiating; Organization and administration of physical education.

Class 6 - Teachers of Home Economics: Experimental Foods; Advanced food preparation techniques; Advanced nutrition; Human development, Home management; Equipment; Consumer economics; Housing and interior design; Advanced textiles; Advanced clothing instruction.

Class 7 - Teachers of Industrial Arts

History of technology, Course construction, Shop organization; Principles and practices of industry; Materials and processes for manufacturing, construction, woods, metals, plastics; Power electricity/electronics; Graphic arts: drafting and graphics.

Class 8 - Teacher of Mathematics

Three credits in each: differential equations; Advanced calculus; Three credits in any: Modern algebra; Abstract algebra; Polynomial algebra; Boolean algebra; Linear algebra; Theory of numbers. Three credits in any one: Modern gemoetry Non-Euclidean geometry; Projective geometry; Algebraic geometry Topology; Foundations of geometry. Three credits in one: Statistics

Probability and Statistics

Class 9A - Teachers of Music (Grades 7-9) General or Choral Music; thirty semester credits in general or choral music.

Class 9B - Teachers of Music (Grades 10-12). General or Choral Music. Theory or comprehensive musicianship; keyboard harmony, counterpoint, form and analysis, composition which includes scoring or arranging for instrumental and choral music, advanced ear training, and sight-singing; history of music, including ethnic studies; Advanced conducting: choral literature and choral techniques for secondary schools, score reading or choral compositions with orchestral accompaniment; Direction for singers: Italian, German or French Instrumental music pedagogy or Instrumental music survey.

Class 9C-Teachers of Music (Grades 7-9) Instrumental music

Thirty semester credits in instrumental music

Class 9D-Teachers of Music (Grades 10-12) Instrumental Music

Theory of comprehensive musicianship: keyboard harmony, conterpoint, form and analysis, composition which includes scoring or arranging for instrumental music on the secondary level, advanced ear training. History of music, including ethnic studies

Instrumental conducting for secondary schools, including longer works such as symphonies, oratorios, operas, or other major works; Composition and arranging.

Class 10A Teachers of Science (Grades 7-9) General Science Thirty (30) semester credits in Science, including courses in biology, chemistry and physics.

Class 10B - Teachers of Science (Grades 10-12) Biology

Basic biological techniques; Cell physiology; Cell chemistry or biochemistry; Comparative anatomy; Ecology; Genetics, Microbiology; Vertebrate physiology;

Class 10C- Teachers of Science (Grades 10-12) Chemistry; Advanced inorganic chemistry; Advanced organic chemistry; Biochemistry; Physical Chemistry; Quantitative

analysis; Qualitative analysis;

Class 10D - Teachers of Science

Atomic physics; Celestial mechanics; Electromagnetic theory; Electronics; Optics; Quantum mechanics (elementary) Relativity; Thermodynamics;

Class 11 - Teachers of Social Studies

Eighteen . . . semester credits in history including Six...semester credits in American History Three...semester credits in American History Three...semester credits in American Government Six...semester credits in geography; Three... semester credits in any ONE of the following courses: economics, sociology, law, international relations, philosophy, or other social sciences."

CH. XVII, §9

LICENSE IV - SPECIAL EDUCATION/CATEGORICAL (Grades K-12) TSA-15

"Teachers of categorical special education:

(1) A Bachelor's degree in education with a minor in special education from an accredited institution;

OR

A Bachelor's degree in special education from an accredited institution.

(2) Satisfactory completion of a sequence of courses taken in preparation for teaching in the area of specialization. The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Introduction to urban education (elementary/secondary) (b) Introduction to special education OR survey of exceptional children (c) Sociology of urban youth; (d) Methods and materials of teaching exceptional children (e) Career education for the handicapped (f) Educational diagnosis and evaluation; (g) Behavior management in the classroom; (h) Corrective and remedial techniques for teaching reading; (i) Observation and student teaching in the area of specialization OR experience (see #4 below)

(3) A minimum of eighteen...semester credits in the area of specialization. The following are areas of specialization in which coursework may be taken: Deaf/Blind; Mentally retarded; Orthopedically impaired/Other health impaired; Multiply handicapped; Blind/visually impaired; Deaf/hearing impaired;

"Learning disabled; Early childhood special education; Emotionally disturbed.

(4) A minimum of one...year of satisfactory teaching experience in the area of specialization may be substituted for the observation and student teaching requirement."

CH XVII, §9

LICENSE V - SPECIAL EDUCATION/NON-CATEGORICAL (Grades K-12) TSA-15

"Teachers of non-categorical special education:

(1) A Bachelor's degree in education from an accredited institution.

(2) Satisfactory completion of a sequence of courses in preparation for the teaching of non-categorical special education which may be a part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Introduction to special education OR survey of exceptional children (b) Introduction to urban education (elementary/secondary) (c) Sociology of urban youth; (d) Diagnostic and prescriptive teaching; (e) Educational diagnosis and evaluation; (f) Techniques of teaching the learning disabled; (g) Methods and materials of teaching exceptional children; (h) Techniques and materials for teaching the behaviorally problem student; (i) Career education for the handicapped; (j) Individualized instruction; (k) Corrective and remedial techniques for teaching reading; (l) Corrective and remedial techniques for teaching mathematics; (m) Psychology of exceptional children.

(3) A course in observation and student teaching

OR

A minimum of one...year of satisfactory teaching experience (K-12) may be substituted for the observation and student teaching requirement."

CH. XVII, §9

LICENSE VI - SECONDARY SCHOOL TEACHERS (Grades 7-12) TSA-15

"Teachers of Driver Education and safety; Teachers of Military Science and Tactics:

Class 1 - Teachers of Driver Education § Safety

(1) A Bachelor's degree from an accredited institution.

(2) Satisfactory completion of a sequence of courses in preparation for teaching driver education and safety which may be taken as a part of or in addition to the degree requirements.

The following courses, or similar courses satisfactory to the Chief Examiner are REQUIRED:

(a) Educational psychology (b) Introduction to urban secondary education (c) Sociology of urban youth (d) Teaching of reading (e) Materials and methods of teaching driver education, including use of simulation and automated response systems in driver education (f) A minimum of eighteen . . . semester credits in driver education to include coursework in each of the following: Basic driver education; Advanced driver education; First Aid for instructors; Principles of safety education; Other courses in driver education: and safety acceptable to the Chief Examiner

OR

In lieu of the requirements in sections (1) and a minimum of ninety...semester credits from an accredited institution which shall include all of the coursework required by section 2(a)-(f), above, and a minimum of two-thousand ...clock hours of satisfactory teaching experience in a licensed driver training school.

(3) Student teaching in a senior or vocational high school

OR

A minimum of one...year of satisfactory full-time teaching experience at the secondary level

OR

A minimum of ninety hours of satisfactory experience in the teaching of theory in driver education in an accredited school or in a state-approved school of driver training.

(4) A current, valid motor vehicle operator's license issued by the District of Columbia Department of Motor Vehicles.

(5) A current, valid motor vehicle instructor's license issued by the District of Columbia Department of Motor Vehicles.

Class 2A - Teachers of Military Science and Tactics; National Defense Cadet Corps; Junior Reserve Officers' Training Corps; Senior Army Instructors; Navy Science Instructors; Navy Science Instructors; Senior Marine Instructors; Aerospace Education Instructors;

(1) A Bachelor's degree from an accredited institution;

(2) A minimum of twenty...years of active military service;

(3) Retirement as a commissioned or non-commissioned officer OR member of the Fleet Reserve or Fleet Marine Corps Reserve, provided that retirement was effective not more than five...years prior to the date of application or not more than four...years in the case of Air Force applicants.

(4) All candidates must satisfactorily meet all of the eligibility standards established by the appropriate branch of service.

(5) All candidates must receive the approval of the Secretary of the branch of service in which they have applied to teach.

Class 2B - Army Instructors, Assistant Naval Science Instructors, Marine Instructors, and Assistant Aerospace Education Instructors

(1) A high school diploma or certificate;

(2) A minimum of twenty . . . years of active military service.

(3) Retirement as a commissioned or non-commissioned officer OR member of the Fleet Reserve or Fleet Marine Corps Reserve, provided that retirement was effective not more than five years prior to the date of application or not more than four years in the case of Air Force applicants.

(4) Attainment of at least Grade E-6 upon retirement or Grade E-7 in the case of Navy and Marine Corps applicants.

(5) All candidates must satisfactorily meet all of the eligibility standards established by the appropriate branch of service.

(6) All candidates must receive the approval of the Secretary of the branch of service in which they have applied to teach.

LICENSE XVI - TEACHERS OF ENGLISH AS A SECOND LANGUAGE (K-Adult) TSA-15

"Teachers of English as a second language:

(1) Competency in the English language as determined by an interview with the Department of English or the Division of Bilingual Education

(2) A minimum of six...semester credits of language study in a foreign language OR demonstrated competency in the language at that level

AND

A proficiency examination by the Division of Bilingual Education or the appropriate Department of Foreign Language in the language of specialty

(3) A Bachelor's degree from an accredited institution

In addition to the above requirements, the following additional requirements must be met for each of the particular classes of license:

Class 1 - English as a second language (K-6)

(a) Satisfactory completion of a sequence of courses in preparation for teaching English as a second language at the K-6 level.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

A minimum of fifteen...semester credits in applied linguistics, including each of the following: - Introduction to language/linguistics; English phonetics and phonemics; English morphology and syntax; Methods of teaching English as a second language

AND

A minimum of three...semester credits from any of the following: cultural anthropology, comparative cultures, culture shock, or comparative civilizations

AND

A minimum of fifteen...semester credits in elementary education, including each of the following: Educational psychology; Introduction to urban elementary education; Sociology of urban youth; Teaching of reading;

(b) Observation and student teaching at the elementary level or in an elementary English as a second language classroom

OR

A minimum of one...year of satisfactory teaching experience in ESL at the elementary level or regular elementary level teaching

Class 2 - English as a second language (Secondary level)

(a) The same requirements must be fulfilled for a Class 2 license as are required for section(a) of the Class 1 license, except that the required course in education is "Introduction to urban secondary education" as part of the requirement for fifteen...semester credits in education. All elective courses shall be in secondary education.

(b) The same requirements for student teaching or experience are required for a Class 2 license as the Class 1 license, except that such student teaching or experience shall be at the secondary level.

Class 3 - English as a second language (Adult level)

(a) The same required courses in the areas of applied linguistics and civilization and culture are also required for Class 3. The requirement for a minimum of fifteen... semester credits in education for the Class 3 license shall include adult education courses, including each of the following

Educational psychology - At least six...hours of adult education, including the adult learner; Teaching of reading to adults?

(b) The same requirements for student teaching or experience are required for the Class 3 license as the Class 1 and Class 2 licenses, except that such student teaching or experience must be at the high school or adult level."

CH. XVII, §9

LICENSE XVII - BILINGUAL EDUCATION(K-Adult) TSA-15

"Teachers of Bilingual Education:

(1) Competency in the English language as determined by an interview with the Department of English or the Division of Bilingual Education

(2) Competency in a foreign language as determined by an interview with the appropriate Department of Foreign Language or the Division of Bilingual Education AND a proficiency examination in the foreign language

(3) A Bachelor's degree from an accredited institution

In addition to the above requirements, the following additional requirements must be met for each of the particular classes of license:

Class 1 -Teachers of Bilingual Education (K-6)

(a) Satisfactory completion of a sequence of courses in preparation for teaching Bilingual Education

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: - Educational psychology -Introduction to urban elementary education -Sociology of urban youth - Corrective and remedial techniques of reading - Introduction to languages and linguistics - Materials and methods of teaching the following subjects in the elementary school: Reading, language arts, mathematics, social studies, foreign language, science, and related subjects (at least two of the following: art, music, physical education or childrens' literature)

-One of the following: Introduction to cross-cultural communication; language in culture; nature of culture shock; multiculturalism or pluralism or introduction to cultural anthropology.

-Principles of bilingual education OR introduction to bilingual education

(b) Observation and student teaching at the elementary level

OR

A minimum of one...year of teaching experience at the elementary level.

Class 2 - Teachers of Bilingual Education (Secondary Level)

(a) A minimum of thirty...semester hours in the major representing broad, adequate background in the subject to be taught AND preparation in education including the following courses, or similar courses satisfactory to the Chief Examiner, which are REQUIRED:

-Educational psychology - Introduction to urban secondary education - Sociology of urban youth - Methods of teaching the major in secondary school - Teaching of reading - Principles of bilingual education OR introduction to bilingual education - One of the following courses: Introduction to cross-cultural communication; language in culture; nature of culture shock; multiculturalism or pluralism; or introduction to cultural anthropology.

(b) Observation and student teaching in a regular or bilingual secondary classroom

OR

A minimum of one...year of teaching experience in a regular or bilingual secondary classroom.

Class 3 - Counselors in Bilingual Education(K-12)

(a) A Master's degree in guidance from an accredited graduate school AND one...year of satisfactory experience in teaching, counseling, pupil personnel work, or appropriate business or industrial experience or a practicum in child guidance;

OR

A Master's degree from an accredited graduate school supported by a minimum of thirty...semester credits in preparation for counseling which may be a part of or in addition to the degree requirements. The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED:

-Principles of guidance - Techniques of guidance - Vocational information - Group counseling - Mental Health - Human Relations - Pupil Assessment - Organization and administration of guidance services - Rehabilitation counseling (only required for counselors in rehabilitation centers)

ADDITIONAL REQUIRED COURSEWORK:

Not less than three...semester credits in any of the following: -Principles and problems of elementary school guidance - Case study techniques - Counseling the disadvantaged - Sociology of urban youth - Current issues and trends in guidance

Not less than three...semester credits in any of the

following: - Child psychology - Adolescent psychology - Developmental psychology - Special psychology - Abnormal psychology -Urban youth - Group dynamics - School and community - Sociology

(b) A minimum of one...year of satisfactory experience in teaching, counseling, pupil personnel work, OR appropriate business or industrial experience OR a practicum in a child guidance setting."

CH. XVII, §9

LICENSE XVIII - ADULT EDUCATION TSA-15

"Regular classroom teachers in adult education:

Class 1 - Teachers of adult basic education

(1) A Bachelor's degree from an accredited institution

(2) Satisfactory completion of a sequence of courses in preparation for teaching adult basic education.

The following courses, or similar courses satisfactory to the Chief Examiner, are required: (a) Psychology of the adult learner (b) Foundations of adult education (c) Methods and materials of adult education (d) Corrective and prescriptive techniques of teaching (e) Teaching related to adults (f) Methods of teaching mathematics or remedial mathematics (g) Speech and language development for teachers (h) Development of oral communication skills

Academic preparation must include the following:

(i) At least 12 semester credits in both English and mathematics (j) At least 6 semester credits in both U.S. History and Science (both biological and physical) (k) At least 3 semester credits in both geography and U.S. government (l) At least 2 semester credits in both art and music.

(3) Observation and student teaching on the adult or secondary level

OR

A minimum of one...year of satisfactory teaching experience at the adult level

Class 2 - Teachers of academic subjects in adult general education programs

(1) A Bachelor's degree from an accredited institution

(2) Satisfactory completion of at least thirty...semester

credits in the major to be taught which may be taken as part of or in addition to the degree requirements

(3) Satisfactory completion of a sequence of courses in preparation for teaching which shall include the following courses, or similar courses satisfactory to the Chief Examiner, as REQUIRED: (a) Psychology of the adult learner (b) Foundations of adult education (c) Methods and materials of teaching the major (d) Corrective and prescriptive techniques of teaching (e) Teaching of reading to adults or in the subject area

(4) The semester credits in the major or additional credits shall satisfy the requirements for the existing academic secondary license in the subject to be taught

(5) Observation and student teaching at the adult or secondary level (high school)

OR

A minimum of one...year of satisfactory experience teaching at the adult level

Class 3 - Teachers of technical and industrial subjects in adult education programs.

(1) A Bachelor's degree from an accredited institution

OR

Successful wage-earning experience in the grade to be taught which may be substituted for post-secondary work on a year-for-year basis up to four...years

(2) Satisfactory completion of a sequence of courses in preparation for teaching the trade to adults.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Principles of vocational education (b) Shop organization and management (c) Psychology of the adult learner (d) Foundations of adult education (e) Methods and materials in adult education (f) Corrective and prescriptive techniques of teaching (g) Teaching reading to adults (h) Teaching mathematics to adults or remedial mathematics

(3) A minimum of three...years of satisfactory wage-earning experience in the trade. Each full year must include twelve...months of such work experience.

(4) Observation and student teaching on the adult or secondary (high school) level

OR

A minimum of one ... year of satisfactory teaching experience on the adult level.

Class 4 - Teachers of related adult education subjects.

(1) A Bachelor's degree from an accredited institution

OR

Up to two...years of post-secondary work may be replaced by satisfactory wage-earning experience in the trade(s) with the remainder of the professional training acquired in post-secondary education

(2) Satisfactory completion of a sequence of courses in preparation for teaching adults. The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Principles of vocational education (b) Shop organization and management (c) Psychology of the adult learner (d) Foundations of adult education (e) Methods and materials in adult education (f) Corrective and prescriptive techniques of teaching (g) Teaching reading to adults or remedial reading (h) Teaching mathematics to adults or remedial mathematics

(3) A minimum of three...years of satisfactory wage-earning experience in the area of certification; however, one... year of technical training beyond high school may be substituted for one...year of experience.

(4) Observation and student teaching of adults or high school

OR

A minimum of one...year of satisfactory teaching experience at the adult level."

Ch XVII, §1.2

Teacher certificates shall remain valid for a period of five years. Failure to maintain a valid certificate by renewal shall result in automatic termination.

CH.XVII, § 4

"Renewal of a teaching certificate shall be granted upon the application of the employee to the Board of Examiners; such application to include evidence of the satisfactory completion [grade of 'C' or better] of at least six

... semester hours of appropriate credit during the preceeding five-year period.

The six...semester hours of credit required for renewal of the teaching certificate pursuant to this section shall be in addition to any other coursework or credits required of the employee in order to obtain certification pursuant to the requirements of a teaching license, to achieve tenure, to satisfy the requirements of a provisional certification, or to meet the requirements of any other law or Rule of the Board of Education."

CH. XVII, §9

License VII Career Development (Senior High and Skill Centers TSA-15)

"Teachers of technical and industrial occupations and related subjects:

Class 1 - Teachers of technical and industrial occupations.

(1) A Bachelor's degree in Industrial Arts or Industrial Education from an accredited institution AND a minimum of three . . . years of occupational experience at the journeyman level in the trade to be taught;

OR

An Associate of Arts degree (two-year degree) from an accredited institution in the teaching area AND a minimum of five ...years of occupational experience at the journeyman level in the trade to be taught;

OR

A high school diploma or GED certificate AND a minimum of seven...years of occupational experience in the trade to be taught. A minimum of three...years of such experience must be at the journeyman level, and a maximum of four... years may be at the apprentice level. (a) Experience in the United States Armed Forces above the rank of Grade E-1 in the trade to be taught may be credited for the occupational experience required in this section on a year for year basis. The type and length of such experience is subject to verification by the Chief Examiner. (b) In those trades or occupations where formal apprenticeship and journeyman procedures do not apply,

job descriptions will be required to establish an equivalent level of experience.

(2) In the industrial and trade occupations where District of Columbia licensing examinations are given, the candidate must have a current, valid license. In those occupations where such licensing exams do not exist, a trade competency examination is required. Minimum scores for qualification for employment shall be established for each such occupation by the Board of Examiners.

(3) A minimum of thirty...semester credits in approved professional, technical, or industrial courses taken at an institution accredited for the preparation of teachers of industrial and technical occupations.

The following courses, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Shop organization and management (b) Occupational analysis (c) Course instruction (d) Educational psychology (e) Teaching of reading (f) Sociology of urban youth (g) Foundations of vocational education (h) Methods of teaching vocational subjects

Remaining courses may be electives, vocational courses, or credits earned through trade competency examinations

(4) Student teaching at the secondary level OR a minimum of one...year of satisfactory teaching experience at the secondary level.

Class 2 - Teachers of Related Subjects

(1) A Bachelor's degree from an accredited institution

OR

Up to two...years of wage-earning experience in the trade(s) to be taught and the remaining two...or more years (up to a total of four years) of courses taken at an accredited institution.

The following, or similar courses satisfactory to the Chief Examiner, are REQUIRED: (a) Introduction to teaching in urban secondary schools OR principles of vocational eduation (b) Teaching of reading (c) Educational psychology (d) Sociology of urban youth(e) Materials and methods of teaching the major in secondary or vocational schools (f) At least six...semester credits in vocational education

(2) Observation and student teaching

OR

A minimum of one...year of successful teaching experience

(3) A minimum of three... years of satisfactory experience as a wage-earner in the trade to be taught;

OR

A minimum of two...years of satisfactory experience as a wage-earner in the trade to be taught AND one...year of successfully completed technical training above the high school level...."

C. Performance Standards

Educational System

Statutes

§31-104b

The mayor and the Board of Education "shall jointly develop procedures to assure the maximum coordination of educational and other municipal programs and services in achieving the most effective educational system and utilization of educational facilities and services to serve broad community needs." The Board may invite the mayor or his/her designee "to participate in meetings . . . pertaining to coordination of educational and other municipal programs and services."

CROSS REFERENCE

IV.J.: Regulation; Chap. IV, §421

Private Special Education Facilities

CROSS REFERENCE

II.A.2.: Regulation; Chap. IV, §457

Public Schools

Regulations

Ch IV, §401

"Attendance zones shall be established by the Board of Education and all modifications. . .shall be approved by the Board of Education . . . .

"The establishment and maintenance of optional attendance zones for the purpose of encouraging or maintaining racial segregation. . .is forbidden."

CH. VII, §700

"The Public Schools of the District of Columbia shall provide a viable and comprehensive system of free publicly-supported education for students from pre-kindergarten through high school.

The educational programs of the Public Schools shall be designed and implemented to provide an equal educational opportunity for all students to attain the knowledge, competencies, and skills which will enable each student to function as a useful citizen.

In order to provide an equal educational opportunity to all students, the Board of Education adopts the following specific goals and objectives:

(a) The promotion of a standard of excellence in achievement and endeavor through the establishment of an educational program designed to promote the attainment of knowledge, competencies, and skills; (b) The promotion of a standard of excellence in achievement and endeavor through an instructional staff which meets high standards of preparation and performance; (c) The establishment and implementation of a system for the continuous assessment and evaluation of the needs and achievements of students, teachers administrators, individual schools and programs, and the educational support and management systems and personnel of the Public Schools; (d) The equitable distribution of available resources and services to all students; (e) The attainment of full public support for the school system and its educational programs, including the provision of sufficient resources for the attainment of program goals and objectives; (f) The promotion of greater public awareness of the goals, objectives, programs, services, policies, and operations of the Public Schools, including awareness of the results of continuous assessment and evaluation of the school system;

(g) The promotion of greater public involvement in the attainment of the goals and objectives of the Public Schools.

The Board of Education is directly accountable to the citizens of the District of Columbia for the provision of public elementary and secondary education and the operation of the Public Schools.

It is the responsibility of the citizens of the District of Columbia to provide the resources necessary for the attainment of the goals and objectives of the Public Schools. It is the responsibility of the Board of Education to utilize those resources efficiently in a manner which allows for the best possible system of public education for the best possible system of public education for all students."

CH. VII, §701

"The Superintendent of Schools shall establish and implement a system for the allocation of resources throughout the school system which ensures the equitable distribution of available resources and services among all students.

The system for allocation of resources shall include provision for the following: (a) A curriculum designed to promote the attainment of basic and essential knowledge, competencies, and skills which will enable each student to function as a useful citizen. (b) Equal access of all students to the basic curricular offerings which constitute the requirements for program advancement and graduation. (c) Equitable allocation of resources for supplemental curricular offerings and alternative educational programs beyond the basic and essential curriculum. Local school decisions on supplemental or alternative programs and services shall be based upon the informed input of students, parents, and educators. (d) Equal access of all students who meet individual program eligibility requirements to specialized and alternative educational programs, regardless of the availability of such programs at any particular school; (e) A program for the assignment of instructional staff which is designed to balance experience, training, and supplemental academic preparation. (f) Equalization of personnel resources throughout the school system in each major division

of the educational program on the basis of students enrolled per instructional staff member. (g) Equalization of non-personnel resources throughout the school system in each major division of the educational program on the basis of annual expenditure per student for textbooks, library resources, and other instructional materials and supplies. (h) A system for monitoring and evaluating compliance with the provisions of this section, and the publication of compliance data and information as part of a program of public accountability. . . .

Notwithstanding the specific requirements of this section, when the Superintendent of Schools determines that conditions exist in a particular school which require the temporary assignment of particular personnel, such temporary assignment may be made by the Superintendent without regard to the limitations imposed by this section, provided that all of the following requirements are met: (a) The Superintendent of Schools shall inform the Board of Education in writing of the proposed assignment(s), the particular conditions justifying such assignment(s), the manner in which the assignment(s) will be utilized to correct the conditions at the particular school, and the termination date of such assignment(s). (b) Such assignment(s) by the Superintendent shall not be effective for more than one(1) school year at a time, but may be extended by informing the Board of Education."

CH. VII, §702

"The Superintendent of Schools shall be responsible for the development and implementation of a curriculum for the Public Schools which is designed to promote the attainment of the knowledge, competencies, and skills which will enable each student to function as a useful citizen.

In developing and implementing a competency based curriculum, the Superintendent of Schools shall be responsible for the establishment of instructional program priorities through a continuous process of assessment and evaluation of the educational needs of the students of the Public Schools.

The competency based program shall include the following critical elements: (a) The use of clear, demonstrable, and observable goals as the basis for organizing the instructional

program; (b) The use of these goals as the basis for the establishment of criteria for program advancement and graduation; (c) The use of these goals and criteria as the basis for the development and implementation of valid and reliable performance indicators; (d) The allowance of multiple opportunities for students to demonstrate their progress in meeting specific instructional goals, including constructive feedback and support to assist the student to meet the required goals; (e) The provision of a system for recording and reporting student progress which is based on the goals, criteria and indicators, as set forth in this section; (f) The provision of a system of instruction consistent with the styles, rates, needs, and stages of individual student learning and performance.

The process of needs assessment and evaluation shall be a continuing process and shall be included in the ongoing program of monitoring and evaluation of the competency based program.

The design for the competency based curriculum, and the instructional program implemented on the basis of that design, shall include the following components: (a) Instruction which is responsive to student progress and evaluation; (b) A reporting system based on progress in terms of goal mastery; (c) Progress stages; (d) Instructional materials, supplies, and equipment selection criteria; (e) Models for implementation on a system-wide, regional, and local school basis; (f) A plan for community involvement; (g) Systems for budget and management planning, control, audit, monitoring, and evaluation; (h) A system of public accountability through the reporting of the goals, objectives, plans, procedures, and priorities of the instructional program, and the reporting of the results of ongoing assessment and evaluation of the instructional program."

CROSS REFERENCE

IV.G.; Regulation; Chap. IV, §400

REGIONAL SUPERINTENDENT

CROSS REFERENCE

I.Regional Superintendent; Regulation; Chap. II, §214

School Employees

Statutes

§31-210

"Any parent, guardian, custodian, principal, or teacher of a child between the ages of three and eighteen who willfully neglects or refuses to provide the information required . . ., or who knowingly makes any false . . . statement shall be guilty of a misdemeanor" and subject to fine of $10 or a jail sentence of five days, or both.

§31-1117

No employee of the Board shall solicit donations from pupils for any purpose, except with the express authorization of the Board, upon the written recommendation of the superintendent.

§31-1531

Each employee shall be assigned a numerical step in her/his appropriate salary class. Each year each permanent employee who has not reached the highest service step for such service class shall advance one service step. However, the Board, upon the Superintendent's written recommendation, may deny a service step salary increase to any employee who fails to receive a satisfactory performance rating during the immediately preceding school year.

§31-1533

Each probationary employee shall receive his or her first increase in salary on the first day of the second year's employment, but the Board, on the recommendation of the superintendent, may deny such increase in the event that such employee receives less than a "satisfactory" rating from his or her superior.

The Board may, upon the superintendent's recommendation, fire an employee at any time during the two-year probationary period. However, if such employee "has permanent status within the school

system, he[she] shall be returned to the salary class he[she] last occupied and" be placed on the appropriate salary step.

REGULATIONS

CH. IV, §620

"The following adverse actions shall be subject to the rules and procedures set forth in sections 620 through 629 of this Chapter:

(a) Dismissal — DISMISSAL

(b) Suspension — SUSPENSION

(c) Demotion for Cause . . . — DEMOTION

The provisions of sections 622 through 629 of this Chapter shall apply to all employees of the Public Schools except those employees within recognized bargaining units with which an agreement on adverse action grievance procedures has been ratified and is in effect at the time the adverse action is taken."

CH. VI, §621

"Adverse action shall be taken for such cause as will promote the efficiency and discipline of the service and shall not be arbitrary or capricious.

Just cause for adverse action may include, but is not necessarily limited to, one or more of the following grounds:

(a) Gross inefficiency;

(b) Grave misconduct in office;

(c) Incompetence, including either inability or failure to perform satisfactorily the duties of the position of employment;

(d) Willful nonperformance or neglect of duty;

(e) Insubordination;

(f) Violation of the Rules, regulations, or lawful orders of the Board of Education or any directive of the Superintendent issued pursuant to the Rules of the Board of Education;

(g) Refusal to submit a [required] mental or physical examination . . .;

(h) Conviction of a felony.

The affected employee shall be given notice of the ground(s) for the adverse action being taken. Such notice shall contain the reasons and basis for such ground(s) in sufficient detail to reasonably inform the employee of the specific grounds and reasons for the adverse action."

CH. VI, § 622

"The Superintendent of Schools may effect the dismissal, suspension, or demotion for cause of any employee under his authority upon the written recommendation of the employee's supervisor or other official with adminstrative authority with respect to the employee.

A copy of the notice of adverse action served on the employee . . . together with a copy of the written recommendation adopted by the Superintendent of Schools, shall be filed with the Executive Secretary to the Board upon the receipt of notice by the employee.

Appeal from the decision of the Superintendent of Schools to effect a dismissal, demotion for cause, or suspension for more than thirty (30) days shall be to the Board of Education.

APPEAL

Appeal from the decision of the Superintendent of Schools to effect a suspension of thirty (30) days or less shall be in the form of a written request for reconsideration. The request for reconsideration must be submitted to the Superintendent within five (5) days of the effective date of the suspension. Requests for reconsideration shall be considered by the Superintendent, pursuant to procedures established by the Superintendent, within five (5) working days of the receipt of the request for reconsideration. The Superintendent may uphold, reverse, or reduce the length of the suspension pursuant to a request for reconsideration.

If no appeal to the Board is filed within the time limit set forth in section 626 of this Chapter, the adverse action effected by the Superintendent shall be deemed to have been approved by the Board of Education.

If a timely appeal is filed with the Board . . . , final action by the Board shall be taken in accordance with

the provision of section 629 of this Chapter; provided, that the effective date of the adverse action shall not be affected by the filing of a timely appeal to the Board."

CH. VI, §623

NOTICE

"An employee who is the subject of an adverse action shall have the right to receive written notice of such action prior to the effective date of such action. . . .

Notice of dismissal, demotion for cause, or suspension for more than thirty (30) days shall be received by the employee not less than than ten (10) days prior to the effective date of the adverse action.

Notice of suspension for thirty (30) days or less must be received by the employee within a reasonable time prior to the effective date of such action in order to allow the employee to reply to the action. In no case shall such notice be less than twenty-four (24) hours.

Notice of adverse action shall contain at least the following:

(a) The type of adverse action;

(b) The effective date of such action;

(c) The specific grounds and reasons for the action;

(d) Notice of all procedures, rights of appeal, time limits, procedures, and other matters pertaining to such action applicable to the affected employee;

(e) A copy of sections 620 through 629 of this Chapter;

(f) The location and times when employee or his representative may review the material in the adverse action file upon which the action is based."

CH. VI, §624

"The employee or his representative shall be given access to the documents, reports, and other materials in the adverse action file, including all materials which support the adverse action being taken.

Adverse action file materials shall be available for inspection by the employee or his representative not later than twenty-four (24) hours after the receipt of notice of adverse

action by the employee. Such materials shall be available at the times and place specified in the notice.

The right of access to adverse action file materials set forth in this section shall extend beyond the notice period in cases where a timely appeal to the board or request for reconsideration by the Superintendent has been filed.

An employee who is the subject of an adverse action shall be retained in active duty status during the notice period, except in the following instances:

(a) When it is determined by the Superintendent of Schools that retention of the employee in active duty status may result in damage to school property; may result in injury or harm to students, other employees, or members of the public; or may be detrimental to the efficiency and discipline of the school system; the employee may be temporarily assigned to other duties where such conditions are not likely to occur OR the employee may be placed on administrative leave with pay.

(b) When the Superintendent of Schools effects a separate adverse action of suspension during the notice period, pursuant to the provisions of this Chapter with regard to suspension for thirty (30) days or less."

CH. VI, §625

"An employee shall be entitled to answer the notice of adverse action in writing [or] through the appeal process. . . .

The following time limits shall apply to the submission of a written answer by the employee or the employee's representative:

(a) For dismissal, demotion for cause, or suspension for more than thirty (30) days, the written answer must be submitted within fourteen (14) days of the receipt of the notice of adverse action.

(b) For suspension of thirty (30) days or less, the written answer must be submitted within the time stated in the notice period, but in no case in less than twenty-four (24) hours from the receipt of the notice of adverse action.

A written answer submitted pursuant to this section shall be submitted to the Superintendent of Schools, who shall forward a copy of the answer to the Executive Secretary to the Board of Education.

The Superintendent of Schools may extend the time to file a written answer upon written request of the employee or the employee's representative.

The employee's writtten answer, if any, shall be made a part of the adverse action file."

CH. VI, §626

APPEAL

"An employee shall have the *right to appeal a dismissal*, demotion for cause, or suspension for more than thirty (30) days to the Board of Education . . . except in the following instances:

(a) An employee with temporary status shall be limited to filing a request for reconsideration of the adverse action to the Superintendent of Schools, pursuant to procedures established by the Superintendent of Schools.

(b) An employee who alleges that the adverse action is being taken for reasons of discrimination in violation of the human rights laws of the District of Columbia shall take an appeal to the District of Columbia Office of Human Rights, pursuant to its rules and procedures.

(c) An employee who has appeal rights to another agency of the government of the District of Columbia or to an agency of the Federal government, and who elects to exercise those appeal rights, shall be deemed to have waived all appeal rights under this Chapter.

HEARING

An appeal to the Board of Education shall be granted upon the timely filing of a written request for hearing.

A request for hearing must be filed with the Board not later than ten (10) days after the receipt of the notice of adverse action by the employee. Failure to file a timely request for hearing shall constitute a waiver of the right to appeal to the Board.

The time limit for filing a request for hearing . . . may be extended by the Executive Secretary upon showing by the employee that the employee was not properly notified of the time limit for filing the request and was not otherwise aware of it, OR upon showing by the employee that circumstances beyond his control will prevent or have prevented him from filing a timely request. In no case shall the time limit be extended more than five (5) days beyond the date of the granting of the request for extension, if such request is granted."

CH. VI, §627

"Upon receipt of a timely request for hearing, the Executive Secretary shall schedule a hearing before a hearing officer at a time convenient to the parties, subject to the availability of the hearing officer.

All hearings shall be conducted by an impartial hearing officer selected by the Executive Secretary from a list of hearing officers approved by the Board committee with jurisdiction over adverse action appeals.

An employee shall be afforded the following safeguards in connection with the hearing held pursuant to this section:

RIGHT TO COUNSEL

(a) The right to be represented by counsel or other representative of the employee's choice, at the expense of the employee;

(b) The right to cross-examine any witness testifying for the school system;

(c) The right to call witnesses in his behalf and to present other evidence in support of the appeal, including the right to call employees of the school system to appear as witnesses in his behalf.

(d) The right to access to materials in the adverse action file, pursuant . . . section of this Chapter;

(e) The right to a free copy of the electronic recording made of the hearing. Transcripts of the hearing record, or any portion thereof, may be requested by the employee at a cost of twenty-five cents (25¢) per page. Requests for such transcripts must be made within ten (10) days of the receipt of the notice of final determination of the appeal by the Board subsequent to the hearing. An employee may arrange to have a record of the hearing taken and transcribed by a qualified reporter hired by the employee at the expense of the employee; provided, that the Board shall be notified of such arrangements not less than three (3) days prior to the scheduled date of the hearing."

CH. VI, §628

"All hearings . . . shall be closed to the public unless the employee requesting the hearing specifically requests that the hearing be open. An open hearing may be closed at any time upon the request of the employee.

The rules of evidence shall not be strictly applied by the hearing officer. However, the hearing officer shall have the authority to use the rules of evidence currently in effect in the Superior Court of the District of Columbia as guidelines for the orderly conduct of the hearing. The hearing officer shall exclude any evidence or testimony which is irrelevant or repetitive.

An electronic recording of the hearing shall be made.

All testimony shall be given under oath or affirmation administered by the hearing officer.

Any person may be excluded from the hearing by the hearing officer for conduct which interferes with the hearing process.

The hearing officer may require the parties or their representatives to submit written proposed findings or post-hearing briefs on any relevant matter(s).

The official record of the hearing shall consist of the notice of adverse action; the request for hearing; the written answer of the employee, if any; the recommendation to the Superintendent which resulted in the adverse action; the electronic recording of the hearing; any post-hearing briefs or proposed findings submitted by the parties, the written report of the hearing officer; and any exceptions to the hearing officer's report filed by the parties.

The hearing officer shall make a written report of findings and recommendations within ten (10) days of the conclusion of the hearing. The findings and recommendations shall be filed with the Executive Secretary to the Board who shall submit copies to the parties or their representatives.

Within seven (7) days of the receipt of the copy of the hearing officer's report, any party may submit written exceptions to the findings and recommendations to the Executive Secretary."

CH. VI, §629

"The final determination of the appeal shall be made by the Board committee with jurisdiction over adverse action.

Final determination shall be made by the committee upon receipt and consideration of the official record of the hearing.

The official records of the hearing shall be submitted to the committee by the Executive Secretary upon receipt of exceptions to the hearing officer's report or upon the expiration of the time limit for filing exceptions. . . .

The Board committee shall render a final determination of the appeal within twenty (20) days of the receipt of the official record or at the meeting of the committee next following the receipt of the official record, whichever is sooner; provided, however, that the committee shall have a minimum of five (5) days to consider the official record prior to making a determination.

The determination of the Board committee on the appeal shall be in writing, shall specifically state which grounds for adverse action have been sustained and which have not been sustained, and shall contain one of the following:

(a) If the adverse action has been sustained, a statement that the determination of the Board committee is the final action of the school system on the appeal; or

(b) If the adverse action has been reversed, a notice of reinstatement pursuant to the provisions of this section.

If the Board committee reverses the adverse action, the employee shall be immediately reinstated and shall be made whole for such action.

The determination of the Board committee shall be reported to the Board of Education in the report of the committee at the next regular meeting of the Board and shall be made a part of the record of the Board of Education."

CH. IX. §13

"Except as provided otherwise by law or the Rules of the Board of Education, employees of the D.C. Public Schools shall be appointed with probationary status to all positions and shall obtain permanent status based solely upon qualifications and the provisions of existing laws and the Rules of the Board of Education. APPOINTMENT

The employment status of an employee, whether probationary or permanent, shall not guarantee employment or retention in the D.C. Public School system. Employment and retention shall be based upon the availability of resources and the provisions of existing laws and the Rules of the Board of Education. . . " RETENTION

CH. IX, §14

"A person who lacks the prerequisite qualifications for appointment to a position with probationary status, . . . may be appointed to the position with temporary status; provided, that no person who is qualified to be appointed with probationary status has applied for the position. APPOINTMENT

A person who is appointed to fill a position which has been temporarily vacated but which remains encumbered by

an employee with probationary or permanent status shall be appointed to such position with temporary status.

A person who is appointed to a position which is funded for a period of one (1) year or less shall be appointed with temporary status; provided, that should such person be reappointed without a break in service, such employee shall then obtain probationary status."

CH. IX. PROCEDURES FOR PROCESSING RECOMMENDATIONS FOR PERMANENT TENURE

A. TIMELY SUBMISSION

The written recommendation of the Superintendent shall be submitted to the Board within ninety (90) days prior to the expiration of an employee's probationary period.

B. WRITTEN RECOMMENDATION

The written recommendation shall be prepared in narrative form and shall include sufficient information concerning the performance of the individual during his probationary period so that anyone reading that alone, and knowing nothing else about the person, could make an informed judgement that the person's performance was in fact satisfactory. It seems reasonable to include with such recommendation:

1. A brief employment history of the individual.
2. Performance appraisals made by officers who have directly supervised the individual during the probationary period . . . .
3. Documentation that the periods of observation or other appropriate measurements have been effected.
4. Written report or any other documentation used as a basis for the recommendation.

C. BOARD ACTION

In those cases where the Board desires additional information . . . it will request, in writing, the Superintendent and the appraising officer to submit such additional information as they consider necessary to support the recommendation.

Employees whose permanent tenure is being delayed pending further consideration by the Board shall be so notified in writing by the Board.

In those cases where the Board considers not approving a recommendation:

1. The Board shall notify the employee in writing and of his right to reply in writing and,

2. The employee shall be provided access to the appropriate section of the Minutes of the Committee-of-the-Whole on Personnel and shall be provided with copies of any written material submitted concerning his recommendation.

D. BOARD DECISION

The decision of the Board is final."

SCHOOL OFFICIALS

CROSS REFERENCE

II.B.1.a.; Statute §31-1104

SCHOOL SYSTEM

STATUTES

§31-608

There shall be no discrimination on the basis of sex among teachers performing similar functions. DISCRIMINATION

STUDENTS

REGULATIONS

CH. IV, §413

"All promotions shall be based upon the satisfactory completion of required coursework and satisfactory achievement of competency at the required skill level. PROMOTION

Promotions shall be made by the principal or other person in charge of the school or program upon certification that the student meets all requirements for promotion.

Promotions shall generally be made at the end of each school year. Special promotions may be made at any time with the written approval of the Regional Superintendent.

Students who fail to meet the requirements for promotion shall be retained at their present level. Where such steps have not already been taken, students whose progress at the end of the first semester or term indicates that they may not be promoted at the end of one year of retention at a particular level shall be referred for assessment and evaluation pursuant to the provisions of section 450ff of this Chapter."

Ch. IV §414

DIPLOMA

"Each student who meets the following requirements shall be eligible to receive a high school diploma:

(a) Satisfactory completion of the coursework required for the diploma, as set forth in this section; and (b) Satisfactory achievement of the required skill level for graduation; and (c) Enrollment and regular attendance in the Public Schools of the District of Columbia for a minimum of eight . . . consecutive months prior to graduation.

Each student who meets the requirements set forth in this section shall be certified as eligible to receive the high school diploma by the principal or other person in charge of the school or program in which the student is enrolled.

Upon certification, the high school diploma shall be conferred upon the student by the Superintendent of Schools or his[her] designee in the name of the D.C. Board of Education. Each diploma shall bear the signature of the Superintendent of Schools and the seal of the Board of Education.

No student shall receive a high school diploma unless the student has first completed all requirements for the diploma.

In the event a student does not meet the requirement set forth in subsection 414.1(c), the following procedures shall apply:

(a) If the prior academic record of the student and the coursework and skill level achievement of the student during enrollment in the D.C. Public Schools are satisfactory, the student may be granted an exemption from the requirement of subsection 414.1(c) by the Regional Superintendent upon the recommendation of the principal or other person in charge of the school or program in which the student is enrolled.

(b) The coursework credit received by the student from the D.C. Public Schools may be transferred to the school system from which the student has transferred in order to meet the graduation requirements of that school system.

(c) If a D.C. Public School student is receiving a diploma from another school system but is unable to attend graduation exercises held by that school system, such student may be allowed to participate in the graduation exercises of the D.C. Public School being attended upon the approval of the Superintendent of Schools.

The following coursework is required in order to be certified as eligible to receive the high school diploma:

(a) A total of 17 1/2 Carnegie Units must have been satisfactorily completed. (b) The following Carnegie Units in the corresponding subjects are required: English; 4 units Social Studies, including U.S. History (1) and Government (1/2), 1 1/2 units; Mathematics 1 unit; Laboratory science 1 unit; Health & Phys. Ed. 1 1/2 units; Electives 8 1/2 units. (c) One and one half (1 1/2) Carnegie units in Health and "Physical Education are not required for the evening program high school diploma.

The Superintendent of Schools may establish special courses of study which lead to the high school diploma (such as academic, performing arts, science and mathematics, career or vocational education, or other areas of concentration). Electives taken to fulfill the requirements of subsection 414.6 shall be required to be taken in courses established by the Superintendent for each area of concentration in order to receive certification in the area of concentration. Each student who satisfactorily completes the requirements for a special course of study shall receive appropriate recognition on the student's diploma.

Each adult student, or the parent or guardian of a minor student, shall be informed in writing not later than ten . . . days after the close of the third advisory period of the student's graduation status, including a warning that the student may not be eligible for graduation in June, if applicable.

The Superintendent of Schools shall annually compile and present to the Board of Education at its June stated meeting, the names of all students who have been certified as eligible to

receive the high school diploma by the appropriate principal or other person in charge of the school or program in which the student is enrolled. Upon official receipt of the list of students receiving diplomas, the Board of Education shall act to enter the names in the official journal of the Board of Education.

The receipt of a high school diploma by an eligible student shall not be contingent upon the payment of any fee or other consideration, except the payment of non-resident tuition fees required by statute and the provisions of this Chapter. . . .

The assessment of a class fee to cover expenses in connection with graduation exercises shall be permitted subject to the following requirements:

(a) The maximum amount of the class fee shall be uniformly established by the Superintendent of Schools; (b) The Regional Superintendent shall be authorized to exempt a student from the payment of the class fee in instances of hardship; (c) The expense of caps and gowns, yearbook subscriptions, proms, class gifts, and other activities which may be associated with graduation shall not be included in the class fee. . . . (d) The decisions whether to wear cap and gown, utilize rental facilities for graduation exercises, or present a class gift shall involve school staff, students, and parents or guardians; (e) No student shall be required to wear cap and gown in order to participate in graduation exercises; (f) Class gifts to the school shall consist of or be paid for only by donations, including the creative work of students. Class gifts shall not be made to any individual(s)."

CROSS REFERENCE

II.A.8.; Regulation; Chap. IV, §415

III.D.Student; Regulation; Chap. VII, §703

SUBORDINATES OF SUPERINTENDENT

CROSS REFERENCE

I.Board of Education; Statute §31-102

SUPERINTENDENT OF SCHOOLS

STATUTES

§31-108

"The Board shall have power to remove the superintendent at any time for adequate cause affecting his[her] character and efficiency as superintendent."

REMOVAL

CROSS REFERENCE

I.Superintendent of Schools; Regulation; Chap. II, §200

TEACHERS

STATUTES

§31-116

"When a teacher is on trial or being investigated he or she shall have the right to be attended by counsel and by at least one friend of his or her selection."

RIGHT TO COUNSEL

D. EVALUATION AND REPORTING

EMPLOYEE PERFORMANCE

CROSS REFERENCE

III.D.School System; Regulation; Chap. VII, §704

EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Regulation; Chap. IV, §454

INSTRUCTIONAL PROGRAM

CROSS REFERENCE

III.C.Public Schools; Regulation; Chap. VII, §702

PUBLIC SCHOOLS

CROSS REFERENCE

III.C.Public Schools; Regulation; Chap. VII, §700

SCHOOL BUILDING UTILIZATION

CROSS REFERENCE

II.C.2.; Regulation; Chap. V, §510

SCHOOL SYSTEM

REGULATIONS

CH. VII, §704

"In order to provide the Board of Education and the public with ongoing information, data, and performance assessment and evaluation, the Superintendent of Schools shall establish and implement a system of monitoring and reporting.

The Superintendent shall report the following on an annual basis for each school, region, and division or subdivision of the educational program: (a) Student membership and attendance; (b) The number of instructional staff assigned to each school . . .; (c) The pupil-teacher ratio and city-wide pupil-teacher ratio for all schools in the Elementary division of the educational program; (d) The student-instructional staff member ratio for each school and each division or subdivision of the Junior High and Senior High divisions of the educational program; (e) Demographic data on students by race and sex; (f) Demographic data on instructional staff members by race, sex, academic preparation, and experience; (g) Accident statistics and safety conditions; (h) The status of school buildings pursuant to the provisions of Chapter 5, section 512; (i) The results and analysis of the city-wide testing program pursuant to the provisions of section 703 of this Chapter;

The Superintendent shall establish and implement a system of monitoring, evaluating, and reporting employee performance and shall annually report on the evaluation of

employees of the Public Schools.

The Superintendent shall report annually on the progress of the Public Schools toward meeting the goals and objectives of the Board of Education as set forth in section 700 of this Chapter. This report shall include areas of achievement and deficiency and shall set forth the steps which will be taken to correct any deficiencies, including the recommendations for action by the Board of Education. The report shall also include, when appropriate, the Superintendent's recommendations for modifications in the stated goals and objectives of the Board of Education.

The Superintendent of Schools shall report on both a quarterly and annual basis the following: (a) The financial condition of the Public Schools, including the status of all accounts regardless of the source of funding. The reports shall include actual and projected obligations and expenditures, including the projected status of all accounts at the end of the annual accounting period; (b) The status of personnel and employment in the Public Schools, including current employment levels, cumulative and quarterly hiring, promotion, and adverse actions by category; current and projected vacancies; and projected hiring.

The contents of all reports required by this section shall, upon their submission to and acceptance by the Board of Education, become public information. Public reports shall be made available to the public as part of a comprehensive program of information and accountability. In addition to being available in the offices of the Superintendent of Schools or by mail, upon request, copies of such public reports shall be placed in each local school, sent to the press, media, and each public library, and sent to representative members of the executive and legislative branches of the government of the District of Columbia."

STUDENT

REGULATIONS

"As an element in the ongoing assessment and evaluation of the instructional program and student achievement, the Superintendent shall establish and implement a city-wide testing program, which shall be approved annually by the Board of Education.

The city-wide testing program shall include all tests which are administered on a city-wide basis and published annually in a city-wide testing schedule.

The following tests and testing programs shall not be included in the city-wide testing program: (a) Specific tests for evaluation of federally-funded programs and services; (b) Regional testing programs; (c) Research and evaluation studies, except those which are administered on a city-wide basis; (d) Evaluation tools used for specific goal areas in the competency based curriculum.

The city-wide testing program shall be used in conjunction with the competency based curriculum by providing one hundred per cent . . . testing with either norm-referenced or criterion-referenced tests at those age/grade levels where diagnosis and evaluation will measure and aid student achievement most appropriately and usefully, as determined by the Superintendent of Schools and approved by the Board of Education as part of the annual city-wide testing program.

All kindergarten students and all students enrolling in the Public Schools for the first time at the first grade level shall be assessed at the beginning of the school year. The Superintendent of Schools may establish guidelines for the assessment of students enrolling in the Public Schools for the first time at a level beyond first grade.

The city-wide testing program shall include staff development and training requirements for all instructional staff members in the understanding and use of all tests being administered, including individualized testing, instructional program planning based on appropriate test results, and the explanation of tests and test results to parents and guardians.

The results of tests administered by the Public Schools or under the auspices of the Board of Education shall not be considered determinative of the innate ability of individual

students. Tests results may be used as one factor in the ongoing process of determining the best placement of students in the educational program and assessing students' individual instructional needs, based upon current competencies and skills. Test results may also be used as one factor in the evaluation of student and program performance. The provisions of this subsection shall not preclude the use of diagnostic tests or other tests connected with the assessment and evaluation and placement of students in programs for the handicapped.

Individual student test results shall be available to the parent or guardian of the student, and to the adult student. A parent, guardian, or adult student may request a conference with the appropriate teacher or counselor to discuss test results.

The results of tests shall also be available to faculty and parent groups in summarized or averaged form. The principal or other school official may conduct meetings with faculty or parent groups, upon request, to inform these groups of the interpretation and application of tests results.

Summary reports of city-wide testing results shall be prepared by the Superintendent of Schools subsequent to each testing program. The Superintendent shall compile and provide these summary reports on an annual basis to the Board of Education as soon as possible after the end of the school year. The Superintendent's report shall include an analysis of the test results, including specific areas of achievement and deficiency, and shall indicate the steps which will be taken to correct any deficiencies.

No test results shall be tabulated or reported which indicate individual or group scores by race or sex, except that aptitude test results may be reported by sex in instances where test data clearly indicates that males and females differ in their performance and valid norms have been established indicating this difference.

No test results which identify any individual student shall be reported or made public.

The Superintendent's annual report to the Board of Education shall be made public upon acceptance by the Board.

Copies of the published report shall be distributed to local schools and representatives of the executive and legislative branches of the government of the District of Columbia."

CH. IV, §412

"The grading system of the D.C. Public Schools shall be designed to fairly and accurately report student progress and student achievement in relation to placement.

The role of the teacher in grading, the content of grade and progress reports, requirements for substantiation of grades, timing of reports and grades, and other requirements and procedures to be followed by teachers and school officials in the grading process shall be established and implemented by the Superintendent of Schools, in accordance with the Rules of the Board of Education."

E. Improvement Efforts

School Employees

STATUTES

§31-632-- 31-637

LEAVE OF ABSENCE

Upon the recommendation of the superintendent, the Board may authorize a one-year leave of absence "for purposes of educational improvement" for an employee whose salary is fixed by §31-1501 and who has served continuously in the public schools for at least six years prior to requesting leave. Not more than 2% of eligible employees may be on leave at any one time.

Part pay is authorized in the amount of 50% of salary, such amount to be reduced by certain regular deductions, and the time spent on leave shall be counted for retirement and salary increment purposes.

While on leave, the employee shall report to the superintendent as required by the Board. The Board may, upon the superintendent's recommendation, terminate such leave in the event that its requirements are not being followed. The Board may assign qualified temporary employees to fill vacancies created by sabbatical leaves.

STATUTES

§31-699 to 31-699b

The Board may "participate in the teacher foreign exchange program in cooperation with the U.S. Office of Education." Each year up to ten teachers may participate in such program for a period not exceeding one calendar year. The Board shall continue paying the salary of participants, who shall for the purpose of calculating benefits, be considered as teaching in the schools of the District during that year.

The Board shall determine where to place the exchange teacher taking the place of its employee. The exchange teacher shall serve without compensation by the Board and shall not be required to take any loyalty oath.

FLORIDA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Statutes
§230.2405

Accreditation associations may not deny membership to district schools solely on the lack of educational qualifications of the elective district superintendent provided he/she possesses a bachelor's degree from an accredited institution of higher learning. Such a denial "shall constitute sufficient grounds for injunctive relief in state courts, upon a showing by the district school board that there exists no other grounds, reasons, or standards upon which the schools should be denied accreditation or membership."

DENIAL

2. Other Qualification Standards

Statutes
§228.051

Florida public schools shall provide thirteen consecutive years of education, beginning with kindergarten, and shall also provide instruction for exceptional children as required by law.

§235.15;235.16;235.18;235.19

"At least every five years" district school boards shall survey schools in a district and on the basis of said survey submit a long-term proposal for construction and/or improvement of facilities to the Department of Education within six months thereafter. The department shall then review each program and make its recommendations to the school boards. Funds for these programs shall be allocated from the annual school budget.

Prior to implementation of an improvement program, the district superintendent, with the help of "governmental agencies", shall "prepare a comprehensive plan . . . which shall indicate existing and anticipated school needs and the most economical and practicable

locations of school sites." This plan shall be coordinated with the local long-range plans. Both plans should consider adjacent property in their decisions. The State Board of Education shall set minimum standards for school size relative to pupil enrollment, and any other standards it deems necessary.

REGULATIONS

6A-1.952 229.053(1)

Where the board finds it necessary to have double sessions, the length of the classes may be shortened for all grades over the third grade provided that the actual time spent in classes, excluding intermissions and class changes, shall not be less than 270 minutes.

6A-1.953

SCHOOL TERM

Where a school board plans to operate a school program at any school center within the district for less than the minimum school day, the commissioner of education may reduce the minimum school day by not more than one hour. Reasons shall be set forth in an application. The commissioner of education should approve the application, for not more than one year, if he or she feels it would contribute to the improvement of the public schools of Florida.

6A-1.9511

If it is necessary to run the school for less than the minimum daily time allowed, the commissioner may reduce the minimum school day by not more than one hour for 120 days. The commissioner must okay such application under his or her discretion.

CROSS REFERENCES

II.A.3.; Statute §230.651

III.B.Certificated Staff; Regulation §6A-1.501

ADMINISTRATIVE CERTIFICATION

REGULATIONS

6A-4.08

"Administration or supervision. Administration or supervision may be shown only on a post graduate, special post graduate, or advanced post graduate certificate. Only graduate credit shall be used to satisfy the following requirements.

(1) Specialization requirements for certification in administration (grades K-6, 7-12, and K-12). Administration may be shown only on a post graduate, special post graduate, or advanced post graduate certificate.

(a) A Master's or higher degree with a graduate major in school administration and three . . . years of full-time teaching experience in a public or non-public elementary or secondary school, or

(b) A Master's or higher degree, three...years of full-time teaching experience in a public or non-public elementary or secondary school, and graduate credit in administration, supervision, and curriculum as specified below:

1. Nine . . . semester hours in school administration.

2. Three . . . semester hours in basic school supervision

3. Six . . . semester hours in curriculum.

a. Administration covering the elementary school level only (grades K-6). Six . . . semester hours must be earned in secondary school curriculum.

b. Administration covering grades K-12. Twelve. . . semester hours with six . . . semester hours each earned in elementary and secondary school curriculum.

(2) Specialization requirements for certification in supervision (grades K-6, 7-12, or K-12). Supervision

may be shown only on a post graduate, special post graduate, or advanced post graduate certificate.

(a) A Master's or higher degree with a graduate major in school supervision and three . . . years of full-time teaching expereince in a public or non-public elementary or secondary school, or

(b) A Master's or higher degree, three . . . years of full-time teaching experience in a public or non-public elementary or secondary school, and graduate credit in administration, supervision, and curriculum as specified below:

1. Three . . . semester hours in basic school administration.

2. Six . . . semester hours in basic school supervision.

3. Nine . . . semester hours in curriculum.

a. Supervision covering the elementary school level only (grades K-6). Six of the nine . . . semester hours must be earned in elementary school curriculum.

b. Supervision covering the secondary school level only (grades 7-12). Six . . . of the nine . . . semester hours must be earned in elementary school curriculum.

(3) Specialization requirements for certification in supervision in a specific subject or field. Supervision in a specific subject or field may be shown only on a post graduate, special post graduate, or advanced post graduate certificated.

(a) A Master's or higher degree with a graduate major in school supervision, full certification in the subject or field to be supervised, and three . . . years of full-time teaching expereince in a public or non-public elementary or secondary school, or

(b) A Master's or higher degree, full certification in the subject or field to be supervised, three . . . years of full-time teaching experience in a public or non-public elementary or secondary school, and graduate credit including the areas specified below:

1. Three . . . semester hours in basic school administration.

2. Six . . . semester hours in basic school supervision.

3. Nine . . . semester hours in curriculum as specified below:

a. Six . . . semester hours in curriculum covering the level for which the applicant is to be certified, elementary or secondary. When certification is to be at both the elementary and secondary level three . . . semester hours covering each level must be earned.

b. Three semester hours in curriculum in the subject or field to be supervised

4. Six . . . semester hours of graduate credit in the subject or field to be supervised.

(4) Specialization requirements for certification in administration and supervision (grades K-6, 7-12, K-12). Administration and supervision may be shown only on a post graduate certificate.

(a) A Master's or higher degree with a graduate major in school administration and supervision and three. . . years of full-time teaching experience in a public or non-public elementary or secondary school, or

(b) A Master's or higher degree, three . . . years of full-time teaching experience in a public or non-public elementary or secondary school, and graduate credit in administration, supervision and curriculum as specified below:

1. Nine . . . semester hours in school administration including at least one basic course in school administration.

2. Six . . . semester hours in supervision.

3. Nine . . . semester hours in curriculum.

a. Administration and supervision covering the elementary school level only (grades K-6). Six . . . of the nine . . . semester hours must be earned in elementary school curriculum.

b. Administration and supervision covering the secondary school level only (grades 7-12). Six . . . of the nine. . .semester hours must be earned in secondary school curriculum.

c. Administration and supervision covering grades K-12. Twelve . . . semester hours with six . . . semester hours each in elementary and secondary school curriculum.

(5) Specialization requirements for certification in administration of adult education may be shown only on a post graduate, special post graduate, or advanced post graduate certificate.

(a) A Master's or higher degree with a graduate major in administration of adult education and three . . .years of full-time teaching experience in a public or non-public elementary or secondary school, or

(b) A Master's or higher degree, three . . .years of full-time teaching experience in a public or non-public elementary of secondary school, and graduate credit in administration, supervision, and curriculum as specified below:

1. Nine . . . semester hours in school administration (at least three . . .semester hours in organization and administration of adult education).

2. Three . . . semester hours in supervision (special emphasis on supervision of adult education).

3. Six . . . semester hours of curriculum (at least three . . . semester hours in program planning at the adult level).

(6) Addition of administration of adult education. Administration of adult education may be added to a post graduate, special post graduate, or advanced post graduate certificate covering elementary or secondary administration by completing six . . . semester hours as specified below:

(a) Three . . . semester hours in organization and administration of adult education.

(b) Three semester hours from the following areas of adult education: principles, programming, supervision, methods and materials of instruction.

(7) Administration and supervision - superintendents. Administration and supervision for county superintendents may be shown on a post graduate, special post graduate, or an advanced post graduate certificate upon

completion of the program in administration and supervision approved by the national council for the accreditation of teacher education."

6A-4.44

"Administration and supervision of vocational education. . . .

(1) Local director or district supervisor of vocational education. This type of certification is for an individual directly responsible for two or more fields of federally reimbursable vocational education qualifying as local director of vocational education and may be given only on a post standard, post graduate, special post graduate, or advanced post graduate certificate.

(a) Course requirements in education for administration and supervision. Thirty . . . semester hours earned in the five . . . sub-areas listed below with at least three . . . semester hours presented from each of area one . . . through five . . . . Only graduate or upper level credit shall be used to satisfy these requirements.

1. Organization, administration and management of vocational programs.

2. Administration and supervision of secondary education.

3. Instructional programs and curriculum.

4. Supervision and development of the vocational education staff.

5. School-community employee-employer relationships, interpretation of school program and socio-economic foundations of school policies. At least twelve . . . of the thirty . . . semester hours required shall have been completed within the five year period immediately preceding date of application , or the applicant must have had three years of experience as an administrator or supervisor in a secondary or vocational school within five . . .years immediately preceding date of application.

(b) Other requirements for administration and supervision. The applicant:

1. Must have attained the age of twenty-three . . . years.

2. Must have had three . . . years of successful teaching experience as a teacher of vocational education classes. Successful teaching experience must be attested to by the responsible school official under whom the applicant taught.

3. Must have met the professional education and occupational experience requirements in at least one vocational service.

(2) Principal or director of technical or vocational school. The same qualifications outlined under section 6A-4.44(1) for local director of vocational education will apply.

(3) Coordinator of industrial education. This type of certificate is granted for coordinators of day trade, or evening trade extension programs or other specialized industrial education programs.

(a) Course requirements. The applicant must have fulfilled the requirements for the standard certificate, rank 3, or the graduate certificate, rank 3, as a teacher of day trade or day trade related subjects and must have earned an additional twelve . . . semester hours. . . .

(b) Other requirements the applicant:

1. Must have attained the age of twenty-three . . . years.

2. Must have had three . . . years of successful teaching experience as a teacher of industrial education classes. Successful teaching experience must be attested to by responsible school officials under whom the applicant taught.

3. Must have met professional education and occupational experience requirements for standard certification as described in these regulations.

(4) District supervisor of cooperative education. The applicant must have qualified for certification as a cooperative business education or distributive education teacher-coordinator and have fulfilled the requirements for the post graduate certificate, rank 2.

(a) Course requirements. Thirty . . . semester hours earned in the sub-areas listed below are required.

1. Three . . . semester hours in administration of vocational education.

2. Supervision

a. Three . . . semester hours in vocational, business or distributive education.

b. Three . . . semester hours in secondary education.

3. Six . . . semester hours in curriculum (business or distributive at the secondary level.)

4. Three . . . semester hours in school-community relationships.

5. Nine . . . semester hours in electives with at least six . . . semester hours in business or distributive.

(b) Other requirements. Must have had five . . . years of successful teaching experience, three . . . years of which must have been as a cooperative education coordinator.

(5) District coordinator of adult distributive education. The applicant must have qualified for certification as a distributive education coordinator, or a full-time teacher of distributive education, graduate certificate, rank 3, or standard certificate, rank 3.

(a) Course requirements. Must have earned an additional twelve . . . semester hours including:

1. Administration of vocational education.

2. Supervision of vocational or distributive education.

3. Curriculum in distributive education.

4. School-community relationships.

(b) Other requirements. Must have had three . . . years of successful teaching experience in distributive education classes.

(6) District coordinator of vocational business education. The applicant must have qualified for certification in the broad field of business education and for certification

as a cooperative business education coordinator or a full-time teacher of vocational business education.

(a) Course requirements. Must have earned an additional twelve . . . semester hours of graduate credit including:

1. Administration of vocational education.
2. Supervision in vocational or business education.
3. Curriculum in business education.
4. School-community relationships.

(b) Other requirements. Must have had three years of successful teaching experience in business education classes."

6A-6.15

Any persons who are directors, coordinators or principals of the adult education program shall be certified in administration or supervision of secondary education at the time of appointment and soon thereafter shall become certificated in administration or supervision of adult general education. Part-time principals or administrative assistants shall at least hold graduate certificates and after five years work shall be certificated in administration or supervision of secondary education or adult education.

CERTIFICATED STAFF

STATUTES

§231.15

The state board of education is authorized to classify school services and prescribe regulations under which certificates shall be issued by the state department of education to school employees meeting the standards prescribed by the regulations applicable to their class of service. School supervisors, helping teachers, principals, teachers, school librarians and persons serving in an instructional capacity in any

RULEMAKING

public school shall hold the certificate required by law and state board regulations. "The state board shall adopt regulations authorizing school boards to employ noncertified personnel to provide instructional services in the individual's field of specialty or to assist instructional staff members as teacher aides."

§231.16

The state board of education shall prescribe the types, classes and ranks of certificates to be issued. Regulations shall specify the amount of college credits in prescribed professional courses and may require a definite period of time during which the applicant shall have served under supervision in public schools.

REGULATIONS

6A-1.501

The instructional staff of a school district shall consist of : those certified staff members who are assigned duties which require a valid Florida teaching certificate and which involve the provision of direct instructional services to students; those certificated staff members who are assigned duties which require a valid Florida teaching certificate and which consist of instructional support activities to students and teachers; and those non-certificated personnel who are employed to render instructional services in their area of specialty.

COUNSELOR

REGULATIONS

6A-4.18

"Specialization requirements for certification in guidance (grades K-12). Guidance may not be given on a rank 3 certificate after July 1, 1964.

(1) A Master's or higher degree with a graduate major in guidance including at least three . . . semester hours in supervised counseling practice, or

(2) A Master's or higher degree with twenty-one . . . semester hours of graduate credit as specified below:

a. Three . . . semester hours in one of the following: principles, philosophy, organization or administration of guidance.

b. Six . . . semester hours in principles and procedures of testing including credit in psychological testing.

c. Three . . . semester hours in occupational and educational information.

d. Three . . . semester hours in learning and personality theory.

e. Six . . . semester hours in counseling including three . . . semester hours in supervised counseling practice."

CROSS REFERENCE

IV.B.; Statute §233.066

DISTRICT SUPERINTENDENT

STATUTES

§230.28; .30

The district school superintendent shall devote full-time to his/her office and shall be a resident of the district in which he/she serves.

CROSS REFERENCE

III.A.1.; Statute §230.2405

EDUCATIONAL MEDIA SPECIALIST

REGULATIONS

6A-4.25

"Specialization requirements for certification in educational media specialist (grades K-12)

(1) A Bachelor's or higher degree with an undergraduate or graduate major in educational media, or

(2) A Bachelor's or higher degree with twenty-four . . . semester hours in educational media including the areas specified below:

(a) Nine . . . semester hours in the selection and utilization of media. Courses in this area include: the analysis, evaluation, selection and design of printed and audiovisual media; procedures for the utilization of media by students and teachers; criteria for the selection of media; knowledge of media and their sources.

(b) Three . . . semester hours in functional operation of the school media center. Courses in this area include: principles, goals and programs of the school media center; the role and relationship of the school media center to the total school program; techniques of school media center operation; staff relationships in both the media center and in the relationships in both the media center and in the school; the professional role of the media specialist.

(c) Three . . . semester hours in bibliographic control. Courses in this area include: skills and understandings of bibliographic principles and practices; aims of and practice in cataloging, classification, storage of all types of media; techniques of analyzing, sharing and retrieving information in all formats.

(d) Three . . . semester hours in design and production of various types of educational media. Courses in this area include: educational graphics, cinematography, photography, and educational television and radio programs."

EDUCATIONAL PERSONNEL

STATUTES

§231.10

There shall be a Florida Council of Teachers Education consisting of 23 members appointed by the state board of education.

Members shall serve three-year terms.

The council shall report its recommendations to the commissioner of education each year.

Its duties shall include: recommending

standards for the "development, certification, improvement, and maintenance of competent education personnel;" assisting in planning and conducting an annual review of manpower studies regarding teaching personnel, reporting findings to the commissioner of education; and recommending "alternative ways to demonstrate qualifications for certification which insure fairness and flexibility while protecting against incompetence."

Non-Certified Personnel

Regulations

6A-1.502

"In each district there are persons with teaching skills who are not certified. Each school board shall adopt such policies as are necessary to insure that the principals and teachers of that district may utilize in an appropriate instructional capacity the services of such expert persons in the community." These persons can either serve as volunteers or receive a fee for their services. The board policies for non-certified instructional personnel shall include, among other things, health and age, employment procedures, personnel records, salary, assignment, suspension and dismissal, assessment of performance, pupil welfare, instructional practices and policies.

Occupational Specialists

Regulations

6A-4.421

"Occupational specialist. A position provided as an alternate means of providing adequate guidance services.

(1) Requirements. Each applicant shall meet all non-educational requirements common to all certificates and in addition shall meet the following requirements:

(a) Be at least twenty . . . years of age.

(b) Have been gainfully employed other than in

teaching, for not less than twenty-four . . . months as a full-time employee, or its equivalent in part-time employment. Such work experience shall be verified by the district superintendent to the certification section of the department of education at the time of application.

(c) Provide to the district superintendent written evidence of ability to relate to young people. The district superintendent will then verify to the certification section that the individual has met this requirement.

(2) Types of Certificates:

(a) Temporary Certificates. The temporary certificate in the appropriate rank, Rank 3 or higher, shall be issued to each individual who files the proper application form and is recommended by the district superintendent for such certificate, provided that the district superintendent verifies that the three . . . requirements listed above have been met. . . .

(b) Regular Certificate. A regular certificate in the appropriate type, Rank 3 or higher, shall be issued covering Occupational Specialist upon the recommendation of the district superintendent, including a statement to the effect that the individual completed three . . . years of successful service as an occupational specialist and completed an approved training program for occupational specialists.

(c) Addition to Regular Certificate. An individual who already holds a regular certificate may have Occupational Specialist added to his[her] certificate upon verification from the district superintendent that the individual completed three years of successful service as an occupational specialist in the district and that the individual completed an approved training program for occupational specialists. . . ."

CROSS REFERENCE

IV.B.; Statute §233.0681

Private Tutor

Regulations

6A-1.951 Private Tutors Auth. 229.053(1)

Any person who tutors a child of compulsory attendance age shall meet the following requirements: valid certificate to teach the subjects or grades in which the instruction is given; keep and make records and reports concerning attendance of pupils; require a minimum attendance of pupils.

School Officials

Statutes

§231.02

"To be eligible for appointment in any district school system position, persons shall be of good moral character and shall, when required by law, hold a certificate or license issued under the state board of education or department of health and rehabilitative services regulations."

School Psychologist

Regulations

6A-4.31

"Specialization requirements for certification as specialist in school psychology (grades K-12). Specialist in school psychology will be shown on a certificate only when all specialization requirements have been met.

(1) A master's or higher degree with a graduate major in school psychology including at least six semester hours of graduate credit in supervised experience in school psychology in an elementary or secondary school

setting. Three years of experience as a specialist in school psychology in an elementary or secondary school will satisfy the supervised experience requirement.

Or

(2) A master's or higher degree and:

(a) 36 semester hours of graduate credit appropriate to areas 1, 2, and 3 specified below with a minimum of 9 semester hours in each of the 3 areas:

1. Psychology covering human development such as child psychology, adolescent psychology, educational psychology; personality; learning psychology; and psychology of exceptional students.

2. Psycho-educational assessment including 3 semester hours in individual intellectual assessment.

3. Specialized techniques such as behavioral analysis, counseling, consultation, prescriptive intervention, and

(b) At least six semester hours of graduate credit in supervised experience in school psychology in an elementary or secondary school setting. Three years of experience as a specialist in school psychology in an elementary or secondary school will satisfy the supervised experience requirement."

TEACHER AIDES

STATUTES

§231.141

District school boards are encouraged to appoint teacher aides to the instructional staff in the kindergarten and the primary grades. The school board may appoint teacher aides in other grades. Teacher aides shall not be required to hold a certificate, but shall be required to attend training programs developed pursuant to subsection 230.2311(6).

REGULATIONS

6A-1.70 Teacher Aides [Auth 231.141]

Procedures

Each aide shall meet the health requirements established for certificated personnel; shall meet the same age requirements as those for certificated personnel; must possess a clear understanding of state and district rules, policies and regulations relevant to teacher aide responsibilities. Each aide must possess a clear understanding of all state and district instructional practices and policies relevant to teacher aide responsibility. Anytime an aide is assigned to a new teacher or assignment, he/she shall complete a period of supervised practice. The length of the supervision depends on the "capabilities" and prior experience of the teacher. Each instructional staff member assigned an aide must ascertain that the teacher aide can state clearly the type of performance or behavior which the pupils are expected to demonstrate during the time when the teacher aide is working with pupils. The aides cannot do the following: establish instructional objectives, determine the relevancy of different activities, make decisions concerning the appropriateness of school materials.

TEACHERS

STATUTES

§231.03; 031

No person under twenty years of age may be employed in any instructional capacity in the public schools unless he/she has received a four year degree from an accredited institution of higher learning. No person shall be employed as a principal or supervisor unless he/she is 23 and has had at least two years of experience. A full time teacher must retire at the end of the school year following his/her 70th birthday.

§231.14

No person shall teach in a public school who does not hold a valid teaching certificate, except for employment pursuant to §231.15 and under emergency conditions as provided in §236.0711. A previous Florida residence shall not be a prerequisite for any person holding a valid Florida certificate to teach in Florida public schools.

§231.17

The department of education shall issue an appropriate certificate to persons with the appropriate qualifications who pay the required fee.

To be eligible for certification an applicant shall meet the requirements mentioned and must be a United States citizen, sign a written oath that he/she will uphold the constitution of the U.S., be competent, and of "good moral character," free from malignant, communicable, or mental diseases. This also applies to individuals teaching on an exchange basis. No certification shall be issued to citizens of an anti-democratic government, except to refugees or Cuban resident aliens, who are legally admitted to the U.S. through the Immigration and Naturalization Service. The department of education may deny a certificate to an applicant if it has "evidence satisfactory to [the department] that the applicant has committed an act . . . or a situation exists for which the department would be authorized to revoke a teaching certificate." DENIAL

The department of education's decision is subject to review by the state board of education if the applicant files a written request.

§231.20

Upon fulfilling the requirements for certification, a graduate certificate, valid for five years from the date of issue, shall be issued to any "regular graduate of a standard institution of higher learning".

§231.361

Vocational and other teachers qualifying for certificates on the basis of non-academic preparation shall be entitled to all the contractual rights and privileges now granted to other instructional personnel holding certificates of corresponding rank, but shall not be assigned to teach in a regular academic field of kindergarten through grade twelve.

§231.47

The school board may hire certified part-time teachers for special subjects.

§233.057

Reading and language arts specialists with at least three years teaching experience shall be certified resource specialists. They shall: assist principals and teachers to integrate reading into the curriculum, "assist in preparing a school's developmental reading and language arts program" and "provide for in-service staff development."

Local districts may apply to the Commissioner of Education for funding of a training program for said specialists. The commissioner shall appraise and make recommendations to the legislature on the proposal.

REGULATIONS

6A 1.54 Auth. 229.053(1)

The superintendant is authorized to appoint substitute teachers: when a regular teacher is not available, a certified or non-certified individual may be employed during an emergency. School boards are further authorized to contract with properly certified personnel in order to provide teachers in an emergency when the regular teacher is unable to perform assigned duties.

6A-4.01

All those interested in applying for jobs as teachers shall fill out the proper form, file a health statement from a licensed physician, have copies of college transcripts.

6A-4.02

"Regulations in this section apply to all certificates for teachers of grades K-12 in Florida public schools.

(1) Effective date of certificates. Certificates shall bear an effective date of July 1 of the school fiscal year for which it is issued.

(2) Period of validity. The period of time for which a certificate is valid shall be designated on the face of the certificate . . . .

(7)...The alteration of any certificate with intent to mislead or defraud by any certificate holder or by any other person or agency shall be sufficient grounds for revocation of the certificate . . . .

REVOCATION

(8)...A certification subject or field may be added to a certificate any time provided requirements in effect at the time the addition is requested have been met and an average grade of "C" is maintained in all college courses to be used for adding the subject or field. When any of the following subjects or fields are to be added to a regular certificate, the special methods in the teaching of the subject or field as required in . . . state board of education regulations shall be met: English, mathematics, science, social studies, foreign language, art, music, physical education or elementary education. An official college transcript shall be filed to substantiate credits earned to add a subject or field to a certificate. . . .

(10)...Certificates from other states shall not be valid for teaching in Florida.

(11)...Teaching experience in lieu of credit.

(a) Requirements which may be excused by teaching experience -- An application may use full-time teaching experience in public or nonpublic elementary or secondary

EXPERIENCE

schools toward satisfying certification requirements specified below:

1. General Preparation

2. Professional preparation as follows:

a. foundations of education

b. curriculum at the elementary or secondary level

c. special methods, as provided below:

[1] for elementary education the experience must be verified as including effective performance in teaching of reading, diagnosing reading problems and increasing reading performance.

[2] for subjects grades 1-12, such as art, music, and physical education, the year of experience requirement may be satisfied by:

[a] a year of teaching experience at each level or

[b] a year of teaching experience, including both levels.

[3] for the secondary level, the experience must cover teaching the subject or field to which it is to apply.

d. toward the total credit required in professional preparation.

3. Specialization requirements for a certification subject or field to meet specific course requirements or toward the total number of semester hours required provided that the experience must be in the subject or field to which it is applied.

(b) Requirements which may not be excused by teaching experience. -- Teaching experience may not be used to satisfy the following certification requirements:

1. to extend a certificate.

2. to secure another temporary, graduate, standard post graduate, post standard special post graduate, or advanced post graduate certificate after a previous certificate of the same type has expired.

3. to satisfy a graduate credit requirement.

4. to satisfy an entire certification subject or field.

5. to raise the rank of a certificate.

(c) Limitation on use of teaching experience.--Each year of full-time teaching completed, except for the first year of teaching, may be accepted in lieu of three (3) semester hours of college credit, provided that a maximum of nine (9) semester hours may be allowed for teaching experience with not more than six (6) semester hours allowed toward satisfying requirements for any one of the following:

1. General preparation
2. Professional preparation
3. Specialization requirements for any one (1) certification subject or field. . . .

(13)...Under extenuating circumstances not covered in these regulations the commissioner of education is authorized at his[her] discretion to issue a certificate, upon the request of a superintendent, to an individual to be employed as a teacher in the public schools of the district.

(14)...(a)...A citizen of a nation controlled by forces which are not antagonistic to democratic forms of government may be issued a temporary or provisional certificate on the basis as a citizen of the United States provided:

PROVISIONAL CERTIFICATION

1. The applicant presents evidence that he[she] holds a Bachelor's or higher degree equivalent to the degree granted by a standard institution of higher learning as defined by state board of education regulations, or meets requirements for a rank III or higher rank certificate covering a vocational subject or field. . . .

2. The certificate is requested by the superintendent of the district in which the non-citizen or exchange teacher is to be employed as a teacher and the applicant other than exchange teachers files with his[her] application a copy of his[her] Declaration of Intention. . . .

(b) . . . A resident alien from Cuba may be issued a temporary or provisional certificate on the same basis as a citizen of the United States provided:

1. The applicant presents evidence that he[she] holds

a Bachelor's or higher degree equivalent to the degree granted by a standard institution of higher learning as defined by state board of education regulations, or meets requirements for a rank III or higher rank certificate covering a vocational subject. . . .

2. The certificate is requested by the superintendent of the district in which the resident alien is to be employed as a teacher and the applicant files with his[her] application a copy of his[her] Declaration of Intention. . . .

(c)...A temporary or provisional certificate may be issued to a Cuban citizen refugee or an individual who has been admitted to the United States through the Immigration and Naturalization Service as a refugee upon satisfaction of the following requirements:

1. The applicant presents evidence that he[she] holds a Bachelor's or higher degree equivalent to the degree granted by a standard institution of higher learning as defined by state board of education regulations, or meets requirements for a rank III or higher rank certificate covering a vocational subject. . . .

2. Sign an oath that he[she] is a refugee of the prevailing government of his[her] native country and that he[she] will uphold the principles of the Constitution of the United States.

3. The superintendent who wishes to employ the applicant requests that a certificate be issued.

4. Present a statement from the United States immigration and naturalization service advising that the applicant's file in that office does not contain information derogatory to the applicant.

5. To be eligible for a temporary certificate after the first, the applicant must present a transcript showing six (6) semester hours of college credit acceptable for certification purposes earned by extension or in residence at a standard institution . . . .

(d) . . . A regular certificate may be issued to a citizen of a nation controlled by forces which are not antagonistic to democratic forms of government,

refugees legally admitted to the United States through immigration and naturalization service or resident aliens from Cuba provided:

1. The applicant's credentials satisfy in full all requirements for a regular certificate with the exception of United States citizenship.

2. The superintendent of the district in which the applicant is employed files a statement as part of the application for a regular certificate certifying the facts which show that the individual has satisfied all requirements for a continuing contract in that district except for the requirement of holding a regular certificate and, also certifying that if issued a regular certificate the applicant will be recommended to the school board for employment on a continuing contract for the next regular school year.

(15). . . Teaching experience as used in state board of education regulations for teacher certification purposes shall be defined as: full-time teaching, administrative or supervisory service in a public or non-public elementary or secondary school.

(16). . . A teacher's certificate shall authorize an individual to teach or render service in any subject or field specifically named thereon. If certification in a subject or field is not provided for by specific name in current rules, the commissioner of education is authorized to designate a related specifically named certification subject or field which shall authorize an individual to teach or render service in each subject or field not provided for in current rules. The commissioner of education shall publish the certification subjects or fields which authorize an individual to teach or render service in specific subjects or fields as required by law and state board of education rules in a publication titled "Course Code Directory" which is hereby incorporated by this rule and made a part of the rules of the state board of education . . . .

(20)... It shall be the responsibility of each teacher or

prospective teacher to complete all requirements for the specific type and rank certificate needed and to file with the department of education evidence of such completion. It shall also be his[her] responsibility to maintain proper certification if he[she] wishes to teach in the public schools of Florida."

6A-4.04

"Ranks and types of Florida teaching certificates.

(1) The following 'ranks' and 'types' of Florida teaching certificates may be issued to eligible individuals on the basis of degrees or credits earned at an acceptable institution of higher learning. . . .

(a) Rank 1 - an earned academic doctor's degree granted by a standard institution; other earned academic and earned professional doctor's degree which required seven years of higher education or an earned LLB or higher law degree granted by an institution of higher learning in the United States. The highest earned degree shall be designated on the face of the rank I certificate.

(b) Rank 1A

1. Holds a sixth year post-master's level degree in education from a standard institution of higher learning (e.g., Specialist in Education Degree) or

2. Has completed at least thirty . . . semester hours of graduate credit in a planned doctoral degree program from a standard institution of higher learning to include admission to candidacy for the doctor's degree. . . .

(c) Rank 2 - an earned master's degree (an earned advanced bachelor's degree of a professional nature [i.e., library science] in combination with an earned four year bachelor's degree such as a bachelor of arts, bachelor of science, or bachelor of education degree shall be considered equivalent to the master's degree for the rank 2 certificate.)

(d) Rank 3 -- an earned bachelor's degree such as the BS, BA, or BEd which normally requires four years of higher education . . . .

(e) Rank 4 - At least ninety . . . semester hours

of college credit

(f) Rank 5 - At least sixty . . . semester hours of college credit

(g) Rank 6 - less than sixty . . . semester hours of college credit

(2) Types of certificates

(a) Graduate certificate. The graduate certificate shall be in rank 3, shall be valid for five . . . years and shall show certification in at least one certification subject or field.

1. The graduate certificate showing certification in the major listed on the college transcript may be issued to an applicant who has met all of the following requiremants:

a. Files a completed application

b. Holds a degree acceptable for rank 3 certification . . . .

c. Has a major in a single certification subject . . . .

d. Has completed one of the following:

[1] The undergraduate teacher education program at an institution approved for teacher education by the Florida state board of education or the national council for the accreditation of teacher education, or

[2] Professional preparation . . .

e. Has met the "recency of credit" requirement. . .

f. Has satisfied the general preparation . . .

2. A graduate certificate covering a certification subject or field other than the major shown on the college transcript may be issued to an individual who has met the following requirements:

a. Files a completed application . . .

b. Holds a degree acceptable for Rank 3 certification. . .

c. Has completed professional preparation . . .

d. Meets the specialization requirement for that subject or field . . .

e. Has met the 'recency of credit' requirement . . .

f. Has satisfied the general preparation . . .

(b) Provisional graduate certificate. The provisional graduate certificate shall be in rank 3, shall be valid for three . . . years, and shall show certification in at least one certification subject or field. Only one provisional graduate certificate may be issued to an individual and it may not be reissued, renewed or extended.

1. An applicant who has not met full requirements for the graduate certificate may be issued a provisional graduate certificate provided he[she] has met all the following requirements:

a. Files a completed application . . . .

b. Holds a degree acceptable for rank 3 certification. . . .

c. Has a major single certification subject or field . . . provided, however, that a certification subject or field other than the major may be shown on the provisional graduate certificate when not more than six . . . semester hours of credit are needed to meet full specialization requirements in that subject or field.

d. Has met the 'recency-of-credit' requirement. . .

e. Has satisfied the 'practical experience in teaching' requirement. . . .

(c) . . . The post graduate certificate shall be in rank 2, shall be valid for ten . . . years, and shall show certification in at least one certification subject or field.

1. The advanced post graduate certificate showing certification in the doctoral major may be issued to an applicant who has met all of the following requirements:

a. Files a completed application . . . .

b. Holds a degree acceptable for rank 1 certification. . .

c. Has a doctoral major in a single certification subject or field . . . .

d. Has met professional preparation requirements. . . .

e. Has met the 'recency-of-credit' requirement. . . .

f. Has satisfied the general preparation . . . .

(i) Temporary certificate. The temporary certificate may be issued in rank 1, 1A, 2, 3, 4, 5 of 6 and shall be valid for one . . . year. A temporary certificate in the

academic rank determined by the highest academic degree held may be issued to a qualified applicant who is not eligible for another type certificate of that rank. . . .

Only one certification subject or field may be shown on a temporary certificate unless full specialization requirements have been met . . . .

The commissioner of education is authorized to issue, at the request of the superintendent, any number of temporary certificates to a qualified applicant. . . .

A reissued temporary certificate is one which is issued to an applicant who held a valid temporary certificate of the same rank for the school year immediately preceding the year for which the certificate is requested. . . ."

6A-4.05

EXTENSION

"Extension of certificates. The graduate, post graduate, special post graduate, advanced post graduate, standard, post standard, professional, undergraduate, and certain special certificates, which are valid at the time application is made for extension may be extended in accordance with the following provisions:

(1) General provisions.

(a) All course credit and other requirements necessary for the extension of a certificate shall be completed and proper application filed in the department of education prior to the expiration date of the certificate . . . .

(b) Only one extension may be granted during each five . . . and ten . . .year validity period of a certificate. . . .

(2) Requirements for extension, Certificates may be extended by one of the seven. . .plans listed below:

(a) College credit. Earning six . . . semester hours at a standard institution of higher learning. Correspondence credit shall not be accepted.

(b) Supervision of student teachers may be accepted in lieu of a maximum of three . . . of the six . . . semester hours of credit required for extending a certificate . . . .

(c) Educational travel plus college credit. . . .

(d) Military service . . . .

(e) In-service education participation.....

(f) Teaching performance . . . .

(g) Foreign study. . . ."

6A-4.06

"General and professional preparation. Credit in general and professional preparation as listed below shall be required for the graduate, post graduate, special post graduate, or advanced post graduate certificate unless exemption for a specific certification subject or field is provided for in state board of education rules.

(1) General preparation. A minimum of forty-five . . . semester hours shall be required in general preparation with not less than six . . . semester hours earned and not more than twelve . . . semester hours counted in each of the five areas listed below. A graduate with a bachelor's degree from a standard institution shall be considered to have met the general preparation requirements.

(a) Arts of communication.

1. A minimum of six . . . semester hours shall be required in English composition, rhetoric, or grammar.

2. Up to six . . . semester hours in speech, journalism, or elementary foreign languages may be used to meet the total of twelve . . . semester hours permitted in this area.

(b) Human adjustment. A minimum of six . . . semester hours shall be required in areas such as: health, physical education, psychology, religion, philosophy, logic, ethics, nutrition, problems of living in home and family, or community living.

(c) Biological science, physical sciences and mathematics. A minimum of six . . . semester hours shall be required. Credit may be earned in comprehensive courses or separate subjects. The entire six . . . semester hours shall not be in mathematics.

(d) Social science. A minimum of six . . . semester hours shall be required. Credit may be earned in com-

prehensive courses or in separate subjects; provided credit is earned in at least two . . . of the following: literature (English, American, world), literature written in a foreign language, music, technological skills, construction design and fine arts, or art as applied to personal and family living.

(2) Professional preparation. 'Course requirements in education' and requirements regarding 'practical experience in teaching,' totaling at least twenty . . . semester hours as specified below, shall be required in professional preparation. An applicant who has completed the undergraduate teacher education program including the approved directed teaching experience at an institution of higher learning approved at the time of his[her] graduation, by the National Council for the Accreditation of Teacher Education or the Florida state board of education shall be considered to have met the professional preparation requirements.

(a) Course requirements in education. Course requirements as specified below must be met by each applicant for a graduate, post graduate, special post graduate, or advanced post graduate certificate except that acceptable substitutions are provided for certification in physical therapy, occupational therapy and school lunch.

1. Foundations of education. Six . . . semester hours. Credit must be presented in both the sociological and psychological areas of the instructional program.

a. Sociological foundations. Credit from courses such as those dealing with school and society; introduction to education; history, and principles and philosophy of education.

b. Psychological foundations. Credit from courses such as educational psychology, child psychology, adolescent psychology, psychology of learning, and growth and development of the individual.

2. General methods of teaching, administration and curriculum in the elementary school or secondary school. Six . . . semester hours. Courses should provide an overview of the entire school program and give specific help with respect to the principles of teaching, general curri-

culum, evaluation of the school program, general methods, school organization and administration needed by teachers in the public schools. . . .

3. Special methods.

a. Elementary level.

[1] Competency in the following basic skills in reading instruction:

[a] Identifying reading skills and means of evaluating such skills.

[b] Recognizing and diagnosing reading problems, and

[c] Prescribing and using a variety of appropriate methods and materials to increase reading performance.

[2] These requirements shall be met by college credit in such areas or by two . . . years of successful full-time experience as an elementary classroom teacher combined with effective participation in a district school board inservice reading skills program which has been approved by the commissioner.

b. Grades 1-12. (art, music, physical education). Four . . . semester hours of teaching the subject including credit covering the elementary and secondary level.

c. Secondary level (7-9, 7-12)

[1] Two . . . semester hours in methods of teaching the subject or field are required for the original subject or field shown on a certificate.

[2] Two . . . semester hours in methods of teaching the subject are required for certification in each of the following: (1) English, (2) foreign languages, (3) mathematics; (4) sciences and (5) social studies. When separate subjects are combined to form a broad field, credit may be presented in methods of teaching the broad field or in one of the subjects included in the broad field.

[3] Subjects or fields other than those indicated in [1] and [2] above may be shown on a certificate without methods of teaching the subject or field.

d. Special instructional service, non-teaching fields. Credit in special methods of teaching in the field is not required for special instructional service non-teaching

fields, such as administration, supervision, guidance, library audio-visual service, specialist in school psychology, and visiting teacher.

(b) Practical experience in teaching. Applicants for the provisional graduate, graduate, provisional post graduate, post graduate, special post graduate, and advanced post graduate certificate must complete 'practical experience in teaching' by one of the three . . . plans listed below except that acceptable substitutions may be presented for guidance, specialist in school psychology, speech therapy, and visiting teacher. Directed teaching shall not be required for applicants seeking certification in physical or occupational therapy.

1. Practical experience requirement in teaching may be satisfied by one . . . of the three . . . plans listed below:

a. Six . . . semester hours earned in a college student teaching program or in observation and participation in an elementary or secondary school, or

b. Two . . . years of full-time teaching in a public or non-public elementary or secondary school, and three . . . semester hours in student teaching in an elementary or secondary school, or

c. Three . . . years of full-time teaching in a public or non-public elementary or secondary school. . . ."

6A-4.10

"Specialization requirements for certification in art (grades K-12).

(1) A Bachelor's or higher degree with an undergraduate or graduate major in art, or

(2) A Bachelor's or higher degree with thirty semester hours in art including the areas specified below:

(a) Nine . . . semester hours from: drawing, painting, graphic art and sculpture.

(b) Nine . . . semester hours in crafts: ceramics, metal work, textiles, wood work, plastics, leatherwork, puppetry, etc.

(c) Two . . . semester hours in lettering or commercial

art.

(d) Three . . . semesters history of art or art appreciation. . . ."

6A-4.12

"Business education. Certification may be given in the broad field of business education or separate subjects of bookkeeping and stenography as specified below:

(1) Specialization requirements for certification in business education:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in business education (bookkeeping and stenography), or

(b) A Bachelor's or higher degree with thirty . . . semester hours in business education including at least four of the areas specified below.

1. Six . . . semester hours in accounting.
2. Six . . . semester hours in economics.
3. Six . . . semester hours in shorthand
4. Four . . . semester hours in typing.
5. Two . . . semester hours in business English.
6. Two . . . semester hours in business law.

(2) Specialization requirements for certification in bookkeeping:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in bookkeeping, or

(b) A Bachelor's or higher degree with eighteen . . . semester hours in business education including the area specified below:

1. Six . . . semester hours in accounting.
2. Six . . . semester hours in economics.
3. Two . . . semester hours in business law.

(3) Specialization requirements for certification in stenography:

(a) A bachelor's or higher degree with eighteen. . . semester hours in business education including the areas specified below:

1. Six . . . semester hours in shorthand.

2. Four . . . semester hours in typewriting.

3. Two . . . semester hours in business English. . . ."

6A-4.13

"Specialization requirements for certification in driver education. A Bachelor's or higher degree with a course in each of the areas specified below:

(1) Basic driver education

(2) Advanced driver education

(3) General safety education. . . ."

6A-4.14

"Specialization requirements for certification in early childhood education (nursery and kindergarten).

(1) A Bachelor's or higher degree with an undergraduate or graduate major in early childhood education (nursery and kindergarten), or

(2) A Bachelor's or higher degree with certification in elementary education and six . . . semester hours in special methods and observation in nursery and kindergarten education. . . ."

6A-4.15

"Elementary education. Certification may be given in elementary school or in separate subjects of elementary school English, elementary school math, elementary school science, or elementary school social studies as specified below:

(1) Specialization requirements for certification in elementary education:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in elementary education, or

(b) A Bachelor's or higher degree with twenty-one . . . semester hours in elementary education including credit in each of the areas specified below:

1. Materials for use with children - such as children's literature, audio-visual materials and library materials.

2. Nature study or science for the elementary school.

3. Social studies for the elementary school which may include introductory geography and conservation.

4. Health education and/or physical education for the elementary school.

5. Art for the elementary school.

6. Music for the elementary school.

7. Arithmetic for the elementary school.

(2) Specialization requirements for certification in elementary school English:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in elementary school English, or

(b) A Bachelor's or higher degree with specialization requirements met in junior high school, junior high school English, or secondary school English, verification by a Florida district superintendent of at least one . . . year of successful teaching experience of English in a Florida departmentalized elementary school and either successful performance in components of an approved in-service master plan appropriate for elementary school teachers or a course in methods of teaching mathematics in an elementary school.

(3) Specialization requirements for certification in elementary school mathematics:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in elementary school mathematics, or

(b) A Bachelor's or higher degree with specialization requirements met in junior high school, junior high school mathematics, or secondary school mathematics, verification by a Florida district superintendent of at least one . . . year of successful teaching experience of mathematics in a Florida departmentalized elementary school and either successful performance in components of an approved in-service master plan appropriate for elementary school teachers or a course in methods of teaching mathematics in an elementary school.

(4) Specialization requirements for certification in elementary school science:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in elementary school science, or

(b) A Bachelor's or higher degree with specialization requirements met in junior high school, junior high school science, secondary school physics, chemistry, biology or earth science, verification by a Florida district superintendent of at least one . . . year of successful teaching experience of science in a Florida departmentalized elementary school and either successful performance in components of an approved in-service master plan appropriate for elementary school teachers or a course in methods of teaching science in the elementary school.

(5) Specialization requirements for certification in elementary school social studies:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in elementary school social studies, or

(b) A Bachelor's or higher degree with specialization requirements met in junior high school, junior high school social studies, or secondary school social studies, verification by a Florida district superintendent of at least one . . . year of successful teaching experience of social studies in a Florida departmentalized elementary school and either successful performance in components of an approved in-service master plan appropriate for elementary school teachers or a course in methods of teaching social studies in the elementary school. . . ."

"Specialization requirements for certification in English (grades 7-12).

(1) A Bachelor's or higher degree with an undergraduate major in English, or

(2) A Bachelor's or higher degree with thirty (30) semester hours in English as specified below: (Courses in journalism or foreign language not to exceed six . . . semester hours may be used toward the total of thirty . . . semester hours.

(a) Six . . . semester hours in freshman English.

(b) Three . . . semester hours in fundamentals of speech.

(c) Three . . . semester hours in advanced composition.

(d) Three . . . semester hours in English grammar beyond freshman English.

(e) Twelve . . . semester hours in literature (including American, English and contemporary). . . ."

"Exceptional child education (grades K-12). Certification in exceptional child education shall be shown in specific areas of disabilities as specified below:

(1) Specialization requirements for certification in mental retardation (grades K-12).

(a) A Bachelor's or higher degree with a major in exceptional child education with specialization in mental retardation, or

(b) A Bachelor's or higher degree with thirty-two . . . semester hours including the areas specified below:

1. Nine . . . semester hours including credit in each of the following:

a. survey course in the education of exceptional children.

b. introduction to language development and speech disabilities.

c. principles of human development or child and adolescent psychology.

2. Nine . . . semester hours including credit in each of the following:

a. teaching of sequential developmental skills and concepts of reading at the elementary level

b. teaching of sequential developmental skills and concepts of arithmetic at the elementary level

c. materials for use with children such as children's literature, audio-visual materials and library materials

3. Two . . . semester hours in educational assessment including evaluative and instructional techniques for exceptional children to provide an objective data base for individualized instruction.

4. Three . . semester hours from one . . . of the following:

a. nature study or life science for the elementary school

b. social studies to include conservation

c. health education and/or physical education for exceptional children

d. art for the elementary school

e. music for the elementary school

f. occupational and educational information

5. Nine . . . semester hours in separate or integrated specialized courses to include:

a. a course in the biological, psychological and sociological foundations of mental retardation

b. courses from:

[1] education of children and youth who are trainable mentally retarded including curriculum development, methods and materials

[2] education of children and youth who are educable mentally retarded including curriculum development, methods and materials

[3] education of youth who are mentally retarded including skills in basic home economics or industrial arts.

(c) Certification in emotional disturbance of specific learning disabilities and completion of the nine . . . semester hours specified in area 5, above, for certification in mental retardation.

(2) Specialization requirements for certification in motor disabilities (grades K-12).

(a) A Bachelor's or higher degree with a major in exceptional child education with specialization in motor disabilities, or

(b) A Bachelor's or higher degree with certification in another subject or field and fifteen . . . semester hours in exceptional child education including credit in each of the areas specified below:

1. a survey course in the education of exceptional children.

2. biological, psychological and social foundations of mental deficiency

3. biological and medical aspects of motor and physical health disabilities, including pathologies in central nervous system covering motor, sensory language and psychological

disorders.

4. educational management of children with cerebral palsy and other motor disabilities including rehabilitation and other community services.

(3) Specialization requirements for certification in hearing disabilities (grades K-12).

(a) A Bachelor's or higher degree with a major in exceptional child education with specialization in hearing disabilities, or

(b) A Bachelor's or higher degree with certification in another subject or field and twenty-four semester hours in exceptional child education including credit in each of the areas specified below:

1. a survey course in the education of exceptional children

2. anatomy, physiology and function of auditory and speech mechanisms

3. nature and needs of children who are deaf or have severe hearing disabilities

4. audiology and auditory training

5. speech development and speech reading for children with severe hearing disabilities

6. teaching language to children with severe hearing disabilities.

7. teaching reading to children with severe hearing disabilities

(4) Specialization requirements for certification in visual disabilities (grades K-12).

(a) A Bachelor's or higher degree with a major in exceptional child education with specialization in visual disabilities, or

(b) A Bachelor's or higher degree with certification in another subject or field and eighteen . . . semester hours in exceptional child education including credit in each area specified below:

1. A survey course in the education of exceptional children.

2. anatomy, physiology and hygiene of visual mechanism,

including educational implications

3. the nature and needs of children with visual disabilities

4. educational management of children with visual disabilities (partial vision and blindness) including school settings, methods and materials

5. Braille

(5) Specialization requirements for certification in speech correction (grades K-12). Clinical practice as specified in section 6A-4.06(2)(b)2.c. may be accepted to meet the practical experience in teaching requirement for speech correction.

(a) A Bachelor's or higher degree with a major in exceptional child education with specialization in speech correction, or

(b) A Bachelor's or higher degree with certification in another subject or field and twenty-seven . . . semester hours as specified below:

1. Six . . . semester hours in biological, psychological and social foundations of speech or hearing disabilities, including anatomy, physiology and function of auditory and speech mechanisms, phonetics and language development.

2. Six . . . semester hours in pathologies in oral communication and procedures in the management of children and youth with speech or hearing disabilities, including diagnosis, evaluation, therapeutic methods and materials.

3. Six . . . semester hours in audiometry and hearing rehabilitation.

4. A survey course in the education of exceptional children.

5. Six . . . semester hours (200 clock hours) of clinical practice in speech correction which must include experience in an elementary or secondary school setting.

(6) Specialization requirements for certification in varying exceptionalities (grades K-12).

(a) A Bachelor's or higher degree with a major in exceptional child education, or

(b) A Bachelor's or higher degree with certification in another subject or field and eighteen (18) semester hours with credit in at least six . . . of the areas specified below:

1. a survey course in the education of exceptional children

2. biological, psychological and social foundations of mental deficiency or motor disabilities, including cerebral palsy in either case

3. foundations and pathologies of personality and adjustment

4. language development and speech disabilities

5. educational management of children with intellectual disabilities, including curriculum, methods and materials

6. educational management of children with visual disabilities -- partial vision and blindness -- including methods and materials.

7. education of children with intellectual superiorities

8. education of children with severe hearing disabilities

(7) Requirements for certification in occupational therapy (grades K-12).

(a) In lieu of course credit and practical experience in teaching in professional preparation as described in section 6A-4.06, an applicant for certification in occupational therapy may present three . . . semester hours of credit in each of the following areas:

1. a survey course in the education of exceptional children

2. child development or adolescent psychology

(b) Hold a Bachelor's or higher degree

(c) Hold a certificate from a school of occupational therapy approved by the Council on Medical Education and Hospitals of the American Medical Association.

(d) Be a member of the registry of the American Occupational Therapy Association.

(e) Hold a Florida state license to practice occupational therapy.

(8) Requirements for certification in physical therapy (grades K-12).

(a) In lieu of course credit and practical experience in teaching in professional preparation as described in section 6A-4.06, an applicant for certification in physical therapy may present three . . . semester hours credit in each of the following areas:

1. a survey course in education of exceptional children

2. child development or adolescent psychology

(b) Hold a Bachelor's or higher degree.

(c) Hold a certificate from a school approved by the Council on Medical Education and Hospitals of the American Medical Association.

(d) Be a member of the American Physical Therapy Association.

(e) Hold a Florida state license to practice physical therapy.

(9) Specialization requirements for certification in emotional disturbance (grades K-12).

(a) A Bachelor's or higher degree with a major in exceptional child education with specialization in emotional disturbance, or

(b) A Bachelor's or higher degree with thirty two . . . semester hours including the areas specified below:

1. Nine . . . semester hours including credit in each of the following:

a. survey course in the education of exceptional children

b. introduction to language development and speech disabilities

c. principles of human development or child and adolescent psychology

2. Nine . . . semester hours including credit in each of the following:

a. teaching of sequential development skills and concepts of reading at the elementary level

b. teaching of sequential development skills and concepts of arithmetic at the elementary level

c. materials for use with children such as children's literature, audio-visual materials and library materials

3. Two . . . semester hours in educational assessment including evaluative and instructional techniques for exceptional children to provide an objective data base for individualized instruction.

4. Three . . . semester hours from one . . . of the following:

a. nature study or life science for the elementary school

b. social studies to include conservation

c. health education and/or physical education for exceptional children

d. art for the elementary school

e. music for the elementary school

f. occupational and educational information

5. Nine . . . semester hours which must include:

a. classroom management, methods and techniques for the emotionally disturbed.

b. precision teaching including behavior modification for the emotionally disturbed

c. educational programming for the emotionally disturbed

(c) Certification in specific learning disabilities or mental retardation and completion of the nine . . . semester hours specified in area 5 above for certification in emotional disturbance.

(10) Specialization requirements for certification in specific learning disabilities (grades K-12).

(a) A Bachelor's or higher degree with a major in exceptional child education with specialization in learning disabilities, or

(b) A Bachelor's or higher degree with thirty-two . . . semester hours including the areas specified below:

1. Nine . . . semester hours including credit in each of the following:

a. survey course in the education of exceptional children

b. introduction to language development and speech disabilities

c. principles of human development or child and adolescent psychology

2. Nine . . . semester hours including credit in each of the following:

a. teaching of sequential developmental skills and concepts of reading at the elementary level

b. teaching of sequential developmental skills and concepts of arithmetic at the elementary level

c. materials for use with children such as children's literature, audio-visual materials and library materials.

3. Two . . . semester hours in educational assessment, including evaluative and instructional techniques for exceptional children to provide an objective data base for individualized instruction.

4. Three . . . semester hours from one . . . of the following:

a. nature study or life science for the elementary school

b. social studies to include conservation

c. health education and/or physical education for exceptional children

d. art for the elementary school

e. music for the elementary school

f. occupational and educational information

5. Nine . . . semester hours in separate or integrated specialized courses to include:

a. theories in learning disabilities

b. skill in instructional diagnosis of the learning disabled child

c. skills in individualizing instruction for the learning disabled child

d. skills in classroom and/or behavioral management

(c) Certification in emotional disturbance or mental retardation and completion of the nine . . . semester hours specified in area 5 above for certification in specific learning disabilities."

"Specialization requirements for certification in health education.

(1) A Bachelor's or higher degree with an undergraduate or graduate major in health education, or

(2) A Bachelor's or higher degree with eighteen . . . semester hours in health education and biological science including the areas specified below:

(a) Nine . . . semester hours in biological science. Credit must be presented in bacteriology, human anatomy and/or human physiology.

(b) Nine . . . semester hours in health or related areas. Credit must be presented in personal health and community health."

"Home economics. Certification may be given in general home economics and vocational home economics as specified below:

(1) Specialization requirements for certification in general home economics.

(a) A Bachelor's or higher degree with an undergraduate or graduate major in home economics, or

(b) A Bachelor's or higher degree with thirty-six . . . semester hours in home economics including the areas specified below:

1. Eighteen . . . semester hours in courses dealing with the home and the family including credit in each of the following areas:

a. Housing

b. Home management

c. Family economics or consumer economics

d. Family relationships

e. Child development

2. Nine . . . semester hours in food and nutrition. Credit must be presented in each, food and nutrition.

3. Nine . . . semester hours in clothing and textiles.

(2) Specialization requirements for certification in vocational home economics.

(a) A Bachelor's or higher degree with completion of the four-year college curriculum in home economics education from an institution approved to train teachers of home economics by a state board for vocational education, or

(b) A Bachelor's or higher degree with thirty-six . . . semester hours in home economics including areas specified above for the certificate covering general home economics. In addition to the specialization requirements listed above, each applicant must complete six . . . semester hours of residence credit in home economics education at an institution approved by a state board for vocational education. The six . . . semester hours of credit must be earned at one . . . institution and may include special methods of teaching vocational home economics at the secondary level as prescribed in section 6-A-4.06(2)(a)3c."

6A-4.21

"Industrial arts. Certification may be given in industrial arts or in separate fields of industrial arts as specified below:

(1) Specialization requirements for certification in industrial arts.

(a) A Bachelor's or higher degree with an undergraduate or graduate major in industrial arts including credit in at least four . . . of the fields specified in (b) below.

(b) A Bachelor's or higher degree with thirty . . . semester hours in industrial arts with at least six . . . semester hours in each of four . . . of the six . . . fields listed below:

1. Metals
2. Woods
3. Power and transportation mechanics
4. General graphics, drafting and design
5. Electricity or electronics
6. Crafts

(2) Separate fields of industrial arts. Certification in any one . . . of the six . . . separate fields of industrial arts specified above may be added to a provisional or regular certificate based on at least a Bachelor's or higher degree and covering another subject, when nine . . . semester hours of credit are presented in the specific field to be shown on the certificate. . . ."

6A-4.22

"Specialization requirements for certification in Journalism.

(1) A Bachelor's or higher degree with an undergraduate or graduate major in journalism, or

(2) A Bachelor's or higher degree with twelve . . . semester hours in journalism, or

(3) A Bachelor's or higher degree with certification in English and six . . . semester hours in journalism. . . ."

"Junior high school (grades 7-9). Certification may be given in junior high school or in separate subjects of junior high school English, junior high school mathematics, junior high school science or junior high school social studies as specified below:

(1) Specialization requirements for certification in junior high school English: A Bachelor's or higher degree with eighteen . . . semester hours including the areas specified below:

(a) Six . . . semester hours in grammar and composition.

(b) Six . . . semester hours in literature.

(c) Six . . . semester hours in additional English courses which may include one course in fundamentals of speech.

(2) Specialization requirements for certification in junior high school mathematics: A Bachelor's or higher degree with twelve . . . semester hours in mathematics, including credit in algebra or college mathematics higher than algebra.

(3) Specialization requirements for certification in junior high school science: A Bachelor's or higher degree with eighteen . . . semester hours in science including the areas specified below:

(a) Credit in biological science.

(b) Credit in physics or chemistry.

(c) Credit in astronomy, geology, meteorology, physical geography or earth science.

(4) Specialization requirements for certification in junior high school social studies: A Bachelor's or higher degree with eighteen (18) semester hours in social studies including the areas specified below:

(a) Six . . . semester hours in United States or North American history.

(b) Credit in United States government

(c) Credit in geography

(5) Specialization requirements for certification

in junior high school: A Bachelor's or higher degree with fifty-four . . . semester hours credit in English, mathematics science and social studies with a minimum of twelve . . . semester hours in each subject as specified below:

(a) English. A minimum of twelve (12) semester hours including the following:

1. Six . . . semester hours in composition and grammar.

2. Six . . . semester hours in literature.

(b) Mathematics. A minimum of twelve . . . semester hours to include algebra or mathematics higher than algebra.

(c) Science. A minimum of twelve . . . semester hours including the following:

1. Credit in biological science.

2. Credit in physical science or chemistry.

3. Credit in astronomy, geology, meteorology, earth science, or physical geography.

(d) Social studies. A minimum of twelve . . . semester hours including the following:

1. Six . . . semester hours of United States or North American history.

2. Three . . . semester hours in geography.

3. Three . . . semester hours in United States government . . . ."

6A-4.231

"Specialization requirements for certification in middle school. Certification may be given in separate subjects of middle school English, middle school mathematics, middle school science, or middle school social studies as specified below:

(1) Specialization requirements for certification in middle school English:

(a) A Bachelor's or higher degree with an undergraduate or graduate major in middle school English, or

(b) A Bachelor's or higher degree with certification in junior high school, junior high school English, secondary English or elementary education and verification by a Florida district superintendent of at least one . . . year of successful teaching experience of English, grades 5-8, in a department

of education approved Florida middle school and successful performance in prescribed middle school components of an approved inservice master plan for teachers.

(2) Specialization requirements for certification in middle school mathematics.

(a) A Bachelor's or higher degree with an undergraduate or graduate major in middle school mathematics, or

(b) A Bachelor's or higher degree with certification in junior high school, junior high school mathematics, secondary mathematics or elementary education and verification by a Florida district superintendent of at least one . . . year of successful teaching experience of mathematics, grades 5-8, in a department of education approved Florida middle school and successful performance in prescribed middle school components of an approved inservice master plan for teachers.

(3) Specialization requirements for certification in middle school science.

(a) A Bachelor's or higher degree with an undergraduate or graduate major in middle school science, or

(b) A Bachelor's or higher degree with certification in junior high school, junior high school science, secondary physics, secondary chemistry, secondary biology, secondary earth science or elementary education and verification by a Florida district superintendent of at least one . . . year of successful teaching experience of science, grades 5-8, in a department of education approved Florida middle school and successful performance in prescribed middle school components of an approved inservice master plan for teachers.

(4) Specialization requirements for certification in middle school social studies.

(a) A Bachelor's or higher degree with an undergraduate or graduate major in middle school social studies, or

(b) A Bachelor's or higher degree with certification in junior high school, junior high school social studies, secondary social studies or elementary education and verification by a Florida district superintendent of at least one . . . year of successful teaching experience

of social studies, grades 5-8, in a department of education approved Florida middle school and successful performance in prescribed middle school components of an approved inservice master plan for teachers . . . ."

6A-4.24

"Specialization requirements for certification in language (other than English).

(1) A Bachelor's or higher degree with an undergraduate or graduate major in the language, other than English to be shown on the certificate, or

(2) A Bachelor's or higher degree with twenty-four . . . semester hours in the language, other than English, to be shown on the certificate.

(3) Other languages may be added to a certificate covering a language, other than English with eighteen . . . semester hours in the language to be added. . . ."

6A-4.26

"Specialization requirements for certification in mathematics (grades 7-12).

(1) A Bachelor's or higher degree with an undergraduate or graduate major in mathematics, or

(2) A Bachelor's or higher degree with twenty-one . . . semester hours in mathematics, including credit in calculus, or

(3) A Bachelor's or higher degree with certification in physics and fifteen . . . semester hours in mathematics, including credit in calculus. . . ."

6A-4.27

"Specialization requirements for certification in music (grades K-12).

(1) A Bachelor's or higher degree with an undergraduate or graduate major in music, or

(2) A Bachelor's or higher degree with thirty . . . semester hours in music including the areas specified below:

(a) Twelve . . . semester hours in applied music

(b) Six . . . semester hours in band, orchestra, chorus, etc.

(c) Nine . . . semester hours in music theory.

(d) Three . . . semester hours in introduction history or appreciation of music. . . ."

6A-4.28

"Specialization requirements for certification in physical education (grades K-12).

(1) A Bachelor's or higher degree with an undergraduate or graduate major in physical education, or

(2) A Bachelor's or higher degree with twenty-four . . . semester hours in physical education including the areas specified below:

(a) Four . . . semester hours in theory and practice in coaching sports (women may present an additional four . . . semester hours from area (b) below in lieu of the four . . . semester hours required herein).

(b) Six . . . semester hours in theory and practice of physical activities.

(c) Credit in the principles or administration of physical education.

(d) Credit in school or community recreation.

(e) Credit in human anatomy or physiology.

(f) Credit in adaptive physical education. . . ."

6A-4.29

"Specialization requirements for certification in reading (grades K-12).

(1) A Master's or higher degree with a graduate major in reading, or

(2) A Bachelor's or higher degree with twenty-one . . . semester hours in reading specialization including the areas specified below:

(a) Three . . . semester hours of foundations or survey of reading.

(b) Six . . . semester hours in diagnosis of reading disabilities and techniques of corrective or remedial reading.

(c) Educational or psychological measurement or testing.

(d) Literature for children or adolescents.

(e) Electives to meet the required total of twenty-one . . . semester hours may include any of the following:

1. Clinical or laboratory experience in reading.
2. Supervision and curriculum in reading.
3. Semantics.
4. Phonetics.
5. Structural linguistics.
6. Language arts. . . ."

6A-4.32

"Science. Certification in science shall be given in separate subjects as specified below:

(1) Specialization requirements for certification in biology (grades 7-12):

(a) A bachelor's or higher degree with an undergraduate or graduate major in biology, or

(b) A bachelor's or higher degree with an (20) semester hours in biological science, or

(c) A certificate covering chemistry or physics with sixteen . . . semester hours in biological science.

(2) Specialization requirements for certification in chemistry (grades 7-12).

(a) A bachelor's or higher degree with an undergraduate or graduate major in chemistry, or

(b) A bachelor's or higher degree with twenty . . . semester hours in chemistry, or

(c) A certificate covering biology or physics with sixteen. . . semester hours in chemistry.

(3) Specialization requirements for certification in physics.

(a) A bachelor's or higher degree with an undergraduate or graduate major in physics, or

(b) A bachelor's or higher degree with twenty . . .

semester hours in physics, or

(c) A certificate covering biology or chemistry with sixteen . . . semester hours in physics. . . ."

6A-4.33

"Specialization requirements for certification in social studies (grades 7-12).

(1) Certification may be given in the broad field of social studies or in separate subjects as specified below:

(a) A bachelor's or higher degree with an undergraduate or graduate major in social studies including credit in at least four . . . separate social studies subjects, or

(b) A bachelor's or higher degree with thirty . . . semester hours in social studies including the areas specified below:

1. Six . . . semester hours in United States or North American history.

2. Six . . . semester hours in other history.

3. Six . . . semester hours in political science including credit in United States government.

4. Three . . . semester hours in economics.

5. Six . . . semester hours in geography including study of natural resources.

6. Three . . . semester hours in sociology.

(2) Separate subjects in social studies. Economics, geography, political science or sociology may be shown on a certificate as individual subjects as specified below:

(a) A bachelor's or higher degree with an undergraduate or graduate major in economics, geography, political science, or sociology, or

(b) A bachelor's or higher degree with eighteen . . . semester hours in social studies including twelve . . . semester hours in the individual subject to be shown on the certificate.

(3) History.

(a) A bachelor's or higher degree with an undergraduate or graduate major in history, or

(b) A bachelor's or higher degree with twenty-four . . . semester hours in history and social studies, including the areas specified below:

1. Six . . . semester hours in United States or North American history.

2. Nine . . . semester hours in other history.

3. Three . . . semester hours in United States government. . . ."

6A-4.34

"Specialization requirements for certification in speech (grades 7-12).

(1) A bachelor's or higher degree with an undergraduate or graduate major in speech, or

(2) A bachelor's or higher degree with twelve . . . semester hours in English and eighteen . . . semester hours in speech including the areas specified below:

(a) Twelve . . . semester hours in English.

(b) Eighteen . . . semester hours in speech including the areas specified below:

1. Credit in fundamentals of speech.

2. Credit in discussion or debate.

3. Credit in dramatics or oral interpretation.

4. Credit in phonetics, or

(3) A bachelor's or higher degree with certification covering English (grades 7-12) and twelve . . . semester hours in speech including the areas specified below:

(a) Credit in fundamentals of speech.

(b) Credit in discussion or debate.

(c) Credit in dramatics or oral interpretation.

(d) Credit in phonetics. . . ."

6A-4.35

"Specialization requirements for certification in visiting teacher (grades K-12).

(1) A bachelor's degree with a major in social work and one . . . course in school administration, or

(2) A master's or higher degree with a graduate major in social work, or

(3) A bachelor's or higher degree with thirty . . . semester hours in the areas specified below:

(a) Basic school organization or administration.

(b) Social welfare or child welfare.

(c) Child growth and development or human behavior.

(d) Counseling or social case work.

(e) School and society . . . ."

6A-4.38

"Certification of vocational and adult personnel. The following regulations relate to Florida requirements for certification of teachers in the vocational and adult programs in Florida. . . .

In addition to requirements common to all certificates specific requirements shall be met for each subject or field of adult or vocational teaching and for each type of certificate. . . ."

6A-4.39

"General adult education.

(1) Teachers of elementary subjects. Teachers holding valid Florida teachers' certificates covering elementary education or one or more subjects at the secondary level will be approved for teaching regular elementary subjects for adults.

(2) Teachers of secondary subjects. Teachers of secondary education subjects for adults are required to hold valid Florida teachers' certificates covering the subject or subjects taught. . . ."

6A-4.40

"Vocational agriculture. Specialization and professional preparation requirements for certification in vocational agriculture:

(1) A Bachelor's or higher degree with an undergraduate or graduate major in vocational agriculture, or

(2) A Bachelor's or higher degree with a major in agriculture and completion of practical experience in teaching as specified in section 6A-4.06(2)(b) and completion of twenty . . . semester hours in specialization and professional preparation to include credit in each of the areas specified

below. Courses for areas (c),(d), (e) and (f) must have been taken from an institution approved to train teachers of vocational education subjects by a state board for vocational education:

(a) Psychological foundations of education

(b) Secondary school curriculum

(c) Basic principles or philosophy of vocational education

(d) General methods or techniques of teaching vocational education

(e) Program planning in vocational agriculture education

(f) Special methods of teaching vocational agriculture. . . ."

6A-4.41

(1) Vocational home economics . . . . Each teacher of vocational home economics must have completed a four-year college curriculum in home economics education from an institution approved by its state board for vocational education to train teachers of home economics. . . .

(2) Vocational homemaking education. Teachers not holding a certificate to teach home economics in the secondary school must hold a certificate which indicates that they are qualified to teach homemaking education in a vocational program for adults. The applicant shall hold a high school diploma or a state certificate of equivalency based on general education development tests. She[he] shall have had successful work experience in an area of homemaking closely related to that for which certification is sought. A minimum of six . . . weeks must have been completed during the five . . . year period preceding the date of application in the area of homemaking in which certification is requested. Applicants shall furnish signed statements from employers or other documentary evidence verifying employment offered in satisfaction of certification requirements.

(a) Temporary certification. Temporary certificates are substandard certificates which are granted to individuals unable to meet the requirements prescribed for recency-of-credit or professional requirements for regular certificates:

1. Part-time certificate. The part-time certificate shall be in rank 3, shall be valid for ten . . . years and shall be issued to non-degree teachers of vocational home-making education for adults when the following requirements are met:

a. The applicant is recommended for the certificate by the superintendent or his[her] authorized agent, of the district in which he[she] is employed to teach.

b. The applicant shall be a high school graduate and shall have had a minimum of forty-eight . . . months of successful work experience in the field to be taught. Institutional training in an approved school and in the field to be taught may be substituted for the required work experience month for month up to twenty-four . . . months.

The certificate may be reissued on recommendation of the superintendent based upon his[her] knowledge of successful teaching experience of the applicant in adult homemaking education.

2. Temporary certificate for full-time instruction. The temporary certificate for full-time instruction shall be in rank 3, valid for one year, and may be reissued four times provided three . . . semester hours of professional courses are completed prior to each reissuance. This certificate will be issued to the individual who is working toward a provisional certificate, and who has had forty-eight . . . months of successful work experience in the field to be taught. . . .

3. Provisional certification. A provisional certificate, rank 3; which is valid for three . . . years and which may not be extended or reissued, will be issued to an individual who has met the following:

a. Qualifying work experience.

b. Two . . . years of teaching experience.

c. Twelve . . . semester hours at least six of which must be in home economics.

4. Standard certification. A standard certificate, rank 3, shall be valid for five . . . years and may be extended will be issued to non-degree individuals who have

met the following:

a. Qualifying work experience

b. Three . . . years of teaching experience.

c. Eighteen . . . semester hours of college credit, of which not more than six . . . nor less than three . . . semester hours shall be in professional preparation education.

Twelve . . . semester hours must be in home economics. One district workshop (any field of specialization) may be counted toward meeting the total requirement of eighteen . . . semester hours. General or professional education courses may be taken at any standard institution.

5. Post standard certificate. The post standard certificate shall be in rank 2, valid for ten . . . years, and may be issued to a non-degree individual who has completed the rank 3 and in addition, thirty-six . . . semester hours of college credit as follows:

a. A minimum of twelve . . . semester hours and a maximum of eighteen . . . semester hours must be earned in vocational home economics teacher education courses.

b. A minimum of twelve . . . semester hours and a maximum of eighteen . . . semester hours must be earned in non-vocational professional preparation.

(c) Six . . . semester hours in the subject area to be shown on the certificate may be counted toward meeting the total requirement of thirty-six . . . semester hours. . . ."

6A-4.42

"Distributive and industrial education. Each applicant shall meet all requirements common to all certificates, except as hereinafter specified, and shall hold a high school diploma or a state certificate of equivalency based on the general education development tests or other standardized achievement tests approved by the state board of education. Certification to cover distributive education subjects in an adult program will be issued to applicants under the same regulations outlined for industrial education, provided the occupational experience is in the fields of distribution or sales and services. When a Bachelor's or higher degree is made a part of the cer-

tification, the degree major must be in distributive education or from a recognized school of business in a standard institution of higher learning. . . .

(1) Full-time teacher of distributive and industrial education. This certification covers full-time teachers of vocational trade shops, technical laboratories, industrial related subjects, school-industry cooperative training, and distributive education subjects.

(a) Experience requirements. Each applicant shall be a master or senior employee of the industrial or distributive occupation in which instruction is to be given and for which certification is requested. He[she] shall have worked in the occupation for an employer in industry, business, or government as a wage earner for at least six . . . years of full-time employment (or the equivalent in part-time employment), two . . . years of which must have been at the journeyman, technician, engineer, or trained employee level. The applicant shall have been employed a minimum of six . . . weeks in the occupation within the five. . . year period preceding the date of application, except where the applicant has been teaching the occupation in an approved industrial education program for one year of the five . . . . . year period.

(b) Competency requirements. One of the following means of determining occupational competency may be accepted in lieu of the qualifying work experience requirements:

1. Graduation from a standard four-year institution of higher learning with specialization in the occupational field for which certification is requested, plus two . . . years of work experience at the journeyman, technician, engineer, or trained employee level. . . .

2. Successful completion of a program of training in a vocational or technical institution approved by the state board for vocational education in the state where the institution is located. Included in this program shall be specialization in the occupational field for which certification is requested, plus two . . . years of work experience at the journeyman, technician, engineer, or trained employee level.

3. Licensing by a recognized licensing agency, plus two . . . years of work experience at the journeyman, technician, engineer, or trained employee level in the occupational field for which certification is requested. . . .

4. A certificate of completion of an apprenticeship as established by the United States department of labor, the Florida department of commerce, or any state apprenticeship department, plus two . . . years of work experience at the journeyman or master mechanic level.

5. Thirty . . . semester hours of college credit earned by occupational competency tests from a standard institution of higher learning approved by the state board for vocational education in the state where the institution is located, plus two . . . years of work experience at the journeyman, technician engineer, or trained employee level. . . .

6. A written statement of occupational competency from the chairman of a local occupational advisory committee . . . ."

(d) Types of certificates. . . .

1. Temporary certificate. The temporary certificate in rank 3, will be issued to non-degree individuals who have met the work experience requirement. This certificate is valid for one . . . year and may be reissued four . . . times. . . .

2. Provisional standard certificate. The provisional standard certificate in rank 3, will be issued to non-degree individuals who lack six . . . or less semester hours of meeting the requirements of the standard certificate or recency-of-work experience. This certificate is valid for three . . .years and may not be extended or reissued.

3. Standard certificate. The standard certificate in rank 3, will be issued to non-degree individuals having three . . . years of teaching experience in industrial education subjects and at least twenty . . . semester hours of professional training including a minimum of three . . . semester hours in general professional education and fourteen

. . . semester hours in industrial education teacher training courses. . . .

5. Graduate certificate. The graduate certificate in rank 3, will be issued to individuals who have graduated with a four-year degree and with an appropriate major from an accredited institution of higher learning and meet the same requirements set forth for the standard certificate, rank 3, except that six . . . semester hours of observation and practice teaching may be substituted for teaching experience . . . .

6. Post standard certificate. The post standard certificate shall be in rank 2, valid for ten . . . years and may be issued to a non-degree individual who has completed the requirements for the standard certificate in rank 3, and in addition, thirty-six . . . semester hours of college credit . . . .

7. Provisional post graduate certificate. The provisional post graduate certificate in rank 2, will be issued to individuals who meet all the requirements for the post graduate certificate, rank 2, except for the required professional courses or recency-of-work experience. This certificate is valid for three . . . years and will not be reissued or extended.

8. Post graduate certificate. The post graduate certificate in rank 2, will be issued to individuals who have received a Master's degree from an accredited institution of higher learning or a degree based on two . . . or more years of work at the post-baccalaureate level in the occupational area for which certification is requested, and meet the same requirements set forth for the standard certificate, rank 3 . . . .

10. Advanced post graduate certificate. The advanced post graduate certificate in rank 1, valid for ten . . . years, will be issued to individuals who have received a Doctor of Education or a Doctor of Philosophy degree and meet the same requirements set forth for the post graduate certificate, rank 2 . . . .

(2) Part-time certificate. This certification covers part-time and substitute teachers of industrial-

technical and distributive subjects who are paid an hourly wage and teach courses for adults which are classified as part-time classes. Holders of full-time certificates covering the subject to be taught may teach in the part-time program.

(a) Part-time certificate. The part-time certificate in rank 3, will be issued to applicants who certify by means of a notarized affidavit six . . . years employment, a minimum of two . . . of which is at the journeyman, technician, engineer, office worker, or occupied in sales and services to the public, in the occupation for which certification is requested. . . .

6A-4.43

"Vocational office education certification. Full-time or part-time teachers of vocational office education covered by special minimum foundation units in vocational business education are covered by the following special certification requirements:

(1) Full-time teachers of vocational office education. In order to qualify for the graduate certificate, rank 3, covering vocational office education the applicant shall meet the following:

(a) Satisfy all requirements for the graduate certificate covering the broad field of secondary business education.

(b) Furnish signed statements from employers or other documentary evidence verifying specific work experience of at least one year of full-time employment in the same area to be taught.

(c) Present three . . . semester hours in principles or philosophy of vocational education. . . .

(2) Part-time teachers of adult vocational office education subjects. An individual certified as a full-time teacher of vocational office education may teach part-time classes in vocational office education.

(a) Part-time certificate. The part-time certificate in rank 3, valid for ten . . . years, shall be issued on the request of the superintendent provided:

1. The applicant meets the requirements outlined in

section 6A-4.43(1)(a) and (b), state board of education regulations, or

2. Holds a high school diploma and has had five . . .years full-time employment in the specific vocational office education subject to be taught.

(3) Cooperative education certification.

(a) Teacher coordinator of cooperative business education and diversified cooperative training. In order to qualify for the graduate certificate, rank 3, covering teacher-coordinator of cooperative business education and diversified cooperative training the applicant shall meet the following:

1. Satisfy all requirements for the graduate certificate covering the broad field of secondary business education.

2. Present six . . . semester hours in professional vocational education courses including:

a. Three . . . semester hours in organization and coordination of cooperative education.

b. Three . . . semester hours in methods and contents for related instruction in cooperative business education. (If an individual has three . . . years of successful business education teaching experience the three. . . hours under subsection b may be waived.)

3. Must have had a minimum of two . . . years of full-time successful work experience (or its equivalent in part-time work experience) in office occupations.

(b) Teacher-coordinator of cooperative distributive education and diversified cooperative training.

A graduate (vocational) certificate. An individual who holds a Bachelor's degree from a standard institution of higher learning and meets the common requirements for a regular certificate may receive a graduate certificate, rank 3, covering teacher-coordinator of cooperative distributive education and diversified cooperative training when he[she] has satisfied all of the requirements . . . .

[1] Two . . . years of full-time work experience (or its equivalent in part-time work experience), under competitive employment conditions in distributive occupational fields. . . .

2. Temporary certificate. An individual who holds a Bachelor's or higher degree from a standard institution of higher learning may be issued a temporary certificate covering teacher-coordinator of cooperative distributive education and distributive cooperative training when he has satisfied all of the following:

a. Has a major at the degree level in the broad field of distributive education or is a graduate of a recognized school of business.

b. Has a minimum of two . . . years in full-time employment, which must be in either distribution, sales, or services and verified by former employers.

c. Has completed nine . . . semester hours taken from three . . . or more of the following areas: marketing salesmanship, principles of economics, insurance, real estate, business management, retailing, accounting, finance, and advertising.

(c) Teacher-Coordinator of Diversified Cooperative Training. To qualify for a certificate covering teacher-coordinator of diversified cooperative training, an individual shall meet the following requirements:

1. General requirements.

a. Hold a bachelor's or higher degree from a standard institution of higher learning and meet the other requirements common to a Graduate or higher certificate covering a secondary or vocational subject.

b. Furnish documentary evidence from former employers to verify two . . . years successful occupational experience (or its equivalent in part-time occupational experience), six . . .weeks of which must have been within the five . . . year period immediately preceding the date of application.

[1] Experience must have been as a wage earner after age sixteen . . . .

[2] Not more than one . . . year of occupational experience gained in the Armed Forces of the United States may apply toward meeting this requirement. . . .

2. Specialization requirements.

a. Satisfactory completion of residence or extension credit as listed below from a standard institution of higher learning, approved by the state board for vocational education.

[1] Course work which develops competencies in principles and philosophy of vocational education.

[2] Course work which develops competencies in teaching methods in vocational education.

[3] Course work which develops competencies in organization and coordination of the cooperative method of vocational education.

[4] Course work which develops competencies in vocational guidance.

[a] Two . . . years successful experience as a teacher, counselor, supervisor or administrator in a secondary school or community college may be accepted to satisfy this requirement.

3. Types of Certificates:

Graduate Certificate . . . . Post Graduate Certificate . . . . Special Post Graduate Certificate . . . . Advanced Post Graduate Certificate . . . . Temporary Certificate . . . .

(d) Teacher-Coordinator of Work Experience Programs. To qualify for a certificate covering teacher-coordinator of work experience, an individual shall meet the following requirements:

1. General requirements.

a. Hold a bachelor's or higher degree from a standard institution of higher learning and meet other requirements common to all certificates.

b. Satisfy the requirements for a regular Graduate certificate in at least one subject area as specified in the Florida requirements for teacher certification.

c. Verify two . . . years teaching experience in public or non-public schools at the elementary,

secondary or community college level.

d. Furnish documentary evidence from former employers to verify one . . . year successful occupational experience (or its equivalent in part-time occupational experience), six . . . weeks of which must have been within the five . . . year period immediately preceding the date of application.

[1] Experience must have been as a wage earner after age sixteen . . . .

2. Specialization requirements.

a. Satisfactory completion of residence or extension credit as listed below from a standard institution of higher learning, approved by the state board for vocational education.

[1] Course work which develops competencies in principles and philosophy of vocational education.

[2] Course work which develops competencies in organization and coordination of the cooperative method of vocational education.

[3] Course work which develops competencies in vocational or occupational guidance. . . .

4. Types of Certificates.

Graduate Certificate . . . . Post Graduate Certificate. . . . Special Post Graduate Certificate. . . . Advanced Post Graduate Certificate . . . . Temporary Certificate. . . ."

6A-5.51 Approval of Teacher Education Programs

The commissioner of education is authorized to approve preservice and inservice teacher education programs and to grant extension of approvals. Each approval shall be for not more than five years.

HIGH SCHOOL DIPLOMA RECIPIENTS

STATUTES

§229.814

The state board of education shall adopt rules prescribing performance standards and comprehensive examinations for high school equivalency diploma candidates and for individual examinations in subject areas required for high school graduation. The Department of Education may award high school equivalency diplomas to candidates who meet state board of education rules. Any candidate awarded an equivalency diploma shall be exempted from compulsory school attendance.

PRINCIPAL

CROSS REFERENCE

III.C.Teachers; Statute §231.351

PROFESSIONAL PRACTICES COUNCIL

STATUTES

§231.58

"The state board of education may remove any [professional practice] council member from office for misconduct, malfeasance, incapacity, or neglect of duty." REMOVAL

PUBLIC SCHOOLS

CONSTITUTION

FLORIDA CONSTITUTION, ARTICLE IX, §1

"Adequate provision shall be made by law for a uniform system of free public schools and the establishment, maintenance and operation of . . . other public education programs . . . as required by the people."

CROSS REFERENCE

II.A.4.; Statute §230.2311

PUPIL PERFORMANCE

STATUTES

§232.245

"By July 1, 1977, each district school board shall establish a comprehensive program for pupil progression . . . based upon an evaluation of each pupil's performance, including how well he[she]masters the minimum performance standards approved by the state board."

"The district program . . . shall be based upon local goals and objectives. . . compatible with the state's plan."

Basic skills, such as reading, shall be emphasized especially prior to promotion from the 3rd, 5th, 8th, and 11th grades.

As of the 1978-79 school year, district school boards shall set standards for graduation from secondary schools which include "mastery of the basic skills" and satisfy standards for "functional literacy" and "completion of (a) minimum number of credits."

BASIC SKILLS

Districts shall develop remedial education programs to help students satisfy promotion requirements. They shall also award certificates of attendance and diplomas corresponding to students' "varying achievement levels."

CROSS REFERENCE

II.A.6.; Statute §299.836

SCHOOL BOARD EMPLOYEES

REGULATIONS

6A-1.77 Leave Auth. 229.053(1)

All absence of school board employees from duty for good reasons shall be covered by leave duly authorized and granted and accurately reported and recorded. A person wilfully absent without leave forfeits compensation for that time and is subject to discharge and forfeiture of tenure and all other rights and privileges. If an employee fails to return to duty at the termination of the leave his employment shall be subject to cancellation by the school board.

LEAVE POLICY

School Officials

Statutes

§233.115; 233.14; 233.15

Any publisher or manufacturer offering council members inducements to influence their decisions shall be guilty of a misdemeanor of the second degree and may be banned from practicing business in the state for one year. School officials or council members who accept such inducements shall be removed from office. However, sample copies of materials may be distributed, and school officials may receive "royalties or other compensation, other than compensation paid . . . for negotiating sales to district boards from the publisher or manufacturer."

REMOVAL

The Department shall advertise for bids on May 15 of the year for four weeks and receive sealed bids during that time. Contracts shall be made for four years.

Publishers must deposit $500-$2,500 with a bid, which shall be forfeited in case of a breach of contract.

School System

Statutes

§229.55

The purposes of the Educational Accountability Act of 1976 are to (1) provide a system of accountability that guarantees each student in the state is afforded "similar opportunities for educational advancement;" (2) provide information to decision makers about the cost and quality of educational programs; and (3) assure that minimum performance standards for public school students are met.

To implement this Act, the Commissioner shall: (1) coordinate all planning, management and evaluation functions, including a cost accounting system, and, develop and administer a management information system and an evaluation program; (2) develop minimum performance standards of achievement and administer a statewide testing program to monitor and assess educational progress

in the public schools; (3) report annually to the legislature on the status of public education and recommend action to improve the system.

The District School Board shall: (1) develop and maintain a planning and budgeting system designed to meet local goals and objectives "and eventually to integrate planning and budgeting at the school level;" (2) assure that the local system is compatible with the state management information system; (3) provide inservice training to deal with the management information system; (4) establish a plan for continuous review and evaluation of the local system; (5) periodically assess student performance in each school; (6) report annually on the status of education in the district; (7) establish a district advisory committee if each school does not have such a committee.

REGULATIONS

6A -1.43 GUIDELINES FOR UNITARY SCHOOL SYSTEM 229.0531

"...Where district school boards are required...to establish a 'unitary school system', . . district school boards shall proceed to establish a 'unitary school system... which no person is to be effectively excluded from . . . because of race or color in accordance with the following guidelines." A geographic school zone shall be established for each school; attendance shall be limited to pupils residing within the geographical boundaries of the zone; attempts shall be made to insure that both the black and the white race are fairly represented among the pupil population of each school; zones shall not be delineated "so as to intentionally cause the existence of racially identifiable schools." "There shall be no duty on the part of the board to bus black or white children out of the school zones of their residence for the sole purpose of alleviating racial imbalance that the school board did not purposely cause."

EQUAL OPPORTUNITY

CROSS REFERENCE

I.District Superintendent; Statute §230.24; 230.32

STATE BOARD EMPLOYEES

STATUTES

§229.771

REMOVAL

"The department shall remove from office for cause any person appointed by the state board or any subordinate officer. Cause for . . . removal shall be incompetency, immorality, misconduct in office, gross insubordination or wilful neglect of duty." The party charged shall receive written notice of the charges and an opportunity to be heard in person or by counsel.

NOTICE

HEARING

STUDENTS

REGULATIONS

6A-1.95

GRADUATION REQUIREMENTS

Each school board shall prescribe requirements for graduation consistent with the needs of pupils and the purposes of the schools of the district. The requirements for graduation shall include a minimum of 15 credits earned above grade 9. The courses required of every student for graduation are: language arts, 2 credits; mathematics, 1 credit; physical education, 1 credit; science, 1 credit; social studies, 2 credits. One credit in American history is required and the Americanism vs. communism course is required. A required course may be waived upon written request of the parent and a written statement from a licensed practicing physician certifying that the course will be physically or mentally harmful to the student. Credits may be transferred from one school to another upon evidence of work or credits earned. Work or credits from non-accredited schools shall be validated on the basis of criteria established in school board policies. Advanced students would be graduated in less than 3 years. The requirements are approval of school board, and acceptance of the student by a post-secondary institution after completion of a minimum of ten credits earned above grade nine.

Students who meet the conditions of a job entry studies program may be graduated with less than three years of attendance and by earning less than 15 units of credit.

The school may fulfill the course or subject credit requirements for graduation through a student performance based promotional plan approved by the school board and the commissioner of education or his/her duly authorized representative.

6A-6.21 High School Equivalency

The commissioner of education may award a high school equivalency diploma to a candidate who meets all of the requirements prescribed and who has attained a score of at least 40 on each of the GED tests and an average of 45 on all of the tests combined.

CROSS REFERENCE

II.A.8.; Regulation §6A-6.20

TEACHERS

STATUTES
§231.09

The instructional staff of public schools, subject to the regulations of the state board of education shall teach efficiently, using the required books, material and courses of study and employing approved instructional methods: the essentials of the U.S. constitution, flag, education, the elements of civil government, the elementary principles of agriculture, the dignity of work, the effects of alcohol, narcotics, and cigarettes on the human body and mind, kindness to animals, the history of the state, conservation of natural resources, and materials, subjects, courses, or fields in such grades as may be prescribed by law or the state board of education and district school board regulations. Any child whose parent presents to the school principal a signed statement that the teaching of a disease, or viewing pictures of films of such subjects, conflicts with the

religious principles of his/her church, shall be exempt from such instruction and shall not be penalized. Teachers shall also (1) encourage the "principles of truth, honesty, patriotism, and Christian virtue;" (2) treat students with kindness, consideration, and humanity; (3) administer "no cruel punishment" to any public school student; (4) require students to observe hygiene, order, neatness, promptness, and manners; (5) attend education conferences as required by law; (6) cooperate with school officials in the enforcement of school laws; (7) keep records and prepare and submit reports as required by law; (8) conform to all regulations prescribed by the state board or district school board.

§231.351

Each teacher or principal properly certified shall be entitled to a written contract. Principals shall receive an initial contract of up to three years subject to annual renewal. After the initial contract, the contract may be renewed every three years and shall contain a provision prohibiting dismissal except for "just cause." Each teacher shall be entitled to receive a continuing contract after he/she has completed three years of satisfactory service in the same school district.

RENEWAL

TENURE

A new teacher may be granted a continuing contract if he/she held such a contract in another school district in the state. A continuing contract entitles the person to continue in the position until it is discontinued or the person resigns.

A teacher may be returned to annual contract status if "good and sufficient reasons" exist as determined by the school board. The teacher shall be notified of the change and may request a hearing on the charges. The decision may be appealed to the department of education.

Any teacher or supervisor may be suspended provided notice and an opportunity to be heard are given and the charges are based on "immorality, misconduct, . . . incompetency, gross insubordination, wilful neglect of

SUSPENSION

HEARING

duty or conviction of any crime involving moral turpitude." If reinstated, the teacher shall be given back pay; if the charges are sustained, the teacher's contract shall be cancelled.

§231.44

Any member of the public school instructional staff who is "wilfully absent without leave" shall forfeit compensation during the absence and the school may cancel his/her contract.

§231.57

A Professional Practice Council shall consist of 19 members appointed by the State Board of Education. Members must be certified teachers with five years experience or a faculty member at an institution of higher learning.

CODE OF ETHICS

Members of the teaching profession shall "develop and recommend" to the department of education a code of ethics and professional performance. Members of the profession "shall be obligated to abide by . . . these standards."

VIOLATION

An apparent violation of the standards shall be "just cause for bringing a charge of unprofessional practice." The department of education shall hear and recommend action for unprofessional practice charges.

HEARING

The department of education shall not hear charges based upon violations of professional sanctions imposed by any organization of practitioners in the state.

REGULATIONS

6A-4.37

REVOCATION

"Revocation or suspension of certificates. The procedures to revoke or suspend certificates as authorized . . . by . . . statutes, shall be as follows:

SUSPENSION

(1) When a superintendent, school board member, principal, the professional practices council or any other interested person has cause to believe that a holder of a valid Florida teaching certificate is guilty of any offense for which the penalty is revocation or suspension of a teaching certificate, it shall be the duty of said superin-

tendent, school board member or principal, the professional practices council or any interested person to prefer charges and submit any supporting documentation in any such case to the commissioner of education. No formal petition for the revocation or suspension of a teacher's certificate shall be filed with the state board of education against a member of the teaching profession unless the commissioner of education shall first find that probable cause exists to believe that the accused teacher is guilty of acts justifying revocation or suspension.

(2) The commissioner of education shall review the charges and any supporting documentation filed by the superintendent, school board member, principal, the professional practices council or any other interested person, and may (1) find probable cause for revocation or suspension or (2) find that no probable cause does exist and return the charges and supporting documentation to the person submitting the same stating that no probable cause exists. The finding by the commissioner of education that no probable cause does exist shall be final and after such finding, no further proceedings shall be had in the matter. When the commissioner of education finds that probable cause exists, he[she] shall direct a filing of a formal petition for the revocation or suspension of a teacher's certificate as hereinafter provided. The commissioner of education shall direct the chairman of the professional practices council to prosecute the matter before a hearing committee of three members of the professional practices council each of whom has not participated in nor was an informed party in any preliminary investigation of the cause. . . . REVIEW

(3) The hearing committee to whom the petition for revocation or suspension is referred shall, within a reasonable time, fix a time and place for the hearing and notice thereof, to the petitioner and the respondent, shall be given at least fifteen . . . days prior to the hearing. . . . HEARING NOTICE

If the decision of the state board of education is not to revoke or suspend the certificate, the respondent shall be notified and the state board of education file

thereon shall be sealed and shall be deemed privileged matter. If the decision of the state board of education is to revoke or suspend the certificate, a written order for the revocation or suspension as provided in [the]... [s]tatutes, shall be entered in the minutes of the state board of education meeting and a copy of such order shall be sent [to]. . . each district school superintendent of the state, to the professional practices council, and to the chief state school officer in each state and territory of the United States.

(6) If no exceptions are filed within thirty (30) days or upon the filing of exceptions with no request for oral argument or after the special master has filed his[her] report concerning argument on exceptions with the state board of education, the state board shall make a ruling in the matter. Upon rendering its decision the administrative remedies of the parties shall be deemed to have been exhausted. . . ."

6A-10.12

It is the responsibility of the professional practices council to perform the duties necessary for the implementation of the professional teaching practices act (§231.54 Florida Statutes). The council shall develop criteria of professional practices in ethical and professional performance; preparation for a continuance in professional service; transfer and assignment of teaching personnel.

An apparent violation of any of the codes or standards adopted and approved shall be deemed to just cause for bringing of a charge of unprofessional practice which shall be heard by the council according to law. There shall be a presumption that the policies , conditions and practices in any school system permit the exercise of professional judgment and skills. The contrary must be specifically found by the council and confirmed by the State Board. The council may not find a person unethical where such finding is based solely upon a violation of professional sanctions. Otherwise, the council shall be the sole professional body for the interpretation and determination of the reasonable

application of the code adopted by the council and approved by the State Board. The council has the power to make recommendations to the State Board concerning suspensions, reprimands and other violations of the standards of professional practice.

CROSS REFERENCE

III.B.Teachers; Statute §231.17

D. Evaluation and Reporting

Administrator Training

CROSS REFERENCE

III.E.Administrators; Statute §§229.543 -- .545

Curriculum

STATUTES

§230.67

Each district school board shall establish and maintain job placement and follow-up services for students graduating or leaving public schools and area vocational-technical centers. Job placement personnel shall inform the district board of "areas of curriculum deficiency having an adverse effect on the employability of job candidates."

District Facilities

CROSS REFERENCE

III.A.2.; Statute §235.15; 235.16; 235.18; 235.19

Educational Process

STATUTES

§229.561

The Educational Research and Development Program shall be under the direction of the Commissioner and administered by a director. It shall fund projects to "provide information designed to identify areas of critical concern and assess . . . alternative educational practices . . ." The Program shall be served by a 14 member Board of Advisors appointed by the State Board of Education. The Board shall: (1) develop a list of educational issues and recommend projects to be studied; (2) review all

projects and evaluative data sponsored by the Program; (3) report annually to the Commissioner on the status of all projects under its authority.

EDUCATION SYSTEM

STATUTES

§229.575

The Commissioner shall annually report the status of the public education system.

CROSS REFERENCES

I.Commissioner of Education; Statute §229.512

I.School Advisory Committees; Statute §229.58

INSTRUCTIONAL MATERIALS

CROSS REFERENCE

II.B.1.a.; Statute §233.07 -- 233.10

JOB COUNSELING PROGRAM

CROSS REFERENCE

IV.B.; Statute §233.0681

PROGRAMS AND NEEDS

CROSS REFERENCE

II.A.4.; Statute §230.2311

REMEDIAL READING PROGRAM

CROSS REFERENCE

II.A.6.; Statute §233.055

SCHOOL DISTRICT

REGULATIONS

6A-1.411 District comprehensive planning 229.053(1), 236.02(7)

The commissioner shall provide to the school board and superintendent of each district, guidelines for developing

a systematic educational planning process designed to assist in the development of a comprehensive annual and long-range educational plan.

School Personnel

Statutes

§231.29

The department of education shall maintain a complete academic and professional record on each person to whom a certificate is issued.

The superintendent shall establish procedures for assessing the performance of instructional, administrative, and supervisory personnel employed in his/her district.

The principal or supervisor shall make an assessment of each individual to the superintendent and the school board for the purpose of reviewing continuing contracts.

Services for Exceptional Children

CROSS REFERENCE

II.A.2.; Statute §232.13

State Plan

Policy Guides

Education Element of the State Comprehensive Plan (May, 1977)

The Education Element was prepared by the Division of State Planning and the Department of Education pursuant to chapter 23 of the Florida Statutes. It reflects the impact of interested citizens, parent groups, education and civic organizations and business associations interested in education.

The purpose of the Element is to set forth broad education policy as a guide to future program plans and budgets. The basic theme is that educational opportunities are to be provided all persons from early childhood through the retirement years and that the programs should be able to meet the needs of the individual both in breadth and quality. The Element sets forth policy for the prudent use of resources in order to promote optimum efficiency while maintaining optimal levels of educational service.

The pamphlet (11 pages) is available from the Florida Department of Education for 35 cents.

STUDENT PERFORMANCE

CROSS REFERENCE

III.C.Public School; Statute §229.55;232.245

STUDENTS REFERRED TO DIAGNOSTIC CENTERS

STATUTES

§229.837

The director of each regional diagnostic and resource center shall coordinate center activities, keep records on all students referred, and submit an annual plan to the department of education.

CROSS REFERENCE

IV.G.; Statute §230.232

TEACHER EDUCATION

CROSS REFERENCE

III.E.Teachers; Statute §231.608

TEACHER EDUCATION CENTERS

CROSS REFERENCE

III.E.Teachers; Statute §231.604; 231.606; 231.607; 231.611

E. IMPROVEMENT EFFORTS

ADMINISTRATION

STATUTES
§229.543-545

The Florida Educational Leadership Training Act is intended to recognize the emerging leadership role of school board members, district administrators, principals, vocational education administrators and others and to provide matching funds to "encourage school districts . . . to develop programs for the identification and training of [these personnel]." Each school board may propose a program to identify potential candidates for administrative and supervisory positions and include the estimated cost of the program and a statement verifying the local board's resolution to provide for one-half of the cost. If the program is approved by the Commissioner, the state shall provide one-half of the funds for the program. The Commissioner shall report to the legislature on all programs which were funded and shall recommend a level of funding for the coming year.

PUPILS

CROSS REFERENCE

III.C.Pupils; Statute §232.245

SCHOOL PERSONNEL

STATUTES
§299.807

To improve personnel, the department of education may hold conferences on educational matters. If one is held on a school day, attendance shall be paid.

SPECIAL EDUCATION SUPPORT SERVICES

CROSS REFERENCE

II.A.2.; Statute §229.838

STATUTES

§231.601

"The purpose of this act is to declare a new state policy for the education of teachers and to provide support for the developmental and operational activities required to implement the new policy." The attitudes, skills, knowledge, and understanding of teachers are the most important influence contributed by schools to the education of students.

Effective July 1, 1973, the responsibility for operating preservice and in-service teacher education programs is assigned jointly to colleges, universities, the district school boards and the teaching profession. Colleges and universities shall have primary responsibility for operating preservice programs, and district schools shall operate in-service programs.

INSERVICE EDUCATION

The State Board of Education shall issue regulations establishing teacher education centers in school districts. The purposes of the teacher education centers shall be: (1) to augment college and university programs; (2) to augment school district in-service teacher education programs; (3) to facilitate the interaction of preservice and in-service teachers with university, college, and school district staff in order to promote improved public education; (4) it is the intent of the legislature that this act be "liberally construed so as to effectuate its purposes as far as legally and practically possible."

§231.603

The state board of education shall adopt and plan regulations establishing teacher centers, which shall be planned, financed, and staffed jointly by one or more district schools and one or more colleges or universities. Teacher education center programs shall be designed:

(1) "to assess inservice training needs as perceived" by school personnel; (2) to develop programs

based on those identified inservice needs; (3) to provide human and material resources for inservice training; and (4) to facilitate internal and external evaluation.

Teacher education center programs shall be approved by the Department of Education according to the standards and procedures of pre-service and in-service teacher education programs.

§231.604

The governor shall appoint a 14 member State Council for Teacher Education Centers, composed of teachers, university educators, school officials and department of education officials.

A member shall serve for three years. No member shall serve more than two terms or serve as chairperson more than two years. Vacancies shall be filled by appointment for the unexpired term.

The council shall perform the following duties: (1) recommend the most feasible locations for teacher education centers; (2) recommend guidelines for expenditures for teacher education centers; (3) evaluate teacher education centers and specific programs as specified in §231.608.

§231.605

The headquarters of each teacher education center shall be located in a facility owned or leased by the district school board which is not regularly used as a student classroom.

§231.606

District school boards shall appoint members of the council at the teacher education center. Members shall be broadly representative of all groups, provided that full time, certified, public school teachers or persons in administrative or supervisory positions, shall constitute a majority.

The council shall perform the following responsibilities:

(1) recommend policy and procedures for the teacher education center; (2) develop goals and objectives for the center; (3) recommend the employment of an appropriate teacher education center staff; (4) make budget recommendations. The school board in each district with a teacher education center approved by the department of education shall perform the following responsibilities: (a) appoint members of the teacher education center council; (b) adopt policy and procedures for the teacher education center; (c) adopt a budget for the teacher education center; (d) appoint the director and staff of the teacher education center.

§231.607

In multi-district centers, council members shall be determined in the same manner as in local centers pursuant to §231.606.

§231.608

Teacher education centers shall submit an annual report to the State Council for Teacher Education Centers.

§231.611

The Department of Education is authorized to approve up to 10 centers during 1974-75.

REGULATIONS

6A-5.72 INSERVICE TRAINING

Master Plan. A plan shall be constructed on the basis of the information obtained from the needs assessment and other pertinent information to meet training needs. Objectives. Each component shall have objectives, a description of the procedures to reach these objectives, and a procedure to evaluate how these objectives have been met. Components. The plan shall provide for personnel to participate in the following types of staff development components within a five year period: at least one study in basic teaching skills and knowledge essential for teaching; at least one intensive or in-depth study to update skills and knowledge in a subject or service area.

The following development components shall be offered: exploratory activities; components that would provide training

for instructional personnel to develop competence to coordinate teaching of appropriate reading skills; components designed to train all instructional personnel in the primary grades, kindergarten and one through three, in the utilization of aides, volunteers and paraprofessionals in the classroom, and in the recognition of language arts and computational needs. Point System. A system shall be developed to account for teacher education inservice training work completed. The district or agency decides how many points are awarded to a participant successfully completing a program component.

Program Records. A summary of information shall be kept on each program component by the school district or other agency and a file shall be kept on each component of the program.

Personnel records. A personnel file for each teacher, principal and supervisor which includes a record of participation in the inservice teacher education program.

CROSS REFERENCES

II.A.2.; Statute §229.832 -- .833

II.A.4.; Statute §230.2311

III.B.Teachers; Regulation §6A-5.51

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§32-411.1

All elementary schools shall only have "grades one through seven, inclusive," and "the high school grades shall embrace eight through 12, inclusive, and no other."

REGULATIONS
30-1510; 1520

The State Board of Education is required by state law to prescribe and "enforce minimum standards for the operation of all phases of public school education." Recommendations on standards shall be made to the State Board by the State Superintendent. Provision shall be made for classifying schools "and for the enforcement process for non-standard school systems and schools," to include "periods of consultation and probation prior to termination of state-contributed . . . funds."

Non-standard schools shall develop plans for compliance with standards. A Standards Council shall be appointed from the State Department of Education.

CROSS REFERENCE

II.C.2; Regulation 30-1210; 30-1220

2. Other Qualification Standards

STATUTES

§32-645a

"Effort is to be made to utilize currently available educational facilities and equipment on a year-round basis . . . ."

"The State Board of Education shall have the authority to prescribe minimum requirements and standards for the distribution, use and expenditure of funds allotted under this section . . . ."

§32-658a

The school year shall consist of 180 days, scheduled by the State Board of Education, which shall also determine the length of school days.

§32-661a

Local units of administration must comply with "school laws" to be eligible to receive state funds.

REGULATIONS

30-716

Local school systems may "require additional units for graduation . . .; offer credit for subjects in lieu of enrollment . . .[and] for planned off-campus experience " modify the length and number of class periods and the way the school year is divided; and "adopt policies to waive attendance requirements" based on the students' age, access "to alternative learning experience, performance levels," parents' wishes and State Board guidelines.

Local systems shall establish:

"1. performance objectives based on mearningful community input,

2. performance indicators to determine if performance objectives have been met,

3. planned course descriptions for all courses offered,

4. appropriate performance objectives . . . for students . . . having handicaps which prevent them from meeting . . . contemporary life role performance objectives,

5. . . . recordkeeping and reporting . . . on . . . performance objectives; these should be tested . . . no later than ninth grade."

"All recording and recordkeeping shall become a part of a student's permanent record, and a cumulative report shall be available for student and parental review at all times.

"Local systems must offer 38 courses . . . in . . . communication skills, math, laboratory science, social science, comprehensive health and safety, music, arts, foreign language, home economics, vocational education and physical education." Subjects shall be taught at least once every two years and every year in high school of 400 or more students.

All ninth grade students should be provided with a guidance session on the relation of career objectives to school course work. "Annually thereafter, an advisor shall counsel each student on alternative means he or she might use to satisfy unmet performance objectives."

40-2611 -- 2613; 2620

The State Board "believes that each individual school should be sufficiently large to have an adequate staff to provide comprehensive programs and services to meet the various needs of children and youth. The State Board encourages . . . the consolidation of elementary schools to achieve minimum enrollments of 500 children in grades K-7 and of 1,000 students in grades 8-12." Combined high school enrollment should be between 900 and 1800 students.

40-2810; 2820

The State Board has discretionary power to "make adjustments in teacher allotments to isolated schools so as to provide a program of education that meets the criteria established for standard schools," if such school or school system meets any one of three alternative sets of criteria to be classified as isolated.

The Office of School Administrative Services is responsible for developing procedures for, and reviewing, applications for consideration as an isolated school.

40-3011; 3013; 3014

The State Board shall insure that the public schools operate long enough each year to comply with state law "and to permit students . . . ample opportunity for learning those subjects and skills offered at their respective grade levels." A "scholastic month" is 20 school days and a school year for pupils is at least 180 full days. Teachers work 190 days (180 regular school days plus five preschool and five post-school planning days).

The State Superintendent may "allow local boards of education to depart from a strict interpretation of the definitions of school year . . . month or . . . day under certain emergency conditions.

Local boards of education may decide to operate schools for more than 180 days. "Personnel employed to work under extended school year terms shall not be paid less than the minimum salary prescribed by state law."

In order to better utilize "school facilities, . . . prevent overcrowding and the operation of public schools on a double-session basis . . . and . . . improve instruction, the State Board supports . . . the operation of public schools on a . . . year-round basis."

50-610

"Local school systems shall . . . regulate employee workload. . . For teachers the minimum work day shall be defined as eight hours and the minimum work week . . . forty hours . . . . The minimum work day shall entail . . . duties . . . such as teaching and teacher preparation,

staff meetings, conferences with students and parents, planning conferences and related school activities in the community, and extra-class responsibilities."

The State Superintendent shall review the rules and regulations of local systems.

50-710

The State Board " shall allot instructional units to local school systems in such a manner as to provide an adequate educational opportunity for all public school students in Georgia." The State Superintendent shall "develop procedures for allotting instructional units to local school systems" for State Board approval.

In using instructional units, local systems shall assure that units are "assigned to the school in which earned" and that instructional units are "not . . . interchangeable with supportive serivces personnel."

50-810

The State Board "shall annually allot student services, support personnel and administrative and supervisory personnel to local units of administration" under procedures developed by the State Superintendent. Criteria for allotment are set by law.

CROSS REFERENCE

II.A.1; Regulation 30-2710; 30-2720

II.A.10. Other -Open Campus Schools; Regulation 40-217; 40-227

III.B. Certificated Personnel; Regulation 50-114; 50-124

III.C. Local Board of Education; Regulation 40-1810

IV.H.; Statute §32-2105

B. Qualification Standards for Personnel

Administrator

Regulations

50-910

"The State Superintendent of Schools shall require local school system boards of education to develop specific job descriptions for all administrative and other super-

visory school personnel" in order to insure economy and efficiency.

ATTENDANCE OFFICERS

CROSS REFERENCE

III.B. Visiting Teacher; Statute §32-2109; 32-2110

AUXILIARY PERSONNEL

REGULATIONS

50-1212; 1220

"The State Board of Education shall . . . establish standards for the preparation of auxiliary personnel to ensure that the training received is related" to the individual's job. "The State Board shall establish salary schedules and minimum qualification standards for licensing of auxiliary personnel," who is defined as "an individual in the education profession with less than professional level certification who relates in role and function to the professional and performs a portion of the professional's duties" under the latter's supervision. "The auxiliary personnel's presence in the classroom contributes to lowering the adult-student ratio as well as providing greater individualization of instruction."

A "paraprofessional" performs some of the duties of the professional and has some limited "decision-making authority." An "aide" does not make decisions or take any independent action.

As part of its responsibility for developing rules and procedures for the training and licensing of auxiliary personnel, the Office of Instructional Services shall "encourage local systems to utilize junior and senior high school students as auxiliary personnel . . . [and] encourage local systems and colleges to develop programs that enable persons preparing to be teachers to be employed as auxiliary personnel."

STATUTES

§32-655a

All professional personnel, and persons who assist them, employed in the public schools of this State . . . must under State Board of Education rules, be certificated according to their classification. Classification shall be based only on training, experience, and competency. The State Board of Education may by regulation provide for revocation or denial of certificates "for good cause, after investigation . . . notice and hearing is provided the certificate holder." A pre-service course in education of children with special needs is required for all teachers, principals, and guidance counselors. Out-of-state teachers and teachers already certificated shall have a prescribed time to comply with this requirement.

REVOCATION

NOTICE

HEARING

REGULATIONS

50-114: 124

After July, 1976 "any person granted a certificate as a teacher, principal or guidance counselor shall either complete "a State Board-approved course of at least 5 quarter hours "in the identification and education of children who have special educational needs, or shall have satisfactorily completed an equivalent preparation in a local staff development program . . . . A staff development program designed for this purpose must be approved by the State Superintendent based on the following State Board criteria."

The local plan must specify the program's objectives, and "identify the competencies needed by educational personnel in the identification and education of children with special needs . . . instructional materials and resources to be used . . . [and] the number and kind of educational personnel to be trained." The plan should also specify the qualifications

of the individual(s) conducting the program. The Office of Instructional Services shall assist local school systems in developing such programs.

50-410

Teachers, principals and other certificated personnel must "be employed by local boards of education on the recommendation of the local system superintendent of schools. The State Board may prescribe minimum qualifications for the employment of all school personnel."
A local board may not employ as a teacher anyone who has been dishonorably discharged from the U.S. armed forces for desertion or who has left the U.S. to avoid military service, except "those who have been fully pardoned."

Employment contracts for all certificated personnel must be in writing and signed in duplicate by the employee and the local superintendent on behalf of the local board. "By April 15 of each school year local boards of education shall tender new contracts for the ensuing school year to all certificated professional personnel "employed during the year, or notify said personnel that they will not be rehired" in writing.

COUNTY BOARDS OF EDUCATION

STATUTES

§32-1104

"The county board of education of each county, exclusive of those counties having local school systems created prior to the adoption of the Constitution of 1877, may . . . appoint school trustees for each school in the county." Trustees shall be freeholders, residents of the county" manifestly interested in education" and shall serve four-year terms.

CROSS REFERENCE

I. County Boards of Education; Statute §32-902; 32-903 -- 32-903.1

County Superintendent of Schools

Statutes

§32-1004

A county superintendent of schools must be a citizen of the county where elected, must have a "five-year degree from an accredited college or university, or shall have not less than a four-year degree earned and held from an accredited college or university and shall have registered for courses leading toward obtaining the requirements of a five-year certificate, and shall have had not less than three years of actual teaching or education administration experience . . . ."

§32-1006

County superintendents shall be certified and classified by the State Board of Education and receive salaries based on this classification.

Director of Vocational Education Service

Statutes

§32-2306a

"The State Board shall employ . . . a director of Vocational Education Service who must have had at least five years of successful experience as a vocational educator in an approved program of vocational education, and be a graduate of an accredited college with a major in vocational education . . . ."

The director shall provide professional leadership and direct staff work in vocational education; prepare the State plan for vocational education; and perform other necessary duties.

STATE BOARD OF EDUCATION MEMBERS

CROSS REFERENCES

I. State Board of Education; Georgia Constitution Art. VIII, §2-6501

I. State Board of Education; Statute §32-402 -- 32-404

STATE SUPERINTENDENT OF SCHOOLS

STATUTES

§32-502

In order to be eligible for the office of State Superintendent of Schools, a person must be "of good moral character, of high educational standing, have had at least three years' practical experience as a teacher, hold a five-year degree from an accredited college or university and be at least 30 years of age."

CROSS REFERENCE

I. State Superintendent; Georgia Constitution Art. VIII, §2-6601

TEACHERS

STATUTES

§32-1018

Applicants for teachers' licenses shall be graded by the county superintendent of schools. Licenses shall be granted in three grades for three years, two years and one year respectively. Applicants must submit "with his or her examination paper . . . evidence in writing of good moral character."

§32-1021

"In vocational agriculture, trade and industrial and home economics education, the certification of teachers by the State Board of Education is authorized."

All public school teachers are required to take a loyalty oath, as prescribed by the state superintendent of schools. No teacher shall be employed who refuses to take the oath.

REGULATIONS

50-111; 50-121; 122; 123

The State Board "maintains a program of teacher education and certification to assure that the public schools of the state are staffed by qualified professional personnel." The State Superintendent is responsible for this program, which performs the following functions:

"1. Teacher recruitment and special programs;

2. Classification and certification of school personnel;

3. Evaluation and approval of teacher education programs in colleges and universities in . . . Georgia."

The program shall be administered through the State Plan for Teacher Education and Certification developed by the State Superintendent and evaluated annually. The Teacher Education Council "shall be the official advisory group for preparing teacher education criteria and certification regulations."

50-500

All public school teachers and employees of the state or its subdivisions are required to take a loyalty oath to the U.S. and the state. No teacher or other employee who does not take the oath may be employed.

LOYALTY OATH

50-1310; 1320

In order to promote efficiency and high quality of education, "the State Board shall assure that all teachers are certificated and have the appropriate competencies

to teach their particular subject areas. The State Superintendent of Schools shall . . . assure that all professional personnel employed in the school system in Georgia are in an in-field classification." To be considered "in-field" a teacher must

1. hold a "valid elementary certificate" and be teaching in grades 1-8;

2. hold a "valid grades seven, eight and nine certificate" and teach in those grades;

3. hold a "valid secondary certificate" and teach in grades 7-12 and teach the majority of the day in the field for which certificated and have "at least 10 quarter hours in each subject taught";

4. hold a "valid vocational certificate" and teach only the subjects for which certified;

5. teach in all these grade levels and be certified in each.

"Professional personnel . . . performing duties 'out-of-field' may be considered as 'probationary in field' for state payment purposes" if such person holds a valid certificate, has earned at least 10 quarter hours in the assigned area (15 for Interrelated Teacher-Special Education, and earns at least an additional 10 quarter hours "toward proper certification" each year. If the probationary field is changed, the staff member "must qualify in the new field." The staff member will be paid at the "higher level of certification held as long as he[she] remains in probationary-in-field status working toward that higher level in the new field." This status may only be held for 5 years. Specifically excluded are "Special education, hospital/homebound, gifted, school psychologist, associate psychologist, driver education, provisional leadership on school service certificates; and supplementary endorsement which require only 15 quarter hours of additional course work."

A certified teacher may be classified as "accelerated-in-field" in order to claim "state salary reimbursement on his[her] administrator's . . . rather than his[her] teaching certificate provided . . . .

a. the teacher holds at least a valid four-year teaching certificate in the field in which he[she] is teaching.

b. The teacher holds a valid administrator's certificate . . . which would make him[her] eligible for a larger salary . . . than can be drawn on his [her] teaching certificate . . . .

c. The applicant must have served previously in the system in an administrative capacity and been reassigned . . . to a teaching position . . . due to reorganization of the school system."

If a teacher claims accelerated . . . field status, he or she must earn at least 10 quarter hours each year "toward a teaching certificate . . . of the same level as his[her] administrator's certificate . . . . Accelerated in field status will terminate if the applicant moves to another school system."

A person who comes under the "probationary or accelerated . . . field programs is required to have an evaluation from Teacher Certification Services for the new field or file." The teaching certificate for these "classifications are valid for one year and may be renewed only upon presenting required course work." If a person "holds two valid certificates in different fields at two different levels," he or she will not be paid at the higher level unless he or she "actually serves in the appropriate function for the higher level certificate or has established eligibility through the probationary in-field or accelerated field policies."

CROSS REFERENCES

I. State Board of Education; Statute §32-408

IV.B.; Regulation 30-1010; 30-1020

VISITING TEACHERS

STATUTES

§32-2109; 2110

"The appointment of visiting teachers shall be made by the county or independent school system board of education upon the recommendation of the county or independent school system superintendent; but no visiting teacher shall be so appointed unless qualified in accordance with professional requirements prescribed by the State Board of Education . . . .

County or independent school system boards of education may employ attendance officers in lieu of visiting teachers."

CROSS REFERENCE

I. Visiting Teachers; Statute §32-2109; 32-2110

VOCATIONAL EDUCATION PERSONNEL

REGULATIONS

20-2119

"All professional personnel employed in career and vocational education programs shall meet qualifications established by the State Board and shall be properly certified."

C. PERFORMANCE STANDARDS

ADULT EDUCATION PROGRAM

CROSS REFERENCE

II.A.8; Statute §32-417

Attendance Officer

CROSS REFERENCE

III.C. Visiting Teacher; Statute §32-2112

Basic Curriculum

CROSS REFERENCE

II.A.1; Regulation 30-1710; 30-1720

Certificated Personnel

Statutes

§32-2102c

"When a local superintendent or local board of education proposes not to renew the contract of any teacher or other professional employee certificated by the State Board of Education who was on the payroll and under contract on the beginning day of the current school year, written notification of such intention shall be given to the teacher or other certificated professional employee" no later than April 15 of the current year. If notice is not given, the employment shall be continued for another year.

RENEWAL

NOTICE

§32-2103c

"When the local school superintendent or board of education has tentatively decided not to renew the contract in the third successive year of any such teacher or professional certificated employee, or any subsequent year or to demote such a teacher or other professional certificated employee, written notification of such tentative decision shall be given to such teacher or employee . . ." The teacher shall have a right to a hearing.

HEARING

REGULATIONS

50-113

"Any person who is, or who is seeking to become, certified as a teacher or other certified paraprofessional personnel . . . employed in the public schools . . . may, subject to . . . appeal to the State Board, have his[her] certificate denied, revoked or suspended for the following causes."

DENIAL
SUSPENSION
REVOCATION

1. Violation of any state or school system contract

2. Use of fraud in applying for certification

3. "Dismissal from employment because of ineffectiveness"

4. Misuse of school funds or property

5. "Falsification of school records . . . or reports

6. Conviction of any felony or . . . misdemeanor involving moral turpitude, . . . misconduct; . . . immorality, . . . physical, mental or emotional incapacity."

7. Dishonorable discharge from military service desertion or evasion of military service (excluding those who have been fully pardoned)

8. "Any other conduct or personal condition detrimental to the health, welfare, discipline or morals of pupils or to the best interest of the public schools."

Certificates may be suspended for 12 months. No school system may employ a teacher whose certificate has been suspended. "Certificates shall not be issued to individuals whose certification from another state has been revoked by that state."

SUSPENSION

50-113:114

The State Board may suspend a person's certificate for up to three years, revoke a certificate for up to 10 years, or revoke a certificate permanently if "it can be shown:

SUSPENSION
REVOCATION

a. that such person obtained the certificate by fraudulent means;

b. that such person is incompetent to perform assigned duties . . .;

c. that such person has been guilty of gross immorality or . . . moral turpitude;

d. that such person's certificate has been revoked in another state;

e. that such person . . . has been convicted of a misdemeanor, felony or any other criminal charge . . .;

f. that such person has been found guilty of personal conduct which seriously reduces his or her effectiveness in the . . . position for which . . . certified;

g. that such person has otherwise violated a provision of law, the penalty for which is the revocation of a certificate;

h. that such person has refused to comply with State Board or local school board rules and policies."

SUSPENSION

If a person signs a written employment contract and leaves the position without being released from the contract by the local board, his or her certificate may be suspended for up to one year.

REVOCATION

"The revocation or suspension by the State Board of Education of a certificate shall automatically revoke or suspend any and all Georgia certificates held by that person . . . . A certificate suspended under this policy is automatically reinstated at the end of the suspension period;" if it expired during that time, a new certificate may be obtained by applying to the State Board. "The person whose certificate has been revoked . . . may apply for a new certificate at the expiration of that period of ineligibility as fixed by the State Board." Certification may be denied by the State Board "if . . . it can be shown . . . that the applicant" has done, or failed to do, something, for which the State Board would . . . revoke a certificate"; or has earned credentials from a school "which does not meet the academic, technical, professional or experience requirements" included in the manual entitled "Teacher Certification in Georgia."

All academic credentials for certification must be earned at a school that is approved by the State Board, nationally accredited, or is approved "by an institution or agency in a foreign state or country . . . legally charged with . . . similar duties relating to certification of teachers and educational institutions as Georgia's State Board of Education."

REVOCATION
SUSPENSION

The following is the procedure for revocation or suspension of certificates:

If a person feels that reason exists for a certificate holder's certification to be revoked or suspended he or she shall "prefer charges and submit any supporting documentation . . . to the State Superintendent of Schools." The State Superintendent must find "probable cause . . . to believe that the accused person has commited acts justifying revocation or suspension" before a petition for revocation or suspension may be filed with the State Board. This is done as follows:

The State Superintendent reviews the charges and documentation submitted and makes a finding as to probable cause. A "finding by the State Superintendent that no probable cause exists shall be final." If probable cause is determined to exist, "filing of a formal petition for the revocation or suspension of a certificate is made. "The State Superintendent of Schools shall direct the chairman of . . . the Professional Practices Commission to prosecute the matter before a hearing Committee of three members of the Commission . . . [which] shall retain an attorney to prosecute the cause before the hearing committee. The Professional Practices Commission shall retain a different attorney to advise the hearing committee and act as a law office for said committee." When the hearing is completed, a transcript of proceedings and report of recommendations is forwarded to the State Board from the hearing committee, via the State Superintendent.

HEARING

NOTICE

Notice of the hearing shall be given to the involved parties 15 days before the hearing. "The proceeding thereafter . . . shall be an adversary proceeding which the

accused person is the Respondent and the Professional Practices Commission is the Petitioner."

A hearing on revocation or suspension is "an administrative proceeding . . . . Pleadings may be informal." The petition for revocation or suspension should state "the particular act or acts of conduct for which the certificate is sought to be revoked or suspended." The State Superintendent shall send a copy of the petition to the certificate holder or "Respondent."

The latter may answer the petition. "If no responsive pleading is filed with the State Superintendent" within 20 days of receipt, "all allegations contained in the petition shall be deemed to be admitted as true."

After the hearing, the committee shall make a report to the State Board through the State Superintendent, which includes: "the finding of fact as to each item of misconduct . . .; recommendations as to whether . . . the Respondent should be found guilty of charges justifying . . . revocation or suspension . . . recommendations as to measures to be applied."

Within 30 days after the Committee makes its report, "any party may file with the State Superintendent of Schools exceptions to said report and . . . may request to make an oral argument in support of the exceptions filed. The exceptions and any arguments shall be part of the record.

The State Board shall rule on the matter. Upon rendering its decision the administrative remedies of the parties shall be deemed to have been exhausted."

CROSS REFERENCE

I. State Superintendent; Statute §32-504; 32-505

COUNTY BOARD MEMBERS

STATUTES

§32-905

A county board member may be removed from office

REMOVAL

by the judge of the county superior court, with the approval of two-thirds of the grand jury, for "inefficiency, incapacity, general neglect of duty, or malfeasance or corruption in office." The board member shall have the right to answer charges. The superior court judges have the power to fill vacancies until the next session of the grant jury, when vacancies will be filled by that body.

COUNTY SUPERINTENDENT OF SCHOOLS

STATUTES

§32-912

The county superintendent and county board of education shall make rules to govern the county schools. The board shall select a chairman; the superintendent shall serve as secretary and keep meeting minutes. The board may "suspend" the superintendent for "incompetency, wilful neglect of duty, misconduct, immorality or the commission of a crime involving moral turpitude, and for other good and sufficient cause." The superintendent shall receive written notice of any charges, a hearing and prior notice of the hearing, the opportunity to present a defense, require the presence of witnesses and appeal to the State Board of Education.

RULEMAKING

SUSPENSION

NOTICE

HEARING

APPEAL

§32-1008

"The county superintendent of schools may be removed from office . . . by a majority vote of the board of education or [sic] inefficiency, incapacity, neglect of duty or malfeasance or corruption in office." The county superintendent shall be given a hearing and an opportunity to present a defense. The board's decision may be appealed to the State Board of Education.

REMOVAL

HEARING

APPEAL

EDUCATIONAL PROGRAMS

REGULATIONS

30-220

In order to coordinate the requirements of state and federal law and the rules and regulations adopted by the State Board "pertaining to the operation of local school systems," state plans "for the operation of various educational programs" shall be prepared by the State Superintendent of Schools and submitted to the State Board of Education for adoption. Program managers shall evaluate state plans annually. "The State Superintendent shall furnish local boards and superintendents with copies of state plans."

The plans prepared "shall include program objectives, relevant research, . . . identification . . .[and] scope of the problem, methods for evaluation, regulations and administrative procedures for carrying out the plan," as well as any "additional information required by federal agencies" where applicable.

"The office of School Administrative Services shall provide information regarding the means by which local superintendents or others may express their views about a state plan prior to its adoption by the State Board."

30-2910; 2920

The State Board believes that the best way to achieve its educational goals is to have each local school system develop a "comprehensive educational plan" to include the learners, (target populations . . . for educational programs), staff, curriculum, instructional resources (materials and equipment) and management (the strategy by which the learners, staff, curriculum and instructional resources are organized to provide instructional services).

The State Superintendent of Schools shall submit, for State Board approval, "procedures and criteria to

be used by local systems in . . . their plans" and shall develop the basis for recommending "approval of local system comprehensive instructional units" to the Board.

CROSS REFERENCES

IV.G.; Statute §32-604a

EDUCATORS

STATUTES

§32-838-- 839

The members of the teaching profession shall develop and adopt a "code of ethics and professional performance". A "professional practices commission" appointed by the State Board of Education on the recommendation of the State Superintendent of Schools is established, comprised of teachers, principals and superintendents. The commission shall develop a code of professional ethics for teachers, adopt rules and regulations of procedure, and "recommend action in cases of violation of" the professional standards set by the commission.

CODE OF ETHICS

REGULATIONS

50-1110; 50-1110-1 -- 50-1110-5;
50-1111; 50-1111-2 -- 50-1111-10

"The State Board . . . approves the Code of Ethics adopted by the Professional Practices Commission. . . . A Professional Practices Commission, which will have the responsibility of developing criteria for teacher performance and recommending action in cases of violation of the code of ethics, is established . . . .

CODE OF ETHICS

The educator believes in the worth and dignity of man . . . the pursuit of truth, the devotion to excellence

and the nature of democratic citizenship . . . the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all . . .

The educator . . . engages himself[herself] individually and collectively with other educators, to judge his[her] colleagues, and to be judged by them . .

In fulfilling his[her] obligation to the student, the educator

1. shall not . . . restrain the student from independent action in his[her] pursuit of learning . . . [nor] deny . . . access to varying points of view;

2. shall not deliberately suppress or distort subject matter;"

3. shall attempt "to protect the student from conditions harmful to learning or to health and safety;"

4. shall avoid causing a student "unnecessary embarrassment or disparagement;"

5. shall not discriminate against any student;

6. "shall not use professional relationships with students for private advantage;

7. shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;"

8. shall not tutor his or her students for remuneration.

"In fulfilling his[her] obligation to the public, the educator

1. shall not misrepresent an institution or organization with which . . . affiliated, and shall . . . distinguish between personal and institutional . . . views;

2. shall not . . . misrepresent the facts concerning educational matters in . . . public expressions;

3. shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities;

4. shall not use institutional privileges for private gain or to promote policical candidates in . . . activities;"

5. shall not accept any form of bribe "that might impair . . . professional judgment" or offer anything "to obtain special advantage . . . .

"In fulfilling his[her] obligation to the profession, the educator:

1. shall not discriminate . . . for membership in professional organizations . . .;

2. shall accord . . . equitable treatment to all members of the profession in the exercise of their professional rights . . .;

3. shall not use coercive means nor promise special treatment . . . to influence professional decisions of colleagues,"

4. shall not use "information acquired about colleagues . . . unless disclosure serves professional purposes;

5. shall . . . participate in a professional inquiry when requested . . .;

6. shall afford the aggrieved party . . . opportunity to discuss in private the specific reason for . . . denial of increments, significant changes in . . . or termination of employment;

7. shall not misrepresent his[her] professional qualifications;

8. shall not knowingly distort evaluations of colleagues . . . .

"In fulfilling his[her] obligation to professional employment practices, the educator

1. shall . . . accept . . . or assign a position . . . on the basis of professional preparation and legal qualifications;

2. shall apply for a specific position only when it is . . . vacant . . .;

3. shall not . . . withhold information from an applicant regarding a position, nor misrepresent an assignment or conditions of employment;

4. shall give prompt notice to the employing agency

if any change in availability of service, and the employing agent shall also give prompt notice of "any change in status" of a position;

5. "shall not accept a position when so requested by the appropriate professional organization;

6. shall adhere to the terms of a contract . . .;

7. shall conduct professional business through channels . . . jointly approved by the professional organization and the employing agency;

8. shall not delegate assigned tasks to unqualified personnel;

9. shall permit no commercial exploitation of his[her] professional position;

10. shall use time granted for the purpose . . . intended."

The above are the "generally accepted minimal standards of the education profession in Georgia and are therefore . . . the basis for reviewing "professional performance of educators. These standards apply to classroom teachers and to "those who supervise and provide administrative services to" classroom teachers. "Professsional reviewers appointed by the [Professional Practices] Commission shall review professional performance . . . .No finding of professional incompetency shall be made except where a preponderance of evidence exists."

In order to carry out administrative and supervisory requirements, "each educator . . . shall keep records . . . [and] supervise others in accordance with law and accepted practices of the school system . . .[and] shall recognize the role . . . of community agencies and groups as they relate to the school." Teachers shall appropriately "utilize available instructional materials and equipment . . .[and] shall . . . enforce administrative policy of the school." Administrators shall use appropriately "available instructional personnel, materials and equipment; . . . shall . . . enforce school law, state board regulations and school board policy; . . .[and] shall use suitable

channels of communication ... with teachers" and other groups. It is the responsibility of the educator to use "acceptable techniques to analyze" individual needs and potential and to utilize "appropriate instructional procedures" to accomplish a given task or assignment. Educators shall promote interest in learning and encourage students to express ideas. Teachers "shall create interest through . . . materials and techniques appropriate to the . . . abilities and background of students . . . [and] utilize individual student interests and abilities when planning and implementing instruction." Administrators shall encourage and support teachers in these objectives.

"In communicating with students and other educators, each . . . educator," within the scope of his or her position,

1. shall use relevant "information . . . materials . . . language and terminology;"

2. "shall use language which reflects an understanding of" students' abilities and "assure that the task is understood;

3. shall use feedback techniques; . . . extract major ideas . . . from the statements of others; . . . encourage each individual to state his[her] ideas clearly."

In management, the educator

1. "shall resolve discipline problems in accordance with law, state board regulations, school board policy, administrative regulations and . . . school policies;"

2. shall be consistent in applying policies;

3. "shall use management techniques . . . appropriate to the particular setting;

4. shall develop and maintain standards of conduct".

An educator should be knowledgeable and be aware of current developments in his or her field of specialization. As part of the responsibility "to evaluate learning and goal achievement, . . . the competent educator

1. shall utilize several types of evaluative techniques;

2. shall provide . . . feedback concerning the success of learning and goal achievement efforts;"

3. shall use evaluation results "for judging instruction, the achievement of . . . goals or the need for further diagnosis; . . .[and] for planning, counseling and program modification;

4. shall explain methods and procedures of evaluation to those concerned."

In the area of "human and interpersonal relations," the educator shall "encourage others to hold and express differing . . . ideas . . . not knowingly misinterpret the statements of . . . [or] show disrespect for . . . others; . . . provide leadership . . . by appropriate example; . . . offer constructive criticism when necessary; . . . comply with reasonable requests . . . given by . . . proper authority; . . . not assign unreasonable tasks; . . . demonstrate self-confidence . . . in exercising authority." Assessments of mental or physical health shall be made by personnel trained and licensed to make such judgments. "However, certain behaviors are held to be probable cause for examination," and each educator

"1. shall be able to engage in physical activity appropriate to the designated task, except for temporary disability;

2. shall be able to communicate . . . effectively . . .;

3. shall appropriately control his/her emotions;

4. shall possess . . . sufficient intellectual ability to perform" duties and assignments.

50-1112; 50-1112-1 -- 50-1112-4

APPEAL

"Appeals and requests related to grievances, complaints, conditions and situations may be considered by the [Professional Practices] Commission upon appeal from the local level or upon request from the State Board of Education," which supervises the Commission in the exercise of its jurisdiction. The three classes of complaints the Commission may consider are "alleged violation of law, for which the penalty is revocation or suspension of certificate; . . . alleged

violation of the Commission's code of ethics; alleged professional incompetency."

COMPLAINT

Any interested person may file a complaint with the Commission. If a complaint involves professional incompetency or violation of the code of ethics it must be delivered by mail to the Commission director, who authorizes an investigation. A complaint should be filed as soon as possible after an "alleged violation . . . a complaint . . . may be amended or withdrawn by the complainant at any time prior to the issuance of the notice of the hearing or dismissal" and after that at the Commission's or hearing committee's discretion. After a complaint is received, the Commission gives the respondent (person complainted against) a copy and may "assign a staff member to conduct a field investigation."

NOTICE

After conducting the investigation the staff member reports on "the precise nature of the complaint . . . [and] factual information supporting the complaint ," and recommends whether there should be a hearing. After the respondent is notified of the complaint, he or she has 10 days to file an answer. "The Commission executive committee shall consider the complaint, any answer and all . . . reports from the staff before determining if an apparent violation of . . . codes and standards . . . has occurred. If the executive committee rules that an apparent violation has occurred," a public hearing is ordered, to be held in the county in which the respondent resides. "The absence of either party after due notice shall not prohibit the hearing from proceeding."

HEARING

An educator's rights and duties "under duly adopted ethical or professional standards of professional practice may, upon appeal, be determined upon public hearing by the Commission . . .; the Commission may . . . make such recommendations to the State Board of Education or to a school board as are . . . consistent with "its findings. The Commission shall hold hearings for "providing due process for members of the teaching profession; . . . [and] making findings of fact and recommendations concerning duties, professional and ethical performance" or the

APPOINTMENT

factors affecting these. Parties involved in a hearing shall be notified at least 15 days before the proceeding begins. "The chairman of the Commission shall appoint three Commission members to hearing committee," one of whom serves as chairman. The hearing examiner, who is an attorney and "competent by reason of training or experience," is appointed by the Commission to counsel the hearing committee. All proceedings and recommendations shall be recorded by the Commission and these "shall constitute the exclusive record for the Commission recommendations and final order, if any, by the State Board of Education."

The hearing committee or hearing examiner is authorized to issue subpoenas; take depositions; "regulate the course of the hearing; . . . hold conferences for the settlement or simplification of the issues by consent of . . . [the] principals; . . . enter into the record any recommendations for an order to the State Board . . . or the Commission . . .

Hearings to consider complaints of unethical, unprofessional and incompetent practice shall be adversary in nature," with opportunity afforded each party to make opening and closing statements.

If the executive committee is in any case not certain that "information submitted . . . is sufficiently persuasive to support a finding of probable cause," it may order an investigative hearing. The hearing shall be informal and the Commission attorney shall replace the hearing examiner. "The accused person may attend such hearing and may be accompanied by counsel." The executive committee will consider the hearing transcript and the hearing committee's findings, and then "dismiss the matter, order an adversary hearing or recommend probable cause to the State Board." All parties participating in a Commission proceeding shall have "the right to . . . present his[her] case of defense by oral and documentary evidence; . . . submit rebuttal evidence and conduct . . . cross-examination; . . . make offers of settlement on proposals of adjustment; . . . be represented by counsel or . . . represent himself[herself]."

RIGHT TO COUNSEL

Because of the subject matter involved in such

proceedings, "the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, effect shall be given to the rules of evidence recognized by law in this state."

A hearing examiner shall not "advise the committee or Commission in . . . its final recommendation except through his[her] recommended order." If a Commission member participated or "was an informed party to" a preliminary investigation, he or she shall not be a member of the hearing committee.

ELEMENTARY EDUCATION

CROSS REFERNCE

II.A.1; Regulation 30-311

EMPLOYEE

STATUTES

§32-2104c

TERMINATION

The board has the power to "terminate the contract of the teacher or other school employee; or . . . suspend a teacher or other school employee without pay for a period of time not to exceed 60 days. "The board can"reinstate a teacher or other school employee in the event said teacher or school employee has been temporarily relieved from duty." Also, the board can "demote a teacher or other school employee from one position in the school system to another position in the school system having less responsibility, prestige and salary."

REINSTATEMENT

§32-2105c

REPRIMAND

"A superintendent may write a letter of repimand to a teacher or other school employee for any valid reason. A copy of said letter of reprimand is to remain in the teacher's or employee's permanent personnel file" until a board meeting has been conducted, and at this time "the board shall have the right to either affirm the decision of the superintendent or to reverse it. If the decision of the board is to reverse it, said letter of repimand shall be removed from the teacher's

employee's permanent personnel file."

CROSS REFERENCE

II.B.1.a.; Statute §32-416

GED STUDENTS

REGULATIONS

30-912 General Educational Development

"The administration of General Educational Development tests shall include a service available . . . to legal adult residents." Applicants must be at least 18 and out of school for six months, although individual exceptions may be made.

"Seventeen year-old applicants for induction into the Armed Forces shall be admitted to take the GED Tests provided" the recruiting officer so requests and provides "a copy of a letter from the applicant's parent or guardian granting him permission to enter the Armed Forces."

MILITARY

HIGH SCHOOL GRADUATES

REGULATIONS

30-711; 712; 713

"The State Board accepts its responsibility under the Constitution and state statutes to develop public policies and courses of study" to provide an adequate education for all state citizens and "to adopt policies which promote self-reliance." The Board intends "to provide . . . flexibility . . . to local systems to address individual student needs while insuring . . . each student . . . equal opportunity. Completion of requirements for graduation will include not only basic courses of study, required attendance, and specified numbers of hours, but also the following:

1. Contemporary Life Roles . . . the skill needed for . . . contemporary life roles . . .[are] those skills which are necessary to address . . . the decisions and opportunities presented to individuals in our . . . society.

Such skills include the following.

a. Learner - Each citizen should have proficiency in reading, writing, listening, analyzing and speaking. He[she] should also have basic computing skills . . . .

b. Individual - Each citizen should have the skills and understanding necessary to improve both his[her] physical and mental health . . . [and] be able to establish a personal family role . . . .

c. Citizen - Each citizen should have the skills . . . to become a responsible member of society . . . .

d. Consumer - Each citizen should have the knowledge to be an informed consumer . . . .

e. Producer - Citizens should be able to select and pursue, or change if necessary, careers.

These life role skills represent an additional division of the public school program. . . . High school graduation requirements will include these areas in addition to the required clock hours and attendance specified."

"Clock hours" means the "minimum number of hours of instruction offered in a certain course for which a Carnegie Unit is given." No basic unit is 150 hours but this may be changed by a local school system with State Board approval. Students may earn credits for work outside the school (credit in lieu of enrollment) and "for planned off-campus experience . . .[which] is a part of a planned course description." The requirement of a minimum of 3,150 clock hours in grades 9-12 will be tested for feasibility in pilot programs. Included will be required courses and hours in each of the life role skills categories.

Local Boards of Education

Regulations

40-1810

"The State Superintendent of Schools shall inform the State Board when any local system has failed to comply with any provisions of law, rules, regulations,

policies, standards or requirements established by the State Board and shall recommend to the State Board the passage of a resolution indicating the State Board's intention to withhold state funds totally or in part until the local system complies."

HEARING

Local boards of education shall be entitled to a hearing, if promptly requested, prior to any withholding of funds and may seek judicial review "on the record made before the State Board."

Local School Systems

CROSS REFERENCES

III.A.2; Regulation 30-716

III.A.2; Regulation 50-610

Professional Practices Commission Members

Statutes

§32-840

REMOVAL

The Professional Practices Commission may remove any of its members for "misconduct or malfeasance in office, incapacity, or neglect of duty."

Public Schools

Policy Guides

STANDARDS FOR PUBLIC SCHOOL OF GEORGIA

State Board of Education 1976

The purpose of Standards is to ensure the most efficient and effective system of education to all school age children in Georgia. The standards instrument contains criteria, based upon state law and state board policy, ranging from services for exceptional children to interscholastic activities. Criteria are designated as required, essential and desirable. In order to be classified as standard, a school must respond affirmatively to all required and essential criteria and to as many desirable items as possible.

Standards are revised each year and applied to every school and school system in the state. This helps to determine needed improvements in programs, personnel and facilities.

CROSS REFERENCE

II.A.1; Regulation 30-610; 30-620

III.A.2; Regulation 40-3011; 40-3013; 40-3014

IV.F.; Regulation 40-4311; 40-4313; 40-4320

IV.G.; Statute §32-846

IV.G.; Statute §32-937

IV.H.; Statute §32-847

IV.J.; Statute §32-644a.1

SCHOOL SYSTEM

STATUTES

§32-653a

"The State Board shall establish and enforce minimum standards for operation of all phases of public school education . . . so as to assure, to the greatest extent possible, equal and adequate educational programs, curricula, offerings, opportunities and facilities for all Georgia's children and youth, and economy and efficiency in administration and operation of public schools and public school systems throughout the State . . . ."

§32-848

"No teacher shall be assigned to or compelled to teach at any school on account of race, creed, color or national origin, or for the purpose of achieving a certain ratio at any school of teachers of one or more particular races, creeds, colors or national origins, and no school district . . . shall be established, reorganized or maintained for any such purpose . . . ."

REGULATIONS

20-510; 520

The State Board of Education "upholds as a matter of principle the public's right to know about the operation and action of all publicly supported bodies and agencies . . . [and] advocates open communication as an obligation

of all public institutions in a democratic system . . . . The State Superintendent of Schools shall allow the public and the news media freedom of inspection of public records and information excepting those records legally defined as confidential, . . . [and] is . . . encouraged to use all available media in reporting education progress, problems and needs. The State Superintendent shall promote effective communication from the Department of Education to local school systems, the Georgia Assembly, [and] federal officials."

The Office of Staff Services is responsible for the preparation of communications and publications and "will conduct periodic, formal studies of the purpose of gathering information about public opinion and educational priorities."

CROSS REFERENCES

III.B. Administrator; Regulation 50-910

III.B. Teachers; Regulation 50-1310; 50-1320

III.C. State Board of Education; Regulation 05-710; 05-720

III.C. Public Education; Statute §32-602a; 32-603a

STATE BOARD OF EDUCATION

REGULATIONS

§05-710; 720

EQUAL OPPORTUNITY

It is the State Board's policy "not to discriminate on the basis of sex, age, race, physical handicap, religion or national origin in the educational programs and activities of, or admissions to, facilities operated by the State Board or in the employment practices of the Georgia Department of Education . . . .

The State Superintendent of Schools shall . . . designate staff members to: coordinate Department efforts "to comply with this policy; maintain all required records; investigate . . . complaints of violations . . .; develop . . . a grievance procedure for employees and students."

The State Superintendent shall have the policy distributed to all students, State Board operated facilities, their parents, and Department of Education

employees.

The State Superintendent appoints a "coordinator of student admissions and programs" and "coordinator for employment."

APPOINTMENT

STATE OF GEORGIA

CONSTITUTION

GEORGIA CONSTITUTION, ART. VIII, §2-6401(6576)

"An adequate education for the citizens shall be a primary obligation of the State of Georgia . . . ."

STUDENTS

REGULATIONS

30-715

A diploma officially certifies " completion of required hours, performance and attendance.

DIPLOMA

A certificate of performance shall indicate that a student has met minimum performance standards," whether or not the student graduates. If a student completes some but not all diploma requirements and leaves school, he or she "will receive certificates of performance verifying the skills . . . acquired."

CERTIFICATE OF PERFORMANCE

CROSS REFERENCES

II.A.1; Statute §32-657a

II.A.1; Regulation 30-2710; 30-2720

III.D. Student Performance; Regulation 30-2510; 30-2520

TEACHERS

STATUTES

§32-1019

The county superintendent of schools has the authority to revoke teachers' licenses for "incompetency, immorality, cruelty to pupils, or neglect of his[her] duties." The teacher has the right of appeal to the county board of education.

REVOCATION

§32-1020

All teachers shall keep accurate attendance records, and shall not receive a final salary payment

if they fail to do so.

§32-2101c

Teachers' contracts may be terminated or suspended for "incompetency, insubordination, wilful neglect of duties, immorality," because of reduction in staff, or other good cause. Written notice of the charges must be given to the teacher at least 10 days before a hearing on the matter. The local board of education or a tribunal appointed by the board, shall conduct the hearing and render a decision within five days. The teacher may be represented by counsel. The board's decision may be appealed to the State Board of Education. While charges are pending against a teacher, the local superintendent may suspend her/him pending the outcome of the hearing. This suspension may not last more than ten days and the teacher is entitled to payment during this time.

SUSPENSION

TERMINATION

NOTICE

HEARING

RIGHT TO COUNSEL

VISITING TEACHERS

STATUTES

§32-2112

Any visiting teacher or attendance officer who fails to do her or his duty shall, upon recommendation of the local superintendent, be dismissed by the local board of education.

DISMISSAL

VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3; Statute §32-2206

D. EVALUATION AND REPORTING

ADULT EDUCATION

CROSS REFERENCES

II.A.3; Regulation 30-911

II.A.8; Regulation 30-920

CENSUS OF SCHOOL AGE CHILDREN

STATUTES

§32-826

Superintendents of school districts shall make

an annual report to the State Board of Education, containing the number of children attending the common schools, including elementary grades and high school grades, and the total number of children attending the common schools whose parent or guardian lives or works full time on property owned by the State of Georgia.

§32-1601

"It shall be the duty of the State Board of Education to take or have taken a quadrennial census of school age children."

Comprehensive Educational Plan

CROSS REFERENCE

III.C.Educational Programs; Regulation 30-2910; 30-2920

Cooperative Education Service Agency

CROSS REFERENCE

I.Cooperative Education Service Agency; Statute §32-630a -- 32-634a

County Superintendent Reports

Statutes

§32-515

The state superintendent has the authority to require county superintendents to make reports and may withhold their salaries for failure to do so. The same requirements may be made of local boards of education, and state school funds may be withheld from organizations that fail to comply.

Curriculum

CROSS REFERENCE

II.A.1; Regulation 30-510; 30-520

II.A.1; Regulation 30-610; 30-620

Educational Data Requests

CROSS REFERENCE

I.State Superintendent; Regulation 40-4610; 40-4620

EDUCATIONAL PROGRAMS

STATUTES

§32-628a; 630a --631a; 632a

The purpose of Cooperative Educational Service Act is to establish a sharing service which will "improve the effectiveness of the educational programs of member local school systems."

The State Board shall establish cooperative education service agencies within each district service area, which shall be governed by a board of control. The board "shall be composed of a local school board member or the system superintendent . . . . Boards of control shall determine the needs of school children . . . establish priorities, allocate funds accordingly. . . [and] annually review the progress and cost efficiency of CESA's."

§32-651a

The State Board of Education shall "assess the effectiveness of the educational programs of the State . . . at least annually, at a minimum of three grade levels, and on a Statewide basis."

The State Board of Education shall annually cause a readiness test to be administered early during a child's first year in school.

CROSS REFERENCE

III.C.Educational Programs; Regulation 30-220

EDUCATIONAL SYSTEM

CROSS REFERENCE

I. State Board of Education; Regulation 05-100, Article 6

INSTRUCTIONAL PROGRAM

STATUTES

§32-650a

"The State Board of Education shall establish performance-based criteria upon which the instructional program of each public school will be evaluated so as

to assure, to the greatest extent possible, equal and adequate educational programs, curricula, course offerings, opportunities and facilities for all students . . . ."

Public Education

CROSS REFERENCE

I. State Superintendent; Regulation 20-410; 20-420

Pupil Personnel Services

CROSS REFERENCE

IV.B.; Regulation 30-1010; 30-1020

Receipts and Expenditures

Statutes

§32-822

"The principal of each public school shall make a quarterly report to the local board of education," containing "an account of all receipts and expenditures of . . . funds during the past quarter and a complete property inventory. The local board of education may at this time or at any time during the school year demand to inspect all books, records and accounts of such funds and property."

School Lunch Programs

CROSS REFERENCES

IV.C.; Regulation 40-2510; 40-2520

IV.C.; Regulation 60-110

School Operations

CROSS REFERENCES

I. County Superintendent of Schools; Statute §32-1014

I. State Superintendent; Regulation 10-210; 10-220

Schools

Statutes

§32-438

The state board of education has the authority

to appoint committees to travel throughout the state and inspect the schools.

APPOINTMENT
SCHOOL INSPECTION

§32-506

The state superintendent shall visit the counties to examine the administration of the school law, to confer with school officers and inspect school operations.

SCHOOL VISITS

REGULATIONS

30-110; 120

"A primary function of the [State] Board is to identify the educational goals of the state school system . . . . Such goals . . . should establish the long range educational direction of the State Board" and should be reviewed at least every five years, at the initiative of the State Superintendent of Schools.

Every five years the State Board will appoint a 10 to 15 person Advisory Commission of Educational Goals "to review existing social, political, and economic conditions in the State of Georgia; estimate probable future developments, and recommend educational goals for the state school system. The Office of Staff Services will provide . . . staff support for the Commission." The Department of Education shall submit to the State Board of Education, prior to action on Commission recommendations, a critique of the Commission report prepared by personnel designated by the State Superintendent of Schools.

SCHOOL SYSTEM

STATUTES

§32-508

"The state superintendent of schools shall compile an annual report . . . in which he[she] shall present a statement of the condition and amount of all funds and property appropriated to the purpose of public education, the number of public schools and pupils attending, plans for improvement of public schools, number of school-age children in the state, and the number of private schools and pupils attending.

CROSS REFERENCE

II.A.1; Regulation 30-312

STATE DEPARTMENT OF EDUCATION

REGULATIONS

20-710; 720

The State Board of Education "recognizes that the . . . State Department of Education shall" evaluate

1. Its activities and progress in improving "learning opportunities and services for children, youth and adults;"

2. Plans for educational improvement;

3. "The program and procedures in terms of cost effectiveness and social, political, economic and educational effectiveness."

The State Superintendent of Schools shall develop a system for evaluating the Department and "shall make a Department of Education evaluation report to the State Board at least annually."

Department offices and divisions are responsible for evaluating their activities and operation annually. "The office of Staff Services shall prepare . . . a general guide for conducting evaluations, . . . conduct in-service training or evaluation concepts and methods . . . [and] prepare for the State Superintendent a composite report containing the individual Department . . . organizational unit evaluations" annually.

STATE PLAN FOR GIFTED CHILDREN

CROSS REFERENCE

II.A.2; Regulation 30-1111 -- 30-1124

STATE PLAN FOR EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2; Regulation 30-1111 -- 30-1124

REGULATIONS

30-2510; 2520

"As one means of providing . . . (an) evaluation mechanism for the statewide education effort, the . . . State Board of Education endorses a program of statewide testing," with the following objectives:

STATEWIDE TESTING

1. To help "the student assess his (her) own progress" in school and "help teachers understand their students'" abilities and achievements;

2. To identify students with special needs;

3. "To provide local systems with basic information for assessing the effectiveness of . . . educational programs";

4. To help parents "understand their children";

5. "To provide the . . . State Department of Education with basic information needed for equalizing educational opportunities for all children in all school systems of the state";

6. To provide data to state and local research agencies "for generating and testing hypotheses" on education;

7. To provide school systems "with strong incentives to experiment . . . with new educational programs, materials" and approaches;

8. "To provide the state legislature and general public with . . . information" on the state educational system and on individual schools;

9. "To assist school systems to use generally recommended practices relative to test administration and utilization of test results".

In order to "improve instruction at the local school level . . . the State Board directs that the test results be used to:

1. Identify individual weaknesses in . . . vocabulary, reading, language, work study and mathematics;

2. Diagnose strengths and weaknesses of groups;

3. Individualize instruction;

4. Report progress to parents;

5. Select curriculum materials;

6. Set the pace . . . (and) select methods of instruction;

7. Counsel students;

8. Help determine changes needed in the curriculum of previous grades."

"The State Board of Education shall approve . . . procedures for the administration of the Statewide Testing Program and for the interpretation of the data derived from the program." The State Superintendent of Schools is responsible for an annual evaluation of the testing program's effectiveness. "Data derived for the Statewide Testing Program shall be compiled, analyzed and reported" to the State Board. The scores of individual students will be available only to "system superintendents and . . . boards."

The Office of Instructional Services, with the State Superintendent's approval, shall develop procedures for administration of the testing program, "provide technical assistance to local school systems" in operating programs, and "report annually to the State Superintendent on the effectiveness of the Statewide Testing Program . . . and recommend needed changes."

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.3; Statute §30-2111 -- 30-2118

E. IMPROVEMENT EFFORTS

ADMINISTRATION

STATUTES

§32-652a

"The State Board of Education shall provide an extensive and continuing training program for practicing public school administrators, . . . which is designed to expand their knowledge and skills

necessary to plan and manage a systematic program to improve instructional and supportive service."

EDUCATORS

REGULATIONS

05-510

The State Board of Education or the State Superintendent may "officially endorse or sponsor appropriate meetings, conferences, commissions, task forces, workshops, seminars or courses organized for the improvement of educators or education." The State Department of Education or its employees may not make official endorsements. "The State Superintendent may act . . . without State Board approval . . . . Procedures, services or events of a commercial motive" may not be officially endorsed.

"The State Superintendent shall develop, for State Board approval, regulations and procedures governing official endorsements or sponsorships by the State Board or the State Superintendent."

ELEMENTARY AND SECONDARY EDUCATION

REGULATIONS

30-320

"The Office of Instructional Services will provide consultant services to local system superintendents to assist in evaluation and improvement of programs . . . . Curriculum Framework for Georgia Schools and specific course guides will be used as primary vehicles for establishing direction to improvement of elementary and secondary education."

GRADUATION REQUIREMENTS

CROSS REFERENCE

II.A.1; Regulation 30-717

LOCAL SCHOOLS

CROSS REFERENCE

I. Cooperative Education Service Agency; Statute §40-2910; 40-2920

PUBLIC EDUCATION

STATUTES

§32-602a; 603a

In order to establish and maintain minimum educational standards throughout the state and to "provide students with the knowledge and understanding necessary to develop good physical and mental health [and] to deal effectively and responsibly with others, and to provide" a program assessment and improvement plan which focuses on staff development and on "research and experimental programs leading to continued improvement of public education," an adequate program for education is established.

"The State shall assure that funds will be available for instructional personnel, media and equipment, and other necessary operating expenses for general and occupational education for children, youth and adults, including those with special needs."

REGULATIONS

30-410; 420

The State Department of Education shall "pursue a systematic process of improving the state education enterprise," to include the following:

"1. Assessment Activities:

a. A periodic analysis of societal conditions in Georgia.

b. The establishment of performance goals and objectives . . . .

c. The preparation and administration of measurement instruments to find out how well . . . goals and objectives are being met.

d. The analysis of data obtained from the . . . assessment instruments.

e. The identification of critical education needs.

f. Prioritization, education needs.

2. Research Activities: development and conduct of research studies, analysis of previous studies, formulation

of conclusions based on research.

3. Development Activities:

Use of "research-based generalizations" in developing new educational programs, materials or approaches "to meet identified education needs" and to improve "new educational methods, systems, materials, devices or organizational arrangements".

4. Demonstration Activities:

a. "The deliberate display-in-action of new methods, systems, materials, devices or organizational arrangements to schools or school systems in Georgia."

5. Dispersion Activities:

"Development . . .[and] implementation of appropriate dispersion strategies to extend successfully demonstrated, research-based developments in standard practice transport" state schools.

6. Dissemination Activities:

a. "The transmission of all forms of information about the results . . . of assessment, research, development dispersion and evaluation".

7. Evaluation Activities:

Collection of information on the above activities and analysis of such evidence for possible improvement and collection and analysis of "evidence about the general import of educational improvements" and their effect on "meeting identified educational needs."

Provision for the conduct of the activities shall be made in a "state plan for the development and operation of an educational improvement program in the Department of Education" prepared by the State Superintendent. "The plan shall include the provision of technical assistance, services, encouragement and incentives to local school systems to . . . develop and operate improved education systems" either individually or cooperatively. "A statewide testing program shall be utilized by the Department of Education as one method of gathering assessment and evaluation information about the relative performance of public school systems for the state. Preparation of the state plan for educational improvement

STATEWIDE TESTING

shall be the responsibility of the Office of Staff Services. "Provision shall be made for the involvement of local school systems in the design and implementation of state laws."

SCHOOLS

CROSS REFERENCE

II.A.2; Statute §32-609a

SCHOOL SYSTEM

CROSS REFERENCE

I. State Superintendent; Regulation 20-210; 20-220

SECONDARY EDUCATION

CROSS REFERENCE

II.A.1; Regulation 30-312

STAFF

REGULATIONS

50-1011; 1012; 1021, 1022

"The State Board believes that a staff development program which is a subpart of a local system's total educational plan would lead to better qualified professional personnel and more effective operation of local school systems. The goals and objectives of a local system's staff development plan must be directly related to those of the education plan as a whole.

Staff development is defined as a program of planned systematic activities designed to increase the competencies of educational personnel in achieving desired student outcomes . . . and [to] design educational programs in the context of student needs.

Staff development encompasses pre-service, in-service and post graduate work and should be a continuous series of experiences focusing on knowledge, skills, and attitudes needed by educational personnel. These experiences call for creative and innovative programs."

The State Superintendent shall develop for State Board approval "a State Plan for a Staff Development Program which shall include criteria . . . for the development,

approval and evaluation of staff development programs." A local system may develop its own program or develop a program with a college or university, or do so through a Cooperative Educational Service Agency.

"At the request of a local system, the State Superintendent shall make available a Staff Development Study Team to . . . make recommendations . . .[for] staff development activities."

Local plans for staff development shall be developed by local systems or CESA boards of control and submitted to the State Superintendent for approval, which may be granted for up to 3 years.

"Local staff development plans may utilize one or all of the available options." These are;

1. "Grant in Aid - State grant in aid funds may be made available . . . provided . . . individual staff development programs" are developed.

2. Certificate Renewal - A local plan may provide for personnel to "earn the equivalent of the five quarter hours of college credit." An approved plan must operate for two years "before the in-service preparation can be used for certificate renewal.

3. "Higher Levels of Certificates - local school systems or CESAs may develop plans . . . with colleges, universities or the Georgia Department of Education for staff development programs leading to higher levels of certification for educational personnel."

In order that the Georgia Department of Education "facilitate improvements in education" and upgrade "the qualifications of personnel . . . the State Superintendent shall recommend to the State Board a plan for continuing staff development for personnel in the Georgia Department of Education."

The Office of Instructional Services shall assist local systems in developing staff development plans and programs, "provide training for local system personnel" who conduct staff training programs, and "promote research, development and dissemination of new . . . materials and procedures for staff development programs."

The Office of Staff Services is responsible for preparing annually a plan for "internal staff development" for the Department of Education.

CROSS REFERENCE

III.E. Public Education; Statute §32-602a; 32-603a

STATE DEPARTMENT OF EDUCATION

STATUTES

§32-654a

The State Board of Education may, "after consultation with the State Superintendent of Schools" reorganize the State Department of Education and prescribe its duties as the State Board deems desirable for more "economical or effective" functioning.

CROSS REFERENCE

III.D. State Department of Education; Regulation 20-710; 20-720

VOCATIONAL EDUCATION TEACHER

REGULATIONS

20-2191

"In the administration of the vocational education professional development program the State Superintendent in accordance with contracts and agreements approved by the State Board shall" provide and make arrangements for "appropriate in-service teacher training activities through cooperative efforts with state institutions of higher education."

CROSS REFERENCE

II.A.3; Statute §32-2302a; 32-2303a; 32-2304a -- 32-2305a

HAWAII

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

CROSS REFERENCE

IV.F.; Regulation, Rules 50.5 -- 50.14

2. Other Qualification Standards

STATUTES

§8-2

State legal holidays falling on Sunday shall be observed on the following Monday. Holidays falling on Saturday, which are also observed as a national holiday, shall be observed on the preceding Friday.

B. Qualification Standards for Personnel

District School Advisory Council Member

STATUTES

§296-8

Each council member must be a registered voter and must not hold any other public office under the state or county governments.

Educational Officers

STATUTES

§297-33.1

e) "Any principal, vice-principal or other educational officer in a ten-month work year must earn at least six credits within a three-year cycle in order to receive an increment or longevity step increase in the third year of the . . . cycle."

PRINCIPALS

STATUTES

§297-7

"Principals and acting principals shall meet the department's certification requirements and shall have served as a teacher for a period of not less than five years . . ." at least one of which as a teacher or an exchange principal in the schools of Hawaii.

CROSS REFERENCES

III.B.Educational Officers; Statute §297-33.1

III.B.Teachers; Statute §297-31

TEACHERS

STATUTES

§297-2,3,4

The department of education "shall establish types of certificates in the educational field and the regulations to qualify for those certificates." All teachers eligible to teach must obtain a certificate. The department may revoke a certificate when it is satisfied that the holder does not possess the necessary qualifications, "but in such case the holder of the certificate shall be given full opportunity to justify the holding of the certificate." Anyone caught teaching without a certificate "shall be fined no more than $25."

§297-15

"Sixty-five should be the mandatory age of retirement for teachers and other educational officers; excepting when no other qualified person is available, and then only under one year contracts up to the maximum age of seventy."

§297-31

a) For the purposes of this provision 'educational officer' "refers to principals, vice-princi-

pals, and professional employees of the state and district offices of the department except those in the classified service."

b) "The designation of any teacher or educational officer to any given class shall be determined by the department in accordance with its certification requirements."

c) Teachers shall be classified as follows:

1) "A class I teacher is any teacher who holds a certificate issued by the department and who does not qualify . . ."for any of the higher classes.

2) "A class II teacher is any teacher who holds a certificate . . . based upon four acceptable years of college education and other requirements . . . established by the department."

3) "A class III teacher is any teacher who holds a certificate . . . based upon five acceptable years of college education and other requirements . . . established by the department."

4) "A class IV teacher is any teacher who holds a certificate . . . based upon 5 acceptable years of college education and 15 additional credits approved by the department and other requirements . . . established by the department."

5) "A class V teacher is any teacher who holds a certificate . . . based upon 5 acceptable years of college education and 30 additional credits approved by the department and other requirements . . . established by the department."

6) " A class VI teacher is any teacher who holds a certificate . . . based upon 5 acceptable years of college education and 45 additional credits approved by the department and other requirements . . . established by the department."

7) "A class VII teacher is any teacher who holds a certificate . . . based upon a doctorate and who teaches subjects in or related to his major.

e) "Educational officers shall be classified according to their duties and responsibilities and shall meet such requirements as may be determined by the department." Any educational officer who does not meet the requirements of the department may continue to serve in his position, but shall not be advanced to a higher position until he meets the requirements for the higher position."

1) "Principals and vice-principals shall be further classified on the basis of the number of pupils under their supervision as follows:"

	# of Pupils
P I	1 - 219
P II	220-749
P III	750 - 1499
P IV	1500 - 2249
P V	2250 - 2999
P VI	3000 and over
V-P I	740 - 1499
V-P II	1500 - and over

"Under special circumstances the department may appoint a vice-principal to a school which has less than 750 students; provided that appropriations are available."

2) "Principals of technical schools and adult community schools shall be classified under paragraph (1) above according to student enrollment, which shall be the number of students multiplied by the following index numbers:"

Technical School (Reg. Day)	Index 2
Technical Evening School	Index 1
Adult Community Schools	Index 1

3) "Principals of special schools shall be classified" according to the individual school.

§297-33

f) "All teachers must meet the following requirements:"

1) "A teacher must earn at least five

credits within a three-year cycle in order to earn increment or longevity step increases in the third year of the three-year cycle."

2) " A teacher who fails to meet the requirement set forth above shall not be eligible for any increment or longevity step increases until he (she) earns the credit requirement for the three-year cycle."

3) "Any credit in excess of any three-year credit requirement may not be carried over beyond such three-year cycle."

4) "Credits can be earned in the form of in-service, university, or other credits approved by the department."

g) For movement above class II, a teacher is required to spend a minimum of one year in the class before going in to the next class.

h) "In case of promotion from a teaching position to an educational officer, the employee shall receive compensation at the lowest step of the higher grade which exceeds his (her) existing compensation by at least eight percent if such step exists."

REGULATIONS

Rule 44.[illegible]2

"Age Limitation. Every person employed as a teacher shall be at least 18 years of age but shall not have passed his/her 65th birthday. Exceptions may be granted on a year by year basis for teachers 65 and over who are in good mental and physical health. The principal shall certify to the Department the capability of such a teacher to serve in the assigned position before the exception is granted."

C. PERFORMANCE STANDARDS

CURRICULUM

REGULATIONS

Rule 33

Homework shall be provided in accordance with the educational needs of students.

REGULATIONS

Rule 21.1

The compulsory nature of school attendance ensures that a child shall have the opportunity for an educator. The Department of Education is committed to provide the student with optimal learning conditions.

CROSS REFERENCE

I.State Superintendent of Education; Statute §26-38; 26-39

EDUCATIONAL OFFICERS

CROSS REFERENCE

III.B.Educational Officers; Statute §297-33.1

EDUCATIONAL PROGRESS

§37-67; 37-68

"The director of finance shall assist the Governor . . ."

(1) "With approval of the Governor, [he/she shall] develop procedures and prescribe rules and regulations to guide . . . agencies . . . assigned . . .the task of formulating and programming the initial proposals . . ." with regard to the above mentioned programs.

(2) "Assist . . . agencies in the formulation of program objectives, preparation of program plans and program budget requests, and reporting of program performance."

(3) "Coordinate, analyze and revise as necessary "the above mentioned programs, develop the state comprehensive program . . ."

(4) Implement policy decisions and budget determinations of the Governor and legislature.

(5) "Investigate . . . the various agencies" in order to advise the Governor and the legislature of the "position of the agencies, the methods of the agency, the standards of efficiency therein, and changes which . . . will produce greater effectiveness of programs . . ."

enforce the provisions of this law so that public confidence in public servants will be preserved."

§84-1,2

The provisions in this chapter shall be liberally construed . . ." They shall apply to "every nominated appointed, or elected officer or employee of the state, including members of boards, commissions, and committees, and persons under contract to the state, but excluding justices, judges and magistrates" . . . and legislators.

§84-11

CONFLICT OF INTEREST

"No legislator or employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him[her] in the performance of his[her] official duties or is intended as a reward for any official action on his[her] part."

§84-12

"No legislator or employee shall disclose information which by law or practice is not available to the public and which he acquires in the course of his(her) official duties, or use the information for his(her) personal gain or for the benefit of anyone."

§84-13

"No legislator or employee shall use or attempt to use his(her) official position to secure or grant unwarranted principles, exemptions, advantages, contracts, or treatment for himself(herself) or others, including but not limited to the following:

(1) "Seeking other employment or contract for services for himself(herself) by the use or attempted use of his(her) office or position."

(2) "Accepting, receiving, or soliciting . . . consideration for the performance of his(her) official duties . . . except as provided by law."

EDUCATIONAL SYSTEM

CROSS REFERENCE

I.Governor; Statute §37-65

EXECUTIVE DEPARTMENT HEADS

CROSS REFERENCES

II.B.4.; Statute §106-1; 106-4

II.B.4.; Statute §106-13

MEMBERS OF BOARD OF EDUCATION

STATUTES

§13-2

No board member "shall hold any other public office under the state or county governments."

"Public office" shall not include notaries, reserve police officers or officers of emergency organizations for civilian defense or disaster relief."

PRINCIPALS

CROSS REFERENCE

III.E Educational Officers; Statute §297-33.1

SCHOOL EMPLOYEE

STATUTES

Preamble Ch 84

"The purpose of this chapter is to 1) prescribe standards of conduct for elected officers and public employees of the State as mandated by the people of the State . . . 2) educate the citizenry with regard to ethics in government; and 3) establish an ethics commission which will render advisory opinions and

(3) "Using state time, equipment or facilities for private business purposes."

(4) "Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business whom he(she) inspects or supervises in his(her) official capacity."

§84-14

(1) "No employee shall take any official action directly affecting:"

A) "A business or other undertaking in which he [she] has a substantial financial interest; or"

B) "A private undertaking in which he [she] is engaged as legal counsel, advisor, consultant, representative, or other agency capacity."

"A department head unable to disqualify himself [herself] (herself) in any matter described in (A) or (B) above will not be in violation if he(she) complies with disclosure requirements of the act."

2) "No employee shall acquire financial interests in any . . . undertaking which . . . may be directly involved in official action to be taken by him(her)."

3) "No legislator or employee shall assist any person or business . . . in any transaction involving the state."

4) "No legislator or employee shall assist any person or business . . . to secure passage of a bill, obtain a contract" or any matter "in which he(she) has participated or will participate as a legislator or employee."

§84-15; 16

1) "A state agency shall not enter into any contract with a legislator or an employee or with a business in which . . . [they] . . . have a controlling interest . . . in excess of $1,000" unless there has been public notice and bidding.

Any contract entered into in violation of this provision is voidable by the state.

§84-17

1) "Every employee shall within 30 days of the commencement of public employment . . . file a disclosure of his(her) financial interests which may be affected by the state agency of which he(she) is an employee or by a state agency which may exercise official action over such interest. The disclosure shall state the nature and extent of such interest . . ." Disclosures shall be updated annually.

2) Legislators have a similar obligation.

3) Disclosures filed with the Ethics Commission shall be confidential.

4) ". . . the filing of disclosures . . . shall be a condition of entering upon and continuing in public employment."

§84-18

1) "No former legislator or employee shall disclose any information which . . . is not available to the public and which he(she) acquired in the course of his(her) official duties or use the information for his(her) personal gain or the benefit of anyone."

2) "No former legislator or employee shall, within 12 months after . . . [his/her] . . . termination, assist any person or business . . . in matters in which he(she) participated in as an employee . . ." or

3) "in matters involving official action by particular state agency or subdivision thereof with which he(she) had actually served."

§84-19

1) Any act by an employee in violation of this statute which results in favorable state action, is voidable at the instance of the state;

2) "The state . . . may recover any fee, compensation, gift or profit received by any person as a result of a violation of these standards . . ."

§84-21

"There shall be a commission known as the State Ethics Commission . . ." comprised of five members

APPOINTMENT

"appointed by the Governor from a panel of ten persons . . . nominated by the judicial council."

SCHOOL PERSONNEL

STATUTES

§76-47

SUSPENSION
DEMOTION
APPEAL
NOTICE

"Any regular [civil service] employee who is suspended, or demoted may appeal to the civil service commission within twenty days after notice has been sent . . . .

"If the commission finds that the action appealed from was taken by the appointing authority for any political, religious, or racial reason, the employee shall be reinstated to his[her] position without loss of pay for the period of his[her] suspension."

REGULATIONS

Rule 44.44

PHYSICAL EXAMINATION

"Physical Examination and X-Ray.

A. Physical Examination. All new employees, all employees returning to service after an absence of a year or more, and all employees returning from maternity leave or from a health leave of one month or more shall undergo a physical examination to be made by a physician licensed to practice medicine and a report shall be filed at the employing school on forms provided by the Department.

B. Chest X-Ray. A chest X-ray which is not more than three months old shall be required of all persons prior to being licensed to teach in private schools. An annual chest X-ray or tuberculin test is required of all personnel. The tuberculin test is acceptable only if the person is under 40 years of age. (Department of Health Regulations)."

SCHOOL SYSTEM

CONSTITUTION

Hawaii Constitution Article IX §1

"The state shall provide for the establishment,

support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry, nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution."

STATUTES

§37-69

The Governor's "program plans for the ensuing six fiscal years shall . . . include"

(1) "At the lowest level in the state program structure, for each program:"

A) "A statement of its objectives";

B) "Measures by which the effectiveness in attaining the objectives is to be assessed;"

C) "The level of effectiveness placed for each . . . year."

G) "A narrative explanation of the plans for the program . . . which explains the plans to accomplish program objectives . . ." which shall include

(ii) the recommendations being made in terms of the objectives to be pursued . . ."

(iv) "the alternatives considered in arriving at the recommendations;"

(v) "an . . . explanation of results of the comparisons made of the alternatives in terms of their . . . effectiveness . . ."

(vi) "how effective the program has been in the past, . . . reasons . . . for this level of success or lack of it, what levels will be sought in the future and on what basis these levels were determined . . ."

(vii) "what the size and scope of the

program has been and is anticipated to be, how and why past estimates differed from actual experience and how future estimates were arrived at;"

(ix) "what possible event could result in significant variations in actual versus planned performance; and"

(x) "an explanation of the significant changes proposed in the program and the implications of such changes and the rationale underlying such decisions."

(2) Summaries at every level of the state program structure above the lowest level shall include:

A) "A listing of all major groupings of programs . . . with the objectives, measures of effectiveness, and planned levels of effectiveness for each of the ensuing six fiscal years . . ."

B) "A narrative explanation of the plans at the level to accomplish the objectives of the major groupings of programs encompassed therein . . ." including analysis of the findings . . ."leading to establishment of the objectives . . ."

§296-60, 61

"The ideal of equal access to education in our public school system cannot be achieved when our students are required to assume stereotyped sexual roles . . . It should be the goal of our public schools to allow each individual to develop his or her particular talents or interests."

EQUAL OPPORTUNITY

"No person in the state of Hawaii shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities."

STUDENTS

REGULATIONS

Rule 29.1

At the end of each school year, students making normal progress shall be promoted to the succeeding grade. Other pupils may be accelerated or retained in the same grade.

PROMOTION

Rule 29.3

Promotion in secondary school is to be based on the pupil's performance in relation to his/her ability. To achieve promotion in grades 7 through 11, students must earn four or more units of work each year (one unit is work done in one year in a class meeting one period daily). In grades 9 through 11, actual grade placement may be determined by administrative conditions peculiar to each school.

Rule 42

"Relating to High School Graduation through the Technical Schools.

Satisfactory completion of a two-year course in one of the area technical schools will be accepted as equivalent to the senior year in a regular high school. The student's program shall include the required English and Social Studies work for each year of attendance. The high school diploma will be granted by the technical school.

DIPLOMA

CROSS REFERENCES

IV.H.; Statute §298-20

IV.J.; Statute §298-11

TEACHERS

STATUTES

§296-15

"The department of education may . . . appoint and remove such teachers, educational officers and other personnel as may be necessary for carrying out the purposes of this chapter, and regulate their duties.

APPOINTMENT

REMOVAL

powers, and responsibilities, when not otherwise provided by law."

§297-9

"All teachers, principals, and vice-principals entering the service of the department of education for the first time shall serve as probationary employees of the department for a minimum period of two consecutive years . . . such employment may be interrupted by maternity leave, sick leave, or any other leave approved by the department not exceeding a period of three years, or by military leave not exceeding . . . five years, or by termination or nonrenewal of the probationary employment contract because of decrease in the number of pupils or for causes over which the department has no control, the period between employment not to exceed five years, without loss of credit for the period of probationary employment . . ." The department in its discretion may extend the probationary period up to five years. "Any full-time intern teaching period served in the state shall also be credited toward fulfillment of the probationary period. "The department may, during the probationary period, discharge or demote a teacher, principal or vice-principal."

MILITARY

TERMINATION

NONRENEWAL

DEMOTION

§297-10

"After the completion of the probationary period without discharge, such teachers as are thereupon reemployed shall continue in service in the public schools during good behavior and competent service . . . ."

§297-11

A teacher may be discharged (or demoted) for "inefficiency or immorality; wilfull violations of policies and regulations of the department of education, or for other good and just cause." In addition any teacher who fails to return to service, (except when caused by illness), following the expiration of an approved leave of absence, may be terminated without a hearing. "Teachers may also be dismissed because of

DISCHARGE

TERMINATION

DISMISSAL

decrease in number of pupils, or for other causes over which the department has no control." Dismissal under this last provision "shall begin with those teachers with the least number of years of service, and the teachers so dismissed shall be placed on a preferred eligibility list . . ." also governed by the seniority principle.

§297-12

DEMOTION
TERMINATION
NOTICE

"In case of demotion or termination of any teacher, the department . . . shall furnish the teacher a written notice signed by the superintendent of education of its intention(s). . ." setting forth "with full specification . . . the grounds for such consideration." Within 10 days of receipt of such notice the teacher, to preserve his/her right to a hearing, must demand "in writing an opportunity to appear before the department and offer reasons against the demotion or termination." If the teacher demands a hearing within the prescribed time, "the department shall set a time for the hearing within thirty days of the date of the written demand and the superintendent shall give the teacher at least 15 days' notice in writing of the time and place of the hearing." "No hearing shall be held during the summer vacation without the teacher's consent. The hearing shall be private unless the teacher requests a public hearing. The hearing shall be conducted by a majority of the board of education and be confined to the grounds given for the termination. In event of a hearing by the board, the board may appoint a hearing officer to conduct . . ." said hearings. Hearings before a hearing officer shall be conducted "in the same manner as if it were before the board and upon conclusion of the hearing, [he/she] shall report his(her) findings of fact and his(her) conclusions and recommendation based thereon to the board and to the teacher. The department may suspend a teacher pending final action . . . if, in its judgment, the character

HEARING

SUSPENSION

of the charges warrant such action."

RIGHT TO COUNSEL

"Both parties may be present at the hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the superintendent." The board by the vote of a majority of its membership may enter . . . an order of demotion or termination. If the decision of the board is against demotion or termination of the teacher, the charges and the record of the hearing shall be physically expunged and if the teacher has been suspended, he/she shall be paid his/her full salary for the period of the suspension.

REVIEW

"The findings and decisions of the board shall be subject to review . . ."

"In any hearing or court action the board shall be advised and represented by the attorney general, or may employ other legal counsel if so authorized by the attorney general."

§297-36

"Any teacher who qualifies for a higher class shall be transferred to such . . . class as of the beginning of the next semester . . ."

REGULATIONS

Rule 47

HEARING

A probationary teacher shall be granted a hearing (according to procedures set forth in Section 38-5.3, Revised Laws of Hawaii 1955, as amended) if his/her services are terminated prior to the expiration of his/her contract.

CROSS REFERENCES

III.B.Substitute Teachers; Statute §297-33

III.B.Teachers; Statute §297-31

DEPARTMENT OF EDUCATION

STATUTES

§296-16

"The department of education shall cause all its proceedings, doings, and acts to be recorded" and filed in its archives. A certified copy of such record, "when signed by the superintendent of education under the seal of the department shall be competent evidence of all it contains in any court."

EDUCATION PROGRAM

CROSS REFERENCE

III.C.Education Program; Statute §37-67; 37-68

EDUCATION SYSTEM

STATUTES

§37-63

The Governor and Legislature, in implementing a comprehensive system for state program and financial management ... to more effectively plan, program and finance the programs of the state, shall include procedures for "the evaluation of alternatives to existing objectives, policies, plans and procedures that offer potential for more efficient and effective use of state resources."

§37-64

The system of state programs and financial management "shall be governed by the following general principles:"

(5) "Objectives shall be stated for every level of the state program structure";

(6) "The effectiveness of programs in obtaining objectives shall be assessed";

(7) "Planning shall have a long-range view";

(8) "Systematic analyses in terms of problems, objectives, alternatives, costs, effectiveness, benefits, risks and incentives shall constitute the core of program planning."

CROSS REFERENCES

I.Conference of Secondary School Students; Statute §317-1-6

I.State Superintendent; Statute §296-11

EDUCATIONAL PERSONNEL

STATUTES

§297-46

"The department of education shall establish an evaluation program for all teachers and educational officers . . .(which) shall be performed at least once in each school year. The program shall define the criteria for evaluation and assign responsibilities for the application of the criteria. The evaluation of a teacher or educational officer shall be on the basis of efficiency, ability, and other such criteria as the department shall determine."

LONG RANGE PLANS

CROSS REFERENCE

I.Governor; Statute §37-65

NEEDS OF CHILDREN

CROSS REFERENCE

I.Commission on Children and Youth; Statute §581-1-2

PUBLIC SCHOOLS

CROSS REFERENCE

III.C.School System; Statute §37-69

PUPIL PROGRESS

REGULATIONS

Rule 30

A report of progress for each pupil should be made

to parents at least four times during the year.

Rule 32

Schools may dismiss classes for the purpose of holding parent-teacher conferences on pupil progress.

STUDENTS

REGULATIONS

Rule 28

"Relating to Student Examinations.

Educational, psychological and physical examinations and tests may be given [to] students by the teacher, counselor or other qualified staff member under the general supervision of the principal and with the approval of the District Superintendent when such examinations or tests are a part of the educational program and are given for the welfare of the pupil."

EXAMINATIONS

CROSS REFERENCE

IV.G.; Statute §298-8

E. IMPROVEMENT EFFORTS

EDUCATIONAL PROGRAMS

CROSS REFERENCE

I.State Board of Education; Statute §296-33

SCHOOL EMPLOYEES

STATUTES

§76-38

"The director of personnel services shall initiate and provide suitable in-service training programs so that the quality of service rendered by government employees may be continually improved." Such programs shall be coordinated with those conducted by the department of education.

CROSS REFERENCE

II.A.10.Other - Model School Program; Statute §362-21; 362-22

TEACHERS

STATUTES

§296-18

"The department of education may establish and maintain one or more teachers' conventions or institutes, or it may authorize and permit their establishment by and among its teachers" and in so doing require their attendance. Schools may be closed to permit such attendance.

§297-22; 23; 24

SABBATICAL LEAVE

Six month's or one year's sabbatical leave (with guaranteed re-employment), may be granted to any teacher or educational officer of the state.

In granting such leaves the department shall consider the following:

(1) "The nature and length of professional educational course work, research or other activity approved by the department;"

(2) Applicant's seniority.

"Such leave may not be extended beyond one year and may not be repeated until after a period of seven additional years of service."

Anyone eligible for sabbatical leave "shall devote 1/2 of his(her) total leave to professional educational course work, research, or other professional activity approved by the department of education."

§297-25

"The board of education and superintendent of education may arrange for attendance at summer school of not more than 20% of the teachers serving in schools which are on the coffee schedule, provided that such teacher can be replaced with a satisfactory substitute."

CROSS REFERENCE

II.A.10.Other - Model School Program; Statute §362-21; 362-22

IDAHO

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

COURSE OF STUDY

STATUTES

§33-118

"The state board shall prescribe the minimum courses to be taught" in all state schools. The board shall regulate the adoption of textbooks for public schools.

"The state board shall establish standards for accreditation" at secondary schools and may also set "such standards for all public elementary schools." Accreditation may be withdrawn by the board.

REGULATIONS

Accreditation Standards For Secondary Schools
STANDARD I. -- VI.

Philosophy, purposes and objectives of the school program shall be formulated by the Board of Trustees with the cooperative action of the administration and others it designates. This formulation will be the basic guide for application of school accreditation standards.

Copies of the formulation shall be on file in each school district at all times. One copy shall be on file with the Department of Education.

This written statement should be evaluated annually by the staff of the local districts.

The school program should be organized in such a manner as to meet pupil and community needs and fulfill the purposes and objectives of the school.

The organizational pattern of the school may reflect: a six-year senior high school, 6-6 program; a four-year senior high school 6-2-4 or 8-4 program; a three year senior high school, 6-3-3 program; or any other State Board-approved organizational pattern.

Schools shall be either comprehensive or special in their organization and purpose.

The minimum length of the school year shall be 180 teaching days; consisting of a minimum six hours of instruction.

To receive credit for non-laboratory classes a pupil must complete 120 clock hours of class instruction. Credit for laboratory classes shall be awarded upon the completion of an aggregate 145 clock hours of instruction. In schools operating on the 180-day calendar non-laboratory classes must run for 40 minutes and laboratory classes for 50 minutes, if classes are for one period, daily, for each of the 180 days.

SCHOOL DAY

Schools should be organized to meet the individual differences of pupils. Experimental pilot programs, deviating from school standards, may be approved if the school submits the plan, in writing, to the Department of Education before the program has begun.

The educational programs of schools shall comport with their purposes, objectives and philosophy by providing library services, guidance services, out of class activities all essential to program success.

Units and credits

"High school education shall be measured in units or semester credits."

Secondary school units of study cover an academic year of not less than 36 weeks including, in the aggregate, not less than the equivalent of 120 clock hours of classroom work for non-laboratory classes and 145 clock hours for laboratory classes.

ACADEMIC CREDITS

Secondary school semester credits cover an academic semester of not less than 18 weeks that shall include in the aggregate not less than 60 clock hours of classroom work for non-laboratory classes and 72 1/2 clock hours for laboratory classes.

Credits shall be granted in whole units, half-units or in semester credits. Half-units shall represent one-half of the amount of class time described above for unit courses and no fractional credit shall be given for parts of full-year courses.

An instructional media center (library) is considered important by the state and therefore should be under the direction of a qualified media specialist who supervises the cataloging and organized use of all library resources. The high school instructional media center must be operated in a manner meeting the following standards:

(a) The center shall be open during all periods of the day, immediately preceding and following regular school hours. Weekend openings are encouraged when feasible. The staff shall instruct students on library use.

(b) All instructional center materials housed in the school shall be inventoried and cataloged.

(c) "The state requires that the majority of titles in the school's book collection shall be selected cooperatively by the center staff, the teaching staff, and students....

(d) "The school media center shall have a balanced distribution of titles in all classifications, and the collection shall be weeded annually to eliminate obsolete titles....

....

"The state requires that the distribution of periodicals be such that all departments in the school will be served. It also requires that proper storage and filing space be provided for current and back copies of periodicals....

"Adequate materials and equipment should be provided for effective use in the instructional program. Schools shall provide a list of materials and equipment available through the instructional media center...."

Each school shall have a policy with respect to procurement, assignment and retention of professional and non-certified personnel.

Staff size shall be of adequate quality, properly trained and of sufficient number to provide a balanced curricular staffing.

High schools with enrollments of 0-100 shall employ not less than the equivalent of 6 full-time certified personnel including personnel in administration, library

and counseling. Those with 100 or more are held to the same standard.

PUPIL-TEACHER RATIO

The teacher-pupil ratio shall not exceed 1-25.

Policy Manual
Ch. 400, §403

When the high school supervisor has notified a school that it does not meet the standards of accreditation; and if after one year the conditions are not satisfactory to the supervisor, upon direction of the State Board of Education, warning shall be given that if the school is not brought up to standards established by the Board, the school shall be dropped from the list of accredited schools after one year if such standards have not been met.

LOSS OF ACCREDITATION

2. Other Qualification Standards

Statutes

§33-302 -- 304

Elementary school districts shall offer instruction for grades one through eight and all other districts shall give instruction for grades one through twelve. All school districts may establish kindergartens. The board of trustees of an elementary school district may petition the state board of education to establish a secondary school. Reclassification of such a district is subject to review by the state board after three years. In the case of a "joint district" which lies in more than one county, one of the counties "shall be the home county of the district."

§33-511; 33-512

"Each elementary school district shall maintain at least one elementary school, and each other school district . . . at least one elementary . . . and one secondary school." The board of trustees may employ persons "to maintain and operate the schools." The board may "discontinue any school . . . whenever it [is] . . . in the best interests of the district and of the pupils." The board of trustees "shall have the following powers and duties:"

1) "to determine the length of the school term" and school holidays;

2) to provide a "total educational program for each district," which may include "programs for out-of-school youth and adults" and kindergartens;

3) "provide . . . suitable textbooks;

4) "to protect the morals and health of the pupils;"
which would include prescribing rules for disciplining students, and excluding those who "disrupt the educational process" and "pupils with contagious or infectious diseases."

REGULATIONS

Policy Manual
Ch. 100, §107

State Board Policies

The minimum length of the school year for public schools shall be 180 days.

Schools shall keep accurate attendance records. Students shall not receive credit if he/she is not in attendance at least 85% of the days school is in session.

SCHOOL TERM

It is recommended that local Boards of Trustees consider using the school district fuel allocation only for transporting students to and from school. School districts should reduce classroom temperatures to not more than 68 degrees.

All school districts should carefully study school bus routing and eliminate all unnecessary stops.

Policy Manual
Ch. 200, §201

". . .A school year shall not be less than 180 days in which school is in session.

". . . A day on which the school is open and the pupils are under the guidance and direction of teachers in the teaching process, or a day in which the students are in attendance for not less than one-half day and the teachers are on duty for the remainder of the day participating in in-service training, parent-teacher conferences, student counseling, etc. . . .

". . .A day of attendance for a kindergarten pupil is one in which a pupil is present for a period of two-and-one-half hours under the direction and guidance of a teacher while school is in session.

". . . A day of attendance is one in which a pupil is present for the full day under the guidance and direction of a teacher while school is in session, with the exception as stated in the second paragraph above. Attendance shall be reported in full or half days.

". . . In a given school year, the average daily attendance for a given school is the aggregate days attendance divided by the number of days school was actually in session.

" . . . A pupil is a member of a school from the date he [she] presents himself [herself] at school and is placed on the current roll until he [she] leaves by reason of official withdrawal, moving from the district, or expulsion.

" . . . In a given year, the average daily membership for a given school is the aggregate days membership divided by the number of days school was actually in session.

" . . . A school week shall be Monday through Friday, or any portion of this period. A Saturday shall not be counted as a 'day in session' without prior approval from the State Board of Education."

B. Qualification Standards for Personnel

Certificated Personnel

Statutes

§33-114

The state board shall supervise and control "certification of professional education personnel." The board "shall accredit as teacher training institutions" those which have approved programs for education of such personnel.

§33-115

The state board "shall keep . . . a register of persons qualified to teach in Idaho".

§33-1201

"Every person . . . employed to serve in any . . . school . . .[as a] teacher, supervisor, administrator, education specialist, school nurse or school librarian shall be required to have . . . a certificate issued under the authority of the state board of education . . . . The state board of education may authorize endorsement for use in Idaho, for not more than five years, certificates valid in other states." A student serving "as a practice teacher . . . under the supervision of a certificated teacher" need not be certificated and "shall be accorded the same liability insurance coverage by the school district being served" as that of a certificated teacher.

§33-1202 -- 1203

An applicant for a certificate must "have attained the age of eighteen years . . . completed specific . . . requirements in college training as specified . . .[by] the state board of education, be free from tuberculosis or other contagious disease . . . [and] be a citizen of the United States, or have declared an intention to become a citizen.

'The state board shall not authorize the issuance of any standard certificate premised upon less than four years of accredited college training," except in the cases of school librarians and nurses and "limited fields of trades and industries."

§33-1204 -- 1207

"The state board of education shall . . . provide for the validity, duration, renewal and lapse of certificates. Provisional certificates shall be valid for no more than three years "and their renewal shall be premised upon the completion of . . . professional training applicable toward the issuance of a standard

certificate." The validity of a certificate terminates when the holder reaches age seventy. "No certificate shall lapse . . . while the holder . . . is serving in the armed forces of the United States in time of war, or has been called into service of the armed forces." The state board shall maintain "a record of all certificates issued." The board of trustees of each school district is responsible for endorsing certificates either before the holder begins service in the district or "in the first year after a new or renewed certificate is issued," and for maintaining "a continuing record of certificates."

REGULATIONS

Policy Manual
Ch. 300, §301

Persons employed to serve in the public schools as teachers, supervisors, administrators, education specialist, school nurse or school librarian shall be required to have a certificate issued by the State Board of Education, valid for the service rendered; the State Board of Education may authorize for use in Idaho, for not more than five years, certificates valid in other states when their standards are not lower than Idaho's.

State Board of Education actions, policies--certificates

When a school district receives notification that an employed teacher cannot be certified, it has thirty days to hire a certified replacement. Computation of the Foundation Program shall be made upon the replacement for the entire school term. A violation of certification requirements shall result in a withholding of funds.

Applications for certification renewal shall be submitted by October 1 of each year; those submitted after September 30 shall be denied.

RENEWAL

Individuals serving as public school principals during the school year who desire an extension of time in which to qualify for an Administrator's credential, shall submit a formal request for the extension to the State Board of Education on or before September 1. Such requests shall outline the program which the petitioner is

to follow in qualifying for the credential. The request shall also include a statement setting forth the petitioner's experience as a teacher and administrator and a complete transcript of his/her college training record.

The Certification Officer shall approve or disapprove the program requiring modification of the program when necessary. Such decisions may be appealed to the State Board of Education.

The Certification Division may accept supervision in lieu of actual classroom teaching experience for the Administrator's Superintendency Certificate as well as issue teaching intern permits for one year periods to approved applicants.

EMERGENCY CERTIFICATE

Authorization of emergency temporary certificates for more than one year is prohibited. However, when such an emergency request is made, it should state whether or not this person has had a prior emergency certificate, if so listing type and dates the certificate was valid. Letters of authorization for emergency certificates will be considered after September 30 of each year.

Certificates issued to teachers who will be eligible for retirement before the certificate expires shall be valid for not less than five years with a reduction of two dollars per year of the fee required.

The Certification Officer shall: review valid certificates held by retired teachers at the time of their retirement and require college transcripts and if necessary, records of teaching experience.

Holders of valid Life Certificates...shall register...with the State Board of Education.

Certification of teachers trained in foreign institutions of higher learning, shall be conducted in the following manner:

The applicant shall submit his/her credentials to the staff member in charge of certification in the Department of Education, then being forwarded to the University of Idaho for translation and evaluation.

A copy of the evaluation with recommendation shall be forwarded to the Superintendent of Public Instruction. Final determination of certificate eligibility remains with the

Certification Officer.

All transcripts submitted with certificate applications become the property of the State of Idaho.

Certificates may be issued to applicants from regionally accredited institutions in other states, if such institutions' requirements are equal to those of Idaho. Transcripts of such applicants must reflect the Idaho equivalent and not deviate from the subject field requirements in more than three semester hours or from the professional educational requirements in more than three semester hours and the total number of hours of professional education is not less than 20 hours and the subject field requirements no less than 20 hours.

An individual who is serving in a position in a school district that requires a special certificate is misassigned and uncertified unless he/she holds a valid certificate for the services being rendered.

State Board of Education actions, policies--credits

Graduates from U.S. military academies will be given the same ratings toward certification as any standard college or university and such graduation will be considered the equivalent of an A.B. degree.

The State Board of Education will recognize credits from any institution of higher learning in Idaho, accredited by the State Board of Education, meeting Board-prescribed requirements for teacher certification.

Applicants for teacher's certificates who have achieved advanced standing in a subject receive recognition of such advanced standing as verified by the subject department concerned and the individual responsible for the teacher education, or by the president of the institution which approved the advanced standing.

Fifth year level of college work--(qualifications for):

No more than one third of the total credit requirement may be earned in courses shown to be advanced undergraduate courses by the institution granting the credit.

The combined number of credits earned by extension, in absentia, and adult center courses cannot be greater than one-third of the total credit requirement.

State Board of Education--miscellaneous.

A small school with no more than six teachers may employ a "head teacher" to act as principal upon approval of the State Board of Education.

For certification purposes, secondary schools shall be school organizations which include any combination of grades 7 through 12.

Certificates shall not be required of those students attending training institutions serving as practice teachers in classrooms, under the supervision of a certified teacher. Approval by the State Board of Education is needed.

The State Board of Education shall approve student teachers listed by each Idaho teacher education institution prior to the student teaching assignment in the public schools. Student teachers assigned to Idaho school districts by out-of-state teacher education institutions may also benefit from this program. The Director of Teacher Education and Certification shall approve student teachers prior to their assignment in the public schools.

Qualifications of certified personnel are as follows.

"1. All [classroom] teachers in accredited high schools shall hold valid certificates, recognized by the State Board of Education as qualifying them for the work for which they are assigned. In addition, each staff member except those holding an Idaho Specialist or or Idaho Limited Certificate shall meet the following requirements:

"a. Be a graduate (Bachelor's or higher degree) from a college or university approved by the Northwest Association of Secondary and Higher Schools, or by a similar accrediting agency, or by the State Board of Education.

"b. Have a minimum of 20 semester hours (30 quarter hours) of professional training in education.

"c. Have a minimum of 16 semester hours (24 quarter hours) of college preparation in each major subject area in which they are assigned and a minimum of 6 semester hours (9 quarter hours) in the specific subject in which they are assigned....

"d. Teachers who do not meet the preparation requirements as stated in Sections a, b, and c of this Standard, but have had exceptional training in the specific subject to be taught and have demonstrated successful teaching ability during a period of not less than two years, may request special consideration by presenting such evidence to the State Department of Education in writing or, if desired, in a personal interview.

"2. Qualifications of Administrators. The principal shall hold a valid Idaho Administrator's Certificate endorsed for a high school principalship or superintendency, a State High School Certificate issued prior to January 1,

1948, or a State High School Life Certificate issued prior to January 1, 1948.

"There shall be one administrator (a certified or credentialed person performing administrative duties) for the first 300 students, and one for each addition 500 students or major fraction thereof. . . .

"3. Instructional Media Personnel. It is recommended that the full-time media specialist have a major in instructional media. The media specialist shall meet the requirements for a classroom teacher with reference to a degree and professional preparation.

"The minimum professional training for professional media specialist shall consist of not fewer than 24 quarter hours in the field. . . .

"The media specialist shall not be expected to perform any other function while on duty as a media specialist.

. . . .

"4. Guidance personnel working in counseling shall be certified with pupil-personnel certificate."

CERTIFICATION STANDARDS FOR
PROFESSIONAL SCHOOL PERSONNEL, 1976

The contents of this handbook "require individuals who have direct responsibility for instruction, personnel services, or administration and who are compensated for their services from public funds to be certified by the Idaho State Board of Education before being employed." This includes every person who serves either as a substitute or as a regular teacher on either full-time or part-time basis in the public schools in Idaho. The requirements for certification are as follows.

CERTIFICATES

"Certificates for elementary teachers are valid in grades one through eight in an elementary school and in grades seven through nine when these grades are included in a secondary school unit, provided the holder of such a certificate meets the minimum requirements of credit in a subject area established for a Secondary Certificate when

teaching in grade nine.

An Elementary School Certificate may be endorsed for teaching music, art or physical education in the secondary school when the teacher has completed three semester credits in secondary school methods or methods in the area of the endorsement or has three semester hours earned through directed teaching of the subject at the secondary level, and meets the academic qualifications for the subject area.

ENDORSEMENTS

An elementary certificate may be endorsed for teaching kindergarten provided the holder has had student teaching in grades 1, 2, or 3, OR has had at least one year of teaching experience in grades 1, 2, or 3 within the preceding five years; and has the recommendation for this endorsement from a superintendent or principal verifying competency for kindergarten teaching.

Secondary School Certificates are valid in grades seven through twelve. A Secondary Certificate which is endorsed for teaching music, art or physical education in the secondary school may be endorsed also to permit teaching in that same area in the elementary school when the teacher has completed three semester credits in elementary school methods in the area of the endorsement or has three semester credit hours earned through directed teaching of the subject at the elementary school level.

A Standard Elementary Certificate may be issued by the State Board of Education to any person of good moral character who has a Bachelor's Degree from an accredited college or university and meets the following specific requirements.

1. A minimum of twenty-four semester (thirty-six quarter) credit hours in the philosophical, psychological, and methodological foundations and in the professionalized subject matter of elementary education which must include not less than six semester (nine quarter) credit hours of elementary student teacher. (Must have some credit in all areas.) Three years satisfactory and successful experience as a teacher in the elementary school may be substituted for the student teaching requirement. (College credit is not

allowed for experience, and driver education is not applicable to professional education credit.)

2. A minimum of forty-two semester (sixty-three quarter) credit hours in general education selected from the following areas: the humanities, the social sciences, the fine arts, mathematics, the physical sciences and/or the biological and language skills.

These forty-two semester (sixty-three quarter) credit hours will include:

- Twelve semester (eighteen quarter)credit hours of English, including composition and literature;
- Twelve semester (eighteen quarter) credit hours of social science, including American history and/or government. (Psychology will not satisfy this requirement);
- Eight semester (twelve quarter) credit hours in two or more areas of natural science. (Psychology will not satisfy this requirement.);
- Three semester (four quarter) credit hours of fine arts (music or art);
- Six semester (nine quarter) credit hours in fundamental arithmetic;

This certificate is valid for a period of five years and is renewable."

An Advanced Elementary Certificate may be issued by the State Board of Education to any person of good moral character who meets the requirements for the Standard Elementary Certificate and, in addition, has a Master's Degree from an an accredited institution with a major in the field of elementary education or has completed an approved Fifth Year Program of study from an accredited institution with a major in the field of elementary education.

"This certificate is valid for a period of five years and is renewable.

"A Standard K-3 Elementary Certificate may be issued by the State Board of Education to any person of good moral character who has a Bachelor's Degree from an accredited college or university and meets the following specific requirements:

1. A minimum of twenty-four semester (thirty-six quarter) credit hours in the philosophical, psychological and methodological foundations and in the professionalized subject matter of K-primary education which must include not less than six semester (nine quarter) credit hours of K-primary student teaching. (Must have some credit in all areas.) Three years' satisfactory and successful experience as a teacher in the K-primary grades may be substituted for the student teaching requirement. . . .

2. A minimum of forty-two semester (sixty-three quarter) credit hours in general education selected from the following areas: the humanities, the social sciences, the fine arts, mathematics, the physical sciences and language skills.. . .

These forty-two semester (sixty-three quarter) credit hours will include:

- Twelve semester (eighteen quarter) credit hours of English, including composition and literature;
- Twelve semester (eighteen quarter) credit hours of social science, including American History and/or government. (Psychology will not satisfy this requirement.)
- Eight semester (twelve quarter) credit hours in two or more areas of natural science. (Psychology will not satisfy this requirement.)
- Three semester (four quarter) credit hours of fine arts (music or art)
- Six semester (nine quarter) credit hours in fundamental arithmetic."

. . . .

This certificate is valid for a period of five years and is renewable.

"An Advanced K-3 Certificate may be issued by the State Board of Education to any person of good moral character who meets the requirements for the Standard K-Elementary Certificate and, in addition, has a Master's Degree from an accredited institution with a major in K-primary elementary education or has completed an approved Fifth Year Program of study from an accredited institution with a major in K-primary elementary education.

This certificate is valid for a period of five years

and is renewable.

. . . .

A Standard Secondary Certificate may be issued by the State Board of Education to any person of good moral character who has a Bachelor's Degree from an accredited college or university and meets the following specific requirements.

1. A minimum of twenty semester (thirty quarter) credit hours in the philosophical, psychological, and methodological foundations and in the professionalized subject matter of secondary education which must include not less than six semester (nine quarter) credit hours of secondary student teaching. (Must have some credit in all areas.) Three years' satisfactory and successful experience as a teacher in the secondary school may be substituted for the student teaching requirement. . . .

2. Preparation in at least two fields of secondary teaching--a major subject of at least thirty semester (forty-five quarter) credit hours and a minor subject of at least twenty semester (thirty quarter) credit hours. Preparation of not less than forty-five semester (sixty-seven quarter) credit hours in a single area may be used in lieu of a major and minor field.

This certificate is valid for a period of five years and is renewable.

. . . .

An Advanced Secondary Certificate may be issued by the State Board of Education to any person of good moral character who meets the requirements for the Standard Secondary Certificate and, in addition, has:

1. A Master's Degree or completed an approved Fifth Year Program of study from an accredited institution, the program for which must include at least: eight semester (twelve quarter) credit hours in professional education [and] eight semester (twelve quarter) credit hours in a teaching field or area of educational service."

This certificate is valid for a period of five years and is renewable.

GENERAL ENDORSEMENTS FOR TEACHING CERTIFICATES

"Either a Standard or Advanced Elementary Certificate or a Standard or Advanced Secondary Certificate may receive the educational media generalist endorsement, or the driver education endorsement by fulfilling the requirements below:

. . . .

Not less than twenty-four semester credit hours in the general field of educational media (or library science), at least twelve hours of which must be in the areas of selection, organization, and administration of educational materials.

ENDORSEMENTS

Up to six semester credit hours in professional education, communications, or graphic arts, beyond any such hours which may be required for qualification for the Standard Certificate, may be substituted for an equal number of hours in the field of educational media for the purpose of meeting the requirements for this endorsement.

. . . .

An Idaho Driver Education teacher shall:

1. Have four semester credit hours which shall consist of not less than two semester credit hours in basic driver education for teachers and followed by not less than two semester hours in courses such as the following: Advanced driver education, general safety education, traffic engineering, driving simulator education, and highway transportation.

2. Have three years of satisfactory driving experience immediately preceding the time of teaching, as evidenced by the State Department of Law Enforcement, Traffic Safety Division."

SUBJECT AREA ENDORSEMENTS FOR SECONDARY TEACHERS

"Secondary certificates are endorsed for subject areas appropriate to Idaho secondary schools. All endorsements require thirty semester credits for a teaching field major, twenty semester credits for a teaching field minor, or forty-five semester credits for a single teaching field.

"Some teaching endorsements require specific preparation within the total credits required. These requirements are listed in the following section.

An official statement of competency in a teaching area or field may be accepted in lieu of courses for a teaching major or minor. Such statement should originate in the department or division of the accredited institution of higher learning in which the competency is established and be approved by the director of teacher education of the recommending institution.

ENGLISH. Not less than six semester credit hours in composition and not less than six semester credit hours in American and English literature. The remainder may be distributed in the related fields of speech, drama and journalism.

SPEECH-DRAMA. Credits spread over both fields with not less than six semester credit hours in each. For separate endorsement in speech or drama, not less than fifteen semester credit hours in the field to be endorsed.

JOURNALISM. Not less than fifteen semester credit hours in journalism and the remainder, if any, to be chosen from English.

SOCIAL STUDIES. Not less than six semester credit hours in American History and not less than three semester credit hours in American Government. In addition, work in two of the following fields to be represented: world history, georgraphy, sociology, economics and anthropology.

AMERICAN GOVERNMENT. Not less than six semester credit hours in American Government, six semester credit hours in American History and three semester credit hours of comparative government.

HISTORY. Not less than nine semester credit hours in American History and not less than three semester credit hours in American Government. The remaining work is to be in history and political science.

BIOLOGICAL SCIENCE. Credits distributed in the areas of botany and zoology, including at least six semester credit hours in each. Some work in physiology is recommended.

PHYSICAL SCIENCE. At least eight semester credit hours in chemistry and eight semester credit hours in physics.

GENERAL SCIENCE. Credits to include work in each

of the following fields: physical, biological and earth science.

MATHEMATICS. Credits to include work in algebra, geometry and trigonometry.

PHYSICAL EDUCATION. Credits distributed to include work in anatomy or physiology and health education.

SECRETARIAL SCIENCE. Six semester credit hours in shorthand and at least one course in intermediate or advanced typewriting. The other credits are to be distributed in business courses which ensure knowledge of office machines, business and office practices and procedures.

BOOKKEEPING. Credits in business subjects, including at least one course in intermediate or advanced typewriting and not less than six semester credit hours of accounting with additional work in business law and business administration.

BUSINESS EDUCATION. Credits to include work in each of the following fields: typewriting, shorthand, accounting and office machines. Additional work may be selected from business law, business administration, retail merchandising, economics and office procedures.

AGRICULTURE. Credits in agriculture to include work in soils, animal husbandry and farm mechanics.

MUSIC. Credits to include work in theory and harmony, applied music (voice, piano, organ, band and orchestra instruments), history and appreciation, conducting, and music methods and materials.

HOME ECONOMICS. Credits in home economics to include work in food and nutrition, clothing and family relationships.

ARTS AND CRAFTS. Credits to include work in four of the following areas: Wood-working, drafting, ceramics, leather work, plastic, the graphic arts and art metal.

INDUSTRIAL ARTS. Credits to include not less than fifteen semester credit hours distributed over and including each of the areas of metal work, woodwork, electricity, and drafting. The remainder may be in allied areas.

FOREIGN LANGUAGE. Credits must be in the language

in which an endorsement is sought."

ADMINISTRATOR'S CERTIFICATE

ADMINISTRATOR

"Every person who serves as a superintendent, a secondary school principal, or a principal of an elementary school with four or more teachers, including the principal, or is assigned administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator's Certificate. The certificate may be endorsed for service as an elementary school principal, secondary school principal or a superintendent.

Possession of an Administrator's Certificate, endorsed for a superintendent, does not entitle the holder to serve as a principal or teacher at a grade level for which he has not qualified for a Standard Certificate. The individual in a position immediately prior to September 1, 1962, for which the Administrator's Certificate endorsed for the superintendent was a satisfactory credential, is authorized to continued service in the same position.

The certificate is valid for a period of five years and is renewable.

. . . .

To be eligible for an Administrator's Certificate endorsed for services as a superintendent, a candidate must have satisfied the following requirements:

1. Hold or be eligible for a Standard or Advanced Idaho teaching certificate.

2. Hold a Master's Degree and provide the verification of completion of graduate work for the Sixth Year Program at a college or university approved by the State Board of Education or accredited by NCATE. . . .

3. Have two years experience in grades K-12 as a teacher plus one year as a school administrator (or administrative intern), or four years as a teacher in grades K-12.

4. This certificate is valid for a period of five years and is renewable. . . . .

To be eligible for an Administrator's Certificate endorsed for services as an elementary principal, a candidate must have satisfied the following requirements:

1. Hold or be eligible for a Standard Elementary

Certificate.

2. Hold a Master's Degree and provide verification of completion of an approved program of graduate study with emphasis in Elementary School Administration from a college or university approved by the State Board of Education or accredited by NCATE for the preparation of Elementary School Principals. It is strongly recommended that an internship in School Administration be a part of the approved program.

3. Have a minimum of three years teaching experience at the elementary school level.

4. This certificate is valid for a period of five years and is renewable.

To be eligible for an Administrator's Certificate endorsed for services as a secondary school principal, a candidate must have satisfied the following requirements:

1. Hold or be eligible for a Standard Secondary Certificate.

2. Hold a Master's Degree and provide verification of completion of an approved program of graduate study with emphasis in Secondary School Administration from a college or university approved by the State Board of Education or accredited by NCATE for the preparation of Secondary School Administrators. It is strongly recommended that an internship in School Administration be a part of the approved program.

3. Have had a minimum of three years teaching experience at the secondary level.

4. This certificate is valid for a period of five years and is renewable."

PUPIL PERSONNEL SERVICES CERTIFICATE

PUPIL PERSONNEL SERVICES

"The Interim Counselor's Authorization is issued only upon the request of the local school district on forms provided by the State Department of Education. It is issued when no person holding the proper certification is available for the position.

"For the Interim Counselor's Authorization, an applicant and the local school district must present satisfactory

evidence of:

"1. A minimum of a Bachelor's Degree from an accredited college or university;

"2. A Standard or Advanced Teaching Certificate;

"3. A minimum of two years of successful teaching experience in grades K-12 as evidenced by recommendation;

"4. A minimum of nine graduate semester hours in course work in guidance; [and] the applicant must have credit in the. . .areas [of] Principles and Practices of Guidance Services; [and] Counseling Techniques.

"5. The Interim Authorization is valid for one year and may be renewed annually upon satisfactory evidence of progress toward the Counselor's Endorsement; that is, at least six semester hours of course work each year applicable to a graduate degree program in guidance and counseling. . . .

"For the Counselor's Endorsement, an applicant must have satisfied the following requirements:

"1. Hold a Master's Degree from an accredited college or university;

"2. Hold or be eligible for a Standard or Advanced Idaho Teaching Certificate;

"3. Have a minimum of two years of successful teaching experience in grades K-12 evidenced by recommendation;

"4. Have a minimum of 18 semester credit hours of guidance courses of which 12 must be taken at the graduate level. It is recommended that the applicant have credit in all of the following areas, however, the starred courses are required: Principles and Practices of Guidance Services*; Organization and Administration of Guidance Services; Occupational and Educational Information; Counseling Techniques*; Analysis of the Individual; Supervised Counseling Practicum*.

"5. This certificate is valid for five years and is renewable.

"For the Psychological Examiner Endorsement an applicant must present satisfactory evidence of:

"1. Master's Degree in Psychology or Education or other closely related areas;

"2. Training which shall include": (a) a psychological foundation of nine semester hours of which three must be taken at the graduate level; (b) educational foundation of twelve semester hours of which six must be taken at the graduate level; (c) six semester hours (undergraduate level permitted) of psychological methods; (d) six semester hours of school organization and programs of which three must be at the graduate level; and (e) an internship of 120 clock hours which may be taken while under contract to a local school if supervision is by an accredited higher institution.

"3. This certificate is valid for a period of five years and is renewable. An individual serving as a psychological examiner must hold the Pupil Personnel Services Certificate, endorsed for Psychological Examiner.

"For the School Psychologist Endorsement an applicant must present satisfactory evidence of:

"1. Master's Degree in Psychology or Education or closely related area.

"2. Minimum of two years training beyond the Bachelor's Degree, including": (a) psychological foundation, fifteen semester hours of which nine must be taken at graduate level; (b) educational foundation, twelve semester hours of which six must be taken at graduate level; (c) psychological methods, six semester hours permitted at the undergraduate level; (d) school organization and programs, nine semester hours of which six must be taken at graduate level; and (e) an internship of 300 clock hours under the supervision of the training institution, 120 hours of which may have been taken while under contract at a local school under the supervision of a higher institution.

"3. This certificate is valid for five years and is renewable. An individual serving as a school psychologist must hold the Pupil Personnel Service Certificate; endorsed as School Psychologist.

An endorsement for interim speech and hearing therapist (clinician) may be granted to applicants who meet

the following requirements: (a) Bachelor's Degree and (b) 36 semester hours inculding six semester hours in basic areas, twelve semester credits in specialized areas, three semester hours in hearing, nine semester hours of electives in appropriate psychology courses and a practicum of 200 clock hours, 45 of which must be in a public school setting; and (c) six semester hours in professional education courses as determined by the training institution.

"This certificate is valid for a period of five years and may not be renewed."

An endorsement for speech and hearing therapist (clinician) may be granted to applicants who meet the following requirements: (a) master's degree and (b) 60 semester hours of special education.

"This certificate is valid for a period of five years and may be renewed."

Endorsement for school social worker may be granted to applicants who meet the following requirements: (a) a Master's Degree in social work from an institution approved by the State Board of Education, or (b) those who have a Master's Degree in guidance and counseling, sociology, or psychology plus one year (30 semester hours) of graduate work in social work education.

"This certificate is valid for a period of five years and is renewable."

Endorsement for interim school nurse may be granted to:

"1. Those applicants who do not meet the requirements for a Standard School Nurse Certificate but hold a valid registered nursing license issued by the Idaho State Board of Nursing to practice in Idaho may be issued an Interim School Nurse Certificate.

"2. This certificate is valid for a five-year period.

"3. Certificates issued prior to January 1, 1972, may be renewed on a one-time basis for a three-year period for the completion of course work in order that the nurse holding the Interim Certificate may meet the requirements for the Standard School Nurse Certificate.

Endorsement for School Nurse may be granted to applicants who meet the following requirements:

1. "A Bachelor's Degree in nursing from an accredited institution which is approved by the State Board of Education or work completed in accredited institutions approved by the State Department of Education. . . .

2. "Clincial experience in either a school or public health setting as part of the Baccalaureate Degree in nursing; or two years of successful full-time school nursing experience; or two years of successful nursing experience in a full-time public health department, which shall include experience in a school setting with school-age children; or one year of successful, full-time school nursing experience and one year of full-time public health nursing experience.

3. "The applicant must also possess a valid registered nursing license issued by the Idaho State Board of Nursing to practice in Idaho.

4. "This certificate is valid for a period of five years and is renewable.

"The Interim Exceptional Child Certificate may be endorsed for one or more of the following areas of exceptionality: mentally retarded, perceptually impaired, auditorially impaired, visually impaired, emotionally distrubed/socially maladjusted, multiple handicapped (crippled, health impaired and neurologically impaired.)

"This certificate may be granted to applicants who meet the following requirements:

"1. Complete a program that provides a Baccalaureate Degree with a major in education.

"2. Complete a minimum number of semester hours related to the specific area of endorsement to include nine semester hours from the following areas: Education of the Exceptional Child, Psychology of the Exceptional Child, Curriculum in the Area of Endorsement, Practicum or Laboratory Experiences in Area of Endorsement.

"Further courses required to meet desired competency shall be determined by the accredited institution of higher

education. Since these requirements will vary according to the specific areas of exceptionality and the individuals involved, the institution is in a position to evaluate the specific program needs prior to certification application.

"3. A recommendation from the training institution indicating the successful progress in a planned program leading to a full certification in special education and competency as a teacher in the specific area of endorsement.

"The Interim Certificate is valid for a period of three years and shall be renewed only once for an additional three years. Renewal shall be contingent upon successful completion of six additional semester hours in courses directly related to the area of full endorsement. [The certification standards for the Interim Exceptional Child Certificate are currently under study by the Idaho Professional Standards Commission. This study may lead to changes in the requirements for certification.]

"The Exceptional Child Certificate may be endorsed for one or more of the following areas of exceptionality: mentally retarded, perceptually impaired, auditorially impaired, visually impaired, emotionally disturbed/socially maladjusted, multiple handicapped (crippled, health impaired and neurologically impaired).

"This certificate may be granted to applicants who meet the following requirements:

"1. A minimum of the Baccalaureate Degree that includes a major emphasis in the area of exceptionality being sought for endorsement. . . .

"2. A recommendation from the training institution indicating the successful completion of the recognized program in special education and competency as a teacher in the specific area of endorsement.

or

"1. A minimum of a Baccalaureate Degree with emphasis in elementary or secondary education from an accredited institution of higher education.

"2. A recommendation from the training institution indicating the successful completion of the recognized program in special education and competency as a teacher in the specific area of endorsement.

"The certificate of full endorsement is valid for a period of five years and is renewable.

LIMITED CERTIFICATES

"The Limited Certificate is issued for the services and fields outlined in this section and is issued to persons of good moral character who satisfy the legal requirements and have the additional training indicated for each service and area. Certificates, except as otherwise noted, are valid for five years and are renewable. . . .

"[The Applied Music Certificate] is issued for private music instruction to pupils for school credit. Certificates must indicate whether the holder is qualified to teach voice, piano or other musical instruments. Applicants may be certified by fulfilling requirements listed under I or II.

"I. Graduation from an accredited college, university or music conservatory with not less than a Bachelor's Degree with a major in applied music in voice or in the instrument which the applicant desires to teach.

II. Applicants who have no degree, or who hold a degree with a major other than applied music, may be certified by meeting the following requirements for equivalency:

"(1) A high school education;

"(2) Two years of academic and music curriculum as required for applied music majors at an accredited college or accredited music conservatory;

"(3) Three years of study at the college or conservatory level in voice or the instrument the applicant expects to teach, as specified by the National Association of Schools of Music; and

"(4) At least twelve points of credit.

. . . .

"A Consultant Specialist Certificate may be issued to

highly and uniquely qualified persons to be employed by a school district on a part-time basis.

"The certificate must be requested by the local school district. It is valid for one year and limited for use to the district which initiates the request.

"Limited Certificates in Trade and Industrial Education are issued for teaching trade and industrial occupations and related technical subjects.

"The certificates are valid for one, three and five-year periods and for occupations and subjects named on the certificate. Training and experience requirements, as well as renewal requirements for the certificate, are prescribed by the Trade and Industrial Education Division. . . .

"Teachers of adult classes in Vocational Education are required to have a State Certificate. Persons with special qualifications in the field of Agriculture, Business, Home Economics, and Trade and Industrial or Technical Education who desire to teach in one of these fields should submit a written statement of their qualifications direct [sic] to the State Supervisor of their respective field of teaching."

CROSS REFERENCE

III.C.Certificated Personnel; Statute §33-1208 -- 33-1211

LIBRARIAN

CROSS REFERENCE

III.A.1; Regulation, Accreditation Standards for Secondary Schools, Standard I -- VI

STATE BOARD OF EDUCATION

CROSS REFERENCE

I.State Board of Education; Statute §33-102; 33-104
I.State Board of Education; Regulation, Policy Manual Ch. 100, §101

VOCATIONAL EDUCATION PERSONNEL

CROSS REFERENCE

II.A.3; Statute §33-2202 — 33-2203

CERTIFICATED PERSONNEL

STATUTES

§33-513

The board of trustees has authority to employ professional personnel who hold valid certificates at the time the written contract is entered into. In school districts other than elementary school districts, the board shall "employ a superintendent of schools for a term not to exceed three years, who shall be the executive officer of the board." The board may "suspend, grant leave of absence, place on probation or discharge certificated professional personnel" for cause, but no such employee shall be discharged during a contract term except under procedures prescribed by the board of education. The board of trustees shall "establish criteria and procedures for the supervision and evaluation of certificated employees . . . not employed on a renewable contract." The board may "request . . . special retirement consideration from the public employees' retirement board on behalf of any employee or renewable contract."

§33-1208; 33-1211

REVOCATION

The state board of education may revoke a certificate because of "gross neglect of duty, incompetency . . . breach of the teaching contract;" making a false statement in the application for a certificate; "revocation . . . or denial of a certificate in another state for any reason constituting grounds in this state;" "conviction . . . of a crime involving moral turpitude;" "any disqualification which would have been sufficient grounds for refusing to issue . . . a certificate, if the disqualification existed or had been known at the time of its issuance." "Proceedings to revoke any certificate . . . shall be commenced by a written complaint against the holder . . . ."

HEARING

"The person complained against may request . . . an [informal] hearing . . . ." Appeal may be to the

district court of the county in which the holder of a revoked certificate has been last employed as a teacher. If a certificate has been revoked or refused and "the cause constituting grounds for refusal or revocation no longer exists," the state board of education may reinstate the certificate "conditionally or unconditionally."

APPEAL

The state board shall suspend the certificate of any person who "has been found guilty of committing, or attempting to commit, any of the crimes defined in Sections 18-6101, 18-6602, 18-6605, or 18-6607" or a crime "within the meaning of any of those crimes defined in said sections" in any other state. Suspension shall be terminated if the conviction is reversed upon appeal or the person is acquitted in a new trial or charges dismissed. "Any publication or communication made by any member of the state board of education . . . or by any person delegated . . . to hold . . . any hearing . . . in the proper discharge" of the duties imposed under these sections "shall be privileged."

SUSPENSION

§33-1212 — 1215

"During the third full year of continuous employment by the same school district . . . each certificated employee . . . school nurse and school librarian shall be evaluated for a renewable contract." If such contract is offered and signed, the employee is "placed on a renewable contract status . . . until the age of sixty-five years." Each such employee "shall have the right to automatic renewal of contract by giving notice . . . of acceptance of renewal." "Before the board of trustees can determine not to renew the contract of any certificated person . . . or to renew the contract . . . at a reduced salary, such person shall be entitled to a probationary period . . . preceded by a written notice from the board."

EVALUATION

RENEWAL

If any "employee desires release from the ensuing contract," the board of trustees may request a "hearing before the professional standards commission, alleging

that the certificated employee is guilty of unethical or unprofessional practice."

REGULATIONS

Policy Manual
Ch. 300, §307

"The board of trustees of each school district shall have the following powers and duties. . .to suspend, grant leave of absence or discharge certificated professional personnel for continued violation of any lawful rules or regulations of the board of trustees or of the State Board of Education, or for any conduct which could constitute grounds for revocation of a teaching certificate. No certificated professional employee shall be discharged during a contract term except under procedures prescribed by the State Board of Education."

DISCHARGE

§307.2

"The superintendent, acting as the authorized representative of the board of trustees, may suspend a certificated professional employee under contract by verbal notice which shall be reduced to writing not later than the succeeding day. Such suspension shall be limited to (1) continued violation of any lawful rules or regulations of the board of trustees or the state board of education, or (2) for any conduct which could constitute grounds for revocation of a teaching certificate.

SUSPENSION

"Suspension of an employee under contract shall precede discharge, and the salary of the suspended employee shall continue until such time as discharge is effected or the employee reinstated.

"If the board of trustees approves of the action of the superintendent, it must draft a resolution of suspension and record it in its minutes within ten (10) calendar days or at the next regular meeting of the board, whichever is first. Such resoltuion shall state the reason, or reasons for suspension and provide for a hearing on the reinstatement or discharge if requested by the employee.

"A notice of confirmation by the board of trustees of the suspension shall be provided the employee in writing within forty-eight (48) hours and shall set forth the reasons therefor.

"If requested by the employee within six (6) days following the receipt of confirmation of the suspension, the board of trustees shall hold a hearing within fifteen (15) days following the request thereof to consider the reinstatement or discharge of the employee, and shall advise the employee of the date of the hearing not less than six (6) days prior to the date of the hearing.

HEARING

"The employee shall be entitled to be represented by legal counsel and/or by representative of the local or state teachers association. The board of trustees may also be represented by counsel. The hearing shall be in executive session of the board unless the employee requests in writing that the hearing shall be open to the public.

RIGHT TO COUNSEL

"Following the hearing, or if no hearing is requested, the board shall discharge or reinstate the employee. No discharge shall carry an effective date prior to the date of the official action of discharge by the board.

"The authorized representative of the board shall within three (3) days notify the employee in writing of the decision of the board.

"Without limitation or otherwise interfering with any judicial review available to the employee, there is no basis in law for any review of the proceedings by the state board of education."

CROSS REFERENCE

I.Professional Standards Commission; Statute §33-1251 -- 33-1253

HIGH SCHOOL DIPLOMA RECIPIENTS

REGULATIONS

Accreditation Standards For Secondary Schools:

POLICY FOR ACCREDITING HIGH SCHOOL LEVEL
TESTS OF GENERAL EDUCATION DEVELOPMENT

"The State Department of Education issues an

equivalency certificate to all adults, provided they meet the following requirements:

"1. Minimum test scores: A standard score of 45 or above on each of the five tests.

"2. Minimum age: Twenty.

"3. Residence: Must be a bona fide resident of Idaho at the time of application and for a period of six months just preceding application. Residence may not be gained or lost by reason of military service.

GED TESTS

"4. Previous high school enrollment: a. Previous high school enrollment not required. b. A one semester course in American Government is required, the course to include United States Constitution and principles of state and local government. This requirement may be met by resident study in high school or college or by correspondence study from an accredited university, USAFI, MCI, or CGI.

Rehabilitation Program for State High School Diploma
["Accreditation Standards and Procedures for Secondary Schools" 1970]

Any student, parent or court may present, through the local district, a program which will enable the student to complete requirements for the high school diploma. Such students must be state residents.

Any programs presented may consist of instructional courses.

Students may be instructed by teachers qualified in the course being taught or persons trained in the subject area to be taught. All instructors shall have the approval of the local district.

Programs of study submitted shall:

Be planned and approved by the local district of which the student is a resident, or by the high school which has the student's records.

Indicate how the costs shall be borne -- tuition, fees, textbooks, etc.

A transcript must be submitted with the program and must show: dates of attendance, subjects taken, grades received, credits earned, units required for graduation from the local school.

List the courses which must be completed and credits earned to complete the graduation requirements of the local school in effect at the time of request.

Indicate the willingness of the school district to provide assistance to the participating student.

Work completed shall be recorded in the district where the program originated.

Upon the completion of the program, the local district shall submit a transcript to the State Board indicating the additional credits earned.

Upon receipt of the transcript, the State Board will issue a high school diploma, designating the credits earned in residence at the high school and the additional credits earned. No diploma will be issued prior to the regular graduation date of the class.

CROSS REFERENCE

II.A.1; Regulation, Policy Manual, Chap. 400, §401

PUBLIC SCHOOLS

REGULATIONS

Policy Manual
Ch. 200, §201

"The State Superintendent of Public Instruction shall withhold funds as required by law when a violation of certification requirements is determined.

SCHOOL BOARD TRUSTEES

CROSS REFERENCE

I.Board of Trustees: Statute §33-506--510

SCHOOL PERSONNEL

STATUTES

§18A-2-7

"The superintendent, subject only to the approval of the board, shall have authority to assign, transfer, promote, demote or suspend school personnel and to recommend their dismissal . . . .[Employees] shall be notified in writing by the superintendent on or

before the first Monday in April [about their transfer] . . . [They] may request in writing a statement of the reasons for the proposed transfer . . .[to be] delivered. . . within ten days of the receipt of the request. Within ten days of the receipt of the statement . . . [they] may make a written demand [to] the superintendent for a hearing . . . before the county board of education . . . [to be] held on or before the first Monday in May . . . The superintendent . . . shall furnish in writing to the board a list of teachers and . . . employees to be considered for transfer . . . . who shall be notified in writing . . . within ten days following said board meeting . . . ."

TRANSFER

"The provisions of this section . . . shall not be applicable in emergency situations where the school buildings have become damaged or destroyed through an unforeseeable act which . . . necessitates [the] transfer of . . . school personnel . . . ."

§33-1221

No employee of a public school district shall sell to pupils, or their parents or guardians, "any services or merchandise to be used in the schools . . . except under such rules and regulations . . . adopted by the board of trustees of the district."

School Programs

CROSS REFERENCE

III.A.1; Regulation, Accreditation Standards for Secondary Schools, Standard I -- VI

State Board of Education Members

Statutes

§33-103

The governor may remove from the state board "any member . . . proved guilty of gross immorality, malfeasance in office or incompetency".

REMOVAL

STUDENTS

CROSS REFERENCES

II.A.1; Regulation, Policy Manual, Chap. 400, §401

II.A.1; Regulation, Accreditation Standards for Secondary Schools: Standard III.C.

IV.G; Statute §33-1404

TEACHERS

STATUTES

§18A-2-8a

"The superintendent at a meeting of the board on or before the first Monday in May . . . shall provide . . . a list of all probationary teachers that he[she] recommends to be rehired for the next ensuing school year . . . . Any such probationary teacher or . . . employee who is not rehired by the board . . . shall be notified in writing . . . within ten days following said board meeting . . ."If he[she] has not been rehired or reemployed, a statement of reasons for not having been rehired may be requested within ten days of receipt of the notice, and the probationary teacher or employee may request a hearing to be held "at the next regularly scheduled board of education meeting or a special meeting of board called within thirty days of the request for hearing."

HEARING

§33-1254; 33-1257

"The professional standards commission shall have authority to adopt recognized professional codes and standards of ethics, conduct and professional practice . . . applicable to teachers in the public schools, and submit the same to the state board of education for its consideration and approval." Upon request of any local board of trustees or certificated employees, "the commission may hold hearings on any allegation of unethical or unprofessional practice, or incompetency of any teacher." Hearings are informal, and are "conducted by three or more panel members . . . a majority of whom shall hold a position of employment the same as

CODE OF ETHICS

HEARING

the person complained against."

"After a hearing . . . the commission . . . shall submit its findings and recommendations to the state board of education. No person shall be deprived "of any administrative or legal remedy afforded by any other statute . . . and all hearings . . . shall be held only after reasonable notice to all parties concerned."

§33-1258

"The professional standards commission may make recommendations to the state board of education in such areas as teacher education . . . certification and teaching standards," and recommendations to the state board and local boards of trustees that "will promote improvement of professional practices and competence of the teaching profession."

REGULATIONS

Policy Manual
Ch. 300, §303

"A professional standards commission is hereby created, in the department of education, consisting of seventeen (17) members. . .

"1 member from the State Department of Education

"1 member from Vocational Education Department

"7 certified classroom teachers; at least one teacher of exceptional children and at least one teacher in pupil personnel services

"1 member from the School Superintendents Assocation

"1 member from the Secondary Principals Association

"1 member from the Elementary Principals Association

"1 member from the School Trustees Association

"1 member from the Private Higher Institutions

"3 members from Junior Colleges and Public Higher Institutions.

"The commission shall have authority to adopt recognized professional codes and standards of ethics, conduct and professional practices which shall be applicable to teachers in the public schools of the state, and submit the same to the

State Board of Education for its consideration and approval.

"Whenever requested to do so by any board of school district trustees, or by any school trustees association, or by any local teachers association, or by any state teachers association, or by the Idaho association of school superintendents, or by the Idaho association of secondary school principals, or by the Idaho association of elementary school principals, the commission may hold hearings on any allegation of unethical or unprofessional practice, or incompetency of any teachers.

"The commission may make recommendations to the State Board of Education in such areas of teacher education, teacher certification and teaching standards, and such recommendations to the State Board of Education or to boards of trustees of school districts, as, in its judgment, will promote improvement of professional practices and competence of the teaching profession and the quality of education in the public schools of this state."

"The Code of Ethics, Rules and Procedures of the Professional Standards Commission was approved by the State Board of Education November 9-10, 1972."

"Guidelines for Higher Institutions to use in recommending candidates for teaching certificates approved by the State Board of Education September 7-8, 1972."

"Policy for procedure to submit letters of authorization to the State Board be established by the Professional Standards Commission and that the requests for letters of authorization be reviewed by a committee from the Commission with their recommendation."

"The standard procedure for approval of courses relating to teacher certification shall be successively

through the departmental curriculum committee, the institutional committee, the curriculum committee of academic vice presidents, and the planning committee of the State Board of Education. Upon recommendation by the planning committee, the proposal will be referred to the Professional Standards Commission for its review and recommendation to the State Board of Education. The Professional Standards Commission will continue to make on-campus visitation and evaluation of teacher education programs and to continue to make recommendations to the State Board for approval of such programs."

D. Evaluation and Reporting

Certificated Employees

CROSS REFERENCE

III.C.Certificated Personnel; Statute §33-513

Educational System

CROSS REFERENCE

I.State Board of Education; Statute §33-106; 33-108 -- 33-111

Educational Programs

REGULATIONS

Accreditation Standards For Secondary Schools:
STANDARD IX.

The self-evaluation of school education programs shall be conducted on a continuous basis. The method suggested for this process is the Evaluative criteria of the National Study of Secondary School Evaluation.

Instruction Plan for Special Education

CROSS REFERENCE

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §4.0

School Statistics

STATUTES

§33-120; 33-121

"The state board shall prescribe forms for

financial and statistical reports" that will be uniform in all school districts. The state board may request a report of the "books and accounts" of any district from the trustees of the district.

SECONDARY SCHOOLS

REGULATIONS

Accreditation Standards For Secondary Schools:
STANDARD VIII. C.

All administrative reports are to be completed and promptly forwarded, along with accreditation reports, to the State Board.

School and school districts shall maintain records of teacher qualifications and biographical information.

Financial records of the student activity funds shall be audited annually and held in trust by a bonded faculty member.

Credits of transfer students from accredited Idaho high schools are to be accepted by all state schools.

Written policies which control all activities shall be formulated by the staff and adopted by the Board of Trustees. Excusing pupils from class for an extended period of time to take part in other classes or activities shall not be allowed.

Pupil attendance records are to be maintained and those missing 85 percent of school time in a subject shall not receive credit for that subject.

School principals shall assign staff their duties, each teacher being placed in fields he/she has been trained for.

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCES

II.A.2; Statute §33-2003

E. Improvement Efforts

Teachers

Statutes

§33-1220

Local boards of trustees "may establish . . . uniform requirements for in-service training of certificated personnel; and the board may . . . halt teaching service increments . . . due any . . . employee upon . . . failure to fulfill such requirement."

CROSS REFERENCES

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §3.11

III.C.Teachers; Statute §33-1258

III.C.Teachers; Regulation, Policy Manual, Chap. 300, §303

J. Student Rights and Discipline

Statutes

§33-205

The board of trustees may expel any pupil "who is an habitual truant . . . incorrigible . . . or whose conduct . . . is . . . disruptive of school discipline, or of instructional effectiveness of the school, or whose presence . . . is detrimental to the health and safety of other pupils." The board of trustees may prescribe conditions for readmission of an expelled pupil. Prior to expulsion, written notice must be given to the pupil's parent or guardian, and a "full and fair hearing" must be granted by the board of trustees.

EXPULSION

NOTICE

HEARING

"The superintendent of any district or principal of any school may temporarily suspend any pupil" for a period no longer than five school days. Prior to suspension, "an informal hearing on the reasons for the suspension" shall be held.

SUSPENSION

§33-1222 -- 1224

"Certificated employees . . . shall be free from abuse by parents or other adults." Teachers have the right to direct and govern the behavior of students while in school. "It is the duty of a teacher to carry out the rules and regulations of the board of trustees in controlling and maintaining discipline."

CROSS REFERENCES

III.A.2; Statute §33-511 -- 33-512

IV.E; Statute §33-1901 -- 33-1902

IV.E; Statute §33-1903

ILLINOIS

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 1-1

Each school will be periodically visited for the purpose of recognition. Each evaluation will be led by a representative from the Public School Approval Section of the Illinois Office of Education and will include the respective Regional Superintendent or designee.

SCHOOL VISITS

Ch.1-2

The Public School Approval Section and the Regional Superintendent will determine the extent to which the educational program is meeting the specified requirements of the state.

Ch.1-3

As part or the recognition standards, a school district shall file a written program plan with the Illinois Office of Education. The Program Plan Information shall be annually revised, updated and submitted to the Illinois Office of Education, Public School Approval Section. In the development and revision of its Program Plan, the board of education shall reflect community involvement.

Ch.1-4

"Pending Further Audit" may be assigned to a district just visited because of limited violations which could be corrected within the current school year. This is a temporary condition and not an official recognition status.

Ch.1-5

There are three types of recognition status: Full Recognition, Probationary Recognition, and Nonrecognition.

Full Recognition is granted to a school district or attendance center which has undergone an on-site evaluation by representatives of the State Board of Education, Illinois Office of Education, Public School Approval Section and the respective Regional Superintendent, and meets the minimal standards required of all elementary and secondary schools and has submitted an Annual Application for Recognition.

Probationary Recognition is given to a school district or attendance center which has not met the minimal standards. Probationary Recognition is a warning that the school shall make certain improvements.

Nonrecognition is given to a school district or attendance center which fails to submit an Annual Application for Recognition, fails to meet legal requirements, or fails to give evidence of meeting minimal standards.

Ch.1-6

School districts assigned Probationary Recognition or Nonrecognition may request reevaluation by the Illinois Office of Education to substantiate corrections of the areas of noncompliance previously cited.

Ch.1-8

The following procedure shall be used for all appeals concerning recognition except those which are related to desegregation.

LEVEL I

At the conclusion of each evaluation visit to a local school district, the educational specialist (team leader) in charge of the visit conducts a summary conference. At this point, each item that was determined to be below minimal standards, or is an area of concern, is discussed. This summary conference represents the first level of the appeal process.

LEVEL II

The educational specialist who conducts the visit writes a formal report indicating the areas of noncompliance and any time limitations for making corrections. The superintendent of the school district has forty-five(45) days after receiving the written report to submit a formal written reaction to listed areas of noncompliance. The local board of education or superintendent may appeal a recommendation based on documented evidence presented by the district through the Regional Superintendent.

LEVEL III

The Public School Approval Recognition Committee, consisting of the Public School Approval staff, meets four times during the school year. This committee discusses and considers recommendations for recognition status of districts that have been visited.

LEVEL IV

At the final meeting of the Public School Approval Recognition Committee, all schools that were previously recommended for less than Full Recognition and those visited in the last quarter are discussed. Again, Regional Superintendents are invited to attend the meeting, along with a representative of the school district.

LEVEL V

APPEAL

Local boards of education that wish to appeal the recommendations of the Public School Approval Recognition Committee may do so by filing a formal statement of appeal within fourteen(14) days of receipt of the letter of notification following the last quarterly meeting. The appeal notice shall be submitted to the Regional Superintendent and the Assistant Superintendent, Department of Recognition and Supervision, Illinois Office of Education. Within seven(7) days of receipt of the appeal notice, the Assistant Superintendent, Department of Recognition and Supervision, will convene an Appeals Committee which will conduct a hearing and will review all the pertinent information, including the procedures which led to the recommended recognition status. Local districts shall

HEARING

have the opportunity to present evidence that the program or service in question meets the purpose behind a given resolution. The Committee's findings shall be forwarded to the State Superintendent of Education with a specific recommendation. The decision of the State Superintendent of Education, who may accept or reject the committee's recommendation, shall be a final administrative decision. The district shall be notified of the decision within fifteen(15) days of the conclusion of the hearing.

2. Other Qualification Standards

Statutes

§10-19 - 10-19.1

Each school board shall prepare a school calendar for each school year, providing a minimum term of 185 days. A school board may establish experimental programs at the high school level, including programs for "self-directed learning" or learning outside the classroom. These programs will be considered to comply with school calendar requirements.

A school district may, if its board approves, operate one or more schools in the district on a full year school plan.

Regulations

Ch.4-2

Class schedules shall be maintained in the administrative office in each attendance center of a school district. Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the state. [It] shall make provisions for students of different talents, intellectual capacities, and interests.

INSERVICE TRAINING

Every school district shall:

Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

DISCRIMINATION

Include in its instructional program concepts which are designed to improve students' understanding and relationships between individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

Boards shall adopt and implement a policy for the distribution of teaching assignments, including

Ch. 6-2

To be a fully recognized school or school district, all professional staff members shall be properly certified in accordance with The School Code of Illinois. No one shall teach or supervise in a public school unless that individual holds a certificate of qualification for the position to which that individual has been assigned.

B. Qualification Standards for Personnel

Administrators

Statutes

§12.06

The chief administrator of a special school shall hold a principal's certificate and approval in at least one area of exceptionality served by the school.

§21-7.1

An administrative certificate valid for 4 years of teaching, supervising and administering shall be issued to persons with a master's degree who have been certified as

having completed a program of preparation in this area.

There are three endorsements for this certificate: general supervisory, general administrative and superintendent.

The general supervisory endorsement, required for supervisors and curriculum directors, shall be given to those persons who have earned at least 16 hours of graduate credit in professional education and completed at least two years of full-time teaching experience.

The general administrative endorsement, required for principals and assistant superintendents, shall be awarded to persons with 20 semester hours credit in education administration and two years of full-time teaching experience.

The superintendent endorsement shall be given to persons who have completed 30 hours of graduate credit beyond the master's degree and with two years of experience as an administrator or supervisor.

CERTIFICATED PERSONNEL

§21-14

A limited four-year certificate is renewable at its expiration or within 60 days thereafter by the regional superintendent of schools.

DISTRICT BOARD MEMBER

CROSS REFERENCE

I. District Board of Education; Statute §10-1 -- 10-15

MEDIA PERSONNEL

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 7-5

Preparation of person providing media services:

Media Professional:

Responsible for both library and audio-visual services to students, teachers and other school personnel.

Appropriate teacher certificate; work in the field: 18 semester hours in library science -- media; professional preparation (at four-year college and/or graduate levels) in administration, organization (cataloging and classification), reference, and selection of materials (elementary and/or secondary levels).

Media Specialist:

Responsible for both library and audio-visual services to students, teachers and other school personnel.

Standard special certificate with library science -- media (instructional materials) teaching endorsement; work in field: 32 semester hours in media (instructional materials, library science, audio-visual) including professional preparation (at four-year college and/or graduate levels) in administration, organization (cataloging and classification), reference, selection, materials for both elementary and secondary levels, production and communications.

Media supervisor or director:

Works with teachers and supervises other media professionals and specialists.

Supervisory or standard special supervisory endorsement, or the general supervisory endorsement (administrative certificate) with specialization in media.

These standards do not apply to those individuals employed prior to September 1, 1978.

NON-CERTIFIED PERSONNEL

REGULATIONS

Rules and Regulations for the Utilization of Teacher Aides and Other Non-Certificated Personnel

II.

Other non-certificated personnel may be utilized by school districts. Such personnel may be employed or utilized on a volunteer basis, and may only be utilized for school activities not directly connected with the academic program of the schools.

III.

The School Code of Illinois authorizes the use of non-certificated persons, under the direction of a certificated teacher, to provide specialized instruction not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified, by reasons of their specialized knowledge or skills.

PRINCIPALS

CROSS REFERENCES

I.Principals; Statute §10-21.4a

I.Principals; Statute §34-8.1

PUPIL PERSONNEL

REGULATIONS

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 7-6

Standards for pupil personnel services [include]:

School psychologists, social workers in schools, and school guidance counselors shall hold a Type 10 or Type 73 Certificate with the appropriate endorsement.

All school nurses must be registered professional nurses. Any school nurse, first employed on or after July 1, 1976, shall hold a Type 73 Certificate with the school nurse endorsement.

REGIONAL SUPERINTENDENT

CROSS REFERENCE

I.Regional Superintendent; Statute §3-.01 -- 3-15.14

SCHOOL BOARD MEMBERS

CROSS REFERENCES

I.Local Board of Education; Statute §33-1; 33-2

I.Local Board of Education; Statute §34-2 -- 34-4

SCHOOL SERVICE PERSONNEL

STATUTES

§21-25

A school service personnel certificate shall be issued to applicants of good character who are U.S. citizens and at least 19 years old. Applicants must have a bachelor's degree and meet requirements established by the State Superintendent of Education. When the holder of the certificate has received a master's degree, the certificate may be endorsed for supervision.

STATE BOARD OF EDUCATION

CROSS REFERENCE

I.State Board of Education; Statute §1A-1 -- 1A-6

STATE SUPERINTENDENT OF SCHOOLS

CROSS REFERENCE

I.State Board of Education; Statute §1A-1 -- 1A-6

SUBSTITUTE TEACHERS

STATUTES

§21-9

A substitute teacher's certificate may be issued to persons who have either a valid teaching certificate, a bachelor's degree, or two years of teaching experience.

TEACHERS

STATUTES

§14-9.01

Only qualified, certified teachers may be hired to teach in special education programs.

§21-1

To be qualified to teach, a person must be of good character, a U.S citizen, at least 19 years old, and in good health.

Teachers must hold a valid certificate granted by the State Teacher Certification Board.

§21-2

The following types of certificates shall be issued: "Provisional vocational certificate, temporary provisional vocational certificate, early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate."

§21-2.1

An early childhood certificate shall be valid for four years for teaching children up to six years of age. The certificate will be issued to those who have a bachelor's degree with courses in professional education or early childhood education.

§21-3

An elementary school certificate shall be valid for four years for teaching in kindergarten and the lower nine grades. It shall be issued to persons with a bachelor's degree including at least 16 semester hours in professional education.

§21-4

A special certificate,"valid for four years for teaching the subject named in all grades, shall be issued to the holder of a bachelor's degree with at least 16 semester hours in professional education. When the holder of this certificate earns a master's degree, it may be endorsed for supervision."

§21-5

A high school certificate shall be valid for four years for teaching in grades 6 to 12. It shall be issued to the holder of a bachelor's degree who has completed at least 16 hours of professional education and a student teaching program.

§21-10

The State Teacher Certification Board may issue a provisional certificate valid for teaching in elementary, high school or special subject fields. The provisional certificate may be issued to a person who meets the requirements for a teaching certificate in another state. The certificate is valid for two years and shall not be renewed. The Board may also issue a provisional vocational certificate and a temporary provisional vocational certificate.

§21-11

The Certification Board may also issue a general certificate for part-time teachers of adult education subjects. The requirement for this certificate is determined by the State Board and the Certification Board.

§21-11.1

An applicant who holds a teaching certificate from another State may be granted an Illinois certificate on the written authorization of the Certification Board. The requirements for a teaching certificate previously met by the applicant must be equivalent to the Illinois requirements.

§34-83 — 34-87

A board of three examiners, the superintendent and two persons approved by the board of education upon his or her recommendation, "shall examine all applicants required to teach . . ." The board shall issue certificates "to those who pass a required test of character, scholarship and general fitness."

Appointments and promotions "shall be made for merit only, and offer satisfactory service for a probationary period of three years. Appointments shall become permanent, subject to compulsory retirement (65), rules governing "conduct and efficiency", and "removal for cause". Removal for cause shall be subject to notice and hearing requirements, and the board determination is final.

Teachers shall maintain discipline in the schools. In matters relating to discipline, the teacher stands in the relation of parent to the child.

A teacher who has served the three-year probationary period shall not be removed except for cause. The teacher is entitled to written notice and a hearing on the charges. NOTICE HEARING

REGULATIONS

Driver Education for Illinois Youth

4.01

School administrators and managers are responsible for qualifications of all instructive personnel. These officials may call on the Safety Education Unit for evaluation of teachers. Such an evaluation is to be conducted on all beginning teachers.

Driver Education for Illinois Youth

4.02

A driver education teacher is required to have three courses, in the subject, for approval and is encouraged to participate in continuing driver education classes. Inservice training for driver education instructors is encouraged.

4.02.1

Instructors in driver education must be certified teachers, hold a valid driver license and be in good health.

Minimum Requirements for State Certificates.

No one shall be certified to teach or supervise in the public schools of the State of Illinois who is not of good character, good health, and at least nineteen years of age.

I.

STANDARD ELEMENTARY CERTIFICATE

The Standard Elementary Certificate is valid for 4 years for teaching in kindergarten through grade nine of the common schools. This certificate may be issued to graduates with a bachelor's degree from a recognized college who present certified evidence of having earned credits as follows:

	SEMESTER HOURS
A. General Education	78
including:	
1. Language Arts	9
2. Science	7
3. Social Science (including a course in American History and/or Government)	7
4. Humanities (including a minimum of one semester hour in Music and one semester hour in Art)	6

5. Mathematics 5
6. Health and Physical Education 3
7. Additional work in any above fields and/or Psychology (except Educational Psychology) to total. 78

B. Professional Education. 16

II.

STANDARD HIGH SCHOOL CERTIFICATE

The Standard High School Certificate is valid for 4 years for teaching in grades six through twelve of the common schools. This certificate may be issued to graduates with a bachelor's degree from a recognized college who present certified evidence of having earned credits as follows:

SEMESTER HOURS

A. General Education 42
including:
1. Language Arts 8
2. Science and/or Mathematics. 6
3. Social Science (including a course in American History and/or Government) 6
4. Humanities. 6
5. Health and Physical Education 3
6. Additional work in any above fields and/or Psychology (except Educational Psychology) to total. 42

B. Professional Education 16

C. One Major Area of Specialization. 32
or
Three Minor Areas of Specialization (24 each) . . 72

III.

STANDARD SPECIAL CERTIFICATE

The Standard Special Certificate is valid for 4 years for teaching the special subject(s) named on the Certificate in all grades of the common school. This certificate may be issued to graduates with a bachelor's degree from a recognized college who present evidence of

having earned credits as follows:

SEMESTER HOURS

A. General Education 42

including:

1. Language Arts 8
2. Science and/or Mathematics. 6
3. Social Science (including a course in American History . and/or Government). . . 6
4. Humanities. 6
5. Health and Physical Education 3
6. Additional work in any above fields and/or Psychology (except Educational Psychology) to total. 42

B. Professional Education 16

C. Areas of Specialization 32

D. Supervisory Endorsement on the Standard Special Certificate

The Standard Special Certificate is valid for teaching and supervising in a special area when the holder files evidence of: (a) possessing a master's degree or higher from a recognized institution of higher learning; (b) possessing eight semester hours of graduate professional education which shall include at least one course that relates primarily and explicitly to the supervision of personnel, and one course primarily and explicitly relating to the administration and organization of schools; and (c) at least two years of appropriate teaching experience.

IV.

EARLY CHILDHOOD CERTIFICATE

The Early Childhood Certificate is valid for 4 years for teaching children up to 6 years of age, exclusive of children enrolled in kindergarten, in facilities approved

by the State Board of Education. This certificate may be issued to graduates with a bachelor's degree from a recognized college who present certified evidence of having earned credits as follows:

	SEMESTER HOURS
A. General Education	78
including:	
1. Language Arts	9
2. Science	7
3. Social Science (including American History and/or Government)	7
4. Humanities	6
5. Health and Physical Education	3
6. Additional work (46 semester hours) in any of the first four fields above and/or Psychology to total	78
B. Professional Education	22

VI.

PROVISIONAL CERTIFICATE

The State Teacher Certification Board may issue a provisional certificate valid for elementary, high school, or special subject fields, provided the following requirements are met:

1. An individual must meet the requirements for a regular teaching certificate in another state and must present evidence of such.

2. An individual must present certified evidence of having earned a bachelor's degree from a recognized institution of higher learning.

3. The academic and professional courses offered as a basis of the provisional certificate must be courses approved by the State Board of Education in consultation with the State Teacher Certification Board.

A certificate earned under this plan is valid for 2 years and shall not be renewed.

VII.

PROVISIONAL VOCATIONAL AND TEMPORARY PROVISIONAL VOCATIONAL CERTIFICATES

The State Teacher Certification Board may issue a Provisional Vocational and a Temporary Provisional Vocational Certificate. The requirements for these certificates shall be determined by the State Board of Education in consultation with the State Teacher Certification Board.

The following requirements must be met:

Provisional Vocational Certificate

1. Evidence of possessing 60 semester hours of credit from a recognized institution of higher learning.

2. Documented evidence of 2,000 hours work experience in the specific area to be taught.

Temporary Provisional Vocational Certificate

1. Documented evidence of 8,000 hours of work experience in the specific skill area to be taught.

2. Must earn 3 semester hours of college credit prior to the renewal of certificate each year.

No such certificate shall be issued except upon certification by the employing board, subject to the approval of the Superintendent of the Educational Service Region, that no qualified teacher holding a regular certificate or a Provisional Vocational Certificate is available and that actual circumstances and need require such issuance.

VIII.

SUBSTITUTE CERTIFICATE

A Substitute Teacher's Certificate may be issued for teaching in all grades of the common schools when no appropriate fully certified teacher is available to teach in a substitute capacity. Such certificate may be issued upon request of the regional superintendent of schools of any region in which the teacher is to teach. A Substitute Teacher's Certificate is valid for teaching in the public schools of any county.

IX.

GENERAL CERTIFICATE

The State Teacher Certification Board, upon the request of the employing board, may issue a General Certificate for teachers of Adult Education subjects. The certificate is valid for teaching the subject or subjects named on the certificate. The local board certifies the training and experience that qualifies the applicant for teaching in the field.

X.

GENERAL INFORMATION REGARDING CERTIFICATION

Lapsed Certificates

All standard certificates not registered or renewed shall lapse after a period of 4 years following the last year of registration. Lapsed certificates may be reinstated for a one-year period upon payment of all accumulated registration fees.

Constitution Examination

No certificate shall be renewed for the first time unless the person holding the certificate has passed or shall pass an examination upon the provisions and principals of the Constitution of the United States and the State of Illinois. This renewal requirement may be met in either of two ways: (1) by passing such examinations or having taken an equivalent course at the preparing institution prior to graduation; (2) by passing such examination administered by a Superintendent of an Educational Service Region.

XI.

SCHOOL SERVICE PERSONNEL CERTIFICATE

A School Service Personnel Certificate with endorsements for School Social Worker, School Psychologist, Guidance and School Nurse may be issued to qualified applicants.

Requirements for the School Social Worker Endorsement

The basis for School Social Worker Endorsement on the School Service Personnel Certificate shall be

the Master of Social Work Degree from a graduate school of social work accredited by the Council on Social Work Education.

Requirements for the School Psychologist Endorsement

Educational Requirements:

A. Must have graduated with a master's degree or higher degree in psychology or educational psychology from an institution of higher learning which maintains equipment, course of study, and standards of scholarship approved by the State Board of Education, including a minimum of fifty-six (56) semester hours of psychology or educational psychology, undergraduate or graduate.

B. Must have had at least one(1) year of supervised professional psychological experience with children of school age, preferably in a school setting and under the supervision of an individual qualified as a supervising psychologist.

Additional qualifications required:

a. Proficiency in individual psychological examination of children including educational diagnostic techniques; ability to plan and carry out a diagnosis adequate for each particular case; ability to handle staff conferences, interpret data, and write adequate reports; proficiency in counseling and other functions that may be needed to supplement the psychological assessment of children.

b. Ability and willingness to work according to high standards of competence and comply with the code of ethics of recognized professional associations.

c. Good character, good health, citizen of the United States and at least nineteen (19) years of age.

Requirements for the Guidance Endorsement

A. Requirements:

1. Guidance specialists must hold or be qualified for a standard teaching certificate.

2. Guidance specialists must hold a master's degree.

3. Guidance specialists msut have completed an approved program in guidance from a recognized college or university consisting of 32 semester hours of course work. An approved program shall include a supervised practicum experience.

B. All Counselors who presently hold a specialist's certificate would be eligible to obtain a School Service Personnel Certificate, with a Guidance Specialist Endorsement.

Requirements for the School Nurse Endorsement

A. Baccalaureate degree.

B. Licensed as a registered professional nurse in Illinois.

C. A total minimum of 30 undergraduate or graduate semester hours.

Requirements for the Supervisory Endorsement on School Service Personnel Certificate

The holder of the School Service Personnel Certificate may have the added endorsement for supervision upon:

1 Presentation of evidence of possessing a master's degree or higher from a recognized institution of higher learning;

2. Presentation of evidence of possessing eight semester hours of graduate professional education which shall include at least one course that relates primarily and explicitly to the supervision of personnel, and one course primarily and explicitly relating to the administration and organization of schools; and

3. Presentation of evidence of at least two years of appropriate school service personnel experience.

Individuals desiring the supervisory endorsement should submit all official documentation and their certificate through the office of the Superintendent of the Educational Service Region.

ADMINISTRATIVE CERTIFICATE

The Administrative Certificate valid for 4 years for teaching, supervising and administering in the public common schools may be issued to persons who have graduated from a recognized institution of higher learning with a master's degree and who have been certified by these institutions of higher learning as having completed a program of preparation for one or more of these endorsements.

The administrative or supervisory positions for which the certificate shall be valid shall be determined by one or more of 4 endorsements: General Supervisory, General Administrative, Chief School Business Official and Superintendent.

Requirements for Superintendent

Required for superintendents of schools:

30 semester hours of graduate credit beyond the master's degree including 16 semester hours of graduate credit in Professional Education coursework.

Verification of Teaching, Supervising and Administrative Experience

All applicants for the Administrative Certificate must submit official documentation of their professional educational service along with their application.

The general supervisory endorsement and the general administrative endorsement each require the applicant to have at least 2 years of full-time teaching experience in public schools, schools under the supervision of the Illinois Youth Commission, schools under the administration of Vocational Rehabilitation or in non-public schools meeting the standards established by the State Board of Education or comparable out-of state recognition standards approved by the State Board of Education.

The chief school business official endorsement requires the applicant to possess 2 years administrative experience in school business management.

The superintendent's endorsement requires at

least 2 years experience as an administrator or supervisor in the public schools or in non-public schools meeting the standards established by the State Board of Education or comparable out-of-state recognition standards approved by the State Board of Education and requires the applicant to hold a general administrative endorsement, or who has had 2 years of experience as a supervisor or administrator while holding an all-grade supervisory certificate or a certificate comparable in validity and educational and experience requirements.

XIII.

REQUIREMENTS FOR THE TRANSITIONAL BILINGUAL CERTIFICATE

The Transitional Bilingual Certificate is valid for a period of six years for teaching in the languages of endorsement in approved bilingual education programs in grades K-12 of the common schools. The certificate must be registered each year with the regional superintendent of the county wherein the applicant is teaching. It cannot be renewed beyond the six-year period of validity.

I. General Requirements

The applicant shall meet the following general requirements:

A. Be in good health.

B. Be of sound moral character.

C. Be legally present in the United States and possess legal authorization for employment.

D. Comply with certification application procedures.

II. Requirements of Prior Certification

The applicant shall:

A. Possess a current and valid certificate issued by the State of Illinois or by the Chicago Board of Examiners, or

B. Have possessed within five years

prior to the date of application a valid teaching certificate or comparable legal authorization issued by a foreign country, or by a state or possession or territory of the United States.

III. Language Requirements

A. The applicant must demonstrate adequate speaking and reading ability in a non- English language in which transitional bilingual education is offered in Illinois.

1. The applicant presents evidence of graduation from a teacher preparation institution of higher education in which the medium of instruction was in a non-English language in which transitional bilingual education is offered in Illinois and for which certification is sought.

2. The applicant, by means of an approved examination administered by an Illinois institution of higher education recognized for teacher education, meets the following standard of facility in the non-English language in which transitional bilingual education is offered in Illinois:

The applicant is able to use the non-English language fluently and accurately on all levels normally pertinent to professional needs.

B. The applicant must demonstrate adequate communicative skills in English.

IV. Appeals Procedures

All applicants denied certification for failure to meet the language requirements set forth under III above shall have an opportunity to appeal the decision to deny certification.

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 6-1

No one shall be certified to teach or supervise in the public schools of the State of Illinois who is

not of good character, good health, and at least 19 years of age.

A person not a citizen of the United States, who has filed a declaration of intent to become a citizen of the United States, may be issued a certificate valid for teaching or supervising in all grades of the common schools. Such a person shall have graduated with not fewer than 120 semester hours (or the equivalent as approved by the State Superintendent of Education) of credit from a recognized institution of higher learning and shall meet other requirements determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

Ch. 6-6

The school district shall maintain records for all professional personnel, as well as teacher aides, currently employed by the district. These records shall contain the following information: the individual's name; a copy of official, up-to-date transcripts; health records, including verification of freedom from tuberculosis; other items, such as verification of past teaching experience, salary schedule placement, and accumulated sick leave.

Ch. 7-1

Each elementary teacher shall hold a valid certificate for the grade level to be taught. Each elementary teacher shall have formal training in each basic instructional area to be taught. This regulation shall apply only to those individuals first assigned to an elementary position on or after September 1, 1978.

Ch. 7-2

The minimum requirements for teachers or junior high and departmentalized upper elementary grades include the following:

18 semester hours in the area of major teaching assignment, including at least 5 semester hours in each course where subject matter areas are divided into two or more specific courses. This requirement also applies to teachers of the 6th, 7th, and/or 8th grade where the pattern is in part or entirely departmentalized. When departmentalized in part, the requirement only applies to the departmentalized teachers.

This regulation will not apply to teachers who were employed in a departmentalized position prior to September 1, 1973. Teachers not meeting the requirement and having been assigned to a departmentalized teaching situation for the first time as of September 1, 1973, shall have five years to gain the necessary 18 semester hours.

By September 1, 1978, all teachers (except those employed prior to September 1, 1973) assigned departmentalized responsibility shall meet the 18-semester-hour requirement. This regulation applies only to the subject area which comprises more than 50% of the instructional periods assigned to a teacher.

Ch. 7-3

Minimum requirements for secondary teachers [include:]

Agriculture: 24 hours in the field, including an appropriate distribution in the following areas, plus preparation in the specific course taught.

Art: 24 semester hours in the field, including an appropriate distribution in: painting, drawing, printmaking; sketching, lettering, jewelry, design, silk-screen; pottery and sculpture; constructional design; art education; history and appreciation of art.

Aviation/Aerospace Education: Completion of an approved aerospace education workshop course. 5 hours of flight orientation or familiarization within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.

Business Education: 24 semester hours, which shall include a specialized methods course with minimum qualifications for the subject matter areas or course taught.

Language Arts - English: 24 semester hours in the field, including 6 semester hours in rhetoric and composition and not more than 8 semester hours in speech and journalism. To teach grammar, American Literature, English Literature, reading and dramatics, the English teacher must have one course in the subject.

Journalism: 8 semester hours in journalism and 16 semester hours in English, or 18 semester hours in journalism and 6 semester hours in rhetoric and composition.

Speech: 8 semester hours in speech selected from at least three of the following four areas: public speaking, interpersonal communication, oral interpretation, and group discussion; and 16 semester hours in English or 18 semester hours in speech, selected from the four areas listed above, and 6 semester hours in rhetoric and composition.

Foreign Language: 20 semester hours in the language.

Health Education: 20 semester hours in the field; required health education component; one course from each of the following areas to total 10-14 semester hours: advanced concepts of health; programs in school health; programs in community health; curriculum development and evaluation in health education.

Health Occupations: 24 semester hours in a health occupations specialty(e.g., medical laboratory, nursing, radiologic technology, inhalation therapy); graduation from an approved technical-level program in a specific health field with a minimum of 2,000 hours of post-graduate practical work experience in the health specialty in which trained.

Home Economics Education: 24 semester hours in the field, including work in some of the following areas, plus preparation in the specific teaching area. [These areas include:] human development(includes prenatal, child, adolescent, and adult development and care); interpersonal and family

relationships; consumer education and home management; nutrition and food; housing, home furnishings and equipment; clothing and textiles. To teach a special course in any of the above areas, 8 semester hours are required in the area to be taught.

Industrial Arts: 24 semester hours in the field, including work in each shop subject to be taught. To teach a unit shop, the teacher shall have 8 semester hours in the subject taught.

Mathematics: 20 semester hours in the field.

Music - Vocal: 24 semester hours in the field, including: applied vocal music, music theory, conducting, history of music, methods and materials for general school vocal music.

Music- instrumental: 24 semester hours in the field, including: 24 semester hours in the field, including applied instrumental music, music theory, conducting, history of music, methods and materials for general school instrumental music. These standards do not apply to those individuals employed prior to September 1, 1978.

Physical Education:

20 semester hours in the field which shall include the following:

5 semester hours to be selected from at least two of these areas: anatomy, physiology, kinesiology, physiology of exercise.

One course from each of the three areas below to total 5 semester hours: dance and/or rhythmic activities, individual-dual activities, team sports.

10 semester hours to be selected from at least three of the four areas listed below: instructional methods for physical education, curriculum for physical education; physical education for the atypical child (optional, but strongly recommended); physical education for the elementary school (required for elementary school; optional, but strongly recommended for secondary school). This standard does not apply to those individuals employed prior to September 1, 1978.

Psychology - 20 semester hours in the field.

Safety and Driver Education:

16 semester hours in general safety, 5 semester hours in driver education and advanced traffic safety, 8 semester hours chosen from two or more of the following areas: general safety, including traffic and industrial safety; advanced psychology and sociology; first aid and health education; instructional materials.

Teachers assigned to either simulation or multiple- car programs shall have preparation in the use of these methods which shall consist of a minimum of 1 semester hour or its equivalent in each area.

Science, biological: 24 semester hours in the field, including the semester hours indicated in the subject to be taught:

biology- 8 semester hours in botany; botany- 8 semester hours including 5 semester hours in laboratory work; physiology- 8 semester hours;zoology- 8 semester hours in zoology including 5 semester hours in laboratory work.

Science, physical: 24 semester hours in the field, including the semester hours indicated in the subject to be taught:

astronomy- 5 semester hours; chemistry- 10 semester hours including 4 semester hours in laboratory work; geology- 8 semester hours; physics- 10 semester hours including 4 semester hours in laboratory work; physiology 5 semester hours; aerospace- 5 semester hours; earth science- 8 semester hours.

Science, general: 24 semester hours in the field including:

physical science: 8 semester hours

biological science: 8 semester hours

Social studies: 24 semester hours in the field, including the semester hours indicated in each subject to be taught:

United States history - 8 semester hours; civics, political science - 8 semester hours; economics -

8 semester hours; geography - 8 semester hours; sociology - 6 semester hours; world history - 8 semester hours in World History, 5 semester hours in U.S. history; anthropology - 5 semester hours. Note: Every history teacher shall have 16 semester hours in history.

Vocational Education(Reimbursable Training Programs:) All instructional personnel and coordinators shall hold a valid teaching certificate.

Cooperative Teacher Coordinator: professional competencies for specialized cooperative occupational education:

Occupational education, teacher-coordinators of specialized cooperative education in any one of the following areas: agriculture and agri-business, business and office, distributive education, health occupations, home economics and related occupations, industrial oriented occupations, cooperative work training.

To be approved, an individual shall possess 16 semester hours in the field, which shall include a methods course in the occupational specialized area; in addition, 6 semester hours in the area of organization and administration of cooperative occupational education, coordination in techniques, and individualized instructional methodology.

Special Needs Cooperative Teacher Coordinator

In schools with cooperative courses to serve students with special needs, such as Work Experience and Career Exploration Program, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators . . . (except that the 16 semester hours in occupational education shall be waived).

Interrelated Cooperative Occupational Teacher Coordinator

Coordinators of interrelated cooperative education shall meet certification standards in at least one of the occupation areas listed above and

meet the requirement [for specialized cooperative occupational education coordinators].

Ch. 7-4

Required of all K-12 Reading Specialists i.e. those teachers whose major teaching assignment is reading:

18 semester hours of graduate/undergraduate level work in the field, including preparation in the following areas:

Foundation or survey of reading fundamentals including reading in the content areas; testing procedures and diagnosis of reading disabilities; diagnostic teaching techniques and materials; clinical or laboratory practicum in reading; literature appropriate for the age of students included in the program.

This standard does not apply to those individuals employed prior to September 1, 1978.

Ch. 7-8

Individuals employed in Transitional/Bilingual programs shall hold a Transitional/Bilingual Certificate endorsed in the language area of instruction.

Ch. 7-9

A person substituting for any member of the professional staff should have the qualifications required of the staff member for whom that individual is substituting

To serve as a substitute teacher, a person shall hold a valid certificate, which may be a substitute teacher certificate.

A teacher holding a substitute teacher certificate may teach only in the place of a certified teacher who is under contract with the employing board, for a period not to exceed 90 paid school days.

12.02

Professional instructional personnel shall qualify under any one of the following circumstances:

Hold standard Special Illinois Teachers Certificate, Type 10, in the area of responsibility.

Hold standard Illinois Teachers Certificate and have met full approval procedures outlined by the Illinois Office of Education.

Hold standard Illinois Teachers Certificate and receive approval by the Illinois Office of Education for specialized functioning in relation to a special education program.

In Chicago, hold a valid certificate issued by the Board of Examiners of the Chicago Public Schools which entitles the holder to teach in a specific area of responsibility.

12.03

Other certified personnel employed by the school district to provide special education services shall hold accreditation appropriate to the area of responsibility and shall be approved by the Illinois Office of Education.

12.04

Each director and assistant director of special education shall hold a valid administrative certificate and shall meet requirements for approval as outlined by the Illinois Office of Education.

12.05

Supervisory personnel shall hold a valid certificate in the area of responsibility and shall meet requirements for approval as outlined by the Illinois Office of Education.

12.07

Necessary noncertified personnel employed in classes, programs, or services in all areas of special education shall be under the direct supervision of a qualified specialist.

CROSS REFERENCES

I.School Board; Statute §10-22.34

I.State Teacher Certification Board; Statute §21-13

II.A.1.; Statute §27-24.2

II.A.5.; Statute §14C-1 -- 14C-12

III.A.2.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 6-2

III.C.Teachers; Statute §21-22

TEACHER AIDES

REGULATIONS

Rules and Regulations for the Utilization of Teacher Aides and Other Non-Certificated Personnel

I.

A Teacher Aide shall be under the direct supervision and control of a fully certificated teacher when assisting with instruction. Areas of instruction requiring such supervised assistance shall include, though are not necessarily limited to, classrooms, laboratories, shops, playgrounds, organized physical education periods, libraries, if utilized as instructional settings, and such other educational settings where instructional judgment requires the supervision of a fully certificated teacher.

Teacher Aides shall not be utilized as substitutes for or replacements of certificated teachers, and they shall not have equivalent responsibilities. Certificated

teachers shall exercise professional judgement when assigning duties, such duties not to infringe upon the "instructional judgment" reserved for teachers.

Teacher Aides shall be issued a statement of approval attesting to their satisfactory fulfillment of qualifications, such statement to be issued by the State Teacher Certification Board.

TEACHING ASSISTANTS

REGULATIONS

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 6-3

School boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.

School boards may further utilize volunteer noncertificated personnel or employ noncertificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher, holding a valid certificate, directly engaged in teaching subject matter or conducting activities. Teacher aides, except in school districts over 500,000, shall hold an approval form issued by the State Teacher Certification Board. Approval is based upon 30 semester hours of college training or completion of an approved Teacher Aide Program.

School boards may designate noncertificated persons of good character to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis for school activities not connected with the academic program of the schools. . . . [They] may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled.

PRINCIPAL

STATUTES

§§10-23.8-23.8a-23.8b

Boards may employ superintendents and principals under multi-year contracts. After 2 years of administrative service, a principal may not be reclassified by demotion or reduction in rank without a reasonable prior warning.

SCHOOL DISTRICTS

STATUTES

§ 27-1

No student shall be denied admission to or excluded from any course because of that person's sex. No student shall be denied equal access to physical education and interscholastic athletic programs because of that person's sex.

EQUAL OPPORTUNITY

REGULATIONS

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch.2-4

All students within a school district must be provided equal opportunities in all education programs and services provided by the system. No school system may exclude or segregate any pupil from a school because of color, race, or nationality.

EQUAL OPPORTUNITY

Each school district shall assure that no student shall be refused admission or be excluded from any courses of instruction, interscholastic athletic program, or comparable programs by reasons of a person's sex.

The board of education shall loan textbooks to students whose parents are unable to buy them.

Any school district containing one or more attendance centers having 20 or more students of limited English-speaking fluency of the same language background shall establish a program in transitional bilingual education according to the Rules and Regulations for Transitional Bilingual Education.

SCHOOL OFFICERS

CROSS REFERENCE

IV.G.; Statute §22-11; 22- 12

SCHOOL SYSTEM

CROSS REFERENCE

III.D.School System; Statute §755 -- 761

STUDENTS

STATUTES

§27-3 - 27-4

PATRIOTISM

Patriotism and the principles of representative government shall be taught in all public schools. A graduation certificate shall not be awarded unless a student passes a satisfactory examination in these subjects. At least one hour per school week shall be devoted to these studies in the seventh and eighth grades and at least one hour per week to advanced study in the high school grades.

CROSS REFERENCES

II.A.1.; Statute §27-21

II.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 4-3;4-4

II.A.10. Other - Independent Programs; Regulation, Evaluation and Supervision and Recognition of Public Schools Ch. 4-6

SUPERINTENDENT

STATUTES

§34-13

The general superintendent of schools may be removed only for cause, by a majority vote of the board. Written charges must be filed and served on the Superintendent 30 days prior to the board's meeting. The superintendent may be suspended pending a hearing. The action and decision of the board in the matter shall be final.

REMOVAL
NOTICE
SUSPENSION
HEARING

TEACHERS

STATUTES

§10-22.4

The board can dismiss a teacher for "incompetency, cruelty, negligence, immorality, or other sufficient cause" and dismiss any teacher whom it deems unqualified to teach. However, temporary mental or physical incapacity to perform teaching duties is not a cause for dismissal.

DISMISSAL

§21-23

A certificate may be suspended for a period not to exceed one year by either the regional superintendent or State Superintendent of Education. Cause for suspension may be "immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty or other just cause."

SUSPENSION

Unprofessional conduct shall include refusal to attend or participate in, institutes or teachers' meetings, or meet other reasonable requirements of the regional superintendent or State Superintendent of Education. No certificate shall be suspended until the teacher has an opportunity for a hearing. A right of appeal shall lie to the State Teacher Certification Board. Any certificate may be revoked for the same reasons as for suspension by the State Superintendent of Education.

HEARING
APPEAL
REVOCATION

§24-11

After a teacher has completed a probationary period of two consecutive school terms, he or she shall receive tenure status unless given a written notice of dismissal stating the specific reasons therefor. If the probationary period is successfully completed, the contract terms previously in effect shall continue.

NOTICE
DISMISSAL

§24-12

In the event that a teacher is dismissed because of a decrease in the number of teachers, he or she must be reinstated, or have an offer tendered, if positions again become available within a year of dismissal. If removal is sought for any other reason, it must be upon a majority vote of school board. The teacher must receive reasonable warning, in writing, of the charges against him/her. The teacher has a right to a hearing before an impartial hearing officer but may be suspended from duty pending the hearing. If charges are dismissed, the teacher will suffer no loss in salary. The hearing officer's decision may be appealed.

NOTICE

SUSPENSION
HEARING

APPEAL

§24-14

A teacher with tenure may not terminate a contract during the school year. Such termination will be deemed unprofessional conduct and the teacher may have her/his certificate suspended.

TERMINATION

SUSPENSION

CROSS REFERENCES

I.State Teacher Certification Board; Statute §21-13

III.B.Teachers; Statute §34-83 -- 34-87

III.E.Teachers; Statute §24-1 -- 24-5

D. Evaluation and Reporting

Atomic Radiation Education Programs

§27-25.1 - 27-25.4

The Superintendent of Public Education shall maintain a staff to provide consulting assistance for the planning

and evaluation of programs relating to the study of atomic radiation and its peaceful uses.

A school district may submit a proposed program in this area to the Superintendent of Education, stating the materials needed and the qualification of educational personnel. If the Superintendent approves the program, he/she may then enter into contracts with school districts for the conduct of demonstration centers and institutes in the field of nuclear education.

DISTRICT PROGRAM PLAN

CROSS REFERENCE

III.A.1.; Regulation, Evaluation, Supervision and Recognition of Public Schools, Ch. 1-3

EDUCATION SYSTEM

STATUTES

§4-1 — 4-11

The county board shall examine the reports of the county superintendent and approve or reject them. It shall require the submission of such reports by the superintendent, and is authorized to "remove him [her] from office in case of neglect or refusal to do so, or for any palpable violation of law or omission of duty." REMOVAL

HEALTH EDUCATION PROGRAMS

CROSS REFERENCE

II.A.1.; Statute §861 -- 866

LOCAL SCHOOL DISTRICT

CROSS REFERENCE

II.A.2.; Regulation, Special Education 14.01;14.02; 14.03;14.04

PLAN FOR SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §14-1.01 -- 14-3.01

SCHOOL PERSONNEL PERFORMANCE

CROSS REFERENCE

I.Principals; Statute §34-81

SCHOOL SYSTEM

STATUTES

§755-- 761

A commission made up of the state superintendent and legislators appointed by the governor shall study inter alia "[t]he progress and problems of school district reorganization and the means of further promotion of an efficient school system," "the adequacy and efficiency of present plans of . . . common schools aids . . .", "problems . . . that may affect the general welfare of the schools," and shall "make recommendations [to the State Board] for . . . improvement in any . . . area," "to the [legislature] . . . each year as to the amount of . . . school aids required . . . ."

TEACHERS

CROSS REFERENCE

III.B.Teachers; Regulation, Driver Education §4.01

CROSS REFERENCE
II.A.3.; Statute §697

E. IMPROVEMENT EFFORTS

SCHOOL SYSTEM

STATUTES

§23-2; 23-6

School boards may form or join associations for the purpose of conducting county or regional institutes and exchanging information regarding school board problems, duties and responsibilities.

Each association shall make an annual report to the Governor, the State Board of Education, and regional superintendent on the institutes held, subjects discussed, and the attendance.

CROSS REFERENCE
III.D.School System; Statute §755 -- 761

TEACHERS

STATUTES

§10-22.39

Boards of education may conduct in-service training programs for teachers. INSERVICE TRAINING

§24-1°- 24-5

School boards shall hire all teachers and set salary scales. Teachers shall be paid for time spent attending teachers' institutes. Color, race sex, nationality, or

religion shall not be considered a qualification or a disqualification. Violation of this statute may result in a fine of at least $100.

New employees may be required to take a physical examination and tuberculosis test. School boards may require teachers to periodically furnish evidence of "continued professional growth."

§27-15

Regional superintendents shall include once each year moral and humane education in the program of the teacher's institute which is held under his/her supervision.

CROSS REFERENCES

II.A.1.; Statute §861 -- 866

II.A.2.; Statute §14A-1 -- 14A-8

III.A.2.; Regulation, Evaluation, Supervision and Recognition of Schools Ch.4-2

III.B.Regional Superintendents; Statute §3-.01 -- 3-15.14

III.B.Teachers; Regulation, Driver Education §4.02

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

§II, Ch. 1, Rule G-2

Section 1

"The Commission on General Education . . . will issue a commission specifying the included grade levels to each school which meets the standards. The type of rating the school receives shall be determined by Rules G-3, G-4, G-5, and G-6.

Section 2

These certificates or commissions shall be valid as follows: a. A certified school certificate for only one year or until the school is reinspected. b. A continuous commission for two years or until the school is reinspected. c. A first-class commission for three years or until the school is reinspected. d. A special first-class commission for three years or until the school is reinspected.

Section 3

The minimum program of course offerings for any Indiana high school shall be the following: SUBJECTS: SCHOOL OFFERINGS: MINIMUM OFFERING EACH SEMESTER: English; 4 units; 3 units. Social Studies; 3 units; 2 units. Science; 3 units; 2 units. Mathematics 3 units; 3 units. Latin or a Modern Foreign Language 2 units; 1 unit. Practical Arts or Vocational-Technical 2 units; 2 units. Health & Safety .5 unit; .5 unit. Physical Education .5 unit; .5 unit. Fine Arts 1 unit; 1 unit. Electives 5 units; 5 units. TOTAL: 24 units; 20 units.

The offerings should include electives suitable for grades 9-12, and . . . be comprehensive enough to

permit pupils to carry five assigned hours of work daily. Moreover, laboratories and other facilities necessary for instruction must meet standards adopted by the Commission . . . .

Section 4

In reporting any recommendation for classification or decommissioning of a school, the Division of School Inspection is directed to report on: (1) absence of needed specialized services. (2) meager offerings in the high school, (3) quality of staff, (4) holding power of the school, and (5) small classes and other inequalities which reflect unjustifiable cost and inability to follow rules and regulations of the State Board."

§II, Ch. 1, Rule G-3

Standards for a Certified School

"A certified school, as provided by Chapter 263 of the Acts of 1943, shall meet all the standards specifically provided by law and the following basic standards:

Section 1

The minimum length of the school year shall be at least 175 instructional days . . ." SCHOOL CALENDAR

Section 2

The length of the school day shall be as follows: Grades 1-2; 4 1/2 hours; Grades 3-4; 5 hours; Grades 5-6; 5 1/2 hours; Grades 7-12; 6 hours. SCHOOL DAY

Section 3

At least 200 minutes of supervised instruction in a subject "shall comprise the class time for a week in a secondary school." Such time may be organized on any schedules which is "appropriate" for the individual school. "At least 275 minutes per week shall be scheduled for courses requiring laboratory experience."

Section 4

"A high school shall have a properly licensed or certificated principal. All elementary schools with eight or more teachers shall have a properly licensed

or certificated principal in addition to the teachers."

Section 5

Principals of schools with more than 250 pupils shall devote at least one-half of their time to administrative and supervisory duties and as such shall be freed from teaching classes accordingly. Principals of schools with more than 350 pupils shall devote at least three quarters of their time to such duties. Principals in schools of more than 500 pupils shall devote all their time to such duties and "shall have one additional . . . assistant principal for each 500 additional pupils or major fraction thereof.

Section 6

All teachers and administrators shall be licensed or certificated in the subject and grade which they teach or supervise.

Section 8

In grades nine to twelve, all courses required by Rule G-2, Section 3, shall be provided and shall be scheduled so that a student will be able to fulfill all the requirements of Rule G-1 within four school years.

Section 9

Fine arts . . . shall be offered in all elementary grades . . . and one year shall be offered in grades nine to twelve

Section 10

At least one year of study in practical arts and/or vocational-technical education for both boys and girls shall be offered in grades nine to twelve.

Section 11

Each school shall have a media program(s) (library and/or audiovisual)" supervised by licensed specialists. Such program shall be structured to meet the needs of students and teachers.

Section 13

"The school shall maintain complete cumulative

records for each child enrolled."

Section 14

The school shall serve as a community center and as such the local school trustees shall encourage community use of the facilities. These officials shall publicize their policies to this effect.

Section 15

The school plant shall be maintained in a hygienic condition. Custodial personnel shall be under the supervision of the school principal.

Section 16

School lunches, if provided, shall be under the supervision of the principal.

Section 17

In all schools, junior high school level and above, "girls' classes in physical education shall be taught by a woman licensed in physical education, and boys' classes . . . by a man [so] licensed. . . ."

Section 18 Emergency Preparedness Planning (Adopted July 17, 1974).

a. School Corporation Responsibility:

(1) "Each public school system . . . shall prepare Emergency Preparedness Plans, under guidelines established by the . . . Department . . . ." Said plans shall establish school system policy and procedures "to insure the safety and well being of all pupils and staff in case of tornado, winter storm conditions, flash flood conditions, earthquakes, nuclear disasters, and fire."

(2) School systems shall establish early warning systems to provide an alert in the event of such disasters.

(3) " A copy of each system's overall plan, together with a copy of each individual school's plan within that system, shall be submitted to the . . . Department . . ." annually. Within 60 days of the beginning of the full school term; each school corporation shall submit either (1) "a revised plan, if revision is necessary," or (2) a letter indicating

that after review, no revisions were deemed necessary.

b. Individual School Building Responsibility:

(1) "Each public school. . . shall provide emergency preparedness instruction to [their] pupils . . . during each school year.

(2) Emergency preparedness routes shall be posted in occupancy areas."

(3) Schools shall hold preparedness drills at least twice a semester. A permanent record shall be kept of such drills.

§II, Ch. 1, Rule G-4

Standards for a Continuous Commission

A continuous commissioned school must meet all the requirements of Rule G-3 and at least the following additional ones:

Section 1

"In addition to the courses required by Rule G-2, Section 3, a . . . school shall offer at least four additional units in total and two additional units each semester, distributed over the various subject fields signified in The Administrative Handbook. Total offerings shall be a minimum of twenty-eight units in total and twenty-two units each semester. Cooperative and joint courses of study qualify to meet this requirement."

Section 2

Practical arts exploratory courses for boys and girls shall be offered in grades seven to nine. "At least two years of vocational-technical courses shall be offered for boys and girls in grades ten to twelve."

Section 4

High schools must employ a teacher with a certificate in library science who shall devote at least one-half of his/her time to "media center supervision and instruction in library and media skills and use.

Section 5

Adequate . . . physical education facilities shall be available and scheduled for regular instructional use."

Section 6

A guidance program, run by a properly licensed instructor, shall be maintained. "Deans and counselors shall hold school counselors certificates.

Individual counselor-student conferences shall be conducted.

A guidance record for each student shall be maintained. . .

Educational and occupational materials shall be provided . . . for student use.

An organized testing program shall be maintained.

Counseling offices which provide auditory and visual privacy shall be provided . . .

Research, evaluative and follow-up studies shall be conducted as needed."

Section 7

Elementary schools shall have at least four full-time teachers "with a pupil-teacher ratio of no less than twenty to one and no more than thirty five to one."

Secondary schools shall have at least ten full-time teachers "or the equivalent pupil-teacher ratio no greater than thirty to one." Combined elementary-secondary schools shall have at least fifteen full-time teachers "or the equivalent pupil-teacher ratio no greater than thirty-three to one."

PUPIL/TEACHER RATIO

Section 8

Pupil-teacher ratio as described herein, means a properly certificated full-time teacher for each student.

§II, Ch. 1, Rule G-5

A first-class commissioned school must meet all the minimum standards provided for in Rules G-3 and G-4 and at least the following additional ones:

Section 1

"In addition to the courses required by Rule G-2 Section 3 . . .[the]. . . school shall offer at least eight additional units in total and four additional units each semester, distributed over the various subject fields specified in The Administrative Handbook. Total offerings shall be a minimum of thirty-two units in total and twenty-four units each semester.

Cooperative and joint school courses . . . qualify to meet this requirement."

Section 2

Schools with over 900 enrollment shall have at least one media specialist. If more than one is employed then education and training should complement each other.

Section 4

"The student-counselor ratio should not exceed 500 students for each full-time or equivalent counselor."

Section 5

PUPIL/TEACHER RATIO

Pupil-teacher ratios in elementary schools shall not be greater than thirty-four to one in grades four to eight inclusive, and thirty to one in grades one to three. Secondary schools shall have an enrollment of at least two hundred fifty and a pupil-teacher ratio no greater than twenty-eight to one. Combined elementary secondary schools shall have an enrollment of at least three hundred and fifty and a pupil-teacher ratio no greater than that specified above, and not greater than thirty-one to one for the entire school.

Section 6

INSERVICE TRAINING

"An on-going inservice education program shall be planned and implemented . . . and shall be relevant to local institutional problems and needs."

Section 7

The local superintendent shall appoint a curriculum committee to study the educational needs of the school community, "elevate the educational offering of the school" and annually make written recommendations to the principal and superintendent on ways to improve the educational opportunities offered by the school.

Standards for a Special First-Class Commission

A special first-class commissioned school shall meet all the min[illegible] standards provided for in Rules G-3, G-4 and G-5, and at least the following areas:

Section 1

"An elementary school shall have an enrollment of not less than 350 pupils and pupil-teacher ratio of not greater than thirty to one.

PUPIL/TEACHER RATIO

A secondary school shall have an enrollment of not less than 350 pupils and a pupil-teacher ratio not greater than twenty-four to one.

A combined elementary secondary school shall have an enrollment of not less than 500 pupils" and a pupil-teacher ratio not less than that specified above for the individual schools, and in no event to exceed more than twenty-seven to one in the entire school.

CROSS REFERENCE

II.A.1.; Regulation §II, Ch. 1, Policy 71-10

II.A.1.; Regulation §II, Ch. 1, Policy 73-03.2; §II, Ch. 1, Rule C-1; §II, Ch. 1, Rule G-12

II.B.1.a.; Statute §20-10.1-9-21 -- 20-10.1-9-22

2. Other Qualification Standards

Statutes

§20-10-2-1

"The minimum length of school term as recognized for all school purposes by the state department of public instruction and the state superintendent of public instruction shall be nine months."

§20-10.1-2-2

The minimum length for a school term is nine months.

§20-10.1-3-1

The public schools are classified as elementary schools and high schools. Elementary schools include the first eight years of school work and commissioned high schools not less than four years. Each governing body which maintains high schools may prescribe junior high courses for two or three years and may admit pupils who have completed the first six years of elementary school. The first two years may include instruction in seventh and eighth grade subjects and may include secondary, pre-vocational and industrial subjects. The commission on textbook adoptions shall adopt textbooks and publish suggested courses of study for the junior high schools.

REGULATIONS

§II, Ch. 1

A. Attendance

Rule A-1. Determining and Reporting Attendance for State School Support

Section 1

The aggregate attendance, either for grade K-12 or for grades 1-12, shall be reported for all pupils enrolled in the public schools by the local school corporation.

Section 2

"The attendance during any part of a school day should be counted as a full day's attendance" however, where students are "enrolled on a part time basis, only a fractional proportion of their attendance shall be used to determine ADA. No attendance shall be included for days when the school is officially closed, regardless of the reason for such closing. This does not preclude lost days from being made up on mutual agreement between teachers and local boards.

Section 5

If attendance within a given local corporation has fallen, a letter accompanying the attendance report shall point out potential factors for such decrease. On a supplementary sheet, the names of children, days of absence and cause of such absence shall be listed, together with a request for "equitable adjustment."

"Justifiable reasons for making an adjustment include such items as severe epidemics . . . ., impassable roads, and disruption of school bus service."

CROSS REFERENCES

II.A.1.; Regulation §II, Ch. 1, Policy 73-03.2; §II, Ch. 1, Rule C-1

II.A.1; Regulation §II. Ch. 1, Rule G-12

II.A.3.; Statutue §20-10.1-6-9 -- 20-10.1-6-10

II.A.9; Regulation; Regulation §II. Ch. 1, Rule E-3

B. Qualification Standards for Personnel

Board of School Commissioners

Statutes

§20-3-11-2

"Each of the members of the board of school commissioners shall be a resident voter of the school city, and shall have been such resident for at least one year . . . and meet all other qualifications required of school trustees.

Certificated Personnel

CROSS REFERENCE

III.A.1.; Regulation §II, Ch. 1., Rule G-3

City Board of Education

Statutes

§20-3-5-3

Board members shall be resident voters and residents of the school city for at least five years. While members of the board they are ineligible for any other elective or appointive office. No member may serve more than three terms out of four consecutive terms. They shall not have interest in any contract or claim against the school city. Such interest acquired after election shall disqualify the member and thereby create a vacancy. Each member shall take an oath that she/he meets such qualifications. Members shall receive between $500 and $750 compensation.

CONFLICT OF INTEREST

County Board of Education

CROSS REFERENCE

I. County Board of Education; Statute §20-4-8-2 -- 20-4-8-8

County Superintendent

Statutes

§20-2-5-1

A county superintendent must have "five years successful experience as a teacher in public schools, and . . . a first or second grade superintendent's license: provided, that nothing in this act shall apply to or disqualify any incumbent . . . county superintendent."

EDUCATION PERSONNEL

STATUTES

§20-1-17-1

Indiana is a party to the Interstate Agrement on Qualifications of Education Personnel as set forth in this section. The state superintendent of public instruction is the designated official empowered to carry out the obligations pursuant to this agreement.

CROSS REFERENCE

I. Metropolitan Superintendent; Statute §20-4-8-19 -- 20-4-8-20

SCHOOL BOARD MEMBERS

STATUTES

§20-5-3-7

School board members must reside in the state for two years and in the school district for one year before taking office.

SCHOOL PERSONNEL

CROSS REFERENCE

I. County Superintendent; Statute §20-4-8-9 -- 20-4-8-10

II.B.4; Statute §20-4-9-1

SPECIAL EDUCATION PERSONNEL

CROSS REFERENCE

II.A.2.; Regulation §II, Ch. 1, Rule S-1; S-2

STATE BOARD OF EDUCATION

CROSS REFERENCE

I. State Board of Education; Statute §20-1-1-1

STATE BOARD OF VOCATIONAL AND TECHNICAL EDUCATION

CROSS REFERENCE

II.A.3.; Regulation §I, Ch. 4

CROSS REFERENCE

II.A.2.; Regulation §II, Ch. 1, Rule S-1

TEACHERS

STATUTES

§20-1-1-4

"The commission on teacher training and licensing shall exercise all the powers and duties . . . [of] the state board of education with reference to examination, training, and licensing of [prospective teachers], and the supervision and inspection of teacher training institutions . . . . It shall be one of the major purposes of the commission to improve instruction in the schools of the state and to attract candidates for teacher training of a high order from among the graduates of the various high schools. The commission shall . . . fix standards of competence [for] such candidates" and for training institutions.

§20-6.1-1-1 -- 20-6.1-3.8

The commission is responsible for licensing of teachers and shall issue licenses through the state superintendent. "A division of teacher training and licensing is established in the state superintendent's office."

"The commission may establish rules and regulations for: (1) the issuance of a substitute license; and (2) the employment of substitute licensees." Substitute teachers must be licensed by the commission.

"The commission shall designate: (1) the grade required for each kind of license; and (2) the kind of license to which the teachers' minimum salary laws apply."

Graduates of accredited out-of-state institutions "may be granted a particular kind of license and a reasonable amount of time to fulfill [the state's licensing] requirements.

On the written recommendation of the state superintendent, the commission may revoke a license for: (1) immorality; (2) misconduct in office; (3) incompetency; or (4) wilful neglect of duty.

The commission shall determine, on the recommendation of the state superintendent, details of licensing not provided in this chapter."

§20-6.1-4-1 -- 20-6.1-4-2

The superintendent shall supply to the school board, at its request, a report on any person being considered for a teaching position. The report must contain the person's teaching experience, preparation and license.

School corporations shall not employ persons who are addicted to drugs, are intemperate, or have tuberculosis or syphilis.

CROSS REFERENCE

I. State Board of Education; Regulation §I, Ch. 3.A

I. State Superintendent; Regulation §I, Ch. 2.C

II.A.1.; Regulation §II, Ch. 1, Policy 73-03.1

II.A.2; Statute §20-1-6-3

VOCATIONAL EDUCATION TEACHERS

CROSS REFERENCE

II.A.3; Statute §20-10.1-6-3

C. Performance Standards

Board of School Commissioners

Statutes

§20-3-11-23

Any member of the board of school commissioners may be removed from her /his office upon petition of 300 residents to the county court, and proof of either "official misconduct in office or neglect of official duties" or "of conduct in any manner connected with [her] his official duties," which "discredits such office or to the school system," or for mental or physical inability to perform [her] his duty in office. Before removal [she] he shall receive notice and a prompt hearing.

REMOVAL

CROSS REFERENCE

III.D.Board of School Commissioners; Statute §20-3-11-23

City Board of Education

CROSS REFERENCE

III.B. City Board of Education Members; Statute §20-3-5-3

Commission on Textbook Adoptions

CROSS REFERENCES

II.B.1.a.; Statute §20-10.1-9-25

County Superintendent

Statutes

§20-2-4-3

"Any county superintendent may be impeached for immorality, incompetency, or general neglect of duty, or for acting as agent for the sale of any . . . school supplies; and such impeachment proceedings shall . . . be governed by the provisions of law now in force for impeaching county officers."

IMPEACHMENT

Division of Schoolhouse Planning

CROSS REFERENCE

II.C.2; Regulation §II, Ch.1, Policy 66-11

Educational Personnel

CROSS REFERENCE

I. Metropolitan Superintendent; Statute §20-4-8-19 -- 20-4-8-20

Educational Programs

CROSS REFERENCE

I. State Superintendent; Regulation §I, Ch. 2.C

Ethnic Studies

CROSS REFERENCE

II.A.5.; Regulation §II, Ch. 1, Policy 72-06

Local Boards of Education

Regulations

§ II, Ch. 1, Policy 64-02

Civil Rights

"[T]he Commission on General Education, believing that one of the purposes of education in a democracy is to teach all races and groups to live together in understanding, urges the local school administrations to take such actions as may be feasible under local conditions to eliminate any discrimination in the hiring or assignment of teachers or personnel, or the assignment of students to schools."

DISCRIMINATION

CROSS REFERENCE

II.C.2; Regulation §II, Ch. 1, Policy 66-11

Principal

CROSS REFERENCE

II.A.1.; Statute §20-10.1-4-1 -- 20-10.1-4-2

PUBLIC SCHOOLS

STATUTES

§20-4-8-1

The purpose of the Consolidation of School Act is to provide for organization of the public schools so as to "promote the best interests of the children" and to "preserve and insure an economical and efficient school system."

§20-8.1-2-6

No public school teacher shall be discriminated against in hiring, upgrading, tenure, or placement on the basis of race, creed, color or national origin. DISCRIMINATION

REGULATIONS

§ II, Ch. 1, Policy 63-07

Civil Rights

"[T]he Commission of General Education,... does not approve of the practice of discrimination against any qualified person of the minority group in regard to whether his [her] right to be selected as a student, teacher, member of the nonteaching personnel, supervisor, or administrator in any public school in the State of Indiana.

[T]he Commission of General Education... is desirous of the cooperation of the teachers, supervisors, and administrators of the public schools in the state to join with us in its effort to keep the public schools of Indiana open to ALL and free from any practices of discrimination."

CROSS REFERENCES

IV.G; Statute §20-8.1-2-1 -- 20-8.1-2-5

SCHOOL EMPLOYEES

STATUTES

§20-3-11-10

The general superintendent shall make all appointments or discharges of employees "in conformity with the rules of the board" of school commissioners and shall report such actions to the Board for approval. Any employee against whom charges may be filed by APPOINTMENT DISCHARGES

the general superintendent or whose discharge is made and reported to the board shall, upon request, be granted a hearing before the board.

CROSS REFERENCE

I. General Superintendent; Statute §20-3-11-9

II.A.1.; Statute §20-10.1-7-8 -- 20-10.1-7-10

SCHOOL SYSTEM

CROSS REFERENCE

I. State Superintendent; Regulation §I, Ch. 2B

SEX EDUCATION COURSES

CROSS REFERENCE

II.A.1.; Regulation §II, Ch. 1, Policy 70-06

STUDENTS

STATUTES

§20-10.1-12-1

A public high school or the state superintendent's office shall grant a high school diploma to a member or honorably discharged veteran of the United States armed forces who is at least eighteen years old, receives a satisfactory score on the general educational development (GED) test, and has resided in the state for six months.

DIPLOMA

REGULATIONS

§II, Ch. 1, Rule G-1

<u>Graduation Requirements, General Standards and School Classification</u>

<u>Section 1</u>

"[T]o be graduated from a four-year high school, a pupil shall have completed a minimum of 16 units of high school work . . . . The units shall be so arranged that the student will receive a broad general education which is assured by having at least two majors in different fields and two minors in different fields

a major being three units in the same field and a minor being two units in the same field. For purposes of credit toward graduation, the required majors and minors shall be in four different subject fields. A unit in a subject shall be comprised of an average of five classroom periods per week of recitation for one year. Courses offered for one-quarter unit of credit shall be those designated by the Commission on General Education and listed as such in the Administrative Handbook."

Section 2

"The sixteen . . . units . . . necessary for graduation shall consist of eight . . . required units in the following specified subjects and eight . . . elective units in these or other approved fields."

English, 9, 10, and 11 -- 3 units; Social Studies-Citizenship -- 1 unit (must include one semester of U.S. Government); U.S. History -- 1 unit; Mathematics -- 1 unit (must be two semesters in the same subject); Science -- 1 unit (must be two semesters in one laboratory science); Health and Safety Education -- .5 unit (Home Economics I and II—two units or their equivalent may count in lieu of the required health and safety credit); Physical Education -- .5 unit (.5 unit of credit in physical education requires five class periods per week for two semesters or its equivalent).

Section 3

"In order to graduate . . . a pupil shall attend at least seven semesters in grades 9-12. For students fulfilling all other requirements for graduation in less than seven semesters, this requirement may be waived by the Commission . . . provided that an application specifying the circumstances which make the waiver advisable is submitted by the local corporation superintendent."

§II, Ch. 1, Rule G-8
Tutors

Section 1

The Department "shall not recognize any tuitional plan of earning or validating credit."

§II, Ch. 1, Rule G-9

Section 1

The Department "shall recognize no high school diplomas or certificates of graduation other than those issued by certified or commissioned high schools in Indiana or schools of equivalent standing in other states."

DIPLOMA

§II, Ch. 1, Rule M-3

Achievement on Tests of General Education Development (GED) (Adopted July 16, 1975)

Section 1

Persons Authorized to Take GED Tests

a. Veterans and Armed Forces Members -- Must be honorably discharged as member of armed forces on active duty, over 18 who meets Indiana residency requirements. The limitations of Section 4(below) are applicable here. Upon satisfactory completion, the "military achievement test diploma" shall be awarded.

b. Persons Age 19 and Over -- Said person must be at least 19 years old whose high class has graduated and who has not attended school full time for at least one year. He/she must also have resided in the state for at least six months.

Section 2

Testing Center

a. Designation of Centers and Test Administrators -- The State Superintendent and the Commission on General Education shall designate the number and locations of test centers.

b. Testing Conditions -- Conditions shall be such as insure a minimum of distraction; prevent cheating; and provide test security.

c. Date and Time of Test Administration -- Each individual test center shall determine the date and time for tests to be administered, provided that no person shall be required to wait more than fifteen days.

Section 3

a. Report -- Test results shall be furnished to

the individual taking the tests "and to a reasonable number of other individuals whom he[she] may designate."

c. Issuance of Certificates/Diplomas -- Results shall be certified by either the State Department of Public Instruction or the applicant's high school principal -- either of the two at the individual's request.

DIPLOMA

Section 4

Retesting -- Individuals failing to meet the established grade for passing shall be permitted to take the test again, either a) after 30 days and evidence of completion of further study; or b) after 90 days with no such requirement.

CROSS REFERENCES

II.A.1.; Statute §20-10.1-4-1 -- 20-10.1-4-2

II.A.1.; Statute §20-10.1-4-3

II.A.1.; Regulation §II, Ch. 1, Policy 73--3.1; 73-03.2

II.A.10. Other - Alternative Programs; Regulation §II, Ch. 1, Rule M-1

II.A.10. Other - College Credits; Regulation §II, Ch. 1, Rule G-11

II.A.10. Other - Correspondence Work; Regulation §II, Ch. 1, Rule G-10

II.A.10. Other - Exploratory Teaching Experience; Regulation §II, Ch. 1, Rule C-5

SUPERINTENDENT

STATUTES

§20-6.1-4-18 -- 20-6.1-4-20

Superintendents' contracts must be for at least 36 months, except they may be altered or rescinded for a new one at any time by mutual consent of the superintendent and the governing body. The contract terminates if: (1) the governing body terminates it for cause the same as cause for teachers; (2) the superintendent and the governing body mutually agree; (3) the governing body gives the superintendent notice of termination on or before January 1 of the year in which the contract is to expire.

TEACHERS

STATUTES

§20-6.1-4-9 -- 20-6.1-4-13

When a person serves "for five or more successive

years" under a teacher's contract with a school corporation, and "at any time enters into a teacher's contract for further service with that school corporation", he/she becomes a permanent teacher. A permanent teacher's contract which expires "is considered to continue indefinitely as an indefinite contract" which remains in force until replaced by a new contract, until cancelled as allowed and prescribed by law; or until the teacher reaches 66 years of age. "An indefinite contract with a permanent teacher may be cancelled . . . for only the following grounds: (1) immorality; (2) insubordination, which means wilful refusal to obey the state school laws or reasonable rules . . . of the school corporation; (3) neglect of duty; (4) incompetency; (5) justifiable decrease in the number of teaching positions; or (6) other good and just cause . . .[except] an indefinite contract may not be cancelled for political or personal reasons." Cancellation for reasons (1) and (2) are effective immediately. All others become effective at the end of the school term.

DISMISSAL

An indefinite contract may be cancelled only in the following manner: (1) the teacher shall be notified in writing; (2) he[she] shall be supplied with a written statement of the reasons upon request; (3) he[she] may file for a hearing before the governing body at which he[she] is entitled to a "full statement of the reasons for the proposed contract cancellation; to be heard, to present . . . witnesses and other evidence bearing on the reasons for the proposed cancellation . . . ." The governing body must give notice to the superintendent who then must make a recommendation. The board may then cancel the contract by a majority vote and this decision is final. A teacher may be suspended pending the final decision. If an indefinite contract is improperly terminated or a permanent teacher is not retained as required by this act, that teacher may bring an action "against the proper officers of the school corporation for an order requiring them to reinstate [him/her] and restore him/her to full rights as a permanent teacher.

NOTICE

HEARING

SUSPENSION

REINSTATEMENT

A permanent teacher may not cancel his/her indefinite contract during the school term of the contract or for 30 days before the beginning date of the school term unless the cancellation is mutually agreed on." Otherwise, 5 days notice is required. "A permanent teacher who cancels his/her indefinite contract in any [other] manner . . . is guilty of unprofessional conduct, for which the state superintendent may suspend [his/her] license for not more than one year."

SUSPENSION

§20-6.1-4-14

The contract of a non-permanent teacher continues in force for the following school term unless: (1) the school corporation notifies the teacher of termination on or before May 1; (2) the teacher notifies the school corporation of his/her resignation; (3) the contract is replaced by another. A school corporation which terminates a teacher shall, upon the teacher's request, supply a written statement of reason for dismissal.

TERMINATION

§20-6.1-6-11 -- 20-6.1-6-13

"Neither a governing body nor its agent may make or enforce any rule or regulation concerning the employment of teachers which discriminates in any manner because of marital status." Further, the governing body "may not adopt residence requirements for teachers or other school employees in its employment, assignment, or reassignment in a prescribed area." Nor may any employee be dismissed or suspended "because of affiliation with or activity in an organization unless that organization advocates (1) the overthrow of the U.S. government by force or . . . violence; or (2) the violation of law to achieve its objective."

DISMISSAL

§20-6.1-6-14

A teacher's candidacy for public office shall not affect his[her]employment rights unless "evidence

is submitted to the governing body that would substantiate a finding that the teacher's activity has impaired his[her]effectiveness. . . or has interfered with the performance of his[her] contractual obligations."

CROSS REFERENCE

I. State Board of Education; Regulation §I, Ch. 3A

I. Teachers; Statute §20-6.1-6-16

II.A.1; Statute §20-10.1-4-1 -- 20-10.1-4-2

II.A.1; Statute §20-10.1-4-4

III.B. Teachers; Statute §20-6.1-1-1 -- 20-6.1-3.8

D. Evaluation and Reporting

Adult Education

CROSS REFERENCE

II.A.8.; Regulation §II, Ch. 1, Rule E-1

Curriculum

CROSS REFERENCE

III.A.1.; Regulation §II, Ch. 1, Rule G-5

Educational Needs of the State

CROSS REFERENCE

I.State Superintendent; Regulation §I, Ch. 2C

EDUCATIONAL SYSTEM

CROSS REFERENCE

I. General Superintendent; Statute §20-3-11-9

EXPERIMENTAL PROGRAMS

CROSS REFERENCE

II.A.10. Other-Experimental Programs; Regulation §II, Ch. 1
Policy 71-08

PLAN FOR SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §20-1-6-16

SCHOOL LUNCH PROGRAMS

CROSS REFERENCE

IV.C.; Statute §20-5-13-1 -- 20-5-13-9

SCHOOL SAFETY PLAN

CROSS REFERENCE

III.A.1.; Regulation §II, Ch. 1, Rule G-3

STUDENT ATTENDANCE

CROSS REFERENCE

III.A.2.; Regulation §II, Ch. 1

STUDENTS

CROSS REFERENCE

II.A.10. Other-Exploratory Teaching Experience; Regulation
§II, Ch. 1, Rule C-5

VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §20-1-18.1-7; 20-1-18.1-4 -- 20-1-18.1-6

E. Improvement Efforts

Bilingual Teachers

CROSS REFERENCE

II.A.5.; Statute §20-10.1-5.5-2

Commission on Teacher Training/Licensing

CROSS REFERENCE

III.B. Teachers; Statute §20-1-1-4

Experimental Programs

CROSS REFERENCE

II.A.10. Other-Experimental Programs; Regulation §II, Ch. 1, Policy 71-08

School Systems

Statutes

§20-1-11.3-1 -- 20-1-11.3-8

"The state board of education is authorized to provide for the establishment and procedures for the operation of educational service centers." These centers shall "allow local school corporations to share programs and services" including curriculum, special education, inservice training, multi-media services and vocational education.

§20-1-11.3-2

"The board shall determine the areas within the state which shall be served by an educational service center" taking into consideration physical, socio-economic and educational factors, "and existing cooperative efforts and agreements [between school corporations]."

§20-1-11.3-5

"Educational service centers shall be located throughout the state to the extent that each school

would have an opportunity to be served [by] and to participate in an approved center."

§20-1-11.3-5 - 20-1-11.3-7

"Each service center shall be governed in its local administration by an educational service center board . . . . The state board of education shall adopt uniform rules and regulations to provide for the local selection, appointment, and continuity of membership for education service center boards. An Educational Service Center board may employ an executive director."

§20-1-11.3-8

"The state board of education shall provide for the selection of an advisory council to each educational service center board" composed of teachers, principals and parents.

SPECIAL EDUCATIONAL AIDES

CROSS REFERENCE

II.A.2. Regulation §II, Ch. 1, Rule S-1

TEACHERS

STATUTES

§20-6.1-2-3

"Each governing body may adjourn its schools for not more than three days in a school year to allow teachers to participate in: (1) a session concerning agricultural instruction conducted in the country; (2) a meeting of the teachers' association; or (3) a visitation of model schools under a governing body's direction."

CROSS REFERENCE

I. County Superintendent; Statute §20-2-4-4

II.A.2.; Regulation §II, Ch. 1, Rule S-1

II.A.10. Other-Activity Based Program; Regulation §II, Ch.3, Policy 71-09

III.A.1., Regulation §II, Ch. 1, Rule G-5

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

CROSS REFERENCE

II.A.3.; Statute §280A.33

2. Other Qualification Standards

STATUTES

§279.10

"The school year shall begin on the first of July ... and continue for at least thirty-six weeks of five school days each ...".

REGULATIONS

§670-3.1 (257.25)

A school or school district wishing to be approved by the state must file an application with the State Board of Education. If approved, it must submit annual reports to the State Board of Education. Provisional approval of a school system may be granted if it is making a "good faith effort and substantial progress toward full compliance" with the state standards.

A school board is encouraged to initiate an innovative program or administrative procedure if it is an "essential part of a planned innovative curriculum project which the State Board has determined will meet the educational needs and interests of the pupils...".

Elementary schools shall consist of prekindergarten and kindergarten [if operated], and grades one through eight where grades seven and eight are included in secondary school.

Middle school serves as a transition function between elementary and secondary schools and includes at least two grades beginning with grade five.

Junior high school consists of grades seven through nine or seven and eight where grade nine is included in high school. Senior high school consists of grades nine through twelve or grades ten through twelve.

CROSS REFERENCES

II.A.3.; Statute §280A.23 -- 280A.24

II.B.1.a.; Statute §257.25(9)(d)

II.B.3.; Statute §257.25(9)(a)

II.B.3.; Regulation §670-2.10 -- 670-2.15 (257)

IV.B.; Statute §257.25(9)(b)

B. Qualification Standards for Personnel

Certificated Personnel

Statutes

§260.11

All classes of certificates shall be valid for five years except for special certificates which shall be valid for one to five years.

§260.12

The five-year certificates shall be renewed for a five-year period upon a showing of "successful experience" in the field. Educational credit may be accepted in lieu of experience.

§260.13

A five-year certificate may be renewed for life at the board of examiners' discretion.

REGULATIONS

§670-3.4

Those persons holding approved certificates or statements of professional recognition shall be eligible for instructional and noninstructional professional staff positions. All regularly employed instructional staff shall provide the superintendent with official transcripts and evidence of legal eligibility for the position in which they are employed. The superintendent shall keep this information on file. Each school shall develop staffing policies "designed to attract, hold and effectively utilize competent personnel." Each employee shall have a medical exam every three years and furnish the results to the Superintendent including a certificate that the employee is free from tuberculosis.

A teacher is one who: holds a valid certificate, properly endorsed; "diagnoses, prescribes, evaluates and directs" student learning; shares responsibility for the development of educationl procedures to achieve the school's objectives; evaluates and assesses student progress and uses this information as a basis for developing further educational procedures.

CROSS REFERENCE

III.C.Certified Personnel; Regulation §670-50.1 -- 670-50.15

EDUCATIONAL PERSONNEL

STATUTES

§284.1 -- .2

The "interstate agreement on qualification of educational personnel" is enacted in order to facilitate the certification of educational personnel who move from

state to state. States participating in the program may contract with one another for the acceptance of educational personnel. Such contracts shall not extend for a period longer than five years. The superintendent of public instruction shall be the designated official to enter into such contracts.

REGULATIONS

§670-15.1(257)

"An endorsement is an authorization to perform a specific type of service (teacher, administer, supervise, school personnel) at a particular grade level(s).

"To obtain an endorsement, an applicant must complete an approved program and receive the recommendation from the preparing institution. Exceptions to this are so noted in the listing of specific requirements for some of the endorsements."

§670-15.2(257)

"For authorization to serve as a teacher in pre-kindergarten and kindergarten, the applicant shall possess a bachelor's degree."

§670-15.9(257)

"For endorsement to serve as a secondary school guidance counselor through grade twelve, an applicant shall have met the requirements for a professional certificate and ...,shall possess a master's degree in guidance and counseling from a recognized institution, based upon an approved program of study in which emphasis was placed upon guidance and counseling at the secondary level ... [including] supervised guidance and counseling experience under the supervision of said institution, or actual experience recognized as the equivalent ... . An applicant shall also present evidence of successful teaching experience.

§670-15.10(257)

"For authorization to teach in specific preparatory or occupational programs in grades nine through twelve, an applicant must have met the requirements as outlined in the state plan for the administration of career education."

§670-15.11(257)

"For authorization to teach art in kindergarten and grades one through twelve, an applicant shall have completed an approved four-year teacher education program with a major in art, including a supervised student teaching experience at both the elementary and secondary school level, and methods at both levels, and a bachelor's degree from a recognized institution."

§670-15.12(257)

"For authorization to teach industrial arts in kindergarten and grades one through twelve, an applicant shall have completed an approved four-year teacher education program with a major in industrial arts, including a supervised student teaching experience at both the elementary and secondary school level, and methods at both levels, and a bachelor's degree from a recognized institution."

§670-15.13(257)

"For authorization to teach music in kindergarten and grades one through twelve, an applicant shall have completed an approved four-year teacher education program with a major in music, including a supervised student teaching experience at both the elementary and secondary school level, and methods at both levels, and a bachelor's degree from a recognized institution."

§670-15.14(257)

"For authorization to teach physical education in kindergarten and grades one through twelve, an applicant

shall have completed an approved four-year teacher education program with a major in physical education, including a supervised student teaching experience at both the elementary and secondary level, and methods at both levels, and a bachelor's degree from a recognized institution."

§670-15.15.(257)

"For authorization to serve as a school librarian in kindergarten and grades one through twelve, an applicant shall complete an approved four-year teacher education program with a major in school library science, including a supervised student teaching experience at both the elementary and secondary school level and a bachelor's degree from a recognized institution."

§670-15.16(257)

"For authorization to serve as a teacher of special education in kindergarten and grades one through twelve, an applicant shall have completed an approved four-year teacher education program with a major in special education including an emphasis in one area of exceptionality and a supervised student teaching experience at both the elementary and secondary school level, and methods at both levels, and a bachelor's degree from a recognized institution."

§670-15.17(257)

"For authorization to provide clinical hearing services in kindergarten and grades one through twelve, the applicant shall possess a master's degree based upon an approved program of study in which emphasis was placed upon audiology for school hearing clinicians."

§670-15.18(257)

"For authorization to provide clinical speech services in kindergarten and grades one through twelve, the applicant must possess a master's degree based upon completion of a program of graduate study in which major emphasis was placed upon speech pathology for school speech clinicians."

§670-15.19 (257)

"For authorization to provide diagnostic and instructional services on an individual basis as reading clincian in kindergarten and grades one through twelve for children with severe reading disabilities, an applicant shall have met the requirements for a professional certificate endorsed for either elementary or secondary school teaching an shall present evidence of completion of an approved master's degree in clinical reading at a recognized institution. In addition, such applicant shall present evidence of at least two years of successful teaching experience."

§670-15.20(257)

"For authorization to serve as an educational media specialist in kindergarten and grades one through twelve, the applicant shall have met the requirements for a professional certificate endorsed for elementary or secondary school teaching and shall possess a master's degree based upon an approved program in the specialized area of educational media."

§670-15.21(257)

"For authorization to serve as a school psychologist in kindergarten and grades one through twelve, an applicant shall possess a master's degree in psychology from a recognized institution and shall present evidence of completion of an approved aprogram of graduate study in preparation for service as a school psychologist, either included in, or, in addition to, the work leading to said master's degree. In addition, an applicant shall present evidence of two years of successful teaching experience.

§670-15.22 (257)

"For authorization to serve as a school nurse in kindergarten and grades one through twelve, an applicant shall complete an approved four-year teacher education

program with a major emphasis in school nursing, including a supervised practicum at both the elementary and secondary school level, and a bachelor's degree from a recognized institution."

§670-15.23 (257)

"For authorization to serve as a curriculum area specialist in kindergarten and grades one through twelve, an applicant must have met the requirements for a professional certificate endorsed for one of the several types of teaching service and in addition thereto have secured a master's degree from a recognized institution. Such master's degree is to include an emphasis in elementary and secondary school supervision or curriculum, as well as specific graduate work in the academic area of interest; provided further that said applicant shall have had curriculum development experiences either with or without credit under the supervision of the institution awarding said applicants master's degree, or, in lieu thereof, equivalent experiences as judged by said institution. In addition, an applicant shall present evidence of four years of successful teaching experience."

§670-15.24 (257)

"For authorization to serve as a guidance counselor in kindergarten and in grades one through twelve, the applicant must possess a current valid professional certificate endorsed for teaching at either the elementary or secondary school level and, in addition thereto, must possess a master's degree and have completed an approved graduate program of at least forty-five semester hours for the preparation of guidance counselors, which program may include courses completed in fulfillment of the requirements for said master's degree and shall include supervise counseling experience at both elementary and secondary school level. In addition, the applicant shall present evidence of successful teaching experience."

§670-15.25 (257)

"For authorization to serve as a director of library services in kindergarten and in grades one through twelve the applicant shall have met the requirements for a professional certificate endorsed for elementary or secondary school teaching or special service area and shall possess a master's degree or its equivalent in library science. The applicant must present evidence of successful completion of a course or courses of study in the administration of school library services, which course or courses may be included in, or in addition to, the work leading to said degree."

§670-15.26 (257)

"For authorization to serve as a reading specialist in kindergarten and in grades one through twelve, the applicant shall have met the requirements for a professional certificate endorsed for either elementary school teaching or secondary school teaching, secured a master's degree from a recognized institution, and have completed an approved graduate program in reading including preparation in the supervision of reading. In addition, such applicant shall present evidence of at least four years of successful teaching experience; at least one of which shall have included the teaching of reading as a significant part of the responsibility."

§670-15.27 (257)

"For authorization to coach in kindergarten and grades one through twelve, the applicant shall have met the requirements for a professional certificate endorsed for either elementary or secondary school teaching or special service area and shall have completed an approved program in coaching."

§670-15.28 (257)

"For authorization to serve as superintendent, principal, supervisor or teacher in any elementary, or

secondary school through grade twelve, an applicant shall have met the requirements for a professional certificate endorsed for one of the several types of teaching service, and, in addition thereto, have secured a master's degree in school administration from a recognized institution plus an approved thirty semester hours of approved graduate study completed after the date of the awarding of the master's degree, and have had four years of successful teaching experience; provided further that siad applicant shall have had general school administrative experiences, either with or without credit, under the supervision of the institution in which the additional thirty semester hours were completed, or, in lieu thereof, equivalent experiences as judged by said institution."

§670-15.29(257)

"For authorization to teach health in kindergarten and grades one through twelve, an applicant shall complete an approved four-year teacher education program with a major in health education including supervised student teaching experiences at both the elementary and secondary school level, and methods at both levels, and a bachelor's degree from a recognized institution."

§670-15.30 (257)

"For authorization to serve as a director of guidance services in kindergarten and grades one through twelve, the applicant must meet the qualifications for a school guidance counselor and, in addition, shall have completed an additional approved graduate program of at least thirty semester hours in guidance and counseling in kindergarten and grades one through twelve and in the administration and supervision of guidance programs. The applicant shall also present evidence of successful practical experience in guidance and counseling at both the elementary and secondary level."

§670-15.31 (257)

"For authorization to teach in grades four through nine, an applicant shall have completed an approved four-year middle school teacher education program, including supervised student teaching at the middle school level, and a bachelor's degree from a recognized institution:"

§670-15.32 (257)

"To qualify for a professional certificate with authorization to teach in a vocational or technical field in an area vocational school or area community college or public community or junior college, an applicant shall submit evidence of preparation and experience as follows.

Applicant shall hold a bachelor's degree granted by an institution recognized by the state board of public instruction, with specialization for teaching in one vocational or technical field offered in the vocational-technical division of an area vocational school or area community college and recommendation by the preparing institution."

§670-15.34 (257)

"To qualify for a professional certificate with authorization to serve as director of a division of an area vocational school or area community college, or attendance center thereof, an applicant shall submit evidence of preparation and experience which meets one of the following options.

"Option 1. Applicant shall hold a master's degree granted by an institution recognized by the state board of public instruction, with specialization in one of the following: (a) subject matter field taught in the area institution; (b) administration; (c) vocational-technical education; or (d) student personnel work. Applicant shall have had four years of successful teaching experience and shall be recommended for this certificate by the institution granting the master's degree.

"Option 2. Applicant shall hold a master's degree granted by an institution recognized by the state board of public instruction, and shall be evaluated by a review committee appointed by the state superintendent of public instruction as having competence to serve successfully as a director of a division of an area vocational school or area community college, or attendance center thereof."

§670-15.35 (257)

"To qualify for a professional certificate with authorization to serve as a counselor in an area vocational school or community college, an applicant shall have completed a master's degree in counseling or in college student personnel work with an emphasis in counseling from a recognized institution. This preparation shall have included six semester hours of professional preparation appropriate for community college teaching, or adequate experience in college teaching or its equivalent as evaluated by a review committee appointed by the state superintendent of public instruction shall be accepted in lieu of part or all of the required credit in professional education."

§670-15.36 (257)

"To qualify for a professional certificate with authorization to serve as a librarian or learning resource specialist in an area vocational school or community college, an applicant shall have completed a master's degree in this area of specialization from a recognized institution. This preparation shall have included six semester hours of professional preparation appropriate for community college teaching, or adequate experience in college teaching or its equivalent as evaluated by a review committee appointed by the state superintendent of public instruction shall be accepted in lieu of part or all of the required credits in professional education."

§670-15.37 (257)

"To qualify for a professional certificate with authorization to serve as a coach in an area vocational school or a community college, an applicant shall have completed an approved program for the preparation of athletic coaches."

§670-15.38 (257)

"Issued for the performance of supervisory or monitorial services for the purpose of relieving certificated teachers for other duties. This certificate is available to persons employed in the schools for the performance of various nonteaching duties involving the supervision of pupils and for the purposes of rendering such assistance to teachers as will enable them to perform more effectively their teaching duties.

"The applicant shall show moral and physical fitness for the position and freedom from communicable diseases.

"Application for such certificate shall be accompanied by a statement, from the local superintendent or administrative officer of the employing district or school, which contains a description of the work for which the applicant is proposed to be employed and states that said superintendent or officer has examined the qualifications of the said applicant and finds him [her] physically, mentally, and morally fit for the performance of such duties."

§670-15.39 (257)

"To qualify for authorization to serve as administrator of an area education agency, an applicant shall submit evidence of preparation and experience as required by the amendment to section 290.9(1) of the Code of Iowa, relating to area education agency administrator.

"An applicant who has met either of the requirements in two of the four following paragraphs shall qualify for the endorsement.

"(1) Five years' experience in higher education administration at a two- or four-year college or university which is accredited by the North Central Association of Colleges and Secondary Schools accrediting agency or which has been certified by the North Central Association of Colleges and Secondary Schools accrediting agency as a candidate for accreditation by such agency or as a school giving satisfactory assurance that it has the potential for accreditation and is making progress which, if continued, will result in its achieving accreditation by such agency within a reasonable time; or an earned doctorate in higher education administration.

"(2) Five year's experience in special education administration; or an earned doctorate in special education or any subspecialty thereof.

"(3) Five years' experience in primary or secondary school education; or an earned doctorate in educational administration for the primary or secondary level; and five years' teaching experience at any educational level.

"(4) Five years' experience in business or other non-academic career pursuit; or an earned doctorate in public administration or business administration.

"No person shall be issued a temporary or emergency certificate for more than one year; and no education agency shall employ uncertificated administrators, or employ temporary or emergency certificated administrators for more than two consecutive years.

"The provisions of this subrule relating to the certification of an area education agency administrator shall not apply to persons holding a superintendent's certificate prior to July 1, 1975."

§670-15.40 (257)

"For authorization to serve as a teacher or supervisor of special education in kindergarten and grades one through twelve, an applicant must have met the requirements for an endorsement as an elementary-secondary special education teacher and in addition thereto have secured a master's

degree from a recognized institution and have completed an approved graduate program in special education including preparation in elementary and secondary school supervision or curriculum, and have had four years of successful teaching experience; provided further that said applicant shall have had supervisory experiences in special education either with or without credit under the supervision of the institution awarding said applicants master's degree, or, in lieu thereof, equivalent experiences as judged by said institution."

SCHOOL EMPLOYEES

REGULATIONS

§735.4

It shall be a violation of a person's civil rights for an employee of any public school to be asked his or her religious affiliation.

STATE BOARD OF PUBLIC INSTRUCTION

CROSS REFERENCE

I.State Board of Public Instruction; Statute §257.2

SUBSTITUTE TEACHERS

STATUTES

§260.19

A person who at some previous time held a valid Iowa teacher's certificate may be issued a substitute teacher's certificate in accordance with the person's qualifications.

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§257.12

The superintendent of public instruction (and deputy superintendent) shall hold a master's degree in education or a related field, and have had at least five years' experience in educational administration.

SUPERINTENDENTS AND PRINCIPALS

STATUTES

§260.9

"The administrative and supervisory certificates" shall include superintendent, principal, and supervisor certificates. A superintendent applicant shall meet the requirements for an advanced elementary or secondary certificate and meet additional requirements prescribed by the board of examiners. An area education agency administrator shall be required to have five years' administrative experience or to have earned a doctorate in two of the following fields: higher education, special education, primary or secondary school education, business or other nonacademic career.

"There are two principal's certificates; secondary and elementary. They shall be issued to applicants who meet the requirements for a standard or advanced certificate in those divisions, in addition to special training which the board of examiners may require.

"The supervisor's certificate shall be issued to an applicant who has met the requirements for a standard elementary or secondary certificate and any special training prescribed by the board of examiners."

STATUTES

§260.1

"The state board of public instruction shall constitute the board of educational examiners."

§260.2

"The board of educational examiners shall have authority to issue" teaching certificates to persons eighteen years of age or older, who have the requisite qualifications.

§260.6

The board of educational examiners is authorized to issue six classes of teachers' certificates: elementary, secondary, administrative and supervisory, special, emergency, and substitute.

§260.7

There are two types of elementary teachers' certificates. The advanced certificate shall be issued to the graduate of an accredited four-year program with specific training in some division of the elementary school field. The standard certificate shall be issued to persons who have completed a two-year course with special training in the elementary school field.

§260.8

The secondary certificates are the advanced certificate, given to the holder of a master's degree who otherwise meets the requirements for the standard certificate; and the standard certificate, issued to the graduate of a four-year course with specific training in two or more secondary school subjects.

§260.10

The board of educational examiners may issue a teaching certificate to an out of state applicant who meets the required qualifications.

§260.17

A special certificate shall be issued to an applicant to teach a specified subject, if the applicant meets the board of examiners' requirements.

§260.27

If required by the board of educational examiners, school districts may cooperate with universities in implementing student teacher programs.

REGULATIONS

§294.1 -- .2

No teacher shall be employed in a common school who does not have a certificate. Regulations regarding teacher qualifications shall not be made retroactive and shall not affect "any teacher who has had at least three years' successful experience in teaching ...".

§670.13 -- .16

Applicants for certification shall have a baccalaureate degree in a teacher preparatory program from a recognized institution. Additionally, if an applicant has completed less than eight months of teaching experience during the five-year period after obtaining a teaching degree, he/she shall be required to take six semester hours of credit before an original certificate shall be issued.

Credit earned from a nonrecognized institution is not acceptable but the degree may be validated if the teacher completes three courses in his/her area of teaching specialization at a recognized institution. Persons holding B.A. degrees who do not qualify for a teaching certificate may do so by completing an approved teacher education program in a recognized institution and receive a professional certificate.

All teacher preparatory programs shall include study in Human Relations. Such a program shall include study in interpersonal and intergroup relations and contribute to understanding of the "values, beliefs, life styles, and attitudes of individuals and ... diverse groups." Such programs shall be developed by the educational agencies with the assistance of an advisory committee and approved by the State Board of Education. The education agency developing the program shall indicate the means of evaluation to be used.

§670-13.23

Each applicant for a teaching certificate is required to have taken two semester hours of American history or government at the college level. This requirement may be fulfilled by an examination administered at the applicants's undergraduate institution.

§670-14.2

Five classes of teaching certificates shall be issued:

(1) Permanent professional certificates are valid throughout one's lifetime and requires the holder to have a master's degree and five years' experience.

(2) Professional certificates are valid for ten years and require a baccalaureate degree and completion of an approved teacher education program.

(3) Preprofessional certificates are valid for a six-year term and not available to new applicants except those specified.

(4) Substitute certificates are valid for a six-year term but not more than 90 days in any single school year. Requirements

for this certificate include a once valid certificate that could again be reissued.

(5) Temporary certificates are valid for a one-year term if specified conditions are met.

§670-16.1

Once certified, teachers must be approved to teach specific subjects. The teacher preparation programs shall designate the courses necessary to be approved in each subject area. Teachers wishing to be approved in additional subject areas must meet current requirements and file all records with the Certification Division for approval.

Certified elementary school teachers shall be approved to teach all subjects in a self-contained classroom in grades K-8. Teachers in grades 9-12 shall be approved to teach only those areas listed on their teaching certificate. All teachers must have completed at least 30 semester hours in either elementary education or a major area of concentration recognized by the State Board of Education.

§670-17.5

If a certificate has expired, the credits presented for renewal of the certificate must have been earned from a recognized institution or inservice training program within the preceding five-year period. Term certificates based on a degree may be renewed. If an applicant has eight months of teaching experience during the term of the certificate, six semester hours of college credit are needed to renew. If the applicant has less than eight months teaching during the term, he/she needs eight college credits.

Renewal of teaching certificates based on less than a degree require the same portion of experience and education but also require a signed statement by the registrar that the credits taken count toward the completion of requirements for a professional certificate.

CROSS REFERENCE

II.A.1.; Regulation §670-6.1

CERTIFICATED PERSONNEL

REGULATIONS

§670-50.1 -- .15

Any educationally certificated person, professional education association, board of directors, parent or guardian may file a complaint with the superintendent to request a hearing to determine whether a person's certificate should be revoked or suspended.

HEARING

REVOCATION

SUSPENSION

If the board finds a hearing would be appropriate, it shall notify the respondent of the allegations fifteen days prior to the hearing. The superintendent or administrative hearing officer shall conduct an evidentiary hearing according to the rules provided herein and shall make a decision including findings of fact and conclusions of law. If the decision is not appealed within 30 days it is final.

If appealed, the appeals hearing shall consist of a hearing panel presided over by the state superintendent or administrative hearing officer. The decision of the hearing panel shall be reviewed by the State Board and either approved or remanded for a rehearing.

APPEAL

DEPARTMENT OF PUBLIC INSTRUCTION PERSONNEL

CROSS REFERENCE

I.State Department of Public Instruction; Statute §257.21

EDUCATIONAL PROGRAMS

CROSS REFERENCES

II.A.1.; Statute §280.3

II.A.1.; Statute §280.9

GENERAL ASSEMBLY

CONSTITUTION

Iowa Constitution, Art. IX, 2nd, §3

"The General Assembly shall encourage...the promotion of intellectual, scientific, moral, and agricultural improvement."

PROFESSIONAL STAFF

STATUTES

§257.24

The professional staff shall not be dismissed without a 90 days' notice and the right to a hearing. NOTICE HEARING

PROFESSIONAL TEACHING PRACTICES COMMISSION

STATUTES

§272A.5

The professional teaching practices commission shall adopt standards and rules and regulations to carry out its work.

SCHOOL ADMINISTRATORS

CROSS REFERENCE

I.School Board of Directors; Statute §279.44 -- 279.47

SCHOOL OFFICIALS

STATUTES

§66.1

Any appointed or public officer may be removed from office by the district court for neglect of duties, willful misconduct, corruption, extortion, or conviction of a felony. REMOVAL

SCHOOL SYSTEM

CROSS REFERENCE

I.School District; Statute §274.2

STUDENTS

STATUTES

§259A.1

A high school equivalency diploma shall be issued to students demonstrating competence in social studies, science, literature and math.

DIPLOMA

REGULATIONS

§670-8.1

Applicants for High School Equivalency shall complete the General Educational Development Test of the ACE with a score of 35 on each test and 45 on all five tests. Persons not achieving the minimum score who wish to retake the test may do so after one year upon payment of a five dollar fee and upon the completion of an adult education course in the area(s) to be retested.

CROSS REFERENCE

IV.H.; Statute §299.24

TEACHERS

STATUTES

§260.23

The board of educational examiners may revoke a certificate, for cause, with ten days' written notice to the holder of the certificate.

REVOCATION

NOTICE

§272A.3

A "professional teaching practices commission," included in the state department of public instruction, is created, consisting of nine, governor-appointed members. The members shall include classroom instructors, administrators and a representative of the state department of public instruction.

§272A.6

The professional teaching practices commission shall develop "criteria of professional practices" including "competent performance of all members of the teaching profession ... ethical practice toward other members of the profession, parents, students and the community." A violation of any criterion adopted by the board shall be a basis for suspension or revocation of a certificate.

REVOCATION

SUSPENSION

§279.12 -- .13

The local boards of education shall make all contracts with teachers. If a contract is not to be renewed, the teacher shall be notified by the superintendent, in writing. The teacher may request a private hearing with the board, and the superintendent and the teacher may file written briefs. The board's decision may be appealed by the teacher to an adjudicator. If either party rejects the adjudicator's decision, they may appeal to the local district court. The "first two consecutive years of employment" of a teacher are a probationary period.

NOTICE

HEARING

APPEAL

§279.24

"A teacher may be discharged at any time during the contract year for just cause." The teacher will be notified by the superintendent that he intends to take such action. The superintendent may suspend the teacher pending a hearing.

DISCHARGE

NOTICE

SUSPENSION

§640-1.2

The Professional Teaching Practices Commission consists of nine members appointed by the Governor for a three-year term. A director appointed by the Commission acts as executive head of the commission and shall be responsible for developing criteria relating to professional and ethical practices and competent performance and shall conduct hearings as to alleged violations of such criteria. HEARING

It shall give notice of its intention to adopt, amend or repeal any rule and may conduct a hearing on a proposed change if requested. Any person may petition the Commission requesting an adoption amendment, or repeal of a rule. The petition shall be evaluated and an order issued by the director stating the reasons for the action taken. RULEMAKING

A person or organization may also petition the Commission to issue a declaratory ruling on the application of statutes, rules, policy statements, decisions and orders under its jurisdiction. If the petition complies with procedures and jurisdictional prerequisites, the Commission shall issue a ruling which has binding effect upon subsequent decisions which pertain to the parties requesting the ruling.

In administrative proceedings before the Commission, the party alleging a violation shall file a complaint which shall be investigated by the director and a report of its findings made. Based on this report, the Commission shall decide whether to proceed or not. If it decides to proceed, a formal hearing shall be held conducted by either the full commission, a three-member committee, or an ALJ. HEARING If the hearing is held before six or more members of the Commission, the decision shall be final. If conducted before three members or an administrative law judge, its decision is subject to review by the full commission, if appealed within 30 days, otherwise it is final.

§640-3.2 (272A)

"Competence is assumed. It rests with the complainant to furnish evidence of alleged incompetence. Because there is a great divergence among groups of people as to what constitutes competence in education, the following guidelines are suggested.

"a. The guiding of educational activities must be recognized as basic. Therefore, these activities require a degree of competence in developing, evaluating and applying educational activities in the variety of situations confronting the educator.

"b. In order to help the pupil become as effective an individual as possible the educator must have the competency to deal effectively with individuals and groups.

"c. Within any local system competence involves program building directed toward three important educational functions: (1) to provide an articulated series of educational experiences leading to desired objectives, (2) to provide an effective environment for developing the skills and attitudes needed for effective citizenship and for meeting developmental needs, and (3) to provide for liaison with the public on purposes and programs in education.

"d. The individual's effectiveness as a member of the profession calls for competence in three general areas of professional behavior: (1) personal relationships; (2) professional growth; and (3) effectiveness in dealing with problems of the profession."

§640-3.3 (272A)

"The educator measures his [her] success by the progress of each student toward realization of his potential as a worthy and effective citizen. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling his [her] obligation to the student, the educator:

"a. Shall not without just cause restrin the student from independent action in his [her] pursuit of learning,

and shall not without just cause deny the student access to varying points of view.

"b. Shall not deliberately suppress or distort subject matter for which he bears responsibility.

"c. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.

"d. Shall conduct professional business in such a way that he does not expose the student to unnecessary embarassment or disparagement.

"e. Shall not on the ground of race, color, creed, age, sex, physical or mental handicap, marital status, or national origin exclude any student from participation in or deny him benefits under any program, nor grant any discriminatory consideration or advantage.

"f. Shall not use professional relationships with students for private advantage.

"g. Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

"h. Shall not tutor for renumeration students assigned to his classes, unless no other qualified teacher is reasonably available.

"The educator believes that patriotism in its highest form requires dedication to the principles of our democratic heritage. He/she shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all and for interpreting educational programs and policies to the public. In fulfilling his obligation to the public, the educator:

"a. Shall not misrepresent an institution or organization with which he is affiliated, and shall take adequate precautions to distinguish between his personal and institutional or organizational views.

"b. Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.

"c. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.

"d. Shall not use institutional privileges for monetary private gain or to promote political candidates or partisan political activities.

"e. Shall accept no gratuities, gifts, or favors that might impair or appear to impair professional judgment, nor offer any favor, service, or thing of value to obtain special advantage.

"The educator believes that the quality of the services of the education professional directly influences the nation and its citizens. He/she therefore exerts every effort to raise professional standards, to improve his/her service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. In fulfilling his/her obligation to the profession, the educator:

"a. Shall not discriminate on the ground of race, sex, age, physical handicap, marital status, color, creed or national origin for membership in the profession, nor interfere with the participation or nonparticipation of colleagues in the affairs of their professional association.

"b. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.

"c. Shall not use coercive means or promise special treatment in order to influence professional decisions of colleagues.

"d. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves professional purposes.

"e. Shall not refuse to participate in a professional inquiry when requested by the commission.

"f. Shall provide upon the request of the aggrieved party a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

"g. Shall not misrepresent his [her] professional qualifications.

"h. Shall not knowingly distort evaluations of colleagues.

"The educator regards the employment agreement as a pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. He [she] believes that sound professional personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect. The administrator discourages the practice of the profession by unqualified persons. In fulfilling his [her] obligation to professional employment practices, the educator:

"a. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.

"b. The educator should recognize salary schedules and the salary clause of individual teacher's contract as a binding document on both parties. The educator should not in any way violate the terms of the contract.

"c. Shall not knowingly withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

"d. Shall give prompt notice to the employing agency of any change in availability of service, and the employing agent shall give prompt notice of change in availability or nature of a position.

"e. Shall adhere to the terms of a contract or appointment, unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employing agency.

"f. Shall not delegate assigned tasks to unqualified personnel.

"g. Shall use time or funds granted for the purpose for which they were intended.

"The commission members and staff will be independent and impartial and not use the public office for private gain. In fulfilling his [her] obligation the commission employees will not:

"a. Receive any remuneration for his [her] services, other than that payable by law.

"b. Solicit, accept, or agree to accept any gifts, loans, gratuities, discounts, favors, hospitalities, or services from anyone with vested interests.

"c. Disclose confidential information garnered from his [her] official duties.

"d. Solicit, accept or agree to accept compensation contingent upon commission actions.

"e. Hold positions, perform duties, or engage in activities not compatible with his [her] official capacity."

CROSS REFERENCE

III.E.Instruction; Regulation §670-2.1 -- 670-2.8

D. Evaluation and Reporting

Educational Needs

Statutes

§280.12

The board of directors of each public school district shall "determine major educational needs and rank them in priority ...","develop long-range plans to meet such needs," maintain evaluated plans on a year-by-year basis and a progress record, and make progress reports.

STATUTES

§257.25 (10) -- (12)

For the purposes of "school improvement and approval," the state department of public instruction shall evaluate the educational programs in all school districts. The schools may be required to show compliance with the Code by making reports to the superintendent of public instruction. The state department shall conduct an investigation of any school district failing to comply with Code requirements. The state board of education "shall adopt approval standards and rules to implement ... and make effective" these provisions. The state board shall "remove for cause ... any school or school district from the approved list which fails to comply with such approval standards and rules ...". The school or school district must comply within a one-year period. Any school to be removed from the approved list shall be entitled to a one-year notice and a public hearing.

REMOVAL

NOTICE

HEARING

REGULATIONS

§670-3.5

Each school board shall require its administrators and professional staff to develop a description of the entire educational program in grades K-12 offered by the school system. Each subject taught shall be based on a resource guide describing the educational purposes, suggested instructional activities, content and performance and evaluation criteria. The Board shall also adopt plans for special education, career education and physical education. The school board shall systematically evaluate the educational programs. Every school shall provide for parent-teacher communications. In order for a course to yield one unit of credit it must be offered for 120 hours of instruction.

EDUCATIONAL SYSTEM

STATUTES

§294.5

Teachers shall file reports, as may be required, with the superintendent of public instruction.

PLAN FOR SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Regulation §670-17

SCHOOL ADMINISTRATOR'S PERFORMANCE

CROSS REFERENCE

I.School Board of Directors; Statute §279.44 -- .47

SCHOOL STATISTICS

CROSS REFERENCE

I.School Board of Directors; Statute §291.1 -- 291.10

SCHOOL'S EDUCATION PROGRAM

CROSS REFERENCE

I.Principals; Statute §279.43

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2.; Regulation §670-12.1 -- 670-12.10

STATE SERVICES

STATUTES

§7A.3

"The primary responsibility of the office for planning and programming shall be to co-ordinate the development of physical, economic, and human resource programs..." The office shall prepare "state-wide recommendations," "provide technical assistance," maintain a "state resource center" to compile information available to state agencies or local governments to aid in the development of the programs, "analyze the quality and quantity of services required for the orderly growth of the state...and make recommendations...for the establishment of such services."

REGULATIONS

§670-2.1 through 670-2.8

Reading is one of the most important experiences children have in school. In order to help teachers promote and develop an effective reading program, the Department of Public Instruction (DPI) issues a teacher's handbook which should be used as a guide and in conjunction with the teacher's manual. The handbook sets forth the kind, level and number of books charts and reading material that should be available at each grade level.

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCES

II.A.3.; Statute §258.4

II.A.3.; Statute §258.13

II.A.3.; Statute §280A.25

INSTRUCTION

CROSS REFERENCE

I.State Superintendent of Public Instruction; Statute §272.2

PROFESSIONAL MEETINGS

STATUTES

§272.3

Teachers shall be allowed to attend professional meetings for not more than one day per "school year without loss of salary."

§272.4

The area education agency administrator shall monitor teacher attendance at professional meetings, and any teacher failing to attend, unless excused by the area administrator, "shall forfeit his average daily salary for that day of nonattendance...".

PUBLIC SCHOOL INSTRUCTION

CROSS REFERENCE

I.State Department of Public Instruction; Statute §257.20

SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Regulation §670-12.1 -- 670-12.10

STAFF

STATUTES

§670-3.7

The State Board of Education shall maintain and support a planned program for in-service growth and maintain library and media materials for the staff.

TEACHERS

STATUTES

§272.1

"The area education agency administrator shall arrange for such professional teachers meetings, demonstration teaching or other field work for the improvement of instruction as may best fit the needs of the public schools in his [her] area education agency and as directed by the superintendent of public instruction."

CROSS REFERENCES

I.School District Board of Directors; Statute §262.30; 262.32

II.A.2.; Statute §273.2

II.A.3.; Statute §280A.36

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§72-114 -- 72-116

SELF-EVALUATION

The board of education of any school district may make a district-wide self-evaluation, which, if approved by the state boards, shall be effective for the state accreditation requirement of such school district for a period of five years. The state board of education shall adopt rules and regulations to provide for annual reports from accredited school districts and to provide for annual validation of their accreditation status.

Accreditation of a school district shall include accreditation of each school in the district.

§72-8212

Every unified district shall offer grades one through twelve, with kindergarten being optional, and shall offer at least 30 units of instruction in grades 9 - 12 in each high school operated by the board. Such units of instruction, to qualify for the purpose of this act, shall have the prior approval of the state board of education. The board shall make all necessary regulations for the government and conduct of such schools, consistent with state laws. The board may divide the district into subdistricts for purposes of attendance by pupils. The board shall have the title to and the care of all school property belonging to the district. The board may open any school building for community purposes, and may adopt regulations governing use of school buildings and other school properties not needed by the district. They also may be sold by the board.

"The board shall have the power to acquire personal and real property by purchase, gift or by the exercise of the power of eminent domain...."

§72-8213--72-8213a

The board of a unified school district may close any attendance facility if the majority of electors in the area of the attendance facility consent either by written petition or in an election. An attendance facility is a school building which was formerly owned by a school district which was disorganized and became part of the unified district.

The board may close an attendance facility if the school fails to receive accreditation by the state board.

The board of any city unified school district with a population of more than 20,000 may close an attendance facility to improve the school system.

The board may close an attendance facility if, by election, the board has been authorized to construct a new school building, and if the new school building would adequately serve the educational needs served by the attendance facility being closed.

The board may close any attendance facility if the state fire marshal has ordered or recommended that the building be closed. If the state fire marshall has recommended that the building be repaired to make it safe, the board may close the building if the board believes the cost of the repairs to be excessive. The board shall make public at a board meeting any such recommendation by the state fire marshal and take no action until the next regular meeting.

Any nine electors who reside in the area of the attendance facility may appeal the order of the state fire marshal to the state board. If the state board sustains the state fire marshal's order and if twenty-five electors of the school district petition the board to hold an election on the question of whether

bonds shall be issued to make the necessary repairs, an election shall be held.

The board may close an attendance facility if the state board agrees with the board that the costs of operating the facility are excessive and that other attendance facilities can adequately serve the needs being served by the facility under consideration.

If the state board agrees that the facility should be closed, the board shall hold an election on the question of creating and special operating cost assessment district which shall include the area of the attendance facility to get funds to pay the excessive costs. If a majority of the voters agree to create a special district, the attendance facility shall not be closed. The question may be voted on every two years.

REGULATIONS

§91-2-1

The board of education shall operate the schools within a well-defined, written statenent of policies which shall be designed to attract competent personnel and which shall include information about the employment of all school personnel. These employment policies shall not discriminate on the basis of race, religion, ethnic background, origin or sex.

The board of education shall direct the superintendent to prepare annually and when needed his/her recommendations for policy revision. The board shall decide which policies to adopt and shall make the policy statement available to the public.

SUSPENSION
EXPULSION

A district's policy governing the suspension and expulsion of a pupil shall conform to K.S.A. 72-8901 et seq.

Every certified employee shall be evaluated as prescribed by law. Certification programs shall be filed with the state board.

The board shall adopt rules governing the conduct of employees and students. The board's legal counsel shall review the rules. The rules shall be filed with the state board.

A high school shall include grades ten, eleven, and twelve and may include grades seven, eight, and nine.

A course in a consortium program may be counted for accreditation if the program meets the requirements of the state board. A consortium program is any program created by written agreement between school districts or between a school district and a private school, a business, a social agency, or a governmental or industrial organization which is designed to meet student needs.

Each consortium program shall have a written statement on file in the school of its purpose, the student needs it is designed to meet, its goals and objectives, its criteria for student selection, the evaluation procedures for the program and the students, and criteria for continuing the program, student credit may be awarded by successful completion of course work, passing a validating examination, or participation in an organized independent study program or in a cooperative work study program.

WAIVER

The state board may waive a regulation which interferes with a special, experimental or innovative program if the superintendent of the district specifies how the regulation interferes with the program, if the progam's goals fall within the state-wide educational goals, if the program has valid and objective procedures for evaluating its success, and if the program is staffed by certified personnel who are recommended by the superintendent.

§91-2-5

"Determination of course credit for accreditation purposes shall be made according to subject and field preparation of the teacher."

Music and art courses have equal status with other courses.

Athletic practice or competition between organized groups in interscholastic leagues shall not count for credit.

One-half unit of credit in physical education may be granted for courses in physiology, hygiene, first aid, safety and health. "Only one unit of credit, or the fractional equivalent, may be counted as a part of the thirty required units when the course is taught in more than one section, including courses for boys and girls."

The following are laboratory courses: aeronautics, art, biology, botany, chemistry, geology, physiology, physics, zoology, bookkeeping, business machines, computer operations, office practice, secretarial practice, typewriting, home economics courses, industrial arts courses, vocational education courses, physical education, and band.

§91-2-9

The state board of education shall accredit high schools as either accredited or accredited comprehensive.

In order to be accredited a high school shall offer thirty units of instruction which are taught in separate classes in grades nine through twelve. The instructional program shall include courses that are relevant and appropriate to the students' capabilities, needs, and interests. All classes shall be taught by certified personnel.

When requested by the state department of education, each school shall produce evidence that teacher assignments are made according to program goals, objectives, and expected outcomes. The goals shall be reasonably commensurate and in agreement with state goals and with recognized educational concepts and practices. The goals shall be formulated with broad base community involvement, except that experimental or innovative programs are encouraged. The school shall also produce evidence of the following information: pupil/teacher ratio, instructional time allotted, the level and number of assignments, materials and available supportive services.

The school's policy for the assignment of teachers shall be approved by the local board of education and the state department of education.

An accredited comprehensive high school shall offer a minimum of fifty units of resident classes taught in separate classes and shall meet the same requirements as an accredited high school.

§91-2-10

In order to be accredited each high school shall annually file all required reports with the state board. The principal's organization report shall be filed no later than October 1 of each year.

Each school district and each non-public school shall file evaluation policies for certified personnel as provided by K.S.A. 72-9001 et seq. Failure to do so may result in the school losing its accreditation.

Any district which fails to comply with a state board decision approving the application for out of district tuition may lose the accreditation for all of the district's schools.

Accreditation status for each school is determined by evaluation of the following information: data provided in official reports from the school, reports from state department of education consultants, reports from the state board of health and the state fire marshal.

At the June state board meeting the director of elementary and secondary school accreditation shall recommend to the state board whether each high school shall be accredited. The director shall notify the board of any district which has a school that he/she intends to recommend nonaccreditation prior to the state board meeting. The local board may present any reasons why the school should not lose its accreditation at the state board meeting.

Any school declared to be unaccredited effective June 30, may be given tentative accredited status by the state board at its August meeting if the deficiencies of the school have been corrected.

§91-2-12

A secondary school "shall be accredited on the basis of the overall effectiveness of the educational program resulting from compliance with the regulations."

§91-2-13

The school shall not be accredited unless it meets state board requirements.

Each school shall be supervised by a local chief administrator who has a certificate for this position. The administrator shall devote at least half-time to the supervision of the schools under his/her direction exclusive of time spent as a building principal.

When requested by the state department of education, the superintendent shall produce a written, administrative plan for the district which indicates goals, objectives and expected outcomes for each administrative assignment. The plan shall be "reasonably commensurate and in agreement with state-wide educational goals" and "with recognized educational concepts." The plan shall be formulated with broad base community involvement, "except that experimental or innovative programs are encouraged." The plan shall state the amount of time each administrator will be assigned to administrative functions. The plan shall be approved by the local board and by the state department of education.

A school district with an enrollment of less than 300 students may assign the superintendent to be an elementary and high school principal.

§91-2-14a

Each school district which wants to be accredited on a five year cycle shall receive permission from the state board to conduct a district-wide evaluation program. The school district shall have a plan which identifies educational goals, needs, curricular and instructional objectives and priorities, and specifies procedures for implementation, evaluation, and staff assignments. The district shall annually report its progress made toward achieving its goals and objectives.

WITHDRAWAL

Accreditation may be withdrawn at any time by the state board for failure of the district to follow state law or for failure to follow the master plan.

If the director of elementary and secondary school accreditation intends to recommend that a district not be

accredited, the director shall notify the district not later than May 15. At the June state board meeting the district may state its reasons favoring its accreditation.

Any district declared unaccredited effective June 30, may be given accredited status by the state board at its August meeting if the deficiencies of the district have been corrected.

§91-3-1

The requirements of this regulation for accrediting junior high schools are identical to the requirements for accrediting high schools found in 91-2-1 with the following exception. A junior high school shall have at least two consecutive grades and may include grades six through nine.

§91-3-2

The requirements of this regulation for accrediting junior high schools are identical to the requirements for accrediting high schools found in 91-2-2 with the following exceptions. This regulation has no provision for adult education, and general education development program.

This regulation also provides that teacher assignments shall be made considering such factors as "adequate instructional time, level and number of assignments, the purpose of the course, and the instructional objectives to be accomplished." It also provides that the length of periods of instruction and provision for study time "shall be adapted to the maturity of the students, the nature of the instructional experiences, and the philosophy and objectives of the educational program."

§91-3-3

The requirements of this regulation for accrediting junior high schools are identical to the requirements for

accrediting high schools found in 91-2-3 with the following additions.

Any teacher assigned to grade six shall have an elementary certificate.

Each school, when requested by the state department of education, shall produce written evidence that teacher assignments are made according to program goals, objectives and expected outcomes for each teacher assignment. The goals, objectives and expected outcomes shall be reasonably commensurate and in agreement with state-wide educational goals and with recognized educational concepts and practices. The goals shall be formulated with broad base community involvement, "except that experimental or innovative programs . . . are encouraged." Evidence shall be provided indicating pupil/teacher ratio, instructional time allotted, the level and number of assignments, materials, equipment and supportive services available.

The policy shall be approved by the local board and the state department of education.

§91-3-4

The requirements of this regulation for accrediting junior high schools are identical to the requirements for accrediting high schools found in 91-2-4.

§91-3-5

The requirements of this regulation for accrediting junior high schools are identical to the requirements for accrediting high schools found in 91-2-5 with the following addition.

Interdisciplinary or innovative approaches such as ungraded programs,...may be offered instead of the usual one subject course.

§91-3-7 -- 91-3-12a

The requirements of these regulations for accrediting junior high schools are identical to the requirements for

accrediting high schools found in 91-2-7; 91-2-8; 91-2-10; 91-2-12; 91-2-13; and 91-2-14a, respectively.

§91-4-1

The requirements of this regulation for accrediting elementary schools are identical to the requirements for accrediting high schools found in 91-2-1 with the following exceptions.

An accredited elementary school shall include any combination of grades K through 8. "(The middle school concept of organization will be recognized as a consecutive combination of any grades, 5 through 9.)"

An accredited elementary school shall have a minimum enrollment of ten pupils and shall have no more than thirty pupils for each teacher.

The kindergarten program shall be held in separate classes and shall meet at least two and a half hours each school day.

A student may earn credit in a consortium program by successfully completing course work, passing validating examinations indicating competence, or by participating in organized independent study programs.

§91-4-2

The requirements of this regulation for accrediting elementary schools are identical to the requirements for accrediting high schools found in 91-2-2 with the following exceptions.

This regulation has no provision about principals, assistant principals, administrative plans, teachers' records, inventories of equipment, units of credit, adult education, general educational program, requirements for credit in summer school, and the activities program.

§91-4-5

Each grade in an elementary school shall have a physical education program.

§91-4-6

The requirements of this regulation for accrediting elementary schools are identical to the requirements for accrediting high schools found in §91-2-7 with the following exceptions.

The central library media center shall be staffed by a library media specialist who has an elementary school teacher's certificate and has taken fifteen semester hours of library education.

A school with less than 150 pupils may have classroom collections and part-time consultative services of a library media specialist.

Each school with more than 150 pupils shall have a library media center with a well-balanced collection of books, basic reference materials, periodicals, and nonprint media (audiovisual materials). Selection of materials for the collection shall be made cooperatively by the library media specialist, teacher, students, parents and administrators.

§91-4-8 -- 91-4-12a

The requirements of these regulations for accrediting elementary schools are identical to the requirements for accrediting high schools found in 91-2-8; 2-10; 2-12; 2-13; and 2-14a, respectively.

§91-18-27

"The state board approves the use of the minimum standards of the most nearly appropriate of the following national accrediting agencies approved by the U.S. office of education: (1) accrediting commission for business schools; (2) accrediting commission of national association of trade or technical schools; (3) accrediting commission of the national home study council; and (4) engineers council for professional development.

National accreditation shall be accepted as evidence of the school's competence."

§91-4-3; 91-4-5

The requirements of this regulation for accrediting elementary schools are identical to the requirements for accrediting junior high schools found in 91-3-3 (A), 91-2-3 (A). Assistant Principal, 91-3-2 Standard II, and 91-3-3 with the following exceptions.

In a school with more than sixteen teachers the principal shall devote at least eighty percent of his/her time to administration. In a school with six to sixteen teachers a principal shall spend at least one half of the school day, and in a school with less than six teachers a principal shall spend at least some time during the school week performing administrative duties.

"A district maintaining multi-elementary school attendance centers which has a full-time superintendent and assistant superintendent and has extensive supervisory services from the district office, may assign an administrator to serve more than one elementary attendance center provided that it is in accordance with district goals."

§91-27-1

The requirements of this regulation for accrediting vocational schools are identical to the requirements for accrediting high schools found in 91-2-1 with the following exceptions.

No annual report on policy revision is required. No provision is made for consortium programs.

An area vocational school "shall enroll a sufficient number of students and employ a staff which is educationally and occupationally competent to assure a balanced occupational educational program."

§91-27-8

An area vocational school shall be accredited on the basis of its compliance with all applicable regulations and statutes and "the effectiveness of its preparation for the placement and career advancement of

its students." Area schools may vary widely in format and structure.

A school desiring accreditation shall make an application to the state board and submit a report requesting candidacy status. The report shall indicate the degree to which the school has complied with the regulations and how any deficiencies will be corrected.

ON-SITE VISIT

After conducting an on-site visit of the school, a state board official shall make a recommendation to the state board about granting the school candidacy status.

If the state board grants candidacy status, it shall be for a one year period. If the school has not completed its evaluation for full accreditation at the end of the second school year following the granting of candidacy status the school shall lose that status.

The school's annual report shall reflect any changes that might affect its accreditation status.

The state board shall notify the school of any deficiency, and may warn the school or drop it from the accreditation list.

Accreditation shall be for five years unless the state board takes special action against the school's non-compliance with accreditation standards.

APPEAL

If the official of the state board who visits the school recommends that the school not be accredited, the school may appeal within 15 days to the commissioner of education or to a designated representative who shall select a committee of three disinterested persons that are knowledgeable concerning the matter appealed. The commissioner or representative shall notify the school and the state board of its decision and the reasons for a denial.

HEARING

The state board may accept or reject the decision of the commissioner or representative. It shall notify the school of its decision. The school has thirty days to request a hearing from an adverse decision. The state board shall consider any evidence and arguments submitted by the school at the hearing and issue its final decision

promptly.

§91-28-2

The requirements of this regulation for accrediting special purpose schools are identical to the requirements for accrediting high schools found in §§ 91-2-1 and 91-2-2(J) with the following exceptions.

This regulation has no provision for an annual policy report, for school conduct rules, or for consortium programs.

This regulation does not require the chief school administrator to submit evidence that all staff members have certificates for special, experimental, or innovative programs.

A special purpose school may include any combination of instructional areas from pre-school through maximum school age and shall be organized as an ungraded program and have a range of developmental skills and identifiable goals.

A special purpose school shall have a minimum of four full-time teachers. Paraprofessionals may be used.

§91-28-6

This regulation provides that media services shall be appropriate to the curricular objectives of the school, shall be for both instruction and personal enrichment of pupils, shall be appropriate to the capabilities and learning styles of the pupils.

The media program shall have a systematic classification and cataloging system and shall have an up-to-date inventory and finance records.

CROSS REFERENCES

II.A.1.; Statute §72-1101

II.A.1.; Statute §72-1103

II.A.1.; Regulation §91-5-1 -- 91-5-3; §91-5-6 -- 91-5-8, §91-5-10 -- 91-5-12

II.A.3.; Statute §72-5326a

II.A.3.; Regulation §91-27-9; 91-27-10

2. Other Qualification Standards

Statutes

§72-1106

A school year shall have at least one hundred eighty school days. A school day shall consist of six hours when pupils are under the direct supervision of a teacher or engaged together in educational activities. Time reserved for parent-teacher conferences and in-service training may be considered part of the school day. The amount of time for inservice training shall be the "aggregate amount of time equal to the amount of time in excess of the school year which is scheduled by a board of education for similar activities."

Regulations

§91-2-2

A high school with two hundred or more students shall have a principal who spends at least five clock hours each day in administrative and supervisory responsibilities. A high school with fewer than 200 students shall have a principal who spends at least three clock hours each day in administrative and supervisory responsibilities.

Assistant principals, supervisors, directors, helping teachers and other specialized personnel may be hired as needed to enable the principal to have sufficient time to perform his/her duties.

Each school shall have an administrative plan which is approved by the board and the state board of education. The plan shall state the goals and expected outcomes for administrative assignments. The goals shall be in agree-

ment with state goals and shall have broad base community involvement in their formulation, "except that experimental or innovative programs...are encouraged. Any administrative plan for the school shall state specifically the amount of time that will be assigned for the improvement of instruction including determining the needs of students and staff," and shall state the types of support services available to "supplement particular administrative responsibilities."

Records of completed courses, attendance and activities shall be kept in a fire-resistant compartment. Records on teachers shall be kept as directed by the chief administrator of the district. Inventories of all equipment shall be on file.

The school term shall consist of a minimum of 180 days. The academic day shall be at least six hours in length.

A school shall base its program on units of credit. High school credit may be granted for state board of education approved adult courses. A regular high school student may enroll in an adult evening class if the principal of the school where the course is offered and the student's principal approve.

A high school may accept general educational development (G.E.D.) results for credit toward graduation. "Schools may prefer that a certificate of academic achievement be issued by the state board of education." A school may grant a diploma to a student if the student has minimum standard scores of 35 and an average of 45 on the five tests. The applicant shall also have attended the school system to which he/she applies for credit, shall be over eighteen years old, shall have taken a one unit course in American history and a one-half unit course in American government. Recommendations of the commission of accreditation of service experience of the American Council on Education shall serve as a guide to the local school. A high school may grant credit for experience gained in the military service.

TESTING

AMERICAN HISTORY
AMERICAN GOVERNMENT

MILITARY SERVICE

A summer school shall be administered by a person

appointed by the board who has a secondary school administrator's certificate. A summer school may charge tuition. Summer school attendance may not be counted to qualify for state and county funds.

A summer school shall have a media center comparable to that of the regular session school, shall be conducted by an accredited school, and shall keep scholastic records.

Each school system operating a summer school shall notify the state board of education of its intention and shall report to the state department of education within ten days after the first day of summer school.

A summer school course may be offered for enrichment, for make-up purposes, or to take a course not available during the school year. A summer school course shall have content and achievement standards comparable to regular session courses.

A student must get permission from his/her parent and the school principal before attending summer school for credit.

Each summer school teacher shall have an appropriate secondary certificate.

One unit of credit may be granted for a non-laboratory course which meets 120 clock hours or 165 hours for a laboratory course in a summer school.

The activities program shall be directed by the high school principal.

§91-13-1

Each high school shall offer and teach at least thirty units of instruction in grades nine through twelve in order to be accredited by the state superintendent.

A class, except the nine courses required for graduation, shall enroll at least six students as of September 15 to be counted as a unit for meeting the thirty unit requirement.

Each teacher shall teach only six classes which may be counted for meeting the thirty unit requirement. A study hall or library duty shall count as a class.

When two units of courses are taught by a teacher during the same class period only one unit may be counted

for meeting the thirty unit requirement.

The nine units required for graduation shall be taught each year. The following courses shall be taught each year in separate classes: English language arts, of which three units shall be composition and literature, 4 units; social studies, including one unit of American history and one-half unit of American government, 4 units; mathematics, including algebra, geometry and advanced mathematics, 4 units; science, including biology and physics or chemistry, 3 units; foreign language, 2 units; health, physical education and safety, 1 unit; two units in each of any two remaining areas; eight units additional work from any of the areas.

CROSS REFERENCE

IV.G.; Statute §72-8223

B. Qualification Standards for Personnel

Administrator

Regulations

§91-1-7

Every person assigned to administrative duties shall have an administrator certificate. To qualify for a building administrator certificate an applicant shall have or be eligible for a degree teaching certificate, shall have two years of successful teaching or administration experience in an accredited elementary or secondary school, shall have a graduate degree, shall have thirty-six hours of graduate credit, and shall have taken "appropriate electives as a part of a program planned by the preparing institution and the student to improve the effectiveness of the administrator."

Every vocational-technical school administrator

shall have or be eligible for a degree teaching certificate, shall have three years of successful experience as a certified vocational teacher in an accredited school, shall have a graduate degree, shall have forty-eight hours of graduate credit, and shall have taken "appropriate electives in the field of vocational education and related areas as a part of a program planned by the preparing institution and the student to improve the effectiveness of the administrator."

Every district school administrator shall have or be eligible for a degree teaching certificate, shall have a graduate degree, shall have sixty semester hours of graduate credit, and "appropriate electives as a part of a program planned by the preparing institution and the student to improve the effectiveness of the administrator."

Every specialized administrator shall have or be eligible for a degree teaching certificate, shall have a graduate degree appropriate to his/her assigned field of responsibility, shall have earned a total of nine graduate semester hours of credit in administration, supervision, and evaluation, and shall have three years of successful experience as a certified employee of an accredited school. In order to qualify as a specialized administrator the applicant shall also have the recommendation of his/her district's chief administrator and his/her college.

This certificate shall be held by an administrator who is not a building administrator, vocational-technical school administrator, a district school administrator, or a special education supervisor.

The following certificate regulation shall apply to any individual entering the position of Director of Special Education after July 1, 1979. Any administrator could apply for this certificate up to July 1, 1979.

The initial Director of Special Education Programs certificate shall be valid for three years. The applicant shall hold or be eligible for a degree teaching certificate, shall have three years of successful experience teaching or administering in an accredited school

of which one year shall be in special education, shall have a graduate degree, shall be recommended by his/her college, and shall have 48 semester hours of credit in special education.

Every supervisor/coordinator of a special education program, after July 1, 1979, shall have the recommendation of his/her district's chief administrator and his/her college, shall have three years of successful teaching experience in the area in which he/she will be supervising and shall have nine graduate semester hours of work from administrative, supervisory, or curriculum areas from a sequential program approved for the preparation of special education supervisors/coordinators.

An administrator's certificate issued prior to July 1, 1977, upon expiration, shall be converted to a five-year administrator's certificate upon evidence of three years of successful administrative or teaching experience during the five-year period prior to July 1, 1977, or by having six semester hours of approved, recent, graduate credit earned in an institution with an approved school administrator program. Subsequent five-year renewals shall be granted on the same basis.

§91-1-16

"It shall be unlawful for any district board, board of education, or other agency controlling any elementary or secondary public school. . .to issue an order for payment of the salary of any teacher, supervisor, or administrative officer who does not hold the teacher's, supervisor's or administrative officer's certificate which is valid in the state of Kansas for the particular kind of work which he [she] performs...."

STATUTES

§72-1390

The state board of education shall not pay an employee who does not hold a valid certificate for the work performed.

REGULATIONS

§91-1-1 -- 91-1-2

Any teacher or administrator certificate "shall be issued under the following plans adopted by the state board of education . . ."

Any credit referred to in a certificate regulation shall be earned in an institution accredited by the state board of education and shall be applicable as elective or required credit on a degree.

At least eight semester hours of credit required for any certificate shall have been earned within six years preceding the date of application. The holder of a masters degree or other higher degree may satisfy this requirement with six semester hours. This requirement shall not apply to "the applicant for a degree elementary, secondary, administrator, or elementary principal certificate provided he [she] has taught at least one year on a valid degree elementary, secondary, administrator, or elementary principal certificate within six years immediately preceding the date of filing application."

Each applicant shall present a recommendation from the person responsible for teacher education at the applicant's college that a certificate be issued to the applicant. The recommendation may come from this college only if the applicant has earned eight semester hours of upper division credit which is accepted as elective or required credit toward a degree. The recommendation may come only from an accredited college. Each applicant shall have a C grade average.

No applicant may apply more than thirty semester

hours of nonresident credit to meet initial certificate requirements.

Any experience required for certification shall be a regular contract teaching position in an accredited elementary or secondary school.

A review committee of seven members appointed by the Kansas professional teaching standards advisory board and approved by the state board of education shall review applications of applicants whose qualifications are comparable to, but deviate from Kansas requirements, if review has been requested by an employer.

The state board of education upon recommendation by an applicant's college, may limit the area of service for an applicant's certificate.

"Applicants for a certificate to be valid only in the school specified on the face of the certificate and at the elementary and secondary levels shall be deemed qualified for a five year certificate . . . provided such applicant presents evidence of five or more years successful teaching or administrative experience in the state school for the deaf prior to July 1, 1971, and following July 1, 1960."

A certificate for the state school for the deaf may be renewed upon presentation of eight semester hours of credit earned within the last six years and since the last certificate was issued to the applicant.

If the official submitting the institutional recommendation certifies that the applicant has demonstrated proficiency equivalent to the stated semester hour requirement, the recommendation may be substituted for the credit requirement.

A special teacher's certificate, issued pursuant to K.S. A. 72-1381, shall only be issued to an applicant who is not certified and is not teaching. The superintendent of the district desiring to employ the applicant shall petition the professional teaching standards advisory board. The board shall consider the applicant's knowledge of the learning process for the age level of students he/she

would be teaching, the applicant's ability to direct, instruct and motivate students, and the applicant's knowledge of the area she/he would be teaching.

A special certificate shall be issued for one year and may be renewed twice for one year each upon recommendation of the chief school officer and the board.

The cost of establishing competency for a special certificate shall be borne by the applicant and shall not exceed $100. An applicant may appeal to the certification review committee if his/her application is rejected.

*§91-1-22

"Subject and field requirements. A. Administration. 1. Requirements for secondary administrators. A superintendent, assistant superintendent, principal, vice-principal, acting principal, and any other person charged with general administrative policies and activities of a high school or junior high school shall hold an administrator certificate, provided: . . . .

An appropriate school administrator certificate qualifies the holder for the position of administrator in any school in Kansas, and for teaching any subjects, including supervision or other specific administrative or teaching

services for which he[she] is regularly qualified.

2. Requirements for elementary administrator. An elementary principal certificate or an administrator certificate shall be held by each person holding the position of elementary principal, assistant elementary principal, acting elementary principal, or general elementary supervisor in schools employing four or more teachers (full-time equivalent; for example, two half-time teachers count as one). The elementary principal certificate qualifies the holder for the position of principal, supervisor, or teacher in any elementary school in Kansas.

3. Requirements for elementary school supervisors and directors. General elementary school supervisors and directors shall meet the same professional requirements as elementary school principals. (Supervisors of special fields such as art and music need not hold the elementary principal certificate.)

B. Teacher preparation requirements. (The following requirements are for secondary schools unless otherwise stated.) 1. (A) In the six-six organization plan. All teachers assigned to teach in grades 10, 11, and 12 in high schools under the 6-6 plan of organization, shall meet subject and field requirements of the regular four-year high school. Teachers in such schools who teach grades 7, 8, and 9 only, must meet junior high school field requirements and must hold either a valid elementary or secondary certificate.

(B) Extension of secondary certificates to grades 5 and 6. The secondary certificate shall be extended to grade 5 and 6 providing the candidate's preparation includes work in child and adolescent psychology, and that he[she] has teaching experience (student or other teaching experience from grades 5 through 9), and has 15 hours in each field or subject to be taught. (This will not qualify the holder to teach grades 5 and 6 in a self-contained classroom.)

2. In the junior high school: Junior high school teachers shall have obtained a minimum of fifteen semester hours of credit in each field or subject taught.

3. Business: Typewriting, shorthand, bookkeeping

business arithmetic, office practice and other comparable courses in business. Twenty-four semester hours in the field with the equivalent of six semester hours in each subject taught of which at least two semester hours must be resident college credit in other than the beginning courses.

4. Secondary and elementary school counselors:

(A) Secondary school counselors. The counselor shall: (1) Hold a valid teacher's certificate at the secondary school level. (2) Have had at least two years of successful teaching and/or counseling experience in an accredited secondary school. (3) Have completed a pre-professional nucleus of at least fifteen semester hours in supporting areas as determined by the recommending institution. (4) Have completed a master's degree with a minimum of eighteen (18) semester hours or equivalent in professional guidance courses at the graduate level and have completed a minimum of two semester hours in each of the following areas: (a) Basic course in guidance and counseling (this may be at the undergraduate level). (b) Individual and group appraisal (measurements in guidance, tests, and other psychological measurement). (c) Occupational, educational, and sociological (environment) information and observation. (d) Counseling theory and techniques. (e) Supervised practice in counseling. (f) Program planning guidance services. (5) Receive a recommendation from the parent institution. (This recommendation may be initiated by the certification section of the state department of education)

(B) Elementary school counselors: The counselor in the elementary school shall: (1) Hold a teacher's valid degree elementary school certificate; (2) have had at least two years of teaching and/or counseling experience in an accredited elementary school; (3) have completed a pre-professional nucleus of at least 15 semester hours in supporting areas as determined by the recommending institution; (4) have completed a master's degree with a minimum of 18 semester hours or equivalent in appropriate professional guidance courses at the graduate level, with preparation in each of the following areas: (a) Basic concepts in guidance, (b) edu-

cational measurements (basic understanding of educational measurement concepts and use of standardized tests): (c) child study and appraisal (use of cumulative records, sociometric techniques, case studies, and other psychological measurements); (d) individual intelligence testing (verbal and performance); (e) counseling theory and techniques (appropriate for counselors in the elementary school); (f) supervised practicum in guidance and counseling in the elementary school; (g) development operation of guidance services in the elementary school. (5) Receive a recommendation from the parent institution. (This recommendation may be initiated by the certification section of the state department of education.)

5. Data processing. Six semester hours in courses called data processing which must include one course in introductory data processing covering basic computer concepts.

6. Driver and aerospace education. A. Driver education. Eighteen semester hours distributed as follows:

Required courses. Driver education, six semester hours; general safety, three semester hours; psychology, three semester hours.

Elective courses: Six semester hours . . . .

B. Aerospace education. Eighteen semester hours distributed as follows:

Required courses: Nine semester hours. 1. Aerospace/aviation education I.

2. Additional hours in:

a. Aerospace/Aviation Education
b. Meteorology
c. Astronomy
d. Aeronautics
e. History of aviation
f. Air transportation
g. FAA certified program (if approved by college for credit) i.e., private pilot license or higher, or basic ground instructor license or higher.

Elective courses: Nine semester hours. . . .

Aerospace education may be included in qualifying for a high school diploma in one of the following fields: social science, industrial arts, business, mathematics, and science provided the subject matter is so appropriate to the classification in which credit is awarded and the teacher qualifies to teach this subject in that field.

That a limit of two aerospace/aviation education workshops or courses be counted toward the total of 9 required hours for certification.

That acceptance of FAA certificated programs counted toward the requirements for certification be contingent upon the parent college recognizing this experience and granting credit hours thereon.

7. English: Composition, literature, language. A. Thirty-six semester hours with twenty-four semester hours to be in basic English courses of composition, literature, and study of the English language. Included must be one course in American literature and one course in advanced composition and one of the following: modern grammar, linguistics or the history of the English language. Twelve semester hours shall include one course in speech; the remaining hours may be in additional courses in composition, literature and study of the English language and/or in the related fields of speech and theatre arts, journalism, and the teaching of reading.

B. Journalism (For courses offered for credit): Twelve semester hours in such courses as the following: basic journalism, photography, survey of mass communications, reporting, and school publications.

C. Speech and theater arts: Fifteen semester hours in such courses as the following: public speaking, theater, discussion and debate, oral interpretation, and voice and diction.

8. Fine arts: a. Music: Sixty-two semester hours in the field for teaching all phases of music in secondary and elementary schools, or twenty-four semester hours in vocal music for teaching vocal music only, or twenty-four

semester hours in instrumental music for teaching instrumental music only. Applicants holding forty-eight semester hours in music and meeting the above requirements, may teach in both the vocal and instrumental fields in secondary schools. . . .

c. Visual arts:. . . Thirty-six (36) semester hours in the field to include a course in art history and a minimum of twenty-four (24) semester hours in studio courses with some preparation in at least five of the following areas: drawing, painting, graphics, sculpture, ceramics, jewelry, metal work, weaving and design.

9. Foreign languages: a. Latin. Fifteen semester hours or a statement by the college that the teacher's knowledge of Latin is the equivalent of fifteen semester hours regardless of how the language skill was acquired by the individual.

b. Modern: Twenty-four semester hours in the modern language to be taught, or fifteen semester hours in the modern language to be taught if the teacher holds twenty-four semester hours in another modern language, or an applicant may substitute a statement by the authorized college official designating the number of semester hours not to exceed twenty-four, which may be accepted as an equivalent to any part of the language requirements.

10. A. Home economics (General): Twenty-four semester hours in home economics. . . .

Three semester hours of education courses shall be directed teaching in home economics. . . .

B. . . . 1. Comprehensive general shop. Twenty-four semester hours in the field of industrial arts including course work in at least six of the following major areas: drafting woods, metals, electricity electronics, power mechanics, graphic arts, plastics, or crafts (industrial). Must include work in all areas taught.

2. Drafting, electricity, electronics, graphic arts, metals, plastics, power and automotive mechanics, woods: Twenty-four semester hours in the field of industrial arts with nine semester hours in the subject taught.

12. Secondary and elementary school librarians:

A. Secondary school librarian: The high school or junior high school librarian shall hold a certificate valid for teaching in high school or junior high school and shall have obtained minimum library education as follows: (library science and audiovisual courses appropriate to the education of librarians):

Junior high school enrollment.

fewer than 500	15 semester hours
500 or more	24 semester hours

High school enrollment:

fewer than 500	15 semester hours
500 or more	24 semester hours

B. Elementary school librarian. The elementary school central librarian shall hold a certificate valid for teaching in the elementary school and shall have minimum library training (library science and audiovisual courses) of at least 15 semester hours. . . .

B. . . . 1. General mathematics (or equivalent) (code 1100). Eighteen (18) semester hours in the field of mathematics.

2. Other mathematics (code 1121). Eighteen (18) semester hours in the field of mathematics to include only courses beginning at a level equivalent to analytic geometry and calculus.

14. Physical education and health (men and women) . . . .

B. . . . 1. Physical education: twenty-four (24) semester hours, including a minimum of eighteen (18) semester hours in physical education and including at least one course in each of the following: human anatomy, human physiology, and at least six (6) semester hours in each of the following areas: skill courses in physical education activities, theory courses in sports and/or dance, and theory courses in physical education.

2. Health education: Eighteen (18) semester hours in courses related to health education and including at least one course in each of the following: human anatomy,

human physiology, first aid, and community health.

15. Psychology and special education: a. Psychology: Twenty-four semester hours of credit in the field of psychology and education with at least six semester hours of credit in psychology:

b. Special education.

15-1. Basic requirements common to all special education teachers unless otherwise noted:

101. A Kansas teacher certificate valid at the level of instruction (see 91-1-5,3 and 4a).

1-2 A minimum of 36 weeks of successful service in a full-time paid professional position prior to approval. Persons who do not have a record of such experience may be approved on a provisional basis until this experience requirement has been fulfilled.

1-3. General competencies to be acquired through 8 to 12 semester hours of course work prescribed by the recommending teacher education institution. Any one course may be used or counted in acquiring more than one proficiency:

1-3-1. An understanding of exceptional children and of the field of special education.

1-3-2. An understanding of the home, school and community relations of exceptional children.

1-3-3. Knowledge and skill in the techniques of counseling and interviewing with special application to working with parents of exceptional children.

1-3-4. An understanding of the role of the special education teacher in the total program of educational, medical, psychological and welfare services in the community and sufficient background to receive and to use confidential information from these sources.

15-2. Additional requirements for teachers of crippled children in special classes:

2-1. Teachers of crippled children in special classes must have completed 22 additional semester hours of credit, including course work in the following fields:

2-1-1. Six semester hours in the general education of crippled children . . . .

2-1-2. Six semester hours in curriculum and methods. . . . .

2-1-3. Two semester hours in student teaching. . . .

2-1-4. Two semester hours in physical characteristics. . . . .

2-1-5. Six semester hours in related courses such as: Introduction to speech correction, speech correction for the cerebral palsied, fundamentals of vision and hearing, educational and vocational guidance of the handicapped.

2-2. In special cases, upon recommendation of the training institution, provisional approval will be granted to a person who has planned a program of study leading to approval, and who has completed at least six semester hours of required course work. This approval may be extended one year at a time, providing the person continues to progress toward meeting requirements for approval.

15-3. Additional requirements for teachers of homebound and hospitalized children:

3-1. Full-time teachers: Must have completed at least ten semester hours of credit, including courses in the following fields:

3-1-1. Arts and crafts for the physically handicapped.

3-1-2. Audio-visual aids.

3-1-3. Medical and psychological aspects of physically handicapped children.

3-1-4. Supervised teaching in home or hospital setting. (Two years of teaching homebound or hospitalized children may be substituted for this supervised teaching.)

3-2. Part-time teachers: Must have a valid Kansas teaching certificate.

15-4. Additional requirements for teachers of mentally retarded children.

4-1. Teachers of educable retarded children.

4-1-1. At least six semester hours of credit related to background areas, including course work in two or more of the following fields: Individual mental testing, speech correction, psychology of adjustment, human physiology or human biology.

4-1-2. At least 12 semester hours of additional credit with course work in each of the following fields:

4-1-2-1. Mental retardation and related research.

4-1-2-2. Classroom organization for classes of educable mentally retarded children.

4-1-2-3. Curriculum development, including methods and materials for mentally retarded children.

4-1-2-4. Occupational information.

4-1-2-5. Supervised teaching of educable mentally retarded children.

4-1-3. . . In special cases, upon recommendation of the training institution, provisional approval for one school year will be granted to a person who holds a degree certificate, who has planned a program of study leading to approval, and who has completed at least six semester hours of required course work, four of which must be included under sub. sec. 15-4-1-2. This approval may be extended one year at a time, providing the person continues to progress toward meeting requirements for approval.

4-2. Teachers of severely handicapped trainable children.

4-2-1. At least four semester hours of credit in related or background areas, including course work in two of the following: speech correction, psychology of adjustment, human physiology or human biology.

4-2-2. At least 12 semester hours of additional credit including course work in each of the following fields:

4-2-2-1. Mental retardation and related research, including clinical types.

4-2-2-2. Classroom organization for classes for severely retarded children.

4-2-2-3. Curriculum development including methods and materials for severely retarded children.

4-2-2-4. Survey of residential schools and sheltered workshops.

4-2-2-5. Supervised teaching of severely retarded children, at least a part of which shall be in a state training schoool. . . .

15-5. Additional requirements for school psychological personnel.

5-1. School psychologist I (psychological service workshop):

5-1-1. At least 60 semester hours of professional training, including a Master's degree. . . .

5-1-2. At least 200 clock hours of supervised experience (diagnosis and therapy) in a clinical setting in which most of the work is with children or the equivalent of this in other clinical experience of an approved type.

5-1-3. A person who meets the requirements of sub. sec. 15-5-1-2 and lacks not more than five semester hours in each of sub. sec. 15-5-1-1-1, sub. sec. 15-1-1-2 and sub. sec. 15-5-1-1-3 above, may upon recommendation of the training institution be given provisional approval for one school year. This approval may be extended one year at a time, providing the person continues to progress toward meeting requirements for approval at the rate of five semester hours of additional credit each year.

5-2. School psychologist II. (Supervising school psychologist.)

5-2-1. Meets all of the requirements for school psychologist I, and has:

5-2-2. Completed six additional graduate semester hours in such areas as assessment, evaluation and diagnosis (sub. sec. 15-5-1-1-2) and has completed 24 additional graduate semester hours in school adjustment (sub. sec. 15-5-1-1-3), and has:

5-2-3. At least 200 additional clock hours in supervised clinical experience (sub. sec. 15-5-1-2).

15-6.

SOCIAL WORKER

Requirements for Social Workers

6-1. Completed the requirements for a Master's degree in an accredited school of social work which would include at least 30 graduate semester hours of professional preparation including:

6-1-1. Courses leading to an understanding of the medical, educational, and psychological aspects of the

individual child, and of the physical, emotional and intellectual forces affecting his/her growth and development.

6-1-2. At least 200 clock hours in supervised casework experience, part of which must be in a public school situation.

15-7. Additional requirements for speech clinicians and hearing specialists.

SPEECH CLINICIAN

7-1. Speech Clinician:

7-1-1. At least 60 semester hours of professional training including a master's degree or its equivalent in speech pathology. These hours should be distributed as indicated below:

7-1-1-1. At least 18 semester hours in courses that provide information about the normal development and use of speech, hearing and language.

7-1-2. A minimum of 42 semester hours in courses that provide information about the training in the management of speech, hearing and language disorders and that provide information supplementary to these fields.

a. At least 6 must be in hearing.

b. No more than 6 can be in courses that provide academic credit for clinical practice. 275 clock hours of supervised clinical practice, one-fourth of which must be in group therapy situations are required. These may be accumulated as part of the 6 hours. This supervised practicum may be wholly or in part included in the supervised teaching experience required for the regular certificate.

c. At least 24 semester hours, not including credit for thesis or dissertation, in courses in speech pathology.

d. Thirty must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken.

7-1-2. In special cases, upon the recommendation of the training institution, a speech clinician may be tentatively approved if he[she] has completed the above requirements with the exception of the 8 hours of course work which meets the general competencies required of all special education personnel, (sub. sec. 15-1-3). A

maximum period of three years in which to complete full approval requirements will be granted.

7-2. School audiologist:

7-2-1. At least 50 semester hours of professional training, including a Master's degree or its equivalent in audiology. These hours should be distributed as indicated below:

7-2-1-1. At least 18 semester hours in courses that provide information about the normal development and use of speech, hearing and language.

7-2-1-2. A minimum of 42 semester hours in courses that provide information about and training in the management of speech, hearing, and language disorders and that provide information supplementary to these fields. A. At least 6 semester hours must be in speech.

b. No more than 6 semester hours can be in courses that provide academic credit for clinical practice; 275 clock hours of supervised clinical practice are required. These may be accumulated as part of the 6 hours. This supervised practicum may be wholly or in part included in the supervised teaching experience required for the regular certificate.

c. At least 24 semester hours, not including credit for thesis or dissertation, must be in courses in audiology and/or deaf education.

d. Thirty semester hours must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken.

7-2-2. In special cases upon the recommendation of the training institution's school audiologist these courses may be tentatively approved if he[she] has completed the above requirements with the exception of the 8 hours of course work which meets the general competencies required of all special education personnel. (Sub. sec. 15-1-3.) A maximum period of three years in which to complete full approval requirements will be granted.

7-3. Hearing clinician:

HEARING CLINICIAN

7-3-1. A minimum of 12 semester hours in courses that

provide information about human growth and development, including speech, hearing and language, and which are supportive to professional speech and hearing courses.

7-3-2. A minimum of 12 semester hours in clinical audiology, excluding credit for practicum.

7-3-3. A minimum of 8 semester hours in speech pathology, including course work in the management of articulation disorders.

7-3-4. A minimum of 10 semester hours in aural habilitation, including course work in auditory training speech reading, and language for the deaf.

7-3-4-1. In special cases, upon the recommendation of the training institution, a hearing clinician may be tentatively approved with 12 semester hours in 7-3-2, 6 semester hours in 7-3-3 , and 10 semester hours in 7-3-4, plus the practicum requirement. All other requirements including the 8 semester hours required in sub-sec. 15-1-3, must be met for permanent certification.

7-3-5. Three hundred clock hours of supervised clinical practice, at least half of which is with children, and divided evenly between clinical audiolgoy and aural habilitation. This supervised practice may or may not be wholly or in part included in the supervised teaching experience required for the regular certificate.

7-4. Teacher of the hard of hearing and deaf:

7-4-1. A minimum of 12 semester hours in courses that provide information about human growth and development, including speech, hearing, and language, and which are supportive to professional speech and hearing courses.

7-4-2. A minimum of 16 semester hours in aural habilitation, including courses in speech for the deaf, language for the deaf, and curriculum adaptation for the deaf. No more than 4 semester hours in clinical practicum may be counted in this area.

7-4-3. A minimum of 8 semester hours in clinical audiology, including speech, reading, auditory training and clinical audiology.

7-4-4. A minimum of 6 semester hours in speech

pathology.

7-4-4-1. In special cases, upon the recommendation of the training institution, a teacher may be tentatively approved with 16 semester hours in 7-4-2, 8 semester hours in 7-4-3, plus the practicum requirements. All other requirements, including the 8 semester hours required in sub. sec. 15-1-3 must be met for permanent certification.

7-4-5. Three hundred clock hours in clinical practicum, three quarters of which are in group instruction. This supervised practice may or may not be wholly or in part included in the supervised teaching experience required for the regular certificate.

15-8. Additional requirements for teachers of visually handicapped children.

8-1. Teachers of partially seeing children:

8-1-1. Ten semester hours of credit including course work in each of the following:

8-1-1-1. Organization and administration of facilities for partially-seeing children, physical surroundings and equipment, and sight conservation measures.

8-1-1-2. Methods and materials of teaching partially-seeing children.

8-1-1-3. Occupational information.

8-1-1-4. Anatomy, physiology and hygiene of the eye, principles of refraction, refractive errors and common eye diseases together with observation of cases.

8-1-1-5. Supervised teaching with partially-seeing children.

8-1-2. In special cases upon recommendation of training institution, provisional approval for one school year will be granted to a person who holds a degree certificate, who has planned a program of study leading to a permanent approval, and who has completed a minimum of six semester hours of required course work. This approval may be extended one year at a time provided the person continues to progress toward meeting requirements for approval.

8-2. Teachers of blind children.

8-2-1. Same as standards for teachers of partially-seeing children except that the emphasis is on teaching the blind. Under sub. sec. 15-8-1-1-2 above the methods should include a mastery of teaching braille, and familiarity with the various materials and devices used in instructing the blind. The supervised teaching under sub. sec. 15-8-1-1-5 must be at least part-time with blind children and part-time with partially-seeing children.

15-9. Additional requirements for supervisors of special education:

9-1. Meets standards for approval in any one of the special education areas.

9-2. Or holds an elementary principal's certificate for Kansas, and has had one or more years of experience in supervision of elementary schools.

9-3. Has completed nine semester hours in administration and supervision, with at least one course in administration of special education programs including legal provisions.

9-4. If the person qualifies under sub. sec. 15-9-1 he[she] must in addition complete 18 semester hours of college work with at least six hours in each of three special education areas other than the one in which he[she] has specialized.

9-5. If the person qualifies under sub. sec. 15-9-2 he[she] must complete 27 semester hours of college work with at least nine hours in each of the three special education areas.

9-6. In special cases upon recommendation of the training institution, provisional approval may be granted to a person who has completed six semester hours of graduate credit under either sub. sec. 15-9-4 or sub. sec. 15-9-5 and who meets all other requirements. This approval may be extended one year at a time provided the person continues to progress toward meeting the requirements for permanent approval.

15-10. Additional requirements for teachers of learning disabled children:

10-1. At least 9 graduate semester hours of credit in related or background areas, leading to competencies in each of the following:

10-1-1. Educational assessment of exceptional chilren.

10-1-2. Management of classroom behavior.

10-1-3. Understanding of language development and disorders of communication.

10-2. At least 13 graduate semester hours of additional credit in the learning disability area with training in each of the following:

10-2-1. Learning disabilities and related research.

10-2-2. Education of the learning disabled child including competencies in remedial education.

10-2-3. Supervised teaching (practicum) with learning disabled children.

10-3. Recommendation from a major training institution.

10-4. Thirty-six weeks of successful teaching experience in a public school sponsored learning disability program subsequent to completion of training sequence.

10-5. Upon recommendation of the training institution, provisional approval for one school year will be granted to a person who holds a degree certificate, who has completed one year of regular or special classroom teaching experience at the level of certification desired, who has planned a program of study leading to full approval and completed at least 8 hours of course work agreed upon by the training institution and the special education section at the state department of education. This approval may be extended one year at a time providing the person continues yearly to progress toward meeting requirements for full approval. A maximum period of five years in which to complete full approval requirements will be granted.

15-11. Additional requirements for teachers in personal and social adjustment programs:

11-1. At least eight semester hours of graduate credit in related or background areas, including course work in each of the following: introduction to psychological testing behavior management and diagnosis and remediation

of learning problems.

11-2. At least 13 semester hours of additional graduate credit in the major area including course work in each of the following areas:

11-2-1. Characteristics of the emotionally disturbed.

11-2-2. Education of the emotionally disturbed.

11-2-3. Supervised teaching with the emotionally disturbed.

11-3. Recommendation from a major training institution.

11-4. Thirty-six weeks successful teaching experience in a public school-sponsored personal and social adjustment program subsequent to completion of training sequence.

11-5. Upon recommendation of the training institution provisional approval for one school year will be granted to a person who holds a degree certificate, who has planned a program of study leading to full approval and has completed a specified number of hours of course work agreed upon by the training institution and the special education section at the state department of education. This approval may be extended one year at a time providing the person continues yearly to progress toward meeting requirements for full approval. A maximum period of five years in which to complete full approval requirements will be granted.

15-12. Other areas.

12-1. In the absence of adopted standards individual approval will be given to:

Teachers of intellectually-gifted children.

Teachers of children with special health problems.

16. Reading specialist:

A. The elementary school teacher of special reading classes shall: 1. Hold a valid teacher's degree certificate at the elementary school level.

2. Have at least two years of teaching experience at the elementary level.

3. Meet requirement "C" below.

B. The secondary school teacher of special reading classes shall:

1. Hold a valid teacher's degree certificate at the secondary school level.

2. Have at least two years teaching experience at the elementary or secondary level.

3. Meet requirement "C" below.

C. Both elementary and secondary school teachers of special reading classes shall, in addition to "A" and "B" above:

Complete 12 semester hours of graduate level reading courses with preparation in each of the following areas:
(a) Foundations of survey of reading (this area may be waived for another reading course if completed at the undergraduate level);

(b) Diagnosis and correction of reading disabilities;

(c) Clinical or laboratory practicum in reading.

17. Science. All physical and biological sciences. Twenty-four semester hours in the field of science with a minimum of twelve semester hours in the subject taught.
(a) Biology: Twenty-four semester hours in science with twelve semester hours in biology which shall include a laboratory course in (1) general botany and (2) a laboratory course in general zoology, or a laboratory course in general biology, which includes both botany and zoology.

(b) Chemistry. Twenty-four semester hours in science with twelve semester hours in chemistry which shall include courses in each of the following: inorganic, organic and analytical chemistry.

(c) Physics: Twenty-four semester hours in science with twelve semester hours in physics which shall include at least one physics course for which a general one-year laboratory course in physics is a prerequisite.

(d) Earth Science: Twenty-four semester hours in science with twelve hours in earth science which shall include laboratory or field work in physical and historical geology. Basic concepts in meteorology and astronomy shall be included in the twelve-hour earth-science requirement . . .

(e) General Science: Twenty-four semester hours in

the field of science, including one laboratory course in each of the sciences, biology, chemistry, and physics and include full qualification to teach in one of the sciences (biology, chemistry, and physics).

(f) Botany, zoology, agriculture, aeronautics, geology, and other science courses: Twenty-four semester hours in the field of science with six semester hours in each subject taught.

(Note: No courses shall be counted toward science certification other than those offered in a science department). . . .

18. Social Science: Thirty-six (36) semester hours field requirement with a minimum of twelve (12) semester hours to teach each of the following courses: U.S. history, government and world history. A minimum of six (6) semester hours is required for the teaching of anthropology, economics, sociology, geography and other courses in the social sciences.

19. All subjects. Any person qualifying and teaching in a field and subject and employed full time under regular contract during the six-year period immediately preceding increasing a subject or field requirement shall remain eligible to teach the same subject in any school which is a part of the same school system . . . ."

CROSS REFERENCE

I.Professional Teaching Practices Commission; Statute; §72-8503; 72-8506; 72-8507

DISTRICT BOARD OF EDUCATION

CROSS REFERENCE

I.District Board of Education; Statute §72-7504

LIBRARIAN

CROSS REFERENCES

II.A.3.; Regulation §91-27-7

III.A.1.; Regulation §91-4-6

PRINCIPAL

CROSS REFERENCE

I.Principal; Regulation §91-2-3

STUDENT TEACHERS

STATUTES

§72-1392

The board may contract with a college or university for the use of a student teacher. The board may prescribe regulations for student teacher certificates and for the responsibilities of student teachers.

REGULATIONS

§91-19-1 -- 91-19-7; 91-19-9 -- 91-19-13

A student teacher certificate shall be issued only by a teacher education institution to any student who has complied with the regulations, fulfilled the requirements, and received a recommendation from teacher education officials of the institution. The teacher education institution shall be accredited by the state board of education.

The state department of education, the teacher education institution, and the student teacher shall each have a copy of the student teacher certificate.

Only a person with a student teacher certificate shall act as a student teacher. Only a teacher education institution shall assign a student teacher to a school to teach.

A student teacher shall teach only in an accredited school that has a written contract with the student's teacher education institution. The written contract shall constitute the entire agreement. No contract shall provide that a student teacher be paid.

An out-of-state teacher education institution that wants to send student teachers to Kansas shall comply with these regulations.

A certified student teacher shall not serve as a regular or substitute teacher while performing student teaching.

The building principal, any teacher to whom a student teacher is assigned, and officials of the teacher education institution shall determine the student teacher's responsibilities. A student teacher's responsibilities shall be comparable to those generally assigned regular teachers and shall not include menial tasks.

A student teacher shall be legally liable for acts done while performing his/her duties, and shall have the same protection under the law as does any school employee. The pupils shall be under the direct supervision and disciplinary control of the student teacher when the regular teacher is outside of the classroom.

STATUTES

§8-274 -- 8-279

No person shall operate a driver training school unless a license has been secured from the state board of education. Licenses shall be renewed annually. In order to qualify for a license a person shall be of good moral character, maintain an established place of business, maintain liability insurance, provide a continuous surety company bond, have the necessary equipment, and pay an application fee.

In order to qualify as a driving school instructor a person shall be of good moral character, shall have taken college driver education courses, shall present evidence that he/she is free from contagious diseases, shall hold a valid driver's license, and shall pay an application fee.

The state board of education may adopt regulations to carry out this act.

A license may be revoked if the licensee fails to comply with this act, engages in fraud, or has his/her driver's license revoked.

§72-1389

Each teacher's certificate shall, before issuance, be signed by appropriate personnel of the state department of education and registered in the state department of education.

§72-8512

The standards adopted pursuant to the Teachers' Practices Act, §§ 72-8501 et seq. shall apply to any practicing teacher or administrator in schools under the general supervision of the state board of education.

§91-1-3

A three-year certificate, renewable for five years, valid in any secondary school and grades seven and eight may be issued to anyone who holds a baccalaureate degree and has the following general and professional credits. The applicant shall have fifty semester hours of general credits which shall include twelve hours of oral and written communications, literature and foreign languages, twelve hours of natural sciences and mathematics, twelve hours of history and the social and behavioral sciences, and fourteen hours of electives from the above or general religion, philosophy, and art and music history and appreciation.

Twenty semester hours shall be of professional education which shall include six hours of pupil development and learning, six hours of understanding the school as a social institution and of developing a professional attitude "regarding the role of education in the 'American way of life,'" and eight hours of attaining competence in instruction at the secondary level which includes five of directed teaching. The five hour teaching requirement may be waived by the state board if the applicant had a teaching certificate and taught for five years at the level for which certification is sought. Three of the twenty hour professional education credit may be waived if the applicant held a standard teaching certificate.

An applicant for both an elementary and secondary certificate may meet the directed teaching requirement by earning three semester hours of credit at both the elementary and secondary level.

The secondary three-year certificate may, after the second year of successful teaching, be renewed for five years, provided such experience is obtained within the six-year period immediately preceding the filing of the application for renewal.

Subsequent renewals of the five year secondary cer-

tificate shall require the presentation of a minimum of eight semester hours of credit of which at least three semester hours must be in subject-matter areas. The holder of a master's degree may be granted two renewals of the five-year secondary certificate each on the basis of three years of teaching during the life of his/her most recent five-year certificate. Further renewals shall require the presentation of six semester hours of which three shall be in subject-matter area.

A holder of a three-year secondary certificate who does not meet the requirements for a five-year certificate may be granted a three-year renewal certificate if the holder has one year of successful elementary or secondary teaching experience in the last six years. The holder may be granted a three-year secondary renewal upon completion of eight semester hours of credit or six if the holder has a master's degree. Three of the credits shall be in the subject-area.

§91-1-4

"A secondary certificate or a degree of elementary certificate may be issued as the renewal of a certificate previously issued under this section provided three-year degree certificate renewal requirements have been met."

§91-1-5 -- 91-1-6

The three-year degree elementary certificate which is renewable for five years shall be valid in any kindergarten, elementary school, and junior high school. To qualify for a certificate an applicant shall have a baccalaureate degree. The applicant shall have earned fifty semester hours of credit in general education and liberal arts courses, twenty-four semester hours of credit in professional education courses, and fifteen semester hours of credit in specialized courses designed to deal with content and method of an elementary school.

A special education teacher shall be limited to

teaching in the area of special education for which he/she meets subject and field requirements.

An applicant who has held a standard teaching certificate based on a degree from an accredited institution may be allowed a three-semester hour deviation in the distribution of the twenty-four semester hours of professional education credit.

The state board of education may waive the five semester hours in directed teaching for any applicant who has held a standard teaching certificate based on a degree from an accredited institution and has taught for five years at the level for which certification is sought.

The elementary certificate may be renewed in the same way as the secondary certificate.

The three-year degree early childhood certificate which is renewable for five years shall be valid in any nursery or pre-school. To qualify for a certificate an applicant shall have a baccalaureate degree. The applicant shall have earned fifty semester hours of credit in general education and liberal arts courses, and twenty-four semester hours of professional credit.

The certificate may be renewed in the same way as the secondary certificate.

"The elementary provisional one-year certificate renewal shall be valid from the date of qualification to the following June 30." The certificate may be renewed upon presentation of eight semester hours of additional college credit. If the holder of a provisional certificate which has been renewed does not have a degree, the holder shall not be eligible to teach in junior or senior high schools.

§91-1-12

"Certificates from other states. (A) Degree one-year certificate. One-year degree elementary (code: 115). One-year degree secondary (code: 117). One-year degree elementary and secondary (code: 113). A one-year certificate may be issued to a graduate of an out-of-state teacher education institution who meets requirements in

section 91-1-2 and presents a valid standard teacher certificate in another state, based on a degree from a college or university accredited by the Kansas state board (see section 91-1-2 and section 91-1-19), including at least 18 semester hours in professional education and 45 semester hours in liberal arts but who does not meet requirements for other Kansas certificates. Such certificate may be renewed [One-year degree elementary renewal (code: 116), one-year secondary renewal (code: 118), one-year degree elementary and secondary renewal (code: 114)] upon presentation of eight semester hours of additional credit applicable toward meeting requirements for an elementary or secondary degree certificate.

(B) A certificate may be issued to an out-of-state applicant on the basis of credentials from an institution accredited by the National Council for Accreditation of Teacher Education (NCATE) provided the applicant presents credentials which verify that the program of education completed meets in full the kind of program implied in the NCATE standards. The applicant shall present the equivalent of eighteen semester hours of professional education and at least forty-five semester hours or its equivalent in liberal arts with credit in at least three of the following areas:

Social science, science, humanities, mathematics.

Applicants for elementary teacher certificates shall present the above plus an additional 12 semester hours in elementary content-method courses.

The provisions of this paragraph (B) do not apply to vocational and administrative positions. Geographically oriented positions and positions in experimental courses are excluded also.

(C) Certificates from other states are not endorsed in Kansas. . . ."

§91-1-17

"The holder of a teacher or administrator certificate who engaged in military service during all or part

of the term the certificate was valid may be issued the renewal of his[her] certificate upon receiving dishonorable discharge from the service, provided he[she] applies to the state board of education for such renewal within one year after the date of his[her] discharge. . . ."

§91-1-21

"Foreign exchange teachers. The state board of education may issue a teacher certificate, valid for a period of one year, to persons participating in the foreign exchange teachers plan, provided, in the judgement of the state board, such person has completed a program of teacher education comparable to that required in Kansas. . . ."

§91-1-23

"Special Education Requirements. A.General Requirements.

1. Basic requirements common to all special education teachers unless otherwise noted:

. . . 1-1.A. Kansas teacher certificate valid at the level of instruction.

1-2. A minimum of 36 weeks of successful service in a full-time paid professional position prior to approval. Persons who do not have a record of such experience may be approved on a provisional basis until this experience requirement has been fulfilled.

1-3. General competencies to be acquired through 8 to 12 semester hours of course work prescribed by the recommending teacher education institution. Any one course may be used or counted in acquiring more than one proficiency

1-3-1. An understanding of exceptional children and of the field of special education.

1-3-2. An understanding of the home, school and community relations of exceptional children.

1-3-3. Knowledge and skill in the techniques of counseling and interviewing with special application to working with parents of exceptional children.

1-3-4. An understanding of the role of the special education teacher in the total program of educational, medical, psychological and welfare services in the community and sufficient background to receive and to use confidential information from these sources.

2. Additional requirements for Teachers of Crippled Children in Special Classes:

2-1. Teachers of crippled children in special classes must have completed 22 additional semester hours of credit, including course work in the following fields:

2-1-1. Six semester hours in the general education of crippled children, such as: Therapeutic Care of the Crippled Child, Problems and Education of the Cerebral Palsied Child, Problems and Education of the Hospitalized Child, Problems and Education of the Brain-Injured Child.

2-1-2. Six semester hours in curriculum and methods, such as: Child Study and Mental Hygiene of the Handicapped, Curriculum Adjustments for Crippled Children, Program Planning for the Crippled Child, Arts and Crafts for the Handicapped, Methods and Materials for the Mentally Retarded.

2-1-3. Two semester hours in student teaching, such as: Supervised Experience with Crippled Children.

2-1-4. Two semester hours in physical characteristics, such as: Survey of Orthopedic Conditions, Orthopedics for Teachers of Crippled Children, Survey of Physical effects, Medical Aspects of Cerebral Palsy.

2-1-5. Six semester hours in related courses such as: Introduction to Speech Correction, Speech Correction for the Cerebral Palsied, Fundamentals of Vision and Hearing, Educational and Vocational Guidance of the Handicapped.

2-2. In special cases, upon recommendation of the training institution, provisional approval will be granted to a person who has planned a program of study leading to approval, and who has completed at least six semester hours of required course work. This approval may be extended one year at a time providing the person continues to progress toward meeting requirements for approval.

3. Additional requirements for Teachers of Homebound and Hospitalized Children:

3-1. Full-time teachers: must have completed at least ten semester hours of credit, including courses in the following fields:

3-1-1. Arts and crafts for the physically handicapped.

3-1-2. Audio-visual aids.

3-1-3. Medical and psychological aspects of physically handicapped children.

3-1-4. Supervised teaching in home or hospital setting. (Two years of teaching homebound or hospitalized

children may be substituted for this supervised teaching.)

3-2. Part-time teachers: must have a valid Kansas teaching certificate.

4. Additional requirements for teachers of mentally retarded children.

4-1. Teachers of educable retarded children:

4-1-1. At least six semester hours of credit in related or background areas, including course work in two or more of the following fields: individual mental testing, speech correction, psychology of adjustment, human physiology or human biology.

4-1-2. At least 12 semester hours of additional credit with course work in each of the following fields:

4-1-2-1. Mental retardation and related research.

4-1-2-2. Classroom organization for classes of educable mentally retarded children.

4-2-2-3. Curriculum development, including methods and materials for mentally retarded children.

4-1-2-4. Occupational information.

4-1-2-5. Supervised teaching of educable mentally retarded children.

4-1-3. (Effective until January 1, 1976). In special cases, upon recommendation of the training institution, provisional approval for one school year will be granted to a person who holds a degree certificate, who has planned a program of study leading to approval, and who has completed at least six semester hours of required course work four of which must be included under Sub. Sec. 4-1-2 above. This approval may be extended one year at a time providing the person continues to progress toward meeting requirements for approval.

4-2. Teachers of severely handicapped trainable children.

4-2-1. At least four semester hours of credit in related or background areas, including course work in two of the following: speech correction, psychology of adjustment, human physiology or human biology.

4-2-2. At least 12 semester hours of additional credit, including course work in each of the following fields:

4-2-2-1. Mental retardation and related research, including clinical types.

4-2-2-2. Classroom organization for classes for severely retarded children.

4-2-2-3. Curriculum development, including methods and materials for severely retarded children.

4-2-2-4. Survey of residential schools and sheltered workshops.

4-2-2-5. Supervised teaching of severely retarded children, at least a part of which shall be in a state training school.

4-2-3. (Effective until January 1, 1976.)

Upon recommendation of the employing superintendent, provisional approval may be granted for one year at a time to a person who holds a Kansas teaching certificate, and who engages in a continuous program of study leading to approval, or who participates in an in-service training program prescribed by the Special Education Section.

5. Additional Requirements for School Psychological Personnel.

5-1. School Psychologist I (Psychological Service Workers):

5-1-1. At least 60 semester hours of professional training, including a Master's degree, distributed as indicated below:

5-1-1-1. A minimum of 30 semester hours credit in areas such as child psychology, abnormal behavior, psychological backgrounds, educational backgrounds.

5-1-1-2. A minimum of 15 semester hours of credit in areas such as assessment, evaluation and diagnosis: individual intelligence testing (verbal and performance), educational diagnosis, theory of psychological tests, psychological assessment of exceptional children, clinical practicum and supervised field work.

5-1-1-3. A minimum of 15 semester hours of credit in areas such as school adjustment (e.g., psychology of

remedial education, health problems of the school child, mental hygiene, community services, counseling, group dynamics, school programs for exceptional children, remedial techniques, school social work).

5-1-2. At least 200 clock hours of supervised experience (diagnosis and therapy) in a clinical setting in which most of the work is with children, or the equivalent of this in other clinical experience of an approved type.

5-1-3. A person who meets the requirements of Sub. Sec. 5-1-2 and lacks not more than five semester hours in each of Sub. Sec. 5-1-1-1, Sub. Sec. 5-1-1-2 and Sub. Sec. 5-1-1-3 above, may upon recommendation of the training institution be given provisional approval for one school year. This approval may be extended one year at a time providing the person continues to progress toward meeting requirements for approval at the rate of five semester hours of additional credit each year.

SCHOOL PSYCHOLOGIST

5-2. School Psychologist II. (Supervising School Psychologist.)

5-2-1. Meets all of the requirements for School Psychologist I, and has:

5-2-2. Completed six additional graduate semester hours in such areas as assessment, and has completed 24 additional graduate semester hours in school adjustment (Sub. Sec. 5-1-1-3), and has:

5-2-3. At least 200 additional clock hours in supervised clinical experience (Sub. Sec. 5-1-2).

SOCIAL WORKER

6. Additional Requirements for School Social Workers.

6-1. Completed the requirements for a Master's degree in an accredited School of Social Work which would include at least 30 graduate semester hours of professional preparation including:

6-1-1. Courses leading to an understanding of the medical, educational, and psychological aspects of the individual child, and of the physical, emotional, and intellectual forces affecting their growth and development.

6-1-2. At least 200 clock hours in supervised

case work experience, part of which must be in a public school situation.

7. Additional Requirements for Speech Clinician and Hearing Specialists.

7-1. Speech Clinician: SPEECH CLINICIAN

7-1-1. At least 60 semester hours of professional training including a master's degree or its equivalent in speech pathology. These hours should be distributed as indicated below:

7-1-1-1. At least 18 semester hours in courses that provide information about the normal development and use of speech, hearing and language.

7-1-1-2. A minimum of 42 semester hours in courses that provide information about the training in the management of speech, hearing and language disorders and that provide information supplementary to these fields.

a. At least 6 must be in hearing.

b. No more than 6 can be in courses that provide academic credit for clinical practice. 275 clock hours of supervised clinical practice, one-fourth of which must be in group therapy situations, are required. These may be accumulated as part of the 6 hours. This supervised practicum may be wholly or in part included in the supervised teaching experience required for the regular certificate.

c. At least 24 semester hours, not including credit for thesis or dissertation, must be in courses in speech pathology.

d. Thirty must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken.

7-1-2. In special cases upon the recommendation of the training institution a speech clinician may be tentatively approved if he[she] has completed the above requirements with the exception of the 8 hours of course work which meets the general competencies required of all special education personnel. (Sub. Sec. 1-3.) A maximum period of three years in which to complete full approval requirements will be granted.

7-2. School Audiologist: AUDIOLOGIST

7-2-1. At least 60 semester hours of professional training, including a Master's degree or its equivalent in audiology. These hours should be distributed as indicated below.

7-2-1-1. At least 18 semester hours in courses that provide information about the normal development and use of speech, hearing, and language.

7-2-1-2. A minimum of 42 semester hours in courses that provide information about and training in the management of speech, hearing, and language disorders and that provide information supplementary to these fields.

a. At least 6 semester hours must be in speech.

b. No more than 6 semester hours can be in courses that provide academic credit for clinical practice; 275 clock hours of supervised clinical practice are required. These may be accumulated as part of the 6 hours. This supervised practicum may be wholly or in part included in the supervised teaching experience required for the regular certificate.

c. At least 24 semester hours, not including credit for thesis or dissertation, must be in courses in Audiology and/or Deaf Education.

d. Thirty semester hours must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken.

7-2-2. In special cases upon the recommendation of the training institution a school audiologist may be tentatively approved if he[she] has completed the above requirements with the exception of the 8 hours of course work which meets the general competencies required of all special education personnel. (Sub. Sec. 1-3). A maximum period of three years in which to complete full approval requirements will be granted.

7-3. Hearing Clinician:

HEARING CLINICIAN

7-3-1. A minimum of 12 semester hours in courses that provide information about human growth and development, including speech, hearing and language, and which are

supportive to professional speech and hearing courses.

7-3-2. A minimum of 12 semester hours in clinical audiology, excluding credit for practicum.

7-3-3. A minimum of 8 semester hours in speech pathology, including course workin the management of articulation disorder.

7-3-4. A minimum of 10 semester hours in aural habilitation, including course workin auditory training, speech reading, and language for the deaf.

7-3-4-1. In special cases,upon the recommendation of the training institution, a hearing clinician may be tentatively approved with 12 semester hours in 7-3-2, 6 semester hours in 7-3-3, and 10 semester hours in 7-3-4, plus the practicum requirement. All other requirements, including the 8 semester hours required in Sub. Sec. 15-1-3, must be met for permanent certification.

7-3-5. Three hundred clock hours of supervised clinical practice, at least half of which is with children, and divided evenly between clinical audiology and aural habilitation. This supervised practice may or may not be wholly or in part included in the supervised teaching experience required for the regular certificate.

7-4. Teacher of the Hard of Hearing and Deaf:

7-4-1. A minimum of 12 semester hours in courses that provide information about human growth and development, including speech, hearing, and language, and which are supportive to professional speech and hearing courses.

7-4-2. A minimum of 16 semester hours in aural habilitation, including courses in speech for the deaf, language for the deaf, and curriculum adaptation for the deaf. No more than 4 semester hours in clinical practicum may be counted in this area.

7-4-3. A minimum of 8 semester hours in clinical audiology, including speech reading, auditory training and clinical audiology.

7-4-4. A minimum of 6 semester hours in speech pathology.

7-4-4-1. In special cases, upon the recommendation

of the training institution, a teacher may be tentatively approved with 16 semester hours in 7-4-2, 8 semester hours in 7-4-3, plus the practicum requirements. All other requirements, including the 8 semester hours required in Sub. Sec. 1-3 must be met for permanent certification.

7-4-5. Three hundred clock hours in clinical practicum, three-quarters of which are in group instruction. This supervised practice may or may not be wholly or in part included in the supervised teaching experience required for the regular certificate.

8. Additional Requirements for Teachers of Visually Handicapped Children.

8-1. Teachers of partially-seeing children:

8-1-1. Ten semester hours of credit including course work in each of the following:

8-1-1-1. Organization and administration of facilities for partially-seeing, physical surroundings and equipment, and sight conservation measures.

8-1-1-2. Methods and materials of teaching partially-seeing children.

8-1-1-3. Occupational information.

8-1-1-4. Anatomy, physiology, and hygiene of the eye, principles of refraction, refractive errors and common eye diseases together with observation of cases.

8-1-1-5. Supervised teaching with partially-seeing children.

8-1-2. In special cases upon recommendation of the training institution, provisional approval for one school year will be granted to a person who holds a degree certificate, who has planned a program of study leading to permanent approval, and who has completed a minimum of six semester hours of required course work. This approval may be extended one year at a time provided the person continues to progress toward meeting requirements for approval.

8-2. Teachers of blind children:

8-2-1. Same standard as for teachers of partially-seeing children except that the emphasis is on teaching the blind. Under Sub. Sec. 8-1-1-2 above the methods should

include a mastery of teaching Braille, and familiarity with the various materials and devices used in instructing the blind. The supervised teaching under Sub. Sec. 8-1-1-5 must be at least part-time with blind children and part-time with partially-seeing children.

9. Additional Requirements for Supervisors of Special Education:

9-1. Meets standards for approval in any of the special education areas.

9-2. Or holds an elementary principal's certificate for Kansas, and has had one or more years of experience in supervision of elementary schools.

9-3. Has completed nine semester hours in administration and supervision, with at least one course in administration of special education programs including legal provisions.

9-4. If the person qualifies under Sub. Sec. 9-1 he[she] must in addition complete 18 semester hours of college work with at least six hours in each of three special education areas other than the one in which he[she] has specialized.

9-5. If the person qualifies under Sub. Sec. 9-2 he[she] must complete 27 semester hours of college work with at least nine hours in each of three special education areas.

9-6. In special cases upon recommendation of the training institution, provisional approval may be granted to a person who has completed six semester hours of graduate credit under either Sub. Sec. 9-4 or Sub. Sec. 9-5 and who meets all other requirements. This approval may be extended one year at a time provided the person continues to progress toward meeting the requirements for permanent approval.

10. Additional Requirements for Teachers of Learning Disabled Children: 10-1. At least 9 graduate semester hours of credit in related or background areas, leading to competencies in each of the following:

10-1-1. Educational assessment of exceptional

children.

10-1-2. Management of classroom behavior.

10-1-3. An understanding of language development and disorders of communication.

10-2. At least 13 graduate semester hours of additional credit in the learning disability area with training in each of the following:

10-2-1. Learning disabilities and related research.

10-2-2. Education of the learning disabled child including competencies in remedial education.

10-2-3. Supervised teaching (practicum) with learning disabled children.

10-3. Recommendation from major training institution.

10-4. Thirty-six weeks of successful teaching experience in a public school sponsored Learning Disability Program subsequent to completion of the training sequence.

10-5. Upon recommendation of the training institution, provisional approval for one school year will be granted to a person who holds a degree certificate, who has completed one year of regular or special classroom teaching experience at the level of certification desired, who has planned a program of study leading to full approval and completed at least 8 hours of coursework agreed upon by the training institution and the special Education Section, State Department of Education. This approval may be extended one year at a time providing the person continues yearly to progress toward meeting requirements for full approval. A maximum period of five years in which to complete full approval requirements will be granted.

11. Additional Requirements for Teachers in Personal and Social Adjustment Programs:

11-1. At least eight semester hours of graduate credit in related or background areas, including course work in each of the following: introduction to psychological testing, behavior management and diagnosis and remediation of learning problems.

11-2. At least 13 semester hours of additional graduate

credit in the major area including course work in each of the following areas:

11-2-1. Characteristics of the emotionally disturbed.

11-2-2. Education of the emotionally disturbed.

11-2-3. Supervised teaching with the emotionally disturbed.

11-3. Recommendation from major training institution.

11-4. Thirty-six weeks in a public school sponsored Personal and Social Adjustment Program subsequent to completion of training sequence.

11-5. Upon recommendation from the training institution, provisional approval for one school year will be granted to a person who holds a degree certificate, who has planned a program of study leading to full approval and has completed a specified number of hours of coursework agreed upon by the training institution and the special Education Section, State Department of Education. This approval may be extended one year at a time providing the person continues yearly to progress toward meeting requirements for full approval. A maximum period of five years in which to complete full approval requirements will be granted.

12. Additional Requirements for Teachers of the Gifted.

12.1. Requirements for full approval. Full approval for personnel assigned to one-half to full-time positions (teachers, supervisors/coordinators) in programs for the gifted will be granted applicants who satisfy the following minimum requirements:

a. A valid Kansas teaching certificate for level(s) and subject area(s) of qualification.

b. A minimum of one year's experience in a full-time position as a certified teacher in a regular education setting.

c. Completion of an approved training program from an institution offering a master's degree with emphasis in gifted education. Completion of the approved program must occur within five (5) consecutive years from the date of assignment to the programs for the gifted.

d. Recommendation from the parent institution offering an approved training program and a master's degree with an

emphasis in gifted education.

e. Completion of one school year's successful employment in a paid, full-time professional position on the basis of provisional approval or in a non-reimbursed program.

12-2. Supervisors/coordinators. Supervisors/coordinators in programs for the gifted must meet the above requirements for full approval. In addition, specific requirements for special education supervisory personnel as outlined in K.A.R. 91-1-7, F shall be met.

12-3. Provisional approval. Provisional approval for personnel assigned to one-half to full-time positions (teachers, supervisors/coordinators) in programs for the gifted will be granted on a yearly basis, with evidence of yearly progress toward full approval, for a maximum of five (5) successive calendar years under the following conditions:

a. A valid Kansas teaching certificate for level(s) and subject area(s) of qualification.

b. A minimum of one year's experience in a full-time position as a teacher in a regular education setting.

c. A minimum graduate course work credit of nine (9) semester hours in nature and needs of the gifted, education planning for the gifted, and supervised practicum for the gifted, and shows evidence of acceptance and enrollment in an approved training program in gifted education.

12-4. Requirements for an approved training program with emphasis in Gifted Education are as follows:

a. General competencies in special education (8-12 semester hours).

b. Background areas (minimum of nine (9) semester hours of graduate credit) which shall include credits or competency equivalent in each of the following: (1) human growth and development, and (2) educational tests and measurements. Additional hours may be elected from educational psychology, and psychology of learning and instruction.

c. Major area - Gifted Education (minimum of twelve (12) semester hours of graduate credit) which shall

include credits or competency equivalent in each of the following: (1) nature and needs of the gifted; (2) educational planning for the gifted; (3) supervised practicum. Additional graduate hours may be elected from (1) creative teaching and learning; (2) thesis; (3) project; or (4) additional course work in education for the gifted.

12-5. Prior to the effective date of the above requirements, individual approval shall be given to teachers and supervisors/coordinators in programs for the gifted.

13. Other areas.

13-1. In the absence of adopted standards individual approval will be given to teachers of children with special health problems. . . ."

§91-28-4

A special school principal shall have an administator's certificate, demonstrate the competency to perform the administrative task, or have a Supervisor of Special Education certificate. The state board of education may grant a three year provisional approval to a principal.

The principal's chief function shall be to improve instruction. The principal shall have time to provide professional leadership to the staff, coordinate school activities, keep pupil records, and efficiently operate the building.

Each teacher shall have a certificate or shall demonstrate the competency to teach to the state board of education.

Special approval may be given to teachers who do not meet special education teacher certification requirements particularly in the area of early childhood training.

Each school shall, when requested by the state department of education, demonstrate that teacher assignments are made according to program goals, objectives and expected outcomes. The program shall be reasonably commensurate and in agreement with educational goals adopted by the state board of education and with recognized

educational concepts and practices. The programs shall be formulated with broad base community involvement, "except that experimental or innovative programs. . . are encouraged." Evidence shall be provided indicating pupil/teacher ratio, instructional time allotted, the level and number of assignments, and materials, equipment and available supportive services.

The program shall be approved by the school's governing body and the state department of education.

Supportive personnel, such as psychologists, speech clinicians, occupational or physical therapists, medical and psychiatric staff, shall meet the requirements of their profession and be identified in staff assignments as to their role in the educational program of the special purpose school.

Non-certified personnel may supervise non-instructional activities if under the supervision of a certified teacher or administrator.

A special purpose school shall have written policies in the areas of recruitment, selection, qualification, placement, job descriptions, training programs and evaluation of paraprofessionals. The policies shall be part of the special education annual survey and comprehensive plan.

§91-17-5

Each teacher shall have a teaching certificate on the secondary level and a certificate of health.

CROSS REFERENCES

I.Principal; Regulation §91-2-3

II.A.1.; Regulation §91-5-1 -- 91-5-3; §91-5-6 -- 91-5-8; §91-5-10 -- 91-5-12
III.C.Teachers; Statutes §72-1381; 72-1383; 72-1388

ADULT EDUCATION STUDENTS

CROSS REFERENCE

II.A.8.; Statute §72-4525 -- 72-4526

CERTIFICATED PERSONNEL

REGULATIONS

§91-1-15

Revocation of certificates; contract. Any certificate issued by the state board may be canceled by the state board on the grounds of immorality, gross neglect of duty, annulling of written contracts with boards of education and district boards without the consent of the board which is a party to the contract, or for any cause that would have justified the withholding thereof when the same was granted: Provided, that any certificate issued as aforesaid is hereby declared canceled and revoked when the holder of such certificate shall have been convicted of a felony in any state of the United States.

The state board may reinstate a certificate which has been revoked or suspended upon finding that the applicant otherwise meets the qualifications for certification and that the grounds for suspension or revocation no longer exist.

An applicant whose certificate has been revoked or suspended in another state shall not be eligible for certification in Kansas until the applicant's certificate is reinstated in the state in which the suspension or revocation occurred.

CROSS REFERENCE

I.Professional Teaching Practices Commission; Statute §72-8503; §72-8506 -- 72-85-7

District Board of Education

Statutes

§72-7515

All books, records and papers of the board of education of each school district or vocational-technical school shall, at reasonable times, be opened for and available to the state board of education and its agents.

CROSS REFERENCES

I.District Board of Education; Statute §72-7504

III.A.1.; Regulation §91-2-1

Education Program

CROSS REFERENCES

III.A.1.; Regulation §91-2-9

III.A.1.; Regulation §91-2-12

III.A.1.; Regulation §91-3-3

High School Diploma Recipient

Regulations

§91-10-1 -- 91-10-2

To qualify to take the general educational development test (G.E.D.) an applicant shall be at least eighteen years old and a member of a class which has graduated, or at least sixteen years old and a ward of the court or a state institution, or at least sixteen years and substantially self-supporting. In addition, a person who is at least sixteen years old who is confronted with conditions not usually associated with those of his/her age and who would be benefitted by receiving a high school equivalency diploma may qualify to take the test.

Every applicant shall have been a Kansas resident for six months preceding the application or last attended school in Kansas.

Any applicant who receives a minimum score of 35 and an average score of 45 on the five-part test shall receive a Kansas state high school diploma.

PRINCIPAL

CROSS REFERENCE

III.A.1.: Regulations §91-4-3; 91-4-5

PUBLIC SCHOOLS

STATUTES

§72-1628

No sectarian or religious doctrines shall be taught or inculcated in any of the public schools of a city; but nothing in this section shall be construed to prohibit the reading of the Holy Scriptures, without note or comment.

SCHOOL DISTRICT

CROSS REFERENCES

II.A.2.; Statute §72-976

III.A.1.; Regulation §91-2-14a

SCHOOL EMPLOYEES

CROSS REFERENCE

I.District Board of Education: Statute §72-8202e

STATUTES

§72-8509

Upon majority vote of the entire state board, the board may remove a member of the standards board or practices commission for misconduct or malfeasance in office, incompetence or neglect. Prior to removal, the member shall be given reasonable notice and hearing before a committee of the state board. NOTICE HEARING

STUDENTS

REGULATIONS

§91-3-6

A student shall be placed in the junior high school education program according to his/her past education experience record, his/her successful performance at the level of assignment or by validating examination administered by the local district.

Promotion shall be determined according to local board policy. Due consideration may be given to age and mental, social and physical development of the child.

CROSS REFERENCES

II.A.1.; Statute §72-1103

II.A.10. Other - Independent Study Program; Regulation §91-2-6

III.A.1.; Regulation §91-4-1

III.A.2.; Regulation §91-2-2

III.A.2.; Regulation §91-13-1

CROSS REFERENCE

II.A.3.; Regulation §91-17-6

TEACHERS

STATUTES

§72-1381; 72-1383; 72-1388

The state board may issue a special teaching certificate to qualified applicants, such certificate specifying on its face those subjects that the holder is authorized to teach.

CANCELLATION

Any teachers certificate may be cancelled on the grounds of immorality, gross neglect of duty, annulling of written contracts with boards of education without the consent of the board, or for any cause that would have justified the withholding thereof when the same was granted.

The state board of education is authorized to make rules and regulations governing the issuance, renewal, reinstatement and registration of certificates for teachers and other personnel in the state department of education.

§72-5437

TERMINATION NOTICE

Teacher employment contracts may be terminated by the local board upon written notice served upon the teacher "prior to the time the contract has been completed." Notice of nonrenewal shall be given to the teacher on or before March 15th. A teacher shall give written notice to the board on or before April 15th if she/he desires not to continue the contract. Terms of the contract may be changed at any time by mutual consent.

§72-5438

HEARING

When a teacher has been given a termination or non-renewal notice, that teacher shall be informed of the reasons for the action and be given the opportunity of a hearing. The hearing committee shall consist of one member designated by the board, one member designated by the teacher and one member chosen by the first two. In the event that there is no agreement on the third committee person, that person shall be chosen by the district judge of the county.

§72-5439 --72-5443

DUE PROCESS

At the hearing, the teacher may be represented by counsel and afforded due process to include presentation, examination and cross-examination of witnesses, the right to testify on her/his own behalf and "the right . . .to a fair and impartial decision based on substantial evidence."

COSTS

Cost of the hearing shall be borne equally by both parties except that the cost of a transcription of the proceedings shall be borne by the board of education and the costs for attendance of a witness shall be borne by the party calling the witness. If either party requests it, a transcription shall be taken.

If either party wants to present testimony by affidavit or deposition, that party shall inform the hearing committee of the date the testimony is to be taken. No such testimony shall be presented at the hearing unless the opposing party has had ten days prior to the presentation to examine it.

Any authorized hearing committee member may administer oaths, issue subpoenas, authorize the taking of depositions, and regulate the course of the hearing. The burden of proof shall be on the board if the teacher alleges that the reason for the termination or non-renewal is that the teacher exercised a constitutional right. All relevant evidence shall be admitted unless its probative value is outweighed because its admission

would necessitate undue consumption of time.

Unless otherwise agreed to by both parties, the hearing committee shall submit a written recommendation to the teacher and the board within thirty days of the hearing. The board shall make a final decision after considering the recommendation and after hearing oral argument or receiving briefs from the teacher and the board. The board's decision shall be given to the teacher within thirty days after the close of oral argument or submission of briefs. The board's decision may be appealed to the county district court.

§72-5445

HEARING

The right to a hearing shall apply to "only those teachers who have completed two consecutive years of employment in the school district . . . except where the teacher alleges his or her termination or nonrenewal is the result of his or her having exercised a constitutional right." Provided, however, that any board may waive such two year requirement for any teacher employed by it who, prior to such employment, were teachers who had completed not less than two consecutive years of employment in any school district . . . in this state.

§72-5446

Whenever a teacher alleges that his/her contract was not renewed because he/she exercised a constitutional right, the teacher shall specify to the hearing committee the nature of the activity protected, and the times, dates, and places of the activity. If the hearing committee determines that no substantial evidence supports the teacher's claim, the board's decision not to renew shall stand. If the hearing committee determines substantial evidence exists to support the teacher's claim, the board shall submit its reasons for nonrenewal. If the board's decision is supported by any substantial evidence its decision shall be upheld.

The provisions of this section shall be supplemental to sections §72-5436 to § 72-5445.

§72-8502; 72-8505

The professional teaching standards advisory board shall have 35 members appointed by the state board. The standards board shall develop regulations for teacher pre training selection, teacher preparation, admission to and continuance in the practice of teaching. The standards board shall make recommendations to the state board, local boards, the legislature and state officials about the improvement of education and the teaching profession. The standards board shall develop advisory guidelines with respect to professional emoloyment practices.

REGULATIONS

§91-1-9

"Vocational education certificates. (A) Vocation-education instructors. Vocational education instructors will be certified and coded under the vocational certificate series upon receipt of an application and a $5 fee, with verified credits and experience, and a recommendation

by the appropriate vocational education section director. Exception: vocational education instructors who are not under regular contract but are hired by hourly rate and paid by short-term agreement for teaching adult vocational classes, will be approved on a special form issued by the director of certification upon receipt of application with verified credits, workshops, and experience, and a recommendation by the appropriate vocational education section director. No fee will be charged.

(B) Vocational industrial education certificates. This section applies to applicants seeking certification to teach in vocationally endorsed Industrial Education programs. Additional subjects which may come under consideration are to be judged in terms of the spirit of this explanation. All issuance of certificates in this section shall be recommended by the Kansas state director of industrial education.

1) Exploration and/or orientation of industry instructors. (A) Must meet subject and field requirements as outlined in section 91-1-22, paragraph 10.

(B) Must participate in a three-week workshop in each of the areas the applicant plans to teach:

(C) Additional preparation deemed necessary to remain updated and to fulfill their responsibility.

(II) Pre-vocational Industry cluster programs instructors. (A) A one-year provisional certificate (Code: 1970) may be issued to persons who possess the following minimum credentials, prior to employment:

(1) Education-A degree in industrial arts or vocational industrial areas.

(2) Occupational experience.

(3) Achieving a satisfactory rating on a comprehensive competency examination.

(4) Participation in a 30 clock hour pre-service workshop, made available by the designated vocational industrial education institution.

(B) The first year provisional certificate may be

renewed (Code: 171) for one additional year by: (1) Completion of eight semester hours of professional vocational education courses in vocational industrial education curriculum approved by the designated teacher education institution.

(2) Participation in a 30 clock hour in-service workshop approved by the state director of industrial education. This workshop may be credited toward the eight semester hours above.

(3) Completion of one year of successful teaching experience in a recognized or accredited secondary school teaching the industry program.

(C) A second renewal (code 171) valid for one year may be granted upon completion of a minimum of four additional semester hours of professional vocational education courses, inclusive of the required workshop and successful teaching experience as described for the first renewal.

(D) The certificate issued as a second renewal may be renewed for a three-year period (code 172) upon completion of a total of 18 semester hours of professional vocational education courses, inclusive of the required workshop and successful experience as described for the renewal of the first certificate delineated in this regulation.

(E) The three-year certificate may be renewed for a five-year period (code 174) upon completion of an additional three semester hours from courses described for renewal of the first certificate delineated in this regulation and by participation in an upgrading workshop each year approved by the state director of industrial education.

(F) The five-year degree certificate may be renewed for subsequent five year periods (code 175) upon presentation of eight semester hours of additional credits approved by the state division of vocational education. The eight hours may be distributed with the following minimum:

(1) Three semester hours of professional vocational course(s).

(2) Full participation in three annual workshops approved by the state division of vocational education.

(3) The remaining two semester hours may be obtained with any combination of vocational courses or approved workshops.

(III) Day trade and personal and public service instructors - (A) A one-year provisional certificate (code 170) may be issued to persons who possess the following minimum credentials prior to employment:

(1) Education - Graduate from a credited high school or general education development (G.E.D.) equivalent.

(2) Occupational experience - A minimum of two (2) years of recent journeyman experience above and beyond the apprenticeship or equivalent learning period. This experience shall be in the area the applicant is planning to teach.

(3) Achieving a satisfactory rating on a comprehensive competency examination administered by the designated vocational industrial education institution and the state director of industrial education.

(4) Participation in a 30 clock hour pre-service workshop made available by the designated vocational industrial teacher education institution.

RENEWAL

(B) The first year certificate may be renewed for one additional year (Code 171) by:

(1) completion of eight semester hours of professicnal vocational education courses in vocational industrial education curriculum approved by the designated teacher, education instituituion and the state director of industrial education.

(2) Participation in a 30 clock hour workshop approved by the state director of industrial education. This workshop may be credited toward the eight semester hours above.

(3) Completion of one year of successful teaching experience in a recognized or accredited secondary or post-secondary institution teaching vocational industrial subjects.

(C) A second renewal (code: 171) valid for one year may be granted upon completion of a minimum of four additional semester hours of professional vocational education courses, inclusive of the required workshop, and successful teaching experience as described for the first

renewal.

(D) The certificate issued as a second renewal may be renewed for a three-year period (code 172) upon completion of a total of 18 semester hours of professional vocational education courses inclusive of the required workshop and successful teaching experience as described for the renewal of the first certificate delineated in this regulation.

(E) The three-year certificate may be renewed each three year period (code 173) upon completion of an additional three semester hours from courses described for renewal of the first certificate delineated in this regultion and by participating in at least two annual upgrading workshops approved by the state director of industrial education.

(F) The first-year provisional degree certificate may be renewed for a three-year period if the person has completed the eighteen semester hour requirements of professional vocational courses, has participated in the required workshops and has had a successful teaching experience as described for the first renewal.

(G) The three-year degree certificate may be renewed for a five-year period (code 174) upon completion of an additional three semester hours from courses described for renewal of the first certificate delineated in this regulation and by participation in an upgrading workshop each year approved by the state director of industrial education.

(H) The five-year degree certificate may be renewed for each five year period (code 175) upon presentation of eight semester hours of additional credits approved by the state division of vocational education. The eight hours may be distributed with the following minimum:

(1) three semester hours of professional vocational course(s).

(2) Full participation in three annual workshops approved by the state division of vocational education.

(3) Remaining two semester hours may be obtained

with any combination of vocational courses or approved workshops.

(IV) Instructor-coordinator (A) A one year provisinal certificate (code 170) may be issued persons who possess the following minimum credentials, prior to employment;

(1) Education - A bachelor's degree from an accreditec college or university. Applicants must have completed courses in principles and procedures in cooperative industrial programs and principles and philosophy of vocational education.

(2) Two years of successful teaching experience. Exceptions: (a) Persons who have completed bachelor's degree in vocational industrial education and have participated in the professional teaching block under the approved teacher education program, and (b) equivalent experience related to teaching.

(3) Two years acceptable experience as a wage-earner in an industrial occupation or trade. One year experience should have been full-time.

RENEWAL

(B) A one-year provisional certificate may be renewed as a three-year vocational certificate (code 172) upon the completion of one year of successful teaching experience and the completion of 18 hours of professional education courses approved by the state director of industrial education. (1) Two one-year renewals (code 171) may be granted providing the requirements as outlined for day trade instructors are met. See subsection B and C of section III (Day trade).

(C) The three-year certificate may be renewed for a five-year period (code 174) upon completion of an additional three semester hours from courses described for renewal of the first certificate delineated in this regulation and by participation in an upgrading workshop each year approved by the state director of industrial education.

(D) The five-year degree certificate may be renewed valid for each five-year period (code 175) upon presentation of eight semester hours of additional credits approved by the state division of vocational education. The eight hours may be distributed with the following minimum:

(1) Three semester hours of professional vocational course(s).

(2) Full participation in three annual workshops approved by the state division of vocational education.

(3) Remaining two semester hours may be obtained with any combination of vocational courses or approved workshops.

(V) Technical instructors (Related). (A) A one-year provisional technical related certificate (code 170) may be issued persons who possess the following minimum credentials, prior to employment: (1) Education-B.S. degree or equivalent with eight hours of approved college credits in each related teaching area.

(2) Occupational experience - Two years of wage earning experience in the technical occupation (or related) in the area of instruction or a completion of a regular approved B.S. degree program in technical education(this program is a specially designed teacher education program in the designated teacher training institute which enables the individuals to acquire both supervised occupational and educational experiences simultaneously).

(3) Achieving a satisfactory rating on a comprehensive competency examination administered by the designated vocational industrial education institution and the state director of industrial education.

(4) Participation in a 30 clock hour pre-service workshop made available by the designated vocational industrial teacher education institution.

(B) Additional requirements and renewals will follow the schedule as outlined in subsections B, C,D,E,F,G, and H in section, HI (Day Trade).

(VI) Technical instructors (Skilled). (A) A one-year provisional technical skill certificate (code 170) may be issued persons who possess the following minimum credentials, prior to employment:

(1) Education -B.S. or (a) a person successfully completing a two-year post-secondary technical program in the specific industrial occupational areas, or (b) possessing the equivalent of two years credit in an

engineering, technical or industrial technology program, or (c) persons with two years prior teaching experience in a technical program.

(2) Occupational experience-Two years wage earning experience beyond the learning period as a technician or specialist in the area in which instruction is to be provided, or a completion of a regular approved B.S. degree program in technical education (this program is a specially designed teacher education program in the designated teacher training institute which enables the individual to acquire both supervised occupational and educational experiences simultaneously).

(3) Achieving a satisfactory rating on a comprehensive competency examination administered by the designated vocational industrial education institution and the state director of industrial education.

(4) Participation in a 30 clock hour pre-service workshop made available by the designated vocational industrial teacher education institution.

(B) Additional requirements and renewals will follow the schedule as outlined in subsections B,C,D,E,F,G and H in section III (Day trade).

(C) Agricultural education (Vocational agriculture) (1) Secondary school instructor. (A) Bachelor of science degree in agricultural education from a teacher education institution approved by the vocational education division of the state department of education.

(B) Course work in professional education to include 11 semester hours in vocational education, eight of which are in student teaching. The professional course shall include a study of the principles and philosophy of vocational education.

(C) Two years of work experience on a farm or agricultural business.

(II) Secondary cooperative occupations instructor. (A) Bachelor of science degree in agricultural education from a teacher education institution approved by the vocational education division of the state department of education.

(B) Course work in supervised occupational experience and an agricultural related practicum of not less than 320 hours of supervised agribusiness employment approved by the director of agricultural education for the vocational education division of the state department of education.

(C) . . . Instructors desiring approval to coordinate a cooperative program must have completed 6 credit hours from the following courses:

(a) Methods of individual training (job analysis).

(b) Coordination techniques.

(c) Organization and administration of vocational education.

In addition to the two years of approved occupational work experience, instructors must also complete a minimum of 320 hours of supervised agribusiness employment approved by the agricultural education director for the division of vocational education, state department of education.

. . . .

(IV) Adult and young farmer coordinator. (A) The adult or young farmer coordinator must meet the same qualifications as the secondary or post-secondary agricultural education instructor.

(V) Instructor-coordinator (A) The instructor-coordinator must have a teaching certificate in agriculture education at the secondary or post-secondary level.

(B) The instructor-coordinator must have a minimum of two years of teaching experience in agriculture education.

(VI) Out-of-state prepared instructors.
(A) Instructors qualified in other states must be approved by the state director of agricultural education.

(B) The instructor must be recommended by his[her] state director or head teacher trainer.

(VII) Renewal requirements. (A) All certificates will meet renewal requirements either in section 91-1-3, "secondary certificates" or in section 91-1-4 "junior college and special certificates."

(D) Vocational business occupations. To qualify

to teach the applicant must meet the following requirements:

(1) Distributive education:

(1) The instructor must meet standard certification requirements to teach in the level for which he[she] is applying.

(2) Bachelor's degree in education witha major in business. Must have courses in marketing, accounting, small business management or applied retailing, and visual merchandising or show competency through approved examination.

Any deviation from these requirements must be approved by the director of business occupations.

(3) Professional vocational education courses:

(a) Principles and philosophy of vocational education.

(b) Methods of individual training (Job analysis).

(c) Organization and administration of vocational education.

(d) Coordination techniques (not required of related instructors).

(e) Methods and materials in vocational education.

(4) Practical work experience.

(a) Coordinator-Two years approved work experience in the distributive field (4,000 clock hours).

(b) Related instructor-One year of approved work experience in the distributive field (2,000 clock hours) .

(II). Office education. (1) The instructor must meet standard certification (including subject and field) requirements to teach in the level for which he[she] is applying.

(2) Bachelor's degree in education with a major in business. Must have courses in accounting and office machines, or show competency through approved examination.

Any deviation from these requirements must be approved by the director of business occupations.

(3) Professional vocational education courses:

(a) Principles and philosophy of vocational education.

(b) Methods of individual training (Job analysis).

(c) Organization and administration of vocational education.

(d) Coordination techniques (Not required of related instructors).

(e) Methods course (If the applicant has not had a methods course in teaching business subjects, then methods and materials in vocational education is required.)

(4) Practical work experience. (a) Coordinator (two years approved work experience in the office field (4,000 clock hours).

(b) Related instructor-One year of approved work experience in the office field (2,000 clock hours).

(III) Data processing. (1) The instructor must meet standard certification requirements to teach in the level for which he[she] is applying.

(2) Bachelor's degree with hours in their teaching area. This should include general data processing courses and specific instruction in current program languages.

Any deviation from these requirements must be approved by the director of business occupations.

(3) Professional vocational education courses:

(a) Principles and philosophy of vocational education.

(b) Job analysis.

If coordinator of cooperative part-time program:

(c) Organization and administration of vocational education.

(d) Coordination techniques.

(4) Practical work experience. (a) Two years data processing experience or show competency through an approved examination.

(E) Vocational home economics. A minimum of six credits is required in each of the five areas of home economics with an additional ten credits divided between any two or more areas, total 40 credits.

(F) Health occupations. (1) A technical program administrator (associate degree program) requires a master's degree with 15 hours of approved courses in philosophy of community colleges, administration, teaching methods, psychology, and curriculum. He/she must have three years of work experience, must be credentialed to practice the health occupation in Kansas or certified by a recognized national association, board or registry, and must attend one workshop related to

health occupations each year and the annual state health occupations workshop.

(2) Technical program instructor. Same as program administrator except he/she may possess a bachelor's degree, must have 12 hours of the approved courses excluding the three hours of administration, and have two years of work experience.

(3) Vocational program administrator (this program does not culminate in an associate degree). He/she must have a bachelor's degree, have 12 semester hours of course work in philosophy of vocational education on philosophy of community junior colleges, occupational analysis, instructional methods and preparation for instructional materials, two years of work experience and three years of teaching experiences. He/she must be credentialed to practice health occupations in Kansas and, if required by law, licensed in Kansas or certified by a recognized national association. He/she must attend one workshop realted to health occupations each year and the annual state health occupations workshop.

(4) Vocational program instructor. Same as above except he/she does not need any teaching experience.

(5) Nursing aid instructor. He/she must be licensed as a registered nurse in Kansas.

(6) Teacher aide. He/she must have an appropriate education in the area being served, successful work experience in the health area where he/she is assisting. He/she must be credentialed, licensed or certified in Kansas for the area where he/she is assisting and must attend the "annual health occupations workshop."

(7) Related instructor. He/she must have a bachelor's degree in the area of instruction, adequate approved hours in methods, philosophy, sociology and/or psychology. Appropriate experience is needed to integrate related instruction into the health occupations program. He/she must attend the annual health occupations workshop.

(8) Service coordinator. He/she must have a master's degree with 15 semester hours of courses, including organization and administration of technical education, philosophy of vocational education or philosophy of community

junior colleges, occupational analysis, instructional methods, and preparation of instructional materials. He/she must have two years of teaching experience and two years of administration experience preferably in health related areas; three years experience preferably in health related areas; three years experience administering at least one health occupations preparatory program and must attend two workshops including the annual state health occupations workshop.

(9) Teacher educator. He/she must have a master's degree, 24 hours of approved vocational courses, have three years of work experience and three years of teaching experience. He/she must be credentialed and licensed in Kansas, if required, or have three years experience administering at least one health occupations preparatory program. He/she must attend two workshops including the annual health occupations workshop.

(10) Adult class instructor. He/she must have appropriate education for the course to be taught, have successful experience in the area related to the course taught and be credentialed to teach or practice in the area related to the content and theory of the course.

§91-27-3

Each instructor in an area vocational school shall have a state board of education certificate.

An instructor in a special field or subject may be certified on the basis of two years successful experience in the trades, businesses or professions of the field that he/she will teach and the possession of the academic preparation ordinarily required for the trade, business, or profession.

A noncertified person may supervise non-instructional activities if under the supervision of a certified person.

The teaching load of an instructor shall be made according to program goals, objectives and expected outcomes which are reasonably commensurate and in agreement with the state board of education's educational goals and with recognized educational concepts and practices. The program shall be formulated with broad base community involve-

ment, "except that experimental or innovative programs . . . are encouraged." The program shall indicate student/instructor ratio, instructional time allotted, the level and number of assignments, materials, equipment and available supportive services.

The staff shall be organized to promote communication among the administration, faculty and students and to encourage faculty participation in the development of the curriculum, instructional procedures, and other appropriate matters.

Each school shall implement a plan for the continued development of staff proficiency.

§91-22-2 -- 91-22-3; 91-22-6 -- 91-22-7

A majority of the full membership of the professional teaching practices commission shall constitute a quorum for conducting business. A majority of the quorum shall be required to pass a motion.

Upon receiving a complaint the secretary shall notify the chairperson who shall determine and give authorization to the secretary to initiate the processing procedures.

The secretary of the commission shall record any official proceeding, shall have custody of all records, and shall prepare any required report.

No party to a proceeding or his/her agent shall communicate ex parte with any member of the commission or its staff. Any person who receives an ex parte communication shall promptly inform the chairperson.

Any written communication received by the commission shall be part of the file of the proceeding and shall be

available to any person. The written communication is not necessarily an official record of the case.

COMPLAINT

A proceeding before the commission shall be initiated by the commission or a member of the teaching profession by a complaint in writing.

A complaint shall be filed within 60 days of the commission of the act complained of or when knowledge of the act was first revealed. Failure to file a timely complaint shall be the basis for dismissal by the commission.

A party in a case before the commission may be represented by an attorney.

Only a member of the teaching profession may file with the commission a report about measures necessary to improve education. The report shall be investigated, and if worthy of further consideration, be placed on the agenda of the commission.

A teacher may voluntarily surrender his/her teaching certificate to the commission. The commissioner shall investigate the surrender and shall make a recommendation to the state board for the proper disposition of the certificate.

Any complainant who signs a complaint shall have personal knowledge of the truth of the statements in the complaint and shall be prepared to support the statements with substantial testimony and evidence.

If the complainant and the respondent reach an agreement or if the case is resolved, the commission may dismiss the case and expunge all records, if it deems that justice would be served.

Any complaint, which the commission finds to be without merit or derived from personal malice, shall be dismissed and expunged from the files.

Any complainant whom the commission finds acted maliciously or fraudulently in filing a complaint shall be charged with a breach of professional discipline.

INVESTIGATION

Any complaint charging a violation of K.S.A. 72-1382, 72-5411 or 72-5412 shall be promptly investigated by the commission. The results of the investigation

shall be given to the state board.

If the commission finds that a settlement provision or liquidation damage clause in the local board policy or contract would allow the employee to make a financial settlement to the local governing authority or be relieved of contractual commitment by other agreed means, the commission shall dismiss the case.

§91-22-9

Any respondent charged in a complaint filed before the professional teaching practices commission shall have the right to file an answer but is not required to do so.

§91-22-12; 22-13

The professional teaching practices commission may allow any party in the interest to a proceeding to and shall allow any party who would be adversely affected by an order resulting from the proceeding to intervene.

INTERVENTION

A complainant, respondent, or any person having a direct interest in the subject matter of an investigation, pre-hearing or hearing may request that the commission, through the state board, issue a subpoena. The state board may issue its own subpoena.

SUBPOENA

§91-22-16; 22-17

After considering the allegations made in a complaint, the professional teaching practices commission may hold an investigation or prehearing conference. Each person who has an interest in the complaint shall receive a copy of all papers in the file which are to be used in the case prior to the investigation or prehearing conference.

A respondent shall be advised of the significance of all allegations against him/her, the right to remain silent, the right to have an attorney, and the right to participate in every phase of the investigation or pre-

hearing conference.

An investigation and prehearing conference shall be conducted informally. The rules of evidence shall be used for any formal hearing of the complaint.

After the investigation or prehearing conference the commission shall inform in writing each interested party that the complaint is without merit, that the complaint must be amended by the complainant, that further investigation is needed, or that proceedings be instituted against the complainant. Each witness shall be sworn, and a record shall be kept at any investigation, prehearing conference, or formal hearing.

§91-22-21

After receiving a complaint and establishing a prima facie case, the professional teaching practices commission may order that a formal hearing be held.

HEARING

A hearing may be waived upon the request of the complainant and respondent.

§91-22-25

The professional teaching practices commission shall render its decision after a hearing within ten days to the state board. To support a charge of violation of the teachers' code of professional ethics, violation of a state board regulation concerning teacher's or administrator's certificates, violation of a United States or Kansas law, departure from advisory guidelines under the teachers' practices act, or of any misconduct, unethical or unlawful practice of teaching, the finding shall be established by a preponderance of the evidence. The commission shall make findings of fact and law and shall recommend a dismissal of the complaint, discipline of the respondent, or proceedings against the complainant.

The state board may dismiss the complaint if it finds that the charge is substantially unfounded or unproven, or unmeritorious. If the state board finds that

the charge is substantially proven, it may discipline the respondent through private censure, suspension of his/her certificate, or cancellation of his/her certificate. The state board shall review the case and may impose the same discipline on a complainant whom it finds acted maliciously or fraudulently. If the state board finds that the complainant is guilty of a breach of professional discipline, it shall charge him/her with all expenses incurred in the proceeding, including reasonable expenses incurred by the respondents and any other proper parties.

EXPENSES

CROSS REFERENCE

II.A.2.; Statute §72-982

Vocational Schools

CROSS REFERENCE

II.A.3.; Regulation §91-27-2; 91-27-4

D. Evaluation and Reporting

Educational Program

CROSS REFERENCE

I.Principal; Regulation §91-2-3

III.A.1.; Regulation §91-2-13

Educational System

CROSS REFERENCES

I.District Advisory Board; Statute §72-8134

III.C.Teachers; Statute §72-8502; 72-8505

Programs for Exceptional Children

CROSS REFERENCE

II.A.2.; Statute §72-971

School Board Rules

CROSS REFERENCE

I.District Board of Education; Regulation §91-15-1

School Lunch Program

CROSS REFERENCE

IV.C.; Statute §72-5113 -- 5115; 72-5121 -- 5123

School Media Program

CROSS REFERENCE

II.B.3.; Regulation §91-2-7

School Personnel

Statutes

§72-9001; 72-9003 -- 72-9005

It is "the legislative intent of this act to provide for a systematic method for improvement of school personnel in their jobs and to improve the educational system of this state."

Every board of education shall adopt a policy for certified personnel evaluation procedure and file with the state board of education. Such policy shall provide that "every employee in the first two consecutive years of his/her employment shall be evaluated at least [semi-annually], and that every employee during the third and fourth years of his/her employment shall be evaluated at least [anually], and that after the fourth year of his/her employment every employee shall be evaluated at least once ...every three years."

An evaluation shall consider the employee's "efficiency, personal qualities, professional deportment, ability, health

(both physical and mental), results and performance, including ...teachers'...capacity to maintain control of students. . . ."

An evaluation policy shall reflect community attitudes toward education. The board shall develop the policy in cooperation with evaluators, those who are to be evaluated, and the community. An employee shall participate in his/her evaluation.

An employee shall receive a written evaluation and may respond to it within two weeks. The evaluation shall only be available to the employee, anyone the employee authorizes, the board, the state board, and the board of any school where the employee has applied for employment.

STATE PLAN FOR SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §72-961 -- 72-965

STATE PLAN FOR VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.: Statute §72-4413; 72-4414

TEACHERS

CROSS REFERENCE

I.Professional Teaching Practices Commission; Statute §72-8503; 72-8506; 72-8507

E. Improvement Efforts

School District

CROSS REFERENCE

III.A.1.; Regulation §91-2-14a.

Teacher

CROSS REFERENCE

III.B.Teachers; Regulation §91-27-3

Vocational Schools

CROSS REFERENCE

II.A.3.; Regulation §91-27-2; 91-27-4

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

703 KAR 2:040

"Local boards of education making application to operate public elementary and secondary schools ... for purposes of experimentation ... shall present to the Superintendent of Public Instruction a written plan of operation" before approval is given it.

CROSS REFERENCES

II.A.2.; Statute §157.305

II.A.3.; Regulation 705 KAR §3:020

II.A.3.; Regulation 705 KAR §3:060

II.A.3.; Regulation 705 KAR §4:100

III.A.2.; Statute §156.230

IV.B.; Regulation 703 KAR §3:020

2. Other Qualification Standards

Statutes

§156.230

1) "The superintendent . . . shall annually prepare . . . and submit for approval and publication by the state board of education, a list of all public and private high schools or other secondary schools in the state, showing the classification of each.

2) He[she] shall, from time to time, prepare . . . and submit for approval and publication by the state board of education, such bulletins, programs, outlines of courses, placards, and courses of study as he[she] deems useful in the promotion of the interests of the public schools, vocational education and vocational rehabilitation.

3) He[she] shall also prepare for publication . . . the rules, regulations, minimum standards for

schools and educational policies or programs adopted by the board for the operation, regulation and government of the schools under its supervision."

§157.350

A district must meet the following requirements to be eligible to share in the distribution of funds of the public school foundation program:

2) "Operates all schools for [the] term provided . . . [by statute] . . . and administrative regulations . . . provided, however, that if the term is less than 185 days for any reason approved by the . . . board . . . or recommendation of the superintendent . . . the eligibility of a district . . . shall be in proportion to the length of term the schools actually operate;

4) Includes no non-resident pupils in its average daily attendance, except by written agreement with the district of the pupils' legal residence.

5) Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same for girls.

6) Any school district which fails to comply with Subsection (5) shall be prohibited from participating in varsity competition in any sport for one year. Determination of failure to comply shall be made by the department of education after a hearing requested by any person within the school district. A district . . . at such hearing [shall] have an opportunity to show inability to comply."

§157.360

Kentucky allocates state funds based on a "classroom unit" concept to provide equitable distribution of monies and equalize educational opportunities throughout the state.

1) "In determining the cost of the foundation program for each district, the superintendent of public instruction shall allot to each district classroom units for elementary and secondary schools, classroom

units for vocational education, classroom units for exceptional children, classroom units for superintendents, principals and their certified assistants and other administrative and special instructional service personnel, classroom units for supervisors of instruction, and classroom units for directors of personnel; provided, however, that the number of classroom units shall not exceed the number of teachers employed by the district."

2) For elementary and secondary schools "one classroom unit shall be included for each twenty-seven pupils in average daily attendance, . . . provided however that one . . . unit shall be included for each isolated one-teacher school and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools.

3) The average daily attendance . . . shall be deducted for pupils enrolled in new classroom units [i.e., additional vocational or exceptional children units]. . . provided, however, no deduction shall be made for pupils attending state vocational-technical schools or state operated vocational education centers." Any deduction shall be in accordance with administrative regulations promulgated by the state board of education.

4) "Allotment of classroom units . . . shall be made on the average daily attendance . . . for the previous school year; provided, however, if the average daily attendance . . . in any district for the first two months of the current school year is greater than . . . the first two months of the previous school year, upon application of the district board . . . the total number of . . . units allotted the district shall be increased by the percent of increase. If the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather,

or disaster, . . . the district superintendent . . . [may apply to have]. . . the number of . . . units allotted the district for the ensuing year . . . increased by the difference in percent by the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio of the average daily attendance to the average daily membership for the two highest of the three preceding scholastic years.

5) In allotting classroom units for vocational education, one . . . unit shall be allotted for each full-time teacher, and a proportionate fraction of a . . . unit shall be allotted for each less than full time teacher of . . . classes that meet the [required] regulations . . . . The classroom units allotted . . . shall not exceed the units provided in the biennial budget without approval of the governor.

6) In allotting classroom units for exceptional children, a . . . unit shall be included upon the employment of each teacher approved to teach such children . . . not [to] exceed the units provided in the biennial budget without approval of the governor.

7) In allotting classroom units for superintendents, principals, their certified assistants, and other administrative and special instructional service personnel, the total number of . . . units allotted in subsection (2)(5)(6) and (10) shall be divided by eight, and the quotient shall be the number of classroom units allotted . . . . Provided, however, that in [the allocation]. . . the total number of pupils in average daily attendance pursuant to subsections (5) and (6) for new classroom units . . . shall be divided by two-hundred and sixteen and the quotient shall be the number of classroom units allotted to the districts . . .

8) In allotting classroom units for supervisors of instruction, one-half of a . . . unit shall be allotted each district which is allotted twenty-five through forty nine and nine-tenths . . . units under subsections (2)(5)(6) and (10); one unit shall be

allotted each district which is allotted fifty to one hundred classroom units, one unit shall be allotted for each one hundred units, or major fraction thereof, in districts allotted more than one hundred . . . units . . . .

9) In allotting classroom units for directors of pupil personnel, one . . . unit shall be allotted each district which is allotted thirty six to one hundred and sixty-five and nine-tenths units under subsection (2) and a unit for each additional two hundred and sixty-six classroom units or fraction thereof allotted under subsection (2). For districts having fewer than thirty-six classroom units, a proportionate fraction of a classroom unit shall be allotted.

10) In allotting classroom units for kindergarten, the superintendent of public instruction, under . . . administrative regulations . . . may allot units for kindergarten . . .[provided they]. . . shall not exceed the units provided in the biennial budget without approval of the governor.

11) In allotting classroom units [under this section] the superintendent . . . under . . . administrative regulations . . . may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis."

§158.000

"The school year shall begin on July 1 and end on June 30."

§158.030

"A 'common school' is an elementary or secondary school of the state, supported in whole or in part by public taxation. No school shall . . . receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months . . . and every child residing in the district who is six years of age and over has had the privilege of

attending it." If a child will be six years of age by December 31, then he/she shall be deemed eligible for attendance for the preceding fall term. "Entrance age requirements for those pupils attending an approved kindergarten in the common schools shall be as established in accordance with regulations . . . ."

§158.060

"Twenty school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools . . . . No teacher shall teach on Saturdays except in cases of emergency . . ." Six hours of actual school work shall constitute a school day "except for children attending kindergarten readiness classes, first grade classes and the handicapped . . ." whose hours shall be determined by the local board of education and approved by the state board of education. "The daily session . . . shall not exceed nine hours." A student may attend four regularly scheduled field trips a year. In special circumstances, the district superintendent may apply to the superintendent of public instruction or the state board of education for additional days.

CLASS DAY

§158.070

SCHOOL TERM

1) "The minimum school term shall be one hundred eighty-five days. The superintendent of public instruction, upon the approval of the state board of education, may extend the minimum term to ten months when the resources . . . justify the extension; but . . .[not]. . . if it reduces the salaries of teachers below the minimum fixed by law. A [local] board of education may extend its term beyond the minimum term set by the superintendent . . . . In setting the school calendar, school shall be closed for two consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings . . .[and] . . . the superintendent . . . shall designate one additional day during the

school year when schools shall be closed for the purpose of permitting professional school employees to participate in regional or district professional meetings. These three days . . . shall not be counted as a part of the minimum school term."

2) The state board of education upon the recommendation of the superintendent shall promulgate regulations for the operation of year-round school programs. Such regulations must conform to the following criteria:

(b) "A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

3) Each local board . . . shall use four days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board . . . may use no more than four days . . . for holidays, two days for the opening and closing of schools without the presence of pupils; a total of five days for a) national or state disaster or mourning when proclaimed by the President . . . or the governor, and b) local disaster which would endanger the health or safety of children or mourning when so designated by the . . . [local]. . . board and approved by the state board . . . upon recommendation of the superintendent of public instruction . . . .

4) The state board of education, upon recommendation of the superintendent . . . shall adopt regulations governing the use of school days . . ." and other regulations necessary to carry out the provisions of the section.

§158.100

1) "Each county school district shall provide at least an approved twelve grade school service . . .;" eight of which "shall be provided by maintaining the schools or by contract with another district. An

approved high school service for all children of high school age under twenty-one years of age residing in the district shall be provided either by maintaining the schools within the county or by contract with an independent district within the county."

2) Each independent school district shall have to meet the same obligations of the county school districts in subsection 1 (supra).

3) "If the number of pupils of high school grade . . . is not sufficient to maintain a high school, the board shall . . . contract with another county or independent district that maintains an approved high school, and shall furnish daily transportation to the high school, or in lieu of transportation, shall provide for the board and room [not to exceed one hundred dollars per annum] of the pupils within reasonable walking distance of the school if it is found more feasible or more economical to do so.

4) The board of education of an independent district embracing a city of the third class may contract with any private institution, which offers . . . an accredited high school course in commercial subjects, for the instruction of students residing in the district. The contract shall provide the amount, manner and time of payments for the instruction."

REGULATIONS

702 KAR 3:160

"The Superintendent of Public Instruction shall allot classroom units or pupil units for an area larger than a school district where there is a need for educational services which cannot be adequately and economically provided on a district basis ...."

703 KAR 2:010

SCHOOL TERM

The minimum school term is 185 days. It is divided into nine twenty day school months and one partial school month of five days.

"[No] school day shall be shortened because of bus schedules or other factors ...."

703 KAR 2:020

"On or before August 1 ..., local boards of education shall ... adopt a school calendar ... [which] ... shall provide for the same number of days of classroom instruction in all schools operated by a local board of education ....

The number of days schools are dismissed [for professional work] shall not exceed fifteen days ...."

703 KAR 2:060

EMERGENCIES

In case of an emergency, the State Board of Education "authorizes the Superintendent of Public Instruction to approve teaching on Saturday, provided ... an emergency does exist."

704 KAR 3:010

Twenty-eight positions shall constitute "administrative and special instructional service classroom units under the minimum foundation programs."

705 KAR 3:080

"Any local educational agency preparing to construct an area vocational education school shall submit to the Assistant Superintendent for Vocational Education an appropriate application with proper explanation and supporting evidence to justify the need. Each local educational agency shall complete the necessary surveys to determine the needs, interests, and abilities of the potential enrollees, the demands of the labor market, and the facilities that can be provided.

The State Board of Education shall approve applications for area vocational education schools before any financial resources available to the state board may be used for construction of a facility. Any local education agency using local funds for the construction of an area vocational

education school shall submit an application for program approval of the facility if operating expenses are anticipated from the financial resources available to the state board.

705 KAR 5:010

"The enrollment quota for eligible secondary school students, fifteen . . . years of age and older, for each cooperating local school district utilizing the facilities of an area vocational education center shall be determined on a pro rata basis. Quotas shall be determined by the following factors:

(1) The ratio of secondary school students which are enrolled in grades nine . . . through twelve . . . in a given school district to the total number of students enrolled in grades nine . . . through twelve . . . in all of the cooperating local school districts;

(2) The total enrollment capacity of the area vocational education center during the regular school day; and

(3) The total capacity of each vocational education program offered in the area vocational education center during the regular school day.

Each participating local school district shall receive its equitable quota of secondary school students to attend the center and to enroll in the different programs offered in the center . . . .

Quotas shall be determined by the regional director of vocational education and the coordinator of the area vocational education center working in cooperation with the official steering committee appointed for the area vocational education center...."

CROSS REFERENCES

II.A.2.; Regulation 707 KAR §1:050

II.A.2.; Regulation 705 KAR §4:130

II.A.3.; Regulation 705 KAR §4:090

ADMINISTRATORS, VOCATIONAL EDUCATION

REGULATIONS

704 KAR 20:215

"The certificate for administration, supervision, and coordination of vocational education shall be issued . . . to an applicant who has at least two years of teaching experience in a vocational education training assignment, and who has completed the approved program of preparation . . . [It] is designated as one of the several requirements for certain positions of administration, supervision, and coordination . . .[It] may be issued for an initial period of one year upon completion of eight semester hours of credit selected from the prescribed curriculum and . . . of the other non-academic prerequisites . . . ."

ASSISTANT SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCES

II.A.2.; Statute §157.221

IV.B.; Regulation 703 KAR §3:030

BOARD OF EDUCATION MEMBERS

STATUTES

§160.170

"Every person elected to a board of education shall, before assuming the duties of his[her] office, take the oath, in addition to the constitutional oath."

He[she] "is eligible under the law to serve as a member of the board of education, and that he[she] will not, while serving as a member of such board, become interested directly or indirectly, in any contract with or claim against the board, and that he[she] will not be influenced during his[her] term of office

CONFLICT OF INTEREST

by any consideration except that of merit or fitness in the appointment of officers or engagement of employees.

The oath shall be kept on record by the board."

§160.180

1) "No person shall be eligible to membership on a board of education:

(a) Unless he[she] has attained the age of twenty-four years;

(b) Unless he[she] has been a citizen of Kentucky for at least three years preceding his[her] election and is a voter of the district for which he[she] is elected; and

(c) Unless he[she] has completed at least the eighth grade in the common schools . . . or . . . has the equivalent of an eighth grade education as determined by an examination held under rules and regulations adopted by the state board of education; or

(d) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his[her] residence; or

(e) Who at the time of his[her] election is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(f) Who has been removed from membership on a board of education for cause.

2) If, after the election of any member of the board, he[she] becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (e) . . . or becomes a candidate for nomination or election to any office or agency the holding and discharging of the duties of which would have rendered him[her] ineligible before election, or if he[she] moves his[her] residence from the district for which he[she] was chosen, or if he[she] does anything

CONFLICT OF INTEREST

that would render him[her] ineligible for re-election, his[her] office shall without further action be vacant.

3) A board member shall be eligible for re-election unless he[she] becomes disqualified.

4) No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to him[her] . . . and the majority vote of the remainder of the board is required in case of the appointment or employment of such person."

CERTIFICATED PERSONNEL

STATUTES

§161.110

"The state board of education may renew any certificate . . . if renewal requirements have been completed and filed with the superintendent of public instruction . . ." in time.

CROSS REFERENCE

III.C.Certificated Employees; Statute §161.040

COUNTY SCHOOL SUPERINTENDENT

STATUTES

§61.080

"The office of county judge and county school superintendent are incompatible."

DIRECTOR OF SPECIAL EDUCATION

REGULATIONS

704 KAR 20:198

"The endorsement for director of special education shall be issued . . . to an applicant who holds a provisional certificate for any category of special education, has completed

three years of expereince as a teacher or teacher consultant of which two years are in special education, and who . . . has completed the approved program of preparation. . . ."

DISTRICT SUPERINTENDENT

CROSS REFERENCES

III.J.District Superintendent; Statute §160.350

GUIDANCE COUNSELOR

REGULATIONS

704 KAR 20:130

"An endorsement as provisional certification for the position of guidance counselor shall be issued . . . to an applicant who holds certification as an elementary or secondary teacher and who has completed at least one year of full-time classroom teaching experience and who has completed the approved program of preparation . . . .

[This] endorsement . . . shall be valid for the same grade levels as the teaching certificate used as the base for [it]. . . .

The endorsement...shall have a duration period of five years and may be renewed upon completion of a minimum of eight semester hours of graduate credit every five years . . . ."

CROSS REFERENCE

IV.B.Regulation 703 KAR 13:030

LIBRARIAN

REGULATIONS

704 KAR 20:140

Certificates valid for classroom teaching at either the high school level or the elementary school level "may be endorsed for the position of high school librarian upon completion of the approved program of preparation. . . .

The standard certificate for school librarianship. . . shall be issued . . . to an applicant who has completed the approved programs of preparation for the provisional high school certificate and for the standard certificate

for school librarianship . . . . The [latter] certificate . . . may be . . . endorsed for the position of elementary school librarian upon completion of at least six semester hours credit including the teaching of reading and the elementary school curriculum . . . .

The standard certificate for school librarianship shall be issued initially for a duration period of ten years and shall be extended for life upon three years of successful experience as a teacher or librarian . . . ."

704 KAR 20:145

"The provisional certificate for school media librarian shall be issued . . . to an applicant who has completed the approved program of preparation . . . .[It] shall be issued initially for a duration period of ten years and shall be renewed for another ten year period only upon completion of the planned fifth year program . . . ."

704 KAR 20:150

"The standard certificate for school media specialist shall be issued . . . to an applicant who has completed the approved program of preparation . . . .[It] shall be issued initially for a duration period of ten years and shall be extended for life upon three years of successful experience as a school media librarian or a school media specialist . . . . [It] may [also] be endorsed to include the qualifications for a school media librarian . . . ."

704 KAR 20:155

"The professional certificate for media supervisor shall be issued . . . to an applicant who has completed three years of successful experience in school media-library service while holding a certificate valid for such experience and who has completed the approved program of preparation . . . ." This certificate "shall be valid for the supervision of media-library services in all grades, kindergarten through grade twelve."

PARAPROFESSIONAL PERSONNEL

REGULATIONS

704 KAR 15:080

"Local boards of education may employ adult paraprofessional personnel....Paraprofessional personnel may be assigned within the limitations of their competency to assist with classroom instruction as personally supervised by the professional administrative and teaching staff...."

PHYSICAL EDUCATION PERSONNEL

REGULATIONS

704 KAR 3:090

"Personnel qualified to serve in an approved unit of physical education shall meet varying criteria according to grades taught. "For positions in grades seven through twelve any regular certificate" in health and/or physical education is sufficient. For elementary positions, a regular teaching certificate for the elementary school level, a bachelor's degree and eighteen semester hours credit in physical education are required. A special certificate in health and physical education is needed to teach in twelve-grade positions.

"The program of physical education shall be developed cooperatively by the administrator, physical education teacher, and other personnel concerned with the total curriculum . . . ."

PRINCIPALS AND ASSISTANT PRINCIPALS

REGULATIONS

704 KAR 3:050

"Personnel qualified to serve in approved units of principalship or assistant principalship shall hold a [valid] certificate ..." and shall "have been admitted to the program of preparation - certification for the

school principalship by the teacher education institution."

The principal's duties shall include participation "in the various activities which are designed to improve instruction ...."

704 KAR 20:100

"The professional certificate for school administration and supervision shall be issued . . . to an applicant who has completed the approved program of preparation for one of the school leadership positions -- elementary school principal, middle school-junior high school principal, secondary school principal, direction of pupil personnel, or school superintendent . . . . As a prerequisite to the issuance of the . . . Certificate . . . the applicant shall have completed five years successful school teaching and/or school administrative experience . . . ." This certificate, "endorsed for secondary school principal, may be endorsed for a one year period for the position of elementary school principal upon completion of at least eight semester hours [of] graduate credit . . . ."

PSYCHOMETRIST

REGULATIONS

704 KAR3:180

"A person qualified to serve in an approved unit of school psychometrist shall have a certificate valid for the position of school psychometrist . . .[his/her] chief responsibility is to recommend and direct the application of . . . measuring instruments [tests, e.g.] which will provide most accurately the information about pupils desired by other staff members . . . ."

704 KAR 20:185

"Certification for school psychometrist shall be issued . . . to an applicant who has completed the approved program of preparation . . .[It] shall be issued initially

for a duration period of five years and may be renewed for subsequent five year periods upon completion within each period of two years experience as a school psychometrist. . ."

PUPIL PERSONNEL STAFF

STATUTES

§159.080

1) "Each board of education shall, upon the nomination and recommendation of the superintendent, appoint a director of pupil personnel and such assistants as are deemed necessary . . .[whose]. . . salaries shall be fixed by the board . . . .

2) Directors . . . and assistants shall have the general qualifications of teachers, and in addition, shall hold a certificate issued in accordance with the rules and regulations of the state board of education."

704 KAR 3:230

Directors of pupil personnel "shall hold a certificate valid for [that] position . . . or official approval from the superintendent of public instruction . . . ." Otherwise, "the superintendent of public instruction will approve the employment for a one-year period of a person [holding] a classroom teaching certificate, a master's degree, and two years of successful teaching experience."

SCHOOL EMPLOYEES

STATUTES

§161.162; 163

EQUAL OPPORTUNITY

"No . . . employee of any district board of education shall be appointed or promoted to, or demoted or dismissed from, any position or in any way favored or discriminated against with respect to employment because of his[her] political or religious opinions or affiliations or ethnic origin.

No application form for teachers . . . shall contain any . . . question that would require the applicant to disclose his[her] religious affiliation."

School Food Service Director

CROSS REFERENCE

IV.C.; Regulation 704 KAR 3:210

School Health Coordinator

Regulations

704 KAR 3:080

"Approval of [the school health coordinator] unit shall be based upon the needs of the district ... Personnel qualified to serve in [such a] unit ... shall hold a valid teaching or administrative certificate ... and have a preparation in a recognized area in health, physical education, and recreation or ... home economics ... or a major or minor in [either]: health, physical education, biology, [or] home economics ...."

Duties shall include assisting the parent health education program, medical aspects of sports, and local school officials "in meeting the requirements of the school health code pertaining to school employee medical examinations", and supervising and assessing "the completeness of periodic health examinations of children."

School Officials

Statutes

§160.380

"All appointments, promotions and transfers of principals, supervisors, teachers and other public school employees shall be made only upon the recommendation of the superintendent . . . subject to the approval of the board. If the board . . . cannot agree with the superintendent as to any legally qualified person [he] [she] recommended . . . the board . . . may appeal to the state board of education to review the case and the[ir] decision . . . shall be final. All employees of the board shall have such qualifications as are prescribed by law . . .[or] . . . regulation . . . ."

RECOMMENDATION

APPEAL

STATUTES

§161.020

1) "No person shall be eligible to hold the position of superintendent, principal, teacher, supervisors, attendance officer or other public school position for which certificates may be issued, or receive salary for services rendered in such position, unless he[she] holds a certificate of legal qualifications for such position.

2) No person shall enter upon the duties of a position requiring certification qualifications until his[her] certificate has been filed or credentials registered with the board of education employing him[her]."

§161.030

1) "The certification of all . . . school personnel is vested in the State Board of Education. All certificates . . . shall be issued in accordance with the published rules and regulations of the . . . Board . . . through the Superintendent of Public Instruction. In the case of non-tax supported schools, standards for teacher certification shall provide for the certification without further educational requirements, of any administrator, supervisor or teacher who has . . . received a bachelor's degree from . . .[an accredited] college or university . . . or who, at the discretion of the . . . Board . . . has the equivalent degree from a foreign college or university . . . .

2) Certificates shall be issued to persons who have completed, at such colleges and universities as have been approved by the . . . Board . . . for the preparation of . . . school personnel, the curricula prescribed by the Kentucky Council on Teacher Education and Certification and approved by the . . . Board . . . for the certificates.

3) The . . . Board . . . shall approve the curricula of any standard college or university . . . when the curricula comply with the rules and regulations of the . . . Board and are equivalent to any or all the curricula prescribed for the state institutions for the issuance of certificates . . . and when the institution has otherwise met the terms and conditions provided in . . . [the statutes]. . . . Any student . . . who has completed any of these curricula or the equivalent thereof, as governed by the . . . Board . . . ., and who in addition thereto has completed the prescribed requirements for the issuance of certificates . . . to students of the state institutions, may . . . be granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions."

SOCIAL WORKER

REGULATIONS

704 KAR 20:195

"The provisional certification for school social worker shall be issued . . . to an applicant who has completed the approved program of preparation . . . [It] shall be issued initially for a duration period of ten years and shall be renewed for another ten year period only upon completion of the planned fifth year program." Applicants holding a regular teaching certificate for the elementary middle school, or high school level and who have completed eighteen semester hours credit," including supervised practice in school social work," shall be issued a "provisional certification for school social worker." It "may be issued for a one year period on the basis of a professional commitment made by the applicant to complete the usual program of preparation at a minimum rate of six semester hours each year . . . ."

CROSS REFERENCE

IV.B.; Regulation 704 KAR §3:070

SPECIAL EDUCATION PERSONNEL

STATUTES

§157.250

"No person shall be employed to teach in any special education program . . . unless [she] he has had such special training as the state board of education may require."

REGULATIONS

704 KAR 20:200

"The endorsement for special education supervisor shall be issued . . . to an applicant who qualifies for certification as a teacher of special education and has completed at least two years of successful experience as a teacher of special education, and who has completed the approved program of preparation . . . ."

STATE BOARD MEMBERS

CROSS REFERENCES

I.State Board of Education; Statutes §§156.030:.035: .040

I.Superintendent of Public Instruction; Constitution §91.93

SUBSTITUTE TEACHERS

REGULATIONS

704 KAR 20:210

"Persons certified on an emergency basis for substitute teaching and who have sixty-four semester hours credit or more of college preparation shall be considered as substitute teachers "to serve during the absence of the teachers of record . . . ."

SUPERINTENDENT OF THE SCHOOL FOR THE DEAF

CROSS REFERENCES

II.A.2.; Statute §167.015 - .035

SUPERINTENDENTS

STATUTES

§161.721

"The superintendent shall be eligible for continuing contract status", i.e., a contract of employment which shall remain in force and effect until the employee resigns, retires or reaches the age of sixty-five, "when he[she] meets all requirements prescribed in . . . [these statutes] . . . for continuing contracts for teachers."

SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS

REGULATIONS

704 KAR 3:040

"Personnel qualified to serve in approved units for superintendent or assistant superintendent shall hold a [valid] certificate" and shall "have been admitted to the program of preparation-certification for the school superintendency by the teacher education institution ...."

His/her duties as superintendent shall include cooperation "with the State Department of Education in all in-service training programs and other programs designed to improve instruction ...."

SUPERVISORS OF INSTRUCTION

704 KAR 3:220

"A supervisor of instruction shall hold a certificate valid for . . . the appropriate level: elementary, secondary, or twelfth grade . . . . This program of supervision shall [provide] for (among other things) cooperative curriculum revision and development involving the total staff, [and] . . . adequate evaluation of the supervisory program in terms of improved instructional services."

TEACHERS

STATUTES

§156.090

"The state board of education, upon the recommendation of the superintendent of public instruction, shall publish bulletins containing information on the

kinds and grades of certificates issued, the rules and regulations governing the[ir] issuance, . . . schools offering teacher training courses, the renewal of certificates, the transfer of certificates to and from other states, the acceptance of credentials from institutions of other states, and such other information relating to the training and certification of teachers as it deems advisable."

§157.390

1)(a) "The superintendent of public instruction, under . . . administrative regulations of the state board of education shall classify teachers in rank as follows:

Rank I- Those holding regular certificates and who have a master's degree or its equivalent and who have earned thirty semester hours of approved graduate work or its equivalent and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four semester hours of approved graduate work.

Rank II- Those holding regular certificates and who have a master's degree or its equivalent.

Rank III- Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV - Those holding certificates and who have ninety-six to one hundred and twenty-eight semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank . . . for foundation program" purposes.

Rank V - "Those holding certificates and who have sixty-four to ninety-five semester hours of approved college training or the equivalent.

(b) In determining ranks, the superintendent . . . shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The superintendent . . .

in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

2(a) The amount to be included . . . in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank . . . by the amount set forth in the biennial budget schedule for each rank and experience for a term of one hundred and eighty-five days . . . increased proportionately if the personnel . . . are employed for longer than the regular school term and . . . approved by the superintendent . . . where the actual number of teachers employed by the district varies from the number allowed, . . . the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(b)(c) The state board of education with the recommendation of the superintendent . . . may designate local school districts as experimental districts for the utilization of para-professionals and teacher aides . . ." For the foundation fund program such person shall be considered as equivalent to fifty percent of the amount included for a teacher in Rank III with no experience; provided, however, that "no district may receive foundation program funds for such number of . . . aides . . . as exceeds one-half the number of certified teachers in the designated school or schools.

(d) In the calculation of classroom units for the purpose of allocation of teachers salaries only, the . . . board . . . may use a ratio greater than twenty-seven to one for such calculations regarding the experimental districts . . . .

3-4) The amount to be included in the foundation program for other current expenses . . .[or for capital outlay]. . . shall be determined by multiplying the number of classroom units by the amounts set forth in the biennial budget.

5) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district . . . .

6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections 2,3, 4 and 5 of this section."

§161.025

1) "There shall be a Kentucky Council on Teacher Education and Certification whose members shall be appointed by the Superintendent of Public Instruction as follows:

(a) The Dean or Department Head for Education from each of the state universities and state senior colleges;

(b) Those academic deans from the private senior colleges and universities selected so that representation shall be rotated among the private institutions;

(c) Fourteen members, selected from nominees submitted by those professional organizations designated by the Superintendent . . . as being most representative of the professional members to be appointed, to be nominated and selected in a manner to provide geographic representation, to include: (1) Two . . . local school superintendent(s); (2) Three . . . administrative . . . personnel . . .[whose] . . . major duties are other than classroom teaching; (3) Nine . . . classroom teachers;

(d) One member . . nomin[ated] . . . by

the Kentucky School Boards Association;

(e) One member . . . nomin[ated] . . . by . . . the Kentucky Branch National Congress of Parents and Teachers;

(f) Two members selected at large;

(g) One member from the . . . State Department of Education representing Teacher Education and Certification, who shall serve as executive secretary.

2) [A]ppointment shall be for a period of four years . . . . Members may serve successive terms [after being] renominated and re-appointed in the manner prescribed for membership.

4) The . . . Council . . . shall develop and recommend policies and standards relating to teacher preparation and certification including: the requirements for the preparation and certification of teachers and other professional school personnel; the standards and procedures for the approval of college and university programs for the preparation of teachers and other professional school personnel.

5) To carry on . . . its duties and responsibilities the . . . Council . . . is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences and publish information."

§161.100

"When a district board of education satisfies the state board of education that it is impossible to secure qualified teachers . . . the state board may on approval of the superintendent of public instruction, issue emergency certificates to persons who meet the qualifications determined by the state board . . . for emergency certificates. An emergency certificate shall be valid only for the specific job for which issued and for the current school term. The state board . . . may require the passing of a written examination before an emergency certificate is issued." The

superintendent of public instruction shall have responsibility for the preparation and administration of the exam.

§161.740

1) To be eligible for continuing service status an employee must meet the following qualifications:

(a) "Hold a standard or college certificate . . .

(b) When a currently employed teacher is recommended for re-employment after teaching four consecutive years in the same district or "four years in a six year period including the present year of employment "the superintendent shall recommend said teacher for a continuing contract, and if the teacher is employed by the board of education, a written contract shall be issued.

(c) An employee attaining continuing contract status in one district who becomes employed in another district "shall retain that status, provided, however, that a district may require a one-year probationary period of service in that district before granting that status."

MILITARY

2) Any certified employee "inducted into the armed forces . . . shall at the expiration of such service be re-employed or reinstated in a comparable position as of the beginning of the next school year provided he[she] is physically and mentally capable. Vacancies created by military leave shall be filled only . . . [by employees] . . . under a limited contract of one year or less."

REGULATIONS

704 KAR 3:100

"Personnel qualified to serve in an approved [health and/or physical education consultant] unit shall have a master's degree, a certificate in health and/or physical education, and an area of concentration in the same field.

The consultant shall give leadership to the development

of a comprehensive school health program . . . plan, organize and administer a program of physical education and other [such] programs . . . . He/she shall work for better facilities, equipment, and material for improving these school programs . . . ."

704KAR 3:110

"A special unit for music education shall be granted for a person who is teaching music in an elementary and/or secondary school . . . . Personnel qualified to serve in [such a] unit shall hold a [valid] certificate . . . based upon an area, major or minor in music. . ."

704 KAR 3:120

"Personnel qualified to serve as a consultant in music education shall [hold] a master's degree and a major or area in music education. [He/she] shall assist in developing an organized music program . . .[by working] in cooperation with the existing supervisory program in the school district; [by promoting] school and district workshops on an inservice basis as much as possible; [and by working] to improve music facilities, equipment and material and bring about the greatest utilization of music material. . ."

704 KAR 3:130

"Every accredited school shall provide an accepted program in art education . . . . Personnel qualified to serve in an approved unit for art "shall hold a regular teaching certificate at the elementary level and at the secondary level.

704 KAR 3:140

"Personnel qualified to serve in an approved unit of art program consultant shall have a master's degree, . . . a regular certificate, [and] a major area of concentration in art. The program consultant shall . . . help plan, coordinate, and develop art programs in individual schools as well as system-wide; [and] work to improve art facilities, art equipment and utilization of art materials . . . ."

704 KAR 3:160

"Personnel qualified to serve in an approved [local director of vocational education] unit shall [have] a

master's degree and professional preparation in an approved curriculum of vocational education, three years of progressively responsible experience working with vocational education programs, and a Kentucky education certificate. The program of local supervision in vocational education shall [involve] planning and developing programs system-wide, planning for teacher and community participation in development of curriculum; and for professional improvement of the vocational staff, as well as other provisions relevant to the success of such programs.

704 KAR 3:190

"Driver and traffic safety education teachers shall be required to complete the certificate endorsement (twelve hours) for driver education . . . ."

704 KAR 3:240

"Personnel qualified to serve as a consultant in a reading program shall have a master's degree, a regular certificate, evidence of preparation in the teaching of reading, [and] special approval by the assistant superintendent for instruction [he/she] shall work in cooperation with the existing supervisory program in the school district [and, among other things] work to improve reading facilities, equipment, and materials and bring about the greatest utilization of reading materials . . . ."

704 KAR 3:260

"Personnel qualified to serve as a consultant in a special subject area shall have at least a teaching major or area of concentration in the specific academic subject field, a master's degree, and a regular teaching certificate and shall be approved in advance of employment by the State Department of Education."

704 KAR 3:270

"Personnel qualified to serve as a teacher-consultant in a specific area of exceptionality shall have certification and three years teaching experience in [that] area, a master's degree, and shall be approved in advance of employment by the State Department of Education."

704 KAR 5:050

"Each teacher of kindergarten [in a common school] shall hold a regular elementary certificate . . . [He/she] must be aware of the physical, social , emotional and intellectual needs of young children . . . ."

The pupil-teacher ratio "shall not exceed twenty children per teacher . . . ." Children five years of age or older "may enter kindergarten.

The program shall include desirable experiences in social living, physical development, emotional growth and stability, language arts, science, music, art, and creative activities . . . ."

704 KAR 15:040

"A teacher education institution is authorized to evaluate any prior experience of a teacher candidate in public or private schools and to make appropriate adjustments in the preparation program . . .[it] is [also] authorized to evaluate an applicant's prior teaching experience at the kindergarten level as a basis for modifying the requirement for practicum in kindergarten education . . ."

704 KAR 20:010

"It shall be the responsibility of the individual teacher to place on file with the State Department of Education and with the local school superintendent all official transcripts of approved college credits that affect qualifications for ranking purposes under the foundation law . . . ."

704 KAR 20:015

"The Rank I classification shall require the completion of either thirty semester hours approved graduate level credit, fifteen of which shall be taken at the college making the recommendation [or] sixty semester hours approved graduate level credit including a master's degree . . . ."

704 KAR 20:020

"The Planned Fifth Year Program . . . shall be accepted as an equivalency for a Rank II classification under the foundation law and may be satisfied by Plan I [completion of a master's degree from a regionally accredited college or university] or Plan II [a fifth year program planned indi-

vidually with each applicant by a teacher education institution]."

704 KAR 20:025

Vocational trade instructors shall hold either "a regular one year trade and industrial education certificate . . . plus three years trade experience as a recognized journeyman" for a Rank III classification, or "a ten year trade and industrial certificate [together with] thirty-two semester hours of approved courses" for a Rank II classification.

704 KAR 20:035

"The Kentucky State Department of Education shall determine whether an applicant whose professional preparation was completed outside the Commonwealth of Kentucky has completed a teacher education program substantially equivalent to that required for a particular Kentucky certificate and shall be empowered to issue the certificate on an equivalency basis or a conditional basis. [The latter's duration shall not exceed two years.]

704 KAR 20:045

"Application for teacher certification shall be made on official forms prepared by the Department of Education . . . supplemented by official transcripts showing all college credits necessary for the requested certification. . . ."

704 KAR 20:050

"A person who completes a particular program of teacher preparation before the prescribed deadline date shall continue to be eligible for a period of five years for the issuance of the certificate which corresponds to the particular program completed . . .

A person who has completed a four year program of teacher preparation ten or more years prior to the date of application for certification shall be issued the comparable current Kentucky certificate bearing the condition that twelve semester hours of additional preparation selected from a planned fifth year program be completed . . . within a two year period . . .

The certificates expiring after July 1, 1976 shall not be subject to reissuance . . . inasmuch as a planned fifth year program is required for renewal . . . ."

704 KAR 20:055

"Certificates shall ordinarily be issued to begin on July 1 of the first year of duration and to expire on June 30 of the last year of duration . . . .

For teacher certification purposes an applicant shall be considered as holding the bachelor's degree or other academic degree from the date of the completion of the degree requirements . . . ."

704 KAR 20:060

"When the renewal of any provisional teaching certificate requires the completion of additional academic course work in lieu of teaching experience, the credits shall be selected from the planned fifth year program . . .

Regular certificates may be reinstated for one time only for one year upon recommendation by the employing school superintendent upon completion of at least one third of the renewal requirements . . . . Experience in the armed forces of the United States of America may be accepted toward the renewal of teaching certificates in lieu of required teaching experience provided the applicant held a valid certificate prior to entering military service. . .

The Superintendent of Public Instruction shall approve the types of experiences which may be accepted under the laws and regulations of the State Board of Education in renewing certificates."

704 KAR 20:065

"The standard high school certificate shall be issued in accordance with the pertinent Kentucky Statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution . . . . The standard high school certificate shall be issued initially for a duration period of ten years and shall be extended for life upon three years of

successful teaching experience . . . .

The standard high school certificate shall be valid for teaching in grades seven through twelve."

704 KAR 20:070

"The provisional high school certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution . . .

The provisional high school certificate shall be issued initially for a duration period of ten years and shall be renewed for another four year period only upon completion of the planned fifth year program . . .

The provisional high school certificate shall be valid for teaching in grades seven through twelve."

704 KAR 20:075

"An endorsement for teaching at the secondary school level shall be issued to an applicant who holds a certificate valid for classroom teaching at the elementary school level, who has completed a course in the fundamentals of secondary education and a secondary teaching major or minor . . ."

704 KAR 20:080

"The provisional middle school-junior high school certificate shall be issued . . . to an applicant who has completed the approved program of preparation . . . .[It shall be issued initially for a duration] period of ten years and shall be renewed for another ten year period only upon completion of the planned fifth year program . . . . [It] shall be valid for teaching in grades five through eight and shall be endorsed for grades nine through twelve for any subject assignment in which the teacher holds a regular high school teaching major or minor."

704 KAR 20:090

"The provisional elementary certificate shall be issued . . . to an applicant who has completed the approved program of preparation . . ."

It is issued initially for a duration period of ten years and [is] renewed for another ten year period only upon completion of the planned fifth year program. [It] shall be valid for teaching grades one through eight."

704 KAR 20:095

"An endorsement for classroom teaching at the elementary school level shall be issued . . . to an applicant who holds a certificate valid for classroom teaching at the high school level and who has completed the approved program of preparation for the elementary endorsement . . ."

704 KAR 20:105

"An endorsement for teaching art at the elementary school level shall be issued to an applicant who holds a certificate valid for teaching art at the secondary level, and who has completed a course dealing with the elementary school curriculum a course in the materials and methods of teaching art at the elementary school level, and a course in child growth and development."

704 KAR 20:115

"An endorsement for teaching driver education shall be issued . . . to an applicant who holds a provisional or standard teaching certificate and who has completed the approved program of preparation . . . ."

704 KAR 20:135

"An endorsement for teaching kindergarten shall be issued . . . to an applicant who holds a certificate for classroom teaching at the elementary school level and who has completed the approved program of preparation . . . .

The provisional certificate for kindergarten teaching shall be issued initially for a duration period of ten years and shall be renewed for another ten year period only upon completion of the planned fifth year program . . . ."

704 KAR 20:160

"An endorsement for teaching music at the elementary school level shall be issued to an applicant who holds a certificate valid for teaching music at the secondary level, and who has completed [courses] dealing with the elementary

school curriculum, the materials and methods of teaching music at the elementary school level, [and with] child growth and development."

704 KAR 20:180

"The endorsement for reading specialist shall be issued . . . to an applicant who holds a teaching certificate based upon the completion of a four year program of preparation, who has completed at least three years of successful classroom teaching experience which may include one year of equivalent clinical experience, and who has completed the approved program of preparation . . ."

704 KAR 20:203

"The endorsement for teacher-consultant for special education shall be issued . . . to an applicant who holds a professional certificate for any category of special education, has completed at least three years experience as a special education teacher or as a teacher-consultant, and who . . . has completed the approved program of preparation...."

704 KAR 20:205

"Special education certification for teachers of exceptional children shall be identified by the designation "special education" followed by the designation of the particular category of exceptionality for which the program of preparation is designed. The separate special education categories of exceptionality for teacher certification purposes are designated as follows: (1) Special Education -- educable mentally retarded; (2) Special Education -- trainable mentally retarded; (3) Special Education - orthopedically handicapped; (4) Special Education -- partially seeing; (5) Special Education -- blind; (6) Special Education -- hard of hearing; (7) Special Education -- deaf; (8) Special Education -- neurologically impaired; (9) Special Education -- emotionally disturbed; (10) Special Education -- speech and hearing.

Certification as a teacher of exceptional children shall be issued . . . to an applicant who has completed an approved program of preparation for either the provisional elementary certificate, the junior high school certificate,

or the provisional high school certificate . . . .

The standard certificate for special education shall be issued initially for a duration period of ten years and shall be extended for life upon three years of successful teaching experience on a regular teaching certificate completed prior to the expiration of the certificate . . . .

A certificate endorsement for teaching a specific category of special education for one year shall be issued to an applicant who holds a regular classroom teaching certificate and who has completed at least six semester hours credit from the approved preparation program for the corresponding special education category . . . ."

704 KAR 20:220

"The certificate for vocational education is established for" any recognized occupational area in the fields of health, trades and industry, and technical work, "for which programs may be offered under the State Plan for Vocational Education.

A certificate for vocational education valid for one year shall be issued initially upon high school graduation or its equivalence determined by evidence of an acceptable score on a GED test . . . and three years of successful and appropriate occupational experience in the areas to be taught. Adequacy of work experience shall be evaluated by the Department of Education . . . .

The first renewal of the one year certificate for vocational education shall be made for full-time instruction upon satisfactory teaching experience gained during the life of the certificate and upon completion of six semester hours of additional credit in professional education . . . If the applicant has completed all course requirements, the certificate may be renewed upon satisfactory teaching experience gained each year during the life of the certificiate until the teaching requirements is met for the ten year certificate . . . . A certificate for vocational education may be issued initially for a ten year period when the applicant has completed four years of satisfactory teaching experience in an approved program operated under

the state-plan for vocational education . . . The ten year certificate . . . may be renewed for a ten year period upon three years of successful experience in a vocational education program under the State Plan for Vocational Education, provided the applicant can show that he[she] has kept abreast of modern practices in the vocational subject he[she] is teaching . . . .

Certification for a part-time or short-term vocational education teacher shall be issued upon high school graduation or its equivalence and two years of responsible work experience in the occupation to be taught . . . .

Certification for a vocational education specialist shall be issued upon the basis of unique knowledge or experience or special preparation . . . . The certificate shall be valid for one year for teaching the specific subject . . ."

704 KAR 20:230

"The Provisional Certificate for Teachers of Exceptional Children; Hearing Impaired shall be issued . . . to an applicant who has completed the approved program of preparation . . . [it] shall be issued initially for a duration period of ten years and shall be renewed for another ten year period only upon completion of the Planned Fifth Year Program . . .[It] shall be valid at any grade level for the instruction of exceptional children who are hearing impaired and shall be endorsed as a Provisional Elementary Certificate valid for classroom teaching in grades one through eight."

704 KAR 20:235

"The provisional Certificate for Teachers of Exceptional Children; Learning and Behavior Disorders shall be issued . . . to an applicant who has completed the approved program of preparation , . .[It] shall be issued initially for a duration period of ten years and shall be renewed for another ten year period only upon completion of the Planned Fifth Year Program . . .[It] shall be valid at any grade level for the instruction of exceptional children with learning

and behavior disorders and shall be endorsed as a Provisional Elementary Certificate valid for classroom teaching in grades one through eight."

704 KAR 20:240 --245

Provisional certificates for teachers of exceptional children who are either trainable mentally handicapped or who have speech and communication disorders shall be issued to applicants who have completed the approved program of preparation. These certificates shall be issued initially for a duration period of ten years and shall be renewed for another ten year period only upon completion of the Planned Fifth Year Program . . .[Then] shall be valid at any grade level . . . ."

704 KAR 20:250

"An endorsement for teaching multiple handicapped pupils shall be issued . . . to an applicant who holds certification for [either] teaching pupils with learning and behavior disorders or . . . teaching trainable mentally handicapped pupils and who has completed . . . the approved program of preparation for [such] endorsement . . . ."

704 KAR 20:255

"The endorsement for teaching visually impaired pupils shall be issued . . . to an applicant who holds either the Provisional Elementary Certificate, the Provisional Middle School-Junior High School Certificate, or the Provisional High School Certificate and who has completed the approved program of preparation . . . . The endorsement . . . shall be valid for the same grade levels as the teaching certificate used as a base for the endorsement and shall have the same duration period as the loan certificate."

704 KAR 20:260

"The certificate for specialized professional school services endorsed for the position of senior instructor, Junior Reserve Officers Training Corps, shall be issued initially for a two . . . year period to an applicant who has completed a bachelor's degree; who has been officially recommended for the position of senior instructor, Junior Reserve Officers Training Corps, by the appropriate branch of military service upon criteria which includes

twenty . . . years military service; and who has been contracted for this employment by a local school district; and who is recommended for certification by the local school superintendent.

The endorsem[illegible] for senior instructor, Junior Reserve Officers Training Corps, may be renewed for continuing service upon recommendation by the local school superintendent and upon completion of specified courses."

CROSS REFERENCES

II.A.1.; Statute §158.430

II.A.2.; Regulation 707 KAR 1:010

II.A.3.; Regulation 705 KAR 4:010

II.A.3.; Regulation 705 KAR 4:100

II.A.3.; Regulation 705 KAR 4:130

II.A.3.; Regulation 705 KAR 4:140

II.A.3.; Regulation 705 KAR 4:150

II.A.3.; Regulation 705 KAR 4.160

III.E.Teachers; Statute §§156.610 -- .640

VISITING TEACHERS

REGULATIONS

704 KAR 3:060

"Approval of [the visiting teacher] unit shall be based upon the needs of the district ... The visiting teacher ... shall have a bachelor's degree, a certificate valid for elementary or secondary teaching", and "a minimum of two years' successful teaching experience."

Responsibilities shall encompass guiding and counseling of children, and working with parents, the community, state agencies, teachers, principals, and guidance counselors to seek "solutions to the problems of children."

WORK STUDY COORDINATOR

CROSS REFERENCE

II.A.1.; Regulation 704 KAR 3:250

ADMINISTRATOR

STATUTES

§161.765

1) "A local board . . . may demote an administrator who has not completed three years of administrative service . . . by approving the superintendent's recommendation for demotion and by complying with the requirements of . . ." this statute.

DEMOTION

2) "An administrator who has completed three years of administrative service . . . cannot be demoted unless and until the following procedures have been complied with:

(a) Within five days of receipt of" a recommendation for demotion from the superintendent, "the board shall give written notice of the recommendation to the administrator. If . . .[he/she] . . . wishes to contest the recommended demotion, he/she shall, within ten days of receipt of the board's notice, file a written statement of such intent to contest with the superintendent." If he/she does not so file, "the board may take action on the . . . recommendation and such action shall be final.

NOTICE

(b) Upon receipt of the notice of the intent to contest the demotion, a written statement of grounds for demotion . . . shall be served on the administrator. Said statement shall contain:
(1) A specific and complete statement of [the] grounds . . . including, where appropriate, dates, times, names, places and circumstances; (2) the date, time and place for a hearing, said date to be not less than twenty nor more than thirty days from the date of service of the statement of grounds . . . upon the administrator.

(c) Upon receipt of the statement of grounds . . . the administrator shall, within ten days file a written answer. Failure to file such answer,

within the stated period, will relieve the board of any further obligation to hold a hearing, and it may then act in the . . . demotion. The board shall issue such subpoenas as are requested.

HEARING

(d) The hearing . . . shall be public or private at the discretion of the administrator, and shall be limited to the matters set forth in the written statement of grounds for demotion. The board shall provide to the administrator a verbatim transcript of the hearing. The board . . . shall hear the case. Counsel or representatives for either party in the hearing shall not be consulted by the board unless the corresponding counsel or representatives for the other party are present and unless a verbatim transcript of such consultation is made for the record.

(e) Within five days from the close of the hearing, the board . . . shall advise the parties of its decision, and shall take official action in the case.

APPEAL

(f) Appeal from final board action may be taken" in the district court in the manner provided for by statute.

BASIC CURRICULUM

CROSS REFERENCES

II.A.1.; Statute §158.520

BOARD OF EDUCATION

CROSS REFERENCES

I.Board of Education Members; Statute §160.270

BOARD OF EDUCATION MEMBERS

STATUTES

§432.350

"Members of [the] boards of education . . . who take or agree to take any bribe to do or omit to do any act in his[her] official capacity shall forfeit his[her] office and be disqualified from the right of

suffrage for ten years."

CROSS REFERENCES

III.B.Board of Education Members; Statute §160.270

CERTIFICATED EMPLOYEES

STATUTES

§161.040

"No person shall receive or hold any certificate who does not present evidence of good moral character or who is under eighteen years of age."

§161.120

"Any certificate or license issued . . . to superintendents, principals, teachers, supervisors, attendance officers, or other administrative, supervisory or instructional employees, may be revoked by the state board of education on the written recommendation of the superintendent of public instruction, for immorality, misconduct in office, incompetency or wilful neglect of duty. Before the certificate is revoked the defendant shall be given a copy of the charges against him[her] and an opportunity upon not less than ten days notice, to be heard in person or by counsel."

REVOCATION

§161.750

1) Any certified employee "employed under a written contract shall at the expiration of such . . . contract be deemed re-employed . . . for the succeeding school year . . . unless the superintendent . . . has recommended to the board of education that the contract . . . not be renewed and . . . the board has voted to approve said recommendation.

RENEWAL

2) If the board . . . approves the . . . recommendation . . .[it] . . . must present written notice to the . . .[employee] . . . no later than April 30 of the school year during which the contract is in effect." If the employee requests the board must

"provide a written statement containing the specific detailed and complete statement of grounds upon which the non-renewal of contract is based."

3) If the board fails either "to act favorably on the recommendation of the superintendent not to renew a contract . . . or to provide the [required] written statement of grounds . . .[for dismissal]. . . the employee shall receive a contract for employment for the next school year" and if eligible such contract shall be a continuing contract. "Such teacher shall be presumed to have accepted such employment."

§161.780

TERMINATION

"No [principal], teacher or superintendent shall be permitted to terminate his[her] contract within thirty days prior to the beginning of his/her school term without the consent of the board; any such [principal], teacher or superintendent shall be permitted to terminate his[her] contract at any other time when schools are not in session by giving five days written notice to the employing board of education. Upon complaint by the employing board to the state superintendent . . . and after investigation by him/her, the certificate of the . . .[employee] . . . terminating his[her] contract in any other manner then provided in this section may be suspended for not more than one year."

NOTICE

SUSPENSION

CROSS REFERENCES

III.E.Certificated Employees; Statute §161.770

DISTRICT SUPERINTENDENT

STATUTES

§160.350

APPOINTMENT

"Each board of education shall appoint a superintendent of schools . . . for a term of one . . .[to four] . . . years. The board shall fix the salary of the

superintendent . . . . Before any superintendent assumes his[her] duties he[she] shall present to the board of education that elected him[her] a statement signed by the superintendent of public instruction that he[she] has been duly issued a certificate of administration and supervision . . . which qualifies him[her] to hold the position to which he[she] has been elected. . . . A superintendent of schools may be removed for cause by a vote of four-fifths of the membership of a board of education. Written notice setting out the charges for removal shall be . . . given to the superintendent fifteen days before action is taken on his[her] removal."

REMOVAL

NOTICE

Drug Abuse Education

CROSS REFERENCES

II.A.1.; Statute §158.410

Governor's Appointees

Statutes

§63.080; 63.190

". . . any person appointed by the governor . . . may be removed from office by . . .[him/her]. . . for any cause the governor deems sufficient. . . ."

REMOVAL

Unless otherwise provided for the governor shall fill vacancies in any office.

PARAPROFESSIONAL PERSONNEL

STATUTES

§161.044

1) "The State Board of Education shall establish regulations governing the qualification and the utilization of adult para-professional . . . and volunteer personnel in the common schools.

2) Within the[se] provisions . . . local boards of education may employ adult para-professional personnel in supplementary instructional and non-instructional activities with pupils . . . while engaged in an [authorized] assignment . . . as directed by the professional administrative and teaching staff. [Such] personnel have the same legal status and protection as a certified teacher in the performance of the same or similar duties.

3) Within the[se] provisions . . . local boards of education may utilize adult volunteer personnel in supplemental instructional and non-instructional activities with pupils under the direction and supervision of professional administrative and teaching staff."

PUBLIC SCHOOLS

STATUTES

§158.510

"It is the intent of the general assembly in enacting this legislation to emphasize the right of each student in the public schools of this state to obtain the basic knowledge and learning skills necessary for life preparation as the first priority of public education. It is further the intent of the general assembly to provide each student in the public schools with the opportunity to avail himself of those programs and services appropriate to his educational needs in the areas of basic academic and learning skill development; career

awareness, exploration and orientation leading to the ability to make informed career choices; acquiring the knowledge and understanding necessary to cope with life situations; and enabling continued personal education and enrichment through learning experiences designed to prepare each student with skills necessary for pursuing continued personal interests."

School Officers

Statutes
§156.132

1) "The superintendent of public instruction or the state board of education shall recommend, by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher or other public school officer who in his[her]their opinion is guilty of immorality, misconduct in office, incompetency or wilful neglect of duty.

REMOVAL

2) The superintendent of public instruction shall recommend by written charges the suspension by the state board of education of any district board member or superintendent of schools who in his[her] opinion is guilty of immorality, misconduct in office, incompetency or wilful neglect of duty. The state board of education shall, after a summary hearing, suspend any . . .[officer]. . . who in the opinion of the majority of the state board is guilty" of any of the above mentioned charges. The board in its discretion may initiate such action without the recommendation of the superintendent of public instruction.

SUSPENSION

HEARING

3) "The state board of education may suspend a district superintendent of schools under subsection (2) . . . only if after thirty days of receipt of the written charges, . . . the district board of education has refused to act, has acted in bad faith, arbitrarily or capriciously, or if a recommendation to the district board would have been futile."

SUSPENSION

§156.134

SUSPENSION

1) "Any officer suspended by the state board of education . . . may appear before the . . . board . . . to answer the charges." The officer must notify the board within ten days of receipt of the charges against him, whether he intends to appear before the board and answer the charges. Failure to so notify may result in final vote of dismissal.

NOTICE

2) If such notification is received the board "shall issue such subpoenas as shall be necessary for the determination of the issues involved." The hearing shall be public or private at the discretion of the board. "Both parties may be represented by counsel and may require the presence of witnesses upon subpoena.

3) If within ninety days from the date of suspension the state board has not . . .[either] removed the officer, or . . . dismissed the charges, the suspended officer shall be reinstated and paid his[her] full salary for the period of such suspension.

REINSTATEMENT

4) The officer shall have a right to appeal both as to law and to fact to the circuit court for trial . . . ."

APPEAL

§161.164

"No person shall use or promise to use, directly or indirectly, any official authority or influence . . . to secure or attempt to secure for any person or appointment or advantage in appointment to a position as teacher or employee of any district board of education, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person."

APPOINTMENT

SCHOOL SYSTEM

CONSTITUTION

KENTUCKY CONSTITUTION §183

"The general assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the state."

KENTUCKY CONSTITUTION §187

EQUAL OPPORTUNITY

"In distributing the school fund no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained."

KENTUCKY CONSTITUTION §189

"No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school."

STATUTES

§157.310

EQUAL OPPORTUNITY

"It is the intention of the general assembly to assure substantially equal public school educational opportunities, through a foundation program, for those . . . in the public schools . . . but not to limit nor to prevent any school district from providing educational services and facilities beyond those assured by the foundation program; and to provide, as additional state funds are made available for the public schools, for the use of such funds for the further equalization of educational opportunities. [These sections] shall be interpreted as a measure to provide for an efficient system of public schools throughout the Commonwealth as prescribed by . . . the Constitution of Kentucky, and for the manner of distribution of the public school funds among the districts and its use for public school purposes, [also] as prescribed by the . . . constitution."

§158.010

1)"A uniform system of common schools shall be maintained in Kentucky.

2) County school districts in a county having 300,000 or more inhabitants are authorized to provide special programs and services to one area of the district in contrast to other areas where the variation is a reasonable one based on an attempt to equalize the education progress of the students within the district."

STATE EMPLOYEES

STATUTES

§61.094; 61.096

CONFLICT OF INTEREST

1) "No officer or employee of the general assembly, or . . . of an agency . . . shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered either by himself or another, in negotiations with the state or an agency for the[ir] purchase . . . of or interest in real property." Officer or employee does not include employees of school boards or district boards of education.

2) "No officer or employee of an agency, or member of a state board or Commission, may be in any manner interested, either directly or indirectly . . . in any contract for the performance of any work in the making or letting or administration of which such officer or employee may be called upon to act or vote." Nor shall they "represent . . . any person, association, trust or corporation, with respect to any application for bid for any contract or work in regard to which such officer or employee may be called upon to act or vote.

3) No officer or employee of . . . [either]. . . the general assembly . . . or any agency shall, for compensation, appear before an agency as an expert witness.

4) No officer or employee of . . .[either] . . . the general assembly or . . . any agency . . . [transact] . . . any business with himself, or with any corporation, company, association or firm in which he or his spouse has . . . greater than five percent . . .[interest]."

5) No officer or employee of an agency or appointee shall knowingly himself/herself or by his/her partners, or through any corporation in which he/she owns or controls more than ten percent of the stock undertake, execute, hold or enjoy any contract or agreement for sale or purchase made under the provisions of law.

6) "No officer or employee or appointee of an agency, including persons who serve without a salary . . . shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered, or to be rendered . . . in any matter which is before said agency, or before the department of state government in which said agency functions."

§156.480

"If any employee of the department of education or the superintendent, assistant superintendent . . . or employee of any . . . school district shall have any pecuniary interest either directly or indirectly in an amount exceeding twenty-five dollars per year, either at the time of or after his[her] appointment to office, in supplying any goods, services, property, merchandise or services, except personal services . . . for which school funds shall be expended or if any such person receives . . . any gift, reward or promise of reward for his[her] influence in recommending or procuring the use of any goods, services, property or merchandise . . . for which school funds shall be expended, he[she] shall upon conviction be fined . . . and his[her] office or appointment shall without further action be vacant."

STUDENTS

STATUTES

§158.140

"When a pupil in any public elementary school or any approved private or parochial school completes the prescribed elementary course of study he[she] is entitled to a certificate of completion signed by the teacher or teachers under whom the course was completed. The certificate shall entitle the pupil to admission into any public high school. Any promotions or credits earned in attendance in any approved public school are valid in any other public school to which a pupil may go, but the superintendent or principal of a school . . . may assign the pupil to the class or grade to which the pupil is best suited. [However]. . . an assignment to a lower grade or course shall not be made until the pupil has demonstrated that he [she] is not suited for the work in the grade or course to which he[she] has been promoted."

PROMOTION

SUPERINTENDENT

CROSS REFERENCE

III.B.Superintendent; Statute §167.721

TEACHERS

STATUTES

§156.510 -- 550

"The governor shall appoint a professional practices commission of twelve members" selected from nominations submitted by the Kentucky association of school administrators, the Kentucky association of secondary school principals, the Kentucky association of elementary school principals, the Kentucky association of educational supervisors, the department of higher education, the Kentucky vocational association, the

APPOINTMENT

Kentucky association of pupil personnel workers, the Kentucky association of guidance counselors and the department of classroom teachers. The department of classroom teachers shall have four representatives, while all the rest shall have just one.

The commission shall have all powers necessary to be self-governing. It shall have the responsibility for developing, "through the teaching profession itself, criteria of practices in areas including, but not limited to: (1) contractual obligations; (2) transfer and assignment of teaching personnel; (3) admission to and continuance in professional service; and (4) ethical performance.

This commission, in administering these criteria, shall have the authority to reprimand or warn members of the profession . . . to make recommendations to the state board of education in cases involving suspension or revocation of certificates and any other recommendations . . . which would promote improvement of the teaching profession."

It "shall be financed by members of the teaching profession in the amount necessary to carry out . . . [its] purposes."

§161.790

TERMINATION

1) "The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) "Insubordination, including but not limited to (1) violation of lawful rules and regulations established by the local board . . . for the operation of the schools, and (2) refusal to recognize and obey the authority . . . of . . . any . . . supervisory personnel of the board in the performance of their duties;

(b) Immoral character or conduct unbecoming a teacher;

(c) Physical or mental disability;

(d) Inefficiency, incompetency, or neglect of duty, when a written statement identifying the problems or difficulties has been furnished the teacher . . . involved.

2) (a) Charges on the above causes shall be supported by written records of teacher performance by the superintendent, principal or other supervisory personnel of the board.

(b) Marriage of the teacher shall not be cause for termination of the contract.

3) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, specifying in detail the . . . charges against . . . [him/her]. . . naming a date and place at which the teacher may appear before the board . . . and answer said . . . charges. . . . The hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher." If the teacher intends to appear and answer the charges he[she] must notify the board of such intention within ten days after the receipt of the written charges. "Upon failure . . . to give such notice, the board . . . may dismiss the teacher by a majority vote and such dismissal shall be final.

HEARING

4) Upon receipt of the teacher's notice of intention to appear . . . the board . . . shall issue such subpoenas as . . .[are] . . . necessary. The . . . hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take [an] oath or affirmation . . . ." The board shall provide the teacher with a transcript of the proceedings. "Upon completion . . . of the case the board . . . may by majority vote dismiss the teacher or may defer its

RIGHT TO COUNSEL

action for not more than five days.

SUSPENSION

5) The board . . . may, on recommendation of the superintendent, suspend a teacher pending final action . . . if in its judgment the character of the charges warrants such action." If the board decides against termination of the contract, "the suspended teacher shall be paid his[her] full salary for the period of such suspension.

APPEAL

6) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty days after dismissal, then the decision of the board . . . shall be final." If an action is so filed, the board shall send a transcript of the hearing to the court for their review. "Either the teacher or the board . . . may appeal from the action of the court to the court of appeals."

REGULATIONS

702 KAR 1:040

"When a local school district desires redress, ... the board of education[submits] ... a written complaint to the Superintendent of Public Instruction ..., requesting the suspension of [the teacher's] ... certificate ...."

HEARING

A teacher may request a hearing "upon complaint of a local board of education" to be convened by the superintendent. "Within ten days following the hearing, he [she] will submit to both the teacher and the local board of education his[her] findings and final action regarding the complaint...."

CROSS REFERENCES

I.Superintendent of Schools; Statute §160.370
III.B.Teachers; Statute §161.740

D. EVALUATION AND REPORTING

ADMINISTRATIVE REGULATIONS

CROSS REFERENCES

I.Legislative Research Commission; Statute §13.090; 13.096

I.Legislature; Statute §13.087

Alcohol and Drug Education

CROSS REFERENCES

II.A.1.; Statute §158.415

Consumer Education

CROSS REFERENCES

II.A.1.; Statute §158.460; 465

Educational System

Statutes

§45.320

Every six months each department head and cabinet secretary shall submit to the governor a "program status report" showing, during the preceding six months, for each program (and subprogram if applicable) within his/her responsibility:

b) "The level of service budgeted, defined in terms of objectives and beneficiaries;

c) Alternatives for improved service delivery"; and

f) "An evaluation of results, including a description of measurements used."

§156.250

"The superintendent . . . shall biennially prepare the report of the state board of education to be submitted to the governor and the general assembly. The report shall set out the number attending the public schools, the amount of state funds apportioned, . . . the amount expended for salaries of teachers, for the erection of school buildings," together with such other facts, statistics and information as may be deemed of interest, including recommendations for the improvement of the schools."

§156.490

1) The governor is authorized to hold an annual conference known as the governor's conference on education.

2) The governor is authorized to appoint a committee of eleven members, headed by the superintendent of public instruction, but not including more than five professional educators. The committee "is to assist the governor . . . in planning and arranging for holding the conference; and to recommend to the governor persons for appointments as delegates to the conference;"

3) The conference shall consist of approximately three hundred people, chosen for their "ability and desire to make a contribution to the improvement of education . . . and without regard to religion, race, profession in social status, except . . . that the number of professional educators appointed . . . shall not exceed one-third of the total number of conference delegates.

4) A full report in writing of the work, findings, and recommendations of the conference shall be made to the governor immediately following the close of the conference."

§160.462 -- .464

"Each public school system in any county having 300,000 or more inhabitants shall have professional consultants to conduct a fiscal analysis of the school system.

The school board of . . .[such] . . . system . . . shall direct its superintendent to publish, in full, annually, in the newspaper of the largest general circulation in the county, the annual financial statements of the school system audited by certified public accountants . . . . Each system's financial statement shall be prepared and presented on a basis consistent with that of the other systems."

In addition each such school board "shall

provide quarterly briefings to the members of the General Assembly of that county on the financial and budgetary condition, program and plans of the school system."

CROSS REFERENCES

I.Superintendent of Schools; Statute §160.390

EXCEPTIONAL CHILDREN

CROSS REFERENCES

II.A.2.; Regulation 707 KAR §1:040

FACILITIES

REGULATIONS

702 KAR 1:010

"The Superintendent of Public Instruction shall conduct or cause to be conducted a facilities survey of each school district at least every five (5) years, and shall deliver to the local board of education a report which contains an assessment of existing conditions; and a recommended facilities plan which designates an organizational pattern, classification of school centers, and a priority schedule for construction needs.

Recommendations of a facilities survey report shall become the adopted facilities plan for the district...."

HANDICAPPED PERSONS

CROSS REFERENCES

II.A.2.; Statute §157.260

LOCAL BOARD OF EDUCATION

STATUTES

§156.255 -- 295

Every two years the state committee for school district audits shall cause each local board of education to be audited by an independent public accountant.

Local Special Education Programs

CROSS REFERENCES

II.A.2.; Statute §157.290

Mentally Retarded Persons

CROSS REFERENCES

II.A.2.; Statute §157.295

School Census

REGULATIONS

703 KAR 2:030

Because each board of education is required "to maintain a permanent and continuing school census", the Annual School Census Report shall be filed with the State Department of Education on or before May 20. "[It] shall include all children legally residing in the local school district ... between the age of six and eighteen years of age ...."

Directors of pupil personnel are required to file, direct or reverse transfer forms (as the case may be) whenever "a pupil of school census age moves from one school district to another."

CROSS REFERENCE

II.A.7.; Statute §159.220; .230

School Districts

REGULATIONS

702 KAR 3:045

"The Superintendent of Public Instruction shall be authorized to withhold state funds from any school district which fails to file or to have on file ... reports ... required by the statutes or the rules and regulations of the State Board of Education ... until delinquent reports have been received."

Student Records

CROSS REFERENCE

IV.F.; Statute §161.200; .210

Vocational Education Staff

CROSS REFERENCE

II.A.3.; Regulation 705 KAR §4:010

CAREER EDUCATION

STATUTES

§158.540

"To assure effective implementation of . . . [these statutes]. . . the department shall . . . institute planning, research, employment of appropriate personnel, and program implementation, and shall develop and submit to the governor, the legislative research commission, and the state board of education a comprehensive plan for achieving the priorities and programs set forth in . . . [the statutes]. . . . Such plan shall include but not be limited to the curriculum areas involved in the program, the method by which the program is to be presented . . . , procedures for development of model curricula, assisting in providing teacher in-service education and guidance services, and cooperative arrangements established for such purposes with local school districts and institutions of higher education responsible for teacher education."

CERTIFICATED EMPLOYEES

STATUTES

§161.770

1) "Upon written request of a . . . [certified employee]. . . a board . . . may grant a leave of absence for a period of not more than two consecutive school years for educational or professional purposes. . . .

2) Without request, a board . . . may grant leave of absence and renewals thereof to any . . . [certified employee] . . . because of physical or mental disability" provided, however, that they "shall have the right to a hearing and appeal in such unrequested leave . . . or its renewal in accordance with . . ." these statutes.

LEAVE OF ABSENCE

3) "Upon . . . return to service . . . at the expiration of a leave . . .[the employee]. . . shall

resume the contract status which he[she] held prior to such leave."

EDUCATIONAL SYSTEM

CROSS REFERENCES

III.D. Educational System; Statute §156.490

INSTRUCTIONS

CROSS REFERENCES

III.B.Superintendent and Assistant Superintendent; Regulation 704 KAR §3:040

III.B. Principals and Assistant Principals: Regulation 704 KAR §3:050

PROFESSIONAL STAFF

CROSS REFERENCES

III.A.2.; Statute §158.070

PUBLIC SCHOOL EMPLOYEES

STATUTES

§156.190

"The superintendent . . . may call and conduct conferences of boards of education, superintendents, supervisors, principals, teachers, attendance officers, and other regular public school employees, on matters relating to the condition, need and improvement of the schools. Travelling expenses incurred by those attending [such] conferences . . . may be paid by boards of education."

SCHOOL DISTRICTS

STATUTES

§65.220

The purpose of interlocal cooperation among school districts is "to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities . . . and thereby to provide services and facilities in a manner . . . that will accord best with geographic, economic, population and other factors . . . ."

School Staff

Statutes

§158.420

"The department of education shall develop and establish an alcohol and drug education training program for public school teachers and administrators to provide training at the local district level. Regional training programs for school districts, teams of teachers, administrators and school students shall be made available by the department of education; community representatives may be invited, working through county alcohol-drug education committees."

Regulations

704 KAR 3:230

There exists a Kentucky Plan for Improving the Professional Performance of School Personnel which shall be implemented by each local board of education, pending approval by the superintendent of Public Instruction.

An Advisory Committee for Improving the Professional Performance of School Personnel, appointed by the Superintendent of Public Instruction, shall be respnsible for providing "a continuous liaison and communications function between the institutions and organizations and the Department of Education, [and for conducting] a continuing study of the various approaches to the improvement of professional personnel in operation in other states. . . ."

Student Teachers

Statutes

§161.042

1) "The State Board of Education shall provide through regulation for the utilization of the common schools for the preparation of teacher education students from the colleges and universities.

2) Within the[se] provisions . . . local boards of education are authorized to enter into

cooperative agreements, including financial arrangements with colleges and universities, for the purpose of providing professional laboratory experiences and student teaching experiences for students preparing for the education profession.

3). A student teacher . . . shall have the same legal status and protection as a certified teacher employed within the school district, but shall be subject to the direction and supervision of the professional administrative and teaching staff of the school district.

4) Teacher education students, other than student teachers, may be permitted through cooperative agreements . . . to engage in supplementary instructional activities with pupils under the . . . supervision of the professional and administrative and teaching staff of the school district."

SUPERINTENDENT

STATUTES
§156.180

"The superintendent . . . may attend educational associations, conventions and conferences for the purpose of keeping informed upon and familiar with professional educational policies and practices. When thus engaged his [her] travelling expenses shall be paid."

TEACHERS

STATUTES
§156.095

"The state department of education is . . . authorized to establish, direct and maintain a statewide program of in-service teacher training. Such program shall be organized and operated for the purpose of improving instruction in the public common schools and for improvement of the leadership qualities and professional competence of principals, supervisors and teachers, and

for such other services in the improvement of instruction in the public common schools as may be approved from time to time by the state board of education in the recommendation of the superintendent of public instruction."

§156.610-640

SCHOLARSHIPS

"Upon the recommendation of the superintendent of public instruction the state board of education shall appoint a teacher education scholarship board . . . of five persons who are professionally engaged in teacher education.

The . . . board shall receive and consider applications for scholarships from public school teachers who are teaching science, mathematics or a foreign language, or who are school librarians, and who do not have a minor in the subject they are teaching . . ." It is certified that they will be teaching that subject next year. "The . . . board shall make a careful and full examination of the ability, character and qualifications of each applicant . . . and shall require each applicant to take a written examination.

1) Scholarships shall be awarded solely for summer work at any accredited college or institution of the applicants' choice within the Commonwealth." They shall not exceed two thousand dollars within a two year period. "The scholarship shall be paid only if the applicant successfully completes at least six semester hours of academic courses in the subject for which the scholarship was granted." The applicant may take "three additional hours in that subject in another subject which he[she] is teaching and in which he[she] does not have a minor.

2) In awarding scholarships for the second year, the board shall give priority to persons who were not awarded a scholarship the first year, provided however, that an applicant may be awarded a scholarship the second year if he[she] successfully completed six semester hours the first year and is otherwise qualified."

REGULATIONS

704 KAR 15:050

"Two of the three days of the school term authorized . . . for in-service training and professional work shall be devoted to conferences and activities designed for the improvement of instruction . . . ."

CROSS REFERENCES

II.A.1.; Statute §158.415

II.A.1.; Statute §158.425

II.A.1.; Statute §158.460;.465

II.A.1.; Statute §158.470

II.A.3.; Regulation 705 KAR §4:110

II.A.3.; Regulation 705 KAR §4:120

II.A.3.; Regulation 705 KAR §4:130

II.A.3.; Regulation 705 KAR §4:140

II.A.3.; Regulation 705 KAR §4:160

VOCATIONAL EDUCATION STAFF

CROSS REFERENCE

II.A.3.; Statute §158.525

III.B. Teachers; Regulation 704 KAR §3:160

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Statutes

§17:10

"The State Department of Education shall approve each public elementary and secondary . . . school in the state under the jurisdiction of the Louisiana State Board of Elementary and Secondary Education. . . The parish or city school board within whose jurisdiction [the school] is located shall apply to the State Department for approval . . . . The State Department shall approve each school which . . . meets the minimum standards as adopted by the board.

Whenever the State Department of Education determines that a school has failed to meet the minimum standards . . ., the department shall so inform the Louisiana State Board of Elementary and Secondary Education, and the local school board in the case of a public elementary and secondary school . . . . Opportunity for a hearing shall be afforded within 20 days after the date of notification." HEARING

If the school is aggrieved by the determination of the hearing, the school shall have the right of appeal to the district court with jurisdiction within 30 days after the school is notified of the hearing determination. "The department may grant one or more extensions of time within which deficiencies must be corrected.

If [these] are not corrected to the extent necessary to meet the minimum standards . . ., the school shall not be approved or, if previously approved, that approval shall be withdrawn, the school shall be placed on probation and the school board . . . shall be notified in writing that all state funds . . . will be withheld unless the stated deficiencies are corrected within a stated period."

If corrections are not made within the allotted time, the department shall disapprove the school, and the board

shall withhold state funds until corrections are made. The board shall notify the governor, the state treasurer, and the legislature of that fact and the reasons thereof.

§17:391.9 -- 10

"Not later than the 1978-79 school year, the superintendent of education, with the approval of the State Board of Elementary and Secondary Education, shall develop and institute accreditation standards for public schools" which must take into account "the educational advantages and disadvantages imposed by the home and out-of-school environment upon pupils."

"All plans and standards. . . which involve adoption by the State Department of Education by the State Board of Elementary and Secondary Education of means of measurement and evaluation shall be submitted to [at least] . . . three independent authorities in the field of educational measurement and evaluation," whose reports shall be made public.

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 4.01.20

Schools not meeting the State department of education certification requirements shall be notified and if not remedied "within a reasonable time" shall be placed on provisional approval.

BULLETIN 741

CLASSIFICATION CATEGORIES OF SCHOOLS

"Approved - School meets standards of SBESE.

Provisional Approval - School has some deficiencies in standards and is being advised and requested to make corrections (such as: some teachers teaching out of their field of certification, library books below the required number per pupil, teachers teaching more pupils per period or week than permitted, not meeting scheduling

requirements as prescribed by Bulletin 741, etc.). Improvement is expected prior to the next school year.

Probational Approval - School has one or more of the following deviations from standards: a. Principal not certified b. Member(s) of the faculty not holding valid Louisiana teaching certificate(s) c. School does not offer a curriculum to meet graduation requirements or a balanced elementary curriculum as prescribed in Bulletin 741. The school has been on provisional approval for at least two years. The SBESE shall set the guidelines and fix the period of time for the corrections.

Unapproved - Any school that has not previously attained an approved classification and fails to comply with SBESE standards. School has not corrected the stated deficiencies within the time fixed by the SBESE as defined by R.S. 17:10.

Provisions shall be made for a continuing in-service education program in which all staff members shall participate annually. Each school system shall maintain records of teacher in-service education participation. In addition, regular and planned faculty meetings on professional problems should be held monthly.

Each school shall have an accounting system and an annual audit for all activity funds. All expenditures from activity funds shall be approved by the principal or a designated staff member. The treasurer of the school's activity funds shall be adequately bonded.

No public school may permit the existence or functioning of any fraternity, sorority, or secret society.

Each school shall provide for the storage and safekeeping of all records and reports.

No teacher shall be required to teach more than three grades in a combined group. . . .

The maximum enrollment allowed in any class or section is 35 students except in certain activity-type classes such as physical education, music, art, etc. No teacher at the secondary level shall instruct more than 750 pupil hours per week, except in above classes. Where a number

CLASS SIZE

of staff members are involved in a cooperative teaching project, the amount of each person's involved time may be counted in computing the individual teacher's load. . . .

The maintenance, use, and dissemination of information included in school records and reports shall be governed by written policies adopted by the local school board and/or educational governing authority. The policies shall conform to the following: . . . .

Senate Amendment of Buckley Privacy Law (Family Educational Rights and Privacy Act, Section 513, Title V, Education Amendments of 1974, P.L. 93-380). . . ."

CROSS REFERENCES

II.A.4.; Regulation Bulletin 741

II.A.8.; Regulation Bulletin 741

2. Other Qualification Standards

Statutes

§17:152

"No school with an average attendance below ten pupils shall be opened or maintained in any locality, except upon recommendation of the parish school board . . . and upon approval by the Louisiana State Board of Education."

§17:225

"The minimum session of attendance . . . shall be one hundred and eighty (180) days . . . ." SCHOOL YEAR

Regulations

BULLETIN 741

ELEMENTARY

"Entrance Requirements for First Grade: According to the Compulsory School Attendance Law (LRS 17:222), 'Children attaining the age of six within four months after the beginning of any public school term or session may enter such schools at the beginning of the school term or session. In any parish or municipality, the school board may establish the policy that only children

attaining the age of six on or before December 31 may enter regular school at the beginning of the term or session . . . . .[sic]"

Elementary School Curriculum: The elementary grades should provide a good foundation in the basic fundamentals of the language arts, mathematics, social studies, science, physical education, and the cultural arts.

Attendance Requirements: Elementary children must be present a minimum of 140 days to be eligible to receive credit for the courses taken. Exception can be made only in the event of extended personal illness as verified by a physician and/or other extenuating circumstances as approved by the Parish Supervisor of Child Welfare and Attendance, in consultation with the principal.

"Instructional Time Requirements: The length of the school day shall not be less than 5 1/2 hours of instructional time exclusive of recess, lunch and planning periods. SCHOOL DAY

Additional Requirements: To be eligible for advancement to the ninth grade, an eighth grade student must demonstrate a functional literacy achievement level in reading. (To be effective in 1980)" PROMOTION

Any public or nonpublic kindergarten seeking approval by the State Department of Education and the State Board of Elementary and Secondary Education (SBESE) must follow these procedures: . . . . After visitation by the committee, the school will be notified in writing of the recommendations made by the State Department of Education to the SBESE. SCHOOL VISIT A school denied approval by the SBESE shall be entitled to an appeal. No hearing shall be granted unless a written appeal is received by the SBESE within 30 days of the date of denial. APPEAL

BULLETIN 741

STAFF PERSONNEL

"Staff members shall be qualified from the standpoint of training, certification, personal fitness,

management, ability to perform the required tasks, personal growth and professional attitude.

Each school shall be administered on a democratic basis with teachers and other staff members participating in the development of policies. . . . Each teacher and administrator in tax-supported or non-tax-supported schools shall hold a certificate which is properly validated for each subject taught, or conforming to the regulations set forth by the SBESE.

Each secondary school shall provide guidance counselors at a ratio of 450:1. Each elementary school and middle school shall provide guidance counselors when enrichment formula funds are provided and at the appropriate ratio.

Each secondary school shall be required to have a librarian in accordance with Bulletin 1134. Each elementary school shall be required to have a librarian when funded by the state.

No teacher at the secondary level shall instruct more than 750 pupil hours per week, except in the activity type classes listed in number 14 on page 73."

CROSS REFERENCE

I.Parish School Boards; Statute §17:151

II.A.1.; Statute §17:154

II.A.1.; Statute §17:274 -- 274.1

II.A.4.; Regulation Bulletin 741

II.A.10. Other - Alternative Programs; Regulation Bulletin 741

B. QUALIFICATION STANDARDS FOR PERSONNEL

CERTIFIED PERSONNEL

CROSS REFERENCE

III.A.2.; Regulation Bulletin 741

COUNSELOR

REGULATIONS
BULLETIN 746

COUNSELORS IN ELEMENTARY SCHOOLS

"The applicant must hold a valid Louisiana Elementary Certificate and must have completed three years of successful experience at the elementary level.

The applicant must hold a Master's Degree in Guidance and Counseling from a regionally accredited institution or a Master's Degree with the equivalent hours and courses required for a Master's Degree in Guidance and Counseling. The graduate training must include a total of 21 semester hours of professional courses distributed so that at least one course will be taken in each of the seven basic areas listed below except that students who have taken a course in Principles and Administration of Guidance at the undergraduate level will not be held accountable for it at the graduate level:

Principles and Administration of Elementary School Guidance; Analysis of the Elementary School Pupil; Counseling Theory and Practice; Orientation to the World of Work; Group Processes in the Elementary School; Elementary Guidance Practicum; Child Growth and Development.

Requests for certification must be accompanied by a recommendation from the institution where the individual has completed the above requirements."

BULLETIN 746

COUNSELORS IN SECONDARY SCHOOLS

"The applicant must hold a valid Louisiana Secondary Certificate and must have completed three years of successful experience at the secondary level or two years of successful experience at the secondary level and one year of accumulated occupational experience.

The applicant must hold a Master's Degree in Guidance and Counseling from a regionally accredited institution

or a Master's Degree with the equivalent hours and courses required for a Master's Degree in Guidance and Counseling. The graduate training must include a total of 21 semester hours of professional courses distributed so that at least one course will be taken in each of the seven basic areas listed below except that students who have taken a course in Principles and Administration of Guidance at the undergraduate level will not be held accountable for it at the graduate level:

Principles and Administration of Guidance; Occupational and Educational Information; Analysis of the Individual; Vocational Guidance; Counseling Theory and Practice; Guidance Practicum; Group Processes.

Requests for certification must be accompanied by a recommondation from the institution where the individual has completed the above requirements."

DIRECTOR OF SPECIAL EDUCATION

REGULATIONS

BULLETIN 746

PARISH OR CITY SCHOOL SUPERVISOR/DIRECTOR OF SPECIAL EDUCATION

"The applicant must hold a valid Type A Louisiana teaching certificate.

The applicant must have had 5 years of successful professional school experience, in both regular and special education; 3 years in special education must have been during the five year period immediately preceding appointment to the supervisory position.

The applicant must hold a master's degree from an accredited institution including 12 semester hours of professional education at the graduate level, 9 hours of which shall include courses in supervision, curriculum and instruction, and 3 hours in school administration.

The applicant must hold generic certification in Special Education and/or certification in two areas of exceptionality.

Individuals presently serving in this capacity must meet requirements by February 20, 1980. Individuals

hired between February 20, 1977 and February 20, 1980 must meet requirements when employed."

PARISH/CITY SCHOOL SUPERVISOR

REGULATIONS

BULLETIN 746

PARISH OR CITY SCHOOL SUPERVISOR OF INSTRUCTION

"The applicant must hold a valid Type A Louisiana teaching certificate.

The applicant must have had 5 years of successful professional school experience, 3 years of which must have been during the 5-year period immediately preceding appointment to the supervisory position.

The applicant must hold a master's degree from a regionally accredited institution including 12 semester hours of professional education at the graduate level, 9 hours of which shall include courses in supervision, curriculum and instruction, and 3 hours in school administration.

SCHOOL BOARD MEMBER

STATUTES

§17:428

"After July 27, 1960 no supervisor, principal or teacher or any other school employee of any board," who has been elected or appointed to fill an unexpired term as a member of a parish or city school board, "shall be eligible to serve as a member of [that] board" if such board is his/her employer. Such person shall immediately submit his/her resignation or the employing board shall declare the position vacated.

CONFLICT OF INTEREST

"School bus drivers in parishes not exceeding sixteen thousand may at the same time serve as a member of the school board."

SCHOOL PRINCIPAL

REGULATIONS

BULLETIN 746

SCHOOL PRINCIPAL OR ASSISTANT PRINCIPAL

"The applicant for school principalship must hold at least a valid Type B Louisiana teaching certificate and a master's degree from a regionally accredited institution including 12 semester hours of professional education at the graduate level.

He[she] must have had 3 years of successful teaching experience during the 5-year period immediately preceding appointment to principalship. For high school principalship, he[she] must have had graduate training in secondary school administration and supervision; for elementary school principalship, he[she] must have had graduate training in elementary school administration and elementary school supervision; for combination elementary-secondary school principalship, he[she] must have had school administration and supervision training at either or both levels.

Assistant Principals are required to meet the same certification standards as those required of Principals.*
*These requirements become mandatory September 1, 1979."

SCHOOL PSYCHOLOGIST

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.01.70a(3)

School psychologist Assistant I must possess a master's degree in psychology or educational psychology to be certified. The certificate is for three years and nonrenewable.

To be a school psychologists Assistant II one must have two years supervised experience and have twelve additional hours of appropriate credit as specified in addition to the requirements for Assistant I. This certificate is three years and renewable.

School Psychologists Assistant III must have 60 hours of graduate study in specified areas and five years supervised experience in an appropriate setting.

School psychologist must have a doctoral degree and be an applicant for licensure in psychology in Louisiana.

School Superintendent

Regulations

BULLETIN 746

SCHOOL SUPERINTENDENT

"The applicant must hold a valid Type A Louisiana certificate at the time of his[her] appointment to the position of school superintendent.

The applicant must have had 5 years of successful school experience. . . . He[she] must have had 3 years of professional administrative or supervisory experience during the 5-year period immediately preceding his[her] appointment to a superintendency.

The applicant must hold a master's degree from a regionally accredited institution, including 12 semester hours in professional education including 6 semester hours of school administration and supervision."

Superintendent's Assistants

Statutes

§17:23

APPOINTMENT

"The superintendent [of education] shall appoint a first assistant, who shall possess the qualifications required for election to the office of superintendent. . ." The appointment is subject to confirmation by the Senate.

Should a vacancy occur in the office of superintendent, it "shall be filled by the first assistant" until the next statewide election if the unexpired term exceeds one year.

REMOVAL

"The first assistant may be removed by the superintendent at his/her pleasure."

Supervisor of Student Teaching

Regulations

BULLETIN 746

SUPERVISOR OF STUDENT TEACHING

"The applicant must hold a valid Louisiana certificate based upon a baccalaureate college degree authorizing him to teach in the field of his supervisory assignment.

The applicant must have had at least 3 years of successful teaching experience at the level or in the field of his supervisory assignment.

The applicant must hold a master's degree from a regionally accredited institution, and present 3 semester hours in the supervision of student teaching.

Supervisor of Visiting Teachers

Regulations

BULLETIN 746

SUPERVISOR OF CHILD WELFARE AND ATTENDANCE AND/OR VISITING TEACHER

"The applicant must hold a valid Type A Louisiana teaching certificate.

The applicant must have had 5 years of successful professional school experience, 3 years of which must have been during the 5-year period immediately preceding appointment to the position.

The applicant must hold a master's degree from a regionally accredited institution including 12 semester hours of professional education at the graduate level. These 12 hours shall include 3 semester hours in Visiting Teacher work. The remaining 9 semester hours shall include courses in supervision and administration.

Teachers

Statutes

§17:294

"All ordinances . . . shall make provision for the appointment and method of qualification of all teachers

for part-time schools or classes; and shall classify and impose qualification requirements on shop teachers for trade and industrial subjects, related subject teachers , and "teachers in general academic subjects."

§17:411

"The State Board of Education shall prescribe the qualifications and provide for the certification of . . . teachers of elementary [and] secondary . . . schools. It has the authority to approve private schools . . . whose sustained curriculum is of a grade equal to that prescribed for similar public schools and educational institutions of the state. The certificates or degrees issued by [these] private schools or institutions . . . shall carry the same privileges as those issued by the state schools and institutions . . . ." No qualified person "shall be denied the right to receive credentials from the State Board of Education, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school [because] he[she] is totally or partially blind . . . ." No school board "shall refuse to engage a [qualified] teacher on [these] grounds . . . ."

§17:412

"The state board of education may approve first grade or life certificates to teachers by the department of education of any state in the United States and issue life certificates to teachers who have taught satisfactorily for as many as fifteen years in the public schools of Louisiana . . . ."

§17:413

"Parish superintendents of schools shall ascertain definitely, before contract with a teacher," that the teacher holds a certificate of a grade sufficiently high to meet the requirements of his/her position, and issued by the state board of education. No person can be "appointed to teach without a written contract for the scholastic year in which the teaching is to be done." This does not apply to regular and permanent teachers with tenure.

"Before receiving any remuneration for services rendered, every teacher of any school supported wholly or in part with public funds must have been fully qualified to teach in the public schools of Louisiana and have been employed by the school authority authorized to employ teachers."

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 6.07.01

Teachers in veterans adult education programs must possess a regular Louisiana teacher's certificate or a special one year certificate based upon:

1. recommendation from superintendent that the teacher is the best qualified person available;
2. successful experience in the program and/or a B.A. degree.
3. extension of the certificate by the state department of education.

BULLETIN 741
STAFF

"Each kindergarten teacher must meet certification requirements as outlined in Bulletin 746. Each kindergarten center classified as a school with an enrollment of 50 or more students shall have a principal who meets the certification requirements established in Bulletin 746. Each kindergarten center should have accessibility to consultative services of a psychologist, speech and hearing therapist and a registered nurse.

STANDARDS FOR STATE CERTIFICATION: BULLETIN 746

Type A Certificates require a BA and five years experience.

Type B Certificates require a BA and three years experience.

Type C Certificates require a BA only.

Type C Certificates, for beginning teachers, shall be valid for three years. Teachers with required academic preparation and necessary teaching expereince, may have Type C certificates converted into Type B or Type A certificates.

Type A and B certificates shall be valid for life provided that these certificates do not fall into disuse for five consecutive years and/or the certificate is not revoked.

Type A and B certificates that are not used over the consecutive five year period shall lapse if the holder is not a regularly employed teacher for at least one semester (90 consecutive days).

Reinstatement of a lapsed certificate shall occur when six semester hours of approved credit (resident or extension) have been earned.

Upon proper recommendation of an employing administrator the holder of a lapsed Type C certificate may seek an additional three year renewal. The holder may also present six semester hours of approved resident and/or extension credit. However, if the Type C certificate holder has been unemployed as a teacher, one semester during a five year period, such a certificate can be reinstated for three years only upon presentation of six semester hours of approved resident and/or extension credit. Nine semester hours shall be required where there has been six or more years of disuse.

The hiring parish must notify the Board of Higher Education and Teacher Certification when hiring a teacher whose Type C, B or A certificate has expired.

"A Type A certificate is based upon a baccalaureate degree including completion of a teacher education program approved by the State Board of Elementary and Secondary Education, with credits distributed as hereinafter provided, including general, professional, and specialized academic education, a master's or higher degree from an approved institution and five years of successful teaching experience

in the properly certified field. The experience must be validated by the employing authority. This certificate is valid for life for continuous service for services endorsed thereon."

Temporary Certificate

"Policies and criteria governing the issuance of temporary certificates shall be:

1. That a temporary certificate, valid for one school session only, authorizing the employment of a specified teacher in a position for which he[she] is not regularly certified, be issued to the employing superintendent upon his[her] recommendation and application if criteria herein outlined are met and provided that the application is supported by the following statement from the employing superintendent:

'I hereby certify that there is no certified, qualified, competent, and suitable person available for this position and that the applicant named above is the best qualified person open for employment in the position hereinabove described.'

2. That temporary certificates be issued only for persons who have a baccalaureate degree.

3. That authority to reemploy a teacher on a temporary certificate be based upon a minimum of six semester hours of credit earned in residence or by extension and applicable to the completion of an approved teacher education program for the type of position for which he[she] is temporarily certified."

READING SPECIALIST

"The applicant must hold a valid standard Louisiana teaching certificate.

The applicant must have had three years of instructional, administrative, or supervisory experience within the past five years.

. The applicant must hold an advanced degree from a regionally accredited institution. . . ."

"Experience: Shop instructors shall be selected from the trade they are to teach. He[she] shall have at least six . . . years of experience in the trade in which he[she] is to teach. At least one year of the above experience must have been served within the last five years prior to certification. Evidence of trade competency may be determined by the Trade and Industrial Section of the State Department of Education by a test given through agencies as the State Department of Education may designate. (Graduates of area vocational-technical schools shall receive credit for two . . . years of occupational experience. Graduates of an approved college or university with a baccalaureate degree related to his[her] major field shall receive credit for four . . . years of occupational experience.)

Education: High school graduate or equivalent (an equivalency test approved by the State Department of Education and administered by the local director or supervisor.)

Vocational-Technical Certificate:

Upon meeting the required educational and occupational experience, a temporary Vocational-Technical Certificate shall be issued. For renewal of this certificate, at least three . . . semester hours in professional vocational education must be earned each year until a minimum of fifteen . . . semester hours have been completed and at which time the Vocational-Technical Certificate shall become permanent. Those with a baccalaureate degree must complete at least three . . . semester hours each year until a minimum of nine . . . semester hours have been completed and at which time the Vocational-Technical Certificate shall become permanent. Those with a baccalaureate degree in education must complete at least three . . . semester hours each year until a minimum of six . . . semester hours have been completed and at which time the Vocational-Technical Certificate shall become permanent. Those without a baccalaureate degree shall complete at least three . . . semester hours each year

until a minimum of fifteen . . . semester hours has been completed and at which time the Vocational-Technical Certificate shall become permanent."

VOCATIONAL-TECHNICAL CERTIFICATE.

"Valid for One Year

A Vocational-Technical Certificate is based upon requirements as hereinafter specified. This certificate authorizes employment for day-trade and part-time instructors of vocational-technical school classes. It does not apply to industrial arts. For renewal of this certificate, at least three . . . semester hours in professional vocational education must be earned each year until a minimum of fifteen . . . semester hours has been completed by those without a degree, nine . . . semester hours with a degree, or six . . . semester hours with an education degree, at which time the Vocational-Technical Certificate shall become permanent.

Special requirements for various personnel are as follows:

DIRECTOR OF REGIONAL VOCATIONAL-TECHNICAL CENTER: Education: General: Bachelor's degree from an approved college or university. Master's degree from an approved college or university; or five . . . years of successful administrative experience in vocational-technical education. This is in addition to the experience required under Section 1, Item b. Professional: Not less than twenty-four . . . semester hours in professional education; six . . . of which must be in professional vocational-technical education from an approved vocational-technical teacher training institution. (The six . . . semester hours may be obtained within two . . . years after appointment.)

Experience: Trade: At least two . . . years of experience as a wage earner in a trade or industrial occupation; or two . . . years of experience as a teacher, supervisor or administrator of approved vocational classes. Teaching: At least three . . . years of successful teaching experience. Supervisory or Administrative; At least five . . . years of successful experience as a school

administrator or supervisor of approved vocational classes. Shall have a valid Louisiana Teacher's Certificate or Vocational-Technical Certificate at the time of appointment. . . .

DIRECTOR OF A VOCATIONAL-TECHNICAL SCHOOL: Education: General: Bachelor's degree from an approved college or university. Professional: Not less than twenty-four . . . semester hours in professional education; six . . . of which must be in the area of professional vocational-technical education from an approved vocational-technical institution. (The six . . . semester hours may be obtained within two . . . years after appointment.) Experience: Trade: At least two . . . years of experience as a wage earner in a trade or industrial occupation; or two . . . years of experience as a teacher, supervisor, or administrator of approved vocational classes. Teaching: At least three . . . years of successful teaching experience. Supervisory or Administrative: At least two . . . years of successful experience as a school administrator or supervisor of approved vocational classes. Shall have a valid Louisiana Teacher's Certificate or Vocational-Technical Certificate at the time of appointment."

CROSS REFERENCES

I.Educational Cooperative; Statute §17:2830

II.A.2.; Regulation, Policy and Procedure Manual - Elem. and Sec. Educ., 6.00.70

II.A.7.; Statute §17:471

VISITING TEACHERS

STATUTES

§17:229

"The appointment of parish and city visiting teachers . . . shall be made by the parish or city school board upon the recommendation of the parish or city superintendent of education; but no person shall be so recommended or appointed unless certified by the state board of education . . ."

ASSISTANT SUPERINTENDENT

STATUTES

§17:84.01

APPOINTMENT

"All assistant superintendents . . . shall be appointed for a term [not exceeding] four years." If the person appointed is found to be "incompetent, inefficient, or unworthy", he/she "shall be removable . . . by a majority vote of the membership of the parish or city school board."

REMOVAL

Such persons who had previously acquired tenure as teachers or status as an employee other than a teacher shall be returned to their previous position, unless proper procedures for their removal from those positions are also instituted.

PARISH EMPLOYEES

STATUTES

§17:522

Employees of the Orleans Parish School board "shall serve a probationary term of three years," before becoming regular and permanent employers of the Orleans Parish school board.

DISMISSAL

The parish school board "may dismiss or discharge any probationary employee upon the written recommendation of the Superintendent of the Orleans Parish school board, accompanied by valid reasons . . . ." At the expiration of the probationary term, the employee automatically becomes regular and permanent unless the written notice of dismissal is filed.

§17:523

DISMISSAL

"A regular or permanent employee [of the Orleans Parish school board] shall not be dismissed or discharged, except upon written and signed charges of wilful neglect of duty, or of incompetency, dishonesty, immorality, or of insubordination, or of being a member of or of contributing to any group, organization, movement or corporation that is prohibited by law or injunction from operating in the state of Louisiana . . ." unless he/she is found guilty after a hearing by the Orleans Parish school board, held public or private at the option of the employee. The board instituting the removal procedure must provide the affected employee with a written copy of the charges at least 15 days in advance of the hearing.

HEARING

NOTICE

§17:525

An employee of regular and permanent status in a school district of a parish or city school system with a population of 400,000 or more, who is "promoted to a position paying a higher salary, shall serve a probationary period of three years" before "acquiring permanent

status therein . . ." He/she may not be discharged, or demoted to a position paying a salary inferior to that paid by his/her highest permanent position previously held.

§17:532

Employees of the Iberville Parish School Board shall serve a probationary term of three years before becoming regular and permanent employees of the Board, upon the expiration of the probationary term. During this term, "the Iberville Parish School Board may dismiss or discharge any probationary employee upon the written recommendation of the parish superintendent of schools, accompanied by valid reasons . . . ."

DISMISSAL

§17:533

"A regular or permanent employee [of the Iberville Parish School Board] shall not be dismissed or discharged except upon written and signed charges of wilful neglect of duty, incompetency, dishonesty, immorality, insubordination or of being a member of or of contributing to any group, organization, movement or coproation that is by law or injunction prohibited from operating in the state of Louisiana . . . ."

NOTICE

A hearing by the Iberville Parish School Board, held publicly or privately, "at the option of the employee" shall determine whether the employee is guilty or not. At least fifteen days prior to the hearing, the employee shall receive a copy of the written charges from the Board. At the hearing the employee "shall have the right to appear . . . with witnesses on [her/her] behalf and with counsel of [his/her] selection. . . ."

HEARING

RIGHT TO COUNSEL

PARISH SCHOOL BOARD

STATUTES

§17:121

"The school board of Orleans Parish shall consist of five members elected at large by a majority of the voters . . . . The members of the Orleans Parish School

APPOINTMENT

Board must have the same qualifications as those in the other parishes of the state. The board shall meet monthly . . . . All vacancies . . . caused by death, resignation, or otherwise shall be filled by appointment by the governor . . .

It shall be a misdemeanor for any school board member or any other elected official to campaign for or against, endorse, support or approve any candidate for the school board . . . The making, having in possession or distribution by [a] school board member or other elected public official of any sample ballot, marked ballot or any other device of any kind whatsoever. . . in support or opposition to [a] person's candidacy, as a factional or political party candidate also is a misdemeanor. Both of these misdemeanors are punishable by a fine between one hundred dollars and five hundred dollars, and/or imprisonment for three to six months."

CROSS REFERENCE

II.A.1; Statute §17:262 -- 265

Parish School Employees

Statutes

§16:534

An employee of the Iberville Parish School Board with regular and permanent status who is promoted to a higher-paying position," shall serve a probationary period of three years "before acquiring permanent status in that position. He/she may not be discharged, or demoted to a position paying a salary inferior to that paid by his/her previously held highest permanent position, but may be removed to his/her former position.

REMOVAL

Parish Superintendent

Statutes

§17:2113

The school boards of the state shall annually authorize, direct and instruct the parish superintendent of

education, or other proper authority to observe the anniversary of the date of the discovery of America by Christopher Columbus, October 12th.

Failure . . . to comply with the provisions of this Section "shall subject [the] school boards and [its] members, and the parish superintendent to charges of malfeasance and neglect of duty. . . ."

CROSS REFERENCES

I.Parish School Board; Statute §17:52 -- 55

II.A.1.; Statute §17:262 -- 265

Professional Personnel

CROSS REFERENCE

III.D.Professional Personnel; Statute §17:391.5

Public Schools

CROSS REFERENCES

I.Parish School Board; Statute §17:153

II.A.2.; Statute §17:274 -- 274.1

School Lunch Program

CROSS REFERENCE

IV.C.; Statute §17:195

STATUTES

§17:102

The state board of education "shall make continuing studies as a basis for general reconsideration of the efficiency of the educational system in promoting the progress of pupils in accordance with their capacity and to adapt the curriculum to such capacity and otherwise conform the system of public education to social order and good will . . . ." The legislature "considers that any general or arbitrary reallocation of pupils . . . tend to invite or induce disorganization and impose an excessive burden on the available resources and teaching and administrative personnel of the schools."

§17:391.3

"The superintendent of education shall develop a program for educational accountability for the public schools of the state" to be approved by the State Board of Elementary and Secondary Education before being submitted for review to the Joint Legislative Committee on Education of the Louisiana Legislature.

The program shall establish and provide for the implementation of a procedure for the continuous identification, examination, and improvement of the goals of education in the state, establish basic uniform statewide educational objectives for each grade level and subject area, identify performance objectives, and develop evaluation instruments.

"In carrying out the accountability program, the local school boards and the department of education shall develop and implement procedures to assist teachers and school personnel and administrators in identifying the status of the physical, intellectual, social, and emotional development of each pupil and his/her needs relative to the areas as well as the special aptitudes and abilities of pupils and of problems which may affect learning."

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 4.01.00

The Board is "unalterably opposed to forced busing."

CROSS REFERENCE

IV.G.; Statute §17:111

STUDENTS

STATUTES

§17:391.4

PUPIL ASSESSMENT

"The State Board of Elementary and Secondary Education shall . . . establish reasonable minimum levels of pupil proficiency in the basic communication and computational skills which shall be integrated into instructional programs. The superintendent of education shall . . . develop and administer a uniform system of assessment based in part on criterion referenced tests to determine pupil status, pupil progress and the degree to which such minimum proficiency standards have been met," with the cooperation of local school governing bodies.

Each parish or city school board shall "make a public report of the assessment results of which shall include pupil assessment by grade and subject area for each school in the district." A copy "shall be filed with the superintendent of education."

In addition to the state superintendent of education's report of assessment results," the Department of Education shall prepare and submit an annual report to the legislature, the State Board of Elementary and Secondary Education, to each school district in the state, and to the education committees of both houses of the legislature, containing an analysis, on a district-by-district basis, of the results and test scores of the testing programs in the basic skills courses." It includes an analysis of "average class size in grades one to three, inclusive;" of "pupil-teacher ratio in grades one to eight, inclusive;" of average scholastic ability, average transitory factors and of compensatory educational needs in each parish and city school system.

REGULATIONS

Policy and Procedure Manual of State
Board of Elementary and Secondary Education
3.01.51a

FREE ENTERPRISE

All students are required to take a one-half credit course in the free enterprise system in order to graduate from public high schools.

REGULATIONS

BULLETIN 741

REQUIREMENTS FOR HIGH SCHOOL GRADUATION

GRADUATION

The units required for graduation shall include the following: ENGLISH 3 units. Must be any three of the four courses, English I, II, III, IV. (A course in basic reading may be available as an elective course to enable students who need it to take the three English units required.) HEALTH AND PHYSICAL EDUCATION* 2 units. Each required unit must include 30 hours of health instruction. MATHEMATICS 2 units. SCIENCE 2 units. SOCIAL STUDIES 2 units. Two units in social studies shall be required. One unit must be in American History; and one unit must be civics or an equivalent course in citizenship education as approved by the State Department of Education. Total required 11 units. ELECTIVES 9 units. Total required for graduation 20 units. *Note 'Special Requirements'.

OTHER [GRADUATION REQUIREMENTS]

DIPLOMA

"A legal resident of Louisiana who successfully completes a college entrance examination and 9 semester hours of work at the college level will be entitled to a high school equivalency diploma, after verification by the registrar of an approved institution of higher education."

SCORING OF THE TEST OF GENERAL EDUCATIONAL DEVELOPMENT

GED TEST

"In order for an individual to satisfactorily complete the GED, he[she] must earn a standard score of 35 or above on each of the five sections of the test, or, if any one or more of the scores is below 35, he[she] must average a minimum composite score of 45 for all of the five sections."

CROSS REFERENCES

II.A.1.; Statute §17:274 -- 274.1

II.A.8; Regulation, Policy and Procedure Manual - Elem. and Sec. Educ., 3.07.00

II.A.8.; Regulation Bulletin 741

III.A.2.; Regulation Bulletin 741

III.D.School System; Regulation Bulletin 741

III.D.Students; Statute §17:391.7

STATUTES

TEACHERS

§17:417

"Teachers shall faithfully enforce the school courses of study and the regulations prescribed in pursuance of the law; and if any teacher willfully refuses or neglects to comply with such requirements, the parish superintendent shall withhold the salary of [the] teacher until he/she properly performs his[her] duties in such respect."

COURSE OF STUDY

§17:442

Teachers shall serve a probationary term of three years before becoming regular and permanent teachers in the employ of a school board of a parish or city (as the case may be), with proper certificates.

During the probationary period, the parish or city school board may dismiss or discharge any probationary teacher upon the written recommendation of the parish or city superintendent of schools.

A teacher completing the probationary period in good standing automatically becomes a permanent and regular teacher in the school district where the probationary time was served.

§17:443

"A permanent teacher shall not be removed from office except upon written and signed charges of wilful neglect of duty, or incompetency or dishonesty, or of becoming a member of or of contributing to any group, organization, movement or corporation that's by law or injunction prohibited from operating in the state of Louisiana . . . ."

REMOVAL

HEARING

REINSTATEMENT

Should a permanent teacher be found guilty by a school board and ordered removed from office, or disciplined by the board, the teacher may, within a year, petition a court for a full hearing to review the action of the school board. In case of a court order to be reinstated, he/she shall be entitled to full pay for any loss of time or salary sustained.

§17:444

PROMOTION

In the case of a promotion, a teacher "shall serve a probationary period of three years in the higher position before acquiring permananent status therein." During this period, a teacher "shall not be disciplined, removed or demoted to the lower position from which he/she was promoted [except as provided by law]. . . and shall automatically acquire permanent status in the higher position" at the expiration of the period.

"Where a teacher has not completed the probationary period . . . and is promoted to a higher position, the probationary period, . . . shall continue to run and at the end of [it] the teacher shall automatically acquire permanent status in the previously held position until permanent status in the new position is acquired. . . ."

§17:461

Teachers in the Parish of Orleans shall serve a probationary term of three years before becoming regular and permanent teachers in the employ of the Orleans Parish school board, with proper certificates at hand.

During the probationary period, "the Orleans Parish School board may dismiss or discharge any probationary teacher upon the written recommendation of the superintendent of public schools for the Parish of Orleans . . .

NOTICE

DISMISSAL

Any probationary teacher found unsatisfactory by the Orleans Parish school board at the expiration of the . . . probationary period, shall be notified in writing by the board that [she/he] has been discharged is dismissed; in the absence of such notification, the probationary teacher shall automatically become a regular and permanent teacher . . ."

§17:462

REMOVAL

"A permanent teacher [of the Orleans Parish] shall not be removed from office except on written and signed charges of immorality, or of wilful neglect of duty, or of incompetency, or of being a member of or of contributing to any group, organization, movement or corporation that is prohibited by law or injunction from operating in the state of Louisiana . . ."

HEARING

A hearing, held publicly or privately, at the option of the teacher, shall determine whether the teacher is guilty or not. At least fifteen days prior to the hearing, the teacher and the school board shall exchange lists of witnesses, their names and addresses and copies of documents to be used during the hearing.

The board "shall have the power to administer oaths and affirmations and the power to issue subpoenas . . . to compel the attendance of witnesses to the hearing and the production of documentary evidence . . ."

Should the teacher be found guilty and "ordered removed from office or or disciplined by the board," he/she may, within a year, "petition a court . . . for a full hearing to review the action of the school board." If reinstated, he/she "shall be entitled to full pay for any loss of time or salary" sustained by the school board's action.

REINSTATEMENT

§17:463

PROMOTION

In the case of a promotion, a teacher who has already acquired permanent status, "shall serve a probationary period of three years in the higher position before acquiring permanent status therein."

During this period, an Orleans Parish teacher "shall not be disciplined, removed or demoted to the lower position from which he/she was promoted [except as provided by law] and shall automatically acquire permanent status in the higher position at the expiration of the period, if no lawful action to remove or demote the teacher is begun.

Where a teacher has not completed the probationary period . . . and is promoted to a higher position, the probationary period . . . shall continue to run and at the

end of [it] the teacher shall automatically acquire permanent status in the previously held position until permanent status in the new position is acquired . . . ."

§17:464

"Nothing contained in the Revised Statutes of Louisiana shall be construed as conferring upon the Orleans Parish School Board the authority to make rules and regulations which may impair or nullify the provisions [detailing probation and tenure of teachers in Orleans Parish] of this subpart."

RULEMAKING

§17:541

Employees of vocational-technical schools "shall serve a probationary term of three years "before becoming a regular and permanent employee." They may be dismissed or discharged during their term by the chief school administrator. "The State Board of Elementary and Secondary Education shall develop and adopt a formal plan . . . for observing and evaluating employees . . . from the time [they begin] work "until they resign, retire, or are dismissed from school.

DISMISSAL

§17:542

"A permanent employee [of a vocational-technical school] shall not be removed except on written and signed charges of wilful neglect of duty, incompetency, dishonesty, or being a member of or of contributing to any group, organization, movement or corporation that is prohibited by law or injunction from operation in" Louisiana. A hearing by a committee of the board, public or private, at the option of the employee, shall determine whether the employee is guilty or not. "At least thirty days [prior to] the hearing, the chief school administrator shall furnish the board with . . . a copy of the written charges" and of documents to be introduced at the hearing, as well as a list of names and addresses of all witnesses. The employee shall do the same, at least fifteen days prior to the hearing.

REMOVAL

HEARING

"The committee of the board shall have the power to administer oaths and affirmations and the power to issue

subpoenas . . . to compel the attendance of witnesses and the projection of documentary evidence" at the hearing.

Should a "permanent employee [be] found guilty by the committee, . . . and ordered removed from office or disciplined . . .he/she may, within a year of the finding," petition a court of competent jurisdiction for a full hearing to review the action of the committee." If reinstated "or restored to duty," he/she "shall be entitled to full pay for any loss of time or salary" sustained because of the committee's action.

REINSTATEMENT

§17:543

If promoted to a position of higher salary, an employee [of a vocational-technical school] with permanent status "shall serve a probationary period in the higher position before acquiring permanent status therein . . ." at the expiration of the period.

PROMOTION

During this period, he/she "shall not be disciplined, removed or demoted to the lower position "he/she was promoted from.

"When an employee has not completed the probationary period . . . and is promoted to a higher position, the probationary period shall continue to run and at the end of such three year . . . period the employee shall . . . acquire permanent status in the previously held position until permanent status "is acquired in the new position. "All employees shall be given credit for time served in employment in their capacity as such."

CROSS REFERENCES

II.A.1.; Statute §17:281

II.A.2.; Regulation, Policy and Procedure Manual - Elem. and Sec. Educ., 3.02.12

II.A.3.; Statute §17:480

II.A.7.; Statute §17:471

VOCATIONAL EDUCATION

CROSS REFERENCES

II.A.3.; Statute §17:349.4

II.A.3.; Regulation, Policy and Procedure Manual - Elem. & Sec. Educ.

ALTERNATIVE SCHOOLS

CROSS REFERENCE

II.A.10. Other - Alternative Schools; Regulation Bulletin 741

CENSUS

CROSS REFERENCE

I.State Board of Education; Statute §17:12

STATUTES

CURRICULUM

§17:391.6

"From time to time, . . ., the Department of Education shall conduct studies of the effectiveness of various courses, in addition to the basic communication and computation skills courses, offered by public schools . . ., [and which] will include details of the specific objectives of the courses and the level of achievement attained by students enrolled in [these] courses . . . ."

"The department shall maintain the anonymity of all students involved and local school board personnel . . ., [and] the governing board of any school district shall cooperate fully with the State Board of Elementary and Secondary Education in making its schools available for such studies . . . ."

The department shall report its findings, and any recommendations, to the state board of education and the legislature.

EARLY CHILDHOOD EDUCATION

CROSS REFERENCE

II.A.4.; Regulation Bulletin 741

EDUCABLE CHILDREN

STATUTES

§17:15

Every four years, "an enumeration of all educable children in each parish shall be made", under the supervision of the state board of education.

EDUCATIONAL SYSTEM

CROSS REFERENCE

I.State Board of Education; Statute §17:12

III.C.School System; Statue §17:102

III.E.Educational System; Statute §17:100.2

KINDERGARTEN PROGRAMS

CROSS REFERENCE

II.A.4.; Regulation Bulletin 741

LITERARY SKILLS

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.01.00

The state board of education will "initiate and maintain" a state program of educational assessment of the public schools. The program shall provide information on the "basic literary skills in the public schools."

PROFESSIONAL PERSONNEL

STATUTES

§17:391.5

There shall be a set of guidelines developed by the State Board of Elementary and Secondary Education, to assess and evaluate "the performance of certified teachers, administrators and other professional school personnel in the state for adoption by each school board . . .with the assistance of a representative committee of teachers and administrators . . . . The guidelines shall be reviewed by the Joint Legislative Committee on Education. . . .

Evaluation and assessment of the performance of each certified employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall consist of an appraisement of the performance of the employee in the extension of teaching duties and responsibilities. In the event an employee is considered not performing his[her] duties in a satisfactory manner . . . the employing authority shall notify the employee in writing of such determination and describe such performance . . . ." The employer shall make "specific recommendations as to areas of considered unsatisfactory performance." Assistance "to correct such . . . deficiencies . . . shall include but not be limited to inservice training programs . . . ."

Evaluations and assessments shall be made in writing, a copy of which shall be sent "to the school employee not later than fifteen days after the evaluation takes place.

The employee shall have the right to initiate a written [response or reaction] to the evaluation . . . [which] shall become a permanent attachment to . . .[his/her] personnel file . . .[A] meeting shall be held [before the end of the school year] between the certified employee and the appropriate official . . .[at which] the employee may . . . have the opportunity to amend, remove, or strike any inaccurate or invalid information . . .[in] the written evalution and from [his/her] file . . . .

Copies of the assessment and evaluation of any school employee . . . are confidential . . . and shall not be . . . released or shown to any person except the concerned employee, and authorized school district officers and employees 'for all personnel matters,' as well as for introduction of evidence at a hearing, and when the competency of the teacher is at issue.

Each school board shall annually file a report with the State Board of Elementary and Secondary Education containing . . . information relative to the evaluation of school personnel . . . . [The] Department of Education shall also compile an annual report listing the results of assessments in the various school districts and proposals for the improvement of school personnel . . ."

This report shall "be filed with the State Board of Elementary and Secondary Education and with the education committees of the two houses of the legislature."

PUBLIC SCHOOLS

STATUTES

§17:16 -- 17; 19

"The state superintendent of education shall make an annual report to the governor and to the members of the legislature" on the conditions in the public schools. He/she shall file each year, documents, "transmitted to him/[her] by the boards and officers," and keep a record of all matters related to his/her office. Furthermore, the state superintendent of education shall report all irregularities committed by parish school boards or parish superintendents, to the state board of education.

§17:391.1

"It is the intent and purpose of the legislature to provide for the development and implementation of educational evaluation and assessment procedures for the public schools of the state" by providing for "the establishment of procedures for shared educational accountability in the public educational system," by assuming that "educational programs operated in the public schools lead to the attainment of established objectives for education," by providing for "a uniform system of evaluation of the performance of school personnel," and of "information for an analysis of the differential effectiveness of instructional programs."

SCHOOL SYSTEM

STATUTES

§17:90-94

Parish superintendents of schools shall "maintain their offices in the parish . . . to receive the reports of teachers and others," keep a record of all business they transacted, which will be subject to inspection by the state superintendent of education, and provide reports to the respective parish school boards, on a quarterly basis, and annually to the state board of education, by August 15. They shall "keep full minutes of all proceedings of the board."

Parish superintendents shall also "furnish to the state department of education such narrative and such information as the state superintendents or the state board of education may from time to time require" of him/her.

SCHOOL VISITS

Parish superintendents of schools "shall visit as often as possible during the year each school in the parish" to promote the cause of public education, while faithfully carrying out the requirements of state school laws. They may "administer the oath required by any of the officials of the public schools . . . except to quality school board members."

§17:391.8

The state board of education shall be required to make additional reports to the legislature beyond those specifically required by statute" as it deems appropriate concerning appropriate or necessary legislation with respect to the results of the accountability and assessment programs established [by law.]"

§17:391.11 -- 17:391.12

"The public school accountability and assessment program . . . shall not become operative in [parishes] . . . presently . . . implementing a parish pilot educational accountability program until the expiration of such program . . . ."

Certain parishes shall be exempt from the provisions of this Part "except with a majority vote of the governing body of the school systems . . . "

§17:415

"Parish superintendents and teachers of public schools . . . shall make and keep . . . school records as . . . prescribed by the state superintendent of education, prior to receiving their monthly salaries."

Each principal of a school shall make reports as required to the parish superintendent of schools.

REGULATIONS

BULLETIN 741

"Accurate and current data concerning the school, its staff, and its pupils must be readily available for good school administration. These data are necessary for the purpose of supplying pertinent information to school officials, parents, pupils, and others. The school principal maintains a number of essential records, [including:]

Scholastic and Attendance Records. . . . Transfer Student Records . . . . School Fund Records . . . . Health Records . . . . Textbook Records . . . . Other Records. . . .

Annual School Reports

At the end of the first reporting period during the session, the principal shall forward a report, through the local superintendent's office, to the State Department of Education. . . . This must include the name, certification, achievement, and experience of each teacher employed; the daily schedule of classes; the registration of students in elementary grades; the high school subjects taught; and any other information which may be required. . . .

School systems which fail to comply with policies of the State Board of Elementary and Secondary Education shall be accountable as provided in R.S. 17:1-R.S. 17:42.

Before a student may graduate from an approved high school, a Certificate of High School Credits shall be submitted to and approved by the director, Bureau of Secondary Education, State Department of Education. . .

Student registration, gains, losses, enrollment, and attendance shall be recorded on report forms furnished by the State Department of Education. A completed form must be sent to the local superintendent's office and a copy filed in the principal's office. The principal shall send the session report to the local superintendent at the end of the school year. A copy of this report shall be filed in the principal's office, the local superintendent's office, and shall be available to the State Department of Education upon request. . .

Reports covering the student's achievement and progress shall be made to parents or guardians periodically. These reports shall contain an evaluation of the pupil's scholastic achievement and deportment. . .

Any other reports that may be required by the State Board of Elementary and Secondary Education or the State Department of Education shall be submitted."

"The local superintendent or chief school administrator shall require from the principal of each school, on or before October 15, the completed Annual School Report based upon minimum requirements for the approval of public schools. The local superintendent or chief school administrator shall submit to the State Superintendent of Education by November 15 of each year an annual school report for each school in his[her] system showing the extent to which each school is meeting the minimum requirements for classification. A composite report of the findings and ratings of the schools shall be presented to the State Superintendent and State Board of Elementary and Secondary Education for final action. In order to benefit from state funds, a school must have a state approval classification."

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2.; Statute §17:1948

STUDENT ACHIEVEMENT

STATUTES

§17:391.7

"Each school board shall report to the department of education . . . the results of all achievement and scholastic aptitude tests . . . . The district wide results of these tests . . . shall be reported by the school board at least once a year at a regularly scheduled meeting . . . [Each] parish superintendent of schools shall cooperate with and give assistance to individual local schools under [his/her] jurisdiction in carrying out the testing program of [these] districts . . . . No city or parish superintendent of schools, nor any principal or teacher of any elementary or secondary school . . . shall carry on any program of specific preparation of the pupils within the district for the testing program . . .

TESTS

No provision of this part shall be construed to mean, or represented to require, that graduation from a high . . . school or promotion to another grade level is in any way dependent upon successful performance on any test administered as a part of the testing program. However, the State Board of Elementary and Secondary Education retains the authority to adopt such requirements."

STUDENT NEEDS

CROSS REFERENCE

III.C.School System; Statute §17:391.3

STUDENT PERFORMANCE

CROSS REFERENCE

III.C.Students; Statute §17:391.4

STUDENT PROFICIENCY

CROSS REFERENCE

III.C.Students; Statute §17:391.4

TESTS

STATUTES

§17:391.10

"All plans and standards. . . which involve adoption by the State Department of Education or by the State Board of Elementary and Secondary Education of means of measurement and evaluation shall be submitted to [at least] . . . three independent authorities in the field of educational measurement and evaluation," whose reports shall be made public.

YEAR-ROUND SCHOOL OPERATION

STATUTES

§17:341-- 346

In order to provide for improved curricula and to make possible the realization of the full potential of students and school professionals, the legislature proposes a program of year-round operation of the public schools of this state for all public school systems.

Each school board shall study the feasibility of converting to a year-round operation, if it has expressed the intent to do so. The study shall take into account the present and projected enrollment of the system as a whole, the problems of school staffing, the use of existing school facilities, and the probability of public acceptance. The proposed plan of operation shall provide for the minimum number of days of school attendance for each pupil; the basis of pupil assignments to the particular year for instruction; and curriculum development organization staff, transprotation and maintenance provisions.

An estimate of the total costs involved shall also be included in the proposed plan. No action shall be taken by any school board to implement year-round operation (unless they were already doing so) until the study and the plan of operation have been approved by the Louisiana State Board of Elementary and Secondary Education.

the Louisiana State Board of Education shall [adopt rules and regulations regarding year-round operation] so as to implement . . . the laws . . . which may appear in conflict with the [related] provisions."

RULEMAKING

E. Improvement Efforts

Curriculum

CROSS REFERENCE

III.C.School System; Statute §17:102

Educational System

STATUTES

§17:100.2

Parish school boards are authorized to enter into voluntary compacts with other parish school boards for the purpose of providing multi-parish school boards with programs of all kinds to the public school children of the participating parishes. They can pool their administrative

and instructional resources and allocate funds for the purpose of the compact.

The participating boards may encourage and foster research in education, stressing the scope of instruction, organization, administration, and instructional methods used or to be used in the multi-parish units. They may also formulate plans and policies for the improvement of public education as a whole and make recommendations to the appropriate governmental units, agencies and public officials.

The compact of participating boards is authorized to cooperate with the U.S. government in any of its programs, and to accept federal funds.

PROFESSIONAL PERSONNEL

CROSS REFERENCE

III.D.Professional Personnel; Statute §17:391.5

PUBLIC SCHOOLS

CROSS REFERENCE

III.D.Public Schools; Statute §17:391.1

STUDENTS

CROSS REFERENCE

III.E.Teachers; Statute §17:2851; 17:2852

TEACHERS

STATUTES

§17:85

"Each school board shall provide for and conduct an annual two day in service teacher educational program for teachers . . ."

§17:86

"A parish school board may pay all or part of the expenses of special sessions of schools organized and

maintained for the benefit of teachers, and it may pay all or part of the salaries and expenses of persons employed in the extension service to promote agricultural and other industrial instruction for the benefit of children.

No parish school board shall use any of the parish school funds in purchasing any textbooks, material or supplies as herein authorized, but such purchase shall be made entirely from proceeds derived from the sale of such books, material, and supplies, respectively as the case may be."

§17:2851; 17:2852

"The State Department of Education . . . shall provide for and shall administer, supervise and conduct, seminars annually in each parish and city school system . . . to give high school students and teachers . . .a clear understanding of the fundamental principles of the American form of government, the evils of socialism and the basic philosophy of communism and the strategy and tactics used by Communists in their efforts to achieve their ultimate goal of world domination."

The Department may determine a separate time and place for training teachers in such a field. It will be responsible for all preparations "necessary to provide instructions, lectures, and personnel" for these seminars, to be held for a minimum of two days.

These seminars will be attended "by certain teachers and eleventh and twelfth grade high school students selected from the high schools of the state," according to eligibility criteria established by the State Board of Education.

REGULATIONS

BULLETIN 741

IN-SERVICE TRAINING

"All personnel shall be actively engaged in a continuing planned program of in-service development designed to insure certification of staff and job effectiveness.

The Division of Special Educational Services shall, in accordance with its State Plan, provide additional pre- and in-service training programs in cooperation with institutions of higher learning to guarantee an available supply of professionally prepared personnel and shall also institute training programs for paraprofessional and support personnel.

Faculty members should have and should be encouraged to have membership in local, state and national professional organizations for the handicapped and gifted."

CROSS REFERENCES

II.A.1.; Statute §17:274 -- 274.1

III.A.1.; Regulation Bulletin 741

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Statutes
§916

"Any approved elementary school unit may apply to the commissioner for recognition as an accredited school unit. The commissioner, with the approval of the department, shall establish the requirements for accreditation, with the assistance of an advisory body of professional and lay persons which he/she shall appoint. The requirements include quality and instruction, curriculum and school facilities."

Regulations
STATE PLAN FOR BASIC APPROVAL - ACCREDITATION - SELF EVALUATION

"The umbrella plan of basic approval is designed for statewide utilization and is intended to guarantee equal educational opportunities for all children for the amount of dollars available. This program plan not only insures minimum program standards but provides measurements of quality as well. The plan features program evaluation, with recommendations for improvement jointly by professionals with heavy citizen participation."

CROSS REFERENCE

II.A.3.; Statute §2356-A

2. Other Qualfication Standards

Statutes
§801

Holidays will be observed by closing the public schools. When a holiday falls on a Sunday, it will be observed on the following Monday.

§855

School money shall be spent to give "as nearly as practicable" the same aggregate annual term length in all the schools of the unit. Each unit will provide for the maintenance of schools for not less than 180 days, and not less than 175 shall be actual school days. No more than 5 days may be devoted to inservice training, administrative meetings, parent-teacher conferences, and other teacher work activities. The department may reduce and waive the minimum number of days required upon receiving a written application with reasons from the school committee or directors.

School attendance and average daily membership records shall be kept for those days during which students and teachers are present.

If a unit does not comply with this section it shall be debarred from receiving state school moneys until it has made suitable provision for compliance.

CROSS REFERENCE

I.Commissioner of Education; Statute §151; 155

B. Qualification Standards for Personnel

Board of Directors

STATUTES

§302

No director or spouse shall be a full-time employee in any public school within the jurisdiction of the board of directors.

Community School Teachers

CROSS REFERENCE

I.Community School Board of Trustees; Statute §353

School Committee Member

CROSS REFERENCE

I.School Committee; Statute §472

SCHOOL DIRECTOR

CONFLICT OF INTEREST

STATUTES

§309-D

"No school director shall, during his term or for one year thereafter, be appointed to any civil office of profit or employment position," which was created or had its compensation increased by the school directors during his term.

SCHOOL PSYCHOLOGIST

REGULATIONS

Administrative Letter No. 41 4/26/77

No person may be employed as a school psychologist unless the person has been licensed by the state as a psychologist.

SUPERINTENDENT

STATUTES

§160

Certificates of superintendent's grade shall be issued under regulations prescribed by the commissioner.

TEACHERS

STATUTES

§59

The commissioner of Educational and Cultural Services is authorized by the state board of education and according to the rules and regulations it prescribes, to certify and revoke the certifications of teachers, and other professional personnel for service in any public, non-public or private school; and to approve the employment of teacher aides, or other semi-professional personnel.

The state board of education may authorize the commissioner to certify adult education teachers and other teaching and professional personnel in publicly-supported education programs, other than public schools, post-high school institutions, colleges and universities.

In matters of certification, an advisory body of

"qualified practitioners, teacher-educators and representatives of the public" selected and functioning according to rules established by the state board of education, shall review proposed changes in rules and regulations and advise the state board of education. Fifty percent of the advisory body shall be currently employed teachers.

CROSS REFERENCE

III.D.Educational System; Regulation, Coordination of Planning and Management (1972), Pursuant to 20 MRS §102

C. Performance Standards

Educational Program

CROSS REFERENCE

III.A.1.; Regulation, State Plan for Basic Approval - Accreditation - Self Evaluation

High School Graduates

CROSS REFERENCE

II.A.1.; Statute §1222

Industrial Education School

CROSS REFERENCE

II.A.3.; Statute §2401

School Directors

STATUTES
§309-C

A contract made by school directors is void if a school director is pecuniarily interested, directly or indirectly, except where the directors advertise for sealed bids by publication at least 5 days prior to the date set for closing bids in a newspaper of general circulation in the school administrative district.

CONFLICT OF INTEREST

School Districts

STATUTES
§854

"When the governor has reason to believe that a town or district has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction

given in subjects prescribed by law, or to provide suitable textbooks in the subjects prescribed by law, or faithfully to expend the school money received from the state or in any way to comply with the law prescribing the duties of administrative units in relation to public schools" he/she may have the Treasurer withhold any amount he determines from that unit's state school funds, until the unit shall satisfy the governor it has complied with the law. If the unit fails to satisfy the governor for one year the money is forfeited to the State General Fund.

CROSS REFERENCES

I.Legislature; Constitution, Art. VIII, §1

SCHOOLS

§211

"It is declared to be the policy of the state to encourage the development of school administrative units of sufficient size to provide a more equalized educational opportunity for pupils, to establish satisfactory school programs and to achieve a greater uniformity of school taxes among the school administrative districts and a more effective use of public funds expended for the support of public schools."

STUDENTS

REGULATIONS

STATE PLAN FOR COMPETENCY-BASED GRADUATION

Issued Nov. 1975

"A task force was constituted to study this approach and a report of its recommendations will be presented to the State Board of Education." If adopted, it would be utilized statewide and may be applied to all grade levels, but initially it would apply to high school seniors.

D. Evaluation and Reporting

Commissioner of Education

CROSS REFERENCE

II.A.3.; Statute §2401

Education System

REGULATIONS

COORDINATION OF PLANNING AND MANAGEMENT INCLUDING A STATEMENT OF MISSION AND GOALS OF DEPT. OF EDUCATIONAL AND CULTURAL SERVICES (1972). Pursuant to 20 MRS §102

The Department of Education and Cultural Services is responsible for providing planning and leadership in making high grade educational services available in the state. It is required to collect and summarize information necessary to formulate policy, to insure program in fiscal effectiveness and to assist local agencies in developing program and management capability.

Among the goals of the systems are:

1. improving the "breadth and quality" of education by developing programs and techniques to assist all students and dropouts acquire the knowledge and skills to assist them in their daily lives.

2. Assisting the SBE in developing high standards for teacher certification.

3. improving vocational education opportunities.

4. providing adult education courses in vocation, health, recreational, cultural, academic and basic studies.

Physical Education Instruction

CROSS REFERENCE

II.A.1.; Statute §1012

School Lunch Program

CROSS REFERENCE

IV.C; Statute §1053

SCHOOLS

INSPECTIONS

STATUTES

§2501

"All schools offering courses for credit toward graduation from a Maine elementary or secondary school shall be inspected under the direction of the state board, and the expenses thereof shall be paid from the state appropriation for the support of public schools."

SCHOOL SYSTEM

STATUTES

§1055

The financial records of the administrative unit will be audited, and the audit will be sent to the commissioner by September 1st of each year. Records will be preserved for 3 years.

SPECIAL EDUCATION NEEDS OF CHILDREN

CROSS REFERENCE

II.A.2.; Statute §3124

STATE PLAN FOR THE EDUCATION OF EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Statute §3128

STUDENTS

REGULATIONS

STATE PLAN FOR LEARNING MANAGEMENT SYSTEM

Issued 1975

"This program provides an assessment tool for determining the basic skill levels of students in grades K-6. It allows identification of levels of skill attainment on a continuous progress basis....This is a statewide program."

E. Improvement Efforts

Educational Personnel

Regulations

STATE PLAN FOR EDUCATIONAL PERSONNEL PRE-SERVICE AND IN-SERVICE PROGRAM APPROVAL

Issued May 20, 1976.

Purpose

"The development of policy, standards and procedures for the review and approval of educational personnel pre-service programs and in-service programs."

Key Features of the Plan

A set of policy, standards and procedures for all programs preparing educational personnel.

Educational Program

CROSS REFERENCE

III.A.1.; Regulation, State Plan for Basic Approval - Accreditation - Self Evaluation

Personnel Serving Exceptional Children

CROSS REFERENCE

II.A.2.; Regulation: State Plan - Grant Request, 1975

Superintendent

Statutes

§159

The commissioner shall annually hold a conference for the instruction of superintendents.

Teachers

CROSS REFERENCES

II.A.2.; Regulation, Administrative Letter No. 31, 2/4/77

II.A.2.; Statute §3161

II.A.10. Other - Alternative Education; Statute §932

III.A.2.; Statute §855

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STATUTES

Art. 77 §11

The state board shall prescribe all rules for the accreditation of public schools. It shall also prescribe minimum requirements for issuing certificates and diplomas by private and public schools. Every non-collegiate institution must obtain a certificate of approval from the board in order to commence or continue to operate. "The Board shall issue a certificate of approval to an applicant if it finds the facilities, conditions of entrance and scholarship, and educational qualification and standards are adequate and appropriate for the purposes of the institution. . . ." If the board has reason to believe a non-collegiate institution is not in compliance with the standards upon which approval was granted, it shall give the institution written notice and hold a hearing to determine the manner. If after the hearing, the Board determines an institution is not in compliance, it may order it to cease operations. The institution, however, has a right to judicial review in which the decision of the Board shall be presumed to be correct.

Every such institution shall be open to inspection by the State Superintendent.

Art. 77 §146

School as defined in this section shall mean any institution charging tuition or fees for attendance except: accredited high schools or institutions of higher learning, church operated schools, programs conducted by private industry for its own employees, continuing education or refresher courses sponsored by any professional group for its members only, or a non-public school which holds a certificate from the state superintendent.

2. Other Qualification Standards

Statutes

Art. 77 §74-76

"The school year shall be divided into such terms as the board . . . shall deem appropriate."

"Schools shall be kept open each day during the school year, except Saturday, Sunday and holidays for not less than six hours."

Recognized holidays are set forth in the statute.

Regulations

13.02.03.01

"The size of the school system will determine to some extent the degree of staff specialization, but every effort should be made to provide adequate instructional and pupil personnel services to both elementary and high schools." It is recommended that there be one general supervisor for every 1,000 to 2,000 pupils and "one general or special supervision for each additional 1,200 pupils enrolled."

STAFFING

"For most school systems this ratio should provide an instructional services staff with special competence at both elementary and secondary levels in such areas as curriculum development, subject content, and specialized services, e.g., reading, speech and hearing, the gifted, the handicapped." It is recommended that there be "one supervisor of pupil personnel for the first 2,500 pupils enrolled and one pupil personnel worker (visiting teacher, school social worker, or school psychologist) for each additional 2,500 pupils."

13.03.01.01

"The general policies for public secondary school

instruction shall include those set forth in Policies and Programs: Public Secondary Education in Maryland . . . . The standards for the organization, administration, and conduct of the public high schools . . . shall include those set forth in . . . Principles and Standards: Public Secondary Education in Maryland. . . This document establishes . . . standards . . . for the establishment of schools, grade organization, length of school year and school day. Standards for school programs are set forth for junior and senior high schools, and on . . . testing, scheduling and grouping, promotion, and graduation requirements, as well as pupil services, library services, and activity programs. . . . Standards . . .[are] set forth for the administration and supervision of total operation of the school, and for the qualifications and utilization of the staff."

13.03.01.03

"The degree of teacher time . . . available to students for instructional purposes is a major index of educational quality . . . .[Since] the appropriateness of a specific ratio of pupils to each classroom teacher may vary . . ., no prescriptive . . . ratio is set forth . . . . However, school administrators should regard "a ratio of one teacher to each 25-28 pupils as the desirable norm."

STAFFING

PUPIL/TEACHER RATIO

"The increasing need is the modern school for administrative and certain specialized services in addition to those provided by the classroom teacher makes additional staff highly desirable." Tables are included that "suggest desirable . . . goals to be achieved in the typical school for such nonteaching school personnel." The special needs of handicapped children must also be provided for.

CROSS REFERENCES

III.C.Local Boards of Education; Regulation 13.07.06.01

IV.G.; Statute Art. 77, §73

ADMINISTRATORS

STATUTES

Art. 77 §107

"No person shall be employed as county superintendent, assistant superintendent, supervisor, principal, or teacher unless such person is eligible to be issued a certificate by the state superintendent of schools."

ASSISTANT SUPERINTENDENT FOR LIBRARIES

CROSS REFERENCE

II.B.3.; Statute Art. 77, §164

CERTIFICATED PERSONNEL

REGULATIONS

13.06.01.05

The State Superintendent of Schools may issue certificates for assistant in administration and supervision to persons who qualify and perform "responsibilities not otherwise covered in the certification requirements." Assistants must complete a four-year college course or have "appropriate certification from the board controlling the professional practice of the specialty and three years experience in the special field."

Superintendents. The requirements to be certified "as superintendent or deputy, associate and assistant superintendent . . . shall be: a) eligibility for a professional certificate; b) a master's degree; c) three years of . . . teaching . . . and two years of administrative and/or supervisory experience; d) . . . completion of a two-year program" with at least 60 hours' graduate work in administration and supervision.

Supervisors and Principals. "The requirements for a certificate as supervisor or principal shall be: a) eligibility for a professional certificate" at the appropriate level; b) a master's degree; c) "an additional

15 . . . hours of graduate or equivalent credit;" d) three years of teaching; e) "completion of a balanced program of graduate courses, 15 semester hours of which may be in State Department of Education-approved workshops "in the areas of supervision, curriculum, and content.

Administrative assistants, assistant principals, or vice principals who fulfill these requirements "may be issued a principal's certificate." The principal of an elementary school that has six or less teachers who teach at least half the day may hold a Standard Professional or Advanced Professional Elementary School Teacher's Certificate."

Special Areas:

1. Educational Media (Audiovisual/library) Administrator (Level III). The person in the position is responsible "for the administration and supervision of the media program at the school system level and in the individual schools." Position requirements are: "a master's degree in a media program . . .[and] an additional 15 semester hours of graduate credit or equivalent credit for workshops and institutes approved by the State Department of Education . . .[to] include at least . . . six . . . hours in administration and supervision . . .; three years of . . . school media program experience . . .; eligibility for a professional certificate as an Educational Media Generalist (Level II).".

2. Supervisor of Teachers of the Hearing Impaired. Professional certification is contingent upon the fulfillment of these requirements: "a) eligibility for certification as a teacher of the hearing impaired; b) a master's degree;" c) graduate study, including "administrative and supervisory techniques and . . . curriculum development; d) three years . . . teaching . . . the hearing impaired," or four years experience in a school, 2 of which were teaching the hearing impaired.

3. Supervisor of School Psychological Services. "The supervisor of school psychological services supervises and administers . . . psychological services in the schools

of a city or county. Requirements are "certification as a psychologist by the Maryland State Board of Examiners of Psychologists or a doctoral degree in psychology or education . . . . The required academic background is the same as for school psychologist II;" in addition, two years of experience are required.

4. Supervisor of Pupil Personnel Requirements are: "eligibility for a professional certificate . . .[and] for the Standard Professional Certificate as pupil personnel worker," a master's degree, a graduate course in administration and supervision and three years teaching experience.

6. Supervisor of School Lunch. To be certified an individual must be eligible for a professional certificate, have a master's degree and graduate credit in "supervisor of school lunch" and appropriate content areas, and four years' "experience in food service management (at least two in a public school) or four years of teaching "including two years' experience in management of the school lunch program."

7. Assistant Supervisor of School Transportation. Requirements are a four-year college course or its equivalent, or "training and experience in related fields."

8. Supervisor of School Transportation. To be certified a person must be eligible for a professional certificate; hold a master's degree, including six hours each in public school administration and public school transportation, and three years' teaching or public transportation experience.

9. Supervisor of Speech Pathologists and Audiologists. To obtain a "professional certificate in supervision of speech pathology and audiology," an individual must be eligible for State certification as a Speech Pathologist or Audiologist; have a master's degree and take at least one graduate course in administration/supervision and in school curriculum development; and have worked at least four years as a speech and hearing clinician, of which at least two years were in a "school setting."

Specialists

1. Guidance Counselor. Requirements for certification are two years' teaching in counselling, or at least 30 hours "of graduate or post-baccalaureate credit" in certain specified fields of study.

6. Educational Media (Audiovisual/Library) Associate (Level I).

"A media associate has developed introductory professional knowledge, . . . and competency in media services, with particular emphasis on the operation of a uniform media program. . . . The associate should work under the supervision of a media generalist of [sic?] a system administrator." Certification requirements a bachelor's degree and "18 semester hours in basic media education;" and a "practicum or two years of . . . teaching or . . . media-related experience . . . .

"To renew the Standard Professional Certificate for a Media Associate (Level I), the Associate may follow the usual pattern that leads to the Advanced Professional Certificate" or may earn six credits per three-year renewal period (24 for 12 years); "this option would permit State-approved workshops, institutes, in-service activities, undergraduate or graduate credit to be used for renewal . . . . The Media Associate must earn at least six semester hours of continuing education . . . for each five-year renewal period . . . after the twelve-year period."

7. Educational Media (Audiovisual/Library) Generalist (Level II) "A media generalist has developed . . . competency in the broad range of media services, with particular emphasis on . . . the development and administration of a unified media program." Certification requirements are "a master's degree in media education, or 36 semester hours of equivalent graduate credit, of which 15 . . . must be completed at one instituion . . . . The . . . program must include the development of full professional competencies in the areas" specified. Also required is a "practicum or two years of . . . teaching or . . . media-related experience." The graduate school must certify

"that the student has demonstrated proficiency and competency in the areas required."

8. Education Media Specialist in (Level II). "A media specialist has developed a high degree of . . . competency in a specific area of the media program. Requirements are a master's degree "or an equivalent program of 36 semester hours of post-baccalaureate credit," at least 15 earned at one institution; "the specialist program must . . . develop full professional competency in a special or media related field" and in the area of educational systems. A "practicum in two years of . . . teaching in . . . media related experience" are also required. The graduate school must certify "that the student has demonstrated proficiency and competency in the areas required."

9. Consultant Psychologist. Provision is made for "certification in specialty areas of psychology. . . The Consultant's function in the school system shall be limited to his[her] area of specialty, for example, social, clinical, educational, experimental, counseling, personnel, rehabilitation, community psychology." Requirements are certification as a psychologist or a doctorate in psychology, and three years' supervised experience as a psychologist, at least one year of which is in the specialty area.

10. School Psychologist I. An individual in this position must be supervised by a School Psychologist II. Requirements for certification are a master's degree in psychology in education or 34 hours of graduate credit, both in programs "approved for clinical or school psychology and in either case including 45 hours of graduate and undergraduate credit in specified areas (or a "doctorate from an APA approved program in clinical or school psychology) and one year's experience "providing psychological services to individuals or groups under a person who is a qualified psychological supervisor . . . by APA Standards, or who is certifiable as a School Psychologist II or higher.

11. School Psychologist II. "The School Psychologist II is certificated to work independently and to supervise

School Psychologists I." The requirements are certification as a psychologist, or a doctorate in psychology or education, or a master's in psychology or education plus 21 graduate credits; background must include 60 hours of credit in specified areas (unless the individual has received a "doctorate from an APA approved program in clinical or school psychology"). Also required are "three years . . . expereince working as a psychologist in an educational or clinical setting under qualified psychological supervision "and at least one year of work with children.

12. Pupil Personnel Worker. Requirements are "a master's degree in pupil personnel or a related field, such as: counseling and/or guidance services; early childhood education; elementary education; human growth and development; secondary education; sociology or social work; special education; administration and supervision; psychology.

"On completion of 30 post-baccalaureate semester hours relevant to pupil personnel work," at least 15 of which must be at the graduate level and 15 of which" may be earned in in-service programs . . . .

"On completion of a planned program of at least 30 semester hours of in-service education relevant to pupil personnel work."

Also required is the completion of a course in each of 7 specified areas (school law, counseling, juvenile delinquency, human relations, early childhood development or adolescent psychology, family or cultural studies, and testing and three years' teaching experience.

13. Reading Specialist. Requirements are eligibility for professional certification, three years' "teaching and/or clinical expereince." and a master's degree or equivalent graduate study "in reading and related areas distributed as" specified.

14. Reading teacher. Certification requirements are eligibility for professional certification, two years' teaching experience, and 12 hours of "graduate credit in reading, including a . . . course . . . in diagnosis and correction of reading difficulties."

15. Speech Pathologist and Audiologist. "A pro-

fessional certificate in speech pathology or audiology shall be issued to an applicant who satisfies" these requirements (a person holding the appropriate Certificate of Clinical Competence or approved by the American Speech and Hearing Association is automatically eligible). A person must either hold an appropriate master's degree, or a bachelor's degree with study at the graduate level, including 60 credit hours in the specified areas and "275 clock hours of supervised clinical experience in the evaluation and rehabilitation of children and adults presenting a variety of disorders of communication."

16. Therapists (Occupational and/or Physical Therapists). Requirements are "graduate from a school of occupational . . . or physical therpy. A physical therapist must be licensed by the state. "Recent credit and renewal regulations do not apply to these two categories."

Teachers -- General

1. Early Childhood Education (Nursery School, Kindergarten, Grades 1-3) A certificate shall be issued to an individual who meets the requirements for a Standard Professional Certificate (13.06.01.02 A.1.a,c or d; 2a or b; 3a), or the following requirement: a bachelor's degree; 80 credits in content courses in English, social studies, mathematics, science, art, music, physical education, and "at least 26 semester hours in a planned program of professional education in . . . early childhood education" (including student teacher or two years teaching at the appropriate level).

2. Elementary Education. Certification is issued to a person who meets requirements for the Standard Professional Certificate (13.06.01.02 A.1.a,c,d; 2a, b; 3a,b) or the following: a bachelor's degree; 80 credits in content courses (English, social studies, science, math, music, art, physical education); and "at least 26 semester hours in . . . elementary education" (including student teaching, or two years of elementary school teaching experience). Teachers who have taken all required content courses "and hold either a secondary. . . or a junior high school teacher's certificate may teach

grades 5 and 6"; teachers holding the latter types of certificates "may teach in departmentalized grades 5 and 6" if they teach the subject(s) for which certificated.

3. Junior High Education. "Junior high school teacher's certificates shall no longer be issued. Existing. . . certificates . . . may be extended for three-year periods upon the presentation for each three-year extension of six semester hours of credit leading to" regular certification at the elementary or secondary level. "An elementary teacher may teach an academic subject in grades 7,8, or 9, provided he[she] meets the content requirement for a secondary school certificate in the subject(s) to be taught."

4. Middle School Education. "The elementary school teacher's certificate shall be considered valid . . . through grade 8 in a middle school organization . . . .

"In a departmentalized organization, a high school certificate in the appropriate subject(s) shall be considered valid."

5. Secondary Education. "A standard professional secondary school teacher's certificate in academic subjects shall be issued to a teacher who meets the requirements of 13.06.01.02 A.1.a,c or d; or 2a or b; or 3a or b; or meets the following requiremetns:" a bachelor's degree; the required number of credits in one of the academic fields of study listed; and 18 credits" in a planned program of professional education" (including student teaching, or two years' teaching experience). Special Areas (Elementary and Secondary): "A Standard Professional Elementary or Secondary School Teacher's Certificate in . . . the following special areas (including vocational education) shall be issued to a teacher who meets the requirements of 13.06.01.02 A.1. a,c or d; or 2a or b; or 3a or b in the specific subject or area." Secondary school teachers who do not qualify under these provisions for the subject must have a bachelor's degree "and the required professional courses for secondary school teachers as listed under 13.06.01.05 c. General, 5c; or the specific requirements listed in each category."

1. Agriculture. Requirements are 45 semester hours in agriculture and 18 in professional education, including student teaching.

2. Agricultural Teacher-Coordination. Requirements are "eligibility for a professional certificate in agriculture which includes a course" in specified subjects; and one year (2000 hours) "occupational experience in an agricultural field or college supervised work-experience plan," or 3 years' expereince in teaching agricultur education and "competence in supervising agricultural production projects and summer work experience programs."

3. Art (Elementary School). Required area bachelor's degree and 30 hours of content courses in art (see Section 5) and course work in elementary and art education (including student teaching).

4. Art (Elementary Endorsement". For "endorsement of a professional elementary school teacher's certificate for certification in elementary school art" a specified number of credits in art (in the categories in section 5) are required.

5. Art (Secondary School) Required are 30 Credit hours in art, including: fundamentals of design; ceramics and sculpture; drawing, painting and graphic processes; and art history.

6. Business Education. Required are 36 hours of "content credit" in specified areas and proficiency in typing. "Teachers of shorthand must . . . demonstrate proficiency in the vocational system of shorthand to be taught . . . . Teachers of bookkeeping must present 36 semester hours of content credit. . . . Teachers who meet the requirements of 36 semester hours in content that does not include shorthand, typing, and . . . accounting may be issued certificates in business education noting these exclusions."

7. Business Education Teacher-Coordinator. Requirements are "eligibility for a professional certificate in business education which includes preparation in . . . trade or occupational analysis, history and principles

of vocational education, coordination of cooperative programs; . . .[and] one year or 2,000 hours of occupational experience in business and office work, or college supervised work-experience program."

8. Cooperative Vocational Education Programs. Requriements are "eligibility for a professional certificate in secondary education," preparation in the same areas as listed in section 7; and one year or 2000 hours of experience in business, industry or agriculture.

9. Data Processing (Business). Requirements are "eligibility for a professional certificate in business education"; at least six hours in accounting; and "technical preparation in data processing;" or two years college study, "two years data processing experience related to the programs to be taught; . . . eighteen semester hours of professional work completed at an accredited teacher training institution" in specified areas. Teachers who have not done student teaching must have one year's experience in teaching data processing.

10. Distributive Education-Teacher-Coordinator. Required are a bachelor's degree and at least "18 semester hours in professional credit" in specified areas; 12 hours in "merchandising, marketing, and management in the distribution of goods and services"; and one year (2000 hours) of "occupational experience in retailing, wholesaling, or the service occupations."

11. Driver Education Instructors. Requirements for certification as a classroom instructor are "eligibility for a professional certificate" and a bachelor's degree, with at least 18 credits in driver education. The requirements for a laboratory instructor are high school graduation and completion of a "state-approved program in driver education" or the equivalent in college courses. The laboratory instructor permit is issued for five years, renewable for five years and subsequently for ten. "All renewals may be issued at the request of the local superintendent or the principal of the non-public school . . . without . . . additional credits" earned.

12. Foreign Languages (modern) in the Elementary School. Requirements are:

a) "Eligibility for a professional elementary school teacher's certificate, and . . . demonstrated competency in the language . . . and . . . credit for a course in methods of teaching modern foreign language in the elementary school, or

"b. Eligibility for a professional secondary school teacher's certificate in a modern language," competency in the language, credits and child psychology and language teaching methods at the elementary level, a student teaching or year's teaching experience in an elementary school; or

d. Be a native speaker of the language, hold a bachelor's (or equivalent) degree, and earn credits as specified in (c).

13. Health Education. Required are "at least 30 semester hours of credit in health and hygiene course work. . . and experience dealing with the organization and implementation of the total school health program, "including the courses specified.

14. Health Occupations Education Programs (these teachers must be certified or licensed by the appropriate authority or professional organization and be in compliance with the State Board's requirements for certification). Requirements for certification are:

"A bachelor's degree . . . with a major in the occupational area to be taught . . .; or . . . an associate degree . . . in the occupational areas to be taught or a diploma in nursing . . . and . . . two years of approved occupational experience related to the program to be taught . . . , or . . . graduation from secondary school . . . and . . . five years of approved occupational experience." In addition, all teachers must complete a "planned program of 18 semester hours in professional education as outlined.

"A year of . . . teaching . . . in the occupational area to be taught is required of all teachers who have not completed student teaching."

15. Teachers of the Hearing Impaired. "A Standard Professional Certificate valid for teaching the hearing impaired shall be issued to a teacher who meets the requirements in any of the provisions of 13.06.01.02 A.1a, c or d; or 2a or b; or 3a or b; or who meets the following requirements:

"a. A bachelor's degree in . . . special education. . . [which] shall include a minimum of 30 semester hours related to the area of the hearing impaired as outlined" in the provision; or

b. "A bachelor's degree . . . with certification in early childhood, elementary, or secondary education. . . [and] 18 semester hours of college credit or equivalent in-service training . . . in the area of the hearing impaired to be distributed among all of the areas listed" in the provision; or

c. "A master's degree or its equivalent from an accredited institution with an approved program in the preparation of teachers of the hearing impaired." The program should include the same requirement as outlined in (a).

A teacher holding a Standard Professional Certificate "must present six semester hours of graduate level college credit or in-service credit in the area of the hearing impaired or related fields at the end of three years" in order to renew certification. "An Advanced Professional Certificate for the teaching of the hearing impaired shall be issued to a teacher who meets the requirements" for advanced certification, provided "that the master's degree . . . shall have a concentration of 15 semester hours in the area of the hearing impaired.

"A Provisional Certificate may be issued to a teacher who has a bachelor's degree . . . in a field other than teaching. To continue . . . teaching the hearing impaired, the teacher must . . . present plans for an approved program of study leading to a Standard Professional Certificate" and earn 6 credits per two-year period of teaching service.

"Teachers currently holding professional certificates for teaching the hearing impaired or . . . in other areas

of special education . . . on the date the above requirements become effective will not be required to meet the new regulations."

individual with a "bachelor's degree . . . with a major in the subject area to be taught . . . with at least 18 professional education credits" and one year's work experience may also be certified. For food service in clothing services, certification requirements may be met by high school graduation "and 18 semester hours of approved professional course work relating to teaching vocational education . . . plus five years work experience related to the subject to be taught."

19. Industrial arts. Requirements are "at least 36 semester hours of credit in industrial arts," with specified minimum number of hours in manufacturing and construction, communications and power technology, and electives in related areas of industry, management and marketing. "Certificates may be issued to applicants who present credit for 36 semester hours in the area of industrial arts," distriguted as specified. In either case "occupational experience may be evaluated, by examination, for substitutions of certain coursework up to a maximum of 15 semester hours."

20. Music (Elementary School.) Requried are "a bachelor's degree . . ., including 30 semester hours in music as outlined in secondary music section 22 and . . . credit for coursework in . . . foundations of education . . .; . . . methods of teaching music at the elementary school level; . . .[and] directed student teaching in music" in two years' experience teaching music in an elementary school.

21. Endorsement of a Professional Elementary School Teacher's Certificate for Certification in Elementary School Music. Requirements for endorsement are credits in "each of the areas indicated under secondary music section 22. . .[and] in methods and materials of teaching, elementary school music."

2.. Music (Secondary School). Required are a minimum of 30 credits in the areas of basic music (theory, composition,

etc.), musical performance, and music history.

23. Outdoor Education Requirements are an appropriate standard professional certificate for the level and subject taught a year, of teaching or student teaching in outdoor education, and "endorsement in outdoor education upon the presentation of . . . a course dealing with the philosophy, materials and methods of outdoor education, and . . . fifteen semester hours in natural sciences."

24. Physical Education (Elementary School). Required are "a bachelor's degree, including 15 semester hours in foundation sciences . . ., 30 semester hours in physical education . . . and . . . credit for course work in . . . foundations of education, . . . methods of teaching physical education . . . and . . . credit for course work in . . . foundations of education, . . . methods of teaching physical education at the elementary school level" and student teaching or two years' teaching physical education at the elementary level.

25. Endorsement of a Professional Elementary School Teachers' Certificate for Certification in Elementary School Physical Education. Required for endorsement are a specified number of credits in the foundation sciences (6) and in physical education (16), and credit in "methods and materials of teaching elementary school physical education."

26. Physical Education (Secondary School). Required are "approximately 15 semester hours in the foundation sciences, including biology or zoology, human anatomy, physiology, and chemistry, physics, or physical science;" and at least 30 credits in physical education content with courses in each of the specified areas.

27. Special Education (Handicapped) "A professional certificate in special education shall be issued to an applicant who instructs children who possess such . . . handicaps as an orthopedic handicap with associated learning problems, mental retardation, visual limitation, emotional handicap, and other learning disorders, and . . . qualifies in one of the following ways:

"a. Graduation with a major in special education," with 30 credits "in specialized subject matter applicable to the teaching of handicapped children.

"or b. Eligibility for certification in early childhood, elementary, or secondary education" with at least 18 credits in special education.

c. If an applicant meets neither a nor b, special provisions may be applicable.

(1) "A newly-appointed special education teacher who has qualified in another area and who has six semester hours of credit in special education . . . may be issued a standard professional certificate in the area in which qualified;" the other 12 credits in special education must be completed for renewal of certification;

(2) If a teacher is qualified in another area and has a provisional degree certificate in special education, he or she may "be granted a standard professional certificate in the area" in which qualified upon earning six credits in special education, another 12 credits must be earned for renewal;

3) "A teacher holding a professional certificate in another area . . . employed in . . . special education in Maryland prior to July 1, 1965, may substitute successful teaching experience . . . . for college credit in special education."

28. Speech. Requirements are "eligibility for a professional certificate, 24 credits in speech in the areas of "speech sciences . . . theatre and oral interpretation . . . speech correction . . .[and] public address," and a course in teaching speech and "appropriate student teaching."

29. Technical Education Programs. Required are either "a bachelor's degree . . . with emphasis in mathematics, science, and/or the field to be taught, and . . . eighteen semester hours of approved professional trade and industrial course work . . .[and] at least three years of approved occupational experience "in the appropriate field; or "an associate degree . . . with major emphasis in the field to be taught, and . . . .eighteen semester

hours of approved professional trade and industrial course work . . . [and] at least five years of approved occupational experience in the field to be taught."

30. Trades and Industry Programs. Requirements are: a. "A bachelor's degree in a vocational teacher education program . . . and at least two years of occupational experience in the trade to be taught.

"or b. A bachelor's degree . . . in Industrial Arts, Industrial Education, or Education for Industry or in the field of the occupation to be taught, and" 18 hours of "trade and industrial course work" as specified in d., and two years' occupational experience; or

c. "An associate degree, or . . . completion of two years of a program leading toward a bachelor's degree. . . with major emphasis on the occupational area to be taught, and" 18 hours of "trade and industrial course work" as specified in d, and three years' occupational expereince; or d. "Graduate from secondary school . . . and . . . eighteen semester hours of approved professional trade and industrial course work completed at an institution accredited for preparation of vocational-industrial teachers in specified areas, plus five years' industrial experience.

"A year of . . . teaching . . . in the vocational subject to be taught is required of all teachers who have not completed student teaching."

LIBRARIANS

STATUTES

Art. 77 §175

The state superintendent shall certificate the professional library personnel in accordance with the bylaws, rules and regulations of the state board of education.

PUPIL PERSONNEL WORKERS

REGULATIONS

13.05.01.01

"The responsibilites of pupil personnel workers

shall include those set forth in the Handbook for Pupil Personnel Workers," a state publication. This bulletin discusses these responsibilities, lists State requirements for certification "and certain qualifications to be considered in the employment of pupil personnel workers... .[and] list the specific types of pupil records for which the pupil personnel worker is responsible, as well as the records which are helpful in making a case study."

School Employees

Statutes

Art. 77 §86

Each person employed in a public, private or parochial school shall certify that she/he is free of tuberculosis in a communicable stage. The certifications shall be based on the results of specific tests.

School Superintendent

Statutes

Art. 77 §23

APPOINTMENT

The state superintendent shall be appointed by the state board for a 4-year term. The superintendent shall be an experienced and competent educator with not less than two years of graduate work and no fewer than seven years experience in teaching and administration. She/he may be removed by the board for "immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty." In such case, she/he has the right to a hearing and may retain counsel. The Board shall fill any vacancy created until the end of an expired.

REMOVAL
HEARING
COUNSEL

Teachers

Statutes

Art. 77 §16

(a) The state board shall prescribe rules for

the certification of teachers and other professional personnel.

(b) No person shall be denied the right to be trained or certified as a teacher because that person is blind.

Art. 77 §27

The state superintendent shall certificate professional personnel according to the rules promulgated by the state board. Renewal requirements may be waived for teachers over 55 who have taught at least 20 years.

Art. 77 §108

The state superintendent may provide for reciprocity in the certification of teachers by entering into agreements with officials from other states. She/he may also accept an accredited teacher preparation program located in another state to satisfy Maryland requirements for certification.

Art. 77 §108B ; 108C

Maryland has adopted the "Interstate Agreement on Qualifications of Educational Personnel." The designated state official for Maryland shall be the state superintendent.

Art. 77 §109

The state superintendent shall keep a file on each applicant for certification, including his/her academic preparation, professional training and teaching experience, and a file on all certificates issued and those in force.

Art. 77 §110

There shall be first and second class teacher certificates. The state superintendent shall issue second class certificates. These certificates are classified by the county superintendent at least once every two years. The criteria used for classification shall include:

scholarship, executive ability, personality and teaching efficiency.

DISCRIMINATION

Art. 77 §113

"It shall be unlawful . . . to make any distinction or discrimination in favor of or against any teacher . . . on account of race, religion, color, national origin, or sex except where the employment of a certain sex may be reasonably necessary by reason of the nature of the employment."

REGULATIONS

13.06.01.01

All public school teachers must be certified by the state. All public school system administrators and supervisors must hold appropriate certificates; "other assistants in administration and supervision may be issued certificates. . . . Teachers, supervisors, and administrators in schools (nursery school secondary) operated by State agencies" and those employed in the states' non-public schools are "eligible for certification on the same basis as persons employed in the public schools."

The requirements only set forth "minimum standards for State certification . . . .[A] local school system may, as a condition of employment, establish standards higher than those . . . for certification." An individual may apply for certification if he/she "holds a tentative appointment to a position in the Maryland public school system . . . or . . . is a graduate of an approved teacher-education program in a Maryland institution, or submits an application together with transcripts and a $10.00 fee.

To reinstate a certificate, "the applicant must have earned six semester hours of acceptable credit within" the past five years. "Credits earned subsequent to qualifying for the Standard Professional Certificate may be used to renew that certificate . . . . Under no circumstances shall correspondence courses in education be accepted to meet the

professional requirements of a Standard . . . or an Advanced Professional Certificate."

The State Superintendent of Schools may issue "the certificate provided in 13.06.01.05A,B, and C. General 105; Special 3-5; 11-13; 15; 19-28 to teachers who have completed an experimental program in teacher education . . .[and] may recognize credits and degrees earned in foreign institutions of higher learning. . . .

For any person requiring certification as a teacher and at least 24 semester hours of . . . graduate credit or a master's degree, the appropriate professional certificate shall be issued if the applicant" needs six or less credits for certification and has had at least 5 years of appropriate teaching experience.

"Teachers holding professional certificates who . . . participate in special research projects may remain on these certificates for three years . . . .

Standard professional certificates shall be issued on the basis of preparation except . . . where graduate credit is required . . . .

Agreements entered into by the State Superintendent of Schools with regard to reciprocal arrangements and recognition of certificates issued by other states as authorized . . . by law, shall become a part of these regulations." The State Superintendent may waive requirements for certification if appropriate.

If a teacher who holds a professional certificate is at least 55 years old and has taught in "public or approved non-public schools" for at least 25 years and his or her certification renewal is recommended by the local superintendent, renewal is not subject to the requirements of these regulations.

13.06.01.02 - 13.06.01.03

A teacher may be issued a Standard Professional Certificate if he or she has received a bachelor's degree within the past five years or holds at least a bachelor's degree and has earned six hours of credit in the last five years, and also has "graduated from an approved teacher-education program in a Maryland institution,

or . . . meets the specific requirements . . . for early childhood, elementary, secondary academic, special fields and services . . ., or vocational education, or . . . holds a valid professional certificate . . . issued by a state whose certification practices . . . are approved by the Maryland State Board of Education, or . . . has received a bachelor's degree" since 1954 from an institution approved for teacher preparation and completed this course, of study, is recommended by the institution, "or has completed the same program as post-baccalaureate credit and has been recommended by the institution." A teacher who holds a bachelor's degree may also qualify by completing a State Board approved internship or "competency-based teacher education program." In addition, a teacher who fulfills the conditions of the Interstate Contract Agreement on the NASDTEC Certification Reciprocity System may be issued a Standard Professional Certificate.

"Upon the recommendation of the local superintendent with specific reference to the professional improvement of public school personnel . . . an Advanced Professional Certificate shall be issued to a teacher who" has taught for three years, "meets the requirements for a standard professional certificate," and holds an appropriate master's degree; or "has completed . . . 30 credit hours relevant to the professional assignment," at least 15 of which are at the graduate level; or "has completed . . . at least 30 semester hours of in-service education developed . . by the local school unit and approved by the State Superintendent of Schools . . . .

An Advanced Professional Certificate shall be issued in the vocational education areas to a teacher . . . not required to have a bachelor's degree for initial certification who" has taught for 3 years, holds or is qualified for the standard professional certificate, and "has completed a planned program of 34 semester hours, including both professional and content courses," of which six may be in-service credits.

"A Provisional Degree Certificate may be issued

to a teacher who holds a bachelor's . . . or higher degree. . . but fails to meet the requirements for a standard professional certificate . . . . A Provisional Non-degree Certificate may be issued only to designated teachers for whom a bachelor's degree is not a requirement." Certificates for administrators, supervisors, and assistants "administration and supervision, and Advanced Professional Certificates shall be issued for 10 years, and Standard Professional Certificates for five. Provisional Degree Non-degree Certificates are issued for one year.

"Upon the recommendation of the local superintendent. . . Standard Professional Certificates shall be renewed for five years upon presentation of six semester hours earned in in-service undergraduate, or graduate courses . . . . Upon the expiration of the renewal period, a teacher must qualify for the Advanced Professional Certificate." Certificates for administrators, supervisors and assistants, and Advanced Professional Certificates, one renewable for 10 years.

English, social studies, elementary and early childhood education teachers must earn three credits in "methods of teaching reading," if they have not done so previously.

Provisional Degree and Non-degree Certificates may be renewed "only upon the completion of six semester hours of study . . . leading toward" regular certification.

CROSS REFERENCES

II.A.1.; Regulation 13.03.02.01

II.A.1.; Regulation 13.03.02.03

II.A.8.; Regulation 13.04.03.01

C. Performance Standards

Certificated Personnel

Regulations

13.06.03.01

All certificated employees should be familiar with the State Board's Bylaws and the county board's rules and regulations. "Principals and teachers shall organize and

conduct their schools and classes in accordance with the programs of study prescribed by the State Board of Education and with the courses of study and regulations issued by the county board of education."

County Board of Education

Statutes

Art. 77 §40

The county board must maintain a "reasonably uniform system of public schools designed to provide quality education and equal educational opportunity for youth."

Art. 77 §122

If any member of the county board may "reasonably be expected to know or who knows that she/he has a direct financial interest in any contract or purchase in which [the] board is [involved],[she]he shall make prompt disclosure of that fact . . . ." It is unlawful for any member to fail to disclose any interest to the county board. The transaction at issue may be completed if the member disqualifies herself/himself, and is of the kind specifically enumerated in the statute.

CONFLICT OF INTEREST

If the county superintendent has a direct or indirect financial interest in any contract or purchase she/he shall disclose it to the state superintendent. Failure to do so shall be unlawful.

County Superintendent

CROSS REFERENCE

III.C.County Board of Education; Statute
Art. 77, §122

Legislature

Constitution

MARYLAND CONST., Art. 8, §1

"The general Assembly . . . shall . . . establish

throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation or otherwise for their maintenance."

MARYLAND CONST., ART. 43, Declaration Of Rights

"The legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures..."

LOCAL BOARDS OF EDUCATION

REGULATIONS

13.06.05.01

STAFFING
RACIAL INTEGRATION

"Local boards of education shall develop . . . plans . . . for the attainment of racial balance at the various levels of the public school system, reflective of the . . . population of their respective jurisdictions. Such plans . . . shall apply to the hiring, placing, and promotion of . . . personnel . . .[and] shall be submitted to the State Department of Education," which is responsible for reviewing local implementation of this bylaw.

13.07.06.01

The State Department of Education shall inform local boards of education of "the legal requirements concerning the integration of schools. The Department shall check on compliance . . . and shall report all suspected violations to the State Board of Education. The organization of school activities shall provide for the involvement of students regardless of sex, race, creed or national origin."

PROFESSIONAL STAFF

STATUTES

Art 77 §114

The county board may dismiss any teacher, principal or other professional for cause provided the person is given an opportunity to be heard and the decision is appealable to the state board of education.

STATUTES

Art. 77 §78

Principals or teachers may require students to meditate silently for one moment each morning provided that no teacher or student shall be prohibited from reading the holy scripture or praying.

PRAYER

REGULATIONS

13.03.01.02

"Educational decisions made by professionals in the process of implementing school programs must be based on a broad spectrum of information and . . . opinions from others.

"General beliefs about the nature of education must be clearly stated and accepted before effective programs and standards can be developed . . . The effectiveness of programs . . . must be measured" against such beliefs.

a. "Beliefs about the Scope of Education. Learning. . . encompasses the total life experience of each individual . . . . In this ongoing process of learning, the secondary school should play a vital and relevant role . . . . The school should help the student to want to make the most of his or her potential, to develop a capacity to grow and learn continuously, to respect and understand others, and to accept full responsibility for the results of personal behavior.

"b. Beliefs about Students and How They Learn. Each student possesses unique but ever-changing capabilities, needs, and interests . . . .

"Positive reinforcement sustains the motivation necessary for learning." The school must provide the necessary "instructional resources . . . to assure that each student succeeds in learning.

"The atmosphere in which the student learns should be supportive and conducive to self-development. . . .

"c. Beliefs About the Content of the Educational Program. Maryland is committed to providing a program of

education for all youth of secondary school age," which should "be broad in scope and flexible enough" to meet the individual needs and potential of each student. "Standards of achievement need to be carefully designed to ensure intellectual, physical, social and emotional development which will prepare students to achieve their career goals through vocational, college preparatory, and general development programs.

"The administrators, staff, students, and community of each school must review and evaluate its programs and practices . . . . At the school system and State levels, educational leadership must be responsive to change and supportive of local efforts to develop improved educational programs."

13.03.02.04

"The State Board of Education of Maryland recognizes that religious instruction is an invaluable part of . . . education . . . . In this country, however, the public schools . . . have been limited by law or custom to so-called secular education . . . .[Therefore] the State Board of Education believes it would be inexpedient to introduce . . . religious education as a part of the school curriculum."

SCHOOL EMPLOYEE

REGULATIONS

13.01.01.04

The State Board may designate a Hearing Examiner to hear petitions and appeals. The Hearing Examiner shall make a record of the hearing and submit it, along with all findings and recommendations to the State Board, which "shall review the record and findings and render a final decision in each case." The Board may hear the arguments of individual parties before making its final decision. HEARING

The rules set forth in this section "apply to all formal hearings before the State Board of Education, the State Superintendent or the Hearing Examiner of the State

Board of Education in contested cases," but not to informal proceedings in "any proceeding in a noncontested case." If a Hearing Examiner has been designated, the rules do not apply to the State Board.

1. "All requests for Hearings or Appeals must include the issues or charges to be presented."

2. All interested parties shall receive at least 20 days prior notice of a hearing and of the issues involved.

3. "Any person or agency may be admitted as a party [to a formal hearing] for limited purposes upon the satisfactory demonstration of the nature and extent of its interest to the Board or the Hearing Examiner." Parties may appear in person and/or be represented or advised by counsel.

RIGHT TO COUNSEL

4. An official record of all proceedings shall be prepared by the State Board or Hearing Examiner.

5. A hearing must be held before at least a quorum of the Board. The Presiding Officer, who is the President, Vice President, or the President's designee, or the Hearing Examiner, "shall have complete charge of the hearing."

6. The Presiding Officer or Hearing Examiner shall determine the order of proceedings. For appeals, the appellant presents his or her case first, unless the appeal concerns a dismissal, suspension or demotion, in which case the County Board proceeds first.

COUNSEL

7. If a party is represented by counsel, such counsel is responsible for "all . . . submission of evidence, examination . . . of witnesses, and filing of objections. . . and motions . . . . The Presiding Officer . . . or the Hearing Examiner . . . may examine any witnesses called by any party . . .[and] may call as a witness any person whose testimony may be relevant."

8. "Any party may submit briefs of the issues of fact and law involved in the hearing."

9. The State Law Department may be requested to serve as Counsel for the Hearing Examiner or Board.

10. "Every decision and order rendered by the Board shall be in writing and . . . accompanied by findings of fact and conclusions of law. "Policy findings may also be included as appropriate. Each party and all local

school board presidents and superintendents of schools shall receive a copy of the decision and findings.

11. "Any party aggrieved by the decision and order rendered in the particular case may apply for rehearing within thirty days." Action on the application is at the Board's discretion. "Unless otherwise ordered, neither the rehearing nor the application . . . shall stay the enforcement of the order." In the rehearing the Board may consider new or additional facts and "may by new order abrogate . . . or modify its original order."

CROSS REFERENCE

IV.D.; Statute Art. 15, §109

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2.; Regulation 13.04.01.02

STATE BOARD OF EDUCATION MEMBERS

CROSS REFERENCE

I.State Board of Education; Statute Art. 77, §3

STATE SUPERINTENDENT

CROSS REFERENCE

III.B.State Superintendent; Statute Art. 77, §23

STUDENTS

STATUTES

Art. 77 §81

The county board shall establish policies for the promotion of students in the public schools and for graduation from public high schools consistent with the rules promulgated by the state board.

Art. 77 §82

Only one type of diploma shall be issued to all students completing high school regardless of the program completed.

DIPLOMA

Art. 77 §83

Any person who has resided in Maryland for at least three months and who is 17 years of age and not a full time student may obtain a high school diploma by examination. The examination shall be given at least twice each year in appropriate high school subject areas. Failure in any examination shall not prevent a person from taking it again.

Art. 77 §98D

The state board shall prescribe a minimum reading level for each grade two through twelve. If a student has not met the minimum level he shall be retained in the current grade or placed in a reading assistance program. The student may not, however, be retained in the same grade more than once.

REGULATIONS

13.03.01.02

"The following general state standards govern requirements for graduation from Maryland public schools. Credits for graduation are earned in grades 9 through 12." A student may take more or less than four years to complete these requirements.

"a. Enrollment Requirement. The student must satisfactorily complete four years of approved study beyond the eighth grade . . .

b. Credit Requirement. A student must earn a minimum of 120 credits beyond the eighth grade, "eleven of which must be in English language arts, social studies "one must be United States History and one must deal with contemporary issues, including local, state and national governments"), science, and mathematics; a "physical activity program" is required every year.

(1) "Basic proficiency levels in reading, writing skills, and practical mathematics, as established by . . . standard approved by Maryland State Board . . . will be expected of all students."

(2) The "physical activity program" is a yearly

requirement for high school students which may be fulfilled by "physical education courses for elective credit and/or . . . non-credit programs developed . . . and evaluated in accordance with guidelines established by the local school system."

(3) A list of subject areas to serve as a "general guide for consideration in curriculum programs" is included; the major divisions are business education, English language arts, fine arts, foreign languages, health education, mathematics, physical education, practical arts, science, social studies, vocational-technical education.

(4) These are the minimum state requirements. "A local school system may specify up to two additional credits within the total of 20 credits required for graduation." The local board must approve any additional requirements.

(5) "Determination of a unit of credit is based on the satisfactory completion of course work and the number of hours of instruction scheduled by the school.

(6) . . . In addition to earning credits during the regular school day and year, credits may be earned through . . . other programs. These programs are:

(7) Summer School. Local school systems may provide summer school programs . . . for original or review credit. . . . Requirements for review credit shall be developed for individual students . . . after determining the student's proficiency in the subject.

Credit may be given for acceptable summer work offered by approved public and nonpublic institutions in or outside of Maryland, provided the principal of the student's own school authorized the work in advance.

(8) Evening School. Local school systems may provide evening school programs as an extension of the regular school day for original or review credit . . . .

(9) Correspondence Courses. With prior consent of the school principal, credit may be given for correspondence courses in subjects not available in the school system" if the correspondence school has been approved by the State Department of Education and it is in the student's best interest to take the course.

(10) Tutoring may be used but "only after all the resources of the school system have been utilized fully and. . . it is definitely" in the student's best interest.

(11) A maximum of 6 credits "toward graduation may be earned by . . . a satisfactory score on a subject-matter examination or an appropriate criteria assessment measure . . . approved for use throughout the local school system."

(12) A maximum of 9 credits toward graduation "may be granted to a student for work or experience outside the school approved and supervised by the local school system."

C. "Alternatives to four-year enrollment" are available. They are:

(1) "Accelerated twenty-credit program." If a student wishes to obtain the required minimum credits for graduation in less than four years, the student and parent must submit a written request to the local superintendent to waive the four-year requirement and state the reason.

(2) "A student may receive a Maryland high school diploma . . . in the early college admission program, provided that:

"(a) The student is accepted for early admission to an accredited college . . .

"(b) A written request by the student and his[her] parent (guardian) is made to and approved by the local superintendent of schools, asking the waiver of the four-year requirement and certifying the early admission acceptance."

(c) After the student successfully completes the year of study in college, the superintendent requests that the high school principal issue a diploma.

(3) "A student may receive a Maryland high school diploma through participation in an early admission program of an approved vocational, technical, or post-secondary school" following the same procedure as for the early college admission program.

(4) "A student may receive a Maryland high school diploma through participation in a job entry training program provided that:

"(a) The student has been accepted in a job entry program with the written approval of the local superintendent.

"(b) Both the student and his[her] parent (guardian) approve the cooperative agreement between the school and the employer . . .

'(c) The student fulfills . . . the minimum 11 general education credits.

"(d) The student earns an additional nine credits for satisfactory work on the job under the supervision of a school teacher-coordinator."

(5) "A student may receive a Maryland high school diploma for satisfactory performance on approved General Educational Development Tests."

(6) A student may be given credit for work completed at a previously attended accredited school. "Credits earned at a non-accredited high school may not be accepted. . . unless they have been validated by appropriate, standardized examinations given by the school to which the student transfers."

To make secondary education more relevant to student needs and stated goals and objectives, "new and different programs leading toward graduation need to be . . . made available to students. Local school systems are encouraged to explore . . . personalized programs as ways of fulfilling graduation requirements. Two recommended approaches for meeting graduation requirements are outlined below:"

a. "A curriculum design which develops dealing with broad human concerns . . . can be . . . developed around concepts that integrate knowledge from various disciplines and is flexible enough to deal with the needs, interests, and concerns of each student." The basic structure of the program is conceptual or typical, and the approach "necessitates a restructuring of elements, such as program offerings, time arrangement, assessment procedures and words of teaching and learning."

These would be basic "minimal requirements in

reading, writing, and mathematics . . . minimal proficiencies would also be expected . . . in each concept area." Each student is responsible for planning his or her program.

b. "The provision of a personalized educational program for each student is an ultimate aim for secondary schools . . . . Both cognitive and affective learning would be emphasized . . . . General criteria for the development of a personalized program are as follows:

"(1) Planning and authorization of the program would take place in a conference involving the student, the parent (guardian), and appropriate school personnel . . . . The role of the school would be to provide an objective assessment of the student's strengths and weaknesses and to indicate various appropriate educational experiences available in and out of school . . . .

"(2) Mutually agreed upon performance criteria would be established for the student in each of the educational experiences selected . . . .

"(3) Each individual experience would be assessed upon the completion of the performance criteria established. . . .

'(4) The total staff would be involved in the guidance function of the school . . . .

"(5) Continuous efforts would be made to increase the number of in-school and out-of-school experiences available to the individual student . . . . The school would continuously assess its program and community resources."

(6) "Procedures for implementing new programs leading to high school diplomas . . . are as follows:

(a) development of a curriculum plan which includes program description, performance requirements, and evaluation procedures.

'(b) Presentation of this plan to the local superintendent of schools for approval.

(c) Submission of this plan to the State Superintendent of Schools for his[her] recommendation to the State Board of Education for final approval."

CROSS REFERENCE

II.A.1.; Regulation 13.03.02.03

TEACHERS

STATUTES

Art. 77 §56D

[Provisions§§26, 35-38, 44, 47,48,50,51,59, and 114 of this article do not apply to Baltimore City.]

The Baltimore Board of School Commissioners may dismiss any teacher or other professional for immorality, misconduct, insubordination, incompetence or wilful neglect of duty provided that the charges are stated and the person is given an opportunity to be heard.

DISMISSAL

HEARING

REGULATIONS

§13.06.03.05

"Teachers are prohibited from using intoxicants of any form on the school premises."

CROSS REFERENCE

III.B.Teachers; Regulation 13.06.01.02; 13.06.01.03

D. EVALUATION AND REPORTING

CENSUS OF SCHOOL AGE CHILDREN

STATUTES

Art. 77 §56

The county board of education may take a school census of children under 18 years. Whoever has control of a child and withholds or falsifies information shall be guilty of a misdemeanor.

COUNTY BOARD RECORDS

REGULATIONS

13.02.01.06

Minutes of all county board meetings shall be kept by the county superintendent and constitute a public record. The county superintendent shall also keep "an

accurate record of all hearings, disputes or controversies." The county board shall submit an annual report to the State Board containing such information as required.

The county superintendent is responsible for sending to the State Superintendent "a copy of any rule, . . . resolution . . . or other order passed by "the county board and "a copy of the minutes of any meeting at which any such action is taken."

The county board of education shall submit the annual school budget to the board of county commissioners or county council according to State Board procedures.

No county board, superintendent or employee thereof "shall transfer any employee personnel records containing fingerprint cards or other information to any local or state law enforcement," or any other agency "for processing, copying, or any other purpose."

CROSS REFERENCES

I.County Superintendent of Schools; Statute Art. 77 §71

CURRICULUM

CROSS REFERENCE

III.C.Students; Regulation 13.03.01.02

DRIVER EDUCATION PROGRAMS

CROSS REFERENCE

II.A.1.; Regulation 13.03.02.03

EDUCATIONAL NEEDS

STATUTES

Art. 77 §21

It is the duty of the state board to consider the educational needs of the state and to recommend to the governor, and legislature, any changes in existing legislation which may be desirable.

STATUTES

Art. 77 §28A

The state board and superintendent, each local board, every school system and every school "shall implement a program of education accountability . . . which shall include:"

"1) developing and implementing educational goals and objectives in conformity with statewide educational objectives for . . . reading, writing and mathematics."

2) surveying the current status of student achievement in these and other areas.

3) Each school establishing "as the basis of its assessment, project goals and objectives" similar to those of the State Board.

"4) Each school . . . shall develop program for meeting its needs on the basis of priorities which it shall set."

"5) Evaluation programs . . . to determine if the goals and objectives are bieng met."

6) Regular reevaluation of programs, goals and objectives.

The Department of Education "shall assist the local boards . . . by providing guidelines for development and implementation of the program . . . and . . . assistance and coordination where needed . . . ."

Annually, the state superintendent shall prepare for the Governor and legislature a report describing the progress made toward achieving these goals. Standardized tests may not be used as the sole method for evaluating educational accountability.

Art. 77 §65

The county superintendent shall periodically evaluate the program of instruction in the public schools and report his/her findings and recommendations to the county board.

EDUCATIONAL PROGRESS

STATUTES

Art. 77 §19;20

The state board shall transmit to the governor an annual state public school budget and an annual report covering the operations of the state department of education. Said report shall contain the "support, conditions, progress, and needs of education throughout the state."

ELEMENTARY SCHOOLS

REGULATIONS

13.03.01.01

"The policies for the organization, administration, and conduct of public elementary schools shall include those . . . in Design for Planning the Program of the Elementary School." This manual includes discussion of the goals and objections of, and planning for, elementary programs, and "methods for the implementation of the program, including . . . organization and staffing, environment, specialized pupil needs, school-community relationships, and factors of evaluation."

STAFFING

FAMILY LIFE AND HUMAN DEVELOPMENT CURRICULUM

CROSS REFERENCE

II.A.1.; Regulation 13.03.02.01

PUBLIC SCHOOLS

STATUTES

Art. 77 §121

Each county board shall prepare an annual report of the status of the public schools and a statement of the financial transactions of the board.

RACIAL BALANCE

CROSS REFERENCE

III.C.Local Boards of Education; Regulation 13.06.03.01

School Policy

Regulations

13.02.04

"The county board of education should appoint citizen committees to advise in the formulation of general policy procedures for the operation of the public schools."

School Reports

Statutes

Art. 77 §17

The state board of education shall prescribe what information is required to be kept by school personnel. The board shall supply the forms on which the information must be recorded. All financial accounts must be kept.

School System

Statutes

Art. 77 §64

The county superintendent "shall visit the schools, observe the management and instruction, and give suggestions for . . . improvement . . . ." He/she shall "endeavor in every way to awaken public interest and to improve educational conditions within the county."

Special Education Programs

CROSS REFERENCES

II.A.2.; Statute Art. 77, §106D; 106E

II.A.2.; Regulation 13.04.01.02

EDUCATIONAL PROGRAMS

CROSS REFERENCE

III.D.Educational Programs; Statute Art. 77, §28A

EDUCATIONAL QUALITY

STATUTES

Art. 77 §8

The state board shall conduct "investigations relating to the educational needs of the state . . . and the means of improving educational conditions . . . ."

LIBRARY SERVICES

CROSS REFERENCE

II.B.3.; Statute Art. 77, §166; 166A; 166B

PROFESSIONAL STAFF MEMBERS

REGULATIONS

13.01.03.02

The Assistants of the State Superintendent shall not accept any other employment without the State Superintendent's approval. State Department of Education employees may be granted a leave of absence for military service. MILITARY

"Professional staff members of the Department may be permitted to pursue . . . graduate study during the regular school year and during summer sessions . . . to qualify for higher degrees." A staff member may participate in the educational leave programs as follows:

1. The program's purpose "is to increase the value of the professional staff member to the State Department of Education . . . through further study, research, exchange in a similar position or other experience leading to professional growth."

2. Educational leave may be granted on a full-time

basis for up to one year.

3. A person on educational leave shall receive the same benefits as if he or she were actively employed. The State Superintendent shall determine how many persons may be on leave at any time. When applying for leave a staff member must outline his or her educational plans.

4. "Any professional staff member recommended by the division director and the State Superintendent of Schools shall be eligible for educational leave." A person on leave shall receive the same salary. "The recipient of an educational leave must agree to return to the service of the State Department of Education or the public school system of Maryland for at least one school year if the leave has been for one semester or two school years if . . . two semesters." A person who fails to comply with these terms must repay the "educational leave stipend." A person on educational leave may not accept full-time employment, "except . . . on an exchange basis."

PUBLIC SCHOOLS

CROSS REFERENCE

I.State Superintendent; Statute Art. 77, §25

SCHOOL PERSONNEL

STATUTES

Art. 77 §63

The county superintendent shall develop a program of in-service training for all public school personnel and may require, in lieu of the above program, attendance at an institution of higher learning.

TEACHERS

STATUTES

Art. 77 §115

"Teachers' professional organizations are recommended

as important means of elevating the standard of public education by mutual informal interchange of views, and suggestions as to systems of teaching and discipline.

REGULATIONS

13.06.01.04

"A Professional Standards and Teacher Education Advisory Board shall be established and appointed by the Maryland State Board of Education." This Board will be responsible for advising the State Board on teacher certification, "review of policies on waiver of certification requirements, accreditation of teacher education programs, and studies . . . aimed at improvement of teacher education, including continuing and in-service education." The Professional Standards and Teacher Education Advisory Board is appointed by the State Board and consists of 23 members, among whom are public school teachers and administrators or supervisors, faculty members of college teacher education programs, non-public school supervisors or administrators, and citizens of the state. The Assistant State Superintendent in Certification and Accreditation is a non-voting member of the Board. Board members serve staggered three-year terms and select a chairman annually.

"A separate Review Board of five professional members shall be appointed by the State Board of Education upon the recommendation of the State Superintendent of Schools to act in an advisory capacity to him. This Board shall review and make recommendations to the State Superintendent on appeals from rulings of the certification staff. . . . The Review Boards findings . . . for each case shall be submitted to the State Superintendent of Schools who shall make a determination." Review Board members serve for at least one year and may be re-appointed on the State Superintendent's recommendation. The members annually select a chairman.

MASSACHUSETTS

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

Regs. of July 18, 1975

Equal Educational Opportunity

1.00 Purpose and Construction

EQUAL OPPORTUNITY

The purpose of these regulations is "to ensure the right of access to the public schools . . . and the equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools without regard to race, color, sex, religion or national origin. These regulations shall be liberally construed for these purposes.

The obligation to comply with these Regulations is not obviated or alleviated by any local law or rule or regulation of any organization, club . . . league or association which would limit the eligibility or participation of any student on the basis of race, color, sex, religion or national origin.

2.00 School Admissions

All public schools . . . shall admit students without regard to race, color, sex, religion or national origin.

No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, religion or national origin.

Any standards used as part of the admission process, including but not limited to testing, the use of recommendations and interviewing . . . shall not discriminate on the basis of race, color, sex, religion or national origin. Limited English-speaking ability shall not be used as a deterrant to a limitation on admission.

If admission to any school . . . is dependent upon the participation in a completion of courses or programs which were previously limited to students of one sex, or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities

of any racial, ethnic or religious group . . . to participate in such program, then such criteria must be abolished."

The determination of what courses are to be required or the scheduling of students into courses "shall not be done on the basis of race, color, sex, national origin or religion."

Every student "shall have equal rights of access to courses of study and other opportunities available through the school system of the city or town in which he or she resides.

4.00 Guidance

Race, color, sex, national origin and religion shall not be considered as limiting functions in career determination" and shall not be presented as such by guidance counsellors and other personnel.

"Occupational information" programs "shall include representatives of both sexes and of minority group members in a broad variety of occupational roles." Any materials used in the presentation of such programs shall not contain a preference for a particular "race, color, sex, religion or national origin.

No materials or tests shall be employed for guidance purposes which discriminate and/or limit choices on the basis of race, color, sex, religion or national origin.

5.00 Curricula

The curricula of all public school systems shall present . . . the culture, history, activities and contributions of persons and groups of different races, nationalities, sexes and colors.

All school books, instructional and educational materials shall be reviewed for sex-role and minority group stereotyping.

Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex, nor designed to have an adverse impact on members of either sex.

6.00 Extra-curricular Activities

No school shall sponsor or participate in the organization of outside extra-curricular activities conducted at such school which restrict student participation on the basis of race, color, sex, religious or national origin.

[N]o school shall take action which would tend to reduce the number of female participants in intramural and interscholastic athletic activities . . . until such time as an equalization of male and female participation has been achieved."

School systems "shall provide a fair distribution of athletic expenditures" and "each school . . . shall provide equal opportunity for male and female students to participate in intramural and interscholastic sports."

To insure "fair distribution of athletic expenditures . . . each school shall indicate in . . . [its]. . . budget . . . the anticipated expenditure for each interscholastic and intramural athletic activity and the anticipated student participation in that activity by number and sex.

A school may establish separate teams for males and females for interscholastic competition in a particular sport, provided that . . .[t]eams composed primarily or solely of persons of one sex shall be granted equal instruction, training, coaching, access to available facilities, equipment, and opportunities to practice and compete as teams engaged in a similar activity comprised primarily or solely of persons of the opposite sex.

Participation in extra-curricular activities shall be actively encouraged . . . for both boys and girls and for racial and ethnic minorities. When offering extra-curricular programs . . . the ethnic traditions of the student body "shall be considered.

7.00 Facilities

"Every new school . . . and every addition to[a modernization of] an existing school . . . shall be designed or planned so as to ensure that the educational opportunities [thereafter] to be affected . . . will be

available equally to all students thereof without regard to . . . race, color, sex, religion or national origin.

The goal of each school shall be to provide equal . . . facilities and conveniences" to members of both sexes. This shall include, for example, showers, locker rooms, etc. Plans for new schools, or additions to old schools "shall include whatever provision is necessary to achieve compliance with this section."

8.00 Active Efforts

Local school committees "shall establish policies, promote regulations and procedures, and implement monitoring and evaluation practices that support and promote affirmative action and stimulate necessary changes to insure that all obstacles to equal access to school programs for all persons . . . no matter how subtle or unintended, are removed. Such policies shall include a requirement for an annual evaluation of all agents of the K-12 school program to ensure that all students . . . are given an opportunity to develop skills, competence, and experience, and to receive appropriate guidance so that they may be able to participate in all programs offered by the school . . . "

The school committee and Superintendent are jointly responsible for providing "necessary information on in-service training for all school personnel in order to:

-- advance means of achieving educational goals in a manner free from discrimination . . .

-- enhance consciousness of the kinds of discriminatory and prejudicial practices and behavior which may occur in the public schools.

The superintendent . . . shall promote and direct effective procedures for the full implementation of these regulations and shall make recommendations . . . for the necessary policies, program changes, and budget resource allocation needed to achieve adherence to these regulations."

At the beginning of the school year, local superintendents shall send out notices to the parents of all school-age children, informing them of the existence

of Chapter 622 and of its implications. Such notice shall be in the primary language of the parent and shall state that all programs and services offered by the school "are available without regard to race, color, sex, religion or national origin." In addition, the superintendent shall publicize the law throughout the community in general.

The superintendent shall also be responsible for ensuring that the students themselves are aware of the existence of the law.

He/she "shall make certain that employers who recruit new employees in and through the schools . . . do not discriminate . . . in their hiring and recruitment practices within the schools." Before any such recruiting is undertaken, "the employer shall be required to sign a statement that he/she does not [so] discriminate.

Since adults serve as role models for students, school authorities shall utilize adults in a variety of jobs, and as members of policy making committees . . . without regard to race, color, sex, religion or national origin.

Adults serving on athletic regulatory boards shall fairly represent the interests of both male and female students.

Because selective secondary schools have had atypical student bodies in the past, such . . . schools, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, shall admit qualified applicants of each sex and racial and ethnic groups in numbers proportionate to the existence of members of such class in the secondary school population of the geographic area served by that school."

Students whose primary language is not English shall be given the opportunity to receive guidance and counseling in his/her primary language.

9.00 Complaint Procedure

A parent, guardian or other person or group who believes that either the law or these regulations ha

been or is being violated, "may request a written statement of the reasons therefor . . . and may submit a copy of such request to the Bureau of Equal Educational Opportunity . . . . If such request is made, a copy of such request shall be sent by the School Committee to the Bureau . . . ."

COMPLAINT

The School Committee must respond in writing to the complaining party within 30 days. A copy of such response shall also be sent to the Bureau.

"The Bureau . . . shall act as the representative of the Board of Education for the purpose of receiving complaints."

The Bureau upon receipt of such complaint, shall "conduct reviews" to insure compliance with the laws and with these Regulations. "The School Committee and the specific school[s] involved shall cooperate to the fullest extent with such review.

REVIEW

In the event of non-compliance . . . the Board . . . may take such action as it sees fit, including, but not limited to, withholding of funds or referral of the matter to the . . . Attorney General for appropriate legal action.

10.00 Private Right of Enforcement

Nothing in these regulations shall abridge or in any way limit the right of a parent, guardian, or person affected to seek enforcement of Chapter 622 . . . in any court or administrative agency of competent jurisdiction."

2. Other Qualification Standards

Statutes

15 §1I

The board of education shall provide assistance in the formulation of plans to reduce or eliminate racial imbalance.

If, after the board gives notification that racial imbalance exists, any school committee "does not show progress within a reasonable time in reducing or eliminating racial imbalance in its schools," the commissioner of education shall "not certify the amount of state aid for such city or town."

The commonwealth shall, subject to appropriation and upon the approval of the board, pay one hundred percent of the cost of transportation of pupils transferred from schools in which racial imbalance exists to schools in which racial isolation or racial balance exists.

15 §1J

Plans made by school committees to reduce or eliminate racial imbalance, which are rejected by the Board, may be subject to "judicial review."

15 §1K

"The board of education, with the advice of the commissioner, shall appoint an advisory committee on racial imbalance. The members of the committee shall serve without compensation except that they may be reimbursed for the necessary expenses actually incurred in the performance of their duties."

71 §4

"Every town containing five hundred families or householders, shall unless . . . exempted by the board of education . . ., maintain a high school, adequately equipped, which shall be kept by a principal and . . . assistants as may be needed, of competent ability and good morals, who shall give instruction in such subjects as the school committee considers expedient. One or more courses . . . at least four years in length, shall be maintained . . . for the benefit of all inhabitants . . . for at least the number of days required by said board, ... A school committee may determine that such school shall be conducted for less than the number of days required . . . because of epidemic, extraordinary weather conditions dangerous to the health or safety of pupils or other emergency, subject, however to the provisions of Section Four A . . . ."

71 §4A

Failure to keep schools open for required periods will result in state aid reductions.

71 §29

"In every public school having a membership of fifty pupils or more, one or more female assistants shall be employed unless the town votes otherwise."

REGULATIONS

REG. #15

Length of Day and Year

School Year

"1. All school systems should schedule not less than 185 days in the school year calendar.

2. The school year shall contain not less than 180 days . . . during which both pupils and teachers shall be present and engaged in regular teaching -- learning activities. SCHOOL TERM

3. Early dismissal may be authorized . . . on the Wednesday preceding Thanksgiving, on December 24 . . . and on the last day of the school year in June.

School Day

1. A school day to be counted must involve the physical presence of students for the required number of hours.

2. Elementary schools . . . shall operate not less than five hours daily, exclusive of lunch periods, but may include recess periods.

3. Sunday schools shall operate not less than 5 1/2 hours daily, exclusive of lunch or other recess.

4. School systems shall be allowed . . . days for faculty institutes, staff meetings or activities with early dismissal if . . . those days plus other school days for that calendar month average at least 5 1/2 hours for secondary schools and 5 hours for elementary schools for the school day."

5. Local school committees may apply to the State Board if "certain extraordinary circumstances . . . make it desirable . . . to deviate from the existing regulations."

6. The department will encourage and evaluate "experimental innovative programs."

7. High schools requiring final examinations may not schedule such exams for more than three full days. "On those days students may be required to be present only for [their] examinations."

REG. #27

Equality of Opportunities/Racial Balance

Regulations Pertaining to the Preparation of Racial Balance Plans Which Involve Redistricting

The purpose of these regulations "is to provide assistance and guidance to the school committees . . . .which must prepare . . . plans in accordance with the statutory requirements and restraints of the Racial Imbalance Act." The attempt has been made here to interpret those requirements and constraints.

The Board is ready and willing "to provide appropriate technical assistance in the specific application of . . . [the following]. . . definitions to the preparation of such plans.

Safety

The Racial Imbalance Act [G.L. Ch. 71, Section 37D] requires that any plan to eliminate racial imbalance give full consideration to the safety of the children involved in travelling" between home and school. Those safety hazards involved here "arise from the distance students might have to walk or other hazards which they might encounter." Such problems "may be eliminated by providing properly supervised transportation." General school committee policy and administrative practices are "to provide transportation wherever there is a question about the safety of children travelling to and from school even for short distances." Factors to be considered in determining whether a safety hazard exists include "distance and the age of the children involved. This practice reflects the well-founded judgment that in many circumstances providing transportation is preferable from the point of view of safety to requiring that children walk to school."

Thus, wherever local school authorities determine that "the safety of particular children travelling between home and school under the provisions of a racial balance plan is in any way questionable" properly supervised transportation shall be furnished to these children. If the committee decides that "it can provide for the safety of those children while requiring them to continue to walk to school . . ." transportation may be omitted.

Size of Districts

No mechanical application of a fixed formula can be used to determine the permissible size of a school district. "A district is unlawfully large when its size creates undue risk of physical harm to the children attending schools therein.

Since geographical distance is a consideration of varying significance depending primarily upon population density, the Board defines an excessively large elementary or intermediate school district as one which encompasses more than 3500 elementary or 3500 intermediate students. There shall be no limit on the size of high school districts."

School

For purposes of "enrollment computations . . . a school shall be defined as an aggregate of shared educational relationships among students, faculty, and others, which are operated for a full day" (i.e., 5 to 5 1/2 hours per day).

REG. #36A

Length of School Year and School Day

Supercede regulations of July 28, 1970, and Bulletin 326, Section 6 relating to vocational schools.

1. "All school districts shall schedule a minimum of 180 days per year," but at the option of the school committee a lesser number of days may be utilized as hereinafter set forth.

2. "The minimum length of the school year may be determined on the basis of instructional hours, during which both pupils and teachers shall be present and engaged in regular teaching-learning activities.

3. [T]he frequency and length of kindergarten sessions shall be maintained when elementary grade levels are in session in the district." Those districts scheduling two daily kindergarten sessions may not cancel the afternoon session (for workshops, conferences, etc.) unless the attendance sessions are reversed at mid-year.

4. "Elementary schools shall operate a minimum of 900 hours during the school year, exclusive of lunch periods but including recess periods, or 180 days of 5 instructional hours each, exclusive of lunch periods.

5. Secondary schools shall operate a minimum of either 990 hours during the school year, exclusive of lunch or other recess, or 180 days of 5 1/2 instructional hours each, exclusive of lunch or other recess.

6. Vocational schools shall operate a minimum of either 1080 hours during the school year, exclusive of lunch or other recess, or 180 days of 6 instructional hours each, exclusive of lunch or other recess."

7. Local school committees shall designate as either elementary or secondary, those schools including elements of both.

8. Local school committees "shall have the authority to determine the number of hours in a school day for both the elementary and secondary grades" so long as the prescribed minimums are met.

9. The Board may waive these requirements when "good cause" is shown.

CROSS REFERENCES

II.A.1; Statute 71 §1

II.A.3.; Regulation, Regulation #5, Section 1

II.A.4; Regulation #13

IV.D; Statute 71 §68

A master's degree in psychology, guidance, social work or education may be accepted in lieu of the prescribed work experience.

A school committee may be exempted from these regulations if the Department determines that their enforcement would work "a great hardship in the securing of [such] supervisors of attendance."

BILINGUAL EDUCATION PROGRAM DIRECTOR

CROSS REFERENCE

II.A.5.; Statute 69§35

DISTRICT SUPERINTENDENT

CROSS REFERENCE

I.Local School Committee; Statute 71 §52

EDUCATIONAL PERSONNEL

STATUTES

15 §46 -- 48

"An advisory commission for the division of educational personnel shall be appointed by the board of education. It shall be composed of 21 members, broadly representative of classroom teachers, higher education faculty, school administrators and committees, students preparing for teaching and the general public. Provision for the length of terms, meetings and the filling of vacancies are set forth in the statute . . . ."

The commission shall make recommendations to the board concerning standards and procedures for certification of educational personnel and with respect to "approval of programs for preparation of such . . . personnel."

The commission shall (1) develop and recommend standards and procedures for certification; (2) develop and recommend rules and regulations with respect to certification and education of educational personnel; (3) provide leadership and coordinate resources for the improvement of the preparation of educational personnel; (4) establish committees in specialized curriculum areas to formulate recommendations with respect to such certification and preparation; (5) "develop and recommend . . .

B. QUALIFICATION STANDARDS FOR PERSONNEL

ATTENDANCE SUPERVISOR

REGULATIONS
REG. #12

Qualifications of Supervisors of Attendance

1. Certified evidence of 2 years of satisfactory full-time paid employment.

a. As a classroom teacher in a public or private school.

b. As a supervisor or director of guidance.

c. In a professional capacity in a health, welfare or law enforcement agency whose duties included "investigations of home conditions and problems."

d. As a social worker.

e. As a parole, police or probation officer with responsibilities in the field of juveniles.

Thirty hours of graduate work in education may be accepted in lieu of such experience.

2. He/she shall also be required to have a knowledge of the laws relating to education, to delinquent children and to the employment of minors.

REG. #20

Supervisors of Attendance

Minimum requirements effective September 1, 1977

1. Evidence of good health and moral character.

"2. Evidence of two years satisfactory full time paid experience as a professional public or private school teacher, or guidance counselor; health, welfare or social worker; as an aide to a supervisor of attendance; or as a private, probation or law enforcement officer" with extensive experience dealing with juveniles and/or "home investigators.

3. Evidence of knowledge of the laws concerning school attendance and of services available to children with attendance problems."

4. A bachelor's degree with a minimum of eighteen hours in psychology, guidance or social work.

alternative methods of . . . certification which are adapted to individual differences in candidates . . . institutions and performance requirements and which at the same time afford protection against incompetence; (6) develop and recommend . . . objective and verifiable standards of measurement and evaluation of . . . competence . . . ; (7) develop and recommend . . . objective standards for the identification of educational specialists.

The board shall advise the commission of the disposition of all recommendations [thus] made. . . ."

GUIDANCE COUNSELORS

REGULATIONS

REG. #22

Guidance Counselors -- Minimum Requirements

Plan A

1. Bachelor's or higher degree from accredited school.
2. Massachusetts Teachers Certificate
3. At least "27 credits in guidance and/or counselling including the following areas:
   a. Principles and Practice of Guidance
   b. Counselling Theory and Practice
   c. Group Psychological Testing
   d. Educational or Occupational Information or Guidance in Elementary Schools
   e. Practicum in Guidance and/or Counseling
   f. The remaining credits earned in the behavioral sciences."

Plan B

1. Master's or higher degree from an accredited school "with a major in guidance and/or counselling which includes a supervised practicum."

Applicants applying prior to the effective date of these regulations "may be certified under the regulations effective" at the time of their application.

Proposed Regulations for the Certification of Guidance Directors

Effective three years from date of publication

"1. Massachusetts guidance counselor's certificate."

2. At least six hours selected from the following areas:

a. "Organization and administration of guidance services.

b. Pupil Personnel Services.

c. Personnel administration and supervision."

Applicants applying prior to the effective date of these regulations "may be certified under the regulations effective" at the time of their application.

LIBRARIANS

STATUTES

78 §22; 25; 30

"The board of library commissioners shall certify and issue certificates to librarians. The board shall appoint an advisory committee of professional librarians . . . to advise it concerning certification." The board may also set a certification fee and make any rules and regulations "necessary and proper" for the certification process.

78 §29

Qualifications for certification include either graduation from an approved library science school, a satisfactory score on an examination, or an unexpired certificate issued by another state provided the requirements for certification are satisfactory to the board.

MEDIA SPECIALISTS

REGULATIONS
REG. #19

Audio-Visual Media Specialists

Minimum requirements for certificatior

1. BA from accredited or approved college or university.

2. Valid Massachusetts teaching certificate

3. Thirty semester hours of designated media preparation courses.

PRINCIPAL

CROSS REFERENCE

I.Principals; Statute 71 §59B

REGIONAL ADVISORY COUNCIL

CROSS REFERENCE

II.A.2.; Regulation, Regulation of October 1, 1975

SCHOOL COMMITTEE

CROSS REFERENCE

I.Local School Committee; Statute 43 §32

SCHOOL PERSONNEL

STATUTES
71 §38G

The board of education may grant, upon application, provisional and permanent certificates to teachers, principals, supervisors, directors, guidance counselors and directors, school psychologists, school librarians, audio-visual media specialists, unified media specialists, school business administrators, superintendents

of schools and assistant superintendents of schools. Each application shall be accompanied by a fee of ten dollars.

Any applicant shall be eligible for a provision or a permanent certificate who is: (1) an American citizen, (2) in good health with the exception of blindness or defective hearing; (3) of sound moral character; (4) has earned higher academic degree(s) and meets other requirements set by the board of education. The first certificate shall be a provisional certificate for two years which is renewable once. Before the board grants any other certificate, the applicant shall be evaluated by an "evaluation committee." Every evaluation by the committee shall be based on criteria determined by the board. If an adverse evaluation is made, the board shall notify the applicant and provide reasons for the denial of certification. A description of the procedures by which the applicant may initiate an appeal before a hearing officer must be provided. Official records of any such hearing shall be made. The applicant is entitled to be represented by counsel and may call witnesses to testify in his/her behalf and may examine and cross-examine witnesses at the hearing. The recommendation of the hearing officer and the transcribed record of the hearing shall be reviewed by the board. The applicant shall have the right to judicial review.

An applicant working under a provisional certificate shall be credited with two years service towards obtaining the status of "serving at the discretion of the school committee " (i.e. tenure).

No person shall be eligible for employment unless he/she holds the appropriate certificate for the type of position he/she seeks employment. However, a school committee may require additional qualifications for employment. A school committee may also apply for a one-year exemption from the requirement of certification if it can show the Board that compliance with the aforementioned requirements would constitute "great hardship" in the securing of teachers.

"Any certificate issued by the board may be revoked for cause, pursuant to standards and procedures established by rules and regulations of the board."
71 §39

"No public school committee or official shall inquire concerning, or require or solicit from an applicant for a position in the public schools any information as to his[her] religious beliefs, creed or practice, or his[her] political opinions or affiliations; and no appointment to such a position shall be in any manner affected thereby."

SCHOOL PSYCHOLOGIST

REGULATIONS
REG. #30

"Certificates issued to school psychologists . . . prior to the effective date of these regulations are valid as issued and those so certified are not subject to these revised regulations

PLAN A

TRANSCRIPT EVALUATION

Sixty (60) semester hours of graduate credit earned at an institution authorized to grant a Master's or higher earned Degree, distributed among the four areas indicated below:

AREA I Educational Foundations: Evidence of at least twelve (12) semester hours.

AREA II PSYCHOLOGICAL FOUNDATIONS: Evidence of at least twelve (12) semester hours.

AREA III ASSESSMENT, PRESCRIPTIVE AND INTERVENTION STRATEGIES: Evidence of at least twenty-four (24) semester hours.

AREA IV SUPERVISED FIELD EXPERIENCE IN SCHOOL PSYCHOLOGY: Evidence of at least twelve (12) semester hours.

PLAN B

SCHOOL PSYCHOLOGIST

NCATE APPROVAL (PERMISSIVE)

Graduates of institutions accredited by the National Council for the Accreditation of Teacher Education (NCATE), upon evidence of completion of a sixty-level program approved

for the certificate of school psychologists and recommendation of the preparing institution may be deemed to have completed a preparational program adequate for issuance of a certificate as a school psychologist.

PLAN C

SCHOOL PSYCHOLOGIST

(LEGAL RIGHT TO RECIPROCITY)

Graduates of preparatory programs approved by the Board of Education using the guidelines for program approval embodied in the National Association of State Directors of Teacher Education and Certification, NASDTEC, publication Standards for State Approval of Teacher Education, may upon evidence of completion of a sixth-level program approved for the preparation of school psychologists and recommendation of the preparing institution be deemed to have completed a preparational program adequate for the issuance of a certificate as a school psychologist."

SPECIAL EDUCATIONAL PERSONNEL

CROSS REFERENCE

II.A.2.; Regulation, Regulation of October 1, 1975 Ch. 10

TEACHERS

STATUTES

69 §6

"The state department of education shall receive applications for the position of teacher from graduates of good moral character of any high school or state college . . ." in Massachusetts, "or of any other school deemed . . . reputable . . . [the] application shall contain the applicant's . . . experience and qualifications, and shall be accompanied by a fee of five dollars."

71 §30A

All teachers who are United States citizens are required to subscribe to the following loyalty oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and that

I will faithfully discharge the duties of the position of (insert name of position) according to the best of my ability."

71 §38

In contracting with teachers, the school committee shall require "full and satisfactory evidence of their moral character" and "ascertain their qualifications for teaching and their capacity for the government of schools." It may also hire instructional or administrative aides for assignments in laboratories and classrooms. No school committee shall refuse to elect and contract with a candidate for a teaching profession because of such person's blindness." The election, contract, or promotion of a teacher shall be by vote after nomination by the superintendent.

71A §6

Teachers of transitional bilingual education shall be compensated by local school committees not less than a step on the regular salary schedule applicable to permanent certified teachers. "The board shall grant certificates to teachers of such programs who present the board with satisfactory evidence that they (1) possess a speaking and reading ability in a language, other than English . . . and communicative skills in English; (2) are in good health, provided that no applicant shall be disqualified because of blindness or defective hearing; (3) are of sound moral character; (4) possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved by the board; (5) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the board; and (6) are legally present in the United States and possess legal authorization for employment." Certificates shall be required unless compliance would "in the opinion of the department constitute a hardship in the securing of teachers of transitional bilingual education."

REGULATIONS

REGS. # 8-11

1. The State Board shall establish minimum requirements for certification.

3. Three years of successful teaching, supervisory or administrative experience in the relevant area may be accepted in lieu of required coursework.

10. "One semester of teaching under supervision will be acceptable in place of the practice teaching requirement."

13. Teachers may be permitted to teach "outside the provisions of the certificate" so long as it is not in excess of 20 percent of the full teaching program.

14. "A secondary school teacher may not devote more than 50 percent of teaching time to subjects in which he or she is not qualified to teach as a major." This shall include library services.

15. A. Certificates may be revoked by the Board of Education for cause if it is found that:

a. The certificate was obtained through fraud or misrepresentation.

b. The holder is "professionally unfit" or a member of the Communist party.

c. The holder is convicted of a crime that the Board feels "discredits the profession or brings into disrepute the Massachusetts certificate."

B. No certificate may be revoked without notice and an opportunity to be heard.

General requirements to be eligible for certificate:

1. American citizenship
2. Verifiable evidence of good health
3. Bachelors Degree
4. Required coursework
5. Three references; Two former employers

Special requirements of certification:

A. Superintendent and Assistant Superintendent

Special Requirements (in addition to above)

1. Massachusetts teacher's certificate

2. Special required coursework - broad educational background courses and administrative and supervisory courses

B. Secondary School Principal -- Jr. High Principal

1. Massachusetts teacher's certificate

2. Special coursework in administration

C. Elementary School Principal

1. Massachusetts teacher's certificate

2. Special coursework -- supervisor training

D. General Supervisor

1. Massachusetts certificate for authorized grade level

2. Required coursework in supervision

E. Special Subject Supervision (as defined)

1. Massachusetts certificate in special subject field

2. Required coursework in supervisory service

F. Guidance Director or Supervisor

1. Massachusetts certificate for service in elementary or secondary schools

2. Minimum 18 hours special coursework in guidance program education

G. Elementary School Teacher

1. Minimum 18 hours coursework in "governed" courses including at least 2 hours in supervised student teaching.

H. Secondary School Teacher -- Junior High Teacher

1. Special coursework of at least 12 hours in "approved" education courses, and 2 hours in supervised student teaching.

2. At least 18 semester hours in major; 9 in minor.

I. Teacher of Special Schools and Classes

1. Special coursework of at least 30 hours of "approved" special education coursework.

2. Regular teachers may qualify with 12 additional hours of approved coursework.

J. Special Subject Teacher

1. Special coursework of at least 18 hours in the special subject field.

2. At least 12 semester hours in approved education courses including at least 2 semester hours in supervised student teaching.

K. Guidance Counselor

1. A valid teacher's certificate for the school to be served.

2. 12 semester hours of "guidance program education" distributed as requested.

L. Teachers of Speech and Hearing Handicapped

1. A valid Massachusetts teacher's certificate.

2. A minimum of 30 hours of courses dealing with the education of the "speech and hearing handicapped" as set forth in the regulations.

M. Teachers of the Deaf

1. Coursework of at least 28 hours to be earned within a continuous six-year period. Specific courses are set forth in the statute but generally deal with the education of the deaf.

N. School Librarians

1. Either a degree in Library Science or a minimum of 18 semester hours in approved library science coursework.

2. A minimum of 12 semester hours in approved education courses.

REG. # 21

Transitional Bilingual Education

I. General Requirements for Certification

1. Applicant must submit application for certification.

2. Applicant to be employed must hold appropriate certificate.

3. One year exemptions from #2 may be granted and may on application of the employing school committee, be extended if the individual has had a "successful teaching performance" and has made "substantial progress toward meeting certification requirements."

4. Said regulations shall apply prospectively only.

5. All certificates issued under these regulations shall be permanent certificates.

6. Temporary uncertified substitutes may be employed "for less than a school year.

11. Two semester or seven months . . . of paid, continuous, successful teaching experience in a class of transitional bilingual education at the appropriate level may be accepted in lieu of supervised student teaching."

13.A) Certificates may be revoked for "cause" which shall include:

a) That the certificate "was obtained through fraud or the misrepresentation of a material fact."

b) Professional unfitness

c) Conviction of a "seditious or subversive activity" or of a "crime involving moral turpitude or of any other crime of such nature" that it "discredits the profession or brings into disrepute the Massachusetts certificate."

B) No certificate shall be revoked unless:

1) The holder gives adequate notice and an opportunity to be heard. Any such hearing shall be private but the certificate holder may be represented by counsel and may call witnesses in his/her defense.

2) A two-thirds vote of the Board is required for revocation. The Board shall render its decision within thirty days of the hearing.

C) Notice of revocation shall be sent to all Massachusetts superintendents "and to the certification officers of every state.

D) No person whose certificate has been revoked . . . may again be certified in Massachusetts except by two-thirds vote of . . . the Board.

14. A school committee or an approved teacher preparatory institution, using criteria established by the Board . . . may determine that an individual possesses a speaking and reading ability in a language other than English, communicative skills in English and an understanding of the history and culture of the country, territory or geographical area whose spoken language is that in which the candidate possesses such speaking and reading ability."

15. Graduates of accredited institutions upon completion of an appropriate program for the preparation of bilingual education teachers shall be eligible to apply for certification.

16. Graduates of programs approved by the Board using guidelines set forth in the STANDARDS FOR STATE APPROVAL OF TEACHER EDUCATION may, upon completion of the program, apply for the appropriate certificate.

II. Specific Regulations for Certificates

Elementary School Teachers -- Minimum Requirements

Eighteen hours of elementary education including "not less than six semester hours . . . in supervised student teaching in a bilingual education class in the elementary grades." Other courses must include "Methods and Materials in Bilingual Education in Elementary Education" and other approved courses.

Secondary School Teachers -- Minimum Requirements

1. Twelve hours in Secondary Education at least six of which "must be in supervised student teaching in bilingual education in the secondary grades." Other courses must include "Methods and Materials in Bilingual Education" and other approved courses, and

2. "Eighteen semester hours in one of the following areas: English, History, Geography, Social Studies, Mathematics, Chemistry, Physics, Biology, General Science, Earth Science, and the foreign languages."

Special Subject Teachers -- Minimum Requirements

"1. Twelve semester hours in Education approved for the preparation of teachers of the special subject" at least six of which "must be in supervised student teaching at the appropriate level.

2. Eighteen semester hours in one or more of the following areas: Health and Physical Education, Health, Business Subjects, Home Economics, Industrial Arts, Reading, Art, Music, Speech, Driver Education."

Special Class Teachers (Mentally Retarded) -- Minimum Requirements

1. Thirty semester hours in Education covering the following areas:

"Methods and Materials in Bilingual Education, Psychology of Subnormal and Unadjusted Children, Industrial Arts and/or Crafts or Domestic Arts, Special Class Methods, Educational Measurements, Supervised Student Teaching.

2. "Regularly appointed teachers of bilingual education with three years of classroom experience in bilingual education may be certified as teachers of transitional bilingual education . . . [upon] . . . completion of twelve semester hours of:

Psychology of Subnormal and Unadjusted Children, Special Class Methods, Educational Measurements, Industrial Arts and/or Crafts or Domestic Arts"

Teachers of Speech and Hearing Handicapped -- Minimum Requirements

1. Thirty semester hours of Education, eighteen of which "shall be distributed over the following six required areas: (of at least 2 hours each)

Anatomy and Physiology of the Speech and Hearing Mechanism, Speech Pathology, Speech Correction, including Laboratory Clinical Practice or Student Teaching, Phonetics, Diagnostic Hearing Testing."

2. The remaining hours shall include "Methods and Materials in Bilingual Education" and other approved courses.

Teachers of the Deaf -- Minimum Requirements

1. Thirty semester hours in Education completed within a six-year period, including courses in

"Methods and Materials in Bilingual Education, The Teaching of Speech to the Deaf, The Teaching of Language to the Deaf, Methods of Teaching Elementary School Subjects to the Deaf, Problems in the Education and Guidance of the

Deaf, Auditory and Speech Mechanism, Audiometry, Hearing Aids and Auditory Training, Methods of Teaching Speechreading to the Deaf and Hard of Hearing, Observation and Student Teaching. Psychology of Exceptional Children.

REG. #28

Amendment to #8

I. Amend Article II of the regulations by adding

16. Massachusetts Elementary Certificates shall be valid for grades kindergarten through eight.

17. Massachusetts Secondary Certificates shall be valid for grades seven through twelve "in the specified certification field or fields.

18. One holding a Secondary Certificate may teach up to fifty percent of his[her] program in his[her] certification field . . . in grade six without holding an elementary certificate provided the local . . . committee deems such teaching beneficial for the education of pupils."

19. Massachusetts Secondary Principal Certificates shall be valid for schools which have grades seven and eight "and includes not more than two grade levels immediately below grade seven." Elementary Principals may still serve in schools "whose organization includes no grade above the eighth grade.

20. Student teaching in grades kindergarten through six shall be appropriate for an elementary certificate" and grades seven through twelve appropriate for a secondary certificate.

REG. #29

Interim Special Education Teachers

2. "Those instructing children with special needs in the integrated program will need the appropriate . . . certificate."

3. Those previously issued certifications #56 (Mentally retarded -- teacher) and #58 (Deaf -- teacher) may "teach children with special needs in a sub-group of a regular class or a separate room." Those certificates shall no longer be issued.

4. The Division of Special Education shall establish its own certification requirement and "approve those working with children with special needs in the non-integrated part of the program." Such "approvals" shall be for 3 years "and shall not predetermine who shall be certified" when the Division later recommends proposed certification requirements.

5. "The certificates of all School Psychologists certified by the Division . . . jointly with the Departments of Mental Health and Education . . . are valid as issued for life, unless revoked for cause . . .

6. Those previously tentatively approved as tutors of the Physically Handicapped . . . may function in this role with individual children, or in a sub-group of a regular class, or in a separate room . . . and only with children with learning disabilities unless they hold an appropriate . . . certificate."

CROSS REFERENCES

I.Local School Committee; Statute 71 §52

II.A.2; Regulation of October 1, 1975 (Chapter 10)

II.A.3.; Regulation, Regulation #5, Section 2

C. Performance Standards

Director of Occupational Guidance and Placement

CROSS REFERENCE

I.Director of Occupational Guidance; Statute 71 §§38A — 38F

INSTRUCTORS

STATUTES

71 §30

"[A]ll . . . instructors of youth shall exert their best endeavors to impress on the minds of children and youth committed to their care and instruction the principles of piety and justice and a sacred regard for truth, love of their country, humanity and universal benevolence, sobriety, industry and frugality, chastity moderation and temperance, and those other virtues which are the ornament of human society and the basis upon which a republican constitution is founded; and they shall endeavor to lead their pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above mentioned virtues to preserve and perfect a republican constitution and secure the blessings of liberty as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices."

LEGISLATURE

CONSTITUTION

MASSACHUSETTS CONSTITUTION, PT. 2, C.5, §2

"Wisdom and knowledge, as well as virtue . . . generally among . . . the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different . . . people, it shall be the duty of legislature . . . to cherish the interests of literature and the sciences . . . to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people."

educational opportunity in the public schools . . . and the equalization of the burden of the cost of school support to the respective cities and towns."

71 §37C

"It is . . . the policy of the commonwealth to encourage all school committees to adopt as educational objectives the promotion of racial balance and the correction of existing racial imbalance in the public schools. The prevention or elimination of racial imbalance shall be an objective in all decisions involving the drawing or altering of school attendance lines, establishing of grade levels, and the selection of new school sites."

151C §2, 3

"It shall be an unfair educational practice for an educational institution:

(a) to exclude or limit or otherwise discriminate against any U.S. citizen seeking admission as students to an institution because of race, religion, creed, color or national origin."

A student who claims to be so aggrieved may petition the Massachusetts Commission Against Discrimination for redress.

CROSS REFERENCES

III.A.1.; Regulation, Regulations of July 18, 1975

IV.G.; Statute 71§37D

School Committee Members

CROSS REFERENCE

I.School Committee; Statute 43§32

School Personnel

Statutes

71 §42B

"Any school personnel serving at the discretion of a local school committee, except the superintendent of schools, whose position is superseded by reason of the establishment of a regional school district shall be elected

by the regional school district to serve at its discretion," without loss of rights previously acquired. Those persons not serving at the discretion of the school committee shall also be elected to serve provided there is "an available position which such person is certified to fill." They too shall preserve their previously acquired rights.

71 §43A; 71 §43B

APPEAL

Any teacher or principal or superintendent who has been dismissed, demoted, or removed from a position by vote of a school committee may within thirty days appeal to the superior court. Expenses incurred while defending himself/herself against an "unwarranted removal or suspension" shall be reimbursable by the school committee.

CROSS REFERENCE

I.Principals; Statute 71 §59B

III.B.School Personnel; Statute 71§39

SCHOOL SYSTEM

CROSS REFERENCES

III.A.2; Regulation #15

IV.J; Statute 75 §5

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2.; Statute 71B§6

STUDENTS

CROSS REFERENCE

II.A.3.; Regulation, Regulation #5, Section 3

SUPERINTENDENT

STATUTES

71 §6[illegible]

REMOVA

School committees which have come together to form a union shall employ a superintendent for a three-year term who after three years shall not be removed except for "inefficiency, incapacity, conduct unbe-

MAGNET SCHOOLS

STATUTES

71 §37I

The board of education may make grants for the cost of providing magnet school facilities. A magnet school facility is "a school or part thereof which . . . attracts pupils from outside the neighborhood . . . for the purpose of reducing or eliminating racial imbalance or racial isolation . . . ." The facility "shall be operated in a manner designed to achieve racial balance therein or at the public school of which such facility is a part." The selection of the particular pupils to attend such facility shall be in accordance with regulations of the board, and "shall reasonably provide for priority for those . . . pupils who are attending or otherwise would attend a racially imbalanced school."

PRINCIPAL

STATUTES

71 §42A

No principal, supervisor, or assistant principal, who has served in that position for over three years shall without her or his consent be demoted except for "inefficiency, incapacity, unbecoming conduct, insubordination or other good cause." She or he must be given a 30-day written notice, furnished reasons, and given the opportunity for a hearing before the school committee which may either be private or public at the discretion of the school committee. He/she shall have the right to have counsel and witnesses present. Any person demoted under these procedures may appeal the decision to the superior court.

NOTICE

HEARING

PUBLIC SCHOOLS

STATUTES

70 §1

"The purpose of the financial assistance provided by [the state] shall be to promote the equalization of

coming a superintendent, insubordination or other good cause."

CROSS REFERENCE

III.C.Teachers; Statute 71 §42

TEACHERS

STATUTES

32 §43

An appropriate city or town retirement board, upon recommendation of the school committee may retire from active service any teacher who is over sixty who, "in the judgment of the committee is incapacitated for useful service, and who has faithfully served such city or town for twenty-five years.

71 §42

DISMISSAL

"The school committee may dismiss any teacher, but no teacher and no superintendent, other than a union superintendent and the superintendent of schools in the city of Boston, shall be dismissed unless by a two-thirds vote of the whole committee." A non-tenured teacher who has been teaching for more than ninety days shall not be dismissed for any reason unless at least fifteen days, prior to the meetings at which the vote is to be taken she or he shall have been notified. She or he may request a hearing, with counsel and witnesses present. A teacher or superintendent serving "at discretion" (tenure) or under contract "shall not be dismissed, except for inefficiency, incapacity, conduct unbecoming a teacher or superintendent, insubordination or other good cause." He/she shall also have a right to a hearing with counsel and witnesses present. This does not affect the right to dismiss a teacher whenever there is an actual decrease in the number of pupils. In the case of a decrease in pupils a teacher serving at discretion of the school committee shall not be dismissed if there is a teacher not serving at discretion whose position can be filled by the teacher serving at discretion.

HEARING

71 §42D

SUSPENSION

"The school committee may suspend any teacher, but no teacher shall be suspended for more than ten days and no superintendent [other than a union or Boston superintendent] shall be suspended, unless by a two-thirds vote of the whole committee." In every town a teacher or superintendent employed at discretion (having tenure) shall not be suspended "except for unbecoming conduct or other good cause," nor unless she/he has been notified. She/he may request written charges and a hearing at which he/she may have counsel and witnesses present. No teacher or superintendent shall be suspended for a period exceeding one month, nor receive compensation for any period of lawful suspension. Interrogation prior to a hearing is unlawful unless notice is given that there is a right to counsel during such investigation.

HEARING

"The school committee, a superintendent or any other school official designated for the purpose, by the superintendent, may, notwithstanding any provision of this section to the contrary, suspend for a period of not more than five days a teacher for unbecoming conduct or for any other cause which such committee, superintendent or official deems adequate."

CROSS REFERENCE

III.B.Teachers; Statute 71 §30A

III.B.Teacher; Regulation, Regulations #8-11;21

TENURED PERSONNEL

STATUTES

71 §38H; 71 §38J

School librarians, school library coordinators and school adjustment counselors appointed by a school committee shall acquire tenure and be subject to the provisions for teachers relating to tenure, dismissal suspension, discharge and appeals.

D. EVALUATION AND REPORTING

CENSUS

REGULATIONS

REG. #34

Regulations Pertaining to Census

1. These regulations require school committees "to establish definite methods for the collection and transmission to the Department . . . of information pertaining to each person in the Commonwealth of age three through twenty-one . . ."

2. Each school committee shall collect the information required by statute or regulation concerning either the transitional bilingual education program or the program for children with special needs. The method to be used in such information gathering must be governed in advance by the Department. "The census shall be conducted annually during the month of January and shall reflect the circumstances prevailing on January 1 of the year in which the census is conducted." The census report mandated by statute shall be submitted to the Department by March 1st.

3. Said report shall be signed by both the local superintendent and the chairman of the school committee. Such report shall set forth the means used in conducting the census.

4. "Each school committee shall be responsible for the maintenance of a pupil census card . . . for every person

of age three through twenty-one determined to be a resident in its community.

6. Upon completion of the census, the results shall be compared with those of the previous year's census and to the school registers and enrollment lists of students in non-public schools. Such comparison shall be used to ensure that all persons of compulsory school age are enrolled in a proper educational program.

7. The names and addresses of all persons found to be in need of educational placement shall be sent to the Department. "The school committee shall also submit . . . its plans for the enrollment and educational placement of these children."

8. If the Department determines any census to be inadequate, "the Department may mandate the school committee to conduct a census forthwith in a [prescribed] manner . . . .

9. All information gathered pursuant to these regulations shall be open to inspection by authorized agents of the Department . . . except for information on persons . . . with special needs which information shall be available in accordance with . . . Chapter 71B . . . and the regulations promulgated pursuant thereto."

CROSS REFERENCES
I.Local Superintendent of Schools; Statute 72§2A; 3
IV.H.; Statute 72§2

CONDITION OF THE SCHOOLS

STATUTES

72 §4 -- 7

The school committee shall make a detailed report of the condition of the public schools, containing statements and suggestions relative thereto it considers necessary or proper. Erroneous reports or returns must be corrected. Failure to file a report or return on or before August 15 will result in forfeiture of ten percent of the sum otherwise entitled to a town. "A town suffering such a forfeiture through the default of its school committee may withhold the compensation of the committee."

Educational Programs

CROSS REFERENCES

I.Principals; Statute 71 §59B

II.A.5; Regulation #23

Educational System

Statutes

15 §1H

An Advisory Council on Education has been established. Appointment and membership requirements are set forth in the statute. The council shall "recommend policies designed to improve the performance of all public education systems . . ." and "shall recommend such policies as will promote and facilitate coordination, effectiveness and efficiency" in the schools. The council shall issue an annual report of its findings and recommendations to the governor.

69 §2

"The commissioner shall present to the general court a statement of amounts expended . . .[for]. . . vocational schools." He she shall make an annual detailed report with observations upon the condition and efficiency of the system of public education and suggestions in regard to the most practicable means of improving and extending it. The records . . . of the department shall be open to public inspection."

CROSS REFERENCE

I.Local Superintendent of Schools; Statute 71 §59

Racial Imbalance

CROSS REFERENCE

IV.G.; Statute 71§37D

Special Education Programs

CROSS REFERENCES

II.A.2; Statute 15 §1Q

II.A.2.; Regulation, Regulation of October 1, 1975

Superintendent of Education

CROSS REFERENCE

I.Local Superintendent of Schools; Statute 71 §59

Transitional Bilingual Education Programs

CROSS REFERENCE

II.A.5.; Regulation, Regulation #23

E. Improvement Efforts

Educational System

CROSS REFERENCES

I.Commissioner of Education; Statute 69 §1

III.D.Educational System; Statute 15 §1H

Extended School Year Program

CROSS REFERENCE

II.A.10. Other - Extended School Year Program; Regulation #26

Public Relations

STATUTES

71 §38K

"In cities having a population of over one hundred thousand, the school committee may establish within the school department a bureau of public relations for the purpose of improving public relations between the school department and the community."

Special Educational Programs

CROSS REFERENCES

II.A.2.; Statute 71B§4

II.A.2.; Regulation, Regulation of October 1, 1975

Special Education Staff

CROSS REFERENCE

II.A.2; Statute 15 §15B

STATUTES

71 §38I

The school committee may reimburse teachers for tuition and fees incurred in "upgrading skills and improving proficiency."

71 §41A

A school committee may grant a leave of absence for study, research, or for service to a professional educational organization, to any teacher, registered nurse, principal, supervisor, director, school librarian, superintendent or assistant superintendent "serving at discretion," for a period not exceeding one year at full or partial pay; provided that upon termination of such leave he/she will return to service in the public schools for a period equal to twice the length of such leave. If he/she fails to return they shall be required to reimburse the school for their salary during such leave.

71 §73

The superintendent of schools may direct the closing of schools in order that teachers "may attend a meeting of a county association of teachers or an institute, conference, or convention held under the direction of the department."

CROSS REFERENCE

III.A.1.; Regulation, Regulations of July 18, 1975

MICHIGAN

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A. QUALIFICATION STANDARDS FOR SCHOOLS AND SCHOOL DISTRICTS

2. OTHER QUALIFICATION STANDARDS

STATUTES

§380.12

"Any school district shall lose its organization whenever there are not enough persons in such district qualified under the law to hold district offices or" willing to accept such offices. When either condition occurs, the intermediate board of education of the intermediate district containing the district shall, by resolution, dissolve the district and immediately attach its territory, "in whole or in part", to other organized districts and make an equitable distribution of the dissolved district's money, property and other materials to the districts receiving attached territory. If any dissolved district "has a bonded indebtedness", the intermediate board of education shall attach that district "in whole to another district" and shall immediately "audit the assets and liabilities" of the dissolved district. If the intermediate board finds any considerable discrepancy, it "shall order the receiving district to pay this discrepancy."

DISSOLUTION

§380.80

"A primary school district shall not operate a grade above the eighth grade."

§380.1175

The following days shall be public school holidays on which there shall be no school sessions: January 1, New Year's day; the last Monday of May, Memorial or Decoration day; July 4; the first Monday in September, Labor day; the fourth Thursday of November, Thanksgiving day; and December 25, Christmas day. If a legally designated public holiday falls on Sunday, the Monday following shall be a public school holiday. The salary of school officers and teachers shall not be affected by the dismissal of

HOLIDAYS

school on these specified days.

School officers and teachers shall have the schools under their charge observe the following days by appropriate commemorative exercises or by arranging school work to teach the significance of these days, which shall not be legal holidays for schools: February 12, Lincoln's birthday; the third Monday of February, Washington's birthday; September 17, the date of the adoption of the federal constitution; the second Monday in October, Columbus day; October 21, Carleton's birthday; October 27, Roosevelt's birthday; and November 11, Veteran's day.

§380.1284

SCHOOL TERM

A school board shall determine the length of the school term. The minimum days of instruction shall be 180. Not later than August 1, the board shall certify to the state board the number of days of student instruction in the previous year. A district having failed to hold 180 days shall forfeit 1/180 of total state school aid for each day of failure, deducted from the initial payment of state school aid for the following school year. Days lost because of strikes or teachers' conferences shall not be counted as days of student instruction.

§388.402

Any educational institution which shall employ a U.S. citizen who has not taken an oath shall, during this unlawful employment, not receive state moneys for any purpose.

§388.1201

To be eligible to receive state aid under §388.1101 et. seq., on or before the seventh Friday after Labor Day of each year, each district superintendent shall file with the intermediate superintendent a certified copy of the district's current enrollment. In case of failure to file in accordance with state board rules, state aid shall be withheld. A person who wilfully falsifies any statement regarding the enrollment shall be punished as prescribed by law.

Each district shall provide a minimum of 180 days of student instruction. A district failing to hold 180 days shall forfeit 1/180 of its total appropriation for each day of failure. A district failing to comply with state board rules establishing minimum instruction time, shall forfeit from its total appropriation an amount determined by applying a ratio of the time the district was in non-compliance to the minimum time instruction is required. A district failing to meet both the minimum 180 days and the prescribed time of instruction shall be penalized only the higher of the two amounts. Days lost because of strikes or teachers' conferences shall not be counted as days of student instruction.

A district shall not be paid any sum if, in the preceding fiscal year, the amount of funds on hand for operation costs exceeded the amount expended.

§388.1265

A district employing teachers not legally qualified shall have deducted the sum equal to 1/2 the amount paid the teachers. Each intermediate superintendent shall notify the department of the name of the unqualified teacher and the district employing him/her and the amount the unqualified teacher was paid.

REGULATIONS

R 340.162

Failure of a junior or senior high school to fulfill a contract, properly signed by the superintendent, principal, or faculty manager, may subject a school to probation or suspension.

R 388.415.

"Rule 5.

"(1) The case load of a learning disabilities teacher. . .shall be not more than 50 pupils.

"(2) Not less than 1 day a week, or its equivalent in time, shall be used by a learning disabilities teacher

for consultation with school staff members and parents and for insertive training."

R 388.424.

"Rule 4.

"(1) A reading support services teacher who functions as a consultant. . .in the area of reading support services shall not be restricted as to student load.

"(2) The student load of a reading support services teacher. . .shall be not more than 50 pupils. . ."

CROSS REFERENCES

II.A.2; Statute §380.1703

II.A.2; Regulation R340.1733

II.A.2; Regulation R340.1738

II.A.2; Regulation R340.1739

II.A.2; Regulation R340.1740

II.A.2.; Regulation R340.1741

II.A.2; Regulation R340.1742

II.A.2; Regulation R340.1743

II.A.2; Regulation R340.1744

II.A.2; Regulation R340.1745

II.A.2; Regulation R340.1747

II.A.2; Regulation R340.1748

II.A.2; Regulation R388.415

II.A.2; Regulation R395.301

II.A.5; Statute §380.1153

II.B.2; Statute §380.671

III.B.Teachers; Regulation R388.423

III.B.Teachers; Regulation R390.1103

IV.G; Statute §380.1406; 380.1407

B. Qualification Standards for Personnel

Adult Education Personnel

CROSS REFERENCE

II.A.8; Statute §388.532

REGULATIONS

R 390.1115.

"Rule 15.

"(1) The application for a certificate or permit shall be directed to the state board. . .

(2) Credits toward certification shall be completed through an approved teacher education institution. . .The state board reserves the right to determine the acceptability of credits presented for certification. . ."

R 390.1121.

"Rule 21.

"A qualified person shall complete an application for provisional certification within 5 years after certification requirements have been met."

R 390.1124

"Rule 24.

PROVISIONAL CERTIFICATE

"(1) An applicant for. . .provisional certificate shall have satisfactory college credits prior to assignment to direct teaching.

(2) For certification purposes, a minimum of 30 clock hours of responsibile classroom teaching and observation. . .is equivalent to 1 semester hour of credit in directed teaching.

(3) The directed teaching requirement. . .may be waived in full or in part for an experienced teacher. . ."

R 390.1125

"Rule 25.

"(1) An applicant for a provisional certificate shall have been granted a bachelor's degree from a Michigan college or university approved for teacher education by the state board. . .

(2) The sponsoring institution shall make recommendation concerning all certificates."

R 390.1128.

"Rule 28.

"A person already certificated who wishes to qualify for a new major or minor may combine credit already earned with additional credit to bring the total up to the minimum for a major or a minor as specified. . ."

R 390.1129.

"Rule 29.

"(1) The holder of a. . . certificate. . .may qualify for a certificate endorsement by presenting evidence that he/she has completed 1 of the following planned programs with a minimum of 18 semester hours. early childhood general elementary, middle school or areas appropriate to the secondary grades. . .

ENDORSEMENT

(2) The holder of a. . .certificate. . .may qualify at a new certificate level. . .by presenting evidence that he/she has completed a minimum 12 semester hour planned program appropriate to the new certificate level. . . . When directed teaching at the new level is required. . .2 years of successful teaching experience at the appropriate level. . .may be sustituted for the requirement. . ."

COUNSELORS

REGULATIONS

R 390.1302

"Rule 2. A person employed in a public elementary or secondary school in a counseling role shall hold a valid Michigan teaching certificate with a counseling endorsement."

R 390.1303

"Rule 3. (1) An applicant for endorsement shall possess a current valid Michigan teaching certificate. The sponsoring institution shall make recommendations concerning counselor endorsements at the appropriate level or levels, elementary and secondary, for which he/

she qualifies.

(2) An applicant shall have successfully completed an approved counselor education program of not less than 18 semester hours of credit. The program shall be approved by the state board of education and shall include the following skills and content areas or their equivalent:

Guidance services -- philosophy, principles and practices.

Individual and group analysis -- nature and range of human characteristics, and appraisal methods.

Guidance information -- vocational development theory, educational and occupational information.

Counseling theory and practice -- individual and group procedures, administration and coordination relationships, professional relationships and ethics.

Supervised experiences-- laboratory, practicum or internship.

Evaluation -- statistics and research methodology, follow-up evaluation and measurement methods."

R 390.1304

"Rule 4. The state board of education, at the request of an approved teacher education institution, may waive for a specific time any requirement set forth in rule 3 for experimental counselor education programs. A request for a waiver shall provide sufficient detail to allow the board to approve such provisions in order that substantial experimentation with patterns of counselor education may be encouraged. Upon adequate evidence, the board may give continuing status to an experimental counselor education program of demonstrated superiority."

R 390.1305

"Rule 5. (1) An application for school counselor endorsement shall be directed to the state board of education.

(2) Credits toward school counselor endorsement shall be completed through an approved sponsoring institution

or accepted in transfer by such an institution. The board reserves the right to determine the acceptability of credits presented for endorsement from approved counselor education institutions located in other states."

DIRECTOR OF SPECIAL EDUCATION

REGULATIONS

R 340.1771

"Rule 71. (1) For full approval, a director of special education shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval in at least 1 area of special education.

(d) Three years of successful professional practice or administrative experience in education, or combination thereof.

(e) Thirty semester or 45 term hours of graduate credit and a successful 200 clock hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency as related to special education in the following areas:

(i) Program development and evaluation.

(ii) Personnel staffing, supervision and evaluation.

(iii) Interpersonal relationships, communications, persuasion, and morale.

(iv) Evaluation of inservice organization and management.

(v) Budgeting, financing, and reporting.

(vi) Parent relationships.

(vii) School plant planning.

(ix) Research and grant writing.

(x) Office management.

(xi) School-related legal activities and due process hearings.

(f) One year of successful experience as a special education director in an approved special education program.

(g) Recommendation from a college or university, approved for the preparation of special education directors, which attests that the person has acquired the knowledge and competencies in sub-rule (e) and has demonstrated leadership ability and general knowledge of issues and problems in all disability areas of special education.

(2) For temporary approval, a director of special education shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval in at least 1 area of special education.

(d) Three years of successful professional practice or administrative experience in education or combination thereof.

(e) Twelve semester or 18 term hours of graduate credit and a successful 200 clock hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency as related to special education in areas as designated in subrule (e).

(f) Recommendation from a college or university approved for the preparation of special education directors.

(g) Continuation of temporary approval is dependent upon the satisfactory completion of at least 6 semester or 9 term hours of required credit toward full approval prior to the beginning of the next school year."

District Board of Education

Statutes

§380.322

"A registered school elector of the school district shall be eligible to be chosen as a board member." Election procedures set forth in §380.1066 "shall be applicable to a second class . . . district unless otherwise provided for by this part."

Intermediate Superintendent

Statutes

§380.651

An intermediate superintendent shall possess 45 months' experience as a teacher or administrator in public or non-public schools, a teacher's certificate issued by the state board, and a master's degree in education from a regionally accredited college or university.

CROSS REFERENCE

I.Intermediate Board of Education; Statute §380.623

Preschool Teachers

Statutes

§388.1023

To be certified as a qualified parent cooperative preschool teacher, an applicant must have earned 120 semester hours in an accredited institution of higher education, including not less than 15 semester hours of child development course work, or have earned 60 semester hours before July 1, 1979, including not less than 15 semester hours of child development course work, or have taught in a parent cooperative preschool for not less than 5 years before the effective date of this act (March 31, 1977).

The department shall credit the successful teaching experience of a qualified parent cooperative preschool teacher holding a current elementary certificate or a secondary certificate with a home economics endorsement, vocational endorsement in child care and guidance, or an early childhood endorsement for purposes of qualifying for continuing certification.

Regional Board of Education

CROSS REFERENCE

I.Regional Board of Education; Statute §380.412

School Psychologist

Regulations

R 340.1152

"Rule 2. (1) For full approval by the department of education, a school psychologist shall meet all of the following requirements:

(a) Possess at least a master's degree in school psychology or its equivalent.

(b) Have completed a minimum of 45 graduate semester hours in school psychology or related areas, in addition to an internship.

(c) Have completed not less than a 500 clock hour supervised internship with school age persons under the supervision of an approved school psychologist training institution.

(d) Meet the competency requirements as set forth in rule 6.

(e) Have completed 1 year of successful experience as a school psychologist with direction from a fully approved school psychologist.

(2) An institution of higher education maintaining a school psychologist training program approved by the department shall make a recommendation concerning

the full approval of a school psychologist.

(3) A school psychologist shall request reapproval from the department if he/she were previously fully approved but has not been employed as a school psychologist for 5 or more consecutive years.

R 340.1153

Rule 3. (1) For temporary approval by the department of education, a school psychologist shall meet all of the following requirements:

(a) Have completed a minimum of 30 graduate semester hours toward competencies for full approval in school psychology or related areas, in addition to the internship.

(b) Have completed not less than a 500 clock hour supervised internship with school age pupils under the supervision of an approved school psychologist training institution.

(2) An institution of higher education maintaining a school psychologist training program approved by the department shall make a recommendation concerning the temporary approval of a school psychologist.

(3) Temporary approval may be extended annually for 3 consecutive years if a school psychologist completes a minimum of 6 semester hours of satisfactory work necessary for full approval prior to September 1 of each year.

R 340.1154

Rule 4. Temporary approval may be granted for 1 year to a school psychologist fully approved or certified as a school psychologist by another state, if Michigan has a reciprocal agreement with that state. Full approval shall be given upon completion of a successful year as a school psychologist in Michigan. If reciprocity has not been established, the department of education shall evaluate his/her credentials and experience to determine his/her eligibility for approval.

R 340.1156

"Rule 6. A person completing a school psychology training program shall demonstrate competencies as follows:

(a) A knowledge of the organization and administration of local and state agencies and their services for pupils.

(b) Skills in the administration and interpretation of tests, which shall include intelligence, achievement, personality and perceptual-motor tests.

(c) An understanding of the rationale of testing, measurement, and evaluation.

(d) Skills in integrating data obtained from tests and from other sources of information through both written and oral communication.

(e) Skills in psychological report writing.

(f) The capacity to interview, consult and counsel with school personnel, parents, pupils and others.

(g) The capacity to plan and implement classroom management procedures pertaining to behavior of pupils.

(h) Competency in the planning and prescribing of teaching and curriculum strategies for pupils.

(i) The acquisition and mastery of a broad understanding of the psychology of learning and learning impairments of pupils.

(j) A comprehensive understanding of personality development and the assessment of human behavior.

(k) The capacity to communicate his/her psychological findings to professionals, parents, pupils and others in a meaningful manner."

R 340.1157

"Rule 7. The department of education shall approve as a school psychologist a person employed, approved, or eligible for approval as a school diagnostician prior to the effective date of these rules Persons eligible for approval may seek approval within 5

years of completion of their program. A person enrolled in a school diagnostician training program prior to September 1, 1973, shall receive approval by the department as a school psychologist upon completion of his/her program."

SCHOOL SOCIAL WORKER

REGULATIONS

R 340.1012.

"Rule 2.

"(1) [A] school social worker,. . .shall have completed a master's degree from a[n approved] graduate school of social work. . .

(2) In addition. . .,an applicant for temporary approval as a school social worker shall have submitted. . . a written recommendation. . .from the approved university school of social work training program.

(3) Full approval. . . shall be contingent upon. . . satisfactory completion of 1 year as a school social worker. . ."

R 340.1014.

"Rule 4.

"(1) A school social worker shall possess applicable knowledge of:

(a) Individual, family, group, and community dynamics, as well as mental health concepts and behavior which result from. . .handicapping conditions.

(b) Educational organization, delivery systems, and the school as a social institution.

(c) Varying life styles, and their influence and counter-influence on learning and school-community relations.

(d) The learning process as it relates to the developmental stages of children.

(e) Learning patterns, including actual and potential impediments to learning.

(f) The legislative process and impact of law on education.

(g) Structure, function, and policy of major human services organizations.

(h) Value and ethical constraints within which the social work profession operates.

(j) Research, evaluation, tests, and measurements.

(2) A school social worker should possess ability and skills as follows:

(a) Ability to recognize deficits in learning patterns and to develop. . .alternative learning experiences.

(b) Skill in systematic observation and assessment of. . .pupils in problem situations and the ability to formulate appropriate plans of action.

(c) Skill in the selective collection of information and documentaion of. . .factors which affect the learning process.

(d) Skill in identifying and assessing the social-emotional needs of pupils. . .

(e) Ability to communicate to appropriate person, . . . regarding socio-developmental findings, goals and objectives, and intervention strategies, as well as outcomes and recommendations.

(f) Skill in identifying and developing resources within and outside a school system.

(g) Skill in providing appropriate. . .treatment services to individuals, groups, families, and the school community."

SPECIAL EDUCATION PERSONNEL

REGULATIONS

R 340.1791

"Rule 91. A curriculum resource consultant employed in a special education program shall meet the following requirements for approval by the state board of education:

(a) An earned master's degree or its equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval as a teacher or teacher consultant, to the extent that a district could receive state reimburse-

ment for employment in at least 1 of the specific areas in which he/she will work.

(d) Three years of successful experience in at least 1 of the specific areas of special education.

(e) Completion of 12 semester hours of credit, or equivalent, in an educational program approved by the state board of education and insuring competency in the following areas:

(i) Structure and planning of curriculum.

(ii) Media.

(iii) Inservice education.

(iv) Acquisition, categorization, evaluation, and distribution of materials."

R 340.1792

"Rule 92. Supportive professional personnel employed or contracted with to provide supportive services to handicapped persons, such as social work services and medical and psychological diagnosis, shall be licensed, certificated or registered by a governmental agency as a condition of practicing their profession, certified by a legally recognized professional board or association as an indication of adequate preparation and training or recommended by a college or university offering an appropriate training program as approved by the state board of education."

R 340.1793

"Rule 93. Paraprofessional personnel employed in special education programs shall be qualified in accordance with requirements established by their respective intermediate school district plan. Paraprofessional personnel include, but are not limited to, teacher aides, health care aides, bilingual aides, instructional aides, and program assistants in programs for severely mentally and severely multiply impaired."

R 340.1794

"Rule 94. An instructional aide employed in programs for severely mentally impaired and trainable mentally impaired shall meet either of the following qualifications:

(a) Be a high school graduate, or equivalent, with a minimum of 2 years of successful experience as an aide in a day care training program or a trainable classroom, or equivalent experience; and be recommended by an administrator who has supervised his work as an aide for at least 1 year.

(b) Be a high school graduate, or equivalent, with advance training in a community college or degree granting institution whose special education instructional aide training program has been approved by the department."

SUBSTITUTE TEACHERS

REGULATIONS

R 390.1143

"...(2) The person who presents less than 15 semester hours of credit in professional education, but at least 120 semester hours of satisfactory college credit, is eligible for a substitute permit.

(3) A substitute permit is valid for teaching on a substitute basis for a maximum of 90 days during any school year for a person with a minimum of 60 semester hours of satisfactory college credit, and for a maximum of 90 days during any semester for a person with a minimum of 90 semester hours of satisfactory college credit, except that to be eligible to teach for 90 days, the person with less than 120 semester hours shall have completed 30 semester hours of satisfactory college credit within the last 10 years.

(4) A substitute permit is valid for teaching on a substitute basis for a maximum of 90 days during any school year."

R 390.1144

"Rule 44. (1) For a person with 60 semester hours or more of satisfactory college credit who does not teach more than 90 days during any school year, the substitute permit is renewable the following year upon recommendation of the superintendent of schools and without additional credit, but no substitute permit shall be issued for any

person with less than 90 semester hours after September 1, 1970.

(2) For a person with 90 but less than 120 semester hours of satisfactory college credit who does not teach more than 180 days during any school year, the substitute permit is renewable the following year upon recommendation of the superintendent of schools and upon presentation of evidence that the person is participating in a planned program approved by the sponsoring institution and has completed 10 semester hours of satisfactory college credit during the preceding 12 months.

(3) For a person with 120 or more semester hours of satisfactory college credit, the substitute permit is renewable the following year."

SUPERINTENDENT

STATUTES

§380.1246

A superintendent of schools shall possess a bachelor's degree from an acceptable college and possess or be eligible for a teacher's certificate or have qualifications equivalent to it.

SUPERVISOR OF SPECIAL EDUCATION

REGULATIONS

R 340.1772

"Rule 72. (1) For full approval, a supervisor of special education shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval in at least 1 area of special education.

(d) Twelve semester or 18 term hours of graduate credit in a college or university whose program has been approved by the state board of education and distributed appropriately to assure

knowledge and competency as related to special education in the following areas:

(i) Systematic study of curriculum.

(ii) Administrative and supervisory procedures.

(iii) Evaluation methods and procedures.

(iv) Communication skills techniques.

(v) Inservice education.

(e) One year of successful experience as a supervisor of ancillary special education services.

(f) Recommendation from a college or university approved for the preparation of special education supervisors, relative to knowledge and competencies listed in subrule (d) and demonstrated leadership.

(2) For temporary approval, a supervisor of ancillary services shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) Full approval in at least 1 ancillary area of special education.

(c) Three years of successful experience in special education.

(d) Recommendation from a college or university approved by the state board of education for the preparation of special education supervisors.

(e) Continuation of temporary approval is dependent upon the satisfactory completion of at least 6 semester or 9 term hours of required credit toward full approval prior to the beginning of the next school year.

R 340.1775.

"Rule 74.

(1) For full approval, a supervisor of ancillary services shall possess the following minimum qualification:

(a) An earned master's degree or equivalent.

(b) Full approval in at least 1 ancillary area of special education.

(c) Three years of successful experience in special

education.

(d) Twelve semester or 18 term hours of [approved] credit. . .distributed. . .in the following areas:

(i) Systematic study of curriculum.

(ii) Administrative and supervisory procedures.

(iii) Evaluation methods and procedures.

(iv) Communication skills techniques.

(v) Inservice education.

(e) One year of successful experience as a supervisor of ancillary special education services.

(f) Recommendation from a college or university, . . . relative to knowledge and competencies list in subrule (d) and demonstrated leadership.

(2) For temporary approval, a supervisor of ancillary services shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) Full approval in at least 1 ancillary area of special education.

(c) Three years of successful experience in special education.

(d) Recommendation from a college or university approved by the state board of education for the prepartion of special education supervisors.

(e) Continuation of temporary approval is dependent upon the satisfactory completion of at least 6 semester or 9 term hours of required credit toward full approval prior to the beginning of the next school year."

TEACHER

STATUTES

§380.654

In a constituent district not employing a superintendent the intermediate superintendent shall recommend in writing all teachers to the board of education, suspend a teacher for cause until the employing board considers the suspension, supervise the work of teachers, and classify and control the promotion of pupils.

§380.1231

The school board shall contract with qualified teachers. Contracts shall be in writing, signed by a majority of the board, by the president and secretary, by the superintendent of schools, or by an authorized representative of the board, and filed with the secretary.

A contract with a teacher shall not be valid unless the teacher holds a legal certificate of qualifications.

After a teacher has been employed two consecutive years, a board may enter into a continuing contract with a certificated teacher.

A contract in a primary district shall require the teacher to keep a correct list of pupils, their ages, grades, and attendance, which shall be filed with the intermediate superintendent at the end of the year. A teacher shall not receive last payment for services until the information is filed.

§380.1233

A school board shall not permit a teacher who does not hold a valid teaching certificate to teach nor a teacher without an endorsement by the state board to serve in a counseling role. The intermediate superintendent shall notify immediately the state board of non-certificated and non-endorsed teachers, the employing district, and the amount of time employed.

§380.1531; 380.1532; 380.1533

The state board shall establish requirements for and issue licenses and certificates for teachers and endorsements for teachers as counselors.

RECORDING

Before a certificate shall be valid, the holder shall record it in the office of the school superintendent or intermediate superintendent in whose district the teacher expects to teach and shall subscribe to an oath provided by law.

ANNULMENT

The certificate shall not be annulled, except by the state board and for a cause which would have justified the

withholding of the certificate.

A person must be 18 years of age to receive a certificate.

§388.401

No U.S. citizen shall serve as a teacher in any educational institution supported in whole or in part by public funds unless he/she has taken an oath to support the U.S. and Michigan constitutions and to discharge faithfully his/her duties.

This shall not prohibit the employment for limited periods of instructors who are foreign citizens.

REGULATIONS

R 340.1782

"Rule 82. A fully approved teacher of the handicapped, in addition to meeting specific requirements set forth in rules 85 to 90, shall:

(a) Possess a valid Michigan teacher's certificate."

(b) Possess a baccalaureate degree with a major in the specific special education area or have earned credit in course work equivalent to the major."

(c) Have completed a practicum of not less than 8 weeks duration, or equivalent educational experience, in the specific

area of impairment.

(d) Be recommended for a certificate endorsement which constitutes full approval in a specific special education area by an institution of higher education signifying verification of completion of a teacher education program for the specific special education area, as approved by the state board of education. The recommendation shall verify that the teacher possesses personal maturity, emotional stability, ability to teach, other leadership capacities and apparent potential for growth in creative teaching."

R 340.1783

"Rule 83. A temporarily approved teacher of the handicapped shall meet all requirements for full approval except that one-half the course credit for the major, or equivalent, shall be completed. Continuation of the temporary approval is dependent upon the satisfactory completion of at least 6 semester or 9 term hours, or equivalent, or required credit toward full approval prior to the beginning of the next school year that the teacher is employed in the same special education area. Temporary approval shall not be given to teachers of the hearing impaired and the teachers of the speech and language impaired."

R 340.1784

"Rule 84. The department may grant temporary approval to teachers who are currently enrolled in a university intern program approved by the state board of education with special emphasis on an internship experience, under the provisions of a university teacher preparation program approved by the state board of education. Special education teachers with full approval and at least 3 years of experience in teaching handicapped persons shall be employed to consult with intern teachers at least the equivalent of 1 full school day each week."

R 340.1786

"Rule 86. (1) A teacher of the mentally impaired shall include in his teacher education program both of the following:

(a) Four semester hours of directed teaching credit in the field of the mentally impaired, except where it has been recommended that this requirement be waived by the training institution for experienced teachers when approved by the superintendent of public instruction.

(b) Twenty-four semester hours of credit in course work in special education and related subjects distributed as follows:

(i) A minimum of 2 semester hours of credit for a course in the education of survey of exceptional children.

(ii) A minimum of 2 semester hours of credit for a course in mental hygiene.

(iii) A minimum of 4 semester hours of credit for courses in arts and crafts.

(iv) A minimum total of 8 semester hours of credit for courses including those on the subjects of mental deficiency, problems of instruction and methods of teaching the mentally impaired person, problems of organization and curriculum in teaching the mentally impaired person, education and social control of mentally impaired, or equivalents.

(v) A minimum additional number of semester hours of credit in general and related courses, when added to the foregoing required courses make an accrued total of 24 semester hours of credit. The courses shall be selected from the subjects of mental and exceptional testing, guidance and occupational information, speech correction, mental deficiency, delinquency, abnormal psychology, anatomy, social psycholocy, social psychiatry, child welfare, health education, public health nursing, social work, child psychology, child growth and development, physical therapy, nursery school education and home and family living, or equivalents.

(2)A teacher assigned to a program for severely mentally impaired persons shall either meet certification and full approval requirements for teaching mentally impaired as required in rule 82 or be employed by an intermediate school district or constituent district as a supervisor or instructor on the date these rules become effective if he/she continues in that position and if the employing superintendent of schools in his/her request

for approval attests to the successful performance of such teacher or supervisor in such position.

(3) A teacher assigned to a program for severely mentally impaired shall:

(a) Meet certification and full approval requirements for teaching mentally impaired, as required in rule 82.

(b) Have completed 2 years of successful teaching experience with the trainable mentally impaired.

(c) Be recommended by an administrator who has supervised his/her professional activities with trainable mentally impaired persons for at least 1 year.

(d) Have demonstrated ability to work cooperatively and creatively with other professional and nonprofessional staff members."

R 340.1787

"Rule 87. A teacher of the emotionally impaired shall include in his/her teacher education program 30 semester hours in the following areas:

(a) Four to 6 semester hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent psychology, learning theory and psychological information , both individual and group.

(b) Four to 6 semester hours of environmental information, including sociological, cultural, economic information, special services and guidance programs in the school and community, organization of the school, characteristics of groups, social organization and structure.

(c) Six to 10 semester hours of educational and special methods, including education of children with special problems, theory and methods of teaching socially handicapped and emotionally impaired persons, reading methods, instructional materials, creative and other activities especially adapted to the education of persons with psychological, physiological learning difficulties.

(d) Six to 12 semester hours of special skills and techniques in understanding personality deviation, including abnormal psychology, theory of maladjustment, counseling and interview

techniques, interpretation of psychological data and work in parent counseling.

(e) A minimum of 4 semester hours of credit in directed teaching with emotionally impaired persons in addition to the 30 semester hours required for a major.

(f) Six to 10 semester hours in application and experience, including supervised observation, with the emotionally impaired or a practicum in a psychiatric setting, seminar in interdisciplinary approach, group dynamics, interpretation of psychiatric techniques.

(g) Two to 4 semester hours in evaluation and research methods."

R 340.1788

"Rule 88. Except as provided in rule 89, a teacher of the learning disabled shall include in his/her teacher education program a minimum of 28 semester hours relating to the following areas:

(a) Four semester hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent or child psychology, learning theory and psychological information.

(b) Six semester hours of special skills and techniques in understanding learning problems, including development of language as it relates to reasoning, thinking, speaking, reading, writing and spelling; remediation techniques for auditory and visual discrimination problems; development of perceptual skills; and understanding the dynamics of student-teacher relationships, environment and program planning.

(c) Six semester hours in the development of competence in the following areas:

(i) Ability to carry out suitable procedures for assessment of the pupil's listening, thinking, talking, reading, spelling, writing, arithmentic or other skill deficiencies.

(ii) Ability to specify in behavioral terms instructional objectives which are appropriate to the skill needs and entry level characteristics of the individual pupil.

(iii) Ability to select systems of instruction and learning

conditions which are likely to be most effective for ameliorating the learning disabilities presented by each pupil.

(iv) Ability to set up and maintain conditions and procedures [illegible] instruction suitable to the learning goals set for the individual pupil.

(v) Ability to assess instructional outcomes in terms of pupil behavior change and use this data in formulation of an on-going instructional plan adjusted to changed pupil conditions.

(vi) Ability to use appropriate techniques with the pupil to help him/her develop the self-management skills required for constructive social participation and independent learning.

(vii) Ability to function as a member of interdisciplinary teams and maintain effective liaison with parents and others working with the pupil.

(d) Four semester hours practicum with learning disabled persons."

R 388.311, R 388.313, R 388.314, R 388.314a, R 388.314b, R 388.314c, R 388.314d, R 388.314e

An instructor of driver education shall have a Michigan teaching certificate, shall have a driver's license, shall have a driving record with no more than six points during the two years prior to making the application, and shall be at least twenty-one years old.

An instructor shall have earned eight semester hours of credit from a college approved for teacher education in basic driver education material, accident prevention, the effect of use of alcohol, drugs and narcotics on traffic safety, teaching methodology and administrative practices for driver education , and psychological aspects of the driver in the traffic society.

Driver education earned at a teacher education institution in another state shall be accepted if the standards are equivalent to those required at Michigan teacher educaion institutions.

Each instructor shall be approved by the state department of education before the program may issue certificates to

students.

The department of education shall withdraw an instructor's approval if the instructor has seven points or more for moving traffic violations within two years or has been convicted of a six point violation.

Prior to withdrawing approval, the department of education shall notify the instructor of the charges and the opportunity to show compliance.

The instructor may request an informal hearing with a representative of the state board within ten days of receiving the notice. The department of education may, after the informal hearing, find compliance, enter into a settlement with the instructor or order a hearing.

If the instructor does not request an informal hearing within fifteen days a formal hearing shall be held. The hearing may proceed without the instructor present.

The department of education shall notify the employing official and the instructor of withdrawal of approval for the instructor.

An instructor may be reinstated after twelve months if the employing official requests it.

R 388.413

"Rule 3. A learning disabilities teacher shall:

(a) Have completed 3 years of successful teaching.

(b) Have a provisional or permanent Michigan teaching certificate based on a baccalaureate degree.

(c) Have earned not less than 12 semester hours in courses whose content emphasized the diagnosis, prescription, remediation and evaluation techniques as related to learning disabilities.

(d) Have obtained verification from an approved teacher training institution that competencies have been demonstrated in all of the following areas:

(i) Diagnosis of learning disabilities.

(ii) Prescription of treatment for learning disabilities.

(iii) Application of supplementary instruction for learning disabilities.

(iv) Evaluation of learning disabilities techniques of program effectiveness and pupil growth."

R 388.414

"Rule 4. (1) If a fully qualified learning disabilities teacher is not available, a partially qualified teacher may be employed upon approval of the department of education. A temporarily approved teacher shall:

(a) Have completed 2 years of successful teaching.

(b) Have a provisional or permanent Michigan teaching certificate based on a diagnosis and remediation of learning disabilities.

(2) Temporary approval shall be subject to annual renewal and shall not extend beyond a 3 year period."

R 388.422

"Rule 2. A reading support services teacher shall meet all of the following requirements:

(a) Have completed 3 years of successful teaching in elementary school, kindergarten through grade 6, or of teaching language arts curriculum in secondary school, grades 7 through 12.

(b) Have a valid Michigan teaching certificate.

(c) Have earned a baccalaureate degree from an accredited college or university.

(d) Have acquired a minimum of 12 semester credit hours in the area of reading instruction, 6 semester hours of which shall be in courses whose content includes diagnosis of reading disability and methods of remediation."

R 388.423

"Rule 3. If a fully qualified reading support services teacher is not available, a partially qualified teacher may be employed for not more than 1 year, upon approval by the state board of education. Such a teacher shall meet all of the following requirements:

(a) Have earned a baccalaureate degree from an accredited college or university.

(b) Have a valid Michigan teaching certificate.

(c) Have 6 semester credit hours of college or university courses in the area of reading instruction.

(d) Have completed at least 2 years of successful teaching."

R 390.661

Any teacher shall be certified if she/he has

1) an elementary or secondary permanent certificate,

2) an elementary or secondary provisional certificate,

3) a bachelor's degree and a life certificate,

4) a non degree life certificate and annually completes six semester hours of credit for a bachelor's degree, or

5) a special certificate and annually completes six semester hours of credit.

A teacher shall not be certified if she/he has a non degree special certificate as a teacher or teacher aide in training in experimental programs.

R 390.1103

"Rule 3. (1) The determination of 3 years of successful teaching specified in these rules shall be according to the following:

(a) Employment may be with 1 or more employers in a regular or substitute teaching capacity.

(b) Each period of employment shall be characterized as successful or unsuccessful by the employer.

(c) A year of employment is a minimum of 150 teaching days and may be either an academic or a calendar year, but not more than 1 year of employment can be earned during a calendar year.

(d) A day of employment is 1/2 or more of a teaching day, but not more than 1 day of employment can be earned during a calendar day.

(2) A teacher may appeal any decision under these rules through the recommending institution's appeal procedure and, failing relief from that source, to the state board of education."

R390.1105

"Rule 5. (1) A person employed in an elementary or secondary school with instructional responsibilities shall hold a certificate, permit or vocational authorization valid for the positions to which he/she is assigned.

(2) A teacher aide, classroom assistant, secretary to

instructional personnel or other paraprofessional person legally employed in a non-instructional capacity need not be certificated as a teacher.

(3) A student enrolled for student teaching or internship credit at an approved teacher education institution need not hold a teaching certificate but shall be certifed by such a teacher education institution to the state board of education as enrolled for student teaching. The certificate shall include the initial and final dates of the assignment and the name of the school to which the student is assigned. Upon filing such certificate with the state board persons assigned school duties by a board of education shall be considered as lawfully exercising such duties.

(4) A full-time teacher of a day school program reimbursed from vocational education funds (agriculture, business, home-making, trade and industrial), shall meet the minimum qualifications for endorsement or authorization in the particular vocational education field as specified by the state board.

(5) A teacher in a reimbursed program in special education shall meet the minimum qualifications for certification when required by law in the particular special education field as specified by the state board.

(6) A previously issued certificate retains its original designation and validity. A permanent certificate continues as [such]."

R 390.1111

"Rule 11.

"(1) The state board holds that segregation of students. . .seriously interferes with the achievement of equal opportunity guarantees of this state and that segregated schools fail to provide maximum opportunity for the full development of human resources in a democratic society.

"[P]rospective teachers should be taught to:

"(a) understand the effects of discrimination. . . and,

"(b) be educated in integrated teacher education programs. . .

"(3) [A]n applicant [for provisional certification]

holds an important responsibility for creating a climate for learning based upon the practice of, and an understanding of, equality of educational opportunity in its fullest sense.

(4) Such an applicant who is otherwise qualified shall not be denied the right to be certified by the state board to receive training. . .or to engage in practice teaching in any school on the grounds he is blind, deaf, or physically handicapped in some other manner. . ."

R 390.1122

PROVISIONAL CERTIFICATE

"Rule 22. (1) An applicant for a provisional certificate shall demonstrate that he/she has an acquaintance with the substance, concepts, and methods of the principal areas of human knowledge, and skills essential to communication and inquiry in modern society. He/she shall present evidence that he/she has completed not less than 40 semester hours in a program of general or liberal education.

(2) An applicant shall present evidence of completion of a program providing for depth in any substantive field he/she proposes to teach. At the secondary level, such specialization is ordinarily initiated by completing a major in a specific field or in closely allied fields. At the elementary level, responsibility for introducing pupils to many areas of human knowledge or inquiry shall not deprive the prospective teacher of the opportunity to develop a degree of specialization in a particular substantive field. Therefore, the applicant shall present evidence that he/she has begun to master a substantive field and is able because of his/her teaching skills, to stimulate students to seek more knowledge and understanding."

R 390.1123

"Rule 23. (1) An applicant shall present evidence that he/she has completed 20 semester hours of theoretical and practical knowledge in the following fields:

(a) How human beings grow and how they learn.

(b) The structure, function and purposes of educational institutions in our society.

(c) The methods and materials of instruction appropri-

ate to the elementary or secondary level.

(2) The applicant shall present evidence that he/she has participated under institutional supervision for a minimum of 6 semester hours (of the 20) in directed teaching at the level for which the certificate is granted."

R 390.1126

"Rule 26. (1) A state elementary provisional certificate may be issued to an applicant who presents evidence that he/she has completed 1 of the following requirements:

(a) A major of at least 30 semester hours or a group major of 36 semester hours, and a planned program of 20 semester hours in other substantive fields deemed appropriate to elementary education.

(b) Three minors of at least 20 semester hours each, 2 of which shall be in substantive fields which may include a group minor of 24 semester hours, and 1 of which may be a planned program of 20 semester hours in a combination of methods and content appropriate to elementary education.

(2) A state elementary provisional certificate is valid for teaching all subjects in grades kindergarten to 8, and in subject matter areas in grade 9, in which the applicant has completed a major or minor. It is valid for 6 years."

R 390.1127

"Rule 27. (1) A state secondary provisional certificate may be issued to an applicant who presents evidence that he/she has completed the following requirements:

(a) A major of at least 30 semester hours or a group major of 36 semester hours.

(b) A minor of 20 semester hours or a group minor of 24 semester hours.

(2) A state secondary provisional certificate is valid for teaching all subjects in grades 7 and 8, and in subject matter areas in grades 9 to 12 in which the applicant has completed a major or minor. It is valid for 6 years."

R 390.1129a

RENEWAL

"Rule 29a. (1) To be qualified for teaching at expiration of an elementary or secondary provisional certificate, an applicant shall qualify within the provisional period for a continuing certificate. If the applicant does not so qualify, a 3-year renewal of the provisional certificate may be granted if the applicant presents evidence that he/she has completed 10 semester hours of credit since issuance of the provisional certificate or that he/she holds an earned master's or doctor's degree. A second 3-year renewal may be granted if the applicant presents evidence that he/she has earned 18 semester hours after issuance of the provisional certificate in a planned course of study applicable toward requirements for a continuing certificate or that he/she holds an earned master's or doctor's degree.

(2) The sponsoring institution shall make recommendation concerning the certificate."

R 390.1130

"Rule 30. The state board may issue a provisional certificate to a person who has, or who is reported eligible for, a teaching certificate issued by the certificating authority of any other state in which requirements for certification are deemed equivalent to those in effect in this state. The state board may enter into written agreements with the state for the mutual acceptance of 1 or more types of teaching certificates issued by each state. The department of education shall distribute annually a list of states with which reciprocity agreements are signed."

R 390.1132

CONTINUING CERTIFICATE

"Rule 32. (1) A state elementary or secondary continuing certificate may be issued to an applicant who presents evidence that he/she has completed the following requirements.

(a) He/she has taught successfully for 3 years according to the validity of his/her provisional certificate and

since the issuance of the provisional certificate, as determined by the state board upon recommendation of the sponsoring institution and the local school district.

(b) He/she has earned 18 semester hours after the issuance of the state provisional certificate in a planned course of study. This advanced course of study is applicable to the applicant's professional development as determined by the state board upon recommendation of the sponsoring institution, and if appropriate, the local school district. A person with an earned master's or higher degree is not required to complete the 18 semester hour planned program.

(c) A continuing certificate may be recommmended by a teacher education institution out of this state accredited by a national teacher accreditation agency approved by the state board provided that credits comprising a planned course of study are applicable toward a master's or higher degree at the institution.

(2) This rule is mandatory for all persons seeking certification after July 1, 1976."

R 390.1133

"Rule 33. (1) A state elementary or secondary continuing certificate is not required but is available to the teacher who qualifies and requests it.

(2) This certificate may be issued to an applicant who presents evidence that he/she has completed the following requirements:

(a) He/she has taught successfully for 3 years, under the terms of his/her provisional, continuing or permanent certificate as determined by the state board upon recommendation of the sponsoring institution and the local school board.

(b) Thirty semester hours in a planned course of study beyond the bachelor's degree or that he/she holds a master's degree. This advanced course of study is applicable to the applicant's professional development

and shall consist of a planned program contributing specifically to his/her professional development as determined by the state board upon recommendation of the sponsoring institution.

(c) When recommendation for this certificate is made by an institution which is located out of this state and accredited by a national teacher accreditation agency approved by the state board, the credits comprising a planned course of study shall be applicable on a master's or higher degree at the institution."

R 390.1134

"Rule 34. (1) A permanent or continuing certificate or full vocational authorization retains its validity providing the holder is employed in an educational capacity for a minimum of 100 days in any given 5 year period.

SUSPENSION

(2) A permanent or continuing certificate or full vocational authorization is suspended automatically if the holder is not employed in an educational capacity for the minimum of 100 days in the 5 year period.

(3) A suspended permanent or continuing certificate or full vocational authorization may be reinstated for an applicant who presents evidence that he/she meets either of the following requirements:

(a) Holds a masters or higher degree from an approved teacher education institution.

(b) Has completed, subsequent to the suspension, 6 semester hours of satisfactory college credit from an approved teacher education institution.

(4) A suspended permanent or continuing certificate or full authorization may be reinstated provisionally for 1 year by the state board upon request of a public or private school employer that is willing to employ and sponsor the holder full time for 1 year. The provisional reinstatement shall be authorized to the sponsoring school employer in the name of the holder under the following conditions:

(a) During the reinstatement period the school employer shall provide appropriate classroom supervision to the teacher candidate for reinstatement of the certificate or authorization. The employer shall submit a written evaluation to the state board at the end of the 1 year reinstatement period.

(b) When the employer reports completion of 1 year of successful experience during the reinstatement period the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(c) When the employer reports that the reinstatement year of experience was unsuccessful, the holder of the suspended certificate or authorization may enroll in a teacher education institution of his/her choice and complete a minimum of 6 semester hours of credit selected to improve the teaching skills identified by the sponsoring employer as deficient during the 1 year reinstatement period. Upon successful completion of that additional credit, the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(5) A permanent, continuing or full authorization certificate is valid for teaching in this state in the grades, subjects or levels specified on the certificate."

R 390.1141

"Rule 41. (1) On application, the state board will issue a special permit for a person who has the statutory qualifications and has completed, or had accepted by transfer, the prescribed amount of satisfactory college credit on an approved teacher education program. The permit will be a full-year permit or substitute permit.

PERMIT

(2) A permit or renewal is issued to the recommending superintendent or personnel officer who shall apply therefor and affirm under oath that a certificated teacher is not available for employment. The recommending superintendent or personnel officer receiving the permit or renewal shall hold the permit or renewal for the person."

R 390.1142

"Rule 42. (1) An applicant for a full-year special permit shall present evidence that the person has completed 120 semester hours of satisfactory college credit, including 15 semester hours of credit in professional education.

(2) A full-year special permit is valid for teaching in the grades or subjects specified on the permit or both until June 30 of the school year for which the permit is issued.

(3) A full-year special permit will be renewed upon presentation of evidence that the person has completed 6 semester hours of satisfactory additional credit applying on requirements for regular certification."

R 390.1143; 1144

"[1] The person who presents less than 45 semester hours of credit in professional education, but at least 120 semester hours of satisfactory college credit, is eligible for a substitute permit.

[A] substitute permit is valid for teaching on a substitute basis for a maximum of 90 days during any school year.

(2) For a person with 120 or more semester hours of satisfactory college credit, the substitute permit is renewable the following year."

R 390.1145

"Rule 45. On recommendation of the superintendent of a local or intermediate school district, the state board may issue a permit for a person with reasonable qualifications when failure to authorize the permit will deprive children of an education. The permit shall be issued for a specific period of time under emergency circumstances not including labor disputes."

R 390.1151

"Rule 51. (1) The state board [of education] approves certain institutions and their programs for the purposes of preparing applicants for certification. Upon request of the

state board a teacher education institution shall present a report of its teacher education curricula and definitions of majors and minors. The programs of an approved teacher education institution are subject to periodic review by the state board.

(2) A sponsoring institution recommending applicants for teachers' certificates shall establish selection techniques which insure that only qualified students are admitted to the teacher education program and sponsored for certification.

(3) Unless otherwise approved by the state board, all majors and minors offered by an approved teacher education institution shall be in subject matter fields pertinent to teaching at the level for which certification is to be recommended. The state board reserves the right to determine the acceptability of majors and minors recommended by out-of-state institutions.

(4) An applicant who has been graduated from a specific teaching curriculum, such as fine arts, industrial arts, library science, music, physical education, health education or foreign language, may be certificated to teach such specific subject in elementary and secondary grades when, upon recommendation of the sponsoring institution, the applicant qualifies at both levels.

(5) An applicant convicted as an adult of an act of immoral conduct contributing to the delinquency of a child, or a felony involving moral turpitude, as determined by a court, shall be denied issuance of a certificate or license or shall be denied enrollment for student teaching or internship in a public or private school, or shall have his/her certificate suspended or revoked."

R 390.1152

"Rule 52. An applicant may satisfy any educational requirement for certification by presenting evidence of an equivalent as determined by the state board. In granting such equivalence the state board shall consider

college graduation and scores made on standardized examinations or prior teaching experience, or any combination of these or other appropriate criteria. Evaluation of equivalence shall be under direction of the state board. The sponsoring institution may award semester hours of credit based upon equivalence in partial fulfillment of requirements for a major or minor or for any of the required credits for certification."

R 390.1153

"Rule 53. The state board at the request of an approved teacher education institution may waive for a specific time particular requirements of this code for experimental teacher education programs. . ."

R 390.1154

"Rule 54. (1) An applicant for certification in this state who has been educated in an accredited institution out of this state shall present evidence of having fulfilled all of the requirements established for residents of this state. The state board may accept credit from an institution accredited by its regional accrediting association.

(2) An applicant for certification in this state who presents credit from a teacher education institution not accredited by its regional accrediting association may validate such credit by gaining unconditional admission to full standing in the graduate department, division or school of a college or university fully accredited by the regional accrediting association, or completing 6 semester hours of acceptable graduate credit in an accredited institution or meeting such requirements as are specified by the state board.

(3) Credits from institutions in foreign countries will be adjudged by the United States Office of Education and by the state board in determining eligibility for certification.

(4) A state elementary or secondary provisional certificate may be issued to an applicant from another state

who presents evidence that he/she has been graduated from a teacher education institution approved by that state's appropriate education agency and has completed a program in elementary or secondary education as prescribed by that teacher education institution, if the institution is accredited at the time of his/her graduation by a national teacher accreditation agency approved by the state board."

R 390.1155

"Rule 55. An applicant presenting credits from an institution of higher education not approved for teacher education purposes shall complete such credits as may be required by the state board in his/her individual case."

R 390.1156

"Rule 56. A correspondence credit may not apply toward requirements for a continuing certificate, renewal of a provisional certificate, nor conversion of a provisional or continuing certificate."

R 390.1161

"Rule 61. (1) An applicant for vocational endorsement shall meet the requirements for state secondary provisional certification as described in part 2 of these rules as well as presenting evidence of completing:

(a) A program in vocational teacher education at an institution approved by the state board for the preparation of vocational teachers in the occupational area of the endorsement.

(b) A major or minor in an approved program in the occupational area of the endorsement.

(c) Two years of work experience in the occupational area of the endorsement or completion of a planned equivalent program of directed supervised occupational experience approved by the department of education. The occupational experience shall be characterized by its relevancy and recency.

(2) Vocational endorsement is valid for teaching in the stated occupational area in approved vocational education programs."

R 390.1162

"Rule 62. (1) A state continuing certificate with a vocational endorsement may be issued to an applicant who has met the requirements for continuing certification as described in part 3 of these rules as well as presenting evidence that he/she has completed the following requirements:

(a) Taught successfully for 3 years according to the validity of his/her provisional certificate and vocational endorsement and since the issuance of the provisional certificate and vocational endorsement, as determined by the state board upon recommendation of the sponsoring institution and the local school district.

(b) Earned 18 semester hours after the issuance of his/her state provisional certificate and vocational endorsement in a planned course of study which includes a minimum of 10 semester hours of relevant vocational education. This advanced course of study is applicable to the applicant's professional development as determined by the state board upon recommendation of the sponsoring institution and, if appropriate, the local school district. A person with an earned master's or higher degree is not required to complete the 18 semester hour planned program."

R 390.1163

"Rule 63. (1) A temporary vocational authorization document may be issued upon the report of a designated vocational teacher education institution to an applicant presenting evidence that he/she has met the following requirements:

(a) Possesses a baccalaureate degree.

(b) Has a major or minor in the field of specialization in which vocational authorization is being requested or equivalent graduate credits to substitute for the required major or minor.

(c) Has a minimum of 2 years of experience in the occupational area concerned or has completed a planned program of directed supervised occupational experience

approved by the state board. The occupational experience shall be characterized by its relevancy and recency.

(2) Temporary vocational authorization is valid for teaching in those courses in which instruction is limited to the occupation specified on the authorization in approved vocational programs. It is valid for 6 years."

R 390.1164

"Rule 64. (1) A full vocational authorization document shall be issued to qualified candidates and shall be valid for continued teaching in those courses in which instruction is limited to the occupation specified on the authorization in approved vocational programs.

(2) Applications for full vocational authorization shall contain evidence that the candidate:

(a) Has taught successfully for 3 years according to the validity of his/her temporary vocational authorization as determined by the state board upon recommendation of the sponsoring institution and the local school district.

(b) Has completed a minimum of 10 semester hours of professional vocational education as determined by the state board and approved by the sponsoring institution and the local school district.

(3) The validity of a full vocational authorization is specified in rule 34."

R 390.1165

"Rule 65. (1) If a candidate does not meet the standards outlined for temporary vocational authorization, an evaluation of competency shall be made by the department of education. The department shall determine the adequacy of his/her combined education and occupational and teaching experience in relation to the requirements set forth. A candidate shall have work experience at the journeyman level in apprenticeable trades. If the candidate is deemed competent, a 1 year vocational authorization shall be issued to the school district. This annual vocational authorization is planned primarily for persons who will be teaching only vocationally approved trade and indus-

trial and health occupation courses in grades 9 to 12.

(2) This annual authorization is valid for teaching those courses in approved programs, in which instruction is limited to the occupation specified on the authorization.

(3) A vocational authorization is renewable annually upon the recommendation of the employing local school district."

R 390.1166

"Rule 66. Candidates for vocational endorsement or authorization who present credit from a teacher education institution not approved by the state board for the preparation of vocational teachers may validate the credit by gaining unconditional admission to full standing in the graduate department, division or school of a college or university approved for vocational teacher education, by completing 6 semester hours of acceptable graduate credit in an institution approved by the state board for the preparation of vocational teachers, or meet the requirements specified by the state board."

CROSS REFERENCES

III.A.2; Statute §388.402

III.E.Bilingual Education Program; Statute §380.1157

TEACHER CONSULTANT FOR SPECIAL EDUCATION

REGULATIONS

R 340.1790

"Rule 90. A teacher consultant for special education programs and services shall meet the following requirements for full approval by the state board of education:

(a) Full approval by the state board of education as a teacher in 1 or more areas of special education.

(b) A minimum of 3 years of satisfactory teaching experience, including at least 1 year of experience teaching handicapped pupils.

(c) Recommendation to the department, by letter, by the employing superintendent or his designee for approval as a teacher consultant. Evidence of experience and training shall be submitted with the request for approval."

VOCATIONAL COUNSELOR

REGULATIONS

R 395.236

A vocational counselor shall help students to plan a program of vocational preparation, shall provide guidance to enrolled students, shall provide job placement services, and shall do follow-up studies of former vocational education students.

To qualify as a vocational counselor a person shall have a baccalaureate degree with specialization in guidance and shall have two years of teaching or guidance experience.

VOCATIONAL EDUCATION ADMINISTRATOR

REGULATIONS

R 395.231

A vocational education administrator shall supervise and evaluate a program to meet the needs for education in the various occupational areas.

To qualify to be an administrator a person shall have a master's degree, shall have taken courses in the administration of vocational education, shall be eligible to hold a Michigan teachers' certificate, shall have three years experience in the administration or teaching of vocational education, and shall have two years of occupational experience (three for trade and industry administrators).

The state board may qualify a person through a competency examination.

BILINGUAL EDUCATION PROGRAM

CROSS REFERENCES

II.A.5; Statute §380.1153

II.A.5; Statute §380.1154

II.A.5; Statute §380.1155

COMPENSATORY EDUCATION PROGRAMS

CROSS REFERENCE

II.A.6.; Regulation R388.223 — 388.225;
R388.231; R388.425

DISTRICT BOARD OF EDUCATION

STATUTES

§380.415

A first class district board, by a 2/3 vote, may remove a member from office "for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of" duties and shall enter the reason for removal on the board's records along with the name and vote of each board member. REMOVAL

However, "a member shall not be . . . removed unless [he/she] is first furnished a written copy of the charges and is allowed to be heard . . . , with aid of counsel. NOTICE For this purpose, the board shall have the power to issue subpoenas . . . and shall . . . hear and determine the merits of the case" within 10 days after the charge has been served. HEARING A charged "member's failure to appear may be good cause for removal from office."

§380.1105

Each board member of a school district, a local act school district, or an intermediate school district is subject to recall by the school electors of the respective district. RECALL

§380.1281

The state board shall require each board to observe laws relating to schools, to provide educational opportunities for resident children, and to observe the state board's recommendations relative to the safety of buildings and equipment, shall prescribe pupil and finance accounting records for use of districts, and may examine district records and accounts and compel proper accounting by legal action instituted by direction of the attorney general.

CROSS REFERENCES

I.District Boards of Education; Statute §380.114

I.District Board of Education; Statute §380.325

SCHOOL SYSTEM

CONSTITUTION

MICHIGAN CONSTITUTION, ART. 8, §2

"The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

EQUAL OPPORTUNITY

No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other non-public, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation from any school."

§380.1146

A separate school or department shall not be kept for a person on account of race, color, or sex. However, grading of schools according to the intellectual progress of pupils shall not be prevented.

§380.1217

A school board shall never apply any money for the support of a sectarian school, with the exception of transportation of pupils to and from nonpublic schools under §380.1321 and 380.1322.

§380.1296

A school board that provides auxiliary services to public school pupils shall provide the same auxiliary services on an equal basis to nonpublic school pupils. Auxiliary services shall be provided under state board rules and using state school aid. Such services shall include: health and nursing services and examinations; street crossing guards services; NDEA testing services; speech and language services; school social work and psychological services: and other services.

§380.1565

A school board may resolve to provide the opportunity to allow students who wish to observe time in silent meditation. This shall not take effect until the supreme court upholds the constitutionality of this section.

CROSS REFERENCES

II.A.1.; Statute §380.1151

II.A.1.; Statute §380.1166

II.B.1.b.; Statute §380.1173

II.C.2.; Statute §388.854

III.B.Teachers; Regulation R390.1111

STATUTES

§380.1172

Concerning personality testing in the schools, the state board shall promulgate rules, including the circumstances under which the tests may be administered, responsibility for selection of the tests, qualifications of persons administering and interpreting test results, and methods of maintaining confidentiality.

REGULATIONS

R 340.1102, R 340.1103, R 340.1105, R 340.1106, R 340.1107

TESTS

Each use of a personality test in a school program or project shall be deemed warranted from an educational viewpoint "by an individual professionally qualified by education and experience to make such decisions."

The use of a test shall be limited to situations where "(a) pupil behavior indicates the need for more information which might lead to an adjustment in his/her school environment or his/her educational planning; (b) data from the responses could contribute to self-exploration on the part of the pupil as a part of his/her educational and vocational planning and decision making; or (c) approved research programs, designed in accordance with commonly accepted patterns, necessitate the use of such tests, either on a group or individual basis."

The local board, in consultation with the local superintendent, shall determine the policy governing decisions to administer personality tests.

No personality test shall be administered until the pupil's parent or guardian has been given written notice that the test is being contemplated for the pupil. No test shall be given if the parent or

guardian objects in writing within ten days after the written notice is mailed.

To be able to interpret a personality test an employee shall have earned a doctor's or master's degree from a regionally accredited institution with a major in psychology, educational psychology, counseling, guidance or education, with satisfactory specific training in psychological tests and measurements, and with specific training in the use of personality tests of the kind and type to be interpreted. Such an employee may supervise another employee, not so qualified, in administering a personality test.

Only such a qualified employee shall have access to specific responses to a personality test. The employee may give an interpretative summary of test results to an individual directly concerned with the educational welfare of the pupil. If the identity of the pupil is safeguarded, the pupil's specific responses as well as an interpretation summary may become part of published research findings.

The local school district superintendent shall be responsible for selecting a personality test and for compliance with these rules. The superintendent's responsibility to select a test shall be fully met if he/she acts in accordance with a consultation with an employee qualified to interpret a personality test.

R 388.425

"Rule 4. (1) An annual report shall be provided to the department of education. The report shall include, when appropriate, a summary by grade of pupil scores of pre-test and post-tests. Additionally, the report shall state the results of an external evaluation and audit based upon the performance objectives submitted in the application.

(2) The evaluation audit shall be conducted by an approved group or individual other than the applicant agency or employee of that agency. The cost of this audit and evaluation shall

be borne by the applicant agency. The auditor shall certify that:

(a) The delivery system was based upon objectives stated in the application.

(b) Final evaluation was based upon the stated objectives.

(c) Evaluation results submitted are accurate."

CROSS REFERENCES

II.A.1; Statute §380.1166

II.A.2.; Regulation R340.1733

II.A.2; Regulation R388.222

II.A.3; Statute §380.1155

II.A.7; Statute §380.628

III.B.Teacher; Statute §380.654

III.C.School System; Statute §380.1146

III.E.Bilingual Education Program; Statute §380.1157

IV.E.; Regulation R340.87; R340.88; R340.90
R340.91; R340.92

IV.E.; Regulation R340.122; R340.123; R340.127;
R340.128

TEACHERS

REGULATIONS

R 395.286

A professional vocational education staff member may be paid for leave taken for training to benefit the vocational education program under the state plan if the leave is in conformity with his/her agency's policy.

CROSS REFERENCES

I.Superintendent; Statute §380.248

III.B.Teachers; Statute §380.654

III.B.Teachers; Statute §380.1231

III.B.Teachers; Regulation R390.1134

III.E.Teachers; Statute §380.1235

BILINGUAL EDUCATION PROGRAM

CROSS REFERENCES

II.A.5.; Statute §380.1156

II.A.5.; Statute §380.1158

CAREER EDUCATION PROGRAM

CROSS REFERENCES

II.A.3.; Statute §388.1314

II.A.3.; Statute §388.1317

COMPENSATORY EDUCATION PROGRAMS

CROSS REFERENCE

II.A.6.; Regulation R388.223 -- 388.225;
R388.231; R388.425

DISTRICT SCHOOL BOARD

STATUTES

§380.1203; 380.1204

The board of a school district, of a local act school district employing a superintendent, and of an intermediate district shall publish a financial report. A school board shall make an annual report to the state board.

EDUCATIONAL IMPROVEMENT PROJECTS

STATUTES

§388.1138

The state board shall report to the governor and legislature not later than October 1 of each year the results of the evaluation studies including a report on exemplary programs which promote academic achievement.

Educational Programs

CROSS REFERENCE

III.E.Educational programs; Statute §388.1031; 388.1032; 388.1033

Instructional Materials

CROSS REFERENCE

II.B.1.b.; Statute §380.1173

Intermediate Superintendent

Statutes

§380.1802

A county clerk or intermediate superintendent who fails to transmit to the state board a report required by law shall be liable to pay each school district the full amount, with interest, which the district loses by the failure.

Learning Disabilities Program

CROSS REFERENCE

II.A.2.; Regulation R388.416

Nursing Services

CROSS REFERENCE

IV.A.; Statute §380.1252

Pupil Statistics

CROSS REFERENCE

III.B.Teachers; Statute §380.1231

School District

Statutes

§380.1801

A township clerk who fails to transmit the annual report containing reports of the school districts of the township, or other reported required by law, shall be liable to pay the full amount lost by the township or any district by this failure, with interest, to be recovered in an action at law.

CROSS REFERENCES

I.District Board of Education; Statute §380.84

I.District Board of Education; Statute §380.123

I.Superintendent; Statute §380.248

School for the Blind

CROSS REFERENCE

II.A.2.; Statute §393.111

School Psychological Services

CROSS REFERENCE

IV.A.; Statute §380.1251

Special Education Plans and Programs

II.A.2.; Statute §380.1701

II.A.2.; Statute §380.1711

II.A.2.; Statute §380.1716

Student Progress

Statutes

§388.1081

A statewide program of assessment of educational progress and remedial assistance in the basic skills of

students in reading, mathematics, language arts, and/or other general subject areas is established to: establish achievement goals in the basic skills and identify students with the greatest educational need; provide information needed to allocate state resources in a manner best calculated to equalize educational opportunities; provide school systems with incentives to introduce programs to improve education and achievement in basic skills and means for continuous evaluation of such programs; and provide the public periodically with information concerning the progress of the state system of education.

§388.1082

The statewide assessment program of educational progress shall cover all students annually at two grade levels. Using appropriate testing organizations and/or specialists, the department shall assess competencies in the basic skills. Students shall be identified who have extraordinary need of assistance. Information shall be given to each school to assist it in its efforts to improve student achievement.

BASIC SKILLS

Vocational Education

CROSS REFERENCES

II.A.3: Statute §380.689

II.A.3; Statute §395.6

II.A.3; Statute §395.7

II.A.3.; Regulation R395.252

II.A.3.; Regulation R395.253

II.A.3.; Regulation R395.254

III.B.Vocational Education Administrator; Regulation R395.231

E. Improvement Efforts

Bilingual Education Programs

Statutes

§380.1157

The state board shall: develop and administer, in

cooperation with intermediate and local districts, an in-service training program for bilingual instruction; promulgate rules governing the endorsement of teachers as qualified bilingual instructors; and shall approve a testing program suitable for evaluating English proficiency of a child of limited English-speaking ability.

To be endorsed, a teacher shall meet the requirements of §380.1531 and shall be proficient in both the oral and written skills of the language for which endorsed.

CAREER EDUCATION TEACHERS

CROSS REFERENCE

II.A.3.; Statute §388.1315

EDUCATIONAL PROGRAMS

STATUTES

§388.1031; 388.1032; 388.1033

The state board may take action consistent with state law to comply with the "cooperative research act" and the "elementary and secondary education act of 1965." It may accept and expend federal funds and promulgate rules for the conduct of research, surveys, and demonstrations in education and for strengthening and improving educational policy and opportunities, so long as state funds are not expended in excess of any amount appropriated for such purposes.

The state board shall submit annually to the legislature a report of projects conducted under these acts.

SPECIAL EDUCATION STAFF

CROSS REFERENCE

II.A.2.; Regulation R388.415

TEACHERS

STATUTES

§380.1235

After a teacher has been employed seven consecutive years and at the end of each additional period of seven years, a school board may grant a teacher with a permanent, life, or continuing certificate a sabbatical leave for professional improvement for not to exceed two semesters at one time. A teacher on sabbatical leave shall be considered to be in the employ of the board, shall have a contract, and may be paid compensation. The board shall not be liable for death or injuries sustained by the teacher on leave.

PROFESSIONAL LEAVE

Upon return from leave, a teacher shall be restored to his/her prior position or one of like nature, seniority, status and pay.

CROSS REFERENCES

II.A.1; Statute §388.363

II.A.6; Statute §388.1083

II.A.10.Other-Sex education; Statute §380.1508

III.A.2.; Regulation R388.415, Rule 5

III.B.Teachers; Regulation R390.1134

III.C.Teacher; Statute §380.632

VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Regulation R395.252; R395.253

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

CROSS REFERENCES

II.A.3.; Regulation EDU 60

II.A.3.; Regulation EDU 61

2. Other Qualifying Standards

STATUTES

§124.19

A normal school year, of 175 days, must be maintained to qualify a school district for special state aid. School districts must employ certified teachers in order to receive special aid.

§126.12

The length of the school year shall be determined by the state board of education.

REGULATIONS

EDU 1 -- 3

School districts shall make a written application to the state board requesting classification.

A district seeking classification shall provide a school site that is safe, adequate in size and that provides facilities for a school of the type of classification sought.

Classified schools shall be supplied with educational materials of sufficient quality and quantity. Classrooms shall have sufficient desks, tables, and chairs. Administrative offices shall be provided with appropriate equipment and every school shall have sufficient storage units for students and for educational materials.

EDU 9

School districts may apply for any or all of their schools to operate on a flexible school year program which utilizes buildings and facilities during the entire year to provide optional scheduling of pupils and personnel. School systems requesting such a program shall submit a proposed schedule and method of evaluation to the state board of education by May 1 preceding the school year in which the program is to begin. Continuation of such a program will be determined by an evaluation submitted by the school system at the end of each year.

The school year shall be no less than 175 days and no more than 200 days or the equivalent. Equivalent days may be established by combining hours of one day with hours from other days to meet requirements (in EDU 21-Length of School Days). The student day shall not be longer than 7 1/2 hours nor shorter than 4 hours, and students shall not be required to attend more than 30 hours per week.

EDU 21

INSTRUCTIONAL DAY

The length of the instructional day in elementary school, exclusive of noon intermission, shall be as follows:

"Kindergarten . . . . . .Not less than 2 1/2 hours
Grades 1, 2, and 3. . . . .Not less than 5 hours
Grades 4-6. . . . . .Not less than 5 1/2 hours
Grades 4-8. . . . . .Not less than 5 1/2 hours"

There shall not be more than two consecutive grades in any classroom. Kindergarten may be scheduled only as a separate unit, never combined with first grade.

EDU 22

MINIMUM ENROLLMENT

A classified ungraded elementary school or a new classified school making application for classification as a six-year graded elementary school shall have a minimum enrollment of 80 pupils. A similar school making application for classification as an eight-year graded elementary school shall have a minimum enrollment of 100 pupils.

EDU 44

The minimum length of the school day, excluding a noon break shall be six hours.

CROSS REFERENCES

II.A.3.; Regulation EDU 64

II.A.3.; Regulation EDU 65

III.B.Principals; Regulation EDU 23

III.B.School Personnel; Regulation EDU 46

B. Qualification Standards for Personnel

Administrators

Regulations

EDU 330

All candidates for school administration positions shall be certified for that given position and shall have satisfactorily completed a program appropriate to such certification.

Commissioner

Statutes

§121.16

The state board of education shall elect a commissioner to be its executive officer and secretary for a four year term. She/he shall possess experience in educational administration. The commissioner may nominate employees to the board, and she/he shall be responsible for the discipline and organization of the departments of the board. She/he shall report to the legislature on the status of each school district.

Librarians

Regulations

EDU 6

"Library service appropriate to . . . elementary,

middle and secondary schools . . . shall be given to qualified librarians." Teachers who have at least a minor in this field may be assigned to part-time duties as Librarian. An adequate number of appropriate, up-to-date instructional materials shall be collected and organized with space and facilities which accommodate pupil and teacher needs.

PRINCIPALS

REGULATIONS

EDU 23

A certified principal shall be in charge of every graded elementary school. Principals and clerical assistance shall be provided to any combination of school buildings within a district with a total enrollment of 400 to 900 elementary pupils. Buildings with more than 900 elementary pupils shall be provided with a full-time non-teaching certified principal and necessary professional and secretarial staff. In small schools enrolling 200 to 400 elementary school pupils the principal is to devote not less than one-half time to administration and supervision. "In an ungraded elementary school for 2 or more teachers, one of the teachers shall be designated as principal."

The maximum elementary and kindergarten class size is 30 pupils. When a class exceeds this number the superintendent shall file a report with the state board of education indicating why this is necessary. CLASS SIZE

EDU 30 -- 31

A certified principal shall be in charge of every middle school. Middle school principals shall

hold either a valid elementary school or secondary school principal's certificate and be assigned full-time responsibility of the middle school. Every middle school teacher shall hold a valid teacher's certificate.

SCHOOL DISTRICT EMPLOYEES

CROSS REFERENCE

IV.A.; Statute §123.69

SCHOOL PERSONNEL

REGULATIONS

EDU 46

"Every junior, senior, six-year and four-year secondary school shall be under the direction of a properly certificated principal.

Teachers shall . . . teach subjects or courses and perform services only in areas for which they are properly certificated."

Teachers shall not be assigned more than "five periods in a six-period day or six periods in a seven or eight-period" day. Secondary school teachers shall have one period each school day for preparation and conferences. "The total pupil load for a teacher shall not exceed 160 pupils per day, exclusive of classes in physical education and applied music."

"Any district claiming aid for transitional year early graduation students under chapter 521, section 7, Laws of Minnesota for 1974, shall furnish the department of education . . . data on attendance and enrollment for each such student prior to and including the day of graduation and subsequent thereto as will enable the department to properly apportion the aids earned and the attributable tax levies resulting from retention of such students on the district rolls for such purposes as the legislature may prescribe."

TEACHERS

STATUTES

§125.03 --125.06

All persons employed in public schools as "instructional or supervisory staff" are considered teachers for purposes of certification. Only a person holding a valid certificate may be deemed a "qualified teacher." The "teacher standards and certification commission" has the authority to issue certificates, based on standards approved by the state board of education. The state board can certify principals and superintendents. The commission shall make rules governing the expiration and renewal of certificates. Renewal requirements include proof of one year's successful teaching experience. The commission may grant certificates to nonresidents who possess the same qualifications.

§125.11

In order to be a qualified teacher, the instructor must record her/his certificate with the district superintendent.

§125.13

A district may assign one of its teachers to teach outside the district in exchange for a teacher who satisfies commission requirements.

§126.36 -- 126.37

The board of teaching shall grant teaching licenses in bilingual education to persons who possess competence in English and in another language and who possess a bachelor's degree and meet requirements the board may prescribe. In hiring teachers for bilingual education, preference shall be given to persons who are native speakers of the language taught and who share the culture of the limited English-speaking children enrolled.

Bilingual programs may also employ teachers' aides.

EDU 5

Each teacher must file a certificate of qualifications with the superintendent. Teachers shall have a duty-free lunch period. District employees are not permitted to act or perform the functions of a selective service registrar while performing services for the employing districts.

Superintendents shall devote one-half to two-thirds of the school day to administration and supervision of the schools, depending on the number of teachers the district employs.

EDU 640

Teachers of accredited courses or portions of courses must be certified by the Minnesota state department of education under the provisions of section 1775, chapter 36, Title 38, United States Code. This does not apply to teachers who were employed on December 28, 1971.

CROSS REFERENCE

III.A.2.; Statute §124.19

C. PERFORMANCE STANDARDS

DISTRICT SCHOOL BOARD

CROSS REFERENCE

III.D.Racial Composition of Schools; Regulation 622-630

EDUCATION SYSTEM

STATUTES

§120.72

"[P]ublic school education shall be free and no pupil shall be denied an education because of economic inability . . . . Any practice leading to suspension, coercion, exclusion, withholding of

grades or diplomas, or discriminatory action based on nonpayment of fees denies pupils their right to equal protection and entitled provileges . . . . school boards have the right to accept voluntary contributions and . . . establish fees in areas considered extra curricular . . . ."

§122.87

All school districts shall develop a plan for the "efficient and effective delivery of educational programs and services." The plan must include input by faculty members and district residents. Each plan shall include: (1) a statement of the district's goals and priorities relating to its educational programs and their organization and management; (2) a description and analysis of alternative methods, i.e., the pros and cons of interdistrict cooperation; and (3) a statement of the underlying assumptions and data upon which district goals and priorities are based.

LEGISLATURE

CONSTITUTION

MINNESOTA CONSTITUTION, ART. XIII, §1

The legislature has a duty to "establish a general and uniform system of public schools."

SCHOOL BOARDS

STATUTES

§120.62

Children shall be divided into groups and students of the same family shall be placed in the same group unless

the parents request that they be placed in separate groups. "No school board shall discriminate on the basis of race, color, creed, religion, marital status, status with regard to public assistance, sex, or national origin when assigning pupils to attendance groups . . . ."

EQUAL OPPORTUNITY

§127.08

"No district shall classify its pupils with reference to race, color, social position, or nationality, nor separate . . . pupils into different . . . departments upon . . . such grounds." Any school district that does classify or separate pupils shall forfeit its share in state aid.

EQUAL OPPORTUNITY

CROSS REFERENCE

I.State Board of Education; Statute §124.14

IV.J.; Statute §127.38

School Board Members

Statutes

§127.09

"Any person accepting appointment or election to a school board and neglecting the duties of that office shall be fined $10 for each offense."

School Personnel

CROSS REFERENCE

I.District School Board; Statute §123.20

School System

Constitution

MINNESOTA CONSTITUTION, ART. XIII, §2

No money shall be given to aid any sectarian school.

STATUTES

§124.66

The purposes for which state aid is used are: (1) providing equal educational opportunities; (2) establishing minimum standards for all public schools; and (3) stimulating educational progress.

REGULATIONS

EDU 4

The educational program shall provide a general education for all pupils and a suitable special education for exceptional children. It shall meet the needs and interests of all pupils and the community.

Each school system shall provide guidance for pupils, a grading system, instruction to avoid drug misuse, programs for measuring student growth and for pupil promotion. No school shall provide any course on the basis of sex.

Summer school classes shall be held for a minimum of six weeks.

EDU 700

Public school education shall be free and no child shall be denied an education because of economic inability.

STATE BOARD OF EDUCATION

REGULATIONS

EDU 620

The state board recognizes its duty to aid in the identification and elimination of racial segregation in the public schools.

STUDENTS

STATUTES

§120.80

GRADUATION

Secondary students who have completed all required courses may graduate prior to the

completion of the school year. The commissioner shall promulgate rules for the early graduation procedure.

REGULATIONS

EDU 42

Credit shall be given to a pupil in grades 10, 11 and 12 upon satisfactory completion of a secondary level course covering a minimum of 120 clock hours. Such "credit units may be divided into semester, trimester or quarter unit courses by offering courses covering 60, 40 or 30 . . . hours respectively."

Summer school courses shall be taken in an approved school and shall require the same hourly amount of class work for accreditation. (See EDU 42D item 3).

"[W]ork completed through . . . private tutoring . . . may be granted . . . credit toward graduation by a secondary school." TUTORING

Correspondence courses may be offered at district expense for credit toward graduation only to provide additional courses in schools with limited courses or to give students who cannot attend school an opportunity to complete requirements for graduation. Such courses shall be approved by the commissioner of education and the local administration before pupils are enrolled. CORRESPONDENCE COURSES

No more than one credit per year shall be granted to any pupil for summer school or, correspondence work toward graduation. Credit for correspondence courses in constant subjects such as English, social studies, and communications shall not be granted except in certain special cases.

EDU 43

Pupils shall complete 15 credits in the 10th, 11th, and 12th grades in required and elective courses to meet the graduation requirement. These credits shall include: GRADUATION

a. Three credit courses in communication skills.

b. A minimum of two credit courses in social studies.

c. Nine credit courses of curriculum approved by the local school district.

d. One-half credit in physical education and one-half credit in health education.

SCHOOL CERTIFICATES

Secondary school certificates may be granted to pupils unable to meet all requirements for graduation provided the pupil has been in regular attendance, enrolled in at least three subjects a year and completed at least nine subject courses. The permanent records of pupils which received such a certificate shall indicate that they have received these certificates.

DIPLOMAS

MILITARY

Diplomas shall be granted to people in military service who did not complete secondary school after all requirements for graduation have been met, either through correspondence courses or special armed forces schools.

EQUIVALENCY CERTIFICATES

A secondary school equivalency certificate may be issued by the state board to residents over 19 who need this credential in an occupation or for higher education, provided they score well on approved general educational development tests.

EDU 45

PROMOTION

Pupils who have satisfactorily completed the work of the preceding grades shall be admitted to grades 7, 8 or 9. Special pupils "who in the judgment of the authorities may profit by such work" shall be admitted also.

Pupils shall submit admission records or evidence showing successful completion of preceding work or take an examination to qualify for admission to classified secondary schools.

CROSS REFERENCE

II.A.1.; Regulation EDU 41

STATUTES

§125.09

If the commission receives a written complaint from a school board or superintendent, it may suspend or revoke a teacher's certificate for: (1) immoral conduct; (2) failure to finish her/his contract; (3) "gross inefficiency"; (4) failure to meet recertification requirements"; or (5) fraud in obtaining a certificate.

SUSPENSION

REVOCATION

The teacher shall be notified, in writing, of the charges against her/him and may answer the charges and request a hearing. The hearing shall be conducted by the commission which shall make its decision within 30 days.

NOTICE

HEARING

§125.12

Teachers (this term includes superintendents and principals) may be hired or dismissed at school board meetings. Teachers' contracts must be in writing. A teacher's first and second year of employment is a probationary period, during which time the board can terminate the contract at any time by giving written notice. A teacher who has completed the probationary period shall have a continuing contract, which shall remain in effect until terminated by a majority vote of the entire school board.

A continuing contract may be terminated for: (1) inefficiency; (2) neglect of duty; (3) conduct unbecoming a teacher, or other sufficient grounds. The teacher shall be given written notice of any complaint and an opportunity to correct her/his behavior.

TERMINATION

NOTICE

If an unrequested leave policy is not negotiated by the board and its teachers, the school board may place as many teachers as necessary on an "unrequested leave of absence" status, without pay, due to lack of pupils or finances or other reasons. Teachers will be

placed on such lists and rehired according to seniority. A new teacher may not be hired when there is a qualified person on the list, unless the teacher fails to tell the board that he/she will return to work. If a teacher is not reinstated within two years, her/his right to reinstatement will terminate.

REINSTATEMENT

If a teacher suffers from a contagious disease, mental illness, or drug or alcohol addiction, she/he may be temporarily suspended. If the teacher does not consent to the suspension, she/he must submit to a physical examination or face immediate dismissal. The teacher shall be reinstated after her/his recovery.

SUSPENSION

A continuing-contract teacher may be discharged for: (1) immoral conduct; (2) conduct unbecoming a teacher; (3) failure to teach; (4) gross inefficiency; (5) wilful neglect of duty; or (6) a continuing mental or physical disability. The teacher may request a hearing but the board can suspend the teacher with pay pending the outcome of the hearing. The teacher shall be notified of the board's decision within ten days after the hearing. If the teacher is reinstated by a court order, she/he is entitled to back pay.

HEARING

§125.17

The probationary period for teachers in cities of the first class is three years, during which time a teacher's contract may be terminated if the board sees fit. After the probationary period expires, the teachers shall hold their positions and not be demoted or discharged "except for cause after a hearing." The grounds for discharge either during or after the probationary period are: (1) immoral conduct or insubordination; (2) failure to teach; (3) inefficient teaching or management; (4) having a communicable disease (cause for suspension during illness); and (5) "discontinuance of position or lack of pupils." All charges against a teacher must be in writing and

TERMINATION

HEARING

SUSPENSION

she/he is entitled to a full hearing before the school board. The board may suspend the teacher after charges have been filed but if the final decision is favorable to the teacher, she/he shall be reinstated with pay. If a teacher's services are terminated because of the discontinuance of her/his position or a lack of pupils, the teacher shall receive first consideration for other jobs in her/his district.

A teacher has a right to inspect and copy her/his records by making a written request to the school board.

§125.181 --125.185

In order to develop standards of ethical conduct for the improvement of the teaching profession and to provide for the enforcement of such standards, a "teacher standards and certification commission" is established. The commission shall be composed of public school teachers, representatives of higher education and members of the public. The public school teachers must be certified and have at least five years' teaching experience in Minnesota. The commissioner of education shall serve as the secretary of the commission.

HEARING

The commission shall hold public hearings and develop a code of ethics governing teaching practices. The commission shall develop rules and regulations for teacher certification, to be approved by the state board of education.

D. Evaluation and Reporting

Bilingual Education Programs

CROSS REFERENCE

II.A.5.; Statute §126.39

District Board Proceedings

CROSS REFERENCE

I.District School Boards; Statute §123.13

Educational Programs

Statutes

§122.84

The state seeks to encourage "experimental delivery systems and comprehensive educational planning" in order to provide better educational opportunities for all pupils and a more economical and efficient operation of the schools.

Education System

Statutes

§121.50

The commissioner of education has authority, in carrying out state policy to provide assistance in measuring the effectiveness of the educational system, to select a sample of public school students for the purposes of the educational assessment program. Any district school board may enter into an agreement with the department of education to have its pupils assessed in accordance with department guidelines. Services will be provided to the district on an actual cost basis.

§123.74 --123.741

In order to continually improve educational quality and better evaluate educational programs, a process for curriculum evaluation and planning is established.

Each district school board shall develop and adopt a written policy establishing educational goals, a process for achieving those goals, and procedures for evaluating and reporting progress. This policy shall be reviewed and revised each year.

The administrative and professional staff of the district shall have the task of developing an instruction plan to implement the district's goals.

Each district is encouraged to appoint a curriculum advisory committee to provide for active community participation in developing and evaluating educational policy.

Each year a final progress evaluation shall be conducted. The results will be reviewed by each district which shall develop improvement plans accordingly.

All policies and reports shall be made available to the public.

CROSS REFERENCES

I.Educational Cooperation Service Unit; Statute §123.58

IV.F.; Regulation EDU 7

EXPERIMENTAL PROGRAMS

CROSS REFERENCE

II.A.1.; Regulation EDU 40

LOCAL DISTRICT PROGRAMS

STATUTES

§123.742

The state board of education shall make technical assistance available to school districts upon request. The department shall collect the annual evaluation reports from local districts and make this data available to any district seeking to use it for purposes of comparison.

CROSS REFERENCE

I.State Department of Education; Statute §123.89

Racial Composition of Schools

Regulations

EDU 622 -- 630

Each school board shall submit data on the racial composition of its schools to the commissioner. If segregation is found in any district the school board shall submit a comprehensive plan for elimination of segregation to the commissioner. No district is exempt from these desegregation requirements.

School Census

Statutes

§120.095

A school census will be taken every year of all children under twenty-one indicating name, date of birth, name and address of parent, guardian or other person having charge of such child. The census shall be taken by the clerk of the board. The census shall include an enumeration of children requiring special education.

Student Performance

Regulations

EDU 160

Acceptable tests and exams shall be used in determining pupil needs and progress.

E. Improvement Efforts

Bilingual Staff

CROSS REFERENCE

II.A.5.; Statute §126.35

Education System

CROSS REFERENCE

III.D.Education System: Statute §123.74 -- 123.741

SCHOOL STAFF

STATUTES

§123.581

In-service training programs for teachers, assistant principals and principals in techniques of education of handicapped pupils shall be established in districts designated by the state board of education. An advisory council for in-service training, comprised of 12 members appointed by the commissioner of education, is established to assist districts in developing programs of in-service training. The advisory council shall make recommendations, propose minimum standards, and evaluate programs.

CROSS REFERENCE

I.Educational Cooperation Service Unit; Statute §123.58

TEACHERS

§121.20

"The commissioner may order and conduct teachers institutes for the professional instruction and training of teachers . . ." and may use public facilities and funds for these institutes.

§125.14

In order to encourage teachers to pursue further education, a school board may provide that the teacher receive extra pay for attending summer school.

§125.18

A certified teacher may be granted a sabbatical leave by the school board employing her/him, according to rules formulated by the board.

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Statutes

§37-17-1

The state board of education is empowered "to prescribe standards for the accreditation of public schools, to insure compliance with such standards and to establish procedures for the accreditation of public schools." The board shall promulgate regulations to implement this chapter and through the department of education, shall provide necessary personnel for enforcement of standards.

RULEMAKING

§37-17-3

"The state board of education shall appoint a 'commission on school accreditation' to be composed of the [following] twenty members: four classroom teachers, and at least two from each of the following groups: school supervisors, principals of schools, superintendents of county, separate or other school districts, local school board members from separate county or other school districts, institutions of higher learning located in this state having schools of education and junior colleges. The membership . . . shall be appointed by the board upon recommendation of the state superintendent of public education . . . . All members shall be appointed for a term of four years." Each member shall receive a per diem allowance of twenty dollars for attending meetings of the commission.

APPOINTMENT

§37-17-5

The commission on school accreditation shall "continually review the standards on accreditation [enforce them] and . . . make recommendations . . . to the state board of education." All controversies involving the accreditation of schools shall be heard first by the commission and their decision shall be

final "unless any interested party appeal(s). . . to the state board of education."

REGULATIONS

Standards for Accreditation of Elementary and Secondary Schools. (Bulletin 171)

APPOINTMENT

The power to prescribe standards for the accreditation of public schools is vested in the State Board of Education, which shall appoint a commission for the purpose of accreditation. This committee is composed of 20 members with these backgrounds: (1) Four classroom teachers; (2) at least two each from the following groups: a-school supervisor; b-principals of schools; c-superintendents of separate school districts; d-superintendents of county or other school districts; e-local school board members from separate school districts; f-local school board members from county or other school districts; g-institutions of higher learning; and h-junior colleges.

The commission's duties are to review and enforce policies and procedure for accreditation.

The philosophy of education in Mississippi is to "provide appropriate learning experiences to promote the optimum growth and development of youth and adults throughout life."

The guiding principles for accreditation are: "A. Application for accreditation shall be on an annual basis. B. All accredited schools shall meet certain minimum standards. C. Standards for accreditation and classification are designed to stimulate each school to provide the best possible opportunities for the proper growth and development of each student. D. The Commission on School Accreditation meets semiannually -- once in the fall and once in the spring. Prior to meetings, the Supervisor of Secondary Education and the Supervisor of Elementary Education review annual reports with a reviewing committee from the Commission and list the deficiencies of each school. E. Deficiencies of each school are reported to the entire Commission. After the strengths and deficiencies are weighed, ratings of schools are determined by vote of the Commission on School Accreditation.

F. After the annual spring meeting of the Commission in which the Commission acts on applications for accreditation, superintendents and principals shall be notified in writing of the accredited status awarded each school. When a school is dropped to a non-accredited status, the superintendent, the principal, and the president of the board of trustees shall be notified in writing. Such notice shall state clearly the reasons for the loss of accreditation. A school dropped from the accredited list will be afforded a hearing before the Commission upon request by the official governing body of the school. In case of an adverse decision by the Commission, such school through its superintendent and president of the board of trustees, may appeal from the Commission to the State Board of Education. G. Ordinarily, a school shall not be dropped from accredited status prior to the end of the current session. H. The Commission on School Accreditation elects from its membership annually one member to serve as chairman, one member as vice chairman, and one member as secretary. The chairman, with the advice and consent of the members, appoints special and standing committees that are considered necessary. When it becomes necessary to send a visiting committee to any school to ascertain facts about the school or school system, the chairman is empowered to appoint such committee(s) and to call special meetings of the full Commission. I. The standards are such as to encourage local initiative to improve the educational program of local schools, and to enlist the active support of lay and professional groups. J. The development of a program of accreditation is one of the principal means of making known to both lay and professional groups the essentials of a well-balanced school program. K. The standards are designed to embody the essentials of a well-balanced school program. L. Periodic self-evaluation of schools with approved criteria will promote school improvement. M. Exploratory or experimental programs in the organization of instruction are encouraged, but all such programs which are at variance with standards shall be submitted to the Division of Instruction, State Department of Education, for approval

before they are put into operation."

This Guide includes provisions for who may apply for accreditation and in what manner such an application should be filed, fees, etc.

A list of standards necessary for accreditation are found in this Guide and include general administrative standards such as grade organization and the length of the school term as well as administration characteristics which include:

"1. The school district shall be governed by a board of trustees and administered by a professionally qualified superintendent chosen in the manner prescribed by law. Each attendance center, or division thereof, shall be administered by a professionally qualified principal chosen in the manner prescribed by law.

2. The policies of the board of trustees shall be in writing, shall be on file in the superintendent's office, and shall be readily accessible.

3. The board of trustees shall hold regular monthly meetings and shall keep minutes of official action in accordance with existing laws.

4. Each school shall have a written statement of educational philosophy and objectives developed cooperatively by teachers, students, and the lay public, under the leadership of the school administration, in harmony with ideals of American democracy, and based upon the needs of the students and of the community served. The curriculum of the school should evolve from and implement the philosophy and stated objectives of the school.

5. Appropriate guidance services focused upon the growth and development of each student shall be an integral part of the educational program.

6. There shall be an organized plan for in-service education in which each school participates. This plan shall have as its objective the professional improvement of the teachers and the instructional program.

7. All activities pertaining to the organization, administration, and operation of the educational program

within a school district affecting board members, school officials, teachers and individual schools should be in accord with accepted professional standards.

8. The school district shall keep and preserve permanently a copy of all district-wide reports required by the State Board of Education to be filed on an annual basis.

Some standards for student records include:

"1. The Mississippi cumulative record shall be kept for each student who enrolls.

2. The permanent records and cumulative folders shall be properly maintained and safeguarded.

3. The permanent record shall be kept, while it is active, in binders in the attendance center office in a fire resistant container.

4. Upon graduation or at the time when a student would normally have graduated had he[she] not withdrawn from school, the student's permanent record shall become a part of a permanent binder in the central fire-resistant depository.

5. The permanent binding and preservation of inactive student records shall be the duty of the superintendent of the school district who shall maintain a central depository of the records.

7. The cumulative folders of the pupils shall be kept in a fire resistant filing cabinet in the school where the students are in attendance. Both the permanent records and the cumulative folders shall be available to teachers and other school officials directly concerned with the students' best interest but shall in no case be available to the general public.

8. When a student transfers to another school:

a) In the event a student transfers to another school within the state, the cumulative folder shall be furnished to the head of the school to which the student transfers and the permanent record of the student shall be kept permanently by the school district from which the student transferred. (Public or Non-Public)

9. At no time may a permanent record of a student be destroyed, but cumulative folders may be destroyed by order of the board of trustees of the school district in not less than five (5) years after the permanent record of a student has become inactive."

Included under standards for accreditation are: 1) qualifications for administrative and supervisory personnel; 2) fiscal policies; 3) employment practices; 4) personnel policies; 5) adult education; 6) transfer of students and credits; 7)school plant a-adequacy; b-safety; c-sanitation; d-site and location; e-utilization of building and site; f-maintenance and operation; g-equipment; 8) school lunch program; 9) transportation; 10) civil defense education; 11) environmental conservation education; 12) alcohol, narcotics, and drug education.

Additional standards for elementary schools only are also provided within this Guide, and reflect attention to various spheres of education including curriculum, instructional materials, teacher guidelines and student transfers.

The Guide on Standards for Accreditation also presents a list of subjects accepted toward graduation and secondary subject codes for teaching assignments and a chart reflecting the recommended amount of time to be devoted each subject.

CROSS REFERENCE

II.A.3.; Statute §37-13-60

2. Other Qualification Standards

Statutes

§37-7-311

"The board of trustees shall [organize] a school so as to avoid unnecessary duplication and shall determine what grades shall be taught at each school and shall have the power to specify attendance areas and to designate the school each pupil shall attend."

§37-7-911

In order to receive aid as an "isolated school district," the district shall, in the operation of its schools, comply in all respects with the re-

quirements of law and applicable rules and regulations. . . . relative to the operation of schools and school districts with respect to curriculum, educational standards, employment of teachers, and all other matters. However, nothing herein shall be construed to require . . . an average daily attendance of thirty pupils in the grades of . . . an isolated school district."

§37-13-1

"A uniform system of free public schools consisting of grades one through twelve, which may be divided between grammar schools, junior high schools and high schools" shall be maintained in such manner as the board of trustees "deems necessary and desirable."

§37-13-63

SCHOOL YEAR

(1) "All schools in the county school system shall be kept in session for at least one hundred fifty-five days in each scholastic year." The school district's board of trustees upon approval of the county board of education may "divide the school term and have such portions . . . taught at any time during the scholastic year."

(2) All municipal separate district schools shall operate for an equal period each year and kept in session at least one hundred fifty-five days each scholastic year.

§37-13-65

Upon approval of the county board, the superintendent of education may "close all schools for the Christmas holidays for an equal period of time not exceeding two weeks." Upon request from the board of trustees the county superintendent may close any school "because of an epidemic or because of the death, resignation, sickness or dismissal of a teacher. . . or because of any other emergency necessitating the closing of the school." However all schools must operate for the required full time after being reopened.

In the case of municipal separate school districts, the board of trustees is empowered to close

school subject to the same conditions as in county school districts.

§37-13-67

Twenty days where both teachers and pupils are in actual attendance constitute a "scholastic month." The number of hours constituting a school day shall be fixed by the school board of trustees at no less than five nor more than eight hours.

SCHOOL DAY

§37-13-69

Public schools may observe legal holidays designated by the state board of education during which school will not be in session. All schools must operate for the full minimum term exclusive of holidays. Superintendents, principals and teachers shall be paid fully for legal holidays. "Such holidays shall not be counted . . . in determining average daily attendance of the school."

§37-23-9

"Courses of study, teacher-pupil ratio, adequacy of methods of instruction, in-service training, qualifications of teachers and technicians and necessary equipment for special education must comply with the requirements established by the state department of education." Governing authorities of school districts where special classes are established must employ teachers "as provided by law for the purpose of teaching the established special education classes."

§37-65-19

The time elapsed during school closing shall not be deducted from the period of the scholastic year required by the state. The provision setting the minimum scholastic year shall not prevent the closing providing in this article, and in the event of conflict, this article shall control.

CROSS REFERENCE

IV.A.: Statute §37-65-101 -- 37-65-103

COUNTY BOARD OF EDUCATION

CROSS REFERENCE

I.County Board of Education; Statute §37-7-205

COUNTY SUPERINTENDENT

CROSS REFERENCE

I.County Superintendent; Mississippi Constitution, Art. 8, §204

DRUG EDUCATION SPECIALIST

CROSS REFERENCE

II.A.1.; Statute §37-13-51

MUNICIPAL BOARD OF TRUSTEES

STATUTES

§37-7-203

(1) "The boards of trustees of all municipal separate school districts . . . shall consist of five members, each to be chosen for a term of five years." In the event territory is added, provision is made herein to ensure representation of the electors of the additional territory.

The trustees of a municipal separate school district shall be elected.

"No person who is a member of such governing body, or who is an employee of the municipality, or who is [a] trustee of any public, private or sectarian school or college located in the county . . . or who is a teacher or trustee of said school district shall be eligible for appointment to . . .[the] board of trustees."

APPOINTMENT

PRINCIPALS

STATUTES

§37-9-15

Each year, "the superintendent of each school district shall recommend to the board of trustees . . . the principals to be employed for each of the school districts except in the case of those assistant superintendents, supervisors and principals . . . previously employed (with) a contract valid for the ensuing scholastic year." "Unless good reason to the contrary exists," the board of trustees shall approve the above recommendations.

When the above administrators are recommended and approved for schools of a county-wide or municipal separate school district, the district superintendent shall enter into contract with them. In county school districts other than county-wide districts, the board of trustees shall notify the county superintendent of the candidates and their salaries and he/she shall enter into contract with the candidates if funds are available. If the notification is not timely, the county board of education may choose and employ such assistant superintendents, supervisors and principals after consulting with and obtaining the recommendation of the county board of education.

SCHOOL PERSONNEL

STATUTES

§37-9-7

"It shall be unlawful for any superintendent, principal or teacher to be employed or contracted with to teach or serve in any of the public schools of this state who does not hold a proper certificate . . . valid at the time of such employment or execution of such contract." If certification should expire during the life of the contract and is not renewed, such contract shall be "null and void" upon expiration.

§37-9-61

"No superintendent, principal or teacher shall

be employed . . . until as a condition precedent to . . . employment" he/she files an affidavit as to the names and addresses of all associations to which he/she belonged, or payed dues, or regular contributions within the past five years, the form for this affidavit being herein provided.

§37-21-1

"It shall be the policy of this state that any person acting in the capacity of teacher, assistant teacher or teacher's aide shall possess certain educational qualifications in order to perform any of the functions, duties or powers of the same in early childhood education programs."

§37-21-3

"No person shall act in the capacity of teacher, assistant teacher or teacher's aide in any federal or state funded program of early childhood education or "headstart" or perform any of the functions, duties, or powers of the same, unless that person shall be qualified in the following manner:

(a) A head teacher or any other employee receiving (an equivalent salary) shall possess a college degree or its equivalent;

(b) an assistant teacher shall possess a high school diploma or its equivalent;

(c) an assistant teacher shall possess a high school diploma or its equivalent;

(d) a teacher's aide shall possess an eighth-grade education or its equivalent."

School Trustee

Statutes

§37-7-201

To be qualified to hold the post of school district trustee, a person must be "a bona fide resident and qualified elector of such school district" or territory "entitled to representation on the board."

SUPERINTENDENT

STATUTES

§43-5-9

"The board of trustees shall employ a capable person to serve as superintendent of the school for the blind, who shall be over the age of thirty years, and preferably be married, and of recognized ability and moral character, and who shall be qualified under the law to be an instructor in the public high schools. . ." the same qualifications shall be required of the superintendent of the school for the deaf. Each superintendent shall employ teachers and employees.

CROSS REFERENCE

III.C.Superintendent; Staute §43-5-9

TEACHERS

STATUTES

§37-3-21

The director of the division of instruction shall be responsible for teacher training and certification and public school education including health, music, curriculum, and audiovisual education.

§37-9-9

RULEMAKING

"The state board of education is . . . empowered . . .[to] promulgate rules and regulations governing the issuance of all teachers' certificates and to administer said rules and regulations." No changes in rules and regulations shall be made without giving a "minimum notice of one year to all holders of teaching certificates affected by such change."

§37-9-11

TESTS

"The state board of education is authorized and directed to require tests such as the common and teaching areas of the National Teacher Examination or an examination of achievement" as a requirement for professional public school certification issued after January 1, 1972 to any person applying for certification for the first time.

Scores on such standardized tests shall be made part of the applicant's record and maintained in the state office of certification.

The state board of education may also determine minimum scores for persons applying for the first time for a professional certificate.

The state board of education may also determine conditions in which a person may take the standardized tests more than once.

§37-19-5

(1) "All new classroom teachers . . . paid under the provisions of the minimum program for the support of education . . . shall be required to take the national teachers examination . . . . The level of professional training of each teacher to be used in establishing the salary allotment for said teachers for each year shall be determined by the type of valid teacher's certificate issued to such teachers on or before September 1 of the current school year . . . "

(2) "After fiscal year 1971 - 72, no teacher holding a certificate of less than an "A" classification shall be eligible to teach in the public schools of this state, in setting such standards, the state board of education may designate certificates of vocational and technical teachers . . . equivalent to Class A or AA certificates . . . ." If an emergency arises requiring employment of a teacher with less than an "A" certificate, the teacher may be hired upon permission from the state board of education and then for only one year at a time.

Included within this chaper are provisions concerning incentive grants, transportation allowances and retirement and social security allotments for teachers.

§37-19-23

". . . (T)he county superintendent of education of each county and the building trustees . . . shall file . . . an information report which shall contain . . . " such statistics as average daily attendance, numbers of teachers employed, estimated administrative expenses, and the total assessed evaluation of the county. This report to be filed no later than the fifteenth day of April of each year with the state board of education.

"[s]tudents going from one school district . . . to another . . . shall be counted for teacher allotment . . . ."

REGULATIONS

Regulations for Teacher Certification (Bulletin 130)

Included within this Guide is information regarding teacher certification which includes:

1. Legal requirements for holding and registering a certificate as well as salary payment;

2. Authorizations to teach that include secondary certificates, elementary certificates and special subject certificates.

General requirement for persons being issued certificates include:

"1. Age: No certificates shall be issued to an applicant under eighteen years of age unless he[she] holds a bachelor's degree.

2. Citizenship: In order to obtain a certificate, one must be either a citizen of the United States, an applicant for citizenship in the United States, or a citizen of a foreign country serving on an exchange basis.

3. Personal, Moral and Professional Qualities: An evaluation of these qualities shall be made by the person responsible for the teacher education program in an institution where the applicant was last accepted as a candidate for a degree, by the registrar of that institution, or by a superintendent under whom the applicant has taught, or by the employing superintendent of schools. The applicant must show a rating of at least "acceptable" before he[she] can be considered for certification.

4. Health Certificate: An application for his/[her] first teacher's certificate shall furnish a health certificate which has been properly executed by a licensed physician not more than six months prior to the time of application for the certificate. The certificate must be filled out on a form issued by the State Department of

Education and must show that the applicant is free from all contagious diseases and undue physical handicaps. The responsibility of subsequent physical examinations for teachers rests with the duly constituted board.

5. Limit on Credit Earned at a Junior College: A maximum of 66 semester or 99 quarter hours earned through a junior college may be applied toward obtaining a teacher's certificate. However, lower-level undergraduate credits may be earned through a junior college to meet the general education requirements for holders of less than Class A certification or for nonprofessional graduates of approved senior colleges. Credit earned to renew a certificate of Class A or above must be earned through a senior college. A teacher who holds a valid Class A certificate may earn credit through a junior college to be applied toward endorsement in a second teaching field; however, credit earned through a junior college will not renew, reinstate or upgrade certificates of Class A or above.

6. Limit on Credit Earned While Teaching: Effective September 1, 1978, the number of hours earned during any school year by person employed as full-time teachers, supervisors, or administrators will be left to the discretion of the school board.

7. Limit on Extension or Correspondence Credit: Not more than one-fourth the total number of hours required for the baccalaureate degree will be accepted for certification purposes if earned by extension, and/or correspondence. After a baccalaureate degree, a maximum of 6 semester or 8 quarter hours may be earned by correspondence toward a certificate.

8. Limit on Credits Earned Per Term or Semester: Credit earned in residence for certification purposes must be earned at the rate of approximately one semester hour per week or less.

9. Approval of Courses of Study for Certification Purposes: The executive officer of the school or department of education of an institution of higher learning may submit to the State Board of Education a program of study for approval. If this program of study is approved, students

who satisfactorily complete it shall be eligible, as far as college courses are concerned, to receive appropriate certificates. A separate program of study shall be submitted for each area in which certification is desired."

Instruction on how to secure a teacher's certificate are also provided within this Guide as well as the renewal and reinstatement of certificates and permits.

Chapter II of this Guide deals with special provisions governing the issuance of certificates or permits to applicants who do not meet all of the minimum requirements earlier mentioned.

Chapter III states policies of the State Department of Education governing the paraprofessional teacher or teacher aides.

Chapter IV covers general education requirements for elementary teachers. "English semester hours 12; quarter hours 16; Science 12;16; biological science 3;40; physical science [earth science, physics, chemistry, astronomy, geology, space science, etc.] 3;4: Social Studies 12;16 (American or World History 6;8;)other social studies except religion 6;8; Mathematics 6;8; (The structure of the real number system and its subsystems 3;4) Basic Concepts of Algebra and Informal Geometry 3;4; Personal Hygiene 3;4 Speech 3;4; Total 48;72."

Also included within this chapter are minimum requirements to hold different class elementary teacher's certificates and education requirements for specialized and professional education.

General education requirements for secondary teachers include: "English Semester hours 12; quarter hours 16; Fine Arts (Any course in art or music will meet this requirement) 3;4; Personal Hygiene 3;4; Science (biological science 6;8; physical science 6;8; Mathematics 8;4; Social Studies 12;16; (United States and/or World History 6;8;(other social studies to include one or more of the following subjects: Mississippi history, geography, political sicence, anthropology, sociology, economics, philosophy,

religion, general psychology, social psychology, world history or American history; however, not more than 6 semester or 8 quarter hours in either World or American History may be counted in meeting the social studies requirement in the area of General Education 6;8); Speech 8;4; Total 48; 64."

Also included within this section are minimum professional requirements for holding secondary teacher's certificates.

Specialized education course requirements are included for different types of educational programs as well as requirements for special secondary certificates for teachers of vocational trades, agricultural vocational occupations, vocational nursing occupations, cooperative diversified education, occupational orientation, prevocational orientation, technical guidance counselor and for director of vocational education.

Certification requirements for adult education teachers, including required and elective courses for that field are found in this Guide, along with requirements for certificates for: 1) special subject fields; 2) special education (exceptional children); 3) special education (gifted children); 4) special education (speech & hearing specialist); 5) guidance counselor; 6) school psychologist; 7) school psychometrist; 8) health and physical education; 9) librarian (elementary and secondary); 10) school media specialist; 11) music; 12) reading teacher; 13) administrator; and 14) supervisor.

Also included here are permits for principals of secondary and elementary education.

C. Performance Standards

Certificated Personnel

Statutes

§37-9-57

If any superintendent, principal or teacher "willfully or arbitrarily" breaches his/her contract and abandons his/her employment without lawful release, his/her contract shall be void. Moreover, the license

or certificate of such superintendent, principal or teacher shall be suspended for one year upon written recommendation of a majority of the board of trustees. §37-9-59

SUSPENSION

"For incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil or other good cause, the county superintendent of education or superintendent of the municipal separate school district . . . may remove or suspend any superintendent, principal or teacher . . . . Before being . . . removed or suspended the superintendent, principal or teacher shall be notified of the charges against him(her) and . . . advised he/she is entitled to a public hearing . . . For the purposes of conducting such hearings the county superintendent of education or the superintendent of the municipal separate school district shall have the same power as a justice of the peace to issue subpoenas for witnesses." Appeal from the decision at the hearing may be made to the state board of education. §37-9-67

REMOVAL
SUSPENSION
NOTICE
HEARING
APPEAL

Filing a false affidavit as to associational ties by a superintendent, principal or teacher is the crime of perjury as punishable by law, and such person shall forfeit his/her state license to teach. §37-9-105

"Any employee (meaning any professional personnel required to have a valid certificate as a prerequisite of employment), shall be given notice within seven days of the decision (nonrenewal of contract) when:

NOTICE

(a) by January 15 the board of trustees of the school district does not reemploy the superintendent;

(b) by February 15 the superintendent of a school district does not recommend the reemployment of a principal or by March 1 the board of trustees of the district does not approve the recommendation of the superintendent for the reemployment of a principal; or

(c) by April 1 the principal does not recommend to the superintendent the reemployment of a teacher,

or by May 1 the principal does recommend the reemployment of a teacher and the superintendent does not approve the recommendation for the teacher's employment, or by May 1 the principal and superintendent both recommend the reemployment of a teacher and the board of trustees of the district declines the recommendation."
§37-9-109

"An employee entitled to notice under §37-9-105 shall be entitled to:

(a) receive a written statement of the reasons that he/she shall not be offered a new contract with facts supportive of those reasons upon request;

(b) request a public hearing before the board within seven days after receipt of the notice;

HEARING

(c) receive a fair and impartial hearing before the board within fourteen days from the date of receipt of the notice from the employee requesting a hearing;

(d) be represented by counsel at his/her own expense.

RIGHT TO COUNSEL

If the employee does not request a hearing, the decision of the board with regard to the reemployment of the employee shall be final."
§37-9-113

Appeals from the board's final decision may be made to the appropriate chancery court. The appeal hearing shall be "de novo." Appeal of a chancery court decision may be made to the supreme court.

APPEAL

COUNTY SUPERINTENDENT

CROSS REFERENCE

I. State Board of Education; Statute §37-1-1 -- 37-1-9; 37-3-17

DEPARTMENT OF EDUCATION PERSONNEL

STATUTES
§37-3 -41

No member of the Department of Education shall "act as agent for any publisher . . . or directly or indirectly receive [compensation] in recommending . . .

CONFLICT OF INTEREST

any books, school apparatus or furniture . . . in the public schools . . ." A member violating this section shall be removed from office.

REMOVAL

EDUCATIONAL PROGRAMS

CROSS REFERENCE

II.A.1.; Statute §37-13-3

III.D.Educational Programs; Statute §37-3-43 -- 37-3-47

SCHOOL EMPLOYEES

STATUTES

§37-9-111

HEARING
DISMISSAL

A hearing on the subject of dismissal of a school district employee must embody the principles of due process and fairness for both parties.

§37-11-25

Speculating in school property or equipment to be used in the public schools by a public school official or employee is a misdemeanor.

§37-11-27

CONFLICT OF INTEREST

School authorities or employees shall not be interested in any contracts made for construction or repair of school facilities, furnishing of school supplies, or transportation of children. "Any contract entered in violation of the provisions of this section shall be void and of no effect. Authorization of a contract in violation or knowing payment or receipt of money on such contract shall result in civil liability for the amount paid or received.

SCHOOL SYSTEM

CONSTITUTION

MISSISSIPPI CONSTITUTION, ART. 8, §207

"Separate schools shall be maintained for children of the white and colored races."

MISSISSIPPI CONSTITUTION, ART. 8, §208

"No religious or other sect or sects shall ever control any part of the school or other educational funds . . .; nor shall any funds be appropriated

toward the support of any sectarian school, or to any school that at the time of receiving such appropriation is not conducted as a free school."

CROSS REFERENCES

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secondary Schools (Bulletin 171)

III.A.2.; Statute §37-23-9

STUDENT

CROSS REFERENCES

II.A.1.; Statute §37-13-13

II.A.1.; Statute §37-13-19

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secondary Schools (Bulletin 171)

D. EVALUATION AND REPORTING

CURRICULUM

STATUTES

§37-13-9

"The state board of education is . . . authorized to appoint a curriculum committee composed of professional and lay members, not to exceed seven in number, to make a continuous study of the curriculum of the public schools and to make recommendations to the state board of education . . . as to changes which should be made . . . in the curriculum in the grammar school . . . and high school grades." Members of the committee shall receive a per diem allowance.

Drug Education Program

CROSS REFERENCE

II.A.1.; Statute §37-13-51

Economic Education Program

CROSS REFERENCE

II.A.10. Other - Economic Education Program; Statute §37-13-54 -- 37-13-55

Educational Programs

STATUTES

§37-3-43 — 47

The state department of education and each school district shall participate in an accountability and assessment program which will identify performance objectives for the public schools and its students and establish procedures for evaluating performance. The state department of education shall also provide inservice training, evaluate each district's program and establish an advisory committee to assist it.

INSERVICE TRAINING

Each school board shall adopt a program to "measure the adequacy and efficiency of educational programs." It may appoint an advisory committee. It shall report periodically on its progress in achieving its goals to the state department of education and to the public.

APPOINTMENT

Education System

STATUTES

§37-13-4

"All principals and/or superintendents of public schools . . . shall report . . . the type and amount of work done in each grade of their respective school . . . ."

CROSS REFERENCE

I.State Superintendent, Statute §37-3-9 -- 37-3-15

Schools for the Blind and Deaf

CROSS REFERENCE

II.A.2.; Statute §43-5-7

Students

CROSS REFERENCE

IV.G.; Statute §37-15-33

Vocational Education

CROSS REFERENCE

II.A.3.; Statute §37-31-7

E. Improvement Efforts

Education Personnel

CROSS REFERENCE

III.D.Educational Programs; Statute §37-3-43 -- 37-3-47

Educational System

STATUTES
§37-15-4

"The governing authorities of every school district . . . shall keep and preserve permanently a copy of all district-wide reports required by the state board of education to be filed on an annual basis."

Teachers

STATUTES
§37-53-1

"A teachers' institute or summer school shall be held each year . . . . All summer schools or institutes shall be under the direction of the state superintendent of public education . . . ."

CROSS REFERENCES

II.A.1.; Statute §37-13-39

II.A.2.; Statute §37-23-131

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secondary Schools (Bulletin 171)

III.A.2.; Statute §37-23-9

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

5 CSR 50-340.010
CLASSIFICATION AND ACCREDITATION

All school districts shall be classified either as AA or AAA by 1980. There are no financial inducements for meeting classification standards. The desire to better serve the students needs is the primary incentive. The basic data required for accreditation are contained in the application. The superintendent makes an evaluation which is reviewed by Department of Education personnel who ultimately decide the district's classification.

Alternatives may be proposed for any specific item in the AAA standard and submitted to the Department of Education which shall approve or disapprove the proposal. Innovative and experimental programs which "supplement improve or enrich: the educational program are also encouraged and must be approved in similar manner. Schools which meet the classification standards are deemed accredited by the Missouri Department of Education and course credit shall be accepted by all classified schools and by Missouri colleges and universities which accept state funds.

All classified school districts must meet the standards described in this section including: 1) a written statement of goals and objectives developed by the teachers and administrators revised every five years and subject to the approval of the board of education. (2) a statement of policy by the board of education consistent with the goals and objectives. These policies should "stimulate professional growth of the staff"and permit "flexibility and growth" to enable the school system to serve the local community; (3) The Board of Education shall be headed by a superintendent and shall annually develop a budget and an educational plan; (4) complete transcripts shall be on file for all teaching and administrative personnel; (5) a certificate of health shall be required of each employee annually; (6) schools shall provide nursing services, and

adequately equipped clinics. Students shall receive immunizations and records kept of such information; (7) a food service program shall serve at least "one nutritionally balanced meal" each day; (8) school sites shall be "attractive, clean, safe, accessible and conform to standards recommended by the Department of Education . . . Continuous, adequate and efficient custodial service shall be provided in all buildings." (9) One unit of high school credit shall consist of between 8700-9600 minutes for lab courses and 6900-8700 minutes for all others; (10) achievement credit may be granted to pupils based on advanced work and test scores up to two units of credit toward graduation requirements; (11) To graduate from high school a student must earn at least 20 units of credit during grades 9-12 but local boards may require more than 20 and adopt specific course requirements. Pupils shall complete at least one unit each in communication skills, math, science, social studies, fine arts, practical arts and physical education and two additional units in communication skills, social studies, math and science. (12) A comprehensive program of varied activities shall be carried on under the direct supervision of the school. (13) Local School districts shall cooperate with nearby districts in the "development and operation of an area vocational school." (14) An evaluation plan shall be developed in each instructional area at all levels (15) A planned inservice educational program shall be provided and administered by the district.

STANDARDS FOR ADMINISTRATIVE OFFICERS

Class AAA - Superintendent shall be employed full-time and shall have at least three years administrative experience and hold a superintendent's certificate. Assistant superintendents shall be employed for every 100 professional persons and shall hold a master's degree, be certificated and "appropriately trained at the graduate level."

Class AA - A superintendent must meet the requirements above but need only have two years experience. Assistant superintendents shall be employed for every 125 professional persons.

STANDARDS FOR ELEMENTARY SCHOOL SYSTEMS

Class AAA - a full time director of elementary education shall have at least two years teaching experience, two years administrative experience, a master's degree and a principal's certificate. Additionally, a full-time elementary school principal shall be employed for every 700 elementary school pupils. Principals shall have two years teaching experience, a master's degree and an elementary principals' certificate.

Class AA - a principal must have two years teaching experience, a master's degree and an elementary principal's certificate. In a district with more than 375 pupils, full-time shall be devoted to administration, in a district with 200 pupils three-fourths time and in a district with less than 200, one-half time.

STANDARDS FOR ELEMENTARY SCHOOL TEACHERS AND TEACHER AIDES

Class AAA - Teachers shall hold a bachelor's degree and be certified as an elementary school teacher. 25 percent shall have completed master's degrees or 30 hours of graduate credit. Teaching specialisits shall have a BA and be certified in the subject matter area. Supervisors and specialists who spend one-half time consulting supervising or directing teachers shall be certified in the subject matter area and hold a master's degree.

Class AA - same as above but only ten percent of teachers shall have graduate training and supervisors need not have a master's degree.

Teacher assistants shall have a minimum of 60 semester hours of college credit.

STANDARDS FOR ELEMENTARY SCHOOL LIBRARIES

AAA - a central library or media center is recommended for any elementary school with more than 500 students. A full-time libararian shall be employed and appropriately certificated. A full-time assistant shall be provided for media centers serving 1500 students.

AA - same as above but the system with less than 750 students need have a librarian who devotes one-half time to

library duties.

TEACHER LOAD

AAA - at least one teacher shall be provided for each grade taught and shall devote no more than 310 minutes each day to teaching. Individual classrooms with more than 30 pupils shall be considered excessive.

AA- one teacher for every two grades shall be required and classes with more than 35 pupils shall be considered excessive.

PUPIL PERSONNEL SERVICES

AAA- one certificated full time guidance counselor shall be required for every 1500 pupils but one counselor for every 750 pupils is recommended. At the minimum, an elementary school system shall employ a one-half time certified counselor.

AA- same as above but certificated counselors are recommended but not required.

CURRICULUM

In grades one-six the following shall be taught: language-arts, reading, writing, spelling, social studies, science, math, health and physical education shall be taught for two 30 minute periods weekly. Art and music shall be taught at least 60 minutes per week.

MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS

The requirements are basically the same as for elementary schools with the following exceptions:

LIBRARIES - a full time librarian shall be employed for each 1000 pupils for AAA rating and for each 500 pupils for a AA rating.

TEACHING LOAD - teachers shall not be required to teach more than 180 students daily and individual class size shall not exceed 35 students for a AAA rating. For a AA rating, teachers may teach up to 200 students daily and class size may be 40 pupils.

PERSONNEL SERVICES - certified guidance counselors shall provide one hour of counseling time for each 65 students and a full-time counselor may be provided for 390 pupils for a AAA rating.

For a AA rating, one hour of counseling shall be provided for each 80 students.

CURRICULUM - Language arts, social studies, science, and math shall be taught a minimum of 800 minutes per week. Physical education shall be taught two periods per week. Art, music and home economics and industrial arts shall be available for two periods each week.

HIGH SCHOOL STANDARDS grades 9-12 or 10-12

The standards are basically the same as those for junior high schools with the following exceptions:

PERSONNEL SERVICES - one full-time counselor shall be employed for every 300 pupils and high schools should obtain the services of school psyhometrists, psychologists and social workers. For a AA rating, one full-time counselor may serve every 480 students.

CURRICULUM - AAA rating shall offer a minimum of 60 and one-half units of credit including: 4 - language arts, 2 of speech and drama, 4 of foreign language, 4 of science, 4 of fine arts, 5 of business education, 3 each of home economics, vocational education and industrial arts, 5 of social studies 4 of math and 2 of physical education. For a AA rating, the high school need offer only 40 1/2 units of credit.

Credit may be elected for Junior ROTC if taught by personnel certified to teach military science.

CROSS REFERENCES

II.A.9.; Regulation 5 CSR 50-340.050

III.C.School District; Constitution, Article 9, §3(c)

IV.G.; Statute §171.171

2. Other Qualification Standards

Statutes

§160.041

"The school day consists of six hours . . . . Days dismissed for legal school holidays and teachers meetings and workshops shall be counted as school days for determining school weeks and months. A school month consists of four weeks of five days each. The

SCHOOL DAY

school year commences on the first day of July and ends on the thirtieth day of June following."

§162.081

"Whenever any school district in this state fails or refuses . . . to provide for a nine month school term . . .[it] shall be [deemed] unorganized territory and . . . may be attached to any adjoining district for school purposes; . . .[but] no "school district shall lapse where provision is lawfully made for the attendance [of the pupils] . . . at another school or where failure to make [the needed] provision for [the] 9 months [of school] results from irregular or void [proceedings] had for that purpose."

§163.021

To be eligible for state aid for education, a school district must operate its schools for a minimum of one hundred and eighty days less exemptions for legal holidays and teacher meetings, maintain accurate records of attendance, personnel and finance, levy a property tax and compute an average daily attendance.

SCHOOL YEAR

Whenever an epidemic or similar condition substantially reduces attendance for an extended period of time, distribution of school funds will be based upon the preceding year's attendance.

§171.031; .051

The board of education shall annually prepare a calendar for the school term, specifying the opening date, and providing a minimum term of at least one hundred seventy four days of actual pupil attendance, and individual pupil attendance shall apply for state aid and all other school purposes. "School holidays include Thanksgiving Day, December 25th, the third Monday in February and July fourth."

SCHOOL YEAR

§171.121 - .131

If any district has an average daily attendance of less than 15 pupils, the state board of education shall require the board to provide for the tuition and transportation of the pupils of the district to other public schools. Separate attendance records shall be kept for pupils from the closed district. (The board of education may elect to maintain an elementary school in the district for grades 1-6, and tuition shall be paid by the sending district for pupils in grades nine through twelve.)

§178.310 - - .360

Part-time schools may be established when at least 25 employment certificates for children under 16 have been issued and are in effect for employed children for not less than four hours per week, for the regular school term. The state board of education shall establish standards for the establishment and maintenance of the schools, and shall be entitled a share in the distribution of federal and state funds. Attendance shall be counted as part of the time the minor can be employed. Schools may be excused from establishing or maintaining a part-time school upon a special hearing of the state board of education. Annually a report shall be made to the legislature on the administration, policies and regulations of the part-time school.

CROSS REFERENCES

II.A.2.; Regulation 5CSR 70-742.030--110

II.A.5.; Regulation 5CSR 50-820.010--120

B. Qualification Standards for Personnel

Administrative Officers

CROSS REFERENCE

III.A.1.; Regulation 5 CSR 50-340.010

Adult Education Personnel

CROSS REFERENCE

II.A.8.; Regulation 5 CSR 60-100.010--040

Board of Education Members

Statutes

§162.581

The members of the board of education shall be elected at large on a general ticket, shall be at least 25 years old, citizens and residents of the city for at least three years preceding their election. They shall not hold any office except notary public, or be interested in any contract with or claim against the board; if so interested shall be disqualified to continue as members of the board, and shall be disqualified during the remainder of the term.

No compensation shall be paid to board members.

§162.860

"Candidates for membership on the board of education shall be citizens of the United States and resident taxpayers . . . who have resided within the state for one year next preceding the election and who are at least twenty-four years of age . . . ."

CROSS REFERENCE

II.B.1.a.; Statute §170.061--171

Certificated Personnel

Regulation

5 CSR 80-800.010

CERTIFICATION STANDARDS

Each applicant for certification must provide satisfactory evidence of good moral character and meet academic and/or experience requirements. Certificates are issued in eight areas: early childhood education, elementary education, secondary education, special education, adult basic education, school administration, guidance services, and vocational education.

Persons denied certification will be advised in writing of the reasons and may appeal the decision to the State

COMMISSIONER OF EDUCATION

STATUTES

§161.112

APPOINTMENT

The state board of education shall appoint a commissioner of education, as chief administrative officer. The commissioner shall be a citizen who resided in the state for one year immediately preceding the appointment, who "possesses educational attainment and experience in the administration of public education." The commissioner's duties and compensation shall be prescribed by the boards and he/she may be removed at its discretion.

REMOVAL

COMPENSATORY EDUCATION PERSONNEL

CROSS REFERENCES

II.A.6.; Regulation 5 CSR 30-820.010--020

COUNTY BOARD OF EDUCATION MEMBERS

STATUTES

§162.101

A county board of education, consisting of six members shall be selected by the members of the district school boards in the county for a term of three years in each first class county in Missouri. Each county board member shall be a citizen of the U.S., a resident householder, voter of the county, and not less than twenty-four years old. Not more than three members shall reside in the same county court district.

§162.111

The county board of education in 2nd, 3rd and 4th class counties shall consist of six members elected for staggered three year terms by popular vote. Each member shall be a citizen of the U.S. and Missouri, and shall not be less than 24 years old. Not more than three members shall be elected from one county court district.

District Board Members

CROSS REFERENCES

I.District Board of Education; Statute §162.471

Non-Certificated Employees

STATUTES

§168.251

All employees of metropolitan school districts shall be appointed and promoted under the rules of the board of education of the school district. All appointments and promotion of non-certificated employees shall be made in case of appointment by examination. Examinations for appointments shall be conducted by the director of personnel under regulations to be made by the board.

EXAMINATIONS

School Board Members

STATUTES

§161.032

"The members of the board . . . shall be citizens . . ., who have resided in the state for not less than five years immediately preceding their appointment . . ., not more than one shall be resident of the same county or congressional district. At no time may more than four members be of the same political party. Members can't be connected with any public, private or denominational school, college, or university, nor be holder or candidate for any public office."

Six-Director School District Board

STATUTES

§162.291

Directors in all six-director districts shall annually elect two directors, who are citizens of the U.S. and resident taxpayers of the district who have resided in the state for one year preceding the election or appointment and who are at least 30 years old.

Special Education Teachers

CROSS REFERENCES

II.A.2.; Statute §162.715

STATE BOARD OF EDUCATION

CROSS REFERENCES

I.State Board of Education; Constitution Article 9, §2(a)

SUPERINTENDENT

STATUTES

§179.010 -- .090

The superintendent of the public schools shall be elected by voters of each county, and be a citizen of the county and at least 24 years of age. He/she shall hold a teaching certificate. His/her term shall be four years. Each county superintendent shall make requested information available to the county board of education. Except in cities with a population of 25 thousand or more persons the superintendent shall prepare and maintain an index record of each student in the public schools, and the county superintendent shall be furnished with the information necessary to maintain the records by the superintendent of schools.

TEACHERS

STATUTES

§168.011-091

No person shall be employed to teach any position in public school until receiving a valid certificate licensing him/her to teach in that position. Licenses shall be granted by the state board of education, on the basis of college credit, examination, or upon completion of at least a two year course in a city training school. Persons graduating from state colleges and universities upon receiving a bachelor of science in education shall be issued life teaching certificates.

Teachers holding a third class county certificate upon written request may be given an examination to determine his/her eligibility to teach. Upon successful completion of the exam they shall be issued a certificate entitling them to teach for a period of one year. Two or more semester hours in psychology and education of the exceptional child is required in order to get a license. Persons holding a certificate must present evidence of good moral character, and have satisfactorily completed

REMOVAL

REVOCATION

NOTICE

HEARING

APPEAL

a four-year approved high school program.

The board of education may prescribe the manner and method for removal. A certificate of license may be revoked upon proof of incompetency, cruelty, immorality, drunkenness, neglect of duty, or by the annulling of a written contract. The teachers must be given due notice of revocation of not less than 10 days, and the opportunity to be heard and present witnesses. If the certificate is revoked, the teacher may appeal to the circuit court within 10 days by the filing of an affadavit. If the court disaffirms the judgement, then it shall assess the costs of the whole proceeding against the district making the complaint. Teaching without a license is a misdemeanor, and such person forfeits rights to compensation. Any director endorsing such teacher is also guilty of a misdemeanor. Any person having authority to grade papers or grant licenses who does so in non-compliance with the requirements is guilty of a misdemeanor.

CROSS REFERENCES

II.A.6.; Regulation 5 CSR 50-820.010

II.A.6.; Regulation 5 CSR 50-823.010

III.A.1.; Regulation 5 CSR 50-340.010

III.E. Teacher Training; Statute §178.410

C. Performance Standards

Certified Employees

STATUTES

§168.101

The school board or board of directors, except for a metropolitan school district, may contract certified teachers who are not eligible to gain permanent status in a position held within the school system. In the contract, the term and wages shall be specified. The original employment of a certified employee shall continue in the staff position from year to year, and they shall be notified in writing concerning reemployment in their present staff position. Failure of the board to give notice constitutes reem-

ployment on the same terms as the contract provides. Upon a motion to reemploy, a majority of the members voting in the affirmative shall constitute reemployment; written acceptance or rejection shall be tendered within fifteen days, and a failure to present acceptance constitutes a rejection. If a certified employee has been reemployed three times within the district, within 10 days of receipt of notice of demotion or lack of employment on the same terms may request a written statement giving reasons for demotion or lack of reemployment. The board shall grant a hearing at which the employee may have counsel, offer testimony of witnesses, offer evidence, and cross-examine adverse witnesses. The contract between the board of education may be terminated at any time by mutual consent of the certified employee and the board. "This section shall not affect the employment or reemployment of the superintendent of schools by a board of education."

NOTICE

HEARING

TERMINATION

COMMISSIONER OF EDUCATION

CROSS REFERENCE

I.Commissioner of Education Constitution; Article 9, §2(b)

COUNTY BOARD MEMBERS

STATUTES

§162.141

If a county board member is absent from two consecutive meetings without majority approval, or moves from the county court district, from which she or he was elected, the member shall be disqualified. If one or two vacancies occur, they shall be filled by appointment by members. If they cannot agree, or if more than two vacancies occur, the vacancies shall be filled by appointment by the state commissioner of education.

DISQUALIFICATION

APPOINTMENT

COUNTY SUPERINTENDENT

STATUTES

§179.120

"During his[her] term of office the county

superintendent shall not engage in teaching or in any other employment that interferes with the duties of his[her] office as prescribed by law."

School Board Members

Statutes

§162.391

"No member of any board of education of a six-director district shall hold any office or employment of profit from the board while a member thereof. The secretary and treasurer if not members of the board may receive reasonable compensation for their services."

CONFLICT OF INTEREST

§162.611

Any member failing to attend three consecutive regular meetings, unless excused shall be deemed to have vacated her/his seat. The mayor may fill vacancies by appointment until the next election.

APPOINTMENT

§162.631

The circuit court of the city has jurisdiction over the members of the board of education to require them to account for their official conduct; to suspend any member from exercising her/his office, if she or he has "abused" her or his "trust" or "become disqualified" and to remove officers upon proof or "conviction of gross misconduct," for her or his office.

SUSPENSION

REMOVAL

The jurisdiction shall be exercised upon petition filed by any member of officer of the board of at the instance of any ten citizens and householders of the city. The petition shall be heard "in a summary manner" and an appeal shall lie as in other causes.

APPEAL

School District

Constitution

MISSOURI CONSTITUTION, ART. 9, §3(c)

"No school district which permits differences in wages of teachers having the same training and experience, because of race or color, shall receive any portion of said revenue or fund."

EQUAL OPPORTUNITY

School Officials

Constitution

MISSOURI CONSTITUTION, ART. 7, §6

"Any public officer or employee in this state who by virtue of his[her] office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his[her] office or employment."

APPOINTMENT

FORFEITURE

School Personnel

Statutes

§162.810

Any employee found interested in sale or exchange of personal property used in the Missouri school for the blind and school for the deaf upon conviction shall be adjudged guilty of a misdemeanor.

CONFLICT OF INTEREST

§168.151

It is unlawful for any school board member or employee to solicit or receive money from any teacher for the purpose of paying tuition, or expenses of the operation of schools. It is unlawful for any teacher to contribute or agree to contribute any portion of his/her salary to the school board. Persons violating this section are guilty of a misdemeanor.

TUITION

§168.271

The first year of employment is the probationary period during which time any probationary employee whose work is found unsatisfactory shall be furnished a written statement of which a copy shall be filed with the personnel director stating the nature of his/her unsatisfactory work. The employee shall be discharged within one month if satisfactory improvements are not made. made.

DISCHARGE

§168.281

Appointment shall become permanent upon completion of a satisfactory probationary period, subject to removal for compulsory retirement or a violation of conduct and regulations of the Missouri laws governing public schools. The personnel director gives notice to the employee of

APPOINTMENT

HEARING

the charges, date, time and place of hearing and the employees right. The hearing committee shall meet except for mutual agreement of the committee and employee. Failure of the employee to give notice to defend or failure to appear shall be considered admission of the truth of the charges and the committee may rule accordingly. Upon conducting a hearing of the charges, the personnel committee shall by majority vote make its decision and notify the employees. No permanent employee shall be suspended without pay, nor be demoted, nor salary reduced, unless the procedure is followed as herein stated.

SUSPENSION

SCHOOL SYSTEM

CROSS REFERENCES

I.Legislature; Constitution, Missouri Constitution, Art. 9, §1(a)

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2.; Statute §162.715

STATE

CONSTITUTION

MISSOURI CONSTITUTION, ART. 9, §8

"Neither the general assembly, nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund, whatever, anything in aid on any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary college, university, or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any county, city, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever."

STATE BOARD MEMBERS

STATUTES

§161.012; .022

"The department of education, includes the state board of education, the division of public schools, the division of registration and examination, and the agencies assigned to the department."

The state board of education consists of eight lay members appointed by the governor with advice and consent of the senate. Each member has an 8-year term. In case of vacancy the governor shall make a temporary appointment.

APPOINTMENT

"No member [of the state board of education] may be removed by the governor except after written notice and hearing on charges of malfeasance, misfeasance, or nonfeasance in office."

REMOVAL

NOTICE

HEARING

STUDENTS

CROSS REFERENCES

II.A.2.; Statutes §§170.011; .021; .031

II.A.6.; Regulation 5 CSR 70-742.130

II.A.8.; Regulation 5 CSR 60-100.010 -- .040

III.A.1.; Regulation 5 CSR 50-340.010

IV.G.; Statute §171.171

TEACHERS

STATUTES

§168.106 -- .114; .116; .118; .120

"The contract between a school district and a permanent teacher shall be known as an indefinite contract" and shall be subject only to compulsory or optional retirement, modification by succeeding indefinite contract, death, resignation with consent of the school board, termination after a hearing by the board or the revocation of the teacher's certificate. Modifications shall be effective at the beginning of the next school year and teachers shall be furnished written copies within thirty days of their adoption by the board of education. The contract may be terminated or modified at any time by mutual consent of the parties and upon written notice with reasons for

TERMINATION

terminating by the teacher. The board may terminate an indefinite contract upon one or more of the following causes: (1) "Physical or mental condition unfitting him [her] to instruct or associate with children; (2) Immoral conduct; (3) Incompetency, inefficiency or insubordination in line of duty; (4) Willful or persistent violation of, or failure to obey the school laws of the state or the published regulations of the board of education of the school district employing him[her]; (5) Excessive or unmeasurable absence from performance of duties; or (6) Conviction of a felony or a crime involving moral turpitude." In determining the "professional competency" of a teacher, the board shall consider evaluation reports and written standards adopted by the school district.

NOTICE

A teacher's contract may not be terminated by the board until written notice of the charges are given to the teacher. Thirty days prior to the notice of charges, the teacher is required to receive a warning stating the causes for the charges. If the teacher requests a hearing, notice of the date of hearing shall be served on the teacher 20 days prior to such hearing. After charges have been filed, the board may suspend the teacher but her/his salary will be continued until a decision is reached. If the teacher appeals the board's decision and it is reversed, the teacher shall receive back pay.

HEARING

SUSPENSION

APPEAL

RIGHT TO COUNSEL

If a hearing is requested on the termination of an indefinite contract, the board of education shall conduct a public hearing, parties may be represented by counsel and may cross-examine witnesses. The board has the power to subpoena witnesses requested by the teacher against whom charges have been made. A stenographer shall be employed to make a full record of the proceedings of the hearings and within ten days after the conclusion thereof, furnish the board of education and teacher with a copy of the transcript record. The transcript shall not be open to the public unless the hearing was open or if appeal is taken by the teacher. Except for counsel cost for the teacher, hearings costs shall be

DEMOTION

paid by the school board. A board decision resulting in demotion of a permanent teacher or the termination of an indefinite contract shall be by majority vote, and the decision shall be made within seven days after the transcript is furnished them.

APPEAL

A teacher has the right to appeal the decision of the board of education to the circuit court, fifteen days after service of a copy of the decision, if not the decision shall become final. The appeal may be taken by filing notice of appeal with the board of education, together with a transcript of the evidence.

§168.126

The board of education by majority vote at a meeting may contract with legally qualified probationary teachers for the school district. The contract shall specify the months and wages; shall be signed by the probationary teacher and the president of the board. The board shall not employ one of its members as a teacher. If the board feels the probationary teacher has been doing unsatisfactory work a written statement shall be provided to the teacher, specifying the fault and he/she will be given opportunity to correct his/her fault. If there is no satisfactory improvement within 90 days the board may terminate the employment immediately or at the end of the school year. Any teacher not notified of termination shall be deemed to have been appointed for the next school year under terms of the contract for the preceding year. The probationary teacher who is informed of reelection by written notice shall within 15 days present a written acceptance or rejection of the employment tendered and a failure to tender acceptance within such time, constituting a rejection of the board's offer. Such contract may be terminated or modified at any time by mutual consent of the parties.

TERMINATION

§168.130

No teacher shall participate in the management of election campaign or defeat of members of the board

by which he/she is employed. Teachers in violation shall be subject to termination with the right of a hearing and appeal.

TERMINATION

§168.221

Teachers and principals in a metropolitan school district shall be on probation for three years. During this time, the superintendent shall notify any teacher whose work is unsatisfactory. If the deficiency is not corrected within one semester, the teacher or principal shall be dismissed. Probationary teachers and principals are required to receive notification before April 15 each year if their employment is to be terminated. If the teacher does not receive notice, her/his employment will be presumed to continue. After the probationary term has been completed, a teacher or principal cannot be removed except for the following causes: "Immorality, inefficiency in line of duty, violation of the published regulations of the district," violations of state school law, or an incapacitating physical or mental condition. The party charged is entitled to notice and a hearing. Teachers and principals with permanent status may not be demoted or have their salaries cut without the same notice and hearing procedures.

DISMISSAL

TERMINATION

REMOVAL

NOTICE

HEARING

If the school board has to decrease the number of teachers or principals, due to lack of funds or insufficient enrollment, the teachers affected will be placed on a leave of absence status and reinstated as positions become open.

REINSTATEMENT

CROSS REFERENCE

III.B. Teachers; Statute §168.011 -- .091

D. Evaluation and Reporting

Census of Handicapped Children

CROSS REFERENCES

I.Metropolitan School District Board; Statute §167.011--021

II.A.2.; Statute §179.100

II.A.2.; Regulation 5 CSR 70-742.030 -- .110

GIFTED STUDENTS

CROSS REFERENCE

II.A.2.; Regulation 5 CSR 70-742.120

PUBLIC SCHOOLS

STATUTES

§162.661

The board of education shall make an annual report which contains the "report of the condition of the public school," give an account of all receipts and expenditures, and report on the condition of all investments.

SCHOOL DISTRICT

CROSS REFERENCE

I.County Board of Education.; Statute §162.161

TEACHER

CROSS REFERENCE

II.A.2.; Regulation 5 CSR 70-742.030 -- .110

TEACHER TENURE

STATUTES

§168.128

Records showing periods of service, dates of appointment shall be maintained by the board of education for enforcement of the sanctions of the Teachers Tenure Act. If rating devices are used, a copy of any record shall be given to the teacher concerned, one copy shall be sent to the central office of the board of education, and one copy shall be retained by the principal in his/her office.

VOCATIONAL EDUCATION PROGRAM

CROSS REFERENCE

II.A.3.; Statute §178.440 -- .530

E. Improvement Efforts

Educational Opportunities

Statutes

§161.152

A section of district reorganization shall be established within the division of public schools. The state board, through this section, shall advise various county boards of education in making plans for the enlargement and reorganization of school districts throughout the state and shall provide for the technical and advisory assistance necessary for the promotion of "efficiency in school administration and the improvement of educational opportunities."

Educational Planning

CROSS REFERENCE

II.A.2.; Regulation 5 CSR 70-742.030 -- .110

Teachers

CROSS REFERENCE

II.A.1.; Regulation 5 CSR 50-400.010

III.A.2.; Statute §160.041

Teacher Training

Statutes

§178.410

The school board of any school district with a population of 75 thousand or more may establish a city teacher training school for training elementary school teachers and provide a two-year professional course in advance of a four-year standard high school course.

MONTANA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§75-7501 — 75-7502

The board of public education shall adopt "standards of accreditation for all schools . . . upon the recommendations of the superintendent of public instruction." All schools shall be reviewed annually by the superintendent of public instruction "to determine . . . compliance with the standards of accreditation." After accreditation status has been established by the board, "notification . . . for the applicable school year shall be given to each district."

REGULATIONS

§48-2.6(1)-S600

Public schools in Montana are accredited annually. Accreditation recommendations are based on data provided by school districts, other reports and visitation observations from the office of the Superintendent of Public Instruction. Schools meeting most of the standards may receive accreditation for periods of up to five years by applying to the State Superintendent and by completing a self-evaluation followed by a team visitation to review and appraise the school. Once annual accreditation has been established by the Board, a change in status can be made only upon a showing that an error occurred in reporting or interpreting the data.

§48-2.6(1)-S610

There are five categories of accreditation. The first, multi-year accreditation, is given to a school which meets the minimum standards, exhibits evidence of having met many of the recommended standards, operates an outstanding educational program, and provides

a long-range plan for improvement of the school's educational program. Multi-year accreditation may be granted for a period up to five years.

Regular accreditation is given to a school which meets minimum standards or deviates only slightly from those standards and is for a one-year period.

A school "accredited with advice" is one which exhibits serious and/or numerous deviations from minimum standards and in which improvement is expected within the school year.

"Accredited on probation" means that the school continues to have serious deviations from standards or has become substantially worse over the previous year. The local school board must adopt and submit to the Superintendent of Public Instruction a school improvement plan which provides a systematic procedure for correcting the deviations noted.

A non-accredited school is one which fails to improve after being accredited with advice or on probation.

§48-2.6(1)-S620

A certificate of accreditation will be issued to each accredited school.

§48-2.6(1)-S640

The types of public schools are as follows: (1) elementary school composed of grades K through eight; (2) middle school, made up of any combination of grades four through eight; (3) junior high school composed of grades seven, eight and nine; (4) senior high which may be a 3-year, 4-year, or 6-year school.

§48-2.6(1)-S650

To be eligible for accreditation, new junior high schools or high schools must be approved by the Superintendent of Public Instruction prior to their establishment. Schools operating for the first time or one not in operation the previous year must comply with the statutory requirements for a new school.

§48-2.6(1)-S660

Specialists, para-professionals and teacher aides employed in a school will be considered in the evaluation of the school for accreditation purposes. Where class enrollment is in excess of minimum standards, consideration will be given in determining the severity of deviation for those schools employing specialists and teacher aides.

§48-2.6(2)-S690

Each school district operating both an elementary and secondary school must have a certified superintendent. The district superintendent is responsible for selecting and assigning school employees, and for administering and supervising the education program, subject to the approval of the board of trustees.

§48-2.6(2)-S6000

The school principal shall be certified in accordance with statutes and policies of the Board of Public Education. Requirements for the services of principals are determined by enrollments of schools or school districts.

In a school with less than 150 pupils which is not under the supervision of a district superintendent, supervision shall be provided at the minimum of two days per teacher per year.

The following is recommended:

(a) In a school with less than 150 students, not under the supervision of a district superintendent, supervision shall be provided at the minimum average of one-half day per teacher per month.

(b) In a school district where the combined elementary and secondary enrollment is between 50 and 150, where the superintendent is the principal in both schools, he/she shall devote half time to administration and supervision in both schools. Where the combined enrollment is 150-300, the superintendent may serve as half-time elementary or

high school principal for the other unit in the district.

(c) In a district with a combined enrollment of 150-300, the district shall employ both an elementary and a high school principal.

(d) A school with an enrollment over 300 shall employ a full-time principal.

(e) Any elementary, junior high or senior high school with an enrollment over 500 shall employ an assistant to the principal.

§48-2.6(2)-S6060

School morale should be promoted through such means as cooperatively developing handbooks which interpret administrative policies to students and teachers.

"Excessive teacher turnover and lack of administrative continuity may indicate deficiencies in school morale and will be considered in the accreditation process."

§48-2.6(6)-S6070

Teacher certification serves a dual purpose: (1) to assure the community of well-prepared teachers, and (2) to contribute to teachers' professional growth by requiring them to continue study. Accreditation standards require that high schools shall employ at least four certified teachers and that they be assigned on the basis of certificate endorsements and college preparation. "Released time" is required to enable teachers to develop lesson plans, engage in research and to participate in training sessions. Accreditation standards limit the teaching load for a teacher to 28 hours per week. In addition, the standards encourage schools to use para-professionals in the classroom.

§48-2.46(1)-S4630

The trustees of an elementary school may establish a middle school if approved by the Superintendent of Public Instruction. In considering whether or not to approve a middle school, the Superintendent will use the following criteria: (1) grade seven and eight must

have an enrollment of 90 or more; (2) the middle school must be organized as a cohesive unit within the school district system; and (3) sufficient evidence must be presented that the middle school can meet state accreditation standards. Discretionary authority will be exercised by the Superintendent of Public Instruction in considering or applying other factors deemed appropriate.

CROSS REFERENCE

III. C. Educational Programs; Regulation §48-2.16(10) - S6110

2. Other Qualification Standards

Statutes

§75-6601

The trustees shall designate the grade assignments for schools of their district, but for this title school are classified as follows:

an elementary school includes kindergarten, other preschool programs, or grades one to eight;

a high school has one or more grades between elementary school and college.

The trustees of a high school in an elementary district and the trustees of the elementary district may organize the district schools as a kindergarten through grade 12 school system, provided that the elementary and high school trustees shall only administer grades within their proper jurisdiction.

§75-7402

School districts must "provide for at least . . . 180 school days of pupil instruction" during each fiscal year. Any district failing to do so "shall not be entitled to receive any apportionment of the state interest and income funds."

§75-7403

SCHOOL DAY

"A school day of pupil instruction shall be at least two hours for kindergartens and . . . preschool programs," four hours for grades 1-3, and six for grades 4-12. "The number of hours in a school week may be reduced, in an emergency, with the approval of the board of public education."

REGULATIONS

§48-2.6(2)-S6050

SCHOOL DAY

A standard school day shall be as follows: (1) two hours for kindergarten and other preschool programs; (2) four hours for grades one through three; (3) six hours for grades four through twelve.

§48-2.6(6)-S6100

TEACHER LOAD

"(1) High School and Junior High School

"(a) Schools shall employ at least four certified teachers. . .in addition to the principal or superintendent.

"(b) Individual class size shall not exceed 30 students. . .[without]. . .the approval of the State Superintendent . . . .

"(c) No teacher shall have more than 28 clock hours of assigned student responsibility per week. The number of students assigned a teacher per day shall not exceed 160.

. . .

"(2) Elementary

"(a) In multi-grade classrooms, the maximum class load shall be as set forth below.

Grades kindergarten, 1, 2 and 3: 20 students
Grades 4, 5, and 6: 24 students
Grades 7 and 8: 26 students

"(b) Recommended The certified staff shall be supplemented by para-professionals.

"(c) In single-grade rooms, the maximum class load shall be . . . .

24 students in kindergarten . . .
26 students in grades 1 and 2 . . .
28 students in grades 3 and 4 . . .
30 students in grades 5 through 8 . . .

"(d) Recommended In single-grade rooms, the maximum class load shall be . . .

22 students in kindergarten . . .
24 students in grades 1 and 2 . . . .
26 students in grades 3 and 4 . . .
28 students in grades 5 through 8 . . .

"(e) In one-teacher shcools [sic], the maximum class load shall be 18 students.

"(f) No teacher shall have more than 28 clock hours of assigned student responsibility per week except for one- and two-teacher rural schools.

"(g) Recommended During the regular 6-hour teaching day, each teacher shall have 45 minutes of preparation and planning time. . . . in addition to any regularly scheduled recess and lunch period . . . . (History: Sec. 75-7501)"

B. Qualification Standards for Personnel

Administrators

Regulations
§48-2.10(10) - S10120

Class 3 Administrative Certificate

This certificate is issued to applicants who (1) hold a master's degree granted by an accredited college or university, (2) have had three years of successful teaching experience, or its equivalent, and (3) have met requirements for one or more of the following endorsements:

(a) Eligibility for the Class 1 or Class 2 teaching certificate; and,

(b) at least 24 graduate quarter (16 semester) credits; or the equivalent, in education including the following:

(i)(aa) at least 12 graduate quarter (8 semester) credits, or the equivalent, in elementary education if the applicant does not qualify for elementary endorsement of the Class 1 or Class 2 teaching certificate; or,

(ab) at least 12 graduate quarter (8 semester) credits, or the equivalent, in secondary education if the applicant does not qualify for secondary endorsement of the Class 1 or Class 2 teaching certificate; and

(ii) one or more graduate courses, or the equivalent, in each of the following: school finance, general school administration, school curriculum and school supervision; and,

(iii) a course in guidance or counseling or the equivalent.

(3) Elementary Principal's Endorsement Requirements

(a) Eligibility for the Class 1 or Class 2 teaching certificate with elementary endorsement; and,

(b) at least 15 graduate quarter (10 semester) credits, or the equivalent, in education including the following:

(i) at least 8 graduate quarter (6 semester) credits, or the equivalent, in elementary education; and,

(ii) one or more graduate courses each, or the equivalent, in general school administration and elementary school administration; and,

(iii) at least one graduate course, or the equivalent, in elementary school curriculum or school supervision; and,

(iv) a course in guidance or counseling or the equivalent.

(4) Secondary Principal's Endorsement Requirements

(a) Eligibility for the Class 1 or Class 2 teaching certificate with secondary endorsement; and,

(b) at least 15 graduate quarter (10 semester) credits, or the equivalent, in education, including the following:

(i) at least 8 graduate quarter (6 semester) credits, or the equivalent, in secondary education; and,

(ii) one or more graduate courses each, or the equivalent, in general school administration and secondary school administration; and,

(iii) at least one graduate course, or the equivalent, in secondary school curriculum or school supervision; and,

(iv) a course in guidance or counseling or the equivalent.

(5) Supervisor's Endorsement Requirements

(a) This administrative endorsement is issued in specific fields such as music, guidance and counseling, and school finance.

or in general areas such as elementary education, secondary education and curriculum development. This endorsement may be issued to applicants who submit acceptable evidence or successful completion, at an accredited institution of higher learning, of a master's degree or the equivalent in the special area to be endorsed or in appropriate professional programs for the general area endorsement. The applicant must meet eligibility requirements for a Class 1 or Class 2 teaching certificate.

(b) The professional training required for this endorsement must include 15 graduate quarter (10 semester) credits in supervision, curriculum and methods in the fields to be endorsed. The recommendation of the appropriate official(s) is required.

(6) Renewal of Class 3 The Class 3 certificate is renewable every five years on completion of one year of successful experience in the area of endorsement. (History: Sec. 75-6002, 75-6006, 75-6008).

CROSS REFERENCES

II.A.2.; Regulation §48-2.18(22) - S18390

II.A.2.; Regulation §48-2.18(38) - S18650; S18660

II.A.2.; Regulation §48-2.18(38) - S18670

II.A.2.; Regulation §48-2.18(38) - S18680

II.A.2.; Regulation §48-2.18(38) - S18690; S18700

II.A.3.; Statute §75-7702

II.A.3.; Statute §75-7704

II.B.3.; Regulation §48-2.6(10) - S6140

II.B.3.; Regulation §48-2.6(10) - S6150

II.C.2.; Regulation §48-2.6(14) - S6190

II.C.2.; Regulation §48-2.6(14) - S6200

BOARD OF PUBLIC EDUCATION MEMBERS

CROSS REFERENCE

I. Board of Public Education; Statute §75-5610

CERTIFIED PERSONNEL

STATUTES

§75-6131

By July 1, 1979, all elementary and secondary public schools located on or near Indian reservations, which have sufficient Indian children to qualify for federal funding of Indian education programs, "shall employ only . . . certified personnel who have satisfied the requirements" of §75-6130.

"Members of boards of trustees and all non-certified personnel in public school districts" on or near Indian reservations are encouraged to satisfy the requirements for instruction in §75-6130."

CERTIFIED SCHOOL PERSONNEL

REGULATIONS

§48-21.10(2)-S10020

The determination of educational experience appropriate to renew any certificate is made by the Superintendent of Public Instruction.

§48-2.10(2)-S10040 -- S10060

Equivalency may be used to renew all certificates in lieu of, or in conjunction with, academic credits to strengthen an individual's competencies. Individuals who are considering undertaking an experience that might be used as an educational equivalent must submit a description beforehand to the Superintendent of Public Instruction for approval.

Agencies that desire to implement an inservice education program that would count for recertification purposes must submit a proposed plan to the Superintendent of Public Instruction. The plan must include: needs of the teachers and the community; method for identifying and resources to be used in meeting those needs; the objectives of the plan and the means for evaluating objectives; the number of hours of inservice to be provided.

A proposed inservice education plan to be used for recertification purposes will be reviewed by a committee of staff members appointed by the Superintendent of Public Instruction.

Individuals who desire to implement an individual study program that would count for recertification purposes must provide the Superintendent of Public Instruction with a proposed plan. The plan must include a description of the undertaking, its objectives, and how those objectives will be met.

Each individual study plan proposal for recertification will be reviewed by a committee of staff members appointed by the Superintendent of Public Instruction.

§48-2.10(2)-S10050

RENEWAL

Credits earned by correspondence, extension and inservice are acceptable for certificate renewal.

§48-2.10(2)-S10060

REINSTATEMENT

Lapsed certificates cannot be renewed, but the holder may apply for reinstatement of the certificate. A minimum of 12 quarter credits of college work or the equivalent is required within the five-year period immediately preceding the date of application for reinstatement of the Class 2 certificate. A minimum of 6 quarter credits or the equivalent is required for reinstatement of Class 1 or Class 3 certificates.

If the period of lapse is 15 years or more, the reinstatement requirements may be obtained from the Superintendent of Public Instruction. If it is less than 15 years, the teacher may apply for Class 5 certificate which allows the two-year term of this certificate to meet reinstatement requirements.

§48-2.10(10) - S10150

Professionals, such as school psychologists, social workers, nurses and speech and hearing therapists who are teaching in a classroom must have an appropriate teaching certificate.

COUNTY SUPERINTENDENT

STATUTES

§75-5802

"A county superintendent shall be elected in each county of the state unless [it has] a county manager form of government." A person is qualified for the office of county superintendent who is "a qualified elector," meets the requirement of the state constitution, "holds a valid teacher certificate," and has at least three years' teaching experience.

DISTRICT SUPERINTENDENT

CROSS REFERENCE

I. District Superintendent; Statute §75-6112

ELECTED AND APPOINTED OFFICIALS

STATUTES

§75-8304

"Any person elected or appointed to any public office . . . shall take the oath of office before qualifying for and assuming the office." OATH

LIBRARIAN

CROSS REFERENCE

II.B.3.; Regulation §48-2.6(10) - S 6140

MUNICIPAL SUPERINTENDENT

STATUTES

§11-3525

APPOINTMENT

REMOVAL

The county commission shall "appoint a municipal superintendent of schools to serve without (a) definite term" but "subject to removal at the pleasure of the commission," and fix the compensation for the position. With the consent of the district's trustees, "the superintendent of schools for any district . . . may . . . be appointed to serve as municipal superintendent."

PRINCIPAL

CROSS REFERENCE

III. A.1.; Regulation §48-2.6(6) - S6000 — S6070

SCHOOL COUNSELOR

REGULATIONS

§48-2.6(10)-S6160-S6170

School counselors shall hold a teaching certificate and have at least 20 semester hours in guidance. A minimum of one full-time counselor for each 400 students shall be provided. A separate room for counseling shall be provided. Guidance and counseling shall be provided at the elementary level as well.

SCHOOL TRUSTEE

STATUTES

§75-5913

"Any person who is qualified to vote in a district . . . shall be eligible for the office of trustee."

SUPERINTENDENT OF PUBLIC INSTRUCTION

CONSTITUTION

MONTANA CONSTITUTION, ART. VI, §3

(1) "No person shall be eligible to the office of . . . superintendent of public instruction, . . . unless he[she] is 25 years of age or older at the time of his[her] election. In addition, each shall be a citizen of the United States who has resided within the state two years next preceding his[her] election."

(3) "The superintendent of public instruction shall have such educational qualifications as are provided by law."

STATUTES

§75-5702

A superintendent of public instruction shall be elected at a general election.

A person qualifies for this office who: "is 25 years old, or older, at the time of his[her] election;" has lived in the state for two years just prior to his/her election; "holds at least a bachelor's degree" from a qualified institution; and "possesses the qualifications for . . . office required by" the Montana State Constitution.

SUPERVISORS OF SPECIAL EDUCATION

REGULATIONS

§48-2.18(34)-S18560; S-18570; S-18580

Supervisors of special education must have a Class III administrator's certificate with a supervisor's endorsement in special education.

A social worker employed to serve in a special education program must have a minimum of a Master's of Social Work degree with verification to be submitted to the Superintendent of Public Instruction.

In order for a counselor to be funded by special education, the counselor must have a counselor's endorsement.

TEACHERS

STATUTES

§75-6001

A system of teacher certification shall be established. No one may teach in the public schools without a certificate unless the district obtains an "emergency authorization of employment from the state."

A student teacher who performs "practice teaching in a non-salaried status under the direction of a . . . certificated teacher" need not have a certificate. A student teacher shall have the same rights and responsibilities as a certificated teacher.

§75-6002

Upon the recommendation of the superintendent of public instruction, the board of public education shall make policies for "issuance of teacher certificates; to include: "training and experience requirements. . .; renewal of teacher certificates . . .; conduct of hearings on . . . certification revocation, suspension or denial; issuance of emergency authorizations to a district to employ" a noncertificated teacher; and any other needed policies for teacher certification.

§75-6003 — 75-6004

The superintendent of public instruction issues all teacher certificates. "Any person may be certified as a teacher" who is 18 to 70 years old, in "satisfactory health," a U.S. citizen, is of "good moral and professional character, "has completed the teacher education program . . . of the Montana University system" or an "equivalent program" elsewhere and holds at least a bachelor's degree, and subscribes to an oath of allegiance.

§75-6005

A "provisional certificate" may be issued to a non-citizen when "the trustees of a district request certification of such person;" and she/he otherwise qualifies.

An "annual teacher certificate" may be issued to a non-citizen who is "an exchange teacher from a foreign country intending to return to that country."

§75-6006

The state uses the "following classification of teacher certificates:"

(1) a "professional certificate . . . may be issued to . . .[a] qualified applicant" with at least one year of study beyond the bachelor's degree. The certificate holder may teach at the elementary or secondary level, or both, and in "specified subject fields."

(2) a "standard certificate may be issued to . . .[a] qualified applicant who has completed a four-year teacher education program" and has a bachelor's degree. The certificate holder may teach at the same levels and the same subjects as a Class I certificate holder.

(3) the "administrative and supervisory certificate may be issued to . . .[a] qualified applicant" who is certificated to teach in the school or schools which he/she would supervise or administer and who meets the board of education's requirements for superintendent, principal or supervisor.

(4) a "vocational, recreational or adult education certificate may be issued" to an applicant who meets U.S. Office of Education or other appropriate requirements for the field.

(5) a "provisional certificate may be issued to an otherwise qualified applicant" who shows "intent to qualify . . . for a class 1 or class 2 certificate . . . has completed a four-year college program . . . and holds a bachelor's degree." The certificate holder may teach the same subjects and at the same levels as a class 1 certificate holder.

§75-6008

Teacher certificates are valid for 5 years, except class 5 provisional certificates, which are valid for two years. Certificates shall be renewable for similar periods.

§75-6011

Any district may request an emergency authorization of employment from the superintendent of public instruction for a person who does not hold a valid teacher certificate when the district is unable to employ a certificate holder. "The person shall have previously held a valid teacher certificate or shall meet the standards . . . prescribed by . . . the board of education for . . . such emergency." The authorization shall indicate: the district, the person employed, the subjects and grades the person may teach, and the school year for which it is given. The authorization is valid for the year and may be renewed. An emergency authorization "may be revoked for good cause."

§75-6102

The trustees may employ anyone holding a valid teacher certificate or emergency authorization. Teachers "shall be employed under written contract" authorized by the trustees.

Teachers shall not be required to teach more than five days a week or on any recognized holiday.

A joint board of trustees may employ a teacher under contract to "serve both districts."

Any contract may contain the oath of allegiance.

REGULATIONS

§48-2.6(6)-S6080

All teachers, supervisory personnel, and administrative personnel who teach shall hold valid Montana teaching certificates. Teachers must register their certificates and must file a copy of their college transcripts with the chief school administrator.

§48-2.6(6)-S6090

Teachers holding certificates endorsed for general subject fields shall have 10 semester credits of preparation in any specific subject taught within the general area. Teachers in junior high schools shall hold valid Montana certificates endorsed for appropriate levels and subjects. Certification at the elementary level entitles the holder to teach in grades K through nine. These teachers are required to have a minimum of 20 semester credits in all subjects which they teach at the ninth grade level. The proportion of teachers certified at the elementary or secondary levels shall not be less than one-fourth at either level. (This provision is to be fully implemented by 1980-81.)

It is recommended that the proportion of teachers certified at elementary or secondary levels shall not be less than one-third at either level.

§48-2.10(1)-S1000

The Board of Public Education adopts policies for the issuance of teacher certificates on the recommendations of the Superintendent of Public Instruction. The Board will consider recommendations for revision of the policies on a biennial basis.

§ 48-2.10(1)-S1030

The requirement for student teaching may be waived only by an appropriate official.

§48.2.10(1)-S1040

A board of trustees requesting certification for a non-citizen must verify its intent to employ the candidate. The candidate must otherwise qualify for the certificate. In order to renew the certificate, the board must so request and the teacher must present verification of at least one year of successful teaching experience. Not more than three renewals will be granted.

§48-2.10(1)-S1060

School districts may employ non-certified individuals on an emergency basis when the district cannot obtain a certified teacher. School administrators must have exhausted all possibilities for obtaining a certified teacher. The individual hired must be on a planned program leading to certification and be within one year of meeting the requirements for certification. An emergency authorization of employment is valid for only one year in the district for which it is granted.

§48-2.10(2)-S1090

Teaching certificates are issued by the Superintendent of Public Instruction. Applicants must submit evidence of successful completion of a teacher education program.

§48-2.10(2)-S10010

Individuals who have a bachelor's degree and have acquired credits in excess of state requirements may seek evaluation by the Superintendent of Public Instruction.

§48-2.10(2)-S10030

About 12 to 16 quarter credits of professional elementary preparation will convert a completed secondary teacher preparation to eligibility for the Class 3 certificate endorsed at elementary level.

The only endorsements on Montana teaching certificates are those approved by the Board of Public Education. A major or a minor or the equivalent in the endorsement area is required.

Certificates are endorsed by the Superintendent of Public Instruction for the appropriate level(s) and area(s) of preparation based on the college program completed.

Appropriate Areas Acceptable for Certificate Endorsement...

(Major or Minor)

Social Science
History
Economics
Sociology
Geography
Political Science
Economics-Sociology
History-Political Science
English
Speech-Communication
Dramatics
Journalism
Library
Speech-Drama
French
Spanish
German
Russian
Latin
Mathematics
Science
Physical Science
Reading (K-12)
Physics
Chemistry
Biology
Earth Science
Agriculture
Industrial Arts
Home Economics
Distributive Education
Trade and Industry
Business Education
Business Education with Shorthand
Music (K-12)
Art (k-12)
Physical Education and Health (K-12)
Health
Guidance and Counseling (K-12)
Special Education (K-12)
Psychology

Both elementary and secondary training are required for a K-12 endorsement in any approved endorsement area.

Special Endorsements

(a) Guidance: Guidance endorsement is granted on the Class 1, Class 2 or Class 5 teaching certificates for applicants who have completed approved programs in these areas. Such programs must include at least 30 quarter (20 semester) credits; the recommendation of the appropriate official is required.

(b) Special Education: Special education endorsement is granted on the Class 1, Class 2 or Class 5 teaching certificates for applicants who have completed approved programs in these areas. Such programs must include at least 30 quarter (20 semester) credits; the recommendation of the appropriate official is required.

(c) Provisional Approval to Teach Special Education: Provisional approval to teach special education until July 1, 1978, may be granted to an individual who holds a valid Montana teaching certificate provided that individual is on a planned program

with an accredited college or university to complete that institution's approved major or minor in special education. If the applicant has completed less than 15 quarter hours of special education course work, approval may be given only after the applicant has the written recommendation of a district school superintendent for a specific special education teaching assignment in that district. The recommendation must be attached to an application completed by the applicant and a representative of a training institution approved to train special education teachers.

(d) Hearing Impaired: Recommendations for special education endorsement for teachers of hearing impaired students may be submitted only by training institutions with hearing impaired training programs approved by the Council on Education of the deaf. (History: Sec. 75-6002, 75-6003, 75-6006.)

§48-2.10(10) - S10100

Class 1 Professional Teaching Certificate

(1) This certificate is issued to applicants who submit acceptable evidence of successful completion, at an accredited institution of higher learning, of a teacher education program leading to a bachelor's degree and at least one year of study or 45 quarter (30 semester) credits beyond the degree. The study beyond the degree must be of such nature as to supplement the preparation of the applicant in professional training and/or teaching subject fields. In addition to the academic preparation, a minimum of three years of successful teaching also is required.

(2) This certificate is renewable every five years on verification of one year of successful teaching experience, or its equivalent, during the five year period. (History: Sec. 75-6002, 75-6006, 75-6008.)

§ 48-2.10(10) - S10110

Class 2 Standard Teaching Certificate

(1) Eligibility for Class 2 This certificate is issued to applicants who have successfully completed an appropriate approved teacher education program and have been awarded a bachelor's degree. It is renewable every five years on completion of one year of successful teaching during the five-year period plus the

presentation of acceptable evidence of 6 additional quarter (4 semester) credits, or the equivalent, that supplement and strengthen the teacher's preparation; the additional credits generally will be in upper division or graduate courses.

(2) Elementary Level Professional Preparation Requirement

While there is no specific requirement as to the number of credits of professional preparation for elementary endorsement, approximately 45 quarter (30 semester) credits, including student teaching (or a waiver by an appropriate official) are generally considered minimum qualifications.

(3) Secondary Level Professional Preparation Requirements

At least 24 quarter (16 semester) credits of professional preparation for teaching are required. Unless an appropriate official authorizes a waiver, student teaching or equivalent experiences also are required.

(a) Subject Field Requirements: Issuance of the Class 2 certificate at secondary level requires a teaching major of at least 45 quarter (30 semester) credits and a teaching minor of at least 30 quarter (20 semester) credits, or at least 60 quarter (40 semester) credits in a single field of specialization, provided these fields are subjects commonly offered for credit in the high school curriculum of Montana. (History: Sec. 75-6002, 75-6006, 75-6008.)

§ 48-2.10(10) - S10130

Class 4 Vocational Certificate

(1) Unless the teacher is certified with Class 1, 2 or 5, specifically endorsed for vocational subjects, a Class 4 is required for all vocational teachers who teach subjects for which high school credit is given, and who teach in post-high schools, vocational-technical schools, community colleges, or junior colleges where state certification of the teacher is a requirement for federal or state reimbursement of programs.

(2) The three types of Class 4 certification are as follows:

(a) Class 4A

(i) Eligibility for the Class 4B certificate as specified below, and

(ii) Bachelor's degree

(iii) This certificate is issued for five years and is renewable on completion of one year of successful teaching experience in the area of endorsement during the five-year period plus the presentation of acceptable evidence of completion of six additional quarter credits in professional course work, or in technical study, or the equivalent in industrial experience as determined in consultation with the teacher's supervisor and/or the Superintendent of Public Instruction.

(iv) Upon obtainment of the master's degree, this certificate is renewable on completion of one year of successful teaching experience in the area of endorsement.

(b) Class 4B

(i) High school graduate or GED certificate.

(ii) A teacher of secondary and postsecondary trade industrial education, technical education, and health occupations shall have had at least 10,000 hours (5 years) of work experience or apprenticeship training equal to 10,000 hours in the occupation or combination of occupations related to the specific field in which they are to teach. A teacher of other occupations requires a minimum of 2,000 hours of experience.

The following criteria will be considered in evaluating occupational work experience for trade and industrial education, technical education, and health occupations:

(aa) Each period of work experience must be ten weeks or more of continuous employment with an employer.

(ab) Experience and teaching experience gained while in the military will be evaluated on an individual basis.

(ac) Applicants may be certified with less than the minimum work experience upon satisfactory completion of an approved occupational competency test.

(ad) The applicant must meet state or local licensing standards when required in the occupations in which he or she seeks certification.

(ae) Graduates of approved 2-year vocational-technical programs may receive 4,000 hours (2 years) credit toward the experience requirement.

A teacher whose work experience varies from the requirements cited above may be approved by the Office of the Superintendent of Public Instruction. A report of these dispositions will be made to the Board of Public Education.

(iii) A program of college work or the equivalent including the following:

(aa) Fifteen quarter (10 semester) credits of college work in general background courses distributed in at least three of the following fields, selected by the student to strengthen specialized vocational areas: English, social studies, humanities, science, mathematics.

(ab) Completion of the following courses or their equivalent: Principles and/or philosophy of Vocational-Technical Education or Job Analysis, Instruction materials and devices in Vocation-Technical Education, Teaching methods--Vocational-Technical subjects, Vocational-Technical Organization and Management, Vocational Guidance.

(ac) Ten credits or a minimum of 150 clock hours of student teaching. Two years successful teaching experience on a Class 4C (Temporary) certificate may be substituted for the student teaching requirement.

(iv) This certificate is issued for five years and is renewable on completion of one year of successful teaching experience in the area of endorsement during the five-year period plus the presentation of acceptable evidence of completion of six additional quarter credits in professional course work, or in technical study, or the equivalent in industrial experience as determined in consultation with the teacher's supervisor and/or the Superintendent of Public Instruction.

(c) Class 4C

(i) High school graduate or GED certificate.

(ii) Experience as required for the Class 4B.

(iii) Issuance of the Class 4C (Temporary) certificate is dependent upon the applicant's signing a Plan of Professional Intent leading to a Class 4B certificate.

(iv) The Class 4C (Temporary) certificate is issued for five years and is not renewable. (History: Sec. 75-6002, 75-6006, 75-6008.)

Class 5 Provisional Certificate

(1) Eligibility for Class 5 This certificate may be issued to applicants working on a planned program leading to Class 1, Class 2 or Class 3 certification. It also may be issued to applicants eligible for Class 1, Class 2, or Class 3 certification except for United States citizenship or recency of credits. This certificate is issued for a term of 2 years, renewable three times (for a total of eight years). If less than 16 quarter (11) semester) credits are required to qualify for regular certification, the Class 5 is not renewable.

(a) Recommendation to Issue Certificate: Issuance of the Class 5 certificate usually depends on the written recommendation of the appropriate official(s) of an approved institution with whom the applicant has outlined a Plan of Professional Intent which commits the applicant to a program leading to regular certification.

(b) Recency Requirements: Class 5 certification also may be granted to an applicant who does not qualify for Class 1, Class 2 or Class 3 certification because of lack of recency. Recency requirements are the same as the requirements for reinstatement of certificates that have been allowed to lapse.

(2) Elementary Endorsement Elementary endorsement is granted to applicants who submit acceptable evidence of a partially completed elementary education program, or a completed non-approved elementary education program, provided the following minimum requirements have been met:

(a) Bachelor's degree; and,

(b) a minimum of 90 quarter (60 semester) credits of academic preparation, in acceptable balance, to include: language arts and literature; history, government and related social sciences; physical or biological sciences; mathematics; and any two of the following: art, music, foreign languages, speech, dramatics, library science and health; and,

(c) professional preparation to include: human growth and development; the teaching of reading and/or language arts, social studies and arithmetic; and student teaching of appropriate observational experiences leading to student teaching.

(3) Secondary Endorsement Secondary endorsement is granted to applicants who submit acceptable evidence of a partially completed secondary education program or a completed non-approved secondary education program, provided the following minimum requirements have been met:

(a) Bachelor's degree; and,

(b) major preparation (at least 45 quarter (30 semester) credits) in an area commonly offered in the high school programs in Montana; and,

(c) 8 quarter (6 semester) credits in a planned program of professional teacher education, and admittance to the secondary teacher education program of an accredited college.

(4) Administrative Endorsement Class 4 certification with a plan of professional intent leading co Class 3 (administrative) certification may be issued to applicants who within the last five years have been eligible for administrative certification endorsed in one area but who may not meet course requirements for other areas. In addition, the Class 5 certificate may be approved for individuals in programs that have been authorized by the Superintendent of Public Instruction.

Before applicants can be considered for Class 5 (administrative) certification with supervisory endorsement, they must have completed major preparation in the field to be endorsed. Please refer to paragraph 1 of Policy 303.5.

(5) Conversion of Class 5 Certificate A person with a Class 5 certificate, on completion of the necessary credits or the equivalent, may apply for Class 1, Class 2 or Class 3 certification. (History: Sec. 75-6002, 75-6006, 75-6008, R.C.M. 1947; Eff. 4/21/75.)

§48-2.18(34)-S18520

Any teacher providing instruction in special education must be certified with an endorsement in special education regardless of time assigned to the special education program. The teacher may not be assigned to work with regular students while assigned to the program. Special education endorsement is granted upon completion of a program approved by an accredited college or university.

Provisional approval, until July 1, 1978, to teach special education may be granted by the Superintendent of Public Instruction to one who has a valid teaching certificate and at least 15 quarter hours in special education and is on a planned program with an accredited college or university to complete that institution's approved major or minor in special education. A teacher of the hearing impaired will not be approved for funding if the teacher only has provisional approval for a special education endorsement. The teacher's training must be in the area of hearing impaired through an approved program with an accredited college or university.

§48-2.18(34)-S18530; S-18540; S18556

A teacher of homebound and/or hospitalized students need only hold a valid teaching certificate.

All public school personnel employed as speech pathologists and audiologists must have their license number on file with the Special Education program in the Office of the Superintendent of Public Instruction.

The Superintendent of Public Instruction through a letter of authority will approve persons to administer, score and interpret individual tests of learning aptitude (IQ) and to participate on child study teams as a school psychologist insofar as these persons present an acceptable transcript of university or college courses adhering to criteria set forth encompassing a Master's degree or five years in the pupil personnel services. The college or

university person responsible for the applicant's learning aptitude testing program must submit a letter of endorsement to the Superintendent of Public Instruction if the individual does not have a minimum of six quarter hours in a school psychology practicum. If one meets all the requirements, he/she is authorized to perform psychological services for exceptional children with written approval from the Superintendent of Public Instruction. Authority to test is contingent upon confining one's services to students enrolled in districts in which one is providing services. The authorization to administer, score and interpret individual tests will be valid for six years and renewed upon evidence of satisfactory performance. The authorization is not to be construed as licensure of psychologists or endorsement for the private practice of psychology or for contracting directly with parents to test a child or children.

§48-2.18(34)-S18620; S-18630

If a vocational education teacher is working in a special education program and does not have a special education endorsement, that person must work under the supervision of certified special education personnel.

School districts may establish any requirements they feel necessary for teacher aides. Aides should be under the supervision of professional staff and not in the primary teaching role.

§48-2.34(1)-S3410

All traffic education teachers must have: (1) a valid Montana teaching certificate; (2) at least 6 quarter hours of preparation and beginning 9/1/78, at least 12 quarter hours in traffic safety education; (3) a valid driver's license; (4) the approval of the Superintendent of Public Instruction; and (5) a driving record free from repeated collisions and traffic violations within the previous two years.

§48-2.18(38)-S18640

When specific curriculum area teachers are assigned full-time to special education, the school district must obtain prior approval from the Superintendent of Public Instruction to consider that position as part of the special education program. The teacher must have a training certificate with an endorsement in the specific curricular area of instruction and should obtain specific skills which enable the teacher to deal effectively with handicapped children through either formal training or inservice training. Special education supervision must be provided to any auxiliary personnel.

CROSS REFERENCE

IV. G.; Montana Constitution, Art. X, §7

C. Performance Standards

Applicants for High School Equivalency Certificates

Regulations

§48-2.42(1)-S4200

A "High School Equivalency Certificate" may be issued to applicants who meet the following requirements: (1) achievement of a standard score on the tests; (2) applicants must be at least 18; (3) applicants must be a resident of Montana for at least 30 days before taking the examination.

§48-2.42(1)-S4210

Applications should be made at a testing center. All equivalency certificates are awarded by the Superintendent of Public Instruction.

Board of Trustees

Statutes

§§75-5917 – 75-5918

An "elected trustee position" is vacant if the incumbent dies; resigns; "moves . . . from . . . is no

longer a registered elector of . . .[or] is absent . . . for sixty . . . days" from the district; or "fails to attend three consecutive meetings" without good cause. The county superintendent shall appoint "a competent person" to fill any vacant trustee position in a third class district; in all other districts, "the remaining . . . trustees . . . shall appoint . . . a successor." Any person appointed to fill a vacancy "shall serve until the next regular school election."

APPOINTMENT

CROSS REFERENCE

I.District Board of Trustees; Regulation §48-2.6(2)-S670

CERTIFICATED SCHOOL PERSONNEL

CROSS REFERENCE

III.B. Certificated School Personnel; Regulation §48-21.10(2) - S10020

DISTRICT SUPERINTENDENT

CROSS REFERENCE

I. District Superintendent; Statute §75-6112

EDUCATIONAL INSTITUTIONS

CROSS REFERENCE

IV.G.; Montana Constitution, Art. X, §7

EDUCATIONAL PROGRAMS

REGULATIONS

§48-2.16(10) - S6110

"A program of instruction for students is the central reason for the school's existence." Accreditation

standards outline a minimum program which schools should consider as a starting point. A district must formulate precise and realistic goals for its educational program. An effective curriculum must be reinforced by a quality library and resource center, which reflect a variety of interests, subject areas and reading levels.

POLICY GUIDES

BASIC QUALITY EDUCATION 1975 REPORT
Board of Public Education 117 pages

"Basic quality education" is the 1975 report of the Montana Board of Public Education presented to the Legislature in January 1975. The report reflects the effort and thought of many Montanans who attended meetings held throughout the state or who submitted ideas in writing to the Board. In this report, the Board offers its definition of "basic quality education" and a series of 22 recommendations which it believes necessary for effective realization of its goal.

In sum, the Board's definition of "basic quality education" is as follows: "a basic quality education is a process which can enable students to transform their potential into actuality." The Board identified eight dimensions inherent to the definition, all interrelated and of equal importance. To help students transform their potential into actuality, schooling should enable them: (1) to learn who they are becoming; (2) to develop personal responsibility; (3) to be effective in a changing world; (4) to further their creative ability; (5) to assume social responsibility; (6) to reason critically and creatively; (6) to communicate ideas, knowledge, thoughts and feelings; and (8) to find joy in learning.

In order to effectively realize basic quality education at the state, local and classroom levels, the Board recommends the following:

(1) active community involvement in the formulation of school goals and policy; (2) legislative efforts to involve the public in education policies.

As a step toward implementing Article X, Sec. 1 of the Montana Constitution: "it is the goal of the people to establish a system of education which will develop the full educational potential of each person," the Board of Public Education recommends: (3) in reviewing their written philosophies of education, local school districts should consider this philosophy of basic quality education; (4) local districts identify curriculum needs related to the definitions and dimensions of basic quality education.

So that the Board will not be impeded in exercising its constitutional duties and responsibilities for public schools, it recommends that (5) the Montana Legislature repeal all statutes mandating curriculum.

In order to implement basic quality education on the local level, the Board recommends:

(7) school boards schedule time for community members to present their concerns; (8) all school board meetings be open and publicized; (9) local school districts examine their school environment to determine if it is conducive to implementing basic quality education; (10) local school districts investigate alternative learning environments; (11) local districts offer inservice training for teachers; (12) teacher training institutes develop programs of inservice training to prepare teachers for working within the framework of "basic quality education." (13) teacher training institutions review their programs to ensure statewide uniformity in course requirements; (14) the superintendent through inservice training programs, provide assistance to local districts for implementing "basic quality education." (15) the question of what constitutes teaching competency should be examined and teacher training programs and certification requirements updated to reflect the teaching competencies agreed on; (16) the board of public education and the board of regents practice cooperative efforts in these areas: reviewing, teacher education programs at public and private state colleges; reviewing procedures of program approval used by teacher training institutions.

CONSTITUTION

MONTANA CONSTITUTION, ART. X, §1

"Educational goals and duties. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

EQUAL OPPORTUNITY

"(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity."

MONTANA CONSTITUTION, ART. X, §6

"Aid prohibited to sectarian schools. (1) The legislature, counties, cities, towns, school districts, and public corporations shall not make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination.

"(2) This section shall not apply to funds from federal sources provided to the state for the express purpose of distribution to non-public education."

STATUTES

§64-301

"The right to be free from discrimination because of race, creed, color, sex, physical handicap, or national origin is . . . a civil right," which includes: "The right to obtain and hold employment without discrimination" and "the right to full enjoyment of the . . . facilities or privileges of any place of public resort, accommodation, assemblage, or amusement."

§64-306

"It is . . . unlawful . . . for one state or any of its political subdivisions;" (a) to refuse access to government "funds, services, goods, facilities, advantages or privileges" on a discriminatory basis;

(b) to "issue . . . a notice . . . which states or implies that the items in (a) above are not available equally;

(c) to discriminate in employment, except for certain "policy-making positions." "It is . . . unlawful . . . for an educational institution:

"(a) to exclude, expel, limit or otherwise discriminate against an individual seeking admission as a student or . . . enrolled as a student . . .;"

"(b) to make . . .[an] inquiry" or an application form, "or to keep a record," of information which can be used to discriminate against an individual, unless the commission for human rights permits;

(c) to put out a notice indicating any consideration of discriminatory factors in considering applicants for admission;

(d) "to . . . follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members . . . on a discriminatory basis.

"It is . . . unlawful . . . to . . . discriminate against" anyone who "has opposed any practices forbidden by these sections.

A person may seek an exemption from §64-306 if there are "reasonable grounds" for the discrimination. EXEMPTION

The state shall maintain records on age, sex and race that are required to administer the civil rights law. These records are confidential; however, statistical information can be compiled and released.

§64-307

Discrimination may be justified if done "for the legally demonstrable purpose of correcting a previous discriminatory practice."

§64-321

No government agency shall decide the status of any license or charter of anyone on a discriminatory basis.

§64-330

"Nothing in this act prohibiting discrimination shall be construed as requiring the institution of a system of quotas."

§74-318

All services of government "shall be performed without discrimination . . . ." No state or local facility shall be used in the furtherance of any discriminatory practice.

§74-319

All contracts for public buildings, goods or services shall provide that hiring of people to perform one contract shall be "on the basis of merit and qualifications" and be done without discrimination.

§74-324

"Distribution of funds" by government agencies "to qualify applicants for benefits authorized by law" shall not be done on a discriminatory basis; "nor shall state agencies provide . . . financial assistance to public . . .[or] private . . . organizations" which discriminate.

§75-6129

It is this state's "constitutionally declared policy . . . to recognize the . . . cultural heritage of the American Indians and to be committed . . . to . . .[its] preservation" as an educational goal. School personnel should "gain an understanding of and appreciation for the American Indian," so that they can "relate effectively with Indian students and parents."

§75-6901

"A uniform system of free public schools, sufficient for the education of and open to all school age children of the state shall be established and maintained throughout the state of Montana. The

state shall aid in the support of its several school districts on the basis of their financial need as measured by the foundation program and in the manner established in this title."

The general fund shall be financed by the foundation program and will be used to pay for basic school district costs.

MUNICIPAL SUPERINTENDENT

CROSS REFERENCE

III.B. Municipal Superintendent; Statute §11-3525

PUPIL INSTRUCTION

STATUTES

§75-7404

"Pupil instruction shall not be conducted on Saturday or Sunday," except "in emergencies pupil instruction may be conducted on a Saturday . . . [if] approved by the superintendent of public instruction."

SCHOOL ADMINISTRATION PERSONNEL

CROSS REFERENCE

I.District Board of Trustees; Regulation §48-2.6(2)-S670

SCHOOL DISTRICT

CROSS REFERENCE

III.D.Education System; Regulation §48-2.6(2)-S680

SCHOOL OFFICIALS AND EMPLOYEES

STATUTES

§59-512

"The public records and other matters . . . of any officer are . . . open to the inspection of any person."

APPOINTMENT

§59-519

It is illegal for "any person or any member of any board, bureau, or commission, or employee at the head of any department of this state or any political subdivision thereof," to appoint any related person as defined in this section.

It shall also be unlawful for any of the above-listed people, including "any employee of any department of the state or any political subdivision thereof", to agree with or to promise any other person in the above-listed categories to appoint a relative of that person.

CONFLICT OF INTEREST

§75-8303

No school or county official or employee shall "act as an agent or solicitor of goods or services for a district." Violation is a misdemeanor.

§82-3401 - 3403

"All meetings of public or governmental bodies . . . or agencies of the state or any political subdivision of the state . . . or agencies supported in whole or in part by public funds . . . shall be open to the public. The presiding officer may close the meeting while "the following items are discussed . . . only if . . .[he/she] determines that the demands of individual privacy clearly exceed the merits of public disclosure: (1) "disciplining of . . . or any hearing on, or of a complaint against a public officer or employee," unless the latter "requests an open meeting;" (2) "employment, appointment promotion, dismissal or resignation of a public officer or employee," unless the latter requests an open meeting; (3) "revocation of a license of any person licensed under" law, unless the person requests an open meeting.

"Appropriate minutes of all meetings declared to be open . . . shall be available for inspection by the public."

SCHOOL TRUSTEE

STATUTES

§75-5919

REMOVAL

"Any trustee may be removed by" the appropriate court" under the law providing for the removal of

elected civil officials. A trustee may be suspended by the board of county commissioners if charges are made against him/her "and good cause is shown."

SUSPENSION

SPECIAL EDUCATION STUDENTS

CROSS REFERENCE

II. A.2.; Regulations §48-2.18(18) - S18360

STATE ELECTED OFFICIALS

CONSTITUTION

MONTANA CONSTITUTION, ART. VI §5

"(1) [The superintendent of public instruction] shall receive salaries provided by law.

"(2) During his[her] term, no elected officer of the executive branch may hold another public office or receive compensation for services from any other governmental agency. He[she] may be a candidate for any public office during his[her] term."

CONFLICT OF INTEREST

STUDENTS

REGULATIONS

§48-2.16(10)-S6120

CURRICULUM: HIGH SCHOOL AND JUNIOR HIGH SCHOOL

"(1) Curriculum Improvement Teachers, supervisors and administrators shall plan together the inservice programs for curriculum development and/or instructional planning.

"(2) Requirements for Graduation

GRADUATION

"(a) A high school shall require a minimum of 16 units for graduation. . .; however, . . .a board of trustees may require additional units. . . .

"(b) A unit of credit is. . .225 minutes per week for subjects without laboratory work and 270 minutes per week for subjects that require laboratory work.

"(c) The following is a list of suggested alternative procedures for earning credit. . . .

"(i) Satisfactory completion of the content of a course in a period of time either shorter or longer than that normally required.

"(ii) Credit given for satisfactory completion of summer school courses. . . .

"(iii) Satisfactory completion of special courses in such programs as Job Corps, Upward Bound and Armed Forces School. . . .

"(iv) Satisfactory completion of unusual experimental programs such as work study programs; cooperative vocational work experience, and college level courses taken in high school. . . .

"(d) Course requirements for graduation have been established by the Board of Public Education.

"(i) The board of trustees shall require the development and implementation of processes to assist staff members in assessing the educational needs of each student. Local boards. . .may waive specific course requirements based on individual student needs and performance levels. . . .

"(ii) Language arts: 4 units

"(iii) American history: 1 unit

"(iv) American government: ½ unit

"(v) Mathematics: 2 units.

"(vi) Laboratory science: 1 unit.

"(vii) Health and physical education: 1 unit. . . . Participation in interscholastic atheletics cannot be utilized to meet this requirement.

"(e) . . . Units of credit earned in any accredited Montana high school shall be accepted in all Montana high schools

"(f) . . .[S]tudents may be graduated from high school with less than four years' enrollment.

"(g) . . .[A] regularly enrolled student may apply toward graduation credits earned through the National

University Extension Association or earned through one of the schools approved by the National Home Study Council. . . .

"(h) . . .[C]redit earned in adult education classes may be applied toward graduation requirements, provided that the conditions listed below are met.

"(i) The classes have been established in accordance with state law.

"(ii) The adult education classes are taught by properly certified teachers.

"(I) [C]redit earned in summer classes may be applied toward graduation requirements if the summer classes are taught by properly certified teachers.

"(3) Program of Studies

"(a) High school: Each high school shall offer at least 16 units of course work which shall include at least those given below.

"(i) Language arts: 4 units.

"(ii) The basic minimum program in the four skills of communication (speaking, listening, reading and writing) is required each year.

"(iii) Social sciences: 2 units.

"(iv) Mathematics: 2 units

"(v) Science: 2 units.

"(vi) Health and physical education: 1 unit. . . . Participation in interscholastic atheletics cannot be utilized to meet this requirement.

"(vii) Fine arts: 1 unit.

"(viii) Fine arts includes music, art, drama.

"(ix) Practical arts: 2 units.

"(x) Practical arts includes home economics education, industrial arts, business education and agriculture.

"(xi) Two electives.

(b) Recommended

(i) Whenever possible, coeducational physical education shall be offered as an elective to students in grades 11 and 12 emphasizing leisure-time and life-time sports.

"(ii) RECOMMENDED PROGRAM OF STUDIES

Subject	Number of Students					
	Up to 200	201-500	501-800	801-1200	1201-1500	Over 1500
	Number of Units					
Language Arts	4	6	7	8	9	12
Science*	3	5	6	7	7	8
Mathematics	3	5	6	6	7	8
Social Sciences	3	4	4	5	6	6
Fine Arts	2	4	5	6	8	10
Practical Arts	5	6	8	12	15	20
Foreign Language	2	2	3	3	6	9
Physical Education	2	2	2	2	2	2
Health Education	1	1	1	1	1	1
Total	25	35	42	50	61	76

*1 biological, 1 physical

"(c) Junior High School: Each junior high school must offer the course work listed below.

"(i) Language arts: 3 years.

"(ii) Social Sciences: 3 years.

"(iii) Mathematics: 3 years. Mathematics offerings are to include both algebra and general math in grade 9.

"(iv) Science: 3 years.

"(v) Health and physical education: 3 years.

"(vi) Fine arts: music for 3 years; art for 3 years.

"(vii) Practical arts: 2 years.

"(viii) Practical arts includes home economics education. industrial arts, business education and agriculture. . . ."

CROSS REFERENCE

II. A.1.; Regulation §48-2.34(1) - S3400

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§59-609

If the state legislature determines by a two-thirds vote that "an incumbent in the office of superintendent of public instruction . . . is unable to

discharge the powers and duties of his[her] office," the office is declared vacant.

TEACHERS

STATUTES

§75-6010

SUSPENSION

REVOCATION

The board of public education may suspend or revoke a teacher certificate for any of the following reasons:

(1) any reason that would have meant "denial of the teacher certificate" at the time it was issued;

(2) "incompetency, immorality, . . . physical inability, or conviction of a felony under state law;"

(3) violation of any contract between the certificate holder and the district trustees "without good cause. Such breach of contract shall constitute unprofessional conduct."

When the board of public education is informed of a "substantial reason" to suspend or revoke a teacher certificate, it shall investigate the charges and, if warranted, hold a hearing. The person so charged shall have "an opportunity to defend himself"/herself "and shall be given 30 days' prior notification of any proceedings by the superintendent of public instruction." The board may suspend or revoke a certificate after "full investigation and proper hearing." The maximum penalty for a first violation of subsection (3) above shall not exceed "suspension . . . for the current . . . and ensuing school year." Denial of or refusal to renew a certificate by the superintendent of public instruction may be appealed to the board of public education, which conducts another hearing. The board's decision is final.

HEARING

APPEAL

§75-6103

RENEWAL

Any teacher whose contract has been renewed for four consecutive years for a "position requiring teacher certification except as a district superintendent . . . shall be deemed to have tenure." The teacher shall continue "in the same or a comparable position" at the same salary from year to year, unless:

(1) the teacher is terminated by a majority vote of the trustees;

TERMINATION

(2) the teacher will be 65 years old before September 1 and has been notified of his/her termination by the preceding April 1; however, "the trustees may continue to employ such a person until the school . . . year following his[her] 70th birthday."

§75-6104

APPEAL

When the trustees terminate a teacher under §75-6103(1), they shall notify the teacher by April 1. The teacher may request a written explanation for the termination. After the trustees supply this statement, the teacher may request a hearing before the trustees to reconsider their decision. If the trustees affirm their "termination action," the teacher may appeal to the county superintendent, who may hire a lawyer to assist her/him in making legal findings and conclusions. The teacher or the trustees may subsequently appeal to the superintendent of public instruction.

§75-6107

DISMISSAL

The trustees may dismiss a teacher, before his/her contract expires, for "immorality, unfitness, incompetence, or violation of the adopted policies of the trustees." Any dismissed teacher may appeal to the county superintendent, who shall hold a hearing.

HEARING

If the county superintendent finds that the dismissal was made "without good cause," he/she shall order the teacher to be reinstated and compensated for lost time under the contract.

REINSTATEMENT

§75-6108

"Any teacher under contract . . . shall:

(1) "conform to and enforce the laws, board of education policies" and trustees' policies;

(2) teach the "course of instruction prescribed by the trustees;"

(3) "keep . . . a teacher's register . . .[as] prescribed by the superintendent of public instruction;"

(4) at the end of the school year, "prepare an annual report . . .[to] include pupil attendance . . . data . . . necessary to calculate ANB," and submit this report to the district superintendent, then to: school principals, county superintendent, or all county superintendents for a joint district;

(5) be careful in the use of school property; and

(6) "provide moral and civic instruction by teaching the principles of morality, truth, justice and patriotism" and instructing them about free government and the meaning of American citizenship.

The trustees are authorized to withhold the salary of any teacher not complying with (1) or (2) above.

The trustees shall not pay a teacher's last month's salary until he/she has submitted the required report under (4).

REGULATIONS

§40-2.10(18)-P10160

SUSPENSION

REVOCATION

If the Board of Public Education is requested to suspend or revoke a teacher certificate, the Board first initiates an investigation to determine if there is cause for the suspension or revocation. If such cause does exist, the Board gives notice to the teacher involved and informs her/him of her/his right to contest the action.

NOTICE

§48-2.10(18)-P10170

HEARING

The Board may provide a hearing before the Board at a special or regular meeting, or a hearing before a few Board members, or a hearing before an appointed hearing examiner.

After the teacher has been given notice of the hearing and his/her right to contest, the teacher must inform the Board of her/his intention to so contest the matter. Otherwise, the Board may act to suspend or revoke the certificate at its next meeting.

§48-2.10(18)-)10200

REVIEW

If a hearing is held, the Board will review the findings and adopt its conclusions of law and an order either suspending or revoking or not suspending or revoking the teacher certificate.

CROSS REFERENCE

I. County Superintendent; Statute §75-5811

D. Evaluation and Reporting

Activities to Prevent Discrimination

Statutes

§64-326

EQUAL OPPORTUNITY

All departments . . . and other bodies of the state government which report to the governor" shall report on "activities undertaken" to implement anti-discriminatory practices, including "internal activities and external relations."

CROSS REFERENCE

I. Superintendent of Public Instruction; Statute §75-5709

EDUCATIONAL SYSTEM

CONSTITUTION

MONTANA CONSTITUTION, ART. VI, §15

(1) "The governor may require information in writing, under oath when required, from the officers of the executive branch upon any subject relating to the duties of their respective offices.

(2) "He[she] may require information in writing, under oath, from all officers and managers of state institutions.

(3) "He[she] may appoint a committee to investigate and report to him[her] upon the condition of any executive office or state institution."

APPOINTMENT

STATUTES

§75-5808

"The county superintendent shall assist the trustees of any district" without a principal or district superintendent "with the supervision of their schools by:" (1) "visiting each district school at least once a year to observe" pupil instruction, teacher ability, and "general conditions of the school;" (2) special school visits at the trustees' request; (3) "advising and directing teachers on instruction, . . . discipline and other duties;" (4) "consulting with the trustees on school matters."

SCHOOL VISITS

§75-5809

"The county superintendent . . . shall submit an annual report to the superintendent of public instruction." The report should include:
(1) "final budget information for each" county district;
(2) "financial activities of each district . . . for the . . . preceding school fiscal year as provided by the trustees annual report to the county superintendent;"
(3) "pupil information for each district;" (4) "any other information that may be requested."

REGULATIONS

§48-2.6(2)-S680

Each school district shall formulate a written philosophy of education and a statement of formal objectives describing how its schools will meet educational needs in accordance with the district's philosophy.

It is recommended that each school district conduct a self-evaluation program every five years.

Each school district shall have written policies delineating the responsibilities of the board, the Superintendent, and personnel.

SCHOOL YEAR

Each school district shall schedule a school term consisting of at least 180 days.

The board of trustees shall adopt policies and procedures for staff evaluation. The individual being evaluated shall be provided with a copy of the evaluation and shall have complete access to his/her evaluation file.

CROSS REFERENCES

I. Board of Public Education; Montana Constitution, Art. X, §9

I. State Board of Education; Statute §75-5615

I. Superintendent of Public Instruction; Statute §75-5706

Public Schools

Statutes

§75-8312

If "a person intends to construct or locate a major industrial facility . . . or . . . open a new strip mine," the county superintendent may require the filing of an "educational impact statement . . . estimating the increased demands on public schools in the county."

School District

CROSS REFERENCE

III.D.Education System: Regulation §48-2.6(2)-S680

School Lunch Program

CROSS REFERENCE

IV. C.; Statute §75-8002

Special Education Programs

CROSS REFERENCE

II. A.2.; Regulation §48-2.18(18) - S18250

II. A.2.; Regulation §48-2.18(26) - S18470

Vocational Education Programs

CROSS REFERENCE

II. A.3.; Statute §75-7703

TEACHERS

STATUTES

§75-6133

A system of "locally based Indian teacher-training programs, administered by local school districts or by Indian nonprofit corporations in co-operation with any system of . . . higher education in the state," is established to implement the state constitution's commitment to the preservation of Indian culture.

§75-6135

"The following school districts and nonprofit corporations shall receive available funds and provide . . . teacher-training programs . . .

"School District #87, Rocky Boy Reservation;

"Education Commission, Northern Cheyenne Reservation;

"Crow Education Commission on the Crow Reservation, and Northern Cheyenne Education Commission on the Northern Cheyenne Reservation;

"Montana United Scholarship Service, Inc. Great Falls, Montana, who shall administer the program for the landless Indians."

§75-6136

"The Montana Indian teacher-training program shall be administered by the local designee school districts or nonprofit Indian corporations in cooperation by contract," with a cooperating institution of higher education.

"The designee school district may, if it does not have a majority of Indians on the board of trustees, establish an Indian education committee" to help plan,

implement, administer and evaluate the program. This committee "shall approve all aspects of this . . . program."

"Funds to be distributed annually to the designee school districts or . . . corporations . . . shall be administered by the office of the commissioner of higher education.

The office of commissioner of higher education may provide a staff member of Indian descent to assist in the administration of the programs."

§75-7405

A "pupil-instruction-related day" is designated for "teacher activities devoted to improving the quality of instruction." With the approval of the superintendent of public instruction a maximum of seven such days may be conducted during the school year. These days are not part of the minimum 180 days of instruction. "Activities may include . . . in-service training, attending state meetings of teacher organizations, and conducting parent conferences."

SCHOOL YEAR

§75-7506

Upon the request of the district or county superintendent, the superintendent of public instruction shall "assist the schools with the planning, implementation . . . and evaluation of instruction through in-service training and individual consultation."

REGULATIONS

§48-2.6(2)-S6010

"Supervision and instruction shall include a continuous in-service program for the improvement of instruction." A "minimum in-service program" shall consist of monthly staff meetings devoted to instructional improvement. "Classroom observation, analysis of teacher-pupil interaction, group or individual problem solving, demonstration teaching and follow-up conferences which improve the learning situation for students are examples of supervisory activities."

It is recommended that any district with more than one secondary school shall assign a secondary school curriculum coordinator for the instructional program, and any district employing two or more elementary principals shall assign a curriculum coordinator. Both curriculum coordinators shall hold Class 3 certificates.

CROSS REFERENCE

III. C. Students; Regulation §48-2.16(10) - S6120

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III. Quality of the Educational Process

A. Qualification Standards for Schools and

1. Accreditation

Statutes

§79-1247.02

"The State Department of Education shall establish a procedure for accrediting" the public and private elementary and secondary schools of the state in order "to maintain adequate school programs . . . and assist schools in . . . increasing better instructional opportunities" for pupils. The Commissioner of Education shall appoint an accreditation committee responsible for "formulating . . . standards . . .[for] accreditation and classification of schools, and . . . making recommendations annually to the commissioner relative to the accreditation and classification of individual schools." A school must fulfill "all requirements for an approved school" before being considered for accreditation.

Regulations

5-(7)

In order to be accredited, each school shall submit all reports that are presently called for annually.

11-(4)

A school district seeking initial accreditation or wishing to be reinstated as an accredited district must make application, in writing, to the State Department of Education on or before April 15. A representative of the Department will make a preliminary survey of the school system, its program and staff, to determine if it can meet the Rules and Regulations for Accreditation. If it is determined that the district can meet these rules, then the school system shall conduct a comprehensive self-evaluation, the results of which shall be submitted to the State Department of Education.

Staff members of the State Department of Education and a committee composed of teachers and administrators shall then visit the school to determine whether the school is meeting the Rules and Regulations for Accreditation. The visiting committee's report will be submitted to the State Accreditation Committee which shall recommend to the Board whether the school system should or should not be accredited.

If a school system is denied accreditation, it may petition the State Board of Education for a hearing.

11-(5)-11-(8)

A school system must meet all the requirements of Rule 11 to be accredited by the State Board of Education. A school that exceeds the number of allowable deviations (e.g., K-6 system, 2 deviations; K-12 system, 5 deviations) shall be placed "on notice" for the school year and may, if the violations are not corrected, be re-classified as a non-accredited school system.

11-(14)

A school that loses its accreditation must be notified, in writing, of the specific violations, and be given an opportunity for a hearing before the State Accreditation Committee.

NOTICE

HEARING

11-(15)-11-(20)

The submission to the State Board of Education of certain annual reports is required for accreditation. These reports include an Application for Accreditation Approval containing data on curriculum, pupil enrollment, and professional staff; a mid-term report containing similar data; and an annual census report. Failure to submit any of these reports is a violation of the Rules and Regulations for Accreditation.

11-(29)

In order to be accredited, a school system must meet the Rules and Regulations pertaining to its program.

At least once every ten years every school system shall make a comprehensive self-evaluation. The school will then be visited by staff members of the State Department of Education to determine whether the school is meeting the specific rules and regulations for accreditation.

Rule 14

Regulations for the Approval of Public and Nonpublic Schools

A school system seeking initial approval status or one wishing to be reinstated as an approved school system shall apply in writing to the State Department of Education. The State Department of Education will meet with school officials to determine if the school can be granted probationary approval. The school will be visited during its probationary period and if found to be in non-compliance with State Department rules, the State Department shall recommend to the State Board of Education that the new school not be approved.

14-(3)

In determining the approval status of a school system, each failure to meet a regulation shall constitute a violation. When an approved school system exceeds the allowable number of violations, it shall be placed on probation. If a school that is placed on probation continues to exceed the allowable number of violations, the State Department of Education shall recommend to the State Board of Education that the school system not be approved. In making this determination, members of the State Department of Education shall take into consideration "the purpose and philosophy of the school system and the quality and appropriateness of the total educational program and it may take into account other factors such as the sparsity of population, location, and transportation when they create an undue hardship on the student."

PROBATION

14-(4)

When a school system is placed on probation by the State Board of Education, notice shall be given to the school's Head Administrator on or before April 15, specifying the violated regulations. When a school is not approved, notice shall also be given and the school may request a hearing to protest the change in classification.

14-(5)

In order for a school system to be approved by the State Board of Education, the School's Head Administrator must comply with specified reporting requirements. Failure to do so may result in the school receiving non-approval status.

14-(6)

A school that does not meet the "statutory requirements for a school of its legal class" shall be in violation of this regulation.

CROSS REFERENCES

II.A.1.; Statute §79-1270 -- 1270.02

III.B.Teachers; Regulation 11-(28)

2. Other Qualification Standards

Statutes

§79-201.01 -- 79-201.09

It is the legislature's intent "to promote increased efficiency in the utilization of public schoolhouses and other school facilities by providing for a program of year-round operation of the . . . schools." Any district board "may convert to year-round operation" of schools contingent upon its preparing a feasibility study for the program, submitting the plans to the State Board of Education for approval, and securing the approval of a majority of the district's

voters in an election. The feasibility study prepared by the district board of education should take into account "present and projected enrollment," utilization of facilities, "savings of future construction costs" if schools operate year-round, potential school staffing problems, and "the probability of public acceptance." The proposed plan should provide for: (1) a minimum of 175 days of attendance for students; (2) "any attendance center at which year-round operations shall be conducted . . .; (3) "basis of pupil assignments. . .; (4) "curriculum development and organization; (5) "staffing...; (6) "student vacation time; (7) "transportation and maintenance provisions."

The State Board of Education "shall adopt rules and regulations . . . for the implementation" of these sections.

RULEMAKING

§79-470

No school district shall receive state aid unless school has been taught "by a legally certificated teacher for the length of time required by law or . . . the pupils . . . have attended school in another district" for the required length of time. This does not apply if schools have been closed because of "sickness, storm conditions, or destruction of the schoolhouse."

REGULATIONS

11-(26)

Pupil/teacher ratios shall not exceed 27 to 1 in the high school(s) or 32 to 1 in the elementary school(s).

PUPIL/TEACHER RATIO

11-(27)

Classroom enrollment shall not exceed the following in more than ten per cent of the school system:

CLASS SIZE

Junior-Senior High School Class or Single-Grade Elementary Room - 35

Two Elementary Grades-Self-Contained Room-27

Three or More Elementary Grades-Self-Contained Room-25

14-(17)

The overall pupil/teacher ratio in the elementary school shall not exceed 30 to 1.

PUPIL/TEACHER RATIO

14-(42)

The pupil/teacher ratio in secondary schools shall not exceed 27 to 1.

PUPIL/TEACHER RATIO

CROSS REFERENCES

II.A.2.: Regulation 51-(3)

II.B.3.; Regulations 11-(52) - (56)

II.B.3.: Regulations 11-(63); 11-(66); 11-(67)

II.B.3.; Regulation 14-(44)

III.B.Administrator; Regulation 11-(21) - 11-(23)

III.B.County Superintendent; Statute §79-311 -- 311.10

III.B.Professional Staff; Regulation 14-(14) -- 14-(15)

III.B.Professional Staff; Regulations 14-(37) -- 14-(38)

III.C.Students; Regulation 14-(12)

IV.B.; Regulation 11-(82)

B. Qualification Standards for Personnel

Administrators

Statutes

§79-1229

Any superintendent of schools, supervisor or principal of an accredited school, or supervisor of a special subject who supervises "the work of other teachers in that subject" must have "either a Nebraska administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate."

Regulations

11-(21)-11-(23)

Each school system shall have an Administrative Head who holds a "Standard Administrative and Supervisory

Certificate," valid for the position of Superintendent of Schools. Any person employed in a supervisory or administrative capacity shall hold an Administrative and Supervisory Certificate with an appropriate endorsement for the position held. One full-time person shall be provided for administration and supervision in all school systems, except for an elementary school with less than 250 students (one half-time person), or a high school with over 400 students (add one half-time person for each additional 250 students).

14-(35) - 14-(36)

Each school system which includes a high school shall have a Head Administrator who holds a Nebraska Administrative and Supervisory Certificate with a superintendent's endorsement. A staff member assigned administrative duties must have at least a Provisional Administrative and Supervisory Certificate.

The Administrator in charge of the secondary school shall devote at least one-half of the school day to administrative and supervisory duties.

21-(15)-21-(16)

All administrative and supervisory certificates require: submission of an official transcript, payment of an application fee, and completion of the proper forms.

The standard administrative and supervisory certificate is valid for teaching, supervision, and administration in all Nebraska school districts, but it must bear a special endorsement if used for the position of superintendent of schools.

21-(18) - 21-(20)

The initial requirements for a Standard Administrative and Supervisory Certificate are: three years' teaching experience; completion of a master's degree program or 36 semester hours of graduate credit.

Reciprocity may be given to out-of-state applicants who submit verified proof of certification.

The certificate may be reviewed upon proof of three years' successful experience or completion of six semester hours of graduate work.

21-(21) -- 21-(23)

The requirements for the Professional Administrative and Supervisory Certificate are the same (as above) except that the applicant must be recommended by the appropriate college official who certifies that the applicant has completed the approved program. This certificate is valid for the life of the holder.

21-(25) -- 21-(28)

The Provisional Administrative and Supervisory Certificate is valid for 3 years and issued to an applicant with a Standard or Professional Teaching Certificate who has completed at least 75% of the requirements for the Standard Administration and Supervisory Certificate. The certificate may not be renewed but may be extended in cases of undue hardship.

CERTIFICATED PERSONNEL

REGULATIONS

21-(2)

All certificates are issued by the Commissioner. All applicants must be United States citizens although a Provisional Certificate may be issued to an alien if there is need for her/his services.

21-(7) — 21-(8)

There are three types of certificates:

(1) Administrative and Supervisory;

(2) Teaching Certificate; and (3) special Services Certificate. The type, rank, and term are as follows.

Administrative and Supervisory Certificate	
Professional	Continuous
Standard	10 years
Provisional	1-3 years
Emergency	1 year

Teaching Certificate	
Professional	Continuous
Standard	10 years
Provisional	1-3 years
Substitute	5 years
Emergency	1 year

Special Services Certificate	
Professional	Continuous
Standard	10 years
Pre-Standard	5 years
Provisional	1-3 years

21-(13)

A certificate cannot be issued to a person who has been convicted of a felony.

COMMISSIONER OF EDUCATION

STATUTES

§79-331

"The Commissioner of Education shall . . . be a person of superior educational attainments, . . . have had many years of experience . . .[and] demonstrated . . . leadership in the administration of public education, and . . . qualify for the highest grade of school administrators certificate . . . in the state."

COUNSELORS

REGULATIONS

14-(40)

Each high school shall have a certified person to provide counseling and guidance to students for at least two hours per day. This person must have completed at least 12 semester hours in guidance and counseling.

STATUTES

§79-311-79-311.10

All counties shall have a county superintendent, who is elected for a four-year term, with the exception of counties which have a population of 3,000 or less, or are "organized into a single school district under . . . a single board of education and a superintendent of schools elected by that board."

In counties of 6,500 or more, to be eligible for the office of superintendent a person must hold "a Nebraska certificate valid for administration in all elementary and secondary schools." In counties of less than 6,500 a person must hold a state teacher's certificate, B.A. degree, and have had at least three years' teaching experience to be eligible for office. A person already holding office who does not have the appropriate required certificate is still eligible for office; however, in a county of over 6,500 such a person must "earn at least nine semester college hours of credit every four years" until qualifying for the required certificate.

"A person may serve as county superintendent in more than one county" if each county board approves. The same laws applicable "to the consolidation of county offices . . . apply to the . . . county superintendent." The office of county superintendent may be made a part-time position by the county board, which fixes the compensation.

CROSS REFERENCE

I.County Superintendent; Statute §79-317- 319; 320.01

Director of Instructional Television

CROSS REFERENCE

II.B.2.; Statute §79-2110 -- 2114

Elementary School Coordinator

Statutes

§79-1110

A Class VI district may employ "an elementary school coordinator who holds a valid Nebraska administrative and supervisory certificate in elementary education . . . . The coordinator shall . . . coordinate the educational programs of all Class I schools within . . . the Class VI district by advising the Class I district boards and teachers.

Librarian

Regulations

14-(39)

Each secondary school shall have a certified person assigned to provide library-media services for at least two hours per day. The person assigned to this task is required to have at least 12 semester hours of college credit in the library media field.

Principal

Regulations

14-(16)

An elementary school with two or more teachers shall have a principal or designate one teacher as Head Teacher. An elementary school with ten or more teachers shall have a principal who devotes at least 50 per cent of her/his time for administration and supervision. The principal shall hold an Administrative and Supervisory Certificate.

Professional Practices Commission

CROSS REFERENCE

I.Professional Practices Commission: Statute 79-1281 -- 1281.01

Professional Staff

Regulations

14-(14) — 14-(15)

All professional staff members in the elementary schools shall hold valid Nebraska certificates. At least ninety per cent of teachers shall be assigned to teach in areas for which they hold an appropriately endorsed certificate. The Local Board of Education shall review and approve all teacher assignments.

14-(37) — 14-(38)

All professional staff members employed by the secondary school shall hold a valid Nebraska certificate. At least 70 percent of the instructional units offered in the secondary grades shall be taught by teachers who hold certificates with an appropriate endorsement. Teacher assignments shall be reviewed and approved by the local Board of Education.

School Board Members

CROSS REFERENCES

I.Boards of Education; Statute §79-439 -- 439.01

I.Boards of Education; Statute §79-462 -- 466

Special Education Teachers

Regulations

51-(7)

Instructional personnel shall hold a valid Nebraska Teaching Certificate and be endorsed in the assigned area. Administrative and supervisory personnel shall be certified and hold appropriate endorsements.

STATE BOARD OF EDUCATION MEMBERS

CROSS REFERENCE

I.State Board of Education: Statute §79-322 -- 327

STATE COMMITTEE FOR THE REORGANIZATION OF SCHOOL DISTRICTS

CROSS REFERENCE

I.State Committee for the Reorganization of School Districts: Statute §79-426.03 -- 426.04

STUDENTS

CROSS REFERENCE

IV.G.; Statute §79-497 -- 499; 4.100 -- 4.101; 4.105

STUDENT TEACHER

STATUTES

§79-1297 -- 79-12100

A student teacher is a college or university student in a teacher training program approved by the state board who is assigned by the college and a school board "to student-teach . . . under the direction of a regularly employed certificated teacher, principal, or other administrator." Student teachers may perform any of the duties of the certificated cooperating teacher, are protected by the same laws as regular teachers, and must "comply with all rules and regulations of the local board of education and observe all duties assigned certificated teachers." The cooperating teacher, with the principal and "representative of the teacher preparation institution" is responsible for assigning the student teacher "responsibilities and duties that will provide adequate preparation for teaching."

If a student teacher or intern is in a school that does not have a board of education, "the person or governing body that administers such school" fulfills the equivalent function.

SUBSTITUTE TEACHERS

REGULATIONS

21-(65) — 21-(68)

The holder of a Substitute Teaching Certificate may teach up to 75 school days per year in all grades and/or subjects. But a certificate based on less than a B.A. degree shall be valid only as endorsed. The certificate is valid for five years and may be renewed if the person has taught an average of ten days per year during the issuance period.

SUPERINTENDENT

REGULATIONS

21-(29) -- 21-(33)

The Emergency Administrative and Supervisory Certificate may be issued to fill a superintendent's vacancy and may not exceed the period of one school year. The issuance of the Emergency Certificate must be requested by the County Superintendent and a majority vote of the school board.

A vacancy must exist for which there is no competent certificate holder available.

The applicant for the Emergency Certificate must hold a Standard Teaching Certificate.

TEACHERS

STATUTES

§79-4.148

All public school teachers and other employees must sign an oath of allegiance. LOYALTY OATH

§79-1233

"No person shall be employed to teach in any public, private . . . or parochial school . . . who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education . . . to teach the grade or subjects to which elected." Schools may employ persons who do not hold certificates as teacher aides, who may not be assigned any teaching duties.

§79-1236; 79-1239; 79-1240

"The Commissioner of Education may extend the term of the teacher's . . . or administrator's certificate of any person" serving in the armed forces, if "the certificate was in force on the day of induction," for the period of military service.

All teachers and administrators must register their certificates with the county superintendent of the county where employed. No contract is valid until the certificate has been registered. Sixty days after the first day of school the county superintendent shall notify the school board of any teacher or administrator who has not registered a certificate; such person's salary will be withheld from the date the board receives notification. The superintendent shall also notify the county treasurer to withhold the money of "any district employing an uncertificated teacher or administrator" either until a certificate has been registered or the board has dismissed the person.

§79-1247.03 -- 79-1247.14

The purpose of these provisions is "to provide more flexibility in the certification of qualified teachers . . . and not to increase . . . requirements for" certification. The State Board of Education shall prescribe rules and procedures for "issuance, renewal, conversion, revival, cancellation, suspension, and revocation of certificates and permits to teach, counsel, supervise, and administer in all . . . schools . . . based upon earned college credit . . . in humanities, . . . social and natural sciences, . . . mathematics, . . . practical arts, and . . . professional education, for particular teaching, counseling, supervisory, or administrative assignments, and/or scholarship, . . . successful teaching, and . . . moral, mental and physical fitness for teaching."

The maximum requirements for the first issuance of a teaching certificate, valid for at least three years is

that the applicant be "of sound mental and physical health and . . . good moral character" and have a statement from a "standard institution of higher education which certifies the grade levels and . . . fields . . . for which the applicant was specifically prepared to teach and that the applicant has (1) a baccalaureate degree, (2) satisfactorily completed . . . the institution's . . . approved or accredited program of preparation for teaching, and (3) met all other . . . requirements of the institution as a teacher." Certificates are issued, upon application, by the Commissioner of Education. The certificate "shall indicate the grade levels, subjects, . . . or areas of specialization" that the holder is prepared and/or authorized to teach or administer. Special certificates "restricted to use in nonpublic schools" may be issued.

College credits for certification must be "earned in or accepted by a regular teacher education program in a standard institution of higher education." Credits earned in institutions of other states may be accepted for certification. The board may issue a certificate to an applicant who holds a current certificate in another state "if the requirements for the certificate . . . held by the applicant are comparable and equivalent" to the similar certificate issued in Nebraska.

"The board may limit the use of any certificate. . . based upon less than four years of college preparation for teaching to Class I school districts and grades kindergarten to six in Class II school districts, or any certificate . . . to those grade levels . . . or areas of instruction for which the holder was specifically prepared to teach, counsel, supervise, or administer by a standard institution of higher education."

§79-1248 - 79-1250

Public school teachers and administrators shall be employed by written contract. The majority of a district's school board members "may enter into a contract of employment with a legally qualified teacher or administrator . . .[and] designate one or more members of the board to sign such contract." The district secretary receives a duplicate of the contract and notifies the county superintendent. A board member may not "enter into . . . any contract with any teacher or administrator related to him[her] or to the majority of the board by blood or marriage." A teacher's or administrator's contract must state that "the employed person . . . holds or will hold . . . a valid certificate properly registered in the office of the county superintendent, and . . .is not under contract with another school board . . ., and . . . that there shall be no penalty for release from said contract."

CONFLICT OF INTEREST

§79-1413

Teachers in schools for the deaf "shall be appointed and employed" in the same way other public school teachers are. Teachers must "have had special training . . . be graduates of a training school for teachers of the deaf by the oral method, and . . . meet" legal requirements for teachers "and such other training requirement as may be promulgated by the Department of Education." All teachers shall use the oral method and if, after nine months, a child is "unable to learn such oral method, then no further expense shall be incurred in the effort to teach such child."

REGULATIONS

11-(28)

Teachers will be assigned to teach only subjects for which they bear a certificate of endorsement. Teachers assigned to teach at the elementary level must be certified to do so. A teacher misassignment shall be

treated as an accreditation violation.

The following list sets out requirements for specific fields in grades 7-12:

(1) English - at least 18 college hours of English or 30 combined hours of English, speech, and journalism

(2) Speech - at least 12 semester hours in speech

(3) Journalism - 12 semester hours in journalism

(4) Social Science - 30 semester hours in social science, with additional hours required for teaching history, political science, or economics

(5) Mathematics - at least 18 semester hours in mathematics

(6) Science - At least 18 semester hours in science, with additional, specific requirements for teaching biology, chemistry, or physics.

(7) Practical Arts and Vocational Courses - 18 semester hours in the major area of instruction plus one college course in each specific subject taught.

(8) Fine Arts - for music, a minor or 24 semester hours in music; for art, 12 semester hours of art courses.

(9) Foreign Language - 18 semester hours in the specific language

(10) Health - Physical Education - 18 semester hours in physical education.

Teachers in grades 7-9 must have a minimum number of college hours in the subject to which they are assigned. The basic requirements shall be as set out above.

Counselors shall be provided in all unified (K-12) and six- or four-year high school systems on at least a half-time basis. Guidance personnel must have at least 18 semester hours of preparation in a guidance field.

At least one half-time media-librarian shall be provided in a unified (K-12) school system or in a six- or four-year high school system.

21-(12)

Local school district boards have the right to set additional qualifications for teacher employment.

21-(35)

All teaching certificates require completion of the proper forms, submission of an official transcript, and payment of an application fee.

21-(36) — 21-(41)

The Pre-Standard Teaching Certificate is valid for teaching in all schools, and is valid for five years. An applicant for this certificate must hold a baccalaureate degree and be certified, by the university or college, for meeting all standards for teaching.

Reciprocity may be extended to out-of-state applicants who hold certificates based on the same requirements.

Renewal requirements of six semester hours of college work are mandated. RENEWAL

21-(42) — 21-(45)

The Standard Teaching Certificate is valid for teaching in all Nebraska schools for ten years. The initial requirements are the same as for the Pre-Standard Teaching Certificate, plus three years of teaching experience. Reciprocity is given to qualified out-of-state applicants. The certificate may be renewed after three years of teaching experience or completion of six semester hours of college work.

21-(46) — 21-(49)

The Professional Teaching Certificate is valid for the life of the holder. The requirements are the same as for a Standard Teaching Certificate but require the recommendation of an official of a graduate school who certifies that the applicant has completed work for a Master's degree and met all other appropriate requirements.

Reciprocity may be granted to qualified out-of-state applicants.

If the certificate lapses through non-use, it may be renewed upon completion of six hours of college work.

21-(50) — 21-(61)

Nebraska Provisional Teaching Certificates are valid for teaching only at the grade levels and in the subjects endorsed upon the certificate for not more than three years.

Provisional certificates may be issued on several levels:

(1) Provisional Rural Elementary, valid in K-8 in Class I districts and K-6 in Class II districts.

(2) Provisional Junior Elementary

(3) Provisional Commitment Certificate

(4) Provisional Trades Certificate

21-(69) — 21-(73)

An Emergency Teaching Certificate is issued only to fill an emergency vacancy and issued only for the subjects listed on the certificate. There must exist a vacancy which cannot be filled by a qualified certificate holder, and the County Superintendent must request the issuance of the Emergency Certificate. The applicant must have completed either one year of teaching experience or eight semester hours of college work.

21-(75) — 21-(88)

Nebraska Provisional Special Services Certificates are valid only for grade levels and areas of specialization endorsed, for a period of three years. The applicant must present written evidence that she/he intends to meet the requirements for the Pre-Standard Certificate.

Pre-Standard Certificates are issued for five years to holders of a baccalaureate degree who have met the special requirements for their area of specialization.

Standard Certificates are issued on the same qualifications to those who have completed three years of teaching.

A Professional Special Services Certificate is valid for life and issued to one who has completed at least 30 semester hours of work beyond what is required for the Pre-Standard Certificate.

CROSS REFERENCES

I.Commissioner of Education; Statute §79-332 -- 333

II.A.2.; Regulation 3-(5)

II.A.6.; Regulation 3-(7)

TEACHING STAFF

REGULATIONS

11-(24)

All personnel, except teacher assistants and teacher aides, must hold valid Nebraska Pre-Standard Teaching Certificates. Teaching assistants who have teaching relationships with pupils shall hold a Nebraska Teaching Certificate. The qualifications for teacher aides will be determined by the local school system.

VOCATIONAL EDUCATION TEACHERS

CROSS REFERENCE

II.A.3.; Statute §79-1422; 1423; 1429; 1435

C. PERFORMANCE STANDARDS

CERTIFICATED PERSONNEL

STATUTES

§79-1234

REVOCATION

SUSPENSION

"The State Board of Education may, for just cause, revoke" or suspend any teacher's or administrator's certificate, which shall terminate such person's employment. Just cause may be "incompetence, . . . immorality, . . . intemperance, . . . cruelty," criminal activity, "neglect of duty . . . [or] of the business of the school, . . . unprofessional conduct, . . . physical or mental incapacity, or . . . breach of contract."

NOTICE

HEARING

Certification may not "be revoked or suspended without due notice from the board and an opportunity given the teacher or administrator to explain or defend his conduct." If a person fails to appear at a hearing to consider revocation or suspension, he or she "shall be

deemed guilty of the charges preferred" and the certificate shall be revoked or suspended.

REINSTATEMENT

A person's certificate may be reinstated at the end of a period of suspension if such teacher or administrator demonstrates to the board compliance with the suspension order and that he or she "will not in the future engage in any practice" that is cause for revocation or suspension.

EDUCATIONAL PERSONNEL

STATUTES

§79-2701

Nebraska has entered into and adopted the Interstate Agreement on Qualification of Educational Personnel.

EDUCATIONAL PROGRAM

REGULATIONS

14-(7) — 14-(8)

The elementary school instructional program shall be based on a written statement of purposes and/or goals developed at the local level and approved by the local Board of Education. On an annual basis, the local Board of Education shall develop a set of policies based upon this statement of goals.

14-(29) — 14-(30)

The secondary school instructional program shall be based on a written statement of purposes and/or goals developed at the local level and approved by the local Board of Education. The Board shall develop and annually up-date a written set of policies based upon this statement of goals.

HIGH SCHOOL DIPLOMA RECIPIENTS

STATUTES

§79-4.147.01 — 4.147.03

DIPLOMA

The Commissioner of Education is authorized "to issue a diploma of high school equivalency . . . to

any person who": (1) has lived in the state at least 30 days, or last attended high school and earned credit toward graduation in the state; (2) shows evidence of having "attained the educational development and abilities of the typical high school graduate," through tests and other criteria; and (3) is 18 years old and "unable to secure a diploma from the high school . . . last attended; or the class in which he[she] was enrolled at the time of . . . withdrawal . . . has been graduated for at least one year."

The application must be accompanied by a $5 fee. The State Board of Education may "adopt reasonable rules and regulations" for issuing such diplomas, and its decision on the "eligibility of an applicant for a diploma of high school equivalency shall be final."

School Board Members

Statutes

§79-518.04

RECALL

Any member of a board of a "Class II, III or VI school district may be subject to recall for . . . neglect of duty, gross partiality, oppression, extortion, corruption, willful maladministration in office, conviction of a felony, or habitual drunkenness."

To recall an officer a petition signed by the district voters equal to at least 25% of the votes cast for the board member who received the highest number of votes at the last school election must be "filed with the county clerk or election commissioner of the county in which the majority of school age children reside."

The petition must name the incumbent, the reason for recall, and the proposed candidate for the office. The county clerk or election commissioner shall examine the petition and submit it to the school board. The board shall fix a date for the election and notify the public. Only the incumbent's name and the name of the candidate in the recall petition "shall appear on the ballot." The candidate who receives the highest number of votes is elected. If a person who is not the incumbent

succeeds to to office, he or she "shall hold office during the unexpired term of his [her] predecessor."

School Board Secretary

CROSS REFERENCE

I. Boards of Education; Statute §79-805 - 807; 809

School Officials

Statutes

§79-442

"No school officer shall be a party to any . . . school contract for building, . . . services, or sale of real estate" in excess of $2,000 for Class IV and V districts in $10,000 for Class I, II, III and VI in a school year, "and no contract may be divided for the purpose of evading" this requirement. "Any officer of a board of education" or any other person or agency violating this provision is guilty of a felony, and a board member so convicted "shall be ousted from public office by a court having jurisdiction.

CONFLICT OF INTEREST

§79-1268 - 79-1269

It is unlawful to give to any applicant for a teaching position in the public schools an application or questionnaire that contains "any inquiry or reference to the religious affiliation or . . . belief of said applicant." Violation of this provision is punishable by a fine or imprisonment and constitutes cause for removal of a superintendent, school board member or any other school official.

RELIGIOUS AFFILIATION

State Board of Education

CROSS REFERENCE

I. State Board of Education; Statute §79-322 -- 327

Students

Regulations

11-(45)

Each high school shall list its graduation requirements, which must total at least 160 semester hours

of credit.

14-(12)

The school system shall utilize a competency measure to assess minimum performance skills in reading, writing, and arithmetic.

14-(34)

The list of courses offered and number of credits required for graduation shall be part of each high school's School Board Policy.

14-(49) — 14-(50)

The local Board of Education shall provide for evaluation of student academic progress. Each school shall utilize a competency measure to assess minimum skills in reading, writing, and arithmetic.

CROSS REFERENCE

II.A.1.: Statute §79-495 -- 496

SUPERINTENDENT

STATUTES

§79-1254.04

The board of a Class I, II, III or VI district may notify in writing by April 15 any superintendent or associate superintendent whose contract the board intends to terminate. A person receiving such notice may request a hearing before the board; if no hearing is requested, "the board may proceed to terminate the contract."

TERMINATION
NOTICE
HEARING

TEACHERS

STATUTES

§79-4.156

"Any teacher, administrator, or full-time employee of any public school district shall . . . have access to his[her] personnel file maintained by the district and . . . the right to attach a written response to any item in such file," except with regard to "letters of recommendation solicited by the employer."

An employee may authorize in writing another person to have access to his/her files.

§79-1251 — 79-1252

A school board shall not enter into an employment contract with a teacher or administrator who has a similar contract with another board, and no person under such a contract with one board shall enter into a similar one with another board. The school board shall withhold the salary of any person already under contract with another board. Any board member violating these provisions "shall be . . . liable for any damages sustained by the other school district."

The certification of any teacher, principal, supervisor, assistant superintendent or superintendent may be suspended for up to one year by the State Board of Education, after notification and a hearing, if it finds that the "person has, without just cause, violated or abrogated his contract with a school district in the state."

SUSPENSION
NOTICE
HEARING

§79-1254

A majority of the board members in a Class I, II, III, or VI district must approve the original employment contract of a teacher or administrator. The first two years of the contract are "a probationary period during which it may be terminated without just cause." At the end of the contract period a superintendent's or associate superintendent's contract may be terminated without just cause. By April 15 the secretary of the board must "notify each administrator or teacher in writing of any conditions of unsatisfactory performance or . . . a reduction in staff members or change of leave of absence policies . . . which the board considers may be just cause to either terminate or amend the contract" for the next year. A teacher receiving such notice may request a hearing before the board. Just cause for termination can be incompetence, negligence, "unprofessional conduct,

TERMINATION
NOTICE
HEARING

insubordination, immorality, physical or mental incapacity . . . or a change . . . necessitating a reduction in the number of administrators or teachers . . . employed by the board." A board member may not vote for the election of any teacher who is a relative by blood or marriage.

§79-1254.02 — 79-1254.03

"The contracts of the teaching staff employed by the governing board of any . . . educational service unit . . . or any political subdivision of the state, except a Class I, II, III, or VI school district must be approved by a majority of board members. A contract is considered "renewed and in force . . . until a majority of the board votes, sixty days before the close of the contract period, to amend or terminate the contract for just cause." If the board decides to amend or terminate the contract, the teacher must be notified and may request a hearing.

This provision does not repeal "any law . . . that provides for additional contract rights" for the same employees.

§79-1255 — 79-1258

All teachers in the public schools of Class IV and V districts, which includes "all full-time certificated educational employees . . . and . . . full-time school nurses" are on probation upon first employment. During the probationary period the teacher's annual contract may or may not be renewed by the school board. After election to position by the board, the contract is renewable until a majority of the school board members vote either "to terminate the contract . . . or . . . the contract is superseded by a new contract mutually agreed to by the school board and the teacher."

RENEWAL

At the beginning of the fourth year of service under contract in a Class IV or V school district a teacher becomes permanent, unless the school board votes to extend the time before the teacher becomes permanent for

one or two years. If a teacher accepts permanent status, he or she is issued an indefinite contract which remains "in force until the teacher reaches the age of sixty-five years, unless it is succeeded by a new contract signed by both parties or is cancelled." Under such contracts the school board may determine the length of the school year and fix compensation either on an individual basis or by a salary schedule for the school district.

§79-1259 — 79-1260

"Any indefinite contract with a permanent teacher in a fourth or fifth class school district may be canceled only by the school board, by a majority vote." The superintendent of schools must present recommendations to the school board in the case of teachers, supervisors and principals. The teacher must be notified of when and where the consideration will take place and be furnished, upon request, "a written statement of the reasons for such consideration." The teacher may request a hearing before the board. The teacher has "the right to respond to the reasons for the proposed cancellations . . . and to be accompanied at the hearing by someone qualified to speak for him"/her.

NOTICE

HEARING

A teacher may be suspended "pending a decision on the cancellation of his[her] contract. Cancellation of an indefinite contract may be made for (1) incompetency; (2) physical disability or sickness . . . which interferes with the performance of duty; (3) insubordination, which shall . . . mean . . . refusal to obey the school laws of the state, the rulings of the State Board of Education, or reasonable rules and regulations prescribed . . . by the school board; (4) neglect of duty; (5) immorality; (6) failure to give evidence of professional growth; or (7) . . . decrease in . . . teaching positions or other good and just cause, but may not be made for political or personal reasons." Cancellation is immediate if the cause was immorality or insubordination and otherwise takes effect at the end of the school term. The board's decision is final.

SUSPENSION

§79-1274 — 79-1275

Any public school teacher who wears, while teaching, "any dress or garb, indicating . . . that such teacher is a member . . . of any religious order, sect, or denomination" is guilty of a misdemeanor and shall be fined and/or sent to jail. The school board shall suspend any teacher who violates this provision for one school year. For a second offense the school board shall "disqualify permanently such teacher from teaching in such school." Any board member who fails to comply with this provision is guilty of a misdemeanor.

RELIGIOUS GARB

§79-1282

The State Board of Education, with the advice of the Professional Practices Commission, "shall develop . . . criteria of professional practices . . . including . . . (1) ethical and professional performance; (2) competency; (3) continuance in professional service; and (4) contractual obligations . . .[which] shall be the generally accepted standards within the teaching profession with respect to competent performance and ethical practices."

§79-1283

At the request of the state board, the Professional Practices Commission, or a special committee of its members, shall "hold hearings and make recommendations . . . concerning alleged violations of standards of professional ethics and practices . . ." The commission may privately . . . warn and reprimand members of the teaching profession for violation" of these standards.

HEARING

The commission may adopt rules and regulations necessary for its operation and make recommendations to the state board on school boards "which will promote improvement of education and the teaching profession." In performing the functions under these provisions and procedures relating to certification, "the commission and the State Board of Education may subpoena witnesses and place them under oath."

RULEMAKING

CROSS REFERENCES

I.Professional Practices Commission; Statute §79-1281 -- 1281.01

III.A.2.; Statute §79-470

D. Evaluation and Reporting

Educational Programs

CROSS REFERENCE

I.Commissioner of Education; Statute §79-332 -- 333

Educational System

CROSS REFERENCES

I.Boards of Education; Statute §79-1104 -- 1105

I.Department of Education; Statute §79-321

Programs for Gifted/Talented Children

CROSS REFERENCE

II.A.2.; Regulation 3-(6)

School System

STATUTES

§79-314; 316;318

County superintendents "shall report annually to the commissioner" on activities and school operations and are "subject to such rules and instructions as the Commissioner of Education may . . . prescribe." County superintendents shall report annually to the appropriate state institution for the deaf or blind the names of county residents between ages 6 and 21 who are "acoustically . . .[or] visually handicapped to such an extent as to be unable to acquire an education in the common schools."

CROSS REFERENCE

III.A.1.; Regulation 11-(77) - 11-(78)

Special Education Programs

CROSS REFERENCE

II.A.2.: Regulation 51-(2)

Student Performance

CROSS REFERENCES

III.C.Students; Regulation 14-(12)

III.C.Students; Regulation 14-(49) - 14-(50)

Students

CROSS REFERENCES

II.A.6.: Regulation 3-(7)

IV.F.: Regulations 11-(73) - 11-(75)

Vocational Education

CROSS REFERENCE

II.A.3.: Statute §79-1422; 1423; 1429; 1435

E. Improvement Efforts

Educational Programs

CROSS REFERENCE

I.Commissioner of Education: Statute §79-332 -- 333

School Staff

STATUTES

§79-305

The Commissioner of Education shall visit schools, and advise teachers and school officers on the conduct of schools. SCHOOL VISITS

Teachers

STATUTES

§79-304

"The Commissioner of Education shall organize institutes and conferences," attend them, "provide proper instructors . . . and in other ways seek to

improve the efficiency of teachers and advance . . . education in the state."

§79-1261

In order to remain eligible for contract and tenure benefits, permanent teachers in Class IV and V districts must "give such evidence of professional growth as is approved by the school board" every six years. Such evidence may include "educational travel, professional publications, work on educational committees, six semester hours of college work" or other activities.

REGULATIONS

14-(18)

Each elementary teacher shall participate in at least two days of in-service activities each year.

14-(43)

Each secondary teacher shall participate in at least two days of in-service activities each year.

NEVADA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

2. Other Qualification Standards

Statutes

§388.010

"'Public schools' includes all kindergartens and elementary schools, junior high schools, high schools, and any other schools, classes, and educational programs which receive their support through public taxation, and whose textbooks, courses of study, and other regulations are under the control of the state board of education."

§388.020

An elementary school is a public school which gives grade work through the eighth grade. "A junior high school is a public school in which the seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the state board of education. A high school is a public school in which subjects above the eighth grade . . . may be taught."

§388.030

When the board of trustees deems it necessary, it "shall divide the public schools within the school district into kindergarten, elementary, high school and other permissible departments and shall employ competent and legally qualified teachers for the instruction of the different departments, provided that this division is "in accordance with the state courses of study and all rules and regulations of the state department of education. There shall be

money for all departments so created; if not, then the division shall be in the order in which the departments are named in this section, except that the kindergarten department shall not "take precedence over the elementary or high school departments."

§388.070

"When feasible, boards of trustees must maintain all the schools established by them for an equal length of time during the year and, as far as practicable, with equal rights and privileges."

§388.080

SCHOOL YEAR

"Except as otherwise provided, the public school year shall commence on the first day of July and shall end on the last day of June." After notifying the state department of education, "any county school district may request extension of the school year beyond the last day of June for each year of such program."

§388.090

Except as otherwise permitted, boards of trustees "shall provide a minimum of 180 days of free school in the districts under their charge. The superintendent of public instruction may upon application by the board of trustees authorize a reduction of" up to "10 school days in a particular district for the purpose of establishing a 120-month school program."

§388.110

"No school shall be kept open on any day declared to be a legal holiday," except that any board of trustees "may elect to keep school open on October 31 (Nevada Day) and observe such holiday with appropriate exercises."

ADMINISTRATORS

REGULATIONS

NEVADA TEACHER CERTIFICATION
Part Two: Specialized Teacher Fields, pp. 15 - 16

"An administrative endorsement is required for the following positions in the public schools of the state of Nevada; county superintendent, assistant superintendents, associate superintendents, principals and assistant principals of elementary, middle, secondary and combined schools; supervisors, directors and administrative assistants. Certificated personnel who spend half or more of their time in administrative or supervisory duties are required to hold an appropriate administrative or supervisory endorsement. NOTE: Superintendents, assistant superintendents, principals and vice principals who hold life diplomas in the fields in which they are working are not required to hold an administrative endorsement."

The requirements for an Administrator Limited Endorsement are:

"1. A valid certificate endorsed for teaching in the elementary or secondary grades.

2. A bachelor's degree

3. Sixteen semester hours graduate course work in school administration.

4. Three years verified teaching experience in public schools.".

The Administrator Limited Endorsement is valid for five years and is not renewable. The holder must complete requirements for an Administrator Endorsement during the term of the certificate.

The requirements for an Administrator Endorsement are:

"1. A valid certificate endorsed for teaching in the elementary or secondary grades.

2. A master's degree.

3. Completion of the required course work listed above.

4. Three years verified teaching experience in public schools."

This endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

The requirements for a Curriculum and Instruction Endorsement are:

"1. A valid certificate for teaching in the public schools. Special subject supervisors shall hold an endorsement appropriate to the field of supervision.

2. Three years verified teaching experience in the field of supervisory assignment.

3. A master's degree which includes. . . advanced course work in the field of supervisory assignment [and] advanced work in professional education."

The Curriculum and Instruction Endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

ADVISORY COMMITTEE FOR ENVIRONMENTAL EDUCATION

CROSS REFERENCE

I. Advisory Committee for Environmental Education; Statute §385.490; 385.500; 385.510

ASSOCIATE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR ADMINISTRATION

STATUTES

§385.300

"The superintendent of public instruction shall have power to appoint an associate superintendent of public

instruction for administration. The associate superintendent of public instruction for administration shall: (a) be a graduate of a four-year accredited college or university; (b) have familiarity with the field of education; and (c) have familiarity with the general field of public administration and budgeting."

Board of Trustees

Statutes

§386.240

"A candidate for the office of trustee of a school district shall: be a qualified elector, "and have . . . a residence within the county school district . . . in which he[she] seeks election."

CROSS REFERENCE

I.Board of Trustees; Statute §386.270

Deputy Superintendent of Public Instruction

Statutes

§385.290

"The superintendent of public instruction shall have power to appoint a deputy superintendent of public instruction who shall: (a) be a graduate of the University of Nevada or a college of equal standard; (b) have had at least 20 semester hours in educational subjects" at a college or university; (c) "have had at least 50 months of administrative experience; 30 months of which shall have been in Nevada."

"The deputy superintendent of public instruction shall assist in the work of the office of the superintendent of public instruction" doing such work as

may be directed under law and "shall have the power to perform all duties required of the superintendent of public instruction."

MEDIA SPECIALIST

REGULATIONS

NEVADA TEACHER CERTIFICATION
Part Two: Specialized Teaching Fields, p. 8

"A certificate bearing the endorsement teacher-library media specialist or library media specialist is required for performing library media services in the public schools."

The requirements for a Teacher-Library Media Specialist Endorsement are:

"1. A bachelor's degree and a valid certificate endorsed for teaching in the elementary or secondary schools [and]

2. Twenty semester hours in library science media." The term of this endorsement is five years. It may be renewed with six semester hours credit, or the equivalent, of additional course work.

The requirements for a Library Media Specialist Endorsement are:

"1. A bachelor's degree from a college or university accredited for the preparation of libaray media specialists and completion of an approved program of preparation for the performance of library media services. Approved programs after 9/11/75 must include three semester hours in Multi-cultural education." OR

2. Completion of all the requirements for the Teacher-Library Media Specialist Endorsement [and]. . . completion of eight semester hours additional preparation in library science media through in-residence training in a college or university approved for the preparation of library media specialists, or through approved extension courses."

This endorsement is for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

The requirements for a Professional Library Media Specialist Endorsement are:

"1. Meet all of the requirements for the Library Media Specialist Endorsement;

2. A master's degree in library science media or a master's degree and the completion of 30 semester hours preparation in library science media [and]

3. Three years experience as a library media specialist in public schools."

This endorsement is for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

NON-CERTIFIED PERSONNEL

STATUTES

§391.100

"The board of trustees of a school district may employ a superintendent of schools, teachers, and all other necessary employees" including teacher aides and other auxiliary, nonprofessional personnel used "to assist certified personnel in the instruction or supervision of children. Such noncertified personnel shall be given direct supervision by certified personnel" in all primarily instructional duties. A board of trustees shall establish policies governing the duties and performance of teacher aides. Notwithstanding the provisions of 262.110, the board of trustees may employ independent legal counsel if necessary.

STATUTES

§385.340; .350

"The qualifications for the professional staff and for other supervisory personnel shall be fixed by the personnel division of the department of administration." Compensation for such personnel, as well as their traveling and necessary office expenses, "shall be paid out of funds appropriated" from the general fund.

SCHOOL COUNSELOR

REGULATIONS

NEVADA TEACHER CERTIFICATION
Part Two: Pupil/School Services Endorsements, pp. 17 - 19

"A certificate endorsed for counseling at the level of duty assignment is required for any person who has time scheduled in the daily program for counseling students in the public elementary or secondary schools."

The requirements for a Elementary Counselor Endorsement are the completion of 1, 2, or 3.

"1. A bachelor's degree and completion of a program of preparation for elementary school counseling when such preparation is approved by the college or university where the program was completed. Approved programs. . .must include three semester hours in Multi-cultural education.

2. A valid certificate endorsed for teaching in the elementary grades. . .one year verified teaching experience at the elementary level in the public school . . .[and] eighteen semester hours credit (12 semester hours of which must be at the graduate level) in counselor preparation.

3. Completion of a program of counselor education which includes the following:

a. A bachelor's degree and completion of. . . eight semester hours of elementary teaching methods, basi subjects, including teaching of reading [and] . . .ten semester hours in foundations of education to include . . .[three semester hours of] Multi-cultural education.

b. Three months verified full-time experience (400 clock hours) under academic supervision in a public school situation in social services, psychological services, health services or speech correction

c. Eighteen semester hours credit (12 semester hours at the graduate level) in counselor preparation.

The Elementary Counselor Endorsement is valid for five years and may be renewed with six semester hours graduate credit applicable toward the Professional Counselor Endorsement.

The requirements for the Professional Elementary Counselor Endorsement are:

1. Meet all of the requirements for the Elementary School Counselor Endorsement.

2. Two years verified counseling experience in public elementary schools.

3. A master's degree in guidance and counseling (elementary grades) with advanced course work in each of the following areas or their equivalent:

a. Individual analysis and assessment (affective tests).

b. Learning theory in education or case study.

c. Educational measurements and evaluation or statistics in the social sciences.

d. Curriculum development."

The Professional Elementary Counselor endorsement is valid for six years and may be renewed with six semester hours credit of additional course work, or the equivalent, or the submission of evidence of professional growth accomplished during the term of the certificate.

The requirements for the Secondary School Counselor Endorsement are either:

"1. A bachelor's degree and completion of a program of preparation for secondary school counseling when such preparation is approved by the college or university where the program was completed. Approved programs. . .must include three semester hours in Multi-cultural education. [OR]

2. A valid certificate endorsed for teaching in the secondary grades, . . .one year of verified teaching experience at the secondary level in the public schools. . . twelve months cumulative work experience other than certificated school employment. . .[and] eighteen semester hours credit (12 semester hours of which must be at the graduate level) in counselor preparation."

The Professional Secondary Counselor Endorsement is valid for five years and may be renewed with six semester hours credit earned during the term of the certificate toward fulfillment of the requirements for the Professional Counselor Endorsement.

The requirements for the Secondary Professional Counselor Endorsement are:

"1. Meet all of the requirements for the Secondary School Counselor Endorsement.

2. Two years verified counseling experience in public secondary schools.

3. A master's degree in guidance and counseling (secondary grades) with advanced course work or the equivalent in. . .structure and supervision of pupil personnel services. . .learning theory in education or case study. . .educational measurements and evaluation or statistics in the social sciences. . .[and] curriculum development."

The Professional Secondary Counselor Endorsement is valid for six years and may be renewed with six semester hours credit of additional course work or the equivalent, or the submission of evidence of professional growth accomplished during the term of the certificate.

School Psychologist

Regulations

NEVADA TEACHER CERTIFICATION
Part Two: Pupil/School Services Endorsements, p. 19

"A certificate endorsed for school psychologist is required for the performance of school psychological services."

The requirements for a certificate endorsed for School Psychologist are:

"1. A master's or doctor's degree and completion of an approved program for the preparation of school psychologists [OR]

2. A master's or doctor's degree and completion of a program of preparation consisting of at least 50 semester hours credit, 36 of which are at the graduate level. . . ."

This endorsement is valid for six years and may be renewed with six semester hours credit of additional course work or the equivalent, or the submission of evidence of professional growth accomplished during the term of the certificate.

School Social Worker

Regulations

NEVADA TEACHER CERTIFICATION
Part Two: Pupil/School Services Endorsements, p. 16

A certificate endorsed for school social worker is required for performance of school social services in the public schools.

The requirement for a School Social Worker Endorsement is a master's degree (Master of Social Work) from a college or university accredited for the preparation of social workers by the American Council on Social Work Education.

This endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

The requirements for a Professional School Social Worker Endorsement are:

"1. Meet the requirement for the School Social Worker Endorsement.

2. Completion of a or b:

a. Possession of a valid certificate for teaching at the elementary or secondary level in the public schools in Nevada.

b. Completion of an internship in a public school setting, consisting of no fewer than 240 clock hours duration as part of professional preparation or three years verified experience in school social services."

The Professional School Social Worker Endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

STAFF SPECIALIST

REGULATIONS

NEVADA TEACHER CERTIFICATION
Part Two: Staff Specialist Endorsements, p. 20

"A certificate, appropriately endorsed for staff specialist is required for professional fulltime [sic] personnel whose major duty assignment is the performance of specialized educational services. These services are classified as technical, non-teaching, and non-supervisory, and include the following: research and development; consultant, educational data processing; and educational media, including television."

The requirements for a certificate with the Staff Specialist endorsement are:

"1. A bachelor's degree

2. Three years verified experience in the field of specialization."

This endorsement is valid for five years and mav be renewed with six semester hours credit of additional course work or the equivalent.

STUDENT TEACHERS

STATUTES

§391.095

"A school district may enter into an agreement with a division of the University of Nevada system for the assignment of university students for training purposes as student teachers, counselors, or library trainees, or for teaching laboratory experiences." These students "are authorized, under the direction and supervision of a certificated teacher, to instruct and supervise children in the school, on the school grounds or on authorized field trips" and shall be considered school district employees "while performing such authorized duties, whether or not" a certified teacher is present.

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§385.160

The superintendent of public instruction shall be at least 21 years old and shall have a master's degree in education or school administration.

SUPERINTENDENT OF SCHOOLS

STATUTES

§391.110

A board of trustees is authorized to employ any

regularly certified person as the superintendent of schools to define his or her powers, and to fix his or her duties and salary. "In school districts having 7,000 or more students, the superintendent of schools shall hold at least a masters degree in school administration or education." If a person has satisfactorily served at least 2 years as a certified teacher or administrator in the district, he or she may be employed as superintendent of schools for a term of up to four years. If not, the term shall be limited to one year. Superintendents of schools may be dismissed at any time for cause. Superintendents of schools are authorized to administer all oaths or affirmations relating to public schools.

DISMISSAL

TEACHERS

STATUTES

§385.080

The state board of education "shall have power to adopt rules and regulations" consistent with Nevada's constitution and laws "for its own government and which are proper or necessary" for executing its lawful powers and duties. However, any changes increasing requirements for teachers' certification or diplomas "shall be announced when made" but "not be effective before 3 months" after the announcement date and "shall not affect certificates or diplomas then in force."

RULEMAKING

§385.090

"The state board of education shall prescribe rules and regulations for the issuance and renewal of elementary, junior high school, high school, and special certificates, and for diplomas," and "shall prescribe rules and regulations for and authorize the holding of state teacher examinations in Nevada school law, and in the United States and Nevada Constitutions."

§391.010

There exists, in Nevada, high school, elementary, junior high and special certificates. Each authorizes its holder to teach in any Nevada school of that type. The special certificate specifies the branches of learning, grades and school districts in which the holder may teach. Elementary school principals must hold an elementary certificate of the first grade.

§391.020

"All teachers' certificates and life diplomas shall be granted by the state board of education. Every applicant for a certificate shall submit . . .a complete set of his[her] fingerprints and written permission authorizing the state board of education to forward such fingerprints to the Federal Bureau of Investigation for its report. Upon receipt of the report . . . and a determination by the state board of education that the applicant is qualified, a certificate shall be issued to the applicant."

§391.025

"Teacher-certification regulations shall include provisions for certification in the area of environmental education."

§391.030

"The state board of education shall establish and maintain a certification office in the state department of education and shall employ a competent assistant. The superintendent of public instruction, without extra compensation, shall be the administrator of the certification office."

§391.060; 391.070

Except as otherwise provided, "it shall be unlawful for the superintendent of public instruction or" boards of trustees to employ any teacher, principal, or

superintendent of schools who is not a citizen or a lawful permanent resident of the U.S. and unlawful for "the state controller or any county auditor to issue any warrant to any teacher," principal, or superintendent of schools who is not a citizen or a lawful permanent resident of the U.S. " Any person violating any of the provisions of this section shall be guilty of a misdemeanor." The superintendent or boards of trustees shall be permitted to employ teachers "authorized to teach in the United States under the teacher exchange programs."

VIOLATIONS

§391.090

Certified teachers must demonstrate, by examination or credentials, "satisfactory evidence of adequate knowledge of the origin, history, provisions and principles" of the constitutions of Nevada and the U.S. This also applies to those persons at the Nevada youth or girls training centers responsible for giving instruction in these institutions. "The state board of education may grant a reasonable time for compliance with the terms of this section."

§391.230

When any public school opens, "every teacher . . . shall file with the superintendent of the county school district a Nevada teacher's certificate entitling the holder to teach in the school in which he or she will be employed, and any other report that the superintendent of public instruction shall require. The superintendent of the county school district shall acknowledge" and keep records of the receipt of each teacher's certificate in his/her office. The certificate shall remain on file "in the office of the superintendent of the county school district."

REGULATIONS

NEVADA TEACHER CERTIFICATION

Part I: II, A. Certification Agency

"The Nevada State Board of Education is the sole agency authorized to certificate teachers and other professional personnel for service in the public schools of the state.

a. Rules and regulations for the issuance of all certificates are prescribed by the State Board of Education. . . .Any change in requirements does not become effective for a period of three months from the date when such change was announced. . . .Such changes do not affect valid certificates in force on the date the new requirements become effective."

"Public school teachers or professional employees are required to:

"1. Be a United States Citizen or submit proof of having been given permanent residency by the United States Office of Immigration and Naturalization.

2. Show knowledge of Nevada School Law, Nevada Constitution and United States Constitution. ...Those who do not meet these requirements will be issued a certificate which allows one year from date of certificate to accomplish removal by: 1) formal course work from an accredited university or college, or 2) examinations given twice each school year. . .by the Department of Education. Failure to remove these provisions invalidates the certificate.

3. Meet the following conditions for receipt of salary: a. Must hold a legal contract granted by the school district in which employed, b. Must hold proper certificate at the time services are rendered, c. Must have subscribed to the Constitution Oath of Office, d. Must have made all reports required by the State Board of Education."

"A. A single form certificate is issued which is endorsed in the fields of specialization for which the applicant has applied and is deemed qualified to serve. Responsibility for securing, maintaining and renewing certification rests solely with the professional employee.

B. Two years verified teaching experience in public schools (at appropriate level) may be accepted in lieu of student teaching.

C. Provisional certification: In emergency situations where school districts are unable to secure teachers who qualify for regular certification, a provisional certificate may be granted provided: (a) it is requested by the County Superintendent and approved by the Department of Education, and (b) the provision will not be in excess of six semester hours of credit and/or successful teaching experience.

Provisions must be removed within one year from the date of the certificate. Credits earned to remove a provision cannot apply on those needed for renewal.

D. Recent training: . . .Six semester hours of credit earned during the five-year period preceding initial application is required for persons holding a bachelor's degree; three semester credits for holders of a master's degree; and evidence of professional growth for those holding a specialst or doctor's degree.

Recent training is not required for substitute certificates.

E. Terms of certificates: . . .Terms of certificates are explained at the end of each section with the exception of holders of the educational specialist degree who are given eight-year term certificates and those with a doctor's degree receive ten-year term certificates.

F. Basis for certification is determined by evaluation of official transcripts from accredited colleges or universities. . . .Accreditation must be by a national or regional accrediting association for the preparation of public school teachers. . . .Transcripts are evaluated in terms of semester hours (a quarter hour equals two-thirds the value of a semester hour). . . .Transcripts become a part of the applicant's file when a certificate is issued and will not be returned."

Part I: III. Certification Procedure

"A. A complete application for initial certification requires official transcripts, application for teacher's certificate, health certificate (report of physical examination by a medical doctor, including a negative report of chest x-ray or tuberculin skin test taken within the 12 months preceding application), and fee.

B. A complete renewal application consists of an application for renewal form, health certificate, official transcripts showing completion of the required credits earned during the life of the certificate or during the last renewal period, and the fee."

NEVADA TEACHER CERTIFICATION
Part Two: Secondary Teacher Endorsements, I.-- IV., pp. 3 - 5

ENDORSEMENTS

Authorization: A certificate endorsed in a recognized teaching (subject) field is required for teaching in departmentalized seventh and eight grades, junior high schools, senior high schools, and designated and approved middle schools. Endorsements are dependent upon the applicant's field/s or specialization or concentration, usually designated as majors or minors or areas of concentration.

A. Teaching Field Majors and Minors Definition

"1. All majors and minors must be in subject matter fields normally taught in the public junior and senior high schools.

2. The State Board of Education reserves the rights of determining the acceptability of majors and minors.

3. A minor teaching field(s) will be listed on the certificate even though it is not a requirement for the secondary endorsement."

The requirements for a secondary endorsement are (1) a bachelor's degree and completion of an approved program of preparation for secondary school teacher (approved programs after 9/1/75 must include three semester hours in Multi-cultural education); or (2) a bachelor's degree and completion of the following:

"a. A teaching field major

b. Completion of 22 semester hours course work in secondary professional education which includes the following:

(1) Supervised teaching and/or teaching internship--six semester hours.

(2) Methods and materials of teaching in a field of specialization.

(3) Multi-cultural education--three semester hours (effective 9/1/75)."

This endorsement is for five years and may be renewed by completion of six semester hours credit or the equivalent.

The requirements for a Professional Secondary Endorsement are:

"1. Meet all the requirements for the Secondary Endorsement.

2. Master's degree.

3. Three years of verified teaching experience in secondary public schools."

This endorsment is for six years and may be renewed by six semester hours credit, or the equivalent, or the submission of evidence of professional growth accomplished during the term of the certificate.

Requirements for a Substitute--Secondary Grades Endorsement are:

1. A bachelor's degree [and]

2. Six semester hours credit in secondary education course work (Provisional certification not authorized).

This endorsement is for five years and may be renewed. Additional coursework is not required for renewal.

Substitute teachers are limited to consecutive service for not more than 20 days. In exceptional cases, and upon request from a county superintendent, extension for a similar period may be granted by the Department of Education.

Part Two: Elementary, I. - V., pp. 2 - 3

"Authorization: A certificate bearing an Elementary Endorsement is required for teaching all subjects in grades kindergarten through six, in self-contained seventh and eighth grade classes, in designated and approved middle schools, and is also valid for teaching a field of concentration in the elementary grades, kindergarten through eight."

Requirements for a certificate bearing an Elementary Endorsement are:

"1. A bachelor's degree and completion of an approved program of preparation for teaching in the elementary grades. Approved programs must include the following:

a. Multi-cultural education--three semester hours, [and]

b. Teaching or reading, reading skills and phonics skills--six semester hours" or

2. A bachelor's degree and thirty semester hours of course work in elementary professional education including six semester hours of supervised teaching, eight semester hours in methods of teaching basic skills not other than reading, six semester hours of reading (to include skills or reading and phonics), and three semester hours of multi-cultural education.

This endorsement is for five years and may be renewed with six semester hours of credit, or the equivalent.

The requirements for a Professional Elementary Endorsement are: (1) meet all the requirements for an elementary endorsement; (2) a master's degree; (3) and three years of competent verified teaching experience in grades one through six in the public schools.

This endorsement is for six years and may be renewed by six semester hours credit, or the equivalent, or the submission of evidence of professional growth accomplished during the term of the certificate.

The requirements for an Elementary Limited Endorsement are (1) a bachelor's degree and (2) completion of 18 semester hours course work in elementary professional education which includes six semester hours of supervised teaching and eight semester hours in methods of teaching the basic subjects, including the teaching of reading.

This endorsement is for five years and may not be renewed. "During the term of this certificate the holder must complete the requirements for the Elementary Endorsement."

The requirements for a Substitute--Elementary Endorsement are "a minimum of 62 semester hours credit from an accredited college or university and completion of at least six semester hours credit in elementary education course work. (Provisional certification not authorized)."

This endorsement is for five years and may be renewed. Additional coursework not required for renewal.

"Substitute teachers are limited to consecutive service of not more than 20 days. However, in exceptional cases, and upon request from a county superintendent, extension for a similar period may be granted by the Department of Education."

NEVADA VOCATIONAL TEACHER ENDORSEMENTS, p. 1 - 4

Part One: General Information

A. Statutory Regulations

1. Certification Agency

a. The Nevada State Board of Education is the sole agency authorized to certificate teachers and other professional personnel for service in the public schools of the state.

(1) Rules and regulations for the issuance of all certificates are prescribed by the State Board of Education.

(a) Any change in requirements does not become effective for a period of three months from the date when such change was announced.

(b) Such changes do not affect valid certificates in force on the date the new requirements become effective.

2. Public School Teacher or Professional Employees are required to:

a. Be a United States citizen or submit proof of having been given permanent residency by the U.S. Office of Immigration and Naturalization.

*b. Show knowledge of Nevada School Law, Nevada Constitution and United States Constitution.

(1) Those who do not meet these requirements will be issued a certificate which allows one year from date of certificate to

*Does not apply to Adult endorsements.

accomplish removal by: (1) Formal course work from an accredited university or college, or (2) Examinations given twice each school year by the Department of Education. Failure to remove these provisions invalidates the certificate.

c. Meet the following conditions for receipt of salary:

*(1) Must hold a legal contract granted by the school district in which employed.

*(2) Must hold proper certificate at the time services are rendered.

*(3) Must have subscribed to the Constitutional Oath of Office.

*(4) Must have made all reports required by the State Board of Education.

B. Nevada State Board of Education Requirements

1. A single form certificate is issued which is endorsed in the fields of specialization.

2. Two years verified teaching experience in public schools (at appropriate levels) may be accepted in lieu of student teaching.

*3. Provisional Certification.

a. In emergency situtations where school districts are unable to secure teachers who qualify for regular certification a provisional may be granted, provided:

(1) It is requested by the County Superintendent and approved by the Department of Education.

(2) The provision will not be in excess of six semester hours of credit and/or successful teaching experience.

Provisions must be removed within one year from date of the certificate. Credits earned to remove a provision cannot apply on those needed for renewal.

*Does not apply to Adult endorsements.

*4. Recent Training.

a. Six semester hours of credit earned during the five-year period preceding initial application is required for persons holding a bachelor's degree; three semester credits for holders of a master's degree; and evidence of professional growth for those holding a specialist or doctor's degree.

5. Terms of Certificates

a. Terms of certificates are explained at the end of each section with the exception of holders of the educational specialist degree who are given eight-year term certificates and those with a doctor's degree receive ten-year term certificates.

b. All certificates are dated September 1 or January 1. The date is determined by the time of year when the application is received or when the person enters on duty with a school district.

6. Basis for certification is determined by evaluation of offical transcripts from accredited colleges or universities and previous employment verification.

a. Accreditation must be by a national or regional accrediting association for the preparation of public school teachers.

b. Transcripts are evaluated in terms of semester hours (a quarter hour equals two-thirds the value of a semester hour).

c. Transcripts become a part of the applicant's file when a certificate is issued and will not be returned.

C. Certification Procedure, Initial and Renewal

1. A complete application for initial certification requires official transcripts, application for teacher's certificate, health certificate (report

*Does not apply to Adult endorsements.

of physical examination by a medical doctor, including a negative report of chest x-ray or tuberculin skin test taken within the 12 months preceding application), and fee.

2. A complete renewal application consists of an application for renewal form, health certificate, official transcripts showing completion of the last renewal credits earned during the life of the certificate or during the last renewal period, and the fee.

   *a. Health certificate and fee are the same as required for initial certification.

   *b. Credits required for renewal are given under the requirements for each type certificate.

   *c. Renewal credits may be earned by attendance at a college or university or through correspondence courses; credits given for approved inservice education courses; and foreign or domestic travel, preapproved by the Department of Education. Persons holding a master's degree may receive renewal credits for conducting seminars and workshops at the college level.

D. Endorsement

Who Needs an Endorsement

Persons who teach or administer vocational programs funded under Public Law 90-576 and whose programs are included in whole or in part within an agency's annual local vocational plan application and who are listed in the comprehensive program description which is included in the annual request for federal funds under Public Law 90-576 shall hold a valid vocational endorsement. This includes instructors and administrators of vocational programs as well as private post-secondary vocational teachers and

*Does not apply to Adult endorsements.

administrators (board ruling).

Areas of Endorsement

A professional and special endorsement authorizes a person to teach a vocational program within a career cluster, kindergarten through adult and/or to teach "related units of instruction" as part of the vocational program or career clusters, kindergarten through 14, for which the person is qualified. The Adult endorsement authorizes a person to teach specific subjects within an Adult Vocational Program.

Part Two: Specialized Teaching Fields, pp. 11 - 15

SPECIALIZED FIELDS

"A certificate endorsed for teaching the aurally handicapped is required for performance of this service in the elementary and secondary public schools."

Requirements for this endorsement are either:

"1. A bachelor's degree and completion of an approved program of preparation for teaching the aurally handicapped. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education. [OR]

2. A bachelor's degree, valid teaching certificate and completion of. . .a program for teaching the aurally handicapped consisting of no fewer than 24 semester hours course work. . . . ."

This endorsement is valid for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

The requirements for Professional Teacher of the Aurally Handicapped Endorsement are:

"1. A master's degree.

2. Completion of either 1 or 2 for Teacher of the Aurally Handicapped [and]

3. Three years verified experience teaching the aurally handicapped in the public schools."

The Professional Teacher of the Aurally Handicapped endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

"A certificate endorsed for teaching the visually handicapped is required for performance of this service in the elementary and secondary public schools."

Requirements for Endorsement for Teaching the Visually Handicapped are either

"1. A bachelor's degree and completion of an approved program of preparation for teaching the visually handicapped. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education [OR]

2. A bachelor's degree, valid teaching certificate and completion of. . . a program for teaching the visually handicapped consisting of no fewer than 24 semester hours course work. . . ."

This endorsement is valid for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

Requirements for Professional Teacher of the Visually Handicapped Endorsement are:

"1. A master's degree.

2. Completion of either 1 or 2 for Teacher of the Visually Handicapped [and]

3. Three years verified experience teaching the visually handicapped in the public schools."

This endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.,

"A certificate endorsed for teaching the physically handicapped is required for performance of this service in the elementary and secondary public schools."

Requirements for Teacher of the Physically Handicapped endorsement are:

"1. A bachelor's degree and completion of an approved program of preparation for teaching the physically handicapped. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education [OR]

2. A bachelor's degree, valid teaching certificate and completion of. . .a program for teaching the physically handicapped consisting of no fewer than 24 semester hours course work. . . ."

This endorsement is valid for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

Requirements for Professional Teacher of the Physically Handicapped endorsement are:

"1. A master's degree.

2. Completion of either 1 or 2 for Teacher of the Physically Handicapped [and]

3. Three years verified experience teaching the physically handicapped in the public schools."

This endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

"A certificate endorsed for teaching the speech handicapped is required for performance of this service in the elementary and secondary public schools."

The requirements for Teacher of the Speech Handicapped Endorsement are:

"1. A bachelor's degree and completion of an approved program of preparation for teachers of the speech handicapped. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education [OR]

2. Completion of a program for teaching the speech handicapped consisting of no fewer than 30 semester hours course work. . . ."

This endorsement is valid for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

Requirements for Professional Teacher of the Speech Handicapped are:

"1. A master's degree

2. Completion of either 1 or 2 for Teacher of the Speech Handicapped [and]

3. Three years verified experience teaching the speech handicapped in the public schools."

The endorsement for Professional Teacher of the Speech Handicapped is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

"A certificate endorsed for teaching the mentally handicapped is required for performance of this service in the elementary and secondary schools.

Requirements for this endorsement are:

"1. A bachelor's degree and completion of an approved program of preparation for teaching the mentally handicapped. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education. OR

2. A bachelor's degree, valid teaching certificate and completion of. . .a program for teaching the mentally handicapped consisting of no fewer than 24 semester hours course work. . . ."

The endorsement is valid for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

Requirements for Professional Teacher of the Mentally Handicapped Endorsement are (1) a master's degree, (2) completion of either 1 or 2 for Teacher of the Mentally Handicapped and (3) three years verified experience teaching the mentally handicapped in the public schools.

The endorsement for Professional Teacher of the Mentally Handicapped is valid for six years and may be renewed with six semester hours credit, or the equivalent of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

"A certificate endorsed for teaching the educationally handicapped is required for teachers of the emotionally disturbed and learning disabled in the elementary and secondary public schools."

Requirements for this endorsement are completion of either 1 or 2.

"1. A bachelor's degree and completion of an approved program of preparation for teaching the educationally handicapped, emotionally disturbed or learning disabled. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education.

2. A bachelor's degree and a valid certificate endorsed for teaching in the elementary or secondary grades, and completion of. . .a program for teaching the educationally handicapped, consisting of no fewer than 24 semester hours course work."

This endorsement is valid for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

Requirements for Professional Teacher of the Educationally Handicapped are (1) master's degree; (2) completion of either 1 or 2 for Teacher of the Educationally Handicapped, and (3) three years verified experience teaching the educationally handicapped in the public schools.

This endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

"There is no specialized endorsement required for teaching the academically talented (academically gifted and/or artistically talented). Teachers of the academically talented must hold a valid elementary or secondary teacher endorsement."

"A certificate endorsed for teaching physical education is valid for performance of this service in elementary and secondary schools.

The requirements for Physical Education Endorsement are:

1. A valid certificate endorsed for teaching physical education in the secondary schools and completion of 12 semester hours course work. . . [OR]

2. A valid certificate endorsed for teaching in the elementary grades and completion of. . .a minor in physical education--16 semester hours preparation." .

This endorsement is valid for five years and it may be renewed with six semester hours, or the equivalent, of additional course work.

The requirements for Professional Physical Education Endorsement are:

"1. Meet all requirements for the Physical Education Endorsement [and]

2. Three years experience teaching physical education in the elementary and/or secondary grades."

The Professional Physical Education Endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

"A certificate for teaching remedial reading or for supervising reading programs (reading specialist) is required for the performance of these services in the public schools respectively.

The requirements for a Reading Teacher Endorsement are:

1. A bachelor's degree and a valid certificate endorsed for elementary or secondary teaching [and]

2. A minimum of 12 semester hours preparation in separate or integrated courses covering each of the following areas : reading skills and abilities, diagnosis and remedial teaching; organization of the reading program, materials in reading skills, application of reading skills, and clinical or laboratory practicum in reading."

This endorsement is valid for five years and may be renewed with six semester hours, or the equivalent, of additional course work.

READING TEACHER

The requirements of a Professional Reading Teacher Endorsement (Reading Specialist) are:

"1. A master's degree and completion of an approved program of preparation for reading specialists. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education [or]

2. A master's degree with a major emphasis in reading, or a bachelor's degree and 32 semester hours preparation distributed to include course work in each of the following areas:

a. A minimum of 12 semester hours graduate course work. . .to include. . .(1) foundations or survey of reading; (2) diagnosis and correction of reading disabilities; (3) clinical or laboratory practicum in reading; [and] (4) multi-cultural education--three semester hours (effective 9/1/75). . . [and]

b. A minimum of 20 semester hours, graduate or undergraduate level selected from (1) measurement and evaluation; (2) child or adolescent psychology; (3) personality and or mental hygiene; (4) literature for

children or adolescents; (5) organization and supervision of reading programs; (6) linguistics; (7) curriculum; (8) counseling and related pupil personnel services; (9) speech and hearing [and] (10) psychology or the exceptional child."

This endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, or the submission of evidence of professional growth accomplished during the term of the certificate.

MUSIC

"A certificate endorsed for teaching music is required for performance of this service in the elementary and secondary public schools.

The requirements for this endorsement are:

1. A bachelor's degree and completion of an approved program of preparation for teaching music in elmenetary or secondary schools. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education [OR]

2. A bachelor's degree and completion of. . . music specialization--30 semester hours. . .[and] professional education--18 semester hours, or the equivalent. . . ."

This endorsement is for five years and may be renewed with six semester hours credit, or the equivalent, of additional course work.

The requirements for a Professional Music Endorsement are:

"1. Meet all of the requirements for the Music Endorsement

2. Three years verified experience as a music teacher in the public schools [and]

3. A master's degree."

The Professional Music Endorsement is valid for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

"A certificate endorsed for teaching industrial arts is valid for performance of this service in the elementary and secondary schools.

The requirements for this endorsement are either

1. A bachelor's degree and completion of an approved program for teaching industrial arts in elementary and secondary schools (approved programs after 9/1/75 must include three semester hours in Multi-cultural education) [or]

2. A bachelor's degree and completion of. . .a minimum of 36 semester hours course work leading to technical competencies in. . .industrial art subject matter;" and 20 semester hours of professional preparation.

The term of this endorsement is five years and may be renewed with six semester hours credit, or the equivalent, of additional course work. "Valid proof of work experience at journeyman status in a related field of instruction may be applied at the rate of 200 hours per credit to a maximum of three credits."

The requirements for a Professional Industrial Arts Endorsement are:

"1. Meet all of the requirements for the Industrial Arts Endorsement

2. Three years verified experience as an industrial arts teacher in public schools [and]

3. A master's degree."

This endorsement is for six years and may be renewed with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate. Valid proof of work experience at journeyman status in a related field of instruction may be applied at the rate of 200 hours per credit to a maximum of three credits.

"A certificate endorsed for driver education is required for the performance of this service in the secondary public schools.

The requirements for this endorsement are:

1. A bachelor's degree and a valid certificate for teaching in Nevada schools [and]

2. Completion of an approved basic driver education course."

The term of this endorsement is five years (six years if applicant has a master's degree). Two semester credits in an advanced driver education course is required for the initial renewal. Subsequent renewals will be granted on credits earned to renew the basic certificate.

"A certificate endorsed for teaching art is required for performance of this service in the elementary and secondary public schools."

The requirements are either:

"1. A bachelor's degree and completion of an approved program of preparation for teaching art in elementary or secondary schools. Approved programs after 9/1/75 must include three semester hours in Multi-cultural education [or]

2. A bachelor's degree and completion of the following:

a. Art specialization--36 semester hours credit, or the equivalent, distributed among the following areas, relating to the elementary or secondary fields: Philosophy, principles, methods, and a study of the curriculum in fine arts; art history and appreciation; drawing, composition and applied arts; painting and sculpture; graphic arts; crafts [and]

b. Professional education: 18 semester hours credit, or the equivalent, distributed to include course work in each of the following areas: (1) Foundations of education; (2) Methods of teaching art in the elementary or secondary schools; (3) Supervised teaching--six semester hours; [and] (4) Multi-cultural education--three semester hours (effective 9/1/75)."

This endorsement is for five years and may be renewed by six semester hours credit, or the equivalent, of additional course work.

The requirements for Professional Art Teacher Endorsement are:

"1. Meet all of the requirements for the Art Endorsement

2. Three years verified experience as an art teacher in the public schools

3. A master's degree."

This endorsement is for six years and is renewable with six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

ENVIRONMENTAL EDUCATION

"A certificate endorsed for teaching environmental education is required for the performance of this service in the elementary and secondary public schools."

The requirements for this endorsement are:

"1. A bachelor's degree and a valid certificate endorsed for teaching at the elementary or secondary level

2. Completion of a minimum of ten semester hours in an approved environmental education course of study which includes: (a) a basic science course; (b) study of ecological concepts and principles of resource management and conservation; (c) study of current environmental issues; [and] (d) training in outdoor education and environmental education teaching methods and materials."

This endorsment is for five years unless the applicant has a master's degree which will then be for six years. The endorsement may be renewed by six semester hours credit, or the equivalent of additional course work.

"A certificate endorsed for teaching a foreign language is valid for performance of this service in elementary and secondary public schools."

The requirements for this endorsement are:

"1. A valid certificate endorsed for teaching in elementary or secondary schools with a major in the foreign language."

The term of this endorsement is five years and may be renewed by the completion of six semester hours credit, or the equivalent of additional course work.

The requirements for a Professional Foreign Language Endorsement are as follows:

"1. Meet all of the requirements for the Foreign Language Endorsement

2. Three years experience teaching a foreign language in the elementary or secondary schools

3. A master's degree."

This endorsement is for six years and may be renewed by six semester hours credit, or the equivalent, of additional course work, or the submission of evidence of professional growth accomplished during the term of the certificate.

CROSS REFERENCES

I.Superintendent of Public Instruction; Statute §385.390

II.A.2; Regulations, Exceptional Pupil Education Manual

C. Performance Standards

Associate Superintendent of Public Instruction

CROSS REFERENCE

III.C.Deputy Superintendent of Public Instruction; Statute §385.320

Board of Trustees Members

Statutes

§386.280

"A trustee of a county school district may be recalled from office in the manner provided by the constitution and laws of this state."

RECALL

§391.140

"No person acting as a member of a board of trustees of a school district shall employ any person in violation of the provisions of NRS 281.210 " (employment of relatives).

Certified Employees

Statutes

§391.317 --.318

At least fifteen days before recommending the demotion, dismissal, or nonreemployment of a certificated employee to the board, the superintendent shall give written notice of this to the employee, by registered or certified mail. This notice shall inform the employee of the grounds for this recommendation, and that he or she is entitled to a hearing before a hearing officer or commission, depending on the grounds for the recommendation, if a written request is submitted to the superintendent within 10 days after receipt of the notice, and "shall refer to chapter 391. of NRS."

DISMISSAL

NOTICE

HEARING

If a hearing request is not made within the allowed time period, "the superintendent shall file his or her recommendation with the board." The board may then act on it by resolution." If a request for a hearing is made, the superintendent shall not file his or her recommendation with the board until a report of the hearing officer or commission is filed with him or her.

DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§385.320

The deputy superintendent of public instruction and the associate superintendent of public instruction for administration shall receive annual salaries in the amounts determined by law and "subsistence and travel expenses as provided by law." The deputy and associate superintendents shall devote all their time to the business of their offices and "shall not pursue any other business or occupation or hold any other office of profit."

EDUCATIONAL SYSTEM

CROSS REFERENCE

I.Local Boards of Education; Statute §385.005

LEGISLATURE

CONSTITUTION

NEVADA CONSTITUTION, ART. XI, §1

"The legislature shall encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, and moral improvements, and also provide for a superintendent of public instruction and by law prescribe the manner of appointment, term of office and the duties thereof."

NEVADA CONSTITUTION, ART. XI, §2

"The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year, and any school district which shall allow instruction of a sectarian character therein may be deprived of its proportion of the interest of the public school fund during such neglect or infraction, and the legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools."

SECTARIAN INSTRUCTION

REGULATIONS

Nevada High School Graduation Requirements
Rules and Regulations
Re: NRS Section 385.110

To receive a high school diploma, a student must complete 19 units of work, half of it in required areas of study which include English, health education, mathematics, physical education, science, and social studies.

DIPLOMA

Adult education units of credit, earned through an adult education program approved by the State Board of Education, may be applied toward high school graduation.

Credit may also be given for summer school courses and approved correspondence courses. Pupils may be given credit without attending classes if they demonstrate competence on standard performance tests. Such a program of testing must be approved by the State Department of Education.

"Local school districts shall develop a grading system consistent with their philosophies and policies."

To receive a high school diploma through the adult education division of a Nevada school district, a student must fulfill seven units in required areas of study (English, mathematics, science, social studies), and ten units in other areas.

The requirements for the General Educational Development (GED) test are: completion of seven units of study and successful completion of the GED test.

GED TEST

The State Department of Education will issue a Certificate of Educational Competence to adult residents who have not completed high school and who are 18 years of age and make a minimum passing score on the General Educational Development test. Persons under 18 who are

unable to complete high school but who must present evidence of educational competence to qualify for a job may be given the test upon presentation of an affidavit signed by the designated official of the school district.

SCHOOLS

CONSTITUTION

NEVADA CONSTITUTION, ART. XI, §9

"No sectarian instruction shall be imported or tolerated in any school or university that may be established under this constitution."

STATUTES

§387.045

Public school funds and money specially appropriated for public schools shall not be devoted to any other purpose, such as "the use or benefit of any sectarian or secular society."

§387.121

"The proper objective of state financial aid to public education is to insure each child a reasonably equal educational opportunity." To meet this end, the state should supplement local finances as is necessary in each school district to provide full instructional programs.

EQUAL OPPORTUNITY

§388.150

"No books, tracts, or papers of a sectarian or denominational character shall be used or introduced in any public school, nor shall any sectarian or denominational doctrines be taught in any public school. Any school district whose officers knowingly allow any public schools to be taught in violation of this section forfeits all right to any public school funds."

CROSS REFERENCE

III.A.3.; Statute §388.070

STATE BOARD OF EDUCATION

STATUTES

§387.123

Enrollment means the number of pupils scheduled to attend instructional programs for: kindergarten pupils, those in grades 1 to 12, handicapped minors in special education programs, children in detention homes and juvenile forestry camps, and part-time pupils taking courses necessary for a high-school diploma. The state board of education shall establish rules to calculate enrollment and the average daily attendance of pupils.

It shall also "establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter," for each school district "which is consistent with the maintenance of an acceptable standard of instruction," the prevailing conditions in the school district, and the method of instruction used.

STUDENTS

CROSS REFERENCES

II.A.1.; Statute §389.020; 389.030; 389.035

II.A.1.; Policy Guide, Elementary Courses of Study Manual

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§385.170

"The superintendent of public instruction shall receive an annual salary" determined by law. The super-

intendent shall devote his (her) entire time and attention to the business of his (her) office and shall not pursue any other business or occupation or hold any other office of profit."

CROSS REFERENCE

I.Superintendent of Public Instruction; Statute §385.150

TEACHERS

STATUTES

§385.265

SUSPENSION

"The superintendent of public instruction shall have power to suspend" for up to one year "the certificate of any teacher who fails to attend any district conference, unless the teacher is excused from attending by the superintendent . . ." and "to suspend, after 10 days notice and a hearing, the certificate of any teacher for any of the causes for which a certificate may be revoked by the state board of education."

§391.260

"Every teacher in the public schools shall enforce the course of study as prescribed by law, the use of legally authorized textbooks, and the rules and regulations prescribed for teachers and schools."

§391.3115

"The demotion, dismissal, and non-reemployment provisions of the code do not apply to: (1) substitute teachers; (2) adult education teachers; (3) certified employees" either employed in positions fully funded by a federal or private categorical grant or "employed on temporary contracts in place of certificated employees on authorized leaves of absence." While employed, the grant and temporary employees shall receive credit toward their post-probationary status and shall not be dismissed, suspended, or demoted except as otherwise provided in statutes.

§391.312

SUSPENSION

DISMISSAL

"A teacher . . . may be suspended, dismissed, or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed" due to: (a) "inefficiency; (b) immorality; (c) unprofessional conduct; (d) insubordination; (e) neglect of duty; (f) physical or mental incapacity; (g) a justifiable decrease in the number of positions due to decreased enrollment or district reorganization; (h) conviction of a felony or of a crime involving moral turpitude; (i) inadequate performance; (j) evident unfitness for service; (k) failure to comply with such reasonable requirements as a board may prescribe; (l) failure to show normal improvement and evidence of professional training and growth; (m) advocating overthrow of the" U.S. or Nevada governments by force, violence, or other unlawful means, "or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy; (n) any cause which constitutes grounds for the revocation of a teacher's certificate; (o) wilful neglect or failure to observe and carry out the requirements of this Title; or (p) dishonesty. In determining whether the professional performance of a certificated employee is inadequate, consideration shall be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board."

EVALUATION REPORTS

§391.313

NOTICE

If a supervising administrator feels it necessary to admonish a certificated employee for something he/she thinks may lead to demotion, dismissal, or failure to be reemployed, she or he shall inform the employee involved, in writing, and "make a reasonable effort to assist the employee" to correct whatever appears to be the problem; and, except as provided in §391.314, "allow reasonable time for improvement, which shall not exceed

three months for the first admonishment. A certificated employee may be subject to immediate dismissal or nonreemployment" without the admonishment on the grounds of physical or mental incapacity, a justifiable decrease in positions due to decreased enrollment, conviction of a felony or crime involving moral turpitude, or dishonesty.

§391.314

AUTOMATIC SUSPENSION

If a superintendent feels cause exists for dismissal of a certificated employee and that immediate suspension "is necessary in the best interests of the children in the district, the superintendent may suspend the employee without notice and without a hearing." A superintendent shall automatically suspend a certificated employee officially charged, but not yet convicted of a felony or a crime involving moral turpitude. If the charge is dismissed or if the employee is found not guilty, she or he shall be reinstated with back pay and normal seniority. The superintendent shall notify the employee in writing of the suspension. Within 10 days after such suspension becomes effective, the superintendent shall begin proceedings to effect the certificated employee's dismissal. If sufficient grounds for dismissal do not exist, the employee shall be reinstated without loss of compensation. A superintendent may discipline a certificated employee by suspending the employee for up to two days with loss of pay at any time after a due process hearing has been held, the grounds for suspension being those in NRS 391.312. The suspension provisions may not be invoked more than once during the employee's contract year.

REINSTATEMENT

§391.315

"A superintendent may recommend that a teacher be dismissed or not reemployed," and that an administrator be demoted, dismissed, or not reemployed. The board may recommend that a superintendent be dismissed or not reemployed. If it does, "it may request the appointment of a hearing officer or hearing commission."

§391.3161

The hearing officer list consists of "at least 50 Nevada resident attorneys at law, including retired judges," who "shall be appointed by the state board of education following nomination by the State Bar of Nevada and the Nevada Trial Lawyers Association. Hearing officers shall be appointed for a term of two years or until resignation or removal for cause by the state board of education. Vacancies shall be filled through appointments by the state board of education.

HEARING OFFICER

A hearing officer shall conduct hearings in cases of demotion, dismissal, or nonreemployment based on grounds contained in paragraphs (b), (f), (g), (h), (m), and (p) of subsection 1 of NRS 391.312.

§391.3165

A three-member hearing commission "shall hear and make recommendations in cases of demotion, dismissal or nonreemployment based on grounds contained in paragraphs (a), (c), (d), (e), (i), (j), (k), (l), (n), and (o) of subsection 1 of NRS 391.312. One member of such commission shall be selected by the board," one selected by the certificated employee, and the third member, the chairperson, "shall be selected by the superintendent of public instruction from the state department of education hearing officer list. The two education members shall be selected as needed to hear individual cases as set forth in this section. The members appointed respectively by the board and certificated employee shall have at least four years' experience in the field of education. If a request is made to the state superintendent of public instruction for appointment of a hearing officer, the state superintendent, within 10 days," shall designate seven attorneys on the hearing list.

HEARING COMMISSION

§391.3191

"The certificated employee and the superintendent may each challenge up to five members of the hearing

officer list, and the superintendent shall not appoint any challenged person."

§391.31915

"After appointment of the list, the certificated employee and superintendent are entitled," after drawing lots to determine first choice to challenge , to peremptorily challenge one of the list at a time, alternately, until only one remains, who shall serve as hearing officer for the hearing. They are also entitled "to challenge peremptorily the hearing officer appointed to a hearing commission when such commission is required, in which case" they shall each have two peremptory challenges which may exercise until exhausted or waived. "The state department of education shall prepare a procedure for exercising challenge to the hearing officer and hearing commission chairman and set time limits in which the challenges may be exercised by the certificated employee and superintendent."

§391.3192

After being designated, the hearing officer or commission "shall hold a hearing to determine whether the grounds for the recommendation are substantiated." The state department of education shall furnish reasonably required assistance and there may be witnesses present to give testimony under oath and relevant evidence produced. The employee and superintendent may both be heard, may be represented by counsel, and may call witnesses. The hearing officer shall be reimbursed reasonable actual expenses and up to $150 per day for time served. If requested by the hearing officer, an official transcript shall be made. The board and the employee shall be equally responsible for the expense and salary of the hearing officer and the transcript if requested. The commission members shall not forfeit any salary or employment benefits for performing commission duties. "The state board of education shall develop a

HEARING

RIGHT TO COUNSEL

set of uniform standards and procedures to be used in such a hearing. The technical rules of evidence shall not apply."

§391.3193

"Within 30 days from the time of the designation," the hearing officer or commission shall complete the hearing and shall prepare and file a written report with the superintendent and the certificated employee involved. The report shall contain" findings of fact, conclusions of law, and recommended actions to be taken by the board. If the report cannot be prepared in 30 days, the superintendent and employee will be notified of this before the period ends and the hearing officer or commission may take up to "210 days from the time of designation to file the report and recommendation." The certificated employee and the superintendent or his/her designate may mutually agree to waive any of the time limits applicable to the hearing procedure under NRS 391.311 to 391.3196, inclusive.

REPORT

§391.3194

Within 5 days after the report of the hearing officer or commission, the superintendent "shall either withdraw the recommendation to demote, dismiss or not reemploy the certificated employee or file" a recommendation with the board. At the next regular board meeting following receipt of the superintendent's recommendation, the board shall either accept or reject the hearing officer's or commission's recommendation and notify the teacher in writing of its decision. Before making a decision, the board may refer the report back to the officer or commission for further evidence and recommendations. The officer or commission shall have 15 days to complete the report, file it with the board, and mail a copy to the superintendent and employee. The employee or board may appeal the decision to a district court within the time limits and as provided in chapter 233B of NRS.

DECISION

APPEAL

§391.3196

Each year by April 1, the board shall notify certificated employees of the status of their reemployment for the following year. If the board or a designate fails to do this, the employee shall be deemed reemployed. This does not apply to any employee recommended to be demoted, dismissed or not reemployed if proceedings have started and no final decision has been made. An employee given reemployment notice shall by April 10 notify the board in writing of his/her acceptance of employment. Failure to do this "shall be conclusive evidence of the employee's rejection of the contract."

§391.3197

PROBATION

Teachers employed by a board of trustees shall be on probation for the first three consecutive years of employment. Any approved leaves of absence may be counted towards the 30 year employment requirement. Probationary employees may be dismissed at any time, after a due process hearing, at the board's discretion. Such a hearing shall be conducted by a hearing officer or commission following the requirements of NRS 391.311 to 391.3196, inclusive. The board has final authority to accept or reject the officer's or commission's recommendation, and its decision may not be judicially reviewed. Any certificated employee, achieving post-probationary status in one school district and then becoming employed by a subsequent district, shall have up to a two year probationary period in the subsequent district.

§391.320; 391.330

SUSPENSION

REVOCATION

The state board of education may suspend or revoke any diploma or certificate of any teacher or administrator, after notice and an opportunity for hearing before the state board of education for "any cause specified by law including (1) immoral or unprofessional conduct; (2) evident unfitness for service; (3) physical or mental incapacity rendering such teacher or administrator unfit for service; (4) conviction of a felony

or crime involving moral turpitude; (5) conviction of a sex offense in which a Nevada public school student was the victim; (6) knowingly advocating the overthrow of the United States or Nevada by force, violence, or unlawful means; and (7) persistent defiance of or refusal to obey the rules and regulations of the state board of education or of the superintendent of public instruction which define and govern the duties of teachers and administrators.

§391.350

CONTRACT TERMS

If any teacher employed by any board fails to comply with the contract provisions without the written consent of the board of trustees, the teacher is guilty of unprofessional conduct. If this failure is due to the teacher having subsequently executed an employment contract with another board in this state without the written consent of the first board, the second contract is void. If the board formally complains, and the failure is substantiated "by conclusive evidence," the state board of education may suspend or revoke the certificate of the teacher after notice and opportunity for a hearing. State education agencies in other states shall be notified of any such revocations.

SUSPENSION

REVOCATION

§391.355

HEARING

The attorney general shall develop procedural rules for hearings involving suspension or revocation of teachers'or administrators' certificates, which shall be adopted and promulgated by the state board of education. These rules shall allow boards of trustees or the superintendent of public instruction or his/her

designee to bring charges when cause exists. The state board of education may issue subpoenas for the attendance of witnesses and the production of pertinent records and other information to be used as evidence in the hearings. A hearing officer shall conduct the hearing and report findings, conclusions, and recommendations to the state board of education. The board may accept or reject the recommendations or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher or administrator in writing of its decision.

CROSS REFERENCE

III.B.Teachers; Statute §391.090

D. Evaluation and Reporting

Administrative Personnel

STATUTES

§391.3127

Each board of trustees, after consultation with administrative personnel, "shall develop an objective evaluation policy which may include self, student, administrative or peer evaluation or any combination" of such and shall file a copy of the adopted policy with the state board of education. "Each administration shall be evaluated in writing at least once a year."

Career Education Programs

CROSS REFERENCE

I.Advisory Council on Vocational Education; Statute §399.060 -- .070; 399.100 -- .120

STATUTES

§385.180

The superintendent of public instruction or a staff member from the state department of education shall: "Visit each county in the state at least once each school year" to conduct school-related business and "consult and study with school officers and educators."

SCHOOL VISITS

§385.230

The superintendent "shall report to the governor biennially" on public school affairs in the state, public education funds and properties, "plans for the management and improvement of public schools," and on other related educational affairs. "The governor shall transmit the report to the legislature."

§385.370

When ordered by the state board of education, a member of the professional staff shall attend state board meetings to furnish necessary information.

§386.370

Each board of trustees shall make an annual report to the superintendent of public instruction.

§388.580

"Reports should be made by school districts to the superintendent of public instruction at such time and in such manner as he[she] shall prescribe."

§391.250

"Each teacher shall make a final report," as prescribed by the superintendent of public instruction, which shall include all required statistics and information for the school year. If the superintendent of the

county school district approves the report as correct, the clerk of the board of trustees of the teacher's district will be notified of the receipt of the report. Only then shall the clerk "draw the board's order in payment for the teacher's last month's salary. Any order of a board of trustees drawn in violation of the provisions of this section shall be illegal."

CROSS REFERENCE

I.Superintendent of Public Instruction; Statute §385.200

Environmental Education

CROSS REFERENCE

II.A.1; Statute §389.110; 389.120; 389.130

School Lunch Program

CROSS REFERENCE

IV.C.; Statute §387.100

Teachers

Statutes

§391.3125

A uniform system should "be developed for objective evaluation of teacher personnel in each school district. Each board of school trustees," after consultation with teacher personnel, "shall develop an objective evaluation policy which may include self, student, administrative or peer evaluation or any combination" of them. Counselors, librarians and other certificated school support personnel shall be evaluated in similar fashion. Within each specialty a copy of the

evaluation policy adopted by the board shall be filed with the state board of education. Probationary teachers (ones having taught less than four consecutive years) shall be evaluated in writing at least twice each year; the first time within 60 days of beginning work under the contract, the second by March 1. Post-probationary teachers shall be evaluated at least once each year." Teacher evaluations may include recommendations for improvements in teaching performance. If so, "a reasonable effort shall be made to assist" the evaluated teacher in correcting deficiencies noted.

The teacher shall receive a copy of each evaluation within 15 days after it is done. The evaluation and teacher response will be permanently in the teacher's personnel file.

Vocational Education

CROSS REFERENCE

II.A.3.; Statute §388.370

E. IMPROVEMENT EFFORTS

Teachers

Statutes

§385.190

"The superintendent of public instruction or a staff member designated by him[her] shall convene teachers' conferences" and preside over and regulate these conferences. "No conference shall continue more than 5 days." The superintendent of public instruction or a designated staff member shall convene conferences of school administrators.

§391.280

"All teachers, without loss of salary for the time employed, shall be required to attend the teachers' conferences held in the school districts in which they may be teaching, unless they shall be excused for good cause by the superintendent of schools in the school district in which they are employed."

§391.290

Whenever an educational conference is called by the state department of education, the board of trustees of a school district shall pay the actual necessary transportation and living expenses of those school administrators and teachers required to attend.

CROSS REFERENCE

II.A.1.; Statute §388.595

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STATUTES

§194:23-c

The state board of education can approve "for a reasonable period of time" a high school which does not meet the full requirements of the state statutes if "the financial conditions of the school district or other pertinent circumstances justify delay in full compliance."

§194:23-d

In order to receive "state financial aid," a school district must receive state board approval of its schools. Additionally, a school district must provide funds for tuition for students desiring to attend a "comprehensive high school" in New Hampshire or another state because such high school "offers courses better suited to the needs and capabilities of said pupils." The parent of a child desiring to attend a comprehensive high school may appeal to the state board of education if "dissatisfied with the action of the school board" and the state board of education may order the student to attend "an approved comprehensive high school."

REGULATIONS

Minimum Standards and Recommended Practices For New Hampshire High Schools, #319.1 Chapter II - Chapter VII

"The minimum school year shall consist of 180 school days of instruction." It is recommended that there be an additional 5 school days planned as a "cushion for days lost due to unexpected circumstances. Teaching contracts may provide for 190 to 200 days in order to accommodate curriculum planning, staff orientation and various policy discussions.

SCHOOL YEAR

The State Board of Education intends. . .to encourage experimental efforts of all types. . . . All experimental efforts are to be fully co-ordinated with the State Department of Education and approved by the State Board of Education. There must be reasonable evidence of adequate planning, of sufficient resources, and of a satisfactory scheme to evaluate the new program following a trial period.

SCHOOL DAY

The minimum length of the school day shall be 5-1/2 hours, exclusive of lunch and recess periods." Organized activity periods and homeroom periods may be included within 5-1/2 hour school day. It is recommended that high schools "consider seriously a school day of more than 6-1/2 hours.

A shortened school day may be considered a 'school day' when the safety health or welfare of the pupils necessiates operation of the school for less than the minimum time specified above but not less than 3-1/2 hours.

A school half-day in the secondary school shall consist of either. . .one half of the regularly scheduled periods or a minimum of three hours." Two school half days may equal a school day.

"If mid-year or final examinations are held, the arrangements shall provide that all the pupils may be in school for the full day." Final examinations are recommended.

"Each high school must have a principal. A minimum of one half of the school day must be available and used by the principal for administrative and supervisory activities" not including guidance, teaching or study hall assignments. If the number of students in the high school is over 250, a full time principal is required.

All professional staff members (principal, teachers, guidance personnel, library personnel) must be fully certified according to state law.

CLASS SIZE

"The class size shall be limited to 35 pupils" except for study halls, band, chorus, physical education and programs approved under team teaching, large group

instruction, educational T.V., film instruction, group lectures, and similar instructional plans."

Complete and accurate records of pupil's attendance, scholarship and other appropriate data shall be permanently kept.

"All one unit courses must meet a minimum of 250 minutes per week." Federally aided vocational courses are excepted.

The minimum time standards for approved vocational courses (including federally aided programs) are as follows:

1. Distributive Education.

"Students must be employed at least 15 hours per week at an approved job under the general supervision of the coordinator. At least 8 hours of employment must be during regular school hours."

Plan A. -- Instruction offered to Grades 11 and 12. Five periods per week totaling a minimum of 250 minutes instructional time. Instruction must be offered at least 4 days per week. When multiple periods are scheduled, they must be consecutive.

Plan B. -- Instruction offered to Grade 12 only. Ten periods per week totaling 500 minutes net instructional time. Instruction must be offered at least 4 days per week with multiple periods scheduled consecutively.

2. Vocational Agriculture

"Instruction must be given at least 4 days per week with multiple periods scheduled consecutively."

Plan A. -- Grade 9. Five periods per week totaling a minimum of 250 minutes net instructional time.

Grade 10. Five periods per week totaling a minimum of 250 minutes net instructional time.

Grades 11 and 12. Ten periods per week totaling a minimum of 500 minutes net instructional time.

Plan B. -- Grade 9. Five periods per week totaling a minimum of 250 minutes net instructional time.

Grades 10, 11, 12. Seven hours net instructional time each week. Not more than 2 consecutive grade levels may be combined in one class.

3. Vocational Home Economics

Two-hundred-fifty minutes weekly, instruction must be given at least 4 days per week with multiple periods scheduled consecutively.

4. Vocational Trade and Industrial Education

Grades 11 and 12. Instruction in shop practice and theory must be scheduled daily for-- (a) 3 consecutive clock hours, or (b) 2 consecutive clock hours with one clock hour scheduled separately.

"The minimum course load for a [high school] pupil is four units per year with at least 16 units required for graduation. Of the 16 required for graduation, a total of not more than one unit may be earned in courses for less than one unit of credit. Not more than one unit per year nor more than two units of the 16 required for graduation may be correspondence courses.

In cases of illness or low student ability, the course load may be spread over five years.

Students may earn graduation credit through successful completion of appropriate television courses, summer school courses, and similar opportunities. . . provided they are acceptable to the local school administration and meet the requirements of the State Department of Education." Each student must receive a balanced program which requires some study in each of four fundamental areas--language arts, social studies, science, and mathematics.

The sixteen units required for graduation shall include 8 units as outlined below: 4 units of English, 2 units of social science (U.S. history required), 1 unit of mathematics, and 1 unit of science.

Physical education should be offered at least two periods a week throughout the four-year program. If credit is given, it should be given outside the 16-unit pattern required for graduation.

The minimum program of studies for the last four years of high school shall provide for the following distribution of subjects": 4 units of English; 3 units of a foreign language, 3 units of science to cover a year's work in biology, chemistry and physics; 2 units of social science including U.S. history, 4 units of mathematics including elementary algebra, intermediate algebra, geomtry, and a half unit of trigonometry, and 4 units of similar academic courses of college preparatory caliber.

"This minimum program of 20 units may be supplemented but not replaced by correspondence courses.

. . .

A 'unit' is the amount of academic credit awarded for successful completion of a course which meets the time standards specified in Chapter. III of this bulletin [Minimum Standards and Recommended Practices for New Hampshire High Schools].

[A]t least 17 units must be offered in any given school year.

Administrators should hold to a minimum the use of alternating courses. Such a practice tends to work an unnecessary hardship on transfer students, and often the normal sequence of instruction in certain subject is seriously weakened under a pattern of alternation.

[A] comprehensive high school must offer all of the learning opportunities of a 'high school,' plus additional opportunities to meet a wider range of pupil interests and abilities.

. . .

COURSE OF STUDY

The minimum program of studies for the last four years of a comprehensive high school shall provide for the following distribution of subjects:

1. College Preparatory Academic Subjects -- 20 units.

English	4 units
Foreign Language	3 units of one language
Science	3 units to cover a year's work in. . .biology, chemistry, physics

Social Science	2 units to include U.S. history
Mathematics	4 units to include elementary algebra, intermediate algebra, geometry, trigonometry (half unit)
Others	4 units of similar academic courses of college preparatory caliber

2. General Subjects -- 10 units.

English	4 units
Mathematics	2 units
Science	2 units
Social Science	2 units

It is the intent of this requirement that an approved comprehensive high school make specific provisions in certain academic areas for students who do not have the ability to complete the subjects included under '1. College Preparatory Academic Subjects.' This other level of instruction must be clearly identifiable as an administrative arrangement (e.g., grouping within a class), as a course (e.g., general mathematics), and/or as an instructional technique (e.g., unit assignments for two or more levels). Whatever the provision, it must be interpreted as a separate preparation for the teacher (cf. Chapter III, D).

It is not the intent of this requirement to set up curricula for 'college preparatory' or 'vocational' or 'noncollege preparatory' students; any such arrangement of curricula or designation of class grouping based upon vocational interests is a misinterpreation of a track system and tends to restrict the opportunity to meet individual needs.

3. Practical Arts Subjects -- 14 units

The program of studies in this broad areas must provide not less than 14 units distributed over a minimum of three fields with a reasonable proportion of course opportunites for boys and girls.

Practical arts units may be selected from the fields of trades and industry, home economics, industrial arts, distributive education, business education, or agriculture.

A 'reasonable proportion of course opportunities for

boys and girls' might include six units in business education, four units in an area particularly suitable for boys and four units in an area particularly suitable for girls.

4. Fine Arts -- 3 units

As a minimum, each comprehensive high school shall provide at least three offerings for credit in the fine arts area. Of the three, there must be. . "at least one offering for credit in the field of music and at least one offering for credit in the visual arts..... ." The minimum program described above may be supplemented but not replaced by correspondence courses.

"In any given school year, at least 17 units of the required 20 must be offered in college preparatory subjects, 8 units of the required 10 general subjects and 10 units of the 14 required within practical arts subjects and two of the three in fine arts."

The minimum standards for facilities and equipment are the same for both high schools and comprehensive high schools with the exception that comprehensive high schools must also "meet minimum standards for specialized courses in the practical and fine arts." Minimum standards are based on lists that have been published and accepted as good educational criteria. "Members of the State Department of Education will visit each school periodically to determine if such standards are being met. A report will then be made to the school superintendent, and if listed deficiencies are not corrected within a reasonable period, approved of the school shall be suspended."

A bibliography of pamphlets and/or guides by experts in the field can be used as a guide in selecting and providing adequate facilities and equipment for the schools. Action by the State Department of Education will be governed by the criteria suggested in these pamphlets or guides, and in similar documents as they become available.

"An approved high school, or an approved comprehensive high school, must make adequate library services available to its students." 'Adequate library services' are defined as follows.

"Each high school must have a qualified school librarian or teacher-librarian. If the number of pupils enrolled in the high school is 500 or more, a full-time school-librarian is required. High schools enrolling under 500 pupils must provide a minimum of one period daily of library services for each 100 pupils, utilizing a qualified staff member.

It is recommended that library service, provided by a qualified school-librarian or teacher-librarian, be scheduled on the basis of at least one period daily for each 75 pupils enrolled in the high school.

School library facilities adequate for the enrollment of the schools shall be provided. The current standards of the American Library Association and publications of the Department of Education" will serve as guides for the state approval of school library facilities.

A public library near a school will not ordinarily be considered a "school library." In exceptional cases such an arrangement may be examined by the Department of Education on the basis of "the extent to which the school district lends financial support to the library, the arrangements for a school librarian, the appropriateness of the collection for school use, and the administrative arrangements for pupils to use the library during the school day."

The current standards of the American Library Association and publications of the Department of Education shall serve as guidelines in approving the library materials collections and management procedures.

An approved comprehensive high school shall provide an organized program of guidance counselors for all students. The counseling load shall not exceed one full-time counselor per 400 students, or one period daily for guidance for every 60 students.

It is recommended that an efficient secondary school, comprehensive or not, have an organized guidance program. As school size approaches 300 students it is recommended that a full time counselor be engaged.

There are no minimum requirements for co-curricular activities but the following principles are suggested.

"1. Each activity should clearly contribute to one or more of the objectives of the school, and should be contrary to none.

2. Pupils should be given guidance in selecting activites best suited to their individual needs; all pupils should participate to a reasonable degree.

3. The administrative, supervisory, and instructional staffs should share control of the activity program.

4. Teachers placed in charge of pupil activities should be qualified by interest, preparation, and disposition for these assignments.

5. The activity program should provide for pupil-sharing in the government of the school and the activity program itself.

6. Pupil activities should be given a definite place in the scheduled program of the school.

7. Normal and proper fiscal procedures should be used in the handling of all funds.

Although no specific standards are mandatory for school approval, it is strongly recommended that every high school develop a program of school health services compatible with the suggestions given in the bulletin 'Guide for a School Health Program,' New Hampshire State Department of Education, 1954."

Minimum Standards and Recommendations for New Hampshire Public Elementary School Approval, #319.13, no. 3--24

The New Hampshire State Board has developed a program of Minimum Standards for its public elementary schools.

"It is the desire of the New Hampshire State Board to record that these standards are minimum only. It is the intention of the board to hereby adopt standards below which no elementary school may fall.

For the purpose of these standards an elementary school is any school in which the subjects taught are those prescribed by the State Board for the grades kindergarten

through eight of the public schools; provided however, a separate organization consisting of grades seven through nine, or any grouping of these grades, may be organized as a junior high school and so approved by the State Board.

On June 11, 1969 the New Hampshire State Board approved the following:

1. September 1, 1972 as the effective date for local schools to begin implementation of "Minimum Standards and Recommendations for New Hampshire Elementary Schools for School approval, K-8 ."

2. July 1, 1969 as the effective date for space requirements for new school facilities, additions and renovations.

The major reasons for planning, organizing and establishing a minimum standards program for public elementary education are to; (1) improve the quality of learning and teaching in New Hampshire, and (2) see that each child has an equal opportunity for learning."

The project goals require:

"• Public elementary schools to develop a written statement of philosophy.

• Schools to develop organizational patterns that best meet the needs of all children.

• Sound administration and supervision in the elementary school.

• A broad well-balanced elementary school curriculum.

• Well-qualified and sufficient teaching personnel to meet adequately the needs of all the children.

• Sound in-service education programs for all teachers.

• Good library facilities and services in all public elementary schools.

• Good guidance and counseling services in all public elementary schools.

• Functional modern elementary school facilities."

The uses of the standards are:

"TO INFORM the public about quality programs in elementary education in New Hampshire.

TO FAMILIARIZE local school boards with the educational standards regarding organization, programming, and staffing practices of public elementary schools.

TO PROVIDE superintendents, assistant superintendents and teacher consultants with standards that can help guide them toward an improved program and better education for all children.

TO ENCOURAGE elementary school administrators and teachers to initiate self-evaluation and become cognizant of sound educational practices and standards, as well as, experimentation and innovation.

TO SERVE as a basis for further study by the New Hampshire State Department of Education to improve the quality of education for all children."

On March 13, 1961 the New Hampshire State Board of Education formally approved an Elementary Education Advisory Committee. This committee wrote "A study of Elementary Education in New Hampshire." This report was used as background material for the newly appointed Committee on Guidelines for New Hampshire Public Schools.

In June of 1968 early drafts of the minimum standards were presented to both professional educators and civic groups. The points of view that emerged from professional and community opinion are: the suggested sharing of staff and services between schools with small enrollment and other local schools or school districts; the encouraged use of school facilities for year round use; and self evaluation of elementary school programs.

"The State Board of Education intends that the approval standards set forth be administered with sufficient flexibility to encouarge experimental efforts of all types." All experimental programs must "be co-ordinated with and approved by the State Department of Education.

Schools meeting the requirements of Approved Elementary School and Conditionally Approved Elementary School as defined below are eligible for state financial assistance under 194:23d.

Approved Elementary School means a school which must meet all of the provisions and minimum standards adopted by the New Hampshire Board of Education.

Conditionally Approved Elementary School means a school which does not yet meet the standards but has submitted a plan for correcting substandard conditions that has been approved by the Commissioner of Education. This plan for improvement should include a timetable in which to make the desired change.

Each elementary school shall formulate a written statement of its philosophy and a list of objectives. . . . One copy shall be on file with the New Hampshire State Department of Education."

The requirements for the administration and supervision of elementary schools are:

"1. All supervisors, administrators and elementary school principals in public elementary schools shall be certified for the work performed by the Director, Teacher Education and Certification, Department of Education, Concord New Hampshire.

2. The school year shall consist of a minimum of 180 school days. . . .

3. A school day is a full day when a school is operated for at least the minimum length of time prescribed exclusive of the lunch period.

Kindergarten	2½ hours
Grade One	4½ hours
Grades Two -- Eight	5½ hours

Recess periods may count as part of the elementary school day.

4. A shortened school day may be considered a 'school day' when the safety, health or welfare of the students causes operation for less than the minimum time provided that it is not less that 3½ hours."

5. A school half day in an elementary school shall consist of either a regular morning session or a regular afternoon session or the major portion of either.

6. All state laws regarding public education must be met.

The state school board recommends that a written policy statement of all job descriptions within the school be issued, that an extended school year of 185 to 200 days for teachers be adopted, and that the school calendar reflect a margin for days lost due to bad weather.

The minimum standards regarding class size are:

"1. The pupil-teacher ratio shall be 25 to one or less in grades 1-2 [and]

2. The pupil-teacher ratio shall be 30 to one or less in grades 3-8."

It is recommended that:

"1. In the self-contained classroom the pupil-ratio should be 20 to one or less in grades 1-2.

2. In the self-contained classroom the pupil-ratio should be 25 to one or less in grades 3-8.

3. Individualized learning for all children, K-8 should be encouraged by innovative organizational and instructional patterns.

4. The assignment of teachers should consider children's needs and the specialties and interests of the teachers.

5. All schools should develop the organizational patterns that best meet the needs of all children, as determined by the local school district.

It is desirable for all children enrolled in grades 7-8 to have experience in Industrial Arts and Home Economics." These experiences should merit special consideration "especially when planning new construction [of schools].

Each elementary school shall provide to all children in attendance a broad and well-balanced elementary school curriculum, that has been prescribed by the board of education of the school district, subject to the approval of the New Hampshire State Board of Education:

1. ART. Art shall be taught in the elementary school and provide each child with opportunities to be creative and expressive with art media. The program shall include experiences in two and three dimensional design through drawing and painting, modeling, weaving and printing.

2. HEALTH. Health education shall be an integral part of the instructional program of the elementary school.

3. LANGUAGE ARTS. Language arts. . .program shall include skills in listening, speaking, reading and writing.

4. MATHEMATICS. Mathematics shall be taught in the elementary school. . . .[T]his program shall include the study of numbers and operation. Also emphasis shall be given to concepts of geometry, measurement, applications and formal algebra.

5. MUSIC. Music shall be taught in the elementary school and aid each child in developing sensitivity to sound through creative discovery aspects as well as through the traditional ways of singing, listening and playing.

6. PHYSICAL EDUCATION. . . . The physical educational program for each child shall include experiences for his physical growth and development. The. . program includes games, contests and activities that develop strength, vigor, vitality, skills and coordination for personal and social accomplishments.

7. SCIENCE. . . . Major program areas include Earth Space, Earth and its Resources; Plants, Animal and Man; and Energy and Matter.

8. SOCIAL STUDIES. The content of this program shall be selected from United States, New Hampshire and

world history; geography, sociology; political science; anthropology and economics."

Each school shall provide adequate health services for all children.

"Special Education services shall be provided to all children who differ from the average to a significant degree in intellectual, emotional or physical characteristics. Special Education services embody the following three elements: (1) trained professional personnel possessing special competencies for serving a certain type or types of exceptional chidren (2) a special curricular content for certain areas of exceptionality (3) special facilities often including ramps, such special equipment as group hearing aids, braille books and other related items.

These services shall meet the minimum requirements and recommendations of the New Hampshire State Department of Education (Division of Vocational Rehabilitation, Special Education Section.)

When grades 5-8 are part of the Middle School, or part of a Junior High School organization Industrial Arts and Home Economics shall be provided.

Each school that qualifies as an approved elementary school shall meet minimum standards relative to facilities and equipment. Facilities can be defined as those things that are built in buildings, more or less permanently while equipment refers to items that are permanent in nature but movable. The State Department [of Education] will be guided by facility and equipment lists that have been published and accepted as good educational criteria."

The state board recommends that foreign languages and summer school programs be offered.

The following are minimum standards for kindergarten classrooms:

PUPIL/TEACHER RATIO

"1. In the kindergarten classroom, the pupil-teacher ratio shall be 25 to one or less.

2. A kindergarten classroom accommodating 20-25 children shall provide at least 1,000 square feet or 50 square feet per child, for new construction.

3. The minimum length of time for a kindergarten shall be 2½ hours."

It is recommended that the elementary school include the kindergarten. For those kindergarten classrooms that are presently part of the elementary school and for those interested in starting a program it is also recommended that the pupil-teacher ratio should be 20 to one or less and kindergarten classrooms accommodating 20-25 children provide at least 1,200 square feet or 60 square feet per child, for new construction.

PUPIL/TEACHER RATIO

"The minimum requirements cited below reflect what is currently realistic for New Hampshire schools. However, they are to be considered as requirements below which no elementary school shall fall.

1. All classroom teachers in public elementary schools shall be qualified for the work performed and meet the certification requirements of the New Hampshire Board of Education. (Director, Teacher Education and Certification, Department of Education, Concord, New Hampshire)

2. Each elementary school shall provide for a full-time supervising principal in a school with an enrollment of 300 or more children.

3. In schools with between 150-300 children enrolled the elementary school principal shall have at least one half-time scheduled for supervision of instruction and other leadership responsibilities.

4. Each elementary school shall provide for a full-time secretary in a school with an enrollment of 300 or more children.

5. Each elementary school shall provide for a full-time elementary nurse-teacher and/or school nurse in a school with an enrollment of 750 children.

6. Each elementary school shall provide for a full-time elementary art teacher in a school with an enrollment of 700 children.

7. Each elementary school shall provide for a full-time elementary music teacher in a school with an enrollment of 700 children.

8. Each elementary school shall provide for a full-time elementary physical education teacher.

It is recommended that principals of elementary schools be employed on a twelve month basis and that sound, written local policies covering recruitment, employment, assignment, termination and services of all personnel be followed." Each school is encouraged to employ a full-time nurse, adequate secretarial help and a sufficient number of teacher aides to insure that certified personnel are assigned tasks "commensurate with their professional training.

Guidance services for one room schools and multi-graded schools should be cooperatively supported between the local district and the respective supervisory union."

The minimum standards are:

1. A school with an enrollment of 800 children shall employ a full-time guidance counselor. The ratio of 1 counselor to 800 students shall not be exceeded.

2. Each elementary school should provide guidance services to meet the educational needs of all children enrolled.

The Board recommends that there be one full-time counselor to every 500 children and that psychological services be provided.

Some of the objectives of inservice education programs are to implement curriculum revisions adequately, assist new teachers, aquaint school personnel with the latest research and teaching methods and improve communi-

cations among educators.

The minimum standards of inservice education are:

1. There shall be an orientation program for those new to the system.

2. There shall be provisions for individual and group growth through faculty, curriculum meetings, workshop, and evaluations.

A central location should be provided library services regardless of its title such as Instructional Media Center, etc.

Where one librarian supervises several libraries trained assistants should be scheduled to cover a minimum of five hours service each week.

Selection of materials is the joint responsibility of the teacher, librarian, supervisor, administrator and students and must be considered in relation to the accessibility of other sources such as union school districts and public libraries.

The general provisions for library services are:

"a. Each school shall provide library services for children and teachers, with responsibility vested primarily in one qualified member of the school staff.

b. In schools with limited enrollment and facilities, centralized library services and personnel may be provided on a district or supervisory union basis.

c. Adequate library space shall be provided in new buildings or additions."

The minimum standards regarding space provided for library services are as follows:

"a. Schools enrolling fewer than 150 children shall provide library space.

b. Schools enrolling 150-300 children shall provide at least 1000 square feet of library space or one regular classroom.

c. In schools enrolling 300-500 chidren, the minimum space shall be 2000 square feet, or the size of two regular classrooms.

d. Schools enrolling 500 ore more children

should allow 40 square feet per child for 10% of the enrollment.

A certified librarian shall be provided to maintain and supervise library services and to train supportive staff in each school. Each elementary school shall provide for an elementary librarian in a school with an enrollment of 800 children. Trained supportive staff shall be provided in all schools, as needed.

Teachers and pupils shall have access to a basic collection of 6000 books; in the case of a small school, the collection need not be housed within the building. Schools over 600 shall have at least 10 books per pupil.

For maintaining library resources, printed and non-print materials, a minimum of $5.00 - $10.00 per child shall be budgeted and expended annually."

It is recommended that each elementary school provide a full-time librarian for every 500 students and that "at least one hour of library services should be provided daily for each 75 children enrolled." Schools enrolling 600 or more students should have at least 6,000 - 10,000 titles in the book collection alone. Magazines, newspapers and multi-media materials should be included in the school library collection.

When constructing a new facility careful consideration should be given to the site area in order to plan for future enrollment and or expansion.

The minimum standards for construction of new facilities are:

"1. Each elementary school shall include a minimum of 5 acres plus an additional acre of land for each 100 children of projected maximum enrollment for new construction."

2. A regular classroom for 25-30 children shall provide a minimum of 900 square feet or 30 square feet per child, whichever is greater, for new construction.

"3. New elementary school buildings shall be constructed and maintained in accordance with present New Hampshire State Department of Education School Building Standards."

It is recommended that each school be provided with sufficient space for conference rooms and teacher work areas. Each self contained classroom, accommodating 25-30 children should provide 900 square feet, or 35 square feet per child for new construction. Each school site should include a minimum of ten acres, plus an additional acre of land for each 100 children of projected maximum enrollment for new construction.

CROSS REFERENCE

II.A.4.; Regulation, State Board Policies, #321.1. p. 00054-55

2. Other Qualification Standards

Statutes

§189:1

SCHOOL YEAR

Every district school board "shall provide . . . schools for at least one hundred and eighty days" per year. Schools shall be located so as to "best serve the interests of education and give to all pupils . . . as nearly equal advantages as are practicable."

§189:2

A school board may request, for reasons of "special conditions or circumstances," the state board of education to reduce the length of the one hundred and eighty day school session.

§189:24

"A standard school is one maintained for . . . one hundred and eighty days in each year, in a suitable and sanitary building, equipped with approved furniture, books, maps . . . taught by teachers, directed . . . by [a] principal and [a] superintendent" who are certified and provides for the "health and physical welfare of all pupils."

§189:25

An "elementary school" is one offering "grades Kindergarten through eight". However, a "separate organization" with grades seven through nine may be approved as a "junior high school." Grades "four through eight" may constitute a "middle school".

SCHOOL DAY

§189:40

School sessions shall consist of "three hours in the forenoon and three hours in the afternoon," five days per week, four weeks per month.

§194:19-a

An elementary school is one which teaches the prescribed courses for "grades Kindergarten through eight." A "separate organization consisting of grades seven through nine" may be approved as a junior high school.

§194:23

COURSE OF STUDY

A high school is a four-year institution offering courses in subjects "generally required . . . for admission to colleges, technical schools" and courses "prescribed by statute including instruction in the history, government and constitutions of the United States and New Hampshire" and other subjects the school board may designate. High schools shall also comply with uniform standards set by the state board with regard to "teaching the offered course of studies and to facilities and equipment used . . . ."

CROSS REFERENCE

I.State Board of Education; Statute §186:4

II.A.1.; Statute §194:23-E

EDUCATIONAL PERSONNEL

STATUTES

§200-E:1

The Interstate Agreement on Qualification of Educational Personnel is established in order that the member states may "improve their respective school systems by utilizing the teacher or other professional educational person wherever educated," and in order that they may serve the "best interests of society, of education, and of the teaching profession."

Member states may contract with one another to provide for "the acceptance of educational personnel." Contracts shall provide for "the criteria to be applied . . . in qualifying educational personnel for acceptance". Contracts may not exceed five-year limitations but may be renewed. A person's acceptance may be revoked on any ground which "would be sufficient for revocation . . . of a certificate . . . in the receiving State." The program will be evaluated from time to time by officials of the member states.

REGULATIONS

Certification Standards for Educational Personnel in New Hampshire, #479, pp. 1-69

Herein the State Board of Education may establish certification regulations as circumstances require and examine qualifications of candidates for teachers, supervisors and administrators in the public schools and issue

certificates to those who meet the requirements of said regulations. The State Board may establish and collect fees for the administration of proficiency exams, other competence evaluations, and for the issuance of education credentials.

The State Board of Education has the authority and consequent responsibilities for establishing the qualifications of education personnel to the end that:

1. the interests of the general public good are assured;

2. the children and youth of the State are taught and led by competent teachers and administrators;

3. teachers and administrators will continue to grow in competence and professional development.

The State Board of Education appointed a Blue Ribbon Certification Committee to review the existing regulations and to determine whether changes should be made.

"The recommendations of the Blue Ribbon Certification Committee adopted by the State Board of Education are:

(1) Adopt the approved program approach whereby teacher preparation programs approved by the State Board of Education or by the National Council for the Accredition of Teacher Education (NCATE) would recommend their graduates for initial certification and credentials would be issued.

(2) Establish an additional avenue to certification based on an evaluation of a person's academic background, achievements, skills, life experiences, and ability to perform. Plan individualized programs to remedy any insufficiencies that may exist.

(3) Establish a permanent Professional Standards Board, with delegated authority from the State Board of Education to recommend policies and requirements for certification and to carry on continuing study in this area to keep abreast of the changing demands in education.

(4) Establish a subcommittee of the Professional

Standards Board, composed of its professional members, to serve as an Appeals Committee to which appeals could be made by a person aggrieved by a certification ruling. Preserve the right of final appeal to the State Board of Education.

(5) Eliminate the present requirement for the acquisition of six credits every five years. Place responsibility for professional growth at a local level, making it one of the official responsibilities of Superintendents of Schools, and require all educational personnel to participate in programs of professional growth.

(6) Require periodic renewal of credentials at all levels for all educational personnel based on competent performance and satisfactory participation in a local plan for professional growth.

(7) Have the State Board of Education provide leadership and assistance, including financial assistance, to local systems to help them devise plans and opportunities for professional growth.

(8) Lengthen the contractual year of educational personnel beyond 180 days (with appropriate compensation) to provide time for staff participation in professional growth.

(9) Recognize credentials from all other states whose certification practices are acceptable to the New Hampshire State Board of Education until such time as interstate contracts are entered into by the State Board of Education under the Interstate Certification Project.

(10) Make special provisions for beginning teachers in terms of assignments and supervision.

(11) Establish special arrangements for the improvement of student teaching.

(12) Make fuller utilization of paraprofessionals.

(13) Eliminate the requirement that applicants first be employed by local school systems before credentials are issued.

(14) Staff the Office of Teacher Education and Professional Standards with sufficient personnel to carry out the new demands which these recommendations place upon it. Raise the position of the Assistant Director to full professional status. Make the fullest use of computers in the certification process."

In pursuit of the goals mentioned, the State Board of Education has established standards for:

"(1) Continuing Professional Development

Through these Standards, the State Board of Education is attempting to improve the quality of public education by honing the competence, skill, and knowledge of all teachers, specialists, and administrators employed in New Hampshire public schools. In these Standards, the mechanism for constant growth and improvement is in the local Master Staff Development Plan.

(2) Pre-Service Preparation

These Standards place the primary responsibility for the development of competency for the beginning teacher, specialist and administrator on the college or university where the candidate has prepared. The preparing institution, under these Standards, will be held accountable for the products of its program(s).

(3) Educational Leadership/Administration

These Standards call for newer and higher levels of demonstrated competence for education leadership/administration at both the Supervisory Union and building levels. Accompanying these higher levels of competence for the Superintendent of Schools is a clarification of the Superintendent's responsibility and accountability for licensed staff. In these Standards, the Superintendent of Schools fulfills key functions which contribute to the improvement of the quality of educational personnel. At the building level, these Standards provide an opportunity for the use and certification of the Administrative Associate who may assume several minor functions traditionally carried out by the

Principal, thereby enabling the professional to give service to the school and the community in the areas for which the administrator was prepared.

(4) Differentiated Staffing

Through the various levels of certification and areas of endorsement, these Standards are based on the utilization of individual strengths in the performance of responsibilities. The State Board of Education is encouraging the use of paraprofessionals at varying levels of competence and the utilization of the higher skills of teaching, planning, and evaluation of the professional teacher and administrator. The State Board of Education also supports the use of volunteers and involvement of the community in partnership relations with the school.

(5) Credential Renewal

RENEWAL

Credentials for all positions issued under these regulations will have definite periods of renewal as a means of underscoring the value placed by the State Board of Education on the continuing professional growth of all certified persons.

(6) Supply and Demand

The State Board of Education, through these Standards, will publish annually a listing of staff shortage areas for which an inadequate supply of qualified candidates is available. This action will highlight the priority of the State Board for insuring that only qualified persons may be classified as certified educators, eligible to provide services in the public schools.

(7) Vocational Education

These Standards show that Vocational Education is one of the educational priorities of the State Board of Education. (See Appendix #1: "Goals for Education in New Hampshire.") These Standards also identify the types of vocational staff needs to achieve the vocational education goals of the State Board of Education, and underscore the central role that qualified staff will play in reaching these goals.

The purpose of the Professional Standards Board is to provide leadership and exert influence, in cooperation with the State Board of Education, in matters relating to the professional growth, certification, and governance of the education profession in New Hampshire.

The Professional Standards Board is charged with the responsibility of carrying on a continuing study in matters relating to the licensing of educational personnel and to recommend to the State Board of Education modifications and new directions for licensure. This study and development of policy recommendations, procedures, and requirements shall include, but not be limited to, preservice education, continuing education and professional growth, initial certification, recertification, paraprofessional training and certification, revocation of credentials, performance evaluation, and staffing patterns.

APPEALS

In addition, the Professional Standards Board is to act on appeals brought to it by persons who feel aggrieved by the certification process. Initially, the Professional Standards Board will review the existing certification regulations and the report of the Blue Ribbon Certification Committee as a starting point for the Board's activities. In addition, the Board is urged to develop a close working relationship with the Council for Teacher Education.

REVIEW

The duties and responsibilities of the Professional Standards Board are to be carried out within the statutory framework of New Hampshire and within the policies established by the New Hampshire Board of Education.

The Chairperson of the Professional Standards Board is to appoint an Appeals Board composed of no fewer than five and not more than nine persons selected from the members of the Professional Standards Board. The Appeals Board shall adopt its own rules of procedure and shall have the right to call upon consultants for advice.

Persons aggrieved by a decision of the Office of Teacher Education and Professional Standards may appeal to the Appeals Board. Furthermore, a person aggrieved by a

decision of a Superintendent of Schools, with regard to recommendation for renewal of credentials, may appeal to the Director of Teacher Education and Professional Standards and may appeal a decision of the Director to the Appeals Board.

HEARING

An Appellant shall have a right to a hearing at each stage of appeal. A decision shall be made by a majority of the Appeals Board and written notice thereof shall be sent to the Appellant within three days after it is made, with a copy to the State Board of Education. The Appellant shall have a right of final appeal to the State Board of Education.

NOTICE

APPEAL

The voting membership of the Professional Standards Board is to consist of twenty-one (21) persons as follows:

Ten (10)	members are to be:	classroom teachers/ education specialists
Eight (8)	members are to be:	representatives of administration/higher education
Two(2)	members are to be:	qualified laymen
The Commissioner of Education or a representative		

The Director of Teacher Education and Professional Standards acts as Executive Secretary to the Board as a non-voting member.

APPOINTMENT

The State Board of Education will make appointments from nominations submitted from the education profession and interested individuals. Appointements for individuals whose terms have expired will be made and announced annually at the June meeting of the State Board of Education. Appointments shall be representative of the State.

Following providing the proper information to the State Board for nomination to such positions, a Screening Committee, appointed by the Commissioner of Education and the Chairperson of the Professional Standards Board, will review all nominations and recommend to the State Board of Education two nominees for each vacancy.

The Screening Committee will be comprised of:

Two members of the Professional Standards Board, appointed by the Chairperson of the Professional Standards Board.

Five members appointed by the Commissioner of Education:

APPOINTMENT

One who shall be a member of the State Board of Education.

One who shall be an active classroom teacher.

One who shall be an active school administrator.

One who shall be a representative of higher education.

One who shall be a representative of the Department of Education.

The State Board of Education will make a minimum of six appointments annually. Appointments shall be made for terms of three (3) years, excepting appointments to the initial Board, of which seven (7) persons shall be appointed for three-year terms; six (6) persons for two-year terms , and six (6) persons for one-year term. No member shall serve more than two consecutive terms. In the event of vacancies, the State Board will appoint replacements at that time.

The Board will elect its own Chairperson annually.

Any one person may not serve for more than two consecutive one-year terms as Chairperson. The Director of Teacher Education and Professional Standards will act as Executive Secretary of the Board.

The Professional Standards Board will conduct a minimum of five (5) regularly schedule meetings annually.

Regular attendance is expected and a member shall withdraw upon failure to attend two consecutive meetings of the Board unless excused by the Chairperson.

A minimum of two reports annually are to be presented by the Professional Standards Board to the State Board of Education, i.e., an Interim Report and an End-of-the Year Report. The Reports are to be presented to the State Board of Education by the Chairperson of the Professional Standards Board of Education.

The records and minutes of the Professional Standards Board will be filed and maintained in the Office of Teacher Education and Professional Standards.

The primary means for gaining certification in New Hampshire is through State Board of Education Approved Collegiate Programs of Professional Preparation. Teachers, education specialists, and administrators receive their

specific certification by completing these approved programs. Colleges wishing to prepare educational personnel leading to New Hampshire certification request approval for such programs from the State Board of Education. The Council for Teacher Education sends visitation teams to the colleges for a review of their professional programs. Recommendations for approval are forwarded by the Council for Teacher Education to the State Board of Education for action.

During the period for which the programs are approved, candidates receive their certification upon successful completion of their program(s) and the written recommendation of the Dean/Chairperson of the collegiate Department of Education.

The State of New Hampshire has entered into a reciprocal compact with several states and territories of the United States. The compact covers the beginning teacher who has completed an approved collegiate program and the experienced teacher with the required type and length of service.

Graduates of teacher education programs approved by the State Department of Education of one of the compact states are eligible for the initial creditation which is issued to all beginning teachers of programs approved by the New Hampshire State Board of Education.

For Certification Holders with at Least Three Years' Experience

Holders of at least the Educators Certificate based on a baccalaureate or higher degree from this State, or a comparable one from any other state participating in the Interstate Agreement, and having a total of at least three years' successful regular teaching experience in the past seven years (including at least two years under the certificate in question), meet the educational requirements for a comparable certificate in any of the participating states.

Candidates eligible under this Professional Development option are:

(1) All candidates recommended for employment under the Critical Staffing Clause.

(2) Potential teachers of a Vocational Specialty.

(3) Persons of exceptional promise for whom a school district wishes to develop a training program for the position of Principal.

(4) Persons employed as Business Administrators."

The entry requirements for candidates under the Individualized Professional Development Plan are:

"(1) Elementary Teachers - Bachelors degree from a college or university approved by the New Hampshire Post Secondary Education Commission. Secondary Teachers - Bachelors degree from a college or university approved by the New Hampshire Post Secondary Commission, with the collegiate major area of study compatible with the prospective teaching assignment.

(2) Vocational Educators - Demonstrated vocational competence to the satisfaction of the Superintendent of Schools, in consultation with the local Vocational Director, and have at least two years of full-time working experience in the area for which they may be employed.

(3) Principals - Bachelors degree from a college or university approved by the New Hampshire Post Secondary Commissioner; and demonstrated exceptional promise as a potential educational/instructional leader to the satisfaction of the Superintendent of Schools.

(4) Business Administrators - Bachelors degree in Business Administration from a college or university approved by the New Hampshire Post Secondary Education Commissioner; or, demonstrated equivalent skills and knowledge through experience in comparable business management position, to the satisfaction of the Office of Teacher Education and Professional Standards.

Program Development:

The educational plan of professional preparation should be based on an assessment of the particular strengths and weaknesses of the candidate and the resources available for learning. Included in every plan must be a description of the competencies the candidate should acquire and the means by which these will be attained, demonstrated, and evaluated. The certification plan

should be based on demonstrated competencies as described in the program.

An Individualized Professional Development Plan will be cancelled if the candidate fails to attain the skills and knowledge specified in the original plan.

When an Individualized Professional Development Plan is successfully completed, the Superintendent of Schools, in consultation with the Staff Development Committee of the sponsoring district, will notify the Office of Teacher Education and Professional Standards, attesting to the candidate's acquisition and demonstration of skills, competencies, and knowledges in the plan. Upon approval of the candidate's record, the Office of Teacher Education and Professional Standards will grant the appropriate certification.

Candidates for certification who have gained the competencies, skills, and knowledges necessary for teaching through means other than the previously described Certification Alternatives, may request teaching, administrative or education specialist certification on the basis of equivalencies. A detailed description of the candidate's background should be submitted, along with three to five references from persons who can attest to the candidate's demonstrated competence in the area for which certification is being sought. Candidates under this certification will be required to be reviewed by a Board of Examiners, selected by the Office of Teacher Education and Profesional Standards and comprised of three members: two in the area of the candidate's specialization, and one from the Office of Teacher Education and Professional Standards."

Competency Provisions - Certification as a Teacher

"In the case of a candidate for certification as a teacher, after the file including all documentation, references, and performance examinations has been completed, an interview with a Board of Examiners will be scheduled. Upon determining that the candidate has the required skills and competencies, the Examining Board shall make certification recommendations to the Director of Teacher Education and Professional Standards."

Specialized Competency Provisions - Media

"Individuals desiring certification as Media Supervisors, Media Generalists, or Media Educational Associates, who are not graduates of approved programs in media, must demonstrate their competencies to an Examining Board.

Those individuals who do not have the required number of semester hours in the field of Foreign Languages, may meet certification requirements by taking a Proficiency Examination administered by the State Department of Examination, and by being reviewed by a Board of Examiners."

Entry level requirements for Superintendent of schools are:

"1. Have completed a State Board of Education approved educational administration collegiate program at the Certificate of Advanced Graduate Study (CAGS) or doctorate level(s), and/or

2. Have acquired competencies, skills, and knowledges (itemized below) through experience in comparable management positions in education or other professions.

Once the required leadership skills and competencies have been demonstrated through application materials, references and interviews, the candidate will receive initial certification as Superintendent of Schools from the Office of Teacher Education and Professional Standards. This certification enables the holder to apply for employment as a New Hampshire Superintendent of Schools."

Qualifications for Superintendents of Schools include the following skills, competencies and knowledges: (1) organizational management development; (2) group leadership/human relations skills; (3) educational philosophy and program development; (4) goal setting and evaluation of program effectiveness; (5) the law and education; (6) staff development adult education; (7) community/school partership development; (8) communication

skills; (9) needs assessments (pupil/staff/community); (10) budgeting cost effectiveness; and (11) the change process.

Entry level requirements for assistant superintendent and teacher consultant:

"1. Have completed a State Board of Education approved educational program at the Masters degree level;

2. Have acquired identified skills, competencies, and knowledge through experience in comparable management positions in education or other professions; and/or

3 Support staff working directly with learning process such as Teacher Consultant, must hold a valid New Hampshire teaching credential.

Qualifications for Assistant Superintendent/Teacher Consultants should include the skills, competencies and knowledges as identified in a Role Description prepared by the Supervisory Union Board which defines the duties and responsibilities of the supporting administrative role(s).

Assistant Superintendents and Teacher Consultants serve to support Superintendents of Schools in whatever capacity is deemed appropriate by the State Board of Education and the Supervisory Union Board. Inservice Program for Beginning (First Year) Assistant Superintendents and Teacher Consultants.

All beginning Assistant Superintendents and Teacher Consultants are required to complete a 25-hour (or three full days) inservice program directed by the Office of the Commissioner of Education. This program will focus on topics particularly applicable to the role of the beginning Assistant Superintendent and Teacher Consultant."

Entry level requirements for principals (instructional leaders) are:

"1. Hold a valid teaching credential;

2. Have completed a State Board of Education approved program at the Master's Degree level in Educational Administration and have been recommended for this certification by the Dean or Chairperson of the preparing collegiate Department of Education; and/or

Inservice Program for the Beginning (First Year) Vocational Director

"All beginning Vocational Directors are required to complete a 25-hour (or three full days) inservice program directed by the Office of the Commissioner of Education. This program will focus on topics particularly applicable to the role of the beginning Vocational Director.

The Administration Associate is a paraprofessional who serves at the Supervisory Union or school level. This paraprofessional may be delegated the responsibility for any non-professional role in the system and works under the direction of the administrative staff to whom assigned. This is a certificated position and upon employment, the Office of Teacher Education and Professional Standards should be notified. This Office will issue an Educational Associate License."

STAFFING THE SCHOOLS IN TIMES OF CRITICAL SHORTAGE

"The purpose of identifying critical shortage staffing areas is to recognize those locales in which there is an inadequate supply of certified candidates available to New Hampshire school districts for employment purposes and to authorize the employment of uncertified persons.

The Office of Teacher Education and Professional Standards, through the Commissioner of Education, will declare annually on or before January 1 of each school year those staffing areas in which a critical shortage exists. Recommendations for shortage areas will be based upon information and advice received from employing officials, deans of collegiate approved programs, and State Department of Education consultants/specialists.

Candidates employed under the Critical Shortage Clause will receive certification through Alternative 3 - Individualized Professional Development Plan."

STANDARDS FOR VOCATIONAL EDUCATORS

" The State Board of Education has developed a comprehensive and integrated plan for Vocational Education

3. Have completed successfully a locally developed and sponsored internship program approved by the Office of Teacher Education and Professional Standards. Certification will be granted upon completion of the approved program and the recommendations of the Superintendent of Schools.

Qualifications for Principals should include the following skills, competencies and knowledges: (1) evaluation of program and staff effectiveness; (2) staff development/adult education; (3) planning: needs, goal-setting, decision making; (4) the change process; (5) organizational management; (6) cost analysis to program effectiveness; (7) effective communication skills; and (8) community/school partnership development."

Entry level requirements for vocational director:

"1. Hold or be eligible for a New Hampshire certification with an endorsement in a vocational area;

2. Have five years successful paid and progressively responsible experience in the field of vocational education, with recent experience as an administrator, supervisor or teacher; and/or

3. If a candidate does not meet the above requirements, a reevaluation may be requested by submitting a complete resume and covering letter of request to the Office of Teacher Education and Professional Standards.

Qualifications for Vocational Directors should include the following skills, competencies and knowledges: (1) communications; (2) the change process; (3) organizational management; (4) community/school partnership; (5) evaluation of program effectiveness; and (6) planning needs

The Vocational Director is responsible for administering local or regional vocational programs and/or centers, and works under the authority of the Superintendent of Schools."

which, when fully implemented, will make available to any interested New Hampshire citizen the opportunity to develop personal occupational competencies. The components of the State plan are: Post-Secondary Vocational Education; Secondary Vocational Education; Career Education; Vocational Rehabilitation; Veterans Education; Manpower Development; and Adult Education.

(1) Post-Secondary Vocational Education. The State Board of Education presently administers six vocational colleges and one vocational institute strategically located throughout the State of New Hampshire. These institutions make programs of vocational development available to post-high school persons. In addition, they offer extensive evening programs of a vocational as well as general educational nature. This segment of the State's vocational education efforts works closely with other higher education institutions, both public and private, in program development and sharing of resources.

(2) Secondary Vocational Education. The State Board of Education is in the process of establishing 20 area vocational centers throughout the State. These centers will be designed to provide vocational development opportunities for school age youth, adults interested in career shifts and retraining, and for persons who are academically, socially, economically, or physically handicapped.

(3) Career Education. The State plan for Vocational Education calls for a multitude of career exploratory experiences for children, youth, and adults at every level of the system....

(7) Adult Education. In all of the vocational components of the State Board of Education plan, adults are served and have the opportunity to participate in continuing education for personal growth reasons and/or for the development of new and additional occupational competencies.

STAFFING NEEDS FOR VOCATIONAL EDUCATION

In implementing the State plan for Vocational Education, the State Board of Education requires staff certification only for those persons working in elementary and secondary schools. It is to these staffing needs that these Standards are directed.

Vocational Director

The entry level requirements are as follows:

"1. Hold or be eligible for a New Hampshire certification with an endorsement in a vocational area.

2. Have five years successful paid and progressively responsible experience in the field of vocational education, with recent experience as an administrator, supervisor, or teacher.

3. If a candidate does not meet the above requirements, re-evaluation may be requested by submitting a complete resume and covering letter of reqest to the Office of Teacher Education and Professional Standards.

Qualifications for Vocational Directors should include the following skills, competencies, and knowledges: (1) communications; (2) the change process; (3) organizational management; (4) community school partnership; (5) evaluation of program effectiveness; (6) planning needs.

The Vocational Director is responsible for administering local or regional vocational programs and/or centers, and works under the authority of the Superintendent of Schools."

Vocational Education Teachers

The entry level requirements for vocational education teachers are:

"Comprehensive Vocational Education Teachers: For areas of Business Education, Distributive Education, Agricultural Education, and Home Economics Education - certification is obtained under any of the four Certification Alternatives.

Teachers of a Vocational Specialty: For persons in the areas of Trades and Industry, Health Occupations,

Occupational Home Economics, Agricultural Occupations, Office Occupations, and Diversified Occupations - certification is obtained by Alternative #3 - Individualized Professional Plan. Vocational Teachers: demonstrated vocational competence to the satisfaction of the Superintendent of Schools in consultation with the local Vocational Director, and at least two years of recent successful full-time working experience in the area for which they may be employed.

Occupational Educators: For those persons in the area of Occupational Education, certification is obtained under any of the four Certification Alternatives.

Qualifications for Vocational Education Teachers should include the following skills, competencies, and knowledges: (1) instructional competence; (2) vocational guidance; (3) career education; (4) technological futures; (5) skills in working with handicapped persons; (6) community development skills; (7) individualized instruction."

STANDARDS FOR COMPREHENSIVE HEALTH EDUCATION AND SERVICES
Coordinator of Comprehensive Health Education

The Coordinator of Comprehensive Health Education and Services must, as entry level requirements, be certified in or eligible for certification in any of the health education areas included within the job's role description.

"The Supervisory Union Board or district board may appoint to the position of Coordinator any person whose primary assignment falls in one of the comprehensive health education and service components as detailed below. The Board may assign the responsibility to a person outside the school district whose primary role is in the health education and services filled at the community level, i.e. a local physician or director of a community mental health center.

Upon notification of the appointment, the Office of Teacher Education and Professional Standards will certify this individual as Coordinator of Comprehensive Health Education and Services. Renewal of certification falls under the aegis of the local Staff Development Plan.

The primary role of the Coordinator is to bring together people and resources that represent the district's health education services team for the purpose of planning, developing, implementing, monitoring and evaluating the district's Comprehensive Health Education Program. Such persons are: Director of Pupil Personnel Services; Guidance Director; Guidance Counselor; School Psychologist; School Physician; School Nurse; School Dentist; Dental Hygienist; Social Worker; Health Educator; Physical Education Teacher; Home Economics Teacher; Elementary Teacher; and personnel from food and nutrition services.

The Coordinator works under the authority of the Superintendent of Schools.

Programs designed for school children may be extended to the total community, with the Coordinator serving as Manager of this comprehensive school/community health education and services effort."

Director of Pupil Personnel Services

"The Director of Pupil Personnel Services must hold or be eligible for certification in one of the Pupil Personnel Services, i.e. Counselor, Social Worker, Supervisor of School Nurses, Psychologist, associate School Psychologist, Special Education Guidance Director.

A Pupil Personnel Services Director is responsible administratively for the coordination or management of those services operating within a school district or Supervisory Union which develop physical and mental health practices among students and which require coordination of school programs and activities with community agencies."

Guidance Director

A Guidance Director must hold or be eligible for certification as Guidance Counselor.

"A Guidance Director is a counselor who has been designated by the Superintendent of Schools as administratively responsible for the management of the guidance and counseling program of the school, the school district, or the Supervisory Union. The Guidance Director also has the

responsibility of formulating the guidance and counseling objectives of the school, implementing strategies to meet these objectives, monitoring the strategies, and evaluating the degree to which the objectives are being met."

Associate School Psychologist

An associate School Psychologist must possess the entry level requirements of holding a master's degree in Clinical or School Psychology and working in consultation with a person certified by the State Board of Education and the New Hampshire Board of Examiners of Psychologists.

School Psychologist

A School Psychologist must, as an entry level requirement , hold a doctorate degree in Clinical Psychology from a college or university accredited by the American Psychological Association or a doctorate degree as a School Psychologist from a college or university whose program for psychologists has been approved by the New Hampshire State Board of Education.

Social Worker

A social worker must hold the appropriate certification and is one who has the responsibilities providing social work services to the school and community as assigned.

Health Educator

A health educator must possess the appropriate certification and is one who has the responsibilities for health education instructional services, and as such has an awareness and communicative understanding of:

"1. personal health and physical fitness, including understanding of the body and its vital organs;

2. community and environmental health, including sanitation and pollution;

3. nutrition, including weight control, food fads, diet supplements;

4. emotional and mental health;

5. physical, social and emotional health hazards

of drugs, alcohol, and tobacco;

6. the understanding of the physical and emotional aspects of sex;

7. communicable diseases, including venereal disease, body defenses, and immunization programs;

8. common physical and mental exceptionalities and degenerative diseases;

9. consumer health, including selection of health products and professional services; quackery; evaluation of advertising.

10. first aid and emergency care;

11. safety, including outdoor, water, home, industrial and traffic"

Physical Education Teacher

A physical education teacher must possess the proper certification, and is one who has the responsibilities for physical education services.

Home Economics Teacher

Home economics teachers, as well as elementary teachers must possess the proper certification, whereas food and nutrition services personnel are presently not certified by the State Board of Education.

STANDARDS FOR MEDIA PERSONNEL

"Throughout the development process of standards for the media personnel, it was the intention of the New Hampshire Ad Hoc Media Certification Task Force to allow for the objective certification of persons on the basis of competence. The Task Force felt that the following advantages accrue to the competency-based certification:

1. Professional media people in the field have a direct input into the certification process through their local professional application, thus allowing for constant updating and monitoring by people for whom the standards are designed.

2. Specific competencies expected at the service level should be available to prospective candidates for

media certification as well as to colleges and universities as they plan and develop media preparatory programs."

A media supervisor is one who fulfills the following entry requirements:

"1. Hold a valid credential as Media Generalist or completion of all requirements for the credential as Media Generalist and

2. Have three or more years successful experience in the area of media and

3. Have completed a Master's degree program from a recognized graduate school approved by the State Department of Education or

4. Certification gained - Demonstrated Competencies and Equivalent Experiences.

The Media Supervisor serves on the administrative staff and is responsible for the planning and coordination of a media program. This program may include print and non-print services, which, in addition to the maintenance of a general collection, may encompass: professional libraries, a curriculum library, materials examination center, local production centers, computer services and equipment center.

"The Media Supervisor is responsible for the supervision of media personnel, technical and supportive, as well as other professionals working with the program, and is responsible for recommending recruitment procedures and specifying qualification for the staff. As an adjunct to the regular school information program, the Media Supervisor is responsible for representing and communicating the objectives of the media program to the public."

A Media Generalist must have the following entry level requirements:

"1. Have completed a baccalaureate level program in media approved by the State Board of Education or

2. Certification gained - Demonstrated Competencies and Equivalent Experiences.

The Media Generalist is qualified to work at a specialized professional level in both print and non-print areas in elementary or secondary schools. The Media Gen-

eralist represents the first level of professional responsibility on the school media staff. This position requires expertise in the evaluation, selection, classification, scheduling and utilization of print and non-print materials and related equipment. The Media Generalist also applies his [her] knowledge of media to the development and implementation of curriculum as the basis for long range program change and development.

The Media Generalist serves in a teaching role in the instructional program of the school through instruction in the use of media and equipment.

STANDARDS FOR THE SPECIALIST IN ASSESSMENT OF INTELLECTUAL FUNCTIONING

A Specialist in Assessment of Intellectual Functioning should be hired only if there is available within the school district(s) opportunities for consultation and/or supervision with a School Psychologist, or Psychologist certified in the State of New Hampshire.

The New Hampshire Division of Mental Health and State Board of Education will use their resources to assure adequate consultation during any crisis periods when it cannot be obtained locally."

Specialist in Assessment of Intellectual Functioning

The entry level requirements are:

"1. Have a Masters degree in Psychology, or equivalent and

2. Have background and experience in one of the fields connected with Pupil Personnel Services in an elementary or secondary school setting, such as: Guidance Director, School Counselor, School Social Worker, Remedial Teacher, Teacher Consultant, etc."

The course requirements are:

"1. Background course areas - at least one course must be taken in each area; undergraduate credit is acceptable: Elementary Statistics; Child Psychology, Child Growth and Development, etc.; Personality, Psychology of Adjustment, Abnormal Psychology, etc.; Exceptional Child, Retardation, etc.

2. Intelligence Testing course areas - all must be taken; undergraduate credit is acceptable for the first time, only: Tests and Measurements; Individual Intelligence Testing...; Supervised Practicum in Individual Intelligence Testing, after completion of Individual Intelligence Testing; Use of Individual Intelligence Tests...

One year of successful experience in the Specialist in Assessment of Intellectual Functioning role is required before certification is given.

All Course Requirements (2) must have been met prior to the Internship; however, up to two areas in Course Requirements (1) may be taken concurrently with the Internship year.

This specialist is one who is responsible for interpreting the intellectual functioning of the individual child within the school setting. The Specialist may use school readiness tests, group intelligence tests, achievement tests and other cognitive instruments; integrate teachers' comments, past school records, test reports from outside sources, e.g. from a mental health center or previous school system, as well as take into account the child's family and personal characteristics and evolve all into an interpretive report.

The Specialist is trained to recognize when a pervasive problem requires referral.

The Assessment Specialist's role is carried out under the administrative supervision of the Superintendent of Schools, and as a member of the Pupil Personnel Services team. This may be a part-time role, with the Assessment Specialist, Speech Therapist, or Counselor. The time spent in each role should be differentiated for the purposes of consultation and supervision.

Certification does not imply competence for the use of the individual intelligence tests and associated data except within the administrative educational context of a school system. The Assessment Specialist is not necessarily qualified to engage in private practice as a Specialist in Assessment of Intellectual Functioning."

An educational aide must have, as entry level requirements, an orientation period encompassing study in "human development, social relations orientation to the school's goal and procedures; basic skill training appropriate to the trainee's expected role and function in the school placement. No specified pre-schooling required; high school diploma or its equivalent not required."

An educational aide is "[o]ne who carries out routine tasks that do not directly involve educational processes normally assigned to the certified professional individual. All functions are performed under the direction of a certified person."

An educational assistant must possess a "high school diploma or its equivalent; one year's inservice training or one year of college with practicum in educational methodology or its equivalent [and is one whose position is just above that of the educational aide]...[It is] a non-professional position. All functions are performed under the direction of a certified person and may include tasks requiring direct contact with the instructional processes of the school."

An educational associate must possess an "Associate of Arts (AA) degree granted by an accredited two-year college or the equivalent where the major course of study focused on education. Assumes completion of training requirements associated with Educational Aide and Educational Assistant or its equivalent."

An educational associate is a "non-professional staff member who works under the direction of a certified person. Functions may include direct contact with the instructional processes of the school."

A media educational associate must have at least two years of higher education in an approved program in a specialized area, or gain certification by other means.

A media educational associate is "[o]ne who is qualified to perform the technical functions unique to the successful operation of a media program. The job assignment will determine the prerequisites of each position. The Media Educational Associate has the responsibility for the

technical areas of the assigned area. These may include: processing, circulation of materials, dissemination of information, preparation of bibliographic abstracts, production of instructional materials, repair and adaptation of materials and equipment; operation and utilization of specialized technological services."

An administrative associate is "[o]ne who serves at the Supervisory Union office or school level. An Administrative Associate may be delegated the responsibility for any non-professional role in the system and works under the direction of the administrative staff to whom assigned."

GUIDELINES FOR SCHOOL VOLUNTEERS

"The State Board of Education supports the use of School Volunteers and the involvement of the community in partnership relationships with the schools.

A volunteer is a person who contributes services to the school and its program without monetary compensation. A volunteer is not a replacement for paid staff, but adds dimension and symbolizes community involvement.

School districts are encouraged to insure themselves against any liability which could result from the action of a School Volunteer.

STAFF DEVELOPMENT/RECERTIFICATION

The purpose of Staff Development in New Hampshire is to improve the learning experiences of students.

The professional educator sees education as a life-long process and recognizes his [her] own obligation to plan for self-improvement, thereby enriching the learning experiences of his [her] students.

Each Supervisory Union or local school district shall submit a MASTER PLAN proposal...indicating local inservice needs, objectives, program activities and evaluation. A visiting committee appointed by the State Department of Education will make on-site observations at least once during the life of the plan to review local MASTER PLANS in order to verify adherence to the following criteria:

A local Staff Development Committee shall be established via election from peer groups identified by the local Superintendent. This committee, to be effective, should number not less than nine nor more than 15 members, broadly representative of teachers, service personnel, administrators, a school board member, parents, and students. Local MASTER PLANS which are sufficiently large or ambitious may consider appointment of a full-time Director/Chairman; more modest plans should provide for a committee chairman elected by the full committee. Regional MASTER PLANS are encouraged where appropriate.

(2) A local three-year MASTER PLAN shall be developed to reflect specific needs identified through self-study and analysis by the professional staff, students, and parents. Both objective (test) data and subjective (questionnaire) data are appropriate to needs assessment. Specific objectives should be stated in measurable terms whenever possible.

(3) The local MASTER PLAN shall be consistent with State certification regulations and with federal, state and local laws and regulations.

(4) The local MASTER PLAN shall make provisions for involvement of non-local agencies via contractual and/or advisory services from State Department of Education, colleges, industries, professional associations and foundations.

(5) The MASTER PLAN shall recognize individual differences among professional educators. Therefore, the Plan shall encourage a choice of activities within the four major staff development components designed for inservice growth and recertification. These four components are:" (a.) knowledge of subject or service area; (b.) basic teaching skills; (c.) orientation to structure and operation of local schools; (d.) exploratory or innovative activities.

"(6) The local MASTER PLAN shall include appropriate evaluation techniques of both objective and subjective nature. Evaluation should be directly related to specific component objectives.

(7) The local MASTER PLAN shall require every full-time educational employee for recertification purposes, to complete satisfactorily a minimum of 50 clock hours approved activity in each three-year period beginning with the academic year 1975-76. Of the total 50 hours required, at least 10 hours shall be devoted to each of two of the four component areas. College courses, local inservice seminars/workshops, conferences, out-of-district school visitations, sabbaticals, institutes, and independent study are examples of eligible activity designs within any one or more of the four components. Proposals encompassing more than one Supervisory Union shall be submitted in triplicate to the State Director of Teacher Education and Professional Standards on Form PSB-2.

(8) The local MASTER PLAN shall be approved as follows: a. the local Superintendent; b. the joint or district school board(s); c. the State Department of Education; d. if disapproved at any level, the plan will be resubmitted to the local Staff Development Committee for redevelopment."

ADMINISTRATION OF STANDARDS

"The Office of Teacher Education and Professional Standards is responsible for administering all aspects of The Standards for Staffing the Schools of New Hampshire.

The Professional Standards Board acts in an advisory capacity to the State Board of Education and is responsible for providing leadership in matters relating to professional growth, certification, and governance of the education profession in New Hampshire.

The Council for Teacher Education, in conjunction with the State Board of Education, is responsible for applying the standards developed by the Professional Standards Board and adopted by the State Board of Education and in program-approval procedures for pre-service and advising on inservice programs.

The Director of Teacher Education and Professional Standards serves as the Executive Secretary of the Professional Standards Board and the Council for Teacher Educa-

tion. The Office of Teacher Education and Professional Standards is the residence of the minutes and official records of both the Professional Standards Board and the Council for Teacher Education.

MASTER EDUCATOR RECOGNITION

The purpose of the Master Educator Recognition is to give recognition for outstanding services in the field of education to teachers, administrators, and other education personnel, employed in private or public education on any level. This recognition may be presented to elementary or secondary teachers and administrators, collegiate teachers, vocational college or junior college teachers, and residential institutional teachers such as those in the State Hospital Education Program, Youth Development Center, Laconia State School, Crotched Mountain, etc.

LAPSED OR EXPIRED CREDENTIALS

Employed persons who let their credentials lapse by failing to complete the requirements for renewal must consult with their Superintendent of Schools. Renewal of lapsed credentials will be considered only if a new plan to complete certification requirements is filed with the Office of Teacher Education and Professional Standards, and recommended by the Superintendent of Schools.

LIMITATIONS ON CREDENTIAL NON USE

Certified persons who are not employed in education for three or more years of service are required to submit evidence of satisfactory professional growth as a basis for renewal of certification. Satisfactory professional growth may include collegiate study, experience in non-public education, superior field performance in areas for which certification is being renewed."

GUIDELINES FOR EMPLOYMENT OF SUPERINTENDENT OF SCHOOLS

When a vacancy for Superintendent of Schools exists, the local school board initially notifies the State Department of Education and declares the vacancy. Applica-

tions will be accepted when the following steps have been completed:

"1. The Supervisory Union defines role expectations: a. job description; b. competencies necessary.

2. The Supervisory Union and State Department of Education review job specifications: a. Do specifications meet local goals and objectives?; b. Are specifications consistent with State Board of Education policy and statutory requirements?; c. Are duration, evaluation procedures, processes for professional growth, and contract renewal procedures determined?; d. What authority is granted to accept candidate for position?

3. The Supervisory Union proceeds to recruit candidates: a. Determine that candidate is duly certified by Office of Teacher Education and Professional Standards; b. Set procedures for screening, interviewing and selection; c. Submit nomination to State Board of Education."

SUBSTITUTE TEACHER

"A substitute teacher is one who may teach up to 20 consecutive days during the school year in the same position without holding a credential form from the Office of Teacher Education and Professional Standards.

FILLING VACANCIES ON EMERGENCY SITUATIONS

"In cases of emergency, it is possible for a school district to fill a vacancy temporarily with a non-certified individual.

Requests for permits must be made in writing to the Director of Teacher Education and Professional Standards by the Superintendent of Schools in advance of any definite assurance of temporary employment. Permission for employment will be granted for one calendar year and may not be renewed.

Educational Aide License

"An Educational Aide License is issued for three years to one who has successfully completed a two-week orientation or its equivalent focusing on role expectations

in a school setting. This License may be renewed providing the Superintendent of Schools has filed with the Office of Teacher Education and Professional Standards a recommendation stating that the candidate has performed competently and has participated successfully in the school district and/or Supervisory Union Staff Development Plan.

Educational Assistant License

An Educational Assistant License is issued for six years to one who is a high school graduate or equivalent, and who has had three years of successful experience as an Educational Aide or equivalent experience or training. The Educational Assistant License may be renewed providing the Superintendent of Schools has filed with the Office of Teacher Education and Professional Standards a recommendation stating that the candidate has performed competently and has participated successfully in the school district and/or Supervisory Union Staff Development Plan.

Educational Associate License

An Educational Associate License is issued for six years to one who is a graduate of an approved college or to one who has completed a two-year approved program or the equivalent where the major course of study focused on education. The Educational Associate License is also issued to a person who qualifies as an Administrative Associate... and to those who qualify as Media Educational Associates... This License may be renewed providing the Superintendent of Schools has filed with the Office of Teacher Education and Professional Standards a recommendation stating that the candidate has performed competently and has participated successfully in the school district and/or Supervisory Union Staff Development Plan."

CERTIFICATES

Beginning Educator Certificate

A Beginning Educator Certificate is issued for one to three years to the beginning educator who has successfully completed an approved program of professional preparation and who has been recommended to the Office of Teacher Education and Professional Standards for certification by

the Dean or Chairperson of the college's Department of Education.

The beginning practitioner should have supervision and help in continuing his/her professional education and experience, particularly during the crucial first months of full-time employment. The Staff Development Program of the employing school district should make provisions for the candidate's supervision during this period, in consultation with the institution which recommended beginning certification.

If the candidate is a graduate of an out-of-state approved program, the school district is encouraged to consult with and utilize the services of the New Hampshire State Department of Education and/or the resources of the in-state approved collegiate programs for the purpose of receiving supervision and help. Candidates entering the profession under the Individualized Professional Development Alternative will receive the Beginning Educator Certificate until such time as the Superintendent of Schools recommends to the Office of Teacher Education and Professional Standards that the person has completed successfully the approved Professional Development Plan. This recommendation is an attestation of the candidate's successful completion of an approved training program and as such warrants certification as an experienced educator."

Experienced Educator Certificate

"An Experienced Educator Certificate is issued for six years to the experienced educator who has met successfully all of the requirements for previous levels of certification.

It is issued to an educator who completed successfully an approved graduate program that extends the clinical experience to a full year under supervision. The Experienced Educator Certificate may be renewed providing that the Superintendent of Schools has filed with the Office of Teacher Education and Professional Standards a recommendation stating that the candidate has performed competently and has participated successfully in the school district and/or Supervisory Union Staff Development Plan.

A credential issued in pursuance of these regulations is subject to revocation for good cause, which includes, but is not limited to, failure as a teacher, lack of good moral character, failure to conform to regulations of the State Board or local school board and failure to comply with applicable statutes.

Notice of any contemplated revocation will be given with the cause therefor, and a hearing before the State Board may be had with respect thereto, upon application in writing to the Commissioner of Education."

CROSS REFERENCES

I.Professional Standards Board; Statute §186:60
I.Professional Standards Board; Regulation, State Board of Education Policies #321.1, p. 00074-75

SCHOOL PERSONNEL

CROSS REFERENCE

I.State Board of Education; Statute §186:8

STATE BOARD MEMBERS

CROSS REFERENCE

I.Department of Education: Statute §186:1 -- 186:2

TEACHERS

STATUTES

§189:39

All teachers employed by school boards must hold a "valid educational credential" issued by the state board of education.

§191:2

All teachers employed in public schools must take a loyalty oath as prescribed by state law.

CROSS REFERENCE

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

C. Performance Standards

Commissioner of Education

CROSS REFERENCE

I.Commissioner of Education; Statute §186.9

Educational Personnel

CROSS REFERENCE

I.Professional Standards Board; Regulation, State Board Policies, #321.1, p. 00074-75

III.B.Educational Personnel; Regulation, Certification Standards #479, pp. 1--69

Educational System

STATUTES

§186:13

Appropriations by the legislature "for general educational purposes" shall be used in the following way: 1) "for the abolition of illiteracy" and for instructing "illiterates over fourteen years of age in common school branches"; 2) "for the Americanization of immigrants," and teaching English to persons fourteen years and older; 3) "for equalizing educational opportunity and improving the public elementary and high schools;" 4) to promote the "physical health and

recreation of pupils"; 5) to determine "mental and physical defects," employ school nurses, and teach students basic health principles; 6) "for preparing teachers . . . particularly for rural schools, for encouraging a more nearly universal preparation of prospective teachers, and . . . for the improvement of teachers . . .; 7) for . . . providing educational facilities for the deaf;" 8) for school lunch programs.

§198:8

In order to improve education in the state, assist "the more needy school districts" in "providing an adequate education program," and to provide "incentives . . . for the formation of cooperative school districts," state aid will be provided for public schools.

§198:10

Each district which qualifies for aid shall receive an annual sum in order "to more nearly provide equal public school educational opportunity throughout the state".

CROSS REFERENCES

II.A.4.; Regulation, State Board Policies, §321.1, p. 00054-55

III.A.2.; Statute §189.1

HIGH SCHOOL DIPLOMA RECIPIENTS

REGULATIONS

Information Concerning The High School Equivalency Certificate, #320.9, Form B-23

TESTS

I. Minimum test scores:

"A standard score of no less than 35 on each of the five tests and a total standard score of 225 or above on all five tests to receive a four-year certificate.

A standard score of no less than 32 on each of the five tests and a total standard score of 205 or above on all five tests to receive a two-year certificate.

II. Minimum age:

For issuance of four-year certificate - Eighteen OR class of which applicant was last a member must have graduated.

For issuance of two-year certificate - Seventeen.

III. For admission to take tests (if under eighteen) submit the following:

A written request by the applicant stating reasons for wishing to take tests. In addition to the above, any one of the following which may apply:

1. A written request from an employer for an applicant who must establish high school equivalency for a job opportunity.

2. A written request from a college or university official who will consider accepting applicant on the basis of GED test scores.

3. A written request from a recruiting official for persons who wish to enter a branch of the Armed

Forces where high school equivalence is a prerequisite.

4. A written request from the principal or guidance director of the last school attended if applicant has no definite plans.

IV. Residency requirements:

Applicants must be physically residing within the state. Applicants in the Armed Forces must have their legal residence within the state.

MILITARY

V. Methods of applying:

Service Personnel on Active Duty will submit military application form DD-295, together with official copy of GED scores from USAFI and fee of $2.00 to State Department of Education.

Veterans and Non-Veteran Adults who have taken the tests while in the service or at other authorized GED testing agencies will submit application form B-22 (provided by State Department of Education) together with official copy of scores and fee of $2.00 to State Department of Education.

VETERANS

Applicants wishing to take the GED at testing agencies in New Hampshire will submit form B-21 (obtainable at local high schools or State Department of Education) and fee of $8.00 to testing center of their choice. . . .

VII. Description of Tests:

Test 1 - Correctness and Effectiveness of Expression - Part I is a spelling list in which examinee is required to select misspelled words. Part II consists of several themes or compositions which contain common errors in expression. Examinee is required to locate errors.

Test 2 - Interpretation of Reading Materials in the Social Studies - Test consists of a selection of passages from the field of social studies at the high school level and a number of questions testing examinee's ability to comprehend and interpret contents of passages.

Test 3 - Interpretation of Reading Materials in the Natural Sciences - Test consists of a selection of

passages from the field of natural sciences at the high school level and a number of questions testing examinee's ability to comprehend and interpret contents of passages.

Test 4 - Interpretation of Literary Materials - Test consists of a selection of passages, both prose and verse and a set of questions testing examinee's ability to comprehend and interpret contents of passages.

Test 5 - General Mathematical Ability - Test is of general problem-sovling of a very practical sort.

VIII. Testbooks and courses:

Textbooks at local high schools, public libraries and book stores may provide help to those preparing for these tests. Testing Centers would have information regarding classes being offered in their areas."

SCHOOLS

CROSS REFERENCES

I.Legislature; Constitution, New Hampshire Constitution, Article 83

III.A.2.; Statute §189:24

STATE BOARD OF EDUCATION

STATUTES

§186:3

REMOVAL

NOTICE

HEARING

APPOINTMENT

Members of the state board of education may be removed by the governor for "incompetency, failure to discharge his [her] duties, malfeasance, immorality, or other cause inimical to the welfare of the public schools". The board member must receive a "notice and hearing" prior to such removal. The governor may appoint members to fill vacancies on the board.

STUDENTS

REGULATIONS

State Board of Education Policies,
#321.1, p. 00060

To graduate from high school, each pupil shall complete a minimum program of 16 units, including the following 8 units: GRADUATION

English	4 units
Mathematics	1 unit
Social Studies (U.S. History)	2 units
Science	1 unit

CROSS REFERENCES

II.A.8.; Regulation, State Board Regulations for Adult Diploma, #00602
III.A.1.; Regulation, Minimum Standards and Recommended Practices - High Schools, #319.1, Ch.II -- Ch.VII

IV.G.; Statute §194:24 -- 28

TEACHERS

STATUTES

§189:13

"The school board may dismiss any teacher found by them to be immoral or incompetent, or one who does not conform to regulations". Any teacher who is dismissed before their contract expires must receive notice of "the cause of such dismissal" and a "full and fair hearing." DISMISSAL HEARING

§189:31

The work of teachers shall be supervised by superintendents of schools. Superintendents may "for cause" remove a teacher. REMOVAL

§189:32

REMOVAL

Teachers who are removed by superintendents may appeal to the commissioner of education. "The commissioner shall prescribe" the appeals procedure and shall make an investigation.

APPEAL

§191:1

COMMUNISM

No teachers shall be allowed to "advocate communism" or any other doctrine which includes the overthrow of the government of the United States in the public schools.

CROSS REFERENCES

I.State Superintendent; Regulation State Board Policies #321.1, pp. 00025-28

II.A.1.; Regulation, State Board Policies, #321.1

II.A.8.; Regulation, State Board Regulations for Adult Diploma, #00602

D. Evaluation and Reporting

Activities of the Professional Standards Board

CROSS REFERENCE

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-69

Education Voucher Program

CROSS REFERENCE

II.A.10. Other - Education Voucher Programs; Statute §194-A:1 -- 194-A:5

Educational System

STATUTES

§189.28 --189.29

School boards must file annual reports with the state board of education. It is considered a violation

for any person to "neglect or refuse to comply" with this provision.

INSERVICE EDUCATION PROGRAMS

CROSS REFERENCE

III.B.Educational Personnel; Regulation, Certification Standards, #479 pp. 1--69

E. IMPROVEMENT EFFORTS

EDUCATIONAL PERSONNEL

CROSS REFERENCES

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-69

EDUCATIONAL SYSTEM

CROSS REFERENCES

III.C.Educational System; Statute §198:8

EDUCATORS

CROSS REFERENCE

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1--69

ELEMENTARY EDUCATOR

CROSS REFERENCES

III.A.1.; Regulation, Minimum Standards and Recommendations - Elementary Schools #319.13, pp. 3--24

PRINCIPAL

CROSS REFERENCES

I.Principal; Regulation Certification Standards #479, pp. 30-31

TEACHERS

STATUTES

§186:7a

A special fund, consisting of "proceeds" from the "sale of state lands," shall be used by the state

board of education "for any activity calculated to increase the professional competence of the teachers of New Hampshire."

§195-A:11

In areas of the state where "due to sparsity of population and distance between centers of population, an area high school cannot be established to serve as many school districts or pupils as would otherwise be standard," the receiving districts which establish high schools in these areas shall receive "special supplemental aid" for "the purpose of faculty improvement."

CROSS REFERENCES

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

II.A.8.; Regulation, State Board Regulations for Adult Diploma, #00602

III.A.1.; Regulation, Minimum Standards and Recommendations - Elementary Schools, #319.13, pp. 3--24

III.B.Educational Personnel; Regulation, Certification Standards #479, pp. 1--69

A. Health and Safety

Statutes

§132:16

Any child with "impaired hearing" shall be reported to the director of the "division of public health services."

§189:15-a

The school board may purchase "accident or injury insurance covering all students while participating in any school activity" or may make insurance available at the parent's expense.

ACCIDENT INSURANCE

§200:11 -- 200:12

Upon receipt of a complaint, the "department of health and welfare" shall "investigate the sanitary conditions" of a schoolhouse.

HEALTH INVESTIGATION

If the department of health finds that the schoolhouse is "a menace, or likely to become a menance, to the health or bodily welfare of the pupils or teachers," it shall be reported to the "local board of health" and if the conditions are not remedied, the department shall "order changes" or condemn the building.

§200:27

Each school board "may provide school health services to include school nurse . . . and . . . physician services" to all children.

SCHOOL NURSE

§200:28

"Each school board may appoint one or more school physicians . . . and may assign one to the schools in the district . . . ."

SCHOOL PHYSICIAN

§200:29

A school nurse may be appointed by each school district.

SCHOOL NURSE

§200:30

A school board "may employ for their district a dental hygienist".

DENTAL HYGIENIST

§200:31

HEALTH SERVICE AIDE

A school board "may employ . . . a health service aide . . . to assist in the school health program."

§200:32 -- 200:33; 200:38

MEDICAL EXAMINATION

Upon "entry into the public school system," each child shall receive a "complete medical examination." Such examination shall not be required if contrary to a child's religious beliefs.

"In lieu of a medical examination by the school physician," a child may submit proof of examination by a family doctor.

IMMUNIZATION

WAIVER

Prior to school entrance, all children must be immunized unless excused for religious reasons or because the child's physician determines that "immunization will be detrimental to his health." An examination for signs of tuberculosis shall be given to all children prior to and during school attendance.

§200:34

A child found to have a problem that requires special attention shall be referred by the school physician for "evaluation by an appropriate practitioner". If the parents fail to have the child examined "within a reasonable period after the referral," then the child "may be examined by the school physician."

§200:35

Any "defects or disabilities" found through a physical examination shall be reported to the child's parents.

§200:39

EXCLUSION

A child shall be "excluded from the classroom" if he/she has a contagious disease.

§200:40

EMERGENCY CARE

School boards shall "adopt written policies" to provide "emergency care for students and school personnel" who are injured during school hours.

Regulation Governing the Excusing of Children
#00603

WAIVER

Children may be excused from immunization requirements for admission to public school when the Board determines that the requirement is contrary to the child's religious beliefs.

CROSS REFERENCES

I.State Board of Education; Statute §186:5 -- 186:6a

II.A.1.; Regulation, Certification Standards #479, pp. 38-40

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

II.C.2.; Statute §199.23

II.C.2.; Statute §199.24

IV.D.; Statute §263:28

B. COUNSELING

CROSS REFERENCES

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

II.A.8.; Regulation, State Board Regulations for Adult Diploma, #00602

III.A.1.; Regulation, Minimum Standards and Recommendations
- Elementary Schools, #319.13, pp. 3--24

III.A.1.; Regulation, Minimum Standards and Recommended Practices
- High Schools, #319.1, Ch. II -- Ch. VII

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-69

C. School Food Service

Statutes

§189:11-a

At least one meal a day shall be provided for all students. If a child is unable to pay for the meal, the school board shall assume the cost. The state board of education "shall establish minimum nutritional standards" for the program and make sure that school boards comply.

D. Transportation

Statutes

§186-A:9

"Suitable transportation" shall be provided by the school board for all handicapped children "four years of age or older" who are "able to be so transported" from home to school.

§188-E:8

The state board of education shall pay transportation costs for students who attend regional vocational centers.

§189:6

"The district shall furnish transportation to all pupils below the ninth grade who live more than two miles from the school to which they are assigned". If the child lives so far that the costs of transportation would be unreasonable, "the school board may, at the expense of the district, board the child near a public school". The parents of the child may provide transportation as an alternative.

§189:7

Transportation will be provided "to all pupils under the age of fourteen years in grades above the eighth." In districts not maintaining a high school, students shall be furnished reasonable transportation to an approved high school.

§189:8

Pupils may be required to walk to the bus line but not any distance "exceeding one and one-half miles". If the school board finds it "desirable," transportation may be given to pupils who live less than two miles from school and who are beyond the eighth grade.

§189:9-a

Students may be prohibited from riding in school buses when the students "fail to conform to the reasonable rules and regulations". Parents of the child

may appeal the decision but until the appeal is heard, the parents must provide transportation for the child. §263:28

The drivers of school buses will be investigated, prior to employment, "regarding his or her motor vehicle record, criminal record, character and physical, mental and moral fitness." The driver must pass a "special examination" and receive an "operator's certificate." The bus driver's certificate may be revoked "for good cause shown."

E. Extracurricular Activities

CROSS REFERENCE

III.A.1.; Regulation, Minimum Standards and Recommended Practices
- High Schools, #319.1, Ch. II -- Ch. VII

F. Student Records

Statutes

§91-A:4 - §91-A:5

"Every citizen . . . has the right to inspect all public records, including minutes of meetings . . . and to make . . . photostatic copies". Such inspection and copying may be done during business hours, on the premises of the "bodies or agencies." The "personal school records of pupils" are exempted from this provision.

CROSS REFERENCE

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

III.A.1.; Regulation, Minimum Standards and Recommended Practices
- High School #319.1, Ch·II -- Ch·VII

5. Admission and Transfer

Statutes

§189-1-a

It is the duty of the school board "to provide, at district expense, elementary and secondary education to all pupils under twenty-one years of age, who reside in the district." The school board may exclude pupils for "gross misconduct or for neglect or refusal to conform to the reasonable rules of the school".

§193:1-a; 193:1-b

A child may attend "more than one school" if the total time equals full attendance requirements and this dual enrollment plan has been approved by the state board.

DUAL ENROLLMENT

§193:4 --193:4-a

School districts are liable for the tuition of their resident pupils who are assigned to schools in other districts. This liability shall extend to students attending schools in other districts under "an approved dual enrollment plan".

TUITION

"Dual enrollment programs" are to be regulated by the state board of education.

§193:12

Nonresidents may not send their children to school in a district where they do not reside "without the consent of the district or the school board."

§193:18-a --193:18-b

A child placed in a "home for children" (orphanage, institution, "child caring agency") "shall be entitled to attend the public schools" in that district.

§193:19 --193:20

VETERANS

The orphans of veterans of the armed forces are entitled to tuition-free attendance at state secondary or college level schools.

§194:14

A school district may determine requirements for admitting nonresident students to its schools and if the district neglects to do so, the school board may do it.

§194:24 -- 28

If the attendance of a pupil "at the school with which the contract is made will work a manifest hardship," the pupil or his/her parents may request a transfer to another school.

HEARING

The school board shall hold a hearing "within ten days" and if the transfer request is "well-founded," the board will approve the request.

APPEAL

The school board's decision may be appealed by either party to the state board of education.

TUITION

Any district not maintaining a high school must pay tuition for its resident pupils who attend a high school in another district.

A pupil who attends a high school for the required time and does not graduate and whose tuition is being paid for by the school district "may be required to certify to the school board" that he/she will make the effort required to profit from his [her] attendance" before he/she receives further tuition benefits. The school board may suspend tuition payments if it determines that the pupil is "grossly neglecting his [her] school work." This decision is "subject only to review by the state board of education."

If a parent has paid tuition for a child to attend high school in another district because its own town did not maintain a high school, the parent

may recover the amount paid from the town. Failure of a "town district" to comply with this provision shall subject it to the penalty of a fine.

CROSS REFERENCES

II.A.2.; Statute §186:A-7

II.A.2.; Statute §186:A-8

II.A.3.; Statute §186:40

II.A.3.; Statute §188-A:12

II.A.3.; Statute §188-E:7

III.A.1.; Statute §194:23-d

IV.A.; Statute §200:32 -- 33; 20C:38

IV.A.; Regulation, Governing the Excusing of Children #00603

IV.H.; Statute §193:1; 3

H. Attendance Requirements

Statutes

§189:34

Truant officers for each district shall be appointed by the school board.

§189:36

Truant officers "shall enforce the laws and regulations relating to truants . . . between the ages of eight and sixteen years not attending school and without any . . . occupation; and the laws relating to the attendance . . . of children between . . . eight and eighteen . . . ."

§189:37

The state board may appoint additional truant officers and may require a school board to remove a truant officer found to be "incompetent".

§193:1

All children "between six and sixteen years" shall attend public school unless the child's "physical or mental condition" prevents his/her attendance or would "make it undesirable." If the school district does not have a high school, attendance will not be mandatory for a child over fourteen who has completed elementary school work. If a child becomes six years old "after September thirtieth" he/she will not be required to begin school until the following year.

§193:2

Every person who has custody of a child must send the child to school "during all the time the public schools are in session."

§193:3

If the person having custody of a child thinks that the child's attendance at a school or "special class for handicapped children" to which the child was assigned will result in "a manifest educational hardship to the child," he/she may apply for relief to the state board of education. The board may investigate and reassign the child. If the child is assigned to another district, the tuition will be paid by his residence school district.

§193.5

Whenever the superintendent of schools deems that "the welfare of any child will be best served by the withdrawal of such child from school," he/she may so recommend to the commissioner of education who shall, "if the facts warrant it," exempt the child from attendance for whatever time he/she thinks best.

§193.7

Failure to comply with the compulsory attendance requirements shall constitute a "violation". Any fines collected will be used for the school district.

§193:16 --193:18

School districts may make "by-laws" concerning truants and attendance requirements. "Any offender . . . shall be sentenced to the state industrial school during minority." An offender may have his/her sentence suspended if he/she posts bond, and attends a school assigned to him/her and complys with all regulations.

§194:23-b

A student less than 16 years of age, must attend a high school "which has been approved by the state board of education" in order to "satisfy compulsory school attendance laws".

§195-A:4-a

EXEMPTION

Pupils in a sending district may be exempted, "upon a showing of hardship," from any agreement "requiring them to attend the receiving district's schools." An exception shall be granted for one school year and may be renewed.

CROSS REFERENCES

I.School Board; Statute §189:15

I.School Board; Statute §189.28

II.A.2.; Statute §186-A:4

II.A.2.; Statute §186-A:6

II.A.3.; Statute §188-E:6

II.A.5.; Statute §193:9 -- 193:10

IV.G.; Statute §193:1-a; 193:1-b

IV.J.; Statute §193:14 -- 193:15

I. Student Employment

Statutes

§276-A:4 -- A:7

"No youth under sixteen . . . shall be employed . . . more than three hours per day on school days". This restriction may be suspended, however, for persons under sixteen engaged in "agricultural work". Persons under eighteen must have a work certificate unless he or she works for "his parents . . . or as farm labor."

Work certificates "shall be issued by principals of schools" and shall show the age and health status of the applicant.

The commissioner of education shall have enforcement powers regarding youth employment.

Anyone who violates these provisions may be subject to a fine and/or imprisonment.

J. Student Rights and Discipline

Statutes

§193:11

To "wilfully interrupt or disturb any school" shall constitute a misdemeanor.

§193:13

SUSPENSION

The superintendent has authority to "suspend pupils from school for gross misconduct." If the suspension is for more than "five school days," the parent may appeal to the local school board. The school board may dismiss a pupil for "gross misconduct or for neglect or refusal to conform to the reasonable rules of the school" and such suspension is subject to review by the state board of education.

APPEAL

DISMISSAL

REVIEW

§193:14 --193:15

If a student has been assigned by the school board to a particular school, he/she may not attend any other school. If a student attends, visits, or interrupts a school "which he [she] has no right to attend," he/she shall be "guilty of a violation" and for subsequent offenses, "of a misdemeanor."

CROSS REFERENCES

I.School Board; Statute §189:15

III.A.1.; Statute §194:23-d

IV.D.; Statute §189:9-a

IV.E.; Statute §194:15-a

IV.G.; Statute §189-1-a

IV.H.; Statute §195-A:4-a

K. Parents' Rights

Statutes

§91-A:2

"All public proceedings shall be open to the public" and the minutes of such meetings shall be "open to public inspection." Notice of such public meetings must be posted and printed in a local newspaper.

CROSS REFERENCES

II.A.2.; Statute §132:17

II.C.1.; Statute §199.8

III.A.1.; Statute §194:23-d

IV.A.; Regulation, Governing the Excusing of Children #00603

IV.F.; Statute §91-A:4 -- 91-A:5

IV.G.; Statute §194:24 -- 28

IV.H.; Statute §193:3

IV.J.; Statute §193:11

IV.J.; Statute §193:13

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III. Quality Of The Educational Process

A. Qualification Standards For Schools And School Districts

1. Accreditation

Regulations

§6:8-6.2

The Commissioner shall, after analyzing annual reports, classify districts and schools within districts as approved, conditionally approved or unapproved. These classifications shall be made known to the school administrators and district boards. The classification of every school and district shall be reported to the public by the district board and a classification list shall be maintained in the office of county superintendent.

§6:8-7.1

Districts declared conditionally approved or unapproved shall prepare and submit a remedial plan for review. REMEDIAL PLAN

§6:8-7.2

Submission of a remedial plan that is found to be insufficient or once approved lies unimplemented, shall result in those responsible having to show cause why corrective action should not be taken. If a determination is made to take corrective action budgetary changes made be directed and/or the implementation of training programs for teaching staff and other personnel.

§6:8-7.3

The State Board, on determining that a school or district is not providing an efficient system of free public schools, shall issue an administrative order specifying a remedial plan to the district board of education. This plan may include budgetary changes and/or other measures the State Board determines to be appropriate. The right to appeal the administrative order to the Superior Court shall lie.

§6:27-1.1

Approval of a high school shall be given by the State Board after the Commissioner or designee has visited the applicant school and passed on its curriculum.

Approval may be revoked if a school fails to maintain established standards or does not follow the program for which it was approved.

2. Other Qualification Standards

Statutes

§18A:33-1

Each school district shall provide "suitable educational facilities including proper school buildings and furniture and equipment," and courses of study suitable for ages 5 - 20. Courses of study shall be adopted or altered only by majority vote of the board of education.

§18A:33-2

When a district fails to provide the required facilities and courses of study, the county superintendent, with the commissioner's approval, shall direct the custodian of school moneys to withhold further payments to such school until remedial action has been taken.

§18A:36-1;2

The school year for all public schools shall begin on July 1 and end on June 30th. "The board of education shall determine annually" the opening and closing days of school.

Regulations

§6:20-1.3

For purposes of school attendance a day in session shall be a day on which the school is open and pupils are under the guidance and direction of a teacher or teachers

engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes and inclement weather shall not be considered as days in session.

SCHOOL DAY

A school day shall consist of not less than four hours of actual school work, except that in an approved kindergarten one continuous session of 2 1/2 hours may be considered as a full day.

An approved kindergarten shall meet the following requirements: (1) every kindergarten teacher shall be properly certified; (2) a balanced program in an approved facility with adequate equipment, materials and supplies shall be provided each child; and (3) the maximum enrollment for any kindergarten class shall be 25 pupils per teacher.

A day of attendance shall be one in which a pupil is present for the full day under the guidance and direction of a teacher or teachers while school is in session.

A record of the attendance of all pupils on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person.

§6:27-1.6

The high school shall have an adequate number of teachers properly certified for their respective assignments.

The primary responsibility of the principal shall be the supervision and administration of the school. Except for teaching assignments he shall devote full time to the supervision and administration of the school.

If he teaches any classes, his daily assignment shall be limited as follows:

School enrollment	Maximum number of teaching periods
Under 400	2
400-500	1
Over 500	0

When the high school enrollment does not exceed 300 pupils, the superintendent of the school districts may also serve as high school principal provided that he does no teaching and provided that at least half of his time is given to adminstration and supervision of the high school.

Regardless of enrollment in a regional high school, the principal of a regional high school may also serve as superintendent of the regional district provided he devotes his full time to administration and supervision. When there is more than one high school in a regional district, there shall be a principal for each school; one principal may be designated as superintendent or there may be a superintendent who serves in this capacity alone.

§6:27-1.7

CLASS SIZE

Class sizes shall be limited in numbers to provide opportunity for a reasonable amount of attention by the teacher to individual pupil needs.

§6:27-3.1

The rules for the approval of full-time secondary schools shall apply to all secondary summer sessions. No secondary school summer session may be operated or approved unless it: (1) is operated by a board of education without charge to pupils domiciled within the district; or (2) is operated as an integral part of the program of an approved private secondary school.

Remedial, advancement and enrichment courses may be offered to meet pupil needs.

Application for renewal of approval shall be reviewed and approved annually by the county superintendent of schools.

CROSS REFERENCES

II.A.3.; Statute §18A:54-25

II.A.4.; Regulation §6:26-2.1--.2; §6:26-2.3--.4

III.B.Teachers; Regulation §6:8-4.3

III.C.Students; Regulation §6:27-1.4

B. Qualification Standards For Personnel

Administrators

Regulations

§6:11-9.1

New Jersey administrative and supervisory certificates are issued to applicants who have completed approved administrative and supervisory programs in New Jersey colleges and universities or equivalent programs in out-of-State institutions approved by the state department of education of the state in which the college is located.

§6:11-9.2

Applicants may qualify for a regular New Jersey administrative or supervisory certificate by successful completion of one of the following:

1. Completion of a graduate program approved by the New Jersey State Department of Education as the basis for issuing the certificate.

2. Completion of an appropriate out-of-State graduate program in educational administration and/or supervision approved by the National Council of Accreditation of Teacher Education (NCATE).

3. Completion of a graduate program, approved by the State Department of Education in the state in which the college is located, provided the program meets the minimum standards outlined in the New Jersey Administrative and Supervisory Supplement to the Standards for State Approval of Teacher Education.

4. Completion of three years of successful teaching experience and three years of appropriate administrative or supervisory experience in another state, provided the applicant presents a standard teacher's certificate or its equivalent, the appropriate degree required for the certificate by New Jersey regulations, a standard certificate in the appropriate administrative or supervisory field

from the other state, currently in full force and effect, and preparation equivalent in total semester hours but not necessarily identical in specific content to the minimum Standards outlined in the New Jersey Administrative and Supervisory Supplement to the Standards for State Approval of Teacher Education.

CROSS REFERENCE

I.Board of Education; Regulation §6:3-1.1

APPOINTEES OF BOARD OF EXAMINERS

STATUTES

§18A:26-4

All appointees to the board of examiners shall hold a state certificate or the highest grade certificate issued in the district, or be a college graduate.

ASSISTANT SUPERINTENDENT

REGULATIONS

§6:11-10.13

This certificate is required for the position of assistant executive superintendent in a city of the first class with a population of over 325,000. The requirements are as follows: (1) certification to serve as principal issued by New Jersey State Board of Examiners; or in the alternative; (2) a standard New Jersey teacher's certificate or equivalent; (3) teaching experience; (4) a master's degree; (5) a program of graduate studies.

§6:11-10.14

This certificate is required for the position of assistant executive superintendent in a city of the first class with a population of over 325,000.

The requirements are as follows: (1) bachelor's degree; (2) approved teaching or business experience; (3) a program of studies including course work in school administration; business administration; school finance; school law and school curriculum.

Board Of Education Members

Statutes

§18A:12-1--2

Each member of any board of education shall be a literate citizen, residing within the district for at least two years immediately preceeding his[her] appointment or election." No member shall be interested directly or indirectly in any contract with or claim against the board."

§18A: 13-7

The member of a regional board of education shall be a resident of the constituent district to be represented by the member, for at least two years.

Board Of Vocational Education Members

CROSS REFERENCE

II.A.3.; Statute §18A:54-13; 16; 17

Business Administrator

CROSS REFERENCE

I.Business Administrator; Regulation §6:3-1.18

Certificated Personnel

Statutes

§18A:6-38--39

The board shall issue appropriate certificates to teachers, supervisors and administrators in the public schools and may revoke certificates under laws prescribed by the State board. The board may issue a teacher's certificate to a noncitizen who intends to become a U.S. citizen, but the person will not acquire tenure until citizenship has been granted.

§18A:26-9

No certificate to teach or supervise shall be issued or renewed unless the applicant takes an oath of allegiance.

§18A:26-11; 12

"The interstate agreement on qualification of educational personnel" contained in the following provisions is law and shall apply to all teaching staff members who must meet requirements of certification."

The purpose of this agreement is to facilitate the movement of teachers and other professional educational personnel among the states and to increase the availability of educational manpower."

REGULATIONS

§6:11-3.9

Persons who apply for licenses to teach or supervise in any public school shall suscribe to the oath of allegiance. Persons who are not citizens of this country and who desire to teach in this state must file an oath to support the Constitution of the United States while employed.

§6:11-3.10

To be eligible for a certificate, the applicant must be a citizen of the United States (except a teacher of foreign languages, unless such teacher has been a resident of the United States for more than ten years; or an applicant for temporary employment under a special program approved by the Commissioner of Education) or have preliminary citizenship status as follows:

Any citizen of any other country who has declared his or her intention of becoming a United States citizen and who is otherwise qualified may, with the approval of the Commissioner of Education, be granted a teacher's certificate and employed as a teacher by a board of education.

Any certificate granted pursuant to this act shall be void and shall be cancelled by the State Board of Examiners who issued the same, if the holder thereof shall not have become a United States citizen within five years of the date of its issuance, and may be revoked within said period by the State Board of Examiners if the said board is satisfied that the holder thereof has abandoned his efforts to become a United States citizen or has become disqualified for such citizenship.

CITIZENSHIP

No teaching staff member shall acquire tenure unless he is, or until he shall become, a citizen of the United States.

§6:11-3.17

An applicant who believe that his/her credentials have not been given proper consideration has the right to appeal the decision. Information concerning appeal procedure may be secured from the secretary of the State Board of Examiners or the office of the county superintendent of schools.

APPEAL

§6:11-3.25

All applicants for certificates who are in State service must meet the academic qualifications of the certificate being applied for.

Full-time employment in such areas shall be applicable to requirements for teacher's certificate. Administrative and supervisory experience in the State Department of Education shall be equivalent to such experience in the local districts. Full-time administrative, supervisory, and teaching experience in labaratory schools of New Jersey state colleges and the New Jersey School for the Deaf shall be deemed the equivalent of administrative, supervisory, and teaching experience in a local district.

The equivalency of experience upon which the issuance of other types of certificates is requested,

where the issuance of a certificate calls for prior experience of some type, shall be determined by the decision of the State Board of Examiners.

§6:11-3.31

Notice of certification deficiency rules are:

The Secretary of the State Board of Examiners shall notify all unsuccessful applicants for certification of the certification requirements lacking and of the procedures set forth in subsection (b) of this Section for submitting evidence of alternative education and/or experience.

Offer of alternative education and/or experience rules are:

Any such successful applicant may supply the State Board of Examiners with materials which the applicant considers evidence of alternative education and/or experience warranting certification.

Such material shall be supplied on forms provided by the Bureau of Teacher Education and Academic Credentials. These forms must be requested by the unsuccessful applicant within 15 days of the date of the Secretary's notice that the certificated has been denied.

The applicant wishing to substitute alternative education and/or experience for routine credentials shall complete and return 25 copies of the forms supplied pursuant to paragraph 2 of this subsection within 30 days of their receipt.

Review of alternative education and/or experience by State Board of Examiners rules are:

The Secretary shall review said forms for sufficiency and transmit them to the State Board of Examiners, which shall review their contents no later than its second regular meeting after said forms have been received by the Bureau.

In reviewing the applicant's alternative education and/or experience, the Board may request written commentary by appropriate members of the staff of the Depart-

ment of Education. Copies of any such commentary shall be supplied to the applicant.

Public discussion of alternative education and/or experience rules are:

The Secretary shall give an applicant not less than ten days notice of the Board meeting at which his/her application for certification based on alternative education and/or experience is to be considered.

The applicant may be present at said meeting and may be accompanied by a personal representative of his/her choice.

The applicant may be questioned by the Board and shall be given an opportunity to be heard personally or through a representative.

Decision rules are:

The Board shall render its decision on each application for substitution no later than its first regular meeting after the application has been considered publicly.

The Board's decision shall be in written form setting forth its reasons for the decision.

Appeal rules are:

Said decision shall be appealable to the Commissioner of Education. APPEAL

COUNSELORS

REGULATIONS

§6:11-12.12

This certificate is required for any person who is assigned as a director, administrator or supervisor of guidance and student personnel services of a school system, including the supervision of educational activities in areas related to and within the guidance program.

The requirements are: (1) a bachelor's degree based upon a four-year curriculum in an accredited college; (2) a standard New Jersey student personnel services certificate or its equivalent, and three years of successful experience

in school student personnel work; and (3) successful completion of either a college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or a program of college studies including 40 semester-hour credits, including a minimum of eighteen semester-hour credits chosen from guidance, ten chosen from psychology, and the remaining 12 chosen from sociology, administration, and supervision.

§6:11-12.13

This certificate is required for any person assigned to perform student personnel services such as study and assessment of individual pupils with respect to their status, abilities, interest, and needs; counseling with teachers, students, and parents regarding personal, social, educational, and vocational plans and programs; and developing cooperative relationships with community agencies in assisting children and families.

The requirements are: (1) a bachelor's or higher degree; (2) a standard New Jersey teacher's certificate, or college transcripts indicating completion of the professional coursework required for such a certificate; (3) one year of successful teaching experience; and (4) in addition to the preparation required for (2) above, successful completion of either a graduate curriculum approved by the New Jersey State Department of Education as a basis for issuing this certificate; or a program of college studies including 30 semester-hour credits of post-baccalaureat work, in the guidance and counseling, testing, psychology, sociological foundations and certain electives.

District Board Of Examiners

CROSS REFERENCE

I.District Board of Examiners; Statute §18A:26-3

EXECUTIVE SUPERINTENDENT

STATUTES

§18A:17A-2

An executive superintendent must possess an appropriate certificate and must meet criteria established by the board of education, which shall be made public prior to the start of the selection.

LIBRARIANS

REGULATIONS

§6:11-12.5

This certificate is required for service as a school librarian and for instruction in the use of the school library in elementary and/or secondary schools.

The requirements are: (1) a bachelor's degree based upon a four-year curriculum in an accredited college; (2) successful completion of either a college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or a program of college studies and a (3) a degree in library science from an accredited institution or equivalent preparation including thirty semester-hour graduate or undergraduate credits in library science related to public school service.

§6:11-12.6

This certificate is required for service as a teacher-librarian and for instruction in the use of the school library in elementary and/or secondary schools.

The requirements are as follows: 1. a standard New Jersey teacher's certificate; 2. a minimum of 18 semester-hour credits in library science related to public school service.

§6:11-12.7

This certificate is required for employment as a professional librarian in libraries supported in whole or in part by public funds, serving communities of 10,000 population and above.

The requirements include a master's degree in library or information science in an approved library program.

MEDIA SPECIALISTS

REGULATIONS

§6:11-12.21

This certificate is required for any person who is assigned to develop and coordinate educational media services in the public schools.

The requirements are: (1) a master's degree from an accredited institution; (2) a standard New Jersey teacher's certificate or associate educational media specialist certificate; (3) one year of successful teaching or one year of experience as an associate educational media specialist and (4) successful completion of either a graduate curriculum approved by the New Jersey State Department of Education as the basis of issuing this certificate; or a minimum of 30 semester-hour credits of post-baccalaureate studies. Courses completed in the candidate's graduate degree program may be applied toward fulfilling these requirements.

§6:11-12.22

This certificate is required for any person assigned to perform educational media services in the public schools under the supervision of a qualified supervisor. Educational media are defined as all print and nonprint resources and the equipment needed for their use.

The requirements are: (1) a bachelor's degree from an accredited college; (2) a standard New Jersey teacher's certificate; and (3) successful completion of either a

college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or a minimum of 18 semester-hour credits of undergraduate or graduate study in educational media.

PRINCIPALS

REGULATIONS

§6:11-10.8

Successful completion of one of the following are required for principals: a curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or a program of college studies, including twenty-four semester-hour graduate credits in addition to those required for a standard teacher's certificate.

CROSS REFERENCE

III.B.Superintendent of Schools; Regulation §6:11-10.4

PSYCHOLOGIST

REGULATIONS

§6:11-12.14

This certificate is required for service as a psychologist in elementary or secondary schools.

The requirements are: (1) a bachelor's degree from an accredited college with a minimum of thirty semester-hour credits distributed in at least three of the following fields; English, social studies, science, fine arts, mathematics, and foreign languages; and (2) an advanced program of at least 60 semester-hour credits in graduate courses in an accredited and approved college or university program.

School Aides

§6:11-4.9

School aids and/or classroom aides, assisting in the supervision of pupil activities under the direction of a principal, teacher or other designated certified professional personnel, shall be approved in accordance with regulations and procedures adopted by the State Board of Education in February, 1968. Copies of these procedures are available from the Bureau of Teacher Education and Academic Credentials for the offices of county superintendent of schools.

Current regulations require school districts employing aids to develop job descriptions and standards for appointment. These descriptions and standards should be based on study of local needs. The nature of the job descriptions will dictate the qualifications to be met, the proficiency standards needed, and the pay to be received.

The locally developed descriptions and standards adopted by the board of education shall be submitted by the superintendent of schools or chief administrative officer to the county superintendent for approval, in accordance with the regulations outlined below:

Any board of education employing school aides or classroom aides shall submit to the county superintendent of schools a job description for each type of aide to be employed, setting forth the duties to be performed, the types of proficiency needed, the qualifications to be required, and the arrangement for supervision of the aides. The qualifications shall include proof of good moral character.

The county superintendent of schools shall review the job descriptions and the qualifications proposed for positions for the various types of supervisory or classroom aides. If he finds that the descriptions and qualifications are in accord with the

policies of the State Board of Education, and conform to sound educational practice, he shall approve them, and notify the school board of his approval in writing.

At least once each year, and at such other times as the county superintendent may require, the superintendent of schools or chief administrative officer shall submit to the county superintendent the names of the persons employed as aides, and a statement certifying that the persons appointed meet the qualifications approved by the county superintendent of schools and are being supervised in accordance with the approved plan. The local superintendent and the county superintendent shall keep appropriate records of the individuals so approved.

School Employees

§18A:6-5

No religous test or inquiry shall be allowed as a requirement for qualification as an employee of the public school system.

RELIGIOUS TEST

CROSS REFERENCE

III.C.School Employees; Statute §18A:16-2; 5

Social Worker

Regulations

§6:11-12.10

This certificate is required for service as a school social worker (visiting teacher) in any school district in the State.

The requirements are: 1. a bachelor's degree based upon a four-year curriculum in an accredited college; 2. three years of successful teaching experience or three years of approved social work experience or a combination of both, or a master's degree from an accredited school of social work; 3. twenty-four semester-hour credits

distributed within the following areas, including some study in each area: psychology, education, sociology and social problems; mental hygiene and social psychiatry; and community organization and public welfare services. 4. a master's degree in Social Work from an accredited institution will be accepted as meeting the study requirements indicated above.

SUPERINTENDENT OF SCHOOLS

STATUTES

§18A: 7-1

The commissioner, with the approval of the state board, shall appoint a superintendent of schools for each county. The appointee shall be a state resident for at least three years immediately prior to appointment and shall serve for a three year term.

APPOINTMENT

REGULATIONS

§6:11-10.4

School administrator: This endorsement is required for the position of superintendent of schools. The holder of this endorsement may also serve as assistant superintendent of schools, principal, or supervisor.

Principal: This endorsement is required for positions of principal or vice-principal. Holders of this endorsement may supervise instruction, and may also serve as assistant superintendent of schools, and as assistant superintendent in charge of curriculum and/or instruction.

Supervisor: This endorsement is required for supervisors of instruction who do not hold a school administrator's or principal's endorsement. The supervisor shall be defined as any school officer who is charged with authority and responsibility for the continuing direction and guidance of the work of instructional personnel. This endorsement also authorizes appointment as an assistant superintendent in charge of curriculum and/or instruction.

SUPERVISOR

REGULATIONS

§6:11-10.9

Successful completion of one of the following are required for supervisors: a college curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement or a program of college studies including twelve semester hours of graduate study in supervision and curriculum development.

CROSS REFERENCE

III.B.Superintendent of Schools; Regulation §6:11-10.4

TEACHERS

STATUTES

§18A:6-7

Every U.S. citizen who is employed in a teaching capacity in a school supported in whole or part by public funds, before assuming his duties, shall take an oath of allegiance. OATH

§18A:26-1

Any teacher employed for nine months or more must be a U.S. citizen, except those who have declared their intention to become U.S. citizens and have been issued a teaching certificate may be employed while they hold certificates. Teachers of foreign languages who have resided in the U.S. for less than 10 years, who are not citizens, may be employed in such capacity. CITIZENSHIP

§18A:26-2

No teaching staff member shall be employed by the board of education unless she/he has the valid certificate required by law for her/his position.

§18A:26-6; 8; 8.1

A teacher in a school district which has a board of examiners must have a certificate issued by such board, and one issued by the state board of examiners or the county superintendent of schools.

To receive a certificate, a teacher must have passed "an examination in physiology and hygiene;" with particular emphasis on the effects of alcohol and narcotics in the body. This is not required of those teaching subjects outside the usual curriculum such as music or drawing.

With the approval of the commissioner, the state board of examiners may issue a teacher's certificate to a non citizen "who has declared his[her] intention of becoming a United States citizen," but this certificate may be revoked if the board of examiners finds that he/she has abandoned his/her efforts to become a citizen, has been disqualified for citizenship, or has not become a citizen within five years of the issuance of the certificate.

CITIZENSHIP

§18A:26-14

Contracts may be made between states agreeing to the acceptance of certification received by a teacher in the other state. Such contracts shall exist for no more than five years but may be renewed or shall be reviewed annually.

§18A:27-2

The employment of a teaching staff member shall cease whenever the board of education shall ascertain that he/she no longer holds a certificate required for employment.

§18A:29-7

"No teaching staff member shall be entitled to any salary unless he/she is the holder of an appropriate certificate."

§18A:44-3

Every kindergarten and nursery school teacher shall hold an "appropriate certificate" issued by the state board of examiners or by the local board of examiners, if there is one.

§18A:49-2

The state board shall make rules governing such schools and the issuance of special teacher certificates. Every teacher employed in such a school must have an appropriate certificate.

RULEMAKING

REGULATIONS

§6:8-4.3

Teaching staff members shall be employed by the district board of education based upon the specific instructional needs of pupils of the district and each school within the district. The district board of education shall provide certified personnel needed to implement a thorough and efficient system of free public schools, which may include but not be limited to the following:

Adult, continuing and community education teachers; Art teachers; Educational supervisors; Foreign language teachers; Health teachers; Instructional media specialists (librarians); Instrumental and vocal music teachers; Nurses; Physical education teachers; Reading specialists; School counselors; Speech correctionists; Teachers of handicapped; and Vocational educational specialists.

The district shall employ for its teaching staff members, only persons certified under the rules and regulations of the State Board of Education.

Rules on the principal are:

Each school shall be assigned the services of a full-time nonteaching principal to be responsible for administration and supervision of the school.

Assistants to principals and to principals assigned as chief school administrators shall be provided where necessary because of school enrollment, educational program and/or complexity of operation.

All district boards of education shall provide the services of child study team personnel (school psychologists, school social workers and learning disabilities teacher-consultants), in numbers sufficient to insure implementation of pertinent law and regulation.

All district boards of education shall maintain a list of available, certified substitute teachers, pursuant to regulation. Substitute teachers shall be provided orientation and training to meet pupil needs within the school district.

Sufficient supportive services shall be provided, including but not limited to secretarial and clerical, janitorial, buildings and gounds maintenance, cafeteria and pupil transportation.

Aides may be employed, and shall be approved and assigned, pursuant to law and regulation.

§6:11-1.1

The Bureau of Teacher Education and Academic Credentials exists to establish standards for well-prepared teachers, administrators, and other personnel for the New Jersey public schools. The Bureau assists colleges to establish and expand teacher education programs to fit the needs of New Jersey schools while keeping these programs consistent with State Board standards.

The Director of the Bureau acts as secretary to the State Board of Examiners, which issues teachers' certificates and prepares the regulations and standards relating to teacher certification.

§6:11-2.1

There shall be a State Board of Examiners, consisting of the Commissioner, ex officio, and one assistant commissioner of education, two presidents of state colleges, one county

superintendent, one superintendent of schools of a Type I district, one superintendent of a Type II district, one high school principal, one elementary school principal, one librarian employed by the State or by one of its political subdivisions and four teaching staff members other than a superintendent, principal or librarian, all appointed by the Commissioner with State Board approval.

§6:11-2.2

The Board shall grant appropriate certificates to teach or to administer, direct or supervise, the teaching, instruction or educational guidance of pupils in public schools operated by boards of education and such other certificates as it shall be authorized to issue by law

§6:11-3.1

No teacher shall be entitled to any salary unless such teacher shall be the holder of an appropriate teacher's certificate.

Teachers must exhibit their certificates to the county superintendent of schools prior to assuming teaching duties. The certificates should always be kept in the possession of the teacher.

§6:11-3.2

Teachers who do not possess proper teaching certificates, in full force and effect, shall not be offered employment and if there is a contract it shall be of no effect.

§6:11-3.3

The State Board may make and enforce rules and regulations for the granting of appropriate certificates or licenses to teach or administer, direct, or supervise, the teaching, instruction or educational guidance of pupils in public schools operated by boards of education,

§6:11-3.5

The local superintendent of schools is charged with the responsibility of ascertaining who possesses proper certification and shall report those who do not.

The county superintendent shall take measures necessary for the enforcement of the State law requiring that boards only hire teachers with proper certification. The county superintendent shall notify the Commissioner if he learns of a violation of this requirement.

§6:11-3.7

REVOCATION

HEARING

Any certificate may be revoked by the State Board of Examiners for inefficiency, incapacity, conduct unbecoming a teacher, or other just cause. Any revocation must be preceded by a hearing.

§6:11-3.8

SUSPENSION

Any teacher who, without the consent of the board, leaves the school prior to the expiration of his/her term shall have his/her certificate suspended for a period not to exceed one year.

§6:11-3.11

Applicants for teachers certificates must be at least 18 years old, and have been graduated from an approved high school, or have an equivalent education as determined by the State Board of Examiners.

§6:11-3.12

No person not certified as a teacher and not in the employ of a board of education shall be permitted to organize public school pupils during school time or during any recess in the school day for purposes of instruction; or coaching or for conducting games, events or contests in physical education or athletics.

Every person appointed subsequent to June 1, 1960, to coach, teach, or train individual pupils or school teams for interschool athletic competition shall be a certificated member of a school faculty in that same

school district and shall be employed full time during the regular school day when classes are in session.

§6:11-3.13

Teachers in accrediated public evening schools and teachers in evening schools for foreign born shall hold valid New Jersey or subject teacher's certificates authorizing the teaching of the specified subject or subjects in public day school.

§6:11-3.14

Certification to teach in a school having an experimental curriculum not covered by these certification regulations may be granted by the Commissioner of Education.

§6:11-3.18

Regulations of the New Jersey State Board of Education require teacher candidates to present college study completed at accredited or approved institutions.

§6:11-3.22

Teaching certificates, which must always be kept in the possession of the teacher, are to be issued by the Bureau of Teacher Education and Academic Credentials upon completion of the "Standards for State Approval of Teacher Education" and The New Jersey Instructial Supplement to these standards. Lack of recommendation from the preparing institution denies issuance of a certificate.

§6:11-3.26

Effective July 1, 1973, for a teacher who has taught for two years, the Secretary of the State Board of Examiners may waive the student teaching requirement, if the following conditions are met:

An application for the waiver from the teacher, with the support of the employing superintendent of schools and the recommendation of the county superintendent;

WAIVER

Certification by the district superintendent of satisfactory teaching experience;

A statement from the superintendent that the teacher is being offered a contract to remain in that district.

This waiver is limited to applicants who have taught successfully for two full consecutive years in a public school district in New Jersey under an appropriate sub-standard certificate and have been offered a contract to remain in that district and were not required to complete an approved teacher education program.

§6:11-3.28

Graduates from out-of-state institutions who have been awarded teaching certificates from those institutions and have outside teaching experience may be issued the appropriate New Jersey certificate, if they would have been eligible had they prepared in New Jersey.

§6:11-3.29

Teachers from foreign countries may be issued temporary teaching certificates to teach in New Jersey for a period not to exceed two years.

The temporary certificate shall be issued in the area in which the applicant had at least two years of successful teaching experience. All qualification of applicants are to be analyzed.

§6:11-3.32

The Secretary at the State Board of Examiners may, with State Board approval, enter into contracts with other states, allowing transfer of teacher credentials between New Jersey and other states.

§6:11-4.1

Certificates with lifetime validity are issued to candidates who meet New Jersey standards for regular certification.

§6:11-4.2

Temporary certificates are issued to those who come to New Jersey from other states who do not have a reciporal agreement and who present:

Official transcripts containing completion of an approved teacher education program, but which does not meet all current New Jersey standards;

A regular (not substandard) certificate in another state and one full year of successful teaching experience in the appropriate field, but the preparation does not meet all current New Jersey standards.

To renew a temporary certificate the applicant must complete a prescribed number of courses during the school year for which the certificate was issued courses being prescribed by the Bureau of Teacher Education and Academic Credentials offer an evaluation of the applicant's credentials.

RENEWAL

§6:11-4.3

A provisional, substandard certificate is issued to an applicant whose preparation does not meet completely the New Jersey standards for certification. It is issued on application of a public school district, submitted after July 1, the local board states the applicant is being offered a contract of employment for which the certificate is required. Provisional certificates are only issued in fields of teacher shortage.

§6:11-4.4

An emergency, substandard, one year certificate, is issued only in fields of teacher shortage. It is issued by application of a public school district, submitted after August 1, where the local board indicates its inability to locate a certified teacher.

§6:11-4.6

An applicant who is close to earning his teaching credentials may be given a certificate for a two month period, by the county superintendent allowing him/her to teach.

§6:11-4.7

Persons with at least 60 semester hour credits in an accrediated college may be granted a county substitute certificate. The certificate, issued for a three-year period, allows the holder no more than 20 consecutive days in the same position, in one district, during the school year. These certificates are issued during times when the supply of certified substitutes is inadequate. They carry none of the accrued benefits afforded fully certified regular teachers.

§6:11-4.8

In the event a shortage of teachers occurs and it is not possible to employ persons who meet the regular certification standards, the Commissioner may issue substandard certificates in individual cases.

§6:11-5.2

Applicants may qualify for a regular New Jersey teacher's certificate in one or more of the comprehensive or single field endorsements by successful completion of one of the following:

Completion of a college curriculum approved by the New Jersey State Department of Education as the basis for issuing the certificate;

Completion of a college teacher education program, which is included in the annual List of Approved Programs in the NASDTEC Certification Reciprocity System, issued by the National Association of State Directors of Teacher Education and Certification, designating approval as meeting the national standards described in Standards for State Approval of Teacher Education;

Completion of an elementary teacher preparation program in the New England states, Delaware, Maryland, and Pennsylvania;

Completion of an appropriate teacher education program including student teaching, approved by the state department of education in the state in which

Completion of a baccalaureate or post-baccalaureate teacher preparation program in one of the states party to the Agreement, approved by the state department of education of the state in which the college is located;

Completion of three years of successful teaching experience in the appropriate field in another state, provided the candidate presents a standard teacher's certificate in the appropriate field from the other state, currently in full force and effect.

§6:11-6.2

Each teaching endorsement is required for the corresponding teaching assignment. An endorsement is valid for all levels, except, the nursery school endorsement which is valid in nursery schools and kindergartens, and the elementary endorsement is valid for grades kindergarten through eight.

Teachers with elementary endorsements may not devote more than half their time to teaching art, music, health, home economics, industrial arts, or physical education in elementary grades. Teachers with elementary endorsements are authorized to teach the common branch subjects: reading, writing, arithmetic, and spelling in the secondary school, grades seven through 12.

Teachers with English endorsements are authorized to teach reading. This applies only to those teachers currently holding English certificates and who are now employed as teachers of reading.

§6:11-6.3

Specific subject field endorsements include the following:

Twenty-four semester-hour credits are required in each of the following:

Completion of 27 months of appropriate teaching experience in states in the Agreement, within seven years prior to applying for a certificate in another state in the Agreement;

Biological science; Bookkeeping and accounting; Earth science; English; Foreign languages; General business studies; Mathematics; Physical science; Reading; Secretarial studies; Speech arts and dramatics.

Twenty-four semester-hour credit requirement does not apply to the following:

Agricultural occupations; Data processing; Distributive education; Driver education; Practical nursing; Production, personal, and service occupations; Skilled trades; Technical occupations; Typewriting; Vocational-technical related subjects.

Comprehensive subject field endorsements include the following:

Thirty semester-hour credits are required in each of the following:

Art; Business education; Health education; Health and physical education; Home economics; Industrial arts; Music; Physical education; Science; Social studies.

The 30 semester-hour credit requirement does not apply to the following:

Agriculture; Instrumental music.

Handicapped endorsements include the following:

Thirty semester-hour credits in professional education are required in each of the following:

Blind or partially sighted; Deaf or hard or hearing; Teacher of the handicapped.

Elementary education endorsements require 24 senester-hour credits in professional education.

Nursery school endorsements require 24 semester-hour credits in professional education.

§6:11-8.3

Each teaching endorsement is required for the corresponding teaching assignment. Each endorsement is valid for all grade levels except that the nursery school endorsement is valid for nursery schools and kindergartens, and the elementary endorsement is valid for grades Kindergarten through eight.

Teachers with elementary endorsements are permitted to devote up to one-half time to teaching art, music, health, home economics, industrial arts or physical education in the elementary grades.

Teachers with elementary endorsements are authorized to teach the common branch subjects, such as, reading, arithmetic, writing and spelling in secondary schools, grades seven through twelve.

Teachers with English endorsements are authorized to teach reading. This regulation applies only to those teachers currently holding English certificates and who are now employed as teachers of reading.

§6:11-8.4

Unless specified otherwise, approved programs will include at least one teaching major field of 24 semester-hour credits, or one comprehensive field of 30 semester-hour credits. Study within all areas listed below is recommended.

1. Agricultural occupations: (experience background). Applicants who present five years of experience in a particular area of agriculture, such as farm machinery repairman, nursery worker, greenhouse florist or poultryman, may receive this endorsement without the requirement of a bachelor's degree.

2. Biological science: Biology, botany, zoology.

3. Bookkeeping and accounting: A minimum of eight semester-hour credits in bookkeeping and accounting; data processing; business machines; business mathematics; general business subjects.

4. Data processing: Instead of a 24 semester-hour major, this endorsement is available on the basis of a minimum of 12 semester-hour credits, including at least six in data processing, three in accounting and three in general business subjects.

5. Distributive occupations: Candidates who present two years of approved work experience in distributive occupations, or a program of supervised internship in a college curriculum for the preparation of business education and/or distributive education teachers, may obtain this endorsement by completing a college program of 15 semester-hour credits in content appropriate to distributive education.

6. Driver education: (i) a valid New Jersey Teacher's certificate in another field; (ii) a current New Jersey driver's license; (iii) three years of automobile driving experience; and (iv) evidence of satisfactory completion of a course in driver education and driver training approved by the New Jersey State Department of Education.

7. Earth science: geology, geography, physiography, astronomy.

8. Elementary Education: see Standards for State Approval of Teacher Education. An applicant who has a bachelor's degree and a regular teacher's certificate in another field will be eligible for an elementary school endorsement by presenting methods of teaching each of the following areas: (1) creative arts; (2) health and physical education; (3) language arts; (4) mathematics; (5) reading; (6) science; and (7) social studies. Methods in these areas completed for the initial certificate will be credited toward this requirement.

9. English: literature, composition, speech, dramatics.

10. Foreign languages: see Standards for State Approval of Teacher Education.

11. General business: a program including study in each starred (*) field: (i) business law*; (ii) consumer education *; (iii) economics*; (iv) business

mathematics; (v) business organization and management; (vi) economic geography; (vii) finance; (viii) marketing or merchandising.

12. Mathematics: algebra*, geometry*, calculus.*

13. Nursery School: A program of college studies including: (i) history, principles and philosophy of education; (ii) child development from birth to twelve years, and related courses in psychology, mental hygiene, child health, and nutrition; (iii) nursery school methods and curriculum including literature, story telling, music, art, and science for children two to five years of age; (iv) child, family and community life; and (v) a teacher holding a regular certificate in another field who presents six credits in specialized nursery school training will be eligible for a nursery school endorsement.

14. Physical Science: physics,* chemistry,* geology, astronomy.

15. Practical nursing: (experienced background). Registered nurses who present three years of approved full-time nursing experience may receive this endorsement without the requirement of a bachelor's degree if they have completed an approved teacher education program. A regular school nurse certificate or a bachelor's or higher degree in nursing education will be accepted as meeting the study requirement for the practical nursing teacher's certificate.

16. Production, personal and service occupations: (experience background). Applications who present three years of experience in occupations such as beauty culture, dry cleaning and pressing, shoe repairing, lathe operation, and commercial foods preparation, may receive this endorsement without the requirement of a bachelor's degree if they present approved training for the skilled occupation and have completed an approved teacher education program.

17. Reading: Completion of a 24 semester-hour-credit field in an approved teacher education program or completion of an approved master's degree program in reading, including a supervised practicum in a public school setting.

18. Secretarial studies: see standards for State Approval of Teacher Education. Students applying for this endorsement must include methods of teaching shorthand and typewriting in their professional education credit.

19. Skilled trades (experience background). Applicants who present six years of approved full-time experience (which may include apprenticeship) in a skilled trade requiring a minimum learning period of two years on-the-job training before reaching the classification of skilled worker or journeyman, of any trade listed by the Federal Committee on Apprentice Training, may receive this endorsement without the requirement of a bachelor's degree. Such candidates must present approved training, and have completed an approved teacher education program. Graduates of approved vocational-technical high schools or institutes may receive one year of credit toward the experience requirement.

20. Speech arts and dramatics: Speech fundamentals; public speaking; oral interpretation; dramatics.

21. Technical occupations: (experience Background). Applicants who present approved training in technical occupations such as electronic technicians, chemical technicians, industrial drafting and design technicians, engineering aides, and metallurgical technicians may receive this endorsement without a bachelor's degree. Such applicants must present approved training and either: a bachelor's degree and two years of experience, or four years experience without the bachelor's degree.

22. Vocational-technical related subjects: A minimum of two years of approved occupational experience is required. The 24-credit field requirement does not apply to this endorsement.

23. Typewriting: In lieu of a major in this field the applicant must present a course in methods of teaching typewriting,* and four semester-hour credits in typewriting or the equivalent of the above as determined by an accredited college approved for the preparation of business education teachers.*

Comprehensive field endorsements are 30 semester-hour credits required, unless specified otherwise below.

1. Agriculture: A major in agriculture from an accredited college or university, and two years of approved agricultural experience.

2. Art: The program must include study in each of the following areas: art history and art appreciation and design.

3. Business education: Bookkeeping and accounting (minimum of eight credits required); data processing (required beginning July 1, 1973); general business studies, including consumer education, business law and economics; secretarial studies, including a minimum of six credits in shorthand and four in typewriting. Methods of teaching shorthand and typewriting must be included in the professional education credits.

4. Handicapped: This endorsement authorizes teaching the physically limited, socially and emotionally maladjusted, mentally retarded (educable and trainable) children, or children with multiple handicaps. The program must include a total of thirty semester-hour credits in professional education, including eighteen in education of the handicapped.

i. The endorsement for teaching of the handicapped may also be obtained by holders of New Jersey standard teachers certificates in other fields who present a program that has included eighteen semester-hour credits in education of the handicapped.

ii. Blind or partially sighted.

iii. The endorsement for teaching the blind or partially sighted may also be obtained by holders of New

Jersey standard teachers certificates in other fields who present a program that has included eighteen semester-hour credits in education of the handicapped.

iv. Deaf or hard of hearing. The program must include a total of thirty semester-hour credits in professional education including eighteen in education of the handicapped.

v. The endorsement for teaching classes for the deaf or hard of hearing may also be obtained by holders of New Jersey standard teachers certificates in other fields who present a program that has included eighteen semester-hour credits in education of the handicapped.

5. Health Education: See Standards for State approval of Teacher Education.

6. Health and physical education: See Standards for State Approval of Teacher Education.

7. Home economics: See Standards for State Approval of Teacher Education.

8. Industrial Arts: See Standards for State Approval of Teacher Education.

i. Persons without a bachelor's degree who possess a background of four years of approved industrial trade or technical experience may qualify for an industrial arts endorsement if they present high school graduation or its equivalent, and an approved program that has included eighteen semester-hour credits of general background studies.

9. Instrumental music: An approved program including: Proof of ability to play the piano or organ and one other instrument, the equivalent of one year (32 semester-hour credits) in the study of education in music.

10. Music: See Standards for State Approval of Teacher Education.

11. Physical education: See Standards for State Approval of Teacher Education. Applicants who have completed an approved teaching field in an out-of-State college in one of the component fields of social studies,

such as anthropology, economics, history, sociology, and so forth, that does not include all of the areas of study required in an approved social studies teacher education program may be issued a temporary social studies certificate valid for one year and renewable annually upon presentation of a specified number of semester-hour credits of additional study applicable toward meeting the remaining requirements.

§6:11-8.5

This certificate is required for vocational teachers who teach on a part-time basis in any approved vocational-technical evening, apprentice, extension, industrial-in-plant training or short-term preemployment program in any of the fields of vocational education, such as, agriculture, distributive education, home economics, trades and industries or technical education, and who do not possess a certificate valid for teaching in an all-day program.

The applicant must have demonstrated evidence of practical experience to fit him/her for the particular position she/he is to fill. The adequacy will be evaluated by the particular supervisor in whose field the teaching is to be done and will be approved by recommendation of the State Director of Vocational-Technical Teacher Training to the State Board of Examiners.

The part-time vocational certificate is valid for five years from the date of issuance. Issuance of a standard certificate after five years will be predicated upon presenting evidence of the completion of an approved in-service program in methods of teaching vocational-technical subjects and a certificate of success as a teacher signed by the administrator or supervisor under whom the teaching was done.

This endorsement is required for teachers of bilingual/bicultural education in elementary and secondary schools.

The requirements are as follows: a bachelor's degree based upon a four year program in an accredited college; a regular New Jersey teaching certificate in another field; completion of 24 semester-hour credits in bilingual/bicultural education, including study in the following areas. Required areas of study are starred (*).

1. Cultural and cross-cultural studies: A minimum of 12 semester-hour credits, in spearate or integrated courses, including study in each of the starred areas is required.

(1) *Social psychology and the bilingual child or *Contemporary social problems except an applicant who has completed a minimum of three full years of successful experience as a teacher of bilingual/bicultural and/or English as a second language education under a valid New Jersey standard of substandard certificate, or its equivalent, will be excused from completing three credits in this area:

(2) *Language and culture; except an applicant who has completed a minimum of three full years of successful experience as a teacher of bilingual/bicultural and/or English as a second language education under a valid New Jersey standard or substandard certificate, or its equivalent, will be excused from completing three credits in this area.

(3) *Bilingual/bicultural field experiences; except an applicant who has completed a minimum of one full year of successful experience as a teacher of bilingual/bicultural and/or English as a second language education under a valid New Jersey standard of substandard certificate, or its equivalent, will be excused from completing three credits in this area. An applicant who has completed three or more years of successful experience will be

excused from completing an additional three credits in this area.

(4) Cultural anthropology;

(5) Comparative cultures.

2. Linguistics: Three credits in the starred area are required: *Applied linguistics: Courses stressing techniques of second language skills development.

3. Other areas: A minimum of nine semester-hour credits in separate or integrated courses:

(1) *Foundations of bilingual/multicultural education;

(2) *Theory and practice of teaching the bilingual child in content areas. An applicant who has completed a minimum of three full years of successful experience as a teacher of bilingual/bicultural education under a valid New Jersey standard or substandard certificate, or its equivalent, will be excused from completing three credits in this area.

(3) *Theory and practice of teaching English as a second language; except an applicant who has completed a minimum of three full years of successful experience as a teacher of English as a second language education under a valid New Jersey standard or substandard certificate, or its equivalent, will be excused from completing three credits in this area.

4. Demonstration of verbal and written proficiency in English and in one other language used also as a medium of instruction.

All bilingual/bicultural certification programs to be offered at New Jersey colleges and universities must be reviewed by the Department of Higher Education and approved by the State Department of Education.

§6:11-8.9

This certificate is required for English as a second language in elementary and secondary schools.

The requirements are as follows:

1. A bachelor's degree based upon a four-year

curriculum in an accredited college;

2. Successful completion of a college curriculum approved by the State Department of Education as the basis for issuing this certificate; or

3. Successful completion of a program of college studies including the following. Required areas of studies are starred (*).

i. A minimum of 45 semester-hours credits in general background courses distributed in at least four of the following fields: English; Social studies; Science; Fine arts; Mathematics; Foreign languages; Philosophy and psychology; Music.

ii. Fifteen credits in the field of professional education in accordance with New Jersey certification standards.

iii. Thirty credits in cultural and cross-cultural studies.

iv. Approved student teaching in an English as a second language setting.

v. Physiology and Hygiene.

The holder of a standard New Jersey teacher's certificate may qualify for an endorsement to teach English as a second language by completing the 30-credit comprehensive field endorsement in N.J.A.C. 6:11-8.9(b)3.iii.

All English as a second language certification program to be offered at New Jersey colleges and universities msut be reviewed by the Department of Higher Education and approved by the State Department of Education.

§6:11-8.10

This endorsement is required for teaching psychology in elementary and secondary schools.

The requirements are as follows: a bachelor's degree based upon a four-year program in an accredited college; a regular New Jersey teaching certificate; and completion of 24 semester-hour credits in psychology.

§6:11-12.4

This certificate is required to the position of apprentice coordinator in any school system conducting an apprenticeship program. The holder may also serve as a coordinator of part-time cooperative education programs.

The requirements are as follows:

1. High school graduation or the equivalent;

2. Three years of successful teaching experience in skilled, technical, related subjects or industrial arts or three years of supervisory experience in trade and industrial education; and

3. Successful completion of one of the following: a college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or a program of college studies including a minimum of 12 semester-hour credits.

§6:11-12.11

Requirements for the certificate of speech correctionist are: (1) a bachelor's degree based on a 4-year curriculum in an accredited college; (2) successful completion of either a college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or the required program of college studies and (3) approved student teaching in therapy with children who have speech disorders.

§6:11-12.15

This endorsement is required for service as a learning disabilities teacher-consultant in the elementary and secondary schools.

The requirements are: (1) a standard New Jersey teachers certificate; (2) three years of successful teaching experience; (3) a master's degree from an accredited college; and (4) completion of a graduate certificate program for the preparation of learning disabilities teacher-consultants approved by the New Jersey State Department of Education as meeting the requirements for this certificate.

§6:11-12.16

This certificate is required for service as an occupational therapist in elementary and secondary schools.

The requirements are: (1) a bachelor's degree based upon a four-year curriculum in an accredited college; and (2) graduation from a curriculum in physical therapy in an approved school.

§6:11-12.17

This certificate is required for service as a physical therapist in elementary and secondary schools.

The requirements are: (1) a bachelor's degree based upon a four-year curriculum in an accredited college; and (2) graduation from a curriculum in physical therapy in an approved school.

§6:11-12.20

This certificate is required for service as a reading specialist in a public school district.

A reading specialist is one who conducts in-service training of teachers and administrators, coordinates instruction for individuals or groups of pupils having difficulty learning to read, diagnoses the nature and cause of individuals' difficulty in learning to read, plans developmental programs in reading for all pupils, recommends methods and material to be used in the district reading program, and contributes to the evaluation of the reading achievement of pupils.

The requirements, effective for new applicants after July 1, 1975, are: (1) a standard New Jersey certificate in any instructional area; (2) two years of successful teaching experience; (3) successful completion of a graduate degree program in reading approved by the New Jersey State Department of Education; or (4) a program of graduate studies of 30 semester hours.

§6:11-12.24

A certificate shall be required for the position of teacher-coordinator of cooperative vocational-technical education in the occupational area(s) of agriculture education, distributive education, health occupations, home economics education, business education, and work experience career exploration program (WECEP). The specific area(s) in which the holder may serve as teacher-coordinator will be designated on the certificate. Such certificate shall also entitle the holder to teach related vocational-technical subjects in the appropriate occupational area(s) designated on the certificate, and to act as liaison between the school and the cooperating employer's training station in the respective subject area(s).

The prerequisites for a teacher coordinator's certificate are:

1. A regular instructional certificate in the appropriate occupational area to be coordinated.

2. Successful completion of either two years of teaching in the occupational area to be coordinated, plus two years of approved occupational experience, or a combination of: an approved bachelor's degree; a college curriculum that includes a practicum in the occupational area to be coordinated; and a program of directed occupational field experience offered as part of a college curriculum directly related to the area to be coordinated.

3. A program of college studies including either a college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or a program of college studies.

§6:27-3.2

Those persons, in public schools, certified to supervise instruction shall be assigned the responsibilities of administration and supervision of the summer session. Summer school teachers are to hold valid certificates for subjects taught. Those persons respon-

sible for summer school administration, teaching and supervision shall be members of the regular staff of that school or another approved secondary school, or possess valid certificates for each assignment.

§6:28-3.17

"Teachers providing individual instructions shall be certified and if possible certified in the area of the child's handicap...." Teachers providing individual instruction for the visually or auditorily handicapped shall hold the appropriate certificate for teaching the handicapped.

§6:29-6.1

Schools not having certified physical education teachers shall rely on other subject teachers to provide these services.

No person who is not certified or in the employ of local board shall be allowed to lead children in any physical exercise.

§6:31-1.5

Persons responsible for the administration and supervision of bilingual education programs shall have appropriate training or experience.

These persons will be responsible for: (1) pre-service orientation to define role and objectives of bilingual education and how it relates to total curriculum; and (2) inservice workshops throughout the academic year to facilitate planning, materials development or adaptation, and evaluation in keeping with prevailing local school district policy.

§6:48-2.1

The State Board shall be responsible for the training of qualified teachers and other personnel including those qualified to meet the special needs of handicapped and disadvantaged persons in the state. Such training may be provided by the State Board or

public or private agencies or institutions.

Persons eligible to receive such training are those preparing to teach vocational education students or consumer and homemaking students.

§6:48-2.2

The minimum qualifications, including provisions for using personnel with unique experience and not necessarily baccaluareate degrees, for teachers, teacher trainers, supervisors, directors and all other personnel (including teacher aides) having responsibilities for vocational education and consumer and homemaking education in the State, regardless of whether there is to be Federal financial participation in their salaries, shall contain standards of experience and education and other requirements which are reasonable in relation to the duties to be performed, including recent experience and association with the groups of persons to be served.

CROSS REFERENCES

I.District Board of Examiners; Statute §18A:26-5

II.A.1.; Statute §18A35-5 -- 9; §18A:35-10 -- 14

II.A.2.; Regulation §6:28-3.19

II.A.4.; Regulation §6:26-2.1 -- .2

II.A.9.; Regulation §6:26-3.2

III.C.Board of Education; Statute §18A:26-1.1

III.D.Professional Teaching Competence; Statute §18A:6-75; 77

C. Performance Standards

Adult Education Students

CROSS REFERENCE

II.A.8.; Statute §18A:50-12

Assistant Supepintendent

CROSS REFERENCE

I.Assistant Superintendent; Statute §18A:17-22 -- 23

Attendance Officer

Statutes

§18A:38-33

After employment for one year, attendance officers shall be under tenure and "shall not be dismissed or reduced in compensation except for inefficiency, conduct unbecoming an officer, or other just cause."

DISMISSAL

Board Of Education

CROSS REFERENCE

III.C.Janitors: Statute §18A:17-3; 4

Board Of Education Members

Statutes

§18A: 12-3

A member of a board of education will cease to be a member if she/he ceases to be a bona fide resident of the district she or he represents. A member may also be removed if she or he fails to attend three consecutive meetings without good cause.

REMOVAL

CROSS REFERENCES

I.Board of Education; Statute §18A:12-20; §18A:25-1; 2

III.B.Board of Education Members; Statute §18A:12-1 -- 2

III.C.Public Schools; Statute §18A:38-5.1

Certificated Personnel

Statutes

§18A:25-6

An assistant superintendent, principal or "teaching staff member" may be suspended by the superintendent of schools with the approval of the president of the board of education. The board shall then, by majority vote, take action "for the restoration or removal of such person."

SUSPENSION

CROSS REFERENCES

III.B.Certificated Personnel; Statute §18A:6-38 -- 39

III.B.Certificated Personnel; Regulation §6:11-3.9; §6:11-3.10

CHILDREN WITH LIMITED ENGLISH SPEAKING ABILITY

CROSS REFERENCE

II.A.5.; Regulation §6:31-1.9

COUNTY SUPERINTENDENT

STATUTES

§18A:7-3;4

The salary of a county superintendent shall be determined by the commissioner and the president of the civil service commission. The commissioner may withhold payment of salary or expenses if a superintendent has failed to perform his or her duties until the superintendent shall do so.

EDUCATIONAL PROGRAMS

CROSS REFERENCE

II.A.1.; Regulation §6:27-1.3

EDUCATIONAL SYSTEM

CROSS REFERENCE

III.B.Teachers; Regulation §6:8-4.3

JANITORS

STATUTES

§18A:17-3;4

Every public school janitor shall, unless she/he is appointed for a fixed term, hold her/his position under tenure and shall not be dismissed, suspected, or reduced in compensation, except as the result of the reduction in force or for neglect, misbehavior or other offenses.

DISMISSAL

"No board of education shall reduce the number of janitors, janitor engineers, custodians or janitorial employees in any district by reason of residence, age, sex, race, religion or political affiliation." When any janitorial employee under tenure is "dismissed by reason of reduction in the number of employees, the one having the least number of years to her/his credit shall be dismissed in preference" to others having served a longer term and the person dismissed shall remain upon a "preferred eligibility list," in order of years of service, for reemployment whenever vacancies occur, upon reemployment, shall be given full recognition for previous years of service in her/his respective positions.

LOCAL BOARD OF EDUCATION

STATUTES

§18A:26-1.1

No board of education shall require a teacher to live within the school district which employs her/him.

RESIDENCY

PUBLIC SCHOOLS

CONSTITUTION

NEW JERSEY CONSTITUTION, ART. 1

5. "No person shall be denied the enjoyment of any civil...right, nor be discriminated against...in the public schools...because of religions, principles, race, color, ancestry or national origin."

EQUAL OPPORTUNITY

NEW JERSEY CONSTITUTION, ART. 8 § 4, P 1-3

1. "The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the state between the ages of five and eighteen."

2. The fund to support free public schools shall be securely invested and remain a perpetual fund. The income shall be appropriated annually solely to support

the public schools except as provided herein.

3. The legislature may provide for transportation of children to and from any school.

STATUTES

§18A:6-6

"No discrimination based on sex shall be made in the formulation of the scale of wages, compensation, appointment, assignment, promotion, transfer, resignation, dismissal or other matters pertaining to the employment of teachers in any school: supported in whole or in part by public funds.

EQUAL OPPORTUNITY

§18A:7A-4

"The goals of a thorough and efficient system of public schools shall be to provide all children in New Jersey . . . the educational opportunity which will prepare them to function politically, economically, and socially in a democratic society."

§18A:7A-5

A "thorough and efficient" public school system shall include the following elements to serve as guidelines for the achievement of legislative goals: "a) establishment of educational goals at both the state and local levels; b) encouragement of public involvement in the establishment of educational goals; c) instruction intended to produce . . . reasonable levels of proficiency in the basic communications and computational skills; . . . d) programs and supportive services for all pupils, especially those who are educationally disadvantaged or who have special educational needs; . . . e) qualified instructional and other personnel; f) evaluation and monitoring programs at both the state and local levels."

§18A:29-2

Compensation for male and female teaching staff members shall be equal.

EQUAL PAY

§18A:36-20

No public school pupil "shall be discriminated against" in admission to, or in attaining any advantages, privileges or courses of study of the school by reason of race, color, creed, sex or national origin. EQUAL OPPORTUNITY

§18A:38-5.1

No child "between 4 and 20 years shall be excluded" from a "public school on account of his/her race, creed, color, national origin or ancestry". Any board member voting to exclude a child for any of these reasons "shall be guilty of a misdemeanor" punishable by a "fine of not less than $50 nor more than $250 or by imprisonment" for "not less than 30 days nor more than 6 months" or by both fine and imprisonment. EQUAL OPPORTUNITY

REGULATIONS

§6:4-1.1

The New Jersey constitution guarantees each child in the public schools an equal education opportunity regardless of race, color, creed, religion, sex, ancestry, national origin, social or economic status. EQUAL OPPORTUNITY

§6:4-1.4

The Commissioner shall aid those requesting districts in the formulation of policies to aid in the elimination of prejudice on basis of race, color, creed, religion, sex, ancestry or social or economic status. EQUAL OPPORTUNITY

§6:4-1.5

No student shall be denied access to or benefit from any educational opportunity due to discrimination. As there shall be no differential requirements for completion of course offerings or courses of study due to discrimination. EQUAL OPPORTUNITY

There shall be no discrimination against students because of pregnancy, childbirth, pregnancy related

disabilities, actual or potential parenthood, or family or marital status. If a pregnant student can not attend classes, she must be provided with an opportunity to continue or make up school work.

Public school students shall not be segregated from each other.

The athletic program, including but not limited to intramural, extramural, and inter-scholastic sports, shall be available on an equal basis to all students regardless of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

The activities comprising such athletic program shall receive equitable treatment, including but not limited to staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season and all other related areas or matters.

A school may choose to operate separate teams for the two sexes in one or more sports and/or single teams open competitively to members of both sexes, so long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency.

School personnel shall not use tests, procedures or other guidance and counselling materials which are differentiated or stereotyped on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

When informing students about possible career, professional and/or vocational opportunities, school personnel shall in no way restrict or limit the options presented to students on the basis of race, color creed, religion, sex, ancestry, national origin or social or economic status.

CROSS REFERENCES

I.Legislature; Constitution, New Jersey Constitution, Art. 4 §7

III.C.School District; Regulation §6:4-1.3

III.C.Students; Statute §18A:7A-6

III.D.Thoroughness and Efficiency of Schools; Statute §18A: 4-24

SCHOOL DISTRICT

REGULATIONS

§6:4-1.3

Each school district shall establish a policy of equal education. The community shall be informed of this policy.

EQUAL OPPORTUNITY

A plan of affirmative action shall be developed and implemented in those districts which practiced past forms of discrimination.

SCHOOL EMPLOYEES

STATUTES

§18A:6-8.3

Any employee or officer of a Board of Education who is suspended from his position for any reason other than indictment, shall receive salary pending any investigation or hearing and appeal.

SUSPENSION

§18A:6-30--30.1

Any employee of the public school system "who is illegally dismissed or suspended" shall be entitled to compensation for the period of the suspension or dismissal by making written application to the board by whom he was employed "within 30 days after such determination."

DISMISSAL

SUSPENSION

When it has been determined on appeal that a "teaching staff member" has been dismissed "without good cause before the expiration of her/his contract," she/he must be compensated for the full term of the contract, but the board of education shall decide whether or not she/he will continue to work for the unexpired term of the contract.

APPEAL

§18A:16-2--5

"Every board of education shall require all of its employees and may require any candidate for employment, to undergo a physical examination," at least once a year. "The board may require additional psychiatric or physical examination of any employee" when it deems it necessary.

PHYSICAL EXAMINATION

PSYCHIATRIC EXAMINATION

If the result of any examination indicates "mental abnormality or communicable disease," the school employee shall be ineligible for further service until satisfactory proof of recovery is furnished to the board. If the employee is under contract or has tenure, she/he may be granted sick leave with compensation and upon recovery, be permitted to complete the term of her/his contract or be reemployed in his/her tenured capacity, unless the absence exceeds a period of two years.

§18A:17-1

"No secretary, assistant secretary, school business administrator or business manager of a board of education or a school district shall, during the term for which [she]he was appointed, be dismissed or reduced in compensation, except for neglect, misbehavior or other offense unless it is otherwise provided in [her] his contract of employment."

DISMISSAL

§18A:17-2

A "secretary, assistant secretary, school business administrator or business manager of a board of education of any school district" who has served full-time for three consecutive years and;

"any person holding a secretarial or clerical position under a board of education," after three consecutive years of employment; and any person who has "acquired tenure in any secretarial or clerical position under a board of education has been appointed district clerk or secretary" shall hold her/his office, position or employment under tenure and "shall not be dismissed

DISMISSAL

or suspended or reduced in compensation, except for neglect, misbehavior, or other offense."

CROSS REFERENCES

I.Board of Education; Statute §18A:17A-7

II.B.1.a.; Statute §18A:6-8

IV.J.; Statute §18A:6-1

School System

CROSS REFERENCE

II.A.5.; Statute §18A:35-15

State Board Of Education

CROSS REFERENCE

I.State Board of Education; Statute §18A:6-27 -- 29

Students

Statutes

§18A:7A-6

The state board shall "establish goals and standards," applicable to all public schools, including "uniform statewide standards of proficiency" in communications skills, and, formulate procedures for local boards of education in setting "educational goals, objectives and standards."

§18A:7A-7

Every local board of education shall establish "goals, objectives and standards" according to state board-prescribed rules. Districts which have pupils whose "basic communications and computational skills" are "below the statewide standard," the local board shall establish an "interim goal" to assure "reasonable progress" toward the statewide standard. The district shall develop a "basic skills improvement plan" to

carry out its goal, which shall include: "curricular changes," "in-service training" for teachers, and consultations with parents. The district shall annually evaluate "pupil proficiency" in such skills by testing and other means.

REGULATIONS

§6:8-4.4

Local district boards shall adopt policies for:

PROMOTION

Pupil promotion, related to district goals, objectives and pupil proficiency; and

GRADUATION

High school graduation, pursuant to law and regulation, which shall be reasonably related to the achievement of district goals objectives and public proficiency with particular reference to basic communication and computational skills.

§6:27-1.4

Subject to approval of the State Board of Education:

GRADUATION

Each high school shall establish graduation requirements on the basis of either course credits, program completion, or a combination of course credits and program completion.

Each four-year high school shall establish a minimum set number of credits to be required for graduation, to be not less than 92. Each senior high school shall establish a minimum set number which shall be not less than 69 credits to be completed in grades ten to twelve inclusive. Six-year schools may base their graduation requirements on formal completion of grades nine to twelve or ten to twelve within the credit limits established for four-year or senior high schools respectively.

Credits toward graduation shall be awarded by the following method:

1. Credit shall be assigned on the same basis to all high school courses offered by the local board of education.

2. Credit may be assigned by each board of education for curricular activities as defined by statute.

3. The exception is that approved cooperation education programs shall receive a maximum of 15 credits per year.

Local boards of education may determine and establish a set number of curricular activities or programs for promotion and graduation purposes. Programs shall be planned for individuals and/or a group based on specific instructional objectives. The principal shall certify completion of curricular activities or programs based upon specific instructional objectives. Group programs based on specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district subject to review by the commissioner or his representative.

Each junior high school shall establish a statement of policy governing graduation.

Diplomas shall be granted only to pupils who have completed fully the requirements for graduation as established in the curriculum approved by the State Board of Education, except as provided for seniors entering military or naval service.

Statutory requirements for United States History, and health, safety and physical education shall be fulfilled by the system adopted by the local board of education.

These requirements shall be effective for all grades nine through twelve on or before September, 1975.

§6:27-1.5

A secondary school approved to offer at least six credits in music instruction shall, after application to and approval by the State Board of Education, be authorized to grant to a pupil in any school year a maximum of three diploma credits for private music lessons.

§6:28-3.7

Handicapped pupils who successfully complete the prescribed secondary educational program shall receive the secondary school diploma of the local district.

DIPLOMA

§6:44-6.1

The office of High School Equivalency is responsible for supervision of all high school equivalency instructional programs.

§6:44-6.3

All persons applying to take the high school equivalency examinations must be 18 years of age and out of school for one year. Exceptions to this rule may be made in special cases for students who are 16 years or over.

§6:44-6.4

A score of 35 on each test and totals of 225 points on the General Educational Development Tests will qualify a person for a high school equivalency diploma.

EQUIVALENCY DIPLOMA

Subject matter examinations...shall be administered to those applying for certification on the basis of high school course credits.

Persons with one full year of college may apply for a high school equivalency diploma by presenting an official transcript. Applicants must have compleged 24 credits at an accredited institution of higher education.

CROSS REFERENCES

II.A.1.; Statute §18A:35-5 -- 9

II.A.6.; Regulation §6:8-3.8

III.D.School District Progress; Regulation §6:8-6.1

TEACHER

STATUTES

§18A:25-7

A teaching staff member is entitled to notice of and representation at any meeting she/he is required to attend which might adversely affect the staff member's position or salary.

NOTICE

§18A:26-10

SUSPENSION

Any teacher who ceases to perform his/her duties before the expiration of his/her term of employment, without consent of the board of education may have his/her certificate suspended by the commissioner for not more than one year.

§18A:27-3.1

EVALUATION

Each non-tenured teacher shall be "observed and evaluated in the performance of[her]his duties at least three times during each school year." "Each evaluation shall be followed by a conference between the teacher and his[her] superior."

§18A:27-3.2

NOTICE

Any teacher notified that his/her teaching contract will not be renewed for the following year may, within 15 days, "request in writing a statement of the reasons for such non-employment" which shall be provided to him/her "in writing within 30 days after receipt of such request."

§18A:27-9

TERMINATION

If a teacher's employment contract is terminated upon notice, the board may decide whether or not he/she shall continue to teach "during the period between the giving of notice and the date of termination."

§18A:28-2; 3; 4

Tenure provisions shall not apply to civil service employees.

No teaching staff member who is not a U.S. citizen or does not hold an appropriate certificate for such position shall acquire tenure. However, the employment of a school nurse who was appointed prior to May 9, 1947 shall not be terminated for lack of certification.

CROSS REFERENCES

I.Board of Education; Statute §18A:27-10; 12

III.B.Teachers; Statute §18A:6-7; §18A:26-8; 8.1; §18A:27-2

TEACHING STAFF MEMBER

STATUTES

§18A:28-5

All teaching staff members, including "teachers, principals, assistant principals, vice-principals, superintendents, assistant superintendents and all school nurses" shall be tenured and shall not be dismissed or reduced in compensation except for "inefficiency, incapacity or conduct unbecoming such a teaching staff member or other just cause," after employment for a) "three consecutive calendar years," or shorter period set by the board for this purpose; or (b) "three consecutive academic years," with employment at the beginning of the next academic year; or (c) "the equivalent of more than three academic years rather than a period of any four consecutive academic years."

§18A:28-6

Any tenured teaching staff member who is "transferred or promoted with his[her] consent" shall not obtain tenure in the new position until he/she has been employed in such for: (a) "two consecutive calendar years," or a shorter period fixed by the board; (b) two academic years with employment at the beginning of the next academic year; or (c) an equivalent of two academic years within a period of three consecutive academic years.

The new employment period shall be included in a determination of tenure in the former position. If her/his employment in the new position has terminated before he/she obtains tenure and if she/he would have tenure in his/her former position, he/she shall be

returned to such position with any increase to which she/he would have been entitled during her/his period of transfer or promotion.

§18A:28-6.1

When any district school has been discontinued, tenured teaching staff members shall be employed by the district to which the discontinued school's pupils were transferred, with the "same or nearest equivalent position." All accumulated rights shall be recognized and preserved by the new employing district. Prior employment shall count towards the acquisition of tenure in the new district.

§18A:28-8

Any tenured teaching staff member must give notice of his/her intention to resign to the board of education 60 days prior to such action, unless the board shall approve release on shorter notice. Otherwise, such failure will constitute "unprofessional conduct" and the commissioner may suspend the staff member's certificate for not more than one year.

SUSPENSION

§18A:28-9 --11

No law relating to tenure shall limit the power of the board of education to reduce the number of teaching staff members "for reasons of economy or because of reduction in the number of pupils or because of change in the administrative" organization of the district or "other good cause."

DISMISSAL

"Dismissals resulting from any such reduction shall not be made by reason of residence, age, sex, marriage, race, religion or political affiliation" but on the "basis of seniority" according to standards set by the commissioner with the approval of the state board.

The board of education shall determine the seniority of persons affected, according to the established standards.

TERMINATION

§18A:28-14

The employment of any teaching staff member who does not hold an appropriate certificate may be terminated" without charge or trial."

§18A:28-15;16;17

No teaching staff member shall be affected in her/his tenure or tenure rights by a change in government of the school district. Such changes shall include the takeover of the school operation by a state agency or by the local district, if a state agency had previously been in control.

§18A:29-4

The salary of a teaching staff member may be withheld for neglect or failure to perform his/her duty, by order of the commissioner.

REGULATIONS

§6:3-1.19

CLASS OBSERVATION

For the purpose of this Section, the term "observation" shall be construed to mean a visitation to a classroom by a member of the administrative and supervisory staff of the local school district, who holds an appropriate certificate for the supervision of instruction, for the purpose of observing a nontenured teaching staff member's performance of the instructional process:

Each of the three observations required by law shall be conducted for a minimum duration of one class period in a secondary school, and in an elementary school for the duration of one complete subject lesson.

The term "evaluation" shall be construed to mean a written evaluation prepared by the administrative/supervisory staff member who visits the classroom for the purpose of observing a teaching staff member's performance of the instructional process.

Each local board of education shall adopt a policy for the supervision of instruction, setting forth procedures for the observation and evaluation of nontenured teaching staff members, including those assigned to regular classroom teaching duties and those not assigned to regular classroom teaching duties. Such policy shall be distributed to each teaching staff member at the beginning of his/her employment.

Each policy for the supervision of instruction shall include, in addition to those observations and evaluations hereinbefore described, a written evaluation of the nontenured teaching staff member's total performance as an employee of the local board of education.

Each of the three observations required by law shall be followed within a reasonable period of time, but in no instance more than 15 days, by a conference between the administrative/supervisory staff member who has made the observation and written evaluation, and the nontenured teaching staff member. Both parties to such a conference will sign the written evaluation report and retain a copy for his/her records. The nontenured teaching staff member will have the right to submit his or her written disclaimer of such evaluation within ten days following the conference, and such disclaimer shall be attached to each party's copy of the evaluation report.

The purposes of this procedure for the observation and evaluation of nontenured teaching staff members shall be to identify deficiencies, extend assistance for the correction of such deficiencies, improve professional competence, provide a basis for recommendations regarding reemployment, and improve the quality of instruction received by the pupils served by the public schools.

§6:3 - 1.20

Whenever a nontenured teaching staff member has requested in writing and has received a written statement of reasons for nonreemployment pursuant to N.J.S.A. 18A:27-

3.3, he/she may request in writing an informal appearance before the local board of education. Such written request must be submitted to the board within ten calendar days of receipt of the board's statement of reasons.

Such an informal appearance shall be scheduled within 30 calendar days from receipt of the board's statement of reasons. The purpose of such an appearance shall be to permit the staff member to convince the members of the board to offer reemployment.

Each local board shall exercise discretion in determining a reasonable length of time of the proceeding, depending upon the specific circumstances in each instance.

Each local board shall provide adequate written notice to the employee regarding the date and time of the informal appearance.

RIGHT TO COUNSEL

The nontenured teaching staff member may be represented by counsel or one individual of his/her own choosing. The staff member may present witnesses on his/her behalf.

The proceeding of an informal appearance before the local board as described herein may be conducted pursuant

Within three days following the informal appearance, the board shall notify the affected teaching staff member, in writing, of its final determination.

TENURED EMPLOYEES

STATUTES

§18A:6-10; 11; 13--17; 20; 25

DISMISSAL

A person who has tenure in the public school system shall not be dismissed "except for inefficiency, incapacity, unbecoming conduct or other just cause," and this action can only be taken after a hearing held by the commissioner, and after written charges have been filed.

HEARING

Any charge made against a tenured employee must be in writing and filed with the secretary of the board of education. The board shall give a copy of the charges and the evidence to the employee. The employee may then submit a written statement of his/her position and evidence. If the board determines, by majority vote, that probable cause exists sufficient to warrant a dismissal, the board shall forward the charges to the commissioner for a hearing.

If the board does not reach a determination within 45 days of receipt of the charge or 45 days after the time given to correct any inefficiency, the charge shall be dismissed.

SUSPENSION

The board may, upon certification of such charge to the commissioner, suspend with or without pay, any person against whom such charge is made. But if the "commissioner fails to make a determination within 120 days after certification of the charges," the employee's full salary shall be reinstated on the 121st day and until the determination is made. If the charge is dismissed, "the person shall be reinstated immediately with full pay from the first day of suspension."

REINSTATEMENT

The board shall serve a copy of any written charge "determined to be sufficient to justify dismissal or reduction in salary," upon the employee in question, in person or by certified mail immediately after such determination. The commissioner shall serve a copy of any written charge made to him, upon the employee in question, "immediately after receipt thereof."

If the commissioner finds that a charge and certification submitted to him/her is not "sufficient to warrant dismissal or reduction in salary," he/she shall dismiss the case. If, however, he/she should find that such charge and certification is sufficient, he/she "shall hold a hearing within 60 days" and give "reasonable notice" to all parties. The Board of Education shall be a party to the

HEARING

NOTICE

hearing and it "shall be conducted in accordance with the rules and regulations adopted by the commissioner and approved by the state board."

§18A:6-20

RIGHT TO COUNSEL

"Any party to any dispute or controversy," has a right to counsel and a right to testify, produce, cross-examine and subpoena witnesses.

§18A:6-25

Determination of any controversy "shall be made within 60 days after the close of the hearing and shall be in the form of a written decision" containing facts upon which the determination is based. A copy shall be filed in the commissioner's office and served upon all parties to the dispute.

§18A:17A-8

DISMISSAL

Any person "serving under tenure as an assistant superintendent, secretary or assistant secretary to the board of education, school business manager or school business administrator in a first class city with population of over 325,000, "as of the effective date of the act, shall retain tenure and "shall not be dismissed or reduced in compensation except for just cause." However, they shall perform only those administrative duties prescribed by the executive superintendent.

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.3.; Regulation §6:43-2.7; §6:43-4.1

ACCREDITATION PLAN

CROSS REFERENCE

III.A.1.; Regulation §6:8-7.1; §6:8-7.3

ATTENDANCE RECORDS

REGULATIONS

§6:20-1.1

The attendance of pupils attending New Jersey public schools is to be recorded and kept on file.

CHILDREN WITH LIMITED ENGLISH SPEAKING ABILITY

REGULATIONS

§6:31-1.2

All school districts shall administer an examination in oral comprehension, speaking, reading and writing of English to identify children with limited English speaking ability.

EXAMINATIONS

Additionally, a census shall be undertaken of all school age children, within respective districts, to determine the number who are of limited English speaking ability.

COMPENSATORY EDUCATION PROGRAMS

CROSS REFERENCE

II.A.6.; Regulation §6:8-3.8

Concerns Of County Superintendent

Statutes

§18A:17-21

Each superintendent of schools shall report to the commissioner and county superintendent of schools on matters relating to schools under her/his supervision.

Condition And Operation Of Schools

Statutes

§18A:4-40

The commissioner shall make monthly, annual and special reports to the state board on the condition and operation of the schools. The commissioner shall make "suggestions and recommendations for the improvement of the schools and the advancement of public education within the state."

Course Evaluation

Regulations

§6:26-3.4

Rules, concerning remedial, advanced and enrichment courses include the following:

An evaluation and a description of work completed shall be included in the pupils cumulative record and the principal of the sending school will determine the grade placement of the pupil.

District Census

CROSS REFERENCE

I.Board of Education; Statute §18A:11-2

District Educational Plan

Regulations

§6:8-3.1

Each district board in conjunction with teachers and administrative staff shall develop a written educational plan for the district and each school within the district.

Such plans are to be adopted and implemented annually by the district board of education.

The plan is to contain a timetable for implementation and identify, on a five-year cycle, both long- and short-range objectives.

Drug Education Program

CROSS REFERENCE

II.A.1.; Statute §18A:4-28.9

Early Childhood Education

CROSS REFERENCE

II.A.4.; Statute §18A:6-79

Educational Goals

Regulations

§6:8-3.2

Written educational goals shall be formulated, based on the educational needs of the state, to serve as the basis for local school programs. The community shall be notified of these goals and responsible public comment shall be welcome.

EDUCATIONAL PROGRESS

CROSS REFERENCE

I.Executive Superintendent; Statute §18A:17A-3

EDUCATIONAL SYSTEM

CROSS REFERENCE

III.E.Educational System; Statute §18A:6-71 -- 73

ENROLLMENT RECORDS

REGULATIONS

§6:20-1.2

The enrollment in a class, a school or school district shall be the total number of original entries in any such unit during a school year. Pupils are to be registered in one school register. Pupils shall be enrolled in a school register when they reach:

Kindergarten - over four less then six

Primary School - over five years

Evening School - over 12 years

The average daily enrollment in a school district for a year shall be the sum of the days present and absent of all enrolled pupils when the school was in session during the year, divided by the number of days school was actually in session. The average daily enrollment for the classes or schools of a district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual classes or schools.

Local Boards Of Education

Statutes

§18A:6-4

The board of every educational institution receiving support from the state shall report annually to the commissioner.

Matters Entrused To The State Board Of Education

Statutes

§18A:4-20

"The state board shall report annually to the legislature regarding all matters committed to its care."

Professional Teaching Competence

Statutes

§18A:6-75;77

The Commissioner and the Board of Education shall have the authority "to plan, establish and operate a statewide performance evaluation project." This project shall concentrate on "developing criteria for professional teaching competence based on performance evaluation prior to the issuance of initial teaching certificates."

This project shall "identify the skills and attitudes" deemed essential for a teacher; "determine the method of evaluation of performance" of each teaching candidate; and recommend "minimum standards" for an initial teaching certificate.

The commissioner shall, with the approval of the Board of Education, "promulgate rules and regulations" and take all necessary steps to insure the implementation of this act.

RULEMAKING

Pupil Needs

Statutes

§18A: 7A-9

At least once every five years, the commissioner, in cooperation with local school districts, shall direct "a comprehensive needs assessment program of all pupils in light of state goals and standards." The results of this program shall be made available to local school districts, which" shall review and update their particular goals, objectives and standards to meet these needs." The results of the program shall also be available to the public.

Regulations

§6:8-3.4

Pupils needs shall be assessed to determine their attainment of educational objectives. Assessment procedures shall include but not be limited to teacher observation, parental or guardian interview, formal and informal evaluation techniques, cumulative pupil records, local and state testing results and medical examination.

Pupil Proficiency

CROSS REFERENCE

III.D.Students; Statute §18A:7A-7

Pupil Progress

Regulations

§6:8-4.1

A system for reporting pupil progress to parents or guardians shall be developed and implemented.

§6:8-3.7

Evaluation techniques shall be formulated to measure pupil progress towards district and school goals and program objectives. Teachers shall conduct the evaluation which should include consultation with parents or guardians all evaluations being under the direction of the school administrator.

CROSS REFERENCE

IV.F.; Regulation §6:3-2.3

Required Reports

Statutes

§18A:25-4

Any teacher or person required to keep a register by the board of education or a county vocational school, shall not receive her/his final salary installment until such register has been examined by her/his superior.

School District Progress

Statutes

§18A:7A-11

"Each school district shall make an annual report of its progress in conforming to the goals, objectives and standards developed" herein, which shall include: (1) "results of assessment programs" and the results of district evaluation of basic skills proficiency; (2) the results of each school's effectiveness in achieving state, district and school goals, including "basic skills improvement;" (3) "plans and programs for professional improvement;" (4) plans to carry out "experimental educational programs;" and (5) "recommendations for school improvement during the ensuing year."

The district reports shall be submitted to the commissioner by July 1 of each year and she or he shall make them the basis of an annual report to the governor and the legislature, describing the conditions, efforts and progress of New Jersey schools in meeting its standards of "a through and efficient school system."

REGULATIONS

§6:8-6.1

The Commissioner shall conduct an annual evaluation to determine if school districts are performing within the standards and procedures prescribed by regulation.

Local district boards are to submit by July 1 a report describing individual progress towards achieving goals, objectives, and standards.

The annual report shall be submitted on forms provided by the Department of Education and shall include but not be limited to:

Demographic data related to each school;

Results of district and school accessment programs of pupil achievement in basic skill areas;

Number of and reasons for school dropouts;

Evidence of the effectiveness by the district and each school within the district in achieving applicable State, district and school goals and long-and short-range objectives and standards;

Plans and programs for professional improvement;

Plans to carry out innovative or experimental educational programs designed to improve the quality of education;

Recommendations for school improvements during the ehsuing year;

Master plans of projected capital construction needs, pursuant to law and regulation; and

Information on each school's fiscal operation including the district's audit report, when submitted,

pursuant to law and regulation.

The Department of Education shall not require in the annual report resubmission of information submitted in any other reports or forms.

Each district and school within the district shall be monitored by persons designated by the Commissioner for the purpose of evaluating the progress each school has made in implementing the standards, pursuant to this Chapter.

School Performance

Statutes

§18A:7A-12

Four years after the effective date of this act (July 1, 1975) the state board shall "make a comprehensive report to the governor and the legislature assessing the effectiveness of the act in producing a thorough and efficient" school system. The report shall include an account of "the progress of local school districts in meeting their goals and standards, identify districts and schools which fail to meet htem and make recommendations," if necessary, for eliminating deficiencies.

§18A:7A-13

The governor shall deliver a biennial message to the legislature "on the progress of New Jersey schools in providing a thorough and efficient education and recommending legislative action," if necessary.

§18A:7A-10

The commissioner, with the approval of the state board and after review by the Joint Committee on the Public Schools, shall develop and administer a uniform statewide system for evaluating the performance of each school. The evaluation system shall be based on testing in basic skills areas and other means the commissioner may deem proper to "determine pupil status and needs; ensure pupil progress;" and determine the success of educational objectives.

SCHOOL PROGRESS

CROSS REFERENCE

I.Superintendent of Schools; Statute §18A:17-20

SCHOOL SYSTEM

CROSS REFERENCE

I.Education Coordinating Council; Statute §18A:5-1 -- 4

STATE GOALS

STATUTES

§18A:7A-8

At least once every five years, the state board shall review and update the state goals and standards. In performing this evaluation, the board shall consult with and be assisted by other state officers and agencies.

REGULATIONS

§6:8-2.3

The State Board, after consultation with the Commissioner and review by the Joint Committee on Public Schools, shall, from time to time but at least once every five years, review and update the state goals and standards.

TEACHERS

STATUTES

§18A:25-5

The teacher in any school employing just one teacher, and the principal in any other school, shall file an annual report at the close of the academic year. Failure to do so will result in non-payment of the person's final salary installment until such report is filed.

CROSS REFERENCE

III.C.Teachers; Statute §18A:27-3.1

Teacher Performance

CROSS REFERENCE

III.C.Teaching Staff Members; Regulation §6:3-1.19

Thoroughness And Efficiency Of Schools

Statutes

§18A:4-24

Pursuant to rules of the State Board, the commissioner shall examine the "thoroughness and efficiency of operations" of public schools by tests or other means, and report the results to the state board. Each district may, however, prescribe its own rules for promotion.

Vocational Education Programs

Regulations

§6:43-2.12

Evaluation of program results will be made by the State Board and the State Advisory Council.

CROSS REFERENCE

II.A.3.; Regulation §6:41-2.4

E. Improvement Efforts

Adult Education Programs

CROSS REFERENCE

II.A.8.; Statute §18A:50-8; 9

BILINGUAL EDUCATION PROGRAMS

STATUTES

§18A:6-71--73

The commissioner and the state board of education shall have authority to plan for, establish and operate a statewide system of educational centers for research and demonstration." These centers shall concentrate on the "development, testing, and installation of ideas and procedures to solve major educational problems facing the state," including but not limited to "reading levels of low-income children, early childhood development, the gifted student and the effective utilization of new materials and equipment, educational technology and patterns of school organization. The centers shall design projects within an experimental framework" to test and evaluate new "educational ideas, equipment, methods and approaches." The commissioner of education shall "promulgate rules and reguations, establish procedures and employ personnel," in order to carry out these provisions.

CROSS REFERENCE

II.A.5.; Regulation §6:31-1.10

CURRICULUM

CROSS REFERENCE

II.A.1.; Regulation §6:27-1.3

EDUCATIONAL PROGRAMS

CROSS REFERENCES

III.D.School District Progress; Regulation §6:8-6.1

III.E.School District Progress; Statute §18A:7A-11

CROSS REFERENCE

III.B.Certificated Personnel; Statute §18A:26-11; 12

INSTRUCTION

STATUTES

§18A:6-33.1; 4--6

The Commissioner of Education and the State Board of Education shall have the authority "to establish a grant program" which would make funds available to "preschool, elementary and secondary teachers interested in designing and implementing innovative educational ideas or techniques."

An advisory committee shall be established to review grant applications and make recommendations to the Commissioner of Education and the Board of Education

No individual grant under the terms of this act shall exceed $1,000.00. The Commissioner of Education shall promulgate rules and regulations to carry out the grant program.

CROSS REFERENCE

III.C.Students; Statute §18A:7A-7

PROFESSIONAL COMPETENCE

CROSS REFERENCE

III.C.Teaching Staff Members; Regulation §6:3-1.19

PUBLIC EDUCATION

CROSS REFERENCES

I.School Board Association; Statute §18A:6-45 -- 47

I.State Board of Education; Statute §18A:4-9

STATUTES

§18A:4-29

The Commissioner of education shall instruct the county superintendents and superintendents of schools on their duties, and shall hold an annual meeting of superintendents to discuss ways and means of "promoting an efficient system of education."

§18A:6-52;53;60;63;69

School boards of a county may petition the State Board of Education for permission to establish a county educational services commission for the purpose of carrying on educational research and development. The State Board shall determine whether there is a need for such a commission and whether its operation is feasible. If the establishment of a commission is approved by the State Board, the local boards of education shall each appoint one member to serve on the board of directors.

The boards of directors may appoint an "executive director of the commission," who shall be a nonvoting member of the board and have all the powers conferred on superintendents of schools.

The board of directors shall determine what sources shall be provided by the commission, pursuant to rules of the state board of education It shall contract with member school districts to provide such services. A member school district may withdraw as a member of the commission by filing a resolution of withdrawal to the secretary. The board may employ teachers, principals and other employees subject to laws governing the employment of personnel for public schools. Persons employed under a board of directors of a commission shall have the same rights and benefits of employees of a public school district board of education.

The board of directors may "enlarge the purposes" of the commission, subject to the approval of the Board of Education.

§18A:7A-14 --16

If the commissioner shall find, according to submitted evaluations and reviews, that a school or school district has failed to show sufficient progress toward the goals and objectives outlined above, she or he "shall advise the local board of education of such determination, and shall direct that a remedial plan be prepared and submitted to her or him for approval." If approved, the commissioner shall assure the plan's timely implementation. If the plan is deemed to be insufficient, the commissioner shall order the local board to show cause why the corrective actions should not be taken by the state board or commissioner.

If, after a plenary hearing, "the commissioner determines that it is necessary to take corrective action," she or he may order "budgetary changes within the school district;" order "in-service training programs for teachers and other school personnel, or both." If she or he deems such corrective to be insufficient, the commissioner may recommend to the state board that it take appropriate action. The board may issue "an administrative order specifying a remedial plan to the local board of education, which may include budgetary changes or other measures "deemed by the state board to be appropriate.

If a local board of education refuses to comply with an order issued pursuant to the provisions of the Public School Education Act, the board may apply to the Superior Court to order the local board's compliance with the order.

School District Efficiency

Regulations

§6:8-4.7

District boards of education, after administrative and teacher consultation, shall adopt efficient administrative procedures including: sound fiscal operations, and effective management procedures.

Special Education Programs

CROSS REFERENCE

I.Commissioner of Education; Statute §18A:46-15

Student Achievement

Regulations

§6:8-4.5

The district board of education shall provide instructional and evaluation materials including textbooks, references, library print and nonprint materials, equipment and other materials to implement the district and school educational goals and objectives and meet pupil needs.

Teachers

Statutes

§18A:4-28

The commissioner may prepare and publish handbooks and materials "for the guidance of teachers in the public schools."

§18A:4-28.1--3

In order to ensure "a more rational handling of the problem of narcotics" and to assist teachers, the commissioner of education is "authorized and directed to establish workshop programs for selected junior high school teachers." The presentation shall include "the history, pharmacology, physiology, and psyho-social aspects of drugs generally abused by young people; treatment and rehabilitation problems; the legal aspects of drugs," and the extent of drug abuse in the state and the nation. The commissioner of education shall take all steps to insure the implementation of the provisions of this act.

DRUG ABUSE

§18A:4-28.5

"The commissioner is authorized and directed to establish summer workshops and training programs to train selected teachers to teach a drug education program to secondary school teachers." The workshops shall also develop a curriculum and a recommended "drug education unit" to be incorporated into the health education curriculum of the secondary schools.

DRUG EDUCATION

§18A: 4-28.6

The commissioner of education is also authorized and directed to establish drug education training programs for teachers in school districts containing secondary school grades. The program will be conducted by the teachers attending the summer workshops and training programs and shall include the curriculum and the recommended drug education unit.

§18A:31-1;2

Teachers' institutes and meetings called by the commissioner shall be held pursuant to rules set by the state board.

Whenever a teaching staff member, secretary or clerk applies to the board, for permission to attend the annual convention of the New Jersey Education

Association, leave shall be granted, for not more than two days in a year. Full salary shall be received upon certification of attendance.

REGULATIONS

§6:56-1.5

The Commissioner of Education may authorize the county superintendent to hold institutes in such counties of the State as he shall deem advisable.

The county superintendent shall make all necessary local arrangements for the county institute. He/she shall report to every board of education the attendance of teachers at said institute.

No public school shall be in session, nor shall be deemed to be in session, during the period the institute for the county is being held, unless excused by the Commissioner of Education.

Each teacher shall attend the annual institute held for the county in which he is teaching, and no deduction shall be made for the salary of any teacher for the time he is in attendance upon said institute, but no teacher shall be paid for time not in actual attendance at said institute except upon presentation of a written excuse from the county superintendent.

CROSS REFERENCES

II.A.1.; Statute §18A:4-28.8

III.B.Teachers; Regulation §6:11-8.6; §6:11-20.20; §6:31-1.5

III.C.Students; Statute §18A:7A-7

III.E.Schools; Statute §18A:7A-14 -- 16

NEW MEXICO

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Statutes

§77-1-3

"Elementary school means a public school providing instruction for grades 1 through 8, unless there is a junior high school program approved by the state board, in which case it means a public school providing instruction for grades 1 through 6.

Secondary school refers to grades 9 through 12 or, if there is a junior high school program, to grades 7 through 12. Junior high school means a public school providing a junior high school program approved by the state board for grades 7 through 9, or for grades 7 and 8.

High school refers to grades 9 through 12 unless there is a junior high school program for grades 7 through 9, in which case high school refers to grades 10 through 12."

§77-2-8

The state board of education shall prescribe minimum educational standards for all public schools in the state. A copy of these standards shall be furnished to each local school board by the department of education. The standards shall include minimum standards for the following areas:

A. curriculum; B. organization and administration of education; C. the keeping of records, other than financial records prescribed by the chief; D. membership accounting; E. teacher preparation; F. the physical condition of public school buildings and grounds; G. educational facilities of public schools including laboratories and libraries.

§77-6-8

"Without prior approval of the chief (of the division), no local school board shall . . . provide a budget allowance for a public school having an average daily membership of less than eight."

§77-6-9

To be approved by the division a budget must provide for a school year consisting of at least 180 school days and a pupil-to-teacher ratio no greater than 25:1 or no greater than that of the prior year.

§77-6-10; 10.2

"Money budgeted to a school system shall be spent first to attain and maintain the requirements for a school district as prescribed by law and . . . by the state board. The state superintendent shall give written notification to a local school board of any failure to meet requirements by any part of the school district under control of the local school board . . . . (Failure) may result in disapproval of any or all instructional units or administrative functions." Local boards have 30 days after receipt of the notice to develop a plan to correct the deficiencies. Budget approval is rescinded until the state superintendent tells the chief of finance otherwise. If deficiencies are not corrected, the state board may suspend the local board, in which case the state superintendent and the chief of finance will consume legal authority and responsibility for budgetary matters. If suspension occurs, the local board is entitled to a public hearing on the matter.

"The state superintendent shall report all actions taken" (i.e., suspensions) to the school study committee of the state legislature.

REGULATIONS

Reg. No. 71-3

A teaching day is a day in which the school is open and the pupils are under the direction of teachers in the teaching process for the minimum time required by the State Board.

If circumstances require early dismissal, the day may be counted as a teaching day if subsequently approved by the State Superintendent and the Chief of Public School Finance.

For reporting attendance membership, a pupil shall be counted in attendance for one full day as specified above. When a pupil is present for only part of a day, it should be considered a partial day of attendance in the same proportion that his/her time present at school bears to the total length of the school day.

Released time for inservice training or other justified reason shall be counted as part of the teaching day if the program is filed with the State Superintendent in advance and if total released time does not exceed the equivalent of 9 teaching days per year per instructor.

CROSS REFERENCE

I.State Board of Education; Statute §77-2-2 J

B. QUALIFICATION STANDARDS FOR PERSONNEL

ADMINISTRATIVE CERTIFICATES

REGULATIONS

Reg. No. 63-3

The Continuing Ten Year Professional Administrative Certificate requires eligibility for the Five-Year Administrative Certificate, completion of 30 semester hours of graduate work constituting a sixth year of professional preparation, and verification of five years of administrative experience.

This certificate is renewable for ten years at a time upon verification of five years of administrative experience during the life of the certificate.

AUDIO-VISUAL SPECIALIST

REGULATIONS
Reg. No. 73-4

Eligibility for Audio-Visual Specialist Endorsement shall be determined in accord with these guidelines.

In addition to an Elementary or Secondary Certificate and at least one year of teaching expereince, the holder should have 15 semester hours (or equivalencies) of work.

COUNSELOR

REGULATIONS
Reg. No. 72-14

A Four-Year School Counselor Certificate requires a Bachelor's degree from an accredited institution and either a teaching certificate (elementary or secondary) or the recommendation of an institution regionally accredited to offer a program in counseling. The certificate also requires 24 semester hours of graduate work in guidance and counseling, with 3 or more semester hours in a practicum in guidance and in a course in occupational information and the remaining credit distributed over at least three areas.

This certificate may be renewed only for a four-year period provided the holder earns 8 semester hours in professional guidance counseling work during the life of the certificate and has three years experience experience in school counseling during the four-year period preceding application.

A Professional School Counselor Licensure requires: a Master's degree from an accredited institution; a teaching certificate (elementary or secondary) or the recommendation of the institution when the major portion of guidance and counseling courses was completed; and four years' experience in guidance and counseling work. It also requires 45 graduate semester hours, 12 of which must be in behavioral sciences, education or related areas.

This certificate shall remain valid as long as the holder remains actively employed in guidance in the profession of education.

EDUCATIONAL DIAGNOSTICIAN

REGULATIONS

Reg. No. 76-25

The Four-Year Educational Diagnostician Certificate requries: a Master's degree in Educational Diagnosis, Special Education, Guidance and Counseling, Educational or School Psychology or another approved field; two years of teaching or equivalent experience with exceptional children; and certification in Special Education or Guidance and Counseling.

Specific course requirements are at least 33 semester hours in specified areas, with at least one 3 semester hour course in each.

Also, required are six semester hours in a planned program of field experience (no less than 240 hours of supervised experience) or two years verified experience as an educational diagnostician.

Finally, the applicant must pass the Educational Diagnostician Written Examination administered by the Teacher Certification Unit.

Upon expiration of the Four-Year Educational Diagnostician Certificate and with three years' experience as an educational diagnostician, the diagnostician is eligible for a Ten-Year Professional Certificate.

To renew the Professional Certificate, the diagnostician must verify five years' service as an educational diagnostician while holding the Professional Certificate and re-pass the then current written examination.

INTERN TEACHERS

REGULATIONS

Reg. No. 71-17

Student teachers and intern teachers shall be officially recognized as a part of the profession.

Certificates shall be issued authorizing their participation in public school activities, when the authorized personnel of a college or university with an approved

program and the authorized personnel of the local board have both co-signed a request form. The student/intern teacher shall furnish the same health certificate as required of regular teachers.

Reg. Nos. 72-1--72-2

An intern teacher is assigned full responsibility for his/her classroom. An intern teacher is an advanced education student in an institution of higher learning who is jointly assigned by such institution of higher learning and the local board to a classroom under close, joint school and university supervision, with no cooperating teacher assigned.

A student or practice teacher is an advanced education student assigned to a classroom staffed by a fully certified teacher for the purpose of providing the student/practice teacher with pre-employment apprenticeship experience.

LIBRARIAN

REGULATIONS

Reg. No. 72-28

Endorsement for Elementary Librarian and for Secondary Librarian requires an Elementary or Secondary Certificate, plus 18 semester hours in Library Science.

Endorsement for All-Level (1-12) Librarian requires either Elementary or Secondary Certificate, plus 24 semester hours in Library Science.

Special Certificates for grades 1-12 in art, music, physical education, industrial arts, or foreign language require either Elementary or Secondary Certificate, plus 36 semester hours in the subject with methods of teaching that subject at both elementary and secondary levels of student teaching at both levels.

PROFESSIONAL EMPLOYEES

STATUTES

§5-1-5

Teaching and professional employees of state educational institutions are exempt from residency requirements.

SCHOOL BOARD MEMBERS

STATUTES

§77-4-3 - 3.1

Members shall serve without compensation. No member shall be employed by a school district governed by the member's local board. Nor shall the board employ any relative of a board member unless such person is already employed as of July 1, 1972.

§77-5-5

"A candidate for membership on a local school board must be a qualified elector of the state and a resident of the school district in which he [she] is a candidate."

§77-5-18

"Members of a local school board shall be the judges of whether or not each candidate was properly elected and is qualified to be a member of the local board."

CROSS REFERENCE

I.State Board of Education; Statute §77-2-4

SCHOOL SOCIAL WORKER

REGULATIONS

Reg. No. 63-4

A Four-Year School Social Worker Certificate requires completion of requirements for a master's degree in social work in a school accredited by the Council on Social Work.

Education, including: Understanding the Individual; Social Work Methods, Field Placement, Social Welfare Programs and Community Resources, Research Methods; and either two years paid full-time employment as a social worker under the supervision of a professionally qualified social worker and a course in educational foundations; or two years paid full-time teaching experience.

The One-Year School Social Worker Certificate may be renewed every year for not more than five years, during which period the applicant must acquire eligibility for the Four-Year School Social Worker Certificate.

Reg. No. 76-19

A Five-Year School Social Worker Certificate requires: a Bachelor's or Master's degree in Social Work from a regionally or state accredited institution; eight semester hours of appropriate credit earned within the five year period preceding application; one year of paid school social work experience during five-year period preceding application.

This certificate may be renewed for five years at a time provided that the holder earns eight semester hours, applicable for the ten-year Professional School Social Worker Certificate, during the five-year period preceding application. Four semester hours of inservice credit may be applied toward renewal, provided that it has been approved by the employing authority and the Director of Certification.

A Ten-Year Professional School Social Worker Certificate requires: a Master's degree in Social Work from a regionally or state accredited institution; eight semester hours of appropriate credit earned within five-year period preceding application; and three years of paid school social work experience during the five-year period preceding application.

This certificate may be renewed for ten years at a time provided the holder earns eight semester hours during the ten-year period preceding application. Four semester hours of inservice credit may be applied toward

renewal, provided that it has been approved by the employing authority and the Director of Certification.

The One-Year School Social Worker Certificate will be issued, on request of a local school district, to those persons meeting educational requirements for the Five-Year School Social Worker Certificate but who have not had one year of paid school social work experience during the previous five year period.

SCHOOL STAFF

STATUTES

§5-1-12

"No person shall be knowingly employed by any state department . . . board of education or school board, who either directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason against the government of the United States or of this state."

§41-24-3 --41-24-4

In determining eligibility for a certificate the state board of education may consider criminal convictions which shall not operate as an automatic bar to certification. But in the following cases the board may suspend, revoke or not renew employment or certification:

REVOCATION

1) felony conviction (or misdemeanor involving moral turpitude) and: (a) directly relating to the applicant's profession; or (b) insufficient rehabilitation to warrant public trust.

§77-8-1.2

"Any person teaching or supervising an instructional program, counseling or providing special instructional services in a public school . . . and any person adminis-

tering in a public school shall hold a valid certificate."

Certificates shall be standard, substandard or substitute. The latter two types are issued by the state board of education at its discretion. All certified personnel must be at least 18 years old. Anyone teaching without a valid certificate after the first three months of the school year "shall thereafter forfeit all claim to compensation for services rendered."

CROSS REFERENCE

I.School Staff; Statute §77-8-3

SUBSTITUTE TEACHERS

REGULATIONS

Reg. No. 72-16

The State Department shall issue Substitute Teacher Certification on a one-year basis at the request of the employing school district. The local district shall certify that the applicant has taught or observed teaching a minimum of three days or has attended a substitute teacher workshop. It shall also certify as to the qualifications of the applicant and maintain these on file.

TEACHER AIDES

REGULATIONS

Reg. No. 71-2

A teacher/school/education/classroom aide is a person, regularly employed on a full-or part-time basis, by a local board to assist classroom teachers and other certified personnel in the performance of their duties and in supervisory or instructional tasks which, in the judgment of the certified personnel, may be performed by a person not licensed or a classroom teacher. The teacher shall retain responsibility for the instruction and supervision of pupils in his/her charge at all times

The aide shall not: determine instructional objectives, make decisions about the means or materials used to attain instructional objectives or about the attainment of instructional objectives unless these judgments are

based on clear and objective criteria, or prescribe or execute punishments.

Qualifications for an aide shall be: high school diploma or equivalency; health certificate; knowledge of duties to which assigned; good command of the English language; attendance at a School Aide Workshop; demonstration of high ethical standards, and a School Aide permit issued by the Department's Division of Certification. An individual who does not possess all of these qualifications may be issued a permit in special cases where bi-lingual aides are required and where the individual is known to possess necessary skills.

A qualified aide shall have the same legal status as a certified school instructor while performing any of the duties specified above.

TEACHERS

STATUTES

§5-1-10

The rule prohibiting nepotism among public officials of the state does not extend to "persons employed as teachers in the public schools."

NEPOTISM

REGULATIONS

Reg. No. 63-1

There are two plans for kindergarten certification.

Under Plan I, a Five-Year Kindergarten Certificate is issued. The teacher must be a graduate of an accredited institution. Work at the undergraduate level or in additional courses at the graduate level must include:

24 semester hours in primary (K-3) or early childhood education;

study in the areas of the physical and biological sciences, mathematics and philosophy, language and literature, the social and behavioral sciences, and the fine arts;

professional preparation in the specialized field or early childhood education, (24 semester hours).

Under Plan II, teachers who meet requirements for the Four-Year Provisional Elementary Certificate may receive an endorsement for the kindergarten level provided they have

8 semester hours distributed over the nursery, kindergarten and primary areas of theory, curriculum, content, and methods and materials.

Reg. No. 63-2

Requirements for the Four-Year Provisional Elementary Certificate are the same as those for the Five-Year Elementary Certificate. This certificate also entitles the holder to teach self-contained classrooms in grades 1-8.

The Four-Year Provisional Elementary Certificate may be renewed one time only provided the holder earns eight semester hours of credit during the four-year period preceding the application for renewal. This credit must be applicable toward meeting requirements for the Continuing Five-Year Elementary Certificate or for the Professional Elementary Certificate. All renewal credit earned at out-of-state institutions must be approved by the Director of Teacher Education and Certification.

To review, the applicant must submit a transcript of renewal credit.

Reg. No. 67-1

In addition to the basic certificate requirements, a Five-Year Elementary Certificate requires 24 semester hours in a single elementary subject matter area or 18 semester hours in each of two.

This certificate entitles the holder to teach self-contained classrooms in grades 1-8. It may be renewed for five years at a time provided the holder earns eight semester hours of credit during the five year period preceding the application for renewal. Such credit must be recommended to the Director of Certification by the employing superintendent or, if the applicant is unemployed, must be submitted to the Director for approval. Correspondence credit is not acceptable as refresher credit.

To renew this certificate, the applicant must submit a written request for renewal and transcript of renewal credit.

Reg. Nos. 67-1; 71-24; 63-2; 71-28; 71-29; 72-4; 71-25; 72-3; 71-22; 71-27; 69-3; 69-2; 69-4

Requirements common to all certificates given to all teachers - elementary, secondary, and special - are:

1. Bachelor's degree from a regionally or state accredited college or university.

2. Recommendation of that institution.

3. Evidence of eight semester hours of appropriate credit earned within the five-year period preceding application.

4. Satisfaction of certain requirements:

A. 48 semester hours of General Education. Four of the following eight areas must be represented with a minimum of six semester hours in each represented area: humanities and/or social science; behavioral science; biological and/or physical science; foreign languages; communicative arts; mathematics; fine and practical arts; health and/or physical education and/or recreation.

B. For elementary applicants, 24 semester hours in the elementary subject matter areas of: arithmetic; arts and crafts; social studies; music; science; language arts and/or children's literature; health and/or physical education and/or safety education.

All elementary applicants must have the language arts area represented; six of the seven areas must be represented with a minimum of two semester hours each. For secondary applicants, there are several patterns (noted under individual certificates) by which an applicant can meet requirements for endorsements in teaching fields.

C. 24 semester hours for elementary and special education applicants and 18 semester hours for secondary applicants in Professional Education, of which 6 semester hours shall be required student teaching at the appropriate level and the remaining semester hours shall be distributed, over a minimum of three of the following areas: human growth and development; areas relating to school counseling; methods and techniques; orientation in education; educational psychology.

Reg. No. 68-1

No New Mexico certificate shall be issued to individuals whose certificates are under suspension or revocation by the certifying authorities of another state.

Any New Mexico certificate procured through fraud or misrepresentation shall be null and void from its inception.

Reg. No. 68-2

The Director of Certification shall make exception to the regulations regarding certification only for justified cause and after approval of the State Superintendent.

Reg. No. 69-2

In addition to the basic certificate requirements, a Four-Year Provisional Special Education Certificate requires:

24 semester hours in the defined elementary subject areas or in a defined teaching field at the secondary level.

24 semester hours in the subject matter of Special Education, including six hours of survey and orientation to exceptionalities and at least three hours of curriculum development for the exceptional child.

This certificate entitles the holder to teach in Special Education.

The Four Year Provisional Special Education Certificate may be renewed one time only provided the holder earns eight semester hours of graduate credit during the four-year period preceding the application for renewal. This credit must be applicable toward meeting requirements for the Continuing Five-Year Special Education Certificate or for the Professional Special Education Licensure.

Renewal credit must be approved by the in-state institution where credit was earned or by the Director of Teacher Certification in the case of out-of-state institutions.

For renewal, a transcript of renewal credit must be submitted.

Reg. No. 69-3

A continuing Five-Year Special Education Certificate requires eligibility for a Four-Year Provisional Special

Education Certificate (Reg. No. 6902). In addition, it requires:

The completion of 30 semester hours of graduate work in a planned five-year program at a regionally or state accredited college or university, a major portion of which shall be in subject matter areas of Special Education. The program need not culminate in a Master's degree.

A minimum of two semester hours in two additional areas among the eight areas of General Education.

12 additional semester hours in the defined elementaty subject areas or in a defined teaching field at the secondary level (36 in all).

12 additional hours in the subject matter of Special Education (36 in all).

6 additional semester hours of professional education (30 in all), which must include representation in each of the five areas.

Three years of teaching experience in New Mexico during the five-year period preceding application.

For renewal, three years of teaching experience during the five-year period preceding application and completion of six semester hours of collegiate work recommended by the employing authority and approved by the Director of Certification are necessary.

Reg. No. 69-4

A Professional Special Education Licensure requires eligibility for a Four-Year Provisional Special Education Certificate. In addition, it requires:

The completion of a planned five-year program culminating in a Master's degree at a regionally or state accredited college or universtiy.

The same minimal number and distribution of semester hours as for the Continuing Five-Year Special Education Certificate (Reg. No. 69-3).

Three years of teaching experience in New Mexico during the five-year period preceding application.

The Professional Special Education Licensure shall

remain valid as long as the holder remains actively employed in the profession of education.

Reg. No. 70-22

In addition to an elementary or secondary teaching certificate, certification for elementary and secondary reading teachers requires a major in reading of at least 24 semester hours or 10 semester hours in reading plus additional work in language arts to total 24 semester hours. Applicants must be able to define and describe the duties of a reading teacher.

Certification for reading specialists requires: a teaching certificate at either level; eligibility for reading and endorsing: Three years classroom teaching and/or clinical experience in reading;

A master of arts plus 15 semester hours in a planned program in reading or a Bachelor of Arts plus 45 semester hours in a planned program of reading.

Reg. No. 71-24

A Ten-Year Professional Elementary Certificate requires eligibility for the Five Year Elementary Certificate. In addition, it requires:

a) master's degree or 30 semester hours of graduate work from a regionally or state accredited college or university;

b) three years of teaching experience during the five-year period preceding the application for certification.

This certificate is renewable for ten years at a time upon verification by the employing authority of five years of successful teaching during the life of the certificate and of professional growth on the part of the teacher.

Reg. No. 71-25

A ten-year professional secondary certificate requires eligibility for the Five-Year Secondary Certificate. In addition, it requires: master's degree or thirty semester hours of graduate work from a regionally or state accredited college or university.

Three years of teaching experience during the five-

year period preceding the application.

This certificate is renewable for ten years at a time upon verification by the employing authority of five years of successful teaching during the life of the certificate and of professional growth on the part of the teacher.

Reg. No. 71-26

A Continuing Five-Year Secondary Certificate requires eligibility for a Four-Year Provisional Secondary Certificate (Reg. No. 72-3). In addition, it requires:

The completion of 30 semester hours of graduate work in a planned five-year program at a regionally or state accredited college or university, the major portion of which shall be in subject matter areas of secondary curriculum. The program need not culminate in a Master's degree.

A minimum of two semester hours in two additional areas among the eight areas of General Education.

12 additional semester hours in one secondary teaching field (36 in all).

10 additional semester hours of professional education (28 in all), which must include representation in each of the five areas.

Three years of teaching experience during the five year period preceding the application.

Certificate endorsements shall be given for 24 semester hours in teaching fields and 10 semester hours in specific teaching areas.

For renewal, three years of teaching experience during the five-year period preceding application and completion of six semester hours of collegiate work recommended by the employing authority and approved by the Director of Certification are necessary. A transcript of renewal credit must be submitted.

Reg. No. 71-27

A Professional Secondary Licensure requires eligibility for a Four-Year Provisional Secondary Certificate (Reg. No. 72-3). In addition, it requires: completion of a planned five-year program culminating in a

master's degree at a regionally or state accredited college or university.

The same minimal number and distribution of semester hours as for the Continuing Five-Year Secondary Certificate (Reg. No. 71-26).

Three years teaching experience during the five-year period preceding the application for the certificate.

Certificate endorsements shall be given for 24 semester hours in teaching fields and 12 semester hours in specific teaching areas.

The Professional Secondary Certificate shall remain valid as long as the holder remains actively employed in the education profession. If the holder leaves the profession for a period of four consecutive years, the certificate shall become inactive until eight semester hours of credit have been earned.

Reg. No. 71-28

A Continuing Five-Year Elementary Certificate requires eligibility for a Four-Year Provisional Elementary Certificate. In addition, it requires:

The completion of 30 semester hours of graduate work in a planned five-year program at a regionally or state accredited college or university, the major portion of which shall be in the subject matter areas of elementary curriculum. The program need not culminate in a master's degree.

A minimum of two semester hours in two additional areas among the eight areas of General Education.

12 additional semester hours in the defined elementary subject areas (36 in all).

12 additional semester hours in a single elementary subject area (36 in all)

6 additional semester hours of professional education (30 in all), which must include representation in each of the five areas.

Three years of teaching expereince during the five-year period preceding the application for the certificate.

For renewal, three years of teaching experience during the five-year period preceding application and completion

of six semester hours of collegiate work recommended by the employing authority and approved by the Director of Certification are necessary.

Reg. No. 71-29

A Professional Elementary Licensure requires eligibility for a Four-Year Provisional Elementary Certificate (Reg. No. 6302). In addition, it requries:

Completion of a planned five-year program culminating in a master's degree at a regionally or state accredited college or university. The minimal number and distribution of semester hours shall be the same as for the Continuing Five-Year Elementary Certificate (Reg. No. 71-28).

Three years teaching experience during the five-year period preceding the application for the certificate.

The Professional Elementary Certificate shall remain valid as long as the holder remains actively employed in the education profession. If the holder leaves the profession for a period of four consecutive years, the Certificate shall become inactive until eight semester hours of credit have been earned.

Reg. No. 72-3

Requirements for the Five-Year Provisional Secondary Certificate are the same as those for the Five-Year Secondary Certificate (Reg. No. 72-4). This certificate also entitles the holder to teach in grades 7-12 in areas for which the certificate has been endorsed.

The Four-Year Provisional Secondary Certificate may be renewed one time only provided the holder earns eight semester hours of credit during the four-year period preceding the application for renewal. This credit must be applicable toward meeting requirements for the Continuing Five-Year Secondary Certificate or for the Professional Elementary Certificate. All renewal credit earned at out-of-state institutions must be approved by the Director of Teacher Education and Certification

To renew, the applicant must submit a letter of request and a transcript of renewal credit.

Reg. No. 72-4

In addition to the basic certificate requirements, a Five-Year Secondary Certificate requires for endorsements in teaching fields, work in subject matter areas according to one of three plans:

I. 24 semester hours in one teaching field; 24 semester hours in a second teaching field; II. 36 semester hours in one composite teaching field; 24 semester hours in a second teaching field; III. 54 semester hours in one composite teaching field.

This certificate entitles the holder to teach in grades 7-12 in areas for which the certificate has been endorsed.

This certificate may be renewed for five years provided the holder earns eight semester hours of graduate or appropriate credit during the five-year period preceding the application. Such credit must be recommended to the Director of Certification by the employing superintendent or, if the applicant is unemployed, must be approved by the Director of Teacher Education and Certification.

To renew this certificate, the applicant must submit a written request for renewal and a transcript of renewal credit.

Reg. No. 73-5

To institute non-credit, in-service training for certificate renewal, a school district or group of districts with a mutual need may apply after it or they have undertaken an assessment of the educational needs of the staff.

Application for approval of all workshops shall be submitted to and screened by the Certification Unit of the State Department.

Up to and including four semester hours of non-credit workshops may apply toward the required eight semester hours needed for reversal. Individuals holding one-year certificates with shortages listed as professional education may not use non-credit in-service training

toward the renewal of the certificate, but individuals holding one-year certificates with shortages listed as refresher credit may.

One semester hour of renewal credit shall be allowed for each 16 clock hours of participation.

Reg. No. 73-7

No otherwise qualified individual shall be denied a certificate required by State statute or State board regulation simply because the individual is not a citizen of the United States of America.

Reg. No. 74-1

To qualify for certification in Bilingual Education persons with a BA in Elementary Education must satisfy the requirements listed below. These requirements are to be a component of an approved program in Bilingual Education for the elementary schools.

There are three prerequisite areas of competence:

1. Language, consisting of fluency in the local dialect, extended functional vocabulary, classroom terminology, and literacy skills.

2. Culture, involving "fundamental aspects of ethnic group cultures of the Southwest" and "Monumental aspects of cultures with pre-requisite preparation so that these courses may be taught in the language of the culture."

3. Methodology: a practicum in a bilingual setting involving language arts, social studies, and fine arts.

These requirements apply to pre-service teachers with degrees and to teachers already in the profession.

Reg. No. 74-2

The General Certification in Special Education requires, in addition to general requirements for elementary or secondary teaching certificate and/or undergraduate endorsement in Special Education, completion of 24 semester hours in a planned program of Special Education including work in each of the following:

a. Survey Course in the Exceptional Child;

b. Curriculum for Special Education;

c. Methods for Special Education;

d. Practicum and/or student teaching in Special Education;

e. Knowledge of diagnostic instruments used in Special Education.

This certificate is contingent on the holder's pursuit of a planned program of Special Education for at least 8 hours every 4 years until the Professional Certification level is reached. General certification may be continued for 8 years only.

Reg. No. 74-3

Professional Certification in Interrelated Areas of Special Education (resource teacher, itinerant teacher, homebound teacher, interrelated classroom teacher) requires, in addition to requirements for General Certification in Special Education and three years teaching experience in Special Education, completion of a Master's degree or 30 semester hours of graduate credit, 24 of which are beyond the requirements for General Certification and 15 of which include each of the following areas: Nature and Needs; Curriculum; Methods and Materials; and Practicum.

Provisions governing the duration of Professional Certificates apply.

Reg. No. 74-4

Professional Certification in a Categorial Area of Special Education (the communicatively impaired child, the hard of hearing/deaf child, the visually impaired/blind child, the gifted child, the learning disabled child, the child with behavioral disorders, the physically handicapped child, the mentally retarded child) requires, in addition to requirements for General Certification in Special Education and three years teaching experience in Special Education:

1. Completion of a Master's degree or 30 semester hours credit, 24 of which are beyond requirements for General

Certification and 15 of which include each of the following: Nature and Needs; Curriculum; Methods and Materials. Course work category would correspond to one of the areas of exceptionality.

2. Certification standards established by nationally recognized associations shall be applied.

Provisions governing the duration of Professional Certificates apply.

Reg. No. 76-26

The Spanish-English Bilingual Bicultural Endorsement requires, in addition the requirements for an elementary or secondary teaching certificate:

1. Proficiency at eighth-grade level in Spanish language or performance at the "Good" level on the Modern Language Association Test.

2. A minimum of three semester hours of Spanish for the Spanish-speaking and 24 semester hours in the general areas listed.

3. Six semester hours of student teaching in a bilingual setting where the Spanish component is taught and supervised by bilingual university staff.

CROSS REFERENCE

II.A.1.; Regulation, Reg. No. 73-32; 73-33

C. Performance Standards

Certified Instructor

Reg. No. 74-7

HEARING

APPEAL

Any certified school instructor or administrator aggrieved by a decision of a local school board after an informal hearing has a right to appeal such decision to the State Board.

The President of the State Board, after conferring with the General Counsel, shall determine whether the de novo hearing shall be held before the State Board or before a designated Hearing Officer.

The State Board shall set a date for the hearing of the appeal within sixty days from the date of the receipt of the Notice of Appeal.

The appeal shall be decided after a hearing at which the issues in question shall be: whether there has been a prejudicial departure by the local board from the procedures required by statute or State Board regulations; whether the local board has established, by a preponderance of the evidence presented, that sufficient cause existed for its decision.

The State Board shall render a written decision and serve it on all parties within 60 days after the date of the de novo hearing.

Reg. No. 74-9

The State Board requires that, if a certified school instructor is not to be reemployed for the ensuing school year, the local school board must serve a notice of termination, which shall be a notice of intention not to reemploy, on or before the fourteenth calendar day prior to the last day of the school year. Failure in this regard by a local board shall be deemed prejudicial departure under State Board procedures and shall be sufficient cause for the State Board to reverse a local board's decision not to reemploy the certified school instructor.

NOTICE

CERTIFIED PERSONNEL

CROSS REFERENCE

III.B.Certified Personnel; Statute §77-4-2 D-E

COUNSELORS

CROSS REFERENCE

III.C.Teachers; Statute §77-8-6

SCHOOL ADMINISTRATORS

CROSS REFERENCE

III.C.Teachers; Statute §77-8-6

SCHOOL AUTHORITY

REGULATIONS

Reg. No. 73-1

No school authority shall bar or limit the opportunity of any student, regardless of sex, on any ground other than individual merit, to participate in inter-

EQUAL OPPORTUNITY

scholastic competition in noncontact sports. A school maintaining separate male and female teams shall offer "comparable competitive opprotunity", that is, where teams are provided with comparable funding, scheduling, coaching, equipment, and facilities, and enjoy comparable student participation.

School Board Members

Constitution

New Mexico Constitution Article XII, Section 14

Any elected local school board member is subject to recall for misfeasance or malfeasance by the voters of the school district from which elected. Recall is accomplished by a special election called by the district superintendent upon receipt of a petition signed by one third of those who voted for the office in the last election. Removal is by majority vote.

RECALL

REMOVAL

Statutes

§5-3-1.1

Local school boards shall hold at least one "regular" meeting a month for 11 months a year. Any member who misses 6 consecutive regular monthly meetings shall automatically have his/her office declared vacant Members who miss 4 consecutive regular monthly meetings face the same situation if a majority of the board so votes. "Regular" meetings are those at which a quorum is present, about which notice has been published and at which normal school district business is transacted.

STATUTES

§5-3-37.1 - 5-3-37.2

Officers, deputies and employees of rural school districts may be suspended by the director of the department of finance and administration if state audit reveals fraud or embezzlement of public money, illegal fiscal mismanagement, wilful violation of department of finance and administration regulations or wilful failure to perform a duty imposed by law.

SUSPENSION

§77-8-7

"No person afflicted with a communicable disease in a transmissible stage dangerous to the health of students shall be employed in a public or private school in the state." Everyone employed in a public or private school must present to his/her employer each year a certificate from a doctor saying he/she is free from communicable disease. Failure to get such a certificate is a misdemeanor.

COMMUNICABLE DISEASE

§77-8-19

"The state board may suspend or revoke a certificate held by a certified school instructor or administrator for incompetency, immorality or for any other good and just cause." But only after a hearing preceded by proper notice at which the certificate holder may present evidence and arguments. A written decision must follow. It is appealable to the court of appeals.

SUSPENSION

REVOCATION

HEARING

APPEAL

REGULATIONS

Reg. No. 70-13

No school personnel of any school district or approved private school shall directly or indirectly authorize or encourage the participation or attendance of students in any type of demonstration or protest activity during the school day which might possibly expose them to violence, potential violence, or physical injury.

DEMONSTRATION

No material shall be introduced into public school curricula to promote a biased attitude on religious, social or political issues.

CROSS REFERENCES

I.Principal; Statute §77-3-3.1

I.State Board of Education; Statute §77-2-2 J

SCHOOL SYSTEM

CONSTITUTION

New Mexico Constitution Article XII, Section 1

"A uniform system of free public schools sufficient for the education of, and open to, all children of school age in the state shall be established and maintained."

New Mexico Constitution Article XII, Section 3

"The schools . . . provided for by this Constitution will remain under the exclusive control of the state. "No money raised by or granted to the state shall be used for the support of any sectarian, denominational or private school."

New Mexico Constitution Article XII, Section 10

Children of Spanish descent shall never be denied the right of admission and attendance in the public schools and they shall never be classed in separate schools. They shall enjoy perfect equality with other children in all public schools. The legislature shall provide penalties for violation of this section.

New Mexico Constitution Article XXI, Section 4

"Provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the state and free from sectarian control, and said schools shall always be conducted in English."

STUDENTS

REGULATIONS

Reg. No. 72-19

A high school equivalency certificate shall be issued to eligible non-high school graduate Spanish-speaking adults on the basis of the Spanish version of the GED tests. Requirements and standards should otherwise be the same

as those used in issuing certificates on the basis of the English versions of the GED tests.

Reg. No. 73-19

A "New Mexico High School Diploma" shall be issued (in place of an equivalency certificate) to all persons, at least 18 years of age, who have met all of the state GED certification requirements.

DIPLOMA

Reg. No. 73-20

Sixteen and seventeen year old school dropouts, enrolled in anti-poverty, migrant, or correctional programs, are eligible to take GED tests before age 18. Other sixteen and seventeen year old school dropouts are eligible if a form containing the applicant's birth date (from school records), date of applicant's withdrawal from school, the reason for testing, and a recommendation by the principal or counselor of the last school attended, is presented to the local GED examiner.

Upon successful completion of the GED tests, the applicant is notified that he/she has met the requirement for the issuance of a New Mexico High School Equivalency Certificate except for the minimum age requirement.

No applicant who successfully completes the GED tests and fulfills other legal requirements will receive a New Mexico High School Equivalency Certificate before his/her 18th birthday or until the class of which he/she was a member has graduated.

TEACHERS

STATUTES

§77-8-6

"Teaching, supervising an instructional program, counseling or providing special instructional services in a public school or state agency or administering in a public school is recognized as a profession with all the rights, responsibilities and privileges accorded professions having their first responsibility to the public they serve. The primary responsibilities of this profession shall be to educate the children of

this state and to improve the professional practices and ethical conduct of its members.

§77-8-11

"A certified school instructor employed by a school district or a state agency for three consecutive school years and having entered into an employment contract with the local school board of the school district on the governing authority of the state agency for a fourth consecutive year acquires tenure rights with that school district or state agency."

§77-8-12; 14; 15 -- 18

A local board may refuse to rehire a tenured instructor only if the board: 1) serves the tenured instructor in writing prior to the last day of the school year. The notice must state the cause of the refusal to re-employ and set a date for a hearing on the matter; 2) holds the hearing and finds "good and just cause" for refusal to re-employ.

NOTICE

HEARING

Certified personnel may be discharged only according to the following procedure: the board (or state agency) must serve a written notice of discharge, stating the cause for it, and naming a time and place for a hearing before it. The hearing must be held and good cause for discharge must be found.

DISCHARGE

Payment of compensation to a discharged employee stops "as of the date, after a hearing, that a written copy of the decision of the local school board . . . is served on the person. If the action is reversed on appeal, the employee is reinstated in full . . . subject to offset for any compensation received from a school district during the pendancy of the appeal.

APPEAL

"The state board shall promulgate regulations for the conduct of informal hearings by local school boards . . . for certified school instructors with tenure rights, refused employment" . . . or discharged. The regulations shall provide 1) opportunity for all parties to appear and present testimony; 2) that the person refused re-employment (or discharged) may have

counsel; 3) that the hearing be conducted informally but without prejudice; 4) that the board render a decision in writing, giving reasons for the action taken, within ten days of the hearing.

"A certified school instructor . . . aggrieved by a decision of a local school board . . . after an informal hearing . . . may appeal to the state board." A de novo hearing is held and the state board renders a written decision. Appeals from this are to the court of appeals.

Before a certified school instructor with tenure is terminated or discharged, the local board must follow a procedure for supervising and correcting unsatisfactory work. Written records must be kept of all board action taken. These records shall be evidence at any subsequent hearing for the person in question.

§77-11-10

SECTARIAN DOCTRINE

"No person shall teach sectarian doctrine in a public school." Persons violating this provision "shall be immediately discharged from further employment with a school district."

REGULATIONS

Reg. No. 70-2

NOTICE
HEARING

Local boards shall have the right to terminate tenure teachers after notice and a hearing when a reduction in personnel is required as a result of decreased enrollment or a decrease or revision of educational programs.

Reg. No. 70-25

The State Board has created a Professional Practices and Ethics Commission. The Commission may investigate, report, or recommend on any professional and ethical matters to the State Board or any local board upon request. Appeals or requests to the Commission may be made by educators, professional education, and the Superintendent of Public Education. Nominees shall have at least five years experience in New Mexico and shall be active certified school personnel. Members shall serve for three-year terms. The Commission shall select

its own chairman and secretary, adopt its own rules, and establish procedures for the development of criteria of professional practices.

Reg. No. 74-6

DISCHARGE

Pursuant to statute, the following procedures shall be followed by local boards in supervising and correcting unsatisfactory work performance of certified school personnel before serving them with notice of discharge.

"Unsatisfactory work performance" is the failure by certified school personnel to perform appointed tasks adequately. Uncorrected unsatisfactory work performance is good cause for discharging or refusing to reemploy certified school personnel, so long as proper procedures are followed. Uncorrectable unsatisfactory work performance shall be deemed a category of incompetency, sanctions for which are not addressed in this regulation.

Two or more conferences shall have been held with the charged certified school personnel before notice of discharge or termination is served. Sufficient time shall have elapsed between the conferences to allow correction of unsatisfactory work performance.

A written record of all conferences shall be made, specifying areas of unsatisfactory work performance, all actions suggested to improve performance, and all improvements made. Each written record shall be signed by all parties to the conference; refusal to sign shall be noted. The individual charged with unsatisfactory performance shall receive a copy of each record.

Reg. No. 74-8

SUSPENSION

REVOCATION

Proceedings for the suspension or revocation of a certificate issued by the State Board shall be commenced by the filing of written charges within the State Board by the Director of the Division of Certification, with the approval of the State Superintendent. The grounds for such charges shall be incompetency, immorality, or any other good or just cause. The local superintendent or school board, on acquiring knowledge of purported facts

tantamount to sufficient cause for suspension or revocation of a certificate, shall inform the Director of the Division of Certification.

Proceedings for suspension or revocation of a certificate may also be commenced by any certified instructor or administrator who wishes to have his or her certificate suspended or revoked. No hearing need be held in such a case if the individual involved waives his/her right to a hearing.

HEARING

The State Board shall render a written decision suspending the certificate for a definite period, revoking the certificate, or dismissing the charges, and serve it on the subject of the hearing within 60 days after the hearing. Reg. No. 77-1

"Unsatisfactory work performance" and "insubordination" are distinct catagories. District procedures for the termination of certified school personnel under each category are established.

INSUBORDINATION

"Insubordination" means actual or implied willful refusal to follow policies, rules or procedures of the State Board, local board, or administrative authorities, including but not limited to procedures established for the administration or infliction of corporal punishment. Insubordination is good cause for discharging or refusing to re-employ certified school personnel, so long as procedures set forth in Reg. No. 75-10 are followed.

CROSS REFERENCE

III.B.Teachers; Regulation, Reg. No. 73-5

D. Evaluation and Reporting

Early Childhood Education Programs

CROSS REFERENCES

II.A.4.; Statute §77-11-2.1

II.A.4.; Regulation, Reg. No. 74-11

Educational Programs

CROSS REFERENCES

I.Principal; Statute §77-3-3.1

III.E.Educational Programs; Statute §77-11-18

EDUCATIONAL RESEARCH

STATUTES

§77-2-10

The legislature or any of its committees may request reports or findings of any educational research made with public money.

EDUCATIONAL SYSTEM

STATUTES

§2-11-6 --2-11-8

The state legislature shall have a permanent joint interim committee called the "legislative school study committee. The committee shall hire and direct a director, shall "conduct a continuing study of the public schools . . . the laws governing such schools, and the policies and costs of the . . . public school system," and shall recommend changes in the law if needed.

§73-44-7

The state commission shall submit an annual report to the governor and the legislature. Prior to submission of the report the commission shall hold hearings at which interested parties may comment on the report.

§77-4-8

"Annually . . . each local school board shall make a written report to the department of education on any information relating to the Public School Code requested by the department of education."

CROSS REFERENCES

I.Department of Education; Statute §77-2-6

I.School Staff; Statute §77-8-3

I.State Superintendent of Public Instruction; Statute §73-6-34

Guidance Programs

CROSS REFERENCE

IV.B.; Regulation, Reg. No. 70-20

School Personnel

CROSS REFERENCE

I.Principal; Statute §77-3-3.1

School Programs

CROSS REFERENCE

I.State Board of Education; Statute §77-2-2 T

School System

CROSS REFERENCE

III.A.1.; Statute §77-2-2 U

Students

CROSS REFERENCE

IV.B.; Regulation, Reg. No. 70-20

E. Improvement Efforts

Certified Employee

Statutes

§77-8-5

Certified personnel may be paid, according to their employment contracts, for attendance at "any professional meeting connected with their profession or associated with the courses of instruction in which they specialize."

§77-8-20 - 77-8-24

SABBATICAL LEAVE

Local school boards may provide a program of sabbatical leave. Such a leave is granted to a certified employee requesting it,who has worked for six continuous years, who will agree to return for at least two years following the sabbatical and upon presentation and approval by the state department of education a program of study or travel "related to . . . his [her] . . . duties and showing direct benefit to the instructional program." Maximum leave shall be one year. Maximum pay is up to one half regular salary.

EDUCATIONAL PROGRAMS

STATUTES

§77-11-13

"Any school district may establish an education enrichment program within available total resources and approved by the local school board and state department of education." The purposes are:

A) to improve quality of personnel and curriculum, particularly through planning and development of parallel curricula leading to a special technical and vocational diploma;

B) "inspire students who are failing;"

C) provide enrichment for particularly able students;

D) "provide opportunity for preschool students who have a language problem;"

E) offer vocational training;

§77-11-17

"The education enrichment program will be under the jurisdiction and control of the local school board."

§77-11-18

Evaluation of education enrichment programs may be required by the local school board periodically and are required by the state department of education at the termination of a program. On site evaluations may be conducted at the discretion of the state department of education. The local board must give the state department of education an annual evaluation of each program which should include funds allocated and numbers of students and persornel participating.

§77-11-19

"It is the intent of this law to authorize a program of education enrichment and experimental research in educational innovations through encouraging local school districts to develop and utilize to the fullest the talent that is felt to be present in the teachers of the state."

NEW YORK

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

CROSS REFERENCE

II.A.3.; Regulation §15.1

2. Other Qualification Standards

STATUTES

§1704

The school year in the city school district of the city of New York shall consist of at least 180 days of school. SCHOOL YEAR

REGULATIONS

§ 3.31 (Statutory Authority § 207)

Secondary schools are divided into junior high, middle, industrial, high schools, technical high schools and continuation high schools. A junior high school consists of grades seven through nine; a middle high school of one year of high school work; a high school, four years, all with approved "apparatus and library." Industrial high schools may offer one to four year trade courses above the eighth grade, technical high schools may offer three or four year technical courses, and continuation high schools may offer courses to students 16 or 17 who are not enrolled in a full-time school.

High school graduation requirements mandate the completion of a secondary school course, with a minimum of 16 units in grades 9-12. A unit equals a year's work in one subject requiring 4 or 5 periods of weekly classroom work.

A board of education may make adjustments to the curriculum to meet local needs and may conduct experiments if approved by the commissioner. School authorities are encouraged to exercise initiative and responsibility in this area.

In determining a school's standing, major factors to be considered are: "efficiency of instruction, acquired habits of thought and study, the general intellectual and moral level of the school." A sufficient number of qualified teachers must be provided and approved high schools must adopt adequate salary schedules to secure qualified teachers.

A teacher should not have more than five classroom periods in one day. There must be adequate library materials and facilities. A high school will not be recommended for approval by the Commissioner of Education after December 1, 1961, unless it has an enrollment of more than 700 pupils in the upper six grades unless the Commissioner determines that because of population, transportation or other factors, a high school with greater or lesser enrollment is essential.

Part 110 (Statutory authority §§ 207, 3602)

§ 110.1 — 110.2

"To be approved, a summer elementary school must fulfill the following conditions":

1. constitute the summer session of a public elementary school and use the facilities of that school;

2. provide a program of at least 15 but

not more than 30 days during July and August;

3. employ certified teachers;

4. provide classes of at least 45 minutes.

A summer secondary school, to be approved, must fulfill the following conditions:

1. constitute the summer session of a secondary school;

2. provide a program of instruction during July and August;

3. employ certified teachers and assign them to teach only subjects for which they are certified;

4. provide classes of at least 90 minutes.

CROSS REFERENCE

II.A.1.; Statute §803

II.A.1; Statute §805

II.A.1.; Regulation §200.4

II.A.3.; Regulation §111.2

II.A.3.; Regulation §111.3

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B. Qualification Standards for Personnel

Administrator

Regulations

§ 80.4

Certification for school district administrator (this includes superintendent of schools, district superintendent, district principal, or any person having responsibility for general district-wide administration) will be granted to a candidate who holds a baccalaureate degree and has completed 60 semester hours of graduate

study and an administrative/supervisory internship under the supervision of a practicing school administrator. Within the total program of preparation, the candidate shall be awarded a master's degree. A year of full-time experience in an administrative or supervisory position may be substituted for the internship. Three years of experience as a teacher or administrative/supervisory or pupil personnel service in the schools is required.

A certificate may be issued by the Commissioner of Education, at the request of a board of education, to "exceptionally qualified persons" who do not meet all the graduate school course or school teaching requirements. The certificate, if issued, will be valid only in the district making the request.

A school administrator and supervisor (this includes principal, assistant principal, and any person serving more than 25% of her/his assignment in an administrative or supervisory capacity) certificate may be provisional or permanent. A provisional certificate will be issued to the holder of a baccalaureate degree who has completed 30 hours of graduate study and an administrative/supervisory internship under the supervision of a practicing school administrator and has three years experience. A permanent certificate will be granted after two years of experience plus a master's degree.

CERTIFICATED PERSONNEL

REGULATIONS

§ 80.3

A candidate for certification in a "pupil personnel service," may obtain certification by completing a program approved by the department of Education or by meeting alternative requirements as outlined below. There are two types of certificates: a provisional certificate, valid for five years, and a permanent certificate.

A provisional certificate for a school attendance teacher requires a baccalaureate degree plus six semester hours of professional education appropriate to the position. For a permanent certificate, the candidate must complete two years of school experience and a master's degree in pupil personnel services.

For a school counselor, a provisional certificate may be granted to the holder of a baccalaureate degree who has completed 30 semester hours of graduate study in school counseling. A permanent certificate will be awarded after the candidate has had two years of experience in the field and has been awarded a master's degree.

A provisional certificate for a school dental hygiene teacher shall be granted to a person who has completed an "associate degree" in dental hygiene plus 30 semester hours toward a baccalaureate degree. The person must also be registered in New York as a dental hygienist. A permanent certificate will be awarded upon receipt of a baccalaureate degree and completion of 2 years of work in the field.

A school nurse teacher may be given a provisional certificate if she/he holds a baccalaureate degree and is a registered nurse. The candidate may receive permanent certification after completing two years of

school experience and earning a master's degree.

A provisional certificate for a school psychologist may be given to the holder of a baccalaureate degree who has completed 60 semester hours of graduate study in school psychology. Permanent certification will be given after two years of school experience and a master's degree.

A school social worker shall hold a provisional certificate upon completion of a baccalaureate degree and 30 semester hours of graduate work. Permanent certification will be awarded after two years experience and a master's degree.

A statement of continued eligibility may be issued to a person working in a position for which no certification existed prior to September 1, 1973, who has served three years in that position by that date.

CITY SUPERINTENDENT OF SCHOOLS

STATUTES

§2507

APPOINTMENT

The superintendent of schools in a city school district may be appointed for a five-year term. The superintendent or any associate superintendent of schools must hold a superintendent's certificate.

APPOINTMENT

A superintendent or associate superintendent of schools in a city of 250,000 or more shall be appointed for a six-year period, subject to removal for cause. In all other cities, the term of office shall not exceed five years and the appointment shall be "subject to the pleasure of the board of education."

A superintendent or associate superintendent may vacate the position by submitting a written resignation to the board of education. In order to be eligible for the position of superintendent, deputy superintendent, associate superintendent, assistant superintendent, or member of a board of examiners, a person must have or be entitled to have a superintendent's certificate.

COMMUNITY BOARD MEMBERS

CROSS REFERENCE

I. Board of Education, City; Statute §2590-b -- 2590-c

DISTRICT SUPERINTENDENT

STATUTES

§2204 -- 2205

Vacancies in the office of district superintendent shall be filled by the "board of cooperative services of a supervisory district." A district superintendent must be a citizen, a resident of New York, and possess a superintendent's certificate. "No person shall be ineligible on account of sex."

LIBRARIAN

CROSS REFERENCE

II.B.3.: Regulation §274, 275

PRINCIPALS

CROSS REFERENCE

I. Principals: Regulation §100.3

SCHOOL BOARD MEMBERS

STATUTES

§2502

Each city school district board of education "shall consist of five, seven or nine members," elected by the voters of the school district. The board members shall serve terms of three or five years, "as the district may determine." Vacancies may be filled by a majority vote of the board and the appointee shall serve until the next election.

A school board member must be a qualified voter and a resident of the district for three years prior to his/her election. If the elected board member refuses to take office, his/her position shall be deemed vacated.

School Employees

Statutes

§2568

The superintendent of schools of a city with a population of one million or more has authority to require any person employed by the board of education to have a medical examination by a board physician in order to determine the "mental or physical capacity of such person to perform his duties" when it is recommended "in a report in writing" that this should be done. This report to the superintendent may be made only by a person who supervises the person recommended for the medical examination. The person examined may bring his/her own physician to the examination. The results of the examination shall be reported to the superintendent and may be referred to for "evaluation of service of the person examined or for disability retirement."

MEDICAL EXAMINATION

School District Trustees

Statutes

§2101 -- 2104

"Each common school district shall have one or three trustees . . . ." Each "union free school district" shall have a board of education of three to nine trustees. School district officers must be literate, qualified voters. District superintendents and supervisors may not be trustees. A person removed from a school district office may not be reappointed or elected to any district office for one year.

REMOVAL

REAPPOINTMENT

REGULATIONS

§ 80.18

Certificates for school media specialists shall be issued to candidates who have completed an approved program registered by the department. In the alternative, a provisional certificate will be issued to a candidate who holds a baccalaureate degree, including 36 semester hours in school media study, 12 hours of study in professional education, and a college-supervised practicum in school media. One year of full-time experience may be accepted in lieu of the teaching practicum. The school media specialist certificate is granted to applicants whose preparation includes 18 semester hours in school media (library) and 18 semester hours in school media (educational communications); the school media specialist (library) certificate when the preparation includes at least 24 semester hours in school media (library), and the school media specialist (educational communications) when the preparation includes at least 24 semester hours in school media (educational communications). The provisional certificate is valid for five years.

A permanent certificate will be issued when the applicant has completed two years of school experience as a media specialist and a master's degree in the field of school media or school media (library) or school media (educational communications).

A provisional certificate will be issued to a person qualifying under the Interstate Agreement contract.

A statement of continued eligibility will be issued to a person employed in a position for which no certification requirements existed prior to April 1, 1976, if such person has been employed for 3 years in the 5 years immediately preceding the effective date of this section (Jan. 1, 1978).

SUPERINTENDENTS

STATUTES

§3003

Persons employed as superintendent of schools, deputy superintendent of schools, associate superintendent of schools, assistant superintendent of schools, as an examiner, or other form of superintendent must hold a superintendent's certificate. The certificate is issued when the following requirements are met: (a) he/she is a graduate of a college approved by the commissioner, and has completed an additional 60 semester hours of approved graduate courses; (b) he/she has successfully completed three teachers of teaching experience.

Persons of exceptional training or experience who do not meet these requirements may be issued a certificate at the request of a board of education or board of cooperative educational services.

SUPERINTENDENTS OF INDUSTRIAL HIGH SCHOOLS

CROSS REFERENCE

II.A.3.; Regulation §111.3

TEACHERS

STATUTES

§2569

In a city with a population of one million or more, there shall be a five-member board of examiners, including the chancellor of the city school district of New York. The board shall examine all applicants for a license, prepare eligible lists, and hear and decide appeals. For teachers in bilingual programs, all examinations shall be given in the second language except for a written composition in English.

§2590-j

The New York City board of examiners shall examine applicants for New York City school positions. The chancellor shall appoint and assign teachers in the city school.

APPOINTMENT

§3001; 3001-a

To qualify to teach in the public schools a person must be 18 years or older, possess a teacher's certificate or diploma from a teachers college, and be a U.S. citizen. This does not preclude having practice teachers in the classroom, nor hiring aliens who have applied for citizenship. An alien may be issued a temporary teaching certificate.

§3002

OATH

All teachers in the public and private school system must subscribe to an oath to support the Federal and State constitutions, as a condition of employment.

§3004; 3006; 3007

"The commissioner of education shall prescribe, subject to approval by the regents, regulations governing the examination and certification of teachers . . . ." Blindness does not per se disqualify one to teach. "The commissioner of education may issue: (1) a life state certificate; (2) a temporary license for one year limited to a specific locale; (3) a temporary license to unusually qualified persons in specific subjects as visiting lecturers. The commissioner may also endorse diplomas and certificates issued by other states.

§3008

"A district superintendent, a city superintendent of schools or . . . other authority of a city school district . . . may issue [a teaching] . . . certificate . . . ."

§3022

DISQUALIFICATION

Subversive persons, i.e., those who belong to organizations which advocate the overthrow of the U.S. government, "shall be disqualified from service in state schools."

Part 7 (Statutory Authority: §207)

§ 7.1 — 7.2

The commissioner of education shall make regulations for the certification of public school teachers. The following types of certification may be issued: certification for administrative and supervisory service; classroom teaching service; school service; and certificates of qualification. Local school districts may set higher standards if they choose.

§ 7.3 — 7.4

A board of education may not contract with a teacher who is not legally qualified. A teacher must possess or be entitled to a certificate before entering into an employment contract.

Local school authorities may not prescribe religious or political requirements as conditions of employment. If any school district does so, the commissioner shall withhold state funds for that district.

§30.3; 30.4; 30.9

APPOINTMENT

Each resolution making an appointment of a teacher either on probation or for tenure, shall set forth the dates of the service, the tenure area, and the certification status of the appointee.

Educators who devote a substantial amount of their time in one tenure area will be designated in that area. The tenure areas include: elementary tenure area (grades K-6); middle grades tenure area (grades 7-8); and academic tenure area (grades above seventh). Special subject tenure areas embrace such subjects as: art, business education, special education,

home economics, industrial arts, music, physical education, and remedial reading.

Persons employed as counselors, dental hygienists, media specialists, school nurses, psychologists, and social workers are considered to be in a "special subject tenure area." A person who teaches industrial arts, health occupations, home economics, business or trade subjects, shall be considered in a special subject tenure area co-extensive with the certification given her/him at the time of probationary appointment.

Persons hired by the board must devote a substartial portion of their time during the probationary period to at least one designated tenure area.

Part 80 (Statutory Authority § 207)
§80.2

The Commissioner of Education has authority to issue certificates. A superintendent of schools, with the Commissioner's approval, may assign a teacher to teach a subject not covered by her/his license for a period not to exceed 5 class hours per week.

The prescribed preparation and experience requirements must be satisfied before the candidate begins teaching in the public schools.

The time limits for provisional certificate holders who are on leave due to illness, maternity leave, Peace Corps duty, etc., may be extended by the commissioner of education for a period not to exceed two years.

Students in a teacher education program may be issued an "internship certificate" which is valid for two years and not renewable.

School districts engaged in experimental programs relating to changing the definition of elementary, junior, or senior high schools, may obtain approval to

employ a certified teacher for a five-year period for any assignment the board deems the teacher is qualified to fill. The experiment must be approved by the Board of Education and the Commissioner of Education.

A non-citizen may be issued a provisional certificate only when she/he possesses special skills not available among certified teachers or is unable to declare an intent to become a United States citizen for a valid reason.

A teaching certificate may be granted to a person who has completed a program of teacher preparation at a school approved by the Board of Education.

A "certificate of qualification," valid for five years, may be issued to those persons eligible for provisional certification, which qualifies that person as a substitute teacher.

Candidates who obtain provisional certification after February 1, 1978, shall meet the requirements for permanent certification set forth herein, but those provisionally certified prior to that date shall be eligible in accord with the requirements for permanent certification in effect when they received provisional certification as long as they do so within the time validity of the provisional certificate.

§ 80.5

A certificate in an occupational subject may be obtained by completing a program approved by the department. Alternatively, certificates may be obtained as outlined below. In agriculture, business education, health occupations, home economics, technical and trade subjects, a baccalaureate degree program is available. A provisional certificate requires a baccalaureate degree with 36 semester hours in the occupational teaching area and 12 hours in professional education, in addition to a college-supervised student-teaching experience. A minimum of 1 year of experience is required. For permanent

certification, the person must complete the master's degree in the occupational field of teaching plus two years of school experience as a teacher.

For health occupations, technical and trade subjects, and special areas in agriculture, business education and home economics, an associate degree program is available. For a provisional certificate, a two year college program in the occupational area (18 semester hours in professional education) plus a college supervised student teaching experience. A minimum of two consecutive years of appropriate experience in the area is required. The provisional certificate is valid for five years.

A permanent certificate will be issued when the candidate has completed two years service in the area of certification plus 30 semester hours of upper level college study.

In the trade subjects and special subjects in agriculture, health occupations and home economics, a non-degree program is offered. A provisional certificate is issued to a high school graduate who has completed 30 hours in approved courses including 18 hours of professional education plus a college supervised student teaching experience. A minimum of four consecutive years of appropriate experience in the occupation is required. Provisional certificates are valid for five years. For a permanent certificate, the candidate shall have completed two years of experience plus 30 semester hours of upper level college work in the appropriate area.

Persons in occupational subject areas and those seeking certification to teach in any of the health occupations must hold the appropriate New York lincese.

One year of teaching experience may be substituted for student teaching in the occupational area when recommended by the school district administrator.

A statement of continued eligibility may be issued to persons employed in a position for which no

certificate existed prior to September 1, 1974, if three years of service have been completed by that date.

§ 80.6

To obtain a certificate as a teacher of special education, the deaf and hearing impaired, the blind and partially seeing, or the speech and hearing handicapped, a candidate must meet on of the following requirements:

(1) A certificate will be issued upon completion of an approved program registered by the department.

(2) Alternatively, a certificate may be issued in accordance with the following requirements: For a provisional certificate, the candidate must hold a baccalaureate degree and have completed either as part of that degree or in addition to it, 12 hours of study in professional education and 24 hours in special education, the teaching of the deaf and blind, or 36 hours of study in teaching the speech and hearing handicapped. One year of experience may be substituted for the college-supervised practicum if the district administrator so recommends. The provisional certificate is valid for five years and is not renewable.

A permanent certificate will be issued if the candidate has completed two years of school experience as a special education teacher and has earned a master's degree in special education or relating to the teaching of the deaf or blind or speech and hearing handicapped.

(3) A certificate will be issued to an applicant who has completed a program at an approved institution or who has obtained a regular certificate in a State which has contracted with New York under the Interstate Agreement on qualifications for educational personnel.

A person employed in a position for which no certification requirements existed prior to May 1, 1976, may be issued a statement of continued eligibility, provided that the person has been employed in that position

for three years out of the five years immediately preceding the effective date of this section (January 1, 1978).

§ 80.7

A candidate for certification as a reading teacher shall be issued a provisional certificate by completing an approved program registered by the department, or, alternatively, completing the following: the graduate-level college proficiency examination in reading, nine semester hours of graduate study in reading, a college-supervised practicum in reading and a master's degree. Three years of full-time experience as a reading teacher on the elementary and/or secondary level may be substituted for the college-supervised practicum in reading when such experience is verified by the employing school district administrator.

A provisional certificate may also be issued to a qualified teacher from a State which has contracted with New York under the Interstate agreement.

A permanent certificate will be issued to a candidate who has completed the requirements for the provisional experience, plus two years of teaching experience at the elementary and/or secondary level in the area for which he holds a provisional certificate.

A statement of continued eligibility shall be issued to a person employed in a position for which no certification requirements existed prior to September 1, 1978, provided that the person has been employed for 3 years within the 5 years immediately preceding the effective date of this regulation (September 1, 1977).

§ 80.15

For a certificate valid for teaching in the early childhood and upper elementary grades the candidate shall have completed a baccalaureate degree, including 24 semester hours in professional education, six semester hours in the teaching of reading, and a college-supervised student-teaching experience. For a certificate valid for teaching in the early childhood, upper elementary grades and an academic subject in the early secondary grades, the collegiate study shall include, in addition to that listed above, the academic concentration for which the certificate is issued.

English	30	semester	hours
Foreign Language	24	"	"
General Science	36	"	"
Mathematics	18		
Social Studies	30		

The provisional certificate is valid for five years. To obtain a permanent certificate, the candidate must have completed two years of school experience and a master's degree "functionally related" to the field of teaching service.

§ 80.16

A provisional certificate for teaching an academic subject shall be issued to a candidate who holds a baccalaureate degree from an approved institution. The collegiate study shall include 12 semester hours of professional education and a student-teaching experience. Academic concentration in the subject for which the certificate is issued shall be as follows:

English	36	semester	hours
Foreign Language	24	"	"
Mathematics	18	"	"
Social Studies	36	"	"
Science	36	"	"

The provisional certificate shall be valid for five years.

A permanent certificate shall be issued when the candidate has completed two years of school experience as a secondary academic subject teacher and a master's degree functionally related to the field of teaching service. One year of full-time teaching experience on the level for which certification is sought may be substituted for the student-teaching if the employing school district administrator so recommends.

§ 80.17

A provisional certificate for teaching a special subject shall be issued to a candidate who has completed a baccalaureate degree, including 12 semester hours in the study of professional education, and 36 semester hours in appropriate technical courses in the subject of certification. The provisional certificate shall be valid for five years. A minimum of one year of appropriate experience in a distributive occupation is required for a distributive education certificate.

A permanent certificate will be issued to a candidate who has completed two years of school experience as a special subject teacher and earned a master's degree functionally related to the field of teaching service.

§ 80.23

To obtain a certificate to teach in nonregistered evening schools, the candidate shall have completed an approved program of general education, and five years of experience related to the subject for which the certificate is to be issued. The certificate shall be valid for three years. Its time validity may be extended by the Commissioner of Education for three-year periods if the holder of the certificate has satisfactorily completed two years of teaching during the preceding three-year period.

§ 80.32

Uncertified teachers may only be employed under the following conditions:

(1) If, after extensive recruitment, a certified teacher cannot be found;

(2) If the uncertified teacher has applied for certification and been informed of her/his uncompleted requirements;

(3) If re-employed in any succeeding year, if the uncertified teacher has completed at least six semester hours of the required study and the conditions of (1) have been met.

§ 80.35

In order to employ retired persons, a school board must file a request with the commissioner of education, stating that the retired person is qualified, physically fit, and properly certified as a teacher. The board must also give specific reasons why there is a need for the services of the retired person and why the employment is in the best educational interests of the district or of the board. Approval of the commissioner shall be for one year but may be rescinded at any time.

§ 80.36

The chief school officer is responsible for employing qualified substitute teachers. A substitute is one who is employed in the place of a regular teacher who is absent but expected to return. There are three classes of substitute teachers: (1) Substitutes with valid teaching certificates. These persons may render service in any capacity, for any number of days. (2) Substitutes without valid certification but who are completing college study towards certification. Service may be rendered in any capacity, for any number of days. (3) Substitutes without a valid certificate and not working towards certification. Service may be rendered for no more than 40 days per school year.

CROSS REFERENCES

I.Board of Education, Central High School District; Statute §1901, 1902

II.A.3.: Regulation §111.3

II.A.8.; Regulation §161.1

IIIC.Teachers; Statute §2509

TEACHING ASSISTANTS

REGULATIONS

§ 80.33

The board of education may assign teacher aides to assist teachers in non-teaching duties such as managing records, supervising students, and performing other support services.

A teaching assistant can provide direct instructional service to students, under the supervision of a licensed teacher. Teaching assistants may work with pupils on special projects, assist pupils in the use of available resources, and teach such special program areas as foreign languages, arts, crafts.

A person employed as a teaching assistant must hold either a temporary license or a continuing certificate.

A temporary license may be issued to an applicant who is a high school graduate. The license shall be valid for one year. A continuing certificate requires the completion of six semester hours of appropriate college study and one years teaching experience. The certificate shall be valid continuously.

A temporary license as visiting lecturer may be granted to a person who has unusual qualifications in a specific subject area to supplement the regular program of instruction. The license shall be valid for one year.

With the Commissioner's approval, a permit may be granted to a school district to employ a qualified person for a position for which no certificate exists. A permit granted under this section shall be valid for not more than two years.

C. Performance Standards

Adult Education Program

CROSS REFERENCE

II.A.8.; Regulation §161.1

Board of Education

STATUTES

§1706

The commissioner of education may remove any member of the board of education for cause. "Wilful disobedience" or "neglect of duty" is cause for removal. The board member is entitled to notice. REMOVAL

§2559

"The commissioner of education may remove any member of a board of education" for cause and "after giving notice of the charge." "Wilfull disobedience" or lack of "due diligence" is cause for removal. REMOVAL

Commissioner of Education

CROSS REFERENCE

I.Department of Education: Statute §101

REGULATIONS

§3.45

A high school diploma must represent four years of work above the eighth grade and may be awarded only to pupils who have passed the "basic competency tests" established by the Commissioner of Education.

Part 103 (Statutory authority §207)

§ 103.1 - 103.2

Ratings obtained in the College Entrance Examination may be accepted in whole or in part as the basis for a Regents high school diploma. This decision is within the discretion of the commissioner.

In order to obtain a State diploma, the following requirements must be met: (1) completion of an approved 4-year course of study, including English, social studies including American history, health, physical education, and other requirements set by statute or regulation; and (2) passing the Regents examinations in certain specified subjects with certification by the principal as to completion of the remaining units.

§ 103.3 - 103.4

Candidates for the high school equivalency diploma must either take the general comprehensive examination or provide evidence showing that they have completed 24 credits as a candidate for a college degree. Applicants must be 19 years old or more and have resided in New York State for one month prior to the examination. Persons under 17 may be eligible to take the examination if they have not been enrolled in high school for at least one year or are

residents of a state institution. A candidate may take the examination more than once. Boards of education specified by the commissioner may award a local high school equivalency diploma based on experimental programs approved by the commissioner.

§ 110.4

Students enrolled in an approved summer high school and who attend at least 27 of 30 days are eligible to take the August Regents examination. Standings earned in the examination may be applied toward a Regents diploma.

DISTRICT SUPERINTENDENT

STATUTES

§2212

REMOVAL

A district superintendent may be removed during the first three years of office by a majority vote of the board of cooperative educational services. After the three-year period has ended, the superintendent may be removed by the commissioner of education with the board's approval.

CROSS REFERENCE

I. Board of Trustees, Common School District; Statute §2105, 2110, 2112, 2113

EDUCATIONAL PROGRAMS

POLICY GUIDES

GOALS FOR ELEMENTARY SECONDARY AND CONTINUING EDUCATION IN NEW YORK STATE 1974 19 pages
Regents of The University of the State of New York

Local school systems are encouraged to use the statement as a basis for action in setting its own goals, assessing the status of its educational programs in relation to those goals, and identifying aspects of its programs that fall short of

these goals. The goals listed reflect desirable conditions necessary for one to reach maximum fulfillment. The goals are: (1) mastery of the basic skills of communication and reasoning essential to live a full and productive life; (2) ability to sustain lifetime learning in order to adapt to the new demands, opportunities and values of a changing world; (3) ability to maintain one's mental, physical and emotional health; (4) understanding of human relations, respect for and ability to relate to other people in our own and other nations; (5) competence in the process of developing values; (6) knowledge of the humanities, social sciences, and natural sciences; (7) occupational competence necessary to secure employment and to perform work; (8) knowledge and appreciation of our culture and capacity for creativity, recreation, and self-renewal; (9) understanding of the processes of effective citizenship; (10) knowledge of the environment.

ELECTED SCHOOL OFFICIALS

CROSS REFERENCE

I. Board of Trustees Common School District; Statute §2105, 2110, 2112,2113

SCHOOL OFFICERS AND EMPLOYEES

STATUTES

§410

A school officer who is authorized to sell or lease property or make contracts shall not have any individual interest in the sale, lease or contract. Anyone with such an interest is guilty of a misdemeanor. CONFLICT OF INTEREST

§3021

State school employees may be dismissed for uttering or doing any treasonable or seditious words or acts. DISMISSAL

REGULATIONS

Part 20 (Statutory Authority: §207)

§ 20.1

The school authorities of each school district are required to investigate all employees' backgrounds INVESTIGATION

to determine if the employee has committed any seditious act. The school authorities shall require a yearly report to be filed with them, by a school official, stating whether or not any teacher or employee has violated this provision. The school authorities shall file an annual report with the commissioner based on information received from their designated school officials.

CROSS REFERENCE

I.City Superintendent of Schools; Statute §2508

I.Commissioner of Education; Statute §102, 104, 105

SCHOOL SYSTEM

STATUTES

§3026;3027

EQUAL OPPORTUNITY

Discrimination based on sex and/or age is prohibited, specifically with regard to compensation policies and qualifications for hiring. Reasonable minimum and maximum age requirements may be set for "positions which require extraordinary physical effort . . ."

CROSS REFERENCE

III.A.2 ; Regulation §100.2

IV.A.; Statute §3209

IV.G.; Statute §313

STUDENTS

REGULATIONS

Part 8 (Statutory Authority §207)

§ 8.1 — 8.2

APPOINTMENT

The commissioner shall appoint 15 members of the New York State Examinations Board to serve

five year terms. The Board shall appoint committees to study elementary and secondary school curriculum and to prepare questions for State examinations.

Pupils who have studied a subject at an approved school may take the examination and other pupils who have pursued an independent study may be admitted at the discretion of the school principal.

CROSS REFERENCES

I.City Superintendents of Schools; Statute §2508

II.A.1.; Regulation §100.1

II.A.1.; Regulation §6.1 -- 6.4

II.A.3.; Regulation §1[illegible].3

III.A.2.; Regulation §100.2

TEACHERS

STATUTES

§2509

Teachers shall be "appointed by the board of education, upon the recommendation of the superintendent of schools, for a probationary period of three years." A teacher may be dismissed at any time during the probationary period. At the end of the three years, "the superintendent of schools shall make a written report to the board," recommending tenure for persons who have performed satisfactorily. A teacher who has served the probationary period cannot be removed without cause. "Failure to maintain certification" is a ground for removal.

DISMISSAL

§3011; 3019; 3019-a; 3020; 3020-a

A teacher may be removed during a term of employment by reason of: "neglect of duty, incapacity to teach, immoral conduct or other . . . sufficient cause . . ."

REMOVAL

Charges against a tenured teacher shall be in writing and filed with the clerk of the school district or employing board during the school year. There is a five year statute of limitations except for charges of

criminal conduct. Within five days of filing of charges, the employing board shall determine whether probable cause exists, and if so, shall notify the accused employee immediately by certified mail. The employee has a right to a hearing. If he/she waives this right, the board may proceed to "determine the case and fix the penalty or punishment, if any . . . ." Should the employee request a hearing, panel members will be drawn from a standing list of qualified persons. "The commissioner of education shall establish necessary rules and procedures for the conduct of hearings . . . ." The hearing may "be public or private" at the employee's discretion. "Each party shall have the right to be represented by counsel, to subpoena witnesses, and to cross-examine witnesses. All testimony . . . shall be under oath . . . ." Subsequent to the hearing, the employee and the clerk of the employing board shall be notified of the panel's findings; the employing board shall fix any penalty or punishment. If acquitted, the employee shall be "restored to his[her] position with full pay . . . and the charges expunged from his[her] record."

NOTICE

HEARING

RULEMAKING

REINSTATEMENT

§3012-3014

Teachers in union free school districts, and other school districts, and staff of the board of cooperative educational services shall serve a probationary period of three years. At the end of this time, they may be recommended for permanent status.

§3018

A district superintendent may revoke a teacher's certificate for cause. The teacher shall be given notice of the charges against her/him.

REVOCATI

REGULATIONS

Part 17 (Statutory Authority: §207)

§ 17.1 — 17.5

All complaints regarding teachers' professional conduct are forwarded to the Executive Secretary of

Professional Conduct who investigates the complaint. Formal charges, if made, are issued by the board of examiners or grievance committee. If the person against whom the charges are filed wishes to admit guilt or not to contest it, the person will file a written application with the board.

§ 30.13

If a board of education or board of cooperative educational services abolishes professional education positions, the board shall identify the tenure area in which the position is abolished, and determine the person in the tenure area having least seniority. If the person has tenure or probationary status in other tenure areas, she/he may be transferred to the area where she/he has the greatest seniority and may remain there if there is another person with less seniority in the tenure area. Otherwise, the person will be transferred, according to seniority, to the other tenure areas where she/he has probationary or tenure status.

Part 82 (Statutory Authority: §§ 207, 3020-a)

§ 82.2;.3; .6; .9; .10

Charges may be filed with the board of education against a tenured employee not more than five days prior to the scheduled meeting of the board. A copy of the charges and the board members' vote on charges shall be forwarded to the commissioner.

HEARING

A request to the commissioner for a hearing on charges against a tenured employee must include a copy of the charges and the name of the panel member chosen by the board. If the board fails to choose a panel member, the commissioner shall do so. The employee against whom charges have been filed must also receive written notification of this information. If the employee does not request a hearing within ten days after receipt of the charges, the right to hearing will be deem waived.

NOTICE

The tenured employee against whom charges have been filed has a right to select one panel member and must notify the commissioner of her/his choice within five days after receiving the notification to the commissioner of the need for a hearing.

The tenured employee against whom charges are filed has a right to a public hearing and must request it in writing at least five days before the date set for the hearing. Otherwise, the employee will waive her/his right to hearing.

WAIVER

At the conclusion of the hearing, the panel shall make its findings and recommendations and report them to the commissioner. The commissioner shall forward these, with a report on and transactions of the hearing, to the employing board.

Part 83 (Statutory authority: §§ 207, 305, 3004)
§ 83.1 — 83.5

Information that a certified teacher or an applicant for certification has been convicted of a crime or committed an act raising a question as to her/his moral character, shall be referred to the director of the division of teacher education and certification.

The director shall investigate and submit a report on her/his findings to the teacher education, certification and practice board.

The board reviews the director's report and if it finds that the teacher or applicant's moral character is adequate, it shall report this information to the director. If, however, the board finds that a substantial question exists as to the person's moral character, notice shall be given to the teacher or applicant.

NOTICE

Within 30 days of receipt of such notice, the teacher or applicant may file a request for a hearing with the director. If the hearing officer (or panel) finds that a substantial question as to moral character does exist, it shall annul the teacher's certificate or deny

HEARING

certification to the applicant. This decision may be appealed, within 30 days, to the commissioner. If no appeal is taken, the decision of the hearing officer is final.

APPEAL

§2573

Teachers are appointed by the board of education for a probationary period of three years. At the end of the three-year period, the superintendent of schools shall recommend "permanent appointment" for persons who have performed satisfactorily. Persons with tenure status may not be removed without cause.

REMOVAL

CROSS REFERENCE

II.A.1.; Statute §805

D. Evaluation and Reporting

District Compensatory Education Programs

CROSS REFERENCE

II.A.6.; Regulation §164.6

Educational Programs

REGULATIONS

Part 102 (Statutory authority §207)

§ 102.2 --102.4

Elementary and secondary schools shall administer examinations designated by the commissioner for "supervision and evaluation of educational programs." Principals are responsible for administering the examinations. If a student is found guilty of fraud, he/she may be excluded from further exams for a time period determined by the principal. However, the accused student shall be given an opportunity to appear before the board and explain his/her conduct. The board may affirm, modify, or reverse the penalty imposed by the principal.

EXAMINATIO

EXCLUSI

Part 115 (Statutory authority §§ 1608-a, 1716-a)

§ 115.1

The board of trustees or board of education of each school district shall prepare long range plans to meet the needs of the district. Each district shall prepare a planning notebook which shall be open for public inspection. The notebook shall contain: plans for pupils with special educational needs; plans for pupils with handicapping conditions; a projection of future enrollments; fiscal information; a narrative description of future educational programs; and "any other items of a planning nature such as district goals, needs assessments, program analyses, evaluation plans and results." Districts shall submit planning reports to the Commissioner of Education.

EDUCATIONAL SYSTEM

STATUTES

§1708

APPOINTMENT

SCHOOL VISITS

Boards of education shall appoint "one or more committees to visit every school or department under its supervision . . . at least once annually."

School board meetings shall be open to the public, but the board may hold "executive sessions" without public attendance.

§2117

School district authorities are required to submit reports to the commissioner of education as he/she may require. Annual reports shall be submitted, including information on the number of children, attendance records, and expenditures.

REGULATIONS

§ 149.6

All programs established under this section shall be under the supervision of the commissioner who shall keep records for evaluation purposes of each program.

Environmental Impact of School Construction

CROSS REFERENCE

II.C.3.; Regulation §155.5

Physical Education Instruction

CROSS REFERENCE

II.A.1.; Regulation §135.4

School Employees

CROSS REFERENCE

III.C.School Officers and Employees; Regulation §20.1

Special Education Programs

CROSS REFERENCE

II.A.2.; Regulation §149.4 -- 149.5

Students

CROSS REFERENCE

III.C.Diploma Recipient; Regulation §3.45

Vocational Education Programs and Services

CROSS REFERENCES

II.A.3.; Regulation §140.1 -- 140.2

II.A.3.; Regulation §141.7

E. Improvement Efforts

Performing Arts

Statutes

§ 4575 -- 4578

The "Empire State youth theatre institute" is established as an arts and cultural program to offer state elementary and secondary school teachers in-

service training and provide guidance for "children's arts programs in schools."

PROFESSIONAL EMPLOYEES

STATUTES

§113

The department may grant an extended leave of absence for professional advancement to "any professional member" of the department. "Not more than five such leaves . . . shall be granted during any one fiscal year." The amount of leave is "not to exceed one year in seven", and the rate of pay shall "not exceed one-half the regular salary" or "six months with salary at full rate." Balance of salaries may be applieed during such leaves for purposes of hiring substitute professionals.

§2215

District superintendents shall have the authority to call teachers' conferences to discuss curriculum, discipline, and school management. Teachers are

REGULATIONS

§ 221.1

Leaves of absence for professional improvement must be recommended by the Associate Commissioner of Education and approved by the Commissioner of Education and Board of Regents.

LEAVE OF ABSENCE

Persons may be granted the following types of leave: (1) A two weeks' leave of absence with pay for attending summer school; (2) Leave of absence on Saturday mornings to take approved extension courses; (3) Short leaves of absence to visit schools outside the State or to make studies to improve professional services; and (4) Leaves of absence, without pay, to do graduate work.

entitled to compensation for the days they attend the conference. District superintendents shall also call meetings of trustees and school officers to discuss their duties; advise trustees on teacher employment and the purchase of school texts and supplies; certify teachers; investigate charges against teachers and, if necessary, revoke certificates. The superintendents may take testimony in appeal cases and investigate and report to the commissioner of education on any matters requested.

NORTH CAROLINA

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REGULATIONS

§2G.0501-2G.0503

Application for state accreditation by local public school administrative units and non-public schools is voluntary on the part of the units, rather than required. Procedures for accreditation are established by the state superintendent of public instruction and are administered by a state accreditation committee to review and make recommendations that local units be accredited.

"Accreditation is recognition by the State Board of Education of a continuous systematic process of planning for and evaluating the effects of the school environment upon children and their learning. Such recognition denotes that an administrative unit or non-public school has developed and is implementing a long-range comprehensive plan which provides for organization of and use of all available resources and for the documentation of continuing improvement in learning by students.

Three levels of accreditation have been established to indicate accreditation progress being made by a local administrative unit. These are: (A) Level I. Local administrative unit has developed an approved comprehensive educational plan. (B) Level II. Local administrative unit is implementing the approved comprehensive educational plan. (C) Level III. Local administrative unit has documented significant progress toward the attainment of the priority objectives in its comprehensive educational plan."

In order to obtain accreditation status, the local superintendent sends a letter to the state superintendent, which indicates the commitment of the local administrative unit to accreditation according to the policies set forth by the State Board of Education. The local administrative unit, together with a member of the state accreditation committee, will prepare a plan for accreditation. The plan must be reviewed by the state agency and voted on by the local board. Level I accreditation denotes that the local unit has adopted an approved plan. The plan must then be implemented within 30 months in order to attain Level II status. The local superintendent then requests an on-site visit by state officials to review the local unit's progress toward its stated goals. If satisfactory progress has been made, Level III accreditation will be given.

2. Other Qualification Standards

Statutes

§115-5

"The school system of each county and city administrative unit shall consist of 12 years of study or grades" and each school year shall be not less than nine months. The grades may be organized as follows: 1) the first eight grades as an elementary school and the following four as a high school; or 2) a junior high may be formed with grades seven through nine and the high school with grades ten through twelve.

§115-6

An "elementary school" is one consisting of "a part or all of the eight elementary grades" and may include a kindergarten. A high school includes the grades above elementary school and offers "at least the minimum . . . course of study prescribed by the State Board of Education." A "union school" is one with both elementary and high school grades. A

"junior high school" consists of the "first year of high school and the upper two elementary grades." A "senior high" consists of grades ten through twelve.

§115-36

Local boards of education may determine the length of the school day but the minimum time for teachers shall be six hours per day. Provisions may be made for "handicapped pupils, kindergarten pupils," and first through third grade pupils to attend school for less than six hours. The local superintendent of

A school month consists of 20 teaching days. Schools will not be open on Saturday unless "the needs of agriculture" make it necessary.

SCHOOL TERM

A "school term" consists of 180 days. This term may be suspended by the State Board of Education or local boards of education for a time not to exceed 60 days if conditions justify such suspension. Teachers will be entitled to their normal pay for the suspended term "not to exceed a period of 15 school days."

The State Board of Education may, order "adjournment of the public schools . . . where . . . any emergency . . .make[s] such action necessary."

§115-59

Local superintendents of schools shall submit a yearly organization statement to the State Board to enable the Board to determine the number of teachers needed. "The State Board . . . shall allocate teachers" in three categories: "(i) general teachers, including . . . principals, (ii) vocational teachers, (iii) special education teachers." The basic class room size shall be as follows: "(1) No more than 26 students per teacher . . . for grades one through three. (2) No more than 33 students per teacher . . . for the upper elementary high schools and junior high schools." If for any reason more students are enrolled than the local board of education can accommodate, it may apply to the State Board for

"contingency funds for additional personnel."

B. Qualification Standards for Personnel

Board of Education Member

Statutes

§115-25

Membership on a "city or county board of education" requires "a person of intelligence, good moral character, good business qualifications, and one known to be in favor of public education." Anyone teaching in or employed by a public or private school may not serve on a board of education.

Regulations

§2H.0206

"Certificates indicate grade level(s), content area(s), and preparation levels for which the professional is or has been prepared." There are three types of certificates: teacher, administrator, and education specialist.

"The levels of certificates recognize different levels and degrees of career development and competence. It is assumed that one will move from level to level as she/he demonstrates that she/he meets established performance criteria."

The conditioned certificate is "issued to a person who holds a standard baccalaureate degree, who has satisfied the student teaching requirement, and whose shortages for the certificate do not exceed six semester hours. The certificate is valid for one year, after which it takes the status of an expired certificate until the conditions have been removed."

§2H.0207

"Certificate renewal is required to assure that professional personnel periodically update their professional

RENEWAL

knowledge and technical competency. Certificates are valid for a period of five years from the effective date of initial issuance and require renewal within each five-year period. Renewal credit shall be directly applicable to the certificate field(s) and/or professional responsibilities.

CERTIFICATED PERSONNEL

STATUTES

§115-152

"All teachers, supervisors, and other professional personnel employed in the public schools . . . shall be required either to hold or be qualified to hold a certificate . . . in accordance with the regulations of the State Board of Education." The Board may prescribe special rules for "temporary personnel." No person may be hired to teach "who is under 18 years of age."

REGULATIONS

§2H.0101 - 2H.0103

The teacher education area is responsible for insuring that all professional personnel and other public and non-public school employees are qualified to serve effectively in grades K-12, and for providing the State Board of Education with information and advice on matters relating to teacher education.

The teacher education area is divided into three divisions: teacher education; certification; staff development. An advisory council on teacher education consisting of 38 members shall be appointed.

§2H.0201-2H.0203

The primary purpose of certification of teachers and other professional school personnel is to maintain standards of professional competence.

General Information Regarding Certification

All teachers, principals and other professional personnel employed in the schools of the state are required to hold a North Carolina certificate. The applicant has

the responsibility for applying for a certificate, maintaining its validity, and filing it with the employing local board of education. The application is filed with the division of certification, State Department of Public Instruction on a form furnished by the department and available through college registrars and school superintendents. An official transcript and a recommendation by a designated offical of the approved institution where preparation was completed is also required.

The division of certification, State Department of Public Instruction, is responsible for the evaluation of each application, including the transcript and the college recommendation. Requirements for upgrading, reviewing and adding new fields to certificates is handled through the division of certification.

COUNSELOR

REGULATIONS

§2H.0218

Counselors shall be certified with the graduate counselor's certificate based on the completion of the master's degree in counselor education.

A person employed as a counselor serving one half time or more who does not hold the graduate counselor's certificate will be issued a provisional counselor's certificate valid for one year and renewed annually based on the completion of six semester hours leading toward the counselor's certificate.

PRINCIPAL

CROSS REFERENCES

III.B.Certificated Personnel; Statute §115-58

III.B.Teachers; Statute §115-72

SCHOOL COMMITTEES

CROSS REFERENCE

I.School Committees; Statute §115-69 -- 115-70

STATUTES

§115-58

The county superintendent shall "approve . . . the election of all teachers and personnel" and give their names "to the county board of education for approval." The city boards of education shall elect "teachers, principals and other school personnel" upon the superintendent's recommendation.

REGULATIONS

§2H.0221

Provisional Principal. A teacher who holds a regular class "A" or "G" certificate may serve as the principal of a classified school. The superintendent must certify that no other person is available to hold the position. He/she must enroll in a graduate program to meet the requirements of the certificate.

Provisional Counselor. Persons employed as full-time counselors who have 18 semester hours of graduate credit in guidance or counseling, and who hold the regular class "A" or class "G" certificate will be approved for full-time service. They must be enrolled in graduate programs leading toward the counselors' certificate.

Provisional Supervisor. The holder of a regular Class "A" or class "G" teacher's certificate who will be continuing in a supervisory position may be employed as a provsional supervisor.

§2H.1702 -- 2H.1706

Teacher

This certificate entitles its holder to teach in some designated area of specialization. Four levels of preparation are provided as follows: bachelor's degree, master's degree, sixth year and doctorate.

Administrator

This certificate authorizes its holder to serve in general and program administration roles such as superintendent, assistant

superintendent, principal and assistant principal. There are three levels of preparation; master's degree, sixth year and doctorate.

Education Specialist.

This certificate authorizes its holder to serve in roles of specialized assistance to the learner, the teacher, the administrator and/or the education program in general.

The levels of certificates recognize different levels and degrees of career development and competence. It is assumed that one will move from level to level as she/he demonstrates that she/he meets established performance criteria.

ENDORSEMENTS

Endorsements may be added to initial or continuing certificates to reflect changes in teaching qualification. The determination of endorsement program requirements for individuals should be done by North Carolina institutions with approved programs in the endorsement areas involved. Certificates will be issued upon the recommendation of the institution providing the program.

Reciprocity in Certification

Graduates of institutions outside of North Carolina accredited by the National Council for Accreditation of Teacher Education are eligible for an appropriate North Carolina certificate if the applicant: (1) is a graduate of and is recommended for certification by his/her preparing institution; (2) is applying for certification in his/her major area(s) of preparation; and (3) the recommending institution supplies an official transcript.

SUPERINTENDENT OF SCHOOLS

STATUTES

§115-39

County and city boards of education shall, subject to the approval of the state superintendent, elect a superintendent of schools to serve for a two to four-year term. "The term and conditions of employment shall be stated in a written contract" between the board and the superintendent. "A copy of the contract

shall be filed with the State Superintendent . . . before any person is eligible for this office." The proposed person for this office must hold a superintendent's certificate and have had three years of experience in school work in the past 10 years, and a doctor's certificate confirming this person is free from any contagious disease.

If any person is elected to serve as superintendent who is not qualified, or can not qualify, then such election shall be null and void.

§115-54

A superintendent must be a resident of the county where he or she is employed, and may not teach or be "employed in any other capacity" that would "interfere with his [her] duties." The superintendent's salary shall be set by the State Board of Education.

TEACHERS

STATUTES

§115-64

"No teacher shall be placed on the payroll of an administrative unit unless [she]he holds a certificate as required by law, and unless a copy of the teacher's contract has been filed with the superintendent."

§115-72

A district school committee, "upon the recommendation of the county superintendent, shall elect the principals for the schools . . . subject to the approval of the county board of education."

"The principal . . . shall nominate and the district committee shall elect the teachers for all the schools . . . subject to the approval of the county superintendent . . . and the county board."

Any disputes in the nomination and election process shall be settled by the county board.

§115-153

The State Board of Education shall have the authority to certify teachers, renew certificates, and determine salaries. If an applicant receives a minimum score on the required exam, he or she will be issued a "regular certificate," but if not, the applicant may be issued a "probationary certificate" which shall be effective for two years. If the teacher, at the end of two years, has "demonstrated sufficient academic competence," he or she will receive a "regular certificate."

§115-154

Any certificate issued by the State Board must be "approved and signed" by the local superintendent of schools. If the superintendent refuses to sign the certificate, she or he must so notify the State Board of Education which can, upon appeal by the teacher involved, review and investigate the matter.

§115-155

"It shall be unlawful for any board of education or school committee to employ . . . any teacher, supervisor, or professional person who neither holds nor is qualified to hold a certificate . . . ."

§115-156

State colleges and universities are authorized to aid teachers in "securing, raising, or renewing their certificates."

REGULATIONS

§2H.0205

"One of the requirements for a certificate is graduation from a standard institution which requires four or more years of work for graduation and was standard at the time the degree was conferred."

Approval of Program

Since 1962 the official program for the certification of teachers in North Carolina has been known as the approved program approach. Certification of an applicant will be

based upon his[her] completion of an approved program.

The institution should make sure that each applicant for certification takes the National Teachers Examination, including the common part and the teaching area examination in the major certificate field for which the individual is preparing.

Reciprocity Programs

Programs of teacher education in out-of-state institutions are recognized to the extent that they are equivalent to North Carolina's standards and guidelines. The state recognizes four teacher education and certification reciprocity approaches which are: reciprocity based on accreditation by the National Council for Accreditation of Teacher Education (NCATE); reciprocity based on interstate agreements; reciprocity based on approval by the National Association of State Directors of Teacher Education and Certification (NASDTEC); reciprocity based on programs not accredited by NCATE or approved through the interstate agreement or the NASDTEC plan.

§2H.0210

Each teacher who has more than half-time responsibilities in disadvantaged/handicapped programs must complete the requirements of alternative A or B listed below.

(1) Alternative A. Applicants will meet minimum requirements for certification in the major subject area of responsibility; complete at least six units of credit in instructional experiences for special needs students; and receive the recommendation of their local area director.

(2) Alternative B. Applicants must meet minimum requirements for certification in special education, vocational guidance, or general education; have completed at least six units of credit in occupational education; and have received the recommendation of the local or area director.

§2H.0212

The secondary health occupation education teacher of the basic comprehensive health occupation education program shall be a licensed registered nurse (R.N.) prior to entry into a teacher education program.

The following requirements will be applied to both basic comprehensive and specialty programs in health occupation education (The Vocational "A" Certificate is for Health Occupation Education):

A bachelor's degree from an accredited school; licensed, certified or registered in North Carolina; completion of twelve semester hours in professional education; three years of experience in areas of health care and maintenance either in a supervisory capacity or teaching capacity.

A provisional vocation "A" certificate will be issued to a person who has completed all requirements of the "A" certificate except the 12 semester hours in professional education. The certificate is valid for one year and is renewable. A provisional vocational certificate will be issued to a licensed, certified, or registered health professional who has graduated from an accredited institution offering less than a bachelor's degree and has completed all the requirements of an "A" certificate except the bachelor's degree and twelve semester hours in professional education.

Graduate Special Vocational Certificate: This certificate requires a master's degree in education or other related fields, in addition to meeting the requirements for a Class "A" vocational certificate.

§2H.0213

Persons eligible for the graduate vocational certificate in home economics education shall have met the requirements for a vocational "A" certificate in home economics education including completion of the requirements for a master's degree in home economics education; or completion of requirement for a master's degree in home economics, with a minor in home economics education.

Vocational "A" Certificate requirements: Graduation

from a school with an approved home economics program; completion of requirements for a bachelor's degree in a general specialized home economics field other than home economics education, in addition to the specified requirements.

§2H.0216

Teachers of industrial cooperative training, introduction to industrial education, and trade preparatory training will be required to meet the following requirements to earn the graduate vocational certificate: all requirements for a vocational "A" certificate; a graduate degree; completion of 24 semester hours in professional and/or technical courses in industrial education. Teachers of introduction to industrial education or trade preparatory training may earn a vocational "A" certificate by meeting the following requirements: bachelor's degree; completion of 12 semester hours in professional vocational courses including six semester hours in industrial education.

Vocational certificates may be issued to introduction to industrial education and trade preparatory training instructors who do not hold a degree but who meet the following requirements:

High school graduation or equivalent; three to six years of work experience in the particular trade; twelve semester hours in professional vocational education.
A provisional vocational certificate may be issued to introduction to industrial education and trade preparatory training instructors who do not hold a degree but who have graduated from high school and possess the required amount of work experience.

§2H.0217

Occupational education teachers with certification in one area shall be allowed to teach full or part-time in another area of the current school year based on competency as determined by the local director of occupational education, and by the area director of occupational education. Renewal beyond one year will be permitted only if the teacher is participating in an approved professional development program.

CROSS REFERENCES

II.A.1.; Regulation §2E.0703

II.A.2.; Regulation §2E.0604

IV.A.; Statute §115-143

IV.A.; Regulation §2D.0200 -- 2D.0202

C. Performance Standards

Assistant Superintendent

CROSS REFERENCE

I.Assistant Superintendent of Schools; Statute §115-44

Principals

CROSS REFERENCES

II.A.1.; Statute §115-198

III.C.Teachers; Statute §115-45

Public Schools

Constitution

CONSTITUTION OF NORTH CAROLINA, ART. IX, §2

"The General Assembly shall provide . . . for a . . . uniform system of free public schools . . . wherein equal opportunities shall be provided for all students."

Regulations

§2D .0101 -- .0102

"The area of human relations and student affairs is responsible for providing leadership and coordination in programs and activities relating to the following matters": human relations, student activities, school desegregation, school health services, school social services, guidance, school psychological services and elimination of sex bias in the public schools. "The overall objective of the area of human relations and student affairs is to eliminate conditions in the schools which present barriers to learning. The area consists of the Assistant

State Superintendent for Human Relations and Student Affairs, the division of human relations, and the division of pupil personnel services." The assistant state superintendent is responsible for the following: overall coordination of the activities of the human relations and student affairs area; administrative decisions and planning; approval and evaluation of personnel and activities; all communications which flow to local systems regarding activities; and rendering services to local school systems through actual visitation.

PUPIL PERSONNEL

The division of pupil personnel is responsible for the following activities: providing consulting services in guidance, counseling, psychological health, and social services for the public schools; assisting in curriculum revision and development; assisting in collecting and interpreting data pertinent to individual children and groups of students.

HUMAN RELATIONS

The division of human relations is responsible for the following: helping teachers solve curriculum problems created by desegregation; providing consultant help in planning activities for human relations councils, and other student groups; helping students develop leadership skills; assisting in improving classroom discipline; assisting local school administrators in developing techniques for preventing and for dealing with school disruptions; assisting in improving school-community involvement; assisting teachers in developing techniques to improve classroom communications; assisting local school systems in developing strategies for eliminating sex bias in the public schools.

PUPILS

CROSS REFERENCE

II.A.1.; Regulation §2E.0102

School Board Members

Statutes

§115-30

REMOVAL

HEARING

The State Superintendent has the authority to remove a school board member if such member is not "discharging the duties of [her]his office," or is "guilty of immoral or disreputable conduct." The school board member must be given proper notice of a hearing to be held on the matter.

School Committee Members

Statutes

§115-43

REMOVAL

A member of a school committee may be removed for cause by a local board of education. The board must give notice to the committeeman[committeewoman] and provide a hearing.

School System

Statutes

§115-1

EQUAL OPPORTUNITY

"A general and uniform system of free public schools shall be provided throughout the State, wherein equal opportunities shall be provided for all students." Tuition shall be free to all children and to all persons eighteen years or older who have not completed high school. The school term shall be for nine months.

§115-1.1

The General Assembly has declared that state policy is "to ensure every child a fair and full opportunity to reach [her]his full potential and that no child . . . shall be excluded from service or education for any reason whatsoever." This policy applies to children through age twenty-one and "requires compliance by all local education agencies and

city and county . . . units . . . ." To implement these policies, the State shall provide an "early childhood development program" to help children reach their full potential and to strengthen the family unit. The State will provide "educational opportunities for all children with special needs" and will periodically evaluate the programs provided.

"The State shall prevent denial of equal educational and service opportunity on the basis of national origin, sex, economic status, race, religion, and physical, mental, social or emotional handicap in the provision of services to any child." It is the responsibility of each "local education agency" to "develop program plans to meet the educational requirements of children with special needs."

Children who are excluded from educational opportunities because of income or "other barriers" are deemed entitled to such services. In order to meet the "variety of characteristics and needs" of all children, the State must develop a "full range of service and education programs." A "child with special needs" is one who "because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, or environmental factors . . . is inhibited from achieving his[her] full potential."

CROSS REFERENCE

II.A.6.; Statute §115-1.2

STATE

CONSTITUTION

CONSTITUTION OF NORTH CAROLINA, ART. I, §15

"The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right."

CONSTITUTION OF NORTH CAROLINA, ART. IX, §1

"Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged."

STUDENTS

CROSS REFERENCE

IV.E.; Regulation §2C.0304

SUPERINTENDENT

STATUTES

§115-42

Local boards of education may remove a superintendent who fails to perform her or his duties or who is "guilty of immoral or disreputable conduct." The superintendent "shall have the right to try [her]his title to office in the courts of the State." REMOVAL

TEACHERS

STATUTES

§115-34

Decisions by "school personnel" may be appealed to a county or city board of education. The board's decision in any matter "affecting one's character or right to teach" may be appealed to the courts. APPEAL

§115-45

Local boards of education "shall have full power to make all . . . rules and regulations governing the conduct of teachers, principals, and supervisors." RULEMAKING

§115-66

"The board of education may withhold the salary of any supervisor, principal or teacher who delays or refuses to render such reports as are required by law."

§115-142

Local superintendents of schools shall maintain personnel files on each teacher containing any "complaint, commendation, or suggestion for correction or improvement about the teacher." Teachers must be given five days' notice whenever a "complaint, commendation, and suggestion" is placed in their files, and have the right to file a written answer to such complaint, condemnation or suggestion. Teachers shall have the right to inspect their personnel files "at all reasonable time." A separate pre-employment file may be kept, access to which may be denied to the teacher. A teacher may attain the status of a "career teacher" after teaching for "three consecutive years." A teacher who "obtained career status" in another state school system may, "at the option of the board," be granted that status automatically, or may be required to serve a probationary period of two years.

COMPLAINT

NOTICE

ACCESS

DISMISSAL

"No career teacher shall be dismissed or demoted or employed on a part-time basis except for: a. Inadequate performance; b. Immorality; c. Insubordination; d. Neglect of duty; e. Physical or mental incapacity; f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance . . .; g. Conviction of a felony or a crime involving moral turpitude; h. Advocating the overthrow of the government . . .; i. Failure to fulfil [statutorily imposed] duties and responsiblities: j. "Failure to comply with . . . reasonable requirement" of the boards; k. A justifiable decrease in the number of positions due to district reorganization or decreased enrollment . . ." If a teacher is dismissed by the latter provision, his or her name shall be kept on "a list of available teachers" to be given priority

when positions become available.

If the local school board has reason to believe that a teacher's performance is "so inadequate that an emergency situation exists," the board may immediately take steps to suspend the teacher.

SUSPENSION

A "Professional Review Committee" of 121 persons is established to serve as hearing board on teacher dismissals. It shall be composed of both currently active teachers and lay persons. A "career teacher may not be dismissed . . . except upon the superintendent's recommendation." Before making such a recommendation, the superintendent is required to give "written notice to the career teacher" setting forth the grounds for such dismissal. Within 15 days, the teacher may file a written request for a review "by a panel of the Professional Review Committee" or "a hearing before the board." If a review is requested, a five-member panel of the Professional Review Committee shall investigate the matter and prepare a report. The superintendent shall then submit his/her recommendation to the board which may, if requested, hold a hearing in order to arrive at a final decision. The board's decision may be appealed to the courts.

REVIEW COMMITTEE

NOTICE

HEARING

APPEAL

A probationary teacher (i.e., one who has not achieved career status) may not be discharged except for the reasons stated above. The board may, "upon recommendation of the superintendent," refuse to renew the contract of a probationary teacher provided the reasons for doing so are not "arbitrary, capricious, discriminatory or for personal or political reasons."

§115-146

All teachers have a duty to "maintain good order and discipline" in the schools; "to encourage temperance, morality, industry, and neatness; to promote the health of all pupils"; "to teach as thoroughly as they are able all branches which they are required to teach;" and to "enter actively" into

the superintendent's plans for "the professional growth of . . . teachers."

"Principals, teachers . . . teachers' aides . . . and student teachers . . . may use reasonable force . . . to restrain or correct pupils and maintain order."

§115-148

Principals and teachers "shall make such reports as are required by the board of education." It shall be a misdemeanor to "make a false report" with respect to "attendance of pupils" or other required data.

CROSS REFERENCES

II.A.1.; Statute §115-198

D. Evaluation and Reporting

Curriculum

Regulations

§2G.0303

Funds are appropriated to improve practices in testing and assessing needs in local systems, to provide curriculum evaluation in local school systems and to provide assistance to local educators in interpreting and using test results and evaluation findings.

CROSS REFERENCES

II.A.1.; Regulation §2E.0103

II.A.1.; Regulation §2E.0400 -- 2E.0402

Educational Programs

Regulations

§2G.0301

The division of research is responsible for: assisting with educational research and special projects that are conducted in local school systems; assessing the

status of education in North Carolina for the purpose of assisting the State Superintendent of Public Instruction in identifying the problems and needs; and evaluating the effectiveness of educational programs and reporting the results to the state superintendent of Public instruction, the State Board of Education, and the General Assembly.

EDUCATIONAL SYSTEM

CROSS REFERENCES

I.Assistant State Superintendent; Regulation §2G.0100 -- 2G.0101

I.Principals; Statute §115-150

I.State Superintendent; Statute §115-14

I.State Superintendent; Statute §115-15

I.Superintendent; Statute §115-56

EQUAL EDUCATIONAL OPPORTUNITIES PLANS

CROSS REFERENCE

II.A.2.; Regulation §2E.0605

EXCEPTIONAL CHILDREN'S PROGRAMS

CROSS REFERENCE

II.A.2.; Statute §115-11.6 -- 115-11.8

KINDERGARTEN PROGRAMS

CROSS REFERENCE

II.A.4.; Regulation §2E.0803

LANGUAGE PROGRAMS

CROSS REFERENCE

II.A.1.; Regulation §2E.0900 -- 2E.0902

MATHEMATICS

CROSS REFERENCE

II.A.1.; Regulation §2E.1001 -- 2E.1002

READING PROGRAMS

CROSS REFERENCE

II.A.1.; Regulation §2E.1200 -- 2E.1202

SCHOOL NEEDS

CROSS REFERENCE

III.D.Curriculum; Regulation §2G.0303

SCIENCE PROGRAMS

CROSS REFERENCE

II.A.1.; Regulation §2E.1300 -- 2E.1302

VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Statute §115-229 -- 115-230

E. IMPROVEMENT EFFORTS

EDUCATIONAL SYSTEM

CROSS REFERENCE

I.Division of Development; Regulation §2G.0401

I.Local Boards of Education; Statute §115-35

INSTRUCTION

CROSS REFERENCES

I.Assistant State Superintendent; Regulation §2G.0100 -- 2G.0101

II.A.1.; Regulation §2E.1301 -- 2E.1302

II.A.1.; Regulation §2E.1401 -- 2E.1403

TEACHERS

STATUTES

§115-46

Local boards of education are "authorized to provide for the professional growth of teachers while in service and to pass rules and regulations requiring

teachers to cooperate with their superintendent for the improvement of instruction in the classroom and for promoting community improvement."

§115-57

The local superintendent shall keep herself/himself and all principals, teachers, and employees informed of policies and "rules adopted by the . . . State Board of Education, for the . . . government of the public schools." The superintendent shall hold annual "teachers' meetings and study groups" in order to "improve the efficiency of the instruction in the schools of his/her unit." For "failure to perform" these duties, the superintendent may be removed by the local board of education or by the State Superintendent.

CROSS REFERENCES

I.Principals; Statute §115-150

I.State Superintendent; Statute §115-14

I.Teachers; Statute §115-146

II.A.1.; Regulation §2E.0901 -- 1E.0902

II.A.1.; Regulation §2E.1201 -- 2E.1202

II.A.1.; Regulation §2E.1301 -- .1302

II.A.1.; Regulation §2E.1401 -- 2E.1403

II.A.2.; Statute §115-315.23 -- 115.315.26

II.A.3.; Statute §115-230.1

II.A.4.; Regulation §2E.0801 -- 2E.0802

NORTH DAKOTA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§15-41-06

"Four units of high school work shall be considered the minimum number in any year from the ninth grade to the twelfth grade, inclusive. All unit courses shall be taught a minimum of forty minutes a day for at least one hundred eighty days . . . except that all natural science courses shall exceed forty minutes to such an extent as may be determined by the superintendent of public instruction. In all high schools and in all schools maintaining any of the grades from the ninth to the twelfth, inclusive, and doing high school work, it shall be made possible for each grade to complete four units of work each year. The work which is done by pupils in any school which does not conform to these requirements shall not be accredited by the superintendent of public instruction through state high school examinations or otherwise."

§15-41-07

COURSE OF STUDY

"The content of all courses and the grade in which they are . . . taught in . . . high schools and high school departments . . . shall conform to the state course of study for high schools as outlined by the superintendent of public instruction. The superintendent shall provide for an elective course of instruction in cooperative marketing and consumer's cooperatives which shall be a one-half year course. No school which does not conform to these laws shall be accredited by the superintendent of public instruction . . . ."

§15-41-24

"The following units of study shall be made available to all students in each high school in this state once during each four year period if such high school is to receive any accreditation by the department of public instruction:

1. English, four units
2. Mathematics, three units
3. Science, four units
4. Social Studies, three units
5. Health and Physical Education, one unit
6. Music, one unit
7. Any combination of the following course areas: business education, foreign language, industrial arts, vocational education, six units. Vocational education shall include home economics, agriculture, office education, distributive education, trade industrial, technical and health occupations.

Each high school may count for accreditation purposes vocational education courses which are offered through cooperative arrangements approved by the state board of vocational education."

"Upon due cause, the superintendent of public instruction is authorized to grant waivers of the conditions for accreditation . . . ."

REGULATIONS

Chapter V: I.A.-C.

Accreditation is a procedure by which the effectiveness of the total school program is evaluated according to predetermined standards. Its major purpose is to stimulate growth in the total school program.

Chapter V: I.D.

Administrators and school boards are required to submit an annual report to the State Department of Public Instruction. The annual report is evaluated and a classification rating is assigned based on the report as well as on other communications from the local community and an official visitations.

Classification ratings for systems with secondary schools are as follows:

Level One is assigned to schools with a well-rounded, comprehensive program that meets the needs of both college-bound and vocationally-oriented students. It requires a strong administrative staff, well-qualified teachers assigned to their major areas of preparation, and a strong supporting staff. School plant, community support, and climate for learning are among other factors considered. Level One schools have from 50 to 130 subject offerings every year.

Level Two is assigned to schools that exceed minimum standards but fail to offer a complete, comprehensive program. They have a strong college-bound program but have limitations in the vocational area. They offer 30-50 different subjects every year.

Level Three, the largest category, is assigned to schools that meet only minimum requirements. All of the teachers in these schools must be teaching at least in their major or minor area of preparation for grades 9-12. These schools must meet the minimum legal requirments as in NDCC 15-41-24

and 15-41-25.

Non-accredited applies to schools that fail to meet some of the legal requirements as set forth by law and regulation.

Private schools are licensed by the State Director of Vocational Education. To license a school does not imply accreditation or validation of credits.

Chapter V: II.

The following standards set by North Dakota law and State Department of Public Instruction regulations apply to all elementary schools. All elementary schools not in high school districts shall be classified by levels. Schools within high school districts are classified on a K-12 basis.

Chapter V: II.R.

Approval of all non-public elementary schools by the county superintendent or the Department is necessary so that those causing students to attend these schools do not violate the compulsory attendance law.

Annual approval depends largely on an approved curriculum and the hiring of certified instructional personnel.

New non-public schools applying for initial approval are to provide the Department with a written description of the proposed basis upon which the school is to operate. The Department and the county superintendent will evaluate the program and facilities and approve or disapprove as conditions warrant.

CROSS REFERENCES

I.Director of Secondary Education; Regulation, Ch. I.: I.B.5.

II.A.1.; Regulation, Chapter V: IIIB

III.B.Elementary Principal; Regulation, Ch. V.: II.A.; B.

III.B.Teachers; Statute §15-41-25

2. Other Qualification Standards

Statutes

§15-41-01

"High schools shall be divided into the following classes and conform to the following requirements:

1. Six year high schools shall consist of grades from the seventh to the twelfth, inclusive, and shall employ a minimum of three full time teachers;

2. Five year high schools, shall consist of the grades from the eighth to the twelfth, inclusive, and shall employ a minimum of two full-time high school teachers;

3. Three year high schools shall consist of the grades from the tenth to the twelfth, inclusive, and shall employ a minimum of two full-time high school teachers.

A principal or superintendent who teaches at least four classes shall be considered a full time high school teacher. All other schools with high school departments shall be considered graded schools doing high school work, and the minimum number of teachers required shall be determined by the superintendent of public instruction. No high school work shall be taught in one-room rural schools in which any grade from the first to the eighth are taught unless . . . the county superintendent of schools considers it proper . . . ."

§15-47-04

"The school year shall begin on the first day of July and shall close on the thirtieth day of June of the following year. A school month shall consist of twenty days and a school week shall consist of five days."

SCHOOL TERM

§15-47-33

"All elementary and secondary schools . . . shall provide at least one hundred eighty days of classroom instruction during each school term. Any three holidays . . . which have been decided upon after consultation with the teachers, and any day in which classes cannot be held because of acts of God, epidemic or failure of physical facilities shall be included in the one hundred eighty days."

Chapter V. II.E.

The use of teacher aides should be recommended though this in no way affects the maximum acceptable pupil-teacher ratio.

Chapter V: II.F.

Average maximum enrollment acceptable per classroom is 30 pupils for one grade, 25 pupils for two grades, and 20 pupils for three or more grades.

For purposes of computing pupil-teacher ratio, all regular full-time teachers, all full-time special teachers (in art, music, physical education, language arts, etc.) and all part-time teachers (on a fractional basis) shall be counted. Administrators, counselors, librarians, nurses and other service personnel shall be excluded. Special education clases and services are governed by separate ratios.

Chapter V: II.U.

Five and one-half to six hours have been recommended as the normal school day. An alternative to that scheme might be a five hour day in the primary grades, five and one-half hour day in the intermediate grades, and a six-hour school day above grade six.

Chapter V: II.V.

The length of the school term shall be 180 days. Students shall be expected to be in attendance the maximum number of possible days. Standards will be set by the local board.

Chapter V: III.A.

Generally the junior high school program includes grades 7-9, but, when schools are organized on a 6-2-4 basis, only grades 7 and 8 are included.

The junior high school programs is designed to meet the needs, interests and abilities of boys and girls during early adolescence.

The functions of the modern junior high school are: adequate mastery of the tools of learning; articulation between elementary and secondary levels; exploratory opportunities to discover aptitudes, cultivate interests, and acquire functional skills; educational, prevocational, social, moral, and personal guidance; and individualization.

The curriculum can provide for these purposes by providing opportunity for continued acquisition of the tools of learning, transition from homeroom to departmentalized organization, and a greater variety of learning experiences through varied teaching approaches, personalities, course offerings, and extracurricular activities. Science courses should emphasize more use of the laboratory method. The library should be made the focal point in curriculum development.

The junior high school should be specifically planned around the characteristics of this age-level child and not receive the senior high. More emphasis should be placed on teacher training (psychology as well as subject matter) for this level.

Chapter V: VI.

Experimental projects undertaken by a school (including variations of class schedule, variations of class size, and courses not included in the 1970 planning guide) must be approved by the State Department of Public Instruction.

General Criteria for approval include the following:

The scope of the course content must be within minimum standards as used in regular courses. Regular achievement evaluations must be carried out. There must be places for follow-up studies.

CROSS REFERENCES

II.A.1.; Regulation, Ch. V.: II.J.

III.B.Counselors: Regulation, Ch. III.: I.E.

III.B.Librarian; Regulation, Ch. III.: V.B.

IV.B.: Regulation, Ch. III.: I.C.; D.

B. Qualification Standards for Personnel

County Superintendent of Schools

Statutes

§11-10-04

Unless otherwise provided by law, the superintendent of schools, must be a qualified elector of his/her county.

§15-22-02

The county superintendent shall be a qualified elector, a college graduate, shall hold a first grade professional certificate and have teaching experience.

Director of Secondary Education

Statutes

§15-41-03

"The superintendent of public instruction, with the approval of the state board of higher education, shall appoint a director of secondary education. Such director shall be a graduate of a college . . . of recognized standards and shall have at least five years . . . experience either as principal of a high school or superintendent of city schools in this state. His[her]term of office shall be for two years . . ." and his/her salary shall be determined by the legislature.

Director of Vocational Education

CROSS REFERENCE

II.A.3.; Statute §15-20.1-02

Elementary Principal

Regulations

Chapter V. II.A.

In Level I schools, the elementary principal must have an elementary principal's credential or a master's degree in elementary education leading to the elementary

principal's credential. In Level II schools, the elementary principal must have a baccalaureate degree plus 16 semester hours in elementary education. In Level III schools, the elementary principal should have a baccalaureate degree with a major in elementary education.

Chapter V: II.B.

In addition, principals in all levels should have three years of successful teaching experience and devote time to administration in the following manner: in Level I and II schools, the elementary principal should be full time in each building operating ten or more classrooms; or buildings operating 6-9 classrooms, the elementary principal should supervise half time; released time is recommended but not required for elementary principals of Level III schools.

GUIDANCE COUNSELOR

REGULATIONS

Chapter IV: II.G.

The Standard Guidance Credential is the minimum qualification for employment as a counselor in an approved guidance program and is the recommended minimum standard for all school counselors in the state. The Professional Guidance Credential is the recommended qualification for employment as a counselor or guidance director in an approved guidance program and is strongly recommended for anyone assigned half time or more to guidance services.

Both credentials require: a First Grade Professional Teaching Certificate; two years successful teaching experience or equivalency; 12 months work experience in one or more wage-earning jobs other than teaching or counseling, military experience included; and a recommendation by a counselor-trainer of the counselor preparation center for a temporary credential. Upon completion of nine months of counseling in a secondary school and the recommendations by the employing administrator and the State Director of Guidance Services the regular Credentials

will be granted.

The Standard Guidance Credential requires 15 semester hours of professional courses distributed over: principles and practices in guidance, analysis of the individual; counseling techniques; occupational and educational information; organization and administration of guidance services; and supervised counseling practicum (at least two semester hours). The Standard Credential is valid for two years and renewable for two years only, subject to employment in a guidance function, continued graduate work toward a professional credential, and recommendation of employees.

The Professional Guidance Credential requires 24 semester hours distributed over the areas listed under the Standard Credential, plus the area of: personality structure, group techniques in guidance, and research methods. The Professional Credential is renewable every seven years, subject to employment in a guidance function for any four of the seven years covered by the credential, completion of six graduate semester hours in guidance-related areas, and recommendation of employees.

Chapter III:I.E.

Under the Guidance Designate Program an elementary person and a secondary person would be elected to serve as "guidance designate."

In phase I of the program, the designates will be urged to attend workshops during the school years and during the summer to acquaint them with their role and functions, strive to acquire 8 semester hours in counseling and guidance the two calendar years of service, and be committed to eventually acquiring a Standard Credential - elementary or secondary level (15 semester hours in counseling and guidance) - preferably in four years: at this point the designate would become a fully qualified counselor. Also in phase I, clerks will provide clerical assistance and supervise counselor aides. The school time commitment will be one clock hour per week per 30 students or one

full day per week per 300 students.

In phase II, the program provides for one counselor, holding a Standard Guidance Credential, for each 300 to 500 students in one building, with a time commitment of three clock hours per 50 students or two and one-half days a week for 300 students.

In phase III, the program provides for one full-time elementary school counselor, holding a Professional Guidance Credential, for each 300 up to 500 students in one building.

CROSS REFERENCE

IV.B.; Regulation, Ch. III.: I.C.

LIBRARIAN

REGULATIONS

Chapter III: V.B.

The professional in charge shall be a media generalist with competencies in both the library and audio-visual areas as well as in the fields of learning theory, communication, curriculum and instruction, administration, and research. There may also be need for specialization in subject areas or at grade levels, and for new positions based on rapid growth in technology and communications.

At the building level, the media specialist should be a certified teacher with additional library-media training who administers the program and assists both teachers and students in become intelligent media users.

At the district and larger service unit level, specialists in acquisition, production, cataloging and processing of materials, and administration of various aspects of a media program are needed. They should have basic preparation equivalent to that of the media specialist at the building level and additional preparation required for other directors and supervisors at their service unit level.

A media specialist should never be called upon to act as a study hall supervisor. Adequately salaried supportive staff (secretarial and clerical personnel.

technicians, adult and student aides) should be provided at building and other levels. Clerks should be assigned specific routine and procedures related to typical functions of the center. Technicians include graphic artists and specialists in electronics, photography, electro-mechanics and television.

Minimum preparation for professional staff may be met with the Library Audiovisual Media Specialist Credential, or by employing two professionals, one holding the Library Credential and one holding the Audiovisual Credential.

MEDIA SPECIALIST

REGULATIONS

Chapter IV: II.F.

All media specialists must have a bachelor's degree and a North Dakota First Grade Professional Certificate and should have classroom teaching experience.

The requirement for a Library Only credential is a minor in library science (at least 16 semester hours). The requirement for an Audiovisual Only credential is 12 semester hours distributed through areas of: design and production of audiovisual materials; library (cataloging); television; programmed instruction; selection of audiovisual materials; utilization of media and communication theory.

The requirements for a Library Audiovisual Combination are 26 semester hours in media education of which a minimum of 16 semester hours is required in library science and 10 semester hours in audiovisual education; to cover the following areas: classification and cataloging; selection of media; reference; materials for elementary and secondary education; media administration; utilization of media; design and production of materials; learning theory; and special problems in media (research).

A Media Director must meet requirements for the Audio-Visual Combination and also must have a master's

degree (in library science, media education, or other) including at least 12 graduate semester hours distributed over courses such as: educational administration, elementary and secondary curriculum, supervision, school finance and law and educational psychology and philosophy.

Experience prior to 1969-1970 may be offered in lieu of credits if the position had at least 20% released time for media purposes, with the limitation that a maximum of three semester hours be gained on the basis of two years of successful experience for one semester credit.

To review a credential, which lasts for five years, the candidate must earn a minimum of four semester hours of undergraduate or graduate credit and provide evidence of acceptable performance.

PRINCIPAL

REGULATIONS

Chapter IV: II.B.

A secondary school principal is assigned at least half of the school day in a supervisory capacity as the administrative head of a secondary school, that is, a junior or senior high school having any combination of grades beyond the sixth.

Secondary school principals must hold a regular secondary school principal's credential or a secondary school principal's provisional credential.

The Regular Credential requires: a valid First Grade Professional Teacher's Certificate; a master's degree from an approved institution, including a minimum of 20 semester hours in the secondary professional education area (distributed partly among the areas of administration, supervision, curriculum, and guidance); and four years of successful secondary teaching and/or administrative experience.

To renew the credential, which is valid for five

years, candidates must either:

1) earn a minimum of 4 semester hours of graduate work in administration, curriculum, supervision, or related secondary fields, and show evidence of successful performance; or

2) earn two semester hours of graduate work; attend at least four approved conferences, and show evidence of successful performance.

The Provisional Credential, issued for five years and not renewable, requires: a valid First Grade Professional Certificate; two years successful secondary teaching experience; and completion of eight semester hours of graduate work toward a master's degree.

Chapter IV: II.C.

An Elementary School Principal spends at least half of the school day in a supervisory capacity.

The Elementary School Principal's Credential requires:

A First Grade Professional Certificate, three years of successful elementary teaching or administrative experience; and a Master's Degree with 16 semester hours of graduate credit in Elementary Education, including credit in school administration, elementary supervision and elementary curriculum and credit distributed in the following four curriculum areas.

1. Language arts and/or reading.

2. At least two from among mathematics, science and social studies.

3. No more than one from among physical education, music, art, library, guidance and others.

(Sixteen semester hours of undergraduate credit in a specific curriculum area will be accepted in lieu of one of the required areas.)

To renew credentials, which are valid for five years, candidates must complete three semester hours of graduate credit at an approved institution in areas applicable to the secondary school and perform successfully as an elementary school administrator.

School Personnel

Regulations

Chapter IV: II.

Credentials based on specific preparation and experience are required for various school personnel.

Superintendent

Regulations

Chapter IV: II.A.

To qualify as the superintendent of an accredited school, administrators must hold the North Dakota Administrative Credential, valid for five years. The Credential requires: a First Grade Professional Certificate; a master's degree with a minimum of 16 semester hours in courses accepted for a major in school administration, including courses in supervision and curriculum of both elementary and secondary education; and four years of successful teaching experience, including no less than two years of successful administrative experience either as a principal of an accredited school or as the

head of any 12-year program.

To renew credentials, candidates must either: earn a maximum of four semester hours of graduate work in education (of which two should be in administration) and show evidence of successful performance; or

earn two semester hours of graduate work, attend a minimum of four conferences or workshops which have had prior approval by the State Department of Public Instruction (such as conferences of the NDASA, AASA and other organizations), and show evidence of successful performance.

SUPERINTENDENT OF PUBLIC INSTRUCTION

STATUTES

§15-21-01

There shall be elected a superintendent of public instruction who shall have attained the age of twenty-five years, shall have the qualifications of an elector for that office and shall be the holder of a teacher's certificate of the highest grade issued in the state. He/she shall serve a four year term.

TEACHERS

STATUTES

§15-36-01

"The superintendent of public instruction, after consulting with the teacher's professional practices commission shall determine the criteria for teacher certification. The criteria shall be based upon standards which shall include considerations of character, adequate educational preparation and general fitness. After a public hearing, the superintendent shall issue rules and regulations concerning the issuance of teacher's certificates.

§15-36-07

"A teacher's certificate shall not be issued to any person who is not a citizen of the United States of America or has not declared his/her intention to become a citizen of the United States. Except [where otherwise provided by law] no person who is not a citizen or has not declared his/her intention to become a citizen shall be eligible to enter into a contract to teach in any public school in this state."

§15-36-10

"Any certificate issued by the superintendent of public instruction shall authorize the holder to teach in any county of the state when it is recorded in the office of the county superintendent of schools of such county."

§15-36-11

"No person who is not the holder of a valid teacher's certificate shall be permitted to teach in any public school. [T]eachers unable to be certified because they are not citizens of the United States or because they have not declared such intention, but are otherwise qualified to teach, may be employed on a temporary basis if approved annually by the superintendent of public instruction."

§15-36-12

"No teacher shall be entitled to receive any compensation for the time [she] he teaches in a public school without a certificate . . . . Prior to receiving [her] his salary for the first month taught in a school district a teacher must exhibit [her] his certificate to the clerk of the school board. If a teacher's certificate shall expire by its own limitations within six weeks of the close of the term, the teacher may finish the term without re-examination or renewal."

§15-36-15

SUSPENSION
REVOCATION

The superintendent of public instruction shall suspend or revoke and annul any teacher's certificate upon any of the following grounds:

"1. for any cause which would have authorized or required [her/] him to refuse to grant the certificate if the facts were known at the time the certificate was granted;

2. for incompetency, immorality, intemperance or cruelty of the certificate holder;

3. for the commission . . . of a crime . . .;

4. for the refusal . . . to perform [her/] his duty as a teacher or for general neglect of the work of the school;

5. for breach of contract . . .;

6. for a serious violation . . . of the professional code and standards."

The revocation shall terminate employment. Appeals may be taken to the district court of Burleigh County.

§15-37-01 -- 15-37-02

OATH OF OFFICE

Any person who shall apply for a certificate to teach in the public schools or for a renewal, shall subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of North Dakota and that I will faithfully discharge the duties of my position according to the best of my ability."

No certificate shall be issued unless such oath or affirmation is filed with the superintendent of public instruction.

Every instructor or teacher employed by any normal school which is supported in whole or part by public funds must take the oath or affirmation.

§15-41-25

Every high school teacher shall have a valid teacher's certificate and shall have a major or minor in the course areas that he/she is teaching if such high school is to receive accreditation. A teacher granted a certificate to teach in the disciplines of trade, industrial, technical and health and possessing neither a major or a minor in the field in which he/she is employed shall not affect the accreditation of the employing school district.

§15-45-03

"Kindergarten teachers shall hold valid certificates issued by the superintendent of public instruction entitling them to teach in the elementary schools of this state. Training must include special courses in kindergarten education at approved institutions of higher learning."

REGULATIONS

Chapter IV:I.

The State Superintendent shall have charge of teacher certification.

Chapter IV: I. A.

The First Grade Professional Certificate is issued on completion of a bachelor's degree with at least the required 16 semester hours in professional education courses, including student teaching as a credit course. The initial certificate is valid for three years and qualifies the holder to teach in any public school. The holder shall be entitled to make application for a certificate, valid for life, upon completion of 18 months of successful teaching experience in North Dakota. If qualifications for a life certificate are not met during the validity of the initial certificate, application may

be made for another limited or three-year professional certificate.

Chapter IV: I.C.

A teacher's certificate shall not be issued to any person who is not a U.S. citizen or who has not declared his/her intention of becoming one. The State Superintendent may make exceptions on an annual basis.

Chapter IV: I.E.

BASIC SKILLS

The Basic Skills Teacher works with the classroom teacher and tries to reinforce skills and principles the student has missed or needed more help with. The Basic Skills Teacher requires a Statement of Approval from the Department. Approval requires: experience at the level and in the areas being taught in the Basic Skills program; a valid teaching certificate; and a foundation or survey course in the area being taught.

No person who is not in possession of a valid North Dakota certificate shall be employed to teach in any public school. The certificate must be recorded in the office of the county superintendent of the county in which the holder is engaged to teach.

Chapter IV: II.D.

READING SPECIALIST

The reading specialist works with those pupils who have failed to benefit from regular classroom instruction in reading and/or with teachers and administrators to improve the whole reading program.

The Reading Credential requires: experience determined on the basis of background and education; a First Grade Professional Certificate; courses in foundations of reading disabilities, and clerical or laboratory practicum in reading, five courses from among child or adolescent psychology or development, personality or mental hygiene, educational psychology, literature for children or adolescents, organization and supervision of reading programs, research and the literature in reading,

sociology of the child, guidance, exceptional child, diagnosis of educational problems, and materials for reading.

Chapter IV: II.H.

All credentials for the various areas of Special Education require the North Dakota Teaching Certificate and personal qualifications suitable to teaching exceptional students.

1a. The Basic Credential for the Teacher of Educable Mentally Handicapped Children requires either a First Grade Professional Teaching Certificate with training in elementary, junior high, or special education, or any North Dakota Teaching Certificate and two years of successful teaching experience. The Credential also requires 15 quarter hours chosen from the following courses (at least one course from each group):

Group A: Mental Hygiene or Psychology of Adjustment or Personality Theory.

Group B: Methods of Teaching Educable Mentally Handicapped Children (4 quarter hours)

Group C: Psychology or Education of Exceptional Children

Group D: Student teaching in a class for educable mentally handicapped children or an advanced seminar (for those with previous teaching experience in a class for retarded children).

Group E: Arts and Crafts in the Public School or for Retarded Children, Remedial Reading, Abnormal Psychology, and other allied courses.

1b. Having completed requirements for the Basic Credential, an individual may apply for an Advanced Credential, with 15 additional quarter hours in the following areas:

Group 1: Individual Appraisal, Introduction to Clinical Psychology, Individual Testing, Abnormal Psychology (4-6 quarter hours).

Group 2: Education of Brain Injured Children, Children with Perceptual Defects (4 quarter hours).

Group 3: Manual Skills and Analysis of Job Areas, Occupational Education for Mentally Retarded Children, Guidance for the Handicapped (4-6 quarter hours).

Group 4: Additional courses from Group E under Basic Credential (3-6 quarter hours).

2. Requirements for the Teacher of Trainable Mentally Handicapped Children are 15 quarter hours in special education chosen from the following areas (at least one course from each group):

Group 1: Mental Hygiene or Psychology of Adjustment or Personality Theory.

Group 2: Methods of Teaching Trainable Mentally Handicapped Children or a Seminar in Methods of Teaching Retarded Children with special emphasis on the Trainable Child.

Group 3: Psychology of Education of Exceptional Children.

Group 4: Student teaching in a classroom of mentally retarded children.

Group 5: Arts and Crafts in the Public School or for Retarded Children, Mental Retardation, Introduction to Speech Correction, Principles and Practices in Guidance.

3a. A teacher of partially seeing children in the regular classroom is not required to have specific training. A teacher who spends one-half of the normal teaching day teaching more than one partially seeing child should have at least one course in the Education of Partially Sighted Children.

3b. A teacher of children so severely visually handicapped that they will need to learn braille will need at least 21 quarter hours from the following groups:

Group A: Education of the Visually Handicapped-Elementary, Secondary, and Mobility.

Group B: Braille Reading, Writing, Literary, Mathematics, and Music.

Group C: Structure and Function of the Eye.

Group D: Experience in Special Education with Visually Handicapped Students.

Group E: Education of Partially Sighted Children.

4. The requirements for a teacher of hearing impaired children are educational courses as

follows:

2-3 semester hours of methods of teaching speech reading to the deaf and hard of hearing, of history, guidance, and education of the deaf, of hearing tests and auditory training, of child growth and development, and of psychology or education of Exceptional Children; 4-6 semester hours of teaching speech to the deaf, of teaching language to the deaf, and of methods of teaching elementary subjects to the deaf; and 6-10 semester hours of observation and student teaching.

5. Requirements for the teacher of children with specific learning disabilities are an elementary teaching background through training and/or experience and courses in teaching children with specific learning disabilities.

6. Requirements for a Speech Clinician I Credential are a major in speech pathology, adherence to the Code of Ethics of the American Speech and Hearing Association and 30 semester hours of preparation: 6 semester hours distributed among phonetics, anatomy, physiology of the speech mechanisms and physics of voice, ear, etc.; 12 semester hours in professional speech correction; and speech pathology courses; 3 semester hours in audiology; 200 clock hours of supervised clinical practicum; and 9 semester hours of electives in allied fields which must include child psychology and mental hygiene.

Speech Clinician II Credential requires three years experience in speech correction and six semester hours of graudate work.

Speech Clinician III Credential requires a completed masters or doctoral degree.

The speech correctionist should have acceptable personal speech habits.

7. Requirements for School Psychologist are: a doctoral degree in clinical, child, developmental, or education psychology (or a master's degree providing state regulations regarding supervision are met); graduate work including clinical methods and techniques,

psychological assessment and diagnosis, objective and projective techniques, supervised clinical experience, individual psychotherapy and counseling, psychodynamics of individual development, advanced statistics, theories of learning, group diagnostics, and learning disabilities; and the recommendation of the clinical supervisor.

8. Requirements for the School Social Workers are: preferably a master's degree in Social Work, but at least a Bachelor of Arts in Social Work which includes supervised field experience in a social welfare agency or an institution dealing mainly with children; and additional graduate course work (abnormal psychology, the psychodynamics of development, the exceptional child, learning disabilities). The Teaching Certificate requirement may be waived depending on type of work assignment, previous experience and other considerations.

9. In addition to mental and emotional maturity, sympathetic understanding, cooperativeness, and enthusiasm, the requirement for the Visiting Counselor to Socially and Emotionally Maladjusted Children is special training in education and one of two other fields - social work or psychology. The counselor must have 26 semester hours of basic work in education and administration of special education, child or developmental psychology, psychology of adolescents, abnormal psychology, mental hygiene, guidance, introduction to psychology, introduction to sociology, tests and measurements and theories of personality.

Advanced work at the graduate level leading to a master's degree is required in either psychology or social work.

In addition, the counselor should have had one-year supervised practicum or internship preferably in an agency devoted to children.

Chapter IV: II.I.

Certification of vocational educational personnel is outlined in North Dakota State Plan for Vocational Education.

Chapter V. II.C.

Kindergarten teachers are required to have at least one course in early childhood education.

Only elementary education majors should be considered for new and replacement teachers in grades 1-6. Teachers in Levels I and II should hold the First Grade Professional Certificate; the Second Grade Certificate is permissible in Level III and Non-Accredited Teachers without elementary education preparation may be hired upon special approval of the Directors of Certification and Elementary Education. All teachers in special programs shall hold the First Grade Certificate. All special education teachers shall meet requirements established by the State Department of Public Instruction.

Chapter V: II.D.

Teachers are asked to report the amount of additional preparation earned in the last five years. Up to one-half of the recommended course hours may be achieved by substituting 16 in-service clock hours for each semester hour.

Teachers with less than degree preparation should have earned 16 semester hours within the last five years.

Teachers with the baccalaureate should have earned 8 semester hours.

Teachers with master's degrees should have earned 4 semester hours.

CROSS REFERENCE

II.A.8.; Regulation, Ch. III.: VII.B.

C. Performance Standards

Legislature

Constitution

Art. VIII, § 151 Constitution of North Dakota

"The legislative assembly" shall take the necessary steps "to prevent illiteracy, secure a reasonable degree of uniformity in the course of study, and to

promote industrial, scientific and agricultural improvements."

School Districts

Regulations

Chapter V: II.G.

Goals of the school district shall be democratically evolved through participation of professionals and lay people, and shall be clearly expressed in a written leaflet made available to all concerned with the school.

Chapter V: II.K.

Organizational structure: instructional approach, and reporting system should reflect the district's educational philosophy.

School Employees

CROSS REFERENCE

II.B.1.a.; Statute §15-43-05

School System

Constitution

N.D. CONST., Art. 8, §147

"A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota."

N.D. CONST., Art. 8, §148

"The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education. . . ."

N.D. CONST., Art. 8, §152

All educational institutions "for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school."

STATE EDUCATIONAL AGENCY

REGULATIONS

Chapter I: I.A.

The State Department of Public Instruction believes that the task of schools in North Dakota is to educate all children to assume responsible roles in a democracy. The school as an institution exists for the child, the future citizen.

The major role of the state educational agency is to provide leadership and services in planning for meeting present and future educational needs. The agency must be sympathetic to the public's call upon education and schools to demonstrate greater accountability for the total educational enterprise.

All educable children in the schools deserve good educational opportunities through a well-rounded academic curriculum and a healthful learning environment created by qualified teachers.

STUDENTS

REGULATIONS

Chapter III: I.F.

A school is encouraged to provide for its pupils a minimal standardized testing program, consisting of:

a reading readiness test at the end of kindergarten year or at the beginning of grade one; a diagnostic reading test early in grade two; general achievement batteries in every grade or alternate grades three to eleven inclusive; general mental ability tests administered periodically; interst inventories, intelligence tests and other tests as needed.

TESTING

Test results shall be made available in appropriate form to students, parents, teachers, and, when deemed necessary, to other educational institutions to which students seek admission. Test results are to be recorded in the student's cumulative folder and treated as confidential matter.

Chapter V: IV.

To graduate from a four-year high school, a student shall have completed a minimum of 17 units of high school work.

GRADUATION REQUIREMENTS

CROSS REFERENCES

II.A.2.; Regulation, Ch. V.: IV.D.

II.A.8.; Regulation, Ch. III.: V.I.

TEACHERS

STATUTES

§15-36-16 -- 15-36-17

"The superintendent of public instruction upon his [her] own motion, or upon receipt of a formal complaint by the teacher's professional practices commission alleging grounds for the revocation or suspension of a person's teacher's certificate shall make a preliminary investigation . . . [If] it shall appear probable that such grounds exist [she/]he shall begin proper proceedings . . . . Upon completion of such proceedings, if the superintendent . . . shall find that grounds for revocation or suspension . . exist[s], [she/]he shall issue the order . . . to revoke the teacher's certificate."

REVOCATION
SUSPENSION

NOTICE

When a teacher's certificate is revoked, the superintendent of public instruction shall send notice to the clerk of the school board or to the secretary of the board of education of the district where the teacher is employed, and shall notify the teacher through the clerk. The superintendent shall also notify each county superintendent of schools in the state and enter his/her action upon the records of his/her office. Upon receipt of notice of revocation of his/her certificate, the teacher shall return the certificate to the superintendent of public instruction and if the teacher neglects to do so, the superintendent may issue notice of the revocation by publication in the official newspaper of the county in which the teacher was last employed.

§15-38-02

"Each teacher, on beginning a term of school, shall give written notice to the county superintendent of schools of the time and place of opening the school and when it will close. If the school is to be suspended for one week or more in the term the teacher shall notify the county superintendent."

§15-38-16

The profession of teaching is affected by high public interest and it should accept responsibilities in the development and promotion of high standards of ethics, conduct and professional performance and practices. The teaching profession shall mean persons engaged in teaching in the public schools and persons providing related administrative, supervisory or other services in the public schools requiring certification.

§15-38-18

"It shall be the duty of the commission to develop and revise . . . professional codes or standards relating to ethics, conduct and professional performances and practices of persons engaged in the profession of teaching

. . ." The commission shall solicit the assistance of teachers, administrators, school board members, teacher education professors and interested citizens. "The commission shall recommend professional codes and standards to the superintendent of public instruction, who after a hearing . . ." may revise them in the best interest of the public and the profession, and thereafter shall promulgate the codes and standards. The commission shall advise the superintendent as to the issuance of teacher certificates.

§15-38-19

"The teachers' professional practices commission shall accept and investigate complaints against any member of the teaching profession . . . in regard to the regulation promulgated . . ." by the superintendent "or otherwise pertaining to his [her] personal or professional conduct or performance, or such investigation may be made upon its own motion. Following an investigation, the commission may dismiss such complaint as unfounded, issue a written warning and reprimand, or following an opportunity for such teacher to appear informally before the commission, file a formal complaint with the superintendent of public instruction requesting the suspension . . . or revocation of the . . . individual's teachers' certificate stating the reasons therefor. The commission shall make the results of its investigation fully available to the superintendent . . . . Upon receipt of such formal complaint the superintendent shall . . ." follow the proper procedures established by law.

INVESTIGATION

COMPLAINT

§15-47-28

"In the event of breach of contract on the part of the teacher, the superintendent of public instruction shall suspend such teacher's certificate for a period not to exceed one year."

SUSPENSION

"No teacher in any public school . . . shall wear in . . . school or while engaged in the performance of his or her duties . . . any dress or garb indicating the fact that such teacher is a member of or an adherent of any religious order, sect or denomination.

Any public school teacher who shall [violate prohibition of wearing religious garb] shall have his or her certificate suspended by the state superintendent of public instruction for one year, and upon conviction . . . of a second such offense, his or her teacher's certificate shall be permanently revoked and annulled by the state superintendent of public instruction."

§15-47-38

"1. The [legislature] in recognition of the value of good employer-employee relations between school boards . . . and the teachers . . ., the need to recruit and retain qualified teachers . . . and in further recognition of the many intangibles in evaluating [individual teaching ability] urges that each school board . . . ensure through formal . . . policies, that channels of communication exist between the board, supervisory personnel and teachers . . . .In the . . . discharge of teachers for cause prior to the expiration of the term of the teacher's contract, or in decisions not to renew the contracts of teachers, school boards shall give serious consideration to the damage that can result to the professional stature . . . of such teachers . . . and that in all [such] decisions . . . the board . . .[will give] maximum consideration to basic fairness and decency.

DISCHARGE

2. [a] school board . . . contemplating discharging a teacher for cause prior to the expiration of the term of the teacher's contract shall notify such teacher in writing . . . at least ten days prior

NOTICE

to . . . date of discharge. Such teacher shall be informed in writing of the time and place for a special meeting of the . . . board to be held for such purpose prior to the final decision on the matter. Such teacher shall also be informed in writing of his/[her] right to demand a specification of the reasons for such discharge, which must on demand of the teacher be furnished not less than five days prior to said meeting . . . . Such reasons shall be sufficient to justify the contemplated action of the board and shall not be frivolous or arbitrary. At the meeting with the board, if the teacher has informed the board in writing at least two days prior thereto that he [she] will contest the charges brought against him [her], the board must sustain the charges with evidence produced at such hearing with witnesses who will be subject to cross-examination by the teacher or his [her] representative. The [teacher] may then produce such witnesses as may be necessary to refute the charges, which witnesses shall be subject to cross-examination. The proceedings may, at the request of either party, be transcribed by a court reporter at the expense of the person requesting such transcript and the witnesses on demand of either party be placed under oath . . . . The meeting shall be an executive session of the board unless [concerned parties] shall agree that it shall be open . . . .The teacher may be represented . . . by two representatives of his own choosing. In addition to board members, the school district clerk and the superintendent, the school board may be represented by two other representatives of its own choosing . . .[the] teacher [may] be granted a continuance . . . not to exceed seven days . . . unless for good cause otherwise shown. No cause of action for libel or slander shall lie for any statement expressed . . . at any executive session held for the [above] purposes.

HEARING

3. A school board may dismiss a teacher,

effective immediately for any of the following causes:

a. immoral conduct, insubordination, or conviction of a felony;

b. conduct unbecoming a teacher which requires the immediate removal of a teacher from his [her] classroom duties;

c. failure without justifiable cause to perform contracted duties;

DISMISSAL

d. gross inefficiency which the teacher has failed to correct after reasonable written notice; or

e. continuing physical or mental disability which renders him [her] unfit or unable to perform his[her] duties as teacher.

4. The school board by unanimous vote may suspend the teacher from regular duty if such action is deemed desirable during the process of determining if cause for dismissal exists. If, upon final decision, the teacher is dismissed, the board may in its discretion determine the teacher's salary or compensation as of the date of suspension. If final decision is in favor of teacher there shall be no abatement of salary or compensation.

5. The school board . . . contemplating not renewing a teacher's contract, shall notify such teacher in writing . . . no later than April first. Such teacher shall be informed in writing of the time, which shall not be later than April seventh, and place of . . . board meeting for purpose of discussing and acting upon such contemplated nonrenewal. Such teacher shall also be informed in writing of the reasons for . . . nonrenewal. Such reasons . . . shall not be frivolous or arbitrary, but shall be related to the ability, competence, or qualifications of the teacher . . . or necessity in reduction in teaching staff [due to lack of funds] . . . . The teacher may produce . . . evidence . . . to evaluate reasons for nonrenewal

NOTICE

and either party may produce witnesses . . . . The . . . board shall give an explanation . . .[of] its reasons for nonrenewal of the contract. The meeting shall be an executive session . . . unless [concerned parties] agree it shall be open. The teacher may [have] . . . two representatives of his[her] own choosing and the school board may [have]. . . two representatives of its own choosing . . . [the teacher may be] granted a continuance of seven days. No action for libel or slander will lie for any statements expressed . . .at any executive session of the . . . board held for [the above] purposes. The determination . . . if made in good faith, shall be final and binding . . . . Final notice of the determination . . . shall be given in writing by April fifteenth."

HEARING

CROSS REFERENCES

I.Teachers' Professional Practices Commission; Statute §15-38-17

II.A.1.; Statute §15-22-16

III.B.Teachers; Statute §15-36-15

D. Evaluation and Reporting

Educational Program

CROSS REFERENCE

I.Local Board of Education; Regulation, Chapter I:V.C.

Educational System

STATUTES

§15-21-10

The superintendent shall meet with county superintendents giving them due notice of each meeting. The objects of such meetings shall be to accumulate facts relative to schools, to compare views, to discuss principles and examinations and qualifications of teachers, methods of instruction, textbooks, institutes, visitation of schools and other matters relating to public schools.

§15-21-14

The superintendent shall submit a biennial report to the governor and department of accounts which shall contain:

1. number of school districts, teachers employed, pupils, attendance and studies;
2. financial condition of public schools;
3. condition of private schools;
4. general recommendations.

§15-22-10

VISITATION

The superintendent shall visit each school at least once each year and observe the condition of the school, the mental and moral instruction given, the methods of teaching, teachers' ability and progress of pupils. The superintendent shall advise and direct the teachers in regard to instruction, classification, government and discipline of the schools and courses of study. He/she shall keep a record of such visits and shall indicate his/her judgment of the teacher's ability to teach and govern and the progress of the school. Such record shall be open to inspection by any school director or patron.

§15-22-13

"For the purpose of discussing plans and methods for the improvement and general care of schools the county superintendent . . . shall convene the board members . . . of the schools once a year."

§15-22-18

". . . the county superintendent shall submit a report to the superintendent of public instruction containing statistics, items and statements relevant to the schools. He/she shall not receive his/her salary until the report is submitted.

§15-39.1-22

The board is required to make an annual report, submitted to the superintendent of public instruction.

§15-53.1 -- 14

"1. The county committee may make a . . . study of the

county school system whenever deemed necessary to consider . . . .:

1. The size, geographical features and boundaries of districts.

2. The number of pupils attending school and the population of the districts.

3. The location and condition of school buildings and their accessibility to pupils.

4. The school centers where . . . children attend high school.

5. Conditions affecting the welfare of the teachers and pupils.

The committee shall also give due consideration . . . to the educational needs of local communities; to economies in transportation and administration; to the future use of existing satisfactory school buildings, sites and playfields; to a reduction in disparities in per-pupil valuation among school districts, to the equalization of the educational opportunities of pupils, and to other relevant matters . . . ."

Learning Program

Regulations
Chapter V: II.W.

The "modern" concept of evaluation "takes the spotlight off the teacher, so to speak, and places the spotlight on the total teaching-learning situation which includes the teacher . . . and the supervisor as well. We, thus, have evaluation of the learning program by the entire group, self-evaluation by members of the group or the entire group, and evaluation of the processes being used by the group in the program of improvement."

Pupil Progress

Regulations
Chapter V: II.N.

Evaluation and reporting of pupil progress should be more comprehensive than reporting in measurement terms, in grades or averages.

The purpose of an individual pupil evaluation might be to discover what pupils have learned, several points

at which a child needs help, indicate areas of strength, and point up other data to assist in guidance.

No one best or most frequently used report form has been developed. Some trends are identifiable: away from formal report cards to diagnostic letters and informal notes; toward a more comprehensive report on a child's total development; toward oral reporting in parent-teacher conferences; toward greater solicitation of parent and pupil reaction.

Chapter V: II. Q.

The evaluation system should become a planned, integral part of the total educational program. Evaluation data should be used to develop the educational program. Evaluation data of all sorts (tests, observation, formal, informal) should be placed in cumulative records, kept in a secure place in the classroom or in a central location. Information where technical or personal in nature should be placed in the personal file kept by the guidance counselor, special teacher, or administrator.

Standardized evaluation instruments should be supplemented by teacher observation, interviews, and informal testing. Children being considered for special education require individual evaluation by qualified personnel.

Suggested areas of assessment are as follows.

1. Readiness. Readiness testing, usually diagnostic in nature, is generally conducted in early childhood education programs.

BASIC SKILLS

2. Achievement. Achievement should be assessed at all grade levels. All school systems are encouraged to participate in the State Testing Program. Ability testing is an integral part of the evaluation system at all levels.

3. Ability. Ability testing is an integral part of the evaluation system at all levels.

4. Diagnosis. Diagnostic testing is a continual process which should be implemented at all levels in all subject areas.

5. Special Areas. Conditions may warrant the administration of special tests related to emotional, mental, social, and physical problems, by qualified personnel.

The classroom teacher is responsible for the development, administration, and interpretation of diagnostic and achievement instruments used to assess general classroom activities. Diagnosis of a non-technical nature requires the expertise of a specialist. The selection of standardized achievement and aptitude instruments should involve the administration and the instructional staff.

School Districts

Regulations

Chapter II: II

Research, planning, development, and evaluation are continuing tasks of all employed in the school system. Because of the variety of conditions existing in the state's school districts, no standardized approach to planning is appropriate.

Chapter II: II. A.

The general objectives in this regard should be to establish a mechanism in each district for systematic and comprehensive planning, to "introduce into that mechanism an appropriate technical component that will enable its planning to be based upon systematic and valid study and evaluation of education," and to relate the planning mechanism to other appropriate educational institutions.

Chapter II: II. B.

The planning mechanism, to be effective should have the capacity to:

1. Elicit inputs from all relevant constituent elements within the district.

2. Assimilate inputs into an integral whole and specify goals, priorities, and objectives of the planning.

3. Translate these goals, priorities and objectives into alternative causes of action, based upon technical study and evaluation.

4. Feed back alternatives to constituent elements for reaction and further input.

5. Mediate reactions as advantages and disadvantages.

6. Decide on appropriate, advisable, and defensible comprehensive plans for educational improvement.

7. Advocate acceptance of plans by responsible agencies and institutions.

Chapter II: II. C.

Among the identifiable phases in the planning process are:

1. Identifying problems (including determining "what should be", identifying "what is," and determining the discrepancies) and establishing priorities;

2. Analyzing problems.

3. Generating alternative solution strategies.

4. Selecting solution strategies.

5. Developing a detailed plan for selected strategy

6. Implementing the plan.

7. Determining strategy effectiveness.

8. Diffusing results.

CROSS REFERENCE

III.A.1.; Regulation, Ch. V.: I.D.

E. IMPROVEMENT EFFORTS

CURRICULUM

REGULATIONS

Chapter III: IV.A.

The NDEA, Title III, provides financial assistance to school districts for approved projects designed to strengthen instruction in academic subjects.

STUDENT TEACHERS

STATUTES

§15-47-40

District school boards may enter into agreements for the use of public schools for student-teaching or supervised field experience with any teacher training institution.

TEACHERS

STATUTES

§15-21-11

The superintendent shall prescribe rules and regulations for the holding of teachers' institutes and teachers' training schools and courses of instruction therefore, and after counseling with county superintendents as to the special needs of their respective counties, he/she shall appoint the time, place and duration of each institute and training school and shall designate the conductors, assistants and lecturers.

§15-22-11

"The county superintendent of schools shall carry into effect all . . . instructions of the superintendent of public instruction." Under the instructions of the superintendent of public instruction the county superintendent may convene teachers for professional instruction. Non-attendance, without an excuse, will result in a loss of a day's wages for each day missed.

§15-38-15

The county superintendent shall give written notice of a teacher's institute or a training school to each teacher and to others holding teacher's certificates ten days before the opening of such program. Each teacher shall close school and attend the program and be paid regular salary for attendance. The county superintendent may revoke the certificate of any teacher for inexcusable neglect or refusal to attend the program.

§15-47-14

The district school boards "shall allow the superintendent, principal and teachers . . . without loss of salary, to attend any meeting of the North Dakota education association and other educational associations held within the state while school is in session . . . . The period during which teachers are in attendance at [such] meeting[s] not to exceed two days shall be [considered] days of classroom instruction."

CROSS REFERENCE

III.N.Educational System; Statute §15-22-10

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§3301.16 -- .61

The state board of education shall classify and charter all school districts and individual schools within each district, subject to revocation for failure to meet state standards set for elementary and high schools. The territory of a school district whose charter has been revoked may be transferred to adjacent districts. The funds, property and indebtedness of the school district shall be equitably divided by the state board among the receiving districts. CHARTER

The effective date of transfer, specified by the baord, shall be at least thirty days after the issuance of the order unless a majority of the qualified electors residing in the area to be transferred file a petition of referendum against it. In such a case, the order shall become effective within thirty days if a majority of the qualified electors voting on the question are in favor of it. If a majority does not vote in favor of it, it shall be void.

For charter and classifications purposes, a high school is a school of higher grade than elementary school where instructions and training are given in accordance with this code and which also offers other more advanced studies than in elementary schools.

Elementary school is a school in which instruction and training are also given in accordance with this code and gives other subjects approved for study by the state board of education. In districts maintaining junior high schools, elementary schools shall include only grades one through six inclusive plus one year of kindergarten.

§3313.871

By a majority vote of its members, a board of education may pay annual membership dues and service fees to an accrediting association which has the purpose of improving education. Such

fees and dues shall not exceed $150 per public school evaluated for accreditation in the district.

In addition a board may pay the necessary and proper expenses associated with accreditation activities and school evaluations not to exceed $750 per school having an enrollment of 1000 pupils daily; and $1000 per school whose average enrollment exceeds 1000 pupils.

CROSS REFERENCES

IV.H.; Statute §3321.03

2. Other Qualification Standards

Statutes

§3311.29

All districts shall maintain public schools consisting of kindergarten through twelfth grades. Any school district failing to do so shall be dissolved by the state board of education, and its territory transferred to another district. This transfer shall be by order of the board or by voluntary agreement among surrounding school districts. The board shall provide for "an equitable division of funds, property and indebtedness of the dissolved school district among the receiving districts. The state board may authorize exceptions where compliance is impractical.

The superintendent may not distribute funds to a district under this code that does not maintain the required grade levels. The exception to the above is the joint vocational high school district.

§3313.48

The board of education of each district shall provide for the free education of the youth of school age at such places as will be most convenient for the attendance of the largest number. Every school shall be open for instruction 180 days in each school year. Included in this number may be four half days for individualized parent-teacher conferences and reporting periods, two days for professional meetings for teachers, and days when schools are closed for "public calamity". The school day for grades 7-12 shall be at least five hours "except in emergency situations." The

school day for grades one through six shall also be for five hours including fifteen minutes in the morning and afternoon for recess.

§3313.49

"The board... of each city, exempted village, and local school district may suspend, by resolution, temporarily or permanently, any school in such district because of disadvantageous location or any other cause." The board shall provide for the reassignment of affected pupils.

§3313.62 -- .63

"The school year shall begin" on July 1 "of each calendar year and close" on June 30 "of the succeeding calendar year. A school week shall consist of five days, and a school month of four school weeks."

Specified school holidays may include "the first day of January, the third Monday in January, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the second Monday in October, the eleventh day of November, or the succeeding Monday when that day falls on a Sunday, the fourth Thursday in November, the twenty-fifth day of December, and on any day set apart" by the President or state governor "as a day of fast, thanksgiving, or mourning, or on the days approved by the board for teachers' attendance at an educational meeting."

REGULATIONS

§3301-19-01 -- 03

"Each school district shall employ a ratio of at least five full-time equivalent educational service personnel for each 1,000 students." These persons "shall hold a properly validated teaching certificate in one of the following areas of specialization (1) school nurse, (2) educational media specialist/librarian, (3) school counselor, (4) visiting teacher, (5) art, (6) music, (7) physical education." Personnel in five of these seven areas must be employed and the "distribution of personnel

STAFFING

shall provide a reasonable, equitable availability of program in art, music and physical education in grades K-8; and in school nurses, educational media specialist/librarians, school counselors, and visiting teachers in grades K-12.

§3301-35-04

The junior high school staff shall be "properly certificated and professionally competent and shall be selected and assigned according to preparation, qualifications and interests, and "in such a way that the purposes of the school are met."

Junior high school staff members shall be "afforded the opportunity to participate in the development of policies.

Each junior high school with enrollment of 500 and over shall have a librarian with a baccalaureate degree and training in library science. Junior high schools with less than 500 enrollment may have part-time librarian.

School counselors devoting half-time or more to the guidance program shall have a pupil personnel service certificate. Those serving less than half-time shall have twelve semester hours in professional graduate guidance courses. The counselor/pupil ratio shall be 1 to 400.

PUPIL/TEACHER RATIO

The pupil ratio shall not exceed 27 to 1 except in activity type classes such as typewriting. No teacher shall instruct more than 180 pupils per day.

"Each teacher shall have a minimum of 200 minutes per week for planning or conference. Planning and conference periods shall be included within the official school day.

"The Board of Education shall provide for workshops, conferences, visitation, and other activities which will encourage the continued growth and improvement of all personnel. The junior high school principal shall organize and direct the inservice education and staff development program in [her or] his school. The members of the entire staff shall have opportunity to participate in a continuing and effective inservice education program." There shall be continuing orientation during the first year that teachers are new to a building. A staff member shall be assigned by the principal to coordinate the use of audio-visual materials and equipment.

"The policies and working conditions for teachers shall be such as to encourage long tenure and to avoid excessive teacher turnover."

CROSS REFERENCES

II.A.1.; Regulation §3301-37-02

II.A.3.; Statute §3313.90

II.A.6.; Regulation §3301-71-01 -- 3301-71-06

II.A.8.; Statute §3313.56

II.B.1.b.; Regulation §3301-35-05

II.B.3.; Regulation §3301-37-05

III.C.Elementary and Secondary Education; Regulation §3301-31-01 -- 3301-31-09; 3301-35-01 -- 3301-35-08; 3301-37-01 -- 3301-37-08

III.C.Schools; Regulation §3301-37-04

IV.C.; Statute §3313.813

B. Qualification Standards for Personnel

Board of Education Members

STATUTES

§3313.13

No prosecuting attorney, city solicitor, or other official acting in a similar capacity shall be a member of a board of education.

CROSS REFERENCE

I.Board of Education; Statute §3313.01

Certified Personnel

STATUTES

§3319.28

The state board of education may establish rules, regulations, and standards for a temporary certificate which, below those standards for a provisional certificate shall be valid for one year and may be renewed yearly. Such certificates shall only be granted at the request of a superintendent of a city, county or exempted school district, superintendent or a diocesan school or administrative head of a non-tax supported school, and upon evidence of the scarcity of other certified teachers. The certificate shall be good only in the requesting district.

REGULATIONS

§3301-21-01 -- 39

Certificated staff may qualify for provisional professional, and permanent certificates in successive

order. Supervisors, principals, superintendents, school counselors, school psychologists, and visiting teachers must have master's degrees and "well-distributed" graduate work and teaching experience. Teaching staff certificates require a bachelor's degree and patterns of education appropriate to the speciality area in which the certificate is obtained. Provisional certificates may be renewed "upon evidence of satisfactory experience", professional certificates may be obtained upon completion of additional course work and 27 months of satisfactory experience under the provisional certificate. Professional certificates may be renewed "upon evidence of satisfactory experience". Certificated staff with master's degrees are entitled to a permanent certificate upon evidence of 45 months of satisfactory experience under the professional certificate and "upon evidence of continued professional growth. Teaching staff are entitled to a permanent certificate upon evidence of 45 months of successful teaching experience under the professional certificate and the completion of "an appropriate master's degree or the equivalent."

Administrative specialists must have master's degrees for a provisional certificate. Vocational supervisors must have bachelor's degrees to obtain a provisional certificate.

Provisional certificates in agricultural, home economics and vocational fields, need not have bachelor's degrees to qualify for provisional certificates. Specified years of appropriate work experience are sufficient.

Driver Education Instructor

Regulations

§3301-81-04

Driver education instructors shall "hold a teacher's certificate with drivers' education listed as a subject area", shall be high school graduates or hold a certificate of high school equivalence, have a minimum of five years of driver experience, a valid driver's license, no more than two points under the Ohio point system in any one year for the five immediately preceding years, no felony conviction and good physical condition.

EDUCATIONAL AIDES

STATUTES

§3319.088

An educational aide is a nonteaching employee who directly assists a teacher and is not required to have a certificate . The state board of education shall issue education aide permits and establish necessary regulations and fees for such permit, including minimum qualifications of education, health and character. Special training or education courses may be required to insure that an aide can effectively perform the authorized duties. Such duties shall be performed under the supervision and direction of a teacher. Education aides may: assist a teacher in the supervision of teachers; assist with instructional tasks; perform tasks which in the judgment of the teacher, may be performed by a non-certified person; and in the absence of the teacher, maintain the degree of control and discipline as would a teacher but may not render corporal punishment.

Educational aides may not: assign grades to pupils; be assigned to assist a single teacher; be used in place of classroom teachers or other certified employees. The duties of an aide need not be performed in the presence of a teacher but shall at all times be under the direction of the teacher to whom assigned. When assigned to more than one teacher, the assignment shall be clearly delineated as to avoid simultaneous supervision by more than one teacher.

A district may employ one educational aide for each six full time certified employees. But such aides shall not be counted for purposes of state support, or in the ratio between pupils and teachers. Neither educational requirements for educational aides, nor years of service shall be counted toward a teaching certificate or as salary purposes as a teacher. PUPIL/TEACHER RATIO

Educational aides shall have all the rights, benefits and legal protection of other nonteaching employees; shall be members of the employees retirement funds and shall receive compensation according to a salary plan adopted annually by the Board. No person shall serve as an educational aide without the proper permit. Nonteaching employees whose responsibilities are solely secretarial-clerical even though they serve under the

direction of teachers shall not be required to have such permits. The same holds true for students who are preparing to become teachers or eduational aides when such work constitutes part of their training program.

The teacher for whom an aide is assigned shall determine the duties to be assigned to the aide. Such teacher is not required to hold an administrative or supervisory certificate.

No aide shall divulge personal information about a pupil to anyone except the teacher, or school administrator or when required to testify in court.

REGULATIONS

§3301-23-01 -- 3301-23-08

A one-year educational aide permit may be issued upon the recommendation of an employing superintendent if the applicant has sufficient formal education to assure competency, is able and willing to profit from inservice training, and has adequate language competency, emotional stability, good physical health, and is free of speech, moral and disqualifying physical defects. One-year educational aide permits may be renewed based upon successful performance and participation in training. Applicants having the equivalence of high school graduation who have performed successfully on a renewal of a one-year permit and who have profited from inservice training may be issued a four-year permit upon recommendation of the employing superintendent. Four-year permits may be renewed upon successful performance, participation in training, and recommendation of the employing superintendent. One-year permits are valid only in the district of issuance. Four-year permits are valid in any school in the state.

EDUCATIONAL PERSONNEL

STATUTES

§3319.42

The state of Ohio has entered into the Interstate Compact on qualifications of educational personnel, with all states legally joined to it.

The test of the compact is included in this section.

The superintendent of public instruction shall serve as "designated state official" in the interstate compact on qualification of educational personnel, and shall enter into contracts pursuant to the compact with the specific approval of the state board of education.

All copies of such contracts made pursuant to the compact shall be kept on file by the state department of education and the secretary of state. The state department of education shall also publish all such contracts in convenient form.

EDUCATIONAL SERVICE PERSONNEL

CROSS REFERENCE

III.A.2.; Regulation §3301-19-01 -- 3301-19-03

HIGH SCHOOL STAFF

CROSS REFERENCE

III.C.Schools; Regulation §3301-37-04

JUNIOR HIGH SCHOOL STAFF

CROSS REFERENCE

III.A.2.; Regulation §3301-35-04

LOCAL BOARD OF EDUCATION MEMBERS

STATUTES

§3313.10

Each member of a board of education shall take an oath to support the Constitution of the United States and of the state of Ohio and that he will faithfully perform the duties of his office.

LOYALTY OATH

STATE BOARD MEMBERS

STATUTES

§3301.031

Each member of the state board of education shall be a qualified elector residing in the territory composing the district from which he/she is elected, and shall be nominated and elected to office as provided by this code. The member shall hold no other public office, or be employed by any other public or private school or institution of higher learning. The member shall take an official oath of office. Salary shall be fixed pursuant to this code, and each member shall be paid for actual expenses incurred during his/her performance of official duties.

SUPERINTENDENT

STATUTES

§3319.011

Where the board of education determines that the superintendent is so incapacitated as to be unable to perform the duties of office, the board may appoint a person to serve in his/her place pro tempore. A written policy shall be adopted for use in making such a determination. The superintendent may be placed on sick leave or leave of absence and has the right to a hearing on any such action. The superintendent pro tempore shall perform all duties and functions of the superintendent until the board decides the superintendent shall return to active service, or until the expiration of the superintendent's contract. The superintendent pro tempore may be removed by two-thirds vote of the board. REMOVAL

CROSS REFERENCE

I.Superintendent; Statute §3319.01

SUPPORTIVE SERVICES PERSONNEL

CROSS REFERENCE

II.A.2.; Regulation §3301-51-19

TEACHERS

STATUTES

§3319.22

State-wide teacher's certificates shall be issued according to legal standards rules and regulations and sections 3319.22 and .31. of this code. Such certificates shall be graded as temporary, one-year vocational, provisional and permanent. These certificates may be issued in the following types: (a) kindergarten - primary, valid for grades kindergarten through third; (b) elementary, for grades one through eight; (c) high school, for grades seven through twelve in a subject area; (d) special, for any grade, subject area, or other special field taught in the public school curricula; (e) elementary principal, for teaching or supervision in elementary schools; (f) high school principal, for teaching in subject area or supervision in junior or senior high; (g) supervisor, for supervising and teaching subjects named in such certificates in elementary, special or high school fields; (h) superintendent, for teaching in subject, for supervising in elementary and high school, or administrative duties in the school system; (i) vocational, for teaching and supervising vocational agriculture, vocational distributive education, vocational home economics, or vocational trade and industrial programs as named in such certificates; (j) assistant superintendent, for supervision in the elementary and high schools, or for administrative duties in the school system; (k) pupil personnel workers, including school psychologists, for conducting "all home school community relations incident to the adjustment of pupils to the facilities available for their education; (l) local superintendent, for teaching in subject area and for supervision and administration in the local school district; (m) educational administrative specialist for special areas of educational administration in the system, other than superintendent, assistant superintendent, supervisor or principal as specified and defined

in the certificate; (n) school nurse, for the conduct and coordination of school health services.

§3319.23

The state board of education shall establish standards and courses of study for teacher preparation, inspect those institutions offering teacher preparation, approve such institutions that maintain satisfactory training procedures, and certify graduates of such courses and institutions. The standards and courses of study for teacher preparation as well as rules regulating the standards for grades and types of certification and their renewal and conversion adopted by the board shall be published in accordance to this code. No changes shall take place at least one year from the January 1 publication.

RULEMAKING

§3319.24

Provisional certificates may be issued by the state board of education to persons who have completed the necessary course of study in an approved institution provided that such requirements shall not be lower than graduation for a two-year course for types A and B of section 3319.22 and graduation from a four-year course for all other types, except vocational trades and industries for which training shall be prescribed by the state board. Such certificates are valid for four years and may be renewed upon evidence of satisfactory professional standing and teaching success.

§3319.25

A provisional certificate or its renewal may be converted by the state board into a professional certificate valid for eight years, upon the applicant's meeting standards of preparation, expertise, and teaching success for the professional certificate.

RENEWAL

§3319.26

The state board may convert a professional certificate or renewal to a permanent certificate of the same type upon the

applicants' meeting standards of preparation, expertise and teaching success. Such certificates must be countersigned by the superintendent of public instruction.

§3319.281

A one year vocational certificate may be issued by the state board of education to any person meeting "the criteria of occupational competency in a skilled or technical occupation or who meets the qualification as an occupation, work experience, work adjustment or cooperative coordinator and pre-service teacher education requirements of an institution approved by the board for vocational teacher education." Such a certificate may be renewed up to three times, and shall be issued only at the request of the employing local administrator.

§3319.30

No teacher shall be paid for duties performed in a state or federally funded school who does not have a certificate of qualification for the specific position he/she is employed in and which does not certify to the good moral character of the certificate holder, except as provided in section 3319.36 of the code.

Any so qualified teacher may receive compensation for days for which he/she is excused for professional meetings. The board shall provide and pay for a substitute for such days.

§3323.11

"Teachers in education programs... shall possess the usual qualifications required of special education teachers in the public schools."

CROSS REFERENCE

III.C.Teachers; Statute §3319.31

BOARD OF EDUCATION MEMBERS

STATUTES

§3313.33

Conveyances made by the board of education shall be carried out by its president and clerk. Contracts shall not be binding on the board unless authorized at a regular or special meeting.

CONTRACTS

No board member "shall have, directly or indirectly any pecuniary interest in any contract of the board nor be employed in any manner for compensation by the board of which he/she is a member except as clerk." The single exception is where a member of the board is a shareholder but not an officer or director or a corporation doing business with the board, whose holdings do not exceed five percent of the corporation's stock. In such case, the board member shall file an affidavit with the clerk showing his/her exact status and connection with the corporation.

CONFLICT OF INTEREST

COMPENSATORY EDUCATION PROGRAM

CROSS REFERENCE

II.A.6.; Regulation §3301-71-01 -- 3301-71-06

ELEMENTARY AND SECONDARY EDUCATION

REGULATIONS

§3301-31-02 -- 09; 3301-35-01 -- 08;
3301-37-01 -- 08

Elementary and secondary education "shall be that which best meets the needs of the pupils, the community and society, and fulfills the purpose for which the . . .school is organized."

The Board of Education shall adopt for each school a "statement of philosophy. . .developed through cooperative staff effort. . .[which]. . .shall be evaluated annually and revised as necessary. . .copies shall be. . .available to interested persons. The statement of philosophy of a junior

high school shall be "disseminated and interpreted to the constituent community of the school."

Elementary and secondary education shall provide "equally advantageous educational opportunities in terms of facilities, pupil teacher ratio, instructional materials, and services to all grade levels."

An approved elementary school (except an island school) shall have at least three full-time teachers and a minimum of 60 pupils. A chartered junior high school shall have a minimum of 500 pupils. An elementary school may be exempted by the superintencent of public instruction with the approval of the state board of education "when it is shown that the number of pupils available or other circumstances make it impracticable to comply." The school day shall be not less than five hours in elementary schools, six hours in secondary schools.

Four-fifths of elementary school instruction shall be devoted to language arts, mathematics, social studies, science, health, citizenship, related directed study in self help and optional foreign language. One-fifth shall be directed to physical education, music, art, special activities, and optional applied arts. The elementary curriculum shall be consistent with the philosophy statement and shall be planned to provide for continuous sequential progress and "diagnosing and meeting the needs of each pupil. . .,through organizational and grouping practices. . . and. . .differentiating learning activities and materials." The instructional program shall be planned to "achieve specific objectives" and the program shall employ "adaptation of instructional procedures to meet individual differences and the use of varied evaluative instruments. Elementary summer school shall be approved by the Board of Education and secondary summer school shall "meet all minimum standards" and be directed by the high school principal or a qualified staff member.

"Each school system shall have written and adoptive policies for promotion or assignment of pupils to the junior and senior high school. The junior high school shall assign

pupils by grade level, by section, and by groups in accordance with Board of Education policies which provide for individual differences."

HOME INSTRUCTION

Home instruction for secondary students shall meet the standards of the state Board of Education. Three units of summer school, two units of tutoring approved by the principal and provided by a certificated teacher and four units of correspondence school courses approved by the principal may be counted toward high school graduation. "Students enrolled in the day school shall not study by correspondence courses taught by the school."

"No pupil enrolled full-time in a regular high school day program shall be permitted to enroll in either an evening high school or in evening classes except under strict administrative control."

"Evening high schools and adult high schools granting credit for graduation shall be chartered or shall operate as an extension of the regular high school program."

At least one-half of the total junior high school instruction time shall be devoted to language arts, social studies, mathematics, science, and foreign language. One-fourth of the time shall be devoted to health and physical education and experiences in music, art, applied arts, business and directed studies. The remainder of daytime shall be allocated to meet individual student's needs and interests.

A junior high school or high school "may develop experimental programs. . .with prior approval of the superintendent of public instruction. The school may institute permanent status of such programs with adequate evidence of continuous self evaluation and approval by the the superintendent of public instruction."

"The excusing of [junior high school] pupils from any class or supervised study for an extended period of time to take part in other classes, activities, or practice for inter-scholastic contests shall not be allowed."

"The [junior high school] principal shall be the educational leader of the school and be responsible for

coordinating and directing all school activities."

Seventeen units of credit above the eight grade including three units of English, two units of social studies, one of which is in American history and government, one unit of science, one unit of mathematics, and one unit of health and physical education must be earned for high school graduation and "a diploma must be granted by the Board of Education to anyone successfully completing the curriculum in a high school."

DIPLOMA

All high school staff members shall participate annually in continuing in-service education. "Each building principal shall maintain records of teacher in-service education participation. With respect to secondary education "written policies governing all school activities as they relate to pupils, staff, buildings, services, and curriculum shall be formulated and adopted by the Board of Education."

IN-SERVICE TRAINING

"The programs for the junior high school shall incorporate experiences for the pupil which enable [her or] him to explore [her or] his own interests and aptitudes; be gradually introduced to full departmentalization of experience; have guidance and assistance in making [her or] his choices and setting [her or] his goals; experience pre-vocational activity; enjoy controlled freedom to develop initiative, creativity, and responsible citizenship; and have extensive opportunity for utilization and extention of use of the basic skills in functional situations in a developmental process."

Junior high school students shall study three years of language arts, two years of mathematics, two years of social studies, two years of science, three years of health and physical education, one year of industrial arts, one year of home economics, two years of music, and two years of art. Each junior high school must offer such instruction and one additional year of instruction for each of the following: social studies, industrial arts, home economics, music, art foreign language, and business practices

"Individual differences of students shall be provided

for within the educational program in each junior high school by accelerating, enriching, or adjusting the educational program; grouping students within the classroom or grade level; differentiating materials and methods; and through the establishment of special education classes for those pupils whose needs cannot be adequately met in the regular educational program. Each elementary and junior high school shall maintain an organized, balanced, coordinated and comprehensive program of pupil services. Elementary schools shall have a program "to identify and deal with chronic truancy and tardiness."

TRUANCY

Elementary schools shall have "a well balanced program of standardized test measures and a variety of teacher prepared appraisal instruments" which "shall be systematically used to assess and improve the pupil learning situation."

Elementary and junior high schools shall have a guidance program involving the entire staff and utilizing out-of-school resources. Each elementary school with respect to elementary schools in the school system shall provide for the services of a psychologist, speech and hearing therapy and an organized program of school health services designed to identify physical defects and health problems.

In junior high schools "valid and objective information regarding pupil achievement, progress, development and abilities shall be obtained and utilized as a part of the instructional program. Each junior high school shall provide those health services essential to the promotion of health and protection of pupils including the services of a school psychologist, speech and hearing therapist and a health nurse.

"Each junior high school shall maintain a continuing attendance check of each child enrolled. Each junior high school shall have a planned and coordinated program of pupil appraisal utilizing standardized group tests of ability and achievement." In junior high schools and high schools there shall be community relations programs to ensure "that the community [be] fully informed about the educational program, the needs of the school and the services which are available."

Community agencies shall be utilized by junior high schools and shall be utilized by high schools in planning the school programs.

Junior high schools "shall provide opportunity for the parents to confer with the members of the instructional staff."

High schools "shall seek to enlist the cooperative assistance of all communications media. . .[and]. . . establish mutually acceptable policies. . .to provide unrestricted access to public information."

"Each elementary school shall demonstrate through school community activities evidence of cooperative assessment of community needs to determine the purposes, program and planning for future educational improvement.

The elementary school pupil/teacher ratio shall not exceed 30 pupils in each building.

PUPIL/TEACHER RATIO

"In matters of curriculum development, revisions of courses of study and recommendations for textbook selection there shall be a broad representation of [elementary] teachers.

Elementary school staff meetings shall be held with sufficient frequency to promote professional advancement and provisions shall be made for professional growth through staff planned in-service meetings, research, visitation to other school situations and a library.

A principal shall be provided in a school or combination of schools having fifteen approved classroom units.

"Each elementary school shall have the services of a certificated person responsible for the multi-media program... .teacher aides and technicians shall be trained for ancillary duties, their work shall be supervised by certificated staff members.

"Each school shall show evidence of a planned of ongoing review, study, research and analysis aimed at school improvement" and "making systematic use of recognized evaluative criteria." At least one phase of the instructional program shall be studied in-depth each year and all major phases shall be examined every five years. Results shall

"be used in making determinations for effecting improvement."

"A planned program for continuous assessment of [elementary] classroom instruction by teachers, principals, and supervisors shall be in operation."

In elementary schools "action research and experimentation directed toward the improvement of instruction shall be accompanied by planning, design, evaluation and reporting."

In junior high schools and high schools, self-evaluation procedures shall be kept on file and available to all legitimately concerned. Results of studies and evaluations shall be similarly available. The principal shall make "periodic studies of the qualifications and performance of the teaching staff and "staff members shall be encouraged to conduct action research and well-planned experimentation directed toward improvement of the school program."

In elementary school materials, equipment, and supplies "shall be appropriate in kinds and amounts to facilitate quality instruction and meet individual differences in all areas of the curriculum."

Elementary, junior high and high school sites and buildings shall be "appropriate and adequate." In elementary schools there shall be "sufficient usuable space to accommodate the enrollment", faculty conference rooms, and small group meeting rooms. Each junior high school shall have adequate physical facilities to implement the guidance program and the art, home economics, science, industrial arts, music and physical education program as well as the required library. High schools shall have similarly adequate space.

HANDICAPPED CHILD

CROSS REFERENCE

II.A.2.; Regulation §3301-51-18

HANDICAPPED EDUCATION PROGRAM

CROSS REFERENCE

II.A.2.; Regulation §3301-51-18

HIGH SCHOOL DIPLOMA RECIPIENTS

STATUTES

§3313.61

DIPLOMA

A diploma shall be granted by the board to any one successfully completing the high school curriculum, and shall be signed by the president and clerk of the board, the superintendent of schools, and the high school principal.

"A ... resident of Ohio [who] is eligible under state board... minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate [in a state correctional institution] shall be granted such diploma by the correctional ... institution operating the programs..., and by the board of education of the inmate's school district of residence."

Nonresidents of Ohio who are inmates of correctional state institutions, "and who are eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate..., shall be granted a diploma by the correctional or penal institution offering the program... "

LOCAL BOARD MEMBER

STATUTES

§3319.21

CONFLICT OF INTEREST

Any contract made by a local director or board member or voted upon by him/her with a teacher to whom he/she is related as father, mother, brother or sister or in which he/she has a pecuniary interest shall be void.

PUBLIC SCHOOLS

CROSS REFERENCE

I.State Board of Education; Constitution. Article VI

PUPILS

CROSS REFERENCE

II.A.1.; Statute §3313.60

PROGRAMS FOR EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Regulation §3301-51-01 -- 3301-51-08

RECIPIENTS OF HIGH SCHOOL EQUIVALENT CERTIFICATE

REGULATIONS

§3301-41-01

Applicants who have been out of high school for over a year and whose high school class has graduated or who have agreed to enter the armed services are eligible to take the tests of General Educational Development and upon passage shall receive an Ohio Certificate of High School Equivalence.

MILITARY

SCHOOL

REGULATIONS

§3301-37-04

"Each school shall be administered on a democratic basis with teachers and other staff members participating in the development of policies. The members of the entire staff shall participate in appropriate and effectively organized inservice education activities each year."

All staff shall be "qualified from the standpoint of training, certification, personal fitness, management, ability to perform the required tasks, personal growth and professional attitude." The numbers and qualifications of guidance staff, teachers, and librarian for high schools shall be similar to those in junior high schools.

Each high school teacher shall have "planning or conference time equivalent to one period per school day during each school week."

STATUTES

§3331.04; 3331.06; 3331.07; 3331.09; 3331.10; 3331.11; 3331.13; 3331.15

SCHOOLING CERTIFICATE

"When an age and schooling certificate is applied for by a child over sixteen who is unable to pass a test of completion of seventh grade work and is not so below the normal mental development as not to profit from further schooling," such certificate may be issued upon proof of the following:

A) The child is not addicted to any habit "which is likely to detract from his reliability or effectiveness as a worker, or proper use of his earnings or leisure, or the probability of his(her) faithful carrying out of the conditions as specified in division (b) of this section, and in addition, any one of the following groups of facts:"

1) That the child has been a resident of the school district for the past two years, has regularly attended school and has the ability to read, write, and do basic arithmetic operations as determined by the superintendent;

2) Had been regularly attending instruction in the school district where he(she) resided previously, if he(she) has been a resident of the present district for two years;

3) "That the child has removed to the present school district since the beginning of the last annual school session, and that instruction adapted to his [her] needs is not provided in the regular day schools in the district;"

4) That the child is not sufficiently fluent in English to be properly instructed in regular classes in the district;

5) That the child must provide his(her) own support or is needed to support or care for his(her) parents or siblings and that the child desires to work

for such support which cannot be done reasonably outside school hours. No certificate shall be granted upon such proof without written consent of the juvenile judge and the department of public welfare;

B) When a certificate is granted under the above, except section A(4), the child shall, until the age of eighteen, attend in addition to part-time classes, classes as will add to his(her) education for literacy, citizenship, or vocational preparation as available in the district. When no such classes are available, he(she) shall pursue reading and study and report monthly to the superintendent.

C) When a certificate is granted under division A(4), the child shall attend in addition to such part-time classes, classes to learn English or advance in Americanization as available in the school district.

Age and schooling certificates issued in accordance with provisions of this code shall be marked as "limited" if the physician's certificate is a limited certificate and the particular type of employment to which it is limited shall be noted on the certificate. Such certificate shall not be valid for other types of employment.

When an age and schooling certificate is reissued, the pledge of the new employer and a physician's certificate shall be required and kept on file.

REVOCATION

The superintendent of schools issuing an age and schooling certificate may revoke the certificate for "noncompliance with stipulations, physical condition of the child, or other sufficient cause." Such certificate may also be revoked for failure to attend part-time classes by the superintendent of the district in which the child is employed.

A child who has graduated twelfth grade but who is not yet sixteen years of age may be granted an age and schooling certificate in the same manner as a child over sixteen. The child is not entitled to be employed in an occupation forbidden him(her) by law.

The following records shall be kept concerning age and schooling certificates issued:

A) All the facts contained in every certificate issued;

B) Names and addresses of children to whom certificates were denied and the reasons for such action, together with the names and grade of the school he(she) should attend;

C) All certificates returned or no longer valid and the subsequent school assignment;

D) Conditions of issuance;

E) Pledge given in connection with the certificate;

F) Pertinent facts connected with limited or non-standard certificates.

Certificates are valid for employment only in the district in which it was issued, unless countersigned by the certificate-issuing authority of the district in which a child might be employed.

The superintendent, principal or other official shall furnish school records, upon request of the parent or guardian, when required for determining eligibility for an age and schooling certificate.

Any person over eighteen years of age who believes he(she) might require proof of age for employment, may apply for an over-age certificate, which shall be issued upon the same proof of age as required for an age and schooling certificate.

When a person holding an age and schooling certificate reaches eighteen, his(her) employer shall release to him(her) the certificate which shall then have the effect of an over-age certificate.

CROSS REFERENCES

III.C. Elementary and Secondary Education; Regulation §3301-31-01 -- 3301-31-09; 3301-35-01 -- 3301-35-08; 3301-37-01 -- 3301-37-08

III.D. Student Performance Regulation §3301-13-01 -- 3301-13-05

SUPERINTENDENT

CROSS REFERENCE

III.B.Superintendent; Statute §3319.011

SUPERINTENDENT OF PUBLIC INSTRUCTION

CROSS REFERENCE

I.Superintendent of Public Instruction; Statute §3301.08

TEACHERS

STATUTES

§3319.11

Teachers shall be eligible for continuing service contracts who are certified teachers and who within the last five years have taught three years in the district, or teachers who had such contracts elsewhere have taught two years in the districts. The latter group may, upon recommendations of the superintendent of schools to the board, become eligible for a continuing contract at the time of employment or within the two year period.

A teacher eligible for continuing service status, at time for re-employment may be given a continuing service contract upon the recommendation of the superintendent, unless a three fourths vote of the full board rejects such a recommendation. In such case, the superintendent may recommend re-employment on a limited contract basis, not to exceed two years, provided written notice is given to the teacher with reasons aimed at professional improvement by a given date. Failure to give proper notice constitutes giving a continuing service contract.

A teacher on a limited contract as stated above, shall be deemed re-employed on a continuing service contract at the end of the limited contract, if written notice is not given of the board's intention not to re-employ him/her. NOTICE

A limited contract shall be entered into with each teacher holding a provisional temporary certificate who has not been employed by the board for at least three years.

Any teacher employed under a limited contract and who is not eligible for a continuing service contract, is deemed reemployed

unless such teacher receives written notice from the board to the contrary. It is assumed the teacher accepts the position unless he/she gives written notice to the board. Failure to have a written contract does not void the automatic re-employment. Failure of the superintendent to make a recommendation on re-employment shall not prejudice or prevent a teacher from being reemployed on either a limited or continuing service contract as the specific case may be.

§3319.15

A teacher may terminate his/her contract for the next school year prior to July 10 of any school year with the consent of the board, or at any other time giving five days written notice to the board. If a teacher terminates his/her contract in a manner not provided in this section, the school board may request that the state board of education suspend the teacher's certificate for up to one year.

SUSPENSION

§3319.16

TERMINATION

"A teacher's contract may not be terminated except for gross inefficiency or immorality; for willful and persistent violations of reasonable regulations of the board of education; or for other good and just cause." Such teachers shall receive written notice of termination and shall have the right to a hearing before the board and referee. At such hearing, both parties are entitled to be represented by counsel, have witnesses under oath, the use of subpoenas, and recordings of the proceedings. Following the recommendations of the referee, the board may vote to terminate the contract or the teacher may be cleared of charges. In such case, he/she shall be restored to service with back pay for any time he/she was suspended.

NOTICE

HEARING

RIGHT TO COUNSEL

If the board votes for termination, the teacher may appeal to the court of common pleas of the county.

APPEAL

§3319.27

The state board of education may renew a provisional teaching certificate upon evidence of professional standing and teaching success if experienced.

RENEWAL

The board may establish standards whereby it may convert provisional and life certificates issues before Sept. 1, 1935, to the various types of certificates currently granted in this code. Without such conversion, these earlier certificates shall remain valid for the positions as when they were originally issued.

§3319.31

REVOCATION

The state board of education may revoke a certificate for intemperance, immorality, incompetence, negligence, or guilt or other conduct unbecoming his(her) position. The teacher in question shall be given written notice.

NOTICE

The state board of education shall be notified, by the clerk of any court in the state, of each conviction against the holder of a valid teaching certificate for a felony, an offense of violence, theft, or drug abuse, and the sentence of the court.

Vocational Education Grant Programs

CROSS REFERENCE

II.A.3.; Regulation §3301-61-03 -- 3301-61-15

D. Evaluation and Reporting

Compensatory Education Program

CROSS REFERENCE

II.A.2 ; Regulation §3301-71-01 -- 3301-71-06

Counseling Programs

CROSS REFERENCE

IV.A.; Regulation §3301-51-09

District Needs

STATUTES

§3315.061

The board of education of a school district may pay for conducting and contracting for studies on district organization building needs curriculum and instructional needs. The findings of such reports may be published by the board.

CROSS REFERENCE

II.A.1.; Regulation §3301-81-01 -- 3301-81-03; 3301-81-05 -- 3301-81-16

EDUCATIONAL SYSTEM

STATUTES

§3319.33

By August 1 of each year, local school districts shall make annual statistical reports of its districts to either the county or state boards of education.

Each city and exempted village school district may publish a report annually of the condition and administration of schools under its supervision and include a report of the financial affairs of the district.

§3319.36

No teacher shall be paid for teaching services who does not file such reports as required by the state board of education, the school district board, and the superintendent, or who does not file with the superintendent his(her) teaching certificate. Pay may be withheld until such required reports are furnished by the teacher.

Notwithstanding the above, the clerk may pay a teacher for services rendered during the first two months of the school session, provided such teacher has at least a bachelor's degree and has filed an application for a provisional certificate or higher.

§3319.37

APPOINTMENT

The county superintendent shall appoint a person to make required reports upon the failure of the clerk of the board of education of a district within the county to file such reports.

EXCEPTIONAL CHILDREN

CROSS REFERENCE

II.A.2.; Regulation §3301-51-01 -- 3301-51-08

HANDICAPPED CHILDREN

CROSS REFERENCES

II.A.2.; Statute §3323.03

II.A.2.; Regulation §3301-51-17

INDIVIDUALIZED EDUCATIONAL PLAN

CROSS REFERENCE

II.A.2.; Regulation §3301-51-18

NEW EDUCATIONAL PROGRAMS

STATUTES

§3301.132

The department of education shall collect and analyze information on an annual basis of each new educational program and activity [administered by or through] if initiated during or after the 1975 - 1976 school year to determine the degree to which the program or activity achieves its goals... and meets the state's educational needs. The information obtained shall be available to state residents.

PUPIL ACHIEVEMENT

REGULATIONS

§3301-37-03

Each school system shall provide comprehensive pupil services. There shall be individual and group guidance services involving the entire staff.

"Valid and objective information regarding pupil achievement. . .and abilities shall be obtained and used as a part of the instructional program."

Parents shall receive pupil progress reports at stated intervals and interim reports when progress is not satisfactory.

Essential health services, the services of a psychologist, a nurse, and a speech and hearing therapist shall be provided.

School Districts

Regulations

§3301-11-01 -- 04

Each school district, school building, and county board of education shall annually report to the public "data indicating the achievements, problems, plans, and improvements made" in meeting the educational goals established by either the State Board of Education, the District Board of Education for the individual buildings. The reports shall indicate the number of full-time equivalent staff in each category per 100 students, salaries, percentage breakdown of staff by sex, and pupil enrollment figures including race and sex data.

Building reports shall indicate pupil average daily attendance, "student mobility" and information "describing the standardized test data which are available on individual students in the building" and indicating "the procedure by which parents may review those data for their own children."

School Progress

Regulations

§3301-11-06

"Annual progress reports. . .shall be made available in printed form and in such language as to be useful to citizens. . .[and]. . .shall be permitted maximum flexibility in the manner of distribution . . . . Annual building reports shall be. . .issued to the local community of each building."

School Statistics

Statutes

§3319.34 -- .35

By August 15, annually, each county superintendent shall prepare for and give to the state board of education, an abstract of the statistics of the local schools within

his(her) county district, as well as any other facts relating to the schools or school funds, as requested.

He(she) shall also distribute to the local school districts within the county, all circulars, blanks, and other material, including documents and laws, as required by the state board.

Failure to make such reports by the superintendent, or clerk of a school district shall result in liability for three hundred dollars, to be recovered by civil action.

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2.; Statute §3323.02; 3323.06; 3323.08

STUDENTS

STATUTES

§3301 131

The department of education shall administer an annual assessment program pursuant to this code. Data shall be provided from samples of Ohio students from a variety of subject and skill areas including English composition and reading. Such data shall be measured against an objective standard, and state and national norms, and will be used to identify schooling needs according to socio-economic, demographic and other characteristics. The anonymity of teachers, students, schools, and school districts shall be preserved.

An advisory committee on educational assessment shall be appointed by the state board of education to draw up proposed plans and standards. Members shall not be salaried, but shall be reimbursed for expenses while discharging their official duties.

§3319.32

All teachers and superintendents shall be required to keep school records and prepare reports as to aid in the preparation of annual reports as required by law. Pay may be withheld for failure to do so. School

records shall include, in addition to other requirements, the names of all pupils, studies pursued, character of work done and standing of each pupil. Such records shall be kept as uniform as possible throughout the state.

No person shall be required to release, or permit access to public school records in violation of Section 3319.321 of this Code.

CROSS REFERENCE

IV.A. Regulation §3301-51-09

STUDENT PERFORMANCE

REGULATIONS

§3301-13-01 -- 05

Student performance shall be assessed in subjects and grade levels determined by the Ohio Assessment and Annual Report Advisory Committee. Assessment instruments shall be based on appropriate performance objectives representing knowledge which an important part of the students learning and which is or should be taught in the schools. Performance objectives shall be selected with the advice of members of the education profession who shall also review each test item to insure that it is a direct measure of the objective, is appropriate for the grade level, clearly written, free of sex, race or cultural bias, and "presents situations or problems similar to those that students are likely to encounter in everyday life. A representative sample shall be used for the assessment program and shall be so constructed that results can be reported by race, sex, size of community, socio-economic status of students, and "race by socio-economic status.

"Participating school buildings shall be provided adequate instruction to administer the assessment instruments and the program shall insure the anonymity of students.

teachers, buildings, and districts. Assessment results shall be summarized and copies distributed to school buildings, the legislature and the state board.

"Assessment reports shall contain data reported by objectives and by related sampling variables and shall be prepared in such a manner as to be useful to the educational profession and citizens. Subsequent [to] the administration of assessment instruments a substantial number of objectives and items along with definitions of the reporting categories shall be made available to school districts [upon] request for their use."

Vocational School, Staff and Pupil Data

CROSS REFERENCE

II.A.3.; Regulation §3301-11-05

E. Improvement Efforts

Individualized Educational Plan

CROSS REFERENCE

II.A.2.; Regulation §3301-51-18

Junior High School Staff

CROSS REFERENCE

III.A.2.; Regulation §3301-35-04

School Employees

STATUTES

§3315.07

The board of education of a city or exempted school district may provide and pay for expenses incurred in an instructional program for its employees, and for the effective administration of the districts.

Local school districts may have the county board purchase or accept donations of supplies and equipment and pay any charges involved in securing such supplies. The local board shall reimburse the county for such expenditures.

STATUTES

§3301.46

The department of education may enter into contractual agreements with other states or the federal government for the utilization and exchange of property, facilities, personnel and services between them. Similar arrangements may be made between eligible public or private state or local authorities institutions, organizations, or authorities. All such arrangements shall require the approval of the governor and the board of educaton, who shall make annual reports on such actions to the state general assembly.

§3313.84

To secure benefits of the knowledge of educational methods and practices in other school districts, either within the United States or internationally, boards of education may enter into contracts for the exchange of teaching services and may send teachers in their employ to serve in other districts in exchange for similar services. Each district may keep the teacher on the original payrolls, and this section does not authorize any expenditure in excess of the payment of salaries.

§3313.841

The boards of education of two or more school districts may contract for the sharing on a cooperative basis of the services of superivisory teachers, special instruction teachers, special education teachers and other certified personnel necessary to conduct approved cooperative classes for physicially, emotionally or mentally handicapped pupils. Funding provisions are included in this section.

STAFF, JUNIOR AND SENIOR HIGH SCHOOLS

CROSS REFERENCE

III.C.Schools; Regulation §3301-37-04

TEACHERS

STATUTES

§3319.071

Any district school board may establish a professional development program for teachers. Teachers shall be reimbursed for all or part of the cost incurred toward the successful completion of a course or training program which is part of such a development program.

No teacher is required to participate in a professional development program, and such participation does not constitute an addition to regular teaching duties which would require a supplemental contract or compensation.

§3319.13

A teacher or regular non-teaching employee may request a leave of absence for up to two consecutive years for education, professional or other purposes.

LEAVE OF ABSENCE

§3319.131

A teacher with five years service may be entitled to one or two semesters leave of absence with part pay to follow an approved plan of professional growth. Such teacher must show proof of following such plan at the conclusion of the leave, and return to the district for at least one year, unless such teacher has served twenty-five years in the district.

LEAVE OF ABSENCE

The board may not grant such leave unless there is an available substitute and no more than five percent of the professional staff is on leave, part pay shall not be greater than the difference between the teacher's and the substitute's pay, leave is no longer than one year, no teacher may be granted leave more than once for each five years of service and a second leave may not be granted when another staff member has requested a leave.

CROSS REFERENCES

I.Board of Education; Statute §3313.20

II.A.2.; Statute §3323.06

VOCATIONAL EDUCATION INSTRUCTORS

CROSS REFERENCE

II.A.3.; Regulation §3301-61-03 -- 3301-61-13

OKLAHOMA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

REGULATIONS

General Regulations; pp. 12-14
I. Administration

"Regulation a. The board of education is responsible for the general policies of the school."

b. The board of education selects the superintendent of schools, who serves as its executive officer.

c. The administrator shall recommend, for adoption by the board, "general and personnel policies . . . for the administration of the school."

d. District superintendents and school administrators must attend all board meetings.

e. Subject to board approval, a district superintendent or school administrator shall hire and assign employees, manage the school's facilities and equipment, and administer the educational program.

f. The superintendent of schools shall prepare an annual budget for the board's consideration.

g. The superintendent and assistant superintentendent should hold "superintendent's administrative certificates. Nonteaching . . . and assistant principals . . . shall have appropriate principal's administrative certificates."

h. A teacher may not "be dismissed during the term of a contract or [be] refused re-employment except at an official meeting of the board of education." DISMISSAL

i. If a disagreement among " the teaching staff . . . school board or community . . . affects the quality . . . of instruction and spirit of the school, [it] shall be considered sufficient cause for" withholding accreditation.

k. The certificates and educational transcript of all teachers should be filed in the principal's or superin-

tendent's office.

l. Written contracts of "regularly employed teachers" should be filed with the district board of education or the county superintendent, as appropriate.

m. All educational materials and equipment should be inventoried at the beginning and end of the school year.

n. School equipment and materials acquired with federal funds should be identified as such.

o. The school year consists of 180 days, "175. . . of which must be devoted to classroom instruction." Up to five days "may be used for professional meetings."

p. The State Board's permission is necessary in order to schedule make-up days on Saturdays.

DRUG ABUSE EDUCATION

q. Local boards must include Drug Abuse Education in the curriculum of all grades, kindergarten through 12.

HEALTH EDUCATION

r. Local boards should specify a time for "the teaching of Health Education in grades K-12."

s. Secondary schools applying for accreditation must "improve and expand the teaching of local, state and national government." Junior high school students should be instructed in local and state government, and senior high school students in national government.

t. Local boards are responsible for "the integration of economic education in social studies, business education, home economics and other vocational courses as part of the curriculum" at all grade levels.

PHYSICAL EDUCATION

u. A minimum of 75 minutes a week of physical education should be taught "to all physically able students during the entire school year from first through sixth grade." In grades 7-12 "an elective program of instructional physical education" of at least 150 minutes weekly should be offered to students. "The State Board shall prescribe qualifications for physical education instructors." If the requirements of this regulation impose an "undue hardship" on a school district, the State Department of Education may "exempt all or a portion" of the regulations.

v. A school must have adequate finances to maintain its program.

Introduction; II. Policies of the State Board of Education; p. 10

The State Board of Education is responsible for accrediting the public schools. Accreditation is based "primarily on the quality of instruction."

Elementary schools in high school districts must be accredited "before the secondary school can be accredited."

At the end of the school year "the application for accrediting is acted upon by the Accreditation Section and approved by the State Board of Education." Accreditation is done on a yearly basis. Secondary school grades should not be established "at the expense of the elementary grades . . .[which] should receive first consideration. . . .

"Stability and permanence of the school organization and teaching staff" are factors in accreditation. If a school may lose its accreditation, it is warned first. A school should meet accreditation standards at the beginning of the school year and maintain them during the year.

Releasing students frequently from classroom work is discouraged. "All schools should plan continuous terms in order to make the most profitable use of the school year."

The State Board opposes the solicitation of "parents to move into a district to enroll their children . . . for the purpose of bolstering" a school's enrollment by school administrators or board members.

Elementary School Regulations; II. Size and Isolation; pp. 28-29

Req. a. To be accredited, an elementary school must have an average daily attendance of at least 30 for grades K-6, or at least 40 for K-8.

b. For a school to be accredited the board of education must employ the equivalent of "one full-time teacher for each 2 grades."

MINIMUM STAFF

c. An elementary school may be considered isolated for accreditation purposes if its

average daily attendance for the past year was 20 and it is 16 miles from another approved school, provided there are at least two full-time teachers. If kindergarten is offered, "an additional half day teacher shall be provided."

High School Regulations;
II. Size, Unit Offering and Isolation; p. 53

Req. a-b. A high school may not be accredited if its "legal average daily attendance" for the previous year was less than 55 pupils. For calculating the high school's ADA, "the average daily attendance of the ninth grade students in the affiliated junior high school shall be counted."

Req. c. All high schools must "offer a minimum of 36 units of approved course work, exclusive of special education." In a three-year high school, "ninth grade subjects . . . offered in its affiliated junior high school may be counted toward . . . the total unit requirement.

"It is strongly recommended" that the 36 units be distributed "as follows: language arts-5; science-4; mathematics-4; social studies -5; foreign language-2; fine arts-2; health, physical education and driver education-2; and applied vocations or practical arts-12."

Req. d. A high school will be considered isolated if its ADA was at least 40 pupils and it is at least 16 miles from an approved high school, and meets all other accreditation requirements.

Elementary School Regulations; p. 29
III. Annual Reports;

Elementary schools seeking State Board of Education accreditation must "file two applications with the Accreditation Section of the State Department of Education" by October 15 each year.

Middle School Regulations; p. 39
Organization and Administration

Req. a. A middle school must have three consecutive grades, at least two of which are in grades 6-8.

b. "A middle school applying for initial accreditation will be evaluated at the end of the first semester." A request for prior approval to the State Superintendent of Education must contain a statement of the school's objective, confirmation that appropriate regulations can be met, description of the curriculum, and an evaluation plan. "Retroactive accreditation will be granted if accrediting standards have been met.

c. A middle school applying for initial accreditation shall have an enrollment of 135 students with an ADA of 120 pupils and at least an average daily attendance of 80 students after the first year. A school must employ at least 6 teachers.

d. "The student's academic record shall be made available to the junior high and high school . . . .

e. The relationship of the middle school principal to the administrative head shall be cooperate and as direct as possible.

High School Regulations; p. 53
III. Annual Reports;

"High schools shall list . . . ninth grade subjects. . . offered in the affiliated junior high schools" when applying for accreditation.

Jr. High School Regulations; p. 44
IV. Organization

Req. a. A junior high school must include 2 or 3 consecutive grades between 7 and 9. Changes in the grade organization require "prior approval from the Accreditation Section of the State Department of Education."

b. The curriculum and special services of the junior high school should provide students "a genuine quality educational program under . . . a competent and adequate faculty."

c. Classes must meet at least 225 minutes a week.

d. "Junior high school districts applying for accreditation for the first time will be evaluated at the end of the first semester of operation." If approval is granted, accreditation is retroactive to the beginning of the year.

e. In order for a new junior high school in a high school district to be accredited, both the junior and senior high schools must maintain a minimum average daily attendance of 100.

f. To be accredited "a junior high school . . . in a non-high school district shall have enrollment of at least 135 students and an average daily attendance of 120" and employ at least 6 full-time teachers or the equivalent.

g. "A previously approved junior high school in a high school district may continue to operate" if its average daily attendance is at least 40.

h. "If the junior high school is . . . in the same building with the elementary grades or senior high school," it shall have a designated part of the building for its exclusive use. "Specialized rooms such as science, home-making, industrial arts, agriculture and music . . . may be used by both the junior . . . and . . . senior high school classes."

i. A school day must consist of at least six hours "devoted to school activities." SCHOOL DAY

High School Regulations; p. 54
IV. Organization

Req. a. "A new high school (grades 9-12) may be considered for accreditation with" at least 200 pupils.

Req. b. For a traditional class schedule, classes must meet for at least 55 minutes, 5 days a week, or 275 minutes a week. CLASS LENGTH

Req. c. A school day must be at least 6 hours, excluding lunch.

Req. d. "Classes offered for credit outside. . . the regular school day must meet a minimum of 70 hours for one-half (1/2) units or 140 for one (1) unit. Teachers shall meet certification requirements."

Req. e. Schools must obtain State Board permission to conduct make-up classes on Saturday.

High School Regulations; p.68
XI. Summer High Schools

Req. a. Schools seeking State Board of Education accreditation must apply to the Accreditation Section of the State Department of Education by "the end of the first week of the summer session."

Req's. b-e. The summer term must be at least 4 weeks for 1/2 unit and 8 weeks for a full unit of work. Summer school may be held no more than 5 days a week, and students may spend a maximum of 4 hours in school a day. A half-unit course must consist of at least 70 hours and a unit course at least 140 hours.

Req's. e-i. Teachers may teach a maximum of 2 units during a summer term and 2 subjects in any period. A teacher shall not have more than 2 daily preparations. Teachers must have a valid teaching certificate and meet State Board requirements for "the minimum number of college hours in each teaching field and subject."

Req. j. Students may take only one unit during the summer term.

Req. k. "The classroom phase of Driver Education shall be integrated daily with the behind-the-wheel phase of instruction."

General Regulations; p, 16
IV. Accountability

To be accredited by the state a school district must "be continuously involved in an accountability program for all schools and grades under its jurisdiction." The objective of accountability is to provide each pupil with an instructional program that meets individual needs. "The process . . . has both short and long-range goals

and can effect needed educational changes by containing the following:"

1. The instructional program shall be planned using "a systems analysis process, including needs assessment, goals, . . . and evaluation."

2. Professional staff and the school community should be involved in the "system-wide learner needs assessment."

3. Each school district shall conduct a "needs assessment" of its own students and annually review the assessment in light of student status and progress.

4. Each district should formulate appropriate goals and objectives to accomplish identified needs and develop programs based on these goals and objectives in light of any possible "constraints and alternatives."

5. Annual evaluations of the program shall be conducted.

6. "Each school district will be visited by an on-site validation team at least once every five years, who will review progress, propose improvements, and make recommendations."

General Regulations; p.14
II. Annual Reports:

Applications to the State Board for accreditation must be filed with the State Department of Education by October 15 each year. "Three-year senior high schools may list on their application for accrediting those ninth grade subjects . . . offered in . . . affiliated junior high school or schools."

Elementary School Regulations; p. 29
III. Annual Reports;

Elementary schools seeking State Board of Education accreditation must "file two applications with the Accreditation Section of the State Department of Education" by October 15 each year.

Jr. High School Regulations; p. 44

III. Annual Report

Schools that wish to be accredited by the State Board of Education must apply to the "Accreditation Section of the State Department of Education" by October 15 each year.

CROSS REFERENCE

II.A.3; Statute §70-14-108

2. Other Qualification Standards

Statutes

§25-82.1 -- 25-154

Schools shall be closed on the holidays listed and may be closed on optional holidays provided for in this section.

Oklahoma Day, Oklahoma Historical Day, Citizenship Recognition Day, Will Rogers Day, Bird Day, Flag Day, Flag Week shall be commemorated in the state.

§70-1-109

A school year for all public schools shall consist of at least 10 months of four weeks each, with school to be in session and instruction offered at least 180 days. A school district may maintain school for less time "only when conditions beyond the control of school authorities make impossible the maintenance of said term."

§70-1-109

A school month consists of 20 school days during which time school is actually taught or school activities performed.

§70-1-111

A school day for pupils shall consist of at least 6 hours devoted to school activities, except for nursery, kindergarten, first grade and senior high school, which shall be defined by State Board of Education.

SCHOOL DAY

REGULATIONS

Elementary School Regulations; p. 29
IV. Organization

Reg. a. According to state law, a school day must consist of 6 hours, "with the exception of the first grade," which has a 5 hour day. Kindergarten sessions shall be at least 2 1/2 hours per day.

SCHOOL DAY

b. A new elementary school shall have a minimum of 100 students before being considered for accreditation . . . non-public schools may be accredited that offer grades 1-6 or 1-8.

Elementary School Progress Criteria; p. 34-37

a. If a teacher must teach pupils in different grades, "the children should be assigned to the room according to their chronological age. "If there are two or more teachers for a grade, children should be divided into classrooms by age. Reading or other special groups should contain no more than 10 pupils, and there should be a maximum of three groups per classroom. "An equal distribution of pupils, rather than grades should be made in elementary school."

b. Teacher-pupil ratios in elementary schools should not exceed 1 to 25.

c. "It is strongly recommended that a teacher not be assigned to teach in excess of 5 hours per day."

d. Class organization may include but not be limited to self-contained classrooms.

e. Teachers should use daily and weekly schedules of time and work. "A suggested time allotment of a day would be as follows: 1/3 to group instructional activity; 1/3 to basic skills; 1/6 "to daily living - rest and health;" 1/12 to art and music, 1/12 to physical education.

f. "The conventional 15-minute recess period should be discontinued in favor of a regular activity period in a larger block of time."

g. "The program should . . . provide large blocks of time for various areas of work . . . Experience units may be used effectively by correlating related subjects. . . direct teaching will be necessary in the skill subjects," either with individual students or the entire group. The program should take into account individual needs and also provide common group experiences.

h. "Elementary schools may consolidate the related subjects as follows:" (1) language and spelling with reading and writing; (2) art "with all other subjects . . ., especially language arts, social studies, science and health; (3) environmental education . . . with social studies, health, science, agriculture and home economics; (4) social experiences include geography, history, civics, economics and environmental education;" (5) language with reading, writing, spelling; (6) numbers and arithmetic; (7) science and health; (8) "creative experience"

with art and music. "Schools may substitute 4-H Club work for agriculture and homemaking; (9) industrial arts . . . may be . . . consolidated with all other subject areas, especially . . . arithmetic, science, social studies, and health and safety."

i. The health and safety program should reflect student needs.

j. Home and school safety "should be stressed" and fire and storm drills should be held twice monthly.

k. "Pupils should have an opportunity to write about actual experiences."

l. Discussion should include current news events.

m. The school librarian should maintain a "file of free and inexpensive print materials . . . for use by teachers and students."

n. The school librarian should keep a file of "community resource people."

o. Learning field trips should be planned for students.

p. "All mandated subjects are to be correlated with other areas of instruction. The State Board of Education has approved . . .[a] list of subjects for the elementary schools" by grade. The list is included in the regulation.

g. "Each local school shall provide a textbook for each child for the . . . basic subjects . . . offered in the curriculum."

r. Schools should provide "adequate playground equipment" commensurate with the number of pupils and available space.

s. The school library should have at least 2,000 books or 10 per pupil, whichever is greater.

t. "A basic collection of non-print media should be provided."

u. There should be sufficient audiovisual equipment "to support the non-print collection."

v. An encyclopedia "recommended by the . . . American Library Association" is acceptable.

General Regulations; p. 16

V. Teachers' Aides

Teachers' aides must work "under the direct supervision of a certified teacher." Aides may not instruct pupils nor shall the use of aides "reduce the number of certified teachers in the schools." Such duties as "secretarial assistance, grading objective tests, lunch duty aid, playground, instructional laboratories, help with bus duty and corridor monitoring" are acceptable assignments for teachers' aides.

High School Regulations; p. 66

VIII. Teacher Load

Req. a. "In determining the teaching load in a secondary school, consideration is given to . . . the number of periods of class teaching, the number of different preparations, study hall duty, class size, total number of pupils taught daily, . . . guidance and supervisory activities and . . . sponsorship of pupil activities. . . . Special assignments to committee work" for improvement of the school program should also be considered. "The desirable maximum equivalency of duties is 5 periods daily. A teaching load in excess of 5 periods daily . . . is considered bad practice. The total teaching load. . . should be distributed equitably among the teaching staff."

Req. b. Teachers may not teach more than 6 hours a day.

Req. c. Except in classes such as art, physical education and music, "the average teacher pupil ratio for a department shall not exceed 160 pupils per day." PUPIL/TEACHER RATIO

Elementary School Regulations; p. 30

VIII. Teacher load

Req. a. An elementary school teacher may teach no more than six hours a day.

b. The number of students in a class should "be commensurate with room accommodations, equipment, books, courses of study, supplies, health, and safety provisions.

c. An equal distribution of pupils, rather than

grades, should be made in elementary schools."

d. The elementary school teacher pupil ratio should not exceed 1 to 35.

PUPIL/TEACHER RATIO

Elementary School Regulations; p. 30
VIII. Teacher Load

Except in class such as art, physical education and music, "the average teacher-pupil ratio for a department shall not exceed 160 pupils per day."

PUPIL/TEACHER RATIO

High School Progress Criteria; p. 75
I. The Small High School

a.-d. "The curriculum should be planned before any teachers are employed." In determining the curriculum, "the following factors should be considered . . . ." 1) a district's finances; 2) student needs; 3) community demands; 4) number of pupils; 5) number of teachers; 6) school facilities, equipment, books and supplies; and 7) "the efficiency of the elementary department." Teachers should not be "assigned in more than two fields . . . [and] these. . . should be as closely related as possible." Vocational and prevocational courses should be provided if possible.

e. High school programs should not "be offered at the expense of the elementary grades. Since the majority of the pupils are enrolled in the elementary grades, the district owes its first obligation to provide adequately for them."

f-g. "Schools may alternate subjects and combine the 9th and 10th grades when the enrollment in these subjects is less than 30." The same may be done in the 11th and 12th grades. "It is strongly recommended that the subjects to be alternated should be in the same subject area and grade level."

High School Progressive Criteria; II. Senior High School Grades 9-12 or 10-12; p. 76

a. "Students should be . . . encouraged to do individual reading on their interest and achievement

level." Grammar and composition should be offered in each high school grade.

b. "Students should be encouraged to do outside research and collateral reading in social science courses."

c. In schools with more than 100 pupils, "courses should not be given for the benefit of fewer than 10 students. . . .

"d. The program of studies should have some permanency."

e. Students attending an accredited high school who take correspondence courses should have them scheduled during study period.

f. "It is strongly recommended that teachers not be assigned to teach in excess of 5 hours per day."

g. Teachers responsible for newspaper and yearbooks should "have at least one college course relating to the subject taught."

Jr. High School Regulations: p.46

VIII. Teacher Load

Except in classes such as art, physical education and music, "the average teacher-pupil ratio for a department shall not exceed 160 pupils per day."

PUPIL/TEACHER RATIO

Junior High Progress Criteria; pp. 48-51

a. "A self-evaluation should be conducted periodically in terms of the curriculum, pupil activities, school facilities, guidance and a . . . study of graduates . . .

"b. A limited competitive athletic program . . . is encouraged."

c. Half of a junior high school's teachers "should teach at least 75 percent of the school day" in the school.

d. "The program of studies should be organized into a unified curriculum . . . .

"e. Promotions should be by areas of work. . . rather than from one grade to another."

f. The electives a school offers "should depend upon the enrollment, number of teachers available, ade-

quate space and instructional facilities."

g. Students should be taught to use books and the library, either as a separate course or part of other courses.

h. "The suggested program of studies for the junior high school" includes the following areas: language arts; mathematics, social studies, to include civics, geography, Oklahoma and American history; health and physical education, including "a remedial section for the physically handicapped student; science ("three years are recommended); industrial arts; vocational education, an activity program, to include "clubs, homeroom activities and assemblies," and electives.

j.-k. There should be a comprehensive guidance program with a yearly program based on student needs developed by a guidance committee. It is recommended that there be a full-time guidance counselor but part-time counselors may be used. "The counselor should be exempt from "disciplinary duties.

A recommended subject area distribution for printed materials in the junior high is set forth.

Middle School Progress Criteria; p. 42

a. A middle school should provide for "separate housing and administration . . . .

b. An articulated program should be developed with associated elementary, junior high and senior high schools."

c. Classrooms should be flexible.

d. Individual instruction should reflect "the varying needs, interests and abilities of the pre and early adolescents.

e. Middle school teachers should have completed . . . professional study" that prepares them to deal with adolescents.

f. "The school site and plant should be readily accessible to students and patrons."

g. Staff members should be provided "adequate space for work and relaxation . . . .

h. The buildings should be designed and equipped for . . . modern educational media."

i. Students should be provided "adequate and well planned health services."

j. Students should be provided guidance services.

k. "The staff members should participate in the selection of content methods, teaching materials and learning activities . . . .

l. "Competitive athletics . . . should be discouraged in favor of a well-balanced physical education program . . . .

m. The Industrial Arts program . . . should be exploratory . . . and should include activities . . . related to . . . construction, manufacturing, communications and media, and power and transportation."

CROSS REFERENCES

II.A.1; Statute §70-11-101 -- 103

II.A.2; Statute §70-1210.271 — 70-1210.566

II.A.4; Regulation, Elementary School Regulations: XII. Kindergarten; p. 32

II.B.3; Regulation, High School Regulations: IX. Library-Media; p. 66

II.B.3; Regulation, Junior High Regulations: X. Library-Media; p. 40

II.B.3; Regulation, Elementary School Regulations: X. Library-Media; p. 31

III.C.Schools; Regulation, General Progress Criteria; p. 21

IV.B; Regulation, General Regulations: V. Guidance; p. 25

B. Qualification Standards for Personnel

County Superintendent of Schools

Statutes

§72-4-101 -- 103

A county superintendent of schools shall be elected in each county for a term of two years. He/she shall be a qualified elector of the county and have either a standard master's degree or an administrator's certificate. The State Board of Education is authorized to provide for a supplemental salary to be paid to each county superintendent.

Librarian

CROSS REFERENCE

II.B.3; Regulation, Elementary School Regulations: X. Library-Media; p. 31

Local Board Members

CROSS REFERENCE

I.Local Board of Education; Statute §70-5-106 -- 108; 112-113

Principals

Regulations

Elementary School Regulations: p. 28
I. Administration

Reg. a. "The board of education of a dependent district shall transact all official business through the school principal and the county superintendent.

"b. Nonteaching . . . and assistant principals . . . shall have an elementary principal's administrative certificate.

c. A beginning teacher principal of an elementary school shall have an elementary teaching certificate."

d. The certificates and college transcripts of elementary teachers shall be filed in the principal's or county superintendent's office as appropriate.

e. Certificates for bus drivers in dependent school districts shall be filed with the county superintendent.

High School Regulations; p. 53
I. Administration

The high school principal should have clearly defined duties and responsibilities. "A nonteaching principal . . . shall have a secondary principal's certificate. Teaching principals shall have a secondary teaching certificate" and perform "supervisory and administrative duties" as well.

Junior High School Regulations; p. 43
I. Administration

The junior high school principal should have well-defined duties and responsibilities. "The principal shall have a secondary principal's certificate. A teaching principal . . . shall have a secondary teaching certificate "and shall perform "administrative and supervisory duties."

School Personnel

Statutes

§70-6-107 -- 6-112

"It shall be unlawful for any member of a board of education or any county superintendent to employ or approve employment of any person unless such person holds a valid certificate of qualification issued in accordance with the rules and regulations of the State Board of Education." And, it shall be unlawful for any person to serve or agree to serve as an employee of a school district unless such person holds a valid certificate.

It shall be a misdemeanor for any person to offer to give or receive, any gratuity or reward as payment for services rendered in securing positions for teachers in any public school of Oklahoma.

STUDENT TEACHERS

REGULATIONS

General Regulations; p. 17

VI. Student Teacher Program

When a school participates in a student teaching program, the school's principal should work with the teacher education institution to select the cooperating teacher. Acceptance by teachers of student teachers is voluntary. The criteria to be used in selecting the cooperating teacher are :
1) one year's teaching experience; 2) familiarity with "the basic principles of supervision; 3) certification in the area taught and "academic competence; 4) ability to "work as an effective team member." A teacher should not be assigned more than two student teachers during a school year, and the student teacher should not assume full teaching responsibilities "until near the end of the training period."

SUPERINTENDENT OF PUBLIC INSTRUCTION

CONSTITUTION

OKLAHOMA CONSTITUTION, ART. VI, §3

"No person shall be eligible to the office of . . . Superintendent of Public Instruction. . . except a citizen of the United States of the age of not less than thirty-one (31) years and who shall have been ten (10) years next preceding his or her election, a qualified elector of this State."

CROSS REFERENCE

I.State Board of Education; Statute §70-1-105

STATUTES

§70-6-101

The board of education of each school district shall employ and contract in writing with qualified teachers. No one shall teach without a written contract, except as provided for substitute teachers and teachers of adult education.

Any board of education employing a teacher who does not hold a valid certificate shall be guilty of "fraudulent expenditure of public funds." Such members will be held jointly responsible for the amount expended.

The county superintendent of schools and the district superintendent of schools shall certify to the treasurer of each district the names of teachers holding valid certificates and the names of substitute teachers. The treasurer shall not register any warrant(s) issued for salaries of teachers not on such list or shall be liable on his or her official bond.

§70-6-128

No one shall be granted a standard certificate or license to teach in the public schools of this state unless she or he has completed a course in the education of the exceptional child.

REGULATIONS

Elementary School Regulations; p. 29
V. Faculty

Reg. a. Nursery school teachers "shall hold a valid Oklahoma Early Childhood Education Certificate" and kindergarten teachers shall hold an "Elementary or Early Childhood Education Certificate."

b. Teachers of grades 1-6 "shall hold a valid Oklahoma

Elementary Teaching Certificate."

c. Elementary certificates are valid for grades 7 and 8 in the elementary schools. Secondary and elementary-secondary certificated teachers in grades 7 and 8 "must have at least "18 hours in each subject taught."

d. New teachers of remedial reading must have a Reading Specialist Certificate. Other Remedial Reading Teachers must have appropriate certification and six hours in each of the designated areas in reading.

High School Regulations; p. 54

V. Faculty

Reg. a. "Teachers must have an appropriate certificate in their area of major assignment."

Reg. b. New Teachers of Remedial Reading must have a valid Reading Specialist Certificate. Other remedial reading teachers should have at least 6 hours in reading.

Reg. c. Below are requirements for particular subject areas.

Business Education. All teachers must have at least 18 hours in business education and fulfill the additional requirement for each subject taught.

Accounting -- at least 6 hours in bookkeeping or accounting.

Business English -- a course in business communications as part of the 18 hours in business education; or 18 hours in English.

Business Mathematics - a course in business mathematics.

General Business - study in at least two of the following: economics, accounting, and business law, as part of the 18 hours in business education; or 18 hours of social studies, with 6 in economics.

Typing - 6 hours of typing.

Other Business Education subjects - at least one college course relating to the subject taught.

Competitive Athletics: New athletic coaches must

have 2 hours "in the care and prevention of athletic injuries." The head coach must have an additional 4 hours in the specified areas relating to coaching and physical education. All coaches must be school district employees and hold teaching certificates.

Driver and Safety Education: A teacher must have at least 9 hours in driver education, a teaching certificate, a driver's license, and a current "instructor's permit for behind-the-wheel instruction."

Fine Arts: Teachers must fulfill the following requirements in each field:

Art-18 hours in art;

Art appreciation - 18 hours in art, with 6 in art appreciation;

Music Appreciation - 18 hours in music, with 6 in music appreciation;

Instrumental - 18 hours in music, with 6 in instrumental music and 4 in music theory;

Theory - 18 hours in music, with 6 in music theory;

Vocal - 18 hours in music, with 6 in vocal music and 4 in music theory.

Humanities: Teachers should have at least "18 hours of courses appropriately distributed among subjects included in the course." As the course may include "art, music, literature, philosophy and social studies, members of a team responsible for the course shall be qualified in the areas they are teaching."

Foreign and Native American Language. Teachers must have at least 18 hours in the language taught, up to 6 of which may be met by the equivalent in high school courses.

Health Education: Teachers must hold a valid secondary certificate and have at least 5 hours in "Personal and Community health and health education materials and methods" plus a 30 hour elective in a health-related area.

Home Economics (General): Teachers must have at least 18 hours in home economics.

hygiene, philosophy, sociology and psychology," with at least 6 hours in psychology.

Science: Teachers must fulfill the following requirements for each subject:

Aeronautics - 18 hours in science and/or mathematics, including at least 8 hours "in physics with a college course in aeronautics."

Astronomy - 18 hours in science with at least 6 in astronomy and meteorology.

Biology - 18 hours of science, including 10 hours "of biological science with at least 2 of the following: botany, zoology, or physiology."

Botany - 18 hours of science, including 10 hours "in biological science and a course in botany."

Chemistry - 18 hours of science with 10 in chemistry.

Earth Science - 18 hours in science "with work is at least 1 of the following: astronomy, geology, meteorology or the physical phase of geography."

Electronics - 18 hours in science, including 8 hours of physics and an electronics course, or 6 hours of electronics.

Environmental Science - 18 hours of science, including 10 "in biological science and a course in chemistry, ecology or environmental science."

General Science - 18 hours of science with a college course in biology, chemistry and physics (physical science may be substituted for physics or chemistry).

Geology - 18 hours in science with 10 in geology.

Physics - 18 hours of science with 10 in physics.

Physical Science - 18 hours of science with a course in physics and one in chemistry (physical science may be substituted for either).

Physiology - 18 hours in science with 10 in biological science and a physiology course.

Zoology - 18 hours of science, with 10 hours in biological science and a zoology course.

Social Studies: Teachers must satisfy the following requirements:

Civics - 18 hours of social studies, including 6 in American history and government and work in economics or sociology.

Democracy - 18 hours in social studies, with work in at least 2 of the following: American history and government, economics or sociology.

Economics - 18 hours in social studies with 6 in economics; or 18 hours in business education, with 6 in economics.

Geography - 18 hours of social studies, with 6 in geography.

History and Government - 18 hours of social studies with 6 related to the subject taught. "Oklahoma history, Black history, and conservation of natural resources . . require 4 hours of American history and government, p[illegible] a college course in the subject to be taught."

Sociology - 18 hours of social studies, with 6 in sociology.

Vocational Education: "Teachers of vocational and technical education courses shall have a certificate in the field or subject taught."

Jr. High School Regulations; p. 45
V. Faculty

Req. a. "Elementary, secondary, and elementary-secondary certificates are valid in grades 7 and 8 in an approved junior high school." Teachers with elementary certificates and those with secondary and elementary-secondary certificates shall have at least 12 and 18 hours respectively in the subjects taught.

Req. b. Beginning athletic coaches "shall meet the high school requirements."

Req. c. New remedial reading teachers shall hold "a valid Reading Specialist Certificate." Other teachers of remedial reading should have an appropriate certificate and at least 6 hours in a reading field.

Req. a. "Elementary, secondary and elementary-secondary certificates are valid in an approved middle school." Teachers with elementary certificates shall have at least 12 hours and those with secondary and elementary-secondary certificates at least 18 hours, in each subject taught.

b. New teachers of remedial reading must have a reading specialist certificate. Other remedial reading teachers must have an appropriate certificate and at least 6 hours in reading.

CROSS REFERENCES

I.County Superintendent of Schools; Statute §70-4-104

II.A.2; Statute §70-13-105; 70-13-109; 70-13-111

TEACHERS' AIDES

STATUTES

§70-6-127

Qualifications and duties of teacher aides in public schools shall be prescribed by the State Board of Education.

C. PERFORMANCE STANDARDS

EDUCATION SYSTEM

STATUTES

§70-18-101

The Legislature intends for this act to provide the "best possible educational opportunities" for every child in Oklahoma; for the "general improvement" of the public schools; and to have a "more beneficial

use of public funds expended for education."

Education is the "performance of a duty," an "act of love," and the "highest expression of enlightened self-interest" by the people of Oklahoma. It is our "finest investment."

The school system should "strengthen and encourage local responsibility" for control of public education, with "maximum public autonomy and responsibility" remaining in local school districts.

It is the State's responsibility to "establish, maintain, and continually improve the public schools" through financial support. The school system should encourage local districts to provide and support improved educational programs. It should reflect a "partnership between the state and each local district," which should combine to provide a financial plan to assure "full educational opportunities" for every child.

Elementary Schools

Regulations

Elementary School Regulations; p. 28
Philosophy and Purpose

"The philosophy of the elementary school should reflect the educational needs of its students." The school should foster the development of a "positive self-image" in each child and help pupils to "understand and respect the differences of others. "There should be a concern for democratic, moral and intellectual values and special attention to the needs of society . . .[and] the individual and the nature of the learning process."

CROSS REFERENCE

III.A.1; Regulation, Elementary School Regulations:
II. Size and Isolation; pp. 28-29

HIGH SCHOOLS

CROSS REFERENCES

III.A.1; Regulation, High School Regulations: II. Size, Unit Offering and Isolation; p. 53

III.A.1; Regulation, High School Regulations: IV. Organization; p. 54

III.A.2; Regulation, High School Progress Criteria: Senior High School Grades 9-12 or 10-12; p. 76

INDUSTRIAL PROGRAM

CROSS REFERENCE

III.A.1; Regulation, General Regulations: IV. Accountability; p. 16

JUNIOR HIGH SCHOOLS

REGULATIONS

Philosophy and Purposes

"The philosophy of a junior high school must have a close relationship to instructional objectives . . . .

"Students enter the junior high school with . . . varying preparation experience and potential . . . The center of the school curriculum is the child . . . .

"Extracurricular activites should be an integral part of the experience provided in the junior high school which contribute to . . . overall growth."

CROSS REFERENCE

III.A.1; Regulation, Junior High School Regulations: IV. Organization; pp. 44-45

LOCAL BOARD OF EDUCATION

STATUTES

§70-5-123 -- 5-131

No contract shall be made with any board of

education member or with any company, individual, or business concern in which any board member is "directly or indirectly interested", i.e., any concern in which the member or a member of his or her immediate family "owns any substantial interest."

CONTRACTS

Every member of the board of education who votes to pay money or transfer property of the school district in settlement of a claim known to be fraudulent or void, shall be liable to all innocent persons injured. He/she shall also be liable to the affected school district for double the amount of money paid, and double the value of property so transferred, if sued by the board of education of that district or by an elector. Any person receiving illegal payment knowing or having reasonable cause to believe such payment to be illegal is guilty of a misdemeanor."

LIABILITY

Boards of education of all school districts are required to make annual statistical and financial reports to the State Board of Education as of June 30.

Each local board of education shall exercise control over all funds received from student or other extracurricular activities. Disbursements from activity accounts shall be by check, countersigned by the student activity fund custodian, and shall not be used for any purpose other than that for which the account was originally created.

The student activity fund custodian shall be appointed by the board of education. The State Board of Education shall adopt appropriate rules and regulations for the proper conduct of the various student activity accounts.

Any local board of education may open any school building "for religious, political, literary, cultural, scientific, mechanical or agricultural purposes and other purposes of general public interest" and may make a reasonable charge therefore.

Each board of education is authorized to provide educational courses and facilities covering grades 1 - 12, for all persons aged six to twenty-one. Courses may also include nursery and kindergarten classes, junior college, vocational and technical instruction, adult, part-time, and other special classes. Curricula and qualifications of teachers shall be determined by the State Board of Education. Tuition fees shall be charged for such courses unless the school district has available funds not needed to maintain the common school program.

TUITION

MIDDLE SCHOOLS

REGULATIONS

Middle School Regulations; p. 38

I. Philosophy and Purposes

The middle school's philosophy should reflect the students' educational needs. The school "should provide an intellectually responsible, needs-centered, guidance-oriented, exploration-conscious program of learning . . . schools must show . . . consistency between the philosophy, the application of learning theory and . . . strategies of instruction . . . . It should be designed for the pre and early adolescent. General education with exploratory opportunity, evolving from a program which is largely required to one with a large number of electives, is basic."

CROSS REFERENCE

III.A.1; Regulation, Middle School Regulations: II. Organization and Administration; pp. 38-39

PROFESSIONAL PRACTICES COMMISSION

CROSS REFERENCE

III.C.Teacher; Statute §70-6-116 -- 70-6-119

CROSS REFERENCES

II.A.1; Regulation; Middle School Regulation: III. The Instructional Program; p. 39

II.A.1; Regulation, High School Regulation: VII. Subject and Graduation Requirements; p. 63

II.A.1; Regulation, Jr. High School Regulations: VII. Subject and Graduation Requirements; p. 43

SCHOOLS

REGULATIONS

Introduction; p. 8

I. Guiding Principles

Public education should "promote the general welfare by individual development of personal and social competence." The educational program "should be flexible . . . and . . . adaptable to individual . . . needs and interests . . .[and] must also meet the special needs of groups, schools, and communities. Program policy and development should be based on understanding and cooperation between "administrators, teachers, supervisors, parents, pupils and the public . . . .

"Supervision should interpret and implement the total program and seek to improve teaching and learning." The program "may be evaluated according to the direction and degrees of changes in pupil growth."

A school's educational program should promote development of "abilities . . .[and] interests. . . essential for functioning in a democracy." A school's program should be evaluated continuously "in terms of the curriculum, pupil activities, school facilities, guidance and a follow-up study on graduates."

In approving a school for accreditation, factors such as "efficiency of instruction, ... thought and study, the general intellectual and moral tone of the school, and the cooperative attitude of the community" are very important.

Good teachers are essential to a program's success. "A good teacher shows evidence of continuous professional growth." A good educational program should show "long teacher tenure."

The individual needs of students should be provided for through the use of "various types of instructional aids and learning materials." The use of television is encouraged. Extracurricular activities and clubs should be organized for pupils as appropriate.

General Progress Critera; p. 21

"Progress Criteria are those standards of excellence which schools . . . should seek to attain."

I. Administration (Recommended Policies of the State Board of Education)

a. A school's staff should formulate "a written statement of its philosophy" and the objectives set forth "should be implemented in the school curriculum and program of studies."

b. A school "should be familiar with the characteristics and needs of" its local community and should also be aware "of larger communities such as state, nation and world" in developing its philosophy.

c. "The policies of the board of education should. . . encourage a maximum of educational growth and development."

d. Board policies should be oriented toward the employment and retention of "well qualified . . . staff members and a well trained school administrator." The board of education should hire, promote or dismiss staff members on the recommendation of the school superintendent only.

e. The school administrator "should have ample time during the school day for supervision . . .[which] should include the improvement of every phase of the educational program."

f. Administration should aim for a "well organized and . . . managed school." Stability of teaching staff, community support "and the effectiveness of organization" will be considered in determining approval for accreditation.

General Regulations; p. 21

II. The Staff

a. "The instructional staff should be a group of competent persons organized into a cooperative body having common purposes." Staff size should be adequate for the school's program and enrollment and for pupil needs.

b. "The services of such various personnel as counselor, nurse, doctor, speech correctionist, psychiatrist, teachers for the physically handicapped, hearing therapist and visiting teachers, should be made available as needed. Schools may cooperate to provide such services.

c. Schools should employ clerical workers as needed.

d. "The number of custodial staff members should be adequate to keep the school plant and grounds in sanitary and efficient operation." Custodial staff should be responsible to the superintendent or principal.

e. "Cooks and other employees in school cafeterias should be directly responsible to the administration."

f. A "certified person should be responsible for the audiovisual program in each school."

CROSS REFERENCE

III.A.1; Regulation, Introduction: Policies of the State Board of Education; pp. 10-11

SCHOOL EMPLOYEES

STATUTES

§70-24-103 -- 24-104

It shall be a misdemeanor for any officer or employee of a board of education to solicit, retain

or receive any money, property, or thing of value as a bribe for the purchase or sale of school bonds, furniture or supplies.

CONFLICT OF INTEREST

SCHOOL SYSTEM

CONSTITUTION

OKLAHOMA CONSTITUTION, ART. I, §5

"Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and free from sectarian control; and said schools shall always be conducted in English: Provided, that nothing herein shall preclude the teaching of other languages in said public schools: [And Provided, further, that this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children."]

OKLAHOMA CONSTITUTION, ART. XIII, §1

"The Legislature shall establish and maintain a system of free public schools wherein all children of the State may be educated."

CROSS REFERENCE

III.A.2; Regulation, High School Progress Criteria: I. The Small High School; p. 75

STUDENTS

REGULATIONS

Adult Education Regulations; p. 80
II. High School Equivalency Certificate

CERTIFICATES

"The Adult Education Section of the State Department of Education is authorized by the State Board of Education"

to issue certificates of high school equivalency. To be eligible, an applicant must be

a. At least 18 years of age (unless 17 and in the armed forces or Job Corps;

b. A state resident;

c. "Made the minimum score required for passing the General Educational Development Test, which is an average of 45."

The applicant may not take the test "prior to the time his[her] class will have graduated," except in the case of the 17-year-olds specified above.

"The Certificate of High School Equivalency is a credential certifying that the holder has shown evidence of general educational development equivalent to a liberal high school education . . . .[It] cannot be exchanged for a high school diploma."

Application to take the test "must be made to the Section of Adult Education of the State Department of Education through the local Adult Learning Center."

IV. Adult High School Diploma; p. 83

Req. 1. A high school diploma may be issued for 30 hours of college credit if an individual:

a. Obtains an application from the Assistant Superintendent of Instruction, State Department of Education;

b. Gives "proof of date of birth;"

c. Is a legal resident of the state.

d. Submits "proof of attendance in an accredited elementary or secondary school in Oklahoma; and"

e. Submits a college transcript showing 30 hours' credit.

Elementary School Regulations; p.31

IX. Promotion

Req. a. "Students must satisfy the local school requirements for promotion from one grade level to another."

b. In promoting pupils "such factors as social, emotional and physical . . . as well as mental growth should be taken into consideration." Pupils should complete the basic elementary subjects before promotion to secondary school.

General Progress Criteria; p. 28
IX. Reading Certificates

"The State Department of Education offers awards of honor to elementary pupils who have read . . . 25 or more books."

CROSS REFERENCES

II.A.3; Regulation, High School Regulations: XIII. Vocational and Technical Education; p. 69

II.A.8; Regulation, Adult High School Completion Program; p. 81

IV.E; Regulation, Junior High School Progress Criteria; p. 52

SUMMER SCHOOL PROGRAMS

CROSS REFERENCE

III.A.1; Regulation, High School Regulations: XI. Summer High Schools; pp. 68-69

TEACHERS

STATUTES

§70-6-103

DISMISSAL HEARING

Upon a due process hearing, any teacher may be dismissed at any time for "immorality, willful neglect of duty, cruelty, incompetency, teaching disloyalty to the American Constitutional system of government, or any reason involving moral turpitude."

NOTICE

Before dismissal, written notice shall be given the teacher by the local board of education (or county superintendent in dependent school districts), containing a statement of charges and by whom brought. There shall be a hearing before the local board (and county superintendent in dependent districts) within 10 days of receiving the notice, at which the teacher may be represented by counsel. A majority vote of those constituting the board is needed to sustain the charges, and in dependent districts the county superintendent must concur.

RIGHT TO COUNSEL

The teacher shall have the right to cross-examine all witnesses, to confront his or her accusers, and offer any evidence. The burden of proof shall be upon the administration of the school system to prove the "statutory cause."

A decision to dismiss a teacher who has completed three annual contracts may be appealed to the Professional Practices Commission within 20 days, otherwise the decision of the local board is final. On appeal, the commission shall allow all parties a full hearing and shall report its ruling to the State Board of Education. The burden of proof at this hearing shall be upon the administration.

The commission's decision may be appealed (by either party) to the State Board of Education within 30 days, otherwise its decision is final. A hearing before the State Board shall take place no later than 25 days after the commission's decision, with notice to all interested parties. The hearing may be held in "executive session" only if agreed on by all parties concerned. The burden of proof shall be upon the administration. The State Board shall either confirm or reverse the commission based on the "preponderance of the evidence." Its decision shall constitute a final administrative determination of the matter.

REINSTATEMENT

A final decision that a teacher was wrongfully dismissed shall automatically reinstate the teacher for the contract year. Teachers are entitled to be paid for any time lost when school is closed on account of epidemics.

The Professional Practices Commission shall consist of 12 members appointed by the State Board of Education. No member of the commission may succeed herself or himself more than once. The commission shall select its own chairperson, establish procedures for enforcement of standards, and adopt rules and regulations under which it will operate. The commission shall utilize only the Attorney General's office for all legal services.

"The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty."

The commission has the initial responsibility for developing criteria for professional practices such as contractual obligations of teachers, admission to and continuance in professional service, and ethical performance.

§70-6-120

NOTICE
HEARING
SUSPENSION
REVOCATION

Every person charged with a violation of professional standards shall have the right to written notice and a hearing before the Professional Practices Commission. The Commission may decide by majority vote upon "sufficient proof presented," to suspend or revoke a certificate, in which case the teacher and the State Board of Education shall be immediately notified.

No such decision by the Commission shall be final without a full review by the State Board of Education. The teacher shall have the right to be present at the review. If the State Board makes no decision within 10 days after the review, the decision of the Commission shall become final.

The Commission shall have authority to make other recommendations to the State Board and local boards which would promote improvement of the teaching profession.

The State Board of Education shall have independent authority to take action on cases not coming through the Commission.

§70-6-122

RENEWAL

The contract of any teacher who has served three years shall be automatically renewed unless the local board of education provides written notice of reasons for non-renewal. The reasons must include at least one element of statutory cause.

§70-6-123 -- 6-126

There shall be a Professional Standards Board for the State of Oklahoma composed of 27 members to be appointed by the State Board of Education. The State Superintendent of Public Instruction shall be a permanent member of the Board. No member who serves a full term is eligible to immediately succeed herself or himself. The Board shall select its own chairperson and vice-chairperson. The Director of Teacher Education shall serve as the executive secretary of the Board.

The Board shall provide leadership for the improvement of teacher education and standards for certification of educational personnel, and shall serve in an advisory capacity to the State Board of Education in all matters of professional standards and certification.

The members of the Board shall serve without compensation.

D. Evaluation and Reporting

Drug Abuse Program

CROSS REFERENCE

II.A.1.; Statute §70-1210

CROSS REFERENCE

II.A.1; Statute §70-1210.251 - 1210.258

EDUCATIONAL PROGRAMS

REGULATIONS

General Program Criteria; p. 25
VI. Evaluation of Outcomes

The major concern in evaluating the educational program should be "obtaining desirable outcomes and how to . . . determine" if these outcomes have been achieved. Outcomes "should be measured in terms of knowledge . . ., desirable attitudes, [and] social behavior. . .

"The State Department of Education encourages schools to evaluate the outcomes of their progress by a testing program, follow-up and drop-out studies, community attitude surveys" or other methods.

EDUCATIONAL SYSTEMS

STATUTES

§70-18-116

All board of education members, employees, or school district officials required to make reports to the State Board of Education shall use the "highest degree of diligence, accuracy, and good faith" in making such reports reflect the truth.

The State Board of Education shall revoke the certificate of any teacher, principal, or superintendent who "knowingly or willingly" violates this article. For failure to enforce this article, officials shall be liable on their official bonds for monetary damages, if any, and be subject to removal from office for neglect of duty.

REVOCATION

REMOVAL

Any person or firm who "knowingly or willfully" violates this article shall be guilty of a misdemeanor. Any public official or public employee violating this article shall, in addition to incurring penalties for a misdemeanor, forfeit his or her position.

For "knowingly or willfully" disbursing monies contrary to the provisions of this article, any officer or employee of the State Board of Education shall be subject to the penalties for misdemeanor and in addition shall forfeit his or her position.

CROSS REFERENCE

I.County Superintendent of Schools; Statute §70-4-104

INDUSTRIAL PROGRAM

CROSS REFERENCE

III.A.1; Regulation, General Regulations: IV. Accountability; p. 16

SPECIAL EDUCATION PLAN

CROSS REFERENCE

II.A.2; Regulation, General Regulations: VIII. Special Education; p. 18

STUDENT NEEDS

CROSS REFERENCE

III.A.1; Regulation, General Regulations: IV. Accountability; p. 16

E. IMPROVEMENT EFFORTS

BOARD OF EDUCATION MEMBERS

STATUTES

§70-5-110

New members of local boards of education will attend a two-day workshop for instruction on subjects

of school finance, the Oklahoma School Code, and the ethics, duties and responsibilities of district board of education members.

EDUCATIONAL SYSTEM

CROSS REFERENCE

III.C.Educational System; Statute §70-18-101

TEACHERS

CROSS REFERENCES

II.A.1; Statute §70-1210

II.A.1; Statute §70-1210.258

OREGON

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Statutes

§327.103

All schools are presumed standard until the Superintendent of Public instruction has found them deficient. Deficiencies must be corrected before the beginning of the next school year, or the school district will be "ineligible to receive any apportionment . . . until such deficiencies are corrected."

A school district has 90 days from the finding of deficiency to submit a plan for standardization. If the plan is acceptable, the superintendent may allow an extension if the corrections cannot be made before the next school year begins. No extension will be granted if the deficiency can be corrected through a merger.

§336.010

"The common school month consists of 20 days."

SCHOOL TERM

Attendance on Saturday or legal holidays cannot be mandatory.

Teachers are not required to teach on Saturdays or legal holidays, except as provided in their employment contract. When holidays fall on school days, teachers receive full pay.

"No subject required for graduation shall be taught on Saturday only."

Regulations

§581-15-115- 120

The Superintendent initiates standardization visits to institution educational programs on a regularly scheduled basis and at other times as necessary.

An official standardization classification is assigned to the institution educational program after an on-site appraisal supervised by the superintendent.

An institution with a non-standard education

program shall submit within 90 days of the finding of the deficiency, a plan of correction to the superintendent. The plan of correction shall provide specific steps to correct each substantial condition, a completion date for correcting each substandard condition and recommendations regarding approval.

Any conditionally standard classification indicates a temporary status.

§581-22-202

MINIMUM STANDARDS

All public schools must comply with the Board's minimum standards and Board administrative rules. The Superintendent initiates standardization visits to public elementary and secondary schools on a regularly scheduled basis.

§581-22-204

"An official standardization classification is assigned to each school in a district after Department personnel supervise an on-site approval." Classifications shall be: standard school, nonstandard school, and conditionally standard school. If a district has one or more nonstandard schools it shall be found deficient and must submit a plan of correction to the Superintendent. After the plan has been implemented, the Superintendent may grant the school a standard classification.

§581-22-206

The Department shall encourage school districts to develop instructional programs exceeding minimum standards as well as carefully planned experimental programs. Local districts may petition the Superintendent for waiver when they feel it is not feasible to comply with a specific standard.

§581-22-252

SCHOOL TERM

Each school year shall consist of a minimum 175 days of actual classroom instruction. Up to 5 days of temporary closure due to extraordinary conditions may be counted towards the 175 days, subject to the superintendent's approval.

§581-22-266

Each local district shall establish class sizes at all grade levels and in all instructional areas.

§581-24-015

An official standardization classification shall be assigned to each district six months after an on-site appraisal supervised by personnel of the Department.

A district classified substandard shall submit a plan of correction to the Superintendent. A plan submitted may be accepted as presented, rejected or modified by the superintendent acting for the Board. Failure of the district to meet the terms of the correction plan will cause the district to revert to substandard classification until the district adheres to the plan or an amended plan has been presented to and approved by the superintendent.

The Board may merge substandard districts with contiguous standard districts through annexation if, in the opinion of the Superintendent and the Board, merger will better meet the needs of local school districts and district children and the substandard district has made no satisfactory progress toward standard classification.

§581-24-025-030

Each district shall adopt and implement a system of program planning and assessment.

Classification as a standard district requires satisfactory performance of all duties statutorily prescribed for districts.

CROSS REFERENCES

II.A.2.; Regulation §581-15-040; 581-15-115; 581-15-215; 581-24-020

III.C. Intermediate Education District; Statute §334.217

III.C.School Districts; Regulation §581-24-010

DISTRICT SUPERINTENDENTS

CROSS REFERENCE

III.C. School Districts; Regulation §581-24-050

SCHOOL ADMINISTRATIVE PERSONNEL

STATUTES

§342.140

A holder of an administrative certificate "[can] serve in any administrative assignment for which he[she] has completed the professional requirements . . . ."

A qualified person, who meets the requirements of the Teacher Standard and Practice Commission as to professional preparation, shall be issued an administrative certificate upon application.

SCHOOL EMPLOYEES

STATUTES

§659.015

"[T]he abilities of an individual should be the measure of the individual's fitness and qualification for employment, and not any arbitrary standards which discriminate . . . solely [on the basis] of age."

STATE BOARD OF EDUCATION MEMBERS

CROSS REFERENCE

I. State Board of Education; Statute §326.021

SUPERINTENDENT

CROSS REFERENCE

I. Intermediate Education District; Statute §334.125

TEACHER STANDARDS AND PRACTICES COMMISSION MEMBERS

CROSS REFERENCE

I. Teacher Standards and Practices Commission; Statute §342.360

TEACHERS

STATUTES

§342.125

"Teaching certificates shall be issued and renewed by the Teacher Standards and Practices Commission . . . subject to [applicable provisions of this chapter] and the rules of the commission."

Teaching certificates shall be of the following types: (a) basic; (b) standard; (c) administrative; (d) restricted, and (e) such other certificates as the commission may establish by rule.

§342.135

A teacher with a certificate under this section is qualified to accept any assignment "from preprimary through grade 12 for which he[she] has completed the professional requirements established by the rules of the teacher Standards and Practices Commission."

A qualified person who has completed an approved teacher education program and meets the requirements of the commission shall be issued a basic teaching certificate upon application.

Persons with basic teaching certificates for public school grades kindergarten through nine may renew them by "verification of successful teaching experience . . . without requirement of additional educational preparation."

"Secondary teachers may teach in the public schools, grades 5 through 12, in those subject fields in which they have met the requirements . . ."

"A standard teaching certificate shall be issued on application to an otherwise qualified person who has completed an approved teacher education program, has taught on a basic teaching certificate for a minimum period of time to be determined by the Teacher Standards and Practices Commission, and is recommended for certification by the approved teacher education institution or the school district, whichever offered the program."

"Preparation shall be planned . . .[and] taken in an approved teacher education institution or in an in-service training program offered by a school district for which credit is given by [such an approved institution]. . . in accordance with rules of the Teacher Standards and Practices Commission."

The Teacher Standards and Practices Commission may establish and prescribe qualifications for any other types of teaching certificates, but none of these certificates "shall be required for a regular classroom teaching position."

§342.143

Applicants for a teaching certificate must be 18 years and have "satisfactory evidence [of] proper educational training."

The applicant may be required to furnish evidence "of good moral character, mental and physical health, and such other evidence as. . .may. . .[be needed] to establish the applicant's fitness to serve as a teacher."

No teaching certificate shall be issued to any person who after August 20, 1957, has been convicted of crimes including rape, sodomy, sexual abuse, contributing to the sexual delinquency of a miror, sexual misconduct, accosting for deviate purposes, public indecency, bigamy, incest, or endangering the welfare of a minor.

The commission "may refuse to issue a certificate to any person who has been convicted of a crime involving the illegal use, sale or possession of narcotic or dangerous drugs."

§342.174

"No state correctional institutions, juvenile training schools and camps . . . institutions for mentally deficient . . . shall employ persons regularly as teachers who are not certificated."

§342.195

Persons otherwise qualified, applying for a basic teaching certificate for secondary education or a restricted teaching certificate for elementary education who are unable to meet the requirements for certification, shall be granted a certificate "upon showing by proof satisfactory to the Commission that he[she] has completed under an Armed Forces of the U.S. or Peace Corps program, or as a volunteer under §603 of the Economic Opportunity Act of 1964, two years of satisfactory service which emphasized teaching in any grades preprimary through 12 in subjects regularly taught in public schools if he[she] either: (1) has completed an approved teacher education program; or (2) has a BA from an accredited institution of higher education and completed a teacher training program"under the federal program.

§342.200

"[T]he Teacher Standards and Practices Commission . . . shall consider professional skills, education and experience not directly related to, nor contingent upon, teaching experience or training as a classroom teacher."

§342.505

Teachers are hired by the district school board. Contracts shall specify the ways, or if for longer than a year, the method of computing wages, number of days to be taught and when employment begins. Signed contracts must be filed in the district school board office, and a copy given to the teacher.

No contract is valid "unless the teacher on or before the date employment is to begin, holds a valid teaching certificate."

§342.625

Teachers of public, private, or parochial schools must take an oach or affirmation of allegiance.

REGULATIONS

§581-22-262

Local school districts shall employ teachers and administrators who hold valid Oregon certificates and shall assign them in accordance with each person's certificate.

CROSS REFERENCES

I. Teacher Standards and Practices Commission; Statute §342.165

II.A.1.; Statute §343.710; 343.720; 343;750

II.A.2.; Regulation §581-15-205; 581-15-215

II.A.4.; Statute §336.115

TEACHERS' AIDES

§581-37-006-030

Teachers' aides shall be at least 18 years old, have a high school diploma or its equivalent, and have high moral standards.

Their function shall be to assist in school work under teacher supervision.

Their assignment is such that they are only in an adjunctive relation to a classroom teacher, librarian, counselor, or other professional staff.

The clerk of each school district utilizing aides shall register with the administrative school district board and report information as the Superintendent of Public Instruction may require for each teacher's aide.

Districts employing teachers' aides shall arrange for their training.

There is no certificate, diploma or other credential as a condition for employment as a teacher's aide.

C. PERFORMANCE STANDARDS

HIGH SCHOOL EQUIVALENCY CERTIFICATE

STATUTES

§326.550

"The Superintendent of Public Instruction may issue . . . equivalency certificates" to persons satisfying the standards set by the State Board of Education or to those demonstrating educational achievement equivalent to that ordinarily attained upon completion of the eighth or twelfth grade. The State Board of Education may establish tests and "relevant qualifications" for applicants under this section.

REGULATIONS

§581-46-010

The General Education Development Tests (GED) have been adopted as a measure of high school equivalency. There are five tests: expression, social sciences, natural sciences, literary materials and general mathematical ability. Applicants must be 18 years old and Oregon residents.

GED TESTS

INTERMEDIATE EDUCATIONAL DISTRICT

STATUTES

§334.217

"The state board of education shall establish standards to determine the adequacy of services and facilities provided by the intermediate education district . . ., and consider the most economic method of providing services and facilities, the quality of the services and facilities, . . . and the needs of the students."

"The State Board of Education . . . shall establish rules for a determination that an intermediate educational

district is substandard. When the board [makes such a determination] . . . the district designated shall file a plan to meet standards over a specified period of time . . . . The board may . . . order the substandard district to comply with the plan as approved." There shall be established sanctions for non-compliance; such sanctions may include "mandatory merger . . . with a contiguous intermediate education district that is standard."

visits to districts on a regularly scheduled basis and at other times as deemed necessary. The district will be classified after a formal standardization visit.

CROSS REFERENCE

III.D. Students; Regulation §581-22-218

PUBLIC SCHOOLS

REGULATIONS

§581-21-045

No person in Oregon shall be subjected to discrimination in any public elementary or secondary school, program, or activity where the program is financed in whole or in part by monies appropriated by the Legislative Assembly.

§581-22-201

The State Board of Education sets forth six goals for the public schools. Goals are designed to assure that every student in the elementary and secondary schools shall have the opportunity to learn to function effectively in six life roles: individual, learner, producer, citizen, consumer, and family member.

SCHOOL BOARD MEMBERS

STATUTES

§332.018 — .030

The term of office of a member of a district

school board is four years. Only qualified voters and residents of the district for one year immediately preceding the election are eligible to serve on the district board.

No director shall receive any compensation for services as a member of a district school board other than reimbursement for reasonable and necessary expenses actually incurred on school business.

"A director guilty of misfeasance or malfeasance in office may . . . be removed from office by a court of competent jurisdiction."

REMOVAL

The district school board shall declare the office of a director vacant upon the death or resignation of the incumbent, or when she/he ceases to perform her/his duties.

Vacancies shall be filled by the remaining members or member of the board electing a person to fill the vacancy.

VACANCY

If the offices of a majority of the directors are vacant at the same time, the intermediate education district board, or the governing body of the county, shall elect persons to fill vacancies from qualified voters in the district.

School Districts

Statutes

§334.005

Rural districts are replaced by intermediate education districts to "provide maximum excellence in education and as nearly equal educational opportunities for all children of this state."

EQUAL OPPORTUNITY

§342.173

A district employing an improperly certificated teacher or administrator "shall forfeit in state basic school support funds . . . the amount of the salary paid to the person . . . .unless such assignments are made with justification satisfactory to [the commission]."

REGULATIONS

§581-21-046

"A school district shall not provide any course or otherwise carry out any of its educational programs or activities on a discriminatory basis." This section does not prohibit grouping of students in any educational program or activity. There shall be no discrimination in employment assistance, athletics, textbooks and curriculum material, or use of appraisal and counseling materials, or on the basis of marital status or inability to marital participate because of religious beliefs.

EQUAL OPPORTUNITY

"Districts shall develop and implement a plan which assures that all students have equal opportunity to participate in the educational programs and activities and equal access to facilities in the district." The Superintendent of Public Instruction may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the district level.

§581-22-208

Each local district shall adopt and implement a system of instructional program planning and assessment to provide for a set of goals and assessment in reading, writing and computational skills.

§581-22-222

"Local districts shall establish procedures to insure instruction in any combination of grades kindergarten through eight to provide students with opportunities to acquire knowledge and skills applicable to minimum competencies required for graduation adopted for receiving schools."

§581-22-242

Local school districts shall provide equal educational opportunities for all students under any educational program the board administers or authorizes. Students

shall have equal opportunity to participate in the programs and equal access to facilities.

§581-24-010

The district shall apply standards adopted by the Board which emphasize "the role of the district as an integral part of the state responsibility to provide a uniform and general system of common schools in Oregon."

The Superintendent initiates standardization visits to districts on a regular basis.

§581-24-050

The district shall employ by contract a properly certified superintendent and other such staff as are needed to accomplish the goals of the district.

CROSS REFERENCE

I. State Board of Education, Statute §326.011

III.A.1.; Regulation §581-24-015

STATE BOARD OF EDUCATION

CROSS REFERENCE

I. State Board of Education; Statute §326.021

STUDENTS

STATUTES

§326.051

The Board shall establish standards for public schools with an emphasis on scholarship, "and in secondary schools, establishment of academic standards. . . [which will] enable students to attend . . . institutions of higher education,"and taking into consideration 'the health, safety, scholastic needs of the students, the population, climate, economy, and geography of the school district [plus] any other necessary factors.

The board prescribes the "required or minimum courses of study."

The board "adopts rules regarding school and interschool activities";under the rules there can be no discrimination on the basis of "sex, race, marital status, religion or national origin in determining participation in interschool activities" within the public school system.

§332.790

Persons other than a student at the Oregon State School for the Deaf or Oregon State School for the Blind shall receive a diploma evidencing successful completion of an educational program at elementary or secondary level at a state institution issued by the high school district in which she/he last resided.

Educational records shall be sent to the school district issuing the diploma.

REGULATIONS

§581-21-025

A child who is being taught by a parent or private teacher shall be examined at least twice during the regular school year to determine if the child is being properly taught. A standardized achievement test used to test other school children in the district shall be used.

ACHIEVEMENT TEST

§581-22-224

Local districts enrolling students in grades 9-12 shall offer subjects to enable students to meet the following graduation requirements for class of 1977: three units in language arts; two units in social studies; two units in health and physical education; one unit in science and mathematics; and ten units in elective subjects unless local board policy prescribes additional work in certain subjects.

GRADUATION REQUIREMENTS

§581-22-226

Each local district enrolling students in grades 7 through 12 shall implement Board-adopted high school

graduation requirements beginning with the graduating class of 1978. Each student shall earn a minimum of 21 units in grades 9-12. These shall include: 3 units in language arts and English; 1 unit each in math, social studies, citizenship, science, health education, physical education, consumer education, career education; and 10 units in electives. Local boards may establish additional credit requirements beyond the minimum number.

IIIC-OR 15

OREGON

§581-22-228

The local board shall award a diploma upon completion of state and local district credit, competency and attendance requirements.

A certificate may be granted, identifying acquired minimum competencies, to students having met some but not all requirements.

§581-22-231

Student transcripts shall record demonstration of minimum competencies necessary to: read, write, speak, listen; analyze; compute; use basic scientific and technological processes; develop and maintain a healthy mind and body; be an informed citizen and informed consumer; and function within an occupation or continue education. Schools shall identify performance indicators used for competency verifications.

BASIC SKILLS

COMPETENCY

The district may alter performance indicators for competency or the local board may declare a policy for granting waivers to substitute competencies appropriate to unique needs and abilities of individual students.

§581-22-236

Local districts enrolling students in grades 9-12 shall implement the competency component of its graduation requirements as follows: (1) establish minimum competencies and performance indicators beginning with the class of 1978; (2) certify attainment of competencies necessary to read, write, speak, listen, analyze and compute.

beginning with the class of 1978; and (3) certify attainment of all competencies beginning not later than with the graduating class of 1981.

CROSS REFERENCES

II.A.1.; Regulation §581-54-015

II.A.2.; Statute §343.295

II.A.2.; Regulation §581-15-175

III.C.School Districts; Regulation §581-22-222

III.E. Curriculum; Statute §336.082; 336.086

IV.F.; Statute §332.790

IV.G.; Regulation §581-22-251

IV.H.; Regulation §581-22-230

TEACHERS

§333.305

The local school committee can unanimously consent to recommend rejection for the next year of a teacher assigned within its jurisdiction. The recommendation must be in writing and specify the reason for the recommendation. The board after review shall make the final decision.

§342.167

The state board has 60 days after receipt of notice from the Teacher Standards and Practices Commission to review adopted rules or standards to determine if they serve the public interest. If the rule is found not to be in the public interest, "the state board shall request the commission to set aside or amend the rule or standard."

§342.175

SUSPENSION

REVOCATION

"Action to suspend or revoke any teaching certificate or to discipline a teacher or administrator may be initiated by the commission, . . . or upon the basis of a written complaint made . . . by or through any administrator . . ." employed by the same district as the teacher or administrator, charging them with "(a) conviction of a crime . . .; (b) gross neglect of duty; (c) any gross unfitness; or (d) having been convicted of violating a [state or federal law] involving the illegal use, sale or possession of narcotic or dangerous drugs."

A certificate must be revoked if after August 20, 1957, the holder has been convicted of a morals crime.

The certificate may be revoked for knowingly making false statement during the application for the certificate.

REINSTATEMENT

"Any person whose teaching certificate has been suspended or revoked may apply to the commission for reinstatement . . . after one year from the date of the suspension or revocation." An applicant for reinstatement may be required to furnish evidence "of good moral character, mental and physical health, and such other evidence as the commission may deem necessary to establish the applicant's fitness."

Violation of state board standards relating to competence and ethical performance is admissible to show gross unfitness.

§342.177

NOTICE

The commission must make a preliminary investigation of the facts of revocation actions and if in their opinion the investigation indicates probable grounds for suspension, revocation or discipline of the teacher or administrator, they must enclose a statement of the charges and set a date for hearing."

Upon written request by the teacher or administrator against whom the charge is made, prior to the hearing, the commission may hire examiners to investigate the charges, furnishing them with any professional or special assistance reasonably required to conduct the investigation.

HEARING

"The hearing may be before the commission or . . . three or more members thereof." A memberor hearing officer shall be appointed by the commission to preside at the hearings, which shall be private unless the person against whom the charge is made requests a public hearing. Students may not attend hearings unless subpoenaed to testify. The person charged has the right to counsel, to present evidence, and to argue.

RIGHT TO COUNSEL

The commission has 10 days after the hearing to render a decision, considering the findings and recommendations of the examiners, if any, and the evidence presented at the hearing. If the decision is that the charge has been proven, any of the following action may be taken against the person charged: (a) issue a public reprimand; (b) place the person on probation for not longer than a year; (c) suspend the teaching certificate of the person for not longer than a year; (d) revoke the teaching certificate.

If the decision is the charge is not proven, the charge shall be dismissed.

Written notice of the decision shall be sent to the person charged,his/heremployer school district and the superintendent of public instruction.

§342.180

Any person disciplined or who has been refused issuance or reinstatement who is aggrieved with the decision of the commission may appeal, as provided under law.

APPEAL

The employer school district or superintendent of public instruction may appeal in the same manner.

An appeal under this section will stay the disciplinary action unless the decision is accompanied by a finding that immediate action is necessary to protect the safety and well-being of students.

§342.650; .655

No public school teacher may wear religious dress while performing his or her duties. Violation results in suspension and revocation of the teaching certificate.

§342.835

Any teacher employed by a fair dismissal district who is not a permanent teacher is a "probationary teacher."

PROBATION

A probationary teacher may be removed "for any cause deemed in good faith sufficient by the board. The teacher shall be given a written copy of the reasons for his[her] dismissal, and upon request shall be provided a hearing . . . he[she] shall have the opportunity to be heard in his[her] own defense."

DISMISSAL

The district board may, "for any cause it may deem in good faith sufficient, refuse to renew the contract of a probationary teacher . . . . Notice of the intended action must be given by March 15," with a written copy of the reasons for the nonrenewal.

NOTICE

§342.845

A permanent teacher is a teacher who has been "regularly employed by a fair dismissal district for a period of not less than 3 successive years, . . . and who has been reelected by such district after the completion of such three-year period for the next school year."

TENURE

Permanent teachers are not subject to annual appointment or dismissal or change to part-time status without their consent, except as provided by law.

An administrator in a position for three successive years in a tenure district may not be transferred to a lower paying position or non-administrative position without his/her consent "except for the reasons for which a permanent teacher may be dismissed . . . ."

§342.865

A permanent teacher may be dismissed for (a) inefficiency; (b) immorality; (c) insubordination; (d) neglect of duty; (e) physical or mental incapacity; (f) conviction of a felony or a crime involving moral turpitude; (g) inadequate performance; (h) failure to comply with reasonable requirements as the board may prescribe to show normal improvement and evidence of professional

DISMISSAL

training and growth; (i) any cause which may result in revocation of such permanent teacher's teaching certificate; or (j) reduction in permanent teacher staff resulting from insufficient funding, decreased student enrollment, course reductions by administrative decision. On a merit and seniority basis, permanent teachers shall be transferred to other positions when possible.

Adequacy of professional performance shall be determined by considering evaluation reports and written statements of performance adopted by the board.

"Suspension or dismissal for [physical or mental incapacity]. . . shall not disqualify the teacher involved for" disability retirement or sick leave.

§342.875

A permanent teacher may be suspended by the district superintendent without prior notice to the teacher when the superintendent believes that cause exists for the teacher's dismissal and he/she feels it is in the best interest of education. The teacher's salary continues for five days following the suspension in which time dismissal proceedings shall be commenced or the teacher reinstated.

§342.895

The district school board has the authority to dismiss permanent teachers, subject to fair dismissal procedures and after recommendation by the district school superintendent.

NOTICE

The superintendent shall give the permanent teacher 20 days written notice by certified mail before recommending dismissal. The notice shall set forth the statutory grounds upon which the dismissal is justified, a statement of facts supporting the grounds for dismissal, and the applicable school laws. Notice shall also be sent to the district school board and to the fair dismissal appeals board. Notice of the board's action must be given the teacher by certified mail.

Within five days after receipt of notice of the board's action a teacher may appeal to the fair dismissal appeals board giving notice of and the reasons for appeal.

After its hearing, the appeals board shall prepare and send a written report to the permanent teacher, the district superintendent, the district school board and the superintendent of public instruction, containing its findings as to whether or not the facts relied on to support the recommendations of the district superintendent are true and substantiated and, if so, whether or not they are "adequate to justify the statutory grounds cited as reasons for the dismissal."

HEARING

If the appeals board finds the facts to be untrue, unsubstantiated or inadequate, the teacher shall be reinstated receiving his or her salary "for the period between the effective date of the dismissal and the date of the order reinstating him[her]."

APPEAL

REINSTATEMENT

If the facts are found to be true, and substantiated, the board shall give notice to the parties involved and the dismissal will become final.

CROSS REFERENCE

I. Teacher Standards and Practices Commission; Statute §342.165

D. Evaluation and Reporting

Counseling Programs

CROSS REFERENCE

IV.B.; Regulation §581-22-256

District Needs

REGULATIONS

§581-24-090

The district or combination of districts with local school districts boards may use programs and services by contract or resolution.

For programs and services provided to component local districts, there shall be clear identification of unmet needs and development of written plans and procedures to meet those needs and a process for evaluation.

There shall be documented evidence to determine that programs and services provided under contract have been developed and approved by the district and reported to the Superintendent.

District Plan for Special Education Programs

CROSS REFERENCE

II.A.2.; Regulation §581-15-035

Educational Priorities for Special Education

CROSS REFERENCE

II.A.2.: Regulation §581-15-145

Instruction for Educationally Gifted

CROSS REFERENCE

II.A.2.; Statute §343.395 -- 343.401

Intermediate Education District Services and Facilities

CROSS REFERENCE

III.C. Intermediate Education District: Statute §334.217

School Districts

CROSS REFERENCE

III.A.2.; Regulation §581-24-025 -- 581-24-030

School Employees

REGULATIONS

§581-22-241

Local districts shall maintain personnel policies including: an affirmative action plan, position descriptions, job requirements, evaluation procedures, a liaison system between the local board and its employees. Personnel policies shall be provided to all school employees and made available to the public.

Schools

CROSS REFERENCE

III.A.1.; Regulation §581-22-202

Special Education Plan

CROSS REFERENCE

II.A.2.; Statute §343.221

Student Progress

CROSS REFERENCE

II.A.2.; Regulation §581-15-135

Students

REGULATIONS

§581-21-030

Tests shall be considered as a means to assist

decision-making on the part of parents and professional staff rather than ends unto themselves. Tests may be used to assist in making decisions about the effectiveness of school programs.

Parents' written permission must be obtained before administering individual intelligence tests. The General Aptitude Test Battery shall be restricted to the districts which meet the standards for use developed by the Department of Education and the Oregon State Employment Division and have a signed contract with the Department of Education for its use.

§581-22-218

To provide all students an opportunity to achieve district-adopted learner outcomes, each local district shall adopt procedures to:

(1) identify individuals learning strengths and weaknesses; (2) provide learning opportunities for students responsive to their needs; (3) determine progress students make in their educational program; (4) maintain student progress records and report the information to parents and students.

CROSS REFERENCES

III.C.School Districts; Regulation §581-22-208

III.C. Students; Statute §326.550

III.C. Students; Regulation §581-21-025

TEACHERS

STATUTES

§342.850

All district superintendents must have annual evaluations of each teacher's performance to measure development and growth in the profession. The teacher and the school official who supervises the teacher must sign the evaluation. Copies of the evaluation are: (a) given to the teacher; (b) placed in the personnel files of the district; and (c) placed in the teacher's personnel

file only after notice.

A teacher's written comments on the evaluation may be placed in the teacher's personnel file.

"The personnel file shall be open for inspection by such teacher but shall be open only to such other persons as are officially designated by the board or by the teacher . . ." in accordance with rules adopted by the board.

CROSS REFERENCE

III.C. Teachers; Statute §333.305

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.3.; Statute §344.225; 344.235

E. IMPROVEMENT EFFORTS

CURRICULUM

STATUTES

§336.082

The state board of education shall encourage the development or implementation of curriculum for public schools that will improve instructional effectiveness or efficiency and that is nondiscriminatory.

The state board of education shall stimulate the development of nondiscriminatory courses of study and may contract with the department of education or other appropriate public educational agencies to develop program materials and establish a means of introducing the material and implementing the techniques.

§336.086

The projects authorized should be designed to: (1) develop and test nondiscriminatory courses of study which feature predictable student achievement of prestated student performance objectives ; (2) stimulate

new approaches to instruction, and provide training programs for faculty and administrators in newly developed instructional methodology; and (3) be capable of objective evaluation within two years of commencement.

§337.540

Upon proof that a curriculum improvement plan has been carried on as approved, a school district is "entitled to an apportionment from the moneys appropriated from the program."

§337.550

"[T]o increase the scope of curriculum services . . . the superintendent of public instruction may approve a statewide curriculum improvement plan to be carried on under [the] direction of the department of education."

§337.560

Joint curriculum improvement plans between two or more school districts can be approved by the intermediate school district and the superintendent of public instruction. Claims for reimbursement shall be submitted through the intermediate school district and payment authorized by the superintendent of public instruction.

The intermediate education district board may with the consent of the school districts concerned, organize a joint plan and submit it for approval.

Intermediate education district boards may organize, administer and pay the operating expenses of approved joint curriculum improvement programs. Payments to which the participating districts are entitled may be made to the intermediate education district of the district as reimbursement for authorized expenditures based upon the ratio that the amount to which each district would be entitled bears to the total amount which all the districts involved in the joint plan would be entitled.

INSTRUCTION

CROSS REFERENCE

II.D.2.; Regulation §581-77-010

SCHOOL DISTRICT

CROSS REFERENCE

III.A.1.; Regulation §581-24-015

SCHOOLS

REGULATIONS

§581-24-065

The district shall provide a variety of instructional assistance programs and services which shall include: assignment of curriculum consultants; development and use of procedures for assisting local school districts to gather, analyze and report group test and measurement data relating to student progress; development and implementation of in-service activities with or for the local school districts; and establishment of or contracts for the use of an instructional media center for district and local school staff.

STAFF

CROSS REFERENCE

III.E. Schools; Regulation §581-24-065

TEACHER AIDES

CROSS REFERENCE

II.A.2.; Regulation §581-15-210

TEACHERS

CROSS REFERENCES

I. Teachers Standards and Practices Commission; Statute §342.153

III.E. Curriculum; Statute §336.082; 336.086

PENNSYLVANIA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

§ 5.72

Standards for approval of secondary schools will be established by the Department. All schools shall be subject to periodic evaluation by the Department for the purpose of program approval. Secondary school approval may be granted to a school which meets standards established by the Department, accreditation by the Middle States Association of Colleges and Secondary Schools or other evaluation approved by the Department.

Secondary school approval shall certify that the school qualifies for Commonwealth reimbursement and that the diplomas issued by such schools constitute valid preprofessional credentials. Each approved secondary school shall submit annually to the Department a secondary school report which shall be reviewed for compliance. Approval may be revoked for noncompliance.

DIPLOMA

REVOCATION

2. Other Qualification Standards

Statutes

§10-1005

It shall be the duty of each district superintendent to see that in every district there shall be taught the several branches required by the Education Act and others as the board of school directors may require. It shall be the duty of the district superintendent to notify, in writing, the board of school directors of any school district which fails to provide competent teachers to teach the required branches, of its neglect, and if not remedied, to report such to the Superintendent of Public

NOTICE

Instruction who shall withhold state appropriations until notified by the district superintendent of the employment of competent teachers. The whole share of the state appropriation for that year shall be forfeited by the district if such teachers have not been provided within one month after receiving notice of neglect.

§11-1106

The board of school directors shall employ the necessary qualified professional employees, substitutes and temporary professional employees to keep the public schools open in their respective districts.

§15-1501 - 1503

SCHOOL YEAR

All public schools shall be open for at least 180 days during each school year.

"Twenty days of actual teaching shall constitute a school month."

§15-1504

SCHOOL DAY

The board of school directors shall fix the date beginning the school term. The school day is to run from 9 am to 4 pm with an intermission of one hour at noon and of 15 minutes in the forenoon and in the afternoon. Upon the request of a board of school directors, the Superintendent of Public Instruction may modify the schedule by approving a school week containing a maximum of 27 1/2 hours of instruction as the equivalent of 5 school days, or a school year containing a minimum of 990 hours of instruction as the equivalent of 180 school days. Professional and temporary professional employees shall be allowed a lunch period free of duties of at least 30 minutes.

The board of school directors with the approval of the Department of Public Instruction may provide for two half-day sessions of four hours apiece if a school is unable to provide for full time attendance of all pupils during the school day. The approval of the Department of Public Instruction shall not exceed a period of one year.

The half-day sessions may be reduced in the 1st and 2nd grades, at the request of a school district by the Superintendent of Public Instruction.

"Half-day sessions shall be regarded as two regular sessions. Teachers employed for one half-day session shall not be employed for the other on the same day for the entire half-session, but may be required by the school district to serve every school day for the same number of hours prescribed by the board of school directors for regular full-time teachers who teach full day session in the same grades in the school district." The Superintendent of Public Instruction shall withhold and declare forfeited the State appropriation for reimbursement on account of the instruction of the pupils in average daily membership in the sessions in which the requirements are not met if there is failure to comply with this subsection.

The board of school directors may fix the date of the school commencement and shall pay expenses for it.

§16-1601; 1602

"High schools shall be designated either as junior high schools or senior high schools by the Department of Public Instruction when they conform to regulations promulgated by the Department of Public Instruction in accordance with standards approved by the State Board of Education."

The approval of the Department of Public Instruction is needed before new high schools can be established or if a year is added on to the school program.

§16-1604

Except in 1st class districts, the board of school directors "shall employ for its high school a sufficient number of teachers for the teaching of any of the subjects included in the program of studies prescribed by the standards of the State Board of Education for which there shall be an application by 15 pupils belonging to the grade in which the subject is specified in the

program of studies. No pupil shall be counted among the applicants for the subject unless he/she is deemed both qualified and entitled to take the subject. . . . No teacher shall be employed to teach any branch other than those enumerated in his[her] certificate."

§1002c-d

County superintendents with more than 150 teachers and not more than 550 shall have one assistant; every county with between 550 teachers and 1050 shall have two assistants. Every county with more than 1050 shall have an additional assistant for every 500 teachers above 1050.

The Commonwealth shall pay the salaries.

REGULATIONS

§ 11.1 - 11.3

SCHOOL YEAR

All public kindergarten, elementary, and secondary schools shall be kept open each school year for a minimum of 180 days of instruction. No days shall be counted as days taught on which the schools are closed and no time shall be counted as a pupil session for any activity to which admission is charged. Prior to the beginning of the school term upon request, the Secretary may, when a meritorious educational program warrants, approve a school year containing a minimum of 990 hours of instruction as the equivalent of 180 school days.

Instruction time for pupils shall be time in the school day devoted to planned pupil instruction provided as an integral part of the school program under the direction of certified school employees.

Minimum hours of instruction time for pupils based on a school term of 180 days shall be as follows:

Grade	Day	Week	Year
K	2.5	12.5	450
1-6	5.0	25.0	900
7-12	5.5	27.5	990

B. Qualification Standards for Personnel

Administrators

Regulations

§49.111; 49.112

"The Department will issue [a] Supervisory I Certificate for positions in the schools of the Commonwealth to persons who have completed five years of satisfactory professional experience in the area in which the supervisory certificate is sought and who have been granted a master's degree with emphasis in a subject or teaching area, except that for a supervisor of trade and industrial education certificate a baccalaureate degree is required, [as well as a] . . . completed, approved program of graduate study preparing for the responsibilities of supervising and directing the activities of professional and nonprofessional employees. Applicants shall be recommended by the preparing institution in which the graduate program was completed.

Supervisory II Certificates shall be permanent certificates issued to applicants who shall have completed three years of satisfactory supervisory experience on a Supervisory I Certificate attested to by the superintendent of the school district in which the most recent service was performed or in the case of an intermediate unit, the executive director, or in the case of an approved nonpublic school, the chief school administrator."

§49.121; 49.122

"The Department will issue Administrative I Certificates to persons who have had a minimum of five years of professional school experience, and have completed an approved program of graduate study preparing him/her to direct, operate, supervise and administer the organizational and general educational activities of a school. Applicants shall be recommended by the preparing institution in which the graduate program was completed. Certificates may be issued for any administrative area for which program approval has been granted by the Department.

Administrative II Certificates shall be permanent certificates issued to applicants who have completed three years of satisfactory administrative experience on an Administrative I certificate attested to by the superintendent of the school district in which the most recent service was performed or, in the case of an approved non-public school, the chief school administrator."

CERTIFICATED PERSONNEL

STATUTES

§1-108

"No religious or political test or qualification shall be required of any director, visitor, superintendent, teacher, or other officer, appointee, or employee in the public schools of this Commonwealth."

§11-1109

Every teacher must be a person of good moral character, at least 18 years old, and a citizen of the U.S.: provided, that citizenship may be waived for exchange teachers not permanently employed; and foreign language teachers including special teachers who speak the idiomatic or colloquial language of immigrants residing in the school district. Every principal who devotes one-half or more of his or her time to supervision and administration shall be properly certificated by the Department of Public Instruction in accordance with State Board of Education standards.

§11-1111

No teacher shall be employed, by any board of school directors, who is related to any member of the board unless such teacher receives the majority vote of all members of the board other than the member related to the applicant who shall not vote.

§12-1201

Certificates qualifying persons to teach in the public schools are as follows: (1) permanent college certificate; (2) provisional college certificate; (3) normal school

diploma; (4) normal school certificate; (5) special permanent certificate; (6) special temporary certificate; (7) permanent state certificate; (8) certificates which are permanent licenses to teach; or (9) such other kinds of certificates as are issued under State Board of Education standards. The State Board of Education shall also provide for issuance of certificates by district superintendents to meet such emergencies or shortage of teachers as may occur.

§12-1202

State certificates shall set forth the branches which its holder is entitled to teach. No public school teacher shall teach any branch for which she/he is not certified. A resident foreign national holding an immigrant visa who has declared in writing to the Department of Public Instruction the intention of becoming a U.S. citizen shall be eligible for a provisional college certificate.

§12-1203

State certificates granted shall include: provisional college certificates; permanent college certificates, certificates issued by other states and validated by the Superintendent of Public Instruction, special temporary certificates, and special permanent certificates. All persons receiving any of such certificates shall have qualifications not less than graduation from a State Teachers' College of Pennsylvania or equivalent training. State certificates shall entitle their holders to teach in every part of the State.

§12-1204

"The Superintendent of Public Instruction may grant a provisional college certificate to every person who presents satisfactory evidence of good moral character, and is a graduate of an approved college or university, who has completed the required work in education. The "certificate shall entitle him/her to teach for 3 annual school terms and may be renewed for one additional 3-year period in accordance with standards to be established by the State Board of Education."

§12-1205

"The Superintendent of Public Instruction shall issue a permanent college certificate to every graduate of an approved college or university, and of approved departments in such schools, when (1) satisfactory evidence of good moral character; (2) successful experience of 3 years teaching on a provisional college certificate; and (3) completion of such work in education as may be required by State Board of Education standards. The certificate shall entitle its holder to teach without further examination.

§12-1206

"The Superintendent of Public Instruction may validate . . . teachers' certificates issued by other states, or by the state normal school or colleges of other states, whose requirements are equivalent to those" of Pennsylvania. Such validation may be revoked by the Superintendent of Public Instruction at any time.

§12-1207

"The Superintendent of Public Instruction shall provide for special examinations and for temporary or permanent certificates for teachers of kindergartens, drawing, vocal music, manual training, physical training and other special branches; and may issue temporary or permanent certificates for teaching of such special subjects to graduates of approved special schools of such subjects, under such conditions as he/she may make.

§12-1213

Standard limited certificates are in effect provided the holders of such certificates have satisfactorily taught at least 10 years in public or nonpublic schools, (or both), of the state and have earned at least 90 semester credit hours of undergraduate or graduate study.

§12-1252

"No person shall teach in a public school in the Commonwealth unless he[she] has met the certification

requirements as established by the State Board of Education which are applicable to the institution where he[she] is employed."

§12-1255

"The Professional Standards and Practices ommission shall have the . . . duty:"
(1) "to recommend standards for certification of teachers . . . accreditation of teacher education programs, evaluation of teacher education and certification program services; (2) to recommend standards of professional practices;" (3) and to assure that due process requirements are complied with.

§19-1923

"All teachers of evening schools must have proper certificates."

§21-2108

The board of public education shall prescribe the mode of determining the qualifications of applicants for positions as principals or teachers and shall designate the "kinds or grades of teachers' certificates which may be used, together with the scholastic, professional, and personal qualifications required for each kind or grade of certificate."

No certificate shall be granted to any person who is not of good moral character, or to any person who shall not first have presented a certificate, from a physician stating that the applicant is neither mentally nor physically disqualified by reason of tuberculosis, or any other chronic or acute physical defect.

§1224

"The Department of Public Instruction shall provide for the registration of persons qualified to teach in elementary and secondary schools which are accredited by the Department of Public Instruction as conforming to the official standards promulgated by the State Council of Education."

§1225

The Department of Public Instruction has the power and duty to "(a) provide for and to regulate the certificates and registration of persons qualified to teach in such schools;" (b) to certify any applicant 18 years of age, "of good moral character," not addicted to drugs or liquor; who has the minimal educational requirements set by the State Board of Education; (c) "to make permanent such certificate and/or registration upon evidence to such teaching experience and such additional preparation as is required;" (d) to provide for and regulate limited and permanent registration certificates to teach; (e) to accept and approve registration certificates to teach issued by other states and countries; (f) to suspend and revoke the certificate and/or registration of any person found guilty, upon hearings, of immorality, incompetency, intemperance, habitual use of drugs or narcotics or any other violations of this provision. The Department of Public Instruction shall revoke the certificate of any teacher if judgment is passed against that teacher.

SUSPENSION
REVOCATION

§1230

Any person now holding a certificate acknowledged by the state shall continue to possess the same rights and privileges with respect to teaching; and may register the certificate within two years from the date of the approval of this act, subject to the right of the department to suspend or revoke the registration for certain causes.

§1231

It is unlawful to assume or use the professional title or other designation which any registrant may use in connection with his/her name in the practice of teaching unless he/she has a legal and valid certificate of registration or to forge any certificate of registration, or alter any certificate of registration.

Any person violating a provision of this section shall be guilty of a misdemeanor and upon conviction

shall have the following penalties:

(a) a first offense

Fine not exceeding $500 or Imprisonment not exeeding 6 years of both

(b) subsequent offense

Fine not less than $500 and/or more than $1000 Imprisonment not less than 6 months or more than one year.

REGULATIONS

§ 6.51

"Each vocational education staff member shall hold a valid certificate for the position to which he[she] has been assigned. The temporary letter of certification for a research specialist may be issued by the Secretary to use the services of non-certified personnel for supplemental vocational instruction under the supervision of a certified teacher. The services shall be part-time and shall not exceed 300 clock hours during a school year."

§49.11; 49.12

All certificates and letters of eligibility in force in Pennsylvania on October 7, 1972 shall continue in force and effect, subject to all the terms and conditions under which they were issued, until they expire. No teacher shall perform professional duties in the schools in any area for which he/she has not been properly certificated.

All candidates for certification shall be of good moral character, show a physician's certificate stating that the candidate is neither mentally nor physically unable to perform the duties of a teacher, he/she being at least 18 years old and be a U.S. citizen. Citizenship requirements may be waived in the case of a resident foreign national holding an immigrant visa, who declares in writing, to the Department, his/her intention of becoming a U.S. citizen.

CITIZENSHIP WAIVER

The Board, through the Department, shall provide regulations for guidance of the preparing institutions in educating professional personnel for the schools. The Department will have the following responsibilities with respect to certification of professional personnel:

(1) Provision of advisory services to colleges and school personnel in matters pertaining to teacher education and certification.

(2) Designation of professional titles for personnel.

(3) Prescription of procedures for issuance of certificates.

(4) Evaluation and approval of teacher education programs leading to the certification of professional personnel.

(5) Registration of certificated persons.

(6) Maintenance of records of all certificates.

(7) Assurance that each professional person is properly certificated for the specific position in which he/she is employed.

(8) Review and investigation of alleged violations of certification regulations.

(9) Prescription of procedures approved by the Board for the appraisal and evaluation of education and experience of applicants for any type of professional certification issued by the Department when the applicant has been denied certification and is prepared by institutions outside the Commonwealth, or has appealed in accordance with guidelines approved by the Board, §49.61 of this Title, a decision, pertaining to eligibility for certification, rendered by a Commonwealth institution having an approved program.

The Department requires that an applicant for a certificate shall have completed an approved program and shall be recommended by the preparing institution except for applicants whose certification status is subject to (9) above.

The Department will have the right to review approved programs at any time. Major evaluations will

be conducted at five-year intervals by teams of professional educators appointed by the Department.

APPOINTMENT

The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students shall not be accepted in a program which has lost its approved status.

§49.15

The Department may enter into a written agreement with an approved preparing institution wishing to conduct an experimental program. Certification shall be given to graduates of such an experimental program upon recommendation by the institution, if the institution has:

(1) Submitted a detailed explanation of the experimental program to the Department for approval.

(2) Planned a thorough procedure conforming to accepted canons of educational research for evaluating results of the experimental program. These results shall be reported to the Department in accordance with a schedule approved at the time of the agreement

(3) Agreed to terminate the experimental program upon request by the Department when it is judged by a committee of professionals to be inadequate for preparation of professional personnel.

§49.21 - 49.24

The Secretary, in consultation with the Board, shall appoint a Professional Standards Committee, which shall advise the Board and the Department on matters pertaining to teacher preparation and certification. It shall consist of 29 members, 8 of whom shall be employed as classroom teachers or educational specialists, 7 of whom shall be faculty members from approved teacher-preparing institutions, 6 of whom shall hold certificates for, and be employed as, school supervisors or administrators, 6 who shall be lay persons with a known interest in the public schools and two who shall be senior students preparing for teaching. Their term of office shall be

APPOINTMENT

for three years except that the student members shall serve for only one year. Terms of nine members of the committee shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as original appointments are made. No person shall serve more than two consecutive terms as a member of the committee.

The Secretary may replace any member of the committee for just cause. The Committee shall meet at least once each year and shall annually select a chairman and vice-chairman. Additional meetings of the committee shall be held at the call of the chairman with the Secretary's approval. Members of the Committee shall be reimbursed for their expenses incurred as a result of Committee membership in accordance with the regulations of the Commonwealth. The Director of the Bureau of Faculty and Student Services shall serve as the executive officer and secretary of the Committee. Recommendations from the Committee to the Board and the Department shall be made available to the public on request.

§49.31 -- 49.33

The Department may issue an emergency certificate for service in the public schools, at the request of the employing school district, to an applicant who is a graduate of a state-approved teacher-preparing four-year college or university, provided an emergency certificate has not been issued to the applicant subsequent to July 1, 1968. Annually, the Department will report to the Board the number and nature of emergency certificates issued during the year.

The Department may approve, upon receiving appropriate proof of the emergency nature of the situation, the issuance of an emergency certificate to a person who does not meet the above qualifications.

All emergency certificates shall expire on June 30 following the date of issuance.

§49.61

The Department may accept three years of satisfactory teaching experience in lieu of the student teaching

requirement, from out-of-state applicants for certification if the teaching experience is:

(1) full-time, under contract in an approved public or nonpublic school at the elementary or secondary level; on a certificate comparable to a Pennsylvania Instructional I certificate;

(2) completed within five years immediately preceding the date of the application and;

(3) in the area of certification sought.

§49.62; 49.62.1

The Department may issue a letter of certification at the request of an employing school district. The letter of certification may be issued in lieu of a certificate to a competent specialist in any area of knowledge in order to enable the schools of the Commonwealth to use the services of non-certified personnel for supplemental instruction under the supervision of a certificated teacher. The service shall be part-time and shall not exceed 300 clock-hours during a school year.

The Department may issue a school program specialist certificate at the request of the employing school district or area vocational technical school, to an applicant whom the Department appraises as meeting the qualifications and competencies needed to perform the duties and functions of a locally-established professional position as set forth by a description of the position approved by the local board of school directors or the board of directors of the area vocational-technical school.

School program specialist certificates may be issued only for an area of service in which a certificate does not exist. They may be issued only to persons who hold a valid Instructional or Educational Specialist Pennsylvania certificate. Annually, the Department will report to the Board the number and nature of such certificates issued during the year. The certificates are valid only for the position described in the approved position description and are not transferable to other school districts.

§49.63

The Department will issue certificates to applicants educated in a foreign country who meet the established Commonwealth standards for the certificates sought. Applicants must provide official transcripts of studies completed abroad. The Department may substitute competency examinations for transcript review in a case involving the loss of credentials in a foreign country if the applicant submits acceptable evidence that he/she completed a teacher education program.

"The Department will issue the appropriate Commonwealth certificate to applicants who have:

(1) graduated from a State approved out-of-state college or university whose teacher education requirements are equivalent to those of this Commonwealth;

(2) completed the preparing institution's teacher education program of the preparing institution; and

(3) received the recommendation of the preparing institution for the subject or area to be taught.

If evaluation by the Department reveals minor deficiencies in the preparation program of the applicant, the Department will prescribe the additional educational requirements to be met in securing Commonwealth certification. The Department may enter into a reciprocal certification agreement with the appropriate authority of another state."

APPEAL

Applicants who have been denied certification may appeal for reconsideration of their case to the Department.

§49.64.3

SUSPENSION
REVOCATION

"The suspension or revocation by the Secretary of a certificate or letter of eligibility of any person shall automatically suspend or revoke any . . . certificates or letters of eligibility issued by the Department held by that person except that persons found incompetent in any one area of certification may retain their other certificates or letters of eligibility when the sole basis of the suspension or revocation is insufficient knowledge of the subject matter."

"A Master's Degree Equivalency Certificate shall be issued for salary purposes only, subject to the following terms and conditions:

(1) The certificate is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits must be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirements may be satisfied through in-service programs approved by the Secretary for meeting master's equivalency requirements.

(2) The certificate is also issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a state-approved baccalaureate degree-granting institution. The remaining twelve may be satisfied, in full or in part, through in-service programs approved by the Secretary for meeting master's equivalency requirements.

(3) A grade of 'C' or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all in-service courses used toward the attainment of the certificate . . . ."

§49.71; 49.72

Applicants for a certificate shall have completed a program of teacher education approved by the Department and shall have the recommendation of the preparing institution. The basic categories of certificates and letters of eligibility issued by the Department are: temporary letters of certification, emergency certificates, intern certificates, instructional certificates, educational

specialist certificates, supervisory certificates, administrative certificates, school program specialist certificates, letters of eligibility, vocational education certificates, intermediate unit program specialist certificates. The Secretary annually shall disseminate an approved list of official titles of all certificates and letters of eligibility which the Department has issued the past fiscal year or proposed to issue in the ensuing year.

§49.81

The Department will issue instructional certificates to persons whose primary responsibility is teaching.

The Instructional I Certificate shall be valid for a period of three years of teaching and may be renewed for an additional three years of teaching upon the completion of 12 semester credit hours of collegiate study. The 12 semester credit hour requirement may be satisfied, in whole or in part, through in-service programs approved by the Department.

The Instructional II Certificate shall be a permanent certificate issued to an applicant who has completed three years of satisfactory teaching on an Instructional I certificate attested to by the superintendent of the school district in which his/her most recent service was performed or in the case of an intermediate unit, the executive director, or in the case of an approved nonpublic school, the chief school administrator. In addition, the applicant shall have completed 24 semester credit hours of collegiate study. The 24 semester credit hour requirement may be satisfied, in whole or in part, through in-service programs approved by the Department.

§49.84; 49.85

College credit acceptable for renewal of the Instructional I Certificate and conversion to the Instructional II Certificate shall be earned at a state-approved baccalaureate degree-granting institution. Credits earned in programs designed to prepare for professional fields such as law, medicine or theology,

when relevant to the area of certification, will be considered acceptable for purposes of renewing or converting the Instructional I Certificates. All credits must be earned subsequent to the conferring of the baccalaureate degree.

The grade level limitation of instructional certificates shall be: (1) Early childhood (nursery, kindergarten, grades one to three), (2) Elementary (kindergarten, grades one to six), (3) Secondary (grades seven to 12); (4) Specialized areas (kindergarten to grade 12).

§49.101 -- 49.105

The Department will issue educational specialist certificates to persons whose primary responsibility shall be to render a professional service other than classroom teaching. The service shall be directly related to the personal welfare of the learner and may include services for the needs of other professional personnel working with learners.

The Educational Specialist I Certificate shall be valid for a period of three years of professional service, and may be renewed for an additional three-year period upon the completion of 12 semester credit hours of collegiate study. The 12 semester credit hour requirement may be satisfied, in whole or in part, through in-service programs approved by the Department.

The Educational Specialist II Certificate shall be a permanent certificate issued to an applicant who shall have completed three years of satisfactory service on a Level I Educational Specialist Certificate attested to by the superintendent of the school district in which his/her most recent service was performed or in the case of an intermediate unit, the executive director, or in the case of an approved nonpublic school, the chief school administrator. In addition the applicant shall have completed 24 semester credit hours of collegiate study. The 24 semester credit hour requirement may be satisfied, in whole or in part, through in-service programs approved by the Department.

College credit acceptable for renewal of the Educational Specialist I Certificate and conversion to the Educational Specialist II must be earned at a state-approved baccalaureate degree-granting institution. Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, unless relevant to the area of certification, will not be considered acceptable for purposes of renewing or converting the Educational Specialist I Certificate. All credit must be earned subsequent to the conferring of the baccalaureate degree.

The grade level limitations of educational specialist certificates shall be specified in the standards stated for the respective programs of certification.

§49.131 -- 49.133

Applicants for a certificate shall have completed a program of teacher education approved by the Department and shall have received the recommendation of the preparing institution. Preparation in general education, professional education, and specialized studies shall be in accordance with standards established by the Department. Three basic types of certificates- - Vocational Instructional, Vocational Interim and Coordinator of Vocational Education shall be issued. Vocational Instructional Certificates shall have two levels of qualification.

§49.141 -- 49.143

The Department will issue vocational instructional certificates to persons whose primary responsibility is teaching. Certificates will be issued for any vocational educational instructional area for which program approval has been granted.

The Vocational Instructional I Certificate will be issued for entry into a vocational teaching position to applicants who have sufficient employment experience beyond the learning period to establish competency in the occupation to be taught, successfully completed the occupational competency examination or evaluation of credentials for

occupations where examinations do not exist and completed 18 semester credit hours in an approved program of vocational teacher education in the appropriate vocational field. The certificate shall be valid for a period of three years from date of issuance, and it may be renewed for an additional four-year period upon the completion of an additional 18 semester credit hours of study in an approved program in the appropriate field of vocational education.

The Vocational Instructional II Certificate shall be a permanent certificate issued to an applicant who shall have completed three years of satisfactory teaching on a Vocational Instructional I Certificate attested to by the superintendent of the school district in which his/her most recent service is performed or if the service was in an intermediate unit, attested to by the appropriate unit executive director, or in the case of an approved nonpublic school, the chief school administrator, and shall have completed 60 semester credit hours in an approved program in the appropriate field of vocational education.

§49.151; 49.152

The Department may issue vocational intern certificates for teaching in the Commonwealth public schools to applicants, having assurance of employment by a school district, who shall have met all legal requirements, presented evidence of adequate work experience beyond the learning period to establish competency in the occupation to be taught, successfully completed the occupational competency examination, or evaluation of credentials for occupations where examinations do not exist, been enrolled, or shall have been accepted for enrollment, by a teacher education institution in an approved program leading to the Vocational Instructional I Certificate and have been recommended for the certificate by the instituion holding such approval.

The Vocational Intern Certificate shall be issued for the period of time necessary for the candidate to complete the approved intern program, but for no more than three years.

§49.161; 49.162

The Department will issue a provisional Coordinator of Vocational Education I Certificate to an applicant who shall have a minimum of three years satisfactory teaching experience in the appropriate field of vocational education on a vocational instructional certificate, shall have completed 90 semester credit hours in an approved program of studies preparing for the responsibilities of coordinating programs in vocational education, and shall have been recommended by the preparing institution. The certificate shall be issued for five years of service as a coordinator.

The Coordinator of Vocational Education II Certificate shall be a permanent certificate issued to an applicant who shall have completed three years of satisfactory experience on a Coordination of Vocational Eduction I Certificate attested to by the superintendent of the school district in which his/her most recent service was performed or, if the service was in an intermediate unit, attested to by the appropriate intermediate unit executive director, or in the case of an approved non-public school, the chief school administrator. The applicant shall also have completed an additional 30 semester credit hours in an approved program in the appropriate vocational field.

§49.171; 49.172

Out-of-state applicants shall submit to the Department an official transcript and an affadavit of educational and work experiences. Such records will be evaluated by the Department by being equated with a comparable and approved program of a Commonwealth institution. If an evaluation by the Department reveals minor deficiencies in the applicant's preparation program, the Department will prescribe the additional educational requirements to be met in securing Commonwealth certification.

The Department will issue the appropriate letter of eligibility to an applicant who shall: have graduated from a state-approved out-of-state college or university whose educational administration preparation program is

acceptable by the state department of education of the state in which it is located and whose requirements are equivalent to those of this Commonwealth; have completed the preparing institution's educational administration program; have received the recommendation of the preparing institution for the letter of eligibility; and have submitted to the Department an official transcript and a certified record of work experiences. When evaluation by the Department reveals minor deficiencies in the applicant's preparation program, the Department will prescribe additional educational requirements to be met to secure a letter of eligibility.

§49.184

Certificates for the employment of program specialists will be issued by the Department at the request of an intermediate unit board of directors when the applicant meets requirements established by a job specification proposal approved by the Department and, shall not be transferable for use in another intermediate unit.

§221.2 -- 221.10

The Professional Standards and Practices Commission shall advise the State Board of Education on standards for the certification of professional personnel in Commonwealth public schools, standards for the accreditation of teacher education programs, standards for the evaluation of teacher education program services and activities, standards of professional practice for teachers in the public schools and procedures which assure that actions concerning suspension, annulment or revocation of teaching certificates shall comply with due process.

SUSPENSION
ANNULMENT
REVOCATION

The Commission's duty shall be to recommend to the State Board of Education standards for certification of teachers to render professional services in the public schools of the Commonwealth and for accreditation of teacher education programs and to evaluate teacher education and certification program services and activities to determine the effectiveness in terms of the annual and long-range program plans and to recommend changes to the State Board of Education; to recommend to the State Board

of Education standards of professional practice for teachers in public schools; to recommend to the State Board of Education procedures which assure that actions concerning suspension, annulment or revocation of teaching certificates shall comply with due process; to hold public hearings and take testimony concerning proposed recommendations which shall be presented to the State Board of Education; to adopt rules and regulations as may be necessary; and to keep minutes of its meetings and report annually to the Governor, the General Assembly, the teaching profession and the public.

The Commission shall consist of 16 members as follows: eight classroom teachers, including one educational specialist; three administrators from public schools; two faculty members from approved institutions of higher learning in the Commonwealth offering approved teacher education programs; one administrator from an approved institution of higher learning in the Commonwealth offering approved teacher education programs; one college student currently enrolled in a program of teacher education within an approved teacher education program at an approved Commonwealth institution of higher learning; and someone from the general public who shall be a parent of a pupil attending a public school.

Members of the Commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of official Commission business.

CROSS REFERENCE

IV.A.; Statute §12-1209

DISTRICT/ASSISTANT SUPERINTENDENT

STATUTES

§10-1002; 10-1003

Eligibility requirements for district or assistant district superintendent offices are as follows: (1) a college diploma or diploma from another institution approved by Department of Public Instruction; (2) six years of successful teaching experience, three in a super-

visory or administrative capacity; (3) completion in a college or university of a graduate course in education approved by the Department of Education.

Good moral character is required of every person elected or appointed as district or assistant district superintendent.

Driver Education Teacher Aides

CROSS REFERENCE

II.A.1.; Statute §15-1519; 15-1519.1

Intermediate Unit Assistant Director

Regulations

§49.183

A letter of eligibility to serve as an intermediate unit assistant executive director shall be issued in lieu of a certificate by the Department to a candidate who has obtained or achieved an earned doctorate from a state-approved college or university, or has a master's degree plus 40 hours of graduate work taken at an institution or institutions approved for the preparation of a district superintendent of schools; and who has had six years of experience in education work at the elementary, secondary, county office, intermediate unit, state department of education, or state-approved college or university level. The appropriateness of the applicant's academic preparation will be determined by the Department.

Intermediate Unit Board of Directors

CROSS REFERENCES

I.Intermediate Unit Board of Directors; Regulation §17.3; 17.4

Intermediate Unit Director

Regulations

§49.181; 49.182

The Department will issue commissions and permits to personnel for professional service in the intermediate units of the Commonwealth.

A letter of eligibility to serve as an intermediate unit executive director shall be issued in lieu of a certificate by the Department to a candidate who has obtained or achieved an earned doctorate from a state-approved college or university, or a master's degree plus 40 hours of graduate work taken at an institution or institutions approved for the preparation of a district superintendent of schools and who has had six years of experience in education work at the elementary, secondary, county office, intermediate unit, state department of education or state-approved college or university level. In three of these six years the applicant shall have served successfully in a management or supervisory capacity. The appropriateness of this experience and his/her academic preparation will be determined by the Department.

INTERNS

REGULATIONS

§49.91; 49.92

The Department may issue intern certificates for service in approved elementary or secondary schools of the Commonwealth, to applicants who are enrolled in an approved intern program and are recommended for such certificates by the institution holding such approval.

The intern certificate shall be issued for the period of time necessary for the candidate to complete the approved intern program, but in no case shall the time period exceed three years.

SCHOOL DIRECTOR

STATUTES

§3-322; 3-323

Any citizen of this Commonwealth, having a good moral character, being 18 years old, and having been a resident of the district for at least one year prior to the date of election or appointment, shall be eligible to the office of school director.

REMOVAL

A person holding certain government or school offices or positions is ineligible for the office of school director as is a person who has held any office of trust and profit and has been removed therefrom for any malfeasance in office.

C. Performance Standards

Board of Control

Statutes
§188

It shall be unlawful for any director or member of the board of control of school districts in any 2nd class city to hold the office of secretary of the board or be employed by the board while a member in any capacity in which any compensation is attached.

Board of School Directors

Statutes
§2-217

CONFLICT OF INTEREST

"It shall be unlawful for any member of or any board of school directors to demand, request, or accept, directly or indirectly, any gift or donation from any teacher or supervisor within its employ."

§3-319

VACANCY

If any person elected or appointed as school director, and notified of such, shall refuse or neglect to qualify as director, the remaining members may declare his/her office vacant. If any person having qualified as school director shall not attend two successive regular meetings of the school board (unless because of sickness or necessary absence from the district) or if in attendance at any meetings shall not act in his/her official capacity as school director, the remaining members may declare his/her office vacant.

§5-514

NOTICE
HEARING

The board of school directors, shall, after due notice, giving the reasons, and after hearing if

REMOVAL

demanded, have the right at any time to remove any of its officers, employees, or appointees for incompetency, intemperance, neglect of duty, violation of any of the school laws of this Commonwealth, or other improper conduct.

On such removal, the person shall surrender all papers, property, and effects of the school district in his hands at the time of removal.

§6-695

RESIGNATION

REMOVAL

School directors of a distressed district may not resign their offices unless the special board of control unanimously consents. They are to remain in office unless removed for neglect of duty by the court of common pleas of the county in which such district or the largest part in area is located, or are elected or appointed to a position which is not compatible with the position of school director. The assumption of control of a distressed school district by the special board of control shall in no way interfere with the regular election of school directors for the district.

§7-774

LIABILITY

The board of school directors shall have full power and authority to enter into any contracts it may deem proper for purpose of insuring every employee and school director against liability for damages sustained by pupils or others as a result of the employees' or directors' negligence in the performance of his or her duties during the course of his or her employment.

§10-1009

DISQUALIFICATION

Any person who shall, for her or his vote or support in the election of a director of an intermediate unit or district superintendent, pay or give to a school director any or all his/her expenses incurred in the convention for the election of such officers shall be guilty of a misdemeanor and be forever disqualified from holding any office in the public school system.

STATUTES

§7-771

All supervising officers and teachers in charge of public, private or parochial schools shall establish and direct the conduct of appropriate daily instruction or ceremonies, or at least one full period per week for affirming and developing allegiance to and respect for the U.S. flag and for promoting of a clear understanding of our American way of life.

§12-1211

"All state certificates or endorsements of the certificate of other states may be annulled by the Superintendent of Public Instruction for incompetency, cruelty, negligence, immorality, or intemperance, after [a] hearing, of which reasonable notice in writing must be given to the parties interested."

ANNULMENT

HEARING

NOTICE

§12-1212

Before starting to teach, every holder of a permanent special or State certificate shall present it, for registration to the proper superintendent, who shall record its kind, number and date of issue, together with the branches which it covers. Whenever new branches are added to any certificate, these shall be added to the record.

"Every district superintendent shall keep an accurate record of all valid certificates held by the teachers of the schools within his[her] jurisdiction."

§1227

Before suspension or revocation of any certificate and/or registration, the holder shall be given a complaint and have an opportunity to be heard personally and by counsel. Ten days' notice shall be given. "Any person aggrieved" by the revocation or suspension of any certificate and/or registration may appeal such an order.

SUSPENSION

REVOCATION

HEARING

NOTICE

APPEAL

§49.51

The Department of Public Instruction will review certification regulations annually and will report needed revisions to the State Board of Education. The Board will conduct a major review of certification regulations at ten-year intervals.

§49.52

The Secretary, the State Board of Education and the Professional Standards and Practices Commission will receive requests to indicate a new type/category of certificate. Whenever any of these parties receives such a request it will inform the other two parties. An investigation into an agent request for a new type/category of certificate will be conducted by the Department. The Professional Standards and Practices Commission on its own initiative may conduct an investigation. The Department and the Professional Standards and Practices Commission will review the findings of the investigation regarding the need for a type/category of certificate and present their recommendations to the Board.

If the Board does not disapprove or take any other action on the new type/category of certificate in the ensuing period of time of two regularly scheduled meetings of the Board after submission, the type/category of certificate will stand approved.

If the proposed type/category is approved by the Board, the Secretary will appoint a committee of professionals to develop standards for preparing professionals in the type/category of certificates. The committee shall include at least two members of the Commission. After the receipt of the proposed standards, the Secretary and the Commission will review the proposed standards and make recommendations to the Board. If the Board does not disapprove or take any other action on the new standards in the ensuing period of time of two regularly scheduled meetings of the Board after submission, the standards will stand approved.

CROSS REFERENCE

III.B.Certificated Personnel; Statute §1225

DISTRICT SUPERINTENDENT

STATUTES

§10-1080

REMOVAL

HEARING

NOTICE

District and assistant district superintendents may be removed from office, after hearing and one week notice of such hearing, by a majority vote of the board of school directors, for neglect of duty, incompetency, intemperance, or immorality.

CROSS REFERENCE

I.District Superintendent; Statute §10-1073

FOREIGN STUDENTS

STATUTES

§ 5.92, 5.93

Foreign students without educational credentials may earn the Commonwealth secondary school diploma or the Certificate of Preliminary Education.

VETERANS

Veterans of World War II or applicants presently on active duty or who have been on active duty after 1946 in a branch of the armed forces may earn secondary school credit by completing courses listed in the USAFI catalog, passing USAFI examinations administered in the armed services, or completing courses listed in the Guide to the Evaluation of Educational Experiences in the Armed Services.

PROFESSIONAL EMPLOYEES

STATUTES

§8-809

CONFLICT OF INTEREST

Giving or promising to give any school director, officer of any school board, superintendent, teacher or any other person any sum of money or other valuable thing, or making any promise of appointment or position in order to secure, procure, or influence the recommendation, adoption, rejection or purchase of any books, school furniture, or supplies, by any superintendent, teacher, or school district in this Commonwealth is a misdemeanor. On conviction, the sentence shall be a fine between $5 and $500 or imprisonment in the county jail for between 30 days and one year, either or both, at the discretion of the court.

§11-1108

DISMISSAL
NOTICE

It shall be the duty of the district superintendent to notify each temporary professional employee, at least twice a year of the progress and rating of his or her services. No temporary professional employee shall be dismissed unless rated unsatisfactory and notified, in writing, of such rating within 10 days following the rating date.

A temporary professional employee whose work has been certified by the district superintendent to the secretary of the school district, during the last four months of the second year of service, as being satisfactory shall thereafter be a "professional employee" and then tendered a regular contract of employment as provided for professional employees. No professional employee who has tenure in any school

district shall be required to serve as a temporary professional employee before being tendered such a contract.

Temporary professional employees shall for all purposes, except tenure status, be viewed as full-time employees and shall enjoy all the rights and privileges of such.

§11-1121

Each board of school directors shall enter into contracts, in writing, "with each professional employee who has satisfactorily completed 2 years of service. . ." which shall continue in force year after year, with the right of the board to increase the compensation, unless terminated by the employee by written resignation presented 60 days before resignation becomes effective or by the board by official written notice presented to the employee: Provided, that the notice shall designate the cause for termination and shall state that an opportunity to be heard shall be granted if the employee presents a written request for such hearing within 10 days of receipt of termination notice.

TERMINATION

NOTICE

HEARING

§11-1123

"In determining whether a professional employee shall be dismissed for incompetency, and in rating the services of a temporary professional employee . . . the employee shall be rated by an approved rating system which shall give due consideration to personality, preparation, technique, and pupil reaction," in accordance with Department of Public Instruction standards and regulations. "Rating shall be done by or under the supervision of the superintendent of schools or, if so directed by him, . . . by an assistant superintendent, a supervisor, or a principal, who has supervision over the work of the professional employee or temporary professional employee . . .: Provided, no unsatisfactory rating shall be valid unless approved by the district superintendent."

DISMISSAL

§11-1125--27; 11-1129--32

IIIC-PA 34

PENNSYLVANIA

TERMINATION

The only valid causes for termination of a contract with a professional employee shall be "immorality, incompetency, intemperance, cruelty, persistent negligence, mental derangement, advocation of or participating in un-American or subversive doctrines, persistent and wilful violation of the school laws . . . " Provided, that boards of school directors may terminate the service of any professional employee who has attained the age of 62.

No teacher shall wear in school or while performing his/her duty as a teacher any dress, mark, emblem or insignia indicating membership or adherence to any religious order, sect or denomination.

SUSPENSION

DISQUALIFICATION

Any teacher in violation shall be suspended from employment in such school for one year, and for a second offense, he/she shall be permanently disqualified from teaching in such school. Any public school director who after notice of such violation, fails to comply with the provisions shall be guilty of a misdemeanor and on conviction of a second offense fined up to $100 and deprived of his/her office. A person twice convicted shall not be eligible to appointment or election as a director of any public school for five years from the second conviction date.

APPOINTMENT

SUSPENSION

"Whenever a board of school directors decreases the size of the staff of professional employees, the suspensions to be made shall be determined by the district superintendent on the basis of efficiency rank determined by ratings..."

"It shall be the duty of boards of school directors to cause to be established a permanent record system, containing ratings for each professional employee employed within the district."

DISMISSAL

"No professional employee shall be dismissed . . . unless such rating records have been kept on file by the board of school directors."

SUSPENSION

In suspension cases, "professional employees shall be retained on the basis of seniority rights, acquired within the school district of current employment, where no differences in rating are found."

"Seniority rights shall also prevail where there is no substantial difference in rating." "In cases where there are substantial rating differences, seniority shall be given consideration in accordance with principles and standards of weighting incorporating in the rating cards." Where there is a merger, jointure, union or reorganization of school districts, all professional employees shall retain the seniority rights they had at the time of such merger, etc.

SUSPENSION

"No suspended employee shall be prevented from engaging in other occupation during the period of suspension. Suspended professional employees shall be reinstated in the inverse order of their suspension. No new appointment shall be made while there are suspended professional employees available, who are properly certified to fill such vacancies."

HEARING

"All hearings . . . pertaining to the dismissal or termination of contracts of professional employees shall be public, unless otherwise requested by the party against whom the complaint is made."

NOTICE

Before any tenured professional employee is dismissed by the board of school directors, written statement of the charges and a hearing shall be provided.

RIGHT TO COUNSEL

The employee will be given opportunity to be heard either in person, by counsel, or both.

DISCHARGE

After the hearing, a two-thirds roll call vote of all the members of the board of school directors is required for discharge of the professional employee.

Written notice of discharge of a professional employee by the board of school directors is to be sent by registered mail to the last known address of the employee within 10 days after the hearing is actually concluded.

EXPUNGMENT

If the decision is favorable to the employee, the charges shall be expunged from the records of the board of school directors. A complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made. There shall be no abatement of salary or compensation.

APPEAL

Appeal may be taken to the Superintendent of Public Instruction. His/her ruling shall be final unless an appeal is taken in accordance with the "Administrative Agency Law" act.

REGULATIONS

§49.64.1; 64.2; 64.4 -- 64.6

ANNULMENT
REVOCATION

The Secretary shall annul or revoke the professional certificate or letter of eligibility of any person for cause, thereby prohibiting such person from teaching or engaging in other professional services in the schools of the Commonwealth until such person is reinstated.

REINSTATEMENT

SUSPENSION

The Secretary shall suspend the professional certificate or letter of eligibility of any person for cause for no more than one year, denying such person the right to teach or engage in other professional services in the schools of the Commonwealth for that period of time. When the period of suspension has passed, the certificate or letter of eligibility shall be reinstated.

REINSTATEMENT

NOTICE
HEARING

No annulment, revocation or suspension shall be effected without prior notice and hearing in accordance with such reasonable procedures as the Secretary shall prescribe, after review of and comment on the procedures by the Board.

ANNULMENT
NOTICE
HEARING

Any professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void ab initio and shall be annulled by the Secretary after notice and hearing. Any alteration of a professional certificate shall render that certificate null and void and reissuance of a new certificate may be refused pending annulment, revocation, or suspension proceedings.

REVOCATION
SUSPENSION

In addition to any other remedy provided by law, should any person willfully refuse to return a certificate or letter of eligibility recalled for cause by the Secretary, the certificate may be revoked or further suspended for cause.

Annulment, revocation or suspension of a professional certificate by another state shall be considered probable cause for initiation of annulment, revocation or suspension proceedings, but no annulment, revocation or suspension shall be effected after notice and hearing.

REINSTATEMENT

"Any certificate or letter of eligibility which has been suspended is automatically reinstated at the end of the suspension period, provided, in the case of certificates, that the suspended certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may be issued a new one provided he/she satisfies the requirement for the new certificate by demonstrating competency in the area of the previous certificate.

RECONSIDERATION

An individual whose certificate or letter of eligibility has been annulled or revoked may have his/her case reconsidered annually. The burden of demonstrating his/her fitness for having his/her certificate or letter of eligibility reinstated rests with the individual. If the burden is met, the Secretary may place conditions on the issuance of the reinstated certificate or letter of eligibility."

DISMISSAL

"The board of school directors of the employing school district or the board of directors of each employing nonpublic school shall report to the Secretary within 10 days of dismissal the name of any person who has been dismissed and the cause for such dismissal."

NOTICE

The Secretary or his/her designee, shall notify all chief state school officers of the states and territories of the United States and all chief school administrators and teachers preparing institutions of this Commonwealth of the names and social security numbers of persons whose teaching certitificates or commissions are suspended or revoked, the period of suspension or revocation including effective date and the reason for such action.

STATUTES

§3-324

No school director shall, during his/her term, as a private person, engage in any business transaction with, be employed in any capacity by, or receive any pay for services rendered for the school district in which he/she is elected or appointed. Exceptions are provided. No school board shall limit the purchase of items by the district to the business entity of which a school director is an officer to the exclusion of all others.

CONFLICT OF INTEREST

§3-325;3-326

Every person who shall offer a bribe to any school director in order to secure an office or have a salary increase, shall be guilty of a misdemeanor and ineligible to be engaged as a teacher or to hold any office provided for in this act.

BRIBERY

Any school director receiving a bribe meant to influence voting shall be guilty of a misdemeanor, shall forfeit his/her office, and shall be ineligible for any office in the act.

§3-327

It shall be unlawful for any board of school directors to demand or accept any gift or donation from any teacher or superior within its employ. When the Superintendent of Public Instruction has found that the board has violated this provision, he/she shall have the power to withhold state appropriation for the school year in which the violation occurred.

CONFLICT OF INTEREST

§5-501

The board of school directors in every school district shall establish, equip, furnish, and maintain a sufficient number of elementary public schools to educate every person residing in such district between the ages of six and twenty-one years, who may attend.

School District

Statutes

§7-755

Every contract for or in behalf of any school district for the construction, alteration, or repair of any public building shall provide that there shall be no discrimination against race, creed or color by any contractor, subcontractor or agent. Penalties: (1) $5 per day per person discriminated against or intimidated may be deducted from contract price; and (2) contract may be cancelled or terminated by school district and money due under contract may be forfeited for second or subsequent violation.

EQUAL OPPORTUNITY

School System

Statutes

§15-1516;-1516.1

"At least 10 verses from the Holy Bible shall be read . . . on each school day. Any child may be excused from such Bible reading upon the written request of his[her] parent or guardian.

BIBLE READING

WAIVER

"In each public classroom, the teacher may or shall, at the opening of school every day, have silent prayer or meditation with all students participating.

PRAYER

The prayer is not intended as a religious service but is an "opportunity for silent prayer or meditation on a religious theme by those who are so disposed . . . ."

§5002

"All persons shall have equal opportunities for education regardless of their race, religion, color, ancestry, national origin, or sex."

EQUAL OPPORTUNITY

"There is a fundamental right for members of various religious faiths to establish and maintain educational institutions exclusively or primarily for students of their own religious faith. In such institutions, students otherwise qualified should have equal opportunity to attend without discrimination

because of race, color, ancestry, national origin or sex."

§5004

EQUAL OPPORTUNITY

It is an unfair educational practice to discriminate against or exclude a student because of race, religion, color, ancestry, national origin or sex, or to expel, suspend, punish or otherwise discriminate against any student because of race, religion, color, ancestry, national origin, or sex.

"To penalize or discriminate against any individual because such person has initiated, testified, participated or assisted in any proceedings under this act" shall be an unfair educational practice.

§5007, 5008

REVIEW

An aggrieved person may file a complaint with the commission within six months after an unfair educational practice is "alleged to have been committed."

"Until the commission shall determine that a cease and desist order shall be issued, it shall not disclose what takes place during informal efforts at persuasion, conciliation or mediation, nor shall it offer in evidence in any proceedings the facts addressed in such informal efforts, nor shall publicity be given to any proceedings before the commission and the identity of the educational institution shall not be disclosed, except in case of public hearings.

APPEAL

Any order of the commission may be reviewed and any order of court may be appealed."

§5.151 -- 5.153

Every school district shall submit to the Department of Public Instruction for approval a long-range development plan based upon the findings of Educational Quality Assessment, including a statement of district goals and objectives, evidence of community involvement, a plan for affirmative action and equal rights, a description of the program of education, a description of physical facilities, population projections, evidence of interdistrict coordination of activities, financial data about the school district, and a description of supplemental school activities.

Participation in the development of the long-range plan shall include administrators, teachers, students, and community persons.

The Secretary shall develop a schedule for districts to submit long-range plans coordinating this schedule with participation in its Educational Quality Assessment Program.

For failure to submit the plan as scheduled, the Secretary may withhold any or all of the instructional subsidies due such district, withhold its building subsidy, deny the award of any state or federal discretionary or incentive funds available to the department, or withhold approval of requests for curriculum exceptions and modifications of school schedules.

§ 12.4

EQUAL OPPORTUNITY

"No student shall be denied access to a free and full public education on account of race, religion, sex, or national origin."

STATUTES

§15-1531

Teachers shall "grade and classify the pupils in their schools so that they may pursue the courses of study provided for and all pupils found proficient may be promoted twice each year."

PROMOTION

§16-1613

"The board of school directors . . . shall issue a certificate to each pupil satisfactorily completing the prescribed course of instruction in high school."

CERTIFICATE

REGULATIONS

§ 5.74

Thirteen planned courses for credit in grades 10-12 shall be required for graduation and shall include three planned courses in English, one of which may be speech, one planned course each in mathematics and science, and two planned courses in social studies.

GRADUATION

At the school district's discretion courses offered below the senior high school level may be used to meet graduation requirements if the standards for awarding credit are equal to those used in the equivalent senior high school course.

Other requirements for graduation may be established at the school district's discretion.

Any course listed within this section may be integrated with other courses or may be taught separately.

§5.81 -- 5.83

The Commonwealth secondary school diploma may be issued to an applicant who is a resident of the Commonwealth and who has a passing score as determined by the Department on the high school level Tests of General Educational Development or presents evidence of full matriculation and the satisfactory completion of a minimum of one full year or 30 semester hours in an accredited college.

DIPLOMA

The Department will not issue a diploma until after the class of which the applicant was a member has been graduated.

The Department may recognize passing scores on the high school level Tests of General Educational Development as fully meeting the requirements on the secondary level for Certificates of Preliminary Education.

§ 5.91

CERTIFICATE

An applicant may be issued a Certificate of Preliminary Education upon presenting:

(1) evidence of graduation from a Commonwealth approved senior high school with 16 units of credit in grades 9, 10, 11, and 12 or its equivalent as determined by the Department;

(2) evidence of full matriculation and satisfactory completion of a minimum of one full year in an accredited college or university;

(3) a Commonwealth secondary school diploma; or

(4) evidence of completion of the requirements for a Commonwealth secondary school diploma except that it is not required that the applicant be a resident of this Commonwealth.

Either of the following means may also be used in meeting the requirements for the Certificate of Preliminary Education:

(1) Attending an approved secondary school in day, evening, or summer classes.

(2) Passing examinations administered by the education agency of another state or the designated agents of that agency.

§ 5.101; 5.102

Courses completed in a nonapproved secondary school for professional purposes may be approved upon subsequent graduation from an approved secondary school after the satisfactory completion in the approved school of advanced courses in English, mathe-

matics, science, and social studies.

Such requirements may be met by a minimum of unit courses in English and science and 1/2 unit courses in mathematics and social studies.

EXAMINATION

A graduate of another state's secondary school not on an approved list of secondary schools may clear his/her work by passing an examination administered by the education agency of that state, or the designated agents of that agency, or by meeting requirements set forth in §5.81 and §5.91 of this Title.

§5.111 -- 5.114

COLLEGE CREDIT

College credit may be accepted toward meeting requirements for preliminary education in academic or technological subjects.

For college credit to be accepted, the subjects must be offered in an approved secondary school and be specifically designed and taught at the college freshman level, the student must pass the required examination prescribed as part of the program or pass the College Advanced Placement Examination in the subject, the college admitting the student must accept the advanced college credits as part of the degree requirements, and the record of the courses with credit allowed by the college must be submitted to the Department by the college.

The Department may accept as equivalent college credit examinations on the college level offered by institutions of higher learning for preliminary education for the professions.

The Department may accept USAFI college course credit granted by an approved college or university for meeting preliminary education requirements.

CROSS REFERENCES

II.A.1.; Regulation §5.12 -- 5.15; 5.17

II.A.1.; Regulation §5.71

II.A.1.; Regulation §5.75

II.A.8.; Statute §19-1905

CURRICULUM

CROSS REFERENCES

II.A.1.; Regulation §5.2; 5.4

II.A.1.; Regulation §5.61 — 5.63

EDUCATIONAL PROGRAMS

§2-290.1

The State Board of Education shall develop an evaluation procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools. The evaluation procedure shall include uniform tests measuring the achievements and performance of students pursuing all of the various subjects. It shall provide each school district with relevant comparative data to enable directors and administrators to more readily appraise [the] educational performance and to strengthen the district's educational program. The State Board of Education shall devise performance standards upon completion of the evaluation procedure.

EDUCATION SYSTEM

STATUTES

§10-1006

Every district superintendent shall annually forward to the Superintendent of Public Instruction the reports of the school districts under his/her supervision and extended reports as he/she may think proper, suggesting improvements or changes in the public school system.

§16-1606

Every public high school shall be supervised by the superintendent of the district in which the high school is situated. The board of school directors of districts maintaining high schools "shall furnish to the

Superintendent of Public Instruction sworn statements giving such information concerning the high school as he[she] may require."

REGULATIONS

§5.151 -- 5.153

School districts shall submit to the Department a "long range development plan" which is based upon the findings of the Educational Quality Assessment. Such plan shall include "a statement of district goals and objectives, evidence of community involvement, a plan for affirmative action and equal rights, a description of the program of education, a description of physical facilities . . . and a description of supplemental school activities."

Failure to submit such a plan can result in the withholding of funds.

§17.17

Each intermediate unit shall submit annually to the Secretary of the State Board of Education a description of each service offered to the school districts comprising the unit pursuant to §1 of the act of April 4, 1974, P.L. 243 (No. 57). The description shall include: (1) A brief narrative which compares intended accomplishments with those outcomes actually accomplished; (2) The number and type of persons employed full-time and part-time by each service; (3) The total cost and per pupil cost for capital outlay, equipment, overhead, and salaries for each service; and (4) The source of revenue supporting each service.

INTERMEDIATE UNITS

STATUTES

§9-974

Annually, the Secretary of Education shall submit to the members of the General Assembly a report on the operation of the intermediate units for the purpose of enabling them to evaluate the system.

School Districts

Regulations

§ 5.76

Incorporating the recommendations derived from the review process of the Educational Quality Assessment program undertaken in 1976-1977, the Department of Public Instruction will yearly undertake the assessment procedure of one-third of the school districts.

Vocational Educational Programs

CROSS REFERENCE

II.A.3.; Regulation §6.81 -- 6.83

E. Improvement Efforts

Counselors

CROSS REFERENCE

IV.B.; Regulation §7.3

Teachers

Statutes

§12-1208

"The State Board of Education shall provide for summer schools in . . . educational institutions and for extension courses . . . for all teachers employed in the public school system" who wish to acquire the prescribed minimum qualifications or such further qualifications as may be desirable.

CROSS REFERENCES

II.A.3.; Regulation §6.53

RHODE ISLAND

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

REGULATIONS

STANDARDS FOR APPROVAL AND ACCREDITATION
OF SECONDARY SCHOOLS IN RHODE ISLAND

Section II; Standards for Approval

Approval by the state department of education certifies that a school complies with all laws, rules, and regulations governing secondary schools. Approval is mandatory for the legal operation of a secondary school; it shall be limited to one year and renewed annually.

ANNUAL REVIEW

For approval, each school shall have a written educational policy, developed by the faculty and administration and setting forth objectives against which school performance shall be judged.

The plant and equipment (including the school library) shall be suited and adequate for the program and operated to assure the health and safety of pupils and staff. Buildings shall conform to all laws and regulations governing safety, sanitation, and school health environment.

PLANT

The faculty and staff shall be large enough to carry out the school program and adequately prepared to carry out their professional responsibilities. All public school teachers shall hold appropriate certificates from the State Board. All independent school teachers shall have a bachelor's degree or equivalent.

STAFF

Each school shall have a carefully planned program of study and activities, approved by the Commissioner of Education and including the required course in the Constitution and Government of Rhode Island and of the United States.

The minimum graduation requirements shall be 16 units (each equivalent to work normally covered in 100 minutes weekly in class over one year) earned in grades 9-12 inclusive, 4 of which shall be in English, 1 in U.S. history and government, 1 in mathematics, and 1 in science.

GRADUATION REQUIREMENTS

The school year in public schools shall contain at

least 180 days and in independent schools at least 180 days, or the equivalent if the school day is longer than the average high school day. The school day shall consist of at least 5½ hours of actual school work, excluding lunch and recess periods. The class period shall be sufficiently flexible to allow the school to schedule classes four or five times weekly or to provide large group instruction with long or short periods as the program demands.

An adequate system of records shall be kept for all pupils. Records shall be kept up to date in a safe place, shall be available for inspection by authorized persons, and shall include all information required by law.

Section III: Standards for Accreditation

Accreditation by the state department of education certifies that a secondary school meets standards of quality established by the state. Accreditation shall be granted for a period not to exceed ten years at any time.

Accreditation is a voluntary program and is in no way imposed upon schools. A school shall seek accreditation as a mark of distinction when it feels that it is meeting well the educational needs of all of its students.

Before seeking state accreditation, a school shall undertake its own self-evaluation. Secondary schools are urged to seek and retain accreditation by the New England Association of Colleges and Secondary Schools.

Evaluation for accreditation purposes is based on an evaluation of a school's total program. Each standard should be met; however, deficiencies in certain areas may be compensated for by outstanding strengths in others.

EVALUATION

STANDARDS

I. Status

A secondary school seeking accreditation shall meet standards for approval and shall have operated as an approved school for the five years preceding application for accreditation.

II. School Plant

The size of the site shall be at least 25 acres unless adequate facilities can be provided with less or, in

established schools, land acquisition is impractical or excessively costly. The site shall: be large enough to accommodate the outdoor physical education and recreation program; be attractively landscaped; be readily accesible, well drained, and remote from traffic hazards, noises, and unsanitary conditions; and provide sufficient off-street parking facilities.

Buildings shall meet community and state health, safety, and building codes, and shall in every respect be such as to insure hygienic conditions for pupils and teachers. Buildings shall be large enough to conduct the program outlined in the statement of philosophy. A school on double session shall be considered as operating on an emergency basis and shall have accreditation withheld until the situation is corrected. Buildings shall be designed to allow for flexible use and further expansion.

FACILITIES

Academic classrooms shall be designed with classes of 30 pupils in mind and shall have at least 700 square feet of floor space. The size of smaller classrooms shall be based on a minimum of 25 square feet per pupil.

Each classroom shall be equipped with appropriate instructional materials and equipment, including ample seating, chalkboards, and bulletin boards.

Laboratories, adequately equipped with furniture, supplies, and storage space, shall be provided for the physical and biological sciences, homemaking, industrial arts, fine arts, and other subjects involving considerable activity.

A library meeting the State Board of Education Standards for School Libraries shall be provided.

Lunchroom facilities shall meet the needs of the school's total population and be sufficient in size so that lunches shall not start unduly early or finish unduly late in the school day.

A gymnasium with indoor and outdoor space, apparatus, and equipment, sufficient to involve each pupil in daily physical education, shall be provided.

An auditorium large enough to seat at least one half of the school population shall be available. It is recommended that gymnaisum and auditorium facilities not be

combined.

School dormitories and social centers shall be provided when the program requires them. A boarding school shall have an infirmary.

III. Administration and Faculty

The elected school committee shall have care and control of the public schools. The committee shall delegate all executive functions to the superintendent.

The superintendent shall be the educational leader and executive head of the school system. The superintendent shall: keep the school committee informed of the system's objectives, achievements, needs, and plans; develop and present the annual budget; oversee the system's business affairs; and supervise all employees and recommended persons for appointment.

The principal shall be the responsible head of the school and assume responsiblity for directing all activities of the school.

Each member of the faculty shall have sound preparation in a subject matter field and demonstrate a desire to keep this preparation current.

The number of teachers shall be sufficient to prevent overloading of classes and excessive teaching load. Each high school shall maintain a ratio of 55 certified personnel to each 1,000 pupils; each junior high school shall maintain a ratio of at least 50 certified personnel to each 1,000 pupils. Class size shall not exceed 30 pupils except in special areas, such as music classes, and in academic classes where team teaching is conducted. Where possible, teachers shall not be assigned more than three or four daily preparations nor more than an average of five classes daily. Policies and working conditions for teachers shall be such as to encourage long tenure.

PUPIL TEACHER RATIO

IV. Program of Studies

There shall be evidence, in its Statement of Philosophy and Objectives required for approval, that the staff has made a thorough study of the community school needs in establising the purpose and program of the school.

CURRICULUM

The program of studies shall be designed to meet the needs of all pupils, both those planning to go to college and those for whom high school education is terminal. Provision shall be made for individual differences among pupils by adjustments in the program of studies and in methods and materials of instruction: the school's success in holding pupils through graduation shall be one measure of how well this provision is met.

Each school shall show evidence that there is a planned and continuing curricular development program.

The maximum load for each pupil shall be determined by the school administration. Four subjects meeting daily or five subjects meeting four times weekly, together with physical education, group guidance, and school activities shall be considered the minimum load for grades 9-12. (The number of subjects carried should be based on appropriateness for the individual pupil rather than on the number of units.)

GUIDANCE

The school shall provide continuing guidance and counseling services for pupils. Each school shall have one adequately trained full-time guidance counselor and, in larger schools, at least one such counselor for each 300 pupils.

Library facilities and reading materials shall be sufficient to meet student needs.

The school shall make available materials and equipment (including textbooks and maps) to carry out the program. No textbooks shall be used unless recommended by the superintendent and approved by the school committee.

The school shall provide and supervise an activity program of sufficient variety to encourage the participation of all pupils. Active participation shall be voluntary, but strongly encouraged. These activities shall be in proper balance with other aspects of the school program.

The athletic program involving interschool competition shall be part of the total educational program and under the supervision of the principal and staff. Athletic offerings shall be determined by pupil needs. The total number of sports offered and of pupils participating shall measure the

effectiveness of the athletic program.

CROSS REFERENCE

II.B.3.; Regulation, Standards for Approval and Accreditation of Secondary Schools, App. A

2. Other Qualification Standards

Statutes

§16-1-10

The school committee of any town, in which taxable property is not adequate at the average rate of taxation for public school support throughout the state to provide, with the money that may be apportioned from the general treasury, an amount sufficient to provide and maintain public schools of a high standard, may request the department of education to assume control of the public school of the town for the ensuing year, provided that the town has appropriated for the support of public schools for said year a sum equivalent to thirty cents on each one hundred dollars of the assessed valuation of the town. If the department of education is satisfied that the request is warranted and that the best interests of the school will be served thereby, it may assume such control.

§16-2-2

SCHOOL TERM

Except as otherwise provided herein, "every town shall establish and maintain for at least one hundred eighty (180) days annually exclusive of holidays a sufficient number of schools in convenient places under the control . . . of the school committee and under the supervision of the board of education."

If the school is not conveniently located, the school committee may provide transportation for students to and from school in accordance with the provisions of Chapter 21 of this title.

"Beginning in September 1969, such school facilities shall include a sufficient number of kinder-

gartens."

§16-2-3

In case of any emergency "which may endanger the health of children or the physical well-being of the community," the board of education may authorize the school committee of any town "to reduce the number of school days to not less than one hundred seventy days;" provided, that employee compensation "shall not be reduced by reason of the shortening of the school year."

§16-18-3

Census returns compiled by the school committees of the several towns shall be summarized, and both the returns and the summary shall be forwarded to the department of education. Failure to comply with this provision will result in a town being denied to draw on any public moneys apportioned to that town.

CENSUS

§16-40-1

No academy or institution of secondary or higher education shall be incorporated, established or permitted to transact business in Rhode Island until approved by the board of regents.

The secretary of state shall notify the board of regents of any association purporting to establish an educational institution, and shall not issue the certificate of incorporation provided by the general laws until the commissioner of education shall file with the secretary of state a signed certificate that the state board of regents has approved the application for incorporation as complying with the requirements of this section.

REGULATIONS

ARTICLE II: EDUCATIONAL PROGRAM DEVELOPMENT (p.2-18.2)

D. EDUCATIONAL PROGRAM ELEMENTS

3a. LENGTH OF SCHOOL DAY AND YEAR

"For the purposes of 16-2-2 and 3 of the General Laws of 1956, a 'day' or 'school day' is defined by the Board

of Education to mean regular operation of all schools in the town for a period which in the case of elementary schools consists of not less than five hours of actual school work, excluding lunch and recess periods, and in the case of secondary schools of not less than 5½ hours of actual school work, excluding lunch and recess periods. In the case of kindergartens, however, the school day is defined to mean regular operation for not less than 2½ hours. Regular operation of any school for less than the minimum hours specified above shall require the prior approval of the Commissioner of Education, who shall for time to time report to the State Board of Education on approvals granted." (Board, 5/6/65; revised, ED, 3/13/69)

"Educational activities which do not require the attendance of all children in school may be considered as part of the regular operation on a number of days during the school year, provided that on such days the children shall be in attendance for a minimum of three hours, and provided further that the total number of such days shall not exceed the equivalent of one day per week in a given school year. Such days may be counted as school days for meeting requirements of the law (16-2-2) only with the advance approval of the Commissioner of Education."

Requests for approval must be submitted to the Commissioner in writing by the Superintendent.

Secondary school graduations may not occur more than five days prior to the 180th school day. (BR, 3/15/73)

STANDARDS FOR RHODE ISLAND ELEMENTARY SCHOOLS

A. School Year and Day

The school year shall not be less than 180 days. The elementary school day shall not be less than five hours excluding lunch and recess, and the kindergarten day not less than 2½ hours.

B. Staff

Each public elementary principal and teacher shall hold an appropriate certificate from the State Department of Education. All teachers in nonpublic schools shall have a bachelor's degree or equivalent.

Paraprofessional personnel shall be employed according to policy developed by the school system.

C. Curriculum

CURRICULUM

Each elementary school shall provide for all children those subjects required by law.

Reading, writing, geography, arithmetic, United States and Rhode Island history, and principles of American government shall be taught in English, though these and other subjects may be taught, in addition, in any other language.

The principles enunciated in the United States and Rhode Island constitutions shall be taught. The history and government of Rhode Island shall be taught commencing with the fourth grade. The major contributions made by Negroes and other racial and ethnic groups to United States and Rhode Island history shall be included in the study of history.

Instruction shall be provided in physiology and hygiene, with special reference to the effects of alcoholic liquors, stimulants, and narcotics on the human system, and in health and physical education for at least 20 minutes in each school day.

Each teacher shall devote not less than 1 hours in each month to instruction in fire prevention.

D. School Library Standards

LIBRARY

An elementary school with an enrollment under 100 shall have a book collection of 10 volumes per pupil plus 100 volumes, and the annual expenditure shall be $4.00 per pupil after the basic book collection is reached.

A school with 100 to 250 chidren shall have an annual library budget of at least $600 and a collection of 2,000 volumes. There shall be a library media specialist at least one and one half days per week in schools with fewer than 250 children.

A school with 250 to 499 chidren shall have an annual library budget of $600 for the first 250 children and $1.75 for each additional child. It shall have a collection of 2,000 volumes for the first 250 chidren and 6 volumes for each additional child. It shall have a half-time library media

specialist.

A school with 500 to 999 chidren shall have an annual budget of $1,025 for the first 500 children and 4 volumes for each additional child. If shall have a full-time library media specialist.

E. School Plant

The school plant shall meet the health, safety, and building codes of the community and/or state. It shall be inspected annually by the appropriate inspectors and certificates of inspection shall be filed with the State Department of Education.

F. Health and Safety

All full- or part-time employees shall prior to employment and every two years thereafter file with the school administrator a report from a licensed physician, based on a chest X-ray or an intra-dermal tuberculin test within the prior six months, that the person is free from tuberculosis in its communicable form. Each pupil shall furnish evidence of a pre-admission health examination and evidence that the pupil has been immunized against diptheria, tetnus, polio, rubella and measles (or has had natural measles); or a certificate from a licensed physician that the pupil is not fit for immunization for medical reasons, or a certificate signed by a parent that such immunizations are contrary to his/her beliefs.

IMMUNIZATION

All schools shall have a school health program to provide for the organized direction and supervision of a healthful school environment, health education and services.

The principal or other responsible person for every educational institution having more than 25 pupils shall hold at least 15 fire drills or rapid dismissal during the school year. At least four drills shall be obstructed drills, in which one or more exists and stairways in the school buiding are blocked off or not used.

FIRE DRILLS

G. Eligiblity for School Attendance

Every child who has reached five years of age by December 31 of any school year shall be eligible to attend kindergarten during that school year. Every child who has

reached six years of age by December 31 of any school year shall be eligible to attend first grade during that school year. In both cases, school committees have the option of admitting children at an earlier age.

H. Registers and Reports

Every teacher shall keep a register and shall prepare any report required by the department of education.

CROSS REFERENCES

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

III.D. Funds for School Operations; Statute §16-9-3

B. Qualification Standards for Personnel

Board of Regents

CROSS REFERENCE

I. Board of Regents; Statute §16-49-1

Principal

CROSS REFERENCE

III.A.2.; Regulation, Standards for Elementary Schools

School Personnel

Statutes

§16-11-1

"No person shall be employed to teach, as principal or assistant, in any school supported wholly or in part by public money unless such person shall have a certificate of qualification issued by or under the authority of the state board of education." Any monies paid by any town to uncertified teaching personnel shall likewise, be deducted by the department of education from the amount of the state's money due to such non complying town.

§16-12-2

No member of the school committee, so long as

he/she continues in office as a member of the school committee, shall be eligible or employed to teach as principal, supervisor or assistant in any school supported entirely or in part by public money, or to serve as superintendent of schools, within the town in which said member of the school committee resides.

§16-13-1

The term teacher as used in this chapter shall be deemed to mean every person for whose position a certificate issued by the state department of education is required by law.

State Advisory Council for Vocational-Technical Education

CROSS REFERENCE

II.A.3.; Statute §16-53-2

Superintendent of Schools

Statutes

§16-2-10

"No person shall be employed as superintendent of schools in any town unless such person holds a certificate of qualification issued by or under the authority of the state board of education; and no town employing a superintendent not certified as herein provided shall be entitled to any share in the appropriation provided by §16-5-8."

Teachers

Statutes

§16-11-2

The board of education shall hold, at various times and locations, examinations for the position of teacher in the public schools; and the board of education is authorized to issue certificates of qualification which shall be valid throughout the state for the grade and time specified therein.

§16-11-3

The board of regents may, in its discretion, issue certificates of qualification to teach without examination to persons who may present evidence of qualification and shall comply with the regulations of said board.

§16-14-6

Qualified residents of Rhode Island who have become certified to teach in the schools of this state and who have assured the board of education of their willingness to teach handicapped children, shall be admitted to any educational institution approved by said board to pursue a course of study designed to prepare such applicant for the education and training of physically, emotionally and mentally handicapped children, upon state scholarships, upon presentation to said board by each applicant of a recommendation signed by the proper officer of such institution.

CROSS REFERENCES

I. Certification Advisory Committee; Regulation, Art. I, Role and Function of State Education Agency, pp. 1-13

II.A.2.; Statute §16-26-5

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

III.A.2.; Regulation, Standards for Elementary Schools

C. Performance Standards

Adult Literacy

CROSS REFERENCE

II.A.8.; Statute §16-26-8

Board of Regents

Statutes

§16-49-3

Public members of said board of regents shall be removable by the governor for cause only, and removal solely for partisan or personal reasons unrelated to

REMOVAL

capacity or fitness for the office shall be unlawful.

Educational Television

Statutes

§16-28-3

It shall be unlawful for the board of education to permit any individual corporation or organization to advertise or otherwise attempt to sell its products or services for commercial purposes through the use of state-owned facilities; and it shall also be unlawful for said board to permit the sponsorship for election of any party or individual for any public office.

However, information programs sponsored by legally authorized agencies of the state, federal and international governments for the public good are not excluded and are to be considered proper program materials.

Regional School Districts

Statutes

§16-3-2

"Regional school districts may be organized for the establishment of schools for the purposes enumerated herein:

(a) To operate all schools and educational services.

(b) To operate a secondary school or schools.

(c) To operate vocational or technical schools.

(d) To operate a community college.

(e) To operate other schools as the people of the regional school district may determine, subject to approval by the board of education."

REGULATIONS

ARTICLE I: ROLE AND FUNCTION OF THE STATE EDUCATION AGENCY, pp. 1-14 -- 1-14.1

PROCEDURES FOR APPEALS TO AND HEARINGS BEFORE THE COMMISSIONER OF EDUCATION

In the appeal to the Commissioner of Education, the petitioning party shall provide: the name and address of the petitioning party; rules on statutes involved; and a statement of facts describing the nature of the appeal.

APPEALS

All parties to a contested case shall be afforded an opportunity for hearing after a notice, which shall include a statement of the time, place, and nature of the hearing and of the legal authority under which the hearing is to be held, a reference to statutes and rules involved, and a concise statement of the matter.

All parties shall be afforded an opportunity to respond and present evidence and argument on all issues involved. Unless precluded by law, informal disposition may be made of any contested case. The record in any contested case shall include: all pleadings, motions, and intermediate rulings; evidence; a statement of matters officially noticed; proposed findings and exceptions; and any decision, opinion, or report by the presiding officer.

Oral proceedings shall be transcribed on request of any party.

Findings of fact shall be based exclusively on the evidence and matters officially noticed.

ARTICLE II: EDUCATIONAL PROGRAM DEVELOPMENT, pp. 2-1.1 -- 2-1.2

A. State's Goals for Education - Policy (BRE 7/6/72)

EDUCATIONAL GOALS

Rhode Island's educational goals shall include the following:

Personal goal: an opportunity for each person to grow toward self-understanding and to determine personal goals, values, and attitudes.

Social goal: an opportunity for each person to advance the dignity of man by living effectively with other individuals, groups and organizations.

Economic goal: an opportunity for each person to understand and evaluate economic needs, values and systems in order to contribute to the common good and an opportunity to be able to choose a career suited to his/her talents and aspirations and to acquire the competencies to pursue that career.

Political goal: an opportunity for each person to contribute to the benefit of all peoples through the understanding and practice of democratic self-government.

Physical goal: an opportunity for each person to create a healthier and more beautiful world by understanding the environment and making intelligent use of it.

Aesthetic goal: an opportunity for each person to enrich life through contemplation and experience in all forms of art.

Cultural goal: an oportunity for each person to enrich the community of man through the development of values based on an understanding of various cultures.

CROSS REFERENCES

II.A.1.; Statute §16-46-6--7; 16-46-9--10

III.C.Board of Regents; Statute §16-49-3

III.D.Commissioner's Annual Review of School Expenditures; Statute §16-7-32

IV.J.; Statute §16-38-5

SCHOOLS

REGULATIONS

ARTICLE IV: STUDENTS (pp 4-11 - 4-12.2)

E. DISCRIMINATION, SEGREGATION, AND INTEGRATION

2. De facto Segregation

a. The State Board of Education pledges its support and assistance in implementing and financing, to the best of its ability, plans, if adopted by the local school committee, intended to eliminate de facto segregation.

b. The State Board of Education urges an aggressive and imaginative attack on the problems of de facto segregation and is in favor of the kind of program that eliminates segregation by moving children.

c. The State Department of Education shall assist local school districts to eliminate racial imbalance in the schools, and help overcome the educational, social, and economic disadvantages of de facto segregation.

d. Racial isolation in the schools is a direct impediment to the realization of two basic American goals: equality of opportunity and social harmony. Therefore, the Rhode Island State Board of Education hereby endorses racial integration in the schools as a positive good. It pledges to do all in its power--through supportive programs, statements of policy, and regulation, if necessary--to assure that racially integrated schools, and classrooms insofar as possible, are achieved and maintained in Rhode Island.

3. Equal Educational Opportunity

a. Policy Statement on Equal Educational Opportunities (BE, 6/11/70; reaffirmed, BR, 2/15/73)

In light of the many developments occuring in education today, the Rhode Island State Board of Education reaffirms its position on equality of educational opportunities. The Board recognizes that learning is influenced by many factors and, that, because of these factors, many persons in our state have been unable to partake equally of educational opportunities.

In order for all to achieve their maximum potential, both the state and local educational systems must strive for equity in education. The State Board of Education firmly believes that social or economic circumstances should not be allowed to interfere with an individual's achieving his/her full potential through the educational process.

The State Board of Education believes that it is not possible for schools to be segregated on the basis of race and yet provide quality education. Integration can be a reality only when each school in a district has approximately the same proportion of pupils and teachers by race as exists in the district as a whole. In addition, where contiguous school districts have markedly different racial proportions, local school committees are strongly encouraged to search vigorously for ways by which these differences can be

eliminated. Realizing the technical problems involved, the assistance of the Rhode Island Department of Education will be made available for any local system requesting it.

b. Standards of Enforcing Compliance with Policy.

Each district shall annually submit to the Commissioner of Education such data as may be required to determine the social composition of the school enrollment, staff and faculty. The Commissioner shall notify the district whenever a finding of social imbalance has been made. A public school whose percentage of racial minorities deviates by 10 percent from the racial composition of the public schools of the district or, if the district has between 5-10 percent racial minorities in its schools, a school having fewer than 2 percent racial minorities is defined as socially imbalanced.

Any school committee receiving such notification shall prepare a plan to correct such conditions and file it with the Commissioner within 90 days. The Commissioner will notify the school committee within 60 days as to whether the proposed plan is acceptable; unacceptable plans must be revised and resumbitted within 60 days. If a district does not forward a plan within 60 days, or if the revised plan is still unacceptable, the Commissioner will establish a three-member panel to set the terms of the plan or will take steps necessary to guarantee racial balance.

ARTICLE IV: STUDENTS (pp. 4-12.4 - 4-12.5)

E. DISCRIMINATION, SEGREGATION, AND INTEGRATION

5. Policy of the Department of Eeducation Regarding Non-Discrimination on the Basis of Sex. (Commissioner's Order, 10/10/75)

SEX DISCRIMINATION

"It is the belief and policy of the State of Rhode Island and the Rhode Island Department of Education that the sex of an individual should not serve as a barrier to his or her opportunity to participate in educational activities, nor shall his or her sex adversely affect the rights of an individual to compete for employment opportunities.

It shall therefore be the policy of the Rhode Island Department of Education to provide equality of opportunity in the educational programs and activities which it operates.

The Rhode Island Department of Education shall not discriminate in admissions, treatment or access to educational programs, activities and facilities or in regard to employment opportunities on the basis of sex, as required by Title IX of the Education Amendments of 1972."

5a. Guidelines for Dissemination and Implementation of Policy on Non-Discrimination on the Basis of Sex (Commissioner's Order, 10/10/75)

In order to disseminate this policy, copies of this statement shall be disseminated to all present and future employees of the Department of Education, to all students enrolled at schools operated by the Department of Education, to all unions and professional organizations holding collective bargaining agreements with the Department of Education, and published in local newspapers and in newspapers or periodicals operated by the Department of Education.

The Department of Education shall not utilize or support any publication which suggests that the Department treats applicants, students, or employees differently on the basis of sex, unless such treatment is in agreement with state and federal law. In order to implement this policy, the Rhode Island Department of Education shall apprise each of its employees and recruitment representatives of this policy of non-discrimination, distribute without regard to sex each publication herein named, adopt and publish procedures providing for the prompt and equitable resolution of student and employee complaints alleging any action which is prohibited by this policy, and provide all possible assistance to local education agencies in the development of policies and practices designed to eliminate discrimination on the basis of sex.

STUDENTS

CROSS REFERENCES

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

STATUTES

§16-11-4

The board of regents may at any time annul for any cause any certificate issued by it, after due notice to the holder thereof and an opportunity for a hearing if desired.

§16-12-6

DISMISSAL

"The school committee of any town may, on reasonable notice and a hearing of such teacher, dismiss any teacher for refusal to conform to the regulations by them made, or for just cause."

§16-13-3

PROBATIONARY PERIOD

"Three successive annual contracts shall be considered evidence of satisfactory teaching and shall constitute a probationary period." Those who complete the probationary period shall be considered in continuing service. No teacher shall be dismissed except for good and just cause.

"Any teacher appointed to a position of principal, assistant principal or vice principal within the school system in which said teacher has attained tenure, shall, upon termination or resignation of such administrative position, be allowed to return to his former status as a tenured teacher within said system."

§16-38-6

CONFLICT OF INTEREST

Excepting under authorization of the department of education or town school committee rules, no public school teacher shall solicit, exact or receive from any pupil in any public school any gift, contribution, money or article of value. Excepting the sale of school lunches, no article shall be sold or offered for sale to public school pupils or teachers on public school premises. No public school teacher "shall solicit or receive from pupils subscriptions for any newspaper, periodical or magazine;" nor shall any

teacher at any time other than summer vacation period accept any fee or gift for the tutoring of any child regularly under his instruction, nor shall any person distribute in the public schools or to children on their way to or from school, any circular, sample, package, coupon, ticket or advertising matter. This section does not apply to the acceptance from pupils of deposits to ensure return of school property to be loaned free of charge, or to the sale to pupils of articles made in industrial manual training, domestic arts or similar classes.

D. Evaluation and Reporting

Curriculum

CROSS REFERENCE

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

Commissioner's Annual Review of School Expenditures

STATUTES

§16-7-32

"The commissioner of education shall review annually expenditures in each school year and in case any community fails to support adequately the programs shared by the state, . . . the commissioner shall inquire into the cause or causes thereof."

Dispute Over School Laws

STATUTES

§16-39-1; 16-39-2

Any person aggrieved by school committee actions, or any other laws relating to schools or education may appeal to the commissioner of educati , who shall examine and decide the matter without cost to the parties involved.

APPEAL

"The commissioner may, and if requested by both or all parties to his/her appeal, shall lay an agreed statement of the facts of the case before the supreme court, whose decisions shall be final."

EDUCATIONAL PROGRAMS

REGULATIONS

ARTICLE II: EDUCATIONAL PROGRAM DEVELOPMENT, pp. 2-3.1 -- 2-3.11

B. Local Planning and Assessment Process - Provisional Regulations (BR 10/7/76)

The local Planning and Assessment Process (LPAP) has been developed by the Rhode Island Department of Education as a means for local school districts to plan, implement and evaluate educational programs directed toward locally identified priority goals and communicate the results of local planning and assessment activities to the community as well as to the Commissioner of Education. LPAP will further the goal of creating better schools by requiring local districts to engage in long-range planning and by providing the Board of Regents with more information for decision-making.

PLANNING AND ASSESSMENT

1. The conduct of the LPAP shall be the responsibility of the local school district superintendent. The School Approvals Unit of the Department of Education will monitor the process for compliance with the LPAP regulations.

Each local district shall submit a letter of intent which shall contain at a minimum: statements that the local school district will develop a long-range educational plan in compliance with these regulations, that the district will describe the plan in a series of reports (in which major variables are identified by school as well as by district) to the Department of Education, and that the district will continue to comply with existing educational laws and regulations; and a description of the major activities and the projected timeliness (not to exceed a four-year period) for these activities. A description of the process to be used

in establishing the district's educational philosophy and goals shall accompany the letter of intent.

2. Each local district shall establish, through professional staff participation and broad public involvement, a written educational philosophy and written educational goals, consistent with statements in the Department of Education's Educational Goals for the State of Rhode Island and the Learning Environment.

The district shall submit its philosophy and goals to the Department of Education together with an outline of the process to be used in establishing educational priorities. This outline shall include a description of the method selected for establishing priorities and a timeline.

The district shall determine its educational priorities by a process which shall include: a gathering of perceived educational needs through the systematic collection and ordering of the opinions of district residents, staff, and students; the development of a series of performance indicators in the needs areas so identified; the validation of perceived needs through the collection of test and nontest information; and the development of a priority order of validated needs. The district shall make a complete report of this process and its results to the Department of Education.

Each district shall then develop a program plan which addresses the identified priority goals and includes: an analysis of the elements of present programs and the examination of program alternatives which address the priority goals; a listing of program objectives and major activities which address these goals; and a description of a plan for proposed formative and summative evaluations of progress in accomplishing program objectives. The district shall submit to the Department of Education a synopsis of these activities and results, including a timeline for implementation of programs which address the identified priority goals. The synopsis shall specify which activities or programs in the program plan address individual school needs rather than district needs.

Each district shall then implement the program plan and report to the Department of Education on the implemen-

tation.

Each district shall annually evaluate its progress in meeting its program objectives and report to the Department of Education the outcome of the evaluation.

EDUCATION SYSTEM

STATUTES

§16-1-6

The officers in charge of the educational institutions shall submit a yearly annual report in July to the department of education showing the number of students, teachers, courses of study, maintenance expenses and general records and conditions of schools.

§16-1-7

The state board of education shall make an annual report to the general assembly at its January session.

§16-1-8

The commissioner shall visit, as often as practicable, every town in the state, for the purpose of inspecting schools and ascertaining a knowledge of defects, and of any desirable improvements in the administration of the system and the government and instruction of the schools.

VISITATION

§16-2-20

At least once a year, as per provisions made by the school committee, every public school in the town shall be inspected and examined by the superintendent of schools or other agent of the committee, with particular reference to safety and sanitary conditions, school records, classroom apparatus and equipment, books, mode of teaching and instructional matters. A report of such examination, with recommendations for the improvement of schools shall be made to the school committee.

§16-2-21

The school committee shall submit an annual report to the department of education detailing their estimates and recommendations for appropriations necessary for the support of public schools for the ensuing fiscal year; until such estimates and recommendations are presented to the department, it may refuse to disburse money apportioned to such town. The school committee shall also submit annually to the department of education a report detailing their doings, the state and conditions of the schools and plans for their improvements. Such reports shall also be made to the towns at least thirty days before the date of the annual financial town meeting.

§16-2-24

The state board of education may make its own, or upon the request of the school committee, periodic surveys of the public schools. A summary of the findings of the survey, along with recommendations, shall be included in the board's annual report to the general assembly.

§16-26-10

The state board of education shall annually report to the general assembly the state and condition of the school, a statement of all expenses incurred for salaries, maintenance, tuition and other items of current expense, together with estimates of money necessary to meet the current expenses of the next year.

§16-38-10

Any school receiving aid or tax exemption from the state may be visited and examined by the school committee of the town in which such school is located, and by the board of education, at their discretion.

§16-42-10

"The area advisory committee shall annually make a report of its activities for the preceding fiscal

year to the governor, the board of education, and the commissioner of education."

CROSS REFERENCE

III.E.Education System; Statute §16-5-31

EDUCATIONAL FACILITIES

CROSS REFERENCES

II.C.2.; Regulation, Guidelines for a District Five-Year Plan for School Construction (1975)

II.C.2.; Regulation, Art. I, Role and Function of State Education Agency, pp. 1-18.1 -- 1-18.3

FUNDS FOR SCHOOL OPERATIONS

STATUTES

§16-9-2

The town treasurer shall, before July 10th each year, submit to the school committee a statement and the sources of all moneys applicable to the support of public schools for the current year.

§16-9-3

The town treasurer shall, on or before August 1, of each year, "transmit to the department of education a certificate of the amount which the town has voted to raise by tax for the support of public schools for the current year; and also a statement of the amount paid out to the order of the school committee, and from what sources it was derived, for the year ending the thirtieth day of June next preceding, and until such return is made to the department, it may withhold the order.

NEEDS OF THE ARTS

CROSS REFERENCE

II.A.1.; Statute §16-46-6--7; 16-46-9--10

PUPILS

STATUTES

§16-22-9

The commissioner of education, in conjunction with the department of education, shall implement and have administered uniform aptitude and intelligence testing of all elementary and secondary state school pupils.

RACIAL BALANCE

CROSS REFERENCE

III.D.Schools; Regulation, Art. IV, Students, pp. 4-11 -- 4-12.2

SCHOOL CENSUS

STATUTES

§16-18-1

The school committee of each town, or some person appointed by it, shall annually take a census of all persons who shall not have attained the age of twenty-four years residing within the limits of their respective towns. The compensation to be paid for this service is to be determined by the school committee and payable from the appropriation for public schools.

CENSUS

CROSS REFERENCE

III.A.2.; Statute §16-18-3

SCHOOL HEALTH PROGRAM

CROSS REFERENCE

IV.A.; Regulation, Art. IV, Students, pp. 4-22 -- 4-26

SCHOOL LUNCH PROGRAM

CROSS REFERENCE

IV.C.; Statute §16-8-12

Special Education Programs

CROSS REFERENCE

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

Vocational Education

CROSS REFERENCE

II.A.3.; Statute §16-53-3

II.A.3.; Statute §16-45-3

E. Improvement Efforts

Education System

Statutes

§16-5-31

There is hereby established an education improvement fund, annually allotted by the general assembly, to be expended by the commissioner of education for the purpose of (a) "meeting emergencies beyond the control of any community," (b) "encouraging increased or improved standards of education in communities," or (c) "participating in or supporting research or development of new and improved public education programs which are designed to enhance public education in the state."

School Districts

Regulations

ARTICLE III: SCHOOL DISTRICT ORGANIZATION (pp. 3-3.2 - 3-3.6)

2.d. COOPERATIVE SERVICES PROGRAM (BR, 7/8/76)

"School committees interested in developing a cooperative service arrangement shall form a Cooperative Services Study Committee (CSSC) consisting of at least one representative from each participating school district and such other representatives as are mutually agreed upon by the participating school districts." The CSSC "has the responsibility for conducting . . . information gathering activities . . . to prepare

the Certificate of Intent, the Articles of Agreement, and any necessary documents. . . . The CSSC may incur such costs as are mutually agreed upon by the participating school committees."

"School districts interested in planning for the implementation of a cooperative service arrangement shall certify their intent, in writing to the Commissioner of Education. In order to be eligible for technical and/or financial assistance, the certificate of intent shall include: . . .listing of the school districts that intend to participate in the cooperative and their current enrollments; . . .listing of the representatives of the CSSC; and . . .statement of both the general need (s) and the results expected through the intended cooperative effort."

"All articles of agreement for cooperative service arrangements shall contain the following specifications to be considered for approval by the Commissioner as a valid cooperative, and further to be eligible for both technical and financial assistance; a listing of the school districts that plan to participate . . .and the designated name of the cooperative; a statement of the purpose(s) of the cooperative; a description of the proposed governance and organizational structure for the cooperative; . . .the procedures by which local capital and operating costs of the cooperative are allocated among the participating school districts; . . . the procedures for the dispostion of assets and all outstanding liabilities upon either withdrawal of districts or the final dissolution of the cooperative; the procedures by which individuals will be hired and terminated; and the procedures by which the agreement may be amended. Articles of agreement shall be submitted to the Commissioner, signed and dated by the chairperson of each participating school committee."
In addition to the Article of agreement, the CSSC shall submit current enrollments and projected enrollments for the ensuing five years for the participating districts and services to be offered upon implementation.

Each cooperative shall establish a governing board whose membership shall consist of at least one representative from each participating district, and it shall be invested with

the authority to carry out the provisions of its articles of agreement."

The Commissioner of Education shall review each proposed articles of agreement and shall render a decision within fifteen days of receipt.

Cooperative service agreements must be approved by the Comissioner to be eligible for direct financial assistance from state and/or federal resources.

TERMINATION

Any school district that is a party to a cooperative service agreement may terminate its obligation at the end of any fiscal year by written notice to the Commissioner and to each district in the cooperative providing such notice is received at least six months before the start of the state's next ensuing fiscal year. In the event of either a single district withdrawal or a complete dissolution of the cooperative, the commissioner of Education is to be notified in writing specifying: the reason(s) for the withdrawal or dissolution; the effective date; those programs and/or services that will be affected; the number of positions that will be eliminated; the effect(s) the withdrawal or dissolution will have on the educational programs and/or services of the participating districts. School districts withdrawing from a cooperative service operation must continue to provide such service(s) as required by law and regulation as were provided by the cooperative service arrangement.

All disputes between participating school districts of a cooperative service arrangement which cannot be resolved by the cooperative's governing board, shall be resolved in accordance with the appropriate provisions of Title 16 Chapter 39 of the Rhode Island Laws Relating to Education.

SCHOOLS

CROSS REFERENCE

III.D.Educational Programs; Regulation, Art. II,
Education Program Development, pp. 2-3.1 -- 2-3.11

STANDARDS OF EDUCATION

STATUTES

§16-6-1

"This chapter is designed to maintain and improve existing standards of education in Rhode Island"; to attract and retain qualified public school teachers, "and generally to secure and promote the present and future educational welfare of children attending public schools in the state."

TEACHERS

STATUTES

§16-14-1

The department of education may establish and maintain a summer school for teachers, and the general assembly shall appropriate such sums necessary to defray the expenses of such summer school.

VOCATIONAL EDUCATION CURRICULUM

CROSS REFERENCE

II.A.3.; Statute §16-22-1

SOUTH CAROLINA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

§43-142

Accredited elementary, middle and high schools shall operate a minimum of 180 days for all students. A minimum of 174 days shall not be less than five hours, exclusive of recesses, lunch periods, and other activities not regarded as regular school instruction.

A school may operate on an abbreviated schedule for a maximum of six days with a minimum of three hours for any of the following:

(1) issuing books and instructional materials at the beginning of the school year,

(2) administering end of term exams,

(3) collecting books and issuing report cards at the end of the school year,

(4) inservice education or other educationally related activities. Emergency conditions affecting safety, health and welfare of students necessitating the early dismissal of schools beyond the six days noted above must be reported by the superintendent to the Chief Supervisor, Accreditation and Educational Improvement Section within 15 days of the conclusion of the emergency. The instructional program may be organized on a quarterly, semesterly or yearly basis.

Exercises for issuing diplomas to graduates of secondary schools shall not be scheduled more than one day prior to the end of the school term of 180 days.

Each approved adult education high school diploma program shall meet a minimum of 30 weeks and include a minimum of 60 hours of instruction for each unit of credit exclusive of registration, exams, issuing materials, etc.

§43-144

The minimum length of the elementary school day for all grades including all programs for handicapped children shall not be less than five hours exclusive of lunch and homeroom periods, recess and other activities not regarded as school work, except for kindergarten (2 1/2 hours) and First Grade (4 1/2 hours). Exception: Severely handicapped children whose condition precludes the meeting of the above requirement may have a modified school day if they provide documentation verified in writing by a licensed medical specialist that the modified school day is in the child's best interest.

The minimum length of the middle school day for all grades including all programs for handicapped children shall be five hours exclusive of lunch and homeroom periods, recess, and other activities not regarded as regular school work. The exception above for severely handicapped students applies to middle schools also.

The length of the secondary school day for all grades including all programs for handicapped children shall not be less than five hours exclusive of recess, lunch periods and other activities not regarded as regular school work. The exception above for severely handicapped students applies to secondary schools also.

Regular school courses offered for unit credit must be during the school day or approved by the Chief Supervisor, Accreditation and Educational Improvement Section. The school day is the time when students are enrolled and under guidance and direction of teachers employed by the district. Classroom instruction for courses offering credit must be under the direction of the principal and in the school facility.

The minimum length of a class period is 50 minutes five days a week or its equivalent. The daily schedule shall provide a minimum of six periods of instruction.

The school day for full-time teachers, including full-time vocational teachers at vocational centers shall be a minimum of seven hours.

§43-240

Each elementary and middle summer school with 100 or more students shall employ a certified elementary principal to direct the program. Any other administrative structure shall require approval in advance and in writing from the Chief Supervisor, Accreditation and Educational Improvement Section. Teacher-pupil ratio shall be the same as for the regular term. Each summer school shall have access to library services during the school day. For middle schools, the library shall be open 30 minutes before and after school. Materials and equipment for a balanced program in each respective area shall be provided. Schools planning to operate a summer school must notify the Chief Supervisor, Accreditation and Educational Improvement Section, on or before May 1. Application for approval of the summer school program must be submitted no later than the third day of operation. All official summer school reports shall be signed by the school superintendent and principal.

The qualifications of each teacher shall be the same as those for the regular term. Each teacher teaching a majority of the school day in areas such as art, music and physical education shall be certified in his/her area of specialization.

In determining the elementary and middle summer school curriculum, provision should be made to correct learning difficulties determined by standardized tests, teacher opinion, and examination of the cumulative record of the individual pupil. Opportunities for enrichment in art, music or drama should be offered.

Although credit cannot be earned on a level below the ninth grade, summer schools operated for students at the 7th and/or 8th grade levels must meet all the requirements established for Grades 9 - 12, with the exception of the number of hours of instruction. Students at the seventh and eighth grade levels who failed regular school courses must receive 70 hours of instruction.

Schools planning to operate a summer school for Grades 9-12

must notify the Chief Supervisor, Accreditation and Educational Improvement Section, on or before May 1. Application for approval of the summer school program must be submitted by no later than the third day of operation. All official summer school reports shall be signed by the superintendent and summer school principal or director. Work shall be of the same quality as the regular term. Teachers must be certified in the areas they teach. The summer school program must be organized by and under the direction of the principal, the superintendent or designee. A summer school director must hold a secondary principal's certificate. A definite schedule shall be submitted, approved and followed. Prior permission for a student to attend any other summer school shall be obtained from the principal of the school the student regularly attends.

All students taking one unit of credit must receive 120 hours of instruction with a maximum of four hours daily under the direction of a teacher. Courses granting one-fourth or one-half unit must include 30 or 60 hours of instruction respectively. Students must attend a minimum of 20 days in order to receive credit. Forty-day summer school programs of three hours daily for each unit are recommended, but 30-day summer school programs of four hours daily for each unit are permitted. Students shall be required to make up all absences except in cases of illnesses certified by a physician or other excused absences which are approved by the principal.

No summer school shall operate less than 30 days. Forty days are recommended. No teacher shall teach more than one subject or one level of the same subject during one period for credit. No more than two units of credit shall be earned during one summer school session. No student shall be allowed to apply more than a total of six units in summer school, and/or through approved correspondence courses, and/or adult education programs to the 18 units required for a State high school diploma.

There is no limit on the number of credits a student may earn in a summer program that is operated on a quarter

basis as part of a twelve-month school program. These students may not apply more than two units earned through . . . adult education programs to the 18 units required for a State high school diploma.

A summer school program should be planned to provide for enrichment and not limited to a remedial activity. Schools may offer special enrichment courses without unit credit for periods of less than 120 hours of instruction. Consideration should be given to courses in industrial arts and vocational areas in organizing summer school programs.

School districts that elect to operate a fifth or summer quarter shall provide a 45-day instructional program equal in quality and quantity to other quarters of the regular school. All accreditation standards shall apply to each quarter of operation.

Courses shall be organized to grant 1/4, 1/2 or full unit credit. No student shall receive credit for participation in a portion of a one-half or single unit course. The final accreditation status of the summer program will be reflected in the overall district rating for the next year. Class size shall not exceed 25 members.

Schools planning to operate vocational centers during a summer school shall notify the Director of Vocational Education by May 1. Vocational courses and schedules must have prior approval from the Office of Vocational Education. All requirements for summer school specified for secondary schools shall be met for vocational instruction.

§43-300

Each school district shall provide a defined minimum educational program approved by the State Board of Education that complies with prescribed standards. A school district shall obtain approval for its educational program to be accredited by the Board by one of the following procedures:

(1) Meet the criteria in the "Defined Minimum Program for South Carolina School Districts."

(2) Submit a contract to the State Board of Education for approval of variations from the minimum program. The criteria for approval by contract shall be based on "the school district's commitment to comprehensive, continuous, long-range planning and effective utilization of resources for planned improvement of identified educational needs."

Each school district shall apply for accreditation to the State Department of Education on or before October 15. "All clear" means that the district meets the standards for a minimum program. "Advised" indicates the district is not meeting all standards but the deficiencies may be easily corrected. "Warned" indicates that a district's educational program is failing to meet one or more of the accreditation standards. Districts with a "Warned" classification must make substantial efforts to remove the deficiencies before the next school year or the district's accreditation will be placed on probation. If placed on probation, the district must make satisfactory progress or lose its accreditation. If the accreditation of a high school is dropped, that school cannot issue state high school diplomas subsequent to the school year in which the accreditation is dropped.

CROSS REFERENCES

II.A.1; Regulation §43-231

II.A.1; Regulation §43-234

II.A.1; Regulation §43-235

II.A.1.; Regulation §43-258

II.A.10.Other - Experimental Programs; Regulation §43-230

III.B.Teachers; Regulation §43-11

2. Other Qualification Standards

Statutes

§59-21-30

No school shall operate for a period each year which is longer than that fixed by either the board of trustees in the district or the county board of education. No school shall receive state funds for teacher salaries if it does not meet the minimum average daily attendance requirements set forth by the schedule in this section.

§59-21-40

If a one-or two-teacher school fails to meet the minimum attendance requirements set forth above, it shall participate in the state funds in the proportion that the enrollment and average daily attendance comply with the minimum schedule for the school.

§59-21-50

If a one-teacher school fails to meet minimum attendance requirements because it is "impractible to consolidate it with another school" it shall receive state funds.

§59-39-10-- 59-39-80

Any school district or group of school districts "may establish and maintain a high school . . . provided that [the] high school meets all the requirements of this article and the regulations of the state board of education." The board of trustees for the high school shall be the trustees of the school district. If several districts join to establish the high school, the chairpersons from each district shall constitute the high school board of trustees. Such a high school shall be a body corporate but shall not disrupt the existence of each member district as a separate entity. The area served by the high school shall be "coterminous" with the area served by the school districts which compose it. The board of trustees may discontinue the operation of the school when authorized by the trustees of a majority of the cooperating districts.

REGULATIONS
§43-140

The following classifications are recognized as organizational patterns for South Carolina schools:

Elementary-Combination of grades kindergarten through eight.

Middle - Combination of grades five through eight. Combination of grades 5-8 cannot be considered an elementary school.

Junior High - Grades 7-8, 7-9 or 8-9

Senior High - Grades 9-12 or 10-12.

Special Schools - Any school organized to serve the particular needs of students.

Any exceptions to these classifications must received annual approval from and be given a temporary classification by the Chief Supervisor, Accreditation and Educational Improvement Section.

§43-164

Each elementary school with a membership of fewer than 375 pupils shall employ a certified principal who devotes at least half time to administration and supervision . If the school has 375 or more pupils, a certified principal shall devote full time to administration and supervision.

Each middle school with a membership of fewer than 250 pupils shall employ a principal who devotes at least half time to administration and supervision. If the school has 250 or more pupils, a principal shall devote full time to administration and supervision. If the school has 600 or more pupils, a principal and a full-time assistant principal shall be employed. An assistant principal for each additional 600 pupils shall also be employed.

Each secondary school with a membership of 250 pupils or more shall employ a full-time principal. Schools with less than 250 pupils in membership shall employ a half-time principal. A full-time principal and at least one half-time assistant principal shall be employed for a secondary school with 400-599 pupils. If the school has 600 or more pupils, a full-time principal and at least one full-time assistant principal or the equivalent shall be employed and an assistant principal or the equivalent shall be added for each additional 600 students.

Each area vocational center which is designated by the Office of Vocational Education as a center according

to criteria specified in the State Plan for Vocational Education shall have a full-time director.

Each adult education program shall have a director (full or part-time).

§43-190

All new school facilities and sites for elementary, middle and secondary schools shall meet minimum requirements listed in "South Carolina School Facilities Planning and Construction Guide" and "South Carolina Guide and Minimum Specifications for Construction of Relocatable Classroom Buildings." "Kindergarten Facilities Guidebook" sets guidelines for elementary schools too. These publications are available from the State Department of Education.

A new high school shall not be organized that does not have a minimum enrollment of 400 students in Grades 9-12, but two or more schools with a combined enrollment of less than 400 students in Grades 9-12 can consolidate, if proper notification is made and written approval is received from the Chief Supervisor, Accreditation and Educational Improvement Section.

All operating secondary school facilities shall comply with safety regulations prescribed by the State Fire Marshal and with sanitation and health regulations prescribed by the State Board of Health.

Plans for new vocational facilities and sites shall have prior approval by the Office of Vocational Education.

§43-208

STUDENT-TEACHER RATIO

Elementary Schools: The average student-teacher ratio in any school shall not exceed 28 to 1 based on average daily attendance. The total number of teachers shall include all regular, special area, and resource teachers whose pupils are counted in the regular enrollment. Teacher aides may be counted in computing

the ratio of .5 per aide if they work under the supervision of a teacher and make up no more than 10% of the total staff.

Teachers of self-contained special education classes and kindergarten, principals, assistant principals, librarians, guidance counselors and pupils in self-contained special education classes and kindergarten are excluded from the computation.

A maximum of 40 students per period with a total teaching load of 240 students per day is permitted for physical education teachers. If physical education and health are taught on alternative days to the same class the 40 student maximum and 240 student total is also permitted for health. When health is taught as a subject, the teaching load is a maximum of 35 students per period and a total of 150 students per day.

Music teachers may teach a maximum of 240 students daily. No class shall exceed 40 in membership. Band, chorus and orchestra will require rehearsals of the entire membership and any number is acceptable if adequate space is available.

Each teacher of trainable mentally, orthopedically, or emotionally handicapped students in a self-contained classroom model shall have a teacher aide full time.

Each teacher of a double session kindergarten unit shall have a teacher aide full time.

MIDDLE SCHOOLS: The maximum teacher load shall not exceed 150 students daily. No class shall exceed 35 students in membership. Exceptions:

(1) A maximum of 40 students per period with a total teaching load of 240 students per day is permitted for physical education teachers. If physical education and health are taught on alternate days to the same class the 40 student maximum and 240 student total is also permitted for health. When health is taught as a separate subject, the teaching load is a maximum of 35 students per period and a total of 150 students per day.

(2) Music teachers may teach a maximum of 240 pupils

daily. No class shall exceed 40 students in membership. Band, chorus and orchestra will require rehearsals of the entire membership and any number is acceptable if adequate space is available.

(3) When a teacher's daily schedule includes a combination of academic subjects and nonacademic subjects the maximum daily teaching load shall be calculated on the basis of 30 students per academic class and 40 students for each music or physical education class.

Maximum teacher load requirements and individual class size limits are the same for mini courses as any other classes.

Each teacher of trainable mentally, orthopedically, and emotionally handicapped students in a self-contained classroom model shall provide a teacher aide full time.

SECONDARY SCHOOLS: The maximum daily teaching load for academic classes is 150 students. No class shall exceed 35 students in membership.

A teacher shall not be permitted to teach more than six periods per day. The recommended limit is five teaching periods. A teacher assigned classes requiring more than four preparations per day shall be considered overloaded.

Exception: A vocational teacher with a maximum daily teaching load of 75 students in membership may have five preparations each day. Typing I and Typing II may be counted as one preparation. In personal typing a teacher may teach a maximum of 240 students daily. No class may exceed 40 students in membership.

A maximum of 40 students per period with a total teaching load of 240 students per day is permitted for physical education teachers. If physical education and health are taught on alternate days to the same class the 40 student maximum and 240 student total is also permitted for health. When health is taught as a separate subject, the teaching load is a maximum of 35 students per period and a total of 150 students per day.

Music teachers may teach a maximum of 240 students daily. No class shall exceed 40 students in membership.

Band, chorus and orchestra will require rehearsals of the entire membership and any number is acceptable if adequate space is available.

When a teacher's daily schedule includes a combination of academic and nonacademic subjects, the maximum daily teaching load shall be calculated on the basis of 30 students per academic class and 40 students per music or physical education class.

In calculating teaching load, the number of students supervised in study hall by a regular teacher shall be divided by four.

VOCATIONAL CENTERS: A vocational teacher shall not be permitted to teach more than six periods per day. Cooperative education teachers shall teach four class periods or 200 minutes daily and shall supervise students in work experience for a minimum of two periods or 100 minutes daily. A vocational teacher with more than four different preparations per day shall be considered overloaded, with the exception that a teacher with a daily student load not exceeding 75 students may have five different preparations.

Not more than one subject on any grade level may be taught by a teacher during one class period. Beginning students shall not be mixed with advanced students in membership except in the approved self-paced individualized instructional program.

ADULT EDUCATION PROGRAM: The maximum student membership shall be 30 students per teacher.

§43-209

A full-time secretary shall be employed for the superintendent. Each elementary school with a membership of fewer than 375 students shall provide at least half-time secretarial services. A school with a membership of 375 or more students shall provide full-time secretarial services.

Each middle school shall provide full-time secretarial services. Each high school shall employ a full-time secretary. The superintendent's secretary may not serve

to meet this standard.

Each vocational center shall employ a full-time secretary.

Custodial services shall be provided to adequately clean and service all shops and classrooms.

§43-232

The program of studies in each high school should be broad in offerings to meet the diverse needs of students. A quarter or semester basis is recommended for broader instructional base with extensive student choice and greater curriculum flexibility. The quarter system organizes the school year of 180 days into four 45-day quarters with an optional fifth quarter during the summer months. The semester system organizes the school year into two 90-day semesters. Schools may continue to offer courses on a yearly basis. Successful implementation of a quarter or semester system requires extensive curriculum revision and development as well as teacher training. Topics to be taught in courses organized on a quarterly basis must be outlined as a teacher's guide and approved six weeks prior to implementation Each school district may restructure the school year into quarters or semesters. A school district may offer courses on a quarter or semester basis by granting credit on a proportionate basis, i.e., quarter = 1/4 unit; semester = 1/2 unit.

School districts planning to adopt the quarter or semester system must develop a written outline or guide for each course and secure approval of the Chief Supervisor Accreditation and Educational Improvement Section, at least six weeks prior to the date scheduled for implementation. All schools structured on the quarterly or semesterly basis shall submit accreditation information to the Accreditation and Educational Improvement Section for the quarters or semester not included in the initial submission of accreditation data within ten days after the beginning of a new quarter or semester.

§43-247

Class size in an elementary school shall not exceed the

CLASS SIZE

following:

Kindergarten	30-1
Grades 1-6	35-1

Middle schools: No class shall exceed 35 students.

Secondary schools: The minimum class enrollment in a beginning subject is 10.

CROSS REFERENCES

II.A.1; Statute §59-29-20 -- 59-29-40

II.A.2; Regulation §43-211

II.A.3; Regulation §43-236

II.A.8; Regulation §43-237

II.B.3. Regulation §43-253

II.B.4.; Regulation §43-250

III.A.2.; Regulation §43-164

III.E.District Education Program; Regulation §43-261

IV.B.; Regulation §43-256

IV.E.; Regulation §43-277

B. Qualification Standards for School Personnel

Administrators

Statutes

§59-13-20

All superintendents and any administrative officer to the board of education in each school district "shall meet the qualifications required and possess the superintendent certificate issued by the State Board of Education." A county board of education may impose additional qualifications if it deems necessary.

Regulations

§43-161; 162

Each school district shall employ a chief administrative officer who serves as the executive officer of the board of trustees and the professional leader of the school district. Administrators serving as area or district superintendents for the first time after June 30, 1968, shall hold a

superintendent's certificate. A permit must be requested annually by September 15 from the Office of Teacher Education and Certification by the Chairperson of the district board of trustees for a superintendent not properly certified.

The salary of the superintendent shall, in every case, be at a higher monthly and annual rate than that paid principals or other members of the staff.

ADMINISTRATIVE STAFF

REGULATIONS

§43-165

The enrollment and scope of the educational program will determine the size of the administrative staff. Personnel employed as administrative assistants and supervisors having responsibilities for supervisory instructional programs and pupil services shall hold a master's degree and be certified in their area of primary responsibility or earn a minimum of six semester hours annually toward appropriate certification. Consultants in special areas shall be certified in their areas of specialization. A permit must be requested annually by September 15 from the Office of Teacher Education and Certification by the district superintendent for members of central staff not properly certified.

CONSULTANTS

Each elementary school principal shall hold a South Carolina elementary principal's certificate. There are four exceptions to this requirement that are no longer applicable after July 1, 1978. Each campus principal of a multi-campus school with a membership of 250 students or more at each campus shall comply with certification and salary regulations prescribed for a principal of a single campus school. The principal shall devote at least half time to the improvement of instruction.

Assistant principals of elementary schools shall hold an elementary principal's certificate or meet one of the exceptions listed for principals. If more than one full-time assistant principal is employed, at least one of the

full-time assistant principals shall have an elementary principal's certificate or meet one of the exceptions listed for a principal.

Each principal of a middle school shall hold a South Carolina elementary principal's certificate. There are four exceptions to this requirement that are no longer applicable after July 1, 1978. The principal shall devote a minimum of half-time to the improvement of instruction.

The assistant principal of a middle school shall hold an elementary principal's certificate or meet one of the exceptions for a principal. If more than one full-time assistant principal is employed, at least one of the full-time assistant principals shall have an elementary principal's certificate or meet one of the exceptions for a principal.

Staff for secondary schools shall be qualified from the standpoint of training, certification, personal fitness, management, ability to perform, personal growth and professional attitude for the various services required by the local board of education. Each principal shall hold a secondary principal's certificate. A permit must be requested annually by the district superintendent by September 15 from the Office of Teacher Education and Certification for each principal or teacher not properly certified for his/her position. Each campus principal of a multi-campus school with a membership of 250 students or more shall comply with certificate and salary regulations prescribed for a principal of a single campus school. A full-time assistant principal shall be required for a secondary school with a membership of 600 or more students and shall hold a secondary principal's certificate by earning a minimum of six semester hours yearly. If two or more full-time assistant principals are required, only one must be properly certified as a secondary principal.

Beginning July 1, 1977 each director of a vocational institution shall be certified in one or more vocational subjects, shall have a master's degree of Class I Certificate and shall have a minimum of three years of vocational-technical teaching experience. The director shall devote

a minimum of half-time to the improvement of instruction.

Beginning January 1, 1977, when an assistant vocational center director is employed, he/she shall be certified in one or more vocational subjects, shall have a master's degree and earn six semester hours yearly, and shall have three years vocational-technical teaching experience.

Each director of adult education employed on or after July 1, 1976 shall be certified in at least one of the acceptable areas of certification (adult education supervisor, defined minimum program) or have an advanced degree in the field of Adult Education. Each director employed prior to July 1, 1976 shall meet at least one of the above qualifications for full certification by no later than July 1, 1981. In meeting this qualification during the interim period, the director shall earn no fewer than six semester hours per year toward full certification. Supervision and improvement of the adult education instructional program is the direct responsibility of the adult education director.

Adult Education Staff

Regulations

§43-204

Each district shall provide properly certified administrative, teaching and supervisory staff for the adult education program. Staff members may be either full time or part time.

Area vocational centers are equipped to prepare students for immediate job entry and for continued specialization in post-high school vocational or technical institutions. An adequate staff, properly trained, is essential for offering a program that will enable students to assume these roles. Staff shall be qualified from the standpoint of training, certification, personal fitness, management, ability to perform, personal growth, and professional attitude for the various services required by the local board of education.

AIDES

REGULATIONS

§43-212

Teacher, library and clerical aides helping with classroom instruction or programs shall work under the direct supervision of a certified teacher, have at least a high school diploma or state equivalency certificate, participate in pre-service and in-service training for aides and be at least 18 years old.

In secondary school a teacher aide is a non-certified person employed by a school district whose assignment is limited to assisting a certified teacher. A person employed as a teacher aide shall have a high school diploma or the State equivalency certificate and be at least 18 years old.

BOARD OF TRUSTEES MEMBERS

STATUTES

§59-19-300

No trustee shall receive pay as a teacher in a public school in the same county in which he/she is on the board of trustees. School trustees may sell or lease school property "whenever it deems it expedient" and apply the proceeds of the sale or lease to the district's school fund.

CERTIFICATED PERSONNEL

STATUTES

§59-25-120

All persons applying for certificates must take a loyalty oath.

CROSS REFERENCE

IV.B; Statute §59-21-710 -- 59-21-760

TEACHERS

STATUTES

§59-25-10

No teacher who is related by blood or marriage to a member of the board of trustees of a school district may be employed by that board unless the county board of education approves or the majority of parents of children attending the school where the teacher is employed requests his/her employment. This provision shall not apply to the excepted counties.

§59-25-20

No teacher shall be employed who does not have a teaching certificate for the public schools. This provision does not affect those persons already employed. The district board of trustees may require additional examinations and qualifications to teach in its school system.

§59-25-110

The state board of education shall formulate and administer a system to examine and certify teachers. If a teacher is serving as a member of the general assembly, his/her teaching certificates shall remain valid.

§59-35-30

A kindergarten teacher must have at least . . . "a two year course in kindergarten training and have received a certificate or diploma from a recognized kindergarten normal training school . . ."

REGULATIONS

§43-11

The State Board of Education shall appoint upon recommendation of the State Superintendent of Education a State Council on Teacher Education which shall be responsible for making recommendations to the State Board of Education concerning accreditation and coordination of teacher education programs and certification of professional personnel. The Council shall be composed of representatives from teacher-training colleges in the state which have state-approved teacher education programs; the county and district superintendents of education, classroom teachers, secondary and elementary principals, district directors or supervisors of instruction and representatives from the State Department of Education.

The Director of the Office of Teacher Education and Certification shall be chairperson of the Council and be responsible for calling meetings and naming sub-committees or special committees for special studies upon the approval of the Executive Committee.

The Executive Committee shall be composed of three members representing the colleges, three members representing the public schools (one public school representative shall be a classroom teacher), and the Chairperson of the Council. The Council shall select a secretary, who need not be a Council member, to keep minutes and other appropriate records. The Executive Committee, insofar as authorized by the Council, shall act for the Council and shall meet as often as necessary.

The Council shall hold at least two meetings annually, one in the fall and one in the spring, at a time designated by the Executive Committee. The Council

may meet at other times at the request of the Chairperson with the approval of the Executive Committee.

The Council's duties are to recommend to the State Board of Education criteria for the approval of teacher education programs, to make studies of such programs and to make recommendations to the State Board of Education concerning institutions to be approved, to recommend to the Board changes and additions needed in the procedures and requirements for licensing professional personnel as well as procedures and requirements for licensing out-of-state applicants and to recommend to the Board reciprocal arrangements with other states.

Through its chairperson, the Council will maintain liaison with the State Board of Education. However the Board may request as well as grant hearings by subcommittees of the Council. The Board will alert the Council when it seems advisable concerning conditions or situations meriting special attention of the Council.

HEARING

§43-205

Elementary school teachers shall:

(a) Have a bachelor's degree or degree equivalent;

(b) Be certified for Grades K-4 in early childhood education, Grades 1-6 in elementary education, or Grades 5-6 in the subject area assigned the majority of the time if in a departmentalized unit;

(c) Be certified in their area of specialization if they teach a majority of the school day in music, art or physical education;

(d) If teaching handicapped students, be certified or have a permit in the area of the handicapping condition in which the majority of their handicapped students are classified; or be certified in one area of handicapping condition in which the teacher is active and successfully complete six semester hours, annually, toward certification in the area in which the majority of students are classified.

A school shall not have more than 10% of classroom instruction time taught by teachers in which they are not properly certified.

A teacher who is not properly certified may continue to teach until July 1, 1978 if he/she is 62 years of age and has earned at least six hours within the last three years or has less than a bachelor's degree and was certified prior to 1945 if he/she earns a minimum of six hours every five years.

Effective July 1, 1981, a teacher shall be certified to teach areas as follows:

Grades	Certification
Kindergarten	Early Childhood
1-4	Early Childhood or Elementary
5-6	Elementary or Middle
7-8	Middle

Subject area certification is required for teachers teaching a majority of the school day in music, art, or physical education in Grades K-8.

EMERGENCY PERMIT

In an emergency situation, a teacher who is initially employed, or one receiving a new assignment, may be permitted to teach out of his/her area of certification if he/she earns at least six semester hours annually. A permit must be requested annually by September 15 from the Office of Teacher Education and Certification by the district superintendent for each person scheduled to teach at least half-time out of his/her area of certification.

Each guidance counselor shall hold an elementary guidance counselor's certificate.

Each librarian shall meet the certification requirements for a librarian.

Each nurse shall hold a current license issued by the State Board of Nurses to practice as a professional registered nurse or a licensed practical nurse.

MIDDLE SCHOOLS:

Each teacher shall have a bachelor's degree or degree equivalent and be certified in the subject area assigned the majority of the time or in elementary education. A teacher with an elementary certificate may teach in the seventh and/or eighth grades without the issuance of a permit until July 1, 1981. A teacher teaching a

majority of the school day in music, art or physical education shall be certified in the major teaching area. A teacher of handicapped pupils in the resource model shall be certified or have a permit in the area of handicapping condition in which the majority are classified, or be certified in one area of handicapping condition in which the teacher is teaching and successfully complete six semester hours annually toward certification in the area in which the majority of students are classified.

A school shall not have more than 10% of classroom instruction time taught by teachers who are not properly certified. The 10% is calculated by dividing the total time of teachers teaching out of their area of certification by the total instructional time. Teachers teaching in exploratory programs less than 50% of the time and resource teachers are not counted in the computation.

Effective July 1, 1981, a teacher shall be certified to teach in areas as follows:

Grade	Certification
5-6	Elementary or Middle
7-8	Middle

Subject area certification is required for teachers teaching a majority of the school day in music, art or physical education in Grades 5-8. Subject areas such as industrial arts and home economics require subject area certification for any part of the school day.

EMERGENCY PERMIT

In an emergency situation, a teacher who is initially employed, or one receiving a new assignment, may be permitted to teach out of his/her area of certification if he/she earns at least six semester hours annually. A permit must be requested annually by September 15 from the Office of Teacher Education and Certification by the district superintendent for each person scheduled to teach at least half-time out of his/her area of certification.

Each guidance counselor shall hold a certificate in elementary or secondary guidance. Each librarian and teacher-librarian shall meet their respective certification requirements.

Each school nurse shall hold a current license issued by the State Board of Nurses to practice as a professional registered nurse or licensed practical nurse.

SECONDARY SCHOOLS:

A secondary school teacher is required to hold at least the bachelor's degree or a degree equivalent, from an approved college or university and be certified to teach the subjects assigned. Trade and Industrial teachers shall hold a trade certificate. Exceptions to this standard are:

(a) A teacher who is assigned to teach a subject in a majority of class periods in areas for which he/she is not properly certified must have completed 12 semester hours of credit in the subject area assigned. A permit must be requested annually by September 15 from the Office of Teacher Education and Certification. The teacher must earn six semester hours toward proper certification each year for renewal of the teaching permit.

(b) A teacher who is teaching a majority of classes in properly certified areas may be given teaching assignments in subject areas for which he/she is not properly certified, if the teacher has completed a minimum of six semester hours of college credit in the subject area assigned.

(c) A permit must be requested annually by September 15 from the Office of Teacher Education and Certification by the district superintendent for each person scheduled to teach at least half-time out of his/her area of certification.

(d) A teacher with an elementary certificate may teach in the seventh and/or eighth grades without the issuance of a permit except those teachers teaching a majority of the school day in music, art, and physical education shall be certified in the major teaching area.

(e) Effective July 1, 1981, a teacher shall be certified to teach grades 7-8 with a middle school certification and grades 9-12 with secondary certification. Prior to July 1, 1981, an elementary certificate is acceptable for the basic subjects in Grades 7-8.

(f) When block-time scheduling is used, a teacher who is teaching one-half of his/her classes in his/her area of

certification may be given teaching assignments in subject areas for which he/she is not properly certified, provided that the teacher has completed a minimum of six semester hours of college credit in the assigned subject area.

(g) A teacher of handicapped students in the resource model shall be certified or have a permit in the area of handicapping condition in which the majority are classified or be certified in one area of handicapping condition in which the teacher is active and successfully competes six semester hours annually toward certification in the area in which the majority of students are classified.

A school shall not have more than 10% of classroom instruction time taught by teachers who are not properly certified. The 10% is calculated by dividing the total time of teachers teaching out of their area of certification by the total instructional time. Teachers teaching in exploratory programs less than 50% of the time, and resource teachers are not counted in the computation.

Each guidance counselor shall hold a certificate in secondary guidance. Each librarian shall hold a certificate in secondary library science. Each school nurse shall hold a current license to practice as a registered nurse or licensed practical nurse issued by the State Board of Nurses.

VOCATIONAL CENTERS:

When a job placement coordinator is employed after January 1, 1977 he/she shall be certified in one or more vocational subjects, shall have a master's degree or Class I Certificate or shall be enrolled in a program leading to a master's degree, six semester hours yearly, and shall have two years of work experience.

When an adult vocational coordinator is employed after January 1, 1977 he/she shall be certified in one or more vocational subjects, shall have a master's degree or Class I Certificate or be enrolled in a program leading to a master's degree and earn six semester hours yearly, and shall have three years of vocational-technical teaching experience.

A vocational center teacher shall hold at least the bachelor's degree, or a degree equivalent, from an approved college or university and shall be certified to teach the subjects assigned, or shall hold a trade certificate in the assigned teaching area.

Each vocational guidance counselor employed after July 1, 1975 shall possess a bachelor's degree with a major in one of the vocational services from an approved four-year college or university or shall qualify for a teaching certificate in vocational education. A certified vocational teacher with a minimum of six semester hours in courses required for guidance certification will be accepted, provided he/she is enrolled in an approved program leading to counselor certification and earns a minimum of six semester hours yearly toward counselor certification. Effective January 1, 1979 a vocational guidance counselor shall possess a valid guidance certificate and shall have three years vocational-technical teaching experience.

NURSE

School nurses shall be available to the area vocational center under the same conditions that they are available to other schools and have the same certification as nurses for secondary schools.

Each Center or Program Supervisor or Coordinator of Adult Education shall either meet the same qualifications for certification and dates of employment set forth for program directors or have a master's degree with certification in the field of guidance.

An adult basic education teacher shall hold at least the bachelor's degree or degree equivalent. If employed on or after July 1, 1976, he/she shall be either certified as an elementary teacher or hold at least a bachelor's degree or degree equivalent and have earned 18 hours in methods, strategies, materials and/or psychology of teaching adults. If employed prior to July 1, 1976, he/she shall meet at least one of the qualifications listed in the above sentence for full certification by no later than July 1, 1981. In meeting this qualification during the interim period, the basic education teacher shall earn

no fewer than six semester hours per year toward full certification.

Each adult high school subject area teacher shall be certified to teach the subjects assigned.

An adult learning lab instructor shall hold at least a bachelor's degree or degree equivalent and either be certified as an elementary or secondary teacher or have earned at least 18 hours in methods, strategies, materials and/or psychology of teaching adults.

Any staff member who is assigned duties in areas for which he/she is not properly certified must hold a valid teaching credential and have completed 12 semester hours of credit in the area assigned and obtain a permit from the Office of Teacher Education and Certification. The staff member must earn six semester hours toward proper certification each year for renewal of the permit.

PERMIT

CROSS REFERENCES

I.State Board of Education; Statute §59-5-60

II.A.2; Statute §59-21-550

II.A.2; Regulation §43-241

C. Performance Standards

Adult Education Students

CROSS REFERENCE

II.A.8; Regulation §43-237

III.C.High School Students; Regulation §43-239

Certificated Staff

STATUTES

§59-25-150

The state board may revoke or suspend a certificate for just cause.

REVOCATI

SUSPENSI

REVOCATION

HEARING

A certificate shall not be revoked without specifying written cause and providing a hearing before the state board of education. The parties may be represented by counsel, subpoena witnesses, and take depositions. The court of common pleas shall enforce by proper proceedings the attendance and testimony of witnesses and the production of . . . records."

APPEAL

Appeal from the decision of the board shall be to the court of common pleas.

COMMUNITY EDUCATION

REGULATIONS

§43-254

The Board believes that "community education" is a philosophy which encourages schools to promote civic responsibility and which strengthens many programs, such as adult, vocational and technical education.

EDUCATION SYSTEM

REGULATIONS

§43-22

Three months before the budget must be submitted to the Budget and Control Board, the State Department of Education should propose to the State Board of Education revised goals and any policy changes that should be reflected in a new budget. The purpose of this step is to establish basic data for the budget.

Two months before the commitment day, the State Department of Education should present for study to the Board an estimate of the additional cost of implementing these

goals and policies. Any major changes such as teacher salary increases should be estimated. These increases should be weighed against a protection of state income for the budget year so that a tentative agreement could be reached on the scope of changes to be included in the budget.

One month minus one week before commitment day the Finance Committee should be given for study a preliminary budget in detail accompanied by a summary which isolates changes. The committee should present this to the Board for approval one month before it is due to the Budget and Control Board.

In putting this information together, the Department should seek input from professionals and organizations in the education field so as to reflect as accurately as possible relevant needs.

For this plan to function the Policy Committee of the State Board of Education must plan the Board's agenda for the year so that any policy changes which will require funding are discussed and resolved in time to meet the budget schedule.

REGULATIONS

§43-130

The following documents are filed in the Office of the Secretary of State and the Legislative Council and contain standards approved by the State Board of Education:

Defined Minimum Program for South Carolina School Districts.

Defined Minimum Program for the John De La Howe School.

Defined Minimum Program for the South Carolina School for the Deaf and Blind.

Defined Minimum Program for the South Carolina Opportunity School.

Defined Minimum Program: Educational Standards for the South Carolina Department of Youth Services.

HIGH SCHOOL STUDENTS

REGULATIONS

§43-259

Requirements for the state high school diploma are as follows: 18 units of credit in the following distribution --

Language Arts	4 units
U.S. History	1 unit
Other Scoial Studies	1 unit
Mathematics	2 units
Natural Science	1 unit
Physical Education or ROTC	1 unit
Electives	8 units

Beginning with the graduating class of 1981, to qualify for a state high school diploma, a student must earn 18 credits as follows:

Language Arts	4 units
U.S. History	1 unit
Economics (1/2)	
Government (1/2)	1 unit
Other Social Studies	1 unit
Mathematics	2 units
Natural Science	1 unit
Physical Education or ROTC	1 unit
Electives	7 units

The student must pass an examination on the provisions of the U.S. Constitution and American institutions. The student must attend the high school issuing the diploma for at least the semester preceding graduation.

EQUIVALENCY CERTIFICATE

A state equivalency certificate may be issued on the basis of the General Educational Development Tests to an applicant who is a State resident, 19 years or older, and who attains an average score of 45 for the tests. Persons 17 and 18 who are enrolled in high school may be permitted to take the test if they can prove extenuating circumstances that create a severe hardship for them.

In adult education programs, the high school diploma will be awarded to adults who complete the following requirements (effective for those who graduate in 1981):

Language Arts	4 units
U.S. History	1 unit
Economics (1/2)	
Government (1/2)	1 unit
Other Social Studies	1 unit
Mathematics	2 units
Natural Science	1 unit
Electives	8 units

Enrollment is limited to adults 18 or over who have left elementary or high school. Students under 18 who have officially withdrawn or been expelled from school may be enrolled.

The adult education program must be officially approved in writing by the Office of Adult Education.

SCHOOL BOARD

STATUTES

§59-5-130

"It shall be unlawful for any member of the Board to make any contract or to be pecuniarily interested in any contract or otherwise make a profit from any contract with the State Department of Education." Violation of the law shall be a misdemeanor and shall be sufficient cause to remove the member from office.

CROSS REFERENCE

III.A.2; Regulation §43-232

SCHOOL DISTRICT TRUSTEES

STATUTES

§59-19-60

School district trustees shall be removed from office "for cause by the county boards of education upon notice and after being given an opportunity to be heard . . ." The trustee has the right to appeal to the court of common pleas.

REMOVAL
NOTICE
HEARING
APPEAL

STUDENTS

STATUTES

§59-29-120

No student shall receive a certificate of graduation without having passed an examination in "the provisions and principles of the United States Constitution . . . and satisfying the examining power of his[her] loyalty." Instruction in the essentials of the Constitution shall be given for at least one year in high school and in college.

TESTING

§59-29-160

Every student shall successfully complete two units of mathematics as a prerequisite for graduation from an accredited high school.

MATHEMATIC

REGULATIONS

§43-248

The average load for a pupil in secondary school is 5 units for a nine-month school year. A student who has demonstrated superior ability may be allowed to earn six.

§43-257

Each elementary and middle school shall have an appropriate means of reporting to parents.

§43-270

In secondary schools a student must attend each class a minimum number of days before she/he can receive credit.

CROSS REFERENCES

II.A.1; Statute §43-234

II.A.1; Statute §43-235

TEACHERS

STATUTES

§43-206

Any teacher entering into any signed contract or written agreement to teach in a South Carolina public school shall not break or seek to terminate the contract except for good cause and then only after giving written notice to the superintendent of the school district at least thirty days prior to the date the teacher desires to terminate the contract. If the employing authority does not agree to terminate the contract, it shall, within ten days after receipt of notice from the teacher, give the teacher a statement in writing that it does not agree to the termination of the contract. If the teacher breaks the contract within 30 days prior to the opening date of school, or during the school session, without agreement of the employing authorities, upon the receipt of a request from the employing authority, the State Superintendent shall report the name of the teacher to the State Board of Education. The Board shall then give notice to the teacher by registered mail to appear before the Board to show cause why the teacher's certificate should not be revoked or suspended, the notice to contain the information that the teacher is entitled to counsel if he/she so desires and to bring counsel with him/her to the meeting. If the teacher fails to

NOTICE

REVOCATION
SUSPENSION

appear before the board, or if the teacher does appear and the Board rules that the teacher did not have sufficient cause for terminating the contract, the Board shall revoke or suspend the certificate of the teacher for a period not exceeding one year for the first offense.

The term "teacher" as used in this section shall include all school personnel required to be certified by the State Board of Education.

§59-25-40

A teacher who is entitled to a pay increase because he/she passed a teacher's examination shall receive the increase the semester following the date of the exam.

§59-25-430

DISMISSAL

Grounds for dismissal of any teacher shall include: incompetency, failure to follow instructions of superintendent and unfitness for teaching. Unfitness is manifested by: neglect of duty, wilful violation of the rules, drunkenness, violation of state or federal law, moral turpitude, gross immorality and illegal use, sale or possession of drugs.

However, no teacher shall be dismissed without notice and opportunity for a hearing prior to dismissal.

§59-25-450;460;480

NOTICE
HEARING

No teacher shall be dismissed without written notice specifying the cause. A hearing may be held if the teacher requests and a record shall be kept of the proceedings. If a superintendent believes "immediate suspension is necessary" no notice and no prior hearing

is required. A hearing may be held subsequent to the suspension if the teacher requests one in writing.

The decision of the trustees shall be final unless the teacher appeals the decision to the court of common pleas within 30 days. From that court, the decision may be appealed to the state supreme court. If it is ruled that the board erred in dismissing the teacher, it shall be liable for "actual damages and court costs" provided it is incurred within two years of the date of dismissal.

CROSS REFERENCES

I.Board of Trustees; Statute §59-19-90

III.E.Teacher; Statute §59-25-440

D. Evaluation and Reporting

Accounting Records

Regulations

§43-172; 173; 174

Each school district shall maintain an accurate accounting record of all financial transactions in a format as prescribed by the State Department of Education. It shall also maintain any additional records required for participation in federal projects or programs.

A copy of the district annual budget shall be filed with the State Department of Education by July 1 of the budget year in a format prescribed by the Department.

Each district shall maintain an accurate inventory record of all equipment and real property owned by the district.

Basic Curriculum

CROSS REFERENCE

II.A.1; Statute §43-231

District Annual Budget

Regulations

§43-170

A copy of the district annual budget shall be filed with the State Department of Education by July 1, of the budget year in a format prescribed by the Department.

Education System

Statutes

§59-1-20

"The purpose of the South Carolina School Code is to provide for a state system of public education and for the establishment, organization, operation and support of such State system."

§59-3-60

The state superintendent shall make a report to the General Assembly which shows: the number of pupils registered in the state, the number of white and black students of each sex, the number of free schools in the state, the number of pupils studying each of the branches taught, the average wages paid to teachers of each sex, and other information the state superintendent deems important.

§59-3-70

The state superintendent shall consolidate the reports of the county superintendents and forward them to the General Assembly at its next regular meeting.

§59-9-10 --59-9-40

The Committee for Continuous Study of the Educational System shall study "the overall education program of the state including the administrative, financial, and all other phases directly or remotely influencing the effectiveness of the program." The

committee shall consist of nine members, six from the legislature and three appointed by the governor.

Educational television should be "thoroughly explored." It is "strongly suggested" that the committee study: classroom instruction, adult education, telecasts for children out of school, improvement in teaching through in-service training. Other areas which should be studied include: quality of instruction, teacher salaries and qualifications, drop-outs and non-attendance and the building program.

The committee shall report to the general assembly and governor at least once a year.

§59-13-120

All teachers, principals and superintendents paid by public funds shall file an annual report at the end of the school year with the county superintendent. Failure to do so may result in cancellation of the teaching certificate and a fine of up to $25.00

§59-13-140

Each county superintendent must file a "full and accurate" report with the state board of education each year containing statistics and other information required by law or by the state board.

REGULATIONS

§43-2

Objectives of the State Board of Education are to promote programs to provide adequate and qualified personnel to staff the state's educational system and to develop and maintain a system of continuous evaluation and upgrading of education.

EXPERIMENTAL PROGRAMS

CROSS REFERENCE

II.A.10.Other - Experimental Programs;
Regulation §43-230

PERSONNEL RECORDS

REGULATIONS

§43-202

Each local school district shall maintain an accurate record of all personnel.

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2; Regulation §43-243

STATE BOARD HEARING

STATUTES

§59-5-70

The state board may conduct any hearing which relates to its responsibilities and make a report on the findings.

§43-19

Any citizen or group of citizens may appear before the State Board of Education at any regular meeting of the Board except when the Board declares itself to be in executive session, and may address the Board, if a request has been made to do so, to the State Superintendent of Education in writing at least seven days prior to the meeting. The Board may, in addition, give citizens who have not made proper request, for hearing an opportunity to speak by majority vote of its members present. The chairman shall allot a reasonable time for such hearing and shall at his/her discretion also limit citizens' speeches. The Board, too, may limit such speeches by majority votes.

If appearances before the Board are for complaint or grievance, the State Superintendent of Education must study and review the matter prior to consideration by the

COMPLAINT

Board. The complaint shall be put in writing, addressed to the chairman of the Board, signed by the sponsor and filed in the Office of the State Superintendent. Complaints to be filed with the Board should related only to matters over which the Board has direct jurisdiction; areas of local involvement should be pursued in due process at the district level.

The Board's action on citizens' public requests shall be made only after the citizens have made their statements and concluded their participation in the meeting.

STUDENT PERFORMANCE

STATUTES
§59-39-100 --59-39-740

Diplomas shall be uniform in every respect. Each high school shall submit statistics on the previous year's graduating class to the state superintendent. The information shall include the number of graduates that entered institutions of higher education; and a breakdown of all courses passed and failed by the group after their first semester. A high school which fails to submit the report shall lose its accreditation. Each institution of higher learning shall submit a first semester report on each freshman enrolled to the freshman's high school. The state superintendent shall tabulate the data to show the subsequent academic performance of all high school graduates in the state and those tables shall be included in the annual report to the general assembly.

TEXTBOOK STANDARDS

CROSS REFERENCE

II.B.1.a; Regulation §43-70

ADULT EDUCATION PERSONNEL

CROSS REFERENCE

II.A.8; Regulation §43-237

AIDES

CROSS REFERENCE

III.B.Aides; Regulation §43-212

DISTRICT EDUCATION PROGRAM

REGULATIONS

§43-261

Each school shall have a continuous evaluation program to determine how well it is meeting the needs of the individual pupil. Each school district shall annually assess the education program and identify areas of deficiency and then develop a plan for educational improvement. The assessment of needs shall include a thorough status study and evaluation of the district's educational program including these areas: teachers, curricula, school-community relations, physical facilities and grounds, adult education programs, and transportation.

NEEDS ASSESSMENT

EDUCATION SYSTEM

CROSS REFERENCE

III.D.Education System; Regulation §43-2

PROFESSIONAL PERSONNEL

STATUTES

§59-25-440

If a principal admonishes a teacher for behavior which may cause his/her dismissal, the principal shall

notify the teacher and make "reasonable effort to assist the teacher to correct [the problem]" and allow a reasonable time for improvement.

REGULATIONS

§43-201

The State Board of Education shall make every effort at the State level to find additional State and Federal funds, to provide additional assistance to the State Department of Education personnel and to encourage and lead local school districts into a greater effort to develop a statewide system of in-service teacher training.

Each school and area vocational center shall have a well-organized in-service education program for professional personnel in addition to regularly scheduled faculty meetings. The program should be continuous and go beyond the five days of in-service education required to receive State aid salaries for 185 days. Staff members should be involved in the planning and evaluation of these activities which should focus on the problems, needs, purposes and goals of the educational program.

Each adult education director shall develop and implement an organized in-service education program for professional personnel. Staff members should be involved in the planning and evaluation of these activities which should focus on the problems, needs, purposes and goals of the adult education program. A copy of the in-service education plan shall be made available to the adult education supervisor upon request.

The State Department of Education shall study the feasibility of establishing a state program of in-service training of teachers. Such programs would be planned, organized and submitted by the local school district personnel to the State Department of Education and, if approved, the State Board of Education would honor such training for certificate renewal credit for teachers successfully completing such training.

CROSS REFERENCES

II.A.2; Regulation §43-243

III.B.Teachers; Regulation §43-11

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2; Statute §59-33-10

SOUTH DAKOTA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§13-1-12

The state board of education shall establish rules and policies necessary to "establish standards for classifying, approving and accrediting elementary, secondary, adult education, kindergarten, primary, and summer schools, both public and nonpublic."

§13-13-17 - 13-13-18

In order to be eligible for foundation program funds, a school district must have employed "only properly qualified teachers holding valid South Dakota certificates" for the previous school year. Additionally, a school district "must have operated only accredited public schools" in order to be eligible for foundation program funds.

§13-33-1

All public schools "shall provide instruction" that conforms to the "accreditation standards" of the state board of education.

REGULATIONS

§24:03:02:02

Each school district or system must file an annual application for accreditation on or before October 15. "Amendments to the application for accreditation may be made prior to the final determination of accreditation status by the division [of elementary and secondary education.]" School districts/systems "shall respond to a preliminary review prepared by the division and submitted to each school on or before February 1st of that school year. The preliminary review will indicate steps

necessary to meet minimum criteria for accreditation."

Accreditation is granted on a system-wide assessment on a yearly basis. School districts/systems shall be notified of their final accreditation status no later than June 5.

§24:03:03:01; 24:03:02:03--04

"The following criteria shall be utilized in determining accreditation: educational program, staff, instructional materials, facilities, services, compliance with rules and regulations, compliance with school laws, and a statement of philosophy and purpose.

"When a school district or school system is in non-compliance with state board regulations or . . . with state education statutes, accreditation will be denied the school district or school system."

"When a school district or . . . system is denied accreditation, it may request, any time prior to August 15 of that year, a hearing conducted pursuant to SDCL 1-26 by the state superintendent. If the evidence . . . indicates that the school district or . . . system should be accredited for the year which has just ended, [the state superintendent]. . . may grant accreditation. If accreditation denial is continued by the state superintendent an appeal for review. . . may be made to the state board, which shall issue a decision based upon the record made at the hearing or remand the case for further hearing and review by the state superintendent."

§24:03:02:06

Due to the "wide variances in the abilities of local districts to provide comprehensive programs," the state board provides for three levels of accreditation:

(1) Level II is granted for meeting the minimum standards.

(2) Level I is granted to those systems" which show significant evidence of going beyond the minimum requirements to the extent they meet level I standards.

(3) Level I exemplary is granted to those systems which exceed the Level I standards.

"Educational programs that are in compliance with state regulations and . . . statutes, which are designed to meet special needs of pupils, shall be approved for special education."

§24:03:06:12

"A school or school system must offer kindergarten instruction to qualify for the higher levels of accreditation. Kindergarten is not required in order to qualify for a level II accreditation."

CROSS REFERENCE

III.C.School Districts; Statute §13-6-2

2. Other Qualification Standards

Statutes

§13-3-47

The state superintendent of schools shall "classify, approve, or accredit elementary, secondary, adult education, kindergarten, nursery, and summer schools, both public and nonpublic . . . ."

§13-23-8

Persons residing in isolated areas and having "ten or more students eligible to attend an elementary school" may petition the school board for the establishment of a school.

§13-23-9

A group of citizens who have the "care and custody of fifteen or more students" of elementary school age and who reside "not less than four miles from the nearest school" but "within one mile of each other" may petition a school board asking for the establishment of an elementary school. If the petitioners provide a room or building for such a school, the school board may "organize such a school and employ a teacher."

SCHOOL YEAR
SCHOOL DAY

§13-26-1

"The school year shall begin July first and end June thirtieth." A school term shall "consist of nine months, a school month of twenty days, . . . and a day of at least five and one-half hours."

SCHOOL YEAR

§13-26-2

Schools shall be operated for "at least a nine month regular term" consisting of "school actually in session for a minimum of one hundred and seventy-five days . . . ."

§13-26-5

Schools may not lengthen school days in order to make up time. Time may be made up by the addition of teaching days.

REGULATIONS

§24:03:05:03

"A professionally trained and qualified counselor at the ratio of one hour per day for each seventy-five students (four hundred fifty-one), shall be provided for grades seven through twelve."

PUPIL/TEACHER RATIO

§24:03:05:05

"To maintain the pupil, professional educational staff ratio in the self contained, single grade, one teacher classroom, the maximum enrollment should not exceed the following: grades kindergarten through three: twenty-five pupils; and grades four through eight: thirty pupils.

"To maintain the pupil, professional educational staff ratio in the self contained, multiple grade, one teacher classroom, the maximum enrollment should not exceed the following: grades kindergarten through three (two or three grades): twenty pupils; grades four through eight (two grades): twenty-five pupils, and (three grades): twenty pupils.

"The maximum ratio of pupils to teachers and other professional staff in secondary schools shall not exceed thirty to one."

"When four or more grades in an elementary school are combined in a self contained, one teacher classroom and the teacher pupil ratio exceeds one to ten, special permission must be obtained from the director of accreditation to operate the school room.

§24:03:06:10

MINIMUM STAFF

"A minimum staff of six teachers, or the equivalent thereof, plus the principal, shall be provided in schools offering instruction for grades nine through twelve. A school participating in a multidistrict secondary occupational vocational education center program may reduce the minimum staff requirement of six teachers to five teachers. Schools offering instruction for grades seven through twelve shall provide a minimum of eight teachers, or the equivalent thereof, plus the principal."

B. QUALIFICATION STANDARDS FOR PERSONNEL

ASSISTANT DIRECTOR VOCATIONAL EDUCATION

REGULATIONS

§24:10:02:01 -- 03

APPOINTMENT

The director is authorized to appoint an assistant director, with the board's approval. "The assistant director shall have a master's degree which includes courses in vocational education and supervision and a minimum of five years' experience in approved state or local vocational education programs." He/she shall assist in "the general administration of all vocational education functions."

CERTIFICATED PERSONNEL

STATUTES

§13-42-1

All public school teachers, principals, and administrators must have a valid certificate from the superintendent of schools.

§13-42-3

The state board of education has "sole authority" to set requirements for certification.

REGULATIONS

§24:02:02:04

"Persons whose certificates have been revoked by another state or a commonwealth, territory or possession of the United States of America, shall not be certificated in South Dakota, until revocation has been vacated."

§24:03:04:12

Certificates of all certified personnel are to be on file with the local superintendent, on or before the opening day of school, for the duration of employment. Each teacher's current college transcript shall be on file in the same manner.

COUNSELORS

CROSS REFERENCE

III.A.2.: Regulation §24:03:05:03

EDUCATIONAL PERSONNEL

STATUTES

§13-42-18

An "Interstate Agreement on Qualification of Educational Personnel" is enacted to facilitate the hiring of educational personnel from different states. States may contract with each other for five-

year periods for the acceptance of teachers who do not possess the required certification.

The superintendent of schools shall have the authority to make such contracts.

GUIDANCE COUNSELORS

REGULATIONS

§24:02:03:20

Guidance counselor certificate endorsement requirements are:

(1) Have one year successful teaching experience;

(2) Hold a bachelor's degree;

(3) Have a South Dakota elementary or secondary teacher's certificate;

(4) Complete an approved master's degree program in guidance and counseling, or in lieu of this, have earned 24 semester hours of graduate credit in guidance with at least 15 being in residence and at least 2 semester hours credit in each of the following areas:

"(a) techniques of counseling; (b) understanding the individual; (c) organizationand administration of the guidance program; (d) occupational information; and (e) practicum." Also, at least 2 semester hours must be earned in each of three of the following areas: tests and measurements; individual analysis and appraisal; mental health; supervised counseling experience; statistics; group guidance; individual testing; or social case work.

An applicant must receive the recommendation of the division of elementary and secondary education.

The counselor certificate endorsement may also be obtained by earning a master's degree in guidance and counseling "and completing 500 clock hours of internship in an elementary or secondary school, or a combination thereof, under the supervision of a certified counselor and a counselor educator.

MEDIA SPECIALIST

REGULATIONS
§24:03:05:04

"A qualified media specialist shall have a valid teaching certificate based on a bachelor's degree, with library and audio visual hours sufficient to meet the requirements of the classification of the school system. A media specialist may qualify for level II accreditation with a minimum of ten hours of library science."

Qualifying courses for a media specialist include the following: cataloging and curriculum material, administration and audio visual, book selection, reference, children's literature, library and society, special library problems, reading guidance for schools, and educational technology.

PRINCIPALS

REGULATIONS
§24:02:03:11-- 13

To receive certification as an elementary or secondary school principal, an applicant must:

(1) have earned a master's degree from a college or university-approved for teacher education;

(2) have an elementary or secondary certificate endorsement, as appropriate;

(3) have had two years of teaching experience at the elementary/secondary level, as appropriate;

(4) have completed an approved program for elementary secondary principals at a college or university.

SCHOOL BOARD MEMBERS

STATUTES
§13-7-3

To be eligible for a school board election, a candidate may not hold any other elective office.

§13-43-1

No teacher may serve as a member of the school board in the district where they teach.

SCHOOL PSYCHOLOGIST

REGULATIONS
§24:02:03:23

"In order to receive the school psychologist's certificate endorsement, an applicant must have completed an approved graduate program for school psychologists at a college or university."

SCHOOL PSYCHOLOGICAL EXAMINER

REGULATIONS
§24:02:03:24

The requirements for the school psychological examiner's certificate endorsement are:

"(1) Have a master's degree that is essentially psychological in nature;" and

(2) Receive the recommendation of the division of elementary and secondary education.

SPECIAL EDUCATION DIRECTORS

REGULATIONS
§24:02:03:28

To receive the special education director endorsement on one's teaching certificate, an applicant must:

(1) Have a South Dakota teacher certificate with an endorsement in special education or a specific area of exceptionality;

(2) Have a work record of three years of teaching, one of which with exceptional students;

(3) Have completed an approved program for special education director at a college or university.

CROSS REFERENCE

I.State Board of Education; Statute §13-1-1 -- 13-1-2

STATE SUPERVISORS

REGULATIONS

§24:10:03:01 -- 06

APPOINTMENT

The director of vocational education is authorized, with the board's approval, to appoint state supervisors and assistant state supervisors "as may be needed to fulfill the policies and programs of the board."

State supervisors and assistant state supervisors must have a bachelor's degree with a major in her/his respective vocational area and "shall also possess a master's degree, or its equivalent, with major emphasis in supervision or supporting specialized courses."

Applicants must also have four years' recent experience "as a teacher, administrator, coordinator or supervisor in the occupational area." However, specialized management or business ownership experience may be considered in lieu of the above supervisory experience requirements and professional courses, if "an organized plan for continuing professional education is submitted and approved."

Duties of state supervisors:

(1) Provide leadership in immediate as well as long-range planning; assisting in the administration of the program, guiding local administrators and teachers in developing and executing programs suitable to community needs; promoting studies and research where necessary to facilitate these goals.

(2) Evaluate the qualifications and assist in placement of qualified teachers, teacher educators and local supervisors; promote pre-service and in-service training.

(3) Arrange for regional and state conferences;

evaluate programs and deliver needed assistance in curriculum development; preparation and dissemination of teaching materials.

(4) Serve as a state advisor to vocational youth organizations; prepare reports as required by the state board, director or U.S. Office of Education.

Assistant state supervisors shall "perform specialized or general duties under the direction of the state supervisor."

SUBSTITUTE TEACHERS

REGULATIONS

§24:02:01:05

"A substitute teacher is . . . a person who teaches as a temporary teacher for not more than 20 days during any one school year. Such teacher need not hold a valid certificate during the period for which [he/she] is substituting, unless required to do so by the local school board. If it becomes necessary for such a person to teach more than 20 days during . . .[the] school year, the [local] superintendent must file a request with the state superintendent for an extension of time. If circumstances so warrant, the state superintendent will grant permission . . . ."

SUPERINTENDENTS

REGULATIONS

§24:02:03:12; 14

To receive the superintendent's certificate endorsement, an applicant must: (1) have earned a master's degree from a college/university approved for teacher education; (2) have an elementary or secondary teacher endorsement; (3) have had at least 3 years' teaching experience in elementary or secondary schools;

(4) have completed an approved program for superintendents at a college/university.

To receive the advanced superintendent's endorsement, an applicant must have the above superintendent's endorsement, as well as completed an approved six-year program, and "received a specialist's degree in school administration. The requirement of a specialist's degree will be waived if the applicant has earned a doctor's degree."

AUTHORITY: SDCL 13-1-32; 13-42-3; 13-1-11

TEACHERS

STATUTES

§13-42-2

Any person who teaches courses he/she is not certified to teach shall be guilty of a misdemeanor.

§13-42-4

The state superintendent of schools has the authority to issue teachers' certificates. All changes in requirements for certification must be "preceded by . . . two years' notice" when such changes "increase the requirements" for certification.

§13-42-6

All teacher applicants who are U.S. citizens must take an "oath of allegiance" before being granted a certificate. OATH

§13-43-5

In order to sign an employment contract, a teacher must have a valid certificate, or be in the process of completing academic work which will entitle him/her to certification before the time the contract begins.

§24:02:01:01 -- 02

"The state board of education will issue a single basic teacher's certificate. The type of certification of the holder will be indicated by endorsements on the certificate under each of . . . five classifications: (1) level of academic preparation; (2) classification of certificate; (3) endorsement of certificate; (4) level of teaching ability; (5) major academic preparation."

Certificates issued or renewed between January 1 and June 30 are considered valid from January 1 of that year through the expiration date on the certificate, and those issued or renewed between July 1 and December 31 shall be considered valid from July 1 through the expiration date on the certificate.

AUTHORITY: SDCL 13-1-32; 13-42-3

§24:02:01:06

"To be eligible for certification, an applicant must be 18 years of age, and a citizen of the United States. Citizenship may be waived for those who are not citizens, but who have declared their intention to [do so]. . . ."

CITIZENSHIP

AUTHORITY: SDCL 13-1-32; 13-42-3

§24:02:02:01 -- 02

"Application for an endorsement to a certificate to teach at one or more of the following levels shall be made on an original application form, supplied by the division of elementary and secondary education: (1) non-degree elementary; (2) elementary; or (3) secondary. The application must be sent to the division through the teacher education institution (college or university) where the teacher education was completed, . . . [and] shall contain a recommendation which must be signed by

the official authorized to recommend certification at that institution."

A certificate with a "limited endorsement identifies personnel who have taken training in specialized pupil services or who are teaching specialized programs in vocational education. It may also be used in emergency situations to provide temporary certification."

AUTHORITY: SDCL 13-1-32; 13-42-3

§24:02:03:01.01

This section lists the various programs at South Dakota institutions of higher learning that are approved for teacher education on both the elementary and secondary levels by the division of elementary and secondary education for South Dakota.

AUTHORITY: SDCL 13-1-11; 13-42-3

§24:02:03:02 -- 03

"Teacher's certificates shall show the holder's academic training . . ." e.g., less-than-two-year, bachelor's degree, etc.

"A limited endorsement to a certificate will be issued for a period of one, three, or five years, upon application and supported by a request from a local school superintendent or school board, when such person does not meet all the requirements for either the elementary or secondary endorsement."

AUTHORITY: SDCL 13-1-11; 13-42-3; 13-1-32

§24:02:03:05

The certificate endorsement for elementary teachers "shall be issued for a period of five years upon completion of an approved bachelor's degree program in elementary education." This program is outlined in ARSD, 1977 Supplement, §24:02:03:06.

An applicant who completed his/her college program more than 5 years previous to her/his certification application must have earned "six semester or nine quarter hours of credit within the five-year period immediately preceding" the certificate issuance. The holder of a master's degree need not have additional credits to have a certificate endorsement issued, "provided the master's degree was obtained within the ten-year period immediately preceding issuance."

AUTHORITY: SDCL 13-1-32; 13-42-3

§24:02:03:06.01

To receive the early elementary certificate, an applicant must have the South Dakota elementary teacher certificate endorsement, and have a minimum of 12 semester hours of credit selected from four or more of the following areas: "child growth and development; curriculum in early childhood; child, family and community; introduction to early childhood education; student teacher at the early childhood level; or kindergarten education."

AUTHORITY: SDCL 13-1-11; 13-42-3

§24:02:03:06.02

The requirements for a reading specialist endorsement on the elementary or secondary certificate are:

(1) a South Dakota elementary or secondary certificate;

(2) completion of "3 years of classroom teaching in which the teaching of reading was an important responsibility of the position;"

(3) undergraduate or graduate credits in "measurement or evaluation, or both; child or adolescent psychology, or both; psychology, including such aspects as personality, cognition and learning behaviors; and, literature for children or adolescents, or both;"

(4) completion of a "minimum of 12 semester hours in graduate level reading courses with at least one course in foundations or survey or reading; diagnosis and correction of reading disabilities; and, clinical or laboratory practicum in reading."

AUTHORITY: SDCL 13-1-11; 13-42-3

§24:02:03:07

"A secondary endorsement shall be issued for a period of 5 years upon completion of an approved bachelor's degree program in secondary education. The degree must contain a major in an academic or special field." The approved secondary certificate degree program is outlined in ARSD 24:02:03:08.

If the applicant completed college more than 5 years prior to filing for certification, then he/she must have earned six semester or nine quarter hours of credit within the 5-year period prior to application. Master's degree holders are exempt from this requirement, "provided the master's degree was obtained within the ten year period immediately preceding the issuance [of a secondary certificate.]"

SDCL 13-1-32; 13-42-3

§24:02:03:21

"In order to receive the teacher of exceptional children certificate endorsement, an applicant must:

"(1) Have earned a bachelor's degree;

"(2) Have an elementary or secondary [teacher] certificate;

"(3) Have completed an approved program in one or more areas of special education at a college or university.

"In lieu of completion of an approved program, the endorsement may be issued for an initial period of five years by having earned the following:"

(a) Eighteen semester hours selected from the following: "introduction to exceptional children; introduction to mental retardation; introduction of learning disabilities; language development; parent counseling; curriculum development for the mentally handicapped; behavior management; adaptive physical education; arts and crafts for the exceptional; music for the exceptional; the physically handicapped child; the disadvantaged and emotionally handicapped child. (b) six semester hours of practicum or student teaching in special education.

AUTHORITY: SDCL 13-1-11; 13-42-3

§24:02:03:22

The requirements for the school speech and hearing clinician endorsement are:

(1) a bachelor's degree; and

(2) completion of an approved program in speech and hearing at a college or university.

AUTHORITY: SDCL 13-1-11; 13-42-3

§24:02:03:25

"Teacher certificates will show in which of the following levels the holder may teach:

"(1) Common school district with a program of kindergarten [K] through grade eight;"

(2) Elementary school with K-8th grade, or 7th-9th grade in a formally organized junior high school, or 5th-8th grades in an approved middle school;

(3) Secondary school certificates allow one to teach in grades 7 through 12, or 7th - 9th grades in a formally organized junior high school, or grades seven and eight in an approved middle school, or 10th through 12th grades in a senior high school.

"Certificates authorizing the holder to teach in . . .[the secondary or elementary] level and also showing an area of major academic preparation of either art,

physical education, library science, or music shall entitle the holder to teach these subjects in any grade, kindergarten through grade twelve."

AUTHORITY: SDCL 13-1-32; 13-42-3

§24:02:03:26

"Teachers' certificates will be endorsed to show the applicant has earned a major in one or more of the following areas of academic preparation: elementary education; secondary education; agriculture; business education; distributive education; foreign language; homemaking; industrial arts; language arts; mathematics; science; social science; trades and industries; art; health and physical education; library science; music or other."

AUTHORITY: SDCL 13-1-32; 13-42-3

§24:02:03:27

In order for a teacher to earn the "office occupation certificate endorsement," he/she must:

(1) Be a college graduate with a major in business education;

(2) Have a South Dakota secondary teaching certificate;

(3) Have at least one year or two thousand hours work experience in an office occupation;

(4) Have at least six semester hours credit in vocational education, including a course in the philosophy of vocational education and a teaching methods course in vocational business and office education.

AUTHORITY: SDCL 13-42-3; 13-42-4

§24:02:04:01

"The non-degree elementary endorsement may be renewed for three years upon proper application and an official transcript showing the applicant has earned 8 semester hours of credit within the 3 year period immediately preceding renewal." The credits must be applicable to an approved degree program in elementary eduction, and a recommendation from the superintendent under whom the applicant claims most recent teaching experience must accompany the application.

AUTHORITY: SDCL 13-1-32; 13-42-3

§24:02:04:02 -- 03

Elementary and secondary teacher certificate endorsements may each be renewed for a period of 5 years, provided the applicant has the recommendation of the superintendent under whom she/he claims most recent work experience, and an official transcript showing the applicant has earned at least six semester hours of credit in the 5 year period immediately preceding renewal. "Credits earned at workshops which have received advanced approval from the division of elementary and secondary education will be accepted." Holders of a master's degree may have their certificate endorsement renewed without earning additional college credits if their master's degree was earned within the ten year period immediately preceding renewal.

AUTHORITY: SDCL 13-32-1; 13-42-3

§24:03:05:01 -- 02

"All professional instructional staff shall meet certification regulations as provided in article 24:02 and adopted by the state board."

* * *

"Teaching assignments outside of academic majors must meet minimum preparation levels as herein set forth:

"(1) Eighteen semester hours shall be the minimum academic preparation for the following disciplines: nonvocational business education, foreign language, health and physical education, nonvocational home economics, industrial arts, English language arts, mathematics, and music;

"(2) Twenty-four semester hours shall be the minimum academic preparation for a teacher in social science, which includes American history, world history, government, economics, sociology, geography and psychology, with at least eight semester hours in each subject taught;

"(3) Twenty-one semester hours shall be the minimum academic preparation for a teacher in science, which includes biology, chemistry, physics, general science, physical science, earth science and life science, with at least twelve hours in the science taught. A physical science teacher may meet this requirement with twelve hours of physical science or with at least four semester hours in each of the fields of physics and chemistry. Teachers of general science will meet this requirement if they have at least one course in a biological science, and one course in physical science, and a total of twenty-one semester hours in science. An earth science teacher will need at least one course in earth science, and a total of twenty-one semester hours in science. A life science teacher will need a minimum of twelve semester hours in biology, and a total of twenty-one semester hours in science;

"(4) An art teacher shall have a minimum of fifteen semester hours in art. A driver education teacher must have a minimum of eight semester hours in his field. A speech teacher shall have a minimum preparation of thirteen hours in English and at least five semester hours in journalism;

"(5) No vocational secondary program will be approved in the following areas unless the instructor has an academic major in the field or is approved by the state supervisor of vocational technical education: agriculture, business education, distributiv-education, home economics, trade and industrial education; and

"(6) Any person assigned to be an athletic coach shall have a valid teacher's certificate and a minimum preparation of eight semester hours of college credit in coaching athletics or in health and physical education, including one course in prevention and care of injuries and one course in coaching the athletic activity assigned."

AUTHORITY: SDCL 13-1-12; 13-3-47

§24:03:05:06

"Teacher aides shall not be used to supplant teachers. Only certificated teachers are to be responsible for instructional programs."

AUTHORITY: SDCL 13-1-12; 13-3-47

§24:10:01:07

"In any instance where [the] rules state the qualifications required for a position, any person may petition the state board [of vocational education] for an examination in lieu of meeting requirements."

In response, the board and director may appoint an examining committee. "The committee shall consist of at least 3 members knowledgeable of the problems and requirements of the position." The committee may require oral or written examination, or both, and "shall report their recommendations to the director and the board in writing."

AUTHORITY: SDCL 13-39-37; 13-39-64

§24:10:01:08

"The review and modification of personnel qualification standards is accomplished through the use of the state advisory committee for teacher education and certification, on which the director of vocational education shall serve."

AUTHORITY: 13-39-37; 13-39-64

§24:10:04:01 -- 02

"Teacher training personnel shall have a master's degree in the field for which teachers are being trained and shall have had at least four years of successful teaching experience in the vocational field.

"The duties of teacher training personnel shall be to conduct pre-service and in-service training, prepare instructional materials, conduct research studies, supervise practice teaching, cooperate with the state supervisor in evaluating programs and assist the state supervisor in curriculum development."

AUTHORITY: SDCL 13-39-37; 13-39-64

§24:10:05:01 -- 03

"The board (for vocational education), in its discretion, should authorize the local board to employ administrative personnel to administer vocational education matters at the local, as opposed to the state, level.

"Local vocational educational personnel shall be graduates of an accredited four year college or university and have a minimum of three years' experience in one, or a combination of teaching, administration, teacher education, or supervision in vocational education and shall be responsible for

supervision of vocational programs on the local level in their school.

"Local administrative personnel employed shall be responsible for promoting, implementing, supervising and evaluating the vocational programs in their schools."

AUTHORITY: SDCL 13-39-37; 13-39-64

§24:10:06:01 -- 02

"All teachers of vocational education classes at the secondary level must have a valid certificate for high school teachers issued by the division of elementary and secondary education.

"In addition to the general qualifications specified, teachers teaching vocational education classes at the secondary level shall meet the special qualifications in their respective fields as prescribed by the board (for vocational education)."

AUTHORITY: SDCL 13-39-37; 13-39-64; 13-39-8

§24:10:06:03

"Secondary vocational education teachers shall be responsible for the conduct of the total educational experience, and, in the absence of a local director or supervisor, the teacher shall initiate, promote, implement and evaluate the total program. The teacher shall prepare and submit reports as required by the board. The teacher shall act as advisor to vocational youth organizations."

AUTHORITY: SDCL 13-39-37; 13-39-64; 13-39-8

§24:10:07:01 -- 05

"The secondary vocational agriculture instructor shall have completed at least twenty semester hours in educational subjects, which shall include sixteen semester hours in agriculture education, including practice teaching in agriculture.

"The vocational agriculture instructor shall have a bachelor of science degree from a four year college of agriculture approved by the state board, or other institution offering training on the same level. Training shall include at least eight semester hours of agricultural mechanics and the hours of technical agriculture required by the institution for a degree with a major in agriculture.

"The vocational agriculture instructor shall have had at least two years' actual experience in agricultural occupations or farming after the age of fourteen, or be farm reared.

"Limited certificates to teach may be issued in specialized areas of instruction, as determined by the board, based upon competency.

"Anyone seeking a limited certificate shall make written application therefore to the state supervisor, stating therein the reasons why such certificate is sought. The state supervisor shall act upon such application within thirty days, giving immediate written notice of such action to the applicant."

AUTHORITY: SDCL 13-39-37; 13-39-64; 13-39-8

§24:10:08:01 -- 03; 05; 06

"A business and office education teacher-coordinator shall be a graduate of a recognized four year college or university with a major in business education.

"A business and office education teacher-coordinator shall have, or acquire within three years after starting to teach in a vocational program, an additional ten semester hours of approved graduate courses in the vocational business education field.

"The business and office education teacher-coordinator shall have, or acquire within three years after starting to teach in a vocational program one year of occupational experience in the business and office occupations field. Approved collegiate work experience programs will be evaluated as to amount of credit that will apply toward meeting this work experience requirement.

"The state supervisor may waive any requirements set forth in sections 24:10:08:01 to 24:10:08:03, inclusive, as necessary on an annual basis.

"Anyone seeking waiver of the foregoing requirements shall make written application therefore to the state supervisor, stating therein the reasons why such waiver is sought. The state supervisor shall act upon such application within thirty days of the receipt thereof, giving immediate written notice of such action to the applicant."

WAIVER

AUTHORITY: SDCL 13-39-37; 13-39-64; 13-39-8

§24:10:09:01 -- 03

"A distributive education teacher-coordinator shall have, or acquire during the first three years of teaching a combination of at least twelve semester hours of specialized training courses in marketing, management, merchandising, retailing, accounting, business law, economics or public speaking; the required courses entitled: philosophy of vocational education and organization and operation of part-time cooperative programs; and at least two years of wage

earning occupational experience in a distributive occupation above the learner's level.

"In the event a person is employed solely as teacher-coordinator of distributive education, with no other teaching assignments or responsibilities, the state board may, after a review of his specialized training, experience, character, and responsibility, waive any of the requirements specified if in-service training is provided and a plan to further professional education is submitted and approved. Such certification shall be on a year to year basis.

"Anyone seeking a waiver of the requirements of 24:10:09:01 shall make written application therefore to the state supervisor, stating therein the reasons why such waiver is sought. The state supervisor shall act upon such application within thirty days of the receipt thereof, giving immediate written notice of such action to the applicant.

AUTHORITY: SDCL 13-39-37, 13-39-64; 13-39-8

§24:10:11:01 -- 03

"The home economics teacher shall have a bachelor's degree in home economics education from an institution accredited for home economics education. Training shall include courses in philosophy of vocational education and consumer economics. Whenever the supply of fully qualified teachers is not sufficient to provide instruction for approved high school programs, the state supervisor may recommend teachers on a year to year basis.

"Instructors in occupational preparation may be selected from one of the following:

"(1) Secondary home economics teachers who have a valid teaching certificate and have had at least two years of experience in business, industry or human services;

"(2) Professional home economists who are specialized in one subject area, as dietetics, child development, clothing or housing, and have had at least two years of experience in the occupational field in which they will teach;

"(3) High school graduates, or equivalent, having at least three years' wage-earning experience over and above the learner's level in the area in which they will teach. These shall have such teacher training courses as approved by the state supervisor in the specific area in which they propose to teach, and must be eligible to satisfy the requirements of a limited teaching certificate.

"Aides and lab assistants shall be competent in the area in which they are assisting and shall work under the direct supervision of a certified teacher.

AUTHORITY: SDCL 13-39-37; 13-19-64

§24:10:12:01 -- 03

"The technical education instructor shall meet the minimum qualifications of a technician recognized by industry in the occupational area in which he is to teach and shall have at least three years' experience, with at least two years in the technical field to be taught. He shall possess the necessary competency to teach those related courses as are required for the occupation.

"The instructor shall:

"(1) Be a high school graduate, or its equivalent, and shall have at least three years' wage-earning experience over and above the learner's level in the trade he is to teach;

"(2) Have such teacher training courses as approved by the state supervisor in the specific area in which he proposes to teach;

"(3) Be eligible to satisfy the requirements of a limited teaching certificate.

"Aides and laboratory assistants shall be competent in the area in which they are assisting and shall work under the direct supervision of a certified teacher."

AUTHORITY: SDCL 13-39-37; 13-39-64

CROSS REFERENCE

III.A.1.: Statute §13-13-17 -- 13-13-18

C. Performance Standards

Certificated Personnel

Statutes

§13-42-9

REVOCATION
SUSPENSION

The state superintendent of schools has the authority to "revoke or suspend any certificate for any cause which would have prevented its issue, or after dismissal for plain violation of contract, gross immorality, incompetency, or flagrant neglect of duty." If requested by the school board, the superintendent shall suspend a certificate for breaking or jumping a contract for "not more than one year."

Director of Vocational Education

CROSS REFERENCE

II.A.3.: Statute §13-39-5

Educational Program

Regulations

§24:03:03:01

"The governing body of each school system shall formulate a written statement of its philosophy and purpose . . .[to] give direction to the educational

program . . . .[It] shall be based on student needs," reviewed cooperatively by each school's staff, and annually reviewed and periodically evaluated.

EDUCATORS

REGULATIONS

§24:08:03:01 -- 04

"In fulfilling their obligations to the students, educators shall:

(1) Not without just cause restrain students from independent action in their pursuit of learning, and shall not without just cause deny to the students access to varying points of view;

(2) Not deliberately suppress or distort subject matter for which they bear responsibility;

(3) Make reasonable effort to maintain adequate discipline and order in the classroom and the school system to protect the students from the conditions harmful to learning, health and safety;

(4) Conduct professional business in such a way that they do not expose the students to unnecessary embarrassment or disparagement;

EQUAL OPPORTUNITY

(5) Not for reasons of race, color, creed, sex, national origin, marital status, political affiliation, or family, social, or cultural background exclude any students from participation in or deny them benefits under any program, nor grant any discriminatory consideration or advantage;

(6) Not use professional relationships with students for private advantage;

(7) Keep in confidence information that has been obtained in the cause of professional service, unless disclosure serves professional purposes or is required by law;

(8) Not tutor for remuneration students assigned to their classes unless no other qualified educator is reasonably available;

(9) Shall maintain professional relationships with students in a manner which is free of vindictiveness and recrimination."

"In fulfilling their obligations to the public, educators shall:

(1) Not misrepresent an institution or organization with which they are affiliated, and shall take adequate precautions to distinguish between their personal and institutional or organizational views;

(2) Not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions;

(3) Not interfere with a colleague's exercise of political and citizenship rights and responsibilities;

(4) Not use institutional privileges for private gain or to promote political candidates or partisan political activities;

(5) Accept no gratuities, gifts, or favors that might impair or appear to impair professional judgement, nor offer any favor, service, or thing of value to obtain special advantage."

CONFLICT OF INTEREST

"In fulfilling their obligation to professional employment practices, educators shall:

(1) Apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications;

(2) Apply for a specific position only when it is known to be vacant, and shall refrain from underbidding or commenting adversely about other candidates;

(3) Not knowingly withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;

(4) Give prompt notice to the employing agency of any change in availability of service; and the employing agent shall give prompt notice of change in availability or nature of a position;

(5) Adhere to the terms of a contract or appointment unless the contract has been substantially altered without consent of the affected parties, legally terminated, or legally voided;

(6) Conduct professional business through channels that have been adopted by the employing agency, when available;

(7) Not delegate assigned professional responsibilities to unqualified personnel;

(8) Permit no commercial exploitation of their professional position."

PUBLIC SCHOOLS

CONSTITUTION

South Dakota Constitution Article VII, §1

". . .[i]t shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education."

TUITION

CROSS REFERENCE

III.A.1.; Statute §13-33-1

SCHOOL DISTRICTS

STATUTES

§13-6-2

Legislative policy dictates that school districts exist to provide schools for the people and an "adequate opportunity to avail themselves of a free elementary, and secondary education program."

The legislature deems it "essential for all children and youth in the state to have access to an adequate educational program in a public school" and in the event that a school district does not have adequate resources to provide the necessary education, the state board of education will be responsible for "school district reorganization" to "enable each school district to offer an educational program of sufficient scope and quality to adequately expand and develop the interests and abilities of its people." Each school district must meet certain minimum standards and "contain sufficient human and material resources" for an educational program that will fulfill accreditation requirements.

§13-13-11

The policy for the distribution of state funds to local districts is "to provide . . . equality in school tax rates . . . and to provide reasonable equality of educational opportunity for all children in the state." In order to be eligible to receive state funds through the foundation program, a school district must "provide an educational program which meets the requirements and standards" established by the foundation program.

§13-46-1

APPEAL

Any school board decision relative to a school or school district matter may be appealed to the circuit court by any aggrieved person within ninety days.

School Personnel

Statutes

§13-43-12

The tenure provisions include teachers, principals, superintendents, and administrative personnel.

CROSS REFERENCE

I.Professional Practices and Standards Commission;
Regulation §24:08:02:01 -- 24:08:02:11

SCHOOL SYSTEM

REGULATIONS

§24:03:04:08

"The governing body of each school system shall provide a handbook of policies to serve as the basis for administration of the school system and as a guide to the superintendent and other employees in conducting their respective duties."

SCHOOLS

CROSS REFERENCE

II.A.1.; Statute §13-33-11

STATE BOARD OF EDUCATION

STATUTES

§ 24:01:03:01

"Any person aggrieved by any action of the [state] board taken without a hearing may, within thirty days following the date of such board action, petition the board for a hearing which shall be held not later than sixty days following receipt of the petition."

HEARING

§24:01:03:02

"At least twenty days prior to the date set by the [state] board for hearing, the board shall serve by mail upon the petitioner and other interested or affected parties a copy of the notice of hearing pursuant to SDCL 1-26-17."

AUTHORITY: SDCL 13-1-11

§24:01:03:03 -- 04

Any party to a board hearing may submit written briefs "upon request made prior to the close of the hearing," and the "board may also direct the submission of written briefs and set a reasonable time for thier filing when, in its opinion, briefs are warranted by the issues involved in the proceedings."

Any party to a board hearing may within 10 days petition the board to review a decision. "Such petition for review shall be optional with the parties and shall not be mandatory before seeking judicial review."

REVIEW

The board may "deny the petition, order a rehearing, or direct such other and further proceedings as it deems appropriate." In the event of a rehearing "or other proceedings, the board may affirm, reverse or modify its earlier decision." Notice of the decision on the review petition "shall be served by mail upon the petitioner and any other affected parties within ten days following the board's receipt of the petition."

REHEARING

AUTHORITY: SDCL 13-1-11

STATE COMMISSION OF INDIAN AFFAIRS

CROSS REFERENCE

II.A.10.Other - Indian Education Program; Statute §1-4-1

STATE SUPERINTENDENT

STATUTES

§13-3-49

The state superintendent of schools shall meet with district superintendents once a year, or more often if necessary, to "secure and maintain a uniform and efficient administration of the school laws and rules and to promote the best interests of education."

STUDENTS

REGULATIONS

§24:03:06:05

"Four year high schools shall require a minimum of sixteen units of credit, or the equivalent,

GRADUATION

for graduation. Three year high schools shall require a minimum of sixteen units of credit, or the equivalent, for graduation. Three year high schools shall require a minimum of twelve units of credit, or the equivalent, earned in grades ten, eleven, and twelve. Local school boards may set graduation requirements over and above the minimum."

§24:03:06:06

"It is recommended that every student be required to have four units of language arts, one unit of laboratory science, one unit of mathematics, and two units of social science for graduation."

TEACHERS

STATUTES

§13-42-10

REVOCATION

The superintendent of schools "shall revoke . . . or refuse to issue" a teacher's certificate when the person has been "convicted of any crime involving moral turpitude, including traffic in narcotics."

§13-42-11

"Any teacher who shall have publicly reviled, ridiculed, or otherwise spoken or acted with disrespect and contumely toward the flag of the United States or its official uniforms or insignia, or toward the system of government of the United States and its Constitution, or shall refuse to take or subscribe the oath of allegiance . . . shall upon satisfactory proof of the commission of such offense have his[/her] certificate revoked by the superintendent" of schools.

REVOCATION

§13-42-12

REVOCATION

In order to institute revocation proceedings, the school board must file a written complaint with the superintendent of schools, setting forth the charges against the teacher. The complaint must be served upon

the teacher within five days after filing and the teacher then has fifteen days to answer the complaint. The superintendent of schools shall set a hearing date and notify the parties.

NOTICE

§13-42-14

HEARING

The teacher has the right to a public or private hearing and may appear and present evidence. A record of the hearing will be made.

§13-42-15 — 13-42-16

APPEAL

The superintendent of schools will make the decision on revocation within thirty days of the hearing. A teacher has a right of appeal to the circuit court.

§13-43-7

Teachers are required to perform their duties in accordance with state law, school board rules and state board of education rules.

§13-43-9.1

NOTICE

A teacher with tenure shall be notified, in writing, by the school board of its intent to not renew the teacher's contract. Such notification must take place "on or before the third Monday in March." The board shall make available to the teacher his/her "evaluation file" and advise him/her in writing of the reasons not to renew the contract. "All teachers shall be evaluated and given notice of any deficiencies during each semester of the first two full terms of employment."

§13-43-10

After the notice of intent to not renew the contract has been given to the teacher, the board must notify the teacher, within fourteen to twenty-one days, that they will not renew the contract. Failure of the board to give notice will constitute an "offer to renew the contract."

CROSS REFERENCE

I.Professional Practices and Standards Commission; Regulation §24:08:04:01; 02; 03; 04; 05; 06; 07; 08; 09

I.South Dakota Professional Practices and Standards Commission; Statute 13-43-17 -- 13-43-18

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.3.; Statute §13-39-10.1

D. EVALUATION AND REPORTING

EDUCATIONAL PROGRESS

STATUTES

§13-3-51

The state superintendent of schools shall establish a system for "gathering and reporting of educational data" for ". . . the evaluation of educational progress."

CROSS REFERENCE

III.B.Teachers; Regulation §24:10:04:01 -- 02

IV.H.; Statute §13-4-4; 13-4-5

EDUCATIONAL SYSTEM

STATUTES

§13-3-54

The state superintendent of schools shall prepare an annual report for the state board of education which shall cover school operations and the "support, conditions, progress and needs of education throughout the state . . ."

§13-8-47

Every school board shall file an annual report "with the division of elementary and secondary education." The report shall contain all "educational and financial information" of the district.

CROSS REFERENCE

I.State Superintendent of Schools; Statute §13-3-33

EDUCATION AND CULTURAL AFFAIRS DEPARTMENT

STATUTES

§1-45-8

The secretary of education and cultural affairs shall submit an annual report to the governor and the legislature.

LEGISLATION

STATUTES

§13-1-39

The state board of education shall make recommendations to the governor and the legislature for "additional legislation or changes in existing legislation" to meet the "educational needs of the state."

SPECIAL EDUCATION STUDENTS

CROSS REFERENCE

II.A.2.; Statute §13-37-5.1

TEACHERS

§13-43-26

Each school board shall adopt "official standards, criteria and procedures" for evaluating teacher performance.

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.3.; Statute §13-39-21; 13-39-24

E. Improvement Efforts

Teachers

Statutes

§13-26-3

Schools shall be closed only for holidays, teachers' professional meetings, and emergency situations.

§13-43-7.1

A teacher may attend professional meetings, "without loss of pay," if such meetings do not exceed three consecutive school days per year.

§13-47-20

The state board of education may arrange for "in-service training" to instruct "staff . . . and school personnel to better utilize the instructional television media."

INSERVICE TRAINING

CROSS REFERENCE

III.B.Teachers; Regulation §24:10:04:01 -- 02

TENNESSEE

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

CROSS REFERENCE

II.A.3.; Regulation p.49

2. Other Qualification Standards

STATUTES

§116

The state commissioner of education is authorized to grant waivers to a school which does not comply with the rules and regulations of the state board of education only when officially requested by action of the local board of education.

§1001

Elementary schools shall be maintained as necessary. "If the average daily attendance of any school shall fall below the minimum fixed by the respective board of education for as much as two consecutive weeks, the schools shall be suspended until an attendance of such minimum as is fixed by the board of education can be assured." Only in exceptional situations will the minimum attendance of 10 students be disregarded.

§1101 -- 1105

The state board of education determines the number of students that will be needed to keep a school in operation.

§1113

The term of high schools shall be at least nine months or 36 weeks. Provisions concerning qualifications of teachers, number of students, school term, course

of study and other conditions must be met before a high school can be approved or diplomas handed out or determination of funds made.

§1773 -- 1777

There is a standardized and efficient administration of the public school systems. "The commissioner of education shall publish maximum school class size limits before August 1st of the school year."

Waivers on class size limits shall be submitted by the superintendent or director of school districts to the state commissioner of education.

If monthly attendance reports reveal that additional classrooms do not comply with state class size maximum limits, requests can be made by superintendents or directors for a waiver of class size limits. Such waivers shall be made available to local news media and education associations.

REGULATIONS

pp. 17-21

"The number of teaching positions . . . in grades one through eight . . . shall be based upon the average daily attendance for each of the highest two months of the first three months of the current school year . . ." The minimum pupil-teacher ratio shall be one teacher for every twenty pupils (20-1). In high schools, the minimum pupil-teacher ratio shall be four teachers for every seventy-five pupils (75-4). For each additional thirty pupils (in both

cases), one additional full-time teaching position shall be allowed.

Additional positions for librarians and guidance counselors may be filed by secondary schools according to a specified minimum average daily attendance.

"In the event that the average daily attendance of pupils . . . increases or decreases substantially . . . after the completion of the third month of . . . attendance, the Commissioner of Education . . . may review the allocation of teaching positions under the minimum foundation program with the view of increasing or decreasing the number of [currently allocated] positions . . . ."

PP. 71 --74

SCHOOL TERM

School terms shall "not be less than 175 days;" and the "actual time that pupils are required to be in school shall be at least 6 1/2 hours." School programs shall be organized differently according to grade levels.

"School systems and schools are encouraged to experiment with the combination of two or more instructional areas."

A major requirement concerns the administration of schools, including teacher assignments, pupil load, the internal organization of a school, record and reports of pupils' progress, salaries and certification for all professional personnel according to standards and requirements established by the State Board of Education, and rules on pupil observance of religious holidays.

Maximum membership of any class shall vary, according to grade levels, between 25 pupils and 35 pupils.

p. 102

"[T]wo or more teachers shall not use the same

classroom at the same time for teaching two or more different classes."

CROSS REFERENCES

II.A.1.; Statute §111

II.A.3.; Statute §2902

II.A.4.; Statute §2304 -- 2305

II.A.4.; Regulation pp. 76-80

III.B.School Personnel: Regulation pp. 22-27

III.C.School; Regulation pp. 51-71

IV.H.; Statute §1711 -- 1713

B. Qualification Standards for Personnel

County Board of Education Member

CROSS REFERENCES

I.County Board of Education: Statute §209 -- 213

I.County Board of Education; Statute §244 -- 247

School Personnel

STATUTES

§1201; 1203; 1204; 1212; 1213

All teachers, supervisors and principals must be certified before performing in the schools and receiving pay. No one under 18 shall receive a

certificate to teach and no one with less than eight months experience and less than 18 years of age can be compensated out of public funds.

Only persons with a good moral character and those with no addiction to alcohol or narcotics are eligible to receive certificates to teach.

Professional certificates will not be issued for work done in a college or university unless it is under a teacher-training program.

§1318

Any person seeking employment in a state educational institution having in any way the custody and care of students of the public educational institutions must make a full disclosure of any prior criminal records and dismissal from employment.

§1405

"The local board of education shall have authority to set standards of employment or to maintain educational requirements of the personnel in service over and above those required by the state board of education whenever [the] board is in a position to support the superior program" and the requirements are applied generally.

REGULATIONS

pp. 22-27

The number of system-wide positions for the minimum foundation school program of a local school system shall be determined according to the number of allowed teaching positions under the stated pupil-teacher ratio standards in both elementary and secondary schools.

Supervising teachers of instruction shall hold a "valid supervisor's certificate" and shall have "three years' experience in actual school work." Materials supervisors

shall hold a valid teacher's certificate equal to, at least, a Bachelor of Arts degree, with three years' experience in actual school work, and shall "exhibit competence in the field of instructional materials . . . and/or a willingness to pursue . . . formal training . . . ."

School food service supervisors shall hold a Bachelor of Arts degree in Home Economics, with experience in school food service programs.

Guidance counselors shall hold either a certificate endorsement as guidance counselors or a valid teacher's certificate "to work at the grade levels assigned", as is the case of guidance associates, whose certificates shall be valid for five years. Guidance associates will be responsible to guidance counselors and assist them "in the overall development of guidance activities . . . ."

School psychologists "shall hold a valid school psychology certificate." Supervisors of programs for exceptional and handicapped children shall hold "a valid Tennessee supervisor's certificate [with] three years' experience" in related programs; and a Master's degree. Teachers of exceptional and handicapped children shall "hold a valid Tennessee teacher's certificate or permit . . . [and] be approved by the State Commissioner of Education when employed in an experimental program."

Attendants, teacher aides, and paraprofessional personnel shall at least have a high school education and some experience to "serve in the specific role for which they will be employed."

pp. 27 — 28

"A teacher or principal shall hold a valid Tennessee teacher's certificate or permit . . . The holder of an elementary certificate is eligible to teach any subject in the grades for which he[she] is certified. . . The state Commissioner of Education, as chairman of the State Board of Education, is . . . authorized to issue and renew permits . . . . "

CROSS REFERENCES

III.A.2.; Regulation pp. 71-74

III.B.Teachers; Statute §1313

SCHOOL PRINCIPAL

STATUTES

§253

Local superintendents shall recommend principals for the public schools "without discrimination on account of age, race, sex or creed." The person chosen must have a valid certificate.

SUPERINTENDENT

STATUTES

§220;221

The superintendent shall be "of literary attainment and experience in the art of teaching and school administration." He/she must have a certificate of qualification, which shall not revoked without a hearing.

Any person with a communicable disease cannot serve as superintendent and the board can require such person to have a physical examination. Two competent physicians must certify that the county superintendent is cured before he/she can be reinstated. In the interim, an acting executive secretary shall assume the duties and responsibilities of the superintendent.

SUPERVISORS

STATUTES

§1010

Supervisors may be employed to supervise teaching. Such person must have a certificate of qualification but the state board may waive this qualification.

TEACHER

STATUTES

§1112

"All teachers of any type of high school . . . shall be qualified by education or otherwise for giving

instruction in the subjects of the course of study, and no person shall be employed to teach any subject. . . who does not hold a certificate issued by the state commissioner of education authorizing him, or her, to teach . . . ."

§1232 -- 1241

Certificates to teach shall be uniform. Credits earned through correspondence school or work from the university, after approved by the Board, "shall be accepted as credit for certification of local school district superintendents, supervisors, principals and teachers. No person holding a certificate can change or alter it or let someone else use it.

If for some reason the school system is unable to find a qualified certified teacher for a position, a permit may be issued to a person recommended by the superintendent. This permit is renewable. The permit is valid and the teacher can be employed only until such time as a qualified certified teacher can be found.

The state board of education has jurisdiction over "the issuance and administration of certificates." The board is also authorized and empowered to set up rules and regulations governing certificates.

§1301

No person employed as a teacher in the school system shall work without a certificate. This does not apply to student teachers. The student teacher shall have all the rights of a certified teacher and shall be subject to the same rules and regulations of certified teachers.

§1303

No one who has any custody or care of students can be an alien of the U.S. Professors and teachers "who are citizens of other nations may be employed on a temporary basis." Also, no one advocating the over-

throw of the American law can be a teacher, either temporarily or permanently.

§1304

Any person teaching in a school supported by public funds shall take an oath supporting the Constitution of Tennessee and the United States. Any person refusing to take this oath shall be dismissed.

§1313

The local board of education elects and assigns all school personnel. If qualified teachers and school personnel are not available, the superintendent has the duty to locate such personnel.

The superintendent establishes salary ratings of all personnel employed, based on established training and experience of such personnel.

CROSS REFERENCES

I.Department of Education; Statute §111

I.Superintendent; Statute §224

II.A.4.; Regulation pp. 76-80

III.B.School Personnel; Statute §1201; 1203; 1204; 1212; 1213

III.B.School Personnel; Regulation pp. 22-27

Temporary Teacher

CROSS REFERENCE

III.B.Teacher; Statute §1303

C. Performance Standards

County Superintendent

Statutes

§226

It is a misdemeanor for any county superintendent to own a school warrant "other than

that allowed him[her] as county superintendent for his[her] salary," but he/she may receive compensation for his/her services as secretary.

KINDERGARTEN STUDENT

CROSS REFERENCE

IV.G.; Statute §1746

LOCAL BOARD OF EDUCATION

CROSS REFERENCE

IV.G.; Statute §1749 -- 1763

SCHOOL

REGULATIONS

pp. 51 — 71

MINIMUM STANDARDS

Tennessee public schools shall meet a set of minimum requirements to be approved by the State Commissioner of Education. Forms for approval must be filed before October 15 by the "superintendent of each county, city and special school district," with the State Commissioner of Education. He/she may "hold in abeyance" an individual school's application if it is "virtually impossible for [it] to meet certain requirements for approval," following a waiver request by the superintendent of schools.

The first major requirement is a state curriculum framework.

At the level of a local school system, it includes the state's educational goals, a system-wide organization for curriculum improvement and for inservice education, textbooks, and required courses for instruction.

For individual schools, the curriculum framework shall consist of an instructional program within the state-wide and system-wide framework, inservice education programs "to improve the school curriculum and promote the continuous professional growth of all personnel," an evaluation program of pupil progress and promotion, and a grading system.

Areas of instruction in each individual school shall include the arts (music, art, drama); health education, physical education, and safety education (with emphasis on driver and pedestrian safety); language arts (English language and foreign languages); mathematics; science and conservation; social studies (with emphasis on "Man and his ways of living, both past and present"); general education; exploratory courses on business, agriculture, and home economics; and vocational education.

The curriculum for exceptional and handicapped children shall be an integral part of the general curriculum of the school. Appropriate teaching guides shall be developed for severely mentally retarded children.

School Board Member

Statutes

§216; 217

Any member creating debts beyond the budget for the school year or misappropriating funds shall be guilty of a misdemeanor, punishable by a fine.

No member of the board or of the quarterly county court shall make, as an adverse party, any contract which his/her board is competent to make, but he/she may enter into a contract with the board "to

teach any of the schools coming under the provisions of this title." A member may also contract with the board to work within the school system.

CROSS REFERENCE

II.A.2.; Statute §2949

SCHOOL OFFICIAL

CROSS REFERENCES

I.Commissioner of Education; Statute §103 -- 105

SCHOOL PERSONNEL

REGULATIONS

P. 81

Teachers or principals must hold valid Tennessee teachers' certificates or permits.

"Local boards of education shall develop evaluative procedures for all professional school personnel. The evaluative procedure shall be designed for the purpose of improving the instructional program. The evaluative criteria shall be on file with the Commissioner of Education.

EVALUATION

Annual evaluation shall be made of probationary teachers with tenure teachers being evaluated once every three years. Tenure teachers may be evaluated on a staggered basis."

STATUTES

§233

No city school system shall be created or reactivated unless it is large enough to offer "adequate educational opportunities." In establishing standards, the board shall take into consideration the scholastic population of the city, the financial ability of each pupil, and the willingness of the people to raise local funds.

§1922 -- 1923

Local boards of education may set aside time that students and faculty can use for prayer. This period is not to be used for school work.

It is lawful for a teacher to permit the voluntary participation by students in prayer. The form or content of prayers shall not be prescribed by the teacher or any other school authority.

REGULATIONS

pp. 3 — 7

The State Board of Education has set forth ten basic goals of education for the state's students, leaving to "the local education agency the responsibility for defining the goals in specific terms for students in any particular setting."

EDUCATIONAL GOALS

Every person should: 1) have competence in the fundamentals of learning and communication; 2) develop skills and attitudes which facilitate learning; 3) have sufficient information to realize his/her life goals; 4) know the principles, habits and attitudes conducive to good physical and mental health; 5) establish and maintain satisfactory relationships with other persons; 6) know and practice the basic requirements of responsible citizenship; 7) have

competence in the use of natural resources and in the maintenance of ecological balance; 8) acquire career information and economic competence; 9) appreciate cultural and aesthetic values; 10) be aware of the increasing interdependence among people and nations of the world.

STUDENT

STATUTES

§1116

After completion of course of study, pupils shall be given certificates of promotion to the next grade of the school system and after completion of high school students shall be given a diploma.

REGULATIONS

pp. 81 — 89

GRADUATION REQUIREMENTS

"To meet the requirements for graduation, a pupil shall have attained an approved attendance, conduct, and subject matter record which covers a planned program of education, and this record shall be kept on file in the principal's or superintendent's office."

In grades 9 through 12, the following pattern of courses shall be required of all students:

English Language Arts	4 units
Mathematics	1 unit
American History	1 unit
Physical Education	1 unit
Health Education	1/2 unit
Science	1 unit
Economics	1/2 unit
Electives	9 units
Total	18 units

There exists a listing of courses which may be offered for credit in grades 9 through 12. It does not prohibit local school systems from offering instruction in additional areas with the approval by the State

Board of Education. The minimum requirement for granting one unit of credit shall be "175 class periods of not less than 60 minutes gross."

	Min. No. Units	Max. No. Units
The Arts:		
Art	1/2	4
Music General	1/2	1
*Instrumental Music	1/2	4
Vocal Music	1/2	4
Theory and Harmony	1/2	1
*Speech	1/2	2
**Drama	1/2	2
Health and Physical Education:		
Physical Education	1	2
Health Education	1/2	1
ROTC (Military Science)***	1/2	3
Automobile Driver Education	1/2	1/2
Language Arts:		
English Language Arts I	1	1
English Language Arts II	1	1
****English Language Arts III	1/2	1
****English Language Arts IV	1/2	1
*Speech	1/2	2
*Drama	1/2	2
Journalism	1/2	1
Latin	1	4
French	1	4
German	1	4
Spanish	1	4
Russian	1	4
Japanese	1	4

*Stage bands when offered for credit must be a part of the regular school program.

**May be counted for major or minor in either the Arts or in Language Arts.

***1 unit in ROTC may count as credit for the required credit in physical education (TCA 49-1929)

Name of Course	Min. No. Units	Max. No. Units
Mathematics:		
Arithmetic (Ninth Grade)	1/2	1
Applied Mathematics	1/2	1
Algebra I	1/2	1
Algebra II	1/2	1
Plane Geometry	1/2	1
Solid Geometry	1/2	1/2
*Unified Geometry	1/2	1
Trigonometry	1/2	1/2
Advanced Mathematics (Calculus, Analytical Geometry Advanced Algebra, etc.)	1/2	1
Science and Conservation:		
General Science	1	1
Biology	1	1
Chemistry	1	1
** Applied Science	1/2	1
Physical Science	1	1
Aerospace Science	1	1
Earth and Space Science	1	1
Social Studies:		
History, World	1	1
History, Ancient	1	1
History, Modern	1	1
History, American (U.S.)	1	1
Civics	1/2	1
United States Government	1/2	1
Geography, World	1	1
Geography, Physical	1/2	1/2
Geography, Commercial	1/2	1/2

*In order to avoid repetition of content, students shall not receive credit for plane geometry and also credit for unified geometry.

** Applied Science - A science course which is designed so that science teachers can apply scientific techniques, principles, and knowledge in teaching vocational or technical skills or trades.

Name of Course	Min. No. Units	Max. No. Units
Economics	1/2	1
Sociology	1/2	1
Psychology	1/2	1/2
Bible	1/2	1
Anthropology	1/2	1
Contemporary Issues	1/2	1
Consumer Education	1/2	1
General Education Exploratory		
General Agriculture	1	1
General Home Economics	1	4
Business Education		
Bookkeeping	1/2	2
Business Arithmetic	1/2	1
Business English	1/2	1
Business Law	1/2	1/2
Business Machine	1/2	1
Office Practice	1/2	1
Consumer Economics	1/2	1
Principles of Business	1/2	1
Shorthand	1/2	2
Typewriting	1/2	2
General Business	1/2	1
*Vocational Office Education	1	6
VOCATIONAL EDUCATION		
Vocational Agriculture		
Agricultural Sciences	1**	2
Agricultural Production	1/2	4
Agricultural Supplies	1/2	4
Agricultural Mechanics	1/2	4
Agricultural Processing	1/2	4
Ornamental Horticulture	1/2	4
Agricultural Resources	1/2	4
Forestry	1/2	4

*See Vocational Office Education listed under Vocational Education.

** Minimum Credit that may be earned -- two semesters required.

Name of Course	Min. No. Units	Max. No. Units
Distributive Education		
Marketing I --including Cooperative Education	1	3
Marketing II--including Cooperative Education	1	3
Health Occupations		
Health Occupations I (Orientation to Health Occupations)	1/2	2
Health Occupations II	1	2
Health Occupations III	1 1/2	3
Health Occupations Cooperative Education	1	2
Consumer and Homemaking Education		
Comprehensive Homemaking	1*	4
Child Development	1/2	1
Clothing and Textiles	1/2	1
Consumer Education	1/2	1
Family Health	1/2	1
Family Relations	1/2	1
Foods and Nutrition	1/2	1
Home Management	1/2	1
Housing and Home Furnishings	1/2	1
Family Life Education	1/2	1
Occupational Home Economics Education		
Care and Guidance of Children	1	6
Clothing Management Production & Services	1	6
Food Management Production & Services	1	6
Home Furnishings Equipment & Services	1	6
Institutional and Home Management Services	1	6
Occupational Preparation for Home Economics	1/2	2

* Minimum credit that may be earned -- two semesters required.

Name of Course	Min. No. Units	Max. No. Units
Industrial Arts Education		
Ceramics	1/2	2
Crafts	1/2	1
Drafting	1/2	3
Electricity/Electronics	1/2	2
Graphic Arts	1/2	2
Industrial Arts, General	1/2	4
Metals	1/2	2
Plastics	1/2	1
Power Mechanics	1/2	2
Woods	1/2	2
Vocational Office Education		
Introduction to VOE		
1 Period	1	1
VOE Stenography		
1 Period	1	1
VOE I		
Stenography/Secretarial (VOEST)		
2 or 3 periods	2	3

Name of Course	Min. No. Units	Max. No. Units
Clerical/Machine Operator (VOECL)		
2 or 3 periods	2	3
Bookkeeping/Accounting (VOEBK)		
2 or 3 periods	2	3
Data Processing (VOEDP)		
2 or 3 periods	2	3
Supervisory/Management (VOESM)		
2 or 3 periods	2	3
VOE II		
Stenography/Secretarial (VOEST)		
*2 or 3 periods	2	3
Clerical/Machine Operator (VOECL)		
*2 or 3 periods	2	3
Bookkeeping/Accounting (VOEBK)		
*2 or 3 Periods	2	3
Data Processing (VOEDP)		
*2 or 3 periods	2	3
Supervisory/Management (VOESM)		
*2 or 3 periods	2	3
Trade and Industrial Education		**
Air Conditioning and Refrigeration	1	6
Aircraft Mechanics	1	6
Applicance Repair	1	6
Automotive Body and Fender	1	6
Automotive Industries	1	6
Automotive Mechanics I & II	1	6
Cabinet Making	1	6
Carpentry	1	6

* For COE Programs-1 period related and required work experience may be substituted for labs in COE Programs. For Co-op credit designation add C to existing code as a sixth letter.

**Additional units may be earned in programs approved to offer additional units not to exceed a total of nine.

Name of Course	Min. No. Units	Max. No. Units
Commercial Art	1	6
Commercial Cooking	1	6
Commercial Food Service	1	6
Commercial Graphics	1	6
Cosmetology	1	9*
Drafting	1	6
Electricity	1	6
Electricity and Electronics	1	6
Electro-Mechanics	1	6
Electronics/Television	1	6
General Building Trades	1	6
General Metals	1	6
Industrial Cooperative Education	1	4
Machine Shop	1	6
Machine Woodworking	1	6
Masonry	1	6
Plastering	1	6
Printing	1	6
Printing	1	6
Radio	1	6
Radio Broadcasting	1	6
Radio-Television Repair	1	6
Refrigeration	1	6
Sheet Metal	1	6
Shoe Repair	1	6
Small Gasoline Engine Repair	1	6
Tailoring	1	6
Trowel Trades	1	6
Upholstering	1	6
Welding	1	6
Woodworking	1	6
Pre-Vocational and Vocational Orientation	1/2	2

* A three-year program of instruction, at least 1,500 hours in length, required by the Tennessee State Cosmetology Law (TCA 620415).

Name of Course	Min. No. Units	Max. No. Units
Cooperative Vocational Education	1	4

p. 91

"Diplomas signed by the State Commissioner of Education shall be granted to pupils who have met the requirements for graduation from 12-year schools approved by the State Board of Education."

CROSS REFERENCES

II.A.10. Other - Out of School Experiences; Regulation p. 90

III.C.School System; Regulation pp.3-7

IV.G.; Statute §1107 -- 1109

IV.G.; Regulation pp.74-5

SUPERINTENDENT

STATUTES

§225

It is a misdemeanor for a superintendent to "take any other contract under the board of education or to perform any other service for additional compensation . . . or . . . to act as principal or teacher . . . or to become the owner of a school warrant other than that allowed for his [her] service as superintendent."

CONFLICT OF INTEREST

TEACHER

STATUTES

§1412 — 1415

No teacher shall be dismissed or suspended except for "incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination . . . ."

SUSPENSION

A teacher may be suspended any time it is deemed necessary, pending an investigation of the case; but, if reinstated, the teacher must receive all pay lost

during suspension.

All charges made against a teacher that could cause dismissal must be in writing, "specifically stating the offenses."

DISMISSAL

If the charges warrant a dismissal, the superintendent shall give the teacher a written notice and a form listing all the rights, duties and recourses of the teacher.

§1416 — 1417

NOTICE
HEARING

"A teacher, after having received notice of charges against [him]her, may within thirty days after receipt of notice, demand a hearing before the board . . . . The teacher shall give written notice to the superintendent of the request for a hearing."

"[He/she] may appear at the hearing and plead his[her] cause in person or by counsel."

Witnesses and evidence may be presented by the teacher. The board shall decide the case within 10 days. Judicial review may be obtained by petitioning the county's chancery court. Filing of the petition suspends the decision of the board.

REVIEW

§1419 -- 1420

Local or private tenure laws shall not be affected by these statutes while local laws are still operative.

TENURE

If it is desired that local tenure systems be incorporated into state tenure systems, notice shall be placed in the papers and a hearing shall be held at which interested parties will have a chance to speak. After the hearing, the board shall conduct a referendum of the teachers in the system, and, if a majority votes for the merger, then the referendum will be sent to the commissioner for approval.

§1423

The state board of education is authorized to establish a tenure system for those not already covered by this statute. This system shall include such standards

and requirements as: qualifications of teachers eligible for tenure; types of tenure; leaves; termination of tenure; transfers; dismissals and suspension; and other subjects taken into consideration under already existing tenure systems.

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.3.; Statute §2710

D. EVALUATION AND REPORTING

DRIVER EDUCATION PROGRAM

CROSS REFERENCE

II.A.1.; Statute §1925; 1926

EDUCATION PROGRAM

CROSS REFERENCE

I.Principal; Statute §254

EDUCATION SYSTEM

CROSS REFERENCE

I.Commissioner of Education; Statute §103 -- 105

EDUCATIONAL PROGRESS

CROSS REFERENCE

I.County Court; Statute §201

PUPIL PROGRESS

CROSS REFERENCE

III.A.2.; Regulation pp.71-74

SCHOOL ADMINISTRATION

CROSS REFERENCE

I.State Supervisor; Statute §227

SCHOOL CENSUS

§1738

State supervisors of census and attendance are appointed by the state commissioner of education: their duty is to supervise and enforce the census provisions and exercise general supervision over any and all census attendance officers. The state commissioner of education is also authorized "to prescribe the duties of the state supervisor of census and attendance and make such rules and regulations for the performance of such duties . . . as will promote the purposes of . . . compulsory school attendance laws."

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCES

II.A.2.; Statute §2933

II.A.2.; Regulation pp. 100-102

STUDENT

CROSS REFERENCE

IV.G.: Statute §5201 -- 5204

SCHOOL PERSONNEL

CROSS REFERENCE

III.C.School Personnel; Regulation p. 81

SCHOOL SYSTEM

STATUTES

§1004

"The board of education shall have due regard to increasing the length of the school terms for the benefit of the school district by limiting the number of schools, and by consolidation whenever practicable."

SPECIAL EDUCATION TEACHERS

CROSS REFERENCES

II.A.2.; Statute §2942; 2943

II.A.2.; Statute §2951

II.A.2.; Statute §2952 -- 2953

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A. QUALIFICATION STANDARDS FOR SCHOOLS AND SCHOOL DISTRICTS

1. ACCREDITATION

STATUTES

§16.053

"Each school district must be accredited by the Central Education Agency."

§16.102

"Regular education program personnel units shall be allotted to each school district on the basis of the district's current average daily attendance. . . for the best 170 days of the 180-day school term. . . ."

Average daily attendance is determined by subtracting from a district's average daily attendance, the "average daily full-time equivalent student attendance in vocational and special education programs." Said attendance is determined "by applying to the average daily attendance in the programs the ratio of the number of hours per school day devoted to the programs to six hours."

Allocation of personnel units on the basis of average daily attendance shall be as follows:

"1) one personnel unit for each 19 students in average daily attendance in kindergarten and grades 1 through 3;"

2) one for each 21 students in grades 4 through six;

3) one for each 20 students in grades 7 through 9; and

4) one for each 18 students in grades 10 through 12.

"The personnel unit allotment for a school district which contains at least 300 square miles and which has not more than 1000 students in average daily attendance

in its regular education program shall be adjusted according to the following formula:

$$[1 + (1000 - ADA)(.000455)] \times RPV = APV$$

where RPV is the district's regular personnel units determined as elaborated above; and APV is the district's adjusted personnel units.

Fractional personnel units shall be rounded off to the nearest whole unit.

School districts may use their personnel units for any combination of personnel, classified under the Public Education Compensation Plan (§16.056) which they feel "will best meet the needs of the students in the district." However, the "total of the number of personnel units for each position chosen multiplied by the personnel unit value for that position specified in the salary schedule may not exceed the total number of personnel units to which the district is entitled . . . . The commissioner, with the approval of the State Board . . . shall establish minimum standards for staffing patterns for all personnel.

. . . A district need not employ personnel for the full number of personnel units to which it is entitled."

§23.50

Any district failing to comply with the provisions of the subchapter on the budget will lose its accreditation.

REGULATIONS

§2301

"The accredited status of a school district is dependent upon compliance with policy 3712, the principles and standards for accreditation, which includes the List of Approved Courses - Grades 7-12."

§2306.6-.9

"Any official, administrator, or employer of a school district who is convicted of violating state statutes governing his/her duties and responsibilites

is subject to penalties as provided by law in the following area:

1) violation of duty as school census trustees;

2) interference with operation of Foundation School Program;

3) failure to comply with budget requirements;

4) violations by treasurer or depository;

5) improper payment of salaries;

6) unlawful inquiry into religious affiliation;

7) failure to transfer pupils and funds;

8) alteration of teacher certificate;

9) approving voucher without certificate;

10) failure to teach Texas History; and

11) failure to teach patriotism."

TEXAS HISTORY

PATRIOTISM

"Each school district shall provide a course of study as required by law, the Texas Education Agency, and Policy 3712, the principles and standards for accreditation."

Each accredited school district shall provide for a school plant that:

1) is suitable in design, size and equipment;

2) has available an adequate maintenance and custodial service;

3) has had its specifications examined and approved by the superintendent of schools and by the board of trustees;

4) conforms to statutory specifications in order to facilitate the use of the building by handicapped persons.

Each school district is encouraged to adopt policies for maintaining law and order. This includes:

1) protection of land in use by schools;

2) loitering on school property; and

3) interference with the peaceful operation of the public schools.

§2306.10

"To operate as an accredited school, any public or non-public school shall make a request to the Texas

Education Agency, meet accreditation standards, and be approved as an accredited school. The decision to become accredited shall indicate automatic acceptance of the State Principles and Standards for Accreditation. . . ."

"Accreditation of a school shall be based on self-evaluation and state evaluation. Following the evaluations, a school shall be placed in one of the following categories by the Commission on School Accreditation

1) Accredited;
2) Advised;
3) Warned; or
4) Unaccredited."

§3711

"The accreditation process shall be a voluntary program available to each school system and shall be the basis for establishing and operating a comprehensive educational program as in Policy 3211.

"The accreditation process shall be administered by the Commissioner of Education with the advice of the State Commission on School Accreditation (Policy 3714), and the approval of the State Board of Education."

§3711; 3713

SELF EVALUATION

"When a school first decides it wishes to become accredited, it conducts a self-evaluation and requests an accreditation visit. Schools which are already accredited are revisited periodically. A revisit may be either a survey visit or a regular accreditation visit.

Visits are carried out during the school year by teams made up of Agency personnel. During visits, the schools' resources and operations are observed to ascertain to what extent accreditation standards are being met. Following each visit, the team prepares a written report emphasizing shortcomings observed.

A survey visit report normally makes recommendations concerning needed improvements and allows for

the development of written plans and priorities by the local school in preparation for an accreditation visit at a specified later date. It is possible, however, for a survey visit to result in the recommendation that the school be continued as fully accredited.

An accreditation visit report always makes a recommendation that the school be (1) granted accreditation or be continued as fully accredited, (2) advised that standards are not being fully met, or (3) warned of serious violations of standards. Once a school has been advised or warned, it is visited annually until it is fully cleared or has its accreditation removed.

The procedure by which principles and standards for school accreditation are adopted or altered are as follows:

(1) After consultation with Agency staff and school personnel, the Division of School Accreditation makes recommendations concerning the adoption or substantial alteration of principles and standards.

(2) The recommendations are presented to the Commission on School Accreditation. If approved, they are then presented to the State Board of Education.

(3) The State Board of Education is requested to approve the recommended principles and standards for study purposes. If approval is granted, the new principles and standards are distributed to all public schools in the State.

(4) During the ensuing school year, use of the new principles and standards is optional for local school districts. The new provisions are explained and discussed at meetings of school administrators.

(5) If, after one school year of study and optional use of the new provisions, it is felt by the Commission on School Accreditation that further study is needed, the State Board of Education is requested to approve an extension of the experimental phase for one additional year.

(6) If, on the other hand, the new principles and standards are found to be acceptable after one year of their optional use by local districts, the State Board of Education is requested to adopt them officially. If approval is granted, the new provisions are effective the following school year."

§3712-3713

"The accreditation program shall provide for the determination of progress being made by each school district, institution or special school toward establishing and maintaining a comprehensive educational program, Policy 3210, or a special education program by applying the Principles and Standards for Accrediting Elementary and Secondary Schools (Agency Bulletin 560) or Principles and Standards for Accrediting Institutional and Special Schools as recommended by the State Commission on School Accreditation, Policy 3714, and approved by the State Board of Education.

"These principles and standards shall be distributed to all school districts.

"The Principles and Standards for Accrediting Elementary and Secondary Schools shall be as follows:

PRINCIPLES AND STANDARDS

PRINCIPLE I

There is a community setting conducive to the operation of a high quality educational program.

STANDARDS

1. The community has a financial plan in operation which ensures adequate support for the educational program.

"The superintendent and the board of trustees have developed a budget to provide an adequate educational program[;]. . . .

"The community supports a financial plan for the educational program with an adequate tax rate, a realistic percentage of property value for tax purposes, and periodic re-examination of property valuation.

"Contributions and donations by individuals and civic groups are not considered as a substitute for adequate financial support.

"All sources of tax money may be considered as a means of providing adequate financial support.

"2. The community gives active support, in addition to financial, to the school and its program, fostering good school-community relations.

"There is evidence that the public is kept informed on the school program.

"The community is encouraged to participate in school activities.

"Members of the faculty are encouraged to participate in civic affairs.

"Meetings of the board of trustees are open ot the public except for executive sessions.

"3. The public, church-related, and private schools in the community exchange information needed to develop a united effort for the education of youth.

"The schools concerned agree to policies for transfer of students from one school to another.

"4. Although schools operated for profit are not eligible for accreditation, nonpublic schools which meet accreditation standards may be accredited.

"To be eligible for accreditation nonpublic schools operate either within the framework of a regularly established church government or under the direction of a duly established, nonsalaried, nonprofessional governing board.

"Private elementary schools are not eligible for accreditation unless such schools operate at least a six-grade program of instruction.

PRINCIPLE II

"Each school system is operated in accordance with all constitutional and statutory provisions. Responsibility for interpreting these provisions lies with the board of school trustees except where formal interpretation of usch provision has been made by the courts or other constituted authority.

PRINCIPLE III

"The board of trustees functions chiefly as a policy-making and appraisal body.

STANDARDS

"1. The board of trustees has developed, codified, duplicated, and made available to all school employees and to the public the policies that cover the operation of the school.

"In addition to the general and specific policies required for school operation, attention is directed to the following standards:

Principle	Standard	
III	3	Appraising the effectiveness of the school program through self-evaluation
	4	Orderly hearings on appeals by aggrieved parties
	5	Admitting transfers from unaccredited schools
	6	Assessing performance of the professional staff
V	1	Job descriptions for the professional staff
VI	11	Individual pupils who cannot meet physical education requirements because of schedule conflicts
	13	Athletic program
	14	Summer schools
	16	Control of credit by correspondence courses
	18	Guidance and counseling services
	20	Health services
	25	Credit by demonstration of competence
VII	4	Job descriptions for the nonprofessional staff
	5	Professional growth and inservice education of the staff, including definite allocations of funds and staff time

HEARING

APPEAL

"2. The board of trustees holds regularly scheduled meetings, which the public may attend, and keeps an official public record.

"The public is informed of the dates of regular and, when possible, of all special meetings.

"Minutes of the meetings reflect total transactions of board considerations and, when approved, bear the signature of the secretary and president.

"Policies approved by the board are recorded in the minutes and placed in the official school board policies.

"Names of members present and absent are recorded at each meeting.

"All meetings are open to the public except meetings devoted to personnel matters, real estate transactions, and matters affecting security.

"3. The board of trustees has approved procedures for assessing the effectiveness of the educational program.

"Evaluation procedures provide for:

Self-evaluation on a continuing basis to assess pupil growth in terms of the stated objectives

Collection of relevant information

Identification of program deficiencies and recognition of strengths

Plans for correction of deficiencies

Reporting findings to the staff, school board, and community

"4. The board of trustees has a definite written procedure providing for orderly hearings on appeals by aggrieved parties.

"5. Written policies have been developed for admitting pupils who transfer from unaccredited schools.

"6. The board of trustees has approved procedures for assessing the performance of the professional staff.

"The procedures include:

Establishing criteria for evaluating competency in performance based upon the job description

Making provisions for annual evaluations

Outlining procedures for using the evaluation in prescribing inservice and professional growth activities

Placing the results of the evaluations in the personnel file

PRINCIPLE IV

"The policies adopted by the board of trustees clearly define the relationship between the school board and the superintendent of schools.

STANDARDS

"1. The board of trustees recognizes the superintendent as its chief executive officer and charges him[her] with the administrative function.

"The board clearly defines the duties of the superintendent of schools.

"The board minutes clearly delineate between the policy making and appraisal functions of the school board and the administrative functions of the superintendent.

"Official actions or decisions are made only in official meetings of the board.

"2. The superintendent prepares the agenda for meetings of the board of trustees, makes regular and special reports on school operation, submits the budget for consideration and approval, and administers the budget after it is adopted.

"An official agenda is prepared for each official meeting and is retained as a part of the supporting records.

"The superintendent consults with the president or presiding officer in preparing the agenda.

PRINCIPLE V

"The superintendent of schools has developed written administrative policies, approved by the board of trustees, governing the operation of the school.

STANDARDS

"1. The Superintendent recommends all employees for action by the board of trustees. Assignments based on job descriptions are to positions authorized by the board.

"The superintendent or his[her] designated representative is responsible for reviewing the qualifications of prospective employees, assures the board that they

meet the standards of professional preparation for the position authorized and have appropriate credentials for the assigned position.

"2. All employees understand the nature of their duties and, in the performance of such duties, are supervised by the superintendent or his[her] designated representatives.

"Employees are provided the necessary materials to perform their duties.

"Staff members participate in the planned program for in-service education.

"New personnel are orientated to the total school program.

"Supervision is provided to coordinate and improve instruction and to assist teachers.

"3. The cooperation of the school staff is sought in formulating and executing the educational plans for the school system.

"The professional knowledge of the total staff is utilized in the development and improvement of the instructional program.

"The staff participates in educational planning.

"The staff is encouraged to submit recommendations for improving the instructional program.

"Teachers are involved in the adoption, selection, and evaluation of instructional materials, supplies, and equipment.

"4. All policies of the board of trustees which affect teacher personnel and the instructional program are in written form and are transmitted, with interpretations as needed, to the school staff.

PRINCIPLE VI

"There is a planned instructional program in operation that leads to discovering and meeting the needs of preschool and in-school children and youth, and of out-of-school youth and adults.

STANDARDS

"1. The school plans and operates a program for the educational development of young children.

"The school fulfills its obligation by:

"Incorporating Foundation School Program kindergarten into the primary continuum.

"Identifying problems affecting prekindergarten children in the community.

"Surveying resources for solutions to these problems.

"Communicating with parents and with public and private agencies.

"Developing with parents and with public and private agencies recommended programs of pre-kindergarten education.

"2. The school has a plan in operation for meeting the educational needs of out-of-school youth and adults.

"Additional and continuing education for out-of-school youth and adults is demonstrated by:

"Assessing educational needs of individuals

"Utilizing public and private agencies with similar objectives to plan, develop, and operate appropriate programs.

"Providing, according to needs with available resources, appropriate classes according to the State Plan for Adult Education.

3. Emphasis is placed upon teaching the facts of, and developing appreciation for, all phases of the American heritage, including culture, language, and life style diversities.

AMERICAN HERITAGE

"Teachers plan activities designed to develop understanding and appreciation of American history and traditions within appropriate content of all subject areas.

"Pupils participate in meaningful patriotic ceremonies commemorating key historical dates and events. Each subject, where appropriate, leads to an appreciation and knowledge of various cultural groups in Texas, including identifiable groups within the region.

"4. The school has a planned program which identifies, appraises, provides instruction, and maintains contact with pupils who have special learning problems and with pupils who have special learning potentials.

"Services in the school and in the community for diagnosis of learning difficulties and potentials have been surveyed.

"Screening and referral procedures are known to teachers and counselors.

"Communication is maintained among persons involved in diagnosis, instruction, and evaluation.

"The school plans a program which accommodates significant differences in physical, intellectual, aesthetic, social and emotional development.

"Teachers are aware of the range of learning disabilities which cause interference in educational achievement, such as problems in rate and patterns of learning, reasoning, language, culture, motivation, attitude, and aptitude.

"Individual or small group instruction and remediation are available for pupils with special learning problems.

"Teachers recognize the learning potential of superior and talented pupils. They make adaptations in curriculum and instruction for pupils whose intelligence, giftedness, and creativity need recognition and stimulation.

COURSE OF STUDY

"5. Each elementary school maintains a balanced curriculum offering, including English language arts, science, mathematics, social studies, art, drama, music, health, physical education, and if desired, modern foreign languages. Each subject is based upon a State description and local instructional plans.

"The elementary school curriculum is considered to be balanced when all offerings listed above are included in the instructional program for every pupil. The responsibility for enabling all children to participate actively in a balanced curriculum program which is designed to meet individual needs rests with the local school district.

"The daily schedule includes the areas of English language arts, science, mathematics, social studies, and physical education. The time allocated for instruction in each of these areas is determined by results of the needs assessment conducted by the local school district (Principle III, Standard 3) and by diagnosis of individual pupil competencies and deficiencies. The daily schedule meets statutory and accreditation requirements in terms of clock hours (Principle IX, Standard 3).

"The weekly schedule includes art, music, drama, and health. A balanced curriculum does not stress one of these areas to the detriment of others in the total program. In addition to being treated as separate subjects, art, music, and drama support all areas of the elementary curriculum.

"Teaching guides in each grade include instruction in citizenship, conservation, and safety.

"Pupils show pride in thier school, community, and country.

"The United States and Texas flags are displayed properly and the Pledge of Allegiance is given on appropriate occasions. Holidays are observed with understanding.

"Documents of historical significance are used effectively in instruction.

"Pupils respect and abide by the laws of the community, state, and nation.

"Instruction on the essentials and benefits of the free enterprise system is included in the social studies and, when appropriate, in other subjects such as business education and vocational education.

"Conservation instruction includes study of methods applicable to soil, water, forests, minerals, and wildlife.

"Safety instruction is coordinated by a professional staff member.

"Procedures have been developed to meet emergencies: accidents, fire, war, and disasters due to natural phenomena.

"Career education, drug education, and safety education are integrated into all areas of the program. The inclusion of modern foreign languages and industrial arts in the elementary curriculum is encouraged. Bilingual education is made available in the elementary curriculum for children whose home language is a language other than English (Standard 8).

"Local instructional plans are in written form. They specify goals and objectives; describe procedures for diagnosis, prescription and evaluation in terms of individual pupil progress and curriculum balance; and provide for cooperative planning by professional and nonprofessional staff members.

"6. Citizenship, conservation of natural resources, understanding of the free enterprise system, and safety are taught as a part of the instructional program.

"Citizenship, conservation of natural resources, understanding of the free enterprise system, and safety

are correlated with instruction in science, social studies, art, and other subjects.

"Pupils participate regularly in safety instruction: accident prevention, supervised safety drills, and, in grades 4-6, minor first aid.

"First aid equipment is readily available; at least one staff member is competent to render first aid.

"7. The school has a planned instructional program in operation that leads to discovering and meeting the needs of exceptional children and youth.

"A continuing survey is maintained to identify children and youth who are blind, partially sighted, physically handicapped (school-room, homebound or hospitalized, and minimally brain injured), deaf, mentally retarded (educable and trainable), and those requiring speech and hearing therapy.

"If a sufficient number of exceptional children live in the district special classes are organized and provided according to the State Plan for Special Education.

"If the number of children living in the district is insufficient for a program, provision for the education of these children is made on a cooperative basis with other school districts.

"Physical facilities compare with those in the other school programs and are sufficiently large to utilize special equipment and materials necessary in the differentiated curriculum.

"Instructional programs for exceptional children are comparable in quality with other instructional programs in the school and are designed to meet the pupils' individual needs.

"Integration of exceptional children into regular classes which provide profitable educational experiences is done routinely on a selective basis.

"Regular evaluation is made of programs and their progress toward meeting the needs of exceptional children.

"Instructional programs for exceptional children except for the trainable mentally retarded lead to high school graduation.

"8. The school has a planned bilingual instruction program for children whose home language is a language other than English. Both the child's home language and English are used as mediums for instruction.

"The bilingual program consists of the following components:

"The basic concepts initiating the child into the school environment are taught in the language brought from home.

"Language development is provided in the child's home language.

"English is introduced and developed in accordance with the child's linguistic capabilities.

"Subject matter and concepts are taught in the child's home language.

"Specific attention is given to development in the child of a positive self-concept, confidence, identity with his[her] cultural heritage.

"Children of limited English-speaking ability are given first priority in the bilingual program. For greater enhancement of the total program, however, all children at all levels may be included.

"Bilingual programs are recommended for the years K-3 as a minimum, and should continue beyond the third grade for those children needing it.

"9. Each accredited secondary school (grades 7-12) makes available to pupils the following subjects based upon State description of courses and local courses of study.

COURSE OF STUDY

"English (six years)

"Mathematics (six years) including one year of Algebra and one year of Geometry

"Science (six years) including Biology, Chemistry, and Physics.

"Social studies (six years) including one year of Texas History and Geography in Grade 7; two years of American History, including one year of American History in any grade; 9-12; one year of either World History Studies or World Geography Studies in any grade, 9-12;

one-half year or two quarters of American Government which includes study of the Texas and United States Constitutions. Incorporate within the required courses of American History, World History Studies or World Geography Studies, and American Government instruction on the essentials and benefits of the free enterprise system.

"Physical Education (six years). . .

"Health. . .

"Vocational education programs offered according to pupil needs and actual or anticipated opportunities for gainful employment.

"A foreign language program offered according to local needs.

"An elective course on the free enterprise system (one semester unit or one quarter unit). . .

"Additional elective courses sufficient to meet the requirements for pupils in grades 7 through 12.

"10. All pupils complete the following subjects in grades 7 and 8.

Subject

English, Language Arts

Mathematics

Social Studies

Texas History and Geography;
American History and Citizenship
which includes the first part
of the two-year program in
American History

Science

Physical Education

"English language arts includes reading, literature, composition (oral and written), spelling, grammar, usage, and mechanics.

"Social studies includes a minimum of 130 clock hours in Texas History and Geography, Grade 7; a minimum of 130 clock hours in the study of American History and Citizenship, Grade 8, which is the first part of a two-year

American History program to be continued in any grade, 9-12.

"Science is taught by the laboratory method and organized according to one of the following plans:

Plan A: Life Science (65 clock hours) and Earth Science (65 clock hours) in grades 7 and/or 8, as a minimum or

Plan B: General Science (130 clock hours) including Life, Earth, and Physical Science, in grades 7 and/ 8, as a minimum.

"In addition to the required subjects, pupils will complete 450 clock hours from the subjects listed below.

Foreign Languages, Art, Music, General Homemaking, Health Occupational Training, Speech, Drama, Typewriting, Industrial Arts, Science, Physical Education.

"11. All pupils must complete at least the equivalent of 18 units to receive a high school diploma.

"The required 18 units include the following specified subjects:

"English (3 units or 9 quarter units)

World History Studies or World Geography Studies (1 unit or 3 quarter units)

American History (1 unit or 3 quarter units) (Includes the second year of a two-year program begun in Grade 8)

American Government (1/2 unit or 2 quarter units)

Mathematics (2 units or 6 quarter units)

Science (2 units or 6 quarter units)

Physical Education (1 1/2 units or 5 quarter units)

Health Education (1/2 unit or 2 quarter units)

Six and one-half units or 19 quarter units of electives from the 'List of Approved Courses, Grades 7-12.'

"Courses taught as a part of the basic graduation requirements in grades 7012 follow titles, credits, prerequisites, and time allotments found in "List of Approved Courses, Grades 7-12.

"Schools desiring to develop courses not in the 'List of Approved Courses, Grades 7-12' submit a course description to the Division of School Accreditation, Texas Education Agency, for approval to teach such a course, and submit an evaluation at the close of the year.

"Schools desiring to develop courses not in the 'List of Approved Courses, Grades 7-12' submit a course description to the Division of School Accreditation, Texas Education Agency, for approval to teach such a course, and submit an evaluation at the close of the year.

"Credit for a course not included in the approved list but given individual approval by the Division of School Accreditation, Texas Education Agency, for approval to teach such a course, and submit an evaluation at the close of the year.

"Credit for a course not included in the approved list but given individual approval by the Division of School Accreditation may be used in the minimum 18 units required for high school graduation under two conditions:
(1) if the course has been approved and taught once; and
(2) if the evaluation report submitted at the close of the course justifies its continuation and specifies how it will be used in meeting graduation requirements.

MATHEMATICS

a. The graduation requirement in mathematics must be fulfilled by credit for any two units or six quarter units from the State List of Approved Courses. Local board policy ensures that the school will assist the pupil, with the approval of his[her] parents, in selecting the courses appropriate to his[her] needs in moving toward his[her] educational goals.

SCIENCE

b. The science requirement of two units or six quarter units may be fulfilled in one of the following ways:

Completion of two units or six quarter units of science taught by the laboratory method selected from the science courses for grades 9-12.

Completion of 130 clock hours of science taught by the laboratory method as described in the requirements for grades 7 and 8 (this work in grades 7 and 8 is not to be counted as one of the 18 basic high school units).

and one unit or three quarter units of science taught by the laboratory method from the science courses for grades 9-12.

DRIVER EDUCATION

c. Driver Education may be offered to students who are 15 years of age but may not be one of the 18 basic units required for graduation.

Driver Education, if offered, is available for all students 15 years of age or older.

The course is scheduled and taught in compliance with the Standards for an Approved Course in Driver Education in Texas Schools, adopted jointly by the Texas Education Agency and the Department of Public Safety, 1970.

The appropriate curriculum guide is required for the type of instruction being given. The guides are:

. Curriculum Guide for Driver Education
. Curriculum Guide for Simulation and In-Car Instruction
. Curriculum Guide for Multi-Car Driving Range

Each of the guides is published by the Texas Education Agency, and the latest revision is to be used.

Instructors are scheduled to teach no more than six . . . hours each day, including class, in-car instruction, and other subjects.

HEALTH

PHYSICAL EDUCATION

d. The requirement in Health Education and Physical Education should be completed by one-half unit or two quarter units in Health Education and one and one-half units or five quarter units of Physical Education according to the approved State description of courses.

Students are classified for physical education on the basis of health into one of the following:

Unrestricted -- not limited in activities and includes participation in inter-school athletics

Restricted -- excludes the more vigorous activities but includes a limited participation in intra-mural activities

Adapted and remedial -- specific activities prescribed or prohibited for students so classified. The doctor uses this classification rather than a medical excuse

e. The local school may develop a plan, approved by the

local board of education, which allows individual pupils to be graduated without fully meeting the physical education requirements. This plan should not waive the requirement for one-half unit of Health Education . . . . Such a plan provides that:

Such pupils are participating in courses or activities that contribute to physical fitness such as band, cooperative vocational programs, and vocational shop programs.

The pupil receives at least 80 clock hours of health instruction.

A pupil who has not completed the requirement in physical education will resume instruction in this subject when the conflict in scheduling is resolved.

Valid physical fitness tests are used to determine the pupil's physical abilities and evaluate his[her] progress.

The permanent record of the pupil includes physical fitness evaluations and the alternative courses taken . . . .

No units of credit are given in physical education to pupils participating in this plan.

12. Foreign languages offered are taught in sequence.

Elementary

FOREIGN LANGUAGE

Only modern foreign languages are considered appropriate in the elementary school, and the selection of the language to be taught reflects the cultural and geographic needs of the community.

The program reflects the sequential development of the linguistic skills, beginning with listening and speaking, followed by reading and writing. The study of the cultural patterns of the country or countries whose language is being studied is an integral part of the program.

At least 20-minute sessions from three to five times a week are scheduled in the school day.

Teachers of modern foreign languages present evidence of proficiency in the four basic language skills or are in the process of developing these skills. Preparation includes knowledge of principles of language

learning, the foreign culture and civilization, and methods and techniques of teaching foreign languages.

The elementary program has continuity, is coordinated between schools, and is articulated with the junior high and high school program.

Secondary Classical

Although the primary objective of the study of Latin is to read the original works of Roman authors with comprehension, the other language skills of listening, speaking, and writing are an integral part of the instruction.

Secondary Modern

Adequate provision should be made for separate grouping of beginning foreign language students and those with foreign language training in the elementary grades. Students with demonstrated ability are considered for advanced placement.

A capable student is recommended to study the same foreign language for a minimum of three years. Superior language students may be encouraged to select a second foreign language while continuing with the first.

A foreign language in grades 7 and 8 is offered for a minimum of 130 clock hours per year. Each year of secondary instruction (7-12) should enable the student to advance to the next level in the sequence. . . .

The testing program evaluates skills of listening, speaking, reading, and writing and the cultural patterns of the country or countries whose language is being studied.

13. Schools limit individual pupils to one period during the regularly scheduled school day for practice of inter-school competitive athletics and for programs in which body conditioning, training, or other activities in one of the team sports is the objective of the teacher and pupils.

Schools using one period per day for activities in competitive athletics:

Have written board policies which outline the athletic program and state the beginning and ending dates of each team sport.

Develop written guides for each team sport of the inter-school competitive athletic program stating the educational objectives and expected pupil outcomes.

Limit pupils to one 55-minute period during the regular school day for participation in competitive athletic activities and physical education.

Provide for athletes in their off season a physical education class conducted according to a course outline that includes lifetime sports and other carry-over activities.

Require a minimum of 80 clock hours of health instruction.

Limit the amount of credit earned in this manner to one and one-half units or five quarter units which may be counted in the minimum 18 units required for graduation.

14. Summer school programs meet the standards of the regular term except where special provisions apply.

The summer program must be operated according to written policies of the board of trustees.

The summer school program is administered by a specifically assigned staff member with the appropriate administrative endorsement. He[she] has the authority and available time during the regular school term to plan and organize the summer school program of the district.

Library programs and instructional resources are available on the same basis as during the regular term.

Courses from the 'List of approved Courses, Grades 7-12' offered in summer school programs are comparable, insofar as content and achievements standards are concerned, to the same courses taught in the regular term.

Regular school course guides and teaching plans when used in summer school are adjusted to compensate for differences in length of daily class periods and in the number of calendar days.

The summer school equivalent of one full unit in a regular term is 140 clock hours net instructional time. One quarter unit incorporates 47 clock hours. Net instructional time is defined as exclusive of registration, holidays and daily class breaks.

A maximum of 1 1/2 units or five quarter units may be earned in a summer term; however, a school may allow students to earn more than these specified amounts with special permission of the Division of School Accreditation, Texas Education Agency.

No individual teacher is assigned more than six hours of classroom teaching per day.

Pupils secure prior approval from school officials before enrolling in correspondence courses while attending summer school.

15. An adequate system of pupil personnel accounting is in operation.

Daily registers or the central accounting system are kept in accordance with recommended instructions.

Attendance accounting and supervision of teachers their pupil accounting procedures are assigned to a designated professional staff member.

Cumulative records include an account of scholastic progress, attendance, and health information.

The classroom teacher reviews records periodically and confers with supervisors, principals, nurses, and others concerning the scholastic progress and physical health status of pupils.

CORRESPONDENCE STUDY

16. The school may establish a supervised correspondence study program for in-school and out-of-school youth and adults.

The program, outlined in writing and approved by the local board of trustees, has the following characteristics:

For in-school youth:

Designates courses are to be from the University of Texas Division of Extension in Austin or the Extension Division of Texas Tech University.

Limits units earned to two of the 18 units required for graduation. (Pupils residing abroad are exempt from this limit.)

Establishes local limitations on pupil eligibility for correspondence courses.

Requires prior approval by school authorities before a pupil enrolls for correspondence courses.

Provides for assignment of staff members to supervise correspondence work.

Ensures that correspondence courses are used for emergency or enrichment only and do not become a substitute for residence work.

For out-of-school youth and adults:

Limits eligibility to individuals who are not enrolled in a day school. If individuals are under 18 years of age, verification of permanent withdrawal must be made by the principal of the last school attended.

Permits as many units as needed for graduation to be taken by correspondence.

Limits student enrollment to two correspondence courses simultaneously.

Specifies that only courses from members of the National University Extension Association or correspondence schools approved by the Division of School Accreditation may be used in public school correspondence programs.

Designates that the local district provide counseling, administrative, and clerical assistance necessary for operation of the adult program.

Requires a method for supervision of all written correspondence papers, and the administration of all final examinations.

Recommends courses be completed within a reasonable time, usually within six months from the date of registration. Extension may be considered on the basis of individual merit.

17. Graduates of each high school are awarded the same type of diploma.

The transcript rather than the diploma records individual accomplishments, achievements, and a description of the type of program completed.

18. Each school system maintains a realistic and workable program of guidance services.

The program is outlined in writing with policies approved by the local board of trustees.

Services are coordinated and administered by the professional personnel in accordance with locally approved policies.

This program of services provides for pupil appraisal and guidance in meeting the educational and vocational needs of pupils.

The guidance program operating with central coordination is a cooperative project of the entire professional staff.

The guidance services are coordinated with the regular instructional program so that together they will contribute to a unified educational program.

Teachers utilize opportunities in the classroom, in extracurricular activities, and in contacts with parents to achieve guidance objectives through group discussions, specific projects, and other appropriate methods.

The program provides vocational guidance that is realistic in the light of changing vocational opportunities.

Adequate physical facilities, equipment, and materials are provided.

19. Vocational education programs offered are operated in accordance with the Guide for Public Schools in Planning Programs of Vocational Education for In-School Students.

The Guide assists public schools in planning, establishing, conducting, and evaluating programs of vocational education.

The vocational program of the school considers:

Opportunities for gainful employment suited to the needs, interests, and abilities of students to benefit from such programs by acquiring the knowledge and skills necessary for entry upon and success in employment.

Preparation of students to become efficient homemakers in vocational homemaking education.

20. The school provides health services which include daily health observation of pupils and immunizations as required by the State Department of Health.

Health services include physical examinations, screening tests, prevention and control of communicable diseases, and provision for emergency cases.

Community health resources are used in the school's health program.

There is a plan for daily health observation and for referral of pupils who show signs of ill health.

All school employees have pre-employment and periodic physical examinations, and records of these examinations are kept along with other personnel data.

Policies of the board of trustees include provisions or facilities for:

Exclusion of pupils or employees who have communicable diseases

Emergency care of the sick

Authority to make health appraisals of pupils

Health services as may be necessary in maintaining good health among the student body.

21. The school system has in operation a planned Instructional Media Program for all pupils in all grades in keeping with the needs of each campus unit.

Professionally trained personnel with time free from other duties are responsible for planning the program and supervising services as evidenced by:

A member of the professional staff has charge of the school library program and is qualified according to one of the following plans.

A staff member serving as librarian full time holds a librarian's certificate issued by the Texas Education Agency.

A staff member serving as librarian 50 percent or more but not all of the school day has at least 12 semester hours in library science from a college or university with an approved program for preparation of school librarians.

A staff member serving as librarian less than 50 percent of the school day has at least six semester hours in library science from a college or university with an approved program for the preparation of school librarians.

A staff member serving as librarian less than 50 percent of the school day has at least six semester hours

in library science from a college or university with an approved program for the preparation of school librarians.

An audio-visual specialist, the librarian, or a teacher with media competencies has charge of the nonprinted materials program.

Instructional materials and equipment are sufficient in quality and quantity to support the instructional program and are accessible to teachers and pupils at each period of the school day as evidenced by:

A balanced basic book collection of at least five titles per student

Availability of approved book selection aids

A collection of media materials such as tape and disc recordings, slides, filmstrips, [etc.]. . . .

A card catalog or current shelf list to provide an index to the materials housed in classroom collections, central collections, centralized libraries, or instructional material centers

Periodicals appropriate to age and grade levels represented on campus

Professional books and periodicals readily accessible to the staff

Physical facilities are commensurate with the school instructional program, enrollment, number and types of material, and the age of pupils to be served; all classrooms are equipped with sufficient shelving and storage for classroom materials and for collections of materials which circulate from:

A central collection of instructional media with appropriate shelving and storage accommodations in elementary schools with fewer than 20 classroom teacher units; or

A centralized library and an instructional materials center with space for seating at least two classes and with appropriate shelving, storage, equipment, and furniture in large elementary schools and all secondary schools.

An annual budget is provided to operate the program as evidenced by:

A basic book collection plus funds budgeted to acquire one book per student per year, or a plan supported by a budget and timetable to acquire the basic collection

An initial collection of instructional media and equipment plus funds budgeted to acquire a basic collection of such materials

Items budgeted for rebinding, supplies, periodicals, encyclopedias, equipment, and repair, in addition to the materials budget

Policies have been developed for effective use of instructional media by teachers and pupils as evidenced by:

A plan for use of library resources by individuals, small groups, and class groups

A plan for teaching students to use library resources

Provisions to incorporate instructional media resources into the instructional program

Indications that students are using media resources as an integral part of the teaching-learning experiences

A program of teacher orientation in audio-visual and library services and utilization of materials.

22. Opportunities are provided all pupils to participate in student activities designed to develop individual interests and aptitudes.

The pupil activity program is planned as a part of the total program.

Special abilities and interests of pupils are provided by a variety of activities such as drama, speech, music, publications, recreation, clubs, films, student council, independent study, appropriate group guidance, and pursuit of independent interests and projects.

Pupils participate in activities designed to accomplish planned educational aims suitable to age and physical condition.

23. There is evidence of respect for public and private property.

The condition of school properties and equipment reflects the effectiveness of citizenship training in the school.

Building and grounds are clean and well maintained.

The pupils, staff, and citizens show respect for school properties and equipment.

24. The plan for implementing an experimental project and later evaluative studies are reported to the Division of School Accreditation.

The report includes nature and extent of the experiment, expected outcome, and methods and procedures for evaluation.

At the end of the experiment, the school agrees to report findings to the Division of School Accreditation, Texas Education Agency.

The Texas Education Agency recognizes the need for continued experimentation and improvement of instructional practices. Standards for programs are not intended to discourage schools from engaging in planned and organized experimentation.

25. The school system may develop a plan whereby pupils in grades 9-12 obtaining knowledge or skills outside the school program may be granted credit in any subject on the list of approved courses upon demonstration of competence by examination or performance test.

TESTING

The local board of trustees will adopt policies authorizing the granting of credit by examination or performance test having the following characteristics:

Establish eligibility of students who may take the examination or performance test.

Establish procedures for pupils to take the examination or performance test. The administration should determine the time, place, length, and method of administering the examination or performance test.

Ensure that the particular examination or performance test used to validate the student's ability will verify that the student has satisfactory knowledge of the subject.

Set the passing grade for accepting student work under these conditions in accordance with grades that that are required of students attending regular classes.

Ensure that the examinations or performance tests are properly evaluated, certified by the examining

teacher and the principal, and are retained as part of the pupil's permanent records.

PRINCIPLE VII

Each school employs qualified and competent personnel in reasonable ratio to the number of pupils and of grades taught.

STANDARDS

1. All professional personnel are graduates of colleges and univeristies which are (1) approved by the Texas Education Agency for teacher education programs or (2) otherwise recognized by the Texas Education Agency for public school professional employment purposes.

2. All personnel hold valid Texas teachers certificates appropriate for their current assignments.

3. Teachers are assigned in areas or subjects for which they have completed an approved program of teacher education.

An individual receiving a secondary certificate dated after September 1, 1966, must have the proper teaching field on the certificate inorder to meet standards for teaching the subject in grades 7-12.

An individual that fully met accreditation standards in effect prior to September 1, 1961, and taught the subject in grades 7-12 for one school year prior to September 1, 1962, may continue to teach the subject without additional preparation.

Teachers who are not exempt by virtue of the policy above and who are assigned to subjects in the 'List of approved Courses, Grades 7-12' that were not identified by teaching field when the initial certificate was issued meet the preparation requirements for the subject in effect when the certificate was issued.

If grades 7 and 8 are organized on a 'self-contained' basis, the preparation of the teacher must comply with the standards applicable to elementary teachers rather than the standards set forth for departmentalized seventh and eighth grades. 'Self-contained' is defined as a class which is taught by one teacher for 50 percent or more of the school day.

Teachers in departmentalized grades 7 and 8 may have either the elementary or secondary area of specialization on their certificates. Those with elementary area of specialization meet the semester hour requirements shown in Column 3 on page 33.

When emergency conditions require, a teacher may be assigned to a subject without the required preparation, provided a Temporary Classroom Assignment Permit is issued to the teacher by the superintendent in accordance with regulations and further provided each teacher assigned under these conditions is reported to the school board.

4. Nonprofessional personnel may be assigned as assistants to the professional staff.

Schools using nonprofessional personnel for noninstructional duties:

Develop job descriptions for positions authorized by the board of trustees

Develop and operate an orientation and in-service training program for the assistants

Schools using nonprofessional personnel to assist with instructional duties:

Develop job descriptions for positions authorized by the board of trustees

Assign them only to professional personnel who have a degree and who meet all provisional certification requirements or accreditation standards for their assignment.

Develop and operate an orientation and in-service training program for the assistants

Schools using nonprofessional personnel as assistants develop and operate programs for the professional staff in the effective use and supervision of such assistants.

5. A plan has been approved by the board of trustees for a continuing program of professional growth and in-service education of school personnel.

The plan includes definite allocation of funds and staff time.

The superintendent has the responsibility, or delegates it to a specific staff member, of implementing the school's plan for professional growth and development of the staff.

Staff members are involved in arranging and executing the in-service education program using resources from outside the school.

Professional growth, or in-service education activities completed are recorded in personnel folders with the notation appropriate to the activity; it may record performance, involvement, or attendance.

New programs or curriculum changes implemented in the instructional program are introduced through and supported by in-service education.

The plan provides in-service education orientation of staff members new to the system and inexperienced teachers.

The focus of the in-service education is directed as needed; toward total staff, departmental teachers, a campus group, personnel transferred within the system, or individuals.

When full-time teachers or administrators enroll for college work during the regular school term the following regulations are observed:

Three semester hours of graduate level college work may be carried during any semester of the school year.

However, where the board of trustees officially approves, graduate work may be earned on the basis of six semester hours per semester.

Six semester hours of work may be carried in any one semester of the academic year at the undergraduate level.

6. The school maintains teacher-pupil ratios and class sizes appropriate to the program. PUPIL TEACHER RATIO

A teacher in an elementary school has no more than 30 pupils in membership in a kindergarten, grade 1 or grade 2 class or section nor more than 35 in any other class or section.

A teacher in an elementary school assigned more than two grades is assigned consecutive grades with no more than 24 pupils.

A teacher in a secondary school is assigned no more than 750 pupil periods of teaching per week nor more than 35 pupils in membership per class section.

Teacher-pupil ratio s are based on the total staff and pupil-membership when the instructional organization involves team teaching or other forms of large and small group activities not using the traditional classroom arrangement.

Each class section in laboratory, vocational, and shop subjects requiring work space for individual students is limited to a maximum of 30 pupils in membership.

Pupil-teacher ratios of special service positions comply with recommendations of Texas Education Agency publications describing those programs.

Since the public school must admit all pupils, the limits on class size herein established may be exceeded for temporary periods. When such excess enrollment is necessary, the school must have a remedial plan so that the standard on limits of class size can be met as soon as possible.

7. Twelve-grade school systems utilize a minimum of four full-time teachers in grades kindergarten through eight and four full-time teachers, exclusive of vocational units, in the upper four grades.

Since the superintendent of schools is authorized by the Foundation School Program Act for administrative duties, the superintendent must not teach more than three classes.

In no case may a school system be accredited as a K-12 system with fewer than four full-time teachers in grades K-8 and three full-time teachers, other than vocational units, and the superintendent teaching three classes in the upper four grades. Such schools must justify continued approval as accredited K-12 schools in the light of the total educational program and services

available, as well as community resources and effort in supporting the school.

PRINCIPLE VIII

The methods, techniques, and procedures employed by teachers conform to the maturity, needs, and abilities of the pupils and to the requirements of the subject. Teaching supplies and equipment of acceptable quality, quantity, and variety are provided by the school system and used in the classrooms.

STANDARDS

1. The methods of presentation and standards of work expected conform to the level of ability and maturity of the pupils.

Teaching methods and techniques used indicate an understanding of pupils and the ways they learn; insights into the nature, organization, and scope of the subjects taught; and pupils' rate of learning.

Teachers show an understanding of the potentials and limitations of pupils.

Each child is given work which challenges him[her] to perform at the level consistent with his[her] abilities.

Teachers use variety in instructional methods and techniques.

Teachers organize classroom activities to provide balance of study, expression, listening, observation, creativity, aesthetic appreciation, physical activity, and relaxation.

2. Pupils are grouped for instructional purposes.

The school provides appropriate materials for varying levels of ability.

Pupils are engaged in a variety of learning experiences and activities.

Furniture and equipment may be moved for grouping.

3. Teachers use ingenuity and initiative in the development and use of instructional resources and techniques.

Teachers are encouraged to develop new teaching techniques and media.

The school makes available raw materials and clerical and technical assistance needed for developing teaching aids and devices.

Teachers demonstrate creativity and sound professional judgment in selecting, making, and using a variety of multisensory teaching-learning media.

The attitude toward new media and techniques is one of inquiry and receptiveness.

4. Equipment and supplies of each room are adapted to the needs of the pupils.

The school provides teaching equipment and supplies as evidenced by budget allocations, efficient procedures for requisitioning equipment and supplies, and for making them available to all teachers.

In addition to furniture for children and teachers, items are provided to meet special needs, such as work tables, shelving, storage space, and file cabinets.

5. Relationships between the teachers and pupils are conducive to learning.

Children are attentive; discipline is firm but fair; self-discipline is evident in the children's behavior; activities progress without excessive direction from the teacher; and children show initiative in their learning activities.

6. Community resources are used to improve instruction.

Teachers make use of resources--people, places, and materials--in the community to vitalize instruction.

The curriculum includes study of the community, its history, geography, and institutions.

The school gives leadership in community improvement.

PRINCIPLE IX

Each school system operates according to a planned program designed to accomplish the educational aim of each of its campus and classroom units.

STANDARDS

1. Teachers have instructional plans based on state and local curriculum materials and guides.

The plan is adjusted to the particular needs of the class.

Teachers cooperate in the development of a system-wide plan of instruction.

Individual teachers base their daily instruction on the system-wide plan.

Teachers change plans and procedures in teaching when conditions indicate need.

Teachers place special emphasis on instructional planning in new programs.

2. Courses offered for a unit of credit in grades 9-12 are scheduled for a minimum of 160 clock hours of class instruction.

A course may be considered completed and credit awarded under either of the following conditions:

. The student has been enrolled in a course scheduled for the minimum clock hours and has made satisfactory progress.

. The student has demonstrated achievement by meeting the standard requirements of the course, regardless of the time he has been enrolled in the course.

. . . . Deviations from the usual operation are acceptable for meeting the unit of credit so long as the school makes available the amount of time required to permit the individual to meet the acceptable achievement standards for the course.

A quarter unit of credit is one-third of the 160 clock hours, or one-third of the acceptable achievement standards for the course.

3. There is a minimum of six hours per school day, excluding lunch periods.

Texas statutes provide that schools shall be in session for not less than seven hours each day, including intermissions and recesses.

Schools are permitted to dismiss primary grades somewhat earlier than the other grades.

4. There is a minimum of 180 days of actual instruction per year.

PRINCIPLE X

The school plant is suitable in design, size, and equipment to meet the needs of the instructional program of the community.

STANDARDS

1. The school site is easily and safely accessible to students, employees, and visitors at all times and under all conditions.

2. School grounds are clean, landscaped, and free from hazards.

3. The school building is well maintained and is wind and water proof.

Maintenance and custodial service is available and adequate to maintain the facilities, equipment, and grounds.

The school has a planned program for continuous maintenance and upkeep of school property.

4. The school building is suitably arranged with adequate space to accommodate the instructional program.

Drinking fountains are of sufficient number and proper size and are located so as not to interfere with the flow of traffic.

Classrooms are sufficient in size, design, and arrangement to accommodate the instructional program assigned to them.

Ventilation, heat, light, and acoustics in all areas are regulated to provide a harmonious and pleasant atmosphere for the activities being conducted.

Classroom equipment and furniture are the type and size suited to the instructional program offered.

Rest rooms are sufficient in number, clean and sanitary, and operable.

Workrooms for teachers are conveniently located and adequately equipped.

Equipment and facilities for instruction with vocational intent compare favorably with that found in occupational areas for which such instruction is designed.

PRINCIPLE XI

The accredited status of a school system is determined on the basis of its total program rather than on the basis of individual subjects or separate instructional units or levels. The attainment of all standards is achieved separately by the several schools which constitute a total system. The accredited status of the system as a whole depends upon compliance by each school unit.

STANDARDS

1. There is coordination of the various campus units within each level of instruction as well as between levels.

2. When schools customarily send or receive pupils from other districts, a cooperative program has been developed to provide continuity of instruction for the pupils.

Cooperation includes:

Exchange of pupil personnel data

Cooperative planning of programs to ensure continuity for transferred pupils

Intervisitation of teachers

Exchange of handbooks and guides

. . . .

3. In school systems which operate more than one campus unit of the same instructional level, elementary or secondary, an equivalent balance is maintained.

4. No segment of the school is overcrowded or underequipped in order to maintain the program of another segment.

5. A balance as to the quantity and quality of adequate equipment, supplies, and services prevails among the several areas of instruction within the total offerings of the system.

The Principles and Standards for accrediting institutional and special schools shall be as follows:

PRINCIPLE I

THE COMMUNITY SETTING IS CONDUCIVE TO THE OPERATION OF A HIGH QUALITY EDUCATIONAL PROGRAM FOR EXCEPTIONAL CHILDREN

STANDARDS

1. A financial plan is in operation which insures adequate support for the educatioal program.

The chief adminstrative official and the duly elected or appoitned governing board have developed a budget to provide an adequate educational program. Sources of income are stable and adequate to insure the program outlined. There is evidence that the educational budget is implemented.

Unstable or chance contributions and donations by individuals and philanthropic groups, as well as specific terminal Federal and State Grants, are not considered as a substitute for adequate and appropriate financial support. Rather, these sources are used for enrichment.

In state and city supported programs, tax money including direct and per capita appropriations may be considered as a means of providing adequate stable financial support.

2. Mutual cooperation, acceptance, and support is evident between the educational program, the facility, and the community.

There is evidence that the public is kept informed on the educational program.

The community and total population of the facility is encouraged to participate in the educational activities when such participation is appropriate to the overall goals of the educational program.

Members of the educational staff are encouraged to participate in civic affairs.

Meetings of the duly elected or appointed governing board are open to the public except for executive sessions.

3. The public and nonpublic educational programs exchange information needed to develop a united effort for the education of exceptional children and youth.

The educational programs concerned, agree to policies for transfer of pupils from one program to another.

4. Although educational programs operated for profit are not eligible for accreditation, nonpublic programs for education of exceptional children and youth which meet accreditation standards may be accredited.

To be eligible for accreditation, nonpublic programs must operate either within the framework of a regularly established church government or under the direction of a duly established, nonsalaried, nonprofessional governing board.

Requests for accreditation of educational programs for exceptional children and youth are initiated by the governing board of the educational program.

PRINCIPLE II

EACH FACILITY DESIRING ACCREDITATION OF ITS EDUCATIONAL PROGRAM FOR EXCEPTIONAL CHILDREN AND YOUTH IS OPERATED IN ACCORDANCE WITH ALL CONSTITUTIONAL AND STATUTORY PROVISIONS. RESPONSIBILITY FOR INTERPRETING THESE PROVISIONS LIES WITH THE GOVERNING BOARD OF SAID FACILITY EXCEPT WHERE FORMAL INTERPRETATION OF SUCH PROVISIONS HAS BEEN MADE BY THE COURTS OR OTHER CONSTITUTED AUTHORITY.

STANDARDS

1. Attention is drawn to specific Texas Statutes which provide:

Educational programs shall be in session for not less than seven hours each day, including; intermissions, lunch, and recesses.

There is a minimum of 180 days of instruction per year.

2. Educational programs are permitted to dismiss certain types of exceptional children somewhat earlier than the seven hour minimum.

PRINCIPLE III

THE GOVERNING BOARD FUNCTIONS CHIEFLY AS A POLICY-MKAING AND APPRAISAL BODY.

STANDARDS

1. The governing board has developed, codified, duplicated, and made available to all employees in the educational program, and to the public, the policies that cover the operation of the educational program.

2. The governing board holds regularly scheduled meetings, which the public may attend, and keeps an official record.

The public is informed of the dates of regular and, when possible, of all special meetings.

Minutes of the meetings reflect total transactions of board considerations, and when approved, bear the signature of the secretary and president.

Policies approved by the board are recorded in minutes and placed in the official governing board policies.

Names of the members present and absent are recorded at each meeting.

3. The governing board has approved procedures for assessing the effectiveness of the educational program.

Evaluation procedures provide for:

SELF EVALUATION

Self-evaluation on a continuing basis to assess pupil growth in terms of the stated objectives

Collection of relevant information

Identification of program deficiencies and recognition of strengths

Plans for corrections of deficiencies

Reporting findings to the staff, governing board, and community

4. The governing board has a definite written procedure for orderly hearings on appeals by aggrieved parties.

5. Written policies have been developed for admitting pupils on basis of ability and prior experiences, so pupils may be placed in a suitable educational program.

6. The governing board has approved procedures for assessing the performance of the professional staff.

The procedures include:

Establishing criteria for evaluating competency in performance based upon the job description

making provisions for annual evaluations

Outlining procedures for using the evaluation in

prescribing inservice and professional growth activities

Placing the results of the evaluations in the personnel file.

PRINCIPLE V

WRITTEN ADMINISTRATIVE POLICIES, APPROVED BY THE BOARD, WHICH GOVERN THE OPERATION OF THE FACILITY AND THE EDUCATIONAL PROGRAM HAVE BEEN DEVELOPED.

STANDARDS

1. The chief administrator recommends all employees for action by the governing board. Assignments based on job descriptions are to positions authorized by the board.

The chief administrator or his[her] designated representative is responsible for reviewing the qualifications of prospective employees; assures the board that they meet the standards of preparation for the positions in which they have been assigned; and have appropriate credentials for the assigned position.

2. All employees understand the nature of their duties and, in the performance of such duties, are supervised by the chief administrator or his[her] designated representatives.

Employees are provided the necessary materials to perform their duties.

Staff members participate in the planned program for inservice education.

New personnel are oriented to the total program of the facility.

Supervision is provided to coordinate and improve educational offerings and to assist instructors.

3. The cooperation of the educational staff is sought in formulating and executing the educational plans for the facility.

The professional knowledge of the total staff is utilized in the development and improvement of the educational program.

The staff participates in educational planning.

The staff is encouraged to submit recommendations for improving the educational program.

Total educational staff is involved in the adoption, selection, and evaluation of instructional materials, supplies, and equipment.

4. All policies of the governing board which affect educational personnel and the educational program are in written form, and are transmitted with interpretations, as needed, to the educational staff.

PRINCIPLE VI

THERE IS A PLANNED EDUCATIONAL PROGRAM IN OPERATION THAT LEADS TO DISCOVERING AND MEETING THE NEEDS OF ALL EXCEPTIONAL CHILDREN AND YOUTH.

STANDARDS

1. The facility plans and implements a program for assisting parents and guardians with the preparation of exceptional children and youth for the educational program. The facility assumes leadership by:

Identifying problems affecting exceptional children in the community and in the facility as these relate to educational achievement and related areas

Surveying resources for solutions for these problems

Communicating with parents and guardians, and with public and private agencies concerning exceptional children and problems related to education

Developing with parents and guardians and with public and private agencies, recommended programs of education for exceptional children and youth.

2. The facility has a plan in operation for meeting the vocational needs of youth.

Additional and continuing education of youth is developed by:

Assessing educational and vocational needs of individuals

Utilizing available resources to develop follow-up programs

Utilizing public and private agencies with similar objectives to plan, develop, and operate appropriate programs

When feasible, this plan should apply to out-of-school youth.

3. Non-English speaking children needing special instruction to adjust successfully in school, and to use the English language, may be placed in a modified program that makes full use of the pupils' ability in the language they understand and speak when enrolled.

The modified program should have the following characteristics:

The first language of the child is used as a means of instruction in developing the basic skills in language arts.

English is introduced as a second language; as the child becomes more proficient in understanding and speaking the second language, the use of the first langusge as a means of instruction should be decreased, while the use of English for this purpose is increased.

The use of both languages as a medium of instruction is continued for a minimum of three years and thereafter; until such time as the child is able to comprehend and communicate effectively in English.

4. The facility has a planned program which identifies, appraises, provides instruction, and maintains contact with exceptional pupils who have multiple handicaps.

Diagnostic services in the facility and in the community have been surveyed.

Screening and referral procedures are known to the educational staff.

Communication is maintained among persons involved in diagnosis, instruction, and evaluation.

A program is implemented which accommodates significant differences in physical, intellectual, economic, aesthetic, social, and emotional development.

Teachers are aware of the range of disabilities which cause interference in educational achievement of exceptional children, such as problems in rate and patterns of learning, reasoning, language, culture, motivation, attitude, and aptitude.

Individual or small group instruction and remediation in areas of disability are available.

Teachers recognize the learning potential of superior and talented pupils and make adaptations in curriculum instruction for such pupils.

5. Emphasis is placed upon teaching the facts of, and developing appreciation for all phases of the American heritage to the extent that the exceptional child can assimilate such facts.

AMERICAN HERITAGE

Teachers plan activities designed to develop understanding and appreciation of American history and traditions.

AMERICAN HISTORY

Pupils participate in meaningful patriotic ceremonies commemorating key historical dates and events.

6. Citizenship, conservation of natural resources, and safety are taught as a part of the instructional program to the extent that the exceptional child can assimilate such facts.

CITIZENSHIP
CONSERVATION
SAFETY

Citizenship, conservation of natural resources, and safety are correlated with instruction.

Teaching guides include instruction in citizenship, conservation, and safety.

Pupils show pride in their school, community, and country.

The United States and Texas flags are displayed properly and the Pledge of Allegiance is given on appropriate occasions. Holidays are observed with understanding.

Documents of historial significance are used effectively in instruction.

Pupils respect and abide by the laws of the community, state, and nation.

Conservation instruction includes study of methods applicable to soil, water, forests, minerals, and wildlife.

Safety instruction is coordinated by a professional staff member.

Procedures have been developed to meet emergencies; accidents, fire, war, and disasters due to natural phenomena.

Pupils participate regularly in safety instruction; accident prevention and supervised safety drills.

First aid equipment is readily available; staff members are competent to render first aid.

7. Each educational program maintains a balanced curriculum offering; based on the current State adopted curriculum appropriate to the type of condition of the pupils being served.

Programs for retarded exceptional children are based on:

State adopted curriculum guides designed for the exceptionality being served.

Locally adopted curriculum.

Programs for nonretarded exceptional children are based on:

Overall curriculum offerings which meet standards established for regular elementary and secondary programs or both, whichever is applicable.

Differences in methods of instruction rather than curriculum content.

A unit of credit in courses in grades 9 through 12 represents competencies in skills and subject matter content normally expected to be achieved in 160 clock hours of instruction.

A course may be considered completed and credit awarded under either of the following conditions:

The student has been enrolled in a course scheduled for the minimum clock hours and has made satisfactory progress.

Conservation instruction includes study of methods applicable to soil, water, forests, minerals, and wildlife.

8. Each educational program maintains a coordinated sequential instructional program.

All areas of instruction are coordinated; skills developed and concepts formed are applied and reinforced in purposeful activities through all areas of the curriculum. Instruction is preceded by identification of pupil competencies and limitations.

Pupils show increasing independence in learning from a variety of materials; they are able to apply concepts and skills developed.

Instruction assures all pupils the opportunity to learn according to the range of ther abilities, interests, experiences, and background. Instructional activities provide learning experiences suitable to each individual. Sensory perceptions of pupils are used to aid learning and expand their range through actual and vicarious experiences.

Periodic, objective measurements show that pupils are developing through the combined processes of concept formation, development of skills, and acquisition of content knowledge.

Regular evaluation is made of programs and the program's progress toward meeting the needs of exceptional children.

Students are classified for physical education on the basis of health into one of the following:

Unrestricted -- not limited in activities and includes competitive sports.

Restricted -- excludes the more vigorous activities.

Adapted and remedial -- specific activities prescribed or prohibited for students so classified.

9. Each accredited program meets the following requiremets for retarded exceptional children and youth:

Accredited programs are operated in accordance with State Plan for Special Education, Texas Education Agency. The State Plan assists educational programs in planning, establishing, conducting, and evaluating programs in special education for the retarded.

10. Summer educational programs, if considered an integral part of the usual program, meet accreditation standards.

11. An adequate system of pupil personnel accounting is in operation.

Daily registers or the central accounting system are kept in accordance with recommended instructions.

Attendance accounting and supervision of teachers in their pupil accounting procedures are assigned to a designated professional staff member.

Cumulative records include; an account of scholastic progress, attendance, and health information.

The classroom teacher reviews records periodically and confers with supervisors, principals, nurses, and others concerning the progress, status, and needs of pupils.

12. Pupils completing approved sequential programs for exceptional children and youth are graduated and awarded a diploma.

For exceptional children and youth, the transcript records individual accomplishment, achievements, and a description of the type of program completed.

COURSE OF STUDY

Non-retarded pupils complete the required 16 units including the following specified subjects:

English (3 units)	Mathematics (2 units)
World History Studies or	Science (2 units)
World Geography Studies (1 unit)	Six and one-half
American History (1 unit)	units of electives
Government (1/2 unit)	from the 'List of
	Approved Courses,
	Grades 7-12'

Credit for a course not included in the approved list, but given individual approval by the Division of School Accreditation, may be used in the minimum 16 units required for high school graduation under two conditions:

(1) if the course has been approved and taught once; and (2) if the evaluation report submitted at the close of the course justifies its continuation and specifies how it will be used in meeting graduation requirements.

Science must be taught by the laboratory method so pupils will develop the skills and techniques of setting hypothesis on the basis of acquired knowledge; making observations related to the hypothesis; and using inductive and deductive reasoning for testing the hypo-

thesis. Laboratory instruction should also enable pupils to develop skills and techniques for identifying, classifying, and cataloging events and objects.

Instruction by the laboratory method using actual and vicarious experiences must be adjusted to the special requirements of safety for and characteristics of pupils by introducing innovative activities that will establish learning situations comparable to the traditional experiments.

13. Each facility maintains a realistic and workable program of guidance services.

The program is outlined in writing with policies approved by the local board.

Services are coordinated and administered by the professional personnel in accordance with locally approved policies.

The program of services provides for pupil appraisal and guidance in meeting the educational and vocational needs of pupils.

The guidance program operating with central coordination is a cooperative project of the entire professional staff.

The guidance services are coordinated with the regular instructional program, so that together, they will contribute to a unified educational program.

Teachers utilize opportunities in the classroom, in extracurricular activities, and in contacts with parents or guardians to achieve guidance objectives through group discussions, specific projects, and other appropriate methods.

Adequate physical facilities, equipment, and materials are provided.

14. The facility provides health services which include daily health observations of pupils and immunizations as required by the State Department of Health.

Health services include: physical exmainations, screening tests, prevention and control of communicable diseases, and provision for emergency cases.

Community health resources are used to complement the health program.

All school employees have preemployment and periodic physical examinations, and records of these examinations are kept along with other personnel data.

Policies of the board include provisions for:

Exclusion of pupils or employees who have communicable diseases

Emergency care of the sick

Authority to make health appraisals of pupils

Health services as may be necessary in maintaining good health among the student body.

15. The facility has in operation a planned Instructional Media Program for all pupils in keeping with the needs of each program.

Professionally trained personnel with time free from other duties are responsible for leadership in planning the program and supervising services.

Instructional materials and equipment are sufficient in quality and quantity to support the instructional program, and are accessible to teachers and pupils at each period of the school day as evidenced by:

An available and current list providing an index to the materials and equipment available to the instructional program and staff.

Professional books and periodicals readily accessible to the staff.

Physical facilities are commensurate with the educational program, enrollment, number and types of media, and the age of pupils to be served; all rooms used are equipped with sufficient shelving and storage for permanent materials and for collections of materials which circulate from:

A central collection of media located in a room with appropriate shelving and storage accommodations, or;

A centralized library and an instructional materials center with space for seating at least two classes with appropriate shelving, storage, equipment, and instructional media.

An annual budget is provided to operate the program as evidenced by:

An initial collection of instructional media and equipment, plus funds budgeted to acquire a basic collection of such materials

Monies are budgeted for supplies, periodicals, equipment, and repair, in addition to the materials budget.

Policies have been developed for effectiveuse of instructional media by:

A program of teacher orientation in instructional media

A plan for use of media resources by individuals, small groups, and class groups

Provisions to incorporate media resources into the instructional program

A plan for teaching students to use selected media resources

Indications that students use media resources as an integral part of the teaching-learning experiences.

16. Opportunities are provided all pupils to participate in student activities designed to develop individual interests and aptitudes.

The pupil activity program is planned as a part of the total program.

Special abilities and interests of pupils are provided by a variety of activities such as: drama, speech, music, publications, recreation, clubs, films, student council, independent study, appropriate group guidance, and pursuit of independent interest and projects.

Pupils participate in activities designed to accomplish planned educational aims suitable to age and physical condition.

17. There is evidence of respect for public and private property.

The condition of facility properties and equipment reflects the effectiveness of citizenship training in the school.

Building and grounds are clean and well maintained.

The pupils, staff, and citizens show respect for public and private properties and equipment.

18. The Texas Education Agency recognizes the need for continued experimentation and improvement of instructional practices and encourages such experimentation. Should planned and organized experimentation violate Principles and Standards as established; approval of such experiments should be gained from the Division of Special Education, Texas Education Agency, prior to implementation of such experiments.

19. The school system may develop a plan whereby pupils in grades 9 through 12 obtaining knowledge or skills outside the school program may be granted credit in any subject on the list of approved courses upon demonstration of competency by examination or performance test.

TESTING

The local board of trustees will adopt policies authorizing the granting of credit by examination or performance test having the following characteristics:

Establish eligibility of students who may take the examination or performance test.

Establish procedures for pupils to take the examination or performance test. The administration should determine the time, place, length, and method of administering the examination or performance test.

Ensure that the particular examination or performance test used to validate the student's ability will verify that the student has satisfactory knowledge of the subject.

Set the passing grade for accepting student work under these conditions in accordance with grades that are required of students attending regular classes.

Ensure that the examinations or performance tests are properly evaluated, certified by the examining teacher and the principal, and are retained as part of the pupils' permanent records.

PRINCIPLE VII

EACH FACILITY EMPLOYS QUALIFIED AND COMPETENT PERSONNEL IN REASONABLE RATIO TO NUMBER AND AGE OF PUPILS AND SEVERITY OF EXCEPTIONAL CONDITION.

STANDARDS

1. All professional personnel are graduates of colleges and universities which are approved by the Texas Education Agency for teacher education programs, or otherwise recognized by the Texas Education Agency for professional employment purposes.

2. All professional personnel hold valid Texas teachers certificates appropriate for their current assignments.

(Vocational Education teachers may use a statement of qualifications in lieu of a certificate.)

3. All professional personnel are assigned in areas or subjects for which they have completed an approved program of teacher education.

Professional Personnel have appropriate training in area of special education for which they are assigned.

If the instructional program is organized on a departmentalized basis; professional personnel should hold certification in subject matter area for which they are assigned.

EMERGENCY ASSIGNMENT

When emergency conditions require, a teacher may be assigned to a subject or area for which he does not have required preparation. In such cases, the teacher makes a plan in writing approved by the chief administrative official of the employing facility, in which the teacher agrees to take at least six semester hours per year until his[her] preparation does meet standards. The plan is to be filed in the teacher's personnel folder.

Facilities unable to meet the above requirements, in extreme emergencies, request approval of such assignments from the Division of Special Educationand the Division of School Accreditation, Texas Education Agency.

4. Nonprofessional personnel may be assigned to the professional staff in overall ratio of one professional to two nonprofessional staff members.

Educational programs using nonprofessional personnel to assist with instructional duties:

Develop job descriptions for positions authorized by the board

Develop and operate an orientation and in-service training program for the assistants

Educational programs using nonprofessional personnel develop and operate in-service programs for the professional staff in the effective use and supervision of such nonprofessional personnel.

5. A plan has been approved by the board for a continuing program of professional growth and in-service education of personnel.

The plan includes definite allocation of funds and staff time.

The chief administrative official has the responsibility, or delegates it to a specific staff member, of implementing the plan for professional growth and development of staff.

Staff members are involved in arranging and executing the in-service education program using resources from outside the educational program.

Professional growth or in-service education activities completed are recorded in personnel folders with the notation appropriate to the activity; it may record performance, involvement, or attendance.

New programs or curriculum changes implemented in the instructional program are introduced through and supported by the in-service education.

The plan provides in-service education orientation of staff members new to the system and inexperienced teachers.

The focus of the in-service education is directed as needed; toward total staff, departmental teachers, a campus group, personnel transferred within the system, or individuals.

When full-time teachers or administrators enroll for college work during the regular school term the following regulations are observed:

Three semester hours of graduate level college work may be carried during any semester of the school year.

However, where the board officially approves, graduate work may be earned on the basis of six semester hours per semester or nine semester hours during an academic year.

Six semester hours of work may be carried in any one semester of the academic year at the undergraduate level.

6. The facility maintains teacher-pupil ratios and class sizes appropriate to the program.

Teacher-pupil ratios are based on the total staff and pupil membership when the instructional organization involves team teaching or other forms of large and small group activities.

Each class for the multiple handicapped or the emotionally disturbed has a lower pupil-teacher ratio than in other areas of exceptionality.

When excess enrollment causes classes to be larger than recommended, a plan is in operation for regaining standard pupil-teacher ratios in the near future.

PRINCIPLE VIII

THE METHODS, TECHNIQUES, AND PROCEDURES EMPLOYED BY PROFESSIONAL PERSONNEL CONFORM TO THE MATURITY, NEEDS AND ABILITIES OF THE PUPILS AND TO THE REQUIREMENTS OF THE DESIGNED CURRICULUM. EDUCATIONAL SUPPLIES AND EQUIPMENT OF ACCEPTABLE QUALITY, QUANTITY, AND VARIETY ARE PROVIDED BY THE FACILITY AND USED IN THE EDUCATIONAL PROGRAM.

STANDARDS

1. Length of school day, class periods, and instructional time are to be determined by the educational objectives of the instructional program and characteristics of the pupils.

2. The methods of presentation and standards of work expected conform to the level of ability and maturity of the pupils.

Teaching methods and techniques used indicate an understanding of pupils and the ways they learn; insights into the nature, organization, and scope of the subject taught; and pupil's rate of learning.

Teachers show an understanding of the potentials and limitations of pupils.

Each child is given work which challenges him[her] to perform at the level consistent with his[her] abilities.

Teachers organize classroom activities to provide balance of study, expression, listening, observation, creativity, aesthetic appreciation, physical activity, and relaxation in keeping with the abilities of the pupils.

3. Pupils are grouped for instructional purposes.

The educational program provides appropriate materials for varying levels of ability.

Pupils are engaged in a variety of learning experiences and activities.

Furniture and equipment may be moved for grouping.

4. Teachers use ingenuity and initiative in the development and use of instructional resources and techniques.

Teachers are encouraged to develop new teaching techniques and media.

The facility makes available raw materials and clerical and technical assistance needed for developing teaching aids and devices.

Teachers demonstrate creativity and sound professional judgment in selecting, making, and using a variety of multisensory teaching-learning media.

The attitude toward new media and techniques is one of inquiry and receptiveness.

5. Equipment and supplies of each room are adapted to the needs of the pupils.

The educational program provides teaching equipment and supplies as evidenced by budget allocations, efficient procedures for requisitioning equipment and supplies, and for making them available to all teachers.

In addition to furniture for children and teachers items are provided to meet special needs, such as work tables, shelving, storage space, or file cabinets.

6. Relationships between the teachers and pupils are conducive to learning.

Children are attentive; discipline is firm but fair; self-discipline is evident in the children's behavior; activities progress without excessive direction from the

teacher; and children show initiative in their learning activities within their level of ability and maturity.

7. Community resources are used to improve instruction. Teachers make use of resources -- people, places, and materials -- in the community to vitalize instruction.

The school gives leadership in community improvement.

PRINCIPLE IX

THE PHYSICAL PLANT IS SUITABLE IN DESIGN, SIZE, AND EQUIPMENT TO MEET THE NEEDS OF THE EDUCATIONAL PROGRAM.

STANDARDS

1. The site of the educational program is easily and safely accessible to pupils, employees, and visitors at all times and under all conditions.

2. Grounds of the facility are clean, landscaped, and free from hazards.

3. The educational building is well maintained and is wind and water proof.

Maintenance and custodial service is available and adequate to maintain the facilities, equipment, and grounds.

The facility has a planned program for continuous maintenance and upkeep of property.

4. The educational building is suitably arranged with adequate space to accommodate the instructional program.

Drinking fountains are of sufficient number and proper size and are located so as not to interfere with the flow of traffic.

Rooms are sufficient in size, design, and arrangement to accommodate the program assigned to them.

Ventilation, heat, light, and acoustics in all areas are regulated to provide a harmonious and pleasant atmosphere for the activities being conducted.

Equipment and furniture are the type and size suited to the instructional program offered.

Rest rooms are sufficient in number, clean and sanitary, and operable.

Workrooms for teachers and staff are conveniently located and adequately equipped.

Equipment and facilities for instruction with vocational intent compare favorably with that found in occupational areas for which such instruction is designed.

"PRINCIPLE X

THE ACCREDITED STATUS OF AN EDUCATIONAL PROGRAM FOR EXCEPTIONAL CHILDREN AND YOUTH IS DETERMINED ON THE BASIS OF THE FACILITY'S TOTAL PROGRAM AS IT RELATES TO THE EDUCATIONAL PROGRAM, AND ON THE TOTAL EDUCATIONAL PROGRAM RATHER THAN ON THE BASIS OF INDIVIDUAL CLASSES.

STANDARDS

1. There is coordination of the various campus classes within each level of instruction as well as between levels.
2. When educational programs customarily send or receive pupils from other facilities or school programs, a cooperative program has been developed to provide continuity for transferred pupils

   Intervisitation of teachers

   Exchange of handbooks and guides . . . .
3. In facilities which operate more than one campus unit of the same instructional level, an equivalent balance is maintained.
4. No segment of the facility or educational program is overcorwded or underequipped in order to maintain the program of another segment.
5. A balance as to the quantity of adequate equipment, supplies, and services prevails among the several levels and areas of instruction within the total offerings.

The procedures by which the principles and standards are adopted or altered shall be in accordance with law, approved by the State Board of Education, and administered by the Commissioner of Education."

§3714

"The State Commission on School Accreditation shall review the educational program of the public schools annually and determine whether districts are meeting their responsibility for providing a comprehensive instructional program in terms of the principles and standards in Policy

3712. The State Commission on School Accreditation shall provide for school systems to have the opportunity, through their respresentative, to participate in the planning and operation of the accreditation program.

The Commission shall be composed of 12 members representing various education backgrounds. . . .

APPOINTMENT

Each member shall be appointed by the State Commissioner of Education subject to confirmation of the State Board of Education.

The responsibilities of the Commission shall include:
(1) making recommendations to the Commissioner of Education and the State Board of Education concerning standards for school accreditation and policies for applying these standards;
(2) advising the staff of the Division of School Accreditation concerning application of standards to the school systems of the State and development of new materials relating to school accreditation;
(3) receiving the reports of the director of the Division of School Accreditation concerning the status of accreditation in individual school districts;
(4) providing a forum for the informal resolution of complaints arising from any district that is not satisfied with the ruling and recommendations of the Director of School Accreditation; and
(5) making recommendations to the Commissioner and to the Board concerning action to be taken on the reports.

§4119.1-.3

". . . to participate in the Foundation School Program, each school district must be accredited by the Central Education Agency.

Each school district must employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 25 students in regular average daily attendance.

"The Commissioner . . . shall establish minimum standards for staffing patterns for all personnel.

Requirements of pupil attendance accounting as expressed in laws, policies, and administrative procedures shall be applicable to all public schools of Texas, the pupils who attend them and the teachers and officials who are responsible for their administration.

The Commissioner of Education shall establish and administer pupil attendance accounting requirements and the methods for determining full-time student equivalency for those pupils in vocational and special education programs.

All public schools in Texas shall maintain records to reflect the average daily attendance (ADA), as a basis for the allocation of Foundation School Program Fund and other funds allocated by the Texas Education Agency.

Superintendents, principals, and teachers shall be responsible for their school boards and to the State to maintain accurate, current, daily attendance records and accurate contact hours used to determine full-time student equivalency of vocational and special education students.

Requirements of professional and teacher aide personnel accounting shall be applicable to all public school districts of Texas. The basic purpose of these requirements shall be to provide an equitable means of allocating state funds.

The Commissioner of Education shall establish and administer requirements for personnel accounting in accordance with applicable law."

CROSS REFERENCES

I.State Commission on School Accreditation; Regulation §3714

II.A.1.; Regulation §3222.1--3222.3

II.A.1.; Regulation §8103.1

II.A.3.; Statute §16.103

II.A.3.; Regulation §3237

2. Other Qualification Standards

Statutes

§13.902

"Public schools shall be taught for not less than seven hours each day including intermissions and recesses. Each teacher . . . shall have at least one period of not less than 45 minutes within the scheduled school day for planning and preparation."

§16.052

"Each school district must operate its schools each year for not less than 180 school days."

§16.054

PUPIL/TEACHER RATIO

"Each school district must . . . maintain an average ratio of not less than one [certified] teacher for each 25 students in average daily attendance."

§17.24

The local boards shall "classify the schools of the county . . . into elementary schools and high schools for the purpose of promoting the efficiency of the elementary school and of establishing and promoting high schools at convenient and suitable places." The commissioner shall prescribe regulations for their guidance.

In so classifying the schools, the boards "shall give due regard to schools already located, to the distribution of population, and to the advancement of the students in their studies."

§21.001--.008

"The scholastic year shall commence on the first day of September of each year and end on the thirty-first day of August thereafter ... A school month shall consist of not less than 20 school days, inclusive of holidays... A school week shall consist of five days, inclusive of holidays ... A school day shall be taught for not less than seven hours each day, including intermissions and recesses ....

The public schools shall not be closed on legal holidays unless so ordered by the board of trustees."

The name of a school district may be changed by a resolution of the board of trustees; notification thereof must be sent to the Central Education Agency.

"No person shall be elected as a trustee of a school district unless he is a qualified voter ....

[E]ach school district shall operate on the basis of a quarter system, with its schools being in operation during at least three three-month quarters during each school year and providing 180 days of instruction for students and 10 days of inservice education and preparation teachers.... The Central Education Agency shall prepare a curriculum based on the operation of the schools on a quarter basis."

Pursuant to the Foundation School Program, credit will be given each school district for a student's attendance during "any three quarters ...[of]... any one school year." A district's school board may choose to operate its school(s) for all four quarters of a school year; however, no student shall merit attendance credit under the Foundation School Program for more than three quarters of each year. If a four quarter system is in effect, the district shall decide which students are to attend school during each quarter.

"A district that operates its schools during all four quarters ... may not require a teacher to teach more than three quarters plus the number of days ... for inservice education and preparation .... A teacher or other ... employee who elects to work for four quarters... shall receive a minimum salary which is increased proportionately in compliance with the state compensation plan .... [Such a district]... may not require a student to attend more than three quarters."

REGULATIONS

§2306

"Each school district may submit its school calendar, showing not less than 180 days of available instruction, to the . . . agency."

"School is in session at least seven hours each day, of which not less than six hours shall be devoted to instruction. The primary grades may be dismissed somewhat earlier than the other grades.

"School districts having to use half-day sessions obtain permission to operate with the shortened day from the assistant commissioner for administration of the . . . agency."

§2306.12

"Public school districts shall operate on a quarter or a pilot program system in accordance with statutes and the guidelines established by the Commissioner of Education . . . ."

§4104.1

"All school districts shall operate on the basis of a quarter system, with the schools being in operation at least three quarters during each school year, providing 180 days of instruction for students.

The last two days of each quarter may be set aside for purposes of giving final examinations in grades where classroom instruction is on a departmentalized basis provided a formalized examination schedule is established.

The last three days of actual instruction during a quarter may be set aside to allow 12th grade students who are candidates for graduation in that quarter to prepare for graduation exercises.

In addition to the 180 instructional days, for professional and para-professional personnel, excepting clerical aides, a total of 10 days shall be allowed for inservice training and for preparation related to the instructional program of the district.

The school district may, at its discretion, count as a part of the 10 days allowed for inservice training those statewide or regional curriculum or instructional workshops

planned by and/or sponsored by regional education service centers of the Texas Education Agency. Not more than five of the 10 days may be used for workdays. Workdays are defined as those on which pupils are not present and teachers are on duty in their assigned work areas for such purposes as preparing for the beginning and ending of the school session, grading examination papers, or recording grades.

School districts shall operate an inservice training and preparation program based upon a written plan. A copy of the plan shall be filed with the Texas Education Agency.

An extended day migrant school program must meet the following provisions:

(1) Not less than 135 days shall be devoted to classroom instruction.

(2) Not less than 10 days as specified in the Regular School Program shall be devoted to inservice training and preparation for opening and closing of school.

Special programs may be approved by the Commissioner of Education to operate a specific number of days as required by the program.

All days of attendance or duty in this policy are in addition to and do not include any holidays adopted by the local board of school trustees.

CROSS REFERENCES

I.County Superintendent; Statute §17.41; 17.42

II.A.2.; Regulation §3571; 3572; 3574

II.A.6.; Regulation §3563

III.C.Public Schools; Regulation §6301

IV.J.; Regulation §2304.1

B. Qualification Standards For Personnel

Associate Commissioner

Statutes

§ 31.71

The associate commissioner of Occupational Education and Technology shall be "a person of high professional qualifications, having a thorough background of training ... in the fields of technological, vocational, adult and manpower education and training ...." She[he] will be selected "by the commissioner of education with the advice and consent of the State Board of Education." She/he will publish annually "a certified list of courses for which funds may be made available in accordance with the appropriations of the legislature."

Commissioner

Regulations

§1301.1

The Commissioner shall:

1) "have broad and professional educational experience with special and recognized abilities of the highest order in organization, direction, and coordination of education systems and programs, and in [the] adminstration and management of public schools and public education generally;"

2) "be a citizen of the United States and a resident of Texas for a period of not less than five years immediately preceding his[her] appointment;"

3) "have good moral character;" and

4) "be eligible for the highest school administrator's certificate currently issued by the State Department of Education and have at least a master's degree from a recognized institution of higher education."

The Commissioner must take the oath of office as required by law.

County School Trustees

Statutes

§17.05 - 17.06

"County school trustees or members of [the] county board . . . must meet the following qualifications:

1) They must be qualified voters of the county from which they are elected;"

2) If requesting a specific permit, they must reside in that precinct;

"3) They must be able to read and speak the English language;

5) They must be persons of good education and in sympathy with the public free schools;

6) They must not be connected with the public schools of any district either as an official or as an employee;"

"All elected trustees or members of a county board . . . must take the official oath and file same with the county clerk."

County Superintendent

Statutes

§17.48

An elective or appointive county superintendent must be a person of educational attainment, good moral character and

executive ability. He [she] must hold a permanent, provisional or professional teachers' certificate.

District Board of Trustees

CROSS REFERENCE

I.District Board of Trustees; Statute §22.03--22.07; 23.03--23.05

Librarian

CROSS REFERENCE

III.A.1.; Regulation §3712--3713

Regional Education Service Center, Board of Directors

CROSS REFERENCE

I.Regional Education Service Center, Board of Directors; Regulation §2102.2.2

Special Education Staff

CROSS REFERENCES

II.A.2.; Statute §16.104; 16.161

II.A.2.; Regulation §3571; 3572; 3572.1

State Board For Texas School for the Blind

CROSS REFERENCE

II.A.2.; Regulation §9101; 9104

STATE BOARD OF EDUCATION

STATUTES

§11.21; 22

"The State Board of Education is composed of one member elected from each Congressional district established by law." Members are elected every two years. "No person shall be eligible for election . . . if he/she holds an office with the State . . . or any political subdivision thereof, or holds employment with or receives any compensation for services from the state or any political subdivision thereof . . ., or engages in organized public educational activity.

No person shall be elected from or serve in a district who is not a bona fide resident thereof with five years continuous residence prior to his[her] election." In addition, a candidate must be "a citizen of the United States, a qualified voter of his[her] district, and . . . 30 years of age or older.

Members of the board shall receive no salary but shall be reimbursed for . . .[their] expenses."

STATE COMMISSIONER OF EDUCATION

STATUTES

§11.51

"The state commissioner of education shall be a person of broad and professional educational experience, with special and recognized abilities of the highest order in organization, direction and coordination of education systems and programs and in administration and management of public schools and public education generally. He[she] shall possess good moral character, be eligible for the highest school administrator's certificate currently issued. . . and shall have at least a master's degree . . . ."

SUPERINTENDENT, SCHOOL FOR THE BLIND

STATUTES

§11.07

The superintendent of the Texas School for the Blind shall be a graduate of an accredited university or college and shall have a minimum of four years of educational administrative experience, at least two years of which shall have been in the education or supervisory training of the blind. She/he shall reside at the school.

The superintendent may be removed from office by the State Board of Education on recommendation of the commissioner of education for the commission of any felony or any other offense involving moral turpitude or for "failure to carry out the duties of his/her office."

SUPERINTENDENT, SCHOOL FOR THE DEAF

STATUTES

§ 11.04

The superintendent of the School for the deaf shall be a graduate of an accredited university or college, shall have a minimum of one school year of full-time classroom teaching, shall have at least a total of five years' experience in educating the deaf with at least two of those years acquired in some supervisory capacity in training the deaf, and shall have special training in the education of the deaf in a duly certified school granting such special training. She/he shall reside at the school and devote her/his time exclusively to the duties of the office. The superintendent may be removed from office on the recommendation of the commissioner of education "for the commission of any felony or any offense involving moral turpitude, or the failure to carry out the duties of [her/]his office."

STATUTES

§ 2.06(a) to 2.06(c)

a. No public funds shall be paid to a teacher or other employee connected with any tax-supported educational institution unless he/she takes the oath of office required of all state officers.

OATH

b. Foreign instructors or refugees from conquered countries are exempted from subsection (a) "if they file an affidavit. . .stating, among other things, that they are not members of the Communist, Fascist, or Nazi parties, nor of any bund, . . ., and that they will not engage in any un-American activities, nor teach any doctrines contrary to the constitution and laws of [Texas or the United States.]"

c. Any teacher who shall be found guilty of advocating doctrines which seek to undermine the republican and democratic forms of government shall after a full adjudicative hearing by his/her employing authority be dismissed.

HEARING

DISMISSAL

§ 4.07 to 4.08

Official inquiry into the religious affiliation of applicants for employment in the public education system may only concern whether the applicant "believes in the existence of a Supreme Being." Violation of this provision is a misdemeanor. Also, "the person aggrieved" may recover a $100 to $500 "penalty" from the violator.

§ 4.10

Wilful alteration of a teacher's certificate is a felony.

§ 4.11

Any superintendent or school trustee who approves any teacher's contract or voucher before the person has presented a valid teacher's certificate shall be fined.

§ 4.12

Whoever distributes or accepts possession of the questions or answers to any forthcoming teacher examination shall be guilty of a misdemeanor. Whoever accepts remuneration for the granting of certificates or for aiding others to obtain certificates, except as provided for by law, shall be guilty of a misdemeanor.

§ 4.29

Fraudulent use of false instruments or documents which purported to signify merit or achievement (i.e., certificate, diploma, academic record, etc.) constitutes a misdemeanor.

§11.31

"The State Board . . . shall develop and publicize a program specifically designed to encourage and facilitate the entry into public school teaching and into teacher-training programs of a corps of intelligent, mature, and concerned persons who have received bachelor's degrees from accredited institutions . . .

The . . . Board . . . and the institutions of higher learning . . . that are approved for teacher education shall cooperate to develop procedures for the individual evaluation and appraisal of the training and training needs of persons applying for teacher certification . . . and to provide to these persons teacher-training programs that are appropriate to their needs and that can be completed in a reasonable time.

Accredited teacher training institutions shall set up evaluation teams for the purpose of evaluating applicants to determine whether they meet the minimum standards of certification and to recommend a program to cure any

deficiencies in his[her] preparation. "When a team finds the applicant has successfully met the requirements for certification, the team shall recommend him[her] for a provisional certificate.

The . . . Board . . . with the advice and assistance of the state commissioner . . . shall develop a pattern of minimum standards for . . . certification. . . . As far as the training of persons . . . is concerned, the board shall allow the waiver of any current requirements for the provisional certificate not stipulated or implied by the standards developed for the guidance of institutions for this particular program . . . . [T]he legislative intent of this section is that, in recognition of the maturity, experience, and level of achievement of applicants in this program, course requirements would more likely be reduced, compressed or combined, and would be more freely inter-changeable with similar courses."

WAIVER

The Central Education Agency is . . . authorized and directed "to publicize this program "to encourage qualified persons to enter the teaching profession."

For applicants "seeking to enter this program to qualify to teach in trade or industrial courses, the requirement . . . for a bachelor's degree may be waived."

§11.311

Joint responsibility for establishing and supervising the required "student teaching experience" is vested in the approved colleges and universities and the public school districts of the state.

"The Central Education Agency . . . shall establish standards for approval of public school districts to serve as Student Teacher Centers and define the . . . relationship between the college or university and the public school which serves the student teaching program."

The public school district and the college or university shall "approve or select the supervising teachers . . . to serve in the program and adopt an . . . in-service improvement program for supervising teachers."

§13.031; 032

A state board of examiners for teacher education, composed of three competent teachers appointed by the commissioner, is created to assist in the formulation of teacher certification standards.

The state board, with the assistance of the commissioner, shall promulgate rules and regulations, as necessary, to aid in their task of "developing standards for programs in teacher education." The board "shall provide each approved institution with . . . the general qualifications required for each area . . . for which a teaching certificate is authorized. The board may not require an institution to teach a particular doctrine, or to conduct instruction on the basis of . . . any particular pedagogical method. . . ."

RULEMAKING

§13.034

All persons seeking a certificate must show that he/she:

"1) is a person of good moral character" evidenced by references from three "good and well-known citizens";

2) has taken and passed courses in the constitutional law of Texas and the United States and will support and defend these constitutions.

4) has ability to speak and understand the English language . . . ."

. No person under 18 shall be granted a certificate.

§13 .035-.037

There shall be two classes of certificates; provisional and professional.

Provisional certificates are those issued to persons in possession of a bachelor's degree from an approved teacher education facility.

Vocational education teachers shall be permitted to substitute work experience for the bachelor's degree requirement.

Professional certificates shall be issued to persons holding a bachelor's degree and at least thirty additional graduate-level hours in a specialized area or areas, plus at least three years of teaching experience (as determined by the State Board).

§13.038

"Either a provisional or professional certificate shall be permanent and valid for life, unless cancelled by lawful authority."

§13.039

Provisional and professional certificates shall clearly show the areas of specialization in which the holders thereof "may teach and perform duties."

"The specialization areas shall be in:

1) the elementary schools; kindergarten through grade 8 inclusive and grade 9 in junior high;

2) junior high schools; grades 6-10 inclusive;

3) high schools; grades 7-12 inclusive;

4) in a special subject for all grades;" and

5) in a professional service position or area."

The designated specialization area appearing on the face of the certificate "shall be based upon the satisfactory completion" of an approved teacher education program in one or more of the areas.

§13.040

RULEMAKING

EMERGENCY PERMIT

The state board of education may adopt regulations providing for the issuance of a one-year emergency permit .

§13.042

A person holding a valid teaching certificate from another state may obtain a Texas certificate if his[her] degree was granted by an accredited teacher-training institution. However, permanent certification is conditioned upon the applicant's taking all the Texas history courses required for a Texas teacher's certificate, within twelve months after its issuance.

§13.043

Provisional certificates to teach the deaf and blind shall be issued to anyone who has a bachelor's degree from an accredited institution; course work requirements include at least ten hours of education; five of which cover principles and methods of teaching the type of handicapped children he[she] is being certified to teach."

Certificate applicants in industrial and special subjects "may substitute four years of trade or professional experience in successful teaching experience for college work."

§13.044

No alien shall be employed to teach, nor shall be issued a teaching certificate unless he[she] "has declared his[her] intention to become a citizen." This section shall not apply to "exchange" teachers.

§13.045

The local superintendent "shall keep a record of all certificates held by persons teaching in the public schools." Each person who is employed to teach in the schools "shall present his[her] certificate for record" before commencing employment.

"A teacher or superintendent who does not hold a valid certificate or emergency permit shall not be paid for teaching or work done before the effective date of issuance of a valid certificate or permit."

Title 110A; Ch. I Art. 6252-16

"No agency, board, commission, department, or institution of the government of the state of Texas, nor any political subdivision ... shall establish a maximum age under sixty-five (65) years nor a minimum age over twenty-one (21) years for employment, nor shall any person who is a citizen of this state be denied employment ... solely because of age."

Such will also hold for the employment of any person for the reason of race, religion, color, sex or national origin.

REGULATIONS

§6101

"The teacher education process shall include the identification, the coordination of preparation and performance, and the development and continuous reevaluations of programs and institutions concerned with preparing teachers. The process shall be administered through the Texas Education Agency with the advice of the State Board of Examiners for Teacher Education. The development of the quality of teacher education is a major responsibility of the Texas Education Agency and shall be in accordance with law.

§6102.1-.2

"Consideration shall be given . . . to the recommendations on teacher education by the State Board of Examiners for Teacher Education, the Advisory Council for Technical-Vocational Education, and the Joint Committee.

The State Commissioner of Education shall appoint, in accordance with law, the members of the Board of Examiners for Teacher Education. He[she] may increase or decrease the number of members as varying conditions require. The Commissioner of Education shall serve as ex officio chairperson.

The State Board of Examiners for Teacher Education shall discharge the responsibilities in accordance

with law and the policies of the State Board of Education. Specific functions are to:

(1) inventory and review all current Texas Education Agency procedures used in approving college programs, Agency teacher education standards required of approved colleges, Agency teacher certification standards, and Agency administration of teacher certification and to make recommendations thereon:

(2) evaluate and report on college practices in their application of teacher education standards;

(3) serve as an advisory body on program approvals of individual colleges and to serve as the initial appeals body for teacher education and certification; and

(4) make special studies:

(4-1) develop and determine the feasibility of an alternate plan of teacher certification in selected fields, providing for the use of examinations as a basis for certification;

(4-2) study the present student teaching requirement to ascertain what improvements, if any, can be made;

(4-3) analyze current public reports containing recommendations on teacher certification.

The Board of Examiners may be assisted by special temporary committees which shall consist of three to five of its members, one State Board of Education member, and not more than five additional members."

§6101, 6102.1

"The Division of Teacher Education and Certification of the Texas Education Agency has the primary responsibility for administering the teacher education program."

The State Commissioner of Education utilizes the State Board of Examiners for Teacher Education, the Advisory Council for Vocational Technical Education, and the Joint Committee in an advisory capacity in matters regarding teacher education. The Advisory Council . . . recommends programs of teacher education for technical

vocational personnel." The Advisory Council is in turn advised by the Joint Committee on such matters. It is for the Commissioner of Education to make reports of evaluations, as well as recommendations, to the State Board of Education.

"When agreement is not reached by the three advisory groups, a joint meeting is called by the Commissioner . . . to resolve the differences."

§6105

"Student teacher centers shall provide through formalized contract procedures between colleges and universities and public school districts student teaching programs in accordance with applicable law and Teacher Certification Requirements, Policy 6203. The student teaching program of the student teacher centers shall provide professional laboratory and field experiences, cooperatively designed and administered by colleges and universities and public school districts.
Student teacher centers shall be operated in accordance with applicable law and with procedures established by the Commissioner of Education . . . ."

§6105

TEACHER CENTER

Series 6105 concerns student teacher centers and the procedures for the operation of such centers by public school districts. They are as follows:

(1) "The . . . center submits and files with each participating . . . public school district its plan for professional field experiences for the school year before August 1 of each year to the state coordinator.

(2) "Each college or university approved for teacher education submits official lists of students enrolled in student teaching in the fall and spring semesters . . . to the state coordinator . . . The student is enrolled full-time in student teaching . . . ."

(3) "Each supervising teacher agrees to serve each semester . . . in order to ensure the required ratio of supervising teachers to student teachers."

(4) "Summer student teaching programs are annually approved by the state coordinator . . . (and) meet all the requirements of the regular session programs." These student teachers are accounted for and are counted in the state fiscal year.

(5) "The procedures for student teaching centers apply to all degree programs for Teacher Certification . . . ."

(6) "Each college or university designates one person to be responsible for administration of this program and submits his[her] name to the state coordinator."

§6201

"The certification of teachers shall provide a means to identify qualified and professionally prepared teachers and other school personnel. The certification shall be in accordance with law."

§6202

"All Texas teacher certificates shall be of two classes, provisional or professional, and shall be identified as to the level for which the applicant is qualified pursuant to law and procedures established by the Commissioner of Education. These levels are: elementary; junior high; high school; special subject [in] all grades; and professional service."

§6203

"The general requirements for teacher certification and revisions thereof, shall: (1) be in accordance with law; (2) recommended by the Commissioner of Education; and (3) approved by the State Board of Education.

The specific requirements for teacher certification by class, by level, with areas of specialization (teaching fields), and endorsements, and revisions thereof, shall:

(1) be in accordance with law; (2) recommended by the Commissioner of Education; and (3) approved by the State Board of Education."

§6201; 6202; 6203

Series 6201 deals with the certification of teachers in general whereas series 6202 concerns the kinds of certificates, there being two:

(1) provisional certificates are issued to qualified individuals and identify the individual's level and the area in which he [she] is prepared. The certificate is permanent and valid for life.

(2) professional certificates represent preparation and experience in addition to the requirements of a provisional certificate, and also identify level and area of preparation. It is also permanent and valid for life. The levels for which an individual may be prepared are:

(1) elementary

(2) junior high

(3) high school

(4) special subject

(5) professional service

(a) "An individual making application for a Texas Teachers Certificate must:

(1) be a citizen of the U.S. or indicate intent to become a naturalized citizen as evidenced by filing a declaration of intent;

(2) be at least 18 years of age;

(3) be of good moral character as evidenced by statements of three individuals;

(4) be willing to support and defend the constitutions of the U.S. and Texas;

(5) have college credit or examination credit

in knowledge of the Texas and federal constitutions; and

(6) be able to speak and understand the English language sufficiently to use it easily and readily in conversation and teaching."

(b) "Teacher certificates are issued to individuals who meet the above requirements, who complete approved programs at approved Texas institutions of higher learning, and who are recommended for certification by the institution. All credit hour requirements for certificates are semester hours or their equivalent.

(c) "Since the person holding a permanent Texas teacher certificate may be considered to have met the basic requirements for certification, the requirements of professional education shall be considered fully satisfied when the individual has completed at least 12 semester hours of professional education courses of which at least six semester hours are in the area and level of the additional certificate requested.

(d) "To be certified to teach on the secondary level, a person shall have at least 24 semester hours in two subjects related to the public secondary school curriculum or at least 48 semester hours in subjects which may be considered as being included in a broad area field.

(e) "To be certified on the elementary level, a person shall have at least 12 semester hours in courses specifically designed for teaching subjects in the public elementary school. At least nine semester hours shall be in the basic subjects; such as arithmetic, reading, social studies, and/or science.

(f) "To be certified in special education, the individual shall fulfill the specialized requirements of an approved program.

(g) "The requirements for additional endorsements may be met by one of the following methods:

(1) completion of an approved teacher education program for the requested certificate;

(2) completion of examination(s) covering the required subject(s) if the institution has an approved examination program."

In addition to these requirements, there are also contained within this series requirements in specific classes and levels including areas of specialization and endorsements.

In order to obtain an elementary certificate the individual must have a bachelor's degree including the following areas:

(1) "academic foundations - approximately 60 semeste hours to include 33-36 semester hours in the following areas:

(1-1) English -12 semester hours;

(1-2) American history - six semester hours;

(1-3) Texas and federal constitutions . . . two courses for six semester hours or a combined course for three semester hours; and

(1-4) Mathematics, Science, Foreign Language - 12 semester hours in two fields.

(2) academic specialization -36 semester hours;

(2-1) 18 semester hours in one subject including nine advanced . . . and 18 semester hours in a combination of subjects related to the elementary curriculum; and

(2-2) 24 semester hours in one subject including 12 advanced and 12 hours in a combination of subjects related to the elementary curriculum; and

(3) professional development - 30 semester hours;

(3-1) 12 hours of advanced professional education;

(3-2) 12 semester hours of advanced specialized content for elementary teaching, such as reading, arithmetic, language arts, science, social studies; and

(3-3) six semester hours of student teaching . . . ."

In addition to requiring a bachelor's degree that include the formentioned areas, an applicant must also have:

"(1) provisional elementary certificate;

(2) three years of teaching experience;

(3) 30 semester hours of graduate level courses as follows:

(3-1) academic specialization -- 12 semester hours in a subject in which the individual has at least 18 semester hours in an approved undergraduate program for elementary teachers; or 12 semester hours in a combination of subjects included in the public school curriculum;

(3-2) professional development -- six semester hours;

(3-3) resource area -- six semester hours which provide background for the academic specialization area or which extend the individual's preparation in a subject matter field other than the academic specialization . . . .; and

(3-4) elective -- six semester hours in academic specialization, professional development, resource area, or any combination thereof.

(a-c) Area of Specialization

Each elementary certificate identifies the area of specialization in which the individual has completed the minimum requirements.

A following matrix lists the areas of specialization and the requirements for certificates dated after September 1, 1966. The individual must take the minimum number of hours of preparation in the specific areas as indicated in the matrix. Plan I requires that an individual complete a minimum of 18 semester hours, with nine advanced, of courses in the area designated for the field. Plan II requires that an individual complete a minimum of 24 semester hours, with 12 advanced, in an area of course work.

"An applicant for a CVAE cooperative education-coordinator certificate must have:

(1) bachelor's degree;

(2) two years experience as a wage earner in two or more occupations for which training is being offered;

(3) two years teaching experience in a junior high or high school; or other leadership experience and training together with the maturity needed to perform satisfactorily as a teacher coordinator; and

(4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

. . . .

An applicant for a vocational agriculture teacher of CVAE pre-employment laboratory programs must have:

(1) valid provisional certificate with vocational agriculture teaching field;

(2) occupational competence; and

(3) completed a special Agency-sponsored workshop for teachers in the CVAE agriculture-related program.

. . .

"An applicant for a home economics teacher of CVAE must have:

(1) valid provisional certificate with vocational homemaking education teaching field;

(2) completed two three-week CVAE workshops sponsored by the Agency in a designated college or university; and

(3) one or two years teaching experience in the assigned area under emergency teaching permits.

An applicant for the office education CVAE pre-employment laboratory certificate must have:

(1) provisional junior high or high school certificate;

(2) bachelor's degree with a major in a business field with two years recent wage-earning experience in one or more of the occupational areas to be taught; or

(3) experience as a certified teacher in the regular vocational office education program;

(4) high school graduation or equivalent;

(5) five years wage-earning experience in one or more of the occupational areas to be taught; and

(6) completed 12 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

§6203.2

An applicant for a vocational industrial CVAE pre-employment laboratory certificate must have: (1) a bachelor's degree and two years of recent wage-earning experience in one or more of the occupational areas to be taught; or (2) high school graduation or equivalent and five years of recent experience; or (3) experience as a certified teacher in the regular vocational education program and completed 14 semester hours of professional education courses while teaching two years in the assigned areas.

An applicant for vocational industrial education for the handicapped certificate must have: (1) a bachelor's degree and two years of recent wage-earning experience; or (2) high school graduation or equivalent and five years recent wage-earning experience, or (3) experience as a certified teacher in the regular vocational industrial education program or the industrial CVAE program and completed 14 semester hours of professional education courses while teaching 2 years in the assigned areas under emergency teaching permits.

An applicant for an industrial cooperative teacher-coordinator certificate must have: (1) bachelor's degree; (2) three years experience as a wage earner in two or more approved industrial occupations or skilled trades, with one year being full-time continuous employment; (3) two years teaching experience in a secondary school or other leadership experience and training; and (4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

An applicant for the vocational industrial pre-employment laboratory certificate must have: (1) bachelor's degree and three years of recent wage-earning experience in the occupation or skilled trade to be taught; or (2) high school gradua-

tion or equivalent, five years recent wage-earning experience in the occupation or skilled trade to be taught, and completed 14 semester hours of professional education courses while teaching two years on emergency teaching permits.

An applicant for a health occupations cooperative training teacher-coordinator certificate must have: (1) a bachelor's degree, or demonstrated abilities in teaching; (2) recognized license or certificate as a professional practitioner in one or more health occupations; (3) two years recent successful employment experience in a licensed hospital or other health agency; and (4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

An applicant for a health occupations pre-employment laboratory certificate must have: (1) a bachelor's degree, or demonstrated abilities in teaching; (2) recognized license or certificate as a professional practitioner in one or more health occupations; (3) two years recent successful employment experience in a licensed hospital or other health agency; and (4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

An applicant for the distributive education certificate who is not a graduate of a teacher preparation degree program must have: (1) a bachelor's degree; (2) two years of approvable and successful wage-earning experience in the distributive occupations; (3) completed Agency-sponsored inservice orientation course for beginning distributive education; and (4) completed deficient professional educational courses.

All-level certificates are issued in the subject areas of art, health and physical education, music, and speech/drama for individuals teaching only these subjects in Grades 1-12. An applicant must have a bachelor's degree including the following areas: (a) academic foundations--approximately 60 semester hours in English, American history, Texas and federal constitutions (government), mathematics, science, and foreign language; (2) academic specialization; and (3) professional development.

An applicant for a speech and hearing therapy certificate must, under the requirements for the provisional

all-level exceptional children certificate procedure, have a bachelor's degree with the same requirements as above, with academic specialization in speech and hearing courses.

An applicant for a deaf and/or severely hard of hearing certificate must have a bachelor's degree, as specified above, with academic specialization courses in teaching the deaf or severely hard of hearing.

The requirements that an applicant must have for the professional all-level certificate are: (1) provisional all-level certificate; (2) three years teaching experience; and (3) 30 semester hours graduate work, which shall include (a) specialization area--12 semester hours of graduate courses in the academic specialization area in which the individual completed the program for all-level certification, (b) professional development area--six semester hours of graduate courses, (c) resource area--six semester hours in courses which provide background for the academic specialization area or which extend the individual's preparation in a subject matter field other than the specialization, and (d) teaching experience; and (3) completed a 30-hour graduate program in supervision.

An applicant for a professional special education supervisor certificate must have: (1) provisional certificate with endorsement or specialization in special education; (2) master's degree in the field of education or a related field; (3) valid Texas supervisor or administrator certificate and (4) three years teaching experience. A person who was assigned full-time responsibility for the supervision of school district special education programs for three successive years prior to school year 1971-72 may qualify for certification as special education supervisor if the applicant has a master's degree and either a valid Texas special education certificate and/or a valid Texas administrator or supervisor certificate.

An applicant for a vocational supervisor and assistant administrator certificate must have: (1) bachelor's degree; (2) valid teacher certificate consist with the level of the teachers or programs in the supervisory assignment; (3) three years public school teaching experience in an approved voca-

tional education program; and (4) 30 semester hours in an approved program that includes 18 semester hours in approved vocational supervision courses and 12 semester hours in general supervision or courses designed to support the supervisory role.

An applicant for a professional counselor certificate must have: (1) a valid teacher certificate; (2) three years teaching experience; and (3) completed a 30 hour graduate program in counseling, which includes (a) three semester hours in the guidance program, (b) six semester hours in pupil services, and (c) 21 semester hours in the resource area--courses in educational and occupational information testing, guidance, techniques, and supervised practicum.

An applicant for a special education counselor certificate must have: (1) a valid professional counselor certificate and (2) six semester hours in special education.

An applicant for a vocational education counselor certificate must have: (1) a valid professional counselor certificate; (2) 12 semester hours of specified vocational guidance courses; and (3) three years experience, in an occupation or occupations for which vocational education is being conducted in the Texas public secondary schools.

An applicant for a professional supervisor certificate must have: (1) a valid teacher certificate; (2) three years teaching experience; and (3) completed a 30 hour graduate program in supervision.

A person having a master's degree and approved on an emergency basis prior to September 1, 1974, will be required to complete only the 18 semester hours of approved courses for the vocational supervisor. All persons approved after September 1, 1974, will be required to complete the full 30 semester-hour program to qualify for the Professional Vocational Supervisor Certificate.

An applicant for a professional reading specialist certificate must have: (1) a valid elementary, junior high or high school certificate; (2) three years of classroom teaching experience; (3) master's degree; and (4) 24 semester hours in a graduate program which includes (a) 12 semester hours in reading, (b) six semester hours in the resource area, and (c)

six semester hours in professional education.

An applicant for a professional visiting teacher certificate must have: (1) a valid teacher certificate; (2) three years teaching experience in public schools or in an approved social welfare agency; (3) 36 semester hour graduate program which includes three semester hours in professional education, 21 semester hours in specialization area, and 12 semester hours in the resource area. Personnel who have been assigned full-time responsibility as special education visiting teachers in school programs for the three years immediately preceding the school year 1971- may qualify for the special education visiting teacher certification if they have a bachelor's degree; a valid certificate; and verification of their employment.

An applicant for a special education visiting teacher certificate must have: (1) a valid professional visiting teacher certificate; and (2) six semester hours in special education.

NURSE

An applicant for a provisional school nurse certificate must have: (1) a bachelor's degree; (2) current registration with Texas State Board of Nurse Examiners; (3) satisfactory completion of course or certification examination in federal and Texas constitution; and (4) satisfactory completion of six semester hours in American history. An individual who has a current registration with Texas State Board of Nurse Examiners and has satisfactorily completed the course or certification examination in federal and Texas constitutions may receive a provisional school nurse certificate or may be employed in a school district as a school nurse without a provisional certificate.

An applicant for a Professional all-level Learning Resources Specialist must have: (1) a bachelor's degree from an accredited institution; (2) valid teacher's certificate; (3) basic understanding of multi-cultural and multi-ethnic elements in society; (4) a recommendation from an accredited institution; and (5) completed an approved program of not less than 36 semester hours of which 27 semester hours shall be graduate level; the program shall include a 21 semester hour specialization

area of which 3 semester hours shall be a practicum, or 21 semester hours and one year of experience as a full-time public school librarian.

PSYCHOLOGIST

An applicant for a professional school psychologist certificate must have: (1) licensure as a psychologist by the State Board of Examiners of Psychologists; and (2) one of the following: (a) institutional certification as having completed an institutional major in school psychology; and one year of experience in the schools rendering psychological services acceptable to the superintendent; or (b) Texas Teaching Certificate and one year of experience in the schools rendering psychological services acceptable to the superintendent; or (c) three years of elementary and/or secondary school teaching experience in a state other than Texas; and one year of experience in the schools rendering psychological services acceptable to the superintendent; or (d) 12 semester hours of course work in education, and one year of experience in the schools rendering psychological services acceptable to the superintendent.

Intermediate certification, valid for one year subject to one year renewal, is available to applicants who have: (1) institutional certification as having completed an institutional major in school psychology; or (2) licensed by Texas State Board of Examiners of Psychologists and instructional certification as having completed a doctoral degree in a program the content of which is primarily psychological in nature; or (3) eligibility to take the examination for licensing as a Psychologist and one of the following: a Texas teaching certificate, three years of elementary and/or secondary school teaching experience in a state other than Texas, or 12 semester hours of course work in education rendering psychological services acceptable to the superintendent.

An applicant for a professional associate school psychologist certificate must have: licensure by the State Board of Examiners of Psychologists as a psychological associate and one of the following: (1) institutional certification as having completed an institutional major in school psychology, and one year of experience in the schools rendering psychological

services acceptable to the superintendent; (2) Texas teaching certificate and one year of experience in the schools; (3) three years of elementary and/or secondary teaching experience in a state other than Texas, and one year of experience in the schools; or (4) 12 semester hours of course work in education and one year of experience in the schools rendering psychological services acceptable to the superintendent.

Intermediate certificate, valid for one year subject to one year renewal, is available for applicants who have: (1) either institutional certification as having completed an institutional major in school psychology, or institutional certification as having completed a master's degree in a program the content of which is primarily psychological in nature in an accredited university or college and recommendation by the institution; and (2) a Texas teaching certificate; or three years of elementary any/or secondary school teaching experience in a state other than Texas; or 12 semester hours of course work in education and one year of experience in the schools rendering psychological services acceptable to the superintendent.

An applicant for a professional educational diagnostician certificate must have: (1) provisional teacher certificate; (2) three years of teaching experience; (3) a master's degree; and (4) completion of a program, of which 18 semester hours must be graduate courses.

An applicant for the professional school administrator certificate must have: (1) a valid teacher certificate; (2) a master's degree; (3) a minimum of two years creditable classroom teacher experience; and (4) completed a 45 semester hour program that includes an approved administrative internship experience and specialized school administrator preparation courses.

The professional school superintendent certificate requires preparation in addition to the requirements for the professional school mid-management administrator certificate. The applicant must have: (1) completed all requirements for the professional school administrator certificate; and (2) completed 15 additional semester hours of

graduate courses open only to graduate students in areas of competency designed for the position of superintendent.

Temporary administrator certificates are available for the following positions: assistant principal, principal; and superintendent. These are valid for five years and are nonrenewable. Appropriate temporary certificates are issued upon the recommendation of a college/university to a person meeting the following requirements. An applicant for a temporary principal or assistant principal certificate must have (1) a master's degree for principal or a bachelor's degree for assistant principal; (2) a valid teacher certificate; (3) two years of creditable classroom teaching experience; (4) a minimum of 12 graduate semester hours of the common core required for the professional administrator certificate; and (4) admission to the professional administrator program of the recommending institution. An applicant for a temporary superintendent certificate must have (1) a professional mid-managment administrator certificate; and (2) admission to the professional superintendent preparation program of the recommending institution.

Professional certificates for school administrators require 60 semester hours beyond the bachelor's degree and are for the assignments of elementary, principal, junior high school principal, high school principal, and superintendent. An applicant must have: (1) professional teacher certificate; (2) master's degree; (3) three years of successful teaching experience in an approved school: and (4) 60 semester hours beyond the bachelor's degree.

Temporary administrator certificates are available for the assignments of elementary principal, junior high school principal, high school principal, and superintendent upon the recommendation of a college/university. These are valid until the termination date of the program and are nonrenewable. The applicant must have: (1) completed an approved professional teacher certificate program or completed an approved language and/or learning disabilities; and (5) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

Persons who have two years teaching experience in

approved LLD development programs or approved Comprehensive Special Education for Exceptional Children Program LLD component, for school years 1970-71, 1971-72, 1972-73 only and 12 hours as part of staff development may be eligible for the LLD endorsement.

Persons who have three years teaching experience in a special education program for the minimally brain injured prior to September 1, 1973, and a physically handicapped endorsement may be eligible for the LLD endorsement.

An applicant for an emotionally disturbed endorsement must have: (1) three semester hours in a survey course in education for exceptional children; (2) nine semester hours directly related to teaching the emotionally disturbed; and (3) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

An applicant for a deficient vision endorsement must have: (1) three semester hours in a survey course in education for exceptional children, (2) 12 semester hours directly related to teaching the partially sighted or blind; (3) ability to read, write and to teach Braille; and (4) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

An applicant for a physically handicapped endorsement must have: (1) three semester hours in a survey course in education for exceptional children; and (2) nine semester hours directly related to teaching the orthopedically handicapped.

An applicant for a driver education endorsement must have: (1) a valid Texas driver's license; (2) completed six semester hour plan in safety and driver education; and (3) verification of a driving record where the Department of Public Safety has taken no corrective action for 12 months prior to application.

A person who held a valid Texas Provisional Elementary Certificate prior to September 1, 1970, and had one year or more teaching experience in a kindergarten, Head Start, preschool, or ESEA Title I program for five-year old children in an accredited school between

September 1, 1965, and September 1, 1970, is eligible for a kindergarten endorsement.

Individuals employed in pre-kindergarten or early childhood assignment must hold the kindergarten endorsement (not the early childhood or exceptional children endorsement).

An applicant for a mentally retarded endorsement must have: (1) three semester hours in a survey course in education for exceptional children; (2) nine semester hours directly related to teaching the mentally retarded; and (3) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

An applicant for a language disabilities endorsement must have: (1) three semester hours in a survey course in education for exceptional children; (2) three semester hours in human development; (3) three semester hours in learning theory; (4) nine semester hours directly related to teaching professional principal, supervisor, or counselor certificate program prior to September 1, 1966; (2) a master's degree; and (3) taught a minimum of three years in an accredited school.

Endorsements to Texas Teacher Certificates are available in the areas of kindergarten, special education, driver education, early childhood for exceptional children, and bilingual education.

The endorsements are issued to applicants who hold a valid appropriate Texas Teacher Certificate, and fulfilled requirements for endorsement in a program in an approved Texas institution.

Endorsements may be added to existing certificates by fulfilling the requirements for the endorsement desired. Eligiblity for a particular endorsement is based on the type of certificate held.

An applicant for a kindergarten endorsement must have one of the following: (1) nine semester hours of kindergarten education--advanced level and three semester hours of kindergarten student teaching; or (2) 12 semester hours of kindergarten education and one year full-day or half-day kinder-

garten teaching experience in an accredited school.

§6204

"The Texas Education Agency shall issue certificates to individuals appropriate to their professional preparation and pursuant to law and procedures established by the Commissioner of Education."

§6204

The Commissioner of Education issues certificates to those individuals who qualify and meet all requirements. The certificate identifies the holder, the class, the level, and the teaching field or endorsement for which the individual is certified.

§6206

EMERGENCY PERMIT

"Emergency Teaching Permits and Permits for Special Assignment, valid for not more than one scholastic year, may be issued in accordance with [the] applicable law under requirements and procedures adopted by the State Board of Education upon recommendations of the Commissioner of Education."

§6206

The requirements and procedures for the issuance of Emergency Teaching Permits and Permits for Special Assignment are as follows.

When a superintendent of a school district is unable to secure an individal fully certified to fill a position vacancy in his system, he may apply for an Emergency Teaching Permit for an uncertified person to fill that position.

An Emergency Teaching Permit is valid only for the remainder of the scholastic year during which it is issued and only in the school system through which the application for the permit was made.

The individual for whom an Emergency Teaching Permit is requested must be (1) a citizen of the United States or be in the process of becoming a naturalized citizen, (2) be at least eighteen years of age, (3) of good moral character, and

able to speak and understand the English language sufficiently to use it easily and readily in conversation and teaching.

The individual for whom the initial Emergency Teaching Permit is requested must: (1) hold a standard bachelor's degree from an accredited institution of higher learning, and (2) if the permit requested is for teaching at the secondary level, have the minimum qualifications of one teaching field; (3) if the permit requested is for teaching at the elementary level, have the minimum of 12 semester hours specifically designated as elementary education; and (4) be able to complete all requirements for certification within a three-scholastic-year period from the date of issuance of the initial permit.

The superintendent of schools is authorized to renew Emergency Teaching Permits a maximum of two consecutive times.

A kindergarten teacher for whom an initial Emergency Teaching Permit is requested must hold one of the following valid permanent certificates: elementary; all level (art, music, physical education); librarian; vocational homemaking; deaf/severely hard of hearing; speech/hearing therapy; or other special education.

Once a school system has secured an initial permit for a kindergarten teacher for the given position, the superintendent may request the further allowable permits for the individual in keeping with the requirements for initial permits. The individual holding one of the valid permanent certificates listed above must have completed a minimum of six semester hours of kindergarten education in an approved program or kindergarten education and his [her] permit must not have been renewed more than one time.

Initial permits are available for vocational homemaking teachers who hold a bachelor's degree in home economics from an accredited institution of higher education

but who have not earned certification by completion of an approved bachelor's degree program. For such a permit to be issued, the individual must: (1) contact a Texas college or university approved by the State Board of Education to prepare vocational homemaking teachers and request recommendation for an Emergency Teaching Permit; and (2) develop a plan for meeting the requirements for a vocational homemaking education certificate with the college or university. As many as two renewals of the Emergency Teaching Permit may be granted provided the vocational homemaking teacher has completed a minimum of six semester hours of the requried college or university credits prior to each renewal. All requirements for the certificate must be met within the three-year period.

Vocational Teachers of home economics pre-employment laboratory programs who have been approved by the Department of Occupational Education and Technology may earn certification other than by completion of an approved bachelor's degree program. Procedures for obtaining emergency permits for these teachers are the same as those for all other vocational teachers earning certification without completion of an aproved bachelor's degree program.

To obtain an initial Emergency Teaching Permit for other vocational personnel, a Statement of Qualifications is submitted to the appropriate Texas Education Agency program director of the vocational field for which the applicant is seeking approval for review. The applicant is notified of the results of the review and, if approvable, any additional requirements necessary for permanent certification.

The initial Emergency Teaching Permit is issued only upon the recommendation of the Texas Education Agency Division Director of Public School Occupational Programs.

Attached to the recommendation are any additional requirements that must be met if an individual has been given conditioned approval.

Applicants for renewals of Emergency Teaching Permits are reviewed and recommended by the Director of Public School Occupational Programs.

When a superintendent of a school district is unable to secure an individual fully certified to fill a certain special assignment position vacancy in his system, he may apply for a Permit for Special Assignment for an uncertified person to fill that position.

The Permit for Special Assignment is valid only for the remainder of the scholastic year during which it is issued, only in the school system through which the application for the permit is made, and only for the specific assignment for which the permit was requested.

The individual for whom a special assignment permit is requested must be: (1) a citizen of the United States or be in process of becoming a naturalized citizen; (2) at least eighteen years of age; (3) of good moral character; and (4) able to speak and understand the English language sufficiently to use it easily and readily in conversation and teaching.

The individual for whom an initial Permit for Special Assignment for a supervisor of instruction, general is requested must: (1) hold a valid Texas Teacher certificate; (2) have served for three years as a classroom teacher; (3) have completed at least 30 semester hours of graduate credit; and (4) present a college deficiency plan giving evidence that the deficiencies for the area of supervision can be completed within a two-year period.

One further permit may be requested provided the individual has completed a minimum of six semester hours of

requirements for the certificate and all requirements for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for Vocational Supervisor is requested must: (1) possess a bachelor's degree from an accredited institution of higher education; (2) possess a valid Texas Teacher Certificate appropriate for the grade level of the teachers or programs consistent with his supervisory assignment; (3) have had at least three years of successful public school teaching experience in an approved vocational education program preparing students for gainful employment; and (4) be employed by a public school district.

One further permit may be requested provided that the individual has functioned a full year as an approved vocational supervisor in an allocated unit and has completed a minimum of six semester hours of specified course work.

Emergency Teaching Permits are issued when requested for personnel who teach ROTC and who meet the requirements of the Reserve Officers Training Corp.

Renewals are made by submitted letters to the Division of Teacher Certification stating that the individual will again be assigned to instruct ROTC.

Individuals who hold high school certificates may teach departmental sixth grade in their teaching fields. A renewal is made by submitting a letter stating that the individual will again be assigned to teach in the sixth grade.

Individuals with high school certificates may teach departmentalized sixth grade in their major fields on emergency teaching permits. The initial permit is requested from the Texas Education Agency. Thereafter, for an individual to continue teaching in this assignment, the superintendent should send the Texas Education Agency a letter stating the individual's name, social security number, and area of assign-

ment. No permit renewal or additional college work is required.

The individual for whom an initial Permit for Special Assignment for special education supervisor is requested must: (1) have a valid Texas Teacher Certificate; (2) have completed at least 30 semester hours of graduate credit from an accredited institution in the field of education or a related field; (3) have completed three years of successful teaching experience in an approved school; (4) have either a valid special education certificate and six semester hours in supervision and/or administration, or a valid supervisor's or administrator's certificate and six hours in special education; and (5) show evidence that deficiencies for the specific area of specialization can be completed within a two-year period.

Once a school district has secured a Permit for Special Assignment for a special education supervisor, the superintendent of the school district may request one further permit for the individual in keeping with the requirements for initial permits, provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for a counselor general is requested must: (1) hold a valid Texas Teacher Certificate; (2) have a minimum of three years of successful and creditable teaching experience; (3) have completed at least 30 semester hours of graduate credit including graduate preparation in the field of counseling; and (4) present a college deficiency plan giving evidence that the deficiencies for the area of counseling can be completed within a two-year period.

One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all require-

ments for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for vocational counselor is requested must: (1) have a minimum of twelve semester hours of graduate guidance courses from an accredited college or university; (2) possess a bachelor's degree from an accredited institution of higher education; (3) have a combination of three years experience which includes wage-earning experience in an occupation for which vocational education is being conducted and teaching experience in the public schools or have two years of teaching experience in an approved vocational program preparing students for gainful employment; and (4) present a college deficiency plan outlining the total requirements for the counselor's certificate, including the required vocational courses.

One further permit may be requested provided the individual has functioned a full year as a vocational counselor in an allocated vocational counseling unit and has completed a minimum of six semester hours of specified course work.

The individual for whom an initial Permit for Special Assignment for special education counselor is requested must: (1) hold a valid Texas Teacher Certificate; (2) have completed at least 30 semester hours of graduate credit from an accredited institution in the field of education or a related field, including graduate preparation in the field of the special assignment; (3) have completed three years of successful teaching in an approved school; and (4) show evidence that deficiencies for the specified area of specialization can be completed within a two-year period.

One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for a visiting teacher general is requested must: (1) have a bachelor's degree from an accredited college or university; (2) hold a valid Texas Teacher Certificate; (3) have a minimum of three years of successful and creditable teaching experience, or three

years of successful experience in an approved social welfare agency; (4) have completed a minimum of 15 semester hours of course work in the social or behavioral sciences; (5) show evidence that deficiencies for the specific area of specialization can be completed within a two-year period.

One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for special education visiting teacher is requested must: (1) hold a valid Texas Teacher Certificate; (2) have completed at least 30 semester hours of graduate credit from an accredited institution in the field of education or a related field, including graduate preparation in the field of special assignment; (3) have completed three years of successful teaching in an approved school; and (4) show evidence that deficiencies for the specific area of specialization can be completed within a two-year period. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for an educational diagnostician is requested must: (1) hold a valid Texas Teacher Certificate; (2) have completed at least 30 semester hours of graduate credit from an accredited institution in the field of education or a related field, including graduate preparation in the field of the special assignment; (3) have completed three years of successful teaching experience in an approved school; (4) have completed six semester hours in special education; (5) have completed a minimum of six semester graduate hours in tests and measurements; and (6) show evidence that the deficiencies in the area of specialization can be completed within a two-year period. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be

completed within one year.

The individual for whom an initial Permit for Special Assignment for a school psychologist is requested must: (1) have institutional certification as having completed a doctoral degree in a program the content of which is primarily psychological in nature from an accredited university or college and recommendation by the institution; or (2) be licensed by Texas State Board of Examiners of Psychologists.

The individual for whom an initial Permit for Special Assignment for an associate school psychologist is requested (by the School District and renewable once upon request of Superintendent) must have institutional certification as having completed a master's degree in a program the content of which is primarily psychological in nature in an accredited university or college and recommendation by the institution.

The individual for whom an initial Permit for Special Assignment for a teacher of the early childhood program for exceptional children is requested must hold a bachelor's degree from an accredited institution with at least 12 semester hours in the area of special education, elementary education, early childhood education, kindergarten education, nursery school education, or child development. One further permit may be requested provided that the individual has continued in a developmental program of early childhood for exceptional children and has completed a minimum of six semester hours in special education or early childhood education or a combination of the two, or one year of teaching experience.

The individual for whom an initial Permit for Special Assignment for a teacher of the Emotionally Disturbed is requested must: (1) hold a bachelor's degree from an accredited college; (2) hold a valid Texas Teacher Certificate; (3) have completed one year of teaching experience or six semester hours directly related to the emotionally disturbed; (4) have an agreement from his superintendent to make it possible for the teacher to attend the required orientation workshops in working with emotionally disturbed;

and (5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in the emotionally disturbed, showing that all deficiencies can be completed within a two-year period. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the endorsement and all requirements for the endorsement can be completed within one year.

The individual for whom an initial Permit for Special Assignment for a teacher of the physically handicapped (crippled and/or special health problems) is requested must: (1) hold a bachelor's degree from an accredited college; (2) hold a valid Texas Teacher Certificate; (3) have completed one year of teaching experience or six semester hours directly related to the physically handicapped; (4) have an agreement from his superintendent to make it possible for the teacher to attend the required orientation workshops in working with physically handicapped; and (5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in the physically handicapped showing that the deficiencies can be completed within a two-year period. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for a teacher of the mentally retarded is requested must: (1) hold a bachelor's degree from an accredited college; (2) hold a valid Texas Teacher Certificate; (3) have completed one year of teaching experience or six semester hours directly related to the mentally retarded; (4) have an agreement from the superintendent to make it possible for the teacher to attend the required orientation workshops in working with mentally retarded; and (5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in the mentally retarded showing

that the deficiencies can be completed within a two-year period. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the endorsement and all requirements for the endorsement can be completed within one year.

The individual for whom an initial Permit for Special Assignment for a teacher for Language and/or Learning Disabilities is requested must: (1) hold a bachelor's degree from an accredited college; (2) hold a valid Texas Teacher Certificate; (3) have completed one year of teaching experience or six semester hours directly related to the Language and/or Learning Disabilities; (4) have an agreement from the superintendent to make it possible for the teacher to attend the required orientation workshops in working with Language and/or Learning Disabilities; and (5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in the Language and/or Learning Disabilities, showing that all deficiencies can be met within a two-year period. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the endorsement and all requirements for the endorsement can be completed within one year.

A teacher for the homebound or the hospitalized need only be required to hold a valid Texas Teacher Certificate. Only one permit is available in this assignment.

The individual for whom an initial Permit for Special Assignment for a teacher of the Partially Sighted-Deficient Vision is requested must: (1) hold a bachelor's degree from an accredited college; (2) hold a valid Texas Teacher Certificate; (3) have completed one year of teaching experience or six semester hours directly related to the partially sighted; (4) have an agreement from his/her superintendent to make it possible for the teacher to attend the required orientation workshops in working with partially sighted; (5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement for the Partially Sighted-Deficient

Vision and showing that the deficiencies can be completed within a two-year period; and (6) present proof that one or more units for this area are in operation in the school system in which he/she is employed and that this unit or units is staffed with a teacher fully certified in the area. One further permit may be requested provided that the individual has completed a minimum of six semester hours or requirements for the endorsement and all requirements for the endorsement can be completed within one year.

The individual for whom an initial Permit for Special Assignment for a teacher of the Blind is requested must: (1) hold a bachelor's degree from an accredited college; (2) hold a valid Texas Teacher Certificate; (3) have completed one year of teaching experience or six semester hours directly related to the blind; (4) have an agreement from his/her superintendent to make it possible for the teacher to attend the required orientation workshops in working with the blind; (5) present a college plan from an approved college or university outlining the requirements to be completed for securing a Provisional Certificate for a teacher of the blind and showing that the deficiencies can be completed in a two-year period; (6) present proof that one or more units for this area are in operation in the school system in which he/she is employed and that this unit or units are staffed with a teacher fully certified in the area; and (7) present evidence of being able to read and write Braille. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within one year.

The individual for whom an initial Permit for Special Assignment for a teacher of Speech and Hearing Therapy is requested must: (1) hold a bachelor's degree from an accredited college; (2) have completed a major or minor of 24 semester hours in the field of speech; (3) have completed one year of teaching experience or six semester hours directly related to speech and hearing therapy; (4) have an agreement from his superintendent to make it possible

for the teacher to attend the required orientation workshops in working with speech and hearing therapy; (5) present a college plan from an approved college or university outlining the requirements to be completed for securing a Provisional Certificate for Speech and Hearing Therapy, and showing that all deficiencies can be completed within a three-year period; and (6) present evidence that one or more units for this area are in operation in the school system in which he/she is employed and that this unit or units are staffed with a teacher fully certified in the area. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within a two-year period.

The individual for whom an initial Permit for Special Assignment for a teacher of the Deaf and/or Severely Hard of Hearing is requested must: (1) hold a bachelor's degree from an accredited college; (2) have completed one year of teaching experience or six semester hours directly related to the deaf and/or severely hard of hearing; (3) have an agreement from his/her superintendent to make it possible for the teacher to attend the required orientation workshops in working with the deaf and/or severely hard of hearing; (4) present a college plan from an approved college or university outlining the requirements to be completed for securing a Provisional Certificate for the Deaf and/or Severely Hard of Hearing and showing that all deficiencies can be completed within a three-year period; and (5) present evidence that one or more units for this area are operating in the school system in which the teacher is employed and that this unit or units are staffed with a teacher fully certified in the area. One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the certificate and all requirements for the certificate can be completed within a two-year period.

The individual for whom an initial permit for Special Assignment for a teacher of bilingual education is

requested must: (1) hold a bachelor's degree from an accredited college ; (2) hold a valid Texas Teacher Certificate; (3) have participated, prior to beginning duties for the permit year, in an appropriate bilingual teacher training institute provided under law through Texas Education Agency. A special Assignment Permit for bilingual education may be renewed a maximum of three times. To renew the permit which allows a person to continue an assignment in a state required bilingual education program, the individual must annually participate in a bilingual teacher training institute provided under law through the Texas Education Agency.

The individual for whom an initial permit for special assignment for the librarian is requested must: (1) hold a valid Texas Teacher Certificate; (2) have one year of teaching experience; (3) have six semester hours of approved library sicence courses.

The superintendent or his/her designated representative is authorized to activate for members of the staff temporary classroom assignment permits if: (1) an emergency need is evident; and (2) the individual holds a valid Texas junior high, high school, all level, vocational homemaking, or vocational agriculture certificate. Temporary Classroom Assignment Permits apply only to classroom teaching assignments in a departmentalized situation. They may not be used for elementary, special education, librarian, counselor, administrator, supervisor, visiting teacher, or vocational assignments. The superintendent or his/her designated representative may renew a temporary classroom assignment permit one time.

§6207

"The following requirements shall establish eligibility during the certificate transition period.

(1) All persons who hold a valid Texas teaching certificate or who have established eligibility for a certificate or certificate of approval or who are enrolled prior to September 1, 1955, in a college approved for teacher education and preparing for teacher certification

are guaranteed the validity of the teaching certificate they hold or are eligible to receive.

(2) All persons holding permanent Texas teaching certificates or enrolled in a college program leading to permanent certification on September 1, 1955, may upon application be issued one of the new classes of certificates.

(3) The new classes of certificates authorized to be issued during the transition to the 1955 certification law designate on the certificate the areas of specialization corresponding to those specializations authorized by the provisions of the previous certification laws. "

§6207

Any person enrolled prior to September 1, 1955, in an institution of higher learning approved by the State Board of Education for teacher education and in a program of teacher education leading to a bachelor's degree or requirements beyond the bachelor's degree may obtain the kind of certificate or certificate or approval for which such preparation entitled him/her when his/her college program was started. He/she shall be considered as enrolled in a program of teacher education only if (1) the college has one file for him/her a degree plan leading to a teacher certificate, or (2) he/she can otherwise be identified by the institution as a student in progress in a program of teacher education.

A nondegree teacher who, on September 1, 1955, held a valid permanent teacher certificate issued upon prior certification laws of this state and was employed as a teacher in any scholastic year thereafter shall upon application be issued a provisional certificate marked "permanet."

A nondegree teacher who, on September 1, 1955, held a valid temporary certificate issued under the prior certification laws of this state and was employed as a teacher in any scholastic year thereafter shall upon application be issued a Provisional Certificate marked "temporary." Upon expiration the certificate may be revived and continued by complying with the certification laws in effect at the time the temporary certificate was issued. Upon the completion

by holder of the requirements entitling him/her to a permanent certificate, as prescribed in law under which his/her temporary certificate was issued, the Provisional Certificate shall be marked "permanent."

Any teacher holding a bachelor's degree and a valid Texas Teacher Certificate, with five years or more of teaching experience, and who is employed as a teacher in any scholastic year following September 1, 1955, shall upon application be issued a Professional Certificate. A teacher may substitute six semester hours of college credit earned in a college or university approved for teacher education and acquired after the conferring of his/her bachelor's degree, for a year of teaching experience. No more than three years of college credit may be substituted in order to qualify for a Professional Certificate.

Any teacher having a bachelor's degree, who holds a valid Texas Teacher Certificate, but has less than five years of teaching experience and who is employed as a teacher in any scholastic year following September 1, 1955, shall upon application be issued a Provisional Certificate marked "permanent."

Any teacher having a master's degree, who holds a valid Texas Teacher Certificte and was employed as a teacher in any scholastic year following September 1, 1955, shall upon application be issued a Professional Certificate.

Any person who held a valid permanent certificate prior to September 1, 1955, shall, on application, be issued a Professional Certificate.

The new classes of certificates authorized to be issued shall have designated on their face the area of specialization corresponding to those specialization areas authorized under the teacher certificate acquired or now acquirable under the provisions of the previous certification laws.

Any person who, prior to September 1, 1955, established eligibility for a teacher certificate or certificte of approval may obtain the certificate for which he/she is eligible and have it converted to a comparable certificate in the program that became effective September 1, 1955. The individual shall meet the legal requirements for the type of

certificate desired and make application to the Texas Education Agency on the form prescribed by the Agency.

§6208

"For Texas certification a person who holds the bachelor's or [a] [illegible]er degree and a valid teaching certificate from another state shall present the out-of-state certificate and official college transcripts to the Texas State Commissioner of Education for evaluation. In accordance with law, the Commissioner of Education shall issue the out-of-state graduate a valid Texas certificate if the degree and certificate presented [are] considered equivalent to the requirements for a Texas Certificate."

§6208

The Commissioner of Education issues an appropriate Texas Teacher Certificate to a person who holds a valid teaching certificate from another state and desires to teach in Texas. Providing all requirements are met, a Provisional Life Certificate or a Professional Life Certificate may be issued. A Provisional Life Certificate may be issued to individuals holding a regular classroom certificate based upon at least a bachelor's degree in a teacher education program from another state. With regard to content of teacher, academic, or general education, the preparation upon which the certificate from another state is issued is required to be at least equal to the Texas requirement in semester hours, but not necessarily in content or kind. A Professional Life Certificate may be issued to individuals holding a regular certificate based upon a graduate level teacher education program of at least 30 semester hours of study above the bachelor's degree in a teacher education program from another state and an administrator's, supervisor's or other special service endorsement to the professional certificate is issued by Texas when the length of preparation, is at least comparable to that required in Texas.

To be a valid teaching certificate of another state a certificate must: (1) not be a temporary permit or a sub-standard certificate; (2) be based upon at least the

bachelor's degree in a teacher education program; (3) be valid in the issuing state at the time application is made for the Texas certificate; (4) have been issued by the state and not by a city or school district; and (5) have been issued to a holder who was recommended by a college or university accredited by a recognized accrediting agency as an approved teacher training institution, acceptable by the state's recognized accrediting or approval agency for teacher certification purposes.

§6209

"As an exception to the citizenship requirement, (Teacher Certification Requirements, Policy 6203), a Texas certificate may be issued to an alien teacher who has filed a declaration of intent to become a citizen of the United States."

An alien teacher may be granted an Emergency Teaching Permit valid for one school year when reciprocity with a Texas teacher is officially recognized as a part of a foreign exchange teacher program.

An alien teacher to be used specifically in bilingual education programs may be granted an Emergency Teaching Permit valid for one school year when reciprocity is officially recognized as a part of a foreign teacher exchange program. The reciprocity shall not be restricted to a school-to-school exchange but to a foreign country-to-Texas exchange. Specific Texas schools who use alien teachers for bilingual education shall not be required to reciprocate."

§6209

Prior to any exchange of teachers an agreement is made between the Texas Education Agency and a Ministry of Education in a foreign country, or, as in the case with Mexico, with a Secretary of Education from one of its states. The agreement is that there will be reciprocation of exchange of teachers at the request of each of the agencies, and that no requirements be made between two local schools, but between the country or a state in a foreign country and Texas. Texas need not send teachers to

the foreign country if it does not desire to do so, but it does have the permission to do so if the opportunities arise.

All the programs using exchange teachers are evaluated by Texas Education Agency staff. Exchange teachers and local administrators are required to submit a report of the year's activities.

§6210

"A certificate to teach the deaf or the blind shall be issued, upon application and payment of fee, to a person who is 18 years of age and who has completed the preparation program prescribed for the type of handicapped children he [she] is being certified to teach. Any teacher, who prior to 1935, had five years of teaching experience of particular types of handicapped children in the School for the Deaf or the School for the Blind, shall be issued the permanent Provisional Certificate."

§6210

Applicants for a Provisional Certificate to teach the deaf or the blind must: (1) complete a degree and a four-year course of study in an accredited college, professional or technical school or a university or college approved for teacher education; (2) be at least 18 years of age; (3) make application with official college transcripts attached; and (4) pay a two dollar fee.

A person who desires to teach industrial and special subjects, in lieu of a degree and a four-year college program, may substitute four years of trade or professional experience or successful teaching experience. The Provisional Certificate issued for these industrial and special subjects shall authorize the holder to teach only such subjects in the Texas School for the Deaf or the Texas School for the Blind.

Any teacher, who prior to 1955 had five years of successful teaching experience of particular types of handicapped children or of industrial and special subjects in the School for the Deaf or the School for the Blind, shall be granted a Provisional Certificate for teaching the deaf or blind handicapped child.

Any person now holding a valid teacher certificate or who may hereafter be granted a certificate may be considered qualified to teach in the Texas School for the Deaf or the Texas School for the Blind.

§6211

"A person who desires to teach in a public school in Texas must present his[her] certificate for recording or filing to the superintendent of the employing school district or county superintendent. The certificate must be presented for record before a contract with the board of trustees of the district is binding.

Any staff member who is required to be certificated and who does not hold a valid certificate or emergency permit shall not be paid for teaching or work done before the effective date of issuance of a valid certificate or permit."

CROSS REFERENCES

I.Board of Examiners for Teacher Education; Regulation §6102.2

I.Special Advisory Committees on Teacher Education; Regulation §6102.2.3

II.A.2.; Statute §11.09

II.A.2.; Regulation §3574

II.A.3.; Statute §31.31--31.37

II.A.4.; Statute §11.17

III.A.1.; Regulation §3712--3713

III.C.Teachers; Regulation §6212

TEACHERS' PROFESSIONAL PRACTICES COMMISSION

STATUTES

§13.203 - 13.204

The Teachers' Professional Practices Commission shall consist of fifteen members selected from the following groups:

"3 elementary classroom teachers
3 secondary classroom teachers
2 counselors
1 elementary principal
1 secondary principal

1 supervisor

1 superintendent (1000 or more teachers)

1 superintendent (fewer than 1000 teachers)

1 junior college teacher

1 senior college teacher (engaged in teacher education").

"To be eligible for membership on the commission, a person must be actively engaged in teaching, fully certified for the position he[she] holds, and must have at least five years teaching experience in Texas, including the two years immediately preceding nomination and appointment."

TRUSTEES

CROSS REFERENCE

III.B.County School Trustees; Statute §17.05--17.06

C. PERFORMANCE STANDARDS

BOARD OF TRUSTEES

REGULATIONS

§6301

"Any board of trustees or professional educator charged with violation of professional assurances, policies, or laws has hearing and appeal privileges.

HEARING

APPEAL

"The Commissioner of Education reviews any proven violation. . .and exercises his authority to cancel the certificate of any person failing to administer the schools in accordance with the laws."

COMMISSIONER

CROSS REFERENCE

I.State Board of Education; Statutes §11.24; 11.25

CROSS REFERENCE

III.C.School Personnel; Statute §4.03

EDUCATION PROGRAMS

§2307.1 - .3

"The board of trustees of a school district shall adopt a budget to provide an adequate educational program . . . ."

"The fiscal operations of various classes of districts shall be in accordance with applicable statutes . . . ." The classes involved are school districts considered:

1) common;
2) municipal;
3) independent; and
4) rural.

§3211.1

"The educational program in each school district shall be the responsibility of the local board of trustees . . . each school district shall provide a comprehensive instructional program for all pupils . . . developed to achieve . . . the goals for public school education."

§3211.2

"The criteria which shall be used for establishing and maintaining a comprehensive educational program are as follows:"

1) that it progress toward the goals for public school education; and

2) that it meet or exceed the principles and standards of policy.

§3221

"General education shall be established on the principle that education is for all eligible pupils . . . (and) shall be part of comprehensive instruction." It shall also "be the core of the curriculum" and will

"include educational activities and experiences designed to help each student to develop . . . to the maximum . . . capacity and to learn behavior patterns . . . ."

HIGH SCHOOL DIPLOMA RECIPIENTS

REGULATIONS

§3544

TESTING

"The Assistant Commissioner for Teacher Education and Instructional Services is the designated State Administrator of the General Educational Development (GED) testing program.

Official testing centers are established by annual contract at an accredited high school or institution of higher learning upon authorization of the State Department of Education. An institution deisring to provide the GED testing service to citizens in its community requests authorization to do so from the State Department of Education. The appropriate official of the State Department of Education, in writing, informs the American Council on Education that the establishment of an official agency is authorized at that particular institution. Upon receipt of the letter of authorization, the center will be sent four copies of the annual contract, together with order forms and other material relating to the operation of the testing center. The contract forms must be signed by the chief administrative officer of the school. It is his[her] responsibility to designate a certificated counselor to serve as chief examiner.

The official testing center sends to the State Department of Education a report to include a list of names of individuals with satisfactory scores and with verification of date of birth. Following review and approval by the State Department of Education the certificates are issued directly to the client. A file is maintained in the State Department of Education for all issued certificates. No fee is assessed for issuance or reissuance if lost."

LOCAL SUPERINTENDENT

CROSS REFERENCE

II.A.1.; Statute §4.15

PUBLIC SCHOOLS

CONSTITUTION

Art. VII, § 1

"A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools."

STATUTES

§ 2.01

"The objective of state support and maintenance of a system of public education is education for citizenship and is grounded upon conviction that a general diffusion of knowledge is essential for the welfare of Texas and for the preservation of the liberties and rights of citizens."

§16.001

"It is the policy of this state that each student enrolled in the public school system shall have access to programs and services that are appropriate to his[her] educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors."

§16.002

"The purpose of the Foundation School Program . . . is to guarantee that each school district in the state has adequate resources to provide each eligible student a basic instructional program suitable to his[her] educational needs."

§1107

"The State Board of Education commits itself to the belief that schools are responsible for ensuring that students of a particular race, sex, national origin, or primary home language are not denied the opportunity to obtain the education generally obtained by other students in the system."

EQUAL OPPORTUNITY

The policy goes further to affirm that "school districts should exercise particular care in the referral, assignment, or placement of students to a variety of special programs -- including special education, migrant, bilingual, gifted and talented, and vocational programs . . ."

§3101

This series concerns itself with goals for public school education, and the adoption of such goals. Under this the associate commissioner for planning and evaluation through the involvement of local school district personnel, service center staff "prepares recommended goal statements for submission to the State Board of Education." He/she also prepares recommended priorities for submission to the State Board of Education.

"The Division of Dissemination is responsible for disseminating current goals and priorities."

§3101.1

"The public schools should help each student to develop personal knowledge, skills, and competence to maximum capacity, and to learn behavior patterns which will make each a responsible member of society. In terms of their individual ability, all students should achieve:"

1) intellectual discipline;

2) economic and occupational competence

3) citizenship and political understanding and competence;

4) physical and environmental health, ecological balance, and safety;

5) appreciation of culture, language, and life style diversities and their corresponding aesthetic values;

6) competence in personal and social relations;

7) use of leisure time.

§3101.2

"The Public School System of Texas should be organized and operated so that the public, faculty, and students will accept and support its objectives and processes."

a) The learning process should take into consideration the personal goals of every student;

b) Professional faculty members should be consulted in the decision making process;

c) The personnel program of recognition and rewards should be designed to attract and retain highly competent people;

d) The educational system should be organized and conducted as to achieve the maximum cost-benefit results.

§3102-3103

". . . the State Board of Education shall adopt goals for public school education in Texas."

"The State Board of Education shall specify priority areas designed to achieve the goals for public school education in Texas which will serve as the basis for intensive short-term development by the staffs of the agency. These priorities shall give direction to the development of the Texas Education Agency's annual operating plan/budget and . . . biennial budget, as well as for the Board's recommendations to the Texas Legislature. These priorities shall be reviewed and specified by the Board at its February meeting of every even-numbered year."

§3104

"The public of Texas shall be kept informed of the goals for public school education adopted and the priorities specified by the State Board of Education. Printed copies . . . shall be distributed to all school districts and to other parties concerned with public education."

§3721

"The public school education program of Texas shall be based upon a system of planning that includes

(1) Goals for Public School Education in Texas;

(2) needs assessment to determine the progress being made by pupils toward these goals;

(3) educational objectives for pupil growth and for improved instruction;

(4) program designed to achieve these objectives; and

(5) evaluation of both pupil objectives and instructional programs.

This system of planning and evaluation will be implemented to every extent possible as applied to the Texas Education Agency, school districts, and education service centers."

§4101; 4102; 4103.1.1-.0

"Each student enrolled in the public school system shall have access to programs and services appropriate to his/her educational needs and that shall be substantially equal to those available to any similar student . . . . .

EQUAL OPPORTUNITY

"The implementation of the Foundation School Program shall guarantee that each school district in Texas shall have resources to provide each eligible student a basic instructional program suitable to his/her educational needs."

§6301

"The professional environment in the public schools of Texas shall provide a climate of freedom, with responsibility, for students to learn and teachers to

teach; and shall ensure responsibility and responsiveness between the employer and the school district. This environment shall be consistent with the basic purpose of education . . . ."

School Employees

Statutes

§ 4.02

"Any person who shall confiscate, misappropriate, or convert money appropriated to the Foundation School Fund. . .after such money is received by the school district. . .or [a]ny person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record, form, report, or budget required [under the Foundation School Program] in any attempt to defraud the state or its school system as a result of such act, shall be guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary for not less than one year nor more than five years." The commissioner of education shall correct any error in the records, forms, reports, or budgets and adjust the payment of Foundation School funds to assure any school district the amount to which it is entitled.

Any person, including any county superintendent or ex officio county superintendent, school bus driver, school trustee, or any district superintendent, principal or other administrative personnel or teacher or its treasurer or proper disbursing officer, who violates any provision of Chapter 16 not already mentioned, shall be guilty of a misdemeanor and shall be fined not less than $100, nor more than $1000.

If any person shall knowingly submit incorrect information to the Central Education Agency. . .such offense shall constitute a felony, and any person upon conviction shall be punished by confinement in the state penitentiary for not less than two or more than

five years."

§ 4.03

Persons committing the following acts shall be guilty of a misdemeanor and upon conviction shall be fined not less than $25 nor more than $100: (a) failure to comply with duties with regard to the preparation or the following of a county school budget or independent school district budget; (b) violation of any provision of §§ 17.56 or 23.42; (c) any county superintendent or trustee of an indpendent school district approving any expenditure of school funds in excess of the item or items appropriated in the adopted budget or amended budget.

§ 4.05

"Any employee. . .who may be responsible for the payment of the salary of any. . .school officer or any teacher, librarian, assessor, or. . .[treasurer]. . . after notice by the commissioner of education that the person has failed to comply with the provisions of § 21.254. . .shall be guilty of a misdemeanor and upon conviction shall be fined not less than $50 nor more than $500."

§13.108

Superintendents, principals supervisors and other persons employed in any administrative position for which certification is required, may seek and be granted, a continuing contract to serve as a teacher. His[her] period of service in such other capacity shall be used to compute the probationary period necessary for the attainment of continuing contract status.

§ 21.912

"The board of trustees of each school district ... shall adopt policies specifying the duties of each of its professional positions of employment." Said employee shall not be liable for acts which involve the "exercise of judgment or discretion...."

Public school principals must assume administrative responsibility and instructional leadership, submit recommendations to the superintendant concerning school activities of personnel and perform "any other duties assigned by the superintendent pursuant to school board policy."

Title 100; Ch. 1 Art. 5996a, 5996b, 5996c, 5996f

"No officer of this state nor any officer of any ... school district ... shall appoint, or vote for, or confirm the appointment to any office ... any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting."

"Whoever violates any provision ... (of these) articles shall be guilty of a misdemeanor involving official misconduct."

Title 110A; Ch. 1 Art. 6252-2

"All public officers of the state, counties, cities and school districts who are required by law to publish legal notices of financial statements and who shall fail ... shall be subject to removal from office."

CROSS REFERENCES

I.District Board of Trustees; Statute §22.08

I.State Board of Education; Regulation §9201-9206

III.A.1.; Regulation §2306.6--2306.9

IV.K; Statute Title 110A, Ch. 1. Art. 6252-17

STATE BOARD OF EDUCATION

REGULATIONS

§9101.8

"The Texas Board of Education . . . shall maintain membership in the National Association of State Boards of Education . . . ."

"In performance of their official duties, members of the State Board . . . shall observe and abide by:

(1) the standards of conduct as set forth in the code of ethics for state offices; and (2) other applicable statutes relating to conduct.

Prior to each State Board of Education meeting copies of the Preliminary Agenda shall be sent by the recording secretary to the Capitol Press Corps; Governor's Office; Secretary of State; Legislative Budget Board; Coordinating Board, Texas College and University System; and state offices of professional education organizations.

A press table shall be provided at meetings of the State Board of Education and press representatives supplied with copies of the Official Agenda for the meeting and other materials relating to specific Agenda items.

PRESS RELATIONS

The State Board of Education shall seek to maintain open relations with the Press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

Members of the State Board of Education shall avoid implications that their individual opinion represents the opinion or action of the Board."

CROSS REFERENCE

I.State Board of Education; Statute §1201--1203

STUDENTS

STATUTES

§11.35

"The State Board . . . shall provide for the administration of high school equivalency examinations. Any person over the age of 17 who does not have a high school diploma may take the examination in accordance with the rules and regulations promulgated by the board."

HIGH SCHOOL EQUIVALENCY EXAMINATION

CROSS REFERENCES

II.A.1.; Regulation §3223

II.A.3.; Statute §27.03--27.06

III.C.Public Schools; Regulation §3101.1

STUDENTS, ADULT EDUCATION

CROSS REFERENCE

II.A.8.; Regulation §3541--3544

SUPERINTENDENT, SCHOOL FOR THE BLIND

CROSS REFERENCE

III.B.Superintendent, School for the Blind; Statute §11.07

SUPERINTENDENT, SCHOOL FOR THE DEAF

CROSS REFERENCE

III.B.Superintendent, School for the Deaf; Statute §11.04

TEACHERS

STATUTES

§13.046

A teacher's certificate may be cancelled by the state commissioner of education under any of the following circumstances:

CANCELLATION

"1) on satisfactory evidence that the holder is conducting his[her] school or his[her] teaching activities in violation of the laws of this state;

EVIDENCE

2) on satisfactory evidence that the holder is a person unworthy to instruct the youth of this state; or

3) on complaint . . . that the holder . . . has without good cause and without the consent of the trustees abandoned . . .[his/her] . . . contract."

NOTICE

HEARING

Before such cancellation the holder "shall be notified and shall have an opportunity to be heard." The holder may appeal to the State Board any adverse decision by the Commissioner.

The state commissioner "shall have the authority, upon the presentation of satisfactory evidence, to reinstate any teacher's certificate cancelled" under this section. The applicant has the right to appeal to the State Board any denial of the commissioner as to reinstatement.

§13.102

Teachers to be employed for the first time or who have not been employed for three consecutive school years "shall be employed under a probationary contract." No such contract shall extend beyond the third consecutive school year of such teacher's employment "unless the board of trustees determines and recites" its doubt as to whether such teacher should be awarded a continuing contract. In such case the contract may be extended one additional year, at the end of which the teacher shall be either awarded a continuing contract or have his/her employment terminated.

§13.103

TERMINATION

Local boards of trustees "may terminate the employment of any teacher holding a probationary contract . . . if in their judgment the best interests of the school district will be served thereby." Such decision must be communicated to the teacher by April 1 and is effective at the end of that school year. Failure to give such prompt notice of termination shall result in the continued employment of the teachers for the ensuing year. If the teacher has completed his/her three year probationary period, such continued employment shall be under a continuing contract.

§13.104

TERMINATION HEARING

Teachers holding probationary contracts, who are to be terminated, have a right, upon written request, to a hearing before the board of trustees, at which he/she shall be given the reasons for his/her termination. All decisions of the board as a result of such hearing shall be final and non-appealable.

APPEAL

§13.106

Teachers employed under a probationary contract for three consecutive years and those permitted a fourth year shall be accepted for a continuing contract after decision by the board. The local board of trustees shall notify the teacher of his/her status in writing, and such teacher shall, within thirty days, notify the board of his/her acceptance of such status in writing. Failure to so accept within the specified time period, "shall be considered a refusal."

§13.107

Teachers employed under a continuing contract "shall be entitled to continue in his[her] position. . . without the necessity for annual nomination or reappointment" unless the teacher

1) resigns or retires;

"2) is released from employment . . . because of necessary reduction of personnel";

"3) is discharged for lawful cause;"

4) is dismissed under §13.110;

5) is returned to probationary status as authorized by §13.110.

§13.109 - 110

DISCHARGE

Any teacher may be discharged during the school year for "cause". Lawful "cause" for discharge shall be

"1) immorality;

2) conviction of any felony or other crime involving moral turpitude;

3) drunkenness;

4) repeated failure to comply with official directives and established school board policy;

5) physical or mental incapacity preventing performance of the contract; and

6) repeated and continuous neglect of duties."

"Any teacher employed under a continuing contract may be released at the end of the school year. . . or may be returned to probationary contract employment" for up to three years for any of the above stated reasons or for:

"1) inefficiency or incompetency in performance of duties;"

2) failure to comply with reasonable requirements for "professional improvement and growth;

3) wilful failure to pay debts;

4) habitual use of addictive drugs or hallucinogens;

5) excessive use of alcoholic beverages;

6) necessary reduction of personnel by the school district" (in reverse order of seniority in the specific teaching fields)

7) for good cause as determined by the local school board" i.e., failure to meet generally recognized standards of professional conduct.

Before any such action may be taken a teacher must be given written notice and a hearing (if requested).

§13.111-112

If the "grounds for the proposed action relate to the inability or failure of the teacher to perform his[her] assigned duties, the action shall be based upon the written recommendation by the superintendent of schools." In such case any teacher shall be entitled "as a matter of right" to every evaluation report or written memorandum concerning his[her] fitness or conduct.

Teachers desiring to contest a proposed action shall notify the board within ten days of his[her] receipt of the notice. A public hearing shall be held if the teacher requests it or the board determines it to be "necessary in the public interest."

The board may, for charges of "inefficiency, or inability or failure . . . to perform his[her] assigned

duties," appoint a committee of teachers and administrators to hold a preliminary hearing on the charges. A teacher must request such a hearing.

HEARING

Any hearing held before the Board itself shall be public, unless the teacher requests the contrary.

At the hearing, the teacher "may employ counsel" and "shall have the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence. . . ."

§13.113

A teacher being considered for discharge under §13.109 may be suspended without pay by the board of trustees or the superintendent of schools. In such cases, the hearing "shall not be delayed for more than fifteen days . . . unless by written consent of the teacher."

SUSPENSION

§13.114

Upon notification of proposed action under §13.109, a teacher shall have ten days to request a hearing. After such period, or after such hearing has been held the board "shall take such action and shall enter such order as it deems lawful and appropriate." A teacher who is reinstated shall immediately be paid his[her] back salary. A majority vote of the full board is required before the board may enter any order adverse to the teacher.

HEARING

§13.115

Any teacher dismissed under §13.109 "shall have the right to appeal such action to the commissioner of education" provided notice of such appeal is timely filed. In the alternative, a teacher "may challenge the legality of such action" by bringing a suit in district court.

DISMISSAL
APPEAL

Any teacher with "continuing contract status" who has such status terminated or who is to be dismissed and any probationary teacher who is to be dismissed, may appeal such adverse decision to the commissioner of education.

"Either party to an appeal to the commissioner shall have the right to appeal from his[her] decision to the State Board of Education.

The decision of the State Board . . . shall be

final on all questions of fact," but shall be subject to appeal to the district court, if the decision

"1) is not supported . . . by substantial evidence;"

"2) is arbitrary or capricious;" or

"3) is in error in the application of existing law to the facts of the case."

Decisions of the district court shall be subject to appeal as in all other civil cases.

§13.116

RESIGNATION

Any teacher may, without penalty, relinquish his[her] position by filing with the board of trustees, his[her] written resignation. Such resignation must be tendered "prior to August 1, preceding the end of the school year that the resignation is to be effective."

A teacher may also resign, with the consent of the board "at any other time [which is] mutually agreeable."

Any teacher failing to resign within the time and manner specified above, and who fails to perform his[her] contract "shall be ineligible for employment by any other Texas school district during the ensuing school year covered by such contract, and his[her] teaching certificate shall be suspended for that school year only."

§13.201

Teaching is declared to be and is recognized as a professional occupation. As such, its members "shall accept responsibilities in development and promotion of high standards of ethics, conduct and professional performance and practices . . . ."

§13.210

HEARING

The Commission shall, after public hearings, "develop and adopt a code of ethics and standard practices which shall regulate and govern the conduct of members of the profession."

The code adopted shall include "standards of professional teaching practices and . . . performance and standards of ethical conduct of members of the teaching profession towards other members of the profession, parents, students and the community."

The Texas Education Agency shall submit the code to "all active certified professional personnel . . . to determine approval or disapproval of each individual standard . . ." The results of such "referendum" shall be considered before the standards are finally adopted. "No professional standards disapproved in the referendum vote shall be adopted."

The Commission shall have power to revise or amend the code finally adopted.

The commissioner of education shall distribute the code to any member of the teaching profession who requests it.

§13.211

"A violation of any rule or provision of the code of ethics and standard practices . . . shall be deemed to be unprofessional practice, which shall constitute grounds for suspension or revocation of the teaching certificate. . . ." If the commissioner determines that the "violation is not of sufficient gravity to require [such] suspension or revocation," he[she] may issue a warning and reprimand.

SUSPENSION
REVOCATION
WARNING

§13.212

"The commission shall act in an advisory capacity to the state commissioner . . . and to the State Board. . . in matters of interpretation and enforcement of the code of ethics and standard practices."

§13.213

COMPLAINT

Any certified teacher may file a written complaint with the commissioner asserting an "alleged violation by any member of the profession of any rule or provision of the code." The commission may hear the matter or refer it to a sub-committee composed of three of its members.

Any teacher against whom a complaint has been filed, shall be given "at least fifteen days' notice of the nature of the complaint, "and the time and place of the proposed hearing.

NOTICE
HEARING

At the hearing, the accused member "shall be entitled to produce witnesses in his [her] behalf, and shall have a right to be represented by counsel." After hearing

which shall be private, unless otherwise requested] "the commissioner or the hearing panel shall make findings and recommendations" whether to dismiss the complaint or refer it to the commissioner.

Any such findings and recommendations shall be filed with the commissioner along with a transcript of the hearing.

§13.214

HEARING

When the Commission first hearing the complaint has recommended dismissal, the commissioner may dismiss the complaint without further hearing. Such dismissal shall be final.

Where the commission has recommended suspension or revocation of the teaching certificate, the commissioner "may dismiss the complaint on the basis of the record certified to him, or may set the matter for hearing and disposition." Appeal from his[her] decision shall lie with the State Board. A final decision of the State Board may be appealed to the district court. "The trial or appeal shall be conducted de novo."

The commissioner is not bound to adopt the findings and recommendations of the commission or hearing panel. He/she "shall have power to adopt rules of procedure for the conduct of hearings before him/ her."

§13.215

APPEAL

All appeals taken to the courts shall be tried de novo. As soon as the court acquires jurisdiction, "all administrative or executive action taken prior thereto shall be null and void and of no force and effect." The case shall be tried like all other civil suits "as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision."

§13.218

This subchapter shall not be construed to "abridge the right" of a board of trustees to hire or dismiss a teacher, nor to prohibit them "from establishing any standard of conduct to be expected of any teacher."

However, the local superintendent "shall notify the commission of any teacher dismissed for the violation of the code of ethics and standard practices established by a school board."

§21.904

No school administrators shall require any teacher to join any group, or to refrain from participating in political affairs.

REGULATIONS

§2305.5

"The Commissioner of Education, upon considering the request and evidence, may cancel or suspend the teacher certificate."

CANCELLATION
SUSPENSION

§6212

"A teacher certificate may be cancelled by the Commissioner of Education for one or more of the circumstances prescribed by law. The holder of a certificate shall be notified prior to the cancellation of his[her] certificate and shall have an opportunity to be heard by the Commissioner of Education. If the certificate is cancelled, the applicant shall have the right to appeal to the State Board of Education. . . .

NOTICE
HEARING

APPEAL

The Commissioner of Education shall have the authority to reinstate a cancelled teacher certificate upon the presentation of satisfactory evidence. If the State Commissioner of Education refuses to reinstate a certificate, the applicant may appeal to the State Board of Education."

§6212

A teacher certificate may be cancelled by the Commissioner of Education under any one or more of the following circumstances: (1) on satisfactory evidence that the holder is conducting his/her school or his/her teaching activities in violation of the laws of this state; (2) on satisfactory evidence that the holder is a person unworthy to instruct the youth of this state; or (3) on complaint made by the board of trustees that the holder

CANCELLATION

EVIDENCE

of a certificate after entering into a written contract with the board of trustees has without good cause and without the consent of the trustees abandoned the contract.

The procedure for reinstatement of a teacher certificate is as follows: (1) the teacher whose certificate has been revoked makes a request for reinstatement and presents evidence to the Commissioner of Education that the circumstances resulting in the revocation have been removed; (2) the Commissioner of Education reviews the evidence and notifies the teacher in writing whether or not the revocation is removed; (3) the Division of Teacher Education and Certification re-issues the certificate upon instruction from the Commissioner of Education; and (4) if the revocation is not removed, the teacher may appeal to the State Board of Education.

§6302

"Teachers shall conform to a prescribed set of ethics and standards."

§6501

"The Texas Education Agency, through the Office of Professional Practices, also supports the Teachers' Professional Practices Commission as follows: (1) prepares materials and makes arrangements for Professional Practices Commission meetings and hearings; (2) provides consultative services to members of the professional on matters pertaining to ethics, conduct, and other areas of concern; (3) acts as a liaison to legal counsel on all matters pertaining to statutes; (4) conducts studies and collects and prepares materials at the direction of the Commission; (5) assumes responsibility for correspondence concerning professional practices; and (6) assists the Professional Practices Commission in developing and adopting amendments to the "Code of Ethics and Standard Practices for Texas Educators."

§7501

"The Texas Education Agency shall provide administrative and supportive assistance to the Teachers' Professional Practices Act . . . ."

CROSS REFERENCES

I.Board of Trustees; Statute §2305.5--2305.6; 2306.1--2306.3; 2306.11

I.Commissioner of Education; Statute §7101.1

III.B.School Personnel; Statute §2.06(a)--2.06(c)

TEXAS EDUCATION AGENCY

REGULATIONS

§1105

The Texas Education Agency is herein required to review policies and practices in pursuit of compliance with the Civil Rights Act of 1964 which includes:

(1) "acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a-non-segregated basis;

NONDISCRIMINATION

(3) non-discrimination in extracurricular activities and the use of school facilities;

(4) non-discriminatory practices in the hiring, assigning, etc. . . . of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the ground of race, color or national origin;

(6) non-discrimitory practicing relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances."

The Agency is also held responsible for checking complaints of discrimination, and where a violation is found the findings are reported to the Office for Civil Rights, Department of Health, Education and Welfare.

§1201-1203

This section concerns the general philosophy of the State Board of Education. The State Board's duties and responsibilities include:

1) complying with legislation;

2) advisory course for policies;

3) belief in local control;

4) economical management;

5) leadership role; and

6) accountability.

§1603

EQUAL OPPORTUNITY

The Texas Education Agency is to ensure that "no person shall be excluded from consideration for recruitment, selection, etc. or be denied any benefits on the grounds of race, religion, color, national origin, sex, physical disability, or age . . . ."

D. Evaluation and Reporting

Compensatory Education Programs

CROSS REFERENCE

II.A.6.; Regulation §3551; 3561--3564; 3571.1

Court Decisions

Regulations

§7104

This series (7104) includes a request for reporting a court decision following a hearing. The Commissioner, upon certifying a decision (either his/her own or a State Board of Education decision) requests that both parties report "the court, the filing date, and the final rendition of any judicial settlement. The Commissioner . . . provides the State Board of Education information regarding judicial decisions reported to him[her]. This information is also filed and made available by the legal counselor of the Texas Education Agency."

Drug Abuse Education

CROSS REFERENCE

II.A.1.; Regulation §3260; 3261

EDUCATIONAL PROGRAMS

CROSS REFERENCE

I.State Board of Education; Regulation §1201.1--1201.3; 1201.5--1201.6

III.C.Public Schools; Regulation §3721

EDUCATIONAL SYSTEM

REGULATIONS

§2306.10

"Schools are evaluated on the basis of annual reports and on-site visits by staff members of the . . . Agency to determine compliance with . . . provisions . . . ."

§3103.3

"A program of continuing planning and evaluation should be established for measuring the performance of the public school system in terms of the competence of its staff, the performance of its pupils, and the efficiency of its structure and processes."

§7402

This series (7402) concerns reporting to federal agencies.

"To ensure data accuracy and to prevent unnecessary response burdens, all federal report requirements and their particulars are coordinated through the Texas Education Agency's Reports Management System. . . .

For the purposes of report coordination and lessening of the response burden on school districts, the Texas Education Agency serves as the collector for selected federal reports from school districts.

Program reports describing activities and objectives that are narrative in nature are prepared and timely submitted by appropriate staff members as assigned by the Commissioner of Education.

Statistical, evaluation, survey, and data reports

deal directly with data that quantify and provide a basis for analyzing the public schools of Texas. Primary areas covered by statistical reports are counts of pupils (including various pupil populations), schools and districts, personnel, school housing, media services and other data to aid in [the] evaluation.

After securing approval as outlined in the Reports Management System . . . the reports are prepared and timely submitted by appropriate staff members as assigned by the Commissioner of Education."

The series also concerns fiscal reports dealing with:

(1) cash estimates;

(2) cash revenues;

(3) budget estimates; and

(4) quarterly, semi-annual and annual financial reports.

CROSS REFERENCES

I.County Superintendent; Statute §17.59; 2202; 2203.2

I.Department of Education; Statute §11.53

I.Department of Education; Statute §1402.2

I.District Board of Trustees; Statute §22.08

III.E.Educational System; Regulation §3611

EDUCATIONAL TV PROGRAMS

CROSS REFERENCE

II.B.2.; Regulation §3321.3

PROGRAMS FOR THE GIFTED AND TALENTED

CROSS REFERENCE

II.A.3.; Statute §11.19

REGIONAL EDUCATION SERVICE CENTER

REGULATIONS

§2102.5

"Evaluation

Services performed by the regional education service

center are evaluated by the following:

(1) the staff of the center;

(2) an advisory committee of teachers, supervisors, and principals from school districts served by the center (The advisory committee should be composed of at least 12 members chosen by the board of directors);

(3) the joint committee;

(4) the board of directors, to assure that the services of the center are in agreement with [the] law, the application, and the State Board of Education policies and administrative procedures of the Texas Education Agency; and

(5) the Texas Education Agency.

Annually the board of directors submits an operation report to the Texas Education Agency. The Annual Operation Report includes:

(1) a statistical survey of services performed;

(2) a summary of services or policy changes for the ensuing year of operation;

(3) staff and board of directors' membership changes; and

(4) a Statement of Intent from each participating school including average daily attendance, rate of contribution, and total contribution of each member school."

REPORTS REQUIRED OF LOCAL BOARD

STATUTES

§17.31

Local boards shall "provide all information requested of them by the commissioner" or the Central Education Agency. "They shall also exercise all other functions conferred upon them by the statute and may perform any other act consistent with law for the promotion of education in the county."

Local boards in counties adopting the "county unit system" shall have such other "powers specified for such county governing boards in the applicable sections of chapter 18."

School Data

Regulations

§7401

"Participation by the Texas Education agency in surveys and data collections conducted by federal agencies and supported by an offer of federal funds . . . shall be subject to the approval of the State Board of Education."

If agency funds are involved the approval of the Commissioner is needed.

Information gathered within these surveys may include data on fiscal and statistical situations

§7401

This series (7401) concerns participation in federal educational surveys and data collection involving federal funds and submitted to the State Board of Education for approval by the Commissioner of Education.

Special Education Programs

CROSS REFERENCE

II.A.2.; Regulation §3572.1

II.A.2.; Regulation §3574

Staff Competance

CROSS REFERENCE

III.D.School System; Regulation §3103.3

State Plan for the Gifted and Talented

CROSS REFERENCE

II.A.2.; Regulation §3531; 3532

Student Needs

CROSS REFERENCE

III.C.Public Schools; Regulation §3721

Student Performance

CROSS REFERENCE

III.D.School System; Regulation §3103.3

Statewide Plan for the Education of the Visually Handicapped

CROSS REFERENCE

II.A.2.; Statute §11.052

Teacher Certification Requirements

CROSS REFERENCE

III.B.Teachers; Regulation §6102.1--6102.2

E. Improvement Efforts

Compensatory Education Programs

CROSS REFERENCE

II.A.6.; Regulation §3564

Education System

Statutes

§11.30

"For the maintenance and improvement of state educational programs and activities . . . the State Board. . . may enter into contracts for grants from both public and private organizations . . . ."

Regulations

§3611

"Educational program development shall be based upon the review of information concerning emerging pupil needs, expressions of need by local education agencies, State Board of Education interest, statutory direction,

and evaluation of previous program effectiveness.

When the Commissioner of Education determines that the establishment of new or the re-direction of existing programs and practices offers promise of meeting pupil needs, he[she] shall submit to the State Board of Education proposals for implementation of the programs and practices.

When new programs are broad based, not categorically identified with a single subject or discipline, and involve more than one instructional area, operation of the program shall be in accordance with the applicable law, the approved plans and the State Board of Education policy relating to the program.

When the Commissioner of Education determines that an emerging program requires a formal statement of policy by the State Board of Education, the policy and administrative procedure shall be developed by the staff of the Texas Education Agency and, when approved by the Board, be located in Policy Sub-Series 3620, Emerging Programs.

COMMUNITY EDUCATION

The community school concept shall be provided with State support in a system of pilot programs which will be identified throughout the State for demonstration purposes.

Community education programs shall involve the people of the community in a program which will be designed to fulfill their educational needs, while promoting more effective use of public education facilities and other public facilities for the purpose of providing recreational, cultural, and other related community services based upon community and school district needs.

The Commissioner of Education shall develop procedures and guidelines for funding in accordance with law.[1]

§3611

This series (3611) concerns educational program development, and as such states that new and emerging programs and practices "are planned and developed by the division or department having basic responsibility or as assigned by the Commissioner of Education. All plans are submitted to the Executive Planning Committee

and Commissioner's Coordinating Council for coordination and to the State Board of Education for approval."

INSTRUCTION

CROSS REFERENCE

II.A.2.; Regulation §3573
III.A.1.; Regulation §3712—3712

LOCAL GOVERNMENT

STATUTES

Title 70; Ch. 7 Art. 4413(32c)

"It is the purpose of this act to improve the efficiency and effectiveness of local governments by authorizing the fullest possible range of inter-governmental contracting authority at the local level including contracts between ... and among school districts, and between and among counties, cities, school districts and other political subdivisions of the state, and agencies of the state." Examples of such act is to facilitate and provide authority to make inter-local contracts and agreements.

PUBLIC SCHOOLS

CROSS REFERENCE

III.A.2.; Statute §17.24

SCHOOL DISTRICT

CROSS REFERENCES

I.Regional Education Service Center; Regulation §2101.2 - .3

I.Regional Education Service Center; Regulation §2102.6

SPECIAL EDUCATION INSTRUCTION AND MATERIALS

CROSS REFERENCE

II.A.2.; Regulation §3574

TEACHERS

STATUTES

§17.60

County superintendents may call up to three teachers meetings each year. These meetings may be held on a Saturday, but shall not exceed three hours in length. Attendance at such meetings may be required but teachers shall not be paid therefor.

Independent school districts with a scholastic population of 500 or more may hold district teachers' meetings in lieu of county meetings.

§ 21.116

"... The Central Education Agency ... shall provide by regulation for annual (teacher) instruction sessions."

§ 21.910

"The governing board of a school district may grant a developmental leave of absence for study, research, travel, or other suitable purpose to a teacher who has served in the same school district at least five consecutive school years." Such a teacher may receive one-half of his/her regular salary. Regulations governing such procedure shall be established by the State Board of Education. Said teacher shall continue to be a member of the Teacher Retirement System, and continue to be an employee of the district.

REGULATIONS

§4401

"The Texas Education Agency maintains a regular professional teacher preparation program and shall maintain a complementary statewide educational personnel development program to meet the particular personnel needs of the State. The program shall involve public school districts, colleges and universities, education service centers, and the Texas Education Agency. The program shall focus on the following basic strategies:

COLLEGE
UNIVERSITY

(1) direct training and re-training efforts toward pre-elementary, elementary, and secondary educational personnel;

(2) encourage variation among training projects across the state;

(3) encourage and develop cooperative action plans among and within the state and local education agencies, colleges, and universities; and

(4) promote imaginative, multiple-funded projects using local, state, and federal resources.

Efforts shall concentrate on providing the opportunity for educational personnel to develop and maintain their potential for current educational processes."

'The statewide educational personnel development program conducted by the Texas Education Agency shall be supported with local, state, and federal funds. The Agency shall seek federal funds to support this program . . ."

§6303.5

"A developmental leave program for teachers and other certified personnel may be provided by a school district; however, the program shall be in accordance with applicable law and with administrative procedures established by the Commissioner of Education and approved by the State Board of Education. A developmental leave program shall provide a leave of absence for study, research, travel, or other suitable purposes designed for academic and professional improvement."

§6401

"Through the division of Educational Personnel Development, the Texas Education Agency administers and directs the statewide program. The Texas State Plan for Attracting and Qualifying Teachers to Meet Critical Teacher Shortages and Texas Statewide Design for Educational Personnel Development are maintained by the Texas Education Agency. These two plans describe the regulations and operations of the statewide educational personnel development program."

CROSS REFERENCES

II.A.1.; Regulation §3260; 3261

II.A.3.; Statute §21.111--21.113

II.A.5.; Regulation §3252; 3252.1--3252.4; 3253

III.A.1.; Regulation §3712--3713

III.B.Teachers; Statute §11.31

UTAH

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

2. Other Qualification Standards

Statutes

§53-2-29 - 53-2-31

The "minimum uniform school program" to be maintained in each school district shall consist of a nine-month school term, "employment of legally certified teachers," transportation for pupils "living more than two and one-half miles from school," supervisors and principals "to assist the superintendent," "supplies and equipment" to "provide for efficient instruction," "provisions for health inspection and instruction," and "other factors . . . prescribed by law." In addition, the state board of education shall set standards for maintaining the high schools and the state superintendent shall see to it that all high schools are "inspected at least once during each school year." The state board of education shall determine whether these standards are complied with and "shall have power to determine whether the quality of education offered in each school district justifies support from state school funds." Districts which are not "approved by the state board of education" shall not receive funds. In order to receive state funds, school districts must "comply with schedules of salaries for all employees required to hold certificates."

B. Qualification Standards for Personnel

Certificated Personnel

Regulations

Certification

A school principal must hold a basic professional certificate or a professional certificate with a general administrative endorsement or either an elementary or secondary administrative endorsement.

An assistant principal in a school with 10-25 teachers, who spends more than 50 percent of his/her time in administrative duties, or an assistant principal in a school with more than 25 teachers must hold a basic professional certificate or a professional certificate with an appropriate administrative endorsement.

A superintendent or assistant superintendent of a local school district with more than 1500 pupils must hold a professional certificate with an administrative endorsement.

To be eligible for the elementary or secondary administrative endorsement to the basic professional certificate, an applicant must: hold a teaching endorsement, have completed work for a master's degree with at least 27 quarter hours of specialized study; and have two years' professional experience. The endorsement is issued for two years and is reissued only twice.

To be eligible for the elementary or secondary administrative endorsement to the professional certificate, an applicant must: hold a basic professional certificate, have completed work for a master's degree; and have three years' professional experience. The endorsement is issued for five years.

An applicant for the general administrative endorsement to the basic professional certificate must: (1) hold a basic professional or a professional certificate endorsed for elementary or secondary teaching; (2) have completed at least 27 quarter hours of specialized study; (3) have completed two years of professional experience.

An applicant for the general administrative endorsement to the professional certificate must meet the same requirements but have completed three years of successful professional experience.

The professional certificate is renewable upon presentation of nine quarter hours of approved college credit completed within the previous five-year period. Credit may be given for teaching and for inservice training.

DIRECTOR OF SPECIAL EDUCATION

CROSS REFERENCE

II.A.2; Statute §53-18-2

District Superintendent

CROSS REFERENCE

I.District Superintendent; Statute §53-6-11

Local Board of Education

Statutes

§53-5-4

Members of local boards of education must be residents and qualified voters of the districts they represent. Vacancies may be filled by the board.

School Personnel

Statutes

§53-2-16;17;19 -- 25

All diplomas, including those of superintendents and supervisors, shall be issued only to "teachers, superintendents or supervisors" who are 23 years old, have "five years of successful teaching or supervising experience in this state," have a "good moral character," do not have any "infectious or hereditary disease" and "possess the requisite scholarship and culture." The diplomas are "valid for life" unless "revoked for cause" or the "holder allows . . . five consecutive years to pass" without teaching or supervising.

The state board shall determine the "rank and classification" for certificates, but certificates shall be valid for not more than five years. "Certificates may be issued to applicants" who do not possess the "teaching or supervising experience" that is "required for diplomas."

"Certificates and diplomas" issued by the University of Utah's school of education and "endorsed by the chairman of the state board" shall be equal in rank to certificates issued by the state board. The state board may accept "credits, certificates and diplomas" from other schools to fulfill the certification requirements, if the board finds that such work conforms to its own standards.

An out-of-state applicant who has taught for five years, two of which were in Utah, and who holds a certificate from another state which is "equal in rank" with Utah state certificates, may be issued a certificate by the state board of education.

Anyone who does not hold a valid certificate, issued by the state board of education, shall not "teach in a public school or be employed as supervisor or superintendent in any school district."

The state board of education has authority to examine applicants for certificates or diplomas in order to test their qualifications. The board may appoint qualified examiners to prepare and grade examinations.

REVOCATION

The state board of education has the authority to revoke a certificate or diploma for "immoral or unprofessional conduct or evident unfitness for teaching."

Teachers must be "mentally and physically" qualified to perform their duties and be free of "tuberculosis or any other chronic or acute disease." A teacher may be required to furnish proof that he or she is "mentally and physically qualified."

STUDENT TEACHER

CROSS REFERENCE

III.B.Teachers; Statute §53-2-15

TEACHERS

STATUTES

§53-1-18

Any person who receives a "teaching credential" from a Utah college must "demonstrate [a] reasonable understanding" of United States history and government.

§53-2-15

The state board of education has the authority to issue "teachers' certificates and diplomas of high school, junior high school, grammar, primary and

kindergarten grade" and to issue "superintendents' and supervisors' certificates and diplomas." The board may also issue certificates to "persons regularly employed in the public school system" and to student teachers. A student teacher's certificate shall authorize the person to teach in "a specified school" under the direction of a "qualified and regularly certificated person" and no person shall student teach without possessing this certificate.

§53-2-26

The state board of education shall "determine the professional requirements of supervisors of health education and school nurses and all teachers in the public schools."

CROSS REFERENCES

II.A.2; Statute §53-18-2

II.A.4; Statute §53-19-1

C. Performance Standards

Public Education

Statutes

§53-14-9 - 53-14-11

The "cardinal objectives of education" are "health, citizenship, vocations, worthy use of leisure, worthy home-membership, ethical character and the fundamental processes . . . of education." In order to develop character in students, instructors shall give "special emphasis" to "honesty, morality . . . and habits and qualities of character which will promote an upright and desirable citizenry." In order to carry out these objectives, the state superintendent "shall prepare . . . teaching materials" for use by the schools.

Public Schools

Constitution

UTAH CONSTITUTION, ARTICLE X, §1

"The Legislature shall provide for the establish-

ment and maintenance of a uniform system of public schools, which shall be open to all children of the State, and be free from sectarian control."

SCHOOL BOARD MEMBERS

CROSS REFERENCE

I.Local Board of Education; Statutes §53-6-3: 53-6-7

SCHOOL SYSTEM

POLICY GUIDES

GOALS AND GENERAL OBJECTIVES OF EDUCATION IN UTAH

Utah State Board of Education, 28 pages 1973.

This policy guide sets forth the eight maturities reflected in the Curriculum Plan guide and the personal attributes one should possess to achieve each of the eight maturities.

CROSS REFERENCE

IV.K; Statutes §§52-4-1 -- 52-4-4

STATE BOARD OF EDUCATION

STATUTES

§53-2-13

"Failure on the part of the state board of education to carry out" its general duties of control and supervision over the public school system "shall be deemed gross neglect of duty." If the "governing board" of any school district fails to "comply with the rules and regulations" adopted by the state board of education, such failure shall constitute "gross neglect of duty." "No claim for salary or expenses of such board or boards or of any employee . . . shall be allowed when incurred for any work or instruction in violation of the decisions, rules and regulations adopted by the state board of education."

STATE DEPARTMENT OF EDUCATION PERSONNEL

STATUTES

§53-1-13

The State Board of Education and the State Superintendent of Public Instruction are "authorized . . . to provide a system for the appointment and tenure of personnel in the state department of education," which shall be based on "merit and efficiency and without regard to political consideration."

STUDENTS

CROSS REFERENCES

I.State Board of Education; Statute §53-2-18

III.C.Public Schools; Statute §§53-14-9 -- 53-14-11

IV.G; Statute §53-4-7

TEACHERS

CROSS REFERENCE

III.B.School Personnel; Statutes §53-2-16; 53-2-17; 53-2-19 -- 53-2-25

D. EVALUATION AND REPORTING

BASIC CURRICULUM

CROSS REFERENCE

II.B.1.a: Statutes §53-14-1 -- 53-14-2

EDUCATIONAL PROGRAMS

POLICY GUIDES

REPORT OF NINE SPECIAL PROGRAMS IN EDUCATION FUNDED BY THE UTAH SCHOOL FINANCE PROGRAM, 141 PAGES
Utah State Board of Education, 1976

Nine programs funded by the Utah School Finance Programs in 1975-76 and 1976-77 are included in this report. The funds were allocated by the Utah legislature for special programs in the public schools. The report contains a description of each program, its goals and objectives, together with specific recommendations for future use. The programs are briefly described below.

1. Community School Programs. Based on the concept

that the schools belong to the people, the program is intended to find ways to promote community involvement in the schools. Various models have been developed, inservice training programs implemented, and new standards and guidelines recommended to the State Board of Education.

2. Compensatory Education Program. This program is designed to meet the needs of disadvantaged pupils (those children from low-income families, foster children, neglected and delinquent children and Spanish and Indian-American children who are bilingual). Most of the programs have centered on reading skills. The programs are administered on a district level and many are supplemented by local funding. The primary objective is to have disadvantaged youth in the program gain approximately one normal month's growth for every month spent by those students in reading, mathematics, and language arts.

3. The Elementary School Guidance Program. The purpose of this program is to improve educational programs. Typical kinds of services provided include testing, conferring with students, parents and teachers. The existence of guidance personnel in the schools has improved curriculum and student-teacher communications, and more pilot programs are encouraged.

4. Elementary School Music Programs. Money allocated is to be used to upgrade or add to existing music programs in school districts. Further funding is recommended.

5. Extended Year/Day and Summer Programs. The purpose is to extend and improve learning opportunities for students. Funds were used to provide summer programs and special enrichment programs. It is recommended that the program continue with more stress placed upon determining and evaluating student needs on a district-by-district basis.

6. The Gifted and Talented Student Program. The funds allocated for this program are to expand and improve programs for gifted and talented students. The report includes methods used to select such students and specific projects implemented.

7. The Instructional Media Centers Program. The program's purpose is to improve school media facilities according to individual district needs. Each district is to determine its

priorities and its long-range goals and objectives. It was found that students who use media most tend to score themselves higher in academic, social and emotional characteristics. It is recommended that the program be continued.

8. The Career Development (Dropout Prevention) Program. The program has the goal of reducing the dropout rate by more nearly meeting the career development plans of students. Specific projects include counseling, adjusted curriculum and more flexible attendance patterns. The report includes a detailed account of district activities.

9. Experimental and Developmental Programs. This program is a means for testing and validating innovative solutions to critical problems. The report describes specific projects funded by the program.

HANDICAPPED CHILDREN

CROSS REFERENCE

II.A.2; Statute §53-18-3

REPORT ON AGRICULTURAL, INDUSTRIAL AND HOME ECONOMICS EDUCATION

CROSS REFERENCE

II.A.3; Statute §53-15-1

REPORT ON CONDITION OF VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3; Statute §53-16-8

TEACHERS

CROSS REFERENCE

III.B.School Personnel; Statutes §53-2-16; 53-2-17; 53-2-19 -- 53-2-25

VOCATIONAL SCHOOL

CROSS REFERENCE

II.A.3; Statute §53-16-17

E. Improvement Efforts

Educational Programs

Statutes

§53-2-12.5

The State Board of Education has authority to "receive" and "administer" federal funds "for the purposes of improvement of educational programs in the schools." Such funds may also be used for "services related to guidance and counseling of students".

VERMONT

Section III.

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§165

A school shall be approved when it conforms to all the regulations and standards established by the state board "as necessary to provide an acceptable educational opportunity for pupils."

REGULATIONS

R.M. Ch. II.C; pp. 15 -- 22

The following minimum standards for the approval of Vermont Secondary Schools became effective July 1, 1964. After that, schools which do not meet the standards shall be listed as "unapproved" high schools.

The length of the school day shall be no less than 5 1/2 hours, 27 1/2 hours per week, exclusive of the time allowed for lunch and recess periods.

The principal of a school having fewer than 200 pupils shall devote not less than one-half of each school day to administrative and supervisory activities, not to include assignments in guidance, teaching, or study hall. The principal of a school of 200 pupils or more shall devote full-time to administrative, supervisory or guidance activities.

In a given school year, no teacher shall be assigned a teaching schedule in more than two teaching fields. Each teacher shall have planning and conference time equivalent to one period per day during the school week. No teacher's total class rolls shall average more than 100 per day in English or 150 per day in any other subject except 1) study halls, band, physical education and similiar activities, 2) approved programs of team teaching and large group instruction. No laboratory class shall exceed twenty-four pupils and no shop class shall exceed twenty pupils.

PUPIL/TEACHER RATIO

All administrative, supervisory, teaching, gui-

dance, health, and laboratory personnel shall be qualified in the field assigned.

The professional staff shall include the following minimum number of teachers in accordance with the type of school organization:

Grades 7 - 9	6 full time teachers including principal
Grades 10-12	6 full time teachers includinf principal
Grades 9 - 12	6 full time teachers including principal
Grades 7 - 12	8 full time teachers including principal

Pupil records shall be complete and accurate, permanently maintained, centrally located, and safely stored. They shall be available to teachers and other members of the professional staff.

All reports and forms required by the State Board "shall be prepared and submitted in accordance with current instruction."

A standard one-unit course shall meet a minimum of 200 minutes per week covering a year and presume an equivalent amount of time in outside preparation. One-unit courses with on outside preparation shall meet 400 minutes per week, and science classes, including lab, shall meet 280 minutes per week. Unit credit may be given to individuals successfully completing an equivalent amount of approved work regardless of actual class time.

High school graduation shall include 16 units in grades 9 - 12:

English	4 units
Social Studies (including U.S. History)	2 units
Mathematics	1 unit
Science	1 unit

The High School Program of Studies

English - 4 units

There is a planned development sequence of instruction for the levels needed in listening, speaking, reading, appreciating literature, and writing including grammar and composition. It is recommended that these experiences

be built around broad reading units in grades 9 and 10, around American Literature in grade 11, and around World and English Literature in grade 12. For further clarification see the section on English Language Arts in the Framework for the Curriculum in Vermont High Schools.

Foreign Language - 3 units

Three units in one language, Levels I, II, and III.

Science - 4 units

Four units include biology, chemistry, physics, all with laboratory periods plus one of the following: general science, earth science, physical science and life science.

Social Studies - 4 units

Four units to include United States History, World, European, or Modern History and Problems of American Democracy.

Mathematics - 4 units

Four units to include general mathematics, alegbra, geometry, and advanced mathematics.

Practical Arts - 2 units

Two units to include homemaking and industrial arts for boys and girls.

Physical Education - 1 unit

One unit to include a variety of activities according to the needs of the individual pupil.

Fine Arts - 1 unit

Art or music

Business Education - 4 units

Including a minimum of two years of typing

The following are requirements pertaining to plant, facilities and equipment:

There shall be space in the general office for safe and accessible maintenance of records.

The principal shall have a private office.

The library shall be an attractive room, open throughout the school day including before and after regular classes, and always adequately supervised.

Adequate space is 25-35 square feet per reader.

A school with enrollment of less than 200 should have: a library with room to seat 10 per cent of enrollment; a work area; storage over five-year period for magazines listed in Abridged Reader's Guide and other useful magazines.

A school with enrollment between 201 and 600 should have: a library with room to seat largest subject class plus 10, or 10 % of enrollment, whichever is larger; a workroom with table, electric outlet, typewriter and supply closets; shelving for books to be processed or mended; room for seasonal books, duplicates, and audio-visual materials, magazine storage.

A school with enrollment over 600 should have: a library with room to seat 10% or enrollment; work and storage space as above; plus librarian's office, combined area to equal at least 350 sq. ft.

Library equipment should include:

adjustable shelving, in sections 3 ft. wide and 6-7 ft. high, planned for expansion;

tables and chairs (no more than four chairs at a table;

card catalog, with drawers and removable rods, to hold author, title and subject cards for all books and materials;

vertical legal-size file for pamphlets and pictures;

1 four-drawer file for 1-200 enrollment

2 four-drawer file for 201-800 enrollment

3 four-drawer file for 801+ enrollment

charging desk;

bulletin board.

Science laboratories and equipment shall be adequate to meet instructional needs in all science courses. Laboratory tables shall be sufficient in number to permit students to work in pairs and equipped with electricity, running water, sink, gas and the laboratory (for chemistry) ventilator or gas hood.

Science laboratories shall have adequate locked space for safe storage of equipment and materials, and

also a carbon dioxide fire extinguisher and first aid medical supplies.

There shall be a private counseling office for each full-time (or full-time equivalent) counselor.

Audio-visual equipment and materials shall be available to all areas of instruction.

There shall be a sufficient number of teaching stations of suitable size to meet the program's needs. The following education-related services are required:

There shall be a guidance counselor for each 300 students or a minimum of one period of counseling time per day for each 50 students. Adult clerical assistance shall be provided.

There shall be library personnel on the basis of enrollment:

1-100	teacher-librarian or volunteer with library experience 1/4 school time plus before and after school.
101-300	teacher-librarian 1/2 of school time plus before and after school.
301-500	teacher-librarian 3/4 of school time plus before and after school.
501-750	teacher-librarian full time plus clerical help.
750-1000	full-time school librarian plus clerical help.
1000+	full-time school librarian plus full time clerk.

Library materials shall be selected to fit the needs of the individual school, with consideration for each subject area and the range of abilities and interests of all. All materials shall be processed and catalogued according to recognized procedure. Minimum size of library collection shall accord with enrollment:

Enrollment	Minimum Basic Collection	Minimum New Titles/ Editions to be Added Yearly per Student	Minimum Magazines & Newspapers
1-100	1000	1	7
101-300	1500	1	10
301-500	2000	1	15
501-1000	2500	1	25
1001+	3500	1	35

Libraries shall provide pamphlets, pictures, maps, etc. If audio visual materials are included as library materials, extra time or personnel shall provide for their care.

Efforts of administrators, teachers and health personnel should be coordinated and designed to appraise health status, encourage the correction of remediable defeats, identify handicapped students, help prevent or control communicable diseases, and provide emergency care as needed.

There shall be full-time adult clerk or secretary for schools having 250 students.

The program of studies for grades 7 and 8 includes English language arts, science, social studies, mathematics, physical education, practical arts (including homemaking and industrical arts), and fine arts (including music or art).

Instruction is organized to provide for individual needs, abilities and interests through such methods as the utilization of individual instruction and differentiated assignments, remedial instruction, and developmental work in basic subjects.

Provision made for guidance and counseling by personnel qualified to work with the age level(s) to which they are assigned.

A school organization which includes grades 7 and 8 is administered by a principal who devotes not less than one-half of each school day to administrative and supervisory activities.

In other subjects, grades 7 and 8 conform to minimum secondary standards.

Policy on Participation in the Optional Public School Approval Process

The policy on participation in the optional public school approval process shall be as follows:

1. As a pre-requisite to participation in the Public School Approval Process, the following policy applies:

   1.1A. The Superintendent of a Supervisory Union/District desiring the Public School Approval Approach shall formally request entry into the Nursery School or other pre-kindergarten, Kindergarten, or 1-12 Public School Approval Process. This written request to the Commissioner of Education shall be accompanied by copies of official minutes indicating approval by all Boards of schools for which this person is chief administrative officer.

   or

   1.1B. The Chief Administrative Office of a grade 7-12 or 9-12 secondary school desiring entry into the Nursery School or other pre-kindergarten, Kindergarten, or 1-12 Public School Approval Approach shall file with the Commissioner of Education the request to participate accompanied by copies of official minutes indicating approval by its Board and by each Board of public elementary schools which feed in 10% or more of this secondary school's total enrollment.

   1.2. In the event of any non-compliance, as confirmed by the State Department of Education, with the 1964 and 1968 State Minimum Standards; the request is to include an appeal for a waiver or for continuation of a current waiver. WAIVER

   1.3. The request shall contain the date when the Nursery School of other pre-kindergarten, Kindergarten, or 1-12 FINAL PLAN or SET OF COORDINATED PLANS shall be submitted to the Commissioner.

   1.4. Within thirty days of the receipt of the request, the Commissioner of Education shall respond.

2. The two pilot projects underway by September 1976, Union 32 and Proctor Elementary and Secondary, will continue in the Public School Approval Process with dates established for completing the processes.

2. Other Qualification Standards

Statutes

§821

Each school district shall provide one or more approved elementary schools; unless the electorate authorizes the school board to pay tuition to another school district to provide for the elementary education of its residents; and the school district is "organized to provide" only high school education.

§822

Each school district shall maintain a high school unless the school district "is organized to provide" only elementary education, or the electorate authorizes the school board to pay tuition to a public or private high school approved by the state board to be selected by the parents of the pupil within or without the state. The school board may both maintain a high school and pay tuition elsewhere as "in the judgment of the board may best serve the interests of the pupils, ..."

§827

A school district not maintaining a public high school may vote to designate a private or public high school as the public high school of the district. The board shall then pay tuition to that school only. If a parent is dissatisfied with the instruction or locality of the school he may request the board to pay tuition to another school. The board shall determine if this is "in the best interests of the pupil." A parent may appeal such determination to the state board, whose decision shall be final.

§1071

Each public school shall be operated for at least 175 days each school year. The state board

shall fix the terms and number of hours per day.

When a public school is closed for a reason "beyond the control of the school board it shall petition the state board for a waiver of the number of school days required" herein. The state board shall act on such petition at the next state board meeting, and, if approved, the school will be deemed to have satisfied the required school days.

§3444

State aid to any district shall not be denied unless such district "unreasonably refuses to comply" with the provisions of law relative to teachers' salaries, appointment of superintendents, detailed financial reports . . . and any other requirements of law." It shall not be denied because the district permits voluntary religious exercises during non-academic periods of a regular school day. Any school denied state aid under this section may appeal to the county court within 60 days of such denial.

REGULATIONS

R.M. Ch. II; p. 84

In discharging its responsibility under SS 1071, the State Board sets these requirements:

1. The minimum length of the elementary school day should be:
   a. For grades 1-2, 4 hours including recess periods, excluding lunch.
   b. For grades 3-8, 5 1/2 hours including recess periods, excluding lunch.
   c. For kindergarten, 2 hours.
2. The length of the high school day shall be no less than 5 1/2 hours, or 27 1/2 hours per week, exclusive of the time allowed for lunch and recess periods.
3. There will be 175 full attendance days, effective July 1, 1978.
4. The only exception to the minimum length of day should be due to emergency conditions where the

school board has found it necessary to send pupils home after school has begun. Such a day may be counted as a full day.

R.M. Ch. II; pp. 84 -- 84A

The State Board resolves to urge strongly every community, in both its Design and programs, to creatively and realistically bring about continuous interaction between its students and the laboratory of the art-of-doors for sustained action toward a more ecological and harmonious perspective to our national environmental heritage.

Each public school shall be maintained and operated for at least one hundred and seventy-five days in each school year. The school board shall make regulations dividing the aforesaid days into terms and within the minimum set my the state board fix the number of hours that shall constitute a school day, subject to change upon the order of the state Board.

When a public school is closed for cause beyond the control of the school board it shall petition the state board for a waiver of the number of school days required by this section. The petition shall be filed with the state board within 10 days of each occurrence and not later than June 15 of the school year involved and the state board shall act on the petition at the next meeting of the state board. If the petition is approved and a waiver granted, the school district shall be deemed to have satisfied the requirements of section 3444 of this title with respect to the length of the school year. If the state board fails to act, as specified above, the petition shall be deemed to have been approved and the waiver granted.

WAIVER

The State Board recommends that districts include 180 days on future calendars to take care of any emergencies which necessitate the closing of schools.

R.M. Ch. II; p. 88

Whenever a National Day of Mourning falls on a regularly scheduled day of school, the day should count as one of the official days of school. The decision for

observing the National Day of Mourning in school or out of school is a matter of local decisions.

R.M. Ch. II.B; p. 11

Elementary education means an educational program conducted in the first eight years of compulsory schooling. If the program in the seventh and eighth years in any school district has been approved pursuant to Title 16 V.S.A. SS 3464c, the term includes only the first six years of the educational program.

R.M. Ch. II.B7; p. 14

Each school district furnishing elementary education shall provide, or have sufficient funds to provide, by September 1971, a minimum of 30 square feet of work space per child, per classroom.

R.M. Ch. II.B10; p. 15

WAIVER

The Vermont State Board will consider waiving established regulations of the State Board when necessary for the district to carry out the objectives of the approved local educational design.

R.M. Ch. III.D; p. 93

The State Board believes that the school districts of Vermont should be organized so as to provide the maximum education opportunities for pupils in grades K-12 or 1-12 consistent with administrative and financial effectiveness and efficiency.

CROSS REFERENCE

II.A.2.; Regulation, R.M. Ch. II.L., pp. 39-62A

B. Qualification Standards for Personnel

Paraprofessionals

Regulations

R.M. Ch. V.E; p. 101

Educational personnel in the public schools hired to assist professionally certified personnel shall be certified as paraprofessionals by the Department.

School Board Members

Statutes

§558

A person who is regularly employed by the school

district or by another district in the same supervisory union is not eligible for election to the school board.

SCHOOL PERSONNEL

CROSS REFERENCE

I.State Board of Education; Statute §164

TEACHERS

STATUTES

§1692

A teaching certificate shall not be issued to a person under 17 years of age. No person shall teach in a public school without having a certificate in force.

§1695

The state board shall declare regulations relating to the recognition of teachers' certificates, diplomas, and educational credentials granted in another state, provided that such other state recognizes such certifying standards issued in Vermont.

§1792

A teacher who holds a professional three-year certificate, a professional probationary certificate, a professional standard certificate or professional continuing certificate, is considered a professionally certified teacher.

§2041

1. This agreement shall establish programs to "facilitate the movement of teachers and other professional education personnel among the states party to it." Each state shall cooperate with the others to take advantage of the experience of such personnel and to authorize specific educational personnel contacts to achieve that end.

2. The qualification requirements of the different states hinders such personnel from attempting to qualify for teaching positions once they move to another state. This program is designed to facilitate employment of well qualified persons regardless of the state of origin and thus increase the availability of educational manpower.

REGULATIONS

R.M. Ch. V.A; p. 101

Certification of educational personnel is for the purpose of guaranteeing that all teachers have at least the minimum competency necessary to be effective teachers in their field. Initial certification should indicate that the certificate holder has completed certain minimum educational requirements and possesses the character and ability to develop competence and professionality. The award of further certificates and the renewal of certificates should indicate that the certificate holder has demonstrated over time the appropriate level of competence and has assumed an appropriate measure of responsibility for his/her professional growth.

The State Board endorses the procedure known as "program approval" as one method of initial certification and supports involvement of the Department in improving pre-service education programs. The State Board also supports cooperation among the Department, colleges, teacher associations, and local school districts in developing local certification programs.

R.M. Ch. V.C.; p. 101

For the purposes of certifcation, a teacher is defined as one who is employed to instruct, to guide and to facilitate learning for others and has demonstrated competence in helping the learner to develop skills, acquire understanding and attitudes, and/or acquire knowledge

C. PERFORMANCE STANDARDS

SCHOOL DISTRICTS

REGULATIONS

R.M. Ch. VIII.A; p. 109

All elementary and secondary school students shall receive a quality education which, insofar as possible, shall not be dependent on the wealth of individual towns or school districts. The state should serve to equalize resources, but, in doing so, shall, insofar as possible, allow school districts to retain educational and fiscal autonomy.

CROSS REFERENCE

III.A.2.; Regulation, R.M. Ch. III.D., p. 93

SCHOOL OFFICIALS

STATUTES

§557

CONFLICT OF INTEREST

No official shall receive compensation or a gift for procuring services or supplies purchased with public funds; nor shall an official receive more than $100 by contract or otherwise from the district he serves. A person who violates this section shall be fined up to $1000 and become ineligible to hold elective or appointed office in Vermont for two years.

SCHOOL SYSTEM

CROSS REFERENCE

II.A.1.; Statute §170

STATE BOARD OF EDUCATION

STATUTES

§162

NOTICE
HEARING
REMOVAL

"After notice and hearing, the governor may remove a member of the state board for incompetency, failure to discharge his duties, malfeasance, illegal acts or other cause inimical to the welfare of the public schools; and in case of such removal he shall appoint a person to fill the unexpired term."

REGULATIONS

R.M.Ch. I.A1; p. 1

The State Board of Education believes that it must fulfill its function with the realization that education effects all citizens in Vermont. It must consider divergent points of view and seek "the maximum in educational endeavors consistent with available and potential resources."

STATE DEPARTMENT OF EDUCATION

REGULATIONS

R.M. Ch. I.D; p. 8

The goals of the State Department of Education are:

1. to administer policies of the State Board of Education and Vermont Statutes;

2. to manage and coordinate the overall functioning of the State Department of Education and to focus on Depart-

ment-wide goals;

3. to provide internal services necessary for the maintenance and improvement of education within the State;

4. to maintain information necessary to determine current and projected education needs;

5. to provide leadership to the localities and aid in the diffusion of methods essential to the advancement of education;

6. to foster communication among all parties involved in education;

7. to assist in programs that will enable each Vermonter to have, at the end of his/her formal education, knowledge of the "world of work" and acquistion of a salable skill;

8. to provide for the efficient distribution of resources that support the educational process;

9. to continue Department involvement in the legislative process.

STUDENTS

STATUTES

§167

Any person who has earned credits in the Armed Forces, in approved schools for adults, or who has received a satisfactory score on an approved examination may be granted a high school equivalency certificate by the state board. MILITARY

REGULATIONS

R.M. Ch. I.A; p. 22A

The Public School Approval Process (of 8/20/75) shall be optional, though the Department shall encourage participation and periodically report degree of participation. Districts not opting for the Process shall continue under 1964 and 1968 Minimum Standards plus:

Provision shall be made throughout the K-12 continuing so that all pupils have the opportunity to attain and maintain the basic competencies (i.e. the skills necessary for the attainment of functional literacy in listening, speaking, reading, writing, mathematics, or reasoning) in

the enabling skill areas.

A pupil progress record showing growth in the evaluating skill areas shall be maintained. Provision shall be made to identify pupils having difficulty in attaining and maintaining mastery of basic competencies. Records of such pupils will include ways in which each school district has provided analysis of the learner and the learning situation and provided programs based on needs.

R.M. Ch. I.B; p. 22A

The Department shall define and the State Board shall approve basic competencies in the evaluating skill areas and shall make pupil progress record forms containing these competencies available to local school districts.

The method of deciding whether a pupil has advanced functional literacy shall be determined locally.

R.M. Ch. I.C; p. 22A

The pupil progress record shall acknowledge the attainment of functional literacy. At this time, a pupil-teacher conference will be scheduled to inform the student of his/her advancement.

R.M. Ch. II; p. 22B

Secondary school graduation requirements (3/12/64) shall remain in effect until July 1, 1977. A local secondary school shall file its graduation requirements with the Department. Such requirements will comply with U.S.A. Title 16, SS 906, local policy and the following State Board regulations:

DIPLOMA

The diploma shall indicate advancement of functional literacy in the enabling skill areas;

It shall include satisfactory completion of 16 one-year courses or their equivalent in terms of units.

Or it shall indicate, for individual pupils, the completion of a comprehensive multi-year plan as approved by the local board and Commissioner of Education.

The Vermont Design for Education takes the position that an education philosophy should center around and focus upon the individual, his learning process, and his relationship with the teacher.

1. The emphasis must be upon learning, rather than teaching.
2. A student must be accepted as a person.
3. Education should be based upon the individual's strong, inherent desire to learn and to make sense of his environment.
4. All people need success to prosper.
5. Education should strive to maintain the individuality and originality of the learner.
6. Emphases should be upon a child's own way of learning - through discovery and exploration - through real rather than abstract experiences.
7. The development of an individual's thought process should be primary.
8. People should perceive the learning process as related to their own sense of reality.
9. An individual must be allowed to work according to his own abilities.
10. The teacher's role must be that of a partner and guide in the learning process.
11. The development of a personal philosophy, a basic set of values, is perhaps one of the most important of human achievements.
12. We must seek to individualize our expectations of a person's progress as we strive to individualize the learning experiences for each person.
13. The environment within which students are encouraged to learn must be greatly expanded.
14. The school should provide a structure in which students can learn from each other.
15. To provide a maximum learning experience for all students requires the involvement and support of the entire community.
16. Schools should be compatible with reality. Learning which is compartmentalized into artificial subject fields

by teachers and administrators is contrary to what is known about the learning process.

17. Individuals should be encouraged to develop a sense of responsibility.

R.M. Ch. II.E2; p. 23

The following guiding principles in developing promotion policies are recommended as a means of helping school administrators and teachers develop sound promotion practices:

1. Every child has possibilities for growth and development. Encouragement from an understanding teacher is an important incentive. Every child needs to experience success, but not necessarily all the time.
2. Each child should be placed where he/she may be assured continuous growth and progress educationally, socially, and emotionally.
3. The method of reporting must be consistent with promotion policies in effect. Parent-teacher conferences should be arranged in order that the method of reporting a child's progress is clearly understood by parents.
4. Promotion should show due regard for the fact that each child is different from each other child - physically, mentally, educationally, socially, and emotionally. Some children should be required to spend more time in the elementary school, especially at the primary level if it contributes to their development. Other children who require less time to complete the elementary program should be permitted to progress at a rate faster than average.
5. When a child is promoted, his/her new teacher should accept him/her as he/she is. The teacher should be provided all the facts needed to determine the child's present present level of development; start where the child is and stimulate his/her growth to higher levels.
6. The school administration must make every effort to arrange a reasonable teacher-pupil load in order that every child may receive the necessary teacher attention to meet his/her needs.

7. Factors to be considered in deciding grade placement are: the child's chronological and mental age; his/her physical, social and emotional maturity; his/her academic achievement, work habits and attitudes; the attitude and understanding of the child's parents regarding the proposed placement; and the child's own feeling about it.

R.M. II.P; p. 83

The title of the state high school equivalence certificate shall be the Vermont Secondary School Equivalence Diploma.

DIPLOMA

The Diploma shall be administered to Vermont residents of age 17 who have achieved a standard score of 35 on each of five tests and an average standard score of 45 on all five tests.

Minimum age of testing shall be 16.

Applicants for retesting are advised to have study and instruction in areas of prior failures.

Application must be on a special form, available on request to the State Department.

Test scores are accepted as official only when reported directly by 1) official GED Centers, 2) Transcript Service of the Defense Activity for Non-Traditional Education Support, 3) Veterans Administration hospitals and centers, and 4) the GED Testing Service.

Testing at Official GED Centers shall cost $7.50. There shall be no charge for issuance of the diploma.

The State Administrator of the GED Testing Program, Robert Vail, Director, Division of Teacher and Continuing Education, State Department of Education.

CROSS REFERENCES

I.State Board of Education; Statute §164

III.A.1.: Regulation, R.M. Ch. II.C., pp. 15-22

IV.G.; Statute §829

A MANUAL OF INFORMATION AND GUIDELINES FOR TEACHERS AND ADMINISTRATORS

Vermont Department of Education 1977

This publication describes the basic competencies program and suggests guidelines for teachers and administrators in implementing the program. The Vermont Board of Education in 1976 adopted a set of Basic Competencies in reading, writing speaking, listening, and mathematics and stipulated that by 1981 mastery of these skills is to be one requirement for high school graduation.

Teachers are required to maintain for each Vermont pupil a progress record on which the mastery of the basic competencies will be recorded. The data collected will be used for state and local decision making.

The policy guide sets forth the basic competencies and sample forms of pupil progress reports, as well as guidelines to be used by teachers in assessing competency.

SUPERINTENDENT

STATUTES

§1076

A superintendent or truant officer who fails to perform the duties imposed on him shall be fined $100. A teacher who violates the provision shall be fined not more than $25 or less than $5.

CROSS REFERENCE

I.Superintendent; Statute §241

TEACHERS

STATUTES

§1752

A teacher who fails to complete the term without just cause shall be disqualified to teach in any public

HEARING

school for the remainder of the school year. A teacher who requests a hearing shall be permitted to address the board in executive session, introduce witnesses and evidence and be represented by counsel.

SUSPENSION

A superintendent may suspend a teacher for "incompetence, conduct unbecoming to a teacher, failure to attend to duties, or failure to carry out reasonable orders." A teacher so suspended shall have the right to appeal to the board of directors.

APPEAL

CROSS REFERENCES

III.B.Teachers; Regulation, R.M. Ch. V.A., p. 101

III.C.Superintendent; Statute §1076

Truant Officer

CROSS REFERENCE

III.C.Superintendent; Statute §1076

D. Evaluation and Reporting

Advisory Board Reports

CROSS REFERENCE

I.State Board of Education; Regulation, R.M. Ch. I.A.2., pp. 2-3

Educational System

CROSS REFERENCES

I.Commissioner of Education; Statute §211

I.Superintendent; Statute §242

Elementary Education

Regulations

R.M. Ch. II.B4; p. 12

To prepare a local Elementary Design for Education, an Education Design Committee shall be established.

ELEMENTARY SCHOOL PROGRAM

REGULATIONS

R.M. Ch II.B5; p. 13

Each Education Design Committee shall prepare a Design for Elementary Education for each school board the Committee serves.

PUPIL ACHIEVEMENT

REGULATIONS

R.M. Ch. I.D; p. 22A

Annually, and beginning not later than August 15, 1978, each Superintendent shall supply the Commissioner with a report containing information about pupils achievement within enabling skill areas.

Using data provided by Superintendents, the Commissioner shall report to the State Board, the Governor, and the Legislature on the number of pupils attaining functional literacy in the evaluating skill areas.

SCHOOL SYSTEM

REGULATIONS

R.M. Ch. VI.B; p. 104

The State Board encourages creativity in local school district program designs and will consider waiving established regulations adopted by the Board when necessary for the district to carry out the objectives of the local educational design approved by the Board. WAIVER

SPECIAL EDUCATION

CROSS REFERENCE

II.A.2.; Statute §2952

VOCATIONAL EDUCATION

CROSS REFERENCE

II.A.3.; Regulation, R.M. Ch. II.M., pp. 63-75

E. IMPROVEMENT EFFORTS

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CROSS REFERENCES

II.A.1.; Statute §53, 54

II.A.1.; Regulation, R.M. Ch. II., p. 90

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

STATUTES

§22-21

The State Board of Education shall "do all things necessary to stimulate and encourage local supervisory activities and interest in the improvement of the elementary and secondary schools."

The State Board may provide standards for the accreditation of elementary and secondary schools. The State Board may recommend standards for non-public kindergartens and nursery schools. No such school shall hold itself out as having been approved by the State Board.

2. Other Qualification Standards

CONSTITUTION

Art. VIII, §2

"The State Board of Education shall determine standards of quality for the school divisions subject to revision by the General Assembly . . . ."

STATUTES

§22-5

"The school board ... is empowered to maintain" the public schools "for a period of at least nine months or one hundred and eighty teaching days in each school year. ... "If the length of the school year is reduced, the amount paid by the State shall, unless otherwise provided by law, be reduced proportionately.

SCHOOL TERM

§22-6

"A minimum number of pupils," as prescribed by Board of Education regulations, shall be required to form or maintain a public school.

Chapter 714 of the Acts of Assembly of 1976

"Whereas, Section 2 of Article VIII of the Constitution of Virginia provides the standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly; and

Whereas, the goals of public education in Virginia are to aid each pupil, consistent with his or her abilities and educational needs to:

1. Become competent in the fundamental academic skills;
2. Be qualified for further education and/or employment;
3. Participate in society as a responsible citizen;
4. Develop ethical standards of behavior and a positive and a positive and realistic self-image;
5. Exhibit a responsibility for the enhancement of beauty in daily life;
6. Practice sound habits of personal health; and

Whereas, such Board has prescribed such standards and . . . such standards [are] revised as follows:"

1. Basic Learning Skills

BASIC SKILLS

   A. Each school division shall give the highest priority in its instructional program to developing the reading, communications, and mathematics skills of all students, with concentrated effort in the primary (Kindergarten through grade three) and intermediate (grades four through six) grades.
   B. By September, 1978, the Board of Education in cooperation with the local school divisions, shall establish minimum Statewide educational objectives in reading, communications and mathematics skills that should be achieved during primary and intermediate grades.
   C. A Kindergarten program of at least one-half day shall be provided by each school division.

2. Career Preparation

   A. By September, 1978 each school division shall provide programs that offer:
      1. Career guidance to all secondary students;
      2. Adequate preparation to secondary students planning to continue their education; and
      3. Vocational education providing marketable skills for

students who are not planning to continue their education

B. By September, 1978, each school division shall have a program of alternative career education.

C. State funds received by a school division for students enrolled in alternative education programs shall be disbursed to the programs in proportion to the number of students actually enrolled therein.

3. Special Education

Each school division shall have a program for early identification of students who may need special education and provide such students a program of special education which is acceptable to the Board of Education.

4. Gifted and Talented

A. Each school division shall provide differentiated instruction to increase educational challenges and to enrich the experiences and opportunities available to gifted and talented students.

B. High School students shall be awarded a diploma upon satisfactory completion of the first year of advanced education.

5. Personnel

A. Each school division shall employ at least forty-eight professional personnel for each one thousand students in Average Daily Membership.

PUPIL/TEACHER RATIO

B. The maximum number of students in Average Daily Membership per certified classroom teacher for each first, second or third grade classroom in all school divisions shall be as follows: for 1977-78, twenty-eight; for 1978-79, twenty-seven; for 1979-89, twenty-six; for 1980-81, twenty-five; and for 1981-82 and thereafter, twenty-four. Until the school year 1981-82, no Kindergarten classroom shall have more than twenty-five students in Average Daily Membership per certified classroom teacher, beginning with such year, no more than twenty-four students in Average Daily Membership per certified teacher. If a full-time teacher's aide is assigned to a kindergarten through third grade classroom, the maximum student limit for that classroom shall be raised by seven.

C. Each school division shall provide a program of personnel development.

6. Teacher Preparation

A. Beginning with the 1981-82 school year, one certification requirement for teachers beginning their teaching career shall be the successful completion of the equivalent of a five year program of teacher preparation.

B. After September, 1978, every certified teacher shall be required every five years to have his or her certificate renewed by a certification board.

7. Testing and Measurement

A. By September, 1978, testing programs that will provide the individual classroom teacher with information to help in assessing the educational needs of individual students shall be used.

B. Beginning September, 1978, uniform Statewide tests shall be adminstered annually to measure individual student progression.

8. Accreditation

The chairman and members of any evaluation committee on which accreditation is based shall be independent of the school division and selected by the Superintendent of Public Instruction. All accreditation reports shall be open for public inspection.

9. Planning and Public Involvement

Each school division shall revise and extend biennially a six-year school improvement plan including:

1. The measurable objectives of the school division stated in terms of student performance;
2. An assessment of the extent to which the objectives are being achieved;
3. Strategies for achieving the objectives;
4. Evidence of community participation in the development of the six-year plan.

10. Policy Manual

Each school division shall maintain an up-to-date policy manual which shall include:

1. A grievance procedure;
2. A system of direct communication between the local school

board and its employees;

3. A procedure for personnel evaluation.

CROSS REFERENCE

II.A.1.: Statute §55-145.00

B. QUALIFICATION STANDARDS FOR PERSONNEL

COUNTY BOARD MEMBER

STATUTES

§22-68

A member of the county board must be a bona fide resident of the area from which he/she was appointed.

§22-69

No State or county officer, no supervisor, and no father, mother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of a supervisor in a county with a population over one hundred thousand shall be a member of the county school board.

DIVISION SUPERINTENDENT

CROSS REFERENCE

I.Division Superintendent; Statute §22-32; 22-36

PRINCIPAL

CROSS REFERENCE

I.Principal; Statute §22-217.9

School Employees

Statutes

§2.1-349.1

No father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent or a member of the school board shall be recommended for employment by the superintendent or employed by the school board. Any person with such a relationship may be employed if he/she was employed prior to the time the superintendent or board member took office, or if he/she was employed prior to the inception of the relationship with the superintendent or board member. However, a person who was employed as a substitute teacher may not be employed to any greater extent than he/she was previously.

If any superintendent or board member knowingly violates these provisions he/she shall be personally liable to refund any money paid in violation of this section.

State Board Members

Statutes

§22-15

Before entering upon their duties, the members of the State Board shall take oaths prescribed by the Constitution before any officer authorized to administer oaths.

Superintendent

Statutes

§22-24

Before taking office, the Superintendent shall take the oath required of all officers of the State.

§22-31

No one shall be a division superintendent unless he or she meets minimum qualification set by the State Board. The State Board shall publish the qualifications on the first of February of the year of the election and furnish a copy to all applicants.

§22-35

"No federal officer or employee, no State officer, except appointees by the Governor, no State employee, no deputy of such officers, no officer or employee or the deputy of such officer of a city, county or town, no member of the council of a city or town, and no chairperson of any political party," shall be a division superintendent.

§22-39

Each division superintendent, before entering office, shall take the oath required of all officers of the State.

CROSS REFERENCE

I. Superintendent of Public Instruction; Statute §22-22

TEACHERS

STATUTES

§22-204

No person shall be employed as a teacher without a State Board certificate. Any person who has a degree from a four-year college and two years of satisfactory teaching experience qualifies for the certificate.

A person without a certificate may be employed temporarily as a substitute teacher in an emergency.

§22-245; 22-246

No one shall receive a teaching certificate who has not "covered creditably an approved course in general physical education in a training school or course for teachers recognized by the State Board as a school or course in good standing."

The State Board may modify or waive this requirement if it is necessary "to prevent the impairment of the teaching force."

REGULATIONS

Board of Education (State), §II

The Board of Education shall provide for certification of teachers in accordance with a program which will guarantee reasonable standards and encourage professional improvements.

C. Performance Standards

Educational Program

Constitution

Art. VIII, §1

"The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age and shall seek to ensure that an educational program of high quality is established and continually maintained."

Instructional Personnel

Regulations

Contractual Agreements with Professional Personnel, pp. 9-10

Only full time instructional personnel are eligible for continuing contracts. Teaching service outside of the Virginia public school system shall not be counted as meeting in whole or in part the required probationary term.

Continuing contracts may be executed in behalf of persons holding in force a postgraduate, a collegiate professional, or a vocational certificate, effective July 1, 1975.

Upon being reassigned to a teaching position a principal or supervisor having completed three years probationary service need not serve another probationary period.

A teacher must begin another probationary period if they are not in teaching service in Virginia public school for two years.

Principal

CROSS REFERENCE

III.C.Teachers; Statute §22-217.1; 217.2; 217.3

School Board

Statutes

§22-188.50; 188.51

"The General Assembly hereby declares that it is

impossible to provide proper instruction for children in schools whenever military forces or other personnel, military or civil under federal authority, are used for the purpose of policing the operation of the public schools and that the orderly administration of the educational processes can only be provided without resort to military occupation or control."

SCHOOL CLOSING

A school board may close school whenever any military troops or other personnel employed under any federal authority are present for the policing operation of the public school or "alleged purpose of preventing acts or alleged acts of violence in such locality."

SCHOOL EMPLOYEES

REGULATIONS

Grievances, Procedure for Adjusting, pp. 35-42

GRIEVANCE

A grievance must be raised within 10 working days following either the event giving rise to the grievance or within 10 days following the time when the employee reasonably should have gained knowledge of its occurrence.

SCHOOL OFFICERS

STATUTES

§22-215; 216

VIOLATIONS OF SCHOOL LAW

Any division superintendent, school board member, school officer, principal, or teacher who by malfeasance, misfeasance, or nonfeasance violates any school law shall by guilty of a misdemeanor and subject to a fine of five to fifty dollars for each offense.

SANCTIONS

Any penalty imposed shall benefit the Literary Fund. The attorney of the Commonwealth shall bring an action when a violation is brought to his/her attention. Any school officer or teacher who knows of a violation shall bring it to the attention of the attorney for the Commonwealth.

SCHOOL SYSTEM

CONSTITUTION

Virginia Const.,
Art. I, §15

"...(t)he Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth."

§22-57

"Any interested parent, custodian or legal guardian, residents of the county, or city, who may feel aggrieved by the action of the county or city school board, [in any legal proceedings] may, within thirty days after such action, state his/her complaint, in writing to the division superintendent of schools . . . ." If the superintendent fails to satisfactorily adjust the complaint within ten days after receiving it the superintendent shall, within five days thereafter, grant an appeal to the court of record of the county or city upon the request of any party of interest. The appeal "shall be informal, and no pleading shall be required, other than the complaint hereinabove provided for."

APPEAL

CROSS REFERENCE

II.A.1.; Statute §22-233 -- 22-235

III.A.2.; Virginia Constitution, Art. VIII, §2

REGULATIONS

Board of Education (State), p. 4

All official papers shall be kept on file in the State Department of Education and shall be open to inspection.

STUDENTS

REGULATIONS

General Educational Development Certificates, §I

GED TEST

General Educational Development Certificates may be issued to individuals provided they are no longer enrolled in regular school, and are at least 19 years old. If under 19 they shall provide a letter showing they have been withdrawn from school for one year or a letter from an employer. High school credit is not required. One must be a Virginia resident for at least 30 days immediately prior to taking the test, one must score 35 on each test and an average score of 45 on all five tests. Credit is given for out-of-state test scores provided the requirements for the issuance of a certificate established by the State of Virginia have been fulfilled.

Upon failing to achieve a passing score one may be retested provided they can show satisfactory evidence of additional study in the subject areas to be retested.

CROSS REFERENCES

II.A.3. Statute §22-330.47

III.A.2.; Statute Ch. 714, Acts of Assembly 1976

III.D.Students; Statute §22-240.1

SUPERINTENDENT

STATUTES

§22-40

REMOVAL

The State Board shall impose reasonable fines, suspend or remove from office any superintendent for neglect of duty or official misconduct.

SUPERVISOR

CROSS REFERENCE

III.C.Teachers; Statute §22-217.1; 217.2; 217.3

TEACHERS

STATUTES

§22-203

DISMISSAL

Upon recommendation of the division superintendent the school board shall employ teachers and shall dismiss teachers when delinquent, inefficient, or otherwise unworthy.

§22-217.1; 217.2; 217.3

Written contracts shall be made by the school board with all teachers, except those temporarily employed as substitute teachers, before they enter into their duties, in a form to be prescribed by the Superintendent of Public Instruction. The State Board shall promulgate regulations to effectuate this article.

TENURE

A probationary term of service for three years in the same school system shall be required before a teacher, principal, or supervisor is issued a continuing contract. Another probationary term need not be served in another school division, unless the probationary period, not to exceed one year, be made a part of the contract of employment.

The school board may reassign a principal or supervisor with a continuing contract to a teaching position if notice is given, and the same salary need not be paid.

§22-217.4

A teacher who does not have continuing contract status and who has received notice of reemployment must

accept or reject in fifteen days.

A teacher may resign after April fifteenth of any school year with the approval of the school board. The teacher shall request release at least two weeks in advance of the intended date of resignation. The request shall be in writing and state the reason for resignation.

If the Board refuses to release the teacher because of insufficient or unjustifiable cause, and the teacher breaches the contract, the board may revoke the teahcer's certificate.

The board may reduce the number of teachers because of decreased enrollment or abolition of courses.

§22-217.5 DISMISSAL SUSPENSION

"Teachers may be dismissed, suspended or placed on probation for the following reasons: incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence, or for other good and just cause."

A teacher shall be informed of the reason for the action taken against him/her and that the teacher may request a hearing before the school board.

The hearing shall be held within thirty days of the request with fifteen days notice to the teacher of the time and place. The teacher may request a public hearing, may have a representative, present witnesses and evidence. HEARING

The school board shall give the teacher its decision within ten days and a copy of the transcript. A majority vote of the board is necessary for dismissal.

§22-217.6

Written notice setting forth the reasons for dismissals, suspension or placing on probation and a statement that the teacher may request a hearing before the school board within fifteen days after receiving the notice must be sent to the teacher. A personal interview with the teacher stating the reason for dismissal or placing on probation may be employed in lieu of such written notice. NOTICE

§22-217.7

The hearing before the school board, which shall be private unless the teacher requests a public one, must be set within thirty days of the request, and the teacher must be given at least fifteen days' written notice of the time and place. At the hearing the teacher may appear with or without counsel and be heard, presenting testimony of witnesses and other evidence.

HEARING

§22-217.8

The school board shall give the teacher its written decision within ten days after the hearing, together with a copy of the transcript of the proceedings, which shall be furnished without cost. A majority vote of the school board is necessary for dismissal.

§22-217.8:1

Except when a teacher is suspended because of being charged with a crime of moral turpitude, a division superintendent shall not suspend a teacher for more than five days unless the teacher has a hearing. No teacher shall be suspended longer than sixty days. Any teacher so suspended shall continue to receive his/her pay until after a hearing determines otherwise.

SUSPENSION

Any teacher suspended because of being charged with a crime of moral turpitude may be suspended with or without pay.

A teacher suspended without pay shall have an amount equal to his/her salary placed in an interest bearing escrow account. Upon being found not guilty or dismissal of the charge the teacher shall be reinstated and receive the money from the account less any earnings. The payment shall not exceed one year's salary. The money in the account shall be repaid to the school board if the teacher is found guilty and all appeals have been exhausted.

REINSTATEMENT

A suspended teacher's insurance benefits shall not be terminated.

D. Evaluation and Reporting

Educational System

Statutes

§22-19.1

"By the fifteenth of November of each year, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth." The report shall identify school divisions and specific schools in them which have failed to maintain schools meeting the existing prescribed standards of quality. In an odd-numbered year the report shall contain future standards of quality. These standards of quality shall be effective for the school years embraced within the fiscal years for which budget estimates are reported pursuant to §2.1-54.

§22-54

The school board and the division superintendent shall make an annual report "covering the work of the schools for the year" ending on June thirty to the State Board of Education.

CROSS REFERENCES

I.Division Superintendent; Regulation, Division Superintendent of Schools, §I-XII

I.State Board of Education; Virginia Constitution, Art. VIII, §5

Handicapped Persons

CROSS REFERENCE

II.A.2.; Statute §22-10.13

High Schools

CROSS REFERENCE

IV.G.; Statute §22-191; 22-192

Proposed Education Regulations

Statutes

§22-19.01

Prior to adopting any regulation affecting local

school divisions, the State Board of Education and the Department of Education shall prepare a statement of the administrative impact of the regulation on school divisions and the projected costs of implementation and compliance of the regulation.

SPECIAL EDUCATION PROGRAMS

CROSS REFERENCE

II.A.2.; Statute §22-10.5

SCHOOL STATISTICS

STATUTES

§22-36.1

Each division superintendent shall record all receipts and disbursements of school funds and all statistical information which the State requires the superintendent to report.

CROSS REFERENCE

II.A.2.; Statute §223-229

STUDENTS

STATUTES

§22-240.1

The State Board of Education shall not less than every two years provide tests for children in selected grades to ascertain the ability and the extent to which pupils have mastered their courses. The State Board shall carefully review the results of the tests and from time to time shall take any action it deems proper to eliminate any deficiencies discovered as a result of the tests. Passing any of these tests shall not be required to graduate or pass a course.

TESTING

TEACHERS

STATUTES

§22-202

The State Board of Education shall provide for the examination of teachers by a state board of examiners, and the inspection of schools by inspectors chosen by the State Board upon the nomination of the Superintendent of Public Instruction or by another plan of the State Board.

EDUCATIONAL SYSTEM

CROSS REFERENCES

I.Regional Education Service Agency; Statute §22-351; 22-352

III.A.1.: Statute §22-21

SCHOOL PERSONNEL

CROSS REFERENCE

I.Division Superintendent; Regulation: Division Superintendent of Schools; Statute §I-XII

STUDENTS

CROSS REFERENCE

III.D.Students; Statute §22-240.1

TEACHERS

STATUTES

§22-210

"The school board shall encourage meetings of teachers to be held from time to time in the county under such regulations as the division superintendent of school may prescribe."

REGULATIONS

In-Service Training Programs, Reimbursement For, §I-VII

Local school authorities are encouraged to develop continuing in-service training programs.

When programs are supported by state funds, they shall be administered in accordance with regulations.

INSERVICE TRAINING

The Department is authorized to allocate in-service training funds on the basis of the size of the school division and the need for certified personnel in accordance with a formula approved by the State Superintendent of Public Instruction.

The division superintendent of schools will organize classes within the division or on a regional basis, arrange with state institutions of higher learning to provide instructors for such classes, select and

enroll instructional personnel.

An applicant must be under contract with a Virginia school board for the ensuing session and must enroll upon the specific recommendation of the division superintendent in college-credit courses which are conducted during the summer and/or regular school term.

The school division will be reimbursed for each eligible participant at the regular college extension tuition rate, but not to exceed $24.00 per semester hour ($16.00 per quarter hour).

School divisions are encouraged to develop training programs to meet the objectives of the Standards of Quality established by the General Assembly, and to meet the special needs of the local educational program.

Division Superintendents may submit applications from their divisions for enrollment in summer school courses designed to assist teachers to deepen and broaden their knowledge of subject-matter content, particularly with reference to current subject-matter developments in their respective teaching fields.

Candidates must be under contract with the Virginia school board for the ensuing session and take courses in their area of assignment and/or needed professional preparation.

Candidates earning undergraduate or graduate college credit must be enrolled in accredited state-supported or non-profit Virginia institutions of higher learning whose primary purpose is to provide education and not to provide religious training in a summer session. Instructors, shall be reimbursed at the rate of $5.00 per hour, not to exceed ten hours, upon certification by the division superintendent and coordinator of Civil Defense Education of satisfactory completion of the course.

The Superintendent of Public Instruction is authorized to utilize in-service training for institutes and seminars approved by his/her office for division superintendents and other school personnel.

WASHINGTON

Section III.

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

§180-16-165

The "minimum program requirements" set forth must be met by school districts to maintain state board approval.

(1) General

(a) The school year consists of at least 180 days for grades 1-12 and half-time kindergarten programs. With state board approval, kindergarten programs may be operated on a full-day basis for a session of at least 90 days. SCHOOL YEAR

(b) The school day should conform to the requirements of law. SCHOOL DAY

(c) All official school administrators (superintendents, assistant superintendents, principals and assistant principals) shall have the proper credentials;

(d) Teachers should have the credentials and assignments required by law and state board regulations;

(e) The pupil-teacher ratio should not exceed 30 to 1;

(f) Student and district records should be properly maintained;

(g) "The physical facilities of the district shall be adequate to the program offered;"

(h) School buildings must meet health and fire safety requirements;

(i) "Supervision of instruction" should be provided;

(j) "There shall be adequate provision for" pupil health and safety.

(k) "An up-to-date policy statement relating to the ... operation of the school district shall be maintained including ... policies governing the school building and classroom visitation rights of nonstudents."

The district policy should also include "a procedure whereby misunderstanding(s) between ... visitor(s) and/or district employee(s) may receive a hearing and a decision" on the grievance.

(1) "The minimum program shall be as listed" for elementary and secondary levels.

(2) Elementary

(a) "Adequate basic instructional materials ... [and] supplementary learning resources ... shall be provided;"

(b) Guidance and counseling that covers "achievement measurement, promotion and retention," and individualized instruction shall be provided;

(c) "The program of learning experience in each grade shall be met with ... allowances for individual student differences;"

(i) Kindergarten. The program should provide a variety of physical, group, play and creative activities and introduce concepts of mathematics, science and literature appreciation.

(ii) Grades 1 - 6. "Instruction shall include ... fundamental skills of literacy and computation .... The curriculum ... shall include reading, arithmetic, social studies, including history, geography, civics and economics, physical education, music, art, science, health and the language arts.

(3) Secondary

(a) "An approved secondary school program shall include a grade 7 - 12 sequential program of studies ... for all secondary school youth regardless of grade organization;

"(b) The secondary curriculum shall include ... language arts, ... social studies ..., mathematics, science, foreign language, physical education, health, music, art, ... home economics, industrial arts and business education." Courses offered in grades 9 - 12

"must include those subjects required by the state board of education for high school graduation.

(c) Adequate basic instructional materials ... shall be provided."

(d) Certificated personnel should be responsible for library services. The library should serve as a learning resource center.

(e) Appropriately certified personnel should be responsible for guidance and counseling services. "A coordinated testing program and ... system of student cummulative records shall be provided as well as ... educational and vocational information."

§180-56-306

" It is the intent of the state board ... in establishing accreditation standards to make provision for a situation in which a school district can carry out a quality program of education and to assure that graduates of an accredited secondary school are adequately prepared for ... higher education and/or occupational opportunities."

§180-56-307

" (1) An accredited secondary school is one which meets all statutory provisions for secondary schools ... and all requirements established by the state board ... as to curriculum, personnel, building, equipment, instructional materials and other facilities.

(2) Accreditation of secondary schools:

(a) Is a basis for determining ... the standard of education offered by the secondary schools of the state;

(b) Is a basis for evaluation of credits earned by undergraduates in one secondary school and presented for entrance to another; and

(c) Enables graduates ... to enter without examination any public institution of higher learning in the state, subject to approval by the institution of courses and preparation required for admission."

§180-56-310

" Standard accreditation shall be granted to a secondary school which meets accreditation standards ... WAC 180-56-315 through ... 375 ... and applicable statutory provisions... [and] shall ... remain in effect conditioned upon evidence satisfactory to the superintendent ... that the secondary school continues to meet said accreditation standards and statutory provisions: Provided: that the state board ... may at any time re-evaluate accreditation standards and require the secondary school to meet any subsequent revisions there of .... "

§180-56-315

" Approval of the school district's program ... shall be prerequisite for secondary school accreditation."

§180-56-320

"Annual report. An accredited secondary school shall submit annually...a report of such facts...[as the state superintendent]...may prescribe."

§180-56-380

"Administration of accreditation procedures. (1) Application. Applications for secondary school accreditation shall be made to the state superintendent....

(2) The state superintendent shall direct such reviews and examinations as he deems practicable and necessary.

(3) The state superintendent...upon determining whether the secondary school meets [the]...requirements for accreditation shall submit his/her findings and recommendations to the state board...."

2. Other Qualification Standards

Statutes

§28A.58.180

"All school districts . . . shall maintain school at least one hundred eighty days per school year" but for kindergarten the minimum annual term may be days.

SCHOOL YEAR

REGULATIONS
§180-16-162

"The following shall govern the approval or disapproval of a program conducted during the period of a strike:"

STRIKES

The State Superintendent of Public Instruction may investigate "a complaint of a substandard program" and a district's program will be disapproved if "one or more of the following standards" are violated:

(a) the requirement that "all administrators have proper credentials" (180-16-165(1)(c));

(b) the requirement that teachers have proper credentials (180-16-165(1)(d));

(c) "the school district shall provide adequate instruction [for all pupils in attendance];"

(d) pupils' health and safety must be provided for (180-16-165(1)(j));

(e) "the local district shall have a written plan for continuing the school program during" the strike period;

(f) the ratio of pupils to staff should not exeed 60 to 1 in the first 5 days, 45 to 1 in the next 5 days, and 30 to 1 thereafter.

PUPIL/TEACHER RATIO

The State Superintendent's decision or approval is final but may be reviewed at the State Board's option.

§180-16-164

Nothing in the regulations regarding approval of school programs during stikes "shall be construed as condoning or authorizing any ... work stoppage which disrupts the planned educational program of a district ... or the maintenance of an approved program for less than the minimum" 180 days required by law.

STRIKES

§180-22-150

"It shall be the purpose of the state-wide territorial organization of education service districts [ESDs] to more readily ... adapt to the changing

economic patterns and educational program ... so that the children of the state will be provided with more equal educational opportunities." The following criteria should be considered collectively in the establishment of an educational service district:

(1) Program and staff. The ESD should be capable of providing "a program of educational services" which would include "leadership and consultant services in administration and finance, inservice education ... for teachers and administrators, special services" for handicapped and gifted children, "planning of school facilities, counseling and guidance, instructional materials, and develpment of projects .... under various federal acts."

(2) Size. The ESD should be between 1,700 and 7,500 square miles.

(3) School enrollment. The ESD should have a potential enrollment of 15,000 students.

(4) Topography and climate. Consideration should be given to these factors.

§180-30-485

"Approval by the superintendent of public instruction of the educational program or services to be offered" in the new facility shall be a prerequisite for approval of any interdistrict plan.

§180-56-210

" [T]he welfare of the state and its children require secondary schools which (1) can provide a comprehensive program broad enough to meet the varied needs, abilities and interest of students, (2) are adequately staffed ... (3) are administered by properly certified personnel, (4) can provide adequate pupil-personnel service, (5) can provide [suitable] school plant facilities ... (6) can give assurance of financial ability ... (7) do not duplicate existent educational facilities and/or programs, it shall be the policy of the state board ... to approve applications for ... any secondary program or any new grades in grades nine through twelve only when there is evidence that the foregoing conditions

can be fulfilled."

§ 180-56-215

" A secondary program ... may not be established in any existing nonhigh school district except upon prior approval by the state board ...."

§180-56-235

" The initial enrollment for a four-year secondary school ... shall be at least four hundred; ...

The initial enrollment for a six-year secondary school, ... shall be at least five hundred; ....

In computing the initial enrollment ... students who can be served economically and reasonably in already existing high schools shall not be counted, even though these students reside in the nonhigh school district."

§180-56-240

" There shall be not fewer than sixteen qualified teachers, ... not including principal, vice-principal, counselor and librarian, in a four-year high school, nor fewer than twenty qualified teachers, or equivalent, in a six-year secondary school, ...

STAFF SIZE

Teachers shall be assigned to grade levels or teaching areas in accordance with the regulations of the state board ....

All administrative personnel, ... shall be qualified in accordance with the regulations of the state board ....

A full-time high school principal shall be employed to serve the functions of administration and instructional supervision."

§180-56-250

" The board ... of the nonhigh school district shall submit evidence of the district's financial willingness and ability ... to make its proportionate contribution to the establishment and maintenance of a broad, comprehensive educational program."

The building to be used as a secondary school shall be approved by the superintendent of public instruction.

§180-56-255

" Prior to application to the state board for the establishment of a new secondary school, the district[s]

... presently serving students living in the nonhigh school district shall have been given adequate notice of the intent of the nonhigh school district subsequently to withdraw students.

The board ... of the nonhigh school district seeking approval of the establishment of a new secondary school shall submit evidence that students living in the nonhigh school district cannot be economically and reasonably served in an existing high school or high schools."

Evidence shall be submitted that unreasonable duplication of transportation routes and/or facilities will not result from the establishment of the new secondary school. §180-56-265

" In the establishment of one or more new grades in grades nine through twelve, the principl es ... concerning program, specialized services, staff and corps and size of respective grade or grades as related to potential total enrollment of the proposed secondary school shall apply: The establishment of each such grade shall be subject to prior approval by the state board .... " §180-56-270

" In exceptional cases, the state board ... will consider for special approval applications from schools with an initial enrollment of less than four hundred students and fewer than sixteen teachers and related personnel if in its judgment the establishment of a new high school may be desirable because of the remoteness of the area and the necessity for a program of secondary education."

"Unit of credit. (1) One unit of credit shall represent a minimum of approximately one hundred twenty clock hours. Fractional units may be given...

(2) Time spent in class shall be one criterion in judging the worth of a program; however, experimentation in organization is encouraged...Deviations from the one hundred twenty clock hour unit shall be subject to approval by the state superintendent..."

§180-56-340

"Professional preparation of staff. (1) Principal. The principal and vice principals must have the appropriate credentials in accordance with regulations of the state board of education.

(2) Teacher. Teachers should be assigned to their proper grade level or subject area in accordance with their competency based on training and experience.

(3) Learning resources specialist (Library-Audio-Visual);

(4)[Counselor] School districts shall provide evidence which documents the fact that personnel have completed programs of preparation appropriate to the school functions to which they are assigned. When assignments are not consistent with institutional preparation, the school district shall provide information which...will justify the assignments.

(b) The basic reference for approval is completion of state-approved programs of preparation...rather than any specified courses or any particular number of course credits. School district recommendation and documentation (justification) of preparation...will be required when evidence of institutional program completion is lacking."

180-56-350

"Instructional and learning resources. (1) Resources.

(a) Teaching materials.

(1) Books: 2,000 minimum or 7 books per student (whichever is larger).

(iii) Film strips and slide sets: 200 (available

through rental or loan sources).

(iv) Newspapers: 1 local, 1 national and 2 area metropolitan dailies.

(v) Periodicals--Magazines (including professional): 35 junior high; 50 senior high.

(vi) Tapes and records (excluding tapes for language laboratory): 200 (available through rental or loan sources).

(vii) Wide variety of teaching-learning materials: Vertical file collections; pamphlets; study prints; folded maps; 8 mm. films; overhead transparencies and transparency masters; globes; diaramas; all readily available and easily accessible to both teachers and students.

(b) Facilities. Library room(s) seating largest class plus 10 up to 10% of enrollment with special room for storage and check-out of audio-visual equipment, easily accessible to the charge desk, plus work, office, conference areas equipped for listening and viewing; independent work areas (carrels) in larges schools.

(c) Budget

(i) Books: $900 minimum or $3.50 per student (whichever is greater)..

(ii) Other: Adequate budget in addition to book budget for regular encyclopedia replacement, periodical subscriptions, audio-visual materials, supplies and binding.

(2) <u>Recommended organization and program</u>

(a) Materials collections classified and cataloged for use.

(b) Library available for reading, listening, conferences and reference throughout the school day.

(c) Professional personnel...and teachers plan together for the program of library instruction.

(d) Professional personnel...plan with teachers for the active use of all communication media by students and teachers alike.

(e) Skilled help to aid teachers and students in the production of teaching-learning materials."

§180-56-355

"Guidance services. (1) Physical facilities. Provide suitable privacy for individual counseling.

(2) Recommended organization and program.

(a) A counselor's job description, plus description of administrator's relationship to guidance program.

(b) A functional guidance committee.

(c) A testing program which includes achievement and aptitude testing.

(d) Adequate...materials pertaining to educational and occupational opportunities.

(e) Systematic, continuous identification of student developmental needs.

(f) Complete and permanent student records...."

§180-56-360

"School health services. (1) Recommended organization and program.

(a) Provide help to teachers in observation and referral of students whose characteristics show deviations....

(b) Provide guidance and assistance in the identification of students with unobservable handicaps....

(c) Maintain concise...records containing information that will help to further educational opportunities and potential of students.

(d) Develop procedures to help prevent and control disease; first-aid procedures for the injured and emergency care for cases of sudden illness.

(e) Coordinate with the health services in the community.

(f) Provide a health service area with adequate space for the following...

(i) Isolating students who are ill

(ii) Administering vision screening tests

(iii) Administering hearing tests

(iv) Providing privacy for conferences...."

§180-56-364

"Textbook and supplementary reference materials. Each secondary school must have textbooks and supplementary reference materials which allow for an adequate comprehensive secondary school program...."

§180-56-370

"Equipment and materials. Each secondary school must have equipment and materials which allow for an adequate comprehensive secondary school program...."

§180-56-375

"Facilities. Each secondary school must have facilities which allow for an adequate comprehensive secondary school program...."

CROSS REFERENCES

II.A.1.; Regulation §180-56-330

II.A.2.; Statute §28A.13.045

B. Qualification Standards for Personnel Administrators

Regulations

§180-80-280

"Administrators' credentials--Requirements--Types--Effective date--Interpretation of standards.

(1) Credentials shall be provisional and standard and shall be designated elementary principal, secondary principal, general principal and superintendent, respectively.

(2) Reasonable flexibility may be applied in interpretation of the standards for administrator preparation and certification...consistent with the intent of the standards and based on the professional evaluation of preparation programs and individual applicants' qualifications."

§180-80-285

"Administrators' credentials--Credit hour and degree requirements. Not more than twenty-five per cent of the credit requirements for each of the credentials may be earned by extension.

(1) Principals' credentials--Elementary, secondary and general. The study prescribed herein must be taken at a

state of Washington institution authorized...or approved by the state board...

for the preparation of principals: Provided, That credits earned in an out-of state institution recognized for the preparation of principals by the appropriate state educational agency may be accepted.

(a) Provisional: 24 quarter hours beyond bachelor's degree in an approved program..., 9 hours of which must have been earned after completion of the fifth college year.

(b) Standard: 12 quarter hours in an approved program... earned after issuance of the provisional credential; and a master's degree.

"(2) Superintendent's credentials. The study prescribed herein must be taken at the University of Washington or Washington State University: Provided, That credits earned in an out-of-state institution recognized for the preparation of superintendents by the appropriate state educational agency may be accepted.

(a) Provisional: 12 quarter hours in an approved program...in addition to those required for standard principal's credential; and a master's or higher degree.

(b) Standard: 12 quarter hours in an approved program... in addition to those required for provisional superintendent's credential."

§180-80-290

"Administrators' credentials--Study program--Principals' credentials. The candidates study program for a principal's credential is subject to prior approval by the teacher education institution.

(1) Fields of study. Shall include school administration, curriculum and supervision. Studies to strengthen candidate's general education are to be required where necessary. Graduate study standards are to be met.

(2) Specific studies. Studies are to be planned to develop understanding and competence in:

(a) The learning process and its bearing upon the leadership responsibilities and activities of the principal, upon the curriculum and upon methods and organization of instruction.

(b) Growth and development of children and youth....

(c) Analysis of the bases for good human relations and development of insight and skill in working with individuals and groups.

(d) Leadership of teachers..., the development of the program of instruction and the solution of problems of instruction; techniques for working with teachers to improve teaching procedures.

(e) Understanding of the organization and scope of the total school program; leadership in the organization and daily management of the school program.

(f) Leadership in the organization of school and community resources in the improvement of the public school program.

(g) The relationship of economic and sociological backgrounds and philosophical contributions to the development of education...

(h) The application of research techniques to the educational program and the use of research results in school situations.

(3) Laboratory experience. Laboratory and internship type experiences as needed are to be provided. These shall be supervised school administrative experiences in school situations...."

§180-80-295

"Administrators' credentials--Study program--Superintendent's credentials. The candidate's study program...is subject to prior approval by the teacher education institution.

(1) Fields of study. Fields of study shall include school administration, curriculum and supervision. Studies to strengthen candidate's general education are to be required where necessary. Graduate study standards are to be met.

(2) Specific studies. Studies are to be planned to increase understanding and competence in:

(a) Leadership capacity in the organization of school and community resources in improvement of the public schools.

(b) School and public administration and finance; efficient business management of schools.

(c) Leadership of the school staff in development of the educational program.

(d) School and community organizations and structure with particular reference to competence in leading the school and community in continuous and long-range educational planning.

(e) Historical, comparative, philosophical, psychological and social foundations of education.

(3) Laboratory experience. Laboratory and internship type experiences as needed are to be provided....

Laboratory experiences shall be supervised school administrative experiences in school situations."

§180-80-300

"Administrators' credentials--Experience requirements.

(1) Elementary principal's credentials.

(a) Provisional: Three years of successful teaching experience of which...two years shall be in an organized elementary school. Two years...shall be as a full-time classroom teacher.

(b) Standard: Three years of successful principal experience after issuance of the provisional credential of which...two years shall be in an organized elementary school of six or more teachers.

(2) Secondary principal's credentials.

(a) Provisional: Three years of successful teaching experience of which...two years shall be in an organized junior, senior or four-year high school. Two years...shall be as a full time classroom teacher.

(b) Standard: Three years of successful experience as a principal after issuance of the provisional credential of which...two years shall be in an accredited junior, senior, or four-year high school.

(3) General principal's credentials.

(a) Provisional: Three years of successful teaching experience of which...one year shall be in an organized junior, senior or four-year high school and...one year in an organized elementary school.

(b) Standard: Three years of successful experience as a principal after issuance of the provisional credential of which...one year shall be in an organized elementary school of six or more teachers and...one year in an accredited junior, senior or four-year high school.

(4) Superintendent's credentials.

(a) Provisional: A minimum of four years of successful administrative experience after the candidate has secured a principal's credential.... Administrative experience may be in:

(i) An elementary school of six or more teachers, or an accredited junior, senior or four-year high school; OR

(ii) A specialized area of the school program, provided the activity and responsibility are concerned with all teachers and students in a school or school system.

(b) Standard: Three years of successful experience as a superintendent after issuance of the provisional credential."

§180-80-301

"Administrators' credentials--Teacher's certificate a prerequisite. The appropriate valid standard certificate shall be a prerequisite to issuance of an administrator's credential....

(1) Elementary principal's credential. The candidate... must hold a valid six-year standard elementary, standard general or standard certificate.

(2) Secondary principal's credential. The candidate... must hold a valid standard secondary, standard general or standard certificate.

(3) General principal's credential. The candidate... must hold a valid standard general or standard certificate or the equivalent as determined by the superintendent...

(4) Superintendent's credential. The candidate... must hold a valid standard elementary, standard secondary, standard general or standard certificate."

§180-80-302

"Administrators' credentials--General requirements for determination of applicant eligibility. (1) Evaluation of applicant's experience and administrative potentiality. (a) School administrators responsible for the applicant's

supervision are to evaluate his teaching and/or administrative success and suggest areas of study and other experiences needed.

(b) The teacher education institution upon evaluation of applicant's administrative potentiality and readiness shall determine admissibility to the administrator preparation program.

(2) Recommendation of candidate for credential by teacher education institution. The teacher education institution, upon completion of the candidate's program of study or at its discretion, shall forward the application and all supporting papers and records of progress to the superintendent...with a recommendation as to the candidate's eligibility for the credential.

(3) Determination of eligibility by superintendent of public instruction. The superintendent...shall judge eligibility of the candidate on the basis of the criteria set forth below and shall grant the credential only upon determination that the requirements have been satisfied."

§180-80-303

"Administrators' credentials--Administrative positions authorized. (1) Elementary principals' credentials. [A]uthorize holders to serve as principals of elementary schools and junior high schools.

(2) Secondary principals' credentials. [A]uthorize holders to serve as principals of junior, senior, four-year and six-year high schools.

(3) General principals' credentials. [A]uthorize holders to serve as principals of elementary schools and junior, senior, four-year and six-year high schools.

(4) Superintendents' credentials. [A]uthorize holders to serve as superintendents of school districts with one or more elementary schools and one or more high schools ...[and]...also serve as principal on any level covered by the holder's certificate for teaching."

§180-80-304

"Administrators' credentials--Assistant principals--Assistant Superintendents. Persons serving as assistant principals must hold the appropriate valid principal's

credential and persons serving as assistant superintendents must hold a valid superintendent's credential."

§180-80-305

"Administrators' credentials--Procedures--For guidance of applicants. (1) Preliminary to filing of application. [T]he proposed candidate for an administrator's credential, preliminary to filing of an application [should] discuss with the school administrator under whose supervision he/she is teaching his/her readiness to pursue the preparation program.

(2) Application procedure. All applications are to be submitted to the educational service district superintendent for transmittal to the superintendent in accordance with the following...:

(a) Provisional principal's credential: File application...after a minimum of one year of teaching and prior to fulfillment of standards, preferably before the applicant has begun study for the credential.

(b) Standard principal's credential: File application...during the applicant's second year of experience as a principal and prior to fulfillment of standards.

(c) Provisional superintendent's credential: File application...after the applicant has completed preparation for a standard principal's credential and prior to fulfillment of standards.

(d) Standard superintendent's credential: File application...after one year of service as a superintendent and prior to fulfillment of standards.

(3) Action subsequent to filing of application. (a) The superintendent...transmits to the teacher education institution designated by the applicant his/her application and supporting papers including reference statements and evaluations of applicant's teaching and/or administrative success. [S]uch information is confidential and may be used only by officials of the teacher education institution responsible for advising the candidate.

(b) The...institution and the candidate plan the program of study and related experiences.

(c) Upon completion of the preparation program... institution submits its recommendation concerning eligibility of the candidate for an administrator's credential....

(d) Upon determination that the candidate meets requirements as prescribed..., the superintendent...issues the appropriate administrator's credential."

§180-80-310

"Administrators' credentials--Out-of-state applicants--Out-of-state study. (1) Requirements for out-of-state applicants. (a) When experience and preparation warrant, an out-of-state applicant may be granted a provisional administrator's credential. After three years of successful appropriate administrative experience within the state...an applicant may, if otherwise qualified, secure a standard credential.

(b) Applicants from out of state must meet the same standards as in-state applicants.

(2) Study in out-of-state higher institutions. Programs of study...may be undertaken at accredited higher institutions out of state. However, applicants from within the state will be expected to make arrangements for this study in consultation with a Washington teacher education institution. The Washington teacher education institutions will recommend such candidates for administrators' credentials."

§180-80-312

"Administrators' credentials--Period of validity and reinstatement of credentials. (1) Period of validity. Standard administrators' credentials are valid as long as the holders' certificates to teach remain valid. Provisional administrators' credentials are valid for not more than four years of administrative experience in elementary schools of six or more teachers or in accredited junior, senior, four-year or six-year high schools: Provided, That the holders' certificates to teach continue to remain valid during the prescribed period.

(2) Reinstatement. Credentials that lapse...may be reinstated by reinstatement of the certificate, except that

when ten years or more have elapsed since the holder's most recent full year of teaching or administrative service, additional preparation or experience may be required."

BOARD OF DIRECTORS

STATUTES
§28A.57.312; .318

"The governing board of a school district shall be known as the board of directors." A director shall be elected at regular school elections and must be a citizen of the United States, the state of Washington, and a registered voter of either the school district or director district."

DISTRICT BOARD

STATUTES
§28a.21.050

Every candidate for member of the educational service district (ESD) board shall be a registered voter and resident of the district in which she/he is a candidate. At the first meeting of each ESD board a chairperson and vice chairperson will be elected. A majority of the members shall constitute a quorum.

DISTRICT SUPERINTENDENT

CROSS REFERENCES

I.District Superintendent; Statute §28A.58.137

EDUCATIONAL SERVICE DISTRICT SUPERINTENDENT

REGULATIONS
§180-22-200

APPOINTMENT

To be appointed an educational service district superintendent, "a candidate must have a valid principals' or superintendent's credential" from the state or meet the following criteria:

"(1) Hold any regular certificate ... which allows service in the schools of Washington ... and/or

(2) Have appropriate training and experience for the position as determined by the board of directors of the educational service district."

(2) [He/she]...serves in an advisory capacity to school personnel and may perform the following functions:

(a) Measuring the intellectual, social and emotional development of children and interpreting the results of psychological studies.

(b) Diagnosing educational and personal disabilities and collaborating in the planning of re-educational and therapeutic programs.

(c) Identifying exceptional children and...planning ...appropriate educational and social placements and programs.

(d) Developing ways to facilitate the learning and adjustment of children.

(e) Helping teachers and administrators to understand child behavior and intellectual and personality differences...

(f) Serving in a consultive capacity in curriculum planning.

(g) Encouraging and initiating research and helping to utilize research findings for the solution of school problems."

§180-84-020 -- 180-84-025

"Certificate Requirements. School psychologists shall hold either provisional or standard certificates... The minimum requirements for certification shall be as follows:

(1) Provisional certificate.

(a) Master's degree with a major in psychology...,

OR

The completion of all course work toward a master's degree except the thesis requirement.

(b) Completion ...of fifteen quarter hours of professional education courses...

(2) Standard certificate.

(a) Fulfillment of all requirements for the provisional certificate.

(b) Master's degree with a major in psychology.

(c) Successful completion of two years of experience as a school psychologist, one of which must be under supervision.

(3) School psychologist in supervisory capacity. [W]ill hold a doctorate in psychology and will have had considerable

experience as a school psychologist in addition to satisfying the minimum requirements set forth in subsections (1) and/or (2)..."

"Academic requirements. (1) Basic education areas. A minimum of fifteen quarter hours...in the areas listed below.

(a) Directed laboratory experience in a school setting.

(b) Education of the exceptional child.

(c) Philosophy, organization and administration of the American school system.

(2) Basic psychology areas. Studies in the basic psychology areas listed below.

(a) Introduction psychology.

(b) Statistics

(c) Child growth and development.

(d) Psychology of adjustment or mental hygiene.

(e) Psychology of learning.

(f) Social psychology or sociology.

(3) Clinical psychology and personality areas. Studies in the basic psychology and personality areas listed below.

(a) Abnormal psychology

(b) Personality theory.

(c) Tests and measurements.

(d) Individual intelligence testing--Children.*

(e) Individual intelligenge testing--Adults.*

(f) Introduction to personality testing.*

(g) Interviewing and counseling.

(h) Diagnosis of the exceptional child.

(i) Practicum in diagnosis and report writing.*" (Battery of tests)

*Supervision is necessary for the work required in these courses.

School Social Worker

Regulations

§180-84-050 -- 180-84-060

"Certification of school social workers--Role and function. (1) The school social worker supplements the... teacher...in helping children to constructively use the

educational opportunity provided... [W]ith the teacher there is mutual sharing in the understanding of a child's behavior and planning for the child...

(2) The aim...is to help the school identify children who present social and emotional difficulties and...enable these children to make satisfactory progress in the classroom. This aim is achieved through:

(a) Consultation service to...school personnel.

(b) Individual or group help to parents and children.

(c) Liaison service in utilizing community resources for the benefit of children."

Educational requirements. The competencies needed... are a specialized social work skill, thorough knowledge of behavior causation, human growth and community resources, and the ability to work with professional personnel...

Professional education in social work is required on a postgraduate level in an [accredited] school of social work ...which offers a two-year postgraduate program leading to a master's degree in social science.

(1) Undergraduate preparation. Undergraduate preparation...shall be as recommended by the Council on Social Work Education...

(2) Master's degree. A master's degree...requires satisfactory completion of the prescribed curriculum..., the equivalent of six quarters of directed laboratory experience in an approved social agency, clinic or institution for two to three days per week; and completion of either an individual or group research project."

"Certification requirements. School social workers shall hold either provisional or standard certificates... The minimum requirements for certification shall be as follows:

(1) Provisional certificate.

(a) Master's degree from an [accredited] school of social work..., OR the following combination:

(i) Bachelor's degree from an approved institution;

(ii) One full year of postgraduate study in an [accredited] school of social work..., one full year of directed field placement in an agency approved by the school

of social work; and

(iii) Two years of successful [supervised] experience...in an approved family or children's agency, or two years of successful teaching experience.

(b) Completion of a minimum of fifteen quarter hours of professional education courses...

(2) Standard certificate.

(a) Fulfillment of all requirements for the provisional certificate.

(b) Master's degree from an [accredited] school of social work...

(c) Completion of two years of successful experience as a school social worker."

SPECIAL PERSONNEL

REGULATIONS
§180-84-010

"Basic principles. [I]n the modern school program there is need for the services of specialized personnel who... should be certificated for specific assignments...as indicated below.

"(1) Specialized personnel should have supervised experience with pupils in the training program...

"(2) The[ir] preparation program...should include professional education courses...

"(3) Standards for...certification...should be based upon functions, standards and qualifications for practice as recommended by the various national professional organizations."

STATE BOARD OF EDUCATION

STATUTES
§28A.04.010. — .040; .070

"The State Board of Education shall be comprised of two members from each Congressional district . . . elected by members of the boards of directors of school districts." No employee of any educational institution or of county or intermediate district school membership is eligible for membership on the board. Each member must reside in their district and shall be

CONFLICT OF INTEREST

elected for a term of six years.

SUPERINTENDENT

STATUTES

§28.02.260

Superintendents, his/her assistants, or the district's board of directors do not need professional certification.

§28A.21.080

The educational service district superintendent must possess a valid principal's or superintendent credential or meet "other criteria" established by the state board of education.

§28A.58.140

"Every school district director and . . . superintendent, on assuming the duties of his[her] office shall place his[her] signature, certified to by some school district official, on file in the office of the county auditor."

TEACHERS

STATUTES

§28A.35.070

Kindergarten teachers shall have the teaching certificates or permits required by the state board.

§28A.67.010

"All teachers must hold a valid teacher's certificate or permit issued by lawful authority of this state."

§28A.67.020

All public school teachers must be U.S. citizens. An alien may be granted a permit to teach if he/she has declared an intention to become a United States citizen. The superintendent may grant an alien a temporary permit as an exchange teacher if his/her qualifications have been approved by the state board of education. Before being granted a temporary permit, the alien must swear that "he[she] is not a member of or affiliated with a communist or communist-sponsored organization or a fascist or fascist-sponsored organization."

CITIZENSHIP

COMMUNISM

Any violation of the above section will be a misdemeanor.

§28A.70.005

"The state board of education shall establish . . . and enforce rules and regulations determining eligibility for . . . certification of teachers in the common schools . . . ." The superintendents shall administer such rules.

§28A.70.130

All certificates or copies of original certificates issued by the superintendent of public instruction will entitle the holder to teach in any county upon registration in that county.

§28A.70.140

Before issuing a teaching certificate, the school district or educational service district must be satisfied the "applicant is a person of good moral character, personal fitness and has not been convicted of any crimes involving the physical neglect or injury of children (excepting possible motor vehicle violations) or sexual abuse of children."

NOTICE

If the local superintendent refuses to issue a certificate, the state public instruction superintendent must be notified immediately of the reasons therefor and the aggrieved person shall have the right to appeal to the state superintendent, and right to further appeal to the state board of education.

APPEAL

REGULATIONS

§180-80-200

"Teachers--General provisions. (1) Age. No person who is less than eighteen years of age shall receive a certificate to teach...

(2) Citizenship requirement--Alien permits--Limitations. No person who is not a citizen of the United States...shall be permitted to teach in the common schools...Provided, That the superintendent...may grant to an alien who has declared his/her intention of becoming a citizen ... a permit to teach and to an exchange teacher from a foreign country a temporary permit to teach:...

CITIZENSHIP

(3) Health certificate. Each teacher shall file with the school district...superintendent a valid health certificate

issued by the state department of social and health services.

(4) Character. Applicants...must be of good moral character and personal fitness.

(5) Scholastic requirement. A candidate's academic record in total teacher preparation must show a cumulative grade point average of 'C' or better...."
§180-80-201

"Evaluation of preparation and experience to determine equivalency of qualifications for teacher certification. Reasonable flexibility in interpretation of the standards for teacher certification...may be applied consistent with the intent and spirit of the standards and based on professional evaluation of individual applicant's qualification."
§180-80-202

"State history and government. (1) Holders of Washington state certificates must have completed study of Washington or Pacific Northwest history and government. Completion of college study in Washington State or Pacific Northwest history and government applies to all teachers who would be expected to teach a course in these subjects."
§180-80-210

"Washington program of teacher education--Provisional certificate. (1) Graduates of programs of teacher education approved by the state board...are eligible for the provisional certificate.

(2) Recommended program pattern. The recommended program pattern includes:

Broad liberal education.....35 percent
Subject matter specialization.....35 percent
Professional study.....20 percent
Electives.....10 percent

(3) Teaching authorization. Grades kindergarten through twelve.

(4) Validity. Provisional certificates are valid for three years and renewable...

(5) Initial issuance---Renewal. Provisional certificates...are issued for a period of three years upon recommendation of teacher education institutions and are renewable once...for a three-year period. The bases for renewal...are as follows:

(a) Completion of twelve additional quarter hours (eight semester hours) acceptable toward the fifth college year program and applicable to the field of preparation and evidence of successful teaching.

(b) On application from persons who have not taught during the initial three-year life of the certificate.

(6) Reinstatement. A second provisional certificate may be reinstated upon completion of twelve quarter hours (eight semester hours) applicable to the field of preparation of the applicant and earned within the seven-year period immediately preceding the date of application for renewal." §180-80-215

REINSTATEMENT

"Washington program of teacher education--Standard certificate. (1) Eligibility. Teachers who have held provisional certificates...have completed the fifth-year college program of studies and three years of [satisfactory] teaching experience...are eligible for the standard certificate.

(2) Standards and procedures for the fifth college year.

(a) Choice of college. The fifth year...is to be completed following a period of at least one year of initial teaching experience. The teacher may complete this study during an academic year or summer sessions in an approved institution of his/her choice as follows:

(i) In a Washington state institution with a teacher education program approved by the state board of education...

(ii) In an approved out-of-state institution.

(b) The teacher's fifth-year program shall be approved by the recommending institution.

(i) The preservice institution may designate fifth-year requirements to the extent of half of the program subject to the approval of the recommending institution.

(ii) The fifth year shall include a minimum of 45 quarter hours of which at least 50 per cent are in upper division undergraduate and graduate level courses.... A minimum of half of the fifth year shall be taken in residence ....It is recommended that only fifteen of the 45 required quarter hours be completed prior to or during the first year of teaching experience:....

(4) Validity--Reinstatement. Standard certificates are valid on a continuing basis while the teacher is in

professional service and for a period of seven years thereafter. Additional preparation...for renewal of a provisional certificate is required for reinstatement of a lapsed certificate. The required twelve quarter hours (eight semester hours) for reinstatement must be applicable to the field of preparation of the applicant and must be earned within the seven-year period immediately preceding the date of application for renewal.

(5) Issuance. Standard certificates are issued on recommendation of teacher education institutions upon completion of fifth-year standards and recommendation of the superintendent(s)...of the school district(s) or school(s) in which the applicant has completed three years of teaching experience...Provided..., if the superintendent(s)...will not certify that the applicant's experience was satisfactory, the affected teacher may appeal the decision of the state board....A hearing shall be held before the state board... If the state board...concludes that the applicant has completed those years of teaching experience which as a whole are judged satisfactory, the applicant may be issued a standard certificate.

(6) The requirement that a person have completed three years of satisfactory teaching experience as a condition to the issuance or reissuance of a standard...certificate shall not apply to either (i) those persons who, on or before October 9, 1975, had either been issued a provisional certificate or were eligible for provisional certificate by virtue of their completion of a teacher education program approved by the state board...for purposes of such certification, or (ii) those persons who held a standard elementary or secondary certificate on or before October 9, 1975. Any such person shall be eligible for a standard elementary or secondary certificate and the reissuance of the same upon completion of two years of satisfactory teaching experience...."

§180-80-217

"Extension of common school certification to experienced college teachers. (1) Temporary, provisional and standard certificates may be issued to successful and experienced college teachers upon the recommendation of the local school district...superintendent... Provided, That:

(a) The applicant has completed two years of successful

teaching in an institution of higher learning and holds a graduate degree.

(b) The applicant is recommended for specific teaching roles.

(c) The applicant meets the general provisions for teacher certification...

(2) Such certification shall be initially on a temporary basis for one year pending successful common school experience, after which the holder...shall be eligible for...a provisional certificate valid for three years; the holder of the provisional certificate shall be eligible...for standard certification following two additional years of successful common school experience."

§180-80-220

"Vocational education certification--Qualifications for--General provisions. (1) Establishment of requirements for vocational education certification. Requirements for vocational education certification...shall be approved by the state board...prior to adoption of the state plan by the commission for vocational education...

(2) Qualification requirements for vocational education certification. Teachers...must hold a valid vocational education certificate for their respective teaching fields and must meet the applicable specific qualification requirements...

(3) Requirements for teaching other secondary school subjects. Vocational education teachers who devote part of their time to other secondary school subjects also must hold a valid...certificate...."

§180-80-245

"Adult education certification. Certificates for teaching specific subjects in the adult education program are issued... upon the recommendation of local school district superintendents. The certificates are valid for one year...."

§180-80-250

"Special and substitute certificates (1) Special crafts certificate. Special crafts certificates authorize the holders to teach special crafts not more than two periods a day and are issued to qualified persons upon the recommendation of local

school district...superintendents. Such certificates are valid for one year.

(2) Consultant special certificate. The issuance of consultant special certificates is limited (a) to persons highly qualified and experienced in fields of knowledge taught in the common schools, (b) to instructional functions other than regular teaching, or (c) to persons...[with]...competencies in specified fields and who are assigned instructional responsibility for intramural/interscholastic activities...The certificate is valid for one year and only for the activity specified.

(3) Substitute certificate. The substitute certificate entitles the holder to act as a substitute teacher...for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(a) Fully qualified...teachers whose state...certificates have expired, and/or

(b) Teachers who have completed the basic preparation for an elementary or a secondary certificate.

The certificate is valid for three years and renewable upon application.

(4) Permits.

(a) Permits may be issued under this section to those persons who have filed an application for a certificate and who meet requirements set forth in subsection(b).

(b) Permits may be issued to those persons who have completed all requirements for provisional, initial, standard, or continuing certification on the request of institutions of higher education or consortia having State Board of Education approved preparation programs or on the request of educational service districts under the following circumstances:

(i) In the case of an individual completing requirements for certification in a Washington state institution of higher education or consortium the request shall be made by that institution or consortium.

(ii) In the case of an out-of-state candidate for certification the request shall be made by an educational service district. PROVIDED, That the issuance of a permit

does not in and of itself entitle the individual to be otherwise certificated.

(c) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the qualifications stated on the permit.

(d) A permit is valid for ninety (90) consecutive calendar days commencing with the date following the date of issuance and is not renewable.

(e) The Office of the Superintendent of Public Instruction shall issue all permits and provide institutions of higher education, consortia, and educational service districts with forms and instructions relevant to application for a permit."

§180-80-256

"Certification of out-of-state trained teachers--Interstate educational personnel contracts. The superintendent... is authorized to enter into interstate educational personnel contracts with states party to the Interstate Agreement on Qualifications of Educational Personnel...."

§180-80-258

"Certification of out-of-state trained teachers--General provisions. Candidates from out-of-state shall meet the general requirements...and when applicable the Washington state history and government requirement...."

§180-80-260

"Certification of out-of-state trained teachers---Elementary certificates. Elementary certificates are issued to out-of-state candidates who meet standards comparable to those for in-state candidates in accordance with the provisions set forth below.

(1) Provisional elementary. Provisional elementary certificates are issued to those who:

(a) Hold a degree from a regionally accredited higher institution of learning; hold a valid elementary or junior high school certificate of another state, or territory...and have a satisfactory record of thoroughgoing supervised experiences...OR

(b) Hold a degree from and recommendation for teacher certification by an institution accredited by the National

Council for Accreditation of Teacher Education.

The provisional elementary certificate is valid for three years. It may be renewed once upon completion of twelve quarter hours (eight semester hours) of the fifth college year after issuance of the initial provisional certificate and a year of successful teaching during the three-year period.

(2) Standard elementary. The holder of a provisional elementary certificate may be eligible for a standard elementary certificate upon completion of:

(a) Two years of successful teaching; and

(b) The fifth college year in conformity with established standards.... Out-of-state teachers who wish to attend an out-of-state institution...shall secure prior approval of their plans from the superintendent...."

§180-80-265

"Certification of out-of-state trained teachers--Secondary certificates. Secondary certificates are issued to out-of-state candidates who meet standards comparable to those for in-state candidates in accordance with the provisions set forth below.

(1) Provisional secondary. Provisional secondary certificates are issued to those who:

(a) Hold a degree from a regionally accredited higher institution of learning; hold a valid secondary or junior high school certificate of another state, or territory...and have a satisfactory record of thoroughgoing supervised experiences...

OR

(b) Hold a degree from and recommendation for teacher certification by an institution accredited by the National Council for Accreditation of Teacher Education.

The provisional secondary certificate is valid for three years. It may be renewed once upon completion of twelve quarter hours (eight semester hours) of the fifth college year after issuance of the initial provisional certificate and a year of successful teaching during the three-year period.

(2) Standard secondary. The holder of a provisional secondary certificate may be eligible for a standard secondary certificate upon completion of:

(a) Two years of successful teaching, and

(b) The fifth college year in conformity with established standards.... Out-of-state teachers who wish to attend an out-of-state institution...shall secure prior approval of their plans from the superintendent....[§IIIC, filed 3/24/60; provision relating to fifth year in out-of-state institution formerly codified in WAC 180-80-215(2b)(ii).]"

§180-80-600

"Substandard certification of teachers. (1) Temporary certification. Temporary certification for specific teaching positions valid for one year and nonrenewable may be issued upon the recommendation of school district... superintendents to persons who hold bachelors' degrees and have substantially completed a program of teacher preparation...: Provided, That a qualified teacher who holds regular certification is not available.

(2) Emergency substitute certification. Certification as an emergency substitute for a specific position for an annual period may be issued upon the recommendation of school district...superintendents: Provided, That a qualified and regularly certificated teacher is not available, that the teaching position is essential and that the superintendent ...determines that the issuance of such certificate is in the best interest of the state: Provided further, That persons issued emergency substitute certificates meet as nearly as possible the standards for provisional teacher certification."

§180-80-610

"Educational experience acceptable for teacher certification. (1) Experience for standard certification. Educational service consistent with recommendations of teacher education institutions...is acceptable experience for standard certification: Provided, That a minimum of one hundred sixty-five days of service within a seven-year period shall be required to qualify for one year of experience.

(2) Experience for maintaining standard certification.

(a) Teaching, administration or specialized professional service...in state institutions in which there must be the equivalent of one hundred sixty-five full-time

teaching days in the five-year period.

(b) Professional service in offices of county and/or intermediate school district superintendents, adn/or educational service district superintendents, office of superintendent of public instruction and in institutions of higher education to the minimum extent indicated in subdivision (a) above or equivalent experience in other educational service." §180-80-705

"Guidelines and standards for development and approval of programs of preparation--Certification. (1) Three types of certificates are provided:

(a) The teacher certificate authorizes service in the primary role of teaching.

(b) The administrator certificate authorizes service in the primary role of general school administration, program administration and/or supervision.

(c) The educational staff associate certificate authorizes service in roles of specialized assistance to the learner, the teacher, the administrator and/or the educational program.

(2) Three levels of certificates are provided for each certificate type:

(a) The preparatory certificate authorizes experiences in school or school-related setting designed to develop competence at the 'initial' level of certification. This certificate is valid for one year and is renewable.

(b) The initial certificate authorizes school service in a particular role and allows the holder to assume independent responsibility for working with children, youth and adults. This certificate is valid for three years and is renewable once.

(c) The continuing certificate authorizes school service on a career basis and...is valid as long as the holder continues in service. It is subject to renewal only if the holder leaves educational service for a period in excess of four years.

(3) Certificate endorsements. Initial and continuing certificates will be endorsed to indicate grade level(s),

content area(s), and/or specialization(s) for which the professional is or has been prepared.

(4) Reciprocity.

(a) In-state candidates:

(i) Holders of initial certificates shall be admitted to programs leading to continuing certification.

(ii) Holders of credentials awarded under previously adopted state board...rules and regulations may be admitted to programs leading to continuing certification, provided they meet entry level requirements.

(iii) Holders of standard certificates or of valid teacher certificates issued prior to 1949 may be admitted to programs leading to initial or continuing certification, provided they meet entry level requirements, without jeopardizing their prior certification status.

(b) Out-of-state candidates. Candidates holding out-of-state certificates or credentials shall have the option of applying for certification under either these 1971 standards or under those previously adopted.

(i) Graduates of institutions accredited by the National Council for Accreditation of Teacher Education, or graduates...who hold or are eligible for comparable certificates in another state, terriroty or possession...may be granted temporary certificates with appropriate endorsements.

(ii) Graduates of accredited out-of-state institutions who do not meet the requirements cited above...shall be required to meet requirements established by a consortium of institutions and agencies with approved preparation programs in the state.

(iii) Experienced persons who hold certificates from other states and have been granted temporary certificates may apply for initial or continuing certification to in-state consortiums of agencies with approved programs as soon as they are employed in Washington..."

§392-153-020

"TEACHER, COMMERCIAL INSTRUCTOR AND PARAPROFESSIONAL QUALIFICATIONS.

(1) A teacher certificated under provisions of chapter

28A.70 RCW shall be eligible to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following [additional] qualifications...

(a) Possesses a valid Washington state driver's license.

(b) Provides a record(s) for a five-year period showing:

(i) Not more than three moving traffic violations within the preceding 12 months or more than four moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation within the preceding three years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Has completed at least one 3-quarter hour course in general safety education and at least three 3-quarter hour courses in traffic safety education...

(d) Possesses a valid traffic safety education endorsement issued by the superintendent..."

(2) Any person endorsed by the superintendent...to teach traffic safety education...prior to May 27, 1969, and who possesses a consultant special certificate but does not hold a valid teaching certificate, shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such consultant special certificate on an annual basis and maintain a satisfactory driving record.

(3) The laboratory phase...may be taught by a paraprofessional or commercial instructor who serves under the supervision of the district traffic safety education program coordinator and who meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least 25 years of age.

(c) Has at least 5 years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a record(s)... for a 5-year period showing:

(i) Not more than 3 moving traffic violations within

the preceding 12 months or more than 4 moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation within the preceding 3 years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding 3 years."

(f) Provides evidence of the following:

(i) Completion of at least forty clock hours of study in the field of driving instruction...

(ii) Completion of behind-the-wheel supervised practice in instructing;

(iii) A recommendation for a certificate from a school district superintendent or from a commercial school approved by the office of the superintendent...

(g) Passes practical and knowledge examination...

(h) Provides evidence...of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Selects routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments when necessary to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study...

(5) Certificates issued to teach the laboratory phase... shall be valid for one year. Reissuance of such certificates shall be subject to the following requirements:

(a) Verification of employment;

(b) Verification of a satisfactory driving record.

(5) The fee for the consultant special certificate shall be $1.00 which shall be remitted to an educational service district."

CROSS REFERENCES

I.Superintendent of Public Instruction; Statute §28A.03.010; 28A.03.030

II.A.7.; Statute §72.05.104

III.C.Teacher; Statute §28A.70.170; .80

C. Performance Standards

Board of Directors

STATUTES
§28.34.324

Meetings of the board of directors of any school district shall be held monthly. Special meetings may be held more often. All meetings shall be open to the public unless the board is meeting on executive session as provided by law.

CROSS REFERENCES

II.A.1.; Statute §28A.87.100; .110

Certified Employees

STATUTES
§28A.21.105

Certificated employees of an educational service district superintendent or board shall have written contracts in conformity with state law. If an ESD superintendent or board feels there is probable cause not to renew such a contract the employee will be notified in writing on or before the April 15th preceding the term of non renewal. Appeals may be filed in the superior court of any county in the ESD.

RENEWAL
NOTICE
APPEAL

§28A.58.450

"Every board of directors determining there is probable cause . . . for a certified employee . . . to be discharged or otherwise adversely affected in his/her contract status, shall give written notice to the employee stating the probable cause . . . for such action. The employee may request an open or closed

NOTICE

HEARING

RIGHT TO COUNSEL

hearing to determine the sufficiency of the charges. The board may regulate the hearing and the employee may retain counsel and call witnesses. "Any decision to discharge . . . will be based solely on the cause . . . for discharge . . . and established by a preponderance of evidence at the hearing."

If the opportunity for hearing is not timely given or cause for discharge is not established by a preponderance of the evidence, the employee's contract statuts shall not be affected.

If the employee does not request a hearing, he/she may be "discharged or otherwise adversely affect as provided in the notice served upon the employee."

§28A.58.460; .480

APPEAL

Any certified employee wishing to appeal any school board action adversely affecting his/her contract or failure to renew his/her contract, may appeal to county superior court.

Such appeal shall be heard expeditiously without a jury. Review shall be confined to the transcript of the hearing and evidence submitted, except in cases of alleged irregularities in procedure not shown in the transcript, or alleged abridgement of the employee's constitutional free speech rights, additional testimony on these allegations may be heard.

The court may affirm the Board's decision, or remand for further proceedings or reverse the decision if "the

substantial rights of the employee may have been prejudiced because the decision was:" (1) unconstitutional; or (2) "in excess of the statutory authority or jurisdiction of the board; (3) made upon unlawful procedure; or (4) affected by other error of law; or (5) clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the Legislature authorizing the decision or order; or (6) arbitrary or capricious."

§28A.67.070

No certified employee shall be employed except "by written order of a majority of the directors of the district," nor unless he/she holds an effective "teacher's certificate."

The board shall make a written contract with each employee limited to a term of one year.

RENEWAL NOTICE

If there is probable cause the employment contract should not be renewed the employee shall be notified in writing.

HEARING

If an opportunity for hearing to contest the district's failure to renew the contract is not timely given, the employee "shall be conclusively presumed to have been reemployed by the district for the next . . . term."

The above shall not be applicable to "provisional employees," meaning first year employees (§28A.67.072).

REGULATIONS
§180-80-195

"Purpose. The purposes of this chapter are to... establish the various certificates which must be held as a condition to employment...and the conditions and procedures governing issuance and retention of the same.
The State Board...considers it to be the professional obligation of each school district superintendent...to file a written complaint with the Superintendent...against any certificated employee who:

(1) has committed or is guilty of (a) immorality, (b) a violation of written contract, (c) intemperance, (d) a crime against the law of the state, or (e) an act of unprofessional conduct that is of a nature which may justify the revocation of the individual's certificate...and (2) has been convicted of any crime involving the physical neglect of children, injury of children (excepting possible motor vehicle violations) or the sexual abuse of children.

Upon receipt of any such written complaint, that office within the Superintendent...having responsibility for certification shall investigate the complaint. If sufficient cause for revocation...is believed to exist, the...Superintendent... may appoint a hearing examiner and/or legal counsel to... hear...the case. The superintendent and his/her hearing examiner and legal counsel shall at all times remain neutral and free from the investigation and prosecution of the case.

COMPLAINT

HEARING

Procedures for Investigating Complaints for Certificate Revocation [as promulgated by the professional education and certification section (PE&C section)].

1. The school district...superintendent requesting revocation submits in writing,...all circumstances surrounding the basis for the complaint...including the specific grounds for revocation...
2. All complaints will be investigated by the PE & C section.
3. If the certificate holder has retained legal counsel, the PE & C section shall request permission from such

counsel to discuss the case directly with the client.

4. All documentation will be evaluated...to determine if sufficient cause for revocation exists.

5. If sufficient cause...is believed to exist, ... the PE&C section shall present the case for revocation before the Superintendent of Public Instructions.

REVOCATION

6. If it is determined, on the basis of the investigation... that insufficient cause exists..., the PE&C section shall so inform the [relevant parties]"

NOTICE

CROSS REFERENCE

II.A.1.; Statute §28A.67.060

DISTRICT SUPERINTENDENT

CROSS REFERENCES

I.District Superintendent; Statute §28A.58.137

EDUCATIONAL SERVICE DISTRICT SUPERINTENDENT

CROSS REFERENCES

II.A.1.; Statute §§28A.87.100; .110

INTERMEDIATE SCHOOL DISTRICT

CROSS REFERENCES

I.Intermediate School District; Statute §28A.21.010

PUBLIC SCHOOLS

CONSTITUTION

WASHINGTON CONSTITUTION, ART. IX, §1

"It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

EQUAL OPPORTUNITY

WASHINGTON CONSTITUTION, ART. IX, §4

"All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence."

STATUTES

§28A.02.040

Schools are to be free from sectarian influence.

§28A.85.010

"Inequality in the educational opportunities afforded women and girls at all levels of the public

schools . . . is a breach of Article XXXI, Section 1, Amendment 61 of the Washington State Constitution, requiring equal treatment of all citizens regardless of sex. This violation of rights has had a deleterious effect on the individuals affected and on society.

Recognizing the benefit to our state and nation of equal opportunity for all students, discrimination on the basis of sex for any student in grades K-12 of the Washington public schools is prohibited."

§28A.85.020

RULEMAKING

"The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students,

instructional materials . . . (1) with respect to public school employment, all schools shall: a) maintain credential requirements for all personnel without regard to sex and make no difference in conditions, benefits and salaries of employment; b) assign school duties without regard to sex except where such assignment would require duties in areas . . . where persons might be disrobed; c) provide the same opportunities for advancement to males and females;...(2) All certified personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex; (3) Recreational and athletic activities shall be offered to all students without regard to sex. Schools may provide separate teams for each sex." Showers, toilets or training room facilities for athletic purposes "may be provided either as separate facilities or shall be scheduled and used separately by each sex;" (4) "All classes shall be required to be available to all students without regard to sex . . . separation is permitted within any class during sessions on sex education or gym classes;" (5) Textbooks shall "be required to adhere to the guidelines developed by the

superintendent of public instruction to implement the intent of this chapter."

SCHOOL ADMINISTRATOR

CROSS REFERENCES

III.C.Teacher; Statute §28A.67.065

SCHOOL DISTRICTS

STATUTES

§28A.58.090

"Every school district board of directors, . . . shall develop a program identifying student learning objectives . . . for grades kindergarten through eight in the areas of language arts, reading, and math, and initiate implementation on or before September 1, 1978. The school district must evidence community participation in defining objectives . . . such program of student learning objectives shall assure that the district's resources . . . shall be utilized" to promote both economy and education. Learning objectives shall be measured against actual student performance and "evaluated at least annually."

§28A.85.030

AFFIRMATIVE ACTION

The office of the superintendent of public instruction shall be required to establish guidelines for affirmative action programs to be adopted by all school districts and shall monitor compliance with this chapter. They shall establish a timetable and regulations for enforcement.

§28A.85.050

EQUAL OPPORTUNITY

"The superintendent of public instruction shall have the power . . . to obtain compliance" with guidelines to promote sexual equality, which may involve, "the termination of state . . . moneys to the offending school district,

the termination of specified programs in which violations may be flagrant . . ., the institution of a mandatory affirmative action program within the offending school district and the placement of the offending school

district on probation with appropriate sanctions until compliance is achieved."

§28A.87.170

Any school district that fails to adhere to guidelines prescribing textbooks and the course of study, or that hires a teacher not legally qualified to teach, shall have a percentage of its school funds withheld.

§28A.88.010 APPEAL

"Any person or persons . . . aggrieved by any decision or order of any school official or board . . . may appeal . . . to the superior court of the county in which the school district . . . is situated . . . ." The above does not apply to actions affecting the "contract status" of certified employees.

§28A.88.015

"Any appeal to the superior court shall be heard de novo by the superior court. Such appeal shall be heard expeditiously." APPEAL

CROSS REFERENCES

I. Superintendent of Public Instruction; Statute §28A.58.245

SCHOOL EMPLOYEES

STATUTES

§28A.21.106

If an ESD board or superintendent finds probable cause to discharge or otherwise adversely affect the contract status of an employee that employee shall be notified in writing. DISCHARGE NOTICE

§28A.58.100

Every board of directors shall: (1) "employ for not more than one year, and for sufficient cause discharge, all [certified and noncertified] employees," and "fix and order paid their salaries;" and (2) "adopt written policies granting leaves to persons under contracts of employment." DISCHARGE

If a teacher or "other certified employee leaves one school district within the state and commences employment with another school district within the state, he[she] shall retain the same seniority . . . he[she] had in his[her] previous position."

SCHOOL SUPERINTENDENTS

CROSS REFERENCES

I.Legislature; Constitution, Art. IX, §2

SCHOOL SYSTEM

REGULATIONS

§180-16-150

Since "federal funds are needed to equalize and strengthen the public school system ... and to strengthen ... special school programs," funds should be administered properly. "The law appropriating the federal funds should set forth ... overall objectives .... The administration ... of educational programs paid for from these funds should be delegated completely to the proper state educational agency."

SPECIAL EDUCATION

CROSS REFERENCES

II.A.2.; Statute §28A.13.070

STATE BOARD OF EDUCATION

CROSS REFERENCES

I.State Board of Education; Regulation §180-08-010 -- 060; 180-08-230 -- 360; 180-08-370 -- 530; 180-08-540 -- 590

STUDENTS

STATUTES

§28A.04.135

The state board shall make rules "governing the conditions" under which certificate of educational competence may be issued to a "person nineteen years or older," or a child over fifteen who can evidence "substantial and warranted reason for leaving the regular high school program."

CERTIFICATE OF EDUCATIONAL COMPETENCE

§28.05.050

GRADUATION

A graduation requirement shall be the completion of a one year course in United States history and government, and one semester study of Washington's history and government. The principal may allow transfer students to waive the state requirement.

U.S. HISTORY

WAIVER

" [G]raduation represents a certain amount of growth in academic, social, physical and occupational skills generally thought to be useful in adult life. [T]he state possess[es] the responsibility to assure some degree of consistency among public school districts [and] private schools ... with respect to the education represented by a high school diploma. [E]ach school district must [however] have the opportunity to develop programs ... which are responsive to the particular needs of its community and its students. High school graduation requirements established by a school district shall be consistent with (1) the view that high school graduation represents the natural culmination of a growth experience for the individual student .... "

DIPLOMA

" [N]ew graduation requirements ... shall be determined as follows: (1) graduation requirements established by or pursuant to WAC 180-56-016; ... 021;... 026; ...and 036 shall govern the graduation of all students who commence the ninth grade subsequent to July 1, 1977 .... "

GRADUATION

§180-56-011

" In order to clarify ...the minimum expectations for a high school diploma, the [local] board of directors ... shall adopt reasonable graduation requirements and make such requirements available in writing to students, parents and members of the public. It shall be appropriate ... to require the demonstration of certain minimum competencies as a condition to graduation. If established, any such competency requirements shall be in addition to a student having successfully completed certain minimum course requirements ...."

§180-56-016

" Each school district shall require each candidate for high school graduation to complete a four-year program of educational growth in grades 9-12 and to have earned no less than 45 credits of study. A "credit" shall be equivalent to a minimum of 60 hours of instruction .... Fractional

credits may be given .... The conventional means of assigning units of credit ... is inappropriate in certain cases. In order for alternative learning experiences to be assigned credit value, the following shall occur:"

(1) The specific experience to be gained along with its related outcomes shall be identified.

(2) The credit value of the experience shall be determined by estimating the number of hours that would be required by a student to achieve the intended learning outcomes.

(3) For each 60 estimated hours, one credit shall be granted.

(4) Appropriate evaluation procedures shall be adopted to assess the learning outcomes.

§180-56-021

The following credits and subject areas of study shall be included in each school district's graduation requirements:

Subject	Credits
*English	6
Mathematics	3
Social Studies:	
**United States history & government	2
**Washington State history & Government	1
Contemporary world history, geography & problems	2
Laboratory Science	2
***Occupational Education	3
****Physical Education	Minimum of 2 years

---

* English includes, but is not limited to, reading composition, creative writing, literature, speech and drama.

** Required by statute.

*** Occupational education includes, but is not limited to, homemaking, industrial arts, business and office education, distributive education, diversified occupation, agricultural education, trade and industrial education and health occupations education.

**** Each district shall require at least two years of physical education activity with a minimum of such activity per week. In the event a student is excused ... alternative requirements shall be imposed as necessary to assure that the student earns no less than 45 credits.

§180-56-031

" Specific high school graduation requirements... may be waived for an individual student: Provided, That they are not required by state statute: Provided further, That in no case except for those students who commence ninth grade prior to July 1, 1977 may the minimum requirement of 45 credits be waived.

WAIVER

" Each school district ... may delegate the responsibility for granting such waivers to personnel who by virtue of their training and experience can best assess the student's circumstances.

Each school district ... shall adopt rules pursuant to which graduation requirements waivers may be made. Such rules shall at least provide:

RULEMAKING

(1) The procedures for ... the disposition of a waiver request; and

(2) That the rationale for any disposition of a waiver request be communicated to the student .... "

§180-56-036

" Each school district ... may adopt competency, course and credit graduation requirements in addition to the minimum[s] set forth .... Such additional requirements shall be supported by a written rationale which is available to students, ... and which demonstrates that:

(1) The quality of life of the individual student will be substantially enhanced, and

(2) The probable success of ... high school students, ... post-high school education will be substantially enhanced; or

(3) The probable success of ... high school students, ... obtaining employment will be substantially enhanced; or

(4) The health, safety and welfare of the individual

student will be substantially enhanced. "
§ 180-56-061

Minimum requirements for high school graduation for all students who commence ninth grade prior to July 1, 1977 shall be as follows:

" (1) The table below indicates the (required) subject requirements .... Alternative learning experiences should be provided for each student within each subject area. [S]pecfic requirements may be waived provided they are not required by state statues.

SUBJECT	UNIT
English	3
Mathematics	1
Social studies:	
*United States history and Government	1
*Washington state history and government	1/2
Contemporary world history, geography and problems (separate course or integrated)	1
Laboratory science	1
**Occupational education	1
Unspecified (district requirement and electives)	7 1/2
	16 units

*Required by statute

** Occupational education - includes, but is not limited to, homemaking, industrial arts, business and office education, distributive education, agriculture education, and trade and industrial education.

"(2) Physical education requirement.....2 years
May be included in elective requirements.

"(3) Music and art requirement.....Unspecified
Schools must provide opportunity to develop appreciation and skills in music and art; may be included in elective requirements.

"(4) Health education requirements.....Unspecified

May be included in elective requirements."

§180-56-400

"Basic policy. The certificate of educational competence is intended to verify that a student possesses an acceptable mastery of the minimum basic academic skills which form the foundation for further learning. The certificate...is frequently accepted as an indication of a readiness for continued formal studies. The certificate does not replace a high school diploma in that it does not reflect the completion of the usual course of sequential studies.

"Local boards...shall establish school district policies and programs that will ensure the student is encouraged to remain in a high school program which leads to a regular diploma."

§180-56-405

"Purposes. The purposes...are to establish the procedures and conditions governing the issuance of a certificate of educational competence to persons fifteen years of age and under nineteen years of age who possessed a substantial and warranted reason for leaving the regular high school education program and to persons nineteen years of age or older. The purpose...[is]...to encourage students to remain in the regular high school program, and these rules shall be implemented in a manner which so encourages any student. The issuance of a certificate...does not preclude the possibility of returning to the high school to obtain a regular diploma, and it should be considered a valid instrument for reentry to any high school."

§180-56-410

"Definitions.

(1) "Certificate of educational competence" shall mean a certificate issued by the state superintendent as evidence of the measure of a person's level of achievement in specified areas of the high school curriculum as determined by the person's general educational development test socres;

(2) 'Regular high school education program' shall mean a program which leads to the issuance of a high school diploma...

(4) Substantial and warranted reason for leaving the regular high school education program shall mean causes which

compel the student's withdrawal from the program in the student's best interest. Such causes shall include... (a) personal problems which seriously impair the student's ability to make reasonable progress...(b) a financial crisis... (c) the lack of curriculum and instruction which constitute appropriate learning experiences for the student, and (d) the inability or failure of the school...to adjust its program for the individual,...in a manner which enables the student to advance toward graduation with reasonable progress and success." §180-56-415

"Applications--Establishment of substantial and warranted reason--Administration by school districts. Applicants...who are fifteen years of age and under nineteen years of age shall make application,...to either the school district within which the applicant physically resides or the applicant's last school district of attendance...The district superintendent...Shall assign the application to an appropriate principal...who shall then convene a committee of no less than three, composed of the principal, parent(s) or guardian(s), if available, and other persons, including at least one counselor or teacher and one adult of the applicant's choosing, who are in a position to evaluate most accurately the applicant's case.

"The committee shall make a written recommendation,... to the superintendent...as to whether or not the applicant possessed a substantial and warranted reason for leaving the regular high school program.

"The superintendent...shall provide the applicant with written notification of the district's proposed decision, including a statement of the reasons for such proposed decision, within thirty (30) calendar days of application." §180-56-420

NOTICE

"Appeals. Any applicant aggrieved by a proposed decision...may, within fifteen (15)days of the date of notification, either: (1) request that a final decision be deferred and the applicant's file be placed on an inactive status pending further evidence, or (2) appeal the proposed decision to the district board of directors. Request for deferral shall be honored and reopened at the option of the applicant. The decision of the board of directors on appeal shall be final except as it may be appealed pursuant to

APPEAL

RCW 28A.88.010....The proposed decision of the superintendent... shall become the final decision of the district upon an applicant's failure to elect either (1) or (2), above."

§180-56-425

"Applications--Testing--Award of certificates of educational competence. Applicants...who are nineteen years of age or older, who have not been issued either a high school diploma or certificate, who are physically residing or have a permanent home within the state...and who have taken the general educational development test... shall make application for a certificate of educational competence directly to the state superintendent.

TESTING

Applicants...who are fifteen years of age and under nineteen years of age, have been determined to have had a substantial and warranted reason for leaving the regular high school education program, have presented evidence of such decision to the GED testing center, are physically residing or have a permanent home within the state and have taken the general educational development test...shall make application for a certificate of educational competence directly to the state superintendent...."

§180-56-430

"Issuance of certificates--Minimum test scores. All applicants...who have complied with the [regulatory] provisions... and who have attained a standard score of a least thirty-five (35) on each of the five (5) portions of the general educational development test and an average standard score of at least forty-five (45) on all five portions shall be issued a certificate of educational competence by the state superintendent."

§180-56-435

"State committee. The state superintendent shall appoint a committee composed primarily of members knowledgeable with respect to high school graduation requirements, [which] shall (1) develop and periodically review the guidelines for implementation of these rules; (2) to observe and analyze the effects of these rules (3)...develop and complete the long-range goals of these rules, including the development and/or modification of the most appropriate educational competence tests; and (4)...report the committee's recommendation for action at least annually..."

APPOINTMENT

"Community college high school diploma programs. (1) Minimum requirements for high school diploma. The minimum requirements and procedures for the issuance of a high school diploma....shall be as prescribed by the state board....

(2) Provisions governing program for persons eighteen years of age and over. (a) The appropriate...official shall evaluate...the student and shall recommend an appropriate course...of study [leading to]...the high school diploma.

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods--actual completion of courses regularly conducted in high school, vocational-technical institute and/or community college; approved correspondence or extension courses; supervised independent study; or testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student...to determine the degree to which the student has satisfied the minimum credit requirements....Consideration may be given work experience, vocational training, civic responsibilities...and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements...

(3) Provisions governing program for persons under eighteen years of age. (a) The high school principal shall evaluate the previous educational record of the individual and...shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

(c) Satisfaction of the minimum credit requirements may be met by one or more of the following methods--actual completion of courses regularly conducted in high school, vocational-technical institute and/or community college; approved correspondence or extension courses; or approved supervised independent study.

(d) The school district shall grant the regular high school diploma... to each individual who satisfactorily

meets the requirements for high school completion...

CROSS REFERENCES

II.A.1.; Statute §28A.02.080

II.A.1.; Regulation §180-50-010

II.A.1.; Regulation §180-50-020

II.A.1.; Regulation §180-50-030

II.A.1.; Regulation §180-50-040

II.A.1.; Regulation §392-153-032

III.D.Students; Statute §28A.03.360

IV.H.; Statute §28A.27.010

TEACHERS

STATUTES

§28A.58.490

"If the court enters judgment for the employee" because of bad faith or insufficient grounds," the court may award him/her a "reasonable attorney's fee" for the cost of the appeal as well as damages for "loss of compensation."

§28A.58.515

RENEWAL

APPEAL

If an employee, except a "provisional employee," is notified of "probable cause" stating his/her contract shall not be renewed due to insufficiency of funds, the employee may appeal to the county superior court. The superior court shall determine the sufficiency of the cause of action which must be proved by a preponderance of the evidence. "The appeal . . . shall be tried as an ordinary civil action."

§28A.58.620

If any proceeding is instituted against any employee or agent of a school district or educational service district arising out of performance of his/her duties, the board of directors may pay for the cost of the defense. Costs will not be paid where the court has found "such person was not acting in good faith or within the scope of his[her] employment."

§28A.67.030; .035

No person whose teaching certificate has been revoked "due to his[her] failure to endeavor to impress upon the minds of his[her] pupils the principles of patriotism . . . shall be permitted to teach in any common school."

Any person teaching in violation of the above provision will be guilty of a misdemeanor.

§28A.67.065

(1) "The superintendent of public instruction shall, . . . establish . . . minimum criteria for the evaluation of the professional performance capabilities and development of [certified] classroom teachers and . . . support personnel." For classroom teachers, the criteria shall be: "instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendance problems; and interest in teaching pupils and knowledge of subject matter."

Every school principal is responsible to evaluate all "[certified] personnel" in his/her school. Evaluation shall be accomplished by observation.

If judged unsatisfactory, the employee will be notified of deficiencies and suggestions for improvement and put on probation. Lack of necessary improvement is grounds for dismissal.

Every board of directors shall also establish evaluative criteria for administrators. Such criteria shall include at least the following criteria: training in recognizing good professional preparation, scholarship and performance, school administration, finance and management, and interest in pupils, employees, patrons and subjects taught in school; leadership. (3) Each certified employee shall have at least two confidential conferences with his/her supervisors to "aid the administrator in his[her]professional capacity." (4) Failure of any evaluator to supervise or evaluate certified employees in accordance

RENEWAL

with this section when it is his/her duty to do so shall be "sufficient cause" for nonrenewal of his/her contract or his/her discharge.

§28A.70.160

REVOCATION

Any certificate to teach "may be revoked . . . upon complaint of any school district superintendent or educational service district superintendent for immorality, violation of written contract, intemperance, crime against the law of the state, the conviction of any crime involving the physical neglect or injury to children, or the sexual abuse of children, or any unprofessional conduct.

§28A.70.170; 180

HEARING

APPEAL

"Any teacher whose certificate to teach has been questioned by the filing of a complaint" by the local school superintendent shall have a right to be heard by the issued authority before revocation and right to appeal to the state board of education.

RECERTIFICATION

If the certificate is revoked, the teacher shall not be eligible for recertification for twelve months.

D. Evaluation and Reporting

Accreditation Report

CROSS REFERENCES

.II.A.1.; Regulation §180-56-320

Education System

STATUTES

§28A.67.040; .050

Every teacher teaching at the close of the school year shall make a report if requested by the educational service district superintendent. The teacher may not receive his/her salary until such report is made and approved.

In the same way, no teacher may receive his/her salary unless he/she keeps a school register in accordance with district requirements.

CROSS REFERENCES

I.District Superintendent; Statute §28A.58.150

I.Superintendent of Public Instruction; Statute §28A.03.010

HIGH SCHOOL GRADUATION REQUIREMENTS

CROSS REFERENCES

III.C.Students; Regulation §180-56-435

LOCAL SCHOOL BOARD ADMINISTRATION

STATUTES

§28A.61.030

The school directors' association is empowered to govern its own organization, "to conduct studies . . . relative to increased efficiency in local school board administration, and to make available, on a contract basis, consultants, or research information "to assist district boards in problem areas."

SCHOOL PLANT CONSTRUCTION

CROSS REFERENCES

II.C.2.; Regulation §180-30-475

SCHOOL PLANT FACILITIES

CROSS REFERENCES

II.C.2.; Regulation §180-30-620

STUDENTS

STATUTES

§28A.03.360

SURVEYS

The superintendent of public instruction is directed "to conduct standardized reading, mathematics and language arts achievement level surveys" in grades eight and eleven based on a random sample of "approximately two thousand students." The survey's purpose "is to evaluate how Washington students in these grades compare . . ." to other students in the same grades in the country. In addition, "every school district is encouraged to test pupils in grade two" in order to identify those needing assistance "in the skills of

reading, writing, mathematics and language arts." Lastly, "the superintendent of public instruction shall prepare . . . and conduct a standardized achievement test for all pupils in grade four." Results shall be made available to the Legislature and parents to permit comparison with other students "within the district, the state, and the nation."

TESTING

§180-52-020

" School districts shall develop and adopt written policies relative to testing ... including an outline of procedures by which parents ... may become acquainted with the nature of tests and their uses in helping children. "

§180-52-030

No written or oral test, questionnaire, survey, or examination shall be used to elicit the personal beliefs or practices of a student or his parents as to sex or religion except with the written consent of parent or guardian.

CONSENT

§ 180-52-035

" Each school district shall ... [keep] .... on file the written consent of the parent or guardian prior to the administering of any diagnostic personality test. "

CROSS REFERENCES

III.C.School Districts; Statute §28A.58.090

III.C.Students; Regulation §180-56-016

SUSPENSION REPORTS

CROSS REFERENCES

IV.J.; Regulation §180-40-250

IV.J.; Regulation §180-40-260

TEACHERS

CROSS REFERENCES

III.C.Teacher; Statute §28A.67.065

VOCATIONAL EDUCATION PROGRAMS

CROSS REFERENCES

II.A.3.; Regulation §180-58-085

E. Improvement Efforts

Teachers

Statutes
§28A.71.100

The educational service district board may arrange for teachers' workshops "for professional preparation and in service training in such manner . . . of benefit to the teachers and other professional staff."

INSERVICE TRAINING

Adjoining educational service district boards may hold joint workshops for in service training.

WEST VIRGINIA

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

CROSS REFERENCE

III.B.Teachers; Statute §18-2-6

2. Other Qualification Standards

STATUTES

§18-1-2

"The school year shall begin on the first day of July and end on the thirtieth day of June, and all reports, accounts and settlements respecting the free schools shall be made with reference to the school year."

§18-3-11

"The state superintendent shall classify all elementary and secondary schools on the basis of standards, rules and regulations established by the state board after publishing such standards, rules and regulations, and forwarding them to the district boards of education, county superintendents, and other school officers."

REGULATIONS

§4333

If 10 or more children of elementary school age live more than two miles from the nearest school or bus route, the county shall maintain a full school term and facilities for those children. If six to nine children are affected, the county may either (1) provide a shortened school term, (2) provide transportation facilities (3) provide special classes in a place approved by the county board.

CROSS REFERENCES

II.A.1.; Statute §18-3-7

II.A.4.; Regulation §2310

B. Qualification Standards for Personnel

Aide

Regulations

§5140

A teacher's aide need not be certified but should have a high school diploma and preferably two years of college. Three types of aides may be employed: general school aides, clerical aides and classroom aides. Training of classroom aides should consist of 108 hours of formal instruction, including 96 hours of on the job training. General and clerical aides shall train for 54 hours including 42 hours of on-the-job training. A classroom aide shall assist the teacher in classroom activities with pupils such as reading stories, correcting written work and monitoring tests. General aides shall perform administrative and housekeeping tasks such as collecting milk money, passing out lunch tickets, monitoring halls, and lunchrooms. Clerical aides shall keep attendance records, obtain supplies, keep student information up to date, etc.

Certified Personnel

Statutes

§18A-3-5

"A certificate held by a member of the armed forces . . . shall have the period of validity extended to June thirtieth of the year following his[her] separation from active duty . . . ."

MILITARY

County Board Members

Statutes

§18-5-1a

"No person shall be eligible for membership on any county board of education who is not a citizen, resident in such county, or who accepts a position as teacher or service personnel in any school district, or who is an elected or an appointed member of any political party executive committee, or who becomes a candidate for any . . . office [other] than to succeed himself[herself].

No member or member-elect of any board of education shall be eligible for nomination, election or appointment to any public office, other than to succeed himself[herself] or for election or appointment as a member of any political party executive committee, unless and until after his[her] membership on the board or his[her] status as member-elect to the board, has been terminated."

County Board of Education

CROSS REFERENCE

I.County Board of Education; Statute §18-5-1

County Superintendent

Statutes

§18-4-2

"The [county] superintendent at the time of his[her] election shall hold a certificate valid in West Virginia and an approved bachelor's degree including at least twelve semester hours in school administration and supervision, and at least five years' experience in public school teaching and/or supervision.

Before entering upon the discharge of his[her] duties the superintendent shall file with . . . the board of health a certificate . . . certifying that he[she] is physically fit for the duties of his[her] office . . . and if the superintendent . . . should become incapacitated to an extent that could lead to a prolonged absence, the board, upon unanimous vote, shall have authority to . . . appoint an acting superintendent until such time as . . . the incapacity no longer exists. However, an acting superintendent shall not serve as such for more than one year, or later than the expiration date of the superintendent's term, whichever is less, without being re-appointed by the board of education."

§18-4-4

A superintendent appointed after July, 1965 "shall hold at least a master's degree or its equivalent obtained in . . . graduate work . . . related to public school education."

LIBRARIAN

CROSS REFERENCE

II.B.3.; Statute §18-5-20

PROFESSIONAL STAFF

§18A-3-3;7

"Until the person qualifies for a permanent certificate, any professional or first class certificate based upon a bachelor's degree shall be renewable provided the holder: (1) Files an application on a prescribed form with the state department of education; (2) Presents an official transcript of six semester hours of approved credit, as may be prescribed by the state board . . .; and (3) submits a recommendation based on successful teaching experience from the county superintendent of schools of the county in which [she] he has last taught or resides.

The holder of a professional certificate, valid for five years, shall have [her] his certificate made permanent upon meeting either of the following requirements: (1) completion of the third renewal . . .; (2) after five years of service . . . presentation of a transcript showing the completion of requirements for a master's degree from an [accredited] institution of higher education . . . in a program relevant to the public school program or completes the fifth year of training leading to a bachelor's degree in library science from a school fully approved by the American Library Association. In either event the person must . . . submit a recommendation from the county superintendent of schools of the county in which [she] he last taught or resides.

If the applicant seeking renewal has cause to believe that [her] his county superintendent refuses to give a recommendation without just cause, he[she] shall have the right . . . to appeal to the state superintendent of schools whose responsibility it shall be to investigate the matter and issue a certificate if, in [her] his opinion, the . . . recommendation was withheld arbitrarily.

A person who has reached the age of sixty and holds a renewable certificate . . . need not present renewal credit, but shall meet all other renewal requirements.

The fee for the issuance or renewal of any certificate . . . shall be established by the state board of education."

School Personnel

Statutes

§18A-3-2

"The state superintendent . . . shall have authority to issue certificates valid in the public schools of the State in accordance with standards and requirements

approved by the state board of education. Certificates authorized to be issued include:

(1) Professional Teaching Certificate -- In accordance with state board regulations and an approved program completed by the applicant, a professional certificate for teaching in the public schools may be issued to a person who has completed the requirements for a bachelor's degree from an accredited institution of higher education. The certificate shall . . . indicate the grade level[s]. . . or areas of specialization in which the person is licensed to teach or to serve in the public schools. The initial . . . certificate shall be issued provisionally and for a period of three years. This certificate may be connected to a professional certificate valid for five years, or renewed subject to the regulations of the state board.

(2) Professional Administrative Certificate -- In accordance with . . . state board regulations . . . [and] . . . and an approved program . . . a professional administrative certificate . . . may be issued to a person who has completed requirements for a master's degree in an [accredited] institution . . . . The initial . . . certificate shall be issued provisionally for a period of three years . . .[and] . . . may be connected to a professional administrative certificate valid for five years, or renewed, subject to the regulations of the state board.

(3) Other Certificates; Permits -- Other certificates and permits may be issued, subject to the approval of the state board, to persons who do not qualify for the professional certificates . . . [they] . . . shall not be given permanent status and persons holding such shall meet renewal requirements . . . unless the state board declares certain of these certificates to be the equivalent of the professional certificate.

STATE BOARD OF EDUCATION

CROSS REFERENCES

I.State Board of Education; Statute §18-2-1 -- 18-2-4

I.State Board of Education; Constitution, Article 12, §2

STATE SUPERINTENDENT OF SCHOOLS

STATUTES

§18-3-1

APPOINTMENT

The state board shall appoint a state superintendent of schools. "He[she] shall be a person of good moral character, of recognized ability as a school administrator, holding at least a master's degree in educational administration, and shall have had not less than five years of experience in public school work. He[she] shall receive an annual salary set by the West Virginia board of education . . . and necessary travelling expenses incident to the performance of his[her] duties . . . .

TEACHERS

STATUTES

§18-2-6

"The education of teachers . . . shall be under the general direction and control of the state board of education, which shall, through the state superintendent of schools, exercise supervisory control over teacher preparation programs in all institutions of higher education, including student teaching in the public schools," in accordance with state board standards.

STUDENT TEACHING

The state board of education may enter into student teaching agreements with county boards of education. Such agreements shall include "minimum qualifications for the employment of public school teachers selected as

supervising teachers," and minimum standards for the public schools selected for teaching. A student teacher "shall exercise the authority of a substitute teacher."

Institutions of higher education approved for teacher preparation may cooperate with each other and with one or more county boards of education in the organization and operation of centers to provide selected phases of the teacher preparation program such as student teaching or internship programs . . . .

The state board of education shall make rules and regulations for the accreditation, classification, and standardization of all schools in the State, except institutions of higher education, and shall determine the minimum standards for the granting of diplomas and other certificates of proficiency, except those conferred or granted by institutions of higher education. No institution of less than collegiate or university status may grant any diploma or other certificate of proficiency on any basis of work or merit below the minimum standards prescribed by the state board of education."

RULEMAKING

§18A-3-1

"Any professional educator, as defined . . .[by statute]. . . who is employed within the public school system of the State shall hold a valid teaching certificate licensing him to teach in the public schools in the specializations and grade levels as shown on his[her] certificate for the period of his[her] employment. If a teacher is employed in good faith on the anticipation that he[she] is eligible for a certificate and it is later determined that he[she] was not eligible, the state superintendent . . . may authorize payment by the county board . . . to the teacher for a time not exceeding three school months, or the date of notification of his[her] ineligibility, whichever shall occur first. A certificate . . . shall not be granted to any person who is not a citizen of the United States, is not of

good moral character, and physically, mentally, and emotionally qualified to perform the duties of a teacher and who has not attained the age of eighteen years . . . except, that an exchange teacher from a foreign country, or an alien person who meets the requirements to teach and who has filed a declaration of intention to become a naturalized citizen, may be granted a permit to teach . . . ."

REGULATIONS

§5110

All persons registered as seniors in approved teacher preparation programs shall be required to take the National Teacher Exams as a requirement for certification.

§5111

A teacher holding a certificate endorsed for teaching English may teach journalism provided he/she has three years of experience in journalism certified by the superintendent.

§5210

A person holding a professional certificate can upgrade the rank to bachelor's plus 15 provided she/he earns 15 hours of graduate credit within the time recognized by the institution for completion of a master's degree. One holding a masters degree can upgrade his/her rank to masters plus 15 or masters plus 30 in a similar manner. Teachers' salary shall be based on the highest rank of certificate held.

CROSS REFERENCES

II.A.1.; Statute §18-6-3

II.A.4.; Statute §18-5-18

II.A.4.; Regulation §2310

CURRICULUM

REGULATIONS

§2422.6

Because the contributions of minorities and ethnic groups are "inextricably part" of American heritage, public schools must insure that inter-ethnic and intercultural concepts are incorporated "in an adequate and factual way" in all curriculum areas and that practical instructional techniques be designed to translate such concepts into valid life experiences.

ETHNIC STUDIES

DRIVER EDUCATION PROGRAMS

CROSS REFERENCE

II.A.1.; Statute §18-6-4 -- 18-6-5

EDUCATIONAL SYSTEM

CROSS REFERENCE

III.E.Educational System; Statute §18-2-23

PUBLIC SCHOOLS

REGULATIONS

§4200

West Virginia adopts the following policies with regard to equal opportunity for females in its public schools:

EQUAL OPPORTUNITY

Curricular areas -- all courses offered must be open equally to male and female students including vocational subjects.

Textbooks -- should accurately portray in content and illustration the contributions of both sexes in American and other cultures.

Guidance and career information must be given to both sexes equally. Standardized tests must attempt to eliminate sex-biased questions.

Extracurricular Activities must be provided to both sexes. In athletic programs, where selection is based on competitive skill schools must provide separate teams for males and females or one team open to both sexes. If separate teams are offered, equipment and supplies must be provided to both teams without discrimination. If access to athletic opportunities have been limited for one sex, affirmative action must be taken to inform members of the availability of equal opportunities and provide support and training to enable them to participate.

Facilities - must be available without discrimination. Facilities such as locker rooms, showers, etc. shall be separate but comparable.

Employment shall be provided without regard to discrimination on the basis of sex.

CROSS REFERENCE

II.A.1.; Statute §18-3-7

PUPILS

CROSS REFERENCE

II.A.1.; Statute §18-6-8

RECIPIENTS OF HIGH SCHOOL DIPLOMA

REGULATIONS

§2444.4

Applicants must be 19 years old and out of school for one year to be eligible to take the general education development tests. They must score 35 or above on each of the five tests or have an average score of 45.

In order to be admitted to state colleges, the applicant must achieve 40 on each test or an average standard score of 50.

School Employees

Statutes

§18A-2-8

"Notwithstanding any other provision of law, a board may suspend or dismiss any person in its employment at any time for: immorality, incompetency, cruelty, insubordination, intemperance or wilful neglect of duty, but the charges shall be stated in writing and the employee so affected shall be given an opportunity to be heard by the board upon not less than ten days' written notice, which charges and notice shall be served upon the employee within five days of the presentation of the charges to the board. The hearing may be held at the next regular meeting of the board or at a special meeting called for that purpose; and in any case when the board is not unanimous in its decision to suspend or dismiss, the person . . . shall have the right of appeal to the state Superintendent of schools."

SUSPENSION

DISMISSAL

NOTICE

HEARING

APPEAL

Regulations

§1340

A person aggrieved can appeal an administrative decision [regarding the adjudication of a controversy arising under school laws] to the State Superintendent provided she/he has exhausted the county board of education remedies. To obtain review by the superintendent, one must file a petition. If the superintendent and the parties to the dispute are unable to agree upon a statement of material facts, a hearing shall be scheduled at which the parties will be allowed to submit oral and written testimony

APPEAL

evidence. If a hearing is unnecessary or once it has been held, the parties may submit briefs and present oral arguments. The surerintendent will issue a written decision of findings and conclusions.

§5301

GRIEVANCE

A grievance shall be lodged by an employee with his/her supervisor. The supervisor shall state his/her decision in writing within 10 days after the grievance is lodged. The employee may appeal to the next administrative level and then to the Superintendent of schools. Both shall attempt to resolve the dispute amicably. The superintendent may conduct a hearing if he/she deems appropriate. The final appeal shall be to the Board of Education. In certain circumstances under Ch. 18 the employee may appeal further to the State Superintendent.

APPEAL

CROSS REFERENCE

III.D.School Employees' Regulation §5300

School Officers

Constitution

WEST VIRGINIA CONSTITUTION, ART. 4, §6

"All officers elected or appointed under this constitution may, unless . . . otherwise provided . . . be removed from office for official misconduct, incompetence, neglect of duty, or gross immorality . . ."

REMOVAL

School Officials

CROSS REFERENCE

I.State Superintendent; Statute §18-3-4

SCHOOL PERSONNEL

CROSS REFERENCE

I.Principal; Statute §18A-2-9

SCHOOL SYSTEM

CONSTITUTION

WEST VIRGINIA CONSTITUTION, ART. 12, §1

"The legislature shall provide, by general law, for a thorough and efficient system of free schools."

WEST VIRGINIA CONSTITUTION, ART. 12, §12

"The legislature shall foster and encourage moral, intellectual, scientific and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and for the organization of such institutions of learning as the best interests of general education in the State may demand."

CROSS REFERENCE

II.A.1.; Statute §18-2-7

SCHOOLS

STATUTES

§18A-5-2

"Schools shall not be kept open on any Saturday nor on . . . designated . . . legal holidays . . . . When any of the . . . designated holidays, except a special election, falls on Saturday, the schools shall be closed on the preceding Friday; when any such falls on Sunday, the schools shall be closed on the following Monday.

Special classes may be conducted on Saturdays, provided they are conducted on a voluntary basis, . . . and . . . teachers and service personnel shall be remunerated in ratio to the regularly contracted pay.

Any school[s]. . . may be closed by proper authorities on account of . . . contagious disease, condition of weather or any other calamitous cause over which the board has no control. Under any or all of the above provisions, the time lost by the closing of schools shall be counted as days of employment and as meeting a part of the requirements of the minimum term of one-hundred eighty days of instruction. On such day[s] . . . county boards . . . may provide appropriate alternate work schedules for . . .[all] . . . personnel affected by the closing . . . [Such] . . personnel shall receive pay the same as if school were in session. Insofar as funds are available . . . the board may extend the employment term for the purpose of making up time that might affect the instructional term."

CROSS REFERENCE

III.D.Interpretation of School Laws and Rules; Statute §18-3-6

STATE BOARD OF EDUCATION

STATUTES

§18-2-27

CONTRACTS

"The state board of education is authorized to enter into contracts for programs, services and facilities provided by public and private educational . . .[organizations]. . . in order that maximum educational opportunities of high quality may be provided . . . in the most economical manner: Provided that in no event shall [such] a contract . . . be entered into unless the board has determined that said services and/or facilities are necessary and that said services and/or facilities would be at a savings to the State."

CROSS REFERENCES

I.State Board of Education; Statutes §18-2-1 -- 18-2-4

I.State Board of Education; Constitution, Article 12, §2

REGULATIONS

§2100

Each individual shall:

I. acquire a mastery of skills needed for reading, writing, speaking perceiving and using numbers;

II. develop analytical, social, and vocational skills; develop an awareness of the social economic and political systems; develop the habits and attitudes of a responsible citizen and a sense of self respect through an appreciation of one's abilities goals and worth.

III. acquire the ability to develop values and ethical principles; to "respond successfully" to the needs, responsibilities and changes of daily life; to appreciate the environment, cultural diversity and the great ideas and achievements of man.

IV. develop creative talents and interests and skills in leisure activities.

§2421.1

For College Preparatory Curriculum [Graduation Requirements]

4 units English

2 units science

2 units math

2 units recommended in a foreign language

3 units social science

(including 1 unit American history)

1 unit physical education

The 4 units of English may not include substitutes such as journalism, speech, drama, etc.

The 2 units of science must include 1 unit biology.

The 2 units of math must include 1 unit of algebra.

EDUCATION GOALS FOR WEST VIRGINIA

West Virginia Department of Education 1975

The goals for public education in West Virginia are set forth in this policy guide. The goals are divided into four priority levels, as follows:

Priority Level I: acquiring mastery of the basic skills; Priority Level II: developing the ability to reason, learning to work with others, acquiring an understanding of social and political systems, preparing for a job appropriate to one's needs and abilities, fostering a sense of self-respect and becoming a responsible citizen. Priority Level III: developing values and ethical principles, learning to accept responsibility appreciating people of diverse cultural and ethnic backgrounds, gaining an awareness of and sensitivity to the fine arts, developing a knowledge of and responsibility for the environment. Priority Level IV: developing creative talents and leisure skills and activities.

The guide also describes West Virginia's assessment program, consisting of six basic elements: (1) establishing common goals for education; (2) establishing learner objectives; (3) identifying surrounding condition variables; (4) assessing learner status; (5) determining learner needs, (6) establishing educational priorities.

CROSS REFERENCE

IV.G.; Regulation §4110

SUPERINTENDENT

STATUTES

§18-4-3

"The board may remove the superintendent from office for immorality, incompetency, insubordination, intemperance or wilful neglect of duty; but the charges

REMOVAL

shall be stated in writing and the superintendent shall be given an opportunity to be heard by the board upon not less than ten days' notice. A superintendent . . . shall not forfeit [her] his salary for the period of suspension . . . ."

NOTICE

HEARING

TEACHERS

STATUTES

§18A-3-6

"The state superintendent may, after ten days' notice and upon proper evidence, revoke the certificates of any teacher for drunkenness, untruthfulness, immorality, or for any physical, mental or moral defect which would render him[her] unfit for the proper performance of his[her] duties as a teacher, or for any neglect of duty or refusal to perform the same, or for using fraudulent, unapproved or insufficient credit, or for any other cause which would have justified the withholding of a certificate when the same was issued.

REVOCATION

It shall be the duty of any county superintendent who knows of any immorality or neglect of duty . . . to report the same, together with all the facts and evidence, to the state superintendent for such action as in his[her] judgment may be proper.

If a certificate has been granted through an error, oversight, or misinformation, the state superintendent . . . shall have authority to recall the certificate and make such corrections as will conform to the requirements of law and the state board of education."

D. EVALUATION AND REPORTING

CONSUMER EDUCATION CURRICULUM

REGULATIONS

§2422.11

All students should be provided with the oppor-

tunity to develop the skills, attitudes and knowledge necessary to make intelligent consumer decisions. Therefore, a state-wide task force should be appointed to recommend improvements in the consumer education curriculum.

EDUCATIONAL PROGRAMS

CROSS REFERENCE

I.Principal; Statute §18A-2-9

EDUCATIONAL SYSTEM

STATUTES

§18A-4-9

"The county board may withhold the pay of any teacher or employee until he[she] has made the reports required by the board or the state superintendent."

§18A-5-5

"Every . . . person employed by a board of education shall keep such records and shall make such reports as may be required by the state superintendent of schools . . . . Teachers shall also keep such other records and make such other reports as may be required by the board of education employing them."

CROSS REFERENCE

III.E.Educational System; Statute §18-2-23

INTERPRETATION OF SCHOOL LAWS

STATUTES

§18-3-6

"At the request in writing of any citizen, teacher, school official, county or state officer, the state superintendent of schools shall give his[her] interpretation of the meaning of any part of the school law or of the rules of the state board of education."

LEGISLATION NEEDED FOR SCHOOLS

CROSS REFERENCE

III.D.Public School System; Statute §18-3-8

PUBLIC SCHOOL NEEDS

STATUTES

§18-3-5

"The state superintendent of schools shall have the authority to call conferences of the county, district and city superintendents of schools . . . or of any group or groups of such superintendents, for the purpose of considering with them any matters relating to the conditions and needs of the schools and the proper means of improving the schools throughout the State . . . ."

PUBLIC SCHOOL SYSTEM

STATUTES

§18-3-8

Annually "the state superintendent of schools shall make and transmit a report to the governor . . . [and]. . . the legislature. Such report shall contain summaries of the annual reports of the county superintendents and other information about the conditions of the public school system". . . including information requested by the governor or the legislature and "the recommendations of the state superintendent respecting needed legislation on behalf of the schools."

SCHOOL EMPLOYEES

REGULATIONS

§5300

To minimize disagreement and misunderstandings the following policies and procedures are adopted:

(1) County boards of education have broad but not absolute power in managing the schools within its jurisdiction. Employees share in the responsibility of implementing Board policies and should be encouraged to make suggestions to the Board through appropriate channels. All Board decisions should be communicated to employees "clearly and openly."

(2) Employees have the right to know how well he/she is performing his/her job and may be given a written evaluation on a regular basis if requested. Each employee is entitled to due process in matters affecting his/her employment, transfer, demotion or promotion. Every employee has the opportunity of improving his/her job performance prior to termination.

(3) All official personnel policies must be written and made available to each employee. Additionally, each Board of Education shall adopt a written grievance procedure to resolve differences between employer and employees.

SCHOOL SUPERINTENDENT

STATUTES

§18-2-15

Every other year "the state board of education, through the state superintendent, shall make to the governor and the legislature a full report concerning the public schools and the educational institutions under its control and management, together with its recommendations in respect to needed legislation."

STUDENT PERFORMANCE

CROSS REFERENCE

II.A.1.; Statute §18-3-7

REGULATIONS

§2340

Achievement and intelligence tests shall be administered annually to all public school pupils enrolled in grades 3,6, 9 and 12 by the county school system. A county may be permitted to alter its testing program provided it tests the grade specified for state-wide study that year and agrees to test all four grades every fourth year.

§2421

Because reading is given highest priority as an educational goal and functional illiteracy stands at 20% of the adult population, the West Virginia Department of Education shall pursue a plan to implement curricular and instructional practices to improve reading and communication skills, to train prospective teachers to improve their skills in teaching reading, and to provide mechanisms by which reading achievement shall be assessed and evaluated.

E. IMPROVEMENT EFFORTS

CONSUMER EDUCATION CURRICULUM

CROSS REFERENCE

III.D.Consumer Education Curriculum, Regulation §2422.11

EDUCATION SYSTEM

STATUTES

§18-2-23

"The . . . board of education through the state superintendent of schools, shall establish standards and criteria especially designed to guide the development

of plans for a comprehensive educational program or programs, in county school systems, to provide for their evaluation and approval, and to provide . . . for the allocation and distribution of state funds. The plans shall include . . . an analysis of existing program area deficiencies and the procedures for their correction. The plans shall be submitted to and approved by the . . . [state] . . . board of education.

County plans shall include one or more of the following: 1) A plan to initiate comprehensive educational programs in any or all areas or parts of the curriculum, and provide necessary supporting services, or 2) a plan to provide for the maintenance or extension of areas or parts of comprehensive educational programs developed or established under this section, or 3) a plan to give essential aid for instruction or supporting services for enrichment of curriculum in schools designated as isolated . . . where consolidation of schools or the development of county comprehensive educational programs are not possible or feasible.

The state superintendent . . . shall provide assistance to counties in the development or preparation of their plans for a comprehensive educational program or programs in order to insure that every county may have the opportunity to fully participate and receive its maximum share of the funds available." Such plans shall be submitted annually. "The state superintendent . . . shall notify any county whose plan fails to receive approval specifying the manner in which the plan fails to meet the criteria established and suggesting the necessary corrections. If the county modifies its plan so that its program or programs become acceptable on or before the first day of September of that year, the county shall be entitled to receive its allocation."

§18-2-26

"In order to consolidate and more effectively administer existing regional education programs and in order to equalize and extend educational opportunities, the state board of education is authorized and empowered to establish multi-county regional educational service agencies for the purpose of providing educational services to the county school systems, and to make such rules and regulations as may be necessary for the effective administration and operation of such agencies.

A regional board shall be empowered to receive and disperse funds from the federal government, member counties, gifts and grants."

School Employees

CROSS REFERENCE

III.D.School Employees; Regulation §5300

Teachers

Statutes

§18-2-12

SABBATICAL LEAVE

"The state board of education shall have authority to grant sabbatical leaves to faculty members . . . for the purpose of permitting them to engage in graduate study, research or other activities calculated to improve their teaching ability. Such leaves shall be granted only in conformity with a uniform plan adopted by the board and shall be subject to such reasonable rules and regulations as the board may prescribe. Any plan adopted by the board shall not provide for the granting of sabbatical leave to any faculty member who has served less than six years at the institution where he[she] is employed, nor shall such leave be for more than one semester at full pay or two semesters at half pay. Any faculty member receiving a sabbatical leave shall be required to return and serve for at least three

years at the institution from which [she]he was granted the leave or to repay to the institution the compensation received by [her] him during [her] his leave."

§18-5-15

"The board shall provide a school term for its schools which shall be comprised of (a) an employment term for teachers, and (b) an instructional term for pupils.

The employment term for teachers shall be no less than ten months, a month to be defined as twenty employment days exclusive of Saturdays and Sundays: Provided, that the board may contract with all or part of the personnel for a longer term.

Within the employment term there shall be an instructional term for pupils of not less than one hundred eighty nor more than one hundred eighty five . . . days. Instructional and noninstructional activities may be scheduled during the same employment day. The instructional term shall commence no earlier than . . . Labor Day and shall terminate no later than" June 8th "and shall not cover a period greater than two hundred seventy-eight calendar days.

Noninstructional days . . . may be used for curriculum development, preparation for opening and closing of the instructional term, in-service and professional training of teachers, teacher-pupil-parent conferences, professional meetings and other related activities.

Where the employment term overlaps a teacher's participation in a summer institute . . . for the purpose of professional growth, the teacher may substitute, with the permission of the county superintendent, such participation for not more than four of the noninstructional days of the employment term.

The board may extend the instructional term . . . provided the employment term is extended an equal number of days

The public schools shall be open for the full instructional term to all persons who have attained the entrance age . . . Provided, that persons over the age of twenty-one may enter only those programs or classes authorized by the state board of education and deemed appropriate by the county board of education."

§18A-5-4;4a

"A county board . . . may approve the attendance of . . . teachers at educational conventions, conferences, or other professional meetings of teachers, on school days when in the judgment of the superintendent it is necessary or desirable."

In addition a board "may approve the attendance of . . . auxiliary and service personnel at educational conventions, conferences, or school service meetings of auxiliary and service personnel on school days when in the judgment of the superintendent it is necessary or desirable."

In either case "attendance at such meetings may be substituted for an equal amount of . . . employment and . . . personnel attending shall not suffer loss of pay. Further, the board is authorized to pay . . .[the] . . . expenses of any personnel it may designate to represent the board at any such . . . meetings or in visitation to another school system."

WISCONSIN

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STATUTES

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The school year is from July 1 to June 30. Twenty school days constitute a school month. School days are days on which school is actually taught and the following days on which school is not taught:

1. Labor Day, Thanksgiving, Christmas, New Year's Day and Memorial Day, if within the scheduled school term and not within a scheduled vacation period.
2. Days on which state teachers' conventions are held.
3. Days on which school is closed by order of a health officer.

With the consent of the school board, up to five (5) Saturdays "may be counted as school days in any school year when school is taught thereon...."

A school term is the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils, other than for summer classes.

§117.09

If a school district, for 2 or more successive years has failed to operate schools as required by law, the territory shall be attached to one or more school districts that are in compliance with the agency school committee. If an order issued under this section is voided, the non-operating school district shall arrange for the attendance of its pupils at the schools of one or more other school districts on a nonresident tuition basis and shall provide trans-

portation for its pupils who reside two miles or more from the school they attend.

§117.10

"A common school district operating only elementary grades and having an assessed valuation of $2,500,000 or more may establish a high school if evidence satisfactory to the state superintendent is given that at least 75 persons of school age who are residents of the school district are prepared and desire to attend a high school. . . ." After the filing of a petition and voter approval, the resolution must be approved by the state superintendent.

§118.02

School shall be held unless it falls on Sunday or Saturday and the day shall be appropriately observed: January 15, Dr. Martin Luther King, Jr. Day; February 12; February 15, Susan B. Anthony's birthday; February 22; April 13, American Creed Day, September 28, Francis Willard Day; October 9, Leif Erickson Day; October 12, and November 11.

REGULATIONS

PI 8.01

(1) In order to be eligible for state aids, a school district shall meet the following standards under criteria established by the department of public instruction.

(2) To assure that the children of Wisconsin will have available an educational program meeting statutory standards, the department of public instruction establishes the following criteria:

(a) Each school district board shall certify annually that every teacher, supervisor, administrator, and other professional staff member has been issued a valid certificate, license or permit by the department for the position for which he/she is employed before entering on duties for such position and that a

copy of the valid certificate, license, or permit is on file in the district.

(b) Each school district board shall certify annually that every teacher is paid at least the minimum salary and granted the sick leave specified.

(c) Each school district board shall establish a procedure by which its teachers, supervisors, administrators, and other professional staff members formulate a long-range inservice plan and operate an annual inservice program for all professional staff members. The plan and program shall be directed toward meeting the cooperatively identified needs of the school district and of individual staff members.

DIAGNOSIS

(d) Each school district shall identify and diagnose underachieving students in reading in grades K-3 (kindergarten through third). Such identification and diagnosis shall be directed or performed by department certificated personnel who have earned at least 6 semester credits in courses dealing with the measurement of reading skills and achievement and/or the diagnosis of reading difficulties. Children with such identified and diagnosed reading deficiencies shall receive instruction and services directed toward the removal of the deficiencies. Such instruction and services shall be coordinated with all other reading instruction.

COURSE OF STUDY

(e) Each school district shall operate a kindergarten program in which all 5 year old children of the district may be enrolled. The teachers shall be certificated by the department to teach kindergarten. Physical facilities, equipment and materials shall be provided for a program which includes opportunities for learning basic concepts and skills in language arts, fine arts, social studies, science, mathematics, and physical education.

(f) Each school district shall operate or be part of a cooperative or otherwise make provision for education programs for children with exceptional needs.

(g) Guidance and counseling services shall be provided for all students. The district shall have on file written evidence that its guidance and counseling program is systematically planned and directed by department certificated guidance and counseling personnel. Guidance and counseling activities in grades 7-12 shall be performed by department certificated guidance and counseling personnel. The program of guidance and counseling shall include providing vocational education, and personal-social information; pupil appraisal; placement; referral, research; and follow-up activities.

(h) The hours of a regular full school day for each school in the district shall be established by written school board policy. School shall be held and students shall receive actual instruction for the equivalent of at least 180 such regular full school days.

(i) Emergency nursing service shall be provided under the direction of a nurse(s) registered in Wisconsin. Arrangements shall be made with a physician to serve as medical advisor for the emergency nursing service. NURSE

(j) All students in grades K-6 shall be provided with library/media services performed by or under the supervision of department certificated library and audio-visual personnel. All students in grades 7-12 shall be provided with library/media services performed by department certificated library and audiovisual personnel.

(k) A long-range plan shall be developed, adopted, and recorded by the school board which defines the patterns and schedule established for safe and healthful facilities. The facilities

shall be inspected at least annually for potential or demonstrated hazards to safety and health, and hazardous conditions shall be corrected, compensating devices installed or special arrangements made to provide for safe and healthful facilities.

HEALTH EDUCATION

(1)1. Health instruction shall be provided in accordance with a written comprehensive health education curriculum. A professional staff member shall be designated as coordinator of health education. Health education in grades K-6 shall be under the supervision of a department certificated health teacher. In grades 7-12 health education shall be conducted by or under the supervision of a department certificated health teacher and shall include one structured course in health taught by a department certificated health teacher.

PHYSICAL EDUCATION

2. Physical education instruction shall be provided in accordance with a developmental, sequential, comprehensive physical education curriculum and program of instruction for all students. Instruction in grades K-6 shall be daily and shall be conducted by or under the supervision of a department certificated physical education teacher. All students in grades 7-12 shall participate in the instructional program of physical education taught by a department certificated physical education teacher except that in senior high schools which offer programs based on Lifetime Sports one year or the equivalent may be optional.

ART

3. Art instruction shall be provided in accordance with a written comprehensive art curriculum which is based upon concepts developed through sensory awareness, aesthetic discrimination and skill development in the creation of art and the knowledge of human art heritage. Art instruction shall be provided for all students in grades K-6 and shall be performed by or under the supervision of a department certificated art teacher. Art instruction shall be available to all students in grades 7-12 and shall be

taught by a department certificated art teacher.

4. Music instruction shall be provided in accordance with a written comprehensive music curriculum including developmental experiences involving singing, playing instruments, listening, movement, creative expression and music reading. Music instruction shall be provided for all students in grades K-6 and shall be performed by or under the supervision of a department certificated music teacher. Music instruction including general music, vocal music and instrumental music shall be available to all students in grades 7-12 and shall be taught by a department certificated music teacher.

B. Qualification Standards For Personnel

Bilingual Education Advisory Committee

CROSS REFERENCE

II.A.5.; Statute §115.98

Certificated Personnel

REGULATIONS
PI 3.20

SOCIAL WORKER

(1) A school social worker certificate may be issued to an individual who meets the requirements stipulated in paragraphs (a) and (b) below:

(a) A master's degree in social work and completion of an approved program in school social work. Graduates should have competencies in the following areas: human growth and development, group dynamics, family management, organizational theory, program planning and coordination, systems analysis, research, various treatment modalities (e.g., behavior modification, transactional analysis, reality therapy, etc.), and special populations (e.g., handicapped, aged, delinquent youth, poverty groups, etc.).

(b) Eighteen semester credits of professional education or its equivalent.

1. Completion of at least 6 semester credits in professional education.

2. Two years of social work experience dealing with children and youth is required.

NURSE

(2)(a)1. The candidate for school nurse certification will meet requirements for the baccalaureate degree in nursing and will hold a current certification to practice as a registered professional nurse in Wisconsin.

PSYCHOLOGIST

(3) Provisional school psychologist.

(a) Eighteen semester credits of professional education or its equivalent.

(b) Thirty to 36 semester hours of graduate credit in professional education and psychology is required for the provisional licensure towards a level I school psychologist's certificate.

(4) School psychologist I

(a) Forty-two to 48 graduate semester hours of professional education and psychology, a master's degree and the recommendation of competence by an approved educational institution.

(b) The life license as a Level I school psychologist may be obtained after 3 years of successful full time work, or its equivalent, as a licensed school psychologist in Wisconsin public schools.

(5) School psychologist II

(a) Ph.D., Ed.D., or its equivalency (one additional year of study or approximately 60 graduate hours plus appropriate experience or one year's internship as a school psychologist under supervision).

(b) Recommendation of competency by an approved training institution in the case of individuals lacking prior experience as a licensed school psychologist within the public schools.

(c) Education credits must total a minimum of 18 semester hours.

(d) The life license as a Level II school

psychologist may be obtained after 3 years of successful full time work, or its equivalent, as a licensed school psychologist in Wisconsin.

(6)(a) Persons preparing to be teachers of handicapped children must meet the general state requirements of a degree with the pattern approved for college or university of attendance in general education and professional education.
Teachers who are fully qualified to hold a Wisconsin license to teach mentally retarded children in grades 1-8 or 4-8 may have their licenses extended to cover grades 9-10. Added requirements will be a course in adolescent psychology and reasonable pattern of course work in the subject areas to be taught.

(b) In general professional training, 18 semester credits are required of which child or adolescent development, group tests and measurements, practice teaching with normal children and curriculum planning are required. The remaining credits may be chosen from methods of instruction, history of education, personality adjustment, educational sociology, fundamentals of speech, audio-visual education, recreation, guidance, kindergarten-primary methods and educational psychology.

(c) Six semester credits of college work in the general area of exceptional children are required of which a course in the psychology or nature of exceptional children is required. The remaining credits may be chosen from abnormal or clinical psychology, individual mental testing(survey), guidance of exceptional children, administration and supervision of special education, speech correction, health problems of the exceptional child, field work with the exceptional child, home and community planning, psychological appraisal of the physically handicapped and teaching of physical education for the handicapped child.

(d) The areas of specialization involved are as follows

1. Teachers of the deaf. Eighteen semester credits are required of which practice teaching and observation(deaf), techniques of teaching school subjects (deaf), speech and speech reading for the deaf and language problems and development are required.

2. Teaching of the mentally retarded. Twelve semester credits of special work are required of which methods of teaching the mentally handicapped, practice teaching of the mentally handicapped and introduction to mental retardation are required.

3. Orthopedic specialization. Twelve semester credits of special work are required of which methods of teaching crippled children and practice teaching of crippled children are required.

4. Speech and hearing clinician. For the 3 year license, the applicant must have completed and/or possess the following:

a. A master's degree in communicative disorders (speech pathology, audiology, and language disorders) with undergraduate training.

5. Vision specialization. Twelve semester credits are required. Practice teaching visually handicapped children, techniques of teaching school subjects to visually handicapped children, and Braille reading and writing are required.

6. Emotionally disturbed. Fifteen semester hours of special work are required, of which methods of teaching the emotionally disturbed and/or the socially maladjusted, practice teaching of disturbed children, remediation of learning difficulties are required.

7. Learning disabilities. a. An applicant must have satisfied all requirements in the approved

teacher preparation training program at the preparing institution, as well as those listed below in order to qualify for certification to teach in Wisconsin.

1. A bachelor's degree from an accredited college or university

2. General Professional Training - 18 semester hour professional education sequence.

3. General Area of Exceptional Children - 6 semester credits required:

psychology or nature of exceptional children
individual mental testing
guidance of exceptional children
administration and supervision of special education
health problems of the exceptional child
home and community planning for exceptional children
teaching of physical education for the handicapped child

8. The state superintendent of public instruction establishes a plan for the apportionment of financial aids to approved public high school programs.

a. Aids shall be paid to public school districts for eligible students who are residents of Wisconsin and who, during the preceding year, successfully concluded a complete driver education course.

DRIVER EDUCATION

1. Such course shall include a minimum of 30 clock hours of instruction in the classroom course program and a minimum of 6 clock hours of observation instruction and 6 clock hours of actual behind-the-wheel instruction in the on-street driving program.

a. During the regular school year, the classroom course shall extend over a minimum of 6 weeks for each student. During a summer school program, the classroom course shall extend over a minimum of 3 weeks for each student.

2. High schools shall have their plans for teaching driver education approved by the state department of public instruction prior to beginning the course in the regular school year or in a summer school course.

3. The teacher of the classroom course, simulation laboratory, multiple-vehicle range and/or on-street vehicle laboratory driving shall possess a valid Wisconsin driver education certificate issued by the department of public instruction.

b. Vocational and adult education schools shall have their plans for teaching driver education approved by the state board of vocational and adult edudation. Such approval shall be obtained before the course is begun.

c. The following requirements shall apply to teachers of the practice driving phase and/or the classroom phase:

1. The teacher shall either be certified by the state board of vocational and adult education as a full-time teacher, including the required courses in education, or licensed by the state department of public instruction.

2. The teacher shall hold a current Wisconsin driver's license and have an acceptable driving record.

3. The teacher shall have earned at least 6 semester hours of approved credit in the field of driver and safety education in an accredited teacher education college.

MEDIA SPECIALIST

(9) Media specialist. This classification shall apply to those who direct, administer, and/or provide those advisory, production and distribution services which implement teaching-learning situations with media in an organized fashion within an entire school system.

(a)1. Must possess a valid teaching certificate based on a 4-year degree.

2. Should have at least 3 years of successful teaching experience.

(b) Minimum of 15 semester hours.

1. A course or courses in curriculum

2. Courses in audiovisual instruction

(c) A 3-year provisional certificate may be granted to an individual without meeting the course requirements providing:

1. The applicant has served as an audiovisual director for a period of 3 years prior to July 1, 1967, with one-fourth or more released time devoted to such duties.

2. He is presently designated as an audiovisual director with one-fourth or more released time for such duties.

(d) Such provisional certificate may be renewed in 3-year periods by completing satisfactorily 2 or more courses from paragraph (b) 2. (above) within each 3-year period.

(10) Media specialist. This classification shall apply to those who provide those advisory, production, and distribution services which implement teaching-learning situations with media in an organized fashion within a single building housing such as an elementary school, a junior high school, or a senior high school.

(a) Must possess a valid teaching certificate based on a 4-year degree.

(b) Minimum of 4 semester hours. Two courses in audiovisual instruction, one of which shall be a basic audiovisual methods course.

(c) Beginning with the school year 1967-68, all persons designated by their school officials as audiovisual directors or audiovisual coordinators must meet the requirements as listed above.

(11) School Counselor. Standards contained in this section take effect September 1, 1968, and shall apply to those who perform counseling and guidance

functions in an organized fashion. The recognized advisory duties of the regular classroom teacher shall not be considered as counseling and guidance. Proper certification of all school counselors spending one-fourth of the school day or more as counselors is required. Holders of school counselor -- grade B certificates expiring after September 1, 1968, will, upon application, be certified as provisional school counselors upon evidence of successful experience in school counseling. Holders of school counselor-- grade A certificates expiring after September 1, 1968, will, upon application, be issued the professional school counselor certificate upon evidence of successful experience in school counseling. Persons born before July 1, 1913, may indefinitely renew certification as provided under standards in force in 1967.

(a) Provisional school counselor. 1. General requirements are a bachelor's degree, a current Wisconsin teaching certificate or eligibility to hold such certificate, and a minimum of 2 years of successful teaching experience. Proof of successful teaching shall be furnished as requested by the state superintendent.

a. The state superintendent may approve experimental programs based on completion of a master's degree in guidance and counseling and including completion of a full-time one year public elementary or secondary school counseling internship. The state superintendent, at his[her] discretion, may waive the teacher certification and 2 year teaching experience requirements in the approval of such experimental programs.

2. Educational requirments are a minimum of 18 semester hours of graduate work in education and guidance covering all competency areas.

3. This certificate may be issued for 5 years and may not be renewed.

(b) Professional school counselor certificate. 1. General requirements are 30 semester hours of graduate level credit appropriate to public school counseling and guidance or a master's degree in counseling and guidance, possession of, or eligibility for, a current Wisconsin provisional school counselor certificate, a minimum of 2 years of successful experience as a school counselor in an assigned position of at least half time, and a minimum of one year of accumulated work experience after high school graduation in fields other than education.

(c) Professional school counselor life certificate. Requirements:

1. Possession of the professional school counselor certificate.

2. Completion of an additional 18 semester hours of graduate credit arranged in a logical program of specialization in counseling and guidance.

THERAPIST

(12)(a) A registered physical therapist may serve in a school situation if certified by the proper certifying agency.

(b) Certification as a school physical therapist is available, but will not be required.

(c) The school physical therapist must hold proper certification as a physical therapist and must have 18 semester credits in professional education or its equivalent as approved by the state superintendent.

(13)(a) A registered occupational therapist may serve in a school situation if certified by the proper certifying agency.

(b) Certification as a school occupational therapist is available but will not be required.

(c) The school occupational therapist must hold proper certification as an occupational therapist and must have 18 semester credits of professional education or its equivalent as approved by the state superintendent.

(14) All life certificates obtained under PI 3.20(1), (2), (3), (4) and (5) will be valid only so long as the holder remains actively employed in a public school professional position for which his license entitles him to employment. The credential shall become invalid if for 5 or more consecutive years the holder is not actively employed in a position in public education requiring the holding of a valid Wisconsin license.

EDUCATION AGENCY SCHOOL COMMITTEE

STATUTES

§116.51 — 116.52

The board of control of each agency shall appoint an agency school committee. No committee member may be a member or employee of a school board or of the agency. The appointed members shall have an interest in the improvement of public education. The committee shall study and evaluate the existing school district structure to determine if the goals of equal educational opportunities for all children within the agency territory have been attained.

The committee shall meet annually and members shall receive $10 fine each days attendance at a meeting of the committee. The agency treasurer shall keep a separate account of the expenses and receipts of the committee.

SCHOOL BOARD MEMBERS

STATUTES

§119.08

No person is eligible to be a member of the board if he/she holds an office in any political organization, city, county or state office other than the office of notary public. Board members shall be electors of the city and shall be elected biennally at the spring election. The regular terms of board members shall be 6 years and until their successors

have been elected and qualified. A vacancy on the board shall be filled by a majority vote of the remaining board members.

SCHOOL PERSONNEL

CROSS REFERENCE

IV.A.; Statute §118.25

SCHOOL PSYCHOLOGIST

CROSS REFERENCE

IV.B.; Regulation PI 11.16

SPECIAL EDUCATION TEACHERS

CROSS REFERENCE

II.A.2.; Statute §115.83 -- 115.84

TEACHERS

STATUTES

§118.19 — 118.22

Persons seeking to teach in public schools shall procure a license from the department. The applicant must possess a bachelors degree, but teachers who taught prior to 1937-1938 school year may teach without compliance with this subsection.

REVOCATION

The certificate or license may be revoked by the state superintendent for incompetency or immoral conduct. "In granting certificates or licenses for the teaching of courses in economics, social studies or agriculture, adequate instruction in cooperative marketing and consumer's co-operatives shall be required. In granting certificates or licenses for the teaching of courses in science or social studies, adequate instruction in the conservation of natural resources shall be required." In order to be granted certificates to teach industrial arts, the applicant must have had three years of practical

experience beyond apprenticeship or 4 years of institutional training in such subjects.

Persons may not be denied a teaching certificate or license due to total or partial blindness, deafness or physically handicap nor be denied employment if the handicapped teacher is able to carry out the duties of the position she/he seeks.

There shall be no discrimination "because of sex, except where sex is a bona fide occupational qualification, . . . race, nationality, or political or religious affiliation may be practiced in the employment of teachers or administrative personnel in public schools or in their assignment or reassignment." The state superintendent may investigate complaints charging discrimination in employment assignment or reassignment of teachers or administrative personnel, and may hold hearings to carry out these purposes. The superintendent may order compliance with the recommendations from the hearing; and the complaint shall be dismissed upon a finding of no discrimination. A penalty shall be imposed if persons are found violating this section.

CONTRACT RENEWAL

NOTICE

The school board shall contract in writing with qualified teachers; the contracts shall be filed with the school clerk. On or before March 15, the board may renew or refuse to renew the contract for the ensuing school year. If notice is not given the contract shall shall continue for the ensuing school year. If the contract is refused, notice of refusal to renew a teachers contract shall be done by preliminary notice at least 15 days before written notice. The teacher has until April 15 to accept or reject in writing such contract. No board shall enter into an employment contract if the teacher is then under contract of employment with another board.

PI 3.01

PERMIT

A permit is an instrument, limited in time to one year or fraction thereof and to one specific job, given to permit the employment of a person who does not meet the minimum legal requirements for teaching.

(1) No permit may be issued to any person who has secured credits for less than 4 semesters of work.

(2) A permit may be granted only upon the written request of the employing official and/or the county or district administrator.

(a) Such request shall state that a satisfactory qualified person is not available.

(b) A permit shall be limited to a certain position and may not exceed one school year.

(c) All permits shall expire as of June 30 or sooner of the school year for which they are issued.

(d) No permit may be renewed unless there shall be a continued shortage of available satisfactorily recommended qualified teachers, and at least 6 semester hours of credit have been gained during the school year or the summer preceding the school year for which the permit is to be issued.

(e) The state superintendent may issue or decline to issue permits at his[her] discretion.

INTERN LICENSE

(f) A permit to be known as an intern license may be given to a person working in an internship program which is approved by the state superintendent of public instruction. An intern who is paid by a board of education must hold such a license. Such

license may be issued only to a student recommended by the proper teacher preparing college or university authorities and must hold senior or graduate ranking. A signed request by the administrator of schools of the participating district must be filed as a condition for the issuance of such license.

PI 3.02

SPECIAL LICENSE

(1) A special license is an instrument, limited in time to one year or fraction thereof and to one specific job, to permit the employment of a legally qualified teacher who does not meet the legal qualifications for the teaching position he is asked to handle. Such license shall expire as of June 30 of the school year of issue or earlier.

(2) No special license will be renewed unless at least 6 semester hours of college work are taken between the date of issuance and the date of renewal. Such work must be directed toward the deficiency or deficiencies.

(3) The district administrator of the school must request such license in writing and must explain and justify the need.

(4) The state superintendent may, at his discretion, issue a teaching credential to an eminent scholar or scientist upon the recommendation and at the request of a school administrator who will attest that he wishes said person to be employed in his school system. A renewal credential may be granted upon request with affirmation of successful teaching.

PI 3.03

A license is a 1,2 or 3 year instrument which indicates that the holder is fully qualified to teach the subjects or at the grade levels endorsed on the license. Licenses are given to persons who are recommended by the proper college authorities and who have completed a program approved by the state superintendent of public instruction.

(1)(a) Preparation in human relations, including intergroup relations, shall be included in programs

leading to initial certification in education.

(2)(a) Beginning July 1, 1975, to be certified to teach in Wisconsin, all prospective elementary and middle school teachers must satisfactorily complete at least one discrete course in the teaching of reading. The course shall include information about the nature of the reading process and how to teach reading at the classroom level and shall focus upon the objectives, approaches, instructional materials, and practices and evaluation procedures involved in the teaching of reading in the elementary grades.

(b) Beginning July 1, 1977, to be certified to teach in Wisconsin, all prospective secondary teachers must satisfactorily complete at least one discrete course in the teaching of reading. The course shall include information about the nature of the reading process and how to teach reading at the classroom level and shall focus upon the objectives, approaches, instructional materials, and practices and evaluation procedures involved in the teaching of reading in the elementary grades.

(3) Baccalaureate degree-holding applicants shall have completed an early childhood or elementary education program approved by the state superintendent. A minimum of 26 semester credits of professional courses which shall include required course work in child growth and devleopment, psychology of learning, methods and curriculum in early childhood education, and student teaching (minimum of 5 semester credits). Student teaching is required at each level of specification for which certification is given (nursery; kindergarten).

(4) Effective July 1, 1978, all persons employed as teachers of early Childhood-Exceptional Educational Needs must hold Department of Public Instruction licensure.

(a) Baccalaureate degree holding applicants shall have completed an approved Early Childhood-Exceptional Educational Needs program which includes a minimum of

34 semester credits of course work from each of the following areas:

(1) Methods of teaching reading

(2) Child growth and development

(3) Psychology of learning

(4) Methods and curriculum in early childhood education

(5) Student teaching with normal young children

(6) Psychology of the exceptional child

(7) Language development and disorders of the young exceptional child

(8) Introduction to the education of the young exceptional child

(9) Methods, curriculum, and materials for the young exceptional child

(10) Assessment of the young exceptional child

(11) Organization and administration

(12) Parent training and family involvement of the young exceptional child

(13) Student teaching with the young exceptional child

(b) A properly licensed special education teacher who has been succussfully employed (as verified by the superintendent or his/her designee) as an early childhood -- handicapped teacher by a local educational agency for 2 semesters between July 1, 1973, and

(5) A 2 year license will be granted to any recommended graduate of an accredited Wisconsin public supported state or county college who has completed the approved 2 year non-degree teacher education course. A 2 year license will be granted to any recommended graduate of an accredited state college who has completed the approved 2 year non-degree teacher education course. A 3 year license will be granted to any recommended graduate of a state college, a state university, a private college or university who has

earned a degree from an approved teacher education course.

(a) Degree-holding elementary teachers are expected to have a good general education background. It is strongly recommended that they acquire one or more subject matter areas of concentration.

(b) Degree-holding elementary teachers shall have graduated from an elementary education course approved by the state superintendent. A minimum of 26 semester credits of professional education including methods and child development including psychology of learning and student teaching is required. At least 5 semester credits will be required in student teaching, and a minimum of 8 semester credits in student teaching is suggested.

(6) A 3 year license will be granted to a recommended degree-holding graduate of an accredited degree-granting college or university for those subjects for which he has had adequate preparation under the prescribed regulations. The use of proficiency examinations in professional education and in subject areas may be substituted in part in lieu of regularly earned college credits.

(a) High school teachers of all subjects shall have secured a good general education background for graduation from college. Colleges in Wisconsin preparing teachers for public high schools shall file their pattern of general education with the state superintendent in 1961 and at 5 year intervals thereafter. Applicants graduating from college shall have completed plan 1, plan 2, plan 3, or plan 4 below:

COLLEGE

1. One college or university approved major of at least 34 semester hour credits with one college or university approved minor of at least 12 semester hour credits.

2. Two college or university approved majors of at least 34 semester hour credits each.

3. One college or university approved broad field major of at least 54 semester hours.

4. One college or university major in a given subject field.

5. Adequate preparation in conservation of natural resources (Wis. Stats. 40.43 (6)) [section 118.19(6) Wis. Stats.] must include a program of study including:

History and philosophy of the conservation movement,

Appreciative understanding of the wide variety of natural resources,

Importance of conservation of natural resources in a national and international setting,

Relationship of supply of natural resources and economic structure,

Natural resource management techniques, need for and type of controls,

Role and importance of resource use planning for the future. Public and private schools of higher education, where section 40.43 applies shall submit a syllabus of the course of instruction in the conservation of natural resources or a listing of units if the preparation in conservation is integrated in other courses. Time allotments must be indicated unless conservation of natural resources is offered for credit. In which case credit earned must be indicated.

6.(b)1. Effective July 1, 1980, for the three year license in broad field science, the applicant must have completed:

(a) The secondary General Requirements (see above).

(b) A 54 semester credit major in science, including:

(1) 14 semester credits in each of two of the following sciences:

biology

chemistry

earth science

physics

(2) 8 semester credits in each of the remaining two sciences

(3) 10 semester credits selected from any of the aforesaid sciences and/or the history and/or philosophy of science

(c) 6 semester credits of mathematics

(d) Conservation of natural resources

2. Effective July 1, 1980, for the three-year license in biology, chemistry, earth science and/or physics in grades 7-12, the apolicant must have completed:

(a) The secondary General Requirements

(b) A 34 semester credit major in one of the above science subjects or

(c) A 22 semester credit minor in one of the above science subjects. Certification on the basis of completion of a minor in a science subject may be obtained only if the applicant has completed a major in another science subject except that with a major in mathematics and a minor in physics, certification in physics may be obtained.

(d) Conservation of natural resources

Note: All persons seeking certification in biology, chemistry, earth science, or physics must have completed at least 8 semester credits of course work in at least one additional science subject.

3. Upon the request of a school district administrator, a person holding certification to teach science based on the broad field science teaching major (but not meeting the credit requirement for extending certification to the specific subject in grades 10-12) may be granted a two-year and non-renewable certificate to teach biology, chemistry, earth science and/or physics. In such cases it is required that the teacher shall complete required course work during this two-

year period to be eligible for a regular teaching certificate.

4. Effective July 1, 1980, for three-year licensure to teach chemistry, physics, and physical science in grades 7-12, the applicant must have completed:

a. The secondary General Requirements

b. A 44 semester credit major in physical science, including:

1. 22 semester credits in chemistry

2. 22 semester credits in physics

(c) Conservation of natural resources

(d) As of July 1, 1973, a license covering the broad field of social studies will be granted upon the basis of completion of a minimum of 54 semester credits, to include a 22 semester credit concentration in one of the following subject areas: anthropology, economics, geography, history, political science, psychology, or sociology; and a minimum of 32 semester credits distributed over at least 3 of the other above listed social studies subjects; or a 34 semester credit concentration in one of the above listed social studies subjects, and a minimum of 20 semester credits distributed over at least 2 of the other above listed social studies subjects.

(e) A license covering the broad field of music education will be granted in 1963 and thereafter upon a minimum of 54 semester hours in the field of music exclusive of methods. The pattern shall be approved by the state superintendent.

(f) A license covering the broad field of art education will be granted in 1963 and thereafter upon a minimum of 54 semester hours in the field of art exclusive of methods. The pattern of this major must be approved by the state superintendent.

(g) Speech shall be considered an academic subject.

1. High school teachers of speech shall hold a minimum of an approved college minor in speech preparation. Speech certification shall become mandatory for all classroom teachers of speech with the school year 1962-63.

2. Extra-curricular speech activities. Certification for coaching or directing extra-curricular speech activities will be recommended but not required.

(h) High school teachers must have at least 18 semester credits in professional education. These credits shall be in the fields of educational psychology or psychology of learning, methods to include some in the major subject, and at least 5 in student teaching. The remaining credits are elective in the field of professional education.

(i) Three-year licenses will be granted to recommended degree-holding graduates of accredited degree-granting colleges or universities for those special subjects for which they are fully prepared in accordance with the prescribed regulations. The special subject fields are industrial arts, home economics, business education, agriculture, music, art and physical education.

(1) A major in a special subject shall consist of a minimum of 34 semester credits.

(2) The professional sequence shall include the areas of educational psychology, child growth and development, curriculum, methods and student teaching. Preparation for 12 grade teaching must include student teaching at a minimum of 2 grade levels.

(j) Three-year initial licenses designated business and office-vocational, trades and industry-vocational(including drafting or power mechanics or industrial woodworking or building construction or metal working or electronics-- electricity or graphic arts), distributive education-- vocational and home economics-- vocational (including care and guidance of children or clothing management, production, and services or food

management, production , and services or home furnishings, equipment, and services or institutional and home management and supporting services) may be issued.

(1) Applicants must complete a 34-semester hour major in business education, industrial education, distributive education, or home economics. A course in principles, issues, or philosophy of vocational education must be completed.

RENEWAL

(2) The initial license is for 3 years. At its expiration, applicants may apply for another three-year license or for a five-year renewable certificate. To be eligible for the five-year credential, the applicant must have completed:

a. Three years of successful teaching in a position requiring Wisconsin vocational certification for the subjects endorsed on the three-year license, and

b. Received 3 semester credits in technical course work, specifically related to the vocational program. (95 clock hours of occupational experience, specifically related to the area of concentration, can count as the equivalent of one semester credit or one clock hour of approved workshop experience can count as 3 clock hours of occupational experience.)

(3) The five-year certificate can be renewed by verifying completion of 5 semester credits in technical course work, specifically related to the vocational program. (occupational experience or workshop attendance can be substituted for college credit totally or in part under the guidelines for equivalency listed in (b) above.)

(4) There is no unlimited certification in certification categories designated vocational.

(5) For a 3-year license the applicant must possess evidence of vocational education and administrative competencies, credentials to include the following:

a. A baccalaureate or higher degree with a major in a vocational subject area or related area as identified by the state superintendent.

b. College-level course work in the following areas:

1. Issues, principles or philosophy of vocational education

2. Organization and administration of cooperative vocational programs

3. Curriculum planning and development

4. Supervision of instruction

5. Guidance with an emphasis on career development

6. Administration of public school districts

(c) Work experience outside of teaching to include at least 2,000 hours in one or more occupational fields.

(d) Three years of successful teaching in a vocational subject area identified as such by the state superintendent, or 2 years of secondary teaching in vocational subject areas and an additional 2 years in administration and/or guidance.

(6) A 5-year license will be granted upon presentation of evidence of 3 years of successful employment as a local vocational education coordinator during the period of the 3-year license.

(7) Five-year certificates may be renewed by presenting evidence of the completion of 5 semester hours of collegiate credit or appropriate occupational experience which contributes to broadening the vocational competency of the applicant may be substituted for such college credit.

(8) Any person who has a specific assignment to teach reading must hold certification as a reading teacher.

(a) Certification of the reading teacher shall be mandatory as of July 1, 1972.

(b) 3 year license. The applicant must have completed and/or possess the following:

1. A Wisconsin teacher's license based upon a bachelor's degree.

2. Two years of teaching experience.

3. A minimum of 15 semester credits, 9 of which must be taken beyond the bachelor's degree and 6 of which may be taken within the bachelor's degree:

a. Teaching of reading -- elementary

b. Reading disability.

c. Reading clinic practicum.

(c) Electives are to be chosen from language arts; language and learning disabilities; measurement and/or evaluation; literature for children and/or adolescents; child and/or adolescent psychology; or advanced courses and seminars in reading.

(d) 2 year, nonrenewable licensure. The applicant must have completed and/or possess the following:

1. A Wisconsin teacher's license based upon a bachelor's degree.

2. A minimum of 2 semester credits applicable towards unlimited certification.

3. The recommendation of a school district personnel officer or a higher-education faculty member engaged in the training of reading personnel.

(9)(a) The reading specialist certification shall be held by those working with reading teachers, classroom teachers, and others as a resource teacher to improve competency and interest in the teaching of reading and to prevent reading disabilities.

(b) Certification of the reading specialist shall be mandatory as of July 1, 1972.

(c) A 3 year license. The applicant must have completed and/or possess the following:

1. All requirements for the unlimited certification as reading teacher in addition to having the master's degree with a major emphasis in reading or at least a 30 semester hour program equivalent to the master's degree.

2. Two years of teaching or supervisory experience involved with the teaching of reading.

(d) 2 year, nonrenewable licensure. The applicant must have completed and/or possess the following:

1. All requirements for the reading teacher.

2. At least half (15 hours) of the course work listed above.

3. The recommendation of a school district personnel officer or a higher-education faculty member engaged in the training of reading personnel.

(10) Certification will not be required of people assisting teachers in the broad instructional program except where certification classifications of non-professional school employees have been established.

(a) A special education program aide's license may be issued to a person serving as a teacher's aide or a paraprofessional assigned to a special education program or service for exceptional children supported by the division for handicapped children.

(11) Teachers who have not been regularly employed within the teaching professional within the past 5 years, but who are endorsed by a college or university as having completed an Approved Teaching Program, may be issued a one-year license upon the written request of an employing district administrator. Renewal of this licensure to a regular term license is dependent upon the completion of 5 semester hour of refresher work in methods and/or academic subjects.

TERM LICENSE

(a) A regular term license may be granted to applicants who are endorsed by a college or university as having completed an Approved Teaching Program

and who present evidence of 6 semester hours or refresher work in methods and/or academic subjects at the time of application.

(12) Term certificates allowing persons to serve as substitute teachers in the public schools may be issued to applicants who have held or are eligible to hold a regular Wisconsin credential which has expired or the equivalent credential issued in another state.

PI 3.04

The term non-renewable certificate indicates the length of time the holder has to reach the next level of legal certification. Certificates are given to persons who are recommended by the proper college authorities and who have completed a program approved by the state superintendent of public instruction.

(1) Five-year non-renewable certificates may be issued to graduates of recognized 2 year elementary teacher courses at the expiration of the 2 year license.

(2) Life certificates may be granted to teachers who have earned bachelors' degrees or their equivalent and who are fully qualified graduates of a college or university accredited for teacher education under the following conditions.

(a) The unlimited or life certificate dated July 1, 1962 or thereafter, for all types of certification, will be valid so long as the holder remains active in the teaching profession. The credential shall become invalid if for 5 or more consecutive years the holder is not actively employed in a position in the teaching profession requiring the holding of a valid license.

(b) [High school teachers] must hold a bachelor's degree and must have met the pattern of preparation approved by the state superintendent. Life certificates may be granted only in the major subject or subjects of preparation and such other subjects that

have been taught successfully in Wisconsin public junior or senior high schools for at least 3 years and which were endorsed on a regular Wisconsin license during that period of time. At least 1 of the 3 years shall have been within the 3 year period prior to the application for the life certificate. Proof of success shall be furnished as requested by the state superintendent.

(c) [Elementary teachers] must have met the pattern of preparation approved by the state superintendent and must be properly recommended graduates of a degree course or its equivalent in elementary education from a college or university accredited to offer a degree in the preparation of elementary teachers. Each applicant for a life certificate in elementary teaching must have held a regular license or licenses to teach in Wisconsin elementary schools and must have taught successfully under such license or licenses for at least 3 years in Wisconsin public elementary schools. At least 1 of the 3 years shall have been within the 3 year period immediately prior to the application for the life certificate. Proof of success shall be furnished as requested by the state superintendent.

(d) To secure a life certificate in a special field a teacher must hold a degree from an accredtied college or university and must have secured an acceptable major or master's degree in that special field. The applicant must have taught successfully in the special field while holding a regular Wisconsin license or licenses for at least 3 years. Such teaching must have been done in Wisconsin public schools or in approved Wisconsin private schools.

PI 3.10

(1)(a) [School librarian] [c]andidates must hold a valid Wisconsin teaching license, or be eligible for such license, or, in the case of degree-holding candidates, must successfully complete an approved program of 18 semester hours of professional education including field experience in public school library

service.

1. Minimum credits for certification (covering both elementary and secondary schools) will be 22 semester hours in library science and related fields.

(b)[Unlimited school librarian] Issued to applicants meeting requirements for school librarian who have completed 3 years of successful experience as a Wisconsin public school librarian, and who have completed a master's degree in library science or instructional materials.

(c) [School librarian supervisor] Qualfications are completion of a master's degree in library science or related area, 5 years of successful experience as a public school librarian, and completion of courses beyond the master's degree

(2) As of July 1, 1969, a teacher must be a certified driver and safety education teacher to teach driver and/or safety education courses.

(b) In order to receive a license to teach driver education, a person must hold a Wisconsin teaching license and must have earned at least 6 semester hours of approved credit in the field of driver and safety education in an accredited teacher education college. At least 3 semester hours of such credit shall be in driver education which shall include a minimum of 10 class periods of experience in teaching practice driving. Applicants for the driver education license must have a minimum of 3 years driving experience while holding a state driver's license, hold a current Wisconsin driver's license, and have an acceptable driving record.

(c) As of July 1, 1969, a teacher must have successfully completed a basic driver education course, an advanced driver education course, and a general safety education course consisting of at least a total of nine semester hours. Six or more of these

semester hours must consist of basic and advanced driver education course work and the balance, three semester hours, must be in general safety education course work.

(d) As of July 1, 1976, all driver and traffic safety education teachers must have at least 15 semester hours of approved credit in driver and traffic safety education for initial or renewal of licensure.

(3) A supervisor or coordinator under this rule is a person employed by a public school board of education, a county handicapped children's education board, or a cooperative education service agency as a general supervisor, special education supervisor, director of instruction, or special education director within any district, city school system, county handicapped children's education board, or cooperative educacional service agency. All general supervisors, coordinators, and directors of instruction shall hold supervisors' licenses or certificates.

(a) A supervisor or coordinator in any public school system in Wisconsin must hold or be eligible to hold a license to teach in Wisconsin at the level of supervision and must have had at least 3 years of public school teaching experience at that level

1. To obtain a license to act as supervisor or coordinator, the applicant must be at least 24 years of age and must be a citizen of the United States. He must hold a master's degree with graduate courses in the areas of curriculum; supervision; measurements; guidance; and child and/or adolescent development.

2. The original license for supervisor or coordinator shall be for 3 years. This license may be renewed upon satisfactory proof of successful work as supervisor or coordinator. A life certificate may be issued by the state superintendent to those successfully completing 2 post-master's degree

courses in education of at least 2 credits each and by producing evidence of successful work as supervisor or coordinator for 3 or more years in Wisconsin public schools while holding a supervisor's or coordinator's license.

(b) To secure a special education supervisor's, coordinator's, or director's license, a person must meet the qualifications in sub. (a) 1 and must also hold an undergraduate, or master's degree, or certification in one area of exceptionality. In addition, a person must have completed a minimum core of 6 graduate credits in the area of supervision and administration of special education programs; field work or internship in the supervision and administration of special education; and/or seminar in the supervision and administration of special education programs.

1. The original license for a level B special education supervisor, coordinator, or director shall be for 3 years and shall be issued upon the recommendation of competence by a recognized training institution.

2. A Level A special education supervisor's, coordinator's, or director's license shall be for 3 years and shall be issued upon the recommendation of competence by a recognized training institution to individuals attaining a Sixth Year Specialist's Degree, or its equivalent of one year's graduate work in special education beyond the master's degree.

(4) An administrator under this rule is a person employed by a public school board of education or a private school as a principal, assistant principal, district administrator, or assistant district administrator. All public school administrators included under section PI 3.10(4) must hold the proper administrative license. The initial non-renewable administrator's certification shall be issued for

a three-year period if the applicant meets the minimum requirements.

(a) Initial district administrator and assistant district administrator licensure issued under PI 3.10(4) requires completion of an approved specialist's degree program in school administration or its equivalent.

(b) 1. For the initial three-year license, the applicant must meet the following criteria:

a. Eligibility to hold a Wisconsin license to teach in the elementary schools.

b. Three years of successful teaching experience at the elementary school, middle school, and/or junior high school levels.

c. A master's degree.

d. Successful completion of an approved master's degree program for the preparation of secondary school administrators or its equivalent and the endorsement of the educational institution which offers the approved program.

2. For the first five-year license, the applicant must have completed three years of successful experience as a middle school, junior high school, and/or senior high school administrator or assistant administrator.

3. For each subsequent five-year license, the applicant must have completed a planned program of professional development (6 semester credits or the equivalent) approved by the State Superintendent.

(c)1. Secondary school administrator. 1. For the inital three-year license, the applicant must meet the following criteria:

a. Eligibility to hold a Wisconsin license to teach in the secondary schools.

b. Three years of successful teaching experience at the middle school, junior high school, and/or the senior high school levels.

c. A masters degree.

d. Successful completion of an approved master's degree program for the preparation of secondary school administrators or its equivalent and the endorsement of the educational institution which offers the approved program.

2. For the first five-year license, the applicant must have completed three years of successful experience as a middle school, junior high school, and/or senior high school administrator or assistant administrator.

3. For each subsequent five-year license, the applicant must have completed a planned program of professional development (6 semester credits or the equivalent) approved by the State Superintendent.

(d)1. For the initial three-year license, the applicant must meet the following criteria:

a. Eligibility to hold a Wisconsin license as an elementary or secondary school administrator.

b. A specialist's degree or the equivalent.

c. Successful completion of an approved specialist's degree program for the preparation of district administrators of its equivalent and the endorsement of the educational institution which offers the approved program.

2. For the first five-year license, the applicant must have completed 3 years of successful experience as a district administrator or assistant district administrator.

3. For each subsequent five-year license, the applicant must have completed a planned program of professional development (6 semester credits or the equivalent) approved by the State Superintendent.

(e) Assistant prinicipal, principal or superintendent of the state school for the visually handicapped and the state school for the deaf. An assistant principal, principal or superintendent of the state school for the visually handicapped and the state

school for the deaf may secure a license as assistant principal, principal or superintendent if fully qualified under section PI 3.10(4)(a), (b), (c) or (d).

(f) State department superintendent, assistant superintendent, supervisors, coordinators or specialists. The state superintendent of public instruction, all professional assistants to the state superintendent and all professional members listed as supervisors of instruction, coordinators or mental health specialists may secure licenses as principals or superintendents if fully qualified under PI 3.10(4)(a), (b), (c) or (d).

REVOCATION

(5)(a) The state superintendent may revoke licenses of or deny licenses to persons whose teaching licenses have been revoked by some other state department of public instruction for inefficiency or immorality.

(b) The state superintendent will not review the case of a person whose license has been revoked in another state for inefficiency or immorality until such person has been officially reinstated in the state where the revocation took place.

CROSS REFERENCES

I.Advisory Council for Teacher Education and Certification; Regulation PI 3.001

II.A.2.; Statute §115.97

UNIFIED DISTRICT SCHOOL BOARD

CROSS REFERENCE

I.School Board; Statute §120.72 -- 120.73

C. PERFORMANCE STANDARDS

CERTIFIED PERSONNEL

CROSS REFERENCE

III.B.Teachers; Regulation PI 3.10

EDUCATIONAL OPPORTUNITIES

CROSS REFERENCE

II.A.2.; Regulation PI 11.28

PRINCIPAL

CROSS REFERENCE

III.C.Teachers; Statute §118.23

PUBLIC SCHOOLS

CONSTITUTION

Article X, §3

"The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein."

STATUTES

§118.13

EQUAL OPPORTUNITY

No person may be discriminated against in admission to any public school due to race, sex, religion, national origin, physical condition, or developmental disability. Any school board member who votes to exclude a child from public school on account of sex, race, religion, or physical condition shall be subject to fine or imprisonment. The superintendent may promulgate rules to carry out the purposes of this section.

RULEMAKING

CROSS REFERENCES

II.A.5.; Statute §115.97

III.3.Teachers; Statute §118.19 -- 118.22

SCHOOL BOARD MEMBERS

CROSS REFERENCE

I.School Board; Statute §119.10

SCHOOL PERSONNEL

STATUTES

§118.12

No school teacher, agency coordinator, school district administrator, or other school employee connected with any public school may sell school books, school supplies or school equipment, or solicit to promote such sales. Violation of such provision may result in one being fired.

SPECIAL EDUCATION PROGRAM

CROSS REFERENCE

II.A.2.; Statute §115.89

II.A.2.; Regulation PI 11.28

STUDENTS

REGULATIONS

PI 5.02

EQUIVALENCY CERTIFICATE

High school equivalency: Qualifications of applicant. (1) Must be a legal resident at the time of application.

(2) Must be 20 years old at the time of application.

(3) Educational attainment. At the time of application must have satisfactorily completed a minimum of 6 of the customary 16 units of high school work required for graduation.

PI 5.03

Method of applying. (1) Each applicant will be required to file an official application form.

(2) Two copies of this completed form must be sent to the department of public instruction.

(3) An official transcript of all high school or equivalent work completed must be attached to the application.

PI 5.04

Testing. The applicant will be required to take a comprehensive examination in any areas in which training appears to be inadequate.

PI 5.05

Certificate. Applicants meeting all of the requirements may be issued a high school equivalency certificate.

PI 5.06

Failure. An applicant failing to meet any of the requirements as determined by the state superintendent may make another request after a period of at least 6 months has elapsed and evidence is presented that additional preparation has been made in the areas of deficiency.

CROSS REFERENCES

II.A.5.; Statute §115.966

II.A.5.; Statute §115.97

SUPERINTENDENT

STATUTES

§119.34 — .36

The board shall elect a secretary-business manager who shall keep a record of the board and its committees. The board may remove the superintendent or secretary business manager for a misdemeanor in office, incompetency or inattention to the duties of his/her office.

TEACHER

STATUTES

§118.23

All teachers shall be employed on probation, but after 3 years and the gaining of the 4th contract in the same school system or school, their employment shall be permanent; the same is true for principals. No teacher who has become permanently employed may be refused employment, dismissed, renewed or discharged except for inefficiency or immorality, for wilful and persistent violations of the governing body of the school system. If it is necessary to decrease the number of permanently employed teachers due to a substantial decrease in pupil population, the governing body may lay off the necessary number of teachers, but only in inverse order of their appointment. While laid off, permanent teachers may secure other employment, and shall be reinstated in inverse order of being laid off. Such reinstatement shall not result in a loss of credit for previous years of service.

DISMISSAL

§119.42

Teachers upon completion of three years of continuous service successfully, shall be considered permanent during efficiency and good behavior. Teachers who have taught three years or more prior to the date in which the city becomes 1st class shall be deemed to have served probation. A teacher who has permanent appointment shall not be discharged, except for cause

DISMISSAL

upon written charges. Upon investigation of the charges, the action of the board on the matter shall be final. Teachers employed in annexed territory shall have the status of regularly appointed teachers. Time spent teaching in the annexed territory prior to annexation shall be credited to such teacher as time spent in teaching in the city.

CROSS REFERENCE

III.B.Teachers; Statute §118.19 -- 118.22

D. Evaluation and Reporting

Bilingual/Bicultural Programs

CROSS REFERENCES

II.A.5.; Statute §115.966

II.A.5.; Statute §115.98

District Plan for Special Education

CROSS REFERENCE

II.A.2.; Regulation PI 11.18

Health Education Curriculum

CROSS REFERENCE

II.A.1.; Statute §115.35

Needs of Special Education Programs

CROSS REFERENCE

II.A.2.; Statute §115.37, 115.79

Needy Children

CROSS REFERENCE

IV.A.; Statute §118.17

§115.30 The department of public instruction shall prepare suitable forms for making reports. School district officers and employees shall make such reports to the department as will enable it to properly discharge its duties.

The state superintendent shall make an annual report which shall include: the condition of all schools under his/her supervision; an abstract of the public school reports made to him/her; a report of his/her visits to educational institutions; the work done by the department in performance of its duties; plans for improving the schools and advancing education; a summary of the receipts and disbursements of all schools under his/her jurisdiction; and such other matters as he/she deems appropriate.

SCHOOL DISTRICT STRUCTURE

CROSS REFERENCE

III.B.Agency School Committee; Statute §116.51 -- 116.52

SCHOOL PSYCHOLOGICAL SERVICES

CROSS REFERENCE

IV.B.; Regulation PI 11.16

SCHOOL SOCIAL WORK SERVICES

CROSS REFERENCE

B.; Regulation PI 11.17

SPECIAL EDUCATION

CROSS REFERENCES

II.A.2.; Statute §115.77

II.A.2.; Statute §115.83

STUDENT DEFICIENCIES

CROSS REFERENCE

III.A.2.; Regulation PI 8.01

Teacher Preparation

CROSS REFERENCE

I.Advisory Council for Teacher Education and Certification; Regulation PI 3.001

E. Improvement Efforts

Bilingual Education Personnel

CROSS REFERENCE

II.A.5.; Statute §115.99 -- 115.991

Principal

CROSS REFERENCE

I.Principal; Statute §118.24

School District Worker

CROSS REFERENCE

IV.B.; Regulation PI 11.17

Special Education Personnel

CROSS REFERENCES

II.A.2.; Statute §115.77

II.A.2.; Statute §115.83 -- 115.84

Teachers

CROSS REFERENCES

III.A.2.; Regulation PI 8.01

IV.B.; Regulation PI 11/16

WYOMING

Section III.

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III. Quality of the Educational Process

A. Qualification Standards for Schools and School Districts

1. Accreditation

Regulations

Chapter V: Notice of Approval of Courses
Sec. 1

The State Approval Agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter of approval to the institution, accompanied by a copy of the catalog of the institution, as approved, and containing: effective conditions of approval; name of course approved; and enrollment limitations, where applicable.

Chapter V: Notice of Approval of Course
Sec. 5

The agency will make periodic surveys of an active approved school for the purpose of ascertaining whether or not the school is complying with the criteria of the approval. The school must remedy inadequacies and non-compliances found or have the approval withdrawn.

Chapter VIII: The Revised-Accreditation-Evaluation Procedures
Sec. 3

A district may use any planning model it chooses, provided the model includes needs assessment with community involvement as the first step in the process and evaluation as the last step. Staff of the State Department can be of most assistance on other PLANS or IDI. Districts may elect to use the services of personnel other than State Department staff.

North Central Accreditation will not continue to be

accepted in lieu of State Department accreditation.

Accreditation will be by school only. Each school within a district as well as the district as a whole must submit an annual accreditation report.

Levels of accreditation will be:

Accredited - assigned for affirmative answers to all items on annual accreditation report.

Conditional - assigned when there is less than 100% affirmative response to all items. A conditional status will be assigned, except as noted under "non-accredited," until deficiencies are removed or for the remainder of the school year, whichever comes first.

Non-accredited - assigned when in the State Board's opinion non-accreditation is justifiable or when deficiences which resulted in conditional status have not been removed prior to the end of the school year in which they were noted.

After accreditation reports are submitted to the State Department, they will be reviewed by the staff which will recommend a tentative accreditation level District superintendents will be notified of tentative accreditation levels. When a conditional or non-accredited status is recommended, a representative from the State Department may be sent to the district to resolve any misunderstandings and to obtain additional information. Recommended levels will be submitted to the State Board for final determination. Any district may request an audience before the State Board for review of the assigned status of any school within its district.

In accordance with Wyoming Education Code of 1969, Section 14b, the State Superintendent may issue orders necessary to withhold state funds from any school or district failing to comply with minimum precribed standards.

A local district may submit to the State Superintendent a request for help in implementing a program of comprehensive-systematic planning. The primary responsibility for implementing and supervising the accreditation-evaluation process,

and thus in aiding local districts in this regard, is the Planning, Evaluation, and Information Services Division of the State Department.

Chapter VIII; The Revised-Accreditation-Evaluation Procedures

Sec. 4

a. "Individual School Report

WYOMING DEPARTMENT OF EDUCATION
MINIMUM STANDARDS FOR ACCREDITATION
INDIVIDUAL SCHOOL REPORT

School_____

_____ District _____ County _____ Address

INDIVIDUAL SCHOOL FUNCTIONS

1. Check kind of organization

Kindergarten

Elementary: Grades 1-4__Grades 1-5__Grades 1-6__Grades 1-8__

Other (Specify)__Junior High: Grades 6-8__Grades 7-8__

Grades 7-9__Other (Specify)__Senior High: Grades 7-12__

Grades 9-12__Grades 10-12__Other (Specify)__

Indicate the length of the school day in this school._____

Attach a copy of this school's schedule to this report.

Yes No

__ __ 2. The written statement of the district's philosophy evaluated annually by the staff.

__ __ 3. Certificates with necessary endorsements covering his/her specific assignments have been issued to each professional staff member by the State Department of Education. (Code, Section 14)

__ __4. A complete permanent record including, but not necessarily limited to, achievement record and attendance is kept for all pupils.

__ __5. The permanent records for students are housed so that they are safe from fire or theft.

__ __6. The following supportive services are provided: (see definitions at end of report forms) a. Health Services b. Media Services c. Guidance Services.

__ __7. A variety of course offerings or alternate provisions are provided to meet the needs of students with different ability and interest levels.

__ __8. There is a current report from the State Fire Marshal's office certifying that the building meets minimum standards of safety. (Wyoming Compiled Statutes 1957, Title 35, Ch. 7).

__ __9. There is a current report from the office of the State Health Department certifying that the building meets minimum standard for sanitary environment. (Wyoming Compiled Statutes 1957, Title 35, Ch. 1 Article 1,2)

__ __10. The school displays the flags of the U.S.A. and the State of Wyoming at all times in accordance with accepted flag etiquette. (Code, Section 26 (m)).

__ __11. Fire drills are conducted in this school at least once every month. (Wyoming Compiled Statutes, 1957, 35-459).

Person Completing Report: Name___Title___Signature___Date___

b. District Report

WYOMING DEPARTMENT OF EDUCATION
MINIMUM STANDARDS FOR ACCREDITATION
DISTRICT REPORT

District _____ County _____ Address _____

Yes No

__ __1. All meetings and records of the Board of Trustees are open and public (The board may in special cases hold executive sessions; no official action can be taken except in duly called open and public meetings.) (Code, Section 39).

__ __2. The school district has an ongoing long range planning and evaluation program.

__ __3. The district is meeting the needs of students as evidenced by needs assessment, program development related to identified learner needs, and evaluation results which indicate that program objectives are being achieved.

__ __4. The results of local and State Department of Education evaluations are used as a basis for program modification when the need for modification is indicated.

__ __5. A written statement of the district's philosophy, which serves as a guide for program development, has been cooperatively developed, is evaluated annually by the Board of Trustees of the local district and has been submitted to the State Department of Education.

__ __6. The length of the school year for all schools in the district meets or exceeds the minimum as set by the State Board of Education regulations. (Code, Sections 57 and 230).

__ __7. The school district submits, by July 1 of each year, its official school calendar for the coming school year to the State Department of Education.

__ __8. Up-to-date Board of Trustees policies, which include all rules and regulations, have been developed and are available for public inspection.

__ __9. The district complies with the Wyoming Teacher Employment Law. (Code, Chapter 8, Article 1)

__ __10. The district complies with the Fair Labor Standards Act.

(Federal Law)

__ __11. The district has developed and has on file an Emergency Operating Plan.

__ __12. The district complies with the provisions of the Administrative Procedures Act. (Code, Section 4).

__ __13. School funds are kept as prescribed by the Municipal Budget Act and State Board of Education regulations and local board policies. (Code, Section 41).

__ __14. All reports required by the State Board of Education for the prior school year were completed and submitted on time to the State Department of Education.

__ __15. Subject to the approval of the Board of Trustees, the superintendent is responsible for the selection

and assignment of all school employees, fiscal management, the management of the school plant and equipment, the administration and supervision of the educational program, and the conduct of the program of public relations.

__ __16. The superintendent, or his/her designee, attends all meetings of the Board, including executive sessions

except that portion of a meeting when his/her own appointment or salary is under consideration.

__ __17. All business of the district is conducted according to accepted administrative procedures, giving due consideration to line and staff relationships.

__ __18. The district provides minimum insurance coverage. (Code, Section 42-46 and Pupil Transportation Administrators' Manual)

PROGRAM

__ __19. The district's program is sufficiently broad to serve both general and specialized needs of its students through a variety of learning experiences as verified by a local needs assessment in the following seven basic areas:

__ __A. Language Arts __ __ B. Social Studies, including instruction in the essentials of the U.S. and Wyoming State Constitution, and including the study of and devotion to American institutions and ideals. (Code, Section 179)

__ __C. Mathematics __ __D. Science __ __E. Fine Arts and Performing Arts __ __F. Physical Education, Health and Safety __ __G. Occupational Education (career awareness, career orientation, career exploration and skill preparation).

__ __20. Each high school in grades 9-12 provides at least 25 different units of course work each year, or the equivalent if units are not employed in granting credit. In any period of four consecutive years, the district provides each student the opportunity to choose from, either as a part of the regular school curriculum, extension courses, or other means, the following:

__ __A. At least 4 units of language arts. __ __B. At least 4 units of science. __ __C. At least 4 units of mathematics. __ __D. At least 4 units of social studies. __ __E. At least 2 units of one foreign language. __ __F. At least 2 units of art and 2 units of music. __ __G. At least 4 units of occupation education (Skill preparation). __ __H. At least 2 units of physical education, health and safety.

__ __21. High school graduation requires a minimum of 18 units or the equivalent earned in grades 9-12 or 14 units in grades 10-12.

__ __22. Units earned through correspondence or extension study from an accredited institution are accepted in meeting graduation requirements.

__ __23. Provision is made for the diagnosis, evaluation, and education or training of handicapped children in the district as defined by the rules and regulations pursuant to Sections 231(h) and 232(e) of the Wyoming Education Code of 1969 as amended. (Code, Section 286)

__ __24. The members of the local Board of Trustees have read the Wyoming Education Code of 1969 and Supplements thereto and are abiding by statutory requirements placed upon the Local School Board as set forth in the Code.

__ __25. The members of the local Board of Trustees have read the current Wyoming State Board of Education Policies and Regulations and are abiding by the requirements placed upon the local School Board as set forth in the Policies and Regulations.

__ __26. Attach a brief description of the district's status in the planning-evaluation process.

__ __27. We, the undersigned, have reviewed all items of this report and attest to the accuracy of the information contained herein.

Signatures required: Superintendent, All Board Members,

Date. MINORITY REPORT: In the event that one or more persons do not agree with the accuracy of this report, a minority report should be attached. The minority report should discuss specific points of disagreement and should be signed by all dissenting persons. NOTE: All accreditation reports, school and district, as well as the documents referenced in items 5, 7, and 26 are to be submitted to: Director, Planning, Evaluation, and Research Unit, State Department of Education, State Capitol, Cheyenne, Wyoming 82002"

2. Other Qualification Standards

Statutes

§21.1-18

"Every school district in the state offering an educational program in grades kindergarten or one through eight only is hereby declared to be an elementary school district.

§21.1-19

"Every school district in the state offering an educational program in grades nine through twelve only is hereby declared to be a high school district."

§21.1-20

"Every school district in the state offering an educational program in grades kindergarten or one through twelve is hereby declared to be a unified school district."

§21.1-178

"The board of trustees of each school district . . . shall cause the schools under its jurisdiction to adhere to the minimum standards relating to educational programs promulgated by the state board of education."

REGULATIONS

Chapter V: Notice of Approval of Courses
Sec. 2

A school whose application is not approved shall be promptly notified and given reason for such action.

Chapter V: Notice of Approval of Courses
Sec. 3

A course which fails to meet the requirements of this chapter shall be disapproved.

Chapter V: Notice of Approval of Course
Sec. 4

This agency will notify the school which makes application for approval or revision of an approval of an approximate date of the scheduled survey.

Chapter VIII;The Revised-Accreditation-Evaluation Procedures
Sec. 2

The evaluation and accreditation of schools and districts shall be based upon compliance with applicable State statutes and State Board rules and regulations, which require comprehensive and systematic planning and the submission of annual accreditation reports by all schools and districts according to procedures and requirements set forth below.

Chapter XX: Enforcement

Persons who willfully violate the revised accreditation and evaluation provisions of this state shall be charged with a misdemeanor and, upon conviction, shall be punished by a fine not to exceed $100. Educational agencies failing to comply with these provisions may be subject to the withholding of state funds and/or the withholding of school accreditation.

B. Qualification Standards for Personnel

Certificated Personnel

Regulations

Chapter III; Sec. 4

Candidates for certification shall apply directly to the Licensing and Certification Services Unit of the State Department of Education.

Applicants shall present satisfactory evidence of date of birth, official transcripts certifying credits earned, and course credit in the U.S. and Wyoming State Constitutions. Credentials shall remain on file so long as certificates are in effect.

Applications for initial certification of candidates who will reach the retirement age of 65 during the school year for which the certification is requested will not be honored.

Applications for renewal of certificates are due by July 1 of the year the certificate expires. To renew a certificate, an applicant must have removed all assessed deficiencies and have earned the renewal credits specified for respective certificates. Renewal credits may include approved college credits, one hour earned in the State Department's civil defense courses, and five hours in approved inservice workshops.

School Personnel

Statutes

§21.1-174

"No person shall teach or supervise in a public school in this state and receive compensation therefor . . . who at the time of rendering such services is not a holder of or a [qualified] candidate for a certificate issued or to be issued under the laws of this state and the rules and regulations of the state board of education."

REGULATIONS

Chapter III; Sec. 5

The State Board of Education has authorized the issuance of the Initial Public School Certificate, the Standard Public School Certificate, the Professional Public School Certificate, and the Substitute Permit.

Certificates are valid from the date of issuance recorded on them. All certificates expire June 30th of the final year of the term for which they are issued. The school year in which the certificate is issued shall be considered as the first year of the term of that certificate.

Chapter III; Sec. 6

Certificates shall be endorsed for the various areas of teaching such as kindergarten, elementary grades, and the particular subject-matter areas in grade levels above the sixth grade, for the appropriate pupil personnel services, and for the appropriate areas of administration.

Because of the specialized nature of the junior high school program:

(a) six semester hours of course work in library science and/or in the teaching of reading skills may be applied toward subject-matter endorsements for junior high school teachers;

(b) a junior high school teacher may be endorsed for the following combinations with minimum semester hours:

(1) English-Social Studies

Education	28*
Psychology	7
English	25
Social Studies	30

* Including one course in reading, one course in

library science and one course specifically related to the junior high program.

(2) Math-Science

Education	28*
Psychology	7
Math	20
Science	28

(c) Flexibility in the application of certification regulations for teachers in these programs is permissible at the discretion of the Director of Certification.

In the following alphabetical list of endorsements, general eligibility for the given certificate is required. All endorsements on an Initial Certificate require eligibility for the Initial Certificate. Unless specifically noted, endorsement on a Standard Certificate requires eligibility for a Standard Certificate and the same academic preparation necessary for an Initial Certificate. Unless specifically noted, endorsement as a Professional Certificate requires eligibility for a Professional Certificate and a master's degree in an area program, of which approximately fifty percent of the graduate credits are in the specific area.

An endorsement in agriculture on an Initial Certificate requires 53 semester hours of technical agriculture, including 18 hours in animal production, 13 hours in agronomy, 12 hours in farm mechanics, and 10 hours in agricultural and farm management. Technical courses of each group must include essential practicums for skills and abilities. Graduation from an approved training program for vocational agriculture teachers is also required.

An endorsement in art qualifies the holder to teach in all areas and levels of art. On an Initial Certificate, it requires 24 semester hours of work in arts and crafts in an approved program.

An endorsement in business education on an Initial Certificate requires 30 semester hours of business education, including: 9 hours from among business law, accounting, and economics; 9 hours from among management, marketing, and data processing; 6 hours of typewriting, and 6 hours of shorthand.

An endorsement in distributive education on an Initial Certificate requires: 24 semester hours in the area of distributive education, including 6 hours of professional distributive education and a total of 18 hours from among management, marketing, merchandising and retailing; and 2000 clock hours of employment in distributive fields or occupational experiences acquired through an organized plan as part of a teacher-education program.

An endorsement as a cooperative education coordinator on an Initial Certificate requires proper endorsement in a vocational area plus completion of courses or workshops in which one developed competences in the philosophy of cooperative programming, in administrative affectiveness and public relations in vocational education, and in techniques of cooperative programming. Two thousand hours of verified work experience outside the field of education are also required. Endorsement on a Standard Certificate requires an

additional 400 hours of work in the field of the holder's choice within the 5-year renewal period. Endorsement on a Professional Certificate requires a Master's degree in vocational education.

The elementary endorsement is required for teaching in grades one through six and adequate for one through eight when grades seven and eight are self-contained classrooms and are not included in an official junior high school organization. Endorsement on an Initial Certificate requires professional preparation including a minimum of eight semester hours of elementary methods.

The endorsement in any of the three subject-matter areas of English on an Initial Certificate requires 30 semester hours in English. The endorsement in English should include English and American Literature, composition, and grammer; but not more than 6 hours of journalism and/or speech. The endorsement in journalism should include 12 hours of journalism, 6 hours of composition and grammar, 6 hours of literature, and 6 hours of electives. The endorsement in speech should include 18 hours of speech and dramatic arts, 6 hours of composition and grammar, and 6 hours of electives.

The endorsement in foreign languages (French, German, Latin, Spanish, Russian or other approved foreign languages) on an Initial Certificate requires 24 semester hours of work in the specific language. However, a statement of equivalency by a college may be given a consideration in special cases for partial fulfillment of this requirement. Graduate work for

endorsement on the Professional Certificate (except in latin) must include a course in sensory-visual materials and laboratory techniques.

The endorsement in home economics on an Initial Certificate requires graduation from an approved training program for vocational home economics teachers and completion of a program in home economics of 36 semester hours, with a minimum of 5 hours each in clothing and textiles, food and nutrition, housing and home furnishings, home management and family economics, and child development and family relations.

An endorsement in industrial arts on an Initial Certificate requires 24 semester hours of industrial arts, including 6 hours of mechanical drawing and 3 hours in each subject to be taught. Endorsement as a Standard Certificate requires an additional 3 semester hours in related courses. Limited credit may be allowed for courses from special trade schools at the discretion of the Director of Licensing and Certification Services Unit.

A kindergarten endorsement, plus an elementary endorsement, is required for teaching kindergarten. The endorsement on an Initial Certificate requires the same academic preparation necessary for an elementary endorsement plus one course in education with emphasis on kindergarten teaching. Endorsement on the Professional Certificate requires a master's degree of which approximately fifty per cent of the credits are in elementary education, plus some further specialization in kindergarten teaching.

An endorsement in mathematics on an Initial Certificate requires 24 semester hours of credit in mathematics, including a distribution among algebra, analytics, geometry, calculus, and modern concepts of mathematics. Graduate work required for the endorsement on the Professional Certificate must include an advanced course in geometry.

An endorsement in music qualifies the holder to teach all areas and levels of music. On an Initial Certificate, it requires 36 semester hours of music with a minimum of 12 hours in each of the vocal and instrumental areas.

An endorsement in physical education qualifies the holder to teach in all areas and levels. On an Initial Certificate, it requires 24 semester hours of physical education including skills and practices in activity courses and adequate background in first aid, safety aducation, and health.

An endorsement in psychology on an Initial Certificate requires a bachelor's degree in psychology from an approved program or an endorsement in some area of elementary or secondary teaching with a minimum of 18 semester hours in psychology. An endorsement on a Standard Certificate requires the academic preparation necessary for the Initial Certificate plus six additional semester hours in psychology.

An endorsement in remedial reading on an Initial Certificate requires 6 semester hours of college credit in remedial reading, plus academic preparation appropriate to the level on which teaching is to be done.

Teachers endorsed for a specific science subject

may teach a maximum of two classes in a minor science subject, provided they have a minimum of 10 semester hours in that subject. Endorsements in specific subject matter areas on an Intitial Certificate require the following:

General Science: 30 semester hours of science, including 8 hours in three of the major science areas (biology, chemistry, earth science, physics) and 6 hours of science electives.

Biological Science: 30 semester hours of science, including 8 hours in biological science: 6 hours in chemistry, and 6 hours of science electives.

Chemistry: 30 semester hours of science, including 18 hours of physics and 6 hours of either chemistry or earth science, and 6 hours in other sciences or mathematics.

Earth Science: 30 semester hours of science, including 12 hours of earth science and 6 hours of either chemistry or physics, and 12 hours in other sciences or mathematics.

Endorsements included under social studies are U.S. history and other histories, political science and government, economics, sociology, geography and anthropology. Teachers endorsed for a primary assignment in social studies may teach a maximum of two classes in a minor social studies assignment provided they have a minimum of 9 semester hours in the particular subject. Endorsement on an Initial Certificate requires a minimum of 36 semester hours in the social studies area including 12 semester hours in the primary teaching assignment, 6 semester hours in U.S. history(when the primary assignment is U.S. history, 6 semester hours shall be in other world history), and a minimum of 6 semester hours in each of 2 other social studies subjects.

A certificate may be endorsed for teaching specialized technical education subjects (such as electronics, civil technology, mechanical technology,

chemical technology or any other subject identified as technical in value by the State Board of Vocational Education). Certification requirements for the use of skilled technicians for teaching certain aspects of technical education have been developed by the Licensing and Certification Services Unit. An endorsement on an Initial Certificate requires a bachelor's degree with a major in trade and technical education or engineering and two years of work experience, or a wage waiver, beyond the learning period recognized by the occupation.

A certificate may be endorsed for teaching specialized vocational trade and industrial subjects such as auto or diesel mechanics, machine shop, welding, specific subjects in the building trade, and similar subjects recognized by the State Board of Vocational Education. Certification requirements for the use of skilled craftsmen for teaching certain aspects of trade and industrial educaton have been developed by the Licensing and Certification Services Unit. Endorsement on an Initial Certificate requires a bachelor's degree in trade and industrial education and two years of work experience, as a wage earner, beyond the learning period recognized by the occupation.

Chapter III; Sec. 7

Various special endorsements are available. An endorsement to teach aviation education may be added to a regular certificate provided the teacher has either an endorsement in mathematics and/or science and at least one workshop in aviation education or a valid pilot's license.

An endorsement as a coach may be added to an otherwise endorsed certificate provided that the teacher has: competency in first aid by a course, workshop, or clinic equivalent to 2 semester hours in the prevention and care of athletic injuries; and

a major in physical education or five semester hours' equivalent of courses, workshops, or clinics in the theory and practice of the sport, or an internship of three years under a properly endorsed coach. An assistant coach may function under the supervision of a head coach without endorsement provided he/she has competency in first aid as specified above. All others who supervise athletic activites must have competency in first aid as specified above.

An endorsement for driver education may be entered on the Initial or Standard Certificate for any teacher who has: a secondary school endorsement; a valid Wyoming automobile operator's or chauffeur's license; a driving record free of repeated driving violations and accidents; a minimum of 8 semester hours in General Safety Education (2-3 hours), Basic Driver and Traffic Safety Education (2-3 hours), Advanced Driver and Traffic Safety Education (2-3 hours), and Safety Driver Educatin Workshops (2-3 hours); and additional semester hours to a total of 12 (when added to the above credits) in first aid, audio-visual education, automotive technology, law enforcement, traffic and highway engineering, or traffic management.

A one-year Practical Instructor Certificate is available only to instructors of trade and technical education subjects. (Degrees are required for teachers in other occupational areas.) The certificate requires: a high school diploma or its equivalent beyond the learning period recognized by the occupation; a current license for the occupational specialty when one is required by state or federal statutes; a plan for continued professional advancement in an approved program to culminate in a bachelor's degree within ten years; completion of 2 semester hours of a prescribed pre-service program; and approval by the State Department Coordinator of occupational education. The certificate may be renewed annually by acquisition of a minimum of 4 semester hours toward completion of the planned

program and by successful completion of the previous year of teaching.

A two-year Practical Instructors Certificate for instructors of the Arapahoe and Shoshani Indian languages may be issued to an applicant who has been approved by the Joint Tribal Council's committee as proficient and capable of teaching the language and who has been employed by a school district to teach an Indian language. The certificate may be reviewed by a candidate who continues to receive the Joint Tribal Council's committee's approval and who continues to be employed by a school district to teach an Indian language.

Chapter III; Sec. 8

Endorsements are required for the several areas of pupil personnel services. In the following alphabetical list of endorsements (except for educational diagnostician and school nurse), general eligibility for the given certificate is required in addition to the requirements for the endorsement.

A library endorsement is appropriate for school librarians at all levels. Endorsement requirements:

Initial Certificate: a bachelor's degree in library science or some elementary and/or secondary endorsement with 18 semester hours in library science.

Standard Certificate: 6 semester hours in library science in addition to the preparation for the Initial Certificate.

Professional Certificate: a master's degree with 50 per cent of hours in library science.

Endorsements for the education of exceptional children will be made for the following specializations: educable mentally retarded, trainable mentally retarded, emotionally disturbed, physically handicapped, visually handicapped, acoustically handicapped, and learning disabilities. Endorsement requirments:

Initial Certificate: a bachelors' degree in the education of exceptional children with a designated specialization, or some elementary and/or secondary endorsement with 15 semester hours in the education of exceptional children with a specialization.

Standard Certificate: 21 semester hours of specialization in the areas of endorsement.

Professional Certificate: a master's degree in special education with specialization.

Provisional non-renewable permits for guidance counselor are issued for a one-year period only. Requirements are: eligibility for an Initial Certificate; one year of successful teaching, or 10 semester hours of advanced internship or practicum work in a school setting in a counselor education program; 20 semester hours of work in guidance, and a written endorsements. Endorsement requirements for the regular certificates are:

Initial Certificate: two years of teaching experience, or one year of teaching experience plus one year of counseling experience plus 10 semester hours of advanced internship or practicum experience in a counselor education program; a master's degree in guidance, or a master's degree in an academic area with counselor education courses equivalent to a master's degree in guidance; and one calender year of work experience outside the field of education, or a course in the philosophy of vocational education.

Standard Certificate: three years of experience as a guidance counselor under an Initial Certificate.

Professional Certificate: five years of successful experience as a guidance counselor under a Standard Certificate; and 30 semester hours in addition to the preparation for the Standard Certificate.

Endorsement requirements for guidance coordinator (a person with declared responsibility for supervision and coordination of guidance services) are:

Initial Certificate: five years experience as a guidance counselor and 15 semester hours in educational

administration.

Standard Certificate: three years experience as a guidance coordinator under the Initial Certificate and 15 semester hours advanced work in guidance, counseling, and related areas.

Professional Certificate: five years experience as a guidance coordinator under a Standard Certificate.

Endorsement requirements for psychological technicians are:

Initial Certificate: a master's degree in guidance in psychology, or master's degree in an academic area with work in counselor education or psychology equivalent to a master's degree; and course work including 8 hours in psychological testing and 7 hours in developmental psychology, 5 hours in guidance and diagnostic and remedial procedures; and 10 hours in supporting areas, with at least one course in each of statistics, educational methods, and psychology of adjustment.

Standard Certificate: two years experience as a psychological technicians.

Professional Certificate: five years experience as a psychological technician, and 30 semester hours beyond work required for the Standard Certificate, including 15 hours of advanced graduate work in psychology, 5 hours in guidance, and 10 hours in supporting areas.

Endorsement requirements for an educational diagnostician (an individual with skills in identifying, prescribing, interviewing, and evaluating learning and/or behavior problems):

Initial Certificate: a master's degree or its equivalent, in an appropriate field, and completion of a competency examination.

Standard Certificate: completion of three years successful service as evidenced by an evaluation and written verification by school district personnel; and five semester hours of renewal credit.

Professional Certificate: completion of eight years successful service evidenced as above, and five semester

hours of renewal credit.

The Standard Certificate is renewable with five semester hours of renewal credit and the Professional Certificate with ten.

Endorsement requirements for school psychologist:

Initial Certificate: eligibility for psychological technician's endorsement, or two years experience with equivalent qualifications; a Ph.D. in psychology or an Ed.D, when preparation is substantially the same as that for the Ph.D. in psychology (based in part on a laboratory or field study dissertation); and an internship of one year of full-time experience preferably in a school or child guidance clinic (countable towards experience requirements for psychological technicians).

Standard Certificate: two years experience as a school psychologist with a total of no less than three years practical school experience.

Professional Certificate: five years experience as a school psychologist.

Endorsement requirements for speech patholgist:

Initial Certificate: eligibility for an Initial Certificate, unless applicant has: a bachelor's degree with a major in communicative disorders or in speech pathology, therapy, and/or correction; or same endorsement in elementary and/or secondary teaching with an additional 18 graduate hours plus required prerequisites in speech pathology including at least 300 clock hours of clinical practicum experience, 150 of which must be completed prior to endorsement with at least one-third of these to have been acquired in a public school setting.

Standard Certificate: three years experience or a speech pathologist and six hours in speech pathology, addition to preparation fo Initial Certificate.

Professional Certificate: eligibility for Standard Certificate endorsed for speech pathology; five years experience as a speech pathologist; and a master's degree in speech pathology plus 10

semester hours in related courses.

The five-year school nurse credential, which does not permit the holder to engage in instructional activities, requires a current license as a professional registered nurse in Wyoming and an orientation workshop in school health. Endorsement requirements for school nurse on a regular certificate are:

Initial Certificate: a currently valid nursing license; a bachelor's degree or its equivalency in nursing or an allied field; and 12 semester hours of professional education.

Standard Certificate: eligibility for an Initial Certificate endorsed for school nurse; 5 semester hours of renewal credit; and three years experiance as a school nurse.

Professional Certificate: eligibility for a Standard Certificate endorsed for school nurse; a master's degree in school nursing or in an allied filed; and eight years expereince as a school nurse.

Audio-visual endorsemont requirements are:

Initial Certificate: one year of teaching experience; and a bachelor's degree in audio-visual education or the same endorsement in elementary and/or secondary teaching with 12 semester hours in audio-visual education.

Standard Certificate: 6 semester hours in audio-visual education, additional to academic preparation for Initial Certificate.

Professional Certificate: a master's degree in audio-visual education.

Endorsement requirements for school social worker are:

Initial Certificate: a bachelor's degree in social work and 12 semester hours in professional education; or a master's degree in education with 15 semester hours in social work and three years public school or social work-related experience.

Standard Certificate: eligibility for the Initial Certificate with social worker endorsement; three years of school social worker experience and/or related experience; and 15 semester hours of additional credits in social work.

Professional Certificate: a master's degree in social work and eight years of school experience, three of which must have been in school social work.

STATE BOARD OF EDUCATION

STATUTES

§21.1-11

The state board of education shall be composed of nine members. One shall be a certified classroom teacher; another a certified school administrator. The other seven members shall be appointed from among the lay citizens of the state who shall be electors of the state. They shall serve for terms of six years. Members shall be appointed by the governor with the approval of the senate. No member shall be eligible for reappointment. Members of the board may be removed for cause by the governor. The state superintendent shall be ex officio a member of the board. The board shall elect a chairman and shall hold regular meetings. Special meetings may be called by the state superintendent or the governor or the chairman.

SUPERINTENDENT

REGULATIONS

Chapter III; Sec. 99

Endorsement requirements for superintendent (appropriate for chief administrator, assistant superintendent, and other central office administrative assistant) are:

Initial Certificate: a master's degree in education

administation of which 50 percent of the work shall be in educational administration, plus 15 semester hours of graduate work, of which one-half must be in administration; and three years of teaching experience or two years teaching and one year of administrative experience as a superintendent, assistant superintendent, or other central administrative experience.

Standard Certificate: a master's degree in educational administration, of which 50 percent of the work shall be in educational administration, plus 30 semester hours of graduate work, of which one-half must be in administration, and three years of general administration experience in Wyoming with appropriate certification.

Professional Certificate: eight years of general administrative experience with appropriate certification.

Endorsement requirements for principal (appropriate for elementary and junior and senior high school levels and for all administrative assistants to principals) are:

Initial Certificate: a master's degree, including appropriate administrative credit, in educational administration, or its equivalent; and two years of classroom teaching experience on the appropriate level.

Standard Certificate: a master's degree, plus 15 semester hours of graduate work in educational administration or its equivalent; and three years of administrative experience under an Initial Certificate endorsed for principal.

Professional Certificate: eight years of administrative experience with appropriate certification.

An endorsement for head teacher applies to elementary levels only at attendance centers which have no principal and which employ six or fewer teachers. A head teacher may devote no more than 20% of a school day to administrative duties. Endorsement requirements are:

Initial Certificate: a Standard Elementary Teaching Certificate

Standard Certificate: a Standard Elementary Teaching Certificate; 15 semester hours of graduate work in elementary

administration; and three years experience as a head teacher under the Initial Certificate.

TEACHERS

STATUTES

§21.1-175

All persons applying for certificates authorizing them to become administrators or teachers in the public schools are required to pass an examination on the Constitutions of the United States and the State of Wyoming or present evidence of having successfully completed a course in which instruction was given in the essentials of those two Constitutions.

REGULATIONS

Chapter III; Sec.3

Local school boards cannot legally compensate teachers unless they are properly certified. It is the responsibility of the applicant to meet requirements for certification. All applicants shall be U.S. citizens or shall have declared their intention to become citizens (though provisional permits may be granted to teachers visiting from foreign countries) and shall be of good moral character. The applicant shall pay $15.00 for the first certificate, $10.00 for the record or standard certificate, and $3.00 for a duplicate certificate.

CROSS REFERENCE

III.C.Teachers; Regulation Chap. III, Section 4(1)

COURSE OF STUDY

CROSS REFERENCE

I.Board of Trustees; Statute §21.1-26

EDUCATION SYSTEM

CONSTITUTION

WYOMING CONSTITUTION, ART. I, §23

"The right of the citizens to opportunities for education should have practical recognition. The legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts."

EXCEPTIONAL CHILDREN

CROSS REFERENCES

II.A.2.; Regulation Chap. XI, Section 7

II.A.2.; Regulation Chapter XI, Section 9

PROGRAMS FOR HANDICAPPED CHILDREN

CROSS REFERENCE

II.A.2; Regulation Chap. XI, Section 3

PUBLIC SCHOOLS

STATUTES

§21.1-59

"No child shall be denied the right to attend public schools in this state on account of sex, race, or religion."

EQUAL OPPORTUNITY

PUPIL

CROSS REFERENCE

II.A.1; Statute §21.1-179; 21.1-180

SCHOOL EMPLOYEES

REGULATIONS

Chapter III; Appendix A; Sec. 3

Rules for hearings shall be liberally construed to secure just, speedy, and inexpensive determinations of the issues presented.

Chapter III; Appendix A; Sec. 17 & 18

APPEAL

Appeals to the district court are governed by Section 9-276.36, Wyoming Statutes 1957 or amended and Rule 72.1 of the Rules of Civil Procedure. The party appealing shall secure (at his/her own expense) and file a transcript of testimony and evidence at the hearing.

SCHOOL SYSTEM

CONSTITUTION

WYOMING CONSTITUTION, ART. VII, §1

"The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary."

WYOMING CONSTITUTION, ART. VII, §9

The legislature shall "by taxation or otherwise"

sufficiently supplement the general school fund so that the combined sum will "create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all youth of the state, between the ages of six and twenty-one years, free of charge; and in view of such provisions so made, the legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means."

WYOMING CONSTITUTION, ART. VII, §10

EQUAL OPPORTUNITY

"In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race, or color."

WYOMING CONSTITUTION, ART. VII, §12

SECTARIAN INSTRUCTION

"No sectarian instruction, qualifications or tests shall be imparted, exacted, applied or in any manner tolerated in the schools of any grade or character controlled by the state, nor shall attendance be required at any religious service therein, nor shall any sectarian tenets or doctrines be taught or favored in any public school or institution that may be established under this constitution."

TEACHERS

STATUTES

§21.1-15

REVOCATION

SUSPENSION

HEARING

"In addition to other powers assigned to it by law, the state board may: "revoke or suspend certificates issued by the department of education for incompetency, immorality, other reprehensible conduct, or gross neglect of duty, upon its own motion or upon the petition of any local board of trustees; provided that no certificate shall be revoked or suspended without a hearing conducted as provided by law."

§21.1-152

A "continuing contract teacher" is any initial contract teacher who has been employed by the same school district in the state of Wyoming for a period of three consecutive school years, and has had his/her contract renewed for a fourth consecutive school year; or a teacher who has achieved continuing contract status in one district, and who without lapse of time has taught two consecutive school years and has had his/her contract renewed for a third consecutive school year by the employing district.

DISMISSAL

"Dismissal" means the cancellation of any teacher's contract of employment by the board of trustees while such contract is in effect. In the case of a continuing contract teacher, dismissal shall mean cancellation of his/her contract at any time other than at the end of a school year where proper notice has been given.

"Initial contract teacher" means "[a]ny teacher who has not achieved continuing contract status."

"Suspension" means "[t]he removal of a teacher from the classroom during the school year without termination of salary."

"Teacher" means "[a]ny person employed under contract by the board of trustees of a school district as a certified professional employee."

TERMINATION

"Termination" means "[t]he failure of the board of trustees . . . to re-employ a teacher at the end of a school year in any given year."

§21.1-153

LEAVE OF ABSENCE

"Absences and leaves of absence approved by the employing board shall not be considered as interruptions in service for purposes of determining continuing contract status."

§21.1-154

"A continuing contract teacher shall be employed . . . on a continuing basis from year to year without

annual contract renewal at a salary determined by the board of trustees . . . subject to increases . . . as provided for in the salary provisions adopted by the board."

§21.1-155

"An initial contract teacher who has taught in the system at least ninety days shall be hired on an annual basis and shall be notified in writing of termination, if such is the case, no later than March 15 of each year."

§21.1-156

A continuing contract teacher is to be given written notice of any recommendation of termination by the superintendent or any member of the board, together with written reasons for this recommendation, on or before March 15 of any year.

NOTICE

TERMINATION

Termination, if approved by the board will be effective at the end of the contracted school year in which notice is given.

§21.1-157

Any teacher may resign her/his position, effective at the end of the school year, by giving written notice on or before April 15 to the superintendent of schools or any other designated official.

NOTICE

§21.1-158

"A continuing contract teacher shall be entitled to a hearing before the board within thirty days after receipt of notice of a recommendation of termination by requesting same in writing within at least [sic] ten days after receiving said notice."

HEARING

§21.1-159

If a contract for the following year is to be offered to an initial contract teacher, the board must offer the contract by March 15 and it must be accepted by April 15 or the position will be declared open.

§21.1-160

"The board may suspend or dismiss any teacher for incompetency, neglect of duty, immorality, insubordination, or any other good or just cause.

SUSPENSION

Suspension or dismissal proceedings shall be initiated by the superintendent or any member of the board delivering to the teacher a written notice thereof, together with written reasons therefor.

DISMISSAL

Every teacher who has dismissal or suspension proceedings instituted against him[her] shall have a hearing before the board on the reasons for such dismissal or suspension, unless such hearing is waived in writing by the teacher."

HEARING

The hearing is to be conducted before the board not less than ten nor more than thirty days after the proceeding is initiated. "Written notice of said hearing is to be delivered to the teacher at least ten days prior thereto."

RIGHT TO COUNSEL

At the hearing, the teacher has the right "to appear in person with or without counsel , to be heard and to present testimony or witnesses and other evidence bearing upon the reasons for the proposed dismissal or suspension, and to cross-examine witnesses at the hearing." Testimony is to be under oath or affirmation. The board may provide for the recording of all evidence and testimony and such record is to be retained as a public record for five years.

Any suspension or dismissal of a teacher must be approved by a majority of the members of the board of trustees.

§21.1-162

"The contracts of all teachers . . . shall be subject to the policies, rules, and regulations of the school district not in conflict with . . . laws of the State of Wyoming."

§21.1-164

"Any board may designate a teacher as a continuing contract teacher at any time."

REGULATIONS

Chapter III, Section 4(1)

Certificates may be revoked if a charge is proved of gross neglect of duty, incompetency, immorality, or other reprehensible conduct or upon receipt of evidence of action by the courts for convictions of felony, of immorality, or of breach of contract or for a declaration of incompetency. REVOCATION

Any teacher whose certificate has been revoked is entitled to a hearing before the State Board. HEARING

Persons whose teaching certificates have been revoked elsewhere in the U.S. are not eligible for Wyoming certification.

The State Board will consider a one year revocation of a teacher's certificate upon written recommendation of the local board.

A teacher may be declared incompetent by the local board for: deficiency of requisite knowledge in the assignment area; inadequate communication skills, deficiency in the understanding of the learning process; failure to use appropriate methods of teaching commensurate with the educational setting; failure to maintain discipline; and physical, mental, or emotional incapacity to the extent that he(she) is unable to perform his(her) duties as a teacher.

Chap. III; Appendix A; Secs. 4 - 12

All hearings regarding the issuance and the revocation or suspension of teaching certificates shall be governed by these rules. All proceedings shall be initiated by filing with the Director of the Division of Certification and Placement verified written changes stating the identity of the complaining local board or department, the identity of the certificate holder against whom charges are made, the specifics on which the charges are based, and the identities of all potential witnesses. HEARING

The Director shall transmit these charges to the State Superintendent who will set a time and place for a hearing.

The Director shall present the certificate holder or his/her agent with a copy of the charges and notice of the hearing either in person (by a designated official or non-offical of lawful age and not a party in interest) or by publication, where presentation in person is not possible, in a newspaper of the county where the hearing shall be held and by subsequent mailing of a copy of the notice to the last known post office adddress of the certificate holder .

NOTICE

The State Superintendent shall assign each hearing a place in a docket and establish a separate file for each docketed case in which all material relevant to it shall be systematically placed.

If the certificate holder fails to answer or appear the allegations shall be taken as true. In the discretion of the State Board and on request of either the Director or the certificate holder, a prehearing conference shall be held in accordance with Rule 16 of the Wyoming Rules of Procedure.

The State Board shall select one of its members as hearing chairman.

The hearing itself shall be conducted in accordance with the following procedures:

HEARING

After the chairman has convened the meeting and the Director has read the charges into the record and noted for the record all subpoenas and appearances of record, all witnesses shall identify themselves and be sworn in.

Opening statements may be made at the chairman's discretion.

The Director or his/her agent shall present the Director's evidence. The certificate holder shall make presentation in the same manner. Witnesses may be cross-examined by both the Director and the certificate holder or their agents. The Chairman, members of the board,

and the attorney general or agent may examine or cross-examine witnesses.

Closing statements shall be permitted. No rebuttal statements may be made by the Director in closing argument.

The chairman may permit other interested parties to submit for the record oral or written statements, limited to narrative form: in no event will direct testimony or cross-examination be permitted by interested parties.

The Director, certificate holder, or interested parties may tender legal briefs on their own motion or on the board's request.

The chairman shall declare the evidence closed and the case to be taken under advisement by the Board.

Chapter III; Appendix A; Sec. 13 - Sec. 16

The State rules of civil procedure, insofar as applicable, shall apply to matters before the Board of education concerning the issuance, revocation and suspension of teachers' certificates.

RIGHT TO COUNSEL

All persons appearing before the Board in a hearing have the right to represent themselves or be represented by an attorney of their choice.

The Attorney General or representative shall be present throughout the hearing to assist and advise the Board.

The Board shall make and enter a written decision and order containing findings of fact and conclusions of law based on the evidence. The decision will be filed with the Director and, without further action, will become the final decision. The Director shall send a copy to the certificate holder and other interested parties.

CROSS REFERENCES

II.A.2; Regulation School for the Deaf, Chap. II, Section 5

II.A.2; Regulation School for the Deaf, Chap. II, Section 6

II.A.2; Regulation School for the Deaf, Chap. II, Section 7

D. Evaluation and Reporting

Education Superintendent

STATUTES

§ 21.1-16

"The state superintendent and the state board shall report biennially to the governor and the legislature, and may recommend such legislation concerning education and such appropriations for educational activities as they may feel are necessary."

Handicapped Children

CROSS REFERENCES

II.A.2; Regulation Chap. XI, Section 3

II.A.2; Regulation Chap. XI, Section 7

II.A.2; Regulation Chap. XII

Schools

CROSS REFERENCE

III.A.1; Regulation Chap. V, Section 5

School Lunch Program

CROSS REFERENCE

IV.C; Statute §21.1-189

Students

STATUTES

§21.1-54

It is the duty of the board of trustees of each school district to make a full list of a children in

the district up to the age of twenty-one years each year. A separate tally of children between the ages of six and twenty-one years is to be kept. The enumeration is to include "the age, birth date, sex, place of residence, and may include other data pertaining to the educational needs of each child enumerated."

E. Improvement Efforts

Education of Handicapped Children

CROSS REFERENCE

II.A.2; Regulation Chap. XI, Section 10

School Districts

STATUTES

§21.1-106

It is the intent of the legislature to provide the machinery for school district organization in order to provide improved and "equalized educational opportunity" for all children of the state; "reduce the disparity in per pupil valuation among school districts; allow the initial planning for the organization of school districts . . . to be conducted on a local level; generally enlarge the school districts" and replace the different types of school districts which presently exist with unified school districts.

A COMPENDIUM OF
STATE LEGAL STANDARDS FOR THE PROVISION OF PUBLIC EDUCATION

ORGANIZATIONAL OUTLINE

Introduction, Charts, Bibliography and Interstate Agreements

I. Powers, Duties and Functions - By State

II. Programs, Materials and Facilities - By Topic
- A. Educational Courses and Programs
  - 1. Basic Curriculum
  - 2. Programs for Exceptional Children
  - 3. Vocational Education
  - 4. Early Childhood Education
  - 5. Bilingual/Bicultural Education
  - 6. Compensatory Education
  - 7. Schools for Delinquents
  - 8. Adult Education
  - 9. Summer School
  - 10. Other Programs
- B. Educational Materials
  - 1. Textbooks
    - a. Selection and Purchase
    - b. Content Standards
    - c. Issuance
  - 2. Audiovisual Education
  - 3. School Libraries
  - 4. Supplies and Equipment
- C. School Property and Facilities
  - 1. School Site
  - 2. Physical Plant and Fixtures
  - 3. Use of Facilities

III. Quality of the Educational Process - By State
- A. Qualification Standards for Schools and School Districts
- B. Qualification Standards for Personnel
- C. Performance Standards
- D. Evaluation and Reporting
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IV. Accomodation and Governance of Students - By Topic
- A. Health and Safety
- B. Counseling
- C. School Food Service
- D. Transportation
- E. Extracurricular Activities
- F. Student Records
- G. Admission and Transfer
- H. Attendance Requirements
- I. Student Employment
- J. Student Rights and Discipline
- K. Parents' Rights

IV

IV. Accommodation and Governance of Students

IVA

A. Health and Safety

A. Health and Safety

Statutes

§16-1-7

All pupils and teachers shall be required to wear protective devices when participating in vocational or industrial arts, or chemical laboratory classes, that present a potential safety danger. The eye protective devices shall be furnished by the local board of education.

EYE PROTECTIVE DEVICES

§16-4-13

The state superintendent of education shall prepare rules and regulations for the protection of the health, physical welfare and physical examination of school children.

RULEMAKING

§16-3-12;13

The state board of education shall adopt rules and regulations for school building construction, school sanitation, the physical examination of school children, and see to it that rules relating to school health and compulsory education are enforced.

In order to meet emergencies that may arise due to defects in the code, the state board has authority to make rules and regulations to give effect to any of these provisions.

RULEMAKING

§16-27-3

Safety inspections shall be made at least once a year by qualified state department of education employees.

SAFETY INSPECTIONS

§16-29-1;2

The department of education, in conjunction with the state board of health, shall arrange for the physical examination of all children attending the public schools. A child with a contagious disease may be suspended from school.

PHYSICAL EXAMINATIONS

The physical examination shall take place annually and shall be free of charge.

§16-30-1;4

It is the responsibility of parents to have their children immunized against diseases as prescribed by the state health officer. Exceptions will be granted if the child's parents

IMMUNIZATION

object to the tests on religious grounds or the child's doctor requests that the child be exempted. Prior to admittance to public or private school, a pupil must present a certification of immunization.

CROSS REFERENCES

II.A.1.; Statute §16-1-16

II.C.2.; Statute §16-1-2

II.C.2.; Statute §16-4-10

II.C.2.; Statute §16-8-43

IV.D.; Statute §16-27-1

A. Health and Safety

Statutes

§14.03.140

"The principal or other persons in charge of each public or private . . . educational institution" shall conduct emergency drills at least once each month, weather permitting.

EMERGENCY DRILLS

§14.30.047

(a) A child "suspended from or denied admittance to a school" for a medically-diagnosed physical or mental condition "shall be permitted to attend school when he is obviously recovered or presents to the governing body a statement in writing from a competent medical authority that he is no longer afflicted with, or suffering from, the . . . condition to the extent that it is a cause for suspension or denial of admission . . . ."

SUSPENSION

(b) A child suspended or denied for other reasons "shall be permitted to attend school when it reasonably appears that the cause has been remedied."

§14.30.065

The program of physical examinations and immunizations shall be under the general supervision of the Department of Health and Social Services.

PHYSICAL EXAMINATION

IMMUNIZATION

§14.30.070

"The governing body of each school district shall provide for and require a physical examination of every child attending school in the district," when he enters and at regular intervals thereafter.

PHYSICAL EXAMINATION

§14.30.120

Reports of physical examinations shall be delivered to the parent or guardian of the child, signed by the examiner and stating the findings of the examination.

PHYSICAL EXAMINATION

§14.30.125

When the commissioner judges it to be necessary, the governing body of a school district shall require immunization of the children against diseases the commissioner of health and social services may specify.

IMMUNIZATION

§14.30.370

Health programs shall be evaluated by the Department of Education in the same manner as other curriculum programs except "to also include changes in the health status of the pupils . . . ."

HEALTH PROGRAMS

§14.33.010 -- 060

Where a school board or a private school finds it necessary or desirable, a safety patrol may be established. The patrol shall be composed of students under the supervision of a teacher, appointed by the principal. For a pupil to be appointed patrol member, written consent must be given by his parents or guardians. The commissioner may adopt regulations for safety patrols and the patrols shall consult with law enforcement agencies. "The state, . . . a political subdivision, a school board [and its individual members], a school [and its staff], patrol members [and their parents or guardians] are immune from liability . . . as a result of an injury caused by an act or the failure to act on the part of a patrol member while on duty."

SAFETY PATROL

LIABILITY

The Department of Health and Social Services may "provide assistance to groups of parents organized to accomplish the evaluation and special training for exceptional children of the state who do not come within laws relating to education or training because of their age or severity of handicap." The department is authorized to provide professional guidance and financial assistance to these groups according to regulations devised by the department.

REGULATIONS

4AAC 06.040

PHYSICAL EXAMINATION

Physical examinations shall be required for pupils. The examination shall include a tuberculin skin test, performed by public health authorities unless the child is known to have had a positive test or parents refuse permission for the test. A consent form shall be signed by the parent or guardian of a child before the test is administered.

AUTHORITY:

14.30.065-125

4AAC 06.055

IMMUNIZATION

Prior to starting a school a child shall be immunized against diptheria, tetanus, polio, pertussis, rubella and measles, except that immunization against pertussis is not required for children over six years old and rubella is not required for children twelve years or older.

WAIVER

"(b) This section does not apply if the child: (1) has a valid immunization certificate showing the immunization requirement has been fulfilled; (2) has an affidavit signed by a doctor . . . affirming his[her] opinion immunization would be injurious to the health and welfare of the child or members of his[her] family or household; (3) has an affidavit signed by his[her] parent or guardian

affirming that immunization conflicts with the tenets and practices of their religion.

(c) Provisional admission may be allowed provided immunizations are obtained within three months of admission.

(d) Immunization shall be provided by public health services for anyone unable to pay those costs.

(e) "Immunization shall be recorded on each pupil's permanent health record form.

(f) School districts shall initiate action to exclude from school any child . . . who has not been immunized as required."

AUTHORITY:

AS 14.07.020(f)

AS 14.30.125

4AAC 60.100

PHYSICAL EXAMINATION

Each child shall have a physical examination not more than three months prior to enrollment, the results of which shall be recorded on the Cumulative Health Record form.

IMMUNIZATION

Immunizations shall be required for diptheria, tetanus, polio, measles, and pertussis. These immunizations must be completed within three months of enrollment.

AUTHORITY:

AS 14.07.020(7)(8)

AS 14.07.060

AS 14.30.065-125

4AAC 60.115

PHYSICAL EXAMINATION

"All staff members (including volunteers) must have a physical examination annually and not more than three months prior to initial employment in a pre-elementary school." The examination must include a tuberculin test and the results of the examination must be available for insepction by the department of education.

TUBERCULOSIS

All volunteers who work in a classroom or provide direct services to children must present . . . proof of a negative tuberculin test taken not three months before initial service. This test must be repeated annually."

AUTHORITY:
AS 14.07.020(7)(8)
AS 14.07.060

4AAC 60.130

DISASTER PLAN

"Each pre-elementary school shall develop a disaster plan which must include provisions for accountability for each child in the school until he[she] is released to an appropriate authority."

AUTHORITY:
AS 14.07.020(7)(8)
AS 14.07.060

4AAC 60.175

"An adult must be designated to accompany the driver and provide for pupil safety when more than six (pre-elementary) pupils are transported in a vehicle."

AUTHORITY:
AS 14.07.020(8)
14.07.060

CROSS REFERENCES

II.A.4.; Regulation 4 AAC 60.130; 60.140

IV.D.; Regulation 4 AAC 05.050; 27.035

IV.F.; Regulation 4 AAC 60.090

IV.J.; Statute §14.30.045

A. Health and Safety

Statutes

§15-342

Beginning in 1977-78 every child must, when initially entering school, submit an "immunization record". The record must state that the child has received the requisite immunizations or cannot be immunized due to health or religious reasons.

IMMUNIZATION

§842.01

Any school personnel or any other person in charge of children who observes any evidence of injury or abuse shall immediately report this information to the police. A written report, giving detailed information, must also be submitted. Anyone who violates this section is guilty of a misdemeanor.

CHILD ABUSE

Policy Guides

ENSURING SCHOOL SAFETY IN ARIZONA PUBLIC SCHOOLS

Arizona School Safety Task Force, 22 pages 1976

The report recommends that each school district adopt a policy concerning safety; provide training programs to increase awareness of safety problems; conduct regular self-inspection. The report includes a checklist for school districts to follow in assessing the safety of their schools. Topics include: fire safety, electrical-mechanical safety, employee-pupil safety, general school safety.

CROSS REFERENCE

II.A.3.; Statute §15-1501

IV.G.; Statute §15-302

A. HEALTH AND SAFETY

STATUTES

§80-1210--1213

All school employees must have a health certificate stating he/she "is free from . . . contagious or infectious diseases, including tuberculosis." The certificate shall be presented to the secretary of the school board each year, or in the case of emergency employment, within three months.

HEALTH CERTIFICATE

The Division of Tuberculosis Control of the State Board of Health shall offer free examinations to all personnel.

The Hygienic Laboratory of the State Board of Health shall offer free examinations of specimens of sputum. Any employee violating the above health provisions shall be guilty of a misdemeanor and, upon conviction, fined $25 --$100.

§80-1219

The board of directors of a school district may "appoint and provide for the payment of one or more physicians or nurses . . . for the purpose of making such physical examinations of the pupils . . . [as] prescribed in the rules and regulations of the State Board of Education." Yearly examinations shall be made by said physicians or nurses if the county doesn't provide such services, or if a private physician hasn't been utilized. Exception may be taken where a parent or guardian objects to examination of a child in a written statement, save when the child is suspected of having a "contagious or infectious disease."

§80-1548--1550

IMMUNIZATION

All children must be immunized for poliomyelitis, diptheria, tetanus, pertussis, red (rubella) measles, and rubella prior to admittance to a public or private school.

The State Board of Health shall oversee enforcement of this law, and parents or guardians and school districts "shall be separately . . . liable for

permitting any violation." Exemptions for those with physical disabilities "which may contraindicate vaccination" shall be granted. Those guilty of violating this act shall be guilty of a misdemeanor. A parent or guardian may object to immunization "on the grounds that . . . [it] conflicts with the religious tenets and practices of a recognized church or religious denomination."

§80-1630; 1631

The Department of Education, in cooperation with local districts shall establish an Arkansas School Fire Marshall Program which shall include: inspection of buildings, recommendations for improvement and educating school children and the community in fire prevention.

FIRE PREVENTION

Every school district shall operate a School Fire Marshall Program, adhering to those requirements set by the State Board of Education. Deficiencies in the Program, noted by the Board, shall be corrected within thirty days and ten percent of the Minimum Foundation Program Aid shall be withheld until corrections are made.

§80-1634; 1635

Students and teachers participating in industrial arts shops and chemical laboratories must wear "quality eye protection devices" provided by the board of education (including district and county boards and trustees of state-supported institutions) or rented or purchased by individuals.

EYE PROTECTIVE DEVICES

§80-4401--4405

The State Board of Education shall set rules and regulations for the organization of school safety patrols in every district. The purpose shall be to educate students in safe street crossing and to promote safety in discharging students from buses. Safety patrols shall not direct vehicular traffic, but "shall perform [her/]his duties from the curb and sidewalk areas."

SAFETY PATROLS

Pupils eligible for safety patrol must be eleven years old and have the written permission of a

parent or guardian. A teacher or administrator using a pupil without such permission shall be guilty of a misdemeanor. No member of the school shall be liable for injuries incurred during the operation of a school safety patrol.

CROSS REFERENCE

IV.J.; Statute §80-1516

STATUTES

§32000 -- 32004; 32020

FIRE WARNING SYSTEM

"Every . . . school building having an occupant capacity of fifty or more students or more than one classroom shall be provided with a dependable and operative fire warning system.

FENCES

The governing board of every public school district. . . and the governing authority of every private school, which maintains any building used for the instruction or housing of school pupils on land entirely enclosed. . . by fences or walls, shall . . . make provision for the erection of gates in such fences or walls."

§32030 -- 32034

EYE PROTECTIVE DEVICES

Schools shall be equipped with eye protective devices for the use of all students, teachers, and visitors when participating in courses which require their use.

"The eye protective devices shall be worn in courses including . . . vocational or industrial arts shop or laboratories - at any time when the individual is engaged in, or observing, any activity or the use of hazardous substances likely to cause injury to the eyes.

The eye protective devices may be sold to the pupils and teachers or instructors at a price which shall not exceed the actual cost of the eye protective devices to the school or governing board."

§32040 -- 32044

FIRST AID

Any school in the state shall "equip the school with a first aid kit, whenever any pupils of the school are conducted or taken on field trips under the supervision or direction of any teacher in, or employee or agent of, the school."

§32200

LIABILITY

FIRE DRILL

"...[N]o...employee of a school district... shall be held personally liable for civil damages on account of personal injuries to or death of any person resulting from the participation of the person in a fire drill or other drill or test related to a a potential emergency situation . . . ."

§39670 -- 39674

SECURITY PATROL

"The governing board of any school district may establish a security patrol and employ . . . such personnel as may be necessary to ensure the security of school district personnel and pupils in or about school district premises and the security of the real and personal property of the school district and to cooperate with local law enforcement agencies in all matters involving the security of the personnel, pupils, and real and personal property of the school district."

§44808 -- 44808.5

LIABILITY

No employee of a school district shall be responsible or in any way liable for the conduct or safety of any pupil of the public schools at any time when such pupil is not on school property, unless otherwise provided.

§48451

PHYSICAL EXAMINATION

EXEMPTION

A parent or guardian of a public school child may file annually with the school a signed statement that he/she will not consent to a physical examination of the child. The child shall be exempt from examination but wherever there is good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and not permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist.

§49300 -- 49307

SAFETY PATROL

According to rules adopted by the State Board, and whatever additional rules it deems necessary to adopt, a local governing board may establish and maintain a school safety patrol in any of the district schools for the purpose of assisting school pupils in safely crossing thoroughfares in the vicinity of the school.

A safety patrol in any given school shall be composed of pupils attending the school, under the supervision of a qualified employee designated by the board. However, the physical presence of the employee shall not be required at any particular thoroughfare location where a safety patrol is functioning.

Pupils on the safety patrol shall be designated by the principal. No pupil shall be designated unless the pupil and the person with legal custody of the pupil consent in writing.

The members of the safety patrol shall be authorized only to give traffic signals and directions to assist school pupils in safely crossing thoroughfares.

The local chief of police or the Commissioner of the California Highway Patrol may on request of the governing board cooperate in the supervision of a school safety patrol to an extent agreed upon.

A governing board may provide for adequate medical attention for any injury suffered by a pupil that arises out of the pupil's duties as a member of a safety patrol. However, no pupil shall be compelled to accept such services.

Violation of a traffic signal or direction given by a safety patrol member shall be a misdemeanor subject to penalties under §42001 of the Vehicle Code.

§49400 -- 49401; 49404

HEALTH & PHYSICAL DEVELOPMENT

A school governing board shall give diligent care to the health and physical development of pupils, may employ certified persons for this work, may provide for

proper health supervision of school buildings, and is authorized to expend funds in matters of pupil and personnel health.

§49402

CONTRACTS

Contracts between any city, county, or local health district and a school governing board for the performance by health officers of any or all functions relating to health supervision of school buildings and pupils are authorized. In such contracts the consideration shall be such as may be agreed upon by the governing board and the health district and shall be paid by the governing board at such times as specified in the contract.

This shall not apply to districts under a governing board which has under its control a total average daily attendance of 100,000 or more pupils.

§49403; 49405

COMMUNICABLE DISEASE

A governing board shall cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For this purpose the board may use district funds, property, and personnel and permit a licensed physician and surgeon or a registered nurse acting under a supervising physician and surgeon to administer an immunizing agent to any pupil whose parents have consented.

IMMUNIZATION CONSENT

While the physical presence of a supervising physician and surgeon shall not be required, the supervising physician and surgeon under whose direction the registered nurse is acting shall require the nurse: to demonstrate competence in the administration of immunizing agents, including knowledge of all indications and contraindications and in the recognition and treatment of any emergency reactions to such agents; and to possess and know how to use medications and equipment as required to treat any emergency conditions and reactions caused by the immunizing agents.

SMALLPOX

The control of smallpox is under the direction of the State Board of Health. No rule on the subject of vaccination shall be adopted by school or local health authorities.

§49407 -- 49408

LIABILITY

No school district, officer, physician, or hospital treating a child enrolled in school shall be held liable for the reasonable treatment of a child without the consent of the child's parent or guardian when the child is ill or injured during regular school hours and requires medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid.

EMERGENCY CONSENT

The governing board may require parents and guardians to keep current at the pupil's school of attendance emergency information, including home and business address and telephone number and the address and telephone of a relative or friend authorized to care for the pupil in an emergency situation if parent or guardian cannot be reached.

§49420 -- 49421

HEALTH SUPERVISOR

The governing board of a school district may employ, or the governing boards of two or more districts may join to employ a supervisor, or supervisors, of health, consisting of a physician, psychologist, psychiatrist, nurse, oculist, dentist, optometrist, otologist, podiatrist, audiologist, dental hygienist, or any one or more of such persons.

APPOINTMENT

The board or boards may also appoint such number of nurses, school audiometrists, physical therapists, and occupational therapists to work under the supervisor of health. Such employees shall be compensated, but not with money set aside for teachers' salaries or libraries.

§49422; 49425

IVA-CA 6
CALIFORNIA

No physician, psychiatrist, oculist, dentist, dental hygienist, optometrist, otologist, podiatrist, audiologist, or nurse not employed in such capacity by the State Department of Public Health shall be employed to supervise the health of pupils unless the person holds a services credential with a specialization in health or a valid credential issued prior to the operative date of the 1970 amendment to this section.

SCHOOL PSYCHOLOGIST

A school psychologist shall hold a school psychologist credential, a general pupil personnel services credential authorizing service in school psychology, a standard designated services credential with a specialization in pupil personnel services authorizing service as a psychologist, or services credential issued by the state board or the State Commission for Teacher Preparation and Licensing.

SCHOOL NURSE

The services credential with a specialization in health authorizing service as a school nurse shall not authorize teaching services unless the individual holds a baccalaureate degree, or its equivalent, and has completed a fifth year of preparation.

PHYSICIAN

No physician employed under §44873 shall be required to hold a credential if the physician meets the requirements of §44873.

Also, a licensed physican need not hold a credential if the physician's service is as a member of a committee to consider written or oral information concerning students and recommend admission or discharge of students to and from classes for exceptional children.

§49423

MEDICATION
SCHOOL NURSE
CONSENT

Any pupil required to take prescribed medication during the school day may be assisted by a school nurse or other school personnel if the district receives written instructions from the physician and written consent from the parent or guardian for the assistance.

SCHOOL PSYCHOLOGIST

§49424

A school psychologist is a credentialed professional who shall render services, including: consultation with administrators concerning learning objectives; planning of remedial programs and of experimentation and evaluation; consultation with teachers on classroom methods and procedures; consultation with parents to assist in understanding the learning and adjustment processes of children; consultation with community agencies concerning pupils being served by them; psychological counseling; and psychoeducational assessment and diagnosis.

MEDICAL EXAMINATION

CONSENT

LIABILITY

§49440 -- 49441

Upon the report of a principal that a pupil shows evidence of impaired mental health, the governing board may, with the consent of the parent or guardian, provide for the mental examination of the pupil.

The principal shall not be liable for damages or for any civil or criminal penalty for any report made in good faith.

The governing board shall make rules for such mental examination as will insure proper care of the pupils and proper secrecy in connection with any condition of impaired mental health noted by the supervisor of health and as may tend to the correction of the condition.

§49442

When evidence of impaired mental health has been noted, the supervisor of health shall report, to the parent or guardian of the child, on a form approved by the state superintendent, asking the parent or guardian to take action to correct the condition. The report shall not include any recommendation suggesting or directing the pupil to a designated individual or class of practitioner, but the supervisor of health may recommend in a written report that the child be taken to a public clinic or diagnostic and treatment center.

§49443

PSYCHOLOGICAL TREATMENT

CONSENT

No officer or employee of a school district, county superintendent, or county board shall place a public school pupil in any public or private agency, outside of the pupil's school of attendance, for psychological or psychiatric treatment without prior written consent of a parent or guardian.

§49444

MENTAL HEALTH

A governing board may enter into a contract with a mental health or child guidance clinic for the furnishing of mental health services for pupils of the district. Terms and conditions for the providing of such services shall be set forth in the contract.

§49450

RULEMAKING

EXAMINATION

A school governing board shall make rules for the examination of pupils to insure proper care of pupils and proper secrecy in connection with any defect noted.

§49452

SIGHT TEST

HEARING TEST

A school governing board shall provide for the testing of the sight and hearing of each pupil. It shall be given by: qualified supervisors of health employed by the district; or certificated employees of the district or county superintendent; or contract with an agency authorized to perform such services; or accredited schools or colleges of optometry, osteopathy, or medicine.

Equipment necessary for such tests may be purchased or rented by governing boards.

Records of the tests shall serve as evidence of the need of pupils for special educational facilities.

§49453

In a district with average daily attendance in excess of 400,000, a physician, dentist, or optometrist

HEALTH EXAMINATION

who holds a valid, unrevoked certificate to practice in the state may perform health examinations of school children on school premises and report findings and recommendations of health needs to the school health officer and parent or guardian. Such persons need not be employees of the district and shall be exempt from credential requirements under §49422.

§49454

A person employed by a district in a position requiring certification qualifications who holds a valid special credential authorizing the teaching of lipreading or of the deaf or a standard credential with specialized preparation in the area of the deaf or in the area of the speech and hearing handicapped or who holds a certificate of registration to serve as a school audiometrist may test the hearing of pupils through the use of an audiometer.

HEARING TEST

§49455

Upon first enrollment in elementary school in a California district, and at least every third year thereafter after completion of the eighth grade, a child's vision shall be appraised by the school nurse or other authorized person. This evaluation shall include tests for visual acuity and color vision; however color vision shall be appraised once and only on male children. Gross external observation of the child's eyes, visual performance, and perception shall be done by the nurse and the classroom teacher. The evaluation may be waived if the child's parent presents a certificate of evaluation from a physician and surgeon or an optometrist. The number of children so evaluated and the results shall be reported annually by each district to the department of education, on forms provided by the department.

VISION TEST

A child whose parent or guardian files a statement of adherence to a well-recognized religious group and concomitant dependence for healing upon prayer shall be exempt from visual examination.

EXEMPTION

§49456 -- 49457

MEDICAL REPORT

When a defect has been noted by a supervisor of health or assistant, a report shall be made to the child's parent or guardian, asking the parent or guardian to take action to correct or cure the defect. Such report, if written, shall be made in a form approved by the state superintendent and shall not include any recommendation directing the pupil to a designated individual or class of practitioner for the correcting of the defect. However, the recommendation that a child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by a department of public health may be made.

The supervisor of health shall make such reports as he deems best to the governing board or as the board may call for, showing the number of defective children in the district and the effort made to correct the defects.

§49470 -- 49471; 49474

INSURANCE

ATHLETICS ACTIVITIES

A school governing board may make available medical and/or hospital service through nonprofit membership corporations defraying the costs of such service or through policies of accident insurance from authorized insurers for pupils injured while participating in sponsored athletic activities. The cost of the insurance or membership may be paid from district funds or by the insured pupil, the pupil's parent or guardian.

If the governing board does not make such service available, the board shall notify, in writing, the parent or guardian of each pupil participating in athletic services that the services are not made available.

A governing board may make available ambulance service, paid for out of school district funds, for pupils, instructors and spectators in attendance at sponsored athletic activities.

§49472

MEDICAL SERVICES

A school governing board which does not employ at least five physicians as full-time supervisors of health, or their equivalent, may make available medical and/or hospital service through nonprofit membership corporations defraying the cost of such service or through accident insurance or liability insurance for injuries to pupils arising out of accidents occurring while in buildings and other district premises during the time pupils are required to be there or while being transported by the district to and from school, or while at any other place as an incident to school-sponsored activities.

CONSENT

Pupils shall not be compelled to accept such service without consent of their parent or guardian. The cost of insurance or membership may be paid from district funds or by the insured pupil, the pupil's parent or guardian.

§49480

MEDICATION

SCHOOL NURSE

The parent or guardian of any public school pupil on continuing medication for a nonepisodic condition shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or guardian, the school nurse may communicate with the physician and may counsel with school personnel regarding possible effects of the drug on the child's behavior.

CONSENT

The superintendent of each school district shall be responsible for informing all parents of this requirement.

§51269

HEALTH SUPERVISOR

DRUG DEPENDENT PUPIL

The supervisor of health or other appointed individual shall initiate a program of identification, counseling, and medical referral of drug-dependent and debilitated pupils, using any district funds, property, or personnel. The pupil shall be insured proper care, procedure and secrecy under §§49407, 49450, and 49451.

§550

FIRE DRILL

Fire drills shall be conducted at least once a month by either the fire department or the principal.

§560

CIVIL DEFENSE

The governing board of each district must formulate a policy guideline for civil defense and disaster preparedness for use by the schools. The guide shall be reviewed at least annually. The principal of each school shall also formulate a plan and submit it to the superintendent for approval. Each school shall test its plan twice annually and keep a record of the tests.

§570-574

SAFETY PATROL

No student less than 10 years old or enrolled in a grade below fifth may be a safety patrol member. Use of patrols will be determined by agreement between the school district and the local police. All patrols are required to wear a standard uniform.

§591

VISION TEST

Only persons authorized to conduct vision screening as specified herein may administer an eye test to pupils. The Snellen Test shall be used to test visual acuity. A pupil will be considered to have failed the test if vision acuity is 20/50 or worse (children over six 20/40 or worse). A color vision test will also be given.

§ 12036

To operate in an environment conducive to maximum health each agency shall:

a) Admit only children who have had complete medical examination.

b) Admit only those children who have filed evidence of immunization against diphtheria, whooping cough, poliomyelitis, tetanus, measles and been given a test for tuberculosis.

c) Provide for continuous health observation by a teacher or supervisor.

d) Establish and post a procedure to be followed when a child is ill or injured.

e) Require parents or guardian as a condition to admission to:

1) File the names, addresses and phone numbers of people who will care for the child if ill or injured; or

2) Authorize the agency to secure necessary medical attention at the parent's expense in the event of emergency illness.

f) Provide health supervision by a person certified as a school nurse, or by a person certified as a public health nurse.

g) Adhere to all standards of the State Board of Health.

§ 17220

CIVIL DEFENSE

The county superintendent shall file a report with the Superintendent of Public Instruction, listing school districts in her/his jurisdiction that have and have not filed copies of their most recent civil defense and disaster preparedness plans as required by Section 560(a)(5).

§ 17902

TUBERCULOSIS EXAMINATION

Every employee or volunteer serving in a Children's Center or Development Center is required to have a tuberculosis examination as specified in Education Code Section 11708.

CROSS REFERENCES

I.County Superintendent of Schools; Statute §1720--1732

II.A.2; Statute §56802--56833; 56865; 57800; 57818

II.A.4; Regulation §17909

II.A.10.Other-Child Development Program; Statute §8252--8256

II.C.2; Statute §39600--39616

II.C.2; Regulation §630

III.C.Public Schools; Statute §40

IV.A; Statute §51269

IV.G; Statute §48210--48212

IV.G; Regulation §350--353

IV.H; Regulation §420

IV.I; Statute §49164

A. Health and Safety

Statutes

§22-3-101 -- 22-3-102

The board of every school district should provide eye protective devices for all students, teachers, and visitors. Eye protection devices shall be worn in courses such as "vocational or industrial art shops or laboratories."

EYE PROTECTIVE DEVICES

§22-3-103 -- 22-3-104

The eye protective devices to be utilized within the state school system must meet the standards approved by the United States of America Standards Institute Inc. The commissioner of education shall prepare and circulate to all educational institutions, within the state instructions, for implementation of eye safety programs.

§22-25-105

Each district school board or board of cooperative service may develop health and survival education projects. These must be submitted to the commissioner of education.

§25-4-901 -- 25-4-906

Before entering school, a child must present to the appropriate official of the school, certification from a licensed physician "stating that such child has received immunization against communicable diseases."

IMMUNIZATION

A child may be exempted from receiving the required immunization upon submitting certification from a licensed physician that the physical condition of the child is such that immunizations would endanger his/her life or health. Also a child may be exempted upon submitting a statement signed by one parent or guardian that the child's religious beliefs are opposed to immunizations.

EXEMPTIONS

When at any time there is, in the opinion of the state or local health department official, danger of an epidemic from any communicable diseases for which immunization is required under these regulations, no exemption from immunization against such disease shall be recognized.

The local health department shall, at public expense . . . provide the immunizations required by each pupil whose parents or guardians cannot afford to have the pupil immunized and who have not been exempted."

REGULATIONS

2202-R-12.06

School administrators, teachers, counselors, and health service personnel should combine their efforts to improve school health services so that they meet the mental and physical needs of all pupils.

2202-R-12.07

HEALTH PROGRAM

The program of school health services should be concerned with each students physical, mental, emotional and social well-being. A health program should complement other special programs and assist in the following areas:

(a) apprising the health status of all pupils;

(b) identifying handicapped pupils;

(c) counseling pupils, parents and staff personnel in health matters;

(d) encouraging remedial defect correction;

(e) helping to prevent or control the spread of communicable diseases, dental cavities, heart disease, and nutritional deficiencies;

(f) providing emergency care for sick or injured pupils.

2202-R-12.08

A professional nurse should be assigned and time allowed him/her to provide services which meet the special needs of pupils. There should be a pupil nurse ratio of approximately 1500 pupils to one nurse.

2202-R-13.08

Emergency Procedures:

EMERGENCY PROCEDURES

(1) Written standards of procedures for emergency drills are to be clearly posted in all school buildings and these procedures shall be practiced three times each school year; results are to be recorded and irregularities corrected.

(2) Emergency first-aid stations shall be strategically located in the following areas: health offices, principal's office, laboratories, shop and physcial education offices. Station locations are to be communicated to staff.

(3) Five extinguishers shall meet the standards of the Industrial Commission of Colorado and be appropriately placed, clearly marked, and checked annually.

2250-R-2.0

SCHOOL CLOSING

A district whose schools have been closed, by board action, because it was necessary for the health, safety, or welfare of pupils shall report such closing to the State Education Department, along with a listing of the rescheduled days, if the closing cause the total number of days to fall below 172.

CROSS REFERENCES

II.A.4; Regulation 2202-R-13.05

II.C.2; Regulation 2202-R-13.01

A. Health and Safety

Statutes

§10-204

"The board of education may require each child to be vaccinated except for smallpox" before attending public school unless the child's physician certifies that the vaccination should not be given due to the child's physical condition. If the parents cannot pay for the vaccination, the town will bear the expense.

VACCINATION

§10-204a

Each board of education shall require all children to be immunized against measles and may require a poliomyelitis vaccination before permitting the child to enter public school. A child may be exempted from this requirement if the child's physician feels it is not in the best interests of the child's health, or if it is contrary to the religious beliefs of the parents or guardian.

IMMUNIZATION

WAIVER

§10-204b

All children under twelve are required to be immunized against rubella before entering public school, unless the child's parent does not wish to have the child immunized.

§10-205

The board of education of any town may appoint one or more legally qualified doctors as school medical advisors. Two or more towns may unite in hiring and appointing school medical advisors. Any board appointing a school medical advisor shall prescribe the functions and duties of the advisor.

MEDICAL ADVISOR

§10-206

Boards of education shall require all students to have a health examination at least once every three years. The examination may be conducted by either a licensed physician or the school medical advisor. The results

HEALTH EXAMINATION

shall be recorded in the child's health records.

§10-207

EXAMINATION

Medical advisers shall make prompt examination of all pupils referred to them and shall advise the school nurse and parents on the care of the child. The medical adviser shall also examine school board employees when requested to do so by the board or when necessary for the protection of health, but the employees may be examined by their private physician if they so desire. The medical advisor shall also conduct health inspections of school buildings and, in general, take steps to "preserve and improve the health of pupils."

§10-208

WAIVER

A pupil may not be required to submit to a medical examination or treatment if the child's parent notifies the principal that he/she objects, on religious grounds, to the medical examination.

§10-210

COMMUNICABLE DISEASE

Parents shall be notified by the medical adviser if their child is suffering from any disease and the parents shall see to it that the child receives treatment. If a child has a communicable disease, she/he will be excused from school attendance and must obtain a permit from the local health director before returning to school.

§10-212

SCHOOL NURSE

The board may appoint one or more school nurses who may also act as visiting nurses, shall assist the medical adviser, and perform other duties required by the board.

§10-213

DENTAL HYGIENIST

A board of education may employ dental hygienists.

§10-214

EYE TEST

The state board shall furnish materials and instructions to schools for administering testing of pupils' eye sight. All students shall be tested annually and parents will be notified of any defects found. The testing may be performed by any licensed optometrist.

§10-214a

The state board shall make regulations requiring the use of eye safety devices in the laboratories and workshops of all public and private schools.

EYE PROTECTIVE DEVICES

§10-217

Violations of the education laws relating to school health and sanitation are punishable by a fine and/or imprisonment.

§10-231

"The board of education of each town shall provide for a fire drill to be held in the schools of such town at least once each month."

FIRE DRILL

§10-2120

A school nurse may administer medicine to students, under a physician's authority and with parental consent. School nurses will not be held liable for ordinary negligence in carrying out this duty.

LIABILITY

REGULATIONS

§ 10-146-86 to 10-146-88

"This certificate is required for anyone serving as a school nurse-teacher who, subject to the direction... of the superintendent of schools, assists...staff members in protecting the health of school children, teaching health habits...; assisting in health examinations of school children, instructing in home nursing, child care and first aid, advising the teachers with regard to the health of school children and performing related work as directed." Requirements for a provisional certificate are: graduation from "an approved school of professional nursing;" registration as a professional nurse in Connecticut; a bachelor's degree with at least 40 hours in general education; and at least 30 hours in foundation of education, educational psychology, curriculum and teaching methods, "supervised field experience in a public health agency and/or student teaching," in health education.

Requirements for a standard certificate are 3 years service under the provisional certificate and

a masters degree or 30 hours credit beyond the bachelor's degree.

§ 10-146-89 to 10-146-91

"This certificate is required for any person registered as a dental hygienist...and employed as a dental hygienist in a public school in Connecticut who also gives instruction in dental health as a part of the school program under the direction...of the superintendent of schools."

Requirements for the provisional certificate are certification "by the Connecticut dental commission as a dental hygienist" and a bachelor's degree, including at least 6 hours in "health services in the school, child growth and development, methods...of instruction and school organization."

Requirements for the standard certificate are 3 years of service under the provisional certificate and a master's degree or 30 hours credit beyond the bachelor's.

§ 10-212a-1 to 10-212a-3

The medicines referred to in this regulation are "those that must be administered pursuant to the written order of a physician during the hours that school is in session."

"Each local board of education, with the advice of the school medical advisor, shall...establish specific policy...concerning the administration of medical preparation by a school nurse or in his or her absence, of oral medications by the principal or any teacher to any student." Schools must keep written records of the administration of medications. The physician's order and parental authorization must be kept with the student's health record.

"Not more than one month's supply of a prescribed medication shall be stored in a school."

§ 10-214a-1 to 10-214a-3

"Any person who is...teaching...or engaging in any work, activity or study in a public or private... school laboratory or workshop where the process used

tends to damage the eyes...shall wear an eye protective device" as specified. "The governing board or body of each public and private...school" is responsible for enforcing this regulation.

CROSS REFERENCES

II.A.2.; Statute §10-13

IV.D.; Statute §14-276a

IV.I.; Statute §10-191

STATUTES

§2707

Any child affected with a contagious disease shall be excluded from the schools until permission of the proper school officer for the child to return is granted. Contact between attending school children and the affected pupil's family is forbidden.

§4109

FIRE DRILL

"Public schools shall be required to be equipped with adequate number of fire extinguishers and shall hold a fire drill at least once every month while school is in session."

§8302

EYE PROTECTION DEVICES

Every person shall wear eye protection devices when entering, participating in, observing or performing any function in connection with any courses or activities taking place in eye protection areas of any school ... or other private or public educational institution in this State.

§8303

Eye protection devices, which shall include safety spectacles, plastic face shields or goggles, shall comply with the American Standards Association safety code for Head, Eye and Respiratory Protection.

§8304

The State Department of Public Instruction shall prepare and circulate to each public and private educational institution manuals for the guidance and implementation of eye safety protection.

A. HEALTH AND SAFETY

CROSS REFERENCES

II.C.2.; Statute §31-812

IV.G.; Regulation; Chap. IV, §411

A. Health and Safety

Statutes

§232.031-232.032

Prior to a child's admission to kindergarten or the first grade for the first time in the state, "evidence that the child is free from a contagious or communicable disease" shall be required. An exception may be made at the request of parents objecting to medical examinations on religious grounds.

The Department of Health and Rehabilitative Service in conjunction with the Department of Education shall set forth rules governing immunization of school children. "Immunizations shall be required for poliomyelitis, smallpox, diphtheria, rubeola, rubella, pertussis and tetanus," among other communicable diseases. District school boards shall require certificates of immunization of pupils entering public or private schools. Said requirement may be waived by a parent's objection on religious grounds or if it would be hazardous to a child's health.

IMMUNIZATION

§232.36

The State Board of Education shall set sanitation standards for school facilities and grounds which may be augmented by the school board and administered by the superintendent.

§232.43

District school boards, school athletic associations or schools may insure themselves against injuries to students. An increased admission charge to athletic events may help cover the cost of said insurance. Part or all of the cost may come out of existing school board funds.

INSURANCE

§232.45

"Eye-protective devices shall be worn by students, teachers and visitors in courses including . . . vocational or industrial arts shops or laboratories

EYE PROTECTIVE DEVICES

and chemistry, physics or chemical-physical laboratories" when persons are using or observing the use of "hazardous substances."

School boards may furnish protective equipment and establish rules to carry out these laws.

§235.06; 235.14

FACILITIES

The State Board of Education shall prescribe health and safety standards "as a part of the State Uniform Building Code for Public Education Facilities." Each school shall establish a "program of safety and sanitation" and provide for "periodic inspections" and close facilities that are unsafe or unsanitary until conditions are improved.

A report of yearly inspections shall be made to the Department of Education. If the school board fails to correct conditions the commissioner may take action. Emergency drills, prescribed by the Department of Education, shall be held at least twice a semester.

§233.067

HEALTH PROGRAM

The Department of Education, in cooperation with the Department of Health and Rehabilitative Services, shall administer a comprehensive health program for grades one through twelve to promote "understanding of health principles and problems." It shall include: inservice education for teachers; drug education and use of existing drug resource centers; and use of community volunteers and persons in the health field.

The Commissioner of Education shall review school district programs annually and recommend funding for the following year. Non-public school employees may participate in the teacher training. A child may be exempt from this program if his/her parent objects on religious grounds. Sex education is not required as a part of a comprehensive health program.

REGULATIONS

6A-2.50 SCHOOL SAFETY

Students through grade 2 shall not be above the first floor; floors shall be surfaced with a non-slippery substance, and glass areas exposed to wind shall be able to withstand wind pressure.

All school buildings shall be inspected once a year to see that they comply with these regulations. The inspection may be made by the department of education or qualified local personnel. Hazards determined to be an immediate danger to life shall be corrected immediately.

6A-2.96 PLAYGROUND SAFETY

The play area shall be free from all tripping hazards. Equipment shall have no jagged or sharp projections or other potentially hazardous construction. Where traffic, construction, mechanical, or electrical hazards exist, fencing shall be provided to prevent access from the playground areas. Parking areas and driveways shall not create a hazard. All other areas concerning vehicular traffic shall be placed in such a way as to not create a hazard.

6A-2.97 SAFETY DEVICES

Use of personal protection devices and other protective equipment is required when exposed to arc welding, heavy gas cutting or other work that would be hazardous to eyes and skin. Automatic power shut-off or disengage lock-out, within reach of the operator, shall be provided for all working machinery.

Areas where toxic fumes are produced shall be adequately vented. Each space equipped with unprotected gas valves accessible to students shall have a master control valve immediately available to the instructor.

Each space equipped with electrically powered machinery accessible to students shall have one or more conspicuously color-coded disconnect switches at convenient locations throughout the shop.

CROSS REFERENCES

II.C.2.; Statute §235.26

II.C.2.; Statute §232.36

III.C.Teachers; Statute §231.09

IV.D.; Statute §§234.091; 234.101

A. Health and Safety

Statutes

§32-420 -- 421

The State Board shall "make comprehensive studies to determine the need and the location of public school buildings, to determine the safety and educational requirements of public school buildings." The Board shall "inspect any public school building and, if such building is found to be dangerous to the lives and/or health of the pupils," they shall "notify the county or independent board of education in writing of the unsafe and/or unhealthful conditions." INSPECTION

§32-445

The State Department of Human Resources, in cooperation with the Board of Education, shall issue rules and regulations to provide for eye, ear and dental examinations for all first graders. RULEMAKING

§32-623a

"The State Board of Education shall devise, develop and implement uniform policies, regulations and procedures to ensure that the provision of school health services will be an integral part of the . . . institutional process."

§32-853

Local law enforcement agencies shall "study and evaluate" school traffic safety requirements and "advise" schools concerning compliance with state laws and regulations concerning safety practices.

§32-911

"No child shall be admitted to a public school operating in this State unless such child shall first have been immunized from contagious diseases itemized in appropriate rules and regulations promulgated by the State Board of Health . . . . IMMUNIZATION

"The provisions of this section shall not apply

if the parent or legal guardian of such child objects . . . on the grounds that such immunization conflicts with the religious beliefs of said parent or guardian, provided that immunization may be required in these cases when such disease is in epidemic stages . . . . The parent or guardian must furnish the school an affidavit in which said parent or guardian swears under oath that the immunization, . . . conflicts with the religious beliefs of said parent or guardian."

WAIVER

§32-4201

Pursuant to State Board of Education and University System Board of Regents rules, students and teachers in classes involving exposure to molten materials, shaping of solid materials, heat treatment of materials, welding, vehicle repairing or servicing, caustic or explosive materials, and other materials determined by the Boards, shall wear industrial quality eye protective devices provided by the institution involved.

EYE PROTECTIVE DEVICES

REGULATIONS

40-2110; 2120

The "State Board of Education believes that . . . school health services should be an integral part of the total instructional process in each local unit of administration."

The State Superintendent shall prescribe procedures for provision of health services. The State Board directs local units "to establish . . . policies on emergency services and treatment." Local units should offer "sufficient nursing services" for students. "A cumulative health record shall be maintained as part of each student's administrative record."

The Office of Instructional Services shall assist local units to develop regulations and policies for providing health services.

EYE PROTECTIVE DEVICES

40-3910; 3920

All students, teachers and visitors at schools and other educational institutions in the state are required to "wear appropriate industrial quality eye protective devices at all times while participating in or observing such courses," machines or activities "which present potential eye injury from physical, chemical or radiation agents." These eye protective devices shall be furnished by the school.

"The Office of Adult and Vocational Education . . . with the Office of Instructional Services shall assist school administrators in implementing eye protection programs and . . . develop . . . an eye protection guide" for all schools and adult education classes.

CROSS REFERENCES

II.C.2: Statute §32-649a

II.C.2; Statute §32-2001; 32-2003

IV.D.; Statute §32-625a

IV.H.; Regulation 40-211 -- 40-213; 40-215

STATUTES

§296-41

"The department of education shall provide preventative dental hygiene instruction for the children of the state of school age in the public schools."

DENTAL HYGIENE

§297-14

"No person who has contracted tuberculosis, shall while afflicted with the disease, be allowed to teach in any public or private school."

TUBERCULOSIS

§298

"No child shall be admitted to any school for the first time unless the child has received immunization against communicable diseases . . . and a tubercular test or X-ray".

IMMUNIZATION

He/she may be provisionally admitted if he/she submits written proof that he/she is in the process of receiving the required immunizations or tuberculin tests.

He/she may be exempted from the required immunization if:

EXEMPTIONS

a) a licensed physician certifies that it would endanger his/her life or health;

b) his/her parent or guardian objects on grounds that it "conflicts with his/her bona fide religious tenents and practices."

"The department of health shall provide all immunizations and tuberculin tests, as far as public funds will permit . . ." to the children of indigent parents.

§298

PHYSICAL EXAMINATIONS

"No child shall be admitted to any school for the first time . . . unless" he presents "a certification from a licensed physician stating that the child has undergone a physical examination."

§298

EPIDEMICS

Exemption from immunization for all communicable diseases for which immunization is required shall not be recognized under epidemic conditions. Under epidemic conditions, the legal alternative to immunization shall be quarantine.

§321-11

RULEMAKING

"The department of health may make such regulations as it deems necessary for the public health and safety regulating:

22) Medical examination, vaccination, revaccination, and immunization of school children."

§321-101

EYE CARE

a) "The departments of health and education shall cooperate with each other . . . for the education of children in the conservation of eyesight and the prevention of blindness, and may recommend for sight-saving classes, or for the state school for the blind, children certified . . . as fit subjects for instruction therein."

b) "They shall conduct or supervise . . . vision-testing activities in the public and private schools . . . and shall cooperate to secure proper lighting . . .

and other measures . . . to remedy conditions which may be conducive to or cause weakness of eyesight."

c) "They shall cause to be conducted classes and lectures in sight conservation and prevention of blindness for teachers and public health nurses . . ."

§321-111

"The departments of health and education shall cooperate with each other . . . for the education of minors . . . on venereal disease and the prevention of venereal disease." Minor means "any person fourteen years of age or older and under the age of majority."

VENERAL DISEASE

§321-171; 172

"It shall be the responsibility of the department of health to:

HEALTH SERVICES

1) Provide preventative health services for children and youth;

2) Provide diagnostic and treatment services for emotionally disturbed children and youth;

3) Provide treatment and rehabilitation services for mentally ill children and youth. Such services shall be delivered at the earliest possible moment after the need for such services is established. All eligible children and youth between the ages of birth and seventeen shall receive the necessary mental health services to insure their proper and full development."

§321-172

The department of health, mental health division, shall be responsible for the implementation of centralized and highly specialized programs for children and youth, including:

1) Preschool section which "shall provide services for early identification, prevention and highly specialized treatment for children between the ages birth and four . . ."

2) "The elementary section shall provide highly specialized and centralized back-up clinical programs for children between the ages of five to eleven . . . to the department of education . . ."

3) The intermediate section shall provide similar services to the department of education for children between the ages of twelve and thirteen;

4) "The adolescent section shall provide closed, semi-closed and residential clinical treatment capabilities for highly disturbed adolescents between the ages of twelve and seventeen."

§321-173, 174

Within each community mental health center a children's mental health services team "shall develop and provide a network of general preventative, treatment and rehabilitative services for children and youth . . ."

They "shall cooperate with the schools . . . in identifying and referring for treatment such children or youth in need of mental health services."

MENTAL HEALTH SERVICES

They shall also:

1) "Accept referrals from the school counselors . . . for evaluation and treatment of children and youth suffering from mental and emotional disorders which interfere with their learning ability;" and

2) "Provide consultation to enable teachers and other school personnel to aid in the identification and screening of children in need of professional mental health services."

§321-175, 176

The department of health shall develop "a statewide children's mental health services plan which shall include:

MENTAL HEALTH PLAN

1) "A census of the children and youth . . . in need of . . . mental health services . . ."

3) "Identification of the criteria for deter-

mining how emotionally disturbed or mentally ill children and youth are to be treated;"

5) "A program for the recruitment, preparation and inservice training of personnel . . ."

6) "Provision for early identification, diagnosis, screening and treatment of children and youth in need of mental health services."

The department of health shall issue yearly progress reports.

§350-1

CHILD ABUSE

Any doctor, registered nurse or school teacher having reason to believe that a child has been injured as a result of abuse or neglect "shall promptly report the matter orally to the department of social services." He/she shall soon thereafter file a written report stating his/her allegations and the reasons therefor.

HB No. 390

SECURITY PATROL

The department of education shall establish a statewide school security patrol which "shall be charged with the prevention of on-campus vandalism, hi-jacking, drug sales and use, and other activities inimical to academic pursuits . . ."

§727-24

"Any person intruding, or loitering, or loafing or idling, without proper authority upon the premises of any school, public or private . . . may be arrested . . . without any warrant, and on the complaint of the principal or other person in charge of the school . . ." "Nothing in this section shall be construed (1) to preclude the right of the parent or legal guardian . . . to take custody of a student during regular school hours . . ."

Rule 23.2

In case of suspected pregnancy, diagnosis is the responsibility of a qualified physician. The school shall make every effort to provide appropriate information to the student as to resources for planning and care.

PREGNANCY

Rule 24

Smoking is prohibited on the premises of any public school except the technical schools, where it will be permissible under conditions set up by the school authorities. Violation of this rule may result in suspension or dismissal.

SMOKING

DISMISSAL

SUSPENSION

Rule 38

All schools shall offer student accident coverage to their pupils. Students participating in competitive athletics must be covered by accident insurance.

ACCIDENT INSURANCE

Rule 39

A student who contracts a communicable disease shall be excluded from school until a physician certifies that he/she may return.

COMMUNICABLE DISEASE

EXCLUSION

Rule 44.51

"Provisions for Health, Safety, and Sanitation.

A. Location, Premises, and Buildings

(1) It shall be the responsibility of the school to comply with all rules and regulations of the City and County or County Building Department regarding planning of new buildings, alterations and safety.

BUILDING SAFETY

(2) It shall be the responsibility of the school to comply with all rules and regulations of the Department of Health regarding construction, maintenance, and operation of the school plant.

B. Fire safety. Every school shall observe all fire safety regulations and procedures promulgated by the

Fire Marshal's Office."

Rule 44.61

"Health and Safety of Students. Department of Health regulations regarding medical examinations, immunizations and exclusion shall be observed."

CROSS REFERENCES

I.State Superintendent; Statute §296-11

III.C.School Personnel; Regulation Rule 44.44

IV.I.; Regulation Rule 37

A. Health and Safety

Statutes

§33-1225 -- 33-1227

"It shall be unlawful for public school authorities to employ . . . persons who might come in direct contact with school students, when such personnel have tuberculosis in an infectious stage." All employees are required to have an "intradermal tuberculin skin test" or chest X-ray, the film of which "shall be retained by the person taking it for a minimum period of six years . . . ."

TUBERCULIN TEST

§33-1801 -- 33-1802

"The board of trustees of any school district . . . may authorize its administrative officers to create . . . a school safety patrol or patrols." Students appointed as members of a safety patrol serve without compensation. A district may purchase appropriate uniforms or other equipment "to be used by members of such safety patrol while in performance of their duties."

SAFETY PATROL

Regulations

Accreditation Standards For Secondary Schools:
STANDARD V.

School facilities and equipment shall be kept in a manner that shall ensure hygienic conditions for both pupils and teachers.

The buildings shall meet the needs of the educational program and be large enough to accommodate pupils without overcrowding.

The site shall be well drained and landscaped, removed from areas of heavy traffic and heavy industry, accessible to all pupils, and of sufficient size to provide playground and parking.

School buildings

Lighting shall be of sufficient quality and

quantity to meet the requirements of the visual tasks.

Heating and ventilating systems shall be efficient and effective in operation to ensure all areas of the building are kept at proper temperature and have an adequate supply of fresh air.

Each school shall have special study areas or laboratories to accommodate classes in agriculture, art, home economics, industrial arts, laboratory science, music, office practice, physical education and typewriting.

Instructional equipment and apparatus

FACILITIES

All supplies, and materials used in the instructional program shall be stored in a secure manner.

Pupils working with materials or in areas that endanger the eyes must wear protective eyegear.

The instructional media center shall provide facilities and space for the following:

1. Student and teacher use, such as facilities and space for large groups, small groups, individual study, viewing, listening, recording, student and staff work areas, and general library use.

2. Housing of all basic instructional media.

3. Other facilities.

Each school shall provide work areas for professionals and staff away from pupils and possible interruption.

CROSS REFERENCE

II.C.2; Statute §33-122

A. Health and Safety

Statutes

§10-22.21; 10-22.23; 10-22.24

DENTAL SERVICE

The board shall provide dental services, employ a school nurse and a school physician and define their duties.

§10-22.28

SAFETY PATROL

The board shall establish a school safety patrol.

§841 - 843

FIRE DRILL

The Department of Law Enforcement "shall promulgate . . . rules governing the conduct . . . and the number of . . .[fire] drills to be conducted each year," and "acting through the State Fire Marshall, may conduct such fire drills, as it considers necessary . . . . subject to the approval of the local superintendent of schools."

§27-8

PHYSICAL EXAMINATION

All pupils, in both public and private schools, shall be required to have a physical examination prior to entering kindergarten and the 5th and 9th grades. Immunization requirements will be set by the Department of Public Health and pupils will be required to obtain immunizations before entering kindergarten or first grade and fifth and ninth grades.

CHILD ABUSE

If a child shows signs of malnutrition, this fact must be reported to the Department of Public Health If the examining physician deems it necessary, children will be given a sickle cell anemia test, the results of which shall be reported to the Department of Health. If the parent or guardian of a child cannot provide for the physical examination or sickle cell anemia test, the local health department or school board will provide the tests.

SICKLE CELL ANEMIA

IMMUNIZATION WAIVER

If a pupil objects to physical examinations or immunizations on constitutional grounds, he or she may be excused by presenting a statement of objection signed by the parent or guardian.

REGULATIONS

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 5-3

IMMUNIZATION RECORDS

Each school shall maintain records for each student which reflect compliance with the examinations and immunizations prescribed by Section 27-8 of The School Code of Illinois. Students participating in interscholastic athletics shall have an annual physical examination. Each district shall adopt an emergency procedure to be followed in cases of injury or sudden illness to students and/or staff.

A. Health and Safety

MEDICAL EXAMINATION

Statutes

§20-8.1-7-2 -- 20-8.1-7-4

The governing body of a school corporation may provide for the examination of school children by a school physician to determine if the child suffers any disease, disability or decay of teeth which may reduce the child's efficiency or prevent him/her from receiving the full benefit of school work. A child may be exempt from such examination if the parent provides a certificate of examination from an Indiana physician at the beginning of the school year. The governing body may require the parent to furnish additional certificates from time to time. Except as otherwise provided, no student or teacher shall be compelled to undergo any testing, examination or treatment if they object on religious grounds.

§20-8.1-7-5 -- 20-8.1-7-9

The governing body of a school corporation may appoint one or more school physicians or nurses. Two or more school corporations may jointly employ one physician, a health coordinator and one or more nurses. School nurses, who shall be registered to practice in Indiana, shall be responsible for emergency nursing care when an illness or accident occurs during school hours on or near school property.

A school physician shall make prompt examination of children referred to him/her. He/she shall examine teachers and janitors and inspect school buildings to the extent required, in his/her opinion, to protect the health of teachers and pupils.

When the school physician finds a child to be ill, the child shall be sent home with a note to his/her parents, describing the illness or defect and recommending consultation with the family physician. If the child's family is unable to provide medical care it shall be provided by a public health facility or (where no such facility is available) the township trustee or other

appropriate governmental agency shall provide the necessary relief. The school physician shall keep accurate records of each examination and the record keeping system shall be uniform throughout the state.

§20-8.1-7-9.5 -- 20-8.1-7-10

When a child first enters school, the school corporation shall be furnished with a record of the child's immunization and testing history. A religious objection does not relieve a parent of this obligation. Every child residing in the state shall be immunized against: (1) diptheria; (2) whooping cough; (3) tetanus; (4) measles; (5) rubella; and (6) poliomyelitis.

RELIGIOUS OBJECTION

The state board of health may add to or delete from this list, and shall adopt rules and regulations for the age and dosage of each immunization. The school corporation shall inform each parent of a preschool child of the immunization requirements on or before the first day of the school term in which the child will enroll. The parent shall present the child to a physician for immunization (if they are unable the child shall be presented to the local public health service) and the physician shall provide the necessary certificates.

IMMUNIZATION

§20-8.1-7-16 -- 20-8.1-7-18

The governing body of each school corporation shall conduct an annual screening test:

(A) to determine the visual acuity of all children enrolled in or transferred to the first, third and eighth grades and of all other children suspected of having a visual defect; and

EYE EXAMINATION

(B) to determine the hearing efficiency of all children in the first, fourth, seventh and tenth grades, of all transferred children and of all children suspected of having hearing defects.

HEARING EXAMINATION

When the hearing tests disclose that a child "cannot be taught advantageously in regular classes, the governing body shall provide appropriate remedial measures and correctional devices." Each school corporation may

accept bequests and donations to assist in meeting costs and expenses incurred in complying with this regulation.

§20-8.1-8-1

EYE PROTECTIVE DEVICES

"Every pupil and teacher in every public school shall wear industrial quality eye protective devices at all times while participating in any of the following courses:

(A) vocational or industrial arts shops or laboratories.

(B) chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids."

§20-8.1-8-2

FIRE DRILL

"The governing body of every school corporation shall require each school in its jurisdiction to conduct at least one (1) fire drill during each month that school is in session." The principal of a school will not be entitled to his/her salary for any month in which he/she fails to certify such drill to the governing body.

REGULATIONS

§II, Ch. 1, Rule H-1

SICKLE CELL ANEMIA

Tests shall be given for both lead poisoning and sickle cell anemia. Testing equipment must be suitable to provide accurate test results and testing procedures of a type generally recognized as dependable and accurate. The sickle cell anemia testing personnel must have sufficient training and experience in operating equipment and conducting the tests.

CROSS REFERENCE

I.State Superintendent; Regulation §II, Ch. 2C

II.A.3.; Regulation §I,Ch. 4

III.A.1; Regulation §II, Ch. 1, Rule G-3

IV.I; Statute §20-8.1-4-1 -- 20-8.1-4-19

IV.J; Statute §20-8.1-5-5

A. Health and Safety

Statutes

§100.31

All private and public schools are required to conduct four fire drills during each school year. Every school building with two or more rooms shall have a fire warning system, and fire extinguishers.

FIRE DRILLS

§141.3

"The board of directors of a school corporation ...shall make available...sickle cell trait and sickle cell anemia education and counseling for all elementary and secondary students."

SICKLE CELL ANEMIA

§143.1

The school board of any school district may employ public health nurses when it deems it advisable.

SCHOOL NURSE

§235A.3

Any certified school employee who, in the course of employment, examines or treats a child or has reason to believe the child has been physically abused, shall make an oral and written report to his superior and to the department of social services.

CHILD ABUSE

§280.7

"Boards of directors in all public school districts may establish and maintain dental clinics for children and offer courses of instruction on mouth hygiene."

DENTAL CLINICS

§280.10 -- .11

Students and teachers in vocational education courses are required to wear eye-protective devices when engaged in any activity that may be hazardous to the eyes, and must wear ear-protective devices in any course or activity where the noise involved may subject them to loss of hearing.

EYE PROTECTIVE DEVICES

CROSS REFERENCES

III.B.Education Personnel; Regulation §670-15.22

IV.I.; Statute §92.12

STATUTES

§72-1205

HEARING TEST

Each child shall have his/her hearing checked at least once every three years by a competent technician. The parents shall receive the results of the test.

§72-5201 -- 5203; 72-5205

DENTAL EXAMINATION

School districts shall provide free dental inspection annually to all children except those who have had one in the previous three months. The board shall provide a place for the exam and pay a competent dentist to perform the service. The county superintendent shall make rules for conducting these inspections. Each child shall receive a copy of the results of the exam.

VISION SCREENING

Vision screening shall also be provided free for each child at least once every two years. The tests shall be performed by a teacher or other designee of the school board. The results shall be reported to the parents.

All pupils enrolled in classes that may endanger their vision such as labs where chemicals, wood or metal materials are altered shall wear "industrial quality eye protective devices." These may be furnished or sold to students.

§72-5206

The requirements for vision testing shall not apply to a child who has had a basic vision screening examination in the last six months.

§72-5209 -- 5210; 72-5213

Prior to entering school for the first time a student shall present a certificate from a licensed physician which states that the student does not have contagious tuberculosis and has or is in the process of being immunized against poliomyelitus, diphtheria, measles,

rubella, pertussis and tetanus.

This requirement may be waived if the immunization would endanger the health of the child, if the parent of the child states that the child is an adherent of a religious denomination opposed to immunization, or if the parent cannot pay for the immunization.

The local board of health, upon request of the school board, shall provide immunizations to any child who has not received them and has not been exempted from the requirement for religious or medical reasons to the extent public funds are available.

Every person who comes in regular classroom contact with students shall, every three years, submit a certificate from a physician licensed to practice medicine and surgery that states that the person has no physical condition that would conflict with the health of the students.

§72-8222

The district board may employ school security officers to protect students, teachers, and other employees and their property when it is on or adjacent to school property or when they are attending any school-sponsored function.

Each security officer shall possess all general law enforcement powers of every county in which the school district is located.

REGULATIONS

§91-2-8

Whenever the state fire marshal or state department of health issues an order to the school board to correct a condition in a school building, the board shall comply with the order by June 30. Failure of the board to correct the condition may result in a warning and in the subsequent year the board may remove the school's accredited status. A school shall immediately notify the state

department of education whenever it receives an order from the fire marshal or state board of health.

§91-4-7

A student who participates in inter-school athletics shall be in at least the sixth grade, shall have the written consent of a parent or guardian, and shall have a physician's statement that he/she is physically able to participate.

Playdays shall give all children in the district an opportunity to participate in recreational activities. The emphasis shall be upon participation and learning and not competition. Playdays shall be scheduled on Friday, a weekend, a day preceding a holiday, or the last day of school.

CROSS REFERENCES

II.C.1.; Regulation §91-27-5

III.A.1.; Statute §72-8213 — 72-8213a

A. Health and Safety

Statutes

§158.035; 037

1) "Except as otherwise provided . . . no child shall be eligible to enroll as a atudent in any public or private elementary or secondary school without first presenting a certificate from a . . . licensed . . . physician stating that the child has been tested for tuberculosis." After 1979 only schools "determined to have an enrollee infection rate of five-tenths of one percent or higher shall be required to comply with the provisions of this section," provided, however, that the department of human resources "may require tuberculin skin tests to be administered . . . at five year intervals.

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3) The governing body of private and public schools shall enforce . . . this section."

The results of such tests shall be reported to local health departments of the department for human resources.

§158.160

COMMUNICABLE DISEASE

"If any family has an infectious or communicable disease, no member of the family shall attend any school until the superintendent of the district, upon the advice of the [county] health officer . . . allows them to do so. During the prevalence in any district of dangerous epidemics, the board of education of the district may order the school closed."

§199.335

CHILD ABUSE

"Any nurse, teacher . . .[or other] . . . school personnel . . . who knows or has reasonable cause to believe that a child is an abused or neglected child, shall . . . immediately report by telephone or otherwise" to the department of human resources.

The report shall be followed by a written report within forty-eight hours if so requested" by the department. "Such reports shall contain the names and addresses of the child and his[her] parents or other persons responsible for [his/her] case, if known, the child's age, the nature and extent of the child's abuse or neglect (including any evidence of previous abuse or neglect). . . [and] . . . the name and address of the person responsible for the abuse or neglect."

§212.210

DRINKING WATER

"If drinking water used by school children is found to be dangerous to their health, the local board of health or department for human resources may order that a supply of pure water be furnished at the expense of the . . .[local]. . . board of education.

If in the opinion of the local board of health or department for human resources a school building is constructed in violation of law and is found to be unsanitary or unsafe for the housing of children . . . [they]. . . may institute an action in the circuit court . . . and the court after due hearing, and verifying the fact, may order a safe and sanitary school building to be erected within a reasonable time . . ."

§214.034

IMMUNIZATION

"All parents, guardians and other persons having care, custody or control of any child shall have the child tested for tuberculosis and immunized against diphtheria, tetanus, poliomyelitis, pertussis, rubeola, and rubella . . . and shall have any child . . . infected with tuberculosis . . . examined and treated according to regulations of the department of human resources. Such persons shall also have booster immunizations administered to the child.

§214.036

TUBERCULOSIS

WAIVER

No child shall be tested for or immunized against tuberculosis "when in the written opinion of his[her] attending physician, such testing and immunization would be injurious to the child's health." Neither shall any child be required to be immunized if her/his "parents are members of a nationally recognized and established church or religious denomination, the teachings of which are opposed to medical immunization against disease, and who object in writing to the immunization of such child on that ground." Exception may be made for the immunization of all persons in an epidemic area.

EPIDEMIC

§227.220

FIRE SAFETY

1) "The [fire] commissioner shall enforce or aid in the enforcement of all laws, regulations and ordinances of the state and its political subdivisions relating to fire loss . . .[including]:

(c) The design, construction and maintenance of property which has a direct bearing on safety to life and property;

(d) The construction, installation, maintenance of equipment of fire alarm systems, fire protection and extinguishing equipment, and fire escapes and other means of access to or exit from property.

The commissioner is authorized to:

(e) Direct and assist owners of educational institutions, places of public assembly, institutional buildings, public buildings, factories, business buildings or other places where persons congregate, in the instruction of fire prevention, and the holding of fire drills."

REGULATIONS

704 KAR 4:020

MEDICAL EXAMINATION

"School employee medical examinations shall be required [by all local boards of education] for the protection of the physical welfare and safety of the public school children . . . .

All local boards of education shall require a medical examination of each child" either six months before or one month after his/her "initial admission to school. . . .

Each elementary and secondary school shall initiate a cumulative health record for each pupil entering school. . . .

All boards of education shall . . . provide and maintain a physical environment that is conducive to the health and safety of school children . . . . It is their responsibility to comply with current laws and regulations applicable to all public buildings pertinent to health, sanitation, and safety . . .

HEALTH INSTRUCTION

Each school district shall require its curriculum to include health instruction, stressing timely and local health problems such as alcoholism, drug abuse, personal hygiene, accident prevention, family living, environmental health, nutrition, venereal disease, and consumer health."

CROSS REFERENCE

III.B.School Health Coordinator; Regulation 704 KAR 3:080

III.B.Teachers; Regulation 704 KAR 3:100

A. Health and Safety

Statutes

§17:2111

SIGHT TEST

HEARING TEST

Test cards, blanks, and record books, and other necessary appliances for testing the sight and hearing of pupils shall be prepared, together with instructions for their use, by the state board of health and by the superintendent of education, who will furnish these to "every public school in the state."

§17:2112

During the month of September or the first month of school, or within 30 days of a pupil's admission to a school, the superintendents, principals, or teachers must test the sight and hearing of every pupil under their charge. They shall notify the parent or tutor of any child deficient of sight or hearing, and they will make a written report of the examinations to the state superintendent of education.

§17:2114

EYE PROTECTIVE DEVICES

"Any student using in the course of his[her] studies a device dangerous or hazardous to the eyes such as welding equipment, acid or abrasives . . . shall be furnisehd with and wear safety or protective glasses or goggles made of a material suitable to protect the eyes. . . ."

Regulations

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 9.00.41

Pupils and teachers shall be required to wear industrial quality eye protective devices in certain specified laboratories or vocational classes.

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 9.00.43

FIRE DRILL

A program of fire prevention shall be implemented in all special and trade schools under the control of the state board. It shall include courses, fire drills, and annual lectures for maintenance personnel.

BULLETIN 741

HEALTH

IMMUNIZATION

"All children entering kindergarten shall present satisfactory evidence of having been immunized against diptheria, tetanus, whooping cough, poliomyelitis, measles and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for menisocytosis, commonly known as 'sickle-cell anemia.' These tests are mandatory unless the parents object.

OBJECTION

EXCLUSION

In the event of known exposure to a contagious disease, the child shall be excluded from kindergarten for the remaining portion of the incubation period deemed advisable by the local health authorities."

CROSS REFERENCE

IV.B.; Regulation Bulletin 741

IV.G.; Statute §17:170

A. Health and Safety

Statutes

§1013 - 1014

When any pupil is suspected of being a "source of offense or danger to the other pupils . . . on account of filthiness, . . . vermin or parasites, or . . . an infectious or contagious disease of the skin, mouth, or eyes," the teacher will inform the superintendent "who shall notify [his/her] parents . . . to furnish [the pupils] with the required home or medical treatment. . . and [he/she] shall exclude [them] from the schools until they are cured, cleansed and disinfected."

"Any parent who fails to do what is required" to return the child to school shall be fined.

§1015

Except where used in a supervised educational program or by law enforcement officials, "loaded firearms shall not be brought onto public school grounds, nor discharged . . . within 500 feet of any public school property." Violation of this section is a misdemeanor punishable by a fine of not more than $500.

FIREARMS

§1091

No person with infectious tuberculosis may be employed by any school system in any position requiring regular physical presence within the school or exposure to school children. Any person already employed who develops infectious tuberculosis will be excluded until rendered non infectious, but will not lose any accrued rights or privileges and may use sick leave. Any person beginning active employment shall file a certificate with the school committee or directors, indicating that he/she has had a negative standard tuberculosis skin test within 90 days; if the test were positive, a chest X-ray within 90 days would indicate

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that it is negative.

In unusual or emergency circumstances a person may be employed without filing a certificate as long as the school nurse or school physician determines that he/she is in good health and testing is completed within 30 days, and the Department of Health and Welfare is notified within 3 days.

Persons will file a certificate biennially certifying that they have had a negative tuberculosis skin test or X-ray within 90 days. Personnel who have completed a preventive drug program are exempt from the X-ray requirement.

Any person who violates this section shall be fined.

§1131

The school committee or directors shall appoint a school physician for each 1,000 pupils, and shall provide proper facilities for them, provided funds have been appropriated.

§1132

Each school physician shall promptly examine and diagnose all pupils referred to him/her and he/she shall examine teachers, janitors and school buildings as in his/her opinion the protection of the pupils' health may require.

§1133

When treatment is necessary, pupils will not be referred to the school physician but to the regular family physician.

§1134

A child who returns from an absence for illness will be referred to the school physician, unless he/she has a certificate from a doctor or the local health officer; or whenever the teacher judges a certificate necessary, according to the circumstances of the absence.

A child who is ill or appears to be suffering from an infectious or contagious illness will be referred to the school physician, unless he/she is at once excluded from school. Remote districts may make other arrangements.

§1135

VISION TEST

HEARING TEST

Pupils shall be screened for defective sight or hearing. The commissioner shall prescribe directions for the tests which shall include the frequency and manner of conducting them and the method by which to notify the parent or guardian of any defect.

This section will not apply to a child whose parent objects in writing on the grounds that such examinations conflict with the child's religious practice, "unless there are reasonable and apparent grounds to suspect that a child has a hearing or vision deficiency."

§1138

Notice of diseases or defects will be sent to the pupils' parents or guardian. Whenever a child has a serious communicable disease he/she shall be sent home "immediately or as soon as safe and proper conveyance can be found" and the local health officer and superintendent will also be notified at once.

§1171

Administrative units shall "provide and maintain sanitary, protected and clean toilets free from all obscene markings" in all buildings used for school purposes.

§1172

All buildings used for school purposes shall be provided with toilet facilities of the flush water closet type approved by the State Department of Health and Welfare.

These shall be "separate compartments for the sexes," accessible "only by separate passageways installed in a manner to insure privacy, cleanliness and supervision by teachers." The school board shall make other reasonable regulations if warranted by local conditions.

REGULATIONS

Administrative Letter No. 1 8/1/77

Department Policy Re School Health Programs

All school systems should try to achieve the following goals for school health programs by Sept. 1978.

L. Every local education agency (LEA) shall have a comprehensive school health program. It shall be directed by a school health board of directors composed of persons from the DECS, DHS, DMHC school officials and health workers.

1. Each system must provide information as to which services are provided and how policies are implemented and reviewed.
2. Health education shall be taught in grades K-12.
3. All LEAs must have access to a certified school nurse and should have a school physician.

CROSS REFERENCES

II.C.2.; Memo to School Superintendents from the Commissioner, 2/10/77

II.C.2.; Memo to School Superintendents from the Commissioner, 4/5/77

III.A.1.; Regulation State Plan for Basic Approval - Accredition - Self Evaluation

IV.D.; Statute §220; 358

A. Health and Safety
Statutes

Art. 43 §74

It shall be the duty of all public school teachers each fall to keep a register of all students who have been successfully vaccinated. Each student shall produce a certificate verifying that the student was successfully vaccinated by a regular practicing physician.

VACCINATION

If a student has not been vaccinated, the teacher shall give the parents of the child an order directed to any physician to vaccinate the pupil and return a certificate to the teacher. The county shall pay the physician fifty cents for each vaccination performed upon presentation of this order.

Art. 77 §84

The state department of health in cooperation with the state board shall promulgate regulations regarding immunizations required of children in the public schools. However, in the absense of an epidemic or emergency, a child whose parents objects in writing to immunization on religious grounds shall be exempt from the regulation. The immunizations may be administered by a personal physician.

IMMUNIZATION

Art. 77 §85

Each county board of education shall provide adequate school health services, instruction in health education, and a healthful school environment.

Art. 77 §85b

All students in the public schools shall have hearing and vision tests upon entering the school system and upon entering ninth grade. Students in private schools shall have such tests provided and funded by the local health department. Additional testing shall be done in accordance with the bylaws of the state board. The test results shall be made part

HEARING TEST

VISION TEST

of the students' permanent records. If a parent or guardian objects in writing because of religious conviction, the student shall not be required to take the tests.

Art. 77 §89

Every student participating in courses in vocational arts or in chemical-physical laboratories shall be required to wear industrial quality protective eye devices at all times. A school may provide such equipment or may purchase large quantities and sell them at cost to the students and teachers.

EYE PROTECTION

Art. 77 §91

The state superintendent of schools shall require a firedrill to be held at every public school at least once every 60 days (10 times during the school year).

FIRE DRILL

REGULATIONS

13.05.06.01

Local boards of education are responsible for seeing that the provisions of the law relating to use of eye protective devices are carried out. All student, teachers and visitors are required to wear an appropriate eye protective device in laboratories, classrooms or courses of the public schools when use of chemicals electiricty or high heat may endanger eyes.

EYE PROTECTION

CROSS REFERENCES

II.C.2.; Regulation 13.05.04.01; 13.05.04.02

III.B.School Employees; Statute Art. 77, §86

A. Health and Safety

Statutes

71 §46 G

To facilitate the early detection of children manifesting traits tending toward juvenile delinquency a school committee may employ a number of "school adjustment counsellors." They shall be responsible for "(a) counselling and helping children . . . who are neglected, maladjusted, emotionally disturbed, neurotic or otherwise potentially delinquent and are referred to him by a teacher, principal or other school personnel; (b) cooperating with teachers, principals and all other school personnel in assisting and readjusting such children; (c) establishing helpful and kindly relationships with the home for the purpose of assisting parents to improve spiritual, moral, economic, physical or social conditions that threaten the welfare of the child and of society; (d) enlisting the interest and the help of clergy and other local leaders and officials in a mutual community effort to save children from delinquency; and (e) serving as a referral agent to obtain necessary aid from specialized public or private organizations in serious cases which appear to be beyond the resources of the community." Persons employed under this statute must be approved by the Commissioner.

71 §48 A

SAFETY PATROLS

"School committees shall have authority to organize school safety patrols, consisting of pupils, whose functions shall be to encourage pupils to cross highways at designated crossings and when conditions are safe, and to assist drivers of school buses in maintaining safety rules.

No liability shall attach either to the school committees or any individual member thereof, a superintendent, teacher, patrol member, or parent of a patrol

member, or other school authority by virtue of the organization, maintenance or operation of a safety patrol under authority of this section."

71 §53

The school committee shall appoint one or more school physicians and registered nurses and provide them with all proper facilities and assign one or more physicians to the examination of children who apply for required health certificates. Towns having a valuation of less than one million dollars are exempt from this section as it relates to school nurses.

71 §53 A

A district superintendent may employ one or more school physicians or registered nurses who may be removed by a two-thirds vote of the full membership of the joint committee of the several towns.

71 §54

"Every school physician shall make a prompt examination of all children referred to him[her]. . . and such further examination of teachers, janitors and school buildings as in his[her] opinion the protection of the health of the pupils may require."

71 §54 A

A physician employed by a school committee or a person who has completed a full course in emergency medical care shall be assigned to every interscholastic football game, the expenses for which shall be paid by the school committee where the game is played

71 §54 B

"No person shall administer or cause to be administered to a pupil . . . any psychotropic drug included on a list established by the department of public health unless the school has obtained certification by the commissioner of public health or his/her designee" that the drug is a legitimate medical need of the pupil. "Administration of duly approved medication shall be carried out only by a registered nurse or a licensed physician." No person shall administer psychotropic drugs to a pupil for the purposes of clinical research.

71 §55 A

"A child showing signs of ill health or of being infected with a disease dangerous to the public health . . . shall be sent home immediately, or as soon as safe and proper conveyance can be found, or shall be referred to a school physician, who may direct that such child be sent home .

No public school teacher, principal,or nurse who, in good faith, renders emergency first aid or transportation to a student who has become injured or incapacitated in a public school building or on the grounds thereof shall be liable in a suit for damages as a result of his/her acts or omissions."

71 §55 C

EYE PROTECTIVE DEVICES

Every teacher and pupil shall, while attending school classes in industrial art or vocational shops or laboratories in which dangerous materials are used or a process is taught which may be a source of danger to the eyes, shall wear an industrial quality eye protective device, approved by the department of public safety.

71 §56

If a child is found to be suffering from any disease or defect, or requires any treatment, the school committee shall immediately notify the parent or guardian.

71 §57

PHYSICAL EXAMINATION

Every child in public school or in an approved private school must be physically examined at regular intervals for defects in sight, hearing and other physical defects including those of the feet "tending to prevent his [her] receiving the full benefit of his/her school work." Records of such physicals shall be kept for each child. "Any child shall be exempt on religious grounds from these examinations upon written request of parent or guardian on condition that the laws and regulations relating to communicable diseases shall not be violated."

"The department of public health shall furnish necessary laboratory and testing facilities for a voluntary screening program for sickle cell . . . and for such genetically-linked diseases as may from time to time be determined by the commissioner of public health." The commissioner shall promulgate rules for the testing, treatment, care and counseling of all susceptible persons. Any screening programs which may be established shall include provisions for a complete health education and counseling service. Records maintained shall be confidential. Information on the results of any particular screening program shall be limited to notification to the parents or guardian if the person screened is under the age of eighteen or to said person if over the age of eighteen.

CROSS REFERENCES

III.A.2.; Statute 71 §4

III.A.2.; Regulation #27

IV.G.; Statute 76§15A

IV.H.; Statute 71 §84

A. Health and Safety

Statutes

§380.1177

A child enrolling in a public or nonpublic school for the first time shall submit either a statement signed by a physician that the child has been immunized against diseases specified by the director of public health or a statement signed by a parent or guardian that the child has not been immunized on account of religious convictions or a request signed by a parent or guardian that the local health department provide the required immunization. IMMUNIZATION

The parent or guardian of each enrolling child shall submit a statement signed by a district, county, or city health department director stating that the child has passed a preschool vision screening test or signed by a physician or licensed optometrist stating that the child's eyes have been examined after age 3 and before initial entrance. A child shall be excused from the vision test on account of religious convictions. VISION TEST

The public health director shall appoint an advisory board consisting of equal numbers of opthalmologists and optometrists to advise and assist with vision programs.

Annually the administrator of each school shall provide the public health director with the immunization status and vision report of each entering child.

§380.1178

A school administrator or teacher who in good faith administers medication to a pupil in the presence of another adult pursuant to written permission of parents or guardians is not liable in a criminal action or for civil damages except for an act or omission amounting to gross negligence or wilful and wanton misconduct.

§380.1251

A school board may establish an adequate school

psychological service operated under rules promulgated by the state board. The state board may require reports and information from participating districts.

§380.1252

A school board may employ registered nurses to provide professional nursing services to be operated under rules promulgated by the state board. The state board may require reports and information from districts offering nursing services.

§380.1275

A district may enter into an agreement with another district or a political subdivision to provide counseling and related services on the problems of the use of controlled substances and alcoholism where such services fall within guidelines for state substance abuse programs.

§380.1288

EYE PROTECTIVE DEVICES

Each pupil and teacher shall wear sanitized industrial quality eye protective devices, furnished by the board, in: vocational or industrial arts shops or laboratories including work with hot molten metals, milling, sawing, shaping, grinding or cutting of solid materials, heat treatment of metal or other materials, gas or electric arc welding, repair or servicing of vehicles, or caustic or explosive materials; or chemical or chemic-physical laboratory work including acid, caustic, or explosive chemicals or hot liquids or solids.

The state board shall promulgate rules to enforce this section.

§380.1300

A school board shall make reasonable regulations regarding anything necessary for the establishment and maintenance of the public schools including the safety of students in and enroute to and from school.

§380.1813

A board member or employee who violates, or causes

to be violated, rules, under §380.1343, regarding school bus safety specifications, is guilty of a misdemeanor, punishable by a fine of not more than $100.00, or imprisonment for not more than 30 days, or both.

§388.191; 388.192

The board of supervisors of a county organized as a county school district shall have the powers to grant or loan money to any primary district within the county and to other districts not employing a superintendent for improving sanitary and safety conditions in schools and for constructing and adding to school buildings.

REGULATIONS

R 325.351, R 325.352

TUBERCULOSIS TEST

The results of an examination for communicable tuberculosis shall be filed with an agency responsible for the operation of a group residence, care, education or camping experience for each child before the child is accepted into such an experience. The results shall be available to the department of public health.

The examination shall include a skin test or a chest x-ray. The physician may accept the results of either test conducted within the preceding ninety days in lieu of performing the test himself/herself.

A person whose test is positive shall have a chest x-ray. If the x-ray shows signs of tuberculosis a further examination shall be done in a laboratory registered by the department of public health.

R 325.898

Each public, private, or parochial school or nursery school, or day care center, shall require evidence of freedom from communicable tuberculosis as a condition of employment each year. The test shall have been conducted within nine months before beginning work.

R 325.1481

A vision test of a preschool child shall include tests for monocular and binocular visual activity and for eye muscle balance.

Public health vision screening tests shall be given by trained persons. The method of training and the testing procedures shall be approved by the director of public health.

R 325.1491

A child entering school for the first time shall be immunized or protected against diptheria, measles, pertussis, poliomyelitis, rubella, and tetanus.

R 340.292, R 340.293, R 340.294, R 340.295

Auxiliary services shall include the following: health and nursing services and examinations, street crossing guard service, national defense education act testing services, speech correction services, visiting teacher services for delinquent and disturbed children, school diagnostician services for all mentally handicapped children, teacher counselor services for physically handicapped children, and teacher consultant services for mentally handicapped or emotionally disturbed children.

A school providing any of these auxiliary services shall notify by April 1 each nonpublic school within its district of the nature and extent of these services. Within thirty days each nonpublic school shall notify the district of the services it will need. The district shall notify by August 1 each nonpublic school of the nature and extent of the services in the final budget.

The board of education of a district providing any of these services may appoint an auxiliary services advisory committee. The committee's membership shall be broadly representative from public and nonpublic

schools and shall make recommendations for implementation of this regulation.

"Modification of these rules upon request in writing by a school district may be made by the state board of education upon such terms and conditions as it shall specify, when in its judgment there is a case of hardship and the best interests of the children are served."

R 340.1162

"Rule 2. A professional school nursing services program is designed to enhance the educational processes of children and youth through improvement in their health status and contribute to their attainment of greater knowledge in the area of health. A program shall include:

(a) A plan for assessment and evaluation of the health and developmental status of students.

(b) Interpretation of nursing assessments and medical evaluations to students, their parents and school personnel while recognizing and maintaining the confidential nature of the information.

(c) A plan by which the health problems that interfere with a student's learning are eliminated, minimized or understood.

(d) A system to make recommendations for modification of the educational program when student health problems are indicated.

(e) Consultation and recommendation of resources in areas of health problems and instruction.

(f) Channels for communication between the school and the home, private physician and health and social agencies in the community.

(g) Selective health guidance and counseling according to the needs of students.

(h) A team approach to educational problems of students, including studies of health problems that may affect their scholastic attainment.

(i) A plan for in-service education for school personnel including observations of the health of students, referral systems, and first aid and emergency care procedures.

(j) A system by which school personnel may initiate the appropriate referral of students.

(k) Policies and procedures enabling school personnel to comply with established health laws.

(l) Policies and procedures for the prevention and control of health problems, including communicable diseases.

(m) Policies and procedures for the prevention and control of accidents and injuries.

(n) Policies and procedures for maintaining a healthy school environment."

R 340.1163

"Rule 3. A school nurse shall:

(a) Assess and evaluate the health and developmental status of students through nursing diagnosis and the use of appropriate evaluative techniques.

(b) Interpret nursing assessments of medical evaluations to the students, their parents and school personnel and provide an understanding of implications for the educational performance of students, while recognizing and maintaining the confidential nature of the information.

(c) Plan a course of action and assist students, their parents and school personnel in assuming proper roles for eliminating, minimizing, preventing or understanding the health problems which interfere with effective learning by the student.

(d) Recommend to parents and appropriate school personnel modifications in the educational program as indicated by the health and developmental status of students.

(e) Stimulate incorporation of health education in the school curriculum by serving on curriculum

committees, serving as a consultant and resource person or participating in teacher-parent education programs.

(f) Serve as intermediary between the school and the home, private physician, and health and social agencies regarding the health status of students and their needs for consideration in future community health planning.

(g) Assist students and their families to obtain optimum health and well-being by stimulating behavior change through the educative process, including individual or group counseling.

(h) Interpret health information when serving as a member of a special education placement committee or other programs in which health information is desirable.

(i) Plan and provide inservice education, in cooperation with other appropriate personnel, for school personnel regarding health observations, referral systems and first aid and emergency care procedures.

(j) Identify and recommend students for placement in special programs, initiate referrals for supplemental testing when health information or developmental history indicates, and refer students to appropriate personnel when necessary.

(k) Assume leadership in the development and revision of written first aid and emergency care policies.

(l) Recommend and implement school policies to comply with established health laws, and make specific recommendations to students and school personnel regarding immunizations and communicable diseases.

(m) Cooperate with the administration and staff in establishing school health program policies and procedures in order that professional skills and

knowledge may be used effectively in working with students, teachers and parents."

R 340.1164

"Rule 4.(1) A school nurse shall demonstrate:

(a) Ability to apply principles of education and learning theory in the identification of health status of students and the solution of health problems.

(b) Ability to recognize health factors which create obstacles and handicaps for exceptional students.

(c) Ability to function effectively in inservice health education for school personnel.

(d) Knowledge of curriculum development to participate effectively on health related curriculum committees.

(e) Ability to apply principles of human growth and development and to recognize variations within normal range significant to the education of the student.

(f) Ability to define and demonstrate the clinical and technical role of the professional nurse in the school health program.

(g) Ability to develop cooperatively with other school and health related professionals, a comprehensive school health program coordinating school and community resources to serve effectively the health needs of the school population.

(h) Ability to identify the health needs of students and understand the influence of the family, society and culture on the student's ability to cope with school health problems.

(i) Ability to assist students, their families and school personnel in recognizing potential and current health needs and in the development of plans for utilizing available resources to meet these needs.

(2) These competencies shall be utilized as criteria in determining whether work experience as a school nurse has been successful."

R 340.1302, R 340.1305

EYE PROTECTIVE DEVICES

A public educational agency which enrolls students in courses where exposure to eye danger exists shall furnish eye protective devices.

A superintendent of a school district shall certify to the intermediate school district superintendent not later than the second week of each school year that eye protective devices meeting the standards have been obtained and that each instructor has been informed that all students, teachers, and visitors shall wear them when exposure to eye damage exists.

An intermediate school district superintendent shall report to the state superintendent of public instruction by October 1 any districts not in compliance with these rules.

The state superintendent shall notify a district in violation of these rules that it shall comply or show cause why compliance cannot be made in thirty days.

R 388.271, R 388.272, R 388.273, R 388.274, R 388.275

Critical health problems shall include, but are not limited to, the use and effect of drugs, narcotics, alcohol and tobacco, the maintenance of mental health, dental care, vision care, nutrition, disease prevention and control, accident prevention, and related health and safety care.

The staff to be employed on a full-time or contractual basis by the department of education to implement the act shall meet the requirements of the state civil service commission and shall possess superior qualities of leadership.

The staff shall assist in the development of proposed guidelines, to be approved by the state board, for local districts to meet critical health problems, shall assist local districts in the planning, administration and evaluation of their health education programs, shall assist universities in the development and evaluation of their programs to prepare teachers in health education, and shall conduct statewide and regionally-centered in-service educational programs for

teachers of health education directed toward critical health problems.

Periodically, and as the need arises, the department of education shall convene individuals from colleges and universities, various fields of education, voluntary health agencies, professional health associations, the state departments of public health and mental health and from the local school districts to advise it on the implementation of the act and these rules.

In accordance with state board policies the state board of education shall develop a plan for implementation of the act within a three-year period starting with its effective date, with priorities of activities established for each of the three years.

CROSS REFERENCES

I.District Board of Education; Statute §380.245

II.A.1; Statute §380.1169; 380.1170

II.A.4; Statute §380.1285; 380.1286

II.C.2; Statute §388.853

III.C.District Boards; Statute §380.1281

III.C.School System; Statute §380.1296

IV.A; Regulations R340.82, R340.83

IV.D; Statute §380.1322

IV.D; Statute §§380.1331; 380.1332

IV.D; Regulation R340.278

IV.E; Statute §380.1522

A. Health and Safety

Statutes

§123.69

All employees of each school district must "show freedom from tuberculosis." The district shall pay the cost of the examination and diagnosis. An employee found to be infectious shall be immediately excluded from employment for the duration of the infectious state.

TUBERCULOSIS

§123.70

Each child enrolling in any school public or private shall present a physician's statement showing he/she has been immunized. Exceptions to this law shall be granted if a physician states that immunization would "seriously endanger his/her life or health," or a parent states that immunization violates their religious beliefs. All other children who have not been immunized prior to the opening of school shall be immunized by the local board of health.

IMMUNIZATION

§123.701 -- 123.705

In order to assist parents and communities in improving the health of Minnesota children and in planning educational and health programs, each school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten. Two or more school boards may cooperate in providing programs, but no school board may make this screening examination a mandatory prerequisite to enroll a student.

HEALTH SCREENING

If any child's screening indicates a condition which requires diagnosis or treatment, her/his parents shall be notified and the school board shall ensure that appropriate follow-up and referral is available.

School boards shall administer the screening programs pursuant to rules adopted by the State board of education.

Data collected in the screening process shall be reported to the school district for the purpose of developing

educational programs to meet the needs of children. However, no data shall be provided without the consent of the child's parent or guardian.

The cost of screening services shall be paid by the department of education in amounts set forth herein.

§126.15

The schools may appoint students who are nine or over to be a member of a school safety patrol. The school shall not be liable for any injuries sustained by the student.

SAFETY PATROL

LIABILITY

§126.20

All persons who participate in or observe courses in "eye protection areas" (i.e., industrial arts shops, science laboratories, etc.) are required to wear eye protective devices. Students who fail to do so may be temporarily suspended from the classes.

EYE PROTECTIVE DEVICES

REGULATIONS

EDU 123

The district shall request the public welfare system to intervene on behalf of a child who is the ward of the commissioner of public welfare or when parental rights have been terminated.

EDU 140

Each school faculty shall have a health director who shall plan a unified health education program.

HEALTH DIRECTOR

EDU 141 -- 142

At least 60 minutes per week shall be scheduled for health education in elementary schools.

144 full periods of health instruction shall be required of secondary school pupils.

HEALTH EDUCATION

EDU 425

Exits, stairs and corridors shall be spaced to insure easy escape from school building in case of emergency or fire. Fire protective features must comply with the Fire Safety Code of the state fire marshall.

EDU 560 -- 562

Each school shall have a detailed plan of action to be taken in a disaster.

CIVIL DEFENSE

Civil defense training shall be provided by the school board in grades K-12 based on "Guidelines for Civil Defense Education in Minnesota Public Schools." Slanting techniques that increase the shelter potential of a structure should be considered in all remodeling and new construction.

CROSS REFERENCES

III.A.2.; Regulation EDU 2

IV.D.; Statute §123.18

IV.D.; Statute §123.76

IV.D.; Statute §123.80

IV.D.; Regulation EDU 242

IV.E.; Statute §123.17

A. Health and Safety

Statutes

§37-7-321

"The board of trustees[may]. . . employ one or more persons as security personnel and shall be authorized to designate them as peace officers in or on any property operated for school purposes. . . ." SECURITY

§37-11-5

All principals and teachers must instruct pupils "in the methods of fire drills and to practice fire drills until all the pupils in the school are familiar with the methods of escape. Such fire drills shall be conducted often enough to keep such pupils well drilled. It shall be the further duty of such principals and teachers to instruct the pupils in all programs of civil defense . . . as designated by the state department of education." FIRE DRILLS

§37-11-9

The board of trustees is empowered to pay out of the athletic fund for injuries sustained by any student while participating in athletic activities during an athletic event scheduled by the school. ATHLETIC INJURIES

In lieu of the above payment, the board may contract for hospitalization insurance.

§37-11-13

"No person suffering from tuberculosis in an infectious or communicable stage will be employed in any school in this state, public or private, as an administrator, teacher, secretary, janitor, cook in lunchroom, bus driver, or in any other capacity." TUBERCULOSIS

§37-11-15

A prerequisite for employment in a public or private school is a "satisfactory health certificate HEALTH CERTIFICATE

from a licensed physician or the state health department, certifying that such person has had a chest X-ray, . . . or a negative reaction to any standard tuberculin skin test . . . ."

§37-11-17

PHYSICAL EXAMINATION

Any educational governing body may require any school employee to take a physical examination necessary to determine if he/she has tuberculosis in an "infectious or communicable stage. These school authorities shall require employees to periodically submit medical certificates attesting to the fact the employee is free from tuberculosis. "The furnishing of such a certificate shall be a condition precedent to . . . beginning actual on-the-job employment."

§37-11-49

EYE PROTECTIVE DEVICES

Each student and teacher who observes or participates in certain "vocational-industrial arts" or "chemical-physical laboratory courses" which involve hot or explosive materials or any other hazards, shall be required to wear "an appropriate industrial quality eye protective device at all times."

§ 37-31-33

To enable "the state board of education to comply with the provisions of the federal social security act and to continue to extend and improve as far as practicable the services now maintained . . . for locating crippled children and for providing medical, surgical, corrective and other services, care and treatment and facilities for diagnosis, hospitalization, and after-care for children who are crippled or . . . suffering from conditions which lead to crippling, any . . . funds appropriated for physical restoration of crippled children may be used for the [above purposes]."

§37-65-1

SCHOOL CLOSURE

The governor is authorized to close any one or more schools when "he[she] determines such closure to be

to the best interest of a majority of the educable children . . . or if he[she] determines such closure will promote or preserve the public peace, order, or tranquillity of such district . . . ."

§37-65-101 — 103

The board of trustees may order closure of one or more schools in a district when "it determines such closure to be to the best interest of a majority of the educable children of the [district or to] promote or preserve the public peace, order or tranquillity of the district." Such school shall remain closed until further order of the board of trustees.

§39-9-5

"The boards of trustees of municipal separate school districts may employ one or more truant officers, . . . physical education instructors and visiting nurses and may provide for medical inspection of school children . . . ."

CROSS REFERENCE:

IV.D.; Regulation, Pupil Transportation Guide for School Superintendents ¶TR IV

A. Health and Safety

Statutes

§162.063

Upon adoption of a resolution by the board of directors a school district may designate specific school extracurricular activities, physically hazardous to students. Upon such designation the board may authorize expenditure of school funds to purchase hospitalization and medical insurance covering students while in these programs. Purchases of insurance shall be limited to cases where hardship would result for the person responsible for the students' support. Although a school district may purchase insurance under this section, they are not obliged to purchase insurance for all activities they deem hazardous.

INSURANCE

§167.181-- .191

The division of health of the department of public health and welfare shall promulgate rules and regulations against poliomyelitis, rubella, rubeola and diptheria required for children attending public, private, parochial or parish schools. Tetanus and pertussis may be included. The division of health shall enforce the required immunization program. It is unlawful for any student to attend school longer than one month without being immunized. If the immunization process has begun he/she may continue school. This section is not applicable if the parent or guardian objects in writing. If the parent or guardian cannot afford to pay, the child shall be immunized at public expense. A record showing the immunization status of every child enrolled shall be reported to the school superintendent. It is unlawful for any child to attend school if he/she has a contagious or infectious disease or while liable to transmit a disease after being exposed to it. A teacher or the board of directors may require the child to be excluded from school. If parents persist in their refusal, they are guilty of a misdemeanor.

RULEMAKING

IMMUNIZATION

EXCLUSION

§168.131

HEALTH CERTIFICATES

"No teacher shall teach in the schools of Missouri who has not furnished a certificate by a reputable physician dated not more than sixty days prior to the beginning of each school term, showing the teacher to be in good health and free from any contagious disease at the time the certificate is granted."

§168.171

PHYSICAL EDUCATION

A supervisor of physical education may be employed where the school board employs thirty or more teachers and they shall supervise the teaching of all subjects in physical education and the physical well being of the children. He/she shall direct supervised play and gymnastics. A supervisor of health and one or more school nurses shall serve under the administration of the superintendent. The supervisor of physical education, if qualified, may perform the duties of both offices. All duties performed shall be done with the advice and cooperation of the director.

§170.005 -- .009

EYE PROTECTIVE DEVICES

Students and teachers are required to wear an industrial quality eye protective device when participating in vocational, technical or industrial arts to insure non-exposure to dangerous elements thus encountered.

CROSS REFERENCE

IV.D.;Statute §307.375

STATUTES

§10-1303

CHILD ABUSE

"It is the policy of this state to provide for the protection of children whose health and welfare are adversley affected and further threatened by the conduct of those responsible for their care and protection. It is intended that the mandatory reporting of such cases by professional people and other community members to the appropriate authority will cause the protective services of the state to seek to prevent further abuses, protect and enhance the welfare of those children, and preserve family life wherever possible."

§10-1304

CHILD ABUSE

"Any . . . teacher . . . who has reason to believe that a child has had serious injury or injuries inflicted upon him or her as a result of abuse or neglect . . . shall report the matter promptly to the department of social and rehabilitation services . . . and the attorney of the county where the child resides."

§69-4515

SMALLPOX

If smallpox may or does exist, the "department may require all persons frequenting any schoolhouse within the infected or threatened district to be vaccinated," or to show evidence of a successful cowpox vaccination. Without such evidence, it is unlawful for any person "to enter any schoolhouse in the district."

§75-8207

The state board of health shall prescribe "requirements for school sites . . .[and] buildings, ventilation, heating, lighting, water supply, sewage . . . disposal, and . . . other matters pertinent to the

health and . . . well-being of the pupils, teachers, and others who frequent schools." Districts shall receive copies of regulations.

§75-8307 — 75-8308.7

FIRE DRILLS

Fire drills shall be conducted at least 8 times a year, "at different hours of the day or evening," and scheduled so as to avoid pupils' having to go out in severe weather. All drills "shall be sounded on the fire alarm system" and there shall be a "recall signal . . . that is separate and distinct . . . any other signals." In order to avoid a recall during a fire," the means of giving the signal shall be kept under a lock." In case of an actual fire, "school authorities . . . shall immediately call the local fire department." School authorities shall periodically "inspect all exit facilities . . . and co-operate with local fire department authorities in conducting fire drills." Violation of these provisions is a misdemeanor.

§75-8310

SAFETY PATROL

School district trustees or "the administration of any private school shall have the authority to orgarize and supervise school safety patrols," who shall "direct pupils as to when and where to cross highways." The patrol shall consist of children who are at least 9 years old or, if there are none, from the highest grade. The parent or guardian must give written consent for a "child to serve on the school safety patrol. "No liability shall attach" to any school agency, official or employee "because of injuries sustained by any pupil . . . by reason of the operation and maintenance" of the safety patrol. "Identification and operation of school safety patrols shall be uniform" in the state, as prescribed by the superintendent of public instruction and the highway patrol. Any city or town may provide training at an "authorized school patrol camp" of the state.

LIABILITY

§75-8901

ALCOHOL AND DRUG ABUSE

The Legislature intends "to protect the health and safety of the people of Montana from . . . drug and alcohol abuse . . .[and] to require education graduates . . . to be aware of the problems . . .[of] drug and alcohol abuse and . . . somewhat knowledgeable in dealing with these problems among students."

REGULATIONS

§48-2.6(14)-S6220

FIRE DRILLS

Regular fire drills must be conducted, and other safety precautions taken.

§48-2.10(2)-S10080

HEALTH EXAMINATION

Health examinations more than one year old when received with a completed teacher application cannot be accepted.

CROSS REFERENCES

II. C.2.; Statute §69-1808 -- 69-1810

II.C.2.; Statute §69-4117 -- 69-4118

II.C.2.; Regulation §48-2.6(14) - S6210

II.C.3; Statute §69-1803 -- 69-1806

IV.D.; Statute §33-2193; 33-2197

A. Health and Safety

Statutes

§79-4,123 — 4,124

The first assistant state fire marshal and the Department of Education shall prepare a book on "fire dangers and . . . methods of fire prevention," to be distributed to teachers in all public and private schools for the purpose of instructing pupils in fire safety at least 30 minutes each month. Any teachers' guidance manual shall include a copy of the laws on fire instruction.

FIRE SAFETY

§79-4.133 — 79-4.138

All school districts are required to conduct health inspections to determine if children have "(1) defective sight or hearing; (2) dental defects, or (3) other conditions as prescribed by the Department of Health. If any such condition is found, the child's parent must be notified. Any child showing "symptoms of any contagious or infectious disease . . . shall be sent . . . home immediately, . . . and the proper school authority . . . notified."

HEALTH INSPECTION

The Department of Health shall adopt "rules and regulations for conducting school health inspections, the qualifications of . . . persons authorized to make such inspections, . . . conditions to be observed and remedied, and shall furnish to school authorities regulations and other useful material." School boards may employ licensed physicians to conduct physical examinations. Inspections shall be conducted by the school district during the first quarter of the school year; children entering thereafter shall be examined upon entrance. The school boards are responsible for enforcing these provisions. Any violation is a misdemeanor.

SCHOOL PHYSICIAN

14-(24) -- 14(28)

Each elementary school shall maintain safe, healthy and sanitary conditions within the building and on school grounds. Each school shall keep an adequate supply of medicine for treating minor injuries, and shall have a lavatory, drinking fountain, rest room and toilet located inside the school building.

CROSS REFERENCES

I. Education Service Unit; Statute §79-2201; 2201.01; 2203; 2204 -- 06; 2208

II.C.2.; Regulations 14-(52) -- 14-(54)

IV.D; Statute §79-488.06

IV.G.; Statute §79-444 -- 444.02

IV.J.; Statute §79-4.177 -- 4.178

A. Health and Safety

Statutes

§391.275

Boards of trustees may employ security officers who will act as peace officers as defined by law. "The jurisdiction of security officers shall extend to all school property, buildings, and facilities within the school district, for the purpose of protecting school district personnel, pupils, or real or personal property; or cooperating with local law enforcement agencies in matters relating to personnel, pupils, or real or personal property of the school district."

§392.420

During the first two months of school, qualified health personnel shall examine each regularly enrolled child for visual, auditory, or physical defects. Parents or guardians must be notified of possible defects. Children enrolled after the second school month shall be examined immediately. State, county, or district public health services may be utilized if they are conveniently available. However, if necessary, the board of trustees may employ qualified personnel to perform the examinations. The state board of health shall prescribe rules for examinations. A child may be exempt from examination if his or her parent or guardian files a written objection with the teacher.

PHYSICAL EXAMINATION

§392.430

A board of trustees may "make and enforce necessary regulations for sanitation in the public schools and to prevent the spread of diseases there and may "expend school district funds to enforce the regulations among indigent children."

§392.435 --439

"Within three months after a child is enrolled in a public school," his or her parents or guardian

IMMUNIZATION

shall submit to the board of trustees a certificate stating that the child has been or is immunized and has been or is receiving proper boosters for (a) diptheria; (b) tetanus; (c) pertussis, if the child is under 6; (d) poliomyelitis; (e) rubella; and such other diseases as the local or state board of health may determine. If a certificate is unavailable, a sworn statement from the parents or guardian shall suffice. These requirements will be satisfied if immunization certificates have already been filed in any Nevada school district. Before December 31 of each year, each school district shall report to the health division of the department of human resources the exact number of pupils who have completed the immunizations required. A child may be exempted from immunization due to religious belief or medical condition, if a written statement is submitted by the parents or guardian to the board of trustees, with the medical statement bearing a licensed physician's signature.

§392.441 --445

Boards of health shall hold clinics for the immunization of school-age children not less than one month prior to the opening date of the school year. Qualified personnel of any clinic who administer vaccines or boosters in good faith shall be immune from civil or criminal liability.

§392.443

CERTIFICATE

If "additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates to the board of trustees stating that such child has met the new immunization requirements."

§392.450

FIRE DRILLS

Boards of trustees shall provide fire drills in the schools at least once a month during the school year. If a local fire department exists, fire drills should be supervised by the fire chief. Copies of fire escape route diagrams and fire drill information

approved by the fire chief or state fire marshall, shall be posted in every public school classroom by the teacher or principal. The person in charge of each school building shall enforce these provisions. Any violation of the provisions is a misdemeanor.

A. Health and Safety

Statutes

§132:16

Any child with "impaired hearing" shall be reported to the director of the "division of public health services."

§189:15-a

ACCIDENT INSURANCE

The school board may purchase "accident or injury insurance covering all students while participating in any school activity" or may make insurance available at the parent's expense.

§200:11 -- 200:12

HEALTH INVESTIGATION

Upon receipt of a complaint, the "department of health and welfare" shall "investigate the sanitary conditions" of a schoolhouse.

If the department of health finds that the schoolhouse is "a menace, or likely to become a menance, to the health or bodily welfare of the pupils or teachers," it shall be reported to the "local board of health" and if the conditions are not remedied, the department shall "order changes" or condemn the building.

§200:27

SCHOOL NURSE

Each school board "may provide school health services to include school nurse . . . and . . . physician services" to all children.

§200:28

SCHOOL PHYSICIAN

"Each school board may appoint one or more school physicians . . . and may assign one to the schools in the district . . . ."

§200:29

SCHOOL NURSE

A school nurse may be appointed by each school district.

§200:30

DENTAL HYGIENIST

A school board "may employ for their district a dental hygienist".

§200:31

HEALTH SERVICE AIDE

A school board "may employ . . . a health service aide . . . to assist in the school health program."

§200:32 -- 200:33; 200:38

MEDICAL EXAMINATION

Upon "entry into the public school system," each child shall receive a "complete medical examination." Such examination shall not be required if contrary to a child's religious beliefs.

"In lieu of a medical examination by the school physician," a child may submit proof of examination by a family doctor.

IMMUNIZATION WAIVER

Prior to school entrance, all children must be immunized unless excused for religious reasons or because the child's physician determines that "immunization will be detrimental to his health." An examination for signs of tuberculosis shall be given to all children prior to and during school attendance.

§200:34

A child found to have a problem that requires special attention shall be referred by the school physician for "evaluation by an appropriate practitioner". If the parents fail to have the child examined "within a reasonable period after the referral," then the child "may be examined by the school physician."

§200:35

Any "defects or disabilities" found through a physical examination shall be reported to the child's parents.

§200:39

EXCLUSION

A child shall be "excluded from the classroom" if he/she has a contagious disease.

§200:40

EMERGENCY CARE

School boards shall "adopt written policies" to provide "emergency care for students and school personnel" who are injured during school hours.

REGULATIONS

WAIVER

Regulation Governing the Excusing of Children
#00603

Children may be excused from immunization requirements for admission to public school when the Board determines that the requirement is contrary to the child's religious beliefs.

CROSS REFERENCES

I.State Board of Education; Statute §186:5 -- 186:6a

II.A.1.; Regulation, Certification Standards #479, pp. 38-40

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

II.C.2.; Statute §199.23

II.C.2.; Statute §199.24

IV.D.; Statute §263:28

A. Health And Safety

Statutes

§18A:6-1.1

"The written consent of a parent or guardian. . . shall be required before the administration to a pupil, by school authorities, of any drug or medication for experimental purposes or for stimulating learning processes."

DRUGS

§18A:40-1

Every board of education shall employ one or more licensed physicians to act as medical inspectors. A board not furnishing nursing services by contract shall employ one or more nurses and may also employ one or more optometrists.

MEDICAL INSPECTION

SCHOOL NURSE

OPTOMETRIST

§18A:40-3

A medical inspector or nurse shall lecture to teachers periodically instructing them in detecting the first signs of communicable disease and measures for the promotion of health and prevention of disease.

HEALTH INSTRUCTION

§18A:40-6

A board of education may provide "equipment, supplies and services" that will aid the "preservation and promotion of the health of the pupils."

§18A:40-7; 8

A principal, upon recommendation of the school physician or nuse, may exclude a child from school if he/she is ill or has been exposed to a communicable disease and if her/his "presence in the school . . .[is] certified by the medical inspector as detrimental to the health or cleanliness" of the other pupils.

§18A:40-10

"No teacher or pupil who is a member of a household in which a person is ill with smallpox

SMALL POX

or other communicable diseases as designated by the board of education shall attend school until the board has been furnished with a certificate from a physician certifying "that all danger of communicating the disease . . . has passed."

§18A:40-11

TUBERCULOSIS

Any pupil with communicable tuberculosis shall be excluded from school and a report filed by the medical inspector with the board of health. Readmission will be granted when the school medical inspector is given proof that the pupil is "free from communicable tuberculosis" and able to engage in school activities.

§18A:40-12

EPIDEMIC

Upon receipt of notice from the board of health that there is an epidemic that makes it necessary to close schools, the board of education shall close the designated schools until the board of health is satisfied that danger from the epidemic or cause of ill health has been removed.

§18A:40-12.1

EYE PROTECTIVE DEVICES

The board of education shall require all pupils and teachers to wear "industrual quality eye protective devices" while attending vocational, industrial art or laboratory classes.

§18A:40-16--19

TUBERCULOSIS

Each board of education shall periodically determine the presence or absence of "active or communicable tuberculosis in any or all pupils" according to the rules of the state board. The board may provide the equipment, materials and services necessary for such determination or contract for such equipment and services. Any pupil failing to comply with the rules of the board on this matter shall be excluded from school. All records shall be "the property of the board" and filed with the medical

inspector as "confidential information" except that the reports shall be open to the state department of health and the local board of health.

§18A:40-20

IMMUNIZATION

"A board of education may provide, at public expense, the necessary equipment, materials and services for immunizing pupils from the diseases" which they are "required to be immunized against" or against which immunization is recommended by the State Department of Health.

§18A:41-1--4

FIRE DRILLS

Every principal shall have "at least two fire drills each month within the school hours" and require teachers to keep all doors of their classrooms and building unlocked during the school hours. Where fire escapes have been provided, they shall be used in every fire drill. All "furnace room, hallway, or stair tower, fire or smoke doors" shall be kept closed while pupils and teachers are in the building. "Any principal, teacher or janitor failing to comply with . . . this chapter shall be guilty of a misdemeanor . . . punishable by a fine of not more than $100 for each offense. The commissioner shall have copies of this chapter printed and posted in each school building."

§18A:42-1

SAFETY PATROLS

A board of education may make rules for the organization of safety patrols and the appointment of pupils, with parental consent, to be members thereof, for the "purpose of encouraging other pupils" to observe safety rules while crossing highways. "No liability shall attach . . . to the board of education or any person holding . . . employment under it by virtue of the organization, maintenance or operation of a school safety patrol."

§6:3-1.14

EYE PROTECTIVE DEVICES

The board of education of every school district shall require each pupil and teacher in the public schools of the district to wear industrial quality eye protective devices while attending classes in vocational or industrial art shops or laboratories in which caustic or explosive chemicals, hot liquids or solids, hot molten metals, or explosives are used or in which welding of any type, repair or servicing of vehicles, heat treatment or tempering of metals, or the milling, sawing, stamping or cutting of solid materials, or any similar dangerous process is taught, exposure to which might have a tendency to casue damage to eyes. Visitors to such classrooms or laboratories shall also be required to wear such protective devices.

The board of education of every school district shall establish and implement a specific eye protection program in the public schools of the district in compliance with this law.

No pupil, teacher or visitor shall be subjected to any hazardous environmental condition without proper eye protection.

An adequate inspection program shall be developed to detect eye hazards.

All eye protective devices shall be examined to see that each is functional.

§6:29-1.1

RULEMAKING

Every board of education in this State shall adopt rules to govern health services in its school district and such rules and regulations shall include as a minimum the rules and regulations of the State Board of Education which are expressed in the following Sections.

MEDICAL INSPECTOR

Every board of education in this State shall appoint at least one medical inspector.

For beginning pupils, medical inspectors may accept a record of a thorough physical examination made

PHYSICAL EXAMINATION

by a family physician or by a physician working under a plan for the examination of preschool children; provided that the plan for the records or reports used in either type of examination have been approved by the State Board of Education.

§6:29-2.3

RULEMAKING

Boards of Education shall adopt rules and procedures for the care of pupils injured at school.

§6:29-4.2

TUBERCULOSIS

The following are rules of the State Department of Education concerning testing for tuberculosis by school districts for implementation of N.J.S.A. 18A:40-16 which reads as follows: "The Board of Education of every school district shall periodically determine or cause to be determined the presence or absence of active or communicable tuberculosis in any or all pupils in public schools, and, with respect to frequency, procedure and selection of pupils, shall comply with rules and regulations of the State Board of Education".

An intradermal tuberculin test shall be the sole basis for initial screening for evidence of tuberculosis infection in pupils. An intradermal tuberculin test shall be given to the following pupils enrolled in elementary and secondary schools and in the New Jersey School for the Deaf (these are minimum requirements): all pupils in the eighth grade, all pupils who are 13 years of age in classes for the educable, in classes for the trainable and in any other special education classes, and any additional grades or classes which the State Department of Health has recommended for testing because of special risks.

§6:29-4.3

The rules of a board of education pertaining to the prevention and control of communicable disease in schools shall be distributed to all principals, medical inspectors, nurses and the rules shall be explained by the health service staff to the entire school personnel

at the beginning of each school year.

EXCLUSION

Any pupil who appears to be ill or who is suspected of having a communicable disease shall be excluded from school or isolated at school to await instructions from or the arrival of an adult member of his family, the medical inspector or the nurse.

§6:29-5.1

RULEMAKING

All local boards shall adopt rules to govern the safety of pupils in their school districts.

§6:29-5.2

All personnel in state schools shall take any and all precautionary measures to prevent accidents, fires and panic.

§6:29-5.3

SAFETY PATROL

Any organization of pupils whether designated as a patrol, council court, club, committee, or school police which has for its purpose the prevention of accidents to pupils in the school buildings, on the school grounds, on a sidewalk or path adjacent to a street, road, or highway, or in a school bus or other vehicle approved for the transportation of pupils shall be regarded as an essential part of the school program and as a method of safety instruction and shall be employed and administered as such by the school personnel.

The practice of using pupil safety patrols to direct pupil traffic across streets, roads, or highways, or to serve in any capacity shall be permitted only when approved by the board of education.

CROSS REFERENCES

II.A.1.; Statute §18A:6-2

IV.F.; Regulation §6:29-4.4

A. Health and Safety

Statutes

§4-16-6

"The (state fire) marshall shall prescribe . . . rules and . . . programs for the teaching to all school children in the state, whether in public or private schools, the proper methods for fire prevention and control . . . (including) drills for evacuating school buildings."

FIRE DRILL

§12-3-4.1 --12-3-4.5

The state board of public health, after consultation with the state board of education shall make rules governing required immunizations against disease for children attending public, private and parochial schools. No student may enroll in school unless he/she has been immunized. A parent may not refuse to have his/her child immunized except by certifying that it would physically endanger the child or that it would violate the child's religion. Each school superintendent has the duty "to cause to be prepared a record showing the required immunization status of every child enrolled." The cost of immunization may be borne by the parents or the department of public health or local school boards.

IMMUNIZATION

WAIVER

§12-3-45

"The health and services board shall provide by regulation procedures to establish, maintain, promote and effectuate a program designed to educate the general public and public and private school students regarding the nature and inheritance of sickle cell trait and sickle cell anemia." Regulations shall provide for the testing of all school-age children who may be susceptible and making available tests to diagnose sickle cell trait and sickle cell anemia.

SICKLE CELL ANEMIA

§13-14-14.1

"Any . . . school teacher . . . having reason to believe that serious injury or injuries have been inflicted upon a child as the result of abuse, neglect or starvation shall report the matter immediately to the county social services office or the probation services office.

CHILD ABUSE

§77-11-9

"A fire drill shall be conducted in each public and private school of the state at least once each week during the first 4 weeks of the school year and at least once each month thereafter until the end of the school year."

FIRE DRILL

REGULATIONS

Reg. No. 70-5

All persons employed by public, private, and parochial schools shall present to local authorities, upon initial employment and annually thereafter, a certificate signed by a physician, that they are free from tuberculosis in any transmissable form.

TUBERCULOSIS

Reg. No. 70-10

All participants and observers shall wear appropriate industrial quality eye protective devices at all times while at chemical laboratories involving caustic, explosive or other hazardous chemicals or hot liquids, solids or injurious radiations or other eye hazards or at industrial or technical education shops or any other facility involving: hot molten, caustic, or explosive materials; milling and shaping any solid materials; heat treatment, etching, and carving of any metal, stone, wood, plastics, or other materials; all welding processes; and servicing or repairing any machine where eye hazards may exist.

EYE PROTECTIVE DEVICES

Eye safety devices provided by manufacturers will be acceptable if they meet standards of the USA Standard Practice for Occupational and Educational Eye and Face Protection.

IMMUNIZATION

No student shall be enrolled in schools in the State unless the person has been immunized and can produce satisfactory evidence that immunization has been completed or has been begun and is in process of accomplishment.

A medical exemption may be obtained by filing a statement signed by a licensed physician that the physical condition of the person seeking enrollment would be seriously endangered by immunization.

RELIGIOUS EXCEPTION

Any parent or guardian belonging to a recognized religious denomination whose religious teaching requires reliance on prayer or spiritual means alone for healing shall present affidavits from an officer of the denomination stating that the parents or guardians are bona fide members of the denomination and that the denomination's teaching requires reliance on prayer or spiritual means alone. A parent or guardian who cannot obtain such an affidavit but whose religious beliefs do not permit immunization may apply for exemption by submitting a notorized certificate of conscientious objection to immunization upon receipt of such a certificate, the child shall be enrolled conditionally. The certificate shall be forwarded to and evaluated and approved or disapproved by the director of the state health agency. The parents or guardians shall have the right to appeal an unfavorable decision.

All exemptions shall be granted for nine-month periods and be renewable on presentation again of required certificates.

Transferees from other school districts or from outside the state shall be enrolled conditionally while immunization requirements are being met but not for a period of more than six weeks.

Failure to meet immunization requirements shall be considered grounds for disenrollment.

Every school superintendent shall prepare a record showing the immunization status of every child enrolled.

CROSS REFERENCE

II.C.2.; Statute §4-16-32

A. Health and Safety

Statutes

§409a

The board of education shall provide "eye safety devices" for students and teachers who participate in industrial arts classes. EYE PROTECTIVE DEVICES

§807 -- 807a

School authorities in every public or private institution enrolling "more than twenty-five pupils" or maintaining a "building of two or more stories high" must conduct at least twelve fire drills during a school year. FIRE DRILLS

School authorities in charge of any public or private school must arrange for annual fire inspection of school buildings. A report of findings shall be filed and made public, and school authorities are responsible to correct any deficiencies found. FIRE INSPECTIONS

§901 -- 906

"Medical inspection shall be provided for all pupils attending public schools . . . [including] . . . examining pupils for the existence of disease or physical defects and in testing the eyes and ears . . . ." MEDICAL INSPECTION

School authorities shall employ a "competent physician as a medical inspector" to examine pupils attending the public schools.

Authorities may employ registered nurses as school nurses, "and such dentists, dental hygienists, and nutritionists as may be required." MEDICAL STAFF

"Pupils shall furnish a health certificate, signed by a licensed physician, stating that the pupil is in a fit condition . . . to permit . . . attendance at" school. The certificate shall be submitted on entrance to the schools and on entering the first, third, seventh and tenth grades, within 15 days of entering. A one-time test for sickle cell anemia is required in city school districts (barring religious objections) and is optional in others. HEALTH CERTIFICATE

MEDICAL EXAMINATION

Pupils who fail to present a health certificate, or who are handicapped, shall be examined by the medical inspector. Any finding of physical disabilities "tending to prevent children from receiving the full benefit of school work" or "requiring a modification of such work" shall be reported to the parents or guardians. The medical inspector shall provide "necessary relief and treatment" for such pupils if the "parents or guardian are unwilling or unable to do so."

EYE TEST

School authorities shall give eye tests to pupils once a year; ear tests shall be given once a year for pupils in grades K-7, in grade 10 and any other time "deemed necessary".

Pupils showing symptoms of "contagious or infectious diseases" shall be sent home immediately and the city health officer notified. Readmittance to school requires a health certificate or examination by the medical inspector. Medical inspectors may examine other school employees in order to protect the health of pupils and teachers.

§912

"The voters and/or trustees or board of education of every school district shall, upon request of the authorities of a school other than public, provide resident children who attend such school with any or all of the health and welfare services and facilities . . . available to . . ." public school children.

§912-a; 913

DRUG EXAMINATION

CONSENT

All children attending grades 7-12 shall be "examined in order to ascertain" whether they are "making use of dangerous drugs . . . ." The examination may be made "only upon the written request or consent of a parent or legal guardian . . .," barring religious objections by a parent or child. The examination is conducted "without notice to the child" and consists of "taking . . . a urine sample" for analysis. Results are forwarded to school authorities and to parents or legal guardians, if drug use is indicated, together with

information on available social services. Examination results are otherwise confidential, maintained apart from student's education records, and shall be destroyed upon the student's graduation.

MEDICAL EXAMINATION

The medical inspector is authorized to examine teachers and other school employees to determine their mental and physical capacity to perform their duties.

§3209

"Public welfare officials . . . shall furnish indigent children with suitable clothing, shoes, books, food and other necessaries to enable them to attend . . . instruction . . . ."

REGULATIONS

§ 136.3

HEALTH EXAMINATION

The trustees and boards of education have a duty to provide a "continuous and satisfactory program of school health service." All children (except in New York City, Buffalo and Rochester) shall be required to have a health examination before entering the 1st, 3rd, 7th and 10th grades.

Part 136 (Statutory authority §207)

§ 136.2

MEDICAL INSPECTION

All schools under the jurisdiction of the State Education Department shall provide a program of health service. Medical inspection shall be provided for all pupils except in New York City, Buffalo and Rochester. The board of education and trustees shall provide adequate personnel and facilities, maintain health records for each child, and make reports to the department.

§ 141.10

EYE PROTECTIVE DEVICES

The board of education must provide eye safety devices for students and teachers who work in shops and laboratories where eye injury is a potential danger. Such activities may include work with heat treatment, welding, explosive chemicals, etc.

CROSS REFERENCES

II.C.2.; Statute §408, 409

II.C.2.; Regulation §155.1

II.C.2.; Regulation §155.3

IV.D.; Statute §3623 -- 3624

IV.H.; Statute §3208

IV.I.; Statute §3225

A. Health and Safety

Statutes

§115-143

All teachers and other "public school employees" must file a health certificate upon employment, stating that they are in good health and do not have tuberculosis or any physical or mental disease "which would impair the ability of the said person to perform effectively his or her duties." All school employees must file an annual certificate stating that they do not have tuberculosis.

§§115-258 - 260.1

EYE PROTECTIVE DEVICES

Students and teachers are required to wear "eye protective devices," which shall be provided by the school, when engaged in any "instructional programs" that involve explosive materials or welding, etc. The "eye protective devices" shall meet government safety standards.

Regulations

§2C.0601

The responsibilities of the sports medicine division are:

a. To coordinate the medical services in public schools sports activities and to provide the best medical care and facilities for public school sports to reduce the rate of injuries, and prevent deaths related to sports.

b. The objectives of the program are:

To develop a system of teacher-athletic trainers in the secondary schools;

To provide educational programs for the development, of skills and competencies necessary for the prevention of athletic injuries and the promotion of total school safety.

§2C.0603

A teacher and/or coach will be appointed as athletic trainer in each administrative unit or in each high school,

responsible for the prevention, emergency treatment and rehabilitation of athletic injuries, and for the coordination of local resources relevant to the provision of medical services to student sports participants in the public schools of North Carolina.

CROSS REFERENCES

I. Principals; Statute §115-150

I.Teachers; Statute §115-146

I.Superintendent; Statute §115-56

I.Teachers; Statute §115-146

II.A.1.; Statute §115-204

II.C.2.; Statute §115-130

II.C.2.; Statute §115-149

II.C.2.; Statute §115-150.1

II.C.2.; Statute §115-150.2

IV.D.; Statute §115-185

IV.D.; Statute §115-187

IV.E.; Regulation .§2C.0304

A. Health and Safety

Statutes

§15-35-09

"All public school teachers who teach in school buildings consisting of more than one room shall conduct at least two fire drills each month." No teacher shall receive [her/his]. . . salary until it is certified to the clerk of the board that fire drills have been given. The superintendent shall prescribe rules governing fire drills and shall not receive a salary until it is certified with the clerk of the board that fire drills have been given.

FIRE DRILL

§15-35-10

"The county superintendent of schools shall prescribe reasonable rules for the conduct of fire drills in the rural schools of [her] his county with special reference to prairie fires. Any school board may direct that no teacher in a one-room school shall receive [her/]his salary until at least one fire drill has been conducted in [her/]his school each month."

§15-35-11

"All doors in schoolhouses shall be kept unlocked from eight-thirty o'clock a.m. to four-thirty o'clock p.m. on school days. The way of egress to the fire escapes in every school building shall be kept free from all obstruction at all times."

§15-47-22

Upon petition from the school board or a majority of the persons having children attending schools, "the board of county commissioners may employ one or more licensed physicians, or graduate nurses . . . to examine and inspect the pupils" of the county schools.

§15-47-23

"When the county superintendent of schools shall report to the county board of health that a school [facility] is in unsanitary or unsafe condition, or that any pupil or person of school age is alleged to be defective in mind or body, the board shall investigate the report . . . and shall direct the school board, or person in charge of alleged defective person, to take action . . . for the best interests . . . of the persons . . . concerned."

§18-12-03; 18-12-05 -- 06

Plans and specifications for all new school buildings must be approved by the superintendent of public instruction and the state fire marshall. Fire protection requirements, as set forth herein, must be included in the plans and specifications.

FACILITIES

§23-07-17.1

Children shall not be admitted to public or private elementary schools without a doctor's certificate stating that the child has received all required immunizations.

IMMUNIZATION

CROSS REFERENCE

IV.D.; Statute §15-34.2-14

A. Health and Safety

Statutes

3313.50

"Boards of education and ... health making tests for determining defects in hearing and vision in school children shall keep an accurate record of [these]... and measures taken to correct such ... defects .... [S]uch records shall be made available to official state and local health, education, and welfare departments and agencies [in statistical form]. Individual records shall be made available to such departments and agencies only... where there is evidence that no measures have been taken to correct defects determined by such tests, provided that such records shall be made available to school authorities when they are deemed essential in establishing special education facilities for children with hearing and visual defects."

HEARING TEST

EYE TEST

§3313.643

"Every student and teacher of a school, college, or other educational institution shall wear industrial quality eye protective devices at all times while participating in ... any of the following courses:

EYE PROTECTIVE DEVICE

(A) Vocational, technical, industrial arts, fine arts, chemical, physical, or combined chemical-physical educational activities, involving exposure to:

(1) ... molten materials;

(2) Milling, sawing, drilling, turning, shaping, cutting, grinding, buffing, or stamping of any solid materials;

(3) Heat treatment, tempering, or kiln firing of any metal or other materials;

(4) Gas or ... other forms of welding processes;

(5) Repairs or servicing of any vehicle;

(6) Caustic or explosive materials;

(B) chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards.

Such devices may be furnished..., purchased and sold at cost to students and teachers, or made available at a moderate rental fee, and shall be furnished for all visitors to such shops and laboratories....

'Industrial quality eye protective devices' as used in this section, means devices meeting the standards of the American national standard practice for occupational and educational eye and fire protection, ... approved by the American National Standards Institute, Inc . . . ."

§3313.67

IMMUNIZATION

The board of education of each school district shall make and enforce rules and regulations requiring the vaccination and immunization of pupils against communicable diseases, as the safety and interest of the public require.

Should parents or guardians fail to provide required vaccination and immunization, the boards of health, legislative authorities of municipal corporations, or the boards of township trustees may provide at public expense such vaccination and immunization at the request of the board of education.

§3313.671

IMMUNIZATION

No pupil may be admitted to elementary or high school who does not present written evidence of immunization against poliomyelitis, smallpox, rubeola, diphtheria, rubella, pertussis, and tetanus; or presents a written statement by parent or guardian objecting to such immunization; or presents a statement by a physician that such immunization is medically contraindicated.

The boards of health, legislative authorities of municipal corporations, and boards of township trustees may, upon request of the board(s) of education provide

such immunization at public expense when not provided by parents or guardians.

Exceptions include rubella immunization for pupils who have had natural rubella, rubella immunization for females who have reached puberty, and smallpox immunization if the health commissioner of a particular district determines that "such immunization is no longer medically indicated to protect the public health."

§3313.68

SCHOOL PHYSICIAN

The local boards of education may appoint one or more school physicians and school dentists licensed by the state of Ohio who shall serve at least one year and who shall receive compensation as set by the board. The board shall also employ registered nurses and school nurses, as defined by this Code, to "aid in the conduct and coordination of the school health service program."

DENTAL EXAMINATION

The school dentist shall make examinations and diagnoses and give such remedial or corrective treatment as prescribed by the board provided the parents or guardian cannot otherwise provide.

The board of education may delegate the duties and powers provided in the section to the board of health or its designated officer.

The board of education shall cooperate with the board of health in the control and prevention of epidemics.

§3313.69

MEDICAL/DENTAL EXAMINATION

The boards of education and health providing a system of medical and dental inspection in the schools, as provided in this code, shall give tests to determine the existence of hearing and visual defects in school children. Such test methods and testing devices shall be approved by the department of health.

A child shall be exempt from such dental, hearing, and visual examinations if examined by an appropriate regularly licensed doctor within the last twelve months and presents evidence thereof.

No member of a board of education may be appointed, during his(her) tenure, as the district's school physician, dentist, or nurse.

§3313.71

School physicians may examine any child referred to him(her) for hearing defects, and may examine any teacher or school employee, and the school building as the protection of the health of other pupils, teachers and employees may require.

HEARING EXAMINATION

According to this code, the board of education shall require and provide tests for tuberculosis as required by the Ohio public health council. Such tests may be given annually, and the pupils with positive reactions shall be given chest x-rays, and such results shall be sent to the county record bureau of tuberculosis cases.

TUBERCULOSIS

Exceptions to such tests may occur when the student has written notice from a physician that he(she) is free from tuberculosis in the communicable stages, that the test is medically unadvisable, or that his(her) parents object because of religious convictions.

WAIVER

Any pupil, teacher or other employee who is found to have tuberculosis or any other communicable disease shall be sent home, and the school physician shall keep accurate records solely for the use of the boards of education and health. Such teacher or employee shall have his employment discontinued or suspended until the school physician has certified recovery.

All elementary and high schools accredited by the state shall be subject to the above.

§3313.712

The board of education of every school district shall provide every student in every school under their jurisdiction with an emergency medical authorization

EMERGENCY AUTHORIZATION

form, which shall be completed and kept on file.

If a parent or guardian does not give permission, it shall be stated on the form as shall the procedures he(she) wishes to be followed in the event of a medical emergency involving his(her) child.

When a parent or guardian does give written consent for emergency medical treatment, reasonable attempts shall be made to contact the parent by the school authorities. "Nothing in this section shall be construed to impose liability on any school official or school employee who, in good faith, attempts to comply with this section."

A copy of the form is included in this provision.

§3313.72

A board of education may contract with a health district to provide the services of a school physician, dentist, or nurse.

§3313.73

In school districts not employing a school physician, the board of health shall conduct health examinations of all school children and shall report the findings and recommendations to the parent or guardian.

HEALTH EXAMINATION

This section does not require a student to receive medical examination or treatment when the parent or guardian objects thereto.

MEDICAL EXAMINATION

§3319.221

Any registered nurse employed by the school district or by a city or general health district on Jan. 1, 1973 to serve as full time school nurse in one or more school districts shall be considered as having fulfilled the requirements necessary for the issuance of a school nurse certificate under this code.

SCHOOL NURSE

CROSS REFERENCES

III.D.Pupil Achievement; Regulation §3301-37-03

IV.D.; Statute §3327.10; 3327.011

IV.D.; Regulation §3301-83-01 -- 3301-83-13; 3301-85-03; 3301-87-01

A. Health and Safety

Statutes

§47-125.8; 19-453

The Board of County Commissioners may install traffic control devices to prevent accidents in the vicinity of public schools, and may employ school guards outside municipalities to direct traffic in school areas.

§70-1210.192; 70-1210.193

IMMUNIZATION

No child shall be admitted to school unless he/she has received immunizations or is immune from diptheria, pertussis, tetanus, measles, poliomyelitis and smallpox.

A child shall be exempt from this requirement if the immunization would "endanger the life or health of the child" or if the parents object in writing.

A. HEALTH AND SAFETY

STATUTES

§332.111

Auxiliary services may be provided to students in districts of more than 300,000, including but not limited to housing, medical, dental and transportation.

§332.435

A district school board may contract for medical and hospital insurance coverage of students participating in athletic contests and traffic patrols. Failure to do so is not evidence of negligence.

§332.531

In districts of 300,000 or more, the school board may employ security personnel to protect personnel, students, and school property.

SECURITY PERSONNEL

Security personnel when appointed and duly sworn are peace officers as defined by statute but only for the purpose of carrying out the duties of their employment .

The school board defines the duties of security personnel and may withhold any powers conferred by law upon peace officers or grant any additional duties as are appropriate.

The district superintendent or his/her deputy can suspend any member of the security patrol, "pending review as soon as practicable by the district school board."

§335.072

In all public, private or parochial schools with average daily attendance of 50 or more, fire drills shall be conducted at least once each school month. All exits must be maintained so that they can be opened from the inside without a key during school hours.

FIRE DRILLS

Thirty minutes a month "shall be used to instruct children in grades one through eight on fire dangers

and drills."

A printed copy of a course of instruction on fire dangers and drills, written by the superintendent of public instruction, shall be provided at state expense to each teacher teaching under this section.

§336.375 — 336.380

"The district school board in a district with a population of 100,000 or more . . . may conduct a dental health program." An examination is made at least once a year of each pupil, and "dental treatment may be provided, subject to the rules of the school board."

DENTAL HEALTH

§336.390

A school board conducting a dental health program may furnish all necessary equipment and quarters.

The dental examination and treatment shall be "scientific, sanitary and efficient." It may be furnished free to minors whose parents or guardians are unable to pay, or adult students unable to pay. Any charges must be reasonable.

Minors need written consent from a parent or guardian and adult students are not required to receive an examination.

§336.400

Results of dental examination are reported to parents in writing, where treatment is required. The parent can have the services done by a private dentist, who "shall supply a certificate attesting that the treatment was performed in accordance with the report from the dental health program."

§336.410

LIABILITY

The school district assumes no liability for injuries in connection with the dental health program.

§336.420

A district school board may share the expense of a dental health program "with any other organization or individuals."

TRAFFIC PATROLS

§336.460

"A district school board may do all things necessary . . . to organize, supervise, control or operate traffic patrols . . . .[and] make rules relating to traffic patrols." .

Medical or hospital care may be provided for an individual "injured or disabled while acting as a member of traffic patrol."

§336.470

To promote safety the department of education shall make rules relating to traffic patrols.

A member must be 18 years of age unless written consent is obtained from his/her parent or guardian, and membership ceases if consent is revoked.

§336.480

The Department of Education and the Highway Division shall cooperate with any public or private or parochial school in the organization, supervision, control and operation of its traffic patrol.

§346.053

In the case of an emergency operation requiring the services of a specialist, and where the relatives or guardians, in the judgment of the superintendent of public instruction, are unable to pay a part or the whole cost of the operation, the superintendent may have the operation performed.

CHILD ABUSE

§418.750; 418.755

"Any public or private official having reasonable cause to believe that any child with whom he[she] comes in contact with in his[her] official capacity has suffered abuse . . . shall report or cause a report to be made..." Public or private official means "school employee."

"An oral report shall be made immediately by telephone or otherwise to the local office of the Children's Services Division or to a law enforcement agency within the county where the person making the report is at the time of his[her] contact. If known, such reports shall contain the names and addresses of the child and his[her] parents or other persons responsible for his[her] care, the child's age, the nature and extent of the abuse (including any evidence of previous abuse), the explanation given for the abuse and any other information which the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator."

§433.255

"No pupil, teacher or school employee [is] permitted to attend any . . . school when afflicted with any communicable disease, nor shall they be permitted to attend such school from any house in which exists any communicable disease."

§433.260

"Whenever any school [employee]. . . has reason to suspect that any pupil or [other] school employee is afflicted with or has been exposed to any communicable disease . . . such [employee] shall send such person home and report the occurrence to the local health officer by the most direct means available." A person sent home may not return to school "until he[she] presents a certificate from a [licensed] physician . . . stating that he[she] is not afflicted with nor a carrier of any communicable disease."

§433.267

Every child between the ages of five and 14, prior to initial enrollment in any school in this state must submit one of the following statements to the school administrator: (1) "a statement signed by a physician or representative of the local health department that [the child] has received an initial immunization

IMMUNIZATION

and prescribed reinforcing immunization against the communicable diseases; "or

(2) a signed statement that the child's health is such that immunization would seriously endanger the child; or

(3) a statement signed by the parents or guardian of the child that their religious beliefs are opposed to such immunization; or

(4) a statement signed by the parent or guardian that immunization will be started within 30 days.

§433.269

The local health departments shall make available immunizations in areas convenient to the student free of charge to those children who are unable to acquire them from other physicians.

§433.275

Pupils not immunized shall be denied enrollment until immunized.

§479.140

All public and private schools must have one fire drill each month, and all doors and exits must be kept unlocked during school hours.

"Painting or finish applied to interior combustible surfaces of [schools], except floors and trim . . . shall be of a fire-retardant material meeting flame spread regulations for interior finish."

REGULATIONS

§581-22-261

Local school districts shall develop a plan identifying health services needed by and provided for students enrolled in its schools.

§581-22-280

"Each local district shall be responsible for management of a current comprehensive employee-student

emergency plan and safety program for all departments and programs under its jurisdiction."

§581-22-282

"Local districts shall conduct and document regularly scheduled safety inspections of all property under its jurisdiction."

§581-22-286

Local districts shall maintain an accident reporting system for accidents on district property, or involving employees, students or visiting public.

§581-22-288

"All schools shall provide necessary safety devices and instruction for their use for students and adults."

§581-22-300

"Buildings and grounds shall be maintained to provide conditions conducive to health and safety of all persons."

§581-24-100

EMERGENCY PLAN

The district shall post an emergency medical plan for obtaining first aid, ambulance, hospital and doctors' services.

The district shall conduct and document regularly scheduled safety inspections of all facilities and properties under its direct jurisdiction.

First-aid supplies and qualified first-aid personnel shall be available at district facilities.

CROSS REFERENCES

II.A.1.; Statute §336.035

II.A.2.; Regulation §581-15-250; 581-15-255; 581-15-260; 581-15-265; 581-15-270

II.C.2.; Statutes §479.020; 479-050; 479.080; 479.150

IV.D.; Regulation §581-53-008

IV.H.; Statute §339-030

A. Health and Safety

Statutes

§5-510

The board of school directors may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper, regarding the management of its school affairs, the conduct of all appointees or employees, pupils, and teachers while they are under the supervision of the board of school directors. The board of school directors is empowered to organize school safety patrols. Nothing herein authorizes the use of any safety patrol member for the purpose of directing vehicular traffic. No liability shall attach either to the school district or to any individual school employee by virtue of the operation of a school safety patrol.

RULEMAKING

SAFETY PATROLS

All apparel and devices furnished to school safety patrols shall be made from retro-reflective and fluorescent materials and conform to standards issued by State Board of Education.

§5-510.1

The board of school directors of school districts in townships of the second class may appoint and fix the salary of special school watchmen, who shall have the duty of patrolling school grounds and protecting school property.

SCHOOL WATCHMEN

§7-778

Any school district may apply to the judge of court of common pleas for appointment of policemen for the school district who shall severally possess and exercise all the powers of a constable in enforcing school laws, policing school grounds, and protecting school property. Such policemen shall wear a badge when on duty.

POLICE

§7-779

The board of school directors may make rules and regulations for the admission, control and movement of vehicles and the parking thereof on school property.

RULEMAKING

PARKING

§12-1209

A teaching certificate shall be granted only to persons who present a physician's statement verifying the applicant's mental and physical health.

HEALTH STATEMENT

§13-1303a

"It shall be the duty of all school directors, superintendents, principals, in charge of any school including kindergarten, to ascertain that every child, prior to admission to school for the first time has been immunized, as the Secretary of Health may direct.

IMMUNIZATION

"This section shall not apply in the case of any child deemed to have a medical [condition] which may contraindicate immunization" or any child whose parents or guardian "objects in writing to such immunization on religious grounds."

WAIVER

§13-1334

Whenever a child is unable to attend public school because he/she lacks the necessary clothing or food, it shall be promptly reported to any suitable relief agency operating in the school district.

§13-1378

"Whenever the county medical director of the Department of Health reports to the medical examiner of any school district a case of a minor under 6, who is totally deaf or whose hearing is impaired who is not receiving adequate care and treatment and whose parent or guardian is financially unable to provide the same, such medical examiner shall provide such care and treatment

MEDICAL CARE

at the expense of the school district" or State, "charged by law with the providing of medical examinations for the schools of the school district."

§14-1402

MEDICAL EXAMINATION

Children of school age are to be given vision tests, hearing tests, measurement of height and weight, tuberculosis test and other tests deemed advisable by the Advisory Health Board. Children of every school age shall be provided with school nurse services. The number of pupils under the care of a school nurse shall not exceed 1500.

HEALTH RECORD

A comprehensive health record is to be maintained for each school age child including medical questionnaire suitable for diagnostic purposes completed by the child or his/her guardian or parent. All teachers shall report any unusual behavior or change in appearance of the pupil. School medical personnel may advise a child's parent or guardian of the apparent need for a special examination and arrange a special medical examination for the child if the parent or guardian fails to report the results.

Comprehensive appraisal of the health of every child is to be made at entry into school, in 6th grade, 11th grade and prior to issuance of a farm or domestic service permit.

§14-1403

DENTAL EXAMINATION

Dental examinations are required upon original entry into school, while in third grade, and in seventh grade unless a program of dental hygiene services is provided by the school.

§14-1404

EXAMINATION

School physicians and dentists shall conduct examinations in rooms set aside for the special purpose. School physicians shall require the removal of sufficient

clothing to insure complete examination. If the schools are inadequate for the examinations, the school districts or joint school boards and private schools may, subject to approval of the Secretary of Health, use laboratories and facilities of hospitals or clinics.

§14-1405

SCHOOL NURSE

DENTAL HYGIENIST

Every school physician shall be assisted by a school nurse and every school dentist by a dental hygienist, if available or a trained assistant who shall be present during examinations. Parents or guardians shall be advised of the date of examination and urged to be present.

§14-1406

Recommendations as to medical, surgical or dental care shall be sent to parents or guardians and to the family physician or dentist with instructions to the parent or guardian to consult the family physician or dentist and to notify the school authorities of the action taken.

School medical personnel shall inform teachers of the health conditions of pupils which may affect behavior, appearance or scholastic performance.

§14-1407

MEDICAL REPORT

A pupil may furnish school officials with a medical or dental report made at his/her own expense rather than undergo school examinations. "The in lieu examination is to be made and the report furnished prior to the date fixed for the regularly scheduled examination, but no earlier than four months prior to the opening of the school term during which the regular examination is scheduled."

§14-1408

Every school district, school physicain, dentist and nurse shall file with the Secretary of Health and/or the Superintendent of Public Instruction such reports as required by the regulations of the two departments.

§14-1410

School physicians and dentists and other health personnel shall be employed with the approval of the Secretary of Health. The school physician and dentist along with the district or school board shall determine compensation.

PHYSICIANS

DENTISTS

§14-1411

Any school district may cooperate with any county, city, borough or town engaged in health work.

§14-1413

"Duties of school physicians shall include the vaccination of children of indigent parents, official re-vaccination of children having temporary vaccination certificates, physical examination of children incident to the issuance of employment certificates as required ...., approval of the return of pupils who have been absent due to a contagious disease or suspected contagious disease," and other required duties.

§14-1414

"Any school district or joint school board may provide for the care and treatment of the defective eyes, ears and teeth of all children of school age within the district."

MEDICAL TREATMENT

§14-1415

If a child requires medical, dental or surgical treatment and the parent or guardian states to school authorities that he/she is financailly unable to have a physician or dentist of his/her choice render such care, he/she shall be advised that the cost of such care may be provided if application is made to the appropriate county board of public assistance. If it appears that the parent or guardian was financially able to pay for the medical, dental or surgical care, the Department of Welfare shall recover the amounts expended from the parent or guardian.

§14-1416

TUBERCULOSIS

Any person having any form of tuberculosis in a transmissible stage, be they student, teacher, or employer, cannot stay at the school. The board of directors of the school district(s) may appropriate money for X-rays or other medical examinations to diagnose the disease.

§14-1418

PHYSICAL EXAMINATION

Teachers and employees are required to take a pre-employment physical, which will be recorded and made available to employing authorities.

Each teacher and other employee shall have a tuberculosis test. Persons furnishing a statement setting forth adequate reasons for being excused from taking the test shall be exempted. In such case, an alternative method of testing shall be administered.

§14-1419

EXAMINATION

EXEMPTION

No person is compelled to submit to any medical, or other examination or treatment if his/her religion does not allow it. However, "that exemption from medical or dental examination shall not be granted if the Secretary of Health finds that facts exist under which the exemption constitutes a present substantial menace to the health of other persons exposed to contact with the unexamined person."

§14-1420

SANITARY CONDITIONS

Sanitarians and health authorities shall be employed to examine all sanitary conditions of the school buildings and grounds as the regulations of the Secretary of Health may require.

§14-1421

"The technical content of the school health program shall be prescribed by and under the general direction of the Secretary of Health . . . who shall"

-- Approve appointments of physicians and dentists, prescribing duties and qualifications for employment.

-- "The Superintendent of Public Instruction shall approve certification of school nurses and dental hygienists for employment in the schools."

§14-1422

Advisory councils may be set up studying health needs and programs. "An advisory council shall be composed of representatives of the medical and dental associations, social organizations, veterans' organizations, PTA. . . and other organizations in the area served." Those making examinations shall give an annual report.

§15-1517; ;518

FIRE SAFETY

In all public schools where there are fire escapes, exits and other fire prevention or aids, they are to be maintained and fire drills are to be periodically conducted . . . . "

Failure to comply with the provision shall be a misdemeanor.

All schools using school buses shall conduct on school grounds two emergency evacuation drills.

It is the duty of the Superintendent of Public Instruction to prepare books of instruction for teachers' use on fire prevention.

§5301

EYE PROTECTIVE DEVICES

Industrial quality eye protective devices are required for every person in any shop or laboratory in public or private schools, colleges and universities "engaged in or within the area of known danger created by (1) the use of hot liquids, solids or gases, or caustic or explosive materials, or (2) the milling, sawing, turning, shaping, cutting, grinding, or stamping of solid materials, or (3) the tempering, heat treatment or kiln firing of metals and other materials, or (4) gas or electric welding, or (5) the repairing or servicing of vehicles."

§§312 - 5315

DRUG AND ALCOHOL ABUSE

Projects shall be designed to "further education concerning the causes and effects of and treatment for drug and alcohol abuse and dependence by making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for "developing curricula in schools on drug and alcohol abuse, evaluating these programs as to their effectiveness, providing training programs to teachers, counselors and other educational personnel.

The secretary and other state officials shall give needed technical assistance.

REGULATIONS

§ 11.7

EXEMPTION

School districts may excuse pupils from instruction in those portions of science and health courses which conflict with the religious beliefs of the pupil if the parents so request in writing.

CROSS REFERENCES

II.A.1.; Statute §15-1519; 15-1519.1

II.C.2.; Regulation §21.31 -- 21.33

A. Health and Safety

Statutes

§16-2-31

"All municipal school systems shall provide flags, belts, apparel and devices to persons acting in the capacity of school crossing guards, and such equipment shall be made from retro-reflective and fluorescent materials visible both day and night at three hundred feet to approaching motorists using lawful low beam headlights."

SAFETY PATROL

§16-21-4

"It shall be the duty of every principal or other person in charge of every public school or private school or educational institution within the state, to conduct fire drills." There shall be fifteen fire drills during the school year, at least eight of which shall be held during the months of September, October and November.

FIRE DRILLS

§16-21-5

It shall be the duty of the department of education to formulate a uniform fire code or drill tactics to be used in all schools in accordance with §16-21-4.

§16-21-7

All schools that are approved for the purpose of §§16-19-1 and 16-19-2 shall have a school health program which shall be approved by the state director of the department of education and the state commissioner of education. The program shall provide for the organized direction and supervision of a healthful school environment, health education and services.

HEALTH PROGRAMS

§16-21-9

Each community shall provide for the appointment of a physician and dentist to make examinations of the health of the school children, who shall report any deviation from the normal, and for the preservation of records of the examination of said children. Each community shall notify the parents or custodians of children of conditions requiring professional or skilled treatment.

§16-21-12

DENTAL TREATMENT

The school committee may provide at the expense of the town proper dental treatment for children, found to be suffering from dental defects or conditions arising therefrom, whose parents or guardians or custodians neglect to provide proper dental treatment within one month after receiving such a notice of the need thereof as required by §16-21-9.

§16-21-14

EXAMINATIONS

The health program shall provide for examinations of the hearing, speech and vision of all children in said schools, and the preservation of records of the examinations of such children and notification of the parent or guardian of any child where there is a deviation from the normal.

§16-21-16

EYE PROTECTIVE DEVICES

Every student and teacher in a public or private school, college or university participating in the following courses shall be required to wear approved eye protective devices (furnished by their respective institutions) at all times while participating in such courses or laboratories.

(A) "Vocational or industrial arts shops or laboratories involving experience with:

1. Hot molten metals;

2. Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;"

3. Heat treatment, tempering or kiln firing of any metal or other materials;

4. Gas or electric arc welding

5. Repair or servicing of any vehicle;

6. Caustic or explosive materials.

Chemical or combined chemical physical laboratories involving cuastic or explosive chemicals or hot liquids or solids.

§16-25-3

"The department of education may expend in the purchase of necessary clothing for beneficiaries a sum not exceeding $40.00 in any fiscal year for a single child.

REGULATIONS

ARTICLE IV: STUDENTS (p.4-13.1)

G. WELFARE

1b. Fire Drill Code (Commissioner of Public Schools, 1913)

Every fire drill is to be regarded as a real fire.

The only person to have any advance notice of the fire drill is the one who sounds the alarm.

Drills shall take place at any time.

The signalling device must be heard in all parts of the building and shall be used only for fire drills. FIRE DRILLS

All occupants must be sure to vacate the building in a fire drill.

A teacher or some other responsible person shall be assigned to assist the handicapped.

A teacher or some other responsible person must check restrooms, cloakrooms, and all other rooms and areas where children congregate, to make sure that all of the pupils have vacated the building.

Pupils must not be permitted to go for hats or coats.

Teachers must leave the building with their classes.

Teachers who are in their own home room when a fire drill sounds must take their class register with them when they leave the building.

It shall be the responsibility of the teacher to make sure that all of the children have left their room, and that the door of the room is closed.

There shall be no talking during a fire drill.

Pupils must not run during a fire drill, but must move quickly and orderly.

Members of the custodial staff must report to pre-designated locations.

Pupils must be conducted to a point far enough away from the building so as to be in a safe area and out of the path of fire equipment.

ARTICLE IV: STUDENTS (pp. 4-22 -4-26)

G. WELFARE

2. Health (Director, Department of Health, and Commissioner of Education, 2/1/72)

HEALTH SERVICES

Each community shall provide for school health services for all children attending public and non-public schools within the geographical boundaries.

Each school system shall provide for the appointment and services of a physician and a dentist. Adequate professional nursing services shall be provided. Nurses employed by public schools shall meet the certification requirements of the State Board of Regents for school nurse-teacher.

As a condition for approval of a community's School Health Program by the Commissioner of Education, that community's school health services plans and programs (except those developed and provided by the school dentist) shall have received the prior approval of the community's school physician(s). The community's school physician(s) shall be licensed to practice medicine and surgery in accordance with state law.

Each school year each superintendent of schools shall submit for approval to the Commissioner of Education a report of the school health programs which relate to the School Health Program in the school(s) under his jurisdiction.

Health examinations shall be made at least four times during the school-experience: just before entering school (if possible) but, if not, in the first year of enrollment, and

in the fourth, and tenth grades.

The complete, cumulative school health record, or a copy thereof, shall be transferred when the child goes to another school building or school system.

Parents or guardians shall be notified, according to acceptable school procedures, of any suspected deviation from normal health found as a result of a screening test (e.g. vision), health examination and/or teacher observation.

b. All school children shall be given a Snellen vision screening test at least once a year, unless satisfactory evidence shall be presented to the school physician that such a test has been completed within the previous six-month period. The school vision screening test shall be given by a properly trained person. The physician in charge of the examination shall, within 30 days, report to the administrator of the Division of Services for the Blind the result of the examination in case blindness is established by examination. A child failing the test shall be given a retest before the parents and/or guardians are notified. The retest shall be given on another day.

Beginning with the first year of enrollment all school children shall be given a puretone hearing screening test by a properly trained person at least once every three years.

All pupils who are in their first year of enrollment, including pupils new to the school system, shall be screened for speech defects, by a properly trained person.

c. All school children shall be given a dental examination by a dentist just before entering school (if possible) but, if not, in the first year of enrollment and annually thereafter. The community's school dentist shall be licensed to practice dentistry in accordance with state law.

d. Every person upon first entering any public or private school in this state as a pupil shall furnish to the administrative head of such school evidence that such person has been immunized against diphtheria, tetanus, polio, rubella, (and) measles, (or has had natural measles); or a certificate from a licensed physician stating that such person is not a fit subject for immunization for medical reasons; or a certificate signed by the parent or guardian stating that

IMMUNIZATION

such immunizations are contrary to his beliefs.

Whenever possible, the evidence for completing the specified immunizations should be a certificate signed by a licensed physician. However, in the circumstances where the physician's records are lost or are not available or where the prospective pupil was immunized in a special public health clinic in which no permanent record of immunization was established, the signed statement of the prospective pupil's parent or guardian attesting to completion of the specified immunizations will suffice as evidence.

In the circumstance where the person cannot supply evidence for one or more of the required immunizations such evidence shall be provided within one year of the date of first entrance.

Rules and regulations of the Rhode Island Department of Health pertaining to the control of communicable diseases shall obtain. Regulations of the local school physician shall obtain in the matters of exclusion and readmission of pupils for reasons of illness.

TUBERCULOSIS TEST

All full or part-time school employees and those persons (such as food handlers, bus drivers, physicians, nurses, clinicians, etc.) whose duties bring them into direct contact with children shall prior to employment and every two years thereafter, file with the superintendent of schools or a person or persons delegated by him a report from a licensed physician that such person is free from tuberculosis in its communicable form.

e. Each school shall have written policies and standing orders available in the event of accidents and acute illnesses. These shall be prepared, dated, signed, and reviewed annually by the school physician(s).

FIRST AID

At least one person, other than the school nurse, competently trained in first aid shall be available in each school at all times.

An accident report shall be completed and filed as soon as possible by the school principal or a person delegated by him.

CROSS REFERENCES

III.A.2.; Statute §16-2-3

III.A.2.; Regulation, Standards for Elementary Schools

IV.H.; Statute §16-19-1

A. Health and Safety

Statutes

§59-63-910 --59-63-930

FIRE DRILL

Teachers or superintendents shall conduct a monthly fire drill. The principal shall indicate on his/her monthly pay voucher whether this requirement was met. If not, the superintendent shall deduct between ten and twenty-five dollars from the responsible teacher's salary for each offense.

Regulations

§43-145

The State Board directs the State Superintendent to forgive the maximum number of days authorized by law upon request of the governing body of any school district.

A written plan shall be designed to provide for the protection and safety of students in the event of any disaster which threatens to involve the school community.

§43-182

FIRE DRILL

Each elementary and middle school shall conduct a fire drill at least once a month and shall have a plan for vacating the building with well-defined exit routes.

All secondary school teachers or superintendents in charge of the schools of the State which are supported in whole or in part by taxation shall conduct fire drills at least once a month. Any teacher or superintendent failing to observe this shall be fined no less than ten dollars or more than twenty five dollars for each offense. These fines shall be deducted from his/her salary and turned over to the county treasurer for ordinary county purposes.

§43-200

The school environment should offer the same personal security and safety normally found in the home. The South Carolina State Board of Education abhors violence and intimidation and states its unwavering commitment

to the maintenance of a safe and secure school environment for all students and educators. The State Board pledges its support to work cooperatively with and through local school district authorities in areas where local conditions have challenged the normal operation of schools.

The Board urges all citizens to continue their active and vigorous support of the actions of local school and civil authorities in insuring the personal safety and security of all students and teachers.

§43-207

PHYSICAL EXAMINATION

All school personnel and adult education personnel shall have an annual physical examination. Certification that the person is free of contagious disease must be filed in either the school, area or district office.

Adult education personnel employed in the regular program who have had an annual physical examination must meet this requirement.

§43-276

Each school must be equipped with adequate first aid supplies and equipment.

CROSS REFERENCES

II.A.3.: Regulation §43-275

II.C.2.: Regulation §43-180

IV.C.2.: Regulation §43-181

IV.D: Statute §59-67-130

IV.F: Statute §59-63-50

A. Health and Safety

Statutes

§13-24-18.2

Every pupil and teacher "in public and nonpublic schools" who participate in "vocational or industrial art shops or laboratories" and are exposed to heat, electric or explosive materials, etc., are required to wear "eye protective devices at all times . . . ."

EYE PROTECTIVE DEVICES

§13-24-18.3

Such "eye protective devices" shall be furnished by the schools.

§13-25-1

Every public and nonpublic school "shall be constructed, equipped, operated and maintained in a safe condition" with respect to "fire proofing, the number and types of ways of egress, aisles and passageways, stairs and fire excapes, . . . exits, . . . doors, . . . fire alarm systems, . . . and all other emergency protection."

FIRE PROTECTION

§13-25-3 — 13-25-4

The department of public safety has the authority to inspect all school buildings. "Such inspection shall be made at least once a year. . . ."

SAFETY INSPECTION

§13-25-7 — 13-25-9

If, as a result of such inspection any school building is found unsafe, the school will be given a thirty-day time period in which to correct any defects. If a school fails to comply, the department of public safety has the authority to close the school.

SCHOOL CLOSURE

§13-28-7

To be admitted to school, a pupil must have a certificate showing that he has received a smallpox vaccination within the last five years.

VACCINATION

§13-28-7.1

TUBERCULOSIS
IMMUNIZATION
EXCEPTION

To be admitted to school, a pupil must have a certificate showing that he has been tested for tuberculosis and immunized against polio, diphtheria, measles, and tetanus. If a child's religious beliefs conflict with such testing or his/her parents cannot afford the immunizations, an exemption may be granted.

§13-28-7.2

For any child unable to afford the tuberculosis test and immunizations, the school board may request the local board of health to furnish such services.

§13-28-7.3

EXCLUSION

A school board or school superintendent may exclude a student who is determined to be a "risk or nuisance to the health of other students or school employees" due to a communicable disease. When the school board determines that the disease is no longer communicable, the child may be readmitted.

READMISSION

§13-32-8

SAFETY PATROL

Any school board may establish a school safety patrol to supervise students in the directing of other students crossing streets on their way to and from school. The school board may purchase health and accident insurance to cover all adult and student safety patrol members.

§26-10-10

CHILD ABUSE

If a "school official, school counselor, or nurse" has reason to believe that a child has suffered abuse, he/she must report this immediately to his/her superior. Any person who fails to make a report is guilty of a misdemeanor.

REGULATIONS

§24:02:03:16 -- 19

SCHOOL NURSE

Requirements for receiving a school nurse special certificate endorsement are: (1) be a graduate of an

approved school of nursing; and (2) be a registered nurse in South Dakota. The special endorsement permits "the nurse to work in school nursing for a period of two years while . . . taking work to meet the requirements for the limited certificate" for school nursing. The limited certificate is earned upon completion of "an additional 16 quarter hours of credit in professional courses at an accredited college. These courses are to include work in public health, school nursing, and education."

The requirements for a school nurse continuing certificate endorsement, valid for 5 years, are: (1) three successful years as a school nurse; (2) earning nine additional quarter hours in professional courses beyond those required for the limited certificate. The continuing certificate may be renewed for 5 years, "provided the holder earns nine quarter hours of additional credit."

The requirements for a school nurse standard certificate endorsement are: (1) be a graduate of an approved school of nursing; (2) be a registered nurse in South Dakota; (3) have a bachelor's degree from an approved institution. "Standard certificates will be issued for 5 years and may be renewed upon presentation of evidence of having earned six semester hours of credit within the five year period immediately preceding the renewal, or satisfy the requirement of the state and local education association."

§24:03:04:09

EMERGENCY

"A line of authority shall be established in each building so that in the event of an emergency, an authorized person will be in charge."

§24:03:08:01 -- 02

SCHOOL NURSE

PHYSICAL EXAMINATION

"School systems shall have the services of a nurse whose services shall be commensurate with the size of the school." Regular physical examinations should be required, and "dental, medical and immunization clinics should be organized by school officials in cooperation with public health officials." The student health record

is to be recorded as part of her/his cumulative record.

"All supportive personnel shall be appropriately licensed or trained to perform the specific responsibility assigned."

CROSS REFERENCES

II.C.2.: Statute §13-24-16

IV.E.: Statute §13-29-6 -- 13-29-9

IV.H.: Statute §13-27-4

A. Health and Safety

Statutes

§228

The state department of public health or its representatives cannot interfere with the individual's right to select the physician or mode of treatment of his/her choice.

§1302

No person shall teach who has any contagious or communicable disease. All teachers must submit to a physical examination, when required by the local board of education.

§1310

"It shall be unlawful for any teacher to keep the doors or windows of the school building locked while the pupils are assembled therein; or permit any screens to be fastened in windows . . . that would prevent the egress of pupils in case of fire or other emergency."

§1720

If a child cannot attend school because of lack of clothes or food, he/she "shall be reported to the welfare agency in [the] school district."

§1765 — 1769

"The commissioner of public health is authorized. . . to designate diseases against which children must be immunized . . . ."

IMMUNIZATION

Parents have the responsibility to have their children immunized. However, they may object to immunization because of religious beliefs. A child cannot be enrolled into school until proof of immunization is given.

Immunization is not required if a qualified physician proves it "harmful to the child involved."

§1916; 1917

When state funds are used in the public schools, principals are required to instruct pupils "in the art of safety as against injury on the public thoroughfares, highways and streets of the state. . . ." It shall be the duty of the school board, school commissioner, or other persons to promulgate rules and regulations concerning the "teaching of the art of safety."

§4401

EYE PROTECTIVE DEVICES

Students, teachers and others attending certain courses or laboratories and exposed to certain risks shall wear protective eye devices. These shall be used in courses concerned with hot molten metals, any kind of cutting, grinding or shaping of solid materials, any heating, tempering or kiln firing of metals, welding, casting or explosive materials and repair or servicing of vehicles.

REGULATIONS

p.106

EMERGENCY PLAN

There is a school emergency preparedness plan in all schools from each school district. "Each teacher shall practice the procedures, at least, during the first month of each semester." There will also be tornado safety drills conducted by the principal three times a year. There is a Tennessee Guide for Preparing a School Disaster Plan, designed by the State Department of Education, for the preparation of "local school system emergency preparedness plans."

CROSS REFERENCES

I.Teacher: Statute §1307

II.A.2.; Regulation pp. 100-102

II.C.2.; Regulation pp.103-4

II.C.2.; Regulation pp. 104-106

IV.D.; Statute §2209 -- 2214

IV.D.; Statute §2215

STATUTES

§ 2.09

No person may be admitted to any elementary or secondary school unless s/he has been immunized against those diseases listed by the State Board of Health, except where immunization endangers the health of the applicant or "conflicts with the tenets and practices of a recognized. . .religious denomination of which the applicant is an adherent." However, the latter-mentioned exemption "does not apply in times of emergency or epidemic declared by the Commissioner of Health." A person may be provisionally admitted to a school "if he [she] has begun the required immunizations and if he [she] continues to receive the necessary immunizations as rapidly as is medically feasible. The State Department of Health shall promulgate rules and regulations relating to the provisional admission of students to schools.

IMMUNIZATION

§ 4.31

It shall be unlawful to interfere with normal school activities by exhibiting or threatening to exhibit a firearm.

§11.20

"a) The Central Education Agency shall plan, institute, and supervise pilot programs . . . for the purpose of screening children for health defects or problems.

b) In each . . . pilot program, children shall be examined or evaluated in the manner prescribed by the . . . Agency, by nurses or other allied health personnel. . .

c) Prior notice of the examination shall be given to the parents or guardian of each child, and no child shall be examined or evaluated if . . . [chev]. . . object because of religious convictions.

PHYSICAL EXAMINATION

d) Whenever an abnormal health condition or problem is found in any child, the school nurse shall:

1) advise the child's parent or guardian;

2) suggest what action should be taken;

3) if necessary, assist the family in obtaining access to appropriate health, rehabilitation, or treatment services; and

4) review the case as necessary to determine that corrective action is taken to the extent possible.

e) The agency shall require a [confidential] record to be kept of each examination and [and] actions taken. . .

f) The agency shall require periodic reports from each [participating] district . . . for the purpose of evaluating the results of the program. The agency shall report its findings and recommendations to the legislature biennially . . . ."

§21.906

HEALTH INSURANCE

"[T]he board of trustees of any school district ... is authorized ... to secure Health insurance for the protection of students who participate in interschool athletic competition." This may be done in the form of insurance and should be an amount deemed reasonably necessary by the board of trustees. The cost shall constitute a "legitimate part of the total cost of the athletic program of the school district...."

§21.909

EYE PROTECTIVE DEVICES

All teachers and pupils participating in activities that could cause eye injuries must wear eye-protective devices furnished by the district either free of charge or at a cost. These devices must meet standards set by the State Department of Health. Should an eye-injury occur in the activities mentioned a report from the principal must be presented to the State Department of Education.

Title 10 Ch 48 §48.10

Any person that is in possession of "a burning tobacco product or smokes tobacco in a facility of a public primary or secondary school ..." has committed an offense.

Title 71; Ch. 3 Art. 44476-6a; 4476-6b

"(N)o state agency or subdivision may purchase beef ... which has been imported from outside the United States of America." Included within the state agencies directly affected by the ban are educational, as well as rehabilitative and correctional facilities. The same ban pertains to the use of imported dairy products by these agencies.

Title 71; Ch. 4 Art 4477 Rule 15-16 and 26-30

Under this Code a quarantine is to be issued, and persons suffering from measles, whooping cough, mumps, German measles and chicken pox are to be barred from school for a length of time deemed necessary by the local health officer. Persons suffering from tonsilitis, scabies, impetigo contagiosa, favus shall be excluded from school during the illness. All persons with contagious diseases are excluded from schools until active infection has subsided.

SCHOOL CLOSING

A school may be closed "wherein a child suffering from smallpox, scarlet fever, or diptheria has been present ..." and may be reopened after disinfection.

Should a pupil be from any house infected with a contagious disease, the superintendent or principal of any school shall be notified of such by the local health authority and said pupil may be barred admission from the school until that authority signs a certificate that the pupil no longer presents a danger.

Title 71; Ch. 4A Art. 4477-1 Sec. 6,8,16

SAFETY FEATURES

"Any and all public buildings hereafter constructed shall have incorporated therein all such ... features as may be necessary to properly protect the health and safety of the public."

All school buildings shall:

1) be located on grounds that are well drained and maintained in a sanitary condition;

2) be properly ventilated and provided with an adequate supply of drinking water and approved sewage disposal system, etc.;

3) have their lunch rooms maintained and operated in compliance with State Food and Drug Regulations;

4) be maintained in a sanitary manner, with all custodians of the facilities versed in the fundamentals of safety and sanitation.

Title 71; Ch. 4B Art. 4477-12 Sec. 4,5

TUBERCULOSIS EXAMINATION

"The State Board of Health shall provide for the examination for tuberculosis infection of all pupils in the first and seventh grades of the ... schools of this state." All personnel of these schools shall also present, on or before September 1st of each year, a certificate stating that they have been examined for tuberculosis. This certificate is to be presented to the State Board of Health by the person performing the examination.

Family Code Ch. 35 § 35.01-.04

An educational institution in which a minor is enrolled that has received written authorization or consent, from the person having power to consent, may consent to medical treatment when the person having the power cannot be contacted. When the need for medical examination or treatment is necessary for abused or neglected children, no consent is necessary.

REGULATIONS

§2304.6

"Pupil Health, Safety, and Well-Being

a) Examination of Pupils for Tuberculosis

Arrangements for examination in schools should be made in cooperation with county or city health officer or director of local health department.

Actual testing may be done by the school or public health nurse under the direction of a physician or by the family physician.

A planned program of health education should be carried out prior to the examination and preferably as an ongoing program. This may be in cooperation with local or area tuberculosis association, health department,

of medical society.

Following the educational program a form should be sent home to obtain the parents' written permission. School district boards may want to consider making this examination mandatory.

Examination should consist of

1) tuberculin skin test;

2) chest X-ray of all positive tuberculin reactors; and

3) other examinations as recommended by physician.

The remainder of this series concerning tuberculin testing includes when such tests may occur, and how they are to be carried out.

Eye-protective devices of industrial quality . . . are furnished . . . by the local school district to all pupils participating in

" classrooms, shops, laboratories and field activities in occupational educationand technology," etc. and with all activities dealing with potentially dangerous materials.

"The immunization program is provided by the school districts in accordance with regulations . . . ."

§3411

"As part of the public education program, pupil services include guidance, school lunch and child nutrition, health, attendance, and transportation. School districts shall provide these services with the assistance of the Texas Education Agency which authorizes appropriate personnel, establishes directives, disseminates information relating to exemplary services, and provide consultative services as directed by the Commissioner of Education."

§3441

"Health services shall be considered as part of the educational program of the schooling of Texas . . . . provided to children through local education agencies. . . ." The Texas Education agency will assist in these services.

§3441

"The standards by which each accredited school system maintains a realistic and workable program of health services are as follows.

(1) Pupil health records are maintained.

(2) Health services include physical examinations, screening tests, prevention and control of communicable diseases, and provision for emergency cases.

HEALTH SERVICES

(3) Community health resources are used in the school's health program.

(4) There is a plan for daily health observation and for referral of pupils who show signs of ill health.

(5) All school employees have pre-employment and periodic physical examinations, and records of these examinations are kept along with other personnel data.

(6) Policies of the board of trustees include provisions or facilities for

(6-1) exclusion of pupils or employees who have communicable diseases;

(6-2) emergency care of the sick;

(6-3) authority to make health appraisals of pupils; and

(6-4) health services as may be necessary in maintaining good health among the student body."

§3451

"Attendance services . . . shall be considered as a part of the educational program of the school children of Texas . . . . provided to children through the local education agencies . . . ."

§5201

"The welfare of pupils shall be the responsibility of the board of trustees of a school district. The official policies of the local board are the authority for all rules and regulations related to pupil welfare while they are under the jurisdiction of the school; however, the local board shall adopt, in writing, policies that are consistent with state laws and State

Board of Education policies. Pupils shall be informed by local authority of rules and regulations relative to pupil welfare."

§5205

EYE PROTECTIVE DEVICES

"Pupils are required to wear eye protective devices which meet the standards set by the State Department of Health when participating in:

(1) classrooms, shops, laboratories, and field activities in occupational education and technology, industrial arts, and other curriculum areas involving experience with:

1-1 hot molten metals;

1-2 milling, sawing, turning, shaping, cutting, or stamping of any solid materials;

1-3 heat treatment, tempering, or kiln firing of any metal or other materials;

1-4 gas or electric arc welding; or

1-5 caustic or explosive materials; and

(2) chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids."

§8105.5

". . . all employees (of the Texas Schools for the deaf and for the blind) are required to have a general physical examination, including a chest X-ray or a tuberculin skin test . . . ."

CERTIFICATE

"A certificate, less than 120 days old, signed by the physician, will indicate if the employee is physically and emotionally fit to perform his[her] duties. A smallpox vaccination is required every seven years. New employees must submit the same certification, at the time of employment."

CROSS REFERENCES

II.A.2.; Statute §11.08

II.A.2.; Regulation §8104

II.C.2.; Statute Title 20, Ch. 4, Art. 678g; Title 63, Ch. 2. Art. 3955: 3959: 3960
III.A.1.; Regulation §3712—3713
IV.D.; Statute §21.161

IV.D.; Statute Title 116: Ch. I, Art. 6687b, §5

IV.J.; Regulation §2304.1

STATUTES

§53-1-20

All pupils and teachers are "required to wear industrial quality eye protective devices," to be furnished by the board of education, while participating in certain "industrial education activities" and "chemistry or physics laboratories."

EYE PROTECTIVE DEVICES

§53-2-27 - 53-2-28

In order to promote the "physical welfare of pre-school children," local boards of education may institute programs for health education of parents, with the parents' consent. Such programs may be administered in conjunction with the "state school of education" and the "state board of health."

HEALTH EDUCATION FOR PARENTS

§53-12-1

The board of education has authority to "organize school safety patrols" to assist school bus drivers in "maintaining safety rules" and seeing to it that students are "received and discharged from such buses in safety." Students may be appointed to serve on such "safety patrols" with the "written permission" of their parents.

SAFETY PATROL

§53-22-1 - 53-22-5

"During the first month of each school year," teachers must conduct tests of children to determine if any child has "defective sight or hearing, or diseased teeth, or breathes through his/her mouth." If a child has any such defect, same must be reported to his or her parent. Local boards of education may employ physicians to administer these tests.

EYE TEST

HEARING TEST

§53-22a-2 - 53-22a-4

IMMUNIZATION

Every child "entering school for the first time" must have a doctor's certificate stating that he or she has received the required immunizations, or a certificate that the immunizations would be harmful, or a written statement from the parents that such immunizations violate their religious beliefs. Pupils may be "immunized without cost by the local department of health."

§55-16-2 - 55-15-3

CHILD ABUSE

Any person who knows or suspects that a child has been harmed by physical abuse or neglect shall report this information to the local city police or division of family services. A written report, containing detailed information, must also be filed.

CROSS REFERENCE

III.B.Teachers; Statute §53-2-26

A. Health and Safety

Statutes

§1382

The school board may appoint one or more medical inspectors (licensed physician or trained nurse) for the schools in the town district and shall fix their compensation.

§1383

MEDICAL EXAMINATION

The medical inspectors shall examine all pupils in accordance with regulations prescribed by the state health commission.

§1384

A person having control of a pupil may request in writing that the pupil be examined by a physician rather than a medical inspector without charge to such district.

§1385

$10,000 is appropriated to the state board to improve the health and physical education in the schools and to carry out §1384, 1421 and 1422.

§1386

The board of directors may expend up to 3% of its funds for health services for children of indigent parents. Such services include: purchase of milk and hot lunch, eye glasses, dental services, removal of tonsils and other services approved by health officer and teacher.

§1421

EYE TESTS

HEARING TEST

The state health commission shall provide all needed materials to be used in testing the sight and hearing of pupils in public schools.

§1422

Each year the superintendent shall authorize a qualified person to test the sight and hearing of pupils under his supervision and shall notify the parent or guardian of any student having defective sight or hearing.

No child shall be obliged to submit to testing if his parent objects in writing.

§1481

FIRE DRILLS

The principal shall hold a fire drill once a month during the school year and shall record the date and time consumed in vacating the building.

§1482

SAFETY PATROLS

The board of directors may organize safety patrols and appoint pupils to encourage students to cross public highways only at designated crossings. Adequate accident insurance shall be kept in force to protect students acting as safety patrols. The commissioner may assign a state officer to assist school authorities in promoting safety education. Liability shall not attach to any school or individual associated with the system for injuries sustained by any pupil by operating the safety patrol system.

REGULATIONS

R.M. Ch. II.B6; p. 14

Each school district shall comply with any existing orders and regulations of the State Department of Health and the State Fire Marshall, and shall annually advise the Commissioner of compliance.

R.M. Ch. IV.F; p. 99

SAFETY INSTRUCTION

The State Board resolves that superintendents and school boards should involve their personnel in safety instruction seminars whenever possible and develop a comprehensive emergency plan for each school and a functional emergency organization.

Every school district receiving federal and/or state funds for program support will develop, institute, and monitor a program of safety for every program.

CROSS REFERENCES

IV.D.; Statute §1282

IV.H.; Statute §1124

IV.H.; Statute §1125

IV.H.; Statute §1126

A. Health and Safety

Statutes

§22-10.2

Each student and teacher in vocational or industrial arts or chemical laboratories in any public or private school shall be required to wear industrial quality eye protective devices at all times. The eye protective devices shall be furnished free of charge or at cost.

EYE PROTECTIVE DEVICES

§22-55

One school board or two or more school boards may operate vacation schools or camps for the education, physical training, health, nutrition or the prevention of communicable diseases of school age children.

The school board shall include the cost of the vacation school in its annual estimated operating budget. A vacation school shall be approved for sanitation and safety by the health authorities before it may operate.

§22-220.1

Before any child is admitted for the first time to kindergarten or elementary school, the child shall have a comprehensive physical examination by a physician unless the child's parent or guardian objects on religious grounds. The physician shall report any abnormal physical findings which would identify the child as handicapped.

Every pupil shall, within ten days after entering a public or private school furnish a certificate from a licensed physician certifying that the pupil has been immunized against communicable diseases as requried by §32-57.1.

IMMUNIZATION

§22-241

The State Board and State Board of Health shall formulate standards for medical personnel. A governing body may appropriate money to employ school nurses, physicians, physical directors, physical therapists, occupational

therapists and speech therapists. A governing body may appropriate money to provide health examinations, physical education and special facilities for handicapped children.

§22-243

All pupils shall receive "examinations, health instruction and physical training as shall be prescribed by the State Board and approved by the State Board of Health . . . ."

§22-248

The Superintendent of Public Instruction with the approval of the State Board of Health shall provide sight and hearing testing materials to any school board which requests them. Any school board receiving the materials shall test all pupils and keep a record of the results. The school shall notify the parent or guardian of any child that is found to have a defect.

§22-249

A teacher shall require every pupil to be clean. No person with a contagious or infectious disease shall attend school.

As a continuing condition to employment every school employee shall submit annually a certificate from a licensed physician stating that the employee does not have communicable tuberculosis and has been tested in the last twelve months.

§22-250

Any parent, guardian or other person having custody or control of a school-age child who fails to vaccinate the child according to school board requirements within five days after the deadline, shall be guilty of a misdemeanor.

§22-280.2

A school bus drill shall be held at least once during the first ninety days of school, and as often as necessary, in order that pupils and bus drivers may be thoroughly practiced in leaving buses in emergencies.

§63.1-248.3

Any public or private school employee who has reason to suspect that a child is abused or neglected shall report the matter to the local department where the child resides, where the neglect or abuse took place, or, if neither of these is known, where the neglect or abuse was discovered. Failure to make a report when required to do so shall result in a fine of not more than five hundred dollars for the first failure and from one hundred to one thousand dollars for subsequent failures.

CROSS REFERENCES

I.Division Superintendent; Regulation; Division Superintendent of Schools, Statute §I-XII

II.A.2.; Statute §32-11.1

II.C.2.; Statute §22-156 -- 22-158

IV.D.; Statute §22-276 -- 22-276.2

IV.H.; Statute §22-275.1 -- 22-275.3

IV.H.; Statute §22-275.4

IV.H.; Statute §22-275.18 -- 22-275.23

A. Health and Safety

Statutes

§28A.31.010

"The state board of health, after consultation with the superintendent of public instruction" shall adopt reasonable rules and regulations regarding persons around school premises "who have, or who have been exposed to, contagious diseases."

RULEMAKING

§28A.31.030 -.040

"Every board of school directors . . . shall . . . provide for and require screening for the visual and auditory acuity of all children attending school. . ." to detect defects which might retard their studies. Records of screening shall be prepared and copies sent to the child's parents or guardian.

VISION TEST

HEARING TEST

§28A.31.040

Parents, guardians and appropriate school officials shall receive copies of all records and recommendations resulting from health examinations.

§28A.31.050

"The superintendent of public instruction shall print and distribute to appropriate school officials the rules and regulations adopted by the state board of health pursuant to RCW 28A.31.030 regarding hearing and vision tests, and the recommended records and forms to be used in making and reporting such screenings."

HEARING TEST

VISION TEST

§28A.31.060

The superintendent of public instruction shall provide . . . sight saving equipment . . . for children with defective vision when such equipment is necessary to provide equal educational opportunities.

SIGHT SAVING EQUIPMENT

§28A.58.050

REMOVAL

"The board of directors shall . . . set forth . . . procedures to ensure each school . . . is carrying out policy providing that no child will be removed from school grounds . . . during school hours except by a person so authorized by a parent or legal guardian having legal custody. Such procedure "need not be applicable to any child in grades nine through twelve."

§28A.58.102

BUILDINGS

"Every board of directors shall cause all school buildings to be properly heated, lighted and ventilated and maintained in a clean and sanitary condition and maintain and repair, furnish and insure such school building."

PHYSICIAN

§28A.60.320

NURSE

The board of directors may authorize the employment of a licensed physician or public health nurse.

REGULATIONS

§180-84-075

SCHOOL NURSE

"Certification of school nurses--Role and function. The school nurse...gives help to children, parents and school personnel through an educational approach. She/he participates with others in the school in planning and developing the school health program... The general functions of the school nurse may include the following:

(1) Give leadership and guidance in the development of a total school health program.

(2) Participating in the formulation of policies, standards and objectives of a school health program.

(3) Participating in the coordination of the school program with the total health program of the school and community.

(4) Participating in health curriculum planning and evaluation.

(5) Using health services as a means of direct and indirect health education.

(6) Assisting in planning and conducting in-service health education for school personnel.

(7) Serving as a consultant or resource person to the administrator, parents, children and teachers in regard to the health needs of the children.

(8) Acquainting the administration and other school personnel with health problems and resources in the school, home and community.

(9) Assisting in planning the budget for health services.

(10) Serving as a member of the school health council.

(11) Participating in faculty and parents' meetings."

CROSS REFERENCES

III.A.2.; Regulation §180-56-360

III.B.Guidance Counselor; Regulation §180-56-245

IV.D.; Statute §28A.24.150

IV.G.; Statute §28A.58.242

IV. Accommodation and Governance of Students

A. Health and Safety

Statutes

§16-3-4

IMMUNIZATION

"All children entering school for the first time in this State shall have been immunized against diptheria, polio, rubella, tetanus and whooping cough. Any person who cannot give satisfactory proof of having been immunized previously in a certificate from a reputable physician showing that an immunization . . . is impossible or improper or sufficient reason why any or all immunizations should not be done, shall be immunized . . . prior to being admitted in any of the schools of the State. No child or person shall [otherwise] be admitted . . . . Any teacher, having information concerning any person who attempts to enter school . . . without having been immunized . . . shall report the names of all such persons to the county health officer. It shall be the duty of the health officer in counties having a full time health officer to see to it that such persons are immunized before entering school.

Health officers and physicians who shall do this immunization work shall give to all persons and children a certificate . . . showing that they have been immunized . . . . If any physician shall give any person a false certificate of immunization . . . he[she] shall be guilty of a misdemeanor . . . .

Any parent or guardian who refuses to permit his[her] child to be immunized . . ." whose child is not excused from immunization for any of the above stated reasons, "shall be guilty of a misdemeanor."

§16-3-4a

"All kindergarten . . . and first grade pupils who have not had an approved tubercular skin test in

kindergarten and all students transferring from a school located outside this State shall furnish a certificate from a licensed physician stating that a[n approved] tuberculin skin test . . . has been made within four months prior to the beginning of the school year . . . Test results must be recorded on the certificate.

TUBERCULOSIS

All school personnel shall have a chest X-ray or an approved tuberculin skin test once every two years. School personnel who have not had the required examination will be suspended from employment until reports of examination are confirmed."

§18-3-9a

FIRE HAZARDS

"Whenever any county board shall fail to comply with an order of the state fire marshal for correction of fire hazards in any public school building, the state superintendent shall close the building, or the unsafe part thereof, until the board complies with such order. The state superintendent shall also have the power and authority to inspect any public school building and to order the making of such repairs or alterations as may be necessary to put the building into a safe condition."

§18-5-22;23

MEDICAL/DENTAL INSPECTIONS

County "boards of education . . . shall . . . provide proper medical and dental inspection for all pupils attending the schools of their districts."

They "shall also have authority to employ school nurses and to take any other action necessary to protect the pupils from infectious diseases, including the authority to require from all teachers employed in their districts certificates of good health, and of physical fitness for . . . work.

The board . . . may, in its discretion, establish and maintain dental clinics or courses for teaching mouth hygiene; and may provide for and furnish treatment . . . of children who have defective

teeth or mouth conditions, and who shall be found by such board of education . . . to be unable otherwise to procure such treatment."

§49-6A-1-4

CHILD ABUSE

"It is the policy of this State to provide for the protection of children who have had physical injury inflicted upon them and who, in the absence of appropriate reports concerning their conditions and circumstances, may be further threatened by those responsible for such injury."

Therefore any nurse or schoolteacher "acting in his[her] official capacity as such, having reason to believe that a child under eighteen . . . has had previous injury or injuries inflicted upon him[her] as a result of abuse or neglect, shall report the matter promptly to the nearest office of the department of welfare and to the [county's] prosecuting attorney.

Any person making a report pursuant to the provisions of this article, or participaitng in a judicial proceeding resulting therefrom, shall be presumed to be acting in good faith, and if acting in good faith, shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed."

REGULATIONS

§4310

BODY PROTECTION

Appropriate industrial-quality eye, face or body shield devices shall be required to be worn by every student exposed to molten materials, heat treatment, welding explosive materials and grinding or sawing solid materials.

§4321.1

CANDY

Because of the danger of dental cavities associated with consuming high carbohydrate foods; candy, soft drinks, chewing gum and flavored ice bars shall not

be sold during the school day in all public schools.

CROSS REFERENCES

II.A.4; Regulations §2310; 2412

II.C.2; Statute §18-5-9

II.C.2; Regulation §6220

IV.J; Statute §18A-5-1

A. Health and Safety

Statutes

§118.07

In every school there shall be provided a first aid kit for emergency use. Once each month there shall be a fire drill to show the proper method of departure from the building.

§118.08; 118.105

Black and yellow "school" warning signs shall be on any street or highway which borders the grounds of any public or private school.

Any school board may request local authorities to control motor vehicle and pedestrian traffic on off-highway school premises.

§118.09

Every school district maintaining a school outside the corporate units of a city shall provide at the school site a zone which will provide safety for pupils from vehicular traffic during loading and unloading of pupils at the school. All loading and unloading of the pupils at the school, whether transported by a public or private vehicle, shall take place in the safety zone. Operators who contract to transport pupils to school shall have necessary police powers to safeguard loading and unloading at the zone.

§118.10

SAFETY PATROL

Any school board may organize school safety patrols with the parents' permission to influence and encourage other pupils to refrain from crossing public highways at points other than regular crossings. Patrol members shall not be permitted to direct vehicular traffic

§118.17

FOOD
CLOTHING

The principal or teacher in a public school shall report to the authority administering general relief for the municipal unit in which the school is located the name and address of any child in the school whose parent is without sufficient means to furnish the child with food or clothing necessary to enable the child to attend school.

§118.25

The school board requires, as a condition of employment, a physical examination, including a chest X-ray or tuberculosis test of every school employee of the school district. Freedom from tuberculosis in a communicable form is a condition of employment. Persons who verify by affidavit setting forth their exclusive dependence upon prayer or spiritual healing shall not be discriminated against for filing such affidavit. In counties with a population of less than 500,000, the school board may require periodic health examinations of pupils by physicians, under the supervision of the local boards of health, and the costs may be paid out of school district funds. If the testing of vision is included, such test may be made by an optometrist.

REGULATIONS

PI 7.02

Local school boards are responsible for developing a plan which will provide proper safeguards for pupils who face unusual hazards in walking to and from school.

CROSS REFERENCES

II.A.1.; Statute §115.35
II.A.2.; Statute §115.31
II.C.2.; Statute §115.33
III.A.2.; Regulation PI 3.01
IV.D.; Statute §121.52

A. Health and Safety

Statutes

§21.1-43

"The board of trustees of any school district may arrange to make accident insurance for medical, hospital, injury, or death benefits available to any or all pupils." In lieu of such insurance, the board of trustees may establish a fund sufficient to defray medical, hospital or other expenses resulting from injuries suffered by pupils. This section is not to be construed as making the school district liable in all circumstances.

INSURANCE

§21.1-183

Every teacher and pupil participating in any public school course involving any activity which creates a substantial risk of harm to the eyes, is required to wear industrial quality eye protective devices.

EYE PROTECTIVE DEVICES

The board of trustees is to purchase such eye protective devices and make them available free of charge to teachers and pupils involved in the above activities. The board is not required to furnish eye protective corrective lenses.

CROSS REFERENCES

III.B.School Personnel; Regulation; Chap. III, Section 8

IV.B; Regulation; Chap. VIII, Section 5

IV.D; Regulation; Chap. II, Section 3

IV.H.; Statute §21.1-48

B. Counseling

B. Counseling

Statutes

§15-1199 --1199.02

"State career education assistance" is available for: (1) making career counseling available to all students; (2) retraining teachers and counselors for career counseling; (3) hiring "teacher-coordinators" to implement work experience programs, and to provide workshops and other necessary training as designated herein.

The state board of education shall establish standards for and review school district programs in career education. The state board shall also prescribe standards for certifying career education teachers and counselors. The superintendent of public instruction shall allocate funds and review the operation of all career education programs.

Regulations

R7-2-306

Policies re Career Education

ARS §15-1199.01 A, B

CAREER EDUCATION

Career education shall consist of an awareness and orientation to the world of work (K-6) and exploration of occupations (7-12).

Each district shall: motivate students to increase their understanding of basic education, provide inservice teachertraining, provide guidance and counseling to students. The program shall be evaluated based upon its fulfillment of its objectives (e.g. change in the dropout rate and its evaluation procedures.)

B. COUNSELING

STATUTES

§35300

"The governing board of any school district may provide in each school within the district an organized and functioning counseling program. Counseling shall include, but not be limited to, the following:

(a) Educational counseling, in which the pupil is assisted in planning and implementing his[her] immediate and long-range educational program.

(b) Career counseling, in which the pupil is assisted in assessing his[her] aptitudes, abilities, and interests in order to make realistic career decisions.

(c) Personal counseling, in which the pupil is helped to develop his[her] ability to function with social and personal responsibility.

(d) Evaluating and interpreting test data.

(e) Counseling and consultation with parents and staff members on learning problems and guidance programs for pupils.

§52340 -- 52348

CAREER DEVELOPMENT

GUIDANCE CENTER

Finding that there exists a need to increase the effectiveness of career development programs, the Legislature intends that the pilot career guidance center established in §52340 et seq. shall serve as a regional guidance resource center. The Department of Education shall provide state-level guidance to the project.

Application for establishment of a career guidance center may be made to the state board by any county superintendent or governing board, separately or jointly, on forms provided by the Department. The state board shall select one applicant.

Upon the state superintendent's recommendation, the state board shall adopt guidelines including, but not limited

to, criteria for selection of the applicant and of project sites, fiscal accountability, and administrative procedures.

In implementing §52343 et seq., the Department shall regularly consult with the Department of Human Resources Development, the Chancellor of the California Community Colleges, the California Postsecondary Education Commission, the University of California, the Chancellor of the California State University and Colleges, the Commission for Teacher Preparation and Licensing, the Department of Industrial Relations, the Department of Consumer Affairs, the California Advisory Council on Vocational Education and Technical Training, and the State Personnel Board.

APPOINTMENT

The career guidance center shall appoint a local advisory committee composed of 11 members, at least seven of whom shall be representatives of business, industry, and labor, and the general public, and one a member of the local area vocational committee (established under §8020 et seq. of Title 1, if such a committee exists in the area of the center).

The committee shall make annual findings and recommendations regarding the center's operation and cooperate with the Department of Education in its guidance capacity.

Members shall serve without compensation but shall be reimbursed for actual and necessary travel expenses in performing their duties.

The career guidance center has such powers as are necessary to carry out the Legislature's intent (in §52340) in accordance with state board guidelines, including, but not limited to, contractual powers to employ staff and provide products and services. The center shall maintain a program including, but not limited to: an inventory of career guidance measurement instruments and of resource material related to the preparation of occupational competencies; the development and use of techniques for in-service training of staff involved in career development activities; a system for collecting, coordinating and distributing career information at the local, state, and national levels; and a basic set of functions for additional centers.

The career guidance center shall annually submit to the state board an inventory of programs, current and planned, including: occupational and job analyses; occupational and job performance testing and evaluation; costs of job training in various programs; work experience evaluations; quality control techniques for conducting job training programs; personnel selection techniques and costs; administration and evaluation of occupational training advisory committees for entry, but not necessarily including, professional levels; and proportion of employees and students enrolled in job-training programs at entry, but not necessarily including, professional levels.

POLICY GUIDES

PUPIL PERSONNEL SERVICES IN CALIFORNIA PUBLIC SCHOOLS. NEEDS, PROBLEMS AND A PLAN FOR SOLUTION. 93 pages.

Prepared by the Guidance and Counseling Task Force
1975

The task force reports the results of a statewide assessment of the pupil personnel services in California. It concludes that more attention should be given to students' individual needs and to community and social problems such as drug abuse and discrimination. The report includes a model plan for pupil personnel services at the county level and gives examples of "promising plans and programs" developed at various schools for dealing with specific pupil personnel problems.

CROSS REFERENCES

I.County Superintendent of Schools; Statute §1720--1732

I.Director of Continuing Education; Regulation §11000--11003

II.A.2; Statute §56533

IV.A; Statute §49424

IV.H; Statute §48320

B. COUNSELING

STATUTES

§22-8-102 -- 22-8-107

In order to "provide educational opportunities to all persons which will enable them to lead fulfilling and productive lives," a career education plan is adopted which will "provide assistance in the implementation of career education concepts in the curricula of all school districts." An executive committee, made up of the commissioner of education and other professional educators, shall make recommendations to the state board, which shall establish a "statewide career education resource team" and a "state resource center." A "state advisory council for career education" is established to stimulate and assist local career councils and to advise the executive committee.

CAREER EDUCATION

§22-8-108

To receive funds for career education each school, group of schools, or board of cooperative services shall submit a career education implementation plan to the state coordinator for executive committee and state board approval.

REGULATIONS

2202-R-12.01

A guidance and counseling program offering educational, career, and personal-social information and counseling, on an individual and group basis shall be provided by every district. An effort is to be made to involve teachers and staff in the guidance program. The program should provide physical facilities for private consultation.

2204-R-12.02

A guidance counselor or social worker, meeting the requirements of 8.05(6), is to be employed by each district. He/she is to devote, at least, one half of his/her time to guidance counseling functions.

COUNSELOR

(1) maximum pupil counselor ratio for elementary schools should be 1,000 to 1;

(2) 350 to 1 but not in excess of 450 to 1 should be the pupil counselor ratio for secondary schools;

(3) those districts offering alternative staffing plans must show that pupils are receiving guidance counseling services comparable to those outlined above.

2208-R-2.0

Administrative Organization and Duties

Administrative organization and duties are to be carried out as defined by the Career Education Act.

Career Education Education Act implementation is the responsibility of the Board of Education...which shall also:

Appoint one career education classroom teacher or specialist to serve with the committee for one year.

Adopt an annual budget which authorizes the expenditures of all monies appropriated for career education upon recommendation of the executive committee.

The executive committee submits recommendations to the state board for the position of state coordinator, and recommends a classroom teacher or specialist involved in the career education program to serve for one year on the executive committee;

Recommends fifteen people for the state advisory council to the Governor;

Performs duties necessary to carry out the purposes of this article;

Develops a job description subject to state board approval which includes duties and responsibilities for the position of state coordinator.

The state coordinator of career education shall: coordinate the activities of Career Education State Team and the Career Education Resource Team, and review proposals according to approved guidelines.

Submit a state board of education approved progress report, on January 1 of each year, to the general assembly.

Develop a system to document local matching funds in order to comply with the Career Education Act.

The Statewide Career Education Resource Team will assist state educational institutions and staff in developing career education concepts. The Resource Team shall circulate materials on career education around the state.

The State Career Education Advisory Council shall act in an advisory capacity to the State Board for Career Education and the Career Education State Team shall assist those requesting career education concept implementation.

2208-R-3.0

Schools, groups of schools or boards of cooperative services who are eligible, may submit proposal plans to the state coordinator of career education, to apply for Career Education Act funds.

Proposal plans shall meet guidelines set forth by the Career Education State Team; shall include an evaluation component; and shall be reviewed by "outside readers" who will make recommendations in accord with those guidelines.

The state advisory council will review and present proposal plans to be funded to the state board of education.

Prior to final disposition applicants may request a hearing on their proposal plans.

Each applicant shall be notified of the recommendation that will be made to the state board; five days after receipt of notification, unsuccessful applicants may request reconsideration.

In the case of an appeal a reviewing panel, composed of Career Education advisory council members, members of the executive committee and "outside readers" shall be assembled. If this panel sustains the adverse decision an applicant, within ten days, may seek by written request to the state coordinator, a hearing before the state board of education.

APPEAL

The state board shall hear all of the evidence and render a final decision at the state level.

The services of the career education resource team shall be made available to all state educational institutions upon request to the state coordinator of career education.

Services provided by the resource team shall include inservice workshops, consultation, class visitation and one to one teacher assistance, counselors and administrative help.

The Career Education Act will provide assistance in the developing of a state resource center to aid in disseminating materials for career education on a statewide basis.

CROSS REFERENCES

II.A.1; Statute §22-8-108

III.D.Career Education; Regulation 2208-R-4.0

IV.A; Regulation 2202-R-12.06

B. COUNSELING

STATUTES
§10-21

Any local board of education may establish "vocational guidance" as a part of their educational program and may hire a vocational counselor and prescribe her/his duties.

CROSS REFERENCES

III.B.Teachers; Regulation §10-146-75 -- 10-146-77

III.B.School Social Worker; Regulation §10-146-83 -- 10-146-85

IV.J.; Statute §10-154a

B. Counseling

CROSS REFERENCES

III.B.Counselors; Regulation; Chap. XVII, §9, License IX

III.B.Psychologists; Regulation; Chap. XVII, §9, License X

III.B.Social Worker; Regulation; Chap. XVII, §9, License XI

B. Counseling

Statutes

§230.2312

Each school district shall develop a plan for providing student services to all students in the district. A "student services program shall consist of: (a) guidance services, including orientation programs, consultations with parents and faculty, supervision of standardized testing, and educational and job placement; (b) psychological services, including students with learning or adjustment problems, students in exceptional child education programs, and early identification of learning potential; (c) school social work services; and (d) occupational and placement services.

Each district school shall develop a plan to insure maximum efficiency in the use of the services. The state board shall promulgate regulations to carry out the intent of the legislature.

§233.066

Counseling services shall be available to elementary and secondary school children. Each school district shall establish a "required level of counseling services" including student counselor ratios. Individual districts shall also set guidelines for counselor certification "outside traditional graduate school certification requirements."

§233.0681

Occupational specialists may be substituted for counselors and, under a counselor's supervision, counsel students, teachers and parents of dropouts and administrators on job availability and career opportunities. They shall be granted "provisional certification." Each school board may design a program to train such specialists and submit it to the Department of Education. Upon approval, the Department may fund up to 75% of the program. It shall review each program yearly and make recommendations to the legislature.

REGULATIONS

6A-6.71

The commissioner shall prepare and disseminate materials designed to assist school districts in developing a comprehensive program of student services, including placement services and follow-up services. Each school board shall develop a plan for a comprehensive program of student services including guidance services, psychological services, visiting teacher and school social work services, placement services and follow-up studies.

B. Counseling

Statutes

§32-620a

The State Board of Education shall allot elementary and secondary counselors, school psychologists, psychometrists, job placement directors and visiting teachers to local administrative units. Job placement directors shall assist "classroom teachers and other student services support personnel in the advisement of student services relative to career exploration experiences and employment opportunities."

An adult education guidance position will be allotted. "The duties of adult educational guidance personnel shall include, but not be limited to, the assessment and determination of the educational achievement levels and needs of adult education and adult vocational education students," developing career plans and assisting in the obtaining of employment for these students.

Regulations

30-1010; 1020

The State Board "recognizes the importance of balanced educational programs and services designed to provide academic and occupational preparation" for school children. Pupil personnel services include "developmental, preventive and remedial services for pupils . . . local school systems should provide an adequate program of pupil personnel services; as a minimum, guidance, counseling, testing, social work, attendance, psychological, psychiatric and medical services are essential. The State Superintendent of Schools shall recommend to the State Board a state plan for a program . . . to encourage "local school systems to provide such services. The state plan shall require local school system plans for the provision of appropriate services to pupils." Annual reports shall be made to the State Board.

"The Office of Instructional Services shall prepare a State Plan for Pupil Personnel Services," develop criteria for improvement of services, review local plans, and provide for evaluation of the services offered by school systems. It shall also develop "criteria for certification of pupil personnel specialists" and determine staffing needs.

CROSS REFERENCES

II.A.1; Regulation 30-1710; 30-1720

II.A.3; Statute §32-611a

B. COUNSELING

STATUTES

§362-81

"Evidence . . . shows very little linkages exist between educational, health, social service and employment systems . . .[which] adversely affects high school students". [High school]"students find entrance to the job market impeded because of poor health, limited counselling, insufficient vocational training and lack of placement and job development services." This section establishes a program in specified areas to help high school students develop and execute a plan of entering the job market or continuing their education following graduation.

(T)he department of labor and industrial relations is authorized to establish six additional employment vocational counselling and eight job development positions. The department of health is authorized to establish six additional public health nursing positions; the department of education is authorized to establish six additional dropout aide positions, and six additional school social worker positions; and the Governor's office is authorized to establish two coordinators . . . positions." STAFFING

REGULATIONS

Rule 22

For legal and counseling purposes, students are encouraged to declare their marital status to school officials or counselors at the time of marriage or at the time of enrollment in school. MARITAL STATUS

CROSS REFERENCES

IV.F.; Regulation Rule 50.4

IV.H.; Statute §298-13

B. COUNSELING

STATUTES

§20-6.1-6-15

"A school counselor is immune from disclosing privileged or confidential communication made to him/her as a counselor by a student. The matters communicated are privileged and protected against disclosure."

CROSS REFERENCE

I. State Superintendent; Regulation §I, Ch. 2C

II.A.1.; Regulation §II. Ch. 1, Policy 70-06

III.A.1.; Regulation §II, Ch. 1, Rule G-3; G-4; G-5

IV.J.; Statute §20-8.1-5-7

B. Counseling

Statutes

§257.25 (9) (b)

Each school offering any of grades seven through twelve shall have "a qualified school guidance counselor...on a part-time or full-time basis."

§622.10

A qualified school guidance counselor, who obtains information by reason of his [her] employment, shall not be allowed, in giving testimony, to disclose "any confidential communications ... entrusted to him [her] by a pupil or his [her] parent ...". CONFIDENTIALITY

Regulations

§670 3.5(15)

Guidance programs shall be offered in elementary schools and grades 7-12 to aid pupils with their personal educational and career development.

CROSS REFERENCES

III.B.Education Personnel; Regulation §670-15.27

IV.H.; Statute §299.2

B. Counseling

Statutes

§72-9301

Two or more boards may agree to cooperatively operate an elementary guidance program.

Regulations

§91-2-4

Each high school shall have certified counselor and an organized guidance program. When requested by the state department of education, a school shall state its policy on the role of the secondary school counselor and the goals of its guidance program. The goals shall not conflict with state goals and shall be formulated with broad base community involvement, "except that experimental or innovative programs . . . are encouraged." The policy shall be approved by the local board and state department of education.

CROSS REFERENCE

II.A.3.; Regulation §91-27-6

III.B.Certificated Personnel: Regulation §91-1-22

B. Counseling

Regulations

703 KAR 3:010

The functions of the Guidance Division personnel in the State Department of Education, are to "assist local schools in ... establishing ... and [evaluating] local guidance and counseling programs, as well as studying and recommending standards for guidance services in local schools."

703 KAR 3:020

Accreditation standards shall serve as "the criterion for employment of counselors", whose duties "shall be determined by the guidance plan of the [employing] school ...."

703 KAR 3:030

Counselor units shall be approved by the State Department of Education, when school systems desiring them provide satisfactory evidence with respect to office space, earmarked funds, and certified duties and responsibilities of guidance counselors.

"Only personnel who meet state certification requirements shall function as school counselors."

703 KAR 3:040

"Guidelines for expenditure of [federal] funds [for use in guidance and counseling] shall be determined by the Department of Education." These funds shall be expended by the local board of education "in accordance with State Department of Education guidelines ...."

704 KAR 3:070

"Approval of [the school social worker] unit shall be based upon the needs of the district ... Personnel qualified to serve in [such a unit] ... shall hold a certificate valid for the position of school social worker ...."

Responsibilities shall include, but not be limited to, case work service with pupils and parents, case consultation and collaboration with other school personnel, and cooperative action "with community social agencies, coordination of school work services with the work of these agencies ...."

CROSS REFERENCES

II.A.1.; Statute §158.425

II.A.1.; Statute §158.535

II.A.1.; Statute §158.530

II.A.3.; Statute §158.525

III.B.Guidance Counselor; Regulation 704 KAR §20:130

III.C.Public Schools; Statute §158.510

III.C.Career Education; Statute §158.525

III.E.Career Education; Statute §158.540

B. COUNSELING

STATUTES

§17:3001 -- 3004

"The welfare of the people of the state of Louisiana . . . requires that the talent of its youth be developed to their fullest possible extent.

Guidance counselors, qualified to engage in educational and vocational guidance, must assist the student, "through a process involving direct contact," to adjust more to [himself/herself] and [his/her] environment.

Guidance directors have the responsibility to aid teachers "by gathering and interpreting facts which will enable the student . . . to maximize personal growth and development; and "to foster a greater understanding between teachers and parents of the emotional, social, and academic problems of the individual student."

In guidance counseling, the counselor "serves as an advocate for children within the adult structure of the school and community."

To provide employment to guidance counselors and directors, the Louisiana State Board of Education "is authorized and directed to use . . . funds" for that purpose. Guidance counselors and directors "are selected by the local school officials in each parish and city school system."

REGULATIONS

BULLETIN 741
STUDENT SERVICES

". . . . Each school system shall maintain a balanced, comprehensive and coordinated program of pupil services. The student services program shall be identified with appropriate functions and staff decentralization in accordance with an organizational plan.

Each school shall provide a counseling and guidance program, under the direction of a certified guidance counselor, comprised of individual and group services

designed to give systematic aid to all pupils in achieving optimal development in educational, vocational, personal, social, health and community concerns, when funds become available. . . .

Each school should have provision for the services of a psychologist, a speech and hearing therapist, and a registered nurse, as provided by state funding.

Each school shall provide routine screening procedures designed to identify children who need special education programs and services. . . .

Each school shall provide those health services essential for the promotion of health and for the protection of the pupils and school personnel. . . ."

CROSS REFERENCES

III.A.2.; Regulation Bulletin 741

III.B.Counselor; Regulation Bulletin 741

III.B.School Psychologist; Regulation, Policy and Procedure Manual - Elementary and Secondary Education

B. Counseling

Statutes

§806

School counselors have the right of privileged communication. With this privilege the counselor is not required to release information gathered in his/her counseling relation with the client, or the person or agency having legal custody of a minor client. Except where there is clear and imminent danger to the client or to others, the counselor is expected to report this fact to the appropriate authorities or to take other emergency measures. A school counselor is a person employed as a counselor in a school setting who has a certificate in school counseling from the department or who possesses at least a masters degree in guidance and counseling.

A client is a person "who has actively sought or is in the process of seeking professional help from said counselor."

B. Counseling

Regulations

13.05.01.03

"The rules and regulations for carrying out the provisions of the federal laws regarding guidance, counseling, and testing shall be those set forth in the Maryland State Plan for Guidance, Counseling, and Testing. This plan lists ways in which the State Department of Education can "improve the supervisory and related services in the areas of mathematics, science, foreign languages, and guidance." It also includes standards for employing additional personnel in these areas "to improve the instructional program."

CROSS REFERENCES

III.A.2.; Regulation 13.02.03.01

III.B.Certificated Personnel; Regulation 13.06.01.05

B. COUNSELING

CROSS REFERENCES

I.Director of Occupational Affairs; Statutes 71 §38A - 38F

II.A.2.; Statute 16 §6B; §6C

III.A.1.; Regulation, Regulations of July 18, 1975

IV.A.; Statute 71§46G

B. Counseling

Regulations

R 340.1151

"Rule 1. Among other functions a school psychologist may:

(a) Be involved in planning educational intervention, curriculum, management, and teaching strategies for pupils.

(b) Consult and counsel pupils, administrators, school personnel, parents, and others.

(c) Be available for evaluation of all pupils.

(d) Evaluate pupils referred as potential candidates for special education programs and present a report to the local educational authority on pupils he has evaluated.

(e) Administer tests which may include intelligence, achievement, personality and perceptual-motor tests.

(f) Interpret the psychological and other diagnostic data to professionals, parents, pupils and others."

IV.B

CROSS REFERENCES

II.A.3; Regulation R395.251

III.B.Counselors; Regulation R390.1302

III.B.Counselors; Regulation R390.1303

III.B.School Psychologist; Regulation R340.1152

III.B.School Psychologist; Regulation R340.1153

III.B.School Psychologist; Regulation R340.1154

III.B.School Psychologist; Regulation R340.1156

III.B.School Psychologist; Regulation R340.1157

III.B.School Social Worker; Regulation R340.1012

III.B.School Social Worker; Regulation R340.1014

III.B.Vocational Counselors; Regulation R395.236

III.C.School System; Statute §380.1296

III.D.Students; Statute §380.1172

B. COUNSELING

CROSS REFERENCE

III.C.School System: Regulation EDU 4

B. COUNSELING

CROSS REFERENCE

II.A.3.; Statute §37-13-60

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secondary Schools (Bulletin 171)

B. COUNSELING

CROSS REFERENCE

III.A.1; Regulation 5 CSR 50-340-010

B. Counseling

Statutes

§74-323

"All education, counseling and vocational guidance programs . . . of state or local agencies . . . shall be open to all persons."

CROSS REFERENCES

III. B. School Counselor: Regulation §48-2.6(10) - S6160 -- S6170

III.B.Teachers: Regulation §48-2.18(38)-S18640

IV.J.; Statute §93-701.4

B. COUNSELING

STATUTES

§79-321.02 — 79-321.04

A "Program of Student Personnel Services" is established in the State Department of Education. Through this program the state board is "to assure that appropriate . . . services are provided by the schools and other agencies of this state. Student personnel services shall include school guidance, counseling and testing . . ., psychological . . . and psychiatric . . . [and] social work services, and . . . other . . . non-instructional services for students." The program "shall be administered, under the general supervision . . . of the Commissioner of Education by an Administrator of Pupil Personnel Services appointed by the Commissioner with the approval of the State Board of Education. This official shall: (1) recommend regulations to the state board on the "licensing and certification" and hiring and staffing of persons for supplying student personnel services, and "the general supervision and coordination of student personnel services as they relate to . . . educational services;"

(2) "establish . . . appropriate subordinate administrative units within the program," subject to the approval of the Commissioner and state board, and recommend staff appointment to the commissioner;

(3) prepare annual reports of "activities and expenditures" for the state board and "take such other action as . . . necessary" to implement the program.

REGULATIONS

11-(76)

Current educational and occupational information shall be provided to all students.

11-(82)

A separate office for guidance and counseling shall be provided in every school system.

CROSS REFERENCES

III.B.Counselors; Regulation 14-(40)

III.B.Teachers; Regulation 11-(28)

IV.J.; Statute 79-4.171 -- 4.172

B. COUNSELING

CROSS REFERENCES

II.A.1.; Statute §389.110; 389.120; 389.130

IV.J.; Statute §49.290; 49.291

IV.J.; Statute §392.465

B. Counseling

CROSS REFERENCES

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

II.A.8.; Regulation, State Board Regulations for Adult Diploma, #00602

III.A.1.; Regulation, Minimum Standards and Recommendations
- Elementary Schools, #319.13, pp. 3--24

III.A.1.; Regulation, Minimum Standards and Recommended Practices
- High Schools, #319.1, Ch. II -- Ch. VII

III.B.Educational Personnel; Regulation, Certification Standards, #479, pp. 1-69

B. Counseling

Statutes

§18A:43A-1--3

A local or regional board of education may establish, "by resolution" a children's bureau for the district. The board shall appoint a director for such bureau who is qualified "by training and experience". The board shall provide for "the operation of the bureau for the payment of its expenses, for the staffing and assignment of personnel."

Regulations

§6:48-1.1

State Boards and local educational agencies conducting programs of instruction shall provide vocational guidance and counseling services to pupils.

CROSS REFERENCES

I.Children's Bureau; Statute §18A:43A-4

II.A.3.; Regulation §6.43-2.9-- .10

III.B.Counselors; Regulation §6:11-12.12; §6:11-12.13

III.B.Psychologist; Regulation §6:11-12.14

III.B.Social Worker; Regulation §6:11-12.10

III.B.Teachers; Regulation §6:11-12.16

III.C.Public Schools; Regulation §6:4-1.5

III.E.Teachers; Statute §18A:4-28.1-- 3; §18A:4-28.6; §18A:4-28.6

B. COUNSELING

REGULATIONS

Reg. No. 70-20

Guidance programs in small high schools (enrollment of 150 or less in grades 7-12 or 9-12) will earn state approval by complying with these minimum standards.

One person, with a minimum of six hours in guidance, must be reponsible for the coordination of a guidance program and be given sufficient time to function effectively.

A written report on the program must be provided annually.

These basic services must be provided:

1. For each child there must be a cumulative folder continuous for grades 1-12 containing health data, standardized achievement and scholastic aptitude test results, and "social data" (regarding home, parents, school activities, etc.)

2. Adequate vocational, social and college information shall be readily available to children.

3. A minimal testing program at all levels will be operated as outlined in the State Plan for Guidance, Counseling, and Testing.

CROSS REFERENCES

III.B.Professional School Personnel; Statute §77-8-1.2

IV.C.Teachers; Statute §77-8-6

B. COUNSELING

STATUTES

§4605

Local boards of education may provide "vocational and educational guidance" services for minors. "Guidance bureaus" may be established to provide counseling, employment and follow-up services.

CROSS REFERENCES

II.A.1.; Regulation §100.1

III.B.Certificated Personnel; Regulation §80.3

III.B.Special Education Teachers; Regulation §80.6

B. Counseling

Regulations

§2D.0201 -- 2D.0202

The purpose of the division of pupil personnel services is to insure that school personnel employed in the areas of psychological services, guidance and counseling, health and school social work services will coordinate efforts as team members in order to provide comprehensive supportive services to all students and teachers to insure that each child will have access to helping services which facilitate his or her physical, social, emotional and educational development.

In accordance with standards for certification of school counselors, psychologists, and social workers, the division consults with the division of certification concerning the qualifications for employment of the aforementioned personnel.

"Consultants in guidance and counseling utilize their specialized knowledge to assist school counselors to: provide social skills for all children and consult with parents and teachers; . . . coordinate school and community support services relating to human affective and cognitive development."

"Consultants in psychology utilize their specialized knowledge of assessment, learning, and interpersonal relationships to assist school personnel in facilitating the experiences and growth of all children, and in identifying and working with exceptional children; provide educational consultation to school personnel concerning appropriate strategies for working with the . . . problems of individuals or groups of children; develop programs of preventive mental health with an emphasis on the early identification and remediation of children with learning or behavior problems; conduct studies designed to evaluate the effects of the educational and the psycho-educational programs on children in the system."

"Consultants in school health utilize their specialized knowledge to assist school health personnel to: provide a leadership role in identification of students with health needs that interfere with effective learning; work with school staff in learning to recognize and report health deviations; assist children in developing improved attitudes toward health education and in assuming responsibility for their own well being."

"Consultants in school social work utilize their specialized knowledge to: assist other pupil personnel workers in sharing responsibility for assisting in the prevention and resolution of difficulties that obstruct a child's ability to learn; "assist school social workers in developing more effective techniques to work with students, their families, and other school personnel" in order to evaluate the child's home life and family problems and to mediate between the child and his/her community and family.

CROSS REFERENCES

III.B.Counselors; Regulation §2H.0218

III.B.Certificated Personnel; Regulation 62H.0221

III.C.Public Schools; Regulation §2D.0101 -- .0102

B. Counseling

Regulations

Chapter I: I.B.11.

The Director of Guidance and Counseling Services has responsibility of providing leadership and service to all public schools in initiating, approving, and evaluating guidance, counseling, and testing programs.

Chapter III: I.A.

All schools should provide for their pupils an approved program of organized guidance services.

III.I.B.

The guidance program consists of that group of services designed to give systematic aid to all pupils in recognizing and serving vocational, education, and personal needs. Guidance activities should be organized into a definite program in which every staff member participates. The school counselor and/or guidance director shall coordinate the program, counsel students, and assist teachers in their guidance activities.

III.I.C.

For secondary schools, guidance activities should include: gathering and interpreting information appropriate to the understanding of a pupil's personal assets and liabilities; making available to pupils and parents educational, career, and personal-social information; providing counseling services in a private, permissive situation to open the way for intelligent self-decision and self-direction on the part of the pupil; providing services to assist pupils to make educational transitions beyond high school; providing to teachers and administrators information to enable them to make curricular and instructional decision; and assessing the guidance program.

Minimum standards for counselor caseload are one clock hour per day per 100 students enrolled. However, enrollment of 100 students requires a full-time counselor.

Schools enrolling more than 300 pupils shall employ additional guidance personnel in line with the preceding; A school counselor and/or guidance director in an approved minimum program must hold at least the North Dakota Standards Guidance Credential and qualify for the Professional Guidance Credential within four years after employment.

Recommended standards are one clock hour per day per 50 students enrolled, with a full-time counselor employed at 300 enrolled. In an approved recommended program, the school counselor and/or guidance director should hold the North Dakota Professional Guidance Credential.

The school shall provide physical facilities, materials, and equipment essential in the major aspects of the guidance program.

Chapter III.I.D.

For elementary schools, guidance activities should include: maintaining cumulative records for all pupils; administering standardized group tests; studying individual problems in a regular manner and providing special programs to meet problems common to identified groups of elementary pupils (such as pre-school enrollment activities, reading readiness, programs preparatory to next higher grade or school); and providing assistance to teachers on guidance problems.

At the elementary level, one counselor for every 20 teachers or one for every 800 or fewer pupils would be desirable.

Elementary guidance programs should be approved by the State Department of Public Instruction. The counselor should hold at least the North Dakota Standard Guidance Credential.

Chapter III: I.E.

The guidance and counseling program should be coordinated with the special education program and all other pupil personnel services at the local level. All programs are under the supervision of the school superintendent.

CROSS REFERENCES

III.B. Guidance Counselor; Regulation, Chapter III:I.E.

III.B.Guidance Counselor; Regulation, Chapter IV:II.G.

REGULATIONS

§3301-51-09

School psychological services may be provided to children thought to be handicapped, children in regular school programs and their parents, and educational services personnel who need assistance in modifying or implementing instructional strategies.

SCHOOL PSYCHOLOGIST

"The primary responsibility of the school psychologist shall be the development of a comprehensive program which involves screening to identify students with difficulties, individual diagnosis and remediation, individual and group work, staff development programs for school and related personnel, and strategies for classroom management, instructional methodology and crisis intervention designed to assist the school in determining appropriate educational options for children."

"The school psychologist shall effectively and appropriately utilize child study techniques including a variety of recognized individual tests of ability, individual measures to determine academic performance, social and behavioral adaptability and perceptional and motor problems, criterion reference, instrumentation, interviewing and observational techniques [and] projective procedures. All comprehensive individual studies shall be accompanied by concise written reports which include identifying data, reason for referral, interpretation of observation and assessment data, planned systems for teaching and reinforcement, specific recommendations for intervention, remediation and follow-up with the child, teacher, and/or parent."

"The professional activities of the school psychologist shall be reviewed with the school psychologist on an established basis. Reviews shall assist in identifying programs strengths and needs and lead to the development of implementation strategies designed to facilitate program growth."

For those individuals planning to provide at least one year of service as a school psychologist in Ohio schools, a special program of supervised experience in school psychology may be approved for experimental demonstration or research purposes to explore new techniques or procedures in training school psychologists.

CROSS REFERENCE

III.D.Pupil Achievement; Regulation §3301-37-03

B. Counseling

Regulations

General Regulations;
V. Guidance; p. 25

"Guidance is a developmental program designed to assist all pupils (K-12) . . .[to] become more self-sufficient in planning and in decision making processes." The guidance counselor is responsible for assisting teachers and coordinating and implementing the "guidance programs . . . in cooperation with all other members of the school staff . . . .

"The guidance program should be comprehensive . . . . It is recommended that a guidance committee develop a written plan for the year's program . . . . "A testing program should be so planned that the scores obtained from year to year will contribute to the student's welfare and the teacher's efficiency." Schools should have in full-time guidance counselor if possible but "a part-time counselor may be used."

B. Counseling

Regulations

§581-22-254

Each local board shall approve a district guidance and counseling program to support the educational development of each student.

§581-22-256

Each school guidance and counseling program shall be based on a written plan specifying goals, specifying staff assignments, providing counseling assignments and identifying instructional, guidance and counseling activities used to achieve guidance goals.

B. Counseling

Statutes

§9-972.1

The Commonwealth provides, through tax funds, auxiliary services free of charge to children attending public and nonpublic schools.

"Auxiliary services" means guidance, counseling and testing services; psychological services; services for exceptional children; remedial and therapeutic services; speech and hearing services, services for the improvement of the educationally disadvantaged (such as, but not limited to, teaching English as a second language), and such other secular, neutral, non-ideological services as are of benefit to all school children.

Regulations

§ 6.61, 6.62

Certified guidance personnel in each secondary school and area vocational-technical school shall be assigned responsibility to provide pupils with vocational guidance services.

Junior high and middle schools, high schools, and area vocational-technical schools shall provide adequate career guidance, counseling, and job placement services for all students. The schools shall make wide use of diversified staffing including community resource people. Paraprofessionals shall meet employment requirements as determined by the school district.

§ 7.1, 7.2

Pupil personnel services programs, which include guidance, psychological services, health services, and social work services, shall be performed "by persons certified in their individual area of pupil personnel services specialization in accordance with Regulations of the State Board of Education."

§ 7.3

Program development and improvement shall include:

"(1) Consultation with school systems concerning the organization, development, and evaluation of guidance services.

(2) Sponsorship of conferences, institutes, and workshops for guidance counselors and other pupil personnel workers, teachers and administrators to improve and extend programs of guidance services.

(3) Consultation with colleges, universities, and other institutions or agencies in planning, conducting, and evaluating workshops, extension courses, summer school programs, and graduate school offerings for the pre-service and in-service preparation of counselors.

(4) Development and distribution of publications, including a periodic newsletter, for the general information of all professional groups interested in the organization and implementation of guidance programs.

(5) Maintenance of a comprehensive library of current guidance publications and materials for the use of educational personnel.

(6) Cooperation with other agencies in the development, exchange, and distribution of information related to guidance services."

Liaison relationships shall include:

"(1) Support of other bureaus of the Department and other departments of the Commonwealth in the application of concepts and techniques of guidance, counseling, and testing.

(2) Promotion of closer working relationships between the schools and the communities which they serve.

(3) Participation in Commonwealth, regional, and local education conferences in matters relating to guidance, counseling, and testing.

(4) Cooperation with Federal, State, and regional organizations in these activities designed to further the development of guidance services."

Research and evaluation shall include:

"(1) Organization and direction of studies, surveys, and investigations designed to determine the status, evaluate the progress, and determine the needs of guidance services at the Commonwealth and local level.

(2) Assistance in the evaluation of guidance programs at the request of local school administrators, officials of the Department or accrediting agencies."

§ 7.11; 7.12

Guidance services programs within each school system shall conform to standards and procedures developed by the Department. Approval of programs shall be based upon a comprehensive plan of guidance services for all pupils from kindergarten to 12th grade.

Districts employing two or more full-time equivalent guidance counselors shall designate a person certified in guidance counseling to provide direction, coordination, and supervision.

A coordinated program of guidance services complementary and integral to the instructional program shall be provided in the elementary and secondary schools with appropriate application to the characteristics of the children and the educational setting in which they are proffered. The program shall encompass:

(1) An articulated system of relevant and accurate pupil educational records...

(2) A coordinated and purposeful testing system appropriate to each educational level in the areas of pupil aptitude, achievement and interest in support of pupil self-appraisal, parental information, and the collective use of school personnel for educational planning.

(3) Accurate and relevant informational resources for use by students, in support of educational, vocational, and personal decision-making.

(4) Individual counseling available to each student...

(5) Group processes of guidance to supplement individual counseling...

(6) Continuous communication between school guidance personnel and other educational specialists.

(7) A system of parental involvement with guidance personnel.

(8) Liaison with community agencies and referral sources...

(9) Functional relationships between guidance personnel and other pupil personnel specialists...to muster effective approaches to pupils' needs.

(10) Orientation activities which insure that student movement between educational levels or from school to work can be accomplished with minimum cultural shock and minimum individual adjustment.

(11) Placement assistance...

(12) Continuing studies of student characteris-

tics, aspirations, and performance to support faculty and administrative concern with educational planning and modifications."

§12.12

CONFIDENTIALITY

Information received from a student in confidence by a guidance counselor, school nurse or a school psychologist in public or private schools while in the course of that person's professional duties is privileged information to the extent that it cannot be developed in any legal proceeding, civil or criminal, without the consent of the student, or if still a minor, the student's parents. Such information may be revealed without the student's consent to the student's parents, teachers or principals.

CHILD ABUSE

Information revealed by the student concerning child abuse neglect or injury which the recipient is under legal duty to report to the authorities is not privileged.

B. COUNSELING

CROSS REFERENCES

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

IV.J.; Statute §16-38-5

B. Counseling

Statutes

§59-21-710 -- 59-21-760

SCHOOL PSYCHOLOGIST

The state shall grant aid to any county or school district employing a school psychologist provided: the psychologist has a valid certificate, the amount of aid is determined by the same rules that pertain to aid for teachers' salaries, and at least 5,000 pupils are to be served by the psychologist.

The state department of education shall employ a school psychologist to supervise the work of the school psychologists employed by the counties and to help districts unable to employ a school psychologist. The state board may promulgate any regulations necessary to carry out provisions of this article.

Regulations

§43-256

A guidance counselor shall be provided for schools with grades 5-8. A comprehensive written plan shall provide the basis and structure for the program.

CROSS REFERENCES

II.A.1; Regulation §43-234

II.A.2; Regulation §43-243

III.B.Teachers; Regulation §43-205

B. COUNSELING

REGULATIONS

§24:03:06:04

"A junior or senior high school guidance program should include office facilities separate from the administrative offices. The counselor's office, equipped with a telephone, shall afford privacy for individual counseling. A junior or senior high school guidance program shall be maintained to include the following guidance functions:

"(1) Counseling with individuals and with groups;

"(2) Encouraging pupils to assess their progress by exploring achievement, abilities, and interests;

"(3) Working with students, teachers, and parents in helping pupils develop positive self concepts;

"(4) Planning with students setting goals, learning study skills, and understanding the relationship of school to out of school experiences;

"(5) Implementing individual and group procedures for developing positive values and attitudes, and for discussion of educational and personal or social concerns;

"(6) Providing experiences for individuals and groups of students in developing concepts of the role of work in our society;

"(7) Promoting understanding on the part of parents and teachers of their role in the career development process in pupils; and

"(8) Working with pupils and parents in orientation procedures and in taking the next step in the school experiences."

CROSS REFERENCES

III.A.2.; Regulation §24:03:05:03

III.B.School Psychologist; Regulation §24:02:02:23

REGULATIONS

p. 95

Pupil personnel services are for all students. They are designed "to provide a cooperative approach to problems which require a specialized, individualized service not generally provided within the classroom setting, and to provide resources to [those]. . . who are concerned with the pupil and his[her] development."

These services include attendance, guidance, health, programs for psychological services and for social work. They are designed for the school staff as well as for pupils.

CROSS REFERENCE

III.B.School Personnel: Regulation pp.22-27

§21.908

"Each school district shall appoint at least one counselor or teacher to act as liaison officer for court-related children who are scholastics of the district." He/she will provide services for court-related children and their parents with a hope of establishing normal attendance and progress of the child in the school.

REGULATIONS

§3421

"Guidance services shall be considered as part of the educational program for the school children of Texas. These services shall be provided to children through the local education agencies . . . ."

§3421

"The regulations by which each school system maintains a realistic and workable program of guidance services and which are administered by the Texas Education Agency for accredited schools are as follows:

(1) The program shall be outlined in writing with policies approved by the local board of education.

(2) Services shall be coordinated and administered by the professional personnel in accordance with locally approved policies.

(3) This program of services shall provide for pupil appraisal and counseling to meet the educational and vocational needs of pupils.

(4) The guidance program operating with central coordination shall be a cooperative project of the entire professional staff.

(5) The guidance services shall be coordinated with the regular instructional program so that together they will contribute to a unified educational program.

(6) Teachers shall utilize opportunities in the classroom, in extra-curricular activities, and in contacts with parents to achieve guidance objectives through group discussions, specific projects, and other appropriate methods.

(7) The program shall provide vocational guidance that is realistic in the light of changing vocational opportunities.

(8) Adequate physical facilities, equipment, and materials shall be provided.

(9) The guidance program shall include the following special functions and activities designed to enhance the total educational program:

(1) planning and development, (2) counseling, (3) pupil appraisal, (4) educational and occupational information, (5) referral service, (6) placement, (7) parental involvement, (8) staff consultation, (9) research and evaluation, and (10) public information."

CROSS REFERENCE

IV.A.; Regulation §3411

B. COUNSELING

CROSS REFERENCES

III.D.Educational Programs; Policy Guide, Report of Nine Special Programs in Education (1976).

III.E.Educational Programs in the Schools; Statute §53-2-12.5

B. COUNSELING

CROSS REFERENCE

III.A.1.; Regulation, R.M. Ch. II.C., pp. 15-22

B. COUNSELING

STATUTES

§22-40.1

Each school board shall make available to secondary students free employment counseling and placement services. Each school board shall consult with the Virginia Employment Commission about providing these services. The State Board or the State Department of Education may assist a school board in providing these services.

CROSS REFERENCE

III.A.2.(Statute Ch. 714, Acts of Assembly, 1976

CROSS REFERENCES

II.A.3.; Regulation §180-58-045

II.A.3.; Regulation §180-58-055

III.A.1.; Regulation §180-16-165

III.A.2.; Regulation §180-56-355

III.B.Guidance Counselor; Regulation §180-56-245

III.B.School Social Worker; Regulation §180-84-050 -- 060

B. COUNSELING

REGULATIONS

PSYCHOLOGIST

PI 11.16

School psychological services. (1) Contracting. School districts may utilize the services of certificated school psychologists through a variety of administrative arrangements.

(2) Annually, on or before February 1, preceding the beginning of the fiscal year (July 1-June 30) during which the plan is to take effect, each school district shall submit to the department (division for instructional services) an annual plan of school psychological services for the district.

(a) The annual plan shall contain a narrative portion which describes all school psychological services (senior and junior level, paraprofessionals, psychologists in training) provided by the employing agency.

(b) The annual plan of school psychological services shall be reviewed and approved by the department (division for instructional services) and returned to the employing agency preceding the beginning of the fiscal year.

(3) By July 15, following the fiscal year, each district employing school psychological services personnel shall submit a year-end report, including the claim for reimbursement of approved costs.

(4)(a)The reimbursement of school psychological services personnel under this chapter is contingent upon meeting the department's approval of the annual plan, costs, personnel, services and reports.

(b) One full-time school psychologist or equivalent may be funded under this program for each 1,500 pupils served by the school district, except where a demonstrated need exists and where approval has been granted in advance by the department. Smaller districts may be funded on a pro rata

basis.

(5) Approved school psychological services personnel, full or part-time, may consist of the following:

(a) Certified senior-level school psychologists. The reimbursed school psychologist shall hold a current Wisconsin certificate as a senior level school psychologist. The school psychologist I (position code 57) certificate confers eligibility for reimbursement for 2 years only.

(b) Certified junior level school psychologists. The junior-level school psychologist shall hold a current certificate as a provisional school psychologist (position code 56) or as a school psychometrist (position code 60).

(c) Paraprofessionals. Paraprofessionals may be employed to assist school psychologists.

(6) Evaluation of and inservice for school psychologists shall be provided by the employing agency.

(7) The function of the school psychologist shall be to provide within legal and recognized professional standards an organizational and service framework within which efficient and appropriate school psychological services are provided to children, parents, and school staff.

(a) The school psychologist shall be responsible and accountable for school psychological services delivered to the administration of all programs served; shall be responsible for development, implementation, professional supervision, and articulation of psychological services to the programs of the agency; and shall report to the designated agency administrator regarding the organization and effectiveness of the services.

(b) A state-funded school psychologist shall be responsible and accountable for the development, implementation, and evaluation of the following:

1. A comprehensive continuum of coordinated psychological services for children who are experiencing extraordinary educational problems;

2. School psychological services as a part of a comprehensive multidisciplinary-team assessment and program planning procedure for children with suspected exceptional educational needs (EEN);

3. Psychological intervention and consultation for children, parents, and staff with regard to the educational, social, emotional, and behavioral needs of children;

4. Specialized resources to meet the identified needs of children;

5. Inservice education and staff development activities with respect to identification, nondiscriminatory evaluation, programming, screening, and other procedures relevant to children with or without EEN.

PI 11.17

(1) School districts may utilize the services of certified school social workers through a variety of administrative arrangements.

(2) Annually, on or before February 1, preceding the beginning of the fiscal year (July 1-June 30) during which the plan is to take effect, each school district shall submit to the department (division for instructional services) an annual plan of school social work services for the district.

(a) The annual plan shall contain a narrative portion which describes all school social work services provided by the employing agency.

(b) The annual plan of school social work services shall be reviewed and approved by the department (division for instructional services) and returned to the employing agency preceding the beginning of the fiscal year.

(3) By July 15, following the fiscal year, each district employing school social work services personnel shall submit a year-end report, including the claim for reimbursement of approved costs.

(4) One full-time school social worker or equivalent may be funded under this program for each 1,500 pupils served by the school district. Smaller districts may be funded on a pro rata basis.

(5) The reimbursed school social worker shall hold a current Wisconsin certificate as a school social worker.

(6) Approved services by school social work services personnel are those approved by the state superintendent.

(7) Evaluation of and inservice for school social workers shall be provided by the employing agency.

(8) The role of the school social worker shall be to provide for the adaptive, social-emotional, behavioral, personal, family and community liaison needs of exceptional education children and other children.

(a) Among the job services for which a state funded social worker providing services is responsible are the following:

1. Provide individual evaluations based on adaptive behaviors, socio-cultural adjustments, and family background as part of the multidisciplinary team when indicated;

2. Assist in the smooth transition of exceptional educational needs children as they pass from special education to regular education and vice versa;

3. As required to meet student needs, coordinate school and community services;

4. Provide supportive services to families;

5. Inservice to school personnel and parents as it relates to any and all procedures relevant to children with exceptional educational needs;

6. Research, develop and evaluate school social work programs relating to children with exceptional educational needs.

CROSS REFERENCES

II.A.5.; Statute §115.99 -- 115.991

III.A.2.; Regulation PI 3.01

III.B.Certificated Personnel; Regulation PI 3.20

B. COUNSELING

REGULATIONS

Chapter VIII; The Revised-Accreditation-Evaluation Procedures

Sec. 5

The guidance services program should be staffed by State-certified personnel, including one or more of the following: counselor, school psychologist, school social worker, and psycholgical technicians. The recommended program consists of the following functions: counseling students (using diagnostic testing results and other information as necessary); consultation with staff and parents relative to students' welfare; coordination of guidance services among schools, the community, and outside agencies; in-service training for developing staff understanding; and parent education. A minimum guidance program would include these services but would be conducted through outreach personnel from outside agencies and would serve those exhibiting greatest need for these services.

Health services must include a qualified nurse or nurses on a full or part-time basis; must have an organized program of health services available to all studnets in the district; should be able to identify potential and existing handicaps (for instance, screening tests for hearing and sight); should perform follow-up to insure that needed care has been provided. Services may be provide either by personnel employed by the district or by agencies outside the district who are contracted to provide these services to individual pupils.

C. School Food Service

IVC

C. School Food Service

Statutes

§14.52.030

"The commissioner shall formulate and administer cooperatively with appropriate federal, state and local agencies a universal food service and nutrition education program for children in the schools of the state and in service institutions conducting programs for the benefit of all children. . . . The program shall be designed to provide each child an equal opportunity to participate on the same basis as all other children with no discrimination as to time on place of serving or types or amounts of food offered."

§14.52.100

"The commissioner [in cooperation with HEW] is authorized to formulate the basic elements of a nutrition education program for children to be extended on a voluntary basis through the department to schools, school districts and service institutions participating in [such] programs . . ."

§14.52.160;§14.52.170

"The commissioner and the advisory commission shall . . . evaluate the (food Service and nutrition education) programs . . . and providing information needed to assess the effectiveness of program procedures, policies and methods of operation."

"There is in the department of education ... the Advisory Commission on Child Nutrition." The commission "shall make a continuing study of the operation of [nutrition education] programs . . . with a view to determining how the programs may be improved."

4AAC 33.050

"The School Food Services Manual, 1971 Edition, is adopted as the official guide for school food service programs."

AUTHORITY:

AS 14.50.010

AS 14.50.080

C. SCHOOL FOOD SERVICE

STATUTES

§15-1122 --1126

The state board of education may receive and disburse funds for school lunch programs. The board may enter into agreements with other agencies, make regulations, employ and train personnel, and take any other action necessary to establish school lunch programs. Local school boards may operate lunch programs and employ personnel to carry out the programs. The state board of education shall prescribe recordkeeping procedures for school districts and may conduct studies to improve and expand lunch programs.

C. School Food Service

Statutes

§80-125

"School Lunch Program" means a program under which lunches are served by any school in the state on a non-profit basis to children in attendance.

§80-126--129

"The State Board . . . (may) . . . accept and direct the disbursement of funds appropriated by . . . Congress . . . for use in connection with school lunch programs." Further, the Board may "take such other action as it may deem necessary to provide for the establishment, maintenance, operation, and expansion of any school lunch program [and] may give technical advice and assistance . . . . and may assist in training personnel engaged in the operation of such program." And "school districts may use . . . funds disbursed to them . . . gifts, and other funds received from sale of school lunches for establishment, expansion and improvement of such programs."

The Board "shall prescribe regulations for the keeping of accounts and records and the making of reports by or under the supervision of school districts."

§80-130

The Board shall "conduct studies of methods for improving and expanding school lunch programs and promoting nutritional education . . . conduct appraisals of the nutritive benefits of school lunch programs, and . . . report its findings and recommendations to the Governor and to the General Assembly."

CROSS REFERENCE

II.A.2.; Statute §80-2308 -- 80-2310

C. School Food Service

Statutes

§39870 -- 39874

The governing board of any school district may establish cafeterias in the schools under its jurisdiction whenever in its judgment it is advisable to do so.

Food shall not be sold at any cafeteria operated by a school district to anyone except pupils and employees of any school district, members of the governing board thereof, and members and employees of the fund or association maintaining the cafeteria.

Perishable foodstuffs and seasonal commodities needed in the operation of the cafeterias may be purchased by the school district in accordance with rules and regulations for such purchase.

§49490 -- 49493

The Legislature finds that hunger and malnutrition among children from low-income families constitute one of the most critical child health problems in the state and that, since federal funds allocated for child nutrition are inadequate to meet critical needs, the state and local communities bear a responsibility toward meeting these needs. No amount received by a school district or other public or private school pursuant to §49490 et seq. or the National School Lunch Program shall be used to reduce the level of district or school expenditures for any existing program of free or reduced-price meals, unless such meals are provided for each eligible needy child.

Each district or school receiving reimbursement shall meet standards adopted by the state superintendent for meals, prices, eligibility, and protection of the identity of children for whom reimbursement is made.

No allocation shall be made for children resident on the premises of the school or agency.

§49500 -- 49504

A school governing board may provide, without charge or at a reduced price, breakfasts and lunches for pupils who are needy, that is, those who do not otherwise receive proper nourishment. A governing board may provide, without charge, lunches for any or all pupils, whether or not they are needy, provided the board provided such lunches to all pupils during 1962-1963. A governing board may provide, without charge or at a reduced price, other nutrition periods during the day.

A governing board may establish rules by which to determine which pupils are needy. Any pupil eligible for aid or services under Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code shall be deemed needy.

To obtain funds to provide meals for needy pupils and to acquire facilities for providing them, a governing board may levy a district tax over and above the maximum but not to exceed five cents or may use district funds. Not more than 6% of such funds may be used for administrative and clerical costs. Officials and departments of state having charge of funds for the relief of indigents, as well as counties and cities, may contribute funds to school districts for the purchase of school meals for needy pupils.

§49510 -- 49512

The Department of Education, in cooperation with the Department of Social Welfare, shall establish a statewide program to provide nutritious meals at schools for pupils and shall cooperate with the U. S. Departments of Health, Education, and Welfare and Agriculture to do so.

Funds shall be allocated to districts so as to provide free meals to the neediest children. Determination of a household's annual income shall be made on the basis of an affidavit in a form prescribed by the U. S.

Secretary of Agriculture by an adult member of the household. Income poverty guidelines shall be those prescribed by the U. S. Secretary of Agriculture.

This program shall in years subsequent to the year of its initial funding be funded according to customary budgetary procedures.

§49513 -- 49514

The program authorized under §49510 et seq. shall be integrated with already operational school meal programs.

To extend the program to pupils attending schools which do not operate meal programs and are unable or unwilling to provide food required under §49510 et seq., contracts shall be entered into with nonprofit organizations or other agencies. In making such projects, special consideration shall be given to utilizing the Business Enterprises Program for the Blind under §19625 et seq. of the Welfare and Institutions Code. Contracts shall be approved by the Department of Education and terminated as soon as feasible upon certification by the Department of Education that the local school is able to establish a food service program.

However, in districts in which the provision of traditional meals is not feasible, the Department of Education is authorized to approve demonstration projects which examine alternative methods of assuring minimum nutritional requirements for needy pupils by provision of fortified food supplements.

At least one such demonstration project shall be established. The nutritious food supplement used in the project shall be approved by the Department of Education, the Department of Public Health, and the participating school district. The Department of Education shall, when results of the project are measurable, submit a report and recommendations to the Legislature.

§49515

Programs established under §49510 et seq. shall, to the extent feasible, provide for the use of parents of needy pupils in planning, preparing, and serving school meals. Necessary formal training for such purposes shall, to the extent feasible, be provided under work incentive programs under §5000 of the Unemployment Insurance Code.

The use of volunteers shall also be encouraged.

§49516 -- 49517

To encourage a sense of fiscal responsibility among participating students, a nominal cash payment for school meals provided under §49510 et seq. may be required. The payment shall be related to the income of the pupil's family and be not less than five cents nor more than twenty cents per meal. Funds received from such payments shall be used to expand programs.

The Department of Education may contract with county welfare departments to identify pupils eligible for the program and to determine the amount of cash payment that may be required of any pupil.

§49518

To the extent that funds are insufficient to provide services under §49510 et seq. to all eligible pupils, first priority shall go to pupils described in §11202 of the Welfare and Institutions Code and second priority to pupils eligible for social services only under §11200 et seq. of the Welfare and Institutions Code with priority declining with increasing age of the pupil.

§49519

Each meal provided under §49510 shall include an appropriate serving of milk, though milk shall not be mandatory in demonstration projects using food supplements.

§49520

The Department of Education shall annually file a detailed report to the Legislature showing progress made in extending the program of meals under §49510 to needy pupils.

§49530

No child shall go hungry at school on a child development program. Schools and child development programs have an obligation to provide for nutritional needs and education of all children.

§49531

Any child nutrition entity (that is, any school district, county superintendent, child development program under §8200 et seq. of Tile 1, local agency, private or parochial school qualifying for federal aid under the federal school lunch program or the federal child nutrition program) may apply to the Department of Education for all available federal and state funds so that a nutritionally adequate breakfast and/or lunch may be provided to pupils. The State Board shall adopt rules and regulations for the operation of lunch and breakfast programs.

A nutritionally adequate breakfast or lunch is one which meets one-third of the daily dietary allowance as established by the National Research Council.

§49532

A child nutrition entity which has inadequate or no food preparation facilities and is therefore unable to provide meals may contract with other districts, county superintendents, or other agencies for the delivery of meals.

§49533

APPOINTMENT

A Child Nutrition Advisory Council shall be appointed by the State Board to advise on school meal service and nutrition education programs. The 11 members shall include one member of the Department of Education, one school administrator, one school board member, one school food service director and one school food service supervisor, one classroom teacher, one curriculum coordinator, one nutrition education specialist, one lay person, one senior-class high school student, and a consultant in nutrition, education or health and welfare. Members shall serve in two staggered groups of terms of two years each, except for the student whose term shall be one year. Council members shall serve without pay but shall be reimbursed for travelling costs.

§49534

RULEMAKING

The Department of Education shall formulate basic elements of and rules and regulations for nutrition education programs under §49530 et seq. Such projects shall be maintained on a project approval basis and shall be approved by the State Board on recommendation of the Department of Education. County offices may apply for funds on behalf of school districts.

Such programs shall coordinate classroom instruction with the food service program and be of sufficient range to meet the educational needs of students at all levels.

§49536

Funds allocated under §41350a to child nutrition entities for school and child care and development program meals under §49530 et seq. shall be disbursed on the basis of five cents for each breakfast or lunch served.

The Department of Education shall annually prescribe an adjustment in the state meal contribution rates established under §49530 et seq. for the forth-

coming year to reflect changes in the cost of operating a school meal program. Such adjustment shall be the average of the separate indices of the "Food Away from Home Index" for Los Angeles and San Francisco prepared by the U. S. Bureau of Labor Statistics.

§49550 -- 49556

Notwithstanding other provisions of law, each school district and county superintendent shall, commencing July 1, 1977, provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day. (A nutritionally adequate meal meets one-third of the daily allowance established by the National Research Council.)

The State Board shall adopt regulations prescribing guidelines for this requirement, including the definition of needy children.

Any school district or county superintendent which has inadequate food preparation facilities may contract with other districts, superintendents, or agencies for the delivery of meals.

A district or superintendent not meeting this requirement shall submit to the State Superintendent, no later than July 1, 1976, a plan of operation for implementing the requirement.

The State Superintendent shall supervise implementation and investigate acts of alleged non-compliance. The State Superintendent shall certify cases of non-compliance to the Attorney General who shall conduct investigations and seek injunctive relief to secure compliance when such action is requested by the Superintendent.

REGULATIONS

§ 15500-15501

Except as provided in subsection (b) and Section 15501, no school providing kindergarten or any of grades one through eight shall permit the sale of food by

pupil organizations if such school is participating in the National School Lunch, School Breakfast, or Food Distribution program.

(b) The governing board of a school district or a county superintendent of schools may permit a student organization to sell not more than one food item per sale when:

1) Food sales begin after class

2) Are approved by the board

3) Food is not prepared on the premises

4) The food is a dessert or pastry

The governing board of any district or a county superintendent of schools maintaining a high school or a junior high school may permit an organization consisting solely of pupils of such school to sell food items during or after the regular school day if the following conditions are met:

a) The food items are approved by the governing board

b) A student organization or organizations may be approved to sell food at any time during the school day, including the regularly scheduled food service period(s).

§ 15511

The plan submitted by a county superintendent or school district pursuant to Section 11935 of the Education Code shall include an explanation of the following:

1) The methods to be used to provide a free meal to each eligible pupil; while insuring that there is no physical segregation, discrimination nor overt identification of such a pupil.

2) An assurance that the plan complies with federal and state law.

§ 15530-15535

Each child nutrition entity approved for funding under Nutrition Education programs established pursuant to Section 11925 of the Education Code shall submit a nutrition education application to the State Department of Education.

§ 15552-15555

To provide nutritional breakfast and lunch to eligible children any child nutrition entity may apply pursuant to section 11922 of the Education Code to the department for federal and state funds.

§ 15557-15561

Child nutrition entities shall be responsible for:

1) implementation of policies and guidelines for the management of child nutrition programs which become an integral part of the total education program.

§ 15563

"For purposes of Sections 11930 and 11933 of the Education Code, a nutritionally adequate meal shall meet requirements for a nutritionally adequate lunch or breakfast pursuant to Section 15558.

POLICY GUIDES

STATE PLAN OF CHILD NUTRITION MANAGEMENT
California Department of Education, 33 pages 1977.

The plan covers six federal and one state funded child nutrition program. The state plan requires that each needy child be provided at least one nutritious meal each school day. The federal plans include: National School Lunch Pro-

gram; School Breakfast Program; Child Care Food Program; Special Milk Program; Summer Food Service Program; Nonfood Assistance Program; State Meal Program.

The goal of the state plan is to provide administrative and technical leadership to schools and assist them in improving the administration and effectiveness of these programs.

CROSS REFERENCE

II.A.10.Other-Child Development Program; Statute §8202

C. School Food Service

Statutes

§22-32-120

"A board of education may establish and operate a food-service facility. . . ." Food shall be sold "on a non-profit basis, but a district may sell food at lower than cost and may provide food free of charge" to pupils entitled under the federal program.

Upon the written request from a parent or guardian, a pupil shall not be required to participate in a food-service program.

Regulations

2202-R-200.0

Food Service Agreement

An agreement shall exist between local boards of education and the Department of Education, School Food Services, where food service is provided and reimbursement requested. Such agreements shall last indefinitely, being renewed yearly.

2202-R-201.0

Nutritional requirements of school foods should meet those established by the U.S. Department of Agriculture, under the Child Nutrition Act, and the needs of the children in the district.

2202-R-212.0

Physical Facilities

"The local districts shall provide adequate physical facilities for food preparation and dining areas in accordance with state and local health standards."

2202-R-302.0

Districts which charge fees shall provide to pupils and parents a written schedule itemizing the fee cost.

Fee schedules shall provide definitions of indigency together with the national and local district guidelines describing fee waiver; fee waiver eligibility shall also appear in said schedules. FEES

C. School Food Service

Statutes

§10-215a

Non-public schools may participate in the school breakfast, lunch and other feeding programs under regulations promulgated by the state board.

§10-215b

The state board of education is authorized to spend funds for school food programs, and to establish eligibility standards for schools that wish to participate in these programs. The state board shall issue regulations prescribing nutritional standards for school food programs, giving priority to schools with more children of limited economic means.

§10-215c

The state board shall annually report to the governor and the general assembly on the operation of its child nutrition program. The report shall contain an analysis of the various programs together with a specific plan for the coming year.

§10-225

The board may establish and operate a school lunch program and may establish a school breakfast program. Free lunches and breakfasts shall be provided to children whose economic needs so require.

Regulations

§ 10-215b-1 -- 10-215b-22

"Any board of education of a town or regional school district, and the vocational-technical secondary schools operated by the State Board of Education, shall be eligible to participate in...school lunch and child nutrition programs....,and to claim reimbursement from funds and other benefits available...for those purposes, by entering an agreement with the State..."
Agreements between the state board and "participating school authorities shall provide for a certification of the use of funds in the...approved nutritional programs, and for an annual audit." Reimbursement claims will not

be paid until school authorities file with the secretary of the state board "an approved plan for providing free lunches, breakfasts or other nutritional benefits to children whose economic needs require such actions."

The Secretary of the State Board shall review and approve the use of central food service facilities if their "utilization...will achieve economics in operating the school lunch...programs....

"The health and nutritional needs of each child enrolled in the schools shall be not less then the standards described by the federal and state regulations for school lunch and nutrition program approval." The guidelines in health and nutrition "shall be published annually...and made a part of each contract... between the State" and school authorities for reimbursable lunch programs. The guidelines include such items as "requirements for participation,...the use and accounting of funds,...requirements for menus, nutrition standards, health maintenance, educational activities,...[and] special responsiblities of school authorities."

The purpose of the federal and state legislation is to promote the health of school children through non-profit lunch programs. The state board is authorized to regulate "the conduct of the program in Connecticut and...prescribe health and nutritional standards for participating health and nutritional standards for participating programs...in order to provide school lunch and breakfast programs consistent with the nutritional needs of each child."

School authorities that participate in the program must agree to the following:

(1) "Operate a non-profit lunch or breakfast program and use program income only for program purposes...;

"(2) Limit its operating balance to a level consistent with each program's needs...;

"(3) Serve lunches or breakfasts which meet the minimum requirements prescribed" in the regulation;

(4) "Restrict the sale of extra food items from

30 minutes before...to 30 minutes after the designated lunch or breakfast period to those items...making a significant contribution to the pupil's daily nutritional needs...;"

(5) Fix limit prices for meals;

(6) "Supply lunches or breakfasts without cost, or at reduced price, to all children who are determined by the school food authority to be unable to pay the full price..., and make no...discrimination against any child because of...inability to pay the full price of" meals.

(7) "Maintain in the...preparation and service of food, proper sanitation and health standards in conformance with all applicable...laws and regulations;"

(8) Use food donated by U.S.D.A.;

(9) "Maintain necessary facilities for storing, preparing and serving food;"

(10) Keep full records of school food program operations;

(11) Make records available to the department for audit and review upon request.

A school may "employ a food service management company" to operate its food service program.

State funds to match federal funds for nutrition programs shall be made available to school authorities.

The minimum requirements for school lunches and breakfasts are set forth, and "reimbursement shall be made only" for lunches and breakfasts that meet these requirements.

Reimbursement is made on the basis of the number of meals served to children in each category (paid, reduced price, free). "Reimbursement payments may be made only to school food authorities operating under an agreement with the State." Reimbursement claims are submitted monthly. Estimated funds needed for a month may be advanced by the State. If the department

believes that a reimbursement claim "submitted by a school food authority is not properly payable...., it shall not pay the claim...and shall advise the school food authority of the reasons for nonpayment or disallowance."

The Department of Food and Nutrition Service and Office of the Inspector General should be given opportunity "to conduct administrative analysis...and audits of all operations of the school food authority under each program."

Failure to comply with regulations in the agreement with the state may result in disqualification of the school authority from future participation. Each school food authority shall promptly investigate complaints received or irregulatities...reported by the department.

The school food authority of a school that does not participate in the national lunch program but wishes to receive donated commodities "shall enter into agreement with the state.... The agreement with commodity only schools shall require such schools to serve well-balanced nutritous lunches, prices as a unit, that contain, as a minimum, food components from the four basic food groups."

The school food authority must agree not to "discriminate...against any person or group...on the grounds of race, color, religion or national origin" and must also "provide the commission on human rights ...with information...concerning the employment practices... of the operating agency" as requested.

"Federal funds...for the Nonfood Assistance Program shall be used to reimburse school food authorities of schools drawing attendance from areas in which poor economic conditions exist, that have no...or grossly inadequate equipment, in connection with the cost...of equipment to establish...and expand school food service programs." The school food authority may apply "for any school...to participate in the nonfood assistance program...[and] shall as a minimum agree to:

"(A) Participate in the school breakfast and or national school lunch program.

"(B) If it participates only in the school breakfast program, work toward participating in the national school lunch program.

"(C) Maintain full and accurate records" for funds used for equipment.

(D) "Use such equipment principally for the national school lunch or school breakfast program."

CROSS REFERENCES

IV.A.; Statute §10-214a

IV.G.; Statute §10-55

STATUTES

§31-1401 — 1410

The District of Columbia Department of Food Services, under the direction of the Board, "is . . . authorized to conduct a centralized system of . . . 'food services. " The Board is empowered to establish an Office of Central Management for such department, and, upon the written recommendation of the superintendent, to employ personnel necessary" for the operation and maintenance of food services."

CROSS REFERENCE

II.C.3.; Regulation; Chap. V, §506

C. School Food Service

STATUTES
§229.195

"To safeguard the health and wellbeing of Florida children . . . ." The state board shall prescribe rules and regulations for food service programs in the schools. Such programs shall be nonprofit.

REGULATIONS
6A-4.30

"Requirements for certification in school food service.

(1) School food service can be placed on a graduate, post graduate, special post graduate or advanced post graduate certificate provided the applicant shall meet all requirements common to all certificates and in addition shall meet the following requirements:

(a) A Bachelor's or higher degree from a standard institution of higher learning.

(b) Practical experience requirements as follows:

1. An internship approved by the American Dietetic Association, or

2. Not less than three . . . years of verified successful school food service or related experience.

(c) Specialization requirements as follows:

1. Six . . . semester hours in food and nutrition.

2. Nine . . . semester hours in institution administration, to include at least one . . . course in three . . . of the following areas: accounting or food cost control, institution plant layout and equipment, institution food purchasing, quantity cookery, personnel administration, business management, institution organization and administration.

(2) An applicant who does not meet the requirements for a graduate, post graduate, special post graduate, or advanced post graduate certificate, may be issued a temporary certificate covering school food service; pro-

vided, however, that no other certification subject or field may be shown on a temporary certificate covering school food service. This certificate may be reissued as provided for in section 6A-4.04.

(3) When requirements for the graduate, post graduate, special post graduate, or advanced post graduate certificate covering school food service are met in full, school food service may be shown on a graduate, postgraduate, special post graduate, or advanced post graduate certificate covering another subject or field."

6A-7.42

The director of the division of elementary and secondary education shall provide leadership and guidance in the overall administration and development of the school food service programs and shall require that all programs meet at least the minimum standards established by Florida law and regulations of the state board of education.

6A-7.45

The school board shall make sure that adequately trained and certified food service personnel are provided. Districts with fewer than ten food service programs shall have supervision on at least a part-time, cooperative or dual-assignment basis by a qualified school food service supervisor. Districts with ten or more programs shall have at least one full-time supervisor. Districts with 20 or more food service programs shall have at least one director for the first twenty programs and at least one supervisor for every twenty programs thereafter.

6A-7.46

Each supervisor shall hold a valid rank III or higher certificate covering school food service. Each director shall hold a rank II or higher certificate but, if no such person is available, a person who meets all requirements of a school food service supervisor and who has a state approved five-year planned program for securing a rank II certificate may be employed. Managers of the food service department shall have

at least a high school equivalency diploma and a year of experience in related work. If such a person cannot be found, the board may employ a manager on the condition that the education requirement be met within two years from date of employment. Managers failing to meet the educational requirements within this time shall be replaced.

C. School Food Service

Statutes

§32-622a

"The State Board of Education shall annually determine the amount of . . . funds needed to provide a Statewide school lunch program. The Board shall . . . provide for certifying and classifying school lunch supervisors and managers and establish training programs for school lunch personnel. The State Board . . . [shall] provide for the payment of operating costs of school lunchrooms, including breakfast costs for those students eligible . . . .

The State Board of Education is authorized to prescribe" for all public schools an optional program of instruction in nutrition and hygiene.

Regulations

40-2510; 2520

It is the State Board's policy "to promote . . . an effective school food service program in all local school systems" and eligible non-public schools. The program is intended to improve "nutrition, the knowledge of nutrition, the health habits and the educational opportunities of Georgia's children and youth from kindergarten through the twelfth grade." The State Superintendent shall administer the program and recommend to the State Board a state plan for the program's operation.

"The Office of Administrative Services shall develop a State Plan for School Food Services . . . to be evaluated annually." It shall include "criteria and approval procedures for local system plans to improve school food services; . . . criteria and procedures for the assessment of services provided and programs operated by local systems . . ., for the classification and certification of food service personnel," to determine personnel needs for programs, and to operate training programs for "local school food service personnel."

Local school food service programs must comply with the state plan and must operate programs "in a manner that insures maximum pupil participation."

60-110

In order to help ensure that school children have an "adequate diet" Georgia participates in the USDA Food Distribution Program, which "provides food commodities at minimal cost for children in participating systems . . . . The State Superintendent of Schools shall recommend to the State Board a state plan . . . for the establishment . . . and management of a program for the distribution of food commodities donated by the USDA."

C. School Food Service

Statutes

§296-42

APPOINTMENT

The superintendent of education, with the approval of the board, may appoint ". . . two trained and experienced nutrition workers for the purpose of carrying on nutrition work in the public schools . . ."

§296-43; 44

"School lunches will be made available under the school lunch program in every school where the students are required to eat lunch at school." In order to effectuate this program, "the Governor may create a division within the department of education to carry out the cafeteria function and program."

Regulations

Rules 16.1 -- 16.3

Agricultural products shall be offered for sale at current wholesale prices, first, to the school cafeteria and, then, if there is a surplus, to members of the school staff for home use, but shall not be offered for sale on the open market where they will clearly not be in competition with goods of commercial producers.

Rule 20.1

A school lunch program shall be provided in the public schools.

Rule 20.2

The public schools shall participate in the National School Lunch Program and the Special Milk Program to the extent possible.

Rule 20.3

A uniform school lunch price for students at the

various grade levels and for teachers and other persons shall be established. This does not apply to Technical Schools.

Rule 20.4

Cafeterias shall serve students, teachers, other school personnel, Department personnel working at school, county employees with work orders at the school, and guests of the school.

Rule 20.5

Cafeterias shall not compete with private businesses by catering to non-school persons. Technical Schools are exempted for training purposes.

Rule 20.5

As school service, pupils shall assist in the cafeteria, but not more than one full day in any month nor more than a total of seven full days in one school year.

CROSS REFERENCE

II.B.1.a.; Statute §298-21

C. School Food Service

Statutes

§10-22.26

The board shall maintain and operate a school lunch program.

§712.1 - 712.9

The State Board "is authorized to reimburse . . . designated sponsors of school lunch programs for a portion of the costs of food service . . . to students "in non-profit public and parochial schools, and non-profit welfare centers."

This appropriation shall be in addition to federal contribution and shall not exceed $.15 for each free breakfast and each free lunch provided.

Regulations

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 5-2

The School Code of Illinois requires that public schools in Illinois provide free lunches to all eligible needy children.

C. School Food Service

Statutes

§20-3-11-30

"Whenever, in the judgment of the board of school commissioners, it will tend to promote the health of school children, the board may establish a program to serve lunch to the pupils . . . ." and may employ a director for such program.

§20-5-13-1 - 20-5-13-9

The school boards of all school cities, townships, towns, and joint districts are authorized to operate, or provide for the operation of school lunch programs in schools under their jurisdiction. They may establish, equip, operate and maintain kitchens and lunchrooms. They may employ all necessary directors, assistants and agents. However, such participation "shall be discretionary with the governing board of any school corporation.

The state superintendent of public instruction may enter into such agreements with any" school board, agency or person "for the establishment, maintenance, operation, and extension of any school lunch program. . . . The state superintendent . . . may give technical advice and assistance to any school board in connection with . . . such program.

The state superintendent . . . is hereby authorized to the extent that funds are available . . . to conduct studies of methods of improving and expanding school lunch programs and promoting nutritional education in the schools, to conduct appraisals of the nutritive benefits of school lunch programs, and to report his[her] findings and recommendations from time to time to the governor."

CROSS REFERENCES

I.State Superintendent; Regulations §II, Ch. 2C

C. School Food Service

Statutes

§283A.2 -- .5

"All school districts" shall provide a school lunch program at all public schools in each district. The superintendent of public instruction shall administer the program.

§283A.9 -- .10

School districts are authorized to purchase and equip buildings for school lunch program use. Nonpublic schools are not required to have a school lunch program.

STATUTES

§72-5113 -- 72-5115; 72-5121 -- 72-5123

The state board shall administer the food service program and the state plan for child nutrition program. It shall be responsible for allocating and distributing state and federal funds and may promulgate rules and regulations to administer the provisions of this act.

The state board shall adopt regulations for keeping records and making reports under this act. Records shall be available for inspection by authorized officials and shall be preserved for five years. The state board shall review food service programs to insure their compliance with the law and effective administration.

RULEMAKING

The state board may study methods of improving food service programs, and promoting nutritional education.

NUTRITIONAL EDUCATION

The state board may give priority to especially needy schools in distributing funds for food service programs.

§72-5116

The state board may provide for the state department of education to give assistance to any board operating a food service program. The state board or any board may accept donations for a food service program.

§72-5124

Any school board may establish and operate a food service program for children attending a non-profit institution devoted to the care and training of children and approved by the state board.

C. School Food Service

Regulations

703 KAR 1:010

"The operation of all school food service programs in the public, private ... or state schools shall be the responsibility of the local board of education or the governing body of the schools ...."

703 KAR 1:020

Local school food service directors, if employed, "shall be responsible to the local superintendent of schools and the local board of education and shall work with [school administrators and employees] and school food personnel to plan, develop, administer, and supervise the school food services program on a district-wide basis."

703 KAR 1:030

A local school principal "shall examine the school's philosophy of education", together with the food service director,"as well as the local board of education's general policies for the school district." He/she shall also define the role of the school food service program in the schools under his/her jurisdiction.

In school districts not employing school food service directors, local school principals shall assume all responsibilities incumbent on such food service officials.

703 KAR 1:040

School districts shall "employ school food service personnel ..., establish and adopt a uniform pay scale" and inform school lunch employees of any item pertinent to the condition of their employment.

703 KAR 1:050

"Schools that participate in the National School Lunch and Breakfast Programs shall serve a complete breakfast ... and ... a complete lunch, as defined by federal regulations ....

No physical segregation or other discrimination against any child shall be made by school officials because of his[her] inability to pay the full cost of a meal."

703 KAR 1:060

School lunch and school breakfast periods "shall allow adequate time for each child to take care of his[her] personal hygiene...."

704 KAR 3:210

"Personnel qualified to serve in an approved unit for school food service director shall . . ." have either two years' experience and a valid Kentucky teaching or school administrator certificate, or a baccalaureate degree and three years' experience in a non-teaching supervisory or administrative position.

CROSS REFERENCES

II.A.1.; Statute §161.170

C. School Food Service

Statutes

§17:82

Parish school boards may maintain and operate lunch departments on a non-profit basis to provide meals for school children.

§17:192

"Lunches shall be furnished to the school children of the state under the supervision and regulation of the state board of education, taking into consideration the nutritional needs of the children, the distance traveled from home to school, and the attendance of the several schools."

§17:193 -- 194

"The state board of education may accept and direct the disbursement of funds . . . for use in connection with school lunch programs." These funds shall be deposited in a special account with the Treasurer of the State who shall make disbursements upon the direction of the Board. "However, no state funds shall be disbursed for the support of any school lunch program which shall be used by any private person, enterprise, concern or other entity for profit.

The state board of education may enter into agreements with any agency of the federal government, with any school board" or other agency or person; it may "provide technical advice and assistance . . . and assist in training personnel" for these programs. It may "prescribe regulations, employ personnel and take other action it may deem necessary to provide for the escablishment, maintenance and expansion of any school lunch program."

§17:195

"The school boards, in order to provide for the operation of school lunch programs in schools under their jurisdiction, may enter into contracts with respect to food, service, supplies, equipment, and facilities for the operation of such programs, and may use . . . any federal funds, commodities [and] gifts . . that may be received for school lunches . . . . Each parish school board and the principal of each school shall put in a prominent place the cost of the lunches and all persons . . . who are able to pay . . . shall pay directly to the sponsor the cost thus posted. No student shall be requested to pay more than the actual cost of the lunch . . . . No discrimination against any child shall be made by the sponsor because of his/her inability to pay, nor shall the sponsor publish or permit to be published the names of any children unable to pay for the lunch, . . .[lest he/she] be found guilty of a misdemeanor and fined not more than one hudnred dollars [and/or] imprisoned for not more than 90 days . . . ."

§17:197

The state board of education "may conduct studies regarding methods of improving and expanding school lunch programs and promoting nutritional education in the schools. It may also conduct appraisals of the nutritive benefits of school lunch programs, [reporting] its findings and recommendations . . . to the Governor."

REGULATIONS

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 3.01.70a(2)

A school food service supervisor must possess a master's degree in a relevant field, and three years successful experience to obtain a certificate.

C. School Food Service

Statutes

§1051

The state has accepted the provisions and benefits of, and will observe and comply with, "An Act to Provide Assistance to the States in the Establishment, Maintenance, Operation and Expansion of School-Lunch Programs and for Other Purposes" and any acts which amend it.

"All public schools shall establish nonprofit school food services which shall participate in the National School Lunch Program."

§1052

The state accepts and will comply with the provisions of the "Child Nutrition Act" and any amendments to it.

§1053

The commissioner, "to the extent that funds are available" in cooperation with other appropriate organizations will study methods of improving "school food service programs and promoting nutrition education." He will appraise the nutrition benefits of school lunch programs and report to the department.

"The commissioner, with the authorization of the board, shall establish . . . nutritional standards and regulations for all school food service and shall require all public schools to establish . . . nonprofit food services which shall participate in the National School Lunch Program." These programs shall make meals available which, as a minimum, meet the nutritional standards set by the U.S. Department of Agriculture for Type A meals. The commissioner may postpone the establishment of the non-profit food services until no later than September, 1980, when such postponement is deemed to be in the public interest.

Participation by a school limited to grades 9-12

is not required. A school committee or directors of an administrative unit "may establish a school lunch, school breakfast or special milk program," and shall make contracts to carry out the National School Lunch and Milk Program. The committee and directors "shall maintain complete management and operational responsibility."

The commissioner shall give technical assistance in connection with any food service program.

The department may prescribe rules and regulations establishing training and educational qualifications for school lunch supervisors, managers and other school lunch employees.

C. School Food Service

Statutes

Art. 77 §125

The state board may accept federal funds for the free feeding programs in the public schools.

Art. 77 §126

Every school throughout the state shall provide subsidized and/or free feeding programs for children meeting standards published by the state board. Funds appropriated shall be used to reimburse the county boards of education.

"This need is acute for the welfare of the children and to assure their satisfactory progress in school." The program shall be encouraged by: simplyfing procedures for qualifying for the program, refusing to disclose the identity of the children participating, maintaining the program through all grade levels, and participation by private organizations and corporations.

Regulations

13.05.02.03

"The rules . . . for carrying out . . . State Health Laws relating to school lunchrooms shall be those set forth in Standards of Sanitation Applying to Maryland School Lunchrooms . . . . This bulletin is designed for use by school administrative officials and lunchroom personnel for safe foodhandling practices."

C. School Food Service

Statutes

71 §72

"The school committee may prepare and sell lunches at one or more school buildings for the pupils and teachers of the public schools at such prices as it deems reasonable."

Regulations

REG. #31

Food Service

100.12 Competitive Food Services

Food sold to children in the schools "shall be restricted to those items recognized as making a contribution to, or permitted by the school to be served as part of a Type A lunch . . . . This restriction automatically eliminates the sale of candy, tea, coffee and carbonated beverages.

In senior high schools the sale of candy and carbonated beverages is prohibited . . . . The sale of tea and coffee is prohibited during the lunch period and for one hour before and one-half hour after the lunch period."

C. School Food Service

Statutes

§380.1272; 380.1273

A school board may use general funds to provide personnel, equipment, supplies, and food to furnish lunches for enrolled pupils and may accept produce and financial reimbursement from the state. The board shall charge for lunches, though pupils designated by the board may be exempted. The board may charge prices sufficient to reimburse the district for all lunch program costs. The board may provide the lunch program by contract for not more than three years or may engage directly in the business.

A board may also enter into contracts to operate a low cost meal program for persons 60 years or older and their spouses. Receipts and expenditures shall be maintained separate from school funds to insure the district's recovery of total program cost through charges to participants and government grants.

§380.1274

A board of a school district or a local act school district may acquire equipment necessary for the operation of the school program and pay for it from operating funds. Heating and cooking equipment may be purchased on title retaining contracts, or other form of agreement creating a security interest and pledging in payment moneys in the general fund. Contracts may extend for not more than 10 years.

§388.362

The local school board shall establish and operate a school lunch, breakfast, and supplemental milk program.

§388.363

The state board shall promulgate rules to implement and administer school food programs. The rules shall: establish nutrition requirements which shall, at a minimum, meet standards prescribed by the U.S.D.A.; establish standards of income eligibility for free and reduced price

food programs, not lower than maximum household income limits prescribed by the U.S.D.A; prescribe methods for application for free and reduced price food programs which shall ensure confidentiality and privacy; prescribe methods for parent and pupil participation in planning and evaluation of food programs including methods of accommodating pupil food preferences; and prescribe a uniform reporting system for collecting and analyzing data relative to the administration of this section.

The department shall make an annual report to the legislature relative to the administration of food programs.

The department shall pay a school district for each free lunch and for each reduced price lunch served by a school which participates in the federal school lunch program.

The department shall determine the actual and necessary initial equipment and capital outlay costs incurred by a district in complying with this act and shall recommend full reimbursement of all costs not otherwise reimbursed.

§388.364

A school board shall establish a school lunch program and a school breakfast program under which lunches and breakfasts shall be made available to all enrolled pupils. The board may charge a fee for each meal, except that the board shall provide free and reduced price meals to eligible pupils. The fee charged shall not exceed the actual average daily cost of the meal less the amount of food and financial assistance received by the board for each meal. To be eligible to offer a breakfast program, a school must have 20% or more of its pupils potentially eligible for free or reduced price lunches.

A school board shall establish a supplemental milk program under which milk shall be made available to pupils enrolled in schools which do not participate in lunch or breakfast programs. The board may charge a fee for the milk, except of pupils eligible for free milk. The fee shall not exceed the cost of the milk and accessories less the amount of financial assistance received by the board.

The board shall ensure that a pupil eligible for free food service shall not be discriminated against. There shall be no overt identification of an eligible pupil.

A board shall be excused from full compliance if the state board finds a financial emergency rendering the district unable to comply. A local board may apply to the state board for approval to provide food programs not in full compliance.

C. School Food Service

Statutes

§124.645

The state board of education is authorized to accept federal funds in order to provide food service programs for children.

Regulations

EDU 440 -- 442

All public schools and pupils are eligible to participate in the school lunch program.

The school board of any district in which any school participates shall be the sponsor and be responsible for the program. The commissioner of education and the school board shall come to an agreement over the terms of participation and reimbursement. Financial records, reports, reviews, audits and proper school lunch space and facilities shall be required. These rules shall be required. These rules shall apply to the direct distribution of U.S.D.A. donated foods and special milk programs.

C. SCHOOL FOOD SERVICE

STATUTES

§37-11-7

The state of Mississippi accepts the "National School Lunch Act."

C. School Food Service

Statutes

§167.211-- .221

Any school board may provide facilities to sell lunches to children attending the schools. Lunches shall not be sold for a lesser price than the cost of the food. In cities of five thousand or more, surplus money derived from the sale of food may be used to furnish lunches at less than cost to public school pupils of compulsory school age. The board of directors of any urban school district may designate a person as manager of the facilities in the schools. Persons handling money shall be appointed by the board. Managers shall keep full and accurate accounts of all receipts, expenditures and disbursements of the facilities.

CROSS REFERENCE

III.A.1.; Regulation 5 CSR 50-340.010

C. School Food Service

Statutes

§75-7211

School district trustees "offering school food services shall establish" a non-budgeted "school food services fund."

§75-8002

"The superintendent of public instruction is authorized to accept" federal funds "apportioned to the state for use in financing school food services," and may: (1) cooperate with any agency or person, set regulations and employ any personnel necessary to operate school food services and "disburse federal and state funds;" (2) assist districts in operating and training personnel for school food services; (3) accept gifts and conduct studies for the improvement, expansion and evaluation of "the nutritive benefits of school food services."

The superintendent "shall report annually to the board of [public] education on . . . school food services."

§75-8005

Trustees of a district offering school food services may: (1) contract with the superintendent of public instruction to obtain "funds, supplies and equipment, food commodities and facilities necessary" to operate school food services; (2) sell food to participating pupils and adults; (3) accept gifts and "allocate federal funds . . . to the school food services fund;" and (4) adopt other needed policies.

§75-8006

District trustees receiving federal moneys may request to use part of this money "to provide free meals for federally connected, indigent pupils when the pupils are declared eligible. The county superintendent must comply with certain procedures certify the

indigency of students and costs per meal before granting the request. The district and county treasurer are then notified "of the approved amounts for allocation to the school food services fund."

§75-8007

School food services laws "shall apply to pupils in state institutional schools meeting the requirements established by the superintendent of public instruction" and federal law.

CROSS REFERENCE

IV. D.; Statute §75-7001 -- 75-7002

C. School Food Service

Statutes

§387.080

The state board of education may: (1) enter into agreements with any person, agency, or school board of trustees and take necessary action to provide for the establishment and operation of any school lunch program; (2) direct the disbursement of federal and state funds; (3) give technical assistance to boards of trustees and assist in training personnel in the operation of school lunch programs.

§387.090

Boards of trustees may: operate school lunch programs in their jurisdiction, use funds and gifts disbursed to them for such programs, and contract with respect to food, services, supplies, equipment, and facilities for the operation of such programs.

§387.100

The state board of education may cooperate with other agencies to conduct studies of existing school lunch programs and methods of improving them and nutritional education in the schools. Findings may be reported to the governor.

CROSS REFERENCE

II.C.2.; Statute §393.090

C. School Food Service

Statutes

§189:11-a

At least one meal a day shall be provided for all students. If a child is unable to pay for the meal, the school board shall assume the cost. The state board of education "shall establish minimum nutritional standards" for the program and make sure that school boards comply.

C. School Food Service

Statutes

§18A:33-3--5

A board of education may operate cafeterias for pupils without profit to the district. Each district shall make school lunch available to all children by July, 1975. Free lunches shall be provided to students who meet "statewide eligibility" requirements, but schools with fewer than 5% eligible students shall be exempt from this requirement.

C. School Food Service

Statutes

§77-11-8

"The state board shall prescribe standards and regulations for the establishment and operation of school lunch programs" under which "lunches are served by a public school . . . on a nonprofit basis to students attending the school." The department of education shall provide school districts with technical advice and assistance in establishing or operating the program.

Regulations

Reg. No. 73-27

All foods and beverages offered for sale in the lunch room facilities and immediate area during the period beginning one hour before the opening of the lunch period and until its conclusion shall be under the jurisdiction of the non-profit school food service program. Such food and beverages must be of recognized institutional value, and all profits shall be deposited in the separate nonprofit school food service account.

Foods and beverages sold at other times may be of undetermined nutritional value. Proceeds may accrue to any school-approved activity program.

C. School Food Service

Regulations

Part 114 (Statutory authority §207)

§ 114.1 — 114.2

Any public school district in which indigent children attend school may apply for funds for a school breakfast program. Priority will be given to schools with the highest incidence of indigent children. Any school district may contract with a private food service company to manage and operate its food service program.

CROSS REFERENCES

IV.A.; Statute §409a

IV.A.; Regulation §141.10

C. School Food Service

Statutes

§115-51

Local boards of education "shall provide to the extent practical school food services in their schools." Any earnings "over and above the cost of operation" shall be used "to reduce the cost of food, to serve better food, or to provide free or reduced price lunches to indigent children."

Regulations

§2C.0401

School food service

The responsibilities of the division of school food services are to administer the following federal child nutrition programs.

1. The National School Lunch program in public and non public schools. The National School Breakfast Program in public and nonpublic schools, and summer camps Program in public and non public schools, and summer camps and institutions; Child Care Food Program, a private program offering breakfast, lunch and snacks: Special Summer Feeding Programs for children; Summer camps and institutions in lunch and milk programs; Free and reduced price meals and free milk available in all programs mentioned above; non-food assistance programs available to the programs mentioned above;

2. Consultation to Personnel in the Nutrition programs in the following areas:

nutritional menu planning, facilities and equipment, management and organization, records and reports, nutrition and education, and fiscal control;

3. Audit programs to assure compliance with federal requirements;

4. Prepare and distribute a separate monthly bulletin for school food services and special food programs for children;

5. Administer the non-food assistance program;

6. Evaluate programs for compliance with federal

requirements.

§2C.0402

The division of school food service carries out its responsibilities through the following sections:

1. A director for the food service child nutrition program who is assisted by a staff of assistant director, specialist for food service for children, consultants and auditor;

2. Training programs for child nutrition programs personnel conducted by state-sponsored supervisory workshops, state consultants and other staff members, and state approved televised courses;

3. Research and program development.

C. School Food Service

Statutes

§15-54-03

The state department of public instruction may enter into agreements with the federal agencies or with local school boards to establish a school lunch program. The department has the authority to make regulations, employ personnel and disburse funds for this program.

§15-54-04

Pursuant to any power of school boards to operate or provide for the operation of school lunch programs in schools under their jurisdiction, school boards, may use funds disbursed to them under the provisions of this chpater, gifts, and other funds received from the sale of school lunches under such programs.

§15-54-06

The state department of public instruction may conduct periodic studies for the purpose of improving school lunch programs and "promoting nutrition education."

§15-54-08

Food service employees are required to file a health certificate with the school board.

Regulations

Chapter I: I.B.16

The Directors of Food and Nutrition Services are the Director of School Food Service and the Director of Food Distribution Program.

The Director of School Food Service is responsible for approving applications for School Lunch and Special Milk Programs, for distributing federal funds to pay claims for reimbursement, for visiting one-third of the lunch programs yearly and for giving consultative service regarding school lunch programs.

The Director of Food Distribution Program is responsible for the entire working of the program for distributing U.S.D.A. donated foods to schools, welfare institutions, and camps.

Chapter III: IV.B.

The School Lunch, Special Milk, Breakfast, Nonfood Assistance, and Food Distribution Programs are administered by the U.S. Department of Agriculture in agreement with the State Department of Public Instruction for the overall better nutrition of pupils.

C. School Food Service

Statutes

§3313.81; .812

The board of education of any city, exempted village, or local school district may establish food service in their schools, and provide for related facilities, equipment and operating costs, for pupils, employees, and persons participating in school-related activities. Such food service may also provide nutritious meals for elderly residents of the district (over sixty years of age). All food services shall be provided on a non-discriminatory and at-cost basis. Free lunches may be provided for needy pupils as determined by the board.

Funds for food services shall be kept in a separate fund. The state board of education shall act as the agency responsible for carrying out this program.

Food service for one or more school districts of a board of education may be provided on a contract basis. Two or more boards of education may establish a central kitchen.

§3313.813

The state board of education shall require and set standards for each school district to maintain a school breakfast and lunch program pursuant to the "National School Lunch Act."

Such program shall be established in every school meeting the "especially needy school" criteria. A breakfast program shall be established where at least one-third of the pupils are eligible under federal requirements for free breakfast and a lunch program where one-third of the pupils are eligible for federally-subsidized free lunch. A breakfast program shall be established in every school in which the parents of at

least half the pupils request such a program. In such a case, parents shall be charged to cover the costs of such a program.

C. School Food Service

Regulations

§581-22-298

"Local districts operating reimbursed student food service programs shall comply with Board and State Health Division rules."

§581-51-045

The educational authorities responsible for other phases of the school program are responsible for the administration, operation and supervision of school food service programs. The school district board is legally responsible for operation of the schools' food service and compliance with all applicable laws and regulations.

Any public or nonprofit private school is eligible to participate in the National School Lunch Act, and other food programs.

C. School Food Service

Statutes

§5-504

The board of school directors shall have the power to establish and operate cafeterias in any of the schools under its jurisdiction whenever it deems it advisable and shall have the power to appoint such employees as are necessary and set and pay their salaries. The cost of such cafeterias may be charged against the funds of the school district. The food served shall be sold to pupils, teachers, and school employees of the cafeterias at prices not materially exceeding the cost of operation.

§13-1335

The directors in all school districts are authorized and empowered "to furnish food, including milk, to the under-nourished and poor school children attending the schools within their districts at the expense of the school district."

§13-1337

The Department of Education is authorized to accept and direct the disbursement of funds appropriated by Congress and apportioned to the State for use in connection with school food programs. The Department of Education may enter into such agreements with any federal agency, or person, prescribe such regulations, employ such personnel and take such other action as it may deem necessary to provide for the establishment and operation of any school food program.

C. SCHOOL FOOD SERVICE

STATUTES

§16-2-30

"All municipal school systems in this state shall make available in its school lunch program, low-fat fortified milk with a milk fat content of one percent or less."

§16-8-8

The state department of education is authorized to accept and disburse federal funds apportioned for the establishment and maintenance of school lunch programs.

§16-8-9

The state department of education may enter into such agreements, with any agency of the federal government, with any federal agency, with any school board or with any other agency or person, and may prescribe regulations, employ and train personnel, administer technical assistance, or take any action it deems necessary for the establishment, maintenance, operation and expansion of any school lunch program, and to direct the disbursement of federal and state funds in accordance with existing provisions of federal and state laws.

§16-8-10

"All public elementary and secondary schools, shall be required to make Type A lunches available to students attending those schools in accordance with such rules and regulations as are adopted from time to time by the department of education."

§16-8-12

The department of education is authorized, to the extent funds are available, and in conjunction with local school boards and other appropriate organizations, to conduct studies for improving, expanding and promoting school lunch programs and nutritional education in the schools.

ARTICLE IV: STUDENTS

G. WELFARE

4b. Regulations and Guidelines Determining Eligibility for Free and Reduced Price Lunches and Breakfasts. (9/73)

Each school district desiring to participate in the National School Lunch or School Breakfast Programs or to receive commodities shall submit for approval to the Department of Education a free and reduced price policy statement. Such policy statement, as a minimum, shall contain: the officials designated by the school district to make eligibility determinations on its behalf for free and reduced-price meals; the complete family size, income, and other criteria which comprise the eligibility standards for free and reduced-price meals, respectively; the specific procedures the school district will use in accepting applications from families for free and reduced-price meals and any alternative methods it intends to use in making eligibility determinations in accordance with these guidelines; and description of the methods to be used to collect payments from those children paying the full price of the meal, or a reduced-price which will protect the anonymity of the children receiving a free or reduced-price meal.

ELIGIBILITY

The policy statement submitted by each school district shall be accompanied by a copy of the application form to be used by the district and of the proposed letter or notice to parents.

No policy statement may be altered without advance approval from the Department of Education.

All eligible children from the same family must receive the same benefits.

The notice/letter to families must include the income scales.

An application form must accompany the letter which is sent to the parents.

C. School Food Service

Statutes
§59-63-710 -- 59-63-770

It shall be the policy of the state to "receive and distribute funds and supplies as are available for the school lunch program" and to "supervise and generally direct the program in the local schools." To "continue and expand a lunch program" a school lunch division shall be created in the department of education. Each county shall employ a school lunch supervisor to supervise and promote school lunches, cooperate with government agencies and see that both food and funds are properly distributed. In larger counties, two supervisors may be employed in which case the county shall pay one-half the salary and expenses of the additional supervisor.

C. School Food Service

Statutes

§13-35-1

School districts may provide "school food services programs," under 42 U.S.C. §§1771-1786 and the Child Nutrition Act of 1966.

§13-35-2

Students and school personnel "may be charged for meals."

§13-35-6

School lunch programs may be extended "for the purpose of serving nutritionally sound meals to eligible elderly persons at a place . . . determined by the school board."

C. SCHOOL FOOD SERVICE

CROSS REFERENCES

III.B.School Personnel; Regulation pp.22-27

C. School Food Service

Regulations

§3431; 3432

"The school lunch and child nutrition services shall be considered an integral part of the educational program for the school children of Texas."

These services provided by the school districts "shall be assisted by the Texas Education Agency as the administering agent for the National School Lunch and other child nutrition programs" and shall be entered into agreement with these programs by the Commissioner of Education.

§3431; 3432

"The providing of a school lunch and child nutritional services to the individual student is considered a responsibility of the school district. The Texas Education Agency supports the districts by (1) administering national programs . . .; (2) providing leadership through regional workshops, and (3) providing lunch service guidelines."

"The Texas Education Agency assists the local education agency through administering National School Lunch programs which are described as follows:

(a) National School Lunch Program

The National School Lunch Act, amended, authorized an apportionment of funds to schools for (1) general food assistance, (2) special food assistance, and also authorizes donations of agricultural commodities and other foods acquired by the Department of Agriculture. The National School Lunch Program is administered in accordance with the established regulations of the Texas Education Agency based upon Parts 210 and 245, Chapter II, of Title 6 of the Code of Federal Regulations.

(b) Special Milk Program for Children

The Child Nutrition Act of 1966, Section 3, authorizes the apportionment of funds to encourage consumption of fluid milk by children in non-profit schools of high school grade and under. The Special Milk Pro-

gram is administered in accordance with the established regulations of the Texas Education Agency based upon established regulations of the Texas Education Agency based upon Part 215, Chapter II, of Title 7 of the Code of Federal Regulations.

(c) Nonfood Assistance Program

The Child Nutrition Act of 1966, Section 5, authorizes the apportionment of funds to supply schools drawing attendance from areas in whic poor economic conditions exist with equipment for storage, preparation, transportation, and serving of food.

The Nonfood Assistance Program is administered in accordance with established regulations of the Texas Education Agency based upon Part 220, Chapter II, of Title 7 of the Code of Federal Regulations.

(d) School Breakfast Program

The Child Nutrition Act of 1966, Section 4, authorizes the apportionment of funds to initiate, maintain, or expand non-profit breakfast programs in schools drawing attendance from areas in which poor economic conditions exist and to those schools to which substantial proportions of the children enrolled must travel long distances daily.

The School Breakfast Program is administered in accordance with established regulations of the Texas Education Agency based upon Part 220, Chapter II, of Title 7 of the Code of Federal Regulations."

STATUTES

§53-8-2 - 53-8-3

A special tax on the sale of wine and liquor shall be assessed to be used by the state board of education "only . . . to provide school lunches and a school lunch program in the various school districts." The board of education is "authorized to employ . . . personnel . . . necessary to properly and efficiently administer . . . such school lunch program."

C. School Food Service

Statutes

§172

The board is authorized to use federal funds available under the National School Lunch Act and the Child Nutrition Act.

§1262a

The state board may award grants to the school boards which operate such programs from monies appropriated for this section to the Department of Education. The amount of any grant shall not exceed the charge for the meal and any reimbursement from the federal government to pay for the actual cost of the meal.

§1262b

The state board may award grants to school districts which wish to initiate or expand their food program to meet §1264 requirements. The awards shall not exceed 75% of the cost needed to construct, renovate or acquire additional facilities and any award shall be reduced by the amount of funds available from federal and other sources.

§1264

Each school district shall operate a type A school lunch program daily for each pupil. A temporary waiver of this requirement may be granted for up to 20 days in an emergency.

§1265

If a majority of the voters of a school district elect to be exempt from the program, it shall not operate until they elect to adopt the program.

Regulations

R.M. IV.C; p. 98

The State Board recommends emphatically that all school districts implement the school feeding program appropriate to the needs of their students. Vermont's school food and special milk programs are phases of our total educational program which have the purpose of develop-

ing strong minds in strong bodies of each child.

The criteria for free and reduced price meals are as on file in the Administrative Services Division of the Department of Education.

C. School Food Service

Statutes

§22-27

The Superintendent of Public Instruction shall administer the funds received by Virginia under the National School Lunch Act, Public Law 396, 79th Congress.

Regulations

School Lunch, Sale of Food Items

Type A lunches shall be sold during the school lunch program. The income from such sale shall accrue to the school lunch account.

STATUTES

§28A.30.010 - 30.080

The state superintendent is authorized to purchase surplus food commodities from the federal government for the hot lunch program in public schools and to create a revolving fund to carry out the program.

§28A.31.020

The board of directors may have milk furnished free of charge to school children in attendance.

§28A.58.136

"The directors of any school district may establish . . . and operate lunchrooms in school buildings."

C. School Food Service

Statutes

§115.34

"The department may contract for the operation and maintenance of school lunch programs and for the distribution, transportation, warehousing, processing and insuring of food products provided by the federal government. The form and specifications of such contracts shall be determined by the department."

CROSS REFERENCE

IV.D.: Statute §121.57

C. SCHOOL FOOD SERVICE

STATUTES

§21.1-185

The state board of education is authorized to accept and direct distribution of federal funds for school lunch programs, special milk programs, and commodities distribution programs. These funds are to be kept in a special account with the state treasurer.

§21.1-186 21.1-188

The state board of education may enter into agreements with any federal agency, local board of trustees of any school district, or any other agency or person to provide for the establishment, maintenance, operation and expansion of any school lunch program, and to direct disbursement of state and federal funds in accordance with applicable law. It may employ personnel for this purpose, may give technical advice and assistance to any local board of trustees and may assist in training personnel to administer the programs. The state board shall prescribe regulations for keeping of records and accounts by the local board of trustees and shall conduct audits, inspections, and administrative reviews to determine whether agreements are being complied with and ensure that school lunch programs are effectively administered. Local boards of trustees may use funds disbursed to them, gifts, and monies received from sale of school lunches to operate a school lunch program. They are to preserve the required accounts and records for such period of time, not exceeding five years, as the state board requires.

§21.1-189

The state board of education is authorized to conduct appraisals of the nutritive benefits of school lunch programs. It is also authorized to conduct studies of methods of improving and expanding the programs and of promoting nutritional education in the schools, in cooperation with other appropriate

agencies and organizations. The board is to report its findings and recommendations to the governor.

D. TRANSPORTATION

IVD

6280

D. TRANSPORTATION

STATUTES

§16-8-27

County boards of education may provide transportation for their employees on established pupil transportation routes.

§16-27-1

The state board of education shall prescribe rules and regulations: requiring all local boards of education which provide transportation to employ a supervisor of transportation services; requiring periodic safety inspection of all school buses; requiring and providing for special training and licensing of school bus drivers.

§16-27-4

School bus drivers must have a valid driver's license, must complete a minimum of 12 hours in school bus driving, and pass a written test and a driving performance test. A special school bus driver's license will be issued for one year and may be renewed annually if the holder attends a six-hour training session for school bus drivers.

§16-27-5;6

All local boards of education which provide transportation services for school children shall provide for monthly inspections of their vehicles. School bus drivers must wear safety belts. SAFETY BELTS

CROSS REFFRENCES

II.A.2.; Statute §16-39-11

II.C.2.; Statute §16-11-11; 16-11-13

IV.H.; Statute §16-28-6

D. Transportation

Statutes

§14.09.010

"The department may provide for the transportation of pupils who reside a distance from established schools," and pursuant to this authority may "(1) require school districts to [contract] with the department for . . . transportation systems . . .;" (2) require annual financial reports from those receiving transportation funds; and (3) "permit school districts to establish supplementary systems for students . . . ineligible to utilize" state funded systems, to charge for such systems, and to use local funds for such systems.

The school board of a district, or the department for areas not within school districts, shall designate as hazardous those routes which cannot be safely traveled by children not served by school bus. The board or the department shall provide for the transportation of pupils on such routes and the cost "shall be equally shared by the district and the department." Eligibility for service on such routes shall not be restricted by "minimum distance" requirements.

§14.09.020

In places where transportation is provided for public school children, it shall also be provided "for children who, in compliance with . . . Ch. 30 of this title (14), attend nonpublic schools which are . . . in compliance with state law . . . . The commissioner shall administer this nonpublic school student transportation program . . . and the cost . . . shall be paid from funds appropriated . . . by the legislature."

§28.15.130

"The department of public safety shall issue a school bus driver's permit upon application and completion of driving, written and physical examination . . . . No person may operate a school bus carrying children without a school bus driver's permit. The commissioner of public safety may establish" appropriate regulations governing the issuance or denial of school bus driver permits.

REGULATIONS

4AAC 09.050

School districts shall provide a basic boarding program at no cost to the student or parent, for all secondary age students in the district who do not have daily access to a school of the appropriate grade level. This program shall include suitable living accommodations, round-trip transportation from student's home and daily access to the proper school. Students shall be placed in accordance with their best interest.

A supplemental boarding program may be provided, at no cost to the student or parents, for those secondary students who have special needs which cannot be met by the school they attend. Criteria for eligibility for a supplemental program shall be set by the governing body of the district.

No student may be suspended or expelled from a supplementary program without due process.

AUTHORITY:

AS 14.07.020(1) and (2)
AS 14.07.030(5) and (10)
AS 14.07.060

4AAC 27.010

The commissioner may establish transportation routes when there are eight or more children to be served by a route and they live more than one and one-half miles from school. Students living less than one and one-half miles from school may be serviced by the route only if they are charged a monthly fare.

AUTHORITY:

AS 14.07.030

AS 14.07.060

AS 14.09.010

4AAC 27.020

The commissioner may establish special education routes if there are five or more special education students to be serviced by the route. Transportation may be provided by any means deemed to be in the best interest of the student and the state. Assignment of an aide to the driver may be considered as part of the cost of the route and therefore reimbursable.

AUTHORITY:

AS 14.07.030

AS 14.07.060

AS 14.09.010

4AAC 27.025

A school district may establish other conveyance routes for pupils for whom a regular transportation route cannot be established. This may be done if it will serve at least eight pupils, the distance between the pick up point and the attendance center is at least one and one-half miles, the conveyance used passes a semi-annual safety inspection by appropriate agency, and the route used is approved by the chief administrative offer of the district.

AUTHORITY:
AS 14.07.030
14.07.060
14.09.010

4AAC 27.030

All routes shall be free from mileage duplication except in instances where a pick up point serves 15 or more students or a pickup point serves three or more students and is at least one mile from the main route.

A route shall be over all-weather, regularly maintained highways.

AUTHORITY:
AS 14.07.030
AS 14.07.060
AS 14.09.010

4AAC 27.035

A transportation route within one and one-half miles of an attendance center may be designated a hazardous route if it cannot be safely traveled by children because of traffic, weather or other hazards. This designation may be in effect only for so long as the hazard exists and for a maximum of one year.

AUTHORITY:
AS 14.07.030
14.07.060
14.09.010

4AAC 27.040

The commissioner may in his/her discretion modify or terminate routes if there are five or fewer students to be transported, or may be modified to serve an additional three or more students by extending the route. These extensions may be terminated if they service

two or less students for two consecutive months

A special education route may be terminated if it services three or less students during the last two months of the school year.

AUTHORITY:

AS 14.07.030
14.07.060
14.09.010

4AAC 27.045

"When the time in transit for any pupil exceeds a total of 120 minutes per day, a school district must either obtain permission from the pupil's parents or guardian for a longer ride or it must permit the parents or guardian to select other reasonable and available educational or transportation alternatives.

AUTHORITY:

AS 14.07.030
AS 14.07.060
AS 14.05.010

4AAC 27.050

(a)The commissioner may in his[her] discretion

(1) determine the attendance center a student must attend if there are alternative attendance centers which are approximately equal in distance from the point of pick-up for that student;

(2) divert pupils from an attendance center to another in an unincorporated area;

(3) provide transportation for less than five special education students if the nature of their physical and/or mental handicaps is such that transporting them on regularly established routes is not feasible;

(4) provide transportation for students in lieu of placement in the boarding home program;

(5) establish contracts with parents to

provide reimbursement for transporting their children to the nearest attendance center or bus turnaround in lieu of extending an existing route or establishing a new route;

(6) establish contracts with districts and/or contractors to provide for transportation of students in organized boroughs, unincorporated areas and city districts;

(7) require such reports as he[she] may deem necessary to administer the transportation program;

(8) reject any or all proposals by a contractor or person seeking to contract with the state to provide transportation services.

(b) The commissioner may act upon the advance written request and justification by a district and in his[her] discretion:

(1) to permit duplication of route mileage caused by double shifting or other deviations from regular attendance;

(2) to permit transportation of students within one and one-half miles of their attendance center;

(3) to grant extensions to existing routes;

(4) to reimburse expenditures by districts for capital outlay, insurance bonding, and personnel salaries, provided, however, that such reimbursement shall only be made to districts that furnish their own transportation vehicles.

AUTHORITY:

AS 14.07.030
AS 14.07.060
AS 14.09.010

4AAC 27.110

The minimum standards for school buses in Alaska are contained in (1) Minimum Standards for School Buses published by the National Commission of Safety Education

and (2) Minimum Standards for Alaska School Buses 2nd Edition published by the department.

AUTHORITY:

AS 14.07.030

AS 14.07.060

AS 14.09.010

CROSS REFERENCES

II.A.2.; Statute §14.30.347

III.B.Teachers; Regulation 4 AAC 60.110

III.C.District Board of Education; Regulation 4 AAC 05.040 -- 05.050

IV.A.; Regulation 4 AAC 60.175

IV.H.; Statute §14.30.010 -- 14.30.020

D. Transportation

Statutes

§15-1622 --1625

School districts shall receive funds in order to supply transportation for students. The districts must report annually to the superintendent of public instruction, giving detailed information on their capacity and needs. A district must comply with these requirements in order to receive state aid. State aid will be paid only for students transported in a school bus. The superintendent of public instruction shall be in charge of computing the amount of aid, and supervising the transportation program.

§15-1626

A school district may contract for transportation with another division rather than maintain its own transportation system.

§28-414

A school bus driver is required to have a chauffeur's license.

CROSS REFERENCES

II.A.2.; Statute §15-838

II.A.2.; Statute §15-1015 -- 1015.01

D. Transportation

Statutes

§75-637--638; 75-658; 659

Bus drivers shall stop fifteen to fifty feet from railroad crossings unless a police officer or traffic signal directs the driver to proceed or within a business or resident district.

Transportation vehicles shall: have "SCHOOL BUS" printed on them; be painted an official color, designated by the State Board; and operate flasher lights when loading or discharging students.

It is unlawful for buses to be operated without identification and safety devices" properly displayed and in proper working order." Other vehicles shall stop in both directions while a bus receives or discharges passengers, except on a multiple lane highway. Bus drivers shall stop in the right hand traffic lane or shoulder where students must cross a highway.

Persons violating these provisions shall be guilty of a misdemeanor, fined $35.00 to $500.00 or imprisoned up to 90 days.

§80-233

The county school supervisor shall administer the allocation of funds for transportation.

§80-1801

District boards of directors shall purchase vehicles to transport students to and from schools and hire drivers for such vehicles. The state board of education shall prescribe specifications for said vehicles.

§80-1806--1808

"School buses purchased with loans from the Revolving Loan Fund must meet the prescribed minimum standards and regulations for school buses and must be owned and operated by the district purchasing them."

§80-1810

"No person physically defective or of unsound

mind, known to be a habitual drunkard, or of immoral habits, or who has been convicted within the past five years of operating a motor vehicle in a reckless manner or while under the influence of intoxicating liquor or narcotic drugs, or who has a general reputation of being a fast and reckless operator of motor vehicles without regard to the rights of others, who is less than seventeen years of age, shall be . . . employed . . . as (a) chauffeur or operator of any school bus, either privately or publically owned."

BUS DRIVER

Seventeen year old drivers must have at least two years experience as a licensed driver, "attend such school bus driver training course as the State Board of Education may require," pass a physical, pass a test on traffic laws and a road test supervised by the State Highway Patrol.

§80-1811

A driver or operator shall be liable "for the death or injury to any school child resulting from a failure of such driver or operator to use reasonable care while transporting pupils."

LIABILITY

§80-1821 -- 1825

All bus drivers are "required to . . . pass a series of tests as prescribed by the Arkansas State Police and the State Department of Education to determine physical fitness and driving ability."

"Such tests shall include an eye test, a written or oral test on rules and regulations of driving, a road test given under the supervision of the Arkansas State Police."

Upon successful completion of above tests, a two year certificate shall be awarded. Such a certificate is required in addition to an operator's or chauffeur's license for employment.

However, a substitute driver may be hired on a temporary basis without a certificate. "Extra-curricular trips shall be made by certified operators only."

Persons violating the above shall be guilty of a misdemeanor.

Full-time state employees will not be compensated for "additional amounts over and above transportation and expenses." They are not entitled to a supplementary salary for service to the handicapped.

CROSS REFERENCES

II.A.2.; Statute §80-2123

II.A.2.; Statute §80-2125

II.C.2.; Statute §80-142

IV.G.; Statute §80-1527

D. TRANSPORTATION

STATUTES

§1270

The county superintendent may use schoolbuses to transport pupils attending schools operated by him/her, including adults attending special classes for adults designed to serve the educational need of handicapped adults. Transportation is also to be provided for teachers, employees and pupils for athletic contests or other school activities.

§35350

"No governing board of a school district shall require any student or pupil to be transported for any purpose or for any reason without the written permission of the parent or guardian.

This section shall not apply to the transportation of a student or pupil in an emergency arising from illness or injury to the student or pupil."

§39800 -- 39860

In the area of transportation the governing board of any school district may:

(a) provide for the transportation of pupils to and from school whenever such transportation is advisable and good reason exists therefor. The governing board may purchase and rent or provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system or with responsible private parties.

(b) contract with the county superintendent of schools to provide necessary transportation services.

(c) contract for the transportation of matriculated or enrolled adults, or provide transportation to adults in district owned equipment for educational purposes other than to and from school.

(d) allow pupils entitled to attend the school of the district, but in attendance at a school other than a public school, transportation upon the same terms and in the same manner and over the same routes of travel as is permitted pupils attending the district school.

(e) provide for the transportation to and from public school of pupils who have attained the age of three years and nine months and are enrolled in classes, whenever such transportation is advisable and good reason exists therefor.

(f) use and operate any bus owned or under lease to the district for the transportation of pupils to and from their places of employment during the summer in connection with any summer employment program for youth.

(g) enter into a contract under the terms of which the school district grants the use of any school bus which is owned or leased by the school district to any federal, state or local governmental agency for the purpose of providing transportation for employees of said agency to or from their places of employment, or both.

(h) Enter into a contract under the terms of which the school district grants the use of any school bus which is owned or leased by the school district to senior citizens' groups for the purpose of providing transportation to members of such groups.

(i) contract for the transportation of pupils attending schools within the district to and from any exposition or fair, school activities, or other activities which the governing board determines to be for the benefit of the pupils.

Each schoolbus shall be equipped with one or more fire extinguishers.

§ 14202-14203

A written agreement shall be entered into with each party contracting to transport pupils and with each school bus driver to comply with all provisions of the Vehicle Code and all other applicable laws.

§ 14205-14207

The governing board of a district may adopt and enforce additional regulations governing the transportation of pupils in addition to the provisions of the Education Code and the Vehicle Code.

§ 14220-14221

School bus drivers shall not be employed unless they hold "a valid driver's license of appropriate class" and a valid school bus driver's certificate issued by the Department of Motor Vehicles.

Each applicant for such a certificate is required to be fingerprinted "to facilitate the administration of section 14222."

§ 14222

The Department of Motor Vehicles shall not issue a school bus driver's certificate to any applicant who:

1) Has been convicted of any sex offense as defined in Section 12912 in Education Code

2) Has been convicted within three years of any violation involving felony hit-and-run driving, drunk driving or reckless driving

3) Is incapable of safely operating a motor vehicle because of excessive use of alcohol

4) Has been convicted within the past seven years of any drug offense or who habitually or excessively uses or is addicted to narcotics or dangerous drugs

5) Does not meet minimum medical standards of the Department of Motor Vehicles

6) Has attempted fraud or deception in his application.

§ 14223-14225

The Department of Motor Vehicles shall revoke the school bus driver's certificate if he/she :

1) Is convicted of any sex offense as defined in section 13206 of the Education Code

2) Is convicted of any felony or the attempted violation of any crime enumerated in section 13206 of the Education Code

3) Is convicted of any felony hit-and-run driving, drunk driving or reckless driving

4) Is incapable of safely operating a motor vehicle because of excessive use of alcohol, dangerous drugs or narcotics

5) Has committed an act involving moral turpitude

6) Has been convicted in any felony not indicated in this section.

A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury or a forfeiture of bail is deemed to be a conviction within the meaning of this article, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

The receipt of satisfactory evidence of a violation of the regulations may be deemed sufficient cause for the dismissal of any school bus driver.

§ 14226

Effective January 1, 1976, to assure compliance with provisions of Section 14220, the transportation supervisor, or delegated person of a school district, private school, parochial school, or contractor-

employer responsible for the operation of any school bus shall maintain the following records concerning drivers' qualifications:

(1) Driver's license class, number, restrictions and expiration date.

(2) School bus driver's certificate number, restrictions and expiration date.

(3) Date last medical examination report submitted to the Department of Motor Vehicles.

(4) Date of driver's most recent Certificate of Completion of an approved school bus driver training course.

The responsible person shall notify each driver under his supervision of the expiration dates mentioned in (1) through (4) above. He/she shall also make these records available for inspection to any authorized employee of the California Highway Patrol upon request.

§ 14240-14241

School buses in unsafe condition or not properly "equipped as required by this chapter of the Vehicle Code shall not be operated or used for transporting pupils (except to take the bus unladen to a repair shop) until it is examined and repaired or equipped as required by law." This work shall be certified by a competent mechanic or the Highway patrol to be safe and lawfully equipped.

§ 14242

"A school bus carrying any pupil shall not be operated or driven with any trailer or other vehicle attached" to it.

§ 14243

"Every bus operator shall, before transporting pupils, systematically inspect and maintain all buses subject to his control."

Weekly inspection and maintenance records shall be kept at the maintenance facilities or terminal where the bus is garaged.

Bus operators shall conduct preventive maintenance inspections every 2,000 miles or 30 working days, whichever occurs first or in accordance with the manufacturer's recommendations.

§ 14247-14253

The number of pupils transported out any one time on a school bus shall not exceed:

a) The number specified as seating capacity by Section 14290 and set forth on the inspection certificate as required by Section 14291.

b) A total weight that exceeds the manufacturer's certificated gross vehicle weight rating (GVWR).

c) Class 2 bus constructed before July 1, 1970 must meet all regulations relating to Class 2 buses made after July 1, 1970 to transport more than 12 passengers and the driver.

No more than two pupils shall occupy the seat space next to driver in a class 2 bus .

"A school bus shall not be put in motion until all pupils are seated." Nor shall smoking, animals, intoxicating liquor nor "loaded weapons of any sort, except side arms carried by a peace officer" be transported on a school bus.

§ 14254-14255

The bus shall be kept clean at all times and the interior must be cleaned thoroughly after each day's use.

Each pupil transported in a bus shall receive safe riding instruction and participate in emergency bus evacuation drills at least twice a year. "Boards of trustees shall adopt rules and regulations to enforce this section."

§ 14262-14263

School bus drivers shall at all times operate the bus in a "safe, prudent and careful manner...."

Pupils transported in a school bus shall be under the authority of the bus driver. The driver shall be held responsible for the orderly conduct of pupils on the bus or being escorted across the street. Continued disorderly conduct "shall be sufficient reason for a pupil to be denied transportation." "A driver shall not require a pupil to leave the bus enroute between home and school...."

Boards of trustees shall adopt rules to enforce this section and make them available to parents, pupils and teachers.

§ 14264-14272

The driver shall wear a seat belt and shall not leave the driver's compartment without first stopping the engine and setting the parking brake. A driver shall not travel with the transmission in neutral or with the clutch disengaged. A driver shall not make any repair of a bus except in emergencies.

School buses shall pick up and let children off only at bus stops designated by the governing board of the district. A flashing red light signal system as designated in section 22112 of the Vehicle Code shall be operated when a bus discharges or loads pupils where the traffic is not controlled. Drivers shall stop at railroad crossing as provided in Vehicle Code Section 22542 and shall not allow the positioning of any pupil in the bus to interfere with his/her vision. "A driver of a school bus shall not carry on unnecessary conversation while the vehicle is in motion."

§ 14273

School bus drivers shall immediately notify the Highway Patrol, his/her employer and the governing

board of the district, "of any accident resulting in personal injury or property damage." The supervisor of such a driver shall ensure that such an accident has been reported as required within 24 hours of the accident.

"The driver shall not leave the bus to seek aid in the case of an accident or emergency..." unless there are no pupils aboard. Each driver shall be responsible for discontinuing the use of the bus she/he is driving whenever it is rendered unsafe for pupils.

CROSS REFERENCES

II.A.2; Statute §56600--56604

II.A.2; Statute §56700--56729

II.A.2; Statute §56802-56833; 56865; 57800; 57818

II.A.3; Statute §52370--52374

II.A.10.Other-Alternative Schools; Statute §58500--58514

D. Transportation

Statutes

§22-32-113

"The board of education of a school district may furnish transportation to and from schools of the district for any reasonable classification of resident pupils enrolled in the schools of the district;" to "schools located in an adjacent state;" to students residing in another district; or "to and from any school sponsored activity."

"A board may reimburse a parent or guardian for the "expense of . . . furnishing transportation to and from a public school or school bus line for his[her] child or children and for other pupils enrolled in the schools of the district."

§22-32-128

School buses shall be available to senior citizen groups in the district. The board of education of each school district shall adopt policies for such use of school buses.

CROSS REFERENCES

II.A.2; Regulation 2220-R-7.0

II.C.2; Regulation 2202-R-13.01

D. Transportation

Statutes

§10-53

If the board of any regional district provides transportation to a regional school, that district providing the transportation shall be reimbursed by the state. Any regional district empowered to provide all programs under the supervision of the state board of education shall receive additional state aid each year.

§10-273a

Any town transporting children to and from any public schools shall be reimbursed for fifty per cent of the cost of such transportation.

§14-276

Registered school buses shall be operated by holders of valid public service operators' licenses. This license shall be in addition to the regular operator's license.

§14-276a

The commissioner of motor vehicles shall adopt regulations establishing a procedure for the physical examination and safety training of school bus operators. The drivers must meet the minimum physical requirements, complete a course in safety training, and pass a test in proficiency in school bus operation.

§10-277

A town or regional school district which does not maintain a high school shall pay reasonable transportation costs for any pupil who is under 21 and resides in the district to attend a high school approved by the state board of education.

§10-281

All areas and school districts shall provide the same kind of transportation for pupils attending private schools as is provided for public school pupils. The parent of a child that is denied transportation services may appeal to the district school board.

CROSS REFERENCES

II.A.2.; Regulation §10-75b-1; 10-75b-2; 10-75c-1

II.A.2.; Regulation §10-75g-27

II.A.2.; Statute §10-97

IV.G.; Statute §10-186; 187

D. TRANSPORTATION

STATUTES

§2901

The Board shall adopt and enforce motor vehicle regulations to govern the design and operations of all school buses used for transportation of school children, even if the buses are owned and operated by private individuals.

§2902

Any officer or employee of the State Board or any school district who violates any of the school bus regulations or who fails to include an obligation binding a contractor to comply with such regulations in any contract executed by him/her on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment.

§2903

School bus operators under contract with the Board who fail to comply with bus regulations adopted by the Board shall be guilty of breach of contract and his/her contract shall be canceled, after notice and hearing, by officers of the school district or the Board.

§2904

All buses operated by the Board for transportation of students shall be covered by insurance to at least the following extent:

Bodily injury coverage, including passenger hazard of:

$5,000 for the injury or death of any person; and

Total coverage of either $100,000 or an amount equal to $5,000 plus $2,500 times the rated capacity of the bus for the injury or death of any number of persons in any one accident and

Medical payment coverage of $1,000.

§2905

"The State Board of Education shall make rules and regulations concerning the transportation of pupils in nonpublic, nonprofit elementary and secondary (high) schools in the State of Delaware. Such rules and regulations shall provide for at least the following:

All rules and regulations relative to pupil transportation to nonpublic, nonprofit schools shall be the same as those applicable to public schools;

Such rules and regulations shall limit transportation of pupils in nonpublic, nonprofit schools to the elementary and secondary schools, except as provisions of this title may assign such transportation responsibility to the State Board of Education in behalf of pupils enrolled at other levels in a public school system;

Pupils enrolled in nonpublic, nonprofit schools shall only be entitled to transportation within the described boundaries of a public school district and not beyond those boundaries.

CROSS REFERENCES

II.A.2.; Statute §3102

II.A.2.; Statute §3125

D. TRANSPORTATION

STATUTES

§31-1118

No funds may be provided for the transportation of students if such transportation is designed solely to achieve racial balance; nor may funds be used to educate a child outside the District unless such child is handicapped and adequate educational facilities do not exist in the District, or if such child is under the care of the District and is placed in a foster home or institution outside the District.

CROSS REFERENCES

II.A.2.; Statute §31-1120

II.A.2.; Regulation; Chap. IV, §452

D. Transportation

Statutes

§234.01-.03; 234.061; 234.071; 234.082

School boards shall provide transportation facilities for students farther than two miles from the nearest public school. Health and safety shall take priority in "routing buses, appointing drivers, and providing and operating equipment," Specifically, school boards shall adopt a plan for the inspection and maintenance of school buses. School districts shall carry liability insurance on school buses. School boards shall designate bus routes, based upon recommendations from the school superintendent. Each board shall survey transportation routes at least every 10 years, as prescribed by the State Board, for the purpose of improving the transportation system. Annually, school boards, aided by teachers, administrators, students and their parents, shall survey traffic safety hazards and report them to the Board of County Commissioners of the Department of Transportation.

LIABILITY

§234.041; 234.111

It is unlawful for school buses, or vehicles resembling them in color, to be used for purposes other than transporting pupils. Exceptions are buses "specially designed . . . for the handicapped", which may transport persons within the county "with the express consent of the school board."

Buses shall make full stops "before crossing any railroad track and before entering or crossing any arterial highway or dangerous thoroughfare."

§234.091; 234.101

Bus drivers shall be physically and mentally healthy, able to make "emergency repairs" on a bus, "possess such other qualifications as are prescribed by the state board" and "hold a valid chauffeur's licehse issued by the Department of Highway Safety and Motor Vehicles."

6A-3.01

District lines shall not interfere where it is practicable to provide transportation service for adjoining school districts. It is the duty of school boards and superintendents to devise plans. Students shall not be transported at public expense across district lines unless an annual agreement exists between the respective school boards. School bus routes shall be such that all buses shall be used to the fullest capacity.

6A-3.14

The drivers must be between the ages of 18 and 65, with a valid chauffeur's license, demonstrated ability to safely operate the type of vehicle assigned, in good physical condition, and have a bus driver's license. In emergency situations, a driver who meets the age requirements for initial employment and who holds a chauffeur's license, but who does not hold a valid school bus driver's license, may be temporarily employed for a period of time not to exceed ten consecutive working days.

6A-3.16

Duties of the director for pupil transportation include: to formulate and enforce laws and regulations; to propose laws that will assure safe, adequate, and economical transportation in each district, to see to it that student transportation standards are adhered to and take what steps are necessary to carry on an efficient, safe, and effective transportation system.

6A-3.17

Some of the powers and responsibilities of the school boards are: to make sure that all the rules and regulations concerning transportation are adhered to; to adopt, after considering recommendations of the superintendent, statements of policy in harmony with law and with regulations of the state board necessary for maintaining the requirements of adequate transportation; to employ proper personnel as bus drivers; to govern the safety, discipline, comfort of school children using the bus; and to

look after any and all problems concerning the insurance of buses, routes and schedules, maintenance expenses and other matters.

6A-3.18

The superintendent has the duty and responsibility to make recommendations and enforce already existing laws, to make sure that the transportation service is operated in accordance with state law and regulations, to recommend personnel such as bus drivers, assistants, and physicians, to arrange for inservice training and improvement of drivers, and to make other recommendations concerning discipline, safety and comfort of student passengers, routes and schedules, maintenance and public relationships.

6A-3.33

The plan for a pilot project to transport passengers other than public school students shall include at least the following: statement of goals and objectives, description of the groups served, statement of the types of places and activities to which passengers will be transported, beginning and ending data, cost of the project. In programs transporting non-students, the following shall be observed: Maximum regard for safety, health and comfort of the passengers shall be considered in employing drivers and in maintaining buses. Operation of school buses for other than public school students shall not directly or indirectly reduce the level of safety or efficiency of the system. Sparsely populated areas will receive service only where practical. The driver is not expected to leave the bus to assist passengers not physically able to board the bus.

CROSS REFERENCES

II.A.2.; Regulation §6A-3.121

IV.H.; Statute §232.06 -- 232.07

IV.J.; Statute §232.25 -- 232.28

D. Transportation

Constitution

GEORGIA CONSTITUTION, ART. VIII, §2-7202

Any two or more county boards of education, independent school systems, or area boards of education, may contract with each other for the care, education, and transportation of pupils and for such other activities as they may be authorized by law to perform.

Statutes

§32-423; 425.1

The board shall regulate student public transportation. If a licensed physician certifies to the superintendent that the transportation of a student "would be detrimental to the health of the student, that student shall not be provided with public school transportation.

§32-426; 427

The county boards are authorized "to purchase motor vehicles and other equipment for the purpose of transporting pupils and school employees . . . [and] to employ drivers.

The county board may also "contract with individuals and/or corporations for the transportation of pupils and school employees to and from school."

§32-625a

The State Board is "authorized to establish minimum specifications for vehicles used . . . for . . . transporting pupils to the public schools . . . and minimum qualifications for drivers of such vehicles." The Board shall establish a mandatory "program of safety instruction in . . . safe riding and emergency bus evacuation drills for both school bus drivers and students riding school buses."

REGULATIONS

30-2410; 2420

"Free school transportation shall be provided as needed for handicapped pupils. Local school districts shall be reimbursed for" these costs from state funds. "The State Superintendent of Schools shall allot special equipment (minibuses) for the transportation of handicapped children to individual school systems or education district boards." The formula for distribution shall be based on a district's "handicapped pupil population."

40-3110; 3120

The State Board "regards the transportation of pupils who live more than one and one-half miles from school as necessary to provide equal educational opportunities for all children and youth.

The State Superintendent of Schools shall develop for State Board approval a comprehensive State Plan for Pupil Transportation." This plan shall include provisions for distribution and use of state funds, specification for buses, certification, salary schedule and in-service training for bus drivers, and assistance to local systems in operating transportation systems.

D. TRANSPORTATION

STATUTES

§286-

The department of education shall have primary administrative responsibility and authority to determine, adopt and execute safety standards and . . . regulations relating to the transportation of pupils by a school vehicle."

§296-45

The department of education, "may provide suitable transportation to and from school and for educational field trips for all children in grades kindergarten to twelve and in special education classes." In formulating such policy, "the department shall consider the school district, the school attendance area in which a school child normally resides, the distance the school child lives from the school, the availability of public carriers or other means of transportation, the frequency, regularity, and availability of public transportation, and the grade level, physical handicaps, or special learning disability of a school child . . ." and any other "conditions or circumstances unique or peculiar to a county or area."

Pursuant to the above the department shall promulgate rules and regulations in accordance with Chapter 91.

§296-46

Any motor vehicle used for the transportation of students must be specifically approved by the executive officer of the county and by the police department as being safe for the transportation of such students. Violation of this provision is a misdemeanor and is punishable accordingly.

REGULATIONS

Rule 1.1

Transportation shall be provided to students in

order to facilitate compliance with the State compulsory attendance law and to provide access to equal educational opportunity.

Rule 1.3a

Rules pertaining to the transportation of students are conditioned on the amount of funds made available to the Department.

Rule 1.3b

"Transportation shall be limited to transportation of students from home to school and return, and if approved by the Department, from school to school for special education students, and for educational field trips."

Rule 1.3c

"Transportation subsidy shall be provided to students during the regular school calendar year as determined by the Department and according to the time schedules established by the agent of the Department, except that transportation may be provided for special education students beyond the regular school calendar year."

Rule 1.3d

"Students who are not required by the Department to attend schools out of their school attendance area shall not be eligible for any type of transportation subsidy."

Rule 1.3e

"Any student capable of walking may be required to walk or provide his[her] own transportation to and from school or to and from a bus stop located not more than one mile from his[her] residence without any type of transportation subsidy."

Rule 1.3h

"Students who are able to utilize a public transportation system in an area adequately serviced by such a system as determined by the Department shall not be eligible for transportation subsidy except as provided under 1.4b."

Rule 1.3i

"Students who are required by the Department to attend a school out of their school attendance area shall not be eligible for subsidy if it is less than a mile from their residence and provided that they are capable of walking."

Rule 1.4a

"A partial transportation subsidy shall be available to:

(1) a regular student who is not involved in an unusual transportation circumstance; or

(2) a special education student able to walk to and from a bus stop or otherwise is able to utilize regular modes of available transportation and is residing a mile or more from school and attending a school in his[her] appropriate public school attendance area."

Rule 1.4b

A complete transportation subsidy shall be availalbe to a regular student who is not involved in an unusual transportation circumstance, if he/she is:

(1) a member of a family receiving welfare assistance; or

(2,3) a member of a family with a limited income; or

(4) the fourth; or more, regular student from a family and if the first three are paying the 10 cents per ride to and from school; or

(7) required by the Department to attend a school other than the school in his[her] attendance area.

Rule 1.5

Transportation subsidy may be requested by parent, guardian, or student over 18 on forms to be available at schools.

Rule 1.6

a. Any person aggrieved by a decision of a transportation officer may appeal that decision to the Department's student transportation administrator within 30 days of the decision. The student transportation administrator APPEAL

must provide a written decision within 30 days of receipt of the appeal.

b. The decision of the student transportation administrator may be appealed to the Board of Education within 30 days after receipt of that decision.

Rules 1.7 -- 1.8

An exemption to the rules governing transportation of students may be granted by the Superintendent when the exemption would result in savings to the State or is necessary to reduce risk to the safety of the student(s) concerned.

An application for exemption must be made in writing to the superintendent.

Rule 44.54

"Transportation. Each school providing transportation to children shall comply with local city and county, county and state statutes, and rules and regulations of government agencies having jurisdiction."

Rule 48.3

Owners and drivers of school buses used for the transportation of students shall comply with applicable safety regulations promulgated by the Public Utilities Commission.

Rule 48.6

All school bus drivers must meet these requirements:

a. All drivers must be physically examined every 24 months if under 40 years of age and every 12 months if 40 years of age and older and certified by a licensed physician as meeting requirements set by the Public Utilities Commission.

All drivers shall have annual tuberculosis chest X-ray or skin test. If there is a possibility of the driver having tuberculosis, he/she shall not drive until a written

clearance can be obtained from a licensed physician.

b. No person shall be employed as a driver who has been convicted of any of the following felonies within the last five years and misdemeanors during the last three years:

(1) felony or misdemeanor involving moral turpitude;

(2) driving while under the influence of intoxicating liquors or drugs;

(3) negligent homicide;

(4) careless driving;

(5) if bus driving privilege was suspended or revoked for a cause involving safe operation of a motor vehicle;

(6) three moving violations or bail forfeitures when charged with such violations;

(7) use, sale or possession of narcotics or dangerous drugs.

c. and d. Every driver shall be certified by the county examiner of drivers of respective counties as being competent to operate safely the type of vehicle required for transporting schoolchildren, and as having full knowledge of highway directional signs and all traffic laws and ordinances relating to school buses.

e. No school bus driver shall be less than 20 years of age or have less than one year of driving experience.

f. Every driver shall complete a course in school bus driver training. The training shall include first aid, defensive driving techniques, safe operating procedures, accident procedures, student control, and other related topics. A refresher course shall be provided annually.

The Department shall provide school bus driver certificates to all drivers who meet the requirements of a,b, c,d, and e of 48.6. The certificate shall be carried by the driver when driving a school bus.

A school bus driver's certificate may be denied, suspended or revoked by the Department. Arrest for any item under 48.6b shall result in suspensions. Conviction shall result in revocation.

A decision regarding denial, suspension or revocation of a certificate may be appealed to the Department of Student Transportation Administration. The decision of the Student Transportation Administrator may be appealed to the Board of Education which may hold hearings in accordance with Chapter 91.

Rule 48.7

a. All school buses shall meet construction and equipment requirements set by the Public Utilities Commission, Motor Carrier Branch.

b. All school buses shall carry first aid kits in removeable metal first aid kit containers in an accessible and well-marked place within the driver's compartment.

Rule 48.8

a. [S]chool buses shall be inspected semiannually and maintained in accordance with requirements of the Public Utilities Commission Motor Carrier Branch.

b. School bus drivers shall perform pre-trip inspections before transporting passengers. Drivers shall report immediately all defects and shall not operate the school bus until such defects are corrected.

Rule 48.9

a. School bus drivers shall submit a written report of every accident in which a school vehicle operated by him/her is involved.

b. Each pupil transported shall be provided with a safe seating space. There shall be no standees.

i. Drivers and passengers shall employ seat belts where available, whenever the bus is in motion.

j. No doors shall be left open while bus is in motion.

m. Drivers shall stop only at designated bus stops.

p. Emergency evacuation drills for passengers shall be held at least twice each school year.

q. Bus drivers shall not eject disorderly riders unless they are endangering other passengers.

If riders are ejected, the driver shall inform the school immediately after completion of the run and a follow-up report shall be submitted.

Rule 48.10

a. Students being transported in a school bus are under the authority of the driver. The driver shall be held responsible for orderly conduct of transported students

b. At least twice during each school year each school shall provide safety instructions for school bus riders.

c. All students riding school buses shall abide by the School Bus Passenger Code.

(b) While on the Bus

(b.1) Students shall keep hands and heads inside the bus at all times.

(b.2) Students shall refrain from loud talking and laughing or unnecessary confusion which may divert the driver's attention and may result in a serious accident.

(b.3) Students shall treat bus equipment as valuable furniture. Damage to seats, windows, etc., must be paid for by the offender.

(b.7) Students shall remain in the bus in case of road emergency, unless directed to do otherwise by the bus driver.

(b.8) Students shall not throw anything out of the bus window.

Rule 48.12

Exemptions to the regulations regarding student transportation may be made by the Superintendent of Education when it appears that the applicant is accomplishing the results intended to be attained by these rules through methods other than those specifically set forth.

Rule 48.13

Persons applying for exemotions from the school transportation laws must do so in writing and address this request to the State Superintendent of Education.

CROSS REFERENCE

I.State Board of Education; Statute §27-11.

D. Transportation

Statutes

§33-1501 -- 33-1503

"The board of trustees of each district . . . shall, where practicable, provide transportation for the public and private school pupils (of) within the district." The primary consideration of the board in this regard "are the safety and adequate protection of the health of the pupils." Transportation need not be provided for pupils living less than one and one-half miles from school. In order to provide transportation, local boards are authorized to "purchase or lease, and maintain school buses . . . enter into contracts . . . or make payments to parents or guardians . . . when transportation is not furnished by the district." Local boards may establish and change bus routes and "non-transportation zones" or designated areas which cannot be served by bus routes "by reason of sparsity of pupils, remoteness, or condition of roads." If a student lives more than one and one-half miles from any bus stop and "is regularly transported by private vehicle," the board may pay the parent or guardian a certain amount monthly. If a student lives in a non-transportation zone and no transportation is available, the board may pay "such amount of the cost...for the board and lodging of the pupil as... authorized by the state board of education."

§33-1507

Local boards "owning and operating vehicles for the transportation of pupils" shall purchase insurance "indemnifying the insured against claims for any injury to or death of a pupil arising out of the operation of the school transportation system." LIABILITY

§33-1508

School buses "shall...be operated in conformity with law and with rules and regulations at the department of law enforcement." They may be operated only by qualified chauffeurs. A bus may not "be

operated . . . in excess of its maximum occupancy as . . . prescribed by the state board of education." If a vehicle "is used for transporting other than school pupils, or for transporting pupils on other than an approved special trip . . . such vehicle shall not be deemed a school bus or other passenger equipment."

§33-1509

Chauffeurs are employed on written contract with the board of trustees. A chauffeur must be at least 18 years old, "of good moral character and not addicted to the use of intoxicants or narcotics," file a health certificate with the board annually, and "possess a valid Idaho chauffeur's license, and a school bus driver's permit issued by the board of trustees." Chauffeurs "shall maintain such route books and other records as . . . required . . .," report any pupil "who endangers the operation of or damages a vehicle or who uses obscene language." A chauffeur must "report any condition on . . . his [her] route which constitutes a hazard to the safety of pupils being transported."

§33-1510

"Contracts entered into by boards of trustees for the transportation of pupils shall be in writing" and shall not cover a period of more than five years.

§33-1511

The state board shall "designate a member of its staff as supervisor of school transportation." It shall "adopt . . . minimum standards for the construction of school buses . . . and approve the form to be used for the inspection of school buses."

§33-1512

Boards of trustees are "authorized to lease school buses . . . to nonprofit organizations for . . . transporting elderly and/or handicapped persons to and from the site of activities or programs . . . when commercial bus transportation is not reasonably available."

Policy Manual
Ch. 700, §701

The board of trustees of each district, including specially chartered school districts, shall, where practicable, provide transportation for the public and private school pupils within the district.

No approval will be granted by the State Board to purchase school buses more than five years old.

Maximum payments which local districts may make in lieu of transportation shall be left to individual discretion.

CROSS REFERENCE

II.A.3; Statute §18-2B-1-8

D. TRANSPORTATION

§29-2

School boards may provide transportation for pupils living less than one and one-half miles from school and may charge for the transportation in an amount not to exceed the cost of such transportation.

§29-3 - 29-3.1

School boards of community consolidated districts, community unit districts, consolidated districts and consolidated high school districts shall provide free transportation for pupils who live one and one-half miles or more from school. School boards may, in addition, provide transportation for students to and from school sponsored activities, making a charge in an amount not exceeding the cost of such transportation.

§29-4

A school board that provides transportation for pupils to and from the public schools shall provide transportation, without cost, for children who attend a private school and who reside at least 1 1/2 miles from school and reside along the route of the public school bus.

REGULATIONS

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Ch. 5-1

School boards of community consolidated districts, community unit districts, consolidated districts, and consolidated high school districts shall provide free transportation for pupils residing at a distance of one and one-half miles or more from any school, to which they are assigned for attendance, ...
except for those pupils for whom the school board shall certify to the Superintendent of Education that adequate transportation for the public is available. Free service may be provided for other students pursuant to Article 29 of The School Code of Illinois.

The district has the responsibility of providing

sufficient buses for transporting all eligible pupils and making certain such equipment is properly maintained in an effective and safe condition.

The school district is required to conform to the equipment standards and regulations established by the Department of Transportation. Standards for school bus drivers are established by the Illinois Office of Education in Information for School Bus Drivers. The local school district shall give special attention to instructing students in safety measures and proper conduct.

CROSS REFERENCES

II.A.2.; Statute §14-7.01 -- 14-7.02a

II.A.2.; Statute §34-128

II.A.2.; Regulation, Special Education 13.01;13.03

II.A.3.; Statute §29-5

D. Transportation

Statutes

§20-9.1-2-1; 20-9.1-2-2

The governing body of each school corporation may provide transportation for school children to and from school and the school corporation is responsible for obtaining the necessary number of school buses and drivers.

§20-9.1-3-1

A person may not drive a school bus for the transportation of school children unless: (a) he/she is of good moral character; (b) he/she does not use intoxicating liquor during school hours or to excess at any time; (c) he/she is not addicted to any narcotic drug; (d) he/she is at least twenty-one years of age; (e) he/she holds a valid, Indiana passenger chauffeur's license; (f) he/she possesses the following physical characteristics:

(1) sufficient physical ability to drive a school bus;

(2) possession and full normal use of both hands, both arms, both feet, both legs, both eyes and both ears;

(3) freedom from any communicable disease;

(4) freedom from any mental, nervous, organic or functional disease which might impair his/her ability to properly operate a school bus; and

(5) visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with 150 degree minimum and with depth perception of at least 80%.

§20-9.1-3-7 -- 20-9.1-3-11

The state school bus committee and the superintendent of the Indiana state police shall provide for annual school bus safety meetings or workshops. Every school bus driver, including those who drive buses for private schools, is required to attend an annual safety meeting or workshop. Non-attendance shall be penalized by a deduction of a day's salary for each day of absence.

CROSS REFERENCES

II.A.2.; Regulation §II, Ch. 1, Rule S-1

II.A.2; Regulation §II, Ch. 1, Rule S-4

II.A.3; Regulation §I, Ch. 4

IV.G.; Statute §20-8.1-6.5-7

D. Transportation

Statutes

§285.1

The board of directors in every school district shall provide transportation for all resident pupils attending public school.. Elementary pupils must live more than two miles from school to be entitled to transportation and high school pupils must live more than three miles. If "transportation by school bus is impracticable" or "not available," the board may require the parent to transport the child and the parent would then be reimbursed for such transportation. The state superintendent of public instruction may "review all transportation arrangements" to see that they meet standard requirements.

§285.8 -- .10

The state department of public instruction shall supervise the school transportation system, establish safety standards, prescribe regulations and standards for school buses, and transportation personnel.

The "area education agency boards" shall enforce the state department's rules and regulations, review the transportation arrangements in their districts, and provide for transportation in any district that has failed to make such arrangements.

The local school boards shall provide transportation to all resident pupils, establish and maintain bus routes, purchase buses, employ drivers, and purchase insurance.

§285.12

In the event of a dispute regarding transportation between a school patron and the local board, the patron may appeal to the area education agency. The agency's decision may be appealed "to the superintendent of public instruction," whose decision is subject to judicial review.

§670-22.1

Bus routes within a county must be "as efficient and economical as possible..." A route shall provide a load of at least 75 percent capacity of the bus; the riding time shall not exceed 75 minutes for high school students and 60 minutes for elementary school students. Only students who live more than two miles from the school are eligible for transportation at public expense unless the bus is fully loaded or a physical handicap makes bus transportation impracticable.

An inter-county bus route proposed by a school superintendent shall be determined jointly by the counties involved. If two county boards do not agree, the superintendent proposing the bus route can ask the state department of education to decide the issue;however, every effort should be made to settle the issue locally.

All private individuals wishing to transport public school pupils to and from school in privately owned vehicles must be under contract with the board of education. The contract must provide a uniform charge for all pupils transported.

School buses may be used to transport pupils for extra-curricular activities if the activity is sponsored by a school and a teacher is in charge of the program. Such use of school buses shall not, however, be paid for with school district funds.

A school bus shall be driven by a person of at least sixteen years of age who holds a valid chauffer's license and a school bus driver's permit. He/she should be emotionally stable, of good general character and physically fit as evidenced by a physician's statement

School buses may also be used to transport senior citizens, handicapped persons and children provided the driver is properly approved and a chaperone accompanies each bus to assist the passengers.

D. Transportation

Statutes

§8-238

No person under the age of eighteen shall drive a school bus unless the person has one year of driving experience and has given the director of vehicles a certificate signed by three people stating that the driver is well known; and certifying the driver's good character and habits.

A person over sixteen years of age may drive a school bus if the person has passed an exam and a majority of board members or a majority of members of a governing authority of a nonpublic school have made a written application for the driver's license.

§72-8302; 72-8304 -- 72-8309

The board of education may provide transportation to and from school during regular school hours and to and from school in connection with vocational education, field trips, and extracurricular activities.

The board shall provide transportation to any student whose residence is more than two and one-half miles from school and the school is inside the corporate limits of a city; to any student whose residence is more than two and one-half miles from the school and outside the corporate limits of a city and the school is inside the corporate limits: or to any student whose residence is more than two and one-half miles from school and inside the corporate limits of a city and the school is inside the corporate limits of another city.

If it is impracticable to reach a student's residence by the prescribed transportation route, the board may contract for other transportation for the student.

Nonpublic school students shall be allowed to use public school buses along their regular route for public school students. A board may contract with another board

to provide transportation for students.

School buses shall be in compliance with all state laws and regulations.

No board shall transport a nonresident student unless the student's board consents or the student boards the bus on or within the boundaries of the district.

§72-8303

The board may prescribe transportation routes and shall schedules routes so that each student entitled to transportation receives it.

MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS 1963-A

D. Transportation

Statutes

§156.152;153

"The superintendent of public instruction . . . is . . . authorized to secure price contract agreements for the purchase of school buses by all district boards of education.

All school buses for which bids are made . . . shall meet the standards and specifications of the state board of education."

§156.154

"The superintendent of public instruction shall make available to all district boards of education full information respecting price control agreements," and the districts may purchase buses under such agreements. In addition, the district school boards may take their own bids in school buses, provided however, that such buses meet the specifications of the state board of education and their purchase is approved by the superintendent of public instruction. Such approval shall not be given unless the purchase price is lower than that set forth in the established price contract agreements for similar equipment.

§157.370

Transportation costs shall be apportioned according to a system based on the average cost per pupil per day of transporting pupils in districts having a similar density of transported pupils per square mile. Essential components of this system include:

1) Inclusion of cost of depreciation of vehicles;

2) Consideration of aggregate and average daily attendance of transported pupils;

3) Consideration of the total number of miles involved in transporting pupils;

4) Cost of transporting pupils to vocational-technical schools and centers;

5) Cost of transporting handicapped students.

§158.110

1) "[Local] boards of education may provide transportation . . . for any pupil of any grade to the nearest school [of appropriate grade level] to said pupil's residence within the district who does not live within a reasonable walking distance . . .

2) When space is not available at the nearest school, boards of education may provide transportation . . . to the nearest school of appropriate grade level where space is available.

3) Public elementary and secondary schools shall not change their present grade level structure without written permission from the state board of education.

4) The [Local] boards of education shall adopt such rules and regulations as will insure the comfort, health, and safety of the children who are transported, consistent with the rules and regulations of the state board of education. . . ."

§158.115

"Each county may furnish transportation . . .to supplement the present school bus transportation system for the aid and benefit of all pupils . . . who do not reside within reasonable walking distance of the school they attend and where there are no sidewalks along the highway they are compelled to travel . . . ."

§160.305;306

1) "The department of human resources may . . . contract with the local board[s] of education . . . for the use of school buses to transport [eligible]

persons . . . at times when the buses are not needed to transport students . . . .

2) Before such a contract is entered into . . . a plan for the use of [the] school buses . . ." shall be submitted to the local board of education for its approval or disapproval. Such plan "shall include routes, schedules, cost and any other matters deemed necessary by both parties.

3) The cost of transporting [eligible] persons . . . shall be borne by the department for human resources.

4) The department of transportation shall establish pilot project in the local school districts for the purpose of [these] transportation services . . . ."

§160.310

"Each board of education may set aside funds to provide for liability and indemnity insurance against the negligence of the . . . operators of school buses, [or] other motor vehicles . . . owned or operated by the board. If the transportation of pupils is let out under contract, the contract shall require the contractor to carry . . . insurance against negligence in such amount as the board designates. In either case the . . . bond or . . . policy shall be issued by some surety or insurance company authorized to transact business in the state, and shall bond the company to pay final judgment not to exceed the limits of the policy rendered against the insured for loss or damage to property of any school child or death or injury of any school child or other person."

§180.320

"Children going to and returning from school and school buses and other vehicles used exclusively in the transportation of school children to and from school" are exempted from paying any tolls on any bridge or ferry owned or operated by the state.

§189.540

1) "The State Board of Education . . . shall adopt and enforce regulations to govern the design and operation of all school buses used for the transportation of school children when buses are owned and operated by any school district or privately owned and operated under contract with any school district." Such regulation shall be incorporated into any contract for the transportation of students that a school district signs. Any school official or bus driver in violation of these regualtions is subject to dismissal.

§280.320

"The school board of the district which is furnished school service for the children shall pay the proper toll charges over privately-owned toll bridges or toll-ferries for children going to or returning from school, and for school buses and other vehicles used exclusively in the transportation of school children to and from school."

REGULATIONS

702 KAR 5:010

"The Division of Pupil Transportation shall be responsible for the development of basic school bus driver training programs that can be used by division personnel and local district personnel for pre-employment and in-service training." It also makes safety inspections of school busses, which, if found unsafe, can be prohibited by the division from further use.

702 KAR 5:030

"The superintendent shall be responsible for the general supervision of the district's pupil transportation program." He/she shall require safety inspections of any school bus at least once each month. He/she is also responsible for preparing school bus maps and inventories,

and for providing the necessary or required school bus driver training before any driver transports pupils to and from school.

702 KAR 5:040

"The [district] board shall be responsible for the safe operation of the district's pupil transportation system ... [It] shall be responsible for the development of a plan whereby all pupils that ride the school buses will receive instruction in school bus pupil safety each school year...."

702 KAR 5:050

"The principal or ... persons designated by the board of education shall be responsible for the discipline of the pupils ... [riding] school buses to and from school and shall assist the ... bus driver with discipline problems ...."

If a pupil creates safety or discipline problems on a school bus, he/she shall be forbidden by "the principal or ... designated persons" to "ride the school bus until written permission ... to ... ride [again] has been given to the ... bus driver ...."

A list of pupils riding a particular bus shall be kept "in a secure place on the school bus to use for pupil identification purposes. . . ."

702 KAR 5:080

"No person shall drive a school bus who does not possess both of these natural body parts: feet, legs, hands, arms, eyes, and ears. The driver shall have normal use of the above named body parts. Eyes may be corrected to normal by the use of eyeglasses. The driver shall not have any physical or mental handicap that would affect the driver's ability to operate the school bus in a safe manner...

If a pupil's conduct on the bus is such that it endangers the lives and morals of the other people on the bus and makes it unsafe for the bus to continue

on its route, and when requested by the driver to desist from such conduct and the pupil does not comply, it shall be the duty of the driver to order the pupil to leave the bus, and if this order is refused to eject the pupil from the bus or send for assistance whichever the circumstances dictate. Ejecting a pupil from the bus shall be done only in the most extreme circumstances. When ejection from the bus is required, the driver shall notify the principal of the school where the pupil attends, the district superintendent or some other school authority of the action taken as soon as it is possible to do so."

The school bus driver must be "between eighteen and sixty-five years of age" and must hold a valid Kentucky driver's license.

702 KAR 5:090

Pupils riding the buses to and from school must be aware of their responsibilities. They must remain seated until the bus has come to a complete stop before getting off the bus.

They "shall not extend their arms, legs, or heads out of the bus windows ... [and] ... shall not change from one seat to another while the bus is in motion ...."

CROSS REFERENCE

II.A.2.; Statute §157.280

II.C.1.; Statute §160.320

D. Transportation

Statutes

§17:158

Parish school boards may provide transportation for children attending any school . . . approved by the State Board of Education and living more than one mile from [the] school . . ." They may employ, for that purpose, school bus operators.

In addition, parish school boards "may provide gravel or contribute funds to the local governing authority for the graveling of school bus turnarounds."

§17:160

Persons under 18 or over 65 years of age "shall [not] drive a school bus . . . en route to or from school or a school function," though a currently employed driver reaching age 65 may, with the annual approval of the board employing him/her, continue to drive school buses through age 68.

A person shall be fined between twenty-five (25) dollars and five hundred dollars (500) and/or imprisoned for more than six (6) months, if he/she employs, hires, or allows "any person under 18 or over 65 years of age to drive a school bus carrying children to or from school or a school function."

§17:492

School bus operators "shall serve a probationary term of three years" before becoming regular and permanent operators in the employ of the school board of the parish. To acquire tenure, school bus operators must "personally operate and drive the school bus" they are employed to operate.

"During the probationary [period] the parish school board may dismiss or discharge any school bus operator upon the written recommendation of the parish superintendent of schools accompanied by valid reasons . . . ."

§17:493

"A permanent school bus operator shall not be removed from his[her] position except upon written and signed charges of willful neglect of duty, or incompetence, or immorality , or drunkenness while on duty, or physical disability to perform his[her] duty, or failure to keep. . . his[her] transfer equipment in a safe, comfortable and practical operating condition or of being a member of or contributing to any group, organization, movement or corporation that is prohibited by law or injunction from operating in the state of Louisiana . . ."

If, during a hearing by the school board of the parish, it is determined to be in the best interests of the school system, the abolition, discontinuance or consolidation of school routes shall constitue "an additional ground for the removal from office of any permanent school bus operator." In such a case, the principle of seniority shall apply, if more than one school bus operator is involved. Affected employees shall have rights to a hearing, public or private at their option. School boards must furnish written grounds for dismissal at least 15 days prior to the date of dismissal. All parties to the hearing have the right to appeal to a "court of competent jurisdiction."

§17:494

School boards are prohibited from making rules and regulations which impair or nullify the Louisiana statutes relating to probation, tenure and dismissal of school bus operators.

CROSS REFERENCES

II.A.3; Regulation, Policy and Procedure Manual - Elem. and Sec. Educ., 5.03.40

III.B.School Board Members; Statute §17:428

IV.G.; Statute §17:170

IV.H.; Statute §17:226

D. TRANSPORTATION

STATUTES

§220; §358

The superintendent of each town or school administrative district shall procure the conveyance to the nearest suitable school of all pupils who reside at such a distance that the school directors judge it necessary. "Conveyance so provided shall conserve the comfort, safety and welfare of the pupils conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the pupils while they are being conveyed."

A parent or guardian, who has children of compulsory school age, "is personally responsible for the cost of boarding these children within walking distance to an established public school or for providing suitable conveyance to a public highway." Failure to do so is "a violation of the truancy law and punished accordingly."

The commissioner shall approve or disapprove all school bus purchases, contracts, and leases.

The superintendent, with the approval of the directors, may provide conveyance for adults in adult education programs.

§804

School bus shelters for children, when approved by the school committee of the town where they would be located, may be maintained outside of the right-of-way. They may carry sponsor identification, but 60% of their area shall be for non-commercial use. They shall be constructed of steel or other durable material, with a raised concrete floor, and be kept suitably maintained.

§862

Where a place of temporary residence is more than 2 miles from the school, the school committee or directors shall report the need for transportation to the commissioner, and if so directed by the commissioner, it will procure transportation or board for the children. The commissioner is authorized to reimburse the administrative unit for the expenses.

The commissioner is authorized to make similar arrangements for the transportation of children who reside with parents on state-owned property, located in towns of less than 100 inhabitants, and shall reimburse the town for tuition payments if the town does not maintain a school within the town.

§2356-C3

The cooperative board shall provide transportation for all students attending regional technical, vocational and satellite programs that are in operation. "Transportation shall not be provided outside the designated region, center or satellite unless approved by the commissioner."

CROSS REFERENCES

II.A.3.; Statute §2356-A

IV.G.; Statute §859

IV.G.; Regulation, Memo to School Superintendents from the Commissioner, 9/5/77, Pursuant to 20 MRSA 966

D. Transportation

Statutes

Art. 15 §109

"The Department of Motor Vehicles . . . with the advice of the State Board of Education shall adopt and enforce regulations . . . to govern the safe operation and design of school buses . . . . Every school district. . . its officers and employees . . . shall be subject to the regulations."

(b) Any employee violating these regulations shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract who violates the regulations shall be guilty of breach of contract and the contract shall be cancelled.

Art. 77 §36F

"Any local government may provide, at its own expense, transportation for public school pupils beyond that provided by the state."

Regulations

13.15.02.01; 13.15.02.03; 13.15.02.04

The regulations specify which pupil transportation costs will be reimbursed by the state.

"Junior and senior high school pupils who live 1 1/2 miles or more from school, and all other pupils who live 1 mile or more from school are eligibile for transportation . . . . Each school shall have one nontransported area . . . .

If unsafe walking conditions exist, consideration may be given for temporary transportation . . . . Request will not be approved for transportation of pupils who live less than the prescribed distances from . . . school . . . unless the request is accompanied by a plan to provide

safe walking conditions." In case of an emergency, the local superintendent may authorize transportation for up to 30 days . . . . Existing exceptional conditions shall be reviewed annually by the local school system to determine whether corrections can be made to relieve the current need for pupil transportation . . . . Pre-kindergarten or kindergarten pupils living 1/2 mile or more from school may be transported at noontime . . . .

Eligibility for transportation of handicapped children is determined by enrollment in public school, in any non-public education facility . . .[or] any State school or institution approved by the State Department of Education. . . . Daily transportation within 50-mile radius of a State Department of Education-approved school may be provided." Parents may be reimbursed a specified amount "when local school systems cannot provide other transportation . . . . Resident pupils attending . . . approved public or non-public schools shall have transportation available to and from their home areas on weekends." If necessary, "a bus aide may be employed to serve on each bus that transports handicapped (mental, physical, or emotional) pupils" at a specified hourly rate. "To be certified, an aide must complete at least two hours of training per year."

The state funds "one supervisor of pupil transportation per each local unit . . . . Supervisors shall be certified by the State Department of Education . . . . Assistant supervisors of pupil transportation, driver instructors, and clerks may be funded" according to the chart included in the regulation.

CROSS REFERENCES

II.A.2.; Statute Art. 77, §99

II.A.2.; Regulation 13.04.01.18

D. TRANSPORTATION

STATUTES

71 §7 A

"The state treasurer shall annually . . . [reimburse a town] . . . for expenses approved by the commissioner of education [and] incurred by . . . [that] town for the transportation of pupils once daily to and from any school within the town, or in another town, in excess of five dollars per annum per pupil . . . [N]o transportation reimbursement shall be made on account of any pupil who resides less than one and one half miles from the school which he[she] attends . . . . The department shall advise and assist the school committees of the several towns relative to the transportation of pupils at the lowest cost commensurate with their safety, including the planning of routes and the selection and use of equipment . . ."
The furnishing of transportation for students may be contracted out, provided that it is done according to the provisions of this statute regarding bidding, wage scale, etc.

71 §7B

A reimbursement shall be given to any city or town where a public transportation system is used for the transportation of pupils.

71 §16 C

The commonwealth shall reimburse a regional school district to the full extent of the amounts expended for transportation, except for the cost of any transportation provided to students living less than one and one-half miles from the school they attend.

71 §68

"Every town shall provide and maintain a sufficient number of schoolhouses, properly furnished and conveniently situated for the accommodation of all children . . . .
If the distance between a child's residence and the school he/she is to attend exceeds two miles and the nearest school bus stop is more than one mile from such residence and the school committee declines to furnish transportation, the department, upon appeal of the parent or

guardian may require the town to furnish" transportation except if on a "private way."

If the distance between the school and the child's residence exceeds three miles and there is an appropriate school in an adjoining town which is closer, the parents or guardian may appeal to the department to require the town of residence to pay for tuition and transportation to the nearer school.

"The school committee, unless the town otherwise directs, shall have general charge and superintendence of the school houses [and] shall keep them in good order."
71 §71 A

A school committee may suggest the locations for "highway safety stations" for children awaiting a school bus. The station must be constructed of "durable material with a floor of concrete raised above ground level," and kept clean, well painted, free of snow, and suitably maintained at all times.
76 §8

The transportation to and from a public school of any public welfare child shall be paid by either the commonwealth or Boston in an amount equal to the average amount per week per average child traveling the same route.
76 §14

"The department of education may provide transportation to and from school, or board in place thereof, for such children of school age as live upon islands within the commonwealth that are without schools, in cases where the local authorities are not required by law to provide such transportation."
90 §8 A

School bus drivers must be licensed and meet certain driving tests and personal qualifications, including "good moral character."

CROSS REFERENCES

II.A.2.; Statute 19 §28

II.A.2.; Statute 71B §8

II.A.2.; Statute 71B §13

II.A.2.; Regulation, Regulation of October 1, 1975 Ch. 9

II.A.3 ; Statute 74 §8A

III.A.2., Statute 15 §8A

III.A.2.; Regulation #27

IV.G. · Statute 74 §9

D. TRANSPORTATION

STATUTES

§380.86

When authorized by a majority vote of the district's school electors, "the board may provide for transportation" of district pupils and shall designate the vehicles' routes.

§380.141; 380.142

Upon majority vote of school electors at an annual or special election, the board may provide pupil transportation within the district and shall designate the vehicles' routes. If pupil transportation is currently authorized, it shall continue until the authorization is rescinded by a majority vote of school electors at an annual or special election.

§380.1321

A school board providing transportation for resident pupils, except handicapped pupils transported under §380.1701, shall provide transportation without charge for each resident pupil attending public or state approved non-public school in the district for whom the district is eligible to receive state aid for transportation.

A district shall not be required to transport a pupil living within 1 1/2 miles to the public or state approved non-public school in which the pupil is enrolled or a pupil attending a non-public school who lives in an area less than one and one-half miles from a public school in which public school pupils are not transported, except that the district shall be required to transport the pupil from the pupil school within the area to the nonpublic school the pupil attends.

A district shall not be required to transport pupils to state approved nonpublic schools outside the district unless the district transports some of its non-handicapped pupils to public schools outside the district. In this

case, the district shall transport the nonpublic school pupils at least to the distance of the public schools outside the district.

§380.1322

Pupils shall be transported along regular routes as determined by the board to public and state approved nonpublic schools. The state board shall promulgate rules regarding transportation. Transportation for nonpublic school pupils shall not be required on days when public school pupils are not transported. Transportation of elementary pupils to a nonpublic school shall not be permitted when transportation is furnished for secondary public pupils only, nor vice-versa.

Vehicles used for the transportation of pupils shall be adequate and of ample capacity.

§380.1324

A school board may contract with another board or with private persons to furnish transportation for nonresident pupils attending schools within the district. The price paid shall not be less than the actual cost.

§380.1331; 380.1332

A school board may provide transportation for resident and non-resident pupils to educational programs at county or community fairs, to health clinics, and to other outside educational functions.

The board may collect a fee for transporting pupils to or from non-mandatory and noncredit events. A board shall not purchase additional school buses solely for such purposes.

Insurance to indemnify the district against liability for damages arising out of the use of school buses shall be obtained before fees or fares are charged.

§380.1333

A school board may enter into an agreement with a local unit of government by which a school bus not otherwise in use for school purposes may be used by an organization for transporting senior citizens or retired persons to or

from an activity. Costs may be paid by the group or waived by the board. A board shall not purchase additional buses solely for this purpose. The state board shall promulgate rules to implement this section.

§380.1334

A school board may provide for boarding a pupil, with the parents' or guardians' consent, if the cost of boarding is less than that of transportation or if transportation is otherwise unfeasible.

§380.1341; 380.1342

A board may purchase buses on title retaining contracts or by obligations pledging in payment general funds or state school aid, issued for not longer than the estimated usefulness of the buses and not exceeding six years.

A board may purchase, construct, or lease buildings for school bus storage and pay for them out of district funds provided for the purpose.

§380.1343; 380.1344

The state board shall promulgate rules for safety specifications for school buses.

A school bus shall meet specifications prescribed in §§285.1 to 257.923 of the M.C.L. The department of state police shall inspect each bus at least annually to determine if it meets specifications. A school bus shall carry at least one fire extinguisher. The board shall not permit a school bus to be operated which has not been inspected.

REGULATIONS

R 340.274

A school district shall report the cost of pupil transportation on forms provided by the superintendent of public instruction.

R 340.278

"A school district is allowed the amount of the approved tuition charge for each driver who participates in a school bus driver safety education program approved by the superintendent of public instruction."

R 340.281

The following regulation shall apply when a school district transports pupils only within the district with the exception of transporting mentally or physically handicapped or special education pupils outside the district.

A resident nonpublic school pupil may be transported to a nonpublic school outside the district. State aid shall cover the school bus travel within the district.

A board of education shall request from nonpublic school officials the information necessary for planning transportation of nonpublic school pupils.

The board of education shall establish bus routes, time schedules, and school bus policies for all pupils transported, and shall review them with nonpublic school officials prior to the opening of school.

The board may contract for transportation by private car if the cost of transporting children living in locations isolated from their schools is excessive.

CROSS REFERENCES

I.District Board of Education: Statute §380.131

I.District Board of Education; Statute §380.246

I.District Board of Education; Statute §380.331

I.State Board of Education; Statute §388.1010

II.A.2; Statute §380.1756; 380.1757

II.A.2; Statute §393.65

II.A.2; Statute §393.109

III.C.School System: Statute §380.1217

IV.A; Statute §380.1300

IV.F; Regulation R340.242; R340.243

IV.G; Statute §380.1147

IV.G; Statute §380.1406; 380.1407

IV.G; Statute §380.1411

IV.G; Statute §380.1415

D. TRANSPORTATION

STATUTES

§123.18

The board may provide free student transportation to and from schools in or outside the district.

The board may enter into the necessary contracts to provide student transportation. The board may purchase school buses.

"The board may provide for the instruction of any resident pupil in another district . . . when conditions make attendance in his[her]own district . . . impractical." Tuition shall be charged to the resident district. The board may provide for the admission of non-resident pupils to their schools and fix tuition rates for such pupils. The board may provide transportation to non-resident pupils attending school in its district. The board may provide transportation and tuition for residents of their district attending a high school in another state. The board may rent out their school buses as long as such rental does not interfere with the buses used for transporting students. "The board may provide for the protection of school children . . . being transported for all school purposes. . . against injury arising out of the operation thereof." The board may procure insurance for such purposes.

The board may pay insurance premiums for the protection of students in driver training programs and the school safety patrol.

The board is authorized to enter into contracts for the removal of snow from roads used for regular bus routes.

§123.39

The board may provide free transportation for pupils to and from school. Every driver shall possess all the qualifications required by the rules of the state board. The board shall arrange for pupils living

more than two miles from the school to be either transported or provided with room and board whichever is more economical and convenient.

The board shall contract with a day time activity center to provide transportation for handicapped persons if: it is in the "best interests" of the handicapped person, it is not "unreasonably burdensome" to the district and, if a "less expensive, reasonable alternative means" does not exist. The center shall be reimbursed for the transportation costs.

If a child attends a school in another district, tuition shall be paid to the other school district and transportation may be provided.

Other transportation provisions regarding buses and insurance which apply to common school districts shall apply to independent school districts as well.

§123.76

All children transported to and from school by the state shall receive "equality of treatment" so that the "health, welfare and safety" of the children is protected.

§123.78

Equal transportation shall be provided for all children within any district which is eligible to receive state aid for transportation, when transportation is deemed necessary by the board.

Students attending a nonpublic school in another district shall be transported to the boundary by the district of residence if the distance to the nonpublic school is not greater than the distance traveled by pupils to a school within the district. The district may provide transportation if the nonpublic school offers grades or departments not maintained in the district schools, or if it is more "safe, economical or convenient" for the children to attend the nonpublic school. The nonpublic school shall pay the transportation cost outside the district boundaries.

§123.80

The state board shall provide a program of safety education for all students transported to school including regulations for handicapped students.

§124.223

State transportation aid is authorized for the transportation of pupils who live one mile or more from school, transportation for residents attending a vocational center, and for handicapped children.

§128.04

It is the board's duty to furnish school facilities to all school-age children by building schoolhouses or transporting the children to the nearest school. A county school board shall have the same powers as boards of independent districts.

REGULATIONS

EDU 183--184

Transportation aid will be paid for the transportation of each eligible resident pupil for one daily round trip to the classified school attended.

EDU 186

Contracts for transportation and/or board and lodging of its pupils shall be approved by the commissioner of education.

EDU 187--188

School districts which rent buses or vehicles shall submit a duplicate contract of the rental arrangements to the commissioner of education.

EDU 189--190

The school board shall maintain supporting records of transportation routes, time schedules, drivers and policies.

School districts shall provide free and equal

transportation for all children.

EDU 200 -- 201

School districts wishing to transport nonresident pupils on district owned buses shall make a written application to the state board of education for permission to do so.

EDU 220 -- 222; 224 -- 225

School bus drivers shall be required to pass a written examination, a physical examination, have a good driving record and driver's license with a school bus endorsement.

EDU 242

Free transportation shall be provided to any handicapped children who require special transportation services. Handicapped children should not spend more time in transit than a non-handicapped child. Vehicles used to transport handicapped children shall be equipped with all necessary safety devices.

EDU 243

School districts shall implement a program of safety education for all students transported in school buses.

CROSS REFERENCES

II.A.2.; Statute §120.17

II.A.3.; Statute §121.21

IV.G.; Statute §120.06

IV.G.; Statute §120.07

IV.G.; Statute §120.08

IV.G.; Statute §123.65

D. Transportation

Statutes

§37-7-907

Children attending schools of any isolated school district are entitled to transportation the same as children attending schools of other school districts. Allocation of state building funds to an isolated school district "shall be within the discretion of the state educational finance commission."

§37-41-1

"The state board of education is . . . empowered and directed to promulgate rules and regulations" for governing all matters relating to setting standards, devising plans, formulating procedures for school buses, bus drivers, and routes. The state board is empowered to regulate conduct upon school buses. RULEMAKING

All regulations promulgated by the state board shall apply also to "drivers of privately owned buses transporting public school children. "

§37-41-3

"Pupils of legal school age . . . in actual attendance in the public schools who live a distance of one mile or more . . . from the school to which they are assigned shall be entitled to transportation," excluding pupils attending schools in certain municiapl school districts living within the corporate limits. However, this provision does not preclude school transportation for a child living less than one mile from his/her school if space permits and no deviation from the designated school route is required.

"The county boards of education or the boards of trustees of the municipal separate school districts with added territory . . . may provide transportation to . . . crippled and physically handicapped children . . . designated by the boards . . . when failure to do so would result in undue hardship even though the children

are not otherwise entitled to transportation . . . ."

In certain counties, "school buses may be used to transport mentally handicapped preschool age children to a special [county] day care center . . .[but] no additional state funds shall be allocated or expended for this purpose."

"Where space is available students from agricultural high schools . . . shall be allowed transportation on established routes in county-owned buses. However, no additional funds shall be allocated or expended for such purposes . . . ."

§37-41-5

"The county board of education, with the concurrence of the board of supervisors, the board of trustees of municipal separate school districts with the concurrence of the municipality's governing authorities . . . may provide transportation for students . . . to the public schools (upon finding) that extraordinary circumstances" are prevalent . . . in regard to such matters as the public health and safety, school facilities, location of the school site, unusual economic growth and population expension, newly expanded municipal corporation limits, the general welfare, and any other emergency facts and conditions."

§ 37-41-7

The county boards of education shall "lay out all transportation routes and provide transportation for all schools . . . entitled to transportation . . . excepting all municipal separate school districts, [unless otherwise provided]."

§37-41-11

Certain municipal separate school districts may provide for school transportation of pupils.

§37-41-13

"All routes shall be laid out so as to place all pupils entitled to transportation within reasonable distance of same. [illegible] child entitled to transportation shall be required to walk a greater distance than one mile to reach the vehicle of transportation in the morning or to reach his[her] home in the afternoon."

§37-41-17

Each county board of education or board of trustees of a municipal separate school whose pupils are entitled to transportation "shall submit to the state board of education the proposed bus route plan ."

§37-41-23; 25

"The state board of education shall prescribe . . . preservation of all records and the making of all reports necessary for the efficient operation of the school transportation system of this state."

Making or making use of any false transportation record shall be a misdemeanor.

"The county boards of eduction and boards of trustees . . . may permit the use of publicly owned school buses . . ." for special events.

§37-41-121

"It shall be the duty of the superintendent of each school . . . to select . . . from the student body a safety council . . . ." The members of this council shall be instructed on their duties and assigned to school buses.

§37-65-13

Routes and facilities may be altered to accommodate transportation of pupils during school closure.

Routes and facilities may be changed to accommodate transportation of pupils during school closure.

REGULATIONS

Mississippi Pupil Transportation Handbook

The intent of this handbook is to: "give valuable information which if learned and applied will insure to a great extent the safety of the child and the protection of the bus."

The State Board of Education is authorized, empowered and directed to promulgate rules and regulations for (a) "Setting standards for school bus routes; (b) approving or disapproving plans for school routes; (c) setting standards for school buses; (d) setting standards for school bus drivers; (e) formulating procedure for selecting school bus drivers; (f) formulating courses of training for school bus drivers and mechanics, and assist in administering and financing such courses; (g) providing operation procedures for school buses to insure safety of pupils; (h) furnishing consultative supervision for the operation of county school bus garages . . .; (i) formulating specifications for use in purchasing school buses (etc.). . .; (j) providing a system of records and reports . . .; (k) the county boards of education or the trustees of municipal separate school districts . . . may require that all school buses . . . be equipped with adequate heaters and fire extinguishers; (l) conduct upon said buses; and (m) the method by which . . . any individual who is not a student scheduled to be a passenger upon that particular bus, a member of the public school administration or faculty, or a law enforcement official may obtain entry upon said buses."

RULEMAKING

Qualification standards for bus drivers include various physical and emotional criteria as listed within this handbook.

A system of preventative maintenance is to keep the

bus in operating condition, and operation of said bus is to be carried out in accordance with guidelines found within this handbook, and includes such things as starting, stopping, turning and parking.

Bus driver performance standards are also included within this handbook, with a full description of regulatory signs.

The responsibilities of the administrators, teachers and parents in regard to pupil transportation are outlined within this handbook.

Pupil Transportation Guide for
School Superintendents
TR-III

"All reportable accidents involving school buses shall be reported within 10 days after occurring. One copy of the accident report should be sent to the local Superintendent and one copy to the State Superintendents." A form is provided for this report.

Pupil Transportation Guide for
School Superintendents
TR-V

Included in this guide are policies governing the use of vehicles other than school buses for the transportation of pupils. Information for the approval of such use must be submitted to the State Board of Education and include: 1. "Type of vehicle to be used; 2. Number of children to be transported; 3. Reasons why use of a vehicle other than a school bus is necessary to transport pupils; 4. Distance the vehicle will travel one way daily."

It is policy for the use of such vehicles that school buses not compete with them and that their use be approved by the county board of education according to certain pre-

determined objectives.

"It shall be the duty of passengers transported in school buses . . . to conduct themselves in an orderly manner.

Pupils while riding a school bus shall not: 1. smoke or use intoxicants; 2. fight or tussle; 3. strike or threaten a bus driver; 4. use profane language or make vulgar gestures; 5. carry deadly weapons; 6. make excessive noise; 7. throw objects; 8. commit any other act of improper conduct.

Instructions to pupils who ride school buses:

"Loading and Unloading: 1. Be at your assigned loading zone on time. 2. Exercise extreme caution in getting to and from your assigned bus stop. 3. Look in both directions before stepping from behind parked cars. 4. Stay well off the roadway until the bus comes to a complete stop and the bus driver indicates that it is safe to board. 5. Do not play on or near the road while waiting for the bus to arrive. 6. Look in both directions before crossing any roadway. 7. Never walk on the road when there is a side walk or pathway. 8. Always walk on the left side of the road facing on-coming traffic and step off the road when a motor vehicle approaches. 9. Wait until the bus comes to a complete stop before trying to load or unload. 10. Use the hand rail while getting on and off the bus. 11. If possible, wear white or light colored clothing or carry a flashlight when you walk on the roadway at night in order that the motoring public might be aware of your presence. 12. When you must cross the road to enter the bus, or after leaving the bus, always cross in front of the bus.

While in the bus: 1. Do not distract the driver's attention other than when necessary. 2. Talk to your friends in a normal tone and do not shout. Do not talk or make unnecessary noise when the bus is approaching and crossing a railroad or a highway intersection.
3. Keep head, hands and articles inside the bus. 4. Do not bring unauthorized articles on the bus. (i.e., pets,

combustibles, large articles, weapons). 5. Do not smoke or use profane language. 6. Do not fight or scuffle. 7. Be courteous to and follow the instructions of your bus driver and safety patrol."

A safety patrol is required by law to be designated to every bus, and it is the duty of the school superintendent and the head of the school attendance center to make sure such a patrol exists.

Some suggested responsibilities for transportation supervisors are: 1. Plan bus routes. (Work with principals in obtaining information on location of pupils in community.) 2. Search for prospective bus drivers. 3. Work closely with principals and other school personnel to provide safe loading and unloading arrangements for pupils. 4. Maintain inventory records on transportation equipment. 5. Observe route conditions periodically for route hazards, driving habits of bus drivers, loading and unloading conditions, etc. 6. Hold meetings with bus drivers and discuss problems. 7. Investigate accidents -- see that reports are made on reportable accidents. 8. Plan maintenance and servicing schedules with mechanics. 9. Keep superintendent informed as to general transportation efficiency and economy. 10. Assist superintendent in formulating purchasing plans. 11. Outline plans for bus drivers' schools. 12. Inspect buses periodically (general appearance, condition, etc.) 13. Promote good public relations in the community. 14. Assemble latest information on new products for use in transportation program. 15. Make necessary reports on transportation. 16. Analyze transportation costs periodically.

This Guide provides guidelines for teaching pupils safety as well as pupil responsibilities.

CROSS REFERENCES

I. Board of Trustees; Statute §37-7-727

II.A.10. Other - Agricultural High Schools; Statute §37-27-53

II.C.1.; Statute §37-7-401

II.C.2.; Statute §37-3-23

IV.G.; Statute §37-7-313

D. Transportation

Statutes

§162.755

Reasonable transportation for children attending day schools or programs operated by the board shall be provided by the state board of education. Children receiving special educational services in other state operated schools or other contracted programs may have transportation provided by the state board of education.

§167.231 -- .251

Except for metropolitan districts the Board of Education shall provide transportation to and from school for all students living more than three and one-half miles from school, and may provide it for students living more than one mile from school. Upon petition transportation may be provided at the expense of the district for students living one-half mile from school if at an election, two thirds of the voters vote in favor of providing transportation. Transportation for high school pupils whose tuition the district is required to pay, may be provided by either the school board of the district, but any cost in excess of the amount allowed for state aid, may be collected from the district of the pupil's residence. When transportation is provided pursuant to law, the school board shall make all rules and regulations for transportation and persons employed shall be bonded. Expenses of transportation shall be paid out of the incidental fund of the district.

§307.375

The owner of every bus used to transport children to or from school must submit the vehicle to inspection to ascertain its good working order. If upon inspection there are found conditions which violate the safety standards, there shall be 10 days in which to have them corrected, and if the defect constitutes immediate danger the bus shall not be used until corrections are made.

REGULATIONS
5 CSR 40-261.010
TRANSPORTATION

All transportation furnished by a school district shall be authorized. School bus routes must be approved by the State Board of Education. State aid shall be withheld from a school district if it operates an unapproved bus route or vehicle. All vehicles used to transport pupils shall carry liability and property damage insurance. School districts shall keep a record of the number of pupils transported daily and report this information to the State Board of Education.

BUS DRIVER QUALIFICATIONS

A bus driver must be at least 18 years old and a duly licensed chauffer. A bond of between one hundred and five hundred dollars shall be required of each driver. The driver shall be in good mental and physical health, free from communicable disease and have normal use of both arms, hands, legs, and feet. An annual physical exam is required. Drivers shall be neat and clean and abstain from using cigarettes, alcohol or narcotics in the bus.

CROSS REFERENCE

II.A.2.; Statute §162.670 -- .710

II.A.2.; Statute §162.900

II.A.2.; Regulation 5CSR 70-742.030 -- 110

III.A.2.; Statute §171.121 -- .131

D. TRANSPORTATION

STATUTES

§31-128

A school bus driver must be at least 18 years of age and hold a chauffeur's license, which cannot be issued "unless the applicant has had at least one year of driving experience."

§32-2193; 33-2197

School bus drivers must stop their vehicles before crossing railroad tracks. The driver of any vehicle which meets "from either direction any school bus" which has stopped to pick up or discharge school children "shall stop . . . before reaching such school bus . . . and . . . not proceed until such school bus resumes motion, or is signalled by the school bus driver to proceed."

§75-6608

The trustees of any district operating an elementary school with "average number belonging" less than 10 or school with ANB less than 25 shall annually apply to the county superintendent to have the school classified as an "isolated school." The application shall include: the names of students who will attend the school the following year; a description of conditions adversely affecting transportation, distance of the school from the nearest school having room for more students; and any other conditions which would create "an unusual hardship" for the pupils "if they were transported to another school;" and any other information required by the superintendent of public instruction.

The application shall be submitted to the board of county commissioners, who shall approve or disapprove it "on the basis of the criteria established by the superintendent of public instruction." The board may approve an application on the basis of any condition that would create a hardship for the pupils it transported to

another school.

The superintendent of public instruction must also approve the application. He/she may consider information not in the application that he/she collects on his/her own.

§75-7001; 75-7002

"Transportation" means a district's moving a pupil by school bus between his/her home and school, or between his/her regular school and a vocational-technical secondary school.

"Individual transportation" is a substitute for the above and includes paying a parent or guardian to transport the pupil, reimbursing them for the pupil's room and board, or providing supervised home or correspondence study.

A student is eligible for transportation if he/she is: 5 to 21 years old; a resident of Montana; resides over 3 miles from school; legally resides with his/her parent or guardian within the district furnishing the transportation.

A school bus must comply with the board of public education standards. It may be owned and operated by the government or by a private company, under contract. It shall bear the words "school bus" on the front and rear of the bus. The markings shall be concealed when the bus isn't used for school purposes.

§75-7003

A school bus driver must be over 21, of "good moral character," hold a chauffeur's license, pass a physical, complete a standard first aid course, and comply with any other qualifications set by the board of education.

§75-7004

The board of public education, with the advice of the chief of the highway patrol and the superintendent of public instruction, "shall adopt and enforce standards and regulations for the design, construction, and operation of school buses in . . . Montana;"

(1) "prescribe minimum standards for the design and construction of school buses;"

(2) prescribe standards for lights and waiving devices on buses;

(3) establish any additional driver qualifications;

(4) prescribe criteria for establishing transportation service areas by the county transportation committee;

(5) prescribe additional criteria needed to determine a pupil's residence;

(6) prescribe any other needed policies for the operation of school buses;

(7) prescribe standards for measuring the child seating capacity of school buses.

"The board of public education shall prescribe any other policy necessary for . . . individual transportation programs."

§75-7005

"In order to have a uniform and equal provision of transportation by all districts in . . . Montana, the superintendent of public instruction shall:" prescribe rules, regulations and/or forms, for: (1) implementing transportation policies of the board of public education; (2) approval of school bus routing by the county transportation committee; (3) contracts for individual transportation, to be supplied to the county superintendent; (4) approval of individual transportation contracts; and for the consideration of controversies appealed to him/her. The superintendent shall also: approve, disapprove or adjust school bus routings and individual transportation contracts submitted by the county superintendent, and shall "disburse the state transportation reimbursement in accordance with" board of public education policies.

§75-7006

A district which "knowingly violates a transportation law or . . . policy . . . shall forfeit any reimbursement otherwise payable," until the district

corrects the violation.

A bus operator under contract with a district shall not be paid if he/she knowingly fails to comply with transportation law or policies. The bus operation shall be suspended if the district trustees find that the "violation jeopardizes the safety of pupils."

§75-7008

"The trustees of any district may furnish transportation to an eligible transportee attending a school either in or outside the district. Such transportation must be available to all eligible transportees of the district. The county transportation committee, with the approval of the superintendent of public instruction, may direct the trustees to provide transportation. A district's obligation to furnish transportation may be satisfied by paying the child's parent or guardian to do so. An eligible transportee may have transportation arranged and paid for by his/her parent or guardian at their own discretion.

The district may provide transportation by school bus or by individually-provided transportation, which can include a residential school, correspondence study, or home study.

The trustees may require a child to make a trip over one hour long if the parent or guardian consents.

§75-7009; 75-7010

The trustees may provide transportation to pupils not otherwise eligible for transportation. The pupil may be charged his/her share of the costs of such transportation unless the transportation is provided for reasons of economy or convenience of the school system.

A child going to non-public school may ride on a school bus with the district's permission. The district shall charge the pupil for such transportation.

§75-7011

The trustees have the power to: (1) buy or rent a bus; (2) buy or rent a two-way radio for buses operating in hazardous road and weather conditions; (3) "provide for the operation, maintenance and insurance" of a bus or radio; (4) contract with a private party for up to 5 years to provide transportation.

Any private party shall comply with board of education regulations concerning the bus and driver and any other conditions laid down by the trustees.

There shall be bodily injury and liability insurance on every bus used for school transportation.

§75-7012; 75-7013

"Any school bus transportation by a private party or individual transportation . . . shall be under contract."

Contracts with private parties shall be arranged by taking public bids or by negotiating with the current contractor, provided the negotiated contract is not longer than the previous contract and doesn't exceed its cost by 5%.

Money shall not be paid for private transportation unless there is a contract and the required transportation was actually furnished.

§75-7014; 7015

"To coordinate the orderly provision of a uniform transportation program within a county . . .; each county shall have a county transportation committee.

Its membership shall be: the county superintendent, who will be chairman; the chairman or a member of the board of county commissioners; a trustee or district employee from each county high school district; another district trustee; and a representative from the district of any other county whose transportation services are affected by this county. The committee shall have at least 5 members; the county superintendent shall appoint members needed to fulfill this requirement.

The committee's duties shall be to:

"(1) establish the transportation service areas for each district operating a school bus transportation program; (2) act on school bus routings submitted by district trustees; (3) act on "applications, approved by the trustees, for increased reimbursements for individual transportation" of isolated pupils; (4) conduct hearings and act on appeals of trustees' decision concerning transportation controversies. The committee's decision may be appealed to the superintendent of public instruction.

The committee may transfer a district's territory to an adjacent district if the first district so requests through its trustees or 20% of its voters, and if the adjacent district consents.

The amount of state reimbursement shall be limited by law unless the transfer is approved by the committee and the superintendent of public instruction.

§75-7016 — 75-7017

If the residence of an eligible transportee is in controversy, it shall be decided under general state residence law. The residence of a pupil for tuition purposes shall be the same for transportation purposes if the district or county is responsible for paying tuition.

Controversies over mileage shall be determined using the procedures for measurement and participation required in this section.

§75-7018; 75-7019

These provisions establish the rate schedule for bus and individual transportation by which the maximum reimbursement to districts from state and county sources of transportation revenues is determined. "These rates shall not limit the amount a district may budget" for bus transportation the following year, but do "constitute the limitation of the budgeted amounts for individual transportation."

§75-7020; 75-7021

The trustees shall "provide a transportation fund budget" adequate for the district to conduct its transportation program. The budget shall include payments for:

"maintenance and operation of district-owned . . . buses," and buses operated by private parties; individual transportation; the "purchase, rental or insurance of school buses;" any other necessary expenses or the transportation program, such as a contingency amount to take care of pupils who move into the district after the budget is adopted.

An emergency transportation budget may be adopted.

The transportation fund budget shall be reported and adopted under regular budget procedures.

Copies of all contracts for bus and individual transportation shall be sent to the county superintendent, who shall then send them to the superintendent of public instruction.

The county superintendent shall compile the revenue available to finance each district's transportation budget.

§75-7022; 75-7023

State reimbursement of transportation expenses shall be done using the rates prescribed by law (§75-7018 and 75-7019). Claims for state reimbursement shall be reviewed by the county superintendent and then sent to the superintendent of public instruction for action. State reimbursements shall be made to the county treasurer and then apportioned by the county superintendent in accordance with instructions of the superintendent of public instruction.

County reimbursement shall be made by the county superintendent and shall be apportioned the same as state reimbursement, with certain exceptions.

REGULATIONS

§48-2.30(1)-S3000

Every district and every person under a transportation contract with a district shall be subject to the policies prescribed by the Board of Public Education and the rules and regulations prescribed by the Superintendent of Public Instruction. When a district knowingly violates a transportation law or Board policy, the district shall forfeit any reimbursement for bus travel during the period of violation.

§48-2.30(12)-S3010

In addition to the qualifications prescribed by statute, school bus drivers are required to have a minimum of five years driving experience.

§48-2.30(12)-S30770

The criteria used for establishing transportation areas must fit into the framework of school laws such as pupil transfers, payment of tuition, etc. County and district boundaries do not limit school bus areas when pupils live closer to a school in an adjoining district, geographical features or road conditions make attendance in the home district impractical, or the convenience and safety of pupils is at issue. In case of continued controversy, the opinion of the board of trustees where the pupil resides should have consideration. Costs should enter into the decision.

§48-2.46(1)-S4610

A school cannot be approved as an "isolated school" if another operating school with room to accommodate the applicant school's students exists within a 20 mile distance and if 50 percent or more of the students can be transported to the operating school in a period of one hour or less.

CROSS REFERENCES

I. County Superintendent; Statute §75-5806

II.A.2.; Statute §75-7815

II.A.2.; Statute §75-7816

II.A.2.; Regulation §48-2.18(26) - S18480

III.A.2.; Statute §75-7403

III.A.2.; Regulation §48-2.6(2) -S 6050

IV.G.; Statute §75-6314

D. TRANSPORTATION

STATUTES

§79-487

A school board may purchase school buses to provide "transportation facilities for school children to and from school and . . . all school related activities." Any board providing transportation for public school pupils "shall also provide transportation without cost for children who attend nonprofit private schools . . . approved for continued legal operation . . . by the State Board of Education." Transportation of private school children shall conform to the "regular public school route" and be provided "only at times when . . . provided for public school children."

§79-488.06

"Any person operating a school bus" must each year have (1) "an examination . . . conducted by . . . the Department of Motor Vehicles" and (2) "an examination by a licensed physician" and furnish to the school board or private school authority and the Director of Motor Vehicles a report of the examination. If the Director of Motor Vehicles determines that the person is qualified and meets mental and physical standards, he or she is issued a "special school bus operator's permit."

No person operating a school bus shall "remain on duty . . . longer . . . than sixteen consecutive hours." Violation of this section is a misdemeanor.

§79-488.07; 489

The school board, with the advice of the Nebraska State Patrol, shall "determine the number of passengers that may be safely transported in each bus." At least twice during each school year pupils shall be provided with "instruction in safe riding practice and . . . emergency evacuation drills."

A school board employing a driver to transport

pupils "shall purchase a liability insurance policy" to pay for damages for injury, death or destruction of property resulting from "any negligence or carelessness in transporting pupils."

§79-490-493

"When no other means of free transportation is provided to a student attending a public school, an allowance for transportation shall be made to the family of such student by the district in which" the family lives. Only one allowance shall be made per family. "No pupil shall be exempt from school attendance on account of distance from the public schoolhouse." Claims for transportation allowance payments are filed monthly. A "student whose family is entitled to pay for transportation . . . may attend another school . . . or . . . reside temporarily . . . with relative or friends within the applicable distance" from school. If the student's family would otherwise have been entitled to a transportation allowance, payment shall be made.

Any school officer or employee who transports, or reimburses transportation or living costs of "any nonresident high school pupils" who live nearer to "another school offering high school courses" is guilty of a misdemeanor. A board may furnish transportation "to students within a district in which a high school has been discontinued."

REGULATIONS

31-(2)

A school bus driver must hold a valid Nebraska driver's license, be at least 18 years old, but not yet 65, pass a physical examination, and pass the tests prescribed by the Nebraska Department of Motor Vehicles.

An applicant for a school bus driver permit shall be given a written examination and road proficiency test.

The applicant shall submit an approved physical examination report and an approved school transportation operator's examination report.

31-(3)

The school transportation vehicle operator must have normal hearing, and good vision. The operator must be of good moral character.

Additionally, the driver must take an annual written examination on traffic rules, complete a 10 hour defensive driving course within 90 days after employment, and have a satisfactory driving record.

CROSS REFERENCE

IV.G.: Statute §79-478; 479; 482; 485

D. TRANSPORTATION

STATUTES

§392.300

A board of trustees may furnish transportation for all resident public school children in the district who must attend school and who live at such a distance from the school as to necessitate transportation. The board may establish bus routes, make regulations governing the conduct of drivers.

§392.320

The board of trustees shall use transportation funds for: the purchase, rent, hire and use of vehicles and the necessary equipment, supplies, and repairs of vehicles, the employment of capable drivers and others necessary for pupils' transportation, and the insurance of vehicles. The insurance shall be sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians, or custodians for loss or damage.

§392.330

A board of trustees may use transportation funds for arranging and paying for transportation by motor vehicles or otherwise, by contract or other expedient economical means. Contracts may be made with railroad or other licensed common carriers, or bus companies, or owners of private motor vehicles.

§392.340

There is no admission of tort liability to any pupil or parent or guardian thereof for injury or death resulting from transportation for such pupil, unless such liability is specifically assumed by law. LIABILITY

§392.350

If daily transportation is not practical or economical for a pupil, the board of trustees may pay the parents or guardian up to $6 per school day to defray the cost of food and lodging of the pupil in a place in Nevada or an adjoining state which has a

public school. The parents must meet a residency requirement, and payments must be approved by the state department of education.

§392.360

School vehicles may be used to transport public school pupils to and from interscholastic contests, school festivals, or other school program activities. The board of trustees shall make rules and regulations governing these uses, and school authorities shall furnish proper supervision of the vehicles.

§392.370

A board of trustees may authorize the use of school vehicles to transport school personnel to and from educational conferences.

§392.380

Drivers of school motor vehicles must be "of good, reputable, and sober character," be competent and qualified to operate vehicles safely and dependably, and must have a Nevada license to operate the particular type of vehicle. If parents or guardian consent, the board of trustees may employ a pupil in the district as a driver.

§392.390

It is unlawful to employ an unlicensed driver to transport pupils. Violation of this constitutes a misdemeanor.

POLICY GUIDES

Nevada School Bus Drivers Training Guide

Published by the Nevada Department of Education in 1972, revised in August 1976. This policy guide sets out the qualifications and responsibilities of school bus drivers. The guide offers detailed instructions to the drivers on general operating techniques as well as emergency procedures.

CROSS REFERENCE

II.A.2.; Statute §388.510

D. Transportation

Statutes

§186-A:9

"Suitable transportation" shall be provided by the school board for all handicapped children "four years of age or older" who are "able to be so transported" from home to school.

§188-E:8

The state board of education shall pay transportation costs for students who attend regional vocational centers.

§189:6

"The district shall furnish transportation to all pupils below the ninth grade who live more than two miles from the school to which they are assigned". If the child lives so far that the costs of transportation would be unreasonable, "the school board may, at the expense of the district, board the child near a public school". The parents of the child may provide transportation as an alternative.

§189:7

Transportation will be provided "to all pupils under the age of fourteen years in grades above the eighth." In districts not maintaining a high school, students shall be furnished reasonable transportation to an approved high school.

§189:8

Pupils may be required to walk to the bus line but not any distance "exceeding one and one-half miles". If the school board finds it "desirable," transportation may be given to pupils who live less than two miles from school and who are beyond the eighth grade.

§189:9-a

Students may be prohibited from riding in school buses when the students "fail to conform to the reasonable rules and regulations". Parents of the child

may appeal the decision but until the appeal is heard, the parents must provide transportation for the child. §263:28

The drivers of school buses will be investigated, prior to employment, "regarding his or her motor vehicle record, criminal record, character and physical, mental, and moral fitness." The driver must pass a "special examination" and receive an "operator's certificate." The bus driver's certificate may be revoked "for good cause shown."

D. Transportation

Statutes

§18A:39-1

In any district in which there are pupils "residing remote" from the school, the board of education may arrange for transportation to and from school, including students from private non-profit schools. When a regional school district provides transportation for pupils of non-public schools, the district "shall assume responsibility for the transportation of all such pupils."

§18A:39-1.1

A district board may also provide transportation for other pupils.

§18A:39-1.2

Any municipality which is a constituent district of a regional district may "for safety reasons" contract with the regional board to provide pupil transportation at the expense of the municipality.

§18A:39-6

Liability insurance covering school buses and their drivers shall be furnished by each contractor or if the bus is owned by a board of education, liability insurance shall be provided according to state board rule.

§18A:39-11;12;16

The boards of two or more school districts may jointly provide for transportation of their pupils. This shall be done under an agreement adopted by resolution of each of the boards. Any disputes over said agreements shall be "referred to the city superintendent and his[her]determination . . . shall be binding, subject to appeal to the commissioner."

§18A:39-17--19

Prior to the assignment of any bus driver, whether by the board or a contractor, his/her name, address, photograph and finger-prints shall be filed with the county supervisor. This information shall be sent to the state bureau of identification for a report. If it appears that the driver "has been convicted of a crime and the offense is of such character as to make it undesirable that he[she] should act as a driver . . . he[she] shall be disqualified by the city superintendent." Failure of a board or contractor to comply with this article with regard to drivers will be considered "a misdemeanor."

§18A:39-21

"The state board shall make rules governing the transportation of pupils to a farm school."

§18A:46-23

A board of education "shall furnish daily transportation within the state" for all handicapped pupils when necessary or advisable.

§18A:46-24

Any two or more districts may agree to jointly provide for facilities, examinations or transportation under this chapter."

REGULATIONS

§6:21-2.3

Non public school bus transportation shall be provided Monday through Friday between September 1 and June 30 when private schools are in session. Such transportation shall be limited to children in kindergarten through 12 grade.

§6:78-1.3

A board of education shall be required to furnish necessary daily transportation Monday through Friday to and from the school for nonboarding pupils when such

transportation is approved by the county superintendent of schools in accordance with such rules and regulations as the State Board shall promulgate for such transportation.

CROSS REFERENCES

I.Jointure Commission, Statute §18A:45-27

II.A.2.; Regulation §6:28-3.20

II.A.5.; Regulation §6:32-1.10

III.C.Public Schools: Constitution, New Jersey Constitution, Art. 8

III.D.Attendance Records; Regulation §6:20-1.1

IV.A.; Regulation §6:29-5.3

IV.J.; Statute 18A:25-2

D. Transportation

Statutes

§64-13-41

"No person who is under the age of 18 . . . shall drive any school bus transporting school children." School bus drivers must have a chauffer's license.

§77-14-4

"Exceptional children whose handicaps require transportation" are exempt from the usual rules that state minimum distances under which school bus service will not be provided.

Regulations

Reg. No. 73-28

All persons operating vehicles transporting students to and from school-sponsored activities: shall not remain continuously on duty as a driver for a period longer than ten hours; shall not remain on duty as a driver for a period longer than sixteen hours in aggregate during any twenty-four hour period; must be qualified as an operator for the particular vehicle being used.

Each local school board shall adopt policies concerning the safety and welfare of students participating in school-sponsored activities. Policies must cover at least: rest and relaxation of students and drivers during trip, the use of private vehicles for transportation; insurance coverage; emergencies.

Reg. No. 76-15

All school buses shall be subject to inspection at least two times each year, once prior to the start of the school year and once in the middle of the year. The local educational authority shall notify bus operators of inspection schedules, established by the State Police District Commander, and shall be responsible for having all buses available for inspection.

Inspection criteria and forms shall be established

by the Commissioner of Motor Vehicles, the State Department of Education's Director of Transportation, and the Chief of the State Police.

All deficiencies, except those required on "unsafe" vehicles, must be made within five days of the citation. Any school vehicle designated as unsafe, must be immediately discontinued from use and not placed in service again until all necessary repairs have been made and it has been re-inspected.

CROSS REFERENCES

II.A.2.; Statute §73-23-4

II.A.4.; Statute §77-11-2

II.C.1.; Regulation, Reg. No. 73-17

D. TRANSPORTATION

STATUTES

§1502

"The board of education of any school district is . . . authorized . . . to rent or lease . . ." its vehicles to "any senior citizens center or organization that is recognized and funded by the office for the aging," or to other non-profit groups serving "senior citizens" and handicapped persons.

§1807

In any "central school district," the commissioner of education shall require the district to pay pupil transportation costs if, in his[her] judgment, the transportation is necessary and will promote the childrens' "best interests."

§1907

The board of education of a central high school district may furnish transportation to students whose residence is so far from the high school that they would be "deprived of attendance" without such transportation.

§3621 -- 3622

Transportation shall be provided for public school pupils, grades kindergarten through eight, who live more than two miles from school, and for students in grades nine through twelve who live more than three miles. Transportation is also provided for all handicapped pupils. Transportation shall be provided for school activities and trips, as well as transportation to and from the school.

§3623 -- 3624

The commissioner of education shall adopt and enforce rules regulating school buses, with "particular regard to the safety of pupils." Three "emergency drills" shall be conducted on each school bus during the school year. The commissioner shall set qualifications for school bus drivers. The district superintendent shall approve the employment of all bus drivers. Drivers will be required to have an annual physical examination.

REGULATIONS

§ 156.13

School bus drivers must be at least 21 but not over 65 years of age. Drivers shall be of good moral character. All regular and substitute drivers must be examined by a physician. All school bus drivers must have an annual physical examination.

Drivers employed after July 1, 1973, must receive at least 2 hours of instruction on safety practices. Drivers who transport handicapped children must receive 1 additional hour of instruction. During the first year of employment each driver shall complete an approved course in safety practices, including instruction on the special needs of handicapped children. All drivers shall receive a refresher course in safety at least twice a year.

Drivers are responsible for students' behavior while the pupils are in transit. At least 3 emergency drills per year shall be held on school buses.

CROSS REFERENCE

II.A.2.; Statute §4355 -- 4356

D. Transportation

Statutes

§115-11.2

"The State Board of Education is authorized to expend public funds" to provide transportation for "children with special needs" as defined in §115-1.

§115-180

County and city boards of education are authorized but not required to operate school buses for pupils of the public schools. The boards may operate buses in such number as the board finds "practicable and appropriate".

§115-181

The State Board of Education "shall have no authority over . . . the transportation of pupils." This authority is transferred to the county and city boards, but the State Board "shall from time to time adopt such rules and regulations" regarding bus transportation and safety "as it shall deem to be desirable."

§115-182 — 115-183

The local superintendent of schools shall "allocate and assign" school buses to the various public schools in the county or city unit. He/she has a duty to supervise the operation of school buses and to see to it that buses are used only for transporting pupils to and from the public schools or "as the board deems necessary to serve the instructional programs of the schools." Such use may include the "transportation of children with special needs" and "children enrolled in programs . . . such as special vocational or occupational programs."

§115-184

The principal of a school providing transportation to pupils shall assign pupils to school buses. Any pupil or his or her parent may "apply to the principal . . . for transportation to and from school." If such a request is denied, the parent may appeal to the

local board of education and "shall be entitled to a fair hearing by such board." If the board determines that such transportation will be in the "best interests" of the child and "will not interfere with the proper administration of the school," the board "shall direct that such pupil be assigned" to the school bus. Such final order of the board is appealable to the superior court.

§115-185

All school bus drivers shall be employed by the local boards of education and "shall possess all qualifications prescribed by . . . the State Board of Education." A school bus driver "shall have complete authority over" the bus operation and shall report any misconduct to the principal.

School principals may appoint monitors for school buses to "preserve order" on the buses and do "other things appropriate for the safety of the pupils and employees" on the buses.

§115-186

School bus routes shall be prepared by school principals and submitted to the local superintendent for approval. School buses shall be routed so as to "pass within one mile of the residence of each pupil, who lives one and one-half miles or more from school." County and city boards of education do not have "a duty to supply funds" for transportation for city pupils.

§115-187

School busses must be inspected every thirty days to discover any defects "which may affect the safe operation of the bus."

Individual drivers have the responsibility of reporting any defect which comes to their attention.

Any bus found to be so defective that it may not be operated with "reasonable safety" shall not be so operated.

§115-189

If a board finds it impracticable to supply transportation, the board may assign the pupil concerned to another school unless the pupil's parent notifies the board of the child's intent to attend school "without the benefit of transportation by school bus." If, by reason of the board's inability to supply transportation, a pupil is "required to obtain board and lodging" away from home, the local board may provide for a monthly payment of $50.00 to the child's parent or guardian.

§115-190

Local boards, in lieu of operating their own transportation system may if they deem it wise, contract out for the transportation of pupils. However, the company contracted with is subject to the same rules and regulations as to vehicle safety and inspection as the publicly operated school busses.

§115-193 — 115-197

The State Board of Education is authorized to pay compensation for injuries to students who are being transported by school buses. Such compensation may not "exceed six hundred dollars." The State Board has the authority to approve claims, which shall be paid regardless of any negligence on the part of the bus driver. All claims must be filed "within one year after the accident."

CROSS REFERENCE

II.A.2.; Regulation 42E.0604

D. Transportation

Statutes

§15-34.2-01

The school board in any district may furnish:

1. vehicular transportation

2. the equivalent of payments in lodging at some other public school if acceptable to the family.

The board shall not accord benefits of either subsection 1 or 2 to any family receiving transportation payments. The distance that students must reside from school in order to be entitled to such transportation may be determined by the board in each district. Transportation may also be extended for purposes of transporting students to another district or county agricultural or training school within the state or another district outside the state.

§15-34.2-02

1. the board of any district may furnish vehicular transportation to nonresident students, subject to an agreement with that student's district. If not done subject to a proper agreement the district will forfeit its rights to transportation funds;

2. transportation may be provided to nonresident students whose parents or guardians have agreed to pay the transportation costs. The amount of such costs shall be determined by the school board of the admitting district.

§15-34.2-03

The board of any district may pay to each family living more than two miles from a school a sum per day for each day's attendance of students of such family, when transported by a member of the family or by a conveyance furnished or paid for by the family, or when the family has paid lodging for the child according to the distance between the home and school at the rate of ten cents per day for each one-half mile over two miles.

§15-34.2-06

"If more convenient or economical, any school district may pay a reasonable allowance instead of providing vehicular transportation for eligible high school students residing in the district to attend a county agricultural and training school or high school in another district."

§15-34.2-11

The operators of vehicles used in the transportation of students shall be under the supervision and direction of the board, superintendent, principal, and teachers of the schools while on duty. "The disciplinary authority of the schools shall exist over all students while being transported . . . and the operators shall be charged with their control and discipline."

§15-34.2-14

The driver of a school bus shall be in good physical and mental health, able-bodied, free from communicable diseases and shall have normal use of hands, feet, eyes and ears. It shall be the duty of school boards to designate physicians to examine the drivers. The driver shall possess good moral character, be at least eighteen and not more than sixty five years of age and shall have a North Dakota driver's license. The school board may extend maximum age to sixty seven. Drivers over sixty five must submit to examination once every six months. School bus means a vehicle having a capacity of seventeen or more people.

§15-34.2-15

A school district may extend a bus route into a bordering state when the superintendent of public instruction has entered into a reciprocal agreement with the bordering state.

REGULATIONS

Chapter I: I.B.13

The Director of Transportation is responsible for developing standards for all aspects of school bus transportation and ensuring that all programs meet those standards.

Chapter II: III.H.

1. The school board may at its discretion provide transportation or equivalent payment to pupils in the district living two or more miles from school or to pupils eligible to attend high school in another school district. Transportation is mandatory in reorganized districts.

2. The local school may request reimbursement for funds expended for children who must attend a special class outside of their own district. This is not available where transportation of other children from the district is accessible and practical for the child under special education nor when attendance in a special class or service involves less than a full school day instructional program. An equivalent amount may be provided to pay for lodging in the community where the classroom is available. Residences shall be in approved foster homes. The Director of Special Education should be contacted regarding the payments and requirements for reimbursement.

3c. A school board may desire to operate its own equipment. Purchase shall be made on a bid basis. Minimum standards as developed by the State Department of Public Instruction are given in the North Dakota School Bus Standards (1972).

3e. The driver of a school bus shall meet the minimum requirements established by the Department in the North Dakota School Bus Drivers' Handbook (1971). The driver must be at least 18 years old and not more than 65 and must have an annual medical examination by a licensed physician. In addition, each bus driver shall pass a written test and a behind-the-wheel test, and shall attend an annual refresher workshop, provided by the county superintendent. Upon successful completion of minimum require-

ments, the driver will be issued a School Bus Driver's Certificate valid for one year.

3f. All school buses are to be inspected annually by the State Highway Patrol and to be brought up to standard within a reasonable time upon receipt of the inspection report.

3g. A regular safety program should be conducted for school bus transportation, including: safety meetings for drivers and student-passengers; route studies to eliminate hazardous situations; and periodic checks of transportation equipment.

3h. The disciplinary authority of the schools shall exist over all children while being transported to and from schools and shall be exercised by the driver. Disciplinary standards are established in the North Dakota School Bus Drivers' Handbook (1971).

3i. School boards should carry liability insurance on school-operated buses and require the same on buses operated by contractors. Recommended amounts are available from the Department.

3j. School boards may equip school buses with two-way communications.

3k. No child should be required to ride on a bus more than one and one-half hours per day. Two hours of total travel per day for a child is considered maximum.

CROSS REFERENCES

I.Superintendent of Schools; Regulation, Ch. II.: I.B.

IV.G.; Statute §15-40.2-09

D. Transportation

Statutes

§3327.01

In all city, exempted village, and local school districts, the district board of education shall provide transportation to and from school for pupils in grades kindergarten through eight who live more than two miles from a school meeting minimum state educational requirements or to which he(she) is assigned or to and from a nonpublic school, provided that in the judgment of the board such transportation is not unnecessary or unreasonable.

In such districts, the board may provide transportation for pupils in grades nine through twelve to and from such high school as the pupil is assigned or to and from a nonpublic high school meeting state minimum educational requirements.

"In determining the necessity for transportation, availability of facilities and distance to the school shall be considered." The board shall not be required to transport a pupil to and from a nonpublic school requiring more than thirty minutes direct travel time. Where it is impractical for the district to tranport the pupil, such district shall, in lieu of providing such transportation, pay a parent or guardian, an amount per pupil which shall not exceed the average transportation cost per pupil.

The district shall also provide transportation for crippled and educable mentally retarded children to and from school and special education classes.

Regular transportation of pupils is to run on a regular time schedule beginning no later than ten days after the beginning of school. The cost of such transportation is to be paid first from federal funds, and secondly, from state appropriations.

No transportation shall be provided to any school

which discriminates in the selection of pupils, faculty, or employees by race, color, religion, or national origin.

Coordinators of school transportation shall be appointed to assume that each pupil "is transported to and from the school... in a safe, expedient, and economical manner using public school collection points, routes, and schedules."

Where persons or firms on or after April 1, 1965 were providing transportation under contract to the board, the coordinator of transportation shall give preference to such person or firm "if economically feasible during the term of any such contract... [A]ppeals from the determination of the coordinator shall be taken to the state board of education."

§3327.02

If transportation of certain pupils by school conveyance is deemed impractical by the local school board, with concurrence of the county board, the local board may agree to pay the parent or person in charge of such pupil for transportation "at a rate determined for the particular case by the local board for each day of actual transportation."

Teachers shall keep an accurate record of the days a pupil is so transported. A parent's failure to provide such transportation cannot be pleaded as an excuse for the pupil's failure to attend school.

§3327.03

The boards of education may designate certain places as depots to gather children for transportation to school, provided such places have a shelter and can "be made comfortable during cold and stormy weather."

§3327.05

No district school board shall provide transportation

for nonresident pupils without written consent of the pupil's resident board of education.

State funds may be withdrawn from any district transporting non-resident pupils without the above consent.

§3327.08

Any school district may, either individually or through central purchasing procedures, purchase or contract school buses and other related equipment for transporting pupils to and from school and for other functions authorized by the board. State subsidy for such purchases shall be based on the lowest price available. Purchases made by individual contract shall be made on the following terms:

A) Not less than one-fourth of the purchase price be paid in cash;

B) Not less than an additional one-fourth of the price be paid within each year of the next three years.

The board may make provisions for levying and collecting taxes annually to pay the portion of principal and any interest, not to exceed 3% per year. Revenues for the use of such buses may be applied to payment. The purchase shall be made after competitive bidding.

§3327.09

LIABILITY

The board of education shall procure, from an authorized insurance company, liability and accident insurance for each bus or van and on each passenger transported. Liability insurance shall be in "the amounts not less than one hundred thousand dollars per person, three hundred thousand dollars per occurence, fifty thousand dollars property damage and three thousand dollars medical payments coverage," or the next highest coverage the board can procure.

The board may also procure accident coverage for all pupils and authorized persons transported to provide

compensation for injury or death caused by an accident in connection with the use of the vehicle. Such insurance shall be in the amounts agreed upon by the board and the insurance company.

§3327.10

No person shall be employed as a driver of a school bus or van, whether owned by the district or under contract or such a vehicle not subject to the regulations of the department of education, who has not received a certificate from the county board that he(she) is at least 18 years old, of good moral character, and is physically and otherwise qualified for the position.

Each driver shall have an annual physical to ascertain his(her) physical fitness for employment. If he(she) is a county employee, the county shall provide such physical examination.

A certificate of fitness for the position "may be revoked by the authority granting the same on proof that the holder has been guilty of improper conduct, failing to file all traffic convictions with the school administrator or contractor, or neglect of duty and such driver's contract shall be thereby terminated and rendered void."

§3327.12

A board of education may maintain bus turn-around points. At the request of the board, a municipal corporation or township, or the county may maintain such turn-around points on their respective roads, or on private property provided the board has determined the necessity of such use of private property. The board of education may provide the cost of such maintenance.

§3327.14

A board of education owning and operating a school

bus or van for transporting pupils to and from school may contract to lease such vehicles to municipal corporations or public or non-profit private agencies delivering services to the aged to be used for transportation of persons over 60 years of age. Similar contracts may be made with groups engaged in adult education programs.

The cost of leasing such vehicles shall not exceed the costs of operating the vehicle, which may include the cost of providing a driver, insurance, and other direct and indirect costs. The board of education shall procure liability and property damage insurance.

All state board of education regulations governing the use of school buses shall apply to the extent applicable.

REGULATIONS

§3301-83-01 -- 13; 3301-85-03; 33-1-87-01

Pupil transportation shall be subsidized by the state according to the extent of transportation provided eligible pupils by a school district.

"Each school district shall file annual reports of all pupils transported, miles traveled, actual costs, and other necessary information for purposes of calculations and adjustments."

The local superintendent "shall provide at least one annual safety workshop for transportation personnel."

A transportation administrator shall be designated by the Board of Education. He/she "shall provide insofar as possible safe school buses."

Bus drivers must be at least eighteen years of age, of good moral character, and physically qualified. Bus drivers shall make a daily inspection to determine if busses are in safe operating condition.

"While riding on a school bus reasonable conversation is permissible and may be regulated by the school bus driver. The school bus driver. . .should not exclude a pupil from the bus; [she or] he shall report the unmanageable pupil to the

proper authority. Disorderly conduct shall be sufficient reason for refusing transportation. . . . Whenever it becomes necessary to refuse a pupil transportation, the school authorities shall notify the parents. . .with a full explanation. Until such time as the school authorities have received assurance from the parents of future good conduct on the part of the pupil and the bus driver has been so advised, the driver shall not permit the pupil to board the bus."

The bus driver shall report any accidents involving the school bus to the police.

When it is necessary to load or unload pupils from the school grounds, the bus shall be stopped and positioned so that pupils do not cross the road to get to or from the bus. The Board of Education shall approve all bus stops.

School buses may be used to transport participating pupils to and from any co-curricular activity program approved by the district boards of education. Students may not be transported to observe college or professional games.

"Eligibility for [state] assistance for all busses shall be determined on the basis of operational efficiency evaluation by the Department of Education.

Dealers and manufacturers who fail to comply with bus safety standards may be prohibited from selling school bus chassis and bodies in the State of Ohio until discrepancies are corrected and written approval is issued by the Department of Education.

CROSS REFERENCES

II.A.2.; Statute §3323.13

II.A.2.; Regulation §3301-51-10; 3301-51-19

II.A.2.; Regulation §3301-51-14

IV.G.; Statute §3327.04

IV.G.; Statute §3327.11

D. Transportation

Statutes

§70-9-101, 9-108

Any school district may provide free transportation for each child in public schools, only for the following purposes:

1) To provide adequate educational facilities and opportunities which would otherwise not be available;

2) To transport children who live more than a "reasonable walking distance" from school as defined by the State Board of Education, but in no case shall transportation be provided to children living within one and one-half miles from school.

Additionally, each local board of education is authorized to furnish transportation for its school children within and without the district for purposes of attending community, county and state fairs that admit school children free; for summer youth activities; and for all other purposes approved by the State Board of Education.

The State Board of Education shall authorize any district to provide transportation for pupils participating in educational contests and activities outside of the state.

§70-9-103

Each local board of education is authorized to purchase and maintain suitable vehicles for transportation and/or may contract with responsible individuals to furnish such transportation.

§70-9-105

It is the duty of the State Board of Education to fix definite boundaries of the area in which each school district shall provide transportation. The State Board is also authorized to establish definite routes within each transportation area, and to make rules and regulations as to the establishment and change of the areas and routes. Failure or refusal to comply with such rules shall result in withholding of state funds from the erring district. The State Board of Education shall also promulgate rules and regulations governing transportation of special education students to an adjacent school district.

§70-9-106

LIABILITY

The board of education of any school district providing transportation may purchase insurance for the purpose of paying damages to persons injured due to the operation of motor vehicles used in transporting school children. However, no action for damages shall be brought directly against a school district, but may be brought against the insurer and the amount recoverable shall be limited to that provided in the insurance contract.

§70-9-118

Anyone who drives a school bus, whether a private contractor or a school district employee, shall complete a course of instruction on the operation of a school bus, such course to be approved by the State Department of Education and the district involved.

CROSS REFERENCE

IV.G; Statute §70-8-104; 70-8-111

D. Transportation

Statutes

§332.405

Transportation may be provided for pupils by the school district when advisable, or room and board may be furnished instead where it is more reasonable.

§332.427

A district school board may permit school buses to be made available to qualified persons or agencies, public or private, or may use such vehicles for public transportation purposes.

Only vehicles operated by the district that comply with rules adopted by the Department of Education relating to standards of vehicle construction and equipment may be used for public transportation purposes. Drivers of vehicles shall be at least 18 years old and shall comply with rules adopted by the Department of Education relating to qualifications of school bus drivers.

§346.045

Transportation may be provided directly or by contract with a public carrier or with a school district for daily transportation to and from school for pupils under this chapter.

Regulations

§581-22-292

"Pupil transportation provided at local district expense shall comply with applicable statutes and Board rules."

§581-22-294

"Buses shall be constructed, equipped, maintained, and inspected in accordance with applicable statutes and Board rules."

§581-22-296

"School bus drivers shall possess a valid Oregon School Bus Driver's License and shall comply with applicable statutes and Board rules."

§581-53-005

The Oregon State Department of Education shall assist in training and instructions for school bus drivers. School districts shall provide for the training and instruction of their school bus drivers.

All school bus drivers must have satisfactory knowledge of state and local motor vehicle regulations.

To obtain a bus driver's license the applicant must possess a valid driver-chauffeur license, pass a physical examination performed by a licensed physician, and have an acceptable driving record. Drivers from age 18 thru 34 are required to be re-licensed every three years; age 35-44, every 2 years; and age 45 and over annually.

Applicants for a school bus driver's license must complete the physical examination.

Minimum physical qualifications include adequate eyesight and hearing, and no excessive use of or addiction to liquor, narcotics, or drugs.

§581-53-008

Transporting districts shall have all vehicles used in transporting pupils inspected annually, and certify to the Oregon State Department of Education that

all deficiencies have been corrected before September 1 each year. A bus that is unsafe should not be used to transport students when there is reason to believe that a deficiency is such that continued operation of the bus may jeopardize the safety of students or public . Deficiencies shall be corrected before transporting students in a bus that has been declared unsafe. The driver shall inspect the bus daily.

§581-53-010

Pupils being transported are under authority of the bus driver. Pupils who refuse to obey the directions of the driver or refuse to obey regulations may forfeit their privilege to ride on the buses.

§581-53-015

School bus drivers shall observe all local and state traffic laws and ordinances. They shall enforce local school board and Oregon State Department of Education rules governing pupils riding school buses, and pertaining to school bus drivers.

CROSS REFERENCES

II.A.2.; Regulation §581-15-275; 581-15-280; 581-15-285

IV.A.; Statute §332.111

IV.G.: Statute §335.090

D. TRANSPORTATION

STATUTES

§13-1331

In case there is no public school with proper grades in session within two miles of the residence of any child in a 4th class school district and in certain specified 3rd class districts, "such child shall be furnished proper transportation at the expense of the school district to and from a school with the proper grades." When this is not feasible, the Board of School Directors may, with the approval of the Department of Public Instruction, pay for suitable board and lodging.

§13-1361

The board of school directors, may provide free transportation to any resident pupil provided the school is not operated for profit and is located within district boundaries or within 10 miles of the boundaries (10 mile limit shall not apply to area vocational technical schools). When provision is made for transportation of public school pupils, the boad of school directors shall also make identical provision for free transportation of pupils who regularly attend non-public schools not operated for profit. The board of school directors may appropriate funds for urban common carrier mass transportation purposes to be paid to transportation authorities to assist them in meeting costs of operation. The State Board of Education shall adopt regulations, including qualifications of school bus drivers, to govern transportation of school pupils.

§13-1362

The free transportation of pupils may be furnished by using either school conveyances, private conveyances, or common carriers when the total distance which any pupil must travel in addition to such trans-

portation does not exceed one and one-half miles and when stations or other proper shelters are provided. All private motor vehicles shall be adequately covered by public liability insurance.

§13-1365

It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district, "to demand, request, or accept any compensation for transporting pupils, other than the compensation stipulated in the contract . . ."

School bus driver positions shall be filled by application with the Bureau of Traffic Safety in the Department of Revenue. Such application shall include questions concerning conviction for crimes.

§13-1367

In lieu of transportation, board and lodging may be provided by the board of directors in 4th class and some 3rd class districts if the board and lodging is secured in the home of a near relative of the pupil or in a proper school or home approved by the person petitioning for their child to receive board and lodging.

REGULATIONS

§23.1

School districts furnishing pupil transportation service shall comply in every respect with the Public School Code of 1949 as amended, Motor Vehicle Code as amended, regulations adopted by the State Board of Education and regulations established by the Bureau of Traffic Safety of the Department of Transportation of the Commonwealth.

§23.2; 23.3

The means of pupil transportation to and from school whether furnished by school conveyance, private

conveyances or common carriers, and all related contracts and agreements shall be subject to approval by the Department.

Transportation for exceptional pupils, kindergarten pupils and area vocational-technical school pupils shall be integrated with regular transportation services insofar as feasible.

§23.4

The board of directors of a school district shall be responsible for all aspects of pupil transportation programs including:

(1) The selection of means of transportation in conformance with the law and with regulations.

(2) The selection and approval of appropriate vehicles for use in district service and eligible operators who qualify under the law and regulations.

(3) The establishment of routes, schedules and loading zones which comply with laws and regulations, together with a provision of planned instruction for all school bus drivers serving in the district.

(4) The adoption of board policies and establishment of criteria and procedures governing the eligibility of resident pupils for free transportation service, the infractions of discipline related to transportation for both public and nonpublic school pupils and the conducting of field trips.

(5) The furnishing of rosters of pupils to be transported on each school bus run and trip.

(6) The maintenance of a record of pupil personnel transported to and from school, including identification of pupils, distances from home to pertinent school bus loading zones.

(7) The negotiation and execution of contracts of agreements with contractors, drivers of district's vehicles and common carriers and submission of pertinent documents to the Department for approval of operation.

(8) The ascertainment that all vehicles used in transporting pupils have adequate public liability insurance coverage.

§23.5

If two or more school districts or administrative units share the same vehicle in providing pupil transportation, the approved and reimbursable costs shall be prorated to each district or administrative unit in accordance with annual pupil miles of service rendered to that individual district.

§23.6

Only eligible pupils and school personnel authorized by the board of school directors shall be transported on the school bus while it is engaged in transporting pupils.

§23.21

The means of, records, agreements and contracts for, all pupil transportation to and from eligible nonprofit schools located within the legal distance limitations shall be submitted to the Department for approval of operation and for evaluation when pertinent and advisable.

Approval by the Department shall denote approval of the operation proposed, but shall not signify that the anticipated costs shall be approvable for reimbursement purposes.

§23.22

When necessary to extend the scope of pupil transportation service provided by one or more of the specified vehicles providing this service in a school district, a properly executed supplement to the agreement or record shall be submitted to the Department of Education for approval.

The following conditions warrant such supplement:

(1) the route must be extended to accommodate pupil load.

(2) A rerouting of vehicles is made necessary by highway construction or official detours.

(3) A noon run becomes necessary to take kindergarten pupils to and from school.

(4) For anticipated late afternoon runs not included in the normal daily scheduled transportation program.

(5) Additional regular transportation for nonpublic school pupils on days when the public schools are not in session.

CROSS REFERENCE

II.A.2.; Statute §13-1374

D. Transportation

Statutes

§16-21-1

"The school committee of any town shall provide transportation to and from school for pupils attending public and non-profit private elementary and high school grades . . . who reside so far from the public or private school which the pupil attends as to make the pupil's regular attendance at school impractical and for any pupil whose regular attendance would otherwise be impracticable on account of physical disability or infirmity."

§16-24-4

The school committee of each town shall provide for transportation to and from school for any child who is handicapped in accordance with the regulations of the state board of education.

CROSS REFERENCES

I. Regional School District Planning Board; Statute §16-3-7

II.A.2.; Statute §16-24-16

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

III.A.2.; Statute §16-2-2

D. Transportation

Statutes

§59-67-10 --59-67-290

The state board of education shall "adopt and enforce regulations" regarding the "design and operation of all school buses" used to transport school children. Any employee who violates the regulations shall be guilty of a misdemeanor and subject to removal from office. All school buses operated by a private school or under contract with a private school also must comply with the state board regulations.

Each school bus must be painted yellow and clearly marked "school bus." It must be equipped with power driven windshield wipers, adequate brakes, efficient lights, adequate rear and side view mirrors and a front entrance-exit and rear emergency exit. There must be adequate seating capacity for all children. All buses are subject to inspection by the state highway patrol at any time.

§59-67-130

The school superintendent shall be responsible for inspecting road conditions along school bus routes and reporting any hazards to the county transportation supervisor who shall report them to the appropriate state official for corrective action.

§59-67-140; 150; 180; 240; 470

Bus drivers must be certified school bus drivers of "good moral character" and shall not use alcoholic beverages or smoke while operating the bus.

A bus driver has general supervision of the bus and shall not permit any person to interfere with his/her vision while the bus is in motion. The driver shall also cooperate with teachers to assure that all students

SUSPENSION

are boarded properly. He/she may report anyone causing a disturbance on the bus to the school head and may suspend students for "misconduct beyond his[her] reasonable control." If the student repeatedly disturbs the bus he/she may be suspended from riding the bus for the remainder of the year. The bus driver shall report any hazardous road conditions to the proper school authorities.

§59-67-410 --59-67-570

RULEMAKING

The state board of education has control and management over all school bus transportation and may adopt rules and regulations to carry out the intent and purpose of this article.

There is no obligation to transport any child to or from school who lives within one and one-half miles from the school. School buses may be used to transport students to and from athletic and other special activities.

Individual counties may contract for part or all of its transportation services with private individuals and shall be responsible for all sums paid to them. State aid shall be paid to such a county on the basis of the average per pupil operating cost of state owned equipment.

The state highway department shall be responsible for providing supplies for and maintaining state owned buses but the state board of education shall be responsible for all expenses relating to the operation and replacement of obsolete equipment.

§59-67-710

A state paid insurance policy shall protect all lawful occupants of state owned school buses against injury or death. Additionally, a fund created by the South Carolina Industrial Commission shall provide major medical benefits to any school bus passenger when the cost exceeds the limits of the policy provided in this section.

Any action brought under this section shall be brought directly against the insurance carrier and in

no way waives the state's sovereign immunity, but does waive any liability that might otherwise exist against the bus driver.

REGULATIONS

§43-80

The Board of Trustees or the governing body of each school district shall, through the Superintendent of the district, be responsible to the State Board of Education for the supervision of the school transportation program in the district including selection of school bus drivers, employment of school bus drivers, supervision of school bus drivers and the pupils being transported, proposed routing of buses, accurate transportation records as to mileage, number transported, drivers' time reports, school bus safety and enforcing all other transportation regulations. The selection and employment of school bus drivers is subject to the approval of the County Board of Education. Teachers or other administrative personnel shall be assigned to school bus duties in the interest of the transportation program.

Transportation on regular school bus routes is authorized only for public school pupils regularly enrolled in grades K-12. Assignment of buses for new routes will be made on the basis of actual need. Before new equipment can be assigned, justification must be submitted showing that all buses presently assigned to the district or area are being used to the maximum. The State Department of Education may approve the use of state-owned buses for certain summer programs conducted by the local schools. The cost of such transportation shall be paid by the local school districts.

In schools where pupils are transported to the elementary schools which feed into central high schools, the State shall not be required to operate buses for high school and elementary pupils separately, unless prior approval is given in writing by the State Department of Education. Approval of separate transportation will be given only when such transportation can be accomplished with the same number of buses and approximately the same

mileage. The schedule of work and the opening and closing hours for all schools served by the same buses must be arranged so as to facilitate a maximum amount of school work and at the same time permit the operation of a satisfactory and economical transportation program.

Buses shall be routed in the most direct way over publicly maintained highways and streets to provide service within one mile of each child who qualifies for transportation. Buses should be routed in the most efficient manner to provide for their use for approximately one hour and fifteen minutes and the number of students assigned to a bus should not be greater than the seating capacity. Buses may also be routed to make two or more trips when the combined trips can be made in approximately 1 1/4 hours.

The District Board of Trustees shall prepare route descriptions and maps and upon approval of the county school authorities, shall submit them to the State Department of Education for approval not later than October 15th annually. Proposed changes in routes after October 15 must be approved by the State Department of Education.

School bus stops on each route shall not be closer than two-tenths of a mile apart at safe points. Stops must have a visibility of 600 feet in each direction. During periods of inclement weather, buses may be allowed to stop on the regular route at safe points nearest the house of each child. Buses shall not be permitted to have regular routes. Stops shall not be made on blind curves, steep grades, or near the crest of hills. Points where buses are to turn around shall be selected in the interest of safety.

Pupils shall not be transported from one district or attendance area to another when an appropriate school is provided within the district or attendance area.

The State does not assume the responsibility of transporting any students living within one and one-half miles of the school they attend; such distance to be determined

by the most direct route over publicly maintained roads or streets. A school bus shall stop to pick up or discharge a school child living within one and one-half miles of the school only if: (1) there are vacant seats on the school bus, the stop is on an established route and no additional state-owned school buses are required or (2) the Board of Trustees or governing body of any district desires to have children transported to and from school within one and one-half miles of the school, the Board pays the State Department of Education $.30 per mile or fractional part thereof traveled by the state-owned buses in transporting children within the one and one-half miles and no additional state-owned buses are assigned to the task.

Parents or guardians of school pupils who are regularly enrolled in public school in grades K-12 and have temporary physical handicaps such as being crippled or having a chronic disorder of lengthy duration may apply for special school bus transportation services for such pupils by securing appropriate forms from the District Superintendent, having the pupil examined by the Local County Health Officer, receiving a written statement from the County Health Officer stating that without special school bus transportation the pupil would experience unusual hardship and submitting the County Health Officer's statement to the District Superintendent for approval. The District Superintendent may submit the statement with a request for special school bus transportation service to the State Department of Education. Approval by the State Department of Education is required. Approval for such a change in a school bus route shall terminate at the end of a school year, at the time when the pupil has become normal, or when the pupil for whom the service was intended has moved to a different residence.

Regularly assigned buses may be used to transport pupils to vocational classes upon approval of the State Department of Education provided six or more students are enrolled. If less than six students, the District shall

provide the transportation and be reimbursed at the rate of $.14/mile. When buses are used, the class schedules shall be arranged so that buses can make their regular morning and afternoon routes. The District Board of Trustees shall be responsible for providing adequate supervision of the buses on vocational routes. Buses shall be removed from vocational routes when, in the State Department of Education's opinion, the abuse and/or vandalism becomes excessive so as to interfere with the maintenance and operation of buses for the regular shcool program.

District Boards of Trustees or the governing body must correct violations in the routing of any school bus under their jurisdiction, or payments for providing transportation on such route or routes may be withheld; and the buses may be removed from the area until adequate assurances are made that the requirements of the law and the Regulations of the State Department of Education will be fully observed.

Buses shall be left on school grounds during the school day. The school shall provide an adequate driveway with a safe loading and unloading zone and a suitable area for parking and servicing of buses during school hours. Students or unauthorized personnel will not be permitted in parked buses during the school day.

Each school bus driver shall keep his/her bus in a reasonably clean and sanitary condition or risk discharge. Bus drivers shall not abuse equipment assigned to them. District Boards of Trustees shall replace drivers who abuse buses assigned to them. Any bus driver using a bus on an unauthorized trip shall be dismissed immediately. A school official shall be designated by the District Board of Trustees to see that buses are not abused and that drivers make required reports promptly, to assist in the investigation of damages to state-owned equipment and to aid in the prosecution of any proceedings necessary to see that proper care is taken. The payment of the salary of any bus driver may be stopped when reports of unsatisfactory service have been investigated and found to be adequately substantiated.

School bus drivers 21 years of age and older shall be required to have an annual physical examination and a report made by a physician on forms prescribed by the State Department of Education. The report by the examining physician shall be submitted to the State Department of Education prior to the driver taking the school bus training program and on the anniversary date of his/her school bus certificate each year thereafter. The cost of the examination will be paid by the dirver or the local school district. The maximum age for school bus drivers shall be 65.

State-owned buses shall not be operated in excess of 35 miles per hour. All state-owned buses shall be equipped with a stop arm.

The Board of Trustees of each school district shall have the authority to remove a bus from a regular school bus route when it is determined that the conduct of the passengers or others endangers the life and safety of the bus driver and passengers.

The Board of Trustees of a school district is authorized to assign seats to bus passengers.

Each school district shall submit in writing no later than May 1st of each year any major changes in school assignements which would require a change in the number of buses for the following school year.

§43-81

When the state-owned buses are used by the schools for educational purposes other than transporting pupils to and from school, the cost of operation shall be borne by the school district using them. The driver shall be paid directly by the local school. A charge of $.30/mile, payable to the State Department of Education, shall be made, regardless of the size of the bus used, for all trips other than the regularly scheduled trips to and from school as shown on the route description. District Boards of Trustees will be responsible for damages to the bus as a result of abuse.

All drivers must possess School Bus Drivers' Certificates issued by the State Department of Education.

The use of school buses for purposes other than transporting pupils to and from school shall not conflict with the regular school schedule.

The use of state-owned buses shall be limited to those events and activities actually conducted and sponsored by school authorities. They shall be used only for pupils regularly enrolled in grades K through 12. Buses may be used for extra-curricular activities such as F.A.A., F.H.A., 4-H Clubs, atheltics and instructional field trips scheduled in conjunction wtih classroom instruction. Buses may not be used by other organizations and agencies such as Boy and Girl Scout activities. The use of buses for extra-curricular activities shall be limited to the transportation of participants and chaperones from the school to their destination and return to the school.

Permission to use buses for purposes other than transportation of pupils to and from school must be secured in writing from the District Board of Trustees on forms, in quadruplicate, to be supplied by the State Department of Education, distribution of copies as shown on front of permit.

The use of state-owned buses for extra-curricular purposes for trips outside the State shall be limited to athletic and other school activities in adjacent counties in Georgia and North Carolina except for Polk, Henderson, Transylvania, Jackson and Macon counties in North Carolina.

The permit for the use of school buses issued by the District Board of Trustees shall be taken by the driver on each trip made by the bus.

If any of the regulations governing the use of school buses for purposes other than transporting pupils to and from school are violated in any school district, buses in that district may be withdrawn from any further extra-curricular service.

Transportation for handicapped children shall be provided within any school district to the nearest school in which a class is located serving the pupil's handicap.

Eligibility for transportation shall be limited to the following types of handicaps:

(a) Trainable mentally handicapped (TMH)

(b) Deaf-blind (D-B)

(c) Hearing handicapped (HH)

(d) Visually handicapped (VH) (Legally Blind)

(e) Emotionally handicapped (EH) (Severely)

(f) Orthopedically handicapped (OH)

Legal age for handicapped children is the same as for public schools (K-12), except for the hearing handicapped which is 4-21 years of age.

Educable mentally handicapped (EMH) and learning disabled (LD) are eligible for special transportation only where regular school bus transportation is unavailable.

District Boards of Trustees shall be responsible for locating classes for the above types of handicaps in or near the geographic center of the district or area so that all types of handicaps can be transported on the same bus. The State Department of Education shall not be required to provide separate transportation for the various types of handicaps.

Transportation will be provided either on state-owned buses or by contract between the State Department of Education and the school district, whichever is most economical to the State. The procedure to be used in requesting contract transportation follows:

(a) State-owned buses will be assigned when the number of eligible students (usually minimum of 6) live within an area to make a bus route feasible from a time and mileage standpoint. School district officials shall submit a map and route description to the State Department of Education to justify assignment of the bus. Maps and descriptions will be submitted annually in the same manner as for regular bus routes.

(b) Contract transportation will be limited to pupils

who live in isolated areas or when state-owned buses are not available. The following procedures will be used in requesting contract transportation:

(1) The State Department of Education will be notified of the name of the pupil, location of residence and school to which such pupils are to be assigned. If it is determined that the pupils cannot be transported on a bus already assigned to the district or if the number of pupils is insufficient to justify an additional bus, a proposed contract will be secured by the school district with the parent or other individuals for transportation.

(2) Proposed contracts between the school district and individuals to transport one child will be based on $.14/mile or $100 for each 90 days. If more than one student is transported, the contract may be based on $.14 mile for the actual number of miles traveled plus $100 for each additional student for 90 days. Proposed contracts may be negotiated on a different basis in unusual circumstances and when in the best interest of the State.

(3) When in the best interest of the State, contracts may be written for transporting students who live within two miles of the school on the basis of $100/student for 90 days.

(4) The maximum payment for transportation for any one pupil shall not exceed $2000 for 180 days.

(5) All proposed contracts must be approved by the State Department of Education prior to commencing transportation. Reimbursement will be from date of approval.

(6) Contract transportation will not be approved if transportation on state-owned buses is available. Exceptions may be made in extreme cases upon written recommendation of physical and the school district and upon approval by the State Department of Education.

(5) Transportation will be provided only during the regular school term not to exceed 180 days.

(6) Transportation on state-owned buses or by contract of pupils attending multi-district programs or

programs conducted by agencies other than public schools will be provided only if the sending district has received approval of "another facilities agreement" from the State Department of Education prior to commencing transportation. The sending district is responsible for securing contracts for transportation routes and for the requisitioning of funds.

(7) Persons contracting to provide transportation must have the same insurance coverage as state-owned buses.

(8) Reimbursement to the district for contracts will be made at the end of each 90 school days. Request for reimbursement shall be submitted on a form furnished by the State Department of Education. The request shall be pro-rated if pupil attends less than 90 days.

(9) The use of mini-buses will be limited only to the transportation of handicapped students unless approval is received from the State Department of Education.

§43-186

The district shall maintain accurate data relating to buses, routes, students and drivers as recommended in the transportation manual published by the State Department of Education.

CROSS REFERENCE

II.A.2; Statute §59-67-520

D. Transportation

Statutes

§13-29-1

Local school boards "shall have the power to acquire, own, operate or hire buses for the transportation of students to and from its schools" and "for the transportation of students and instructors" to and from extracurricular activities authorized by the school board.

§13-29-2

School boards shall have "authority to establish school bus routes" in the district.

§13-29-6 - 13-29-9

All school buses must be inspected annually and receive a certificate of inspection. If a bus is operated without such a certificate, the driver will be guilty of a misdemeanor. Any person operating a school bus which carries ten or more students must have a school bus driver's license. In order to obtain it, an applicant must meet the "physical qualifications, knowledge of traffic laws, signs and markings, and ability to manipulate a school bus safely." An applicant for a school bus driver's license must file the following documents with the department of public safety: (1) An application "under oath" giving the name, address of the applicant and a statement that the applicant has not, within the past three years, been convicted of any driving offenses while "under the influence of . . . liquor or narcotic drugs" or "any offense involving moral turpitude;" (2) The required certificate showing that the applicant has passed the driving tests; and (3) A medical certificate showing that the applicant is in good health.

§13-30-1

Students who do not have school bus service available to them shall be eligible for a "transportation allowance" if they are: an elementary student assigned to a school "more than two and one-half miles from his/her residence"; a "secondary student" attending a high school "more than two and one-half miles from his/her residence."

§13-30-2

Students who live in a city "shall receive a transportation allowance" only at the board's discretion.

§13-30-3

A transportation allowance shall not exceed "seven hundred dollars per family."

§13-30-4

If a student is entitled to a "transportation allowance" but bus service is not available, the student shall receive an "allowance for room and board," provided the school he/she attends does not furnish dormitory facilities.

§13-37-8.9

If the school district does not provide bus service, the parents of children in need of special assistance or prolonged assistance, shall be eligible for transportation compensation.

D. Transportation

Statutes

§2201

"Boards of education may provide school transportation facilities for children who live over one and one-half miles . . . from the school." This service may also be provided for those living less than one and one-half miles away, at the board's discretion; but state funds will be distributed to the county only if these students are physically handicapped. The board shall contract to buy transportation equipment and hire personnel to drive such equipment. "[No] board of education shall use or authorize the use of any scho ' transportation facilities for the purpose of achieving a racial balance or racial imbalance in any school . . . ." If a local board adopts such a plan, the governor may withhold any or all of the state transportation funds from the local school board.

§2202

If the condition of the roads or the remoteness of the child's home prevents the use of school transportation, "the local boards may . . . pay to the parents or guardian of such child an amount equal to the average per capita cost of transporting one pupil. . . ," provided that the child regularly attend and live more than one and one-fourth miles from the school and more than one and one-fourth miles from "the nearest daily route of a school bus."

§2203 — 2205

A child cannot remain in transit either to or from school for more than one and one-half hours in the morning or afternoon. No child shall be charged a fee for such transportation services.

The state commissioner of education shall approve school bus routes only "where specific request for such approval is made by the county board of education" where the routes are located.

§2206 — 2208

All persons driving school buses shall possess a certificate issued by the county board of education. "The county board of education is authorized to adopt rules and regulations prescribing the qualifications of school bus drivers. . . ."

If school bus drivers and equipment cannot be readily found that conform to the provisions set forth, temporary certificates may be issued.

Annual physical and mental examinations shall be taken by all school bus drivers, and certificates can be revoked by the state board of education if a driver is found to be "physically, mentally or morally unfit to operate a school bus."

§2209 -- 2214

The state board of education shall adopt, from time to time, safety specifications pertaining to the buses used in transporting children. "School buses shall be of uniform approved color" to make them easily identifiable.

School buses shall be inspected at least once a year, as directed by the state commissioner of education. A bus shall not transport more students or persons than the number set by the manufacturer. However, the state commissioner of education may issue permits to a local board of education allowing a maximum excess of 20% of the manufacturer's stated capacity.

The speed limit for school buses is not to exceed fifty-five miles per hour on a highway or thirty-five miles per hour on country roadways. All school buses must be insured before they can be operated to transport pupils.

§2215

"The state board of education shall be directed to formulate rules and regulations governing school transportation as needed to protect the lives and welfare of school children."

CROSS REFERENCES

II.A.2.; Statute §2902

II.A.3.; Statute §2607; 2608

IV.H.; Statute §1708-1710

§11.12

The Central Education Agency by and with the advise of the Deaprtment of Public Safety shall have responsibility to adopt and enforce regulations governing all school buses for the transportation of school children. In the regulations emphasis shall be placed on safety features and long-range maintenance free factors and the requirement of competitive bidding.

§16.204

County boards and the state commissioner "shall promulgate regulations" for the use of school buses for purposes other than transporting children to and from school. Appropriated transportation funds may be used for "transportation of . . .pupils and necessary personnel on extracurricular activities and field trips sponsored by the respective district." RULEMAKING

§16.205

"School buses shall be operated to and from school on approved school bus routes and no variations shall be made therefrom." Violation of the provision can result in forfeiture of transportation funds or other appropriate penalties. VIOLATIONS

§16.207

The commissioner shall review all bus routes and transportation systems and he/she "shall be responsible for establishing criteria for evaluating the several transportation systems of this state." Evaluation shall be done as rapidly as possible. EVALUATION

"No new bus routes or extensions shall be approved prior to the survey of the transportation system of the district or county requesting them."

Extension of a city's boundaries so as to include

a part of a previously existing school district "shall not affect that district's eligibility for transportation aid."

In approving a transportation system, consideration shall be given "to providing transportation for only those pupils who live two or more miles from the school they attend." No consideration shall be given for inter-district transportation when the student's grade level is being taught within his/her home district, unless such a pupil is attending the other district with the approval of the county board "as provided by law."

"There shall be no duplication of bus routes and services within sending districts by buses operated by two school districts and/or counties except on approval by the state commissioner."

§16.209;210

The commissioner subject to the approval of the State Board, "shall formulate rules and regulations . . . for enforcing the provisions of this subchapter. . . .

Appeals to the commissioner . . . and to the State Board . . . may be had from [transportation] policy decisions of the county school boards . . . ."

§16.212

In lieu of maintaining its own school transportation system, a county board may contract with public transportation companies for all or any part of its public school transportation if such a contract is economically advantageous to the school system.

Such contracts "may include provisions for transporting students to and from approved school activities."

The commissioner, subject to the approval of the state board, "shall make rules for the administration of this section."

§21.161

Any school bus driver must possess a chauffeur's license, be at least 17 years of age and to be of sound body and mind, and will be required to be bonded for up

to $2,000. These drivers, under threat of penalty of forfeiture of bond and contract, must come to a complete stop at all railroad crossings. The board shall see that efficient lights and brakes, and adequate protection from inclement weather is provided.

Title 116; Ch. I Art. 6687b Sec. 5

In order for a person to properly comply with this act; in order to drive"a school bus, the person must be at least 18 years of age, have undergone a physical examination" which reveals his(her) physical and mental capabilities and must undergo a pre-employment driver license check, as well as have in his/her possession a certificate stating that he/she is enrolled in, or has completed, a driver training course in school bus safety education.

REGULATIONS

§3461; 3462

Series 3461 expresses the general commitment to providing pupil transportation services, whereas series 3462 covers pupil eligibility with the following general requirements:

ELIGIBILITY

"(1) The pupil must reside at least two miles from the school he[she] attends as measured by the nearest commonly traveled public road.

(2) The pupil must reside in the district and attendance area (as designated by the district board of trustees); or

(2-1) be an approved transfer pupil (Transfers, Policy 2304.3); or

(2-2) be assigned as a vocational education student to another campus within a district or from a sending district to an area vocational school or to an approved post-secondary institution under a contract for instruction approved by the Central Education Agency; or

(2-3) be assigned as a bilingual education student from one campus to another within a district or to an approved bilingual education program in another district if the home district does not provide bilingual education

to be eligible for transportation.

(3) Transfer pupils are eligible when the school he[she] would have attended in the home district, and the school he[she] attends in the receiving district are both located more than two miles from his[her] residence.

(4) A public school district operating a kindergarten program on a one-half day basis may make application for bus service to transport these pupils to or from school at mid-day. All such eligible bus pupils are expected to attend the same half-day session. If the school district is unable to accommodate all eligible kindergarten bus pupils in the same half-day, special approval must be secured from the Commissioner of Education.

(5) No student is eligible for transportation reimbursement for more than three quarters of any one year.

(b) Special Requirements

(1) To be eligible for private transportation, pupils must live two or more miles from an established school bus route in addition to other regular pupil eligibility requirements.

(2) Districts where unusual transportation situations exist as a result of a federal court order or a school district voluntary plan for desegregation approved by the Office of Civil Rights of the Department of Health, Education, and Welfare are provided the following guidelines:

(2-1) A pupil living less than two miles from a school teaching his[her] grade in what had been his[her] normal attendance zone becomes eligible for state transportation purposes if he[she], as a result of a federal court order or a school district voluntary desegregation plan approved by the Department of Health, Education, and Welfare, is assigned to attend another school that is two or more miles from his[her] residence.

(2-2) A pupil who transfers voluntarily from the school in his[her] normal attendance zone as a result of the provisions of a school district desegregation plan, or school district policy on transfers within the district shall not be considered eligible for state transportation purposes.

(2-3) A pupil who transfers voluntarily from the school in his[her] normal attendance zone as a majority to minority transfer pursuant to the provisions of a federal court order shall be considered eligible for state transportation if he[she] meets all other eligibility requirements.

Exceptional Pupil Eligibility

(a) General Guidelines

Consideration for pupil eligibility is based upon the definitions for exceptional children as contained in Policy and Administrative Procedure 357 2.

EXCEPTIONAL CHILDREN

"Pupils may live within the school district, within one of the school districts in a cooperative program, or be transferred to a district where special education services are available. The child who is eligible for and placed in special education classes does not automatically qualify for special transportation reimbursement. Specific reasons why a child needs special transportation and the type of special transportation required and furnished shall be documented annually in the pupil's eligibility file. No student is eligible for Exceptional Children Transportation reimbursement for more than three quarters of any one year.

(b) Committee Determination of Transportation Eligibility

The local special education Admission, Review and Dismissal Committee shall annually be responsible for:

(1) determining the need for special transportation; and

(2) determining the type of special transportation needed.

The documented record of this determination shall then become a part of the pupil's special education eligibility file. The specific reason for special transportation shall be written in the dated record of the committee's action above the committee members' signatures.

(c) Specific Guidelines

The following guidelines relative to pupil characteristics should be taken into consideration in determining individual eligibility for special transportation.

Visually Handicapped

Visually handicapped pupils who may be eligible for special transportation services are those who either have no vision or whose visual impairmants after correction result in educational handicaps requiring special provisions for maximal educational achievement. The primary factor in determining the need for special transportation is the pupil's safety. Sufficient mobility skills for safe travel on a regular school bus precludes special transportation services.

Orthopedically Handicapped and Other Health Impaired

This includes all children who have orthopedic handicaps or other health impairments and whose physical conditions and/or special health problems result in the need for special provisions for educational purposes. Major consideration for determining the pupil's need for transportation should be the safety limiting characteristics.

(1) the pupil using a wheelchair, crutches and/or braces which may either be of danger to the child or other children while riding a regular school bus,

(2) certain severely involved cerebral palsied children;

(3) children of extreme low vitality or other health reasons; and

(4) certain children who may be so hyperactive they cannot be safely transported on a regular bus.

Consideration should be given to the feasibility of providing special transportation to certain homebound students so they may attend a class of physically handicapped children in school.

(c-c) Auditorially Handicapped

Children who are deaf or severely hard of hearing and are eligible for special services may be considered for special transportation services. An inability of the

child to communicate successfully as well as safety factors may necessitate special transportation.

Trainable Mentally Retarded

Because of an inability to acquire necessary skills as determined by a substantially reduced rate of intellectual development, the trainable mentally retarded may be considered for special transportation. Generally, the majority of these pupils will not be able to ride regular transportation for social and/or safety reasons. However, there may be some cases of older trainable children in which it would be desirable both for social and economic reasons for them to ride regular transportation.

Educable Mentally Retarded

The Educable Mentally Retarded (EMR) are those children who reveal a reduced rate of intellectual development and a mental capacity and level of academic achievement below that of their peer group as evidenced by significant deficits in all essential learning processes. Under certain circumstances they may be considered for special transportation:

(1) The younger educable retardate whose mental age may be 3 1/2 to 5 years;

(2) The educable retardate who because of epilepsy or some similar health impairment may find it necessary to use special transportation for his[her] own safety and the safety of other children;

(3) Certain social factors may deem it necessary for the EMR to use special transportation.

One of the objectives in the training and education of the educable mentally retarded is the acquisition of vocational proficiency. The ability to find one's way is a prerequisite to this objective. Special transportation will be approved only where there is a proven manifested need.

Emotionally Disturbed

Emotionally disturbed children are those whose emotional condition is such that they cannot learn at the

expected rate and level for their age and/or adjust adequately socially in a regular school program. These children may be considered for special transportation due to:

(1) hyperactive behavior which may result from over-stimulus of peer group activity and which may involve the factor of safety for himself and for others;

(2) an inability to react favorably with his [her] environmental conditions especially due to impulsive responses to depression or withdrawal;

(3) overaggressive behavior, losing contact with reality may also interfere with a child's use of regular transportation.

A primary goal for the emotionally disturbed child, however, is the development of his[her] social/emotional adaptability in all areas of self-help.

Language and/or Learning Disabilities

Language and/or learning disabled children are those who are so deficient in the acquisition of language and/or learning skills including, but not limited to, the ability to reason, think, speak, read, write, spell, or to make mathematical calculations. These may include children diagnosed as having specific developmental dyslexia. Special transportation may be considered for these children who are at a young age and whose acquisition of language, speech, reading and reasoning are so impaired that the use of regular transportation may be impractical. Children whose problems of perception are severly impaired may also find it necessary for special transportation.

Multi-Handicapped

The multi-handicapped are those children who have a combination of 2 or more handicapped conditions, one or both of which may be so severe that special transportation may be considered. Criteria for determining special transportation for these children should be based on the suggested reasons as set forth in the above paragraphs for the various handicapping conditions.

Pregnancy

Pregnant students may be considered for special

transportation where it is determined that regular transportation may be hazardous to the safety of the unborn child."

§3461; 3462; 3463; 3464; 3465

"Pupil transportation shall be a part of the services supporting the educational program. These services shall be provided to eligible children through the county and school district boards of trustees in accordance with law and procedures administered by the Texas Education Agency.

"Eligibility . . . shall be determined as defined by law and procedures as established by the Commissioner of Education.

Eligibility for exceptional pupils shall be determined when a pupil is eligible for or when enrolled in a special education class and is unable to attend class without special transportation.

. . . transportation . . . provided for eligible pupils are regular, private, contracted, and commercial.

Special Transportation . . . programs shall be established by the Commissioner of Education . . . shall include . . . migrant education and special education for exceptional children.

The Commissioner of Education shall establish procedures relating to the administration of pupil transportation services."

§3463

This series covers procedures relating to pupil transportation services. The procedures by which these types of transportation are operated are as follows:

(a) Regular

(a-a) General guidelines

"(1) The school transportation program shall provide the most economical system for serving all of the eligible students residing in the school district.

(2) All proposed additions to or changes in the transportation program shall be reported to the Texas Education Agency as soon as approved by the lawful designated

authority.

"School bus routes for the following school year shall be established by June 1 . . . .

(1) Request for the approval of additional bus routes shall be on forms furnished by the Texas Education Agency. There must be a complete route description for each new route requested and a statement explaining why the route is necessary.

(2) Each request for an additional school bus route shall be subject to a survey by a Texas Education Agency staff member. The survey will include an examination of the district's total transportation program and need of the additional route in relation thereto, utilizing the criteria listed and other appropriate data that may be furnished by local school officials such as information on local traffic conditions and the times of day when traffic is the heaviest, the specific driving time for each bus operated, and the number, if any, of ineligible pupils transported.

(3) A county or district requesting Texas Education Agency approval of one or more short length routes must justify the approval request on the basis that: (1) there is no other route with which the new route can be combined for a two-trip route or, (2) the time required to service the route due to local traffic conditions makes a two-trip combination route impractical.

(4) Transferred pupils shall not be considered in the approval of a bus route, if their grades are taught in their home district and transportation is provided by that district, or their grades are not taught in their home district and transportation is provided by another receiving district over a route approved by the lawful designated authority.

(5) Duplicate routes and/or services must be approved by the lawful designated authority having jurisdiction and by the State Commissioner of Education. Factors to be considered in approving duplication of services and/or routes are economy and geographic barriers.

(6) Applications for new bus routes for schools operating transportation systems in the first three quarters must be approved by the lawful desingated authority and received by the Texas Education Agency on or before December 22 of the current school year. Routes operated by districts in the fourth quarter must be approved by the Commissioner of Education.

(1) All school bus routes should be measured from the last school served. The length of an individual bus route will be twice the distance from the last school served over the nearest practical route required to serve the eligible students and return to school.

(2) The length of the individual school bus route should be consistent with that of the typical school bus route as defined in Section16.56(b), Texas Education Code, (45 to 55 miles of daily travel).

(3) Retracing side roads where children live a reasonable distance from the main route should be reduced to a minimum. Such retracing cannot be regarded as necessary where the distance is not more than one-half mile and shall not be included in calculating the length of the bus route. Where retracing seems absolutely unavoidable, it must be fully justified and must be approved by the State Commissioner of Education.

(4) A student will not be expected to spend in excess of one hour each morning and one hour each afternoon on a school bus unless the area of the school district and the location of the student's residence makes a longer period of time on the bus mandatory.

School bus capacity refers to the actual number of eligible pupils regularly transported and not to the manufacturer's rated capacity. If a bus route includes two or more trips, the number of eligible pupils transported on any one trip may be used as the bus capacity. If the bus capacity varies because pupils are transported to two or more schools, the largest number of eligible pupils on the bus at any one time shall be considered as the bus capacity.

The capacity for the Pupil Transportation Report is determined by the following options:

(1) Schools operating only three quarters will select one of the following:

(1-1) The number of eligible students who regularly ride the bus on the first Monday in February; or

(1-2) The number of eligible students who regularly ride the bus on the last day of the second quarter; or

(1-3) The average number of eligible students who regularly ride the bus on the last day of each of the first three quarters of the current school year.

(2) Schools operating four quarters will use the following:

(2-1) The average number of eligible students who regularly ride the bus on the last day of each of the first three quarters of the current school year; and

(2-2) Each school district operating buses in the fourth quarter shall report the number of eligible students who regularly ride the bus on June 15 or the nearest school day.

Regular transportation may be provided by a . . . public tax-supported school district under a cooperative arrangement to provide transportation services for pupils who are enrolled and in attendance in either institution. Transportation may be provided by a public school district or county to and from the nearest college or university for residents of the district who are enrolled in the college or university.

Guidelines for the procedure relating to the annual pupil transportation report include:

(1) Districts reporting the number of eligible students who regularly ride the bus on the first Monday in February or the last day of the second quarter file the Pupil Transportation Report on or before March 15 of the current school year.

(2) Districts reporting the average number of eligible students who ride the bus on the last day of each of the first three quarters file the Pupil Trans-

portation Report on or before June 15 of the current school year.

(3) Districts serving eligible students who regularly ride the bus in the fourth quarter submit a supplement to the Annual Pupil Transportation Report on or before July 1 of the current school year.

Regulations for the approval of a private transportation service . . . of a county or individual school district shall include:

(1) Applications must be approved by the local lawful authority and the Texas Education Agency.

(2) Annual applications must be submitted prior to or on the date the service becomes effective.

(3) A pupil may only be transported to and from his[her] residence and the school he[she] attends by private vehicle.

(4) Forms for the final application for funds for private transportation are mailed to the districts on or before May 15.

(5) Final application for funds for private transportation shall be due annually on or before June 15.

Contracted transportation services are those services provided by a public transportation company operating under a contract with a county or school district board of trustees to transport eligible pupils.

Contractive transportation services for all or any part of the district's transportation porgram may be provided under the following conditions:

(1) A contract service application shall be filed with the Texas Education Agency on or before June 15 for the next school year. All contract applications shall be filed on forms designed and supplied by the Agency and shall furnish information on the approved length of each bus routes to be contracted and the number of eligible pupils to be transported.

(2) A copy of the proposed contract with the public transportation company shall be submitted with each contract request. If the contract is to include provisions

for the transportation of students to and from approved school activities, such provisions and the cost therefore must be separate and apart from the contract cost for regular school transportation on approved school bus routes.

(3) The contract price for the bus routes to be served by the public transportation company must be less than the projected cost of the same service under the regular transportation allotment formula.

(4) The projected cost under the regular transportation formula for the routes to be contracted as determined from the Contract Service Application shall be subject to field examination by staff members of the Transportation Section and/or members of the Field Audit Staff before a recommendation is made from the Transportation Section to the Commissioner of Education.

(5) The Commissioner of Education shall submit his[her] recommendations on applications for contract bus service to the State Board of Education each year at the July meeting of the Board.

(6) When a contract is approved by the State Board of Education, the contract price for the service shall be included in the estimated annual transportation cost allotment for the county or district.

(7) Each county or school district board of trustees shall file the regular annual transportation report for the approved bus routes covered in the contract.

Commercial transportation services are those services provided by regular commercial bus lines for isolated groups of eligible pupils. Regulations for the approval of services by commercial bus lines for eligible pupils are:

(1) Application for commercial transportation must be approved by the local lawful authority and the Commissioner of Education.

(2) Annual applications for commercial transportation must be submitted on or before the date the service becomes effective.

Some special provisions made for tranporting pupils include:

(a) Migrant

A public school district operating an extended day schedule to serve migrant pupils may make application for bus service to transport these pupils under the following conditions.

(1) Application for bus routes is made directly to the Texas Education Agency.

(2) Each request for a bus route to serve migrant pupils will be subject to a survey by the . . . Agency.

(3) A separate appplication is made for the allocation of funds.

(b) Special Education

A public school district having a special education program may provide services for pupils who are visually handicapped, orthopedically handicapped and other health impaired, auditorially handicapped, trainable mentally retarded, educable mentally retarded, emotionally disturbed, language and/or learning disabilities, and multi-handicapped. The tranpsortation program for exceptional children must be operated in accordance with the following guidelines and requirements:

(1) Each district participating in exceptional children transportation for the first time shall file an initial application for exceptional children tranportation with the Transportation Section of the Texas Education Agency on or before September 15, for the current year.

(2) All districts participating in an exceptional chidlren transportation program shall file with the Texas Education Agency a final application which shall be due annually on or before June 15. A district shall certify that students being served shall meet the statutory requirements for this service. If a district shall desire to operate a part of the exceptional children program in the 4th quarter of the current school year, in lieu of another quarter, a supplement to the application including

a list of students being transported on June 15, or the nearest school day, shall be filed on or before July 1.

(3) School District, in completing the final request for funds for the Exceptional Children Transportation Report, will apply only for the amount of the actual cost of transportation not to exceed $260 per eligible pupil.

Each bus route operated by a school district shall be planned to provide the transportation service required by each eligible pupil. These services shall be transportation from the child's home to school and return to home. When a child is picked up or delivered to a different address, a request must be made in writing and be on file.

The system of routes shall be substantiated by a narrative description of each route including the address of each pupil pick-up point, the time elapsed from the first pupil pick-up to the last pupil discharged, the number of miles covered by each route, and the number of exceptional and regional day school deaf pupils on each route, and a map or series of maps showing the course of each route.

The most direct route to serve eligible students between home and school should be established."

Some general guidelines and requirements for transportation include:

(1) It is interpreted that the legislative intent for special transportation was for the school district to own and operate suitable special vehicles for eligible exceptional children.

(2) Children eligible for special education and who can utilize regular transportation services shall be transported, if eligible (Regular Pupil Eligibility, Policy 3462.1) on regular routes.

(3) Buses may be funded only once from Foundation Program Funds.

(4) Buses shall transport only eligible exceptionaal pupils as defined in Policy 3462.2.

(5) Private or contract transportation consisting

of nonschool-owned vehicles may be used in some instances with prior approval of the Texas Education Agency.

(6) Care shall be exercised in finding and removing any hazards to children. The safety and comfort of the pupils transported shall be protected.

(7) Special modification of equipment as well as the type equipment chosen should be a major consideration for the safety of the children being transported.

(8) In some cases schools may wish to consult the child's family physician for advice about transportation requirements for the protection of the child.

(9) Schools may not use vehicles such as pick-ups or open vehicles as special transportation. Small buses are considered to be most feasible. Each route load will depend on the number and kind of pupils transported. Precaution should be observed to prevent overcrowding of special buses.

(10) In very unusual cases where specific needs can most feasibly be met, private or contract transportation for certain eligible exceptional children may be made. The best interest of the child and parent must be given serious consideration in making such arrangements. Each contract shall be retained by the school district for review and audit.

(11) In emergency situations, a special education vehicle should be available for eligible handicapped pupils.

(12) Special education vehicles may be used to transport eligible exceptional children on field trip travel. In using these vehicles for this field trip activity, the district's Exceptional Children Transportation Fund must be reimbursed at a rate based on the actual cost per mile as approved by the local board of trustees.

(13) Pupils attending a Regional Day School for the Deaf may be transported with exceptional children on a per pupil cost basis from funds provided by the Regional Day Schools for the Deaf Program only when this transportation does not change the services required for eligible exceptional pupils."

Eligible vocational education students may be transported by bus under the following conditions:

(1) Notification of the transportation of vocational education students shall be made to the Texas Education Agency on the appropriate forms by September 20. Special requests should be made for programs initiated during the school year.

(2) A separate application is made for the reimbursement of funds for the transportation of vocational education students."

§3465

The procedures established by the Commissioner of Education for the administration of pupil transportation services are:

"(a) Purchase of Vehicles

Purchases of buses, bus chassis, bus bodies, for school districts participating in the Foundation School Program are made by the district's board of trustees and approved by the local lawful authority through requisition approved by the Commissioner of Education and the State Board of Control.

Purchases of tires and tubes are made by the district's board of trustees and approved by the local lawful authority through requisition approved by the State Board of Control.

The requisition must contain certification as to the funds that will be available to pay for the article or articles.

School districts that receive no Foundation School Program allocations may or may not elect to purchase buses, tires, and tubes through the State Board of Control.

Sale of Equipment

Schools that participate in the Foundation School Program must follow the procedures established by the State Board of Control when desiring to sell used buses.

Procedures which must be followed for the operation of school buses are:

(1) The board of trustees or the county school

board of a school district shall be responsible for operating the transportation program under its jurisdiction in accordance with applicable motor vehicle operation laws and regulations, both state and federal.

(2) The board of trustees of any school district or county school board providing transportation of pupils to and from school shall employ or contract with a responsible person or firm to provide operators for the buses in compliance with the provisions of this section.

(3) No driver shall be employed who is not at least 18 years of age, licensed as a chauffeur, has undergone an annual physical examination which reveals his[her] physical and mental capabilities to safely operate a school bus, whose driving record is acceptable according to the standards developed jointly by the Central Education Agency and the Texas Department of Public Safety, and be certified at least every three years.

(4) Each driver shall be required to give bond in an amount determined by the board, but not less than $2,000, payable to the employing board and conditioned upon the faithful and careful discharge of his[her] duties for the protection of the pupils under his[her] charge and the faithful performance of his[her] contract with the board.

(5) The school district board shall require all drivers to bring their vehicle to a dead stop before corssing railway tracks.

(6) Bus driver contracts and bonds must be executed between the county or district board of turstees and the bus driver. Copies of both instruments must be available for audit.

(7) School Bus Driver Training shall be provided as follows:

(7-1) The curriculum for school bus driver training will be developed by Texas Education Agency and approved by the Department of Public Safety.

(7-2) Bus driver training will be administered by the Regional Educatioal Service Centers.

(7-3) Regional Educational Service Centers will be allocated funds on the basis of an approved program plan.

(7-4) The Transportation Section of the Texas Education Agency will monitor a training program through surveys and reports submitted by each Regional Educational Service Center.

(7-5) By September 1, 1977, the driver of a school bus shall have in possession a certificate stating he or she has completed, or is enrolled in, a School Bus Driver Training Course on school bus safety.

Transportation funds may be used to pay premiums for fire, theft, collision, comprehensive, insurance coverage of school district owned vehicles approved for the transportation of pupils.

Transportation funds may be used to pay premiums for district insurance coverage for personal injury and property damage liability in the operation of a school district owned vehicle approved for the transportation of pupils to the extent set out in the Tort Claims Act.

Vehicles owned, operated or maintained in whole or in part with Foundation School Program funds are limited to the transportation of children who are enrolled in and attending public free schools of Texas, and teachers and other personnel employed by school districts. State funds are not provided to any school district or county that fails to recognize these limitations.

The use of school buses for school sponsored extracurricular activities and field trips, including 4-H Club activities when approved by the board of school trustees, is considered a part of the regular school program. The unit concerned, either the county or the district, shall establish appropriate regulations for the use of school buses for extracurricular activities and field trips. Such regulations must be in written form and are subject to review and approval by the Commissioner of Education. A copy of the regulation must be available when transportation audits are conducted by members of the Texas Education Agency Field Audit Staff.

The regulations shall include a provision for reimbursing the district or county transportation fund for the cost of extracurricular and field trip travel. The reimbursement rate must be realistic and based on the actual cost per mile, including bus purchase payments and depreciation, for the operation of the regular school buses in the county or district. A trip ticket should be used in connection with each bus for each date the bus is used for such travel.

Provided, however, the cost of extracurricular and field trip travel or a portion thereof may be paid from the appropriated district allocation in the county or district transportation fund under the following conditions:

(1) The district allocation in the respective transportation fund, county or district, has an unencumbered balance as of August 31 of any school year after all the operational costs and school bus purchase payments due for the year have been paid.

(2) Where all school buses used on regular school bus routes are fully paid for, there shall be set up a reserve fund for the replacement of equipment based on current replacement costs and the life expectancy of presently owned school buses. The amount set aside for said school bus purchase reserve fund shall be considered encumbered and not a part of the free balance available as of August 31.

(3) The unencumbered or free balance available to each district in the county or district transportation fund as of August 31 may be used to defray the cost of all or a part of extracurricular or field trip school bus travel for the following school year. State transportation funds received during a school year may not be used for such extracurricular or field trip travel during that year.

(4) The use of transportation fund balances, as heretofore described, for the payment of extracurricular or field trip school bus travel must be approved by the respective governing board of school trustees, county or district."

These policies concerning transportation include:

1) the use of transportation funds;

2) cooperative transportation agreements;

3) the calculation of cost allotments;

4) the transportation of kindergarten pupils;

5) private and commercial transportation approved for use;

6) contracts with public transportation companies;

7) transportation for exceptional children;

8) transportation for vocational education students; and

9) transportation for children enrolled in required statewide bilingual education programs.

CROSS REFERENCES

I.County School Trustees; Regulation §2203.1

II.A.2.; Regulation §8103; 8103.9

IV.A.; Regulation §3411

D. Transportation

Statutes

§1221

The board of school directors shall control and regulate transportation and board of students. It may contract for, purchase, maintain and operate the equipment necessary. Contracts for transportation may be made for a term not exceeding three years.

§1222

Each pupil required to attend school may be furnished with total or partial transportaiton if the board considers it "reasonable and necessary" to allow him to attend school. Each board shall develop a transportation policy which must consider the transportation needs supported by such factors as the pupil's age and health, the distance to be traveled, condition of the road and type of highway.

§1224

The superintendent shall include in his annual report to the board of directors, a report as to the pupils who have been transported or boarded.

§1282

(a) All school bus drivers or persons paid for regularly transporting four or more passengers to and from school shall be examined by a physician and he shall certify that the driver is physically competent to perform such duties.

(b) All vehicles used above must be inspected each August, December and March and the inspection station shall give the operator a certificate stating the vehicle meets all requirements. This certificate must be kept in the vehicle.

(c) A bus may not regularly transport passengers which provides less than 13 inches of seating space for each child. Standees never to exceed 10 percent of capacity may be carried in emergency overloads provided sufficient handholds exist.

CROSS REFERENCES

II.A.2.; Statute §2951

II.A.2.; Regulation, R.M. Ch. II.L., pp. 39-62A

D. Transportation

Statutes

§22-10.11

The Board of Education shall fix a maximum amount for assistance in paying the cost of transportation. The local school division shall pay at least forty per cent of this amount. Sixty per cent of this amount shall be paid by the State "subject to funds being available." A school board may pay an amount greater than forty per cent.

§22-151.2

The school board of any school division may enter into agreements with the governing body of any county, city or town in the school division or any State agency for the use of school buses for public purposes. Each agreement shall provide for reimbursing the school board.

§22-276 -- 22-276.2

The State Board may make regulations relating to school buses.

No school board shall hire any person to operate a school bus unless the person shall furnish a statement by a physician that he/she is capable, physically and mentally, of safely operating a school bus. The applicant shall also furnish a statement from the Division of Motor Vehicles that the person has not been convicted in the last five years of driving under the influence of drugs or liquor or convicted of a felony. This statement shall be submitted annually. The applicant shall furnish a statement signed by two reputable citizens that the applicant is a person of good moral character.

The applicant shall have a license issued under §46.1-370 and shall be between sixteen and sixty-five years old. If requested to do so by the school board or superintendent, the applicant shall obtain a certificate for the successful completion of the American National Red Cross first-aid

course.

A bus driver for a parochial or private school shall meet the same requirements except for the first aid course.

§46.1-370

Each school bus driver shall have had a reasonable amount of experience in driving motor vehicles and shall pass an exam for bus drivers as provided for in Division of Motor Vehicles' regulations.

CROSS REFERENCES

II.A.2.; Statute §22-10.11

II.A.3.; Statute §22-330.45

IV.H.; Statute §22-275.1 -- 22-275.3

D. TRANSPORTATION

STATUTES

§28A.04.131

The state board of education shall make rules governing the training and qualifications of bus drivers.

RULEMAKING

§28A.24.055-.060

The school district must pay "for transportation of children to and from school whether they live within or without the district when in its best judgment the interests of the district will be subserved thereby," but is not required to transport "any pupil living within two miles of the school house." All children of compulsory school age attending school "shall be entitled to use the transportation facilities" of their school district.

§28A.24.080

"School district transportation routes for purposes of state reimbursement of transportation costs shall be recommended by the school district transportation commission in each school district and approved by the superintendent of public instruction pursuant to rules and regulations promulgated by the superintendent for that purpose. The commission shall be appointed by the superintendent of public instruction and shall consist of (1) a representative of the local board of directors; (2) a representative of the superintendent of public instruction, and (3) a representative of the educational service district board."

§28A.24.090

"Local boards of school directors shall cooperate with the transportation commission and the state superintendent in establishing routes and in determining the costs of such routes."

§28A.24.110

The school districts may lease school buses to nonprofit organizations to transport handicapped children to "activities deemed beneficial" if commercial

transportation is unavailable. They may also establish criteria for leasing buses.

§28A.24.150

Whenever a safe walkway would eliminate a bus route or shorten the walking distance for pupils, the school district is authorized to acquire the property. If the acquisition would result in a financial saving to the state over a 15 year period, the state shall reimburse the district for its costs.

§28A.24.172

Each school district board may make its own policy about leasing or renting school buses for emergency purposes subject to these conditions:

1. an emergency has been officially declared by State Director of Emergency services.

2. Those renting or leasing must agree in writing to reimburse the school district for all costs relating to use of the buses and must agree to indemnify the district.

§28A.24.180

The school district may contract to allow a municipality or governmental entity to use its school buses provided it is reimbursed for its actual costs."

REGULATIONS

§180-20-106

"Approval of the state board of education is ... granted for the use of school buses for extracurricular activities when ... commerical service is not physically available ...; or ... the quoted cost for commerical service exceeds ... statewide average costs plus the percent of school bus operation."

§180-20-200 -- 230

The state board is authorized to establish regulations for the "training and qualifications of school bus drivers." School bus drivers must "in addition to holding a valid Washington drivers license ..., hold a valid continuing certificate or temporary school bus driver's permit ....

"Temporary school bus drivers' permits may be issued by educational service district superintendents."

Temporary permits are nonrenewable and valid for 90 days. The applicant must be 18 years of age or older; hold a Washington driver's license; have at least 2 years' driving experience; be of "good moral character" and in good health and have physicans' certification that he or she is "medically qualified"; not be addicted to alcohol or any narcotics or drugs; not have been convicted of violation of any law involving drug use or sale, or reckless or negligent driving in the last 3 years, or "the physical molesting ..., injury or neglect of any minor" or any other violation "which would demonstrate that the applicant is of poor moral character;" and in the last 3 years shall not have had his or her license suspended or revoked.

"Application for a temporary school bus driver's permit must be approved, ... and submitted to the educational service district superintendent," by the employing school district.

A "continuing school bus driver's certificate" may be issued for four years. The applicant must meet the above requirements as for a temporary certificate, "complete the school bus driver training course ... [and] hold a ... valid first aid card which certifies that the applicant has completed a course in ... fist aid" in the last three years.

The superintendent of public instruction shall establish "a basic course and a refresher course in school bus driver training" and is responsible for the certification and training of the instructors of such courses. Continuing certificates are issued by the superintendent of public instruction when the training and all other requirements are completed. The employing school district shall receive the list of individuals who have been issued continuing certificates from the educational service district superintendent.

The certificates are valid for four years but may be revoked if a holder no longer meets one or more of the requirements. To renew a certificate

the holder must complete a refresher training course. "If a trainee completes the basic course and is not employed as a school bus driver within" a year, he or she must take the refresher course to be recertified.

All school bus drivers must have an annual physical examination.

The superintendent of public instruction is responsible for administration of "the program of training and qualifications of school bus drivers."

CROSS REFERENCES

II.A.2.; Statute §28A.24.100

IV.G.; Statute §28A.58.225

D. Transportation

Statutes

§17c-14-12

"(a) The West Virginia board of education by and with the advice of the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this chapter to govern the design and operation of all school buses. . . . when owned and operated by the county board of education or privately owned and operated under contract with any county board . . . and such regulations shall by reference be made a part of any such contract. Every county board . . . its officers and employees and every person employed under contract by a county board . . . shall be subject to said regulations.

(b) Any officer or employee of any . . . board . . . who violates any of said regulations or fails to include [the] obligation to comply with said regulations in any contract executed by him[her] on behalf of a . . . board . . . shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a . . . board . . . who fails to comply with any of said regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such . . . board."

Regulations

§4336

School buses used to transport children participating in athletic, literary and band activities shall employ a regularly employed bus driver and be supervised by a member of the school staff.

CROSS REFERENCES

II.A.4; Regulation §2412

III.A.2; Regulation §4333

IV.J; Statute §18A-5-1

D. TRANSPORTATION

STATUTES

§121.52

The design, construction, inspection and operation of school buses shall be made a part of the contract for transportation of pupils. All drivers of motor vehicles owned by the school district and used for the transportation of pupils shall be under written contract with the school board of the district. The bus driver as a condition of employment shall take a physical examination, including a chest X-ray and tuberculin test.

§121.54

Every school district shall provide transportation to and from public school for all pupils who reside in the school district two miles or more from the nearest public school they are entitled to attend. Transportation shall be provided for children with exceptional educational needs to any public or private elementary or high school or the Wisconsin school for the visually handicapped or the Wisconsin school for the deaf or to any special education program for children with exceptional educational needs. Transportation may be provided for pupils residing in the school district and attending summer classes, vocational schools, extracurricular activities, and the cost of transportation of pupils shall be paid by the school district in which they reside.

§121.55

School boards may provide transportation by contract with a common carrier, contract with the parent or guardian of the pupil to be transported, by contract with another school board, or contract between two or more school boards, by purchase and operation of a motor vehicle. The term of the contract shall not exceed three years.

§121.56

The school board of each district shall make and establish the administration and scheduling of school bus routes.

§121.57

Upon the determination of the school board, they shall enter into a written contract under which the pupil shall be properly boarded and lodged, and the school board shall pay for such board and lodging. This section also applies to handicapped children.

REGULATIONS

PI 7.01

In order to be issued a school bus driver's license, an applicant must have a physical examination, performed by a licensed physician. The applicant must meet certain minimum physical requirements before he/she may be issued a license.

CROSS REFERENCES

II.A.2.; Statute §115.86

IV.A.; Statute §118.09

D. TRANSPORTATION

STATUTES

§21.1-65

The board of trustees shall provide transportation or maintenance for isolated pupils rather than establish a school to serve such pupils whenever the former "is in the best interests of the affected children."

The state board may adopt residence requirements establishing eligibility for transportation and maintenance and rules and regulations for their provision.

"The rights accorded under this section shall be enforceable by writ of mandamus, and in such event the district shall pay all costs and legal expenses of a petitioner successful in obtaining such writ."

REGULATIONS

Section V(A) Transportation
Chapter II; Sec. 3

All school bus operators and all substitute school bus operators must:

1) Have a physical examination prior to employment and annually thereafter, and be free from communicable diseases and from any mental, nervous, organic, and functional disorders that might interfere with safe driving;

2) Have visual acuity of at least 20/40 in both eyes either without glasses or by correction with glasses, have a field of vision of at least 160°, have adequate depth percpetion, and have adequate hearing in both ears (a person without use of one eye shall have 20/20 vision in the good eye and a field of 135°);

3) Be free from addiction to habit forming drugs and excessive use of alcohol and from use of undesirable language;

4) Be emotionally stable, with an even temperament,

patient and calm under stress;

5) Not have been convicted on any moral grounds or for manslaughter or negligent homicide, for hit and run or any felony in the commission of which a motor vehicle is used;

6) Hold valid chaffeurs' licenses;

7) Have had at least one year of driving experience in a vehicle larger than a passenger car if over 21 or have had a course in operating a school bus if under 21;

8) And be competent to keep such records as may be required.

E. Extracurricular Activities

6167

E. Extracurricular Activities

Statutes

§14.07.053; 14.07.054

The Alaska School Activities Association is established within the Department of Education "to provide for the efficient governing of interscholastic activities . . . and to assist in those other activities and interests as it may from time to time elect." Membership is open to public or private schools or school districts. The governing body of the association shall be the board of control made up of at least one member from each judicial district.

E. Extracurricular Activities

Statutes

§15-1271 --1273

All money raised by students engaged in extra-curricular activities shall be placed in a special student activities fund. A treasurer shall be appointed by the school board to take charge of and maintain records of student activities funds.

CROSS REFERENCE

I.District Board of Trustees; Statute §15-441-- 441.01

E. Extracurricular Activities

Statutes

§80-2001 -- 2007

"A public school fraternity, sorority, or other secret organization . . . which fosters undemocratic practices" is that which enlists members "on the basis of the decision of its membership rather than upon free choice of any pupil in the school."

Such organizations are unlawful in public schools.

SECRET ORGANIZATIONS

School authorities may expel pupils who are members of such organizations or who solicit members.

It is also unlawful for persons not enrolled in public school to encourage membership in such organizations. It is unlawful for any "public newspaper . . . or other publication" to refer to organizations with the prefix "High School." The above does not apply to "institutions of junior college rank, or . . . above . . . or senior high school students of National Fraternities or Sororities or organizations in these institutions."

Violators of these provisions shall be guilty of a misdemeanor and upon conviction fined $25.00 --$100.00 for every offense.

E. Extracurricular Activities

Statutes

§10900 -- 10915

This chapter creates community recreation programs in order to promote and preserve the health and general welfare of the people of the state. It seeks to stimulate all public authority to this end. RECREATION PROGRAM

Included within this program is the use of recreation centers, playgrounds, pools for the purpose stated above.

The board of recreation commissioners shall consist of either 5 members or seven members as determined by the governing body providing for its employment, and they shall exercise such authority as the governing body of the public authority may authorize.

§32221

"The governing board of any educational institution . . . shall provide accidental bodily injury". . . insurance for members of their athletic teams. INSURANCE

§35272

The governing board of any school district may acquire and pay for educational and athletic equipment, necessary to its operation of the schools. ATHLETIC EQUIPMENT

§35330 -- 35332

"The governing board of any school district or the county superintendent of schools of any county may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, FIELD TRIPS

the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for such pupils.

(b) Engage such instructors, supervisors, and other personnel as desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for such field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where such excursions and field trips are being conducted: provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, such liability insurance shall be secured from a carrier licensed to transact insurance business in such foreign country.

(d) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district."

§48930--48932

STUDENT BODY ASSOCIATION

Any group of students may organize a student body association, with the approval and subject to the control of the school governing board, to conduct activities on behalf of students approved by school authorities.

Any such organization may be granted the use of school premises without charge and may be authorized to sell food on school premises and maintain activities, including fund-raising activities, as may be approved by the governing board.

§48933 -- 48934; 48936

The funds of any public school student body organization shall, subject to governing board approval, be deposited or invested in any of the following ways: deposits in F.D.I.C. - insured banks; investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations provided they do business in the state and are federally insured; purchase of U.S. savings bonds, and shares issued by any legally organized credit union in the state.

In addition, such funds may be loaned, with or without interest, to any student body organization in another school of the district for a period not to exceed three years or be invested in permanent improvements to any school district property used for conducting extra-curricular activities or when such improvements benefit the student body. Such an investment shall be made on condition that the principal of the investment plus interest be returned to the organization. Any district approving such an investment shall establish a special fund in which moneys derived from the rental of school property to student organizations shall be deposited and from which moneys shall be returned to investing organizations, as provided above, to the extent that there are moneys in such special fund.

Two or more student body organizations of the same district may join together in making such investments.

Funds shall be expended as established by the student body organization subject to the approval of each of the following persons which shall be obtained each time before any such funds may be expended: a district employee designated by the governing board; the employee designated adviser of the particular organization; and a representative of the student organization.

The funds of a student body organization for kindergarten and grades 1 to 6 may be used to finance activities for noninstructional periods or to enrich programs provided by the district.

§49020

ATHLETIC PROGRAM

EQUAL OPPORTUNITY

It is the intent of the Legislature that opportunities for participation in athletic programs among public high schools be provided on as equal a basis as practicable to male and female students. Additional sources of revenue should be determined to provide for these equal opportunity programs.

§49021 -- 49023

EQUAL OPPORTUNITY

It is the intent of the Legislature that opportunities for participation in athletics be provided on an equitable basis to all students and that females be given the same opportunity to compete with other females as is available to males who compete with other males.

Insofar as practicable, in apportioning funds, school governing boards shall ensure that equitable amounts will be allocated for all students, except that allowances may be made for differences in the costs of various athletic programs.

No public funds shall be used in connection with athletic programs which do not provide facilities and opportunities (including, but not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services) by both sexes on an equitable basis.

§49040

VOTER REGISTRATION

The last two full weeks in April and the last two full weeks in September shall be known as "high school voter weeks" during which deputy registrars of voters shall be allowed to register students and school personnel on any high school campus in areas designated by the school administration.

CROSS REFERENCES

I.Certificated Personnel: Regulation §5530-5531
IV.D; Statute §1270
IV.J; Statute §48905

E. Extracurricular Activities

Statutes

§29-7-102

"Any school district may operate a system of public recreation and playgrounds, and television relay translator facilities."

2202-R-9.09

Cocurricular activities are school sponsored, non-credit generating activities including intramurals. These type of activities are to be encouraged because they develop special talents and meet individual student needs.

(1) Administrative, supervisory and instructional staff are responsible for controlling cocurricular activities;

(2) interscholastic athletics are not to be held for elementary school pupils, moreover, they should be discouraged in the middle schools and junior highs being replaced by intramural programs.

E. Extracurricular Activities

Statutes

§10-16a

"The board of education of each town and of each regional school district shall provide opportunity at the start of each school day to allow those students and teachers who wish to do so, the opportunity to observe such time in silent meditation."

MEDITATION

§10-95a

The state board shall establish a student activity program which shall consist of athletic and non-athletic activities.

The board shall appoint all necessary staff for such programs.

CROSS REFERENCE

IV.J.; Regulation; Chap. IV, §421

E. Extracurricular Activities

Statutes

§232.39-232.41

Secret societies, such as fraternities or sororities, whose memberships are exclusionary are prohibited in public schools. This excludes organizations "approved and accepted by the school authorities, and whose membership is selected on the basis of good character, good scholarship, leadership ability and achievement." Also excluded are "junior organization(s)" sponsored by: the Knights of Pythias, Oddfellows, Moose, Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai B'rith, Young Men's and Young Women's Christian Associations, Kiwanis, Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation of Garden Clubs, and Florida Federation of Women's Clubs. School boards shall enforce this law, and may suspend or expel students who violate it.

SECRET ORGANIZATIONS

§232.43

District school boards, school athletic associations, or schools may insure themselves against injuries to students. An increased admission charge to athletic events may help cover the cost of said insurance. Part or all of the cost may come out of existing school board funds.

E. Extracurricular Activities

Regulations

40-410; 40-420

"Local school systems shall . . . regulate fund raising activities by school children." The Office of School Administrative Services shall develop suggested rules and regulations, maintain a file of local policies and report on their implementation to the State Superintendent. The State Superintendent shall review periodically the rules and regulations adopted by local school systems.

40-2190; 40-2290

EXTENDED TRIPS

The State Board feels that extended trips are not necessarily "instructional experiences" and therefore if local boards authorize them, "they should be scheduled as an extension of the school term after graduation. . . . The State Board also recognizes the desirability of certain extended trips which provide instructional experiences." The Office of School Administrative Services shall prepare suggested rules and regulations, maintain copies of local policies, and report to the State Superintendent concerning the implementation of this policy.

E. Extracurricular Activities

Regulations

Rule 5

There shall be no soliciting of funds or donations of goods or services from business firms by schools, or school personnel, school organizations, school departments or activities, for school, class, or organizations benefits. SOLICITATION

Rules 8.6; 8.10; 8.11

All potential sponsors of activities and programs in the schools should present plans to the community sponsored activities committee not later than June 30 of each year for the following year's activities. The committee will recommend activities for final approval by the Board of Education. COMMUNITY ACTIVITIES

Rule 8.7

The sponsor of an activity is responsible for the preparations and circulation of all informational materials and for other administrative work required by an activity. SPONSORS

Rule 8.9

Schools will cooperate with individuals and organizations sponsoring essay or poster contests <u>only</u> to the extent of allowing information regarding such contests to be announced or posted, if the contest has the approval of the community sponsored activities committee. POSTER CONTESTS

Rules 9.1 -- 9.3

All community sponsored fund drives and money-earning activities are prohibited at the pupil level, although educational materials provided by fund drive sponsors may be used or a part of the regular instructional program. Exceptions to this rule can be made only by the Board of Education. FUND DRIVES

Rules 11.1 -- 11.4; 11.5

POLITICAL CAMPAIGNING

Political candidates or their representatives are not to be permitted to make campaign speeches to students during the school day.

Rules 11.1; 11.2; 11.5

POLITICAL DISCUSSION

Representatives of all recognized political parties, in equal numbers, who may or may not be candidates for political office, may be invited to schools to discuss their party, its policies, principles and platform. The same privilege applies to the invitation of candidates to meetings of teacher groups.

Rule 11.3

MOCK ELECTIONS

The results of mock elections among students must not be made public until after the legal election day.

Rule 11.4

POLITICAL CLUBS

Youth political clubs shall be "encouraged in the high schools" but "not promoted by the school."

Rule 34

GRADUATION EXERCISES

Baccalaureate Exercises at Graduation may be held at the discretion of the school principal.

Rule 35

TRIPS

Mainland trips may be approved for individual students or groups of students representing a high school or a high school activity.

CROSS REFERENCE

II.C.3.; Statute §296-49

E. Extracurricular Activities

Statutes

§33-1901 -- 33-1902

"It shall be unlawful . . . to establish a fraternity, sorority or other secret society whose membership is comprised . . . of pupils enrolled in the public . . . schools of the state." No public school student shall become a member of any such organization. "Organizations institutionally sponsored by agencies of public welfare" are not included under this statute.

SECRET ORGANIZATIONS

§33-1903

Boards of trustees are authorized to enforce the prohibition of fraternities and sororities "by withdrawal of the rights and privileges of the school, denial of graduation, deprivation of credit, suspension or expulsion of any pupil found to be in violation" of these provisions.

E. Extracurricular Activities

CROSS REFERENCE

III.C.School Districts; Regulation, Evaluation, Supervision and Recognition of Public Schools Ch. 2-4

E. Extracurricular Activities

Statutes

§20-10.1-8-1 -- 20-10.1-8-3

Each governing body may employ personnel during times the schools are not in session to "supervise agricultural club work, home economics club work, music activities and athletics." These activities shall be open and free to all school-age children residing in the district. All persons employed shall be under contract.

CROSS REFERENCE

IV.I.; Statute §20-8.1-5-7

E. Extracurricular Activities

Statutes

§280.13

No public school shall allow students to participate in any extracurricular inter-scholastic competition unless it meets the approval of the state department of public instruction.

§287.1 -- .4

"It shall be unlawful for any pupil ... attending any public school ... to become a member of ... any fraternity or society ..." except such "as are sanctioned by the directors of such schools." The directors of the school have authority to suspend or dismiss any pupils who violate this rule. Persons who attempt to enter the schools to solicit membership in such societies shall be subject to a fine.

Regulations

670-3.6

Activity programs planned by pupils and teachers shall be designed to challenge and interest students to develop their potential and provide opportunities for physical, civic and social activities. Such programs shall be "closely integrated with the instructional program in each grade." Interscholastic competitive activities shall not be sanctioned in grades K-6.

670-9.14; 16; 17

Organizations registered and recognized by the State Board shall prescribe and implement eligibility requirements for students competing in interscholastic competitions and interscholastic athletics. A student or parent aggrieved by these eligibility rules may request a hearing with the

executive board of the organization. Their decision may be appealed to the State Board.

STATUTES

§72-130 -- 72-132

A statewide high school activities association which regulates, supervises, promotes or develops student activities and is composed of more than one-half the high schools in the state must be recognized to do business by the state. Failure to comply with this provision may result in a forfeiture and liquidation of the affairs of the association.

It shall be unlawful for a high school to "authorize or approve" payment to any private fund not so recognized.

§72-134

Any student aggrieved by any ruling of a high school association may appeal. The association secretary shall arrange a hearing before five members of the organization's board who are not on the executive board, three board of education members, and two school administrators. The appeal board shall hear and decide the appeal within ten days of the request for it. The decision shall be final.

APPEAL

§72-5308

The state board shall prepare a program of daily patriotic exercises appropriate for the varied grade levels. The program shall include the pledge of allegiance and observance of appropriate holidays.

§72-5308a -- 72-5308b

A period of silence shall be observed each morning for silent reflection or silent prayer.

If any clause of this is held unconstitutional "it shall be conclusively presumed that the legislature would have enacted the remainder of this act without [the]. . .unconstitutional clause."

§72-5311

It shall be unlawful for high school pupils to participate in a secret fraternity that is "in any degree a school organization."

CROSS REFERENCE

IV.A.: Regulation 91-4-7

E. Extracurricular Activities

Statutes

§159.035

"all pupils . . . who are enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided the student is accompanied by or under the supervision of . . . the designated 4-H club leader for the . . . activity participated in."

4-H CLUBS

§161.185

"Boards of education shall require a member of the school faculty or a member of the administrative staff to accompany students in all school sponsored or school endorsed trips."

TRIPS

CROSS REFERENCE

III.A.2.; Statute §157.350

E. Extracurricular Activities

Statutes

§17:158.1

Parish and city school boards may purchase at least one school bus for use by the athletic department of each high school in its jurisdiction.

§17:2092

SECRET ORGANIZATIONS

Any organization composed wholly or in part of public high school students (fraternity, sorority, secret society, etc.) which seeks to perpetuate itself by taking in members from the high schools on the basis of the decision of the membership of that organization, rather than the free choice of any pupil in the school, may be prohibited by a majority vote of the parish school board.

The principals of the schools "shall suspend or expel from the school under their control any person who:

1) is or remains a member of, or joins or promises to join, or pledges [himself/herself] to become a member of any organization which has been prohibited, or

2) solicits or encourages any other person to join or promise to join, or to pledge himself[herself] to become a member of any such organization.

All actions taken "shall be subject to the supervision and control of the state board of education.

§17:2093

"It is unlawful for any person enrolled in any public school in any parish in which its school board has prohibited fraternities, sororities, or secret societies, to solicit or encourage any pupil enrolled in [a] public school to join or to pledge [herself/himself] to become a member of such an organization."

Each violation of the provisions of this section shall be fined no less than twenty-five dollars and no more than two hundred and fifty dollars.

BULLETIN 741

"Each school shall have a well-balanced and effectively administered student activity program designed to stimulate student growth and development by supplementing and enriching the curricular activities which lead to promotion and graduation. . . . Each school shall provide appropriate recreational activities organized and conducted as a means of teaching the worthy use of leisure time.

In the best interests of the social, physical, emotional and intellectual well-being of the student, the number of courses and activities carried each year shall be determined on the basis of needs, interests, and capacities.

The instructional program of each school shall be characterized by well-defined instructional objectives and systematic planning by teachers.

The instructional program shall give evidence of:
a. The selection and use of varied types of learning materials and experiences. b. The adaptation of organizational and instructional procedures to student needs.
c. The use of varied evaluative instruments and procedures.

The library should be the major instructional resource center of the school. Students shall be given systematic instruction by the librarian in the proper use of library services. The library shall conform to the standards set forth in Bulletin 1134. Teachers shall make appropriate and effective use of community resources, both human and physical.

Valid and objective information regarding pupil achievement, progress, development and abilities shall be obtained and used as a part of the instructional program."

STATUTES

§803

"No pupil of any public, elementary or secondary school shall participate in or be a member of any secret fraternity or secret society . . . that is in any degree a school organization." The school committee may discipline or expel a pupil for failure to comply with this section.

SECRET ORGANIZATIONS

CROSS REFERENCE

II.A.1.; Statute §802

E. Extracurricular Activities

Statutes

71 §47 The school committee "may supervise and control all athletic and other organizations composed of public school pupils and bearing the school name or organized in connection therewith. It may directly or through an authorized representative determine under what conditions the same may compete with similar organizations in other schools." Expenditures for the organization of sports and for making special awards to pupils who have performed meritoriously in the fields of art, debating, sports, distributive education, music, science, social studies or languages "shall be deemed to be for a school purpose."

CROSS REFERENCES

I.Department of Education; Statute 69 §10A

II.A.2.; Statute 71B §11

III.A.1.; Regulation, Regulations of July 18, 1975

III.B.Teachers; Statute 71A §6

IV.A.; Statute 71§54A

E. Extracurricular Activities

Statutes

§380.673

An intermediate school board which has an agreement with an appropriate local authority may operate an educational recreation program if the facilities used are acquired under MCL §318.371 to 318.837 and if the program is approved by the state board.

§380.1289

A school board may join an organization for the promotion and regulation of athletic, oratorical, artistic, or other contests among pupils if the organization provides in its constitution that a representative of the state board shall be an ex officio member of its governing board

An association established to organize and conduct athletic events or contests among schools shall be the official association of the state, responsible for the adoption and enforcement of regulations relative to eligibiltiy of pupils for participation.

Female pupils shall be permitted to participate in all noncontact interscholastic athletic activities. If a school has a girls' team in a noncontact interscholastic athletic activity, a female shall be permitted to compete for a position on any other team for that activity. This shall not be construed to interfere with the selection of competing teams solely on the basis of athletic ability.

§380.1316

SECRET ORGANIZATIONS

A public school fraternity, sorority, or secret society (whose members include public school pupils and which perpetuates itself by taking in additional members on the basis of the decision of the membership rather than upon the right of the pupil to be a member) is an obstruction to education, inimical to the public welfare, and shall not be permitted.

§380.1346

A school board other than a primary board may operate or cooperate with another board, governing body or other group for the operation of a camp for recreational and instructional purposes.

The board shall determine entrance requirements and may charge a fee. The camp program shall be operated without profit: its costs shall not be included in the determination of the per capita costs of the regular school program. Private contributions may be accepted to be used exclusively for the camp program.

The camp program may be operated within or outside the district on property under the custody of the district or of other public agencies or on private property with the consent of the owner.

§380.1511

A school board may operate a system of public recreation and playgrounds, acquire recreational facilities, employ personnel, and approve funds for the system's operation. A board may cooperate with a political unit to conduct the system or delegate it to a recreation board.

§380.1521

A school board may join an organization created under §380.1289 the object of which is the promotion of sport and the adoption of rules for athletic contests.

§380.1522

A school board may establish policies regarding provisions for care for injuries to pupils sustained in athletic programs, may employ qualified personnel to provide care or pay for material benefit or insurance programs to insure protection of pupils, and may require a fee from participating pupils for the cost or a portion of it for medical care or insurance programs (although no pupil shall be barred from participation because of inability to pay).

This shall not be construed to imply liability by a school district, officer or employee.

LIABILITY

VIOLATION

§380.1807

A school official, board member, or other person violating or consenting to violation of §380.1316, prohibiting fraternities, sororities and secret societies, is guilty of a misdemeanor, punishable by a fine of not less than $25.00 nor more than $100.00 for each offense.

REGULATIONS

R 340.82, R 340.83

A student shall be under nineteen years of age before September 1 of the school year to be eligible to compete in an interscholastic athletic contest.

A student shall have a physician's statement that the student is able to compete in athletic contests in order to be eligible to compete.

R 340.87, R 340.88, R 340.90, R 340.91, R 340.92

Each high school student competing in an athletic contest shall have earned fifteen credits in the previous semester and shall have a passing grade from the beginning of the semester to seven days prior to the contest.

A student shall be ineligible for competition for at least one full semester if he/she accepts from any source anything for participation in athletics other than a trophy with a maximum value of $5.00.

A student, who is a member of a high school athletic team and who participates in an athletic competition not sponsored by the high school in the same sport and season as his/her team sport, shall be ineligible for the remainder of that season in that sport.

R 340.104

A person responsible for immediate training or coaching of a high school athletic team shall

be a faculty member or a non-faculty member who is at least 21 years old and who has completed at least two years of college.

Each coach of an interscholastic athletic team in a Class A high school shall have a teaching certificate.

Each coach of a girls' interscholastic athletic team shall be a woman.

R 340.122, R 340.123, R 340.127, 340.128

In order to be eligible to compete in junior high school athletics a student shall be under sixteen before September 1 of the school year and shall have a statement from a physician saying that the student is fully able to compete in athletic contests.

In order to be eligible to compete in junior high school athletics a student shall have a passing grade for his/her last semester for at least 60% of the total periods of work carried.

No student shall compete in any junior high school athletic contest who does not have a passing grade from the beginning of the semester to seven days before the contest in at least 60% of the total periods of work carried.

R 340.130, R 340.131

A junior high school student shall be ineligible for competition for at least one full semester if he/she accepts from any source anything for participation in athletics other than a trophy with a maximum value of $5.00.

R 340.132

A junior high school student who participates in a junior high school athletic contest and who participates in an athletic competition not sponsored by his/her school in the same sport in the same season shall be ineligible for the remainder of the season in that sport.

R 340.143

The person responsible for the immediate training of a junior high school athletic team shall be a faculty member or a non-faculty member who is at least 21 years old or has completed two or more years of college work.

A coach of a girls interscholastic athletic team shall be a woman.

R 340.161

A protest concerning an athletic competition violation by a junior or senior high school shall be submitted in writing to the state director and be signed by the principal. Definite evidence upon which the protest is based shall be stated in the letter.

R 340.163

A junior or senior high school conducting or competing in any meet or tournament not approved by the state director shall be liable to probation or suspension.

The use of any ineligible player in a junior or senior high school game may result in forfeiture of the game.

R 340.242, R 340.243

The board of education of a school district may collect a fee for the expense of transporting a student to a nonmandatory or noncredit event. Although a school district may charge costs of transportation, it is not required to do so. The board may permit free passage to a pupil unable to pay the charge.

FEES

CROSS REFERENCE

IV.D; Statute §380.1331; 380.1332

E. Extracurricular Activities

Statutes

§123.17

The board may authorize school sport or educational activities outside the district to be paid by school funds. It may adopt rules . . . for the conduct of athletic, oratorical, musical, dramatic and other contests and entertainments in which . . . pupils . . . participate.

ATHLETIC ACTIVITIES

All money received on account of such entertainments shall [be kept in] the school auxiliary fund. . . . No such school . . . entertainment . . . shall be participated in by the teachers . . . nor shall the school name . . . be used, except by consent . . . of the board. The district may enter into a contract for the payment of benefits to school children injured while participating in the athletic or physical activities of the school and may authorize fees to be collected from the pupils who are to be covered. State insurance laws "shall not apply to non-profit benefit and relief associations formed by the public schools . . . the privileges of which and the applications for membership . . . are confined to pupils of the schools, and the benefits . . . are limited to pupils injured . . . in any supervised school activity."

INSURANCE

§123.38

Extracurricular activities may be authorized by the board of an independent school district.

The board may enter into a contract which would insure school children injured in school supervised physical activities.

§126.21

In athletic programs for students in the seventh grade or above, it is not an "unfair discrimin-

atory practice" to restrict an athletic team to members of one sex if the restriction is necessary to provide both sexes an equal opportunity of participation. Schools may also have two teams in the same sport, divided by sex, if both teams have equal budgets and the activities are such that separation is necessary to give the members of each sex an equal opportunity of participation.

EQUAL OPPORTUNITY

§127.17

It is unlawful for any student to become a member of a secret fraternity or society. The school board shall enforce this provision and may dismiss any students who violate this law. It is a misdemeanor for any person to be on school property for the purpose of "rushing" students to join a fraternity.

SECRET SOCIETIES

§129.121

The board of a high school mav delegate the regulation of interscholastic activities to the "Minnesota state high school league," a nonprofit organization authorized to regulate and control extracurricular activities among the high schools.

CROSS REFERENCES

II.A.3.; Statute §121.213

II.A.3.; Statute §126.151

E. Extracurricular Activities

Statutes

§37-11-41

It is unlawful for any pupil attending public schools to belong to or participate in any secret society, fraternity or sorority.

SECRET ORGANIZATION

§37-11-43

"All boards of trustees of public high schools shall prohibit fraternities, sororities, or secret societies in all high schools under their respective jurisdiction." All boards of trustees must "suspend or expel . . . any pupil . . . who shall be or remain a member of, or shall join or promise to join or who shall become pledged to become a member, or who shall solicit or encourage any other person to join, promise to join, or be pledged to become a member of any . . . public high school fraternity, sorority or secret society as defined above."

§37-11-45

It is unlawful for any person not enrolled in public high school to solicit a public high school pupil to join, pledge himself/herslef, or attend a meeting of a fraternity, sorority or secret society as defined above. Violation of this section shall be deemed a misdemeanor.

CROSS REFERENCE

I. State Board of Education; Statute §43-5-5

E. Extracurricular Activities

Statutes

§171.098

The school board may authorize the sale of any product made as a class project by pupils, at the cost of the materials only.

SECRET ORGANIZATIONS

§171.141

The school board of any school district may bar fraternities and sororities from schools in the district.

CROSS REFERENCE

IV.A.; Statute §162.063

E. Extracurricular Activities

Statutes

§75-6312

It is unlawful for a pupil to join or participate in, or solicit another student to join, "any secret fraternity or other secret organization that is in any degree a school organization." Anyone violating this section is guilty of a misdemeanor.

SECRET ORGANIZATION

§75-6323

The student government or the administration of a school "may establish an extracurricular fund" to receive and spend money collected for pupil extracurricular activities, with the approval of the district trustees."

An accounting system for the fund shall be recommended by the department of community affairs and implemented by the trustees.

CROSS REFERENCES

II.A.1.; Statute §75-7521

II.C.3; Statute §62-211 -- 62-213

III.C.Students; Regulation § 48-2.16(10) - S6120

IV.G.; Montana Constitution, Art. X, §7

IV.J.; Statute §75-6310 -- 75-6311

E. Extracurricular Activities

Statutes

§79-4,125 — 79-4,127

SECRET SOCIETIES

It is unlawful for public school students to join "any secret fraternity or . . . organization . . . that is in any degree a school organization." A person who enters school property to solicit any public school pupil to join such an organization is guilty of a misdemeanor. If a student violates this provision, the school board "may deny . . . any or all" school privileges or expel the student.

§79-4,139

EXHIBITIONS

An annual "exhibit of school work done in each . . . district" may be held at the county fair or another place, "under the supervision of the county superintendent and county board." The county superintendent shall determine "the nature and character of the exhibit" and may offer awards. Schools shall be notified of awards to be given.

Regulations

14-(10)

Pupils in grades K-6 shall not participate in any athletic contests between schools.

CROSS REFERENCE

IV.J.: Statute §79-4.171 -- 4.172

E. Extracurricular Activities

Statutes

§386.420

"The county school district trustees may form a nonprofit association composed of all state school districts for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools."

CROSS REFERENCE

IV.D.; Statute §392.360

CROSS REFERENCE

III.A.1.; Regulation, Minimum Standards and Recommended Practices
- High Schools, #319.1, Ch. II -- Ch. VII

E. Extracurricular Activities

Statutes

§18A:42-5;6

SECRET ORGANIZATIONS

No "fraternity, sorority, secret society or organization composed in whole or part of public school pupils" whose membership selects new members "shall be formed or maintained in any public school." The board of education shall make rules providing for disciplinary measures for violation of this section.

Regulations

§6:29-6.4

The program of activities or sports to be employed by any public school in competitive contests, games or events or in exhibitions with individual pupils or teams of one or more schools of the same district, or of other districts, shall be approved annually by the superintendent and by the board of education.

Every candidate for a place on the school athletic squad or team shall submit a form furnished by the board of education conveying consent to his participation. Such form shall be signed by one parent or the legal guardian.

CROSS REFERENCES

II.A.1.; Statute §18A:43-1 -- 3

II.A.2.; Regulation §6:28-3.6

III.B.Teachers; Regulation §6:11-3.12

III.C.Public Schools; Regulation §6:4-1.5

E. Extracurricular Activities

CROSS REFERENCE

III.C.School Authorities; Regulation, Reg. No. 73-1

E. Extracurricular Activities

Statutes

§3001-b

COACHES

Teachers who coach "extra-class athletic activities" must hold a valid Red Cross first-aid certificate or meet equivalent requirements.

FIRST AID CERTIFICATES

§4501; 4502

School districts are authorized to establish camps in parks adjacent to school districts in order to "furnish instruction and recreation" to school-age children. The camps will be operated during July and August.

CAMPS

Regulations

§ 100.4

In public and nonpublic schools, "no student shall be denied membership or participation, on the basis of sex, in any non-athletic program or activity." Schools may sponsor an organization in which participation is limited to members of one sex, if similar organization is provided to members of the opposite sex.

EQUAL OPPORTUNITY

CROSS REFERENCES

IV.D.; Statute §3621 — 3622

IV.H.; Statute §3210

E. Extracurricular Activities

Regulations

§2C.0301 -- 2C.0303

Purpose and Intent of the Division of Athletics:

a. To provide as broad and varied a program as possible with an opportunity for competition on an equal basis for all students;

b. To encourage administration of the program in such a manner that participants are properly examined, approved, equipped, insured, selected, classified, instructed and supervised so that the safest program possible is conducted;

c. Provide competition within the rules;

d. Provide qualified faculty leadership which is competent in the teaching of the sport;

e. To insure that undue emphasis on sports will not detract from the instructional programs of the schools;

f. To provide a basic regulatory framework within which local boards of education and other participating athletic associations may operate and administer a sound and wholesome interscholastic athletic program in the schools of the state. All schools participating in any interscholastic sports must adhere to these regulations. The responsibility of educating and guiding student atheltes about these regulations rests with the administration of each school and with the association of which the school is a member.

Responsibilities of the Division of Athletics:

1. Coordinate, administer and supervise under laws established by the State Board of Education interscholastic athletic activities in the public schools;

2. Administer state adopted laws governing athletics in the public schools;

3. Meet with school administrative and athletic officials, coaches, physical education teachers and others to explain athletic regulations and the application of these regulations to specific sports and seek compliance with these regulations;

4. Develop informational materials which clarify the scholastic, residential, age, school attendance, and other standards of eligibility for participants in athletics;

5. Advise school administrative and athletic officials on the number and frequency of games and practice sessions permitted each season, the supervision and coaching of athletic teams, the conditions for tournament participation and other specific questions arising under regulations relating to athletics in the public schools;

6. Consult with school administrative and athletic officials and participating conferences and associations in the state, to discuss the need for additional or revised athletic regulations;

7. Investigate alleged violations of athletic regulations committed by students, school personnel and determine the seriousness of the offense and issue warnings or impose penalties provided by the State Board of Education;

8. Plan and direct research projects at both the local and state levels, designed to determine the type and extent of competition desirable for students of various age levels;

9. Plan and conduct training sessions for teaching coaches, and officials of athletic conferences to encourage the development of a local sports program which provides activity for a large number of both boys and girls, which is educationally sound and suitable for the health and physical development of the students involved;

10. Initiate programs for the recruitment, training and certification of athletic officials;

11 Cooperate with non school agencies and others desiring to assist schools in promoting various types of athletic competition;

12. Collect eligibility blanks on all participants in the public schools to be certain eligibility standards are met.

1. Residence - a student is considered a resident (for athletic participation purposes) if a parent or parents reside within the administrative unit. If an eligible athlete moves from one administrative unit to another or moves from out of state, he/she is immediately eligible at the school to which he/she is assigned. A non-resident player must have attended his/her present school 75 percent of the two recent semesters and received passing grades on a "minimum load" of scholastic courses. It is prohibited by the State Board of Education to influence a student to transfer for athletic purposes.

2. Attendance Requirements - A player must have at least 60 percent attendance of the previous and present semester in any public or nonpublic school. Summer school attendance will not be counted.

3. Age Requirements - Students who reach their nineteenth birthday on or before October 15 will not be eligible to participate in athletic contests. If he/she reaches age 16 on or before October 15 he/she will not be eligible to participate in Junior High School athletic contests. If he/she reaches fifteen years old on or before October 15 he/she cannot participate in seventh or eighth grade teams.

4. Academic Requirement - Eligible students must be enrolled in at least 3 forty-five minute-a-day courses that meet 5 days a week, and receive a passing grade in at least three courses of which one course shall be either English, math, social studies, science or foreign language.

Students enrolled in educable mentally retarded classes shall be eligible for participation in athletics if he/she is making satisfactory progress and classes are in accordance with those recommended by the State Department of Public Instruction.

5. An eligible high school student can only compete on athletic teams for eight consecutive semesters of 90 days each. A student in any grade lower than grade nine cannot play on high school teams.

7. Medical Examination Requirements - Each player must receive a medical examination by a physician each calendar year to be eligible for participation in inter-scholastic athletics. Players should be covered by adequate medical and accident insurance. Medical aid should be immediately available at all contests involving bodily contact.

11. Hardship Provision - Each participating athletic group has the authority to set aside the eligibility rule upon a high school student when in its opinion the rule fails to accomplish the purpose for which it was intended or when the rule works an undue hardship upon the student. Such actions must be reported in writing to the State Superintendent's advisory committee on athletics.

(b) General Requirements

1. Each school must participate in athletics as a school unit. Students from two or more schools may not be combined into a single team, except that:

An eligible student who attends an "optional school" which does not have an athletic program can participate in athletics in a "home" school which he/she has been assigned by the board of education for athletic purposes and that the "home" school principal has all necessary instructions to certify the athlete's eligibility status.

CROSS REFERENCE

I. Local Boards of Education; Statute §115-35

IV.A.; Regulation §2C.0601; 2C.0603

E. Extracurricular Activities

Statutes

§15-47-31

"Any grade or high school [which becomes] . . . a member of the North Dakota high school league and which desires to secure protection for such . . . students who may be injured on the school premises . . . or by their participation in school athletic activities or physical education programs may in its discretion pay for the cost of such protection [to the] league out of funds belonging to [the] school district."

Regulations

Chapter II: III.D.

Gross receipts from student activities are to be placed in the general fund of the school district. Adequate records for student activity accounts must be kept. Each activity should be under the supervision of a sponsor and expenditures should be for worthwhile purposes proposed by the board.

Chapter II: III.J.

The North Dakota High School Activities Association is a voluntary organization open to all schools of the state which provides for a program of interscholastic activities in the field of athletics, music, or speech.

Membership is obtained by application from the school board and acknowledgement of allegiance to the Association's authority and payment of annual dues. To compete with member schools, a school is required to join the Asrociation.

The superintendent or high school principal of each member serves as a member of the representative assembly which meets annually to adopt rules and regulations governing interschool contests.

The Association is governed by a ten-man Board of Directors. The administration of programs and implementation of policies are placed in the hands of an Executive Director

and two assistants, employed by the Association.

A few of the activities now carried on by the Association are: distributing rule books, activities bulletins, lists of music and speeches for occasions, and other activities-related publications; promoting tournaments and meets in athletics, music, and forensics; and programs to improve student safety in activities and the quality of officiating and cheerleading at athletic contests.

Chapter III: IX.

Each school shall maintain a balanced program of extracurricular activities designed primarily to serve educational needs. Provision shall be made for students with different talents, intellectual capacities, and interests. Participation in activities shall be open to all students. School policies may point out exceptions.

The loss of class time for interscholastic competition shall be kept to a minimum.

E. Extracurricular Activities

Statutes

§3313.58

The board of education may employ persons to direct social and recreational work within the district, upon the nomination by the superintendent of schools.

§3313.601

"No board... shall prohibit a classroom teacher from providing time for programs or meditation upon a moral, philosophical, or patriotic theme. No pupil shall be required to participate" against his [her] regligious convictions.

§3313.80

"All boards of education, ... and all authorities in control of parochial schools or other educational institutions shall display the United States flag, not less than five feet in length, over, near or within all schoolhouses under their control, during each day such schools are in session."

No authority may refuse or neglect this duty. "Each day of such refusal or neglect constitutes a separate offense."

§3315.062

A board of education may pay for student activities programs approved by the state board of education not to exceed five-tenths of one percent of the board's annual operating budget.

The state board shall develop and review biennially a list of such activities.

When student activities programs receive more than $50 per year, such monies shall be placed in an activities fund. Such fund shall be regulated by the district board of education and all expenditures from the fund shall be subject to the

board's approval. The board may purchase accident insurance for pupils participating in school athletic programs for which the school district is authorized to expend public money.

CROSS REFERENCE

III.C.Elementary and Secondary Education; Regulation §3301-31-01 -- 3301-31-09; 3301-35-01 -- 3301-35-08; 3301-37-01 -- 3301-37-08

E. Extracurricular Activities

Statutes

§70-24-105

The board of education of each school district shall have full power and authority to control, regulate or prohibit any fraternity, sorority, club or group composed in whole or in part of elementary and secondary pupils, if "advisable and to the best interest of the school program."

SOCIAL ORGANIZATIONS

§70-24-109 - 24-112

The several school boards and officials shall conduct programs for "Oklahoma Statehood Day," commemorating Oklahoma history and achievements, for the purpose of "teaching and inspiring" the school children in the appreciation of the "rich Oklahoma heritage."

The several school boards and officials shall conduct programs for "Bill of Rights Day," commemorating the Bills of Rights of the U.S. and Oklahoma State Constitutions.

Regulations

High School Progress Criteria; p. 78
High School Honor Society

The purpose of the Oklahoma High School Honor Society is to promote high standards of scholarship among high school students. Any accredited high school in the state may organize a local chapter. Ten percent of a school's enrollment is eligible for membership. The ten percent of the student body making the highest average marks may be nominated.

HONOR SOCIETY

Local school officials are authorized "to make additional rules pertaining to school attendance, deportment and pupil activities."

Junior High School Progress Criteria; p. 57
Junior High School Honor Society

HONOR SOCIETY

The purpose of the Oklahoma Junior High School Honor Society is to "promote higher standards of scholarship" among junior high school students. All accredited junior high schools are "eligible to organize" local chapters. Ten percent of a school's enrollment is eligible for membership; "the ten percent of the student body making the highest average marks in the junior high school may be nominated."

General Regulations; p. 17

VII. Pupil Activity Program

The activity program should encourage student participation in school and community organization and activities, be planned cooperatively by students and teachers; and contribute to "one or more of the educational objectives of the school.

"Req. a. . . . monies . . . from student activities shall be accounted for in a strictly businesslike manner . . . . A periodic report shall be made to: (1) the interested activity group, and (2) the superintendent and board of education. Finance records shall be audited annually . . .

b. Loss of class time for . . . interscholastic activities must be kept at a minimum.

c. Long and expensive out-of-state trips . . . while school is in session shall not be undertaken.

d. . . . Interscholastic activities scheduled shall be . . . limited to a reasonable number."

e. Effort should be made "to schedule athletic contests on nights preceding a day" when there is no school.

f. Each activity should be sponsored by a teaching staff member responsible to the principal or activity director.

High School Regulations; p. 68
X. Pupil Activity Program

"Students shall not participate in a given activity more than one period daily or be enrolled in more than two activities during the regular school day."

Elementary School Regulations; p. 32
XI. Activity Program

Req. a. The principal, teachers and students should cooperate to plan the "pupil activity program," which should "contribute to . . . the educational objectives of the school."

b. Pupils should participate in any one activity no more than one period nor should they "be enrolled in more than two activities during the regular school day . . . .

c. "Loss of class time for . . . interscholastic activities must be kept to a minimum.

d. Competitive athletics should be discouraged in favor of a well balanced physical education program . . . . An elementary student shall not participate in more than 14 interscholastic games in any sport . . . each year."

e. Each activity must be sponsored by a teaching staff member responsible to the principal or activity director.

STAFF SUPPORT

Middle School Regulations; p. 41
V. The Activity Program

Req. a. "The activity program shall be integrated with the program of studies into a comprehensive educational experience for students.

b. Intraschool activities shall take precedence over interschool activities."

c. Students should be offered counseling to help them develop activity programs.

d. "The program shall contribute to the realization of developmental tasks associated with the maturity level of pre and early adolescents."

e. The opportunity to develop interests and abilities should be provided through "exploratory experiences."

Junior High School Regulations, p. 47

XI. Pupil Activity

"Students shall not participate in a given activity more than one period daily or be enrolled in more than two activities during the regular school day."

CROSS REFERENCE

III.C.Junior High School; Regulation, Junior High School Regulations: Philosophy and Purposes; p. 43

E. Extracurricular Activities

Statutes

SECRET ORGANIZATIONS

§336.610

No secret societies or fraternity or sorority shall be permitted in any public school and if a student is a member of such there are grounds for suspension or expulsion.

§336.620

No person shall solicit from pupils enrolled in public schools or on any public school premises any subscription, donation of money or other thing of value for presentation of testimonials to school officials for any purpose except as authorized by the district school board.

CROSS REFERENCES

III.C.School Districts; Regulation §581-21-046

III.C. Students; Statute §326.051

E. Extracurricular Activities

Statutes

§5-511

The board of school directors shall prescribe and enforce such reasonable rules and regulations as it deems proper, regarding athletics, school publications, and other school-related activities. RULEMAKING

Private schools shall be permitted to be members of the Pennsylvania Interscholastic Athletic Association. The association shall not prohibit a private school from being a member solely on the grounds that the coach or member of the coaching staff is not a teacher or professional employee at such private school, if initially employed before January 1, 1965.

The board of school directors may permit the use of school property for any school related activity and authorize any school employee(s) to supervise such activities.

It shall be lawful for any school, class, or organization to raise, expend, or hold funds, in its own name and under its own management, under the supervision of the principal or other employee designated by the board. Such funds shall not be the funds of the school district but shall remain the property of the respective school, class, or organization.

All purchases of materials or supplies made by any organization, school or class, in excess of $300 shall be made upon solicitation of bids from three or more responsible manufacturers.

The board may provide insurance or funds to pay medical costs incurred as a result of student participation in athletic events. INSURANCE

§5-517

The board may authorize the transportation of pupils to the State Farm Show and to other exhibitions and places of interest deemed of educational value to

such pupils and may pay the expenses of such pupils, in whole or part, from the funds of the district.

CROSS REFERENCE

II.A.1.; Regulation §5.25

E. Extracurricular Activities

Statutes

§16-38-4

"No society, secret or otherwise, no fraternity or sorority, and no club, membership in which less than the entire student body shall be eligible shall be formed in any public school; provided that this section shall not apply to class or school organizations formed and conducted exclusively for the purpose of promoting school activities, and subject to teacher supervision under school committee rules."

CROSS REFERENCE

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

E. EXTRACURRICULAR ACTIVITIES

STATUTES

§59-63-270

The local board of trustees may "regulate, control, or prohibit clubs . . . on school property or during school hours."

REGULATIONS

§43-244-245

Competitive sports are prohibited in grades 1-6. The South Carolina High School League shall have authority over inter-scholastic athletic events.

E. Extracurricular Activities

Statutes

§13-36-4

A school board "may delegate" authority to an association which is "voluntary and nonprofit" for the "control, supervision and regulation of . . . high school interscholastic activities." Such association may "promulgate . . . rules, . . . make decisions" and enforce its rules. Membership in the association must be open to all public high schools in the district.

Regulations

§24:03:06:02

"A well balanced activity program for both boys and girls that gives opportunities for a variety of activities in the areas of special interests, student government, cultural pursuits, and physical activities, shall be maintained in secondary schools. The activity program must provide opportunity for participation by large numbers of students, rather than a minimum of activities for a select few. All activities shall serve an educational purpose. They shall contribute to the development of leadership on the part of the student. All activities shall be properly supervised by a member of the staff."

CROSS REFERENCES

II.A.1.; Regulation §24:03:06:03

IV.D.; Statute §13-29-1

IV.H.; Statute §13-27-6 -- 13-27-6.1

E. EXTRACURRICULAR ACTIVITIES

STATUTES

§232

Schools may receive funds for student activities and events held in connection with the school; but the "school shall not require any student to pay a fee to the school for any purpose, except as authorized by the board of education, . . . and. . . no fees or tuitions shall be required of any student as a condition to attending the public school. . . . ."

The principal shall be responsible for all the funds raised by school activities, services and events.

§1915

It is unlawful for any president, principal, or teacher to dismiss "school or any group of students or pupils" in order for them to practice or play in some game or athletic event "without written permission from the governing board of the institution." However, regular physical training classes shall be a part of the daily program with salaries left to the discretion of the local board of education.

CROSS REFERENCE

I. Teacher; Statute §1307

§ 4.20

Fraternities, sororities, and secret societies are prohibited in all public schools which are below the rank of colleges. Any student participating in these organizations shall be suspended or expelled from school. This provision does not apply to "agencies for public welfare" ("Boy Scouts," "Girl Reserves,") and other kindred educational organizations sponsored by state or national education authorities.

SECRET ORGANIZATIONS

REGULATIONS

§2304.1 - .5; .2

The subjects mentioned under this series include enrollment, attendance, transfer, discipline and general control and approval of student organizations.

School districts are given authority to suspend students who participate in secret organizations. Approved organizations include Boy Scouts, Hi-Y, scholarship societies, and other educational organizations.

§2304.11

Procedures here offered covering insurance for pupils as athletes and as other pupils.

§5207

"A pupil who is enrolled in a school supported in whole or in part by public funds and who joins, pledges, promises in any way to join or pledge for membership, or solicits any other person to join, pledge, or promise to become a member in a secret organization is subject to suspension or expulsion.

SUSPENSION
EXPULSION

As defined by law, a secret organization is one which seeks to perpetuate itself by taking in additional members from the pupils enrolled in such school on the basis of the decision of its membership rather than upon the free choice of any pupil in the school who is qualified by the rules of the school to fill the

special aims of the organization.

A pupil may join organizations which are not secret in nature or are exempted by law. These organizations include Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, and other kindred educational organizations supported by the state or national education authorities."

§8103.3

"The schools may provide for students to participate in athletic contests. Students may organize for recreational, educational, religious, and other worthwhile purposes when approved by the superintendent."

CROSS REFERENCES

IV.A.; Statute §21.906

IV.J.; Regulation §2304.1

E. Extracurricular Activities

Statutes

§1051 -- 1055

RELIGIOUS INSTRUCTION

"It is the policy of the state of Vermont to cooperate with religious groups by adjusting the schedule of public schools to provide periodic release time for religious instruction, provided that such adjustments do not interfere with the conduct of secular educational programs in the schools."

Periodic released time shall mean "a program whereby students are released from school at least once a week to attend religious education courses sponsored by and given under the authority of a religious group."

If requested by a religious group the board of directors or trustees of a school district shall make periodic released time available provided it doesn't interfere with secular education. On the request of a religious group, information on "periodic released time religious education courses" shall be included in public school catalogs and course listings provided they are identified as given under this chapter.

No periodic released time program shall interfere with the requirements for graduation, shall not be conducted on public school property, and a teacher shall not direct a student to take or not take such courses.

"No student may take a periodic released time religious education course without first having obtained written permission from parent or guardian" releasing the school from legal responsibility and written permission from the sponsoring religious group. All costs shall be borne by sponsoring religious group.

CROSS REFERENCE

III.A.2.; Statute §3444

E. Extracurricular Activities

Statutes

§28A.58.113

The board of directors may charge for attendance "at any optional noncredit extracurricular event . . . of a cultural, social, recreational or athletic nature," but must make provision for "reducing or waiving" such charge for low-income families who would be hard pressed to pay.

§28A.58.125

"Each school board of directors is granted and shall exercise the authority to control, supervise, and regulate the conduct of interschool activities."

CROSS REFERENCES

II.C.3.; Statute §14.030

III.C.Public Schools; Statute §28A.85.020

IV.D.; Statute §28A.24.110

E. Extracurricular Activities

Statutes

§18-2-16; 16a

"For the purpose of developing competent leadership, developing character, training for useful citizenship, fostering patriotism and encouraging the development of . . . youth and adult groups, a camp and conference center is hereby established."

"Such . . . center shall be operated by the division of vocational education . . . and . . . may be rented for educational purposes only."

§18-2-25

"The county boards of education . . . shall exercise the control, supervision and regulation of all inter-schoolastic athletic events, and other extra-curricular activities of the students . . . The . . . board . . . may delegate such control, supervision and regulation of interscholastic athletic events and board activities to the West Virginia secondary school activities commission.

The . . . commission shall be composed of the principals, or their representatives of . . .[the] . . . secondary schools of the county" who elect to join. "The rules and regulations of the . . . commission shall contain a provision for a proper review procedure and review board . . . subject to the prior approval of the state board.

The . . . commission shall promulgate reasonable rules and regulations providing for the control, supervision and regulation of the interscholastic athletic events and other extracurricular activities of such private and parochial secondary schools as elect to delegate to such commission such control, supervision and regulation upon the same terms and conditions, subject to the same regulations and requirements, and upon the payment of

the same fees and charges as those provided for public secondary schools."

REGULATIONS

§2436.11

No student shall be denied equal opportunity in extracurricular activities.

EQUAL OPPORTUNITY

CROSS REFERENCE

IV.D; Regulation §4336

E. EXTRACURRICULAR ACTIVITIES

CROSS REFERENCE

III.B.School Personnel; Regulation Chap. III, Section 7

F. Student Records

IVF

F. Student Records

CROSS REFERENCES

II.A.2.; Statute §16-39-8

III.C.Pupils; Statute §16-1-13

IV.H.; Statute §16-28-7,8

IV.H.; Statute §16-28-9; 16-28-11

F. Student Records

Regulations

4AAC 60.090

Each pre-elementary school shall maintain an individual record for each pupil containing name, address, date of birth, names and addresses of parents and persons authorized to take child from school, immunization record, a Cumulative Health Record Form, and "telephone numbers and instructions how parents may be reached during school hours."

AUTHORITY:
AS 14.07.020(8)
AS 14.07.060

CROSS REFERENCE
IV.A.; Regulation 4 AAC 60.100

F. Student Records

Statutes

§15-152--154

CONFIDENTIALITY

Pupil records are confidential and shall be available only to: (1) the pupil's parents; (2) the pupil's school district; (3) a school to which the student has been transferred; or (4) to "a pupil over 18 whose records are maintained by the school." A parent or guardian may request access to a pupil's records and if she/he disputes the accuracy of any item in the records, she/he may give written notice to the school and may attach a written response to the disputed item.

ACCESS

CROSS REFERENCE

IV.H.; Statute §15-123A;B

F. STUDENT RECORDS

STATUTES

§36-1232g

"No funds shall be [awarded]. . . . to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students . . . the right to inspect and review the education records of their children." Institutions must make such records available within forty-five days. Confidential records exempt from such requisition are: parents' financial statements, letters of recommendation filed before January 1, 1975 and information regarding school admission, employment application and honorary recognition which a student has waived his/her access to "Education records" doesn't include "records of instructional, supervisory, and administrative personnel", records of "law enforcement units", or "records . . . maintained by a physician, psychiatrist, psychologist or . . . professional or paraprofessional" treating a student. Funds shall be withheld from institutions which release education records without the written consent of parents. Exceptions are: school officials, state education authorities and the Comptroller General of the U.S., organizations which are considering a student's application for financial aid, and "organizations conducting studies for . . . educational agencies or institutions for the purpose of developing . . . tests, administering student aid programs, and improving instruction", providing the identities of students and parents are not revealed.

RIGHT TO INSPECT

Information must be furnished "in compliance with judicial order . . . or any lawfully issued subpoena" as long as the parents and students are notified of requests for information concerning them.

Educational agencies must keep records of requests for access to student records. A student eighteen years of age or attending postsecondary school

shall have those rights previously accorded his/her parents. Educational agencies or institutions must inform students and parents of their rights regarding access to educational records. A review board within the Department of Health, Education and Welfare shall investigate violations of these provisions.

VIOLATIONS

CROSS REFERENCES

III.C.Schools; Statute §12-2801 - 12-2807

IV.H.; Statute §80-1509

IV.H.; Statute §80-1510

IV.H.; Statute §80-1551 -- 80-1557

IV.H.; Statute §80-1901

STATUTES

§44809

A state school register shall be kept by every teacher in the public elementary schools that is to include the absence and attendance of each pupil enrolled in the classes taught.

§49062

School districts shall establish, maintain, and destroy pupil records according to regulations adopted by the State Board and establishing state policy as to what items of information shall be placed into pupil records and what information is appropriate to be compiled by individual school officers or employees in the form of informal notes remaining in the sole possession of the maker.

§49063

School districts shall notify parents of their rights regarding pupil records upon the pupil's initial enrollment and thereafter at the same time as notice is issued under §49079. Notice shall be, insofar as practicable, in the home language of the pupil and make known to parents the availability of the following specific information: the types of pupil records and the information they contain; the name and position of the official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have such access; the policies of the institution for reviewing and expunging those records; the parent's right of access to pupil records; procedures for challenging the content of pupil records; the cost, if any, of reproducing copies of records, the NOTICE

categories of information which the instituion has designated as directory information (items such as student name, address, date and place of birth, major field of study, participation in activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous school attended) and to whom such information will be released unless the parent objects; and any other relevant right and requirement.

§49064

RECORD LAG

A log shall be maintained for each pupil's record which lists all persons or organizations requesting or receiving information from the record except school personnel and the reasons therefor. It shall be open to inspection only by a parent and the school official or designee responsible for the maintenance of pupil records.

§49065

RECORD COPY

Any district may charge in an amount not to exceed the actual cost of furnishing copies of any pupil record, but no charge shall be made for up to two transcripts of former pupils' records or up to two verifications of various records of former pupils.

§49068

RECORD TRANSFER

Whenever a pupil transfers from one school district to another or from a school district to a private school or vice-versa, the pupil's permanent record or a copy of it shall be transferred along with the student. The State Board is authorized to adopt rules concerning the transfer of records.

RULEMAKING

§49069

ACCESS

Parents of pupils have an absolute right to access to all records related to their children maintained by school districts or private schools. Editing or withholding any such records is prohibited.

Each school district shall adopt procedures for granting parent requests to inspect records during regular school hours within five days following the date of the request. Procedures shall include the notification to the parent of the location of all official pupil records if not centrally located and the providing of certificated personnel to interpret records where appropriate.

§49070 -- 49071

CONTENT

The parent of a pupil may challenge the content of any pupil record by filing a written request with the superintendent to remove any information in the records alleged to be inaccurate or an unsubstantiated personal conclusion or a conclusion outside the observer's area of competence or not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 days of the request, the superintendent or designee shall meet with the parent and the employee, if available, who recorded the information. The superintendent shall then sustain or deny the allegations.

If the superintendent sustains the allegations, he/she shall order the removal and destruction of the information.

APPEAL

If the superintendent denies the allegations, the parent may, within 30 days, appeal the decision to the governing board of the district.

Within 30 days of the appeal, the governing board shall, in closed session with the parent and the employee, if available, who recorded the information, determine whether to sustain or deny the allegations. The decision of the governing board shall be final.

Records of these proceedings shall be maintained in a confidential manner and destroyed one year after the decision of the governing board, unless the parent initiates legal proceedings relative to the disputed information within the prescribed period.

If the parent's allegations are denied by either the superintendent or the governing board, the parent shall have the right to submit a written statement of objections which shall become part of the pupil's record.

HEARING

To assist in making these determinations, a district superintendent or governing board may convene a hearing panel, provided that the parent has consented to release information from the pupil's records to members of the panel. The members of the panel shall be: the principal of a public school other than the school at which the record is on file, a certificated employee appointed by the chairman of the certificated employee council of the district or, if no such council exists, by the parent, a parent appointed by the superintendent or governing board convening the panel. The panel members should preferably not be acquainted with the pupil, the parent or guardian, or the employee who recorded the information (except when the parent appoints the certificated employee member). The principal on the panel shall serve as its chairman.

The panel shall, in closed session, hear testimony of the parent and of the employee and review verbatim copies of the information which is the subject of the controversy. The panel shall forward its decision to the superintendent as the governing board.

§49072

DISCIPLINARY RECORD

Whenever there is included in a pupil record information concerning any disciplinary action, the pupil's parent shall be allowed to include in the pupil record a written statement concerning the disciplinary action.

§49073 -- 49074

School districts shall adopt a policy identifying categories of directory information which may be released and who may receive such information. No information may

be released to a private profitmaking entity other than employers, prospective employers, and representatives of the news media. Names and addresses of pupils in grade 12 or who have terminated enrollment prior to graduation may be provided to a private school or college, but such a private school or college shall not use the information for other than strictly academic or professional purposes: any violation is a misdemeanor, punishable by a fine not to exceed $2,500, and shall result in a two-year suspension of the privilege of the school or college to receive such information.

Any district, in its discretion, may limit the release of specific categories of directory information to any organization based on determination of the best interests of pupils.

No directory information shall be released regarding any pupil when a parent has requested that such information shall not be released.

However, a school district may provide statistical data from which no pupil may be identified to any public agency or private nonprofit college, university, or educational research and development organization.

§49075 -- 49078

A school district may permit access to pupil records to any person for whom the pupil's parent has executed written consent (to become part of the permanent record) specifying the records to be released and the party to whom they are to be released. The recipient must be notified that the transmission of the information to others is prohibited.

Otherwise access shall not be permitted to pupil records except that access shall be permitted to: school officials and employees with a legitimate educational interest to inspect a record; officials and employees of other public schools where the pupil intends or is directed to enroll; federal education and civil rights officials and the state and county superintendents and

other state and local officials, where such information is necessary to evaluate a state or federally funded program or pursuant to a federal or state law; parents of an 18-year-old pupil who is a dependent as defined in §152 of the Internal Revenue Code; or a pupil 16 years old or having completed the 10th grade who requests such access.

School districts also may release information from education records to: appropriate persons in connection with an emergency; agencies in connection with a student's application for financial aid; accrediting associations; organizations conducting studies for educational agencies for the purpose of developing or administering predictive tests and student aid programs or improving instruction, if the personal identification of students or their parents by persons other than representatives of such agencies is not permitted and if the information is destroyed when no longer needed; or officials or employees of private schools or school systems where the pupil is enrolled or intends to enroll.

No person or agency permitted access to pupil records shall permit access to any information by any other persons or agencies without the parent's written consent. However information may be shared with other persons within an educational institution so long as such persons have an equal legitimate interest in the information.

Information shall be furnished in compliance with a court order. The parent and pupil shall be notified of such compliance if lawfully possible.

The service of a subpoena upon a public school employee to cause him to produce a pupil's school record may be complied with, in lieu of personal appearance, by submitting a copy of the record, along with an affidavit certifying that the copy is a true copy.

§51400 -- 51403

DIPLOMA

The governing board of any district maintaining an elementary school may provide for the conferring of diplomas of graduation, by examination or not, from the elementary schools. Diplomas shall be conferred only on pupils who have completed the prescribed course. Such diplomas may be on blanks furnished or approved by the State Superintendent. All diplomas shall be signed by a majority of the board members.

§51410

DIPLOMA

No diploma or other document conferred on a pupil as evidence of completion of a prescribed course of study shall bear any indication that the pupil was, for purposes of the course of study, placed within a particular classification based on intellectual or mental capacity.

However, a diploma or other such document may indicate that the pupil maintained exceptionally high grades or that the pupil completed the course with honors, and the board may publicize such information.

REGULATIONS

§431

RECORDS CUSTODIAN

A certificated employee shall be designated by the local board as custodian of pupil records. The principal or designee shall be responsible for records at individual schools. Each district shall guarantee access to authorized persons five days following the request and assure the security of the records. The District shall notify parents of their rights to pupil records at least annually. When the parents' dominant language is not English the district shall attempt to provide interpretation or assist the parent in securing an interpreter.

NOTICE

§436

CONTENT

The parent or adult pupil may challenge the content of any pupil record according to the procedures established by Education Code Sections 10940 and 10941. Information shall be corrected or removed if it is inaccurate, or a conclusion or inference that is either unsubstantiated or beyond the observer's area of competence.

§437

No additions may be made to a pupil's record after graduation or permanent departure without the prior consent of the parent or adult pupil. Mandatory records are to be kept in perpetuity. Mandatory interim and permitted records may be disposed of when the student leaves the district or their usefulness ceases.

§438

NOTICE

Parents must be notified when the pupil record is transferred to another district or school in California. The notification shall include a statement of the parents' rights to review or receive a copy of the record. School districts shall retain a copy of mandatory school records when a student is transferred. No school can refuse to send a pupil record because of fees owed by the pupil or his/her parents.

§ 16029-16030

"The superintendent shall personally supervise the classification of records. She/he shall be responsible for, but may delegate to any person, any other duties heaving to do with retaining and/or destroying records.

The governing board shall order a reclassification of records, when necessary.

CROSS REFERENCES

II.A.2; Statute §46502; 46512

III.C.High School Diploma Recipients; Statute §51420--51427

III.C.Students; Regulation §1021--1025

III.C.Students; Regulation §1041

III.C.Students; Regulation §1050

III.D.Students; Statute §60640--60644

III.D.Student Performance; Statute §49066

IV.H; Statute §46000

IV.H; Statute §46305

IV.H; Statute §48272--48273

IV.J; Statute §48907.5

F. Student Records

Statutes

§24-72-203 -- 24-72-206

"All public records shall be open for inspection by any person at reasonable times." Access to records may be denied in the case of personnel records, medical reports, etc. A school district may, however, transfer student records to another school district without parental consent.

ACCESS

Where a person has the right to inspect any records, he or she may request copies of the records. Violation of these provisions constitutes a misdemeanor.

VIOLATION

Regulations

2202-R-12.04 -- 12.05

Test scores, health data, scholastic records, attendance and pupil activity participation shall be compiled and kept by each school. Additionally, secondary schools should maintain records of periodic studies. Studies over a period of at least five years should be readily available concerning dropouts and graduates.

CROSS REFERENCE

II.A.2; Regulation 2220-R-9.0

F. Student Records

ACCESS

Statutes

§1-15

Public records may be obtained by written request. Copying fees shall be waived for indigent persons.

§1-19

All records maintained by any public agency shall be public records and every person shall have the right to inspect or copy them.

Certain types of records, such as law enforcement records, test scores and personal financial data, are exempted.

§10-15b

"Either parent or legal guardian of a minor student shall, upon written request to a local or regional school board and within a reasonable time, be entitled to knowledge of an access to all educational, medical, or similar records maintained in such student's cumulative record, except that no parent or legal guardian shall be entitled to information considered privileged" by law.

§10-209

Medical records, including psychological examination reports, shall not be open to public inspection.

§10-940i

The surrogate parent . . . shall have the same right of access as the natural parents to all records concerning the child . . . . No surrogate parent . . . shall be liable to the child entrusted to him or to the child's parents for any civil damages which result from acts or omissions . . . which constitute ordinary negligence, however, such immunity shall not apply to . . . wilful or wanton negligence.

CROSS REFERENCES

I.Board of Education; Statute §10-249

I.Superintendent of Schools; Statute §10-250

II.A.2.; Regulation §10-76b-9

F. STUDENT RECORDS

STATUTES

§4111

"Personal records of pupils in all public and private schools in this State, including but not limited to test scores, marks given according to a school grading system, psychological or medical reports, reports related to discipline, personal and anecdotal reports, and reports by guidance counselors, are deemed to be confidential and are not to be disclosed or the contents thereof released to nonschool personnel except in the following circumstances:

Any or all of the records shall be furnished upon request, to any duly authorized agency of the federal government, this State, or any county or municipal government within this State which by law or court order is entitled thereto, in the interest of the public health, safety, law enforcement or national security.

Copies of the records shall be furnished upon the signed request of the pupil involved, provided he[she] shall have then reached the age of fourteen, to any other school, college, university or institution to which the pupil involved may apply or be transferred or to any employer or prospective employer which the pupil shall designate or to any licensed physician which the pupil shall designate. The signed request shall be made on a standard form to be prescribed in accordance with rules and regulations as may be promulgated by the State Department of Public Instruction in compliance with this section. The pupil's signature shall be appropriately witnessed by an adult, and the executed form shall constitute a release and indemnification in compliance with subsection (b) of this section. The standard form shall be designed to permit a pupil to authorize in advance the release of the personal records to any and all recipients described in this subsection without naming them, when and if the pupil desires to expedite the transmittal of such information as requested.

Nothing in this section shall preclude the disclosure by authorized school personnel of the content of all or only

a part of such records at appropriate intervals to a parent or legal guardian of a pupil for the purpose of keeping the pupil's parent or legal guardian informed as to the pupil's academic progress or personal health or behavior, to the extent deemed to be appropriate within the sole and absolute discretion of the school's chief administrative officer.

A minor having reached the age of 14 shall be considered an adult for the purposes prescribed by this section and his or her witnessed signature on requests prescribed in paragraph (2) of subsection (a) shall be considered valid and binding in law.

No cause of action or claim for relief, civil or criminal, shall lie or damages be recoverable against any school officer or employee by reason of his or her participation in the formulation of such records or any statements made or of judgments expressed therein concerning a pupil's academic performance, personal conduct, health, habits, school related activities or potential; nor by reason of the disclosure of the records in accordance with paragraph (1), (2) or (3) of subsection(a) of this section, before or after June 10, 1970, unless malice shall be conclusively proven."

REGULATIONS

CH. IV. §440

"Students, adult students, parents and guardians... shall have the right to inspect and review any and all official records, files, and data maintained by the D.C. Public Schools which relate directly to the particular student.

The right to inspect and review shall include the right to obtain copies of such information at a reasonable cost. Such costs may be waived by the custodian of the document when there is no signficant cost to the school system or upon a showing of inability to pay.

The right to inspect and review may be exercised at any reasonable time, subject to uniform procedures which are not unduly cumbersome.

Access to records and other information shall be obtained by making a written request to the public school official having custody or responsibility for the records. In any case, a written request to the Superintendent of Schools or the Regional Superintendent shall be deemed a request to the proper school official and such request shall be forwarded immediately for response.

All requests for access to records, files, data, or other information, . . . shall be honored as soon as possible, but in no case in more than forty-five . . . calendar days.

In the event that the records requested contain information relating directly to more than one student, the person requesting the information shall be entitled to inspect and review only that portion of the records which relate directly to them or their child. In the event that original official records cannot be screened or separated to allow access and review of only those portions to which the person requesting access is entitled, the custodian or other responsible official shall make edited copies available or inform the requesting party of that portion of the record which relates directly to them or their child.

Students, adult students, parents and guardians shall be informed annually of the rights and procedures for access to

RIGHT OF ACCESS

records and protection of privacy set forth in this Chapter by inclusion of such information in appropriate newsletters, handbooks, and other communications.

Persons having the right of access to official records ...shall have the right to challenge the contents of such records on the grounds of inaccuracy, misleading or incomplete information, violation of privacy or other rights, or violation of the Rules of the Board of Education. . . .

Where notice or informed consent is required by these rules and procedures, persons who are non-English speaking shall have the right to such notice or informed consent material, including consent forms, in their own language. Provision shall also be made for access to official records by non-readers and visually handicapped persons through their designated representative or other means."

CH. IV, §441

"Official Records: Those records which are open to inspection and review shall include, but are not necessarily limited to, the following: (a) A student's cumulative or permanent record file; (b) Any data collected or intended for use within the D.C. Public Schools or intended for distribution outside the school system; (c) Identifying data or information; (d) Academic work completed; (e) Grades; and scores and results from achievement tests, criterion referenced tests, standardized tests, norm referenced tests, aptitude tests, and other tests given to students; (F) Health data and accident reports; (G) Observations and ratings by teachers, counselors, and other D.C. Public School personnel; (h) Reports of behavior or discipline problems or incidents.... Where the right to access and review of official records is exercised by an adult student or self-supporting student, such right shall not include access to those portions of the official records which pertain solely to the parent or guardian of the student, including financial information, unless the student first obtains the consent of the parent or guardian."

CH. IV, §442

"Only those persons with access to records or their duly authorized representative shall have the right to challenge the contents of such records.

An initial challenge to the contents of official records shall be in writing and shall be directed to the school official having custody or responsibility for such records or to the Regional Superintendent or Superintendent of Schools.

The official custodian of the records shall review the challenge, discuss the records involved with the challenging party or representative, and make an administrative decision whether or not to change the records.

Any decision of the custodian not to alter, modify, or supplement the challenged records, in whole or in part, shall be in writing and shall state the reasons therefor. A copy of such decision shall be provided to the challenging party and placed in the official record.

A challenging party who is not satisfied with the administrative decision . . . shall be entitled to request and receive a hearing.

A hearing held pursuant to this section shall be before a superior officer to the custodian of the records who has made the administrative decision being appealed, an independent hearing officer, or other person designated to hear such appeals by the Superintendent of Schools.

The findings and conclusions of the hearing shall be in writing, communicated to all parties, and placed in the official record. Such findings and conclusions shall be the final administrative decision in such matters.

It shall be the responsibility of the custodian of the official records to implement the final administrative decision."

Ch. IV, § 443.1 – 443.9

CONSENT TO RELEASE

"Personally identifiable records and records which contain personal information shall not be released by the school system. . .without the prior written informed consent of the student or student's parent or guardian." These records may be released without the required consent:

(1) to other school officials having a legitimate educational interest in such records; (2) officials of other school systems in which the student seeks to enroll provided the student, parent or guardian is notified prior

to the transfer of the records; (3) to authorized representatives of the Comptroller General of HEW or other educational agencies when necessary for the audit and evaluation of federally funded programs provided the information released does not include personally identifying information (names, social security number, etc.); (4) where specifically authorized by federal law; (5) pursuant to a judicial order or lawful subpoena; (6) in connection with an application for financial aid; or (7) when necessary to protect the health and safety of the student in an emergency.

Ch. IV, § 443.10 – 443.11

"Directory information may be released without consent unless an adult student, self-supporting student, or minor student's parent or guardian has informed the school system within thirty (30) days of the issuance of public notice of the categories of directory, information that such information may not be released with regard to the student without prior consent of the adult student, self-supporting student, or student's parent or guardian.

Directory information shall include the following: (a) Student's name and address; (b) Student's date and place of birth; (c) Student's participation in officially recognized school activities and sports; (d) Weight and height of members of athletic teams; (e) Dates of attendance; (f) Diplomas and awards received; [and] (g) Name(s) of the school being attended by the student and names of school(s) previously attended."

CH. IV, §444

"When written consent for release of official records is required by these Rules, such consent shall include all of the following: (a) The signature of the person authorizing the release of the records and the date; (B) If the release is signed by an adult student, a signed statement certifying that the student has reached the age of eighteen...years; (c) If the release is signed by the parent of a minor student, a signed statement certifying that the student has not reached eighteen...years of age; (d) Specific identification of the records to be released;

(e) The reason(s) for the release of the records; (f) The name(s) of the party or parties to whom the records may be released; (g) The name of the D.C. Public School official who is responsible for the release of the records.

A copy of the official records to be released shall be made available to the student, parent, or guardian, upon request, prior to their signing the consent form. All consent forms shall clearly and prominently state the right to inspect and review the records and the right to challenge the contents of such records.

Where records are released pursuant to judicial order or lawfully issued subpoena, the student or student's parent or guardian, . . . , shall be notified of the release of the records by the school official releasing the records. A copy of the order or subpoena shall be retained in the file from which the official records are released.

When records are requested [by other school systems, the federal government or in the case of an emergency] the custodian of the records or other responsible school official shall obtain a signed and dated request form prior to the release of the records which shall contain the following: (a) The name, title, and agency or office of the person requesting the release of the records; [and] (b) The specific reasons and justifications for the request. . . .

The request form for release of [official] records...shall be retained in the file from which the official records are requested, whether or not the information is released, and shall contain the name of the custodian or other responsible official who made the determination to release or deny the release of the records.

Request forms for release of records shall be available for inspection and review as part of the official record....

All official records released to third parties pursuant to the provisions of this Chapter shall only be released upon the condition that such third party not permit access to such records by any other person(s) without first obtaining the written consent of the student, or student's parent or guardian. All records released to third parties shall contain a written statement informing the recipient of this condition of release. This provision

shall not apply to any records which do not personally identify any student."

CROSS REFERENCES

IV.G.; Regulation; Chap. IV, §402

IV.H.; Statute §31-205

IV.J.; Regulation; Chap. IV, §421

IV.J.; Regulation; Chap. IV, §433

IV.J.; Regulation; Chap. IV, §434

F. Student Records

Statutes

§ 229.782

This statute has been enacted to protect the rights of parents and students with respect to student records and to give them the right of access and right of privacy with respect to such records. Records and reports include all official records, files, and data related to pupils and maintained by the public schools.

Parents or guardians of any school child shall have the right of access to all reports and records and the right to challenge any report. If amicable agreement cannot be reached on this matter, a hearing shall be held on the challenge.

ACCESS

Every student has a right of privacy with respect to the educational records concerning her/him. Reports or records may be released to school officials, including teachers who have legitimate educational interests in the information.

RIGHT OF PRIVACY

§232.23

Principals shall keep a "permanent cumulative record" for every pupil which shall be open to inspection by the school board, the superintendent, the school's professional staff, parents or guardians and persons they authorize and "a court of competent jurisdiction."

The state board shall prescribe rules for the transfer of records.

Regulations

6A - 1.955

Records are kept to facilitate the instruction, guidance and educational progress of students. Education records are those records, files, documents, and other materials which contain information directly related to a student, such records being accessible to all professional personnel. The two categories of information or records are permanent information which shall be kept indefinitely and temporary information which is subject to change. Upon request for transfer of records, the parents or guardian of the student or the student if he

or she is above 18, shall be notified that they may be reviewed. Any request of transfer made by parent or school shall be made immediately. Each school district shall establish procedures which implement the Family Educational Rights and Privacy Act of 1974 which assures the privacy rights of parents and students.

CROSS REFERENCES

III.C.Teachers; Statute §231.09

IV.H.; Statute §232.021; 232.023

F. STUDENT RECORDS

REGULATIONS

40-4311; 4313; 4320

"Student educational records" are defined as "any materials which contain information relating directly to a student . . . maintained by an educational agency or institution in any medium." Student records are classified as either "directory information" or "academic records." The latter includes records of academic performance and test, evaluation and attendance records.

"The State Board directs that records of individual students of state operated schools be maintained as follows:

1. Records shall be kept in a safe place or file . . .

2. Records of individual students shall be compiled by school principals . . . and the staff . . . contents . . . be made available on a need-to-know basis . . . .

3. Entries . . . shall be based on objective . . . data or observation of performance.

4. The student's academic record shall be maintained for at least 70 years."

CONFIDENTIALITY

Student records are confidential and access is restricted to "those with a right to the information in the normal operations of the school," which includes school officials and teachers having "legitimate educational interest."

ACCESS

The parent or guardian of any student has full access to records and may "challenge any derogatory or negative part of the record." Release of information in student files is regulated as follows.

1. The parent or guardian of any student or a student who is 18 years old, has access to the complete record.

2. If a school makes directory information available to the public, it must give public notice of which categories of information will be published.

3. "State operated schools shall not permit access to or the release of educational records . . . other than directory information, without the written consent

of parents to any part other than the following."

a. School officials and teachers in the school who "have legitimate educational interests".

b. Officials of a school in which a student wishes to enroll, provided "the student's parent be notified of the transfer" and be allowed to challenge the record's content.

c. "Authorized state and local officials."

d. "Organizations conducting studies" to improve instruction, as long as persons outside such organizations will not be able to identify students and information is destroyed after it is used.

e. Parents of dependent students.

f. "In compliance with judicial order or any lawfully issued subpoena," if parents and students receive prior notice.

g. "Appropriate person in connection with an emergency if . . . necessary to protect the health and safety of a student or other persons."

4. State schools must keep a record with the student's other records indicating "all parties which have requested or obtained access" to the student's file.

5. The school must annually notify parents and students 18 or over the types of student records "maintained by the school, . . . the official "who keeps records, persons who have access to . . . records, and all policies . . . with regard to the release of student records." State operated schools are required to "provide parents or eligible students . . . a hearing for the purpose of challenging the contents of student's records . . . . A school may attempt to settle a dispute . . . through informal meetings . . . with the parent or eligible student." Hearings must be conducted by an interested party and parents or students must be allowed to present relevant evidence.

NOTICE

The Office of Instructional Services and the Office of Adult and Vocational Education shall report to the State Board annually on "the performance by state operated schools in maintaining student academic records."

CROSS REFERENCES

III.A.2; Regulation 30-716

III.C. School System; Regulation 20-510; 20-520

IV.H.; Statute §32-2111

F. Student Records

Statutes

§298-18

"All schools, either public or private, shall keep a correct register of the names, sex, age, nationality, . . . date of entering the school, and the places of residence of the children . . ." The consent and approval of the parents or guardians, in writing and with reasons therefor, is required for a child to transfer schools. "The register shall be carefully preserved . . ."

Regulations

Rule 25

In enrolling children of illegitimate birth, nothing must be included in the school record which points to the facts of illegitimacy. ILLEGITIMACY

Rule 44.62

"Student Records. A school shall keep and maintain student records comparable to those maintained by the Department of Education."

Rule 50.4

a. Parents shall have the right to inspect, challenge or obtain copies of their children's education records, to allow others to inspect them, and to grant permission for their release. ACCESS

b. The rights of parents, in 50.4a, shall be transferred to students attaining the age of 18.

c. Students under 18 years of age shall have the right to receive all educational data pertinent to facilitating instruction, guidance and counseling.

Rules 50.1; 50.2

It is imperative that there be recognition both of the school's legitimate needs for relevant data about students for the students' benefit and of the rights

of students and their families to privacy. "The protection of the educational rights and privacy of students and parents in conformance with Federal laws" is to be insured.

PRIVACY

Rules 50.5-50.14

This rule shall apply to the education records of all students who are or have been enrolled in Hawaii's public schools.

In regard to education records, a student of 18 or over or a student's parents shall have the right to obtain a list of them, to inspect them, to secure copies of them (at the cost of reproduction, except in cases of financial hardship), to receive an explanation of them, to challenge their contents at a hearing, and to obtain information regarding the student in question in files containing data on more than one person.

ACCESS

CORRECTNESS

Annually, the Department shall inform students of 18 or over or students' parents of kinds of records maintained, of the names and positions of officials responsibile for the several kinds of records, of rules governing review and expunging of records, of procedures for challenging their contents, and of rights under this rule. This notice shall be in the language of the student or parents.

The Department may destroy or expunge any records when they no longer are appropriate or required.

Records shall be made available to students of 18 or over or parents within a reasonable period after the request.

A student of 18 or over or a parent may request

a. a meeting with school personnel to review the student's education records;

b. the right to file a written explanation on points in question should the school disagree on expunging or changing the contents;

c. a hearing to challenge, correct or delete data considered inaccurate or inappropriate.

HEARING

After receiving a request, the District Superintendent shall schedule a hearing, to be conducted by himself/herself or his/her designee. A decision shall be rendered in writing.

a. The Department shall not make accessible nor release any education records on personally identifiable information without the written consent of the student of 18 or over or the student's parents. Exceptions to this are:

1. Department officials with a legitimate educational interest in such records.

2. Officials of other schools where the student intends to matriculate (provided that the student or parent has prior notification of a request for such information);

3. Authorized representatives (including contractors) of the Comptroller General of the U.S. and of the U.S. Secretary of Health, Education, and Welfare.

4. Department staff (including contractors) who must have access to records for audit and evaluation purposes or for the enforcement of certain federal regulations.

5. Educational agencies or institutions for the purpose of developing predictive tests (if the personal identity of students is protected).

6. Accrediting organizations.

7. Appropriate persons in the case of an emergency if knowledge of such information is necessary to protect the health or safety of a student or other person.

8. Those authorized by State statute prior to November 19, 1974, effective date of the Federal Privacy Rights of Parents and Students Act.

9. Parents of a dependent student of such parents, as defined in Sec. 152 of the Internal Revenue Code of 1954.

10. Appropriate authorities in compliance with judicial order or subpoena.

b. Written consent shall contain the signature of the authorizer, the date and the kinds of records to be released.

With each student's records shall be kept a log of all requesting such data.

CROSS REFERENCE

IV.G.; Regulation Rule 44.63

IV.J.; Regulation Rule 25

F. Student Records

Regulations

Accreditation Standards For Secondary Schools:
STANDARD VIII. A.

A compilation of pupil records shall be accurately kept in a secure area. If a secure area cannot be found a duplicate summary of pupil records must be kept.

The following shall be included in a pupil's permanent record: subject and year taken, grades and explanation of grading system, units or semester credits earned, pupil yearly attendance, name and scores on standardized tests, participation in school activities, citizenship and character information.

CROSS REFERENCE

II.A.2; Regulation, Administrative Rules and Regulations for Special Education, §3.12

F. Student Records

Statutes

§50-1 -- 10

The State Board shall promulgate regulations "to govern the contents of student records" and access to and dissemination thereof. RULEMAKING

Generally, each school shall appoint a records custodian, who "shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records." Parents, their representatives, and students may inspect and copy student records, which shall not include "confidential letters and statements of recommendation."

"Parents have the right to challenge the accuracy, relevance or propriety of any entry . . . exclusive of academic grades . . . ." Injunctive relief, and, in the event of "wilfull or negligent violation," damages may be sought by a person aggrieved by violation of this law.

Rules and Regulations to Govern School Student Records
3.04

Such notification shall consist of:

The types of information contained in the permanent and temporary records;

The right to inspect and copy permanent and temporary records and the cost of copying such records;

The right to control access and release of school student records and the right to request a copy of information released; ACCESS

The rights and procedures for challenging the contents of the school student record;

The persons, agencies or organizations having access to student records without parental consent;

The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying such information;

The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;

A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under the Act or these regulations.

The right of the parents to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and,

Any policies of the school relating to school student records which are not included in the Act or these regulations.

3.01, 3.02, 3.03

The school shall notify all attending students and their parents of their respective rights under the School Records Act. Such notification shall be in English and the recipient's native language if English is not spoken; and delivered by any means likely to reach the parents.

NOTICE

3.05

The principal of each school or the person with like responsibilities or his or her designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and these regulations.

4.01

The provisions within the Act and these regulations requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of these regulations.

4.03

Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction.

4.04

Upon graduation or permanent withdrawal of a handicapped student, psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

5.02

No parent or student shall be denied a requested copy of school student records due to inability to bear the cost of such copying.

6.01

Information may be released without parental consent in connection with an emergency to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other perons, provided that the parents are notified as soon as possible of the information released, the date of the release, the person, agency, or organization receiving the information, and the purpose of the release.

6.02

Factors to be considered in determining whether records should be released pursuant to this paragraph include:

The seriousness of the threat to the health or safety of the student or other persons;

The need for such records to meet the emergency;

Whether the persons to whom such records are released

are in a position to deal with the emergency;

The extent to which time is of the essence in dealing with the emergency.

6.03

The requirements and criteria for release of information pursuant to this section are to be strictly construed.

7.01

Students records are to be transferred upon request of student or authorized official to any new school in which the student has enrolled.

7.02

The school shall grant access to information contained in school student records to persons authorized or required by state or federal law to gain such access, provided that:

Such person shall provide the school with appropriate identification and a copy of the statute authorizing such access; and,

The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. NOTICE

7.03

The school shall grant access to, or release information from, school student records without parental consent or notification: ACCESS

To an employee or official of the school or school district or the State Board of Education, provided such employee or official or State Board of Education has a current demonstrable educational or administrative interest in the student and the records are in furtherance of such interest;

To any person for the purpose of research, statistical reporting, or planning, provided that:

Such person has the permission of the State Superintendent of Education; and,

No student or parent can be identified from the information;

Pursuant to a court order.

7.04

Any release of information other than specified in 7.01 through 7.03 of this Article requires the prior, specific, dated, written consent of the parent designating the person to whom such records may be released, the reason for the release, and the specific records to be released. At the time such consent is requested or obtained, the school shall inform the parents of the following rights:

To inspect and copy such records;

To challenge the contents of such records; and,

To limit any such consent to designated records or designated portions of information within the records.

9.01

Parents shall have the right to challenge any entry exclusive of grades in the school student records on the basis of:

accuracy;

relevance; and/or,

propriety.

9.02

The request for a hearing shall be submitted in writing to the school and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.

HEARING

9.03

Each school shall establish administrative procedures for parents to challenge the contents of student records.

11.01

The State Board of Education and the State Superintendent of Education shall collect and maintain information concerning compliance with the provisions of the Act and these rules and regulations and shall take action as specified by the Act to secure compliance in the event of violation.

11.02

Complaints arising from violations of the Act or these regulations, other than challenges of the contents

of the school student records as specified in Section X of these regulations, shall be directed to the Superintendent of the Educational Service Region and then to the State Superintendent of Education.

CROSS REFERENCES

II.A.2.; Regulation, Student Records §4.04;8.08

IV.H.; Statute §26-1 -- 26-11

F. Student Records

CROSS REFERENCE

III.A.1.; Regulation §II, Ch. 1, Rule G-3

IV.J.; Statute §20-8.1-5-8 -- 20-8.1-5-12

F. Student Records

Statutes

§68A.7

Public records to be kept confidential include "personal information in records regarding a student, prospective student, or former student of the school corporation or educational institution maintaining such records." This prohibition also extends to personnel records of public bodies. CONFIDENTIALITY

Regulations

670-3.2

A high school dropout is one who withdraws from membership in grades nine, ten, eleven or twelve prior to graduation or completion of the high school program. Each school board shall record the number and percentage of pupil dropout annually.

670-3.3(1) -- .3(12)

The local board shall adopt and maintain accurate records of its proceedings, census and attendance records and permanent records on each student which always remain with the school district. Records shall also be kept on pupil activity funds and public school funds.

A cumulative record on each student shall be kept by the school and shall contain information as to each student's progress and growth.

CROSS REFERENCES

IV.B.; Statute §622.10

IV.H.; Statute §294.4

IV.K.; Statute §68A.2

IV.K.; Statute §68A.5

F. Student Records

Statutes

§72-5386

All property in the possession of any student shall be returned to the proper school authority or paid for by such student upon transfer of any such student from one school district to any other school district. The school records of a student transferring from one district to another shall not be forwarded until such student has complied with this provision. In the event that the school authority receives an affidavit stating that the student's parents are unable to pay for or return the school property which is lost or missing, the school authority shall forward the student's records.

§72-6214

Any parent of a pupil may inspect any record, file, or data which personally identifies the pupil. No such material shall be disclosed to any other person without the written consent of the parent of the pupil. The board shall adopt procedures to effectuate this section.

CROSS REFERENCES

II.A.3.; Regulation §91-27-2; 91-27-4

III.A.2.; Regulation §91-2-2

IV.K.; Statute §72-7515

F. Student Records

Statutes

§61-872;878

"All public records shall be open for inspection by any person," excluding ACCESS

c) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy, and

3) "Test questions, scoring keys and other examination data used to administer an . . . academic examination before the exam is given . . . ."

§61.884

"Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the limitations of [law]." ACCESS

§161.200;210

"Each teacher . . . shall keep an approved record which shall be left with the superintendent . . . at the close of the term. The record shall show the program of recitations, classification, attendance and grading of all pupils . . . and such other facts as are required."

In addition "each teacher . . . shall make reports and inventories to the district superintendent" as prescribed by the district board of education and the state board of education.

"No teacher shall wilfully make a false monthly or term report of time taught or other time, or shall wilfully fail to make a required report."

"Any teacher who closes any school term before the close of the school year shall make a report to the superintendent immediately after the close of the

term." Teachers in their annual report shall "include all statistics for the entire school year, notwithstanding any previous report for a part of the year."

CROSS REFERENCES

II.A.7.; Statute §159.220;.230

IV.A.; Regulation 704 KAR §4:020

IV.G.; Statute §159.170

IV.H.; Statute §159.160

IV.J.; Statute §169.295

F. Student Records

Regulations

Policy and Procedure Manual of State Board of Elementary and Secondary Education, 4.01.40

ACCESS

Any student graduating from an accredited high school has a right to all records and test scores maintained under his name.

CROSS REFERENCES

II.A.2.; Stattue §17:1955

III.A.1.; Regulation Bulletin 741

III.D.School System; Regulation Bulletin 741

IV.H.; Statute §17:230

IV.H.; Statute §17:232

F. Student Records

CROSS REFERENCE

III.A.2.; Statute §855

F. Student Records

Statutes

Art. 77 §13

Before any non-public secondary school may cease operations it must file a copy of all student records regarding academic achievement with the state superintendent. Any person who fails to comply with this section shall be guilty of a misdemeanor.

Regulations

13.06.03.04

"A system of information on enrollment, attendance, and promotion of pupils shall be maintained."

13.07.05.01 - 13.07.05.02

"Records shall be kept for individual pupils" as prescribed by the State Board of Education. Student records are confidential "and access. . . may be granted only for . . . legitimate and recognized educational ends." With the exception of permanent records, student records "should be destroyed when they . . . no longer . . . serve such . . . educational ends." A student's record "shall be available to . . . parent(s) or legal guardian(s) in conference with appropriate school personnel . . . .

"A system of information shall be maintained on pupils," including health and education records, as prescribed by the State Board.

CROSS REFERENCES

IV.A.; Statute Art. 77, §85b

IV.J.; Statute Art. 77, §85A

F. Student Records

Statutes

71 §34 A

A school, upon request of any student or former student, must furnish her or him "a written transcript of his[her] record as a student." There shall be no charge for the original transcript and duplicates may not cost more than one dollar for each page or up to five dollars for an entire transcript.

71 §34 B

If a student or his/her guardian is refused a copy of his/her transcript he/she may petition the superior court for relief. The court may award costs and reasonable attorney's fees.

71 §34 D

"The Board of Education shall adopt regulations relative to the maintenance, retention, duplication, storage and periodic destruction of student records by the public elementary and secondary schools . . . ."

71 §34 E

Each school committee shall allow a parent or guardian of a pupil or, a pupil eighteen years of age or older, "to inspect academic, scholastic, or any other records" concerning the pupil which are kept.

ACCESS

CROSS REFERENCES

II.A.3.; Regulation, Regulation #5, Section 1

IV.G; Statute 76 §13

IV.G; Statute 71 §37D

IV.H: Statute 72 §§2; 8

IV.J; Statute Art. 119 §69

F. Student Records

§388.1014a

The officers of any institution of learning, on ceasing to function, shall turn over the records of all grades attained by the students to the state board. The state superintendent shall have custody of them and shall prepare transcripts necessary for a former student at the institution.

CROSS REFERENCE

II.A.2; Regulation R340.1731

F. Student Records

Statutes

§120.11

An officer of the board shall keep a record of children excused from school . . . and report the names of any unexcused children who are not attending school to the district superintendent.

Regulations

EDU 7

"Districts shall keep . . . complete, cumulative . . . records for all pupils in a fire-proof file or vault." [E]ach district shall submit all records and reports required by . . . the state board of education and maintain an efficient filing system of these reports."

CROSS REFERENCES

III.C.Student; Regulation EDU 45

IV.H.; Statute §120.11

IV.H.; Statute §120.16

IV.H.; Statute §125.15 -- 125.16

F. Student Records

Statutes

§37-15-1 - 3

The state board of education shall keep permanent and cumulative records for each pupil containing the following information: date of birth, record of attendance, grades, mental and scholastic abilities, personality traits, occupational interests and aptitudes according to standardized tests, health information pertaining to sight, hearing, teeth and other contagious diseases, and "other pertinent information."

Such records shall be kept in a fire resistent depository. "Both the permanent records and cumulative folders shall be available to teachers and other school officials concerned with the pupils' best interests," but may not be available to the general public. Transcripts of courses and grades may be furnished to parents or guardians of the pupil.

§37-15-5

The county superintendent or board of trustees of the municipal school districts shall not pay superintendents, teachers or principals until the superintendents and principals certify the teachers have filed the required student records.

§37-15-7; 8

In addition to "cumulative records," a continuing census of all children below the age of nineteen in each school district shall be kept and be part of the permanent office records of the district superintendents.

According to provisions contained herein certain records may be disposed of by the superintendents of school districts, depending upon the subjects they deal with and the amount of time passed since they were originally compiled.

The state board of education shall ensure the keeping of pupils' records and promulgate regulations and standards to effect this task.

CROSS REFERENCES

III.A.1.; Regulation, Standards for Accreditation of Elementary and Secondary Schools

IV.G.; Statute §37-13-9

IV.H.; Statute §37-9-73

F. Student Records

CROSS REFERENCE

III.B. Superintendent; Statute §179 010 -- .090

F. Student Records

Statutes

§48-2.6(2)-S6030

Schools shall keep a permanent file of student records which shall contain vital statistics on the student, his/her academic work, level of achievement, and attendance data. Policies and procedures shall be established by the district to make certain that privacy laws are complied with. Permanent records become inactive when a student is no longer enrolled.

CROSS REFERENCES

II. A.2.; Regulation §48-2.18(14) - S18130

II. A.2.; Regulation §48-2.18(14) - S18140

II.A.2.; Regulation §48-2.18(18) - S18320; S18330

III.C.Educational System; Statute §64-306

F. Student Records

Statutes

§79-4,157; 79-4,158

Any public school pupil, his or her "parents, guardians, teachers, counselors, or school administrators shall have access to the school's files or records maintained concerning him" or her. Access is denied to all other persons. Academic and disciplinary records shall be kept separately, "and all disciplinary material shall be removed and destroyed" after the pupil graduates or is absent from school for three years.

ACCESS

Each school board "shall adopt and publish an official policy respecting personnel files and student records" which does not conflict "with the rules and regulations of the State Records Administrator."

Regulations

11-(73) — 11(75)

Each school system shall keep up-to-date records on all students. Elementary schools shall administer standardized I.Q. tests in at least two non-consecutive grades and standardized scholastic achievement tests in every year, grades 3-8.

14-(13)

A record shall be maintained for each student, containing attendance data, academic progress, and dates of enrollment and withdrawal. The school shall formulate a policy on procedures for releasing this information to parents and to other schools.

14-(48)

The school system shall provide a comprehensive record for each student, including enrollment, attendance, and academic progress data.

CROSS REFERENCES

IV.H.: Statute §79-207 -- 209

IV.H.; Statute §79-602

IV.J.: Statute §79-4.181

IV.J.; Statute §79-4.182 -- 4.194

IV.J.: Statute §79-449.01; 451

IV.K.: Regulation 14-(51)

F. STUDENT RECORDS

CROSS REFERENCES

IV.H.; Statute §387.126

IV.H.; Regulations, Pupil Accounting Manual

F. Student Records

ACCESS

Statutes

§91-A:4 - §91-A:5

"Every citizen . . . has the right to inspect all public records, including minutes of meetings . . . and to make . . . photostatic copies". Such inspection and copying may be done during business hours, on the premises of the "bodies or agencies." The "personal school records of pupils" are exempted from this provision.

CROSS REFERENCE

II.A.8.; Regulation, Guidelines for Projects in Adult Education, #319.10, pp. 2-9

III.A.2.; Regulation, Minimum Standards and Recommended Practices
- High School #319.1, Ch·II -- Ch·VII

F. Student Records

Statutes

§18A:36-19

Public inspection of pupil records shall be provided in accordance with rules prescribed by the state board and no employee shall be liable for permitting inspection.

Regulations

§6:3-2.2

Each local school district shall have the responsibility to compile and maintain pupil records and to regulate access to and security of such records in accordance with these rules and regulations.

Pupil records shall contain only such information as is relevant to the education of the pupil, and is objectively based on the personal observations or knowledge of the originator of the record.

The local school district shall notify parents individually at least annually of their rights in regard to pupil records, and shall make copies of the applicable State and Federal laws and local policies available upon request. Such notification shall be in the language of the parent.

A nonadult pupil may assert rights of access only through his parents. However, nothing in these rules shall be construed to prohibit certified school personnel, in their discretion, from disclosing pupil records to nonadult pupils, or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the pupil or other persons.

ACCESS

The parent(s) shall either have access to or be specifically informed about that portion of another pupil's record that contains informations about his/her own child.

Each local school district shall establish written policies and procedures for pupil records which:

Guarantee access to persons authorized under

section 6 of this subchapter in a reasonable amount of time, within ten days and not to exceed 25 days;

Assure security of the records; and

Enumerate and describe the pupil records collected and maintained by the local school district.

All anecdotal information and assessment reports collected on a pupil shall be dated and signed by the individual who originated the data.

The chief school administrator shall require all pupil records of currently enrolled students to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. The reviewer shall cause to be deleted from the records data no longer descriptive of the pupil or educational situation. Such information shall be destroyed and shall not be recorded elsewhere, nor shall a record of such deletion be made.

LIABILITY

No liability shall attach to any member, officer or employee of any local board of education permitting access or furnishing pupil records in accordance with these rules and regulations.

When the parents' dominant language is not English, the local school district shall make every effort to:

Provide interpretation of the pupil record in the dominant language of the parent; or

Assist parents in securing an interpreter.

§6:3-2.3

The local school district may not compile any other pupil records, except mandated and permitted records as herein defined:

Mandated pupil records are those pupil records which the schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive. Mandated pupil records shall include the following:

Personal data which identifies each pupil enrolled in the school district. This data shall include

the pupil's name, address, date of birth, name of parents and/or guardians, citizenship and sex of the pupil. The local school district is prohibited from recording the religious or political affilation of the pupil and/or parents unless requested to do so by the parent or adult student.

A record of daily attendance, and a description of pupil progress, according to the system of pupil evaluation used in the district, shall be included. Grade level or other program assignments shall also be recorded.

A history and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified district employees, shall be recorded.

Permitted pupil records are those which a local board of education has authorized the district to collect by resolution adopted at a regular public meeting to promote the educational welfare of the student. The local board of education shall report annually at a public board meeting a description of the types of pupil records it has authorized certified school personnel to collect and maintain. The pupil records so authorized must also comply with these rules and regulations as to relevance and objectivity.

§6:3-2.4

The chief school administrator or designee shall be responsible for the security of pupil records maintained in the local school district and shall device procedures for assuring that access to such records is limited to authorized persons.

Records for each individual pupil shall be maintained in a central file at the school attended by the pupil, or when records are maintained in different locations, a notation in the central file as to where such other records may be found is required.

Only authorized organizations, agencies or persons as defined herein shall have access to pupil records.

The local board of education may charge a reasonable fee for reproduction, not to exceed the actual cost to the board of education of reproducing such copies.

Authorized organizations, agencies, and persons shall include only:

The parent(s) or legal guardian(s) of a pupil under the age of 18, and the pupil who has the written permission of such parent(s) or guardian(s);

Pupils at least 16 years of age who are terminating their education in the district because they will graduate secondary school at the end of the term, or no longer plan to continue their education;

The adult pupil and the pupil's parent(s) or guardian(s) who have the written permission of such pupil, except that the parents or guardians shall have access without consent of the pupil as long as the pupil is financially dependent on the parents or guardians and enrolled in the public school system;

Certified school personnel who have assigned educational responsibility for the pupil;

Accrediting organizations in order to carry out their accrediting functions;

The Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibility which necessitates the review of such records;

Officials of other public school districts in which the student is registered or intends to enroll, except that the parent or adult pupil shall be notified of the transfer or mandated pupil records. Written consent of the parent or adult pupil is required prior to the transfer of permitted records to another school district, except where a formal sending-receiving relationship exists between the school districts.

Officers and employees of a State agency, responsible for protective services to children, engaged in investigations pursuant to statute 9:6-8.40;

Organizations, agencies, and individuals outside the school, other than those specified in this rule, upon the presentation of a court order;

Bona fide researchers who explain in writing the nature of the research project and the relevance of the records sought, and who satisfy the chief school administrator that the records will be used under strict conditions of anonymity and confidentiality. Such assurance must be recieved in writing by the chief school administrator prior to the release of information to the researcher.

§6:3-2.6

All authorized organizations, agencies and persons as defined in section 5 of this subchapter shall have access to the records of a pupil, subject to the following conditions:

No pupil record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record;

Authorized organizations, agencies and persons from outside the school whose access requires the consent of parent or adult pupil must submit their request to view the records, together with any required authorization, to the chief school administrator, or his/her designee;

The chief school administrator or his/her designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage or loss. In every instance of inspection of student records by persons who do not have assigned educational responsibility, an entry shall be made in the pupil record of the names of persons granted access, the reason access was granted, the time and circumstances of inspection, and the records studied;

NOTICE

Unless otherwise judicially instructed, the school district shall, prior to the disclosure of any pupil records to organizations, agencies or persons outside the school pursuant to a court order, give the parent or adult pupil at least three days' notice of the name of the requesting agency and the specific records requested.

ACCESS DENIAL

A record may be withheld from a parent or guardian of a pupil under 18, or from an adult pupil, only when the chief school administrator in consultation with the professional staff is convinced that the disclosure would create a substantial risk of harm to the pupil or to a person with whom the record is concerned. When the chief school administrator is convinced that the risk is of such high degree, he shall notify the parent, guardian or adult pupil within five days that access to the record has been denied, and that he has the right to appeal this decision to the Commissioner of Education. If an appeal should be made, the Commissioner shall designate a professional of the same discipline as the originator of the record to review the record and to recommend whether access should be granted. The Commissioner shall make a determination within 30 days of the receipt of the request. Any decision made by the Commissioner may be appealed to the State Board of Education.

§6:3-2.7

CHALLENGE

Pupil records are subject to challenge by parents and adult pupils on grounds of inaccuracy, irrelevancy, impermissive disclosure, inclusion of improper information or denial of access to organizations, agencies and persons. The parent or adult pupil may seek to:

Expunge inaccurate, irrelevant or otherwise improper information from the pupil record;

Insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records;

Request an immediate stay of disclosure pending final determination of the challenge procedure as described in subsection (b) of this Section.

APPEAL

To appeal, a parent or adult pupil must notify the chief school administrator in writing of the specific issues relating to the pupil record. Within ten days of notification, the chief school administrator or designee shall meet with parent or adult student to review the issues set forth in the appeal. If the matter is not satisfactorily resolved, the parent or adult student may appeal this decision to the local board of education or Commissioner of Education within ten days. If appeal is made to the local school board, a decision shall be rendered within 20 days. The decision of the local school board may be appealed to the Commissioner,
At all stages of the appeal process, the parent shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student record with copies made available to the parent or adult student.

§6:3-2.8

Upon the graduation or permanent departure of a pupil from the school system, the parent or adult pupil shall be notified that a copy of the entire pupil record will be provided to them upon request.

No additions shall be made to the record after graduation or permanent departure without the prior consent of the parent or adult pupil.

Mandated pupil records shall be preserved in perpetuity by the New Jersey public school last attended.

Permitted pupil records may be preserved for a period of time to be determined by the local board of education by resolution adopted at a public meeting except that pupils upon high school graduation or permanent departure from the school district shall have the right to remove any material from the permitted record.

§6:27-1.10

PRESERVATION

Pupil records, reflecting subjects taken, marks received and credits awarded, are to be compiled and preserved.

§6:29-4.4

Each medical inspector shall record the results of examinations upon a record form recommended by the Commissioner of Education. Such form shall be kept in a permanent file and shall be the property of the board of education and shall be preserved. The individual health record shall be forwarded with other school records of pupils who transfer to another school district. If a child leaves school for any other reason, the record shall remain the property of the school.

CROSS REFERENCES

III.D.Pupil Needs; Regulation §6:8-3.4

IV.A.; Statute §18A:40-16 -- 19

F. Student Records

Regulations

Reg. No. 72-6

CONFIDENTIALITY

Schools must make efforts to keep student records confidential.

INSPECTION

A student has the right to inspect his/her academic record and is entitled to an explanation of any information recorded on it.

Faculty and administrative officers of the school who have a legitimate interest in the material should be permitted to inspect a student's records.

There is no need to secure prior approval from the student for the release of transcripts and other academic material to parents or guardians, to other institutions of learning for legitimate purposes, or to research organizations making statistical studies (provided that the student's name is not revealed).

Government agents may be given: verification of date and place of birth; school or division of enrollment and class; dates of enrollment; home and local addresses and telephone numbers; name and address of parent or guardian. Such agents have no inherent legal right to access to student records.

DISCLOSURE

All other requests for disclosure of student records shall be accompanied by a release from the student.

Responses to telephone inquiries shall be limited to: whether or not the student is currently enrolled; the school or division in which he/she is or was enrolled and class; and dates of enrollment. Release of addresses or telephone numbers should be consistent with school policy governing distribution of student directories. Urgent requests, based on an apparent emergency, should be handled by the principal.

CROSS REFERENCE

IV.B.; Regulation, Reg. No. 70-20

F. Student Records

CROSS REFERENCES

II.A.2.; Regulation §200.6

IV.H.; Statute §3024, 3025

IV.H.; Statute §3211

IV.H.; Regulation §104.1 — 104.2

IV.J.; Statute §2554a

F. Student Records

Statutes

§115-165.1

The "official record" for each student will be "maintained in the files of the appropriate school" after he or she graduates from high school. The "official record" shall contain "identification data," "attendance data, grading and promotion data, and . . . other factual information as may be deemed appropriate by the local board of education . . . ."

F. Student Records

Regulations

Chapter II: III.I.

Responsibility for information about pupils should be shared by the State Department of Public Instruction and the local system. Actual collection rests with the local system. The local system should identify its information needs, develop appropriate record and report forms, and determine a time schedule for information collection.

1. The following items of pupil information are required by the Department in either unit or summary form:

a. Name of student

b. County district code

c. School organization code

d. Sex

e. Race

f. Date of birth

g. Age group of pupil for adult education

h. Residence criteria

i. Standardized tests and inventories

j. Type of pupil

k. Type of entry or re-entry

l. Grade entered

m. Type of class

n. Name of school

o. Number of (aggregate) days membership. (The sum of the days present and absent of all pupils when school is in session during a given reporting period. Only days on which pupils are under the guidance and direction of teachers should be considered as days in session. Legal school holidays and days of the N.D.E.A. convention are considered days in session.)

p. Number of (aggregate) days present. (The sum of the days present, actually attended, of all pupils where school is in session during a given reporting period.)

q. Number of (aggregate) days absent. (The sum of the days absent of all pupils when school is in session

in a given reporting period.)

r. Completion of school.

s. Dropouts (pupils who leave school, for any reason except death, before graduation or completion of a program of studies and without transferring to another school.)

t. Follow-up after high school graduation or withdrawal.

u. Transportation services provided for pupil.

v. Transportation at whose expense?

w. Services in lieu of transportation?

x. Tuition status.

y. Participation in a federal program.

Individual cumulative records for each pupil should contain all data of relatively permanent value and should be placed in the permanent files of the school.

The school attendance register shall be kept.

Schools must make decisions concerning confidentiality. Information determined to be of a confidential nature shall be filed separately and maintained as privileged information.

2. Items which should be obtained at the time of each pupil's original enrollment include, under No. 1, above, items a-g and items u-y.

3. Items which should be updated concerning each pupil at the beginning of each term include, under No. 1, above, items h-k-n and u-y

4. Items which must be continuously updated include, under No. 1, above, items h-j and m-y

5. For further suggestions regarding the collection of pupil information, reference should be made to the Pupil Accounting Manual of the State Department of Public Instruction.

CROSS REFERENCES

III.C.Pupil Progress; Regulation, Chapter V:II.Q.

III.C.Students; Regulation, Ch. III.: I.F.

IV.H.; Statute 15-44-05

F. STUDENT RECORDS

IVF-OH 1
OHIO

STATUTES

§3319.321

A) No person shall release, or permit access to the names or other identifiable information of pupils in a public school to anyone for use in a profit-making plan or activity.

ACCESS

B) No person shall release or permit access to such information other than directory information for purposes other than contained in division (C) of this section, without the written consent of the parent or guardian of a child under eighteen years of age, or the child's consent if he/she is over eighteen.

CONFIDENTIALITY

1) "Directory information" includes the pupil's name, address, phone listing, date and place of birth, major field of study, participation in recognized activities or sports and the weight and height of such participants, dates of attendance, date of graduation and awards received.

2) Other than directory information, pupil information included in this section shall only be transferred to a third party on the condition that such information will not be transferred to any other party without written consent of the pupil or his(her) parent or guardian if the pupil is under eighteen.

3) Any parent may give the required written consent. If the parents are separated or divorced, either parent may give permission, subject to any agreement between them or court orders. When an institution is the legal guardian, an independent person having no conflict of interest shall be assigned to give consent.

C) This section shall not limit the administrative use of public school records by board of education employees, the state or its political subdividisions, any court, the federal government, nor shall it restrict the transfer of records from one educational institution to another for legitimate educational purposes.

D) The board of education may require a fee to cover reproduction costs, not to exceed actual costs, from any person seeking a copy of public school records.

CROSS REFERENCES

II.A.2.; Regulation §3301-51-16

III.C.Students; Statute §3331.15

III.D.School Districts; Regulation §3301-11-01 -- 3301-11-04

III.D.Student Performance; Statute §3319.32

IV.G.; Statute §3327.06 — 3327.07

IV.H.; Statute §3321.12

F. Student Records

Statutes

§70-6-115

It shall be a misdemeanor for any teacher to reveal any information about a student to anyone except at the request of a parent or guardian of such student.

§70-24-114

Every public school shall prepare duplicate copies of individual scholastic and other permanent records.

Regulations

General Regulations; p. 15
III. Records

Req. a. Students' permanent, cumulative records should be filed in the office of the principal or superintendent and shall be handled so as "to protect the individual and human rights of all pupils.

b. One person in each school shall be responsible for all personally identified information to assure that no unauthorized person . . obtain[s] the information without written parental permission.

CONFIDENTIALITY

c. A new student shall be officially enrolled upon receipt of a transcript or grade card."

d. Principals shall furnish student transcripts and immunization records "when requested . . . by school officials."

e. Attendance shall be recorded daily and cumulative information "shall be . . . made available for auditing at the close of the school year."

f. At the end of the school year, attendance records and grade books should be filed with the county or district superintendent.

g. At the end of each semester, student grades should be entered into permanent records.

CROSS REFERENCES

IV.H; Statute §70-10-106

IV.H; Statute §70-24-120

F. Student Records

Statutes

§192.500

Data used to administer "academic examinations" is exempt from the public disclosure requirement.

§332.470

The Superintendent of Public Instruction determines which records are permanent, which are to be created and maintained by all school districts, and which are of temporary value and when they should be destroyed. Records shall be kept by the district school board as to the destruction of records.

§332.790

Any student successfully completing an educational program at the elementary or secondary level at a state institution "shall receive a diploma . . .[from] the school district in which he[she] last resided prior to commitment to the state institution." This section does not apply to students attending state schools for the deaf or blind. The records of the student shall be sent to the district issuing the diploma. Transcripts can be made available on request but shall contain no information that "any of the educational program was completed in any state institution."

§336.185

"Student records" are all records on a student maintained by any school.

"Student behavioral records" include "psychological tests, personality evaluations, records of conversations and any written transcript of incidents relating specifically to student behavior."

"Student progress records" includes "transcripts of grades and courses taken, attendance records, achievement test and health records."

CONFIDENTIALITY

§336.195

All student records are confidential and are open for inspection only as provided herein, and in accordance with rules and regulations adopted by the board.

The rules shall provide for student records to be open for inspection by requesting parents or legal guardians; however, behavioral records can only be released when there is a qualified individual to interpret or explain.

ACCESS

Student behavioral records may only be released for use in civil or criminal proceedings by the superintendent or his/her representative or with the consent of the student (in case of a minor, consent of a parent or guardian is required). Release shall be made only when there is a qualified individual to interpret or explain.

"Student progress records shall be available to all teaching staff, to parents or legal guardians, and upon request, to other agencies having a demonstrated interest in the student."

§336.205

Students records under this chapter are not public records for purposes of the chapter relating to public disclosure.

§336.215

When notice is received that a student is enrolling in another school or educational institution, the student progress records can be transferred.

This applies to a private school's transfer of progress records to other schools or institutions.

§346.049

Student records maintained at facilities for the training of the deaf or blind shall not be subject to inspection except upon permission given by the superintendent of public instruction, within his/her discretion and for good cause, or upon order of a court of competent jurisdiction. The limitation shall not apply

to inspection of records made with the consent of the individual concerned, or in case of his/her incompetence, by his/her legal guardian.

REGULATIONS

§581-21-015

"Transcripts of school records and report cards shall not be withheld as penalty for nonpayment of school fees."

§581-22-258

Local boards shall adopt a policy which conforms to statutes for access to and dissemination of information in student records. The permanent record is to be retained in a fire-safe place in the school, the local district or intermediate education district office. Student progress records shall be transferred to another educational institution upon receipt of notice of enrollment. Behavioral records may be transferred to another educational institution only upon request of the student's parent or guardian or if the student is 18 or over.

CROSS REFERENCES

II.A.2.; Regulation §581-15-200

III.C. Students; Statute §332.790

III.C. Students; Regulation §581-22-231

III.D. Students; Regulation §581-22-218

IV.G.; Regulation §581-15-025; 581-22-251

F. Student Records

Statutes

§13-1352

The secretary of the board of school directors shall furnish to the principal or teacher of each school a correct list of the names and residences of all children assigned to such school and shall also forward to the county or district superintendent, statistics regarding the children in each district. These shall then be forwarded to the Superintendent of Public Instruction.

§13-1353

The cost and expense of making a proper enumeration of the children of each school district shall be paid out of district funds.

§14-1409

Records shall be confidential and their contents divulged "only when necessary for the health of the child or at the request of the parent or guardian to a physician . . . ." CONFIDENTIALITY

A child who has transferred from outside the district shall have his/her records sent from the prior school district. After a child transfers or leaves a school, his/her school records shall not be destroyed for at least two years. These records may be turned over to the parents if the child does not enroll in another Pennsylvania school.

§15-1532

In 2nd, 3rd and 4th class districts, teachers shall keep records of each pupil's work and progress. In the last monthly report of the term teachers shall include the grade of proficiency of each pupil, his/her standing in each branch of the study, his/her conduct and recommendation for his/her promotion or retention. Until these records or reports are examined and approved by the district superintendent or the secretary of the board of school directors, no teacher shall be paid for the last month of the term.

§15-1533

The district superintendent or secretary of the board of school directors shall on or before the opening day of school furnish to each teacher or principal a copy of the standing of each pupil and the recommendation made by the principal or teacher at the close of the preceding term.

REGULATIONS

§12.31 -- 12.33

Each board of school directors shall adopt a plan for the collection, maintenance and dissemination of pupil records and submit them to the Department once every three years.

The plan for pupil records shall conform to the Guidelines for the Collection, Maintenance and Dissemination of Pupil Records except that a school district may modify the guidelines, with the approval of the Secretary of Education, to conform with local policy.

The partial text of the Guidelines for the Collection, Maintenance, and Dissemination of Pupil Records are listed below:

"Collection of data.

1.0. We begin, and urge school authorities to begin from the fundamental principle that no information should be collected from students without the prior informed consent of the child and his[her] parents.

CONSENT

1.1. Such consent may be given either individually or through the parents' legally elected or appointed representatives (for example the Board of Education) depending on the nature of the information to be collected.

1.2. With respect to conditions under which individual as opposed to representational consent should be required, we acknowledge, first, that it will not always be possible to obtain the separate consent of every parent for every data gathering process, and that the approval of such processes by appropriately elected representatives (whether a legislature, a school board or other body) will in some situations adequately satisfy the principle of consent. We do not believe that it would be appropriate to endorse rigid formulae for the identification of situations in which representational consent will be sufficient; it is enough for present purposes to emphasize two contrasting benchmarks:

1.2.1. On one hand, we have concluded that representational consent will, for example, ordinarly be sufficient in situations involving aptitude and achievement testing (whether standardized or informal) and reporting of skill and knowledge outcomes in the subject-matter areas now within the customary curricula of the public schools.

1.2.2. On the other hand, we believe that programs of personality testing and assessment, for example, should proceed only with the informed individual consent "of each child and/or his[her] parents. (See 1.5 and 4.6) The test or assessment itself should not be shown to the child or his[her] parents, although representative questions not included in the scoring or evaluation may be shown.

TESTING

F. Student Records

Statutes

§16-12-4

Every teacher in any public or private school shall keep a register of the names of all students attending said school, their sex, age, names of parents or guardians, the time when each student enters and leaves the school, the daily attendance, together with the days of the month on which the school is visited by any officer connected with public schools, and shall prepare any report required by the school committee or department of education.

§16-38-9

Every school officer who shall make any false certificate, unlawfully misappropriate any public school monies, refuse to deliver for a reasonable charge certified copies of any official paper, or to account for or deliver to his successor any accounts, papers or money in his hands, or wilfully refuse to perform his duties, or violate any public school law, shall be fined up to $500 or be imprisoned up to 6 months and shall be liable for damages to any person injured thereby.

LIABILITY

Regulations

ARTICLE IV: STUDENTS

G. WELFARE

7f. Policy and Regulations Regarding the Release of Information Pursuant to the Administration of Tests under the Statewide Testing Program (BR, 5/4/72)

"Whereas the Board of Regents of the State of Rhode Island recognizes the right of the public to know certain information concerning the results of tests administered by the state Department of Education and that release of such information is in the public interest . . . , the following statement of policy is issued for implementation by the Commissioner of Education:

1. The Commissioner of the Rhode Island Department of Education or his staff, hereinafter referred to collectively as the "Department of Education" shall not release publicly any information regarding any individual student pursuant to results or evaluation of tests administered under the statewide testing program. Such information shall be considered confidential as in the past and may be released in the manner prescribed by local or regional school districts, private and parochial schools and their duly constituted administrators for the protection of individual privacy.

2. Effective this date, collective information with regard to test scores pursuant to the statewide testing program shall be made available to the general public of Rhode Island in a manner and process to be determined through the recommendations of a panel to be convened to deliberate the manner and process for the release of such test scores; such panel to be named by the Commissioner of Education.

3. The Commissioner shall make final recommendations to the Board of Regents for approval with regard to the process and manner of test results release at the regular meeting of the Board following the report of the panel."

CROSS REFERENCES

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

III.A.1.; Regulation, Standards for Approval and Accreditation of Secondary Schools

IV.H.; Statute §16-18-4

F. Student Records

Statutes

§59-63-50

FINGERPRINTING

At the request of a parent, the law enforcement officials are authorized to fingerprint the child for identification purposes. The fingerprints shall be maintained with other student records and shall be confidential. When the child reaches 21, he/she may request that his/her fingerprint file be returned.

Persons responsible for assisting school children across the street shall wear a visible garment that is clearly seen by an approaching motorist. Each school district shall supply these articles.

Regulations

§43-23

Public release of test data by each local school district in conjunction with such demographic and socio-economic data as may be necessary for accurate and meaningful interpretation is supported. The State Department of Education shall provide statewide test results and interpretive information for use by the public.

Individual district and/or school test data maintained in the State Department of Education shall be released at the state level only upon written request by the superintendent of the district in which such data are generated or upon the approval of the State Superintendent of Education.

Test data for individuals shall be released only in a manner that is consistent with the provisions of Section 438 (Privacy Rights of Parents and Students) of the General Education Provisions Act and any other relevant legislation.

The State Superintendent of Education is authorized to develop and implement such administrative procedures as he/she may deem necessary and appropriate for the purpose of fulfilling the intent of these policies.

§43-260

The Board supports public release of test data. This information will be released only in a manner consistent with the provisions of the Privacy Act.

§43-277

Enrollment, attendance, and dropout records must be maintained by school, race, grade, and sex. The superintendent shall verify the reports submitted to the State Department of Education.

Follow up records on high school graduates shall be kept.

CROSS REFERENCE

II.A.2; Regulation §43-243

F. Student Records

Regulations

§24:03:04:10

"A permanent and accumulative record shall be kept of each pupil's scholarship and attendance through the elementary and secondary schools." A duplicate set of records shall be kept in a separate, safe location where safe storage is not available at the school.

CROSS REFERENCE

IV.H.; Statute §13-22-4; 13-27-15

F. Student Records

CROSS REFERENCES

IV.G.; Regulation pp.74-5

IV.H.; Statute §1716

IV.H.; Statute §1717

IV.H.; Statute §1718

F. STUDENT RECORDS

REGULATIONS

§.203

"A pupil's report cards or records shall not be withheld because of unpaid compulsory, school district assessed, fees or charges which are not authorized by law."

CROSS REFERENCE

IV.H.; Statute §21.034--21.035; 21.251

F. STUDENT RECORDS

CROSS REFERENCE

II.A.3; Statutes §§53-16-5 -- 53-16-6

F. Student Records

Statutes

§1091

The clerk shall annually prepare a list of the name, date of birth of each pupil, the name of the parent and any other facts the board may prescribe. Any person who refuses to give the clerk information as to the age of thechild under its control shall be fined $20.

§1321

With the approval of the board of education, the commissioner shall issue forms to the schools to keep a record of daily attendance and to procure statistical and other information. A school which keeps such records by an approved machine process is exempt from using the forms.

Regulations

R.M. Ch. IV.G; p. 99

All school districts shall develop and implement a system of records for student information which shall insure their accuracy, relevancy, and confidentiality and accessibility to them. It is recommended that school districts refer to Guidelines for the collection, maintenance and dissemination of pupil records, published by the Russell Sage Foundation in 1970.

CROSS REFERENCES

III.A.1.; Regulation, R.M. Ch. II.C., pp. 15-22

IV.H.; Statute §1323; 1324

F. STUDENT RECORDS

STATUTES

§2.1-340; 2.1-341; 2.1-342

Any official record shall be open for inspection and copying by any citizen of the State Except for scholastic records, files, documents, and other materials maintained by a public educational agency. A student shall have access to his/her own records if over the age of eighteen, an emancipated minor or a student in a public institution of higher learning. If the student is under eighteen, only the student's parent or guardian shall have access to the student's records.

ACCESS

§22-275.26 -- 22-275.28

No teacher, principal or employee of any school nor any school board member shall permit access to any written records concerning any pupil enrolled in the school to any person except under judicial process. A parent or guardian of a pupil or the pupil shall have access to the pupil's records. If the pupil is less than eighteen years old, the school board may require that the pupil furnish the written consent of his/her parent or guardian to obtain the records. The parent, guardian or pupil shall have access to the records by appearing in person during regular shcool hours.

CONSENT

Any person who receives written permission from the pupil, if the pupil is over eighteen, or permission from the pupil's parent or guardian if the pupil is under eighteen, shall have access to the pupil's records.

Any principal of a school where the pupil attends, has attended, or intends to enroll shall have access to the pupil's records.

Any current teacher of a pupil shall have access to his/her records.

Any law enforcement officer, probation officer, parole

officer or member of the parole board seeking information in the course of his/her duties shall have access to the records of a pupil.

The Superintendent of Public Instruction or the division superintendent where the pupil attends, has attended or intends to enroll, shall have access to the pupil's records.

Any officer or employee of an agency for protective services to children who is investigating a pupil shall have access to the pupil's records.

School personnel may give information about a pupil's participation in athletics and other school activities or winning awards.

A superintendent may provide information about a pupil to a college, university, or educational research and development organization study if no pupil will be identified by name.

The name, address, attendance record, scholastic record, place and date of birth of a pupil, the names of schools attended by a pupil, and the names of a pupil's parents or guardian may be given to an officer or employee of the United States who seeks the information because the pupil is a veteran of military service with the United States or an orphan or dependent of a veteran or an alien.

A principal may provide the names and addresses of pupils presently enrolled or who have terminated their enrollment to any officer or employee of a public or private school, college, or university or any official of a private business or professional school or college so long as the information is used for purposes directly related to the academic or professional goals of the institution. Any institution which misuses the lists shall have its use of the lists suspended for two years.

A pupil's records shall be given to a new school division when the pupil is transferring there, and the school division requests the records. The Superintendent of Public Instruction may make regulations governing transfer of records from one school division to another.

Pupil Accounting Records Generally, §I-II

Teachers are required to keep a register for pupil accounting in the instructional program, for school administration, and for the distribution of major state school funds. Registers should be checked by the teacher, with emphasis on aggregate days attendance, and membership for each pupil. Local school boards shall adopt rules and regulations for periodic checks of teachers' registers, at least three times a year, including a final check of each register at the end of the school term.

A pupil shall only be counted when present for roll call.

Students absent because of non-school sponsored trips or events shall be recorded absent.

Registers are not to be closed before the last day of the school term.

Pupils may not be counted present if the school bus never reaches the school. If schools are closed early students are counted present.

Excused full day absences must not be counted as "present" under any condition.

When transferring from public schools a student shall present to the school in which he/she is seeking entry a certificate certifying that such pupil has been removed from the rolls of the school from which such pupil is transferring.

If a school board has been authorized to substitute a centralized pupil accounting system in lieu of using teacher's registers, the above definitions and/or institutions are applicable to the central system.

Retention Schedule For Uniform Pupil Accounting Records

An accurate and complete cumulative record on achievement and attendance shall be maintained for every child enrolled in the public schools (elementary and secondary).

CROSS REFERENCES

IV.H.; Statute §22-209

IV.H.; Statute §22-275.8; 22-275.9

IV.H.; Statute §22-275.15

F. Student Records

Statutes

RULEMAKING

ACCESS

$180-52-025

" School districts shall develop and adopt written policies relating to (a) the type of pupil personnel records ... to be kept ... and (b) procedures by which a parent ... may ... examine school records pertaining to his/her child with professionally competent personnel present to interpret and assist in the anlaysis of such records."

CROSS REFERENCES

IV.A.; Statute $28A.31.040

F. Student Records

Statutes

§118.125

All pupil records shall be confidential. A pupil, parent or guardian shall be provided with a copy of the pupil's progress reports and behavior records. The school boards shall adopt rules for the maintenance of records. A school district shall transfer records to another school if the child intends to transfer.

CROSS REFERENCES

II.A 2.; Regulation PI 11.05

IV.H.; Statute §118.18

F. STUDENT RECORDS

IVF-WY 1
WYOMING

REGULATIONS

Chap. III, Sec. 1

ACCESS

The custodian shall respond to an individual's right to access to and copies of any records considered public.

Chap. III, Sec. 2

All access to confidential records shall be logged. No letters of recommendation prior to January 1, 1975, are open to review.

The custodian of student records shall honor the parent's, guardians', surrogate parents', or eligible student's right to inspect educational records upon written consent of those designated above.

Personnel records shall be available to the person of interest and of officials who supervise an employee's work. Responses to inquires concerning past and present employees shall be limited to employment responsibilities. The gross annual salary of any employee may be given, but only in a manner that affirms or denies the salary information in the possession of the requester.

Certification and placement records shall be available to the person in interest and to others upon written consent of the person in interest.

Chap. III, Sec. 3

CORRECTION OF RECORDS

The interested person has the right to bring to the attention of the custodian allezed, erroneous or misleading information contained in his/her record. Correction or amendment may be by physical attention of the record or by inclusion of the individual's version of the disputed data. If the custodian refuses to amend the record, the custodian shall explain this decision in writing and procedures for review of that refusal.

Chap. III, Sec. 4

APPEAL

A person's right to appeal shall permit the person in interest to request a review by the State Superintendent of a custodian's refusal. If then the record is refused amendment, the person in interest will be notified of procedure for judicial review.

Chap. III, Sec. 5

ACCESS

The custodian reserves the right to apply to the district court for an order permitting him/her to restrict access to a record.

Chapter XII; Appendix C: Sec. 9-692.2

PUBLIC INSPECTION

All public records shall be open for public inspection, except as provided in this act. The offical custodian of records may, however, make regulations regarding inspection necessary for the protection of records and the prevention of unnecessary interference with the discharge of the custodian's duties. Any person desiring to inspect public records shall be quickly informed if the records requested are not in the possession of the person to whom application is made or are not available because they are in active use or in storage.

Chapter XII; Appendix C: Sec. 9-692.3

Inspection may be denied if inspection would be contrary to state or federal statute. Inspection may be denied to the following records unless otherwise provided by law:

records of investigations, intelligence information, or security procedures;

test questions, scoring keys, and data pertaining to licensing, employment, or academic examinations;

specific details of bona fide research projects;

contents of real estate appraisals related to the acquisition of property for public use until title has passed to the state or political subdivision (except that such contents shall be available to the owner of the property at any time);

inter- or intraagency correspondence (to a private party in litigation with the agency);

medical, psychological, and sociological data on individual persons;

personnel files (except to supervisors, and with exception that applications, performance ratings and scholastic achievement data shall be available to the person in interest and to supervisors);

letters of reference;

school district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to officials duly elected and appointed to supervise him.

An applicant denied access to records may request a written statement of grounds for the denial or may apply to the district court for an order directing the custodian to show cause why he/she should not permit inspection.

A custodian may apply to the district court for an order permitting him to restrict disclosure of records generally subject to inspection if disclosure would damage the public interest. After a hearing, the court may issue such an order. The person seeking permission to examine the record shall have notice of the hearing and the right to appear and be heard.

Chapter XII, Appendix C: Sec. 9-692.4

In all cases in which a person has the right to inspect public records he may request that he/she be furnished copies for a reasonable fee.

Chapter XII; Appendix C: Sec. 9-692.5

Willful violation of this act shall constitute a misdemeanor, punishable, upon conviction, by a fine not to exceed $100.00.

Chapter XV: Sec. 1

RIGHT TO AMEND

A parent who believes that data maintained by a participating agency is inaccurate, misleading, or in violation of the privacy or other rights of the child may request the agency to amend the data.

Chapter XV: Sec. 2

HEARING

If the agency refuses, it shall inform the parent and advise the parent of the right to a hearing, conducted in accordance with the Wyoming Administrative Procedures Act and chaired by a person without a direct interest in the outcome.

Chapter XV: Sec. 3

HEARING

As a result of the hearing, the agency may decide to amend the data. If it decides not to, the agency shall inform the parent of the right to place in the records a statement commenting on the data and setting forth any reasons for disagreeing with the agency's decision. Such a statement shall be maintained with the contested data so long as the data is kept and shall accompany the data whenever it is disclosed.

Chapter XVI: Sec. 1

Written parental consent is required before data are:

disclosed to anyone other than officials of participating agencies for purposes delineated in Chapter XIII, Sec. 2; or used for any purpose other than those stated in Chapter XIII, Section 2; or sought directly from the child by formal evaluation.

An educational agency subject to the Family Rights and Privacy Act of 1974 may not release data from educational records without parental consent, except as provided in that act.

Chapter XVI: Sec. 2

HEARING

If a parent refuses consent, a participating agency, with just cause, may request a hearing to obtain parental consent.

Chapter XVII: Sec. 1

Each particpating agency shall protect the confidentiality of data and provide to the Office of Exceptional Children a procedure to this end, which shall include the following:

One person in each participating agency shall be designated as responsible for assuming the confidentiality of any personally identifiable data.

Each participating agency shall be responsible for assuring that all persons employed by the agency who handle personally identifiable data receive appropriate instruction in the rights of children and parents, the confidential nature of the data, and access and dissemination procedures.

Each participating agency shall maintain, for public inspection, a current testing of those employees who have access to personally identifiable data.

Chapter XVIII: Sec. 1

DESTRUCTION OF DATA

All personally identifiable data shall be destroyed within five years after the data is no longer needed

to provide educational services, except for a permanant record consisting of a student's name, address and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.

Prior to destruction, reasonable efforts shall be made to notify parents of their right to obtain a copy of data.

Chapter XIX: Sec. 1

RIGHT OF PRIVACY

On reaching the age of 19, the rights of privacy accorded to parents shall pass to the child except in the case of a child who has been declared legally incompetent and for whom legal guardianship is required beyound the age of 19. In such instances, the child's legal guardian shall maintain the rights to privacy.

CROSS REFERENCES

II.A.2; Regulation Chap. XI, Section II

IV.K; Regulation Chap. XII, Appendix C, Section 9-692.4

G. Admission and Transfer

IVG

6639

G. Admissions and Transfers

Statutes

§16-9-19

The county superintendent shall prepare rules and regulations on admission requirements to junior and senior high schools, and submit them to the county board for its approval. RULEMAKING

§16-10-6

No fees shall be charged to students attending any of the first six grades. However, this provision does not affect the right of a school board to fix and collect tuition fees from pupils who attend its schools but who live outside the board's jurisdiction. TUITION

§16-11-16

The city board of education has authority to establish kindergartens and playgrounds for resident children. All resident children, ages six to 19, are entitled to admission to the public schools. Children ages five to eight may be admitted to kindergarten.

§16-26-4

A matriculation fee may be collected each semester from all students in accredited high schools.

CROSS REFERENCES

II.A.4.: Statute §16-8-41

IV.A.: Statute §16-30-1;4

IV.H.: Statute §16-28-2; 16-28-4

G. Admission and Transfer

Statutes

§14.03.070

A child is of "school age" if he is six years of age "before November 2 following the beginning of the school year," and less than 20 years of age and has not completed the 12th grade.

§14.03.080

TUITION

(a) A resident child of school age "is entitled to attend public school without payment of tuition.

(b) A person over school age may be admitted . . . at the discretion of the . . . school district . . . [and] . . . may be charged tuition.

(c) A child under school age who has the mental, physical and emotional capacity to perform satisfactorily for the educational program being offered . . . who meets the standards set by the board of education may be admitted at the district's discretion.

(d) A child . . . five years of age . . . before November 2 . . . may enter a public school kindergarten."

(e) A resident "child under school age shall be admitted . . . if immediately before becoming a resident . . . he was legally enrolled in the public schools of another district or state."

Regulations

4AAC 05.030

"(a) Every child of school age has the right to a public education in the local community in which he(she) resides.

"(b) Neither the department nor a district may require a child to live away from the local community in which he[she] resides to obtain an education."

AUTHORITY:

AS 14.03.080(a)

AS 14.07.020(1) and (2)

AS 14.07.060

4AAC 42.060

"(a) A pupil who is attending or has completed grade two or higher in a private or denominational school is eligible to transfer to the same grade in any public school in the state or, in the case of completion of the grade, he[she] may originally enter the next higher grade in any public school in the state provided that:

(1) the school has registered with the department;

(2) the school has complied with sec. 20 of this chapter;

(3) the school has complied with sec. 30 of this chapter;

(4) the curriculum and operation of the school is in conformity with minimum state standards;

(5) in the case of eighth graders entering high school (ninth grade), the school shall have complied with sec. 40 of this chapter.

(b) If the private or denominational school from which the pupil is transferring has not met the conditions prescribed by sec. 60(a) of this chapter, the pupil, in the discretion of the receiving school, may be required to take a standard entrance examination for the appropriate grade level and be required to meet average grade level performance for the grade before acceptance by the public school."

AUTHORITY:

AS 14.07.020(6)

AS 14.30.010(b)(1)

4AAC 42.070

"Kindergarten or first grade pupils attending a private or denominational school which has complied with the provisions of sec. 60(a),(1) --(4) are eligible to transfer during the school year to the same grade in any public school in the state. For transfer under this section, the child shall have originally entered at an age in accordance with AS 14.03.070, governing public school age. For the first grade entrance, six years of age before November 2, and for kindergarten entrance, five years of age before November 2."

AUTHORITY:

AS 14.07.020(6)

AS 14.07.060

4AAC 42.080

"A pupil who has completed the first grade in a private or denominational school that has met the requirements of sec. 60(a),(1) -- (4) of this chapter, whose first grade entrance was in accordance with AS 14.03.070, is eligible for acceptance for original entrance in a second grade in any public school in the state. However, if the first grade entrance was at an age not in compliance with AS 14.03.070, the child, in the discretion of the receiving school, may be required to take an examination in the manner outlined in sec. 60(b) of this chapter."

AUTHORITY:

AS 14.07.020(6)

AS 14.07.060

CROSS REFERENCES

II.A.2.; Statute §14.30.285

II.A.2.; Statute §14.30.330

II.A.2.; Regulation 4 AAC 33.020

IV.A.; Statute §14.30.047; 14.30.070

IV.A.; Regulation 4 AAC 06.055; 60.100

IV.J.; Statute §14.30.045

G. Admissions and Transfers

Statutes

§15-302

All schools may admit students between the ages of six and twenty-one. If a child will reach the age of six before January 1 of the school year, she/he will be admitted. Nonresidents may be admitted, subject to the district board's terms. Children with "vicious habits" or contagious disease may be excluded.

§15-304

A pupil may be given a "certificate of educational convenience," permitting her/him to attend school in another district, if the superintendent of schools determines that the pupil is unable to attend school in her/his own district.

§15-307

A pupil who transfers to a new school must present a "withdrawal form" from his/her school, stating the reason for withdrawal.

§15-449

The Board shall admit pupils from another district without payment of tuition for reasons deemed sufficient by governing boards. Others shall pay tuition. The residence of one having legal custody of the pupil is the residence of the pupil.

TUITION

CROSS REFERENCES

II.A.2.; Statute §15-832 -- 834

II.A.3.; Statute §15-1051 -- 1054

II.A.8.; Statute §15-921

III.B.Teachers; Constitution Art. XI, §7

IV.A.; Statute §15-342

G. Admission And Transfer

Statutes

§80-1501--1501.2

Public schools are "open and free" to persons six to twenty-one years old who reside in a district of Arkansas. Older or younger persons may receive special permission of the school board directors to attend, under regulations established by the State Board of Education.

A parent, guardian or "other responsible person" must present a child's birth certificate for admittance purposes.

A child must be six years old "on or before October first of such school year" as he/she shall be enrolled.

§80-1517, 1518

The county board of education may, when petitioned by a resident, "transfer the children or wards of such person to a district in the same county, or to a district in an adjoining county for school purposes." A $2.00 fee must be paid to the county treasurer, credited to the general school fund, for such consideration. No county court may sbustitute its consent for a transfer for a district's Board of Directors .

§80-1518.1, 1518.2

One district may reimburse another serving "pupils who do not live within the boundaries of the servicing district." Such payment "may be used for facilities, services, supplies and equipment. The State Board of Education shall approve such contracts."

§80-1525, 1526

The legislature, for purposes of economy and improving the quality of education for the individual student, decided that an "arbitrary reallocation of pupils" based on "any rigid rule of proximity of residence" is "disruptive to orderly administration [and] tend[s] to induce disorganization and impose

an excessive burden on the available resources and teaching and administrative personnel of the schools." Therefore, no local Board of Education is required to transfer student[s] without finding that such transfer is "consistent with the rest of the public and educational policy governing the admission and placement of pupils in the public school system."
§80-1527

". . . each local Board of Education shall have full and final authority and responsibility for the assignment, transfer and continuance of all pupils among and within the public schools within its jurisdiction, and may prescribe rules and regulations pertaining to those functions."

RULEMAKING

The Board may delegate its authority to the Superintendent.

Some of the factors to be considered in assigning pupils to schools are: "available room and teaching capacity . . . transportation facilities . . . the effect of admission of new pupils upon established or proposed academic programs . . . the suitability of established curricula for particular pupils . . . the adequacy of the pupil's academic preparation . . . the [pupil's] scholastic aptitude and relative intelligence or . . . ability . . . the pupil's effect upon the academic progress of other students . . . the effect upon prevailing academic standards . . . the psychological effect upon the pupil . . . the possibility of breaches of peace or ill will or economic retaliation within the community . . . the home environment of the pupil . . . relationships with other pupils and . . . teachers . . . the choice and interests of the pupil . . . and the request or consent of parents or guardians and the reasons assigned."
§80-1529

"A parent or guardian . . . may file . . . with the local Board objections to the assignment of the pupil to a particular school, or may request . . . assignment

OBJECTIONS

or transfer into a designated school or to another school to be designated by the Board. Unless a hearing is requested, the Board shall act . . . within 30 days." Otherwise a hearing shall be called within 30 days. The Board shall investigate objections or requests.

§80-1545 -- 1546

The parents or guardians of a child who cannot attend public school because of "special problems" may apply to their school district and/or State Department of Education for financial aid and for "gratuitous instruction." Both local and State Boards shall set rules and regulations governing application and funding procedures. Their final decisions shall be final, and not subject to appeal.

§80-1654

School district residents between the ages of five (on or before October 1 of the year enrolled in kindergarten) and twenty-one and children who are six years of age by October 1 of the year they enter first grade may enroll in their district's public schools. Residents twenty-one years and older may enroll in their district's adult education program.

§80-1655

The prohibition of persons over twenty-one attending public schools shall not pertain to vocational-technical high schools.

Acts 1975, No. 195,

". . . children of six years of age, who have not reached age seven" upon written request of a parent or guardian, may be admitted to a kindergarten program.

CROSS REFERENCES

II.A.2.; Statute §80-2103

II.A.2.; Statute §80-2111

II.A.2.; Statute §80-2407 -- 80-2408

II.A.2.; Statute §80-2412; 2414

II.A.3.; Statute §80-2562

II.A.4.; Statute §80-1646

II.A.4.; Statute §80-1647 -- 80-1649

III.C.Public Schools; Arkansas Constitution, Article XIV, Section 1

G. Admission and Transfer

Statutes

§32320

TUITION

VETERAN

No state-owned school shall charge any tuition, or incidental fees to: any dependent receiving assistance; any child of any veteran of the U.S. military service who has a service-connected disability, and whose annual income does not exceed $5,000, or any child of any veteran who has been killed in service or who has died in a service-connected disability.

§37104

"Any person who is eligible to attend high school and who does not reside in a high school district or in a unified school district may attend high school in any high school district or unified school district in the county in which he resides or in another county."

§46603--46604;46607

APPEAL

If the governing board of a district fails to enter into an interdistrict agreement within 30 days after a person having custody of any pupil has requested the board to do so, the person may appeal to the county board which shall determine whether the pupil should be permitted to attend in the requested district and at what tution payment. If the county board determines that the pupil should be permitted to attend in the requested district, the pupil shall be admitted without delay.

A pupil may be admitted previously to schools of a district, other than that in which he lives, for up to two months, pending decision by the governing boards or the county board.

§46611--46613

The governing board of a district with one or more elementary schools may admit to its kindergartens children eligible for admission to kindergarten classes who live in another district, whenever an agreement is

entered into between the governing boards.

A governing board may admit to its schools any pupils who reside in another district during any of the first three fiscal years of existence of the district of residence, upon agreement between the governing boards.

§46617.5

A county superintendent may admit to regional occupational programs, operated by the county superintendent, pupils who reside in districts not participating in the regional program, by written agreement with the district in which the pupils reside or with a regional occupational program in the district, if one exists.

Cost of such attendance shall be reimbursed in full to the county superintendent by the pupil's district at the full foundation program level or the district's revenue limit.

§48000--48001

A child shall be admitted to a kindergarten in any term during the first school month of the term, if the child is of the age prescribed and resident in the district. At the discretion of the governing board, a child of proper age may be admitted to a class after the first school month of the term.

If there is only one term during the school year, a child shall be 4 years and 9 months of age on or before September 1st of the current school year. If there are two terms, the child shall be 4 years and 9 months by September 1st to be admitted to the first term or 4 years and 9 months by February 1 to be admitted to the second term.

A child who will be 4 years and 9 months by September 1st may be admitted to the prekindergarten summer program for pupils enrolling kindergarten in September.

The governing board may admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian.

§48002--48003

The parent or guardian of a child shall, prior to the admission of the child to the kindergarten or first grade, present proof to district authorities that the child is of the minimum age, in the form of a certified copy of a birth certificate, a passport, or, when none of these is obtainable, on affidavit of the parent or guardian. However, governing boards having an average daily attendance of 60,000 or more pupils shall admit a child to a kindergarten or first grade upon presentation of such proof as shall be prescribed by the governing board of the district.

§48010

A child of the prescribed age shall be admitted to the first grade of an elementary school, during the first month of any school term and, at the discretion of the governing board, after the first school month of the term.

If there is only one term during the school year, the child shall be 5 years and 9 months on or before September 1st of the current school year. If there are two terms, the child shall be 5 years and 9 months by September 1st to be admitted to the first term or 5 years and 9 months by February 1st to be admitted to the second term.

§48011--48013

A child who has been lawfully admitted to kindergarten and completed one year in it shall be admitted to the first grade of an elementary school regardless of age. A child who has been lawfully admitted to kindergarten and is judged ready for first-grade work may be admitted to the first grade at the discretion of the school administration and with the consent of the child's parent or guardian regardless of age.

Where a child has been legally enrolled in another district in or out of state, the child may be admitted to school and placed in the grade of enrollment in the district of former attendance, at the discretion

of the administration of the district entered.

No child shall be admitted to the first grade unless the child is at least five years of age.

A governing board may open day elementary schools for the admission of adults if deemed advisable.

§48020

All minors who have completed the work of the sixth grade or who are judged, by the junior high school principal and the superintendent with jurisdiction, capable of doing the required work, may be admitted to a junior high school.

§48030-48031

Any graduate of elementary school and any other person providing, to the high school principal and the superintendent with jurisdiction, evidence of fitness for high school work may attend high school in the district in which he/she resides.

A person eligible to attend high school who does not reside in a high school or unified school district may attend any high school in the county in which he/she resides or in another county.

§48040

Adult schools and evening high schools shall be open for the admission of adults and of such minors judged by the governing board to be qualified for admission.

§48050

A governing board, with the approval of the county superintendent, may admit to district schools a pupil, living in an adjoining state contiguous to the district. The governing board shall enter into an agreement with the authority of the pupil's district of residence providing for the payment of an amount sufficient to defray the total costs of educating the pupil. The district of attendance may enter into an agreement with the parent or guardian of the pupil instead of with the district of residence.

§48051--48052

Any person, otherwise eligible for school admission, whose parents are or are not U.S. citizens, where actual and legal residence is in a foreign country adjacent to this state, and who regularly returns within a 24-hour period to that country, may be admitted to a school by the governing board of the district.

TUITION

The governing board shall require the parent or guardian of such a pupil to pay to the district an amount not more than sufficient to defray the total cost of educating the pupil. Tuition payments shall be made in advance for each month or semester during the period of attendance; if the amount paid is more or less than the total cost, adjustment shall be made for the following term. The district shall not be eligible for nonimmigrant or noncitizen reimbursement for these students.

§48210-48212

EXCLUSION

Persons excluded from the public schools are: children under six years of age, except as provided; children of filthy or vicious habits, or suffering from contagious or infections diseases; and children whose physical or mental disability is such as to cause their attendance to be inimical to the welfare of other pupils.

§48413

Persons 16 years of age or older and under 18 years of age who have not been graduated from high school shall be permitted by the governing board to enroll in continuation classes conducted by the school district if such enrollment does not preclude the goals of continuation education schools.

REGULATIONS

§200

A child enrolled in kindergarten may be admitted to first grade if the child is at least five years of age; is in the upper five percent of his/her age group in general mental

ability and his/her social and physical maturity is consistent with the advanced mental ability and the parents approve the placement.

CROSS REFERENCES

II.A.2; Statute §1710; 1711

II.A.2; Statute §56030--56035

II.A.2; Statute §56500--56501; 56514

II.A.2; Statute §56505--56506

II.A.2; Statute §56508--56509

II.A.2; Statute §56510--56513

II.A.2; Statute §56515--56518

II.A.2; Statute §56519; 56529; 56530

II.A.2; Statute §56522--56524; 56526--56528

II.A.2; Statute §56542

II.A.2; Statute §56605--56618

II.A.2; Statute §56700--56729

II.A.2; Statute §56802--56833; 56865; 57800; 57818

II.A.2; Statute §59000--59007; 59020--59031; 59040--59045

II.A.2; Statute §59100--59103; 59110--59113; 59120--59131; 59140--59144

II.A.3; Statute §52300--52332

II.A.3; Regulation §11441

II.A.4; Regulation §12025

II.A.4; Regulation §17908

II.A.4; Regulation §17909

II.A.5; Regulation §11408--11410

II.A.10.Other-Alternative Schools; Statute §58500--58514

II.A.10.Other-Technical, agricultural and natural resource conservation schools; Statute §1790; 1805; 1807; 1808

II.C.2; Statute §46304

IV.F; Statute §49068

IV.F; Regulation §438

G. Admissions and Transfers

Statutes

§22-1-102

The public schools shall be open, free of charge, to all residents between six and twenty-one years old. The board of education may admit nonresidents "if it sees fit to do so." A child's residency may be determined by his/her parents or guardian's residence.

§22-32-115

If the board determines that a child will gain an "educational advantage" by attending a school outside the district where she/he resides, the board may pay the child's tuition to attend such school.

"The tuition shall not exceed one hundred twenty percent of the current per pupil general fund cost in the school district of attendance during the preceding school year."

TUITION

§22-32-116

A board of education may exclude nonresident pupils from its schools, but a person who becomes a non-resident while she/he is enrolled in the twelfth grade, "shall be entitled to finish that school year as a resident. A board may waive tuition for a nonresident school-age child."

§22-33-103

"Any resident of this state" between the age of six and twenty-one is entitled to attend public school, free of charge, in the school district of which she/he is a resident. Tuition may be charged for nonresident students.

CROSS REFERENCES

III.A.2; Constitution Article 9, §8

IV.J; Statute §22-33-105; 106

G. Admission and Transfer

Statutes

§10-35

Any municipality which desires to discontinue furnishing educational facilities for non-resident high school students shall notify the board not less than one year prior to the time when such facilities will cease to be furnished . . . provided the board of a district in which a high school is not maintained by that district may enter into an agreement with the board of another district to provide such facilities for a period not to exceed ten years . . . .

§10-55

"No pupil from any town belonging to a regional school district shall, at the expense of such town, attend any other school in lieu of that provided by said district except a vocational school approved by the state board of education, unless his/her attendance at such other school is approved by the regional board of education."

§10-186; 187

"Each town or regional school district shall furnish, by transportation or otherwise, school accommodations" so that all children may attend public school. If any school district fails to furnish accommodations, the parent of such child may request a hearing which shall be given within ten days. The decision may be appealed to the state board of education which, if it finds that a child is illegally or unreasonably deprived of schooling, shall order the local board to make arrangements to enable the child to attend public school.

A parent or guardian or a town aggrieved by the state board's decision may appeal to the court of common pleas in their county.

§10-198

A parent who makes a false statement concerning the age of a child shall be fined not more than twenty dollars.

§10-226c

A board that receives notification of the existence of racial imbalance shall prepare a plan to correct the imbalance and file the plan with the state board of education. The plan shall include all means proposed to correct the racial imbalance. The plan may include proposed cooperation with other districts to assist in the corrective program.

§10-253

Children placed in a state-operated receiving home by the commissioner of social services shall be entitled to all free school privileges.

CROSS REFERENCES

I.Local School Board; Statute §10-36

II.A.3.; Regulation §10-95-1 -- 10-95-5

II.A.8.; Statute §10-52

III.A.2.; Statute §10-15

III.B.Professional Personnel; Statute §10-27

IV.A.; Statute §10-204

IV.A.; Statute §10-204a

IV.A.; Statute §10-204b

G. Admission and Transfer

Statutes

§201,202

The system of public schools shall be operated in an efficient manner and provided free to residents of the state between the ages of six and twenty-one years.

Public special schools and kindergartens shall be free and open to persons below the age of six years and state residents. All persons attending public schools shall take instruction in their residential districts. Those persons not residents of the state may attend state public schools under terms or conditions provided by law.

A person shall be considered a resident of the school district in which his/her parents or legal guardian reside.

§602

Transfer of pupils from one school district to another may occur after both school boards agreed to the transfer. A reorganized district receiving any pupil who is a resident of another reorganized school district shall collect a tuition charge for the nonresident pupil.

Tuition charges are to be verified by the superintendent of public transportation 20 days after they are received. No payments shall be made until this certification has been shown to be true and correct.

For each pupil attending a public school of another district as of September 30, the receiving district shall bill the sending district, and the sending district shall pay tuition charges per pupil on or before April 1 of the year in which the sending district received the bill. For those pupils attending in the receiving district for less than a full term, tuition charges shall be prorated by reference to the period of time during which such pupils actually attended the receiving district's schools, provided that attendance for part of any month shall be counted as a full month of attendance.

§603

Any reorganized school district which has an existing agreement

with another reorganized school district for pupil exchange, provided the agreement has been in force and effect for at least one school year, shall be required to collect a tuition charge.

Any student who resides in the districts specified in this section may attend any school in one of the other districts provided he/she submitted an application on or before May 31, 1977 or May 1 of any subsequent year to the district in which he desires to attend and (2) said school district approves the application on or before June 13, 1977 or before June 1 of the year the application is made.

When a student has transferred to a new district pursuant to the voluntary transfer provisions, the sending district shall immediately upon request of the receiving district transfer the student's records to the receiving district.

§604

Handicapped children who attend special classes in districts other than those in which they reside or by an agency of the state Department of Public Instruction, the receiving district shall collect a tuition charge for the pupil, provided approval for attendance has been granted by the sending district.

§605

The school board of any reorganized district in which there is a children's house or institution, said children not being residents of that district, may allow those children to attend the schools in their district; the district of their residence being liable for the tuition of these pupils.

§2701

All public schools of this State shall be free to all children who are residents of this state and who are of the ages required for attendance in public school.

CROSS REFERENCES

II.A.2.; Statute §606

II.A.2.; Statute §3109

II.A.2.; Statute §3125

G. Admissions and Transfers

Statutes

§31-307

There shall be paid for each nonresident adult and each child whose parent or guardian does not reside in the District of Columbia an amount sufficient "to cover the expense of tuition and cost of textbooks and school supplies used . . ." in the public schools. Such amount shall be fixed by the Board, upon the approval of the city council. The Board may exempt from such requirement a child whose support is provided by a person residing in the District, and whose parent or guardian is unable to provide such support, or a child who is self-supporting.

§31-308

TUITION

The Board shall determine which persons attending, or desiring to attend, the public schools shall be required to pay tuition.

Regulations

CH. IV, §400

"All persons seeking admission to the schools and programs of the District of Columbia Public Schools must satisfactorily meet all residency, academic, age, immunization, tuition, and other eligibility prerequisites for the school or program to which they seek admission as set forth in the Code of Laws of the District of Columbia and the Rules of the Board of Education.

A student under eighteen . . . years of age who is otherwise eligible for admission to the D.C. Public Schools shall be admitted without payment of non-resident tuition if and only if such student qualifies for free instruction under one of the following categories:

(a) A student who is in the custody or control of a parent or court-appointed guardian (or custodian) who is a resident of the District of Columbia;

(b) A student who is a resident of the District of Columbia and who does not have a living parent or guardian;

(c) A student who is a ward of the District of Columbia;

(d) A student who is living with his or her spouse, when such spouse is eighteen . . . years of age or older and is a resident of the District of Columbia;

(e) A student attending the Capitol Page School;

(f) A student who has been granted an exemption from the requirement to pay tuition by the Board of Education pursuant to the provisions of D.C. Code.

An adult student who is a resident of the District of Columbia shall be eligible for free instruction in the schools and programs of the D.C. Public Schools for which the student meets all other criteria and prerequisites for admission. An adult student may sign all papers and take all actions on his own behalf which would be required of the parent or guardian of a minor student. For the purposes of this Chapter, the residence of an adult student is the address of the adult student, not the address of the adult student's parent or guardian.

No student shall be denied admission to the D.C. Public Schools by reason of the student's race, color, religion, national origin, citizenship status, sex, marital status, handicapping condition, or any other basis of unlawful discrimination pursuant to the laws of the District of Columbia.

A pregnant student who is otherwise eligible for admission to the D.C. Public Schools shall not be denied admission by reason of such pregnancy. However, eligibility for participation in physical education or other activities may be conditioned upon certification by a physician that the student is physically able to participate in the activity."

"Application for admission to the D.C. Public Schools shall be made by registering at the school for which the student is eligible which is located in the attendance zone within which the applicant resides.

Application for admission to the D.C. Public Schools by students who reside outside of the District of Columbia shall be made to the Regional Office of the Region in which the appropriate school is located. The school assignment of the non-resident student shall be approved by the Regional Superintendent.

Residence attendance zone restrictions shall not apply to career development centers, special education schools or programs, adult education day and evening schools, or other schools and programs which provide city-wide curricular opportunities for all qualified students regardless of their place of residence in the District of Columbia.

Where admission to a particular school or program is not based upon residence in a particular attendance zone, initial registration may be required at the appropriate attendance zone school, as required in subsection 402.1, or at another place designated by the Superintendent of Schools.

The principal or other person in charge of registration for each school or program shall be responsible for the receipt of all applications for admission, the conduct of registration procedures, and the certification that all admission requirements and prerequisites have been properly met by the student.

Prior to the admission of a student, the adult student or the student's parent or guardian shall be required to provide documentary proof of the date of birth of each registering student. . . .

Minor students must be accompanied at registration by a parent or guardian. The parent or guardian shall provide the following information for each registering student. An adult student shall not be required to provide information about the adult student's parent or guardian, but shall provide the appropriate items of information about himself:

(a) Full name of the student;

(b) Full name, home address, and work address of each parent, guardian, or other person having custody or control of the minor student for the purpose of admission;

(c) The home and work telephone numbers of each parent, guardian, or other responsible adult or, in each case, the telephone number through which each person may be contacted in case of an emergency;

(e) The name, address, and telephone number of the student's physician, clinic, or other person or agency where the student's medical records are located;

(f) The date of registration;

(g) The manner or type of admission.

The principal or other person responsible for admission and registration procedures may require the submission of evidence of D.C. residency . . . in order to determine whether the student is eligible to attend the D.C. Public School or program without payment of non-resident tuition, ...

The principal or other person responsible for admission and registration procedures shall keep a record of the removal of any student from the rolls of the school or program and any subsequent readmission of the student . . .

Except as provided otherwise in this section, the entrance-level palcement of each student shall be individually determined by the principal or other person in charge of the school or program.

Entrance-level placements for handicapped students shall be determined by referral of the student for assessment and evaluation pursuant to the provisions of section 450ff of this Chapter.

Bi-lingual and non-English speaking students shall be referred for placement determination to the Office of Bilingual Education and the appropriate placement determination shall be transmitted to the principal or other person in charge of the school or program.

Entrance-level placement determinations may be challenged under the rules and procedures set forth in

section 424 of this Chapter, except for challenges to proposed placements for handicapped students which shall be made pursuant to the rules and procedures set forth in section 450ff of this Chapter."

Ch IV, § 403

"Prior to admission or readmission. . .each student shall be required to present valid written certification of current immunization against measles, rubella, poliomyelitis, tetanus, diphteria and mumps." If a student fails to meet this requirement, s/he may remain in school for a period of ten days during which time the student must obtain and present proper certification.

The Immunization provisions do not apply to any student whose parent or guardian objects on grounds of religious beliefs. Immunization may also be waived where it is deemed medically inadvisable.

CH. IV, §404

"Students who are at least three . . . years of age are eligible for admission to the pre-school program, when such programs are available in the Public Schools.

Students who are or will become four years of age on or before December 31 of the current school year are eligible for the pre-kindergarten program.

Students who are or will become five . . . years of age on or before December 31 of the current school year are eligible for admission to the kindergarten program.

Where appropriate pre-school, pre-kindergarten, or kindergarten programs are not available in the attendance zone within which a student resides, the student shall be eligible for out-of-zone admission to a school where such program is available, if any, and may apply for admission through the appropriate Regional Office. No lower priority for admission shall be applied to students who seek admission out-of-zone pursuant to this subsection.

Students who are or will become six . . . years of age on or before December 31 of the current school year are

eligible for admission to the first grade.

Admission to the secondary program shall be based upon the promotion requirements set forth in section 413 of this Chapter.

Admission to special programs or city-wide schools and programs shall be based upon eligibility criteria established by the Superintendent of Schools, unless otherwise specifically set forth in this Chapter.

Admission to schools and programs for handicapped students shall be based upon the rules and procedures set forth in sections 450-459 of this Chapter.

The establishment of eligibility criteria for certain programs and age groups shall not necessarily require the Public Schools to offer such programs or serve such age groups, except where otherwise specifically required by law or the Rules of the Board of Education. The scope of the Public School's program is subject to the availability of adequate resources and the funding determinations of the Board of Education."

Ch.IV, § 406

A nonresident student, one who does not meet the qualifications for free instruction, may be admitted to D.C. schools on a space available basis. This determination shall be made by the regional superintendent. A nonresident student must meet all other admission requirements. Special consideration and priority for space shall be given to a student enrolled in the highest grade or level of a school who becomes a nonresident and a student who would have re-enrolled in the highest grade or level of a school but who has become a nonresident prior to re-enrollment. No special priority is given to children of nonresident employees of the school system.

TUITION

Ch.IV, §407

Tuition for a nonresident student shall be paid in one lump sum prior to admission. An extended payment contract may be offered due to financial problems or where

nonresident is attending a D.C. school because a comparable program is not being offered in the school district of residency.

Tuition rates shall be fixed annually by the Board upon recommendation by the superintendent.

Ch.IV, §416

Students who change place of residence within the District of Columbia will be expected to transfer to the school servicing their new attendance zone. Exceptions to this policy may be granted by the principal of the school in order to provide continuity of instruction.

CH. IV,§417

"Upon the request of an adult student, or a minor student's parent or guardian, a Regional Superintendent or his [her] designee may grant a discretionary transfer to a student for any of the following reasons: (a) Economic hardship; (b) Physically handicapping condition; (c) Medical reasons; (d) Severe psychological difficulties which impair learning; (e) Gross inconvenience to the adult student, or to the minor student's parent or guardian, including the disruption of family routine; (f) Unavailability of a specific curricular offering or special course of study, for which the student is eligible, at the school where the student is or would be enrolled on the basis of the student's residence.

Requests for discretionary transfer shall be submitted to the appropriate Regional Superintendent or his[her] designee in writing stating the reasons for such request.

In reviewing the request for discretionary transfer, the Regional Superintendent or his[her] designee shall consider the recommendation of the principal or other person in charge of the school or program in which the student is enrolled, the reasons for the request as submitted by the applicant, and any other supportive information or documents submitted on behalf

of the applicant by any person, representative, or agency. The Regional Superintendent or his[her] designee may also include an evaluation of the student's records, an assessment of the student's needs, a conference with any of the parties, or other relevant factors in the consideration of the request.

Discretionary transfers may be granted for one or more school year(s). Upon the expiration of the approved transfer period, the student must reapply and receive approval for continuation of the transfer. Failure of a student to obtain permission to continue a discretionary transfer, necessitating a return to the school serving the student's attendance zone, shall not be considered an involuntary transfer."

Ch.IV, § 418

A student shall not be involuntarily transferred without receiving notice of the reasons for the transfer and an opportunity for a hearing. Students transferred due to special education placement shall be provided an opportunity for a hearing on the proposed placement.

G. Admission and Transfer

Statutes

§228.121

Nonresidents shall be charged $50 per year to attend the public schools. Nonresidents are children whose parents have lived in Florida less than one year, do not own a home in Florida, and have not filed a "manifestation of domicile in the county where the child is enrolled."

§230.232

The authority of each school board in enrollment of pupils shall be "full and complete."

The school board may prescribe regulations to test and classify students according to intellectual ability, but, in doing so, shall "take into account such sociological, psychological and like intangible social scientific factors as will prevent, as nearly as practicable, any condition of socio-economic class consciousness among the pupils attending any given school...."

In designating schools to which students may be assigned, school boards shall consider the request of parents or guardians, the facilities available and teaching capacity of given schools, the effect of new admissions on established academic programs, and the adequacy of a student's scholastic preparation, and cultural background. Parents or guardians of any child denied enrollment in any district public school where the child resides may apply to the school board and shall be entitled to a "prompt and fair hearing" in accordance with the school board rules.

The pupil shall be enrolled in the school of his/her choice. If the board finds that it is in the "best interest of the child", it will not interfere with the "proper administration of the school or the instruction of students enrolled therein," and will not "endanger the health or safety of children enrolled therein."

REGULATIONS

6A-1.98

TUITION

Tuition fees shall not be charged of students whose parents are in the military service, are migratory workers, or if the student is attending school under a special exchange plan. A person shall be a resident under this statute if he has lived in Florida for one year or maintains a residence there.

6A-1.982

Residents shall be defined as persons who have established domicile in Florida subsequent to the first school month in any year and who are exempt from the payment of the non-resident tuition fee.

CROSS REFERENCES

II.A.4.; Statute §232.04 -- 232.05

IV.A.; Statute §232.031 — .032

IV.H.; Statute §232.01

G. Admissions and Transfers

Statutes

§32-604a

"All children who have attained the age of six by December 31 of a fiscal year and all youth who have not yet received a high school diploma or its equivalent shall be eligible for enrollment in the general education and occupational programs, including teenage students who are married or unmarried, a parent, or pregnant." The state of Georgia will have an occupational educational program that will "be integrated into a comprehensive educational program which will contribute to the total development of the individual. . . The major goal of this integrated program shall be to prepare students for adult life, including preparation for a job or advanced study, or both, in [her]his chosen career field."

§32-663a

"[T]he State Board of Education is hereby authorized to provide, by regulation, a procedure and manner whereby a pupil shall, for such compelling reasons and circumstances as may be defined and specified by the State Board, be permitted to attend and be included as an enrolled pupil in average daily attendance in public schools of a local unit of administration immediately adjacent to" the pupil's resident unit provided that "the board of education of the adjacent local unit is willing to receive and permit such pupil to enroll in and attend the public schools of such local unit."

§32-846

"No student shall be refused admission into or be excluded from any public school in the State of Georgia on account of race, creed, color or National origin."

Admission to the public schools is open, free of charge, to all persons between six and 19 who are residents of the school district. Veterans of World War II may attend the public schools, free of charge, regardless of age. The State Board of Education shall prescribe rules and regulations for veterans. Local boards of education may issue rules and regulations concerning the right of married students to attend the public schools.

REGULATIONS

40-218; 40-228

The State Board may govern, and "the Office of Staff Services shall modify and maintain pupil accounting procedures to carry out the transfer of pupils across local school system lines . . . (and) supports the basic assumption that it is the right of the parent or guardian to determine where his/her child shall attend school subject only to the control of the local board . . . receiving the child."

CROSS REFERENCES

II.A.2; Regulation 40-214

II.A.2; Regulation 40-2191

II.A.4; Statute §32-607a

IV.A.; Statute §32-911

IV.H.; Statute §32-807

IV.H.; Statute §32-847

G. Admission and Transfer

Statutes

§298-8

". . . no child shall attend any public school unless he will be at least six years of age on or before December 31 of the school year;" provided that . . . if the school convenes after the regular school schedule, the child "shall be six years of age on or before 125 days following the date such school shall convene. . ." The department "may establish procedures and criteria to determine the psychological and physiological readiness of children for public school and may grant an exception in the case of a child who is found to be ready."

Regulations

Rule 26.4 - 26.10

Principals of home schools are authorized to approve district exceptions to the school attendance laws requiring students to attend school in their own district.

Permission to attend a school in another district may be granted with the approval of the principal of the receiving school.

District exceptions are generally granted for <u>one</u> academic year.

The Department shall inform parents and students 18 years of age or older of the procedure to request district exceptions under this rule.

A change in the conditions upon which the granting of a district exception was based shall be reported to the principals of both the student's home school and the receiving school to which the student was granted a district exception.

The receiving school district superintendent may revoke a district exception if the grounds upon which a district exception was based are found to be false or to be no longer valid because of changed circumstances, or where the recipient of a district exception fails to inform the principal of the receiving school of changes in the circumstances that would affect the continuance of the district exception.

a. The principal either of the home school or of the receiving school may recommend cancellation of a district exception to the receiving school district superintendent.

REVOCATION NOTICE

b. To initiate proceedings for the revocation of a district exception, the district superintendent shall notify the student or his/her parents or guardian of the reasons for the revocation of the district exception and of his/her/their right to request a conference before the receiving school district superintendent about the district exception and its revocation.

c. Upon request, the receiving school district superintendent shall schedule a conference and notify all interested parties. He/she or his/her designee shall conduct the conference and, not later than three school days after the conference, shall render a written decision.

Rule 27.1; 27.5

Foreign students of school age may be enrolled in the public schools of Hawaii. Exceptions to the school age statute can be made only by the Superintendent. Criteria for exception will be proficiency in English, scholastic ability, and that age at graduation will not exceed 21. Foreign high school graduates will not be enrolled in high school programs.

Rule 27.2; 27.3

The certificate of eligibility from (I-20), provided by the Immigration Service, must be approved by the Superintendent of Education or his/her assistant. The certificate must be renewed on a yearly basis. Approval will be based on prior scholastic record, knowledge of English, appropriate sponsorship and available facilities.

Rule 44.63

"Release and Transfer.

A. A release shall be secured from the former school before a student may be enrolled in a new school.

B. A transcript of student records shall be made available to a new school if the student transfers. No school shall withhold such records because of non-payment of tuition or fees."

CROSS REFERENCES

II.A.4.; Statute §298.4

II.A.9.; Regulation Rule 31.1

IV.H.; Statute §298-18

IV.H.; Regulation Rules 26.1; 26.3

IV.J.; Regulation Rules 23.1; 23.3; 23.4

G. Admission and Transfer

Statutes

§33-201

"The services of the public schools of this state are extended to" all residents of the state between the ages of five and twenty-one.

§33-1402A

If "a pupil will attend school in other than his[her] home district, because the pupil has . . . been transferred to any private nonstate-supported youth care facility," the facility must apply to the home school district board for approval of the pupil's transfer to another district.

§33-1403

Local boards of trustees may agree to transfer any student from one district to another if it is determined to be in the student's best interest. A local board may agree with the governing board of a school district in a neighboring state to transfer any pupil. "Any such agreement shall specify the rate of tuition, and cost of transportation if any, to be paid by the Idaho school district." An Idaho school district may also agree to accept the transfer of a pupil from another state, if the agreement provides for appropriate payment of tuition and other costs to the Idaho school district.

TUITION

§33-1404

School districts must receive transferred students, unless the "transfer would work a hardship on the receiving district," or the students have failed any classes in the preceding year, or in the case of secondary school students "have not completed the grades given in their home districts."

§33-1405

"The state board of education shall adopt rules and regulations for the determination of tuition rates . . . and shall issue to each school district . . . a tuition certificate . . . which . . . shall authorize the receiving district . . . to bill for the tuition of its nonresident pupils."

TUITION

§33-1406, 1407

The school district accepting transfer of nonresident pupils renders bills of tuition, to be submitted either to the pupil's home district or the pupil's parent or guardian, in accordance with the provisions of the statute. Any district which transfers a student to another district shall pay "any bill for tuition received . . . in proper form." Suit may be brought against any district or person "liable for the payment of tuition" if the payment is not made.

REGULATIONS

Policy Manual
Ch. 200, §201

APPEAL

"To perfect an appeal under Section 33-1402, Idaho Code, to the State Board of Education, the following must be submitted to the State Superintendent of Public Instruction within 60 days of the date of the order of the board of trustees denying the petition to transfer or the acceptance of a transferred student.

"1. The petition to transfer a student, including the facts and reasons therefore, and an indication that the student will be accepted by a receiving district. This petition is filed with the board of trustees.

"2. Notice given by the board of trustees of the time, date and place of hearing on the petition.

"3. A verbatim transcript of the hearing conducted and held pursuant to the notice.

"4. A copy of all documents, writings or other instruments filed before the board of trustees by any person

at said hearing.

"5. A copy of the decision of the board of trustees denying the transfer or denying the acceptance of the student.

"6. A letter from the parent or guardian who appeals, accompanying the foregoing documents, stating that the parent or guardian appeals from the order of the board of trustees and files with the State Superintendent the foregoing documents."

CROSS REFERENCES

II.A.1; Statute §33-1701 -- 33-1703

III.D.Secondary Schools; Regulation, Accreditation Standards for Secondary Schools, Standard VIII.C.

G. Admissions and Transfers

Statutes

§10-22.5

The board shall assign pupils to the district's schools but pupils shall not be discriminated against on account of color, race, sex or nationality.

§22-11 22-12

Any school officer who excludes any child from the public schools, on account of color, shall be guilty of a petty offense and fined at least $5 but not more than $100. Whoever by threat, menace or intimidation prevents any colored child from attending a public school shall be guilty of a petty offense and fined not more than $25.

DISCRIMINATION

§22-19

If a complaint, signed by at least 50 residents of a school district (or 10%) is filed with the State Board of Education, alleging that any student has been excluded from or segregated in any school on account of his[her] color, race, nationality, or religion, the Board shall hold a hearing on the matter within 30 days. If it is determined by the Board that a violation has occurred, the Attorney General will be requested to apply for appropriate injunctive or other relief.

§26-1 - 26-11

Persons having custody of children between 7 and 16 shall see to it that their children attend public school in the district where they reside unless the child is enrolled in a private or parochial school, physically unable to attend school or employed in accordance with the child labor laws.

Teachers shall be provided with lists of names of children resident in the district and required to check their attendance rosters against this list.

The truant officer shall investigate all cases of truancy and may arrest an offender and bring him or her before a magistrate.

Initially, however, the truant officer shall "give notice . . . to [the parent or guardian] that such child

shall be present at . . . school on the day following the receipt of such notice . . . and that . . . attendance must be continuous and consecutive . . . ."

A person who "wilfully permits" or "induces or attempts to induce" truancy is subject to criminal penalty.

CROSS REFERENCES

II.A.2.; Regulation, Special Education 2.04;9.16

IV.A.; Statute §27-8

IV.J.; Statute §34-19

6. Admission and Transfer

Statutes

§20-8.1-2-1 -- 20-8.1-2-5

"The public schools of . . . Indiana shall be open to all children until they complete their courses of study, subject to the authority vested in school officials by law." The governing body may not establish or maintain segregated kindergartens, schools, departments or school districts. Officials may take affirmative actions that are "reasonable, feasible and practical, to effect greater integration and to reduce or prevent segregation or separation of races . . .[including] but not limited to, site selection, revision of school districts, curricula, or enrollment policies to implement equalization of educational opportunity for all." Likewise, discrimination because of race, creed or color is prohibited in admissions and attendance policies.

§20-8.1-6.1-1 -- 20-8.1-6.1-3

If a student is under eighteen, his/her residence is that of her/his parents. The parents of a student or the student, if he/she is 18 or over, may request a transfer to another school corporation in Indiana or another state if the student can be better accommodated in another school. The factors to be considered in making this decision are the travel time involved, transportation, crowded conditions in the transferor or transferee corporation, and "curriculum offerings important to the vocational or academic aspirations of the student." No transfer may be accepted unless the parents or student pays transfer tuition. If the request for transfer is denied, an appeal may be taken to the commission on general education.

§20-8.1-6.1-10

All appeals on student transfer matters shall be heard by the commission on general education.

These provisions apply to court ordered transfers, i.e., where a court has determined that "a transferor corporation has violated the equal protection clause of the fourteenth amendment by practicing de jure racial segregation of students," or where a court orders a school corporation to transfer students to effect a plan of desegregation in the transfer of corporations.

The transferee corporation shall be entitled to receive transfer tuition for each transferred student from the transferor corporation for operating costs and capital costs.

A portion of the state funds due the transferor corporation shall be distributed to the transferee corporation for the transferred students.

§20-8.1-6.5-7 20-8.1-6.5-9

The transferor corporation shall furnish transportation for the students to and from the transferee corporation. The state shall reimburse the transferor corporation for part of the transportation costs.

CROSS REFERENCE

I. State Board of Education; Regulation §I, Ch. 3A

II.A.2.; Statute §20-1-6-5 -- 20-1-6-6

II.A.2.; Statute §20-1-6-14

II.A.2.; Statute §20-8.1-6.1-4

II.A.2.; Regulation §II, Ch. 1, Rule S-1

II.A.8.; Regulation §II, Ch. 1, Rule E-1

G. Admission and Transfer

Statutes

§257.26

Students from private schools may enroll for specified courses in public schools when these courses are not available in the private school.

§257.28

Students residing in one school district may attend a school in another district to take a course not offered in their school.

§262.43

Tuition for students residing on state-owned land shall be paid by the board of regents.

TUITION

§282.1 -- .3

"Persons between five and twenty-one years ... shall be of school age." A board may establish an evening school for all residents regardless of age. The board may exclude children under six years old if the board determines the child is not mature enough to enter school.

"The conditions of admission to public schools for work in the school year immediately preceding the first grade shall be as follows: No child under the age of six years ... shall be admitted to any public school" unless the school has a program of study for the year preceding first grade. A child must be five years old on or before September 15th of the school year. A child under six years old may be admitted to first grade if he demonstrates an ability to do the work.

§282.6 -- .25

"Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years

...". Students attending school in another district or outside the state shall be required, in some cases, to pay tuition fees. Children residing in charitable or state-supported institutions shall not be required to pay tuition.

CROSS REFERENCES

II.A.3.; Statute §280A.23 -- 280A.24

II.A.3.; Statute §280A.25

CONSTITUTION

KANSAS CONSTITUTION, ARTICLE 6, §6

No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. No religious sect or sects shall control any part of the public educational funds.

STATUTES

§38-552

When a youth is required by court order to attend school in a district other than that of his/her residence, the youth's tuition shall be paid by the district of his/her residence.

TUITION

§72-1046

A child shall be a resident of a school district if the child lives with an adult who is a resident of the district. The adult shall be the natural or legal guardian of the child, a person caring for the child because of the separation of the parents or the death of either parent, or a person contributing the major portion of the cost of support for the child.

§72-1107

Any child who will attain the age of six years on or before the first day of September of any school year shall be eligible to attend the elementary grades in the school district of his/her residence.

Any child who will be five years old by September 1 may enter kindergarten.

The parent or legal guardian of a pupil required to attend any of grades kindergarten to twelve may apply to the board of education of the proposed sending district for authority for such pupil to attend school in a receiving school district out-of-state. The application shall state whether the pupil lives nearer to an attendance center in a district other than that of his/her residence; whether some other means of transportation to the other district will be easier or less time consuming; or whether educational advantages exist in the out-of-state school.

The board may authorize a pupil to attend an out-of-state school if the receiving district "meets an equivalent of the minimum of thirty units of instruction," if the district is willing to accept the pupil, and if the pupil's attendance at the school is "justified." The parent or legal guardian of the pupil may appeal a decision by the board not to send the pupil to the school. The state board's decision shall be conclusive.

The sending school district shall pay tuition to the receiving school district for each student sent.

The state board shall approve no application for attendance of a student in a unaccredited school of a receiving district. The state board shall approve an application of a student to attend an out-of-state school only if that state has an act similar to this one.

§72-8223

"The state board of social welfare shall pay tuition to the board of education of any school district for children in any institution under the jurisdiction of the state board of social welfare who attend any of the schools of such school district. The amount of tuition shall be determined on the basis of the average operating cost per pupil of said school district, less the proportionate amount of state aid received by such school district as determined by the state board of education."

CROSS REFERENCES

II.A.2.; Statute §72-972 -- 72-975

II.A.3.; Statute §72-4416 -- 72-4417

II.A.3.; Statute §72-4417a

II.A.3.; Statute §72-4418

II.A.3.; Statute §72-4422

II.A.3.; Statute §72-4429

II.A.3.; Regulation §91-6-16 -- 91-[illegible]-18

II.A.3.; Regulations §91-27-2; 91-27-4

IV.A.; Statute §72-5209 -- 5210; 72-5213

IV.F.; Statute §72-5386

G. Admission and Transfer

Statutes

§158.105

"Each school district . . . shall admit to its twelve grade school service, without tuition, any veteran of the armed forces whose attendance was interrupted before completing the approved twelve grade school course by reason of induction or enlistment in the armed forces, who applies for re-enrollment . . . not later than four years after his[her] honorable discharge from the armed forces. However, this is not intended to apply to enrollment . . . in special courses for [which] tuition is paid . . . ." VETERAN

§158.120

"Any board of education may charge a reasonable tuition fee per month for each child attending its schools whose parent, guardian or other legal custodian is not a bona fide resident of the district. Any controversy as to the fee shall be submitted to the state board of education for final settlement. The fee shall be paid by the board of education of the school district in which the child resides except for cases where the board makes provision for the child's education within his [her] district. If a board . . . is required to pay a pupil's tuition fee the pupil shall be admitted to a school only upon proper certification of the board . . . of the district in which he [she] resides." TUITION

§158.130

"When it appears to the board of education of any school district that it is convenient for a pupil of any grade residing in that district to attend an approved public school in another district, the board . . . may enter into a tuition contract . . . for that purpose, but before such a contract is entered into with . . . authorities in another state the school must have been approved by the state school authorities TUITION

of that state through the grades in which the pupil belongs. When a district undertakes . . . to provide . . . for pupils residing in another district, the district of their residence shall share the total cost of the school, including transportation when furnished at public expense, in proportion to the number of pupils or in accordance with contract agreements between the two boards."

WITHDRAWAL

§159.170

"Wherever any child of compulsory school age withdraws from school, the teacher of the child shall ascertain the reason. The . . . withdrawal and the reason for it shall be immediately transmitted by the teacher to the [local] superintendent of schools . . . . If the child has withdrawn because of change of residence, the next residence shall be ascertained and included in the report. The superintendent shall thereupon forward a card showing the essential facts regarding the child and stating the place of his[her] new residence to the superintendent of schools of the district to which the child has moved . . . ."

CROSS REFERENCES

II.A.2.; Statute §157.230

II.A.2.; Statute §167.140 -- .170

II.A.2.; Regulation 707 KAR §1:050

II.A.3.; Regulation 705 KAR §4:040

III.A.2.; Statute §158.030

III.B.Teachers; Regulation 704 KAR §5:050

III.C.Students; Statute §158.140

IV.A.; Statute §§158.035, 037

G. Admissions and Transfers

Statutes

§17:103

The respective parish and city school boards, or "local school boards, are not required to make any general reallocation of pupils . . . and shall have no authority to make or administer any general or blanket order to that end from any source whatever . . . ."

§17:104

Each local board "shall have full and final authority and responsibility for the assignment, transfer and continuance of all pupils among and within the public schools within its jurisdiction, and shall prescribe rules and regulations pertaining to these functions . . .[The] following factors . . . shall be considered, with respect to the individual pupil, as well as other relevant matters: available room and teaching capacity in the various schools; the availability of transportation facilities the effect of the admission of new pupils upon established or proposed academic programs; the suitability of established curricula for particular pupils; the adequacy of the pupil's academic preparation for admission to a particular school and curriculum; the scholastic aptitude and relative intelligence or mental energy or ability of the pupil; the psychological qualification of the pupil for the type of teaching and associations involved; the effect of admission of the pupil upon the academic progress of other students in a particular school or facility thereof; the effect of admission upon prevailing academic standards at a particular school; the psychological effect upon the pupil of attendance at a particular school; the possibility or threat of friction or disorder among pupils or others; the possibility of breaches of the peace or ill will or economic retaliation within the community; the home environment of the pupil; the maintenance or severance of established social and psychological relationships with

other pupils and with teachers; the choice and interest of the pupil; the morals, conduct, health and personal standards of the pupil; the request or consent of parents or guardians" and their reasons.

"Local school boards may require the assignment of pupils to . . . schools within their jurisdiction on the basis of sex . . . ."

§17:105

"Local school boards may, by mutual agreement, provide for the admission to any school of pupils residing in adjoining parishes and for [the] transfer of school funds or other payments by one board to another [to account for] such attendance."

§17:106

OBJECTION

"A parent or guardian may file in writing with the local school board, objections to the assignment of the pupil to a particular school, or may request . . . assignment or transfer to a designated school or to another school to be designated by the board . . . . [The] board shall act . . . within 30 days, stating its conclusions. If a hearing is requested, the board shall conduct it within 30 days from receipt of the objection.

HEARING

[It] shall be authorized to conduct any investigations, including examination of the pupil or pupils involved . . . . For the purpose of conducting hearings or investigations . . ., the board shall have the power to administer oaths and affirmations and the power to issue subpoenas in the name of the state of Louisiana . . . All such subpoenas shall be served by the sheriff or any deputy of the parish . . . In the event any person fails or refuses to obey a subpoena . . ., any district court of this state within the jurisdiction of which the hearing is held . . . shall have the power to compel such person to appear before the board and to give testimony or produce evidence as ordered . . . .[Any] failure to obey such an order of the court may be punished by the court issuing the same as a contempt thereof."

§17:111

"No person shall be refused admission into or be excluded from any public school in the State of Louisiana on account of race, creed, color or national origin . . . No student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors or national origins, and no school district, school zone or attendance unit, . . . shall be established, reorganized or maintained for any such purpose . . . provided" that "the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination" shall not be affected.

§17:155

"Children for whom adequate schools of suitable grade have not been provided in their home parish may attend schools in an adjoining parish . . . .Permits shall be secured from the parish superintendent . . .[and] shall be presented to the principals of the schools which the children wish to attend, who shall be required to admit the children and provide for their instruction the same as if they were residents of the parish. The superintendent of the children's home parish shall settle monthly for the instruction of [the] children . . . on the basis of the per capita cost of instruction in the school attended by [the] child . . . .

Children living beyond the limits of a city which supports and operates public schools separate and apart from the system of schools under the jurisdiction of the parish school board . . . may attend [that city's schools] . . . . Pupils . . . shall secure permits from the parish superintendent of their home parish. [The] city superintendent. . .[after approving the permits] shall designate [on these] the schools which the children are to attend. The parish superintendent shall settle monthly for the

instruction of [the] children . . . on the basis of the per capita cost of instruction in the school attended by [the] child."

§17:167

"All children, upon entering a parish or city school system or private school in the state of Louisisna for the first time shall be required to present a copy of their official birth record to the school principal. Only records from the local or state registrar of vital statistics will be accepted for children born in Louisiana."

For those who were born out of the state of Louisiana, they will be "required to secure a copy of their official birth record from the authorized . . . [agency] registering vital statistics in their state of birth." Foreign-born children will be "allowed to submit birth facts as shown on their passport or citizenship papers.

It shall be left to the discretion of the parish school board superintendent as to whether or not a child shall continue in school upon failure to comply."

§17:170

"All children entering any school within the state for the first time, including kindergarten, at the time of registering or entering school, or licensed day care centers, shall present satisfactory evidence of having been immunized against diptheria, tetanus, whooping cough, poliomyelitis and measles and other communicable diseases . . . or shall present evidence of an immunization program in progress.

IMMUNIZATION

Children entering school for the first time or students entering a senior high school "shall have a test for meniscoytosis [or] sickle-cell anemia, unless the parent objects to such test administered by his or her family physician, or by the parish health unit . . . ."

In the case of a child transferring from another school system in or out of the state, should booster injections be advised by the parish health officer, these injections shall be administered before the child

enters a school system within the state.

"School principals and teachers of all schools, kindergarten, or licensed day care centers . . . shall be responsible for checking students' records . . . .

No child seeking to enter any school system, kindergarten, or licensed day care center . . . shall be required to comply with the provisions of this section if the child or his/her parent or guardian submits either an interim statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the parents is presented."

§17:222

"Children attaining the age of six within four months after the beginning of any public school term or session may enter such schools at the beginning of the school term or session . . . . All children, upon entering a parish or city school system or private school in the state of Louisiana for the first time shall be required to present a copy of their official birth record to the school principal . . . ." They will be given a 15-day grace period to secure it. Children from out of state will be given 30 days.

CROSS REFERENCES

II.A.2.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 5.01.50

II.A.2.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 3.02.21

II.A.2.; Regulation Bulletin 741

II.A.3.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 5.03.31

II.A.4.; Regulation Bulletin 741

II.A.2.; Regulation Bulletin 741

III.A.2.; Regulation Bulletin 741

III.C.School System; Satute §17:102

IV.A.; Regulation Bulletin 741

G. Admissions and Transfers

Statutes

§859

Only children who are six years old by or on October 15th, shall be admitted to grade 1 in the public schools of the state.

A younger child may be placed in grade 1, if he/she attended kindergarten in another state and has been promoted to grade 1, or was attending grade 1 when transferred to this state.

In schools where a one year childhood education program is offered, pupils must be 5 years old on or before October 15, unless transferred from another state. Where a 2 year childhood education program is offered the pupils must be 4 years old on or before October 15.

Subject to the provisions of this section and reasonable regulations of the school committee or directors, every person between the ages of 5 and 20 has the right to attend on a full-time basis, or with consent of the committee or directors, attend as a part-time student the public school in the administrative unit where his/her parent or guardian resides. A veteran who did not complete school before the age of 18 may attend until he/she is 25. Residence means where one maintains a home for his/her family. Where the parents are separated, residency shall be determined by the parent who has custody.

Nothing in this section shall negate the compulsory education provisions in §911.

Summer schools may charge tuition, which shall be based on the school's per capita costs from the preceding summer. In the first summer of its operation, it shall charge the average cost of public summer schools in the state. Per capita cost shall be determined by regulations established by the commissioner.

§860

Persons between 5 and 20 years old living at any light station, fog warning station or life saving station shall be admitted to any public school in the state without paying tuition," and shall otherwise hold similar privileges as a scholar residing in the administrative unit they attend.

§861

Children who move with their parents to a temporary resident shall be subject to the school laws where they are residing temporarily, provided this does not interfere with the free school privileges of these children in the permanent residence of the parent.

§912

When children live remote from any public school in their administrative unit, they may be allowed to attend a school in a neighboring unit under terms agreed upon by the committee or directors of each unit. Tuition will be paid out of the school funds of the unit where the child resides.

When an administrative unit has too few scholars for the profitable maintenance of a school or has pupils living remote from the school it may pay tuition and provide conveyance to an administrative unit in another state adjacent to Maine.

It shall be the duty of a unit to accept pupils from any nearby unit which has an April 1st total of 10 or less pupils, when requested by the board.

A child may attend a public elementary school in an administrative unit where his/her parents do not reside with the consent of the school committee or directors of the unit he/she attends.

The parent or guardian pays, as tuition, the average expense of each scholar in that school.

Tuition must be paid within 30 days of the billing date, or the commissioner may pay the bills and

withhold an equal amount from the appropriated fund of the sending unit.

§962

Every child who enrolls for the first time in any school in the state shall give the teacher an official record of their birth within 60 days.

§963 ; 965

Teachers will provide the superintendent with "the names of all children who have not presented a birth certificate within 60 days." The superintendent shall then inform the state registrar of vital statistics giving the names of the children and their parents' or guardians' names and addresses.

"Whenever the state registrar of vital statistics has cause to believe" §962-965 have not been complied with he/she shall make a complaint "to the nearest District Court having jurisdiction."

§964

Children enrolling in school for the first time must present a birth certificate. A parent or guardian who refuses or neglects to comply with this requirement shall be subject to a fine.

REGULATIONS

MEMO TO SCHOOL SUPERINTENDENTS FROM THE COMMISSIONER 9/15/77

I. Pursuant to 20 MRSA 966 (student wishing to attend schools in another district).

L.D. 1651 provides that "the purpose of the requirements is to permit students to attend the most convenient school in order to avoid excessive transportation." This is not part of the legislation but outlines the legislature's intent. Transfers should be limited to the "removal of fiscal or educational barriers," rather than convenience but super-

intendents "have discretion in removing educational barriers in the best interests of a resident pupil."

II. L.D. 124, 1543, Pursuant to 20 MRSA 859

The intent of this Act is to permit superintendents to admit students whose families have moved to Maine from other states which have different age requirements for school admission. Superintendents may reject admission in cases where Maine residents clearly have taken steps to circumvent the entrance requirements described in the Maine statutes.

CROSS REFERENCES

II.A.1.; Regulation Administrative Letter No. 3 8/5/77

II.A.3.; Statute §2356-F

II.A.3.; Statute §2356-I

II.A.8.; Statute §888

G. Admission and Transfer

Statutes

Art. 77 §52

Schools near the dividing line of an adjoining county shall be available to students residing in the adjoining county provided that county pays the current per pupil expense of either county -- the lesser expense of the two. If expense in the receiving county is greater, the state shall pay the difference to the receiving county.

Art. 77 §73

All persons between the ages of five and twenty years shall be admitted free to the public schools. The schools shall be open for at least 180 actual school days during a ten-month period each school year.

Regulations

13.07.01.01

To be admitted into public school first grades or kindergarten programs, children must have attained ages six or five years respectively "on or before December 31 of the year in which" application for entrance is made.

CROSS REFERENCES

II.A.2.; Regulation 13.04.01.04 -- .05

II.A.2.; Regulation 13.04.01.15 -- .16

IV.A.; Statute Art. 77, §85b

G. Admission and Transfer

Statutes

71 §6

If a town of less than five hundred families does not maintain a public high school, it shall pay the tuition of any pupil to another town's approved school. If, in the judgment of the department it is expedient that a pupil should board at said town, payment towards board shall be made. The department may make such arrangements if the school committee refuses to.

71 §6 A

A student who resides outside the commonwealth may enter into a contract with the school committee to attend a Massachusetts school for a tuition charge.

71 §37 D

Each year the local school committee shall submit statistics to the Commissioner on the percentage of white and nonwhite pupils in each school. If the Board of Education finds that racial imbalance exists, it shall notify the school committee of its finding. Racial imbalance is defined as "the condition of a public school in which more than fifty percent of the pupils . . . are nonwhite."

Any pupil attending any public school in which racial imbalance exists "shall have the right" to attend any school, except one which has admission by competitive examination only, provided the school has the right grade level and is under the jurisdiction of the same school committee or regional district school committee. If no place is available at the requested school, the school committee shall, "within the time limit established by regulations of the board, file with the board a plan to provide, within the same school year" a place, provided, however, that the board may temporarily or permanently excuse the school committee from implementing the plan if a place "satisfactory to the parents" is available at another school, or if the board finds "that there is other good cause to do so." Whenever a school committee

determines that the number of places available at another school is exceeded by the number of pupils requesting to be transferred, the selection of particular pupils to be transferred shall "reasonably provide for priority for nonwhite pupils." No change in any existing school attendance district shall be made pursuant to any such plan prior to a public hearing. The board shall adopt regulations for the administration of the provisions of this section including affirmative action programs.

71 §55

A child infected with a contagious disease shall not attend any public school while so infected. Upon returning to school, the child must present a certificate from the board of health stating that the danger of conveying the disease has passed or report to the school physician for examination.

76 §6

TUITION

If a child resides temporarily in a town other than his/her legal residence for the special purpose of attending school there, the said town may recover all or part of the tuition from the parent or guardian. Tuition may not be in excess of the average expense per pupil in the school at that time.

76 §7

The tuition in the public schools of any town for any child over five years placed elsewhere than in his home town, or kept under the control of, the department of public welfare, shall be paid by the commonwealth or Boston, from its appropriations for school purposes, but shall not be more than the average per pupil expenditure for support.

76 §9

A public welfare child forced to go to a high school outside his/her place of residence because a high school does not exist in his/her home area shall have his/her tuition and transportation costs paid by the commonwealth or Boston.

76 §12

"Any child, with the consent of the school

committee of the town where he[she] resides, may attend, at the expense of said town, the public schools of another town, upon agreed upon terms of the two school committees.

76 §12 A

The school committee may adopt a plan for attendance by any child who resides in another area in which racial imbalance exists in public school. "[The] plan shall tend to eliminate racial imbalance . . . and shall include an estimate of expenses necessary to implement it." The plan shall be submitted to the board for approval. If disapproved, reasons shall be given therefor. If approved, financial assistance shall be awarded including transportation costs. Once the plan is so approved, a child in such a racially imbalanced school, may attend school in the approved area.

The board shall provide technical and other assistance to the area in the formulation and implementation of any such plan. A school committee or the board may accept "for the purpose of implementing any such plan, gifts, grants, or contributions from any source, whether public or private.

76 §12 B

Any child may attend the public school of a town where he/she does not reside upon terms as the school committee of that town shall fix; provided the committee is paid a tuition rate which shall not exceed the average per student expense. The commonwealth and the school committee of any town may accept funds from the federal government for the purposes of this section.

76 §13

When any child leaves one school because of change of residence to another town in the commonwealth, the child shall be furnished with a transfer card which shall contain his/her name, age, grade in school, and in every case possible, his/her new street and number, and a duplicate shall be sent to the superintendent of schools of the town where the child is to reside.

76 §15

Each child must present a physician's certificate verifying that the child has been successfully immunized against diptheria, pertussis, tetanus, measles and poliomyelitis and such other communicable diseases as may be specified before he/she will be admitted to school.

In the alternative a child may annually present a certificate from a certified physician stating that the child's physical condition is such that he/her health would be endangered by such vaccination or immunization.

IMMUNIZATION

In absence of an emergency or epidemic, a child whose parent or guardian states in writing that vaccination or immunization conflicts with his/her sincere religious beliefs shall not be required to present a physician's certificate.

76 §15 A

Every child, which the commissioner of public health determines is susceptible to sickle cell trait or sickle cell anemia, shall be required to have a blood test to determine whether or not she/he has the disease before being admitted to a public school, or in the first year of attendance in a public school. Educational materials relating to sickle cell trait and sickle cell anemia shall be prepared and distributed.

76 §16

"The parent, guardian or custodian of a child refused admission to or excluded from the public schools or from the advantages, privileges and courses of study of public schools shall on application be furnished by the school committee with a written statement of the reasons therefor, and thereafter, if the refusal to admit was unlawful, such child may recover from the town in part, and may examine any member of the committee or any other officer of the town, upon interrogatories."

CROSS REFERENCES

II.A.1; Statute 71 §13D

II.A.3; Statute 74 §7A

II.A.3; Statute 74 §8

II.A.3: Statute 74 §13

II.A.3; Statute 74 §32; 33

II.A.3.; Regulation, Regulation #5, Section 1;3

II.A.5; Statute 71A §4

III.A.1; Regulation of July 18, 1975

III.C.Educational Instruction; Statute 151C §2; 3

IV.A; Statute 76 §15; 15A

IV.D; Statute 71 §68

G. Admissions and Transfers

Statutes

§380.976

Pupils in or entering twelfth grade at the time of or in the year following a change in school district boundaries shall be allowed to continue attending school in the district which the pupil attended before the change without payment of tuition.

§380.1147

A person, resident of a school district not maintaining a kindergarten and at least five years of age on the first day of the school year, shall have a right to attend school in the district.

In a district providing kindergarten work, a child, resident in the district, is entitled to enroll in the kindergarten if the child is at least five years of age on December 1 of the school year of enrollment. In a district with semiannual promotions, a child may enroll in kindergarten for the second semester if the child is at least five years old on March 1 of the year of enrollment.

§380.1148

Except as provided in §380.1711, a child placed in a licensed home or in a house of relatives in the school district for the purpose of securing a suitable home for the child and not for an educational purpose, shall be considered a resident of the school district where the home in which the child is living is located.

§380.1401

A school board may admit non-resident pupils to district schools at a tuition to be determined and collected by the board.

TUITION

Tuition for grades K to 6 shall not exceed 25% more than the operation cost per capita for pupils in grades K to 12. Tuition for grades 6 to 12 shall not exceed 12 1/2% more than 115% of the operation cost per capita for pupils

in grades K to 12. In a district not maintaining grades above the eighth, tuition shall not exceed 25% more than the operation cost per capita for pupils in grades K to 8. Operation costs of the preceding fiscal year shall be used.

§380.1406; 380.1407

TUITION

A school board not maintaining grades above the eighth shall pay a resident pupil's tuition to a high school outside the district approved for the collection of high school tuition. A board maintaining grades above the eighth not approved for tuition collection may pay a resident pupil's tuition to another district approved for tuition collection. The board shall pay transportation expenses for pupils attending high school in other districts.

If directed by a majority vote of school electors, a board maintaining a legal high school shall discontinue it and pay tuition and transportation for its pupils to other districts.

A high school approved for tuition collection shall have one of the following:

12 grades with at least three teachers devoting their entire teaching time to grades 7 to 12;

9 grades with at least 1 teacher devoting entire teaching time to grades 7-6 9;

10 grades with at least 1 teacher devoting entire teaching time to grades 9 and 10 or 8 to 10;

11 grades with at least 2 teacher devoting their teaching time to grades 9 to 11 or 8 to 11.

§380.1408

High school tuition for pupils who completed eight grades, or certified by the local or intermediate superintendent, shall be paid by the board of the resident district by agreement with the board of the district of attendance.

§380.1411

In a state bordering on this state, the nearest and next nearest approved high schools to the residence of a parent or guardian of a pupil of this state shall be

considered legal high schools to which a district not maintaining a legal high school is entitled to pay tuition and transportation. Elementary grades maintained in connection with the high school in a bordering state shall be considered a legal school for which a district which votes to discontinue elementary grades may pay elementary tuition and transportation.

A district in a bordering state which maintains vocational-technical education shall be considered a legal district with which the board of a district in the state which does not maintain such instruction may contact to enroll resident pupils. While in residence at an approved vocational technical course the pupils may be counted in the resident district's membership for state aid calculations.

§380.1415

A school board may use general funds or state school aid to pay tuition and transportation to another district of resident pupils though the grades attended are maintained in the district or in cases where pupils have never established bus lines of another district or nearer by the nearest traveled road to the school in another district than to the school in their own district.

§388.1219

A child whose parents or guardians live on land over which the federal government has exclusive jurisdiction and which has not been attached to a school district may be included in membership by the district which he/she attends and is considered a tuition pupil.

CROSS REFERENCES

I.District Board of Education: Statute §380.131; 388.1255

II.A.1; Statute §393.105; 393.106

II.A.2; Statute §393.107

II.A.2; Regulation R340.1721

II.A.2; Regulation R340.1732

II.A.2; Regulation R340.1732

II.A.2; Regulation R340.1742

II.A.2; Regulation R340.1743

II.A.3; Regulation R395.241; R395.242;
R395.243

II.A.3; Regulation R395.291

II.A.3; Regulation R395.301

II.A.3; Regulation R395.331; R395.332; R395.334;
R395.335

II.A.3; Regulation R395.361; R395.362

G. Admission and Transfer

Statutes

§120.06

No person shall be admitted to (1) kindergarten unless she/he is at least five years of age by September 1 of the year for which she/he seeks admission or (2) to the first grade unless she/he is at least six years old by September 1 of the year for which she/he seeks admission. For persons between these minimum age requirements and twenty-one, admission is free to the public schools in the district of their residence.

§120.065

A student who resides on a farm which is included in more than one school district may attend school in either district pending approval of the commissioner. The district the pupil wishes to attend shall be considered the district of his/her residence in the payment of state aid. Transportation may be provided by the district the student attends.

§120.07

Children who are not residents of an incorporated city or village and who live more than two miles from the school in their district may attend a closer school in an adjoining district, if their district does not provide transportation.

The board of the resident district shall pay tuition to the district the student is attending and if the two districts cannot agree on tuition it may be set by the commissioner. TUITION

§120.08

Persons under twenty-one years of age who have completed elementary school and reside in a district without a secondary school may attend secondary school in a district of an adjoining state if it is closer to her/his residence than any secondary school in Minnesota. The county of the student's residence will

pay tuition charges and such pupil is entitled to transportation services.

A school board in a district maintaining a secondary school may allow students to attend school in an adjoining state's district if such school is closer than the school in the student's resident district. Tuition and transportation costs will be paid by the resident district.

§123.65

The board may authorize the discontinuance of any school or schools in its district in an emergency or when authorized by a majority of the voters. In such a case, the pupils affected shall receive free tuition and transportation to schools in an adjoining district.

CROSS REFERENCES

II.A.2.; Statute §120.17

II.A.2.; Statute §128A.05

II.A.2.; Statute §128A.06

II.A.3.; Statute §121.21

II.A.3.; Statute §123.351

II.A.4.; Statute §122.85

II.A.8.; Statute §124.26

III.C.Education System; Statute §120.72

III.C.School System; Regulation EDU 700

III.C.Student; Regulation EDU 45

IV.D.; Statute §123.18

IV.D.; Statute §123.39

G. Admissions and Transfers

Statutes

§37-7-313

"The board of trustees of a municipal separate school district may contract with the board of trustees" of another school district in the same or another county "for the attendance of any school children residing within such school district at a school operated by (the) . . . other school district" and for their transportation.

§37-11-1

"After a pupil has been assigned to a particular public school, the principal or anyone else vested with the authority of assigning pupils to classes, shall not place such pupil in a class where his[her]presence there, because of age differential, mental development, achievement, or personal habits, would serve to adversely affect, hinder, or retard the academic development of the pupils in the class."

§37-11-3

"The board of trustees . . . is vested with the authority . . . to provide . . . by . . . appropriate means for the separation of students according to sex, separately by classrooms or schools, when such board. . . determines such separation will promote or preserve the public peace, order or tranquility of the school district, or the health, morals or education of the students."

§37-15-9

No child shall be enrolled in a public school unless he/she will reach his/her sixth birthday before September 1 of the school year. No student transferring from another district in the state may be permanently enrolled in another district until his/her cumulative record is received. In case of loss or destruction of

the record, the superintendent or principal of the school district where the pupil last attended is responsible to "initiate a new record."

§37-15-11

When any minor child who seeks to enroll in public school unaccompanied by his/her parent or legal guardian, school officials may delay admission, and require the parent or guardian to accompany the child to gain admission.

§37-15-13

When any child presents himself/herself for enrollment in public schools of any school district, the board of trustees is empowered to designate the school he/she shall attend. No child may attend any school but one the board of trustees has assigned him/her; however, the principal or district superintendent may grant temporary permission to attend a school pending final assignment by the board of trustees.

§37-15-15

Factors to be considering in assigning children to schools are "the educational needs and welfare of the child involved, the welfare and best interest of all the pupils attending the school . . . involved, the availability of school facilities, sanitary conditions and facilities at the school . . . involved, health and moral factors at the school, . . . and in the community involved, all other factors which the board of trustees may consider pertinent . . . in their effect on the welfare and best interest of the school district and the particular school . . . involved. All assessments will be made on an individual basis . . . and . . . the board of trustees shall not be limited or circumscribed by the boundaries of any attendance areas which may have been established . . . ."

§37-15-17

APPEAL

Appeal by parent or guardian of a child's assignment to a school may be made to the board of trustees who shall need a hearing to review the assignment and enter an order affirming or modifying the assignment.

§37-15-19 --21

REHEARING

Persons dissatisfied with the ruling on assignment of pupils to a particular school rendered on rehearing before the board of trustees may appeal to the county board of education. Persons dissatisfied with the county board of education ruling may file petition for appeal in county circuit court. From the judgment of the circuit court, appeal may be made by any "interested party" to the supreme court in the same way other judgments are appealed.

APPEAL

§37-15-25

APPEAL

"Appeals from orders of boards of trustees of line districts regarding assignment of pupils shall be taken . . . to the county board of education of the home county."

§37-15-27

All provisions for appeals regarding school enrollment and pupil assignments shall be applicable to boards of trustees of municipal separate school districts except that appeals from decisions of the board shall be made to county circuit court. If a municipal separate school district straddles two counties, appeals may be made to either county of which the school district is part, and "filing of a petition for appeal in the circuit court . . . shall conclusively determine the venue of such appeal . . . ."

§37-15-29

"No minor child may enroll in or attend any school except in the school district of his/her residence, unless such child be lawfully transferred from the

school district of his/her residence to a school in another school district . . ."

§37-15-31

On petition by a parent or guardian, filed with the board of trustees of a school district in which a student is or may be enrolled, or on discretion of the board of trustees as to transfer of grade or grades, "individual students being in one school district or a grade or grades of a school within the districts may be legally transferred to another school district."

Both boards of trustees involved in the transfer must act timely and failure to do so shall constitute a rejection of the request.

§37-15-33

Students seeking to transfer from any school within or without the state must take a standardized test to determine the pupil's proper grade and class. "The tests shall be prepared by the state department of education . . . ."

No transfer shall be effected until the test has been given and the pupil is assigned according to the grade and class for which the test shows she/he is best suited. No pupil shall be assigned to a grade and class more than three grades above or below the grade and class that the pupil would have been assigned to had the pupil remained in the school from which the transfer is being made." Pending administration of the test a pupil may be temporarily assigned to a grade comparable to the one he/she was assigned in his/her former school. "Likewise, if a pupil shall transfer from one school district to another . . . in the manner . . . required by the laws of the state . . ., the requirement of . . . the standardized test shall be waived."

§37-15-35

"No person shall be assigned to or by or restricted from or to, any group, area, school, institution or other political subdivision of the state of

Mississippi on the account of race, color or national origin. There shall be no governmentally enforced segregation by race, color or national origin and . . . no governmentally enforced integration by reason of race, color, or national origin."

§37-65-9

Upon school closing, enrolled children affected may be re-assigned or transferred to another school or district.

CROSS REFERENCES

II.A.1.; Statute §37-25-1; 37-25-3; 37-25-7

II.A.2.; Statute §43-5-15

II.A.10. Other - Agricultural High Schools; Statute §37-27-23

G. Admission and Transfer

Statutes

§160.051

For persons between the ages of six and twenty, free public schools have been established. If a child's sixth birthday occurs before October 1, after the first day of school, she/he shall be deemed six years old for the purpose of apportioning state school funds. Gratuitous instruction may be provided by the board of education for those between five and six years of age.

§167.121

If a student has easier access to a school in another district, the county board of education shall assign the pupil to the other district. The tuition shall be paid by the board of education where the pupil resides. TUITION

§167.131

If a high school is not maintained in a district, the board of education shall pay the tuition of each pupil who attends an approved high school in another district. TUITION

§167.151 TUITION

Tuition may be prescribed to school pupils not entitled to free instruction. Students are exempt from tuition if they are orphans, or have no parent living, or their parents do not contribute to their support and they are between six and twenty years of age. If school taxes are paid in any other district children may be sent to any public school and credit the tuition charge.

§171.171

"Work completed in schools accredited by the state board of education shall be given full credit in requirements for entrance to and classification in any educational institutions supported in whole or in part by state appropriations."

CROSS REFERENCE

I.Legislature; Constitution, Article 9, §1(a)

II.A.2.; Statute §162.735 -- .750

II.A.2.; Statute §162.940

II.A.3.; Statute §162.895

II.A.3.; Regulation 5 CSR 60-120.010 -- .040

III.A.2.; Statute §162

IV.A.; Statute §167.181--191

G. Admission and Transfer

Constitution

MONTANA CONSTITUTION, ART. X, §7

EQUAL OPPORTUNITY

"Nondiscrimination in education. No religious or partisan test or qualification shall be required of any teacher or student as a condition of admission into any public educational institution. Attendance shall not be required at any religious service. No sectarian tenets shall be advocated in any public educational institution of the state. No person shall be refused admission to any public educational institution on account of sex, race, creed, religion, political beliefs, or national origin."

Statutes

§75-6302

"The trustees shall assign and admit any child to a school in the district, when the child is:" between 6 and 21 years old; a resident of the district; otherwise qualified under this title.

The trustees may establish age requirements for entering the first grade, so long as a child can enter by the time he/she is seven.

The trustees may admit and assign any non-resident child under the tuition provisions of this title.

§75-6303

The parent or guardian of any child who is at least 7 years old by the first day of school but not yet 16, and who has not finished eighth grade, shall be responsible for the enrollment of such child in public school. The child is enrolled in the "school assigned by the board of trustees of the district . . . or when he[she] establishes residence unless" the child goes to a private school, attends school in another district or state, receives "supervised correspondence study or home study, "is excused from enrollment . . .

when . . . bodily or mental condition does not permit . . . attendance and the child cannot be instructed" through special education, or if a district judge decides that "attendance is not in the best interest of the child." Excuse on the basis of "bodily or mental condition" is issued by the district superintendent" if there is one, or by the county superintendent. Period of the excuse may be appealed to the district court, whose decision is final.

§75-6513

"Any child may . . . attend an elementary school outside of the elementary district in which he[she] resides when such school is located (1) in any other district of" his/her county; (2) an adjoining county, or (3) a district in another state adjoining his/her county. The parent or guardian of such a child shall apply, on a "tuition agreement form," to the county superintendent where he/she lives. The application shall be approved by the trustees of the elementary district where the child resides and of that where the child wishes to attend school, and the county superintendent.

TUITION

The application shall be approved when: the child lives less than 3 miles from the school he/she wants to attend and more than 3 miles from any school of his/her elementary district; the child lives more than 3 miles from any school of his/her elementary district and "such district does not provide transportation;" the conditions in (2), and transporation is furnished by the district where he/she wishes to attend school; the child's sibling attends high school outside of the elementary district, and the child can "more conveniently attend an elementary school where the high school is located," if either the child lives more than 3 miles from the elementary school of his/her district or the parents must move to the other district to allow enrollment in the high school; or "the child has been declared by a district court [to be] a

dependent and neglected child, . . . or a juvenile delinquent child," and has been placed in an approved child care institution, thus requiring the child to attend school outside of his/her residential district.

The trustees of the district where the child is to attend school may disapprove an application that satisfies any of conditions (1) to (5) above "when they . . . find that due to insufficient room and overcrowding the accreditation of the school would be adversely affected by" accepting the child.

§75-6314

A "tuition application that is not required to be approved under "the Statute may be approved because of: TUITION

"the distance and road conditions between the child's residence and any school of his[her] resident district; the trading center of the child's parents; an opportunity to live with his[her] relatives; dormitory facilities in the district to be attended; the living conditions of the child's family; the availability of transportation; or the type of educational program available in the school to be attended."

§75-6315

If a tuition application, seeking approval for a child to attend school in another district is disapproved, "the parent may appeal . . . to the county superintendent and, subsequently to the superintendent of public instruction." Any approval shall authorize the child to attend the designated school for the ensuing fiscal year. TUITION

§75-6316

"Any child may . . . attend a high school outside of" his/her county of residence if the school is in Montana or a state adjacent to Montana. The parent or guardian of the child shall apply for approval on a tuition agreement form. The application must be approved by the trustees of the district where the child wishes to attend school and by the county superintendent of the county where the child lives. TUITION

"The county superintendent shall approve a tuition application when a child lives closer to a high school of another county than any high school . . . within his[her] resident county, or when due to" road or geographic conditions, it is impractical to attend a high school in his/her resident county. A tuition application need not be approved "if the resident district provides transportation . . . the county superintendent may require the child to attend the high school closest to his[her] residence."

If the application is disapproved by the county superintendent, the parent may appeal to him/her for his/her reconsideration, and subsequently to the superintendent of public instruction. Any approval under this section "shall authorize the child . . . to . . . attend the school . . . for the ensuing fiscal year."

§75-6318

The superintendent of public instruction may make an agreement with the education authorities of states adjoining Montana to allow eligible children from one state to attend school in the other. "The reciprocal tuition rate may be negotiated as a flat amount or an actual-cost-per-pupil amount."

TUITION

§75-6320

A parent can send his/her child to the elementary school of any district if the trustees of that district agree and the parent pays the tuition set by the trustees. The trustees shall charge the rate prescribed by law "reduced by any amount . . . uniformly waived" for all tuition agreements. "Tuition shall be waived when the parent [has] paid . . . $200 or more in district and county property taxes" during the past year "for the benefit . . . of the district in which the child will attend school."

TUITION

WAIVER

§75-6321

"Any child eligible to attend high school may attend school in any high school district of his[her] resident county without payment or tuition."

TUITION

A parent can sent his/her child to a high school outside of his/her resident county when the trustees of the district operating such high school agree. The parent shall pay the tuition fixed by the trustees.

CROSS REFERENCES

II. A.2.; Statutes §75-7808 -- 75-7810

II. A.2.; Statute §75-7812

II.A.2.; Regulation §48-2.18(22) - S18430

II.A.2.; Regulation §48-2.22(2) - S2240

II.A.8.; Statute §75-7512 -- 75-7514

III.C.Educational System: Statute §74-330

IV.B.; Statute §74-323

IV.E.; Statute §75-8007

G. Admission and Transfer

Statutes

§79-407

If "natural or artificial barriers" exist making it necessary for a child to travel more than five miles to school, or making it more convenient for the child to attend school in the district adjoining his or her district of residence, the parent or guardian, or district board of education, "may file a request, with the Commissioner of Education, that such territory be attached, for school purposes, to the district in the adjoining county having a nearer school." A hearing is then held by the commissioner and superintendents of the counties involved, after the district boards and the public have been notified.

§79-444 -- 79-444.02

A child may not be admitted to first grade unless he or she is six years old on or before October 15 of the school year or has "completed the kindergarten or beginner grade." To enter the kindergarten or beginner grade a child must be five years old on or before October 15 or have "demonstrated through . . . testing procedures approved by the State Board of Education that he[she] is capable of carrying the work."

A district board may also require a birth certificate, physical examination and immunization before a child is admitted, provided that "no such physical examination or immunization shall be required of any child whose parent or guardian" objects in writing, on religious grounds.

IMMUNIZATION

WAIVER

District boards and private school authorities must require children under age 12 to be immunized against measles, rubella, polio, diptheria, pertussis and tetanus "before being permitted to attend any

school," unless a child's parent objects in writing. The cost of immunization is borne by the parent or guardian, except in cases of financial need, in which case the Department of Health shall bear the cost. "Any local board of education or the governing authority of a private school . . . may request assistance from the Department of Health in establishing immunization clinics."

§79-445 - 79-446

TUITION

District boards may admit nonresident students to district school and charge tuition. If a child is the ward of the state or any court and has been placed in a public school district other than that in which he or she lived before, the tuition shall be paid by the state. Children of state employees who are temporarily enrolled in school in a district other than the parents' district of legal residence may attend school without charge. Children of military officers or enlisted men on active duty in Nebraska and of "parents employed by the federal government and residing . . . on national parks or . . . monuments within this state" may be admitted to public schools "without payment of tuition."

§79-469

A district board "maintaining more than one school is authorized to close any school or schools" and provide for the education of children in another school or district, "or by correspondence instruction" for children who cannot attend other schools, "with the permission of the parent and on the approval of the county superintendent."

§79-478; 479;482-485

If school children who have not completed the eighth grade live more than 1 1/2 miles from their school and closer to a school in another district, or if a "bus route, providing service to a school is

less than one-fourth the distance from their residence "to the school in their district, the parent or guardian may request that "such children may, at the discretion of the board of the other district, have school privileges in the other district." The county superintendent shall verify the petition and, if the transfer is made, shall ensure that such children "are enumerated in the adjoining" and not the home district. Transfers are made for one year only but may be continued at the request of the parent and with the approval of the board of the district accepting the transfer.

Parents of children so transferred may vote in the district where the children attend school "on all school matters" except bonds, tax levies for buildings," contracting for instruction, and closing the district." Parents of transferred students are not eligible to hold office on the school board of the district to which transfer is made.

These provisions do not "permit . . . the transfer of . . . children from or to a city or village school district . . . located . . . within . . . any city or village," nor do they apply to any district which furnishes "adequate transportation facilities."

§79-486

A school board when authorized by a majority of voters at a district meeting, may "contract with the board of any neighboring public school district" to provide instruction for its school children for up to three years, and provide "for the transportation of such pupils" to schools of the neighboring districts. A school board also may do this "when petitioned . . . by at least two-thirds of the parents . . . having children . . . who will attend school under the contract plan."

Contracts shall be filed with the county

superintendent. School districts contracting for instruction outside the district "shall be considered as maintaining a school" under law. Contracting districts must "enter into contracts with school districts" chosen by the parents of the children affected.

A district not complying with these provisions will not receive state funds and may be dissolved by the county superintendent. "The county superintendent shall dissolve and attach to a neighboring district . . . any school district which, for five consecutive years, contracts for the instruction of its pupils," except where it would create "extreme hardship" for pupils or the district, the state board may waive the requirement. If a district has contracted for instruction for two or more years, it must have a minimum enrollment of five pupils whose parents are legal voters of the district before reopening the school. The county superintendent must approve the reopening.

§79-494

"Four years of nonresident public high school education is secured to all children . . . whose parents or guardians reside in a public school district which maintains less than a four year high school course of study."

§79-497-499; 79-4.100-4.101; 4.105

For a student to be entitled "to nonresident public high school education in the ninth grade" of any public school that offers it the student must have a statement from the county superintendent indicating that he or she is eligible and cannot do ninth grade work in his or her own public school district. In determining eligibility, the county superintendent should consider "achievement, as evidenced by . . . the statewide examinations and other tests . . . and social maturity." A pupil who completes the first eight grades but cannot enter the ninth, either because

he or she has moved to or already resides in a district that does not offer the ninth grade, in order to enter the ninth grade in another district such pupil must obtain "a statement signed by the county superintendent and the superintendent of the high school district" that the eighth grade work has been completed and the pupil's school district does not offer the ninth grade.

"To be entitled . . . to nonresident public school education in the tenth, eleventh, or twelfth grade . . . a pupil must have a certificate signed by the county superintendent . . . that he[she] has completed the course of study for the preceding grade, and . . . is unable to secure instruction in the next advanced grade in the public school district of his[her] residence." Nonresident pupils attending public high schools under these provisions "shall have the same rights and . . . be subject to the same rules and restrictions which govern resident pupils."

A public high school district may refuse to admit nonresident pupils if the tuition rate fixed "is not compensatory, or if such . . . pupils are from districts which are not now . . . or have not previously been served by the high school district."

Parents of children applying for nonresident admission must apply to the appropriate county superintendent by July 1 of each year, stating the school district of legal residence, "the number of pupils for whom nonresident high school education is desired, and . . . the grade which each pupil is to enter.

§79-550

"The board of any Class VI district formerly organized as a rural high school district or the board of any Class II district" may pay tuition costs for any junior or senior high school pupil to attend an accredited school outside the district if "such facilities are located closer to the residence of the pupil" than the district's school, and it is the

board's opinion that it would be in the best interest of the pupil or school district.

§79-802

Schools within cities "shall be under the direction and control of the board of education" of Class III districts, "shall be free to all children between the ages of five and twenty-one years whose parents or guardians are legal residents, and all children of school age, nonresidents . . ., who are allowed to attend the schools without charge."

§79-1103.03; 79-1103.05

TUITION

"Students who . . . desire to attend other accredited public high schools within their own county, shall have their tuition paid by the high school district of their residence" if their parents file an application with the county superintendent, stating: (1) "that such students are proficient in the grades below the grade desired in the other accredited high school;" (2) that the students live in the district; and (3) that the students live 8 or more miles from the high school and nearer to another high school.

Upon the parents' application, a Class VI district board that maintains a high school may pay tuition for a student who is a resident of the district but attends a school outside the district if such high school is at least 10 miles closer to the pupils' residence and it is in the best interest of the pupil to attend such school. The same arrangement may be made for a school outside the state.

A parent "who is aggrieved by" the board's decision may appeal to the State Board of Education" whose decision shall be binding" if the school attended is out-of-state.

§79-4106.01 -- 4106.05

In counties bordering on another state, the parents of school children in grades kindergarten through 12

may apply to the school board for the "pupil to attend school in a district" of the adjoining state. The application should state if the pupil lives nearer to a school "in the proposed receiving district than in the district of residence," if there are transportation problems that would make attendance elsewhere more convenient, if travel time would be decreased or if "educational advantages for the pupil exist in the proposed receiving district." The school board must verify that the "receiving district . . . is willing to receive the pupil." If it is, and the school is accredited, "the board . . . may authorize such attendance." In order for such an application to be approved the State Board of Education must determine that the receiving state has similar provisions for its pupils to attend school outside the state. When a pupil attends school outside the state "the sending district shall pay to the receiving district tuition for each pupil for each day the pupil is actually enrolled."

CROSS REFERENCES

II.A.2.; Statute §79-1901 -- 1906

II.A.2.; Statute §79-2001 -- 2005

II.A.2.; Regulation 51-(2)

IV.J.; Statute §79-449.01; 451

G. Admissions and Transfers

Statutes
§392.010

With the approval of the state department of education, a board of trustees may admit to a school any pupil living in an adjoining school district in either Nevada or an adjoining state or may pay tuition for pupils living in the school district but attending school in an adjoining district either in Nevada or an adjoining state. A tuition agreement will be reached by boards of both districts, but transportation costs will be paid by the board of the district in which the student lives, subject to the provisions of §392.350. Reasonable amounts of money may also be paid to defray costs of operation and maintenance allocable to such pupil.

TUITION

CROSS REFERENCES

II.A.1.; Statute §389.100

II.A.2.; Statute §388.490

II.A.2.; Statute §395.010

II.A.2.; Statute §395.020

II.A.2.; Regulations, Exceptional Pupil Education Manual

II.A.4.; Statute §388.060

G. Admission and Transfer

Statutes

§189-1-a

It is the duty of the school board "to provide, at district expense, elementary and secondary education to all pupils under twenty-one years of age, who reside in the district." The school board may exclude pupils for "gross misconduct or for neglect or refusal to conform to the reasonable rules of the school".

§193:1-a; 193:1-b

A child may attend "more than one school" if the total time equals full attendance requirements and this dual enrollment plan has been approved by the state board.

DUAL ENROLLMENT

§193:4 --193:4-a

TUITION

School districts are liable for the tuition of their resident pupils who are assigned to schools in other districts. This liability shall extend to students attending schools in other districts under "an approved dual enrollment plan".

"Dual enrollment programs" are to be regulated by the state board of education.

§193:12

Nonresidents may not send their children to school in a district where they do not reside "without the consent of the district or the school board."

§193:18-a --193:18-b

A child placed in a "home for children" (orphanage, institution, "child caring agency") "shall be entitled to attend the public schools" in that district.

§193:19 --193:20

The orphans of veterans of the armed forces are entitled to tuition-free attendance at state secondary or college level schools.

§194:14

A school district may determine requirements for admitting nonresident students to its schools and if the district neglects to do so, the school board may do it.

§194:24 -- 28

If the attendance of a pupil "at the school with which the contract is made will work a manifest hardship," the pupil or his/her parents may request a transfer to another school.

The school board shall hold a hearing "within ten days" and if the transfer request is "well-founded," the board will approve the request.

The school board's decision may be appealed by either party to the state board of education.

Any district not maintaining a high school must pay tuition for its resident pupils who attend a high school in another district.

A pupil who attends a high school for the required time and does not graduate and whose tuition is being paid for by the school district "may be required to certify to the school board" that he/she will make the effort required to profit from his [her] attendance" before he/she receives further tuition benefits. The school board may suspend tuition payments if it determines that the pupil is "grossly neglecting his [her] school work." This decision is "subject only to review by the state board of education."

If a parent has paid tuition for a child to attend high school in another district because its own town did not maintain a high school, the parent

may recover the amount paid from the town. Failure of a "town district" to comply with this provision shall subject it to the penalty of a fine.

CROSS REFERENCES

II.A.2.; Statute §186:A-7

II.A.2.; Statute §186:A-3

II.A.3.; Statute §186:40

II.A.3.; Statute §188-A:12

II.A.3.; Statute §188-E:7

III.A.1.; Statute §194:23-d

IV.A.; Statutes §200:32 -- 33; 200:38

IV.A.; Regulation, Governing the Excusing of Children #00603

IV.H.; Statute §193:1; 3

G. Admission And Transfer

Statutes

§18A:38-1--3

Public schools shall be free to persons over 5 and under 20 who: (1) are domiciled in the district; (2) are supported and kept in the home of one living in the district; (3) are residing temporarily in the district; (4) are placed by the bureau of children's services in the home of a district resident; (5) are placed by court order in the home of a district resident; or (6) are not residents of the district but have been given permission to attend its schools by the board, with or without tuition, as the board prescribes.

Any person over 20 who, except for age, would be entitled to free education may also be admitted to a school, as the board shall determine. A board may, at its discretion, admit a pupil who is not yet eligible because of age and is being transferred from a public or private school, if he/she meets entrance requirements established by the board.

§18A:38-6

A pupil attending school for the first time may only be admitted on or before October first.

§18A:38-8

A district having "the necessary accommodations" may receive, or "be required to receive by order of the state board," pupils from an overcrowded district, at tuition rates fixed by law.

§18A:38-9

A child shall be allowed to attend school in an "adjoining district; if his/her residence is "remote" from any public school.

§18A:38-10

A board may arrange for the attendance of any or all of its pupils in the schools of an adjacent

district outside the state if it determines that it is advisable to do so "to provide better school facilities" for its pupils or "for reasons of economy or other good cause" if consent of the commissioner is forthcoming.

§18A:38-11--14

The board of education of each district lacking a high school shall designate a high school or schools of this state for the attendance of its pupils. When two or more high schools shall be designated, the board shall allocate its pupils among these schools. Such designation or allocation shall only be changed "for good and sufficient reason upon application made to and approved by the commissioner." The determination of the commissioner "may be appealed by the applying board or any other affected board to the state board.

§18A:38-15;16;19;23

Any board not furnishing instruction in a particular high school course or approved evening high school course, desired by a district pupil, may, at its discretion, pay the tuition of such pupil in such course in another district. The board of the receiving district shall determine a tuition rate to be paid by the sending board. No student shall be excluded from a receiving district because of the sending district's nonpayment of tuition.

TUITION

A sending district shall not withdraw its students from the receiving district during the school year without such district's consent.

§18A:38-20--22

When a board furnishing education to pupils of another district finds it necessary to provide additional facilities for such education, "it may, as a condition precedent to the provision of such additional facilities" make an agreement with the board of the sending district not to withdraw its pupils for a specified term of time

not exceeding 10 years. Application to the commissioner may be made for permission to terminate same. A hearing shall be held "before the commissioner" for the board of the other district before a determination is made. The commissioner's determination shall be "subject to appeal to the state board."

HEARING

§18A:38-32

The district board of education and board of each county vocational school shall appoint qualified persons as attendance officers and fix their compensation. Each board shall make rules, subject to approval of the commissioner, for the government of such officers.

APPOINTMENT

§18A:38-34

When a majority of boards of any county, other than those of the first class, has requested the appointment of county attendance officers, the commissioner shall appoint an officer or officers. The term of office for such officers shall be for one year.

§18A:46-20--22

The commissioner may "at his[her] discretion" require a board of education with the necessary facilities to receive pupils requiring such services from another district. Any public or private school receiving pupils from another district under this chapter shall determine a tuition rate "to be paid by the sending board of education.

A sending district which has entered its pupils in a receiving district may not withdraw them to enter them in another district unless for "good and sufficient cause" an application is made and approved by the commissioner. Appeal of a decision on such application may be made to the state board.

§18A:50-2

A board of education offering adult education courses "shall be entitled to charge and collect" tuition from program participants who reside either within or without the district.

TUITION

CROSS REFERENCES

I.Jointure Commission; Statute §18A:46-26

II.A.2.; Statute §18A:46-6 -- 18; §18A:61-1; §18A:78-1.2

II.A.3.; Statute §18A:54-5 -- 7

II.A.4.; Statute §18A:44-2

II.A.5.; Regulation §6:32-1.3; §6:31-1.9

II.A.10. Other - Demonstration School; Statute §18A:38-24

III.C.Public Schools; Statute §18A:36-20; §18A:38-5.1

IV.A.; Statute §18A:40-11

IV.H.; Regulation §6:27-1.14

CONSTITUTION

New Mexico Constitution Article XII, Section 9

"No religious test shall ever be required as a condition of admission into the public schools or any educational institution of this state, either as a teacher or student, and no teacher or student shall ever be required to attend or participate in any religious service whatsoever."

STATUTES

§71-5-1

"Every citizen of this state has a right to inspect any public records of this state except:

. . . C. letters or memoranda which are matters of opinion in personnel files or students' cumulative files."

§77-10-3

Any student "shall be permitted to attend public school within the school district in which he [she] is a resident."

§77-10-4

"Local school boards may admit non-resident students of their school district to the public schools within the district" space permitting. Only non-student residents of the <u>state</u> may be charged tuition.

TUITION

REGULATIONS

Reg. No. 73-2

A local school board may admit a student who resides

in another school district when:

1) The student can be accommodated and written consent has been granted by the local school board of the district in which the student resides;

2) or state-approved transportation which cross school district boundaries is being provided;

3) or it has been determined by the State Superintendent that educational opportunities are greater or specific programs are available only in that district.

When consent required in 1) above has been refused and the student does not qualify under 2) or 3), the student shall have the right to appeal to the State Superintendent.

Students non-resident to a district who do not qualify under the above shall not be included in the membership report required by §88-6-14, and consequently shall not be eligible for computations of the basic support and other state distributions.

Reg. No. 76-17

When an enrolled student or a conditionally enrolled student has not met the requirements of laws for enrollment in school, either as to age, residence, immunization, or other reasons, or has not complied with conditional enrollment requirements, the enrollment is invalid and the student is liable to be disenrolled.

When a student is invalidly enrolled, the following procedures shall be followed:

The administrative authority shall give a Preliminary Notice of Contemplated Action of Disenrollment to the Student stating the reasons for the contemplated disenrollment and offering the student the opportunity to resolve the matter informally by presenting evidence to refute the alleged reasons for the contemplated action. If the student does not satisfactorily use this opportunity, the administrative authority shall notify the student that he/she will be disenrolled. The Notice of Disenrollment shall inform the student that if satisfactory evidence to refute the alleged grounds for disenrollment is not submitted within ten school days, the student will be disenrolled. It shall also inform the

student, that, within those ten days, the student may request a hearing at which he/she may refute the alleged reasons for disenrollment. The hearing shall be conducted so as to afford the student due process. The student shall have the rights to present evidence, to confront adverse witnesses, to cross-examine, and to be represented by counsel. The hearing officer, designated by the administrative authority, shall render a written decision: if favorable to the student, the matter will be closed; if unfavorable, the student shall be disenrolled five school days from the date of making of the decision.

HEARING

RIGHT TO COUNSEL

A disenrolled student shall be permitted to re-enroll only when all legal requirements for enrollment are met.

RE-ENROLLMENT

CROSS REFERENCES

II.A.2.; Statute §77-11-3.3

II.A.3.; Statute §73-37-5

II.A.4.; Regulation, Reg. No. 74-11

III.C.School System; N.M. Const. Art. XXI, Section 4

III.C.School System; N.M. Const. Art. XII, Section 10

G. Admission and Transfer

Statutes

§313

EQUAL OPPORTUNITY

Students shall be admitted to the state education system "without regard to race, color, religion, creed or national origin." The state recognizes "the fundamental American right" for religious groups to establish schools in furtherance of their beliefs.

The commissioner may initiate investigations of discrimination in admissions and/or "attempt conciliation or mediation to induce elimination of . . . alleged unfair educational practice." If such informal methods are unsuccessful, the commissioner may refer the matter to the board of regents for a hearing. Such hearing may result in a "cease and desist order." There is provision for judicial review and enforcement.

§3201; 3201-a

"No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin."

"Except with the express approval of a board of education having jurisdiction, . . ." no student "shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for achieving equality" in "attendance . . . of persons of particular races, creeds, colors, or national origins." This does not affect the right of a religious institution to apply selective admissions policies. Discrimination on account of sex is prohibited.

§3202

TUITION

A person between 5 and 21 years is entitled to tuition-free public school attendance in his/her district. A non-veteran under 21 who holds a high school diploma may attend classes but shall pay tuition.

VETERAN

"A veteran of any age" with an honorable discharge may attend any state public school.

Nonresidents of a district may be admitted to the district school on the consent of and under terms established by the school authorities.

Children in the care of an orphan asylum "or other institution" are not residents of such district. The public welfare district which is liable for thier support shall contract for their education; or, the district responsible for their education at the time they were admitted to the institution shall pay for their education. Institutionalized children shall be received in the school district wherein the institution is located under terms fixed by the local school authorities, unless there is sufficient reason for refusal to receive.

"The cost of instruction of pupils [under age 21] placed in family homes at board . . . shall be borne by the school district in which . . . such pupil resided at the time" a public agency assumed responsibility for his/her support.

CROSS REFERENCES

II.A.2.; Statute §4206 -- 4208

II.A.2.; Statute §4308 -- 4310

II.A.2.; Statute §4209

II.A.2.; Regulation §200.6

II.A.2.; Regulation §200.8

II.A.3.; Regulation §111.4

IV.H.; Statute §3211

IV.J.; Statute §3214

G. Admissions and Transfers

Statutes

§115-150.4

Where students in the public schools of one administrative unit transfer to a school in another unit, or leave school because of illness, the parents of such pupil are "entitled to a refund of the fees and charges paid by them." The refund will be allocated according to the time during the school term that the pupil left.

§115-162

A child must be six years old before October 1 of the year he or she enrolls in school. This requirement will not apply to a child who has been attending school in another state. A school principal may require parents to furnish a birth certificate for their child.

§115-163 - 115-164

All pupils residing in a particular school district shall have the "privileges and advantages" of the public schools in that district. All persons who have not graduated from high school, all pupils whose parents move into the district, and pupils living with their mother or father who reside in the district, are eligible to attend public schools in that district. Children living in orphanages may be permitted to attend public schools.

§115-176.1

EQUAL OPPORTUNITY

"No person shall be refused admission into or be excluded from any public school in this State on account of race, creed, color or national origin. No school attendance district or zone shall be drawn for the purpose of segregating persons of various races, creeds, colors or national origins from the community." The board of one administrative unit may assign its pupils to another district unit for

the purpose of attending a vocational or special education school, or "for any other reason which the board of education in its sole discretion deems sufficient." The board may not, however, compel students to attend another school "on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origins." "Involuntary bussing of students" is forbidden.

These provisions shall not apply to temporary reassignments of pupils due to overcrowded conditions or other reasons, or to an application for reassignment by a parent or student who is eligible to make such a choice.

§115-177 — 115-179.1

Whenever a board of education assigns pupils to another district unit, the board shall give "written notice" to the parent. When groups of pupils are involved, the notice given may be "by publication." Any parent "dissatisfied with the assignment" may apply to the board for the reassignment of the student to a different school and if the application is disapproved, the parent may "apply to the board for a hearing." The board will determine whether the reassignment "will be for the best interests of the child," and "will not interfere with the proper administration of the school," and the board shall notify the applicant of its decision. The board's "final order" may be appealed to the "superior court."

NOTICE

HEARING

APPEAL

A child or his or her parent may "obtain review" of any action to deny the child "entry or continuance in a program appropriate to his[her] condition and needs," or to place the child "in a program which is inappropriate, unsuitable, or inadequate" or to assign the child to a "special program when he[she] is not a child with special need." Such decisions may be reviewed by the local board of education or the "Advocacy Council for Human Resources" and appeals

REVIEW

may be taken to the State Superintendent or the "Secretary of Human Resources."

CROSS REFERENCES

I.Local Boards of Education; Statute §115-27

I.Local Boards of Education; Statute §115-176

II.A.1.; Regulation §2E.0703

II.A.2.; Statute §115-321 -- 115-342

II.A.2.; Regulation §2E.0604; 2E.0610

II.A.4.; Statute §115-205.11 -- 115-205.13

II.A.4.; Regulation §2E.0803

III.C.School System; Statute §115-1.1

IV.H.; Statute §115-177 -- 115-179.1

G. Admission and Transfer

Statutes

§15-40.2-01

"The school board of any district may send elementary or high school pupils into another school district or to an accredited institution of another state when . . . it is in the best interests of the school district . . . and the board may pay the tuition of such pupils to the district or institution to which they are sent. The school board may arrange, and when petitioned by a majority of the electors of the district, shall arrange with the boards of other districts or institutions, to send pupils to other institutions who can be taught . . . therein, and for the payment of their tuition and for furnishing and paying for their transportation . . . ."

TUITION

§15-40.2-02

"Any school district shall admit elementary and high school pupils from other districts to its schools when it can be done without injuring or overcrowding the schools after the board of the sending and admitting districts have entered into an agreement . . ." concerning tuition and enrollment.

§15-40.2-03

School districts educating pupils in other school districts shall pay the full cost of education. "Such costs shall be determined on the basis of average daily membership and shall include annual expenditures from the general fund and annual educational expenses from special funds, provided that only those expenditures permitted in determining the educational cost per pupil . . . shall be included in determining average current operating expenses. To such expense . . . shall be added double the state-wide total of all school districts' annual expenditures from sinking and interest funds plus double the statewide total of all school districts annual tax receipts to the building funds

including any amounts expended from school districts' general funds for capital outlay divided by the average daily membership of the state. The following shall be deducted for each individual pupil:

1. Such payments as are received for him/her from the county equalization fund and state payments, less the average amount per state resident pupil enrolled in the school district realized from a twenty-mill levy; and

2. A credit applied for any school taxes paid to the admitting district by the pupil's parent or guardian.

The amount remaining shall be the tuition charge for the individual pupil . . . .

If the district of residence and the parent or guardian are both paying tuition the credit allowed for taxes shall be credited to the district of residence . . . ."

This shall not affect the right of a school district to charge tuition from pupils who are not residents of North Dakota.

§15-40.2-04

"Any school district which admits non-resident pupils to its schools . . . shall charge tuition for such pupils. The whole amount shall be paid by the district from which the pupil is admitted . . . ."

TUITION

Any school district that fails to sign a tuition agreement and collect tuition shall forfeit foundation payments for those nonresident students for whom tuition is not paid. A school district may accept nonresident students without a collection of tuition if a written agreement is made between the sending and receiving districts.

No school district shall collect from any non-resident pupil . . . or the district of [her/]his residence any registration, textbook or laboratory fee or any other fee which is not charged to resident pupils."

"The parent or guardian of any pupil who is a resident of a district may apply in writing to the school board of the district of the pupil's residence for approval of payment of tuition charges to another district for pupil's attendance in the other district. The school board shall, within sixty days of receipt of such application meet with the parent or guardian and render a decision in regard to payment of tuition charges. If no decision is rendered within sixty days . . . the application is approved." Once approved, the school board shall pay the tuition. If disapproved, "appeal may be filed with the county superintendent of schools and a three member committee consisting of the county judge, state's attorney and county superintendent of schools, which shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian and render a decision . . . . The committee shall determine whether the pupil is a high school pupil . . . which shall mean grades one through eight, inclusive, then proceed in accordance with the following:

1. If the pupil is a high school pupil and the committee finds that the attendance of the pupil is necessitated by shorter distances, previous attendance in another high school, inadequacy of the curriculum considering the educational needs of the pupil or other reasons of convenience it shall approve the payment obligating the district of residence to pay. The . . . approval may be for any fixed number of terms up to the pupil's completion of high school. The decision of the committee may be appealed to the state board of public school education, and the decision of this board shall be final.

2. If the pupil is an elementary pupil and the committee finds that attendance is necessitated by shorter distances or other reasons of convenience it shall approve the payment . . . obligating the district

of residence to pay. The approval shall be limited to one school term and subsequent applications may be made annually. The decision of the committee shall be final.

If any portion of the district lies in more than one county, the committee shall consist of the county judge, state's attorney and county superintendent of schools from each county lying within the district, and the concurrence of at least two members from each county shall be necessary for a majority . . . . In the event that the district of the pupil's residence does not comply with the decision . . . to pay the tuition, the admitting district shall notify the county superintendent of schools and the state superintendent of public instruction . . . and upon verification . . ., all county equalization fund payments, including payments from the state for foundation aid shall be withheld from the district of the pupil's residence until the tuition has been fully paid. This shall not be construed to require the district of residence to provide transportation or payments in lieu thereof for pupils, for whom the payment of tuition has been approved."

§15-40.2-08

"The school district in which a child resides shall be the residence district of the child:

1. At the time any juvenile supervisor or court order has been issued requiring the child to stay . . . at a foster or nonprofit corporation home . . . or any referrals made from a state operated institution;

2. At the time of any placement by a county or state welfare agency with the consent of the parent or guardian . . . at a foster or nonprofit corporation home; or

3. At the time of voluntary admission to Grafton state school or any state licensed child care agency. Such district shall be liable for tuition

upon claim of the admitting district . . . . In the event of placement by a county or state welfare agency with the consent of the parent or guardian, or the voluntary admission to any state-licensed child care agency, the tuition determination may be subject to appeal filed with the county superintendent of schools and the three member committee . . . . If the residency of neither parent can be determined upon discharge from Grafton state school or child care agency, the tuition shall be paid from state funds."

§15-40.2-09

"Students may attend a school in a bordering state under the following circumstances:

1. A student who lives within forty miles of another state or in a county bordering on another state, with the approval of the school board may attend public school . . . in a bordering state, and the district school board of the pupil's residence may contract with the bordering state for the student's education.

2. A student who resides within a district which is annexed to or reorganized with another district which has been sending students to school in a bordering state . . . shall be permitted to continue attending school in the bordering state. If a request for attendance is denied . . . by the district school board of the pupil's residence, appeal may be made to the three member committee . . . . Their decision may be appealed to the state board of public education, whose decision is final . . . ." State funding shall be withheld from the district if it does not comply with the decision. Payments shall be made by the county and district of the pupil's residence. Attendance of the student must be certified to the county superintendent of the pupil's residence.

This shall not require the district of the pupil's residence to provide transportation or payments in lieu thereof, for such pupils.

§15-40.2-10

The superintendent of public instruction may enter into reciprocal agreements with the appropriate state agencies of a bordering state in regard to the cost of educating elementary and high school pupils in such bordering states. The agreements may provide for payments from the county and district.

§15-47-01

"The public schools of the state shall be equally free, open and accessible at all times to all children between the ages of six and twenty-one, except that children who do not arrive at the age of six years . . . by August 31 shall not start school until the beginning of the following year, except children who by reason of special talents or abilities as determined by a series of developmental and readiness screening instruments, approved by the state department of public instruction and administered by the school district, may start school at a younger age. However, . . . a child [may not] start school that school year, if he[she] is not six years of age by January 1."

§15-47-18.

"Any child whose parents or guardian reside upon land owned and used by any county . . . as a poor farm is not a resident of any school district for school purposes." The school district shall be entitled to charge tuition of $1.50 per week for enrollment of the child in the grade or high school. Unless the tuition is paid by the county equalization fund, it shall be paid by the county which owns the poor farm.

CROSS REFERENCES

II.A.2.; Statute §15-47-34

II.A.2.; Statute §25-06-04; 25-06-09

II.A.2.; Statute §25-07-04; 25-07-10

II.A.4.; Regulation, Ch. V.; II.3.

II.A.8.; Statute §15-46-01

II.A.8.; Regulation, Ch. III.; VII.3.

IV.A.; Statute §23-07-17.1

STATUTES

§3313.64

"The schools of each city, exempted village, or local school district shall be free to all school residents between five and twenty-one years of age.... School residents shall be all... children or wards of actual residents of the school district." The inmate of a county, semipublic, and district children's home may also be eligible for free schooling. "The board may admit the inmates of a private children's home... in the district" provided that the child had previously been a school resident of such district. If the inmate was a school resident of another district of the state, said other district shall pay tuition. If the inmate was not a school resident of the state, the children's home shall pay such tuition. "All youth of school age living apart from their parents or guardians and who work to support themselves..., shall be entitled to attend schools from in the district in which they are employed."

"The board of education of a city, exempted village, or local school district may admit other persons to the public schools of its respective district upon the payment of tuition within the limitation of law." TUITION

"The board of education of a city, exempted village, or local school district may admit other persons to the public schools of its respective district upon the payment of tuition within the limitation of law."

Tuition for foreign students temporarily residing in the district may be waived by the board.

§3321.01

"A child between six and eighteen years of age is of 'compulsory school age'.... The compulsory school age of a child shall not commence until the beginning of the [school] term... " or other time as fixed by the

board.

This provision sets the necessary birth dates for entrance to kindergarten and first grade, except for districts which make exceptions to the age requirement based on meeting standards as determined by standardized testing programs. Such tests may be given at the request of a pupil's parent or guardian.

§3321.13

WITHDRAWAL

Whenever a child of compulsory school age withdraws from school, the teacher shall ascertain the reason for such action, and shall transmit such information to the district superintendent.

If a child withdraws from school because of a change of residence, the new residence shall be ascertained and information on the child shall be transferred to the superintendent of the new district.

The forms used for such purposes are at the discretion of the superintendent of public instruction.

§3327.04

Any district board of education may contract with any district for the admission and(or) transportation of pupils into any school in the latter's district. When such contract is made for all high school pupils between a district not maintaining a high school and one which does, "the board making such an agreement is exempt from the payment of tuition at other high schools of pupils living within three miles of the school designated in the agreement." In the absence of such agreement, the high school to be attended may be selected by the student holding an eighth grade diploma, and the tuition will be paid by the board of district residence.

§3327.06 -- .07

When a pupil attends school in one district and

resides in another district, tuition shall be credited and paid in accordance with this code.

When a district board admits a pupil as a non-resident and tuition is not an obligation of the pupil's board of residence, such tuition shall be collected from the parents or guardian of the pupil in an amount prescribed by this code. When a board fails to collect tuition from the parents or guardian, the attendance of such a pupil is unauthorized. Unauthorized attendance may not be included in attendance figures for calculating state aid, etc. Such attendance shall be credited to the district of the pupil's residence.

The reporting official shall keep a separate record of "average daily membership" of non-resident pupils who have not otherwise been provided for by contract between school boards.

§3327.11

A district board of education may furnish the cost of a pupil's room and board or a part thereof while the pupil is attending school provided that the district does not maintain a high school and pays tuition to another district for pupils, or pays tuition to a district having a high school of a higher grade than its own, and the amount of room and board is less than the cost of transportation that would be involved.

CROSS REFERENCES

I.Superintendent; Statute §3319.01

II.A.2.; Statute §3323.09; 3323.091

II.A.2.; Statute §3323.13; 3323.15; 3325.011; 3325.02

II.A.3.; Statute §3311.19; 3311.211

II.A.3.; Regulation §3301-61-03 -- 3301-61-15

II.A.8.; Statute §3313.54

III.C.Students; Statute §3331.15

IV.K.; Statute §3321.23

G. Admissions and Transfers

Statutes

§70-1-113

Any question regarding a student's residency shall be resolved by the county superintendent of schools for the county in which the student claims to reside.

A child's residency is the legal residency of her/his parent or guardian. If a child is self-supporting, she/he is a resident of the district in which she/he works and attends school.

§70-1-114

All children between the ages of five years on or before November 1, and 21 years on or before September 1, are entitled to attend school free of charge in the district in which they reside. Underage children may be admitted to nursery classes approved by the State Board of Education and conducted by the school district in which the child resides, or they may attend district schools "on a tuition basis only." Failure to pay tuition shall result in stoppage of State Aid Funds until tuition is paid or the pupil expelled.

TUITION

§70-5-132

Any resident of Oklahoma over 21 and under 26 who has not completed the twelfth grade in school, shall be given the same educational opportunities as children over 5 and under 21, upon submitting to the local board of education evidence showing that he or she was unable to attend school for a definite period of time because of physical disability or military service. The pupil shall be counted in the average daily attendance of the district for the purpose of computing state aid.

§70-8-101 — 8-102

TRANSFER

Any child residing in a school district that does not offer the grade which he or she is entitled to pursue may transfer to a school district which does offer the grade. The county superintendent of schools shall grant an application for transfer if approved by the boards of education of the sending and receiving districts. Provided, that if a grade is not offered in the child's own district, the transfer must be approved.

The state board of education may transfer a child to a school district in another state if approved by the local board of education of the district where the child resides. Any brother or sister of a transferred child may attend the same school with approval of the receiving district. If a child changes residence from a school district offering her or his grade to another district, she or he may attend school in either district for the remainder of the year.

§70-8-103

The board of education of each affected district shall have an opportunity to show cause why the transfer should not be granted. After the county superintendent of schools decides on the transfer request, such decision may be appealed to the district court by either board of education or the child's parent or guardian.

§70-8-104, 8-111

EMERGENCY TRANSFER

Written application for emergency transfer designating the desired district shall be made by a parent or guardian, and on adequate showing of emergency, the county superintendent may order a transfer, subject to approval by the State Board of Education. Such an emergency shall include only the total or partial destruction of a school building, the

inability to furnish a grade or subject, and the total failure of transportation facilities previously had or contemplated.

Transfers previously made may be cancelled with the concurrence of the receiving district, and a retransfer granted.

§70-1210.202

"No pupil shall be assigned, transferred or otherwise compelled to attend any school on account of race, creed, color, or national origin, and no school district shall seek to achieve racial balance . . . by transferring . . . pupils from one school to another . . . or one district to another." Provided, voluntary transfers are allowed and are not inconsistent with this section.

EQUAL OPPORTUNITY

REGULATIONS

High School Regulations; p. 62
VI. Admissions

Req. a. Any student under the age of 21 is "entitled to attend school, free of charge" in the district of residence. Any resident of the state of Oklahoma between age 21 and 26 who has not graduated from high school and submits evidence to the board of education of a school district that he or she was unable to complete the 12th grade before age 21 because of "physical disability" or military service is entitled to "the same educational privileges and opportunities provided by law" for students between ages 5 and 21.

Req. b. "Students entering a secondary school from a non-accredited elementary or secondary school shall be given a standardized test to determine" grade placement.

GRADE PLACEMENT

Req. c. If the school provides "special courses for retarded pupils, they may be admitted . . . on the

basis of their social, emotional and physical growth and chronological age.

PROMOTION

"Req. d. Students may be admitted to high school upon presentation of a certificate of promotion from an accredited eight-year elementary school, middle school, or junior high school.

TRANSCRIPT

"Req. e. A student may be admitted . . . upon presentation of a transcript from another accredited high school."

Elementary School Regulations; p. 30
VI. Admissions

Reg. a. Children between ages 5 and 21 are "entitled to attend school free of charge in the district" of their residence.

b. "Students entering an accredited elementary school from a nonaccredited elementary school shall be given a standardized test to determine in which grade they should be placed."

Junior High School Regulations; p. 45
VI. Admissions

Req. a. "Pupils shall be admitted into junior high school upon successful completion of the . . . course of study of an accredited elementary school." If the elementary school was not accredited, the student must "take a standardized achievement test to determine grade placement."

Req. b. If the junior high provides "special courses for retarded pupils, they may be admitted . . . on the basis of their social, emotional and physical growth and chronological age."

CROSS REFERENCES

II.A.2; Statute §70-18-110

II.A.2; Statute §70-13-101 -- 70-13-102

II.A.2; Statute §70-1210.271 -- 70.1210.566

II.A.4; Statute §70-18-108

II.A.4; Regulation, Elementary School Regulations: XII. Kindergarten; p. 32

IV.A; Statute §70-1210.192; 70-1210.193

G. Admission and Transfer

Statutes

§332.595

Children between the ages of 4 and 18 shall be considered residents for school purposes in the school district in which their parents, guardians or persons in parental relationship to them reside. Non-emancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district shall be considered resident in the district in which their parents, guardians or persons in parental relationship to them reside.

Individuals considered legally emancipated from their parents shall be considered resident in the districts where they reside.

Wards of public or private agencies shall be considered resident in the school district in which they reside as a result of such placement.

Those living in the school district for the primary purpose of attending a district school shall not be considered legally resident in the districts in which they live, but are residents of the district in which their parents, guardians, or persons in parental relationship to them maintain residency.

§335.090

The school district is responsible for the high school education of all school age children resident in a district not operating a high school.

TUITION

Tuition of resident pupils attending standard public high schools within or outside the state is to be paid by the district.

Transportation to the nearest public high school or, where more reasonable, room and board shall be furnished by the district.

The estimated cost of services under this section shall be part of the budget.

§336.165

Tuition may be charged for courses not part of the regular school program, but not in excess of the "estimated cost to the district [in] furnishing the program, class or course of study."

Students enrolled in the regular school program may not be charged for any special instruction received in connection therewith.

Except for driver instruction and courses of study beyond the 12th grade, "no program, class or course of study for which tuition is charged, . . . shall be eligible for reimbursement from state funds."

§336.168

Tuition cannot be charged by a public school to a pupil from a low-income family, for courses not part of the regular school program, in excess of the amount of money received by such family to pay for such fees.

A low-income family is one whose children qualify for free or reduced price school lunch under the federal lunch program.

Other families may request waiver of such fees where they believe payment is a severe hardship.

§339.115

All students between the ages of 6 and 21 residing in a school district shall be admitted free. Nonresidents may be charged.

"A child entering school for the first time must be six on or before November 15.

The school board may provide that a child eligible to enter a first year class at the beginning of the term, who does not enter within the first four weeks, shall be ineligible to enter until another beginning 1st year class is organized. This requirement may be waived for disadvantaged children.

§339.125

District school boards may contract in writing with each other for the admission of pupils from other districts. "Expenses incurred shall be paid . . .[by] the district sending such pupils." If a district fails to pay, "the administrative office for the county containing such school district, after satisfactory proof of such failure, shall deduct the amount of the unpaid expense from the amount due the school district at the next regular apportionment. The treasurer shall pay the amount . . . out of the county school fund."

§339.135

School age children living in an "area within which the U.S. government has exclusive jurisdiction shall be admitted free of charge at adjacent public schools [and] may be placed on the school census of the district in which they attend school."

§339.155

Public schools may not require payment of fees as a condition of admission to pupils entitled by law to free admission. "[T]he following are not considered conditions of admission;" (a)". . . tuition may be charged for courses not part of the regular school program;" (b) a "charge may be made for textbooks for grades 9 through 12, but textbooks must be loaned without charge to indigent pupils;" (c) a "fee . . . for a lock and hasp for a locker."

Pupils who do not furnish their own attire or towels for physical education classes may be charged appropriate fees for the use of uniforms or towels provided by the district.

§346.030

Applications for admission are made to the Department of Education on forms provided for that purpose.

REGULATIONS

§581-22-251

In evaluating student transcripts, the administrator

shall: accept 9th grade units the same as high school unit completion; accept minimum competencies, credits and attendance from a standard school in another district; accept units and credits for out-of-state transfer students; determine the value of credit of private schools, or other non-public schools; determine minimum graduation requirements; determine grade placement for elementary schools; determine value of credit for correspondence schools, and determine value of credit for approved community college programs.

CROSS REFERENCES

II.A.2.; Statute §343.077;

II.A.2.; Statute §343.277

II.A.2.; Regulation §581-15-020; 581-15-040; 581-15-050

II.A.7.; Statute §420.011 -- 420.031

IV.A.; Statute §433.267

IV.F.; Statute §336.215

IV.F.; Regulation §581-22-258

G. Admission and Transfer

Statutes

§13-1301

Every child, being a resident of any school district, between the ages of 6 and 21, may attend the public schools in his/her district. The board of school directors may admit to the schools of the district, with or without payment of tuition, any non-resident child temporarily residing in the district, and may require the attendance of such child in the same manner and on the same conditions as required of a resident child.

TUITION

§13-1302

"A child shall be considered a resident of the school district in which his[her] parents or the guardian of his[hers] resides." Children residing on federal installations shall be counted as resident pupils of the school district in which such installation is situated. When a resident of any school district keeps in his/her home a child of school age, not his/her own, supporting the child gratis as if it were his/her own, such child shall be entitled to all free school privileges and subject to all the requirements accorded to and placed upon resident school children of the district.

§13-1304

Beginners (lowest grade of primary school or lowest primary class above the kindergarten level) are to be admitted in the "first two weeks of the annual school term in districts operating on an annual promotion basis and the first two weeks of either the first or second semester of the school term in districts operating on a semi-annual promotion basis. Beginners must be 5 years and 7 months before September 1 if to be admitted in the Fall, or February 1 if to be admitted in the 2nd

semester. The Board of School Directors may admit younger, in accordance with standards prescribed by the State Board of Education. "The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the supervisor of special education or a properly certified public school psychologist in accordance with standards prescribed by the State Board of Education."

§13-1305

When a non-resident child is placed in the home of a resident of any school district by court order or by arrangement with an association which compensates the resident for keeping the child, the child shall be entitled to all free school privileges accorded to resident school children of the district.

Any resident of any school district, before accepting custody of such non-resident child, must secure, from the Superintendent of schools a written statement that the child can or cannot be accommodated in the schools of the district.

§13-1306; 13-1306a

The board of school directors of any school district in which there is located an institution for the care or training of orphans "shall permit any children who are inmates of such homes, but not legal residents in such district, to attend the public schools. The school directors may determine whether to charge for tuition, textbooks, or school supplies. "If the district(s) . . . does not have facilities to accommodate . . . [these] children . . . the board of directors shall notify the Superintendent of Public Instruction. . ." who "shall direct the district . . . to enter into an agreement with another school district . . . to accept them on a tuition basis.

Whenever non-resident children attend the public schools in such district where the institution is located, they shall be furnished proper transportation provided for resident children.

§13-1310

"The board of school directors may, upon cause shown, permit any pupil(s) in any school district to attend such other school in the district or may classify and assign the pupils in the district to any school(s) therein as it may deem best, in order to properly educate them." Whenever any children have their residence more than two miles from school and free transportation is not provided, the Board may reassign them to a school in some other district within two miles of their residence. Tuition shall be charged. "It shall be unlawful for any school directors, superintendents, or teachers to make any distinction whatever on account of . . . the race or color of any pupil . . . who may be in attendance upon, or seeking admission to, any public school."

TUITION

EQUAL OPPORTUNITY

§13-1313

Where any pupil in any school district resides one and one-half miles or more from the nearest public elementary school in the district, such pupil, unless free transportation is furnished, may attend any public elementary school in another district more convenient by obtaining the consent of the board of school directors of the other school district.

§13-1314

Pupils may attend school in the district to which the territory of their residence formerly attached if the district in which they presently reside does not have like facilities of the former attached district. The district in which they reside shall pay tuition to the district in which they attend. If the school district in which the pupils presently reside provides within a reasonable distance proper school facilities of like grades to those in the former attached district, the pupils shall attend the schools in the district in which they reside. In case of dispute, the decision of

TUITION

the Superintendent of Public Instruction as to sufficiency and reasonableness of the school facilities provided by the district in the pupils reside shall be final.

§13-1315

Children residing one and one-half miles or more from the nearest public elementary school or three miles or more from the nearest high school in the district where proper free transportation is furnished may on request of parents or guardian be assigned by the board of school directors to a more convenient school in another state: Provided, consent is given by the proper school officials in the other state.

§13-1316

The board of school directors "may permit any non-resident pupils to attend the public schools in its district upon such terms as it may determine."

§16-1603

The public high schools shall admit those children under the age of twenty one who reside within the school districts and have undergone examinations prescribed by the board of school directors.

EXAMINATION

§16-1607 -- 1609

Pupils in a school district that has no public school may attend the nearest convenient high school. The same holds true even though there is a vocational high school in such district.

The consent of the board of school directors is needed in order to attend a school outside their district. Written approval is needed to have tuition paid while attending such out-of-district schools. Any eligible child who resides three miles or more from the nearest high school in the district, may attend any more convenient high school in another district, unless

transportation is provided to a school in the district. The district in which he/she resides shall be liable to the district whose high school he/she attends for the tuition charge provided for in this act.

§16-1610

Pupils desiring to attend these out of district schools must satisfy the superintendent "having supervision of the district in which they reside" of their fitness to attend the school.

§2601-2602

Indigent children shall receive free education, as funds allow. However, "where more children shall be offered for the benefit of this institution than can be received at any one time, the president and directors shall so apportion their number among the several counties . . . according to their representation, that every county may equally receive the benefits of the same." Children of this state shall be given preference.

REGULATIONS

§ 5.18

"Credits granted by an approved secondary school shall be accepted by all public secondary schools in the Commonwealth upon the transfer of a student."

§11.11 -- 11.13

"Every child of school age residing in a school district shall be entitled to attend the district's public schools established by the board of school directors."

School age is the period of a child's life from the earliest admission age to a school district's pre-elementary school program, or when no pre-

elementary school program is provided, to the district's earliest admission date for beginners, which shall be no later than 6 years, until the age of 21 years. Beginner means any child that should enter the lowest grade of an elementary school above kindergarten.

Compulsory school age refers to the period of a child's life from the time the child enters school as a beginner which shall be no later than age 8 until age 17 or graduation from a regularly accredited senior high school whichever occurs first.

§11.14 -- 11.16

The board of school directors shall establish the district's minimum entry age to kindergarten which shall not be less than four years no months and the maximum entry age which shall be less than the district's minimum entry age for beginners.

"The board of school directors shall establish the district's minimum entry age for beginners which shall not be less than 5 years and seven months or more than six years no months as of the admission period of the school term of the district."

The board of school directors may upon parental request when recommended by a public school psychologist and approved by the district superintendent of schools, admit as a beginner any child with a chronological age of 5 years and a mental age of seven years or more as of the admission period of the district's school term, but there is no requirement that a board of school directors admit any child as a beginner whose chronological age is less than the district's established admission age for beginners as of the district's admission period.

§ 12.1

All persons residing in Pennsylvania between the ages of 6-21 are entitled to a free and full

education in the public schools. The right extends to migratory children and pregnant or married students. Mentally retarded children also are entitled to a public-sponsored program of education and training appropriate to their learning capabilities.

Parents or guardians of all children between the ages of 8 and 17 are required by compulsory attendance law to insure that their children attend an approved educational institution, unless legally excused.

Students may not be asked to leave school merely because they have reached 17 if they are fulfilling their responsibilities as students. A student may not be excluded from the public schools or extra curricular activities because of being married or pregnant.

CROSS REFERENCES

II.A.2.; Statute §13-1376

II.A.3.; Statute §18-1809

II.A.3.; Regulation §6.76

II.A.8.; Statute §19-1902 -- 19-1904

G. Admission and Transfer

Statutes

§16-2-19

Whenever it is more convenient for any child residing in one town to attend school in an adjoining town, the school committees of such respective towns may arrange for the inter-school transfer of such child.

§16-2-28

"Every child who has attained or will have attained six years of age on or before December 31 of any school year shall be eligible to attend first grade."

§16-7-30

A community not maintaining a high school shall make provision for the free attendance of its children at some high school or academy approved by the state board of education.

§16-38-1

No person shall be excluded from any public school on account of race or color, or for being over fifteen years of age.

CROSS REFERENCES

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

II.A.3.; Statute §16-45-8

II.A.4.; Statute §16-2-27

II.A.8.; Statute §16-29-2

III.A.2.; Regulation, Standards for Elementary Schools

IV.A.; Regulation, Art. IV, Students, pp. 4-22 -- 4-26

G. Admission and Transfer

Statutes

§59-17-90

Any two school districts may agree "to provide special services, make purchases, share equipment, develop curriculum and interchange pupils or educational services."

§59-63-20 --59-63-40

Children shall be entitled to attend the public schools only if qualified under the following provisions: 'the child resides with his/her parent/guardian within the school district or owns $300 worth of real estate in the district; the child maintains a satisfactory scholastic record, and has complied with the rules of conduct set forth by the school trustees.

EQUAL OPPORTUNITY

"No person shall be refused admission into or be excluded from any public school in the state on account of race, creed, color or national origin." No person shall be compelled to attend any school either on the basis of race, color, creed or to achieve "equality in attendance" except by express approval of the board. However, this section shall not prevent a parent from requesting a reassignment for his/her child or prevent a denominational school from selecting its pupils "exclusively or primarily from members . . . of that denomination."

§59-63-410 --59-63-530

No students shall be enrolled in more than one school in any school year.

All students enrolled in a public school in the state who transfer to another school in South Carolina must present an enrollment card obtained from their previous school. The student shall not be re-enrolled but kept on a separate list attached to the list of enrolled pupils.

Anyone violating this provision shall be guilty of a misdemeanor and fined up to twenty-five dollars. Each school shall furnish to the trustees annually a list of all pupils that have attended the school during the preceding academic year.

If a child wishes to transfer to a school district within the county, the board of trustees of each school must approve. If, however, the trustees "unreasonably and capriciously withhold their consent," the county board of education shall have the right to make the transfer on the condition that each pupil transferred pay semiannually in advance if financially able to do so . . . ."

Students residing in one county who wish to transfer to a school in an adjacent county may do so if the school officials of each county agree and the child pays the appropriate charges for tuition to that county as authorized in this section.

TUITION

REGULATIONS

§43-271

A child must be five years old before November 1 to be admitted to kindergarten, and six years old before November 1 to be admitted to first grade.

§43-272

To be admitted to elementary school, a pupil must present a birth certificate and evidence of required immunization. Secondary and vocational schools must offer preregistration forms outlining the courses students may take while in school. The requirement of a birth certificate is waived for Vietnamese children.

§43-273

In elementary, middle, and secondary schools, each pupil transferring will be given a transfer form. Students may be required to pay tuition. If a student transfers from a school which is not accredited, she/he shall be tested to determine the student's academic level.

TESTING

CROSS REFERENCES

I.Board of Trustees; Statute §59-19-90

I.General Assembly; South Carolina Constitution, Art. XI, §3

II.A.8; Regulation §43-237

II.B.1.c; Regulation §43-72

G. Admission and Transfer

Statutes

§13-15-8 — 13-15-13

The state superintendent of schools has authority to enter into "reciprocal master agreements" with bordering states to establish tuition rates. If a "master agreement" is not made, then a school district may make an agreement with the school district of a bordering state to establish a tuition rate. A South Dakota school district "shall not be authorized to assign students to a district in another state" if that state does not allow its students to attend South Dakota schools. If a student is assigned to a school in another state, his/her school district will pay tuition not exceeding the South Dakota rates. School boards may contract with school districts in adjoining states "for the erection, operation and maintenance of school facilities for both school districts." Such facilities may be erected in either South Dakota or "a neighboring state."

TUITION

§13-28-5

The public schools are free to all persons within the school district until they complete high school or reach the age of twenty-one.

§13-28-6

If a student becomes twenty-one while enrolled in school, the "free school privileges" will extend through that year.

§13-28-8

Resident students over the age of twenty-one may be admitted free of charge if the public schools "can accommodate more students."

§13-28-9

For the purpose of determining residence in the school districts, a child's residence shall mean the "legal residence or domicile of the student's parents, legal guardian . . . ."

§13-28-10

A child living in a foster home shall have "school residence in the school district" in which "such foster home is located."

§13-28-11

A child living in a "charitable or state institution" shall have "residence in the school district" where he "resided immediately prior" to entering the institution.

§13-28-11.1

TUITION

The state will pay all tuition expenses for children who are institutionalized, living in a foster home, "under the responsibility of the federal bureau of Indian affairs," and attend public school or a private institution.

§13-28-14

VETERAN

Any person "regardless of age or sex" who is a South Dakota resident and has been honorably discharged from military service, "shall be entitled to all the privileges of the public schools" unless the person is entitled to an educational allowance provided by the U.S. government.

§13-28-15

Every school board "shall have the power and duty" to assign elementary students within its district. In "assigning and distributing students," the board shall take into consideration "its duty to provide equal educational facilities, the wishes of the patrons, and the best interests of the students . . . ."

HEARING

APPEAL

Any person aggrieved by the board's decision may request a hearing within thirty days before the superintendent of education, whose decision shall resolve the matter unless appealed to the courts.

§13-28-19

"The school board shall have authority to assign and distribute" elementary and secondary school children "among the schools in the district."

§13-28-20

If a student lives "more than ten miles from the nearest high school" in his/her district, and there are no bus or dormitory facilities available, the school board "shall pay tuition for the student to any public high school in the state." Any person aggrieved by a decision of the school board may request a hearing within thirty days before the superintendent of education whose decision shall resolve the matter unless appealed to the courts.

§13-28-21

The school may admit nonresident students to schools in the district if it is "done without injuring or overcrowding such schools."

§13-28-22

Any student not entitled to "the free school privileges of the district" will be charged tuition. TUITION

§13-28-23

If the school board assigns a student to a school, the school board will pay the tuition expenses. TUITION

CROSS REFERENCES

II.A.2.; Statute §13-37-4

II.A.3.; Statute §13-39-28

II.A.8.; Statute §13-28-35

III.C.Public Schools; Constitution Article VII, §1

IV.A.; Statute §13-28-7; 13-28-7.1

G. Admission and Transfer

Statutes

§306

"Cities and incorporated towns operating systems of public schools . . . are empowered to continue the operation of [such a] system of public schools under the provisions of their respective charters; . . . no transfer of children between the city and county schools shall be made except by agreement between the respective boards of education."

§1005

Any county board of education may admit to the elementary schools pupils resident of another county.

§1107 — 1109

Junior high schools getting state and county funds will be "open without tuition to all children of the county," the only requisite being that the student must have successfully completed the grades leading up to junior high school. The same thing holds true for high schools

"High school pupils residing in one county may be admitted to the high schools of another county . . . ."

Tuition will be collected from all pupils not residing in Tennessee, "at the same rate as the average cost per pupil in the system attended."

§1701

Public schools are free to all persons over the age of 6. Local boards of education have the authority to admit students out of the district and to arrange for transfers of students residing within the district to schools located elsewhere. If a student meets the requirements set down by the local boards for transfer, such pupil may be admitted. Tuition shall be charged to students residing outside of the districts.

TUITION

§1702

Any child residing in the state who is at least six years old or will be six by a specified date may

enter public school within 30 days after the opening day of the term.

§1741

"The board of education . . . is authorized and required to provide for the enrollment in a public school of each child who is eligible for enrollment . . . ."

"No pupil shall be enrolled in, admitted to, or entitled or permitted to attend any public school in such local system other than the public school to which the pupil may be assigned pursuant to the rules, regulations and decisions of [the] board of education . . ."

§1742

In determining which public school pupils will be assigned to, some of the following factors may be considered by the board of education: the availability of space and teaching capacity in the various schools; the pupil's place of residence as related to the schools in the system; available transportation; the effect of enrollment on the child's welfare and on the operation of the school; the suitability of established curricula for particular pupils; the adequacy of the pupil's academic preparation for admission to a particular school and curriculum; the scholastic aptitude and relative intelligence or mental energy or ability of the pupil; the psychological qualifications of the pupil for the type of teaching and associations involved; the effect of admission of the pupil upon the academic program of other students in a particular school or [its] facility; the effect of admission upon prevailing academic standards at a particular school; the psychological effect upon the pupil of attendance at a particular school; the effect of any disparity between the physical and mental ages of any pupil to be enrolled, especially when contrasted with the average physical and mental ages of the group with which the pupil may be placed; the sociological, psychological, and like intangible social scientific

factors as will prevent, as nearly as possible, a condition of socioeconomic class consciousness among the pupils; the possibility or threat of friction or disorder among pupils or others; the possibility of breaches of the peace or economic retaliation within the community; the home environment of the pupil; the maintenance or severance of established social and psychological relationships with other pupils and with teachers; the choice and interests of the pupil; the sex, morals, conduct, health and personal standards of the pupil; the request or consent of parents or guardians and the reasons assigned therefor; and other factors which the board may find pertinent.

§1745

"The board is authorized to prescribe a date reasonably in advance of the opening of school for filing of applications for admission or transfer," and has the right to refuse "applications filed after such date . . ."

§1746

"In determining and applying . . . rules for admission of children to the public schools, the board . . . may make investigations, conduct surveys . . ." and form other committees and groups to assist in plans with respect to the enrollment of children and the assignment of pupils to grades, classes and courses of study.

A local board may provide a procedure to determine "the competency of students who have attended kindergarten to advance directly to the second grade." Those determined competent under the procedure may advance to the second grade.

PROMOTION

§1747 — 1748

"[The] board of education may give individual written notice of assignment on each pupil's report card or by written notice by any other feasible means to the parent . . . ."

If the parent or guardian is dissatisfied with the assignment, he/she can ask for a hearing within 10 days of the assignment. The application for transfer shall give the reasons why such an assignment is not favored. The board will then set a date for the hearing.

HEARING

§1749 -- 1763

The board shall consider each case separately and decide on the merits. A decision shall be entered and a copy of it sent to all parties appearing at the hearing.

The board is not confined to the rules of evidence applicable to the court, but it must give "effect to the rules of privilege recognized by law." Witnesses can be subpoenaed and forced to appear by the board of education.

The board may employ counsel to appear on its behalf at such hearings.

The burden of proof is on the person challenging the board's action. The board can designate one or more of its members or examiners to conduct the hearings.

REVIEW

The parent or guardian may obtain a judicial review of the decision by filing for review in the county chancery court.

After the hearing, the court may dismiss or vacate the order in whole or in part. If vacated the court may remand the case to the board of education for further proceedings. If supported by evidence, the findings of fact shall be final. The review of the chancery court shall be extended only if the board "has acted illegally, fraudulently or in excess of its jurisdiction. . . ."

APPEAL

The order of the chancery court may be taken to the Court of Appeals or to the Supreme Court.

"The rules of pleading, practice and procedure ordinarily followed in chancery cases will be followed . . . ."

Actions for review shall be filed only by the parent, guardian or legal custodian of the child.

"No board of education or member, nor its agents or examiners, shall be answerable to a charge of libel,

slander or other action . . . by reason of any finding or statement contained in written findings of fact or decisions . . . ."

§1770 — 1771

"No person shall be refused admission into or be excluded from any school on account of race, creed, color, sex, or national origin."

EQUAL OPPORTUNITY

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors or national origins " No district or school zone shall be established or maintained for these reasons. Nothing in this section shall stop a parent or guardian from assigning his or her child as he/she wishes, and nothing shall affect a religious or denominational educational institution's right to select or give preference to pupils on the basis of his/her religious belief.

§5201 -- 5204

State and local boards of education cannot prohibit students of church-related schools from transferring to public schools. Local boards may, however, put these students in a grade level based on his/her performance "on a test administered by the board. If the state requires a similar test for students transferring from public schools, such test must be given to students from the church-related schools. However, the terms of the public and church-related schools shall be of the same length.

REGULATIONS

pp. 74-75

Pupils wishing to transfer from schools unapproved by the Tennessee State Board of Education to approved

schools "shall be allowed credit only when they have passed comprehensive written examinations approved, administered, and graded by the principal or his[her] designated representative."

Examinations shall vary according to grade level of transferring students.

"The principal or his[her] designated representative is authorized to transmit a transcript of the academic record of a pupil to any other school to which the pupil transfers . . . when the transcript is requested by the receiving school . . . . The parent or guardian of the pupil will be notified that the transcript is being sent."

p.78

"Evidence of date of birth shall be presented to the school at the time of registration."

CROSS REFERENCES

I.Local Board of Education; Statute §230

II.A.2.; Statute §2902

II.A.2.; Statute §3008; 3009

II.A.3.; Statute §2603 -- 2604

II.A.3.: Statute §2607; 2608

II.A.4.; Statute §2304 -- 2305

II.A.8.; Regulation pp.48-49

IV.E.; Statute §232

IV.H.; Statute §1772

G. ADMISSION AND TRANSFER

STATUTES

§ 2.03

"The educational institutions. . .are designed for and are open to the people of the State of Texas, subject only to such rules and regulations as the governing board of the institutions may be authorized to make and enforce for the welfare of the institutions under their control."

§21.031

"All children who are citizens of the United States or legally admitted aliens and who are over the age of five years and under the age of 21 years on the first day of September of any scholastic year shall be entitled to the benefits of the available School Fund for that year." These children may be "permitted to attend the public free schools of the district in which he[she] resides or in which his[her] parent, guardian, or the person having lawful control of him[her] resides at the time he[she] applies for admission." These children are to be admitted without payment of tuition to any public school.

§21.0311

"[A] child who resides at a child caring institution and whose maintenance expenses are paid in whole or in part by another state may not be admitted to a public school unless the child-caring institution pays tuition for the child...."

TUITION

The State Board of Education shall set tuition rates for such children, and his[her] attendance "shall not be counted for purposes of allocating state funds to the district."

§21.040

The board of trustees of any district may admit pupils either over or under the school age as long as the schools are not overcrowded to the neglect and injury of pupils within the scholastic age.

§21.061

"Any child, other than a high school graduate, who is over 6 and under 21 years of age at the beginning of any scholastic year may annually transfer from his[her] school district of residence to another ... district, provided that both the receiving district and the applicant parent... jointly approve and timely agree in writing to transfer."

In order for there to be an emergency transfer an application must be filed with the commissioner of education by the district to which the transfer is to be made, and the transfer "may be made only from a county or counties where a public calamity ... has resulted in ... a sudden change in scholastic population ...."

No application will be granted unless "the increase in scholastic population ... is in excess of 20 percent of the number of children assigned to the district as a result of the scholastic census and regular transfers..." , or unless "the sudden change in scholastic population of the county or district would work a hardship on the public free schools of the county...." In the case of such transfers the receiving county must wait until June 15 to receive its final apportionment of school funds, by order of the commissioner of education.

Under the approval of the county superintendent and the county school trustees any child may attend the school in a contiguous state if it is found to be more convenient for him to do so, and his[her] tuition shall be paid by the district of his residence.

Any board of county school trustees may, on an individual basis transfer a pupil to another school within its jurisdiction.

§21.075--.079

Pertinent factors in the "assignment , transfer, or continuance" of any pupil in the schools are affected by these factors: a) room and teaching capacity, b) transportation facilities, c) the effect that a new pupil might have on academics at the school, d) the relevancy of curricula

for the new pupil, e) the pupil's academic preparation, f) the pupil's ability, g) the pupil's psychological qualifications as well as the psychological effect upon the pupil because of attendance, h) the effect of the admission of the pupil upon "the academic progress of other students" as well as upon prevailing academic standards, i) the chance of friction among pupils or others, j) possibility of the breach of peace, k) pupils home environment, l) continuance of established social relationships between students and teachers, m) "choice and interests of the pupil" and the overall well-being of the pupil, all this regardless of pupil's national origin or ancestral language.

"A board may require the assignment of people to any or all schools within its jurisdiction on the basis of sex, but only in light of the factors just mentioned.

PETITION

A parent may "request the transfer or assignment of the pupil" or "file objections to the assignment of the pupil..." by way of petition. Upon the receipt of such a written petition the board shall hold a hearing, or act on the petition. If a hearing is held the petitioner may "present evidence relevant to the individual pupil", and the board may conduct an investigation of the issues. The board's action will be final unless an exception be filed that the action of the board constituted "a denial of any right of the pupil under the constitution of the United States."

HEARING

APPEAL

If such an exception is filed, and the board does not reconsider its action within 15 days, an appeal may be taken to the district court of the county where the board is located, this petition must be filed "within 30 days of the board's final decision" and must state facts "relevant... to the alleged denial of ... rights ....", as well as being accompanied by bond "conditioned to pay all costs of appeal if the same shall not be sustained."

The boards of trustees of two or more adjoining districts or counties may "arrange for the transfer and assignment of any pupil ... from the jurisdiction or one board to ... another:, this to be accompanied by a transfer of funds.

§26.64

"Any handicapped person six years of age or older ... may be admitted into a district for education and training...." unless:

1) he/she does not reside within the district in which case full remuneration is received from his/her home county, family or other sources;

2) he/she has not been referred to it by the independent school district in which he/she resides;

3) he/she has not applied for admission and been found acceptable for education and training by the entrance committee of the district which shall set the admission standards.

REGULATIONS

§2304.10

"The school district reports the attendance by ineligible pupils to the Texas Education Agency . . . ."

§2304.13-.13.2

"Public education for the children of Texas shall be free and no pupil shall be denied an education because of his/her inability to furnish educational supplies necessary for attaining an education." The following fees shall not be collected for:

1) Driver education;
2) Classroom materials;
3) Rental items, i.e., uniforms;
4) Club membership;
5) Lockers and towels;
6) Vocational.

§2308

"A school district enrolling children who reside at a child-caring institution and whose maintenance expenses are paid in whole or in part by another state or by parents residing in another state shall admit these children only upon the payment of tuition by the child-caring institution in an amount equal to the actual cost of educating a child enrolled in a similar educational

program in the district." Such tuition rates are determined by a formula within this policy statement, and all such rates are to be approved by the Commissioner.

§2308

TUITION

This series concerns itself with tuition for certain children from other states enrolled in the public schools of Texas. Included is a report concerning such students which gives his[her] name, type of program, amount of tuition, etc. This report must be submitted each November 1 for such students.

"The tuition rates must be substantiated by school district records detailing the manner in which these rates are computed and be made available for audit purposes."

§5101

"A person who is a resident of a school district subject to the Foundation School Program, who has not graduated from a high school and who is at least five . . . years of age but not 21 or more years of age on September 1 of the school year for which admission is sought and who is a citizen of the United States or a legally admitted alien, shall be allowed free attendance in the school district of residence. Eligibility requirements for otherwise eligible non-resident pupils may be satisfied through the approved transfer process. . . .

All children who are at least five years but not six years old on the first day of September are eligible for free attendance for either one-half day for the entire school year or for full-day attendance for one-half (one semester) of the school year inthe school district in which they reside or are otherwise entitled to attend for Foundation School Program benefits.

'Educationally handicapped' children are, at the discretion of the school district, eligible for full-day

attendance for the entire school year.

For the purpose of determining an eligible pupil, an 'educationally handicapped' child is defined as:

(1) a child who cannot speak, read, and comprehend the English language to the extent that he[she] is familiar with the common English language words that are necessary for normal progress in the first grade; or

(2) a child who is now from a family whose annual income is at or below the subsistence level of $3,000.

Beginning with the 1977-78 school year, all kindergarten students are, at the discretion of the school district, eligible for half or full-day attendance for the entire school year.

An eligible pupil between the ages of 3 and 21 inclusive, with physical or mental handicap . . . shall be allowed to attend school in a school district, subject to the Foundation School Program, which is authorized to admit the pupil.

Each child who is seven years of age and not more than 17 years of age and who is not excused from attendance must be enrolled in and in attendance in a public school for a minimum of 165 days of the 180 days he[she] is eligible for attendance per school year. . . . .

A person between the ages of 7 and 18 who is excused from attending the public schools is one who

(1) has graduated from a recognized high school;

(2) attends a non-public school recognized for compulsory attendance purposes in accordance with Policy 2401.2;

(3) holds a certificate from a qualified physician stating a bodily or mental condition exists making it unfeasible to attend school;

(4) is more than 17 years of age and has satisfactorily completed the work of the ninth grade and who presents to the county superintendent or lawful authority satisfactory evidence that his[her] services are needed in support of parents or other persons in a parental relation; or

(5) is more than 15 years of age and is enrolled in a technical-vocational training program, a work-study program, or an apprenticeship program approved by his[her] parent or guardian and the superintendent of the public school he[she] would otherwise attend.

:Pupils either over or under the eligible free attendance age as specified in Policy 5101.1 who reside either in or out of the district may be permitted to attend as provided by the school district in accordance with Policy 2304.10."

CROSS REFERENCES

II.A.2.; Statute §11.10

II.A.2.; Statute §21.080

II.A.2.; Regulation §3571; 3572; 3572.1; 3574; 8103; 8103.5

II.A.3.; Statute §27.03--27.06

II.A.5.; Regulation §3252.2

II.A.6.; Regulation §3551
IV.A.; Statute §2.09
IV.H.; Regulation §2306.13

IV.J.; Regulation §2304.1

G. Admissions and Transfers

Constitution

UTAH CONSTITUTION, ARTICLE X, §12 - §13

No "religious" or "partisan test or qualification" shall be a "condition of admission", for any teacher or student, into any "public educational institution . . . ." Public aid to any church school is forbidden.

Statutes

§53-4-7

"The public schools shall be free" to all resident children "between the ages of five and eighteen years." Anyone over age 18 "must declare their intent to complete requirements for a high school diploma." The "courses taken must lead toward that diploma and must be approved" by those in charge of the program.

§53-6-23

Students who are residents of one school district may attend school in another district with the board's permission. The student's resident district may enter into an agreement with the district attended for the payment of tuition charges. TUITION

§53-6-24 - 53-6-25

Local boards of education may pay tuition for students "attending schools outside the state" if an agreement has been signed between the respective districts. Children who are not residents of Utah may attend school in the state and tuition may be charged accordingly. TUITION

CROSS REFERENCES

II.A.8; Statutes §53-27-1 -- 53-27-9

III.C.Public Schools; Utah Constitution, Art. X, §1

G. Admission and Transfer

Statutes

§711(C)

Any student who is not a resident of a member town, may attend a union school if the board of directors approves and the student pays a tuition not greater than the calculated net cost per pupil.

§823

Tuition for elementary pupils shall be paid by the district of which the pupil is a resident. The tuition shall not exceed the net cost per elementary pupil in average daily membership in the receiving school district for the year in attendance.

TUITION

§824

Tuition for high school students shall be paid by the school district to an approved public or private high school, or public or private vocational school an amount not to exceed the average announced tuition of Vermont union high schools for the year in attendance. An increased amount of tuition may not be included as a current expenditure of the district for the purposes of aid paid under Chapter 123 of this title. Rate of tuition charged by Vermont public school or vocational center shall not exceed the net cost per pupil for year of attendance.

§825

The net cost per pupil shall be defined by the commissioner. He shall include equipment construction, addition and renovations expenditures but shall exclude: (1) transportation costs of receiving pupils; (2) transportation costs for which the school district receives reimbursement; (3) direct grants from state or federal sources for salaries or other specific expenses; (4) expenditures used to board students.

The ratio of the total tuition received to the total cost of operation of the receiving school shall not exceed the ratio of the number of tuition paying pupils to the total number enrolled.

§826

A district which wishes to increase its tuition shall notify the district from which its non-resident pupils come and the commissioner. The increase shall not become effective without notice or until the following year.

§828

A person shall not be denied tuition payments because of age. A person aggrieved by a decision of the school board may appeal to the state board, whose decision is final.

§829

A pupil who has satisfactorily completed the state board's prerequisites for high school admission shall be permitted to enter high school.

§1073

"Legal pupil" shall mean a child between the ages of six and eighteen years and a child who will become six on or before January 1 of the following year. No person shall be deprived of public school education because the student is married, pregnant or over eighteen years of age. A child between 16 and 18 may attend a part time program of career preparation when requested by parent or guardian. Except as provided, no child who is not a legal pupil shall attend without the consent of the superintendent.

§1093

The board may receive into the schools nonresident pupils under such terms and restrictions as it deems best.

CROSS REFERENCES

I.State Board of Education; Statute §164

II.A.2.; Regulation, R.M. Ch. II.L., pp. 39-62A

II.A.3.; Statute §833

G. Admission and Transfer

Constitution

Art. VIII, §3

"The General Assembly shall provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law." Free text books shall be provided to each child attending public school whose parent or guardian is financially unable to furnish them.

Statutes

§22-1.1

"A system of free public kindergarten, elementary and secondary schools shall be established" for all children who reach "the age of five by December thirty-first of the school year and have not reached the age of twenty years as defined by §22-218."

§22-191 -- 22-192

The State Board shall prescribe regulations for the conduct of high schools and entrance requirements for high schools.

The State Board shall inspect the high school to see that it conforms with the regulations.

§22-195

". . . cities and towns may charge, under regulations prescribed by the State Board, tuition for pupils attending high schools therein."

TUITION

§22-218, 22-218.3

School shall be free for any person who is at least five years old but not yet twenty years old, and lives in the locality of the school division. A school board may withdraw a child from kindergarten until the following year upon the recommendation of the principal and with the consent of the parent or guardian.

The school board may admit persons twenty years old and older who reside in the school division under school board regulations and may charge them tuition. These persons may be admitted only if in the opinion of the school board their presence will not impair the usefulness and efficiency of the school.

§22-219

The school board may admit non-residents of the school division who are Virginia residents and may charge them tuition. The tuition shall not exceed the total per capita cost of education, exclusive of capital outlay and debt service, unless the school board of the pupil's residence if paying the tuition pursuant to a contract between the two divisions.

TUITION

§22-220

The school board may admit persons of the ages prescribed in §22-218 who are nonresidents of Virginia, but who may be living temporarily with relatives or others in the school division. The school board shall make regulations for their admission and shall charge tuition.

Any school board whose school division borders another state or the District of Columbia may admit without tuition persons of the ages prescribed in §22-218 residing in the other state as long as that state admits free residents of Virginia.

Any person having control of any nonresident, school-age child for sixty days or more shall enroll the child in school and shall pay the tuition. Failure to do so is a misdemeanor, and the provisions of §22-275.18 through 22-275.22 shall be applicable.

CROSS REFERENCES

II.A.2.; Statute §22-10.8

II.A.9.; Statute §22-21.3

IV.A.; Statute §22-220.1

G. Admission and Transfer

Constitution

WASHINGTON CONSTITUTION, ART. XXVI, §4

"The following ordinance shall be irrevocable without the consent of the United States and the people of this state: . . .

Fourth. Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state."

Statutes

§28A.58.225

The intermediate school superintendent may authorize a local district to "transport and educate its pupils in another district for one year . . . when this will offer better educational facilities for the pupils and when a saving may be effected in the cost of education. The intermediate school superintendent has the discretion to extend the authorization for an additional year.

§28A.58.230

"Every school district shall admit all persons of school age who reside within the state, and do not reside within another school district carrying the grades for which they are eligible to enroll." This provision will not affect the ability of school districts to change tuition to adults wishing to attend school, or to develop voluntary tuition free programs among themselves to provide increased educational opportunities.

§28A.58.240

"Any board of directors may make agreements with adults wishing to attend school or may make agreements with the directors of other districts for the attendance of children in the school district." Unless these arrangements are approved by the state superintendent of public instruction, he/she may fix "a reasonable tuition charge" to be paid by the student.

TUITION

§28A.58.242

"The decision of a school district within which a student under the age of twenty-one" either resides or was last enrolled to deny his/her request to attend another school district is appealable to the state board of education "provided the school district of the proposed transfer is willing to accept the student."

APPEAL

"The state board of education shall hear the appeal . . . and may order the resident district to release the student in the event it finds special hardship . . . of a financial, educational, safety or health nature affecting the student" or his/her immediate family or custodian "may be alleviated by the transfer." The state board of education's decision may be appealed to superior court.

§28A.58.243

"If a student under the age of twenty-one is allowed to enroll in any common school outside the school district within which the student resides or a school district of which the student is considered to be a resident for attendance purposes by operation of law, the student's attendance shall be credited to the non-resident school district of enrollment for state apportionment and other purposes."

§28A.58.250

"The board of directors of any school district contiguous to a school district in "another state may admit pupils resident therein upon payment of tuition if that district "extends the same privileges" to the pupils of the state school district.

CROSS REFERENCES

I.Superintendent of Public Instruction; Statute §28A.58.245

III.C.Student; Statute §28.05.050

G. Admission and Transfer

Statutes

§18-5-16;16a

"The board may divide its territory into such subdistricts as are necessary to determine the schools the pupils of its district shall attend. But upon the written request of any parent or guardian . . . or for reasons affecting the best interests of the schools; the superintendent may transfer pupils from one school to another within the district. Any aggrieved person may appeal the decision of the superintendent to the board, and the decision of the board shall be final.

Transfers of pupils from one county to another may be made by the board of the county in which the pupil desiring to be transferred resides; but the transfer shall be subject to the approval of the board of the county to which the pupil wishes to be transferred . . . . In all cases of transfer . . . either to elementary schools or to high schools, the board making the transfer shall pay to the board to which such transfer is made, reasonable tuition fees . . . not to exceed the actual cost of instruction. No parent [or] guardian . . . shall be required to pay for the transfer or for the tuition of the pupil after the transfer. The [transferee] board . . . shall promptly . . . certify to the [transferer] board the correct amount of all tuition fees due and payable for the next preceeding month . . ." and such fees shall be paid within thirty days.

TUITION

In any district where a high school is maintained, but topography, impassable roads or other conditions prevent the practicable transportation of any pupils to such high school, the board may transfer them to a high school in an adjoining district,. . . [the transferor] pay[ing] the cost of the transportation of such pupils to and from the school to which they are transferred, and . . . also . . . the tuition fees . . . .

For the purpose of computing average daily attendance any pupil transferred . . . shall be counted by the district making the transfer and not by the district to which he[she] was transferred.

Whenever in the opinion of the board of education of any county, the education and welfare of a pupil will be enhanced, the board . . . shall have the authority to transfer any such pupil or pupils on a part-time or full-time basis from one school district to another school district within the State; Provided, that the boards of education of both the transferor and the transferee districts agree to the same." Whenever such transfer is effectuated the transferor shall pay the transferee "a tuition that is agreed upon by both . . . boards.

For purposes of net enrollment . . . 1) Whenever the pupil is transferred in a full time basis . . .[the transferee county] . . . shall include such pupil in its net enrollment, and 2) Whenever a pupil is transferred on a part-time basis . . . the county in which the student is a bona fide resident shall count the pupil in its net enrollment."

REGULATIONS

§4110

Children who wish to enter school early may do so provided: they are to become six prior to February 1 the year in which they begin school; and submit to a medical and psychological exam to determine physical and social maturity. The child must have a mental age of 6.5 to be eligible to enroll. The responsibility and expense of the testing is with the parents.

MEDICAL/PSYCHOLOGICAL EXAMINATION

CROSS REFERENCES

II.A.1.; Statute §18-6-1 -- 18-6-3

II.A.4.; Regulation §2412

III.E.Teachers; Statute §18-5-15

G. Admission and Transfer

Statutes

§118.14

No child may be admitted to the first grade unless he/she is 6 years old on or before December 1 in the year he/she proposes to enter school. A resident over 20 years may be admitted to school upon approval of the school board.

§118.145

The school board of the district operating a high school shall determine the admission standards for high school. A certificate from an elementary school or private school that is substantially equivalent to the public school shall entitle one to admission to high school.

§119.24

Schools shall be open to pupils residing in their attendance district, and pupils may attend a school in another district with the written permission of the superintendent of schools. Nonresidents of the city may attend schools if space is sufficient to accommodate them and upon payment of tuition.

§119 .26

Students residing in territory annexed by an adjacent city may continue to attend school in the school district, and the city board shall pay tuition to the school district.

CROSS REFERENCES

II.A.2.; Statute §115.87

II.A.2.; Regulation PI 11.18; 11.26

II.A.3.; Statute §119.30

II.A.9.; Statute §118.04

II.A.10.Other - Extension Courses; Statute §120.21

III.C.Public Schools; Statute §118.13

IV.D.; Statute §121.37

IV.F.; Statute §118.125

G. Admission and Transfer

Statutes

§21.1-57

The public schools of each school district in the state shall at all times be equally free and accessible to all resident children over six years of age and under the age of twenty-one, subject to such regulations as the board of trustees may prescribe. Each school district shall operate its schools and its classes for a minimum of one hundred seventy-five days each school year."

§21.1-58

"(a) a pupil may register in the first grade . . . in the year in which his[her] sixth birthday falls on or before September 15."

"(b) a pupil may register in kindergarten . . . in the year in which his[her] fifth birthday falls on or before September 15."

§21.1-67

"Any district which does not maintain a high school shall pay tuition, in addition to transportation or maintenance, for any child resident therein who has successfully completed the course offered therein and desires to attend high school at any public school within or without the state which the board may designate in the best interests, welfare and convenience of the child."

TUITION

"The board of trustees of any school district . . . which does maintain a four-year high school shall admit, upon payment of tuition, pupils of districts which do not maintain a four year high school" unless "to do so would overcrowd the facilities of the admitting district or in any way work a definite hardship upon the education program offered by the admitting district."

§21.1-68

TUITION

"The board of trustees of every school district . . . may pay tuition from the funds of the district for any pupil resident therein who desires to attend school in another district when attendance in such other district would be more convenient or is desirable because of services available in such other district.

Any district within the state shall admit pupils resident in other districts of the state, except when such admission shall overcrowd the classrooms of the admitting district." Tuition may be paid by the district in which the pupil resides, but no district is liable for such payment unless it has previously given written permission to the enrollment of the pupil.

§21.1-70

TUITION

"Any school district paying tuition for a pupil may, in its discretion, pay all or any part of the board and room required to maintain the pupil in the admitting district and may pay all or part of the room and board of exceptional children placed outside the district."

§21.1-71

The board of trustees of any school district may enter into an agreement for the instruction of pupils resident in the district in a public school maintained by another state whenever this appears advantageous or economical, at rates of tuition specified in the agreement. Any school district may agree to admit pupils from out of state at a rate of tuition at least as high as the actual per pupil cost.

CROSS REFERENCES

II.A.2; Statute §21.1-63

III.C.School System; Wyoming Constitution, Art. VII, §9

H. Attendance Requirements

IVH

H. Attendance Requirements

Statutes

§16-8-34

The county board of education shall upon the superintendent's recommendation, arrange the county into one or more compulsory school attendance districts and shall see to it that the compulsory attendance laws are enforced.

§16-9-30

The county superintendent shall see to it that the school attendance laws are enforced.

§16-10-5

A teacher may not dismiss a pupil or close the school during school hours, except in an emergency, without the consent of the board of school trustees or the county superintendent.

§16-12-18

The city superintendent shall recommend the attendance officers and see that the attendance laws are enforced.

§16-28-2;4

In order to secure compliance with the attendance laws and to hold parents responsible for pupil attendance, those charged with enforcement of the attendance laws are vested with wide discretion. All children between the ages of seven and 16 years are required to attend school. A child who is six years old on or before October 1 may be admitted to the public elementary schools for that year.

§16-28-6

Certificates of exemption may be issued by the county superintendent of education to the following children: (1) those whose physical or mental condition is such as to prevent attendance; (2) children 16 or over who have completed high school; (3) those who reside more than two miles from school and do not have access to transportation; and (4) children who are legally employed.

§16-28-7;8

Enrollment lists must be submitted to the county superintendent of education at the beginning of each school year. Attendance registers must be kept and all absences recorded.

§16-28-9;11

County and city superintendents are required to make a list for each school under their supervision of all children between seven and 16 who should attend the school. This list will be compared with the enrollment report to ascertain what children are not enrolled.

§16-28-12;13

Parents or guardians who fail to send their child to school are guilty of a misdemeanor and may be fined and sentenced. Parents may be excused from this obligation, however, if there was good cause for the absence, if the child is uncontrollable, or if the parent is unable to provide books and clothing for the child to attend school.

§16-28-16;17

Attendance officers have a duty to investigate all cases of nonenrollment and absence. If there was no good cause for the absence, the attendance officer is required to bring criminal prosecution against the child's parent or guardian.

§16-28-19

The county board of education shall divide the county into attendance districts and appoint an attendance officer for each district.

CROSS REFERENCES

I.City Board of Education; Statute §16-11-10

I.City Superintendent; Statute §16-12-13

I.County Board of Education; Statute §16-8-31

I.County Superintendent; Statute §16-9-29

I.State Superintendent; Statute §16-4-15

IV.A; Statute §16-3-12; 16-3-13

IV.J ; Statute §16-1-15

H. Attendance Requirements

Statutes

§14.30.010 -- .020

(a) "Every child between 7 and 16 years of age shall attend school at the public school in the district" of his residence. Reponsibility for insuring attendance rests with the child's parent or guardian.

(b) "This section does not apply if a child" (1) attends private school or is privately tutored; (2) "attends a school operated by the federal government; (3) has a physical or mental condition which . . . will make attendance impractical; (4) is in the custody of a court or law enforcement authorities; (5) is temporarily ill or injured; (6) has been suspended or denied admittance . . .; (7) resides more than two miles from a public school or a route on which transportation is provided" and does not "reside within two miles of a federal or private school which he is eligible and able to attend; (8) is excused in writing signed by a majority of . . . the school board . . ., or by the director of state-operated schools . . .; (9) has completed the 12th grade; (10) is enrolled in [an approved] full time program of correspondence study . . .; (11) is equally well served by an educational experience approved by the school board as serving his educational interests. [The] request for excuse is made in writing by his parents or guardian, and approved by the principal or administrator of the school he attends."

Violation of §10 is a misdemeanor punishable by fine or imprisonment.

§14.30.030

"The chief administrative officer of a district or state-operated school shall report all apparent violations of the compulsory attendance laws to the governing body of the district." If there appears to have been a violation after a full and impartial hearing, the board shall file a complaint in the district court. "The judge or magistrate may issue a warrant for the arrest of the person and may act on the complaint."

§14.30.050

(a) Where it is not practical for law enforcement agencies to enforce 14.30.010, truant officers may be appointed by the district or the Bureau of Indian Affairs.

(b) "A truant officer may arrest and bring before any district court . . . a person violating Sec. 10 . . . upon a warrant issued by the district court judge or magistrate."

REGULATIONS

4AAC 06.027

"(a) The board may establish attendance areas without respect to district lines.

"(b) Pupils may be required to attend schools in other districts, . . . when, in the judgment of the commissioner, the best interests of the state will be served." The commissioners' decision may be appealed to the state board whose decision is final.

AUTHORITY:

AS 14.07.020(1) and (2)
AS 14.07.030(10)
AS 14.07.060
AS 14.14.110

4AAC 27.005

The commissioner (of education) has the discretion to determine the attendance center of a pupil where two attendance centers are equally accessible.

AUTHORITY: AS 14.07.030
AS 14.07.060
AS 14.09.010

CROSS REFERENCES

II.A.2.; Statute §14.30.330

II.A.10.Other - Correspondence Courses; Regulation 4 AAC 33.030

III.C.District Board of Education; Regulation 4 AAC 05.040

H. Attendance Requirements

Statutes

§15-123 A,B

The superintendent shall make a report to the governor and the legislature which contains the following information: number and grades in each county, number of children attending public and private school and the average number of children attending the public school during each two years.

§15-321--325

Children between the ages of eight and sixteen must attend public school. Exemptions shall be granted if the child is educated at home, attends a private school, has completed grammar school, is over fourteen and works with parental consent, is enrolled in a work training program, or the child's physical and mental condition would make school attendance impracticable.

EXEMPTIONS

A violation of the school attendance laws is a misdemeanor, punishable by fine or imprisonment or both.

VIOLATIONS

The board of a school district may hire an "attendance officer" who shall enforce the attendance laws.

§15-327

The county school superintendent may authorize monthly funds for the education of school-age children who live so far from school that they cannot attend.

CROSS REFERENCE

II.A.2.; Statute §15-835 -- 837

H. ATTENDANCE REQUIREMENTS

STATUTES

§80-1502 -- 1503

Children aged seven to fifteen, inclusive shall attend a public, private or parochial school under penalty of law.

"The minimum period of attendance . . . shall be 150 school days for a full nine months term, as nearly consecutive as possible."

§80-1504 -- 1505

Those children between 7 and 15 exempt from mandatory school attendance are: "children mentally or physically incapacitated to perform school duties; children who have completed the common school course of study, including the eighth grade . . . [and] children whose services are needed to support a widowed mother."

EXEMPTIONS

School boards of directors may authorize funds to pay for textbooks to be loaned to students whose parents or guardians have proved they are unable to pay for same.

The County or City Superintendent of Schools has the authority to grant exemptions from school attendance.

§80-1507 -- 1508

The head teacher or principal shall report parents or guardians who are not complying with the State's attendance requirements to the clerk or secretary of the school board, who shall serve notice to the offenders. Within five days thereafter, "said parents or guardians shall place their children or wards in school and otherwise comply with the [attendance] provisions."

Those violating attendance requirements shall be guilty of a misdemeanor and subject to prosecution, and fined not more than $10.00 per day.

LIABILITY

§80-1509

Each teacher "shall keep an accurate record of attendance and non-attendance. Failure to do so is cause for the revocation of his[/her] license."

§80-1510

Each teacher shall report monthly to the county superintendent and to the school board those parents or guardians who have not complied with attendance requirements. Ten days after notification the county superintendent shall forward this information to the district's prosecuting attorney.

§80-1511

A board of directors and the County Board of Education may appoint one or more attendance officers. Such officers, paid by the county school fund, shall meet qualifications set by the State Board of Education.

ATTENDANCE OFFICER

The attendance officer shall "investigate all cases of non-attendance," give parents or guardians "due warning and notice, in person or in writing" of their violations of the law and if such notice is ignored, after five days, "said attendance officer shall file complaint against such parent or guardian with some peace officer . . . who shall . . . issue a warrant of arrest for said parent or guardian." Where questions of a child's age arise, the officer must present a birth certificate as evidence "or other conclusive evidence of age prescribed by the State Board of Education."

§80-1512 -- 1514

TRUANCY

". . . truancy or incorrigibility on the part of the child. . . shall be considered as cases of delinquency, and the teacher or attendance officer shall report such child . . . to the juvenile court or the county court" and, according to the judge's determination, be placed "in a public or private home or other institution where schooling may be provided." The State of Arkansas shall prosecute such cases and fines collected shall go into the general school fund.

Truants shall be prosecuted "as in the case of any other misdemeanor."

§80-1530

". . . no child shall be compelled to attend any school in which the races are commingled when a written objection of the parent or guardian has been filed with the Board of Education." If the Board denies said request, "the parent or guardian may notify the Board . . . that he[/she] is unwilling for the pupil to remain in the school . . . and such child shall be entitled to such aid for education as . . . authorized by law."

§80-1551 -- 1557

Teachers shall keep daily attendance records, listing residents and non-residents separately. Those records shall be on file in the district for three years and audited by the Department of Education at least once in that time. Official reports shall be made quarterly, or for every forth to forty-eight school days, which shall be filed by each school district with the County Board of Education.

The attendance data for the first three quarters shall be used to compute the Minimum Foundation Program Aid and Transportation Aid for the following year. Failure to file reports by April 15 shall result in the withholding of that aid, and the funds placed in escrow until the reports are filed. The State Board of Education may institute rules and regulations to implement the preceding law. RULEMAKING

§80-1901

Anyone falsifying attendance reports shall be guilty of a misdemeanor, fined at most $100 and shall be held "liable personally for any loss of revenue" to the district or State. LIABILITY

CROSS REFERENCES

I.Principals; Statute §80-1216

I.State Board of Education, Statute §80-707 -- 80-712

II.A.2.; Statute §80-2401 -- 80-2406

III.C.Teachers; Statute §80-1228

H. Attendance Requirements

Statutes

§46000

Attendance in all schools and classes shall be recorded according to state board regulations.

§46010 -- 46012

A pupil's absence from school shall not be deemed an absence in computing attendance if the absence was: due to illness or quarantine (to be verified by the district or county superintendent of schools in such manner as the state superintendent may provide); for having medical, dental or optometrical services rendered; for attending funeral services of a member of his/her immediate family (not more than one day if in California and three days if outside California); or for jury duty.

For purposes of any procedure for verification of absences from school, a student 18 years of age or older, with respect to his/her own absences, shall have all responsibilities which, in the case of a minor, would be charged to the parent or guardian.

§ 46014

Pupils, with the written consent of their parents or guardians, may be excused from school to participate in religious exercises or instruction, supplementary to moral instruction required in the schools. Such absence shall not be deemed absence in computing average daily attendance if: the district governing board adopts a regulation permitting students to be absent from school in order to attend such exercises and instruction; and each excused pupil attends school at least the minimum school day for his/her grade for elementary schools and as provided by the state board for secondary schools; and no pupil is excused for such purposes on more than four days per school month.

This section shall be permissive only.

§ 46110; 46115

No pupil in grades K-8 shall be credited with more

than one day of attendance in any calendar day.

The minimum schoolday in grades K-8 is exclusive of noon intermissions and, except in kindergartens, exclusive of recesses.

§ 46140

No high school pupil, other than a pupil in a vocational education program, evening high school or continuation high school or class, shall be credited with more than one day of attendance in any calendar day.

§46145; 46147

The governing board of a school district may permit a 12th grade student in the last semester or quarter before graduation, who is enrolled in a regular high school program or in a work experience education program and who would complete all graduation requirements, except physical education classes, by attending less than the minimum day, to attend less than the minimum day, on written request of the parent or guardian or of the student if 18 years of age or older. For apportionment purposes, such attendance shall be deemed attendance for the minimum day.

§46160 -- 46162

A district governing board may schedule classes in junior high and high schools so that each pupil attends class for at least 1200 minutes during any five-schoolday period.

Under such a schedule, any pupil may be authorized to attend school for less than the number of days in which the school is in session during a week as long as the pupil attends the required number of minutes.

Students attending classes under this schedule shall be in compliance with school attendance requirements.

Prior to implementing such a schedule, a governing board shall consult with employees and parents affected by the change and with the community at large. Such consultation shall include at least one public hearing.

§ 46170

In continuation high schools and classes, a day

of attendance is 180 minutes of attendance, but no pupil shall be credited with more than 15 hours of attendance in any calendar week.

§ 46180

The minimum day in an opportunity school or class is 180 minutes. A pupil may be enrolled for not less than a class period no more than 179 minutes per day. Attendance for a pupil enrolled in an opportunity program shall be credited to the regular class attendance.

A pupil enrolled in both an opportunity program and a regular school shall attend school for a period not less than the minimum required schoolday.

§ 46300

In computing average daily attendance, only the attendance of pupils while enaged in required educational activities and under the immediate supervision of a certificated employee shall be included. Attendance shall also include pupil participation in an independent study program under the general, but not immediate, supervision of a certificated employee.

In the case of work experience education programs, "immediate supervision" means pupil participation in on-the-job training under an agreement, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision. The pupil teacher ratio in such a program, shall not exceed 125 students per full-time equivalent certificated coordinator.

In the case of rehabilitative programs, "immediate supervision" means pupil participation in program; wherein the person to whom the pupil is required to report shares responsibility for supervision with certificated distinct personnel.

§46301 - 46303

Whenever necessary to compute average daily attendance and no provision is made for it, average daily attendance shall be computed by dividing the total number of days of pupil attendance by the number of days school was actually taught.

If a computation results in a fraction less than one-half of a unit, the figure shall be rounded down to the next lowest whole number. If the fraction is one-half or more, the figure shall be rounded up to the next highest whole number.

Where four school terms of at least 12 weeks each are maintained and where a student may complete a full year's work in any three terms, the total number of days of pupil attendance shall be divided by the greatest number of days school was actually taught in any three of the terms, but in no case shall the division be less than 175.

§ 46305

Each district shall report to the state superintendent, in addition to other required attendance data, the active enrollment and the actual attendance as of the third Wednesday of each school month. If that day is a holiday, figures shall be reported for the first immediate preceeding schoolday.

§48200--48201

Each person between the ages of 6 and 16 not exempted is subject to compulsory full-time education. Each person subject to compulsory full-time education or compulsory continuation education (§48400 et seq.) shall attend public full-time day school or continuation school for the full-time such schools are in session. Parents and guardians shall send pupils to such schools for the full time they are in session. A parent or guardian who removes the minor from one district before completion of the current school term shall enroll the minor in a school of the district to which the minor is removed.

§48202--48203

A county board may establish, by resolution, the following regulation:

The administration of each public and private school shall, upon the severance of attendance of any pupil, whether physically handicapped, mentally retarded,

or multiply handicapped or not, subject to the compulsory education laws, whether by expulsion, exclusion, exemption, transfer, or other reasons, report such severance to the county superintendent. The county superintendent shall examine such reports and draw to the attention of the county board and local district board cases in which the interests of the child or welfare of the state may need further examination. The county board may hold hearings on such cases in the manner provided in §48914 et seq.

§48220--48224;48226;48230

The following classes of children shall be exempted from required attendance at a public full-time day school: children whose physical or mental condition prevents or renders inadvisable attendance at school or application to study; children who are being instructed in a private full-time day school in the English language in the branches of study required in the public schools of the state; children who are mentally gifted and who are being instructed in a private full-time day school, where all or part of the instruction required in the public school is taught in a foreign language with not less than 50 percent of the total daily instructional time taught in English; children who are being instructed in study and recitation for at least three hours a day for 175 days each calendar year by a private tutor holding a valid state credential in the areas of study in the public schools in the English language; any child blind and deaf to an extent rendering him/her incapable of receiving instruction in the regular schools, but where mental condition is such as to permit application to study. When the child is resident of a district not maintaining special classes for such pupils and when the child may not be admitted to the state schools for the blind or for the deaf; and children who hold permits to work (though such children shall be subject to compulsory attendance at part time classes).

§48240--48246

APPOINTMENT

ATTENDANCE SUPERVISION

The board of any district and of any county shall appoint a supervisor of attendance and such assistants or may be necessary to supervise attendance of pupils in the district or county. The board shall prescribe duties of the supervisor and assistants to include duties related to compulsory full-time and continuation education, training and work permits.

In any city or city and county and in any district or districts with an average daily attendance of 1,000 or more school children, no supervisor of attendance or assistants shall be appointed unless lawfully certified by the county board.

The board of a district may appoint a district supervisor of attendance to act under the county supervisor, or two or more districts may contract with the county superintendent for supervisor of attendance.

A full-time attendance supervisor performing no other duties, or the probation officer of the county, may at any time enter a place of employment in his/her jurisdiction to examine permits to work or to employ of all minors, or to investigate violations of the Labor Code or of §48200 et seq. or of §49100 et seq. If entry is denied or any violation relating to the education of minors is found, the attendance supervisor or probation officer shall report the denial of entrance or violation to the Labor Commissioner.

§48263;48267--48271

TRUANT

A habitual truant or a pupil irregular in attendance or habitually disorderly during attendance may be referred to a school attendance review board. The supervisor of attendance shall notify the minor and parents or guardians, in writing, of the name and address of the board and the reason for the referral and shall indicate that the pupil and parents or guardians will be invited, along with the supervisor of attendance, to meet with the board.

If the board determines that available community services cannot resolve the problem or if the pupil ignores the board's directives, the board shall direct the county superintendent to request a petition an behalf of the pupil in the juvenile court of the county.

A pupil, once adjudged a habitual truant or habitually disorderly during attendance by the county juvenile court, who is reported a truant again in the same year or in a succeeding year or habitually disorderly, shall be brought to the attention of the pupil's probation or parole officer.

The court may render judgment that the parent or guardian shall deliver the pupil to school at the beginning of each school day for the rest of the term. This judgment may be suspended if the parent or guardian executes a bond of $200 to the governing board of the district, conditioned that the child will, for the rest of the year, regularly attend school and not be disorderly.

If the condition is violated, the court shall declare the bond forfeited and direct the original judgement to be enforced. The district governing board may have execution issued against any parties to the bond to collect it.

§48264--48266

ATTENDANCE SUPERVISOR

The attendance supervisor, a peace officer, or any school administration or design, may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time or continuation education found away from and absent from school without valid excuse. The minor shall be delivered either to the minor's parent or guardian or to the minor's school, or to a nonsecure youth service or community center for counseling. The minor, if a habitual truant, shall be brought before the county probation officer with jursidiction over minors.

Any person taking such action with a minor shall report the matter to the district school authorities and to the minor's parent or guardian.

§48272--48273

The county superintendent shall annually report to the state superintendent the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court.

The governing board of each district shall adopt regulations to require appropriate district employees to gather and transmit to the county superintendent information required to be reported to the state superintendent.

§48290--48296

The governing board of any school district shall investigate charges aginst any parent or guardians for violation of any provisions regarding compulsory attendance. I f it appears that a parent or guardian has violated the provisions, the secretary of the board, the clerk of the board of trustees, on the attendance supervisor, shall file a criminal complaint against the parent or guardian.

A parent or guardian violating these provisions is guilty of a misdemeanor and shall be punished: on a first conviction, by a fine of not more than $25 or by imprisonment in the county jail for a period of not more than five days; on a second or subsequent convictions, by a fine of not less than $25 or more than $250, by imprisonment in the county jail for a period of not less than five days or more than 25 days or both.

All fines paid as penalties for violations of attendance provisions shall be credited to the school fund of the district in which the offense was committed.

Any judge of a municipal or justice court in which the district is located has jurisdiction of offenses committed against these provisions.

No fees shall be charged or received by any court or officer in any proceeding over attendance violations.

§48320

Intensive guidance and coordinated community services shall be provided to meet the special needs of pupils with school attendance or behavior problems. An attendance review board which determines that available services are not capable of correcting attendance or behavior problems shall promote the use of alternatives to the juvenile court system, provide for maximum utilization of community resources in behalf of minors, and encourage an understanding that such alternatives carry "an inherent agency and citizen commitment" directed toward the continuing improvement of such resources.

County attendance review boards shall encourage local attendance review boards to maintain an inventory of community resources and to make recommendations for their improvement.

§48321--48324

There is in each county a county school attendance review board, which shall include, but not be limited to, a parent and representatives of school districts, the county probation department, the county welfare department and the county superindendent of schools. School district representatives shall be nominated by district governing boards and appointed by the county superintendent. All other representatives shall be appointed by the county board. The board shall elect from its members a chairman.

Local attendance review boards may include, but need not be limited to representatives from the same groups.

The county attendance review board shall provide for the establishment of local attendance review boards and provide consultant services to, and coordinate activities of local boards, or shall serve as school attendance review board for all pupils in the county or, on request of individual districts, for pupils of those districts. Counties may agree to provide such services on a regional basis.

The county attendance review board shall adopt rules, binding on local attendance review boards, to carry out its work.

Each of the departments or agencies required to participate in attendance review boards shall assign personnel or a continuing basis.

§48360--48262

A pupil subject to compulsory full-time or continuation education who is absent from school without valid excuse more than three days or tardy in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor or to the superintendent.

TRUANT

A pupil once reported as a truant who is again absent from school without excuse or tardy shall again be reported as a truant. A third report shall deem a pupil a habitual truant, provided that no pupil shall be deemed so unless an appropriate officer has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil, after the filing of either of the first two report.

§48400--48403

All persons 16 years of age or older and under 18 years of age, not otherwise exempted, shall attend special continuation education classes in the high school district of residence or in a neighboring district for not less than four 60-minute hours per week for the regularly established term.

A minor, not otherwise exempted, who cannot give satisfactory proof of regular employment shall attend special continuation education classes for not less than 15 hours per week during the period of unemployment.

Minimum attendance requirements may be satisfied by any combination of attendance at special continuation education classes and regional occupational programs.

If a minor required to participate in continuation education is habitually truant or disorderly during attendance, the county superintendent may request a petition on the minor's behalf in the county juvenile court.

§48410--48415

Exempted from compulsory attendance in continuing education classes as otherwise required are persons who: have graduated from a four-year high school course, or have had an equivalent amount of education in a private school or by private tuition; attend a public or private full-time day school, or satisfactory part-time classes maintained by other agencies(a private school must have complied with the required annual filing by the school head of an affidavit of prescribed information to the state superintendent); are disqualified because of their physical or mental condition or because of personal services that must be rendered to their dependents, attend satisfactorily a regional occupational program; have demonstrated proficiency equal to or greater than standards as established by the state department under §48412 and have consent of a parent or guardian; or are employed and in attendance at adult classes for not less than four clock hours per calendar week.

§48450--48454

Each parent or guardian of a minor required to attend continuation classes shall compel the minor to attend. The parent or guardian shall retain a copy of the work permit and present it on request of an officer of the law.

On a complaint that a minor has violated compulsory attendance, the governing board of the minor's district shall investigate the charges. If it appears that there has been a violation, the board clerk or the attendance supervisor shall file a criminal complaint against the parent or guardian of the minor.

A parent or guardian who fails to perform duties pertaining to compulsory continuation attendance is guilty of a misdemeanor and shall be punished: on a first convic-

tion, by a fine of not more than $25 or by imprisonment in the county jail for a period of not more than five days, and on a subsequent conviction, by a fine of not less than $25 or more than $250, by imprisonment in the county jail for not less than five days or more than 25, or by both.

§49100

No minor having a permit to work and no minor under 18 years of age, who is otherwise required by law to attend school, shall be out of school and unemployed for a period longer than 10 consecutive days while public schools are in session, but shall enroll and attend school.

REGULATIONS

§400

Attendance records must be kept on forms supplied by the Department of Education. Attendance is to be reported to the principal daily. The records serve two functions: insure compliance with the compulsory education law and measure apportionment of state funds. Attendance may be recorded in minutes in some specified classes.

§420

Absence due to illness, quarantine, dental or medical treatment, or death in the family is allowable when verified by a school nurse, attendance supervisor, physician, principal or teacher.

ABSENCE

§ 11522

Each district shall develop a form which evidences parental consent for exemption from further compulsory school attendance as outlined in Education Code 12601(e). This shall be made available upon request to 16 and 17 year old pupils who have been awarded a certificate of proficiency.

CERTIFICATE OF PROFICIENC

§ 17913

Attendance accounting shall be in accordance with requirements of the Superintendent of Public Instruction. The following records shall be kept:

(a) A record of hours of attendance shall be kept separately for each group of children specified in Section 17914.

(b) A record of absence due to illness or quarantine shall be kept. Absence due to illness or quarantine when properly verified is allowable as attendance for the number of hours per day for which the child is enrolled. Absence due to illness or quarantine shall be:

(1) Verified not less than weekly.

(2) Verified in accordance with Article 1 of Chapter 2 of Division 2.

(3) Recorded daily, in the manner provided in said Article 1, and, after verification, identified as therein required.

CROSS REFERENCES

II.A.1; Statute §51550-51551

II.A.2; Statute §1850--1855; 1870--1885

II.A.2; Statute §56504

II.A.2; Statute §56605--56618

II.A.3; Statute §52350--52355

II.A.10.Other-Child Development Programs; Regulation §18010--18013

II.A.10.Other-Citizenship Classes; Statute §52550--52556

IV.E; Statute §46014

IV.F.; Statute §44809

H. Attendance Requirements

Statutes

§2702

All children in the State between the ages of 6 and 16 shall attend school in the districts where their parents or guardians reside. School age children shall be required to attend a minimum of 180 days of school beginning on the first day of the school year of the calendar year in which the child reaches six years of age, unless the local school authorities determine that such beginning is not in the best interests of the child.

If a parent, to ensure the safety and welfare of the child fails to cause the child to attend school, such child is not a truant.

§2703

Compulsory attendance shall not be required of those children who are receiving regular and thorough instruction in elementary school subjects at nonpublic schools.

A written certificate from an official in charge of the private school shall be satisfactory evidence . . . that a child is receiving regular and thorough instruction.

§2704

All persons conducting private schools shall report to the Board annually on or before the 31st of July, as to enrollment, age of pupils and attendance.

§2705

School age children who are mentally or physically handicapped to such an extent that attendance in a school program is impracticable or unsafe upon proper proof, do not have to comply with the compulsory school attendance law.

§2706

Pupils enrolled in the free public schools may be excused by the superintendent of schools or persons authorized by him/her.

Children who are kept out of school to ensure their safety and welfare are not truant.

CROSS REFERENCES

IV.I.; Statute §3507

IV.I.; Statute §3511; 3514

H. Attendance Requirements

Constitution

COLORADO CONST., art. 9 §11

Compulsory education may be required for children between six and eighteen.

Statutes

§22-1-113;115

Persons authorized to take the school census shall record the name, birthday, school grade and nationality of each child. Parents may be required to take an oath that such information is true and refusal to do so will constitute a misdemeanor. CENSUS

A "school census" includes persons between ages six and twenty one.

§22-33-104

Every child who is at least seven years old and is under sixteen, "shall attend public school for at least one hundred seventy-two days during each school year, or for the specified number of days in a pilot program which has been approved by the state board."

This section shall not apply to children attending a non-public school, those who have been expelled, those absent due to physical or emotional disabilities, and other limited exceptions set forth in the statute. EXEMPTIONS

§22-33-107

"The board of education of each school district shall designate one or more employees . . . to act as attendance officer(s) for the district." The attendance officer shall "counsel with students and parents and investigate the causes of nonattendance."

Adverse orders of the board of education are reviewable, however the aggrieved party must "notify the board in writing within five days after receiving notification of the board's action. Reasons for the board's action must be forthcoming, thereupon the aggrieved party may seek judicial petition requesting the board's action be set aside.

HEARING

A hearing shall be scheduled, the evidence presented and a ruling rendered.

No action for compulsory school attendance shall lie unless the parent or child has been legally served with written notice, stating the date of the hearing (which shall not be less than ten days from the date of notice) and the alleged violation[s].

An order may be issued compelling the child to attend school, disobedience of the order could result in a determination that the child is delinquent and/or jail for the parent.

The state board may promulgate regulations for administration of this article.

CROSS REFERENCES

II.A.10.Other - Migrant Children Program;
Statute §22-23-102; 104; 105; 106

III.B.Teachers; Statute §22-63-103 -- 104

H. Attendance Requirements

Statutes

§10-184

Parents of children have a duty to bring them up honearly and to see that they receive a basic education. Parents must ensure that their children between the ages of seven and sixteen attend school regularly. This does not apply to children over fourteen who are lawfully employed at home or elsewhere.

§10-185

Failure to comply with the compulsory attendance laws may be punished by a fine of five dollars. If a child is destitute and her/his parents cannot provide clothing to make attendance possible, or if the child's mental or physical condition would make instruction impracticable, the penalty shall not apply.

§10-199

The board may appoint one or more persons who shall be authorized to prosecute for violations of the laws relating to attendance and employment. He/she shall investigate pupil absence from school and present cases requiring prosecution for violation of the school laws.

§10-200

Each city and town may adopt ordinances concerning habitual truants and may impose penalties for violacions.

TRUANTS

§10-251

Any person who has a child under 21 and who wilfully refuses to give the census taker information concerning the school attendance of the child, shall be subject to a fine.

§10-281cc

The secretary of the state board of education shall establish rules and regulations to carry out the "equivalent instruction" plan.

CROSS REFERENCES

I.Board of Education; Statute §10-249

I.Superintendent of Schools; Statute §10-250

II.A.2.; Statute §10-190

IV.G.; Statute §10-226c

H. Attendance Requirements

Statutes

§31-201

Every person residing in the District of Columbia who has custody or control of a child between the ages of seven and sixteen "shall cause said child to be regularly instructed" in a public, private or parochial school, or instructed privately. Instruction provided outside the public school system must be "deemed equivalent by the Board of Education to the instruction given in the public school."

§31-202

Any child between the ages of fourteen and sixteen who is employed and who has completed the eighth grade or its equivalent, as determined by the Board of Education, "may be excused by the superintendent of schools from further attendance at school...."

§31-204

"The Board of Education shall define in its rules and regulations valid excuses for absence from school." Absence for any other reason is unlawful.

§31-205

Every teacher shall keep "such accurate daily record of the attendance of all children between the ages of seven and sixteen years." The records shall "be open to the school attendance officers" or other authorized persons for inspection and copying.

§31-206

When a child between seven and sixteen has been absent more than two day sessions or more than four half day sessions in a month, "[it] shall be the duty of every principal or head teacher of every principal or head teacher of every public, private, or parochial school, or private teacher to report to the department of school attendance and work permits the name and address of [the] child . . ., together with the reason for such absence."

§31-207

Any person having custody or control of a child between seven and sixteen unlawfully absent from public or private school, or from private instruction, "shall be guilty of a misdemeanor, and upon conviction . . ., shall be punished by a fine of $10 or by commitment to jail for five days, or by both . . . . [E]ach two days that such child remains away from school unlawfully shall constitute a separate offense."

§31-209

Information about each child under eighteen who enrolls in, or withdraws from, school shall be provided the superintendent of school attendance and work permits by the principal or teacher of each school, and by each private teacher.

§31-211

The Board is authorized to create the department of school attendance and work permits in order "to consolidate the administrative duties incident to the enforcement of the provisions of sections 31-201 to 31-213 and of the act to regulate child labor . . . ."

§31-213

"The Family Division of the Superior Court is hereby given jurisdiction in all cases "involving compulsory school attendance.

Ch.IV, §408

The Tuition Enforcement Office shall review all cases of contested residency. In all contested cases the student will be allowed to register and attend classes pending a final decision. The claimant shall have a right to a formal hearing on the matter.

HEARING

CH. IV, §411

"Every student enrolled in the D.C. Public Schools shall be expected to regularly attend the school in which the student is enrolled.

Where the laws of the District of Columbia provide that a student may be excused from regular attendance at school if such student is actually, lawfully, and regularly employed, the Superintendent of Schools shall require that evidence of such employment be furnished to the D.C. Public Schools in writing by the employer.

For the purposes of the Compulsory Attendance Act (31 D.C. Code §201 et. seq., as amended), including all students covered by its provisions regardless of whether or not such students are enrolled in the Public Schools, and for the purpose of the attendance records of all students enrolled in the Public Schools, the following are valid reasons for absence from school:

(a) Illness of the student;

(b) Illness or other family emergency which requires the presence of the student in the home;

(c) Death in the student's immediate family;

(d) Exclusion, by direction of the authorities of the District of Columbia, due to quarantine, contagious disease, infection, infestation, or other condition requiring separation from other students for medical or health reasons;

(e) Necessity for a student to attend any judicial proceeding as a plaintiff, defendant, witness or juror;

(f) Observance of religious holy days by the members of a religious group;

(g) Lawful suspension or exclusion from school by school authorities pursuant to the provisions of this Chapter;

(h) Temporary closing of facilities or suspension of classes due to severe weather, official activities, holidays, malfunctioning equipment, unsafe or unsanitary conditions, or other condition(s) requiring closing or suspension of classes;

(i) Other absence(s) approved in advance by the principal upon the written request of a parent, guardian or adult student."

CROSS REFERENCES

II.A.2.; Statute §31-203

III.C.Public Schools; Regulation; Ch. IV, §401

H. Attendance Requirements

Statutes

§232.01

Children between the ages of seven (as of February 1 of a school year) and sixteen are required to attend school regularly. Exceptions shall be made for married, pregnant and parent students. These latter groups may be "assigned to a special class or program better suited to their special needs."

Exceptional children who are three years old by January 1 of a school year may be admitted to "public special education programs".

Handicapped children less than five years old may receive home instruction or "may be eligible for supplemental instruction." A child at least six years old by January 1 of a school year shall be admitted to the first grade.

§232.021; 232.023

Officials and teachers in public and private schools shall keep attendance records as prescribed by the state board of education. Violations of this shall be a misdemeanor. Falsification of attendance records shall be grounds for the revocation of a teaching certificate or dismissal.

VIOLATIONS

§232.06-232.07

Exemption certificates exempting children from the compulsory attendance laws may be issued by the school superintendent for a school year. Persons may qualify for said certificate because of: physical, mental or emotional disability; lack of transportation for children under ten living a distance of three miles or more and children eleven years or older living four miles away or more; children at least fourteen years old who have employment certificates; and children exempted by a circuit judge, with the school superintendent's approval.

EXEMPTIONS

School superintendents may issue employment certificates independently or upon a principal's recommendation. Procedural requirements include: the employer's

statement explaining the nature of work; health certificates as prescribed by the Department of Education and evidence of the employee's age.

§232.09 - 232.10; 232.16

Parents are legally responsible for their child's (children's) school attendance unless: a child violates attendance without his/her parents' permission or knowledge; if parents cannot control their child (children) because of financial hardship or illness; or if distance prevents attendance. Parents must "report and explain" absences. Failure to do so shall be evidence of a child's absence without his/her parents' knowledge. School superintendents are responsible for the enforcement of attendance regulations.

§232.17-19

The school board may employ attendance assistants under the direction of the superintendent who may: keep attendance records; investigate cases of non-enrollment and unexcused absences; issue notices requiring enrollment or attendance within three days of notice and, when necessary, bring criminal prosecution against the person(s) controlling the child in question; return truant child to parent or school principal; visit the homes of absent children; report violations of the Child Labor Law to the proper authorities; inspect work places to ensure children are lawfully employed and report violations to the Division of Labor and make monthly reports to the superintendents. The circuit court shall have jurisdiction in the enforcement of attendance requirements and employment violations uncovered by attendance assistants.

TRUANCY

The parent or employer found guilty of violations shall be prosecuted for misdemeanors. A teacher or principal may have his/her teaching certificate revoked.

The presence, absence or tardiness of each student shall be checked once each day at prescribed times and all absent and tardy pupils shall be recorded daily. Attendance of all pupils for at least 180 days of instruction or the equivalent shall be required. A pupil shall be deemed to be in attendance if actually present in school, or away from school on a school day and engaged in an educational activity. The principal shall be responsible for the administration of attendance policies and procedures and for the accurate reporting of attendance in the school under his/her direction.

CROSS REFERENCE

IV.G.; Statute §230.232

H. Attendance Requirements

Statutes

§32-807

If a local school system has suspended operation as provided by law, no student in that system shall be required to attend school or have the right to attend public school.

§32-847

"No student shall be assigned to or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of students of one or more particular races, creeds, colors or national origins, and no school district or school system . . . shall be established, reorganized or maintained for any such purpose . . . ."

This does not preclude the assignment or reassignment of a student that is requested or authorized by her/his parent, but this is not mandatory.

§32-914

Teachers are required to file attendance reports with school officials.

§32-2104

"Every parent, guardian, or other person residing within the state of Georgia having custody of any child or children between their seventh and sixteenth birthdays, shall enroll and send such child or children to a public or private school, and such child shall be responsible for enrolling and attending a public or private school . . . . However, tests and physical exams for military service and National Guard shall be excused absences and such other absences as may be approved by the State Board of Education or the local board of education."

§32-2105

"The minimum session of annual school attendance . . . shall be 175 school days, or for the full session or sessions of the school which the child is eligible to attend . . . ."

§32-2106

The following classes of children between seven and 16 shall be exempted from mandatory attendance: the mentally or physically handicapped and those excused by boards of education.

§32-2108

"Each county and independent school system board of education shall have authority to employ at least one competent and qualified full-time visiting teacher, whose duty it shall be to act as attendance officer to enforce the compulsory school attendance laws of the State, and to discharge such other duties as are usually performed by, or delegated to, visiting teachers . . . ."

§32-2111

Visiting teachers or attendance officers shall "(1) cooperate fully with the Departments of Human resources, and labor, and other state agencies; (2) make monthly and annually [sic] reports on attendance and other problems of child school adjustment . . . and (3) comply with" state and local board of education rules.

§32-2114

The visiting teacher shall receive in writing "the names, ages, and residences of all pupils in attendance at their school and classes within 30 days after the beginning of the school term or terms."

§ 32-2114.1 --32-2114.3

"Any peace officer may assume temporary custody during school hours, of any child . . . away from home and . . . absent from school without lawful authority . . .[and] shall forthwith deliver the child either to the parent . . . or the school . . . or, if the

child is found to have been adjudged a delinquent or unruly . . . to . . . the probation officer."

Such a matter shall be reported to the school and parent.

§32-2115

"Visiting teachers and attendance officers, after written notice is sent to parent or guardian of a child, shall report to the juvenile, superior, city, or other court having jurisdiction, any child as a delinquent who absents himself[herself] from school." The child may be placed "in a home, or in a public or private institution."

§32-9914

Visiting teachers and attendance officers must file legal proceedings in any case where necessary to enforce the compulsory attendance laws.

REGULATIONS

40-211 - 213;215

"The primary means of attaining a universally educated citizenry is through school attendance. The child benefits from attendance in direct relation to the way the school meets his (her) needs."

Parents are required by law to enroll children in their custody between ages 7 and 16 in school, unless a child has been exempted. Children must attend "the full session or sessions of the school (for) which . . . eligible . . . unless otherwise directed by a juvenile court. . . . Local school systems shall maintain daily pupil attendance records." The State Superintendent shall prescribe an attendance reporting system.

The school day for grades 4-12 shall be at least 6 hours and for grades 1-3 at least 4-1/2 hours. If "half-day sessions have been approved temporarily by the State Board, . . . the school day for all grades shall not be less than 4-1/2 hours.

"Pupils in all grades shall be in attendance for a sufficient period of time during the school day to participate in a normal class load of subjects."

Local boards of education shall adopt policies for excused absences in conformity with law and these guidelines: "Children may be temporarily excused from school . . . when . . . ill . . ., when in their immediate family there is a serious illness or death which would reasonably necessitate absence from school," for religious holidays and "when mandated by order of governmental agencies." Absence may be excused "due to conditions rendering school attendance impossible or hazardous" to children's health. A pupil may be excused for up to one day to register to vote. If a student is to be excused from school for part of a day, he or she "shall be released . . . only to his (her) parent(s), to a person properly identified to school authorities or upon request . . . from the parents." Under state law, religious instruction is "to be provided outside of and beyond the regular school day. . . . The State Superintendent shall establish procedures whereby either pupils or staff of the public schools may be temporarily excused from school in observance of special and recognized religious holidays normally observed by their religious sect."

40-216

The State Board is responsible for the enrollment in school of all children between ages 7 and 15. "The State Superintendent shall develop procedures to obtain an annual enrollment report from each private, denominational or parochial school" and report annually to the State Board. "Pupils . . . enrolled by such schools shall be excused from attendance at public schools."

CROSS REFERENCES

II.A.10. Other - Programs for Pregnant Students; Regulation 40-510; 40-520

III.C. Teachers; Statute §32-1020

H. Attendance Requirements

Statutes

§298-9

"Unless excluded . . . or excepted . . . all children . . . at least six years of age" and who are not 18 years of age before December 31 of any school year "shall attend either a public or private school . . . during . . .[the] . . . school year," and it is the parents'(or guardians') responsibility to see to it that the child so attends. "Such attendance shall not be compulsory:"

1) Where a licensed physician shall certify that "the child is physically or mentally unable to attend school (deafness and blindness excepted);"

2) Where a competent tutor is employed, if approved by the superintendent;

3) Where a child is 15 years old, employed and "has been excused by the school department or its authorized agents, the family court or the district magistrate;"

4) "Where, upon investigation by the family court . . . or by the district magistrate, it has been shown that for any other reason the child may properly remain away from school;" or

5) "Where a child graduated from high school or vocational school."

§298-12

"If any (eligible) child of school age persists in absenting himself/herself from school, the district magistrate shall, upon a . . . complaint. . . made by the . . . teacher or any other officer or agent of the department of education, or police officer, or any other person, cause such child, and the father or mother, guardian, or other person having the charge of the child . . . to appear before . . .[him/her]" and if proved that such person "had not used proper diligence to enforce the child's regular attendance at school,"

such person shall be fined not more than $50 or imprisoned not more than two months."

§298-13

"The department of education shall be charged with the enforcement of §298-9 through 298-12" including but not limited to compulsory attendance requirements (and penalties for non-compliance), attendance of blind or deaf children and expulsion from school. "Nothing in this section shall relieve . . ." the police department of its responsibility for the enforcement of such provisions," but such enforcement shall be subject to the plans and policies of the department."

§298- 14

"(P)rincipals. . .shall, upon written request of the parent or guardian . . . permit such pupil to leave the school grounds during intermission." No principal shall be held liable for such students' conduct "during the intermissions and while the pupil remains outside of the school grounds."

§298-15

"The department . . . shall provide for the release of . . . any pupil in any public school . . . for a period not to exceed sixty minutes each week . . ." at times the department shall designate "for the purpose of receiving religious instruction . . . when such release is requested in writing by a parent or guardian . . ."

RELIGIOUS INSTRUCTION

Such privilege shall be withdrawn if the student does not actually attend the instruction. "No teacher of the public schools shall participate in such religious instruction during . . ."their working hours. ". . . no public funds shall be used directly or indirectly for such religious instruction, at any time when its use would otherwise be required in connection with the regular program of the school."

§298-18

"All persons . . . shall be required to attend the school of the district in which they reside, unless the department of education . . ." deems it otherwise desirable.

§298-20

No student shall be permitted to transfer into any other school, either inter-district or intra district, without first obtaining a certificate of release from his/her prior school:. . .to attend a school of higher grade, a certificate of proficiency shall be required, or a lawful excuse for its absence."

REGULATIONS

Rules 26.1; 26.3

Students are required to attend the school of the district in which they reside. However, attendance at a school in another school district may be granted at the discretion of the Department of Education, with the welfare of the student as a major consideration.

All district exceptions and revocations of district exceptions shall be granted in accordance with this rule.

However, the transfer of an exceptional student to a school outside his/her attendance area, under the provisions of Rule 49, shall not require a district exception.

Rule 26.7

a. Only parents or legal guardian may undertake action for district exceptions to the compulsory attendance laws. They do so by submitting the form for the district exception request (provided by) the Department to the home school principal.

b. The principal of the home school shall contact the principal of the receiving school and shall grant district exceptions where both principals concur on the educational or other advantages of the exceptions. Parents shall receive written notifications. In the case of a denial, notification shall include the reasons for the rejection of the request and a statement of the applicant's right to a review of the decision.

c. Parents or students 18 years or older may request a review by the district superintendent of the home school if the principal of the home school has denied the district exception. The decision of the district superintendent will be final.

Rule 41

Students may not be excused from school attendance to observe religious holidays. Parents are at liberty to keep their children at home for such observations, but such pupils are expected to make up the work missed.

CROSS REFERENCES

II.A.2.; Statute §298-10

H. Attendance Requirements

Statutes

§33-202 -- 33-204

"The parent or guardian of any child resident in this state" between the ages of seven and sixteen "shall cause the child to attend a public, private or parochial school,... unless the child is otherwise comparably instructed." Upon written request of a licensed physician or psychiatrist to the board of trustees of a school district, a child may be exempted from the attendance provisions "during the existence of such condition."

EXEMPTIONS

§33-206 -- 33-207

Proceedings shall be brought against a parent or guardian in the probate court of a county determining that the parents or guardians of a child between the ages of seven and sixteen are "failing, neglecting or refusing to place the child in school . . . or knowingly have allowed a pupil to become an habitual truant."

VIOLATIONS

CROSS REFERENCES

II.A.10.Other-Maternity Education Program; Statute §33-2006 -- 33-2008

III.D.Secondary Schools; Regulation, Accreditation Standards for Secondary Schools, Standard VIII.C.

H. ATTENDANCE REQUIREMENTS

CROSS REFERENCE

II.A.8.; Statute §13-1 -- 13-9

H. Attendance Requirements

Statutes

§20-8.1-3-7; 20-8.1-3-11 --20-8.1-3-16

There are local attendance officers appointed by the governing body of the school corporation and a state attendance officer appointed by the general commission of the state board of education. When the governing body does not appoint a local attendance officer the superintendent serves ex officio. Local attendance officers shall: be on duty during school hours and as requested by the superintendent; keep records and make required reports; visit homes of children who are absent from school or who are reported to be in need of books, clothing or parental care; at the direction of the superintendent, bring suit to enforce attendance laws; serve notice of violations; visit factories or any place where children are employed to determine whether violations of child employment laws exist; and perform other necessary duties. The state attendance officer shall: supervise attendance officers of the state; visit the various attendance districts; inspect the work of attendance officers; investigate the manner in which the attendance laws are enforced; initiate necessary court actions for enforcement; and perform other duties not required by law but which shall be prescribed by the state superintendent of public instruction. The state superintendent shall also fix qualifications for local attendance officers and design and require the use of a uniform system of attendance reports, records and necessary forms. The general commission may adopt rules and regulations pertaining to the attendance system and enforcement.

TRUANT

§20-8.1-3-17 --20-8.1-3-35

A child between ages 7 and 16 shall attend public school or some other school, taught in the English language and which is open to inspection by the state and local attendance officers, and school officials. A

parent (or guardian) is legally responsible for the child's attendance unless the parent is unable to prevent the absence. Notice of the violation shall be served on the parent and if the violation continues the parent is subject to prosecution. A parent who is so prosecuted "may raise, as a complete defense . . ., the fact that the child has been provided with instruction equivalent to that available in the public day school which the child is entitled to attend . . . ." All other legal defenses shall also be available to the parent.

REGULATIONS

§II, Ch. 1, Rule A-2

Grades and Curriculum Qualifying for State School Support

Section 1

"The attendance of pupils . . . shall be counted in computing . . .(ADA). . . for state school support." Postgraduate students attendance shall not be counted. Kindergarten pupils are pupils who have reached the age of 5 before the requisite date, and who are enrolled to attend regularly (FT or PT) during the entire school year.

CROSS REFERENCE

I.Local Superintendent of Schools; Regulation §II, Ch1, Rule A-3

II.A.1.; Statute §20-10.1-7-8 -- 20-10.1-7-10

II.A.2.; Statute §20-1-6-8

III.A.2.; Regulation §II, Ch. 1

III.C. Students; Regulation §II, Ch. 1, Rule G-1

IV.J.; Statute §20-8.1-5-8 -- 20-8.1-5-12

H. Attendance Requirements

Statutes

§257.25 (7)

Upon written request by his/her parents, a student may be excused from physical education or health courses if they conflict "with his [her] religious beliefs."

PHYSICAL EDUCATION

§294.4

Each teacher shall keep a daily register of the name, age, and attendance of each pupil.

§299.1

All children "over seven and under sixteen years of age" must attend public school for at least twenty-four consecutive school weeks in each school year".

§299.2

Children shall be excluded from the attendance requirement who are:

1. over the age of fourteen and regularly employed;
2. possess educational qualifications equal to an eighth grade education;
3. excused by any judge or court;
4. attending religious services;
5. attending a private school.

§299.5

Any parent of a child who is physically or mentally unable to attend school shall furnish proofs of such abnormality.

§299.6

Attendance requirement violations shall be punished by fine.

§299.10 --299.11

The board of directors of each school district with a

population of twenty thousand or more shall appoint a truancy officer. The truancy officer shall apprehend any truant child and shall institute criminal proceedings against anyone who violates attendance provisions.

§299.24

Members of a recognized religious denomination established for ten years or more within the State of Iowa prior to July 1, 1967, which profess beliefs substantially different from the objectives of the educational system, may apply for a two-year exemption from the compulsory education law. The exemption may be renewed by the state superintendent upon a showing of achievement in the basic skills of reading, writing, arithmetic, and history.

CROSS REFERENCES

I.School Board of Directors; Statute §279.11

II.A.2.; Statute §281.6 -- 281.11

II.A.2.; Statute §299.18 -- 299.19

II.A.2.; Statute §299.22

II.A.7.; Statute §299.9

IV.F.; Regulation §670-3.3

H. Attendance Requirements

Statutes

§72-1111

Every parent, guardian or other person in Kansas, having control over any child who has reached the age of seven years and is under sixteen years, shall require such child to attend continuously a public, private, denominational or parochial school.

Any child who is determined to be an exceptional child under the provisions of article 9 of chapter 72 of the code is exempt from the provisions of this section but subject to the compulsory attendance provisions of article 9.

A child shall not be required to participate in a activity which is contrary to the religious teachings of the child.

Any child, who has completed the eighth grade and whose parent or guardian belongs to a recognized religious denomination which objects to public high school education, may attend a regularly supervised program of instruction offered by the religious denomination and approved by the state board. Participation in such a program shall be regarded as acceptable school attendance within the meaning of this Act. The state board shall approve a program for a two-year period. Attendance shall be required for each day on which attendance is required in the school district where the child resides.

Each child shall be engaged in at least five hours per day of "learning activities appropriate to the adult occupation s/he is likely to assume in later years." At

least fifteen hours per week shall be classroom work. At each classroom meeting a student shall file a written report of the learning activities s/he has pursued since the last classroom meeting. The teacher shall evaluate the report, approve plans for further learning activities, and provide necessary assignments and instruction.

Any student who does not complete five hours of learning activities per day shall be reported as absent. Regular attendance reports shall be filed.

The teacher shall file monthly reports of the instruction provided, assignments made, and work pursued by students with the state and local board. Each teacher shall have a Kansas teacher certificate.

The state board shall rescind approval of a program if, after a three week warning period, the program fails to comply with this Act. If approval is withdrawn, a student attending the program shall be admitted to a public high school.

§72-1113

Each board shall appoint an employee to report to the district court all cases of truancy.

Any child who is required to attend school, and is not enrolled, or inexcusably absent on three consecutive days or five days in a semester, is truant.

§72-8905

The compulsory attendance law shall not apply to any suspended or expelled student.

CROSS REFERENCE

II.A.2.: Statute §72-977

H. ATTENDANCE REQUIREMENTS

CONSTITUTION

KENTUCKY CONSTITUTION, §5

No "man [or woman shall] be compelled to send his [her] child to any school to which he [she] may be conscientiously opposed."

STATUTES

§38.470

When students are called into active service by the Kentucky National Guard, they shall not be discriminated against because of their absence and shall be credited with all academic work accomplished to that date. Students shall be given a reasonable time to make up work missed. MILITARY

§159.010;020

"Except as provided . . . [by statute]. . . . each parent, guardian, or other person. . . . having . . . custody or charge of any child between the ages of seven and sixteen shall send the child to a regular public day school for the full term that the . . . school . . . is in session . . . A child's age is between seven and sixteen when the child has reached his[her] seventh birthday and has not passed his[her] sixteenth birthday. Any parent or guardian who elects to send a child six years of age to school shall keep the child in regular attendance. Every child actually resident in this state is subject to the laws relating to compulsory attendance, and . . . shall not be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonal or that his[her] parent is a resident of another state."

In addition, any eligible child who is removed from a school district during the school term shall be enrolled in the regular public day school in the district to which he[she] is removed, and shall attend school in the new district for the full term provided by that district. REMOVAL

§159.030

1) "The board of education of the district in which the child resides shall exempt from the requirement of [compulsory] attendance . . . every child;

(a) Who is a graduate from an accredited or an approved four year high school; or

(b) Who is enrolled and in regular attendance in a private or parochial . . . school approved by the state board of education; or

(c) Whose physical or mental condition prevents or renders inadvisable attendance at school or application to study; or

(d) Who is enrolled and in regular attendance in state approved private or parochial school programs for exceptional children; or

(e) Who is enrolled and in regular attendance in a state supported program for exceptional children;

2) Before granting an exemption under paragraph (c) . . . the board . . . shall require satisfactory evidence in the form of a signed statement of a licensed physician, psychologist or psychiatrist, or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study.

3) For any child who is excluded under the provisions of subsection (1)(c), home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards, rules and regulations of the state board of education shall be provided."

§159.130

"The director . . . and his[her] assistants shall be vested with the powers of peace officers, provided however, that they shall not have the authority to serve warrants. They may investigate in their district any case of non-attendance at school of any child of compulsory school age or suspected of being that age. They may take such action . . . as the superintendent

directs. They may under the direction of the superintendent . . . and the board of education or the state board of education institute proceedings against any person violating any provision of the laws relating to compulsory attendance and the employment of children. They may enter all places where children are employed and do whatever is necessary to enforce the laws relating to compulsory attendance and employment of children of compulsory school age. No person shall . . . in any way interfere with the entrance therein of a director of pupil personnel or in any way interfere with any investigation therein."

§159.140

"The director of pupil personnel shall:

1) Devote his[her] entire time to the duties of his[her] office;

2) Enforce the compulsory attendance and census laws in the attendance district which he[she] serves;

3) Acquaint the school with the home conditions of the child, and the home with the work and advantages of the school;

4) Ascertain the causes of irregular attendance and truancy, and seek the elimination of these causes;

5) Secure the enrollment in school of all children who should be enrolled and keep all enrolled children in reasonably regular attendance;

6) Visit the homes of children who are absent from school or who are reported to be in need of books, clothing or parental care;

7) Ascertain and report to the [local] superintendent of schools . . . the number and cost of books and school supplies needed by any child whose parent, guardian or custodian does not have sufficient income to furnish the child with the necessary . . . supplies;

8) Keep the records and make the reports that are required by law, [and] by [administrative] regulations. . . ."

§159.150

"Any child who has been absent from school without valid excuse for more than three days, or tardy on more than three days, is a truant. Any child who has been reported as a truant more than three times is an habitual truant. Being absent for less than half of a school day shall be regarded as being tardy."

§159.160

"The principal or teacher in charge of any . . . school shall report to the [local] superintendent of schools . . . the names, ages and places of residence of all pupils in attendance at his[her] school together with any other facts that the superintendent may require to facilitate carrying out the laws relating to compulsory attendance and employment of children. The reports shall be made within the first two weeks of . . . each school year."

§159.180

"Every parent, guardian or custodian of a child residing . . . in this state is legally responsible for any violation of . . .[the compulsory attendance statutes] . . . by the child. Before any proceedings are instituted against the parent, guardian or custodian . . . a written notice of the violation shall be served in the person by the director of pupil personnel and one day shall be given for the termination of the violation. After the notice, if the violation is continued, or if . . . [the statutes]. . . are again violated during the school term by the child . . . the parent or guardian shall be punishable as provided . . .[by stacute] . . . . A notice by registered mail, certified mail, return receipt requested or by personal service by the director of pupil personnel shall be a legal notice."

§159.990

1) "Any parent, guardian or custodian who wilfully fails to comply with the requirements of . . . [the compulsory attendance statutes] . . . shall be

fined not more than ten dollars for the first offense, and not more than twenty dollars for each subsequent offense. The court . . . may suspend enforcement of the fine if the child is immediately placed in attendance at a school, and may finally remit the fine if the attendance continues regularly for the full school term.

2) Any . . . school official who wilfully fails to comply with the provisions of . . .[this chapter] shall be fined not less than twenty-five dollars nor more than fifty dollars. Upon conviction under this subsection a director . . . or assistant director of pupil personnel shall be removed from office and have his[her] certificate revoked, and a principal, teacher or other school officer may have his[her] certificate revoked.

REMOVAL

3) Any [other] person, who fails to comply with any of the provisions of this chapter relating to compulsory education . . ." or who interferes with the work of the director of pupil personnel "shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail for not more than sixty days, or both.

4) Any person who violates any of the provisions of . . .[the census taking statutes]. . . shall be liable to a fine of not less than fifty dollars and shall be liable to the punishment prescribed by law for the crime of false swearing. If he[she] is an officer he[she] shall be removed from office, and if he[she] is a director of pupil personnel his[her] certificate shall be revoked."

REMOVAL

REGULATIONS

703 KAR 2:050

For the purpose of counting the average daily attendance of pupils, "pupils shall not be counted in attendance unless they are physically present in the school ...." And "no pupil shall be allowed to make up absence for the purpose of counting such make-up activities in computing average daily attendance."

CROSS REFERENCES

I.State Board of Education; Statute $156.080

I.Superintendent of Public Instruction; Statute $156.170

II.A.2.; Statute $159.050

II.A.2.; Statute $167.090--.120

III.A.2.; Statute $157.350

IV.A.; Statute $158.160

IV.F.; Statute $161.200; .210

IV.G.; Statute $159.170

H. Attendance Requirements

Statutes

§17:221

"Every parent, tutor, or other person residing within the state of Louisiana, having control or charge of any child between the ages of seven and fifteen, both inclusive, shall send such child to a public or private day school . . . and shall also assure the attendance of such child in regularly assigned classes during regular school hours established by the school board . . . .

Visiting teachers, or supervisors of child welfare and attendance, with the approval of the parish or city superintendents of schools, shall file proceedings in court to enforce [these] provisions . . . ."

§17:221.1

"No parent, tutor, or any other person shall entice, coerce, intimidate, persuade, compel, and/or solicit children to be absent from school on regular school days during regular school hours for the purpose of participating in unauthorized demonstrations."

§17:226

Children, mentally, physically or emotionally incapacitated to perform school duties or who are unable to profit from further school experience shall be exempted upon certification in writing by a professionally qualified person or agency designated by the parish or city school board, as well as children living outside the boundaries of a city, town, or municipality more than 2 1/2 miles away from school and children living more than 1 1/2 miles away from a transfer route providing transportation to the school.

Children who are personally ill, or in whose families there is serious illness, or death has occurred, shall be temporarily excused from school as well as children whose religious fatih requires absence for obser-

vance of holidays. Children will not be excused from school to work in any job.

§17:227

"The state superintendent shall appoint or designate members of the department of education whose primary responsibility shall be to serve as state director and assistant state directors of child welfare and attendance, who will be responsible for the general administration of this sub-part . . . ."

§17:228

"Each parish and city school board shall employ at least one competent, qualified, and certified visiting teacher, or supervisor of child welfare and attendance . . . ."

§17:230

The powers, duties, and responsibilities of visiting teachers shall include the maintenance and upkeep of pupil attendance accounting records, the investigation of non-enrollment cases and unexcused absences from school, and the subsequent notification in writing to the parent or tutor in charge of the child, and the visit of the child's place of residence at the time of non-enrollment, the upkeep of an accurate record of attendance of all cases prosecuted and of services performed.

§17:232

"Visiting teachers . . . shall receive the cooperation of all teachers and principals, public and private, in the parish or city in which they are appointed to serve . . . . The attendance of all school pupils shall be checked each school day and at the beginning of each class period and shall be verified by the teacher keeping such record . . . .

All schools shall immediately report to the visiting teacher (supervisor of child welfare and attendance) any unexplained, unexcused, or illegal absence, or habitual tardiness."

§17:233

Visiting teachers shall report any habitually tardy or absent child to the family court judge of the parish or city as a delinquent child, to be either placed in a home or in a public or private institution where school may be provided.

"A child shall be considered habitually absent or tardy when either condition continues to exist after all reasonable efforts by the principal and the teacher have failed to correct the condition . . . ."

§17:346.1

"No student shall be required to attend school and no public school teacher shall be required to teach for more than one hundred and eighty days during any school year nor shall any student be required to attend school or public school teacher be required to teach in the period between June 15th and August 15th . . . ."

CROSS REFERENCES

I.State Board of Education; Statute §17:12

II.A.2.; Statute §17:234

II.A.3.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 3.03.02

II.A.4.; Regulation Bulletin 741

II.A.8.; Statute §17:291 -- 293

III.A.2.; Regulation Bulletin 741

III.B.Supervisor of Visiting Teachers; Regulation Bulletin 741

IV.G.; Statute §17:106

IV.G.; Statute §17:111

H. ATTENDANCE REQUIREMENTS

STATUTES

§911

Every child between 7 and 17 years of age shall attend some public day school, unless the child has graduated before his/her 17th birthday. An absence of 1/2 day or more is a violation. Necessary absences may be excused by the committee, director, superintendent, or teachers acting by their direction.

Attendance is not required if the child obtains "equivalent instruction, for a like period of time, in a private school in which the course of study and methods of instruction have been approved by the commissioner" or in another manner arranged for by the committee or directors with the commissioner's approval. The children will file a certificate from the persons in charge of the private school showing the child's name, residence and attendance with the administrative unit.

A person who has control of a child who is a habitual truant and is in any way responsible for the truancy, and any person who induces a child to be absent or who conceals the child will be punished with a fine of not more than $25 or by imprisonment of not more than 30 days for each offense.

A "subnormal" child between 15 and 17 who cannot pass the test required to be issued a regular work permit, may receive a permit issued jointly by the commissioner and the director of the Bureau of Labor and Industry. Such child shall be employed in non-hazardous occupations.

If, in the judgment of the principal, a suitable program of work, or work-study, or training is available, pupils will be excused from school attendance with the consent of the parent or guardian and the approval of the committee or directors.

§913

Attendance officers are elected once a year by a school committee or school directors to inquire "into all cases of neglect of duties" pertaining to compulsory attendance. They shall prosecute any person charged with neglect, when so directed by the committee or directors. They shall arrest and return a pupil, charged with irregular attendance, to school, if so notified by a teacher.

Following a written request by the superintendent of schools or the committee, they may visit, during school hours, business and manufacturing establishments in the school committee's administrative unit, to inquire into the illegal employment of children under 14 years of age. Owners of businesses and manufacturing establishments must produce work and vacation permits during these inspections.

If an attendance officer neglects his/her duties, he/she shall be fined. Administrative units failing to meet these provisions shall have their state school funds withheld.

§914

"If a child without sufficient excuse is habitually and wilfully absent from school or fails without such excuse to attend school for 5 day sessions or for 10 half-day sessions within any period of 6 months, or failing to attend school, without regular and lawful occupation and growing up in ignorance, he shall be deemed an habitual truant."

TRUANTS

§961

The committee or directors shall keep accurate attendance records of all pupils who attend a public school in their unit. The records shall contain the name of the pupil, date of birth, the dates the person entered and left the school, the number of days attended and the number of times late for school. The records will always be kept open for

inspection by the committee or directors.

CROSS REFERENCES

I.Superintendent; Statute §966

III.A.2.; Statute §855

IV.D.; Statute §220; 358

H. Attendance Requirements

Statutes

Art. 77 §92

Every child between ages 6 and 16 shall attend public school unless the child is receiving comparable instruction elsewhere. The superintendent may excuse cases of "necessary absence". This section applies to mentally or physically handicapped children unless instruction is detrimental to his/her progress. This section shall not apply to any child whose presence constitutes a danger to others. The superintendent may make appropriate provision for such children.

Each parent or guardian shall assure that his/her child is enrolled in and attends school regularly. Failure to do so may subject the parent or guardian to a fine of up to $50.00.

Art. 77 §94

It shall be the duty of every principal or head teacher to report the names of all children who are absent without lawful excuse, irregular in attendance, or who show evidence of maladjustment to the superintendent.

Regulations

13.07.02.01

The following conditions constitute lawful absence from school under compulsory attendance laws:

"1. death in the immediate family; 2. illness of the child . . .; 3. quarantine . . .; 4. court summons; 5. physical incapacity." This means "such a state of ill health or physical defect as shall render the instruction of the child impracticale in any other than a special class or school . . . ; 6. mental incapacity . . .[which shall be interpreted to mean feeblemindedness or such nervous disorders as make it either impossible

for . . . child to profit by the instruction . . . in . . . school, or impracticable for the teacher properly to instruct the normal pupils of the school . . . .; 7. violent storms . . .; 8. work in activity accepted by school authorities as reason for excusing pupil; 9. observance of religious holiday; 10. state emergency."

CROSS REFERENCE

II.A.2.; Statute Art. 77, §104; 105

H. Attendance Requirements

Statutes

72 §2

"The school committee of each town shall ascertain and record the names, ages and such other information . . . required by the department of education, of all minors residing therein between five and sixteen, and of all minors over sixteen who do not meet the requirements for the completion of the sixth grade . . . The school committee . . . shall also ascertain the number of pupils, regardless of age, whose parents . . . are residents of the town and who are enrolled for full-time attendance, in kindergarten and grades up to and including grade twelve, in public and vocational schools anywhere." Whoever withholds information sought by a school committee or makes a false statement relative thereto shall be punished by fine. "Supervisors of attendance, under the direction of the committee and superintendent of schools, shall have charge of the records required by this section . . . and [shall] examine carefully all cases where children of school age are not enrolled in, and attending school as required."

There shall be an annual school committee report.

Private schools shall report their residents to the superintendent of the town where the child resides.

72 §8

"The school committee shall cause the registers of daily attendance to be faithfully kept under the direction of the superintendent . . ." Registers shall be kept at the schools and shall be open to the inspection of the committee, and other designated school officials. "In computing the average daily membership a pupil's name shall be omitted only when it is known that she/he has withdrawn from the school without intention of returning. A pupil who is not present during at least half of a session shall be marked and counted as absent for that session."

The use of automation equipment in keeping

registers may be used with department approval.

76 §1

"Every child between the minimum and maximum ages established for school attendance by the board of education, except a child between fourteen and sixteen who meets the requirements for completion of the sixth grade and who holds a permit for [regular] employment in private domestic service or service on a farm, or is involved with a 'cooperating employment' for at least six hours per day, shall attend a public day school in the town or some other day school approved by the school committee for the required number of days. Attendance "shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable," or when an employment permit was granted, or if a child is being instructed "in a manner approved in advance by the superintendent or school committee." The superintendent or authorized teachers "may excuse cases of necessary absence for other causes not exceeding seven day sessions or fourteen half day sessions in any period of six months." Absences may also be permitted for other authorized reasons or for religious education up to one hour each week.

Pupils who fulfill the compulsory attendance requirement by attending private schools, shall not be denied transportation because the schools are religiously affiliated.

The school committee shall have the responsibility of enforcing compulsory attendance.

76 §2

VIOLATIONS

SANCTIONS

Every guardian shall cause his/her child to attend school and, if he/she fails to do so for seven day sessions or fourteen half day sessions within any period of six months, he/she shall, on complaint by a supervisor of attendance, be punished by a fine of not more than twenty dollars. "No physical or mental condition capable of correction or rendering the child a fit subject for special instruction at public charge

in institutions other than public day schools, shall avail as a defense unless it appears that the defendant has employed all reasonable measures for the correction of the condition and the suitable instruction of the child."

76 §4

"Whoever induces or attempts to induce a minor to absent himself/herself unlawfully from school or unlawfully employs him/her or harbors a minor who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine of not more than two hundred dollars."

76 §18

"No student sixteen years of age or older shall be considered to have permanently left public school unless an administrator of the school which such student last attended has sent notice within a period of ten days from the student's fifteenth consecutive absence to the parent or guardian of such student in both the primary language of such parent or guardian and English, stating that such student and his/her parent or guardian may meet with the school committee or its designated representatives, prior to the student permanently leaving school." The meeting shall be for the purpose of discussing the reasons for leaving and any alternative educational program.

The superintendent of every school "shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school," their reasons for leaving and any alternative educational programs which each student has undertaken.

76 §19

Every school committee shall appoint one or more supervisors of attendance who shall be at least 21 years of age and meet the qualifications established by the department of education. The committees of two or more towns may employ the same supervisors of attendance.

76 §20

Supervisors of attendance shall inquire into all attendance disputes. "They shall, if the court so

orders, have oversight of children placed on probation; of minors licensed by the school committee . . ., and of children admitted to or attending shows or entertainments in violation" of commonwealth laws. "They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places."

REGULATIONS

REG. #14

First Grade and Kindergarten

"Each child shall attend school beginning in September of the calendar year in which he[she] attains the age of 6."

Local school committees shall establish the permissible ages for school attendance "provided that such ages are not older than the minimum nor younger than the maximum ages established by or pursuant to law for school attendance."

CROSS REFERENCES

I.Local School Committee; Statute 71 §37

II.A.2; Statute 76 §2A

II.A.8.; Statute 71§25

II.A.9; Statute 76 §13

II.A.10.Other - Alternative Schools; Statute 76§3

III.A.2; Statute 15 §1I

III.C.Magnet Schools; Statute 71 §37I

III.D.Census; Regulation, Regulation #34

d. Attendance Requirements

Statutes

§380.1561

Every parent, guardian, or other person having charge of a child, from the age of 6 to the child's sixteenth birthday, shall send the child to the public schools during the entire school year. In a school district in which the school year is divided into quarters, a child shall not be compelled to attend more than three quarters in one calendar year, but shall not be absent for two consecutive quarters.

A child becoming six years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs. A child who becomes six on or after December 1 shall be enrolled in the following school year.

EXEMPTIONS

A child shall not be required to attend public school in the following cases:

A child who is regularly attending a state approved nonpublic school.

A child regularly employed as a page or messenger in either house of the legislature during the period of employment.

A child under the age of 9 who does not reside within 2 1/2 miles of a public school (unless transportation is furnished).

A child from the age of 12 to the child's fourteenth birthday while in attendance at confirmation classes for a period of not to exceed 5 months in either of those years.

A child enrolled in the public schools while in attendance at religious instruction classes for not more than two class hours per week by written request of the parent or guardian.

§380.1571

The intermediate board shall select one or more attendance officers. The board of a school district with 1000 or more pupils may employ attendance officers. An

attendance officer shall have powers of a deputy sheriff within the district while performing official duties. An intermediate district attendance officer shall perform duties of the office in each constituent district in which the local board does not employ an attendance officer.

§380.1576; 380.1577

At the commencement of school, the secretary of a primary board shall provide the teacher with a copy of the last school census, together with the names and addresses of the persons in parental relation, and the address of the intermediate board. The secretary of a non-primary district shall furnish a copy of the census to the superintendent, or the teachers if no superintendent is employed, together with the name and address of the attendance officer. At the school opening, the superintendent, teacher or teachers shall compare the census list with the enrollment of the school and report discrepancies to the intermediate superintendent (in the case of a primary district) or to the attendance officer (in the case of other districts).

§380.1586; 380.1587; 380.1588; 380.1589

The attendance officer shall investigate each case of non-attendance at school. If the child is not exempt from attendance and is repeatedly absent without valid excuse, or is failing in school work or gives evidence of behavior problems, and attempts to confer with the parent have failed, the attendance officer may notify the person in parental relationship by registered mail to come to school to discuss the child's irregularity in attendance or other problems. A superintendent or teacher shall provide information concerning the non-attendance of a non-resident pupil to the intermediate superintendent of the district in which the non-resident resides.

NOTICE

If a person in a parental relation fails to send a child to school, the attendance officer, upon receiving notice from the proper authority, shall give notice requiring the child to appear in school on the next regular school day following receipt of the notice.

The attendance officer shall make a complaint against the person in parental relation who fails to comply to the court having jurisdiction in the county of residence. The court shall issue a warrant upon the complaint.

COMPLAINT

School officers and teachers shall aid attendance officers in the performance of their duties.

§380.1599

A person in parental relation to a child who fails to comply with this part is guilty of a misdemeanor, punishable by a fine of not less than $5.00 nor more than $50.00, or imprisonment for not less than two or more than 90 days or both.

VIOLATION

SANCTIONS

REGULATIONS

R 340.71, R 340.75

Upon written request of the parent, guardian or person having control of a child, the board of education shall release the child from attendance at the public school so that the child may attend religious instruction classes for up to two hours per week.

RELEASE TIME

"No solicitation for attendance at religious instruction classes shall be permitted on public school premises. The staff of the public school system shall neither encourage or discourage participation in any religious instruction program."

CROSS REFERENCES

I.District Board of Education; Statute §380.1540; 380.1541; 380.1551

II.A.2; Statute §393.109

H. Attendance Requirements

Statutes

§120.10

"Every child between seven and sixteen years of age shall attend a public school or a private school for a minimum term . . ." To satisfy the requirements of compulsory attendance, a school must teach all common subjects in English and use all textbooks written in the English language. Teacher qualifications must be essentially equivalent to the minimum standard for public school teachers. In a program for instruction of children of limited English speaking ability, instruction and textbooks may be in the primary language of the children.

"A child may be excused from attendance if the board is satisfied that: (1) the child's bodily or mental condition prevents her/his attendance; (2) the child has already completed the studies ordinarily required in the tenth grade; or (3) the person having control of the child requests that she/he attend religious instruction up to three hours each week.

§120.12

The district superintendent shall notify the persons in charge of children who are absent without excuse of these absences. If the child remains absent the superintendent shall notify the county attorney.

Any person in charge of any private school shall report any unexcused absences to the district superintendent.

The district superintendent shall file a criminal complaint against persons refusing to comply with compulsory attendance.

§120.13

The industrial commission may revoke any excuses granted for school absence which it finds to be improper.

§120.14

"The board of any district may appoint and remove at pleasure truant officers, who shall investigate all cases . . . of non-attendance at school, and process and enforce school rules respecting attendance and disorderly pupils." The truant officer shall notify the person having control of an habitually absent student and "may arrest without warrant . . . any such child when directed by the board. . ."

§120.16

"When a board finds . . . that any child . . . is unable to attend school because financial . . . needs require his[her] employment . . . [t]he county board shall furnish such aid as will enable the ch[illegible] to attend school . . . ."

"It shall be the duty of the teacher having charge of such child to report monthly to the board" of the child's general progress and attendance.

§125.15 --125.16

ATTENDANCE RECORDS

All teachers must keep attendance records for all pupils. Failure to do so will result in the teacher's pay being withheld.

§127.19

Any school or truant officer, teacher, principal, or superintendent who refuses, wilfully fails, or neglects to perform her/his duties concerning the enforcement of compulsory attendance laws, is guilty of a misdemeanor and may be punished by fine or imprisonment.

§127.20

Any person in charge of a minor child who refuses to send the child to school shall be guilty of a misdemeanor, and punished by fine or imprisonment.

CROSS REFERENCE

I.District School Boards; Statute §120.095

H. Attendance Requirements

Statutes

§37-9-73

Each teacher . . . shall keep a daily attendance record. Based on this record, the principal shall periodically report to the county superintendent of education or to the superintendent of municipal separate school district.

§37-15-23

In county-wide school districts where the county board of education acts as the county board of trustees, appeals on assignment of pupils shall be made directly to the county circuit court.

§37-65-107

If a school is closed all "educable children or enrolled student affected . . . may be assigned or transferred . . . ."

CROSS REFERENCES

IV.A.; Statute §39-9-5

IV.F.; Statute §37-15-7 -- 37-15-8

IV.G.; Statute §37-15-13

H. Attendance Requirements

Statutes

§163.036 -- .091

To determine the amount of state aid a school district is entitled to receive, a district may estimate the average daily attendance. If errors are made in apportioning, due to differences in the estimated and actual attendance, the state board of education shall credit and distribute the funds, or in case of receiving an excess, the next year's allotment shall be reduced accordingly.

§167.031

Every parent, guardian, or person having custody of a child between seven and sixteen shall cause the child to attend regularly some day public, private, parochial, or parish for the entire school term or the equivalent shall be provided at home upon judgment of a court of competent jurisdiction. Children physically or mentally incapacitated may be excused for the required time. Children between fourteen and seventeen may be excused from attendance full time when legal employment has been obtained by the child and after the parents or guardian of the child has been advised of pending action.

§167.061

Any parent, guardian or person in custody of a child who violates the compulsory attendance requirements is guilty of a misdemeanor. The penalty may be suspended if the child is placed and kept in regular school attendance, or home instruction. "A certificate stating that the child is regularly attending school and properly attested by the superintendant, principal, or person in charge of the school is prima facie evidence of regular attendance by the child."

§167.071

The county superintendant of schools is the school attendance officer for the county, except that

in districts with six or more directors the school board may appoint one. The attendance officer has the power of deputy sheriff in performance of her/his duties. She/he shall investigate the claims of exemptions from attendance and may require a birth certificate or affadavit stating the child's age, date of birth, physical characteristics and the child's signature. She/he may visit where children are employed or where children loiter and may require a certificate of the attendance of any child at school. She/he may arrest without warrant non-attendants or other juvenile disorderly persons and take them to a place of detention, or home.

In any urban school district, any metropolitan school district, or six-director district in first class counties having a charter form of government, any commissioned police officer shall be an ex officio school attendance officer.

§167.081

Teachers shall be furnished with the last enumeration of the district by the clerk of the board, which shall be compared with the enrollment and a report with the names of nonattendants between seven and sixteen years of age, names of their parent, guardians or persons having custody of the nonattendant. Upon investigation of the nonattendant the parent, guardian, or person having custody shall be warned to comply with attendance regulations within three days of being served with notice. For non-compliance the parent, guardian or person having custody of the child shall have misdemeanor proceedings instituted against them.

§167.111

"The state commissioner of education, superintendents of schools, school boards, county superintendents of schools, county superintendents of public welfare, and every school attendance and probation officer shall enforce all laws relating to compulsory school attendance."

§171.151

"Each public school of the state shall keep a daily register in which shall be entered the name, age, date of entrance and record of attendance of each pupil and the studies pursued by the pupil. The register shall be open to the inspection of the public at all times."

CROSS REFERENCE

I.District Board of Education; Statute §167.011 -- .021

II.A.2.; Statute §167.033

II.A.2.; Statute §179.100

III.A.2.; Statute §171.121--131; 310--360

IV.I; Statute §167.051

H. Attendance Requirements

Statutes

§75-6304

Any child enrolled in school who is not yet 16, or who hasn't finished eighth grade, shall attend his/her assigned school, unless: the child is absent because of illness, bereavement, or other reason prescribed by the trustees; the child has been suspended or expelled. The child's parent or guardian is responsible for the child's attendance.

§75-6305; 75-6306; 75-6307

APPOINTMENT

ATTENDANCE OFFICER

Each school district shall appoint at least one attendance officer to enforce the compulsory attendance laws. His/her powers and duties include: Having "police powers, the authority to serve warrants, and the authority to enter places of employment of children . . .;" the duty to take custody of any child absent from school without a proper excuse and take him/her to the school where he/she is or shall be enrolled; take any other necessary action to "investigate and enforce" the compulsory attendance laws; "institute proceedings against any parent, guardian or other person violating" compulsory attendance laws; keep a record of actions for the trustees and make reports as prescribed by the trustees; "perform any other duties prescribed by the trustees."

When the attendance officer discovers a child violating the laws concerning compulsory enrollment and/or attendance, he/she shall notify the person responsible for the child and shall institute court proceedings against that person if the child is not complying with the law within two days of the person's receiving notice.

§75-6308

If a child is not attending school because of physical incapacity or because he/she is working "to support himself[herself] or his[her] family," the attendance officer shall notify the welfare authorities,

who shall offer relief that will enable the child to attend school. If the person responsible for care of the child "denies or neglects" this assistance, "the child shall be committed to a state institution, at the discretion of the court."

CROSS REFERENCES

I. County Superintendent; Statute §75-5806

II.A.2.; Regulation §48-2.18(10) - S18060

II.A.10. Other-Indian Education; Statute §75-6309

H. Attendance Requirements

Statutes

§79-201

Every resident of a school district of Nebraska "who has legal or actual charge . . . of any child" between 7 and 16 years of age "shall cause such child to attend regularly the public, private, denominational, or parochial day schools . . . except when excused by school authorities" or when the child has graduated from high school. The school term is at least 175 days. If a district receives 20% or more of its general revenues from federal sources and fails to receive sufficient funds, "the board of education . . . may, at any time during the school year, elect to close all or part of its schools."

§79-203

If exemption from the compulsory attendance requirement "is claimed on account of mental or physical incapacity," the school board may "employ a physician or a person skilled in mental diagnosis" to examine the child and determine if he or she "is capable of undertaking the work of the schools."

§79-207 — 79-209

Teachers in all public and private schools in Class I (elementary) districts shall keep a record with the name, age and address of each pupil, days present and absent, and cause of absence. On the third day of the regular school year such teachers should forward a list of pupils to the county superintendent; "in all other districts such report shall be made to the" district superintendent. The superintendents must then compare the enrolled-pupil list with the most recent district census report, "prepare a list of all children . . . who are not attending school as provided" by the compulsory attendance statute, and

send the list to the appropriate district office "whose duty it is to enforce" the law. If a child enters or withdraws from school, the information should be reported in the same way. Information on absences must be reported weekly. Attendance reports shall be made to the appropriate superintendent by the teacher (if the school employs only one), head teacher, principal, or superintendent "at the close of each period."

§79-210 -- 211

Boards of education for third, fourth and fifth class district "shall appoint one or more attendance officers . . . vested with police powers" to enforce compulsory attendance provisions; for all other districts, the "county superintendent of schools shall act as attendance officer or shall appoint one or more . . . officers" with the county board's approval. Compensation for officers shall be determined by the appropriate board. "Any superintendent, principal, teacher, or member of the board of education" who knows of a violation of attendance laws by a child or parent must "report such violation to the city superintendent of schools in districts having an attendance officer" or otherwise to the county superintendent. An investigation is conducted by attendance officers. Any officer who believes a "child is unlawfully absent from school" must investigate and attempt "to compel such child to attend some . . . school which the person having control of the child shall designate." If the parent or guardian fails to comply, the attendance officer shall give written notice warning that they are in violation of the law. If the violation continues one week after notification, the attendance officer "shall file a complaint against such person or persons before the judge" of the county juvenile court.

§79-216

Violation of any of the provisions on compulsory attendance and basic instruction (79-201-79-215) is a misdemeanor.

§79-602

Teachers in Class I districts must report at the end of each 9-week period to the district secretary the number of pupils attending school, their names and ages, days attended, "and the studies pursued."

REGULATIONS

5-(3)

Children between seven and sixteen years old shall attend school regularly. If the school is operating on a year-round basis, each child shall attend sessions totaling 175 days.

CROSS REFERENCES

I.District Board of Education; Statute §79-452 -- 458

I.District Board of Education; Statute §79-1006

II.A.2.; Statute §79-204

II.A.2.; Statute §79-2010 -- 2011

IV.D.; Statute §79-490 -- 493

IV.F.; Regulation 14-(13)

IV.F.; Regulation 14-(48)

IV.I.; Statute §79-202; 205; 206

IV.J.; Statute §79-449.01; 451

H. Attendance Requirements

Statutes

§387.124

"Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees shall be credited with attendance during that period."

§387.126

"The superintendent of public instruction shall, at his[her] discretion or when directed by the state board of education, verify by independent audit or other suitable examination" the daily attendance reports submitted by any school district and the number of pupils attending each class in any district.

§388.040

"In any school district having or maintaining more than one school offering instruction in the same grade or grades, the board of trustees shall have the power to zone the school district and to determine which pupils shall attend each school."

§391.340

VIOLATIONS

SANCTIONS

Any teacher, principal, or superintendent who shall knowingly, falsely report, cause to be reported, or permit to be reported the presence of any pupil or pupils at schools shall forfeit his or her certificate or have it revoked for at least one year.

§392.040

"Except as otherwise provided by law," any person in the state having control of any child 7 to 17 years old must send such child to a public school in the district in which he/she lives whenever the school is in session. A child who will be six years old by September 30 shall be admitted to the first grade at the beginning of the school year. If a child is six after September 30, the child will be admitted to first grade the following year.

§392.050

A child shall be excused from school attendance when satisfactory written evidence is presented to the board of trustees that "the child's physical or mental condition or attitude is such as to prevent or render inadvisable his[her] attendance at school." A written certificate from a reputable physician, filed with the board of trustees, stating that attendance is inadvisable or not possible shall be considered satisfactory evidence.

EXEMPTIONS

§392.060; 070

A child is exempted from school attendance if satisfactory written evidence is presented to the board of trustees that the child has already completed 12 grades of elementary and high school or is receiving at home or in some other school equivalent instruction of the kind and amount approved by the state board of education.

§392.080

A child shall be exempted from school attendance when the state department of education has determined that the child lives so far from the nearest public school that attendance would be "unsafe or impractical," and the child's parent or guardian has notified the board of trustees in writing.

§392.090

The juvenile division of district court may permit a child who has completed the eighth grade to leave school.

§392.120

Anyone who makes a false statement with the intent to deceive concerning the age or school attendance of a child under 17 years old who is under his or her control, shall be guilty of a misdemeanor. "Any teacher, principal, or superintendent of any public school is authorized to require the parent or guardian of any pupil enrolled in his[her] school to furnish a birth certificate or other satisfactory evidence of the age of the pupil."

§392.130

". . . any school child shall be deemed a truant who shall have been absent from school without a valid excuse acceptable" to the teacher or the principal. Absence for part of the day shall be considered absence for the whole day. A written truancy notice shall be delivered to whomever is in charge of the child.

TRUANT

§392.140

A habitual truant is a child who has been deemed a truant three or more times within the school year A habitual truant who is truant in the immediately succeeding school year may again be deemed a habitual truant.

§392.150

The board of trustees of a school district may appoint an attendance officer, fix his or her compensation, prescribe his or her duties, and make rules and regulations for the performance of such duties.

ATTENDANCE OFFICER

§392.160

During school hours, any school official shall arrest without warrant any child between 7 and 17 who has been reported by a school official as an absentee from legally required instruction. During school hours, the arresting officer shall deliver the child to the teacher. After school hours, the officer shall deliver the child to the person having control of the child.

§392.170

Upon the written complaint of anyone, the board of trustees shall make a full investigation of charges against parents, guardians, or custodians of a child, for violations of the compulsory attendance laws and file a written report of the investigation and its findings.

INVESTIGATION

VIOLATION

§392.180; 190

If an investigation shows that a parent, guardian, or custodian of a child has violated the school attendance laws, the clerk of the board of trustees or the

attendance officer shall file a criminal complaint against that person, charge the violation, and see that it is prosecuted by the proper authority.

§392.200

COMPLAINT

Any taxpayer or school officer may file a criminal complaint against a parent, guardian, or custodian of a child who has violated school attendance laws.

§392.210

NOTICE

VIOLATION

Any parent, guardian, or custodian of a child who is given notice of the child's truancy and fails to prevent it subsequently within that school year is guilty of a misdemeanor.

§392.220

Anyone abetting truancy or unlawfully employing a child is guilty of a misdemeanor. Any school officer may visit a place employing minors to see if it complies with provisions of this Title and may demand of minors' employers a list of the minors' names and ages.

POLICY GUIDES

Pupil Accounting Manual

for County School Districts in the State of Nevada (Revised July 1973)

This is a pamphlet prepared and published by the Nevada Department of Education. The "pupil accounting manual" sets forth rules established by the State Board of Education for counting pupils and reporting pupil enrollment, and providing a systematic means of gathering data on pupils enrolled in the Nevada public schools.

CROSS REFERENCES

II.A.2.; Statute §388.460

II.A.7.; Statute § 388.570

IV.I.; Statute §392.100; 392.110

H. Attendance Requirements

Statutes

§189:34

Truant officers for each district shall be appointed by the school board.

§189:36

Truant officers "shall enforce the laws and regulations relating to truants . . . between the ages of eight and sixteen years not attending school and without any . . . occupation; and the laws relating to the attendance . . . of children between . . . eight and eighteen . . . ."

§189:37

The state board may appoint additional truant officers and may require a school board to remove a truant officer found to be "incompetent".

§193:1

All children "between six and sixteen years" shall attend public school unless the child's "physical or mental condition" prevents his/her attendance or would "make it undesirable." If the school district does not have a high school, attendance will not be mandatory for a child over fourteen who has completed elementary school work. If a child becomes six years old "after September thirtieth" he/she will not be required to begin school until the following year.

§193:2

Every person who has custody of a child must send the child to school "during all the time the public schools are in session."

§193:3

If the person having custody of a child thinks that the child's attendance at a school or "special class for handicapped children" to which the child was assigned will result in "a manifest educational hardship to the child," he/she may apply for relief to the state board of education. The board may investigate and reassign the child. If the child is assigned to another district, the tuition will be paid by his residence school district.

§193.5

Whenever the superintendent of schools deems that "the welfare of any child will be best served by the withdrawal of such child from school," he/she may so recommend to the commissioner of education who shall, "if the facts warrant it," exempt the child from attendance for whatever time he/she thinks best.

§193.7

Failure to comply with the compulsory attendance requirements shall constitute a "violation". Any fines collected will be used for the school district.

§193:16 --193:18

School districts may make "by-laws" concerning truants and attendance requirements. "Any offender . . . shall be sentenced to the state industrial school during minority." An offender may have his/her sentence suspended if he/she posts bond, and attends a school assigned to him/her and complys with all regulations.

§194:23-b

A student less than 16 years of age, must attend a high school "which has been approved by the state board of education" in order to "satisfy compulsory school attendance laws".

§195-A:4-a

EXEMPTION

Pupils in a sending district may be exempted, "upon a showing of hardship," from any agreement "requiring them to attend the receiving district's schools." An exception shall be granted for one school year and may be renewed.

CROSS REFERENCES

I.School Board; Statute §189:15

I.School Board; Statute §189.28

II.A.2.; Statute §186-A:4

II.A.2.; Statute §186-A:6

II.A.3.; Statute §188-E:6

II.A.5.; Statute §193:9 -- 193:10

IV.G.; Statute §193:1-a; 193:1-b

IV.J.; Statute §193:14 -- 193:15

H. Attendance Requirements

Statutes

§18A:36-14--16

The absence of any pupil by reason of "observance of a religious holiday" shall be an excused absence if a written excuse signed by the pupil's parent or guardian is presented to "the proper school authority." No pupil shall be penalized in any way because of such absence.

§18A:38-25;26

Children "between the ages of 6 and 16" must attend school regularly in public or day schools. Such attendance shall be during all days and hours in which the public schools are in session unless the "bodily or mental condition of the child" prevents his/her attendance.

§18A:38 - 27

Any child between the ages of six and sixteen who is repeatedly absent from school, truant, incorrigible, actually vagrant, vicious or immoral in conduct," shall be deemed a juvenile delinquent and "be proceeded against as such."

§18A:38-28; 29

Any child between six and sixteen found to be truant by an attendance officer shall be brought to the parent or teacher of the school. A child violating this article shall be warned by the attendance officer and his/her parents notified of the consequences if violations continue. The attendance officer shall have "full police power" to enforce this law and "may arrest without warrant" any child in violation of this act.

TRUANT

§18A:38-31

A parent or other person in charge of a child between 6 and 16 who violates the school attendance laws shall be subject to "a fine of not more than $5

for a first offense and not more than $25 for each subsequent offense."

REGULATIONS

§6:27-1.14

"The rules for the approval of high schools shall apply in general to evening high schools. No pupil who enrolls for diploma credit in an evening high school may be less than 14 years of age."

CROSS REFERENCES

II.A.2.; Regulation §6:28-1.8; §6:28-3.12

III.A.2.; Regulation §6:20-1.3

H. Attendance Requirements

Constitution

New Mexico Constitution Article XII, Section 5

"Every child of school age and of sufficient physical and mental ability shall be required to attend public or other school for such time as may be prescribed by law."

Statutes

§77-10-2

Qualified students "shall attend a program of instruction offered by a public school, a private school or a state institution." Exceptions are: 1) persons specifically exempted; 2) those who have graduated from high school; 3) those who have finished tenth grade and have the approval of the school and parents; 4) those under eight years old who have school and parent approval; 5) those judged "unable to benefit from instruction" because of learning disabilities.

§77-10-2.1

"Any student may, subject to the approval of the local school board, be excused from school to participate in religious instruction for not more than one hour each school day with the written consent of his parents at a time period not in conflict with the academic program of the school."

RELIGIOUS INSTRUCTION

§77-10-7

Each local school board shall enforce the Compulsory School Attendance Law. Enforcement is by mailing letters to parents or guardians of students in violation and, when violations continue, reporting them to the district court.

CROSS REFERENCES

II.A.8.; Statute §77-1-4 A-D

III.A.2.; Regulation, Reg. No. 71-3

IV.I.; Statute §77-10-6

H. Attendance Requirements

Statutes

§2570

In a city with a population of one million or more, there shall be a bureau of compulsory education, school census and child welfare. The bureau shall consist of a director, an assistant director, attendance officers and other employees. The superintendent of schools shall have general supervision of the bureau.

§3024;3025

School attendance records shall be kept and each teacher or other employee who keeps such records will verify the information by oath or affirmation.

§3205; 3206

Full time attendance is compulsory for all children "from six to sixteen years of age," including those who reside on an Indian reservation. Minors who have full-time employment certificates, but are temporarily unemployed, must attend a minimum of 20 hours a week. An employed minor must attend between 4 and 8 hours a week. School authorities are empowered to "establish a half-time system or program of employment and required attendance at part-time schools" for minors between the ages of 16 and 18.

§3208

Compulsory attendance provisions are contingent upon the child possessing a "proper mental and physical condition." Any condition which is a danger to the health and safety of the child or others, or any impairment which prevents the child from benefitting from instruction is cause for lawful absence. Should proper facilities or remedies become available, attendance is again compulsory.

§3210

A minor required to attend school shall "attend regularly . . . where he[she] resides or is employed, for the entire time the appropriate schools . . . are in session." Absence for "religious observance and education" is permitted under rules established by the commissioner of education.

A minor may be permitted to attend a shorter day and/or shorter school year provided school authorities approve such instruction as substantially equivalent to the norm.

§3211

An authorized employee of the school district shall keep an "accurate record of the attendance and absence" of children required to attend school. The principal or other person in charge of a school shall notify district school authorities of the "discharge or transfer of any such minor . . . "

§3212

Parents or legal guardians are required to present "evidence of age" at the time a minor begins school and shall "cause such minor to attend . . . instruction" as required by law. Parents or guardians are responsible for placing the minor in proper physical condition or for taking reasonable remedial measures. An exception is granted "if it can be shown that [the parent or guardian[is unable to control the minor."

A minor between 16 and 21 not under control of parents or guardians is responsible for compliance with the education law.

It is unlawful for any person to induce a minor to be truant or to harbor such minor.

It is unlawful to obstruct an attendance officer in pursuit of his/her duties.

No person shall violate any provision with regard to employment of minors.

§3213

"A supervisor of attendance, attendance teacher or attendance officer . . . may arrest without warrant any minor who is unlawfully absent from attendance upon instruction."

REGULATIONS

Part 16 (Statutory Authority §207)

§16.1

The commissioner shall make regulations to enforce the compulsory attendance laws.

§16.2

A petition, representing a religious group, may be filed with the Commissioner asking that children whose parents are members of that religious group, be excused from the required study in health and hygiene.

Part 101 (Statutory Authority §207)

§ 101.2 — 101.4

Minors between the ages of six and 16 are required to attend school unless exempted because of physical disability, severe mental retardation, or mental or emotional disorders. In order to obtain exemption, the child must be examined by qualified physicians or psychiatrists and the exemption must be approved by the school district committee responsible for reviewing these matters. An exemption certificate may be renewed or in the case of severe mental retardation, may be declared permanent after further examination and recommendation. EXEMPTION

Part 104 (Statutory authority §207)

§ 104.1 — 104.2

Public and nonpublic schools must keep a record of each pupil's attendance, absence and tardiness. A nonpublic school providing elementary and/or secondary education must keep individual

pupil academic records. If the nonpublic school discontinues operation for any reason, it shall transfer its pupil records to another school or to the school district where it is located.

Part 109 (Statutory authority §207)

§ 109.1 — 109.2

The Education Law (§802) requires that certain designated holidays be observed in the public schools. At the request of a parent or guardian, a child may be excused from school for religious observances and education. Such absence may not be for more than one hour each week.

CROSS REFERENCES

I.Board of Education, City: Statutes §3241-3243

II.A.8.: Statute §3207

II.A.8.: Regulation §165.6

III.D.Educational System: Statute §2117

IV.A.: Statute §3209

IV.G.: Statute §3201, 3201a

IV.I.: Statute §3225

H. Attendance Requirements

Constitution

CONSTITUTION OF NORTH CAROLINA, ART. IX, §3

All children are required to attend the public schools, "unless educated by other means."

Statutes

§115-166

Parents or guardians of children "between the ages of seven and 16 years" shall see to it that their children regularly attend school. Temporary absences for "sickness or other unavoidable cause" may be excused by the principal. In order for nonpublic schooling to be accepted in lieu of public school education, the nonpublic school must keep the same attendance records and minimum cirriculum standards as the public schools require

§115-167 — 115-171

The State Board of Education shall "formulate rules and regulations" to enforce the attendance requirements. The Board may determine what constitutes "legitimate excuses" or "unlawful absence", and when pupils may be excused due to the "demands of the farm or the home . . ." RULEMAKING

"Attendance counselors" may be employed by the Board to carry out these rules and to prosecute offenders. Any parent who violates these requirements "shall be guilty of a misdemsanor." The school "attendance counselor shall investigate all violators" and the reports of unauthorized absence received by him shall "constitute prima facie evidence of the violation." A parent may submit an affidavit stating that his or her child is unable to attend school "by reason of necessity to work" and the attendance counselor may then have the matter investigated by a juvenile court. If the court finds that the VIOLATIONS

affidavit is true, then the court shall determine what help is needed to enable the parent to comply with the attendance requirements, and turn the matter over to the county director of social services.

CROSS REFERENCES

I.Local Boards of Education; Statute §115-27

I.Local Boards of Education; Statute §115-176

II.A.2.; Statute §115-172 -- 115-175

II.A.4.; Regulation §2E.0803

II.A.6.; Statute §115-1.2

IV.E.; Regulation §2C.0304

H. Attendance Requirements

Statutes

§15-34.1-01

Every person who has control over an educable child of age seven to sixteen years and does not fall within a statutory exception shall send that child to a public school.

§15-34.1-03

Any person having control of a child required to attend school shall be excused from causing the child to attend school when it should be shown to the satisfaction of the school board, subject to appeal that:

EXEMPTIONS

1. the child is in attendance for the same length of time at a parochial or private school approved by the county superintendent and the superintendent of public instruction. No such school shall be approved unless the teachers therein are legally certificated in the state of North Dakota and the subjects offered are in accordance with the requirements of the North Dakota laws;

2. the child has acquired the branches of learning taught in the public schools and has completed high school;

3. the child is necessary to the support of his/her family;

4. the child is in such physical or mental condition as to render attendance or participation in the regular or special education program inexpedient. Such condition shall be shown by the declaration of a licensed physician if required by the board.

§15-34.1-04

"Every school board member, school superintendent, principal, truant officer, teacher and county superintendent of schools is charged with the enforcement of compulsory school attendance . . . Such persons

shall inquire into . . . alleged violations and shall obtain from any person having custody of any child of school age not attending school the reason for the absence. In districts without a superintendent, the county superintendent shall be notified of any violation and such superintendent shall report the violation to the state's attorney for the county. The state's attorney shall prosecute violators. The school board of a district having more than five hundred inhabitants may employ a truant officer to aid in enforcement.

§15-34.2-17

"Upon request of an elementary or high school student's parent or guardian, the board . . . shall release such student for a period not to exceed one hour per week for religious instruction."

§15-44-05

"No school district shall receive any portion of the state tuition fund until an enumeration of the children of school age is made and reported . . . . The county superintendent of schools may withhold the payment of tuition to any district if the officers thereof fail to make the reports."

CROSS REFERENCES

I.Local Board of Education: Statute §15-47-13

II.A.1.; Regulation, Chapter V:IIIB

II.A.2.; Statute §15-34.1-02

III.A.2.; Regulation, Ch. V.: II.V.

H. Attendance Requirements

Statutes

§3313.486

"No board of education shall discriminate on the basis of sex, race, religion, or national origin when assigning pupils to attendance schedules..." EQUAL OPPORTUNITY

§3313.644

The board of any school district may contract with any state or federal agency for the education of out-of-school youth regardless of their place of residence. Students who are not residents of the school district may attend under this section only "if the contract provides for the reimbursement to the school district of the entire actual cost of educating such nonresident students...."

§3321.02

"Every child actually a resident in the state shall be amenable to the laws relating to compulsory education...."

That the child's residence is seasonal, that the parent is a resident of another state, or that the child has attended school for the legal period in another state are not valid excuses for a child's not attending school.

§3321.03

Parents or guardians of a child of compulsory school age shall cause such child to attend a school or special education program conforming to minimum state standards for the full time the school is in session and to receive instruction in accordance with law. He(she) shall continue to do so until:

A) the child receives a diploma stating the successful completion of a high school curriculum;

B) the child receives an age and schooling certificate;

C) the child is excused from school under standards

adopted by the state board pursuant to the code.

The exception shall be the child who has been "determined incapable of profiting substantially by further instruction."

§3321.04

Every child not employed under an age and schooling certificate shall attend a school meeting minimum state education standards. Such attendance shall be full-time, at least thirty-two weeks per year, to commence within the first week of a) the school term, b) beginning of residence in the district, or c) withdrawal from employment.

Excuses from future attendance or past absences may be granted for the following causes:

A) The district superintendent of schools may excuse a pupil for attendance provided that:

1) His(her) bodily or mental condition does not permit his attendance at school during such period, as certified by a licensed physician;

2) He/she is receiving instruction at home by a qualified teacher in an approved course of study.

B) The state board of education may adopt rules and regulations authorizing the excuse of "a child over 14 years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for his [her] parent or legal guardians."

C) A district board of education "in which a public school is located or the governing authorities of a private or parochial school may in the rules governing... discipline...," designate the manner and authority by which a child may be excused for absence for good and sufficient reasons.

§3321.07

A child may attend a non-public school provided such school conforms to the minimum standards set by the state board of education. The hours and terms of attendance shall be the same as in public schools.

"This section does not require a student to attend a high school rather than a vocational, commercial or other special type of school," provided the term and hours are equal to those of a high school and that his(her) attendance "will not interfere with a continuous program of education for the child to the age of 16."

§3321.12

To facilitate compliance with laws relating to compulsory education and employment of minors, the clerk of the board of education shall receive from the principal or teacher in charge of any public, private or parochial school, a report of the names, ages, and places of residence of all pupils under 18 years of age in attendance at their school, as well as any other information necessary.

"Nothing in this section shall require any person to release, or to permit access to, public school records in violation of section 3319.321 of the Revised Code", concerning limits on public access to records concerning pupils.

§3321.14

The boards of education in every city and exempted village school districts shall employ an attendance officer and may employ or appoint such assistants as necessary.

In cities with a population of one hundred thousand or over, the board may appoint one or more pupil-personnel workers and provide for their traveling expenses within the district.

§3321.16 -- .22

The attendance officer or assistant may investigate any case of nonattendance at a school or part-time school by any student under 18 years of age who is a resident of the district, or any child over 18 enrolled in a school within the district. The attendance officer or assistant may take such actions as the superintendent directs or as deemed "proper in the absence of specific direction."

"The attendance officer, and assistants... shall be vested with police powers, may serve warrants, and may enter workshops, factories, stores, and all other places where children are employed and do whatever is necessary in the way of investigation or otherwise to enforce the laws relating to compulsory education and the employment of minors." They may also take into custody compulsory school age children who are not legally employed on an age and schooling certificate and who is not attending school and conduct them to school.

§3321.18

"The attendance officer ... shall institute proceedings against officer, parent, guardian, person, partnership, or corporation violating laws relating to compulsory education or the employment of minors...", discharge other duties as described in this code, or as directed by the district board of education or superintendent "to preserve the morals and secure the good conduct of school children, and to enforce such laws."

The attendance officer shall report any discrepancy between an enumeration of each school district he(she) serves and a list of pupils enrolled in the district schools; he(she) shall cooperate with the department of industrial relations in enforcing laws relating to the employment of minors; he(she) shall keep records of his(her) transactions for the use by the superintendent and school board and shall make reports to the superintendent.

The attendance officer shall investigate any case of supposed truancy in his(her) district and warn both the child and parent or guardian in writing, if found truant, of the legal consequences of truancy. If a child is not attending school as required, the parent or guardian shall cause the child to attend forthwith. Should the child fail to appear at school, the attendance officer shall make a complaint against the parent or guardian in court.

The above shall also be the case concerning a child not attending a part-time school or class.

Such notice, sent by registered mail, is a legal notice.

If a parent or guardian proves unable to cause a child to attend school or part-time classes, the attendance officer shall make a complaint, in juvenile court, that the child is a delinquent child or a dependent child as defined by this code. Should the judge decide the child is a delinquent or a dependent child, the judge shall deal with the child according the the appropriate sections of this code.

§3321.38; .99

A) No person having charge of a child of compulsory school age shall violate sections 3321.01, .03,.04,.07,.10, .20, or 3331.14 of this code. The court may require a person who has violated this provision to give bond that he(she) will cause the child in his(her) care to attend and remain in attendance in the school or classes as provided by law.

B) The parent or guardian may not fail or refuse to pay any fines or costs or post bond as required above.

C) "This section does not relieve from prosecution and conviction any parent, guardian, or other person upon further violation of such sections, nor shall forfeiture of the bond relieve such person from prosecution and conviction upon further violation of such sections."

Violations of division A shall result in a fine of $5 to $20; violations of division B shall result in imprisonment of ten to thirty days.

§3331.08

When a superintendent of schools refuses to excuse a child from school attendance and refuses to grant an age and schooling certificate, the child may appeal to a juvenile judge of the county whose decision shall be final.

CROSS REFERENCES

I.County Attendance Officer; Statute §3321.13

I.Superintendent; Statute §3319.01

II.A.2.; Statute §3323.03

III.C.Students; Statute §3331.15

III.C.Elementary and Secondary Education; Regulation §3301-31-01 -- 3301-31-09; 3301-35-01 -- 3301-35-08; 3301-37-01 -- 3301-37-08

III.D.School Districts; Regulation §3301-11-01 -- 3301-11-04

IV.D.; Statute §3327.14

IV.G.; Statute §3327.06 -- 3327.07

IV.I.; Statute §3321.08 -- 3321.10

IV.I.; Regulation §3301-51-13

H. Attendance Requirements

Constitution

OKLAHOMA CONSTITUTION, ART. XIII, §4

"The Legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children in the State who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year."

Statutes

§70-10-101 - 10-102; 10-107

The board of education of each independent school district shall appoint and fix the compensation of an attendance officer and such assistants as may be necessary. All attendance officers shall hold valid teaching certificates or have 5 years of continuous employment with any school district.

Each county superintendent of schools shall appoint an attendance officer to serve the dependent school districts of the county.

§70-10-105

It shall be unlawful for a parent or guardian "to neglect or refuse to cause or compel [a] child to attend school," if such child is over seven and under 18 and has not completed four years of high school work. It shall be unlawful for any child aged 16-18, who has not finished four years of high school work, to neglect or refuse to attend school.

Provided, this section shall not apply if:

1. A child is unable to attend school because of mental or physical disability, as determined

by the board of education of the district after receiving a physician's certificate.

2. Is excused from attendance due to an emergency; or

3. Is at least 16 and is excused from attendance by written, joint agreement between the school administrator and the child's parent or guardian. However, no such agreement shall be executed until it is determined that such action is in the "best interest of the child and/or the community," and that the child will be under the supervision of the parent or guardian until he or she is 18 years old.

Any parent, guardian, child or other person violating any provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a maximum fine of $50.00, or by a maximum imprisonment of 10 days, or both.

§70-10-106

It shall be the duty of the principal or head teacher of each school to keep a complete record of attendance and to notify the district attendance officer of the absence of children, with the reasons therefor, if known. It shall be the duty of any parent or guardian to notify the child's teacher concerning the cause of the child's absence.

The teacher and attendance officer shall report to the school health officer all absences due to illness. After investigating all facts relating to a child's absence, the attendance officer shall, if justified by the circumstances, given written notice to the parent or guardian that the attendance of such child at some school is required. If the parent or guardian does not comply within 10 days, the attendance officer shall make complaint against the parent or guardian in a court of competent jurisdiction.

§70-10-107

Attendance officers are required to comply with all rules and regulations of their local boards of education.

§70-18-111 to 18-113

Only pupils who are legal residents of the district and are between the ages of five and twenty-one may be counted in the average daily attendance. Computation of average daily attendance for purposes of Foundation Program Aid or Incentive Aid shall be determined by the formula set forth in this section.

§70-24-120

At the close of each attendance period of the school term, each board of education shall advise the Department of Public Welfare of the name of any child who has been absent without explanation at least 80% of the time.

REGULATIONS

General Progress Criteria
VIII. Perfect Attendance Certificates; p. 21

"Perfect Attendance Certificates are awarded by the State Department of Education to pupils having been neither absent nor tardy for . . . three or more consecutive years."

ATTENDANCE CERTIFICATES

CROSS REFERENCES

IV.F; Regulation, General Regulations: III. Records; p. 15

IV.G; Statute §70-1210.202

H. Attendance Requirements

Statutes

§336.012

A twelve-month class schedule may be adopted by the school board, but student attendance cannot be required for the whole year.

§339.010

"[A]ll children between the ages of 7 and 18 years who have not completed the twelfth grade are required to attend regularly a public full-time school . . . ."

§339.020

"[E]very person having control of any child between the ages of 7 and 18 years who has not completed the twelfth grade . . ." is required to send and maintain such child in regular attendance at a full-time school.

§339.030

Exemption from compulsory school attendance:

EXEMPTIONS

Children between the ages of 16 and 18 lawfully employed full-time; lawfully employed part-time and in school part-time; attending a community college; or engaged in activities equivalent to the preceding.

Children regulary attending full-time private or parochial schools.

Children who are able to prove educational equivalency of knowledge acquired in grades 1 through 12.

Children determined by the state board of education to be suffering from severe mental or physical illness or disease that would make regular school attendance "impossible or dangerous to his[her] health or the health of others;" the public schools shall provide the child"either home, hospital, institutional or other regularly scheduled and suitable instruction. . . unless such child is receiving suitable instruction [elsewhere]."

Children between the ages of 7 and 10 years whose parents live more than one and one-half miles, and children over 10 years of age whose parents live more than three miles, by the nearest traveled road and for whom the school district does not provide transportation.

Children being taught the equivalent of grades one through twelve by a parent or private teacher. (a) Written permission must first be obtained from the executive officer of the resident school district on a year by year basis. If permission is denied, the person having legal custody of the child may appeal to the school board. (b) Children taught under this subsection must be examined on the work covered. The examinations are prepared by the state board and provided to the districts upon request. "If the executive officer . . . determines after examination that the children are not being taught properly, he[she] shall order the person having control of the children to send them to school for the remainder of the school year."

A child can be excused from compulsory attendance after completion of the first 8 grades.

"Children excluded from attendance as provided by law."

Children between the ages of 16 and 18 years who have the consent of the school administration and the person having legal custody over them.

§339.040

The attendance supervisor is appointed by the executive officer in districts having a census of less than 1,000 children. Compensation is fixed by the governing body of the county.

The district school board in districts having a census of 1,000 or more children appoint such supervisors and fix and pay compensation.

Districts with a school census of more than 200 and less than 1,000 children upon written application may appoint attendance supervisors and fix their

compensation and pay.

"For purposes of the appointment and duties of attendance supervisors, the territory in a joint school district shall be considered part of the county in which the administrative office of the joint district is located."

§339.055

TRUANCY

The attendance supervisor investigates truancies and unexcused absences of children not exempt from compulsory school attendance.

§339.065

"In estimating regular attendance for purposes of the compulsory attendance provisions . . . . eight unexcused one-half day absences in any four week period . . . [while] school is in session shall be considered irregular attendance."

Absences may be excused if caused by the sickness of the pupil or a member of his/her family, by an emergency or "for other reasons where satisfactory arrangements are made in advance of the absence."

The district school board may excuse a pupil for not more than five days in a 3-month period or 10 days in a 6-month period. The excuse "shall be in writing and directed to the principal of the school which the pupil attends."

§339.080

NOTICE

Within 24 hours after receipt of notification that a person having legal custody of a child fails to send him/her to school, the attendance supervisor shall give formal written notice in person or by registered or certified mail that the child must appear in school the next day and throughout the remainder of the school year.

Notice shall be given at the same time to the principal or school superintendent, who shall notify the attendance supervisor "of any failure on the part of the parent or other person to comply."

§339.090

The attendance supervisor determines whether there has been compliance with the written notice of attendance requirements. Within three days after receipt of notice of failure to comply the attendance supervisor shall file a complaint so alleging before a court having jurisdiction over misdemeanors.

COMPLAINT

§339.410

"Pupils under 8 years of age may be dismissed after school attendance of four hours duration." If not practicable, recesses must be allowed so that actual classroom time does not exceed three and one-half hours daily.

§339.420

Upon application by a person having legal custody, or by a child who has attained the age of majority, "a child attending public school may be excused from school for periods not exceeding 120 minutes in any week to attend weekday schools giving instruction in religion."

REGULATIONS

§581-22-230

Twelve school years of planned educational experience shall be required, unless local boards adopt policies providing early or delayed completion of all state and local program, credit and performance requirements. Policies may be adopted to allow credit by examination or allow credit for off-campus experience. In modifying attendance requirements for graduation, the administrators shall consider the age and maturity of the student, access to alternative learning experiences, performance levels, desires of parents or guardians, and local board guidelines.

§581-24-085

The district shall provide attendance supervision services for all area school districts of less than 1,000 ADA.

CROSS REFERENCE

I.District School Board; Statute §332.585

II.A.2.; Regulation §581-15-170

III.C. Students; Regulation §581-21-025

H. Attendance Requirements

Statutes

§13-1326

"Compulsory school age" shall mean the period from which the child enters school, not later than age eight, until the age of seventeen.

§13-1327

Every child of compulsory school age is required to attend, and the parent, guardian or other person having charge of such child is required to send such child to a day school in which the subjects and activities prescribed by State Board of Education standards are taught in the English language. Any child of 15 with the approval of the district superintendent and the Superintendent of Public Instruction, and any child of 16 with the approval of the district superintendent of schools, may enroll, as a day student in a private trade or business school licensed by the Department of Public Instruction, or in a trade or business school, or department operated by a local school district(s). Such program must meet standards prescribed by State Board of Education. The certificate of any principal verifying that the subjects and activities prescribed by State Board of Education standards are taught in the English language shall be sufficient evidence of compliance.

EXEMPTIONS

§13-1330

Exceptions to compulsory attendance: (1) any child who is 16 and regularly employed and who holds an employment certificate; (2) any child who has been mentally examined and has been found to be unable to profit from further public school attendance; (3) any child who is 15 and engaged in farm work or domestic service in a private home or a permit issued by the school board; (4) any child who is 14 and engaged in farm work or domestic service as in clause (3) and who has satisfactorily completed the highest grade of the elementary school organization of the district in which he/she resides if the permit has been recommended by the district superintendent or principal of the private school where he/she is enrolled and approved by the Superintendent of Public Instruction.

§13-1332

Every principal, teacher, or tutor shall furnish to the district superintendents, attendance officers, and others the names and residences of all children enrolled in schools and shall report absences of more than three days without lawful excuse; and shall report to the district superintendent the name and date of withdrawal of any pupil during the period of compulsory attendance.

ATTENDANCE OFFICERS

§13-1341

The board of school directors shall employ attendance officers to enforce compulsory attendance provisions. They shall also have full police power without warrant, and may arrest or apprehend any child who fails to attend school or who is "incorrigible, insubordinate, or disorderly" during attendance at school. Any two or more school districts may join in the appointment of an attendance officer.

§13-1342

"Attendance officers or home and school visitors may be employed for a full calendar year, and shall be paid such amounts and in such manner as the board of school directors may decide. They shall at all times perform the duties of their appointment under the direction of the board of school directors . . ."

§13-1343

When an attendance officer arrests or apprehends any child who fails to attend school, he/she shall promptly notify the parents and unless they place said child in a school other than public school, the attendance officer shall place said child in the public school in which the child is, or should be, enrolled.

§13-1344; 13-1345

Attendance officers shall have full power and authority to enter, during business hours, any place where any children are employed, to ascertain whether or not any child there should be attending school, and shall have the right to demand and inspect the employment certificate of any child engaged there. Any officer or other person who refuses to permit or interferes with the entrance of the attendance officer, shall be fined $5 to $25 and in default thereof imprisoned for up to 30 days.

§13-1351

The board of school directors shall maintain a continuing school census or have a listing of the name, birth date, age, sex, nationality, place of residence, name and address of parent, name and location of the school where the child belongs, and name and address of the employer of any child under 18 who is engaged in regular employment. Any hindrance or prevention or attempt thereof subjects person to a fine of up to $5 or imprisonment for no more than 5 days.

§13-1354

It shall be the duty of every principal or teacher of a public school to report immediately the names of all children who have not appeared for enrollment and the names of all children who having enrolled have subsequently withdrawn, or have been absent three days without lawful excuse. The parents shall be notified and if any child or parent fails to comply, the superintendent, attendance officer or secretary of the board shall proceed against the offending person.

§13-1355

Any district superintendent, secretary of board of school directors, attendance officer, teacher, or principal who wilfully refuses or neglects to comply with their attendance duties shall be liable and pay a penalty of up to $25 and costs, and default thereof, imprisonment of up to 30 days. Appeals may be made to the court of quarter sessions.

§14-1417

"Any pupil prevented from attending school on account of the health or sanitation law . . . ., is relieved from complying with the provisions of the act . . . concerning compulsory attendance during the time he[she] is prevented from attending school."

§15-1534

In school districts of the second, third and fourth class teachers must make a report for the past month to the board of school directors stating the number of days the school was kept open; if closed, the reasons for it and the number of days closed, age and sex of all pupils and their attendance. Such reports are open to the public.

§25-2512; 2513

On or before July 1 annually, each school district, with respect to area technical schools, shall file a certificate with the Superintendent of Public Instruction showing attendance data for all pupils during the preceding school term for reimbursement purposes; on or before November 1 of each year it shall file with the Superintendent a certificate showing the number of full-time teachers and supervisory personnel, the number employed in elementary schools and junior high schools, the certificates held by each and the compensation paid each. It should do the same for part-time personnel.

§2698

The penalty for taking a child, assisting a child to leave or leaving by a child without permission or without an order from the board shall be upon summary conviction a fine of not more than $50. In default of payment and costs; imprisonment is not to exceed 10 days. Minors shall be dealt with by such courts as in other cases of juvenile delinquency.

REGULATIONS

§ 11.4 - 11.6

"Pupils attending college full time prior to graduation from high school shall be dropped from the membership roll of the district at the time they withdraw.

A 12th grade pupil may qualify for graduation by attending school part time when lawfully employed part time or when officially enrolled in college part time. Membership in the public schools of the district on an equivalent full-time basis for such pupils may be counted for reimbursement purposes."

Open campus programs limited to the senior high schools may be approved in accordance with the Secre-

tary's standards. Pupils enrolled in these programs shall be counted on a full-time basis for reimbursement purposes.

§ 11.21

A pupil may be excused from school for observance of bona fide religious holidays by particular religious groups in accordance with policies of the district's board of school directors. A pupil's absence from school for bona fide religious holidays should be recorded as an excused absence with no penalty attached.

§ 11.22

Upon parental request, a pupil may be excused during school hours for the purpose of receiving tutorial instruction in a field not offered in the district's curricula only if the excusal does not interfere with the regular program of studies and the qualifications of the instructor are approved by the district superintendent.

§ 11.23

A pupil may be excused during school hours for the purpose of obtaining nonschool professional health care if the health services are rendered by state licensed practitioners, there has been established reasonable cooperation between the school authorities and the practitioners in providing services to school children outside school hours, and the time of necessary absence from school involves a minimum of interference with school work.

§ 11.24 - 11.28

A pupil who has run away from home and not returned to school shall be carried on the active roll for a 15-day maximum after the police have been notified. Such absence shall be classified as unexcused.

Every principal or teacher may upon receipt of satisfactory evidence of mental, physical, or other urgent reasons excuse a child for nonattendance during temporary periods. "Urgent reasons" shall be strictly construed and shall not permit irregular attendance.

Pupils, with a written request from their parents, may be excused from school attendance to participate in an educational tour or trip approved by the District Superintendent provided during the school term at the pupils' parents' expense in which the pupils are subject to the direction and supervision of adult personage acceptable to the District Superintendent and the pupils' parents.

"Pupils in graduating classes may be counted present for not more than three days for graduation preparations under the supervision of certified school employees."

Pupils engaged in an approved work study or career exploration program properly supervised, arranged as an integral part of the school curricula, shall be counted for attendance and reimbursement purposes as if in regular school attendance.

CROSS REFERENCES

II.A.10.Other - Tutorial Services; Regulation §11.31

IV.G.; Regulation §12.1

H. Attendance Requirements

Statutes

§16-18-4

The superintendent of schools shall promptly report to the truant officer the names of all persons required to attend school under the provision of chapter 19 who are not actually enrolled and attending school as shown by the records.

§16-19-1

Every child between the ages of seven and sixteen, inclusive, shall regularly attend public day school during all the days and hours that the public schools are in session in the city or town wherein the child resides; and every person having under his control a child as above described shall cause such child to attend school as required by the above-stated provisions of this section, and for every neglect of such duty the person having control of such child shall be fined not more than twenty dollars, "provided, if the person so charged shall prove that the child has attended for the required period of time a private day school or received instruction approved by the school committee where said private school was located or where said private instruction was given; or that the physical or mental condition of the child was such as to render his attendance at school inexpedient or impracticable; or that the child was excluded from school by virtue of some general law or regulation -- then such attendance shall not be obligatory nor shall such penalty be incurred."

VIOLATIONS

EXEMPTIONS

§16-19-3

The school committee of each city or town shall annually appoint one or more persons as truant officers, "who shall be clothed with the power of special constables, and fix their compensation, which shall be payable from public school appropriations." The school committee of two or more cities or towns may appoint the same truant officer or officers.

TRUANT OFFICER

§16-19-4

Truant officers shall inquire into all cases arising under the provisions of this chapter, and shall alone be authorized, in cases of violations of any provisions of this chapter, to make complaint therefor; they may also serve all legal processes issued in pursuance of this chapter.

§16-19-5

Truant officers and industrial inspectors may visit any places or establishments where minor children are employed to ascertain whether the provisions of this chapter are complied with, and may as often as twice in every year demand from all employers of minor children a report containing the names of all children who have not completed "sixteen years of life" that are employed by them, such report to give the names, ages and residences of all such children.

§16-19-6

Every habitual truant and every habitual school offender shall be deemed a wayward child, and may be proceeded against and dealt with as a wayward child in accordance with the provisions of chapter 1 of title 14.

§16-26-8

Every person having under his/her control any child between age seven and age eighteen years shall cause such child to attend such school for such period of time or such prescribed course as may be deemed expedient by the board of education.

CROSS REFERENCES

II.A.1.; Statute §16-2-16

II.A.8.; Statute §16-29-7

II.A.8.; Statute §16-29-9

II.A.10.Other-Americanization School; Statute §16-29-10

IV.F.; Statute §16-12-4

H. Attendance Requirements

Statutes

§59-64-10 --59-64-90

All parents shall cause their children to attend school regularly. Failure to do so may result in conviction by a juvenile court and a fine of up to $50 or 30 days imprisonment for each offense. If a child is repeatedly absent from school without the knowledge or consent of his/her parents, the court may declare the child delinquent and subject to the law governing those children. The state board of education shall establish rules defining lawful and unlawful absences from school. Some exceptions to the compulsory attendance requirement include: (1) children who are mentally or physically handicapped and no special classes are available to suit their needs; (2) children who are married or who are pregnant or have a child born outside of wedlock; (3) children who have completed the eighth grade and whose employment is "necessary for the maintenance of [their] home"; (4) children who are at least sixteen and whose continued attendance at school is determined by a court to be "disruptive to the educational program of the school, unproductive of further learning and not in the best interests of the child . . . ." Such a child will be authorized by the court to seek gainful employment under the supervision of the court until the child reaches age seventeen. The court may first require the child be tested to determine if employment is a more suitable alternative to continued education.

RULEMAKING

TESTING

§59-64-210 --59-65-280

Each county may employ an attendance supervisor to contact the parents of children who fail to attend school and attempt to persuade the children to attend school regularly. The state board shall certify all attendance supervisors.

§43-141

On written request of the State Board of Education, a school may be permitted to use as much as one school day for the purpose of making a complete census.

The State Board of Education authorizes the State Superintendent of Education to notify the county superintendents of education, the school trustees and the school administrators in each county that the State Board will take such steps as are necessary to require compliance with §59-65-240 of the School Laws of South Carolina, 1976, and cause to be made complete the census of all school children within the county and school districts between the ages of 7 and 16 who are not enrolled in school the first 30 days of school or enrolled in some other school; and that the names, ages, places of residence, names of parents or guardians of such children of school age not enrolled be filed in the school office and a copy filed with the county superintendent of education who, in town, will certify a copy to the attendance supervisor or supervisors of the county in compliance with the law; and that the county superintendents of education shall make a list of such children, available to the State Superintendent of Education by districts and races.

§43-274

Lawful absence is any of the following: (1) illness; (2) death or illness in immediate family; (3) recognized religious observances; (4) in accord with local board policy. Unlawful absence is a student's wilful absence from school without parental knowledge.

CROSS REFERENCE

I.Board of Education; Statute §59-1-380

III.C.Students; Regulation §43-270

H. ATTENDANCE REQUIREMENTS

STATUTES

§13-4-4; 13-4-5

If any teacher or private school employee fails to make the requisite attendance reports, they "shall be guilty of a misdemeanor" punishable by fine. All fines collected shall go to "the county general school fund." Teachers guilty of such a violation shall have their certificates revoked.

REVOCATION

§13-22-4

A copy of the school census shall be given to the "commissioner of school and public lands" and a copy retained by the school district.

§13-27-1

The parent or guardian of a child between the ages of seven and sixteen must see that the child attends "some public or nonpublic elementary school" until the child completes "the first eight grades" or reaches age sixteen.

§13-27-3

A child may be "excused from school attendance" if the child is "otherwise instructed by a competent person for a like period of time in the courses taught in the public schools." The district school board shall judge the quality of the instruction and examine the child as necessary. The district superintendent may require reports on the child's work to be filed with her/him.

§13-27-4

A child may be excused from school attendance if his physical or mental condition would "render his attendance at school unsafe, impracticable, or harmful either to the child or to others."

§13-27-5

A child may be excused from school attendance if he/she is "deaf, visually handicapped, or mentally retarded."

§13-27-6 - 6.1

School attendance may be excused because of "serious illness in the family. Attendance may also be excused up to 5 days in a term when a student requests permission to attend youth program events.

§13-27-11

Any person who fails to comply with the compulsory school attendance requirements "shall be guilty of a misdemeanor."

§13-27-12

The state superintendent of schools is in charge of enforcing the compulsory attendance laws.

§13-27-14

Every school district shall employ a "truancy officer" to "enforce the compulsory attendance laws" in the district.

§13-27-15

All school superintendents shall keep attendance records and report the names of those not in attendance to the truancy officer.

§13-27-19

In the exercise of his [her] duties, a truancy officer shall have "the powers of a deputy sheriff" and shall "apprehend truant children" and return them to the school they are required to attend.

TRUANTS

§13-27-20

The truancy officer shall "file complaints" against the parent or guardian of a truant child.

§13-28-1

Children between the ages of five and nineteen are "of school age."

§13-28-10.1

"When a child is residing in an approved group home or private child care center which provides care and custody for children who are not living with their parents or guardian, the school residence of such child shall be the school district wherein the child resided immediately prior to the time the child entered the group home or private child care center and such residence continues until such time as the child ceases to reside in the group home or private child care center. The school district wherein the group home or private care center is located shall be responsible for providing an eductional program for the children who reside in the group home or private child care center. Tuition shall be paid as provided."

CROSS REFERENCES

I.Business Manager; Statute §13-22-1

I.Commissioner of Schools and Public Lands: Statute §13-22-8

I.School District: Statute §13-8-10 -- 13-8-11

I.State Board of Educacion; Statute §1-45-5 -- 1-45-7

II.A.2.: Statute §13-27-24 -- 13-27-26

IV.F.: Regulation §24:03:04:10

IV.G.: Statute §13-28-15; 13-28-23

H. Attendance Requirements

Statutes

§1708 -- 1710

Parents and/or guardians are responsible for the attendance of the children under their control between the ages of 7 and 16 at private or public schools. The child may be withdrawn for "any good and substantial reason" so long as within 30 days the child has been put into another public or private school.

"The minimum session of attendance required under this chapter is one hundred seventy-five days per year, or for the full annual session of the public school which the child would normally attend."

Children with either mental or physical incapacities, or who live far from school with no accessible free transportation, or with a high school diploma, or who are excused because of the rules and regulations promulgated by the school system, or who are fifteen, but are disruptive and who are not deriving anything out of the school system, shall be exempt from attending school.

EXEMPTIONS

§1711 -- 1712

Each local board of education may employ at least one full-time attendance teacher whose duty it shall be to assist the board in enforcing the compulsory attendance laws. Because of the size of the school system, or the paucity of the school population, two school systems may join "in the joint employment of an attendance teacher."

ATTENDANCE OFFICER

Each local board shall fix the compensation of the attendance officer.

"Training, certification and employment qualifications of attendance teachers shall be in compliance with rules and regulations prescribed by the state board of education and approved by the state commissioner of education."

§1713

Attendance officers derive their authority from the attendance laws of the state. The officer "shall work under the direction of the superintendent and shall comply with the rules and regulations of the local and state boards of education, approved by the state commissioner . . . ."

§1715

"Local school systems . . . may . . . include attendance teachers in the minimum program under the rules and regulations prescribed by the state board of education."

§1716

Before the beginning of the school term the superintendent of each school district shall give the principal "the names of children depending on their schools for instruction." After the opening of school a list shall be made of all students failing to enroll.

§1717

It shall be the duty of principals and teachers to give to the superintendent a list containing the names, ages and residences of pupils attending their schools within 30 days of the beginning of school and to make other required attendance reports. All schools shall keep daily reports of attendance.

§1718

The names of students who have withdrawn or been absent an aggregate of five days without adequate excuse shall be given to the superintendent of schools. The superintendent is then to serve notice upon the parents or guardians that attendance of the children is required and, unless the children are placed in a day school, action will be taken.

§1722 -- 1723

VIOLATIONS

Any parent or guardian who knowingly misrepresents the age of a child or his/her time of attendance shall be guilty of a misdemeanor. This holds true for any other violation of the provisions governing school attendance.

§1724; 1737

Each justice of the peace or judge of a juvenile court has the power to hear school attendance cases, and any party aggrieved may appeal to circuit or criminal court.

§1725

SANCTIONS

Moneys collected as fines shall be placed in public school funds. The fine "may be recovered by rule or in any way that a court of law enforces its orders or decrees."

§1726

"The superintendent of any local system . . . shall report any child who habitually and unlawfully" misses school to the county judge or judge of juvenile court. Written notice must be first given to the parent or guardian.

§1727

TRUANCY

Any board of education in charge of public schools with a population of 10,000 or more may establish a truancy school for children who are habitual truants or who are "incorrigible, vicious or immoral" or who "wander or loiter . . . without lawful employment." The board may compel such children to attend a truancy school.

§1743

Each child attending a public school and who has not moved from the county, city or district in which he/she resided while attending such school shall attend the same school which he/she last attended until graduation unless enrolled in a different school by the local board.

§1772

"No child, who is refused attendance in a school nearer to his[her] residence having equivalent grade levels and curriculum, shall be required to attend public or day school as provided in §1708."

CROSS REFERENCES

I.County Court; Statute §242

I.Superintendent; Statute §224

I.Teacher; Statute §1307

II.A.2.; Statute §1730

II.A.2.; Statute §1731 -- 1736

II.A.4.; Statute §2306

II.A.4.; Regulation pp. 76-80

III.A.2.; Statute §1773 -- 1777

III.A.2.; Regulation pp.17-21

III.D.School Census; Statute §1738

IV.G.; Statute §1742

IV.G.; Statute §1770 -- 1771

H. Attendance Requirements

Statutes

§ 4.25

A guardian of a child who fails to require the child to attend school shall be warned in writing by the attendance officer who shall file a court compliant in case of continued noncompliance. If the parent or guardian can prove that s/he is unable to compel the chid to attend school, she/he shall be exempt from any penalty.

PENALTY

§21.033

"Unless specifically exempted..., every child in the state who is as much as seven years of age and not more than 17 years of age shall be required to attend the public schools ... a minimum of 165 days of the regular school term...."

Exemptions from "compulsory attendance" shall be granted to (1) any child who attends a private or parochial school where a course on "good citizenship" is taught; (2) "any child who has a physical or mental handicap" which is "not of a temporary and readily remediable nature, and ... [which]... renders the child's attendance in regular classrooms or in special educational facilities supported with tax funds useless or inconsistent with the child's best interests; and (3) any child who has a physical or mental condition of a temporary and remediable nature which renders such child's attendance unfeasible...; (4) any child more than 17 years of age who has satisfactorily completed the work of the ninth grade and ...[who can show]... that his [her] services are needed in support of a parent or other persons standing in a parental relation to the child ...; (5) any child expelled in accordance with the requirements of law."

EXEMPTIONS

§21.034--.035

"The county superintendent of each county shall furnish to the superintendent of schools of each school district ... or to the principal ..., a complete list

of all children belonging in the district....

Each superintendent or principal shall report to the county superintendent the names of all children ... who have not enrolled in the school." An official of each private or parochial school "shall furnish the county superintendent a list of all children enrolled in the school and the district in which each child was enumerated in the public school census." From the above-noted lists, the county superintendent "shall compile a list ... of all children of scholastic age who have not enrolled in any school" in the district; this list shall be given to the "attendance officer for the district."

Excused absence of a pupil is possible in cases of "personal sickness, sickness or death in the family, quarantine, weather or road conditions making travel dangerous, or any other [acceptable] unusual cause..., or to any member of the Jewish faith on the days that Rosh Hashanah and Yom Kippur are observed .... The reason for an excused absence must be stated in writing and signed" by the parent or guardian of a child. Any absence may be investigated by the school attendance officer.

§21.036--.039

A school attendance officer may be elected by " the county trustees of any county having a scholastic population of more than three thousand ...[or]... the board of trustees of any independent school district having a scholastic population of more than two thousand ...." In order to elect an attendance officer, the governing board after a public hearing must be "of the opinion that a school attendance officer is necessary to the proper enforcement of the compulsory attendance law and that the school concerned will be benefited by such an officer." The officer "may be compensated from available school funds.... [or]... the district." Such an elected officer may be the "probation officer or officers of the juvenile court." Where there is no elected attendance officer, the school superintendent or peace officer may fulfill the duties

ATTENDANCE OFFICER

of attendance officer for no compensation.

"A school attendance officer shall have the following powers and duties:

(1) to investigate all cases of unexcused absences...;

(2) to administer oaths and to serve legal process;

(3) to enforce the provisions of the compulsory attendance laws

(4) to keep records of all cases of any kind investigated by him...;

(5) to make all reports of his work required of him...;

(6) to proceed in juvenile court against any incorrigible pupil, or against any recalcitrant person having parental control...."

A school attendance officer shall not:

(1) "invade or enter any private home ... without the permission of the owner or tenant except to serve lawful process...."

(2) "forcibly take corporal custody of any child ... without permission of the parent ...[or]... guardian ... except in obedience to a valid process issued by a court of competent jurisdiction."

§21.251

"Each teacher ... shall keep a daily register showing the names, ages, courses of study, and attendance records of all pupils...." This record will be open to parents, school officers and other interested people. Also, each teacher must file a monthly report, to be approved by a majority of the board of trustees, and must in turn be filed with the county superintendent "at the time vouchers for teachers' salaries are presented." At the end of each term the teacher will be instructed by the commissioner of education to make reports. The filing of these reports are necessary for approval of a voucher for the last month of the teachers salary. The necessary blanks for these reports shall be provided by county, city, and town superintendents or county, city, and school board treasurers and depositories.

It shall also be the duties of these officials to collect "school reports relating to the school fund and to other school affairs as ...(they) may deem proper for ... advancing the interests of the public schools."

Title 2; Chapter 34

Whenever anyone has reason to believe a child has been abused or violated the compulsory attendance laws on three or more occasions, they are required to report this information to the appropriate agency. Failure to do so is a misdemeanor.

CHILD ABUSE

REGULATIONS

§2306.13

"The attendance of pupils in late afternoon and evening sessions is in accordance with pupil accounting policies."

§5101; 5102; 5103

This series (5101) deals with pupil attendance and includes such topics as free attendance in general; and attendance as it applies to pupils under the age of 6 years and physically and/or mentally handicapped pupils. (Series (5102; 5103) deals with compulsory and permissive pupil attendance.

CROSS REFERENCES

I.District Board of Trustees; Regulation §2305.5--2305.6; 2306.1--2306.5; 2306.11

I.School District; Regulation §2306.3

IV.G.; Regulation §2304.10

IV.J.; Statute §21.301--21.308

IV.J.; Regulation §2304.1

H. Attendance Requirements

Statutes

§53-24-1 - 53-24-9

The parent of "any minor between six and eighteen" is required to send the child to a public or private school. Any minor over sixteen who has finished the eighth grade or who supports a parent "may be excused to enter employment," but the parent will be required to send the minor "to a part-time school . . . at least one hundred forty-four hours per year." Attendance may be excused if the "minor is taught at home," is in a "physical or mental condition" that would "render such attendance inexpedient," or if there is no school "within two and one-half miles" of the child's residence and no transportation is provided. If a minor has reached the age of sixteen and school officials determine that he or she is "unable to profit from school attendance" due to inability or a "negative attitude," such child may be excused from school attendance.

Local boards of education may appoint a truant officer to enforce the school attendance laws. A parent or guardian of a minor who fails to comply with these laws is "guilty of a misdemeanor." Local boards of education have a "duty to inquire" into all such cases and to report them to the juvenile authorities. TRUANT

The state board for vocational education shall establish "part-time schools" which shall consist of "courses of study" for employed minors which shall be "supplemental to the work in which they are engaged, continue their general education or increase their civic and vocational knowledge." Such schools "shall be in session not less than four hours a week." Any school district which has fifteen employed minors "shall establish part-time schools." If a local board deems it "inexpedient to organize part-time schools," it may be excused from doing so by the state board for vocational education.

§53-25-1

TRUANT

Any students "between eight and eighteen" who are "habitual truants" or are "vicious, immoral or ungovernable" while at school "shall be deemed incorrigible" and shall be reported to the juvenile court.

CROSS REFERENCES

I.Local Board of Education; Statutes §53-6-12; 53-6-13

II.A.2; Statutes §53-18-6 -- 53-18-7

II.A.8; Statutes §53-27-1 -- 53-27-9

H. Attendance Requirements

Statutes

§1074

The residence of a pupil is where the person having legal control of him resides. The board of directors shall decide. Any appeal may be made to the commissioner whose decision is final.

§1092

The clerk shall furnish the list of pupils to the school board which shall designate the school each pupil shall attend. The board shall furnish the superintendent with a list of such pupils, their dates of birth and the school designated. The teacher shall also be furnished with such a list.

With the consent of the superintendent the board may designate a different school to be attended by a student. If such occurs, the teacher of the new school and that of the school in which pupil was enrolled shall be notified and provided with the name and date of birth of the pupil.

§1121

A person having control of a child shall assure his attendance at school unless (1) the child is mentally or physically unable to do so ; (2) is otherwise being furnished with equivalent education; (3) has completed 10th grade; (4) is excused by the superintendent.

§1122

If a pupil over 16 is enrolled in school he shall be expected to attend the full term.

§1123

Attendance may be excused by the superintendent: (1) for not more than 10 consecutive days in the event of an emergency or absence from town; (2) if an elementary school is held for more than 175 days; (3) if a pupil over 15 is needed to support his family.

§1124

If the superintendent has reason to believe that

a child who is claimed to be ill is not, he can request a physician to examine the child. If the child is really ill, the teacher and truant officer shall be notified.

§1125

A school board shall appoint one or more truant officers. They shall receive remuneration and necessary expenses.

(a) If a town officer discovers a child does not possess suitable clothing to attend school and the parents cannot furnish them, he shall provide the child with such clothing.

§1126

The teacher shall notify the superintendent or school director and the truant officer when a child who is enrolled fails to enter school or fails to attend unless the teacher knows the child is ill.

§1127

TRUANT DISMISSAL

If a child is absent without cause, the truant officer shall give written notice to the person having control of the child informing such person of the absence and of their duty to assure that the child attends school. Failure to do so will thereafter result in the parent being fined no less than $5.00 nor more than $50.00

The truant officer shall file a complaint with the town grand juror or the county attorney for prosecution. In such a prosecution the complaint, information and indictment shall be sufficient if it states the name of the respondent and the child and that the respondents neglects to send the child to school.

§1128

A superintendent or truant officer shall stop a child enrolled in public school wherever found during school hours and shall, unless such child is excused, take him back to school.

(b) A child who no longer resides in the district of his legal residence shall immediately be enrolled

in a school where he is found or immediate action by truant officer shall be initiated to return the child to the district of his residence.

§1129

Superintendent and truant officer shall have the same authority and jurisdiction over nonresident pupils as they have over resident pupils.

§1323; 1324

Teachers shall keep records of daily attendance of each pupil and deliver such records to the superintendent at the end of each term. If such records are not delivered, the superintendent may withhold the teacher's pay.

REGULATIONS

R.M. Ch. II.K1; p. 35

WAIVER

DIPLOMA

The length of the school day requirement shall be waived when applied to those sixteen and seventeen year olds who have withdrawn from school without receiving a diploma and wish to enroll only in a Driver Education course for the specific purpose of becoming eligible to apply for a Junior Operator's license.

CROSS REFERENCE

IV.F.; Statute §1321

H. ATTENDANCE REQUIREMENTS

STATUTES

§22-209

Each school shall record daily pupil attendance according to State Board regulations.

§22-275.1 -- 22-275.3

Any person with control or charge of a child, who has reached the age of five on or before December thirty-first of the school year and has not passed the age of seventeen, shall send the child to a public or private school or shall have the child taught by a tutor who meets State Board requirements and is approved by the division superintendent.

A pupil shall attend school from the opening of the term until the close of the term until the pupil reaches his/her seventeenth birthday.

EXEMPTIONS

Children who are not required to attend school include the following: children suffering from contagious diseases; children under ten years of age who live more than two miles from school and no public transportation is available within one mile of their home; children between ten and seventeen who live more than two and a half miles from school and no public transportation is available within one and a half miles of their home; children excused under §22-275.4; children who will not reach six years of age on or before December thirty-first and whose parents notify the school board that the child will not attend school; and children withdrawn from kindergarten as provided in §22-218.

§22-275.4

RELEASE TIME

The school board (i) may on recommendation of the principal and the superintendent, with the written consent of the parent or guardian, excuse from attendance at school any pupil who the board determines, in accordance with State Board regulations, cannot benefit from education at the school and (ii) shall excuse from attendance at school any pupil who, together with his/

her parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school. This does not include essentially political, sociological or philosophical views or merely a personal moral code.

The school board shall, on recommendation of the juvenile and domestic relations district court where the pupil resides, excuse from attendance at school any pupil who, together with his/her parents, is opposed to school attendance because of concern for the pupil's health or safety.

The school may, on recommendation of the juvenile and domestic relations district court where the pupil resides; excuse from attendance at school any pupil who the court concludes cannot benefit from education at the school.

§22-275.6; 22-275.7

Any handicapped child, as defined in §22-10.3, who resides in a school division which does not provide special education shall be excused from attendance at school.

Any person who violates §§22-275.1 et seq. shall be guilty of a Class 4 misdemeanor.

§22-275.8; 22-275.9

Each principal shall report to the superintendent the names, ages, grades and names and addresses of the parents of all pupils enrolled in the school within ten days after the opening of school.

The principal shall also provide the names, and addresses of parents, of children not enrolled in school who are required to attend school.

§22-275.10; 275.11; 275.11:1

Within five days after receiving the enrollment report from the principal, the superintendent shall list all children who are not in school and who are not exempt from school attendance requirements after investigating all cases of non-enrollment the superintendent shall notify the parent or guardian of a child not enrolled in school that the child must enroll in school within three days after the notice.

The superintendent shall send a list of the notified persons to the principal teacher of the school. The superintendent or the chief attendance officer, when there is one, shall file a complaint against anyone who fails to comply with the law in the juvenile and domestic relations court.

COMPLAINT

Any law-enforcement officer, as defined in §9-108, may pick up any child who is reported to be truant by a principal or superintendent or who the officer reasonably determines, because of the child's age and circumstances, is truant and may deliver the child to the appropriate school. The officer need not charge the parent or guardian with any violation of law.

TRUANT

§22-275.15

Every teacher shall keep a daily record of attendance of all children. The record shall be available to any officer authorized to enforce this article. The record shall be admissible in evidence in any prosecution for a violation of this article as prima facie evidence of the facts stated therein.

§22-275.16; 275.17

The school board with the approval of the superintendent, may appoint one or more attendance officers who shall enforce this article and shall have the powers of a sheriff. If no attendance officer is appointed the superintendent shal act as the attendance officer. Every attendance officer shall annually report to the school a record of all his/her actions.

ATTENDANCE OFFICER

§22-275.18 -- 22-275.23

Any person who makes a false statement concerning the age for the purpose of evading the provisions of this article shall be guilty of a Class 4 misdemeanor.

Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors any child absent unlawfully shall be guilty of a Class 4 misdemeanor.

Any child permitted by any parent, guardian or other

person having control of the child to be habitually absent from school, contrary to the provisions of this article, may be proceeded against as provided in Title 16.1.

The attorneys for the Commonwealth shall prosecute all cases arising under this article. The juvenile and domestic relations courts shall have exclusive original jurisdiction.

VIOLATIONS

No person shall be punished for violating this article if the reason for the violation is that he/she cannot provide the necessary clothes for the child to attend school.

The State Board shall enforce the compulsory attendance laws.

CROSS REFERENCES

II.A.2.; Statute §22-223 -- 22-229

II.A.2.; Statute §22-275.5

II.A.2.; Statute §22-275.12; 275.13

IV.F.; Regulation; Pupil Accounting Records Generally, §I-II

IV.F.; Regulation; Retention Schedule For Uniform Pupil Accounting Records

IV.G.; Virginia Constitution, Art. VIII, §3

H. ATTENDANCE REQUIREMENTS

STATUTES

§28A.27.010

All parents, guardians and custodians of a child between ages eight and eighteen shall require that their children attend "the public school of the district in which the child resides" or attend private school unless excused by the district superintendent for reasons of physical or mental incapacity, or because the child is attending a "residential school operated by . . . the department of social and health services."

EXEMPTION

Children between ages fifteen and eighteen may be excused if he/she has attained a "reasonable proficiency in the branches required by law to be taught in the first nine grades, . . . is regularly and lawfully engaged in an . . . occupation . . . has already met graduation requirements . . . or has received a certificate of educational competence."

Proof of absence from any public or approved private and/or parochial school shall be prima facie evidence of a violation of this section."

§28A.27.030

ATTENDANCE OFFICER

Every teacher shall report to "the proper attendance officer [or principal] all cases of truancy or incorrigibility in his[her] school immediately" after the commission of the offense."

§28A.27.040

APPOINTMENT

Attendance officers shall be appointed to enforce attendance laws. The education service district superintendent shall "either appoint attendance officers or serve himself[herself]." In incorporated city districts the board of directors shall appoint attendance officers.

"The attendance officer shall be vested with police powers . . . . He[she] is authorized to take

TRUANT

into custody" any child between ages eight and fourteen who may be truant. He/she "shall institute proceedings against any officer, parent, guardian, person, company or corporation" in violation of compulsory attendance laws.

§28A.27.070

Attendance officers taking truant children into custody as authorized will deliver the child to parent, guardian, teacher, or if after consulting with school officials it appears the child is a habitually or incorrigible truant, to the juvenile probation officer.

TRUANT

§28A.27.080

Each educational service district superintendent, on or before August 15 of each year, shall call the attention of all school officials to the provisions of §28A.27.010;.030 regarding compulsory attendance and to the penalties for violation. He or she shall also require school officials to report annually, verified by affidavit, whether or not the provisions have been complied with. The making of false statements shall be a misdemeanor.

§28A.27.102

"Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed" by the compulsory attendance laws "shall be deemed guilty of a misdemeanor."

§28A.27.110

"The county prosecuting attorney shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by [statute]."

§28A.27.130

No officer performing any duty under the compulsory attendance provisions shall be liable for costs resulting from the performance of that duty.

LIABILITY

CROSS REFERENCES

I.Educational Service District Superintendent; Statute §28A.21.110 -- .13

I.District Superintendent; Statute §28A.58.150

II.A.4.; Statute §28A.35.010 -- .030

II.A.9.; Statute §28A.58.080

H. ATTENDANCE REQUIREMENTS

STATUTES

§18-8-1

"Compulsory school attendance shall begin with the seventh birthday and continue to the sixteenth birthday."

EXEMPTIONS

Exemption from the attendance requirements shall be granted to students who: (1) attend a private or parochial school; (2) receive instruction at home; (3) suffer from physical or mental incapacity; (4) have completed high school; (5) hold a work permit; or (6) cannot attend due to family illness, "extreme destitution," or religious observances.

§18-8-2;7

NOTICE

"Any person who, after due notice has been served upon him[her]. . . shall fail to cause a child or children in his[her] legal or actual charge to attend school . . . shall be guilty of a misdemeanor. . . . Every day a child is out of school . . . shall constitute a separate offense.

Any person who induces or attempts to induce any child unlawfully to absent himself[herself] from school, or who harbors or employs any child of compulsory school age, while . . . school . . . is in session, or who employs such child within the term of such school on any day such school is in session without the written permission of the county superintendent of schools, or for a longer period than such work permit may specify shall [also] be guilty of a misdemeanor . . . ."

§18-8-3;4

"The county board of education . . . shall [annually]. . . appoint a county director of school attendance and such assistant attendance directors, as deemed necessary. Such persons shall have the written

recommendation of the county superintendent.

The . . . board . . . may set up such special and professional qualifications for attendance directors and assistants as are deemed expedient and proper and are consistent with regulations of the state board of education relating thereto . . . .

Before receiving his[her] monthly salary the attendance director or assistant director shall file with the county superintendent a certified statement showing the activities of his[her] office in school attendance service for the month and the number of days actually spent in the performance of such duties.

The . . . board . . . shall have the authority to reimburse such employees for their necessary traveling expenses upon presentation of a monthly, itemized sworn statement approved by the county superintendent.

The power of removal . . . shall rest with the county board of education: Provided, however, that reasons for contemplated dismissal shall be reduced to writing, a copy of which shall be furnished to the director in question with opportunity to be heard in his[her] own behalf by the . . . board . . . . The decision of the . . . board . . . shall be final.

REMOVAL

The . . . director and his assistants shall diligently promote regular school attendance. They shall ascertain reasons for inexcusable absences from school . . . and shall take such steps as are best calculated to correct attitudes of parents and pupils which result in absences from school . . . .

If . . . absence is in violation of law, the attendance director or assistant, in the case of first offense that school year, shall serve written notice to the parent, guardian or custodian of such child that the attendance of such child at school is required and if compliance with the law is not effected, the "director or assistant shall make complaint against such parent, guardian or custodian . . .; Provided, that for a subsequent offense in any school year no such notice

shall be required.

When any doubt exists as to age of a child absent from school, the attendance director shall have authority to require a properly attested birth certificate or an affadavit from the parent, guardian or custodian of such child, stating age of such child. The . . . director or assistant shall, . . . have authority to take without warrant any child absent from school in violation of the provisions of this article and to place such child in the school in which such child is or should be enrolled.

The . . . director shall devote full time to his[her] duties as a school official and shall be responsible under the direction of the county superintendent for the efficient administration of school attendance in his[her] county. In addition . . . the . . . director and assistant[s] . . . shall also perform the following duties:

(a) Assist in directing the taking of the school census . . .;

(b) Cooperate with existing state and federal agencies charged with enforcement of child labor laws;

(c) Prepare a report for submission by the county superintendent to the state superintendent of schools on school attendance . . ." and

(d) "Assist in such other ways as the county superintendent may direct for improving school attendance."

§18-8-5

"It shall be the duty of all teachers of one-room schools and all principals . . . to make prompt reports to the county attendance director . . . of all cases of unexcused absences arising within the community served by the school.

It shall also be the duty of each teacher and . . . principal to ascertain and report promptly the

name of any parent, guardian or custodian of any child of compulsory school age . . . who has not enrolled in any school that year."

§18-8-6

"Any county attendance director or other person on whom a duty is imposed under provisions of this article, who refuses or neglects to perform any duty or duties so imposed upon him[her] shall be guilty of a misdemeanor . . . Said director or person having been covicted of refusal or negligence in the performance of duty . . . shall be subject to removal from office or position at the discretion of the . . . board . . . ."

REMOVAL

CROSS REFERENCES

I.County Board of Education; Statute §18A-5-6

II.A.2; Statute §18-8-10

H. Attendance Requirements

Statutes

§118.15

Unless the child has a legal excuse or has graduated from high school, any child between the ages of 6 and 16 years shall attend school during the full period and hours until he/she becomes 16 years of age. Children between 6 and 18 may attend vocational school regularly during the full period until becoming 18.

A child 16 years or over may be permitted to participate on a part-time basis in a school-work training program or work study program in lieu of high school. A school board may permit a pupil in good standing to attend school part-time during his/her last term preceding high school graduation. If it is determined that the child attend a vocational, technical or adult education school, the school board of the district and the district board governing the vocational, technical or adult education school shall enter into a contract for such attendance which sets forth the courses, the amount per student class hour of instruction, general education subjects, and transportation.

§118.155

Students with written permission of a parent or guardian shall be permitted to be absent from school at least 60 minutes but not more than 180 minutes per week to obtain religious instruction outside the school during the required school period. Transportation shall be the responsibility of the parent or guardian.

RELIGIOUS INSTRUCTION

§118.16

Truancy means any absence without any legal cause which defeats the purpose of compulsory attendance. The school district administrator is the truant officer unless another is appointed by the school board. All teachers shall keep an attendance record

for inspection by the truant officer. A truant officer may visit any place of employment to ascertain whether any minors are employed there contrary to law. Truant officers may apprehend without warrant any child violating compulsory attendance laws and cause the child to be placed in some school.

§118.18

Teachers shall record the names, ages, and studies of their pupils and their daily attendance. Teachers failing to comply shall forfeit their wages during the time of such failure.

CROSS REFERENCES

I.School District Clerk; Statute §120.18

II.A.2.; Regulation PI 11.18

II.A.5.; Statute §115.966

II.A.5.; Statute §115.993

H. Attendance Requirements

Statutes

§21.1-48

"Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before September 15 of any year and who has not yet attained his[her] sixteenth birthday or completed the eighth grade shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the time that the public schools shall be in session in the district in which the pupil resides;" provided, that the board of trustees may exempt any child when: (a) compulsory attendance would be "detrimental to the mental or physical health of the child;" provided the board may designate a physician of its choice to guide and support it in its decision. (b) Compulsory school attendance "might work undue hardship." (c) The child has been legally suspended or expelled from school.

§21.1-49

The board of trustees has the primary responsibility for enforcement of compulsory attendance laws and shall appoint an attendance officer or officers to carry out their provisions.

§21.1-50

"Subject to the policy of the board of trustees," it shall be the duty of the attendance officers to: (a) "Counsel with students, parents, guardians or custodians and teachers; and investigate the causes of unexcused absences. (b) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law." If an unexcused absence occurs after the notice has been given which the officer "reasonably believes was due to the wilful

NOTICE

neglect or failure of the parent, guardian or custodian;", the officer is to file a complaint against the parent, guardian or custodian before a justice of the peace or the district court.

§21.1-51

"Any parent, guardian or custodian of any child . . . who wilfully fails, neglects, or refuses to comply" with the compulsory attendance laws "shall be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than twenty-five dollars or by imprisonment in the county jail not more than ten days or by both such fine and imprisonment."

§21.1-52

"At the beginning of each school year, the board of trustees shall furnish each district attendance officer a list of the names of the children of compulsory school age within the district." The person in charge of each school is to promptly notify the district attendance officer in writing of all unexcused absences.

§21.1-53

When the board of trustees determines that any child is a "habitual truant," that is a child who has more than five unexcused absences in one year, the board or its attendance officer is to notify the county attorney who is then to initiate juvenile court proceedings.

TRUANT

CROSS REFERENCE

III.C.School System; Wyoming Constitution, Art. VII, §9

I. Student Employment

6939

I. STUDENT EMPLOYMENT

CROSS REFERENCE

IV.H.; Statute §16-28-6

I. Student Employment

Constitution

ARIZONA CONSTITUTION, ART. XVIII, §2

A child under fourteen shall not be employed during the hours the public schools are in session. A child under sixteen shall not be employed "in mines or any other occupation injurious to health or morals or hazardous to life" nor for more than 8 hours per day.

CROSS REFERENCE

III.A.2.; Regulation R7-2-301 ARS §15-1137 A;B;C

IV.H.; Statute §15-321 -- 325

I. STUDENT EMPLOYMENT

CROSS REFERENCE

IV.H.; Statute §80-1504 -- 80-1505

I. STUDENT EMPLOYMENT

STATUTES

§48225

The governing board or county superintendent of any district which has children who hold work permits to work temporarily in the entertainment or allied industries, and who are exempted from full-time public school attendance, may contract with any person or firm responsible for the education of any children, so employed, to provide eligibility lists and placement services for qualified teaching and other personnel for the tutoring of such children while so employed.

§49110; 49114

The local school superintendent or the county superintendent, if a minor resides in an area not under a local superintendent's jurisdiction, may issue to certain minors permits to work. Written parental consent is required for a work permit to be issued.

The local school superintendent or the county superintendent may issue to any minor a certificate of age when presented with evidence of age by the minor and the minor's parent. The certificate of age shall serve as a permit to employ a minor who is not by law required to attend school and who is otherwise required to hold a permit to work.

§49111 -- 49113

A permit to work may be issued to any minor over the age of 12 years and under the age of 18 years to be employed on a regular school holiday and during school vacations in any areas not otherwise prohibited by law.

A permit to work may be issued to a minor over the age of 14 years and under the age of 18 years to work outside of school hours for not to exceed 4 hours in any school day if the minor has completed the seventh grade.

A permit to work may be issued to a minor over the age of 14 years and under the age of 18 years who is regularly enrolled in a high school or community college

or who has been assigned to a vocational course and who will work part-time as an enrolled pupil in a work experience education course.

§49115; 49117 -- 49118

All permits to work, certificates of age, and certificates of health shall be issued on forms provided by the State Superintendent.

Work permits issued during the school year shall expire five days after the opening of the next school year. They shall contain: the name, age, birth date, social security number, address, and phone number of the minor; the place and hours of the minor's compulsory school attendance; the maximum number of hours per day and per week the student may work; the signatures of the minor and the issuing authority; and the date of expiration.

§49116; 49119

Except in personnel attendance occupations (defined in the Industrial Welfare Commission of Minimum Wage Order No. 1-74) and approved work experience and cooperative education programs, no employer shall employ a minor for more than four hours on any day in which the minor is required to attend school for 240 minutes or more. No employer in any agricultural occupation shall employ a minor under the age of 18 years for more than 20 hours in a school week in which the minor is required to attend school for at least 240 minutes each school day or shall employ minors 16 and 17 years of age for more than 6 hours a day or minors 14 and 15 years of age more than 4 hours a day on a school day.

If evidence is shown that the school work or health of the minor is being impaired by the employment, the issuing authority may revoke the permit.

A minor shall not be required to obtain a work permit to participate in horseback riding events specified in §1308 of the Labor Code.

§49130 -- 49135

IVI-CA
CALIFORNIA

A permit to work full time may be issued to a minor over the age of 14 years and under the age of 16 years who has graduated from the elementary course and whose family, on account of the death or incapacity of or desertion by a parent, is in need of the earnings of the minor. The parent or guardian must present a sworn statement to this effect.

The person issuing the permit shall make a signed statement that he/she or a designee has investigated family conditions and found the minor's earnings to be necessary for the family.

No permit of this sort shall be issued for longer than the current school year.

No permit shall be issued without the minor accompanied by the parent or guardian making application in person before the issuing authority, without the parent or guardian making oath that the application statements of the minor's name, address, birth place, and age are accurate, and without the issuing authority receiving the following papers: school record of the minor giving age, grade, and attendance for the current term signed by the principal, evidence of age, written statement from a prospective employer that work is waiting for the minor and the nature of the work; and a certificate signed by a physician appointed by the board that the minor is physically fit to pursue the work specified.

A permit to work full time may be issued to a minor over the age of 16 and under the age of 18, without the above qualifications and requirements.

The issuing authority shall immediately notify, in writing, the person in charge of part-time continuation classes of the place of the minor's prospective employment, and the minor shall be sent to the designated classes.

§49140

Every operator of a farm employing any parent or guardian having minor children in his/her immediate care shall post conspicuously, where it may easily be read by those employed, a notice in both English and Spanish stating that minor children are not allowed to work on the premises unless legally permitted to do so and unless work permits have been duly secured.

§49141

A work permit shall not be required for a minor when the work to be performed is for or under the control of the minor's parent or guardian and is performed on or in connection with premises owned or operated by the parent or guardian. However, this section does not affect provisions requiring work permits for minors employed in manufacturing, mercantile, or similar commercial enterprises by their parents or to do work otherwise forbidden by §1294, 1296, or 1308.5 of the Labor Code.

§49150 -- 49151

An annual report of all permits to work issued during the year shall be made by the issuing authority to the county superintendent on forms prepared by the state superintendent. The county superintendent shall include a summary of such reports in the annual report to the state superintendent.

Nothing in §49100 et. seq. shall be construed to repeal or modify §§1298, 1390, 1394, 1396, and 1397 of the Labor Code.

§49160 -- 49163; 49165

No person or firm shall employ or permit any minor under the age of 18 years to work in any establishment, except as provided in §49151, without a permit to employ. All employers of minors shall keep on file all permits to employ minors under the age of 18 years during the term of employment.

The employer of any minor shall send to the issuing authority for work permits written notification of intent to employ a minor, in a form prescribed by the Department of Education, containing: the name, address, phone number, and social security number of the minor; the name, address, phone number, and supervisor at the minor's place of employment, the kind of work and the maximum number of hours per day and per week; and the signatures of the parent or guardian, of the minor, and of the employer.

A person shall not be required to obtain a permit to employ for a minor to participate in horseback riding events specified in §1308 of the Labor Code.

§49164

Permits to work and to employ and certificates of age shall always be open to inspection by supervisors of attendance, probation officers, designees of the Labor Commissioner, and by officers of the Superintendent. They may be cancelled at any time by the issuing authority, the Superintendent, or the Labor Commissioner when the conditions for their legal issuance are found not to exist or when it is found that the minor's employment is impairing the minor's health or education.

§49180 -- 49181

If a person is believed to be in violation of any provision relating to the employment of minors, the violation shall be reported in writing within 48 hours to the Labor Commissioner who shall make an investigation and take such action as is provided in §1287 of the Labor Code.

Failure to produce a work permit is prima facie evidence of the illegal employment of any minor.

§49182 -- 49183

Any person or firm that fails to comply with provisions relating to the employment of minors or suffers any minor under 18 years of age who is too old to be subject to compulsory full time school attendance to be

employed in violation of it, is guilty of a misdemeanor punishable by a fine of not less than $50 nor more than $200, or by imprisonment for not more than 60 days, or by both.

Every person authorized to sign permits to work or to employ or certificates of age who knowingly certifies to any false statements is guilty of a misdemeanor punishable by a fine of not less than $5 or more than $50, or imprisonment for not more than 30 days, or by both.

CROSS REFERENCES

I.Director of Continuing Education: Regulation $11000--11003

II.A.3; Statute $48227--48229

II.A.3; Statute $51760

II.A.3; Statute $51761--51762

II.A.3; Statute $51763--51764

II.A.3; Statute $51765

II.A.3; Statute $51766

II.A.3; Statute $51767--51768

II.A.3; Statute $51769

II.A.3; Statute $51770

II.A.3; Regulation $10071

II.A.10.Other-Child Development Program; Regulation $18019

II.A.10.Other-Summer Environmental Internship Program; Statute $52410--52414

IV.H; Statute $48240--48246

I. Student Employment

Statutes

§10-189

Children under sixteen will not be permitted to work without a "leaving certificate" releasing the child from regular school attendance. A certificate shall not be issued unless it is shown to be in the best interest of the child, and unless the child has completed 8 grades of education.

LEAVING CERTIFICATE

§10-191

Each child for whom a leaving certificate is requested must be examined by a physician designated by the state board of education. The examining physician shall determine if the child is physically fit for the employment and may, if necessary, issue a limited certificate, requiring the child to be reexamined at a later time.

MEDICAL EXAMINATIONS

§10-192

Each employer who receives a certificate shall notify the state board when the child is employed and when the employment terminates, if it is before the child reaches age 16.

§10-197

Any person who employs a child under fourteen years of age during school hours shall be fined not more than twenty dollars for each week the child is employed.

CROSS REFERENCE

IV.H.; Statute §10-184

I. Student Employment

Statutes

§3505

The State Superintendent of Public Instruction or designate shall issue employment certificates, permits and badges and the principal or the head teacher of the several free public schools shall make out and sign such records required by the laws regulating child labor.

§3507

All minors under the age of 16 must attend full time day school or hold a valid certificate to leave school which allows them to work and attend a part-time school. These children shall attend part-time class for an equivalent of at least four hours each week for at least 36 weeks in each year, while so employed. If the child is temporarily unemployed the part-time class shall be at least 20 hours per week.

§3508; 3509

Attendance at part-time schools or classes shall be in the school district where the minor resides or is employed, and shall be during the hours of 8 am and 5 pm except on Saturday, when the hours shall be from 8 am until noon. Time spent in a part-time school by a minor shall be counted as part of the time or number of hours the minor is permitted to work.

§3512; 3514

Any minor subject to the provisions of this chapter who fails to attend the part-time school or class may have his/her employment and school learning certificate revoked. School officials who enforce the compulsory attendance laws shall also be responsible for enforcing part time attendance of schools or classes.

REGULATIONS

Ch.IV, § 426

No minor under the age of 18 years shall be permitted to work where alcoholic beverages are manufactured or consumed (either on or off premises) except where the minor is the son or daughter of the proprietor of said establishment and has passed his or her 16th birthday; at the D.C. Colisium or D.C. Stadium, or where the establishment is frequented by minors and said employment is deemed not "dangerous or prejudicial to the life, health, safety, or welfare of the minor."

CROSS REFERENCES

I.Director of School Instruction and Work Permits; Statute §31-208

III.B.Child Labor Inspector; Regulation; Chap. XVII, §9, License XII

IV.G.; Regulation; Chap. IV, §411

IV.H.; Statute §31-202

I. Student Employment

Regulations

6A-1.97 Student Employment Auth. 229.053 (1)

Employment and age certificates shall be issued. Health certificates shall be issued whenever there are indications that the proposed employment might be injurious or detrimental to the health or welfare of the child. Employment certificates issued may be cancelled if the job has been terminated, if the job is unnecessary for the maintenance and support of the family and if the employment has become irregular, or if the employment is interfering with the person's education.

CROSS REFERENCES

IV.H.; Statute §232.06 -- 232.07

IV.H.; Statute §232.17 -- .19

I. Student Employment

Statutes

CROSS REFERENCES

II.A.10. Other - Evening or Part-time Schools; Statute §32-932

II.A.10. Other - Open Campus Schools; Regulation 40-217; 40-227

I. Student Employment

Regulations

Rule 36

As school service, students in grade 3 and above are required to assist in activities such as the cleaning of classrooms and appropriate duties in school offices and libraries.

CROSS REFERENCES

IV.C.; Regulation Rule 20.5

IV.H.; Statute §298-9

I. Student Employment

Statutes

§20-8.1-4-1 -- 20-8.1-4-19

Before employing or permitting a child, between fourteen (14) and seventeen (17) years of age to work, the employer must obtain a valid employment certificate from the proper issuing officer. Occupations exempt from this certificate requirement are: (1) farm and domestic labor; (2) golf caddie; (3) newspaper carrier; and (4) performer and entertainer, provided the employment is during hours when the schools of the child's school corporation are not in session.

The proper issuing officer is: (1) the superintendent of the school corporation; or (2) his/her designate if approved by the state attendance officer; or (3) the president of the school corporation when the office of superintendent is vacant.

When a person seeking employment represents his/her age to be between seventeen (17) and twenty-one (21), the employer <u>may</u> request and the issuing officer <u>shall</u> issue an employment certificate.

Before the issuing officer may issue an employment certificate he/she must have documents showing: (1) proof of age; (2) proof of the prospective employment; (3) proof of physical and mental fitness for such employment; and (4) proof of schooling, which means proof of successful completion of eighth grade (or equivalent) and of the ability to read and write English sentences. If a child does not satisfy the schooling requirements the superintendent may conduct an independent examination to "determine whether he[she] can meet the educational standard . . . ."

A child between fourteen (14) and sixteen (16) years of age may withdraw from school if he/she has a valid employment certificate provided that the child must return to school within five (5) days of the termination of the employment. Upon request from the parent

the issuing officer may issue a "permit for temporary absence" for reasons other than employment.

The general commission of the state board of education or the division of labor may revoke an employment certificate which is found to have been improperly issued. Both the commission and the division have investigative powers for the enforcement of these regulations. When a certificate has been revoked the child shall not be permitted to work unless a proper certificate is subsequently issued.

A child between fourteen (14) and seventeen (17) who is working at an occupation requiring an employment certificate shall submit to a medical examination conducted by a medical examiner of the division of labor or a physician designated by the division. If the child's parents object, in a signed writing, on religious grounds, the division may not require the examination. If the child is found to be "physically unfit to be employed in the work in which he[she] is engaged" the division of labor shall revoke the child's employment certificate.

§20-8.1-4-20

Children between ages fourteen (14) and seventeen (17) working in occupations requiring an employment certificate may work hours and times as follows. Children between fourteen(14) and sixteen (16) may work:

(1) 8 hours per day, forty hours per week, six days per week.

(2) Except they may work only three hours on a school day and only twenty three hours during a school week.

(3) They may work until seven o'clock in the evening except they may work until nine o'clock on an evening <u>not</u> followed by a school day. They may not work before six o'clock in the morning.

Children between sixteen (16) and seventeen(17) may work:

(1) Eight hours per day, forty hours per week, six days per week.

(2) Until ten o'clock on evenings followed by a school day, and until twelve o'clock on non-school nights if the employer has written permission from the parent;

(3) for nine hours per day and forty eight hours per week, during summer vacation, if the employer has written permission from the parent.

A child between sixteen and seventeen may work the same hours and times as an adult if:

(1) He/she has graduated from high school.

(2) He/she has completed an approved vocational or special educational program.

(3) He/she is not in regular school attendance.

§20-8.1-4-21 -- 20-8.1-4-31

The types of jobs children may hold are restricted as follows. No child under fourteen may be employed or allowed to work at any gainful employment except: (1) farm or domestic labor; (2) golf caddie; (3) newspaper carrier; or (4) actor or performer. Children under ten may work at farm labor only if living with their parents. No child under fourteen may work during the hours when the schools of the child's school corporation are in session.

No child less than seventeen shall be employed in any occupation designated as hazardous by statute or by the state labor commissioner, unless the employer has applied for and received an exemption from the state labor commissioner. This restriction does not apply to the use of properly guarded machinery in the training department of any school when an instructor provides personal supervision. Employers are strictly liable in tort for injuries resulting from such employment and no defenses such as contributory negligence, negligence of third party or assumption of risk will lie. The division of labor is charged with enforcement of these provisions including the visiting and inspection of places

where children are employed. Any employer who violates these provisions is further criminally liable, guilty of a misdemeanor and subject to fine and/or imprisonment.

I. Student Employment

Statutes

§92.3

A migratory laborer aged twelve to fourteen may not work during school hours of any private or public school "which is available to such child."

§92.12

"Special work permits for migrant workers shall be issued by the superintendent of schools ... upon application of the parent ... of the migrant family." Any applicants under fourteen years of age must obtain a certificate showing they are in good health.

CROSS REFERENCE

II.A.8.; Statute §289.6 -- 289.7

I. Student Employment

Statutes

§38-604

"All persons, firms, or corporations employing children under sixteen years of age in any of the vocations mentioned in this act, shall be required to first obtain and keep on file and accessible to any inspector or officer charged with the enforcement of this act, the work permits hereinafter provided for: Provided, that if such children are enrolled in or attending any secondary school within the state no such work permit shall be required."

I. Student Employment

Statutes

§339.210 -- 990

"No minor under fourteen years of age shall be employed . . . about or in connection with any gainful occupation at any time, except for employment in connection with an employment program supervised and sponsored by the school or school district such child attends, which program has been approved by the department of education . . .

A minor who has passed [her] his fourteenth birthday but is under eighteen . . . may be employed . . . about or in connection with any gainful occupation, except:

1) If [she] he is under sixteen . . . he[she] may not be employed during regular school hours, unless:

(a) He[she] has been granted a special employment certificate . . .

(b) The school authorities have made arrangements for him[her] to attend school at other than regular hours . . .

(c) He[she] has graduated from high school."

2) A Minor between the ages of fourteen and eighteen may not be employed:

(a) "In any place of employment or at any occupation . . . determine[d] to be hazardous or injurious to the life, health, safety or welfare of such minor.

(b) More than the number of days per week, nor more than the number of hours per day that the commissioner of labor shall determine to be injurious to the life, health, safety, or welfare of such minor," but in no event to be less restrictive than the standards set by the U.S. secretary of labor.

(c) "During the hours of day . . . determine[d] to be injurious to the life, health, safety or welfare of such minor.

(d) In, about or in connection with any establishment where alcoholic liquors are" produced or sold for consumption [unless such sale is merely incidental to the main business actually conducted], or in a pool or billiard room."

3) Rules and regulations shall be promulagated for carrying into effect these provisions.

EMPLOYMENT CERTIFICATE

"Before any minor under eighteen years of age shall be employed she/ he shall be required to obtain an employment certificate issued by the local board of education." Such certificate shall be of four kinds: general, vocation, school-supervised and special. "A general employment certificate shall permit the employment of a minor between sixteen and eighteen, or a minor who has completed high school, during the entire year. A vocation . . . certificate shall permit the employment of a minor between fourteen and sixteen during school vacations or outstide the hours the minor is required to be in attendance at school. A school-supervised . . . certificate shall permit the employment of a minor as provided . . .[by statute]. A special . . . certificate shall permit the employment during the entire year of a minor fourteen or fifteen years of age who has been excused from compulsory school attendance under the provisions of . . .[these statutes]. A special . . . certificate shall be issued to a minor who has been so excused from compulsory attendance upon compliance with the same requirements as in the case of a general employment certificate, except that a schooling record shall not be required."

MENTAL RETARDATION

Any minor exempted from school because of a condition of mental retardation shall be issued an employment certificate when an examiner "is satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

A person designated to issue employment certificates may refuse to grant such a certificate if in his[her]

judgment the best interests of the minor would be served by such refusal."

REVOCATION

Any certificate issued may be revoked if it is determined that "it was improperly issued or if the minor is illegally employed."

Any minor seeking an employment certificate shall submit an application which shall include: a promise of employment by the prospective employer setting forth the nature and conditions of employment; evidence of the minor's age; a statement of his/her physical fitness and a school record signed by the principal stating his/her grade and scholastic standing.

"Nothing in . . .[these statutes] . . . shall prevent the use of suitable machinery for instruction in schools where the mechanical arts are taught . . . ."

REGULATIONS

705 KAR 4:050

Enrollees in a work experience program "shall be at least fourteen years of age, and, if below eighteen, shall secure a work permit issued by the superintendent of schools. Students from eighteen to twenty-one years of age shall have a certificate of age on file with the employer . . .[Each] student shall spend a minimum of fifteen clock hours per week and shall receive payment for his[her] work . . . . Work experience programs shall be appropriate to the student's vocational objective [and] of sufficient duration to develop competencies to prepare students for employment in their selected occupational fields . . . ."

I. Student Employment

CROSS REFERENCES

IV.H.; Statute §911

IV.H.; Statute §913

I. Student Employment

Statutes

149 §89

The requirements of the employment permit necessary to exempt a student from the requirements of compulsory education are set forth here. The requirements are basically administrative, and are seeking to ensure that the child complies with the age and schooling requirements of Ch. 76. The permit is required for children between the ages of fourteen and sixteen who have attained at least the level of sixth grade.

149 §95; 98

No minor between the ages of sixteen and eighteen "shall be employed in a factory, workshop, manufacturing, mechanical or mercantile establishment, or bowling alley, pool or billiard room, bootblack stand . . . barbership, or in the construction or repair of buildings, or by an express or transportation company . . . unless his/her employer . . . keeps on file an educational certificate showing the age of the minor and whether or not he/she meets the requirements for completion of the sixth grade. . ."

A parent who permits a minor to be employed in violation of this section shall be punished by a fine.

CROSS REFERENCES

II.A.3; Regulation #5, Sections 4; 6

II.A.8.; Statute 71§21, 22; 25

IV.H; Statute 76 §1

I. Student Employment

Statutes

§380.1597

A minor 16 years of age who leaves regular day school to enter employment and the employer of the minor are subject to the same requirements or to work permits as are provided by law for a child under 16 years of age. A permit for a minor 16 years of age and over shall not certify that the wages of the minor are essential to the support of the family.

CROSS REFERENCES

I.School Social Worker; Regulation R340.1011

II.A.3; Regulation R395.271; R395.272

II.A.3; Regulation R395.331; R395.332; R395.334; R395.335

I. STUDENT EMPLOYMENT

CROSS REFERENCE

IV.H.; Statute §120.16

I. Student Employment

CROSS REFERENCE

II.B.1.a.; Statute §37-43-3

I. Student Employment

Statutes

§167.051

Children lawfully engaged in any regular employment shall attend part-time schools established by the school board for at least four hours a week between the hours of 8 and 5 during the day. Children under eighteen who haven't completed the elementary school course, are required to attend part-time classes regularly.

§294.011 -- .110; 564.670 -- .700

Minors under 14 are not permitted to be employed at any time. Minors between 14 and 16 may be permitted to work, during the regular school term upon issuance of a work permit. A minor under 16 shall not be employed more than eight hours in any day or more than six days or forty hours in any week nor before 7:00 a.m. or after 10:00 p.m. and during the school term, no child under 16 shall be employed after 7:00 p.m. when school is in session, except those permanently excused from school. There are certain occupations in which minors shall not be employed or permitted to work. Work permits shall be issued under direction of the county superintendent in which the child resides. "The employer shall post in a conspicuous place in his [her] place of business a list of all children upon the age of sixteen employed. There shall be no fee for the work permits. The work permit shall be cancelled if it has been improperly granted or illegally used, and upon a violation such person is deemed guilty of a misdemeanor. Children may not be employed in occupations hazardous to safety or morals. The director of the division of industrial inspection of the department of labor and industrial relations, the state commissioners of education, the probation officer of any juvenile court, the county superintendent of public welfare, and persons authorized by any of them, and every attendance

and truant officer . . . shall enforce provisions concerning the employment of children."

CROSS REFERENCES

III.A.2.; Statute §178-310-360

IV.H.; Statute §167.031; 071

I. Student Employment

Statutes

§79-202; 205;206

Compulsory attendance requirements do not apply if a child is at least 14 years old and has completed the 8th grade and must work to support himself/herself or "those actually dependent upon him"/her, "or when illness or severe weather conditions make attendance impossible or impracticable." If a child between ages 14 and 16 must work to support him/herself or others, the parent or guardian of the child may apply to the county superintendent for an employment permit. Children issued such permits who live "in districts where a part-time continuation of school is maintained by authority of the public school district . . . shall be required to attend a . . . continuation school eight hours of each week during the entire school year."

I. Student Employment

Statutes

§392.100

A child shall be exempted from school attendance when satisfactory written evidence is presented to the board of trustees that the child, 14 years old or over, must work for his/her own or his/her parents' support.

§392.110

Any student between the ages of 14 and 17 who has completed eighth grade may be exempted from full-time school attendance and may enter employment or apprenticeship, if given written permission by the board of trustees. The board shall give reasons for such excuse. A students' written work permit, issued by the attendance officer or board of trustees, shall be kept on file by the employer and shall be returned when the employment ends.

I. Student Employment

Statutes

§276-A:4 -- A:7

"No youth under sixteen . . . shall be employed . . . more than three hours per day on school days". This restriction may be suspended, however, for persons under sixteen engaged in "agricultural work". Persons under eighteen must have a work certificate unless he or she works for "his parents . . . or as farm labor."

Work certificates "shall be issued by principals of schools" and shall show the age and health status of the applicant.

The commissioner of education shall have enforcement powers regarding youth employment.

Anyone who violates these provisions may be subject to a fine and/or imprisonment.

I. Student Employment

Statutes

§18A:38-36

The commissioner of education and commissioner of labor or industry may issue employment certificates to "pupils over 14" to work part-time while attending school. The commissioner may revoke the certificate at any time.

I. Student Employment

Statutes

§59-6-1 - 59-6-5

"No child under 14 . . . shall be employed . . . during the hours during which the schools in the district in which the child resides are in session. No child under . . . 14 years shall be employed when the school of the district in which the child resides is not in session unless such child obtains a permit certificate." Children over 14 but under 16 must also obtain permit certificates. Children under 14 may work no more than 44 hours a week or 8 hours a day, or, with special permission, no more than 48 hours a week. Nor can their work day begin before 7 am or extend past 9 pm. Children under 16 may not work with dangerous machinery except in a school under an instructor's supervision.

§59-6-16

Children over 12 engaged in selling or delivering newspapers are exempt from the requirements of §§59-6-1; 59-6-5.

§77-10-6

Students fourteen years of age or older "may be excused from full-time school attendance" if they obtain from the superintendent a certificate of employment. The certificate shall contain 1) the student's name, age and residence; 2) the name of his/her employer; 3) the last grade attended; 4) a statement that the student is excused from full time school attendance.

I. Student Employment

Statutes

§3215 -- 3216

It is unlawful to employ a minor during school hours, with the exception of certain provisions enumerated herein. Minors may obtain employment certificates for non-factory, general or full-time employment, by meeting certain specified conditions.

§3217 -- 3220

A minor who applies for an employment certificate must give the following information: evidence of his/her age, written consent of parent or guardian, a certificate of physical fitness, and if applying for a full-time employment certificate, must submit a schooling record.

Evidence of age may be demonstrated by a birth certificate, passport, or other document. A person over eighteen may apply for a certificate of age to the superintendent of schools, the district superintendent, or certificating officer. If the applicant can demonstrate that he/she is over eighteen, an employment certificate will be issued.

If the application is for full time employment, the parent or guardian must personally appear to indicate consent.

A certificate of physical fitness must be issued by a licensed physician. If it is determined that the applicant is not physically fit, the doctor may issue a limited certificate indicating the employment the minor may take.

§3225

A "special employment certificate" may be issued to a minor fifteen years old who is found to be "incapable of profiting by further instruction."

This shall be determined by the regulations of the commissioner of education and §3208 of the Code which requires that a student must be in "proper physical and mental condition" before he/she will be forced to attend school.

§ 3226

A "farm work permit" may be issued to a minor fourteen or fifteen years old or one who is over twelve and employed in harvesting berries, fruits and vegetables. The minor must present evidence of age, written consent of parent or guardian, and a certificate of physical fitness. A permit is not required for the employment of a minor sixteen or over in farm service.

CROSS REFERENCE

IV.H.; Statute §3205, 3206

I. Student Employment

Statutes

§110-1 - 110-2

Children between the ages of 14 and 16 may work outside school hours and during school vacations, and boys 12 years and over may sell newspapers outside school hours. This does not apply, however, to minors "engaged in domestic or farm work performed under the direction . . . of the minor's parent or guardian." The "combined work and school hours" of children under 16 "shall not exceed a total of eight per day."

CROSS REFERENCE

IV.H.; Statute §115-167 -- 171

I. Student Employment

Statutes

§ 34-07-05; 34-07-08

Employment certificates may be issued by the superintendent of schools or the districts board of education. The child must submit proof that he/she is over fourteen.

I. Student Employment

Statutes

§3321.08 -- .10

Every student granted an age and schooling certificate shall, until the age limit no longer applies, attend a part-time school for not more than 8 hours per week while such school is in session, provided such classes are made available by the district. Children who are employed under vacation or part-time certificates are excused from such classes as are students excused by the superintendent under sections of this code.

"A part-time school or class is one which shall offer to those minors who have entered industry, instruction supplemental to their daily occupations or which will increase their civic and vocational competence or both and which are taught between the hours of seven in the morning and six in the afternoon of any day except a legal holiday, Saturday, or Sunday, or between the hours seven in the morning and twelve noon of Saturday."

The attendance requirement of part-time school by the board of education may be fulfilled by attending classes provided by an employer, partnership, corporation, private or parochial school, college or other philanthropic or similar agency provided the terms and hours are equivalent to those classes of the board of education.

When such classes are conducted in connection with employment, "the obligation of attendance ... shall apply to the children holding age and schooling certificates who are employed in the given establishment regardless of the accessibility of public part-time schools or classes."

All parents or guardians shall be responsible for their child's attendance in part-time classes under age and schooling certificates provided such classes are in session, are accessible to the child in district of residence or employment, unless the superintendent determines "that the child has already completed the same work as or work

equivalent to that taken up in such part-time ... classes as are available ... or that the bodily or mental condition of the child does not permit his(her) attendance...."

Where a student lives in one district and works in another, the district of employment shall have jurisdiction for purpose of part-time classes, unless otherwise agreed to.

§3331.01; .02; .03; .05; .14

The superintendent of schools may issue an age and schooling certificate upon satisfactory proof that the child to whom the certificate is issued is over sixteen years of age and "has satisfactorily completed a vocational education or special education program adequate to prepare students for an occupation." Residents of other states working in Ohio, as a condition of employment, must qualify with the school authorities in which they are employed.

Such certificate may be issued only upon proof that the intended employment "is not prohibited by any law regulating the employment of ... children." An employer shall keep the age and schooling certificate on file, and all certificates shall be signed by the child to whom it was issued in the presence of the issuing officer.

Exceptions pursuant to the revised code are noted.

The superintendent of schools shall not issue an age and schooling certificate without the following papers:

A) A pledge or promise of employment;

B) The signed school record of the child, including age, address, class standing, conduct and attendance;

C) Evidence of age such as:

1) Birth certificate;

2) Passport or baptism or religious record;

3) Affidavit of parent or guardian;

4) Physician's certificate, provided no other proof is available.

D) Certificate from school or health commission physician showing, after a physical examination, that the child is physically fit for such occupations which are not prohibited by sex under eighteen years of age. A "limited" certificate may be issued to a child who may be fit for a particular occupation, but whose complete physical ability cannot be vouched for.

An age and schooling certificate may be issued to a child over fourteen years of age who has been determined as "incapable of profiting substantially from further instruction." Such certificate shall be labelled "nonstandard" and may have attached to it such stipulations as deemed necessary for the good of the child or the community. No such child so determined shall be employed for more than four hours per day. "A child determined to be incapable of profiting substantially by further instruction to whom no age and schooling certificate has been issued and is outstanding shall be furnished a card or other evidence of such determination."

A part-time and vacation age and schooling certificate may be issued to a child over fourteen years of age, under the same conditions as a regular age and schooling certificate, provided such occupations are not absolutely forbidden by other sections of this code. It is valid when school is not in session or "where co-operative part-time classes approved by the state board of education have been established, on the alternative days, weeks or periods, on which his division is assigned to such part-time employment...."

The parent or guardian shall be required to secure and keep on file a proper age and schooling certificate if his(her) child is employed by such parent or guardian, except when the child is employed when school is not in session.

§3301-51-13

A student over 14 years of age may be excused from attendance at school to perform essential work for her or his parents for a period not to exceed five days. The excuse may be renewed twice if necessary. "No child shall be excused. . .when such absence. . .would materially endanger [her or] his educational welfare and scholastic advancement. . . . No child may be excused. . .who has not been regular attendance." Actual need due to an emergency condition or actual need on a farm at a time of the year when exceptional amounts of work must be done, must be established as well as the inability of the parent or guardian to employ help.

A boy may be excused for a period longer than 15 days if the father is incapacitated and no older brother or sister is at home. A girl may be excused for more than 15 days if the mother is incapacitated and no older brother or sister is at home.

The authority of a superintendent to excuse students from attendance may be removed by the state board of education if exercised without proper discretion. Superintendents may also excuse students from attendance for "good and sufficient cause."

CROSS REFERENCE

IV.H.; Statute §3321.12

I. Student Employment

CROSS REFERENCE

IV.H.; Statute §339.030

STATUTES

§13-1391

Employment of children under 18 is unlawful without employment certificate or farm or domestic permit during public school hours. If the child leaves such employment or is absent for five days, the employer shall immediately, in writing, notify the school official who issued the certificate.

§13-1392

Employers of children between 14 and 18 shall semi-annually furnish to the district superintendent or secretary of board of school directors of the district in which such children reside, the name, age, place of residence, and name of parent or guardian.

§13-1394

Any person(s) employing any child between 8 and 18 while the public schools are in session without having an employment certificate who ignores the requirements of this act shall be guilty of a misdemeanor and for the first offense fined $10 to $25 and/or imprisonment of 10 days and for a subsequent offense fined $20 to $50 and/or imprisonment for 90 days.

§13-1398

Employers are to list certain information about all children between the ages of 14 and 18 working for them during the hours when school is in session and publicly post the listing at the place of employment of the child, where it may be inspected by any member of the board of school directors or the secretary, the district superintendent, or the attendance officer of any school district, at any time during business hours.

CROSS REFERENCES

II.A.3.; Regulation §6.1 — 6.3

IV.F.; Statute §13-1398

IV.H.; Statute §13-1344; 13-1345

IV.J.; Regulation §12.15

I. STUDENT EMPLOYMENT

CROSS REFERENCE

IV.H.; Statute §16-19-5

I. Student Employment

CROSS REFERENCE

IV.H; Statute §59-64-10 -- 59-64-90

I. STUDENT EMPLOYMENT

STATUTES

§1721

The superintendent of education has the right to visit and inspect any place employing children and to require "properly attested certificates of attendance" or employment permits of any child.

I. Student Employment

Statutes

Title 83; Ch 8 Art. 5181e

Upon an application being presented to the County Judge any child of over the age of fourteen may be permitted to enter into employment if it is found that :

1) earnings are necessary for the support of itself, its mother when widowed, invalid father, or children under its own age;

2) education has gone to and completed the seventh grade;

3) the child shall not work where dangerous machinery or explosives are used;

4) the moral or physical condition of the child is not endangered.

Having met these requirements satisfactorily the County Judge may issue a permit to the employer, to be renewed, from time to time, for said child's employment.

CROSS REFERENCE

IV.H.; Statute §21.033

I. Student Employment

CROSS REFERENCE

IV.H; Statutes §§53-24-1 -- 53-24-9

I. STUDENT EMPLOYMENT

STATUTES

§28.27.090

"No child under the age of fifteen . . . shall be employed" while school is in session unless the child presents an employment permit from the school superintendent excusing the child from attendance and giving a reason for the excuse. Every employer must keep the employment permit on file so long as the child is employed by him/her.[1]

CROSS REFERENCES

II.A.10. Other - Work Study Programs; Regulation §180-56-051

IV.H.; Statute §28A.27.010

I. Student Employment

CROSS REFERENCE

IV.H.; Statute §18-8-1

J. Student Rights and Discipline

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J. Student Rights and Discipline

Statutes

§16-1-15

In order to prevent or lessen disciplinary problems, the local school board may classify and group pupils based upon their social attitudes, amenability to discipline, hostility toward school and their health, morals and habits of personal behavior.

CROSS REFERENCES

III.C.Pupils; Statute §16-1-13

IV.H; Statute §16-10-5

IV.H; Statute §16-28-12; 16-28-13

J. Student Rights and Disipline

Statutes

§14.30.045

SUSPENSION

"A school age child may be suspended from or denied admission to the public school . . . only for the following causes:

(1) continued wilful disobedience or open and persistent defiance of reasonable school authority;

(2) behavior which is inimicable to the welfare, safety, or morals of other pupils;

(3) a physical or mental condition which in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;

(4) a physical or mental condition which in the opinion of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;

(5) conviction of a felony which the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils."

Regulations

4AAC 06.060

REINSTATEMENT

EXPULSION

APPEAL

Students may be suspended by either the principal or the superintendent and may be reinstated by the superintendent or principal or school board. Only a governing school board may expel or deny admission to a student. Suspended or expelled students may appeal to the district board of education or the board (in the case of state-operated schools).

AUTHORITY:
AS 14.30.045

4AAC 07.040

All students shall be provided instruction in student rights and responsibilities.

AUTHORITY:

AS 14.07.020(1)(2)

AS 14.07.060

4AAC 07.050

Policies regarding student rights and responsibilities shall be reviewed by the district at least once every three years.

AUTHORITY:

AS 14.07.020(1)(2)

AS 14.07.060

CROSS REFERENCES

III.C.District Board of Education; Regulation 4 AAC 05.040 -- .050

IV.A.; Statute §14.30.047

J. Student Rights and Discipline

Statutes

§15-204

The authority to suspend a pupil is vested in the superintendent or principal, but in schools which do not have a superintendent or principal the teacher may suspend a pupil.

SUSPENSION

§15-305

EXPULSION

Students may be expelled for defying authority, or habitual profanity.

§15-446

Pupils who damage school property may be suspended or expelled. Parents shall be liable for all damages caused by their children.

Policy Guides

DISCIPLINE RESOURCE GUIDE

Arizona Department of Education 41 pages 1977

The guide describes alternative methods for disciplining students in public school and recommends that the best discipline is preventive and should be developed by emphasizing teacher training, encouraging individual responsibility and mutual respect on the part of student and teacher. In-service training sessions should be held to train teachers in classroom management intervention techniques and behavior modification. Parental involvement should be utilized in formulating discipline policies. The decision whether to authorize corporal punishment remains with the local school board. If the board decides to authorize it, it is highly desirable that formal guidelines be adopted concerning its use. Corporal punishment should be used only as a last resort and all circumstances are to be taken into account in determining whether corporal punishment is reasonable. The only form of corporal punishment which is authorized is paddling the buttocks of the student. An adult employee must witness and monitor any instance of corporal punishment.

CORPORAL PUNISHMENT

The guide also describes the due process requirements necessary when students are expelled or suspended and recommends

procedures for students who are suspended. It recommends that these regulations be published and distributed to each student and/or the parents. The procedures include a hearing and notice.

DUE PROCESS

The guide further delineates the guidelines with regard to searches, seizures and warrants. It recommends that students be given rights similar to the property rights given adults and that law enforcement agencies, students and the community be involved in the drafting of guides by each school district. It further recommends that the student and a witness be present when property is searched.

Finally, the guide recommends methods of recordkeeping on disciplined students. Records should include personal characteristics of the student, the action taken and the due process requirements afforded the student.

CROSS REFERENCE

IV.G.; Statute §15-302

J. Student Rights and Discipline

Statutes

§80-1516

"The directors of any school district may suspend any person from school for immorality, refractory conduct, insubordination, infectious disease, habitual uncleanliness or other conduct that would tend to impair the discipline of the school, or harm the other pupils, but such suspension shall not extend beyond the current term. The board of directors may authorize the teacher to suspend any pupils, subject to appeal to the Board."

SUSPENSION

§80-1536

Any person who interferes or attempts to interfere through coercion, intimidation, or otherwise, with a student's choice of classes . . . shall be guilty of a misdemeanor," fined $100 --$500, imprisoned for 30 --90 days and ineligible for public employment for three years.

§80-1656

A school district may "adopt reasonable rules, and policies. . . to insure orderly operation of schools including adult education and area vocational-technical high schools." The Board may expel a student for activity which it believes "tends. . . to disrupt, obstruct or interfere with orderly education processes."

RULEMAKING

EXPULSION

§80-1905

Any person "who shall visit any school and abuse or insult any teacher in the presence of the pupils . . . shall be guilty of a misdemeanor, and upon conviction, shall be liable to a fine of twenty-five dollars payable into the general school fund of the county."

§80-1906

Any person who shall "disturb or annoy any public or private school in (Arkansas) . . . shall be guilty of a misdemeanor and upon conviction, . . . fined" not more than $100.00 "payable into the general school fund of the county."

§80-1910--1914

"'[o]rganization' as used herein means any group of persons . . .[and] includes any civic, fraternal, political, mutual benefit, legal, medical, trade or other kind of organization."

If a county judge determines such an organization is trying to "hinder, harass and interfere with the powers and duties of the State of Arkansas" he/she may hold a public hearing on the matter. The organization shall be given five days notice of the hearing and shall be ordered to file the following information with the county clerk's office at a fee of $2.00: "official name . . . and list of members"; its meeting place or headquarters; its officers and employees; its purpose; and whether it owes allegiance to a parent organization. "Information filed . . . is . . . public and subject to . . . inspection."

Person(s) violating these provisions shall be guilty of a misdemeanor and fined $50.00 to $200.00 and each day of non-compliance shall be considered a separate offense.

Acts 1975.No. 214.
§1--6

"The Arkansas Commission on Pupil Discipline in Public Schools shall be composed of ten members appointed by the Governor . . . having representatives of the State Department of Education, Arkansas School Boards, Superintendents of Public Schools, Public School Principals. Classroom teachers, parents of pupils . . . and pupils.

The Commission shall study . . . pupil discipline. . . and related problems of pupil personnel administration; the legal rights of pupils; the need for understanding by school boards, administrators, and the public of the legal requirements relating to pupil discipline; [and] the development of policies and procedures" to accommodate the needs of schools individually and collectively.

"The Commission shall develop [and publish] a manual of model policies, . . . conduct training workshops . . . and when requested, [assist] . . . individual school districts" with respect to the administration of pupils. The Commission may contract for legal services. A majority vote of the Commission is required to adopt "policies, procedures, findings or recommendations." Members shall only be compensated for "reasonable personal and transportation expenses."
Act 259 of 1975.

SEARCHES

It is unlawful for any person "using school-owned property to conceal any gun, drug, or any other contraband in any desk, locker, or other school-owned property." School officials may "investigate and search school-owned property for any drugs, gun, or other contraband. . . without . . . obtaining a search warrant from local authorities." Such contraband "shall be seized and held by the supervisor of the school premises" and released to "local prosecuting authorities" if requested, "to be used as evidence in court.

Any evidence obtained (in this way) shall be legally admissable in any court in (Arkansas)." In addition, supervisors may take such disciplinary action as expulsion or discharge.

CROSS REFERENCES

II.C.2.; Statute §80-1903 -- 80-1904

III.C.Teachers; Statute §80-1629

IV.E.; Statute §80-2001 -- 80-2007

IV.G.; Statute §80-1527

IV.H.; Statute §80-1512 -- 80-1514

J. STUDENT RIGHTS AND DISCIPLINE

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STATUTES

§1110

The county board of education may establish regulations requiring the reporting of information related to crime and violence in programs in which any school is engaged.

VIOLENCE

§32050 -- 32052

"No student, or other person in attendance at any. . . educational institution, shall conspire to engage in hazing, participate in hazing, or commit any act that injures, degrades, or disgraces, or tends to injure, degrade, or disgrace any fellow student or person attending the instituion."

HAZING

§44810 -- 44812

Every minor who is not a pupil of the school, as well as any parent, guardian or other person, who interferes with discipline or insults or abuses any teacher is guilty of a misdemeanor.

TEACHER ABUSE

§48900

A teacher may suspend, for good cause, any pupil from his/her class for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal and send the pupil to the principal for appropriate action. As soon as possible, the teacher shall ask the pupil's parent or guardian to attend a parent-teacher conference, to be attended also by a school administrator if requested by the teacher or the parent or guardian. The pupil shall not be returned to the class from which he/she was suspended, during the period of suspension, without the concurrence of the teacher and the principal.

SUSPENSION

§48901

SUSPENSION

A principal may suspend, for good cause, any pupil from the school. The principal shall report the suspension to the district governing board or to the district superintendent.

Any such suspension shall not exceed five school days.

§48902; 48903; 48903.5; 48907

EXPULSION

"Good cause" for suspension or expulsion shall include but not be limited to: continued willful disobedience; habitual profanity or vulgarity; persistent defiance of authority; assault or battery upon a student on school premises or while under the authority of school personnel; or continued abuse of, assault or battery upon, or any threat of force or violence toward school personnel at any time or place. However, no pupil shall be suspended or expelled unless the conduct for which the pupil is to be disciplined is related to school activity.

Smoking or having tobacco on school premises or while under the authority of school personnel constitutes good cause for suspension or expulsion except that the school governing board may permit smoking and the possession of tobacco on the campus of a high school or while under the authority of school personnel, provided that smoking is not permitted in any classroom or other enclosed facility which any student is required to occupy or which is customarily occupied by nonsmoking students. (A school governing board shall take steps to discourage high school students from smoking.)

A governing board shall suspend or expel pupils for misconduct when other means of correction fail to bring about proper conduct.

§ 48904

SUSPENSION

EXPULSION

The school governing board may suspend or expel, and the superintendent or principal authorized by the governing board may suspend, a pupil when it is established to the satisfaction of the board or superintendent or principal that the pupil has on school premises or elsewhere used, sold, or

possessed narcotic or other halluciogenic drugs or substances, or has inhaled the fumes of, or ingested, any poison classified as such by Schedule "D" in § 4160 of the Business and Professions Code.

ARREST

Every sheriff or chief of police who arrests a minor of compulsory school attendance age or any pupil enrolled in a public school through grade 12 for any such activity, when a petition is requested in juvenile court or a complaint alleging such activity, shall without delay give written notice to the school superintendent of the district of attendance.

NOTICE

If the sheriff or chief of police arrests a minor for such activity but later releases the minor without filing a petition or complaint, the sheriff or chief of police may give written notice to the school superintendent if the sheriff or chief of police believes the school district will benefit thereby

§48905

SECRET ORGANIZATION

No pupil enrolled in a public school shall become a member of any secret fraternity, sorority, or club; however, no pupil shall be prevented from joining the order of the Native Sons of the Golden West, Native Daughters of the Golden West, Foresters of America, or other such organizations not directly associated with the public schools.

§48907.5

EXPULSION

SUSPENSION

A governing board that has voted to expel a pupil may suspend the enforcement of such expulsion for one semester in addition to the balance of the semester in which the board votes to expel and may, as a condition of such suspended action, assign the pupil to a school, class, or program for the pupil's rehabilitation. In lieu of other authorized educational programs, the pupil may be assigned to a community-centered classroom including experiences for the pupil as an observer or aide in governmental functions, as an on-the-job trainee, and as a participant in specialized tutorial experiences. Such programs shall include an individualized learning program to enable the pupil to

continue academic work for credit toward graduation.

REINSTATEMENT

At the conclusion of the designated period, the governing board shall either reinstate the pupil who has satisfactorily participated in the alternate program and permit the pupil to return to the school of former attendance or enforce the expulsion action previously voted by the board. If the pupil is reinstated, the board may also take action to expunge the record of the expulsion action.

§48909

SUSPENSION

EXPULSION

LIABILITY

Any minor whose willfull misconduct results in injury or death to any student, employee, or volunteer in a school district or who willfully damages school district property is liable to suspension or expulsion. The parent or guardian of an unemancipated minor shall be liable for all damages so caused by the minor: such liability shall not exceed $2,000.

§48910--48911

SUSPENSION

No elementary pupil shall be suspended for more than two consecutive weeks.

No secondary pupil shall be suspended for more than the duration of the current semester or, in schools not operating on the basis of semesters, for half of the terms. Any summer school session shall be deemed a single semester for these purposes.

By the third consecutive schoolday of any suspension period, the pupil's parent or guardian shall be asked to attend a meeting with school officials. If the parent or guardian fails to appear, the school officials shall send a letter to the parent or guardian giving data pertinent to the suspension action.

Notwithstanding the above, no student shall be suspended for more than 20 school days in a school year except the student shall first be transferred to another regular program for rehabilitative purposes (adjustment, opportunity, or continuation schools and programs). In case of transfer to another regular school for rehabilitative purposes, additional days of suspension are limited to 10.

Where an action is pending in juvenile court or where expulsion is being processed by a governing board, a superintendent or designee may extend a suspension as necessary.

§48912--48913

A school principal or designee shall notify in writing the parent or guardian of a pupil whenever a pupil is suspended and when a minor pupil is released to a peace officer for the purpose of removing the minor from school premises.

REMOVAL

§48914--48915; 48917--48920

EXPULSION

The school governing board shall establish rules governing procedures for the expulsion of pupils including, but not limited to the following:

HEARING

The pupil and parent or guardian shall be entitled to a hearing to determine whether the pupil should be expelled.

NOTICE

Written notice of the hearing shall be forwarded to them at least 10 days prior to the hearing, including the date and place of hearing, a statement of the charges, a copy of district discipline rules, and the opportunity of the student and parent or guardian to appear in person or be represented by counsel and to present evidence.

RIGHT TO COUNSEL

PRIVACY

The hearing shall be closed to the public unless the student or the parent or guardian shall request, in writing at least five days prior to the hearing, that the hearing be a public meeting.

In lieu of conducting the hearing itself, the school governing board may contract with the county hearing officer or with the State Office of Administrative Hearings for a hearing officer to conduct such hearing or the governing board may appoint an impartial administrative panel of three or more certificated employees from the district or from outside it, none of whom shall be on the staff of the school in which the pupil is enrolled.

Following the hearing, the hearing officer or administrative panel shall present findings of fact and recommendations to the board. The board shall accept them if they call for rejection of expulsion, but may reject them if they call for expulsion.

A record of the hearing shall be made by any means so long as an accurate written transcription can be made.

Technical rules of evidence shall not apply, but evidence may be admitted and considered. The decision of the governing board must be supported by substantial evidence.

Whether the hearing is open or closed, the final action shall be taken by the governing board at a public meeting. Written notice shall be sent to the pupil or parent or guardian accompanied by notice of the right to appeal.

APPEAL

If a pupil is expelled, the pupil or the parent or guardian may appeal, within 30 days of the decision, to the county board of education.

RULEMAKING

The county board shall establish rules governing procedures for expulsion appeals including but not limited to notice of filing appeals, setting the hearing date, certification to the county board of the record of proceedings at the district level, hearing procedures, and preservation of a record of the hearing.

The county board shall hear an appeal in executive session unless the pupil or parent or guardian shall, in writing at least 5 days prior to the hearing, request that the hearing be a public meeting.

The county board shall determine the appeal upon the record of the hearing before the district governing board, together with documentation as may be ordered. No evidence other than that contained in the record of the school board proceedings may be heard unless a de novo proceeding is granted.

The appellant shall be responsible for submitting a written transcription for the county board's review and shall bear the cost except if the appellant certifies inability to afford the cost of the transcript or if the county board reverses the decision of the local governing

board (in which case the governing board shall reimburse the appellant.).

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The county board's review of the governing board shall be limited to the following questions: whether the governing board has proceeded in excess of its jurisdiction; whether the hearing was fair; whether there was a prejudicial abuse of discretion in the hearing; and whether there is relevant evidence which could not have been produced or was improperly excluded at the hearing.

Where the county board finds that relevant evidence exists which was not produced at the hearing or that there was otherwise a denial of due process, it may remand the matter to the governing board for reconsideration and reinstate the pupil pending reconsideration or grant a hearing de novo.

In other cases, the county board shall either affirm or reverse the governing board's decision. If the county board reverses an expulsion action of a local board, the county board may direct the local board to expunge the records of the pupil and of the district of any references to the expulsion action.

The decision of the county board, rendered in writing to the pupil and the parent or guardian and to the governing board, shall be final and binding on all concerned. §48916

FREE EXPRESSION

Public school students have the right to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, and other insignia, except that expression which is obscene, libelous, or slanderous according to current legal standards or which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations or the substantial disruption of the school's operation, shall be prohibited.

RULEMAKING

Each governing board and each county superintendent shall adopt rules relating to the exercise of free expression by students.

§48921

All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school.

§48937 -- 48938

STUDENT BODY FUNDS

TRUSTEE

The school governing board shall provide for the supervision of all funds raised by any student organization using the name of the school, including continuing audit with district personnel. The costs of such supervision shall be a proper charge against district funds.

In adult schools, regional occupation centers, or elementary schools lacking an organized student body, the governing board may appoint an employee to act as trustee for student body funds. Such funds shall be expended subject to the approval of the employee and subject to such procedure as may be established by the board.

§49000 -- 49001

CORPORAL PUNISHMENT

Corporal punishment shall not be administered to a pupil withour prior written approval of the pupil's parent or guardian. Written approval shall be valid for the year in which it is submitted but may be withdrawn at any time.

Given this limitation, a school governing board may adopt rules authorizing reasonable corporal punishment when such action is deemed an appropriate corrective measure. If such rules are adopted at the beginning of the first semester or quarter, the board shall notify the parent or guardian that corporal punishment shall not be administered without prior approval of the parent or guardian.

§51512

ELECTRONIC DEVICES

CONSENT

The use by any person, including a pupil, of any electronic listening or recording device in any classroom without prior consent of the teacher and principal disrupts the teaching process and discipline, and such use is prohibited.

Any person other than a pupil who willfully violates this section shall be guilty of a misdemeanor. Any pupil violating this section shall be subject to appropriate disciplinary action.

§51520

SOLICITATION

During school hours and within one hour before the opening and after the closing of school, public school pupils shall not be solicited by teachers or others to contribute to the funds of or become members of or work for any organization not directly under the control of school authorities, unless the organization is a non-partisan, charitable organization, organized for charitable purposes by Congress or, under the laws of the state, the solicitation is nonpartisan and charitable, and the solicitation has been approved by the county board or by the local governing board.

This shall not prohibit the solicitation of pupils on school premises by pupils of that school for any otherwise lawful purpose.

REGULATIONS

§300-307

All pupils shall: attend school "punctually and regularly;" conform to the school regulations, be diligent in study; respectful to teachers and courteous to schoolmates, be neat and clean; take proper care of school property.

§350-353

Students shall not be charged fees not specifically authorized by law; shall not be required to perform work detrimental to the child's health; shall not be detained more than one half hour after school for disciplinary purposes.

CROSS REFERENCES

II.A.3; Statute §52350--52355

IV.D; Regulation §14262--14263

IV.F; Statute §51410

IV.G; Statute §48210--48212

IV.H; Statute §48202--48203

IV.H; Statute §48320

STATUTES

§22-33-105

Local boards of education "may delegate to any school principal the power to suspend a pupil in [her] his school for not more than five school days;" and the board itself may suspend a pupil for "another ten school days."

SUSPENSION

"The board of education may deny admission to, or expel for any period not extending beyond the end of the school year any child whom the board . . .shall determine does not qualify for admission to the public schools of the district."

EXPULSION

A board of education shall not "deny admission to, or expel, any child without a hearing, if one is requested" by the child's parents. An adverse decision of the board is appealable in the Supreme Court.

HEARING

APPEAL

§22-33-106

Grounds for suspension or expulsion from a public school shall include: "continual wilful disobedience . . . of proper authority; willful destruction or defacing of school property;" and "behavior which is inimicable to the welfare, safety, or morals of other pupils." Grounds for expulsion or denial of admission include: "physical or mental disability" that prevents the child from benefitting from school programs, or a "physical or mental disability" that causes the child's attendance to be "inimicable to the welfare of other pupils."

CROSS REFERENCES

II.A.1; Regulation 2202-R-9.02

II.A.2; Regulations 2220-R-3.0; 2220-R-4.0; 2220-R-6.0

II.A.5; Statutes §22-24-108; 110; 112; 116

II.A.5; Regulation 2224-R-3.0

III.C.Students; Statute §22-32-109.5

IV.C; Statute §22-32-120

IV.F; Statutes §24-72-203 -- 206

J. Student Rights and Discipline

Statutes

§10-154a

A teacher or school nurse shall not be required to disclose information acquired through a professional communication with a student concerning alcohol or drug problems.

§10-233(b)-e

A town or regional board of education may authorize teachers . . . to remove a pupil from class when the pupil deliberately causes a serious disruption. A pupil may not be removed more than six times in a year nor more than twice in one week unless the pupil is referred to the principal and granted an informal hearing.

REMOVAL

The principal shall immediately be informed when any pupil is removed from class.

A town or regional board of education may authorize school administrators to suspend a pupil whose conduct endangers persons or property or is seriously disruptive. A pupil may not be suspended without an informal hearing where the student is informed of the reasons for the suspension and given an opportunity to explain the situation. A more formal hearing may be held if the circumstances require.

SUSPENSION

HEARING

A formal hearing is required for any student suspended more than ten times in one school year.

The principal must report the names of all suspended pupils to the superintendent of schools.

A pupil who is suspended shall have an opportunity to complete classwork or examinations missed during the suspension period.

A town or regional board of education may expel any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process. Except in an emergency situation, a suspended pupil must be given a formal hearing.

Any board that expels a pupil shall notify the state board within five days.

EXPULSION

Any expelled pupil shall be offered an alternative educational opportunity during period of expulsion. The alternative program may include placing the child in another school.

Boards of education shall make certain that all pupils are informed of the board policies governing student conduct. Boards of education shall provide effective notice for parents of any pupil suspended or expelled. The notice shall be given within twenty-four hours of the time the pupil has been expelled.

NOTICE

§53a-18

CORPORAL PUNISHMENT

A parent, guardian, teacher or other person entrusted with the care and supervision of a minor may use reasonable force on the minor to maintain discipline.

CROSS REFERENCES

I.Local Board of Education; Statute §10-221

IV.G.; Statute §10-253

IV.H.; Statute §10-184

IV.H.; Statute §10-200

J. STUDENT RIGHTS AND DISCIPLINE

STATUTES

§701

CORPORAL PUNISHMENT

Every teacher and administrator shall have the right, during school activities, to discipline a child, such discipline including corporal punishment when necessary.

REGULATIONS

Ch. IV. §420

"The protection and safeguards of the Constitution of the United States and especially the Bill of Rights apply to all students. Responsibility is inherent in all rights, especially the basic duty to respect and secure the rights of others. No student or other person involved in the Public Schools can realize his or her rights unless each student also exercises the self-discipline and care to afford the same rights to all others and does not engage in actions which infringe upon the rights of others.

In a social situation such as the public school, all partipants, including students, parents, teachers, administrators, and others in the educational process, have the right to know the basic standards of conduct and behavior which are expected of themselves and others. Each student should know what is expected of him or her and what can be expected of others. Thus, the school environment is a community of individuals who live and interact based upon commonly shared rules, rights, responsibilities, expectations, and common sense."

CH. IV, §421

"Students have the right to a meaningful public education, the maintenance of high educational standards, and a system of public education which adequately and equitably seeks to meet the needs of the individual student.

Students have the right to access to a meaningful curriculum and the right to voice their opinions and provide input into the development of the public school curriculum.

Students have the right to express their views in matters that affect the quality and content of their education, including but not limited to the right to participate individually or through elected representatives in the development of the rules and regulations to which they are subject.

Students have the right to adequate and timely notice of all rules, regulations, policies, and sanctions to which they are subject. All such rules and regulations shall be available in writing and be accessible to all students. A copy of the Rules of the Board of Education shall be maintained in the library or other appropriate place in each public school in the District of Columbia.

Students have the right to physical safety and the protection of their personal property, including the right to safe and sanitary school buildings and facilities.

Students have the right to adequate consultation with teachers, counselors, administrators, and other school personnel.

Students have the right to free election of their peers in student organizations, and all students have the right to seek and hold office.

Students, their parents, or their authorized representatives have the right to inspect and review the official records of the school system which relate directly to them individually, as provided in section 440 of this Chapter. Students or student's parent or guardian shall be notified if adverse comments are placed in such records.

Students have the right to participate in school activities without being subject to unlawful discrimination on any basis. Where access to participation in programs or activities is on a competitve basis, each student has the right to an opportunity to compete on an equal basis.

Students have the right to refuse to participate in school activities which are contrary to their moral or religious, or political beliefs.

Students have the right to exercise their constitutional rights of free speech, assembly, and expression without prior restraint, so long as the exercise of these rights does not substantially interfere with the rights of others. These rights shall include, but are not necessarily limited to, the following:

(a) Wearing political buttons, armbands, or other badges of symbolic expression; (B) Organizing and participating in political and social organizations; (c) Use of student bulletin

boards without prior censorship, but not school bulletin boards without approval of such use which shall be reasonably provided by the schools; (d) Personal determination of appearance, including styles of hair and dress; (e) Preparation and distribution of posters, newspapers, or other printed matter, on or off school grounds, and the reasonable use of the school public address system subject to standards adopted by the student government organization in cooperation with school officials; provided, that such distribution or use shall be limited to reasonable times before, during, and after school hours so as to prevent undue interference with classroom activities and the rights of others; (f) Free expression and defense of views and opinions without having such expression affect the student's examinations, grades, academic achievement or participation in extra-curricular activities.

Students shall have the right to respect from teachers, other students, administrators, and other school personnel, and shall not be subject to ridicule, harassment, or any punishment which is demeaning or derogatory. No student shall be subject to corporal punishment.

Students have the right to be secure in their persons, papers, and effects against unreasonable searches and seizures. The person and belongings of a student, including the student's locker, automobile, or other belongings shall not be subject to arbitrary or random searches and seizures. No search may be made without prior written approval of the principal, based upon probable cause, and stating the basis for such approval.

Students shall have the right to use reasonable physical means to defend themselves from assault or physcial abuse and shall not be subject to suspension for using limited, reasonable physical means to restrain another person from physically assaulting or harming a third person.

Students have the right to present petitions, complaints, or grievances to school authorities and the right to receive prompt, authoritative replies from school officials regarding the disposition of their petitions, complaints, or grievances.

Where a student is entitled to a hearing pursuant to these Rules, such hearing shall be impartial, and the student shall be afforded all other rights set forth in the hearing procedures."

CH. IV, §422

"Each student shall be responsible for providing a positive and healthy environment for others by maintaining order, self-discipline, and having consideration for the rights and property of others. Each student shall bear the responsibility for his or her own conduct.

Each student shall be responsible for neatness and cleanliness of personal attire and hygiene.

A student shall respect other students, teachers, administrators, and other school personnel and visitors as human beings and fellow citizens of the school community.

A student shall respect the personal property of others and refrain from causing intentional damage or unnecessary wear and tear to books, facilities, school materials, school buildings and furnishings, and the personal property of others.

A student shall refrain from fighting, creating disturbances, denying others the use of school facilities or buildings, using or carrying any weapon on school grounds, intentionally injuring another person or acting in such a manner as to expose others to risk or danger of harm or injury. A student shall not use threats or intimidation against any other person.

A student shall respect the health and safety of others and shall refrain from using tobacco; or using, possessing, transmitting, or being under the influence of any alcoholic beverage, narcotic substance, illegal or prohibited drug or substance; or by engaging in gambling, extortion, theft, assault, excessive noise, or any other unlawful activity.

A student shall respect the educational process and learning environment of others by refraining from intentional or habitual tardiness, unexcused absences, or other activities which diminish the rights of others and the opportunity for other students to receive an education and obtain the maximum benefit from a public education."

CH. IV, §423

COPRORAL PUNISHMENT

"Corporal punishment is defined as the intentional use of physical force upon a student as punishment for any alleged offense or behavior, or the use of physical force in an attempt to modify the behavior, thoughts, or attitudes of a student.

The use of corporal punishment in any form is strictly prohibited in the public schools. No student shall be subject to the infliction of corporal punishment by any teacher, other student, administrator, or other school personnel.

No teacher, administrator, student, or other person shall subject a student to corporal punishment or condone the use of corporal punishment by any person under his or her supervision or control. Permission to administer corporal punishment shall not be sought or accepted from any parent, guardian, or school official."

CH. IV, §424

GRIEVANCES

"The grievance procedure set forth in this section shall apply to any instance where a specific grievance or hearing process is not provided in this Chapter.

The following persons or groups of persons shall be entitled to exercise the grievance procedure set forth in this section: (a) Students; (b) Student's parent(s) or guardian; (c) Groups of students; (d) Groups of students' parents, guardians, or their representatives.

The grievance procedure set forth in this section may be used to address or seek redress in any of the following instances: (a) Where it is alleged that any student or group of students is being denied access to an adequate educational opportunity; (b) Where it is alleged that any student is being denied participation in any school activity for which the student is eligible; (c) Where it is alleged that the rights of students or any individual student, are being denied or abridged; (d) Where it is alleged that any student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.

The following procedure shall apply to all grievances brought under this section: (a) The person or persons bringing

the grievance shall make an informal complaint to the principal or other school official in charge of the program or activity.

(b) The person to whom the grievance is brought shall attempt to resolve the problem through informal means, such as meetings, conferences, and discussion. (c) If the grievance is not resolved through the informal process, a written complaint shall be filed with the principal or other responsible school official who has conducted the informal process. The principal or other school official shall attempt to resolve the written grievance through conferences with students, parents, teachers, other school officials, and other involved parties. The appropriate Regional office shall be informed of the written grievance and may be consulted by the principal or other school official in an attempt to resolve the grievance.

(d) The decision of the principal or other school official as a result of the attempt to resolve a written grievance shall be in writing and communicated to the involved parties and the appropriate Regional office. (e) If the written grievance does not result in a mutually satisfactory resolution of the problem within ten (10) days, a written grievance may be filed with the appropriate Regional office. The Regional Superintendent or his[her] designee shall attempt to resolve the grievance by investigating the problem, holding conferences with involved parties, or conducting an informal meeting.

(f) The Regional Superintendent or his[her] designee, or the party bring the grievance, may request a formal hearing before a disinterested Hearing Officer. Such Hearing Officer may be designated by the Superintendent of Schools or Public Schools Hearing Office from among persons employed by the school system on a full-time or part-time basis to serve in such capacity. (g) In all cases where a Hearing Officer is involved, such Hearing Officer shall provide the Regional Superintendent or his[her]designee with written findings and recommendations. Upon receipt of the Hearing Officer's report, the Regional Superintendent or his[her] designee shall make a further attempt to resolve the grievance and shall issue a final decision in writing. Such written decision shall list the findings and recommendations of the Hearing Officer, even if rejected or

HEARING

modified in the final decision. Copies of the final decision shall be given to all parties.

The final decision of the Regional Superintendent shall be the final administrative decision of the school system. A copy of the Regional Superintendent's final decision shall be sent to the Superintendent of Schools.

The grievance procedure set forth in this section shall not preclude or prevent any Regional Superintendent, principal, or other school official from establishing, in cooperation with students, parents, teachers, other administrators, and other concerned citizens, an intermediate process for the resolution of problems and complaints within the school or program prior to the submission of the grievance to the Regional Superintendent. Such process should be in writing and available to such persons and groups."

CH. IV, §425

HEARING

"In all instances where a hearing is required or allowed by the provisions of this Chapter, such hearing shall be conducted by an impartial Hearing Officer who is assigned to conduct the hearing by the Superintendent of Schools or his[her] designee.

All Hearing Officers shall be employed by the Public Schools on a full-time or part-time basis to serve in such capacity and shall have qualifications and training appropriate to the subject matter of the hearing(s) to which they are assigned.

The Superintendent of Schools shall establish a Public Schools hearing office which shall not be a part of or under the supervision or control of any Public Schools office or division which must implement the decisions of Hearing Officers or participate in hearings on behalf of the Public Schools. The Superintendent of Schools shall be responsible for ensuring the independence and impartiality of the hearing office and the impartiality of the Hearing Officer assigned to any particular hearing.

The Public Schools hearing office shall be responsible for the following: (a) The coordination and scheduling of all hearings held pursuant to the provisions of this Chapter; (b) The hiring of all Hearing Officers; (c) Training of all

Hearing Officers in the conduct of hearings and the provisions of the Rules of the Board of Education, applicable court orders, and other applicable laws and statutes; (d) Ensuring that the decisions of all Hearing Officers comply with the rules and procedures set forth in this Chapter and all other applicable laws and court orders; (e) Compiling and maintaining statistical information on the implementation of hearings and procedures for due process pursuant to the provisions of this Chapter.

The Public Schools hearing office shall have no authority to direct, rescind, overrule, modify, or alter the substantive decision of any Hearing Officer rendered in accordance with the provisions of law and the Rules of the Board of Education. However, the decision of a Hearing Officer which does not comply with the rules and procedures set forth in this Chapter, or any applicable statute, regulation, or order of court, may be remanded to the Hearing Officer for correction of the defect. If the defect is not corrected by the Hearing Officer, it may be corrected by the Superintendent of Schools or his[her] designee. In the event that a Hearing Officer's report is corrected or modified for any reason by someone other than the Hearing Officer, the correction or modification shall be noted in the final determination and any party may request a re-hearing on the matter before another Hearing Officer."

CH. IV, §430

SUSPENSION

"A student may be suspended from the D.C. Public Schools on the grounds of the commission of a serious offense; however, all suspensions must be effected pursuant to the rules and procedures set forth in sections 430 through 43 of this Chapter.

Suspensions of the following types shall be allowed: (a) MINOR SUSPENSION: The denial to a student of the right to attend school, including all classes and school activities, for a period of two . . . days or less. (b) MAJOR SUSPENSION: The denial to a student of the right to attend school, including all classes and school activities, for a period of not less than three...school days nor more than ten...school days.

A student may be excluded from a particular class, a particular school activity, or all school activities (other

than classes) for the commission of a serious offense; however, all exclusions must be effected pursuant to the rules and procedures set forth in sections 430 and 43 of this Chapter.

Exclusions of the following types shall be allowed:

(a) CLASS EXCLUSION: The denial to a student of the right to attend a particular class for a period of two...school days or less.

EXCLUSION

Suspensions and exclusions shall be made only on the ground of the commission of a serious offense as set forth in section 431 of this Chapter.

In each instance where a student is suspended or excluded from class, the school official making the suspension shall be responsible for assuring that the student is provided with all classwork assignments during the period of suspension or exclusion.

No suspended minor student shall be allowed to leave the school grounds during school hours until the student's parent or guardian, or other responsible adult, has been contacted and given an opportunity to arrange for proper supervision of the student during the suspension period.

The principal or other school official responsible for the school or program may establish a special class or other supervised program for students who are suspended or excluded from class.

A student who has been given a proposed major suspension may be suspended immediately for not more than two...days in accordance with the rules and procedures set forth in section 432. If the principal or other school official responsible for making the proposed major suspension determines that the student presents a substantial danger to other persons or property, the student shall continue on suspension until the conclusion of the hearing, if requested, or the end of the proposed suspension period, whichever is shorter.

Where the right to a hearing is provided in this section, such hearing must be requested by the adult student, the minor student's parent or guardian, or their representative within two... days of the receipt of notice of the proposed suspension. If no

HEARING

hearing is requested, the principal or other school official making the suspension may impose or continue the suspension.

In no event shall any major suspension, including the immediate two-day suspension and emergency suspension....extend for a period in excess of ten...school days, regardless whether a hearing is requested, held, or postponed and eventually held."

CH. IV, §431

"The serious offenses set forth in this section are prohibited acts and may be grounds for the suspension or exclusion of a student.

The intentional use of violence, force, coercion, threat, intimidation, or other comparable conduct which causes or attempts to cause substantial disruption or obstruction of any lawful mission, process, or function of the Public Schools is prohibited.

Acts which cause or attempt to cause substantial damage to school property or property belonging to another person are prohibited.

Any unauthorized taking of school property or property which belongs to another person, with or without force, coercion, intimidation, threat, or violence, is prohibited.

Acts which intentionally cause or attempt to cause physical injury or harm to another person, or acts which could reasonably place another person in danger of physical injury or harm are prohibited. However, a student acting in self-defense shall not be in violation of this subsection.

Knowingly possessing, using, handling, selling, or otherwise transmitting to any person any firearm or other inherently dangerous weapon is prohibited.

Acts which intentionally cause or attempt to cause any person to act in any manner or pursue any course of action against his[her] will by force or threat of force are prohibited.

The commission or attempt to commit any act of sexual assault upon any person is prohibited.

Knowingly possessing, using, selling, transmitting, or being under the influence of any narcotic drug, hallucinogenic substance, amphetamine, barbiturate, marijuana, alcohol, or any other legally controlled drug or substance is prohibited.

However, the possession and use of a drug or medication which is authorized by a medical prescription from a registered physician in accordance with the instructions for the use of the drug as prescribed for the student shall not be a violation of this subsection.

Repeated failure to comply with the lawful orders of a principal, teacher, or other authorized Public School employee while properly under such person's authority or supervision, where such repeated failure to comply constitutes a substantial disruption or obstruction of any lawful mission, process, or function of the Public Schools is prohibited."

Ch. IV, § 432

SUSPENSION

A student may receive a minor suspension from a principal upon the recommendation of a teacher or other public school employee. No indication of a minor suspension will be made part of the student's permanent or cumulative record.

The student must be informed of the reason for the action prior to the suspension.

The student shall be given an informal suspension conference which shall include notice of the grounds for suspension, the facts or evidence upon which the determination is made and an opportunity to present the student's version of the facts or events. It shall not include a right to counsel or the right to confront witnesses. It may include the presence of a parent or guardian.

The conference shall precede the suspension unless there exists a serious danger to persons or property.

Ch. IV, § 433

EXCLUSION

The decision to make a class or activity exclusion shall be made by the teacher or person in charge of the class or activity, subject to the approval of the principal or her/his designee. The decision to which affects more than one activity shall be made by the principal.

These exclusions shall not be made part of the student's permanent or cumulative record.

The student shall be given an informal conference with the official making or approving the exclusion. It shall include notice of the grounds for exclusion, or explanation of the evidence or facts and or opportunity for the student to present her/his version of the facts or events. It shall not include the right to counsel or the right to confront witnesses. The conference shall precede the exclusion or occur within a reasonable time after the student has been excluded from class.

CH. IV, §434

"No major suspension shall be effected except pursuant to the rules and procedures set forth in this section.

SUSPENSION

The decision to effect a major suspension shall be made by the principal or his[her] designee and may be upon the recommendation of a teacher or other Public School employee.

No indication of any major suspension shall be maintained in a student's record beyond the end of any school year.

Prior to suspension, the student shall be informed of the reasons for the suspension, orally or in writing.

The student shall be given an informal suspension conference with the school official making the suspension. Such informal conference shall be held pursuant to the rules and procedures set forth in this Chapter.

The parent or guardian of a minor student shall be given notice in writing by certified mail or hand delivery. A copy of such written notice shall be given directly to an adult student. The written notice shall include the following:

NOTICE

(a) A description of the proposed suspension and the length of such suspension; (b) A statement of the specific grounds for the suspension, including a citation of the subsection(s) of section 431 upon which the action is based, and a description in reasonable detail of the facts, events, and actions upon which the suspension is based; (c) A statement indicating that classwork assignments will be given to the student and that the student is expected to complete such assignments while on suspension; (d) A statement informing the student, or student's parent or guardian, of the right to request and receive a hearing pursuant to the procedures

set forth in subsection 433.7; including the right to representation by counsel, the right to examine the student's records and any official report of the incident prior to the hearing, the right to present testimony, including calling any involved school officials, and the right to confront and cross-examine any witnesses. (e) A statement explaining that the student, or student's parent or guardian, may request and receive, without charge, an educational and psychological assessment and evaluation of the student which may form the basis for an alternative educational placement or supplemental educational assistance.

HEARING

The adult student, or minor student's parent or guardian, may request a hearing by contacting the Public School hearing office. Suspension hearings shall be conducted pursuant to the following rules and procedures: (a) The hearing shall be held at a time and place which is reasonably convenient to the student and parent or guardian; (b) The hearing shall be held as soon as possible after the major suspension is proposed, if such hearing is requested. In no event shall the hearing be held more than four . . . days after written notice is given to the adult student or minor student's parent or guardian, except that the hearing may be postponed for not more than five days upon the request of the adult student, minor student's parent or guardian, or their representative, where such postponement is necessary to prepare for the hearing or provide for the attendance of necessary parties; (c) The hearing shall be closed unless the adult student or student's parent or guardian request an open hearing; (d) The student shall be guaranteed the right to a representative of the student's, or student's parent or guardian's, choosing, including legal counsel, as defined in section 499. (e) It shall be the burden of the Public Schools to prove by clear and convincing evidence that the student did, in fact, commit the serious offense(s) upon which the suspension is based. (f) The principal or other school official shall indicate the recommendation of the school system for alternative educational placement, transfer, or referral for assessment and evaluation which may form the basis for a proposed alternative educational placement or supplemental educational assistance. (g) The student, student's parent or

RIGHT TO COUNSEL

guardian, or their representative shall have the right to cross-examine any testimony or challenge any documentary evidence. (h) The student, student's parent or guardian, or their representative shall have the right to present testimony and documentary evidence, including the right to call any witnesses to present testimony relevant to the suspension or other school system recommendations. The right to call witnesses shall include the right to require the presence of any involved school official.

(i) The Hearing Officer shall determine that all due process procedures have been followed or waived. The Hearing Officer may question any witness or party upon the conclusion of direct or cross-examination, and shall examine all documentary evidence. (j) The hearing shall not be conducted according to strict rules of evidence; however, the Hearing Officer may exclude any testimony or evidence which is irrelevant or repetitive. (k) The Hearing Officer shall ensure that the hearing is conducted in an orderly manner and shall have the authority to exclude any party or other person from the hearing on the grounds of substantial interference or obstruction of the orderly hearing process. (l) An electronic tape recording shall be made of the hearing. Upon request, a copy of the tape shall be made available to the adult student, student's parent or guardian, or their representative.

Upon the conclusion of the hearing, the Hearing Officer shall issue a written determination which shall include the following: (a) A statement of the facts, as determined from the testimony and evidence presented at the hearing; (b) A conclusion as to whether the required due process procedures have been properly followed or waived; (c) A conclusion as to whether or not the student committed the serious offense(s) upon which the suspension is based; (d) If the Hearing Officer has determined that suspension is warranted, a recommendation on the length of suspension which may be imposed. The Hearing Officer may not recommend a suspension which is longer than the length of the school system's proposed suspension. The Hearing Officer's recommendation for supension shall be binding. (e) If the Hearing Officer has determined that suspension is not warranted the determination shall include a statement ordering the destruction of all school records of the proposed suspension, including any

reports which related to the incident upon which the suspension insofar as such reports individually identify the student.

(f) The Hearing Officer may recommend the referral of the student for educational and psychological assessment and evaluation, pursuant to the rules and procedures set forth in this Chapter.

(g) The Hearing Officer may recommend an alternative disciplinary action if suspension is not warranted; however, such recommendation shall not be binding upon the school system.

A copy of the Hearing Officer's written determination shall be given or mailed to the adult student, student's parent or guardian, and their representative, if any. Additional copies shall be sent to the principal or other school official in charge of the school or program in which the student is enrolled and retained in the files of the Public School hearing office.

The Hearing Officer may, in addition to issuing a written determination, make an oral determination upon the conclusion of "the hearing. In such event, the detemination of the Hearing Officer shall be the final administrative decision of the Public Schools; however, any party may object to the determination of the Hearing Officer on the grounds of procedural defect by informing the Public School hearing office of such objection within two...days of the receipt of the written determination. Such objeccions shall be processed by the Hearing office pursuant to the provisions of . . . this Chapter."

CROSS REFERENCES

II.A.2.; Regulation; Chap. IV, §499

IV.G.; Regulation; Chap. IV, §418

IV.H.; Statute §31-204

J. Student Rights and Discipline

Statutes

EXPULSION

§ 228.041

Expulsion is the removal of the right and obligation of a student to attend a public school for a period of time and under conditions set by the school board not to exceed the remainder of the term and one additional year of attendance.

Moderate use of physical force or contact by a teacher or principal as may be necessary to maintain discipline or enforce school rules comes within the permissible bounds of corporal punishment. But the term does not include the use of such reasonable force by a teacher or principal as may be necessary to protect him/herself or other students from disruptive students.

§231.06; 07

Any person who assaults an instructor on school property or "any person who upbraids, abuses or insults any member of the instructional staff on school property or in the presence of pupils at a school activity" shall be guilty of a misdemeanor.

§232.25-232.28

Students are subject to the authority of a principal or teacher while on "school premises" or "the immediate control and direction" of "a teacher, instructional staff" or bus driver as delegated, by the principal. The "Safe Schools Act of 1973" (§232.255) intended to "provide a fund to assist the local school districts in utilizing their administrative capacity to develop preventive and educationally sound solutions" to the problems of disruptions in school including personal harm to students and faculty and vandalism.

The school principal shall "develop policies . . . for the control and direction of students" by school employees, including bus drivers transporting students.

"The principal or his[her] designated representative may suspend a student only in accordance with the rules of the district school board, . . . and shall be reported in writing within 24 hours." "A good faith effort shall be made by the principal to employ parental assistance, or other alternative measures" except in "disruptive conditions which require immediate suspensions."

SUSPENSION

Similarly, the principal "may recommend to the superintendent the expulsion of any student who has committed a serious breach of conduct." An "analysis of suspensions and expulsions" shall be included in an annual school progress report.

EXPULSION

A student accused of commiting a felony shall be suspended until guilt or innocence is determined. If guilty, he/she "shall be automatically expelled." Teachers have the responsibility of maintaining order in the classroom and may use corporal punishment when necessary with the principal's approval. "Except in the case of excessive force or cruel and unusual punishment," school employees "shall not be civilly or criminally liable" for disciplinary actions which conform to state and district board rules. Bus drivers shall "preserve order" while transporting students but may not punish said students unless an emergency exists, in which case the driver may "take such steps as are reasonably necessary" to protect the pupils on the bus.

CORPORAL PUNISHMENT

REGULATIONS
6A-1.956 Auth. 229.053(1)

If a student is formally charged with a felony concerning drugs and other stimulants, the principal shall conduct an administrative hearing to determine whether or not the student should be suspended. The student's parents must be informed, in writing, of the specific charge against the student and of the right to a hearing prior to disciplinary action. Following the hearing, the principal shall provide the student and parent with a decision, and may waive the suspension if s/he determines it to be in the best interests of the

HEARING

school and the student.

CROSS REFERENCES

I.School Advisory Committees; Statute §229.58

III.C.Teachers; Statute §231.09

IV.E.; Statute §232.39 -- .41

IV.G.; Statute §230.232

J. Student Rights and Discipline

Statutes

§32-644a.1

According to local determination of time and place, in writing, distributed to all teachers, each student "shall be afforded the opportunity to recite the Pledge of Allegiance."

§32-835-- 837

CORPORAL PUNISHMENT

Local boards of education have authority to adopt policies and regulations on corporal punishment. If punishment is authorized, a principal or teacher may administer it, provided the punishment is administered in the presence of another teacher or principal and it is not "excessive or unduly severe." If a principal or teacher administers corporal punishment under these guidelines, and does so in good faith, she/he shall not be held accountable for their actions in a civil or criminal proceeding.

CROSS REFERENCES

IV.F.; Regulation 40-4311; 40-4313; 40-4320

IV.H.; Regulation 40-211 -- 40-213; 40-215

J. Student Rights and Discipline

Statutes

§298-11

"If . . . a child becomes a detriment to the morals or discipline of any school" the principal with the approval of the district superintendent may preclude him/her from attending school. "The department of education shall seek the active participation of other public and private agencies in providing help to such children before and after they have left school. An appeal may be taken . . . to the superintendent of education within 10 days from the date of such action."

EXCLUSION

Children seventeen and over shall not be admitted to the ninth grade, nor shall children eighteen and over be admitted to the tenth grade, "except upon written permission of the superintendent when in his/her opinion the facts warrant such admission." "Any high school students whose work is below passing in half or more of his subjects shall be placed on probation, and if his/her work does not improve to the satisfaction of the superintendent during the subsequent semester, he/she shall be precluded from attending school. Such student may be reinstated by the superintendent if, in his opinion, the facts warrant such reinstatement."

§298-16

CORPORAL PUNISHMENT

"No physical punishment of any kind may be inflicted upon any pupil, but reasonable force may be used by a teacher . . . to restrain a pupil in attendance at school from hurting himself or any other person or property and reasonable force as defined in 703-309(2), which states, ". . . the force used is necessary to further such special purpose, including maintenance of reasonable discipline in a school, class or other group, and . . . the use of such force is consistent with the welfare of

the minors . . ." "may be used by a principal or his agent only with another teacher present and out of the presence of any other student . . ."

§703-309(2)

The use of force toward another is justifiable when the user of force is a teacher or a person otherwise entrusted with the care or supervision for a special purpose of a minor and such force seems necessary for the purpose and is consistent with the welfare of the minors.

REGULATIONS

Rules 3.1; 3.2

The public schools are to cooperate fully with the law enforcement agencies in the community according to procedures worked out by each District Superintendent with the local police so that

(1) the individual pupil's rights and feelings are respected;

(2) the pupil is protected from unnecessary humiliation and damage to his[her] reputation;

(3) the rights and responsibilities of parents of pupils are observed;

(4) the Department's responsibility to help each child is met in the most constructive way.

Rule 14.1

When school property is damaged, destroyed or lost by a student or several students and the liability can be placed, payment shall be made by the student(s).

Rule 21

No serious discipline shall be administered except in accordance with this rule.

DISMISSAL

SUSPENSION

No student shall be dismissed from school, transferred for disciplinary reasons, or suspended for more than ten school days except for violation of section 21.11 of this rule. Each school may adopt rules proscribing other types of conduct, but no punishment amounting to dismissal, disciplinary transfer, or suspension for ten school days shall be imposed for the violation of individual school rules.

Whenever a principal has reason to believe that a student has engaged in activity warranting a suspension not exceeding ten days, the Principal shall give the student oral or written notice of the charges against him/her. The student must be given an opportunity to present his/her versions of the story. If the principal finds the charges are sustained, he/she may suspend the student. The parents or guardian of any suspended student shall be notified of any suspension.

NOTICE

Dismissal, disciplinary transfer, or suspension exceeding ten days may be imposed by the District Superintendent.

a. Whenever any principal has reason to believe a student has engaged in activity warranting the imposition of serious discipline (i.e., dismissal, disciplinary transfer, or suspension exceeding ten days), he/she shall immediately conduct an informal investigation. If the principal elects to initiate proceedings for the imposition of serious discipline, he/she shall make a written report on completion of his/her investigation.

b. The principal shall immediately notify the District Superintendent and shall initiate disciplinary proceedings.

c. Disciplinary proceeding shall be initiated by a written notice to the student and his/her parents or guardian which shall include:

(1) a statement of the acts allegedly committed;

(2) the rules allegedly violated;

(3) a statement of the recommended action;

(4) a statement of the student's right to a hearing and of the procedure for requesting a hearing

(5) a statement that, failing a request for a hearing, the recommended action of the principal will be implemented.

d. The District Superintendent shall schedule a hearing within ten days of receipt of a request for a hearing. The District Superintendent or a person designated by him/her shall conduct the hearing.

HEARING

It shall be private unless the student or his/her

parents request that it be public. All parties shall have the right to present evidence, cross-examine witnesses, and submit rebuttal testimony.

No later than three school days after the hearing, the District Superintendent shall render a decision in writing.

APPEAL

The student or his/her parents or guardian may appeal to the Superintendent of Education within ten days of the District Superintendent's action. The student shall be permitted to attend his/her regularly-assigned school pending such appeal unless the District Superintendent finds that his/her continued presence creates a substantial risk to the rights of other students to pursue their education.

SUSPENSION

Any other provision of this rule to the contrary notwithstanding, the principal may, in an emergency, immediately suspend a student after finding that his/her conduct presents a clear threat to the physical safety of others or is so extremely disruptive as to make the studen's removal necessary to preserve the right of other students to pursue their education.

The principal shall report in writing the circumstances of any such crisis supsension to the student, his/her parents or guardian, and the District Superintendent.

Unless the principal determines that serious discipline need not be administered, he/she shall initiate disciplinary proceedings as described in 21.6.

DISMISSAL

No dismissal shall continue beyond the school year in which it is made and no suspension shall be for an indefinite period.

SUSPENSION

"Prohibited Behavior

Serious discipline may be imposed upon any student who engages in the following:

a. Any act committed upon school property or at school sponsored activities which would, if committed by an adult, constitute a violation of federal, state or local criminal law; provided, however, that this section shall not be construed as requiring proof of such act beyond a reasonable doubt before serious discipline may be imposed.

b. Willful disobedience to the legitimate directives of teachers or other department personnel acting in their official capacity, under circumstances in which such disobedience constitutes a repeated or significant disruption of the educational process."

Rule 21.10

"Educational Alternatives

ALTERNATIVE EDUCATION

The Principal shall arrange alternative education plans in accordance with departmental policy for all students who are dismissed or suspended for a period exceeding ten school days."

Rules 23.1; 23.3; 23.4

PREGNANCY

Pregnant students are encouraged to continue with their education. Any pregnant student shall be allowed to stay in her own school if she so desires until her doctor indicates she should not. The Department shall assist the pregnant student in modifying her class schedule or in transferring to another school should she so wish.

CROSS REFERENCES

I.State Board of Education; Statute §296-12

II.A.2.; Regulation Rules 49.0 -- 49.5

IV.D.; Regulation Rule 48.10

IV.F.; Regulation Rule 50.4

IV.H.; Statute §298-13

IV.I.; Regulation Rule 37

STATUTES

§10-22.6

EXPULSION

The board has authority to expel pupils guilty of gross disobedience or misconduct. The student's parents must be requested to meet with the board to discuss the child's behavior.

SUSPENSION

The board may suspend or may authorize the principal of any school to suspend pupils for gross disobedience or misconduct. Pupils may be suspended for up to 10 days. The suspension must be reported immediately to the parents who may request the board to review the action taken.

NOTICE

§24-24

Teachers and other certified educational employees shall maintain discipline in the schools. In matters relating to discipline, teachers stand in the relation of parents and guardians to the pupils.

§34-19

The board shall establish rules and regulations, having the force of ordinances, for a uniform system of discipline for both employees and pupils. The board may set the school age for children, which shall be not under four years in kindergarten and not under six in grade schools. The board may expel, suspend or otherwise discipline any pupil found guilty of gross disobedience, misconduct or other violation of the rules and regulations.

REGULATIONS

The Illinois Program for Evaluation, Supervision, and Recognition of Schools

Section 2-8

CORPORAL PUNISHMENT

The School Code of Illinois states that teachers and other certificated educational employees shall maintain discipline in the schools. If corporal punishment is to be used by school districts as a penalty for misbehavior, the district shall notify parents upon initial enrollment of the student that they may submit a written request that corporal punishment not be administered

to their child or children.

CROSS REFERENCES

I.General Superintendent; Statute §34-8

II.A.2.; Regulation, Special Education §2.04;4.03

III.B.Teachers; Statute §22-11; 22-12

IV.A.; Statute §27-8

IV.A.10.Other -.Education Programs for Pregnant Students;
Statute §10-22.6a

IV.H.; Statute §26-1 -- 26-11

J. Student Rights and Discipline

Statutes

§20-8.1-5-1-- 20-8.1-5-3

Student supervision is the joint responsibility of parents, teachers, students and school corporation personnel.

Teachers and other school personnel who directly supervise students have the right to take any action "reasonably necessary" to carry out educational functions. Teachers and other school personnel do not have the right to suspend students and exclusion of a student by a teacher may not extend for more than one day without the approval of the principal.

Principals and superintendents may make written rules governing student conduct and take any reasonably necessary action in order to carry out the educational function of the school.

The governing body of a school corporation may make rules governing student conduct and may delegate rulemaking and disciplinary authority. This delegation of authority is, however, subject to certain limitations. Rules or standards which interfere with "a constitutionally protected fundamental student right" shall be valid only to prevent interference with an educational function of the school. All rules and standards must be "reasonably necessary" and will be narrowly construed so as to "accomplish their purpose with the minimal infringement on constitutionally protected rights."

All rules and policies adopted by anyone other than the governing body and applying to students, must be reviewed and approved by the superintendent. The governing body may change the rules or policies. Rules affecting students must be publicized and a written copy given to students or parents.

§20-8.1-5-4

The following are the grounds for expulsion:

(A) Use of force, violence, noise, coercion,

threat, intimidation, fear, passive resistance or other comparable conduct, constituting an interference with school purposes, or urging other students to engage in such conduct, unless such conduct is protected as an exercise of free speech or assembly or other right under the constitution of Indiana and the United States.

(B) Causing or attempting to cause substantial damage to school property, stealing or attempting to steal school property of substantial value, or repeated damage or theft involving school property of small value.

(C) Intentionally causing or attempting to cause substantial damage to valuable private property, on school grounds or during an educational function or event off school grounds; or repeatedly damaging or stealing private property on school grounds, or during an educational function off school grounds, or when traveling to or from school or such event.

(D) Intentionally causing or attempting to cause physical injury or intentionally behaving in such a way as could reasonably cause physical injury to a school employee, on school grounds, or at an educational function off school grounds. However, actions of self-defense or reasonable defense of another person do not apply.

(E) Intentionally doing serious bodily harm to any student; on school grounds, or at an educational function off school grounds, or when traveling to or from school or such event. Actions of self-defense or reasonable defense of third persons do not apply.

(F) Extorting money or anything of value from any student.

(G) Knowingly possessing, handling or transmitting any object that can reasonably be considered a weapon, on school grounds or off school grounds at any educational function or event sponsored by the school.

(H) Knowingly possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind except drugs

authorized by physician on school grounds or off school grounds during an educational function or event.

(I) Engaging in the unlawful sale of drugs or other criminal violation which constitutes a danger to other students or an interference with school purposes.

(J) Failing in a substantial number of instances to comply with directions of teachers or other school personnel during any period of time when he/she is properly under their supervision, where such failure constitutes an interference with school purposes.

(K) Engaging in activities forbidden by the laws of the state which constitutes an interference with school purposes.

(L) A violation, or repeated violation, of any rules validly adopted by the governing body or the principal.

§20-8.1-5-5

A student may be excluded from school for any of the following reasons:

(A) If the student has a dangerous communicable disease that poses a substantial threat to the health or safety of the community.

(B) If the student's immediate removal is necessary to protect persons on school property or persons off school property where the student's conduct would constitute an interference with school purposes;

(C) If the student is physically or mentally unfit for school purposes;

(D) If the student's legal settlement is not in the attendance area and the student has a right to attend public school in that corporation, where no transfer has been ordered and no agreement has been made to pay cash tuition, provided no other governmental entity is responsible for tuition.

APPEAL

Appeals under this subdivision may not be to court but to the commission on general education.

§20-8.1-5-6

Any principal may suspend a student's "right to attend school or to take part in any school function

for a period of up to five school days." The governing body of the school corporation may, if the superintendent approves, make a lesser period. The grounds for suspension are:

SUSPENSION

(A) Conduct constituting grounds for expulsion as defined by statute (see 20-8.1-5-4)

(B) Violation of other rules and regulations of the governing body or the principal.

The principal shall first investigate the case and determine that suspension is necessary "to help any student, to further school purposes, or to prevent interference therewith." The student is entitled to an informal hearing including: "(1) a written or oral statement of the charges against him[her]; (2) and, if he[she] denies the charges, a summary of the evidence against him[her]; and (3) an opportunity to explain his[her] conduct."

HEARING

Notice and hearing shall precede the suspension except where the nature of the misconduct requires immediate removal. Within twenty-four(24) hours of the suspension the principal shall send a written statement to the student's parent explaining the reason for the suspension. The principal shall make a reasonable effort to arrange a conference with the student's parents before or at the time the student returns to school.

§20-8.1-5-7

The superintendent, principal, any administrative personnel, or teacher can take additional action regarding student behavior that will help a student or further school purposes. Such action may include counseling students, conferences with students and parents, assigning students additional work, or restricting extracurricular activity.

§20-8.1-5-8 --20-8.1-5-12

EXPULSION

"A written charge shall be filed by the principal with the superintendent [in order to expel or exclude a student from school]. If the superintendent deems that there are reasonable grounds for an investigation or that

HEARING

an investigation is desirable, he/she shall within one school day after such charge is filed appoint a hearing examiner." The hearing examiner shall be any person on the school corporation's administrative staff, including the superintendent himself/herself or its counsel, provided he/she: (1) has not brought the charges; (2) will not be a witness at the hearing; and (3) has no involvement in the charge.

Within two days after his/her appointment the hearing examiner shall give notice to the student, and his/her parent, custodian or guardian that a hearing will be scheduled at their request.

If the parents do not request a hearing within five days the punishment requested in the charge shall go into effect. But if a hearing is requested by the tenth day such punishment shall be rescinded. If no hearing is requested by the 10th day all rights, administiatively and judicially, to challenge the punishment are waived.

At the hearing the student may be represented by counsel and may examine witnesses. The student shall have access to his/her academic and disciplinary records prior to the hearing and may have the identity of the witness(es) against him/her. The student may testify in his/her own defense but may not be compelled or coerced to testify. At the hearing examiner's discretion (and with agreement of the student's parents) the student may be excluded when his/her psychological or emotional problems are being discussed.

The hearing examiner shall see that a record is kept. He/she shall forward this record along with his/her findings of fact and recommendations to the superintendent. The superintendent shall make a determination.

Within 30 days the student may appeal to the governing body of the school corporation from the determination of the superintendent. The governing body may provide, by rule, for an intermediate administrative appeal.

The student may, within thirty days (30) appeal

to the circuit or superior court from the ruling of the governing body.

Unless not reasonably possible or unless the student requests a delay, the hearing before the hearing examiner shall be completed within ten days from the time the student is suspended. The student may be suspended pending the hearing for up to five days. The student's parent or representative has the right to a preliminary conference with the principal or hearing examiner to show a compelling reason why the student should not be suspended pending the hearing.

No expulsion or exclusion shall be for a longer period than the remainder of the school year, except that where expulsion takes place within thirty days of the end of the school year it shall remain in effect for that summer unless otherwise ordered. If a student is less than sixteen and expulsion or exclusion takes effect more than three weeks prior to the beginning of the second semester, it shall be automatically reviewed at the beginning of the second semester. Absence due to expulsion, exclusion or suspension is not considered a violation of attendance laws.

§20-8.1-5-14

"Where a student or his[her] parent believes that the student is being improperly denied participation in any educational function . . ., or is being subjected to an illegal [or unconstitutional] rule or standard . . . he[she] shall, if unable to work out his[her] problems with members of the administrative staff, be entitled to initiate a hearing . . . in the same manner [as an expulsion or exclusion hearing is initiated by the principal]." Either party may appeal the decision within 30 days provided that where the validity of a rule or regulation is involved appeal to the governing body shall be automatic.

STATUTES

§282.4 -- .5

The board may, by majority vote, expel a student for "immorality, ... a violation of the rules and regulations ...", or when the student's presence is "detrimental to the best interests of the school." The board may give any teacher, principal, or superintendent the power to dismiss a student. The student may apply for readmission to the teacher, principal, or board who dismissed him.

EXPULSION

CROSS REFERENCE

IV.E.; Statute §287.1 -- 287.4

STATUTES

§72-8901 -- 72-8904

SUSPENSION
EXPULSION

The board of education of any school district may suspend or expel any pupil guilty of any of the following: (a) willful violation of any regulation for student conduct adopted/approved by board of education, or (b) "conduct which substantially disrupts. . .operation of any public school," or (c) "conduct which substantially . . . invades rights of others," or (d) conduct for which a pupil was convicted in a criminal setting (state or federal) or (e) "disobedience of an order of a teacher, peace officer, or school security officer, which disobedience can reasonably be anticipated to result in disorder in public school operation. . . ."

No suspension shall extend beyond the current semester, and no expulsion shall extend beyond the current school year. A student may be suspended for up to five days without a hearing. A written notice of this short term suspension and the reason for it shall be given to the student and his/her parent or guardian within twenty-four hours of the suspension. If the school wants to extend the suspension or expel the student, a written notice of this shall be given to the student and his/her parent or guardian within seventy-two hours of the suspension. The notice shall state the date, place, and time of the hearing which shall not be later than the last day of the short term suspension. The notice shall contain a copy of this act and any board of education regulations.

HEARING
NOTICE

If a student is suspended for an extended term or expelled, the hearing committee shall give a written report of its findings and results to the board of education. The report shall be open for inspection by the student and his/her counsel or advisor.

If the hearing committee finds that the student "is not reasonably anticipated to cause continu-

ing repeated material disorder" and "substantial and material inpingement upon. . .the rights of others," the student may return to school pending final action on his/her appeal. If the hearing committee fails to make such a finding, the student shall not return to class.

The hearing shall afford procedural due process including the following: (a) the right of the student to have counsel of his/her own choice present, (b) the right of the parent or guardian of the student to be present, (c) the right of the student and his/her counsel or advisor to hear or read a full report of testimony of witnesses against the student, (d) the right of the student to present witnesses in person or by affidavit, (e) the right of the student to have an orderly hearing, and (g) the right of the student to a fair and impartial decision based on substantial evidence.

Upon completion of the hearing, if the hearing committee believes that the student has violated a criminal statute or a city ordinance, the committee shall report this to the district court.

Written notice of the hearing results shall be given to the student and his/her parent or guardian within twenty-four hours after the decision. The student or his/her parent may appeal to the board within ten calendar days of receiving the notice. The appeal shall be heard by the board or a hearing officer appointed by the board within twenty calendar days after the appeal is filed. The student and his/her parent shall be notified of the time and place of the hearing at least five days prior to the hearing.

APPEAL

The hearing shall be conducted in the same manner as the original hearing. A record of the hearing shall be made by electronic recording or by an official court reporter paid for by the school district. The board shall decide the appeal within five days after the hearing.

CROSS REFERENCES

I.District Board of Education; Regulation §91-15-1

II.A.2.; Statutes §72-972 -- 72-975

II.A.3.; Regulation §91-16-1; 16-3; 16-5; 16-6

III.A.1.; Regulation §91-2-1

III.A.1.; Regulation §91-4-6

IV.E.; Statute §72-134

IV.E.; Statute §72-5311

IV.H.; Statute §72-111

IV.H.; Statute §72-8905

STATUTES

§158.150

"All pupils . . . shall comply with the lawful regulations for the government of the schools. Wilful disobedience or defiance of the authority of the teachers, habitual profanity or vulgarity, or other gross violation of propriety or law constitutes cause for suspension or expulsion from school. The superintendent, principal or head teacher of any school may suspend a pupil for such misconduct, but shall report such action in writing immediately to the superintendent. The board of education of any school district may expel any pupil for misconduct as defined in this section, but such action shall not be taken until the parent, guardian or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board shall be final."

SUSPENSION

EXPULSION

HEARING

§161.180

1) "Each teacher . . . shall hold pupils to a strict account for their conduct in school, on the way to and from school, on the playgrounds, in the lunchroom and cafeteria, and during intermission or recess."

2) Teachers' aides may be used "in supervisory capacity, such as playground supervision, hallway supervision . . . and other like activities . . . relating to the supervision and control of the conduct of pupils; and while so engaged . . . shall have the authority and responsibility as is granted to and imposed by law upon teachers in the performance of the same or similar duties."

§169.295

1) "The [local] board[s] of education . . . may adopt and promulgate a code of student rights and responsibilities for secondary schools from recommendations

RULEMAKING

of a committee composed of students, faculty, parents and . . . administrators.

2) Such committee shall consist of two students, two parents of students, two faculty members, two representatives from administrative personnel of the district, and one member of the local school board.

3) The student and faculty members . . . shall be elected by their peers . . . the administrative personnel shall be appointed by the school district superintendent, and the parents selected by the faculty and student body. Members . . . shall serve for a term of one year, and may be re-elected or re-appointed in following years.

APPOINTMENT

4) Each committee member shall be entitled to a single vote and any code of student rights and responsibilities adopted by a majority of the . . . membership shall be submitted to the district board of education which may cause such code, in whole or in part to be implemented in the public schools of the district.

5) All meetings of the committee shall be open to the public and the committee shall hold at least one public hearing on the proposed code before it is adopted . . . .

6) The code . . . adopted by the committee may define rights and responsibilities regarding, but not limited to, the following:

(a) Right of expression, including, but not limited to, the following:

(b) Right to participate in decision-making procedures directly affecting students;

(c) Right to procedural due process concerning major disciplinary action, as defined by the code;

(d) Right to receive academic grades based only upon academic performance;

(e) Right to freedom from abuse and threat of abuse by members of school faculties and administrative personnel; and

ACCESS

(f) Right of access by a student to his or her own records and guarantee of the confidentiality of a student's academic records outside the school system except upon written authorization of the student or his . . . parent or guardian.

7) Students shall refrain from activity which materially or substantially disrupts the educational process or presents a clear and present danger to the health and safety of persons or property, or infringes on the rights of others."

§438.050

SMOKING

Any person, except adult employees of the school system, "who smoke tobacco products in any school building, . . . or upon school grounds, while children are assembled there for lawful purposes," except in designated areas "shall be fined not less than one dollar nor more than five dollars."

CROSS REFERENCES

I.Superintendent of Schools; Statute §160.370

II.A.2.; Statute §167.140--.170

II.A.3.; Regulation 705 KAR §5:080

II.A.7.; Statute §§159.220; .230

IV.D.; Regulation 702 KAR §5:050; 704 KAR §5:080

IV.H.; Statute §159.140

IV.J.; Statute §159.130

STATUTES

§17:108

Whereas the findings of fact and opinion of the board are final, an appeal may be filed with the court clerk within 30 days of the board's final decision. In the event that the pupil or parent or guardian of any minor files exception before the board to its final action, as constituting a denial of any right guaranteed under the U.S. Constitution or the laws of Louisiana, and if the board shall not within fifteen days, reconsider its final action, appeal may be brought in the district court.

APPEAL

"The filing of the petition for appeal shall not suspend or supersede an order of the board," however, the district court may suspend, pending appeal the school board order, on request of the petitioner, if the court finds prima facie justification at a preliminary hearing.

On such appeal the district court may . . . summon a jury for the determination of any issue or issues of fact presented."

§17:223

"Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess. Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools . . . .

CORPORAL PUNISHMENT

School boards shall adopt . . . regulations . . . necessary to implement and control any form of corporal punishment in its schools . . . . School prin-

RULEMAKING

cipals may suspend from school any pupil for good cause . . . . the parent [and] superintendent of schools . . . shall be notified in writing of the facts concerning each suspension."

SUSPENSION

§17:224

"Unadjustable or incorrigible children, who, through no fault of their parents or tutors or other persons having charge of them, regularly disrupt the orderly process of the school to which they have been assigned, shall be considered as delinquents, and may be reported by the visiting teacher . . . to the juvenile court of the parish . . . ."

DELINQUENT

§17:416

"Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess. School principals may suspend from school any pupil who is guilty of wilful disobedience; who treats with intentional disrespect a teacher, principal, superintendent, member, or employee of the local school board; who makes against any of them an unfounded charge; who uses inchoate of profane language; who is guilty of immoral or vicious practices, or of conduct or habits injurious to his[her] associates; who uses tobacco, alcoholic beverages, any controlled dangerous substances governed by the Uniform Controlled Dangerous Substance Law in any form in school buildings or on school grounds; who disturbs the school and habitually violates any rule; who cuts, defaces, or injures any part of public school buildings, or any property belonging to these buildings; or who writes any profane or obscene language or draws obscene pictures in or on any school material or on any public school premises, or on any fence, pole, sidewalks or building as the way to or from school; or who is found carrying firearms, knives, or other implements which can be used as weapons, the careless use of which

SUSPENSION

might inflict harm on injury; or who throws missiles on the school grounds liable to injure other pupils, or who instigates or participates in fights while under school supervision; or who violates traffic and safety regulations; or who leaves the school premises without permission, or who leaves his[her] classroom during class hours or detention without permission; or who is habitually tardy or absent; or who commits any other serious offense . . . .[The] school principal, or his/her designee, shall advise the pupil of the particular misconduct he or she is accused of and of the basis for such an accusation, and the pupil shall be given an opportunity to explain his or her version of the facts to the school principal or his/her designee. If the student's presence on or about a school poses a continued danger to persons or property or an ongoing threat of disruption to the academic process, he/she may be immediately removed from the school premises . . . providing that the necessary procedure will follow as soon as practicable. Any parent, tutor or legal guardian of a suspended pupil shall have the right to appeal to the parish superintendent of schools, who shall conduct a hearing on the merits.

REMOVAL

APPEAL

HEARING

Any student, after being suspended on three occasions during the same school session, shall on committing the fourth offense, be expelled from the public schools of the parish until the beginning of the next regular school session, subject to the review and approval of the local school board."

EXPULSION

REVIEW

A hearing shall be conducted by the superintendent to detemine whether the student in question shall be expelled or if other corrective or disciplinary action shall be taken.

HEARING

The parent or tutor of the pupil may, within 10 days, appeal to the district court for the parish in which the student's school is located from an adverse ruling of the school board in upholding the action of the superintendent.

APPEAL

The conviction of any student of a felony or the incarceration of any student in a juvenile institution . . .

shall be the cause for expulsion of the student for a period of time determined by the board.

§17:416.1

Teachers, principals, and administrators of the public school may employ reasonable disciplinary and corrective measures to maintain order in the schools.

If a teacher, principal, or administrator in the public school system is sued for damages, it shall be the responsibility of the school board to provide the defendant with a legal defense.

If he/she is liable for judgment for damages in the suit, it is the school board's obligation to idemnify him/her fully against such judgment.

LIABILITY

§17:416.2

SUSPENSION

EXPULSION

"Any student suspended or expelled from school . . . shall be kept under the supervision of the parish school board or city school board, [in]. . . alternative education programs . . . as adopted by the State Board of Elementary and Secondary Education [with the approval of] the parish or city school board . . .[provided they be] fully funded by state and/or federal funds."

CROSS REFERENCES

IV.E.; Statute §17:2092

IV.E.; Statute §17:2093

IV.G.; Statute §17:104

IV.K.; Statute §17:156

CROSS REFERENCES

IV.G.; Statute §963; 965

J. Student Rights and Discipline

Statutes

Art. 77 §85A

No statement made by a student to a teacher or professional educator shall be admissible against her/him in any proceeding if that student is seeking information about overcoming drug abuse. Further, no observation or conclusion derived by the teacher or other educator shall be admissible against the student in any proceeding.

DRUG ABUSE

Art. 77 §95

The principal has the right to suspend any pupil for cause for up to five days provided the parent is given a conference during the suspension period. Longer suspensions require that the principal submit a report to the superintendent who investigates the problem and determines if a longer suspension or expulsion is necessary. If so, a conference shall be arranged with parents to determine the length of such suspension or expulsion. The parents have the right to appeal a decision to the school board within 10 days after the superintendent makes his/her decision. The appeal "shall not operate to stay the decision of the local superintendent. The decision of the local board shall be final."

SUSPENSION

EXPULSION

APPEAL

Art. 77 §96A

Each principal or assistant may search a student if she/he has probable cause to believe the student is carrying an item, possession of which constitutes a criminal offense. The search shall be made in the presence of a third party. Each principal may also search the physical plant of the school including students' lockers. However, the right of the principal to search lockers must have been previously announced.

SEARCHES

Art. 77 §98A

Principals, teachers and school security guards "may intervene in any fight or physical struggle that takes place in their presence in school buildings or on school grounds, between or among students or any other persons." The official involved shall use reasonable force to restore order and protect the safety of the combatants and surrounding persons.

REASONABLE FORCE

Any school official mentioned above who is injured while intervening in a fight shall be compensated for medical expenses by the county board. The official shall not suffer any loss of compensation for time lost from work. Compensation by the county shall be reduced by any payments made pursuant to Workman's Compensation Laws.

The county board shall provide for or reimburse the official for any reasonable legal fees incurred in an action brought by parents or other claimant against the official for intervening in the fight.

Art. 77 §98B

Nothing shall prohibit the use of corporal punishment by a principal or vice principal in all counties except Howard, Montgomery and Prince Georges counties. In all other counties the county board shall establish regulations governing the use of corporal punishment.

CORPORAL PUNISHMENT

REGULATIONS

13.07.03.01 - 13.07.03.02

"Pupils are prohibited from using intoxicants in any form on the school premises.

INTOXICANTS

The use of tobacco . . . by pupils on school premises shall not be permitted unless expressly authorized under . . . rules adopted by a local board of education . . . .

TOBACCO

SECRET ORGANIZATIONS

"All pupil organizations desiring to conduct activities in public school buildings or . . . grounds" must be "authorized to do so and shall . . . be subject to supervision of the administration and faculty of such schools." Organizations which are secret or exclusive in their membership are "prohibited from conducting . . . activities in public school buildings or . . . grounds."

Local boards of education must "develop or document on Students' Responsibilities and Rights" based on State Board of Education guidelines. "All members of the school community . . . including students, teachers, administrators, and parents" should receive copies. "There shall be broad involvement of representatives of the school community in the development of such documents."

13.07.04.01 - 13.07.04.02

NOTICE

SUSPENSION

HEARING

If a pupil's behavior "is disruptive and detrimental to the operation of the school," he or she may be suspended or expelled as provided by law. A pupil must be notified of the charges before suspension and has "the right to an explanation of the evidence supporting the charges and an opportunity to present his or her side of the story." If a pupil's behavior is so dangerous or disruptive that he or she must "be removed immediately from school," the required notice and hearing must be given as soon as possible.

Each county board of education is authorized to make rules "to maintain . . . order and discipline" within its Schools. These rules "should provide for counseling and may permit suspension, expulsion, or other disciplinary measures as . . . appropriate . . . . The State Board of Education abolishes corporal punishment as a statewide disciplinary measure . . . .

CORPORAL PUNISHMENT

"Pupils shall not be stricken on or about the head . . ., nor shall they . . . be subjected to any brutal or unreasonable punishment . . . .

SUSPENSION

"The alternative to corporal punishment . . . is the temporary suspension from school by the principal, with notice to the parent that an interview will be necessary before the pupil may return . . . . The local school authorities, whose approval is required to continue the suspension. . ., shall be notified at once." Pupils who fail to comply with the prohibition against participation in secret organizations shall be disciplined appropriately.

ARREST

If possible, police arrest of a pupil "should be made during non-school hours and away from the school premises." If an arrest must be made at school, "the responsible school official shall" find out information as to the charge, the name of the arresting officer, and the pupil's location in order to advise the parent and other school officials. If such an arrest takes place, effort should be made to inform the parent immediately and then the Superintendent's office. The arrest should be made so "as to avoid both embarrassment to the pupil . . . and jeopardizing the safety and welfare of other pupils. . . .

"School officials shall not permit questioning of a pupil under arrest on the school premises . . . . Police investigations involving the questioning of pupils" may be permitted at school only if "in connection with a crime committed on the premises" or if crucial to the success of the investigation or the "lives or safety of the pupils or other persons, provided, a school official is present. If there is no arrest, a student may not be removed from school for questioning without parental consent.

SEARCHES

If police officers have a search warrant, they may search that part of the school indicated in the warrant. Police searches may only be made with a search warrant or if necessary for the safety of pupils "or other persons on school property. Searches should be conducted so as to "minimize disruption of the normal school routine and . . . embarrassment to pupils affected."

Unless there is a "reasonable suspicion" that a pupil is carrying a concealed weapon, a police officer may not search any pupil not under arrest, and "under no circumstances shall a school official conduct such a search . . . at the request of a police officer . . . .

"School officials may at anytime conduct . . . searches . . . essential to the security . . . and sound administration of the particular school" within the limitations herein stated if it is a police investigation.

"School officials shall promptly report to the responsible law enforcement agencies all police matters . . . which involve pupils attending the . . . school . . . . Police matters shall not include conduct . . . traditionally treated as a matter of discipline to be handled administratively by the particular school"; however, parents should be informed of conduct of a serious nature."

J. Student Rights and Discipline

Statutes

71 §37 G

"The power of the school committee or any teacher or other employee or agent of the school committee to maintain discipline upon school property shall not include the right to inflict corporal punishment upon any pupil."

71 §37 H

Each school committee "shall publish its rules or regulations pertaining to the conduct of teachers or students. . . Copies of the rules or regulations shall be provided to any person upon request and without cost . . .[and shall be]. . . filed with the commissioner of education."

71 §82

FREEDOM OF SPEECH

"The right of students to freedom of expression . . . shall not be abridged, provided that such right shall not cause any disruption or disorder within the school. Freedom of expression shall include without limitation the rights and responsibilities of students, collectively and individually, (a) to express their views through speech and symbols; (b) to write, publish and disseminate their views; (c) to assemble peaceably on school property for the purpose of expressing their opinions. Any assembly planned by students during regularly scheduled school hours shall be held only at a time and place approved in advance by the school principal or his[her] designee.

No expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible . . . for any expression made or published by the students."

71 §83

"School officials shall not abridge the rights of students as to personal dress and appearance except if such officials determine that such personal dress

and appearance violate reasonable standards of health, safety and cleanliness."
71 §84

"No student shall be suspended, expelled, or otherwise disciplined on account of marriage, pregnancy, parenthood or for conduct which is not connected with any school-sponsored activities; provided, however, that in the case of a pregnant student, the school committee may require that the student be under the supervision of a physician."
71 §85

RULEMAKING

The board of education and the school committee shall adopt rules and regulations concerning student rights after public notice of their intentions and the opportunity given for students to voice their views. The regulations "shall provide that notwithstanding the existence of the rights and responsibilities described . . . school committees . . . may take necessary action in cases of emergency."
71 §86

"The provisions of section eighty-two to eighty-five [student's rights], inclusive, shall apply only to cities and towns which accept the same."
76 §5

"Every person shall have a right to attend the public schools of the town where he/she actually resides . . . . No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of the public school on account of race, color, sex, religion or national origin."
76 §17

NOTICE

"A school committee shall not permanently exclude a pupil from the public schools for alleged misconduct without first giving him[her] and his[her parent or guardian an opportunity to be heard."

119 §69

"The superintendent of the public schools in any town, any teacher therein, and any person in charge of a private school, shall furnish to any court . . . any information and reports requested by any justice thereof relating to the attendance, conduct and standing of any pupil enrolled in such school, if said pupil is at the time awaiting examination or trial by the court or is under the supervision of the court."

CROSS REFERENCES

I.Student Advisory Committee; Statute 71 §38M

II.A.1; Statute 71 §3

J. Student Rights and Discipline

Statutes

§380.1301

A person who has not completed high school may not be excluded from school because of being pregnant. A pregnant student may withdraw from the regular program in accordance with rules promulgated by the state board. A school board may provide an alternative educational program for pregnant students or may contract with the intermediate district offering such a program. School districts shall be reimbursed for these programs from state school aid.

§380.1311

SUSPENSION

EXPULSION

A school board may suspend or expel a pupil guilty of gross misdemeanor or persistent disobedience. If there is reason to believe that the pupil is handicapped and the pupil has not been evaluated, the pupil shall be evaluated immediately by the intermediate district of which the district is constituent.

§380.1312

LIABILITY

A teacher or superintendent may use reasonable physical force to take possession of a dangerous weapon carried by a pupil or to maintain proper discipline over pupils in school. He/she shall not be liable in a civil action for the use of such force for these purposes, except in case of gross abuse and disregard for the health and safety of the pupil.

CROSS REFERENCES

I.District School Board; Statute §380.1297; 380.1298

II.A.7; Statute §380.628

III.D.Students; Statute §380.1172

IV.E.; Statute §380.1289

IV.E.; Statute §380.1316

STATUTES

§127.28

"No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion."

DUE PROCESS

§127.29

Before dismissing a pupil, a school must provide "alternative programs of education" for the pupil such as special classes or tutoring. A pupil may be dismissed for: (1) "a willful violation" of any school board regulation, if the regulation gives clear notice to students that they must follow the regulation; (2) "willful conduct" which "substantially disrupts" other students' right to an education; (3) "willful conduct which endangers students or school property."

DISMISSAL

§127.30 --127.33

No pupil may be suspended from school without an "informal administrative conference" unless it appears that the pupil will create "an immediate and substantial danger" to other persons or property. The student and her/his parent must receive written notice of the grounds for suspension before the conference takes place.

SUSPENSION

NOTICE

No student may be expelled without a hearing unless the pupil waives her/his right to the hearing. The student and parent must receive written notice of the hearing and be informed of her/his right to counsel and right to examine her/his records. If the pupil cannot afford a lawyer, the school board shall advise her/his parents of available legal aid. The hearing shall take place before an independent hearing officer or the school board. Any decision to expel the student may be appealed to the commissioner of education, whose

EXPULSION

HEARING

RIGHT TO COUNSEL

decision is subject to judicial review.

§127.36

EXPULSION

The school board shall report all cases of expulsion to the commissioner of education within 30 days.

§127.37

If a student fails to return to school within ten days of the termination of dismissal, the student and her/his parent shall be notified in writing of the student's right to return to school.

§127.38

DISMISSAL

Each school board shall establish uniform criteria and policies for dismissal. It is emphasized that dismissal action be prevented whenever possible through early detection of problems. Policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period and help prepare her/him for readmission.

CROSS REFERENCES

III.C. Education System; Statute §120.72

IV.E.; Statute §127.17

IV.H.; Statute §120.12

IV.H.; Statute §120.14

§37-7-323

"Any act which, if committed within the units of a city, town, or village or in any public place, would be a violation of the general laws of this state, shall be criminal and punishable if done on the campus, grounds, or roads of any of the public schools of this state. The peace officers duly appointed by the board of trustees of any school district are vested with the powers and subjected to the duties of law on school property within the district, and for preserving order and decorum thereon."

APPOINTMENT

§37-9-69

"It shall be the duty of each superintendent, principal and teacher in the public schools . . . to enforce . . . the courses of study prescribed by law or by the state board of education, to comply with the law in distribution and use of free textbooks and to observe and enforce the statutes, rules, and regulations prescribed for the operation of schools. Such superintendents, principals and teachers shall hold the pupils to strict account for disorderly conduct at school, on the way to and from school, on the playgrounds, and during recess.

§37-9-71

"The superintendent of a school district and the principal of a school shall have the power to suspend a pupil for good cause or for any reason for which such pupil might be suspended, dismissed or expelled by the board of trustees. However, such action of the superintendent or principal shall be subject to review by and the approval or disapproval of the board of trustees."

SUSPENSION

REVIEW

§37-11-19

Any pupil who wilfully destroys or injures school property shall be liable to suspension or

SUSPENSION

expulsion and "his[her] parents or person in loco parentis shall be liable for all damages."

EXPULSION
LIABILITY

§37-11-20

"It shall be unlawful . . . to intimidate, threaten or coerce, or attempt to intimidate threaten or coerce, whether by illegal force, threats of force, or by the distribution of intimidating, threatening or coercive material, [any pupil] for the purpose of interfering with the right of that person to attend school classes or of causing him[her] not to attend such classes." Violation of this section shall be a misdemeanor.

§37-11-21

TEACHER ABUSE

Any parent or other person who insults or abuses any superintendent, principal, teacher, or bus driver during school session before students is guilty of a misdemeanor.

§37-11-23

Willful disturbance of a school session or public school meeting is a misdemeanor.

§37-11-29; 31; 33

If any student enrolled in a public or private school is charged with and convicted of a misdemeanor, a report by the law enforcement department of which the arresting officer is a member and by the presiding judge shall be made to the superintendent of the school which the student attends.

If the charge of a misdemeanor on which the student was arrested is "dismissed" or "not processed," or if upon trial, he/she is acquitted or convicted, it shall be reported to the superintendent and a copy of the report sent to the secretary of the board of trustees.

This section does not apply to traffic violations involving fines of less than twenty-five dollars.

The fee for the above mentioned report as well as the contents of said report are contained herein.

§37-11-39

SECRET ORGANIZATION

Any public high school fraternity, sorority or secret society, as defined herein, is forbidden.

CROSS REFERENCES

III.A.2.; Statute §37-7-311

IV.A.; Statute §37-7-321

IV.D.; Regulation, Pupil Transportation Guide for School Superintendents §TR-V

IV.E.; Statute §37-11-41

IV.E.; Statute §37-11-43

IV.E.; Statute §37-11-45

IV.F.; Statute §37-11-29; 37-11-31; 37-11-33

IV.G.; Statute §37-11-1

IV.G.; Statute §37-11-3

J. Student Rights and Discipline

§167.161 -- .171

SUSPENSION

EXPULSION

Upon notice to parents or persons leaving custody of the child and a hearing upon the charges preferred, the school board may suspend or expel a pupil for disorderly conduct. Summary suspensions of pupils by principals may be authorized, but shall not exceed ten days. Such action may be revoked by the superintendent. Summary suspensions may be appealed to the board.

APPEAL

§537.045 -- 562.260

LIABILITY

The parent or guardian is liable for damage to school property caused by any unemancipated minor. Breaking into or trespassing upon school property is a misdemeanor. It is unlawful for any person to enter any school house intoxicated and in a disorderly condition and upon so doing shall be guilty of a misdemeanor.

CROSS REFERENCE

IV.E.;Statute §171.141

J. Student Rights and Discipline

Statutes

§23-4720

"Every person who willfully disturbs or breaks up . . . any public school or public school meeting, is guilty of a misdemeanor."

§75-6109

A teacher may discipline any student for "disorderly conduct in school, . . . to or from school, or during intermission or recess." The teacher may administer "corporal punishment in order to maintain orderly conduct;" this shall be done "without undue anger and only in the presence of the principal, if there is one." The parent or guardian must be notified before any corporal punishment is administered, unless there is "open and flagrant defiance of the teacher or the authority of the school . . . ."

CORPORAL PUNISHMENT

"Where a district superintendent or principal is employed, only he[she] shall have authority to suspend a student for good cause." If these positions are unoccupied, a teacher has authority to suspend a student for good cause. When a teacher suspends a pupil, he[she] shall notify the trustees immediately, who "shall meet as soon as practicable to consider" the teacher's action.

SUSPENSION

The teacher shall report the "truancy or incorrigibility" of any student to the principal, district superintendent or trustees.

TRUANT

Any teacher who mistreats a student by "undue or severe punishment" shall be guilty of a misdemeanor and fined up to $100.

§75-6110

Anyone who insults or abuses a teacher on school grounds or premises shall be guilty of a misdemeanor.

TEACHER ABUSE

"Any pupil shall: comply with the policies of the trustees and the rules and regulations of the school . . .he[she] attends; pursue the required course of instruction; submit to the authority of the teachers, principal and district superintendent of the district; and be subject to the control and authority of the teachers, principal and district superintendent while . . . in school or on school premises," going "to and from school, or during . . . intermission or recess."

"Any pupil who continually . . . disobeys the provisions of this section, shows open defiance . . . of school personnel; damages any school building . . . [or] equipment . . . belonging to the district, or harms or threatens harm to another person or his[her] property shall be liable for punishment, suspension or expulsion . . . . When a pupil . . . damages school property, his[her] parent or guardian shall be liable for the cost of repair or replacement upon complaint of the teacher, principal, or superintendent or any trustee and the proof of such damage."

SUSPENSION
EXPULSION
LIABILITY

The trustees may also deny a high school student participation in graduation exercises or "exclude a high school pupil from participating in school activities. Such action shall not be taken until the incident . . . causing such consideration has been investigated" and the trustees confirm the pupil's involvement.

EXCLUSION

"Any pupil may be suspended by a teacher, superintendent or principal. The trustees shall . . . define "the authority and procedure to be used" by these school officials in suspending a pupil, and the "circumstances and procedures by which the trustees may expel a pupil." Expulsion shall be done only by the trustees.

SUSPENSION
EXPULSION

§75-8306

"Any person who shall willfully disturb any school or school meeting shall be deemed guilty of a misdemeanor."

§93-701.4

CONFIDENTIALITY

CONSENT

"A counselor, psychologist, nurse or teacher, employed by any educational institution, cannot be examined as to communications made . . . in confidence by a . . . student," unless the student consents or, in the case of a minor, the student and parent consent.

§94-3-107

FORCE

"A parent . . . guardian . . . or teacher is justified in the use of such force as is reasonable and necessary to restrain or correct his[her] child . . . or pupil."

CROSS REFERENCES

III.C.Educational System: Statute §64-301

III.C.Educational System: Statute §64-306

IV.E.; Statute §75-6312

STATUTES

§79-4,170

"The purpose of sections 79-4.170 to 79-4.205 is to assure the protection of all . . . students' constitutional right to due process and fundamental fairness within the context of an orderly and effective educational process. The sanctions defined . . . shall be interpreted at all times in the light of the principles of free speech and assembly . . . and in recognition of the right of every student to public education."

§79-4,171 - 4,172

School boards "may authorize the emergency exclusion, short-term or long-term suspension, expulsion, or mandatory reassignment of any pupil from school" if such action complies with the procedures required by law.

EXCLUSION
SUSPENSION
EXPULSION
REASSIGNMENT

"Administrative and teaching personnel may take actions . . . which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process" in addition to those provided by law, such as "counseling of students, parent conferences, rearrangements of schedules, requirement that a student remain in school after regular hours to do additional work, . . . or restriction of extracurricular activity."

§79-4,173

"If a student is suspended, expelled, or excluded from school . . . , such absence . . . shall not be deemed a violation on the part of any person" under any compulsory attendance statutes.

§79-4,174 - 79-4,176

Any notice or determination under these

NOTICE

sections is considered to be given when the student or parent receives it personally or by certified mail.

The school board may prescribe any additional procedures to those required by law if they are not inconsistent with the law. Any action of school officials or employees that violates the law "shall be considered null, void, and of no effect." The school board may delegate "responsibilities directed to the principal or superintendent" to other school officials.

The school board shall establish reasonable rules and standards for student conduct which are made clear to students. All other rules for student conduct adopted by school officials must conform to the rules and standards of the board.

"Rules or standards which form the basis for discipline shall be distributed to students and their parents."

§79-4,177; 4,178

A student who "has a dangerous communicable disease" or whose conduct is a "clear threat to . . . himself, herself, or others, or is . . . extremely disruptive" may be temporarily excluded from school for a period no longer than the situation warranting it lasts. The school board shall hold a hearing and make a determination within ten days if a school official "determines that such emergency exclusion shall extend beyond five days."

HEARING

A principal may exclude a student from school for up to five days for "conduct constituting grounds for expulsion . . . or . . . any other violation of rules . . . of behavior adopted" under law, following an investigation and notification and explanation of the charges given to the student. The principal must then send a written statement to the student and parents explaining "the reasons for the action taken . . .[and] make a reasonable effort to hold a conference with the parents."

EXCLUSION

NOTICE

SUSPENSION

EXPULSION

REASSIGNMENT

"Long-term suspension" means the exclusion of a student from school for between 5 and 20 days; "expulsion" means exclusion "for a period not to exceed the remainder of the semester;" and "mandatory reassignment" means the "involuntary transfer of a student to another school . . . in connection with any disciplinary action."

The following conduct constitutes grounds for these actions: (1) violence, force, or intimidation; (2) damage or theft of "private or school property;" (3) "physical injury to a school employee or to any student," unless such injury was caused "by accident, self-defense," or in an attempt to protect someone; (4) possession of a weapon, illegal narcotic or drug or alcohol; (5) violation of state laws or of school rules if such violation or activity constitutes a danger to other students . . . or . . . a substantial interference with school purposes."

§79-4,181

The following procedures are required if a principal suspends, expels or reassigns a student. "On the date of the decision, a written charge and a summary of the evidence . . . shall be filed with the superintendent" and notice is then sent to the student and parents, including: the alleged violation and the evidence against the student; possible penalty; the student's right to a hearing upon request; "a statement that the principal, legal counsel for the school, the student, . . . parents, or the student's representative or guardian" may examine all records to be used at the hearing and "know the identity of the witnesses . . . and the substance of their testimony;" and a form on which to request a hearing. The students, parents or representative may also settle "the matter with appropriate school personnel prior to the hearing stage."

NOTICE

HEARING

If a hearing is requested within five days of notice, a hearing examiner who has no involvement in the hearing or charges shall be appointed by the superintendent or school board. All records and statements may be examined by the principal, student or parents before the hearing. The hearing examiner shall "remain impartial throughout all deliberations" and shall assist the parties involved with regard to questions of procedure in the hearing. If a hearing is not requested within five days "the punishment recommended . . . by the principal . . . shall automatically go into effect." If a hearing is requested between 5 and 30 days after receipt of notice, "the hearing shall be held, but the imposed punishment shall continue . . pending final determination."

HEARING

Hearings "shall be attended by the hearing examiner, the student, the student's parents . . . guardian . . . [or] representative," who may be an attorney, and counsel for the school board, if deemed advisable by the hearing examiner or superintendent. The student may be excluded at certain times at the hearing examiner's discretion. The student may testify or choose not to testify.

RIGHT TO COUNSEL

"The principal shall present to the hearing examiner . . . such statements and records [as] have been made available to the student, . . . parents . . . or representative prior to the hearing." The student, parents or representative, principal and hearing examiner may ask witnesses to testify and "question any witness giving information."

A "hearing may be conducted for . . . students as a group" if they are charged with the same violation and for having acted together, and the hearing examiner believes that such a hearing will not "result in confusion" and will not prejudice the interests of any one student. The hearing examiner "may order a separate hearing for any student" if the conduct of a group

hearing is resulting in confusion or prejudicing a student's witness.

§79-4,195 — 79-4,200

The hearing examiner shall report his or her "findings and a recommendation of the action to be taken," which shall be reviewed by the superintendent, "who may change or concur with the recommendation but may not impose a more severe sanction. The student and parents shall be informed in writing of the determination of the hearing examiner and the superintendent; "upon receipt . . . the determination of the superintendent shall take immediate effect." The determination may be appealed to the school board within ten days, and the board or a "designated committee" shall hold a hearing.

APPEAL

A copy of the board's decision shall be sent or delivered to the student and parents.

§79-4,201 — 79-4,205

"Any person aggrieved by a final decision in a contested case regarding a student suspension . . . shall be entitled to judicial review" under this section or may "resort to other means of review, redress, or relief provided by law."

JUDICIAL REVIEW

Review proceedings are initiated "by filing a petition in the district court of the county where the action is taken within thirty days after" the board's final decision.

The school board must give the court "a certified transcript of the record" and its proceedings, including the final decision. The court may affirm the board's decision, "remand the case for further proceedings, or reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced.

§79-449.01; 79-451

"At the end of each semester the chief executive

officer of any public or nonpublic school shall report to the Commissioner of Education the names of" children who have dropped out of, or "been excluded or expelled from school," and also the name of any child who returns to school after having dropped out or been expelled. The county or district superintendent also receives a copy of the report.

The secretary of the district board shall report annually to the county superintendent the number of children between ages 5 and 21 in the districts. The secretary shall also file "two reports . . . described as an end-of-the-year annual statistical summary, and an annual financial report," to include such information as: the number of children in school below age 5 and over 21; the total number attending school during the year, the number between ages 7 and 16 in the district; "the length of time school has been taught . . . by a qualified teacher, . . .[and] by each teacher;" the number of days all pupils have attended school during the year; and other financial data.

CROSS REFERENCES

IV.E.; Statute §79-4.125 -- 4.127

IV.G.; Statute §79-497 -- 499; 4.100 -- 4.101; 4.105

J. Student Rights and Discipline

Statutes

§49.290

"Except for communications relating to any criminal offense" punishable by death or life imprisonment, "communications by a pupil to" a certificated school counselor "in the course of counseling or psychological examination are privileged communications, and a counselor shall not, without the consent of a pupil be examined as a witness concerning any such communication in any civil or criminal action to which such pupil is a party."

CONFIDENTIALITY

§49.291

"Communications by a pupil" to a certificated teacher "concerning the pupil's possession or use of drugs or alcoholic beverages made while the teacher was counseling or attempting to counsel such pupil are privileged communications and the teacher shall not, without the consent of the pupil, be examined as a witness concerning any such communication in any civil or criminal action to which the pupil is a party."

§391.270

"Every teacher in the public schools shall hold pupils to a strict account of their conduct on and in close proximity to the school grounds,on the playground, and during any intermission."

§392.030

SUSPENSION
DISMISSAL

A board of trustees may authorize the suspension or expulsion of any pupil from any public school within the school district in accordance with rules and procedures of due process of law. No pupil may be suspended or expelled until given notice of the charges against him or her. An explanation of the evidence and an opportunity for a hearing, except that a pupil posing a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed from the school immediately upon being given

NOTICE

HEARING

the reasons and pending proceedings, to be held as soon as possible after removal for his/her suspension or expulsion.

§392.460

Boards of trustees, superintendents, principals, and teachers "have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children." It is not, however, the duty of superintendents, principals, or teachers to supervise the conduct of children while off school property.

§392.465

CORPORAL PUNISHMENT

"The use of corporal punishment" should "be discouraged" and should only be used "after all other methods of discipline have proven ineffective." Judgment and discretion should be used in all punishment, and school counseling and psychological services should be fully used. Each board of trustees shall adopt rules and regulations authorizing certificated personnel to administer punishment, subject to limitations of these provisions. Parents and guardians shall be notified before, or as soon as possible after, corporal punishment is administered. Corporal punishment shall not be administered on or about the head or face of any pupil, but this does not prohibit certificated personnel from defending themselves if attacked by a pupil.

It is unlawful to beat, whip, detain, or otherwise interfere with pupils against their will on their way to or from public school. Violation of this constitutes a misdemeanor.

§392.480

It is unlawful to use vile or indecent language or to threaten or assault any pupil or teacher while in the school building or on the school grounds. For these purposes, grounds constitutes a fifty yard radius from the school building. It is unlawful to

purposely interfere with any persons peaceably assembled within a public schoolhouse. Violations of any of these provisions constitutes a misdemeanor.

§393.070

It is unlawful to wilfully damage any school property, commit any nuisance in a public schoolhouse, or to loiter or purposely trespass on or near the school grounds. Any violation of this constitutes a public offense no less than a misdemeanor.

J. Student Rights and Discipline

Statutes

§193:11

To "wilfully interrupt or disturb any school" shall constitute a misdemeanor.

§193:13

SUSPENSION

The superintendent has authority to "suspend pupils from school for gross misconduct." If the suspension is for more than "five school days," the parent may appeal to the local school board. The school board may dismiss a pupil for "gross misconduct or for neglect or refusal to conform to the reasonable rules of the school" and such suspension is subject to review by the state board of education.

APPEAL

DISMISSAL

REVIEW

§193:14 --193:15

If a student has been assigned by the school board to a particular school, he/she may not attend any other school. If a student attends, visits, or interrupts a school "which he [she] has no right to attend," he/she shall be "guilty of a violation" and for subsequent offenses, "of a misdemeanor."

CROSS REFERENCES

I.School Board; Statute §189:15

III.A.1.; Statute §194:23-d

IV.D.; Statute §189:9-a

IV.E.; Statute §194:15-a

IV.G.; Statute §189-1-a

IV.H.; Statute §195-A:4-a

STATUTES

§18A:6-1

No employee of a public or private school shall inflict corporal punishment on a student; but the person may, within the scope of his employment, use reasonable and necessary amounts of force to "quell a disturbance," to gain possession of weapons or other dangerous objects held by a pupil, "for the purpose of self-defense, and for the protection of persons or property."

CORPORAL PUNISHMENT

§18A:17-43;44

The commissioner, if necessary, "may authorize any board of education to employ one or more public school law enforcement officers" station them in public schools while they are in session. No officer shall be employed except "upon the application of a board of education and with the approval of the county superintendent."

The commissioner is authorized to reimburse any board of education employing a law enforcement officer in determining the amount of reimbursement, the commissioner shall consider the financial ability of the board to employ an officer.

§18A:25-2

Pupils shall be held accountable for disorderly conduct, in school, on school property, or on the way to and from school, by teachers or any other person with authority over pupils. School bus drivers are responsible for maintaining order on the bus but lack authority to "exclude any pupil" from the bus. The driver shall report any "unmanageable pupils" to the school principal, who may exclude the pupil from the bus.

EXCLUSION

§18A:37-1

Students shall comply with the rules established for the government of schools, pursue the prescribed

course of study and submit to the authority of the teachers and others in authority over them.

§18A:37-2

Any student guilty of "continued and willful disobedience" or "defiance of authoirty" or "habitual use of profanity or of obscene language" or who injures school property "shall be liable to punishment and to suspension or expulsion from school."

SUSPENSION

EXPULSION

Other conduct which shall constitute good cause for suspension or expulsion includes assaults on students, teachers or employees, theft or attempted theft, participation in unauthorized occupancy of part of the school building by a group of students, incitement which results in such behavior and incitement to truancy.

§18A:37-3

The parent or guardian of any pupil damaging school property shall be liable for such injury together with the costs of suit.

LIABILITY

§18A:37-4;5

The principal may suspend a pupil "for good cause" but such suspension must be reported to the superintendent of schools, or, if no superintendent, to the board of education at its next regular meeting. The principal or superintendent may reinstate the pupil prior to the 2nd meeting of the board held after such suspension unless the board shall reinstate the pupil at such 1st meeting. Only the board may continue suspension after its 2nd meeting. The power to reinstate, continue suspension or expel is vested in the board.

SUSPENSION

REINSTATEMENT

§18A:40-9

If the cause for removal of a child from school can be remedied and the parent fails to have the cause for exclusion removed, he/she "shall be proceeded against, and "upon conviction, punished as a disorderly person."

REMOVAL

CROSS REFERENCES

II.A.1.; Statute §18A:43-1 -- 3

IV.E.; Regulation §18A:42-5; 6

IV.F.; Regulation §6:3-2.5; §6:3-2.7; §6:3-2.8

J. Student Rights and Discipline

Regulations

Reg. No. 71-6

The school is a community and the rules and regulations of a school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship.

Young people have the right to receive a free public education, the deprivation of which may only occur for just cause and in accord with due process. Students have the rights of citizenship delineated in the U. S. Constitution. Such rights may be regulated by school authorities only if failure to regulate would create a material and substantial disruption of school work and discipline.

Administrators and teachers have the responsibility for maintaining and facilitating the educational program.

The principal has the authority to suspend pupils for cause.

I. Rights, Responsibilities, and Limitations

The commission of activities in school buildings or property or at school-sponsored events that is defined as criminal under State laws is prohibited. Such activities include: arson, assault, burglary, illegal use of firearms or explosives, extortion, blackmail or coercion, malicious mischief, sale, sue, or possession of alcoholic beverages or of illegal drugs, trespass, unlawful interference with or intimidation of school authorities. Disciplinary action will be taken by the school regardless of whether or not criminal charges result.

Smoking on school grounds shall be governed by local board regulations.

Dress and appearance must not present health or safety problems or cause disruption.

Students will attend regularly-scheduled classes unless officially excused.

Conduct which materially or in fact interferes

with the educational process is prohibited. Students must obey the lawful instructions of school district personnel.

All persons must, upon request, identify themselves to school authorities in school buildings, on school property, or at school-sponsored events.

Freedom of speech and assembly does not include the use of obscenities or personal attacks or demonstrations which interfere with the operation of school or classroom: these are all prohibited. All student meetings in school buildings or grounds shall function only as a part of the educational process or as authorized by the principal.

Student publications must not contain libel, obscenity, or attacks of a personal nature.

Unauthorized solicitation will not be allowed on school property at any time. An exception will be sale of non-school-sponsored student newspapers, published by students of the school district, distribution of which shall be at times and places designated by school authorities.

School authorities shall search school property assigned to a specific student and seize items in his/her personal possession if they have reasonable cause to believe that the possession constitutes a crime or rule violation. General searches of school property may be conducted at any time. Search of an area assigned to a student should be for a specific item and in the student's presence. Illegal items and possessions determined to be a threat to the safety of others or to be used to disrupt or interfere with the educational process may be seized or temporarily removed from the student's possession by school authorities.

Any section of this document found by adjudication to be contrary to law or constitutional right shall be stricken without effect to the remainder.

II. Due Process

SUSPENSION HEARING

In cases of suspension for more than five days, a student must be given an opportunity for a hearing if desired by the student or his/her parent or guardian.

A hearing shall be conducted by a hearing authority designated by the local board, who shall make a determination

solely on evidence presented at the hearing.

NOTICE

The student and parent or guardian: shall receive written notice of charges; shall be requested to be present at hearing; may be represented by legal counsel. The student shall have the opportunity to give his/her version of the facts, to offer the testimony of other witnesses and other evidence, to be present when evidence is offered against him/her and to question any witness.

RIGHT TO COUNSEL

Written minutes shall be kept of the hearing. The hearing authority shall produce a written statement of his/her findings to be sent to the student, his/her parent or guardian, and the local board.

The decision of the hearing officer may be appealed to the local board.

III. Debarments and Suspensions.

SUSPENSION

The principal may suspend the student from the building for the remainder of the day or, pending a conference with parents or guardians, for a period of five days or less. A student may also be suspended from participation in school-sponsored activities. Such actions may be reviewed by the superintendent.

A student suspended for a period in excess of five days must be offered an opportunity for a hearing described above.

EXPULSION

IV. Expulsion is the dismissal of a student. The hearing process shall be followed for all such cases unless rendered impossible by the student or waived by the student or his/her parent or guardian.

REGULATIONS

Reg. No. 73-9

Public school authorities, including school boards, administrators, teachers, and others in positions involving the supervision of students, shall stand "in loco parentis" for those students during such times that they have responsibility for such students.

CROSS REFERENCES

I.Principal; Statute §77-3-3.1

I.School Staff; Statute §77-8-3

III.C.School Personnel; Regulation, Reg. No. 70-13

IV.F.; Regulation, Reg. No. 72-6

IV.G.; N.M. Const. Art. XII, Section 9

IV.G.; Regulation, Reg. No. 76-17

J. Student Rights and Discipline

STATUTES

§2554-a

PHOTOGRAPH

High school students may be "required to be photographed for purposes of identification."

§3214

TRUANT

SUSPENSION

Any habitually truant minor "is a school delinquent." School authorities may arrange for special schools and/or programs for such minors. Authorities may suspend "(1) a pupil who is insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health or welfare of others; (2) a pupil whose physical or mental condition" likewise endangers himself[herself] or others; (3) a pupil who . . . is feebleminded to the extent that he[she] cannot benefit from instruction."

HEARING

No suspension shall be for longer than five days unless the pupil and his/her parents or guardians "have had an opportunity for a fair hearing." Measures shall be taken for instruction elsewhere or "for supervision or detention" of any pupil suspended as "insubordinate or disorderly."

CROSS REFERENCES

III.D.Education Programs; Regulation §102.2 -- 102.4

IV.H.; Statute §3210

J. Students' Rights and Discipline

Statutes

§115-147

"The principal of a school shall have authority to suspend or dismiss any pupil who willfully and persistently violates the rules of the school or who may be guilty of immoral or disreputable conduct, or who may be a menace to the school." Any dismissal "in excess of 10 school days" must be approved by the "county or city superintendent." Any student who is "dismissed more than once during the same school term shall be subject to permanent dismissal at the discretion of the principal. In the absence of abuse of discretion, the decision . . . shall be final."

SUSPENSION

DISMISSAL

CROSS REFERENCES

I.Principals; Statute §115-150

I.Teachers; Statute §115-146

IV.D.; Statute §115-185

J. Student Rights and Discipline

Statutes

§15-38-13

SUSPENSION

NOTICE

"A teacher may suspend any pupil . . . for not more than five days for insubordination, habitual disobedience, or disorderly conduct . . . .[T]he teacher shall give immediate notice of the suspension, and the reason therefor, to the parent or guardian of the pupil and to a member of the school board."

CROSS REFERENCES

IV.D.; Statute §15-34.2-11

IV.H.; Statute §15-34.1-03

STATUTES

§3313.66

"(A) The superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days" provided such superintendent or principal first: SUSPENSIO

"(1) Gives the pupil written notice of the intention to suspend him(her) and the reasons...; and NOTIC

(2) Provides the pupil an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent's designee and challenge... the intended suspension or otherwise to explain his(her) actions. HEARING

(B) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school." Such superintendent or principal must first: EXPULSION

"(1) Give the pupil and his parent, guardian, or custodian written notice of the intention to expel the pupil; and

(2) Provide the pupil and his parent, guardian, custodian, or representative an opportunity to appeal in person before the superintendent or his(her) designee to challenge the... intended expulsion or otherwise to explain the pupil's actions.

The notice required... shall include the reasons for the intended expulsion, notification of the opportunity of the pupil, and his(her) parent, guardian, custodian or representative to appear before the superintendent or his(her) designee to challenge... the intended expulsion or otherwise to explain the pupil's action, and notification of the time and place to appear," which shall "not be earlier than three nor later than five days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil. . . ." NOTICE HEARING

"If an extension is granted after giving the original notice, the superintendent shall notify the pupil," etc., "of the new time and place to appear.

REMOVAL

(C) If a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process..., the superintendent, or a principal may remove a pupil from ... activities or from the school premises, and a teacher may remove a pupil from... activities under his [her] supervision, without the notice and hearing requirements of ... this section. As soon as practicable..., the teacher shall submit in writing the reasons for such removal.

If a pupil is removed under this division from [school] activity or from the school premises, written notice of the hearing and the reason... shall be given to the pupil as soon as practicable prior to the hearing, which shall be held within seventy-two hours from the time the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section, unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B)... shall be held, except that the hearing shall be held within seventy-two hours of the inital removal. The individual who ordered... the removal... shall be present at the hearing.

REINSTATEMENT

If the superintendent or principal reinstates a pupil... prior to the hearing..., the teacher shall, upon request, be given in writing the reasons for such statement.

(D) The superintendent or principal shall within twenty-four hours after the time of a pupil's expulsion or suspension, notify in writing the parent, guardian, or custodian of the pupil, and the clerk of the board of education of such expulsion or suspension. [Such] notice shall include reasons for the suspension or expulsion and shall also include notification of the right of the pupil, or his [her] parent ... to appeal such action to the board ... or to its designee, to be represented

in all such appeal proceedings, to be granted a hearing before the board or its designee..., and to request that such hearing be held in executive session.

APPEAL

(E) a pupil or his [her] parent, guardian, or custodian may appeal his [her] expulsion or suspension by a superintendent or principal to the board... or its designee. Such pupil or his [her] parent, guardian, or custodian may be represented in all such appeal proceedings... At the request of the pupil [etc.,] the board or its designee may hold the hearing in executive session, but shall act upon such suspension only at a public meeting. The board may, by a majority vote..., affirm the order of suspension or expulsion or may reinstate such pupil or otherwise reverse, vacate, or modify the order of suspension or expulsion. No pupil shall be suspended or expelled... beyond the current semester."

DURATION

"This section shall not be construed to require notice and hearing in accordance with ... this section in the case of normal disciplinary procedures in which a pupil is removed from a[n] activity for a period of less than twenty-four hours and is not subject to suspension or expulsion."

§3313.661

By September 1, 1976, each board of education shall adopt a code concerning suspension, expulsion and removal clearly specifying the types of misconduct which would permit such acitons. Thereafter, no student may be expelled, suspended or removed except in accordance with the code. Such code shall be clearly posted in the school.

§3319.41

"A person employed or engaged as a teacher, principal, or administrator in a school, whether public or private, may inflict or cause to be inflicted, reasonable corporal punishment upon a pupil attending such school whenever such punishment is reasonably necessary in order

CORPORAL PUNISHMENT

to preserve discipline while such pupil is subject to school authority." Noncertified school employees and school bus drivers may, in the course of their duties, apply reasonable force and restraint as necessary to "quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects.. , for the purpose of self-defense, or for the protection of persons or property."

CROSS REFERENCES

II.A.2.; Regulation §3301-51-16

IV.D.; Regulation §3301-83-01 -- 3301-83-13; 3301-85-03; 3301-87-01

IV.H.; Statute §3331.08

J. Student Rights and Discipline

Statutes

§21-843, 21-834

No person shall willfully or maliciously beat or injure, torture, maim or use unreasonable force" on a child under 17. Violation shall result in a fine of up to $500 or a jail term of up to 5 years.

CORPORAL PUNISHMENT

Nothing in this section shall prohibit a person from using ordinary force as a means of discipline, including spanking, switching or paddling.

§23-10

The state may recover up to $1500 in court from parents of a child under 18 years old who "maliciously or wilfully destroys property belonging to the state."

§70-6-113

Any person who strikes, threatens to strike or otherwise abuses any employee of the school district shall be guilty of a misdemeanor."

§70-6-114

The teacher of a child attending public school shall have the same right as a parent to discipline such child while in school or in transit.

CORPORAL PUNISHMENT

§70-24-101 - 24-102

Any principal, superintendent, teacher, or security personnel has the authority to detain any pupil on school premises, for the purpose of searching for dangerous substances. The local law enforcement agency shall be responsible for obtaining any necessary search warrants. The official authorizing the search shall have authority to preserve any dangerous weapons or controlled substances found on the pupil.

SEARCH WARRANT

§70-24-103

Any pupil found to be in possession of dangerous weapons or controlled substances, or guilty of immorality or violation of a school regulation may be suspended for a period not to exceed the current and succeeding school semesters. Any such suspension may be appealed to the board of education of the school district.

§70-24-131

The superintendent or principal of any elementary, middle or secondary school shall have the authority to order any person out of the school building and off school property when his or her presence "is a threat to the peaceful conduct of school business and school classes."

Any person who refuses to leave school grounds shall be guilty of a misdemeanor, punishable by a maximum fine of $500 and/or maximum imprisonment of 90 days.

CROSS REFERENCE

IV.E; Statute §70-24-105

J. Student Rights and Discipline

Statutes

§161.205

". . . [A] teacher may use reasonable physical force upon a student . . . to maintain order in the school or classroom."

§332.061

Hearings by the school board on the expulsion of minor students shall be private, unless a public hearing is requested by the student or his/her parent or guardian. HEARING

". . . [T]he following shall not be made public: (a) the student's name; (b) the issue; (c) the discussion; (d) the school board members' vote on the issue."

§332.105

"District school boards may establish rules for the government of the schools and pupils consistent with the rules" of the state board.

§336.620

Solicitation from students in public schools or on public school grounds is not allowed for any purpose unless authorized by the district school board.

§339.240

"The State Board of Education . . . shall prepare and promulgate to all school districts minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements." RULEMAKING

"Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards promulgated by the State Board of Education. . . ."

§339.250

"Public school pupils shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority."

"The district school board may authorize the discipline, suspension or expulsion of any refractory pupil."

"Wilful disobedience, open defiance of a teacher's authority or the use of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school."

EXPULSION

"Expulsion of a pupil shall not extend beyond the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective. However, the expulsion shall not extend beyond the second term or semester."

"Following expulsion of a pupil . . . a district school board may propose alternative programs of instruction or counseling, or both, for the pupil."

§339.260

A pupil may be disciplined, suspended or expelled for wilfully damaging or injuring any school property or threatening or wilfully injuring a fellow pupil or faculty member.

§339.270

The amount of damage to school property "may be assessed against the pupil wilfully causing the damage and against the [person] having legal custody of the pupil.

REGULATIONS

§581-21-050--075

School district boards shall prepare written rules of pupil conduct and discipline that shall include, but are not necessarily limited to, the following topics:

student assembly; dress and grooming; motorized and non-motorized vehicles; search and seizure; attendance; freedom of expression; alcohol, drugs and tobacco; physical discipline; student records; discipline, suspension, and expulsion. "School district rules shall include statements on student rights, responsibilities, and conditions which create a need for these rules."

"Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials and conduct themselves in an orderly fashion."

Students shall be liable todiscipline, suspension, or expulsion for misconduct, including: theft, disruption of the school, destruction of school property, unlawful use of drugs or alcohol, and persistent failure to comply with the rules.

"School district boards shall establish fair and reasonable procedures for discipline, suspension or expulsion. Those that choose to allow physical discipline shall develop procedures and controls which provide reasonable protection for students, parents, and school personnel."

SUSPENSION

Students may be suspended for misconduct. Their parents shall be notified of the suspension and appeal procedures. Emergency situations are limited to instances where a serious risk of substantial harm will occur if suspension does not take place immediately. The district school board shall have the right of final review if the action is not taken by the school board itself. School district boards shall limit suspensions to a specific maximum number of days. That maximum shall not exceed seven calendar days.

HEARING

Students shall not be expelled without a hearing unless the student is over 18, or the parent or guardian waives the right to a hearing.

NOTICE

Notice shall be given to the student and the parent or guardian, by personal service.

HEARING

REVIEW

The hearing may be conducted by the school district board or by a hearing officer. Interpreters may be provided if the English language is not spoken. The student may be represented [illegible] counsel or other persons.

The local district board shall review the discussion of the hearings officer and may affirm, modify or reverse the decision.

The widest possible distribution of rules of pupil conduct and discipline shall be given in order that students may understand the expectations of the district. Attempts should be made to give each student a copy of current rules. School districts shall make these rules available to the general public upon request.

CROSS REFERENCE

III.D. Students; Regulation §581-22-218

IV.D.; Regulation §581-53-010

IV.E.; Statutes 336.610; 336.620

IV.F.; Statute §332.790

IV.G.; Regulation §581-15-025

J. Student Rights and Discipline

Statutes

§13-1317

"Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them."

§13-1318

SUSPENSION

"Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, . . . and shall promptly notify the district superintendent or secretary of the board of school directors . . . . The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him[her]."

HEARING

§13-1319

CONFIDENTIALITY

No guidance counselor, school nurse, school psychologist, or home and school visitor in the schools who has acquired information from a student in confidence "shall be compelled or allowed without the consent of the student" or his/her parents to disclose that information in any legal proceeding.

Notwithstanding this confidentiality provision, no such person shall be excused or prevented from complying with the "act relating to gross physical neglect of, or injury to, children under eighteen years of age.

If any child's bad conduct makes his/her presence detrimental to the welfare of such school, the board of directors may, by its superintendent or attendance officer, proceed against the child before the juvenile court.

REGULATIONS

§ 12.2

Student responsibilities include regular school attendance, conscientious effort in classroom work, and conformance to school rules and regulations. Students share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.

It is the responsibility of each student to respect the rights of other students, teachers, administrators, and all others who are involved in the educational process. Students should express their ideas and opinions in a respectful manner so as not to offend or slander others.

It is students' responsibility to be aware of all rules and regulations for student behavior and conduct themselves accordingly; to be willing to volunteer information in matters relating to the health, safety, and welfare of the school community and the protection of school property; to dress and groom themselves so as to meet fair standards of safety and health and not to substantially disrupt the educational process; to assume that until a rule is waived, altered, or repealed, it is in full effect; to assist the school staff in operating a safe school; to be aware of and comply with state and local laws; to exercise proper care when using public facilities and equipment; to attend school daily, except when excused, and be on time at all classes and school functions; to make all

necessary arrangements for making up work when absent from school; to attempt to complete satisfactorily the courses of study prescribed by state and local school authorities; and to avoid inaccuracies in student newspapers or publications and indecent or obscene language.

§ 12.3

RULEMAKING

The school board has the authority to make reasonable and necessary rules governing the conduct of students in school. The rule-making power must operate within statutory and constitutional restraints. A school board has only those powers which are enumerated in the laws of the State, or which may reasonably be implied or necessary for the orderly operation of the school.

School boards may not make rules which are arbitrary, capricious, or outside their grant of authority from the General Assembly. Their rules must stand the test of fairness and reasonableness. A rule is generally considered reasonable if it uses a rational means of accomplishing some legitimate school purpose. School rules are assumed to be "reasonable" until they are rescinded or waived. Students, therefore, should obey school rules while working through channels to help change those of which they do not approve.

§ 12.5

CORPORAL PUNISHMENT

Corporal punishment may be administered by teachers and school officials to discipline students when authorized by, and in accordance with policies and guidelines established by, the board of school directors. Only reasonable force may be used and under no circumstances shall a student be punished in such a manner as to cause bodily injury.

Where corporal punishment is authorized, school officials shall notify all parents of the policy. If

parents have notified school authorities that such disciplinary method is prohibited, it may not be administered. But even if a parent or school board prohibits corporal punishment, reasonable force may be used by teachers and school authorities to quell a disturbance, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense or for the protection of persons or property.

Corporal punishment shall never be administered in the heat of anger. No disciplinary action should exceed in degree the seriousness of the offense. Students shall not be required to remove clothing when being punished.

§ 12.6

EXCLUSION
SUSPENSION

The board of school directors shall publish the types of offenses that would lead to exclusion from school. Exclusion from school may be by temporary suspension, full suspension, or expulsion.

Temporary suspension: Exclusion for an offense for a period of up to three school days, by the principal, without a hearing, in accordance with policies of the board of school directors.

HEARING

Full suspension: Exclusion for an offense for a period of up to 10 school days, after an informal hearing before the principal is offered to the student and the student's parents, in accordance with the board of school directors' established policies.

EXPULSION

Expulsion: Exclusion from school for an offense for a period exceeding ten school days and may be permanent expulsion from the school rolls.

NOTICE

No student may receive a temporary suspension unless he/she has been informed of the reasons for the suspension and has been given an opportunity to respond. All full suspensions require a prior informal hearing, and all expulsions require a prior formal hearing.

The maximum period a student may be suspended shall not exceed ten school days. A temporary suspension

may be followed by a full suspension for the same offense, provided that the 10 school days limitation is not exceeded.

During the period prior to the temporary or full suspension or the hearing and decision of the board of school directors in an expulsion case, the student shall be placed in his/her normal class.

Students shall be permitted to make up exams and work missed while being disciplined by suspension, within the board of school directors' established guidelines.

EXAMINATION

If, when expulsion proceedings are initiated, it is determined, after an informal hearing, that a student's presence in his/her normal class would constitute a threat to the health, safety, morale, or welfare of others, and it is not possible to hold a formal hearing within the period of a full suspension, the student may be excluded from school for more than ten school days, provided the formal hearing is not unreasonably delayed. Any student so excluded shall be provided with alternative instruction.

Students who are less than 17 years of age are subject to compulsory school attendance laws even though expelled and must attend school. The responsibility for placing the student in school rests initially with the student's parents or guardian, but, if the student is unable to attend another school, the student's school district has the responsibility to make some provision for the child's education, either through instruction in the home or by readmitting the child. If none of these alternatives is acceptable, the school district must take action in accordance with the provisions of the Juvenile Act to insure that the child will receive a proper education.

§ 12.8

Education is a fundamental right and students must be afforded all appropriate elements of due process if

they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing.

HEARING

A formal hearing may be held before the board of school directors or a duly authorized committee of the board, preferably composed of no fewer than three members of the school board. The hearing committee's decision is advisory to the school board where expulsion is recommended. A majority vote of the entire school board is required to expel a student.

At the formal hearing, the following due process requirements are to be observed:

NOTICE

(1) Notification of the charges in writing, sent to the parents or guardian by certified mail and to the student.

(2) Sufficient notice of the time and place of the hearing.

RIGHT TO COUNSEL

(3) The right to an impartial tribunal.

(4) The right to be represented by counsel.

(5) The right to be presented with the names of witnesses against the student and copies of the statements and affidavits of those witnesses.

(6) The right to demand that any such witnesses appear in person and answer questions or be cross-examined.

(7) The student's right to testify and produce witnesses on his own behalf.

(8) A record must be kept of the hearing by a stenographer or by tape recorder. The student is entitled at his/her expense to a copy of the transcript.

(9) The proceeding must be held with all reasonable speed.

The hearing shall be held in private if so requested by the student or his/her parents. If the student is dissatisfied with the results of the hearing, recourse can be had to the appropriate state court. If it is alleged that a constitutional issue is involved,

the student may file a claim for relief in the appropriate federal district court.

The purpose of informal hearings is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended, to demonstrate that there is a case of mistaken identity, or to show that there is some compelling reason why the student should not be suspended. The informal hearing also encourages the student's parents or guardian to meet with the principal to discuss ways by which future offenses can be avoided.

At the informal hearing, the following due process requirements are to be observed:

(1) Notification of the reasons for suspension in writing, given to the parents or guardian and to the student.

(2) Sufficient notice of the time and place of the informal hearing.

(3) The right to cross-examine any witnesses.

(4) The student's right to speak and produce witnesses on his own behalf.

§ 12.9

Students have the right to express themselves in any manner unless such expression directly interferes with the educational process, threatens immediate harm to the welfare of the school or community or encourages unlawful activity, or interferes with another individual's rights.

Students may use publications, handbills, announcements, assemblies, armbands, and any other means of common communications, provided that use of public school communications facilities shall be in accordance with the regulations of the authority in charge of those facilities. Students have the responsibility to obey laws governing libel and obscenity and to be aware of their feelings and opinions of others and to give others a fair opportunity to express their views.

School authorities may restrict the use of certain bulletin boards to school announcements, but bulletin board space shall be provided for the use of students and student organizations with the following general limitations:

School officials shall prohibit material which is obscene according to current legal definitions, which is libelous or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts or of physical disruption of the orderly operation of the school.

Identification on any posted notice may be required of a student or student group, including the name of at least one person of the group posting such notice.

School officials may require that notices or other communications be officially dated before posting, and that they be removed after a prescribed reasonable time to assure full access to the bulletin boards.

School newspapers and publications shall conform with the following:

Students have the responsibility to refrain from libel and obscenity, and to observe the rules for responsible journalism. Within these bounds, students have a right and are as free as editors of other newspapers to report the news and to editorialize.

School officials should supervise student run newspapers published with school equipment and remove obscene or libelous material, as well as edit material that would cause a substantial disruption or material interference with school activities. School officials may not censor or restrict material simply because it is critical of the school or its administration. School rules for prior submission for review of obscene, libelous material and material advocating illegal actions should be reasonable and not calculated to delay distribution. Any prior approval procedures should identify to whom the material is to be submitted, the criteria by which the material is to be evaluated and a limitation on the time within which

a decision must be made. If the prescribed time for approval elapses without a decision, the literature shall be considered as authorized for distribution.

Students who are not members of the newspaper staff and other members of the school community, should have access to its pages. The criteria for submission of material by non-staff members should be published and distributed to all students. Staff members shall be held responsible for materials which are libelous or obscene, and such publications may be prohibited.

The constitutional right of freedom of speech guarantees the freedom of public school students to publish on their own materials other than those sanctioned by the school. The school has no responsibility to assist students or to provide publishing facilities for such materials nor may the school be responsible for any statements published in them.

The newspaper staff members themselves have sole responsibility for any statements published. Unofficial publications have moral and legal obligations to observe the rules of responsible journalism.

"Students have the right to distribute leaflets, newspapers and other printed material adjacent to school property without any restriction by school authorities. However, the school board of directors has the right to have printed material submitted to the appropriate school official prior to distribution within the school for the purpose of determining whether distribution would result in substantial disruption of or material interference with school activities. The rules for prior submission must be specific, reasonable and not calculated to delay distribution unduly. Before distribution can be denied, the threat of disturbance must be real and not immaterial. Also, the board must have rules to protect those who distribute materials in a peaceful and lawful manner. Threats by other students should not lead a school board to prohibit lawful distribution."

"The school board of directors may set forth the time and place of distribution so that distribution would not materially and substantially interfere with the requirements of appropriate discipline in the operation of the school. A proper time and place set for distribution is one which would give the students the opportunity to reach fellow students. The place of such activity may be restricted to permit the normal flow of traffic within the school and at exterior doors. The school board may require that all printed matter and petitions distributed on school property bear the name of the sponsoring organization and the name of one individual of such organization."

The wearing of buttons, badges or arm bands bearing slogans and sayings shall be permitted as another form of expression unless the message falls within given restrictions.

School officials shall adopt and publish guidelines for student use of school facilities and equipment.

§12.11

". . . For regulations on hair length to be valid, the school board must show that there is an overriding public purpose to be served by limiting students' rights to appear in school with long hair. Such justification might include evidence that long hair causes an actual disruption of the educational process, or that the length or style of hair constitutes a health or safety hazard, but only after the fact, and not in the form of prior restraints. Where length of hair is a problem, as in shop class, some type of head covering should be considered. The student's right to govern the length of his/her hair includes facial hair. . . .

A school board or school officials may not impose limitations on dress in which fashion or taste is the sole consideration, even if a majority of students have approved a student dress code. A student may not be excluded from regular instruction because of his/her appearance, if style, fashion or taste is the sole criterion for such exclusion. Students may be required, however, to wear

certain types of clothing while participating in physical education classes, or in extracurricular activities such as band. Students have the responsibility to keep themselves, their clothes and hair clean. School boards may not forbid the reasonable use of cosmetics."

§12.14

SEARCH AND SEIZURE

School authorities may search a student's locker, seize any illegal materials and use the materials as evidence against the student in disciplinary, juvenile or criminal proceedings. When a student's locker is being searched, the student shall be notified and given an opportunity to be present.

". . . School lockers are school property loaned or rented to the student for the student's convenience. School authorities may search the student's locker without prior warning in seeking contraband, because, standing in loco parentis, school authorities are charged with the safety of all students under their care and supervision. Such a search is not an "illegal" search under the Fourth Amendment to the Federal Constitution, but a reasonable exercise of board power in the interests of the health, welfare and safety of all school students. Courts have reasoned that the school extend locker use to students only for legitimate purposes."

§12.15

The following are recommended guidelines suggesting directions school districts may take as local stiuations permit:

School officials should consider offering alternatives to study halls, giving students greater flexibility to spend their noninstructional time in a manner of their own choosing, as long as such use does not interfere with the operation of the school. Providing areas for recreation or for research and study during a study hall is recommended where such areas are available.

Regulations should be established and class schedules arranged so that some students may attend school to earn their diplomas, and be able to take off part of the school day to hold down a job. A policy by which free public education is offered on an all or nothing basis requiring the student to report in the morning and stay through the afternoon, severely restricts the ability of students, who must support themselves or who have families to support, to receive an education.

It is the right of any student to question, examine and debate any issue relating to the world or the functions and proposals of his school, such as discipline, scheduling and school policy. Every student has the right to expect a direct and reasonable answer to the questions raised. It is the student's responsibility to ask these questions in the proper time and place, to state the question in a clear manner and to be brief. It is the school's responsibility to provide a proper forum for such questions.

School officials should seek the advice and opinions of students on curriculum planning. The quality of that advice depends on the student's age, grade, maturity and sophistication and the level and complexities of courses. Even if the students at a particular point are not skilled in content or curriculum design, they are the customer and the consumer, and their opinions as to impact or probable import of courses, course material and procedures can be extremely important and deserve careful analysis and full consideration. A constructive means of involving students in the planning and evaluation of curriculum and instruction is a Community Advisory Committee composed of parents, students, faculty, administration, and board or board appointed representatives established in each school district in the Commonwealth to assist school officials in developing new, relevant and useful course offerings.

Before making policies affecting students, school boards should seek the views of students who would be affected. Students should have an opportunity to be

heard by their school board and to participate to a degree in its deliberations. It is recommended that the students, through their student governments and their principal, have the right to petition and can be heard by the school board on issues affecting the student body at large, preferably through a representative who should be the student government leader; and that the school board reserve time, when requested, at school board meetings to hear such a representative. School boards should also consider innovative approaches to increasing student understanding and involvement in the administration of the school district, i.e., student representation in an advisory capacity on the school board.

Students should be free to establish and be encouraged to participate in student government that provides all students a voice in school affairs through a representative system. Student government should represent the interests of the students in the formulation of school policies, curriculum development and disciplinary procedures, in a cooperative effort with the school faculty and administration. Students should be permitted to participate in the conception and development of the charter for their student government subject to administration and school board approval. The charter should establish policies concerning the purposes of the organiation, the rules for conducting elections and campaigns including provisions insuring nondiscriminatory practice, the degree to which the student body has power to allocate student activity funds and the extent of the organization's access to the school's communications resources within guidelines established by the school board of directors.

Procedures for the establishment of student organizations should be adopted. Any group of students which has an approved faculty sponsor should be permitted to establish an organization that may make use of school facilities. Student organizations should not advocate

or be formed for illegal purposes, nor may they discriminate against applicants in terms of race, creed, sex or national origin.

Rules and regulations should be published and distributed to the students or posted in prominent locations throughout the school. Students should be involved in the formulation of those rules and regulations. Offenses resulting in suspension up to 10 days should be delegated to the administration to be developed in school codes. All offenses should be considered on an individual basis. Other means of discipline, such as in-school or after-school detentions, should be considered before suspension or expulsion. Special consideration should be given to in or out of school counseling as an alternative to or out of school counseling as an alternative to or in conjunction with punishments. The only work students should be required to perform for the school as punishment would be that work related to the student's offense. Students should not be punished as a group or at large for the offenses of individuals.

Each school district shall adopt a procedure for the resolution of personal concerns of the students and it is recommended that such procedures be established through a cooperative effort with school boards, students, parents, faculty, administrators and community representatives.

CORPORAL PUNISHMENT

Corporal punishment shall be administered only by a duly authorized official, the principal or the principal's designee. The student should be informed of the nature of the infraction by the principal; there should be a discussion leading to a determination of guilt or innocence, and a speedy administration of punishment, if necessary.

School officials or teachers who receive information in confidence from a student shall only reveal that information if it would be in the child's best interests.

SEARCHES

Students should be informed of the conditions governing the use of school lockers when locker assignments are made. Searches should only be made by an official

duly authorized by the principal. The search of a particular locker should only be made upon a reasonable assumption that the student is secreting evidence of an illegal act. Blanket searches of every locker should not be permitted except for an emergency.

A pat down search of a student's person should be done by a school official of the same sex where secondary students are involved.

The extreme health hazards associated with cigarette smoking should be given consideration in regulations regarding smoking on school grounds.

EXPULSION

Expulsions should not be permanent, but the behavior and progress of the expelled student should be reviewed periodically, at least once a year if not once a semester, and a decision should be made by the school board at that time on whether the expulsion is to be continued.

The manner in which printed materials are distributed should be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. Students engaged in distributing material should be responsible for the cleanup of litter. Distribution is recommended to be done before school after dismissal and during lunch time.

OMBUDSMAN

It is strongly recommended that each school district have an ombudsman who is a properly trained, counseling oriented adult able to relate well with students and school officials. Such a person would serve to represent the views and the interests of the students before school officials and the school board and could also assist in interpreting and clarifying for the students in school policies. The ombudsman could assist in solving problems relating to students by making recommendations, by channeling complaints to appropriate school officials and by bringing to light any injustices that may exist.

CROSS REFERENCE

IV.A.; Statute §14-1407

J. Student Rights and Discipline

SUSPENSION

Statutes

§16-2-17

All students guilty of bad conduct or of violation of school regulations may be suspended at the pleasure of the school committee.

§16-38-5

It shall be unlawful for any person or institution, educational or otherwise, to circulate in any school any questionnaire so framed as to ask pupils intimate questions about themselves and/or their families, unless such questionnaire has received the approval of the department of education and the local school committee. Violators of this section may be fined up to $100 for each offense.

Regulations

ARTICLE IV: STUDENTS (pp. 4-6.1 - 4-6.3)

F. STUDENT RIGHTS

Policy Statement on Student Rights (BE, 6/11/70)

Every student has a responsibility to act always in such a way as not to abrogate the rights of any fellow students or of any school authority and also a responsibility to use his/her own abilities and talents to gain optimum learning benefits.

The State Board of Education urges all school authorities to recognize the following principals of student rights.

Every student has a right to search for truth by examining opposing ideas and to espouse in an orderly manner whatever views command the assent of his/her mind.

Every student has a right always to be treated with respect and courtesy and never to be ridiculed, and also a right to privacy with respect to matters of purely or predominantly personal concern.

Every student has a right not to be disciplined in any substantial manner except under conditions that conform to

reasonable standards of due process, and a right, individually or in concert with fellows, to petition in an orderly manner for the redress of grievances.

Every student has a right to participate, to a degree consistent with law and with the level of maturity characteristic of the student's age, in the making of decisions that affect the corporate life of the institutional community, in evaluating the quality of educational services offered, and in shaping his/her own educational program.

It is suggested that local authorities distribute to all parents, students, teachers, and administrators all rules and regulations that are in force with respect to student behavior as well as all procedures to enforce such rules and regulations and to safeguard the rights of those to whom they apply.

ARTICLE IV: STUDENTS (pp 4-6.4 - 4-6.6)

c.3. Regulations for Governing Disciplinary Exclusions of Students from School (BR, 7/8/76)

Each school committee shall establish rules and regulations for the government and discipline of the public schools. The committee shall distribute the discipline code to students and their parents at the beginning of each school year and post it in conspicious places within the school throughout the school year.

RULEMAKING

The student discipline code shall state the types of punishable offenses together with the penalty for the offenses, shall identify which administrative positions are authorized to suspend a student for 10 days or less, and shall prescribe procedures for excluding any student from school.

For suspensions of 10 days or less, the prescribed procedure shall provide as a minimum that: the student shall be given oral or written notice of the charges against him/her; the student shall be given an explanation of the evidence the authorities possess and the opportunity to present his/her version; notice and hearing should precede the student's removal from school, unless the student's presence is too disruptive, thus justifying immediate removal from school; and, if the student has not attained the age of majority, notice concerning

SUSPENSION

NOTICE

the suspension shall be given to the parent or guardian in the parent's spoken language.

For suspensions of more than 10 days and expulsions, the prescribed procedure shall provide as a minimum that: prior to suspension or explusion, except when a student's disruptiveness justifies immediate removal, the student or the parent or guardian of a minor student shall be afforded a written statement of the reason for the suspension or expulsion and notice of the right to a hearing and to be represented by counsel; there shall be a complete and accurate record of the hearing of which the student shall be furnished a copy without cost; and a written decision shall be rendered based exclusively on the record and transmitted to the student and to the Commissioner of Education.

NOTICE

HEARING

RIGHT TO COUNSEL

CROSS REFERENCE

IV.E.; Statute §16-38-4.

STATUTES

§59-63-210 --59-63-270

SUSPENSION
EXPULSION

The trustees of any district may expel, suspend or transfer any pupil for "commission of a crime, gross immorality, gross misbehavior, persistent disobedience or violation of written rules and regulations . . . or when the presence of the pupil is detrimental to the best interests of the school."

An administrator may not suspend a pupil for more than 30 days during any school year and may not suspend a pupil during the last ten days of school if it would result in the student's being ineligible for credit unless the student "constitutes an actual threat to a class or school . . . ."

NOTICE

Parents shall be notified in writing of the reason for any suspension and may see the school administrator about the matter. If a child is suspended for the remainder of the academic year, a hearing shall be held before the board of trustees. The parents of the child shall have the right to counsel and to question all witnesses. The hearing may be appealed to the proper court.

CORPORAL PUNISHMENT

"The governing body of each school district may provide corporal punishment for any pupil that it deems just and proper."

CROSS REFERENCES

II.A.3; Regulation §43-185

II.B.1.c; Regulation §43-72

IV.D; Statute §59-67-140; 150; 180; 240; 470

IV.F; Statute §59-63-50

IV.H; Statute §59-64-10 -- 59-64-90

J. Student Rights and Discipline

Statutes

§13-32-1 -- 7

"Superintendents, principals, supervisors, and teachers shall have supervisory control over all students . . . in or outside of school buildings . . . ."

"Superintendents, principals, supervisors, and teachers, shall have authority" to administer "reasonable and necessary physical punishment" on any "insubordinate or disobedient student." The same disciplinary authority is given to persons supervising students who "attend a school function away from their school" and to "school bus drivers."

CORPORAL PUNISHMENT

No student may be referred for psychiatric treatment without the "written consent of such student's parent."

PSYCHIATRIC TREATMENT
CONSENT

The school board "may suspend or expel" students who are "insubordinate or habitually disobedient." The expulsion shall only be for the school year and the school board must establish "hearing procedures for the protection of students' rights." A hearing is required for any student suspended for four or more school days.

SUSPENSION
EXPULSION
HEARING

Any student causing injury to school property may be subject to "suspension or expulsion."

Any disturbance of a school by "acts of violence, boisterous conduct, or threatening language" is a misdemeanor punishable by fine and/or imprisonment.

It shall also be a misdemeanor for any person to "keep or carry" a firearm on school grounds.

Regulations

§24:07:02:01

If a suspension or expulsion of less than four school days (short term) is anticipated due to a student's misconduct, then the principal or superintendent "shall give oral or written notice to the student and

SUSPENSION
EXPULSION

. . . parents . . . as soon as possible after discovery of the alleged misconduct." The notice shall state the nature of the violation and the time and place for a hearing to be conducted by the principal or superintendent. The student will have an opportunity to answer the charges and present evidence in her/his behalf. A decision is to be rendered "as soon as possible."

NOTICE

HEARING

§24:07:03:01 -- 03

If school officials anticipate a long-term suspension (four school days or more) or expulsion because of a student's misconduct, the principal is to prepare a report on all the known details of the incident(s) and the known parties involved and shall file this report with the superintendent by the end of the school day when the discovery of misconduct is made.

SUSPENSION

EXPULSION

If the superintendent deems there are sufficient grounds, she/he shall notify the school board president as soon as possible that a hearing may be necessary.

HEARING

The superintendent shall give notice of hearing within two days after she/he has been notified of the alleged misconduct to each school board member, the student(s) involved and the parents. The notice "shall contain the following minimum information:"

NOTICE

(1) The rule, regulation or policy allegedly violated;

(2) A summary of the current evidence;

(3) A list of proposed witnesses;

(4) A tentative date, time and place for the hearing;

(5) A description of the hearing procedure;

(6) The reason for the disciplinary proceedings;

(7) A statement that the evidence and some of the student's records are available at the school for examination by the student, her/his parents, and his/her representative.

(8) A statement that the student may present witnesses and shall submit to the superintendent prior to the hearing a list of such witnesses and details

of the evidence to be presented in the student's behalf.

WAIVER

"The student or [her/his] parents, when applicable, may waive the right to a hearing by written notification to the superintendent at least 24 hours prior to the . . . [pending] hearing." If it's not waived the hearing shall take place at the place and time set forth in the notice unless a change is agreed to by the parties.

§24:07:03:04 -- 06

"The school board shall constitute the hearing board. The presiding board member shall have the authority to limit unproductively long or irrelevant questioning. The hearing shall be open unless a request is made by either party that [it be] closed. The board may provide for making a record of any information orally presented at the hearing and shall provide for such a record when requested by the student.

"The decision of the board must be based solely on the evidence presented at the hearing and should state substantial findings of fact on which the board's decision rests.

"An adverse decision to the student by the school board may be appealed to a court of law."

APPEAL

CROSS REFERENCES

III.C.Educators; Regulation §24:08:03:01 -- 24:08:03:04

IV.H.: Statute §13-27-19

§1309

SUSPENSION

Any principal or principal teacher may suspend a pupil from school for good reasons including "willful and persistent violations of rules . . .," bad conduct or abusive language, violence, either real or threatened, damage to property, marking or defacing property, possession of weapons, assaulting a school official, and drugs. The superintendent of schools and the parents of the pupil must be notified immediately.

HEARING

A written application for readmission can be made to the school. A hearing must be allowed. At that time the student will either be readmitted or suspension continued.

If the suspension occurs within the last 10 days of school, pupil may be permitted to take examinations or do whatever is needed to complete the course.

CROSS REFERENCE

II.A.2.: Statute §1731 -- 1736

STATUTES

§ 4.22

Possession of any intoxicating beverages at school athletic events is unlawful.

§ 4.23

Loitering upon school property after being warned to leave is a misdemeanor.

§ 4.30

No person shall engage in "disruptive activity" or "disrupt a lawful assembly" on private or public school property. Disruptive activity means (1) obstructing or restraining the passage of persons; (2) seizing control of any portion of a building for the purpose of interfering with any authorized activity; (3) preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration; (4) preventing or attempting to prevent by force or by threats the ingress or egress of any person to and from the property or campus.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur. Any person who violates this provision and is convicted shall be guilty of a misdemeanor. Three convictions for violation of this provision render any person ineligible to attend any school, college, or university receiving State funds for a period of two years.

§ 4.33

Any person who, on school property or on public property within 500 feet of school property, shall "alone or in concert with others" wilfully disrupt the

conduct of classes or other school activities shall be guilty of a misdemeanor.

§11.13

APPEAL

"a) Persons having any matter of dispute among them arising under the school laws . . . or any person aggrieved by the school laws . . . or by actions or decisions of any board . . . may appeal in writing to the commissioner of education, who, after due notice . . . shall hold a hearing and render a decision without cost to the parties involved, but nothing . . . [herein]. . . shall deprive any party of any legal remedy.

b) The decision of the commissioner of education shall be subject to review by the State Board . . .

c) Any person, county or school district aggrieved by any action of the central education agency may appeal to a district court . . .[and] . . . [u]pon trial the court shall determine all issues of law and fact."

§21.301--.308

SUSPENSION

"The board of trustees ... may suspend from the privileges of the schools any pupil found guilty of incorrigible conduct ... [it] shall not extend beyond the current term of the school."

"The school attendance officer shall proceed in juvenile court against any child... who is reported to him as being insubordinate ... [or] render[s] himself an incorrigible."

The judge of the juvenile court may parole such a child,provided a bond in sum not less than $10 is received from the parent or guardian, with the condition that the child comply with all regulations of the school. Any student who violates this parole shall forfeit the bond, and may be once more put on parole, and bonded. If a third infraction of parole should take place, "the judge shall commit the child to a suitable training school...."

If assistance is needed to maintain law and order at any school the board of trustees may seek aid from the

Department of Public Safety, and may close the school(s) if the governor, or the board of trustees feel that military force is necessary to prevent violence.

"School ... employees shall continue to receive the salaries provided by the terms of their employment, but ... may be assigned to other duties..." if closure is enacted to maintain law and order.

Under such an instance "neither state aid... nor accreditation" shall be lost. The board of trustees may authorize and provide for the transfer of pupils to another school in the district but compulsory attendance laws shall not be applicable. The local board shall use all means available to provide out-of-classroom instruction for the pupils concerned.

In order to prevent the occupation of any school by military troops the Attorney General is authorized "to assist any public school board which requests his[her] assistance in the defense of any law suit in a federal court which seeks to challenge the constitutionality of a statute...."

When the governing board of any district deems security personnel necessary it may employ such personnel at the expense of the district.

§21.481--.490

"All the general and criminal laws of the state are declared to be in full force ... within the areas under the control and jurisdiction of the board of trustees of any school district in this state."

The board of trustees of any school district may promulgate rules and regulations for the safety of the students and the governance of the school. This includes the operation and parking of vehicles. Violators of set rules are guilty of a misdemeanor and on conviction are punishable by a fine of not more than $200.

Personnel for the carrying out of duties related to security on campus may be approved by the board of trustees, and may be commissioned as a peace officer and must

meet standards established by the Commission on Law Enforcement Officer Standards and Education.

"The judge of a municipal court or any justice of the peace ... [has] jurisdiction necessary to hear and determine criminal cases involving violations" of rules and regulations concerning the school district.

The board of trustees, or its authorized representatives, may eject any undesirables from school property, or request proper identification of any person on the property.

Penal Code; Title 2 Ch. 9 §9.62

If an educator, or similarly related actor, is entrusted with the care of a child for a special purpose, and he/she believes force is necessary to further that purpose or to maintain discipline, the state of Texas herein provides for the use of force, but not deadly force, against this child.

REGULATIONS

§2304.1

In the realm of pupil relationships the districts shall:

1) permit pupils to enroll according to provisions;

2) be responsible for the compulsory attendance of all pupils between the ages of seven and seventeen years old, for a minimum of 165 days per school year;

3) be responsible for maintaining reasonable discipline, law, and order on all of its campuses;

4) prohibit the existence of secret fraternities, sororities or other societies;

5) approve pupil organizations;

6) be responsible in adopting and implementing policies designed to protect and promote the health, safety, and well-being of its pupils, which will include providing eye protection devices, implementing immunization programs and examination programs;

7) shall appoint at least one faculty member to act as liaison officer for each court-related pupil in the district;

8) make provisions for maintaining the educational program of pregnant pupils;

SUSPENSION

9) suspend from school any pupil found guilty of incorrigible conduct (not to extend beyond the current term of the school);

10) admit a pupil either over or under the eligible, free-attendance age, but the board must assure that the schools are not overcrowded to the neglect and injury of pupils within the eligible, free-attendance age;

11) secure insurance for the protection of athletes against bodily injury and may make available insurance for the protection of pupils against bodily injury;

12) hold a pupil's parent or guardian responsible for making payment for free textbooks not returned.

§2304.7 -.9

Series includes the topics of liaison officers for court-related pupils, provisions for pregnant pupils and the suspension of incorrigible pupils, the last of which shall have guidelines and policies developed by the local board of school trustees. These should "provide for diagnosis and appropriate follow-up procedures, and every effort should be made for the continuing education of these pupils."

§5202

"Pupils enrolled in each school district shall be given appropriate notice of rules and regulations related to scholastic and behavioral conduct. These rules and regulations must be developed in accordance with law and applicable State Board of Education policy by the school district board of trustees."

NOTICE

"Married students within the scholastic age shall not be denied the opportunity to participate in and pursue classroom studies or to receive academic honors."

CROSS REFERENCES

I.State Board of Education; Regulation §7101--7103

II.A.2.; Regulation §8103; 8103.7

IV.E.; Statute §4.20

IV.E.; Regulation §5207

IV.G.; Statute §21.075--21.079

IV.H.; Statute §21.033; 21.036--21.039

CROSS REFERENCE

IV.H; Statutes §§53-24-1 -- 53-24-9

J. Student Rights and Discipline

Statutes

§1161

"A teacher, principal, superintendent or school director on request of and in the presence of a teacher may resort to "any reasonable form of punishment including corporal punishment, and to any reasonable degree, for the purpose of securing obedience on the part of the child . . . or for his correction or for the purpose of securing and maintaining order."

CORPORAL PUNISHMENT

§1162

A superintendent with the approval of a majority of the board, may suspend or dismiss any student "for misconduct when the misconduct makes the continued presence of the pupil harmful to the welfare of the school." A superintendent or principal may remove "immediately from a school a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school."

SUSPENSION

DISMISSAL

Regulations

R.M. Ch. II; p. 86

The State Board recommends that school boards: establish policies setting up channels of communication; for the voicing of student opinion; preserve the right and obligation of staff to present controversial issues fairly and without bias.

Should controversy be prolonged and adversely affect the normal operation of a school or school system; the district superintendant may bring the case to the attention of the Commissioner who may volunteer the good offices of the State Board in resolving the controversy.

R.M. CH. IV.B; pp. 97 -- 98

The State Board recommends that no one student be suspended or expelled from any public school without first being afforded a hearing, unless the presence of the student

HEARING

in the school would present an immediate and substantial threat to the school, in which case the school would conduct a hearing as soon as possible following the suspension.

R.M. Ch. IV.H; p. 100

All school boards and personnel shall afford students the full spectrum of their individual rights and liberties guaranteed and afforded to them by the U.S. Constitution. All school boards should undertake to inform students of their rights, liabilities, and responsibilities under the law in a manner consistent with the age and maturity level of the students.

CROSS REFERENCES

I.Annual Town and School District Meeting; Statute §422

II.A.3.; Regulation, R.M. Ch. II., p. 91

III.A.2.; Statute §827

IV.H.; Statute §1123

J. Student Rights and Discipline

Statutes

§18.2-56

Any person who hazes or mistreats a student at any school so as to cause bodily injury shall be guilty of a Class 1 misdemeanor or a felony depending on the extent of the injury.

The student shall have a right to sue, civilly, the person regardless of his/her age.

The presiding officer of the school shall expel any student found guilty of hazing or mistreating another student and shall report the expulsion to the attorney for the area that the school district is located in. The attorney shall report the expulsion to the grand jury in the area.

EXPULSION

§18.2-129

Any person who fails to leave a school after being told to do so by an authorized person shall be guilty of a Class 3 misdemeanor. Each day the person remains on the premises shall be a separate offense.

§22-230.1; 22-230.3

Pupils may be suspended for sufficient cause from attendance at school by either the principal or in his/her absence any teacher. The principal or teacher shall report the facts of the case in writing to the division superintendent and parent or guardian of the pupil. Upon a petition for review by any party in interest, the superintendent shall confirm or disapprove the suspension based on an examination of the pupil's behavior. The school board shall make regulations governing suspensions and give a right of appeal to the board from the superintendent's decision.

SUSPENSION

APPEAL

Pupils may be suspended or expelled by the school board for cause. The board shall make regulations governing suspensions and expulsions and give a right of appeal to the full board from a decision by a committee

of the board.

Whenever a student under the age of eighteen is expelled, the school board shall notify the appropriate officer of the school the student attended. The officer shall develop a plan of services for the student, and the officer shall contact the welfare department, the court service unit of the juvenile and domestic relations court, or any other public agency where the student resides to determine if the agency can help the student. Any agency helping the student shall report on the progress of the student to the school officer. The officer shall give the reports to the school board.

§22-231.1

CORPORAL PUNISHMENT

In the maintenance of order and discipline, and in the exercise of discretion, a principal or a teacher in a public school or a school maintained by the State, may administer reasonable corporal punishment on a pupil under his[her] authority, provided he[she] acts in good faith and such punishment is not excessive.

J. Student Rights and Discipline

Statutes

§28A.04.132

"The state board of education shall adopt . . . lawful and reasonable rules prescribing substantive and procedural due process guarantees of pupils in the common schools." These rules "shall authorize a school district to use informal due process procedures in connection with the short term suspension of students to the extent constitutionally permissable: Provided, that the state board deems the interest of students to be adequately protected."

RULEMAKING

SUSPENSION

§28A.58.101; .011

"Every board of directors . . . shall adopt and make available reasonable written rules and regulations regarding pupil conduct, discipline and rights. Such rules and regulations shall not be inconsistent with the law and shall include such substantive and procedural due process guarantees as prescribed by the state board of education. Commencing with the 1976-77 school year, when such rules and regulations are made available to each pupil, teacher and parent, they shall be accompanied by a detailed description of rights, responsibilities and authority of teachers and principals with respect to the discipline of pupils as prescribed by state law."

RULEMAKING

Rules adopted pursuant to the above section are to "insure that the optimum learning atmosphere of the classroom is maintained."

§28A.58.200

"All pupils who attend the common schools shall comply with the rules and regulations . . . of the school, shall pursue the required courses of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine."

§28A.58.201

"Within each school the school principal shall determine that appropriate student discipline is established and enforced.

§28A.67.100

"Every teacher shall have the power to hold every pupil to a strict accountability for any disorderly or anti-social conduct on the way to and from school or while under his supervision and to make recommendations to the proper school authority for the suspension of any pupil upon probable cause therefor.

SUSPENSION

§28A.87.010

TEACHER ABUSE

"Any person who shall insult or abuse a teacher anywhere on school premises while such teacher is carrying out his[her] official duties, shall be guilty of a misdemeanor."

§28A.87.060

A person who creates a "wilful disturbance on school premises during school hours or at school activities . . . or meetings shall be guilty of a misdemeanor."

§28A.87.120

SUSPENSION

"Any pupil who shall deface or otherwise injure any school property shall be liable to suspension and punishment. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law."

§28A.87.140

STUDENT ABUSE

"Any teacher who . . . maltreats or abuses any pupil by administering any unreasonable punishment, or who . . . inflicts punishment on the head of a pupil, upon conviction thereof, shall be guilty of a misdemeanor."

§28A.87.230-.233

It is unlawful for a person . . . to "interfere or intimidate by threat of force or violence" any

administrator, teacher or student engaged in the peaceful discharge of . . . his[her] duties or studies." Violation of the above is a "gross misdemeanor."

§180-40-200

The purpose of this chapter is to prescribe the substantive and procedural due process rights of students. The procedures and standards set forth here and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment ... upon any student by a school district and its agents.

"The[se] provisions ... are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations ...."

§180-40-205

"(1) 'Discipline' shall mean all forms of corrective action or punishment other than suspension and expulsion ....

"(2) 'Suspension' shall mean a denial of attendance (other than for the balance of the immediate class, subject, or activity period for 'discipline' purposes) at any single subject or class, or ... schedule of subjects or classes, or at any other type of activity conducted by or in behalf of a school district and any combination of the foregoing, for a stated period of time. A suspension also may include a denial of admission to or entry upon ... property that is ... controlled by the school district."

SUSPENSION

(3) 'Short-term suspension' shall mean a suspension for any portion of a calendar day up to and not exceeding five consecutive calendar days.

(4) 'Long-term suspension' shall mean a suspension which exceeds five consecutive calendar days.

EXPULSION

"(5) 'Expulsion' shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes, a denial of attendance at any other type of activity conducted by or in behalf of a school district, and any combination of the foregoing for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon ... property that is ... controlled by the school district."

§180-40-210

"The school system is to provide learning experience which will assist all students to develop skills, competiencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsiblity and duty of each student to pursue his or her course of studies, comply with written rules of a common school district ... and submit to reasonable corrective action or punishment imposed by a school district and its agents for violation(s) of such rules. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner."

§180-40-215

"In addition to other rights established by law, each student ... shall possess the following substantive rights, and no school district shall limit these rights except for good and sufficient cause:

EQUAL OPPORTUNITY

(1) No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap.

(2) All students possess the constitutional right to freedom of speech and press and ... to

peaceably assemble and to petition the government and its representatives for a redress of grievances, subject to reasonable limitations upon the time, place, and manner of exercising such rights.

(3) All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures.

(4) All students shall have the right to be free from unlawful interference in their pursuit of an education ....

(5) No student shall be deprived of the right to an equal education opportunity in whole or in part by a school district without due process of law."

§180-40-220

DISCIPLINARY BOARDS

SUSPENSION

EXPULSION

"The [local] board of directors ... may authorize the establishment of ... student disciplinary boards composed of students, teachers, administrators, or parents, or any combination thereof. Disciplinary boards may be authorized to prescribe reasonable discipline and may recommend, but not prescribe, suspension or expulsion to the appropriate school authority. Such school authority shall be granted the power to set aside or modify any such prescription or recommendation. In addition, disciplinary boards may be authorized to periodically review rules of the school district defining the types of misconduct for which corrective action or punishment may be imposed and to recommend amendments thereto to the board of directors."

§180-40-225

RULEMAKING

"(1) It shall be the responsiblity and duty of each school district to adopt, publish, and make available to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed.

(2) [Such] rules ... must have a real and substantial relationship to the lawful maintenance and operation of the school district including, ...

the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

(3) The rules ... shall be published and made available to all students and parents on an annual basis. If a school district chooses not to distribute such rules to all students and parents, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy thereof shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention."

§180-40-230

"(1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the board of directors ... shall possess the authority to impose discipline ... for misconduct which violates [established] rules ... and to impose an emergency removal from a class, subject, or activity ....

DISCIPLINE

(2) The board of directors ... delegate ... the authority to impose suspensions and expulsions .... Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.

SUSPENSION
EXPULSION

(3) [All] board of directors ... shall be subject to the requirements set forth in this chapter when it imposes a suspension or expulsion."

§180-40-235

"Discipline may be imposed ... for violation of the [established] rules of the school district ... subject to the following limitations and conditions and the grievance procedure set forth in WAC 180-40-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade ... in a particular subject ... may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and

(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

CORPORAL PUNISHMENT

(3) Corporal punishment shall be administered ... outside the view of other students and only by a certificated employee in the presence of and witnessed by another school district employee. Such witness shall be informed beforehand and in the student's presence of the reason(s) for the infliction of corporal punishment.

(4) No cruel and unusual form of corporal punishment shall be inflicted upon any student.

(5) Only reasonable and moderate force shall be applied to a student and no form of corporal punishment shall be inflicted upon the head of a student.

(6) Parents or guardians, upon their request, shall be provided a written explanation of the reason(s) for the infliction of corporal punishment and the name of the witness who was present at the time corporal punishment was administered."

REGULATIONS

§180-40-240

" Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal ... for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the

student, parent, or guardian shall be subject to questioning by the building principal ... and shall be entitled to question school personnel involved in the matter .... Subsequent to the . . grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a ... grievance to the superintendent of the district .... If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a ... grievance to the board of directors during the board's next regular meeting. The board shall notify the student, parent, or guardian of its response to the grievance within ten school business days .... The discipline action shall continue notwithstanding the implementation of the grievance procedure ... unless the principal ... elects to postpone such action."

§ 180-40-245

SUSPENSION

"A short-term suspension may be imposed ... for violation of school district rules ... subject to the following limitations or conditions:

(1) The nature and circumstances of the violation must reasonably warrant a short-term suspension and the length of the suspension imposed.

(2) No student shall be suspended unless other forms of corrective action or punishment ... have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) Kindergarten through grade four - No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of five school days during any single semester or trimester ... and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(4) Grade five and above program - No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of 15 school days during any single trimester,....

(5) Any student subject to a short-term suspension shall be provided the opportunity ... to make up assignments and tests missed by reason of the short-term suspension if: (a) such assignments or tests have a substantial effect upon the student's ... grades, or (b) failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time."

§ 180-40-250

NOTICE

"(1) Prior to the short-term suspension ... a conference shall be conducted with the student as follows:

(a) [N]otice of the alleged misconduct and violation(s) of school district rules shall be provided to the student,

(b) An...explanation of the evidence in support of the allegation(s) shall be provided to the student,

(c) An ... explanation of the corrective action or punishment which may be imposed shall be provided to the student, and

(d) The student shall be provided the opportunity to present his or her explanation.

(2) [If] a short-term suspension is to exceed one calendar day the parent(s) ... shall be notified of the reason for the student's suspension and the duration of the suspension ... as soon as reasonably possible. The notice shall also inform the parent ... of the right to an informal conference ....

(3) All short-term suspensions and the reasons therefore shall be reported in writing to the superintendent ... within twenty-four hours after imposition of the suspension."

§180-40-255

" Any student, parent, or guardian who is aggrieved by the ... short-term suspension shall have the right to an informal conference with the building principal ... for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance .... [T]he student, parent, or guardian shall be subject to questioning by the building principal ... and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the ... meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a ... grievance to the superintendent of the district. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a ... grievance to the board of directors during the board's regular meeting. The board shall notify the student, parent, or guardian of its response to the grievance within ten school business days .... The short-term suspension shall continue notwithstanding the implementation of the grievance procedure ... unless the principal or his or her designee elects to postpone such action."

GRIEVANCE

§180-40-260

" A long-term suspension may be imposed ... for violation of school district rules ... subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

SUSPENSION

(1) [T]he violation must reasonably warrant a long-term suspension and the length of the suspension imposed.

(2) No student shall be suspended unless other

forms of corrective action or punishment ... have failed or unless there is good reason to believe ... [they] ... would fail if employed.

(3) Kindergarten through grade four -- No student in grades kindergarten through four shall be subject to short-term and long-term suspensions for more than a total of ten school days during any single semester or trimester, ... and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(4) Grade five and above program -- No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, during the same school year.

(5) Any student who has been suspended shall be allowed to make applicaton for readmission at any time. READMISSION

(6) All long-term suspensions and the reasons therefore shall be reported in writing to the superintendent ... within twenty-four hours after the imposition of the suspension."

$180-40-265

" (1) Prior to the long-term suspension of a student, written notice of an opportunity for a hearing shall be delivered ... to the student and to his or her parent(s) or guardian(s). The notice shall: (a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) ..., HEARING NOTICE

(b) Specify the alleged misconduct and the school district rule(s) alleged to have been violated,

(c) Set forth the corrective action or punishment proposed,

(d) Set forth the[ir] right ... to a hearing for the purpose of contesting the allegation(s), and

(e) Set forth the facts that:

(i) a ... request for a hearing must be received

by the school district ... on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived ....

WAIVER

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school days after the date of receipt of notice.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed."

§180-40-270

" (1) If a request for a hearing is received ... within the required ... [time] ... the school district shall schedule a hearing to commence within ... days after ... the request ... was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance ... any ... evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

RIGHT TO COUNSEL

(c) Question and confront winesses,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other phsycial evidence as he or she desires.

(3) The designee(s) ... assigned to present the district's case shall have the right to inspect in advance ... any ... evidence which the student and his or her parent(s) or guardian(s) intend to introduce ....

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) [R]ecord of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the nature and duration of the ... punishment to be imposed, if any, shall be provided ... to the student and his or her parent(s) or guardian(s)."

§180-40-275

EXPULSION

" A student may be expelled for violation of [adopted] school district rules,... subject to the following limitations or conditions, the notice requirements... and the hearing requirements ....

(1) The nature and circumstances of the violation must reasonably warrant the ... expulsion.

(2) No student shall be expelled unless other forms of corrective action ... have failed or unless there is good reason to believe that [these]other forms... would fail if employed.

(3) Once a student has been expelled ...the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities ... in order that such authorities may address the student's educational needs.

READMISSION

(4) Any student who has been expelled ...[may apply] ... for readmission at any time. Each ... board of directors shall adopt written rules... for such an application for readmission and... the procedures to be followed.

(5) All expulsions and the reasons therefore shall be reported in writing to the superintendent ... within twenty-four hours after the imposition of the expulsion"

§180-40-280

NOTICE

"(1) Prior to ... expulsion.. written notice of an opportunity for a hearing shall be delivered ... to the student and to his or her parent(s) or guardian(s) The notice shall:

(a) Be provided in the predominant language of a student and/or parent(s) or guardian(s)...

(b) Specify the alleged misconduct and the school district rule(s) or policy alleged to have been violated,

(c) Set forth the corrective action ... proposed,

(d) Set forth the right of the student... to a hearing for the purpose of contesting the allegation(s), and

HEARING

(e) Set forth the facts that:

(i) a ... request for a hearing must be received by the school district ... on or before ... the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) if ... not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed expulsion may be imposed .... "

§180-40-285

" (1) If a request for a hearing is received ... the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance ... evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

RIGHT TO COUNSEL

(c) Question and confront witnesses,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) ... assigned to present the district's case shall have the right to inspect in advance ... any ... evidence with the student... intend to introduce at the hearing.

(4) The person(s) hearing the case shall not

be a witness and the guilt or innocence of the student sahll be determined solely on the basis of the evidence presented at the hearing.

(5) [R]ecord of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the ... punishment to be imposed, if any, shall be provided ... to the student.... "

§180-40-290

REMOVAL

" (1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity ... and sent to the building principal... PROVIDED, That the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal ... shall continue only until:

(a) The danger or threat ceases, or

(b) The principal... acts....

(2) The principal ... shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall such meeting be delayed beyond the commencement of the next school day."

§ 180-40-295

EXPULSION

" Notwithstanding any other provision of this chapter, a student may be expelled immediately by a school district superintendent ... in emergency situations: PROVIDED, That the superintendent ... has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency

expulsion shall continue until rescinded by the superintendent ... or until modified or reversed pursuant to the hearing provisons... or the appeal provisions...."

§180-40-300

" (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing... within 24 hours of the expulsion. Such written and oral notice shall:

NOTICE

(a) Be provided in the predominant language of a student and/or parent(s) or guardian(s) ...

(b) Specify the alleged reason(s) for the emergency expulsion,

(c) Set forth the corrective action or punishment taken and proposed,

(d) Set forth the right of the student.. to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

HEARING

(e) Set forth the facts that:

(i) a ... request for a hearing must be received by the school district on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

(ii) if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school district ...."

WAIVER

§180-40-305

" (1) If a request for a hearing ... is received ... the school district shall immediately schedule and give notice of a hearing to commence ... in no case later than the third school business day after receipt of the request for hearing.

HEARING

(2) The student and his or her parent(s) or guardian(s) shall the right to:

(a) Inspect in advance ... evidence which the

RIGHT TO COUNSEL

school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) ... assigned to present the district's case shall have the right to inspect in advance ... any ... evidence that the student ... intend(s) to introduce at the hearing.

(5) [R]ecord of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and ... the student and his or her parent(s) or guardian(s) shall be notified thereof.... The decision shall set forth the findings of fact and the conclusions of law.

(7) An emergency expulsion may be continued ... on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance."

§180-40-310

APPEAL

"Appeals from decisions ... which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) If the case was not heard and decided by the school district board of directors, the student ... shall have the right to appeal the decision to the board ..... Notice indicating that the student ... has a right to appeal shall be provided ... within three school business days after ... receipt of the decision.

(2) If an appeal is not taken ... within the required three school business day period, the suspension or expulsion decided upon may be imposed ....

(3)If a timely appeal is taken ... the imposition of the suspension or expulsion shall not be imposed until the appeal is decided: PROVIDED, That an emergency expulsion that is continued ... need not be either interrupted or stayed if the decision rended includes a conclusion that the student continues to pose an immediate and continuing danger ... or an immediate and continuing threat of substantial disruption of the educational process of the student's school.

(4) An appeal from any decision of a school board to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board shall be postponed pending an appeal to superior court shall be discretionary with the school board except as ordered otherwise by a court."

§ 180-40-315

APPEAL

"If a notice of appeal to the school board of directors is received ... within the required ... [period] ... the board shall schedule and hold an informal conference to review the matter .... The purpose of the meeting shall be to ... decide upon the most appropriate means of disposing of the appeal ... At that time the student ... shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board deems reasonable. The board shall agree to one of the following procedures prior to adjournment or recess: (a) Study the hearing record ... and render its decision within ten... days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board and render its decision within fifteen... days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten ... days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board ... elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student ... shall have the right to:

(i) inspect in advance ... evidence which the school district intends to introduce at the hearing,

(ii) question and confront witnesses,

(iii) present his or her explanation of the alleged misconduct, and

(iv) make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) ... assigned to present the district's case shall have the right to inspect in advance ... any ... evidence that the student ... intend(s) to introduce at the hearing, and

(c) [R]ecord of the hearing shall be made."

§180-40-320

" Any decision by a school board ... to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made:"

(1) Only by those board members who have heard or read the evidence.

(2) Only by those board members who have not acted as witness in the matter.

(3) Only at a meeting at which a quorum of the board is present and by majority vote.

CROSS REFERENCES

III.C.Public Schools; Statute §28A.85.010

J. Student Rights and Discipline

Statutes

§18-8-8

"If a child is suspended from school because of improper conduct or refusal . . . to comply with the requirements of the school, the school shall immediately notify the county superintendent of such suspension, and specify the time and conditions of such suspension. Further admission of the child to school may be refused until such requirements and regulations be complied with. Any such child shall be treated by the school as being unlawfully absent . . . during the time he[she] refuses to comply with such requirements and regulations . . . ." SUSPENSION

§18A-5-1

"The teacher shall stand in the place of the parent or guardian in exercising authority over the school, and shall have control of all pupils enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of pupils is provided, the driver in charge of the . . . transportation shall exercise such authority and control over the children while they are in transit . . . . Subject to the rules of the state board . . . the teacher shall exclude from the school any pupil[s] . . . known to or suspected of having any infectious disease, and shall immediately notify the proper health officer . . . of such conclusion. Any pupil so excluded shall not be readmitted . . . until such pupil has complied with all the requirements of the rules governing such cases, or has presented a certificate of health signed by the . . . proper health inspector. The teacher shall have authority to suspend any pupil guilty of disorderly, refactory, indecent or immoral conduct, and the . . . EXCLUSION SUSPENSION

board . . . may expel or exclude any such pupil if, on investigation, the conduct of such pupil is found to be detrimental to the progress and the general conduct of the school.

For the purpose of this section: (1) Pupil shall include . . .[an] . . . adult; (2) Teacher shall include principals, regular teachers, substitute teachers, student teachers, teacher aides and other school employees or persons assigned responsibility for directing or supervising instructional programs or board-approved activities.

Teachers shall exercise such other authority and perform such other duties as may be prescribed for them by law or by the rules of the state board of education not inconsistent with the provisions of this chapter and chapter eighteen."

J. Student Rights and Discipline

Statutes

RULEMAKING

DRESS CODE

§120.75

The public schools of a unified school district shall be under the management, control and supervision of a school board which has power to make rules pertaining to conduct and dress of pupils.

CROSS REFERENCES

I.School Board; Statute §120.13

IV.F.; Statute §118.125

IV.H.; Statute §118.16

J. Student Rights and Discipline

Statutes

§21.1-61

"(a) The board of trustees of any school district may suspend or expel any child from the public schools for any reason enumerated by the statuces of this state. The board of trustees may delegate authority to administrative and supervisory personnel to suspend any child for a period not to exceed ten school days; provided that in every such case of suspension or expulsion, oral notice shall be given immediately, if possible, and in addition written notice shall be given within twenty-four hours, to the parents, guardian, or custodian of the child affected, stating the reason for the suspension or expulsion.

SUSPENSION

EXPULSION

(b) No board of trustees may expel any child from school or suspend any child for more than ten days without an opportunity for a hearing, if requested, in accordance with the procedures of the Wyoming Administrative Procedures Act.

HEARING

(c) Suspension or expulsion shall not be imposed as an additional punishment for offenses punishable under the laws of the state, except where the offense was committed at a school function or is of such nature that continuation of the child in school would clearly be detrimental to the welfare, safety, or morals of other pupils. No suspension or expulsion shall be for longer than one school year.

(d) Any decision of the board shall be considered a final decision which may be appealed to the district court of the county in which the school district is located . . . . The court may, on application or its own motion, stay the decision of the board pending appeal, as the best interests of the child appear."

APPEAL

§21.1-62

The following are grounds for suspension or expulsion:

"(a) Continued wilful disobedience or open and persistent defiance of the authority of school personnel.

(b) Wilful destruction or defacing of school property.

(c) Any behavior which in the judgment of the local board of trustees is clearly detrimental to the welfare, safety, or morals of other pupils.

(d) Torturing, tormenting, or abusing a pupil or in any way maltreating a pupil or a teacher with physical violence."

§21.1-64

"(a) Each board of trustees . . . may adopt rules for reasonable forms of punishment and disciplinary measures. Subject to such rules, teachers, principals, and superintendents . . . in such district may impose reasonable forms of punishment and disciplinary measures for insubordination, disobedience, and other misconduct.

PUNISHMENT

(b) No diploma or credit for a course . . . shall be [denied] a pupil who has earned it;" but diplomas and credit are not to be deemed earned until "all indebtedness due to the school district" is paid.

DIPLOMA

REGULATIONS

Chapter II: Sec. 8

No pupil may be suspended or expelled from the Wyoming School for the Deaf unless oral notice is given by the Director immediately if possible, and written notice is given within 24 hours to the parents and guardians of the child affected.

SUSPENSION
EXPULSION
NOTICE

A pupil, whom the Director has determined to expel or suspend for more than 10 days, shall be entitled to a hearing.

HEARING

CROSS REFERENCES

IV.F; Regulation: Chap. XVII

IV.H; Statute §21.1-48

IV.K; Regulation; Chap. II, Section 4

K. Parents' Rights

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CROSS REFERENCES

I.City Board of Education: Statute §16-11-18

I.County Board of Education; Statute §16-8-3

I.County Board of Education; Statute §16-8-9

I.County Board of Education; Statute §16-8-10

II.B.1.a; Statute §16-36-9

III.A.2; Statute §16-11-20

III.C.Pupils; Statute §16-1-13

III.E.Teachers; Statute §16-9-25

III.E.Teachers; Statute §16-12-10

IV.H; Statute §16-28-12; 16-28-13

IV.H: Statute §16-28-16; 16-28-17

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CROSS REFERENCES

II.A.2.; Statute §14.30.191

II.A.2.; Statute §14.30.340

III.C.School System; Regulation 4 AAC 05.070

IV.A.; Statute §14.30.120

IV.A.; Regulation 4 AAC 06.040

IV.D.; Regulation 4 AAC 27.045

IV.H.; Statute §14.30.010 -- 14.30.020

K. Parents' Rights

CROSS REFERENCES

II.A.1.; Regulation R7-2-301 ARS §15-102.17

II.A.1.; Regulation R7-2-302 ARS §15-1022

II.B.1.a.; Regulation R7-2-301 ARS §15.102.18; 15.1101 B

II.B.1.a.; Regulation R7-2-301

IV.F.; Statute §15-152 -- 154

IV.J.; Statute §15-446

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Statutes

CROSS REFERENCES

II.A.2.; Statute §80-2133 -- 80-2135

IV.A.; Statute §80-1219; 80-1548 -- 1550

IV.F.; Statute, 36-§1232g

IV.G.; Statute §80-1527

IV.G.; Statute §80-1529

IV.G.; Statute §80-1545 -- 80-1546

IV.H.; Statute §80-1507 -- 80-1508

IV.H.; Statute §80-1511

IV.J.; Statute §80-1536

K. Parents' Rights

CROSS REFERENCES

I.School Advisory Committees; Regulation §3930

II.A.1; Statute §51240

II.A.1.; Statute §51550--51551; 51820

II.A.2; Statute §56030--56035

II.A.2; Statute §56130

II.A.2; Statute §56500--56501; 56514

II.A.2; Statute §56505-56506

II.A.2; Statute §56507

II.A.2; Statute §56605--56618

II.A.2; Statute §56700--56729

II.A.2; Statute §56802--56833; 56865; 57800; 57818

II.A.2; Statute §59000--59007; 59020-59031; 59040--59045

II.A.2; Regulation §3152

II.A.2; Regulation §3156

II.A.2; Regulation §3157

II.A.2; Regulation §3158--3159

II.A.2; Regulation §3160--3161

II.A.2; Regulation §3162

II.A.2; Regulation §3163

II.A.2; Regulation §3164

II.A.2; Regulation §3165

II.A.2; Regulation §3167--3168

II.A.2; Regulation §3170

II.A.2; Regulation §3220

II.A.4; Statute §52000--52029

II.A.5; Statute §52100--52114

II.A.5; Regulation §4304

II.A.5; Regulation §4320

II.A.7; Statute §48605--48609

II.A.10.Other-Alternative Schools; Statute §58500-58514

II.A.10.Other-Child Development Program; Statute §8200--8201

II.A.10.Other-Child Development Program; Statute §8252--8256

II.A.10.Other-Demonstration Scholarship Program; Statute §58000-58051

II.A.10.Other-Home Instruction; Statute §51800--51802

II.A.10.Other-Program Improvement Schools; Statute §53631--54643

II.A.10.Other-Summer Environmental Internship Program:
Statute §52410--52414

II.B.1.a; Statute §60260--60265

III.D.Student; Statute §49067

III.D. Student; Statute §60650

IV.A; Statute §49407--49408

IV.A; Statute §49443

IV.A; Statute §48451

IV.A; Statute §49455

IV.A; Statute §49480

IV.C; Statute §49515

IV.F; Statute §49063

IV.F.; Statute §49064; 49069; 49070--71; 49072

IV.F; Statute §49075--49078

IV.F; Regulation §431

IV.F; Regulation §436

IV.F; Regulation §437

IV.F; Regulation §438

IV.G; Statute §46603--46604; 46607

IV.G; Regulation §200

IV.H; Statute §48263; 48267--48271

IV.H; Statute §48264--48266

IV.J; Statute §48900

IV.J; Statute §48909

IV.J; Statute §48912--48913

IV.J; Statute §48914--48195; 48917--48920

IV.J; Statute §49000-49001

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CROSS REFERENCES

IV.H; Statutes §22-33-108 -- 109

IV.J; Statute §22-33-105

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CROSS REFERENCES

I.Town Board of Education; Statute §10-238

II.A.2.; Statute §10-76d

II.A.2.; Statute §10-76h

II.A.10.Other - Demonstration Scholarship Program; Statute §10-239e

IV.A.; Statute §10-204b

IV.A.; Statute §10-208

IV.D.; Statute §10-281

IV.F.; Statute §1-15

IV.F.; Statute §1-19

IV.F.; Statute §10-15b

IV.F.; Statute §10-94i

IV.G.; Statute §10-186; 10-187

IV.G.; Statute §10-198

IV.H.; Statute §10-184

IV.J.; Statute §10-233b-e

K. PARENTS' RIGHTS

CROSS REFERENCE

II.A.2.; Statute $3125

CROSS REFERENCES

II.A.2.; Regulation; Chap. IV, §451

II.A.2.; Regulation; Chap. IV, §454

II.A.2.; Regulation; Chap. IV, §455.1

II.A.2.; Regulation; Chap. IV, §455.6

II.A.2.; Regulation; Chap. IV, §456

II.A.2.; Regulation; Chap. IV, §499

II.B.1.a.; Statute §31-403

II.B.4.; Regulation; Chap. IV, §445

II.C.2.; Regulation; Chap. V, §514

III.C.Students; Regulation; Chap. IV, §414

III.D.Student; Regulation; Chap. VII, §703

IV.F.; Regulation; Chap. IV, §440

IV.F.; Regulation; Chap. IV, §443.1--443.9

IV.F.; Regulation; Chap. IV, §444

IV.G.; Regulation; Chap. IV, §417

IV.J.; Regulation; Chap. IV, §421

IV.J.; Regulation; Chap. IV, §424

IV.J.; Regulation; Chap. IV, §430

IV.J.; Regulation; Chap. IV, §434

K. Parents' Rights

CROSS REFERENCES

I.School Advisory Committees; Statute §229.58

II.A.1.; Statute §233.061; 233.064; 233.065

II.A.4.; Statute §230.2311

III.C.Teachers; Statute §231.09

IV.F.; Statute §232.23

IV.F.; Statute §229.782

IV.G.; Statute §230.232

IV.H.; Statute §232.09 -- 232.10; 232.16

IV.J.; Statute §232.25 -- 232.28

IV.J.; Regulation §6A-1.956

K. Parents' Rights

CROSS REFERENCES

I. County Boards of Education; Georgia Constitution, Art. VIII, §2-7101

III. C. School System; Regulation 20-510; 20-520

IV.A.; Statute §32-911

IV.F.; Regulation 40-4311; 40-4313; 40-4320

IV.G.; Regulation 40-218; 40-228

IV.H.; Regulation 40-211 -- 40-213; 40-215

REGULATIONS

Rule 31

Parents shall be informed about standardized group tests and testing practices within the schools.

CROSS REFERENCES

II.A.2.; Regulation Rules 49.0 -- 49.5

III.D.Pupil Progress; Regulation Rule 30

III.D.Pupil Progress; Regulation Rule 32

IV.D.; Regulation Rule 1.5

IV.D.; Regulation Rule 1.6

IV.F.; Statute §298-18

IV.F.; Regulation Rule 50.4

IV.F.; Regulation Rules 50.5 -- 50-14

IV.F.; Regulation Rule 50.12

IV.H.; Statute §298-12

IV.H.; Statute §298-14

IV.H.; Regulation Rule 26.7

IV.J.; Regulation Rules 3.1; 3.2

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CROSS REFERENCES

II.A.1; Statute §33-1608 -- 33-1611

II.A.2; Regulation, Administrative Rules and Regulations for Special Education; §§3.4 -- 3.7

IV.H; Statute §33-206 -- 33-207

IV.J; Statute §33-205

CROSS REFERENCES

II.A.1.; Statute §27-9.1;27.11

II.A.2.; Regulation, Student Records 4.04

II.A.2.; Regulation, Special Education 9.04--9.07;9.09;
9.21--9.22;9.25--9.28;10.01;10.04;10.05;10.07;
10.12;10.17;10.23;

II.A.5.; Statute §14C-1 -- 14C-12

IV.A; Statute §27-8

IV.F.; Statute §1 - 50-10

IV.F.; Regulation, Student Records 3.01--3.04;
4.03;6.01;7.02--7.04;9.01;9.03

IV.G.; Statute §22-19

IV.J.; Regulation, Evaluation, Supervision and
Recognition of Public Schools Ch. 2-8;

K. Parents Rights

Statutes

§28A.1

All meetings of any "board, council ... or governing body of any school corporation" shall be open to the public.

§28A.7

The right of a citizen to have public access to school board meetings may be "enforced by mandamus or injunction...".

§68A.2

Every citizen "shall have the right to examine" and copy all public records (includes records and documents of any county, city, township, school corporation) unless such records are required to be kept confidential.

§68A.5

The right of a citizen to examine and copy public records "may be enforced by mandamus or injunction."

§290.1 -- .5

"Any person aggrieved by any decision or order of the board of directors of any school corporation ... may within thirty days after the rendition of such decision ..., appeal therefrom to the state board of public instruction." The state board will hold a hearing, take testimony, and render a decision which shall be final.

CROSS REFERENCES

I.State Board of Public Instruction; Statute §257.3; 257.8

II.A.2.; Regulation §670-12

IV.D.; Statute §285.12

IV.H.; Statute §257.25(7)

IV.H.; Statute §299.5

CROSS REFERENCES

II.A.2.; Statute §72-972 -- 72-975

II.B.4.; Statute §72-5389 -- 5391

III.A.1.; Regulation §91-2-13

III.A.1.; Regulation §91-4-6

III.C.Teachers; Regulation §91-22-12 -- 91-22-13

III.C.Teachers; Regulation §91-22-16 -- 91-22-17

IV.F.; Statute §72-5386

IV.G.; Statute §72-7202 -- 72-7206

IV.H.; Statute §72-111

K. PARENTS' RIGHTS

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KENTUCKY

STATUTES

§13.085

1) Except when there is an emergency certified by the governor, "no regulation made by any administrative body . . . shall become effective until . . . copies of the regulation are forwarded to the office of the legislative research commission, and:

RULEMAKING

a) The proposed regulation has been published in the administrative registrar . . .;and:

b) A public hearing is held, if requested, by a person having an interest in the subject matter within thirty days . . . ." If not requested in the required time frame "the regulation shall be submitted to the administrative regulation review subcommittee; and:

HEARING

c) The proposed regulation is reviewed by the appropriate interim or standing committees of the general assembly, if required . . . ."

3) Any proposed regulation "shall include a citation to authority pursuant to which it . . . was adopted, a brief statement which sets forth the necessity for issuing the regulation, a summary of the functions sought to be implemented by the regulation, and the place and manner in which interested persons may present their views."

4) If within the required time span an interested person desires to comment on the proposed regulations, the administrative body shall hold an open public hearing, which "shall be conducted in such a manner so as to guarantee each person who wishes to offer comment a fair and reasonable opportunity to do so . . . ." Upon completion of the hearing the administrative body shall forward to the legislative research commission a copy of the regulation and any amendments thereto.

CROSS REFERENCES

I.State Regulating Agencies; Statute §13.125

II.A.2.; Regulation 707 KAR §1:050

IV.A.; Statute §214.036

IV.H.; Statute §159.140

IV.H.; Statute §159.180

IV.H.; Constitution §5

IV.J.; Statute §§61.874; .878

IV.J.; Statute §158.150

IV.J.; Statute §169.295

IV.J.; Statute §438.050

K. Parents' Rights

Statutes

§17:156

PHYSICAL EXAMINATION

"No student shall be subjected to any physical examination or inspection if the father, mother, or tutor of [that] student objects [to it]."

CROSS REFERENCES

I.State Board of Education; Statute §17:196

II.A.1.; Regulation, Policy and Procedure Manual - Elem. and Secon. Educ., 3.01.533

II.A.2.; Statute §17:1945

II.A.2.; Statute §17:1952

II.A.2.; Statute §17:1955

II.A.4.; Regulation Bulletin 741

IV.G.; Statute §17:106

IV.G.; Statute §17:170

IV.H.; Statute §17:221.1

IV.J.; Statute §17:108

IV.J.; Statute §17:223

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CROSS REFERENCES

I.Commissioner of Education; Statute §151; 155

I.Department of Educational and Cultural Services; Statute §1-A

II.A.2.; Statute §3124

II.A.10. Other - Alternative Education; Statute §932

IV.D.; Statute §220; 358

IV.G.; Statute §963; 965

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CROSS REFERENCES

II.A.1.; Regulation 13.03.02.01

II.A.2.; Statute Art. 77, §100A

II.A.2.; Regulation 13.04.01.03

II.A.2.; Regulation 13.04.01.21

IV.F.; Regulation 13.07.05.01 — 13.07.05.02

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CROSS REFERENCES

I.Local School Committee; Statute 43§31; 35

II.A.1.; Statute 71 §3

II.A.1.; Statute 71 §13

II.A.1.; Statute 71 §31

II.A.2.; Statute 71B §3

II.A.2.; Regulation of October 1, 1975

II.A.5.; Statute 71A §3

II.A.5.; Regulation #23

III.A.1.; Regulation of July 18, 1975

IV.E.; Statute 71 §1B

IV.F.; Statute 71 §34 A-B; D-E

IV.G.; Statute 76§15;16

IV.H.; Statute 76 §2; 4

IV.J; Statute 76 §17

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CROSS REFERENCES

I.District Board of Education; Statute §380.131

I.District Board of Education; Statute §380.1254

I.District Board of Education; Statute §380.1297; 380.1298

II.A.1; Statute §380.1169; 380.1170

II.A.2; Regulation R340.1722

II.A.2; Regulation R340.1725

II.A.2; Regulation R340.1731

II.A.2; Regulation R340.1732

II.A.3; Statute §380.686

II.A.5; Statute §380.1153

II.A.5; Statute §380.1155

II.A.5; Statute §380.1156

II.A.6; Regulations R388.223—388.225;
R388.231; R388.425

II.A.10.Other-Sex Education; Statute §380.1506; 380.1507

II.C.3; Statute §380.1268

III.C.Public Schools; Constitution, Art. 8, §2

III.D.Students; Statute §380.1172

IV.A; Statute §380.1177

IV.A; Statute §380.1178

IV.C; Statute §380.1272; 380.1275

IV.D; Statute §380.1334

IV.G; Statute §380.1401

IV.J; Statute §380.1301

IV.J; Statute §380.1311

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CROSS REFERENCES

I.District School Boards; Statute §120.63; 121.88

I.District School Boards; Statute §123.11

I.District School Boards; Statute §127.25

II.A.1.; Statute §126.02

II.A.2.; Regulation EDU 124 — 127

II.A.5.; Statute §126.35

II.A.10. Other - American Indian Language; Statute §126.51

III.C.School Board; Statute §120.62

IV.J.; Statute §147.37

CROSS REFERENCES

II.A.1.; Statute §37-13-21; 37-13-23; 37-13-25

IV.G.; Statute §37-15-19 -- 37-15-21

IV.G.; Statute §37-15-17

IV.G.; Statute §37-15-25

IV.G.; Statute §37-15-31

IV.G.; Statute §37-15-23

IV.H.; Statute §37-15-23

IV.H.; Statute §37-11-23

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CROSS REFERENCES

II.A.2.; Statute $162.735 -- .750

II.A.2.; Statute $162.945 -- .950

II.A.2.; Statute $162.965

IV.A.; Statute $167.181--191

IV.H.;Statute $167.081

IV.J.;Statute $167.161; .171

IV.J.;Statutes $537.045 -- 562.260

K. Parents' Rights

CROSS REFERENCES

I.District Board of Trustees; Statute §75-5932

II.A.2.; Regulation §48-2.18(14) - S18110

II.A.2.; Regulation §48-2.18(14) - S18120

II.A.2.; Regulation §48-2.18(14) - S18140

II.A.2.; Regulation §48-2.18(14) - S18150

II.A.2.; Regulation §48-2.18(14) - S18160

II.A.2.; Regulation §48-2.18(14) - S18190

II.A.2.; Regulation §48-2.18(14) - S18210

II.A.2.; Regulation §48-2.18(14) - S18220

II.A.2.; Regulation §48-2.18(14) - S18230

II.A.2.; Regulation §48-2.18(14) - S18240

II.A.2.; Regulation §48-2.18(18) - S18270; S18280

II.A.2.; Regulation §48-2.18(18) - S18320; S18330

II.A.2.; Regulation §48-2.18(18) - S18340

II.A.2.; Regulation §48-2.18(18) - S18370

II.A.2.; Regulation §48-2.18(18) - P18720

II.A.2.; Regulation §48-2.18(42) - P18730

IV.D.; Statute §75-7008

IV.G.; Statute §75-6316

IV.G.; Statute §75-6320

IV.G.; Statute §75-6321

IV.G.; Statute §93-701.4

IV.J.; Stature §75-6109

REGULATIONS

14-(51)

The school system shall formulate a written policy on its process for communicating information concerning students to parents or other schools.

CROSS REFERENCES

I.Boards of Education; Statute §79-439 -- 439.01

I.Boards of Education; Statute §79-1111

II.A.2.; Regulation 51-(4)

II.A.2.; Regulation 51-(5)

II.A.2.; Regulation 51-(6)

IV.F.; Statute §79-4.157 -- 4.158

IV.F.; Regulation 14-(13)

IV.G.; Statute §79-444 -- 444.02

IV.G.; Statute §79-469

IV.G.; Statute §79-478; 479; 482 -- 485

IV.G.; Statute §79-497 -- 499; 4.100 -- 4.101; 4.105

IV.G.; Statute §79-4.106.01 -- 4.106.05

IV.G.; Statute §79-1103.03; 1103.05

IV.J.; Statute §79-4.174 -- 4.176

IV.J.; Statute §79-4.181

IV.J.; Statute §79-4.182 -- 79-4.194

IV.J.; Statute §79-4.195 -- 4.200

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CROSS REFERENCES

II.A.2.; Regulations, Exceptional Pupil Education Programs Manual

IV.D.; Statute §392.340

K. Parents' Rights

Statutes

§91-A:2

"All public proceedings shall be open to the public" and the minutes of such meetings shall be "open to public inspection." Notice of such public meetings must be posted and printed in a local newspaper.

CROSS REFERENCES

II.A.2.; Statute §132:17

II.C.1.; Statute §199.8

III.A.1.; Statute §194:23-d

IV.A.; Regulation, Governing the Excusing of Children #00603

IV.F.; Statute §91-A:4 -- 91-A:5

IV.G.; Statute §194:24 -- 28

IV.H.; Statute §193:3

IV.J.; Statute §193:11

IV.J.; Statute §193:13

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CROSS REFERENCES

II.A.2.; Statute §18A:46-7.1; §18A:46-16 -- 18

II.A.2.; Regulation §6:28-1.9; §6:28-1.10

II.A.5; Statute §18A:35-22

II.A.5.; Regulation §6:31-1.11; §6:31-1.12

III.C.Students; Statute §18A:7A-7

III.C.Pupil Needs; Regulation §6:8-3.4; §6:8-4.1

III.D.Students Progress; Regulation §6:8-3.7

IV.A.; Statute §18A:6-1.1

IV.E.; Regulation §6:29-6.4

IV.F.; Regulation §6:3-2.2; §6:3-2.5; §6:3-2.6; §6:3-2.7; §6:3-2.8

IV.H.; Statute §18A:38-31

IV.J.; Statute §18A:37-3; §18A:40-9

CROSS REFERENCES

II.A.4.; Regulation, Reg. No. 74-11

II.A.5.; Regulation, Reg. No. 73-21

IV.A.; Regulation, Reg. No. 76-16

IV.F.; Statute §71-5-1

IV.J.; Regulation, Reg. No. 71-6

K. Parents' Rights

Statutes

CROSS REFERENCES

I.Board of Education, City; Statute §3241 -- 3243

I.Commissioner of Education; Statute §310, 311

II.A.2.; Statute §4404

II.A.2.; Regulation §200.5

III.D.Educational System; Statute §1708

IV.I; Statute §3217 -- 3220

K. Parents' Rights

CROSS REFERENCES

II.A.2.; Regulation §2E.0610

II.A.2.; Regulation §3E.0613

IV.G.; Statute §115-150.4

IV.G.; Statute §115-177 -- 115.179.1

IV.H.; Statute §115-167 -- 115-171

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Statutes

CROSS REFERENCES

I.Local Board of Education; Regulation, Chapter I:V.D.

I.Teacher; Statute §15-38-14

IV.G.; Statute §15-40.2-05

IV.H.; Statute §15-34.1-03

IV.H.; Statute §15-34.2-17

IV.H.; Statute §15-38-13

K. Parents' Rights

Statutes

§3321.23

If a child resides apart from his(her) parents, who live in another district, the person in whose residence the child lives shall be in charge of the child for purposes of this code.

If several families live as tenants in common where the child resides and none claims to be in charge of the child, the court shall decide who shall be in charge of the child.

CROSS REFERENCES

I.Local School Board; Statute §3313.485

II.A.2.; Statute §3323.05; 3323.08

II.A.2.; Regulation §3301-51-16

III.D.Pupil Achievement; Regulation §3301-37-03

III.D.School Districts; Regulation §3301-11-01 -- 3301-11-04

IV.D.; Regulation §3301-83-01 -- 3301-83-13; 3301-85-03; 3301-87-01

IV.F.; Statute §3319.321

IV.I.; Regulation §3331.01 -- 3331.03; 3331.05; 3331.14

IV.J.; Statute §3313.66

K. Parents' Rights

CROSS REFERENCES

II.A.2; Statute §70-1210.271 -- 70-1210.566

IV.F; Statute §70-6-115

IV.G; Statute §70-8-103

IV.G; Statute §70-8-104; 70-8-111

IV.J; Statute §23-10

IV.J; Statute §70-6-113

IV.J; Statute §70-24-131

CROSS REFERENCE

II.A.1.; Statute §336.035

II.A.1.; Regulation §581-22-221

II.A.2.; Statute §343.077

III.D. Students; Regulation §581-21-030; 581-22-218

IV.A.; Statute §336.470

IV.F.; Statute §336.195; 336.205

IV.F.; Regulation §581-22-258

IV.G.; Regulation §581-15-025

IV.J.; Statute §332.061; 339.270

IV.J.; Regulation §581-21-050 -- 581-21-075

CROSS REFERENCES

II.A.1.; Statute §15-1519; 15-1519.1

II.A.1.; Statute §15-1546

II.A.2.; Regulation §13.31; §13.32; §13.33; §13.61

IV.F.; Regulation §12.31 -- 12.33

IV.J.; Regulation §12.5

IV.J.; Regulation §12.8

K. PARENTS' RIGHTS

CROSS REFERENCES

I. School Committee; Statute §16-2-29

II.A.2.; Regulation, Regulations of the Board of Regents Governing the Special Education of Handicapped Children

III.D.Dispute Over School Laws; Statute §16-39-1; 16-39-2

IV.J.; Regulation, Art. IV, Students, pp. 4-6.4 -- 4-6.6

STATUTES

§59-19-510;530;560;570

Any parent or guardian of a school age child who is aggrieved by a decision of the board of trustees regarding school administration has the right to appeal the matter to the county board of education.

APPEAL

"The parties shall be entitled to a prompt and fair hearing by the county board which shall try the matter de novo."

HEARING

A decision of the county board may be appealed to the court of common pleas of the county. The court will try the matter de novo and the record from the county board of education hearing shall be admitted as evidence and considered by the court.

Until the matter has been fully disposed of, no appeal shall act to supercede the order of the board having original jurisdiction of the cause.

CROSS REFERENCES

I.County Board of Education; Statute §59-1-340

I.State Board of Education; Regulation §43-18

I.State Board of Education; Regulation §43-21

I.State Superintendent; Regulation §43-150

II.B.1.c; Regulation §43-72

III.D.Students; Regulation §43-257

IV.E; Regulation §43-23

IV.F; Statute §59-63-50

STATUTES

§13-32-3

No student may be referred for psychiatric treatment without the "written consent of such student's parent."

CROSS REFERENCES

I.State Board of Education; Regulation §24:01:03:03 - 24:01:03:04

II.A.1.: Statute §13-33-10

III.A.2.: Statute §13-23-8; 13-23-9

IV.G.: Statute §13-28-15

IV.H.: Statute §13-27-20

IV.J.: Statute §13-32-1 -- 13-32-7

IV.J.; Regulation §24:07:02:01; 24:07:03:01 - 24:07:03:03

K. Parents' Rights

CROSS REFERENCES

I.County Board of Education; Statute §209 -- 213

II.A.2.; Statute §2947 -- 2948

III.D.School Census; Statute §1738

IV.G.; Statute §1742

IV.G.; Statute §1747

IV.G.; Statute §1749 -- 1763

IV.G.; Statute §1770 -- 1771

IV.G.; Regulation pp.74-75

IV.H.; Statute §1708 -- 1710

IV.H.; Statute §1722 -- 1723

IV.H.; Statute §1724; 1737

IV.H.; Statute §1725

IV.J.; Statute §1309

K. PARENTS' RIGHTS

STATUTES

CROSS REFERENCES

I.Regional Education Service Center; Regulation §2101.2

I.State Board of Education; Regulation §7101--7103

II.A.1.; Statute §21.101--21.106

II.A.2.; Regulation §3574; 8103.7

III.C.School System; Regulation §3104

IV.A.; Statute §11.20

IV.H.; Statute §4.25

IV.H.; Statute §21.036--21.039; 21.251

IV.J.: Statute §4.30; 4.33; 11.13

K. Parents' Rights

Statutes

§52-4-1 - 52-4-4

The Legislature has declared that "public commissions, boards, and councils, school boards . . . exist to aid in the conduct of the people's business" and therefore, their meetings should be "conducted openly." All meetings of "legislative bodies . . . including school boards" shall be open. This does not prevent these boards from holding "executive sessions from which the public is excluded," but no "final rules," "regulations," or "appointments" may be approved at such meetings. A violation of this act shall be "punishable as a misdemeanor."

K. Parents' Rights

CROSS REFERENCES

II.A.2.; Statute §2944

III.A.2.; Statute §822

III.A.2.; Statute §827

IV.E.; Statute §1051 -- 1055

K. Parents' Rights

CROSS REFERENCES

I.School Boards; Statute §22-79.4 -- 22-79.6

I.School Boards; Statute §22-53

I.School Boards; Statute §22-79

II.A.2.; Regulation, Handicapped Children, §I-IV

IV.F.; Statute §22-275.26 -- 22-275.28

K. Parents' Rights

CROSS REFERENCES

I.District Board of Directors; Statute §28A.58.610

II.A.1.; Regulation §180-50-070

II.A.2.; Statute §28A.13.060

III.C.Board of Directors; Statute §28.34.324

III.D.Students; Regulation §180-52-020

III.D.Students; Regulation §180-52-030

III.D.Students; Regulation §180-52-035

IV.A.; Statute §28A.31.040

IV.E.; Statute §28A.58.113

IV.F.; Regulation §180-52-025

IV.G.; Statute §28A.58.240

IV.G.; Statute §28A.58.242

IV.H.; Statute §28A.27.070

IV.J.; Statute §28A.04.132

IV.J.; Regulation §180-40-225

IV.J.; Regulation §180-40-235

IV.J.; Regulation §180-40-250

IV.J.; Regulation §180-40-255

IV.J.; Regulation §180-40-240

IV.J.; Regulation §180-40-265

IV.J.; Regulation §180-40-270

IV.J.; Regulation §180-40-280

IV.J.; Regulation §180-40-285

IV.J.; Regulation §180-40-300

IV.J.; Regulation §180-40-305

K. PARENTS' RIGHTS

CROSS REFERENCES

III.D; Interpretation of School Laws and Rules; Statute §18-3-6

III.E.Teachers; Statute §18-5-15

K. Parents' Rights

CROSS REFERENCES

II.A.1.; Statute §119.22

II.A.2.; Statute §115.80 -- 81

II.A.2.; Statute §115.91 -- 115.94

II.A.2.; Regulation PI 11.04; 11.05

II.A.5.; Statute §116.96

IV.A.; Statute §118.10

IV.H.; Statute §118.55

IV.F.; Statute §118.125

K. Parents' Rights

Statutes

§21.1-132

Parents of children attending any elementary school twenty miles or more from the nearest population center of the unified district may elect an advisory board of three members. The advisory board may aid or advise the boards of trustees concerning the operation of the elementary school and has the right to present grievances and recommendations at any regular meeting of the board of trustees.

Regulations

Chapter XI: Sec. 4

Each school district shall adopt regulations assuring due process rights of children and their parents, including: RULEMAKING

Written parental, guardian, or surrogate parent approval for child assessment and other special services and instructional programs, and review by them of school district records relevant to the child.

Appointment of a surrogate parent to serve as an advocate of the child's rights when the child's parents or guardians are not known or are unavailable or when the child is a ward of the state.

Opportunity for an impartial due process hearing when parent, guardians or surrogate parents are dissatisfied with decisions involving due process rights or when the school district finds parents, guardians or surrogate parents uncooperative with district recommendations. HEARING

Provision for an independnet assessment at district expense if such challenges cannot be resolved.

Chapter XII; Appendix C: Sec. 9-692.4 -- 9-692.5

In all cases in which a person has the right to inspect public records he may request that he/she be furnished copies for a reasonable fee.

Willful violation of this act shall constitute a misdemeanor, furnishable, upon conviction, by a fine not to exceed $100.00.

CROSS REFERENCES

IV.F; Regulation Chap. III, Section 1

IV.F; Regulation Chap. III, Section 3

IV.F; Regulation Chap. III, Section 5

IV.F; Regulation Chap. XII, Appendix C, Section 9-692.3

IV.F; Regulation Chap. XV, Section 1

IV.F; Regulation Chap. XV, Section 3

IV.F; Regulation Chap. XVIII

IV.H; Statute §21.1-50

IV.J; Regulation Chap. II, Section 8